

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

RIGHT NUMBER: 63-32266

NAME AND ADDRESS: JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS  
54.000 AFY

Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 ~~392~~ acres in a single irrigation season.

PRIORITY DATE: 03/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R01E S35 NENE Within ADA County

T05N R01E S36 NENE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.230 CFS<br>54.00 AFY |

PLACE OF USE: IRRIGATION in ADA County

T05N R01E S25                      SESW      12.00

12 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.

This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 12 acres within the place of use described for this right.

**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     | ) | <b>Water Rights: 63-32266</b> |
|                | ) | <b>AMENDED</b>                |
| Case No. 39576 | ) | <b>NOTICE OF COMPLETED</b>    |
|                | ) | <b>ADMINISTRATIVE</b>         |
| _____          | ) | <b>PROCEEDING</b>             |

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion      ☐ Place of use

☐ Period of use      ☐ Nature of use

☐ Split of water right      ☐ Change in ownership

XX Other – Quantity Condition

☐ 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: February 3, 2009

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on February 3, 2009, 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    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

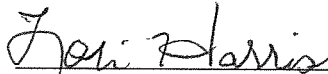
|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

|                            |                                                  |
|----------------------------|--------------------------------------------------|
| JMM Dry Creek LLC          | <input type="checkbox"/> overnight mail          |
| c/o Land Baron Investments | <input checked="" type="checkbox"/> regular mail |
| 5275 S Durango Dr          | <input type="checkbox"/> hand-delivered          |
| Las Vegas NV 89113         | <input type="checkbox"/> facsimile               |

|                                         |
|-----------------------------------------|
| <input type="checkbox"/> overnight mail |
| <input type="checkbox"/> regular mail   |
| <input type="checkbox"/> hand-delivered |
| <input type="checkbox"/> 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

February 3, 2009

JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

Re: Water Right No. 63-32266

Dear Sir or Madam:

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 amended 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,

A handwritten signature in cursive script that reads "Lori Harris". The signature is written in dark ink and is positioned above the typed name and title.

Lori Harris  
Technical Records Specialist 2  
Adjudication Section  
Western Region Office

JS:lh  
Enclosures

State of Idaho  
Department of Water Resources  
**WATER RIGHT NO. 63-32266**

Priority: March 1, 1987

Maximum Diversion Rate: 0.23 CFS  
Maximum Diversion Volume: 54.0 AF

**Right Holder:** JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <b><u>BENEFICIAL USE</u></b> | <b><u>PERIOD OF USE</u></b> | <b><u>DIVERSION RATE</u></b> | <b><u>ANNUAL<br/>DIVERSION VOLUME</u></b> |
|------------------------------|-----------------------------|------------------------------|-------------------------------------------|
| IRRIGATION                   | 04/01 to 10/31              | 0.23 CFS                     | 54.0 AF                                   |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |            |                                 |            |
|--------------|------------|---------------------------------|------------|
| GROUND WATER | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. | ADA County |
| GROUND WATER | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. | ADA County |

**PLACE OF USE:** IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N | 01E | 25  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 12 acres within the place of use described for this right.
2. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3. 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.
4. This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.
5. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.

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 21<sup>st</sup> day of January, 2008.

  
John Westra, Western Regional Manager

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
**TRANSFER OF WATER RIGHT**  
**TRANSFER NO. 73817**

**AMENDED****AMENDED**

This is to certify that: JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113  
(702) 851-3999

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> |
|--------------|---------------------|-----------------|-------------|---------------|-------------------|--------------------|---------------|
| 63-2535      | WR/Decreed          | 08/24/1937      | 0.7 cfs     | 157.5 af      | 35.0              | 35.0               | GROUND WATER  |
| 63-4023B     | WR/Decreed          | 07/01/1927      | 3 cfs       | 810 af        | 180.0             | 180.0              | GROUND WATER  |
| 63-4086B     | WR/Decreed          | 07/20/1960      | 5 cfs       | 1615.5 af     | 359.0             | 359.0              | GROUND WATER  |
| 63-7123      | WR/Decreed          | 07/11/1968      | 0.79 cfs    | 1615.5 af     | 351.0             | 351.0              | GROUND WATER  |
| 63-17454     | WR/Decreed          | 03/20/1938      | 1.7 cfs     | N/A           | 85.0              | 85.0               | DRY CREEK     |

**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> |
|-----------------------|--------------|------------|------------|----------------|----------------------|----------------------|
| 63-2535               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-4023B              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-4086B              | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-7123               | NO           | NO         | YES        | YES            | NO                   | NO                   |
| 63-17454              | NO           | YES        | YES        | NO             | NO                   | NO                   |

**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> |
|------------------------|----------------------------------|----------------------|------------------------|-------------------|--------------------|------------------------------------|-----------------------|-------------------------|-----------------------------|------------------------------|
| 63-2535                | <b>63-2535</b>                   | 0.7 cfs              | 157.5 af               | 35.0              | 739.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| 63-4023B               | <b>63-4023B</b>                  | 3 cfs                | 810 af                 | 180.0             | 739.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| 63-4086B               | <b>63-4086B</b>                  | 5 cfs                | 1615.5 af              | 359.0             | 739.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| 63-7123                | <b>63-7123</b>                   | 0.79 cfs             | 1615.5 af              | 351.0             | 739.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| 63-17454               | <b>63-17454</b>                  | 1.7 cfs              | N/A                    | 85.0              | 739.0              |                                    | N/A                   | N/A                     |                             | N/A                          |
| <b>COMBINED TOTALS</b> |                                  | <b>7.84 cfs</b>      | <b>1764 af</b>         | <b>392</b>        | <b>739</b>         |                                    | <b>N/A</b>            | <b>N/A</b>              | <b>N/A</b>                  | <b>N/A</b>                   |

Detailed Water Right Description(s) attached

Dated this 21<sup>st</sup> day of January, 2009

  
John Westra, Western Regional Manager

This approval document also contains an associated right, No. 63-32266 (expansion right), whose conditions have been updated as a result of this transfer (shown on page 12).

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

RIGHT NUMBER: 63-32266

NAME AND ADDRESS: JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

~~2301 N AKARD #200~~  
~~DALLAS TX 75201~~

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS  
54.000 AFY

Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266  
when combined shall not exceed a total diversion rate of 7.84 cfs, a total  
annual maximum diversion volume of 1764.0 af at the field headgate, and the  
irrigation of 392 acres in a single irrigation season.

PRIORITY DATE: 03/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R01E S35 NENE Within ADA County

T05N R01E S36 NENE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.230 CFS<br>54.00 AFY |

PLACE OF USE: IRRIGATION in ADA County

T05N R01E S25                      SESW      12.00

12 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.

This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 12 acres within the place of use described for this right.

**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: 63-32266**

**NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING**

IDWR has completed the following administrative proceeding:

☐ Address change

☐ Substitution of Party

XX IC § 42-222 transfer

☐ Point of diversion ☐ Place of use

☐ Period of use ☐ Nature of use

☐ Split of water right XX Change in address

XX Other – Quantity Condition

☐ 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: December 30, 2008

  
\_\_\_\_\_  
Signature of IDWR Representative

## CERTIFICATE OF MAILING

I certify that on December 30, 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    | <input type="checkbox"/> overnight mail          |
| Snake River Basin Adjudication | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 2707                  | <input type="checkbox"/> hand-delivered          |
| Twin Falls, ID 83303-2707      | <input type="checkbox"/> facsimile               |

### 2. Copies to:

|                                 |                                                  |
|---------------------------------|--------------------------------------------------|
| Clive Strong                    | <input type="checkbox"/> overnight mail          |
| Off ice of the Attorney General | <input checked="" type="checkbox"/> regular mail |
| P.O. Box 44449                  | <input type="checkbox"/> hand-delivered          |
| Boise, ID 83711-4449            | <input type="checkbox"/> facsimile               |

|                                    |                                                  |
|------------------------------------|--------------------------------------------------|
| United States Dept of Justice      | <input type="checkbox"/> overnight mail          |
| Environment & Natural Resource Div | <input checked="" type="checkbox"/> regular mail |
| 550 West Fort Street MSC 033       | <input type="checkbox"/> hand-delivered          |
| Boise ID 83724                     | <input type="checkbox"/> facsimile               |

### 3. Copies to all parties to the subcase:

|                            |                                                  |
|----------------------------|--------------------------------------------------|
| JMM Dry Creek LLC          | <input type="checkbox"/> overnight mail          |
| c/o Land Baron Investments | <input checked="" type="checkbox"/> regular mail |
| 5275 S Durango Dr          | <input type="checkbox"/> hand-delivered          |
| Las Vegas NV 89113         | <input type="checkbox"/> facsimile               |

|                          |                |
|--------------------------|----------------|
| <input type="checkbox"/> | overnight mail |
| <input type="checkbox"/> | regular mail   |
| <input type="checkbox"/> | hand-delivered |
| <input type="checkbox"/> | 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](http://www.idwr.idaho.gov)

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

December 30, 2008

JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

Re: Water Right No. 63-32266

Dear Sir or Madam:

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

Transfer 73817

State of Idaho  
Department of Water Resources  
**WATER RIGHT NO. 63-32266**

Priority: March 1, 1987

Maximum Diversion Rate: 0.23 CFS  
Maximum Diversion Volume: 54.0 AF

**Right Holder:** JMM DRY CREEK LLC  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV 89113

**SOURCE**

GROUND WATER

and a water right has been established as follows:

| <u>BENEFICIAL USE</u> | <u>PERIOD OF USE</u>                  | <u>DIVERSION RATE</u> | <u>ANNUAL<br/>DIVERSION VOLUME</u> |
|-----------------------|---------------------------------------|-----------------------|------------------------------------|
| IRRIGATION            | <del>04/01 to 10/31</del> 3-1 / 11-15 | 0.23 CFS              | 54.0 AF                            |

**LOCATION OF POINT(S) OF DIVERSION:**

|              |            |                                 |            |
|--------------|------------|---------------------------------|------------|
| GROUND WATER | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. | ADA County |
| GROUND WATER | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. | ADA County |

**PLACE OF USE:** IRRIGATION

| Twp Rge Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-------------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|             | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N 01E 25  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |
|             |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |

Total Acres: 12

**CONDITIONS OF APPROVAL**

1. This right is for an enlargement of 12 acres within the place of use described for this right.
2. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3. 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.
4. This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.
5. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 392 acres in a single irrigation season.

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 23<sup>rd</sup> day of December, 2008

  
JOHN WESTRA, Western Regional Manager

Transfer No. 73817STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 1

JAN 19 2007

WATER RESOURCES  
WESTERN REGIONName of Applicant JMM Dry Creek, LLCPhone (702) 851-3999Post Office address c/o LandBaron Investments, 5275 S Durango Dr, Las Vegas, NV 89113

## 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 will use existing water rights in pressurized irrigation system serving a portion of the Dry Creek Ranch Planned Community.

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

| 1. Right Number | Priority          | Amount (cfs/ac-ft)           | Nature of Use     | Period of Use       |
|-----------------|-------------------|------------------------------|-------------------|---------------------|
| <u>63-7123</u>  | <u>07/11/1968</u> | <u>0.79 cfs / 1615.5 afa</u> | <u>Irrigation</u> | <u>4/1 to 10/31</u> |
| <u>63-4086B</u> | <u>07/20/1960</u> | <u>5 cfs / 1615.5 afa</u>    | <u>Irrigation</u> | <u>3/1 to 11/15</u> |
| <u>63-17454</u> | <u>03/20/1938</u> | <u>1.7 cfs</u>               | <u>Irrigation</u> | <u>3/1 to 11/15</u> |
| <u>63-4023B</u> | <u>07/01/1927</u> | <u>3.0 cfs / 810 afa</u>     | <u>Irrigation</u> | <u>3/1 to 11/15</u> |
| <u>63-4023B</u> | <u>07/01/1927</u> | <u>0.04 cfs</u>              | <u>Stockwater</u> | <u>1/1 to 12/31</u> |
| <u>63-2535</u>  | <u>08/24/1937</u> | <u>0.7 cfs / 157.5 afa</u>   | <u>Irrigation</u> | <u>3/1 to 11/15</u> |
| <u>63-2535</u>  | <u>08/24/1937</u> | <u>0.02 cfs</u>              | <u>Domestic</u>   | <u>1/1 to 12/31</u> |

2. Total amount of water being transferred
- 11.19 (not to exceed 7.84 cfs / 1764 afa in combination for 392 acres)
- cubic feet per second and/or
- 4198.5
- acre-feet per annum.

3. Source of water
- Dry Creek
- tributary to
- Boise River

Source of water Ground water tributary to NA

4. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NE | 36  | 05N | 01E | Ada    | Big Pump Well            |
|     |   | NE | NE | 35  | 05N | 01E | Ada    | Paine Well               |
|     |   | NE | NE | 36  | 05N | 01E | Ada    | New Irrigation Well      |
|     |   | NE | NE | 36  | 05N | 01E | Ada    | New Dry Creek Diversion  |

5. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |      |      |      | NW ¼ |      |      |      | SW ¼ |     |      |      | SE ¼ |      |      |      | Totals |
|-----|-----|-----|------|------|------|------|------|------|------|------|------|-----|------|------|------|------|------|------|--------|
|     |     |     | NE   | NW   | SW   | SE   | NE   | NW   | SW   | SE   | NE   | NW  | SW   | SE   | NE   | NW   | SW   | SE   |        |
| 05N | 01E | 25  |      |      |      |      |      |      |      |      | 14.4 | 0.4 | 9.0  | 35.7 |      | 10.9 | 29.7 | 32.8 | 132.9  |
|     |     | 35  | 40.3 | 37.0 | 39.2 | 40.3 |      |      |      |      | 27.9 |     |      | 1.9  | 36.4 | 25.7 | 0.4  | 15.8 | 264.9  |
|     |     | 36  | 40.5 | 40.5 | 34.9 | 20.2 | 40.5 | 40.5 | 38.9 | 37.9 | 13.0 |     |      |      | 1.2  | 8.9  |      |      | 317    |
| 05N | 02E | 30  |      |      |      |      |      |      |      |      |      |     | 24.2 |      |      |      |      |      | 24.2   |
|     |     |     |      |      |      |      |      |      |      |      |      |     |      |      |      |      |      |      |        |

Total Acres 392 acres within 739-acre permissible place of use

## PART 1

## 6 General Information:

Description of diversion system New pump in Dry Creek. One new irrigation well and two existing irrigation wells with pumps. All discharging to a pressurized irrigation system.

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? Attachment C  
☒ 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. By: Rick E Tettemat Date: July 29, 2008

- b. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

Irrigated area will be developed for residential use. Lands within the proposed place of use will be irrigated with pressurized irrigation system.

## c. Remarks:

Maximum diversion rate from Dry Creek and groundwater not to exceed 7.84 cfs and 1764 afa for irrigation of 392 acres. Dry Creek water right 63-17454 will be used to the maximum extent allowable when water is available. Pressurized irrigation system will also deliver treated municipal wastewater for land application on the same 392 acres within 739-acre permissible place of use

## 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

DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-17454 (as recommended) 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 Correction Bargain and Sale Deed

3. Source of water Dry Creek tributary to Boise River

4. Date or priority 03/20/1938

5. Water is used for the following purposes:

amount 1.7 cfs for Irrigation purposes from 3/1 to 11/15  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)  
amount \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
(cfs/ac-ft)

6. Total amount of water under right 1.7 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 |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NW | 31  | 05N | 02E | Ada    | Dry Creek Diversion      |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |      | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|------|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE   |        |
| 05N | 01E | 25  |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    | 26.5 | 26.5   |
|     |     | 36  | 35.5 |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      | 35.4   |
| 05N | 02E | 30  |      |    |    |    |      |    |    |    |      |    | 23 |    |      |    |    |      | 23     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |      |        |

Total Acres 85

9. Describe any other water rights used for the same purpose as described above 63-7123 and 63-4086B

**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 Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

**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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. 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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-7123 (as recommended) 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 Correction Bargain and Sale Deed

3. Source of water Ground water tributary to \_\_\_\_\_

4. Date or priority 07/11/1968

5. Water is used for the following purposes:

amount 0.79 cfs / 1615.5 afa for Irrigation purposes from 4/01 to 10/31  
(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 0.79 cubic feet per second and/or 1615.5 acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NE | 36  | 05N | 01E | Ada    | Big Pump Well            |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 05N | 01E | 25  |      |    |    |    |      |    |    |    |      |    | 4  |    |      |    | 22 | 31 | 57     |
|     |     | 35  | 15   | 21 | 13 | 13 |      |    |    |    |      |    |    |    |      |    |    |    | 62     |
|     |     | 36  | 38   | 40 | 20 | 8  | 39   | 39 | 17 | 11 |      |    |    |    |      |    |    |    | 212    |
| 05N | 02E | 30  |      |    |    |    |      |    |    |    |      |    | 20 |    |      |    |    |    | 20     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 351

9. Describe any other water rights used for the same purpose as described above 63-17454, 63-4086B, 63-4023B, and 63-2535

**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 Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

**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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. 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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4086B (as recommended) 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 Correction Bargain and Sale Deed3. Source of water Ground water tributary to \_\_\_\_\_4. Date or priority 07/20/1960

## 5. Water is used for the following purposes:

amount 5 cfs / 1615.5 afa for Irrigation purposes from 3/1 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 5 cubic feet per second and/or 1615.5 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NE | 36  | 05N | 01E | Ada    | Big Pump Well            |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

## 8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 05N | 01E | 25  |      |    |    |    |      |    |    |    |      |    | 5  | 4  |      |    | 22 | 31 | 62     |
|     |     | 35  | 15   | 21 | 13 | 13 |      |    |    |    |      |    |    |    |      |    |    |    | 62     |
|     |     | 36  | 38   | 40 | 20 | 8  | 39   | 39 | 17 | 11 |      |    |    |    |      |    |    |    | 212    |
| 05N | 02E | 30  |      |    |    |    |      |    |    |    |      |    | 23 |    |      |    |    |    | 23     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 3599. Describe any other water rights used for the same purpose as described above 63-17454, 63-7123, 63-4023B, and 63-2535

**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 Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

**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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. 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 |
|-----|-----|-----|-----|-----|-----|-----|--------|--------------------------|
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |
|     |     |     |     |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | Totals |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |
|     |     |     |        |    |    |    |        |    |    |    |        |    |    |    |        |    |    |    |        |

Total Acres \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4023B (as recommended) 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 Correction Bargain and Sale Deed

3. Source of water Ground water tributary to \_\_\_\_\_

4. Date or priority 07/01/1927

5. Water is used for the following purposes:

amount 3.0 cfs / 810 afa for Irrigation purposes from 3/1 to 11/15  
(cfs/ac-ft)

amount 0.04 cfs for Stockwater purposes from 1/1 to 12/31  
(cfs/ac-ft)

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

6. Total amount of water under right 3.0 cubic feet per second and/or 810 afa acre-feet per annum.

7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NE | 35  | 05N | 01E | Ada    | Paine Well               |
|     |   | NE | NW | 36  | 05N | 01E | Ada    | Pasture Well             |
|     |   | SW | NW | 36  | 05N | 01E | Ada    | Corn Well                |
|     |   | SE | NW | 36  | 05N | 01E | Ada    | House Well               |

8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 05N | 01E | 35  | 35   | 30 | 18 | 12 |      |    |    |    |      |    |    |    |      |    |    |    | 95     |
|     |     | 36  |      |    |    |    | 15   | 40 | 20 | 10 |      |    |    |    |      |    |    |    | 85     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 180

9. Describe any other water rights used for the same purpose as described above 63-7123, 63-4086B, and 63-2535

**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 Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

**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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. 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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

**A. DESCRIPTION OF RIGHT AS RECORDED**

## 1. Right as evidenced by:

- a. Decree No. \_\_\_\_\_ Decreed to \_\_\_\_\_  
in case of \_\_\_\_\_ vs. \_\_\_\_\_  
dated \_\_\_\_\_ in \_\_\_\_\_ county of \_\_\_\_\_
- b. License No. \_\_\_\_\_ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-2535 (as recommended) 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 Correction Bargain and Sale Deed3. Source of water Ground water tributary to \_\_\_\_\_4. Date or priority 08/24/1937

## 5. Water is used for the following purposes:

amount 0.7 cfs / 157.5 afa for Irrigation purposes from 3/1 to 11/15  
(cfs/ac-ft)

amount 0.02 cfs for Domestic purposes from 1/1 to 12/31  
(cfs/ac-ft)

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

6. Total amount of water under right 0.7 cubic feet per second and/or 157.5 acre-feet per annum.

## 7. Point(s) of Diversion:

| Lot | ¼ | ¼  | ¼  | Sec | Twp | Rge | County | Local name for diversion |
|-----|---|----|----|-----|-----|-----|--------|--------------------------|
|     |   | NE | NE | 35  | 05N | 01E | Ada    | Paine Well               |
|     |   |    |    |     |     |     |        |                          |
|     |   |    |    |     |     |     |        |                          |

## 8. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
| 05N | 01E | 35  | 20   | 10 | 5  |    |      |    |    |    |      |    |    |    |      |    |    |    | 35     |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres 359. Describe any other water rights used for the same purpose as described above 63-7123, 63-4086B, and 63-4023B

**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 Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

**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 \_\_\_\_\_ for \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_  
 (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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

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

1. 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 |
|-----|---|---|---|-----|-----|-----|--------|--------------------------|
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |
|     |   |   |   |     |     |     |        |                          |

3. Lands irrigated or place of use:

| Twp | Rge | Sec | NE ¼ |    |    |    | NW ¼ |    |    |    | SW ¼ |    |    |    | SE ¼ |    |    |    | Totals |
|-----|-----|-----|------|----|----|----|------|----|----|----|------|----|----|----|------|----|----|----|--------|
|     |     |     | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE | NE   | NW | SW | SE |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |
|     |     |     |      |    |    |    |      |    |    |    |      |    |    |    |      |    |    |    |        |

Total Acres \_\_\_\_\_

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT  
PART 3

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

The form consists of a large grid of 16 columns and 16 rows. The grid is divided into four 4x4 quadrants by a central vertical and horizontal line. In the center of the grid, there is a rectangular box containing the text "See Attached Map". To the right of this box, the handwritten text "- AHACHMINT B" is written. The grid is used for drawing a map or attaching a USGS map, as indicated by the instructions.

Scale: 2 inches equal 1 mile. Draw plan in ink.

**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 _____             |

Quantity and quality of return flows and location of discharge: \_\_\_\_\_

2. Describe effects on other water uses resulting from the proposed change: \_\_\_\_\_

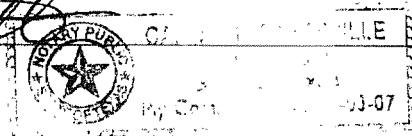
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

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

Richard L. Tettamant  
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of January, 20 07

Carol S. Turbent  
(Notary Public)

My commission expires 11-03-07**FOR DEPARTMENT USE ONLY**

Transfer contains 14 pages and 2 attachments

Received by DB Date 1-19-07 Protest filed by \_\_\_\_\_

Prelim. Check by VLM Fee \$530

Received by DB W035035 Date 1-19-07

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 \_\_\_\_\_

ADA COUNTY RECORDER J. DAVID HAWKINS  
RECEIVED 10:41 AM  
DEPUTY Jesse Hagg  
RECORDED - REQUEST OF  
Planner

AMOUNT 18.00



294381  
SCLM/HH

**CORRECTION  
BARGAIN AND SALE DEED**

FOR VALUE RECEIVED, JULIUS JEKER, the Grantor, does hereby grant, bargain, sell and convey unto JMM DRY CREEK, LLC, the Grantee, whose address is 2301 N. Akard #200, Dallas, Texas 75201, the following described premises, to-wit:

See Exhibit "A" attached hereto and incorporated herein by this reference.

THIS CONVEYANCE IS MADE SUBJECT ONLY TO THOSE easements, claims of easement or encumbrances which are not shown by the public records, but which would be disclosed by an accurate survey or inspection of the premises;

FURTHER SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which would be disclosed by an accurate survey or inspection of the premises; and

FURTHER SUBJECT TO unpatented mining claims; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims, or title to water.

TO HAVE AND TO HOLD the said premises, with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise, appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the premises as well in law as in equity, except as expressly provided otherwise herein, unto said Grantee, its heirs, successors and assigns forever.

This deed is being recorded to correct the legal description on the Bargain and Sale Deed dated August 15, 2005 and recorded August 15, 2005 as Instrument No. 105114749, records of Ada County, Idaho.

CORRECTION BARGAIN AND SALE DEED - 1

Attachment A (p. 1 of 6)

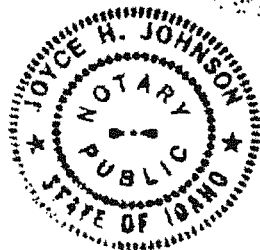
DATED: October 4, 2005

Julius Jeker  
JULIUS JEKER  
By E Don Copple  
E DON COPPLE, His Attorney-in-Fact

STATE OF IDAHO )  
                          ) ss.  
County of Ada )

On this 4th day of October, in the year 2005 before me, Joyce H. Johnson, a Notary Public in and for said State, personally appeared E DON COPPLE, known or identified to me to be the person whose name is subscribed to the within instrument as the attorney-in-fact of JULIUS JEKER, and acknowledged to me that he subscribed the name of Julius Jeker thereto as principal, and his own name as attorney-in-fact.

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  
Residence: Boise, Idaho  
Commission Expires: 1/27/11

Attachment A (p. 2 of 6)

### EXHIBIT A

The S  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SE  $\frac{1}{4}$ , and that portion of the SW  $\frac{1}{4}$  lying Southeasterly of Brookside Lane in Section 25; the N  $\frac{1}{4}$ , the SE  $\frac{1}{4}$ , and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36; the E  $\frac{1}{4}$  of Section 35 lying East of State Highway 55, and the E  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 35 lying Southeasterly of State Highway 55, Township 5 North, Range 1 East, Boise Meridian; and Government Lot 4 of Section 1, Government Lots 1, 2, and 3 of Section 2, Township 4 North, Range 1 East, Boise Meridian; and the "West 23 acres" of Government Lot 4 of Section 30, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the corner common to Sections 25, 26, 35 and 36, Township 4 North, Range 1 East, Boise Meridian;

Thence North  $00^{\circ}06'52''$  East, 25.46 feet to the apparent center of Brookside Lane;

Thence along the center of said lane South  $88^{\circ}10'32''$  East, 414.96 feet;

Thence North  $84^{\circ}26'48''$  East, 277.62 feet;

Thence 321.30 feet along the arc of a curve to the left, having a radius of 260.00 feet, a central angle of  $70^{\circ}48'16''$ , and a long chord bearing North  $49^{\circ}02'40''$  East, 301.24 feet;

Thence North  $13^{\circ}38'31''$  East, 1286.35 feet;

Thence 81.82 feet along the arc of a curve to the right, having a radius of 70.00 feet, a central angle of  $66^{\circ}58'28''$ , and a long chord bearing North  $47^{\circ}07'45''$  East, 77.25 feet;

Thence North  $80^{\circ}37'00''$  East, 181.40 feet;

Thence North  $69^{\circ}10'10''$  East, 415.26 feet;

Thence North  $66^{\circ}37'43''$  East, 384.36 feet;

Thence 60.97 feet along the arc of a curve to the left, having a radius of 100.00 feet, a central angle of  $34^{\circ}56'01''$ , and a long chord bearing North  $49^{\circ}09'42''$  East, 60.03 feet;

Thence North  $31^{\circ}41'42''$  East 130.05 feet;

Thence 68.84 feet along the arc of a curve to the right, having a radius of 80.00 feet, a central angle of  $49^{\circ}18'14''$ , and a long chord bearing North  $56^{\circ}20'49''$  East, 66.74 feet;

Thence North  $80^{\circ}59'55''$  East, 314.34 feet to a point on the North-South midsection line of said Section 25;

Thence departing said center of Brookside Lane along said midsection line and the East boundaries of Spring Creek Estates and Spring Creek Estates Subdivision No. 3, as same are recorded in Book 26 of Plats at Page 1638, and Book 78 of Plats at Page 8270, respectively, records of Ada County, Idaho, North  $00^{\circ}31'05''$  East, 740.09 feet to the Northeast corner of said Spring Creek Estates;

Thence continuing along said Mid-section line North  $00^{\circ}46'19''$  East, 546.81 feet to the Southeast corner of Lot 11, Block 3 of said Spring Creek Estates Subdivision No. 3;

Thence continuing and along the East line of said lot North  $00^{\circ}33'02''$  East 536.09 feet to the Center North 1/16 corner;

A Hachment A (p. 3 of 6)

Thence along the North line of the S  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of said Section 25, common to the South line of said Spring Creek Estates Subdivision No. 3, South  $89^{\circ}19'47''$  East, 417.16 feet to the Southwest corner of Lot 4, Block 3 of Spring Creek Estates No. 2, as same is recorded in Book 36 of Plats at Page 3070, records of Ada County, Idaho;

Thence continuing and along the South line of said Spring Creek Estates No. 2 South  $88^{\circ}47'29''$  East, 2244.49 feet to the Southeast corner of said Spring Creek Estates No. 2, common to the Northeast corner of the South half of the NE  $\frac{1}{4}$  of said Section 25;

Thence South  $00^{\circ}24'44''$  West, 1334.19 feet to the quarter corner common to said Sections 25 and 30;

Thence South  $00^{\circ}38'53''$  West, 1302.17 feet to the Northwest corner of Government Lot 4 of said Section 30;

Thence along the North line of said lot South  $88^{\circ}15'28''$  East, 782.14 feet;

Thence South  $00^{\circ}38'53''$  West, 1302.59 feet to a point on the South line of said Lot 4;

Thence along said line North  $88^{\circ}17'01''$  West, 782.13 feet to the corner common to said Section 25, 30, 31 and 36;

Thence South  $00^{\circ}09'29''$  West, 2700.86 feet to the quarter corner common to said Section 36 and 31;

Thence South  $00^{\circ}22'41''$  West, 2612.62 feet to the Southeast corner of said Section 36;

Thence North  $89^{\circ}20'55''$  West, 2632.43 feet to the quarter corner common to said Sections 1 and 36;

Thence North  $00^{\circ}02'04''$  West, 1317.63 feet to the Center South  $1/16$  corner of said Section 36;

Thence North  $89^{\circ}06'13''$  West, 1319.24 feet to the Southwest  $1/16$  corner of said Section 36;

Thence North  $00^{\circ}09'52''$  West, 1323.24 feet to the Center West  $1/16$  corner of said Section 36;

Thence North  $88^{\circ}51'46''$  West, 1322.34 feet to the quarter corner common to said Sections 35 and 36;

Thence South  $00^{\circ}17'36''$  East, 2657.71 feet to the corner common to said Sections 1, 2, 35 and 36;

Thence South  $89^{\circ}20'44''$  East, 1316.16 feet to the Northeast corner of Government Lot 4 of said Section 1;

Thence South  $00^{\circ}01'40''$  East, 1335.45 feet to the Northwest  $1/16$  corner of said Section 1;

Thence North  $89^{\circ}28'42''$  West, 1319.47 feet to the North  $1/16$  corner common to said Sections 1 and 2;

Thence along the South line of Lots 1 and 2 of said Section 2 North  $89^{\circ}16'39''$  West, 2630.92 feet to a found  $5/8''$  iron pin marking the Center North  $1/16$  corner of said Section 2;

Thence along the South line of Government Lot 3 North  $88^{\circ}12'56''$  West, 1335.70 feet to a found  $1/2''$  iron pin marking the Southeast corner of Mary Glen Subdivision No. 2, as same is recorded in Book 30 of Plats at Page 1880, records of Ada County, Idaho, said point accepted as the Southwest corner of said Government Lot 3;

Thence along the West line of said Lot 3 and the West line of the E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of said Section 35 as established by the East lines of said Mary Glen Subdivision No. 2 and Mary Glen Subdivision No. 1, as same is recorded in Book 29 of Plats at Page 1781, records of Ada County, Idaho, North  $00^{\circ}14'11''$  West, 305.44 feet to a found  $1/2''$  iron pin;

Thence North  $00^{\circ}09'48''$  West, 652.45 feet to a found  $1/2''$  iron pin;

Attachment A (p 4 of 6)

Thence North 00°14'28" West, 2467.41 feet to a point on the Southeasterly right-of-way of State Highway 55, said point common to the most Northerly corner of Lot 1, Block 2 of said Maryglen Subdivision No. 1;

Thence along said right-of-way North 54°28'08" East, 854.51 feet;

Thence 46.40 feet along the arc of a curve to the left, having a radius of 1697.02 feet, a central angle of 1°33'59", and a long chord bearing North 53°41'08" East, 46.40 feet to a point on the East-West mid-section line of said Section 35;

Thence departing said right-of-way along said line South 89°30'17" East, 592.76 feet to the center of said Section 35;

Thence along the North-South mid-section line North 00°21'27" West, 609.22 feet to a point on the Southerly line of Dry Creek Road Right-of-Way described in Instrument No. 95055006;

Thence 90.01 feet along said right-of-way and along the arc of a non-tangent curve to the left, having a radius of 380.00 feet, a central angle of 13°34'17", and a long chord bearing South 80°40'35" East, 89.80 feet;

Thence North 57°17'39" East, 38.80 feet;

Thence 296.23 feet along the arc of a curve to the right, having a radius of 611.27 feet, a central angle of 27°45'59", and a long chord bearing North 71°10'42" East, 293.34 feet;

Thence North 85°03'42" East, 55.13 feet;

Thence North 4°56'17" West, 5.00 feet;

Thence 152.13 feet along the arc of a non-tangent curve to the left, having a radius of 930.00 feet, a central angle of 9°22'21", and a long chord bearing South 80°22'33" West, 151.96 feet;

Thence South 75°41'23" West, 122.86 feet;

Thence 187.79 feet along the arc of a curve to the right, having a radius of 320.00 feet, a central angle of 33°37'27", and a long chord bearing North 87°29'54" West, 185.11 feet to a point on the Easterly right-of-way of State Highway 55 lying on the North-South mid-section line of said Section 35;

Thence along said Easterly right-of-way North 00°21'27" West, 10.28 feet;

Thence 258.12 feet along the arc of a non-tangent curve to the left, having a radius of 858.60 feet, a central angle of 17°13'29", and a long chord bearing North 9°10'33" East, 257.15 feet;

Thence North 00°33'58" East, 39.68 feet;

Thence 369.18 feet along the arc of a non-tangent curve to the left, having a radius of 1697.02 feet, a central angle of 12°27'52", and a long chord bearing North 6°47'55" East, 368.45 feet;

Thence North 00°33'58" East, 1324.59 feet to a point on the North line of the NE ¼ of said Section 35, said point bears South 89°19'03" East, 110.50 feet from the N ¼ corner of said Section 35;

Thence along said North line South 89°19'03" East, 2532.31 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described right-of-way parcel described in Instrument No. 95055309, Ada County Records, more particularly described as follows:

Attachment A (p. 5 of 6)

Commencing at the Center of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho;

Thence along the North-South mid-section line North  $00^{\circ}21'27''$  West, 478.89 feet to a point on the Southerly right-of-way of Dry Creek Road;

Thence along said right-of-way North  $57^{\circ}17'42''$  East, 175.22 feet;

Thence 75.20 feet along the arc of a curve to the right, having a radius of 561.27 feet, a central angle of  $7^{\circ}40'34''$ , and a long chord bearing North  $61^{\circ}07'58''$  East, 75.14 feet to the REAL POINT OF BEGINNING.

Thence continuing 196.82 feet along the arc of said 561.27 foot radius curve to the right, having a central angle of  $20^{\circ}15'29''$ , and a long chord bearing North  $75^{\circ}01'00''$  East, 195.81 feet;

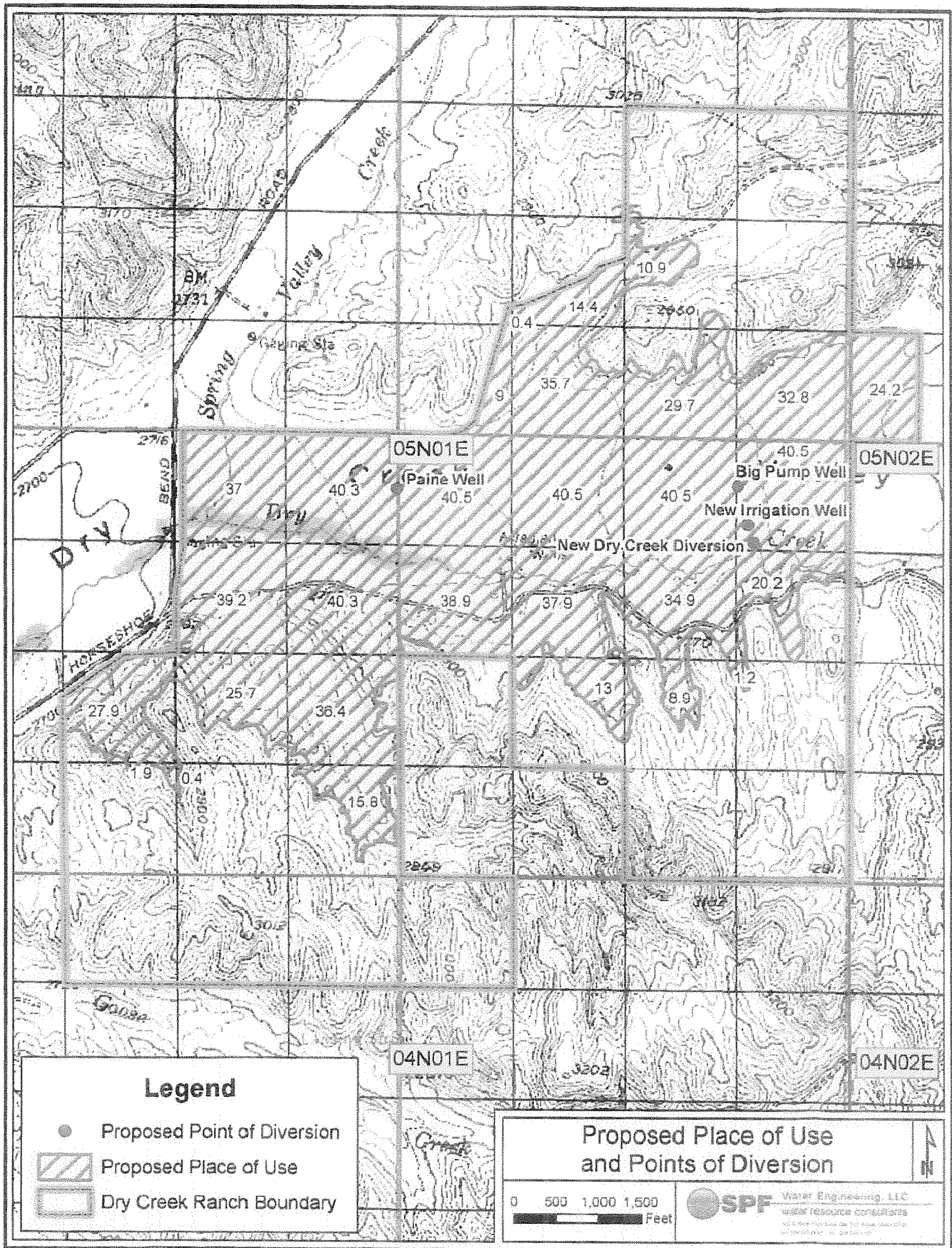
Thence North  $85^{\circ}03'42''$  East, 55.12 feet;

Thence South  $4^{\circ}56'22''$  East, 5.00 feet;

Thence 142.31 feet along the arc of a non-tangent curve to the left, having a radius of 870.00 feet, a central angle of  $9^{\circ}22'19''$ , and a long chord bearing South  $80^{\circ}22'34''$  West, 142.15 feet;

Thence South  $75^{\circ}41'13''$  West, 107.69 feet to the POINT OF BEGINNING.

Attachment A (p. 6 of 6)



Attachment B



August 4, 2008

RECEIVED

AUG 15 2008

WATER RESOURCES  
WESTERN REGION

State of Idaho  
Department of Water Resources  
IDWR/Western Region  
2735 Airport Way  
Boise, ID 83705-5082

To Whom It May Concern:

Bank of America, N.A. (the "Bank"), JMM Dry Creek, L.L.C. ("JMM") and the Dallas Police and Fire Pension System ("DPFP", together with JMM, jointly and severally, the "Borrowers") entered into that certain Loan Agreement dated as of August 15, 2005 (as amended, restated, supplemented, and/or otherwise modified, the "Loan Agreement"). Simultaneously therewith, JMM executed that certain Mortgage, Assignment of Rents, Security and Fixture Filing dated August 15, 2005 for the benefit of the Bank (as amended, restated, supplemented, and/or otherwise modified, the "Mortgage") to secure the Borrowers' obligations under the Loan Agreement and the other loan documents executed in connection therewith. The real property securing such obligation is described more particularly in Exhibit "A" hereto.

This letter is to inform you that the Bank, in its capacity as the lender under the Loan Agreement, and as the mortgagee under the Mortgage, hereby consents to the terms and conditions set forth in that certain Application for Transfer of Water Right submitted by JMM to the State of Idaho – Department of Water Resources on January 11, 2007.

This is a limited, one-time consent limited strictly to the matters contained herein.

Should you have any questions or comments regarding this matter, please feel free to contact the Bank at your convenience.

Bank of America, N.A.

By: *Adam L. McElroy*  
Its: Senior Vice President

Attachment C

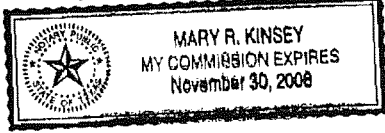
Bank of America, TX1 492-67-01  
901 Main Street, Floor 67, Dallas, TX 75202

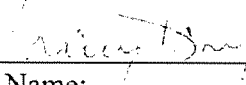
State of Texas

§  
§  
§

County of Dallas

This instrument was acknowledged before ~~me~~ on August <sup>17<sup>th</sup></sup> ~~4~~, 2008, by Nathan R. McClellan, Senior Vice President of Bank of America, N.A., a national banking association.



  
Printed Name: \_\_\_\_\_

Notary Public, State of Texas

## EXHIBIT "A"

The South half of the Northeast  $\frac{1}{4}$ , the Southeast  $\frac{1}{4}$ , and that portion of the Southwest  $\frac{1}{4}$ , lying Southeasterly of Brookside Lane in Section 25; the North half, the SE  $\frac{1}{4}$ , and the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 36; the East half of Section 35 lying East of State Highway 55, and the East half of the SW  $\frac{1}{4}$  of Section 35 lying Southeasterly of State Highway 55, Township 5 North, Range 1 East, Boise Meridian; and Government Lot 4 of Section 1, Government Lots 1, 2, and 3 of Section 2, Township 4 North, Range 1 East, Boise Meridian; and the "West 23 acres" of Government Lot 4 of Section 30, Township 5 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

BEGINNING at the corner common to Sections 25, 26, 35 and 36, Township 4 North, Range 1 East, Boise Meridian;

Thence North  $00^{\circ}06'52''$  East, 25.46 feet to the apparent center of Brookside Lane;

Thence along the center of said lane South  $88^{\circ}10'32''$  East, 414.96 feet;

Thence North  $84^{\circ}26'48''$  East, 277.62 feet;

Thence 321.30 feet along the arc of a curve to the left, having a radius of 260.00 feet, a central angle of  $70^{\circ}48'16''$ , and a long chord bearing North  $49^{\circ}02'40''$  East, 301.24 feet;

Thence North  $13^{\circ}38'31''$  East, 1286.35 feet;

Thence 81.82 feet along the arc of a curve to the right, having a radius of 70.00 feet, a central angle of  $66^{\circ}58'28''$ , and a long chord bearing North  $47^{\circ}07'45''$  East, 77.25 feet;

Thence North  $80^{\circ}37'00''$  East, 181.40 feet;

Thence North  $69^{\circ}10'10''$  East, 415.26 feet;

Thence North  $66^{\circ}37'43''$  East, 384.36 feet;

Thence 60.97 feet along the arc of a curve to the left, having a radius of 100.00 feet, a central angle of  $34^{\circ}56'01''$ , and a long chord bearing North  $49^{\circ}09'42''$  East, 60.03 feet;

Thence North  $31^{\circ}41'42''$  East 130.05 feet;

Thence 68.84 feet along the arc of a curve to the right, having a radius of 80.00 feet, a central angle of  $49^{\circ}18'14''$ , and a long chord bearing North  $56^{\circ}20'49''$ , East, 66.74 feet;

Thence North  $80^{\circ}59'55''$  East, 314.34 feet to a point on the North-South midsection line of said Section 25;

Thence departing said center of Brookside Lane along said midsection line and the East boundaries of Spring Creek Estates and Spring Creek Estates Subdivision No. 3, as same are

recorded in Book 26 of Plats at Page 1638, and Book 78 of Plats at Page 8270, respectively, records of Ada County, Idaho, North 00°31'05" East, 740.09 feet to the Northeast corner of said Spring Creek Estates;

Thence continuing along said Mid-section line North 00°46'19" East, 546.81 feet to the Southeast corner of Lot 11,

Block 3 of said Spring Creek Estates Subdivision No. 3;

Thence continuing and along the East line of said lot North 00°33'02" East 536.09 feet to the C-N 1/166 corner;

Thence along the North line of the South half of the NE ¼ of said Section 25, common to the South line of said Spring Creek Estates Subdivision No. 3, South 89°19'47" East, 417.16 feet to the Southwest corner of Lot 4, Block 3 of Spring Creek Estates No. 2, as same is recorded in Book 36 of Plats at Page 3070, records of Ada County, Idaho;

Thence continuing and along the South line of said Spring Creek Estates No. 2 South 88°47'29" East, 2244.49 feet to the Southeast corner of said Spring Creek Estates No. 2, common to the Northeast corner of the South half of the NE ¼ of said Section 25;

Thence South 00°24'44" West, 1334.19 feet to the quarter corner common to said Sections 25 and 30;

Thence South 00°38'53" West, 1302.17 feet to the Northwest corner of Government Lot 4 of said Section 30;

Thence along the North line of said lot South 88°15'28" East, 782.14 feet;

Thence South 00°38'53" West, 1302.59 feet to a point on the South line of said Lot 4;

Thence along said line North 88°17'01" West, 782.13 feet to the corner common to said Section 25, 30, 31 and 36;

Thence South 00°09'29" West, 2700.86 feet to the quarter corner common to said Section 36 and 31;

Thence South 00°22'41" West, 2612.62 feet to the Southeast corner of said Section 36;

Thence North 89°20'55" West, 2632.43 feet to the quarter corner common to said Sections 1 and 36;

Thence North 00°02'04" West, 1317.63 feet to the Center South 1/16 corner of said Section 36;

Thence North 89°06'13" West, 1319.24 feet to the Southwest 1/16 corner of said Section 36;

Thence North 00°09'52" West, 1323.24 feet to the Center West 1/16 corner of said Section 36;

Thence North 88°51'46" West, 1322.34 feet to the quarter corner common to said Sections 35 and 36;

Thence South 00°17'36" East, 2657.71 feet to the corner common to said Sections 1, 2, 35 and 36;

Thence South 89°20'44" East, 1316.16 feet to the Northeast corner of Government Lot 4 of said Section 1;

Thence South 00°01'40" East, 1335.45 feet to the Northwest 1/16 corner of said Section 1;

Thence North 89°28'42" West, 1319.47 feet to the North 1/16 corner common to said Sections 1 and 2;

Thence along the South line of Lots 1 and 2 of said Section 2 North 89°16'39" West, 2630.92 feet to a found 5/8" iron pin marking the Center North 1/16 corner of said Section 2;

Thence along the South line of Government Lot 3 North 88°12'56" West, 1335.70 feet to a found 1/2" iron pin marking the Southeast corner of Mary Glen Subdivision No. 2, as same is recorded in Book 30 of Plats at Page 1880, records of Ada County, Idaho, said point accepted as the Southwest corner of said Government Lot 3;

Thence along the West line of said Lot 3 and the West line of the East half of the SW ¼ of said Section 35 as established by the East lines of said Mary Glen Subdivision No. 2 and Mary Glen Subdivision No. 1, as same is recorded in Book 29 of Plats at Page 1781, records of Ada County, Idaho, North 00°14'11" West, 305.44 feet to a found 1/2" iron pin;

Thence North 00°09'48" West, 652.45 feet to a found 1/2" iron pin;

Thence North 00°14'28" West, 2467.41 feet to a point on the Southeasterly right-of-way of State Highway 55, said point common to the most Northerly corner of Lot 1, Block 2 of said Mary Glen Subdivision No. 1;

Thence along said right-of-way North 54°28'08" East, 854.51 feet;

Thence 46.40 feet along the arc of a curve to the left, having a radius of 1697.02 feet, a central angle of 1°33'59", and a long chord bearing North 53°41'08" East, 46.40 feet to a point on the East-West mid-section line of said Section 35;

Thence departing said right-of-way along said line South 89°30'17" East, 592.76 feet to the center of said Section 35;

Thence along the North-South mid-section line North 00°21'27" West, 609.22 feet to a point on the Southerly line of Dry Creek Road Right-of-Way described in Instrument No. 95055006;

Thence 90.01 feet along said right-of-way and along the arc of a non-tangent curve to the left, having a radius of 380.00 feet, a central angle of  $13^{\circ}34'17''$ , and a long chord bearing South  $80^{\circ}40'35''$  East, 89.80 feet;

Thence North  $57^{\circ}17'39''$  East, 38.80 feet;

Thence 296.23 feet along the arc of a curve to the right, having a radius of 611.27 feet, a central angle of  $27^{\circ}45'59''$ , and a long chord bearing North  $71^{\circ}10'42''$  East, 293.34 feet;

Thence North  $85^{\circ}03'42''$  East, 55.13 feet;

Thence North  $4^{\circ}56'17''$  West, 5.00 feet;

Thence 152.13 feet along the arc of a non-tangent curve to the left, having a radius of 930.00 feet, a central angle of  $9^{\circ}22'21''$ , and a long chord bearing South  $80^{\circ}22'33''$  West, 151.96 feet;

Thence South  $75^{\circ}41'23''$  West, 122.86 feet;

Thence 187.79 feet along the arc of a curve to the right, having a radius of 320.00 feet, a central angle of  $33^{\circ}37'27''$ , and a long chord bearing North  $87^{\circ}29'54''$  West, 185.11 feet to a point on the Easterly right-of-way of State Highway 55 lying on the North-South mid-section line of said Section 35;

Thence along said Easterly right-of-way North  $00^{\circ}21'27''$  West, 10.28 feet;

Thence 258.12 feet along the arc of a non-tangent curve to the left, having a radius of 858.60 feet, a central angle of  $17^{\circ}13'29''$ , and a long chord bearing North  $9^{\circ}10'33''$  East 257.15 feet;

Thence North  $00^{\circ}33'58''$  East, 39.68 feet;

Thence 369.18 feet along the arc of a non-tangent curve to the left, having a radius of 1697.02 feet, a central angle of  $12^{\circ}27'52''$ , and a long chord bearing North  $6^{\circ}47'55''$  East, 368.45 feet;

Thence North  $00^{\circ}33'58''$  East, 1324.59 feet to a point on the North line of the NE  $\frac{1}{4}$  of said Section 35, said point bears South  $89^{\circ}19'03''$  East, 110.50 feet from the North  $\frac{1}{4}$  corner of said Section 35;

Thence along said North line South  $89^{\circ}19'03''$  East, 2532.31 feet to the POINT OF BEGINNING.

EXCEPTING THEREFROM the following described right-of-way parcel described in Instrument No. 95055309, Ada County Records, more particularly described as follows:

Commencing at the Center of Section 35, Township 5 North, Range 1 East, Boise Meridian, Ada County, Idaho;

Thence along the North-South mid-section line North  $00^{\circ}21'27''$  West, 478.89 feet to a point on the Southerly right-of-way of Dry Creek Road;

Thence along said right-of-way North  $57^{\circ}17'42''$  East, 175.22 feet;

Thence 75.20 feet along the arc of a curve to the right, having a radius of 561.27 feet, a central angle of  $7^{\circ}40'34''$ , and a long chord bearing North  $61^{\circ}07'58''$  East, 75.14 feet to the REAL POINT OF BEGINNING.

Thence continuing 196.82 feet along the arc of said 561.27 foot radius curve to the right, having a central angle of  $20^{\circ}15'29''$ , and a long chord bearing North  $75^{\circ}01'00''$  East, 195.81 feet;

Thence North  $85^{\circ}03'42''$  East, 55.12 feet;

Thence South  $4^{\circ}56'22''$  East, 5.00 feet;

Thence 142.31 feet along the arc of a non-tangent curve to the left, having a radius of 870.00 feet, a central angle of  $9^{\circ}22'19''$ , and a long chord bearing South  $80^{\circ}22'34''$  West, 142.15 feet;

Thence South  $75^{\circ}41'13''$  West, 107.69 feet to the POINT OF BEGINNING.

|                                                                                                       |                      |                                                                                                                                                                                                          |             |                                                          |            |
|-------------------------------------------------------------------------------------------------------|----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------------------------------------------------|------------|
| <b>No. W 41798</b>                                                                                    |                      | <b>Due no later than August 31, 2006</b>                                                                                                                                                                 |             | <b>2. Registered Agent and Office NO PO BOX</b>          |            |
| <b>Return to:</b><br>SECRETARY OF STATE<br>700 WEST JEFFERSON<br>PO BOX 83720<br>BOISE, ID 83720-0080 |                      | <b>Annual Report Form</b>                                                                                                                                                                                |             | CT CORPORATION SYSTEM<br>300 N 6TH ST<br>BOISE, ID 83702 |            |
| <b>NO FILING FEE IF<br/>RECEIVED BY DUE DATE</b>                                                      |                      | <b>1. Mailing Address - Correct in this box, if applicable</b><br>JMM DRY CREEK, L.L.C.<br>2301 N AKARD STE 200<br>DALLAS, TX 75201                                                                      |             | <b>3. New Registered Agent Signature</b>                 |            |
| <b>4. Limited Liability Companies: Enter Names and Addresses of Managers.</b>                         |                      |                                                                                                                                                                                                          |             |                                                          |            |
| <u>Office held</u>                                                                                    | <u>Name</u>          | <u>Street or P.O. Address</u>                                                                                                                                                                            | <u>City</u> | <u>State</u>                                             | <u>Zip</u> |
| Mgr                                                                                                   | Mike cherrise        | 5275 S Durango Dr                                                                                                                                                                                        | Las Vegas   | NV                                                       | 89113      |
| Mgr                                                                                                   | Richard<br>Tettamont | 2301 N Akard St<br>200                                                                                                                                                                                   | Dallas      | Tx                                                       | 75201      |
| <b>5. Organized Under the Laws of:</b><br>TEXAS<br>W 41798                                            |                      | <b>6.</b><br>Signature <br>Name (Typed or Printed) <u>Mike cherrise</u><br>Date <u>6/29/06</u><br>Title <u>Manager</u> |             |                                                          |            |
| Issued 06/01/2006                                                                                     |                      | Do Not Tape or Staple                                                                                                                                                                                    |             | 200608000164                                             |            |

09/08/2006

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

---

RIGHT NUMBER: 63-32266

NAME AND ADDRESS: JMM DRY CREEK LLC  
2301 N AKARD #200  
DALLAS TX 75201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.230 CFS  
54.000 AFY

PRIORITY DATE: 03/01/1987

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION:

T05N R01E S35 NENE Within ADA County

T05N R01E S36 NENE Within ADA County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>        |
|-----------------------|----------------------|------------------------|
| IRRIGATION            | 03/01 11/15          | 0.230 CFS<br>54.00 AFY |

PLACE OF USE: IRRIGATION Within ADA County

T05N R01E S25 SESW 12.00

12 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.

This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

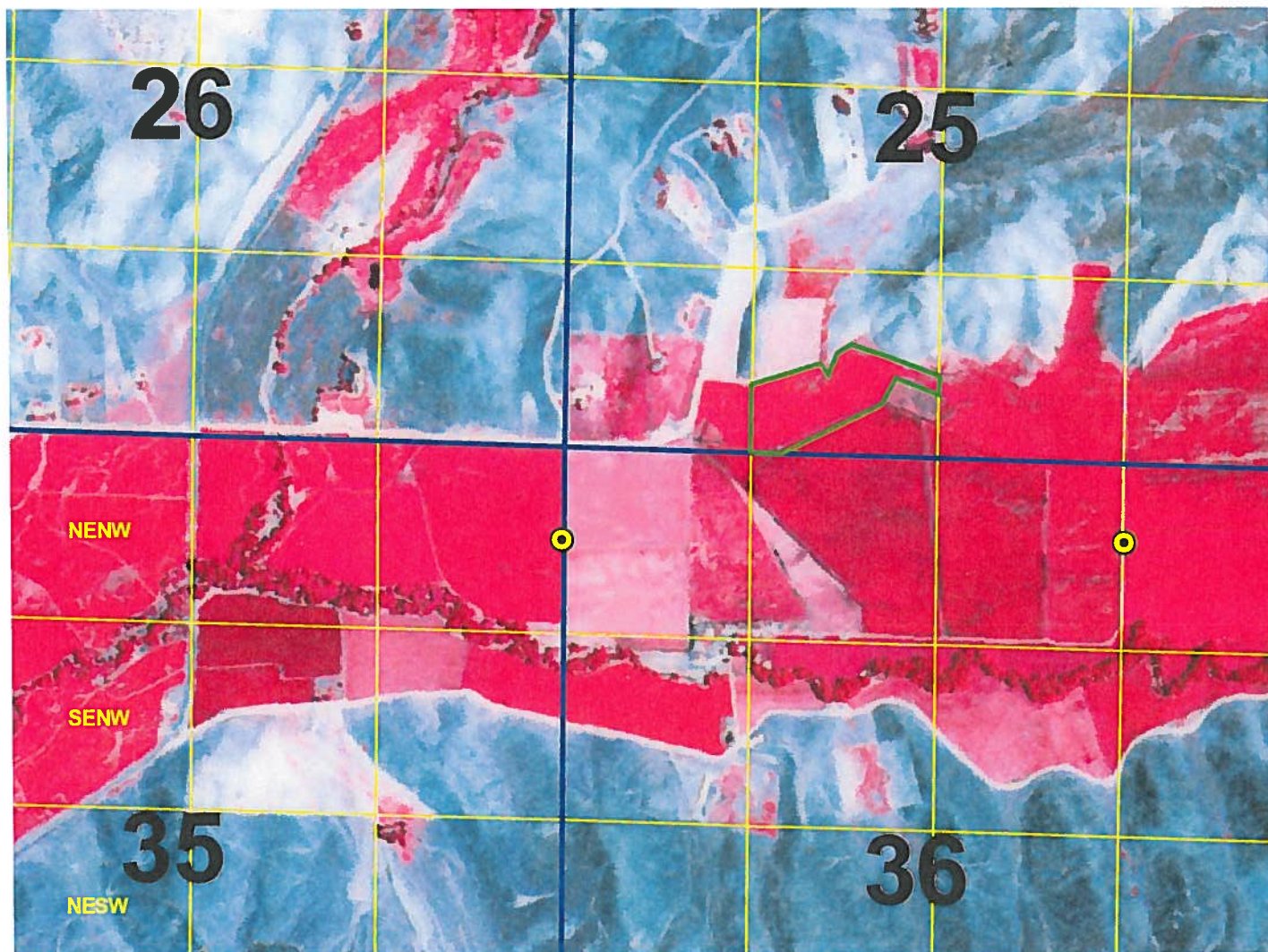
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

This right is for an enlargement of 12 acres within the place of use described for this right.



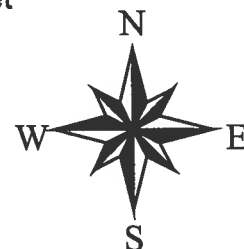
State of Idaho  
Idaho Department of Water Resources  
Western Region

**T5N R1E SECTIONS 25 , 35 and 36**  
**Water Right (s): 63-32266**



1320 0 1320 2640 3960 Feet

**TOTAL IRRIGATED ACRES = 12**



-  **Point of Diversion**
-  **Place of Use**
-  **Section Lines**
-  **Quarter Quarter Lines**

**GIS Place of Use Illustration**  
**USGS Topographic Map**  
**Prepared By: Vicky Music**  
**Date: August 2006**

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32266 V1

WATER RIGHT NUMBER: 63-32266 V1

|                   |                                                                              |
|-------------------|------------------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                                      |
| Current Owner     | JMM DRY CREEK LLC<br>2301 N AKARD #200<br>DALLAS, TX 75201<br>(702) 851-3999 |

Priority Date: 03/01/1987

Basis: Beneficial Use

Status: Active

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

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 03/01 to 11/15          | 0.230 CFS             | 54.00 AF             |
|                       | <u>Total Diversion:</u> | 0.230 CFS             | 54.00 AF             |

|                                          |            |                                 |
|------------------------------------------|------------|---------------------------------|
| <u>Location of Point(s) of Diversion</u> |            |                                 |
| GROUND WATER                             | NE1/4NE1/4 | Sec. 35, Twp 05N, Rge 01E, B.M. |
| ADA County                               |            |                                 |
| GROUND WATER                             | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. |
| ADA County                               |            |                                 |

Place of Use  
IRRIGATION Within ADA County  
T05N R01E S25    SESW    12.0  
Total Acres: 12

Conditions of Approval:

1.    K09    This right is for an enlargement of 12 acres within the place of use described for this right.
2.    C11    This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3.    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.
4.    K02    This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Recommendation Report 63-32266 V1

Comments:

1. vmusic 9/8/2006 CLAIM

Comment: 12 ACRES ENLARGMENT PER 42-1416 OF 63-2535, 63-4023B, 63-4086B, 63-7123

2. vmusic 9/8/2006 EVIDENCE OF PRIORITY

Comment: EVIDENT IN 1987 AERIAL. NO AERIAL COVERAGE BEFORE THAT. BELIEVE THIS 12 ACRES FELL THROUGH THE CRACKS. ACRES APPLIED FOR IN THE 63-7123 APPLICATION FOR PERMIT BUT THEN ONLY 4 ACRES WERE LICENSED. THE 63-7123 APPLICATION AND THE 1987 NAPP SUBSTANTIATE THAT THE ENLARGMENT OCCURRED IN THE 1970 [LIC FIELD EXAM] AND 1987 [NAPP] TIME PERIOD.

3. vmusic 9/8/2006 DIVERSION RATE

Comment: 392 ACRES TOTAL OF BASE RIGHTS + 12 ACRES = 404. 7.84 CFS / 404 AC = 0.019 CFS / ACRES X 12 ACRES = .23 CFS. RECOMMENDED .23 CFS.

Element Reviewed/Verified Dates:

| <u>Element</u> | <u>Last Reviewed Date</u> | <u>Reviewer</u> | <u>Last Verified Date</u> | <u>Verifier</u> | <u>Status</u> |
|----------------|---------------------------|-----------------|---------------------------|-----------------|---------------|
| Summary        |                           |                 | 03/08/2006                | lharris         | Active        |
| Contacts       | 9/8/2006 4:11:24 PM       | vmusic          |                           |                 | Active        |
| Priority Date  | 9/8/2006 4:14:08 PM       | vmusic          |                           |                 | Active        |
| POD            | 9/8/2006 4:15:02 PM       | vmusic          |                           |                 | Active        |
| Source         | 9/8/2006 4:19:39 PM       | vmusic          |                           |                 | Active        |
| POU            | 9/8/2006 4:20:15 PM       | vmusic          |                           |                 | Active        |
| Use            | 9/8/2006 4:21:26 PM       | vmusic          |                           |                 | Active        |
| Season         | 9/8/2006 4:21:53 PM       | vmusic          |                           |                 | Active        |
| Quantity       | 9/8/2006 4:22:54 PM       | vmusic          |                           |                 | Active        |
| Summary        |                           |                 | 09/08/2006                | vmusic          | Active        |

Verification Log:

| <u>Element</u> | <u>Date Time Stamp</u> | <u>Reviewer</u> | <u>Log text</u>                                 |
|----------------|------------------------|-----------------|-------------------------------------------------|
| POD            | 9/8/2006 4:16:32 PM    | vmusic          | Updated shape                                   |
| Contacts       | 9/8/2006 4:11:25 PM    | vmusic          | (No) 1. Do you want to schedule an appointment? |
|                |                        |                 | Comment for 1: DESKTOP REVIEW                   |
| POD            | 9/8/2006 4:18:15 PM    | vmusic          | Updated shape                                   |

## IDAHO DEPARTMENT OF WATER RESOURCES

## Adjudication Recommendation Report 63-32266 V1

|        |                     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------|---------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Source | 9/8/2006 4:19:39 PM | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim an Application or Permit?</p> <p>(No) 6. Is the basis of claim a Posted Notice?</p> <p>(No) 7. Is there evidence that there has been a change in the source?</p> <p>(Yes) 10. Does the file contain all the necessary information to verify the source?</p> <p>(No) 11. Is a Source remark and/or condition required?</p> <p>Description for Question 10 - DUREING LICENSING OF OVERLAPS</p>                                                                                                                   |
| POU    | 9/8/2006 4:20:16 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(Yes) 2b. Is the POU required?</p> <p>(No) 3. Is the basis of claim a Application or Permit?</p> <p>(No) 7. Is there evidence that there has been a change in the POU?</p> <p>(Yes) 13. Does the file contain all the necessary information to verify the POU?</p> <p>(Yes) 14. Is a POU remark and/or condition required?</p> <p>Description for Question 13 - AERIALS, LICENSING EXAM OF OVERLAPS</p>                                                                                                                               |
| Use    | 9/8/2006 4:21:26 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Purpose of Use?</p> <p>(Yes) 11. Does the file contain all the necessary information to verify the Water Use?</p> <p>(No) 13. Is a Purpose of Use remark and/or condition required?</p> <p>Description for Question 10,11,12 - AERIALS</p>                                                                                                                                                           |
| Season | 9/8/2006 4:21:54 PM | vmusic | <p>(No) 1. Is the basis of claim Decree or License?</p> <p>(No) 2. Is the basis of claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the Period of Use?</p> <p>(Yes) 12. Does the file contain all the necessary information to verify the Period of Use?</p> <p>(No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined?</p> <p>(Yes) 15. Is irrigation claimed as a Purpose of Use?</p> <p>(No) 18. Is a Period of Use remark and/or condition required?</p> |

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32266 V1

|          |                     |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------|---------------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Quantity | 9/8/2006 4:22:55 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is the basis of claim a posted notice?</p> <p>(No) 7. Is a flow measurement required?</p> <p>(Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit?</p> <p>(Yes) 10. Is a irrigation a purpose of use?</p> <p>(Yes) 12. Is a Quantity remark or condition required?</p> <p>Description for Question 7 - FLOW MEASURED DURING LICENSING EXAM</p> <p>Description for Question 10 - 12 AC X 4.5 AFA = 54 AFA</p>                                                                                                                                                                                                                      |
| Summary  | 9/8/2006 4:32:45 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice?</p> <p>(Yes) 3. Is the water being used for all of the purposes claimed and to the extent claimed?</p> <p>(Yes) 5. Does this right have any combined use limits with other rights?</p> <p>(Yes) 6. Is an additional remark and/or condition required?</p> <p>(Yes) 7. Would you like to view the recommended right?</p> <p>(No) 8. Is this a split or combined right?</p> <p>(No) 9. Do you have documents you would like to attach or link to the file?</p> <p>(Yes) 10. Would you like to set the verification date?</p>                                                                                                                                                                                                 |
| General  | 9/8/2006 4:14:08 PM | vmusic | <p>(No) 1. Should this water use have been included in a later court decree of the water rights from this source?</p> <p>(No) 4. Is the basis of claim decree or license?</p> <p>(No) 7. Is the basis of claim a Application or Permit?</p> <p>(No) 8. Is the basis of claim a posted notice?</p> <p>(Yes) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use?</p> <p>(Yes) 11. Is this claim an enlargement or expansion under 42-1426 or 42-1416B?</p> <p>(Yes) 12. Does the claim file contain sufficient evidence of Priority Date?</p> <p>(Yes) 15. Is the basis of claim coded correctly?</p> <p>(No) 16. Is a Priority Date remark and/or condition required?</p> <p>Description for Question 12/13 - 1987 NAPP AND 63-7123 APPLICATION FOR PERMIT</p> |
| POD      | 9/8/2006 4:15:03 PM | vmusic | <p>(No) 1. Is the basis of this claim a Decree or License?</p> <p>(No) 2. Is the basis of this claim a Application or Permit?</p> <p>(No) 6. Is there evidence that there has been a change in the POD?</p> <p>(Yes) 9. Does the file contain all the necessary information to verify the POD?</p> <p>(Yes) 10. Is a POD remark and/or condition required?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32266 V1

|         |                     |         |                                                                                                                                                                                                  |
|---------|---------------------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| POU     | 9/8/2006 4:20:55 PM | vmusic  | Updated shape for Active POU                                                                                                                                                                     |
| Summary | 3/8/2006 1:42:58 PM | lharris | (No) 1. Is the basis of this claim a Decree,<br>License, Permit, Application or Posted Notice?<br>(Yes) 3. Is the water being used for all of the<br>purposes claimed and to the extent claimed? |

Water Supply Bank:

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-32266

WATER RIGHT NUMBER: 63-32266

Owner Type                      Name and Address  
 Current Owner                  JMM DRY CREEK LLC  
                                          2301 N AKARD #200  
                                          DALLAS, TX 75201  
                                          (702) 851-3999

Priority Date: 03/01/1987

Basis: Beneficial Use

Status: Active

$392 \text{ ac} + 12 = 404 \text{ total acres} / 1.84 \text{ cfs}$

Source

GROUND WATER

Tributary

$1.84 / 404 = .019 \times 12 = .23$

| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-----------------------|-------------------------|-----------------------|----------------------|
| IRRIGATION            | 03/01 to 11/15          | 0.240 CFS             | 54.00 AF             |
|                       | <u>Total Diversion:</u> | 0.240 CFS             | 54.00 AF             |

$.23$

Location of Point(s) of Diversion

|              |            |                                 |
|--------------|------------|---------------------------------|
| GROUND WATER | NE1/4NE1/4 | Sec. 35, Twp 05N, Rge 01E, B.M. |
| ADA County   |            |                                 |
| GROUND WATER | NE1/4NE1/4 | Sec. 36, Twp 05N, Rge 01E, B.M. |
| ADA County   |            |                                 |

Place of Use

IRRIGATION

| Twp | Rge | Sec | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |    | Totals |
|-----|-----|-----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|--------|
|     |     |     | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE |        |
| 05N | 01E | 25  |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |
|     |     |     |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 12.0   |

K02-1C 42-1416

K09-P04

Conditions of Approval:

Priority E11 enlargement of: 63-2535, 63-4023B  
 Subordination 63-4086B, 63-7123

Remarks:Comments:

**IDAHO DEPARTMENT OF WATER RESOURCES**  
**ADJUDICATION CLAIM POD REVIEW REPORT**  
**ADJUDICATION CLAIM NUMBER: 63-32266**

09/08/2006

1

| <b>ater Right #</b> | <b>Type</b> | <b>Twp</b> | <b>Rge</b> | <b>Sec</b> | <b>QQ</b> | <b>Q</b> | <b>Lot</b> | <b>Source</b> | <b>Name</b>       |
|---------------------|-------------|------------|------------|------------|-----------|----------|------------|---------------|-------------------|
| 63-2535             | Claim       | 05N        | 01E        | 35         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |
| 63-4023B            | Claim       | 05N        | 01E        | 35         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |
| 63-32266            | Claim       | 05N        | 01E        | 35         | NE        | NE       |            | GROUND WATER  | JMM DRY CREEK LLC |
| 63-4086             | Claim       | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  |                   |
| 63-4086B            | Claim       | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |
| 63-7123             | Claim       | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |
| 63-32266            | Claim       | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  | JMM DRY CREEK LLC |
| 63-2535             | Water Right | 05N        | 01E        | 35         | NE        | NE       |            | GROUND WATER  | KARL PAINE        |
| 63-4086             | Water Right | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |
| 63-7123             | Water Right | 05N        | 01E        | 36         | NE        | NE       |            | GROUND WATER  | JULIUS JEKER      |

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-32266

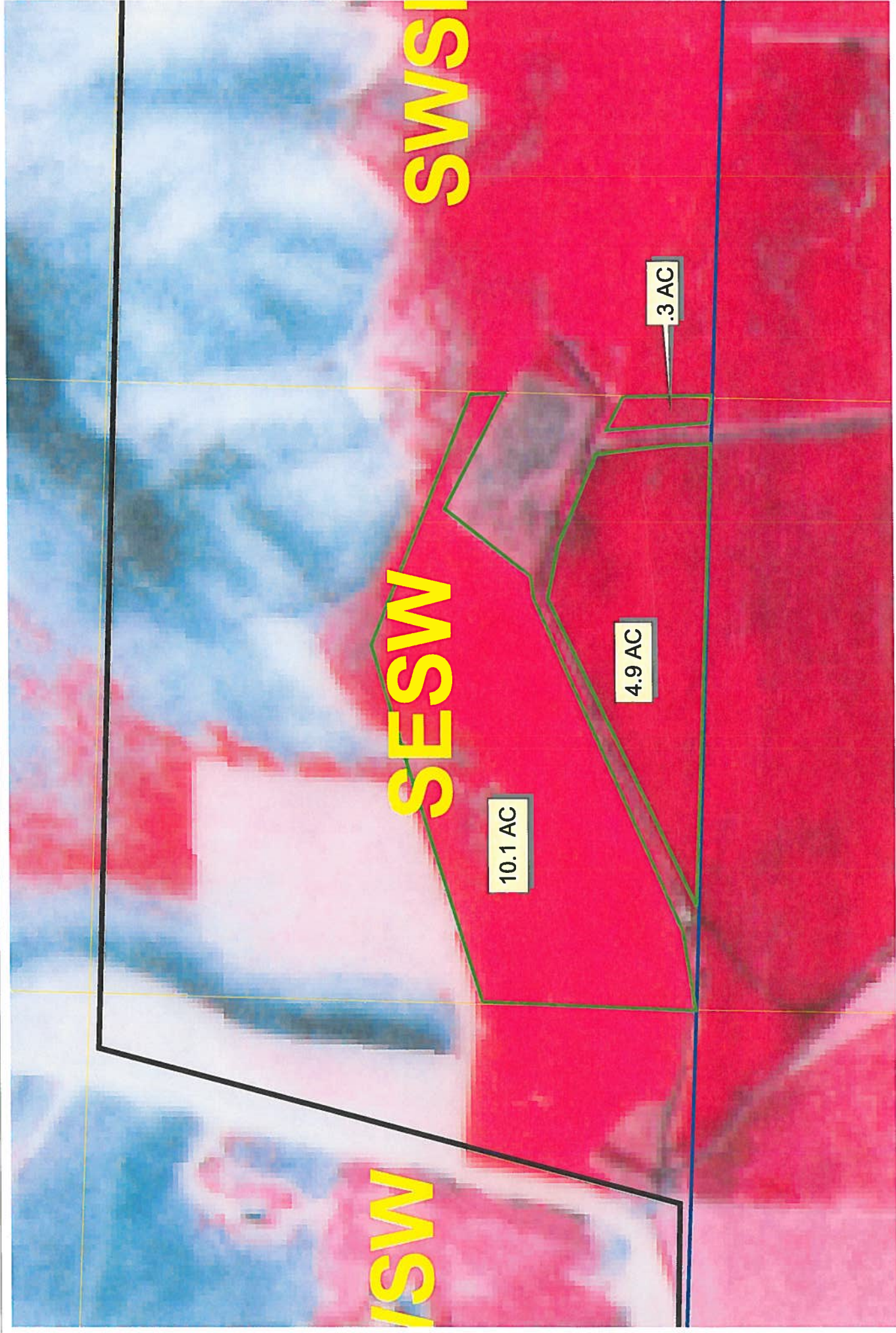
09/08/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name              |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-------------------|
| 1086B   | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/359       | JULIUS JEKER      |
| 7123    | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/351       | JULIUS JEKER      |
| 32266   | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 12/         | JMM DRY CREEK LLC |
| 4086    | Water Right | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/473       | JULIUS JEKER      |
| 7123    | Water Right | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/473       | JULIUS JEKER      |



63-32266 -- 1992 AERIAL. SESW SECTION 25 - POU OF ENLARGEMENT CLAIM FOR 12 ACRES. 4 ACRES LICENSED UNDER OTHER RIGHTS.



63-32266 -- 1987 NAPP. SESW SECTION 25 - POU OF ENLARGEMENT CLAIM FOR 12 ACRES. 4 ACRES LICENSED UNDER OTHER RIGHTS. AT LEAST 15.3 ACRES ARE IRRIGATED .

RECEIVED

MAR 08 2006

WATER RESOURCES  
WESTERN REGION

March 7, 2006

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

Attention: Jan Shurte

*Subject: JMM Dry Creek, LLC Late Claim for 12 acres*

Dear Jan,

Enclosed on behalf of JMM Dry Creek, LLC is a notice of claim to 12 acres of irrigation in T5N R1E Section 25 SESW. This claim is an enlargement of rights 63-2535, 63-4086B, 63-7123, and 63-4023B, which are diverted from the same wells. If there is any question on ownership of this property, your office has a notice of ownership change and supporting documents including deed for these other water rights and we are awaiting processing of this change and subsequent NCAP. Also enclosed is a check payable to IDWR for \$112 based on \$50 fee for the claim, \$50 \* late claim fee, and \$12 at \$1 per claimed acre. If I have erred in determining the fee amount, please let me know. Also, please feel free to contact me with any questions or requests for additional information.

Sincerely,



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

cc: JMM Dry Creek, LLC

File: 434.0020

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM POU REVIEW REPORT  
ADJUDICATION CLAIM NUMBER: 63-32266

03/08/2006

1

| Right # | Type        | Twp | Rge | Sec | QQ | Q  | Lot | Purpose of Use | Acres/Total | Name              |
|---------|-------------|-----|-----|-----|----|----|-----|----------------|-------------|-------------------|
| 1086B   | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/359       | JULIUS JEKER      |
| 7123    | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/351       | JULIUS JEKER      |
| 32266   | Claim       | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 12/         | JMM DRY CREEK LLC |
| 4086    | Water Right | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/473       | JULIUS JEKER      |
| 7123    | Water Right | 05N | 01E | 25  | SE | SW |     | IRRIGATION     | 4/473       | JULIUS JEKER      |

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 63-32266  
Date Received: 3/8/2006  
Receipt No:  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JMM DRY CREEK LLC Phone: (702) 851-3999  
C/O LAND BARON INVESTMENTS  
5275 S DURANGO DR  
LAS VEGAS NV USA 89113

2. Date of Priority: 03/01/1987

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 01E   | 35      | NE NE                 | ADA    |      |
| 05N      | 01E   | 36      | NE NE                 | ADA    |      |

5. Description of diverting works:

Two wells supply sprinkler system.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/15 | 0.24   | 54         |

7. Total Quantity Appropriated is:  
0.24 C.F.S. and/or 54 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 |
|---------------|-------|---------|------------|-----|------------|-------|
| 05N           | 01E   | 25      | SE         | SW  | IRRIGATION | 12    |
| Section Acres |       |         |            |     |            | 12    |
| Total Acres   |       |         |            |     |            | 12    |

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 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.

This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.

This right is for an enlargement of 12 acres within the place of use described for this right.

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 392 acres in a single irrigation season.

15. Basis of Claim: Beneficial Use

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 63-32266  
Date Received: 3/8/2006  
Receipt No: W033925  
Received By:

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

JMM DRY CREEK LLC Phone: (702) 851-3999  
2301 N AKARD #200  
DALLAS TX USA 75201

2. Date of Priority: 03/01/1987

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of 1/4 of 1/4 Lot | County | Type |
|----------|-------|---------|-----------------------|--------|------|
| 05N      | 01E   | 35      | NE NE                 | ADA    |      |
| 05N      | 01E   | 36      | NE NE                 | ADA    |      |

5. Description of diverting works:

Two wells supply sprinkler system.

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 03/01 | 11/15 | 0.24   | 54         |

7. Total Quantity Appropriated is:  
0.24 C.F.S. and/or 54 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 |
|----------|-------|---------|------------|-----|---------------|-------|
| 05N      | 01E   | 25      | SE         | SW  | IRRIGATION    | 12    |
|          |       |         |            |     | Section Acres | 12    |
|          |       |         |            |     | Total Acres   | 12    |

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: 63-2535, 63-4086B, 63-7123, 63-4023B also diverted from same points of diversion.

14. Remarks:

15. Basis of Claim: Beneficial Use

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 *A63-32266*  
Date Received: *3-8-06*  
Receipt No: *W033925*  
Received By:

RECEIVED

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

MAR 08 2006

WATER RESOURCES  
WESTERN REGION

1. Name of Claimant(s)

JMM DRY CREEK, LLC

Phone: (702) 851-3999

2301 N AKARD #200  
DALLAS, TX 75201

2. Date of Priority: March 1, 1987

3. Source: Ground water

Trib. to:

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 Lot | County | Type |
|----------|-------|---------|--------|--------|---------|--------|------|
| 5N       | 1E    | 35      |        | NE     | NE      | Ada    |      |
| "        | "     | 36      |        | NE     | NE      | "      |      |

5. Description of diverting works:

Two wells supply sprinkler system.

6. Water is used for the following purposes:

| Purpose    | From | To    | C.F.S. | (or) A.F.A |
|------------|------|-------|--------|------------|
| Irrigation | 3/1  | 11/15 | 0.24   | 54.0       |

7. Total Quantity Appropriated is:

0.24 cfs

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| TWP | RNG | SEC | NE ¼ |     |     |     | NW ¼ |     |     |     | SW ¼ |     |     |     | SE ¼ |     |     |     | totals |
|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|------|-----|-----|-----|--------|
|     |     |     | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ | NE¼  | NW¼ | SW¼ | SE¼ |        |
| 5N  | 1E  | 25  |      |     |     |     |      |     |     |     |      |     |     | 12  |      |     |     |     | 12     |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |
|     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |      |     |     |     |        |

Total number of acres irrigated 12

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: Rights 63-2535, 63-4086B, 63-7123, and 63-4023B also diverted from same points of diversion.

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am Manager of  
JMM Dry Creek, LLC, that I have signed the foregoing  
document in the space below as Manager of  
JMM Dry Creek, LLC and that the statements contained in the  
foregoing document are true and correct.  
Richard E. Tettamant  
Signature of Authorized Agent

Manager, JMM Dry Creek, LLC  
Title and Organization

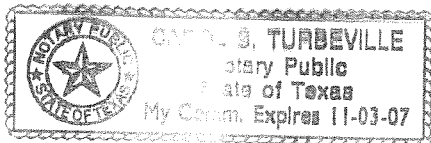
February 28, 2006  
Date

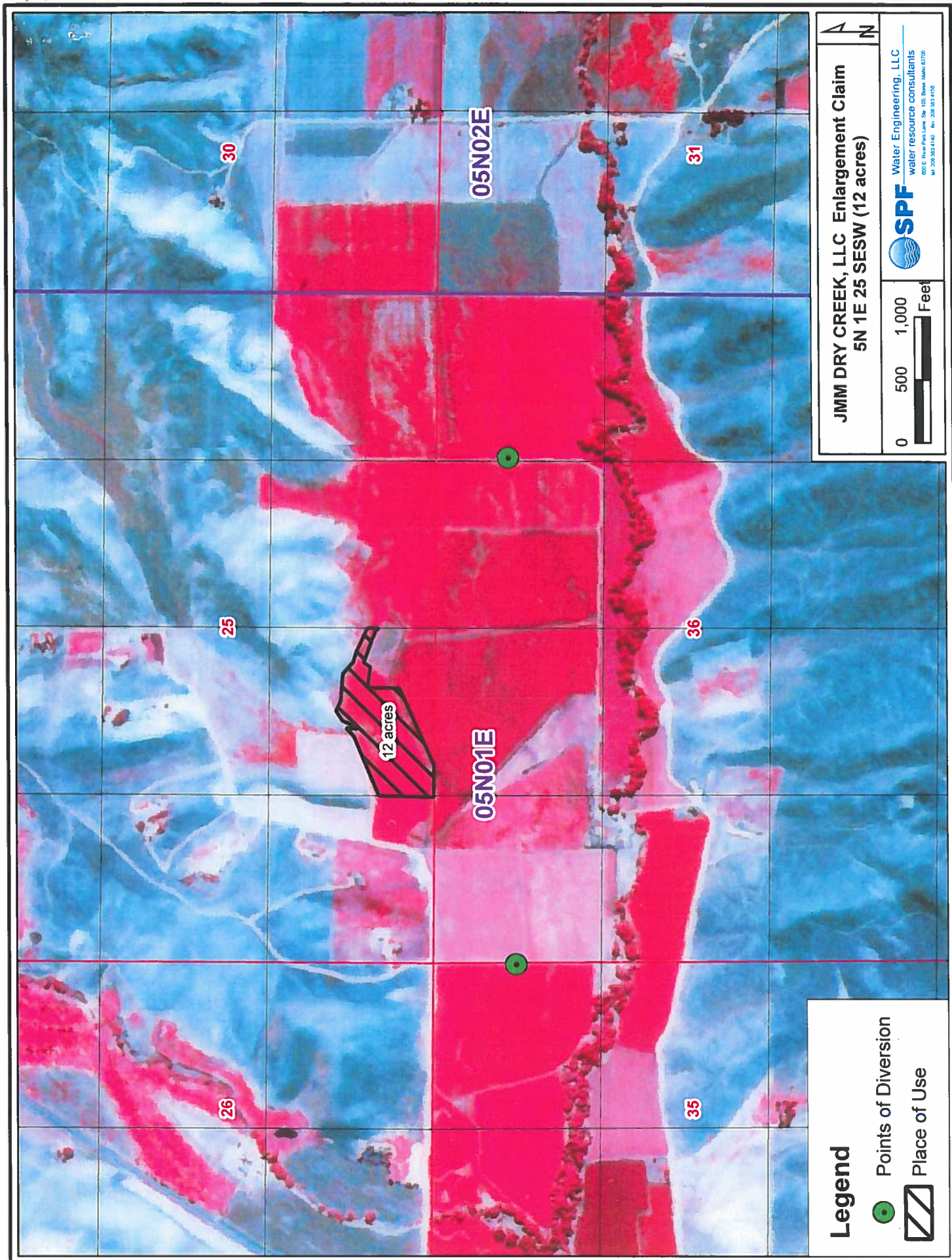
State of Texas TEXAS )  
County of Dallas ) SS.

Subscribed and sworn (or affirmed) before me this  
of Feb. 28 2006

Carol S. Turbeville  
Notary Public

Residing at 2301 N. Akard St., Suite 200  
Dallas, TX 75201  
My commission Expires 11/03/07





JMM DRY CREEK, LLC Enlargement Claim  
5N 1E 25 SESW (12 acres)

0 500 1,000 Feet

Water Engineering, LLC  
water resource consultants  
600 E River Park Lane Ste 100 Boise Idaho 83706  
BOI 200 363 4142 MT 200 363 4125

**Legend**

- Points of Diversion
- Place of Use

# Idaho Department of Water Resources Receipt

Receipt ID W033925

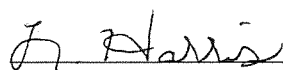
|                       |          |                      |                     |               |         |               |
|-----------------------|----------|----------------------|---------------------|---------------|---------|---------------|
| <b>Payment Amount</b> | \$112.00 | <b>Date Received</b> | 3/8/2006 1:28:03 PM | <b>Region</b> | Western | <b>Status</b> |
| <b>Payment Type</b>   | Check    | <b>Check Number</b>  | 1039                |               |         |               |

**Payer** JMM DRY CREEK LLC

Comment Adjudication Claim Fee

## Fee Detail

| Amount  | Description             | Fund | FD | PCA   | SO   |
|---------|-------------------------|------|----|-------|------|
| \$62.00 | ADJUDICATION FILING FEE | 0337 |    | 42503 | 1155 |
| \$50.00 | ADJUDICATION LATE FEE   | 0337 |    | 42503 | 1155 |



Signature Line (Dept. Representative)