



First American
First American Title and Escrow Company

9465 W Emerald St, Ste 260
Boise, Idaho 83704

RECEIVED

JAN 05 2010

WATER RESOURCES
WESTERN REGION

Ruth Rubel
Escrow Officer
rrubel@firstam.com

Direct Phone Number: (208)321-5160
FAX: (866)706-9418

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

January 04, 2010
File No: NCS373152 (RR)

Attn: John Westra, Western Regional Manager

Re: Arbor Ridge sale of Water Right 63-33210 (formerly 63-32831) to DDR Nampa LLC

Just as a follow up, I am attaching a copy of the recorded Special Warranty Deed for Water Right for the above referenced transaction. You may have already received a copy, but I wanted to make sure.

Sincerely,

First American Title and Escrow Company

Ruth M. Rubel,
Commercial Escrow Officer

ACCOMMODATION

After Recording
Return to:

Richard H. Andrus
Spink Butler, LLP
P.O. Box 639
Boise, ID 83701

REQUEST
TYPE Deed FEE 300
place

WILLIAM H. HUNST
CANYON COUNTY RECORDER
BY William H. Hunst
PIONEER-CALDWELL

2009 DEC 22 PM 1 15

RECORDED

2009064689

FOR RECORDING INFORMATION

SPECIAL WARRANTY DEED FOR WATER RIGHT

FOR VALUE RECEIVED, Arbor Ridge, LLC, an Idaho limited liability company ("Grantor"), whose address is P O Box 344, Meridian, ID 83680, does hereby grant, bargain, sell, convey and assign unto DDR Nampa LLC, a Delaware limited liability company ("Grantee"), whose address is 3300 Enterprise Parkway, Beachwood, OH 44122, the following described portion of Parent Water Right No 63-32831 now known as Water Right No 63-33210 (hereinafter referred to as the "Water Right"):

Quantity: 0 60 cubic feet per second, 135.0 acre feet per year

Acres / Place of Use: 30 0 acres used for irrigation within a 107 6 acre place of use in the SW/4 NW/4, SE/4 NW/4, NE/4 SW/4, and NW/4 SW/4 of Section 18, T3N, R1W; and in the SE/4 NE/4 and NE/4 SE/4 of Section 13, T3N, R2W, Canyon County, Idaho.

TO HAVE AND TO HOLD, the above-described Water Right No 63-33210 unto the Grantee and to the successors and assigns of Grantee forever. And the said Grantor does hereby represent, warrant and covenant to and with the said Grantee, that it is the owner in fee simple of the Parent Water Right No. 63-32831, that the Parent Water Right is free from all encumbrances, and that the Parent Water Right has been diverted and beneficially used (or that the nonuse thereof is legally excused) so as to avoid partial or complete forfeiture or abandonment

IN WITNESS WHEREOF, the Grantor has executed this Deed this 16th day of December, 2009

GRANTOR:

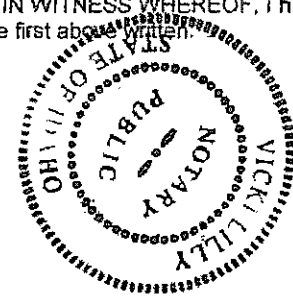
ARBOR RIDGE, LLC, an Idaho limited liability company

By: Gregory B Johnson
Gregory B Johnson, Member Operating Manager

STATE OF IDAHO)
) ss.
County of Ada)

On this 16th day of December, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Gregory B. Johnson, known or identified to me to be a Member of Arbor Ridge, LLC, the limited liability company that executed the within and 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 in this certificate first above written.



Vicki Liley
Notary Public for Idaho
Residing at Canyon County
My commission expires: 10/23/2014