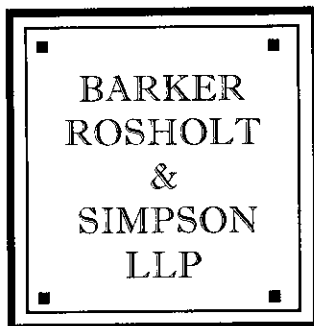


*John A. Rosholt
Albert P. Barker
John K. Simpson
Travis L. Thompson
Shelley M. Davis
Paul L. Arrington*



John A. Rosholt
jar@idahowaters.com

November 14, 2005

113 Main Ave. W., Suite 303
P.O. Box 485
Twin Falls, ID 83303-485
(208) 733-0700 telephone
(208) 735-2444 facsimile
jar@idahowaters.com

205 N. Tenth St., Suite 520
P.O. Box 2139
Boise, ID 83701-2139
(208) 336-0700 telephone
(208) 344-6034 facsimile
brs@idahowaters.com

RECEIVED

NOV 15 2005

Department of Water Resources

Attn: Shelley Keen
Idaho Department of Water
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: 13-07127 – Miller

Dear Shelley:

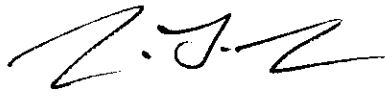
As we talked on October 14, 2005 in your office, I herewith enclose:

1. An executed application for amendment of permit no.13-07127.
2. Our check in the amount of \$50.00 to cover the filing.
3. A copy of a deed dated May 13, 2003 by which Bosen Land Livestock LLC conveyed land and water rights to the Miller Family Real Estate LLC.

Please call with questions.

Sincerely,

BARKER ROSHOLT & SIMPSON LLP



John A. Rosholt

P.S. I want to circulate the application for permit that we discussed concerning the reservoir before formally filing.

Enc.

cc: Robert Tingey

FA #P40580

2-1
WARRANTY DEED

20312192

FOR VALUE RECEIVED

BOSEN LAND AND LIVESTOCK, L.L.C., an Idaho limited liability company, pursuant to a resolution by its Members, GRANTOR
does hereby grant, bargain, sell and convey unto:

MILLER FAMILY REAL ESTATE, L.L.C., a Utah limited liability company, GRANTEE

whose current address is: 9850 South 150 East, Suite 1000, Sandy, Utah 84070
the following described premises in Bannock County, Idaho, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO

TO HAVE AND TO HOLD the said premises, with their appurtenances, structures and improvements located thereon, and all water rights appurtenant thereto, including but not limited to: 2/7ths of 105 Miners Inches, priority May 5, 1887, from Stockton Creek; 30 Miner Inches, priority June 1, 1879, from Cottonwood Creek; 22.5 Miner Inches, priority June 1, 1887, from Cottonwood Creek; 21 Miner Inches, priority June 1, 1895, from Cottonwood Creek; 150 Miner Inches, priority January 1, 1904, from Cottonwood Creek; and Water Permit No. 13-7127 unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that it is the owner in fee simple of said premises; that they are free of all encumbrances except easements, rights-of-way in roads or highways of record.

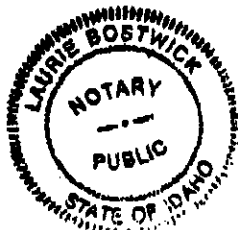
DATED May _____, 2003.

BOSEN LAND AND LIVESTOCK, L.L.C.


CLAIR D. BOSEN, MANAGER


David Bosen, Manager

STATE OF IDAHO, COUNTY OF BANNOCK
On this 15th day of May 2003, before me, a Notary Public in and for said State, personally appeared DAVID BOSEN and CLAIR D BOSEN known to me to be the Manager of BOSEN LAND AND LIVESTOCK, L.L.C., that executed this instrument on behalf of said company and acknowledged to me that such company executed the same.




NOTARY PUBLIC
Expires: 12/16/2008

20312192

20312192
FIRST AMERICAN TITLE

RECORDED AT REQUEST OF

FEE 6 DEPUTY BP

2-2

2003 MAY 13 PM 2 10

ATTACHED LEGAL DESCRIPTION OFFICIAL RECORD BK# 829LARRY W. SHAN RECORDER
BANNOCK COUNTY IDAHO

Order No.: P40880

TOWNSHIP 13 SOUTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY,
IDAHO.SECTION 13: NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, ALL THAT PORTION OF SW $\frac{1}{4}$ LYING SOUTHEASTERLY
OF THE COUNTY ROAD.

EXCEPT FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE
OF COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70 FEET, MORE OR LESS,
WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24; THENCE EAST 2710 FEET,
MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SECTION 13;
THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$
OF SECTION 24; THENCE EAST 1747 FEET; THENCE NORTH 1071 FEET; THENCE NORTH
41°48' WEST 2482 FEET; THENCE WEST 880 FEET; THENCE SOUTH 82°32' WEST 1321 FEET;
THENCE SOUTH 88°32' WEST 1144 FEET; THENCE SOUTH 81°28' WEST 168 FEET, TO THE
EASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTHEASTERLY ALONG
SAID EASTERLY RIGHT OF WAY LINE 700 FEET, MORE OR LESS, TO THE POINT OF
BEGINNING.

SECTION 14: ALL THAT PORTION OF SE $\frac{1}{4}$ SE $\frac{1}{4}$ LYING EAST OF THE COUNTY ROAD, EXCEPT
FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY RIGHT OF WAY LINE OF
COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70 FEET, MORE OR LESS,
WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24; THENCE EAST 2710 FEET,
MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST QUARTER OF SECTION 13;
THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$
OF SECTION 24; THENCE EAST 1747 FEET; THENCE NORTH 1071 FEET; THENCE NORTH
41°48' WEST 2482 FEET; THENCE WEST 880 FEET; THENCE SOUTH 82°32' WEST 1321 FEET;
THENCE SOUTH 88°32' WEST 1144 FEET; THENCE SOUTH 81°28' WEST 168 FEET, TO THE
EASTERLY RIGHT OF WAY LINE OF THE COUNTY ROAD; THENCE SOUTHEASTERLY ALONG
SAID EASTERLY RIGHT OF WAY LINE 700 FEET, MORE OR LESS, TO POINT OF BEGINNING.

SECTION 24: NW $\frac{1}{4}$ NE $\frac{1}{4}$ EXCEPT FROM THE ABOVE, BEGINNING AT A POINT ON THE EASTERLY
RIGHT OF WAY LINE OF COUNTY ROAD, AS THE SAME NOW EXISTS, SAID POINT BEING 70
FEET, MORE OR LESS, WEST OF THE COMMON CORNER OF SECTIONS 13, 14, 23 AND 24;
THENCE EAST 2710 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SOUTHWEST
QUARTER OF SECTION 13; THENCE SOUTH 1261 FEET, MORE OR LESS, TO THE
SOUTHWEST CORNER OF NW $\frac{1}{4}$ NE $\frac{1}{4}$ OF SECTION 24; THENCE EAST 1747 FEET; THENCE
NORTH 1071 FEET; THENCE NORTH 41°48' WEST 2482 FEET; THENCE WEST 880 FEET;
THENCE SOUTH 82°32' WEST 1321 FEET; THENCE SOUTH 88°32' WEST 1144 FEET; THENCE
SOUTH 81°28' WEST 168 FEET, TO THE EASTERLY RIGHT OF WAY LINE OF THE COUNTY
ROAD; THENCE SOUTHEASTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE 700 FEET,
MORE OR LESS, TO POINT OF BEGINNING.

TOWNSHIP 13 SOUTH, RANGE 38 EAST OF THE BOISE MERIDIAN, BANNOCK COUNTY,
IDAHO.SECTION 18: LOTS 1, 2, 3 AND 4; E $\frac{1}{2}$ SW $\frac{1}{4}$

SECTION 19: LOT 1