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Jennifer Newsom

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HOLLAND & HART



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Party's Name: Wells Fargo Bank, National Association

Attorney Name & Address:

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Kevin C. Braley
HOLLAND & HART LLP
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Boise, Idaho 83701
Telephone: (208) 342-5000
Idaho State Bar No. 4125

**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

Case No. 39576

**NOTICE OF SUBSTITUTION
OF PARTIES**

**SUBCASE NOS.: 37-548, 37-549, 37-
1222, 37-2142, 37-4138, 37-4139, 37-
4440, and 37-12396**

NOTICE IS HEREBY GIVEN: Wells Fargo Bank, National Association ("Wells Fargo") hereby notifies the Court and the parties herein that Wells Fargo, as the successor in interest to Spring Canyon Ranch, LLC, and the current owner of the subject water rights and all interest therein and the owner of the underlying land, is hereby substituted in place of Spring Canyon Ranch, LLC for all purposes in these proceedings, including, but not limited to, the resolution of the matters in this subcase.

Attached at Exhibit "A" is a true and correct copy of the Sheriff's Deed conveying all right, title, and interest in the land and the appurtenant water rights being adjudicated in these proceedings to Wells Fargo Bank.

DATED this 17th day of August, 2010.

By: 

HOLLAND & HART LLP

Linda B. Jones

Kevin C. Braley

Attorneys for Wells Fargo Bank, National Association

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of August 2010, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

☐ U.S. Mail
☐ Hand Delivered
☐ Overnight Mail
☒ Telecopy (Fax)

Copies to:

Albert P. Barker
BARKER ROSHOLT & SIMPSON
PO Box 2139
Boise, ID 83701-2139
Telephone: (208) 336-0700
Fax: (208) 344-6034

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Craig D. Hobdey
HOBDEY & HOBDEY
PO Box 176
Gooding, ID 83330
Telephone: (208) 934-4429
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Kevin J. Beaton
STOEL RIVES LLP
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Environment & Natural Resources
550 West Fort Street, MSC 033
Boise, ID 83724

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for Holland & Hart LLP

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NOTICE OF SUBSTITUTION OF PARTIES- 3

Recording requested by,
and after recording, return to:

Kevin C. Braley
Holland & Hart LLP
P.O. Box 2527
Boise, ID 83701-2527

Instrument # 578907

HAILEY, BLAINE, IDAHO
7-9-2010 02:27:03 No. of Pages: 5
Recorded for : B C SHERIFFS DEPARTMENT
JOLYNN DRAGE Fee: 25.00
Ex-Officio Recorder Deputy
Index to: SHERIFF'S DEED

*9/13***SHERIFF'S DEED**

KNOW ALL PERSONS BY THESE PRESENCE that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, being duly sworn and of legal age, hereby certify that I am the Sheriff of Blaine County, Idaho, and that:

1. At the request of Plaintiff Wells Fargo Bank National Association and under and by virtue of a Writ of Execution on Judgment of Foreclosure and an Order of Sale on Foreclosure issued out of the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Blaine, in the case of *Wells Fargo Bank, National Association vs. Spring Canyon Ranch, LLC, et al.*, case no. CV 09-365 and CV 09-771, I conducted a foreclosure sale on July 6th, 2010, commencing at or about 1:00 p.m. by advertisement and sale at the Blaine County Public Safety Facility at 1650 Aviation Drive, Hailey, Idaho. The property subject to the foreclosure sale was the property described in Exhibit A attached hereto (the "Foreclosed Property").

2. On July 8th, 2010, I issued a Sheriff's Certificate of Sale on Foreclosure (the "Sheriff's Certificate") to Wells Fargo Bank, National Association, who made the highest and best bid in the credit amount of \$10,900,173.04 for the Foreclosed Property at the foreclosure sale, which certificate was recorded in the official records of the recorder of Blaine County, Idaho on July 8th, 2010, as Instrument Number 578885.

3. The Amended Judgment and Decree of Foreclosure entered May 11, 2010 (the "Amended Judgment"), and the Order of Sale on Foreclosure entered May 19, 2010 (the "Order of Sale"), by the District Court of the Fifth Judicial District in and for the County of Blaine, Case No. CV 09-365 and CV 09-771, provided that Defendants Spring Canyon Ranch, LLC, and GeoEngineers, Inc., and each of them, and all persons claiming under them, either as encumbrancers, purchasers or otherwise, shall be, and they were, forever barred and foreclosed of and from all right, title, claim, interest or equity of redemption they may have in and to the Foreclosed Property or any part thereof. The equity of redemption having been barred and foreclosed by the Amended Judgment and the Order of Sale, Wells Fargo Bank, is entitled to a deed to the Foreclosed Property.

NOW THEREFORE, KNOW ALL PERSONS BY THIS DEED that I, Jerry "Walt" Femling, Sheriff of Blaine County, Idaho, in consideration of the premises, have granted and sold and do hereby convey to Wells Fargo Bank, National Association., a National Banking Association with an address of MAC C7300-079, 1740 Broadway, 7th Floor, Denver Colorado,

EXHIBIT**A**

tabbies

80274, and its successors and assigns, the property specifically described in Exhibit A attached hereto, to have and to hold, the described premises, with all appurtenances forever.

IN WITNESS WHEREOF, the grantor, as Sheriff of aforesaid, hereunder signs this deed this 9th day of July, 2010.

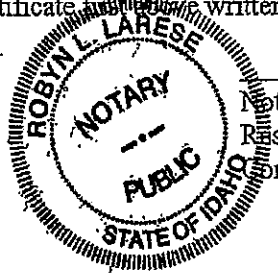
Jerry "Walt" Femling
BLAINE COUNTY SHERIFF

By Ginger M. Clement
Ginger M. Clement, Deputy

STATE OF IDAHO)
) ss:
County of Blaine)

On this 9th day of July 2010, before me, Robyn L. Larese, personally appeared Ginger M. Clement, known or identified to me to be a Deputy Sheriff of Blaine County, Idaho and the individual described in and who executed the within and foregoing instrument as said Deputy Sheriff, and duly acknowledged to me that he/she executed the same as Deputy Sheriff.

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



Robyn L. Larese
Notary Public
Residing at Hailey, Idaho
Comm. Expires 4/30/2013

EXHIBIT A**a. Parcel I**

A parcel of land lying within SECTIONS 11, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 17 EAST, AND SECTIONS 7, 17, AND 18, TOWNSHIP 2 NORTH, RANGE 18 EAST, BOISE MERIDIAN, BLAINE COUNTY IDAHO, and being more particularly described as follows:

Commencing at the BLM brass cap marking the Southwest corner of said Section 18, which point is the REAL POINT OF BEGINNING; thence N 88°33'43"W, 1332.85 feet to a 5/8" bar by L. S. 3621 marking the 1/16th corner; thence N 00°15'20"E, 2649.19 feet to a 5/8" bar by L. S. 3621 marking the center east 1/16th corner; thence S 88°42'55"E, 1329.50 feet to the BLM brass cap marking the west ¼ corner of said Sections 13 and 18; thence N 00°09'19"E, 1310.14 feet to a BLM brass cap; thence N 88°15'33"W, 2655.51 feet to a 5/8" bar marking the center north 1/16th corner of Section 13; thence N 89°49'47"W, 2662.82 feet to a 5/8" bar marking the 1/16th corner of said Sections 13 and 14; thence S 00°12'41"W, 1279.45 feet to a 5/8" bar with aluminum cap marking the ¼ corner of Sections 13 and 14; thence S 89°40'00"W, 5293.11 feet to the 5/8" bar with aluminum cap marking the ¼ corner of Sections 14 and 15; thence N 00°18'28" W, 2636.52 feet to the 2" aluminum cap by L. S. 792 marking the section corner common to Sections 10, 11, 14 and 15; thence N 00°09'45" E, 2648.30 feet to the 2" aluminum cap marking the ¼ corner of Sections 10 and 11; thence N 89°39'22" E, 5317.87 feet to the 2½" aluminum cap marking the ¼ corner of Sections 11 and 12; thence S 00°10'54" W, 2727.02 feet to the 2" aluminum cap marking the section corner common to Sections 11, 12, 13 and 14; thence N 89°03'30" E, 2666.04 feet to the 2" aluminum cap marking the ¼ corner of Sections 12 and 13; thence S 87°50'15" E, 2654.34 feet to the BLM brass cap marking the section corner common to Sections 12, 13, 7 and 18; thence N 00°13'40" W, 1326.38 feet to the 5/8" bar marking the 1/16th corner common to Sections 12 and 7; thence S 89°11'32" E, 2805.46 feet to the 5/8" bar marking the center south 1/16th corner of said Section 7; thence

S 00°03'58" W, 1313.77 feet to the aluminum cap marking the ¼ corner common to Sections 7 and 18; thence
S 00°22'06" W, 1312.08 feet to the 5/8" bar marking the center north 1/16th corner of said Section 18; thence
S 89°42'53" E, 1325.37 feet to the 5/8" bar marking the northeast 1/16th corner of said Section 18; thence
S 00°48'36" W, 1319.34 feet to the 5/8" bar marking the center east 1/16 corner of said Section 18; thence
S 89°24'01" E, 1315.22 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 17; thence
S 88°24'27" E, 790.65 feet to the 5/8" bar on the south side of Croy Creek Road; thence
N 58°17'12" E, 1070.44 feet to the 5/8" bar on the south side of Croy Creek Road; thence
N 54°32'25" E, 665.75 feet to the 5/8" bar on the south side of Croy Creek Road; thence
N 50°09'06" E, 474.75 feet along said road to the 5/8" bar on the center section line; thence
S 00°09'41" W, 1303.55 feet to the bar marking the center section corner of Section 17; thence
S 00°16'05" W, 1319.97 feet to the BLM brass cap marking the center South 1/16th corner of said Section 17; thence
N 88°23'58" W, 2600.76 feet to the 5/8" bar marking the 1/16 corner of said Sections 17 and 18; thence
S 00°04'54" W, 918.49 feet to the 5/8" bar on the north line of the Climax Lode Mining Claim; thence
S 87°15'00" W, 87.77 feet to the 5/8" bar marking the northwest corner of the Climax Lode Mining Claim; thence
S 05°45'15" E, 398.62 feet to a point on the westerly boundary of Climax Lode Mining Claim and the south boundary of said Section 18; thence
N 89°32'52" W, 2596.48 feet to the BLM brass cap marking the ¼ corner of Sections 18 and 19; thence
N 89°32'07" W, 2782.46 feet to the REAL POINT OF BEGINNING.

Also known as Tax Lot 6973.

AND

Parcel II

Those patented mining claims as described in Sections 3, 10 and 11 in Township 2 North, Range 17 East, Boise Meridian, Blaine County, Idaho, as follows:

IDAHO DEMOCRAT, MARQUISE, VERMONT, IDAHO
REPUBLICAN AND BELMONT, all Consolidated Survey No. 1342;

GLADYS B., DEWEY, MCKINLEY, SPANISH, all Consolidated Survey No. 2747; and SEE BBB, Consolidated Survey No. 2755, all situated in the MINERAL HILL MINING DISTRICT, BLAINE COUNTY, IDAHO (the "Real Property").

- b. all easements, rights-of-way and appurtenances; all water, water rights, water courses and ditch rights (including stock in utilities with ditch or irrigation rights); and all other rights royalties, and profits relating to the real property, including without limitation all minerals, oil gas, geothermal and similar matters. The First Mortgage also assigned to Wells Fargo all of Spring Canyon's right, title and interest in and to all present and future leases of the Real Property and all Rents (as defined by the First Mortgage) from the Property. The First Mortgage also granted Wells Fargo a Uniform Commercial Code security interest in the Personal Property (as defined by the First Mortgage) and Rents. The Real Property, together with the rights and interests described in this paragraph are hereinafter referred to collectively as the "Mortgaged Property."
- c. The Mortgaged Property includes, in part and without limitation, the following water rights:
 - Idaho Water Right No. A37-00548
 - Idaho Water Right No. A37-00549
 - Idaho Water Right No. A37-01222
 - Idaho Water Right No. A37-02142
 - Idaho Water Right No. A37-04440
 - Idaho Water Right No. A37-04138
 - Idaho Water Right No. A37-04139

Idaho Water Right No. A37-12396

Idaho Water Right No. A37-12397

Idaho Water Right Application No. 37-22442

Idaho Water Right Application No. 37-22443

Idaho Water Right No. 37-8670

Idaho Water Right No. 37-22250

Idaho Water Right No. 37-22251

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AUG 19 2010

Department of Water Resources

SCANNED

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