

10/07/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13872

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 9.730 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

9.730 CFS

PLACE OF USE:

3377.7 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Fox Creek Canal Company.

This right is limited to the irrigation of 953.2 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3377.7 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-13872, 22-13874.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-12165 .

Water is delivered through Fox Creek Canal.

This right is a combination of portions of old Right Nos.: 22-211, 22-433, 22-444, 22-446, 22-563, 22-564. See chart titled "Fox Creek C.C. Analysis" in file.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

August 11, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

CHERRY GROVE LLC
C/O JULIE BRYAN
PO BOX 6834
JACKSON WY 83002

RE: Notice of Change of Water Right Ownership (NCO) for
22-12165 (Split into 22-13872 and 22-13873) and 22-12166 (Split into 22-13874
and 22-13875) and Notice of Completed Administrative Proceeding (NCAP)

Dear SIR/MADAM:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

Enclosure

cc: Fox Creek Canal Co

SCANNED
AUG 22 2008

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

)

Water Rights: 22-12165
(Split into 22-13872 and 22-13873)

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party FOX CREEK CANAL CO-CHERRY GROVE LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 11, 2008

Ernest Carlson

Signature of IDWR Representative

SCANNED

AUG 22 2008

CERTIFICATE OF MAILING

I certify that on Aug 13, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:	
Fox Creek Canal Co	Fox Creek Canal Co
C/O Dawn Stone Sec	C/O Randall Foster Pres
494 S 50 W	402 S 200 E
Victor ID 83455	Driggs ID 834222

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Cherry Grove LLC
C/O Julie Bryan
PO Box 6834
Jackson WY 83002

4. One copy to:

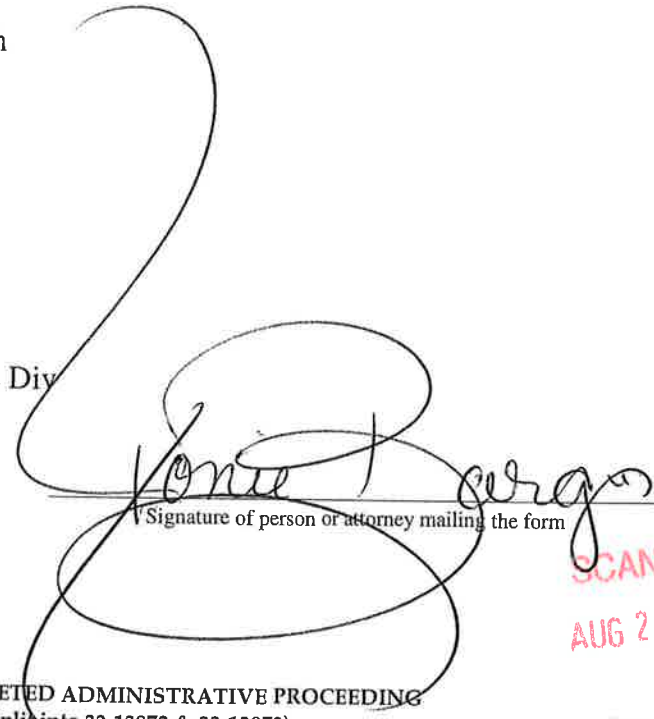
Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED
AUG 22 2008

08/11/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

W.R. NUMBER NAME AND ADDRESS

CLAIM DISPOSITION REASON

22-12165

Disallowed

Split Into:

22-13872 & 22-13873

08/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13872

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 9.730 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

9.730 CFS

PLACE OF USE:

3377.7 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use is within the area served by Fox Creek Canal Company.

This right is limited to the irrigation of 953.2 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3377.7 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-13872, 22-13874.

SCANNED

AUG 22 2008

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a split from former right 22-12165 .

Water is delivered through Fox Creek Canal.

This right is a combination of portions of old Right Nos.: 22-211, 22-433, 22-444, 22-446, 22-563, 22-564. See chart titled "Fox Creek C.C. Analysis" in file.

SCANNED

AUG 22 2008

08/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13873

NAME AND ADDRESS: CHERRY GROVE LLC
C/O JULIE BRYAN
PO BOX 6834
JACKSON WY 83002

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.110 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSENW Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.110 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R46E S18 Lot 4 SWSW	38.60	T04N R46E S18 SESW 40.00
	T04N R46E S19 Lot 1 NWNW	40.00	

118.6 ACRES TOTAL

Place of use is within the area served by Fox Creek Canal Company.

The rights listed below are limited to the irrigation of a combined total of 118.6 acres in a single irrigation season. Combined Right Nos.: 22-13873, 22-13875.

This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is a portion of old Right No.: 22-433.

Water is delivered through Fox Creek Canal.

This right is a split from former right 22-12165 .

SCANNED
AUG 22 2008

July 29, 2008

TO: State of Idaho
Dept. of Water Resources

FROM: Fox Creek Canal Co., Inc.
Board of Directors
% Dawn Stone, Sec/Treas
494 s. 50th West
Victor, ID 83455

RE: Change of Water Right Ownership
(See enclosed application)

To Whom It May Concern:

As members of the Fox Creek Canal Company Board of Directors, we have been asked to submit a letter of acceptance for the change of ownership of water rights within our service area. The current owners of the S 1/2 of SW 1/4 Sec 18 and N 1/2 of NW1/4 Sec 19, T 4 N R 46 E own a portion of water rights #22-433 and #22-434. These water rights have been recommended for adjudication in combined rights #22-12165 and #22-12166 respectively under Fox Creek Canal Company.

The board of directors gives permission to release not more than 1.11 cfs of water right #22-12165 and not more than .69 cfs of water right #22-12166 to be claimed for adjudication by the current owners of above stated property.

It should be noted that the above waters currently and historically have been delivered to above stated property by Fox Creek Canal Co. and Rock Road Pipeline Co. and shall be delivered under the parameters of the by-laws and any agreements with these organizations.

Please find our signatures below to allow these changes of water rights for the applicant.

Thank you,

Fox Creek Canal Co. Board of Directors

SCANNED
AUG 22 2008


Randall Foster, President


Leonard Schleder, Vice President


Ryan Kunz, Member


John Park, Member

John Wilbrecht, Member

CC: Jerry Rigby, Attorney

FCCC File

Rock Road Pipeline, % Linda Woolstenhulme, Sec/Treas

SCANNED

AUG 22 2008

DEV

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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)
WA 22-433	Combined right 22-12165	X			
WA 22-434	22-12166	X			

Note: I purchased 120 ac of decreed place of use for 22-433 & 22-434. These rights were claimed as in combined rights 22-12165 & 22-12166. My portion of these rights equals $\frac{120 \text{ ac}}{280 \text{ ac}} = \frac{3}{7}$ of the total decreed to B.F. Parker of 4.20 cfs. or 1.80 cfs. see 2nd page for break down

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)

4. New Owner/Claimant(s)

New Mailing Address

City, State and ZIP Code

New Telephone Number

5. Date you acquired the property

CHERRY GROVE LLC. /o John BRYAN
 Name Connector (Check one): [] and, [] or, [] and/or
 P.O. Box 6834
 JACKSON - WY. 83002
 (208) 354-7325 Email: April 21-06

RECEIVED
 JUL 16 2008

SCANNED
 AUG 22 2008

SCANNED

AUG 22 2008

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 <u>22-12165</u>		
Irrigation	<u>1.11 cfs.</u>	<u>5 1/2 SW 1/4 S18, Lt 1 Sec 19 41N 4</u>
Stock		
Domestic		<u>74 AC</u>
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-12166</u>		
Irrigation	<u>0.69 cfs.</u>	<u>SW 1/4 Sec 18</u>
Stock		<u>Lt 1 Sec 19 T41N R40E</u>
Domestic		
Other		
Totals		<u>410 AC</u>
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) Sean D. Morrison, Attorney-in-Fact
(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 _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. _____
 WR _____ Date _____

SCANNED
AUG 22 2008

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

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)
22-433	Combined right. 22-12165	X			
22-434	22-12166	X			

*Note: I purchased 120 ac of decreed place of use for 22-433 & 22-434.
These rights were claimed as in combined rights 22-12165 & 22-12166.
My portion of these rights equals $\frac{120 \text{ ac}}{280 \text{ ac}} = \frac{3}{7}$ of the total decreed
to B.F. Parker of 4.20 cfs. or 1.80 cfs. see 2nd page for break down*

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)

4. New Owner/Claimant(s)

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

New Mailing Address

City, State and ZIP Code

New Telephone Number

() _____ Email: _____

5. Date you acquired the property

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AUG 22 2008

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.

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Water Right and/or Adjudication Claim Number <u>22-12165</u>		
Irrigation	<u>1.11 cfs.</u>	<u>5 1/2 SW 1/4 S18, Lt 1 Sec 19 4th 4.</u>
Stock		
Domestic		
Other		
Totals		
Water Right and/or Adjudication Claim Number <u>22-12166</u>		
Irrigation	<u>0.69 cfs.</u>	<u>SW 1/4 Sec 18</u>
Stock		<u>Lt 1 Sec 19 T4N R4E</u>
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) Dean D. Mullin, Attorney-in-Fact
 (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 _____
 Receipted by _____ Date _____
 Processed by _____ AJ Date _____

Receipt Amt. _____
 Receipt No. AUG 27 2005
 WR _____ Date _____

SCANNED

WARRANTY DEED

Order No.:3050614375TD

FOR VALUE RECEIVED

Steven H. Smith and Kendra J. Smith, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cherry Grove, LLC

whose current address is

the grantee(s), the following described premises, in Teton County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated:

April 21, 2006

Steven H. Smith
Steven H. Smith

Kendra J. Smith
Kendra J. Smith

State of Michigan

County of Livingston

On this 21st day of April, in the year 2006 before me, a Notary Public in and for said state, personally appeared Steven H. Smith and Kendra J. Smith known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that they executed the same.

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

NADIA H. NADOL
Notary Public, Washtenaw County, MI
My Commission Expires Dec. 19, 2006
acting in Livingston County

Nadia H. Nadol
Notary Public for the State of
Residing at:
Commission Expires:

SCANNED
AUG 22 2008

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that STEVEN H. SMITH and KENDRA J. SMITH, husband and wife, whose address is 11391 Nine Mile Road, South Lyons, MI 48178, hereinafter called "SELLER", is selling on written Contract of Sale of this same date, to CHERRY GROVE, LLC, whose current address is 65 South Main Street, Driggs, ID 83422, hereinafter called "BUYER", the following described real property situated in Teton County, to-wit:

The S1/2SE1/4 of Section 13, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Being further described as commencing at the Southeast corner of said Section 13 and running
Thence N 89° 44'28" W, 2685.95 feet to the Southwest corner of the S1/2SE1/4;
Thence N 00° 23'38" E, 1321.64 feet to the Northwest corner of the S1/2SE1/4;
Thence S 89° 44'49" E, 2678.18 feet to the Northeast corner of the S1/2SE1/4;
Thence S 00° 02'26" W, 1321.92 feet to the Southeast corner of the S1/2SE1/4
the point beginning.

Contains 81.38 acres more or less.

With a 30 foot wide county road and utility easement across the south side.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining.

Such contract is in full force and effect.

You are further notified and advised that any and all interest, right or title you may acquire in the same real property by virtue of subsequent transactions with SELLER will be wholly subject to the right, interest, and equity of the undersigned BUYER in such real property, arising by virtue of this Real Estate Purchase and Sale Agreement.

NOTICE OF CONTRACT OF SALE
306 CherryGr-Smith-Notice

1

176342

SCANNED
AUG 22 2008

DATED this ____ day of _____, 2006.

STEVEN H. SMITH

KENDRA J. SMITH

BLT INVESTORS, LLC, Buyer

By
JULIE BRYAN, Majority Member

BRIAN A. PALAFOX LIVING TRUST, Buyer

By *B. A. Palafox, Trustee*
BRIAN A. PALAFOX, Trustee
PALAFOX

THE JOHN & MELISSA HARRIS FAMILY TRUST, Buyer

* By *John M. Harris, Trustee*
JOHN HARRIS, Trustee

* By *Melissa Harris, Trustee*
MELISSA HARRIS, Trustee

* STATE OF MICHIGAN)

County of)

: ss.

On this ____ day of _____, in the year of 2006, before me, a Notary Public in and for said State, personally appeared STEVEN H. SMITH and KENDRA J. SMITH, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

Notary Public for Michigan
My Commission expires:

NOTICE OF CONTRACT OF SALE
306 CherryGr-Smith-Notice

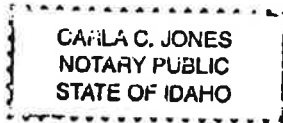
2

176342

SCANNED
AUG 22 2008

STATE OF IDAHO)
: ss.
County of Teton)

On this 25 day of April, 2006, personally appeared before me JULIE BRYAN, who, being by me first duly sworn, declared that she is the Majority Member of BLT INVESTORS, LLC, that she signed the foregoing document as Majority Member of the entity and that the statements therein contained are true.



Carla C. Jones
Notary Public for Idaho
My Commission Expires: 11/19/2011

STATE OF CALIFORNIA)
: ss.
County of ORANGE)

On this 22 day of APRIL, 2006, personally appeared before me BRIAN A. PALAFOX, who, being by me first duly sworn, declared that he is the Trustee of BRIAN A. PALAFOX LIVING TRUST, dated March 9, 1990, that he signed the foregoing document as Trustee of the entity and that the statements therein contained are true.



Fernando P. Iniguez
Notary Public for California
My Commission Expires:

STATE OF CALIFORNIA)
: ss.
County of ORANGE)

On this 22 day of APRIL, 2006, personally appeared before me JOHN HARRIS and MELISSA HARRIS, who, being by me first duly sworn, declared that they are the Trustees of THE JOHN & MELISSA HARRIS FAMILY TRUST, dated December 3, 2004, that they signed the foregoing document as Trustees of the entity and that the statements therein contained are true.



Fernando P. Iniguez
Notary Public for California
My Commission Expires:

176342

SCANNED
AUG 22 2008

176342

Alliance

WARRANTY DEED

Order No. 38961437STD

FOR VALUE RECEIVED

APR 21 2006

TETON CO., ID
CLERK (RECORDED)

Steven H. Smith and Kendra J. Smith, Husband and Wife

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

Cherry Grove, LLC

whose current address is

Instrument # 176342

DRUGGS, TETON, IDAHO

2006-04-26 03:33:30 No. of Pages: 6

Recorded for: ALLIANCE TITLE & ESCROW

NOLAN G. BOYLE

Ex-Officio Recorder Deputy *YES*

Index to: DEED, WARRANTY

the grantor(s), the following described premises, in Teton County, Idaho, TO WIT:

SEE ATTACHED EXHIBIT 'A'

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Date: *April 21, 2006*

Steven H. Smith
Steven H. Smith

Kendra J. Smith
Kendra J. Smith

State of Michigan)
County of Livingston)

On this 21st day of April, in the year 2006 before me, a Notary Public in and for said state, personally appeared Steven H. Smith and Kendra J. Smith known or identified to me to be the persons whose names is subscribed to the within instrument and acknowledged to me that they executed the same.

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

Nadia H. Nadol

Notary Public for the State of
Residing at:
Commission Expires:

NADIA H. NADOL
Notary Public, Washtenaw County, MI
My Commission Expires Dec. 19, 2006

acting in Livingston County

176342

SCANNED

AUG 22 2008

3050614375TD

Exhibit 'A'
Attached Legal Description

Parcel 1: Beginning at the Northwest corner of the South Half Southwest Quarter of Section 18, Township 4 North, Range 46 East, Boise Meridian, Teton County, Idaho, and running thence East 660 feet; thence South 660 feet; thence West 660 feet; thence North 660 feet to the point of beginning.

Parcel 2: Township 4 North, Range 46 East, Boise Meridian, Teton County, Idaho.
Section 19: Lot 1 and Northeast Quarter Northwest Quarter.

Section 18: Lot 4 and the Southeast Quarter Southwest Quarter. Less: Beginning the Northwest corner of the South Half Southwest Quarter of said Section 18, and running thence East 660 feet; thence South 660 feet; thence West 660 feet; thence North 660 feet to the point of beginning.

Parcel 3: Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.
Section 13: South Half Southeast Quarter.

Less: Commencing at the Southeast corner of said Section 13 and running N 89° 44'28" W, 2685.95 feet to the Southwest corner of the S1/2SE1/4; thence N 00°23'38" E, 1321.64 feet to the Northwest corner of the S1/2SE 1/4; thence S 89° 44'49" E, 2678.18 feet to the Northeast corner of the S1/2SE1/4; thence S 00° 02'26" W, 1321.92 feet to the Southeast corner of the S1/2SE1/4 to the point of beginning.

176342

SCANNED
AUG 22 2008

NOTICE OF CONTRACT OF SALE

NOTICE IS HEREBY GIVEN that STEVEN H. SMITH and KENDRA J. SMITH, husband and wife, whose address is 11391 Nine Mile Road, South Lyons, MI 48178, hereinafter called "SELLER", is selling on written Contract of Sale of this same date, to CHERRY GROVE, LLC, whose current address is 65 South Main Street, Driggs, ID 83422, hereinafter called "BUYER", the following described real property situated in Teton County, to-wit:

The S1/2SE1/4 of Section 13, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Being further described as commencing at the Southeast corner of said Section 13 and running
Thence N 89° 44'28" W, 2685.95 feet to the Southwest corner of the S1/2SE1/4;
Thence N 00° 23'38" E, 1321.64 feet to the Northwest corner of the S1/2SE1/4;
Thence S 89° 44'49" E, 2678.18 feet to the Northeast corner of the S1/2SE1/4;
Thence S 00° 02'26" W, 1321.92 feet to the Southeast corner of the S1/2SE1/4
the point beginning.

Contains 61.38 acres more or less.

With a 30 foot wide county road and utility easement across the south side.

Together with all and singular the tenements, hereditaments and appurtenances therunto belonging or in any wise appertaining.

Such contract is in full force and effect.

You are further notified and advised that any and all interest, right or title you may acquire in the same real property by virtue of subsequent transactions with SELLER will be wholly subject to the right, interest, and equity of the undersigned BUYER in such real property, arising by virtue of this Real Estate Purchase and Sale Agreement.

NOTICE OF CONTRACT OF SALE
306 CherryGr-Smkh-Notice

176342

SCANNED
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Parcel 3: Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho.

Section 13: South Half Southeast Quarter.

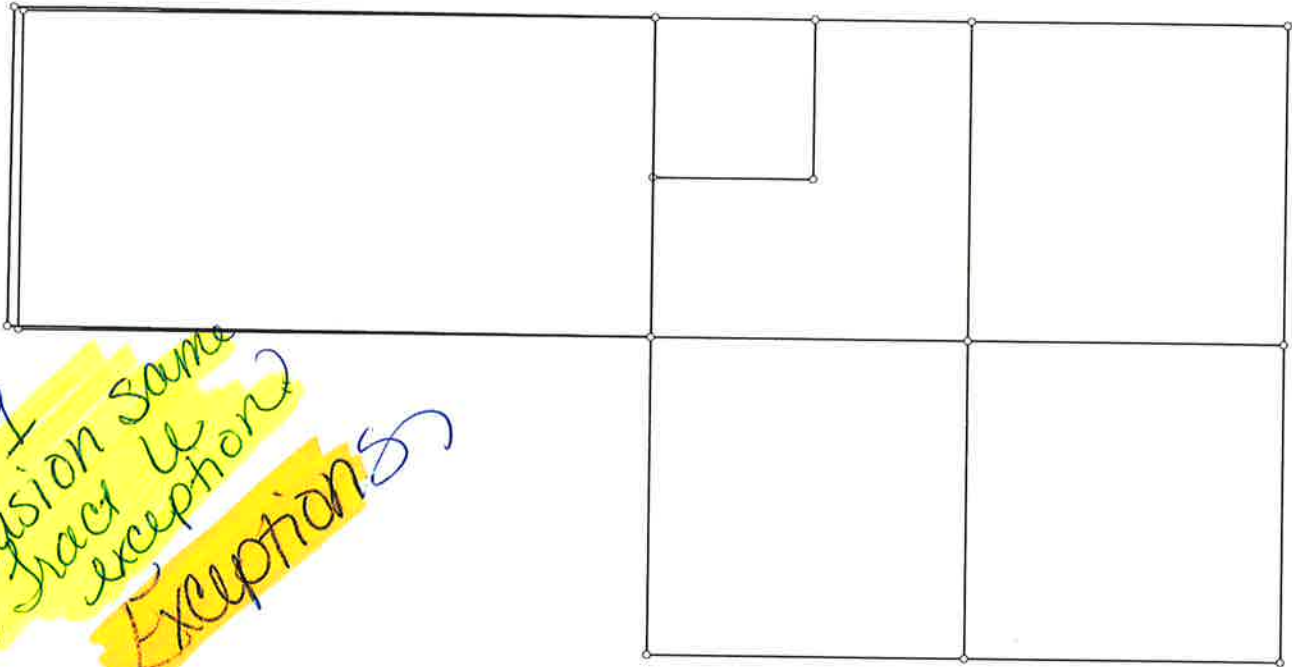
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177623

176342

SCANNED
AUG 22 2008

Tract 1
Inclusion same
as Tract 4
Exception 2



Title:

Date: 08-07-2008

Scale: 1 inch = 800 feet

File:

Tract 1: 10.000 Acres: 435600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 2640 Feet
 Tract 2: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
 Tract 3: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
 Tract 4: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
 Tract 5: 40.000 Acres: 1742400 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 5280 Feet
 Tract 6: 10.000 Acres: 435600 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 2640 Feet
 Tract 7: 80.000 Acres: 3484800 Sq Feet: Closure = n00.0000e 0.00 Feet: Precision >1/999999: Perimeter = 7920 Feet
 Tract 8: 81.384 Acres: 3545082 Sq Feet: Closure = n89.3149w 0.38 Feet: Precision =1/20997: Perimeter = 8008 Feet

001=/nw,sw,sw,18,4n,46e

021=N90E 1320.00

041=s00e 660

002=n90e 660

022=@0 sw,sw,18,4n,46e

042=n90w 660

003=s00e 660

023=/SE,SE,SE,18,4N,46E

043=n00e 660

004=n90w 660

024=/N00E 1320.00

044=@0 s,se,13,4n,45e

005=n00e 660

025=/N90W 3960.00

045=/SE,SE,SE,13,4N,45E

006=@0 nw,nw,19,4n,46e

026=S00W 1320.00

046=/N00E 1320.00

007=/SE,SE,SE,19,4N,46E

027=N90W 1320.00

047=/N90W 0.00

008=/N00E 5280.00

028=N00E 1320.00

048=S00W 1320.00

009=/N90W 3960.00

029=N90E 1320.00

049=N90W 2640.00

010=S00W 1320.00

030=@0 se,sw,18,4n,46e

050=N00E 1320.00

011=N90W 1320.00

031=/SE,SE,SE,18,4N,46E

051=N90E 2640.00

012=N00E 1320.00

032=/N00E 1320.00

052=@0

013=N90E 1320.00

033=/N90W 2640.00

053=/se,13,4n,45e

014=@0 ne,nw,19,4n,46e

034=S00W 1320.00

054=n89.4428w 2685.95

015=/SE,SE,SE,19,4N,46E

035=N90W 1320.00

055=n00.2338e 1321.64

016=/N00E 5280.00

036=N00E 1320.00

056=s89.4449e 2678.18

017=/N90W 2640.00

037=N90E 1320.00

057=s00.0226w 1321.92

018=S00W 1320.00

038=@0

019=N90W 1320.00

039=/nw,sw,sw,18,4n,46e

020=N00E 1320.00

040=n90e 660

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