

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 63-32654
Date Received: 7/24/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BERNARD CHOUTCHOURROU Phone: (208)459-1898
6020 SE 10TH AVE
CALDWELL ID USA 83605

TONI CHOUTCHOURROU Phone: (208)459-1898
6020 SE 10TH AVE
CALDWELL ID USA 83605

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.5	135

7. Total Quantity Appropriated is:
0.5 C.F.S. and/or 135 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
01N	01W	21	NE	NE		IRRIGATION	7
			NW	NE		IRRIGATION	5
			SW	NE		IRRIGATION	8
			SE	NE		IRRIGATION	10
						Section Acres	30
						Total Acres	30

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:

This right is a split from former right 63-32396 .

15. Basis of Claim: License

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
63-7194	63-7194	X			
63-7194 is a parent number and it appears the split should now be applied to 63-32396					

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) Mellin Properties LLP
4500 N Tumbleweed Ln, Boise, ID 83713-2500
4. New Owner/Claimant(s) Bernard Choutchourrou and/or Toni Choutchourrou
 Name Connector (Check one): [] and, [] or, [X] and/or
- New Mailing Address 6020 SE 10th Ave
- City, State and ZIP Code Caldwell, ID 83605
- New Telephone Number (208) 459-1898
5. Date you acquired the property 10/31/06

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

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number <u>63-32396 (formerly 63-7194)</u>		
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	<u>0.50 cfs / 135 afa</u>	<u>30 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.50 cfs / 135 afa / 30 acres</u>	

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) Don & Toni Choukchoune
(include title if applicable)

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 KLB Date 10/27/06 Fee 0
 Receipted by _____ Date _____ Receipt No. _____
 Processed by JD AJ Date 5-1-07 WR _____ Date _____



107067022

CORRECTION GRANT DEED

THIS INDENTURE, made this 18 day of April, 2007, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Toni and Ben Choutchourrou, whose address is 6020 S.E. 10th Avenue, Caldwell, Idaho 83607 ("Grantee") is being recorded to correct the legal description of that certain instrument dated October 3, 2006, recorded October 6, 2006 as Instrument No. 106159517, records of Ada county.

WITNESSETH:

The Grantor for good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.50 cubic feet per second / 135 acre feet per year

Acres: 30.0 acres (formerly used for irrigation of 7 acres NENE, 5 acres NWNE, 8 acres SWNE, and 10 acres SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

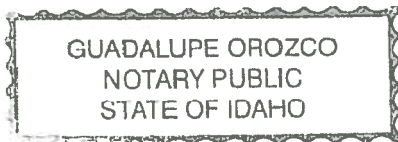
By:
Its:

Ralph Mellin
General Partner

STATE OF IDAHO)
) ss.
County of ADA)

On this 18 day of April, 2007, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.



Guadalupe Orozco
NOTARY PUBLIC FOR IDAHO
Residing at: Boise Idaho
My commission expires: April 27, 2012



GRANT DEED

THIS INDENTURE, made this 3 day of October, 2006, between Mellin
Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"),
and Toni and Ben Choutchourrou, whose address is 6020 S.E. 10th Avenue, Caldwell, Idaho
83607 ("Grantee").

WITNESSETH:

The Grantor for good and valuable consideration, the receipt of which is hereby
acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to
the successors and assigns of Grantee forever, the right, title and interest in and to the following
portion of Water Right #63-7194:

Quantity: 0.50 cubic feet per second / 135 acre feet per year

Acres: 30.0 acres (formerly used for irrigation of 7 acres NENE, 5 acres NWNE,
8 acres SWNE, and 10 acres SESE Section 21, Township 1 North, Range
1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion
of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first
above written.

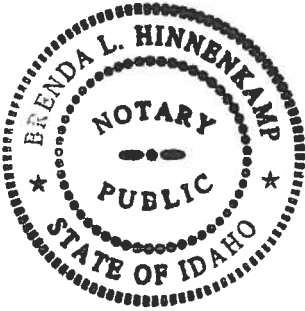
MELLIN PROPERTIES L.P.

By: Ralph Mellin
Its: General Partner

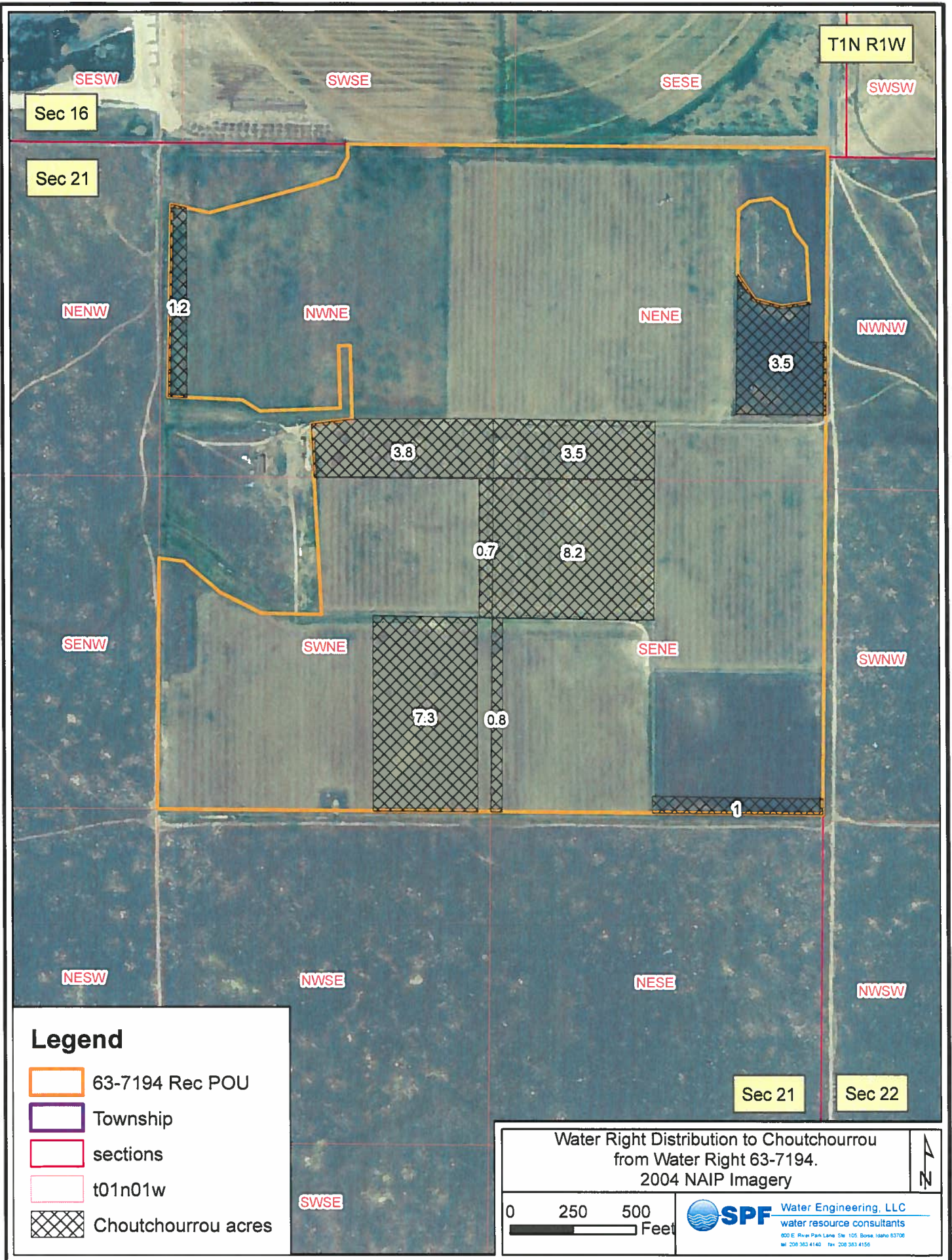
STATE OF IDAHO)
) ss.
County of Ada)

On this 3 day of October, 2006, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.



Brenda L. Hinnenkamp
NOTARY PUBLIC FOR IDAHO
Residing at: Bowen, id
My commission expires: 9/2008



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 63-32396
Date Received: 7/24/1989
Receipt No: X7777777
Received By:

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

1. Name of Claimant(s)

MELLIN PROPERTIES LIMITED PARTNERSHIP Phone: (208)322-7500
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN
BOISE ID USA 83713-2500

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.06	556.2

7. Total Quantity Appropriated is:
2.06 C.F.S. and/or 556.2 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
01N	01W	21	NE NE	IRRIGATION	38
			NW NE	IRRIGATION	31.5
			SW NE	IRRIGATION	28.4
			SE NE	IRRIGATION	25.7

Section Acres	123.6
Total Acres	123.6

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:

This right is a split from former right 63-7194.

This right is a split from former right 63-32093.

15. Basis of Claim: License

63-32093

MELLIN

140.9 acres

2.35 cfs

634.8 afa

$$2.35 \div 140.9 = .017 \times 123.6 = 2.06 \text{ cfs}$$

$$.017 \times 2.8 = .05$$

$$.017 \times 2.0 = .03$$

$$.017 \times 3.0 = .05$$

$$.017 \times 8.0 = .13$$

$$.017 \times 1.5 = .03$$

$$634.8 \div 140.9 = 4.5 \times 123.6 = 556.9 \text{ afa}$$

$$4.5 \times 2.8 = 12.6$$

$$4.5 \times 2.0 = 9.0$$

$$4.5 \times 3.0 = 13.5$$

$$4.5 \times 8.0 = 36$$

$$4.5 \times 1.5 = 6.75$$

63-32396

MELLIN

123.6 acres

2.06 cfs

556.2 afa

63-32397

TUSCANY

2.8 acres

.05 cfs

12.6 afa

63-32398

COHEN-MUELLER

2.0 acres

.03 cfs

9 afa

63-32399

DUESMAN

3 acres

.05 cfs

13.5 afa

63-32400

LYNN

8 acres

.13 cfs

36 afa

63-32401

EAGLE PRECAST

1.5 acres

.03 cfs

6.75 afa

*- 5 changes in ownership done at once to create 6 way split leaving 63-32396 w/ 123.6 acres.

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

RECEIVED

NOV 25 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
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) Mellin Properties, LP
4500 North Tumbleweed, Boise, ID 83713
4. New Owner/Claimant(s) Kevin & Elizabeth Duesman
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 3555 E. Barber Dr.
- City, State and ZIP Code Boise, Idaho 83716
- New Telephone Number (208) 343-3714
5. Date you acquired the property November 18, 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 <u>63-7194</u>		
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	✓ <u>0.05 cfs, 13.5 afa</u> ✓	<u>3.0 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	<u>0.05 cfs, 13.5 afa</u>	

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) _____

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 ag Date 11-25-05 Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by ag AJ Date 8-24-06 WR _____ Date _____

Reviewed by KB

ADA COUNTY CONSOLIDATED PROPERTY TAX BILL

ADA COUNTY TREASURER -- TAX COLLECTOR FOR TAXING DISTRICTS OF ADA COUNTY

P.O. BOX 2368, BOISE, ID 83701 PH. #(208) 297-6800

REAL PROPERTY TAX BILL

LEGAL DESCRIPTION

NE4

SEC 21 1N 1W

DELINQUENT TAXES

PHONE(208)
297-6600 FOR
AMOUNT
INCLUDING
CURRENT LATE
CHARGES AND
INTEREST.

YEAR

TAX YEAR

52221110000

TAX YEAR

CODE AREA

BILL NUMBER

2004

208

963494

Mortgage Company Requesting Your Tax Bill

PROPERTY ADDRESS: W KUNA CAVE RD

This is a listing of the total amount you pay each taxing district including bonds, overrides, and certifications if applicable. Please individual taxing districts with questions regarding taxes.

% Levy Change	Name of Taxing District	Taxing District Phone Number	Taxing District Total Levy Amount	Tax Amount By Taxing District
5.63	SCHOOL DIST. 136J	495-1141	0039425	519.13
3.59	SCHOOL #136J BOND	495-1141	0027359	221.06
2.13	ADA COUNTY	267-7000	0028597	231.06
-0.99	KUNA FIRE	922-1144	0009967	80.53
-11.53	KUNA FIRE BOND	922-1144	0001483	11.93
2.08	ADA COUNTY HIGHWA	387-6120	0010324	83.42
0.22	EMERGENCY MEDICAL	287-2950	0001227	9.92
6.23	PEST EXTERMINATION	888-2316	0001107	8.94
Total			.011955882	966.04

Fax # 393-4156

LESS PRE-ADJUSTMENTS

TOTAL PROPERTY TAX BILLED

966.04

LESS PRE-PAYMENTS

LESS CIRCUIT BREAKER (SENIOR CITIZEN) EXEMPTION

LESS ADDITIONAL PAYMENTS

ADJUSTMENTS - CHARGES

966.04

TOTAL TAXES DUE

0.00

CURRENT YEAR PROPERTY TAX	PRIOR YEAR PROPERTY TAX	CURRENT YEAR TAXABLE VALUE	PRIOR YEAR TAXABLE VALUE	ASSESSED VALUE	HOMEOWNERS EXEMPTION
966.04	949.84	80,300	78,900	80,800	0

MELIN PROPERTIES LIMITED PARTNERSHIP
4500 N TUMBLEWEED LN
BOISE ID 83713-2500**DUE DATE: Dec 20, 2004**

Ralph Mellin
 ADA COUNTY RECORDER
 11111111111111111111

RECORDED - INDEXED

FEE \$ DEF \$

2001 NOV 30 PM 4:55

101126945

QUITCLAIM DEED

For Value Received the MELLIN FAMILY LIMITED PARTNERSHIP hereby conveys, releases, remises and forever quit claims unto the MELLIN PROPERTIES LIMITED PARTNERSHIP whose address is: 4500 North Tumbleweed Lane, Boise, Idaho 83713-2500, the following described premises situated in Ada County, Idaho:

The NE 1/4 of Section 21, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, together with all and singular the tenements, hereditaments, improvements, easements and appurtenances there unto belonging or in any ways appertaining, including all water and water rights, ditches and ditch rights owned or used in connection or appearing on the land, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

DATED this 30 day of November, 2001.

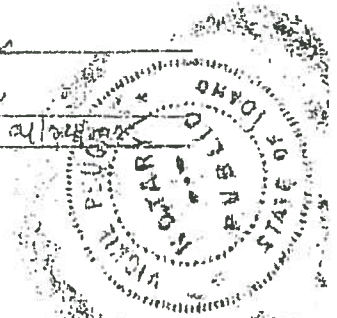
Ralph Mellin
 Ralph Mellin, General Partner
 Mellin Family Limited Partnership

STATE OF Idaho)
)ss.
 County of Ada)

On this 30 day of November 2001 before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH MELLIN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.

Victor Leup
 NOTARY PUBLIC
 Residence: Boise, Idaho
 My Commission Expires: April 26, 2003



63-7194 SPLIT ANALYSIS

snk 5/5/2005

After Transfer					
ACRES	% OF RT	CFS	ACRE-FT	OWNERSHIP	
3	2%	0.050	13.5	Duesman	
139.5	98%	2.330	628.5	Mellin	
0	0%	-	-		
142.5	100%	2.380	642.0	TOTAL	

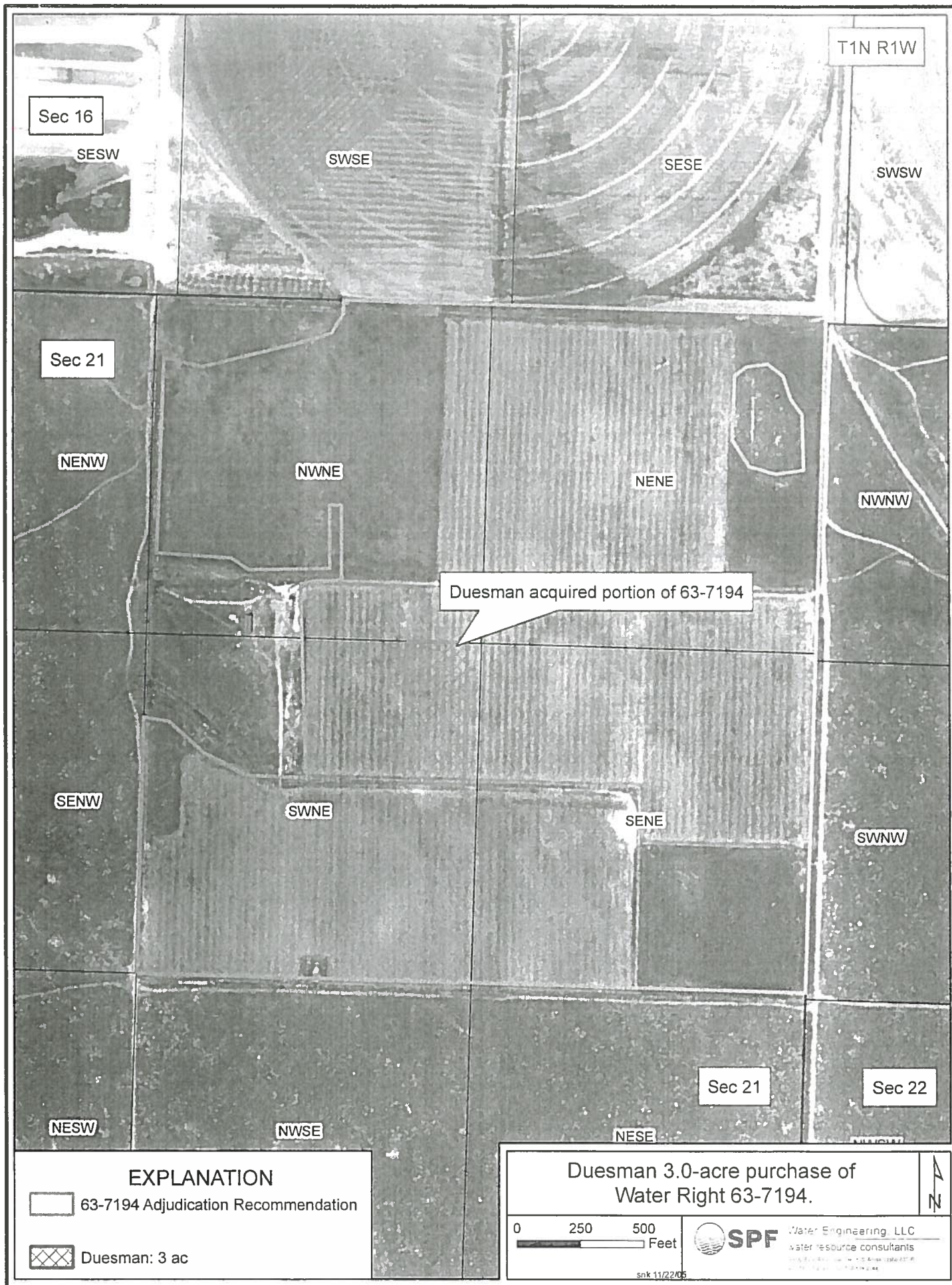
WATER RIGHT ELEMENTS

CFS	2.38
ACRES	142.5
ACRE-FEET	642
CFS/ACRE	0.0167
AF/ACRE	4.51



SPF

Water Engineering, LLC
water resource consultants



CONTRACT FOR SALE OF A WATER RIGHT

THIS CONTRACT FOR SALE OF A WATER RIGHT ("Agreement") is made by and between MELLIN PROPERTIES LIMITED PARTNERSHIP ("Seller"), an Idaho limited partnership, and KEVIN AND ELIZABETH DUESMAN ("Buyer"), husband and wife. Buyer and Seller may be referred to hereinafter as a "Party" or collectively as "Parties."

RECITALS

A. Seller owns a ground water right ("Water Right"), represented by license number 63-7194 in the records of the Idaho Department of Water Resources ("IDWR"), appropriated and used for irrigation purposes with a February 7, 1969 priority date. A copy of the Water Right license is attached hereto as Exhibit A. The Water Right authorizes a diversion rate of 2.38 cubic feet per second (cfs) and 642 acre-feet per year (afa). The Water Right is appurtenant to and has been beneficially used to irrigate 142.5 acres on Seller's property, also identified under the Water Right as the authorized place of use.

B. Seller desires to sell and Buyer desires to buy a portion of the Water Right that is appurtenant to 3.0 acres of the irrigated lands within the Water Right's authorized place of use, identified by Seller pursuant to Section 1.1 below.

COVENANTS

NOW THEREFORE, in consideration of the recitals, the mutual covenants, representations and warranties contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

1. Property Purchased. Seller hereby agrees to sell to Buyer, and Buyer agrees to buy from Seller, on the terms and conditions herein specified, a portion of Water Right #63-7194 appurtenant to 3.0 acres within the Water Right's authorized place of use described as follows (hereinafter referred to as the "Purchased Right"):

Quantity:

Acres / Place of Use:

(.05 cfs / 13.5 afa)

3.0 acres (SWNE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

2. Property Retained. Seller expressly reserves and retains, and is not conveying any part of the remaining portion of Water Right #63-7194 that will remain appurtenant to the 139.5 acres within the Water Right's authorized place of use owned by Seller, described as follows:

Quantity:

Acres / Place of Use:

(2.33 cfs / 628.5 afa)

139.5 acres (NENE, NWNE, SWNE, SENE, Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

CONTRACT FOR SALE OF A WATER RIGHT

Page 1 of 8

Buyer's Initials:

Seller's Initials:

EO KD
EKD SM

3. Purchase Price. The Purchase Price for the relevant portion of Water Right #63-7194 identified above (.05 cfs / 13.5 afa / 3.0 acres) shall be _____ dollars (\$ _____), payable upon Closing in current, certified funds. The Parties acknowledge that the Purchase Price may be deposited directly with an escrow agent or a qualified Section 1031 Exchange Intermediary.

4. Closing.

a. Closing Date. Within thirty days (30) from the execution of this Agreement, the Parties shall conclude and finalize the purchase and sale of the Purchased Right ("Closing"). The Closing shall take place at the office of Barker Rosholt & Simpson LLP, located at 205 North 10th St., Boise, Idaho, or at such other escrow agent designated by Buyer in writing ("Closing Agent") on a date mutually convenient for Buyer and Seller. Buyer and Seller shall work expeditiously to conclude the Closing.

b. Documents to be Delivered at Closing. Buyer and Seller shall execute (with acknowledgement, if needed) and deposit into escrow with Closing Agent all instruments, documents and the Purchase Price (\$ _____ in current, certified funds) necessary to complete the purchase and sale in accordance with this Agreement, or reasonably requested by the Closing Agent. The documents that Seller shall deliver to Buyer at Closing shall include, but not be limited to: (i) a Water Right Grant Deed in the form of the specimen attached to this Agreement as Exhibit B; (ii) a Notice of Change of Ownership confirming Buyer's ownership of the Purchased Right and the assignment of the appropriate portion of the Snake River Basin Adjudication Claim for the Purchased Right, and (iii) any other documents reasonably requested to confirm the conveyance of the Purchased Right.

c. Actions of Closing Agent. The Closing Agent shall close the transaction as soon as it has received all instruments, documents and monies necessary to complete the purchase and sale of the Purchased Right in accordance with this Agreement. Upon Closing, the Closing Agent shall record the Water Right Grant Deed, disburse the funds owing to Seller, and provide all instruments and documents to the Party entitled thereto.

d. Fees and Costs of Closing. The cost of the Closing Agent's Closing fees and recording relating to the transaction contemplated herein shall be equally divided between Seller and Buyer. All other expenses not specifically referenced in this Agreement and incurred by Seller or Buyer with respect to this transaction shall be borne and paid exclusively by the Party incurring the same, without reimbursement.

e. Section 1031 Exchange. Seller and Buyer acknowledge that either Party may wish to structure this transaction as a tax deferred exchange of like-kind property within the meaning of Section 1031 of the Internal Revenue Code of 1986, as amended. Each Party agrees to reasonably cooperate with the other Party to effect such an exchange; provided, however, that (i) the cooperating Party shall not be required to acquire or take title to any exchange property, (ii) the cooperating Party shall not be required to incur any cost, expense or liability whatsoever in connection with the exchange, including, without

limitation, any obligation for the payment of any escrow, title, brokerage or other costs incurred with respect to the exchange, (iii) no substitution of the effectuating Party shall release said Party from any of its obligations, warranties or representations set forth in this Agreement, or from liability for any prior or subsequent default under this Agreement by the effectuating Party, its successors or assigns, which obligations shall continue as the obligations of a principal and not of a surety or guarantor, (iv) the effectuating Party shall be responsible for preparing all additional agreements, documents and escrow instructions (collectively, the "**Exchange Documents**") required by the exchange, at its sole cost and expense, and (v) the effectuating Party shall be responsible for making all determinations as to the legal sufficiency, tax considerations and other considerations relating to the proposed exchange, the Exchange Documents and the transactions contemplated thereby, and the cooperating Party shall in no event be responsible for, or in any way be deemed to warrant or represent any tax or other consequences of the exchange transaction arising by reason of the cooperating Party's performance of the acts required hereby.

5. Transfer And/Or Placement of Purchased Right in State Water Supply Bank.

a. Application to IDWR. It is understood and agreed, by and between the Parties, that following Closing Buyer may file an application for transfer with IDWR, or place the Purchased Right in the State Water Supply Bank. The application for transfer may entail a change to the place of use, nature of use, time of use, and point and means of diversion as Buyer determines; in the alternative, it may entail an application for a new water right permit in which the retirement or other approved use of the Purchased Right will be used for mitigation, or a similar purpose. Alternatively, Buyer may place the Purchased Right in the State Water Supply Bank.

b. Cooperation with Transfer / Water Bank Efforts. At Buyer's request, Seller shall cooperate with Buyer in Buyer's pursuit of any transfer application or placement of the Purchased Right in the State Water Supply Bank, and shall provide Buyer with any information that Seller has concerning the Water Right that Buyer may reasonably request in pursuit of either the transfer or use of the Water Bank. All matters pertaining to said transfer or placement of the Purchased Right in the Water Bank, including preparation of any application and all costs associated with those proceedings, shall be the responsibility of Buyer. Buyer shall reimburse Seller for any attorney or consultant fees Seller incurs as a result of responding to such requests; however, Seller shall be entitled to receive such reimbursement only if Seller provides written demand for it within thirty (30) days after such expenses are billed to Seller from such attorney or consultant. Buyer shall pay such fees within thirty (30) days after receiving a timely demand.

6. Protection of Purchased Right / 2005 Irrigation Season and Thereafter. Seller is authorized to continue to use the Purchased Right on the Water Right's authorized place of use for irrigation purposes during the 2005 irrigation season or any time thereafter until the Closing occurs.

7. Seller's Representations and Warranties. Seller hereby represents and warrants to Buyer, as of the effective date of this Agreement and again as of the Closing for the Purchased Right, as follows:

- a. Authority. Seller owns the Purchased Right in fee simple. Seller has the full legal right, power and authority to enter into and perform this Agreement.
- b. Good Title. Seller has good and marketable title to the Purchased Right, and Seller shall remove, or cause to be removed, all liens, claims, or encumbrances, whether of record or not, upon or affecting the Purchased Right on or before closing.
- c. Appurtenance. The Purchased Right is appurtenant to and has been beneficially used as the sole water source to irrigate the authorized place of use on Seller's property.
- d. Not Forfeited. To the best of Seller's knowledge, the Purchased Right has not been forfeited or abandoned in whole or in part, has been placed to continual beneficial use on the Seller's property, and has never been subject to a continuous five-year period of non-use except as such non-use may have occurred while the Purchased Right was in an appropriate water bank, claimed in the Snake River Basin Adjudication, or the appurtenant place of use was enrolled in a government annual grain base or long-term crop land set-aside program, or such non-use may have occurred by reason of any other applicable defense set forth in Idaho Code § 42-223 that protected the Purchased Right from forfeiture.
- e. Snake River Basin Adjudication Status. The Seller filed a water right claim for the Purchased Right in the Snake River Basin Adjudication (SRBA), but makes no representations or warranties regarding the outcome of that proceeding as it might affect the Purchased Right. A review of IDWR's electronic records presently reveals that IDWR will recommend to the SRBA District Court that the Water Right should be decreed as claimed by Seller. See Exhibit C. IDWR's formal recommendation of the Water Right, however, may change when it is ultimately forwarded to the Court.
- f. Broker. Seller has not engaged or dealt with any broker or finder in connection with the sale of the Purchased Right.
- g. No Other Warranty. Seller makes no other guarantees or warranties as to the Purchased Right, its yield upon transfer, or its transferability. Seller further disclaims any warranty as to the Purchased Right's availability in times of shortage, including any curtailment that may be ordered by IDWR to satisfy other senior ground or surface water rights.

8. Buyer's Representations and Warranties. Buyer hereby represents and warrants to Seller that Buyer has the legal power, right and authority to enter into this Agreement and to perform Buyer's obligations hereunder and has not engaged any broker or finder in connection with the purchase of the Purchased Right.

9. Termination / Remedies

- a. IDWR's Failure to Approve Transfer. Buyer assumes all risk associated with IDWR's failure to approve Buyer's transfer application and/or application to place the Purchased Right in the Water Bank.
- b. Buyer's Termination for Default. Buyer may terminate this Agreement for material default by Seller. In the event of such default, Buyer shall provide a written demand to Seller and provide Seller with thirty (30) days to cure. If Seller fails to cure, Buyer may terminate this Agreement upon written notice to Seller.
- c. Buyer's Remedy on Default. If Seller breaches this Agreement, Buyer's remedy for Seller's default shall be limited to: 1) _____ the total Purchase Price which equals _____.
- d. Seller's Termination for Default. Seller may terminate this Agreement for material default by Buyer. In the event of such default, Seller shall provide a written demand to Buyer and provide Buyer with thirty (30) days to cure.
- e. Seller's Remedy on Default. If Buyer breaches this Agreement, Seller's remedy for Buyer's default shall be limited to: 1) _____ of the total Purchase Price which equals _____).

10. Attorneys' Fees. In any suit, action or appeal therefrom, to enforce this Agreement or any term or provision hereof, or to interpret this Agreement, the prevailing Party shall be entitled to recover all its costs reasonably incurred therein (and on appeal), including reasonable attorneys' fees.

11. Notices. Any notice under this Agreement shall be in writing and be delivered in person, by U.S. Mail, by private courier, or by facsimile. Notice shall be provided to the following:

Seller

APL *✓* Ralph Mellin, *Gen PTR* *APL*
c/o Mellin Properties L.P.
4500 North Tumbleweed
Boise, Idaho 83713
Telephone: (208) 322-7500

Seller's Attorney

Travis L. Thompson
Barker Rosholt & Simpson LLP
P.O. Box 485
Twin Falls, Idaho 83303-0485

Buyer

Kevin & Elizabeth Duesman
3555 E. Barber Dr.
Boise, Idaho 83716
Telephone: (208) 343-3714

Buyer's Representative

Scott King
SPF Water Engineering LLC
600 East River Park Lane, Ste. 105
Boise, Idaho 83706

CONTRACT FOR SALE OF A WATER RIGHT

Page 5 of 8

Buyer's Initials: *ED ED*
Seller's Initials: *APL*

Telephone: (208) 733-0700
Facsimile: (208) 735-2444

Telephone: (208) 383-4140
Facsimile: (208) 383-4156

12. Entire Agreement. This is the entire agreement of Buyer and Seller with respect to matters covered hereby and supercedes all prior agreements between them, written or oral. This Agreement may be modified only in writing, signed by Buyer and Seller.

13. Counterparts. This Agreement may be executed in any number of counterparts for the convenience of the Parties, all of which, when taken together and after execution by all Parties hereto, shall constitute one and the same Agreement.

14. Idaho Law. This agreement shall be governed by the laws of the State of Idaho.

15. Severability. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provision hereof.

16. Successors. This Agreement is for the benefit only of the Parties hereto and shall inure to the benefit of and bind the heirs, personal representatives, successors and assigns of the Parties hereto.

17. Effective Date. The Effective Date of this Agreement shall be the date on which both Buyer and Seller executed this Agreement, if executed on the same day, or the later date, if executed on different days.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement.

DATED this 18 day of November, 2005

SELLER:

Mellin Properties Limited Partnership

Ralph Mellin

Ralph Mellin, General Partner

STATE OF IDAHO)
County of Ada) ss.

On this 15th day of November, 2005, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be a general partner of Mellin Properties Limited Partnership, the limited partnership that executed the foregoing instrument or the person who executed the instrument on

CONTRACT FOR SALE OF A WATER RIGHT

Page 6 of 8

Buyer's Initials: EB FD
Seller's Initials: RM

behalf of said limited partnership, and acknowledged to me that such limited partnership 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.

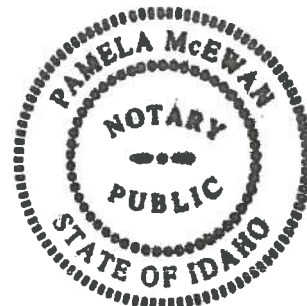
Pamela McEwan

NOTARY PUBLIC FOR IDAHO

Residing at: Boise ID

My commission expires: 3/30/11

DATED this 15th day of November, 2005



BUYER:

Kevin Duesman
Kevin Duesman

Idaho
STATE OF Ada)
County of Ada) ss.

On this 15 day of November, 2005, before me, a Notary Public for said County and State, personally appeared Kevin Duesman, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

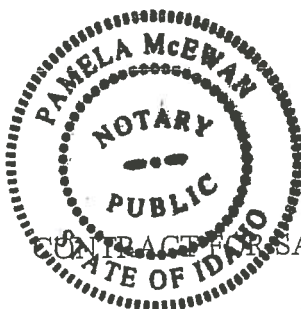
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Pamela McEwan

NOTARY PUBLIC FOR SPF water engineering

Residing at: Boise ID

My commission expires: 3/30/11



CONTRACT FOR SALE OF A WATER RIGHT

Page 7 of 8

Buyer's Initials: UD

Seller's Initials: FD

BUYER:

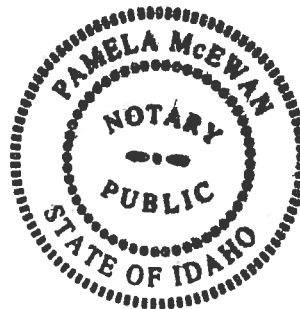

Elizabeth Duesman

STATE OF Idaho)
) ss.
County of Ada)

On this 15th day of November, 2005, before me, a Notary Public for said County and State, personally appeared Elizabeth Duesman known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

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


NOTARY PUBLIC FOR SPF Water Engineering
Residing at: Boise ID
My commission expires: 3/30/11



FD

EXHIBIT “A”

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-7194 Priority Feb. 7, 1969 Amount 2.38 cfs

THIS IS TO CERTIFY, that RALPH MELLIN
of Kuna, Idaho, has complied with the terms and conditions of Permit
No. 63-7194 issued pursuant to Application for Permit dated February 7, 1969,
and has submitted proof to the Department of Water Resources on July 30, 1975,
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 2.38 cfs of water from a ground water source,
tributary to _____, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Irrigation	from <u>April 1</u> to <u>Nov. 1</u>	at <u>2.38</u> cfs and	<u>642 acre feet or</u>
	from _____	_____ cfs and	<u>4.5 af per acre</u>
	from _____	_____ cfs and	_____
	(both dates inclusive)		

Subject, however, to the condition that no more than 2.38 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed as for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
642 acre feet per year, said waters to be diverted within the SW 1/4 NE 1/4 of Sec. 21,

Twp. 1 N, Rge. 1 W, B.M. in the County of Ada

Description and location of place of use:

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	
1 N	1 W	21	38	34	33	40													142.5

Total number of acres irrigated 142.5

A measuring device of a type approved by the Department shall be permanently
maintained as part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

The right to this use of the water hereby confirmed is restricted and appurtenant to the lands or place of use
herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 15 day of
November, 19 76.

Director

EXHIBIT “B”

GRANT DEED

THIS INDENTURE, made this 18 day of November, 2005, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Kevin & Elizabeth Duesman, whose address is 3555 E. Barber Dr., Boise, Idaho 83716 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of _____ dollars (\$) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.05 cubic feet per second / 13.5 acre feet per year

Acres: 3.0 acres (SWNE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin
Its: General Partner

STATE OF IDAHO)
County of Ada) ss.

On this _____ day of _____, 2005, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be a general partner of Mellin Properties Limited Partnership, the limited partnership that executed the foregoing instrument or the person who executed the instrument on behalf of said limited partnership, and acknowledged to me that such limited partnership 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.

Pamela McEwan

NOTARY PUBLIC FOR IDAHO

Residing at: Bose ID

My commission expires: 3/30/11

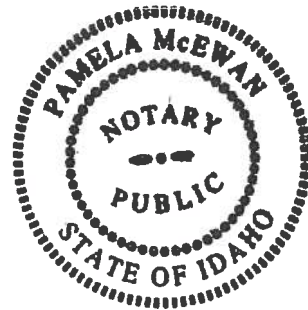


EXHIBIT “C”

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

02/04/2005

WATER RIGHT NO. 63-7194

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MELLIN PROPERTIES LIMITED PARTNERSHIP 4500 N TUMBLWEED BOISE, ID 83713 (208)322-7500
Original Owner	RALPH MELLIN 4500 N TUMBLEWEED BOISE, ID 83713-2500 (208)322-7500
Original Owner	MARION SCHMELZEL RT 1 NEW PLYMOUTH, ID 83655

Priority Date: 02/07/1969
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>Volume</u>
IRRIGATION	4/01	11/01	2.38 CFS	642 AFA
Total Diversion			2.38 CFS	

Location of Point(s) of Diversion:

GROUND WATER SWNE Sec. 21 Township 01N Range 01W ADA County

Place(s) of use:

Place of Use Legal Description: IRRIGATION ADA County

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
01N	01W	21		NENE	38		NWNE	31.5		SWNE	33		SENE	40

Total Acres: 142.5

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.

Remarks:

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

Dates:

Other Information:

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:

Cary Act Number:

Mitigation Plan: False

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

RECEIVED

JUL 01 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
63-7194	63-7194	X			

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

A. The appropriate **FILING FEE**. See instructions for fee amounts.

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) MELLIN PROPERTIES LIMITED PARTNERSHIP
4500 N TUMBLEWEED, BOISE, ID 83713
4. New Owner/Claimant(s) TUSCANY DEVELOPMENT, INC.
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address C/O GREG JOHNSON, P.O. BOX 344
- City, State and ZIP Code MERIDIAN ID 83680
- New Telephone Number (208) 888-9946
5. Date you acquired the property JUNE 27, 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 <u>63-7194</u>		
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	<u>0.05 cfs / 12.6 afa</u>	<u>2.8 acres</u>
Stock		
Domestic		
Other		
Total	<u>0.05 cfs / 12.6 afa</u>	

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) Shay Bunkle
(include title if applicable) Project Manager

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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

GRANT DEED

THIS INDENTURE, made this 27 day of June, 2005, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Tuscany Development, Inc., whose address is P.O. Box 344, Meridian, Idaho 83680 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of _____ other good and valuable consideration, the receipt of which is hereby acknowledge, has granted, bargained, and sold by these presents does grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.05 cubic feet per second / 12.6 acre feet per year

Acres: 2.8 acres (SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, together with appurtenances unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin
Its: General Partner

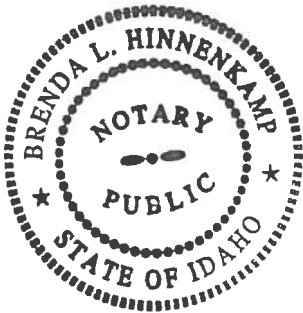
STATE OF IDAHO

County of Ada

)
) ss.
)

On this 27 day of June, 2005, before me, a Notary Public for said County and State, personally appeared _____, known or identified to me a general partner of Mellin Properties L.P. and the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.



Brenda L Hinnenkamp
NOTARY PUBLIC FOR IDAHO
Residing at: Boise Idaho
My commission expires: 9/2008

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 63-32052

Priority: November 12, 2004

Maximum Diversion Rate: 0.20 CFS

This is to certify, that TUSCANY DEVELOPMENT INC
PO BOX 344
MERIDIAN ID 83680

has applied for a permit to appropriate water from:

Source: GROUND WATER
GROUND WATER

Tributary: BOISE RIVER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
DIVERSION TO STORAGE	01/01 to 12/31	0.20 CFS	
AESTHETIC STORAGE	01/01 to 12/31		16.8 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	NE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County
GROUND WATER	SE $\frac{1}{4}$ NW $\frac{1}{4}$	Sec. 29, Twp 03N, Rge 01E, B.M., ADA County

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N 01E 29					X	X	X	X									

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before **May 01, 2010**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.
5. Water bearing zone to be appropriated is from 0 to 250 feet.
6. The well to be developed under this right shall be cased to a depth of at least 150 feet.

State of Idaho
Department of Water Resources

Permit to Appropriate Water

NO. 63-32052

7. To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below.

Right No.	Use Changed to Mitigation	Mitigation Rate	Mitigation Volume	Mitigation Acres
63-7194	Irrigation	0.05 cfs	12.6 af	2.8

The land that will no longer be irrigated under this right is located within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, S21, Twp. 01N, Rge. 01W.

Prior to the diversion and use of water under this right, the right holder shall demonstrate ownership of the mitigation right to the Department pursuant to Idaho Code Section 42-248. When the ownership change is complete, the official record for the mitigation water right will be changed to show that diversion and use of water is not authorized because the right, or portion thereof, is being dedicated to mitigation purposes. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right shall be reduced by the same proportion as the reduction to the mitigation right.

8. V ^a *#7 c mitigation* ^b *rights* *under this right shall be provided through the rental of 16.8*
 9. L *change of use in* *water Supply Bank or from some other source of water authorized*
 10. A *mitigation right...* *a regulated by a watermaster with responsibility for the distribution*
 d *who transfer* *in a water district. At the time of this approval, this water right is*
 d *...* *department, the right holder shall install a suitable measuring*
ment with the Department to determine the amount of water
shall annually report the information to the Department.
11. Place of use under this right is also known as Tuscany Subdivision.
12. The Director retains jurisdiction to require the right holder to provide purchased or leased natural flow or stored water to offset depletion of Lower Snake River flows if needed for salmon migration purposes. The amount of water required to be released into the Snake River or a tributary, if needed for this purpose, will be determined by the Director based upon the reduction in flow caused by the use of water pursuant to this permit.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 9th day of June, 2005.

Karl J Dreher
KARL J DREHER, Director

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

RECEIVED
 JUN 16 2006
 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
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) Mellin Properties Limited Partnership
Ralph Mellin, General Partner
4500 N Tumbleweed, Boise, ID 83713
4. New Owner/Claimant(s) Delmy Lynn and Sean Lynn
 Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 13228 Crescent Dr.
- City, State and ZIP Code Nampa, ID 83686
- New Telephone Number (208) 461-0038
5. Date you acquired the property May 17, 2006

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 ~~37-7194~~ <u>63-7194</u> <u>SNK</u>		
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	<u>0.13 cfs / 36.0 afa</u>	<u>8 acres irrigation</u>
Stock		
Domestic		
Other		
Total	<u>0.13 cfs / 36.0 afa</u>	

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) _____

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 lg Date 10-16-06 Fee 0
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/18/06 10:20 AM
DEPUTY Patti Thompson
RECORDED - REQUEST OF
SPF Water Engineering

AMOUNT 6.00 2



GRANT DEED

THIS INDENTURE, made this 17 day of May, 2005, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Sean F. Lynn & Delmy Z. Lynn ("Grantee").

WITNESSETH:

The Grantor for and in consideration of forty ~~thirty five~~ thousand dollars (\$40,000.00 ~~\$35,000.00~~), and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.13 cubic feet per second / 36.0 ~~31.5~~ acre feet per year
8.0 ~~7.0~~ acres (SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin General Partner
Its: Mellin Properties Limited Partnership

STATE OF IDAHO

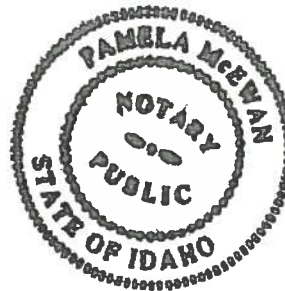
County of Ada

) ss.
)

On this 17th day of May, 2005, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.

Pamela McEwan
NOTARY PUBLIC FOR IDAHO
Residing at: Boise, Idaho
My commission expires: 3/30/11







SPF Water Engineering, LLC
water resource consultants

June 14, 2006

Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

Attention: Jan Shurte

Subject: Ownership Change and Split

Dear Jan,

Enclosed on behalf of Delmy and Sean Lynn is a Notice of Change in Water Right Ownership. The Lynn's have purchased from Mellin Properties Limited Partnership an 8-acre portion of water right 63-7194 (which may now be identified by number 63-32093) as documented by the enclosed Grant Deed. The Lynn's have a transfer application pending on a one-acre part of this purchased right. This application proposes changing the point of diversion and place of use to Lynn's property. Future transfers are anticipated for the remainder. I will send you a shapefile of the 8-acre portion via email. We request that this right be split so that the Lynn's portion will become decreed in their name.

We are also submitting applications to lease the Lynn's portion of this water right to the water supply bank.

Please let me know if you have any questions or need additional information.

Sincerely,

Scott N. King, P.E.

cc: Steve Lester
Delmy & Sean Lynn

File: 430.0010

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) Mellin Properties Limited Partnership
Ralph Mellin, General Partner
4500 N Tumbleweed, Boise, ID 83713
4. New Owner/Claimant(s) Delmy Lynn and Sean Lynn
Name Connector (Check one): [X] and, [] or, [] and/or
- New Mailing Address 13228 Crescent Dr.
- City, State and ZIP Code Nampa, ID 83686
- New Telephone Number (208) 461-0038
5. Date you acquired the property May 17, 2006

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 ~~37-7194~~ <u>63-7194</u> <u>SNK</u>		
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	<u>0.13 cfs / 36.0 afa</u>	<u>8 acres irrigation</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.13 cfs / 36.0 afa</u>	

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)

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 _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

ADA COUNTY RECORDER J. DAVID NAVARRO
BOISE IDAHO 05/18/06 10:20 AM
DEPUTY Patti Thompson
RECORDED - REQUEST OF
SPF Water Engineering

AMOUNT 6.00 2



GRANT DEED

THIS INDENTURE, made this 17 day of May, 2006, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Sean F. Lynn & Delmy Z. Lynn ("Grantee").

WITNESSETH:

The Grantor for and in consideration of forty ^{40.0} ~~thirty five~~ thousand dollars (\$40,000.00 ~~\$35,000.00~~), and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.13 cubic feet per second / 36.0 ^{36.0} ~~31.5~~ acre feet per year
Acres: 8.0 ^{8.0} ~~7.6~~ acres (SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin, General Partner
Its: Mellin Properties Limited Partnership

STATE OF IDAHO)

County of Ada) ss.

On this 17th day of May, 2006 ^{PM}, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.

Pamela McEwan
NOTARY PUBLIC FOR IDAHO
Residing at: Boise Idaho
My commission expires: 3/30/11





RECEIVED

JUN 21 2005

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

Department of Water Resources

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
<u>63-7194</u>	<u>63-7194</u>	<u>X</u>	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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) Mellin Properties, LP
4500 North Tumbleweed, Boise, ID 83713
4. New Owner/Claimant(s) Eagle Precast Company
 Name Connector (Check one): [] and, [] or, [] and/or
- New Mailing Address P.O. Box 990
- City, State and ZIP Code Caldwell, ID 83606
- New Telephone Number (208) 454-8116
5. Date you acquired the property June 16, 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 <u>63-7194</u>		
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	<u>0.03 cfs, 6.75 afa</u>	<u>1.5 acres</u>
Stock	_____	_____
Domestic	_____	_____
Other	_____	_____
Total	<u>0.03 cfs, 6.75 afa</u>	

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) Eagle Precast Company by Robert L. Walker
(include title if applicable) Plant Manager

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 _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____



GRANT DEED

THIS INDENTURE, made this 16 day of June, 2005, between Mellin Properties Limited Partnership, of 4500 North Tumbleweed, Boise, Idaho 83713 ("Grantor"), and Eagle Precast Company, whose address is 6087 West 5400 South, Salt Lake City, Utah 84118 ("Grantee").

WITNESSETH:

The Grantor for and in consideration of five thousand dollars (\$7,500.00), and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant, bargain and sell, convey and confirm unto the Grantee, and to the successors and assigns of Grantee forever, the right, title and interest in and to the following portion of Water Right #63-7194:

Quantity: 0.03 cubic feet per second / 6.75 acre feet per year

Acres: 1.5 acres (SENE Section 21, Township 1 North, Range 1 West, Ada County, Idaho)

TO HAVE AND TO HOLD, all and singular the above-mentioned and described portion of Water Right #63-7194, unto the Grantee and to the successors and assigns of Grantee forever.

IN WITNESS WHEREOF, the Grantor has executed this Deed the day and year first above written.

MELLIN PROPERTIES L.P.

By: Ralph Mellin
Its: General Partner

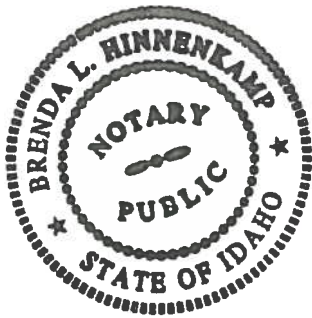
STATE OF IDAHO

County of Ada

)
) ss.
)

On this 14 day of June, 2005, before me, a Notary Public for said County and State, personally appeared Ralph Mellin, known or identified to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he/she 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.



Brenda L. Hinnenkamp

NOTARY PUBLIC FOR IDAHO

Residing at: Bose, Idaho

My commission expires: 9/2008

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 63-32093
Date Received: 7/24/1989
Receipt No: X777777
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MELLIN PROPERTIES LIMITED PARTNERSHIP Phone: (208)322-7500
4500 N TUMBLWEED
BOISE ID USA 83713

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	2.35	634.8

7. Total Quantity Appropriated is:
2.35 C.F.S. and/or 634.8 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
01N	01W	21	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	31.5
			SE	NE	IRRIGATION	40
			SW	NE	IRRIGATION	31.4
Section Acres						140.9
Total Acres						140.9

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:

This right is a split from former right 63-7194.

15. Basis of Claim: License

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. _____

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1PN: 572-8428Name of Applicant Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah corporation sole Phone 801-240-4657Post Office address 50 East North Temple, Salt Lake City, UT 84150-6321

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 moving the water rights to applicant's land for irrigation of 4.0 acres.

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

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>TBD</u> (portion of 63-9972)	<u>12/9/1983</u>	<u>0.024 cfs/ 5.4 ac-ft</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u>TBD</u> (portion of 63-4949)	<u>1/1/1954</u>	<u>0.036 cfs</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u>TBD</u> (portion of 63-7194)	<u>2/07/1969</u>	<u>0.027 cfs / 7.2 ac-ft</u>	<u>irrigation</u>	<u>Apr. 1</u> to <u>Nov. 1</u>

2. Total amount of water being transferred 0.087 cubic feet per second and/or _____ acre-feet per annum.
3. Source of water groundwater tributary to NA
4. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NW	NW	16	3N	3W	Canyon	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	3W	16						4.0											4.0

RECEIVED

MAY 20 2005

Total Acres 4.0

PART 1**6. General Information:**

- a. Description of diversion system Well with electric pump, pipe to sprinklers.
- b. 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. NA – See attached water right purchase agreements.
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
Land formerly irrigated by 63-4949 is now irrigated from a municipal source. Land formerly irrigated by 63-9972 will no longer be irrigated from a groundwater source. Land formerly irrigated by 63-7194 will no longer be irrigated.
- d. Remarks:
See attached site map for depiction of landscape area within 6.69 acre parcel. Proposed place of use currently receives water from Wilder Irrigation District. The proposed place of use will be excluded from the irrigator district following approval of this transfer and prior to diverting water under this transfer. Applicant proposes to provide proof of exclusion as a condition of transfer.

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 RESOURCESAPPLICATION 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. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4949 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 _____3. Source of water groundwater tributary to NA4. Date or priority 1/1/1954

5. Water is used for the following purposes:

amount 0.090 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 0.090 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
	SE	SW	NE	21	3N	2W	Canyon	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			3.0														3.0

Total Acres 3.09. 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?

Yes If yes, describe Well was capped after a fire in September 1995, but claim has been pending in SRBA since that time

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 0.036 cfs for irrigation purposes from 3/15 to 11/15
 (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
	SE	SW	NE	21	3N	2W	Canyon	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			1.2														1.2

Total Acres 1.2

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

1. amount 0.054 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
	SE	SW	NE	21	3N	2W	Canyon	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	2W	21			1.8														1.8

Total Acres 3.0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- e. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- f. License No. _____ issued by the Idaho Department of Water Resources.
- g. Claim No. 63-9972 on file with the Idaho Department of Water Resources.
- h. 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 See attached affidavits, etc.

3. Source of water groundwater tributary to NA4. Date or priority 12/9/1983

5. Water is used for the following purposes:

amount 0.60 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 0.60 cubic feet per second and/or 135.0 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				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			30														30

Total Acres 309. 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 0.024 cfs/5.4 ac-ft 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				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			1.2														1.2

Total Acres 1.2

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

1. amount 0.576 cfs/129.6 ac-ft 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				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1E	31			28.8														28.8

Total Acres 28.8

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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. 63-7194 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-7194 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☒ OtherPurchase agreement3. Source of water Ground Water tributary to NA4. Date or priority 2/7/1969

5. Water is used for the following purposes:

amount 2.38 cfs / 642 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
(cfs/ac-ft)6. Total amount of water under right 2.38 cubic feet per second and/or 642 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	NE	21	1N	1W	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21	38	31.5	33	40													142.

Total Acres 142.59. 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 0.027 cfs / 7.2 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
 (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	NE	21	1N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21				1.6													1.6

Total Acres 1.6

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

1. amount 2.353 cfs / 634.8 ac-ft for irrigation purposes from Apr. 1 to Nov. 1
 (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	NE	21	1N	1W	Ada	

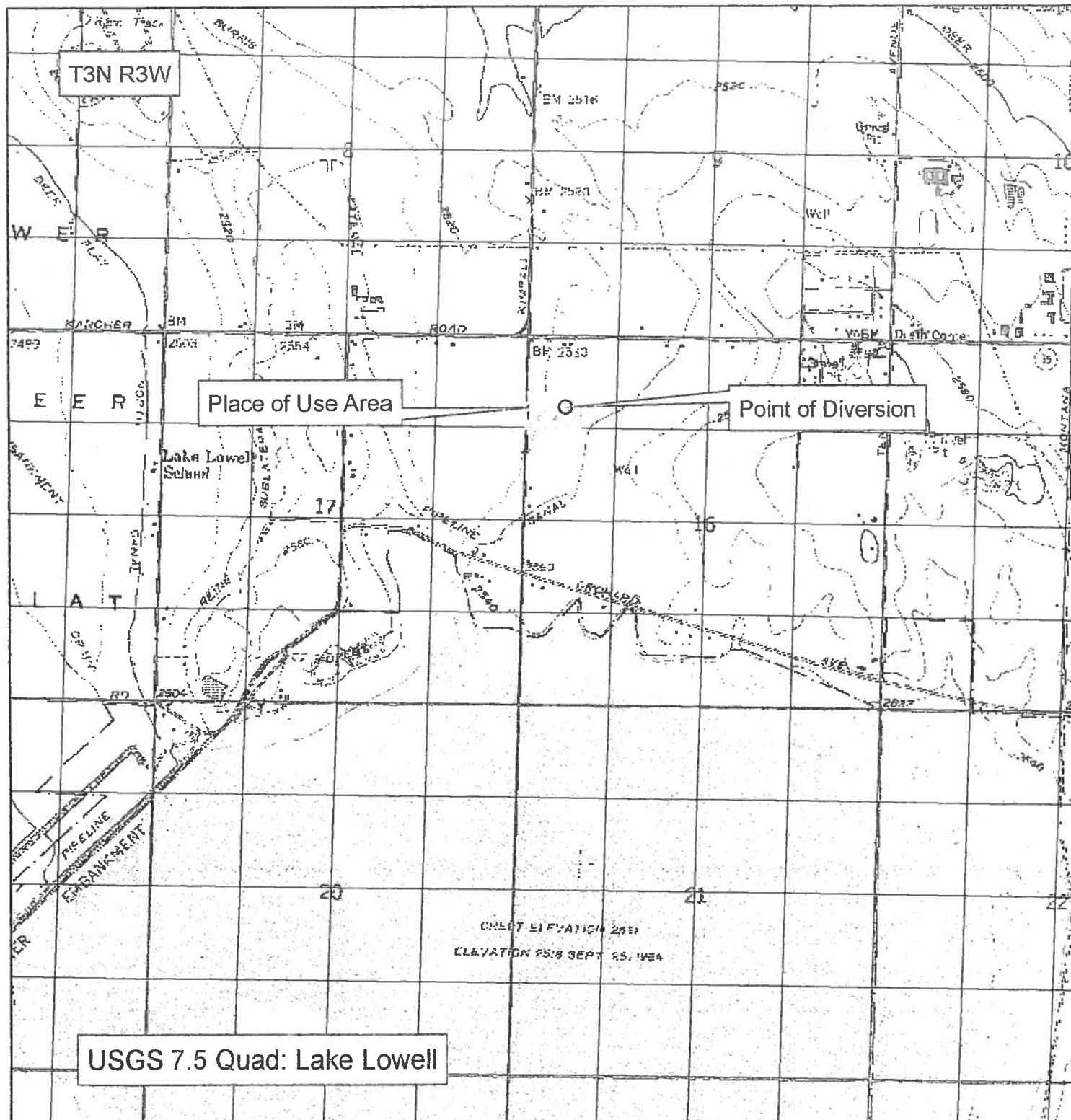
3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	1W	21	38	31.5	33	38.4													140.

Total Acres 140.9

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESAPPLICATION 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 right 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>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change: _____

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.

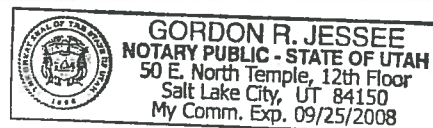
I understand that any willful misrepresentations made in this application may result in voiding its approval.

GSC [Signature]
(Signature of Applicant)

Subscribed and sworn to before me this 18th day of March, 20 05

[Signature]
(Notary Public)

My commission expires 9.25.08



FOR DEPARTMENT USE ONLY

Transfer contains _____ pages and _____ attachments

Received by _____ Date _____ Protest filed by _____

Prelim. Check by _____ Fee _____

Receipted by _____ Date _____

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 _____

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 63-7194
Date Received: 7/24/1989
Receipt No: C008459
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MELLIN PROPERTIES LIMITED PARTNERSHIP Phone: (208)322-7500

4500 N TUMBLEWEED
BOISE ID USA 83713

2. Date of Priority: 02/07/1969

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	01W	21	SW NE	ADA	

5. Description of diverting works:

12" WELL WITH 8" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	2.38	642

7. Total Quantity Appropriated is:
2.38 C.F.S. and/or 642 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
01N	01W	21	NE	NE		IRRIGATION	38
			NW	NE		IRRIGATION	31.5
			SW	NE		IRRIGATION	33
			SE	NE		IRRIGATION	40
						Section Acres	142.5
						Total Acres	142.5

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:

CHANGE OF OWNERSHIP 12/6/04

ADDRESS CHANGE RECD 04/21/95 SS.

15. Basis of Claim: License

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

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
	63-7194				

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) RALPH MELLIN
4. New Owner/Claimant(s) * 4500 N TWIMBLEWEED, BOISE 83713
MELLIN PROPERTIES LIMITED PARTNERSH
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address N/C
- City, State and ZIP Code N/C
- New Telephone Number (208) 322-7500 + 208 250 2963
5. Date you acquired the property November 30, 2001 RM

* RALPH MELLIN, GENERAL PARTNER

Ralph Mellin
ADA COUNTY RECORDER
1.0000000000000000

2001 NOV 30 PM 4:55

RECORDED - REQUEST OF

FEE 3 DEPT. OF

101126945

QUITCLAIM DEED

For Value Received the MELLIN FAMILY LIMITED PARTNERSHIP hereby conveys, releases, remises and forever quit claims unto the MELLIN PROPERTIES LIMITED PARTNERSHIP whose address is: 4500 North Tumbleweed Lane, Boise, Idaho 83713-2500, the following described premises situated in Ada County, Idaho:

The NE 1/4 of Section 21, Township 1 North, Range 1 West, Boise Meridian, Ada County, Idaho, together with all and singular the tenements, hereditaments, improvements, easements and appurtenances there unto belonging or in any ways appertaining; including all water and water rights, ditches and ditch rights owned or used in connection or appearing on the land, and subject to such rights, easements, covenants, restrictions and zoning regulations as appear of record or based upon the premises.

DATED this 30 day of November, 2001.

Ralph Mellin
Ralph Mellin, General Partner
Mellin Family Limited Partnership

STATE OF Idaho)
)ss.
County of Ada)

On this 30 day of November 2001 before me, the undersigned, a Notary Public in and for said State, personally appeared RALPH MELLIN, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he 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.

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full, true and correct copy of Inst. No. 101126945 as it appears on record in Book _____ of _____

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this _____ day of _____, 2001.

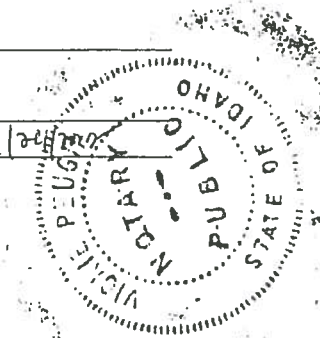
J. DAVID NAVARRO, Recorder

By Navarro Deputy

Udell Leayl
NOTARY PUBLIC

Residence: Boise Idaho

My Commission Expires: 04/24/2004



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



Joyce H. Johnson
Notary Public for Idaho
Residing at Boise, Idaho
My Commission Expires: 1/27/2005

QUITCLAIM DEED - 2

G:\Clients\MMellin Family Limited Partnership\Misc\4Quitclaim deed.wpd

STATE OF IDAHO, COUNTY OF ADA, ss.

I, J. David Navarro, Recorder for Ada County, do hereby certify that the Annexed is a full, true and correct copy of Inst. No. 100087010 as it appears on record in Book _____ of _____ at Page _____ Records of Ada County, State of Idaho.

IN WITNESS WHEREOF, I have set my hand and affixed my official seal this _____ day of _____, 2004

J. DAVID NAVARRO, Recorder

By: [Signature] Deputy

302 E. Avalon, Kuna, ID 83634

QUIT CLAIM DEED

3858523

QCD

To All People To Whom These Presents Shall Come, Greetings;

KNOW YE, THAT I,

(Name) Ralph J. Mellin, in conformity with the terms of a certain

Declaration of Trust executed by me under date of _____, do by these presents release and forever Quit-Claim to myself as Trustee under the terms of such Declaration of Trust, and to my successors as Trustee under the terms of such Declaration of Trust, all right, title, interest, claim and demand whatsoever which I as Releasor have or ought to have in or to the property located at: NE1/4 of section 21, township 1 North, Range 1 West, of the Boise Meridian, Ada County, Idaho. Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining; including all water and water rights, ditches and ditch rights owned and used in connection therewith; subject to all easements and rights of way of record or appearing on the land.

1090000013

The consideration for this transfer is less than One Dollar.

Ada County, Idaho
Request of Ralph J. Mellin
TIME 9:15 A.M.
DATE 11-30-88
JOHN CASTIDA
RECORDER
By [Signature]
Deputy 6:00

Being the same premises earlier conveyed to the Releasor by an instrument dated October 26, 1970 and recorded as #852045, Page 1 of the Ada County Land Records.

To Have and to Hold the premises, with all the appurtenances, as such Trustee forever; and I declare and agree that neither I as an individual nor my heirs or assigns shall have or make any claim or demand upon such property.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this Twenty-fifth day of January, 1988

Ralph J. Mellin L.S.
Releasor (Owner)

I, the undersigned legal spouse of the above Releasor, hereby waive all community property, dower or curtesy rights which I may have in or to the hereinabove-described property.

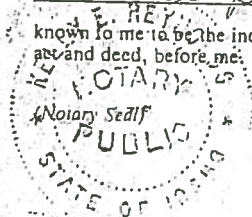
(Spouse) _____ L.S.

Witness: (1) _____ Witness: (2) _____

1080000014

STATE OF Idaho
COUNTY OF Ada City or Town Boise
On the 25th day of January, 1988 personally appeared Ralph J. Mellin

known to me to be the individual(s) who executed the foregoing instrument, and acknowledged the same to be his free and deed, before me.



F. Raymond
Notary Public

Quitclaim Deed

From

Ralph J. Mellin

To

Ralph J. Mellin, Trustee

Received for record _____, 19____

at _____ and recorded in
Time _____

Vol. _____ on Page _____

of the _____ Land Records

by _____

Authorized Official

The property affected by this instrument is situated in the City/Town of _____

County of _____

State of _____

After recording, please return this instrument to: _____

RECEIVED

APR 24 1995

WATER RESOURCES
WESTERN REGION

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: A63-07194
Date Received: 7/24/1989
Receipt No: C008459
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: RALPH MELLIN
Address: 4500 N TUMBLEWEED
BOISE ID

208-322-7500

83713-2500

2. Date of Priority: FEB 7, 1969

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	21	SW	NE			ADA

5. Description of diverting works:

12" WELL WITH 8" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.380		642.00

7. Total Quantity Appropriated is:

2.380 C.F.S. (and/or) 642.00 A.F.A.

8. Total consumptive use is 642.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	21	NE	NE		IRR	38.0
			NW	NE		IRR	31.5
			SW	NE		IRR	33.0
			SE	NE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	142.5
					Total Acres	142.5

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:
NONE

14. Remarks:
ADDRESS CHANGE REC'D 04/21/95 SS.

15. Basis of Claim: LICENSE



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

APR 21 1995

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

Department of Water Resources

LEGAL DESCRIPTION OF PROPERTY: Township _____ Range _____
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☐ Water Right Number(s)
Assigned by IDWR: _____

Ralph Mellin

AGG AG3-07194

☐ Name and Address of Former
Owner/Claimant(s)(Seller): _____

Address change only

☐ New Owner/Claimant
(Purchaser): _____

Ralph Mellin

☐ New Mailing Address: _____

4500 N Tumbleweed

Boise, ID 83713-2500

☐ New Telephone Number: _____

(508) 322-7500

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☐ Attach proof of
ownership, describe
proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☐ Signature of New
Owner/Claimant(s): _____

Ralph Mellin

Date *4/21/95*

Date _____

☐ Signature of Former
Owner/Claimant(s): _____

Date _____

Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: *4-21-95* By: *S. Sherman*

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: A63-07194
Date Received: 7/24/1989
Receipt No: C008459
Received By: RLW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RALPH MELLIN 208-922-4367
Address: 302 E. AVALON
KUNA, ID 83634

2. Date of Priority: FEB 07, 1969

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	01W	21	SW	NE			ADA

5. Description of diverting works:
12" WELL WITH 3" PUMP & 125 HP ELECTRIC MOTOR

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.380		642.00

7. Total Quantity Appropriated is:
2.380 C.F.S. (and/or) 642.00 A.F.A.

8. Total consumptive use is 642.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	01W	21	NE	NE		IRR	38.0
			NW	NE		IRR	31.5
			SW	NE		IRR	33.0
			SE	NE		IRR	40.0

Section Acres 142.5

A63-07194

Page 1

Date: 07/24/89

MICROFILMED

AUG 21 1992

10. Place of Use: Continued

Total Acres 142.5

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:
NONE

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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 Mo3-07194
Date Received 7-24-89 DAT
Receipt Number CO08459

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ralph Mellin Phone (208) 922-4367 ev

Mailing Address 302 E. Avalon, Kuna, ID Zip 83634

2. Date of Priority (Only one (1) per claim) February 7, 1969

3. Source of water supply (a) underground
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township 1 N. Range 1 W Section 21,
SW 1/4 of NE 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of Ada

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. Twelve inch well with

eight inch pump & 125 Hp electric motor

MICROFILMED

AUG 21 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from April 1 to November 1 amount 2.38 or 642

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2.38 (cfs) and/or (b) 642 (acre feet)

8. Total consumptive use claimed is 642 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

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

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
1N	1W	21	38	31.5	33	40													142.5

Total number of acres irrigated 142.5

11. In which county (ies) are lands listed above as place of use located? Ada

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. _____ or None (X)

14. Remarks:

MICROFILMED

AUG 21 1992

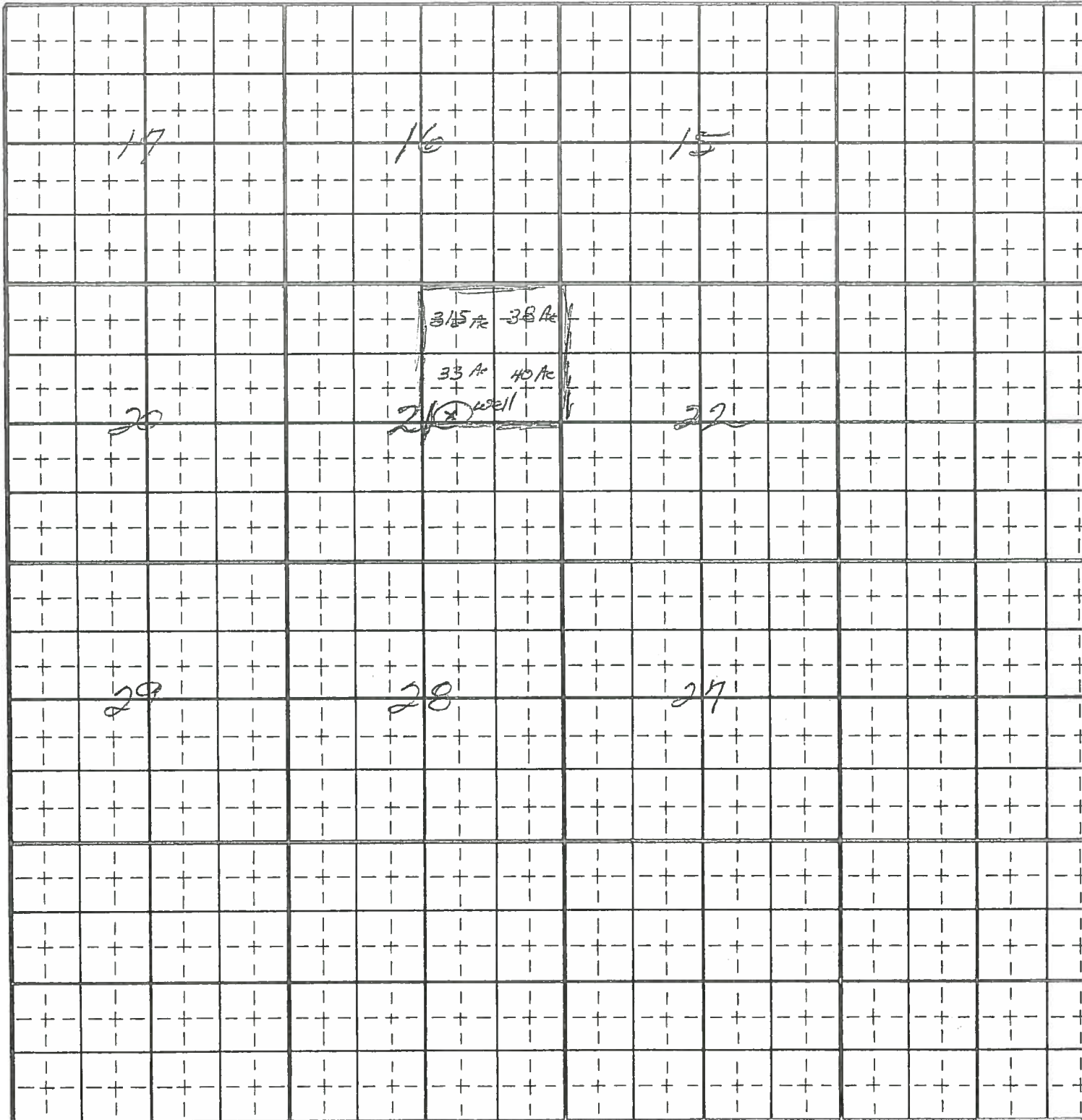
Last Name Mellin Ident No. 63-7194

Copies: White -State, Yellow-Claimant

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

Scale: 2 inches equals 1 mile

T. 1 N., R. 1 W. B. M.



MICROFILMED

AUG 21 1992

Last Name Mellin

Ident No. 63-7194

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License ☒ Permit _____

Decree _____

If applicable provide IDWR Water Right Number 63-7194

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments _____

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) Ralph Mellin Date July 24, 1989

Date _____

For Organizations: I do solemnly swear or affirm that I am _____

Title _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Ada)

SS.

Subscribed and sworn (or affirmed) before me this 24 day of July, 19 89

SEAL

Notary Public Helen Harrington

Residing at Helen Harrington, Notary Public

Residing at Boise, Idaho

My Commission Expires December 1, 1994

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature _____

Address _____

Date _____

MICROFILMED

AUG 21 1992

Last Name Mellin Ident. Number 63-7194

Copies White-State, Yellow-Claimant

RIGHT NUMBER: 63-32654

NAME AND ADDRESS: BERNARD CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

QUANTITY: 0.500 CFS
135.000 AFY

POINT OF DIVERSION:

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 11/01	0.500 CFS 135.00 AFY

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

PLACE OF USE: IRRIGATION in ADA County

T01N R01W S21	NENE	7.00	T01N R01W S21	NWNE	5.00
T01N R01W S21	SWNE	8.00	T01N R01W S21	SENE	10.00

30 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: BASIS OF CLAIM - License

This right is a split from former right 63-32396 .



Idaho Department of Water Resources

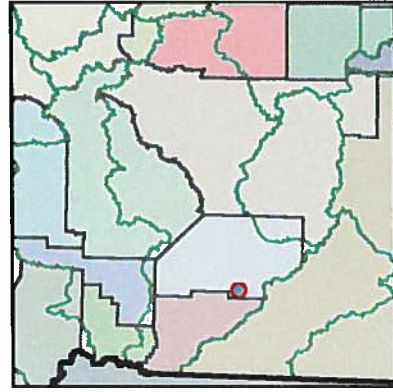
SRBA Recommendation:

63-32654

(Irrigation)

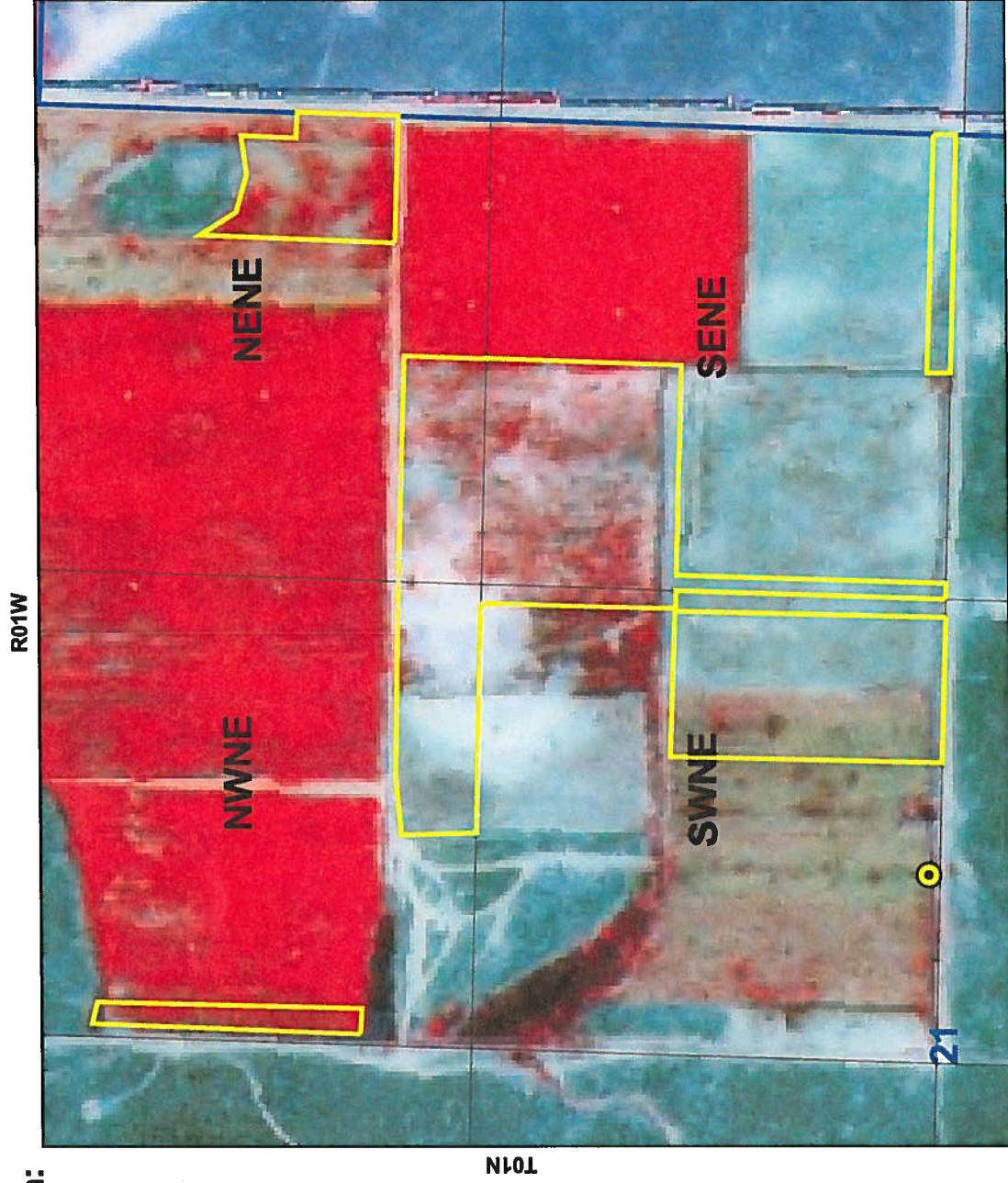
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Ada County
IDWR Basin 63

Prepared by K. Walker
On Thursday, May 3, 2007
1987/88 Aerial Photography



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

In Re SRBA	)	Water Rights: 63-32396(Split)
	)	63-32653, 63-32654, 63-32655, 63-32656
Case No. 39576	)	NOTICE OF COMPLETED
	)	ADMINISTRATIVE
_____	)	PROCEEDING

IDWR has completed the following administrative proceeding:

- ☐ Address change
- XX Substitution of Party
- ☐ IC § 42-222 transfer
- | | |
|---|--|
| ☐ Point of diversion | ☐ Place of use |
| ☐ Period of use | ☐ Nature of use |
| ☐ Split of water right | ☐ Change in ownership |
| ☐ Other | |
- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: May 4, 2007



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on May 4, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court	☐	overnight mail
Snake River Basin Adjudication	☒	regular mail
P.O. Box 2707	☐	hand-delivered
Twin Falls, ID 83303-2707	☐	facsimile

2. Copies to:

Clive Strong	☐	overnight mail
Off ice of the Attorney General	☒	regular mail
P.O. Box 44449	☐	hand-delivered
Boise, ID 83711-4449	☐	facsimile

United States Dept of Justice	☐	overnight mail
Environment & Natural Resource Div	☒	regular mail
550 West Fort Street MSC 033	☐	hand-delivered
Boise ID 83724	☐	facsimile

3. Copies to all parties to the subcase:

Mellin Properties Limited Partnership	☐	overnight mail
Ralph Mellin General Partner	☒	regular mail
4500 Tumbleweed Ln	☐	hand-delivered
Boise ID 83713-2500	☐	facsimile

Bernard Choutchourrou	☐	overnight mail
Toni Choutchourrou	☒	regular mail
6020 SE 10 th Ave	☐	hand-delivered
Caldwell ID 83605	☐	facsimile

Shawn Mikelson
20755 Rodeo Ln
Wilder ID 83676

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

Jason Blandford
Marci Blandford
25513 Wagner Rd
Caldwell ID 83607

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

2735 Airport Way • Boise, Idaho 83705-5082

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

WESTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

May 4, 2007

BERNARD CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

Re: Original Water Right No. 63-32396

Renumbered to Water Right Nos. 63-32654

Dear Mr. & Mrs. Choutchourrou:

We have received and processed a Change of Ownership for a portion of the original Claim to a Water Right Number as referenced above. This change of ownership resulted in a split of the original claim.

When a portion of the original water right has been conveyed to another and the original right has been split, then the original right number is renumbered to represent each split. Each split contains only the portion of the original right for each separate owner. The above referenced new water right number reflects your remaining portion of the original right after the change of ownership. Enclosed is a copy of this new water right for your records. Please refer to your new number when corresponding with our office. Also enclosed is a copy of the Notice of Completed Administrative Proceedings, which has been sent to the SRBA Court as notification of this change.

If you have any questions concerning this ownership change, or the enclosed copy, please feel free to contact this office.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

LH:1
Enclosures

cc: Scott King-SPF Water Engineering

October 25, 2006

RECEIVED

OCT 26 2006

WATER RESOURCES
WESTERN REGION

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

Attention: Lori Harris

Subject: Ownership Change and Split

Dear Lori,

Enclosed on behalf of our clients Bernard and Toni Choutchourrou is an ownership change for a 30-acre portion of water right 63-7194. The Choutchourrou's have acquired this portion from Mellin Properties, LP. There have been numerous splits from 63-7194, and it appears that this split should be applied to 63-32396. This right is pending in the SRBA, and I believe that the department recently sent preliminary recommendations for this right. We request that the Choutchourrou's portion be split now so that their portion will become decreed in their name. A copy of the recorded Grant Deed is enclosed along with a map identifying the water right acres conveyed from Mellin to Choutchourrou. If you would find a shape file of the conveyed acres helpful, please let me know.

Steve Lester is copied on this letter as the Choutchourrou's have a transfer application pending on this right. Please contact me with any questions or requests for additional information.

Sincerely,



Scott N. King, P.E.
Senior Project Engineer

cc: Steve Lester / IDWR
Bernard and Toni Choutchourrou

File: 408.0010

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

In Re SRBA

Case No. 39576

Water Rights: 63-32654

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- XX IC § 42-222 transfer

XX	Point of diversion	XX	Place of use
XX	Period of use	XX	Nature of use
☐	Split of water right	☐	Change in ownership
XX	Quantity	XX	Other - Conditions & Remarks

- ☐ IC § 42-219 license

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Report(s)* for said water right(s). No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 21, 2008



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on March 21, 2008, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

2. Copies to:

Clive Strong
Off ice of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

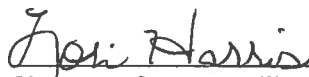
☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

3. Copies to all parties to the subcase:

Bernard Choutchourrou
Toni Choutchourrou
6020 SE 10th Ave
Caldwell ID 83605

☐ overnight mail
☒ regular mail
☐ hand-delivered
☐ facsimile

☐ overnight mail
☐ regular mail
☐ hand-delivered
☐ facsimile



Signature of person mailing this document



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 21, 2008

BERNARD CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

Re: Water Right No. 63-32654

Dear Mr. & Mrs. Choutchourrou:

Enclosed is a copy of the Notice of Completed Administrative Procedure and pertinent water right(s) recently sent to the Snake River Basin Adjudication Court in Twin Falls. These documents are now required to be filed by the Department in order to notify the Court of any changes to your water right(s).

The change to your water right(s) was a result of an approved transfer. This notification to the Court does not affect the previous approval of this transfer or your water right(s). You will be notified of any future action on your water right(s) by the SRBA Court or Water Resources.

Please contact this office if you have any questions concerning this notification.

Sincerely,

Lori Harris
Technical Records Specialist 2
Adjudication Section
Western Region Office

JS:lh
Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-32654

NAME AND ADDRESS:

BERNARD CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

0.500 CFS

107.700 AFY

135.000 AFY

Rights 63-9179B, 63-12364 and 63-32654 when combined shall not exceed a total annual maximum diversion volume of 32.7 af for commercial purposes.

PRIORITY DATE:

02/07/1969

POINT OF DIVERSION:

T01N R01W S21 SWNE
Within ADA County

T06N R03W S19 Lot 4 SWSW
Within PAYETTE County

T06N R03W S19 Lot 4 SWSW
Within PAYETTE County

T06N R03W S19 Lot 4 SWSW
Within PAYETTE County

The following rights are diverted through points of diversion described above:
63-9179B, 63-12364, 63-32654

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/01 11/01	0.500 CFS 135.00 AFY
STOCKWATER	01/01 12/31	0.500 CFS 107.70 AFY
COMMERCIAL	01/01 12/31	0.500 CFS 32.70 AFY

~~THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE 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
T01N R01W S21 NENE 7.0
T01N R01W S21 NWNE 5.0
T01N R01W S21 SWNE 8.0
T01N R01W S21 SENE 10.0

acc view
updated 3/28/08
KW

STOCKWATER within PAYETTE County

T06N R03W S19 NESW

T06N R03W S19 Lot 3 NWSW

T06N R03W S19 Lot 4 SWSW

T06N R03W S19 SESW

T06N R03W S30 Lot 1 NWNW

T06N R03W S30 Lot 2 SWNW

T06N R04W S24 NESE

T06N R04W S24 SESE

T06N R04W S25 NENE

T06N R04W S25 NWNE

T06N R04W S25 SWNE

T06N R04W S25 SENE

T06N R04W S25 NESE

T06N R04W S25 NWSE

T06N R04W S25 SESE

COMMERCIAL within PAYETTE County

T06N R03W S19 Lot 4 SWSW

T06N R03W S30 Lot 1 NWNW

T06N R03W S30 Lot 2 SWNW

30 ACRES TOTAL

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

The right holder shall accomplish the change authorized by Transfer 73779 within one year of the date of the approval.

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: BASIS OF CLAIM - License

The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.

This right is a split from former right 63-32396 .

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
TRANSFER OF WATER RIGHT
TRANSFER NO. 73779

This is to certify that: TONI CHOUTCHOURROU And/Or
BERNARD CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL ID 83605
(208)459-1898

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>
63-32654	AJC/License	02/07/1969	0.5 cfs	135 af	N/A	30.0	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>
63-32654	NO	YES	YES	YES	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>
63-32654	63-32654	0.5 cfs	107.7 af	N/A	N/A		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		0.5 cfs	107.7 af	N/A	N/A		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 20th day of March, 2008


Western Regional Manager

WATER RIGHT NO. 63-32654
As Modified by Transfer No. 73779

In accordance with the approval of Transfer No. 73779, Water Right No. 63-32654 is now described as follows.

Right Holder: TONI CHOUTCHOURROU And
 BERNARD CHOUTCHOURROU
 6020 SE 10TH AVE
 CALDWELL ID 83605

Priority Date: February 07, 1969

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
COMMERCIAL	01/01 to	12/31	0.50 CFS	32.7 AF
STOCKWATER	01/01 to	12/31	0.50 CFS	107.7 AF
			0.50 CFS	107.7 AF

LOCATION OF POINTS OF DIVERSION:

GROUND WATER	L4 (SWSW)	Sec. 19 Twp 06N	Rge 03W PAYETTE County
GROUND WATER	L4 (SWSW)	Sec. 19 Twp 06N	Rge 03W PAYETTE County
GROUND WATER	L4 (SWSW)	Sec. 19 Twp 06N	Rge 03W PAYETTE County

PLACE OF USE: COMMERCIAL

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 03W 19											X						
											L 4						
06N 03W 30						X	X										
						L 1	L 2										

PLACE OF USE: STOCKWATER

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06N 03W 19									X	X	X	X					
										L 3	L 4						
06N 03W 30						X	X										
						L 1	L 2										
06N 04W 24													X			X	
06N 04W 25	X	X	X	X									X	X		X	

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

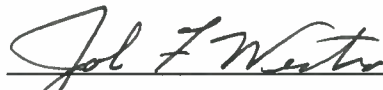
WATER RIGHT NO. 63-32654
As Modified by Transfer No. 73779

CONDITIONS OF APPROVAL

3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
5. Prior to the diversion and use of water under this approval, the right holder shall comply with applicable water quality permitting requirements administered by the Department of Environmental Quality or the Department of Agriculture.
6. The dairy operation authorized under this approval shall comply with applicable county zoning and use ordinances.
7. Rights 63-9179B, 63-12364 and 63-32654 when combined shall not exceed a total annual maximum diversion volume of 32.7 af for commercial purposes.
8. The following rights are diverted through points of diversion described above: 63-9179B, 63-12364, 63-32654

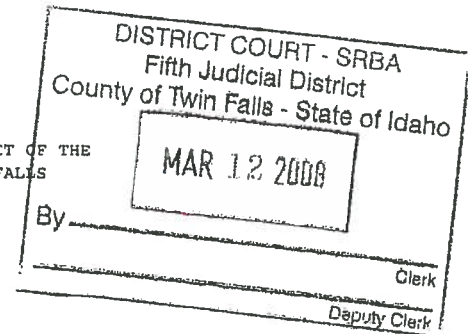
This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this 20th day of March, 20 08


Western Regional Manager

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

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 63-32654



NAME AND ADDRESS: BERNARD CHOUTCHOURROU
TONI CHOUTCHOURROU
6020 SE 10TH AVE
CALDWELL, ID 83605

SOURCE: GROUND WATER

QUANTITY: 0.50 CFS
135.00 AFY

PRIORITY DATE: 02/07/1969

POINT OF DIVERSION: T01N R01W S21 SWNE Within Ada County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-01 TO 11-01	0.50 CFS 135.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS MARCH 1 AND MAY CONTINUE TO AS LATE AS NOVEMBER 15, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 1 AND AFTER NOVEMBER 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE 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
	T01N R01W S21	NENE 7.0 NWNE 5.0 SWNE 8.0 SENE 10.0
	30.0 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. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.

John M. Melanson
Presiding Judge of the
Snake River Basin adjudication
RECOMMENDATION
MAR 12 2008
SPECIAL MASTER

RECEIVED

MAR 13 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA	
Fifth Judicial District	
County of Twin Falls - State of Idaho	
MAR 12 2008	
By _____	Clerk
Deputy Clerk	

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

In Re SRBA

Case No. 39576

) SPECIAL MASTER'S REPORT
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
) FOR WATER RIGHTS 63-32094,
) 63-32397, 63-32398, 63-32399, 63-32400,
) 63-32401, 63-32654, 63-32655, 63-32656,
) 63-32677, 63-32893, and 63-32894
)
) DISALLOWED NOS. 63-32396, 63-32653,
) and 63-32676

I. FINDINGS OF FACT

A notice of claim was filed for water right 63-07194 by Ralph Mellin. Subsequent to the filing of the claim, the right was split into water rights 63-32093 and 63-32094. Water right 63-32093 was then split into rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401. The Director of the State of Idaho Department of Water Resources (IDWR) examined the water system for this reporting area. The *Director's Report* contained a recommendation or abstract for the elements of water rights 63-32396, 63-32397, 63-32398, 63-32399, 63-32400, and 63-32401.

On June 14, 2007, Mellin Properties Limited Partnership filed an objection to the *Director's Report* for water right 63-32396. Water right 63-32396 was split into water rights 63-32653, 63-32654, 63-32655, and 63-32656. Water right 63-32653 was split into water rights 63-32676 and 32677. Water right 63-32676 was split into water rights 63-32893 and 63-32894. On March 6, 2008, Mellin Properties Limited Partnership filed a *Notice of Withdrawal of Objection* in subcase 63-32893.

II. CONCLUSIONS OF LAW

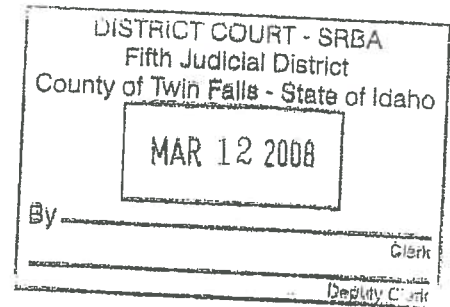
Therefore based on the file and record herein and pursuant to the *Standard Form 5*, IT IS RECOMMENDED that water rights 63-32094, 63-32397, 63-32398, 63-32399, 63-32400, 63-

32401, 63-32654, 63-32655, 63-32656, 63-32677, 63-32893, and 63-32894 be decreed with the elements as set forth in the attached *Recommendation for Partial Decree Pursuant to I.R.C.P. 54(b)*. IT IS FURTHER RECOMMENDED that the SRBA District Court enter a final order **disallowing** water right numbers 63-32396, 63-32653, and 63-32676.

Dated March 12, 2008



Theodore R. Booth
Special Master
Snake River Basin Adjudication



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

In Re SRBA)
Case No. 39576)
_____)

NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

Water Right(s): 63-32094
(SEE ATTACHED EXHIBIT A)

On March 12, 2008, Special Master THEODORE R. BOOTH
issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s)
pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party
to the adjudication including parties to the subcase, may file a Motion
to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate
in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION
shall constitute a waiver of the right to challenge it before the
Presiding Judge.

DATED March 12, 2008.

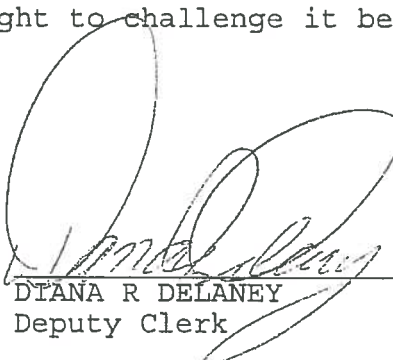
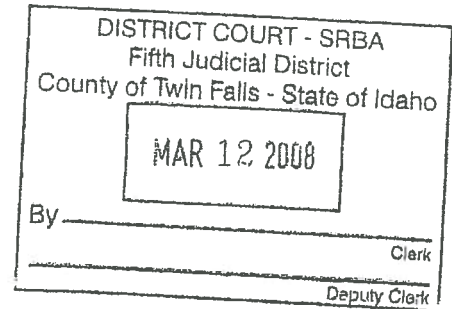

DIANA R DELANEY
Deputy Clerk

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
63-32655
63-32656
63-32676
63-32677
63-32893
63-32894



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

In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 63-32094
(SEE ATTACHED EXHIBIT A)

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on March 12, 2008, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

MELLIN PROPERTIES LIMITED
PARTNERSHIP
RALPH MELLIN, GENERAL PARTNER
4500 N TUMBLEWEED LN
BOISE, ID 83713-2500
Phone: 208-322-7500

PEREGRINE SPRINGS LTD CO
Represented by:
DANA L. HOFSTETTER
608 WEST FRANKLIN STREET
BOISE, ID 83702
Phone: 208-424-7800

CERTIFICATE OF MAILING

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03/10/08

MELLIN PROPERTIES LP

Represented by:
TRAVIS L THOMPSON
113 MAIN AVE W, STE 303
PO BOX 485
TWIN FALLS, ID 83303-0485
Phone: 208-733-0700

TUSCANY DEVELOPMENT INC
C/O GREG JOHNSON
PO BOX 344
MERIDIAN, ID 83680
Phone: 208-888-9946

CORP OF THE PRESIDING BISHOP
CHURCH OF JESUS CHRIST OF
LATTER DAY SAINTS
50 E NORTH TEMPLE ST
SALT LAKE CITY, UT 84150
Phone: 801-240-4074

PARAMOUNT LLC
12601 W EXPLORER DR STE 200
BOISE, ID 83713

EAGLE PRECAST COMPANY
20059 SIMPLOT BLVD
CALDWELL, ID 83607
Phone: 208-454-8116

SHAWN MIKELSON
20755 RODEO LN
WILDER, ID 83676

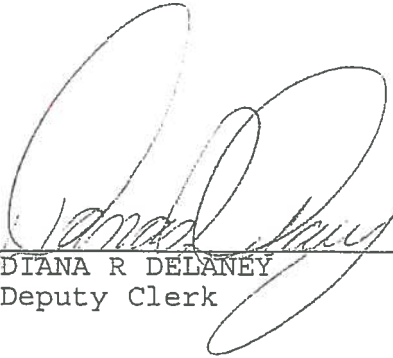
CYNTHIA MUELLER
MICHAEL COHEN
24431 HAWK LN
MIDDLETON, ID 83644
Phone: 208-286-0725

JASON BLANDFORD
MARCI BLANDFORD
25513 WAGNER RD
CALDWELL, ID 83607

6020 SE 10TH AVE
CALDWELL, ID 83605

PEREGRINE SPRINGS LTD CO
726 S VISTA AVE
BOISE, ID 83705

DELMY LYNN
SEAN LYNN
7756 LOMA LINDA RIDGE RD
NAMPA, ID 83686-5885
Phone: 208-461-0038



DIANA R DELANEY
Deputy Clerk

CERTIFICATE OF MAILING

PAGE 3
03/10/08

ELIZABETH DUESMAN
KEVIN G DUESMAN
3555 E BARBER DR
BOISE, ID 83716
Phone: 208-343-3714

BERNARD CHOUTCHOURROU
~~TONI CHOUTCHOURROU~~

Exhibit A

Subcase Nos:

63-32094
63-32396
63-32397
63-32398
63-32399
63-32400
63-32401
63-32653
63-32654
63-32655
63-32656
63-32676
63-32677
63-32893
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