

AMENDED

Transfer No. 72805
Receipt No. E031931

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

1. Applicant Information RIO B LLC
 HWHL LLC
 3007 CAN-ADA RD
 MELBA ID 83641

Will this transfer result in an ownership change? X Yes No

2. Current Water Right**Part 2 Attached for Each Right**

	Origin/Basis	Rate	Volume	Acre Limit	Total Acres	Source
73-151	AJC/Decreed	3.20			154.7	PAHSIMEROI RIVER

3. Purpose of Transfer (Change Proposed)**Part 3A Attached for Each Proposed Right****Part 3B Attached for Each Split Right**

Right	Split	POD	POU	Add POD	Period of Use	Nature of Use
73-151	NO	YES	NO	NO	NO	NO

Describe the reason for the proposed changes

The proposed point of diversion is more convenient, and more efficient, than the existing point of diversion for the transfer of water to the point of use.

4. FOR CHANGES IN NATURE OF USE ONLY

A. Describe the expected quantity of the return flows and location of discharge after the proposed change

B. Describe the effects on other water uses resulting from the proposed change

5. Total Amounts Transferred

	Rate	Acre Limit	Total Acres	Volume
73-151	3.20 cfs		154.7	
TOTAL	3.20 cfs		154.7	

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MAR 10 2008

72805

Department of Water Resources
Eastern Region

Transfer No. 72805
Receipt No. E031931

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

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.

Cheryl R. Sanger

(Signature of Applicant)

Rio 3 LLC

(Title or Office)

(Signature of Applicant)

(Title or Office)

(Signature of Applicant)

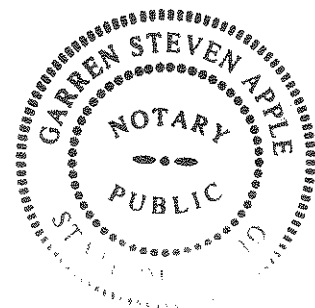
(Title or Office)

Subscribed and sworn to before me this 5th day of March, 2008.

Stacy Apple

(Notary Public)

My commission expires 8/12/2011



Transfer No. 72805
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**IDAHO DEPARTMENT OF WATER RESOURCES
 APPLICATION FOR TRANSFER OF WATER RIGHT
 PART 2**

Current Water Right No. 73-151

Priority Date: July 01, 1897
 Origin: Adjudication Recommendation
 Basis: Decreed
 Status: Active

Source: PAHSIMEROI RIVER **Tributary:** SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.20 CFS		
	Total Diversion	3.20 CFS		

Source and Point(s) of Diversion:

PAHSIMEROI RIVER	NESW	Sec. 28 Twp 13N	Rge 23E	CUSTER County
PAHSIMEROI RIVER	NWNW	Sec. 34 Twp 13N	Rge 23E	CUSTER 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	
13N 23E 28					24.0	35.0	18.0	11.0			1.7	16.0					105.7
13N 23E 33		2.0			34.0	13.0											49.0

Total Acres: 154.7

Conditions/Remarks:

1. 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.
2. Right Nos. 73-151, 73-12143, 73-12128, 73-12133, 73-12136 and 73-12140 are limited to the irrigation of a combined total of 391.5 acres in a single irrigation season.

Documentation of Ownership of the Current Place of Use
 Warranty Deed

Is this property subject to any liens, deeds of trust, mortgages, or contracts or other encumbrances?
 NO

Describe the effect on the current place of use for this water right if the place of use is changed pursuant to this transfer
 none

To your knowledge, has any portion of the water right undergone a period of five(5) or more consecutive years of non-use?
 NO

Transfer No. 72805
 Receipt No. E031931

IDAHO DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3A

Proposed Water Right No. 73-151

Priority Date: July 01, 1897

Origin: Adjudication
 Recommendation

Basis: Decreed

Status: Active

Source: SPRING CREEK

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Volume</u>	<u>Subuse Code</u>
IRRIGATION	04/01 10/31	3.20 CFS		
	Total Diversion	3.20 CFS		

Source and Point(s) of Diversion:

SPRING CREEK SWNENE Sec. 33 Twp 13N Rge 23E CUSTER County

Describe the proposed diversion system

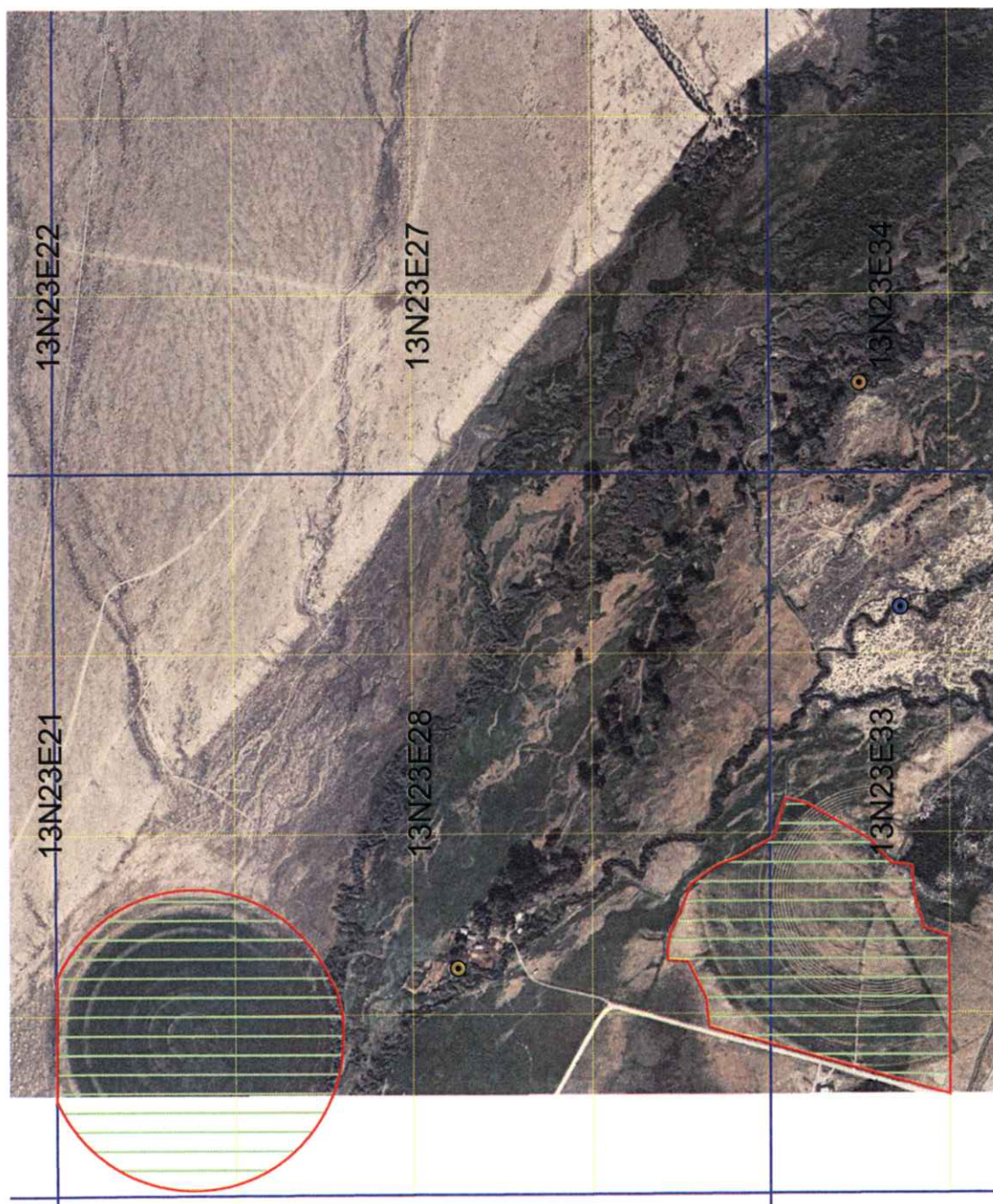
Point of Diversion # 1 Metered headgate in ditch cut into the stream

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		
13N 23E 28					24.0	35.0	18.0	11.0				1.7	16.0					105.7
13N 23E 33		2.0			34.0	13.0												49.0

Total Acres: 154.7

Transfer Map



- Place of Use
- New Point of Diversion
- Recommened Point of Diversion
- Sections
- QQ



Page 1 of 8STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 72805

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

Name of applicant Berend Friehe and Carla Friehe Phone (208) 765-4584
Post Office address 2498 Road S NE Moses Lake WA 98837

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 The proposed point of diversion is more convenient, and more efficient, than the existing point of diversion for the transfer of water to the point of use.

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>73-151</u>	<u>7/1/1897</u>	<u>3.2 cfs</u>	<u>irrigation</u>	<u>4/1</u> to <u>11/1</u>
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____
_____	_____	_____	_____	_____ to _____

2. Total amount of water being transferred 3.2 cubic feet per second and/or _____ acre-feet per annum.3. Source of water Spring Creek tributary to _____

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SW	NE	33	13N	23E	Custer	

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	
13N	23E	28					24	35	18	11			1.7	16					105.7
13N	23E	33		2			34	13											49.0

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Department of Water Resources
Eastern RegionTotal acres 154.7

72805

PART 1

6. General Information:

a. Description of diversion system Metered headgate in ditch cut into the stream.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
XX 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.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
None.

d. Remarks:

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:

SUPERSEDED

Witness my hand this _____ day of _____, 20_____.

For the Director

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Transfer No.

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PART 3

B. CHANGES IN NATURE OF USE

1.

New Nature of Use	Amount(cfs/af-ft)	Hours/day/year	Period of Use
			to
			to
2. Quantity and quality of return flows and location of discharge:
3. 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.



Subscribed and sworn to before me this

18th

day of

May

2006

Bernad Schaller, Catalina

(Signature of Applicant)

Jan L. Wahl

(Notary Public)

My commission expires

6-21-2008

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and attachments

Received by

Date

Protest filed by

Prelim. Check by

Fee

370-

Received by

Date

5/22/06

EO 31931

Published in

Challis Messenger

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

Superceded

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05/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-151 V1

WATER RIGHT NUMBER: 73-151 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BEREND FRIEHE 2498 RD S NE MOSES LAKE, WA 98837 (209)765-4585
Current Owner	CARLA FRIEHE 2498 RD S NE MOSES LAKE, WA 98837
Original Owner	BERT L HATCH HC 62 BOX 2180 MAY, ID 83235 (208)876-4422
Original Owner	DORIS F HATCH HC 62 BOX 2180 MAY, ID 83235 (208)876-4422
Original Owner	A M HATCH & SONS C/O BERT L HATCH HC 62 BOX 2180 MAY, ID 83253 (208)876-4422

Priority Date: 07/01/1897

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PAHSIMEROI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.200 CFS	
	<u>Total Diversion:</u>	3.200 CFS	

Location of Point(s) of Diversion

PAHSIMEROI RIVER	NW1/4NW1/4	Sec. 34, Twp 13N, Rge 23E, B.M.
CUSTER County		
PAHSIMEROI RIVER	NE1/4SW1/4	Sec. 28, Twp 13N, Rge 23E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Superseded

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13N	23E	28					24.0	35.0	18.0	11.0			1.7	16.0					105.7

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05/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-151 V1

13N 23E 33	2.0	34.0	13.0		49.0
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Total Acres: 154.7

Conditions of Approval:

1. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.
2. E55 Right Nos. 73-150B, 73-151, 73-174D, 73-177 and 73-261 are limited to the irrigation of a combined total of 688.1 acres in a single irrigation season.

Remarks:

Comments:

1. rbrown 3/1/2006 POD

Comment: claimed in S33 is not on the Pahsimeroi River. The recommended POD is from the Pahsimeroi River. The POD in S33 may be an accomplished change in source, but there is not enough information to recommend it at this time.

Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number: 73
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Superseded

Combined Use Limits:

Rate	Volume	Acres
		688.1

Combined Water Rights: 73-150B , 73-261 , 73-151 , 73-177 , 73-174D

Element Reviewed/Verified Dates:

Element	Last Reviewed Date	Reviewer	Last Verified Date	Verifier	Status
Contacts	3/1/2006 9:33:27 AM	rbrown			Active
Priority Date	3/1/2006 9:33:39 AM	rbrown			Active
POD	3/1/2006 9:34:04 AM	rbrown			Active
Source	3/1/2006 9:34:20 AM	rbrown			Active
POU	3/1/2006 9:34:48 AM	rbrown			Active

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05/22/2006

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 73-151 V1

Use	3/1/2006 10:06:57 AM	rbrown	Active
Season	3/1/2006 10:06:58 AM	rbrown	Active
Quantity	3/1/2006 10:06:59 AM	rbrown	Active
Summary	03/01/2006	rbrown	Active

Verification Log:

Element	Date Time Stamp	Reviewer	Log text
Contacts	3/1/2006 9:33:27 AM	rbrown	(No) 1. Do you want to schedule an appointment? Comment for 1: in-office review
POD	3/1/2006 9:34:05 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (No) 4. Does the Decree or License have a POD? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
Source	3/1/2006 9:34:20 AM	rbrown	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?
Use	3/1/2006 10:06:58 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License?
Quantity	3/1/2006 10:06:59 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License?
POU	3/1/2006 4:17:46 PM	rbrown	Updated PLS for Active POU
General	3/1/2006 9:33:39 AM	rbrown	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?

Superseded

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IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 73-151 V1

POU	3/1/2006 9:34:49 AM	rbrown	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (No) 5. Does the Decree or License have a POU? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - aerial photo
Season	3/1/2006 10:06:59 AM	rbrown	(Yes) 1. Is the basis of claim Decree or License?
POD	3/1/2006 3:39:43 PM	rbrown	Updated shape
POU	3/1/2006 4:06:05 PM	rbrown	Updated shape for Active POU
POU	3/1/2006 4:13:44 PM	rbrown	Updated shape for Active POU
POU	3/1/2006 4:18:09 PM	rbrown	Updated PLS for Active POU
Summary	3/1/2006 4:22:02 PM	rbrown	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (Yes) 5. Does this right have any combined use limits with other rights? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
POD	3/1/2006 3:27:10 PM	rbrown	Updated shape

Water Supply Bank:

Superseded

WARRANTY DEED

FOR VALUE RECEIVED, BERT L. HATCH AND DORIS F. HATCH, AS CO-TRUSTEES OF THE BERT L. AND DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED MARCH 19, 1992, BERT L. HATCH AND DORIS F. HATCH, husband and wife, as to a life estate interest, with the remainder in BERT L. HATCH AND DORIS F. HATCH, AS CO-TRUSTEES OF THE BERT L. & DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED MARCH 19, 1992, AND THEIR SUBSTITUTES AND SUCCESSORS AS TRUSTEE THEREUNDER, and BERT HATCH and DORIS HATCH, as husband and wife, Grantors, do Bargain, Sell and Convey unto BEREND FRIEHE and CARLA FRIEHE, husband and wife, Grantees, whose current address is 2498 Road S NE, Moses Lake, Washington, 98837, the following described premises, in Custer County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED

Together with all water rights and appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said Grantees, their successors, administrators and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all encumbrances save and excepting therefrom all covenants, conditions, easements and restrictions of record, as recorded in the records of Custer County, Idaho, and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: 2-19-03
effective date

Bert L. Hatch

Bert L. Hatch, CO-TRUSTEE OF THE BERT L. AND DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED MARCH 19, 1992

0226640

Custer County Rec. of
CC-T
Time 2:41 PM Date 3-12-2003
Ethel M. Peck Clerk
Lura Baker \$ 12.00
Deputy

Doris F. Hatch

Doris F. Hatch, CO-TRUSTEE OF THE BERT L. AND DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED MARCH 19, 1992

AND

Bert L. Hatch

Bert L. Hatch, as to a life estate interest, with the remainder in BERT L. HATCH AND DORIS F. HATCH, AS CO-TRUSTEE OF THE BERT L. & DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED MARCH 19, 1992

T 72805
ATTACHMENT 1 OF 5

ATTACHMENT A

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226640

Doris F. Hatch
Doris F. Hatch, as to a life estate interest,
with the remainder in BERT L. HATCH AND
DORIS F. HATCH, AS CO-TRUSTEE OF
THE BERT L. & DORIS F. HATCH TRUST
UNDER TRUST AGREEMENT DATED
MARCH 19, 1992

AND

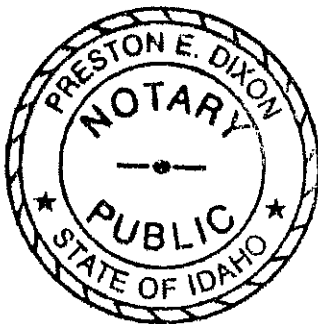
Bert L. Hatch
Bert Hatch

Doris F. Hatch
Doris Hatch

STATE OF IDAHO)
County of Custer) :ss

On this 6th day of MARCH, 2003, before me, a Notary Public in and for
said State, personally appeared BERT L. HATCH AND DORIS F. HATCH, CO-TRUSTEES OF
THE BERT L. AND DORIS F. HATCH TRUST UNDER TRUST AGREEMENT DATED
MARCH 19, 1992, and BERT HATCH and DORIS HATCH, husband and wife, also known as
BERT L. HATCH and DORIS F. HATCH, in their individual capacities, known to me to be the
persons whose names are subscribed to the foregoing instrument and acknowledged to me that they
executed the same.

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



Preston E. Dixon
Notary Public
My Commission Expires: 4/30/2005

EXHIBIT "A"

TOWNSHIP 12 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 3: Lots 1, 2, 3, and 4, and $N\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$.

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 27: $W\frac{1}{2}SW\frac{1}{4}$.

SECTION 33: $NE\frac{1}{4}$, $NE\frac{1}{4}SE\frac{1}{4}$.

SECTION 34: $S\frac{1}{2}$, $SE\frac{1}{4}NE\frac{1}{4}$, $S\frac{1}{4}NW\frac{1}{4}$, $NE\frac{1}{4}NW\frac{1}{4}$.

SECTION 35: $W\frac{1}{2}SW\frac{1}{4}SW\frac{1}{4}$.

TOWNSHIP 10 NORTH, RANGE 25 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 13: $SW\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, $SE\frac{1}{4}SW\frac{1}{4}$.

SECTION 14: $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$.

SECTION 15: $S\frac{1}{2}NW\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$, $NW\frac{1}{4}SW\frac{1}{4}$.

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 28: $NE\frac{1}{4}NW\frac{1}{4}$, $NW\frac{1}{4}NW\frac{1}{4}$, $SE\frac{1}{4}$, $SW\frac{1}{4}NW\frac{1}{4}$ EXCEPTING THEREFROM:

A tract of land generally described as being a portion of the West Half of Section 28, Township 13 North, Range 23 East, Boise Meridian, Custer County, State of Idaho; lying Easterly and Northerly of McCoy Lane, being more particularly described as follows:

Beginning at a $5/8"$ x $30"$ rebar with aluminum cap (P.L.S. #3577) marking the West quarter corner of Section 28, Township 13 North, Range 23 East, Boise Meridian, from which a $5/8"$ x $30"$ rebar with aluminum cap (P.L.S. #3577) marking the Northwest corner of said Section 28 bears North $0^{\circ}22'30"$ West, 2641.31 feet; thence North $0^{\circ}22'30"$ West, 447.78 feet on or along the West line of the $NW\frac{1}{4}$, said Section 28 to a set $5/8"$ x $30"$ rebar with plastic cap (P.L.S. #3577); thence leaving said West line North $89^{\circ}18'28"$ East, 512.05 feet to a set $5/8"$ x $30"$ rebar with plastic cap (P.L.S. #3577); thence South $0^{\circ}22'30"$ East, 1361.88 feet to a set $5/8"$ x $30"$ rebar with plastic cap (P.L.S. #3577) lying on or along the centerline of McCoy Lane; thence North $60^{\circ}51'55"$ West, 537.29 feet on or along said centerline to a set $5/8"$ x $30"$ rebar with plastic cap (P.L.S. #3577); thence North $54^{\circ}02'49"$ West, 55.18 feet on or along said centerline to a set $5/8"$ x $30"$ rebar with plastic cap (P.L.S. #3577) lying on or along the West line of the $SW\frac{1}{4}$, said Section 28; thence leaving said centerline North $0^{\circ}22'30"$ West, 613.92 feet on or along said West line to the POINT OF BEGINNING.

SUBJECT TO a County Road Easement along the South and West lines of above described tract as shown by the Official Plat filed October 19, 2001, as instrument No. 223721, records of Custer County, Idaho.

TOWNSHIP 13 NORTH, RANGE 23 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SE $\frac{1}{4}$ NW $\frac{1}{4}$ OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 23 EAST, AND ALL OF THE SW $\frac{1}{4}$ OF SECTION 28 NORTH AND EAST OF MCCOY LANE, AND N $\frac{1}{2}$ NW $\frac{1}{4}$ OF SECTION 33 EAST OF MCCOY LANE, EXCEPTING THEREFROM those portions South and West of McCoy Lane and the following described:

A tract of land generally described as being a portion of the West Half of Section 28, Township 13 North, Range 23 East, Boise Meridian, Custer County, State of Idaho; lying Easterly and Northerly of McCoy Lane, being more particularly described as follows:

Beginning at a 5/8" x 30" rebar with aluminum cap (P.L.S. #3577) marking the West quarter corner of Section 28, Township 13 North, Range 23 East, Boise Meridian, from which a 5/8" x 30" rebar with aluminum cap (P.L.S. #3577) marking the Northwest corner of said Section 28 bears North 0°22'30" West, 2641.31 feet; thence North 0°22'30" West, 447.78 feet on or along the West line of the NW $\frac{1}{4}$, said Section 28 to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577); thence leaving said West line North 89°18'28" East, 512.05 feet to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577); thence South 0°22'30" East, 1361.88 feet to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577) lying on or along the centerline of McCoy Lane; thence North 60°51'55" West, 537.29 feet on or along said centerline to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577); thence North 54°02'49" West, 55.18 feet on or along said centerline to a set 5/8" x 30" rebar with plastic cap (P.L.S. #3577) lying on or along the West line of the SW $\frac{1}{4}$, said Section 28; thence leaving said centerline North 0°22'30" West, 613.92 feet on or along said West line to the POINT OF BEGINNING.

SUBJECT TO a County Road Easement along the South and West lines of above described tract as shown by the Official Plat filed October 19, 2001, as instrument No. 223721, records of Custer County, Idaho.

I, Bert Hatch, am the Mortgagee in that certain Mortgage dated February 26, 2003, wherein Berend Friehe and Carla Friehe appear as Mortgagors and I appear as Mortgagee, which Mortgage encumbers the property described therein. I have reviewed the Application for Transfer of Water Right affecting Water Right No. 73-151, and I hereby consent to the granting of the relief requested by Mr. and Mrs. Friehe.

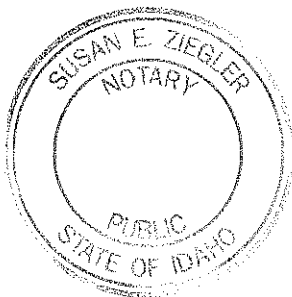
DATED: May 19, 2006.


Bert Hatch

STATE OF IDAHO)
) SS
County of Lemhi)

On this 19th day of May, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared BERT HATCH, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

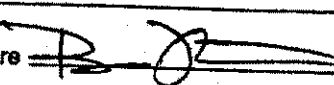



Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-4-2011

ATTACHMENT T 72805
5 OF 5

72805

No. W 44210	Due no later than November 30, 2007 Annual Report Form		Registered Agent and Office NO PO BOX LAYNE R BANGERTER 3007 CAN-ADA RD MELBA, ID 83641
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080 NO FILING FEE IF RECEIVED BY DUE DATE	1. Mailing Address - Correct in this box if applicable RIO B LLC 3007 CAN-ADA RD MELBA, ID 83641		3. New 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>
manager/ member	Layne R. Bangertter	3007 Can-Ada Rd	Melba ID 83641
member	Elizabeth C. Bangertter	3007 Can-Ada Rd	Melba ID 83641
5. Organized Under the Laws of: IDAHO W 44210		6. Signature Date <u>9/14/07</u> Name (Typed or Printed) <u>Elizabeth C (Betsy) Bangertter</u> Title <u>member</u>	
Issued 09/04/2007		Do Not Tape or Staple	
		200711005690	

No. W 44209		Due no later than November 30, 2007		Registered Agent and Office NO PO BOX													
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		Annual Report Form 1. Mailing Address - Correct in this box, if applicable HWHL LLC 1711 N CHERAPPLE DR OREM, UT 84097		BEN PETERSON 3007 CAN-ADA RD MELBA, ID 83641													
NO FILING FEE IF RECEIVED BY DUE DATE				3. <u>New</u> Registered Agent Signature													
4. Limited Liability Companies: Enter Names and Addresses of Managers.																	
<table border="1"><thead><tr><th>Office held</th><th>Name</th><th>Street or P.O. Address</th><th>City</th><th>State</th><th>Zip</th></tr></thead><tbody><tr><td>Manager</td><td>Ben Petersson</td><td>1711 N-Cherapple Dr.</td><td>Orem</td><td>UT</td><td>84097</td></tr></tbody></table>						Office held	Name	Street or P.O. Address	City	State	Zip	Manager	Ben Petersson	1711 N-Cherapple Dr.	Orem	UT	84097
Office held	Name	Street or P.O. Address	City	State	Zip												
Manager	Ben Petersson	1711 N-Cherapple Dr.	Orem	UT	84097												
5. Organized Under the Laws of: IDAHO W 44209		6. Signature  Date 9/18/07															
		Name (Typed or Printed) Ben Peterson		Title													

Issued 09/04/2007

Do Not Tape or Staple

200711005689