

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

AMENDED**TRANSFER OF WATER RIGHT****AMENDED****TRANSFER NO. 73817**

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

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
63-2535	WR/Decreed	08/24/1937	0.7 cfs	157.5 af	35.0	35.0	GROUND WATER
63-4023B	WR/Decreed	07/01/1927	3 cfs	810 af	180.0	180.0	GROUND WATER
63-4086B	WR/Decreed	07/20/1960	5 cfs	1615.5 af	359.0	359.0	GROUND WATER
63-7123	WR/Decreed	07/11/1968	0.79 cfs	1615.5 af	351.0	351.0	GROUND WATER
63-17454	WR/Decreed	03/20/1938	1.7 cfs	N/A	85.0	85.0	DRY CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
63-2535	NO	NO	YES	YES	NO	NO
63-4023B	NO	NO	YES	YES	NO	NO
63-4086B	NO	NO	YES	YES	NO	NO
63-7123	NO	NO	YES	YES	NO	NO
63-17454	NO	YES	YES	NO	NO	NO

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
63-2535	63-2535	0.7 cfs	157.5 af	35.0	739.0		N/A	N/A		N/A
63-4023B	63-4023B	3 cfs	810 af	180.0	739.0		N/A	N/A		N/A
63-4086B	63-4086B	5 cfs	1615.5 af	359.0	739.0		N/A	N/A		N/A
63-7123	63-7123	0.79 cfs	1615.5 af	351.0	739.0		N/A	N/A		N/A
63-17454	63-17454	1.7 cfs	N/A	85.0	739.0		N/A	N/A		N/A
COMBINED TOTALS		7.84 cfs	1764 af	392	739		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 21st day of January, 2009**SUPPORT DATA****IN FILE #** 63-2535


John Westra, Western Regional Manager

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

WATER RIGHT NO. 63-17454
As Modified by Transfer No. 73817

In accordance with the approval of Transfer No. 73817, Water Right No. 63-17454 is now described as follows.

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

Priority Date: March 20, 1938

Source: DRY CREEK

Tributary: BOISE RIVER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>
IRRIGATION	03/01	to 11/15	1.70 CFS
			1.70 CFS

LOCATION OF POINT(S) OF DIVERSION:

DRY CREEK NENE Sec. 36 Twp 05N Rge 01E ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	25									14.4	.4	9.0	35.7		10.9	29.7	32.8	132.9
05N	01E	35	40.3	37.0	39.2	40.3					27.9			1.9	36.4	25.7	.4	15.8	264.9
05N	01E	36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0				1.2	8.9			317.0
05N	02E	30											24.2						24.2

Total Acres: 739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 63.
5. The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

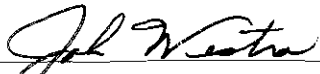
WATER RIGHT NO. 63-17454
As Modified by Transfer No. 73817

CONDITIONS OF APPROVAL

6. This right is limited to the irrigation of 85 acres within the place of use described above in a single irrigation season.
7. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.

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

Dated this 21st day of January, 20 09


John Westra, Western Regional Manager

WATER RIGHT NO. 63-2535
As Modified by Transfer No. 73817

In accordance with the approval of Transfer No. 73817, Water Right No. 63-2535 is now described as follows.

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

Priority Date: August 24, 1937

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
DOMESTIC	01/01	to 12/31	0.02 CFS	
IRRIGATION	03/01	to 11/15	0.70 CFS	157.5 AF
			0.70 CFS	157.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 35 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
05N	01E	25									14.4	.4	9.0	35.7					10.9	29.7	32.8	132.9
05N	01E	35	40.3	37.0	39.2	40.3					27.9			1.9	36.4	25.7	.4	15.8				264.9
05N	01E	36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0				1.2	8.9						317.0
05N	02E	30											24.2									24.2

Total Acres: 739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

WATER RIGHT NO. 63-2535
As Modified by Transfer No. 73817

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right is limited to the irrigation of 35 acres within the place of use described above in a single irrigation season.
7. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.

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

Dated this 21st day of January, 2009



John Westra, Western Regional Manager

WATER RIGHT NO. 63-4086B
As Modified by Transfer No. 73817

In accordance with the approval of Transfer No. 73817, Water Right No. 63-4086B is now described as follows.

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

Priority Date: July 20, 1960

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	5.00 CFS	1,615.5 AF
			5.00 CFS	1,615.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 35 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	25									14.4	.4	9.0	35.7		10.9	29.7	32.8	132.9
05N	01E	35	40.3	37.0	39.2	40.3					27.9			1.9	36.4	25.7	.4	15.8	264.9
05N	01E	36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0				1.2	8.9			317.0
05N	02E	30											24.2						24.2

Total Acres: 739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

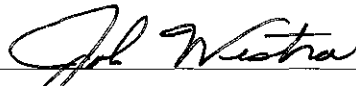
WATER RIGHT NO. 63-4086B
As Modified by Transfer No. 73817

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right is limited to the irrigation of 359 acres within the place of use described above in a single irrigation season.
7. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.
8. Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 1615.5 af at the field headgate, and the irrigation of 359 acres in a single irrigation season.

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

Dated this 21st day of January, 2009


John Westra, Western Regional Manager

WATER RIGHT NO. 63-7123
As Modified by Transfer No. 73817

In accordance with the approval of Transfer No. 73817, Water Right No. 63-7123 is now described as follows.

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

Priority Date: July 11, 1968

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/31	0.79 CFS	1,615.5 AF
			0.79 CFS	1,615.5 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 35 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	01E	25									14.4	.4	9.0	35.7		10.9	29.7	32.8	132.9
05N	01E	35	40.3	37.0	39.2	40.3					27.9			1.9	36.4	25.7	.4	15.8	264.9
05N	01E	36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0				1.2	8.9			317.0
05N	02E	30											24.2						24.2

Total Acres: 739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

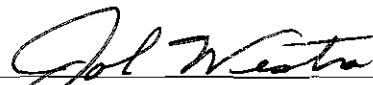
WATER RIGHT NO. 63-7123
As Modified by Transfer No. 73817

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right is limited to the irrigation of 351 acres within the place of use described above in a single irrigation season.
7. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.
8. Rights 63-4086B and 63-7123 when combined shall not exceed a total annual maximum diversion volume of 1615.5 af at the field headgate, and the irrigation of 359 acres in a single irrigation season.
9. The period of use for the irrigation described in this approval may be extended to a beginning date of 3/1 and an ending date of 11/15 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water before 4/1 and after 10/31 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 4/11/2007.

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

Dated this 21st day of January, 20 09


John Westra, Western Regional Manager

WATER RIGHT NO. 63-4023B
As Modified by Transfer No. 73817

In accordance with the approval of Transfer No. 73817, Water Right No. 63-4023B is now described as follows.

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

Priority Date: July 01, 1927

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	03/01	to 11/15	3.00 CFS	810.0 AF
STOCKWATER	01/01	to 12/31	0.04 CFS	
			3.00 CFS	810.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	NENE	Sec. 35 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County
GROUND WATER	NENE	Sec. 36 Twp 05N	Rge 01E	ADA County

PLACE OF USE: IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals			
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
05N	01E	25									14.4	.4	9.0	35.7					10.9	29.7	32.8	132.9
05N	01E	35	40.3	37.0	39.2	40.3					27.9			1.9	36.4	25.7	.4	15.8				264.9
05N	01E	36	40.5	40.5	34.9	20.2	40.5	40.5	38.9	37.9	13.0				1.2	8.9						317.0
05N	02E	30											24.2									24.2

Total Acres: 739

CONDITIONS OF APPROVAL

1. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
2. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
3. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.
4. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code and applicable Well Construction Rules of the Department.

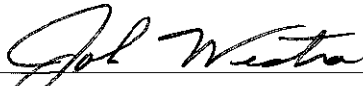
WATER RIGHT NO. 63-4023B
As Modified by Transfer No. 73817

CONDITIONS OF APPROVAL

5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right is limited to the irrigation of 180 acres within the place of use described above in a single irrigation season.
7. The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
8. The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
9. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.

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

Dated this 21st day of January, 20 09



John Westra, Western Regional Manager

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

Priority: March 1, 1987

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

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

SOURCE

GROUND WATER

and a water right has been established as follows:

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

LOCATION OF POINT(S) OF DIVERSION:

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

PLACE OF USE: IRRIGATION

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

Total Acres: 12

CONDITIONS OF APPROVAL

1. This right is for an enlargement of 12 acres within the place of use described for this right.
2. This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.
3. This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
4. This right is based upon an enlargement of Right Nos. 63-2535, 63-4023B, 63-4086B and 63-7123 pursuant to Section 42-1426, Idaho Code.
5. Rights 63-2535, 63-4023B, 63-4086B, 63-7123, 63-17454 and 63-32266 when combined shall not exceed a total diversion rate of 7.84 cfs, a total annual maximum diversion volume of 1764.0 af at the field headgate, and the irrigation of 404 acres in a single irrigation season.

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

Dated this 21st day of January, 2008.



John Westra, Western Regional Manager