

AG3-08207

2N 10E
SECTION 5



MICROFILMED
AUG 24 1992

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 63-8207
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: DIXIE GULCH CREEK 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	NE SE	ELMORE	

5. Description of diverting works:

COLLECTION BOX & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
DOMESTIC	1/01	12/31	0.04	1.2

7. Total Quantity Appropriated is:
0.04 C.F.S. and/or 1.2 A.F.A.

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	SW NE		DOMESTIC	

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 changed by DB 1/17/2002

Use of water under this water right will be regulated by the watermaster of State Water District No. &DISTRICT.

15. Basis of Claim: License

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: A63-08207
Date Received: 11/02/1989
Receipt No: 1005094
Received By: Rdh

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: DIXIE GULCH 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	NE	SE			ELMORE
5. Description of diverting works:
COLLECTION BOX & PIPELINE.
6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
DOMESTIC	01/01	12/31	0.040		1.20
7. Total Quantity Appropriated is:
0.040 C.F.S. (and/or) 1.20 A.F.A.
8. Total consumptive use is Acre Feet Per Annum.
9. Non-irrigation uses:
DOMESTIC 1 HOME
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	10E	5	SW	NE		DOMEST	
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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

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: 11/2/89

Date: _____

State of Idaho)
County of ADA) ss.

Subscribed and sworn (or affirmed) before me this 2nd day
of Nov 19 89
Ron Howerton
Notary Public

Seal

Residing at Ron Howerton
Residing at Boise, Idaho
My Commission Expires Expires December 8, 1994

2N 10C
SECTION 5

A63-08207

5105
5105

5105



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) Eugenia London
211 Jerome St
4. New Owner/Claimant(s) Mt. Hene 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 608 726-7734
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>DS</u>	Date <u>1-17-02</u>	Fee <u>\$25- EA</u>
Received by <u>DS</u>	Date <u>12-24-01</u>	Receipt No. <u>WD28585</u>
Processed by _____	AJ Date _____	WR _____ Date _____

WARRANTY DEED

For Value Received, I, EUGENIA C. LONDON, 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. London

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. LONDON

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

Thomas H. Hanks
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.

63-8207

RECEIVED

JUL 06 2004

WATER RESOURCES
WESTERN REGION



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

251 East Front Street, Suite 400
Boise, ID 83702-7310
PHONE: 208-343-3434
FAX: 208-343-3232
www.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.

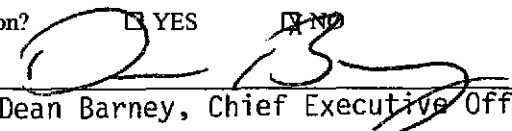
P.D. issued (amended) 7-29-03

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)
ISI 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 DBDate 7-6-04Fee \$25- EachReceived by DBDate 7-6-04Receipt No. W031933

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 63-08207

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:

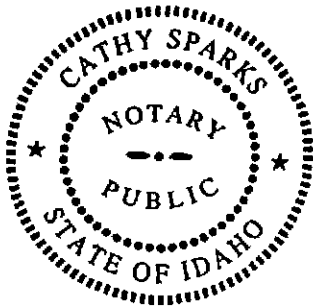
Title:


Dean Barney
CEO

State of Idaho)
County of Ada) ss.

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

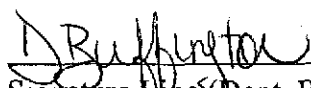
Comment NOTICE OF SECURITY INTEREST 63-11439, 63-12316, 63-12317, 63-31526, 63-4221, 63-4327, 63-8206, 63-8207, 63-10559, 63-10560, 63-11051, 63-11053 & 63-27144

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

07/30/2002

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 63-8207

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

SOURCE: DIXIE GULCH CREEK TRIBUTARY: SOUTH FORK BOISE RIVER

QUANTITY: 0.04 CFS
1.2 AFY

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 09/23/1975

POINT OF DIVERSION:

T02N R10E S5 SWNE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	1/01 12/31	0.040 CFS 1.20 AFY

PLACE OF USE: DOMESTIC Within ELMORE County

T02N R10E S05 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.
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

EXPLANATORY MATERIAL: License

DOMESTIC USE IS FOR OLD MOON MOUNTAIN LODGE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8207 V1

WATER RIGHT NUMBER: 63-8207 V1

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

Priority Date: 09/23/1975

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
DIXIE GULCH CREEK	SOUTH FORK BOISE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	1.20 AF
<u>Total Diversion:</u>		0.040 CFS	1.20 AF

Location of Point(s) of Diversion

DIXIE GULCH CREEK	SW1/4NE1/4	Sec. 5, Twp 02N, Rge 10E, B.M.
ELMORE County		

Place of UseDOMESTIC Within ELMORE County

T02N R10E S05 NENE

Total Acres: 0

Conditions of Approval:

1. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. General Domestic use is for Moon Mountain Lodge.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-8207 V1

Comments:

1. sbock 10/25/2001 claim

Comment: This water was licensed for domestic use at the Moon Mt. Lodge which is now Trinity's headquarters. During field exam the claimant showed me Dixie Gulch by the Landon Home, this was not the right spot for the pod. Claimant is aware of the need to file a change of ownership.

2. sbock 10/25/2001 pou and pod

Comment: This was licensed for the lodge the location of the lodge is in the nene as seen in field on on license 63-8206. The pod is in the swne.

Dates and Other Information:

Decreed Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Defendant:

Plaintiff:

Civil Case Number:

Judicial District:

Notice of Error Flag:

State or Federal: S

Owner Name Connector:

Water District Number: 63

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

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8207

WATER RIGHT NUMBER: 63-8207

Owner Type Name and Address

Original Owner J A LANDON
211 JEROME ST
MOUNTAIN HOME, ID 83647

Current Owner EUGENIA C LANDON
211 JEROME ST
MOUNTAIN HOME, ID 83647
(208)587-7426

Verify pod

Priority Date: 09/23/1975 ✓

Basis: License ✓

Status: Active

Source

DIXIE GULCH CREEK ✓

Tributary

SOUTH FORK BOISE RIVER ✓

Beneficial Use ✓

DOMESTIC ✓

From To ✓

1/01 to 12/31 ✓

Diversion Rate ✓

0.040 CFS ✓

Annual Volume ✓

1.20 AF ✓

Total Diversion:

0.040 CFS

1.20 AF

Location of Point(s) of Diversion

DIXIE GULCH CREEK

ELMORE County

SCOPE
NE 1/4 SE 1/4 ✓

Sec. 5, Twp 02N, Rge 10E, B.M.

Place of Use

DOMESTIC

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

Total Acres: 0

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:Comments:C18
N11
N12Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 63-8207

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: 63

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

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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 63-8207 Priority September 23, 1975 Amount 0.04 cfs

THIS IS TO CERTIFY that J. A. Landon &/or Eugenia C. Landon
of Mountain Home, Idaho has complied with the terms and conditions of Permit
No. 63-8207 issued pursuant to Application for Permit dated September 23, 1975
and has submitted proof to the Department of Water Resources on September 5, 1980
that he has applied water to a beneficial use an examination by the Department indicates that the works have a
capacity for the diversion of 0.04 cfs of water from Dixie Gulch
tributary to Boise River, South Fork and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
Domestic (1 unit)	from <u>January 1</u> to <u>December 31</u>	at <u>0.04</u> cfs and	<u>1.2</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(Both dates inclusive)

Subject, however, to the condition that no more than 0.04 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
1.2 acre feet per year, said waters to be diverted within the NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 5, Twp.
2N, Rge. 10E in the County of Elmore

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
2N	10E	5			X														

Total number of acres irrigated _____

Use of water under this license is subject to control by the watermaster of
State Water District No. 63, Boise River.

NOTE: 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.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 24 day of
December 19 81

Director

State of Idaho
DEPARTMENT OF WATER RESOURCES
FIELD REPORT

63-8207
Permit No.

CONTACT WITH PERMIT HOLDER

	DATE	INITIALS	REMARKS
☒ Appointment letter mailed:	9/19/80	KC	no app made
☐ Telephone call made: (List Telephone No. used)			
☐ Appointment scheduled for: (Date, time, location)			

EXAMINATION

Date 4 Oct 80 Accompanied by JO Lander Total Q measured 25 gpm
If source is surface water, estimate total flow of source 0.25 cfs
Methods of measurement 4 gpm Meets Permit requirements? yes

Measurement calculations: $\text{measured } 5 \text{ gals} / 15 \text{ seconds} = \frac{20 \text{ gpm}}{448.8} = .04$

$1 \text{ unit} \times 1.3 = 1.3$

[illegible]

System Description 2' open pipe in stream down stream 600'
to home Gravity Pressure

*Code with map on reverse side. Disregard code if only one.

RECOMMENDED AMOUNTS

USE	Q (cfs)	V (afa)	FROM	TO
1. <i>1.000</i>	<i>0.00</i> ✓	<i>0.00</i> ✓		<i>0.00</i>
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Remarks

No Overlapping rights

FILE THIS IN A63-08207

Form 219-S.A.
Supplement
6-9-90

63-11051
Permit No.

ATTACHMENT A

SRBA CLAIM CHECK PER BENEFICIAL USE EXAM

EXAMINER RL DATE SUBMITTED 8/13/91

ADJUDICATION AGENT _____ RESPONSE DUE DATE _____

COUNTY Elmore OWNER'S NAME Landon, Eganin (new is Trinity Springs, Ala.)
PERMIT DATA T R S Q/Q T R S Q/Q

P/D _____

P/U _____

PROOF SUBMITTED DATE 6/14/90

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. for 63-11051

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
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A63-08207 Adj No. 8/15/91

_____ Adj No. _____

_____ 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
file