

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

JAN 19 2007

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

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
2. Describe the reason for the proposed changes Applicant will use existing water rights in pressurized irrigation system serving a portion of the Dry Creek Ranch Planned Community.

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

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

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

3. Source of water Dry Creek tributary to Boise River
Source of water Ground water tributary to NA

4. Point(s) of Diversion:

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

5. Lands irrigated or place of use:

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

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

PART 1**6 General Information:**

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

Attachment C

X

- a. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? ☒ Yes ☐ No If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. By: Rick E Tettemat Date: July 29, 2008

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

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

- c. Remarks:

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

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No _____

And the said application is hereby _____ subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____

For the Director

DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-17454 (as recommended) on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Correction Bargain and Sale Deed

3. Source of water Dry Creek tributary to Boise River

4. Date or priority 03/20/1938

5. Water is used for the following purposes:

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

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

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

6. Total amount of water under right 1.7 cubic feet per second and/or _____ acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NW	31	05N	02E	Ada	Dry Creek Diversion

8. Lands irrigated or place of use:

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

Total Acres 85

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

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes _____ If yes, describe Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-7123 (as recommended) on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership.
Label document as attachment A. Check appropriate box below:☐ Tax Notice☐ Warranty Deed☒ Other Correction Bargain and Sale Deed3. Source of water Ground water tributary to _____4. Date or priority 07/11/1968

5. Water is used for the following purposes:

amount 0.79 cfs / 1615.5 afa for Irrigation purposes from 4/01 to 10/31
(cfs/ac-ft)

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

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

6. Total amount of water under right 0.79 cubic feet per second and/or 1615.5 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total Acres 3519. Describe any other water rights used for the same purpose as described above 63-17454, 63-4086B, 63-4023B, and 63-2535

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes _____ If yes, describe Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4086B (as recommended) on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice

☐ Warranty Deed

☒ Other Correction Bargain and Sale Deed

3. Source of water Ground water tributary to _____

4. Date or priority 07/20/1960

5. Water is used for the following purposes:

amount 5 cfs / 1615.5 afa for Irrigation purposes from 3/1 to 11/15
(cfs/ac-ft)

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

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

6. Total amount of water under right 5 cubic feet per second and/or 1615.5 acre-feet per annum.

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total Acres 359

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

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes _____ If yes, describe Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
- amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

DEPARTMENT OF WATER RESOURCES

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

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-4023B (as recommended) _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Correction Bargain and Sale Deed

3. Source of water Ground water tributary to _____

4. Date or priority 07/01/1927

5. Water is used for the following purposes:

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

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

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total Acres 180

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

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

Yes _____ If yes, describe Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. 63-2535 (as recommended) on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Correction Bargain and Sale Deed

3. Source of water Ground water tributary to _____

4. Date or priority 08/24/1937

5. Water is used for the following purposes:

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

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

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

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

7. Point(s) of Diversion:

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

8. Lands irrigated or place of use:

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

Total Acres 35

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

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?
Yes _____ If yes, describe Water right has been protected from forfeiture through pending adjudication claim and approved application for extension of time to avoid forfeiture.

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED
(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

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

1. amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

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

Total Acres _____

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

- See Attached Map

- Attachment B

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

PART 3**B. CHANGES IN NATURE OF USE**

1.	<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
	_____	_____	_____	_____ to _____
	_____	_____	_____	_____ to _____

Quantity and quality of return flows and location of discharge: _____

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

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

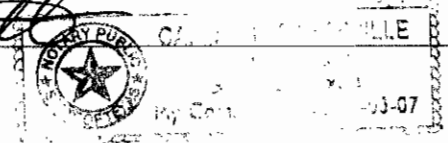
I understand that any willful misrepresentations made in this application may result in voiding its approval.

Richard L. Tettemant
(Signature of Applicant)

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

Carol S. Turbent
(Notary Public)

My commission expires 11-03-07

**FOR DEPARTMENT USE ONLY**

Transfer contains 14 pages and 2 attachments

Received by DB Date 1-19-07 Protest filed by _____

Prelim. Check by VLM Fee \$530

Received by DB W035025 Date 1-19-07

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

ADA COUNTY RECORDER J. DAVID HAWKINS
RECEIVED 10:41 AM
DEPUTY Megan Hines
RECORDED - REQUEST OF
Placer

AMOUNT 18.00



294381
Sxm/HH

**CORRECTION
BARGAIN AND SALE DEED**

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

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

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

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

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

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

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

CORRECTION BARGAIN AND SALE DEED - 1

Attachment A (p. 1 of 6)

DATED: October 4, 2005

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

STATE OF IDAHO)
) ss.
County of Ada)

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

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



Joyce H. Johnson
Notary Public for Idaho
Residence: Boise, Idaho
Commission Expires: 1/27/11

Attachment A (p. 2 of 6)

EXHIBIT A

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence departing said center of Brookside Lane along said midsection line and the East boundaries of Spring Creek Estates and Spring Creek Estates Subdivision No. 7, as same are recorded in Book 26 of Plats at Page 1638, and Book 78 of Plats at Page 8270, respectively, records of Ada County, Idaho, North $00^{\circ}31'05''$ East, 740.09 feet to the Northeast corner of said Spring Creek Estates;

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

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

A Attachment A (p. 3 of 6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A (p 4 of 6)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attachment A (p. 5 of 6)

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

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

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

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

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

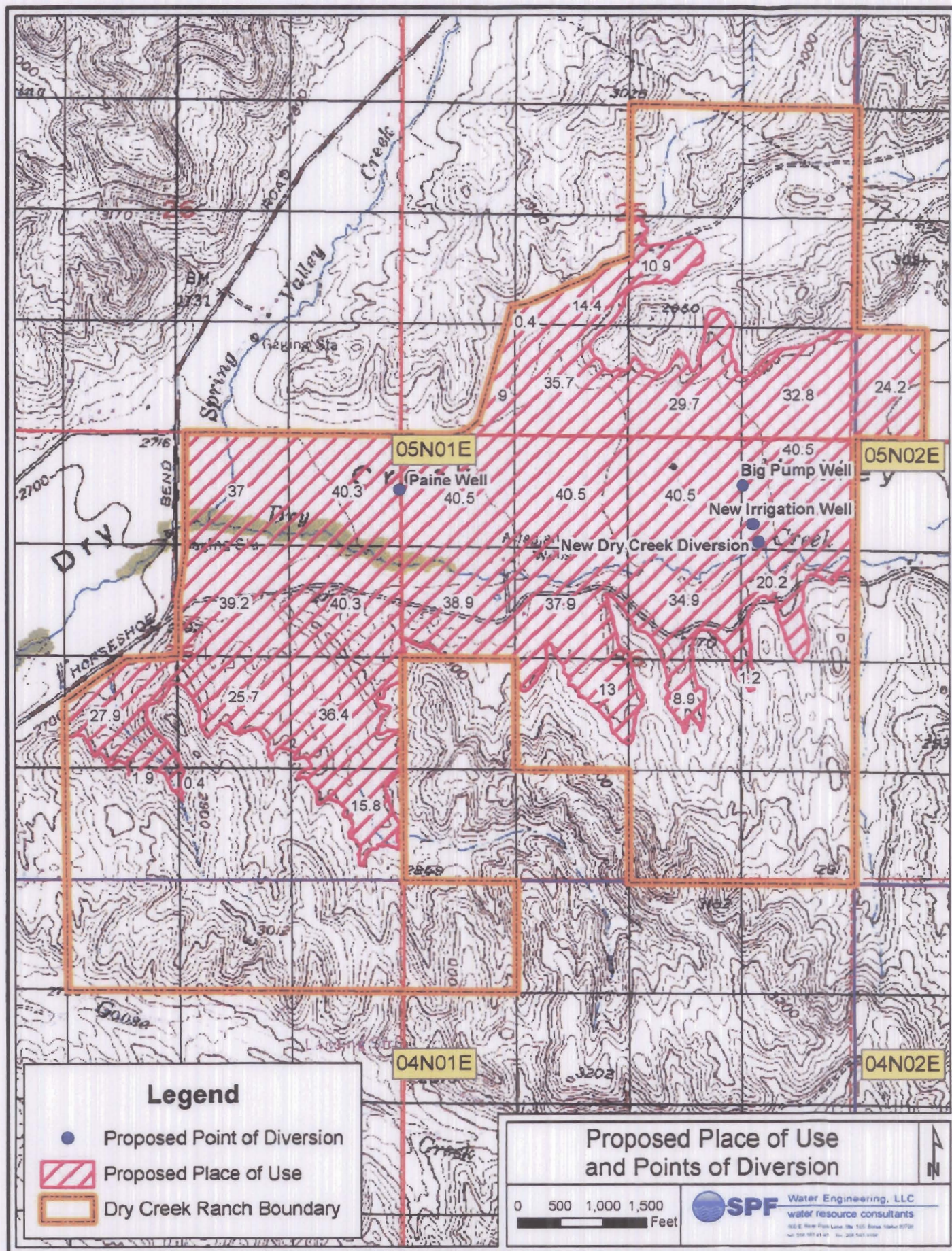
Thence North $85^{\circ}03'42''$ East, 55.12 feet;

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

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

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

Attachment A (p. 6 of 6)



Attachment B

August 4, 2008

RECEIVED

AUG 15 2008

WATER RESOURCES
WESTERN REGION

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

To Whom It May Concern:

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

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

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

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

Bank of America, N.A.

By: 
Its: Senior Vice President

Attachment C

State of Texas

§
§
§

County of Dallas

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



Mary R. Kinsey

Printed Name:

Notary Public, State of Texas

EXHIBIT "A"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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