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DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

) Subcase 37-22490

) (Insert water right number)

Case 39576

) STANDARD FORM 4

) MOTION TO FILE:

) * LATE NOTICE OF CLAIM

) ☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in *SRBA Administrative Order 1, Rules of Procedure* (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

* I have read *SRBA Administrative Order 1, Rules of Procedure* (amended Oct. 16, 1997).

My name is Indian Creek Ranch Owners Association, Inc.

My address is P.O. Box 3411

Hailey, Idaho 83333

My phone number is: Work Home (208) 788-9887

I am an attorney representing Indian Creek Ranch Owners Association, Inc.

My name is Dana L. Hofstetter

My address is Hofstetter Law Office, L.C.C.

608 West Franklin Street
Boise, Idaho 83702

My phone number is (208) 424-7800 FAX: (208) 424-8774

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

* I did not file a Notice of Claim to the use of water in the SRBA because:

This is a claim for incidental stock water associated with the historic Indian Creek Ranch.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

* I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

Affidavit of Dana L. Hofstetter

I have attached:

- * A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- * A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 75.00.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on September 21, 2010, 1:30 p.m.
(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☐ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Dana L. Hofstetter, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

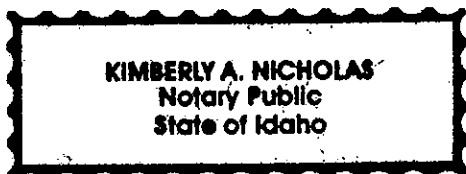
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Dana L. Hofstetter

Attorney signing in representative capacity

Subscribed and sworn to before me on June 30, 2010
(Insert Date)



DANE

Notary Public for the State of Idaho
Residing at: Base, Idaho
My Commission expires: 12/14/2012

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on June 30, 2010, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court (*via Hand Delivery*)
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/addresses of parties)


Signature of person or attorney mailing the form

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 37-22490

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant(s) Indian Creek Ranch Owners Association, Inc Phone (208) 788-9887
Mailing Address PO Box 3411 Hailey, Idaho Zip 83333
Street or Box City State
2. Date of Priority (Only one (1) per claim) 4/1/1880
Month Day Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (X) (a) Indian Creek/Springs
which is tributary to (b) Dry Stream
4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____ ¼ of _____ ¼ of _____ ¼, Govt. Lot _____, B.M., County of _____
Parcel (PIN) no. _____
Additional points of diversion if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township 3N, Range 18E, Section 23, SE ¼ of NW ¼,
Govt. Lot _____, B.M., County of Blaine
Ending point is: Township 3N, Range 18E, Section 33, NE ¼ of SW ¼,
Govt. Lot _____, B.M., County of Blaine
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Indian Creek and bypass past the City of Hailey's intake
structure

Last Name _____ Ident. Number _____

6. Water is claimed for the following purposes:

For Stockwater purposes (both dates are inclusive MM-DD) from 01-01 to 12-31 amount 0.02 (cfs) or _____ (acre feet)
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____
 For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 cfs (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully. (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 1000 cattle, 2000 sheep and 20 horses

9. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWN	RNG	SEC	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
3N	18E	22												S	S	S	S	S	
		23							S	S		S							
		27		S			S		S	S		S							
		28													S	S	S		
		33		S			S			S	S								

Parcel (PIN) no(s). _____ Total number of acres irrigated _____

10. In which county (ies) are lands listed above as place of use located? BLAINE

11. Do you own the property listed above as place of use? Yes (X) No (X)
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
 _____ or None ()

13. Remarks: Claimant holds the water right on behalf of its members. The 0.02 cfs amount of water is needed for the length of the Creek.

14. Basis of Claim (Check One) Beneficial Use (X) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff vs Defendant _____

If applicable provide IDWR Water Right Number 37-22490

15. 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: one (1) map

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

President _____ of Indian Creek Ranch Owners Association, Inc.
Title Organization

that I have signed the foregoing document in the space below as

President _____ of Indian Creek Ranch Owners Association, Inc.
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Einar B. Hoff Date June 30, 2010
Einar B. Hoff

Title and Organization President, Indian Creek Ranch Owners Association, Inc.

16. Notice of Appearance:

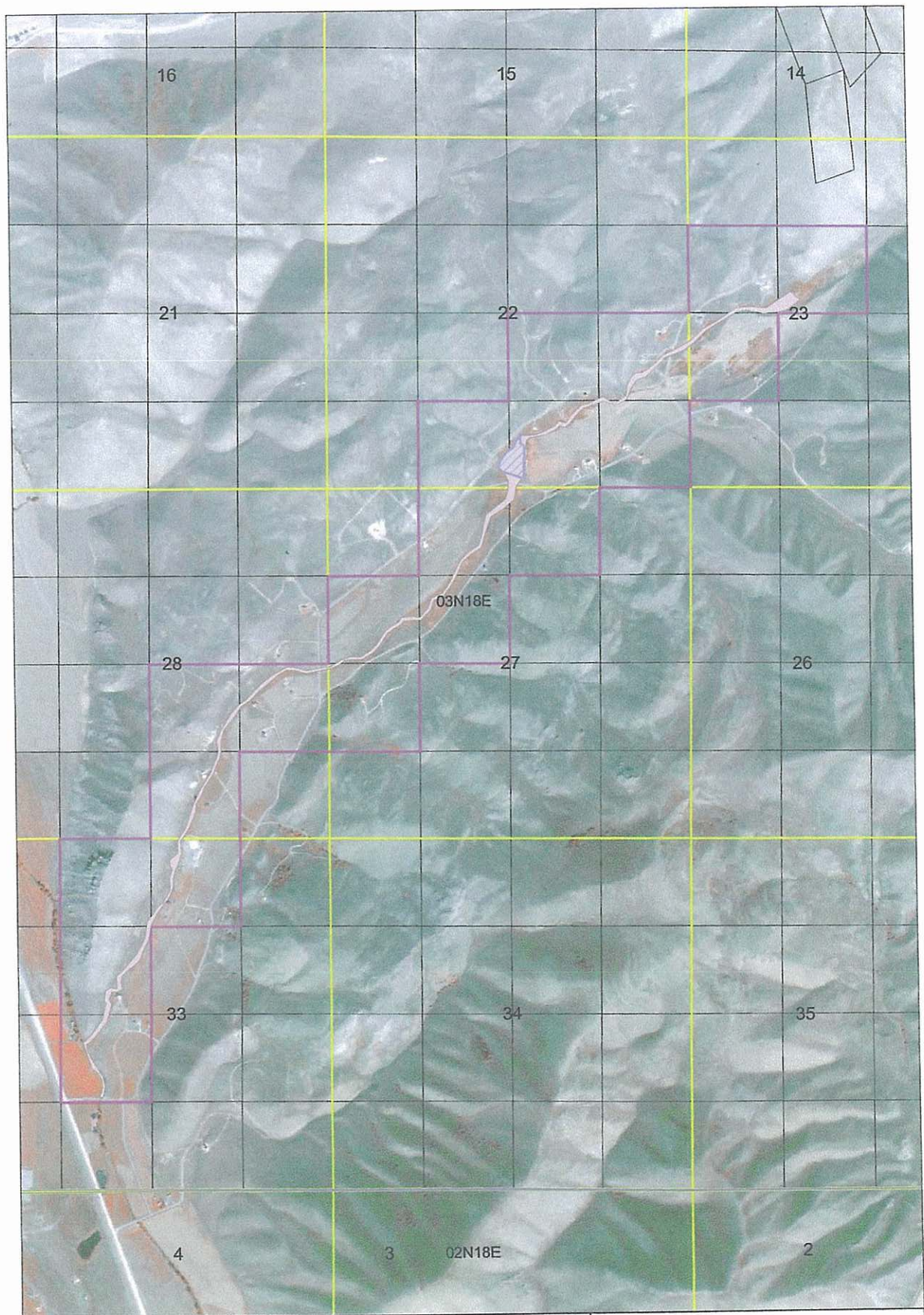
Notice is hereby given that I, Dana L. Hofstetter of Hofstetter Law Office, LLC, will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Dana L. Hofstetter Date June 30, 2010

Address Hofstetter Law Office, LLC

608 West Franklin Street, Boise, Idaho 83702

Last Name ICROA Ident. Number 37-22490



T3N, R18E
Blaine County, Idaho
0 500 1,000
Feet

Legend

- Stockwater POD
- ICROA Stockwater POU
- Reservoir

Figure 1
Stockwater Claim 37-22490

Indian Creek Ranch Stockwater
Claim 37-22490 Place of Use

Year of Photo: 1984 (CIRP)
February 16, 2010

ERO

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DEPARTMENT OF
WATER RESOURCES

Dana L. Hofstetter, ISB #3867
HOFSTETTER LAW OFFICE, LLC
608 West Franklin Street
Boise, Idaho 83702
Telephone (208) 424-7800
Facsimile: (208) 424-8774
Email: Dana@IdahoWaterLaw.com

In Re SRBA

Case 39576

Subcase No. 37-22541

AFFIDAVIT OF DANA L. HOFSTETTER

STATE OF IDAHO

COUNTY OF ADA

) ss.

(1) I am Dana L. Hofstetter, counsel of record in this matter for the Indian Creek Ranch Owners Association, Inc. ("ICROA").

(2) Attached hereto as Exhibit A is a true and correct copy of an excerpt of the 1909 *Frost* decree for Water Right No. 37-28 that I obtained from the Idaho Department of Water Resources ("IDWR") Internet website. Water Right No. 37-22541 is a split of Water Right No. 37-28.

(3) Attached hereto as Exhibit B is a true and correct copy of the deed by which ICROA obtained title to the common areas of the Indian Creek Ranch Subdivision in Blaine County, Idaho.

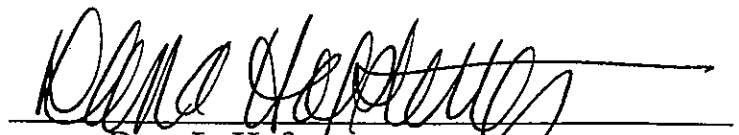
(4) Attached hereto as Exhibit C is a true and correct copy of a deed in the chain of title for ICROA's property which indicates that Water Right No. 37-28 is appurtenant to ICROA's property.

(5) I discovered that a portion of Water Right No. 37-28 was appurtenant to ICROA's property as a result of my work for ICROA in connection with other water rights it has claimed in the SRBA.

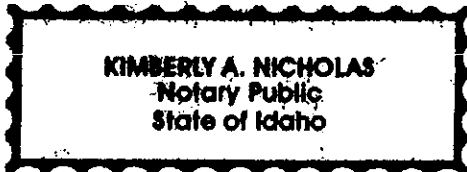
(6) Based on my review on the IDWR Internet database of water rights split from 37-28 that have been claimed and recommended in the SRBA, approximately 0.828 cubic feet per second ("cfs") of Water Right No. 37-28 remains available to be claimed.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

DATED this 30th day of June, 2010.


Dana L. Hofstetter

SUBSCRIBED AND SWORN to before me this 30th day of June, 2010.



KANE
Notary Public in and for the State of Idaho
Residing at: 1688 W State St Base ID
My Commission Expires: 12/14/2012 83702

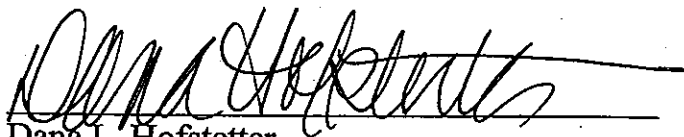
CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a copy of the foregoing document (including attachments) this 30th day of June, 2010, by U.S. Mail postage pre-paid to:

IDWR Director
P.O. Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of the Attorney General
P.O. Box 44449
Boise, ID 83711-4449


Dana L. Hofstetter

In the District Court of the Fourth Judicial District
of the
State of Idaho, in and for the County of Lincoln.

RECEIVED
JAN 31 1910
OFFICE OF STATE ENGINEER.

B. C. Frost, et al.,

Plaintiffs,

vs.

Alturas Water Company, et al.,

Defendants.

DECREES.

This cause coming on to be heard this 6th day of October,
1909, upon the Report of F. J. Cowen, Referee heretofore appointed for
the purpose of taking the testimony and making recommendations as to Find-
ings of Fact, Conclusions of Law and Decrees, to be entered herein, and the
said F. J. Cowen having filed his Report of the testimony taken, and his
recommendations as to Findings of Fact, Conclusions of Law, which have
heretofore been adopted, and the respective plaintiffs and defendants and
cross-complainants appearing herein by their respective counsel, and the
court being fully informed and advised in the premises, and having ordered
that judgment be entered in accordance with the Report and recommenda-
tions of the said Referee, Wherefore, by reason of the law and the evidence
and Findings of Fact and Conclusions of Law aforesaid,

It is Ordered, Adjudged and Decreed, that the several parties, plain-
tiffs and defendants herein named, ~~enter~~ judgment respectively for

JUN 14 1996

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EXHIBIT

A

100235	Allen, Calvin E.	120 inches	Aug. 6, 1902	Big Wood River.
100236	Allen, George	225 "	May 23, 1885.	" " " TRANS 1944
100237	"	100 "	June 15, 1886.	" " " TRANS 1944
100238	Arthur Water Co.	100 "	Mon. 24, 1885.	" " " (from Riley ditch.)
100239	Anderson, Harry W.			Big Cottonwood Canal Company shares.
100240	"	100 "	June 1, 1885	Big Wood River
100241	"	100 "	June 1, 1885	Chimney Creek
100242	"	70 "	June 1, 1889.	" "
100243	Armstrong, Edward B.	100 "	May 15, 1885	Little Wood River
100244	"	100 "	July 1, 1887	Big Wood River
100245	Baker, John	100 "	June 1, 1885	Chimney Creek
100246	Baker, John	100 "	June 1, 1887	"
100247	Baker, John	120 "	Aug. 23, 1906	Big Wood River
100248	Baker, John	100 "	May 1, 1890	Chimney Creek
100249	Baker, John	100 "	May 8, 1887	"
100250	Baker, John	100 "	May 1, 1885	"
100251	Baker, John	100 "	May 1, 1891	"
100252	Baker, John	100 "	May 1, 1887	"
100253	Baker, John	100 "	May 1, 1891	"
100254	Baker, John	100 "	May 1, 1891	"
100255	Baker, John	100 "	May 1, 1891	"
100256	Baker, John	100 "	May 1, 1891	"
100257	Baker, John	100 "	May 1, 1891	"
100258	Baker, John	100 "	May 1, 1891	"
100259	Baker, John	100 "	May 1, 1891	"
100260	Baker, John	100 "	May 1, 1891	"
100261	Baker, John	100 "	May 1, 1891	"
100262	Baker, John	100 "	May 1, 1891	"
100263	Baker, John	100 "	May 1, 1891	"
100264	Baker, John	100 "	May 1, 1891	"
100265	Baker, John	100 "	May 1, 1891	"
100266	Baker, John	100 "	May 1, 1891	"
100267	Baker, John	100 "	May 1, 1891	"
100268	Baker, John	100 "	May 1, 1891	"
100269	Baker, John	100 "	May 1, 1891	"
100270	Baker, John	100 "	May 1, 1891	"
100271	Baker, John	100 "	May 1, 1891	"
100272	Baker, John	100 "	May 1, 1891	"
100273	Baker, John	100 "	May 1, 1891	"
100274	Baker, John	100 "	May 1, 1891	"
100275	Baker, John	100 "	May 1, 1891	"
100276	Baker, John	100 "	May 1, 1891	"
100277	Baker, John	100 "	May 1, 1891	"
100278	Baker, John	100 "	May 1, 1891	"
100279	Baker, John	100 "	May 1, 1891	"
100280	Baker, John	100 "	May 1, 1891	"
100281	Baker, John	100 "	May 1, 1891	"
100282	Baker, John	100 "	May 1, 1891	"
100283	Baker, John	100 "	May 1, 1891	"
100284	Baker, John	100 "	May 1, 1891	"
100285	Baker, John	100 "	May 1, 1891	"
100286	Baker, John	100 "	May 1, 1891	"
100287	Baker, John	100 "	May 1, 1891	"
100288	Baker, John	100 "	May 1, 1891	"
100289	Baker, John	100 "	May 1, 1891	"
100290	Baker, John	100 "	May 1, 1891	"
100291	Baker, John	100 "	May 1, 1891	"
100292	Baker, John	100 "	May 1, 1891	"
100293	Baker, John	100 "	May 1, 1891	"
100294	Baker, John	100 "	May 1, 1891	"
100295	Baker, John	100 "	May 1, 1891	"
100296	Baker, John	100 "	May 1, 1891	"
100297	Baker, John	100 "	May 1, 1891	"
100298	Baker, John	100 "	May 1, 1891	"
100299	Baker, John	100 "	May 1, 1891	"
100300	Baker, John	100 "	May 1, 1891	"

spectively awarded such use in the various actions and decrees to which they are parties, respectively; but that this right shall not be construed to be a double appropriation of the waters of said streams, and wherein the said parties are reawarded such amounts in this decree, they and their successors in interest, respectively, shall be entitled to the use of only one of such rights, to-wit: either the right named in said decrees, or the right otherwise awarded in this decree.

It appearing to the court herein that the necessary costs, expenses and disbursements incurred in connection with the taking of the testimony in this action, and in the preparation and filing of the decree herein, together with the necessary costs and expenses of the distribution of the waters of said stream for the season of 1909, amount to the sum of approximately \$2700.00, in addition to the amounts heretofore paid by the respective parties to this action, and that there is filed herewith a tabulated statement apportioning such costs as near as may be among the various claimants and decreed rights in this action,

It is Therefore Further Ordered, that the various parties, plaintiffs and defendants herein, pay to the Clerk of this court the respective amounts set opposite their names in the said statement, for which execution may issue herein.

And it is Further Ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any water under the terms of this decree until the respective amounts as assessed in said statement shall be paid into court.

And it is Further Ordered, that each party hereto shall pay his own necessary costs for witnesses and other individual expenses.

Dated at Pocatello, Idaho, December 13th, 1909.

Alfred M. [Signature]

Presiding Judge.

RECORDED

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JOHN C. LUNDY ET AL TO STATE OF IDAHO.

THIS INDENTURE made on the 1st day of May, A.D. Nineteen Hundred and twenty-five, by and between John C. Lundy and Lyman R. Lundy, Trustees, of the County of Minidoka and State of Idaho, parties of the first part, and State of Idaho of the County of-----and State of-----, party of the second part,

WITNESSETH: That the said party of the first part in consideration of One Dollar and other considerations, in hand paid by the said party of the second part, receipt of which is hereby acknowledged, do by these presents transfer and release unto the said party of the second part, all such right, title or interest as may have been or may be now in said parties of the first part vested under and by virtue of the certain deed made, executed and delivered to said parties of the first part by E.H. Lundy and Lula M. Lundy, on or about the 12th day of September, A.D. 1923, and recorded in Book No. 127 at Page 23 of the records in the office of the Recorder in and for the County of Blaine, and State of Idaho, and covering the following described lots, tracts and parcels of land lying and being situated in said County of Blaine and State of Idaho, to-wit:

The Southeast Quarter of the Southeast quarter, and the West Half of the Southeast quarter of Section Twenty-eight (28); the Northwest quarter of the Northeast quarter, and the Southeast quarter of the Northwest quarter of Section Thirty-three (33); the South Half of the Northwest quarter, the Northwest quarter of the Southwest quarter, Section Twenty-three (23); the Northeast Quarter of the Southeast quarter, the South Half of the Southeast quarter, the Southeast quarter of the Southwest quarter, Section twenty-two; the Northeast Quarter of the Northwest quarter, Section Twenty-seven (27); the Southwest Quarter of the Northeast quarter of Section Thirty-three (33).

The West Half of the Northwest Quarter Section Twenty-seven (27), the Southeast quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter of Section Twenty-eight (28); the Northwest quarter of the Southeast Quarter, the East Half of the Southwest quarter of Section Thirty-three; the Southeast quarter of the Northwest quarter of Section Twenty-seven (27), all in Township Three (3) North of Range Eighteen (18) East of Boise Meridian.

The Southwest Quarter of the Northeast Quarter and Lot 2 (2) of Section Four (4) and that portion of Lot Three (3) and of the Southeast quarter of the Northwest quarter of said Section Four (4) lying and being east of the Wood River Branch of the Oregon Short Line Railway, in Township (2) North of Range Eighteen (18) East of Boise Meridian.

Excepting from the foregoing one (1) acre, more or less, lying north of the Indian Creek road, situate in the East Half of the Southwest quarter of said Section Thirty-three (33), and also excepting one and one-half acres, more or less, lying west of said Railroad in said East Half of the Southwest quarter of Section Thirty-three (33), Township Three (3) North Range Eighteen (18) East.

Together with all water and water rights, ditches and canals, in anywise connected with or in any manner appurtenant to said land.

Said tract containing in all one thousand acres of land, more or less, according to Government survey.

The water rights above mentioned include the following:

All that certain water right in Indian Creek (save and excepting one hundred thirty-one inches hereinafter reserved) decreed to the Hailey Water & Power Company, as successor to Nancy M. Ticker, by decree entered in the District Court of the Fourth Judicial of the State of Idaho in and for Lincoln Co, in a case entitled S.C. Frost et al, Plaintiffs vs Alturas Water Co et al, Defendants, the said decree being recorded in Book 1 of Civil Judgment Records, at page 151 thereof, among the records of Lincoln County, Idaho and in Book 6 of Judgments at page 447 thereof among the records of Blaine County, Idaho.

That certain water right of 300 inches of the waters of Big Wood River of a priority dating from Nov. 26th, 1886, decreed to Hailey Water & Power Co as successor of Nancy M. Tucker in the case of S.C. Frost et al Plaintiffs vs Alturas Water Co. et al Defendants above referred to (except a certain shrinkage or seepage charge made as against the said 300 inches of water as shown by contract between the grantor and Wood River Land Company dated Aug. 1st, 1919) and now of record in Blaine Co.

Also in addition a certain water right of 100 inches in the waters of Big Wood River from what is known as the Riley Ditch with a priority dating from March 24th, 1883, as decreed to the Alturas Water Company by the decree in the case of Frost et al vs Alturas Water Co et al as aforesaid.

There is hereby expressly reserved and excepted from the conveyance 131 inches of the waters of Indian Creek being a portion of the waters of Indian Creek decreed to Hailey Water & Power Co in the decree above mentioned, the said reserved water being taken from certain springs which are the source of said Indian, to supply the City of Hailey and the inhabitants thereof with water for domestic and municipal purposes which right shall be prior and paramount to any rights acquired by second party in the waters of Indian Creek in this conveyance.

TO HAVE AND TO HOLD the same with all the rights, immunities, privileges and appurtenances thereto belonging as vested in the said parties of the first part, unto him, the said party of the second part, and its successors and assigns FOREVER. The said parties of the first part hereby covenanting that the said premises are free and clear of any incumbrances by them placed on said premises and that they will forever WARRANT AND DEFEND the title of said premises unto the said party of the second part, and to its successors and assigns against the lawful claims and demands of all persons claiming by, through or under the said grantor herein, expressly subject however, to mortgages of record and to unpaid taxes.

Possession of the premises above described with all the water rights as hereinbefore referred to is reserved in grantors to March 1st, A.D. 1926.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered
in the presence of us;

John C. Lundy)
Lyman R. Lundy,) Trustee

STATE OF IOWA,)
 ss:
HARDIN COUNTY;)

On this 8th day of April, A.D. 1925, before me, Irene Brown, a Notary Public in and for said County and State, personally appeared John C. Lundy, Trustee, one of the grantors named in the foregoing deed, and known to me to be such grantor whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

(Seal)

Irene Brown
Notary Public in and for
Hardin County, Iowa.

State of Idaho,)
 ss:
Ada County.)

On this 1st day of May, A.D. 1925, before me, C. Hart, a Notary Public in and for said County and State, personally appeared Lyman R. Lundy, Trustee, one of the grantors named in the foregoing deed, and known to me to be such grantor whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same.

(Seal)

C. Hart
Notary Public in and for the
State of Idaho. My commission
expires March 9, 1929.

Filed for record at the request of G.C. Hendrickson July 11, 1925 at 2:25 P.M.

Cassie M. Russell,
County Recorder.

348.5
(14)

WARRANTY DEED

For Value Received

INDIAN CREEK RANCHES, a limited partnership,

Hereinafter called the Grantor, hereby grants, bargains, sells and conveys unto

INDIAN CREEK RANCH OWNER'S ASSOCIATION, INC., whose address is
P.O. Box 1538, Hailey, Idaho 83333

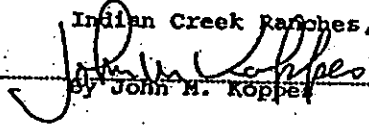
Hereinafter called the Grantee, the following described premises situated in Blaine County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD, the said premises, with their appurtenances unto the said Grantee and to the Grantee's heirs and assigns forever. And the Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that they are free from all incumbrances except as above described and that Grantor will warrant and defend the same from all lawful claims whatsoever.

Dated: January 31, 1978

Indian Creek Ranches,


 by John M. Koppes

STATE OF IDAHO, COUNTY OF BLAINE
 On this 31st day of January, 1978,
 before me, a Notary Public in and for said State, per-
 sonally appeared JOHN M. KOPPES, known
 to me to be one of the
 partners of the partnership
 that executed the within
 instrument, and acknowledged
 to me that such partnership
 executed the same.

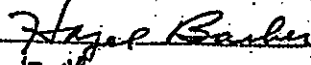
JAN 23 1996



Residing at Hailey

Notary Public
Idaho

STATE OF IDAHO, COUNTY OF BLAINE

I hereby certify that this instrument was filed for record
at the request of *Indian Creek Ranches, Inc.*
 at 10 minutes past 9:00 o'clock A.M.,
 this 1 day of Feb.
 1978, in my office, and duly recorded in Book
 of Deeds at page
MARIE MELEVA
Ex-Officio Recorder
 By 
 Fees \$13.00
 Mail to:

Instrument No. 10037

EXHIBIT
C

PARCEL I: (Common Area)

TOWNSHIP 3 NORTH, RANGE 18 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO:

SECTION 22: SE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$
SECTION 23: Lots 2 and 3, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$
THE LULU MILL SITE, Lot No. 37
SECTION 26: W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 27: W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$
SECTION 28: SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$
SECTION 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$
EXCEPT One Acre, more or less, lying North of
the Indian Creek road situated in the E $\frac{1}{2}$ SW $\frac{1}{4}$
SECTION 34: E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$
SW $\frac{1}{4}$ SE $\frac{1}{4}$

TOWNSHIP 3 NORTH, RANGE 19 EAST OF THE BOISE MERIDIAN, BLAINE COUNTY, STATE OF IDAHO.

SECTION 7: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 4

EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCHES NO. 1, recorded in Book 8 of Plats, page 17, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCH SUBDIVISION NO. 2, recorded in Book 13 of Plats, page 14, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM a tract of land lying in Section 27, Township 3 North, Range 18 East of the Boise Meridian, more particularly described as follows:

Commencing at the Northeast corner of said Section 27; thence S. 57° 54' 08" W., 3134.65 feet to the TRUE POINT OF BEGINNING; thence
S. 40° 43' 1" W., 361.51 feet; thence
N. 18° 12' 43" W., 406.36 feet; thence
N. 49° 02' 00" W., 221.17 feet; thence
S. 80° 18' 48" W., 72.62 feet; thence
N. 35° 31' 22" E., 576.00 feet; thence
S. 20° 29' 48" E., 761.81 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM all that land platted as INDIAN CREEK RANCH SUBDIVISION NO. 3, recorded in Book 13 of Plats, page 15, records of Blaine County, Idaho.

ALSO EXCEPTING THEREFROM a tract of land lying in Section 27, Township 3 North, Range 18 East of the Boise Meridian, more particularly described as follows:

Commencing at the Southwest corner of said Section 27; thence N. 27° 10' 47" E., 3750.22 feet to the TRUE POINT OF BEGINNING; thence
S. 58° 27' 12" E., 633.61 feet; thence
S. 79° 14' 51" W., 503.85 feet; thence
S. 21° 25' 02" W., 298.04 feet; thence
38.00 feet along a curve to the right with a central angle of 5° 07' 01", a radius of 425.50 feet and a long chord of 37.99 feet that bears N. 70° 13' 16" W., thence
164.01 feet along a curve to the right with a central angle of 32° 27' 24", a radius of 289.52 feet and a long chord of 161.82 feet that bears N. 51° 25' 59" W.; thence
N. 35° 12' 25" W., 225.03 feet; thence
16.20 feet along a curve to the left with a central angle of 6° 18' 19", a radius of 147.25 feet and a long chord of 16.19 feet

JAN 23 1996

feet that bears N. 38° 22' 36" W.; thence
41.44 feet along a curve to the right with a central angle of
67° 13' 24", a radius of 35.32 feet and a long chord of 39.10
feet that bears N. 7° 53' 59" W.; thence
N. 52° 42' 43" E.; 105.49 feet; thence
225.08 feet along a curve to the left with a central angle of
10° 59' 44", a radius of 1172.84 feet and a long chord of 224.74
feet that bears N. 47° 12' 45" E.; thence
N. 41° 42' 58" E.; 184.00 feet to the TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM the NE&SE¼ of Section 33, Township 3
North, Range 18 East of the Boise Meridian, Blaine County, Idaho.

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