

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 78730

APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant Russell K. Anderson Phone (208) 351-6258
Mailing Address P.O. Box 176, Irwin, ID 83428 Email _____

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☒ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☒ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☒ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.

Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Keith C. Wilson c/o Rocky Mountain Environmental Associates Inc. Phone (208) 524-2353 / Fax 524-1795
Mailing address 482 Constitution Way, Ste 303, Idaho Falls, ID 83402 Email kwilson@rockymountainenvironmental.com

☐ Send all correspondence for this application to the representative and not to the applicant.

OR

☒ Send original correspondence to the applicant and copies to the representative.

☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.

OR

☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). 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 rejection of the application or cancellation of an approval.


Signature of Applicant or Authorized Representative

Russell K. Anderson
Print Name and Title if applicable

12/14/12
Date

Signature of Applicant or Authorized Representative

Print Name and Title if applicable

Date

A. PURPOSE OF TRANSFER

- ☒ Change Point of Diversion ☐ Add diversion point(s) ☒ Change Place of use
☐ Change Nature of Use ☐ Change Period of Use ☐ Other _____
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.2**:
Applicant has purchased 0.11 cfs of water rights 23-11364, 23-11358, 23-11360, 23-11362 & 23-11356 & proposes to change the place of use to the East side of Rainey Creek with in the same SE¼NE¼ Sec 5, T01N, R44E. The 0.11 cfs is equivalent to 5 ac of Irrigation. See Attachment # 9 for the acres of water right in each subdivision lot & the calculated portion of each right. The water rights comes from Lot-2 (3.4 ac) & Lot-3 (1.4 ac) in the SW¼NE¼ & from Lot-2 (0.2 ac) in the SE¼NE¼, Sec 5, T05N, R44E. [(3.4 ac)+(1.4 ac)+(0.2 ac) = 5.0 acres]. A companion transfer will transfer the remaining 12.5 ac from Lot-2 (0.1 ac), Lot-3 (2.4 ac), Lot-5 (3.9 ac), & Lot-6 (6.1 ac) within the E¼NE¼, Sec 5, T01N, R44E [0.1 + 2.4 + 3.9 + 6.1 = 12.5 ac].

78730

RECEIVED

AUG 21 2013

Department of Water Resources
Eastern Region
Amended

Rev. 07/11

Page _____ of _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	All or Part	Right Number**	Amount ** (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
	☐ ☒	23-11364	0.04 cfs	Irrigation	04/15 to 10/31	Rainey Creek
	☐ ☒	23-11358	0.03 cfs	Irrigation	04/15 to 10/31	Rainey Creek
	☐ ☒	23-11360	0.06 cfs	Irrigation	04/15 to 10/31	Rainey Creek
	☐ ☒	23-11362	0.03 cfs	Irrigation	04/15 to 10/31	Rainey Creek
	☐ ☒	23-11356	0.11 cfs	Irrigation	04/15 to 10/31	Rainey Creek
	☐ ☐				to	
	☐ ☐				to	
	☐ ☐				to	
Total Authorized under rights <u>0.11</u> cfs and/or _____ ac-ft						

2. Total amount of water being transferred or changed 0.11 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
 Label it Attachment #5. N/A

New ?	Lot	1/4	1/4	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes		SE	NE	5	4N	44E	Bonneville	Rainey Creek	
		SW	SE	33	2N	44E	BONNEVILLE	RAINEY CREEK	BILL'S DITCH

4. Point(s) of Diversion: Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5				5													5.0

5.0 acres within a 10.0 acre parcel

Total Acres (for irrigation use): 5.0

** See Attachment #9 for Calculations

AMENDED

78730

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

B. DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.

1.	Right Number**	Amount** (cfs/ac-ft)	Nature of Use	Period of Use	Source & Tributary
All or Part					
☐ ☒	23-11364	0.04 cfs	Irrigation	04/15 to 10/31	Rainey Creek
☐ ☒	23-11358	0.03 cfs	Irrigation	04/15 to 10/31	Rainey Creek
☐ ☒	23-11360	0.06 cfs	Irrigation	04/15 to 10/31	Rainey Creek
☐ ☒	23-11362	0.03 cfs	Irrigation	04/15 to 10/31	Rainey Creek
☐ ☒	23-11356	0.11 cfs	Irrigation	04/15 to 10/31	Rainey Creek
☐ ☐				to	
☐ ☐				to	
☐ ☐				to	
Total Authorized under rights <u>0.11</u> cfs and/or _____ ac-ft					

2. Total amount of water being transferred or changed 0.11 cubic feet per second and/or _____ acre-feet per annum.

3. Point(s) of Diversion:

- ☐ No changes to point(s) of diversion are proposed-the following chart is therefore not completed. (Proceed to #4).
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA.
Label it Attachment #5. N/A

New ?	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Source	Local Name or tag #
Yes			SE	NE	5	1N	44E	Bonneville	Rainey Creek	

4. Point(s) of Diversion: Place of use: (If irrigation, identify with number of acres irrigated per 1/4 1/4 tract.)

- ☐ No changes to place of use are proposed-the following chart is therefore not completed. (Proceed to #5)

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
01N	44E	5				5													5.0

5.0 acres within a 10.0 acre parcel

Total Acres (for irrigation use): 5.0

** See Attachment #9 for Calculations

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

RECEIVED
AUG 21 2013
Department of Water Resources
Eastern Region

Amended

Part 1.B DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES.

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

ump in Rainey Creek to mainline with sprinklers. A totalizing meter and a lockable electrical panel would
accommodate controlling works should they be required now or in the future.

Bills Ditch headgate, an existing structure, will divert the water to ditches for flood irrigation of the place of use.

Control of the ditch will be the responsibility of the water master with appropriate measuring devices

- b. Who owns the property at the point(s) of diversion? Applicant Existing Ditch

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒

If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage, or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

Place of use will not be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) of use: N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes	No	
☐	☒	undergone a period of five or more consecutive years of non-use,
☐	☒	currently leased to the Water Supply Bank,
☐	☒	currently used in a mitigation plan limiting the use of water under the right, or
☐	☒	currently enrolled in a Federal set-aside program limiting the use of water under the rights?

If yes, describe: _____

AMENDED

7873 0

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1 Continued

Part 1.B DESCRIPTION OF RIGHT(S) AFTER THE REQUESTED CHANGES.

5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:

Pump in Rainey Creek to mainline with sprinklers. A totalizing meter and a lockable electrical panel would accommodate controlling works should they be required now or in the future.

- b. Who owns the property at the point(s) of diversion? Applicant

If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system: _____

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? No ☒
If yes, ☐ Attach a notarized statement from the holder of the lien, deed of trust, mortgage, or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien:

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

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

Place of use will not be irrigated.

- e. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) of use: N/A

- f. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- | | | |
|--------------------------|-------------------------------------|---|
| ☐ | ☒ | undergone a period of five or more consecutive years of non-use, |
| ☐ | ☒ | currently leased to the Water Supply Bank, |
| ☐ | ☒ | currently used in a mitigation plan limiting the use of water under the right, or |
| ☐ | ☒ | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe: _____

SUPERCEDED

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 23-11364

- [illegible]

2. Lands irrigated or place of use: (if irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

[illegible]

Total Acres (for irrigation use)

See Attachment #9 for Diversion Rate & Acre Calculations:

0.04 cfs for 1.6 acres within 4.8 acres in the SWNE (3.4 ac of Lot #2 + 1.4 ac of Lot #3) and the 0.2 ac in the SENW from Lot 2 within five acres (3.4 ac + 1.4 ac + 0.2 ac = 5.0ac) of irrigation located in Block 1, Swan Valley Meadows Div #1 (in the S½NE¼ T05N, R44E).

78730

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 23-11358

- [illegible]

3. Lands irrigated or place of use: (if irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

See Attachment #9 for Diversion Rate & Acre Calculations:

0.03 cfs for 1.3 acres within 4.8 acres in the SWNE (3.4 ac of Lot #2 + 1.4 ac of Lot #3) and the 0.2 ac in the SENW from Lot 2 within five acres (3.4 ac + 1.4 ac + 0.2 ac = 5.0 ac) of irrigation located in Block 1, Swan Valley Meadows Div #1 (in the S½NE¼ To5N, R44E).

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2B

☒ Complete and attach one copy of **Part 2B** for each right for which only a portion is proposed to be changed.

Right Number: 23-11356

- [illegible]

6. Lands irrigated or place of use: (if irrigation, identify with number of acres irrigated per $\frac{1}{4}$ $\frac{1}{4}$ tract.)

[illegible]

Total Acres (for irrigation use)

See Attachment #9 for Diversion Rate & Acre Calculations:

0.11 cfs for 5.0 acres in the 4.8 acres in the SWNE (3.4 ac of Lot #2 + 1.4 ac of Lot #3) and the 0.2 ac in the SENW from Lot 2 for five acres (3.4 ac + 1.4 ac + 0.2 ac = 5.0 ac) of irrigation located in Block 1, Swan Valley Meadows Div #1 (in the S½N¼ T05N, R44E).

78730

APPLICATION FOR TRANSFER OF WATER RIGHT

Part 3

☒ Attach a map of the diversion, measurement, control, and distribution system. Label it **Attachment #7a**.

☒ If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. Label it **Attachment #7b**. If the place of use currently consists of a permissible place of use, then the attachment is not required if the application contains a clear statement that the boundaries for the place of use are not proposed to be changed by the transfer and the total number of irrigated acres within the place of use before and after the transfer is clearly stated.

☐ If you propose to change the nature of use or period of use of all or part of the right(s) listed in this application, attach documentation describing the extent of historic beneficial use of the portion of the right(s) proposed to be changed. Also attach documentation showing that the portion of the right(s) to be changed will not be enlarged in rate, volume, or consumptive use through the proposed change. Label it **Attachment #8a**.

☐ If you propose to change the place of use of a supplemental irrigation right, answer below and attach supporting documentation. Label it **Attachment #8b**.

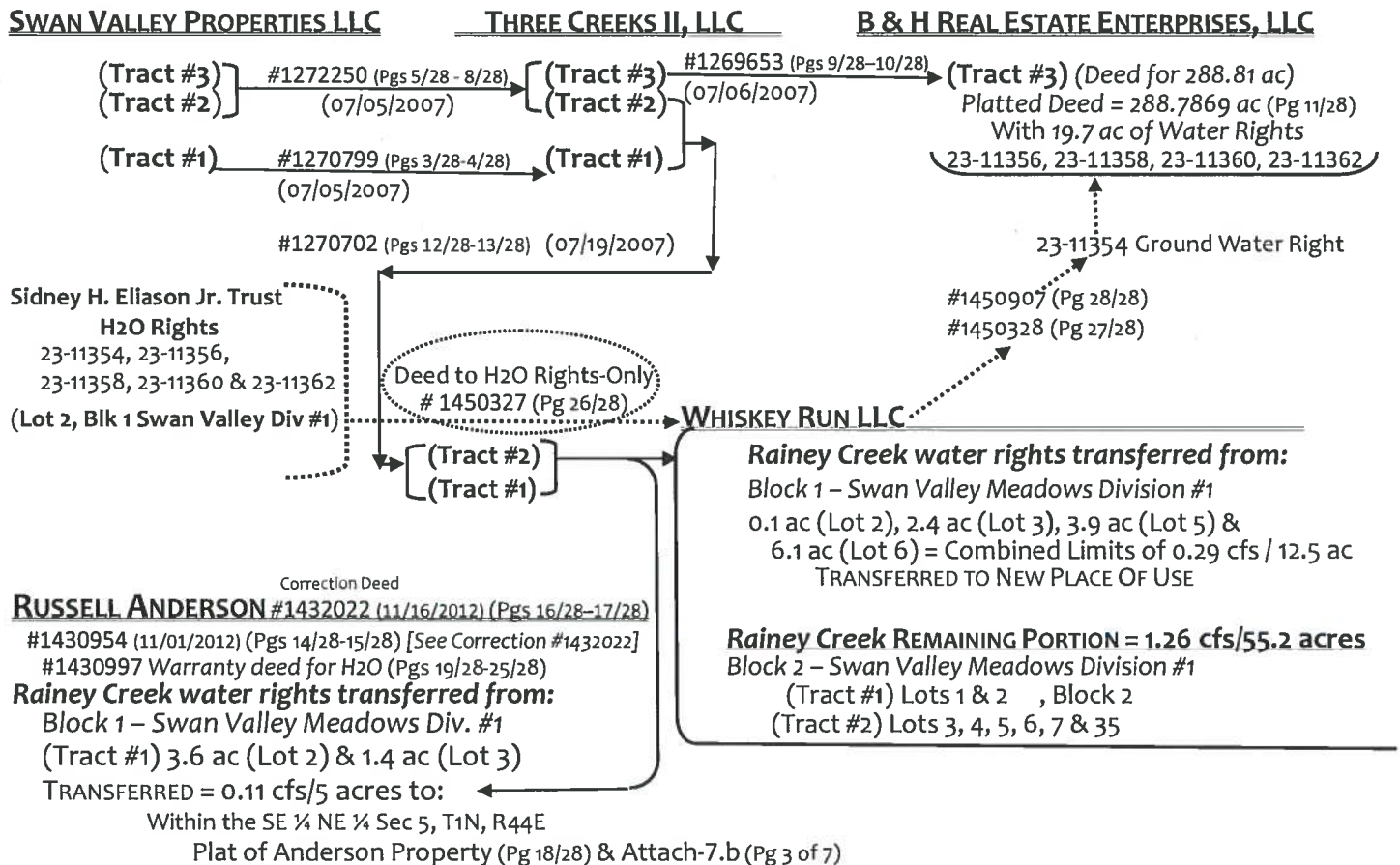
Describe how the supplemental water rights have been used historically in conjunction with other water rights at the existing place of use. Describe the time during the irrigation season that the supplemental rights have been used. Include information about the availability or reliability of the primary right(s) being supplemental, both before and after the change. If the applicant is proposing to change a supplemental irrigation right to a primary right, provide the information required on part 3B above:

Transfer contains _____ pages and _____ attachments.
 Received by SC Date 7/19/13 Prelim. Check by _____ Date _____
 Fee Paid 250- Date 7/19/13 Received by SC Receipt # E038905
 Add'l Fee Paid _____ Date _____ Received by _____ Receipt # _____

7873 0

THE FOLLOWING CHAIN OF TITLE IS A SUMMARY OF THE ATTACHED DEEDS:

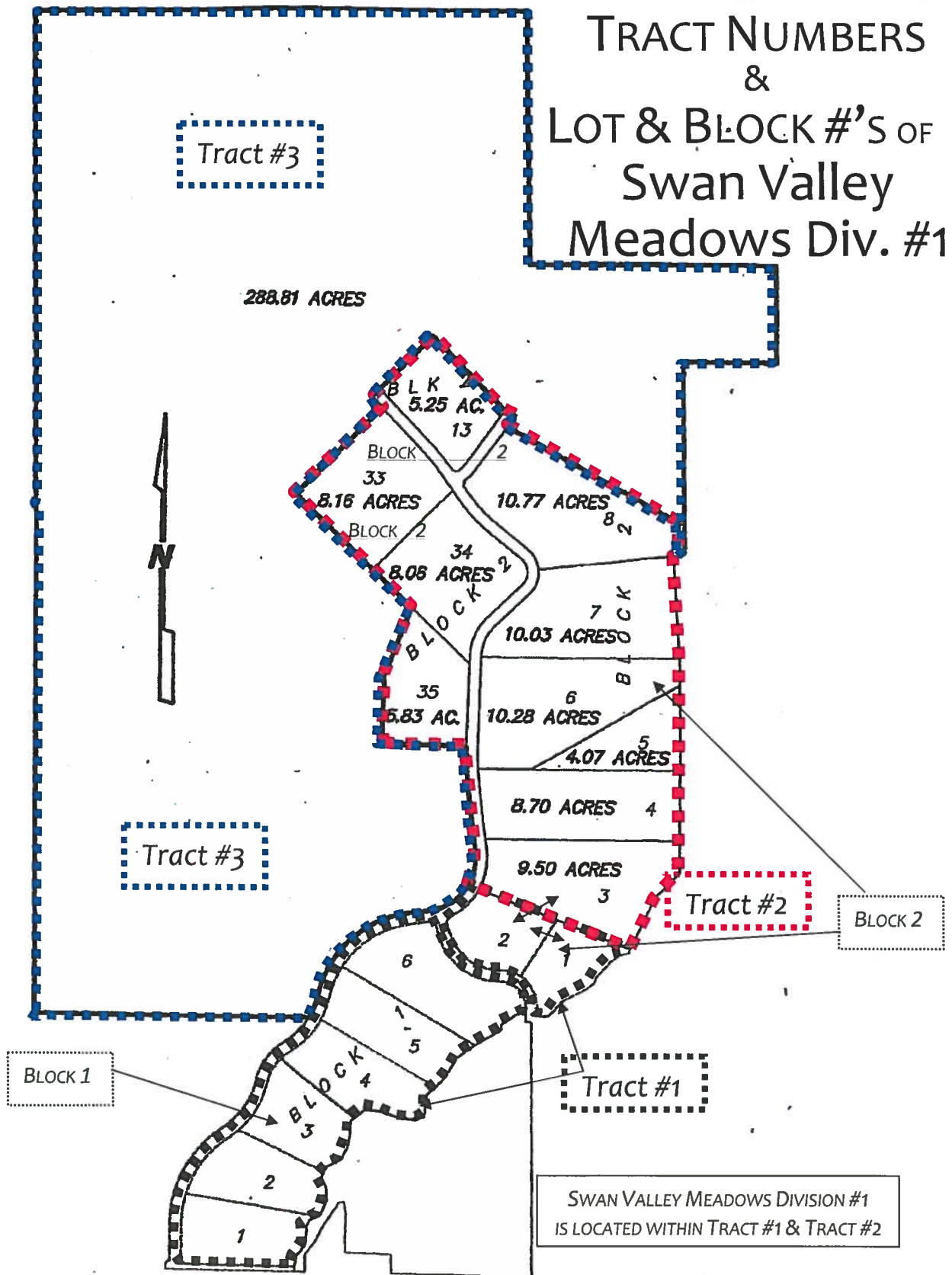
CHAIN OF TITLE:



SEE THE LOCATION OF TRACT #1, TRACT #2, TRACT #3 WITH
 LOT #'S & BLOCK #'S OF SWAN VALLEY MEADOW DIVISION #1
 NEXT PAGE

(PG 2 OF 28)

TRACT NUMBERS & LOT & BLOCK #'S OF Swan Valley Meadows Div. #1



Circled Label is for Clarification Only
Not Part of the Official Document

BONNEVILLE COUNTY RECORDER
1270799 JUL 20 07 PM 11:18

Page 1 of 2

WARRANTY DEED

Order No.: 3030716895AM

FOR VALUE RECEIVED

Swan Valley Properties, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Three Creeks II, L.L.C., an Idaho Limited Liability Company

whose current address is

405 5th Ave South Ste 302 Naples, FL 34102

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Tract #1

Lots 1, 2, 3, 4, 5 & 6 in Block 1 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/05/2007

Swan Valley Properties, LLC

By: John C Tozzi, Managing Member

By: Marshall Gellar, Managing Member

State of WYOMING

County of Teton

On this 17 day of July, 2007, before me, a Notary Public in and for said state, personally appeared JOHN TOZZI known or identified to me to be the Managing Member in the Limited Liability Company known as SWAN VALLEY PROPERTIES who executed the foregoing instrument, and acknowledged to me that HE executed the same in said LLC name.

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



Notary Public for the State of Wyoming
Residing at: Teton City
Commission Expires: 02-08-2008

Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

3030716895

Circle is for Clarification Only
Not Part of the Official Document

Instrument #1270799

Page 2 of 2

Order No.:

LEGAL DESCRIPTION
EXHIBIT 'A'

Tract I: Lots 1, 2, 3, 4, 5 and 6 in Block 1 and Lot 2 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho.

ALSO

Lot 1 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho; excepting therefrom the following:

Beginning at the Southeast corner of Lot 1 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho; running thence North 25°35'39" East along the Lot line 367.71 feet to the centerline of Rainy Creek; thence along said centerline the following twelve (12) courses: South 76°10'19" West 29.45 feet; thence South 66°55'20" West 41.87 feet; thence South 49°43'39" West 37.52 feet; thence South 40°33'39" West 40.79 feet; thence South 47°32'03" West 43.92 feet; thence South 34°29'48" West 25.46 feet; thence South 21°30'36" West 33.45 feet; thence South 55°06'33" West 61.52 feet; thence South 63°45'06" West 119.15 feet; thence South 46°55'09" West 47.96 feet; thence South 41°51'36" West 40.91 feet; thence South 47°55'50" West 34.59 feet to the South line of said Lot 1; thence North 89°20'17" East along said South line 267.84 feet to the POINT OF BEGINNING.

rerecord to correct legal

BONNEVILLE COUNTY RECORDER

1269652 JUL 11 '07 AM 11:56

BONNEVILLE COUNTY RECORDER

1272250 AUG 1 '07 PM 4:18

Pg 1 of 4

WARRANTY DEED

Order No.: 3030716895AM

FOR VALUE RECEIVED

Swan Valley Properties, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Mr Three Creeks II, L.L.C., an Idaho Limited Liability Company
whose current address is

405 5th Ave South Ste 302 Naples, FL 34102

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

See attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/05/2007

Swan Valley Properties, LLC

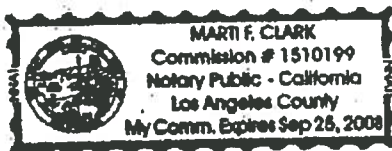
By: John C. Tozzi, Managing Member

By: Marshall Gellar, Managing Member

State of California)
County of Los Angeles) ss.

On this 9th day of July, 2007, before me, a Notary Public in and for said state, personally appeared Marshall Gellar known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley Properties, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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



Marti F. Clark
Notary Public for the State of California
Residing at: Los Angeles
Commission Expires: Sept. 28, 2008

INSTRUMENT NO.	1269652
DATE	7-11-07
INST. CODE	205
IMAGED PGS	3
FEE	9.00
STATE OF IDAHO	1 ss
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmire, County Recorder	
By	<i>R Long</i>
Deputy Request of	ATEC

INSTRUMENT NO.	1272250
DATE	8-1-07
INST. CODE	205
IMAGED PGS	4
FEE	12.00
STATE OF IDAHO	1 ss
COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded.	
Ronald Longmire, County Recorder	
By	<i>R Long</i>
Deputy Request of	ATEC

Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

WARRANTY DEED

Instrument #1272250

Pg 2 of 4

Order No.:3030716895AM

FOR VALUE RECEIVED

Swan Valley Properties, LLC

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Mr Three Creeks II, L.L.C., an Idaho Limited Liability Company
whose current address is

405 5th Ave South Ste 302 Naples, FL 34102

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

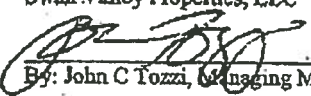
See attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/05/2007

Swan Valley Properties, LLC


By: John C Tozzi, Managing Member
By: Marshall Gellar, Managing Member

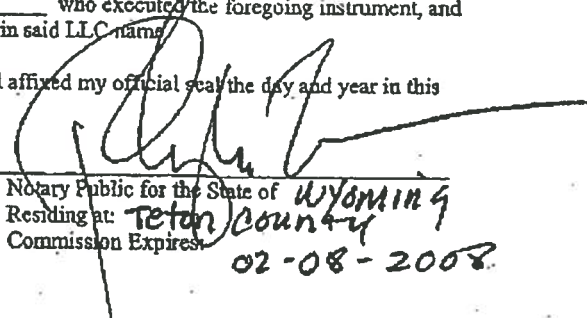
State of WYOMING

County of TETON

On this 6 day of JULY, 2007, before me, a Notary Public in and for said state, personally appeared JOHN TOZZI known or identified to me to be the Managing Member in the Limited Liability Company known as SWAN VALLEY PROP who executed the foregoing instrument, and acknowledged to me that HE executed the same in said LLC name.

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




Notary Public for the State of Wyoming
Residing at: Teton County
Commission Expires: 02-08-2008

Order No.: 3030716895AM

**LEGAL DESCRIPTION
EXHIBIT 'A'**Circled Labels are for Clarification Only
Not Part of the Official Document**Tract #2**

Lots 8, 13, 33, 34 and 35 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho.

AND

That portion of Lots 3 through 7, Block 2, Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho, described as follows:

Beginning at the Southwesterly corner of Lot 3, Block 2 of Swan Valley Meadows, Division No. 1, an addition to the City of Swan Valley, Bonneville County, Idaho; running thence South 69°38'43" East along the lot line 856.62 feet to the Southeast corner of said Lot 3; thence North 25°36'10" East along the lot line 305.59 feet to an angle point in said Lot 3; thence North 44°36'58" East along the lot line 185.42 feet; thence North 00°44'40" West 1110.85 feet; thence North 03°53'39" West 534.79 feet to the North line of said Lot 7; thence South 83°32'00" West along said North line 725.57 feet to the East Right-of-Way line of Swan Valley Meadows Drive, said point being on a curve with a radius of 151.85 feet and chord that bears South 19°46'08" West 134.25 feet; thence along said East Right-of-Way line the following seven (7) courses: to the right along said curve 139.06 feet through a central angle of 52°28'16" thence South 46°00'16" West 246.34 feet to a point of curve with a radius of 240.59 feet and a chord that bears South 23°52'54" West 181.21 feet; thence to the left along said curve 185.79 feet through a central angle of 44°14'43"; thence South 01°45'33" West 445.00 feet to a point of curve with a radius of 1494.75 feet and a chord that bears South 02°44'27" East 234.55 feet; thence to the left along said curve 234.79 feet through a central angle of 09°00'00"; thence South 07°14'27" East 329.56 feet to a point of curve with a radius of 342.86 feet and a chord that bears South 10°16'27" West 206.37 feet; thence to the right along said curve 209.62 feet through a central angle of 35°01'48" to the POINT OF BEGINNING.

Tract #3**ALSO:**

Beginning at a point that is North 00°46'37" West along the Section line 1324.78 feet and South 89°22'46" West 1174.50 feet from the East quarter Corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho; said point being on the South line of the North half of the Northeast quarter of said Section 5; running thence South 89°22'46" West along said South line 1464.65 feet to the North-South Center Section line of said Section 5; thence North 00°38'50" West along said North-South Center Section line 1298.58 feet to the North quarter Corner of said Section 5; thence into Section 32, Township 2 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho bearing North 00°37'23" West along the North-South Center Section line of said Section 32 a distance of 2640.27 feet to the Center quarter Corner of said Section 32; thence North 00°38'05" West 1323.44 feet to the North line of the South half of the Northeast quarter of said Section 32; thence North 88°33'51" East along said North line 1309.57 feet to the Northwest corner of the Southeast quarter of the Northeast quarter of said Section 32; thence North 89°54'41" East along the North line of said Southeast quarter of the Northeast quarter a distance of 1330.41 feet to the East line of said Section 32; thence South 00°36'55" East along said East line 1322.72 feet to the East quarter Corner of said Section 32; thence into Section 33, Township 2 North, Range 44 East of the Boise Meridian, Bonneville County, Idaho bearing

(Exhibit "A" Continued)

Order No.: 3030716895AM

Circled label is for Clarification Only
Not Part of the Official Document**Tract #3 (Cont.)**

North 89°13'19" East along the East-West Center Section line 1317.37 feet to the Northeast corner of the Northwest quarter of the Southwest quarter of said Section 33; thence South 00°44'40" East along the East line of said Northwest quarter of the Southwest quarter a distance of 507.55 feet; thence South 89°13'19" West 500.00 feet; thence South 00°44'40" East 992.00 feet;

thence South 63°26'25" West 33.33 feet to the Southeast corner of Lot 8, Block 2 of Swan Valley Meadows, Division No. 1, an addition to the City of Swan Valley, Bonneville County, Idaho; thence along the boundary of said Swan Valley Meadows the following nineteen (19) courses: North 00°44'40" West 169.34 feet; thence North 62°10'41" West 1037.41 feet to a point on a curve with a radius of 835.46 feet and a chord that bears North 30°35'27" East 61.18 feet; thence to the left along said curve 70.00 feet through a central angle of 04°48'03" thence North 61°50'14" West 60.00 feet; thence North 44°58'20" West 529.87 feet; thence South 45°01'40" West 460.00 feet; thence South 44°58'20" East 80.00 feet; thence South 45°01'40" West 645.53 feet; thence South 47°03'00" East 850.00 feet; thence South 21°50'40" West 388.94 feet; thence South 01°45'33" West 355.00 feet; thence South 89°20'48" East 450.00 feet to a point on a curve with a radius of 1554.75 feet and a chord that bears South 03°17'38" East 214.05 feet; thence to the left along said curve 214.22 feet through a central angle of 07°53'40"; thence South 07°14'27" East 329.56 feet to a point of curve with a radius of 282.85 feet and a chord that bears South 37°14'21" West 396.37 feet; thence to the right along said curve 439.17 feet through a central angle of 88°57'36"; thence South 81°43'09" West 110.00 feet to a point of curve with a radius of 572.70 feet and a chord that bears South 46°43'09" West 656.97 feet; thence to the left along said curve 699.68 feet through a central angle of 70°00'00" to a point of reverse curve with a radius of 345.29 feet and a chord that bears South 21°44'04" West 120.10 feet; thence to the right along said curve 120.71 feet through a central angle of 20°01'51" to the POINT OF BEGINNING.

BONNEVILLE COUNTY RECORDER
1269653 JUL 11 '07 AM 11:56

Pg 1 of 2

INSTRUMENT NO.	1269653
DATE	7-11-07
INST CODE	303
IMAGED PGS	6.00
FEE	6.00
STATE OF IDAHO COUNTY OF BONNEVILLE	
I hereby certify that the within instrument was recorded Ronald Longmire, Deputy Recorder	
By	<i>R. Longmire</i>
Request of	ATEC

WARRANTY DEED

Order No. 3030716896AM

FOR VALUE RECEIVED

Three Creeks II, L.L.C., an Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

B & H Real Estate Enterprises LLC, an Idaho Limited Liability Company

whose current address is

3300 Washington Parkway
I.F., ID 83404

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: July 6, 2007

Three Creeks II, L.L.C.

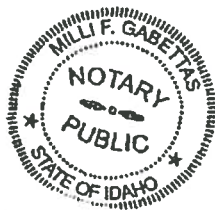
By: Christopher Ott, Managing Member

State of IDAHO

County of Bonneville

On this 6th day of July, 2007, before me, a Notary Public in and for said state, personally appeared Christopher Ott known or identified to me to be the Managing Member in the Limited Liability Company known as THREE CREEKS II, LLC who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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



Milli F. Gabettis
Notary Public for the State of
Residing at:
Commission Expires:

Residing in Idaho Falls, Idaho
Commission Expires 03-19-2010

Alliance Title & Escrow Corp.
1070 Riverwalk Dr., Ste. 100
P.O. Box 50642
Idaho Falls, ID 83405-0642

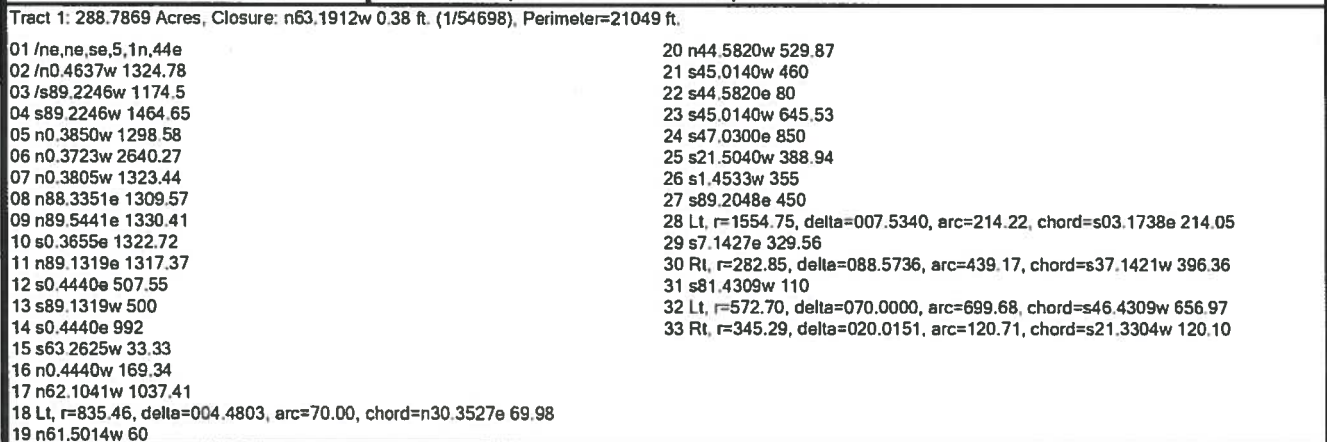
Order No.:3030716896AM

Instrument #1269653

Pg 2 of 2

Exhibit "A"

Beginning at a point that is North $00^{\circ}46'37''$ West along the section line 1324.78 feet and South $89^{\circ}22'46''$ West 1174.50 feet from the East $\frac{1}{4}$ Corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian; said point being on the South line of the North $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 5; running thence South $89^{\circ}22'46''$ West along said South line 1464.65 feet to the North-South Center Section line of said Section 5; thence North $00^{\circ}38'50''$ West along said North-South Center Section line 1298.58 feet to the North $\frac{1}{4}$ Corner of said Section 5; thence into Section 32, Township 2 North, Range 44 East of the Boise Meridian bearing North $00^{\circ}37'23''$ West along the North-South Center Section line of said Section 32 a distance of 2640.27 feet to the Center $\frac{1}{4}$ Corner of said Section 32; thence North $00^{\circ}38'05''$ West 1323.44 feet to the North line of the South $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 32; thence North $88^{\circ}33'51''$ East along said North line 1309.57 feet to the Northwest corner of the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 32; thence North $89^{\circ}54'41''$ East along the North line of said Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ a distance of 1330.41 feet to the East line of said Section 32; thence South $00^{\circ}36'55''$ East along said East line 1322.72 feet to the East $\frac{1}{4}$ corner of said Section 32; thence into Section 33, Township 2 North, Range 44 East of the Boise Meridian bearing North $89^{\circ}13'19''$ East along the East-West Center Section line 1317.37 feet to the Northeast corner of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of said Section 33; thence South $00^{\circ}44'40''$ East along the East line of said Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ a distance of 507.55 feet; thence South $89^{\circ}13'19''$ West 500.00 feet; thence South $00^{\circ}44'40''$ East 992.00 feet; thence South $63^{\circ}26'25''$ West 33.33 feet to the Southeast corner of Lot 8, Block 2, Swan Valley Meadows, Division No. 1, an Addition to the City of Swan Valley, Bonneville County, Idaho; thence along the boundary of said Swan Valley Meadows the following nineteen (19) courses: North $00^{\circ}44'40''$ West 169.34 feet; thence north $62^{\circ}10'41''$ West 1037.41 feet to a point on a curve with radius of 835.46 feet and a chord that bears North $30^{\circ}35'27''$ East 61.18 feet; thence to the left along said curve 70.00 feet through a central angle of $04^{\circ}48'03''$; thence North $61^{\circ}50'14''$ West 60 feet; thence North $44^{\circ}58'20''$ West 529.87 feet; thence South $45^{\circ}01'40''$ West 460.00 feet; thence South $44^{\circ}58'20''$ East 80.00 feet; thence South $45^{\circ}01'40''$ West 645.53 feet; thence South $47^{\circ}03'00''$ East 850.00 feet; thence South $21^{\circ}50'40''$ West 388.94 feet; thence South $01^{\circ}45'33''$ West 355.00 feet; thence South $89^{\circ}20'48''$ East 450.00 feet to a point on a curve with a radius of 1554.75 feet and a chord that bears South $03^{\circ}17'38''$ East 214.05 feet; thence to the left along said curve 214.22 feet through a central angle of $07^{\circ}53'40''$; thence South $07^{\circ}14'27''$ East 329.56 feet to a point of curve with a radius of 282.85 feet and a chord that bears South $37^{\circ}14'21''$ West 396.37 feet; thence to the right along said curve 439.17 feet through a central angel of $88^{\circ}57'36''$; thence South $81^{\circ}43'09''$ West 110.00 feet to a point of curve with a radius of 572.70 feet and a chord that bears South $46^{\circ}43'09''$ West 656.97 feet; thence to the left along said curve 699.68 feet through a central angle of $70^{\circ}00'00''$ to a point of reverse curve with a radius of 345.29 feet and a chord that bears South $21^{\circ}33'04''$ West 120.10 feet; thence to the right along said curve 120.71 feet through a central angle of $20^{\circ}01'51''$ to the POINT OF BEGINNING.



7873 0

BONNEVILLE COUNTY RECORDER

1270702 JUL 19 07 PM 12:59

Pg 1 of 2

WARRANTY DEED

Order No.: 3030717004LAC

FOR VALUE RECEIVED

Three Creeks II, L.L.C., an Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Whiskey Run LLC, an Idaho Partnership

whose current address is

425 S. Holmes Idaho Falls, ID 83401

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

See Attached Exhibit "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: 7/19/2007

Three Creeks II, L.L.C.

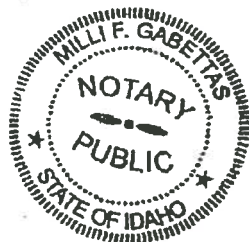
By: R. Christopher Ott, Managing Member

State of IDAHO

County of Bonneville

On this 19th day of July 2007, before me, a Notary Public in and for said state, personally appeared R. Christopher Ott known or identified to me to be the Managing Member in the Limited Liability Company known as Managing Member who executed the foregoing instrument, and acknowledged to me that he executed the same in said LLC name.

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



Notary Public for the State of IDAHO

Residing at:

Commission Expires:

Residing in Idaho Falls, Idaho
Commission Expires 03-19-2010

Circles are for Clarification Only
Not Part of the Official Document

Exhibit "A"

Instrument #1270702

Pg 2 of 2

Order No.:3030717004LAC

Tract I: Lots 1, 2, 3, 4, 5 and 6 in Block 1 and Lot 2 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho.

ALSO

Lot 1 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho; excepting therefrom the following:

Beginning at the Southeast corner of Lot 1 in Block 2 of Swan Valley Meadows; Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho; running thence North $25^{\circ}35'39''$ East along the Lot line 367.71 feet to the centerline of Rainy Creek; thence along said centerline the following twelve (12) courses: South $76^{\circ}10'19''$ West 29.45 feet; thence South $66^{\circ}55'20''$ West 41.87 feet; thence South $49^{\circ}43'39''$ West 37.52 feet; thence South $40^{\circ}33'39''$ West 40.79 feet; thence South $47^{\circ}32'03''$ West 43.92 feet; thence South $34^{\circ}29'48''$ West 25.46 feet; thence South $21^{\circ}30'36''$ West 33.45 feet; thence South $55^{\circ}06'33''$ West 61.52 feet; thence South $63^{\circ}45'06''$ West 119.15 feet; thence South $46^{\circ}55'09''$ West 47.96 feet; thence South $41^{\circ}51'36''$ West 40.91 feet; thence South $47^{\circ}55'50''$ West 34.59 feet to the South line of said Lot 1; thence North $89^{\circ}20'17''$ East along said South line 267.84 feet to the POINT OF BEGINNING.

Tract II: Lots 8, 13, 33, 34 and 35 in Block 2 of Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho.

AND

That portion of Lots 3 through 7, Block 2, Swan Valley Meadows, Division No. 1, according to the official plat thereof, recorded July 25, 2003 as Instrument No. 1121994 and an Affidavit of Correction of plat recorded August 6, 2003 as Instrument No. 1123484, filed in Official Records of Bonneville County, Idaho, described as follows:

Beginning at the Southwesterly corner of Lot 3, Block 2 of Swan Valley Meadows, Division No. 1, an addition to the City of Swan Valley, Bonneville County, Idaho; running thence South $69^{\circ}38'43''$ East along the lot line 856.62 feet to the Southeast corner of said Lot 3; thence North $25^{\circ}36'10''$ East along the lot line 305.59 feet to an angle point in said Lot 3; thence North $44^{\circ}36'58''$ East along the lot line 185.42 feet; thence North $00^{\circ}44'40''$ West 1110.85 feet; thence North $03^{\circ}53'39''$ West 534.79 feet to the North line of said Lot 7; thence South $83^{\circ}32'00''$ West along said North line 725.57 feet to the East Right-of-Way line of Swan Valley Meadows Drive, said point being on a curve with a radius of 151.85 feet and chord that bears South $19^{\circ}46'08''$ West 134.25 feet; thence along said East Right-of-Way line the following seven (7) courses: to the right along said curve 139.06 feet through a central angle of $52^{\circ}28'16''$ thence South $46^{\circ}00'16''$ West 246.34 feet to a point of curve with a radius of 240.59 feet and a chord that bears South $23^{\circ}52'54''$ West 181.21 feet; thence to the left along said curve 185.79 feet through a central angle of $44^{\circ}14'43''$; thence South $01^{\circ}45'33''$ West 445.00 feet to a point of curve with a radius of 1494.75 feet and a chord that bears South $02^{\circ}44'27''$ East 234.55 feet; thence to the left along said curve 234.79 feet through a central angle of $09^{\circ}00'00''$; thence South $07^{\circ}14'27''$ East 329.56 feet to a point of curve with a radius of 342.86 feet and a chord that bears South $10^{\circ}16'27''$ West 206.37 feet; thence to the right along said curve 209.62 feet through a central angle of $35^{\circ}01'48''$ to the POINT OF BEGINNING.

Instrument # 1430954
 IDAHO FALLS, BONNEVILLE, IDAHO
 2012-11-01 03:35:15 PM No. of Pages: 2
 Recorded for: ALLIANCE TITLE - IDAHO FALLS O
 RONALD LONGMORE Fee: \$13.00
 Ex-Officio Recorder Deputy SJohn
 Index To: DEED WARRANTY
 Electronically Recorded by Simplifile

SPECIAL WARRANTY DEED

Order No.: 166263

FOR VALUE RECEIVED**Whiskey Run LLC , an Idaho Limited Liability Company**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Russell K Anderson an unmarried man *RKA*

whose current address is

3818 Highway 26, Irwin, ID 83428

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Commencing at the East ¼ corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian; Bonneville County, Idaho; running thence S.89°23'09"W. along the East-West Center Section line 348.90 feet to the true point of beginning; running thence S.89°23'09"W. along said East-West Center Section line 391.81 feet; thence N.00°33'01"W. 98.89 feet; thence N.89°11'03"W. 242.05 feet; thence N.00°36'34"W. 77.38 feet; thence N.00°36'44"E. 128.14 feet; thence N.09°01'48"W. 56.29 feet; thence S.87°49'59"W. 94.98 feet to the Centerline of Rainey Creek; thence N.25°14'08"E. along said Centerline 7.25 feet; thence N.02°51'56"W. along said Centerline 71.22 feet; thence N.25°21'43"W. along said Centerline 58.46 feet; thence N.23°07'50"E. along said Centerline 60.98 feet; thence N.63°53'46"E. along said Centerline 82.99 feet; thence N.27°42'56"E. along said Centerline 70.33 feet; thence N.11°54'19"E. along said Centerline 76.66 feet; thence N.01°48'42"E. along said Centerline 70.41 feet; thence N.51°27'27"E. along said Centerline 97.65 feet; thence S.86°03'12"E. along said Centerline 89.09 feet; thence S.70°21'50"E. along said Centerline 83.15 feet; thence S.82°18'34"E. along said Centerline 76.61 feet; thence N.78°39'43"E. along said Centerline 73.35 feet; thence N.05°10'04"E. along said Centerline 51.92 feet; thence S.14°05'29"E. 896.01 feet to the true point of beginning..

No 23-11356 23-11358

23-11360 23-11362

0.10 cfs (A proportional amount of the above water rights)

23-11364

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 30 2012

Richard Clayton, Jr.
 Richard Clayton, Jr., Manager

Stephen E Martin
 Swan Valley, LLC Manager
 by Stephen E Martin, Manager

Alliance Title & Escrow Corp.
 1070 Riverwalk Dr., Ste. 100
 P.O. Box 50642
 Idaho Falls, ID 83405-0642

1430954

State of Idaho) ss
County of Bonneville)

On this 30th day of October, 2012, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared Stephen E Martin and Richard I Clayton Jr. known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley, LLC and Wiskey Run, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

Milli F Gabettas
Notary Public for the State of Idaho
Residing at:
Commission Expires:

Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016



See Correction Deed
Instrument # 1432022
Page 11 of 22
Page 12 of 22

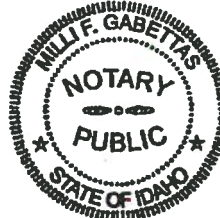
State of Idaho) ss
County of Bonneville)

On this 31st day of October, 2012, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared Stephen E Martin and Richard I Clayton Jr. known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley, LLC and Wiskey Run, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

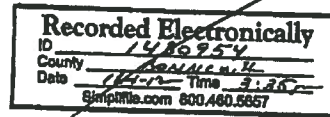
Milli F Gabettas
Notary Public for the State of Idaho
Residing at:
Commission Expires:

Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016



1430954

Instrument # 1432022
 IDAHO FALLS, BONNEVILLE, IDAHO
 2012-11-16 01:43:10 PM No. of Pages: 2
 Recorded for ALLIANCE TITLE - IDAHO FALLS O
 RONALD LONGMORE Fee \$13.00
 Ex-Officio Recorder Deputy AMisseldine
 Index To: DEED WARRANTY
 Electronically Recorded by Simplifile



rerecord to correct cfs

SPECIAL WARRANTY DEED

Order No.: 166263

FOR VALUE RECEIVED

Whiskey Run LLC, an Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Russell K Anderson an unmarried man *AKA*

whose current address is

3818 Highway 26, Irwin, ID 83428

the grantee(s), the following described premises, in Bonneville County, Idaho, TO WIT:

Commencing at the East ¼ corner of Section 5, Township 1 North, Range 44 East of the Boise Meridian; Bonneville County, Idaho; running thence S.89°23'09"W. along the East-West Center Section line 348.90 feet to the true point of beginning; running thence S.89°23'09"W. along said East-West Center Section line 391.81 feet; thence N.00°33'01"W. 98.89 feet; thence N.89°11'03"W. 242.05 feet; thence N.00°36'34"W. 77.38 feet; thence N.00°36'44"E. 128.14 feet; thence N.09°01'48"W. 56.29 feet; thence S.87°49'59"W. 94.98 feet to the Centerline of Rainey Creek; thence N.25°14'08"E. along said Centerline 7.25 feet; thence N.02°51'56"W. along said Centerline 71.22 feet; thence N.25°21'43"W. along said Centerline 58.46 feet; thence N.23°07'50"E. along said Centerline 60.98 feet; thence N.63°53'46"E. along said Centerline 82.99 feet; thence N.27°42'56"E. along said Centerline 70.33 feet; thence N.11°54'19"E. along said Centerline 76.66 feet; thence N.01°48'42"E. along said Centerline 70.41 feet; thence N.51°27'27"E. along said Centerline 97.65 feet; thence S.86°03'12"E. along said Centerline 89.09 feet; thence S.70°21'50"E. along said Centerline 83.15 feet; thence S.82°18'34"E. along said Centerline 76.61 feet; thence N.78°39'43"E. along said Centerline 73.35 feet; thence N.05°10'04"E. along said Centerline 51.92 feet; thence S.14°05'29"E. 805.01 feet to the true point of beginning..

No 23-11356 23-11358

23-11360 23-11362

0.10 cfs (A proportional amount of the above water rights)

23-11364

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 30 2012

Richard I Clayton, Jr.
 Richard I Clayton, Jr., Manager

Stephen E Martin
 Swan Valley, LLC Manager
 by Stephen E Martin, Manager

Alliance Title & Escrow Corp.
 1070 Riverwalk Dr., Ste. 100
 P.O. Box 50642
 Idaho Falls, ID 83405-0642

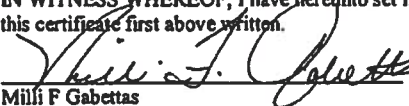
Pg 1 of 2

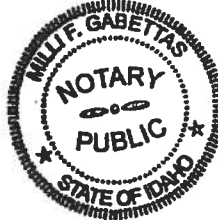
1432022

State of Idaho) ss
County of Bonneville)

On this 30th day of October, 2012, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared ~~Stephen E Martin and Richard I Clayton Jr.~~ known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley, LLC and Wiskey Run, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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


Milli F Gabettas
Notary Public for the State of Idaho
Residing at:
Commission Expires:

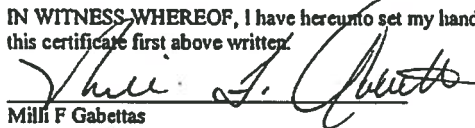


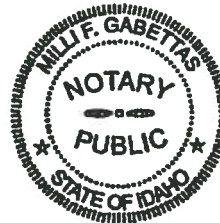
Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016

State of Idaho) ss
County of Bonneville)

On this 31st day of October, 2012, before me, Milli F Gabettas, a Notary Public in and for said state, personally appeared ~~Stephen E Martin and Richard I Clayton Jr.~~ known or identified to me to be the Managing Member in the Limited Liability Company known as Swan Valley, LLC and Wiskey Run, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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


Milli F Gabettas
Notary Public for the State of Idaho
Residing at:
Commission Expires:



Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016

Pg 2 of 2

1432022

Instrument # 1430997

IDAHO FALLS, BONNEVILLE, IDAHO

11-2-2012

10:51:09 No. of Pages: 7

Recorded for : ROCKY MTN ENV

RONALD LONGMORE

Fee: 28.00

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

(Pg 1 of 7)

When Recorded Return To:

Rocky Mountain Environmental Associates, Inc.
482 Constitution Way, Suite 303
Idaho Falls, ID 83402

SPECIAL WARRANTY DEED FOR WATER RIGHT(S)

Whiskey Run LLC whose address is 425 S Holmes, Idaho Falls, ID, (Grantor) does hereby grant, assign and convey unto Russell K. Anderson whose principal address is presently at P.O. Box 176, Irwin, ID 83428, (Grantee) and to Grantees heirs and assigns forever, a 5 acre proportional part of Grantor's right title and interest in water right(s) 23-11356, 23-11358, 23-11360, 23-11362, and 23-11364 (Water Rights only), as described in Exhibits 1 - 5 and hereto (collectively the "Water Right(s)")

Grantor retains no residual or reversionary interest in any of the Water Rights.

Grantor hereby covenants and warrants to Grantee as follows:

- (A) The Grantor is the owner in fee simple of the Water Rights;
- (B) That Grantor has not conveyed any of the Water Rights to anyone other than grantee;
- (C) That each of the Water Rights is free from any liens, claims, or encumbrances;
- (D) That Grantor has the authority to convey the Water Rights to Grantee;
- (E) The Grantor has disclosed to Grantee in good Faith all relevant information known to Grantor bearing on the validity and extent of the Water Rights.

Grantor makes no other covenants or warranties as to the Water Rights.

[End of text; signature page to follow]

Instrument #1430997 (Pg 2 of 7)

IN WITNESS WHEREOF, the undersigned (Grantor) has hereunto set his hand and seal on the date shown 11-1-12

Grantor: _____

(Signature)

(Dated)

Richard E. Clayton Jr.
(Print Name)

Exhibits:

Exhibit 1: Water Right Report 23-11356
Exhibit 2: Water Right Report 23-11358
Exhibit 3: Water Right Report 23-11360
Exhibit 4: Water Right Report 23-11362
Exhibit 5: Water Right Report 23-11364

STATE OF IDAHO)

County of Bonneville) ss

On this 1st day of November 2012 before me a Notary Public in and for said State, personally appeared Richard E. Clayton Jr. known or identified to me to be the persons whose name is subscribed to the within and foregoing instrument, and acknowledged to me that executed the same.

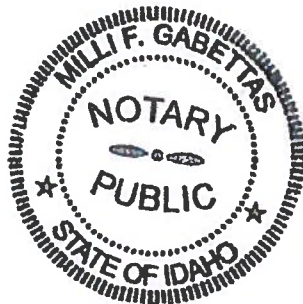
IN WITNESS THEREOF, I have hereunto set my hand and affixed my official seal the date and year in this certificate the day and year first above written.

23-11360, 23-11362, and 23-11364

Milli F. Gabettas
Notary Public

My commission expires: _____

(Seal)



Residing in Idaho Falls, Idaho
Commission Expires 3/19/2016

Deed to Water Rights: Sidney H. Eliason, Trustee of Sidney H Eliason Jr. Trust to Whiskey Run, LLC

Instrument # 1450327
 IDAHO FALLS, BONNEVILLE, IDAHO
 2013-07-01 10:48:54 AM No. of Pages: 1
 Recorded for: ALLIANCE TITLE - IDAHO FALLS O
 RONALD LONGMORE Fee: \$10.00
 Ex-Officio Recorder Deputy DWoolf
 Index To: DEED QUIT-CLAIM
 Electronically Recorded by SimpleFile

QUITCLAIM DEED

Alec Mise 9-3974

FOR VALUE RECEIVED,

Sidney H. Eliason, Trustee of the Sidney H. Eliason Jr., Trust dated 10-12-1995

do(es) hereby convey, release, remise and forever quitclaim unto

Whiskey Run, LLC

whose current address is: P.O. Box 155, Swan Valley, Idaho 83449

the following described premises:

Any water right(s) or part thereof (water rights only) including but not limited to water rights 23-11354, 23-11356, 23-11358, 23-11360, 23-11362, and water right 23-11364, that is appurtenant to Lot 2, Block 1, Swan Valley Meadows Div #1. Said subdivision is located in Gov't Lot 4 of Sec 4 and the S½NE ¼ and Gov't Lot 1 of Sec 5, T01N, R44 E.B.M., and E½SE¼ Sec 32, W½SW¼ Sec 33, T02N, R44 E.B.M., Bonneville County, Idaho

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: June 6, 2013

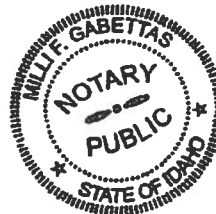
Sidney H. Eliason Trustee
 Sidney H. Eliason, Trustee

State of Idaho ss.
 County of Bonneville)

On this 20th day of June, 2013, before me, the undersigned, a Notary Public in and for said state, personally appeared Sidney H. Eliason, known or identified to me to be the person whose name is subscribed to the foregoing instrument as trustee of the Trustee of the Sidney H. Eliason Jr., Trust dated 10-12-1995, and acknowledged to me that he executed the same as Trustee.

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

Michelle J. Gabettas
 the undersigned
 Notary Public for the State of Idaho
 Residing at:
 Commission Expires:



Residing in Idaho Falls, Idaho
 Commission Expires 3/19/2016

Instrument # 1450328
IDAHO FALLS, BONNEVILLE, IDAHO
2013-07-01 10:46:54 AM No. of Pages: 1
Recorded for: ALLIANCE TITLE - IDAHO FALLS O
RONALD LONGMORE Fee: \$10.00
Ex-Officio Recorder Deputy DWoolf
Index To: DEED QUIT-CLAIM
Electronically Recorded by Simplifile

LAURIE A. CROMWELL
NOTARY PUBLIC
STATE OF IDAHO

Deed to Ground Water Right 23-11354:
Whiskey Run, LLC to B & H Real Estate Enterprises, LLC

Instrument # 1450907
IDAHO FALLS, BONNEVILLE, IDAHO
2013-07-08 02:17:09 PM No. of Pages: 1
Recorded for: ALLIANCE TITLE - IDAHO FALLS O
RONALD LONGMORE Fee: \$10.00
Ex-Officio Recorder Deputy DWoolf
Index To: DEED QUIT-CLAIM
Electronically Recorded by Simplifile

QUITCLAIM DEED

Alec 9-3974
FOR VALUE RECEIVED,

Whiskey Run LLC

do(es) hereby convey, release, remise and forever quitclaim unto

B & H Real Estate Enterprises, LLC

whose current address is: 3300 Washington Parkway, Idaho Falls, ID 83404

the following described premises:

All of ground water right 23-11354 (water right only) that is appurtenant to the SW¼NE¼ Sec 5, T01N, R44E.B.M., Bonneville County, Idaho, and located within Lot 1, Lot 2 and fraction of Lot 3 Block 1, Swan Valley Meadows Div #1.

Reserving all surface water rights appurtenant to said property, including but not limited to rights 23-11356, 23-11358, 23-11360, 23-11362 and 23-11364.

TO HAVE AND TO HOLD the said premises, unto the said grantee, heirs and assigns forever.

Dated: 7-8-13

Richard B. Clayton Jr. Manager
Whiskey Run, LLC.

State of Idaho } ss
County of Bonneville }

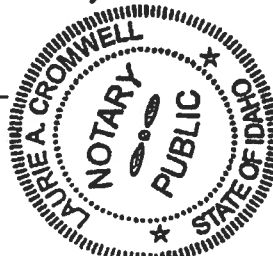
On this 8th day of July, 2013, before me, the undersigned, a Notary Public in and for said state, personally appeared Richard B. Clayton, Jr., known to me to be the Managing Member in the Limited Liability Company known as who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

The undersigned
Notary Public for the State of Idaho

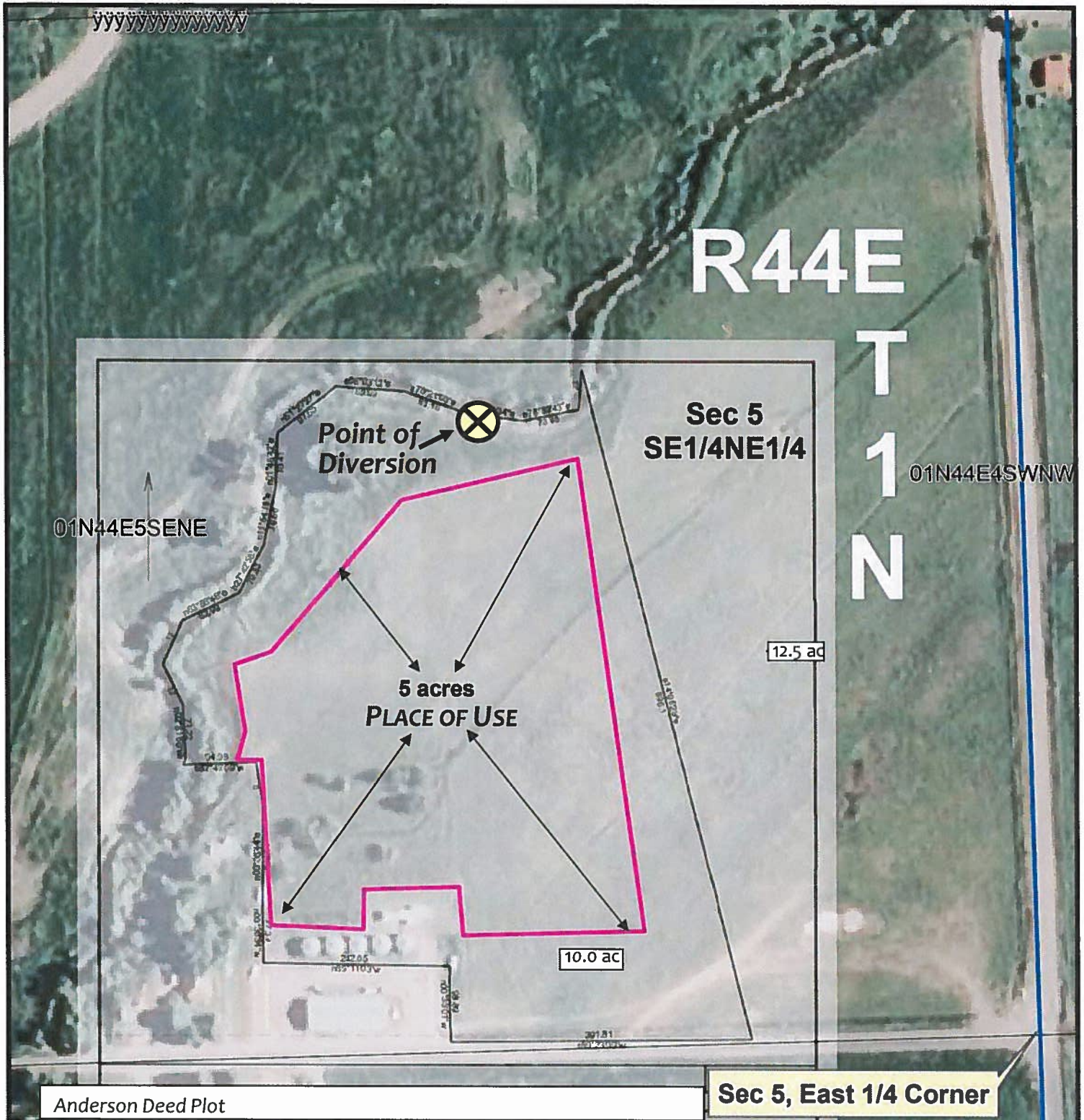
Residing at: Idaho Falls

Commission Expires: 6-13-14

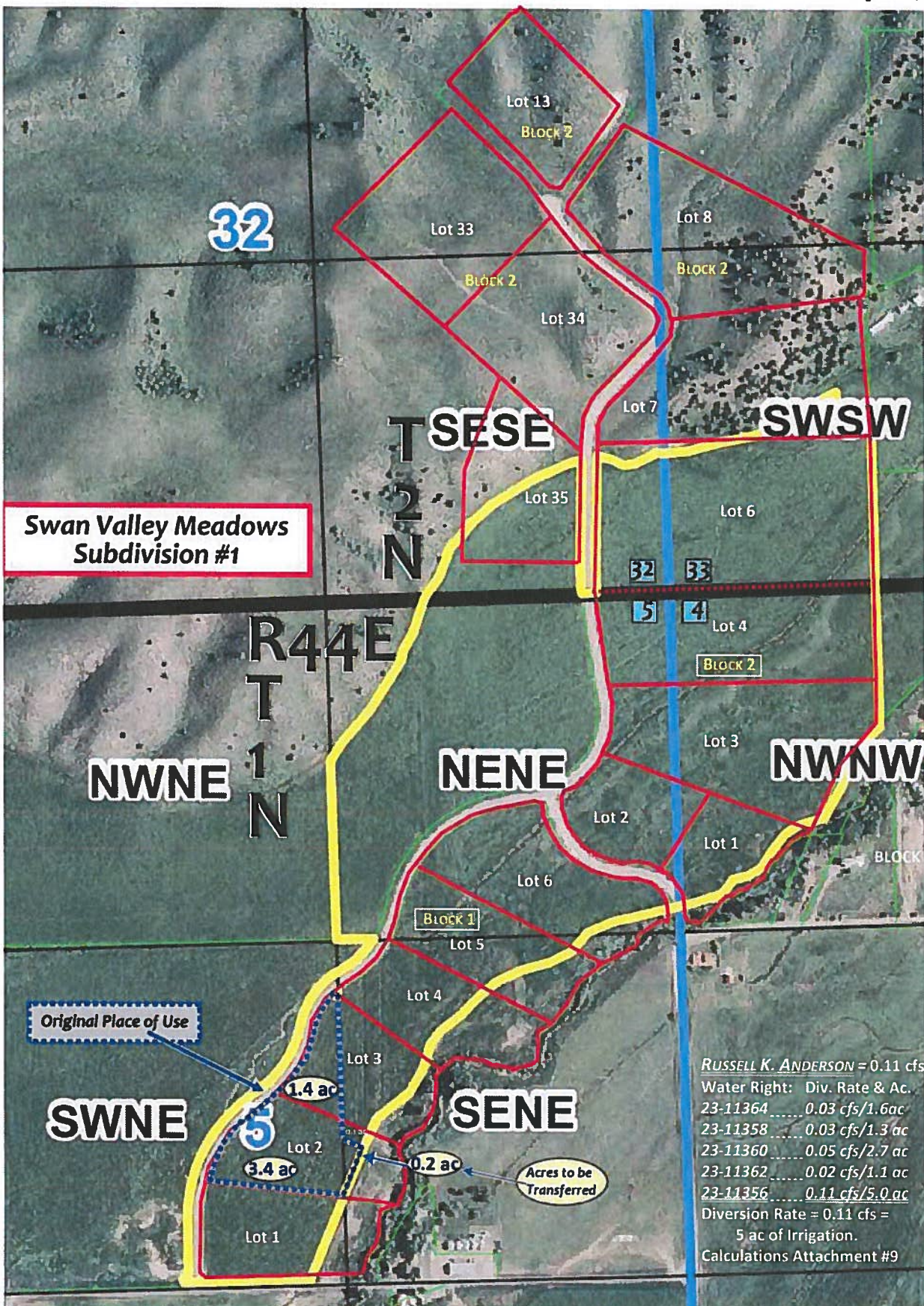


This instrument filed as an accommodation only. It has not been examined as to its execution, insurability or effect on title.

1450907



Scale: 1 inch= 116 feet:		Feet	10.0090 Acres		Feet			Feet			Feet
1	/ne,ne,se,5,1n,44e		7	n00.3644e	128.14	13	n23.0750e	60.98	19	s86.0312e	89.09
2	/s89.2309w	348.90	8	n09.0148w	56.29	14	n63.5346e	82.99	20	s70.2150e	83.15
3	s89.2309w	391.81	9	s87.4959w	94.98	15	n27.4256e	70.33	21	s82.1834e	76.61
4	n00.3301w	98.89	10	n25.1408e	7.25	16	n11.5419e	76.66	22	n78.3943e	73.35
5	n89.1103w	242.05	11	n02.5156w	71.22	17	n01.4842e	70.41	23	n05.1004e	51.92
6	n00.3634w	77.38	12	n25.2143w	58.46	18	n51.2727e	97.65	24	s14.0529e	896.10



PERCENT OF EACH SURFACE WATER RIGHT TO BE TRANSFERRED:

A DIVERSION RATE OF 0.11 CFS = FIVE (5) ACRES OF IRRIGATION

Calculations								
Applicant purchased a 0.11 cfs portion of H2O Rights 23-11364, 23-11358, 23-11360, 23-11362 & 23-11356 for Irrigation of 5 acres.								

(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Combined Limits			cfs/ac	Acres	Div.Rate = (d) x (e) =			
2.11 cfs/92.4 acres =			0.0228	5	0.1142		= 0.11 cfs	
(a)	(b)	(c)	(d)	(e)	(f)	(g)	(h)	(i)
Priority Date	Water Right	Div.Rate Limit cfs	Decree Div. Rate cfs	Acres w/in 92.4	Acre Limit	(e) ÷ 92.4 WR Ac/92.4	(g)x(0.11 cfs) Div.Rate cfs	(g)x(5.0 ac) (%)x5= acres
03/01/1890	23-11364	2.11	0.60	30.3	92.4	0.3279	0.0361	1.6396
06/01/1893	23-11358		0.46	23.2		0.2511	0.0276	1.2554
05/07/1896	23-11360		1.00	49.9		0.5400	0.0594	2.7002
10/24/1898	23-11362		0.42	21.2		0.2294	0.0252	1.1472
01/22/1916	23-11356		2.02	92.4		1.0000	0.1100	5.0000

Summary of New H2O Rights						
Original Number	New H2O Right #	Div.Rate cfs	Acres	Combined Div.Rate	Combined Acres	
23-11364		0.04	1.6	0.11 cfs	5.0 acres	
23-11358		0.03	1.3			
23-11360		0.06	2.7			
23-11362		0.03	1.1			
23-11356		0.11	5.0			

CHAIN OF TITLE:

