

COPY

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 FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

39576
37-4337

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

Please type or print clearly

1. Name of Claimant (s) Hellos Development LLC c/o: Stan Castleton Phone 435-655-3288
Mailing Address P.O Box 4151 Park City, UT Zip 84060

2. Date of Priority (Only one (1) per claim) 01/01/1952

3. Source of water supply (a) Warm Springs Creek
which is tributary to (b) Big Wood River

4. a. Location of existing point of diversion is: Township 04N. Range 17E. Section 12,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, B.M., County of Blaine

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc.),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed
and as enlarged and the depth of each well. Existing diversion headgate allows Warm Springs Creek to fill
aesthetic and fish propagation ponds.

6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Aesthetic/Fish Propagation purposes from 01/01 to 12/31 amount 6.0 or _____

For Diversion to Storage purposes from 01/01 to 12/31 amount 6.0 or _____

For Aesthetic/Fish Propagation Storage purposes from 01/01 to 12/31 amount _____ or 1.36

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.0 (cfs) and / or (b) 1.36 (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; described fully (e.g. Domestic: list number of households served; Stockwater: type and number of livestock, etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
04N	17E	12											J/H						J/H

J = AESTHETIC USE, H = FISH PROPAGATION USE

Total number of acres irrigated _____

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

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

13. Describe any other water rights used at the same place and for the same purposes as described above.

_____ Or None ☒

14. Remarks:

Last Name _____ Ident. No. _____

COPY

15. Basis of Claim (check one) Beneficial Use XX Posted Notice _____ License _____ Permit _____
Decree _____

If applicable provide IDWR Water Right Number 37-4337

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date 1 _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Counsel

Of Heleco Development, LLC Title _____

Document in the space below as Counsel Organization _____ that I have signed the foregoing

Document in the space below as _____ Title _____ of Heleco Development LLC Organization _____

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

Signature of Authorized Agent [Signature]

Title and Organization Counsel at Heleco Development LLC Date 10/2/09

State of Idaho - for _____)
County of Blaine) ss.

Subscribed and sworn (or affirmed) before me this 2nd day of October, 2009

Notary Public Deborah E. Erickson

Residing at Harley ID

My Commission Expires 10-09-10



Please Print Name

17. Notice of Appearance:

Notice is hereby given that James R Laski will be acting as attorney at law on behalf Of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature] James R Laski Clark & Byers PLLC

Address PO Box 3310, Ketchikan, ID, 83340

Date October 4, 2009

Last Name LASKI Ident. Number 5429

COPY

COPY

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED _____

2007 OCT 12 PM 2 00

**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

) Subcase No. 37-212A, 37-2621,
) 37-4337, 37-20381
)
)
)

**NOTICE OF COMPLETED
ADMINISTRATIVE PROCEEDING**

IDWR has completed the following Administrative proceeding: **SUBSTITUTION OF PARTY**

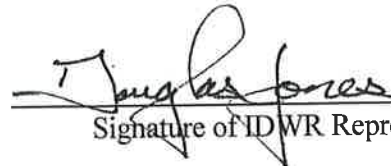
Does the change in "ownership" result in a splitting of the water right claimed? ☐ Yes ☒ No

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

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

Dated: _____

10/12/07



Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on 10/12, 2007, I delivered the original and copies of this form, including all attachments, to the following persons, postage prepaid if required and addressed as follows:

1. Original to:

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

2. Copies to:

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

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

Helios Development LLC
c/o Stan Castleton
PO Box 4151
Park City UT 84060

James P Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Edward A Lawson
Lawson & Laski PLLC
PO Box 3110
Ketchum ID 83340



Signature of person or attorney mailing the form

10/04/2007

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

RIGHT NUMBER: 37-212A

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O STAN CASTLETON
PO BOX 4151
PARK CITY UT 84060

SOURCE: WARM SPRINGS CREEK TRIBUTARY: BIG WOOD RIVER

QUANTITY: 2.800 CFS

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 2.8 cfs.

PRIORITY DATE: 06/23/1888

POINT OF
DIVERSION:

T04N R17E S11 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	2.800 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T04N R17E S11 SWSE 4.00	T04N R17E S11 Lot 6 SWSE	0.60
	T04N R17E S11 SESE 15.00	T04N R17E S12 SWSW	4.40
	24 ACRES TOTAL		

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 24 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

10/04/2007

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

RIGHT NUMBER: 37-2621

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O STAN CASTLETON
PO BOX 4151
PARK CITY UT 84060

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.480 CFS

This right shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 2.8 cfs.

PRIORITY DATE: 08/06/1959

POINT OF
DIVERSION:

T04N R17E S12 SWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	0.480 CFS
PLACE OF USE:	<u>IRRIGATION in BLAINE County</u>		
	T04N R17E S11 SWSE 4.00	T04N R17E S11 Lot 6 SWSE	0.60
	T04N R17E S11 SESE 15.00	T04N R17E S12 SWSW	4.40
	24 ACRES TOTAL		

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 24 acres 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

10/04/2007

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

RIGHT NUMBER: 37-4337

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O STAN CASTLETON
PO BOX 4151
PARK CITY UT 84060

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 1.000 CFS

PRIORITY DATE: 01/01/1952

POINT OF
DIVERSION:

T04N R17E S12 SWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
FISH PROPAGATION	01/01 12/31	1.000 CFS

PLACE OF USE: FISH PROPAGATION in BLAINE County

T04N R17E S12 SWSW

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 - Beneficial Use

10/04/2007

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

RIGHT NUMBER: 37-20381

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O STAN CASTLETON
PO BOX 4151
PARK CITY UT 84060

SOURCE: WARM SPRING CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 0.500 CFS

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to a total combined diversion rate of 2.8 cfs.

PRIORITY DATE: 11/12/1936

POINT OF
DIVERSION:

T04N R17E S11 SESE Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S11	SWSE	4.00	T04N R17E S11 Lot 6 SWSE	0.60
T04N R17E S11	SESE	15.00	T04N R17E S12	SWSW 4.40

24 ACRES TOTAL

Right Nos. 37-212A, 37-2621 and 37-20381 are limited to the irrigation of a combined total of 24 acres in a single irrigation season.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

This claim is based upon a portion of 37-833. This claim also identifies a change of source from the Big Wood River to Warm Springs Creek, a tributary of the Big Wood.

Right includes accomplished change in source pursuant to Section 42-1425, Idaho Code.

37-20381



State of Idaho

DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

October 12, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

HELIOS DEVELOPMENT LLC
C/O STAN CASTLETON
PO BOX 4151
PARK CITY UT 84060

RE: SRBA Claim(s) 37-212a, 37-2621, 37-4337, 20381

Dear Claimant:

Please find the enclosed copy of the Notice of Completed Administrative Proceeding, which the department has filed with the SRBA Court regarding the above referenced claims. You have received this notice pursuant to SRBA Court Administrative Order 11 requiring IDWR to report to the court and interested parties any pending changes to adjudication claims in basins for which a Director's Report has been filed with the court.

Please contact this office if you have any questions about the notice or the administrative process.

Sincerely,

Trish Fawcett
Technical Records Specialist

cc: James S Speck
Speck & Aanestad
PO Box 987
Ketchum ID 83340

Edward A Lawson
Lawson & Laski
PO Box 3110
Ketchum ID 83340

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

RECEIVED
MAY 31 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-212A - A1			37-11885 - didn't change		
37-2621 - A1					
37-4337 - A1					
37-8304					
37-20381 - A1					
37-11883 - didn't change					

2. The following **REQUIRED** information must be submitted with this form:
- The appropriate **FILING FEE**. See instructions for fee amounts.
 - 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**.
 - Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are on file with the county Planning and Zoning or Recorder's Office).
- OR**
- If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency or equivalent **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s) Whitetail, A Club For All Seasons, LLC
231 W. Lake St., McCall, ID 83638

4. New Owner/Claimant(s) Helios Development LLC, c/o Stan Castleton
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
New Mailing Address at DDRM Greatplace LLC, 333 Main Street
City, State and ZIP Code Suite 325, PO Box 4151, Park City, UT 84060
New Telephone Number (435) 655-3288 (949) 981-3871

5. Date you acquired the property

January 5, 2007

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (you may copy this page, if necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

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

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

7. Signature(s) of New Owner(s) or Claimant(s)

Helios Development LLC
by Stanley Kaskie

(title if applicable)

(title if applicable)

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

For IDWR Office Use Only:

Received by _____

Date _____

Receipt Amt. _____

Received by _____

Date _____

Receipt No. _____

Processed by _____ AJ

Date _____

WR _____

Date _____

When recorded, please return to:

Givens Pursley LLP
Attention: Anne C. Kunkel
601 West Bannock Street
Boise, Idaho 83702

Instrument # 543557

HAILEY, BLAINE, IDAHO

2007-01-05

04:06:00 No. of Pages: 20

Recorded for : FIRST AMERICAN TITLE

MARSHA RIEMANN

Fee: 60.00

Ex-Officio Recorder Deputy

Index to: GRANT DEED

DKS

185831

GRANT DEED

FOR VALUE RECEIVED, the receipt and sufficiency of which is hereby acknowledged, Whitetail, A Club for All Seasons, LLC, an Idaho limited liability company (the "Grantor"), whose address is 231 West Lake Street, McCall, Idaho 83638, does hereby grant unto Helios Development, LLC, a Delaware limited liability company, whose address is c/o Baker & McKenzie, Attention Matthew C. Alshouse, One Prudential Plaza, 130 East Randolph Street, Suite 3600, Chicago, Illinois, 60601 ("Grantee"), all of Grantor's right, title and interest in and to that certain real property located in Blaine County, Idaho, legally described on Exhibit A, attached hereto and incorporated herein (the "Premises").

TO HAVE AND TO HOLD the Premises, with its appurtenances unto Grantee, and Grantee's successors and assigns forever.

SUBJECT TO the following exceptions, which shall mean: (a) general taxes and assessments, including utility assessments for the current year, which are not yet due and payable, and will be prorated between Grantor and Grantee as of the date of execution of this deed; (b) any easements, restrictions and conditions of record or shown on the recorded plat, if any, for the Premises or that may be determined by an inspection of the Premises; (c) building, zoning and other applicable ordinances and regulations of Blaine County, Idaho; and (d) the easements, rights of way and other matters listed as "Permitted Exceptions" on Exhibit B attached hereto and incorporated herein.

[end of text]

IN WITNESS WHEREOF, this Grant Deed is dated effective as of the 5TH day of January, 2007.

GRANTOR:

WHITETAIL, A CLUB FOR ALL SEASONS, LLC,
an Idaho limited liability company

By: Whitetail Management, Inc.,
an Idaho ~~limited liability company~~ as Manager
Corporation

By:

Name:

Title:

STATE OF Idaho)
) ss.
County of Valley)

On this 26th day of Dec., 2006, before me, Melanie L. Holmes a Notary Public in and for said State, personally appeared John Entala, known or identified to me to be the President of Whitetail Management, Inc., the Manager of Whitetail, A Club for All Seasons, LLC, the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company, and acknowledged to me that such limited liability 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.



Melanie L. Holmes
NOTARY PUBLIC FOR Amerititle

Residing at: Nelapa, ID

My Commission Expires: 2-25-08

GRANT DEED

Exhibit A

Legal Description

Parcel 1:

A PARCEL OF LAND LOCATED WITHIN THE NE1/4NW1/4 OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, AND THE SE1/4SW1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, lying South and West of the Northeasterly bank of Warm Springs Creek, more particularly described as follows:

COMMENCING at a brass cap marking the Center North 1/16 corner of Section 13, running thence S89°27'01"E, 660.25 feet along the Southerly boundary of said NE1/4NW1/4 of Section 13 to a brass cap marking the 1/64 corner, said corner being the TRUE POINT OF BEGINNING; thence S89°50'16"W, 664.57 feet along the Southerly boundary to the Northwest 1/16 corner; thence N01°28'41"E, 1333.74 feet, to the West 1/16 corner common to Section 12 and 13; thence N89°40'19"E, 99.90 feet along the Northerly boundary of Section 13 to a point on the Southwesterly boundary of Warm Springs Townhouse No. 2, said plat being on file of the Blaine County Recorder; thence S33°38'59"E, 105.45 feet along said boundary to the Northwesterly corner of Tax Lot 6571; thence S50°39'23"E, 180.35 feet along the Southwesterly boundary of Tax Lot 6571; thence S45°12'11"E, 239.58 feet to the Westerly corner of Tax Lot 3172; thence S45°27'01"E, 142.98 feet along the Southwesterly boundary of Tax Lot 3172; thence S43°32'16"E, 61.00 feet along the Southwesterly boundary of Tax Lot 3172 to the Westerly corner of Tax Lot 3217; thence S40°41'16"E, 60.10 feet along the Southwesterly boundary of Tax Lot 3217 to the Westerly corner of Tax Lot 7617; thence S30°47'54"E, 87.55 feet to a point on the Westerly boundary of Lot 1, Block 5, SUN VALLEY SUBDIVISION 1ST ADDITION REVISED; thence S13°12'18"E, 202.46 feet along said Westerly boundary; thence S34°20'18"E, 5.47 feet to a point on the Northerly boundary of Lot 4A, SUN VALLEY SUB., 1ST ADD. REV., BLOCK 5, REPLAT OF LOT 4 AND LOT 7A said plat being on file with the Blaine County Recorder; thence N74°20'27"W, 7.98 feet along said Northerly boundary; thence along the Westerly boundary of said Lot 4A and Lot 7AA of same said REPLAT by the following courses: thence S11°48'54"W, 34.06 feet; thence S19°39'59"W, 21.70 feet; thence S10°38'35"W, 22.88 feet; thence S02°18'27"W, 90.75 feet; thence S36°53'14"E, 7.24 feet; thence S05°54'54"W, 38.05 feet; thence S05°24'39"E, 37.44 feet; thence S23°28'05"E, 49.10 feet; thence S30°24'02"E, 45.25 feet; thence S30°46'34"E, 31.10 feet to a found 5/8" rebar by LS4345 marking the northwest corner of Lot 8A, SUN VALLEY SUB., 1ST ADD., REV., BLOCK 5, REPLAT OF LOTS 8A & 9A; thence along the Westerly boundary of said Lot 8A by the following courses: thence S18°19'31"E, 36.69 feet; thence S02°54'06"E, 32.00 feet; thence S14°07'43"W, 24.42 feet; thence S22°44'11"W, 27.91 feet; thence S00°26'46"E, 20.08 feet to a point on the Southerly boundary of said NE1/4NW1/4 of Section 13; thence S89°27'01"W, 143.94 feet along said Southerly boundary to the TRUE POINT OF BEGINNING.
(TAX LOT 6980)

Parcel 2:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°46'11" W., 2403.78 feet from the East 1/4 corner of Section 11;

thence N08°00'33" E., 965.74 feet to a point on the Southerly boundary of Tax Lot 7833 as shown on that record of survey recorded as Instrument #268626, records of Blaine County, said point being the TRUE POINT OF BEGINNING;

thence along the easterly boundary of said Tax Lot 7833 by the following courses N53°50'30"E, 14.14 feet; thence N08°50'30"E, 104.11 feet to a found 5/8" rebar on the southerly right-of-way of Bald Mountain Road; thence N12°03'12"W, 42.82 feet to a found 5/8" rebar by LS 4345 on the Northerly right-of-way of Bald Mountain Road; thence along the southerly boundary of Bald Mountain Townhomes N76°24'36"E, 272.54 feet to a set 5/8" rebar by LS4345 on the Southerly right-of-way of Warm Springs Road; thence along said Southerly right-of-way along a curve to the right 674.53 feet, said curve having a radius of 3205.76 feet, a chord bearing S73°28'54"E, 673.28 feet and a delta angle of 12°03'20" to a set 5/8" rebar by LS4345; thence continuing along said Southerly right-of-way S66°58'26"E, 234.91 feet to a set 5/8" rebar by LS4345 at a corner common to Tax Lot 7641 and 7638; thence along the Northerly boundary of said Tax Lot 7641 along a curve to the left 254.20 feet, said curve having a radius of 613.43 feet, a chord bearing N88°16'55"W, 252.39 feet and a delta angle of 23°44'36"; thence S80°13'18"W, 15.60 feet to that corner common to Tax Lots 7368, 7639 and 7641; thence along the Northerly boundary of said Tax Lot 7639 by the following courses S88°59'46"W, 150.00 feet; thence N39°24'07"W, 51.99 feet; thence N47°28'34"W, 95.15 feet; thence N72°16'37"W, 177.43 feet; thence along the Westerly boundary of said Tax Lot 7639 S14°29'38"W, 223.87 feet to a point on the Northerly boundary of Tax Lot 7642; thence along said Northerly boundary by the following courses N55°55'22"W, 178.35 feet; thence N77°45'05"W, 101.20 feet; thence N89°43'23"W, 152.67 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7638)

Parcel 3:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S00°46'11"W., 2403.78 feet from the East 1/4 corner of Section 11; thence N52°41'14"E, 956.46 feet to a point on the Northerly boundary of Tax Lot 7642, said point being the TRUE POINT OF BEGINNING; thence along said Northerly boundary by the following courses; thence N33°25'29"W, 162.25 feet; thence N44°44'05"W, 106.07 feet; thence N55°55'22"W, 76.81 feet to a corner on the boundary common to Tax Lots 7639 and 7638; thence along said

common boundary by the following courses N14°29'38"E, 223.87 feet; thence S72°16'37"E, 177.43 feet; thence S47°28'34"E, 95.15 feet; thence S39°24'07"E, 51.99 feet; thence N88°59'46"E, 150.00 feet to that corner common to Tax Lots 7638, 7639 and 7641; thence along the Westerly boundary of said Tax Lot 7641 S34°21'20"E, 47.81 feet to the corner of Tax Lot 7640; thence along the Northwesterly boundary of said Tax Lot 7640 by the following courses S41°12'46"W, 218.55 feet; thence S50°18'13"W, 173.48 to the TRUE POINT OF BEGINNING. (Tax Lot 7639)

Parcel 4:

A PARCEL OF LAND IN SECTION 12, 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S00°46'11"W., 2403.78 feet from the East 1/4 corner of Section 11; thence N52°41'14"E, 957.45 feet to a point on the Southwesterly boundary of Tax Lot 7639, said point being the TRUE POINT OF BEGINNING; thence along said Southwesterly boundary by the following courses:

Thence N50°18'13"E, 173.48 feet; thence N41°12'46"E, 218.55 feet to the Westerly boundary of Tax Lot 7641; thence along said Westerly boundary by the following courses; thence S34°21'42"E, 140.00 feet; thence S53°07'42"E, 102.90 feet; thence S02°55'42"E, 171.00 feet; thence S39°46'00"E, 55.19 feet to a found 1/2" rebar by LS4345 marking the Westerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS; thence along said Westerly boundary S40°03'03"E, 145.68 feet to a found 1/2" rebar on the Westerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS 4; thence along said Westerly boundary S00°01'01"W, 18.26 feet to a found 1/2" rebar marking the Northerly boundary of Tax Lot 5105; thence S81°38'38"W, 85.75 feet to a found 1/2" rebar by LS4345 at the Northwest corner of said Tax Lot 5105; thence along the Westerly boundary of said Tax Lot 5105 S08°21'22"E, 133.97 feet; thence along the Southerly boundary of said Tax Lot 5105 N81°38'38"E, 77.90 feet to a found 1/2" rebar on the Westerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS 3; thence along said Westerly boundary S18°38'18"E, 129.05 feet to a set 5/8" rebar by LS4345 on the Northerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS 2; thence along said Northerly boundary S61°23'39"W, 25.79 feet to a point on the Northerly boundary of Tax Lot 7926; thence along said Northerly boundary by the following courses N33°44'00"W, 56.40; thence N43°15'17"W, 37.14 feet to the Northerly corner common to Tax Lots 7926 and 7642; thence along the Northerly boundary of said Tax Lot 7642 by the following courses N43°13'28"W, 113.01 feet; thence N70°37'05"W, 181.81 feet; thence N63°57'15"W, 131.45 feet; thence N65°42'28"W, 69.22 feet; thence N29°41'05"W, 242.36 feet to the TRUE POINT OF BEGINNING. (Tax Lot 7640)

Parcel 5:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S00°46'11"W, 2403.78 feet from the East 1/4 corner of Section 11; thence N70°51'51"E, 1417.05 feet to a found 1/2" rebar marking the East corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho, said corner being the TRUE POINT OF BEGINNING; thence N89°39'45"W, 94.41 feet along the Northerly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS to a found 1/2" rebar by LS4345 marking the West corner of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS; thence along the westerly boundary of Tax Lot 7640 by the following courses, N39°46'00"W, 55.19 feet; thence N02°55'42"W, 171.00 feet; thence N53°07'42"W, 102.90 feet; thence N34°21'42"W, 187.80 feet to a point on the Southerly boundary of Tax Lot 7638; thence along said Southerly boundary by the following courses N80°13'18"E, 15.60 feet; thence along a curve to the right 254.20 feet, said curve having a radius of 613.43 feet, a chord bearing S88°16'55"E, 252.39 feet and a delta angle of 23°44'36" to a set 5/8" Rebar on the Southerly right-of-way of Warm Springs Road; thence along said right-of-way S66°58'26"E, 66.82 feet to a found 5/8" rebar by LS4345 marking the Northwest corner of WARM SPRINGS TENNIS CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 208961, records of Blaine County, Idaho; thence S00°24'37"W, 38.17 feet along the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2 to a found 5/8" rebar marking the Northerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6, according to the official plat thereof, recorded as Instrument No. 163389, records of Blaine County, Idaho; thence along the boundary of said WARM SPRING TOWNHOUSE CONDOMINIUMS NO. 6 by the following courses: S85°52'38"W, 59.63 feet to a found 1/2" rebar by LS1028 marking the Northwest corner; thence S03°23'22"E, 72.63 feet to a found 1/2" rebar by LS1028 marking the West corner common to said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6 and WARM SPRINGS TENNIS CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 199114, records of Blaine County, Idaho; thence along the boundary of said WARM SPRINGS TENNIS CONDOMINIUMS by the following courses: thence S03°46'41"E, 80.00 feet to a set 5/8" rebar by LS4345 marking the Westerly corner; thence S62°06'29"E, 55.23 feet to a found 5/8" rebar marking the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2; thence S00°21'42"W, 69.00 feet along said Westerly boundary to a found 1/2" rebar marking the West corner common to said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2 and COUNTRY CLUB TOWNHOUSES, according to the official plat, thereof recorded as Instrument No. 315898, records of Blaine County, Idaho; thence S00°18'03"W, 109.86 feet along the Westerly boundary of said COUNTRY CLUB TOWNHOUSES to the TRUE POINT OF BEGINNING.

SUBJECT TO a 30-foot wide Roadway Easement serving Tax Lot 5991 and Warm Springs Townhouse Condominiums, as depicted within the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho.
(Tax Lot 7641)

Parcel 6:

GRANT DEED - EXHIBIT A
S:\Clients\3349\2\Grant Deed GP02.doc

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southwest corner of Section 12, and said corner being the TRUE POINT OF BEGINNING; thence N00°46'11"E, 993.17 feet along the Westerly boundary of said Section 12 to the Southerly boundary of Tax Lot 7833 as shown on that Record of Survey, Instrument #268626, records of Blaine County; thence along said Southerly boundary by the following courses: S76°19'18"E, 50.55 feet; thence S71°00'37"E, 76.25 feet to a point on the Southerly boundary of Tax Lot 7638; thence along said Southerly boundary S89°43'23"E, 152.67 feet; thence S77°45'05"E, 101.20 feet; thence S55°55'22"E, 178.60 feet to a point on the Southerly boundary of Tax Lot 7639; thence along said Southerly boundary by the following courses: S55°55'22"E, 76.55 feet; thence S44°44'05"E, 106.07 feet; thence S33°25'29"E, 162.25 feet to a point on the Southerly boundary of Tax Lot 7640; thence along said Southerly boundary by the following courses: S29°41'05"E, 242.36 feet; thence S65°42'28"E, 69.22 feet; thence S63°57'15"E, 131.45 feet; thence S70°37'05"E, 181.81 feet; thence S43°13'28"E, 109.68 feet to the Easterly boundary of said SW1/4SW1/4; thence along said Easterly boundary S01°28'41"W, 133.23 feet to an aluminum cap marking the southeast Corner of said SW1/4SW1/4; thence along Southerly boundary of said SW1/4SW1/4 S89°24'51"W, 653.37 feet to an aluminum cap marking the southeast corner of the SW1/4SW1/4SW1/4 of said Section 12; thence along the Southerly boundary of said Section 12 S89°41'29"W, 652.58 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7642)

Parcel 7:

A Parcel of Land Located within H.E.S. 292, Section 11, Township 4 North, Range 17 East, B.M., Blaine County, Idaho

Commencing at a Brass Cap marking the west section corner common to Sections 12 and 13 only, said Brass Cap lies S00°46'11"W a distance of 2403.78 feet from a Brass Cap marking the East Quarter Corner of Section 11;
thence northerly along the section line common to Sections 11 and 12 N00°46'11"E a distance of 422.02 feet to a point of intersection on the southerly boundary of H.E.S. 292, said point lies S80°24'44"W a distance of 13.71 feet from a Brass Cap marking Corner 10 of said H.E.S. 292, said point of intersection being the TRUE POINT OF BEGINNING.

Thence S80°24'44"W along the south boundary of said H.E.S. 292 a distance of 2206.75 feet to the east boundary of Tax Lot 3082 witnessed by a Brass Cap marked 'Cimino' which lies S00°26'48"W a distance of 2.35 feet from said south boundary, a Brass Cap marking Corner 9 of said H.E.S. lies S80°24'44"W a distance of 488.41 feet;
thence N00°26'48"E along the east boundary of said Tax Lot 3082 and Tax Lot 2784 a distance of 765.87 feet to a point on the south boundary of Tax Lot 5103 and Mendivil Subdivision, recorded as Instrument #282852, records of Blaine County;
thence S53°49'42"E along the south boundary of Tax Lot 5103 a distance of 183.90 feet to a ½" Rebar marking the southwest corner of Lot 12, Warm Springs Creekside Subdivision, recorded as Instrument #16033, records of Blaine County;

thence along the south boundary of said Warm Springs Creekside Subdivision by the following courses:

S46°44'58"E a distance of 73.97 feet;
S56°52'58"E a distance of 75.36 feet;
S61°05'58"E a distance of 74.58 feet;
S65°47'22"E a distance of 101.10 feet;
S89°01'17"E a distance of 100.62 feet;
N73°05'42"E a distance of 98.53 feet;
N74°57'21"E a distance of 97.10 feet;
N80°46'46"E a distance of 76.20 feet;
N79°49'43"E a distance of 75.99 feet;
N80°40'31"E a distance of 76.18 feet;
N86°16'48"E a distance of 77.89 feet;
N71°01'39"E a distance of 75.00 feet;
N69°53'59"E a distance of 65.70 feet;
N66°15'48"E a distance of 169.10 feet;
N40°49'49"E a distance of 141.14 feet the southernmost corner of Lot 1A, Lost Hills Subdivision recorded as Instrument #460880, records of Blaine County, Idaho;
thence N38°01'52"E along the south boundary of said Lot 1A a distance of 69.39 feet;
thence continuing along said south boundary N55°19'48"E a distance of 43.17 feet to the southwest corner of Rockview West Condominiums, recorded as Instrument #198899, records of Blaine County, Idaho;
thence along south boundary of said Rockview West Condominiums N55°19'48"E a distance of 26.29 feet;
thence continuing along said south boundary N67°46'41"E a distance of 60.05 feet to the southwest corner of Lot 1, Fern Tree West Subdivision, recorded as Instrument #213825, records of Blaine County, Idaho;
thence along the south boundary of said Lot 1 by the following courses:
N67°46'41"E a distance of 23.93 feet;
N77°05'15"E a distance of 76.50 feet;
N84°23'36"E a distance of 40.45 feet to the southwest corner of Fern Tree West Condominiums, recorded as Instrument #232805, records of Blaine County, Idaho;
Thence along the south boundary of Fern Tree West Condominiums N84°23'36"E a distance of 25.31 feet;
thence continuing along said south boundary N63°56'57"E a distance of 68.33 feet to the southwest corner of Rockview East Townhouses, recorded as Instrument #397778, records of Blaine County, Idaho;
thence N85°01'05"E along the south boundary of Rockview East Townhouses a distance of 104.78 feet to the southwest corner of Ketch and Release Townhouses, recorded as Instrument #404114, records of Blaine County, Idaho;
thence along the south boundary of Ketch and Release Townhouses by the following courses:
N85°31'10"E a distance of 27.06 feet;
S05°42'25"E a distance of 19.21 feet;
S88°19'11"E a distance of 65.22 feet to the southwest corner of Pioneer Condominiums, recorded as Instrument #267425, records of Blaine County, Idaho;

thence N87°36'51"E along the south boundary of said Pioneer Condominiums a distance of 63.73 feet to a point on the westerly boundary of Sun River Townhomes, recorded as Instrument #311138, records of Blaine County, Idaho;
thence S02°23'42"W along the west boundary of said Sun River Townhomes a distance of 9.71 feet to;
thence S84°15'25"E along the south boundary of said Sun River Townhomes a distance of 81.58 feet;
thence departing said south boundary S76°32'12"E a distance of 35.64 feet to the southwest corner of Tax Lot 7833 as shown on that Record of Survey for Mr. Don Gilday recorded as Instrument #268626, records of Blaine County, Idaho;
thence along the south boundary of said Tax Lot 7833 S76°22'42"E a distance of 37.15 feet to the section line common to said Sections 11 and 12;
thence S00°46'11"W along said section line a distance of 571.04 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7643)

Parcel 8:

A parcel of land within the SE1/4SE1/4 of Section 11, Township 4 North, Range 17 East, Boise Meridian, Ketchum, Blaine County, Idaho and more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S00°46'11"W, 2403.78 feet from the East 1/4 corner of Section 11; thence N01°54'23"W 1086.92 feet to a found 1/2" rebar marking the northeast corner of Sun River Condominium and the TRUE POINT OF BEGINNING; thence S73°32'14"E, 46.11 feet along the southerly boundary of Bald Mountain Road to a northwesterly corner of Tax Lot No. 7833 as shown on that record of survey recorded as Instrument #268626, records of Blaine County, Idaho; thence following the westerly boundary of said Tax Lot No. 7833, 42.26 feet along a curve to the left with a central angle of 105°16'10", a radius of 23.00 feet and a long chord of 36.56 feet that bears S16°15'18"W; thence S01°29'29"W, 49.95 feet along said westerly boundary of Tax Lot No. 7833 to the southwest corner of Tax Lot No. 7833; thence N76°31'11"W, 35.47 feet along the northerly boundary of Tax Lot 7643 to the southeast corner of Sun River Condominium; thence N15°33'26"E, 79.05 feet along the east boundary of Sun River Condominium to the TRUE POINT OF BEGINNING.
(Tax Lot 7776)

Parcel 9:

**TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN
SECTION 12, Ketchum, Blaine County, Idaho**

A parcel of land within a portion of SE1/4 SW1/4 Section 12, Blaine County, Idaho, said parcel being more particularly described by metes and bounds as follows:

Commencing at an brass cap marking the SW Corner of said SE1/4 SW1/4 Section 12, thence N89°24'51"E, 653.37 feet to a BLM aluminum cap marking the West 1/16 corner common to

said Sec. 12 and Sec. 13 and said aluminum cap being the True Point of Beginning.

Thence N01°28'41"E, 133.23 feet along the westerly boundary of said SE1/4 SW1/4 Sec. 12 to a point on the northeasterly bank of Warm Springs Creek, said point also on the southwesterly boundary of Tax Lot 7640;

thence along said Tax Lot 7640 by the following courses: S43°13'55"E, 40.47;

thence S33°44'00"E, 56.40 feet to the westerly most corner of WARM SPRINGS

TOWNHOUSE CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 135346, records of Blaine County, Idaho;

thence S33°38'55"E along the southwesterly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2 a distance of 67.54 feet to a point on the southerly boundary of said Section 12;

thence S89°40'19"W along southerly boundary of said Section 12 a distance of 99.90 feet to the TRUE POINT OF BEGINNING.

(Tax Lot 7926)

Parcel 10:

Lot 12 of WARM SPRINGS CREEKSIDE SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 166033, records of Blaine County, Idaho.

Also shown of record as:

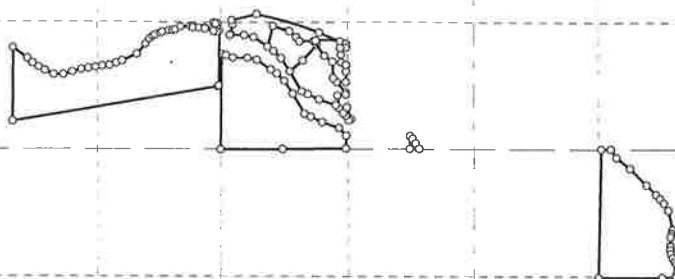
PARCEL 1:

A PARCEL OF LAND LOCATED WITHIN THE NE1/4NW1/4 OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, AND THE SE1/4SW1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, lying South and West of the Northeasterly bank of Warm Springs Creek, more particularly described as follows:

COMMENCING at a brass cap marking the Center North 1/16 corner of Section 13, running thence S. 89°37'23" W., 660.46 feet along the Southerly boundary of said NE1/4NW1/4 of Section 13 to a brass cap marking the 1/64 corner, said corner being the TRUE POINT OF BEGINNING; thence S. 89°37'23" W., 664.71 feet, along the Southerly boundary to the Northwest 1/16 corner; thence N. 00°58'45" E., 1329.70 feet, to the West 1/16 corner common to Section 12 and 13; thence N. 89°25'00" E., 107.46 feet along the Northerly boundary of Section 13 to a point on the Southwesterly boundary of Warm Springs Townhouse No. 2, said plat being on file of the Blaine County Recorder; thence S. 33°57'00" E. 104.38 feet along the boundary to the Northwesterly corner of Tax Lot 6571; thence S. 50°57'00" E., 180.00 feet along the Southwesterly boundary of Tax Lot 6571; thence S. 45°32'00" E., 240.00 feet to the Westerly corner of Tax Lot 3172; thence S. 45°40'00" E., 142.60 feet along the Southwesterly boundary of Tax Lot 3172; thence S. 43°45'00" E., 61.00 feet along the Southwesterly boundary of Tax Lot 3172 to the Westerly corner of Tax Lot 3217; thence S. 40°54'00" E., 60.10 feet along the

GRANT DEED - EXHIBIT A

S:\Clients\3349\2\Grant Deed GP02.doc



Title:

Date: 06-05-2007

Scale: 1 inch = 2000 feet

File: whitetail.des

Data and Deed Call Listing of File: whitetail.des

+Tract 1: 18.263 Acres: 795533 Sq Feet: Closure = n48.2749w 0.02 Feet: Precision =1/200536: Perimeter = 3854 Feet
+Tract 2: 3.598 Acres: 156708 Sq Feet: Closure = n84.5541e 0.01 Feet: Precision =1/291948: Perimeter = 2744 Feet
+Tract 3: 2.736 Acres: 119189 Sq Feet: Closure = n29.0436e 0.01 Feet: Precision =1/261646: Perimeter = 1483 Feet
+Tract 4: 4.469 Acres: 194673 Sq Feet: Closure = n33.0543w 0.00 Feet: Precision =1/540659: Perimeter = 2309 Feet
+Tract 5: 1.689 Acres: 73554 Sq Feet: Closure = n00.2259w 0.15 Feet: Precision =1/9376: Perimeter = 1432 Feet
+Tract 6: 19.011 Acres: 828120 Sq Feet: Closure = s71.4438e 1.01 Feet: Precision =1/4010: Perimeter = 4070 Feet
+Tract 7: 26.791 Acres: 1166995 Sq Feet: Closure = s59.5129w 11.15 Feet: Precision =1/536: Perimeter = 5984 Feet
+Tract 8: 0.065 Acres: 2849 Sq Feet: Closure = n54.4834w 23.73 Feet: Precision =1/11: Perimeter = 253 Feet
+Tract 9: 0.162 Acres: 7070 Sq Feet: Closure = s89.5507w 0.00 Feet: Precision =1/156131: Perimeter = 398 Feet
Net Area= 76.784 Acres: 3344692 Sq Feet

Data and Deed Call Listing of File: whitetail.des

001=/sw,ne,ne,13,04n,17e	061=s47.2834e 95.15	121=s29.4105e 242.36
002=/s89.2701e 660.25	062=s39.2407e 51.99	122=s65.4228e 69.22
003=s89.5016w 664.57	063=n88.5946e 150.	123=s63.5715e 131.45
004=n01.2841e 1333.74	064=s34.2120e 47.81	124=s70.3705e 181.81
005=n89.4019e 99.90	065=s41.1246w 218.55	125=s43.1328e 109.68
006=s33.3859e 105.45	066=s50.1813w 173.48	126=s01.2841w 133.23
007=s50.3923e 180.35	067=@0+	127=s89.2451w 653.37
008=s45.1211e 239.58	068=/se,se,ne,11,04n,17e	128=s89.4129w 652.58
009=s45.2701e 142.98	069=/s00.4611w 2403.78	129=@0+
010=s43.3216e 61.	070=/n52.4114e 957.45	130=/se,se,ne,11,04n,17e
011=s40.4116e 60.10	071=n50.1813e 173.48	131=/s00.4611w 2403.78
012=s30.4754e 87.55	072=n41.1246e 218.55	132=/n00.4611e 422.02
013=s13.1218e 202.46	073=s34.2142e 140	133=s80.2444w 2206.76
014=s34.2018e 5.47	074=s53.0742e 102.90	134=n00.2648e 765.87
015=n74.2027w 7.98	075=s02.5542e 171	135=s53.4942e 183.90
016=s11.4854w 34.06	076=s39.4600e 55.19	136=s46.4458e 73.97
017=s19.3959w 21.70	077=s40.0303e 145.68	137=s56.5258e 75.36
018=s10.3835w 22.88	078=s00.0101w 18.26	138=s61.0558e 74.58
019=s02.1827w 90.75	079=s81.3838w 85.75	139=s65.4722e 101.10
020=s36.5314e 7.24	080=s08.2122e 133.97	140=s89.0117e 100.62
021=s05.5454w 38.05	081=n81.3838e 77.90	141=n73.0542e 98.53
022=s05.2439e 37.44	082=s18.3818e 129.05	142=n74.5721e 97.10
023=s23.2805e 49.10	083=s61.2339w 25.79	143=n80.4646e 76.20
024=s30.2402e 45.25	084=n33.4400w 56.40	144=n79.4943e 75.99
025=s30.4634e 31.10	085=n43.1517w 37.14	145=n80.4031e 76.18
026=s18.1931e 36.69	086=n43.1328w 113.01	146=n86.1648e 77.89
027=s02.5406e 32.	087=n70.3705w 181.81	147=n71.0139e 75.
028=s14.0743w 24.42	088=n63.5715w 131.45	148=n69.5359e 65.70
029=s22.4411w 27.91	089=n65.4228w 69.22	149=n66.1548e 169.10
030=s00.2646e 20.08	090=n29.4105w 242.36	150=n40.4949e 141.14
031=s89.2701w 143.94	091=@0+	151=n38.0152e 69.39
032=@0+	092=/se,se,ne,11,04n,17e	152=n55.1948e 43.17
033=/se,se,ne,11,04n,17e	093=/s00.4611w 2403.78	153=n55.1948e 26.29
034=/s00.4611w 2403.78	094=/n70.5151e 1417.05	154=n67.4641e 60.05
035=/n08.0033e 965.74	095=n89.45w 94.41	155=n67.4641e 23.93
036=n53.5030e 14.14	096=n39.4600w 55.19	156=n77.0515e 76.50
037=n08.5030e 104.11	097=n02.5542w 171	157=n84.2336e 40.45
038=n12.0312w 42.82	098=n53.0742w 102.90	158=n84.2336e 25.31
039=n76.2436e 272.54	099=n34.2142w 187.80	159=n63.5657e 68.33
040: Rt, R=3205.76, Arc=673.28, Delta=12.0320	100=n80.1318e 15.60	160=n85.0105e 104.78
Bng=s73.2854e, Chd=673.28	101: Rt, R=613.43, Arc=254.20, Delta=23.4436	161=n85.3110e 27.06
041=s66.5826e 234.91	Bng=s88.1655e, Chd=252.39	162=s05.4225e 19.21
042: Lt, R=613.43, Delta=23.4436	102=s66.5826e 66.82	163=s88.1911e 65.22
Bng=n88.1655w, Chd=252.39	103=s00.2437w 38.17	164=n87.3651e 63.73
043=s80.1318w 15.6	104=s85.5238w 59.63	165=s02.2342w 9.71
044=s88.5946w 150.00	105=s03.2322e 72.63	166=s84.1525e 81.58
045=n39.2407w 51.99	106=s03.4641e 80	167=s79.3212e 35.64
046=n47.2834w 95.15	107=s62.0629e 55.23	168=s76.2242e 37.15
047=n72.1637w 177.43	108=s00.2142w 69	169=s00.4611w 571.04
048=s14.2938w 223.87	109=s00.1803w 109.86	170=@0+
049=n55.5522w 178.35	110=@0+	171=/se,se,ne,11,04n,17e
050=n77.4505w 101.2	111=/sw,12,04n,17e	172=/s00.4611w 2403.78
051=n89.4323w 152.67	112=n00.4611e 993.17	173=/n01.5423w 1086.92
052=@0+	113=s76.1918e 50.55	174=s73.3214e 46.11
053=/se,se,ne,11,04n,17e	114=s71.0037e 75.25	175: Lt, R=23, Arc=42.26, Delta=105.1610
054=/s00.4611w 2403.78	115=s89.4323e 152.67	Bng=s16.1518w, Chd=36.56
055=/n52.4114e 956.46	116=s77.4505e 101.20	176=s01.2929w 49.95
056=n33.2529w 162.25	117=s55.5522e 178.60	177=n76.3111w 35.47
057=n44.4405w 106.07	118=s55.5522e 76.55	178=n15.3326e 79.05
058=n55.5522w 76.81	119=s44.4405e 106.07	179=@0+
059=n14.2938e 223.87	120=s33.2529e 162.25	180=/sw,se,sw,12,04n,17e
060=s72.1637e 177.43		

Data and Deed Call Listing of File: whitetail.des

178=n15.3326e 79.05

179=@0+

180=/sw,se,sw,12,04n,17e

181=/n89.2451e 653.37

182=n01.2841e 133.23

183=s43.1355e 40.47

184=s33.4400e 56.40

185=s33.3855e 67.54

186=s89.4019w 99.90

Southwesterly boundary of Tax Lot 3217 to the Westerly corner of Tax Lot 3362 thence S. 31°01'09" E., 87.55 feet to a point on the Westerly boundary of Lot 1, Block 5, SUN VALLEY SUBDIVISION 1ST ADDITION REVISED; thence S. 12°53'25" E., 202.98 feet along the Westerly boundary to a point on the East bank of Warm Springs Creek; thence S. 12°00'43" W., 34.06 feet along said bank; thence S. 19°51'48" W., 21.70 feet along said bank; thence S. 10°50'24" W., 22.88 feet along said bank; thence S. 02°30'16" W., 90.75 feet along said bank; thence S. 36°41'25" E., 7.24 feet along said bank; thence S. 06°06'43" W., 38.05 feet along said bank; thence S. 05°12'50" E., 37.44 feet along said bank; thence S. 23°16'16" E., 49.10 feet along said bank; thence S. 30°12'13" E., 45.25 feet along said bank; thence S. 31°29'18" E., 31.73 feet along said bank; thence S. 17°08'10" E., 36.19 feet along said bank; thence S. 02°42'17" E., 32.00 feet along said bank; thence S. 14°19'32" W., 24.42 feet along said bank; thence S. 22°56'00" W., 27.91 feet along said bank; thence S. 00°38'03" E., 20.18 feet along said bank to the Southerly boundary of said NE1/4NW1/4 of Section 13; thence S. 89°37'23" W., 143.94 feet along the boundary to the TRUE POINT OF BEGINNING.
(TAX LOT 6980)

PARCEL 2:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West 1/4 corner of said Section 12; thence N. 07°54'41" E., 968.69 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence leaving said Northerly bank N. 52°30'21" E., 14.14 feet along the boundary common to Tax Lot 6312; thence N. 07°30'21" E., 104.21 feet along said common boundary; thence N. 14°22'29" W., 40.00 feet to a point on the Southeasterly boundary of Owen Simpson Subdivision, according to the official plat thereof, recorded as Instrument No. 192109, records of Blaine County, Idaho; thence following said Southeasterly boundary N. 76°11'31" E., 276.40 feet, more or less, to the Southerly boundary of Warm Springs Road; thence along said Southerly boundary of Warm Springs Road by the following courses: S. 77°34'30" E., 192.53 feet; thence 478.19 feet along a curve to the right, said curve having a central angle of 08°32'48", a radius of 3205.76 feet, and a chord length of 477.75 feet that bears S. 71°34'50" E.; thence S. 67°18'26" E., 234.29 feet; thence leaving said Southerly boundary 253.89 feet along a curve to the left, said curve having a central angle of 23°42'49", a radius of 613.43 feet, and a chord length of 252.08 feet that bears N. 88°42'36" W., thence S. 79°56'08" W., 15.60 feet; thence S. 88°42'36" W. 150.00 feet; thence N. 39°41'17" W., 51.99 feet; thence N. 47°45'44" W. 95.15 feet; thence N. 72°33'47" W., 177.43 feet, thence S. 14°08'46" W., 223.19 feet to a point on the Northerly bank of Warm Springs Creek; thence along said Northerly bank by the following courses; N. 56°11'08" W., 178.35 feet; thence N. 78°01'26" W., 101.20 feet; thence N. 88°42'01" W., 148.87 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7683)

PARCEL 3:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West 1/4 corner of said Section 12; thence N. 52°26'13" E., 956.46 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence along said Northerly bank by the following courses; N. 33°41'24" W., 162.25 feet; thence N. 45°00'00" W., 106.07 feet; thence N. 56°11'07" W., 76.81 feet; thence leaving said Northerly bank N. 14°08'46" E. 223.19 feet; thence S. 72°33'47" E., 177.43 feet; thence S. 47°45'44" E., 95.15 feet; thence S. 39°41'17" E., 51.99 feet; thence N. 88°42'36" E., 150.00 feet; thence S. 34°38'29" E., 47.81 feet; thence S. 40°55'36" W., 218.55 feet; thence S. 50°04'55" W., 172.91 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7639)

PARCEL 4:

A PARCEL OF LAND IN SECTION 12, 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West 1/4 corner of said Section 12; thence N. 52°26'13" E., 956.46 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence along said Northerly bank by the following courses: S. 29°57'00" E., 242.36 feet; thence S. 65°58'23" E., 69.22 feet; thence S. 64°13'10" E., 131.45 feet; thence S. 70°53'00" E. 181.81 feet; thence S. 43°29'50" E., 150.15 feet; thence S. 33°35'21" E., 56.51 feet, more or less, to the Westerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 135346, records of Blaine County, Idaho; thence leaving said Northerly bank N. 61°07'48" E., 25.79 feet along the Northwesterly boundary said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2 to the Southerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 3, according to the official plat thereof, recorded as Instrument No 141402, records of Blaine County, Idaho; thence N. 18°54'09" W., 129.05 feet along the Southwesterly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 3 to the Southeast corner of Tax Lot 5105; thence along the exterior boundary of said Tax Lot 5105 by the following courses: S. 81°22'42" W., 77.94 feet; thence N. 08°37'18" W., 134.00 feet; thence N. 81°22'42" E., 85.75 feet to a point on the Westerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 4, according to the official plat thereof, recorded as Instrument No. 147288, records of Blaine County, Idaho; thence N. 00°03'08" E., 18.20 feet along said Westerly boundary to the South corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho; thence N. 40°19'52" W., 145.72 feet along the Southwesterly boundary to the West corner of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS, thence N. 40°03'09" W., 55.19 feet; thence N. 03°12'52" W., 171.00 feet; thence N. 53°24'52" W., 102.90 feet; thence N. 34°38'52" W., 140.00 feet; thence S. 40°55'32" W., 218.55 feet; thence S. 50°04'55" W., 172.91 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7640)

PARCEL 5:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West 1/4 corner of said Section 12; thence N. 70°37'44" E., 1415.83 feet to the East corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho, said corner being the TRUE POINT OF BEGINNING; thence N. 89°56'55" W., 94.41 feet along the Northerly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS to the West corner so said WARM SPRINGS TOWNHOUSE CONDOMINIUMS; thence N. 40°03'09" W., 55.19 feet; thence N. 03°12'52" W., 171.00 feet; thence N. 53°24'52" W., 102.90 feet; thence N. 34°38'48" W., 187.80 feet; thence N. 79°56'08" E., 15.60 feet; thence 253.89 feet along a curve to the right, said curve having a central angle of 23°42'49", a radius of 613.43 feet, and a chord length of 252.08 feet that bears S. 88°12'27" E., more or less, to a point on the Southerly boundary of Warm Springs Road; thence S. 68°42'30" E., 66.64 feet, more or less, along said Southerly boundary to the Northwest corner of WARM SPRINGS TENNIS CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 208961, records of Blaine County, Idaho; thence S. 00°03'08" W., 38.55 feet along the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2 to a point on the Northerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6, according to the official plat thereof, recorded as Instrument No. 163389, records of Blaine County, Idaho; thence along the boundary of said WARM SPRING TOWNHOUSE CONDOMINIUMS NO. 6 by the following courses: S. 86°11'23" W., 59.46 feet to the Northwest corner; thence S. 03°48'44" E., 73.00 feet to the West corner common to said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6 and WARM SPRINGS TENNIS CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 199114, records of Blaine County, Idaho; thence along the boundary of said WARM SPRINGS TENNIS CONDOMINIUMS by the following courses: S. 03°48'44" E., 80.00 feet to the Westerly corner; thence S. 62°11'14" E., 55.23 feet to a point on the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2; thence S. 00°03'08" W., 69.02 feet along said Westerly boundary to the West corner common to said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2 and COUNTRY CLUB TOWNHOUSES, according to the official plat, thereof recorded as Instrument No. 315898, records of Blaine County, Idaho; thence S. 00°03'08" W., 109.59 feet along the Westerly boundary of said COUNTRY CLUB TOWNHOUSES to the TRUE POINT OF BEGINNING.

SUBJECT TO a 30-foot wide Roadway Easement serving Tax Lot 5991 and Warm Springs Townhouse Condominiums, as depicted within the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho.
(Tax Lot 7641)

PARCEL 6:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southwest corner of Section 12, and said corner being the TRUE POINT OF BEGINNING; thence N. 00°31'53" E., 993.78 feet along the Westerly boundary of said Section 12 to the Southerly boundary of that parcel of land recorded as Instrument No. 222504; thence S. 77°51'39" E., 52.66 feet along said Southerly boundary; thence S. 72°17'39" E., 76.24 feet along said Southerly boundary; thence along the Northerly bank of Warm Springs Creek by the following courses and distances: S. 88°42'01" E., 148.87 feet; thence S. 78°01'26" E., 101.20 feet; thence S. 56°11'07" E., 255.16 feet; thence S. 45°00'00" E., 106.07 feet; thence S. 33°41'24" E., 162.25 feet; thence S. 29°57'00" E., 242.36 feet; thence S. 65°58'23" E., 69.22 feet; thence S. 64°13'10" E., 131.45 feet along the Northerly bank of Warm Springs Creek and also the Southerly boundary of that parcel of land recorded as Instrument No. 148523; thence S. 70°53'00" E., 181.81 feet along said Northerly bank and Southerly boundary; thence S. 43°29'23" E., 113.01 feet along said Northerly bank and Southerly boundary to the Easterly boundary of the SW1/4SW1/4 of said Section 12; thence S. 00°26'50" W., 128.28 feet along said Easterly boundary to the Southeast corner of said SW1/4SW1/4; thence S. 89°12'53" W., 1309.44 feet along the Southerly boundary of said SW1/4SW1/4 to the TRUE POINT OF BEGINNING.
(TAX LOT 7642)

PARCEL 7:

A PARCEL OF LAND IN HES 292, SECTION 11, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southwest corner of Section 12; thence N. 00°31'53" East 422.22 feet along the North-South section line between said Section 11 and Section 12 to the Southerly boundary of Homestead Entry Survey No. 292 and the TRUE POINT OF BEGINNING;
thence S. 80°11'09" W., 2,210.80 feet along the Southerly boundary of H.E.S. 292 to the Southeast corner of Tax Lot 3082; thence N. 00°12'52" E., 766.29 feet along the Easterly boundary of Tax Lots 3082 and 2784 to a point on the Northerly bank of Warm Springs Creek; thence S. 54°08'10" E., 183.59 feet along the Southwesterly boundary of Tax Lot 5103 to the Southwest corner of Lot 12, WARM SPRINGS CREEKSIDE SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence along said Southerly boundary of WARM SPRINGS CREEKSIDE SUBDIVISION by the following courses and distances: S. 46°53'48" E., 73.97 feet; thence S. 57°01'48" E., 75.36 feet; thence S. 61°14'48" E., 74.58 feet; thence S. 65°56'12" E., 101.10 feet; S. 89°10'07" E., 100.62 feet; thence N. 72°56'28" E., 98.55 feet; thence N. 74°47'57" E., 97.10 feet; thence N. 80°37'22" E., 76.20 feet; N. 79°40'19" E., 75.99 feet; thence N. 80°31'07" E., 76.18 feet; thence N. 86°07'24" E., 77.89 feet; thence N. 70°13'18" E., 75.00 feet; thence N. 69°54'47" E., 65.71 feet; thence N. 66°04'53" E., 169.10 feet; thence N. 40°37'18" E., 140.80 feet to the Easterly corner of Lot 25, WARM SPRINGS CREEKSIDE SUBDIVISION; thence N. 37°26'22" E., 69.30 feet along the Southeasterly boundary of LOST HILLS : LOT 1A, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. 54°49'22" E., 42.80 feet along the

Southeasterly boundary of said LOST HILLS : LOT 1A; thence N. 54°49'22" E., 26.30 feet along the Southeasterly boundary of ROCKVIEW WEST CONDOMINIUMS, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. 67°53'22" E., 60.05 feet along the Southerly boundary of said ROCKVIEW WEST CONDOMINIUM; thence N. 67°53'22" E., 15.05 feet along the Southerly boundary of the FERN TREE WEST SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. 76°58'22" E., 76.50 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 84°33'20" E., 65.76 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 64°08'33" E., 69.09 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 84°35'49" E., 131.28 feet along the Southerly boundary of the ROCKVIEW SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence S. 06°28'11" E., 19.22 feet along the Southerly boundary of said ROCKVIEW SUBDIVISION; thence S. 88°21'58" E., 65.30 feet along the Southerly boundary of said ROCKVIEW SUBDIVISION; thence N. 87°22'22" E., 63.82 feet along the Southerly boundary of Tax Lot 4102; thence S. 02°03'03" W., 10.00 feet along the Westerly boundary of Tax Lot 5765; thence S. 84°33'52" E., 81.76 feet along the Southerly boundary of Tax Lot 5765; thence S. 79°49'03" E., 22.19 feet to the Southwest corner of that parcel of land recorded as Instrument No. 148900; thence S. 77°51'39" E., 14.00 feet along the Southerly boundary of said parcel; thence S. 77°51'39" E., 39.39 feet along the Southerly boundary of that parcel of land recorded as Instrument No. 222504 to the Easterly boundary of said Section 11; thence S. 00°31'53" W., 571.56 feet along said Easterly boundary to the TRUE POINT OF BEGINNING.
(TAX LOT 7643)

PARCEL 8:

A parcel of land within the SE1/4SE1/4 of Section 11, Township 4 North, Range 17 East, Boise Meridian, Ketchum, Blaine County, Idaho and more particularly described as follows:

Commencing at a brass cap marking the East Quarter Corner of said Section 11; thence S02°47'00"W, 1318.87 feet to the northeast corner of Sun River Condominium and the TRUE POINT OF BEGINNING; thence S74°02'46"E, 46.11 feet along the southerly boundary of Bald Mountain Road to a northwesterly corner of Tax Lot No. 6312; thence following the westerly boundary of Tax Lot No. 6312 a distance of 42.26 feet along a curve to the left with a central angle of 105°16'10", a radius of 23.00 feet and a long chord of 36.56 feet that bears S16°15'18"W; thence S00°59'08"W, 49.95 feet along the westerly boundary of Tax Lot No. 6312 to the southwest corner of Tax Lot No. 6312; thence N76°59'06"W, 35.64 feet along the northerly boundary of the Warm Springs Golf Course property to the southeast corner of Sun River Condominium; thence N15°10'07"E, 79.03 feet along the east boundary of Sun River Condominium to the TRUE POINT OF BEGINNING.
(Tax Lot 7776)

PARCEL 9:

TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN

SECTION 12, Ketchum, Blaine County, Idaho

A parcel of land within a portion of SE1/4 SW1/4 Section 12, Ketchum, Blaine County, Idaho, said parcel being more particularly described by metes and bounds as follows:

Commencing at a brass cap marking the SW Corner of said Section 12, thence N89°32'53"E, 1304.81 feet, more or less, to a BLM aluminum cap marking the West 1/16 corner common to said Sec. 12 and Sec. 13 and said aluminum cap being the True Point of Beginning.

Thence N00°04'35"E, 137.41 feet, more or less, along the westerly boundary of said SE1/4 SW1/4 Sec. 12 to a point on the northeasterly bank of Warm Springs Creek, said point also on the southwesterly boundary of Parcel 4 as described in that Warranty Deed recorded as Instrument No. 480648, records of Blaine County, Idaho;
thence along said Parcel 4 by the following courses: S43°29'50"E, 45.75 feet;
thence S33°35'21"E, 56.51 feet, more or less, to the westerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 135346, records of Blaine County, Idaho;
thence S33°56'52"E, 67.91 feet, more or less, along the southwesterly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2 to a point on the southerly boundary of said Sec. 12;
thence S89°32'23"W, 100.86 feet, more or less, along said southerly boundary of Sec. 12 to the True Point of Beginning.
(TAX LOT 7926)

PARCEL 10:

Lot 12 of WARM SPRINGS CREEKSIDE SUBDIVISION, according to the official plat thereof, recorded as Instrument No. 166033, records of Blaine County, Idaho.

Exhibit B

Permitted Exceptions

Parcels 1 through 9

2. Levies and assessments for service charges for the City of Ketchum. (As to Parcels 2,3,4 & 5) (current)
3. Right, title and interest of the State of Idaho within the natural bed of Warm Springs Creek below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line. (As to Parcel 1 thru 9)
4. Lack of right of access to and from said land. Access may be by way of easements or permits granted by the bureau of Land Management or the Forest Service. If so, such access is subject to the terms and conditions of such easements or permits. (As to Parcel 1)
5. Easements depicting a road access on the Official Plat of Warm Springs Townhouse Condominiums, recorded January 22, 1968, as Instrument No. 129077, records of Blaine County, Idaho. (As to Parcels 5 and 2)
6. Private Roadway and Utility Easement, recorded May 7, 1976, as Instrument No. 165890, records of Blaine County, Idaho. (As to Parcel 5)
7. Water Line Easement in favor of the city of Ketchum, recorded August 23, 1978, as Instrument No. 185873, records of Blaine County, Idaho. (As to parcel 7)
8. Water Line Easement in favor of the City of Ketchum, recorded August 23, 1978, as Instrument No. 185874, records of Blaine County, Idaho. (As to Parcels 5 and 2)
9. Easement depicted in that certain Warranty Deed, recorded June 6, 1989, as Instrument No. 306216, records of Blaine County, Idaho. (As to Parcel 5)
10. Matters contained in that certain Survey, recorded April 14, 1994, as Instrument No. 364675, records of Blaine County, Idaho. (As to Parcel 1)
11. Restrictions contained in that certain Warranty Deed, recorded March 21, 2003, as Instrument No. 480648, records of Blaine County, Idaho. (As to Parcels 1 thru 9)

13. Terms and Conditions contained in that certain Bill of Sale, Assignment and Conveyance, recorded March 21, 2003, as Instrument No. 480650, records of Blaine County, Idaho.

Said Bill of Sale, Assignment and Conveyance was re-recorded May 21, 2003, as Instrument No. 484230, records of Blaine County,
14. Exceptions contained in that certain Quitclaim Deed, recorded March 21, 2003, as Instrument No. 480652, records of Blaine County, Idaho.

(As to Parcels 1 thru 9)
15. Terms and conditions contained in that certain Right-of-Way Easement granted by the United States Department of the Interior, Bureau of Land Management IDI-31063, in favor of Sun Valley Ventures, LLC, recorded in that certain Affidavit of Mailing, recorded September 19, 2005, as Instrument No. 526128, records of Blaine County, Idaho.

(As to Parcel 1)
16. Various Instruments appear of record affecting the interests of the parties of various leases, but neither this Commitment or the forthcoming Policy covers an examination of or insurance as to the effect thereof, or the present ownership, encumbrances on, or condition of said leaseholds.

(As to Parcels 1 thru 9)
17. Unrecorded leaseholds; rights of parties in possession, rights of secured parties, vendors and vendees under conditional sales contracts of personal property installed on the premises herein, and rights of tenants to remove trade fixtures.

(As to Parcels 1 thru 9)
18. Memorandum of Option to Purchase Real Property by and between Whitetail, A Club for All Seasons, LLC and Ivanhoe Capital, LLC, a Nevada limited liability company, recorded May 1, 2006, as Instrument No. 534864
19. An inspection of said land discloses a possible fence encroachment on the northeasterly boundary of Parcel 5 of said land, and any rights, easements, interests or claims which may exist by reason thereof.
20. An inspection of said land discloses a possible Landscape, Asphalt and Dumpster encroachment along the south easterly boundary of Parcel 5 of said land, and any rights, easements, interests or claims which may exist by reason thereof
21. An inspection of said land discloses a possible road way encroachment of Bald Mountain Road along the north westerly boundary of Parcel 2 of said land, and any rights, easements, interests or claims which may exist by reason thereof.
22. An inspection of said land discloses a possible driveway encroachment by Bald Mountain Townhomes along the north westerly boundary of Parcel 2 of said land, and any rights, easements, interests or claims which may exist by reason thereof.
23. An inspection of said land discloses a possible deck encroachment along the most south westerly boundary of Parcel 2 of said land, and any rights, easements, interests or claims which may exist by reason thereof.

24. An inspection of said land discloses a possible water and sewer line along the approximate northerly boundary of Parcel 2 of said land, and any rights, easements, interests or claims which may exist by reason thereof.

Parcel 10

2. Levies and Assessments for service charges of the City of Ketchum Water and Sewer Department.
3. Matters as shown on the official plat of Warm Spring Creekside Subdivision.
4. Covenants and Conditions for WARM SPRINGS CREEKSIDE SUBDIVISION, recorded as Instrument No. 166046, but deleting any covenant, condition or restriction indicating a preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin to the extent such covenants, conditions or restrictions violate 42 USC 3604(c), records of Blaine County, Idaho.
5. Terms and conditions contained in that certain Water Line Easement, recorded August 23, 1978, as Instrument No. 185873, records of Blaine County, Idaho.
6. Terms and conditions pertaining to that certain Memorandum of Option, recorded May 1, 2006, as Instrument No. 534864, records of Blaine County, Idaho.
7. Right, title and interest of the State of Idaho within the natural bed of Warm Springs Creek below the ordinary high water line, and also excepting any artificial accretions waterward of said ordinary high water line.

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 37-4337
Date Received: 10/21/1988
Receipt No: S003125
Received By:

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

1. Name of Claimant(s)

WHITETAIL A CLUB FOR ALL SEASONS Phone: (208) 630-0250
501 WEST LAKE STREET
MC CALL ID 83838

2. Date of Priority: 01/01/1952

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	12	SW SW	BLAINE	

5. Description of diverting works:

HEADGATE & DITCH TO 2 SMALL PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION		1/01	12/31 6	

7. Total Quantity Appropriated is:
6 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
04N	17E	12	SW	SW	FISH PROPAGATION	

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

TROUT KEPT IN PONDS FOR AESTHETIC PURPOSES.

15. Basis of Claim: Statutory Claim

DIVERSION STRUCTURE
OPEN DITCH
3' wide x 1' DEEP

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

RECEIVED
 SEP 11 2006
 DEPT. OF WATER RESOURCES
 SOUTHERN REGION

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
_____	37-212A	_____	_____	_____	_____
_____	37-2621	_____	_____	_____	_____
_____	37-4337	_____	_____	_____	_____
_____	37-20381	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

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 Owner/Claimant(s) Sun Valley Ventures, LLC
P.O. Box 5500, Ketchum, Idaho 83340
4. New Owner/Claimant(s) Whitetail, A Club For All Seasons, LLC
 Name Connector (Check one): ☐ and, ☐ or ☐ and/or
- New Mailing Address 501 West Lake Street
- City, State and Zip Code McCall, ID 83638
- New Telephone Number (208) 634-2244
5. Date you acquired the property 05/01/2006

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) **WHITETAIL, A CLUB FOR ALL SEASONS, LLC**
(include title if applicable)

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 _____

156848-k
2
JUN 11 2006 WED 10:04 AM
Recording Requested By and
When Recorded Return to:

Stephen A. Hardesty
Hawley Troxell Ennis & Hawley LLP
P.O. Box 1617
Boise, ID 83701-1617

Instrument # 534863

HAILEY, BLAINE, IDAHO
2006-05-01 04:11:00 No. of Pages: 7
Recorded for : FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 21.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED *mp*

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

THIS GRANT DEED, made this 1st day of May, 2006, by and between SUN VALLEY VENTURES LLC, a California limited liability company ("Grantor"), and WHITETAIL, A CLUB FOR ALL SEASONS, LLC, an Idaho limited liability company, whose address is 501 West Lake Street, McCall, Idaho 83638 ("Grantee").

WITNESSETH:

FOR VALUE RECEIVED, Grantor does hereby grant, sell and convey to Grantee, his heirs, successors and assigns forever, all that certain real property located in Blaine County, State of Idaho, more particularly described on EXHIBIT "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof (collectively "Premises").

Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that Grantor will warrant and defend the Premises against the lawful claims of all persons claiming by, through or under Grantee; subject, however, to the rights of all persons in possession.

TO HAVE AND TO HOLD all and singular the Premises, together with the appurtenances unto Grantee, his heirs, successors and assigns forever.

The Premises are sold and conveyed to Grantee, "AS IS AND WHERE IS AND WITH ALL FAULTS, IF ANY." Except as provided above, Grantor makes no warranties either express or implied in fact or by operation of law concerning the Premises.

IN WITNESS WHEREOF, the Grantor has hereunto executed this Grant Deed as of the day and year first above written.

GRANTOR:

SUN VALLEY VENTURES LLC

By: Marronnier, LLC, a Managing Member

By:


Stephen A. Roth, Manager

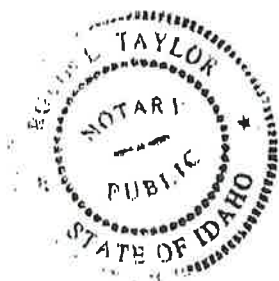
STATE OF IDAHO

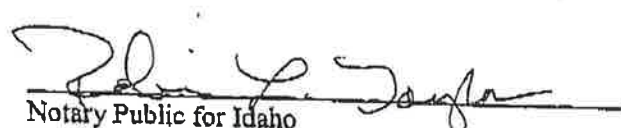
County of Blaine

)
) ss.
)

On this 1st day of May, 2006, before me, ROBIN L. TAYLOR, a Notary Public in and for said State, personally appeared Stephen A. Roth, known or identified to me to be the Manager of Marronnier, LLC, which is a Managing Member of Sun Valley Ventures LLC, a California limited liability company, and acknowledged to me that he is the Manager who subscribed said company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said company, and that such company executed the same in said company name.

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




Notary Public for Idaho
Residing at Hailey
My commission expires 3/11/2010

GRANT DEED - 2 -

EXHIBIT "A"
(attached hereto)

GRANT DEED - 3 -

42477.0001.873105.3

Legal Descriptions
Order No. 156898

Exhibit "A"

Parcel 1:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West ¼ corner of said Section 12; thence N. 07°54'41" E., 968.69 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence leaving said Northerly bank N. 52°30'21" E., 14.14 feet along the boundary common to Tax Lot 6312; thence N. 07°30'21" E., 104.21 feet along said common boundary; thence N. 14°22'29" W., 40.00 feet to a point on the Southeasterly boundary of Owen Simpson Subdivision, according to the official plat thereof, recorded as Instrument No. 192109, records of Blaine County, Idaho; thence following said Southeasterly boundary N. 76°11'31" E., 276.40 feet, more or less, to the Southerly boundary of Warm Springs Road; thence along said Southerly boundary of Warm Springs Road by the following courses: S. 77°34'30" E., 192.53 feet; thence 478.19 feet along a curve to the right, said curve having a central angle of 08°32'48", a radius of 3205.76 feet, and a chord length of 477.75 feet that bears S. 71°34'50" E., thence S. 67°18'26" E., 234.29 feet, thence leaving said Southerly boundary 253.89 feet along a curve to the left, said curve having a central angle of 23°42'49", a radius of 613.43 feet, and a chord length of 252.08 that bears N. 88°42'36" W., thence S. 79°56'08" W., 15.60 feet; thence S. 88°42'36" W. 150.00 feet; thence N. 39°41'17" W., 51.99 feet; thence N. 47°45'44" W. 95.15 feet; thence N. 72°33'47" W., 177.43 feet, thence S. 14°08'46" W., 223.19 feet to a point on the Northerly bank of Warm Springs Creek; thence along said Northerly bank by the following courses; N. 56°11'08" W., 178.35 feet; thence N. 78°01'26" W., 101.20 feet; thence N. 88°42'01" W., 148.87 feet to the TRUE POINT OF BEGINNING. (Tax Lot 7638)

Parcel 2:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West ¼ corner of said section 12; thence N. 52°26'13" E., 956.46 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence along said Northerly bank by the following courses; N. 33°41'24" W., 162.25 feet; thence N. 45°00'00" W.,

106.07 feet; thence N. 56°11'07" W., 76.81 feet; thence leaving said Northerly bank N. 14°08'46" E., 223.19 feet; thence S. 72°33'47" E., 177.43 feet; thence S. 47°45'44" E., 95.15 feet; thence S. 39°41'17" E., 51.99 feet; thence N. 88°42'36" E., 150.00 feet; thence S. 34°38'29" E., 47.81 feet; thence S. 40°55'36" W., 218.55 feet; thence S. 50°04'55" W., 172.91 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7639)

Parcel 3:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO more particularly described as follows:

COMMENCING at a brass cap marking the Southeast Corner of Said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West ¼ corner of said Section 12; thence N. 52°26'13" E., 956.46 feet to a point on the Northerly bank of Warm Springs Creek, said point being the TRUE POINT OF BEGINNING; thence along said Northerly bank by the following courses: S. 29°57'00" E., 242.36; thence S. 65°58'23" E., 69.22; thence S. 64°13'10" E., 131.45 feet; thence S. 70°53'00" E., 181.81 feet; thence S. 43°29'50" E., 150.15 feet; thence S. 33°35'21" E., 56.51 feet, more or less, to the Westerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 135346, records of Blaine County, Idaho; thence leaving said Northerly bank N. 61°07'48" E., 25.79 feet along the Northwesterly boundary said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2 to the Southerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 3, according the official plat thereof, recorded as Instrument No. 141402, records of Blaine County, Idaho; thence N. 18°54'09" W., 129.05 feet along the Southwesterly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 3 to the Southeast corner of Tax Lot 5105; thence along the exterior boundary of said Tax Lot 5105 by the following courses: S. 81°22'42" W., 77.94 feet, thence N. 08°37'18" W., 134.00 feet; thence N. 81°22'42" E., 85.75 feet to a point on the Westerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 4, according the official plat thereof, recorded as Instrument No. 147288, records of Blaine County, Idaho; thence N. 00°03'08" E., 18.20 feet along said Westerly boundary to the South corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho; thence N. 40°19'52" W., 145.72 feet along the Southwesterly boundary to the West Corner of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS, thence N. 40°03'09" W., 55.19 feet; thence N. 03°12'52" W., 171.00 feet; thence N. 53°24'52" W., 102.90 feet; thence N. 34°38'52" W., 140.00 feet, thence S. 40°55'32" W., 218.55 feet; thence S. 50°04'55" W., 172.91 feet to the TRUE POINT OF BEGINNING.
(Tax Lot 7640)

Parcel 4:

11/11/2000 WED 10:00 AM PMA NO. 11/07/14

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southeast corner of said Section 12, said corner lying S. 00°31'53" W., 2668.94 feet from the West ¼ corner of said Section 12; thence N. 70°37'44" E., 1415.83 feet to the East corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho, said corner being the TRUE POINT OF BEGINNING; thence N. 89°56'55" W., 94.41 feet along the Northerly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS to the West corner of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS; thence N. 40°03'09" W., 55.19 feet, thence N 03°12'52" W., 171.00 feet; thence N. 53°24'52" W., 102.90 feet; thence N. 34°38'48" W., 187.80 feet; thence N. 79°56'08" E., 15.60 feet; thence 253.89 feet along a curve to the right, said curve having a central angle of 23°42'49", a radius of 613.43 feet, and a chord length of 252.08 feet that bears S. 88°12'27" E., more or less, to a point on the Southerly boundary of Warm Springs Road; thence S. 68°42'30" E., 66.64 feet, more or less, along said Southerly boundary to the Northwest corner of WARM SPRINGS TENNIS CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 208961, records of Blaine County, Idaho, thence S. 00°03'08" W., 38.55 feet along the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2, to a point on the northerly boundary of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6, according to the official plat thereof recorded as Instrument No. 163389, records of Blaine County, Idaho; thence along the boundary of said WARM SPRING TOWNHOUSE CONDOMINIUMS NO. 6 by the following courses: S. 86°11'23" W., 59.46 feet to the Northwest corner; thence S. 03°48'44" E., 73.00 feet to the West corner common to said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 6 and WARM SPRINGS TENNIS CONDOMINIUMS, according to the official plat thereof, recorded as Instrument No. 199114, records of Blaine County, Idaho; thence along the boundary of said WARM SPRINGS TENNIS CONDOMINIUMS by the following courses: S 03°48'44" E., 80 feet to the Westerly corner; thence S. 62°11'14" E., 55.23 feet to a point on the Westerly boundary of said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2; thence S. 00°03'08" W., 69.02 feet along said Westerly boundary to the West corner common to said WARM SPRINGS TENNIS CONDOMINIUMS NO. 2 and COUNTRY CLUB TOWNHOUSES, according to the official plat, thereof recorded as Instrument No. 315898, records of Blaine County, Idaho; thence S. 00°03'08" W., 109.59 feet along the Westerly boundary of said COUNTRY CLUB TOWNHOUSES to the TRUE POINT OF BEGINNING.

SUBJECT TO a 30 - foot wide Roadway Easement serving Tax Lot 5991 and Warm Springs Townhouse Condominiums, as depicted within the official plat thereof, recorded as Instrument No. 129077, records of Blaine County, Idaho.
(Tax Lot 7641)

Parcel 8

001 11 2000 WED 10:00 AM 11 00/ 11
A parcel of land within the SE1/4SE1/4 of Section 11, Township 4 North, Range 17 East, Boise Meridian, Ketchum, Blaine County, Idaho and more particularly described as follows:

Commencing at a brass cap marking the East Quarter Corner of said Section 11; thence S. 02°47'00"W, 1318.87 feet to the northeast corner of Sun River Condominium and the TRUE POINT OF BEGINNING; thence S. 74°02'46" E, 46.11 feet along the southerly boundary of Bald Mountain Road to a northwesterly corner of Tax Lot No. 6312; thence following the westerly boundary of Tax Lot No. 6312 a distance of 42.26 feet along a curve to the left with a central angle of 105°16'10", a radius of 23.00 feet and a long chord of 36.56 feet that bears S. 16°15'18" W; thence S. 00°59'08" W, 49.95 feet along the westerly boundary of Tax Lot No. 6312 to the southwest corner of Tax Lot No. 6312; thence N. 76°59'06" W, 35.64 feet along the northerly boundary of the Warm Springs Golf Course property to the southeast corner of Sun River Condominium; thence N. 15°10'07" E, 79.03 feet along the east boundary of Sun River Condominium to the TRUE POINT OF BEGINNING. (Tax Lot 7776)

Parcel 9

TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN SECTION 12,
Ketchum, Blaine County, Idaho

A parcel of land within a portion of SE1/4SW1/4 Section 12, Ketchum, Blaine County, Idaho, said parcel being more particularly described by metes and bounds as follows:

Commencing at a brass cap marking the SW Corner of said Section 12, thence N. 89°32'53" E., 1304.81 feet, more or less, to a BLM aluminum cap marking the West 1/16 corner common to said Sec. 12 and Sec. 13 and said aluminum cap being the True Point of Beginning.

Thence N. 00°04'35" E., 137.41 feet, more or less, along the westerly boundary of said SE1/4SW1/4 Sec. 12 to a point on the northeasterly bank of Warm Springs Creek, said point also on the southwesterly boundary of Parcel 4 as described in that Warranty Deed recorded as Instrument No. 480648, records of Blaine County, Idaho; thence along said Parcel 4 by the following courses: S. 43°29'50" E., 45.75 feet; thence S. 33°35'21" E., 56.51 feet, more or less, to the westerly most corner of WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2, according to the official plat thereof, recorded as Instrument No. 135346, records of Blaine County, Idaho; thence S. 33°56'52" E., 67.91 feet, more or less, along the southwesterly boundary of said WARM SPRINGS TOWNHOUSE CONDOMINIUMS NO. 2 to a point on the southerly boundary of said Sec. 12; thence S89°32'23" W, 100.86 feet, more or less, along said southerly boundary of Sec. 12 to the True Point of Beginning.

(Tax Lot 7926)

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com
DOUGLAS J. AANESTAD
aanestad@cox-internet.com

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

September 7, 2006

RECEIVED
SEP 11 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Mr. Allen Merritt
Idaho Department of Water Resources
1341 Fillmore, Suite 200
Twin Falls, Idaho 83301

Re: ***Whitetail, A Club For All Seasons, LLC***
Notice of Change in Water Right Ownership
Our File No.: 307/060048

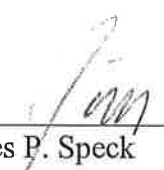
Dear Allen:

Enclosed you will find the original and one copy of the Notice of Change in Water Right Ownership for Water Right Nos., 37-212A, 37-2621, 37-4337 and 37-20381. Please receipt date-stamp the copy and return it to me in the postage prepaid, self-addressed envelope included for that purpose. Please call me right away if you have any questions or concerns about this notice.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

JPS/jal
Enclosures
cc: Clients (w/encl.)
Steve Hardesty (w/encl.)

F:\WPDATA\JIM\Whitetail\Correspondence\Merritt.09-07.wpd



11
SE
SE

SWSW 12

Title:

Date: 09-11-2006

Scale: 1 inch = 1000 feet

File: Untitled.des

+Tract 1: 3.609 Acres: 157224 Sq Feet: Closure = n01.2317e 2.21 Feet: Precision = 1/1236: Perimeter = 2735 Feet
+Tract 2: 2.730 Acres: 118927 Sq Feet: Closure = n39.1558w 0.00 Feet: Precision = 1/301356: Perimeter = 1482 Feet
+Tract 3: 4.461 Acres: 194303 Sq Feet: Closure = n33.4044e 0.01 Feet: Precision = 1/362717: Perimeter = 2309 Feet
+Tract 4: 1.684 Acres: 73356 Sq Feet: Closure = n85.4405e 0.71 Feet: Precision = 1/2005: Perimeter = 1432 Feet
+Tract 5: 0.065 Acres: 2849 Sq Feet: Closure = n55.0328w 23.42 Feet: Precision = 1/11: Perimeter = 253 Feet
+Tract 6: 0.167 Acres: 7294 Sq Feet: Closure = n00.0015e 3.00 Feet: Precision = 1/135: Perimeter = 405 Feet
Net Area= 12.717 Acres: 553954 Sq Feet

001=/sw,sw,nw,12,04n,17e	033=s34.3829e 47.81	065=n03.1252w 171
002=/s00.3153w 2668.94	034=s40.5536w 218.55	066=n53.2452w 102.9
003=/n07.5441e 968.69	035=s50.0455w 172.91	067=n34.3848w 187.80
004=n52.3021e 14.14	036=@0+	068=n79.5608e 15.60
005=n07.3021e 104.21	037=/sw,sw,nw,12,04n,17e	069: Rt, R=613.43, Arc=253.89, Delta=23.4249 Bng=s88.1227e, Chd=252.08
006=n14.2229w 40.	038=/s00.3153w 2668.94	070=s68.4230e 66.64
007=n76.1131e 276.40	039=/n52.2613e 956.46	071=s00.0308w 38.55
008=s77.3430e 192.53	040=s29.5700e 242.36	072=s86.1123w 59.46
009: Rt, R=3205.76, Arc=478.19, Delta=08.3248 Bng=s71.3450e, Chd=477.75	041=s65.5823e 69.22	073=s03.4844e 73
010=s67.1826e 234.29	042=s64.1310e 131.45	074=s03.1811e 80
011: Lt, R=613.43, Arc=253.89, Delta=23.4249 Bng=n88.4236w, Chd=252.08	043=s70.5300e 181.81	075=s62.1114e 55.23
012=s79.5608w 15.60	044=s43.2950e 150.15	076=s00.0308w 69.02
013=s88.4236w 150	045=s33.3521e 56.51	077=s00.0308w 109.59
014=n39.4117w 51.99	046=n61.0748e 25.79	078=@0+
015=n47.4544w 95.15	047=n18.5409w 129.05	079=/se,se,ne,11,04n,17e
016=n72.3347w 177.43	048=s81.2242w 77.94	080=/s02.4700w 1318.87
017=s14.0846w 223.19	049=n08.3718w 134.	081=s74.0246e 46.11
018=n56.1108w 178.35	050=n81.2242e 85.75	082: Lt, R=23, Arc=42.26, Delta=105.1610 Bng=s16.1518w, Chd=36.56
019=n78.0126w 101.20	051=n00.0308e 18.20	083=s00.5908w 49.95
020=n88.4201w 148.87	052=n40.1952w 145.72	084=n76.5906w 35.64
021=@0+	053=n40.0309w 55.19	085=n15.1007e 79.03
022=/sw,sw,nw,12,04n,17e	054=n03.1252w 171.00	086=@0+
023=/s00.3153w 2668.94	055=n53.2452w 102.90	087=/sw,sw,12,04n,17e
024=/n52.2613e 956.46	056=n34.3852w 140.	088=n89.3253e 1304.81
025=n33.4124w 162.25	057=s40.5532w 218.55	089=n00.0435e 134.41
026=n45.0000w 106.07	058=s50.0455w 172.91	090=s43.2950e 45.75
027=n56.1107w 76.81	059=@0+	091=s33.3521e 56.51
028=n14.0846e 223.19	060=/sw,sw,nw,12,04n,17e	092=s33.5652e 67.91
029=s72.3347e 177.43	061=/s00.3153w 2668.94	093=s89.3223w 100.86
030=s47.4544e 95.15	062=/n70.3744e 1415.83	
031=s39.4117e 51.99	063=n89.5655w 94.41	
032=n88.4236e 150	064=n40.0309w 55.19	

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 37-4337
Date Received: 10/21/1988
Receipt No: S003125
Received By:

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

1. Name of Claimant(s)

SUN VALLEY VENTURES LLC Phone: (208) 726-8304
PO BOX 5500
KETCHUM ID 83340-5500

2. Date of Priority: 01/01/1952

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	17E	12	SW SW	BLAINE	

5. Description of diverting works:

HEADGATE & DITCH TO 2 SMALL PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
FISH PROPAGATION		1/01	12/31 6	

7. Total Quantity Appropriated is:
6 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
----------	-------	---------	----------------	-----	-------

04N

17E 12

SW SW

FISH PROPAGATION

11. Place of use in counties: BLAINE

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

13. Other Water Rights Used:

14. Remarks:

TROUT KEPT IN PONDS FOR AESTHETIC PURPOSES.

15. Basis of Claim: Statutory Claim

See 37-212A for ownership change support
documents

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

RECEIVED

DEC 27 2004

Depa: *Dept. of Water Resources*
Southern Region

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

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case 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
<i>JK</i> 37-8304	A37-4337	☐			☐
		☐			☐
		☐			☐
		☐			☐
		☐			☐

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) 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) is for ten or more acres of irrigation, you must submit a 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 PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s): Warm Springs Ranch
C/O Jack Simpson
4. New Owner/Claimant(s): Sun Valley Ventures, LLC
 New Mailing Address: P.O. Box 5500
 City, State, Zip Code: Ketchum, ID 83340-5500
 New Telephone Number: 208-726-4830
5. Date you acquired the property: March 18, 2003 (warranty deed date)

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than 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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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: _____

<u>Water Use</u>	<u>Diversion Rate or Volume</u> (cubic feet per second or acre-feet annum)	<u>Description</u> (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)

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: _____
Received by: _____
Processed by: _____ AJ

Date: _____
Date: _____
Date: _____

Fee: _____
Receipt No: _____
WR: _____ Date: _____



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

January 18, 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

SUN VALLEY VENTURES LLC
PO BOX 5500
KETCHUM ID 83340-5500

Re: SRBA Claim #37-212A, #37-2621, #37-20381, #37-4337

Dear Claimant,

Pursuant to the change in ownership request that has been submitted to the Department, we have changed the records of current ownerships to you. Please find the enclosed copies of the computer records of the claims noting the change in claimant. Review these records and if there is an error, or you have any questions, please contact this office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Carrie Hahn'.

Carrie Hahn
Office Specialist

Enc.

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: A37-04337
Date Received: 10/21/1988
Receipt No: S003125
Received By: W

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WARM SPRINGS RANCH 208-726-3249
Address: P.O. BOX 336
% JACK SIMPSON
KETCHUM, ID 83340

2. Date of Priority: JAN 01, 1952

3. Source: WARM SPRINGS CREEK Trib. to: BIG WOOD RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	17E	12	SW	SW			BLAINE

5. Description of diverting works:
HEADGATE & DITCH TO 2 SMALL PONDS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	6.000		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
A/3 PONDS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	17E	12	SW	SW		FISH	

11. Place of use in counties: BLAINE

A37-04337

Page 1

Date: 10/21/88

COPY

MICROFILMED
FEB 24 1993

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

13. Other Water Rights Used:
NONE

14. Remarks:
TROUT KEPT IN PONDS FOR AESTHETIC PURPOSES.

15. Basis of Claim: STATUTORY CLAIM

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Jack Simpson Date: 10-21-88
_____ Date: _____

State of Idaho)
County of FF) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of Oct 19 88 Roni White
Notary Public

Seal

Residing at FF
My Commission Expires 5/95

COPY

MICROFILMED
FEB 24 1993

10/29/2009

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

RIGHT NUMBER: 37-4337
NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID 83340

VERIFIED BY KKC
10-29-09

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.000 CFS

PRIORITY DATE: 01/01/1952

POINT OF
DIVERSION:

T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	AESTHETIC	01/01 12/31	6.000 CFS
	DIVERSION TO STORAGE	01/01 12/31	6.000 CFS
	AESTHETIC STORAGE	01/01 12/31	1.36 AFY
PLACE OF USE:	<u>AESTHETIC in BLAINE County</u>		
	T04N R17E S12 SWSW		
	<u>AESTHETIC STORAGE in BLAINE County</u>		
	T04N R17E S12 SWSW		

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 - Beneficial Use

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

10/27/2009

RIGHT NUMBER: 37-4337

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

TRIBUTARY: BIG WOOD RIVER

QUANTITY: 6.000 CFS

A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 4N, R17E Sec 12 SESWSW

PRIORITY DATE: 01/01/1952

POINT OF
DIVERSION:

T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

AESTHETIC	01/01 12/31	6.000 CFS
DIVERSION TO STORAGE	01/01 12/31	6.000 CFS
AESTHETIC STORAGE	01/01 12/31	1.36 AFY

PLACE OF USE:

AESTHETIC in BLAINE County

T04N R17E S12 SWSW

AESTHETIC STORAGE in BLAINE County

T04N R17E S12 SWSW

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 - Beneficial Use

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

10/27/2009

RIGHT NUMBER: 37-4337 HELIOS
NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID 83340

SF-5
VERIFIED BY KAC
3-18-10

SOURCE: WARM SPRINGS CREEK
QUANTITY: 6.000 CFS

TRIBUTARY: BIG WOOD RIVER

A measuring device of a type acceptable to the Department shall be installed to measure the amount of water discharged back into Warm Springs Creek at TWP 4N, RNG 17E Sec 12 SESWSW

PRIORITY DATE: 01/01/1952

POINT OF
DIVERSION:

T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	6.000 CFS
DIVERSION TO STORAGE	01/01 12/31	6.000 CFS
AESTHETIC STORAGE	01/01 12/31	1.36 AFY

PLACE OF USE: AESTHETIC in BLAINE County
T04N R17E S12 SWSW
AESTHETIC STORAGE in BLAINE County
T04N R17E S12 SWSW

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 - Beneficial Use

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

10/27/2009

RIGHT NUMBER: 37-4337 HELIOS

NAME AND ADDRESS: HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID 83340

SOURCE: WARM SPRINGS CREEK

QUANTITY: 6.000 CFS

PRIORITY DATE: 01/01/1952

POINT OF DIVERSION: T04N R17E S12 NWSWSW Within BLAINE County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
AESTHETIC	01/01 12/31	6.000 CFS
DIVERSION TO STORAGE	01/01 12/31	6.000 CFS
AESTHETIC STORAGE	01/01 12/31	1.36 AFY

PLACE OF USE: AESTHETIC in BLAINE County

T04N R17E S12 SWSW

AESTHETIC STORAGE in BLAINE County

T04N R17E S12 SWSW

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 - Beneficial Use

Proposal e-mailed
to Laski.
10-27-09

37-4337 RECOMMENDATION ANALYSIS

The system is a diversion from Warm Springs Creek into 5 ponds surrounding the historic restaurant and eventually returning to Warm Springs Creek approximately 1,000 ft downstream. There are no other water users from Warm Springs Creek between the point of diversion and the point of return.

As a side note 37-20831 shares the point of diversion and ditch system and then the irrigation water was delivered to the POU via 2 different pumps on 2 different ponds. A portion of the irrigated place of use south of the restaurant was historically irrigated by both 37-20831 and 37-11885 (a ground water right).

From updated 6-26-09 KKC

ANALYSIS OF HISTORICAL DELIVERY RECORDS

Although the claim is based upon a statutory claim the watermaster has been delivering this right for many years. The claimant has supplied watermaster records from 1978 through 1995. The submitted records document that from 1978 through 1983 for 4 different years, 6.00 $\pm$ cfs was turned into the system from May and through August. For three years water was reduced in August to between 0.50 cfs and 2.80 cfs for the months of August and September. Winter diversion is unknown as the watermaster does not deliver water during the non-irrigation season. However, as they have diverted up to 2.00 cfs in September and lacking additional information, I am willing to go with that rate for the winter months. Starting in 1984 and through 1995 the watermaster delivered generally in the 0.50 cfs to 2.00 cfs range with a short 7 day delivery of 2.50 cfs to 3.80 cfs in June of 1985. It has the appearance that the claimed use probably ceased in 1984 but as the claim was filed in 1988 forfeiture does not appear to be an issue at this time.

ANALYSIS OF CLAIMED USE

Fish propagation for 6.00 cfs year round use was claimed. The claimant indicated that approximately 100 trout were stocked annually for restaurant patrons to catch and then have prepared for their meal. In reviewing the available information I do not feel that the described system falls within a fish propagation use nor would the confining of up to 100 head of fish justify a 6.00 cfs diversion rate for those that facility. As they have diverted up to 6.00 cfs from May and into September and the ponds were designed to provide aesthetic benefits to the restaurant facility I feel that that would be a better description of the use. This would also include the aesthetic storage for the 5 ponds at 1.36 af (as calculated by the claimant's consultant, Brockway engineering). Ditch volume is not included in the storage volume.

Recommend

Aesthetic	5-1 thru 9-30	6.00 cfs
Aesthetic	10-1 thru 4-30	2.00 cfs
Diversion to storage	1-1 thru 12-31	1.36 af
Aesthetic storage	1-1 thru 12-31	1.36 af

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Edward A. Lawson
eal@LawsonLaski.com

675 SUN VALLEY ROAD, SUITE A
POST OFFICE BOX 3310
KETCHUM, IDAHO 83340
TELEPHONE: 208-725-0055
FACSIMILE: 208-725-0076
WWW.LAWSONLASKI.COM

May 30, 2007

Certified Mail Return Receipt Requested

IDWR Southern Region
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

RECEIVED
MAY 31 2007
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Notice of Change of Water Right Ownership
Our File No.: 10612-001

Dear Sir/Madam:

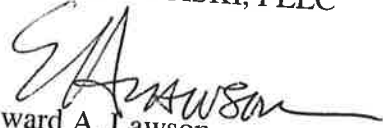
Enclosed please find an original Notice of Change In Water Right Ownership which we are filing on behalf of the new owner, Helios Development, LLC.

Also enclosed is our check payable to you in the amount of \$175.00 which represents your filing fee for the seven water rights.

Please advise if you require any additional information.

Sincerely,

LAWSON & LASKI, PLLC


Edward A. Lawson

Cc: client



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380
Phone: (208) 736-3033 • Fax: (208) 736-3037 • Web Site: www.idwr.idaho.gov

SOUTHERN REGION

June 4, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
~~Interim~~ Director

EDWARD A LAWSON
LAWSON & LASKI PLLC
PO BOX 3310
KETCHUM ID 83340

Re: Notice of Change in Water Right Ownership / Helios Development LLC
Your File No.: 10612-001

Dear Mr. Lawson:

The Department of Water Resources acknowledges receipt of the Notice of Change in Water Right Ownership you recently submitted on behalf of your client, Helios Development LLC. The Snake River Basin Adjudication Court has not yet decreed all of the water rights listed on the owner change form except for 37-8304; consequently, no fee is due to process the owner change. I am herein returning your firm's check #2590 in the amount of \$175.00.

Water right 37-8304 has not been licensed, so an *Assignment of Permit* is required to complete this ownership change. Enclosed is an assignment form for your use. Please note that there is a \$25 per water right fee to process Assignments of Permit.

Thank you for your prompt attention to this matter and please feel free to contact this office if you have any questions.

Sincerely,

Trish Fawcett
Technical Records Specialist

Enclosures

01/06/2007

NOTICE OF ERROR
REPLY

RECEIVED
JAN 12 2007
DEPARTMENT OF
WATER RESOURCES

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/19/2007

Water right number: 37-4337

WHITETAIL A CLUB FOR ALL SEASONS
501 WEST LAKE STREET
MC CALL ID 83638
Telephone Number: (208)630-0250

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1-9-07

SIGNATURE: [Signature]

Please print your name: John Sabala

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

RECEIVED
JAN 16 2007

12/18/2006

RECEIVED

JAN 05 2007

DEPARTMENT OF
WATER RESOURCES

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 01/05/2007

Water right number: 37-4337

WHITETAIL A CLUB FOR ALL SEASONS
501 WEST LAKE STREET
MC CALL ID 83638
Telephone Number: (208)630-0250

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 1-05-07

SIGNATURE:

Please print your name:

IDWR Regional Office, 322 E Front St
PO Box 83720, Boise, ID 83720-0098, 2082874800

SCANNED

JAN 08 2007

RECEIVED

SEP 15 2006

DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

JAMES P. SPECK
jimspeck@cox-internet.com

DOUGLAS J. AANESTAD
aanestad@cox-internet.com

September 13, 2006

Kari Lynn Townsend
Idaho Department of Water Resources
322 E. Front St.
P. O. Box 83720
Boise ID 83720-0098

Re: Whitetail, A Club For All Seasons, LLC
Notice of Change in Water Right Ownership;
Water Rights: 37-212A, 37-2621, 37-4337 and 37-20381

Dear Kari:

Jim Speck asked that I send you a copy of a second Quitclaim Deed for the above-referenced Notice of Change in Water Right Ownership.

Please call our office if you have any further questions concerning this matter.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By:


Jean A. Latham, Legal Assistant to
James P. Speck

Enclosure

RECEIVED

SEP 15 2006

DEPARTMENT OF
WATER RESOURCES

Recording Requested By and
When Recorded Return to:

Stephen A. Hardesty
Hawley Troxell Ennis & Hawley LLP
P.O. Box 1617
Boise, ID 83701-1617

Instrument # 534862

HAILEY, BLAINE, IDAHO
2006-05-01 04:10:00 No. of Pages: 6
Recorded for: FIRST AMERICAN TITLE
MARSHA RIEMANN Fee: 18.00
Ex-Officio Recorder Deputy
Index to: GRANT DEED

map

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

GRANT DEED

THIS GRANT DEED, made this 1st day of May, 2006, by and between CREEKSIDE I, LLC, an Idaho limited liability company ("Grantor"), and WHITETAIL, A CLUB FOR ALL SEASONS, LLC, an Idaho limited liability company, whose address is 501 West Lake Street, McCall, Idaho 83638 ("Grantee").

WITNESSETH:

FOR VALUE RECEIVED, Grantor does hereby grant, sell and convey to Grantee, his heirs, successors and assigns forever, all that certain real property located in Blaine County, State of Idaho, more particularly described on EXHIBIT "A" attached hereto and incorporated herein by this reference.

TOGETHER WITH all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, including any and all improvements located thereon; the reversion and reversions, remainder and remainders, rents, issues and profits thereof (collectively "Premises").

Grantor hereby covenants with Grantee that the Premises are free from all encumbrances made by Grantor and that Grantor will warrant and defend the Premises against the lawful claims of all persons claiming by, through or under Grantee; subject, however, to the rights of all persons in possession.

TO HAVE AND TO HOLD all and singular the Premises, together with the appurtenances unto Grantee, his heirs, successors and assigns forever.

The Premises are sold and conveyed to Grantee, "AS IS AND WHERE IS AND WITH ALL FAULTS, IF ANY." Except as provided above, Grantor makes no warranties either express or implied in fact or by operation of law concerning the Premises.

GRANT DEED - 1 -

IN WITNESS WHEREOF, the Grantor has hereunto executed this Grant Deed as of the day and year first above written.

GRANTOR:

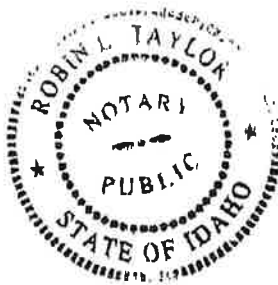
CREEKSIDE I, LLC
By: Marronnier, LLC, its Manager

By: 
Stephen A. Roth, Manager

STATE OF IDAHO)
County of Blaine) ss.
)

On this 1st day of May, 2006, before me, ROBIN L. TAYLOR, a Notary Public in and for said State, personally appeared Stephen A. Roth, known or identified to me to be the Manager of Marronnier, LLC, the Manager of the limited liability company of Creekside I, LLC, and the Manager who subscribed said company name to the foregoing instrument, and acknowledged to me that Creekside I, LLC executed the same in said company name.

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




Notary Public for Idaho
Residing at Idaho
My commission expires 3/11/2010

EXHIBIT "A"
(attached hereto)

GRANT DEED - 3 -

42477.0001.873115.3

Parcel 5:

A PARCEL OF LAND IN HES 292, SECTION 11, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southwest corner of Section 12; thence N. 00°31'53" East, 422.22 feet along the North - South section line between said Section 11 and Section 12 to the Southerly boundary of Homestead Entry Survey No. 292 and the TRUE POINT OF BEGINNING; thence S. 80°11'09" W., 2,210.80 feet along the Southerly boundary of H.E.S. 292 to the Southeast corner of Tax Lot 3082; thence N. 00°12'52" E., 766.29 feet along the Easterly boundary of Tax Lots 3082 and 2784 to a point on the Northerly bank of Warm Springs Creek; thence S. 54°08'10" E., 183.59 feet along the Southwesterly boundary of Tax Lot 5103 to the Southwest corner of Lot 12, WARM SPRINGS CREEKSIDE SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence along said Southerly boundary of WARM SPRINGS CREEKSIDE SUBDIVISION by the following courses and distances: S. 46°53'48" E., 73.97 feet; thence S. 57°01'48" E., 75.36 feet; thence S. 61°14'48" E., 74.58 feet; thence S. 65°56'12" E., 101.10 feet; S. 89°10'07" E., 100.62; thence N. 72°56'28" E., 98.55 feet; thence N. 74°47'57" E., 97.10 feet; thence N. 80°37'22" E., 76.20 feet; N. 79°40'19" E., 75.99; thence N. 80°31'07" E., 76.18 feet; thence N. 86°07'24" E., 77.89 feet; thence N. 70°13'18" E., 75.00 feet; thence N. 69°54'47" E., 65.71 feet; thence N. 66°04'53" E., 169.10 feet; thence N. 40°37'18" E., 140.80 feet to the Easterly corner of Lot 25, WARM SPRINGS CREEKSIDE SUBDIVISION; thence N. 37°26'22" E., 69.30 feet along the Southeasterly boundary of Tax Lot 5761; thence N. 54°49'22" E., 42.80 feet along the Southeasterly boundary of Tax Lot 6012; thence N. 54°49'22" E., 26.30 feet along the Southeasterly boundary of ROCKVIEW WEST CONDOMINIUMS, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. 67°53'22" E., 60.05 feet along the Southerly boundary of said ROCKVIEW WEST CONDOMINIUM; thence N. 67°53'22" E., 15.05 feet along the Southerly boundary of the FERN TREE WEST SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. 76°58'22" E., 76.50 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 84°33'20" E., 65.76 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 64°08'33" E., 69.09 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. 84°35'49" E., 131.28 feet along the Southerly boundary of the ROCKVIEW SUBDIVISION, according to the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence S. 06°28'11" E., 19.22 feet along the Southerly boundary of said ROCKVIEW SUBDIVISION; thence S. 88°21'58" E., 65.30 feet along

the Southerly boundary of said ROCKVIEW SUBDIVISION; thence N. $87^{\circ}22'22''$ E., 63.82 feet along the Southerly boundary of Tax Lot 4102; thence S. $02^{\circ}03'03''$ W., 10.00 feet along the Westerly boundary of Tax Lot 5765; thence S. $84^{\circ}33'52''$ E., 81.76 feet along the Southerly boundary of Tax Lot 5765; thence S. $79^{\circ}49'03''$ E., 22.19 feet to the Southwest corner of that parcel of land recorded as Instrument No. 148900; thence S. $77^{\circ}51'39''$ E., 14.00 feet along the Southerly boundary of said parcel; thence S. $77^{\circ}51'39''$ E., 39.39 feet along the Southerly boundary of that parcel of land recorded as Instrument No. 222504 to the Easterly boundary of said Section 11; thence S. $00^{\circ}31'53''$ W., 571.56 feet along said Easterly boundary to the TRUE POINT OF BEGINNING.
(Tax Lot 7643)

Parcel 6:

A PARCEL OF LAND IN SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, more particularly described as follows:

COMMENCING at a brass cap marking the Southwest corner of Section 12, and said corner being the TRUE POINT OF BEGINNING; thence N. $00^{\circ}31'53''$ E., 993.78 feet along the Westerly boundary of said Section 12 to the Southerly boundary of that parcel of land recorded as Instrument No. 222504; thence S. $77^{\circ}51'39''$ E., 52.66 feet along said Southerly boundary; thence S. $72^{\circ}17'39''$ E., 76.24 feet along said Southerly boundary; thence along the Northerly bank of Warm Springs Creek by the following courses and distances: S. $88^{\circ}42'01''$ E., 148.87 feet; thence S. $78^{\circ}01'26''$ E., 101.20 feet; thence S. $56^{\circ}11'07''$ E., 255.16 feet; thence S. $45^{\circ}00'00''$ E., 106.07 feet; thence S. $33^{\circ}41'24''$ E., 162.25 feet; thence S. $29^{\circ}57'00''$ E., 242.36 feet; thence S. $65^{\circ}58'23''$ E., 69.22 feet; thence S. $64^{\circ}13'10''$ E., 131.45 feet along the Northerly bank of Warm Springs Creek and also the Southerly boundary of that parcel of land recorded as Instrument No. 148523; thence S. $70^{\circ}53'00''$ E., 181.81 feet along said Northerly bank and Southerly boundary; thence S. $43^{\circ}29'23''$ E., 113.01 feet along said Northerly bank and Southerly boundary to the Easterly boundary of the SW1/4SW1/4 of said section 12; thence S. $00^{\circ}26'50''$ W., 128.28 feet along said Easterly boundary to the Southeast corner of said SW1/4SW1/4; thence S. $89^{\circ}12'53''$ W., 1309.44 feet along the Southerly boundary of said SW1/4SW1/4 to the TRUE POINT OF BEGINNING.
(Tax Lot 7642)

Parcel 7:

A PARCEL OF LAND LOCATED WITHIN THE NE1/4NW1/4 OF SECTION 13, TOWNSHIP 4 NORTH, RANGE 17 EAST, AND THE SE1/4SW1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 17 EAST, BOISE MERIDIAN, BLAINE COUNTY, IDAHO, lying South and West of the Northeasterly bank of Warm Springs Creek, more particularly described as follows:

COMMENCING at a brass cap marking the Center North 1/16 corner of Section 13, running thence S. 89°37'23" W., 660.46 feet along the Southerly boundary of said NE1/4NW1/4 of Section 13 to a brass cap marking the 1/64 corner, said corner being the TRUE POINT OF BEGINNING; thence S. 89°37'23" W., 664.71 feet, along the Southerly boundary to the Northwest 1/16 corner; thence N. 00°58'45" E., 1329.70 feet, to the West 1/16 corner common to Section 12 and 13; thence N. 89°25'00" E., 107.46 feet along the Northerly boundary of Section 13 to a point on the Southwesterly boundary of Warm Springs Townhouse No. 2, said plat being on file of the Blaine County Recorder; thence S. 33°57'00" E., 104.38 feet along the boundary to the Northwestern corner of tax lot 6571; thence S. 50°57'00" E., 180.00 feet along the Southwesterly boundary of Tax Lot 6571; thence S. 45°32'00" E., 240.00 feet to the Westerly corner of Tax lot 3172; thence S. 45°40'00" E., 142.60 feet along the Southwesterly boundary of Tax Lot 3172; thence S. 43°45'00" E., 61.00 feet along the Southwesterly boundary of Tax Lot 3172 to the Westerly corner of Tax Lot 3217; thence S. 40°54'00" E., 60.10 feet along the Southwesterly boundary of Tax Lot 3217 to the Westerly corner of Tax Lot 3362 thence S. 31°01'09" E., 87.55 feet to a point on the Westerly boundary of Lot 1, Block 5, SUN VALLEY SUBDIVISION 1st ADDITION REVISED; thence S. 12°53'25" E., 202.98 feet along the Westerly boundary to a point on the East bank of Warm Springs Creek; thence S. 12°00'43" W., 34.06 feet along said bank; thence S. 19°51'48" W., 21.70 feet along said bank; thence S. 10°50'24" W., 22.88 feet along said bank; thence S. 02°30'16" W., 90.75 feet along said bank; thence S. 36°41'25" E., 7.24 feet along said bank; thence S. 06°06'43" W., 38.05 feet along said bank; thence S. 05°12'50" E., 37.44 feet along said bank; thence S. 23°16'16" E., 49.10 feet along said bank; thence S. 30°12'13" E., 45.25 feet along said bank; thence S. 31°29'18" E., 31.73 feet along said bank; thence S. 17°08'10" E., 36.19 feet along said bank; thence S. 02°42'17" E., 32.00 feet along said bank; thence S. 14°19'32" W., 24.42 feet along said bank; thence S. 22°56'00" W., 27.91 feet along said bank; thence S. 00°38'03" E., 20.18 feet along said bank to the Southerly boundary of said NE1/4NW1/4 of Section 13; thence S. 89°37'23" W., 143.94 feet along the boundary to the TRUE POINT OF BEGINNING.
(Tax Lot 6980)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 37 & 37 M

Shoshone, Idaho 83352
(208) 886-2451



Watermaster

Attn. Michael Ciscell

Michael,

I've attached delivery records for the Warm Springs Golf Course
"Fish propagation" water from years 2004 and 2005. Let me know
if you need anything else.

Kern Lacey
Kern Lacey

SCANNED
JAN 04 2007

WATER DISTRICT 37 & 37M

CANAL NAME		FARNLUM		CANAL NO 6		2004	
OWNER		WARM SPRINGS GOLF					
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	DATE
1		1.00	1.00	1.00	1.00	1.00	1
2		1.00	1.00	1.00	1.00	1.00	2
3		1.00	1.00	1.00	1.00	1.00	3
4		1.00	1.00	1.00	1.00	1.00	4
5		1.00	1.00	1.00	1.00	1.00	5
6		1.00	1.00	1.00	1.00	1.00	6
7		1.00	1.00	1.00	1.00	1.00	7
8		1.00	1.00	1.00	1.00	1.00	8
9		1.00	1.00	1.00	1.00	1.00	9
10		1.00	1.00	1.00	1.00	1.00	10
11		1.00	1.00	1.00	1.00	1.00	11
12		1.00	1.00	1.00	1.00	1.00	12
13		1.00	1.00	1.00	1.00	1.00	13
14		1.00	1.00	1.00	1.00	1.00	14
15		1.00	1.00	1.00	1.00	1.00	15
16	1.00	1.00	1.00	1.00	1.00	1.00	16
17	1.00	1.00	1.00	1.00	1.00	1.00	17
18	1.00	1.00	1.00	1.00	1.00	1.00	18
19	1.00	1.00	1.00	1.00	1.00	1.00	19
20	1.00	1.00	1.00	1.00	1.00	1.00	20
21	1.00	1.00	1.00	1.00	1.00	1.00	21
22	1.00	1.00	1.00	1.00	1.00	1.00	22
23	1.00	1.00	1.00	1.00	1.00	1.00	23
24	1.00	1.00	1.00	1.00	1.00	1.00	24
25	1.00	1.00	1.00	1.00	1.00	1.00	25
26	1.00	1.00	1.00	1.00	1.00	1.00	26
27	1.00	1.00	1.00	1.00	1.00	1.00	27
28	1.00	1.00	1.00	1.00	1.00	1.00	28
29	1.00	1.00	1.00	1.00	1.00	1.00	29
30	1.00	1.00	1.00	1.00	1.00		30
31		1.00		1.00	1.00		31
TOTAL	15.00	31.00	30.00	31.00	31.00	29.00	

YEARLY C F S 167
 YEARLY ACRE FEET 331
 TOTAL NO OF DAYS 167
 YEARLY MEAN :

WATER DISTRICT 37 & 37M

WATER DISTRICT 37-03-01							
CANAL NAME		FARNLUM		CANAL NO. 6			2005
OWNER		WARM SPRINGS GOLF					
DATE	APRIL	MAY	JUNE	JULY	AUG	SEPT	DATE
1		1.00	1.00	1.00	1.00	1.00	1
2		1.00	1.00	1.00	1.00	1.00	2
3		1.00	1.00	1.00	1.00	1.00	3
4		1.00	1.00	1.00	1.00	1.00	4
5		1.00	1.00	1.00	1.00	1.00	5
6		1.00	1.00	1.00	1.00	1.00	6
7		1.00	1.00	1.00	1.00	1.00	7
8		1.00	1.00	1.00	1.00	1.00	8
9		1.00	1.00	1.00	1.00	1.00	9
10		1.00	1.00	1.00	1.00	1.00	10
11		1.00	1.00	1.00	1.00	1.00	11
12		1.00	1.00	1.00	1.00	1.00	12
13		1.00	1.00	1.00	1.00	1.00	13
14		1.00	1.00	1.00	1.00	1.00	14
15		1.00	1.00	1.00	1.00	1.00	15
16		1.00	1.00	1.00	1.00	1.00	16
17		1.00	1.00	1.00	1.00	1.00	17
18		1.00	1.00	1.00	1.00	1.00	18
19		1.00	1.00	1.00	1.00	1.00	19
20		1.00	1.00	1.00	1.00	1.00	20
21		1.00	1.00	1.00	1.00	1.00	21
22	1.00	1.00	1.00	1.00	1.00	1.00	22
23	1.00	1.00	1.00	1.00	1.00	1.00	23
24	1.00	1.00	1.00	1.00	1.00	1.00	24
25	1.00	1.00	1.00	1.00	1.00	1.00	25
26	1.00	1.00	1.00	1.00	1.00	1.00	26
27	1.00	1.00	1.00	1.00	1.00	1.00	27
28	1.00	1.00	1.00	1.00	1.00	1.00	28
29	1.00	1.00	1.00	1.00	1.00	1.00	29
30	1.00	1.00	1.00	1.00	1.00		30
31		1.00		1.00	1.00		31
TOTAL	9.00	31.00	30.00	31.00	31.00	29.00	

YEARLY C F S 161
 YEARLY ACRE FEET 319
 TOTAL NO OF DAYS 161
 YEARLY MEAN 1

RECEIVED

SEP 15 2006

DEPARTMENT OF
WATER RESOURCES

Claimants Names:

Whitetail, A Club For All Seasons, LLC

Attorney Name & Address:

James P. Speck, ISB#2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P. O. Box 987
Ketchum, Idaho 83340
(208) 726-4421
FAX: (208) 726-0752

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

In Re SRBA

Case No. 39576

)
)
) NOTICE OF APPEARANCE
)
)
)
)
_____)

DESCRIPTIVE SUMMARY

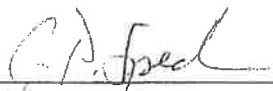
This is a notice of appearance by counsel on behalf of the claimant and purchaser of the water right identified below.

NOTICE OF APPEARANCE

The law firm of Speck & Aanestad, A Professional Corporation, hereby enters its appearance in the action on behalf of Claimant, Whitetail, A Club For All Seasons, LLC, for the following water right which is not the subject of a subcase: 37-4337.

DATED this 7 day of September, 2006.

SPECK & AANESTAD
A Professional Corporation

By 
James P. Speck

CERTIFICATE OF SERVICE

I hereby certify that on the 8 day of September, 2006, I served a true and correct copy of the foregoing NOTICE OF APPEARANCE on the following persons in the manner designated below:

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

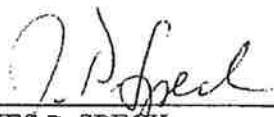
- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

The United States Department of Justice
Environmental and Natural Resources
Division
550 West Fort Street
Box 33
Boise, ID 83724

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Idaho Department of Water Resources
Document Depository
P.O. Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


JAMES P. SPECK



BROCKWAY
ENGINEERING
P.L.L.C.

Hydraulics

Hydrology

Water Resources

June 16, 2005

Doug Jones
1341 Fillmore, Suite 200
Twin Falls, ID 83301

Re: Sun Valley Ventures-Water rights 37-11885, 37-4337

Dear Doug:

Your letter of April 15, 2005 to Sun Valley Ventures LLC and/or Jack E. Simpson requested evidence of priority dates for the two (2) water rights claims based on statutory claims listed above. These claims are for fish propagation and commercial. .

Claimed Priority Dates are:

37-4337	01/01/1952
37-11885	10/1/1961

Mr. Pat Simpson, whose family owned the Warm Springs Ranch area has prepared an affidavit relative to dates when water development occurred. That affidavit is enclosed.

Please let me know if this is adequate.

Sincerely,

Charles E. Brockway, P.E.

Enclosures

cc: Jim Phillips
Henry Dean

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

RECEIVED
JUN 20 2005
Department of Water Resources
Southern Region

White tail

PAGE 02/02
RECEIVED
JUN 20 2005
 Department of Water Resources
 Southern Region

BEFORE THE IDAHO DEPARTMENT OF WATER RESOURCES

IN THE MATTER OF THE NOTICE OF CLAIM TO) COMMENTS AND
 WATER RIGHTS IN THE SNAKE RIVER BASIN) EVIDENCE OF
 ADJUDICATION NOS. 37-11885, and 37-4337) PATRICK E. SIMPSON

COMES NOW, Patrick E. Simpson, and provides the following comments and evidence in this matter:

1. I have lived in the Ketchum, Idaho area all my life and my family purchased the land and operated the Warm Springs Golf Course and Warm Springs Ranch Inn Restaurant about 1948.
2. The diversion from Warm Springs Creek in the SW1/4 SW1/4 Section 12 T4N R 17E was built in the early part of 1952 and the fish ponds were built in the same year. This water flows through the pond and ditch near the restaurant and then returns to Warm Springs Creek.
3. The well which supplies water for the Warm Springs Ranch Inn restaurant was drilled in the summer of 1961 and piped to the restaurant in October, later in the fall. I believe it was drilled by Rossler drilling.

DATED this 16 day of June, 2005.

Patrick E. Simpson
 Patrick E. Simpson

SUBSCRIBED and SWORN to before me this 16 day of June, 2005.

Heidi Southward
 NOTARY PUBLIC
 Residing at: Hailey
 My Commission Expires: 1-18-11



RECEIVED

JUN 20 2005

Department of Water Resources
Southern Region

Henry W. Dean
Facsimile Transmittal

RECEIVED

MAY 09 2005

DATE: May 6, 2005

TO: Chuck Brockway, Sr.
Amy
(208) 736-8506

FROM: Henry Dean
(208) 726-4830 - Phone
(208) 726-1659 - Fax

PAGES: 5 (including cover)

Chuck and Amy,

Per your conversation with Dennis Wheeler, attached please find the water rights information on the Warm Springs project. Please review and handle as needed. Upon completion, please call and let us know.

Should you have any further questions, please call.

Rebecca Fuller
Assistant to Henry Dean



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

April 15, 2005

37-11885
SIMPSON
PO BOX 336
KETCHUM ID 83340**RESPONSE DEADLINE**
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

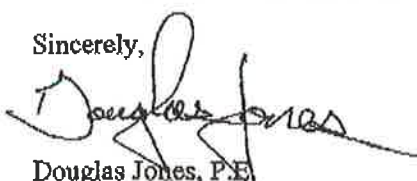
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice as claimed if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

Page 136

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-4337

WATER RIGHT NUMBER: 37-4337

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WARM SPRINGS RANCH C/O JACK SIMPSON PO BOX 336 KETCHUM, ID 83340 (208)726-3249
Current Owner	SUN VALLEY VENTURES LLC PO BOX 5500 KETCHUM, ID 83340-5500 (208)726-8304

Priority Date: 01/01/1952

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
WARM SPRINGS CREEK	BIG WOOD RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
FISH PROPAGATION	1/01 to 12/31	6.000 CFS	
	<u>Total Diversion:</u>	6.000 CFS	

Location of Point(s) of Diversion

WARM SPRINGS CREEK	SW1/4SW1/4	Sec. 12, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of UseFISH PROPAGATION Within BLAINE County

T04N R17E S12 SWSW

Conditions of Approval:Remarks:

1. General TROUT KEPT IN PONDS FOR AESTHETIC PURPOSES.

Comments:



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
GovernorKARL J. DREHER
Director

April 15, 2005

37-4337

WARM SPRINGS RANCH

C/O JACK SIMPSON

PO BOX 338

KETCHUM ID 83340

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

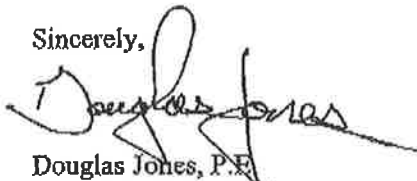
If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice as claimed if no evidence of a priority date is submitted - it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does not need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-_____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,


Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

Page 302

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11885

WATER RIGHT NUMBER: 37-11885

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK E SIMPSON PO BOX 336 KETCHUM, ID 83340 (208)728-3249

Priority Date: 10/01/1981

Basis: Beneficial Use

Status: Active

SourceTributary

GROUND WATER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
COMMERCIAL	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.040 CFS	

Location of Point(s) of DiversionGROUND WATER
BLAINE County

NW1/4NE1/4NW1/4

Sec. 12, Twp 04N, Rge 17E, B.M.

Place of UseCOMMERCIAL Within BLAINE County

T04N R17E S12 NENW

Conditions of Approval:Remarks:

1. General WELL SUPPLIES WATER TO WARM SPRINGS RANCH INN.

Comments:



WAY
RING

ORTH
GTON
UTE 4

ALLS,
3301



Doug Jones
1341 Fillmore Street, Suite 200
Twin Falls, ID 83301

83301X3392 C01A



INTER-DEPARTMENT MEMO — 1

FROM *LW*

DATE *7/31/90*

TO *A37-04337*

SUBJECT *stat. claim/Permit*

*Claimant filed application 37-8302 for
Fish propagation & aesthetics as well as
stat. claim A37-04337 due to dd. Code 42-607.
(see attached)*

MICROFILMED
FEB 24 1993

Loi White
SIGNATURE

er shall take
of the state
e, and shall
official bond
ount of said
with not less
er resources
office. [1903,
ch. 34, § 10,
am. 1931, ch.
969, ch. 305,

any water user
not aid, abet or
o Irr. Co. (1924),

agent of water
is a ministerial
(1924), 39 Idaho

administrative
his successor is
alified. Big Wood
7), 45 Idaho 380,

tion (director of
resources) had no
ty of election of
other in his place.
45 Idaho 653, 264

ter to adjudicate
of certain wells,
ing on users not
ley Canal Co. v.
485, 162 P.2d 389.

on with right equal
ntitled to one vote
essed and not to
holdings. Whitten
o 653, 264 P. 871.
und may properly
its vote, based on
'water to which it
apman (1928), 45

rs shall make
may be deemed
the following
of the ditches,

canals and reservoirs of the district; the amount of water actually coming into the district to supply such ditches, canals or reservoirs; whether such supply is on the increase or decrease; what ditches, canals and reservoirs are at times without their proper supply, and the probability as to what the supply will be during the period before the next report will be required, and such other information as the department may suggest. Said department shall carefully file and preserve such reports and shall from them ascertain what ditches, canals and reservoirs are, and what are not, receiving their proper supply of water, and if it shall appear that in any district of that division, any ditch, canal or reservoir is receiving water whose priority postdates that of the ditch, canal or reservoir in another district as ascertained from its register, it shall at once order such postdate ditch, canal or reservoir shut down, and the water given to the elder ditch, canal or reservoir, its orders being directed at all times to the enforcement of priority of appropriation, according to its tabulated statement of priorities, to the whole division, and without regard to the district within which the ditches, canals or reservoirs may be located. The reports of watermasters to the department of water resources shall be filed and kept in the office of the department. [1903, p. 223, § 25; reen. R. C., § 3276; am. 1915, ch. 34, § 11, p. 103; reen. C. L., § 3276; C. S., § 5610; I. C. A., § 41-506.]

Compiler's notes. The name of the department of water administration (formerly the department of reclamation) has been changed to the department of water resources on the authority of S.L. 1974, ch. 286, § 1 and S.L. 1974, ch. 20, § 28 (§ 42-1801a).

42-607. Distribution of water. — It shall be the duty of said watermaster to distribute the waters of the public stream, streams or water supply, comprising his water district, among the several ditches taking water therefrom according to the prior rights of each respectively, in whole or in part, and to shut and fasten, or cause to be shut or fastened, under the direction of the department of water resources, the headgates of the ditches heading from such stream, streams or water supply, when in times of scarcity of water it is necessary so to do in order to supply the prior rights of others in such stream or water supply; provided, that any person or corporation claiming the right to the use of the waters of the stream or water supply comprising a water district, but not owning or having the use of an adjudicated or decreed right therein, or right therein evidenced by permit or license issued by the department of water resources, shall, for the purposes of distribution during the scarcity of water, be held to have a right subsequent to any adjudicated, decreed, permit, or licensed right in such stream or water supply, and the watermaster shall close all headgates of ditches or other diversions having no adjudicated, decreed, permit or licensed right if necessary to supply adjudicated, decreed, permit or licensed right in such stream or water supply. So long as a duly elected watermaster is charged with the administration of the waters within a water district, no water user within such district can adversely possess the right of any other water user. [1903, § 26; p. 223; reen. R. C., § 3277; am. 1909, § 1, p. 326; am. 1915, ch. 34, § 12, p. 103; C. L., § 3277; C. S., § 5611; am. 1927, ch. 63, § 2,

MICROFILMED
FEB 24 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

Water Right Number - 37-08304

Adj. Flag Translation: Standard Water Right Number

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
SIMPSON

PATRICK E.

1 - P.O. BOX 234

2 -

3 -

City- KETCHUM

State- ID Zip- 833400000

Phone - 208-000-0000

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
08/18/1987 17 P - PERMIT

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
WARM SPRINGS CREEK BIG WOOD, SNAKE RIVER

+ - - - - - - - Point of Diversion - - - - - +
Twn Rng Sec Tract Lot RFlg County
04N 17E 12 SW SW (13) BLAINE

Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
19 - FISH PROPAGATION		01/01	12/31	1.000	
52 - AESTHETIC		01/01	12/31	1.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - +
1.000

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
-----	-----	-----	-------	-----	-------	------	-------------	--------

Total Acres:

+ - - Diversion Means - DIVERSION DAM, HEADGATE, DITCH & POND

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - - +

The maximum rate of diversion under this permit shall not exceed 1.0 cfs.

The Director retains jurisdiction over this permit to require determination of the rate of loss within the facilities using a procedure approved by the Department of Water Resources, and augmentation water to mitigate all losses.

MICROFILMED
FEB 24 1993

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT CLAIMS PROOF READING REPORT
(REGIONAL)

07/31/90 16:13:53
Page 2

Water right number - 37-08304

Adj. flag translation: Standard Water Right Number

- + - - - - Conditions of Approval - - - - - +
- 030 - A separate stream alteration permit from the IDWR is required for
 - any activity in the stream channel other than construction and/or
 - maintenance of the diversion structure. If your proposed
 - construction or operation involves construction of an outfall or
 - any other work in the stream channel other than a water
 - diversion, you must contact the Department and obtain a Stream
 - Channel Alteration permit prior to the start of construction.
 - 042 - The permit holder shall be required to provide the Department,
 - upon request, information showing volume changes per hour
 - necessary to maintain an adequate environment for the fish
 - propagation facility. Volume changes per hour shall be based
 - upon actual fish production.
 - 044 - Use of water under this right is subject to policies set forth in
 - the State of Idaho Water Plan, including Policy No. 5G.
 - 027 - Use of water under this permit shall be non-consumptive.
 - 026 - Permit holder shall commence the excavation or construction of
 - diverting works within one year of the date this permit is issued
 - and shall proceed diligently until the project is complete.
 - 004 - The issuance of this permit in no way grants any right-of-way or
 - easement across the land of another.
 - 01J - A measuring device and lockable controlling works of a type
 - acceptable to the Department shall be permanently installed and
 - maintained as part of the diverting works prior to diversion of
 - water under this permit.
 - 07A - Assignment or sale of this permit is subject to a determination
 - by the Department that the permit holder has proceeded to develop
 - the permit with due diligence and without speculation.
 - 09D - Water used under this permit if discharged into a natural channel
 - shall meet Idaho Water Quality Standards.
 - 005 - Use of water under this permit is subject to control by the
 - watermaster of State Water District No. &DISTRICT.
 - 016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +
00/00/0000

+ - - Audit Fields -

+ - - - - Water Rights Dates and Flags Area - - - - - +

Proof Due Date	- 10/01/1992	Field Exam Made	- 00/00/0000	Field Exam Fee	- R
Approved/Denied	- 12/13/1989	Protested Date	- 00/00/0000	Swan Falls	- M
Proof Made Date	- 01/25/1990	Hearing Date	- 00/00/0000	Temporary Right	- P
Start Work Date	- 00/00/0000	Verified Date	- 00/00/0000	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 37
Licensed Date	- 00/00/0000	Appl Received	- 08/18/1987	Transfer/Amended	-
Decree Date	- 00/00/0000				

MICROFILMED
FEB 24 1993