

COLEMAN, RITCHIE & ROBERTSON

Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, Idaho 83303-0525

RECEIVED

MAY 29 2009

DEPARTMENT OF
WATER RESOURCES

JOHN R. COLEMAN, Retired
JOHN S. RITCHIE
THOMAS M. ROBERTSON
DAVID A. COLEMAN, CHTD.

TELEPHONE (208)734-1224

FAX (208)734-3983
E-MAIL: crtrflaw@msn.com

May 28, 2009

ATTN: CARTER FRITSCHLE
Section Manager, Adjudication Bureau
Idaho Department of Water Resources
PO Box 83720
Boise, ID 83720-0098

Re: Notice of Change in Water Right Ownership
Adjudication Claim Nos. 37-00457A, 37-12559, 37-12752, 37-00457B

Dear Mr. Fritschle:

Enclosed please find two (2) Notices of Change in Water Right Ownership. One of these Notices covers Adjudication Claim No. 37-00457B, the other Notice covers Adjudication Nos. 37-00457A, 37-12559, and 37-12752. The new owner for all four (4) of these rights is Douglas J. Bradshaw, Trustee under Will of Eleanor Reinheimer.

Claim Nos. 37-457B and 37-457A are the subject of a contest in the SRDA. A status conference for subcase numbers 37-457B and 37-457A have been set for August 26, 2009. When I spoke to you on March 12, 2009, you suggested that I should send these Notice of Change in Water Right Ownership forms directly to you rather than through the usual channels in order that the change can be processed before the August 26th status conference.

Pursuant to your suggestion, a separate form has been provided for right No. 37-457B which was the subject of a quiet title action in District Court between Douglas J. Bradshaw as Trustee under the Will of Eleanor Reinheimer and the Idaho Foundation for Parks and Lands, Inc. A copy of the Order and Stipulation resolving that litigation in favor of Douglas J. Bradshaw is attached as an Exhibit to the Change of Ownership form for 37-00457B.

If you have any questions or if there is any further documentation or explanation required please do not hesitate to write or call.

ATTN: CARTER FRITSCHLE
Section Manager, Adjudication Bureau
Idaho Department of Water Resources
May 28, 2009
Page - 2

Thank you for the assistance you have provided me in this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tom Robertson', with a stylized, flowing script.

THOMAS M. ROBERTSON

TMR:ml

Encls.

Cc: Douglas J. Bradshaw

(h:\TMR\Reinheimer Trust\Carter Fritschle ltr 5-28-09)

RECEIVED

MAY 29 2009

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

DEPARTMENT OF
WATER RESOURCES

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
	37-00457B				

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 on file with the county Planning and Zoning or Recorder's Office).
- OR
- D. If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **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)	Idaho Foundation for Parks and Lands, Inc. 5657 Warm Springs Ave. Boise, ID 83716
4. New Owner/Claimant(s)	Douglas J. Bradshaw, Trustee under Will of Name Connector (Check one): ☐ and, ☐ or, ☐ and/or Eleanor Reinheimer
New Mailing Address	PO Box 525
City, State and ZIP Code	Twin Falls, ID 83303-0525
New Telephone Number	(208) 734-1224 Email: <u>crrtflaw@msn.com</u>

Form 42-243/23-1409(6) 12/2006

5. Date you acquired the property May 31, 1977 (See Attachment)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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 will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number		
Irrigation		
Stock		
Domestic		
Other		
Totals		

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.

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

IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____ Date _____

Attachment to Notice of Change in Water Right Ownership
Adjudication Claim Nos:
37-00457B

Water right No. 37-00457 was originally claimed in 1987 by the three co-trustees of the trust established under the Will of Eleanor Reinheimer who died in 1977. The three co-trustees were David Berenson, Philip Zimet and Douglas Bradshaw.

Water right No. 37-00457 was also claimed by the Idaho Foundation for Parks and Lands, Inc. The department split Right No. 37-00457 into Right No. 37-00457A under the names of the three co-trustees and Right No. 37-00457B under the name of the Idaho Foundation for Parks and Lands, Inc. David Berenson and Philip Zimet subsequently died, leaving Douglas Bradshaw, aka Douglas J. Bradshaw as the sole trustee of the trust. What was formerly owned by the three co-trustees is now owned by Douglas Bradshaw as the sole surviving co-trustee. The trust has not changed. The Eleanor Reinheimer estate was probated in the state of New York and the trust is subject to the jurisdiction of the Surrogate's Court of the County of New York.

Attached is a copy of the Personal Representative's Deed with effective date of May 31, 1977, recorded as Instrument No. 174383, Records, Blaine County, Idaho by which David M. Berenson, Philip Zimet and Douglas Bradshaw Trustees under the Will of Eleanor Reinheimer originally acquired legal title to the water right.

Also attached is a Certificate of Letters of Trustee dated October 22, 2008, which recite that on May 7, 1976, Letters of Trustee under the will of Eleanor Reinheimer deceased were granted to Douglas J Bradshaw as trustee of the trust, and that David M Berenson and Philip Zimet are deceased.

On February 15, 2007, Douglas J. Bradshaw as Trustee under the Will of Eleanor Reinheimer filed a quiet title action in the Blaine County District Court against the Idaho Foundation for Parks and Lands, inc. seeking a declaratory judgment that the Trustee was the sole owner of all of Right No. 37-00457 and that the Foundation had no interest in the right. Blaine County Case No. CV-07-147. That litigation was ultimately resolved by Stipulation of the parties which the Court adopted as its Order, a copy of which is attached hereto. Pursuant to the Stipulation and Order Douglas J. Bradshaw as Trustee under the Will of Eleanor Reinheimer is the sole owner of both Water Right No. 37-457A and Water Right No. 37-457B.

PERSONAL REPRESENTATIVE'S DEED

Douglas Bradshaw, David M. Berenson and Philip Zimet, Personal Representatives under the Will of Eleanor Reinheimer, deceased, do hereby Grant, Sell and Convey to David M. Berenson, Philip Zimet and Douglas Bradshaw, Trustees U/W of Eleanor Reinheimer, deceased, whose mailing address is in care of Zimet, Maines, Moss & Goodkind, Attorneys at Law, 460 Park Avenue, New York, New York, 10022, all right, title, interest and estate of the decedent, Eleanor Reinheimer, at the time of her death, and all right, title and interest that the estate may have subsequently acquired by operation of law or otherwise, in and to the real property situated in the County of Blaine, State of Idaho, described as follows:

A parcel of land situate in and being in the NE 1/4 NW 1/4 of Section 19, Township 4 North, Range 19 East, Boise Meridian, Blaine County, Idaho, bounded and described as follows:

BEGINNING at the southeast corner of said NE 1/4 NW 1/4; thence north and along the easterly line of said NE 1/4 NW 1/4 of Section 19 a distance of 600 feet; thence west and parallel with the southerly line of NE 1/4 NW 1/4 of Section 19 a distance of 600 feet; thence south and parallel to the easterly line of NE 1/4 NW 1/4 of Section 19 a distance of 600 feet and thence east along the southerly line of NE 1/4 NW 1/4 of Section 19 600 feet to the place of beginning.

Including 240 inches of the waters of Trail Creek dating from May 1, 1883, and also an undivided one-half interest in a certain Spring, the location of which is recorded in Book 2 of Water Rights, Page 355, on November 2, 1882, records of Blaine County, Idaho.

Except,

That part of the East half of the northwest quarter of Section Nineteen, Township Four North, Range Eighteen East, Boise Meridian, described as follows:

Beginning at a point S 2°18' W. 1031.2 feet from the quarter section corner common to Sections 18-19 in said township and range, running thence S 35°40' W. 378 feet thence N 44°50' W. 99 feet, thence N 40°38' East 375.3 ft. to point of beginning, containing 0.406 acres.

Also Except,

Beginning at a point on the N & S center line of said Section 19, which is S 0°38' W. 973 feet from the quarter section corner common to sections 18 and 19 aforesaid thence S 0°38' W. on said center line 876 feet, thence N 21°47' W 500 feet, thence North 25°40' East 454 feet to point of beginning, containing 1.91 acres.

Also Except,

A strip of land 66 feet wide, being 33 feet on either side of center line of said road as surveyed, across the N.E.1/4 N.W.1/4 of Section 19, Township 4 North, Range 18 East, Boise Meridian, Blaine County, Idaho.

Beginning at Station 30-/-60 of the Sawtooth Park Highway Survey, which station is approximately 1380 feet from the north 1/4 corner of Section 18, Township 4 North, Range 19 East, Boise Meridian; thence running in a general south east direction approximately 1780 feet to station 48-/-40 of said survey, which station is approximately 1385 feet from the north 1/4 corner of Section 19, Township 4 North, Range 18 East, Boise Meridian, as shown on the official plats of said Sawtooth Park Highway Survey on file in the office of the Department of Public Works of the State of Idaho.

To hold the hereinabove described premises for the duration of the Trust created by the provisions of Article NINTH of the Will of Eleanor Reinheimer, which Will is on file in the office of the District Court of Blaine County, Hailey, Idaho, Case No. 7902 which Will is hereby incorporated by reference and to hold the hereinabove described premises in its present state without any change or alteration, to be used by Howard E. Reinheimer, Jr., during his lifetime and by his issue him surviving, and at the time the principal of the trust created by the provisions of said Article NINTH of said Will of Eleanor Reinheimer are distributed, the hereinabove described premises shall be conveyed to the issue of Eleanor Reinheimer then living provided they will agree to retain the same in its present state (except for repairs and maintenance) and, in the event said issue should not so agree, then and in such an event, the hereinabove described premises shall be distributed to the Idaho Park Foundation, Inc., if it agrees to keep said hereinabove described premises

agrees further not to cause any structures to be erected except that the Idaho Park Foundation, Inc., shall maintain and keep the present structures as a museum.

Dated this 13 day of April, 1977.

ESTATE OF ELEANOR REINHIMER,
DECEASED.

BY Douglas Bradshaw
Douglas Bradshaw,
Personal Representative

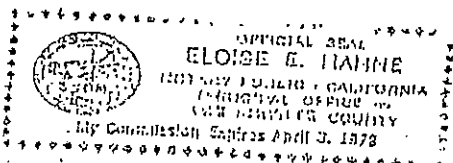
BY David M. Bershson
David M. Bershson,
Personal Representative

BY Philip Zimet
Philip Zimet,
Personal Representative

STATE OF CALIFORNIA }
County of San Diego } ss.

On this 13 day of April, in the year 1977, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Douglas Bradshaw, known to me to be the person whose name is subscribed to the within instrument as Personal Representative, and acknowledged to me that he executed the same as such Personal Representative.

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



Eloise E. Hahne
NOTARY PUBLIC FOR CALIFORNIA

STATE OF NEW YORK

County of New York

ss.

On this 31 day of July, in the year 1977,
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared Philip Zimet, known
to me to be the person whose name is subscribed to the within
instrument as Personal Representative, and acknowledged
to me that he executed the same as such Personal Representative.

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

Louis Merlino
NOTARY PUBLIC FOR NEW YORK

LOUIS MERLINO
Notary Public, State of New York
No. 31-74003500
Qualified in New York County
Commission Expires March 30, 1978.

STATE OF NEW YORK

County of New York

ss.

On this 23rd day of MAY, in the year 1977,
before me, the undersigned, a Notary Public in and for said
County and State, personally appeared David M. Berenson,
known to me to be the person whose name is subscribed to
the within instrument as Personal Representative, and acknow-
ledged to me that he executed the same as such Personal
Representative.

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

Seymour Karpas
NOTARY PUBLIC FOR NEW YORK

SEYMOUR KARPAS
Notary Public, State of New York
No. 31-74003500
Qualified in New York County
Commission Expires March 30, 1978

no. 174383

Personal Representatives Heed

STATE OF IDAHO, }
COUNTY OF BLAINE }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED FOR RECORD IN MY OFFICE AT THE REQUEST OF James Robertson, Valby I. Larson

AT 1:20 O'CLOCK P.M.

June 20, A.D. 1922

RECORDED IN BOOK _____ ON PAGE _____

W. Heed

W. HEED, REC'D

BY Salina K. Sussop

CLERK

1922 3 17 10:00 p.m.

1204325, T. F.

Surrogate's Court
464652 of the County of New York

CERTIFICATE OF LETTERS OF TRUSTEE
The People of the State of New York

Index# 1976-2389

To all to whom these presents shall come or may concern,

Know Ye, that we, having inspected the records of our Surrogate's Court in and for the County of New York, do find that on May 7, 1976 by said court, LETTERS OF TRUSTEE under the will of Eleanor Reinheimer deceased, late of the County of New York were granted unto Douglas J Bradshaw, As TRUSTEE(s) of the trust(s) created in and by said will and that it does not appear by said records that letters have been revoked.

REMARKS: David M Berenson & Philip Zimet - Deceased (See Affirmation)

In Testimony Whereof, we have caused the Seal of the Surrogate's Court of the County of New York to be hereunto affixed.

WITNESS, Honorable Kristin Booth Glen, a Surrogate of the County of New York, this 22nd Day of October, 2008.



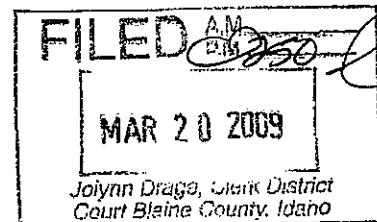
Jane Passenaut

Clerk of the Surrogate's Court

Liber 415 Page 233

THOMAS M. ROBERTSON
JOHN S. RITCHIE
COLEMAN, RITCHIE & ROBERTSON
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208)734-1224
Fax: (208)734-3983
Idaho State Bar No. 3219
Idaho State Bar No. 1790

COPY



Attorney for Plaintiff and Counterdefendant

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

DOUGLAS J. BRADSHAW as Trustee under
the will of ELEANOR REINHEIMER,
deceased,

Plaintiff and
Counterdefendant,

vs.

IDAHO FOUNDATION FOR PARKS AND
LANDS, INC.,

Defendant and
Counterclaimant.

Case No. CV-07-147

ORDER

This Court having reviewed the files and records in this case, having considered the Stipulation of the parties, a copy of which is attached hereto, and good cause appearing therefore:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the terms of the Stipulation attached hereto shall be the Order of the Court.

DATED this 20 day of March, 2009.



ROBERT J. ELGER
DISTRICT JUDGE

NOTICE OF FILING AND MAILING

Notice is hereby given by the Clerk of the above-entitled Court, pursuant to Rule 77(d) of the Idaho Rules of Civil Procedure, that the foregoing was filed on the 20 day of March, 2009, and was served to the following parties on the 20 day of March, 2009.

Plaintiff:

Thomas M. Robertson
John S. Ritchie
COLEMAN, RITCHIE & ROBERTSON
P. O. Box 525
Twin Falls, ID 83303-0525

Hand Deliver _____
U.S. Mail /
Court Folder _____
(Twin Falls Only)

Defendant:

Chas. F. McDevitt
McDevitt & Miller LLP
P.O. Box 2564
Boise, ID 83701-2564

Hand Deliver _____
U.S. Mail /
Court Folder _____
(Twin Falls Only)

CLERK OF THE DISTRICT COURT

By 15/
Deputy Clerk

THOMAS M. ROBERTSON
JOHN S. RITCHIE
COLEMAN, RITCHIE & ROBERTSON
Attorneys at Law
156 2nd Avenue West
P. O. Box 525
Twin Falls, ID 83303-0525
Telephone: (208)734-1224
Fax: (208)734-3983
Idaho State Bar No. 3219
Idaho State Bar No. 1790

Attorney for Plaintiff and Counterdefendant

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

DOUGLAS J. BRADSHAW as Trustee under
the will of ELEANOR REINHEIMER,
deceased,

Plaintiff and
Counterdefendant,

vs.

IDAHO FOUNDATION FOR PARKS AND
LANDS, INC.,

Defendant and
Counterclaimant.

Case No. CV-07-147

STIPULATION

IT IS HEREBY STIPULATED AND AGREED by and between the plaintiff
DOUGLAS J. BRADSHAW, as Trustee under the Will of Eleanor Reinheimer deceased
("Trust"); his attorney of record, Thomas M. Robertson of the firm of Coleman, Ritchie and
Robertson; the defendant IDAHO FOUNDATION FOR PARKS AND LANDS, INC.,

STIPULATION - 1

EXHIBIT "A"

("Parks"); and its attorney of record, Chas. F. McDevitt of the firm of McDevitt and Miller LLP, as follows:

A. Ownership of Water Right

1. Trust is the sole owner of both Water Right No. 37-457A and Water Right No. 37-457B.

2. Parks hereby relinquishes all claims to ownership of both Water Right No. 37-457A and Water Right No. 37-457B.

3. Parks will cooperate with Trust and shall execute such documents as may be necessary or convenient to establish that Trust is the owner of both Water Right No. 37-457A and Water Right No. 37-457B.

B. Snake River Basin Adjudication

1. Trust will file with the IDWR a Notice of Change of Ownership for Water Right No. 37-457B in order that Trust will become the record owner of Water Right No. 37-457B.

2. Trust will assume full responsibility for defending Water Right No. 37-457B, in addition to Water Right No. 37-457A, in the SRBA.

3. Parks will cooperate with Trust in defending Water Right Nos. 37-457A and 37-457B against any third party objection now filed in the SRBA, and as may be filed in the future, against either or both of these Water Rights, including providing affidavits, testimony or otherwise to confirm usage of water under Water Right Nos. 37-457A and/or 37-457B, to the extent that Parks has knowledge of such usage.

C. Definition of Natural State

1. The term "natural state" as used in the Will of Eleanor Reinheimer does not preclude irrigation of the real property received by Parks from the Estate of Eleanor Reinheimer.

D. Grant of Option to Purchase Water Right

1. Trust hereby grants Parks the option to purchase Water Right No. 47-357B upon the following terms and conditions:

a. Option Period. The option may be exercised at any time during the period commencing upon the date of death of Howard Reinheimer, Jr., and ending five years after the date of this Stipulation, or one year after the death of Howard Reinheimer, Jr., which ever occurs last. After the end of the option period, the option shall be of no further force or effect.

b. Means of Exercise. The option shall be exercised by Parks giving written notice to the trustee of Trust then in office, or, if the Trust has been sooner terminated, by giving written notice to the remainder beneficiaries of the Trust, or their successors in interest.

c. Price. The price shall be equal to the fair market value of Water Right No. 47-357B at the time the option is exercised by Parks, to be paid in cash at closing. Fair market value shall be determined by the agreement of the parties. If they cannot agree, the issue of the fair market value shall be settled by binding arbitration in Hailey, Idaho, in accordance with the rules of The American Arbitration Association. The arbitration panel shall consist of three members. One member shall be selected by Parks,

one member shall be selected by Trust and the third member shall be chosen by the two arbitrators selected by the parties. A decision in writing by any two of the arbitrators so selected shall be considered the fair market value. Once the fair market value is established, Parks shall have thirty (30) days to give written notice to Trust whether it desires to proceed to closing. If so, a closing date shall be set. If not, the option and all rights of Parks pursuant thereto shall be terminated.

d. Closing. If the option is exercised the sale will close within nine months after the date the option is exercised; provided that the closing date may be extended as necessary to allow for securing any approvals of the transfer of ownership by the Idaho Department of Water Resources.

e. Cooperation. Prior to the commencement of the option period the parties will cooperate in discussing ways of reaching agreement upon the fair market value of Water Right No. 37-457 B.

f. Contingency. The grant of this option shall be contingent upon confirmation and adjudication by the Court that it does not violate the provision under Article Fifteenth E of the Will of Eleanor Reinheimer that during the term of the Trust, Parcel No. 1 of Eleanor Reinheimer's Idaho Property (which is the real property presently owned by the Trust) not be conveyed, or that if it does violate that provision, the Trustee may deviate from that provision.

g. SRBA. The parties acknowledge that Right No. 37-457B as recommended by the Director of the Idaho Department of Water Resources in the Snake River Basin Adjudication has been objected to by certain third parties and that quantity of

the right is subject to final determination in the SRBA.

E. Grant of Right of First Refusal to Purchase Water Right

1. Trust hereby grants Parks the right of first refusal to purchase Water Right No. 47-357B at the price and upon the terms offered to Trust by any third party for the purchase of Water Right No. 47-357B. Upon the receipt of any written offer to purchase, the Trust shall provide Parks with a copy of the offer and Parks shall have ninety (90) days to advise the Trust in writing that it wishes to exercise its right of first refusal.

2. The term of the right of first refusal shall be for a period of five (5) years from the date of death of Peter Reinheimer.

3. The grant of right of first refusal shall be contingent upon confirmation and adjudication by the Court that it does not violate the provision under Article Fifteenth E of the Will of Eleanor Reinheimer that during the term of the Trust, Parcel No. 1 of Eleanor Reinheimer's Idaho Property (which is the real property presently owned by the Trust) not be conveyed, or that if it does violate that provision, the Trustee may deviate from that provision.

F. Lease of Water Right

Until such time as Parks may exercise the option to purchase Water Right No. 47-357B Trust may lease Water Right No. 47-357B through the State Water Bank to Parks or other third party on an annual basis on such terms as the Trust and the lessee may agree.

G. Procedural Matters

1. Upon execution by the parties this Stipulation shall be filed with the Court together with a proposed Order to be signed by the Court incorporating this Stipulation as the

Order of the Court, a copy of which is attached hereto as Exhibit "A".

2. That Order shall be the final decision on the merits consistent with the Stipulation of the parties, and shall have the effect of dismissing Count I of the Complaint (definition of natural state) and granting Trust the relief prayed for in Count II of the Complaint (ownership of water right).

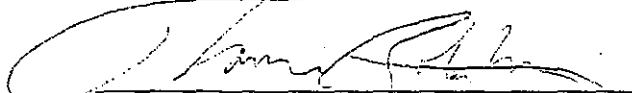
3. Each party shall pay their own costs and attorney's fees at all stages of the litigation.

DATED this 6th day of MARCH, 2009.


DOUGLAS J. BRADSHAW, as Trustee

DATED this 6 day of March, 2009.

COLEMAN, RITCHIE & ROBERTSON


THOMAS M. ROBERTSON

DATED this _____ day of _____, 2009.

IDAHO FOUNDATION FOR PARKS
AND LANDS, INC.

By _____

DATED this _____ day of _____, 2009.

MCDEVITT & MILLER LLP

CHAS F. MCDEVITT

Order of the Court, a copy of which is attached hereto as Exhibit "A".

2. That Order shall be the final decision on the merits consistent with the Stipulation of the parties, and shall have the effect of dismissing Count I of the Complaint (definition of natural state) and granting Trust the relief prayed for in Count II of the Complaint (ownership of water right).

3. Each party shall pay their own costs and attorney's fees at all stages of the litigation.

DATED this _____ day of _____, 2009.

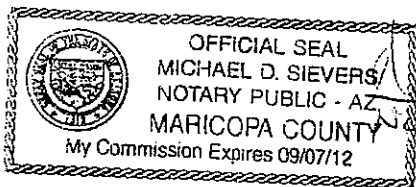
DOUGLAS J. BRADSHAW, as Trustee

DATED this _____ day of _____, 2009.

COLEMAN, RITCHIE & ROBERTSON

THOMAS M. ROBERTSON

DATED this 13 day of MARCH, 2009.



[Signature]
IDAHO FOUNDATION FOR PARKS
AND LANDS, INC.

By [Signature]

DATED this 17 day of March, 2009.

MCDEVITT & MILLER LLP

[Signature]
CHAS F. MCDEVITT