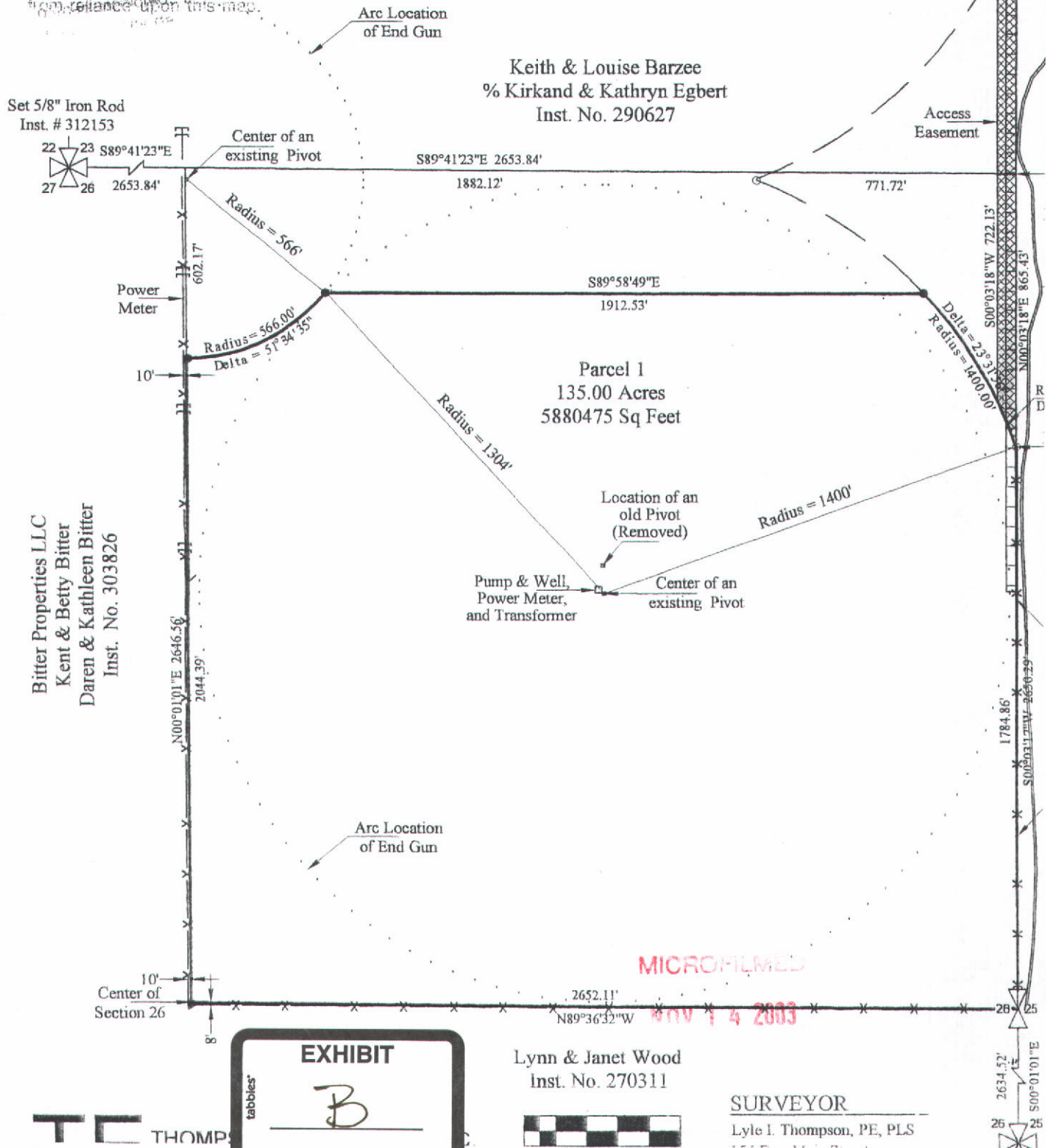
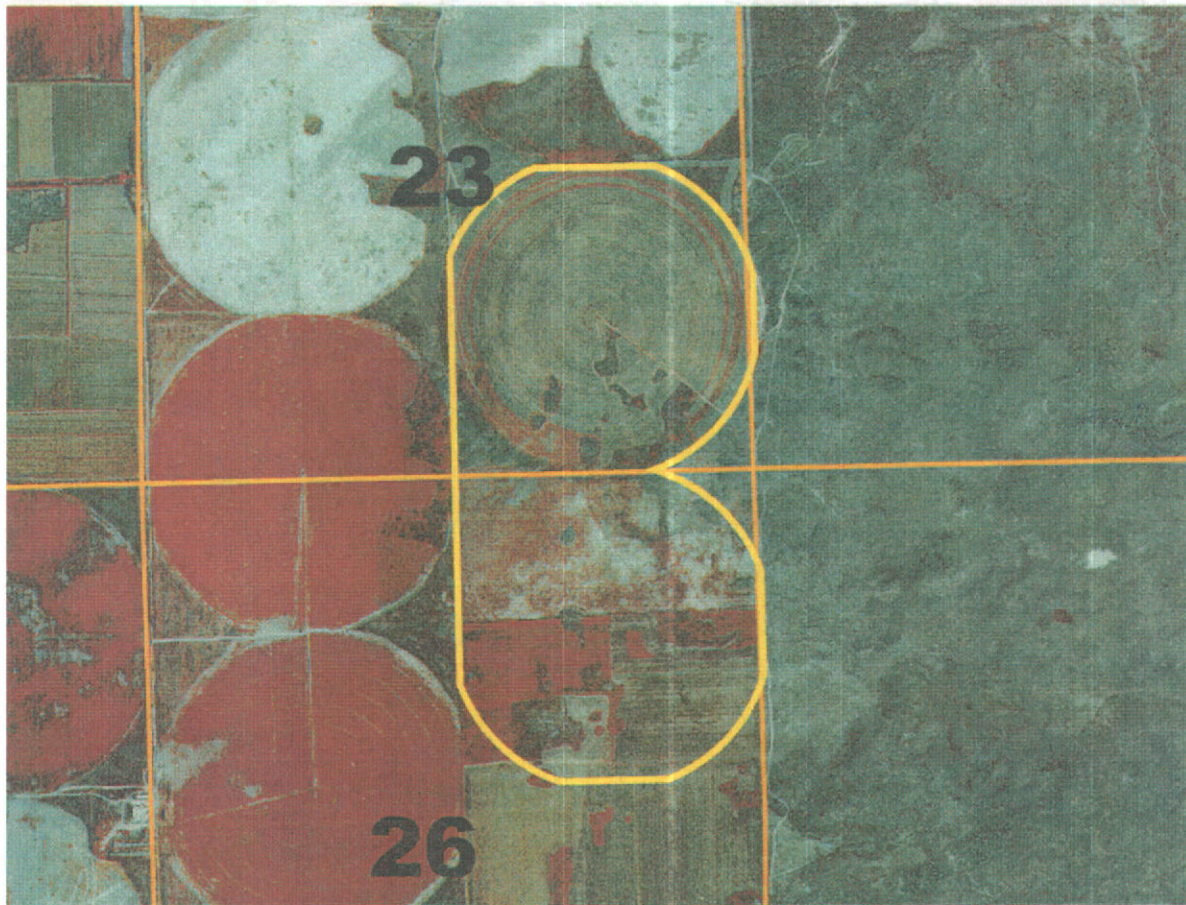


A Parcel of Land Situated in Jefferson County, State of Idaho, Township 6 North, Range 35 East of the Boise Meridian, Section 26, More Particularly Described as Follows: Beginning at the Northeast Corner of Section 26, Township 6 North, Range 35 East B.M.

This map should not be relied upon for any purpose other than orientation to the general location of the parcel or parcels depicted. The Company expressly disclaims any discharge which may result from reliance upon this map.



**Water Right Nos. 31-02327B,
31-07080, 31-11671**



0.5 0 0.5 1 Miles

**Township 06N Range 35E
Section 23 and Section 26**

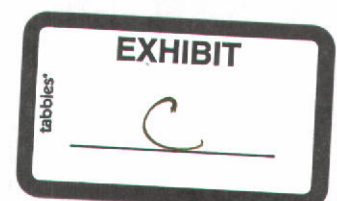
1987 NAPP Photography

**GIS Presentation Prepared by
Roxanne Brown for the
Idaho Dept. of Water Resources**



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to Bonn Co.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change of ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
31-02327B	~~31-02327B~~				
31-07080	~~31-07080~~				
	31-11843 - EGBERT				
	31-11844 - JRG				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question. **WITH ATTACHED LEGAL DESCRIPTION.**
- The Deed is attached as Exhibit A.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions): **PLAT OF PROPERTY** or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

Attached as Exhibit B.

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Attached as Exhibit C.

3. Name and Address of former Owner/Claimant(s) Kirk and Kathryn Egbert
P.O. Box 87, Terreton, ID 83450
4. New Owner/Claimant(s) JRG Partners II
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address 22050 Regnart Road
City, State and ZIP code Cupertino, CA 95014
New Telephone Number (408) 366-0581
5. Date you acquired the property January 18, 2002

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a large amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	0.585 cfs, 175 AF	50 acres
Stock		
Domestic		
Other		
Total		

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation		
Stock		
Domestic		
Other		
Total		

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable) _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by J. Masi
Receipted by J. Masi
Processed by J. Masi AJ

Date 4.10.03
Date 4.10.03
Date _____

Fee \$125.00
Receipt No 2068534
WR _____

Date _____

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NOV 14 2003

WARRANTY DEED

FOR VALUE RECEIVED, Kirk Egbert and Kathryn Egbert, whose address is P.O. Box 87, Terreton, ID 83450, husband and wife ("Grantor"), hereby grant, bargain, sell and convey to JRG PARTNERS II, an Idaho general partnership whose address is 22050 Regnart Road, Cupertino, California 95014 ("Grantee"), its successors and assigns, in fee simple, the following real estate, water rights and associated fixtures and equipment:

See attached Exhibit "A",

hereinafter referred to as the "Property," together with all appurtenances, hereditaments, and fixtures, specifically including, but not limited to, the following:

- A. The entirety of water right no. 31-02327B, which is licensed for the irrigation of 70 of the above-described 135 acres under a 1953 priority at a maximum diversion rate of 1.2 cubic feet per second ("cfs") and an annual diversion volume of 245 acre-feet ("af"). A copy of the original license for water right no. 31-02327, the approved transfers for water right no. 31-02327B and the recommendation of the Idaho Department of Water Resources ("IDWR") in the Snake River Basin Adjudication ("SRBA") are attached to this Warranty Deed as Attachments 2, 3 and 4, respectively, and incorporated herein.
- B. A 0.585 cfs, 175 af portion of water right no. 31-07080, which amount is calculated as sufficient to irrigate 50 of the above-described 135 acres within the Property under a 1973 priority. A copy of the original license, an approved transfer and IDWR's SRBA recommendation for this right (recommending 200 acres of irrigation at a diversion rate of 2.34 cfs) are attached to this Warranty Deed as Attachments 5, 6 and 7, respectively, and incorporated herein.
- C. The water well located in or close to the SENWNE of Section 26, T. 6 N, R. 35 E, B.M., together with the pump in such well and the sprinkler pivot, with a center point currently located at or near the center point of the NE quarter Section 26, T. 6 N, R. 35 E, B.M., and associated pipes, pumps, electrical equipment and facilities associated therewith.

TO HAVE AND TO HOLD the Property, together with its appurtenances, hereditaments, and fixtures unto Grantees, Grantees' heirs, successors and assigns forever. And Grantor does hereby covenant to and with Grantee that Grantor is the owner in fee simple of the Property; that the Property is free from all liens, claims and encumbrances, and that Grantor will warrant and defend the same from all other lawful claims whatsoever.

Grantor further hereby assigns to Grantee all of Grantee's interests in water right license no. 31-02327B and the above-described portion of Grantor's interest in water right license no. 31-07080.

Instrument # 312744

RIGBY, JEFFERSON, IDAHO
2007-02-12 03:50:00 No. of Pages: 16
Recorded for : FIRST AMERICAN TITLE
CONNIE M. KELLER Fee: 48.00
Ex-Officio Recorder Deputy
Index to: WARRANTY DEED

EXHIBIT

A

RECEIVED BY NOV 14 2003
ASSESSOR
For PLATTING
Date 2/5/03 TIME 3:50
MICROFILMED

Grantor hereby reserves to itself, and excludes from this grant:

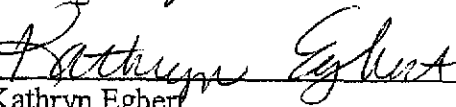
- a. Grantor's remaining 1.755 cfs and 570.5 acre-feet of permissible diversions under water right no. 31-07080; and
- b. the entirety of water right 31-11671, a 1981 water right for an enlargement which allows the irrigation of an additional 13 acres within the same diversion rate allowed for water right no. 31-07080;

which reserved interests together authorize Grantor to irrigate no more than 163 acres.

Dated this 18 day of January, 2002.

GRANTOR:


Kirk Egbert


Kathryn Egbert

1-18-02
Date Signed

1-18-02
Date Signed

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NOV 14 2003

State of Idaho)

County of Jefferson)

ss.

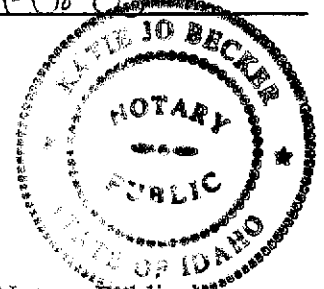
On this 18th day of January, in the year of 2002, before me, a Notary Public in and for said State, personally appeared Kirk Egbert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Katie Jo Becker

Notary Public for Idaho

Residing at Rexburg

My Commission expires 11-08-05



State of Idaho)

County of Jefferson)

ss.

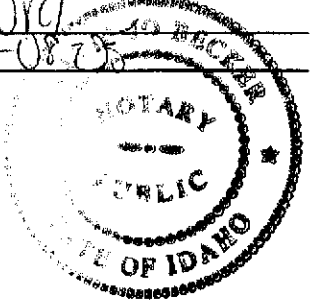
On this 16th day of January, in the year of 2002, before me, a Notary Public in and for said State, personally appeared Kathryn Egbert, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Katie Jo Becker

Notary Public for Idaho

Residing at Rexburg

My Commission expires 11-08-05



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EXHIBIT "A"

LEGAL DESCRIPTION

A Parcel of Land Situated in Jefferson County, State of Idaho, Township 6 North, Range 35 East of the Boise Meridian, Section 26, More Particularly Described as Follows: Beginning at the Northeast Corner of Section 26, Township 6 North, Range 35 East B.M.

Thence $S00^{\circ}03'18''W$ along the East line of Section 26 for a Distance of 865.43 feet to the True Point of Beginning.

Thence $S00^{\circ}03'18''W$ along the East line of Section 26 for a Distance of 1784.86 feet to a 3" Aluminum Cap, said Point being the East Quarter Corner (E1/4) of said Section 26;

Thence $N89^{\circ}36'32''W$ along the South line of the Northeast Quarter (NE1/4) of Section 26 for a Distance of 2652.11 feet to the Southwest Corner of the Northeast Quarter (NE1/4) of Section 26;

Thence $N00^{\circ}01'01''E$ along the West line of the Northeast Quarter (NE1/4) of Section 26 for a Distance of 2044.39 feet to the Beginning of a Curve to the Left, Delta = $51^{\circ}34'35''$ Radius = 566.00 feet and an Arc Length of 509.50 feet; Thence $N64^{\circ}34'53''E$ along the Chord for a Distance of 492.47 feet to the end of said curve;

Thence $S89^{\circ}58'49''E$ for a Distance of 1912.53 feet to the Beginning of a Curve to the Right, Delta = $23^{\circ}31'56''$ Radius = 1400.00 feet and an Arc Length of 575.00 feet; Thence $S31^{\circ}12'18''E$ along the Chord for a Distance of 570.97 feet to the end of said curve, said Point being the True Point of Beginning, containing 135.00 acres more or less.

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NOV 14 2003

State of Idaho License and Certificate of Water Right

Water License No. G-24276Amount 5.2 c.f.s.

Water District No. _____

Priority July 3, 1952

THIS IS TO CERTIFY that

TEN AHLE

of Buhl, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated July 3, 1953; that Permit No. G-24276 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 5.2 second feet, was issued thereunder on September 17, 1959, showing that said works were completed on the 11 day of February, 1959; and that on the 11 day of February, 1959,

TEN AHLE

of Buhl, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well, a tributary of subterranean flow, for the purpose of irrigation & domestic use, under Use Permit No. G-24276 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 11 of Licenses at page 6759, on the 17 day of September, 1959.

The right hereby confirmed dates from July 3, 1953:

The Point of Diversion is located

in the SW 1/4 SW 1/4, Sec. 26, Twp. 6 N., R. 35 E., B. McJefferson County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 5.2 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 N.	35 E.	26	SE 1/4 NE 1/4	40	40
			SW 1/4 NE 1/4	40	30
			NW 1/4 SE 1/4	40	40
			SW 1/4 SE 1/4	40	40
			SE 1/4 SE 1/4	40	40
			SW 1/4 SW 1/4	40	30
			Total number of acres to be irrigated:		260

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this

17 day of September

1959

GEO. H. CARTER

State Reclamation Engineer

(SEAL)

NOV 14 2007

11 2007

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

This is to certify that: KEITH BARZEE
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 31-02327B :			
IRRIGATION	04/15 to 10/15	1.20 CFS	245.0 AF
Priority: 07/03/1953			
Right No. 31-07080 :			
IRRIGATION	04/15 to 10/15	2.34 CFS	700.0 AF
Priority: 03/12/1973			
	TOTAL:	* 3.54 CFS	* 945.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 23, Township 06N, Range 35E
NWNE, Sec. 26, Township 06N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	35E	23	NESE 33	NWSE 33	SWSE 33	
			SESE 27			126
	26		NENE 35	NWNE 39	SWNE 35	
			SENE 35			144
						** 270

Total number of acres irrigated:

** 270

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

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NOV 4 2003

SEP 18 1998

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right 31-02327B is limited to the irrigation of 70.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 31-02327B when combined with Rights 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.
- ** 8. Right 31-07080 is limited to the irrigation of 200.0 acres in the place of use described above in a single irrigation season.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5210 shall not exceed 3.54 cfs, nor a total combined annual volume of 945.0 af, for the irrigation of 270.0 acres.

Dated this 24th day of

August, 1998


Chief, Water Allocation Bureau

EXHIBIT

3

PAGE

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OF

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SEP 18 1998

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4837
WATER RIGHT NO. 31-02327B

This is to certify that: KEITH BARZEE
LOUISE BARZEE
1455 N 2000 E
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	* 1.20 CFS	245.0 AF

SOURCE

GROUNDWATER

Priority: 07/03/1958

LOCATION OF POINT(S) OF DIVERSION:

SESE, Sec. 23, Township 06N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	35E	26	SWNE 30	SENE 40		70
Total number of acres irrigated:						70

CONDITIONS OF APPROVAL AND REMARKS

1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. 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 determine the amount of water diverted from power records and shall annually report the information to the department.
3. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.

EXHIBIT

3

PAGE

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OF

4

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SEP 11 1996

SEP 11 1996

TRANSFER NO. 4837
WATER RIGHT NO. 31-02327B

CONDITIONS OF APPROVAL AND REMARKS

4. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- * 6. Right No. 31-02327B when combined with Right Nos. 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.

Dated this 27th day of

August, 1996

J. Glen Sauter
Chief, Water Alloc. Bureau

EXHIBIT

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PAGE

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OF

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NOV 4 2003

SEP 11 1996

ATTACHMENT 4

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-23278
 NAME AND ADDRESS: KIRK EGBERT
 PO BOX 87
 TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.200 CFS
 245.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
 COMBINED DIVERSION RATE OF 3.54 CFS. COMBINED RIGHT NOS.: 31-023278,
 31-07080, AND 31-11571.

PRIORITY DATE: 07/03/1953

POINT OF
DIVERSION:

T06N R35E S23 SESESE Within JEFFERSON County
 T06N R35E S26 SENWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	1.200 CFS 245.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
 AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER
 ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL
 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
 WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
 AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED
 FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within JEFFERSON County

T06N R35E S23	NESE	33.0	T06N R35E S23	NWSE	35.0
T06N R35E S23	SWSE	40.0	T06N R35E S23	SESE	33.0
T06N R35E S26	NENE	34.0	T06N R35E S26	NWNE	40.0
T06N R35E S26	SWNE	34.0	T06N R35E S26	SENE	34.0

283 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 70 ACRES WITHIN THE PLACE OF USE
 DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
 USE OF THIS RIGHT WITH RIGHT NO. 31-7080 IS LIMITED TO THE IRRIGATION OF A
 COMBINED TOTAL OF 170 ACRES IN A SINGLE IRRIGATION SEASON.
 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
 IRRIGATION OF A COMBINED TOTAL OF 283 ACRES IN A SINGLE IRRIGATION
 SEASON. COMBINED RIGHT NOS.: 31-023278, 31-07080, 31-11571.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

MICROFILMED

958

NOV 4 2003

CONDITIONS OF APPROVAL

a. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

b. The right to the use of the water hereby confirmed is restricted and appurtenant to lands or place of use herein described, and is subject to all prior water rights, as provided by the laws of Idaho.

c. Any water right confirmed in this license for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this license and shall not give rise to any right or claim against any future rights to the use of water other than hydropower, within the State of Idaho initiated later in time than the priority of this license.

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.

EXHIBIT

5

PAGE

2

OF

2

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NOV 14 2003

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 17th day of September, 19 86.

Acting for the Director

B. D. Hansen

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

This is to certify that: KEITH BARZEE
TERRETON ID 83450

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

BENEFICIAL USE	PERIOD OF USE	DIVERSION RATE	ANNUAL VOLUME
Right No. 31-02327B :			
IRRIGATION	04/15 to 10/15	1.20 CFS	245.0 AF
Priority: 07/03/1953			
Right No. 31-07080 :			
IRRIGATION	04/15 to 10/15	2.34 CFS	700.0 AF
Priority: 03/12/1973			
TOTAL:		* 3.54 CFS	* 945.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION: SESE, Sec. 23, Township 06N, Range 35E
NWNE, Sec. 26, Township 06N, Range 35E
JEFFERSON County

PLACE OF USE: IRRIGATION

TWN	RGE	SEC	ACRES	ACRES	ACRES	TOTAL
06N	35E	23	NESE 33	NWSE 33	SWSE 33	126
		26	SESE 27	NWNE 39	SWNE 35	144
			NENE 35			
			SENE 35			

Total number of acres irrigated: ** 270

CONDITIONS OF APPROVAL AND REMARKS

1. The right holder shall measure and annually report diversions of water and/or other pertinent hydrologic and system information as required by Section 42-701, Idaho Code.
2. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

EXHIBIT

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NOV 14 2003

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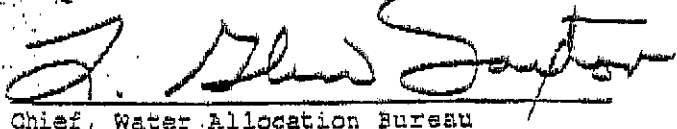
SEP 18 1992

PAGE 2

TRANSFER NO. 5210
WATER RIGHT NO(S). 31-02327B/31-07080

CONDITIONS OF APPROVAL AND REMARKS

3. The right holder shall accomplish the change authorized by this transfer within one (1) year of the date of this approval.
4. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
5. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
- ** 6. Right 31-02327B is limited to the irrigation of 70.0 acres in the place of use described above in a single irrigation season.
- * 7. Right 31-02327B when combined with Rights 31-02327A and 31-02371 shall not exceed a total combined diversion rate of 5.51 cfs.
- ** 8. Right 31-07080 is limited to the irrigation of 200.0 acres in the place of use described above in a single irrigation season.
- * 9. The total instantaneous diversion of water from all points of diversion under Transfer 5210 shall not exceed 3.54 cfs, nor a total combined annual volume of 945.0 af, for the irrigation of 270.0 acres.

Dated this 24th day ofAugust, 1998

Chief, Water Allocation Bureau

EXHIBIT

U2 OF 2

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NOV 14 2003

SEP 18 1998

ATTACHMENT 7

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 31-7080
 NAME AND ADDRESS: KIRK EGBERT
 PO BOX 87
 TERRETON ID 83450

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.340 CFS
 700.00 AFY

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
 COMBINED DIVERSION RATE OF 3.54 CFS. COMBINED RIGHT NOS.: 31-02327B,
 31-07080, AND 31-11671.

PRIORITY DATE: 03/12/1973

POINT OF
DIVERSION:

T06N R35E S23 SESESE Within JEFFERSON County
 T06N R35E S26 SENWNE Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 10/15	2.340 CFS 700.00 AFY

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY
 AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER
 ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL
 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL
 WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE
 AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED
 FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within JEFFERSON County

T06N R35E S23	NESE	33.0	T06N R35E S23	NWSE	35.0
T06N R35E S23	SWSE	40.0	T06N R35E S23	SESE	33.0
T06N R35E S26	NENE	34.0	T06N R35E S26	NWNE	40.0
T06N R35E S26	SWNE	34.0	T06N R35E S26	SENE	34.0

283 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 300 ACRES WITHIN THE PLACE OF
 USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
 USE OF THIS RIGHT WITH RIGHT NO. 31-3327B IS LIMITED TO THE IRRIGATION OF A
 COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION SEASON.
 USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
 IRRIGATION OF A COMBINED TOTAL OF 283 ACRES IN A SINGLE IRRIGATION
 SEASON. COMBINED RIGHT NOS.: 31-02327B, 31-07080, AND 31-11671

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

MICHAEL J. HARRIS

1188

EXHIBIT

7

NOV 14 2003

PAGE

1

OF

2

05/04/2001

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO
SECTION 42-1425, IDAHO CODE.
RIGHT NO. 31-11671 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION
42-1426, IDAHO CODE.

1189

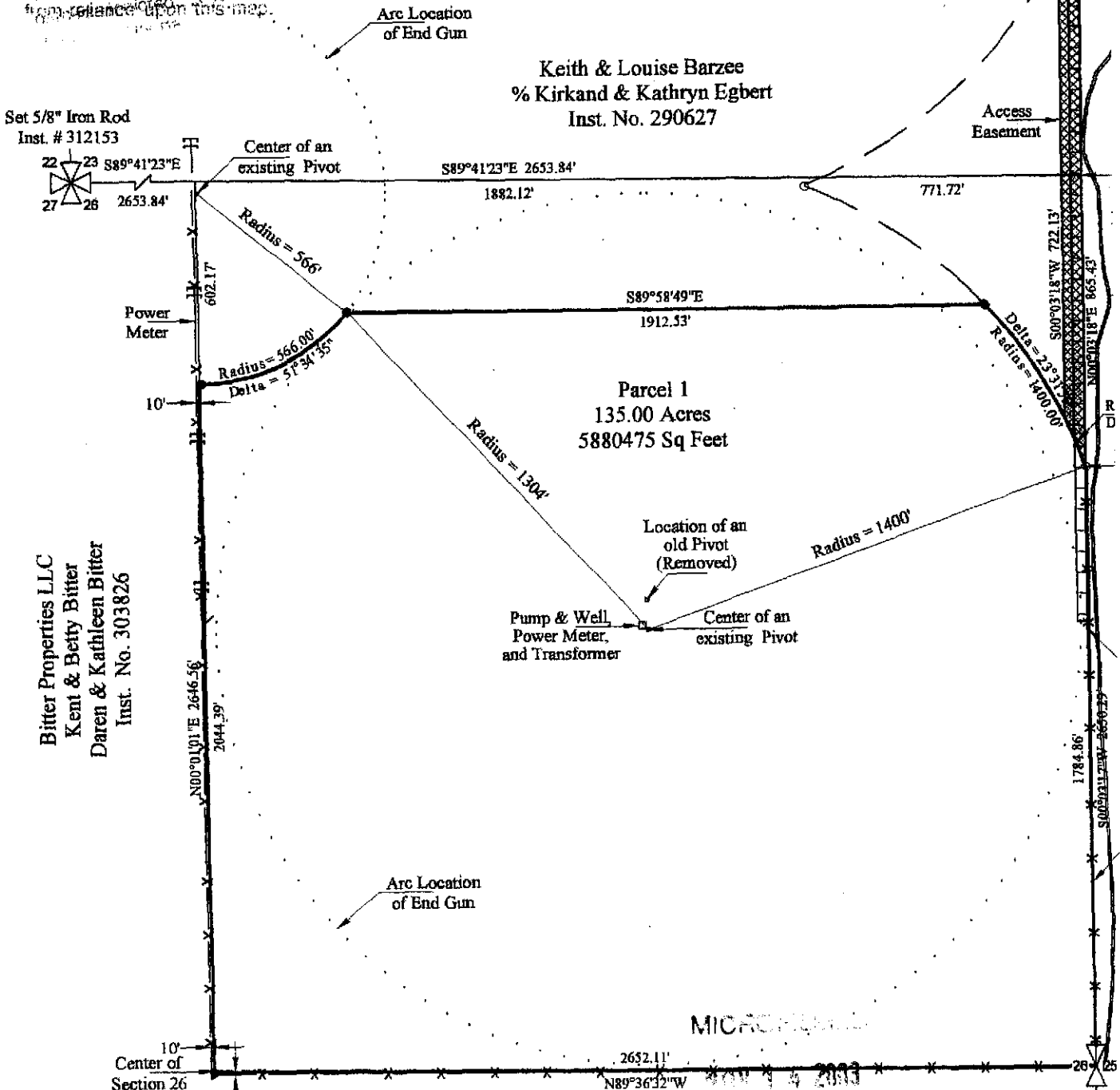
EXHIBIT 7
PAGE 2 OF 2

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NOV 4 2003

Boundary Description

A Parcel of Land Situated in Jefferson County, State of Idaho, Township 6 North, Range 35 East of the Boise Meridian, Section 26, More Particularly Described as Follows: Beginning at the Northeast Corner of Section 26, Township 6 North, Range 35 East B.M.
 Thence S00°03'18"W along the East line of Section 26 for a Distance of 865.43 feet to the True Point of Beginning.
 Thence S00°03'18"W along the East line of Section 26 for a Distance of 1784.86 feet to a 3" Aluminum Cap, said Point being the East Quarter Corner (E1/4) of said Section 26;
 Thence N89°36'32"W along the South line of the Northeast Quarter (NE1/4) of Section 26 for a Distance of 2652.11 feet to the Southwest Corner of the Northeast Quarter (NE1/4) of Section 26;
 Thence N00°01'01"E along the West line of the Northeast Quarter (NE1/4) of Section 26 for a Distance of 2044.39 feet to the Beginning of a Curve to the Left, Delta = 51°34'35" Radius = 566.00 feet and an Arc Length of 509.50 feet;
 Thence N64°34'53"E along the Chord for a Distance of 492.47 feet to the end of said curve;
 Thence S89°58'49"E for a Distance of 1912.53 feet to the Beginning of a Curve to the Right, Delta = 23°31'56" Radius = 1400.00 feet and an Arc Length of 570.97 feet;
 Thence S31°12'18"E along the Chord for a Distance of 570.97 feet to the end of said curve, said Point being the True Point of Beginning, containing 135.00 acres more or less.

This map/plot should not be relied upon for any purpose other than orientation to the general location of the parcel or parcels depicted. The Company expressly disclaims any liability which may result from reliance upon this map.



Bitter Properties LLC
 Kent & Betty Bitter
 Daren & Kathleen Bitter
 Inst. No. 303826

Pump & Well
 Power Meter
 and Transformer

Lynn & Janet Wood
 Inst. No. 270311

SURVEYOR
 Lyle I. Thompson, PE, PLS

THOMPSON

EXHIBIT

B



**Water Right Nos. 31-02327B,
31-07080, 31-11671**



0.5 0 0.5 1 Miles

**Township 06N Range 35E
Section 23 and Section 26**

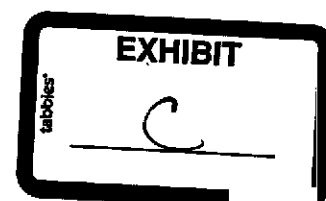
1987 NAPP Photography

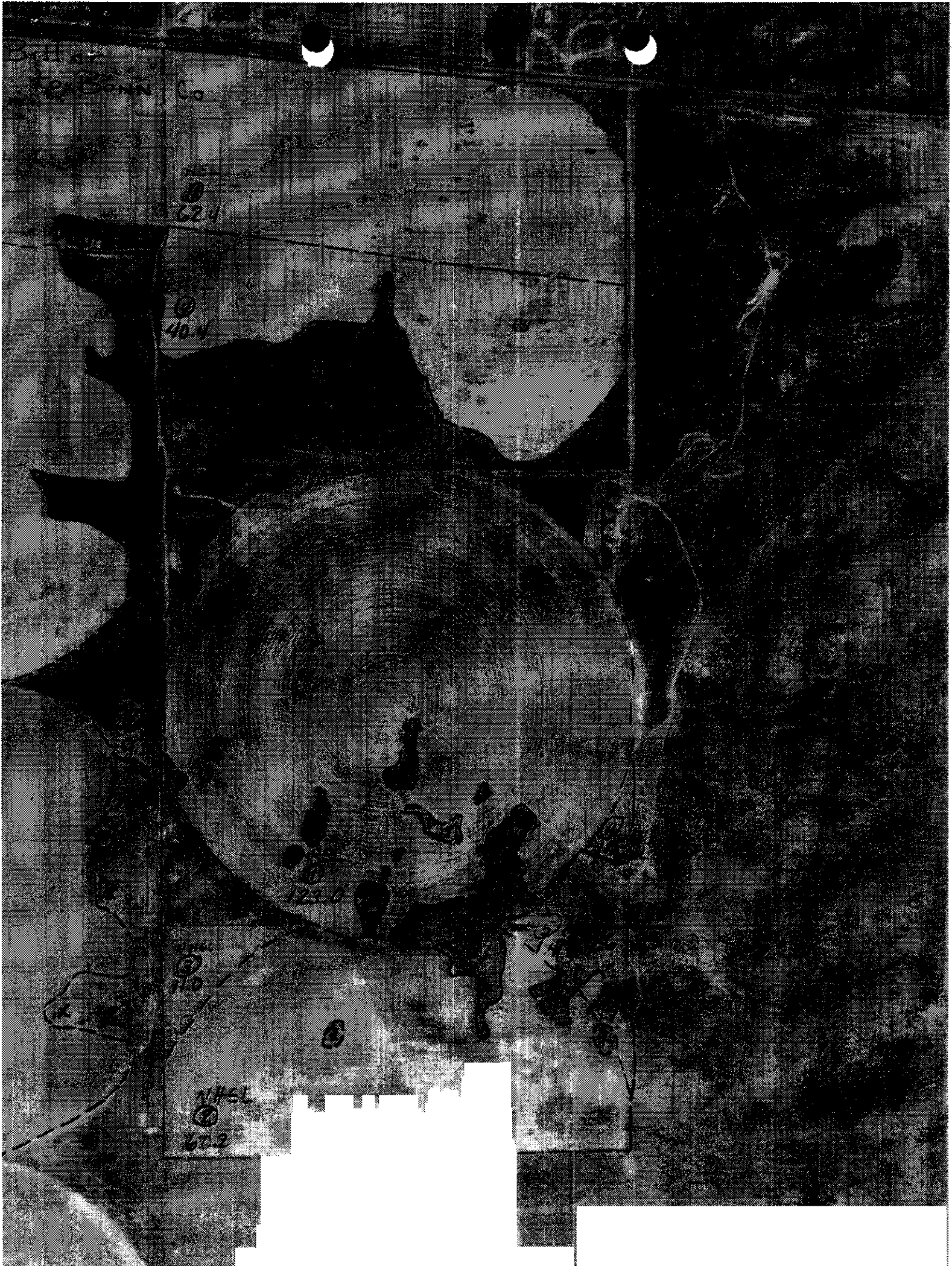
**GIS Presentation Prepared by
Roxanne Brown for the
Idaho Dept. of Water Resources**



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NOV 14 2003





64L

3001
(5-9)

WHEL

See Map M-8

(1)
C97

(9669)

127 WHEL

(9669)

WHEL

(1)
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(1)

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MIC

14 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-11844

WATER RIGHT NUMBER: 31-11844

<u>Owner Type</u>	<u>Name and Address</u>
Previous Owner	KIRK S EGBERT 1410 E 1300 N PO BOX 87 TERRETON, ID 83450 (208) 663-4505
Current Owner	JRG PARTNERS II C/O GREGORY YOUNG 22050 REGNART RD CUPERTINO, CA 95014 (408) 366-0581
Attorney	GIVENS PURSLEY LLP ATTN JOHN MARSHALL PO BOX 2720 BOISE, ID 83701-2720 (208) 388-1200

Priority Date: 03/12/1973

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	0.590 CFS	175.00 AF
	<u>Total Diversion:</u>	0.590 CFS	175.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4NW1/4NE1/4	Sec. 26, Twp 06N, Rge 35E, B.M.
JEFFERSON County		

Place of Use

IRRIGATION Within JEFFERSON County

T06N R35E S26	NENE	26.0	T06N R35E S26	NWNE	26.0
T06N R35E S26	SWNE	34.0	T06N R35E S26	SENE	34.0
Total Acres: 120					

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

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NOV 14 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-11844

Conditions of Approval: (continued)

2. 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.
3. E11 USE OF THIS RIGHT WITH RIGHT NO. 31-2327B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 120 ACRES IN A SINGLE IRRIGATION SEASON.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 50 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
5. S02 THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. jzokan 10/21/2003 Split by ownership

Comment: Right 31-7080 split by ownership change into rights 31-11844 & 31-11843.

Dates and Other Information:

Decreed Date: 2/22/2002

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NOV 14 2003

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 31-7080

WATER RIGHT NUMBER: 31-7080

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	KEITH ROGER BARZEE 1455 N 2000 E TERRETON, ID 83450 (208) 663-4873
Current Owner	KIRK S EGBERT 1410 E 1300 N PO BOX 87 TERRETON, ID 83450 (208) 663-4505

Priority Date: 03/12/1973**Basis: Decreed****Status: PARENT**

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 10/15	2.340 CFS	700.00 AF
	<u>Total Diversion:</u>	2.340 CFS	700.00 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SE1/4SE1/4	Sec. 23, Twp 06N, Rge 35E, B.M.
JEFFERSON County		
GROUND WATER	SE1/4NW1/4NE1/4	Sec. 26, Twp 06N, Rge 35E, B.M.
JEFFERSON County		

Place of UseIRRIGATION Within JEFFERSON County

T06N R35E S23	NESE	33.0	T06N R35E S23	NWSE	35.0
T06N R35E S23	SWSE	40.0	T06N R35E S23	SESE	33.0
T06N R35E S26	NENE	34.0	T06N R35E S26	NWNE	40.0
T06N R35E S26	SWNE	34.0	T06N R35E S26	SENE	34.0

Total Acres: 283Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. 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.

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NOV 14 2003

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 31-7080

Remarks:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 3.54 CFS. COMBINED RIGHT NOS.: 31-02327B, 31-07080, AND 31-11671.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 31-2327B IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 270 ACRES IN A SINGLE IRRIGATION SEASON.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 283 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 31-02327B, 31-07080, AND 31-11671.
4. Explanatory RIGHT NO. 31-11671 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO SECTION 42-1426, IDAHO CODE.
5. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 200 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
6. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER OCTOBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

Comments:

1. bcontor 1/18/2001 Recommendation

Comment: See eCVR comments and paper file 31-2327B for full explanation of recommendation.

2. csaxton 3/23/2001 N.O.E.

Comment: Recommendation changed to include enlargement claim 31-11671 in PPU per instruction from Bryce Contor.

3. Ownership Change 10/21/2003 2:06:29 PM Split Right

Comment: Split into 31-11843 and 31-11844.

Dates and Other Information:

Decreed Date: 2/22/2002

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NOV 14 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 7, 2003

JRG PARTNERS II
C/O GREGORY YOUNG
22050 REGNART RD
CUPERTINO CA 95014

RE: Change of Ownership for Water Rights 31-11844 (Split from 31-7080) & 31-2327B

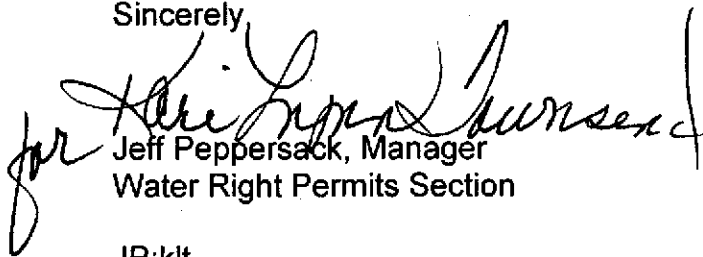
Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,


Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: GIVENS PURSLEY LLP
ATTN JOHN MARSHALL
PO BOX 2720
BOISE ID 83701-2720

MICROFILMED
NOV 14 2003

APR 10 2003

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1270
E-Mail: jmmw@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Emily MacMaster Durkee
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Fearnside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Kristensen
Anne C. Kunkel
Deborah E. Nelson
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
Kendall L. Miller
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
W. Hugh O'Riordan
Michael C. Orr
Kenneth L. Pursley

Bradley V. Sneed
H. Barton Thomas**
Conley E. Ward
Robert B. White

Raymond D. Givens
James A. McClure
Stephanie C. Westermeier
OF COUNSEL

John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Washington, D.C. only
***Licensed in Kentucky only

April 10, 2003

VIA HAND DELIVERY

Karilynn Townsend
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Nos. 31-02327B and 31-07080
Our File: 4989-7

Dear Karilynn:

Pursuant to our conversation, I am resending a copy of the Notice of Change in Water Right Ownership for processing on behalf of JRG Partners II. Also enclosed is a copy of the previous letter from John Marshall dated March 11, 2003, which explains the Notice and attachments, along with a check for \$125.00 to cover the application fee.

If you have any questions, please feel free to call me.

Sincerely,



Tina Smith
Assistant to John M. Marshall

Enclosures

S:\CLIENTS\4989\7\Tina to Karilynn re resending notice.DOC

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NOV 16 2003

GIVENS PURSLEY LLP

RECEIVED

MAR 12 2003

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE: 208 388-1200
FACSIMILE: 208 388-1300
WEBSITE: www.givenspursley.com

Direct Dial: (208) 388-1270
E-Mail: jmmn@givenspursley.com

Gary G. Allen
Christopher J. Beeson
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Michael C. Creamer
Emily MacMaster Durkee
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Roy Lewis Eiguren
Timothy P. Feamside
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OF COUNSEL

John A. Miller, LL.M. ***
TAX CONSULTANT

*Licensed in Oregon only
**Licensed in Washington, D.C. only
***Licensed in Kentucky only

March 11, 2003

VIA US MAIL

Karilynn Townsend
Idaho Department of Water Resources
1301 N. Orchard St.
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right Nos. 31-02327B and 31-07080
Our File: 4989-7

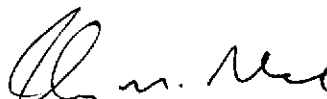
Dear Karilynn:

I am enclosing a Notice of Change in Water Right Ownership for processing on behalf of JRG Partners II. As indicated by the supporting information, JRG has purchased 135 acres in Jefferson County, Idaho, 120 acres of which are part of a 283-acre permissible place of use for water rights 31-02327B, 31-07080 and 31-11671. As part of the transaction, JRG obtained the entirety of right 31-2327B and a 50-acre portion of right 31-7080.

I have attached several documents to the notice that depict how the place of use for the rights should be split. Exhibit C includes a copy of the Idaho Department of Water Resources shape file showing the former 283-acre place of use for all three rights. Exhibit B is a copy of a survey showing the 135 acres acquired by JRG and the location of the 120 irrigated acres. I also included the required FSA photographs; however, these photographs are old and are not as useful as the survey and shape file in depicting how the property has been split.

If you have any questions, or need any further information, please call me.

Sincerely,


John M. Marshall

MICROFILMED

JMM/tns

Enclosures

SAClients\4989\7JMM to Townsend re change of ownership.DOC

NOV 14 2003