

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED

FEB - 9 2017

Notice of Change in Water Right Ownership

IDWR/NORTHERN

1. List the numbers of all water rights and/or adjudication claim records to be changed. If you only acquired a portion of the water right or adjudication claim, check "Yes" in the "Split?" column. If the water right is leased to the Water Supply Bank, check "Yes". If you are not sure if the water right is leased to the Water Supply Bank, see #6 of the instructions.

Water Right/Claim No.	Split?	Leased to Water Supply Bank?	Water Right/Claim No.	Split?	Leased to Water Supply Bank?
94-8863	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐
	Yes ☐	Yes ☐		Yes ☐	Yes ☐

2. Previous Owner's Name: Silver Mountain Corp. (Silver Mountain Resort)
Name of current water right holder/claimant
3. New Owner(s)/Claimant(s): Powder, LLC
New owner(s) as listed on the conveyance document Name connector ☐ and ☐ or ☐ and/or
- 701 Bunker Ave #133 Kellogg ID 83837
Mailing address City State ZIP
- 208-783-1509 jeffc@silvermt.com
Telephone Email
4. If the water rights and/or adjudication claims were split, how did the division occur?
☐ The water rights or claims were divided as specifically identified in a deed, contract, or other conveyance document.
☐ The water rights or claims were divided proportionately based on the portion of their place(s) of use acquired by the new owner.
5. Date you acquired the water rights and/or claims listed above: October 20, 2016
6. If the water right is leased to the Water Supply Bank changing ownership of a water right will reassign to the new owner any Water Supply Bank leases associated with the water right. Payment of revenue generated from any rental of a leased water right requires a completed IRS Form W-9 for payment to be issued to an owner. A new owner for a water right under lease shall supply a W-9. Water rights with multiple owners must specify a designated lessor, using a completed Lessor Designation form. Beginning in the calendar year following an acknowledged change in water right ownership, compensation for any rental will go to the new owner(s).
7. This form must be signed and submitted with the following **REQUIRED** items:
☒ A copy of the conveyance document – warranty deed, quitclaim deed, court decree, contract of sale, etc. The conveyance document must include a legal description of the property or description of the water right(s) if no land is conveyed.
☒ Plat map, survey map or aerial photograph which clearly shows the place of use and point of diversion for each water right and/or claim listed above (if necessary to clarify division of water rights or complex property descriptions).
☒ Filing fee (see instructions for further explanation):
 o \$25 per *undivided* water right.
 o \$100 per *split* water right.
☒ No fee is required for pending adjudication claims.
☐ If water right(s) are leased to the Water Supply Bank AND there are multiple owners, a Lessor Designation form is required.
☐ If water right(s) are leased to the Water Supply Bank, the individual owner or designated lessor must complete, sign and submit an IRS Form W-9.
8. Signature: [Signature] LLC MANAGER 2/7/17
Signature of new owner/claimant Title, if applicable Date
- Signature: _____
Signature of new owner/claimant Title, if applicable Date

For IDWR Office Use Only:

Received by _____ Date _____ Receipt No. _____ Receipt Amt. _____

Active in the Water Supply Bank? Yes ☐ No ☐ If yes, forward to the State Office for processing W-9 received? Yes ☐ No ☐

Name on W-9 _____ Approved by _____ Processed by NS Date 3-2-17

State of Idaho
Department of Water Resources

Adjudication Recommendation

94-8863

DOMESTIC

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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

0 0.035 0.07 0.14 Miles



ATTACHMENT

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommended Right Report

2/9/2017

WATER RIGHT NO. 94-8863

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	SILVER MOUNTAIN RESORT 701 BUNKER AVE KELLOGG, ID 83837

Priority Date: 09/18/1998
Basis: Beneficial Use
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>Volume</u>
DOMESTIC	01/01	12/31	0.01 CFS	
Total Diversion			0.01 CFS	

Location of Point(s) of Diversion:

GROUND WATER|NENE|Sec. 24|Township 48N|Range 02E|SHOSHONE County

Place(s) of use:

Place of Use Legal Description: DOMESTIC SHOSHONE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>

48N | 02E | 24 | | NENE | | | | | | | |

Conditions of Approval:

1. 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.
2. N06 The quantity of water under this right shall not exceed 2,500 gallons per day.
3. N11 The quantity of water decreed for this water right is not a determination of historical beneficial use.
4. X08 Domestic use is for a shop.
5. PIN Parcel No. RPE00000240050.

Dates:**Other Information:**

State or Federal:

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:

Cary Act Number:

Mitigation Plan: False

ATTACHMENT

297081

When recorded, return to:

Powder, LLC
16019 Inglewood Road NE
Kenmore, WA 98028

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SPECIAL WARRANTY DEED

Special Warranty Deed made this 20 day of October, 2016, between Silver Mountain Corp., an Oregon corporation ("Grantor"), and Powder, LLC, an Idaho limited liability company, whose address is 16019 Inglewood Road NE, Kenmore, WA 98028 ("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 the following described real estate ("Owned Real Property") situated in the County of Shoshone, State of Idaho:

SEE EXHIBIT A 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 Owned Real Property, as well in law as in equity, except as expressly provided otherwise herein.

To have and to hold, all and singular the Owned Real Property together with the appurtenances unto Grantee and its heirs and assigns forever.

Grantor makes no covenants or warranties 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, but not otherwise, subject to the matters set forth on Exhibit B attached hereto.

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EXECUTED as of the date first written above.

SILVER MOUNTAIN CORP.,
an Oregon corporation

By: R.C. Wendt
Name: R.C. Wendt
Title: President

STATE OF OREGON)
COUNTY OF Klamath)ss.

This instrument was acknowledged before me on October 18th, 2016,
by R.C. Wendt, the President of Silver Mountain Corp., an Oregon
corporation, on behalf of the company.



Susan F. Weiskopf
Notary Public
My commission expires: 4/1/2017
Commission No. 477007

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**EXHIBIT A
LEGAL DESCRIPTION**

PARCEL 1:

Government Lots 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19, Section 19, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho.

EXCEPT that portion conveyed to the City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926 records of Shoshone County State Idaho.

ALSO EXCEPT that portion conveyed to the City of Kellogg for Chairlift No. 2 right-of-way, June 30, 1989, Instrument No. 337928, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion conveyed to the City of Kellogg known as the Kellogg Peak Site, June 30, 1989, Instrument No. 337925 records of Shoshone County, State of Idaho.

PARCEL 2:

Government Lots 10, 11, 16, 17, 18 and 19, Section 20, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho.

EXCEPT that portion conveyed to J.W. Kendrick, April 16, 1991, Instrument No. 347060, records of Shoshone County, State of Idaho.

PARCEL 3:

Rolling Stone Patented Lode Mining Claim M.S. 619, situated in Yreka Mining District in Section 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 38, Deeds, page 484.

PARCEL 4:

Fairview Patented Mining Claim, M.S. 621, situated in Yreka Mining District in Section 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 38, Deeds, page 486.

PARCEL 5:

Bonanza Fraction, Iron Hill, LaCrosse, Ollie McMillin, Schofield and Summit Patented Lode Mining Claims, M.S. 1228, situated in Yreka Mining District in Section 13, Township 48 North, Range 2 East, B.M. and in Section 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 20, Deeds, page 572.

EXCEPT THEREFROM that portion of M.S. 1228 conveyed to Idaho Forest Industries by deed recorded March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

ALSO EXCEPT THEREFROM, any portion of M.S. 1228 in conflict with M.S. 1621.

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PARCEL 6:

Daisy, Dandy, Jessie, Julia, Justice and Walla Walla Patented Mining Claims, M.S. 1345 situated in Yreka Mining District in Section 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 20, Deeds, page 584.

EXCEPT THEREFROM that portion of M.S. 1345 conveyed to City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 7:

Lucky Chance and Midday Patented Mining Claims, M.S. 1349, situated in Yreka Mining District in Sections 17 and 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 15, Deeds, page 494.

EXCEPT THEREFROM that portion of M.S. 1349 lying in Section 17 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

ALSO EXCEPT THEREFROM that portion of M.S. 1349 conveyed to City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 8:

Black, Brown, Dewey, Sampson, Sarnia, Star, S-1, S-2, S-3, S-4, S-5, S-6, S-7, S-8, S-9 and S-10 Patented Mining Claims, M.S. 2081, situated in Yreka Mining District in Sections 13 and 24, Township 48 North, Range 2 East, B.M. and in Sections 18 and 19, Township 48 North, Range 3 East, B.M. in Shoshone County, State of Idaho. Patent recorded in Book 34, Deeds, page 456.

PARCEL 9:

Get There, Junction and Last Chance Patented Lode Mining Claims, M.S. 2204, situated in Yreka Mining District in Sections 17, 18, 19 and 20, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 39, Deeds, page 408.

EXCEPT that portion of M.S. 2204 lying in Section 17 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho

ALSO EXCEPT that portion of M.S. 2204 lying in Section 20 conveyed to Pintlar Corporation, June 22, 1993, Instrument No. 357504, records of Shoshone County, State of Idaho.

PARCEL 10:

Atlas, OK, Timothy, Timothy Fraction Patented Lode Mining Claims, M.S. 2274, situated in Yreka Mining District in Sections 17, 18, 19 and 20, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 43, Deeds, page 36.

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EXCEPT that portion of M.S. 2274 conveyed to City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 2274 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 2274 conveyed to Pintlar Corporation, June 22, 1993, Instrument No. 357504, records of Shoshone County, State of Idaho.

PARCEL 11:

A, Edna, Medium, Missing Link, No. 1, Peak, Snowline, Yreka No. 10, Yreka No. 11, Yreka No. 22, Yreka No. 23, Yreka No. 24, Yreka No. 25 and Yreka No. 26 Patented Lode Mining Claims, M.S. 2587, situated in Yreka Mining District in Sections 13 and 24, Township 48 North, Range 2 East, B.M. and in Section 19, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patents recorded in Book 57, Deeds, page 597 and in Book 57, Deeds, page 85.

EXCEPT that portion of M.S. 2587 conveyed to the City of Kellogg for Chairlift No. 2 right-of-way, June 30, 1989, Instrument No. 337928, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 2587 conveyed to City of Kellogg and known as the Kellogg Peak Site, June 30, 1989, Instrument No. 337925, records of Shoshone County, State of Idaho.

PARCEL 12:

Asset, Childs, Eli, Evans, Gun, Nick, Ox, Sherman, Simmons, Taft and Yale Patented Mining Claims, M.S. 2611, situated in Yreka Mining District in Section 13, Township 48 North, Range 2 East, B.M., and in Sections 18 and 19, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 56, Deeds, page 99.

EXCEPT that portion of M.S. 2611 conveyed to the City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 2611 lying in Section 13 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

PARCEL 13:

East Midland, Midland, Midland No. 1, Midland No. 3, Midland No. 4, Midland No. 5, Midland No. 6, Midland No. 7, Midland No. 8 and North Midland Patented Mining Claims, M.S. 3108 situated in Yreka Mining District in Section 24, Township 48 North, Range 2 East, B.M. and in Section 19, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 60, Deeds, page 319.

PARCEL 14:

Spokane Central No. 1, Spokane Central No. 2, Spokane Central No. 3, Spokane Central No. 4 and Spokane Central No. 5 Patented Lode Mining Claims, M.S. 3472, situated in Yreka

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Mining District in Sections 19, 20, 29 and 30, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patents recorded as Instrument No. 179430 and Instrument No. 219606, records of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 3472 lying in Sections 29 and 30, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho.

PARCEL 15:

Being a tract of land lying in Section 24, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho on the top of Wardner Peak and which is more particularly described as follows:

Using the official City of Kellogg survey system meridian (identical with the Bunker Hill Company Triangulation survey meridian) and beginning at Corner No. 1 from whence Corner No. 3 of Mineral Survey No. 3108 Midland No. 5 Lode (a marked stone monument) bears South $83^{\circ}44'52''$ West, 427.16 feet distant and from whence also Corner No. 3 Mineral Survey No. 2587, Snowline Lode bears South $62^{\circ}39'08''$ West, 434.03 feet distant; thence

North $52^{\circ}11'10''$ East, 30.00 feet distant to Corner No. 2; thence

South $37^{\circ}48'50''$ East, 30.00 feet distant to Corner No. 3; thence

South $52^{\circ}11'10''$ West, 30.00 feet distant to Corner No. 4; thence

North $37^{\circ}48'50''$ West, 30.00 feet distant to Corner No. 1 and the place of beginning.

PARCEL 16:

A parcel of land as described in Instrument No. 414120 and more particularly described as follows:

Beginning at a point which lies on the centerline of the Wardner City Street, known as Sierra Nevada Road and the Western boundary along the constructed road, known as the Silverhorn Road which meanders to a point on the ridge East of Deadwood Gulch, continuing in Southwesterly direction across the section line between Sections 11 and 12, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho; thence

To a point on Deadwood Creek which lies 800 feet more or less Northwesterly of the Southwest corner of Section 12, Township 48 North, Range 2 East, B.M.; thence in a Northwesterly direction to a point on the ridge on the West side of Deadwood Gulch which lies Southwesterly 2150 feet more or less from the Northwest corner of Section 12, Township 48 North, Range 2 East, B.M.; thence in a Southerly direction to a point on the Section line between Sections 11 and 14, Township 48 North, Range 2 East, B.M.; which is 1100 feet more or less Westerly of the Northwest corner of Section 13, Township 48 North, Range 2 East, B.M.; thence in a Southeasterly direction to a point on the Section line between Sections 13 and 14, Range 2 East, B.M., a distance of 500 feet more or less Southerly of the Northwest corner of Section 13, Township 48 North, Range 2 East, B.M.; thence in a Northeasterly direction to a point 750 feet more or less due East of the Northwest Corner of Section 13, Township 48 North, Range 2 East, B.M.; thence continuing Northeasterly to a point on the ridge between Deadwood Creek and Milo creek; thence in a Southerly direction to a point on a fork of Milo Creek which lies

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2150 feet more or less in a Northeasterly direction of the Southwest corner of Section 13, Township 48 North, Range 2 East, B.M.; thence in an Easterly direction to a point on a ridge which lies 2700 feet more or less in a Northeasterly direction from the Southwest corner of Section 13, Township 48 North, Range 2 East, B.M.; thence in a Southeasterly direction to a point which lies East 2550 feet more or less of the Southwest corner of Section 13, Township 48 North, Range 2 East, B.M.; thence in an Easterly direction to a point known as the Lodge site which lies in a Southwesterly direction 500 feet more or less from the Southeast corner of Section 13, Township 48 North, Range 2 East, B.M., Shoshone County, State of Idaho.

PARCEL 17:

Surface rights only to those portions of the Atlas and OK Patented Lode Mining Claims , M.S. 2274, in Section 19, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 99, Deeds, at page 17.

PARCEL 18:

A parcel of land situated in the South Half of the Southeast Quarter Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho more particularly described as follows, to-wit:

TRACT A:

Beginning at a point thirty (30) rods West of the Southeast corner of Section 5, Township 48 North, Range 3 East, B.M.; thence running

North 40 rods; thence running

West 15 rods; thence running North to the right-of-way of the O.W.R.&N. Co.; thence following the line of the right-of-way in a Northwesterly direction to its intersection with the West line of the Southeast Quarter of the Southeast Quarter of Section 5, Township 48 North, Range 3 East, B.M.; thence running South along said line to a point 5 rods North of the South line of Section 5, Township 48 North, Range 3 East, B.M.; thence

East 8 rods; thence

South 5 rods to the South line of Section 5, Township 48 North, Range 3 East, B.M.; thence

East along said line to the place of beginning.

TRACT B-

Beginning at the Southwest corner of the Southeast Quarter of Section 5, Township 48 North, Range 3 East, B.M. and running North along the Western boundary of said Southeast Quarter of Section 5, Township 48 North, Range 3 East, B.M. to a point 5 rods from the point of beginning; thence

East 88 rods; thence

South 5 rods to the Southern boundary of said Southeast Quarter of Section 5; thence in a Westerly direction 88 rods to the point of beginning.

TRACT C-

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A parcel of land in the Northeast Quarter of Section 8, Township 48 North, Range 3 East, B.M., more particularly described as follows, to-wit:

Beginning at the North Quarter corner of said Section 8; running thence;

East on and along the North line of said Section 8, a distance of 1840 feet more or less to the Northwest corner of a tract of land conveyed to Carl and Leona Eixenberger by Arthur D. and Ernestine D. Emery by Warranty Deed recorded in Book 89, Deeds, page 573, records of Shoshone County, State of Idaho; thence

On and along the Westerly line of the above mentioned tract of land, a distance of 205 feet more or less to the Southwest corner thereof, which corner is a point on the Easterly side of an established county road and being Easterly and 25 feet distant from the centerline of said road, which road is known as the County Highwater Road; thence continuing Southeasterly on and along a line 25 feet distant and parallel to the centerline of said county road to an intersection with the East boundary line of said Section 8; thence

Southerly along said boundary line to its intersection with the Westerly right-of-way line of an established county road running up the West Fork of Elk Creek; thence on and along the Westerly right-of-way line of said road and the Westerly right-of-way line of a road known locally as the New Hilarity Road to a point which is 742.5 feet from, measured at right angles to, the South line of the Northeast Quarter of said Section 8; thence

Westerly on and along a line parallel to and 742.5 feet distant from the South line of the said Northeast Quarter of said Section 8 to a point on the West line of said Northeast Quarter of said Section 8; thence

Northerly on and along the West line of the Northeast Quarter of said Section 8 to the North Quarter corner of said Section 8, the place of beginning.

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PARCEL 19:

A part of the Northeast Quarter of the Northwest Quarter of Section 8, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, Idaho; more particularly described as follows:

Beginning at the Center-North one-sixteenth corner (Southeast corner of said Northeast Quarter of the Northwest Quarter), monumented with an aluminum pipe, 2-1/2 inches diameter, with an aluminum cap, 3-1/4 inches diameter marked Bureau of Land Management, according to the Corner Perpetuation and Filing Record recorded as Instrument Number 401730, from which the North 1/4 section corner of said Section 8, monumented with an aluminum pipe, 2-1/2 inches diameter, with an aluminum cap, 3-1/4 inches diameter, marked Bureau of Land Management, according to Corner Perpetuation and Filing Record recorded as Instrument Number 364895, bears North 0°21'47" East, a distance of 1450.17 feet distant;

thence South 86°41'59" West, a distance of 753.81 feet to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6374, as shown on Record of Survey on recorded under Instrument Number 412600;

thence North 0°21'47" East, a distance of 788.85 feet to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6374, as shown on Record of Survey on recorded under Instrument Number 412600;

thence North 85°21'21" East, a distance of 755.16 feet to an iron rod, 30 inches long, 5/8 inch diameter with a plastic cap marked PLS 6374, as shown on Record of Survey on recorded under Instrument Number 412600;

thence South 0°21'47" West, a distance of 806.60 feet to the Point of Beginning, containing 13.776 acres, more or less;

PARCEL 20:

That portion of the Northeast Quarter of the Northwest Quarter of Section 8, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, Idaho, lying North of Alhambra Road being more particularly described as follows:

BEGINNING at the North Quarter corner of said Section 8 having a City of Kellogg coordinate, North = 7345.16, East = 8681.53, being a 1" drill steel according to corner perpetuation and filing record form on file under Instrument No. 364895;

Thence South 0°21'47" West on the North-South centerline of said Section 8 a distance of 597.90 feet to a 5/8 inch iron rod 30' long with a plastic cap marked PLS 6374 on the Northerly right-of-way of Alhambra Road, at a point on curve the radius point bears South 41°28'43" West;

Thence the following 9 courses along said right-of-way:

Thence Northwesterly along the arc of said curve being concave to the Southwest having a radius of 425.00 feet through a central angle of 10°17'18" an arc distance of 76.32 feet and

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having a chord bearing and distance of North 53°39'56" West, 76.21 feet to a Point of Tangency;

Thence North 58°48'35" West a distance of 211.24 feet, to a tangent curve to the right;

Thence Northwesterly along the arc of a curve being concave to the Northeast having a radius of 375.00 feet through a central angle of 6°24'54" an arc distance of 41.99 feet and having a chord bearing and distance of North 55°36'08" West, 41.96 feet to a Point of Tangency;

Thence North 52°23'41" West a distance of 135.82 feet to a tangent curve to the right;

Thence Northwesterly along the arc of said curve being concave to the Northeast having a radius of 375.00 feet through a central angle of 9°58'08" an arc distance of 65.25 feet and having a chord bearing and distance of North 47°24'37" West, 65.16 feet to a point of Tangency;

Thence North 42°25'33" West a distance of 49.06 feet;

Thence North 44°38'22" West a distance of 90.35 feet;

Thence North 46°02'14" West a distance of 158.66 feet to a tangent curve to the left;

Thence Northwesterly along the arc said curve being concave to the Southwest having a radius of 425.00 feet through a central angle of 5°31'14" an arc distance of 40.95 and having a chord bearing and distance of North 48°47'51" West, 40.93 feet to the North line of said Northeast Quarter of the Northwest Quarter being a 5/8 inch iron rod 30" long with plastic cap marked PLS 6374;

Thence North 85°21'21" East a distance of 679.90 feet to POINT OF BEGINNING.

PARCEL 21:

Southwest Quarter of the Northwest Quarter of Section 8, Township 48 North, Range 3 East, B.M., Shoshone County, Idaho

PARCEL 22:

The Southeast Quarter of the Northwest Quarter of Section 8, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho

PARCEL 23:

A portion of Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Beginning at a point on the West line of the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M. and from whence the West Quarter corner of said Section 5 bears North 0°14' West, 1041.16 feet; thence

North 84°07' East, 224.77 feet; thence

North 45°00' East, 106.65 feet; thence

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North 64°31' East, 138.2 feet; thence

North 30°05' East, 117.57 feet to a point on the South side of the Union Pacific Railway right-of-way; thence

Easterly along the South side of said right-of-way, a distance of 2,270 feet more or less to an intersection with the East line of the Southwest Quarter of said Section 5; thence

Southerly 1,093 feet more or less to a point on the South line of said Section 5; thence

South 85°15' West, 650 feet more or less to a point which is identical with Corner No. 2 of Tract "E"; thence

North 58°11' West, 75.25 feet; thence

North 28°04' West, 155.3 feet; thence

North 65°21' West, 410 feet; thence

Northwesterly 497 feet more or less to a point; thence

Southerly 50 feet; thence

Easterly 30 feet to a point which is identical with Corner No. 5 of Tract "C"; thence

South 66°37' West, 77.45 feet; thence

South 39°18' West, 196.5 feet; thence

South 71°39' West, 65.9 feet; thence

North 33°59' West, 70 feet; thence

North 13°50' West, 285.2 feet; thence

North 12°45' West, 362.36 feet; thence

North 38°47' East, 267.3 feet; thence

North 43°30' West, 114.6 feet; thence

South 54°23' West, 195.6 feet; thence

South 87°02' West, 464.5 feet to a point on the West line of the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M. and from whence the Southwest corner of said Section 5 bears South 0°14' East, 1,238.5 feet; thence

North 0°14' West, 30 feet; thence

North 87°02' East, 162.5 feet; thence

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North 68°43' East, 300 feet; thence

North 0°14' West, 200 feet; thence

South 68°43' West, 300 feet; thence

South 87°02' West, 162.5 feet to a point on the West side line of said Section 5; thence

North 0°14' West along said Section line 133 feet more or less to the place of beginning.

EXCEPT a portion of the Southwest Quarter of the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho being more particularly described as follows:

Beginning at the Northeast corner identical with the Northwest corner of Cavanaugh Tract whence the Southwest corner of Section 5, Township 48 North, Range 3 East, B.M., bears South 54°24' West, 1,125 feet and the Northwest Corner "4" of Tract "I" bears East 50 feet; thence

West 320 feet more or less to an intersection with the County Road; thence following the meandering of the said County Road, Southeast 250 feet; thence

Northeasterly 320 feet following County Road to the Southeast corner; thence

North 81 feet to the place of beginning.

Also, all that portion of the Northwest Quarter of Section 5, Township 48 North, Range 3 East, B.M. and particularly described as follows:

Beginning at a point 6 rods West of Point No. 2, Tract B; thence running directly North 387 feet; thence due East to the County Road; thence following the County Road in a Southeasterly direction to a point No. 3 of said Tract B; thence North in a direct line to Point no. 2, Tract B; thence directly West 6 rods to the place of beginning

ALSO EXCEPT Ross Ranch No. 2 Amended Subdivision, records of Shoshone County, State of Idaho.

ALSO EXCEPT property described in Warranty Deed recorded as Instrument No. 269373, records of Shoshone County, State of Idaho from Bunker Hill to City of Kellogg.

ALSO EXCEPT property described in Warranty Deed recorded as Instrument No. 284752, records of Shoshone County, State of Idaho from Bunker Hill to Lloyd M. Willey, etux.

ALSO EXCEPT property described in Warranty Deed recorded as Instrument No. 293467, records of Shoshone County, State of Idaho from Bunker Hill to Shirley F. Wilburn.

PARCEL 24:

The Southwest Quarter of the Southeast Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho.

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EXCEPT the South 82.5 feet thereof.

ALSO EXCEPT a tract of land situated in the Southeast Quarter of Section 5, Township 48 North, Range 3 East, B.M. and more particularly described as follows:

Beginning at the Southwest corner, a drill steel and using a meridian corresponding to Bunker Hill Triangulation, whence the South Quarter corner of Section 5, Township 48 North, Range 3 East, B.M., bears South 42°54'30" West, a distance of 772.38 feet; running thence

North 0°42' West, 550.0 feet to the Northwest corner, a point on the South right-of-way line of the Union Pacific Railroad; thence

North 86°23' East, 76.0 feet along said right-of-way line to a point; thence

South 76°10' East, 179.86 feet to the Northeast corner; thence

South 0°42' East, 508.73 feet to the Southeast corner; thence

South 89°18' West, 250.0 feet to the Southwest corner and place of beginning.

ALSO EXCEPT a tract of land situated in the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho, and more particularly described as follows: That land located within the City limited of the City of Kellogg that lies north of Portland Avenue.

ALSO EXCEPT land adjacent to the area commonly known as the Alhambra Village site that is described as follows as is hereinafter referred to as the 'Smith Acre'.

A tract of land situated in the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M. and more particularly described as follows:

Beginning at the Southwest corner, a drill steel and using a meridian corresponding with the Bunker Hill Triangulation; whence the South Quarter corner of Section 5, Township 48 North, Range 3 East, B.M., bears South 42°54'30" West, a distance of 772.38 feet; running thence

North 89°18' East 60 feet to the Point of Beginning (POB#1); thence

South 0°42' East 229.26 feet; thence

North 89°18' East 190 feet; thence

North 0°42' West 229.26 feet; thence

South 89°18' West 190 feet to the Point of Beginning.

PARCEL 25:

Being a part of Tracts 30 and 34, All in Ross Ranch Subdivision No. 2 (Amended), Shoshone County, State of Idaho and being more particularly described as follows:

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Referring to the official plat of said Ross Ranch Subdivision No. 2 (Amended), using the plat meridian and beginning at the most Easterly corner of Tract 34, Corner No. 1 of this description, which is a point on the line between Corner No. 2 and Corner No. 5 of said subdivision; thence

South 63°26' West, 219.86 feet to Corner No. 2 of this description, identical with the Southeast Corner of Tract 34; thence

North 83°12' West on and along the Southerly boundary of Tract 34, 62.13 feet to Corner No. 3 of this description; thence

North 12°36'50" East, 213.94 feet to a point on the Northerly boundary of Tract 30 and Corner No. 4 of this description; thence

South 75°11' East on and along the Northerly boundary of Tract 30, 84.00 feet to Corner No. 5 of this description identical with the Northeast corner of Tract 30; thence

South 14°49' West on and along the Easterly boundary of Tract 30, 89.67 feet to Corner No. 6 of this description, identical with the Southeast corner of Tract 30; thence

South 79°41' East, on and along the Northerly boundary of Tract 34, 15.05 feet to Corner No. 7 of this description, identical with the Southwest corner of Tract 29; thence

South 79°41' East, continuing on and along the Northerly boundary of Tract 34, 97.89 feet to Corner No. 8 of this description, identical with the Southeast Corner of Tract 29; thence

South 79°41' East, continuing on and along the Northerly boundary of Tract 34, 38.90 feet to Corner No. 1 of this description and the place of beginning.

PARCEL 26:

A parcel of land situated in the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Using the Bunker Hill Company triangulation meridian and beginning at the Southeast corner, a point marked by a drill steel pin, whence the South Quarter corner of Section 5, Township 48 North, Range 3 East, B.M., "a drill steel" bears South 32°02.15 feet East, 984.32 feet distant; thence

South 58°32.2' West, 122.09 feet to a point marked by a drill steel pin and identical with an angle point of the Lloyd Willey Tract; thence

South 44°03' West, 53.10 feet to a point marked by a drill steel pin and identical with an angle point of said Willey Tract; thence

North 59°31' West, 57.62 feet to a point marked by a drill steel pin and on line 5-2 Ross Ranch tract; thence

North 63°48' East, 199.86 feet along said line 5-2 "Shown of record as North 63°26' East, to a point marked by a drill steel pin, identical with corner of Lot 34; thence leaving said line 5-2 and running South 36°00' East, 20.00 feet to the place of beginning.

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PARCEL 27:

A parcel of land situated in the Southwest Quarter of Section 5, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho and more particularly described as follows:

Using the Bunker Hill company triangulation meridian and beginning at the Southwest corner, a point marked by a drill steel pin, whence the South Quarter corner of Section 5, Township 48 North, Range 3 East, B.M., a drill steel pin bears South 43°22.1' East, 624.98 feet distant; thence

North 33°01' West, 141.53 feet to a point marked by a drill steel pin; thence

North 42°02' West, 193.74 feet to a point marked by a drill steel pin; thence

North 59°31' West, 32.00 feet to a point marked by a drill steel pin; thence

North 44°03' East, 53.10 feet to a point marked by a drill steel pin; thence

North 58°52.2' East, 84.00 feet to a point marked by a drill steel pin; thence

South 31°10' East, 203.40 feet to a point marked by a drill steel pin; thence

South 32°48.4' East, 167.61 feet to a point marked by a drill steel pin; thence

South 57°10' West, 83.88 feet to the place of beginning

PARCEL 28:

Lots 25, 26, 28 and 29 of Ross Ranch No. 2, according to the official plat thereof, filed in Official Records of Shoshone County, Idaho

PARCEL 29: Intentionally deleted

PARCEL 30:

COMSTOCK and OPHIN Patented Mining Claims, M.S. 1345 situated in Yreka Mining District in Section 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho, Patent recorded in Book 20, page 584, records, of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 1345 conveyed to City of Kellogg for Gondola right-of-way as described in Deed recorded June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 31:

NO. 1 and TOUGHNUT Patented Mining Claims, M.S. 1349, situated in Yreka Mining District in Sections 17 and 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 15, Deeds, page 494, records, of Shoshone County, State of Idaho.

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EXCEPT that portion of M.S. 1349 conveyed to City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 1349 conveyed to Idaho Forest Industries March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

PARCEL 32:

BONANZA KING Patented Mining Claim, M.S. 2203 situated in Yreka Mining district in Sections 17 and 18 only, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book B, Patents, page 19, records, of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 2203 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

PARCEL 33:

A-1, A-2 and RUTH Patented Mining Claims, M.S. 2611 situated in Yreka Mining District in Sections 17 and 18 only, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 56, Deeds, page 99, records, of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 2611 conveyed to City of Kellogg for Gondola right-of-way June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

ALSO EXCEPT that portion of M.S. 2611 conveyed to Idaho Forest Industries, March 4, 1991, Instrument No. 346474, records of Shoshone County, State of Idaho.

PARCEL 34:

MARKO, V.M. NO. 1 and V.M. NO. 2 Patented Mining Claims, M.S. 3051, situated in Yreka Mining District in Sections 7 and 18 only, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 59, Deeds, page 78, records, of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 3051 conveyed to City of Kellogg for Gondola right-of-way June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 35:

MONTE CARLO NO. 1, MONTE CARLO NO. 2, MONTE CARLO NO. 3, MONTE CARLO NO. 4 and MONTE CARLO NO. 5 Patented Mining Claims, M.S. 3177 situated in Yreka Mining District in Section 7 and 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 63, page 183 records of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 3177 conveyed to the City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 36:

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LONG JOHN Patented Mining Claim, M.S. 3179, situated in Yreka Mining District in Section 7, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded in Book 63, Deeds, page 611, records, of Shoshone County, State of Idaho.

EXCEPT that portion of M.S. 3179 conveyed to the City of Kellogg for Gondola right-of-way, June 30, 1989, Instrument No. 337926, records of Shoshone County, State of Idaho.

PARCEL 37:

NO. 2 Patented Mining Claim, M.S. 3503 situated in Yreka Mining District in Sections 17 and 18, Township 48 North, Range 3 East, B.M., Shoshone County, State of Idaho. Patent recorded as Instrument No. 176881, records of Shoshone County, State of Idaho.

PARCEL 38:

Being all of Tract 31, part of Tract 30 and part of Tract 34, all in Ross Ranch Subdivision No. 2, Shoshone County, State of Idaho according to the amended plat and being more particularly described as follows:

Referring to the official plat of said Ross Ranch Subdivision No. 2 (Amended) using the plat meridian and beginning at the Northeast corner of Tract 33; thence

North 75°11' West, 7.00 feet distant to the Southeast corner of Tract 33-B; thence

North 14°49' East, 155.35 feet distant to the Northwest corner of Tract 31; thence

South 75°11' East, 116.00 feet distant to a point of the Northerly boundary of Tract 30; thence

South 12°36'50" West, 231.94 feet distant to a point of the Southerly boundary of Tract 34; thence

North 83°12' West, 119.08 feet distant to the Southeast corner of Tract 33; thence

North 14°49' East, 93.02 feet distant to the Northeast corner of Tract 33, the place of beginning.

PARCEL 39:

The Fee Simple interest as granted in Instrument No. 442348, records of Shoshone County, State of Idaho with regard to the following described land:

A tract of land located in Sections 6, 7, 18 and 19, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho and to be used as a right-of-way for the Kellogg Gondola. Said right-of-way is seventy-five feet (75 feet) wide, thirty-seven and one-half feet (37.5) on each side of a centerline which is more particularly described as follows:

Beginning at a point in the Northwest quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian and using the Bunker Hill Co-ordinate System and Meridian from whence the West quarter corner of said Section 6, Township 48 North, Range 3 East, Boise Meridian bears

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South 32°24'30" West, 1,552.97 feet distance, the co-ordinates of said beginning point are North 10978.843, East, 1527.052; thence

South 13°03'12" East, 15544.50 feet distance to the end point at co-ordinates South 4163.888, East, 5037.966.

EXCEPT a parcel of ground situated in Lot 8, Block 22, City of Wardner, Shoshone County, state of Idaho, according to the official and recorded plat and more particularly described as follows:

Beginning at the Northeast corner whence the Monument No. 4 of the official survey of the City of Wardner bears North 48°26' East, 185.57 feet; running thence

North 54°37' West, 133.77 feet to the Northwest corner; thence

South 37°19' West, 75.05 feet to the Southwest corner; thence

South 54°37' East, 136.31 feet to the Southeast corner; thence

North 35°23' East, 75.00 feet to the Northeast corner and the place of beginning.

ALSO EXCEPT Government Lot 26, Section 18, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

ALSO EXCEPT Parcels 4,5,6,7,8,9,10 and 26 described in this Schedule A.

ALSO EXCEPT Railroad right-of-way in Section 6 and Government Lot 11 in Section 7, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

PARCEL 40:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use cables stretched from towers on adjoining parcels of land as the party of the second part shall from time to time suspend for a gondola for use in connection with said towers, cables, and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 337387, records of Shoshone County, State of Idaho as follows:

Lot 3 and Lot 4, Block 4, Bunker Hill First Addition to the City of Kellogg, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

The strip of land with improvements to which this easement pertains, extends entirely across said lands and is more particularly described as follows:

Beginning at the Northwest corner of Lot 3, Block 4, Bunker Hill First Addition, City of Kellogg, Shoshone County, State of Idaho; thence

South 67°14' East, 19.32 feet along McKinley Avenue; thence

South 13°02'52" East, 95.15 feet to the line between Lots 2 and 3, Block 4; thence

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South 22°46' West, 47.84 feet along said lot line to the Southeast corner of said Lot 3; thence

North 67°14' West, 15.10 feet along the Southwesterly lot line of said Lot 3 to the centerline of the Gondola; thence

North 67°14' West, 49.04 feet along said lot line; thence

North 13°02'52" West, 18.57 feet to the line between Lots 3 and 4 of said Block 4; thence

North 22°46' East, 67.96 feet along said lot line to the centerline of Gondola; thence

North 22°46' East, 41.98 feet along said lot line to the point of beginning.

EXCEPT ditch and road-right-of-ways.

ALSO beginning at the Northwest corner of Lot 4, Block 4, Bunker Hill First Addition, City of Kellogg, Shoshone County, State of Idaho; thence

South 67°14' East, 44.70 feet along McKinley Avenue to the centerline of the Gondola; thence

South 67°14' East, 30.30 feet along McKinley Avenue to the Northeast corner of said Lot 4; thence

South 22°46' West, 41.98 feet along the line between Lots 3 and 4 of said Block 4 to the centerline of the Gondola; thence

South 22°46' West, 67.96 feet along said lot line; thence

North 13°02'52" West, 120.17 feet to the line between Lot 4 of said Block 4 and Lot 1 of Block 1, Bunker Hill Second Addition; thence

North 22°46' East, 6.01 feet along said lot line to the point of beginning.

PARCEL 41:

A non-exclusive easement for the right to erect, construct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables, and gondola cars together with a right-of-way on, along, and above a portion of certain lands more fully described in Instrument No. 337385, records of Shoshone County, State of Idaho as follows:

A portion of land situated in the Southwest of the Northwest quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

The strip of land to which this easement pertains, extends entirely across said lands and is more particularly described as follows:

Beginning at Corner No. 4 of Bunker Hill Second Addition, City of Kellogg, Shoshone County, State of Idaho according to the official and recorded plat thereof; thence

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North 71°22.5' West, 103.00 feet; thence

North 18°37.5' East, 88.93 feet to the true point of beginning for this Gondola Easement;
thence

North 13°02'52" West, 58.83 feet; thence

South 71°22.5' East, 30.89 feet; thence

South 18°37.5' West, 50.07 feet to the true point of beginning.

EXCEPT ditch and road right-of-ways.

PARCEL 42:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables, and gondola cars together with a right-of-way on, along and above a portion of certain land more fully described in Instrument No. 337386, records of Shoshone County, State of Idaho as follows:

A portion of ground located in the Southwest quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian and more particularly described as follows:

The strip of land to which this easement pertains extends entirely across said lands and is particularly described as follows:

Beginning at a point which is South 78°26' West, 1466.15 feet and South 20°39' West, 96.91 feet from the center of Section 6, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho; thence

North 20°39' East, 62.76 feet; thence

South 13°02'52" East, 74.83 feet; thence

North 70°02.5' West, 41.52 feet to the point of beginning.

EXCEPT ditch and road rights-of-ways.

PARCEL 43:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables, and gondola cars together with a right-of-way on, along, and above a portion of certain lands more fully described in Instrument No. 337388, records of Shoshone County, State of Idaho as follows:

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Lot 2, Block 4, Bunker Hill First Addition, City of Kellogg, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

The strip of land to which this easement pertains, extends entirely across said lands and is particularly described as follows:

Beginning at the Southwest Corner of Lot 2, Block 4, Bunker Hill First Addition, City of Kellogg, Shoshone County, State of Idaho; thence

North 22°46' East, 47.84 feet along the line between Lots 2 and 3, Block 4; thence

South 13°02'52" East, 58.99 feet to the Southwesterly lot line of said Lot 2; thence

North 67°14' West, 34.52 feet along said lot line to the point of beginning.

EXCEPT ditch and road right-of-ways.

PARCEL 44:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 337645, records of Shoshone County, State of Idaho as follows:

That certain piece, parcel or portion of Lot 7, Block 22, City of Wardner, Shoshone County, State of Idaho, according to the official and recorded plat thereof and more particularly described as follows, to-wit:

Beginning at the Southeast corner of said Lot 7, Block 22; thence in a Northerly direction along the Easterly sideline of said Lot 7, Block 22, a distance of 226 feet to a point, which said point is the Southeast corner of tract herein conveyed from said point, a distance of 100 feet Northerly along the Easterly sideline of said Lot 7, Block 22 to the Northeast corner of said Lot 7, Block 22; thence

Westerly, a distance of approximately 130 feet to the Northwest corner of said Lot 7, Block 22; thence

Southerly along the Westerly sideline of said Lot 7, Block 22, a distance of 100 feet to the point of beginning.

The strip of land to which this easement pertains, extends entirely across said lands and is particularly described as follows:

Beginning at the Northeast corner of Lot 7, Block 22, Wardner City Survey, Shoshone County, State of Idaho; thence

South 32°48' West, 35.13 feet along the northerly side of Main street to the centerline of the Gondola; thence

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South 32°48' West 55.43 feet along said Main Street, thence

North 13°02'52" West, 142.17 feet to the Northwesterly line of said Lot 7; thence

South 52°27' East, 62.65 feet along said lot line to the centerline of the Gondola; thence

South 52°27' East, 39.17 feet along said lot line to the point of beginning.

EXCEPT ditch and road right-of-ways.

PARCEL 45:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 337383, records of Shoshone County, State of Idaho as follows:

Lots 3 and 4, Block 25, City of Wardner, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

The strip of land to which this easement pertains, extends entirely across said lands and is particularly described as follows:

Beginning at the corner common to Lots 2, 3 and 4, Block 25, Wardner City Survey, Shoshone County, State of Idaho; thence

North 24°13' East, 14.35 feet along the line between Lots 2 and 4; thence

South 13°02'52" East, 82.99 feet to the Northerly line of Slaughter House Gulch Road; thence

North 52°56' West, 44.25 feet along Slaughter House Gulch Road to the corner of Lots 2 and 3; thence

North 14°35' East, 42.45 feet along the line between Lots 2 and 3 and the point of beginning.

EXCEPT ditch and road right-of-ways.

PARCEL 46:

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 337384, records of Shoshone County, State of Idaho as follows:

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Lot 2 and Lot 3 less the North 86.10 feet of said Lots 2 and 3, Block 23, Wardner City Survey, Shoshone County, State of Idaho, according to the official and recorded plat thereof.

The strip of land to which this easement pertains, extends entirely across said lands and is particularly described as follows:

Beginning at the Southwest corner of Lot 2, Block 23, Wardner City Survey, Shoshone County, State of Idaho; thence

North 34°52' East, 51.97 feet along Main Street; thence

South 13°02'52" East, 75.19 feet to the line between Lots 1 and 2; thence

North 56°45' West, 55.82 feet along said lot line to the point of beginning.

EXCEPT ditch and road right-of-ways.

PARCEL 47;

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and proper foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 337962, records of Shoshone County, State of Idaho as follows:

Savage, M.S. 1655 and Golden Curry M.S. 1655 Patented Mining Claims located in Yreka Mining District, Section 7, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

The strip of land to which this easement pertains, extends entirely across said lands and is particularly described as follow:

Beginning at a point which is South 68°45' East, 315.15 feet from Savage M.S. 1655 Corner No. 4, City of Wardner, Shoshone County, State of Idaho; thence

South 68°45' East, 48.13 feet to the centerline of the Gondola; thence

South 68°45' East, 48.13 feet; thence

South 13°02'52" East, 574.78 feet; thence

North 70°34' West, 47.42 feet to the centerline of the Gondola; thence

North 70°34' West, 47.42 feet; thence

North 13°02'52" West, 578.42 feet to the point of beginning.

AND

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Beginning at a point which is South 70°34' East, 705.17 feet from Golden Curry M.S. 1655 Corner No. 2, City of Wardner, Shoshone County, State of Idaho; thence

South 70°34' East, 47.42 feet to the centerline of the Gondola; thence

South 70°34' East, 47.42 feet; thence

South 13°02'52" East, 397.49 feet; thence

North 74°09' West, 45.69 feet to the centerline of the Gondola; thence

North 74°09' West, 45.69 feet; thence

North 13°02'52" West, 404.26 feet to the point of beginning.

PARCEL 48

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the first part shall from time to time suspend therefrom for a gondola, and fixtures for use in connection with said towers, cables, and gondola cars together with a right of way on, along and above a strip of land located West and Northwest of Lot 8, Block 22, City of Wardner, more particularly described and reserved in Instrument No. 341999, records of Shoshone County, State of Idaho as follows: The strip of land with improvements to which this easement pertains is more particularly described as follows:

Beginning at Monument No. 4 of the Official Survey of the City of Wardner, Shoshone County, Idaho, according to the official plat thereof; thence

North 66°52' West 226.96 feet; thence

South 40°42' West 111.04 feet; thence

North 53°20' West 32.19 feet to the True Point of Beginning for this Gondola Easement; thence

North 53°20' West 62.23 feet to the centerline of the Gondola; thence

North 53°20' West 17.11 feet; thence

North 31° 25' East 15.79 feet to the centerline of the Gondola; thence

North 31°25' East 57.44 feet; thence

South 13°02'52" East 112.79 feet to the True Point of Beginning.

EXCEPT ditch and road rights-of-ways.

PARCEL 49

A non-exclusive easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cable as the party of the second part shall from time to time suspend therefrom for a gondola, and all necessary and property foundations, footings, crossarms and other appliances and fixtures for use in connection with said towers, cables and gondola cars together with a right of way on, along and above a portion of certain lands more fully described in Instrument No. 337903, records of Shoshone County, State of Idaho as follows:

The strip of land to which this easement pertains extends entirely across the City of Wardner.

EXCEPT ditch and road rights-of-ways.

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PARCELS 50, 51, 55

Intentionally Deleted

PARCEL 52:

A Fee Simple interest as created by that certain deed recorded as Instrument No. 337927 and corrected by Instrument No. 338122, records of Shoshone County, State of Idaho and more particularly described as follows:

A tract of land 75 feet wide, 37 ½ feet on east side of a centerline originating at Bunker Hill coordinates South 4327.889, East 5084.689 and using Bunker Hill Meridian, from which the Northeast corner of Section 24, Township 48 North, Range 2 East, Boise Meridian, Shoshone County, State of Idaho bears North 84°40'10" West, 4,446.77 feet distant; thence

South 09°34'58" East along said centerline, 986.777 feet to the end point, coordinates South 5300.897, East, 5248.959.

EXCEPT Parcel 15 as shown in this Schedule A

PARCEL 53:

A Fee Simple interest as created by that certain deed recorded as Instrument No. 337928, records of Shoshone County, State of Idaho and more particularly described as follows:

A tract of land 75 feet wide, 37 ½ feet on each side of a centerline originating at Bunker Hill Coordinates South 7844.866, East, 2916.296 and using Bunker Hill Meridian from which the Northeast corner of Section 24, Township 48 North, Range 2 East, Boise Meridian, Shoshone County, State of Idaho bears North 29°53'33" West, 4533.07 feet distant; thence

North 42°20'25" East along said centerline 3267.35 feet to an end point, coordinates South 5429.778, East 5116.962

EXCEPT W-5 Patented Mining Claim, M.S. 3291 situated in Section 19, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

PARCEL 54:

A Fee Simple interest as created by that certain deed recorded as Instrument No. 337925, records of Shoshone County, State of Idaho and more particularly described as follows:

Using Bunker Hill meridian and starting at a point on the centerline of Chairlift No. 2 of the Kellogg Gondola Project, Bunker Hill Coordinates South 7844.87, East, 2916.30 and using Bunker Hill Meridian from which the Northeast corner of Section 24, Township 48 North, Range 2 East, Boise Meridian, Shoshone County, State of Idaho bears North 29°53'33" West, 4533.07 feet distant; thence

North 47°39'35" West, 147.50 feet distant to Corner No. 1; thence

South 42°20'25" West, 295 feet distant to Corner No. 2; thence

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South 47°39'35" East, 295 feet distant to Corner No. 3; thence

North 42°20'25" East, 295 feet distant to Corner No. 4; thence

North 47°39'35" West, 147.50 feet distant to the point of beginning.

PARCEL 55: INTENTIONALLY DELETED

PARCEL 56:

An easement for the right to erect, construct, reconstruct, replace, remove, maintain and use cables stretched from towers on adjoining parcels of land as the part of the second part shall from time to time suspend for a gondola in connection with said towers, cables and gondola cars together with a right-of-way on, along and above a portion of certain lands more fully described in Instrument No. 340664, records of Shoshone County, State of Idaho over and across the following:

Using City of Kellogg survey coordinates and meridian and starting at the Southwest corner (N.10396.27 E. 1395.91) from whence the West quarter corner of Section 6, Township 48 North, Range 3 East, Boise Meridian bears South 44°11'41" West, 1016.35 feet; thence

South 76°07'30" East, 440.54 feet to the Southeast Corner; thence

North 13°48'30" East, 213.86 feet to the Northeast Corner; thence

North 76°11'30" West, 240.60 feet to the Northwest Corner; thence

South 56°57' West, 292.38 feet to the Southwest Corner and the place of beginning.

The strip of land with improvements to which this easement pertains traverses completely across said parcel and extends 37 ½ feet on each side of a centerline which enters said parcel at a point (N. 10546.77, E. 1627.22) on its Westerly boundary, traverses across said parcel for 226.08 feet at a bearing of South 13°03'12" East and exits said parcel at a point (N. 10326.53, E. 1678.25) on its Southerly boundary.

PARCEL 57:

An easement as reserved in Warranty Deed 341414 as to a strip for a perpetual easement for the right to erect, construct, reconstruct, replace remove maintain and use a line of towers with such cables as the party of the first part shall from time to time suspend therefrom for a gondola, and fixtures for use in connection with said towers, cables, and gondola cars together with a right-of-way on, along and above a strip of land more particularly described as follows:

Beginning at the Southeast Corner of Lot 12, Block 20, Wardner City Survey, Shoshone County, Idaho;

Thence North 68°45' West 45.81 feet along the Southerly line of said Lot 12;

Thence North 13°02'52" West 217.61 feet to the line between Lots 12 and 13;

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Thence South 53°07' East 15.63 feet along said lot line;

Thence South 46°25' East 54.00 feet along said lot line to the centerline of the Gondola;

Thence South 46°25' East 73.15 feet along said lot line;

Thence South 13°02'52" East 97.19 feet to the Southeasterly line of Lot 12;

Thence South 43°17' West 48.34 feet along the line between Lots 12 and 13 to the centerline of the Gondola;

Thence South 43°17' West 2.31 feet along said lot line to the Point of Beginning.

PARCEL 58:

An easement as reserved in Warranty Deed 341539 as to a strip of land for a perpetual easement for the right to erect, construct, reconstruct, replace, remove, maintain and use a line of towers with such cables as the party of the first part shall from time to time suspend therefrom for a gondola, and fixtures for use in connection with said towers, cables and gondola cars together with a right of way on, along and above a strip of land more particularly described as follows:

Beginning at the Southeast corner, Lot 8, Block 22, Wardner City Survey, Shoshone County, Idaho; thence

North 52°27' West 39.71 feet along the line between Lots 7 and 8 to the centerline of the Gondola; thence

North 52°27' West 62.65 feet along said lot line; thence

North 13°02'52" West 49.15 feet to the Northwesterly line of Lot 8; thence

North 37°19' East 51.64 feet along said lot line to the centerline of the Gondola; thence

North 37°19' East 32.43 feet along said lot line to a property corner; thence

South 54°37' East 23.00 feet along a property line; thence

South 13°02'52" East 151.31 feet to the Northerly side of Main Street; thence

South 35°23' West 20.08 feet along Main Street to the Point of Beginning.

PARCEL 59:

Lots 1 and 2 in Block 1, and Tracts D and E, Gondola Village -II Instrument Number 436532 a portion of the Northwest Quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian, Shoshone County, State of Idaho.

PARCEL 60: Intentionally Deleted

PARCEL 61:

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The fee simple interest as granted in Instrument No. 338413 and as amended and corrected by Instrument No. 372763, records of Shoshone County, Idaho, more particularly described as follows:

Being a tract of land situated in the Northwest Quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian, City of Kellogg, State of Idaho more particularly described as follows:

Beginning at a point on the West line of said Section 6 whence the West Quarter Corner bears South 00°42'20" West, 980.99 feet distant; thence

North 56°57' East, 760.79 feet distant; thence

South 33°03' East, 591.21 feet distant; thence

South 56°57' West, 314.60 feet distant; thence

North 76°07'30" West, 718.36 feet distant to a point on the West line of said Section 6; thence

North 00°42'20" East, 79.95 feet distant to the Point of Beginning.

PARCEL 62:

An easement as more fully described in Instrument No. 372763 for the existence on, over, upon and within the described easement of all noise, vibration, air currents, natural or artificial illumination and such matter emissions, activates or other things that may occur or result directly or indirectly from the operations of the Silver Mountain Resort and the Gondola in the future, including the removal of the Gondola and the components thereof. The easement shall be on, over and upon that certain real property situated within Shoshone County, State of Idaho and the air space above said real property and more particularly described as follows: Lots 1 and 2 in Block 25 in the City of Wardner, Idaho, according to the official Plat thereof on file and of record in the office of the County Recorder of the Shoshone County, Idaho.

And

Lot 13 in Block 20 in the City of Wardner, Idaho according to the official Plat thereof on file and of record in the Office of the County Recorder of Shoshone County, Idaho. Excepting therefrom that certain parcel described in Warranty Deed dated May 24, 1990 from the City of Kellogg to Randy G. Brawner recorded June 8, 1990 as Instrument No. 34265 official records of Shoshone County, Idaho.

PARCEL 63:

An easement as more fully described in Instrument No. 373286 for the existence on, over, upon and within the described easement of all noise, vibration, air currents, natural or artificial illumination and such matter emissions, activates or other things that may occur or result directly or indirectly from the operations of the Silver Mountain Resort and the Gondola in the future, including the removal of the Gondola and the components thereof. The easement shall be on, over and upon that certain real property situated within Shoshone County, State of Idaho and the air space above said real property and more particularly described as follows:

Two tracts of land located in Section 6, Township 48 North, Range 3 East, Boise Meridian, Shoshone County that are located within right of ways of Bunker Avenue and McKinley Avenue and are 37 and one-half feet (37.5 feet) on each side of a centerline which crosses each of such avenues, which centerline is more particularly described as follows:

Beginning at a point in the Northwest Quarter of Section 6, Township 48 North, Range 3 East, Boise Meridian, and using the Bunker Hill Co-ordinate system and meridian from whence the West Quarter corner of said Section 6, Township 48 North, Range 3 East, Boise Meridian bears South 32°24'30" West, 1552.97 feet distance the co-ordinates of said beginning point are North 10978.843, East 1527.052; thence South 13°03'12" East, 15544.50 feet distance to the end point at coordinates South 4163.888, East 5037.966.

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PARCEL 64:

A non-exclusive easement for the construction, operation and maintenance of a sewer line as created, established and defined by Easement recorded as Instrument No. 337963, records of Shoshone County, State of Idaho.

PARCEL 65:

A 100 foot wide non-exclusive easement for the construction, operation and maintenance of a utility corridor and roads as created by Easement recorded June 30, 1989, Instrument No. 337964, records of Shoshone County, State of Idaho.

PARCEL 66:

A 100 foot wide non-exclusive easement for the construction, operation and maintenance of a utility corridor for water, power and sewer as created, established and defined in Easement recorded June 1989, Instrument No. 337965.

PARCEL 67:

A 100 foot wide non-exclusive easement parcel for the construction, operation and maintenance of a sanitary sewer line, power line, water line, telephone line and natural gas line and allied facilities as created by Utilities Easement dated June 30, 1989 and recorded as Instrument No. 337924, re-recorded as Instrument No. 338211 and amended March 15, 1990 as Instrument No. 341343, records of Shoshone County, State of Idaho.

TOGETHER WITH:

Claimed ground water right, State of Idaho Department of Water Resources No. 94-8863.

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**EXHIBIT B
PERMITTED ENCUMBRANCES**

1. Encumbrances associated with taxes and assessments that are to be prorated between Grantor and Grantee though not yet due and payable or that are being contested in good faith. As used in this Exhibit, "Encumbrance" means any charge, claim, lien, option, pledge, security interest, mortgage, deed of trust, right-of-way, easement, restriction, servitude, encroachment, right of first option, or right of first refusal, lease, sublease or other encumbrance.
2. statutory mechanic's liens, materialman's liens, carrier's liens, repairer's liens and other similar Encumbrances arising or incurred in the ordinary course of business that are being contested in good faith pursuant to applicable law and for which Grantor agrees to indemnify the Grantee.
3. Encumbrances the existence of which does not have a material adverse effect on the operation of Grantor's business as currently conducted.
4. Encumbrances that would be disclosed by an accurate survey or physical inspection of the Owned Real Property.
5. any law, common law, treaty, rule or regulation, ordinance, or order; any requirement under a permit or governmental authorization; and any written determination or requirement of any governmental body.
6. interests in minerals (including but not limited to metals, oil, gas, coal, and stone) and mineral rights, mining rights, easement rights or other matters relating thereto, expressed or implied, which were granted, reserved or otherwise created upon or before Grantor's acquisition of its interest in the Owned Real Property affected thereby.
7. Encumbrances of public record.
8. in the case of any Owned Real Property identified on Exhibit A as easements, the interests of the owners of the fee simple interest in such real property and in any buildings, fixtures, improvements or other property located on or attached to such real property.
9. Rights or claims of parties in possession not shown by the public records.
10. Easements, or claims of easements, not shown by the public records.
11. Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights or easements appurtenant to water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
12. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public

records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

13. Special assessments, if any, for the City of Kellogg.
14. Special assessments, if any, for the City of Wardner.
15. Liens, levies and assessments of the South Fork Coeur d'Alene River Sewer District.
16. Liens, levies and assessments of the Central Shoshone County Water District.
17. Liens, levies and assessments of the Gondola Village Owners Association, Inc..
18. Liens, levies and assessments of the Shoshone County Commercial Solid Waste.
19. Water rights, claims or title to water.
20. Any loss or claim that the parcels, whether fee simple or easement, related or connected to the gondola line do not create a continuous or contiguous right of way throughout the entire gondola line.
21. Lack of vehicular or pedestrian access to those parcels that do not (a) abut a publicly recognized and publicly maintained road; (b) have legal access established as a matter of record; or (c) abut another parcel covered by this deed that has access established via either (a) or (b).
22. Any loss or claim related to the fact that the legal description for Parcel 19 does not close.
23. Unrecorded leaseholds, if any, and the rights of vendors and holders of security interest in personal property of tenants to remove said personal property at the expiration of the term.

487122 '16 OCT 20 PM 4:15

Instrument # 487122
WALLACE, SHOSHONE COUNTY, IDAHO
10-20-2016 04:16:00 PM No. of Pages: 31
Recorded for : ALLIANCE TITLE & ESCROW CORP.
PEGGY DELANGE-WHITE Fee: 100.00
Ex-Officio Recorder Deputy *Bambini*
Index to: SPECIAL WARRANTY DEED



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N. Mineral Drive, Suite 100 • Coeur d'Alene, Idaho 83815-7763
Phone: (208) 762-2800 • Fax: (208) 762-2819 • Website: www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 2, 2017

POWDER LLC
701 BUNKER AVE #133
KELLOGG ID 83837

Re: Change of Ownership for Water Right/Permit No(s): 94-8863

Dear Water Right Holder(s):

The Department acknowledges the receipt of correspondence changing ownership of the above referenced water right(s) to you. The Department has modified its records to reflect this change in ownership and has enclosed a computer-generated report for your records.

Updating the ownership record for a water right does not reconfirm the validity of the right. When processing an ownership change notice, the department does not review the history of water use to determine if the right has been forfeited through five years or more of non-use. To read more about water right forfeiture, including how to protect a water right from forfeiture, please see § 42-222 and §42-223, Idaho Code.

Also note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right, to the Department. Notice of the change must be provided to the Department within 120 days of the change. Water right forms are available from any office of the Department, or at www.idwr.idaho.gov.

If you have any questions concerning the enclosed information, please feel free to contact me at (208) 762-2800.

Sincerely,

Natalie Steading
Technical Records Specialist I

Enclosure(s)