

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 63-2786B
Date Received: 10/16/2006
Receipt No: W034793
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TDB-NAMPA LLC Phone: (214)638-3863
2301 N AKARD ST SUITE 200
DALLAS TX USA 75201

2. Date of Priority: 09/20/1949

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
03N	02W	18	NW NE	CANYON	

5. Description of diverting works:

A well located approximately 10 ft north of the south quarter-quarter line in the NW 1/4 of the NE1/4 of Section 18 and approximately 150 yards from southwest property corner.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/01	11/15	0.6	

7. Total Quantity Appropriated is:
0.5 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
03N	02E	18	NW	NE	IRRIGATION	29
					Section Acres	29
					Total Acres	29

11. Place of use in counties: CANYON

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

13. Other Water Rights Used: Approximately 26.9 miners inches of water from the Pioneer Irrigation District.

14. Remarks:

This claim is for a portion of water right 63-2786 for the supplemental use of ground water to irrigate approximately 25 acres in NW1/4 of the NE1/4 of Section 18, T3N, R2W.

15. Basis of Claim: License

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

CIVIL CASE NUMBER: 39576
(portion of)

OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

Ident. Number 63-2786 **B**
Date Received:
Receipt No: **W034793**
Received By:

RECEIVED

OCT 16 2006

**WATER RESOURCES
WESTERN REGION**

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

1. Name of Claimant(s)

TDB-Nampa, LLC
2301 N. Akard Street, Ste. 200
Dallas, Texas 75201

Phone: 214-638-3863

2. Date of Priority: **September 20, 1949**

3. Source: **Ground water**

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
T3N	R2W	18	NW NE	Canyon	

5. Description of diverting works:

A well located approximately 10 feet north of the south quarter-quarter line in the NW ¼ of the NE ¼ of Section 18 and approximately 150 yards from southwest property corner.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
Irrigation	3/1	11/15	0.60	

7. Total Quantity Appropriated is:

0.50 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	
3N	2E	18		29															

Total number of acres irrigated 25 acres

11. Place of use in counties: **Canyon**

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

13. Other Water Rights Used:

Approximately 26.9 miner's inches of water from the Pioneer Irrigation District

14. Remarks:

This claim is for a portion of water right 63-2786 for the supplemental use of ground water to irrigate approximately 25 acres in the NW ¼ of the NE ¼ of Section, 18, T3N R2W (see attached map).

15. Basis of Claim: **License**

16. Signature(s)

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am Manager of
 Title
TDB Nampa, LLC, that I have signed the foregoing
 Organization
 document in the space below as Manager of
 Title

TDB Nampa, LLC and that the statements contained in the
 Organization
 foregoing document are true and correct. Richard D. Tetamant
 Signature of Authorized Agent

Manager, TDB Nampa, LLC

Title and Organization

July 26, 2006

Date

State of ~~Idaho~~ TEXAS)
) SS.
 County of DALLAS)

Subscribed and sworn (or affirmed) before me this
 of 26th July 2006

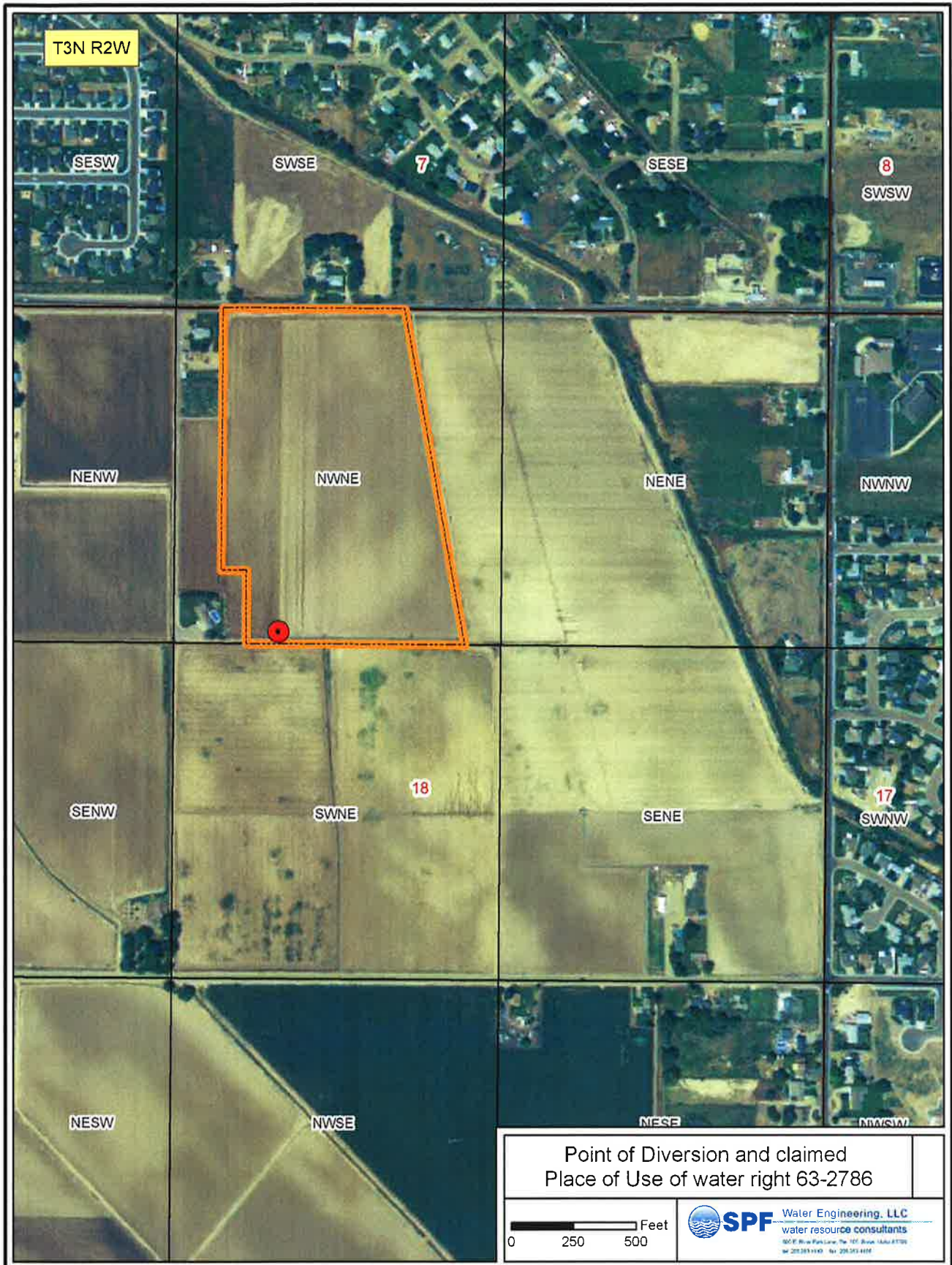
Erica Renee Ramsey
 Notary Public

NOTARY



Residing at Dallas County

My commission Expires March 3, 2010



200606672

RECORDED

JUN 31 AM 11 17

6 HOEL HALES

CANYON CNTY RECORDER

) R. Silver Stream

ALLIANCE - NAMPA

REQUEST

TYPE Deed FEE 39.00

Exhibit 6

After recording, please return to:

Alliance Title & Escrow Corp.
250 South Fifth Street, Suite 100
Boise, ID 83702
Attn: David Choate

AT- 5100517591

SPECIAL WARRANTY DEED

FOR VALUE RECEIVED SilverStream, LLC, an Idaho limited liability company, whose address is 4066 W. Quail Ridge Drive, Boise, Idaho 83703, ("Grantor"), does hereby bargain, sell, and convey, unto TDB Nampa, LLC, a Texas liability company, whose address is 2301 N. Akard, Suite 200, Dallas, TX 75201 ("Grantee") all that parcel of land located in Canyon County, Idaho ("Premises") more particularly described in Exhibit A to this Special Warranty Deed.

TO HAVE AND TO HOLD the Premises, with its appurtenances unto Grantee, and Grantee's successors and assigns forever.

Grantor does hereby covenant to and with Grantee, that the Grantor is the owner in fee simple of the Premises; that the Premises are free from all encumbrances created or suffered by Grantor, except those made, suffered or done by Grantee, and except the matters set forth on Exhibit B to this Special Warranty Deed and except general taxes and assessments, including utility assessments for the current year, which are not yet due and payable, and that Grantor will warrant and defend the same forever from all other lawful claims. By accepting this Special Warranty Deed, Grantee acknowledges and understands that Grantee is accepting the Premises from Grantor in an "As-Is" condition with all faults, including both latent and patent defects.

SPECIAL WARRANTY DEED - 1

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Ex. 6, pg 1 of 13

AUG. 30. 2006 9:43AM

MEUIHAN MOLLERUP

NO. 618 P. 3

IN WITNESS WHEREOF, Grantor has caused its partnership name to be hereunto subscribed this 27 day of January, 2006.

GRANTOR:

SilverStream, LLC, an Idaho limited liability company

Dixie Grant
Dixie Grant, Manager

GRANTEE:

TDB Nampa, LLC, a Texas liability company

By: _____

Richard Tettamant, Manager

SPECIAL WARRANTY DEED - 2

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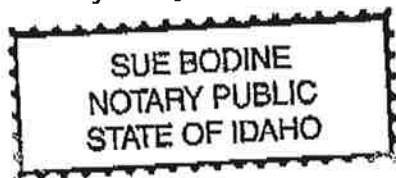
STATE OF IDAHO)

) ss.

County of Ada)

On this 27th day of January, 2006, before me, a Notary Public in and for said State, personally appeared DIXIE GRANT, known or identified to me to be the manager of SilverStream, LLC, an Idaho limited liability company, the limited liability company who executed the foregoing instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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



Sue Bodine
Notary Public for Idaho

Residing at: _____

My commission expires: Commission Expires 9-9-09
Residing in Boise, Idaho

STATE OF TEXAS)

) ss.

County of _____)

On this _____ day of _____, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared RICHARD TETTAMANT, known or identified to me to be the manager of TDB NAMPA, LLC, the liability company who executed the foregoing instrument or the person who executed the instrument on behalf of said liability company, and acknowledged to me that such corporation executed the same.

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

Notary Public for Idaho

Residing at: _____

My commission expires: _____

SPECIAL WARRANTY DEED - 3

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IN WITNESS WHEREOF, Grantor has caused its partnership name to be
hereunto subscribed this ____ day of _____, 2006.

GRANTOR:

SilverStream, LLC, an Idaho limited liability
company

Dixie Grant, Manager

GRANTEE:

TDB Nampa, LLC, a Texas liability company

By: Richard T. Tettamant
Richard Tettamant, Manager

SPECIAL WARRANTY DEED - 2

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STATE OF IDAHO)
) ss.
County of Ada)

On this ____ day of _____, 2006, before me, a Notary Public in and for said State, personally appeared DIXIE GRANT, known or identified to me to be the manager of SilverStream, LLC, an Idaho limited liability company, the limited liability company who executed the foregoing instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability company executed the same.

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

Notary Public for Idaho

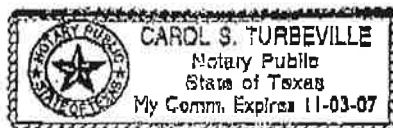
Residing at: _____

My commission expires: _____

STATE OF TEXAS)
) ss.
County of Dallas)

On this 22 day of JANUARY, 2006, before me, a Notary Public in and for the State of Idaho, personally appeared RICHARD TETTAMANT, known or identified to me to be the manager of TDB NAMPA, LLC, the liability company who executed the foregoing instrument or the person who executed the instrument on behalf of said liability company, and acknowledged to me that such corporation executed the same.

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



Carol S. Turbeville

Notary Public for Idaho
Residing at: Dallas
My commission expires: 11-03-07

SPECIAL WARRANTY DEED - 3

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EXHIBIT A

Special Warranty Deed Legal Description

(attached hereto)

SPECIAL WARRANTY DEED - 4

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Pa 6 of 13

Exhibit A

Parcel A:

A part of the North half of the Northeast Quarter and a part of the Southeast Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, in Canyon County, Idaho, more particularly described to wit:

Commencing at the Northwest corner of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian; thence
South 89°28'50" East (formerly South 89°28' East and North 89°50' East) 922.00 feet to the INITIAL POINT OF THIS DESCRIPTION; thence
South 8°59'20" East 1343.96 feet (formerly of record South 9°20' East 1345 feet), to a point on the South line of the North half of the said Northeast Quarter, said point being
South 89°30'45" East 1144 feet from the Southwest corner of the said North half; thence
South 89°30'45" East 158.42 feet (formerly of record North 89°29'55" East 176 feet more or less), along the said South line, to the Northwest corner of the North half of the Southeast Quarter of the said Northeast Quarter; thence
South 0°30'50" West 662.70 feet, along the West line of the said North half of the Southeast Quarter of the Northeast Quarter to the Southwest corner thereof; thence
South 89°31'40" East 1302.49 feet along the South line of the said North half of the Southeast Quarter of the Northeast Quarter, to the Southeast corner thereof; thence
North 0°30'30" East (formerly of record North 0°30'33" East) 81.22 feet, along the East line of the said North half of the Southeast Quarter of the Northeast Quarter to a point which is South 0°30'30" West, 1905.39 feet from the Northwest corner of the said Northeast Quarter; thence
meandering along a line parallel to and 35 feet Easterly of the centerline of the Elijah Drain
North 35°35'15" West 163.04 feet, (formerly of record North 35°29' West 163.43 feet); thence
North 22°28' West 993.90 feet; thence
North 23°04'30" West 937.46 feet, to a point on the North line of the said Northeast Quarter; thence
leaving said line parallel to and 35 feet Easterly of the centerline of the Elijah Drain,
North 89°28'50" West (formerly of record North 89°28' West and South 89°50' West) 443.24 feet, along the said North line to the Northwest corner of the Northeast Quarter of the said Northeast Quarter, said corner also being the Northeast corner of the Northwest Quarter of the said Northeast Quarter; thence continue
North 89°28'50" West 380.30 feet (formerly of record 398 feet more or less), to the INITIAL POINT OF THIS DESCRIPTION.

EXCEPT that portion thereof lying within the West 1118 feet of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Parcel A-1:

The Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho;

EXCEPT the west 1118 feet thereof;

AND EXCEPT that portion thereof lying easterly of the following described line:
Commencing at the Northwest corner of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian; thence
South 89°28'50" East (formerly South 89°28' East and North 89°50' East) 922.00 feet to the INITIAL POINT OF THIS LINE DESCRIPTION; thence

Chicago Title

SPECIAL WARRANTY DEED - 5

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South 8°59'20" East 1343.96 feet (formerly of record South 9°20' East 1345 feet), to a point on the South line of the North half of the said Northeast Quarter, said point being South 89°30'45" East 1144 feet from the Southwest corner of the said Northwest Quarter of the Northeast Quarter, and the TERMINUS OF THIS LINE DESCRIPTION.

Parcel B:

The Southwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Parcel C:

The West 1118 feet of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho;

EXCEPT the West 953 feet of the aforesaid parcel.

Parcel D:

A parcel located in the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Northeast Quarter of Section 18, thence Easterly 700 feet along the North boundary line of said section to the TRUE POINT OF BEGINNING; thence

Easterly 253 feet along the North boundary line of said section; thence South 1037 feet parallel to the East boundary line of said section; thence Westerly 253 feet parallel to the North boundary line of said section; thence North 1037 feet parallel to the East boundary line of said section to the TRUE POINT OF BEGINNING.

Parcel E:

The West 700 feet of the North 1037 feet of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho;

EXCEPT therefrom the West 200 feet of the North 1037 feet of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Parcel F:

The West 953 feet of the Northwest Quarter Northeast Quarter, Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho, less the following two exceptions, to wit:

Exception 1:

The North 1037 feet of the West 953 feet of the Northwest Quarter Northeast Quarter, Section 18, Township 3 North, Range 2 West, Boise Meridian, Canyon County, Idaho.

Exception 2:

A part of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, of the Boise Meridian, more particularly described to wit:

Chicago Title

SPECIAL WARRANTY DEED - 6

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Commencing at the Southwest corner of the Northwest Quarter of the Northeast Quarter of Section 18, Township 3 North, Range 2 West, of the Boise Meridian, the INITIAL POINT OF THIS DESCRIPTION; thence North 0°31'54" East 290.0 feet along the West line of said Northwest Quarter of the Northeast Quarter; thence South 89°29'55" East 300.0 feet; thence South 0°31'54" West 290.0 feet; thence North 89°29'55" West 300.0 feet along the South line of said Northwest Quarter of the Northeast Quarter to the INITIAL POINT OF THIS DESCRIPTION.

Chicago Title

SPECIAL WARRANTY DEED - 7

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EXHIBIT B

SPECIAL WARRANTY DEED PERMITTED EXCEPTIONS

This conveyance is made subject to all liens, claims, easements, restrictions, reservations, irregularities, encroachments, rights of way, clouds on title, encumbrances and other exceptions to title of record or otherwise existing upon or against the Property including, but not limited to, those visible upon a physical inspection of the Property and any liens for taxes and assessments. This conveyance is also made subject to those exceptions to title disclosed by the title commitment, which are attached to and made a part of this Exhibit B.

COMMITMENT FOR TITLE INSURANCE

Order No.: 5100517591AK

SCHEDULE B - SECTION 2

Schedule B of the policy or policies to be issued will contain exceptions to the following matters unless the same are disposed of to the satisfaction of the Company:

A. Defects, liens, encumbrances, adverse claims or other matters, if any, created first appearing in the public records or attaching subsequent to the effective date hereof but prior to the date the proposed Insured acquires of record for value the estate or interest or mortgage thereon covered by this commitment.

B. General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easements, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

C. Special Exceptions:

1. General Taxes for the year 2006, a Lien, but not yet due and payable.
2. Liens, levies and assessments of the City of Mampa.
Affects: North 33 feet of Parcels D and E.
3. Levies and assessments of the Pioneer Irrigation District, and the rights, powers and easements of said district as by law provided.
4. Right of the public in and to that portion of the premises lying within the right-of-way of W. Karcher Road.
Affects: Parcels A, C, D and E.
5. Right of the public in and to that portion of the premises lying within the right-of-way of N. Middleton Road.
Affects: Parcel A.

Chicago Title

SPECIAL WARRANTY DEED - 9

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6. Right of the public in and to that portion of the premises lying within the right-of-way of Flamingo Avenue.
Affects: Parcel B.
7. Right-of-way for Elijah Drain, and the rights of access thereto for maintenance of said drain.
Affects: Parcel A.
8. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: State of Idaho.
Purpose: Public Highway.
Recorded: November 20, 1931.
Book: 13 of Miscellaneous.
Page: 500, of Official Records.
Affects: Parcels A, C, D and E.
9. An easement for the purpose shown below and rights incidental thereto as set forth in document.
Granted to: Idaho Power Company.
Purpose: Public Utilities.
Recorded: March 21, 1947.
Instrument No.: 336015, of Official Records.
Affects: Parcel F.
10. An easement for the purpose shown below and rights incidental thereto, as reserved in a document.
Purpose: Use of sufficient water from well.
Recorded: April 7, 1972.
Instrument No.: 681175, of Official Records.
Affects: Parcels A-I, C, D, E and F.
11. An easement for the purpose shown below and rights incidental thereto as set forth in a document.
Granted to: City of Nampa.
Purpose: Sewer.
Recorded: February 25, 2000.
Instrument No.: 200006668, of Official Records.
Affects: Parcel A.

Chicago Title

SPECIAL WARRANTY DEED - 10

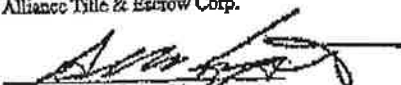
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12. Matters disclosed by ALTA/ACSM Survey by Idaho Survey Group, P.C. under Job No. 05-975 dated December 22, 2005 and last revised January 11, 2005 (sic) as follows:

- a) A 12-inch corrugated metal pipe in the southeasterly corner of Parcel A crosses into the northeasterly adjoiner.
- b) An irrigation box and 12-inch pipe situated on the southerly line of Parcel A cross into the southerly adjoiner.
- c) An overhead power line, with poles, is situated on the northerly portion of Parcels A, C, D and E.
- d) A domestic waterline runs across the northerly portion of Parcels A, C, D and E.
- e) A telephone manhole is located on the northerly portion of Parcel C.
- f) A concrete ditch across the southerly portion of Parcels C and F crosses into property adjacent to Parcel F on the West.
- g) An overhead power line, with poles, runs across the southerly portion of Parcel B.
- h) An 8-inch corrugated metal pipe in the southwest corner of Parcel B runs onto property adjacent to Parcel B on the West.
- i) A box culvert in the southwest corner of Parcel B crosses into property adjacent to the south.
- j) A gas line runs along the easterly most line of Parcel A.

END OF SCHEDULE B

Countersigned at Boise, ID
Alliance Title & Escrow Corp.


Authorized Officer of Agent

Change Title

SPECIAL WARRANTY DEED - 11

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12/11/2006

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

RIGHT NUMBER: 63-2786B

NAME AND ADDRESS: TDB-NAMPA LLC
2301 N AKARD ST SUITE 200
DALLAS TX 75201

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.500 CFS
117.000 AFY

PRIORITY DATE: 09/20/1949

POINT OF DIVERSION:

T03N R02W S18 NWNE Within CANYON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

03/01 11/15

0.500 CFS
117.00 AFY

PLACE OF USE:

IRRIGATION in CANYON County

T03N R02E S18

NWNE 26.00

26 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

This right is a split from former right 63-2786.

Right No.63-2786A is also diverted through point of diversion described above.

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



Idaho Department of Water Resources

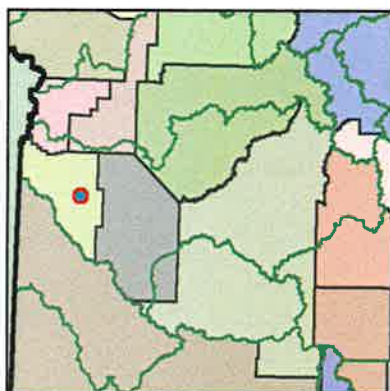
SRBA Recommendation:

63-2786B

(Irrigation)

Legend

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



Canyon County
IDWR Basin 63



0 0.1 0.2 Miles

Prepared by V. Music
On Monday, December 11, 2006
1987/88 Aerial Photography

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2786B V1

WATER RIGHT NUMBER: 63-2786B V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TDB-NAMPA LLC 2301 N AKARD ST SUITE 200 DALLAS, TX 75201 (214)638-3863

Priority Date: 09/20/1949

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/01 to 11/15	0.500 CFS	117.00 AF
	<u>Total Diversion:</u>	0.500 CFS	117.00 AF

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 18, Twp 03N, Rge 02W, B.M.
CANYON 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	
03N	02E	18																	26.0

Total Acres: 26

Conditions of Approval:

1. P21 This right is a split from former right 63-2786.
2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
3. F05 Right No.63-2786A is also diverted through point of diversion described above.
4. W40 Use of this right is combined with water from Pioneer Irrigation District.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-2786B V1

Comments:

1. Vmusic 12/8/2006 RECOMMENDATION
Comment: RECOMMENDED 26 ACRES AND .5 CFS CLAIMED
2. Vmusic 12/8/2006 CLAIM
Comment: CLAIMED QUANTITY AND ACRES NOT CONSISTENT IN CLAIM

Dates and Other Information:

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

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	12/8/2006 10:17:55 AM	Vmusic			Active
Priority Date	12/8/2006 10:18:24 AM	Vmusic			Active
Source	12/8/2006 10:21:49 AM	Vmusic			Active
POU	12/8/2006 10:22:20 AM	Vmusic			Active
Use	12/8/2006 10:23:20 AM	Vmusic			Active
Season	12/8/2006 10:23:40 AM	Vmusic			Active
Quantity	12/8/2006 10:31:14 AM	Vmusic			Active
Summary			12/08/2006	Vmusic	Active
POD	12/11/2006 9:23:47 AM	Vmusic			Active
Source	12/11/2006 9:34:34 AM	Vmusic			Active
POU	12/11/2006 9:34:48 AM	Vmusic			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2786B V1

Source	12/11/2006 9:34:34 AM	Vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/11/2006 9:34:47 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License?
POD	12/11/2006 9:23:45 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (Yes) 5. Can the claimed POD be verified using the water right file? (Yes) 10. Is a POD remark and/or condition required?
POU	12/11/2006 9:35:10 AM	Vmusic	Updated shape for Active POU
Quantity	12/8/2006 10:31:14 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (Yes) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (Yes) 10. Is a irrigation a purpose of use? (No) 12. Is a Quantity remark or condition required?
POD	12/11/2006 9:33:58 AM	Vmusic	Updated shape
Source	12/8/2006 10:21:50 AM	Vmusic	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
POU	12/8/2006 10:22:20 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
Use	12/8/2006 10:23:21 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2786B V1

Season	12/8/2006 10:23:40 AM	Vmusic	(Yes) 1. Is the basis of claim Decree or License? (No) 4. Does the Decree or License have a Period of Use? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (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? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Summary	12/8/2006 10:32:40 AM	Vmusic	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (Yes) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Contacts	12/8/2006 10:17:55 AM	Vmusic	(No) 1. Do you want to schedule an appointment?
General	12/8/2006 10:18:24 AM	Vmusic	Comment for 1: license (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

Water Supply Bank:



RECEIVED

OCT 16 2006

WATER RESOURCES
WESTERN REGION

October 12, 2006

Lori Graves
IDWR - Western Region
2735 Airport Way
Boise, ID 83705

Subject: Adjudication claim for a portion of water right 63-2786

Dear Lori,

Please find enclosed an adjudication claim for a portion of water right 63-2786 submitted on behalf of TDB-Nampa, LLC. Also enclosed is a warranty deed for the subject property and a check for \$50 to cover the cost of processing the application.

In advance, thank you for your efforts. Please call me if you have any questions regarding this claim.

Sincerely,

Christian R. Petrich, Ph.D., P.E., P.G.
Principal Engineer/Hydrologist

cc: Mike Baldner, Meuleman Mollerup LLP
Richard Tettament, TDB-Nampa, LLC

Enclosures: SRBA claim for water right 63-2786
\$50 check

Document Info:

Filename: S:\Projects\A thru D Projects\C Projects\Chernine,
Mike_434\0030_TDBNampa\Docs\SRBA_Claim_submittal(CPtoIDWR).doc
SPF file number: 434.0030



RECEIVED
OCT 18 2006
WATER RESOURCES
WESTERN REGION

October 17, 2006

Lori Graves
IDWR - Western Region
2735 Airport Way
Boise, ID 83705

Subject: Adjudication claim for a portion of water right 63-2786

Dear Lori,

Please find enclosed a check for \$50 to cover the increase for adjudication claim 63-2786.

Sincerely,

Pam McEwan
Office Manager

Enclosures: \$50 check

Document Info:

Filename: S:\Projects\A thru D Projects\C Projects\Chernine, Mike_434\0030_TDBNampa\Docs\SRBA_Claim_submittal(CPtoIDWR)
additional claim.doc
SPF file number: 434.0030

W034795

**IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POU REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2786B**

12/08/2006

1

Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Purpose of Use	Acres/Total	Name
1786B	Claim	03N	02E	18	NW	NE		IRRIGATION	29/29	TDB-NAMPA LLC
21954	Claim	03N	02E	18	NW	NE		IRRIGATION	0.5/0.5	KATHLEEN H WRASPIR
11613	Water Right	03N	02E	18	NW	NE		INDUSTRIAL		BENCH SEWER DIST
21954	Claim	03N	02E	18	NW	NE		COMMERCIAL		KATHLEEN H WRASPIR
2576	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2605	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2874	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2954	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2956	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
2989	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
3164	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7067	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7577	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
7998	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
19456	Claim	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC
3105	Water Right	03N	02E	18	NW	NE		MUNICIPAL		UNITED WATER IDAHO INC

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM POD REVIEW REPORT
ADJUDICATION CLAIM NUMBER: 63-2786B

12/08/2006

1

ater Right #	Type	Twp	Rge	Sec	QQ	Q	Lot	Source	Name
63-2786	Claim	03N	02W	18	NW	NE		GROUND WATER	
63-2786A	Claim	03N	02W	18	NW	NE		GROUND WATER	BILL FELLER
63-2786B	Claim	03N	02W	18	NW	NE		GROUND WATER	TDB-NAMPA LLC
63-30482	Claim	03N	02W	18	NW	NE		GROUND WATER	BRYAN L GUCHES
63-2786	Water Right	03N	02W	18	NW	NE		GROUND WATER	J H ROSKELLEY

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 63-2786

WATER RIGHT NUMBER: 63-2786

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	J H ROSKELLEY 307 4TH ST S NAMPA, ID 83651
Current Owner	HANNAH F ROSKELLEY 307 4TH ST S NAMPA, ID 83651

Priority Date: 09/20/1949

Basis: License

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /		
IRRIGATION	/ to /	0.620 CFS	
<u>Total Diversion:</u>		0.620 CFS	

Location of Point(s) of Diversion

GROUND WATER	NW1/4NE1/4	Sec. 18, Twp 03N, Rge 02W, B.M.
CANYON County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
03N	02W	18																	31.0

Total Acres: 31

DOMESTIC same as IRRIGATION

Licensed Date: 8/28/1979
 Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant:
 Decree Plaintiff:
 Civil Case Number:
 Judicial District:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-2786 V1

4. X01 Domestic use is for 1 home and does not included irrigation.
5. W40 Use of this right is combined with water from Pioneer Irrigation District.

Remarks:

Comments:

1. vmusic 8/14/2006 POU ACRES

Comment: ONLY APPROX 3.6 ACRES OF THE 5 OWNED ARE IRRIGATED IN THE 1987 TO RECENT AERIALS

2. vmusic 8/14/2006 QUANTITY

Comment: LICENSED FOR .1 CFS FOR IRRIGATION AND DOMESTIC. CLAIMED .14 . RECOMMENDED THE LICENSED QUANTITY

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

Water Supply Bank: