

RECEIVED

JUN 24 2005

DEPARTMENT OF
WATER RESOURCES101 S. Capitol Blvd., Suite 1900
Boise, Idaho 83702
phone 208.389.9000
fax 208.389.9040
www.stoel.com

Name:	Fax No.	Company/Firm	Phone No.
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TO: Erin Robie	208/756-6286	Robie Real Estate	
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Name:	Sender's Direct Dial:	Sender's Direct Email:
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FROM: Dale G. Higer	(208) 387-4288	dghiger@stoel.com
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Client: 20481	Matter: 2
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Date: June 10, 2005

No. of Pages (including this cover): 4

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In case of error call Gabe at (208) 389-9000.

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COMMENTS:**Re: Yellow Jacket Ranch****Erin:**

Please see attached letter I received from the Department of Water Resources. Please forward to the buyer as soon as possible. A response is due August 31. I intend to take no action other than to send this letter to you.

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098
Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

RECEIVED

JUN 13 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2005

77-10133
DALE G HIGER
PO BOX 1388
BOISE ID 83701

Re: Field Examination and Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by August 31, 2005. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.
Our toll free number is 1-800-451-4129.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

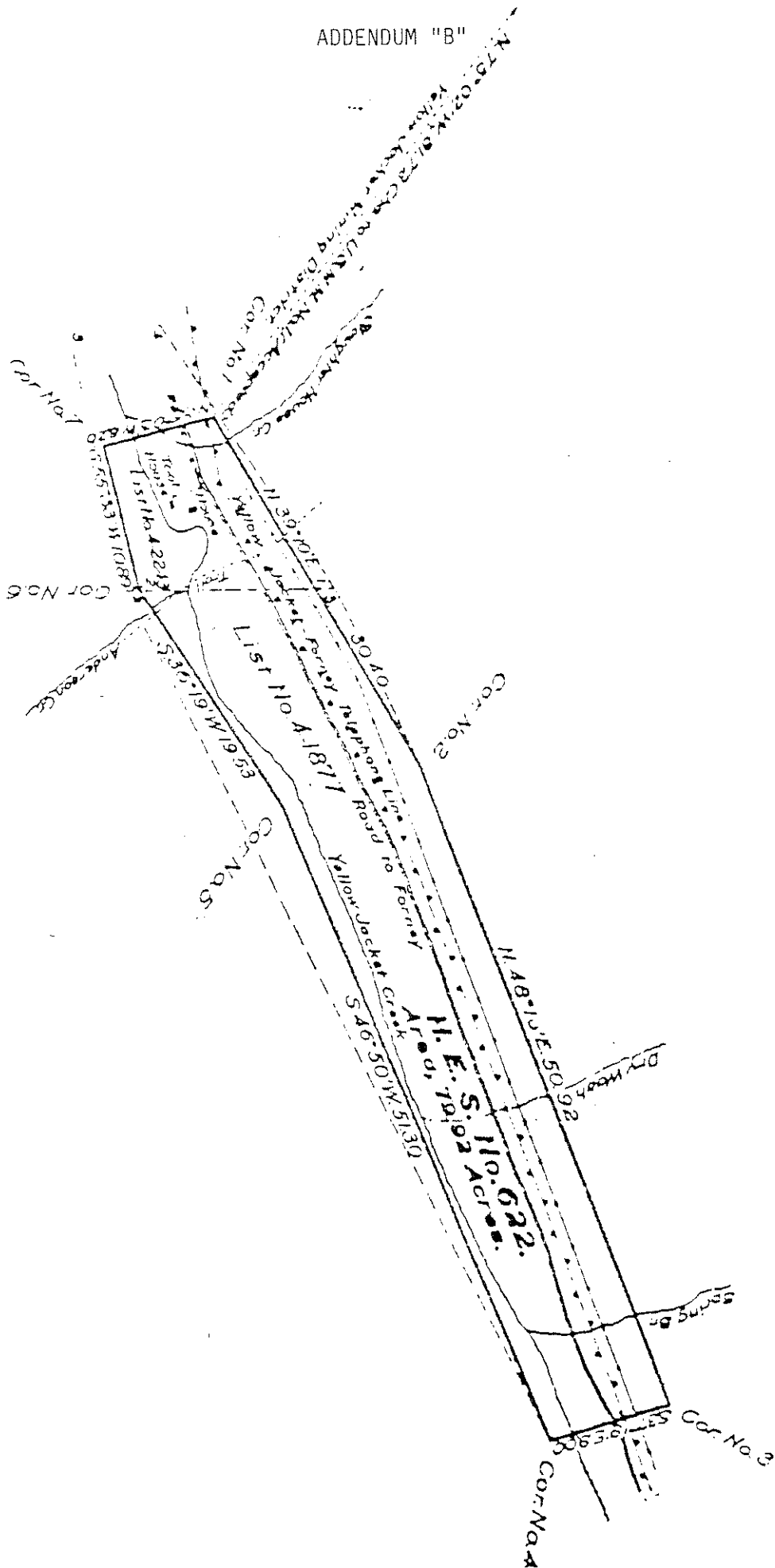
Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

77-10133
STRANGWAY NA NC
100 3RD AVE
12TH FLOOR
NEW YORK NY 10022

ADDENDUM "B"



WARRANTY DEED

FOR VALUED RECEIVED, JANE ANDERSON MALLINCKRODT,

the grantor, does hereby grant, bargain, sell and convey unto STRANGWAY N.A., INC., a Missouri corporation, the grantee, whose current address is c/o Anderson Trading, 630 Fifth Avenue, New York, New York, the following described premises, in Lemhi County, Idaho, to-wit:

Homestead Entry Survey No. 622, patented as embracing a portion of approximately Section 36, Township 19 North, Range 16 East of the Boise Meridian, and sometimes described as being in Section 8, 17 and 18, Township 19 North, Range 17 East of the Boise Meridian, particularly described as follows:

Beginning at Corner No. 1 from which U.S. Mineral Monument No. 1 Yellow Jacket Mining District bears North 75° 2' West 81.72 chains distant; thence North 39° 10' East 30.40 chains to Corner No. 2; thence North 48° 16' East 50.92 chains to Corner No. 3; thence South 37° 10' East 9 chains to Corner No. 4; thence South 46° 50' West 51.30 chains to Corner No. 5; thence South 36° 19' West 19.53 chains to Corner No. 6; thence South 55° 33' West 10.89 chains to Corner No. 7; thence North 35° 1' West 8.20 chains to Corner No. 1 the Place of Beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantee, its successors and assigns forever. And the said grantor does hereby covenant to and with the said grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances and that she will warrant and defend the same from all lawful claims whatsoever.

WITN: this 8th day of December, 1980.

Jane Anderson Mallinckrodt
JANE ANDERSON MALLINCKRODT

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.

On this 6th day of December, 1980 before the undersigned, a Notary Public in and for said County and State, personally appeared JANE ANDERSON MALLINCKRODT known to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that she executed the same freely and voluntarily and for the purposes therein mentioned.

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

Jane Anderson Mallinckrodt
Notary Public
New York State
Commission Expires December 31, 1981

No. 156071
State of New York) ss.
County of Lemhi)
I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original as the same appears from the records of said County.
Eberle, Berlin, Kading
at 1:54 o'clock
February 10
and duly filed and indexed
file of DEEDS
Records of Lemhi County,
Eleanor Aldous
Deputy Office Recorder
By *Eleanor Aldous* Deputy
Fees 4.00 pd
Mail to: Eberle, Berlin, Kading
Turnbox &
Box 1368
Boise, Idaho
Attn: DA

STATE OF NEW YORK)
: ss.
COUNTY OF NEW YORK)

On this 6th day of November, 1989 before me, the undersigned, a Notary Public in and for said County and State, personally appeared JANE ANDERSON MALINCKPOT, known to me to be the person whose name is subscribed to the within instrument, who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

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

Notar Public

156071

Filed for
 Eberle, Berlin, Kading, Turnbow, Gillespie
 1934 - 1936 F. M.
 February 10 1931
 was received and indexed to the
 file of BEES
 at Lincoln County, Iowa
 Eleanor Aldous
 Clerk to Recorder
 Deputy
 \$4.00 pd
 Mail to: Eberle, Berlin, Kading,
 Turnbow & Gillespie
 Box 1368
 Colise, Idaho 83701
 Attn: Dale C. Hager

WARRANTY DEED

For the consideration of Ten Dollars, and other valuable consideration, STRANGWAY, N.A., INC., Grantor, does hereby convey to C. FIAN COOK, as her sole and separate property, Grantee, whose address is 9417 E. Fairchild Road, Stockton, California 95215, the following described property situated in Lemhi County, Idaho:

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH the water rights, if any, appurtenant thereto.

SUBJECT TO: Current taxes, assessments, reservations in patents and all easements, rights of way, encumbrances, liens, covenants, conditions and restrictions as may appear of record.

And STRANGWAY, N.A., does warrant the title against all persons whomsoever, subject to the matters above set forth.

IN WITNESS WHEREOF, Grantor has executed this Warranty Deed this 17 day of December, 1977.

GRANTOR:

STRANGWAY, N.A., INC.,

By [Signature]
C.A. Mallinckrodt, President

Recorded in SS No. 235364
This instrument was filed for record at the request of [Signature]
on 12-22-1977
and duly filed and indexed in the records of the
County of Lemhi, Idaho
Notary Public
[Signature]
My Comm. Expires 12-31-1980

STATE OF NEW YORK

County of Westchester

On this 17th day of December, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared J.A. Molnackrodt, known or identified to me to be the President of SIO LANGWAY, N.Y., INC., the corporation that executed the within and foregoing instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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 New York

Residing at 61-44 77th St. Bx 1144, Bx 1144

My commission expires: 12/31/98

PAGE 5 OF 1101, 10/13/95
Notary Public for New York
Residing at 61-44 77th St. Bx 1144, Bx 1144
Qualified in Queens County, N.Y.
Commission Expires 12/31/98

WARRANTY DEED

(Section 1, Subsection 1)

Notary Public
affiliated to me to
the within and
ad corporation.

Official seal

W. C. Middle
1939

Homestead Thirty Harvey No. 222, patented as embracing a portion of approximately Section 36, Township 19 North, Range 16 East of the Boise Meridian, and sometimes described as being in Section 8, 17, and 18, Township 19 North, Range 17 East of the Boise Meridian, particularly described as follows:

Beginning at Corner No. 1 from which U.S. Mineral Monument No. 1 Yellow Jacket Mining District bears North 75° 2' West 81.72 chains distant; thence North 19° 13' East 30.40 chains to Corner No. 2; thence North 48° 15' East 50.92 chains to Corner No. 3; thence South 37° 19' East 2 chains to Corner No. 4; thence South 46° 50' West 51.30 chains to Corner No. 5; thence South 26° 19' West 19.33 chains to Corner No. 6; thence South 15° 33' West 10.89 chains to Corner No. 7; thence North 15° 3' West 8.28 chains to Corner No. 1 the Place of Beginning.

Exception Therefrom:

U.S. Road Right-of-Way through H22 4221, to be 40 feet wide extending 20 feet on each side of centerline as now surveyed, particularly described as follows:

Beginning at a point 27° 14' E. a distance of 63.8 feet from Corner No. 2 of H22 4221, this point being station 3+27.2 of the centerline survey; thence on a 400 foot radius curve to the right a distance of 10.4 feet; thence S. 71° 2' W. a distance of 4.0 feet; thence on a 100 foot radius curve to the left a distance of 10.4 feet; thence S. 43° 10' W. a distance of 101.7 feet; thence on a 500 foot radius curve to the left a distance of 154.5 feet; thence S. 31° 25' W. a distance of 75.1 feet; thence on a 1000 foot radius curve to the right a distance of 146.2 feet; thence S. 39° 50' W. a distance of 114.1 feet; thence on a 2000 foot radius curve to the right a distance of 142.7 feet; thence S. 44° 10' W. a distance of 371.8 feet; thence on a 1000 foot radius curve to the left a distance of 147.7 feet; thence S. 11° 44' W. a distance of 6.6 feet; thence on a 200 foot radius curve to the right a distance of 140.8 feet; thence S. 70° 04' W. a distance of 12.8 feet; thence on a 600 foot radius curve to the left a distance of 151.3 feet; thence S. 42° 09' W. a distance of 22.7 feet; thence on a 1500 foot radius curve to the left a distance of 114.7 feet; thence S. 36° 51' W. a distance of 116.3 feet; thence on a 200 foot radius curve to the right a distance of 148.2 feet; thence S. 47° 11' W. a distance of 87.1 feet; thence on a 100 foot radius curve to the left a distance of 144.3 feet; thence S. 43° 19' W. a distance of 139.6 feet; thence on a 1000 foot radius curve to the right a distance of 160.4 feet; thence S. 19° 10' W. a distance of 305.9 feet leaving District land and entering National Forest land at station 4+22.3 of the centerline survey.

WARRANTY DEED

For Value Received CLARA JOAN COOK, AKA C. JOAN COOK, as her sole and separate property.

the grantor, does hereby grant, bargain, sell and convey unto IDAHO CAPITAL, AN IDAHO LIMITED LIABILITY COMPANY
P.O. BOX 4607
KETCHUM, IDAHO 83340
the grantee, the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

State of Idaho) SS No. 242646
County of Lemhi)
This instrument was filed for record at the request
of Heidi Sitt
at 2:50 o'clock p.m. 11-15 1999
and duly filed and indexed in the records of Lemhi
County
Terri J. Morion
Ex-Officio Recorder
By Shirley Ann Morion Deputy
Fee 6.00
Return to _____

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, THEIR heirs and assigns forever. And the said Grantor do^{es} hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances

SUBJECT TO MORTGAGES RECORDED DECEMBER 22, 1997, UNDER INSTRUMENTS NO. 235366 AND 235367, RECORDS OF LEMHI COUNTY, IDAHO.

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: 10/25/99

Clara Joan Cook
CLARA JOAN COOK

STATE OF ~~IDAHO~~ CALIFORNIA COUNTY OF SAN JOAQUIN
On this NINTH day of Nov, 1999,
before me, a notary public in and for said State, personally appeared
CLARA JOAN COOK

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that SHE executed the same.

[Signature]
Notary Public
Residing at STOCKTON, CALIF
Comm. Expires OCT 6, 2000

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record at the request of

at _____ minutes past _____ o'clock in,
this _____ day of _____
19 _____, in my office, and duly recorded in Book
of Deeds at page _____

[Signature]
LINDA L. ANDERMARK
COMM. #1112487
NOTARY PUBLIC-CALIFORNIA
SAN JOAQUIN COUNTY
My Commission Expires OCT. 6, 2000
Deputy.
Mall to:

INSTRUMENT NO.

Exhibit "A"

Homestead Entry Survey No. 622, patented as embracing a portion of approximately Section 36, Township 19 North, Range 16 East of the Boise Meridian, and sometimes described as being in Section 8, 17, and 18, Township 19 North, Range 17 East of the Boise Meridian, particularly described as follows:

Beginning at Corner No. 1 from which U.S. Mineral Monument No. 1 Yellow Jacket Mining District bears North 75° 2' West 81.72 chains distant; thence North 39° 10' East 30.40 chains to Corner No. 2; thence North 48° 16' East 50.92 chains to Corner No. 3; thence South 37° 19' East 9 chains to Corner No. 4; thence South 46° 50' West 51.30 chains to Corner No. 5; thence South 36° 19' West 19.43 chains to Corner No. 6; thence South 55° 33' West 10.89 chains to Corner No. 7; thence North 35° 3' West 8.20 chains to Corner No. 1 the Place of Beginning.

Excepting Therefrom:

U.S.F.S Road Right-of-way through HES #622, to be 40 feet wide extending 20 feet on each side of centerline as now surveyed, particularly described as follows:

Beginning at a point S 37° 19' E. a distance of 63.8 feet from Corner No. 3 of HES #622, this point being station 3+27.2 of the centerline survey; thence on a 450 foot radius curve to the right a distance of 58.4 feet; thence S. 75° 0' W. a distance of 4.0 feet; thence on a 325 foot radius curve to the left a distance of 146.4 feet; thence S. 49° 10' W. a distance of 102.7 feet; thence on a 500 foot radius curve to the left a distance of 154.9 feet; thence S. 31° 25' W. a distance of 76.1 feet; thence on a 1000 foot radius curve to the right a distance of 146.9 feet; thence S. 39° 50' W. a distance of 214.1 feet; thence on a 2000 foot radius curve to the right a distance of 140.7 feet; thence S. 44° 10' W. a distance of 571.8; thence on a 1000 foot radius curve to the left a distance of 147.2 feet; thence S 35° 44' W. a distance of 6.6 feet; thence on a 200 foot radius curve to the right a distance of 140.8 feet; thence S. 76° 04' W. a distance of 92.6 feet; thence on a 600 foot radius curve to the left a distance of 281.9 feet; thence S. 49° 09' W. a distance of 221.7 feet; thence on a 1000 foot radius curve to the left a distance of 214.7 feet; thence S 36° 51' W. a distance of 144.3 feet; thence on a 200 foot radius curve to the right a distance of 108.2 feet; thence S. 67° 51' W. a distance of 87.1 feet; thence on a 300 foot radius curve to the left a distance of 144.2 feet; thence S. 40° 19' W. a distance of 139.6 feet; thence on a 1000 foot radius curve to the right a distance of 180.4 feet; thence S. 50° 39' W. a distance of 309.6 feet leaving Grantors land and entering National Forest land at station 41+62.1 of the centerline survey.

WARRANTY DEED

For Value Received IDAHO CAPITAL, an Idaho Limited Liability Company.

the grantor , does hereby grant, bargain, sell and convey unto BOBBY G. JENKINS, Trustee of the BOBBY G. JENKINS TRUST under Trust Agreement dated August 15, 1989 P.O. BOX 6 NORTH FORK, IDAHO 83466 the grantee , the following described premises, in LEMHI County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee , his heirs and assigns forever. And the said Grantor do^{es} hereby covenant to and with the said Grantee , that they are the owner^s in fee simple of said premises; that they are free from all incumbrances

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: OCTOBER 25, 1999

by Roger E Crist, Member

IDAHO CAPITAL, an Idaho Limited Liability Company

STATE OF IDAHO, COUNTY OF

On this 12th day of November, 1999, before me, a notary public in and for said State, personally appeared

Roger E. Crist

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Residing at Lemhi, Idaho
Comm. Expires 8-25-04

STATE OF IDAHO, COUNTY OF Lemhi

I hereby certify that this instrument was filed for record at the request of Lemhi State

at 23 minutes past 2 o'clock p.m., this 14 day of November 1999, in my office, and duly recorded in Book of Deeds at page

By [Signature] Ex Officio Recorder

By [Signature] Deputy.

Fees \$ 600
Mail to:

INSTRUMENT NO. 225784

Somestead Entry Survey No. 622, patented as embracing a portion of approximately Section 36, Township 19 North, Range 16 East of the Boise Meridian, and sometimes described as being in Section 8, 17, and 18, Township 19 North, Range 17 East of the Boise Meridian, particularly described as follows:

Beginning at Corner No. 1 from which U.S. Mineral Monument No. 1 Yellow Jacket Mining District bears North 75° 2' West 81.72 chains distant; thence North 39° 10' East 30.40 chains to Corner No. 2; thence North 48° 16' East 50.92 chains to Corner No. 3; thence South 37° 19' East 9 chains to Corner No. 4; thence South 46° 50' West 51.30 chains to Corner No. 5; thence South 36° 19' West 19.53 chains to Corner No. 6; thence South 55° 33' West 10.89 chains to Corner No. 7; thence North 35° 3' West 8.20 chains to Corner No. 1 the Place of Beginning.

Excepting Therefrom:

U.S.P.S Road Right-of-way through HES #622, to be 40 feet wide extending 20 feet on each side of centerline as now surveyed, particularly described as follows:

Beginning at a point S 37° 19' E. a distance of 63.8 feet from Corner No. 3 of HES #622, this point being station 3+27.2 of the centerline survey; thence on a 450 foot radius curve to the right a distance of 58.4 feet; thence S. 75° 0' W. a distance of 4.0 feet; thence on a 325 foot radius curve to the left a distance of 146.4 feet; thence S. 49° 10' W. a distance of 102.7 feet; thence on a 500 foot radius curve to the left a distance of 154.9 feet; thence S. 31° 25' W. a distance of 76.1 feet; thence on a 1000 foot radius curve to the right a distance of 146.9 feet; thence S. 39° 50' W. a distance of 214.1 feet; thence on a 2000 foot radius curve to the right a distance of 140.7 feet; thence S. 44° 10' W. a distance of 571.8; thence on a 1000 feet radius curve to the left a distance of 147.2 feet; thence S 35° 44' W, a distance of 6.6 feet; thence on a 200 foot radius curve to the right a distance of 140.8 feet; thence S. 76° 04' W. a distance of 92.6 feet; thence on a 600 foot radius curve to the left a distance of 281.9 feet; thence S. 49° 09' W. a distance of 221.7 feet; thence on a 1000 foot radius curve to the left a distance of 214.7 feet; thence S 36° 51' W. a distance of 144.3 feet; thence on a 200 foot radius curve to the right a distance of 108.2 feet; thence S. 67° 51' W. a distance of 87.1 feet; thence on a 300 foot radius curve to the left a distance of 144.2 feet; thence S. 40° 19' W. a distance of 139.6 feet; thence on a 1000 foot radius curve to the right a distance of 180.4 feet; thence S. 50° 39' W. a distance of 309.6 feet leaving Grantors land and entering National Forest land at station 41+62.1 of the centerline survey.