

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 37-2227
Date Received: 2/15/1990
Receipt No: S011216
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

SMOKEY DOME LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 02/21/1912

3. Source: THREEMILE CREEK EAST FORK, UNNAMED STREAM Trib. to: CAMAS CREEK ,
THREEMILE CREEK EAST FORK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
01N	13E	14	SE	SW	SE	CAMAS	
01N	13E	14	SE	SW	SE	CAMAS	

5. Description of diverting works:

DAMS AND PONDS IN CREEK, PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	0.32	

7. Total Quantity Appropriated is:
0.32 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	13E	14	SW	SE		IRRIGATION	8.1
			SE	SE		IRRIGATION	9.8
			SE	NE		IRRIGATION	0.5
			NE	SE		IRRIGATION	13.3
						Section Acres	31.7
01N	13E	23	NE	NE		IRRIGATION	0.9
			NW	NE		IRRIGATION	12.8
						Section Acres	13.7
						Total Acres	45.4

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

CHANGE IN PLACE OF USE BY UNRECORDED TRANSFER, DATE UNKNOWN. INCREASE IN ACRES BUT NOT IN AMOUNT OF WATER DIVERTED DUE TO EFFICIENCY OF IRRIGATION SYSTEM.

11/22/06 - Ownership change to Smokey Dome LLC

15. Basis of Claim: License

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, if the change in ownership is limited to a portion of water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	37-2227				
	37-19832				
37-8608					
37-8609					
37-8610					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See Instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
 PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Camas Properties, Inc.
 Owner/Claimant(s) PO Box 279, Fairfield, ID 83327
4. New Owner/Claimant(s) Smokey Dome LLC
Name Connector (Check one): [] and, [] or [] and/or
- New Mailing Address C/o Chuck Hill, P.O. Box 1607
 City, State and Zip Code Bellevue, WA 98009
 New Telephone Number (425) 688-9304
5. Date you acquired the property May 4, 2005

SCANNED
NOV 27 2006

6. **IF THE CHANGE IN OWNERSHIP AFFECTS THE ENTIRE WATER RIGHTS FOR EACH WATER RIGHT OR ADJUDICATION CLAIM NUMBER LISTED IN ITEM 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change of ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (Cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New owner(s) or Claimant(s)
(include title if applicable)

SMOKEY DOME LLC

By: _____

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____	AJ Date _____	WR _____ Date _____

SCANNED
NOV 27 2006

Recorded at the Request of
Camas County Title
at 3:55 PM
May 4, 2005
in Book 315 - Page 178
of Deeds
ROLIE BENNETT
CAMAS COUNTY RECORDER
By Babbie D. Waller
Fees \$ 18.00

C040074

Recording requested by
And when recorded return
To: James P. Speck, 120
East Avenue, P.O. Box 987
Ketchum, Idaho 83340

78435

WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED and as part of and I.R.C. 1031 tax-deferred exchange, CAMAS PROPERTIES, INC. an Idaho corporation (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMOKEY DOME LLC, a Washington limited liability company, whose mailing address is c/o Charles E. Hill, P.O. Box 1607, Bellevue, WA, 98009 (hereinafter the "GRANTEE"), its successors and assigns forever, the parcels of land situated in the County of Camas, State of Idaho, more particularly described as on Exhibit "1" attached hereto and hereby incorporated herein (hereinafter the "Property"):

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

TOGETHER WITH all water rights and other entitlements to receive water for beneficial use on the Property, including without limitation, all rights represented by any contract decree, license, permit, permit application, claim or storage entitlement, and those water rights identified in the records of the Idaho Department of Water Resources ("IDWR") as set forth in Exhibit "2" attached hereto and incorporated herein, and all ditches, ditch rights, easements and rights-of-way associated with the delivery of such water rights; and

SUBJECT TO the Exceptions to Title described on Exhibit "3" attached hereto, and by this reference made a part hereof.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all of its members, effective the 29 day of April, 2005.

GRANTOR

CAMAS PROPERTIES, INC., an Idaho corporation

William Carter
By: WILLIAM N CARTER
Its: president.

STATE OF IDAHO)
County of Ada) ss.

On this 29 day of April, 2005, before me, a Notary Public, personally appeared William Carter, known or identified to me (or proved to me on oath of _____) to be the president, or vice-president, or secretary or assistance secretary, of CAMAS PROPERTIES, INC., an Idaho corporation, the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

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



Barbara Padgett
NOTARY PUBLIC FOR IDAHO
Residing at Boise ID
My Commission Expires: 11/6/06

EXHIBIT "1" TO WARRANTY DEED

LEGAL DESCRIPTION

A parcel of land situated in Sections 14 and 23, Township 1 North, Range 13, East of the Boise Meridian, Camas County, Idaho, more particularly described as follows:

COMMENCING at a point South 09°54'21" East 4,262.79 feet from the North quarter corner of Section 14, being the TRUE POINT OF BEGINNING;

THENCE North 65°32'47" East 267.68 feet;
THENCE North 33°44'28" East 96.16 feet;
THENCE North 10°55'13" East 703.46 feet;
THENCE North 06°28'35" West 109.91 feet;
THENCE North 18°47'56" East 383.61 feet;
THENCE North 22°46'03" East 208.51 feet;
THENCE North 13°40'41" East 220.92 feet;
THENCE South 87°59'15" East 229.46 feet;
THENCE South 45°22'52" East 79.34 feet;
THENCE South 28°03'44" East 663.81 feet;
THENCE South 06°59'32" West 219.37 feet;
THENCE South 53°00'32" East 112.29 feet;
THENCE South 17°04'39" West 795.86 feet;
THENCE South 13°27'44" West 324.40 feet;
THENCE South 32°11'53" East 207.95 feet;
THENCE South 38°59'17" West 942.18 feet;
THENCE South 19°36'22" East 241.07 feet;
THENCE South 61°29'58" West 173.58 feet;
THENCE South 08°11'28" West 104.11 feet;
THENCE South 82°16'16" West 140.89 feet;
THENCE South 14°35'31" West 29.25 feet;
THENCE North 70°00'41" West 83.54 feet;
THENCE South 19°55'28" West 124.11 feet;
THENCE South 66°52'07" West 415.06 feet;
THENCE North 79°18'18" West 562.56 feet;
THENCE North 00°24'56" East 1,145.91 feet;
THENCE North 10°18'44" East 245.13 feet;
THENCE North 01°22'37" East 173.44 feet;
THENCE North 85°51'54" West 150.84 feet;
THENCE North 08°41'21" East 144.39 feet;
THENCE North 81°48'14" East 79.13 feet;
THENCE North 48°16'49" East 43.49 feet;
THENCE North 07°08'35" West 59.94 feet;
THENCE North 75°44'59" East 22.77 feet;
THENCE North 38°49'11" East 20.50 feet;
THENCE North 00°32'50" East 16.66 feet;
THENCE North 13°28'40" West 40.76 feet;
THENCE North 89°16'51" East 44.33 feet;
THENCE North 00°38'50" West 68.07 feet;
THENCE North 88°40'07" East 52.25 feet;
THENCE South 00°05'29" West 68.93 feet;
THENCE South 89°59'24" East 19.16 feet;
THENCE South 01°09'39" East 74.27 feet;

THENCE South 73°11'21" East 23.36 feet;
THENCE South 00°13'50" East 118.25 feet;
THENCE South 53°12'36" East 63.26 feet;
THENCE South 22°49'39" East 32.76 feet;
THENCE South 41°44'53" East 47.34 feet;
THENCE South 30°11'24" East 102.04 feet;
THENCE North 57°51'51" East 151.10 feet;
THENCE South 40°08'06" East 92.38 feet;
THENCE South 43°57'44" East 59.04 feet;
THENCE South 09°17'33" East 47.12 feet;
THENCE North 72°40'16" East 143.84 feet;
THENCE North 16°40'06" West 55.25 feet;
THENCE North 10°22'08" East 105.73 feet;
THENCE North 79°23'03" East 34.73 feet;
THENCE North 03°28'34" West 137.35 feet to the TRUE POINT OF BEGINNING.

EXCEPTING that portion of the East one-half of the East one-half of the Northwest Quarter of Section 23, lying West of the existing County Road which runs Northerly and Southerly.

EXHIBIT "2" TO WARRANTY DEED
IDWR WATER RIGHTS

37-8608
37-8609
37-8610
37-2227
37-19832

EXHIBIT "3" TO WARRANTY DEED

EXCEPTIONS TO TITLE

1. General Taxes for 2005 are an accruing lien, not yet due or payable.
2. Terms and conditions of Multiple Ditch Right of Way as set out in Decree recorded April 30, 1937 Book 1 of Orders and Decrees, page 435.
3. Terms and conditions of Multiple Ditch Right of Way as set out in Decree recorded June 7, 1951 Book 3 of Miscellaneous page 74.
4. EASEMENT, and the Terms and Conditions thereof:
In Favor of Prairie Power Cooperative, a cooperative Corporation
Recorded April 18, 1984
Instrument No. 60291
5. Covenants, Conditions and Restrictions, (deleting therefrom any preference indicating limitation or discrimination based on race, color, religion, sex, handicap, familial status or national origin which would violate 42 USC 3604(c))
Recorded: March 11, 1994
Instrument No: 68356

AMENDMENT to Covenants, Conditions and Restrictions recorded July 7, 1994 as Instrument No. 68619.

AMENDMENT to Covenants, Conditions and Restrictions recorded June 29, 1995 as Instrument No. 69258.

AMENDMENT to Covenants, Conditions and Restrictions recorded October 18, 1995 as Instrument No. 69541.

AMENDMENT to Covenants, Conditions and Restrictions recorded September 2, 2003 as Instrument No. 76396.
6. Grant of Underground Electric Power Line Easement and Agreement to Make Available Electric Power made by SMR Development, L.C., an Idaho Limited Liability Company and Camas Properties, Inc., an Idaho Corporation, dated October 31, 1994, recorded November 10, 1994 as Instrument No. 68904 in Book 5 of Miscellaneous at Page 422.
7. Terms, conditions, restrictions, easements, and reservations of Document recorded December 8, 1995 in Book 5 of Miscellaneous, page 594 as Instrument No. 69644 and re recorded December 11, 1995 in Book 5 of Miscellaneous at page 604 as Instrument No. 69651.

RECEIVED

JUN 30 1997

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 THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A37-02227
Date Received: 2/15/1990
Receipt No: S011216
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CAMAS PROPERTIES INC
Address: PO BOX 279
FAIRFIELD ID 83327 208-764-2506
2. Date of Priority: FEB 21, 1912
3. Source: UNNAMED STREAM Trib. to: THREEMILE CREEK, EAST FORK
THREEMILE CREEK, EAST FORK CAMAS CREEK
4. Point of Diversion:
- | Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County |
|----------|-------|---------|--------|--------|-----|-----|--------|
| 01N | 13E | 14 | SE | SW | SE | | CAMAS |
5. Description of diverting works:
DAMS AND PONDS IN CREEK, PUMPS TO SPRINKLERS
6. Water is used for the following purposes:
- | Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 0.320 | | |
7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) A.F.A.
8. Total consumptive use is 100.0 Acre Feet Per Annum.
9. Non-irrigation uses:
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	14	SE	NE		IRR	0.5
			NE	SE		IRR	13.3
			SW	SE		IRR	8.1
			SE	SE		IRR	9.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	31.7
		23	NE	NE	IRR	0.9
			NW	NE	IRR	12.8
					Section Acres	13.7
					Total Acres	45.4

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:

CHANGE IN PLACE OF USE BY UNRECORDED TRANSFER, DATE UNKNOWN.
INCREASE IN ACRES BUT NOT IN AMOUNT OF WATER DIVERTED DUE TO
EFFICIENCY OF IRRIGATION SYSTEM.

15. Basis of Claim: LICENSE

Water Right Number: 8077

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: A37-02227

Date Received: 2/15/1990

Receipt No: S011216

Received By: S.W. Keen

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: ~~SOLDIER MOUNTAIN RANCH AND RESORT~~
Address: PO BOX 279 ~~FAIRFIELD ID~~ 83327
DEVELOPMENT, INC.
CAMAS Properties Inc

208-764-2506

2. Date of Priority: FEB 21, 1912

3. Source: UNNAMED STREAM Trib. to: THREEMILE CREEK, EAST FORK
THREEMILE CREEK, EAST FORK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	14	SE	SW	SE		CAMAS

5. Description of diverting works:
DAMS AND PONDS IN CREEK, PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.320		

7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	14	SE	NE		IRR	0.5
			NE	SE		IRR	13.3
			SW	SE		IRR	8.1
			SE	SE		IRR	9.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	31.7
		23	NE	NE	IRR	0.9
			NW	NE	IRR	12.8
					Section Acres	13.7
					Total Acres	45.4

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
CHANGE IN PLACE OF USE BY UNRECORDED TRANSFER, DATE UNKNOWN.
INCREASE IN ACRES BUT NOT IN AMOUNT OF WATER DIVERTED DUE TO
EFFICIENCY OF IRRIGATION SYSTEM.

15. Basis of Claim: LICENSE

Water Right Number: 8077

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am WILLIAM N CARTER ^{WNE Pres. CANAS Properties INC}
Title
SETR, that I have signed the foregoing
Organization
document in the space below as MEMBER ^{WNE} President of
Title
SETR CANAS Properties INC and that the statements contained in the
Organization
foregoing document are true and correct.

William Carter
Signature of Authorized Agent

MEMBER
Title and Organization

1-22-97
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 22nd day
of January, 19 97

Shelly Walter Kee
Notary Public



Residing at Boise, ID

My Commission Expires July 31, 1997

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES

RECEIVED

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

JUN 30 1997

Print or type. Attach pages with additional information. Instructions are on the back of this page.

Incomplete forms will be returned.

Department of Water Resources
Southern Region

1. Water Right Number(s) _____
Adjudication Claim Number(s) A37-02227

2. The following **REQUIRED** information must be submitted with this form.

☒ A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

☒ C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked. Attached

3. Name and Address of Former Owner/Claimant(s) Hidden Paradise Ranch Owners Assn.

P.O. Box 279 Fairfield ID 83327

4. New Owner/Claimant(s) ~~Snake River~~ CAMAS PROPERTIES INC

Name connector (Check one): [] AND, [] OR, [] AND/OR

New Mailing Address - SAME - #3

City, State and ZIP Code SAME #3

New Telephone Number (208) 764-2506

5. Date you acquired the property 11, March 1994

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated _____ Number and type of stock _____

Diversion rate in CFS _____ Number of homes _____ Other uses _____

cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

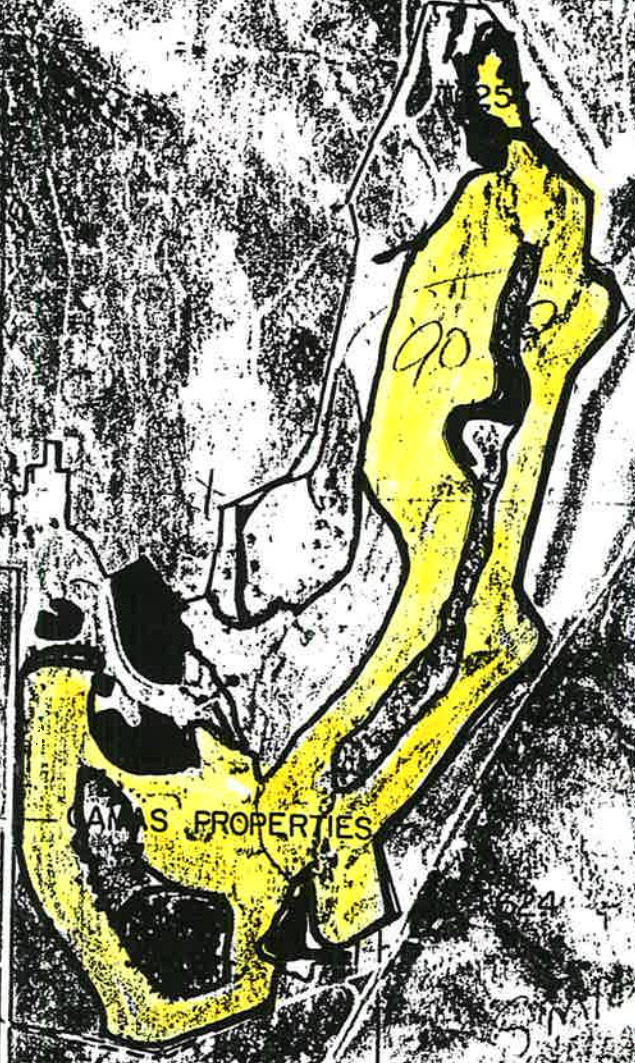
7. Signature of New Owner/Claimant(s) William Hunter President CAMAS Prop. INC Date 1-22-97

Date _____

(Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)

8. For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

A37-02227



CAMAS PROPERTIES

14 13
23 24

14
6

1-6-71

3/11/94

68362
285164WARRANTY DEED

FOR VALUABLE CONSIDERATION RECEIVED, CAMAS PROPERTIES, INC., an Idaho corporation (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR DEVELOPMENT, L.C., an Idaho limited liability company (hereinafter the "GRANTEE"), its successors and assigns forever, the property located in the County of Camas, State of Idaho more particularly described on Exhibit "1" attached hereto, and by this reference made a part hereof (hereinafter the "Property");

TOGETHER WITH all and singular the buildings, structures, improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "2" attached hereto, and by this reference made a part hereof, and rights-of-way and easements visible on inspection of the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR DEVELOPMENT, L.C.
P.O. Box 9201
Boise, Idaho 83707

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed, by and on behalf of GRANTOR by its President whose signature is

attested to by its Secretary, who have been duly authorized to sign on behalf of GRANTOR by its Board of directors, effective the 11 day of March, 1994.

GRANTOR
CAMAS PROPERTIES, INC.

by William Martin
President

ATTEST:

William Martin
Secretary

STATE OF IDAHO)

County of Boise)

ss:

On this 11 day of March, 1994, before me, _____, a Notary Public in and for the State of Idaho, personally appeared William N. Carter and William F. Martin, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation, and acknowledged to me that such Corporation executed the same.

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

William Martin
Notary Public for the State of Idaho
Residing at 1000 S. 10th St.
My Commission Expires on 12/31/98

WARRANTY DEED, page 2

Page 1

March 7, 1994

LEGAL DESCRIPTION
FORLand to be sold to ~~SMR DEVELOPMENT, L.C.~~

INCLUDING: (15) 40 Acre +/- Parcels

EXCLUDING: Land Sold to V M Diamond Ranch L.L.C. and
Resort acreage

Parcels of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Section 11

SE 1/4 SW 1/4

S 1/2 SE 1/4

Section 13

NW 1/4

N 1/2 SW 1/4

SW 1/4 SW 1/4

Section 14

ALL

Section 15

E 1/2 E 1/2

Section 23

That portion of the NW 1/4, NE 1/4, SW 1/4, N 1/2 N 1/2 SE 1/4 SW 1/4, lying East of the existing County Road which runs northerly and southerly.

W 1/2 NE 1/4

NE 1/4 NE 1/4

NE 1/4 SE 1/4

N 1/2 N 1/2 SW 1/4 SE 1/4

Continued on Page 2

EXHIBIT "1" TO DEED

Page 2

LEGAL DESCRIPTION RESORT CONT.

Thence N 38°-49'-11" E., 20.50 feet,
Thence N 00°-32'-50" E., 16.66 feet,
Thence N 13°-28'-40" W., 40.76 feet,
Thence N 89°-16'-51" E., 44.33 feet,
Thence N 00°-38'-50" W., 68.07 feet,
Thence N 88°-40'-07" E., 52.25 feet,
Thence S 00°-05'-29" W., 68.93 feet,
Thence S 89°-59'-24" E., 19.16 feet,
Thence S 01°-09'-39" E., 74.27 feet,
Thence S 73°-11'-21" E., 23.36 feet,
Thence S 00°-13'-50" E., 110.25 feet,
Thence S 53°-12'-36" E., 63.26 feet,
Thence S 22°-49'-39" E., 32.76 feet,
Thence S 41°-44'-53" E., 47.34 feet,
Thence S 30°-11'-24" E., 102.04 feet,
Thence N 57°-51'-51" E., 151.10 feet,
Thence S 40°-08'-06" E., 92.38 feet,
Thence S 43°-57'-44" E., 59.04 feet,
Thence S 09°-17'-33" E., 47.12 feet,
Thence N 72°-40'-16" E., 143.84 feet,
Thence N 16°-40'-06" W., 55.25 feet,
Thence N 10°-22'-08" E., 105.73 feet,
Thence N 79°-23'-03" E., 34.73 feet,
Thence N 03°-28'-34" W., 137.35 feet TO THE TRUE POINT OF
BEGINNING. Excepting that portion in the E 1/2 E 1/2 NW 1/4 Section
23, lying West of the existing County Road which runs northerly and
southerly.

TOGETHER WITH an ingress, egress easement 60 feet wide, 30 feet each
side of centerline of the existing roads. Also all water, water
rights, ditches, ditch rights, and any and all irrigation rights
appurtenant to said land, or in anywise connected there with.

SUBJECT TO all valid outstanding reservations, easements, right of
ways, restrictions, dedications, mineral leases, mineral reservations
and mineral conveyances of record.

March 7, 1994

Par. 5, Exhibit 5

LEGAL DESCRIPTION

RESORT

A parcel of land situated in Sections 14 and 23, Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho. More particularly described as follows:

Commencing at a point S 09°-54'-21" E, 4262.79 feet from the North 1/4 Corner of Section 14, said Township and Range being the TRUE POINT OF BEGINNING;

Thence N 65°-32'-47" E., 267.68 feet,
Thence N 33°-44'-28" E., 96.16 feet,
Thence N 10°-55'-13" E., 703.46 feet,
Thence N 06°-28'-35" W., 109.91 feet,
Thence N 18°-47'-56" E., 383.61 feet,
Thence N 22°-46'-03" E., 208.51 feet,
Thence N 13°-40'-41" E., 220.92 feet,
Thence S 87°-59'-15" E., 229.46 feet,
Thence S 45°-22'-52" E., 79.34 feet,
Thence S 28°-03'-44" E., 663.81 feet,
Thence S 06°-59'-32" W., 219.37 feet,
Thence S 53°-00'-32" E., 112.29 feet,
Thence S 17°-04'-39" W., 795.86 feet,
Thence S 13°-27'-44" W., 324.40 feet,
Thence S 32°-11'-53" E., 207.95 feet,
Thence S 38°-59'-17" W., 942.18 feet,
Thence S 19°-36'-22" E., 241.07 feet,
Thence S 61°-29'-58" W., 173.58 feet,
Thence S 08°-11'-28" W., 104.11 feet,
Thence S 82°-16'-16" W., 140.89 feet,
Thence S 14°-35'-31" W., 29.25 feet,
Thence N 70°-00'-41" W., 83.54 feet,
Thence S 19°-55'-28" W., 124.11 feet,
Thence S 66°-52'-07" W., 415.06 feet,
Thence N 79°-18'-18" W., 562.56 feet,
Thence N 00°-24'-56" E., 1145.91 feet,
Thence N 10°-18'-44" E., 245.13 feet,
Thence N 01°-22'-37" E., 173.44 feet,
Thence N 85°-51'-54" W., 150.84 feet,
Thence N 08°-41'-21" E., 144.39 feet,
Thence N 81°-48'-14" E., 79.13 feet,
Thence N 48°-16'-49" E., 43.49 feet,
Thence N 07°-08'-35" W., 59.94 feet,
Thence N 75°-44'-59" E., 22.77 feet,

Continued on Page 2

Page 2

LEGAL DESCRIPTION for Land to be sold to NU CAMAS L.L.S. Cont.

That portion of the S 1/2 N 1/2 SW 1/4 SE 1/4 which lies South of the existing County Road which runs easterly and westerly.

S 1/2 SW 1/4 SE 1/4 excepting that portion lying North of the existing County Road which runs easterly and westerly and excepting that portion lying West of the existing County Road which runs northerly and southerly.

SE 1/4 SE 1/4 excepting that portion lying North of the existing County Road which runs easterly and westerly.

Section 24

NW 1/4 NW 1/4

Section 26

NW 1/4 excepting that portion lying West of the existing County Road.

N 1/2 NE 1/4 excepting that portion lying North of the existing County Road which runs easterly and westerly.

Also excepting the following described parcel known as the RESORT:

(following page)

EXHIBIT "2" TO WARRANTY DEED

EXCEPTIONS TO TITLE

1. General taxes and assessments for the year 1994, which are a lien not yet due and payable.
2. Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11 day of March, 1994, as instrument number 68356, records of Camas County, Idaho.
5. Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.
6. Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's Instrument Number 63275, records of Camas County, Idaho.
7. Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's Instrument Number 60291, records of Camas County, Idaho.

68362

WARRANTY DEED, page 4

Recorded at the Request of
Camas Abstract
at 4:58 M
3-11 19 94
In Book 28
of Deeds Page 769
C. L. B. BENNETT
CAMAS COUNTY RECORDER
By Lindy C. Bennett
Fees \$ 21.00

WARRANTY DEED

(WITH RESERVED COVENANT RESTRICTING USE)

FOR VALUABLE CONSIDERATION RECEIVED, VM DIAMOND RANCH, L.L.C., an Idaho limited liability company (hereinafter the "GRANTOR"), hereby grants, bargains, sells, conveys and confirms unto SMR Development, L.C., an Idaho limited liability company (hereinafter "GRANTEE"), its successors and assigns forever, a parcel of land situated in Township 1 North, Range 13 East, Boise Meridian, County of Camas, State of Idaho, more particularly described as follows:

Section 23

SE 1/4 NE 1/4 NW 1/4 excepting that portion lying West of the Existing Channel of the West Fork of Threemile Creek. Also excepting that portion lying East of the existing County Road which runs northerly and southerly.

E1/2 SE1/4 NW1/4, E1/2 NE1/4 SW1/4, N1/2 NE1/4 SE1/4 SW1/4 excepting that portion lying East of the existing County Road which runs northerly and southerly.

(hereinafter the "Property");

TOGETHER WITH all and singular the improvements, tenements, hereditaments, easements, covenants and appurtenances thereunto belonging or in anywise appertaining, and the reversions, remainders, rents, issues and profits thereof; and

SUBJECT TO the Exceptions to Title described on Exhibit "1" attached hereto, and by this reference made a part hereof and rights-of-way and easements visible on inspection of the Property, and the following covenant and servitude hereby reserved by GRANTOR:

COVENANT

For the benefit of the adjacent property owned by GRANTOR located in the County of Camas, State of Idaho

and more particularly described as that portion of the W1/2 of Section 23, Township 1 North, Range 13 East, Boise Meridian which is not the Property, and excepting that portion of said Section 23 lying East of the existing County Road which runs northerly and southerly (the "Adjacent Property"), and so long as the use of such Adjacent Property is restricted by an agricultural zoning designation thereon under the Camas County Zoning Ordinance, the use of the Property by GRANTEE, its successors and assigns, is restricted to the operation of a golf course thereon and otherwise for agricultural purposes, and no dwellings, structures or improvements (other than fences) shall be placed on the Property except as related to the operation of a golf course.

This Covenant is binding upon, and benefits, the GRANTOR, THE GRANTEE, and their respective successors and assigns to the Adjacent Property and the Property.

Subject to those exceptions to title to which this conveyance is expressly made subject and those made, suffered or done by the GRANTEE, the GRANTOR covenants to the GRANTEE, its successors and assigns, that the GRANTEE shall enjoy the quiet and peaceful possession of the Property, and GRANTOR warrants to the GRANTEE, its successors and assigns, that GRANTOR is the owner of the Property in fee simple and has the right and authority to convey the same to GRANTEE, and it will defend the same from all lawful claims arising by, through and under the GRANTOR whatsoever.

The current address of the GRANTEE is:

SMR Development, L.C.
4477 Emerald Street, Suite C-250,
Boise, Idaho 83706

IN WITNESS WHEREOF, this WARRANTY DEED has been duly executed by and on behalf of GRANTOR by all its members, who have been duly authorized to sign on behalf of GRANTOR by its members, the ____ day of _____, 1994.

GRANTOR
VM DIAMOND RANCH, L.L.C.

by Jerry Mobley
Member

by Virginia Vanderpool
Member

by V. L. Vanderpool Company, Inc.
Member

by Virginia Vanderpool
President

Attest:

Jerry Mobley
Secretary

STATE OF IDAHO)

) ss:

County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared VIRGINIA L. VANDERPOOL and JERRY MOBLEY, known or identified to me to Members of the limited liability company that executed this instrument or the persons who executed this instrument on behalf of said limited liability company, and acknowledged to me that such company executed the same.

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

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10, 1999

STATE OF IDAHO)

) ss:

County of Ada)

On this 3rd day of May, 1994, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Virginia Vanderpool and Jerry Mobley, known or identified to me to be the President and the Secretary, respectively, of the Corporation that executed this instrument or the persons who executed this instrument on behalf of said Corporation as a Member of the limited liability company that executed this instrument, and acknowledged to me that such Corporation executed the same as a Member of such limited liability company.

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

Kelly Coates
Notary Public for the State of Idaho
Residing at Boise Idaho
My Commission Expires on 11/10, 1999

EXHIBIT "1" TO WARRANTY DEED

EXCEPTIONS TO TITLE

1. General taxes and assessments for the year 1994, which are a lien not yet due and payable.
2. Master Declaration of Easements, Covenants and Servitudes for Hidden Paradise Ranch of even date with this Warranty Deed, recorded the 11th day of March, 1994, as instrument number 68356, records of Camas County, Idaho.
3. Right of way for three ditches over and across the E1/2 SW1/4 of Section 14, Township 1 North, Range 13 East, Boise Meridian, as set out in Decree recorded in Book 1 Order and Decrees, page 435 and Book 3 of Miscellaneous, page 74, records of Camas County, Idaho.
4. Road Easement dated July 14, 1987, executed by Darrell L. Burchard as Manager of Hidden Paradise Association, to Camas County, Idaho, for perpetual road easement and right-of-way over the SE1/4 of Section 23, Township 1 North, Range 13 East, Boise Meridian, recorded July 14, 1987 in Book 4 of Miscellaneous, page 726, as Recorder's Instrument Number 63275, records of Camas County, Idaho.
5. Right-of-way Easement dated July 16, 1984, executed by Hidden Paradise Ranch Property Owner's Association, Inc. to Prairie Power Cooperative, a cooperative corporation, recorded July 18, 1984 in Book 25 of Deeds, page 33, as Recorder's Instrument Number 60291, records of Camas County, Idaho.

68531

Recorded at the Request of

CAMAS ABSTRACTat 4:15 P.M.5-27, 19 94In Book 29of DEEDS Page 114

ROLLIE BENNETT

CAMAS COUNTY RECORDER

By [Signature]Fees \$ 15.00

RECEIVED
FEB 19 1997

Department of Water Resources

PARSONS, SMITH, STONE & FLETCHER
137 West 13th Street
P.O. Box 910
Burley, Idaho 83318
(208) 678-8382
Attorneys for Plaintiff

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

BIGHORN MORTGAGE CORPORATION,
Plaintiff,

Case No. 2355

v.

CRANDLEMIRE LAND AND CATTLE CO.,
INC.; HOWARD W. MYLANDER &
JACQUELYN L. MYLANDER, husband and
wife; JERRY F. ADAMSON; CARL S.
AGENBROAD; KEN AGENBROAD;
JOEL H. & CAROLYN F. APIGAN,
husband and wife; MALCOLM T. &
PATRICIA A. ARENBURG, husband and
wife; DONNA L. ARNOLD; THOMAS
BABBETT; BILL BAILEY; DANIEL & SHARON
BARD, husband and wife; JOSEPH W.
BARRY; CARL L. & ALICE L. BOSCHULT,
husband and wife; PAUL P. &
MYRTLE M. BOSCHULT, husband and
wife; EUGENE W. & ANITA M. BATES,
husband and wife; HELEN BAUSCHER;
WILLIAM A. & JUDY BAUSCHER,
husband and wife; DALE & CATHERINE
BELIVEAU, husband and wife;
DONALD E. & MARILYN D. BENSON,
husband and wife; DONALD R. &
DELORIS G. BENSON, husband and

AMENDED SHERIFF'S DEED

68108

Recorded at the Request of
HAROLD P. LEE
at 11:45 AM
10-7, 19 93
In Book 28
of DEEDS Page 644

ROLLIE BENNETT
CAMAS COUNTY RECORDER

By [Signature]

Fees \$ 33⁰⁰

Page 1 - Amended Sheriff's Deed

ATTACHMENT 2

PARSONS, SMITH, STONE & FLETCHER
LAWYERS
BURLEY, IDAHO

2 BERLAND, husband and wife; BRANDIE)
3 BERNARD, ERIC BERNARD, RHONDA)
4 BERNARD, REX K. & BEULAH B. BETTS,)
5 husband and wife; FRANK C. & IRENE)
6 BEVINGTON, husband and wife;)
7 JOHN L. (JEFF) & PAULETTE BLAIN,)
8 husband and wife; BLUE LAKES)
9 DEVELOPMENT; CARL & ALICE)
10 BOSCHULT, husband and wife;)
11 BRYCE T. & GAYLE B. BRADLEY,)
12 husband and wife; VAUGHN D. & CAROL)
13 A. BRAUER, husband and wife; BILLY)
14 B. & PEGGY G. BRITT, husband and)
15 wife; DENISE BROTHERS; DONALD J.)
16 & ALFREDA BROWN, husband and wife;)
17 JAMES M. BUCHANAN; JANIS M.)
18 BUCHANAN; DARRELL & ALVERNA)
19 BURCHARD, husband and wife; LARELL)
20 & PEGGY BURGESS, husband and wife;)
21 BURGESS INTERNATIONAL; ERWIN C. &)
22 CATHLEEN B. BURROWS, husband and)
23 wife; CAREY BUSTER; DOUGLAS & JANIE)
24 BUTLER, husband and wife; DENNIS L.)
25 & CHRISTANNE BUYERS; BUYERS FAMILY)
26 TRUST; CLARK & MARY FLORENCE BYRAM,)
husband and wife; B. G. & MARY F.)
BYRD, husband and wife; HARRY R. &)
FRANCES R. CALDWELL, husband and)
wife; CAMAS PROPERTIES, INC., an)
Idaho Corporation; CANADIAN AMERI-)
CAN RESORTS; WILLIAM N. CARLIN;)
WILLIAM N. CARTER; SHIRLEY M.)
CASHERO; CERTIFIED FOUNDATION)
SERVICE; MAURICE CHANDLER; ROYCE)
CHIGBROW; CITIZENS NATIONAL BANK;)
DUANE & KAREN COBB, husband and)
wife; RODNEY C. & KAREN L. COLE,)
husband and wife; COMMUNITY)
CHRISTIAN CHURCH OF CASCADE;)
ROBERT W. COMPTON; KENNETH C. &)
BERNADETTE COPPS, husband and wife,)
LORENE CORDES; HENRY D. & SALLY C.)
CORDES, husband and wife; C.M. &)
FAYE W. CORLETT, husband and wife;)
J. VANCE & JOYCE COX, husband and)
wife; ROGER CRANDLEMIRE; BROOKS)
CRANDLEMIRE; MIKE & DARLENE DAHLEI-)
MER; DON DARTER; DATA WEST, INC.;)
JACK D. DAUGHERTY; LARRY & ROBERTA)
DENGERTUDE, husband and wife;)

2 DIXON, nusba. and wife; JOSEPH M.)
3 DOBBINS; MIKE & DARLENE DOBLERMEN,)
4 husband and wife; SAMUEL T. &)
5 MELODY E. DONELSON, husband and)
6 wife; EDDY & LINDA DOSSEY, husband)
7 and wife; FRANCIS J & ALMA DRAKE,)
8 husband and wife; ROBERT J.DUNCAN;)
9 HARRY DURALL; GALEN EARNEST; DAVID)
10 W. EGGERS; MORRIS & PAMELA EICKOFF)
11 husband and wife; DONALD E.& DONNA)
12 ESPENSON, husband and wife; BRENT)
13 & ANN ESTEP, husband and wife; GUY)
14 R. & MILDRED FAIRBROTHER, husband)
15 and wife;FARMERS & MERCHANTS STATE)
16 BANK; FEDERAL SAVINGS & LOAN)
17 INSURANCE CORPORATION;RON FERNLEY;)
18 FIFTH SEASON, a Washington Corp.;)
19 JOHN E. & CAROL L.FILMORE, husband)
20 and wife; MARVIN L. & MARY L.)
21 FOSTER, husband and wife; MARVIN &)
22 SHIRLEY FRANCE; EDWARD & GLORIA)
23 FRISBIE, husband and wife; GEM)
24 STATE DEVELOPMENT CENTER, INC.;)
25 GEORGE FOX COLLEGE; GIFFORD INVEST)
26 MENTS, a partnership; GENE GIOVANI)
NI; CHARLES B. & GWEN GOLDBERG,)
husband and wife; RALPH & LORRAINE)
F. GORDON,III husband and wife;)
GREENLEAF FRIENDS ACADEMY;WANDA L.)
GROOT; H.& L. ENTERPRISES; H & H)
PROPERTIES, a partnership; HAKEN)
AGENCY; WILLIAM HALL, JR.; ROBERT)
ROSES HALL; WILLIAM S. & ANKE S.)
HALL, husband and wife; E. ALBERT)
& MURVA E. HAUTAMAKI, husband and)
wife; RAYMOND E. & CHARLOTTE)
HAVLICAK, husband and wife;)
WILLIAM E. HAWKINS; GREGORY JOHN &)
DIANNE HEDGECK,husband and wife;)
VICTOR D. & ANN MARIE HERLACHER,)
husband and wife; HI HORSE, INC.;)
HIDDEN PARADISE RANCH SHARE ASSO-)
CIATION; HIDDEN PARADISE RANCH)
PROPERTY OWNERS ASSOCIATION;)
HIDDEN PARADISE DEVELOPMENT, a)
limited partnership;CLIFFORD HILL;)
CLIFF HOBSON; DALE HOBSON; GARTH &)
BARBARA JUNE HONEYCUTT,husband and)
wife; HOPKINS FINANCIAL SERVICES;)
MIKE HOSTETLER; ROSEMARY HOWELL;)

2 B. HOLL, husband and wife; FRANK &
MARTY HUNTER, husband and wife;
3 IDAHO FIRST NATIONAL BANK OF
McCALL; ROBERT GLADE & MARIE
4 INGERSOL, husband and wife; INTER-
NAL REVENUE SERVICE; NORMAN JACOX;
5 DONALD & CINDY JACOX, husband and
wife; RICHARD L. & MARIA JEFFRIES,
6 husband and wife; PETER C. & AMY
JENKINS, husband and wife; ARLIE &
7 MARY L. JOHNSON; HARMON JOHNSON;
TRUSTEE OF W. KIP JOHNSON, M.D.,
8 INC., EMPLOYERS RETIREMENT PLAN &
TRUST; KIM G. & LOIS A. JOHNSON,
9 husband and wife; LEROY D. & RUTH
JOHNSON, husband and wife; CURTIS
10 D. & SUE JOHNSON, husband and wife;
DENNIS JURAK; DARRELL KAMMER; JESS
11 KENNISON; JOHN KENNISON, ALAN R. &
JANET A. KERNANEN, husband and wife;
12 J.R. KIRKMAN; JOHN A. & JACQUELYN
KLINNERT, husband and wife;
13 KENNETH & NANCY KOCH, husband
and wife; HARRY A. & SANDRA KOEHLER,
14 husband and wife; JOHN KORMMENHOEK,
TRUSTEE OF THE BANKRUPTCY ESTATE OF
15 RODNEY D. & KATHERINE LEDBETTER;
LAKE FORK ESTATE, a General Partner
16 ship; DAVID KING & PAMELA LANDER,
husband and wife; MARTIN J. &
17 ROSALIE J. LANDHOLM, husband and
wife; RICHARD ALLEN LANTZ; JAMES R.
18 & CATHY LARSON, husband and wife;
RODNEY D. & KATHERINE D.
19 LEDBETTER, husband and wife;
CHARLES S. & RUTH A. LORSUNG,
20 husband and wife; LOREN D. &
CAROLYN B. LEMANS, husband and wife,
21 DONALD H. & LINDA T. LEUTHMERS,
husband and wife; DONALD L. & MARY
22 K. LEUTHMERS, husband and wife;
PATRICIA LEWIS; ROGER LEWIS; JOHN &
23 KAREN LINDSAY, husband and wife;
LLOYD G. & ANNABETH LOCKHART; DELANO
24 R. & NINA K. LOCKHART, husband and
wife; FRANKLIN R. LOZEN; JOHN LYONS;
25 M & B ENTERPRISES; HOWARD F. &
CAROLYN MANLY, husband and wife;
26 WILLIAM F. & EDITH S. MARTIN,
husband and wife; JOAN H. MAY;

2 MCMENEMY; LAWRENCE C. & CAROL SUE)
MECHAM, husband and wife; CHARLES)
3 MILLER; JOHN C. & GAIL MITCHELL,)
husband and wife; GERALD MOON; E.)
4 STEVENSON & SUSAN K. MORRIS,)
husband and wife; MOSES MOUNTAIN,)
5 INC.; WILLIAM & MARY MUMFORD,)
husband and wife; DUANE T. & RENATE)
6 MYERS, husband and wife; THOM E. &)
CHRISTINA S. MYERS, husband and)
7 wife; LEVIS NALLEY; N.A.M.A.C., INC.;)
HOWARD NAU; MICHAEL A. & KOLYNNE)
8 M. NELSON, husband and wife; DALE)
E. & SHARON J. NELSON, husband and)
9 wife; GERALD T. & LINDA M. NELSON,)
husband and wife; THERON NELSON,)
10 JACKSON H. & KAY D. NEWELL, husband)
and wife; CHARLES & JANET M.)
11 NEWSOME, husband and wife; LOIS)
NORAKER; THOMAS & JOLENE NORTHCOTT)
12 husband and wife; ARTHUR NOWOK;)
FRED K. & ELZO O'BRIEN, husband)
13 and wife; EVELYN M. OLSON; JIM)
PARKINSON; WADE B. PATTERSON;)
14 VIRGIL PENNELL; RAY & LOLA)
PERSHALL, husband and wife;)
15 CHARLES HOWARD & DELLA NORINE)
PERSONS, husband and wife; WILLIAM)
16 AND ANTIONETTE PERZICHILLE, husband)
and wife; BARRY PETERS; CHARLES)
17 KENT PETERSON; LYNN A. & BONNIE L.)
PETERSON, husband and wife; H.)
18 CLAYTON POULTON; JAMES PURYEAR;)
LAURA QUAYLE; STEVEN RAMSEY; GLEN)
19 RAUCH; CLOYD DIXON RAUCH, III;)
R.C. COMPANY; ROBERT & LOIS RENFRO,)
husband and wife; RESORT MANAGEMENT)
20 CORPORATION, a Washington Corp.;)
DOROTHY REYNOLDS; LEW & DARLENE)
21 RIGGAN, husband and wife; FREDRICK)
& GLORIA RINGEL, husband and wife;)
22 GLENN & MARY ROMIG, husband and)
wife; RANDY M. & LINDA RONNING,)
23 husband and wife; BOB RUSSELL;)
TY A. & KRISTINA O. SALNESS,)
24 husband and wife; ROBERT L. &)
LOUISE M. SCHARNHORST, husband)
25 and wife; RONALD SCHRODER;)
RONALD SCHROSTER; J. K. & KATHLEEN)
26 SCRIVER, husband and wife; RONALD)

2 husband and wife; BRYON & VICKI)
SEVERSON; SHAMROCK INVESTMENT;)
3 MICHAEL SHARP; DANIEL B. & CONNIE)
R. SHELDON, husband and wife;)
4 DANIEL V. & JANE C. SHEPPEL,)
husband and wife; FRANK & OREL)
5 SHERER, husband and wife; ROGER)
& KATHLEEN SHERER, husband and)
6 wife; KATHLEEN SHERER; SALLY)
SHERER; WILLIAM B. & ROBIN B.)
7 SILVIUS, husband and wife; ROBERT)
L. & BETTY R. SINGER, husband and)
8 wife; ROBERT E. & MARGARET SMITH,)
husband and wife; SANDRA L. SMITH;)
9 ELSIE R. SMITH, personal representa)
tive to Estate of Raymond Smith)
10 ELSIE R. SMITH; GLENN SNODGRASS;)
KENNETH & MICHELLE SNYDER, husband)
11 and wife; JOHN SPOLJARIC; GREGARY)
D. STRONG; ST. JOE VALLEY CLINIC,)
12 PA PROFIT SHARING PLAN & TRUST ON)
BEHALF OF D. G. HENRICKSEN ACCT.;)
13 DALE E. & MARILYN J. STANLEY,)
husband and wife; STATE OF IDAHO)
14 DEPARTMENT OF REVENUE & TAXATION;)
HENRY W. & MARY D. STAUB, JR.,)
15 husband and wife; CLIFFORD R. &)
SHARA DENE STEPHENSON, husband and)
16 wife; STEWART GEM SHOP; GERALD &)
LOU JANE STRATING, husband and)
17 wife; RONALD C. & BARBARA STRENG,)
husband and wife; GREGORY STRONG;)
18 SHANNA STRONG; EVELYN M. STRONG;)
H. WESLEY STRONG; HAROLD & JUDITH)
19 STROUD, husband and wife; SUN TREND)
INC. WALTER SWARTHOUT; KIM SULLIVAN;)
20 TETON MANAGEMENT CORPORATION; W. LEE)
& CARLA THOMAS, husband and wife;)
21 WILLIAM & PAULINE THOMPSON, husband)
and wife; MARTIN & NORENE THORNE,)
22 husband and wife; THRIFTWAY LUMBER)
COMPANY, an Idaho Corporation;)
23 LOUIS & ANDREA TIGGAS, husband and)
wife; TIGGAS & PERZICHILLI, a)
24 partnership; DAVID E. & BETTY M.)
TRIERWEILER, husband and wife;)
25 TRIPLE F. INVESTMENTS; HALLIE)
URQUART; DENNIS D. & MELTON D.)
26 UTLEY, husband and wife; JAMES &)
NANCY VERAUGSTRAETE; CASE & GRE)

2 ~~ALBERT D. & ADORA JEAN VOSIMEIER;~~
3 DELMAR A. & PATRICIA A. WARKENTINE,
4 husband and wife; DAVID WATKINS;
5 KENNETH & LINNEA WECKWORTH,
6 husband and wife; RICHARD & MONIC
7 WEINMANN, husband & wife, DAVID
8 WENDLAND; TONY J. WENSMAN; WEST ONE
9 BANK; WESTERN NATIONAL CORPORATION;
10 KENNETH LEE WICHMAN; HARMON R. &
11 ANN JANE WIERANGA, husband and
12 wife; JIM WILLHITE; KENNETH & JUDY
13 M. WILLARD, husband and wife;
14 DALE WILLIE; ARTHUR N. & SHARON
15 WILSON, husband and wife; ALLEN &
16 KARLA WIRTH, husband and wife;
17 MARTIN W. & BERNICE H. WITT,
18 husband and wife; RICHARD K.
19 WITZKA; RICHARD R. WITZKA; G.
20 ANTHONY & KATHERINE WOLFF, husband
21 and wife; ROBERT O. & ETHEL WOLFE,
22 husband and wife; EVERETT R. WOODS;
23 DAVID B. YORK; DAVID YOUNGER;
24 DENISE YOUNGER; MICHELE YOUNGER;
25 VALGENE & ARLENE YOUNGER,
26 husband and wife; & ALLEN
27 T. ZELL; JOHN ZOLLINGER; JAMES B.
28 LYONS, UNKNOWN HEIRS OR DEVISEES
29 OF THE FOREGOING PARTIES AND ALL
30 UNKNOWN OWNERS OF THE FOLLOWING
31 DESCRIBED REAL ESTATE:
32 Parcel No. 1.
33 Township 1 North, Range 13 East,
34 Boise Meridian, in Camas County,
35 Idaho.
36 Section 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$
37 Section 14: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$
38 Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$
39 Section 22: E $\frac{1}{2}$
40 Section 23: All that part of the
41 W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the
42 county road.
43 Section 26: All that part of the
44 NW $\frac{1}{4}$ lying West of the county road.
45 Section 27: NE $\frac{1}{4}$
46 Parcel No. 2.
47 Township 1 North, Range 13 East,
48 Boise Meridian, in Camas County,
49 Idaho.

1 Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, EXCEPT)
2 that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying)
3 West of the county road.)
4 Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$)
5 Section 25: All)
6 Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$,)
7 NE $\frac{1}{4}$ SE $\frac{1}{4}$ and all that part of the)
8 NW $\frac{1}{4}$ lying East of the county road.)
9 Township 1 North, Range 14 East,)
10 Boise Meridian, in Camas County,)
11 Idaho.)
12 Section 19: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$)
13 Section 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$)
14 Parcel No. 3.)
15 Township 1 North, Range 13 East,)
16 Boise Meridian, in Camas County,)
17 Idaho.)
18 Section 11: S $\frac{1}{2}$ SE $\frac{1}{4}$)
19 Section 13: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$)
20 Section 14: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$)
21 Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$)
22 Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$)
23 Defendants.)

24 -----
25 DEED, made this 8th day of October 1993, between
26 Harold P. Lee, Sheriff of the County of Camas, State of Idaho,
and BIGHORN MORTGAGE CORPORATION, an Idaho Corporation, of Rt.
#1, Murtaugh, Idaho 83344.

Under and by virtue of a Writ of Execution issued July
24, 1992, issued on a Judgment entered in the above case in
favor of the Plaintiff and against the Defendants, the
undersigned was commanded to sell the real estate described in
the Judgment, all of which appears from the Writ of Execution to
which reference is hereby made and which is fully described on
Exhibit "A" hereto. The undersigned did sell the real property
at Sheriff's Sale on September 1, 1992, to Bighorn Mortgage

1 Corporation, a corporation, and issued to said purchaser a
2 Certificate of Sale, as required by law and filed a duplicate of
3 such certificate in the office of the County Recorder of Camas
4 County, Idaho, on September 8, 1992, at Instrument Number 67539.

5 More than one (1) year has expired since such sale
6 without any redemption of the property having been made and
7 Bighorn Mortgage Corporation is now the legal owner and the
8 holder of such Certificate of Sale executed by the undersigned
9 on September 8, 1992, to Bighorn Mortgage Corporation.

10 NOW, THEREFORE, WITNESSETH that Harold P. Lee, Sheriff,
11 by virtue of such Writ of Execution, Certificate of Sale, and in
12 pursuance of the applicable statutes of the State of Idaho has
13 granted, bargained, sold, conveyed and confirmed and by these
14 presents does grant, bargain, sell, convey and confirm unto
15 Bighorn Mortgage Corporation, its successors and assigns all of
16 the estate, right, title and interest of the Defendants, of, in,
17 and to all of the real property described on Exhibit "A"
18 attached hereto and made a part thereof by reference together
19 with all the hereditaments and appurtenances thereunto
20 belonging, to have and to hold such property with appurtenances,
21 to Bighorn Mortgage Corporation.

22 IN WITNESS WHEREOF, I have executed this deed the day
23 and year first above written.

24 
25 Harold P. Lee
26 Sheriff Camas County

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STATE OF IDAHO
County of CAMAS

)
) SS
)

On this 20th day of Oct., in the year 1993, before me, the undersigned, a Notary Public in and for said State, personally appeared HAROLD P. LEE, known or identified to me to be the person whose name is subscribed to the within instrument as Sheriff of Camas County, Idaho, and acknowledged to me that he executed the same as such Sheriff.

Derral Hubler
Notary Public for Idaho
Residing at Fairfield Id.
My commission expires on 6-19-94

PARSONS, SMITH, STONE & FLEISCHER
LAWYERS
BURLEY, IDAHO

Parcel No. 1.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$ Section 22: E $\frac{1}{2}$ Section 23: All that part of the W $\frac{1}{2}$ and SW $\frac{1}{4}$
SE $\frac{1}{4}$ lying West of the county road.Section 26: All that part of the NW $\frac{1}{4}$ lying West
of the county road.Section 27: NE $\frac{1}{4}$

Parcel No. 2.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, EXCEPT that
portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West
of the county road.Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 25: All

Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and all that
part of the NW $\frac{1}{4}$ lying East of the county
road.

Township 1 North, Range 14 East, Boise
Meridian, in Camas County, Idaho.

Section 19: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ Section 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Parcel No. 3.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 11: S $\frac{1}{2}$ SE $\frac{1}{4}$ Section 13: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 14: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$ Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$ Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Together with all water rights, grazing rights,
tenements, hereditaments, appurtenances, fixtures and
improvements thereto.

FEB 19 1997

LIMITED WARRANTY DEED

Department of Water Resources

THIS INDENTURE, made this 11 day of MARCH, 1994, between BIGHORN MORTGAGE CORPORATION, an Idaho Corporation, of Rt. #1 Murtaugh, County of Cassia, State of Idaho, hereinafter called the "Grantor" and CAMAS PROPERTIES, INC., an Idaho Corporation, of 7878 Ustick Road, Boise, County of Ada, State of Idaho 83704, hereinafter called the "Grantee".

W I T N E S S E T H

The Grantor for and in consideration of the sum of Ten Dollars (\$10.00), lawful money of the United States of America, and other good and valuable consideration, to the Grantor in hand paid by the Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold and by these presents, does grant, bargain and sell, convey and confirm unto the Grantee all of the following described real estate situated in the County of Camas, State of Idaho, to-wit: See Exhibit "A" attached hereto and incorporated by reference herein.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity of the Grantor.

TO HAVE AND TO HOLD, all and singular the above-mentioned and described premises, together with appurtenances, unto the Grantee and to the Grantee's successors and assigns forever.

1 Grantor purchased the above property at a Sheriff's sale
2 conducted on the 1st day of September, 1992, by the Sheriff of
3 Camas County, Idaho. The Sheriff of Camas County issued a
4 Certificate of Sale which was recorded as Instrument Number 67539
5 on the 8th day of September 1992, in the office of the Camas
6 County Recorder. The Sheriff of Camas County issued a Sheriff's
7 Deed to the Grantor which was recorded as Instrument No. 68085 on
8 the 20th day of September, 1993. The Sheriff issued an Amended
9 Sheriff's Deed which was recorded as Instrument No. 68108 on the
10 7th day of October, 1993, in the office of the Camas County
11 Recorder. Grantor hereby makes a limited warranty that no lien,
12 encumbrance, or defect in title to the above described premises
13 has been incurred or created by the Grantor or through the
14 authority of Grantor on or after the 1st day of September 1992.
15 Grantor makes no warranty of title, express or implied, except as
16 expressly set forth in this paragraph.

17 IN WITNESS WHEREOF, BIGHORN MORTGAGE CORPORATION, has
18 caused these presents to be signed by Howard E. Conrad its
19 President, at Burley, Idaho, pursuant to corporate resolution,
20 and its corporate seal to be hereto affixed the day and year
21 first above written.

22 BIGHORN MORTGAGE CORPORATION

23 by 
24 Title: President

25 ATTEST:

26 
Title: Secretary

STATE OF IDAHO

County of Cassia

ss

On this 11th day of March, in the year 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Howard E. Conrad, known or identified to me to be the President of BIGHORN MORTGAGE CORPORATION, the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Sharon D Welster
Notary Public for Idaho
Residing at Burley
My commission expires on 12/1/94

STATE OF IDAHO

County of Cassia

ss

On this 11 day of March, in the year 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared Guy R. Fairbrother, known or identified to me to be the Secretary of BIGHORN MORTGAGE CORPORATION, the corporation that executed the instrument or the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

Sharon D Welster
Notary Public for Idaho
Residing at Burley
My commission expires on 12/1/94

68355

Recorded at the Request of

CAMAS ABSTRACTat 4:50 P M3-11, 19 94In Book 28of DEEDS Page 754LUE BENNETT
CAMAS COUNTY RECORDERBy Sharon D Welster

Parcel No. 1.

Township 1 North, Range 13 East, Boise Meridian, in Camas County, Idaho.

Section 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 22: E $\frac{1}{2}$

Section 23: All that part of the W $\frac{1}{2}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the county road.

Section 26: All that part of the NW $\frac{1}{4}$ lying West of the county road.

Section 27: NE $\frac{1}{4}$

Parcel No. 2.

Township 1 North, Range 13 East, Boise Meridian, in Camas County, Idaho.

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, EXCEPT that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West of the county road.

Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 25: All

Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and all that part of the NW $\frac{1}{4}$ lying East of the county road.

Township 1 North, Range 14 East, Boise Meridian, in Camas County, Idaho.

Section 19: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$

Section 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Parcel No. 3.

Township 1 North, Range 13 East, Boise Meridian, in Camas County, Idaho.

Section 11: S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 13: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Together with all water rights, grazing rights, tenements, hereditaments, appurtenances, fixtures and improvements thereto.

M. Neal Newhouse
Attorney and Counselor-at-Law
1117 Kimberley Lane
Boise, Idaho 83712
Telephone: (208) 368-9789

CLERK OF COURT
IDAHO

1991 MAR -9 A 11:24

FILED
 SP

IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF IDAHO

In re:	)	Case No. 91-01183
	)	
CAMAS PROPERTIES, INC.,	)	ORDER CLEARING TITLE TO HIDDEN
	)	PARADISE RANCH.
	)	
Debtor.	)	
_____	)	

Debtor's motion to clear title to Hidden Paradise Ranch having come on regularly for hearing before this Court, and the Court being fully advised in the premises, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that on the date of this Order the only liens or encumbrances on Hidden Paradise Ranch located in Camas County, Idaho and more particularly described on Exhibit "A" attached hereto (the "Ranch") which are created or recognized by the Third Amended Plan of Reorganization, as corrected (the "Plan"), heretofore confirmed by this Court on August 31, 1992, are the following:

(1) The title to the Ranch is currently in Bighorn Mortgage Corporation ("Bighorn"), and the only lien or encumbrance thereon arising under the Plan is the right of the Debtor, Camas Properties, Inc. ("Camas") to reacquire the Ranch from Bighorn, granted it by Paragraph 9 of Article III of the Plan; and

(2) if Camas reacquires the Ranch from Bighorn, title in Camas will be clear and marketable, free and clear of any and all liens and encumbrances and rights to claim liens and encumbrances that arise as a result of the Plan, notwithstanding any terms and provisions of the Plan to the contrary.

(3) Without limiting the generality of the foregoing subparagraphs, Bighorn's title is, and after its reacquisition, Camas' title to the Hidden Paradise Ranch will be, free and clear of:

(i) the Declaration of Covenants, Conditions and Restrictions for Hidden Paradise Ranch, as amended and restated, for the benefit of Class VII creditors (as defined by the Plan), recorded as instruments numbered 45445, 64325 and 65292, records of Camas County Idaho; and

(ii) the mortgages held by Class IV creditors (as defined by the Plan) and recorded as instruments number 46068, 64810 and 64811, and instrument number 46546 , records of Camas County, Idaho; and

(iii) the rights, claims and interests, if any, of any other classes of creditors listed in the Plan (save and except the claim of Class II creditor Camas County, Idaho, for taxes and assessments on the Ranch).

Dated: this 30 day of March, 1994.

Bankruptcy Judge

Recorded at the Request of
Camas Abstract
at 3:10 p
3-10, 1994
In Book 5
of ORDER Page 49
of DECREE
By Rollie Bennett
CAMAS COUNTY RECORDER
Fees \$ 9⁰⁰

68354

Parcel No. 1.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 11: SE $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Section 15: E $\frac{1}{2}$ E $\frac{1}{2}$

Section 22: E $\frac{1}{2}$

Section 23: All that part of the W $\frac{1}{2}$ and SW $\frac{1}{4}$
SE $\frac{1}{4}$ lying West of the county road.

Section 26: All that part of the NW $\frac{1}{4}$ lying West
of the county road.

Section 27: NE $\frac{1}{4}$

Parcel No. 2.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 23: SE $\frac{1}{4}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$, EXCEPT that
portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ lying West
of the county road.

Section 24: S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 25: All

Section 26: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ and all that
part of the NW $\frac{1}{4}$ lying East of the county
road.

Township 1 North, Range 14 East, Boise
Meridian, in Camas County, Idaho.

Section 19: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$

Section 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Parcel No. 3.

Township 1 North, Range 13 East, Boise
Meridian, in Camas County, Idaho.

Section 11: S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 13: NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 14: E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, E $\frac{1}{2}$ NE $\frac{1}{4}$

Section 23: NE $\frac{1}{4}$ NE $\frac{1}{4}$

Section 24: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Together with all water rights, grazing rights,
tenements, hereditaments, appurtenances, fixtures and
improvements thereto.

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: A37-02227
Date Received: 2/15/1990
Receipt No: S011216
Received By: S.C.C.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HIDDEN PARADISE RANCH OWNERS ASSN. 208-764-2506
Address: P.O. BOX 279
FAIRFIELD, ID 83327
2. Date of Priority: FEB 21, 1912
3. Source: UNNAMED STREAM Trib. to: THREEMILE CREEK, EAST FORK
THREEMILE CREEK, EAST FORK CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	14	SE	SW	SE		CAMAS

5. Description of diverting works:
DAMS AND PONDS IN CREEK, PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.320		

7. Total Quantity Appropriated is:
0.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 100.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	14	SW	SE		IRR	25.0
			SE	SE		IRR	15.0
						Section Acres	40.0

A37-02227

Page 1

Date: 02/15/90

MICROFILMED

FEB 23 1993

10. Place of Use: Continued

Total Acres 40.0

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
SEE REMARKS

14. Remarks:
CHANGE IN PLACE OF USE BY UNRECORDED TRANSFER, DATE UNKNOWN.
INCREASE IN ACRES BUT NOT IN AMOUNT OF WATER DIVERTED DUE TO
EFFICIENCY OF IRRIGATION SYSTEM.

15. Basis of Claim: LICENSE
Water Right Number: 8077

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Organizations:

I do solemnly swear or affirm that I am Chairman of Hadden Paradise Ranch that I have signed the foregoing

Title

Organization

document in the space below as Chairman of

Title

Organization

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

Charles L. Benda
Signature of Authorized Agent

V.P. Hadden Paradise Ranch
Title and Organization

2-15-90
Date

State of Idaho)
County of TF) SS.

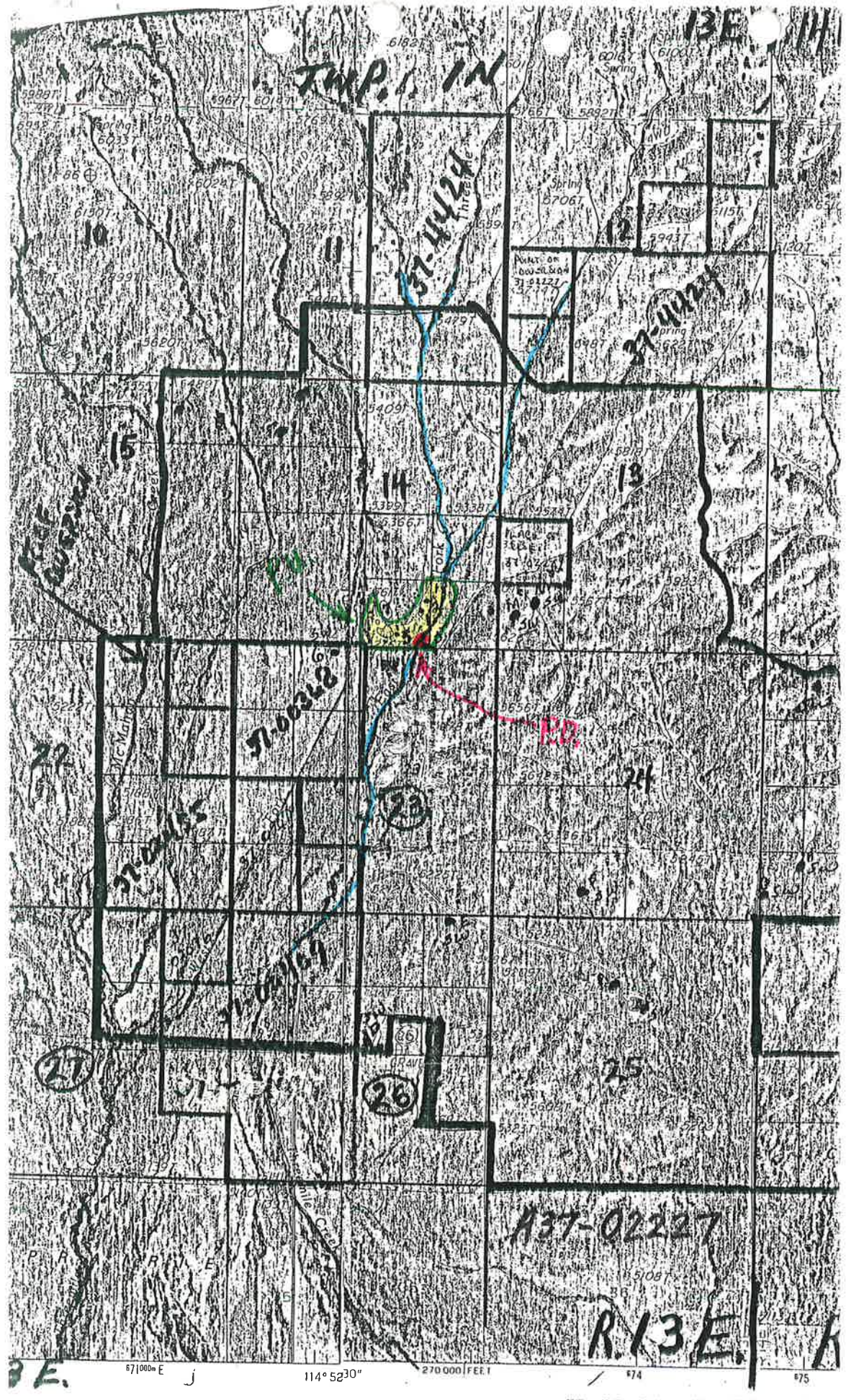
Subscribed and sworn (or affirmed) before me this 15th day
of Feb. 19 90

Lon White
Notary Public

Seal

Residing at TF

My Commission Expires 5/94



Twp. 1 N

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A37-02227

R. 13 E

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114° 52' 30"

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FEB 8 - 1990

Date Received 1-18-1990

JAN 18 1990

Department of Water Resources
Southern Region, Office
State of Idaho

Department of Water Resources
Southern Region, Office

Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

JAN 19 1990

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Hidden Paradise Property Owners' Assn. () 764-2506
Name of Claimant Phone Number

P. O. Box 279 Fairfield ID 83327
Mailing Address City State Zip

Camas 1-19-1990 (per approved extension)
County(s) where place of use is located Date claim originally due

37-2227, 2048, 0368, 0409, 2076, 2455, 2157, 4424 & possibly others
Identify water right(s) for which extension is requested

State why an extension of time is requested explaining how a diligent effort has been made to meet the deadline:

The person who was responsible for getting the necessary documentation together so
that the claims could be filed did not do her job. We only recently became aware of
this, so do not have enough time before the deadline to complete the paperwork. We
are working as fast we can, but this is 1/1 a large ranch with many water rights.

Claimant requests an extension to February 19, 19 90

Donald L. Renschard 1-18-, 19 90
Signature Date of request

Vice Pres.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

and if granted the filing deadline is extended to February 19, 19 90

Signed this 5 day of February, 19 90

DAVID B. SHAW
Director or his designated agent

Mail to: Idaho Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706

DAVID B. SHAW MICROFILMED

FEB 23 1993

6 FEBRUARY 1990

HIDDEN PARADISE RANCH HOME OWNERS ASSOCIATION.

BOARD OF DIRECTORS.

PRESIDENT:	GLEN ROMIG 8811 San Marino Dr. Boise, Idaho, 83705 -----375-4874
Vice Pres.	DARRELL L. BURCHARD P.O.BOX 279 Fairfield, Idaho 83327-----764-2506
Vice Pres.	WILLIAM MARTIN 5950 Fairview Ave. Boise, Idaho 83705-----322-5950
Secretary.	MILTON KLEIN 2275 Sunny Lane Star, idaho -----286-7451
Treasure	Ken AGENBROAD 10800 W. Hollandale Dr. Boise, Idaho -----375-9540

MICROFILMED

FEB 23 1993

06/09/2009

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

RIGHT NUMBER: 37-2227

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: EAST FORK THREEMILE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.320 CFS

PRIORITY DATE: 02/21/1912

POINT OF DIVERSION:

T01N R13E S14 SESWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.320 CFS

PLACE OF USE:

IRRIGATION in CAMAS County

T01N R13E S14	SENE	0.50	T01N R13E S14	NESE	13.30
T01N R13E S14	SWSE	8.10	T01N R13E S14	SESE	9.80
T01N R13E S23	NENE	0.90	T01N R13E S23	NWNE	12.80

45.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 40.0 acres in a single irrigation season. Combined Right Nos.: 37-2227 & 37-8609.

This right is limited to the irrigation of 16 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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

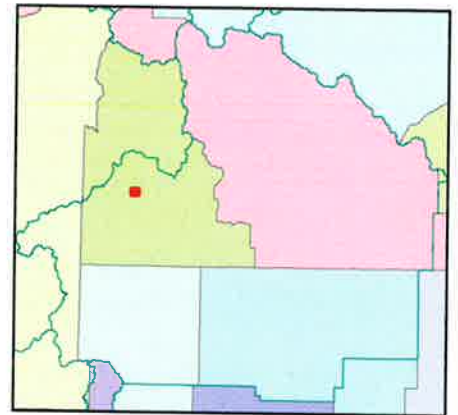


Idaho Department of Water Resources

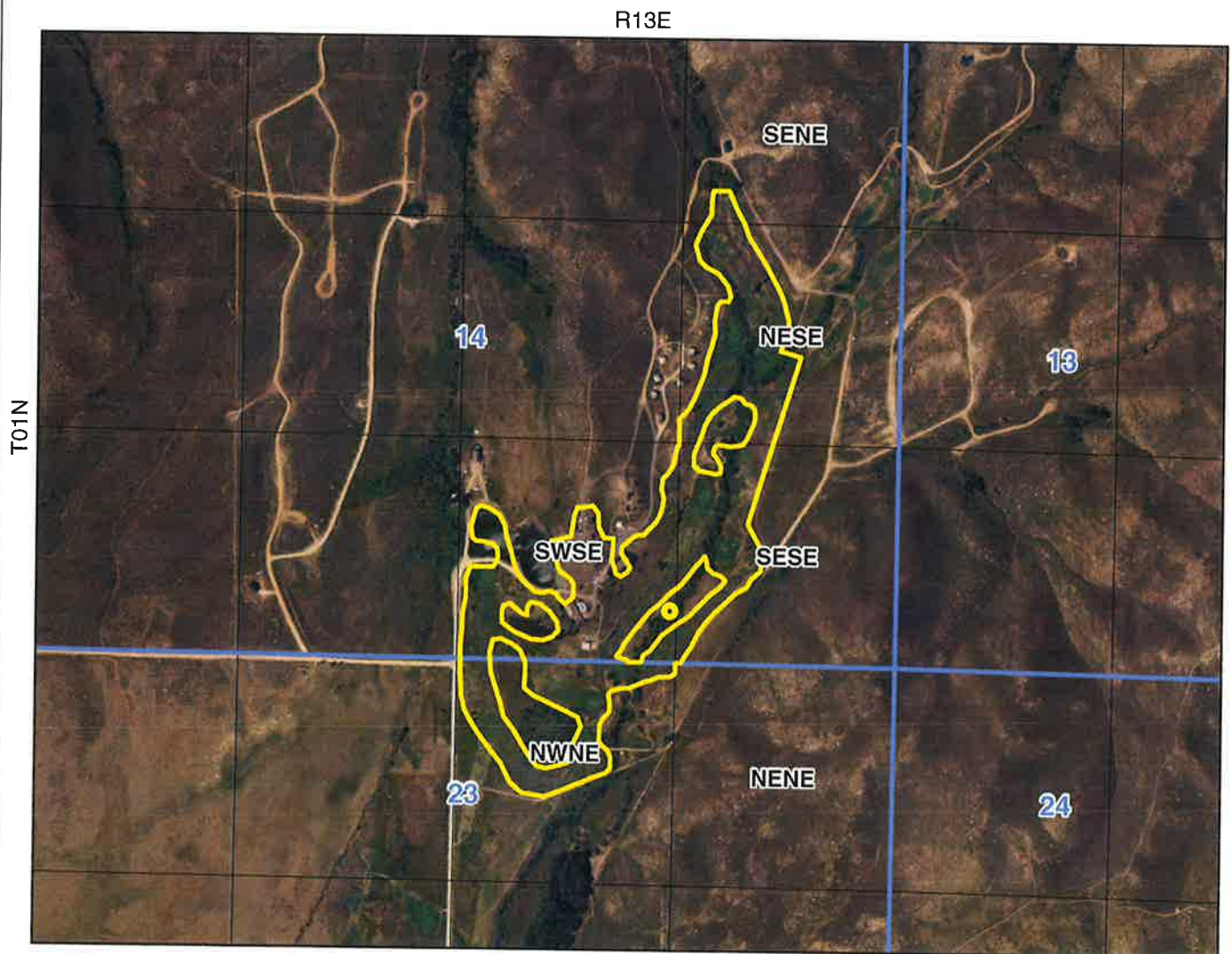
Adjudication Recommendation 37-2227 (IRRIGATION)

Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Camas County
IDWR Basin 37



Prepared by Steve Clelland
On March 25, 2009
2004 Aerial Photography

0 0.2 0.4 0.8 Miles

Clelland, Steve

From: Clelland, Steve
Sent: Wednesday, June 03, 2009 4:32 PM
To: 'Jim Speck'
Cc: Kelly, Vicki; Bromley, Chris; Clelland, Steve
Subject: 37-19832 draft recommendation - Smokey Dome

Attachments: 37-19832 smokeydome sf5 draft.doc

Jim,

Attached is the draft version as it was prepared on 3/25/09.

Priority Date:

The 1912 License exam of 37-2227 was very clear, only 16 acres were irrigated at the permitted site. Sometime after that the right was moved to its present site of use. In reviewing the deeds submitted (Bessie Smith to Bashford A. Smith) none of the originally licensed lands were being irrigated. The deeds indicate the POU was moved to the present location around 1945 and expanded in use to develop the remaining capacity of the 0.80 cfs flow. (I need to review these notes to remember the details.)

Quantity:

The 1912 license 37-2227 documents a flow of 0.80 cfs (40") as the capacity of the system. They were licensed for 0.32 cfs (16") on 16 acres of irrigated lands. The water use was expanded to the current flows to develop the remaining 0.48 cfs (24").

Place of Use:

Since the original License was developed for 1"/acre, the rest of the appropriation is recognized at the same rate. Therefore, the beneficial use right, 37-19832, should be valid on 24 acres within the PPU listed in the ground water license, 37-8609.

These are based on my file notes from 3/25/09. I will brush up on the details for our discussion later on Friday. If you wish to discuss any of this before then I am available for that.



37-19832
smokeydome sf5 draft
Steve

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

- COMMONWEALTH OF VIRGINIA
JAN 7 1925
JAN 7 1925

Bessie Smith.....Applicant.

By.. H. L. Childs...Agent.

APPROVAL OF STATE ENGINEER.

The number of this permit is 8077.

Date of first receipt at office of State Engineer 9.00 a.m. February, 21, 1912.

Recorded in Book 25, Page 8077. Approved March 23, 1912.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Work to begin on or before May 22, 1912, and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before March 23, 1913.

The whole of said work to be completed on or before March 23, 1914.

Beneficial use of water appropriated in accordance herewith, to be made on or before March 23, 1914.

Witness my hand this twenty-third day of March, 1912.

A. E. Robinson,

State Engineer.

On proper request of the holder of the above numbered permit, I have this 2nd day of March, 1914, extended the time for completion of works thereunder to September 1st, 1914.

F. P. King,

State Engineer.

Proof of Completion of Works made September 1, 1914.

Certificate of Completion of Works issued September 11, 1914.

Permit No. 8077

CERTIFICATE OF COMPLETION OF WORKS

To All Whom It May Concern:

This is to certify that Bessie Smith of Soldier, County of Blaine, and State of Idaho, the holder of Permit No. 8077, issued upon Application No. 12025, bearing date of priority of February 21, 1912, authorizing the diversion of 8/10 of 1 second foot of the waters of East Fork Three Mile Creek, County of Blaine, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 8/10 of 1 second-foot of the waters of East Fork of Three Mile Creek; that the point of diversion of said waters is at a point in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 12, Tp. 1 N. R. 12 E. 4 M., and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 13, Tp. 1 N. R. 13 E. 4 M., containing 40 acres.

Witness my hand this 11th day of September, A. D. 1914.

F. P. King,

State Engineer of the State of Idaho.

Upon proper request of the holder of the above numbered Permit, I have this 13th day of October, 1914, extended the time for Beneficial Use of Water thereunder to the 30th day of June, 1915.

Herbert Wing, Deputy State Engineer.

License issued for ^{14/50} second sec.

Page 1820

REPORT OF ENGINEER

1. State name of applicant and number of permit: Bessie Smith, Permit No. 8077.
2. State source of water supply: East Fork Three-Mile Creek.
3. Location of point of diversion: N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 12, T.1 N., R.13 E.B.M.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
 - (a) Width of conduit at bottom: One foot.
 - (b) Width at water line: 2 $\frac{1}{2}$ feet.
 - (c) Depth of water: Ten inches.
 - (d) Grade per mile: 20 feet.
 - (e) Capacity of ditch: Over eight-tenths of one second foot. second feet.
6. State whether or not water has been turned into works of diversion and if so, to what extent: Yes.
To the extent of irrigating 16 acres.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: N.W. $\frac{1}{4}$ S.W. $\frac{1}{4}$ Sec. 13, T.1 N., R.13 E.B.M. 12 acres under
cultivation, and about four acres irrigated for grass. About 16
acres of said tract is mountainous and too high for irrigation.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

H. L. Childs

Surveyor.

STATE OF IDAHO,

County of Blaine.

} ss.

H. L. Childs

, being first duly sworn, deposes and says that the statements contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this 30th day of June, 1915.

My Commission Expires

Dec 17-1916

W. M. Martin
Notary Public.

8077

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

A. Subcase 37-2227

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Smokey Dome LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009
Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Smokey Dome LLC
Address: PO Box 1607
Bellevue, WA 98009

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☒ **Source**

Should be: This right should be added to the list of rights delivered from this source and its tributaries in Attachment 1 to Basin 37, Part 2 General Provisions.

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☐ **Point(s) of Diversion**

Should be:

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Place of Use**

Should be:

10. **I object because:**

☐ This water should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

F.

VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first duly sworn, upon oath, deposes and says:

That I am the party/claimant filing this objection, as defined by I.C. § 42-1401A(1) and (6), or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

(Signature of person filing objection)

J-P Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 7, 2007



Jean A. Latham
Notary Public for Idaho
Residing at *Blaine Co.*
My Commission expires *1-25-2013*

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 7th, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

2. One copy to the claimant of the water right at the following address:

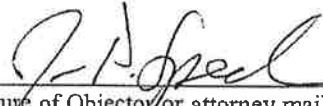
Name: Smokey Dome LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

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

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

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

08/03/2006

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

RIGHT NUMBER: 37-2227
NAME AND ADDRESS: CAMAS PROPERTIES INC
PO BOX 279
FAIRFIELD ID 83327-0279
SOURCE: EAST FORK THREEMILE CREEK
QUANTITY: 0.320 CFS
PRIORITY DATE: 02/21/1912
POINT OF DIVERSION:

} Ownership
change to
Smokey Pome LLC

TRIBUTARY: CAMAS CREEK

T01N R13E S14 SESWSE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.320 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R13E S14	SWSE	7.00	T01N R13E S23	NWNE	9.00
---------------	------	------	---------------	------	------

16 ACRES TOTAL

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 - License

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.



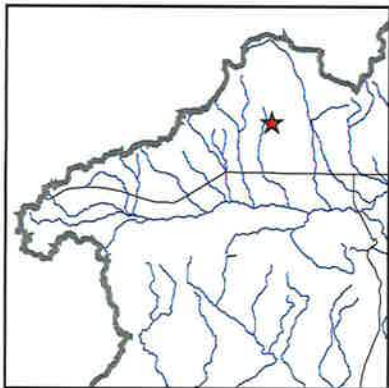
Idaho Department of Water Resources

SRBA Recommendation:

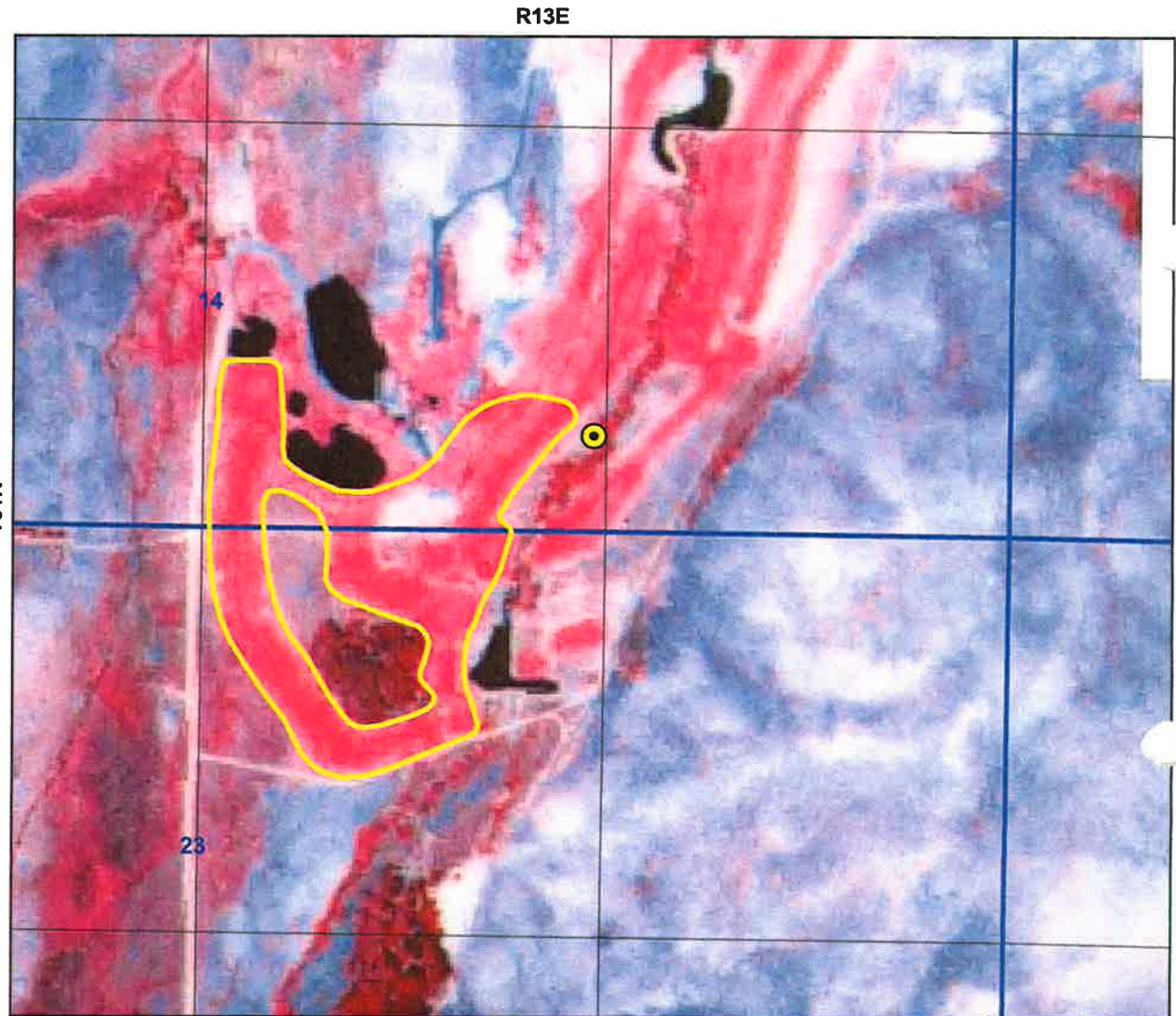
37-2227

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



0 0.25 Miles



Prepared by M. Anders
On Thursday, August 3, 2006
1987/88 Aerial Photography

Adjudication Claim Notes

Claim(s): 37-2227, 37-19832

Background Data

37-2227

- Source is Unnamed Stream tributary to East Fork Three Mile Creek and East Fork Three Mile Creek tributary to Camas Creek
- Licensed for 0.32 cfs for Domestic and Irrigation of 16 acres
- Claimed 0.32 cfs for Irrigation of 45.4 acres

37-19832

- Beneficial Use claim
- Source is East Fork Three Mile Creek tributary to Camas Creek
- Claimed 0.91 cfs for Irrigation of 45.4 acres

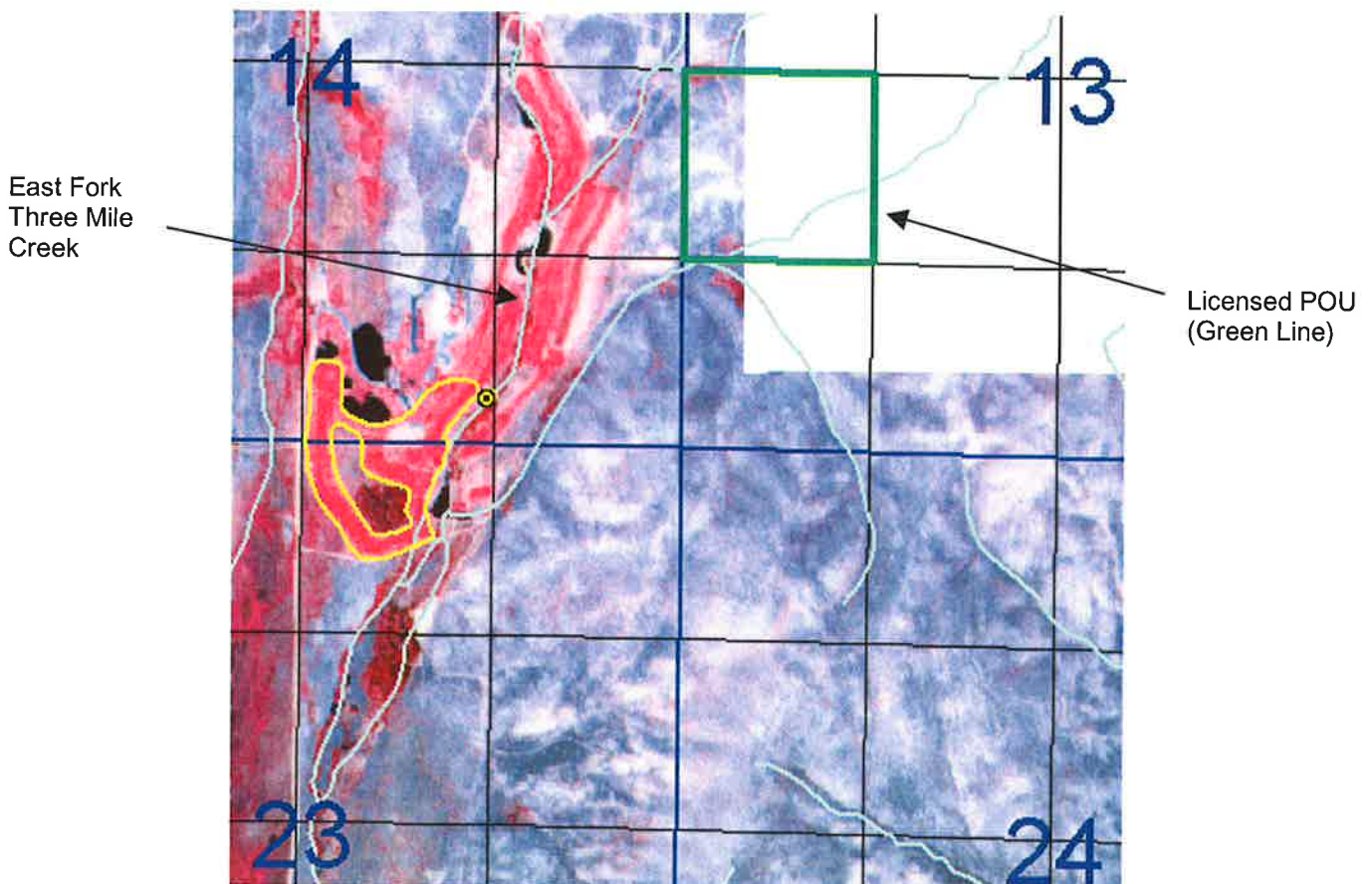
Place Of Use Data

Yellow line is the draft Place of Use created by IDWR based on historical data and records.

Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

Green line is decreed/licensed POU (this may only represent the Quarter-Quarter sections of the decree/license)

1987 Aerial Photo



Notes

T1N R13E Section 14

- Found 16 acres for Irrigation.
- Claim 37-19832 disallowed. Insufficient evidence of priority.
- The claimed POU is completely outside the licensed POU. The licensed POU appears to have been formerly owned by a development company that moved the water to the present land (which they also owned), then subdivided the licensed POU. Since there are no other claims against this right, it is assumed that an accomplished transfer was completed and the water right is being recommended in the claimed POU.
- 37-2227 is licensed for 16 acres of irrigation. Rather than file an enlargement claim, the claimant filed a beneficial use claim 37-19832 for more water from East Fork Three Mile Creek for the same POU.
- 37-8609 is a groundwater right for the same POU.
- Data used for review: 1987, 1992, & 2004 aerial photos, Camas Co Tax Records, Idaho Ownership (idown.shp), & USGS 1:24,000 Topo

County: Blaine
Stream: East Fork Three Mile Creek.
Amount: 16/50 of 1 cubic foot per second.
Use: Irrigation and domestic
Priority: February 21, 1912.

STATE OF IDAHO

Water License No. 8077

WHEREAS, On the 21st day of February A. D. 1912,

Bessie Smith
of Soldier, County of Blaine, State of Idaho, duly made application
(No. 12025) to me for a permit to use 8/10 of 1 cubic foot per second of the waters of
East Fork Three Mile Creek

County of Blaine, State of Idaho, for irrigation and domestic purposes, and,

WHEREAS, On the 23rd day of March, A. D. 1912, Permit No. 8077 was issued
to said applicant for the diversion of said water and providing for the completion of the works of diversion
therein described on or before the 23rd day of March, A. D. 1914, and for the application to ben-
eficial use of said water on or before the 23rd day of March, A. D. 1914, and,

WHEREAS, On the 2nd day of March, A. D. 1914, the time for completion of
works and beneficial use of water was extended to the 1st day of September, A. D.
1914, and,

WHEREAS, On the 1st day of September A. D. 1914,

Bessie Smith

the holder of said permit, duly made proof of the completion of adequate works for the diversion of
8/10 of 1 cubic foot per second of said waters, as evidenced by my Certificate No. 8077,
dated September 11, 1914, confirming the completion of works of sufficient capacity for diverting and
conveying to the place of intended use 8/10 of 1 cubic foot per second of said water
with date of priority of February 21, 1912, and

WHEREAS, On the 13th day of October, A. D. 1914, the time for beneficial
use of water under said permit was extended to the 30th day of June, A. D. 1915,
and,

WHEREAS, On the 30th day of June, A. D. 1915,

Bessie Smith.

the holder of said permit, duly made proof of the application to beneficial use of 16/50 of 1 cubic
foot per second of said water:

NOW, THEREFORE, By virtue of authority vested in me by the laws of the State of Idaho, I
hereby grant and confirm to Bessie Smith

of Soldier, County of Blaine, State of Idaho, the holder and owner
of said Permit No. 8077, a perpetual right, dating from February 21, 1912,
to the use of 16/50 of 1 cubic foot per second of the waters of East Fork three Mile
Creek

in the County of Blaine and State of Idaho, or so much thereof as may be necessary for the
purposes hereinbelow mentioned, to be diverted in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 12, T. 1 N., R. 13
E. B. M.

and conducted to and upon 16 acres in the NW $\frac{1}{4}$ of SW $\frac{1}{4}$, Sec. 13, T. 1 N., R. 13 E. B. M.

for the purpose of irrigation and domestic use, subject, however, to the laws of the
State of Idaho, applicable to a license for the use of the waters of the State, and subject, also, to the local
or community customs, rules and regulations which have been or may be adopted from time to time by
a majority of the users from a common source or supply, canal or lateral from which such water may
be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office at Boise, Idaho, this 20th day of July
A. D. nineteen hundred and fifteen.

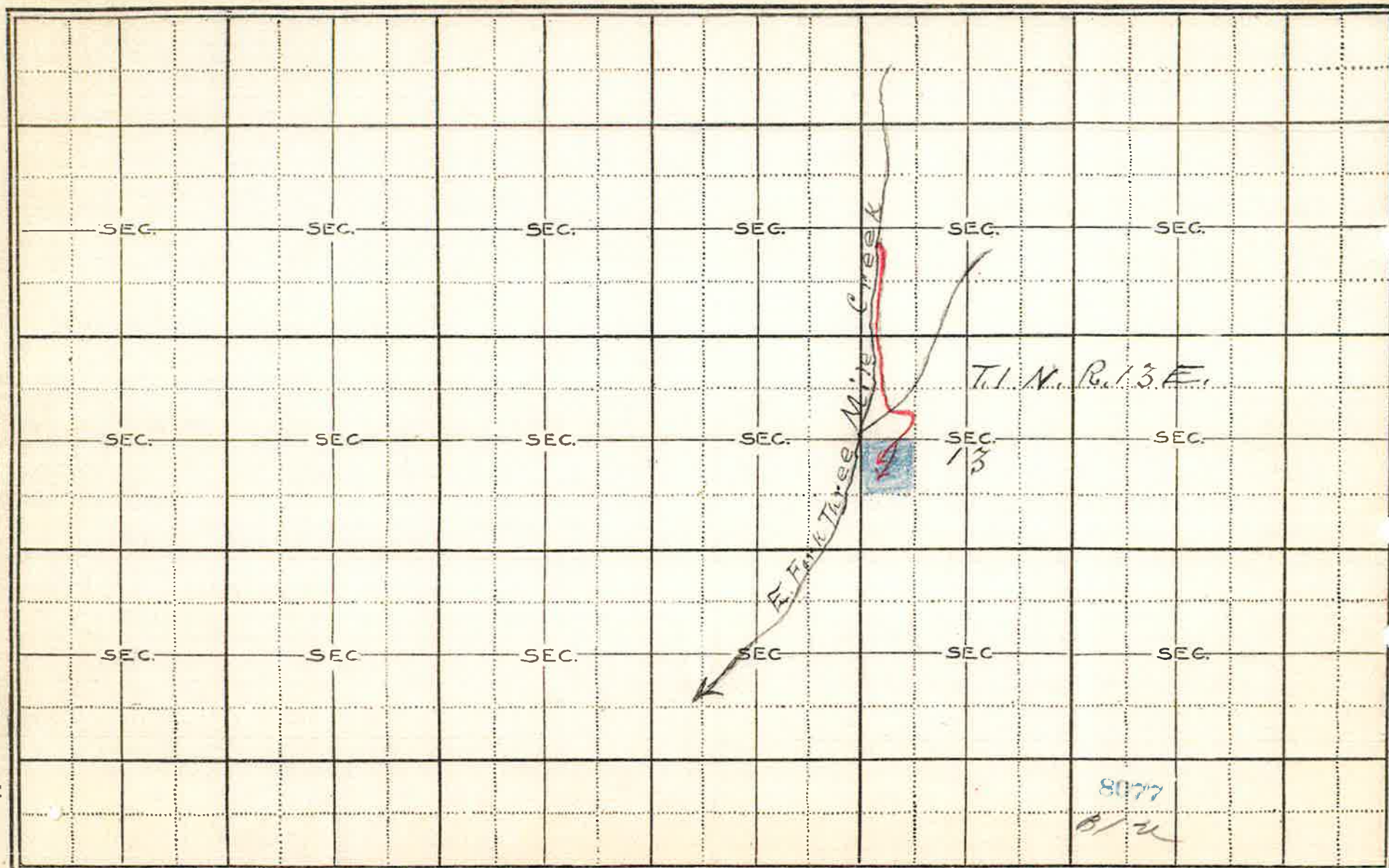
J. H. Smith.

(Seal)

State Engineer:

37-2227

Name of Applicant *Bruce Smith, Soldier, Idaho*



SCALE: 2 INCHES=1 MILE PLAN IN INK.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 37-02609

Priority: February 15, 1990

Maximum Diversion Rate:

0.33 CFS

This is to certify, that HIDDEN PARADISE PROPERTY OWNERS ASSN
DEA SOLDIER MTN RANCH & RESORT
PO BOX 279

FAIRFIELD ID 83327-0279

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated February 15, 1990; and has submitted Proof of Beneficial Use on March 22, 1993. An examination indicates that the works have a diversion capacity of 0.330 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
-----------------------	----------------------	--------------------------	----------------------

IRRIGATION

04/15 to 10/15

0.33 CFS

LOCATION OF POINT(S) OF DIVERSION:

NWNE , Sec. 23, Township 41N, Range 13E
CAMAS County

PLACE OF USE: IRRIGATION

TWN RGE SEC

01N 13E 14

SENE

0.5

NESE 13.3

SWSE 8.1

TOTAL

31.7

23

SESE

9.8

NENE

0.9

NWNE 12.9

13.7

Total number of acres irrigated:

45.4

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
5. This right is for the use of trust water and is subject to review 20 years after the issuance of the permit to determine availability of water and to re-evaluate the public interest.
6. Diversion and use of water under this right is subject to an annual use fee if rules are subsequently promulgated which provide for the submittal of the fee.

MICROFILMED

APR 10 1997

State of Idaho
Department of Water Resources

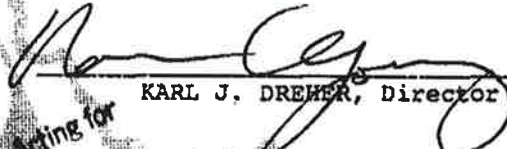
WATER RIGHT LICENSE

WATER RIGHT NO. 37-08609

CONDITIONS OF APPROVAL AND REMARKS

7. This right is limited to the irrigation of 40.0 acres within the place of use described above in a single irrigation season.
8. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor exceed a combined annual diversion volume of 140.0 af for the 40 acres upon which this right may be used.
9. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 31ST day of MARCH, 1997.


KARL J. DREHER, Director

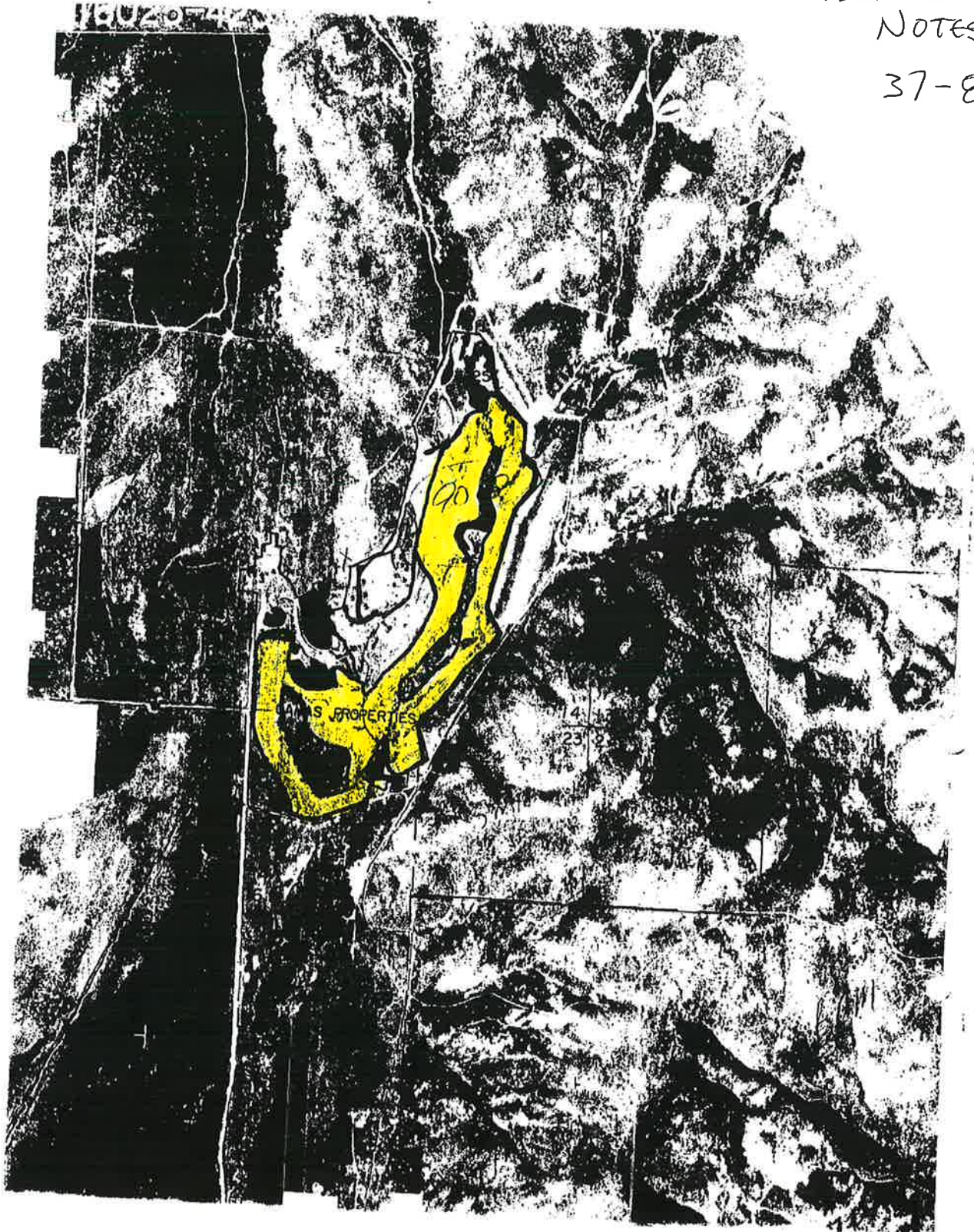
Acting for

MICROFILMED

APR 10 1997

B.U. EXAM
NOTES

37-8609



RECEIVED

JUN 30 1997

Department of Water Resources
Southern Region

RECEIVED

MAR 06 1997

Department of Water Resources

CERTIFICATE
of
CORPORATE RESOLUTION
of
CAMAS PROPERTIES, INC.

I, CARL AGENBROAD, Secretary of CAMAS PROPERTIES, INC., a corporation incorporated under the laws of the State of Idaho (the "Corporation"), do hereby certify that the following resolution is a full, true and correct copy of a resolution of the Board of Directors of the Corporation, duly and regularly passed and adopted by consent in lieu of a meeting by its Board of Directors in which action all of the Directors voted unanimously for its adoption:

IT IS HEREBY RESOLVED, that the President of this Corporation is hereby authorized and directed to execute on behalf of this Corporation and file with the State of Idaho Department of Water Resources and with any other applicable federal or State of Idaho agencies with responsibility for determining, establishing and recognizing rights of the Corporation to the surface and underground waters of the State of Idaho on the Soldier Mountain Ranch and Resort (formerly Hidden Paradise Ranch and Resort) any and all water right claims, proofs of application to beneficial use, and any and all modifications or amendments thereto and other related documents, in connection with the "Snake River Adjudication" of water rights, or otherwise, and including claims and proofs by the Corporation to both surface and underground waters, and to do, on behalf of this Corporation any other acts that may be necessary in connection therewith.

IT IS HEREBY FURTHER RESOLVED that any and all claims to surface and underground waters applied or to be applied to beneficial use on the Corporation's real property located in Camas County, Idaho, proofs of application thereof to beneficial use, and modifications and amendments thereto, and

other related documents heretofore filed by the President of the Corporation on its behalf in connection with the "Snake River Adjudication" of water rights, or otherwise, with the State of Idaho Department of Water Resources or other state and federal agencies are hereby approved and ratified as the acts of this Corporation.

I further certify that WILLIAM N. CARTER is the President of this Corporation, and the undersigned is the Secretary of this Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand as the Secretary of said Corporation, this 5 day of March, 1997.


Secretary

RECEIVED

JUN 30 1997

Department of Water Resources
Southern Region

RECEIVED

MAR 06 1997

Department of Water Resources

CERTIFICATE
of
LIMITED LIABILITY COMPANY RESOLUTION
of
SMR DEVELOPMENT, L.C.

The undersigned, comprising all the members of SMR DEVELOPMENT, L.C, an Idaho limited liability company (the "Company"), do hereby certify that the following is a full, true and correct copy of a resolution of the Members of the Company, duly and regularly passed and adopted by consent in lieu of a Members' meeting, in which action all of the Members voted unanimously for its adoption:

IT IS HEREBY RESOLVED, that Member William N. Carter is hereby authorized and directed to execute on behalf of this Company and file with the State of Idaho Department of Water Resources and with any other applicable federal or State of Idaho agencies with responsibility for determining, establishing and recognizing rights of the Company to the surface and underground waters of the State of Idaho on the Soldier Mountain Ranch and Resort (formerly Hidden Paradise Ranch and Resort), any and all water right claims, proofs of application to beneficial use, and any and all modifications or amendments thereto, and other related documents, in connection with the "Snake River Adjudication" of water rights, or otherwise, and including the Company's claims to both surface and underground waters, and to do, on behalf of this Company, any other acts that may be necessary in connection therewith.

IT IS HEREBY FURTHER RESOLVED that any and all claims to surface and underground waters applied and to be applied to beneficial use on the Company's real property located in Camas County, Idaho, proofs of application thereof to beneficial use, and modifications and amendments thereto, and other related documents heretofore filed by William N. Carter on behalf of the Company in connection with the "Snake River Adjudication" of water rights, or otherwise, with the State of Idaho

Department of Water Resources or other state and federal agencies are hereby approved and ratified as the acts of this Company.

We further certify that WILLIAM N. CARTER is a Member of this Company, and the undersigned comprise all of the Members of the Company.

IN WITNESS WHEREOF, we have hereunto set our hands the day, month and year set forth beside our respective signatures.

5 March, 1997

Ant J. Duncan
Member

4 March, 1997

Carl Agnew
Member

4 March, 1997

William A. Hall
Member

4 March, 1997

William P. W. A.
Member

5 March, 1997

William H. Carter
Member

5 March, 1997

Clayton Patton
Member

5 March, 1997

Wanda L. Groot
Member



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

January 15, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

BILL CARTER
7878 USTICK RD
BOISE ID 83704

Copy for A37-02227

RE: SMR Water Rights

Dear Bill:

I am sending you two more items for you to complete and return. The last time you stopped by, I forgot to give them to you.

Both items relate to your adjudication claim on right 37-02227, which was the 16-acre right originally issued to Bessie Smith. First, as I mentioned to you previously, claim A37-02227 is still in the name of Hidden Paradise Ranch Owners Association. You need to complete the enclosed ownership change form and submit it with the required supporting documentation to put the claim in the name of SMR, which would be consistent with your other recent filing on the same property (beneficial use claim A37-19832).

Second, you need to sign the enclosed amended claim to make the place of use on A37-02227 consistent with the right 37-08609 and claim A37-19832. The amended claim form shows SMR as the owner in anticipation of your completion of the ownership change form. Please note that your signature on the amended claim form must be notarized. If you want to stop by here, I will be happy to notarize it for you.

No fee is required for either the ownership change or the amended claim. Once you submit the ownership change form and the amended claim form, the Department will be able to act on the following items.

- Issuing the license for water right 37-08609, the ground water use on the golf course.
- Data entry of adjudication claim A37-19832, which is the beneficial use claim you recently brought to me.
- Processing of application 37-08846 to cover 20 acre feet of storage on the East Fork of Threemile Creek.

Bill Carter
January 15, 1997
Page 2

Please complete the ownership change form and the amended claim as soon as possible. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink that reads "Shelley Walter Keen". The signature is written in a cursive, flowing style.

Shelley Walter Keen
Water Rights Supervisor

M. NEAL NEWHOUSE

ATTORNEY AND COUNSELLOR-AT-LAW

1117 KIMBERLEY LANE • BOISE, IDAHO 83712 • (208) 368-9789 • FAX: (208) 331-7873

February 17, 1997

RECEIVED

FEB 19 1997

Department of Water Resources

Mr. Shelley Keen
State of Idaho Department of Water Resources
1301 North Orchard
Boise, Idaho 83720-9000

Re: Hidden Paradise Ranch/SMR Development water rights, Camas County, Idaho

Dear Mr. Keen:

You called a couple of weeks ago to request additional documentation with respect to certain water right filings made/amended in the name of "Hidden Paradise". Your first inquiry related to the current owner(s) of the real property upon which the water rights in question had been put to beneficial use and perfected, and, secondly, of the authority of William N. Carter to file/refile or modify these water right applications and related filings with the Department on behalf of the owner(s) of that real property, and otherwise represent the right holders before the Department of Water Resources.

This letter is directed to your first inquiry. I apologize for the delay in responding, but without an active full-time title company operating in Camas County I had to personally go to the Courthouse to review the land title records. It is my understanding that insofar as is relevant to your inquiry title to the water rights passes to the grantee in a conveyance of the fee title to real property upon which it has been put to beneficial use and perfected.

By way of background, in the late 1970's an Idaho corporation by the name of Crandlemire Land and Livestock Co. purchased four adjoining farms and ranches in Camas County, Idaho and assembled them as one parcel of approximately 4000 acres. This parcel was named "Hidden Paradise Ranch".

In 1979 Crandlemire Land and Livestock Co. sold the Hidden Paradise Ranch to Howard W. Mylander and Jacquelyn L. Mylander. The Mylander's concept (Crandlemire was somehow involved as well, perhaps as a seller under contract with deed in escrow, since it also signed the John Hancock mortgage hereinafter described) was to develop the Ranch into a private resort, whose members would purchase undivided interests in the real property. The rights of members to use the resort were protected by recorded covenants encumbering the Ranch property. The covenants provided that not more than 500 memberships/undivided interests would be sold. Funding for the purchase from Crandlemire and for improving the resort (an ongoing process to this day; the resort now consists of a twelve hole golf course with another nine holes under construction, a clubhouse, cabins, a swimming pool, barn and horse pasture, etc.) was obtained initially by a June 7, 1979 \$1,260,000.00 borrowing by the Mylanders from John Hancock Mutual Life Insurance Company which was secured by a first mortgage on the entire Ranch and then, after the Covenants were recorded on July 8, 1979, by the sale of undivided interests in the Ranch to members. The subsequent foreclosure of this first mortgage becomes very important to establishing the present Ranch owners' title, as will become obvious later in this letter.

In the mid 1980's the Mylander's sold the Ranch to Briden Associates, an Idaho limited partnership. Shortly thereafter the principals of Briden sold all of the partnership interests in Briden to the Mylander's, who then resold these partnership interests to Theron D. Nelson. Theron Nelson as general partner then changed the name of limited partnership to Hidden Paradise Development. Note that during this period, title to the Ranch stayed in the same entity, ie Briden Associates/Hidden Paradise Development, with, however, a number of recorded undivided interests in the Ranch from time to time continually sold and conveyed to new members of the resort.

By 1989 Hidden Paradise Ranch and its owner were in financial trouble. The John Hancock mortgage was in default, and a foreclosure was pending. About 200-250 recorded undivided interests had been sold to members of the Resort and Briden/Hidden Paradise owned the remaining 250-300 undivided interests. In an effort to protect their interest several members of the resort formed a new corporation called Camas

Properties, Inc. and on July 31, 1989 Hidden Paradise Development, by Theron D. Nelson, general partner, deeded its interest in the entire ranch, its interest then consisting of approximately 250 out of 500 undivided interests, to Camas Properties, Inc. A copy of the recorded deed is enclosed as "Attachment 1".

Shortly before the mortgage foreclosure action was filed John Hancock Mutual Life Insurance Company sold and assigned the mortgage and associated debt to Bighorn Mortgage Corporation. Bighorn Mortgage Corporation then proceeded to commence foreclosure proceedings against Camas Properties, Inc., the holders of the undivided interests and all other junior lienholders and encumbrancers. In defense Camas Properties, Inc. filed a Chapter 11 Debtor's proceeding under the Bankruptcy Act, which temporarily stayed the foreclosure proceeding while the parties attempted to work out a plan for reorganization of the Ranch. Insofar as relevant to your inquiry the approved Plan of Reorganization allowed Bighorn to go to judgement and foreclosure sale, but gave the Debtor, Camas Properties, Inc., an extended five year period of time to redeem the Ranch provided it made regular monthly interest payments of the judgement debt (which by this time exceeded \$2,000,000, as it included several years of interest, and attorneys fees and costs of suit). In my view this arrangement is more correctly called a lease with option to purchase in Camas Properties, Inc.

The Sheriff's Sale was held on September 1, 1992, with Bighorn Mortgage Corporation the purchaser. As the mortgage was senior to not only the undivided interests held by Camas Properties, Inc. but also senior to all of the members' undivided interests, the legal fee title to the entire 3300 acre Ranch then passed to Bighorn, subject only to the one year state redemption right and the five year Reorganization Plan option to purchase held by Camas Properties, Inc. When the one year state redemption period expired, and on October 7th, 1993, the Sheriff of Camas County deeded the Ranch to Bighorn Mortgage Corporation as the purchaser at the foreclosure sale. A copy of the Amended Sheriff's Deed is enclosed as Attachment 2.

Camas Properties, Inc. was successful in raising sufficient funds to exercise its option to purchase the Ranch from Bighorn Mortgage Company on March 11, 1994. A copy of the "Limited Warranty Deed"

executed by Bighorn Mortgage is enclosed as Attachment 3. The legal description in this deed is the legal description of the entire Hidden Paradise Ranch.

The day before this deed was signed and delivered to Camas Properties, Inc. the Bankruptcy Court issued its Order that upon such redemption/purchase by Camas Properties, Inc. title to the Ranch would be in Camas Properties, Inc. free and clear of all liens and encumbrances, including the undivided interests of members of the resort. A copy of this Order is enclosed as Attachment 4. Hence, on March 11, 1994, fee simple title to the entire 4000+ acre Hidden Paradise Ranch was in Camas Properties, Inc.

Camas Properties, Inc. had raised the funds necessary to redeem the Ranch by agreeing to sell to two other parties all but approximately the 70-100 acres upon which the resort itself is situated. These two sales closed on the same day and immediately after Camas' redemption/purchase from Bighorn closed. Approximately 2000 acres of the Ranch (considered to be the "working ranch") was sold to VM Diamond, L.L.C., an Idaho limited liability company whose three members are Jerry Mobley and Virginia Vanderpool and a corporation under her control. The remaining approximately 2000 acres was sold to SMR Development, L.C., a limited liability company whose seven members include William N. Carter. The President of Camas Properties, Inc. is also William N. Carter.

As of today, Camas Properties, Inc. still owns the 70-100 acre resort (now named Soldier Mountain Ranch and Resort), VM Diamond, L.L.C. still owns all but 50 acres of the working ranch (which 50 acres SMR Development, L.C. now owns by its exercise of an option to purchase on May 27, 1994, and upon which it is in the process of designing and constructing a 9 hole golf course). SMR still owns approximately 1000 acres of the Ranch. I believe you have the legal description of the portion of the Ranch still owned by SMR Development, L.C. but if not you may obtain the same by contacting Mr. Rex Harding, JUB Engineers, Inc. 800 Falls Avenue, Twin Falls, Idaho 83301; telephone (208) 733-2414..

Sales from its 2000 acres of the Ranch by SMR Development have been from the unirrigated hillsides of its property. On the hillsides SMR developed two subdivisions (a total of almost 100 one acre lots, of

which over 20 have been sold to date) and it also sold eleven parcels of approximately 40 acres each. It is not believed any of the lots or parcels sold by SMR Development, L.C. have any surface water rights for irrigation since there was no application to beneficial use on these dry hillsides. The water rights with which you are concerned, to the best of my understanding, are on the portions of the Ranch which are still owned either by Camas Properties, Inc., SMR Development, L.C. or VM Diamond, L.L.C. I understand these same three owners have also perfected underground water rights for domestic and livestock water, and irrigation. The domestic wells owned/developed and in process by SMR Development, L.C. are to provide domestic water to the subdivision lots and lots in future subdivisions that might be developed on the Ranch, as well as for the irrigation of the golf course expansion.

I hope this lengthy title explanation is of assistance. I shall be happy to try and answer any further questions that you have, or that this letter has raised. I do not know what water right filings have been made with your office, so I cannot tie the filings to specific parcels of the (former) Hidden Paradise Ranch.

Certificates of authority to act for the present owners of this property, Camas Properties, Inc., an Idaho corporation, and SMR Development, L.C., an Idaho limited liability company are being circulated for signature among the Board of Directors and the Members, respectively, and you should have those documents shortly.

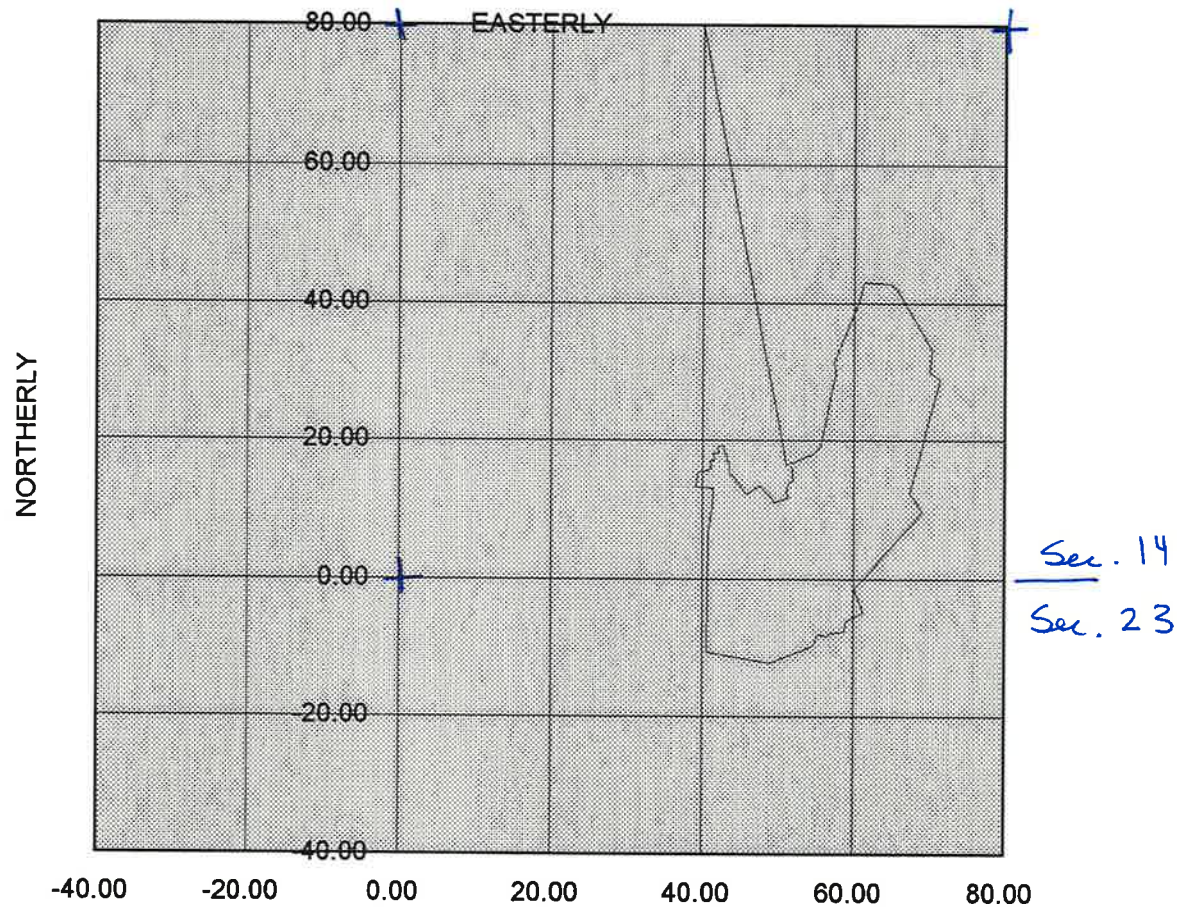
Very truly yours,



M. Neal Newhouse

cc William N. Carter
Robert J. Duncan
Rex Harding

Plot of "Resort" reserved for
Camas Properties Inc. in 3/11/94 deed.



S.W. Keen
3/26/97



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

Allen Meritt
Southern Region

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

May 28, 1996

BILL CARTER
7878 USTICK RD
BOISE ID 83704

RECEIVED

MAY 31 1996

Department of Water Resources
Southern Region

RE: Camas Properties Inc. Water Rights

Dear Bill:

I have prepared the following summary and recommendations after reviewing the water right records for the lands associated with Camas Properties Inc. As you read, please note that there are some areas where establishing a clear picture of your water rights will probably require you to collect some additional information. Also, in some cases you will need to make choices based on your plans.

Ownerships

You told me that Hidden Paradise Ranch Owners Association is defunct. If so, all HPPOA claims filed in the SRBA need ownership change notifications. The claims are:

1. A37-13367
2. A37-13365
3. A37-13364
4. A37-13366
5. A37-02227

You also indicated to me that 1-3 above are appurtenant to land now owned by VM Diamond Ranch LLC. Numbers 4 and 5 should apparently be changed to Camas Properties Inc.

Also, based on the May 3, 1994, Warranty Deed conveying property in Section 23 from VM Diamond Ranch LLC to SMR Development, it appears that SMR Development should file ownership change notifications for portions of the SRBA claims on rights appurtenant to that land. The claims are:

1. A37-00368
2. A37-00409
3. A37-02076

MICROFILMED
NOV 22 1996

I have enclosed some ownership change forms for you to complete and return to IDWR.

In addition, permit 37-08609 in the name of HPPOA should be assigned to Camas Properties Inc. I have enclosed an assignment form for you.

Irrigation of the Golf Course

It is not clear to me how much surface water is actually being used to irrigate the golf course. In order to ascertain whether your actual use is covered by existing water rights, you will need to find out how much surface water is actually being used.

According to our records, right 37-02227 has been claimed in the SRBA as appurtenant to the golf course, but it is good for only 16 acres of irrigation. When he reviewed groundwater permit 37-08609, IDWR examiner Jim Stanton found 45.4 acres of irrigation on the golf course. He said that right 37-08609 has been used to irrigate the golf course when the surface water becomes unavailable every summer. It appears then, that surface water is being used to irrigate more of the golf course than right 37-02227 allows.

Department records show that the decreed place of use for irrigation right 37-00409 includes the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23. The golf course is now located on some of these lands. However, SRBA claim A37-00409 does not include the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ and the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 23. You need to investigate the history of the ownership and use of right 37-00409 to determine if it would be appropriate for you to claim in the SRBA that a portion of 37-00409 is appurtenant to the golf course lands.

If it becomes apparent that your current use of surface water on golf course lands exceeds your water rights, you may be able to cover your use by transferring the rights appurtenant to those lands in Section 23 recently repurchased from VM Diamond Ranch LLC.

Reservoirs

There are a number of small reservoirs associated with the golf course and resort. I am not sure whether all the reservoirs are filled from the East Fork of Threemile Creek or if some are associated with other sources. Application for permit 37-08846 was filed to establish a right to store **additional** water from the East Fork of Threemile Creek by enlarging existing storage facilities. However, permit 37-07459, which was the initial filing for storage on the property, lapsed in 1981. The existing storage needs to be covered by a water right, either by interpreting application 37-08846 as covering all East Fork storage, by seeking the reinstatement of lapsed permit 37-07459, or by filing a new application for permit. It looks like you applied for sufficient volume on 37-08846 to cover all of your ponds. Moreover, you would gain no priority advantage by seeking to have 37-07459 reinstated. Therefore, I recommend using permit 37-08846 to cover the storage in all your East Fork reservoirs. If you have reservoirs filled from sources other than the East Fork, you should probably file a new application for permit.

MICROFILMED
NOV 22 1996

Additional golf course development

You indicated to me that you are considering expanding the golf course onto those lands in Section 23 recently repurchased from VM Diamond Ranch LLC. The water rights on those lands are apparently not being used now. If those rights are not transferred to the existing golf course, they will face forfeiture after five years of non-use. If you intend to maintain the rights for use on the future golf course expansion, you should file an application for extension of time to avoid forfeiture a few months before the five-year non-use period has ended. In this way, you may be able to avoid forfeiture for over nine years. Maintaining the existing rights is critical because of the current moratorium on approvals of new consumptive use rights.

Please complete the ownership change notifications as soon as possible. As for the other issues, I will be expecting you to call when you have had time to collect the additional information you need to decide how to proceed. Meanwhile, I will hold application 37-08846. If you have any questions, please contact me at 208-327-7946.

Respectfully,

A handwritten signature in black ink that reads "Shelley Walter Keen". The signature is fluid and cursive, with the first name "Shelley" being the most prominent.

Shelley Walter Keen
Water Rights Supervisor

SWK

c: Allen Merritt

MICROFILMED
NOV 22 1996

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WETLAND DETERMINATION MADE

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