

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 37-11885
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)

HELIOS DEVELOPMENT LLC Phone: (208)725-0055
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID USA 83340

2. Date of Priority: 10/01/1961

3. Source: GROUND WATER Trib. to:

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:

WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	0.02	1.75
COMMERCIAL	01/01	12/31	0.04	3.02

7. Total Quantity Appropriated is:
0.06 C.F.S. and/or 4.77 A.F.A.

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	IRRIGATION	0.5
			SW SW	COMMERCIAL	
				Section Acres	0.5
				Total Acres	0.5

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:

WELL SUPPLIES WATER TO WARM SPRINGS RANCH INN.

Claim amended to change point of diversion and place of use.
Also priority date.

Amended claim received 2-18-2009. Amendment corrects priority date, adds
irrigation use, and adds volume.

15. Basis of Claim: Beneficial Use



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 DEPT INTERNET WEB SITE: www.idwr.idaho.gov

SOUTHERN REGION

C.L. "BUTCH" OTTER
GOVERNOR

DAVID R. TUTHILL, JR.
DIRECTOR

February 20, 2009

LAWSON & LASKI, PLLC
KIRSTIN K DUTCHER
PO BOX 3310
KETCHUM ID 83340

RE: Amendment to 37-11885

Dear Kirstin

COPY

The amended claim needs to be submitted to the Snake River Basin Adjudication Court along with Standard Form 4. Before I can address the amended claim the court has to approve the amendment.

In reviewing the amendment I noted that you included irrigation of 0.5 acres. The addition of an additional use requires an additional variable fee of \$1.00 per acre. For the 0.5 acres the additional fee is \$1.00 (acre fractions are rounded up). The \$1.00 needs to be submitted along with the claim and the SF-4.

If you have any additional questions please call me or Chris Bromley and we will do what we can to help.

Sincerely

Kelly K Christensen
Sr Water Resource Agent
E-mail address: kelly.christensen@idwr.idaho.gov

RECEIVED

FEB 18 2009

WATER RESOURCES
WESTERN REGION

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Kirstin K. Dutcher
KKD@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

February 17, 2009

Kelly Christensen
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

Re: Helios Development, LLC
Water Right NOS: 37-11885

Dear Kelly:

As per our previous communication regarding correcting the priority date, use, diversion rate and volume of Water Right 37-11885, please see the enclosed Amended Claim for Water Right 37-11885. If you have any questions, please feel free to contact me.

Thank you,

LAWSON & LASKI, PLLC



Kirstin K. Dutcher

Cc: Client
Charles Brockway

Enclosures

RECEIVED

FEB 18 2009

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

WATER RESOURCES
WESTERN REGION

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FORM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576
Ident. Number 37-11885
Date Received _____
Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Helios 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) 10/01/1961

3. Source of water supply (a) Ground Water

which is tributary to (b) N/A

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 well and pump.

6. Water is claimed for the following purposes:

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

For Commercial purposes from 01/01 to 12/31 amount 0.04 or 3.02

For Irrigation purposes from 4/15 to 10/31 amount 0.02 or 1.75

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.06 (cfs) and / or (b) 4.77 (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											C						
04N	17E	12											0.5						0.5

Total number of acres irrigated 0.5

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.
37-212A, 37-20381 Or None ☐

14. Remarks:
Claim seeks to amend use, diversion rate, diversion volume and priority date.

Last Name _____ Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-11885

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) [Signature] Date 2/9/09

Date _____

For Organizations: I do solemnly swear or affirm that I am Anton Vank, Managing member
of Helios Development, LLC, that I have signed the foregoing
Document in the space below as Managing member of Helios Development, LLC
Organization Title Organization

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

Signature of Authorized Agent <see above>

Title and Organization Managing member, Helios Development, LLC Date 2/9/09

State of Idaho / or _____)
County of Blaine) ss.

Subscribed and sworn to (or affirmed) before me this 9th day of February, 2009



Notary Public [Signature]

Residing at Blaine County

My Commission Expires 8/3/2011

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, 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]

Address C. Lawson & Laski, PLLC, P.O. Box 3310, Ketchum ID 83346

Date 2/9/09

Last Name LASKI Ident. Number 5429

RECEIVED

NOV 06 2008

RECEIVED

OCT 28 2008

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

DEPT. OF WATER RESOURCES
SOUTHERN REGIONWATER RESOURCES
WESTERN 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)
37-11886	Decreed in 2001				
37-11885	In SRBA				

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

3. Name and Address of Former Owner/Claimant(s) Jack Simpson, PO Box 336 Ketchum, ID
83340 (Simpson Family Limited Partner
-ship) SEE ATTACHED CHAIN OF TITLE

4. New Owner/Claimant(s) Helios Development, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address C/O Edward A. Lawson

City, State and ZIP Code PO Box 3310 Ketchum, ID 83340

New Telephone Number (208) 725-0055 Email: EAL@lawsonlaski.com

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.

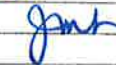
DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right will not be split, skip this area and proceed to line 7)		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Water Right and/or Adjudication Claim Number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

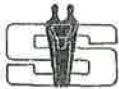
Received by  Date 10-28-08
 Received by  Date 11-4-08
 Processed by AJ Date

Receipt Amt. \$25
 Receipt No. W037027
 WR Date

NOV 19 2008
 SCANNED

EXHIBIT 2

SCANNED
NOV 19 2001



Instrument # 505115

HAILEY, BLAINE, IDAHO

2004-06-15

02:40:00 No. of Pages: 4

Recorded for : BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy

Index to: WTYQICORP DEED

mp

QUITCLAIM DEED

THIS INDENTURE, Made this 28th day of April, 2004 between

THE SIMPSON FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP,
MICHAEL W. SIMPSON FAMILY TRUST B, MICHAEL W. SIMPSON FAMILY TRUST C,
MARY LOU SIMPSON, KELLY JO ALLISON AND PATRICK E. SIMPSON as Grantor and

SUN VALLEY VENTURES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

as Grantee

whose current address is 1420 MONTGOMERY STREET, SAN FRANCISCO, CA 94133

WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

Parcel Number:

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.
TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.

IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

MICHAEL W. SIMPSON FAMILY TRUST B

Kelly Jo Allison
Kelly Jo Allison, Trustee

Patrick E. Simpson
PATRICK E. SIMPSON

MICHAEL W. SIMPSON FAMILY TRUST C

Kelly Jo Allison
Kelly Jo Allison, Trustee

Kelly Jo Allison
KELLY JO ALLISON

SIMPSON FAMILY LIMITED PARTNERSHIP,
AN IDAHO LIMITED PARTNERSHIP
BY:

Kelly Jo Allison
Kelly Jo Allison, general partner

Mary Lou Simpson
MARY LOU SIMPSON

EXHIBIT

2

SCANNED
NOV 19 2003

State of Idaho)
) ss.
County of Blaine)

On this 11 day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared Patrick E. Simpson, Kelly Jo Allison and Mary Lou Simpson, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that they executed the same.

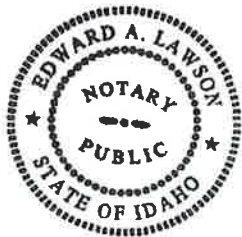


EA Lawson
Notary Public for Idaho
Residing at Blaine County
My Commission expires 5/26/06

STATE OF Idaho)
) ss.
County of Blaine)

On this 11 day of June, 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known to me to be the Trustee of Michael W. Simpson Family Trust whose name is subscribed to the within instrument and acknowledged to me that she subscribed to the within instrument as the said Trustee of the Michael W. Simpson Family Trust &

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



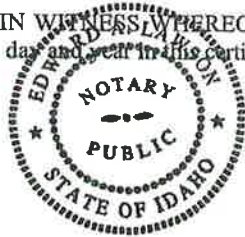
EA Lawson
Notary Public for Idaho
Residing at Blaine County
Commission expires 5-26-06

SCANNED
NOV 19 2003

STATE OF Idaho)
) ss.
County of Blaine)

On this 11 day of June, 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known to me to be the Trustee of Michael W. Simpson Family Trust, whose name is subscribed to the within instrument and acknowledged to me that she subscribed to the within instrument as the said Trustee of the Michael W. Simpson Family Trust C

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

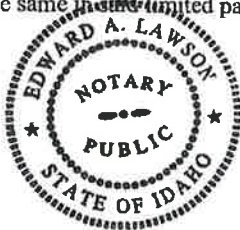


SA Lawson

Notary Public for Idaho
Residing at Blaine County
Commission expires 5-26-06

State of Idaho)
) ss.
County of Blaine)

On this 11 day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known or identified to me to be a general partner in the partnership of Simpson Family Limited Partnership, a limited partnership, the general partner or one of the general partners who subscribed said limited partnership name to the foregoing instrument, and acknowledged to me that she executed the same in said limited partnership name.



SA Lawson

Notary Public for Idaho
Residing at Blaine County, Idaho
My Commission expires 5-26-06

LEGAL DESCRIPTION

WARM SPRINGS RANCH : PARCEL 9
KETCHUM, BLAINE COUNTY, IDAHO

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.

NOTE: This deed is being executed in order to convey a remnant parcel that was inadvertently left off the legal description described in that certain Warranty Deed recorded March 21, 2003 as Instrument No. 480648, records of Blaine County, Idaho.

SCANNED
NOV 19 2003

RECORDING REQUESTED AND
WHEN RECORDED RETURN TO:

Hawley Troxell Ennis & Hawley LLP
Attn: Stephen C. Hardesty
P.O. Box 1617
Boise, Idaho 83701

Instrument # 529315

HAILEY, BLAINE, IDAHO

2005-11-23

02:55:00 No. of Pages: 3

Recorded for : JIM PHILLIPS

MARSHA RIEMANN

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WTYQCICORP DEED

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of October 31, 2005, between SUN VALLEY VENTURES, LLC, a California limited liability company ("Grantor"), and CREEKSIDE I, LLC whose address is P.O. Box 5389, Ketchum, ID 83340 ("Grantee"), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever, all its right, title and interest in the following described real estate situated in the County of Blaine, State of Idaho:

SEE SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above described property together with the appurtenances unto Grantee and its heirs and assigns forever.

The property is conveyed "AS IS," with no representations or warranties whatsoever regarding the condition of the property or with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor,

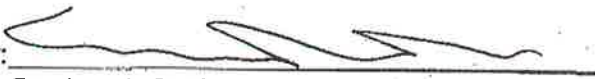
SCANNED

NOV 19 2005

except for general taxes for the current year; liens, encumbrances, easements, assessments, restrictions and tenancies of record or obvious on a physical inspection of the property; or any recorded reservations of oil and/or mineral rights, liens, encumbrances or covenants of record.

GRANTOR:

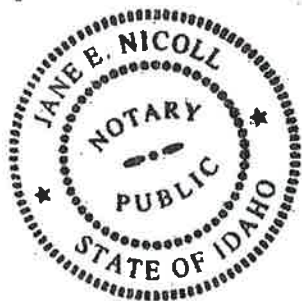
SUN VALLEY VENTURES, LLC, a California
limited liability company
By: Maronnier, LLC, an Idaho limited liability
company

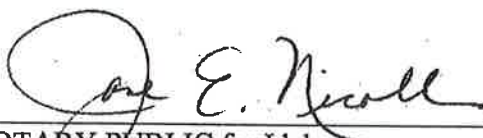
By: 
Stephen A. Roth

STATE OF IDAHO)
) ss.
County of Blaine)

On this 31st day of October, 2005, before me, Jane E. Nicoll, a Notary Public in and for said state, personally appeared Stephen A Roth, known or identified to me to be the person whose name is subscribed to the within instrument on behalf of the Grantor, and acknowledged to me that he executed the same on behalf of the Grantor.

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 Petchum ID
My commission expires: 6-24-07

SCANNED
NOV 19 2003

SCHEDULE "I"

WARM SPRINGS RANCH

PARCEL 1: TAX LOT 6980

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 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.

SCANNED

NOV 19 2003

156892-K
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

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.

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)
) ss.
County of Blaine)

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.



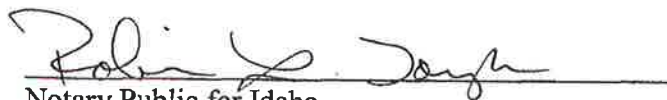

Notary Public for Idaho
Residing at Hailey
My commission expires 3/11/2010

EXHIBIT "A"

(attached hereto)

SCANNED
NOV 10 2003

Legal Descriptions
Order No. 156898

Exhibit "A"

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. $00^{\circ}31'53''$ 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. $80^{\circ}11'09''$ W., 2,210.80 feet along the Southerly boundary of H.E.S. 292 to the Southeast corner of Tax Lot 3082; thence N. $00^{\circ}12'52''$ 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. $54^{\circ}08'10''$ E., 183.59 feet along the Southwesterly boundary of Tax Lot 5103 to the Southwest corner of Lot 12, WARM SPRINGS CREEKSIDE SUBDIVISION, according 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. $46^{\circ}53'48''$ E., 73.97 feet; thence S. $57^{\circ}01'48''$ E., 75.36 feet; thence S. $61^{\circ}14'48''$ E., 74.58 feet; thence S. $65^{\circ}56'12''$ E., 101.10 feet; S. $89^{\circ}10'07''$ E., 100.62; thence N. $72^{\circ}56'28''$ E., 98.55 feet; thence N. $74^{\circ}47'57''$ E., 97.10 feet; thence N. $80^{\circ}37'22''$ E., 76.20 feet; N. $79^{\circ}40'19''$ E., 75.99; thence N. $80^{\circ}31'07''$ E., 76.18 feet; thence N. $86^{\circ}07'24''$ E., 77.89 feet; thence N. $70^{\circ}13'18''$ E., 75.00 feet; thence N. $69^{\circ}54'47''$ E., 65.71 feet; thence N. $66^{\circ}04'53''$ E., 169.10 feet; thence N. $40^{\circ}37'18''$ E., 140.80 feet to the Easterly corner of Lot 25, WARM SPRINGS CREEKSIDE SUBDIVISION; thence N. $37^{\circ}26'22''$ E., 69.30 feet along the Southeasterly boundary of Tax Lot 5761; thence N. $54^{\circ}49'22''$ E., 42.80 feet along the Southeasterly boundary of Tax Lot 6012; thence N. $54^{\circ}49'22''$ E., 26.30 feet along the Southeasterly boundary of ROCKVIEW WEST CONDOMINIUMS, according the official plat thereof on file with the Blaine County Recorder in Hailey, Idaho; thence N. $67^{\circ}53'22''$ E., 60.05 feet along the Southerly boundary of said ROCKVIEW WEST CONDOMINIUM; thence N. $67^{\circ}53'22''$ 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. $76^{\circ}58'22''$ E., 76.50 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. $84^{\circ}33'20''$ E., 65.76 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. $64^{\circ}08'33''$ E., 69.09 feet along said Southerly boundary of the FERN TREE WEST SUBDIVISION; thence N. $84^{\circ}35'49''$ 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. $06^{\circ}28'11''$ E., 19.22 feet along the Southerly boundary of said ROCKVIEW SUBDIVISION; thence S. $88^{\circ}21'58''$ E., 65.30 feet along

SCANNED

NOV 19 2003

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 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 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:

SCANNED

NOV 19 2003

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 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)

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

DLS

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)
County of Valley) ss.

On this 24th day of Dec, 2006, before me, Melanie L. Holmes a Notary Public in and for said State, personally appeared John Enala, 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: Nelae, ID
My Commission Expires: 2-25-08

GRANT DEED

SCANNED
Nov 19 2003

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 Northwestern 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:

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

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.

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Kirstin K. Dutcher
KKD@LAWSONLASKI.COM

RECEIVED

NOV 04 2008

WATER RESOURCES
WESTERN REGION

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

November 3, 2008

RECEIVED

NOV 06 2008

DEPT. OF WATER RESOURCES
SOUTHERN REGION

Kelly Christensen
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

Re: Helios Development, LLC
Water Right No., 37-11886

Dear Kelly:

Enclosed is our firm's check in the amount of \$25.00 for the Notice of Change in Water Right Ownership for water right no. 37-11886. Thank you.

Sincerely,

LAWSON & LASKI, PLLC



Deb Erickson
Assistant to Kirstin K. Dutcher

/dle
Enclosures

SCANNED
NOV 19 2008

Christensen, Kelly

Helios Chg Owner

From: Christensen, Kelly
Sent: Thursday, October 30, 2008 10:20 AM
To: Kristin Dutcher (kkd@lawsonlaski.com)
Subject: 37-11886 change of ownership

EV. Priority / PD location

I received the change of ownership for this right but as it is decreed in the SRBA there is a \$25.00 change of ownership fee due. Once the fee is received the department can begin processing the owner change.

Thanks,

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

for 37-11885

Chg for 11886

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Kirstin K. Dutcher
KKD@LAWSONLASKI.COM

October 21

Kelly Christensen
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

Re: Helios Development, LLC
Water Right NOS: 37-11885, 37-11886

Dear Kelly:

Below is a description of the information requested by the IDWR for the Amended Director's Report for Helios Development, LLC's water rights Nos. 37-11885 and 37-11886. As per our telephone conversation on October 23, 2008, the information for Helios other water rights 37-212A, 37-20381, 37, 2621 and 37-4337, will be provided in a separate mailing.

37-11885 (Disallowed ground water commercial use)

Pursuant to the September 18, 2008 initial hearing, the following documents are enclosed to support the Amended Director's Report due on October 31, 2008:

- Notice of Change in Water Right Ownership (Exhibit 1)
- Chain of Title Report (Exhibit 2)
- Affidavit of Marylou Simpson (Exhibit 3)
- Affidavit of Robert Dunn (Exhibit 4)
- The 1998 Water Application to City attached to the Affidavit of Robert Dunn (See Exhibit 4)
- The GPS Coordinates for the Well (Exhibit 5)

*Exhibits 3, 4, 4.5
retained for file
37-11885 as they pertain to
that file only. KKC
10-29-08*

SCANNED
NOV 19 2008

RECEIVED

OCT 28 2008

RESOURCES
IN REGION

0
10
55
76
IM

RECEIVED

OCT 26 2008

WATER RESOURCES
IN REGION

*To be forwarded to
Southern once
Revs are received.
KKC
10-29-08*

Mr. Kelly Christensen
October 23, 2008
Page 2

37-11886 (Decreed in 2001)

Please find the Notice of Change in Water Right Ownership and the Chain of Title Report. Also enclosed is a \$25.00 filing fee.

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

Thank you,

LAWSON & LASKI, PLLC


Kirstin K. Dutcher

Cc: Client
Charles Brockway

Enclosures

SCANNED
NOV 18 2008

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

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

CIVIL CASE NUMBER: 39576

Ident. Number 37-11885
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)

HELIOS DEVELOPMENT LLC Phone: (208)725-0055
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID USA 83340

2. Date of Priority: 10/01/1968

3. Source: GROUND WATER Trib. to:

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:

WELL & PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
COMMERCIAL	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
0.04 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	COMMERCIAL	

AMENDED
POD & POW changed
from NENW
to SWSW

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:

WELL SUPPLIES WATER TO WARM SPRINGS RANCH INN.

Claim amended to change point of diversion and place of use.
Also priority date.

15. Basis of Claim: Beneficial Use

check Date Case
for Amendment
04 2500 G.P.D.
Backway to GPS
POD
POW
mid Oct
Helios Development

RECEIVED

NOV 16 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA

Subcase 37-11885

(Insert water right number)

Case 39576

STANDARD FORM 4

MOTION TO FILE:

☐ LATE NOTICE OF CLAIM

☒ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

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

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

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

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

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Helios Development LLC

My name is Edward A. Lawson, Brooke A. Hartmann

My address is 1675 Sun Valley Road, Suite A
Post Office Box 8310, Ketchum, ID 83340

My phone number is 208-725-0055

MOTION TO FILE A LATE NOTICE OF CLAIM

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

☐ I did not file a Notice of claim to the use of water in the SRBA because:

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

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

I have attached:

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

Follow these instructions regarding the hearing on this motion.

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

This motion will be heard on _____
(Insert Date and Time)
at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

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

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

the point of diversion and place of use
needs to be corrected.

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

aerial map depicting point of diversion
and a well log and report of the
state reclamation engineer.

I have attached:

- ☒ An amended Notice of Claim (available from IDWR).

- ☐ Payment of the following additional fees required by IDWR:

No additional fees are required
See attached amended Notice of Claim

VERIFICATION (Must be completed)

State of Idaho

County of Blaine

Edward A. Larson being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

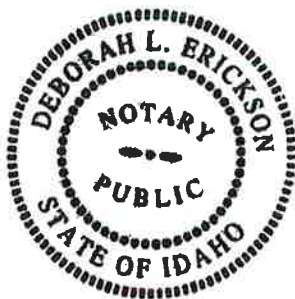
That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that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

Signature of person filing motion

E. Larson

Attorney signing in representative capacity

Subscribed and sworn to before me on November 13, 2007.
(Insert Date)



Deborah Erickson
Notary Public for Idaho
Residing at: Hailey, ID
My Commission expires: 10-09-10

INSTRUCTIONS FOR MAILING

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

CERTIFICATE OF MAILING

I certify that on November 13, 199²⁰⁰⁷, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

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

2. Copies to:

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

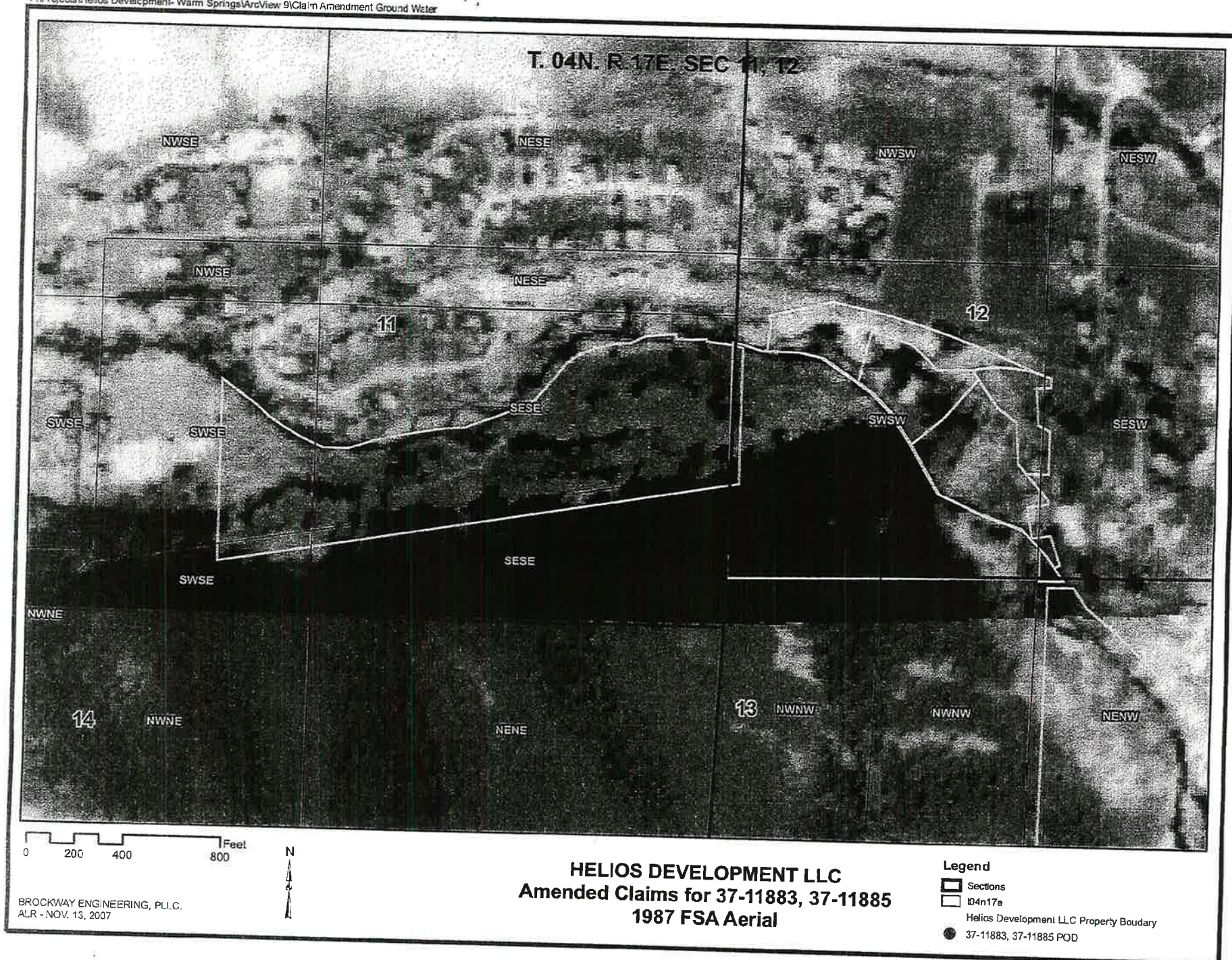
Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

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

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




Signature of person or attorney mailing the form



RECEIVED

NOV 20 1961

Department of Reclamation

WELL LOG AND REPORT OF THE STATE RECLAMATION ENGINEER OF IDAHO

Permit No. _____ Well No. 1 County BLAIN

034442

Owner JACK SIMPSON

Locate well in section

Address KETCHUM, IDAHO

NW 1/4	NE 1/4
SW 1/4	SE 1/4

Driller BILLY J. MARTIN

Address HALEY, IDAHO

Well location SW 1/4 SW 1/4 Sec. 12, T. 4 N. R. 17 E. 1/4

Size of drilled hole _____

Total depth of well 60

Give depth to standing water from the ground 37 Water temp 46 °Fahr.

On "Pumping Test" delivery was 20 g.p.m. or _____ s.f.s. Drawdown was 6 feet.

Size of pump and motor used to make test Barley

Length of time of test 2 hours _____ minutes.

If flowing well, give flow _____ c.f.s. or _____ g.p.m. and of shut off pressure _____

If flowing well, described control works _____

Water will be used for Domestic (TYPE AND SIZE OF VALVE, ETC.)

Weight of casing per lineal foot 17.4

Thickness of casing 1/2" Casing material 6"

(STEEL, CONCRETE, WOOD, ETC.)

Diameter, length and location of casing 6" 60'
(CASING 12" IN DIAMETER OR LESS, GIVE INSIDE DIAMETER;
CASING OVER 12" IN DIAMETER, GIVE OUTSIDE DIAMETER)

CASING RECORD

Diam. Casing	From Feet	To Feet	Length	Remarks—seals, grouting, etc.
6"	0	60	60	

Number and size of perforations _____ located _____ feet to _____ feet from ground

Date of commencement of well Aug 15 Date of completion of well Aug 20

SWSW 5.12 4N 17E

used

WELL LOG

[illegible]

WELL DRILLER'S STATEMENT

This well was drilled under my supervision and the above information is true and correct to the best of my knowledge and belief.

Signed _____

By _____

Dated _____, 19____.

License No. 183

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: 39576

Ident. Number _____

Date Received _____

Receipt Number _____

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

Please type or print clearly

1. Name of Claimant (s) Helios 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) 10/01/1968 ✓
3. Source of water supply (a) Ground Water
which is tributary to (b) N/A
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 well and pump.

6. Water is claimed for the following purposes:

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

For Commercial purposes from 01/01 to 12/31 amount 0.04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04 (cfs) and / or (b) _____ (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:

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

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

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											C						

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:

Claim seeks to amend point of diversion and place of use.

Last Name _____

Ident. No. _____

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

If applicable provide IDWR Water Right Number 37-11885

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 _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Counsel
of Helios Development LLC Title _____ that I have signed the foregoing
Document in the space below as Counsel of Helios Development LLC
Organization Title Organization

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

Signature of Authorized Agent [Signature]
Title and Organization Counsel Helios Development LLC Date Nov. 13, 2007

State of Idaho / or _____)
County of Blaire) ss.

Subscribed and sworn (or affirmed) before me this 13th day of November, 2007.



Notary Public Deborah Erickson
Residing at Hailey Id
My Commission Expires 10-09-10

17. Notice of Appearance:

Please Print Name

Notice is hereby given that I, Edward A. Lawson 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]
Address Lawson & Laski PLLC
PO Box 3310 Ketchum Id 83340
Date November 13, 2007

Last Name _____ Ident. Number _____

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)726-3249

Priority Date: 10/01/1961
 Basis: Beneficial Use
 Status: Active

Pre Amendment
(2007)

<u>Source</u>	<u>Tributary</u>
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 Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 12, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12					X												

Conditions of Approval:

1. WELL SUPPLIES WATER TO WARM SPRINGS RANCH INN.

Remarks:Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-11885

Claim Received Date: 10/21/1988

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal: S

Owner Name Connector:

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
----------------	---------------------------	-----------------	---------------------------	-----------------	---------------

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
----------------	------------------------	-----------------	-----------------

Water Supply Bank:

LAWSON & LASKI, PLLC
ATTORNEYS AT LAW

Kirstin K. Dutcher
KKD@LAWSONLASKI.COM

RECEIVED

OCT 28 2008

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

October 23, 2008

Kelly Christensen
Idaho Department of Water Resources
Western Regional Office
2735 Airport Way
Boise, ID 83705-5082
Fax: (208) 334-2348

Re: Helios Development, LLC
Water Right NOS: 37-11885, 37-11886

Dear Kelly:

Below is a description of the information requested by the IDWR for the Amended Director's Report for Helios Development, LLC's water rights Nos. 37-11885 and 37-11886. As per our telephone conversation on October 23, 2008, the information for Helios other water rights 37-212A, 37-20381, 37, 2621 and 37-4337, will be provided in a separate mailing.

37-11885 (Disallowed ground water commercial use)

Pursuant to the September 18, 2008 initial hearing, the following documents are enclosed to support the Amended Director's Report due on October 31, 2008:

- Notice of Change in Water Right Ownership (Exhibit 1)
- Chain of Title Report (Exhibit 2)
- Affidavit of Marylou Simpson (Exhibit 3)
- Affidavit of Robert Dunn (Exhibit 4)
- The 1998 Water Application to City attached to the Affidavit of Robert Dunn (*See Exhibit 4*)
- The GPS Coordinates for the Well (Exhibit 5)

Mr. Kelly Christensen
October 23, 2008
Page 2

37-11886 (Decreed in 2001)

Please find the Notice of Change in Water Right Ownership and the Chain of Title Report. Also enclosed is a \$25.00 filing fee.

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

Thank you,

LAWSON & LASKI, PLLC


Kirstin K. Dutcher

Cc: Client
Charles Brockway

Enclosures

EXHIBIT 1

RECEIVED

OCT 28 2008

WATER RESOURCES
WESTERN REGION

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

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

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

Water Right No(s)	Adjudication Claim No(s)	Split(s)	Water Right No(s)	Adjudication Claim No(s)	Split(s)
37-11886	Decreed in 2001				
37-11885	In SRBA				

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

3. Name and Address of Former Owner/Claimant(s) Jack Simpson, PO Box 336 Ketchum, ID
83340 (Simpson Family Limited Partner
=ship) SEE ATTACHED CHAIN OF TITLE

4. New Owner/Claimant(s) Helios Development, LLC
Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address C/O Edward A. Lawson

City, State and ZIP Code PO Box 3310 Ketchum, ID 83340

New Telephone Number (208) 725-0055 Email: EAL@lawsonlaski.com

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)



(title if applicable)

(title if applicable)

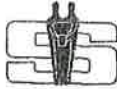
IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.

For IDWR Office Use Only:

Received by _____ Date _____
 Received by _____ Date _____
 Processed by _____ AJ Date _____

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

EXHIBIT 2



Instrument # 505115

HAILEY, BLAINE, IDAHO

2004-06-15

02:40:00 No. of Pages: 4

Recorded for: BLAINE COUNTY TITLE

MARSHA RIEMANN

Fee: 12.00

Ex-Officio Recorder Deputy
Index to: WTYOCKCORP DEED

QUITCLAIM DEED

THIS INDENTURE, Made this 28th day of April, 2004 between

THE SIMPSON FAMILY LIMITED PARTNERSHIP, AN IDAHO LIMITED PARTNERSHIP,
MICHAEL W. SIMPSON FAMILY TRUST B, MICHAEL W. SIMPSON FAMILY TRUST C,
MARY LOU SIMPSON, KELLY JO ALLISON AND PATRICK E. SIMPSON as Grantor and
SUN VALLEY VENTURES LLC, A CALIFORNIA LIMITED LIABILITY COMPANY

whose current address is 1420 MONTGOMERY STREET, SAN FRANCISCO, CA 94133 as Grantee

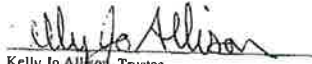
WITNESSETH That said Grantor for and in consideration in lawful money of the United States of America, in hand paid by the Grantee, the receipt whereof is hereby acknowledged, does by these premises remise, release and forever QUITCLAIM, unto the said Grantee and to its heirs and assigns all that certain lot, piece or parcel of land, bounded and particularly described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE
INCORPORATED HEREIN.

Parcel Number:

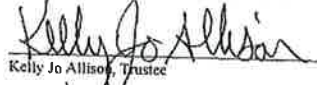
TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.
TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the Grantee and to its heirs and assigns forever.
IN WITNESS WHEREOF, The said Grantor has hereunto set its hand and seal the day and year first above written.

MICHAEL W. SIMPSON FAMILY TRUST B


Kelly Jo Allison, Trustee


PATRICK E. SIMPSON

MICHAEL W. SIMPSON FAMILY TRUST C


Kelly Jo Allison, Trustee


KELLY JO ALLISON

SIMPSON FAMILY LIMITED PARTNERSHIP,
AN IDAHO LIMITED PARTNERSHIP
BY:


Kelly Jo Allison, general partner

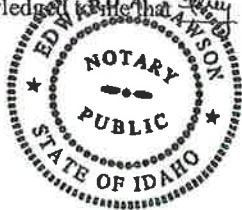

MARY LOU SIMPSON

EXHIBIT

2

State of Idaho)
) ss.
County of Blaine)

On this 11 day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared Patrick E. Simpson, Kelly Jo Allison and Mary Lou Simpson, known or identified to me to be the persons whose name is subscribed to the within instrument, and acknowledged that they executed the same.

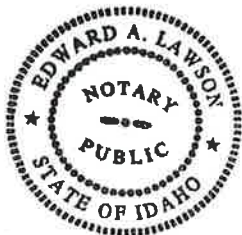


E. A. Lawson
Notary Public for Idaho
Residing at Blaine County
My Commission expires 5/26/06

STATE OF Idaho)
) ss.
County of Blaine)

On this 11 day of June, 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known to me to be the Trustee of Michael W. Simpson Family Trust, whose name is subscribed to the within instrument and acknowledged to me that she subscribed to the within instrument as the said Trustee of the Michael W. Simpson Family Trust.

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

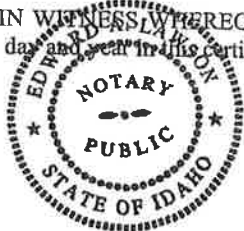


E. A. Lawson
Notary Public for Idaho
Residing at Blaine County
Commission expires 5-26-06

STATE OF Idaho)
County of Blaine) ss.

On this 11 day of June, 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known to me to be the Trustee of Michael W. Simpson Family Trust, whose name is subscribed to the within instrument and acknowledged to me that she subscribed to the within instrument as the said Trustee of the Michael W. Simpson Family Trust C

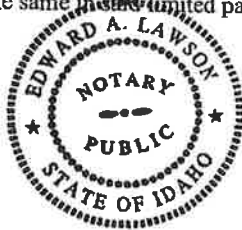
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



SA Lawson
Notary Public for Idaho
Residing at Blaine County
Commission expires 5-26-06

State of Idaho)
County of Blaine) ss.

On this 11 day of June, in the year of 2004, before me, a Notary Public in and for said State, personally appeared Kelly Jo Allison, known or identified to me to be a general partner in the partnership of Simpson Family Limited Partnership, a limited partnership, the general partner or one of the general partners who subscribed said limited partnership name to the foregoing instrument, and acknowledged to me that she executed the same in the limited partnership name.



SA Lawson
Notary Public for Idaho
Residing at Blaine County, Idaho
My Commission expires 5-26-06

LEGAL DESCRIPTION

WARM SPRINGS RANCH : PARCEL 9
KETCHUM, BLAINE COUNTY, IDAHO

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.

NOTE: This deed is being executed in order to convey a remnant parcel that was inadvertently left off the legal description described in that certain Warranty Deed recorded March 21, 2003 as Instrument No. 480648, records of Blaine County, Idaho.

RECORDING REQUESTED AND
WHEN RECORDED RETURN TO:

Hawley Troxell Ennis & Hawley LLP
Attn: Stephen C. Hardesty
P.O. Box 1617
Boise, Idaho 83701

Instrument # 529315

HAILEY, BLAINE, IDAHO

2005-11-23

02:55:00 No. of Pages: 3

Recorded for: JIM PHILLIPS

MARSHA RIEMANN

Fee: 9.00

Ex-Officio Recorder Deputy

Index to: WTYQC/CORP DEED

SNPP

(SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY)

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED made as of October 31, 2005, between SUN VALLEY VENTURES, LLC, a California limited liability company ("Grantor"), and CREEKSIDE I, LLC whose address is P.O. Box 5389, Ketchum, ID 83340 ("Grantee"), witnesseth:

That Grantor, for and in consideration of the sum of Ten Dollars and No Cents (\$10.00), and other good and valuable consideration, the receipt whereof is hereby acknowledged, does, by these presents, convey unto Grantee and its successors and assigns forever, all its right, title and interest in the following described real estate situated in the County of Blaine, State of Idaho:

SEE SCHEDULE I ATTACHED HERETO AND INCORPORATED HEREIN.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in anywise appertaining, the rents, issues and profits thereof; and all estate, right, title and interest in and to the property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the above described property together with the appurtenances unto Grantee and its heirs and assigns forever.

The property is conveyed "AS IS," with no representations or warranties whatsoever regarding the condition of the property or with respect to title, express or implied, other than that previous to the date of this instrument, Grantor has not conveyed the same estate to any person other than Grantee and that such estate is at the time of the execution of this instrument free from encumbrances done, made or suffered by the Grantor, or any person claiming under Grantor,

except for general taxes for the current year; liens, encumbrances, easements, assessments, restrictions and tenancies of record or obvious on a physical inspection of the property; or any recorded reservations of oil and/or mineral rights, liens, encumbrances or covenants of record.

GRANTOR:

SUN VALLEY VENTURES, LLC, a California
limited liability company

By: Maronnier, LLC, an Idaho limited liability
company

By: _____

Stephen A. Roth

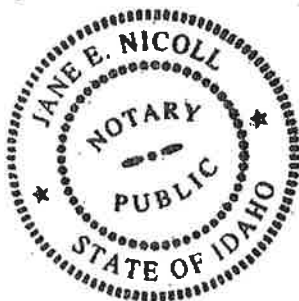
STATE OF IDAHO)

) ss.

County of Blaine)

On this 31st day of October, 2005, before me, Jane E. Nicoll, a Notary Public in and for said state, personally appeared Stephen A Roth, known or identified to me to be the person whose name is subscribed to the within instrument on behalf of the Grantor, and acknowledged to me that he executed the same on behalf of the Grantor.

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



Jane E. Nicoll
NOTARY PUBLIC for Idaho
Residing at Ketchum ID
My commission expires: 6-24-07

SCHEDULE "I"

WARM SPRINGS RANCH

PARCEL 1: TAX LOT 6980

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 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.

156892-K
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 *map*

Index to: GRANT DEED

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.

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

GRANTOR:

CREEKSIDE I, LLC

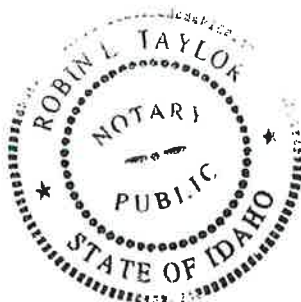
By: Marronnier, LLC, its Manager

By: 
Stephen A. Roth, Manager

STATE OF IDAHO)
) ss.
County of Blaine)

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 Hailey
My commission expires 3/11/2010

EXHIBIT "A"
(attached hereto)

Exhibit "A"

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°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 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 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 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)

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: John Sabala

Title: President

STATE OF Idaho)
County of Valley) ss.

On this 26th day of Dec, 2006, before me, Melanie L. Holmes a Notary Public in and for said State, personally appeared John Sabala, 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: McLain, 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:

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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:

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 1/2" 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

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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)

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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

GRANT DEED - EXHIBIT A

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

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)

GRANT DEED – EXHIBIT B

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

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.

GRANT DEED – EXHIBIT B

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

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.

EXHIBIT 3

COPY

Edward A. Lawson, ISB No. 2440
James R. Laski, ISB No. 5429
Kirstin K. Dutcher, ISB No. 6762
LAWSON & LASKI, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340
Telephone: (208) 725-0055
Facsimile: (208) 725-0076

Attorneys for Helios Development, LLC

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

IN Re SRBA

)
)
)
)
)
)

Water Right Nos. 37-11885, 37-8304,
and 37-4337

AFFIDAVIT OF MARY LOU
SIMPSON

STATE OF IDAHO,

)

) ss.

County of Blaine

)

MARY LOU SIMPSON, being first duly sworn upon oath, deposes and states as follows:

1. My husband, Jack Simpson and I owned and operated Warm Springs Ranch (the "Ranch") from 1952 through 2004, and as such have personal knowledge of the facts stated herein. The Ranch holds several water rights for fish propagation, aesthetic, recreation, and wildlife and commercial purposes.

2. In or about 1952, Jack and I built ponds for fish propagation. Water for the ponds was delivered using a head gate to divert water from Warm Springs' Creek into the ditch (*See* water right nos. 37-8304 and 37-4337). When we owned the Ranch, we stocked the ponds periodically with trout.

EXHIBIT

3

4. After the Ranch ceased allowing guests to catch fish, we continued to use the ponds for raising and rearing fish. During the time we owned the Ranch, the aesthetics of the ponds were enjoyed by Ranch guests as they entered and exited the Restaurant and dined on the patio.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

STATE OF IDAHO)
) ss.
County of Blaine)

SUBSCRIBED AND SWORN before me this 16th day of October, 2008.

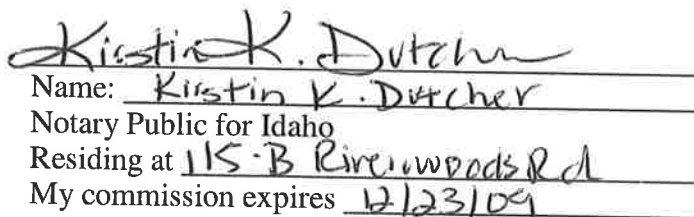


EXHIBIT 4

Edward A. Lawson, ISB No. 2440
James R. Laski, ISB No. 5429
Kirstin K. Dutcher, ISB No. 6762
LAWSON & LASKI, PLLC
675 Sun Valley Road, Suite A
P.O. Box 3310
Ketchum, ID 83340
Telephone: (208) 725-0055
Facsimile: (208) 725-0076

Attorneys for Helios Development, LLC

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

IN Re SRBA

Water Right Nos. 37-11885, 37-8304,
and 37-4337

AFFIDAVIT OF ROBERT DUNN

STATE OF IDAHO,

County of Blaine

$$\left. \begin{array}{l}) \\) \\) \end{array} \right\} \text{SS.}$$

ROBERT DUNN, being first duly sworn upon oath, deposes and states as follows:

1. I was an Employee, Manager or Owner of Warm Springs' Ranch Restaurant (the "Restaurant") from 1980 through 2006, and as such I have personal knowledge of the facts stated herein.

2. During the time I worked at the Restaurant, the fish pond, located outside the Restaurant, was stocked annually with trout. Aesthetically, the pond was enjoyed by Ranch guests as they entered and exited the Restaurant and dined on the patio.

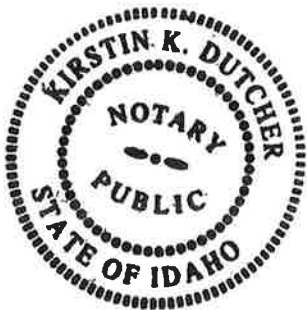
EXHIBIT

4

4. In or about 1998, the Restaurant connected to City Water; however, the well was maintained as a back up until the Restaurant closed in 2006. Attached is a copy of the City of Ketchum, Idaho Residential or Commercial Building Water/Sewer Application signed by my employer Michael Simpson.


Robert Dunn

SUBSCRIBED AND SWORN before me this 16th day of September, 2008.



AFFIDAVIT OF ROBERT DUNN - 2

PC
11-20-00

CITY OF KETCHUM, IDAHO
RESIDENTIAL OR COMMERCIAL BUILDING WATER/SEWER APPLICATION
PHONE 726-7825

Name of Applicant _____ Phone _____
Project Name Upper Spruce Ranch Building Permit No. _____
Project Address 1801 W.E. Rd
Name of Property Owner Mike Simpson Phone _____
Mailing Address of Owner P.O. Box 5507 Ketchum
Legal Description of Property _____

DESCRIPTION OF IMPROVEMENTS

Residential _____ Commercial ✓ Other _____
Total No. of Units _____
Irrigation System _____ Swimming Pool _____
Backflow Device Required _____ Not Required _____
Plumbers Name (Must have current City of Ketchum Bond and License) _____
Phone _____

Approximate Date(s) of Connection:

Water _____ Sewer _____
Size of Connection: Water 1 1/2" Sewer _____

CONNECTION FEES

<u>Water</u>		<u>Sewer</u>	
Standard Connection	\$ <u>460.00</u>	Inspection	\$ <u>Existing</u>
Fire Line Connection	\$ _____	Other	\$ _____
Other	\$ _____	SubTotal	\$ _____
SubTotal	\$ _____		

Total Fees Due \$ 460.00

In consideration of the granting of this permit, the undersigned agrees to accept and abide by the special rules and regulations printed on the reverse side of this form, and all other rules and regulations of the City of Ketchum, Idaho, and any State or Federal Laws pertinent to this type of construction.

Dated 9/8/98 Signed Michael Simpson

DO NOT WRITE BELOW THIS LINE - DEPARTMENTAL USE ONLY

Application Approved and Permit Issued:

Date 7/5/98 Issuing Officer Michael Simpson

WATER

SEWER

Inspected By _____ Date _____ Inspected By _____ Date _____
Water Meter No. _____ Account No. 01-9
Backflow Device _____

Copies to: White/Customer Yellow/Billing Agent Pink/W-S Dept.

THIS PERMIT EXPIRES IF WATER CONNECTION AND WATER SERVICE CHARGES NOT MADE WITHIN TWELVE (12) MONTHS OF THE APPROVAL DATE.

EXHIBIT 5

Kirstin K. Dutcher

From: Amy Runser [amy.runser@brockwayeng.com]
Sent: Tuesday, October 14, 2008 11:44 AM
To: Kirstin K. Dutcher
Subject: Helios Development Well Location

Sensitivity: Confidential

Follow Up Flag: Follow up
Flag Status: Flagged

Kirstin,

Zach Latham requested that I send you the coordinates on a well for Helios. The coordinates system used is the same as IDWR Standard NAD 83 coordinates. (2469113.26961, 1387689.25855). Please let me know if you need any other information on this.

Thanks,

Amy

Amy Runser
Senior Graphic Technician
Brockway Engineering, PLLC.
(708) 736-8543

EXHIBIT

5

10/29/2009

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

RIGHT NUMBER: 37-11885

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.80 AFY

PRIORITY DATE: 10/01/1961

POINT OF
DIVERSION:

T04N R17E S12 NESWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.040 CFS 3.00 AFY
IRRIGATION	04/15 10/31	0.020 CFS 1.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S12 SWSW 0.50

COMMERCIAL in BLAINE County

T04N R17E S12 SWSW

0.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

10/29/2009

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

RIGHT NUMBER: 37-11885

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

VERIFIED BY KRC
3-18-10

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.80 AFY

PRIORITY DATE: 10/01/1961

POINT OF
DIVERSION:

T04N R17E S12 NESWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.040 CFS 3.00 AFY
IRRIGATION	04/15 10/31	0.020 CFS 1.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S12 SWSW 0.50

COMMERCIAL in BLAINE County

T04N R17E S12 SWSW

0.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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.

Property is also known as Homestead Entry Survey No. 292.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This claim is based upon an exchange of a portion of 37-833.

Rockwell By-Pass owners must maintain the by-pass for the entire length of the by-pass capable of carrying 17.36 cfs of water during the irrigation season.

10/29/2009

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

RIGHT NUMBER: 37-11885

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

VERIFIED BY KKC
10-29-09

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.060 CFS
4.80 AFY

PRIORITY DATE: 10/01/1961

POINT OF
DIVERSION:

T04N R17E S12 NESWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.040 CFS 3.00 AFY
IRRIGATION	04/15 10/31	0.020 CFS 1.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S12 SWSW 0.50

COMMERCIAL in BLAINE County

T04N R17E S12 SWSW

0.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

06/30/2009

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

RIGHT NUMBER: 37-11885

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

PRIORITY DATE: 10/01/1961

POINT OF
DIVERSION:

T04N R17E S12 NESWSW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
COMMERCIAL	01/01 12/31	0.040 CFS
		3.00 AFY
IRRIGATION	04/15 10/31	0.020 CFS
		1.80 AFY

PLACE OF USE: IRRIGATION in BLAINE County

T04N R17E S12 SWSW 0.50

COMMERCIAL in BLAINE County

T04N R17E S12 SWSW

0.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

VERIFIED BY *KKC*
6-30-09

RECOMMENDED PLACE OF USE FOR 37-11885



PLACE OF USE
TWP 04N, RNG 17E, SEC 12
Data Entry on June 25, 2009

★ LOCATION IN BASIN

- ★ Recommended point of diversion
- Yellow outline Recommended place of use
- Orange outline Township lines
- Blue outline Section lines
- White outline Quarter/quarter lines

GIS PLACE OF USE PRESENTATION
2004 AERIAL PHOTOGRAPHY
BY KELLY K CHRISTENSEN



Basin 37





1 inch equals 120 feet

**HELIOS DEVELOPMENT LLC
DIVERSION SYSTEM
2004 NAIP AERIAL PHOTOGRAPH**

BROCKWAY ENGINEERING, PLLC.
ALR - OCT. 20, 2008

Legend

- Well- 37-11885
- Diversion
- Ditch
- Ponds
- t04n17e



Kirstin K. Dutcher

From: Amy Runser [amy.runser@brockwayeng.com]
Sent: Tuesday, October 14, 2008 11:44 AM
To: Kirstin K. Dutcher
Subject: Helios Development Well Location

Sensitivity: Confidential

Follow Up Flag: Follow up
Flag Status: Flagged

Kirstin,

Zach Latham requested that I send you the coordinates on a well for Helios. The coordinates system used is the same as IDWR Standard NAD 83 coordinates. (2469113.26961, 1387689.25855). Please let me know if you need any other information on this.

Thanks,

Amy

Amy Runser
Senior Graphic Technician
Brockway Engineering, PLLC.
(208) 736-8543

EXHIBIT 5

Christensen, Kelly

From: Christensen, Kelly
Sent: Wednesday, December 17, 2008 2:32 PM
To: Kristin Dutcher (kkd@lawsonlaski.com)
Cc: Kelly, Vicki; Bromley, Chris; Homan, John
Subject: 37-11885 Helios

Sometimes I feel that I am hanging onto an ice ledge during global warming.

I just got off the phone with Vicki Kelly and as a part of the conversation she asked about this right. I pulled it and thumbed through it and hit what appears to be another problem. The 2007 amended claim which I believe is the latest activity on this right lists the priority date as 10-1-1968. Evidence of priority submitted was a well log with a department date stamp of Nov 20, 1961, an affidavit by Mary Lou Simpson also indicating that the well was used at the restaurant in or about 1961, and an affidavit by Robert Dunn stating personal knowledge from 1980 through 2006 but was told of use going back to 1961.

The issue is that the amended priority date of 1968 for a commercial use is in conflict with the mandatory permit statute for a groundwater source. If the priority date is corrected and the volume information is received then it appears that I could recommend the 1961 date.

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190

10/30/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
37-11885	HELIOS DEVELOPMENT LLC C/O STAN CASTLETON PO BOX 4151 PARK CITY UT 84060	Disallowed	No lawful appropriation shown.

10/30/2008

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

RIGHT NUMBER: 37-11885

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

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.040 CFS

PRIORITY DATE: 10/01/1961

POINT OF DIVERSION:

T04N R17E S12 NWNENW Within BLAINE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

COMMERCIAL

1/01 12/31

0.040 CFS

PLACE OF USE: COMMERCIAL in BLAINE County

T04N R17E S12 NENW

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

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Christensen, Kelly

From: Christensen, Kelly
Sent: Friday, October 24, 2008 10:53 AM
To: 'charles.e.brockway@brockwayeng.com'
Subject: FW: 37-11885 Hellos Deadline to submit amended Dir Report Oct 31

Chuck, I did not notice that I still had the old e-mail address in my address book.

kkc

From: Christensen, Kelly
Sent: Friday, October 24, 2008 10:46 AM
To: ccbrock@mindspring.com
Cc: Bromley, Chris; Kristin Dutcher (kkd@lawsonlaski.com)
Subject: 37-11885 Hellos Deadline to submit amended Dir Report Oct 31

As the deadline is rapidly approaching I just wanted to check to see where we stand. In my notes from the hearing in Hailey I note that Brockway will provide a gps location for the well and identify the place of use.

Also needed is information regarding the diversion volume historically used by the restaurant.

Kristin, based upon our previous conversation, I would expect that the ownership issue will be resolved shortly. Once all of the information has been received, it shouldn't take too long to complete the amended director's report.

thanks

Kelly K Christensen
Sr Water Resource Agt
Boise, Western Region
(208)-334-2190



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 31, 2009

HELIOS DEVELOPMENT LLC
C/O EDWARD A LAWSON
PO BOX 3310
KETCHUM ID 83340

Re: Snake River Basin Adjudication (SRBA)
Returned Checks for Amended Claims #37-212A, 37-11885 and 37-20381

Dear Mr. Lawson:

IDWR received your checks #2738, 2739 and 3741 on February 11, 2009, long after your Motions to File Amended Claim were granted and shortly after the partial decree for amended claim 37-11885 was issued. The checks over a year old would never clear the bank and is the reason they are being returned.

Please submit another payment for claim fees to IDWR at your earliest convenience. Please write the amended claim numbers on your checks.

Thank you for attending to this matter.

Sincerely,

Donald V. Shaff, MPA
Adjudication Bureau Chief

DVS:ss:region
Enclosures

Checks Referenced Above

SCANNED

MAR 31 2009

MEMORANDUM

RECEIVED
FEB 11 2009
DEPARTMENT OF
WATER RESOURCES

Date: 02/09/09
From: Julie Murphy, SRBA Deputy Clerk
To: IDWR
Subject: Fees for filings of *Amended Notice of Claim*

When the assistants to the special masters process orders granting motions to amend claims, they often forget to let me know about it. Time passes, the note I gave them to notify me when an order is processed gets buried in the file under successive filings and understandably they forget... and I don't see their orders prior to mailing. Consequently, the checks for fees I'm holding do not get forwarded to you with the orders. I, also, have been very negligent for not following up on any sort of a regular basis. In the future, I am determined to implement an effective way of resolving this problem. In the meantime, I am forwarding checks to you for amended claim fees, together with documentation showing the water right numbers, (listed below) claimant names and dates orders were filed.

I apologize for the delay and any extra work or inconvenience this may cause. If you have any questions or simply feel the urge to rail on me for my negligence, feel free to call me ☺!! Thanks.

✓ Claim No. 01-00083X - \$4500.00 ✓

✓ Claim No. 37-00212A - \$50.00 ✓

✓ Claim No. 37-20381 - \$50.00 ✓

✓ Claim No. 37-11145 - \$4.00 ✓

✓ Claim No. 37-11885 - \$50.00 ✓

✓ Claim No. 73-00002A - \$172.00 PD Springa Bank

✓ Claim No. 74-00741 - \$193.00 ✓

✓ Claim No. 74-15861 - \$100.00 ✓

SCANNED

MAR 3 1 2009

Tuesday, November 18, 2008

Memo to the file

I was forward the ownership change of 37-11885 and 37-11886 of Simpson to Helios Development LLC on Nov 6th of this year. I reviewed and Deed Plotted the deeds sent by Kristin Dutcher.

Helios Development is listed as the current owner of 37-11885. The objection lists a problem with the POU so the deeds are not matching the Water right's legal at this time.

I am unable to change Water right 37-11886. The original claim lists the location of the water in Lt2 Blk 3 of the Sun Valley Sub 1st Addition. That lot is owned by James Goss at this time. The enclosed map shows the large piece of land owned by Helios Development and the small lot owned by Mr. Goss. They are located in the same quarter/quarter but defiantly not the same location.

definitely

Carrie Hahn

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

In Re SRBA)

Case No. 39576)

A. Subcase 37-11885
(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Helios Development LLC c/o: Stan Castleton

Address: P.O. Box 4151 Park City, UT 84060

Daytime Phone: 435-655-3288

Name & Address of Attorney, if any:

Edward Lawson

Lawson and Laski PLLC

P.O. Box 3310

Ketchum, ID 83340

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

Name: Helios Development LLC c/o: Stan Castleton

Address: P.O. Box 4151 Park City, UT 84060

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

1. ☐ **Name and Address**
Should be: _____
2. ☒ **Source**
Should be: Ground water, instead of disallowed.
3. ☒ **Quantity**
Should be: 0.04 cfs as was claimed, instead of disallowed.
4. ☒ **Priority Date**
Should be: 10/01/1968 as was claimed, instead of disallowed.
5. ☒ **Point of Diversion**
Should be: T.04N R.17E SEC. 12 SW ¼ SW ¼ instead of disallowed.
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☒ **Purpose(s) of Use**
Should be: Commercial, instead of disallowed.
8. ☒ **Period of Year**
Should be: 01/01 - 12/31 instead of disallowed.
9. ☒ **Place of Use**
Should be: T.04N R.17E SEC. 12 SW ¼ SW ¼ instead of disallowed.
10. ☐ **I object because:**
☐ This water right Should not exist.

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

E. **REASONS SUPPORTING OBJECTIONS(S):** Historically, this water right has been used for commercial uses and should not be disallowed.

F. **VERIFICATION** (must be completed)

State of Idaho

County of Blaine) ss.

Edward A. Lawson, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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

(Signature of person filing objection)

EA Lawson

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

November 13, 2007

Deborah Erickson

Notary Public for Idaho

Residing at: Hailey, ID

My Commission Expires: 10.09.10



INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on November 13, 2007, ^{or couriered} I mailed the original and copies of this objection, including all attachments, to the following persons: [^]

1. Original to (via mail and courier)

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

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

Name: Helios Development LLC c/o: Stan Castleton
Address: P.O. Box 4151 Park City, UT 84060

3. Copies to:

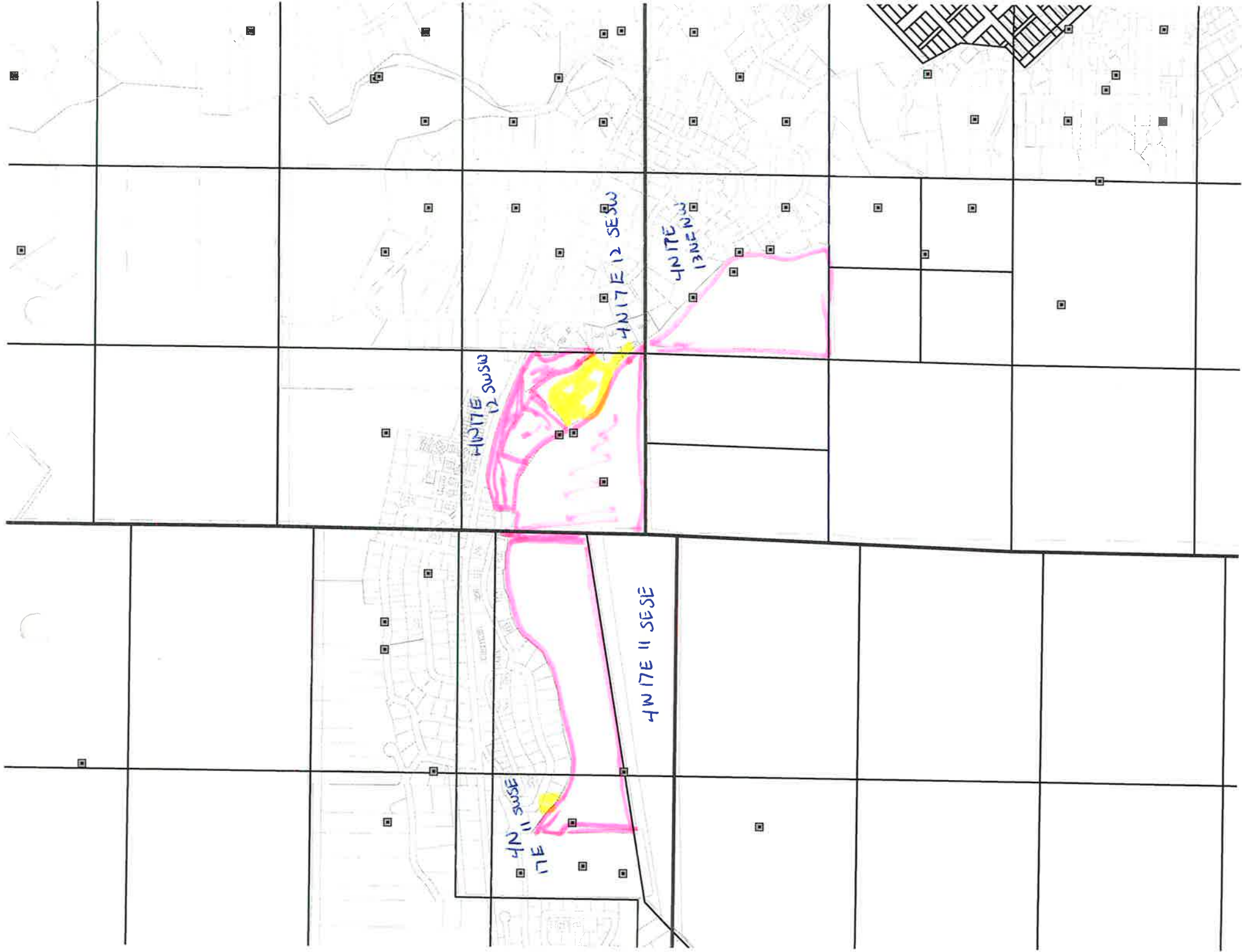
IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

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



Signature of objector or attorney
mailing on Objector's behalf



BLAINE COUNTY ASSESSOR 219 1st Avenue South, Ste. 101 Hailey, Idaho 83333

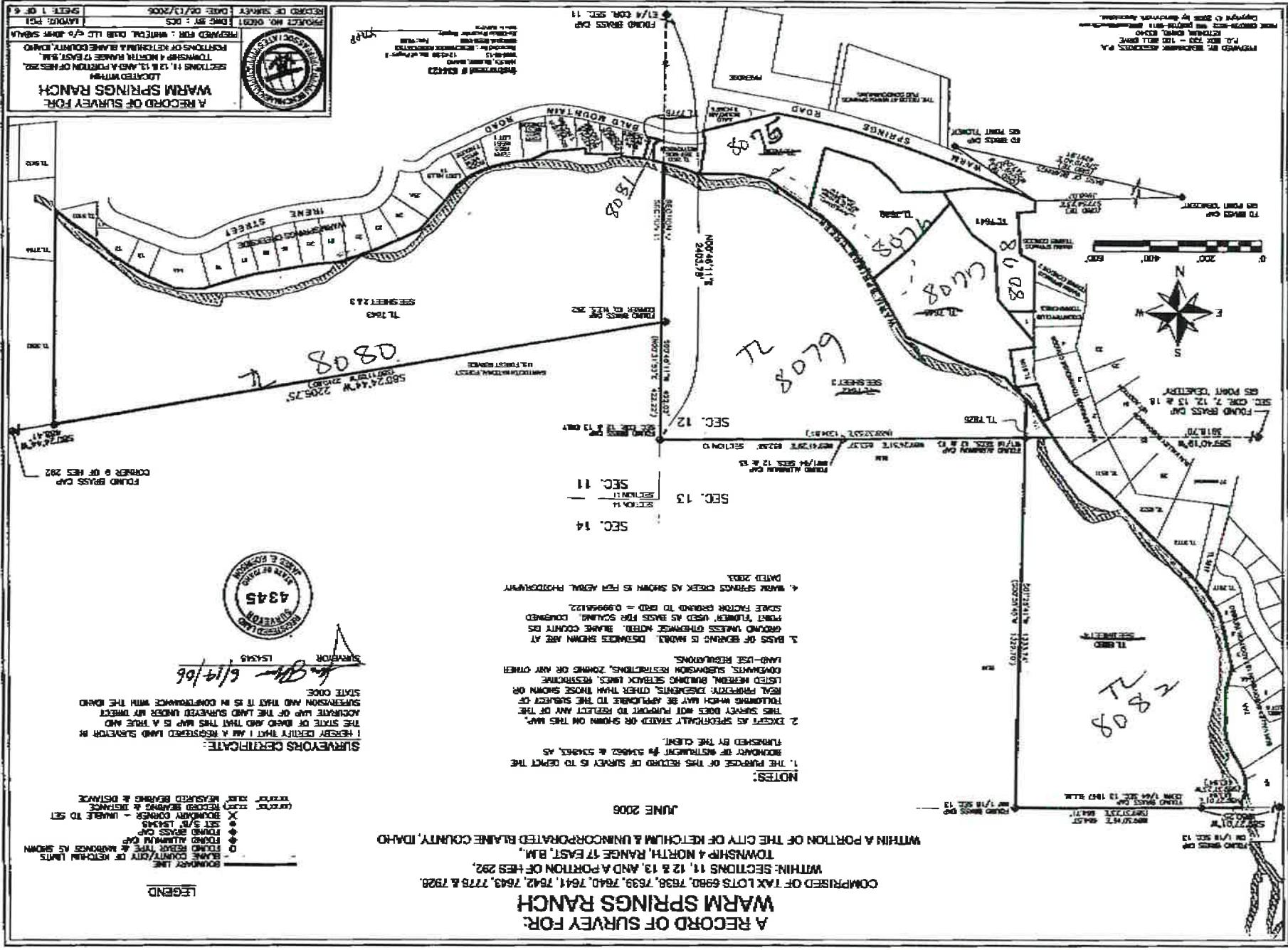
Phone: Office (208) 788-5535 FAX (208) 788-5542

IMPORTANT
FAX
TRANSMISSION

To: <u>Carrie</u>	
FAX #: _____	Date: <u>11-18-08</u>
From: <u>Vivian</u>	<u>2</u> pages
Subject: <u>Helios</u>	(including cover)

NOTE:

Carrie,
map upside down
Helios owns 8075, 8076, 8077, 8078,
~~8079~~ 8079, 8080, 8081



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11885 V2

WATER RIGHT NUMBER: 37-11885 V2

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	JACK E SIMPSON PO BOX 336 KETCHUM, ID 83340 (208)726-3249
Current Owner	HELIOS DEVELOPMENT LLC C/O STAN CASTLETON PO BOX 4151 PARK CITY, UT 84060 (435)655-3288

Priority Date: 10/01/1961

Basis: Beneficial Use

Status: Disallowed

<u>Source</u>	<u>Tributary</u>
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 Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 12, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12					X												

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-11885 V2

Comments:

1. Iharris 1/4/2007 Disallow

Comment: This right is being disallowed since evidence of priority has not been submitted. The requested response for evidence of priority was June 17, 2005 per a letter sent by Southern Region office.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

SubCase:

SubCase Number: 37-11885
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Iharris
Basis of Claim: Beneficial Use
Date Filed: 11/13/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11885 V1

WATER RIGHT NUMBER: 37-11885 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK E SIMPSON PO BOX 336 KETCHUM, ID 83340 (208)726-3249

Priority Date: 10/01/1961

Basis: Beneficial Use

Status: Closed

<u>Source</u>	<u>Tributary</u>
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 Diversion

GROUND WATER	NW1/4NE1/4NW1/4	Sec. 12, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

COMMERCIAL

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	12					X												

Conditions of Approval:

1. P01 No lawful appropriation shown.
2. P11 No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

Remarks:Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-11885 V1

1. Iharris 1/4/2007 Disallow

Comment: This right is being disallowed since evidence of priority has not been submitted. The requested response for evidence of priority was June 17, 2005 per a letter sent by Southern Region office.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:SubCase:

SubCase Number: 37-11885
Class: 1
SF5 Filed Date:
Special Master Recom Signed Date:
Attorney Assigned:
Adjudication Agent: Iharris
Basis of Claim: Beneficial Use
Date Filed: 11/13/2007 Objection Status: Active

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-11886

WATER RIGHT NUMBER: 37-11886

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JACK E SIMPSON PO BOX 336 KETCHUM, ID 83340 (208)726-3249

Priority Date: 10/01/1960

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

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

Location of Point(s) of Diversion

GROUND WATER	NE1/4NW1/4	Sec. 13, Twp 04N, Rge 17E, B.M.
BLAINE County		

Place of Use

DOMESTIC

8074

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
04N	17E	13					X												

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. C18 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.
4. PARCEL NO. RPK05500030020 ALSO KNOWN AS 167 EXHIBITION BLVD.

Remarks:Comments:James Goss
AnnL+2 BIK 3
Sun Valley Sub
1st Add

Helios RPO4N1701 3658E

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 37-11886

1. JGIVENS 1/7/1999 COPIED FROM REMARKS
Comment: LT 2, BLK 3, SUN VALLEY SUBD, 1ST ADDITION.

Dates and Other Information:

Licensed Date:
Decreed Date: 1/5/2001
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal: S
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Decree Defendant:
Decree Plaintiff:
Civil Case Number: 39576
Judicial District: FIFTH
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:

Water Supply Bank:

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

13. Other Water Rights Used:
NONE

14. Remarks:
LT 2, BLK 3, SUN VALLEY SUBD, 1ST ADDITION.

15. Basis of Claim: BENEFICIAL USE

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 Sengman

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

Lois White
Notary Public

Seal

Residing at FF

My Commission Expires 5/95

