

COPY of
MAP from
EXAM 63-08206

63-8206

2N 16E S. 5
PO: NW 1/4 SEC 4
NE 1/4 AND SE 1/4

ROUTE DISTANCE (Where needed)

A B

C

Dog Creek
Campground

Grave

SOUTH

Creek

PTA = E. END OF BRIDGE

P.B. = IN FRONT OF LOOPS

PT.C = NW CORNER OF 600

PT.D = WHERE FENCE
MEETS ROAD

Lodge

Lot 1

Spring

Bronco

NATIONAL

Dare

63-08206

EX 217/90

MICROFILMED

AUG 24 1992

A 63-08206

LODGE / HEATING



IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 63-8206
Date Received: 11/2/1989
Receipt No: M005094
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s): TRINITY SPRINGS LTD Phone: (208)726-7734
PO BOX 1630
KETCHUM ID USA 83340

2. Date of Priority: 09/23/1975

3. Source: HOT SPRING Trib. to: BOISE RIVER SOUTH FORK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	10E	5	NW SE NE	ELMORE	

5. Description of diverting works:

COLLECTION BOX, PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
HEATING	1/01	12/31	0.07	

7. Total Quantity Appropriated is:
0.07 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	10E	5	NE NE	1	HEATING	

11. Place of use in counties: ELMORE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

Ownership change by DB 1/17/2002

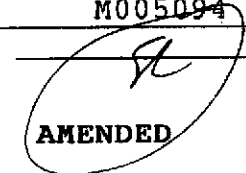
THIS CLAIM IS BASED ON FIELD EXAM THAT HAD BEEN RETURNED FROM THE STATE OFFICE TO REGION STATING ONLY COULD LICENCE FOR 0.07 CFS .

15. Basis of Claim: Permit

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08206
Date Received: 11/02/1989
Receipt No: M005094
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: EUGENIA C. LANDON
Address: 211 JEROME ST.
MOUNTAIN HOME, ID 83647 208-587-7426
2. Date of Priority: SEP 23, 1975
3. Source: HOT SPRING Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 02N | 10E | 5 | NW | SE | NE | | ELMORE |
5. Description of diverting works:
COLLECTION BOX, PUMP & PIPELINE.
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|---------|-------|-------|--------|------|--------|
| HEATING | 01/01 | 12/31 | 0.070 | | |
7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
G/HEATING OF LODGE
10. Place of Use:
- | Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|------|-------|
| 02N | 10E | 5 | NE | NE | 1 | HEAT | |
11. Place of use in counties: ELMORE

A63-08206

Page 1

Date: 02/07/90

MICROFILMED
AUG 24 1992

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
APPLICATION FOR DOMESTIC WATER

14. Remarks:
THIS CLAIM IS BASED ON FIELD EXAM THAT HAD BEEN RETURNED
FROM THE STATE OFFICE TO REGION STATING ONLY COULD LICENCE
FOR 0.07 CFS .

15. Basis of Claim: PERMIT

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Eugenia C. Landon Date: 2/7/90

Date: _____

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 7 day

of February 19 90

Kari Harris
Notary Public

Seal

Residing at Boise, Idaho

My Commission Expires 12-8-94

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A63-08206
Date Received: 11/02/1989
Receipt No: W005094
Received By: hch

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: EUGENIA C. LANDON 208-587-7426
Address: 211 JEROME ST.
MOUNTAIN HOME, ID 83647
2. Date of Priority: SEP 23, 1975
3. Source: HOT SPRING Trib. to: BOISE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	10E	5	SW	NE			ELMORE
5. Description of diverting works:
COLLECTION BOX, PUMP & PIPELINE.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
HEATING	01/01	12/31	0.070		
7. Total Quantity Appropriated is:
0.070 C.F.S. (and/or) A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
G/HEATING OF LODGE
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	10E	5	SW	NE		HEAT	
11. Place of use in counties: ELMORE

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

RECEIVED

JAN 17 2002

WATER RESOURCES
WESTERN REGION

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, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
-----------------------	------------------------------	-------	-----------------------	------------------------------	-------

63-08206	N				
----------	---	--	--	--	--

63-08207	N				
----------	---	--	--	--	--

63-04327	N				
----------	---	--	--	--	--

\$25 ⁰⁰ 63-11051	N				
-----------------------------	---	--	--	--	--

\$25 ⁰⁰ 63-11053	N				
-----------------------------	---	--	--	--	--

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**.
- 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).

OR

If your water right(s) and/or adjudication claim(s) are 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**.

3. Name and Address of Former Owner/Claimant(s)

Eugene London

211 Jerome St

4. New Owner/Claimant(s)

Mt. Home 1083647

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

TRINITY SPRINGS LTD

City, State and ZIP Code

PO Box 1630 Ketchum, 83340

New Telephone Number

(208) 726-7734

5. Date you acquired the property

4/5/1991

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 larger 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	_____	_____
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) President / CEO

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 <u>AS</u>	Date <u>1-17-02</u>	Fee <u>\$25 - EA</u>
Received by <u>AS</u>	Date <u>12-24-01</u>	Receipt No. <u>WA28585</u>
Processed by _____ AJ	Date _____	WR _____ Date _____

COPY of
MAP from
EXAM 63-08206

63-8206

2N 16E S. 5

PO: A.W.G. SEC 4

MEET NET AND SET NET

ROUTE DISTANCE

WHERE NEEDED (Where needed)

AB

790

5370

AC

95

780

AD

375

1640

AE

375

1640

Dog Creek
Campground

NOTE

Source = Spring

locally known as
Hot Spring

PL 2/2/90

PTA = E. END of BRIDGE

PTB = IN FRONT of LODGE

PTC = NW CORNER of LODGE

PTD = WHERE FENCE
MEETS ROAD

Lodge

PTA
LOTT

PO STRIKE

BOISE

Spring

BRONCO

NATIONAL

GATE

A63-08206

PL 2/2/90

Dare

MICROFILMED

AUG 24 1992

COPY of
MAP from
EXAM 63-08206

63-8206

2N 106° 5' 5"

PO. NW 1/4 SEC 4

NE 1/4 AND SE 1/4

ATA = E. END OF BRIDGE

P.T.B. = IN FRONT OF LODGE

P.T.C. = NW CORNER OF LODGE

P.T.D. = WHERE FENCE
MEETS ROAD

Lodge

PO. LODGE

PO. SPRING

ROUTE DISTANCE

1/4 MILE (Where needed)

Dog Creek
Campingground

Grave

Spring

Bronco

NATIONAL
GATE

SOUTH
FORK
RIVER

Dare

63-08206

2/7/90

MICROFILMED

ENLARGED FROM 1:50,000 7 1/2' GROUND

SCALE 1" = 125' (4.2" = 1 MILE) AUG 24 1992

A63-08206

LODGE / HEATING



TRINITY

Source Matters.™

RECEIVED
DEC 24 2001
WATER RESOURCES
WESTERN REGION

December 20, 2001

State of Idaho
Department of Water Resources
Western Region
2735 Airport Way
Boise, Idaho 83705

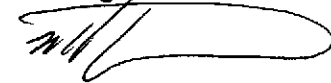
Attn: Sue Bock
Sr. Water Resource Agent

Enclosed please find a check in the amount of \$50.00 to cover the following:

Change of ownership fee of \$25.00 for right #63-11051
Change of ownership fee of \$25.00 for right #63-11053

Thank you and please contact my assistant, Donna Mahoney, at 208-726-7734 if you have any questions.

Best regards,



Mark Johnson
President & CEO

Enclosure (check)

12.24.01 *dy*
W028585

Trinity Springs Ltd. Main Office:
Phone: 208.726.7734 • Fax: 208.726.8015
P.O. Box 1630, 200 South Main Street, Ketchum, ID 83340



Trinity Springs Source & Plant:
Phone: 208.653.2363 • Fax: 208.653.2391
11C 87, Box 390, Pine/Featherville Road, Paradise, ID 83647

www.trinitysprings.com

WARRANTY DEED

For Value Received, I, EUGENIA C. LANDON, a widow,

the grantor, do hereby grant, bargain, sell and convey unto

TRINITY SPRINGS, LTD., an Idaho Corporation,

the grantee, whose current address is, 180 First Street #301, Ketchum, Idaho 83340, the following described premises, to-wit:

See attached Exhibit "A", which is made a part hereof as fully as if set out at length herein, but saving, excepting and reserving unto the Grantor the exclusive right to use, during her natural life, of the dwelling house, outbuildings and yard which are part of the described premises, together with the use of the present roadway giving access to the same.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs 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 said premises are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.
Dated: April 5, 1991.

Eugenia C. Landon

STATE OF IDAHO, COUNTY OF ELMORE

On this 5th day of April, 1991, before me, a notary public in and for said State, personally appeared

EUGENIA C. LANDON

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

Travis H. Hicks
Notary Public
Residing at Mountain Home, Idaho
Comm. Expires 4-19-97

STATE OF IDAHO, COUNTY OF

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

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

Ex-Officio Recorder

By _____ Deputy.
Fees \$ _____
Mail to: _____

EXHIBIT "A"

Beginning at the most easterly lot corner of Lot 5, Block 3, Ballantyne Camp Subdivision No. 4, according to the official plat thereof on file and of record in the Elmore County Recorder's, office Mountain Home, Idaho, thence along the Southerly boundary of said Ballantyne Camp Subdivision No. 4 on the following courses and distances:

Thence S 53°41'35" W, 122.40 feet to a steel pin;
Thence S 59°32'05" W, 94.02 feet to a steel pin;
Thence S 64°37'05" W, 205.18 feet to a steel pin;
Thence S 77°28'45" W, 82.71 feet to a steel pin;
Thence N 47°40'55" W, 153.81 feet to a steel pin;
Thence N 82°34'07" W, 125.25 feet to a steel pin;
Thence N 27°14'15" W, 38.16 feet to a steel pin;
Thence S 58°31'45" W, 49.28 feet to a steel pin;
Thence S 76°15'40" W, 87.23 feet to a steel pin;
Thence N 73°04'20" W, 80.11 feet to a steel pin;
Thence N 63°37'30" W, 116.16 feet to a steel pin;
Thence N 13°17' W, 61.71 feet to the most westerly corner of said Ballantyne Camp Subdivision No. 4;
Thence leaving said boundary, N 13°17' W, 36.96 feet to a point on the Southeasterly right-of-way line of the County Road;
Thence S 68°44'12" W, along said right-of-way, 182.21 feet to a point on the Government Meander Line of the left bank of the South Fork of the Boise River;
Thence S 5°00' W, along said meander line, 451.07 feet to a point;
Thence S 42°30' W, along said meander line, 151.80 feet to a point;
Thence S 53°00' W, 552.91 feet to a point on the north-south mid-section line of said Section 5;
Thence S 0°03' E, along said mid-section line, 200.37 feet to the center of said Section 5;
Thence S 89°52'30" E, 2,637.36 feet to the East one-quarter corner of said Section 5;
Thence N 0°03' W, along the section line, 1,909.29 feet to a point;
Thence S 46°57' W, 1,164.94 feet to the POINT OF BEGINNING.

All situate in Township 2 North, Range 10 East, B.M., Elmore County, Idaho.

EXCEPTING THEREFROM:

TOWNSHIP 2 NORTH, RANGE 10 EAST, BOISE MERIDIAN, ELMORE COUNTY, IDAHO
SECTION 5: A parcel of land described as all that portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, lying Southeast of the South Fork of the Boise River; and being more particularly described as follows:

Commencing at the section corner common to Sections 32 and 33, Township 3 North, Range 10 East, B.M., and Sections 4 and 5, Township 2 North, Range 10 East, B.M.; thence
North 89°56'00" West 1,237.90 feet to a point; thence
North 89°28'25" West 1,388.08 feet to the quarter corner common to said Sections 5 and 32; thence
South 00°07'10" West 2,657.23 feet to the center quarter corner of Section 5, this being the REAL POINT OF BEGINNING; thence
South 89°25'44" East 716.50 feet to a point; thence
North 00°07'10" East 664.31 feet to a point; thence
North 89°26'24" West 241.94 feet to a point; thence
South 55°24'11" West 577.32 feet along the South Bank of the South Fork of the Boise River, to a point; thence
South 00°07'10" West 331.73 feet to the REAL POINT OF BEGINNING.

63-8206

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

Perkins
Coie

251 East Front Street, Suite 400

Boise, ID 83702-7310

PHONE: 208.343.3434

FAX: 208.343.3232

www.perkinscoie.com

MELANIE G. RUBOCKI
Telephone: (208) 343-3434
Facsimile: (208) 343-3232
Mrubocki@perkinscoie.com

July 6, 2004

VIA HAND DELIVERY

Idaho Department of Water Resources
Western Division
2735 Airport Way
Boise, ID 83705-5082

Dear Representative:

Enclosed please find an executed original and a copy Notice of Security Interest in a Water Right along with a check in the amount of \$325 to cover the processing fees.

Please file the Notice of Security Interest in a Water Right and conform the copy by date stamping it and returning to our office runner. If there are any problems, please call me at 343-3434 or in my absence, please ask for my secretary, Linda Concannon.

Very truly yours,

*Dictated by Melanie G. Rubocki
and mailed in her absence in
order to avoid delay.*

Melanie G. Rubocki

MGR:lc
Enclosures

Note: Originals sent to S.O. to process.

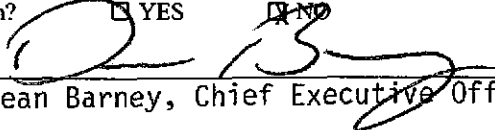
PD issued (amended) 7-29-03

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION**Notice of Security Interest in a Water Right****And Request for Notification of a Change in Ownership or Any Proposed
Or Final Action to Amend, Transfer, or Otherwise Modify a Water Right**Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right No(s): Please see Schedule A attached
Adjudication Claim No(s): Please see Schedule A attached
2. The following **REQUIRED** information must be submitted with this form:
 - A) Evidence of the security interest. This may be a copy of a **DEED of TRUST, MORTGAGE, CONTRACT OF SALE** or other legal document indicating your interest in the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
 - B) A **FEE** of \$25.00 per water right or adjudication claim.
3. Name and Mailing Address of Person or Company holding Security Interest
Dean Barney
Trinity Springs, Ltd.
160 7th Street West, #2C
P.O. Box 8810
Ketchum, Idaho 83340
4. Name of Water Right Owner/Claimant(s)
ISL Acquisition Corp.
5. Expiration Date of Notification Period perpetual
6. Is this a Renewal of Request for Notification? ☒ YES ☐ NO
7. Signature(s) (and title if applicable)

Dean Barney, Chief Executive Officer

For Office Use Only

Received by <u>DB</u>	Date <u>7-6-04</u>	Fee <u>\$25- Each</u>
Receipted by <u>DB</u>	Date <u>7-6-04</u>	Receipt No. <u>W031933</u>
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED

JUL 08 2004

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

**NOTICE OF SECURITY INTEREST IN A WATER RIGHT
SCHEDULE A**

1. Water Permit No. 63-11439
2. Water Permit No. 63-12316
3. Water Permit No. 63-12317
4. Water Permit No. 63-31526
5. Water Right Decree No. 63-4221, in re SRBA Case No. 39576;
6. Water Right No. 63-4327, Notice of Claim in re SRBA Case No. 39576;
7. Water Right Decree No. 63-8206, in re SRBA Case No. 39576, Water Right License No. 63-8206, and Partial Decree No. 63-8206;
8. Water Right Decree No. 63-8207, in re SRBA Case No. 39576, Water Right License No. 63-8207, and Partial Decree No. 63-8207;
9. Water Right License No. 63-10559, and any claim, decree or partial decree in re SRBA Case No. 39576;
10. Water Right License No. 63-10560, and any claim, decree or partial decree in re SRBA Case No. 39576;
11. Water Right License No. 63-11051, and any claim, decree or partial decree in re SRBA Case No. 39576;
12. Water Right License Number 63-11053, and any claim, decree or partial decree in re SRBA Case No. 39576;
13. Water Right Decree Number 63-27144, in re SRBA Case No. 39576; and Partial Decree Number 63-27144;
14. Any and all water rights, entitlements and other interests associated with the cold water well that serves the main office building and bottling facility and is believed to be located just south of the main office building near the common boundary between the SE1/4NE1/4 and the NE1/4NE1/4 of Section 5, Township 2 North, Range 10 East, Boise Meridian.

SCANNED

JUL 08 2004

In Re SRBA	)	PARTIAL DECREE PURSUANT TO
	)	I.R.C.P. 54(b) FOR
Case No. 39576	)	
	)	Water Right 63-08206

PAGE 1
Jul-28-2003

When Recorded Return To:

Christopher H. Meyer
Givens Pursley LLP
P.O. Box 2720
Boise, ID 83701
208-388-1200

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION

WATER RIGHT GRANT DEED AND ASSIGNMENT

Trinity Springs, Ltd., an Idaho corporation, whose address is 160 7th Street W. #2C, P.O. Box 8810, Ketchum, Idaho 83340 ("Grantor"), does hereby grant, bargain, sell, assign and convey unto TSL Acquisition Corp., a Delaware corporation, whose address is c/o AMCON Distributing Company, Attention: Chief Financial Officer, 7405 Irvington Road, Omaha, Nebraska 68164-7940 ("Grantee"), and to Grantee's heirs, successors and assigns forever, all of Grantor's right, title and interest in all of Grantor's water rights, claims to water rights, water right permits, water right licenses and applications for water rights, not otherwise conveyed by any other deed (collectively the "Water Rights"), including but not limited to each of the following:

1. Water Right No. 63-4221

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-4221 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576; and
- (b) Idaho Water Right Decree Number 63-4221.

2. Water Right No. 63-4327

- (a) that certain claim for a water right evidenced and represented by Notice of Claim to Water Right No. 63-4237 filed by Grantor or Grantor's predecessor in interest (if any) in the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576.

3. Water Right No. 63-8206

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-8206 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576;
- (b) Idaho Water Right License Number 63-8206; and
- (c) Idaho Partial Decree Number 63-8206.

4. Water Right No. 63-8207

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-8207 issued to Grantor or Grantor's predecessor in interest (if

any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576;

- (b) Idaho Water Right License Number 63-8207; and
- (c) Idaho Partial Decree Number 63-8207.

5. Water Right No. 63-10559

- (a) that certain water right evidenced and represented by Water Right License Number 63-10559 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-10559 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

6. Water Right No. 63-10560

- (a) that certain water right evidenced and represented by Water Right License Number 63-10560 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-10560 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

7. Water Right No. 63-11051

- (a) that certain water right evidenced and represented by Water Right License Number 63-11051 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;
- (b) Idaho Water Right License Number 63-11051; and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

8. Water Right No. 63-11053

- (a) that certain water right evidenced and represented by Water Right License

Number 63-11053 issued to Grantor or Grantor's predecessor in interest (if any) by the State of Idaho;

- (b) Idaho Water Right License Number 63-11053 ("License"); and
- (c) any claim, decree or partial decree (including any amendments thereto) with respect to said water right or license filed in or issued pursuant to the Snake River Basin Adjudication, Fifth Judicial District, in the State of Idaho, in and for the County of Twin Falls, In re SRBA Case No. 39576.

9. Water Right No. 63-27144

- (a) that certain water right evidenced and represented by Water Right Decree Number 63-27144 issued to Grantor or Grantor's predecessor in interest (if any) by the Fifth Judicial District, the State of Idaho, in and for the County of Twin Falls, in re SRBA Case No. 39576; and
- (b) Idaho Partial Decree Number 63-27144.

10. Any and all water rights, entitlements and other interests associated with the cold water well that serves the main office building and bottling facility and is believed to be located just south of the main office building near the common boundary between the SE1/4NE1/4 and the NE1/4NE1/4 of Section 5, Township 2 North, Range 10 East, Boise Meridian.

SUBJECT TO: the security interest of Trinity Springs, Ltd. ("Trinity"), to secure the performance of certain obligations of TSL Acquisition Corp. ("TSL") and AMCON Distributing Company ("AMCON") relating to the transaction contemplated by certain Asset Purchase Agreement, dated April 24, 2004, among Trinity, TSL, and AMCON.

Grantor retains no other residual or reversionary interest in any of the Water Rights.

Grantor hereby covenants and warrants to Grantee as follows:

- (a) that Grantor has not conveyed any of the Water Rights to anyone other than Grantee;
- (b) that each of the Water Rights is free from all liens, claims or encumbrances done, made or suffered by Grantor or its agents, excepting Grantor's security interest referenced herein;
- (c) that the undersigned is authorized to convey the Water Rights by this deed;

Grantor makes no other guarantees or warranties as to the Water Rights.

IN WITNESS WHEREOF, the undersigned authorized officer of Grantor, acting on behalf of Grantor, has caused his name to be hereunto subscribed this 17 day of June, 2004.

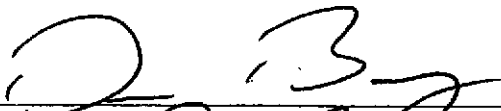
GRANTOR:

TRINITY SPRINGS, LTD.,
an Idaho corporation

By:

Name:

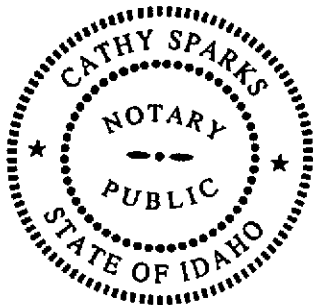
Title:


Dean Barney
CEO

State of Idaho)
) ss.
County of Ada)

On this 17 day of JUNE, in the year 2004, before me, a Notary Public in and for said County and State, personally appeared DEAN BARNEY, known or identified to me to be C.E.O. of Trinity Springs, Ltd. the Idaho corporation that executed the 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 seal, the day and year in this certificate first above written.



Cathy Sparks
Notary Public for Idaho
Residing at Boise
My Commission Expires 11-7-06

Idaho Department of Water Resources Receipt

Receipt ID W031933

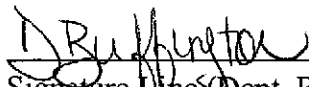
Payment Amount \$325.00 Date Received 7/6/2004 4:46:35 PM Region Western Status ☐
Payment Type Check Check Number 1020

Payer PERKINS COIE LLP

Comment NOTICE OF SECURITY INTEREST 63-11439, 63-12316, 63-12317, 63-31526, 63-4221, 63-4327, 63-8206, 63-8207, 63-10559, 63-10560, 63-11051, 63-11053 & 63-27144

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$325.00	OWNERSHIP CHANGES/SECURITY INTERESTS	0229	21	62140	1155



Signature Line (Dept. Representative)

SCANNED

JUL 08 2004



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

RECEIVED

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

NOV 07 2003

April 29, 2003

RECEIVED

NOV - 6 2003

WATER RESOURCES
WESTERN REGION

TRINITY SPRINGS LTD
PO BOX 8810
KETCHUM ID 83340-7139

Department of Water Resources

RE: Snake River Basin Adjudication (SRBA)
Water Rights #63-4327, ~~63-8206~~, ~~63-27144~~, 63-11051 AND 63-11053

Dear Water Right Holders:

Decreed 7/03
CID updated 11-6-03
ps
Recommended
disallowed - *no chg necessary*
cc: W.A.

Mail sent to you by the SRBA District Court was returned undeliverable. We have enclosed the returned mail. Although we have reached you at the address above, we need your written confirmation this is your correct mailing address before we can change our records.

Please sign your name at the bottom of this letter and return it to this office. Make corrections to your name and address if necessary before returning this letter, list any other water rights you have, and return this letter by May 12, 2003. Thank you for your help.

If your mail delivery address changes in any form, please contact us in writing so we can update our records. Be sure to list your water right numbers.

If there has been a change in ownership of the property connected with the water rights referenced above, please call this office toll-free at 1/800-451-4129 to obtain a form to make this required change to the water right records.

Sincerely,

Sally
Sally Sherman
Technical Records Specialist
Adjudication Bureau

SS:region

SCANNED

#####

NOV 06 2003

The address is correct as shown above or as otherwise changed.

NOTE: BON LLOYD, PRESIDENT & CEO replaces MARK JOHNSON

Water Right Holder's Signature

Telephone No.

Suzanne M. Krogstad

208-726-7734

Controls - Trinity Springs Ltd. 11/4/03

02/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-8206

NAME AND ADDRESS: TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

SOURCE: SPRING

TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.07 CFS
6.9 AFY

PRIORITY DATE: 11/26/1975

POINT OF DIVERSION:

T02N R10E S5 NWSENE Within ELMORE County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

HEATING

01/01 12/31

0.070 CFS

6.90 AFY

PLACE OF USE: HEATING Within ELMORE County

T02N R10E S05 Lot 1 NENE

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: License

HEATING USE IS FOR OLD MOON MOUNTAIN LODGE.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 7, 2002

TRINITY SPRINGS LTD
PO BOX 1630
KETCHUM ID 83340

RE: Notice of Change of Water Right Ownership No. 63-4327, 63-8206, 63-8207, 63-11051 & 63-11053

Dear Property Owners:

Enclosed is the original Notice of Change of Water Right Ownership for the water rights we are currently reviewing to change into your name. In order to complete the process, we need to have this form signed and returned. We have already received the appropriate proof of ownership documents, and necessary filing fees, and a receipt is enclosed for your records.

Please sign this ownership change form, return in the envelope provided, and we will be able to complete the ownership change.

Thank you for your patience and cooperation, as we have had several ownership changes to process. Feel free to contact our office if you have any questions concerning this letter.

Sincerely,

Denise Buffington
Office Specialist 1
Adjudication Section
Western Region
(208) 334-2190

DB: db

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES 10/25/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: EUGENIA C LONDON
211 JEROME ST
MOUNTAIN HOME ID 83647

SOURCE: SPRING TRIBUTARY: SOUTH FORK BOISE RIVER
QUANTITY: 0.07 CFS
6.9 AFY

PRIORITY DATE: 11/26/1975

POINT OF DIVERSION:

T02N R10E S5 NWSENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
HEATING	01/01 12/31	0.070 CFS 6.90 AFY

PLACE OF USE: HEATING Within ELMORE County
T02N R10E S05 Lot 1 NENE

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.
HEATING USE IS FOR OLD MOON MOUNTAIN LODGE.

EXPLANATORY MATERIAL: License



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190

FAX (208) 334-2348

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 17, 2001

Trinity Springs Ltd
Mark Johnson
P.O. Box 1630
Ketchum, ID 83340

Re: Water rights for Trinity Springs, Paradise Homeowners Association, and Eugenia Landon.

Dear Mark:

Thank you for meeting with me, your help was needed and appreciated. I have gone over all the rights for the above-mentioned parties, and have come up with the following information:

Rights under the name of Eugenia Landon-

63-8207 This is a licensed right, with a claim filed in the SRBA, from Dixie Gulch Creek for domestic use. This right was licensed for use at was the Moon Mountain Lodge. This right will be recommended as it was licensed. What Trinity will need to do - change of ownership. We have a warranty deed going from Landon to Bell and Acker, but will need further documentation going to Trinity. Additionally I understand this right has not been used due to the disrepair of pipes. Once this right has been decreed, you will need to use the right within a five-year period or forfeiture may occur.

63-8206 This is a licensed right, with a claim filed in the SRBA, from a hot spring for heating use at Moon Mountain Lodge. This right was originally developed to serve the 10 cabins that never materialized. Trinity will need to take the same steps as mentioned in 63-8207.

63-11051 This is a licensed right, no claim needed in the SRBA, from a spring for domestic use at the Moon Mountain Lodge. Springbox is described as being located approximately 20' from Dixie Gulch. Trinity will need to take the same steps as mentioned for the above rights. There is a \$25 fee associated with change of ownership for this right.

63-11053 This is a licensed right, no claim needed in the SRBA, from a spring for commercial use at the Moon Mountain Lodge. This right also included the pool behind the Moon Mountain Lodge. It appears that this is the same spring used for bottling and described in right 63-8206. Trinity will need to take the same steps as mentioned for the above rights. There is a \$25 fee associated with change of ownership for this right.

63-4327 This is a beneficial use right, with a claim filed in the SRBA, from a spring same source as 63-8206 and 63-11053. Landon filed this right with a 1900 priority date for heating, domestic, and recreation use for Moon Mountain Lodge. The recreation portion of this right is no longer valid. Licensed right 63-2806, which has a 1975 priority date, has already covered the heating portion of this right. If Trinity wishes to submit evidence of priority to substantiate the 1900 priority date, I can recommend the heating component under this right with an earlier priority date and disallow the 63-8206 right. Also, I can recommend the domestic portion of this right. Trinity will need to provide evidence of priority and change of ownership.

Rights under Trinity Springs LTD

63-27144 This is a beneficial use right, with a claim filed in the SRBA, from Grouse Creek and the South Fork Boise River. This right covers recreation/storage and diversion to storage. This right is for the pond

on the west side of the road. Trinity needs to provide evidence of priority for this right, date claimed is 1/1/1970.

63-11439 This is an application for permit for commercial bottling. No SRBA claim is needed for this right.

Rights under Paradise Homeowners Association

63-4221 This is a beneficial use right from Grouse Creek, with a claim filed in the SRBA. This right will be recommended for 3.7 acres of irrigation and cooling for the pool and tubs. Paradise or Trinity will need to submit evidence to support 1913 priority date. This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split.

63-10559 This is a licensed right, no SRBA claim needed, from groundwater for commercial use at the lodge, shop and domestic use for 51 homes. This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split, there would be a \$100 fee associated with splitting this right.

63-10560 This is a licensed right, no SRBA claim needed, from springs for recreation, heating and domestic use associated with the lodge, shop, 11 cabins, 43 homes and swimming pool. . This right will stay in the name of Paradise unless Trinity wants a change of ownership, in which case this right will likely be split, there would be a \$100 fee associated with splitting this right.

It appears that there are no water rights associated with the Landon home. If surface water is used, a water right is needed. If use occurred prior to 1971 a SRBA claim can be filed, otherwise an application for permit is needed. Also there is no right associated with the "shed" located next to the bridge. The same applies, if heating has been a use in the shed prior to 1971, you may want to file an SRBA claim for this also.

I realize this information is confusing to say the least. Please contact me if you have any questions, and return necessary documents by October 15, 2001.

Sincerely,



Sue Bock
Sr. Water Resource Agent

Enclosure: water right profiles, change of ownership form.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8206

WATER RIGHT NUMBER: 63-8206

Owner Type Name and Address
 Original Owner J A LONDON
 211 JEROME ST
 MOUNTAIN HOME, ID 83647
 Current Owner EUGENIA C LONDON
 211 JEROME ST
 MOUNTAIN HOME, ID 83647
 (208)587-7426

*Need to
 Ver: FyPod
 appears to be in
 SWNE*

Priority Date: ~~09/23/1975~~ 11/26/75Basis: ~~Permit~~ L

Status: Active

Source Tributary
 HOT SPRING *Spring* SOUTH FORK BOISE RIVER ✓

Beneficial Use From To Diversion Rate Annual Volume
 HEATING ✓ 1/01 to 12/31 ✓ 0.070 CFS ✓ 6.9

Total Diversion: 0.070 CFS

Location of Point(s) of Diversion

HOT SPRING NW1/4SE1/4NE1/4 Sec. 5, Twp 02N, Rge 10E, B.M. ✓
 ELMORE County

Place of Use

HEATING

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
02N	10E	5	X												
			L1												

Total Acres: 0

Conditions of Approval:Remarks:

1. General

THIS CLAIM IS BASED ON FIELD EXAM THAT HAD BEEN RETURNED FROM THE STATE
 OFFICE TO REGION STATING ONLY COULD LICENCE FOR 0.07 CFS. ^^^

Comments:

Heating use is for Lodge

Dates and Other Information:

C18

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8206

Dates and Other Information:

Claim Received Date: 11/2/1989

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

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

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 63-08206

Priority: November 26, 1975 Maximum Diversion Rate: 0.07 CFS
Maximum Diversion Volume: 6.9 AF

This is to certify, that EUGENIA C LANDON
J A LANDON

211 JEROME ST

MOUNTAIN HOME ID 83647

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated September 23, 1975; and has submitted Proof of Beneficial Use on September 16, 1985. An examination indicates that the works have a diversion capacity of .070 cfs of water from:

SPRING tributary to BOISE RIVER, SOUTH FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
HEATING	01/01 to 12/31	0.07 CFS	6.9 AF

LOCATION OF POINT(S) OF DIVERSION: NWSENE , Sec. 5, Township 02N, Range 10E
ELMORE County

PLACE OF USE: HEATING

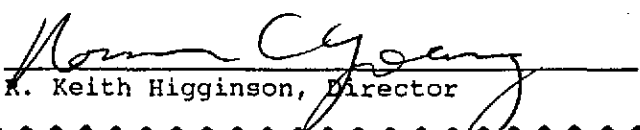
TWN RGE SEC

02N 10E 5 Lot 1(NENE)

CONDITIONS/REMARKS:

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount which can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. Heating use is for a lodge.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 18th day of JULY, 1994.

Acting for  R. Keith Higginson, Director



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705 - (208) 334-2190

December 7, 1989

CECIL D. ANDRUS

GOVERNOR

Mr. W.F. Ringert
599 W. Bannock
Boise, ID. 83702

R. KEITH HIGGINSON

DIRECTOR

Re: Landon Water Rights

Dear Sir:

Enclosed are the Landon water right applications (2) and adjudication claims (3) as requested in your 12/1/89 telephone call. After a lengthy computer breakdown, the system is finally available today.

Concerning application 63-11053 and my 11/22/89 letter to E. Landon, the proposed commercial use is not significantly consumptive. Such applications are evaluated on a case by case basis. Based on a discussion with my supervisor, David R. Tuthill Jr., the requirement for augmentation to the Boise River system is hereby waived. I should have realized this in reviewing the application and ask you to convey my regrets to your client for any undue concern that my letter caused. Thank you for bringing the matter to my attention. The applicant should be aware that irrigation uses associated with the spring and lodge are not addressed in application 63-11053.

Please note that the application was revised to show the correct source name, point of diversion, and place of use. The spring is locally known as Hot Spring but formally known as an unnamed spring. The spring and lodge locations were verified by me during the field exam for Permit 63-08206.

Turning to the adjudication claims, corrections are needed for claims A63-04327 and A63-08206, two claims for the same spring discussed in application 63-11053. For A63-04327, the point of diversion should be changed to the NWSENE. The spring is approximately 200' to 300' east of the SWNE-SENE line, thus it is conceivable that a pool could exist in the SWNE if water is delivered to such a site. I imagine the place of use is either the SENE (I recall an outdoor shallow pool adjacent to the spring) or the NENE in or around the lodge.

Claim A63-08206 should be amended to agree with the verified field data collected in 10/86. The source name, point of diversion, and place of use are identical to those in application 63-11053. Please contact the adjudication staff at this office (334-2190) for assistance in correcting the claims.

Source = spring
✓ pld = NWSENE
✓ place lot 1 (NENE)
Remark: source locally known as Hot Spring

for file A63-08206

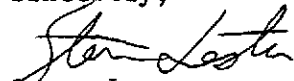
MICROFILMED

AUG 24 1992

Application 63-11053 letter of 12/7/89
page 2

Meanwhile, processing for the two applications for permit will continue.
Please let me know if additional help may be provided.

Sincerely,



Steve Lester
Sr. Water Resource Agent

SL: sl
Enclosure

CC: Adjudication files

MICROFILMED

AUG 24 1992

FILE IN A63-08206

Form 219-S.A.
Supplement
6-9-9063-11053
Permit No.

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER SL DATE SUBMITTED 8/13/91

ADJUDICATION AGENT _____ RESPONSE DUE DATE _____

COUNTY Elmore OWNER'S NAME Landon, Eugene (^{now} Trinity Springs, Ltd.)

PERMIT DATA T R S Q/Q T R S Q/Q

P/D _____

P/U _____

PROOF SUBMITTED DATE 7/9/90

ADJUDICATION DATA RELATING TO THIS PERMIT NUMBER

A. Check Permit Number for Adjudication Claim Filing:

- ☐ Claim required for permit but not filed
(examiner needs to notify permit holder during exam)
- ☐ Claim filed for permit and copy attached *
- ☐ Claim filed although not required (proof filed after 11-19-87)
- ☒ No claim filed or required. 63-11053

B. Check Adjudication Claims Relating to the Permit Holder but are Different Claims (new number - different right)

- ☒ Name index search
- ☐ Legal description search
- ☒ Non-data entry claims search
- ☐ Claim found but large system no exam required *

Claims found requiring exam	Date field exam conducted	Exam data is in, Permit file	Attached	Exam not Conducted
<u>A63-08206</u> Adj No.	<u>8/15/91</u>	<u>4</u>	☐	☐
<u>A63-04327</u> Adj No.	<u>8/15/91</u>	<u>4</u>	☐	☐
_____ Adj No.	_____	☐	☐	☐

☐ Exam completed date(s) data entered _____ (initial & date)

* copies included only if pertinent to permit field exam

MICROFILMED

AUG 24 1992

see
63-11051 and
63-11053
exams

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORTRECEIVED
MAR 05 1987

Department of Water Resources

A. GENERAL INFORMATION

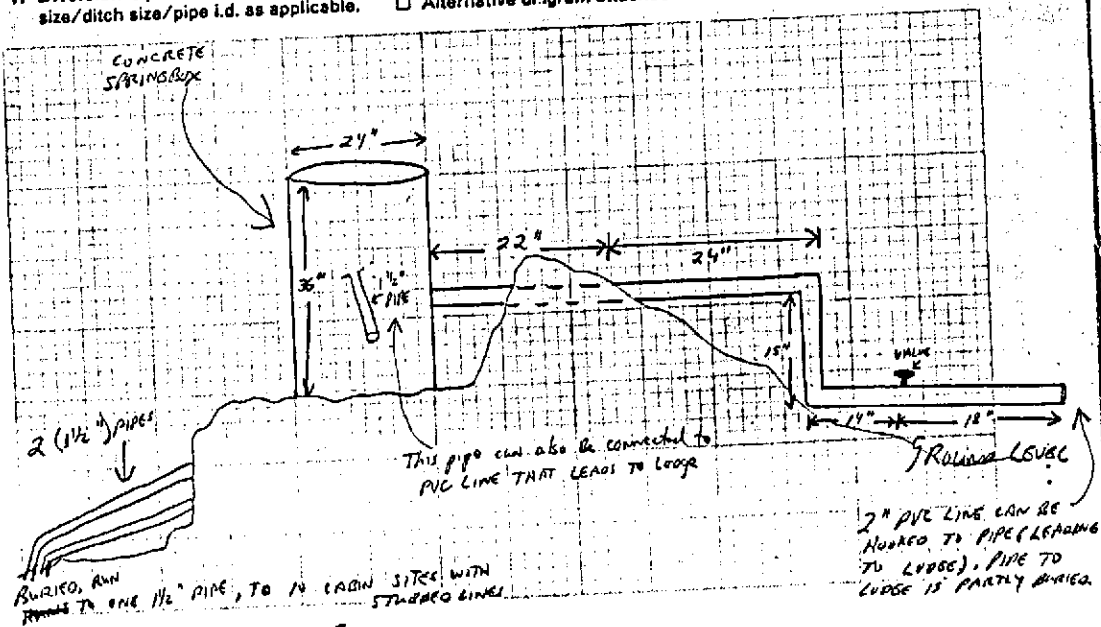
1. Owner: J.A. AND/OR EUGENIA C. LANDON Permit No. 63-8206
 Current Address: 211 JEROME ST. MT. HOME, ID 83847 Phone No. 587-7426 MT. HOME
653-2238 CAGIN NEAR HOT SPRING
 2. Accompanied by: J.A. LANDON EXAM. DATE: 10/6/86
 Address: ← SAME AS ABOVE → Phone No. _____
 Relationship to Permit Holder: SAME
 3. Source: SPRING tributary to S. FORK BOISE RIVER

B. OVERLAP REVIEW

1. Other water rights with same place of use: 63-4327, 63-8274 ☐ Copies Attached
 2. Other water rights with same point of diversion: 63-4327, 63-8274 ☐ Copies Attached ☐ Copies of Field Exam's Attached
 SEE REMARKS

C. SYSTEM DESCRIPTION

1. Diversion System Diagram: Indicate all major components and distances between components. Indicate weir size/ditch size/pipe i.d. as applicable. ☐ Alternative diagram attached

Scale: 1" = NOT TO SCALE

2. ☒ Copy of U.S.G.S. Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).
☒ Photo of Diversion and System Attached (required for all but single household domestic groundwater, and stockwater).
☐ Aerial Photo Attached (required for irrigation of 10 acres or more).

System Description (continued)

3. Narrative: Description (As operating at time of measurement. Indicate pressure, number of sprinklers, etc.)

The hot spring has been developed to provide heating for a lodge and 10 cabin sites. The lodge is in place; the cabins are not yet built but stubbed lines are in place. The 36"x24" concrete springbox has 4 outlet pipes. Two are buried and feed a common 1 1/2" pipe that runs along the SE edge of the cabin sites for 925' to 10 stubbed lines. At the springbox, a 2" outlet pipe runs 93' before meeting a 2" PVC pipe that leads, partly buried, 375' to the lodge & heating coils. The 1 1/2" outlet pipe emerging directly from springbox (see photograph) can also be hooked to 2" PVC delivery pipe to increase hot water flow to lodge. At the lodge, a 1/2" plastic pipe disperses the heating water onto the lodge lot. See Remarks on page 4 for continuation

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size
	N/A				

*Code to correspond with No. on map and aerial photo

5. Point(s) of Diversion:

Ident. No.	Gov't. Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Method of Determination/Remarks
		NW	SE	NE	5	2N	10E	ELMORE	USGS 7 1/2' QUAD. ALSO USED COMPASS & PACING (SEE TOPO MAP)

6. Place(s) of Use:

Indicate Method of Determination SAME AS IN PD ABOVE

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
2N	10E	5	LOT 01			X													—

Do not use this space

D. FLOW MEASUREMENTS

☐ Additional Data Sheets Attached

1.

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date
NONE						

2. Measurements:

NONE

E. FLOW CALCULATIONS

☐ Additional Computation Sheets Attached

1. Measured Method: NONE POSSIBLE SINCE 2 of the 1/2" pipes are buried. NO POINT IN MEASURING RATE FROM THE TWO PIPES WITH OPEN DISCHARGE.

2. Alternate Method for Checking Purposes: NONE

F. PUMP EFFICIENCY DATA (Optional) NONE

Discharge Pressure: _____ psi x 2.31 = _____ ft (1); Dynamic pumping level: _____ ft (2)

Total Head: (1) + (2) = _____ (3); Flow rate: _____ cfs (4)

Water HP: (3) x (4) ÷ 8.8 = _____ (5)

Meter Input KW: 3.6 x _____ KH x _____ CTR or _____ MULT x _____ PTR x _____ N/ _____ T = _____ (6)

Meter Input HP: (6) x 1.34 = _____ (7)

Panel Input KW: _____ Ave PF x _____ Ave Volts x _____ Ave Amps x .001732 = _____ (8)

Panel Input HP: (6) x 1.34 = _____ (7) Efficiency: (5)/(7) x 100 = _____ %

G. VOLUME CALCULATIONS

N/A (NONCONSUMPTIVE USE)

1. Volume Calculations for Irrigation:

$V_{i,r} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____

$V_{d,r} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____

$V = \text{Smaller of } V_{i,r} \text{ and } V_{d,r} =$ _____

2. Volume Calculations for Other Uses:

H. REMARKS AND OVERLAP REVIEW ANALYSIS

OVERLAP

I SAW THESE OTHER WLR SYSTEMS DURING THE EXAM. BOTH ARE FOUND S. OF THE SPRINGS FUL 63-8206. 63-4327 IS A SPRING 40' FROM DIXIE GULCH STREAM BY CANNON'S CABIN. USE IS HEATING, RECREATION, & DOMESTIC. 63-8274 IS A WLR FOR POWER FROM WATER FOUND IN DIXIE GULCH STREAM. NO OVERLAP CONFLICT.

NARRATIVE CONTINUED: after water has passed through heating coils buried under lodge. water is dispersed 18' from lodge into S.F.T. Boise River floodplain.

AMENDMENTS

CHANGE PD FROM SWTNET TO NWTSWTNET

CHANGE PU FROM SWTNET TO SETNET AND AND NETNET

I. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
HEATING	1/1	12/31	.20	NONCONTINUOUS
Totals:			.20	

2. Recommended Amendments

☒ Change P.D. as reflected above

☐ Add P.D. as reflected above

☐ None

☒ Change P.U. as reflected above

☒ Add P.U. as reflected above

☐ Other

J. AUTHENTICATION

Field Examiner's Name

Steven Lester

Signature

Steven Lester

Certification Date

Field Report Preparation Date

10/6/86

CONSULTANT SEAL

BD
2/17/87

K. Licensing recommendation shall be prepared by an Idaho Department of Water Resources employee on a computer printout attached hereto.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

Permit No. _____

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacities and system capacity)

*Examiner recommends allowing
0.20 cfs for this right -
no measurement possible.*

- b) Volume Calculations for Irrigation:

$V_{i,r} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____
 $V_{d,r} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____
 $V = \text{Smaller of } V_{i,r} \text{ and } V_{d,r} =$ _____

- c) Volume Calculations for Other Uses:

2. Overlap Review

no overlap per examiner -

- a) Other water rights with same place of use: _____

b) Other water rights with same point of diversion: _____

c) Analysis:

30 day
P/D & P/U

Date 8/19/87

MEMORANDUM

TO: ~~Steve Lester~~ *File*

THRU: Dave Tuthill *DM*

FROM: Jim Johnson

DATE: November 5, 1987

RE: Field Exam on 63-8206

In reviewing the field exam on this right, I came up with two questions that I couldn't resolve. Question #1 dealt with how the 0.2 cfs was determined. Question #2 is how should the heating use be recognized for the 10 cabins not yet constructed.

I have used the department's formula for estimating flow for heating based upon dept. memorandums and I come up with .07 cfs for the entire amount. They have been included and we would like to have them reviewed to see if there is any discrepancy or any information that maybe I have missed that may have been picked up in the exam. If the assumptions that I used are correct, would you have any objections to adjusting the field exam to the lesser amount rather than 0.2 that was originally recommended.

In regards to the second question, we recently received an application for fish propagation that apparently identifies the same source as that used on this right. I guess I feel that it would be an undue hardship on the new appropriator of this source to have to recognize the development of the additional 10 cabins as they occur in the future and be required to reduce his fish propagation use in recognition of this right. Therefore, I am inclined to remove the other 10 homes from the license to be issued on this right. Before I do this, however, I wanted to give you an opportunity to express any opinions or concerns that you have in this regard.

I recognize the fact that on multiple domestic developments the Department has the policy of allowing the additional units if they have been stubbed in. However, in this case, since the use is for heating and since the source is springs, I view this situation somewhat differently than the multiple domestic situation.

One other small comment, on this beneficial use field report there was no volume recommended due to the non-consumptive nature of the right. However, the rules and regulations adopted by the department require that the annual volume be calculated. Therefore, I propose to use the annual volume on the license when issued.

Again, if there are any concerns or objections, please let me know.