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Water Resources

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DEPT. OF WATER RESOURCES
SOUTHERN REGION

February 14, 2007

Mary A. Baldwin
Idaho Department of Water Resources
1341 Fillmore Street, Suite 200
Twin Falls, Idaho 83301-3380

Re: Application No. 71-7170 to Appropriate Water in the Salmon River
Drainage – Additional Information

Dear Mary:

Please find enclosed with this letter the additional information requested by
IDWR to process the application no. 71-7170 for Jon and Wei Christianson.

If you have any questions, please feel free to contact me.

Sincerely,


G. Erick Powell, Ph.D., E.I.T.

enclosure

cc: Jon and Wei Christianson
Gary Slette

CHARLES E.
BROCKWAY,
PH.D., P.E.

CHARLES G.
BROCKWAY,
PH.D., P.E.

2016 NORTH
WASHINGTON
STREET • SUITE 4

TWIN FALLS,
IDAHO 83301

208•736•8543

FAX: 736•8506

Project No. 951-01-2007

Additional Information for Permit 71-7170 in the Salmon River Basin

Prepared for:

Jon and Wei Christianson
c/o Gary D. Slette
Robertson & Slette, PLLC
134 Third Ave East
PO Box 1906
Twin Falls, Idaho 83301

12 February 2007

For information concerning this report, contact
G. Erick Powell, Ph.D., E.I.T.

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Additional Information for Permit 71-7170 in the Salmon River Basin

Jon and Wei Christianson

Prepared by: Brockway Engineering, PLLC
Date: 2 February 2007

INTRODUCTION

In May 1992, a moratorium order signed by the Idaho Department of Water Resources Director prohibited processing and approving most new permits to appropriate water from surface water sources in the Salmon River and Clearwater River Basins. In April 1993, the IDWR director again issued a moratorium order on the Salmon River and Clearwater River Basins prohibiting the processing and approval of most water appropriation applications. Despite the moratorium order, Louis Racine, Jr. and Jack Furey, applied for appropriation of 0.3 cfs for irrigation of 15 acres from the Salmon River in July 1993 (Appendix A). This application was given an application number of 71-7170. Mr. Racine and Mr. Furey received a letter from IDWR in 1993 referencing the Salmon River Basin moratorium and offered to refund the application fee if the applicants would withdrawal the appropriation application. Mr. Racine and Mr. Furey did not withdrawal the application.

In November 2005, the IDWR Director rescinded the moratorium order for the Salmon River and Clearwater River Basins. The director's order included directions to process all applications to appropriate water in chronological order of the receipt of the application. Mr. Furey received a letter from IDWR in late 2006 indicating that the application was being processed, but IDWR was requiring additional information.

The property has changed ownership several times since the appropriation application was filed in 1993; Jon and Wei Christianson are the current owners. With the current owners identified, IDWR again requested that additional information be supplied to supplement the original application. This additional information is required as a precaution due to the nature of the Salmon River and Clearwater River drainage areas, which function as habitat for fish species listed as endangered or threatened under the federal Endangered Species Act.

This report supplies the additional information requested by IDWR to process and approve the appropriation application number 71-7170 for Jon and Wei Christianson.

40.05.c. The following information shall be submitted for applications to appropriate unappropriated water information relative to the effect on existing water rights, Section 42-203A(5)(a), Idaho Code, shall be submitted as follows:

- i. For applications appropriating springs or surface streams with five (5) or fewer existing users, either the identification number, or the name and address of the user, and the location of the point of diversion and nature of use for each existing water right shall be submitted.

Not Applicable. The source for application 71-7170 is the Salmon River, which is not a spring and has more than five existing water users.

- ii. For applications appropriating groundwater, a plat shall be submitted locating the proposed well relative to all existing wells and springs and permitted wells within a one-half mile radius of the proposed well.

Not Applicable. The source for application 71-7170 is the Salmon River, which is not a groundwater source.

- iii. Information shall be submitted concerning any design, construction, or operation techniques which will be employed to eliminate or reduce the impact on other water rights.

The existing diversion structure would divert water from the Salmon River into a compacted earthen ditch. The diversion structure and existing ditch were used by the Williams Family for their existing water rights and capable of transporting the water under this appropriation application. An agreement was reached in 1958 between Mr. Furey and the Williams Family to use the existing diversion system (Appendix B). No additional diversion construction will be required. Application of water to the land will be done by sprinkler system. Standard sprinkler system design, construction, and operation techniques will be implemented. The US Forest Service will be consulted as needed to ensure that the irrigation system is in compliance with the scenic easement (Appendix B). With the approval of this permit, no adverse impacts on other water rights are anticipated.

40.05.d. The following information shall be submitted for applications to appropriate unappropriated water information relative to sufficiency of water supply, Section 42-203A(5)(b), Idaho Code, shall be submitted as follows:

- i. Information shall be submitted on the water requirements of the proposed project, including, but not limited to, the required diversion rate during the peak use period and the average use period, the volume to be diverted per year, the

period of year that water is required, and the volume of water that will be consumptively used per year.

Irrigation requirement estimates on the 15-acre tract pertinent to this application were calculated based on the pasture evapotranspiration (ET) values published by Allen and Brockway (1983) for Stanley, Idaho. Pasture is estimated to have a seasonal (5/1 through 9/30) consumptive use of 22.72 inches of water. The daily ET average for the peak ET month, was estimated at 0.196 inches/day for June and the standard deviation of peak ET was 0.015 inches. Using a 90% design probability and a peak day factor of 1.1, the design peak ET for this area was calculated to be 0.237 inches/day. If the irrigation efficiency is 65%, then the design peak irrigation rate would be 0.363 inches/day, 0.23 cfs, or 103 gpm and the annual diversion volume would be 43.7 acre-feet. Improving the irrigation efficiency to 70%, the design peak irrigation rate would be reduced to 0.338 inches/day, 0.21 cfs, or 96 gpm and the annual diversion volume would be 40.6 acre-feet.

The annual consumptive use of pasture in the area was estimated to be 28.4 acre-feet. Daily consumptive use varies throughout the irrigation season. Figure 1 presents average daily consumptive use estimates for each month during the irrigation season for pasture in the Stanley, Idaho area. Complete calculations can be found in Appendix C.

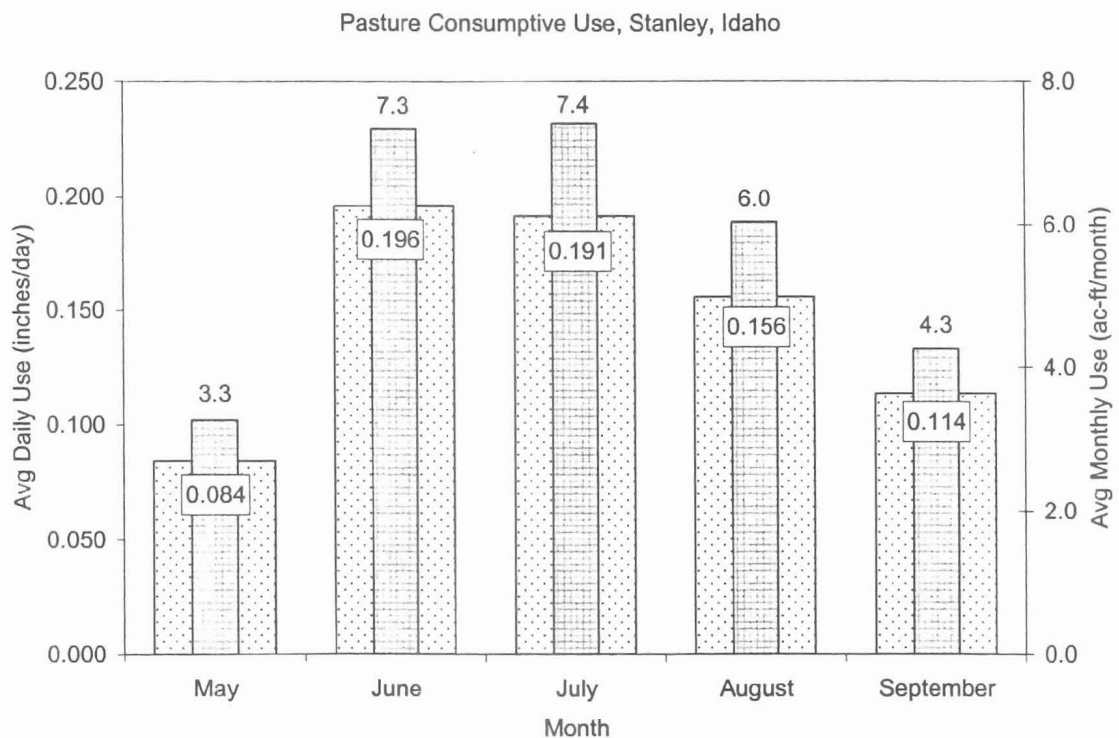


Figure 1: Average daily and monthly consumptive use in inches/day and acre-feet/month for pasture in Stanley, Idaho for the irrigation season from May through September.

Irrigation estimates do not include the average precipitation amount for the Stanley, Idaho area. Precipitation will reduce the irrigation requirement. Values presented in this section are conservative in nature by assuming no natural precipitation.

- ii. Information shall be submitted on the quantity of water available from the source applied for, including, but not limited to, information concerning flow rates for surface water sources available during periods of peak and average project water demand, information concerning the properties of the aquifers that water is to be taken from for groundwater sources, and information on other sources of supply that may be used to supplement the applied for water source.

Several USGS gaging stations, located on the Salmon River, have either current or historical data for the River. Four gaging stations (Figure 2 and Table 1) are presented to provide additional information concerning water availability on the Salmon River.

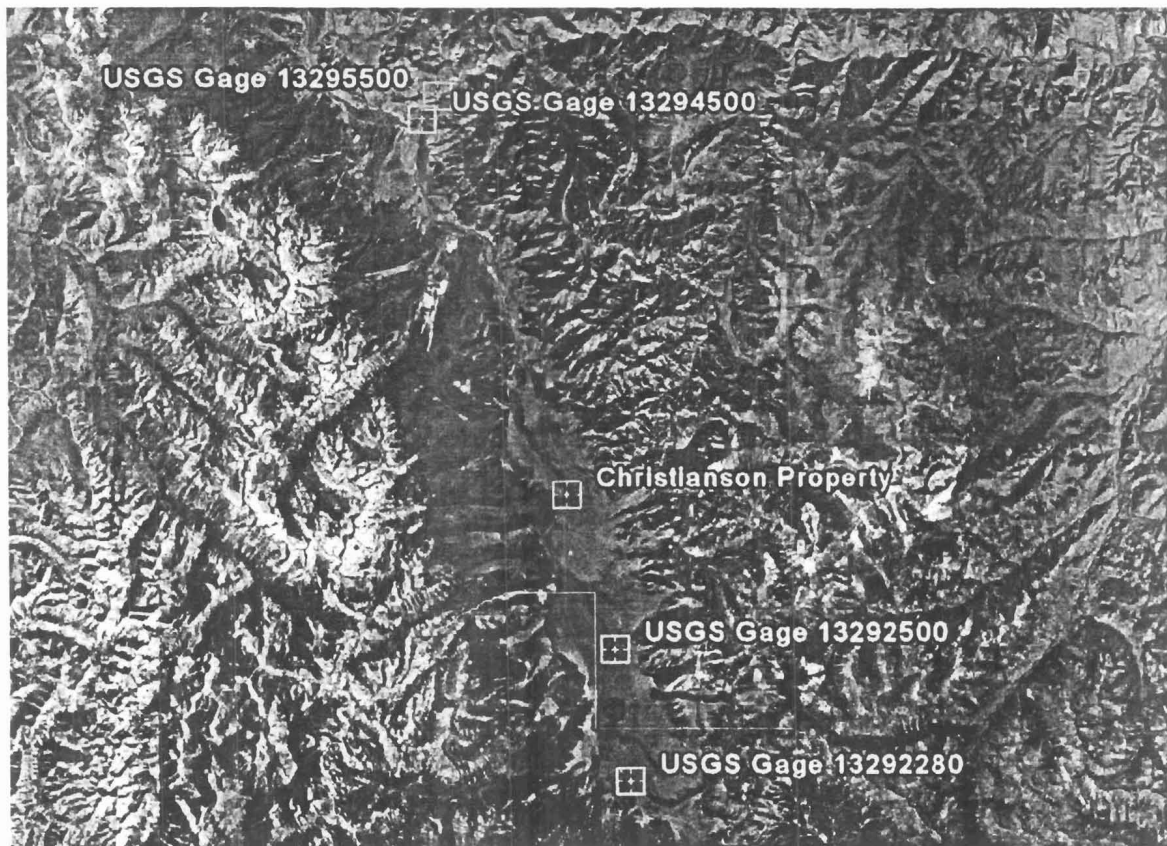


Figure 2: Aerial photo identifying the location of the Christianson property and the locations of four historical USGS gage stations.

Table 1: Four USGS gage stations on the Salmon River providing average flow estimates during the irrigation season.

USGS Gage	Drainage Area	Distance from Christianson Property	Years of Record	Average Flow Rate (cfs)				
				May	June	July	Aug	Sept
13292280	29.1 mi ²	15.1 miles upstream	2003-2006	62	83	23	11	8
13292500	94.7 mi ²	8.9 miles upstream	1940-1953	255	284	106	21	28
13294500	355 mi ²	16.8 miles downstream	1921-1925	1126	1765	819	347	255
13295500	501 mi ²	17.8 miles downstream	1925-1960	1615	1966	966	415	341

Using the basin characteristics for the Salmon River watershed, monthly flow estimates can be calculated based on empirical formulas published by the USGS for the USGS gages stations listed in Table 1 and the Christianson property. The Christianson property, Figure 2, is located near the Salmon River, which has a drainage area of about 234 square miles at this location. Calculations of monthly flow estimates of the Salmon River near this location can be found in Table 2. Daily discharge graphs for the USGS gaging stations and average flow calculations for the Christianson property can be found in Appendix D.

Table 2: Estimates of the Salmon River flow near the Christianson Property.

	Estimated Average Flow Rate (cfs)				
	May	June	July	Aug	Sept
Christianson Property	690	1010	500	160	140

40.05.e. The following information shall be submitted for applications to appropriate unappropriated water information relative to good faith, delay, or speculative purpose of the applicant, Section 42-203A(5)(c), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit copies of deeds, leases, easements, or applications for rights-of-way from federal or state agencies documenting a possessory interest in the lands necessary for all project facilities and the place of use or if such interest can be obtained by eminent domain proceedings the applicant must show the appropriate actions are being taken to obtain the interest. Applicants for hydropower uses shall also submit information required to demonstrate compliance with Sections 42-205 and 42-206, Idaho Code.

Scenic easements between the landowners and the United States of America exist on the land to assure the preservation and protection of the area's natural, scenic, historical, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values (Appendix B). Legal documentation of ownership and/or possessory interest in the land described to be irrigated can be found in Appendix E. The Christianson's do not own the land at the proposed point of diversion. A historical ditch and water agreement, including the diversion point, existed on the 'Williams Canal' (Appendix B).

- ii. The applicant shall submit copies of applications for other needed permits, licenses, and approvals, and must keep the department apprised of the status of the applications and any subsequent approvals or denials.

No other necessary permits, licenses, and/or approvals are required. The diversion structure is established and functioning, thus no construction work is anticipated in the Salmon River. The current diversion structure has a fish control box.

40.05.f. The following information shall be submitted for applications to appropriate unappropriated water information relative to financial resources, Section 42-203A(5)(d), Idaho Code, shall be submitted as follows:

- i. The applicant shall submit a current financial statement certified to show the accuracy of the information contained therein, or a financial commitment letter along with the financial statement of the lender or other evidence to show that it is reasonably probable that financing will be available to appropriate the water and apply it to the beneficial use proposed.

Applicants maintain a cash balance in excess of \$25,000 at CitiBank. Applicant does not wish to make public their financial statements. If additional information or confirmation is required, IDWR is requested to please advise the applicant directly.

- ii. The applicant shall submit plans and specifications along with estimated construction costs for the project works. The plans shall be definite enough to allow for determination of project impacts and implications.

The existing diversion structure and ditch system will transport water away from the Salmon River to the points of use, as identified by IDWR. No construction work or cost is anticipated to move water to the irrigation acreage. A sprinkler system will irrigate the property as outlined in the application. Standard sprinkler system costs for construction, installation, and operation will apply to begin irrigation on the land.

40.05.g. The following information shall be submitted for applications to appropriate unappropriated water information relative to conflict with local public interest, Section 42-203A(5)(e), Idaho Code, shall be submitted as follows:

The applicant shall seek comment and shall submit all letters of comment on the effects of the construction and operation of the proposed project from the governing body of the city and/or county and tribal reservation within which the point of diversion and place of use are located, the Idaho Department of Fish and Game, the Idaho Department of Environmental Quality, and any irrigation district or canal company within which the proposed project is located and from other entities as determined by the director.

Letter of comments from Idaho Department of Fish and Game and the Idaho Department of Environmental Quality regarding this water appropriation application can be found in Appendix F. Custer County has been contacted, but has not replied with comments.

Appendix A

Original Appropriate Application

RECEIVED

JUL 26 1993

Ident. No. 71-07170

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region Office
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Louis F. Racine, Jr. & Jack B. Furey Phone Off. 879-4421
Hme. 876-4491
Post office address P.O. Box 280, Challis, Idaho 83226

2. Source of water supply Salmon River which is a tributary of Snake River

3. Location of point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Govt. Lot _____
Sec. 8 Township 8N. Range 14E., B.M. Custer County; additional
points of diversion if any: None.

4. Water will be used for the following purposes:

Amount .3cfs for irrigation purposes from 5/4/1 to 9/30 (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)

5. Total quantity to be appropriated is (a) .3cfs and/or (b) _____
cubic feet per second acre feet per annum

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. Diversion box a short distance from
Salmon River is cement--approximately 300 feet on down ditch is a wooden
fish control box which is 18 feet wide--on below the wooden box the
ditch is 11 feet wide at the top.

b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total
reservoir capacity _____ acre-feet; period of year when water will be diverted to storage:
_____ to _____ inclusive.

c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.

d. Is ground water with a temperature of greater than 85°F being sought? _____

e. If well is already drilled, when? _____; Drilling firm _____;

Well was drilled for (well owner) _____

7. Time required for the completion of the works and application of the water to be proposed beneficial use is
Diversion works are now in existence and water may be diverted immediately.
Allow 1 years (minimum 1 year).

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

9. 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 the use (example: *D* for *Domestic*) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N.	14E	9						10	5										

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. _____

- Who owns the property at the point of diversion? U. S. Government
- Who owns the land to be irrigated or place of use? Louis F. Racine, Jr., & Jack B. Furey
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Water appropriated is surplus originally licensed to Sherman F. Furey, Jr., and Jack B. Furey to irrigate that portion of SW¼NE¼, NE¼SE¼ and NE¼SE¼, Section 32, Twp. 9N, Rge. 14E., B.M. lying westerly and adjoining State Hwy. 75, but which license rights were conveyed to Ernest E. Day and Fred Humphreys, together with additional appurtenant water rights to irrigate approximately 50 acres of that portion of SE¼NE¼ and NE¼SE¼, said Section, Twp. and Rge., lying easterly and adjacent to Highway 75. (See copy of Page 1 of original Warranty Deed #172209. Also, see attached copy of Water License #28070, now renumbered as #7102085, Idaho Dept. of Water Resources. Also, see copy of original Ditch and Water Agreement between Morgan C. Williams and

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. _____

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			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N.	14EBM	9						10	5										

Total number of acres to be irrigated _____

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Jean Marie Williams, husband and wife, First Parties, and Sherman F. Furey, Jr., and JoAnn Furey, and Jack B. Furey and Nancy J. Furey, husband and wife, Second Parties.)

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

(SEE ATTACHED MAP, WHICH, WITH ALL OTHER ATTACHMENTS, IS INCORPORATED HEREIN BY REFERENCE.)

Scale: 2 inches equal 1 mile.

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Louis F. Racine Jr.

Jack B. Furey
Jack B. Furey (Applicant)

Proposed Priority 17-81-13

Received by R. Foster ^{No ck.} Date 7/24/93 Time 10:15 Preliminary check by J. Stanton
Fee \$ 45.00 Received by MTS # 5016050 Date 7-29-93
Publication prepared by _____ Date _____ Published in _____
Publication approved _____ Date _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. _____, and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions:

- a. SUBJECT TO ALL PRIOR WATER RIGHTS.
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before _____, 19 ____.
- c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.
- d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- e. Other:

14E.

BM
6742

Gravel Pit
Mile
6900

Fisher

SEC.
4

P.A.

8N.

SEC.
9

Delivery
Ditch

P.D.

Sawtooth Valley
Ranger Station

Fourth
CREEK

Campground

SALMON
RIVER

16

15

Champion

FOREST

20

21

A71-02085A

Wenas Lake
Creek

91 Mile
394

Appendix B
Easements and Agreements

DITCH AND WATER AGREEMENT

THIS AGREEMENT, Made and entered into, in duplicate, this 30th day of September, 1958, by and between MORGAN C. WILLIAMS and JEAN MARIE WILLIAMS, husband and wife, of Obsidian, County of Custer, State of Idaho, hereinafter referred to as "First Parties" and SHERMAN F. FUREY, JR. AND JOANN FUREY, husband and wife, of Salmon, County of Lemhi, State of Idaho, and JACK B. FUREY and NANCY J. FUREY, husband and wife, of Challis, County of Custer, State of Idaho, hereinafter referred to as "Second Parties";

W I T N E S S E T H:

THAT WHEREAS, First Parties and their predecessors in interest have heretofore constructed and maintained and are now using a canal, known as the "Williams Canal", which diverts water for the irrigation of Real Property of First Parties described as follows, to-wit:

NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 33; NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32; SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29; Tract 1095, being that portion of the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 29, lying East of U. S. Highway #93; and Tract 832, being that portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 32, lying East of U. S. Highway #93; all in Township 9 North, Range 14 E., B. M.; in Custer County, Idaho.

said diversion of waters being made from the Salmon River in Custer County, State of Idaho, in the Northwest Quarter of the Southeast Quarter of Section 8, Township 8 North, Range 14, E., B. M. and extending to and upon the described lands of First Parties and which canal has an approximate present capacity to deliver to First Parties, a flow of water 24 inches in depth and five feet in width, and;

WHEREAS, Second Parties are the contract purchasers and entitled to possession of lands adjacent to the above-described Real Property of First Parties, and which said lands, or the greater

portion thereof, may be placed under irrigation from waters flowing in said Williams Canal, and described as follows, to-wit:

S¹/₄NE¹/₄, and N¹/₂SE¹/₄, Section 32, Township 9 North, Range 14, E., B. M.;

AND WHEREAS, Second Parties desire to obtain a right in said Williams Canal, to convey water for the irrigation of Second Parties lands to the extent of a *one-half* interest in said Canal when enlarged as hereinafter provided, and First Parties are willing to permit Second Parties to increase the capacity of the Williams Canal to deliver a flow of water eleven feet wide at the top of the bank and eight feet wide at the bottom of said Williams Canal, from the point of diversion to Second Parties last turn out box on Second Parties' premises, and to take through said Williams Canal, Second Parties' proportionate amount of water based upon a *one-half* right to the use of the water thus delivered at the point of first diversion, it being understood that Second Parties may have *four* boxes in said Canal, and;

WHEREAS, Second Parties desire to enlarge the capacity of said Williams Canal from the point of Second Parties last Diversion to the head thereof at the Salmon River and to acquire a right to convey water for the irrigation of Second Parties' land through the said Canal, to the extent of a *one-half* interest in the Canal as enlarged.

NOW THEREFORE, THIS AGREEMENT WITNESSETH:

That the Parties hereto, for and in consideration of the covenants, promises and agreements to be kept and performed and in further consideration of ONE DOLLAR (\$1.00) each Party paid to the other, the receipt of which is hereby acknowledged, all Parties hereto mutually agree as follows, to-wit:

1. That the said Second Parties shall without delay undertake the construction work in the enlargement of the said Williams Canal from the north boundary of the Southeast Quarter Northeast

Quarter, Section 32, Township 9 North, Range 14, E., B. M., through to the head of said Williams Canal at the Salmon River, and shall have a safe capacity and shall safely carry from its head to the point of the first diversion of Second Parties, a flow of water, eleven feet wide at the top of the bank and eight feet wide at the ditch bottom, and such construction^{and}/enlargement work shall be done in a good and workman-like manner and the said work shall be prosecuted diligently until completed; that Second Parties, upon the completion of said construction work, in the enlargement of said canal in the manner herein specified, shall have the right to convey through the said Williams Canal from its head to and through Second Parties diversion boxes, Second Parties proportionate part of the waters flowing therein based upon their right to the use of *one-half* of the waters thereof.

2. That after said Williams Canal is enlarged as herein above specified, the said Williams Canal shall be owned and controlled in the following proportions: First Parties shall have an undivided *one-half* interest therein and to the waters flowing therein, and Second Parties shall have a *one-half* interest therein and to the waters flowing therein. And after the terms and conditions of this Ditch and Water Agreement shall have been complied with by Second Parties, and after said Williams Canal shall have been so enlarged as above specified, the said Parties hereto shall use the same in the proportion and manner set forth and First Parties and Second Parties shall thereafter pay such proportionate part of the cost of maintenance, operation, and repairs of said Williams Canal according to First Parties and Second Parties interest therein as herein set forth.

3. That Second Parties shall do and perform or have done and performed, all of said construction and enlargement work and all other work that may be necessary in order to fully comply with the terms and conditions hereof on their part at their own cost and expense and they shall promptly pay for all materials used in

said work, and for all labor done, and shall protect and save First Parties free from any liability on account thereof, and shall protect them in keeping the said Williams Canal clear from any liens, claims or demands for said work or materials used in and about the said Williams Canal in the performance hereof on their part.

4. That the terms, conditions, covenants and agreements herein contained shall run with the lands herein above-described and shall bind the heirs, executors, administrators and assigns of all Parties hereto.

IN WITNESS WHEREOF, The Parties hereto have hereunto set their hands and seals the day and year first above written.

Morgan C. Williams

Jean Marie Williams
First Parties

Anna J. Furey

John Furey

James B. Furey

Nancy J. Furey
Second Parties

STATE OF IDAHO)
 : ss.
County of Custer)

On this 30th day of September, 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared MORGAN C. WILLIAMS and JEAN MARIE WILLIAMS, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

James B. Finney
Notary Public for Idaho
P. O. Address: Challis, Idaho
My Commission Expires: 4/4/61

STATE OF IDAHO)
 : ss.
County of Custer)

On this 8th day of October, 1958, before me, the undersigned, a Notary Public in and for said State, personally appeared SHERMAN F. FUREY, JR. and JOANN FUREY, husband and wife, and JACK B. FUREY and NANCY J. FUREY, husband and wife, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

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

J. Lesslie Sharp
Notary Public for Idaho
P. O. Address: Challis, Idaho
My Commission Expires:
March 17, 1959

No. 112450

State of Idaho }
County of Custer } ss.

This instrument was filed for
record at the request of _____

Jack B. Boring

at 12:45 o'clock P. M.

November 19, 1958

and duly recorded in Vol. 5

of Book of Agreements

Page 208

Records of Custer County, Idaho

Harold B. Boring

compared

Ex-Officio Recorder.

By _____

Deputy

Page #250

SCENIC EASEMENT

THIS EASEMENT, dated this 19th day of December 1975, between THE TRUST FOR PUBLIC LAND, a California Corporation, authorized to do business in the State of Idaho, GRANTOR, and the UNITED STATES OF AMERICA, GRANTEE.

WHEREAS, Public Law 92-400 (86 Stat. 612), provided for the establishment of the Sawtooth National Recreation Area in the State of Idaho to assure the preservation and protection of its natural, scenic, historical, pastoral, and fish and wildlife values and to provide for the enhancement of the recreational values associated therewith;

WHEREAS, the Sawtooth National Recreation Area contains within its boundaries various tracts of privately-owned lands which are or could be used in a manner inconsistent with the purposes of the Area;

WHEREAS, the Grantors are the owners of certain land which is in the established boundaries of the Sawtooth National Recreation Area;

WHEREAS, the Grantors, through the Forest Service, in accordance with Public Law 92-400 (86 Stat. 612), desires to acquire interest in such lands as necessary to protect the natural, scenic, historical, pastoral, and fish and wildlife values and provide for the enhancement of the recreational values of the Sawtooth National Recreation Area and to prevent any development that would tend to mar or detract from its natural, scenic, historical, pastoral, and fish and wildlife and recreational values associated therewith.

NOW THEREFORE, for and in consideration of the premises and the sum of \$10,000.00 (Ten thousand and no/100ths dollars), to the Grantors in hand paid, the receipt whereof is hereby acknowledged, the Grantors do hereby grant and convey unto the Grantee, an estate, interest and scenic easement in said real estate of the Grantors, of the nature and character and to the extent hereinafter expressed to be and to constitute a servitude upon said real estate of the Grantors, which estate, interest, easement and servitude will result from the restrictions hereby imposed upon the use of said property of the Grantors which will

run with the land, and to that end and for the purposes of accomplishing the intent of the parties hereto the Grantors covenant on behalf of themselves, their heirs, successors and assigns, with the Grantee, and its assigns, to do and refrain from doing, severally and collectively, upon the Grantors' said property, the various acts hereinafter mentioned it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said property is and will be for the benefit of the said Sawtooth National Recreation Area so as to help accomplish the purposes for which the Area has been established.

The restrictions hereby imposed upon the use of said property of the Grantors, and the acts which the Grantors so covenant to do and refrain from doing upon their said property, hereinafter referred to as the "Easement Area," in connection therewith are the pertinent provisions of the regulations establishing standards for the use of private lands in the Sawtooth National Recreation Area as published in the Federal Register of March 29, 1974, pages 11544 to 11547, to-wit:

36 CFR §292.16(c) and 36 CFR §292.16(g), copies of which are attached hereto and made a part hereof.

With reference to dwellings in 36 CFR §292.16(g)(1), it is agreed that no more than two (2) single family dwellings are authorized within the Easement Area and that any structures related to dude ranching are prohibited.

It is further agreed that mining or industrial activity will be

prohibited within the Easement Area.

It is agreed that the Grantee has the right to enter upon the easement area to inspect for violation of the terms of this easement and to take all action legally necessary and proper to enforce it.

The land of the Grantors, hereinafter referred to as the easement area and to which the provisions of this instrument apply, is situated in the County of _____ State of Idaho and is more particularly described in Exhibit A attached hereto and made a part hereof.

TO HAVE AND TO HOLD the premises hereby granted unto the Grantee, and its assigns forever, unto the heirs and assigns of the Grantors and shall constitute a servitude upon the above described land.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals of the day and year first above written.

THE TRUST FOR PUBLIC LAND

Secretary of the Trust

WITNESSES:

Judith A. Mullen
Notary Public



ACKNOWLEDGMENT

STATE OF CALIFORNIA
County of San Francisco

On the 19th day of December, 1977, personally appeared before me _____ and _____, _____ and _____, respectively, the President and Secretary of _____, a California Corporation, who being duly sworn depose and say that they are _____ and _____, respectively, of THE TRUST FOR PUBLIC LAND, a California Corporation, authorized to do business in Idaho and that said instrument was signed in behalf of said Corporation by authority duly delegated them by the Board of Directors of the said Corporation and said _____ and _____ acknowledged to me that the said Corporation executed the same.

(SEAL)

Notary Public for the State of California
Residing in _____
My commission expires _____ 1977.



Township 8 North, Range 14 E., B.M., Custer County, Idaho.

Section 4: ALL

Section 9: NW, SE

Section 10: SW

EXCEPT the following five parcels

Section 9: NW

AND EXCEPT

Section 4: NE

AND EXCEPT

Section 4: NW

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

AND EXCEPT

Section 4: NW

THENCE North 1/4

THENCE South 1/4

THENCE South 1/4

THENCE South 1/4

THENCE South 1/4

THENCE South 1/4

THENCE North 1/4

AND EXCEPT

Section 4: NW

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

THENCE North 1/4

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THENCE North 1/4

THENCE North 1/4

which is North 1/4 West, 1225.5 feet and West 2450 feet from the Southeast corner of Section 4, Township 8 North, Range 14 East, B.M.

THENCE East 1321.15 feet;
 THENCE South 8°22' East, 452.7 feet;
 THENCE South 6°27' East, 12 feet;
 THENCE East 842.44 feet;
 THENCE North 12 feet;
 THENCE East 2706.1 feet;
 THENCE North 15°51' East, 106.0 feet;
 THENCE North 42°16' West, 452.5 feet;
 THENCE North 52°04' West, 311.7 feet;
 THENCE North 61°41' West, 433.8 feet;
 THENCE North 61°06' West, 603.5 feet;
 THENCE North 60°43' West, 473.2 feet;
 THENCE North 51°38' West, 495.7 feet;
 THENCE North 61°16' West, 368.2 feet;
 THENCE North 67°02' East, 427.65 feet;
 THENCE North 69°21' East, 1063.8 feet;
 THENCE on a curve right of 12.12 feet radius, 241.41 feet;
 THENCE South 63°00' East, 1981.12 feet;
 THENCE on curve right of 1227.24 feet radius, 213.2 feet;
 THENCE South 0°02' East, to BEGINNING POINT.

AND ALSO EXCEPT

Township 8 North, Range 14 East, Boise Meridian, Custer County,
 Idaho.

Section 4: A strip of land 12.0 feet wide across a portion of the
 NW¼SE¼ and a portion of NE¼SW¼, described as follows:

COMMENCING at the Southeastern corner of said Section 4;
 THENCE North 67°02' West, 1630.1 feet;
 THENCE West, 2488.0 feet;
 THENCE North 0°02' West, 286.4 feet to the POINT OF BEGINNING
 and the Southerly point of the right-of-way hereinafter described;
 THENCE North 85°06' West, 763.31 feet, more or less, to the
 Northerly corner of Tract No. 1567;
 THENCE South 44°20' West, along the Northwestern boundary
 of Tract 1567, 323.22 feet, more or less, to a point on the
 Northerly side of the now existing road;
 THENCE North 45°40' West, 12.0 feet;
 THENCE North 44°20' East, 327.74 feet;
 THENCE South 85°06' East, 766.83 feet to the Northwestern
 corner of the Brady tract;
 THENCE South 0°02' East, 12.0 feet to the POINT OF BEGINNING.

Said parcel contains an area of 701 acres, more or less, and is
 designated as the "Reclamation Area."

SUBJECT to outstanding encumbrances, including but not limited to
 the following:

1. Power Line Easement to Salmon River Electric Cooperative, Inc.,
 recorded April 11, 1968 in Volume 37 of Deeds, page 94, records of
 Custer County, Idaho.

2. Easement dated December 30, 1969, recorded March 9, 1970, as
 Instrument No. 178272, records of Custer County, Idaho.

3. Easement dated December 26, 1969, recorded January 28, 1970, as
 Instrument No. 124190, records of Custer County, Idaho.

4. Public Law 92-400 creating Sawtooth National Recreation Area
 and regulations promulgated thereunder published March 29, 1974,
 in Volume 39, Federal Register, pages 11544 to 11547.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

16 CFR PART 219

NATIONAL SYSTEM OF PUBLIC LANDS

Subpart 219.10 - National System of Public Lands - Private Land

Land - Private Land - National System of Public Lands

219.10. Standards. The standards for the National System of Public Lands are in accordance with the provisions of the National System of Public Lands Act, and the standards for the National System of Public Lands are in accordance with the provisions of the National System of Public Lands Act.

(a) General. The following standards apply to property in the National System of Public Lands.

(1) Use. The use of property in the National System of Public Lands shall be in accordance with the provisions of the National System of Public Lands Act, and shall be in accordance with the provisions of the National System of Public Lands Act.

(2) Development. The development of property in the National System of Public Lands shall be in accordance with the provisions of the National System of Public Lands Act, and shall be in accordance with the provisions of the National System of Public Lands Act.

(3) Disposal. The disposal of property in the National System of Public Lands shall be in accordance with the provisions of the National System of Public Lands Act, and shall be in accordance with the provisions of the National System of Public Lands Act.

(b) All improvements will be underground.

(5) No dam, levee, or other improvement will be constructed in or on streambeds, banks, and flood plains of live or dead flowing streams. Streambeds, banks, and flood plains will not be disturbed, except as may be necessary to construct, maintain, or improve facilities for fisheries, utilities, roads, and other facilities. Improvements, any such dam, levee, or other improvement, impeding water flow, sedimentation of streams, or entrance of deleterious material into streams.

14345

137907

SCENIC EASEMENT

THIS EASEMENT, dated this 28 day of August, 1974,
by and between SANDY BROOKS and ELEANOR M. BROOKS, his wife, GRANTORS, of
Sawtooth Valley, Custer County, State of Idaho, and the UNITED STATES OF
AMERICA, GRANTEE.

WHEREAS, Public Law 92-400 (86 Stat. 612), provided for the establish-
ment of the Sawtooth National Recreation Area in the State of Idaho to
assure the preservation and protection of its natural, scenic, historical,
pastoral, and fish and wildlife values and to provide for the enhance-
ment of the recreational values associated therewith;

WHEREAS, the Sawtooth National Recreation Area contains within its
boundaries various tracts of privately-owned lands which are or could be
used in a manner inconsistent with the purposes of the Area;

WHEREAS, the Grantors are the owners of certain land which is in
the established boundaries of the Sawtooth National Recreation Area;

WHEREAS, the Grantee, through the Forest Service, in accordance with
Public Law 92-400 (86 Stat. 612), desires to acquire interests in such
lands as necessary to protect the natural, scenic, historical, pastoral,
and fish and wildlife values and provide for the enhancement of the
recreational values of the Sawtooth National Recreation Area and to
prevent any development that would tend to mar or detract from its
natural, scenic, historical, pastoral, and fish and wildlife and recreational
values associated therewith.

NOW THEREFORE, for and in consideration of the premises and the sum
of One hundred sixty two thousand five hundred and no/100 dollars
(\$162,500.00), to the Grantors in hand paid, the receipt whereof is hereby
acknowledged, the Grantors do hereby grant and convey unto the Grantee, an
estate, interest and scenic easement in said real estate of the Grantors, of
the nature and character and to the extent hereinafter expressed to be and
to constitute a servitude upon said real estate of the Grantors, which
estate, interest, easement*and servitude will result from the restrictions

hereby imposed upon the use of said property of the Grantors which will run with the land, and to that end and for the purposes of accomplishing the intent of the parties hereto the Grantors covenant on behalf of themselves, their heirs, successors and assigns, with the Grantee, and its assigns, to do and refrain from doing, severally and collectively, upon the Grantors' said property, the various acts hereinafter mentioned it being hereby agreed and expressed that the doing and the refraining from said acts, and each thereof, upon said property is and will be for the benefit of the said Sawtooth National Recreation Area so as to help accomplish the purposes for which the Area has been established.

The restrictions hereby imposed upon the use of said property of the Grantors, and the acts which the Grantors so covenant to do and refrain from doing upon their said property, hereinafter referred to as the "easement area," in connection therewith are the pertinent provisions of the regulations establishing standards for the use of private lands in the Sawtooth National Recreation Area as published in the Federal Register of March 29, 1974, pp. 11544-47, to-wit: 36 CFR §292.16(c) and §292.16(g), copies of which are attached hereto and made a part hereof.

With reference to 36 CFR §292.16(g)(1), it is agreed that only one residence and one tenant dwelling are authorized within the easement area.

With reference to 36 CFR §292.16(g)(5), it is agreed that no reductions in the size of ownership of any of the land in the easement area will be approved.

It is agreed that no mining or industrial activity will be conducted on the lands within the easement area.

The Grantee is hereby granted the right to permit public use of a strip of land along the river, by foot travel only, within that portion of the easement area from the thread of the stream to points parallel and being 50 feet distant beyond each mean high water line of the Salmon River.

Where needed, the United States may erect appropriate signs to delineate the public use area.

It is agreed that the Grantee has the right to enter upon the easement area to inspect for violation of the terms of this easement and to take all action legally necessary and proper to enforce it.

The land of the Grantors, hereinabove referred to and to which the provisions of this instrument apply, is situate in the County of Custer, State of Idaho, and is particularly described as follows, to-wit:

Township 8 North, Range 14 East, Boise Meridian

Section 4: $W\frac{1}{2}SW\frac{1}{4}$, EXCEPT a parcel of land situate in the $NW\frac{1}{4}SW\frac{1}{4}$, more particularly described as follows:

Commencing at the quarter section corner common to Sections 5 and 4; thence South $88^{\circ}20'30''$ East 315.78 feet to the easterly right of way line of highway; thence continuing South $88^{\circ}20'30''$ East 1,004.22 feet; thence South $0^{\circ}02'18''$ West 300.00 feet; thence North $88^{\circ}20'30''$ West 887.02 feet; thence North $21^{\circ}05'$ West 325.16 feet along the easterly right of way line of said highway to the point of beginning.

Section 9: $W\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, EXCEPT that portion of the $NW\frac{1}{4}SW\frac{1}{4}$ described as follows:

Commencing at the southwest corner of said 40-acre tract of land, which is the point of beginning; thence East 1,188 feet; thence North 561 feet; thence West 1,188 feet; thence South 561 feet to the point of beginning.

ALSO EXCEPTING the following parcels:

A parcel of land in the $NW\frac{1}{4}SW\frac{1}{4}$ Section 4, more particularly described as follows:

Commencing at the quarter corner common to Sections 4 and 5; thence South $53^{\circ}51'$ East 534.23 feet to the true point of beginning on the easterly right of way boundary of U.S. Highway 93; thence South $88^{\circ}20'30''$ East 901.10 feet; thence South $0^{\circ}02'18''$ West 747.00 feet; thence North $88^{\circ}20'30''$ West 613.52 feet to the easterly boundary of U.S. Highway 93; thence 151.33 feet along a curve to the left on the easterly boundary of U.S. Highway 93 with a central angle of $2^{\circ}59'32''$, a radius of 2,897.79 feet, and a tangent of 75.68 feet that bears North $18^{\circ}05'28''$ West; thence North $21^{\circ}05'00''$ West 656.72 feet along the easterly boundary of U.S. Highway 93 to the true point of beginning, containing 13.0 acres, more or less (basis of bearing: U.S. Highway 93, North $21^{\circ}05'$ West at quarter section line)

Checked by Office of the
Register, U.S. Office of
Description, and found correct.

Where needed, the United States may erect appropriate signs to delineate the public use area.

It is agreed that the Grantee has the right to enter upon the easement area to inspect for violation of the terms of this easement and to take all action legally necessary and proper to enforce it.

The land of the Grantors, hereinabove referred to and to which the provisions of this instrument apply, is situate in the County of Custer, State of Idaho, and is particularly described as follows, to-wit:

Township 8 North, Range 14 East, Boise Meridian

Section 4: $W\frac{1}{2}SW\frac{1}{4}$, EXCEPT a parcel of land situate in the $NW\frac{1}{4}SW\frac{1}{4}$, more particularly described as follows:

Commencing at the quarter section corner common to Sections 5 and 4; thence South $88^{\circ}20'30''$ East 315.78 feet to the easterly right of way line of highway; thence continuing South $88^{\circ}20'30''$ East 1,004.22 feet; thence South $0^{\circ}02'18''$ West 300.00 feet; thence North $88^{\circ}20'30''$ West 887.02 feet; thence North $21^{\circ}05'$ West 325.16 feet along the easterly right of way line of said highway to the point of beginning.

Section 9: $W\frac{1}{2}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$, EXCEPT that portion of the $NW\frac{1}{4}SW\frac{1}{4}$ described as follows:

Commencing at the southwest corner of said 40-acre tract of land, which is the point of beginning; thence East 1,188 feet; thence North 561 feet; thence West 1,188 feet; thence South 561 feet to the point of beginning.

ALSO EXCEPTING the following parcels:

A parcel of land in the $NW\frac{1}{4}SW\frac{1}{4}$ Section 4, more particularly described as follows:

Commencing at the quarter corner common to Sections 4 and 5; thence South $53^{\circ}51'$ East 534.23 feet to the true point of beginning on the easterly right of way boundary of U.S. Highway 93; thence South $88^{\circ}20'30''$ East 901.10 feet; thence South $0^{\circ}02'18''$ West 747.00 feet; thence North $88^{\circ}20'30''$ West 613.52 feet to the easterly boundary of U.S. Highway 93; thence 151.33 feet along a curve to the left on the easterly boundary of U.S. Highway 93 with a central angle of $2^{\circ}59'32''$, a radius of 2,897.79 feet, and a tangent of 75.68 feet that bears North $18^{\circ}05'28''$ West; thence North $21^{\circ}05'00''$ West 656.72 feet along the easterly boundary of U.S. Highway 93 to the true point of beginning, containing 13.0 acres, more or less (basis of bearing: U.S. Highway 93, North $21^{\circ}05'$ West at quarter section line)

Checked by office attorney,
description of sections of
purchase, and found correct.

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4, more particularly described as follows:

Commencing at the quarter corner common to Sections 4 and 5; thence South 33°51'49" East 1,289.16 feet to the true point of beginning on the easterly right of way boundary of U.S. Highway 93; thence South 88°20'30" East 613.52 feet; thence South 0°02'18" West 147.00 feet; thence North 88°20'30" West 569.27 feet to the easterly boundary of U.S. Highway 93; thence 154.72 feet along a curve to the left on the easterly boundary of U.S. Highway 93, with a central angle of 3°03'33", a radius of 2,897.79 feet, and a tangent of 77.37 feet that bears North 15°01'55" West, to the true point of beginning, containing 2.0 acres, more or less (basis of hearing: U.S. Highway 93, North 21°05' West at quarter section line)

Said parcel contains 203.19 acres, more or less, and is designated as the "easement area."

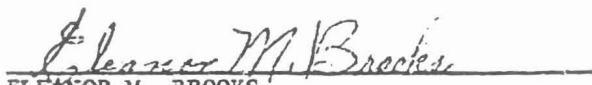
SUBJECT to the rights of the State of Idaho pursuant to right of way deeds dated July 9, 1929, recorded July 30, 1929, Custer County records.

SUBJECT to rights of Mountain States Telephone and Telegraph Company and Salmon Power Electric Co-op, Inc., pursuant to unrecorded easements for telephone and powerlines.

TO HAVE AND TO HOLD the rights hereby granted, unto the Grantee, and its assigns forever. This grant shall be binding upon the heirs and assigns of the Grantors and shall constitute a servitude upon the above described land.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals on the day and year first above written.


SANDY BROOKS


ELEANOR M. BROOKS

ACKNOWLEDGEMENT

STATE OF Idaho :
County of Custer : ss.

On the 28th day of August, 1974, before me a Notary Public,
personally appeared SANDY BROOKS and ELEANOR M. BROOKS,
his wife, known to me (or proved to me on the oath of _____
_____), to be the persons whose names are subscribed to the
within instrument, and acknowledged to me that they executed the same.

(SEAL)



Robert D. Blondell
Notary Public for the State of Idaho
Residing in Ketchum
My commission expires: 9-24-1977

No. 137907
State of Idaho) ss.
County of Custer)
This instrument was filed for
record at the recorder's office of
Sawtooth NRA
at 3:30 o'clock P. M.
on Aug 28 1974
and duly filed in the
Records of _____, Idaho.
Maria Sullivan
Ex-Officio Recorder.
By Cheryl Baker
Deputy.
Fees 4.00

Mailed to
NRA
Box 438
Ketchum Idaho
Attention Bob Blondell

DEPARTMENT OF AGRICULTURE

Forest Service

(36 CFR Part 292)

NATIONAL RECREATION AREAS

Subpart C - Sawtooth National Recreation Area - Private Lands

Land Acquisition and Standards for Use of Private Lands

• • •

292.16 Standards. The standards established in these regulations are in furtherance of the preservation and protection of the natural, scenic, historic, pastoral, and fish and wildlife values and to provide for the enhancement of the recreation values of the Recreation Area.

• • •

(c) General standards. The following standards apply to properties in all land use categories:

(1) Use and development of the property will be in conformance with applicable Federal, State, and local laws, regulations, and ordinances.

(2) Development, improvement, and use of the property will not materially detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area.

(3) There will be adequate provision for disposal of solid and liquid waste originating on or resulting from use of the property.

(4) All new utilities will be underground.

(5) No structures or other improvements will be constructed in or encroaching upon streambeds, banks, and flood plains of live or intermittent streams. Streambeds, banks, and flood plains will not be disturbed, except as may be necessary to construct, operate, and maintain irrigation, fisheries, utilities, roads, and similar facilities or improvements. Any such necessary encroachment will avoid impeding water flow, sedimentation of streams, or entrance of deleterious material into streams.

...

(g) Agriculture.

(1) Only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching, such as dwellings, barns, storage buildings, fences, corrals, irrigation facilities, roads, and utilities.

(2) Buildings to be of a ranch-type character with log or other rustic exterior with harmoniously colored or natural wood finish and nonreflective surfaces.

(3) Fences and other improvements to be in harmony with the western ranching atmosphere.

(4) Minimum setback of new buildings to be 150 feet from public roads where determined feasible by the Area Ranger.

(5) No further reduction in size of agricultural ownerships, except that which will not impair the objectives for which the Sawtooth National Recreation Area was established. A certification will be issued pursuant to §292.15(d) upon application in such cases.

(6) No signs, billboards, or advertising devices, except a property identification sign and one sale or rental sign not to exceed 2 square feet in area and harmonious in design and color with the surroundings. Signs not complying with this standard may be approved by certifications issued pursuant to §292.15(d) in special cases.

(7) Any tree removal and related slash disposal and soil erosion prevention measures to be conducted in a manner that will minimize detrimental effects to the site and adjoining lands.

(8) The general topography of the landscape to be unaltered, except for incidental excavation or topographic change required by ranching activities.

(9) Structures and improvements, including fences, to be maintained in usable condition or removed. Those recognized as having historic or esthetic value may remain.

(10) Roads to be designed, located, and constructed to minimize esthetic impact and soil movement.

(11) Agricultural practices to be limited to hay production and pasture and range grazing in a manner which does not degrade water quality or result in accelerated soil erosion.

...

Appendix C
Irrigation Requirement Calculations

WATER REQUIREMENTS AND WATER BALANCE ANALYSIS FOR

Jon Christianson

PRELIMINARY

Brockway Engineering, PLLC February 2007

IRRIGATION - 15 Acres

Irrigation water delivered by Canal from Salmon River

Crop ET data from Allen and Brockway (1983) - Stanley

Total irrigated area	15.0	acres		
Crop consumptive use - Pasture	22.72	inches	(Allen and Brockway, 1983)	
Irrigation efficiency - typical domestic	70%			
Annual consumptive volume	28.4	ac-ft		
Annual diversion volume	40.6	ac-ft		
Peak month average daily ET	0.196	inches	} Allen and Brockway (1983)	
Standard deviation of monthly ET	0.015	inches		
Peak day factor	1.1			
Exceedance level	90%			
Maximum daily design ET	0.237	inches		
Maximum daily application rate	0.338	inches		
Maximum design discharge	0.21	cfs or	96	gpm
	0.0142094		6.4	gpm / ac
			0.71	"/ac

Irrigation System Design Flowrates

			Volume
Peak Flow from Residential Irrigation at Peregrine Rar	96	gpm	40.6
Total System Demand - Peak	96	gpm	40.6 AFA
	0.21	cfs	

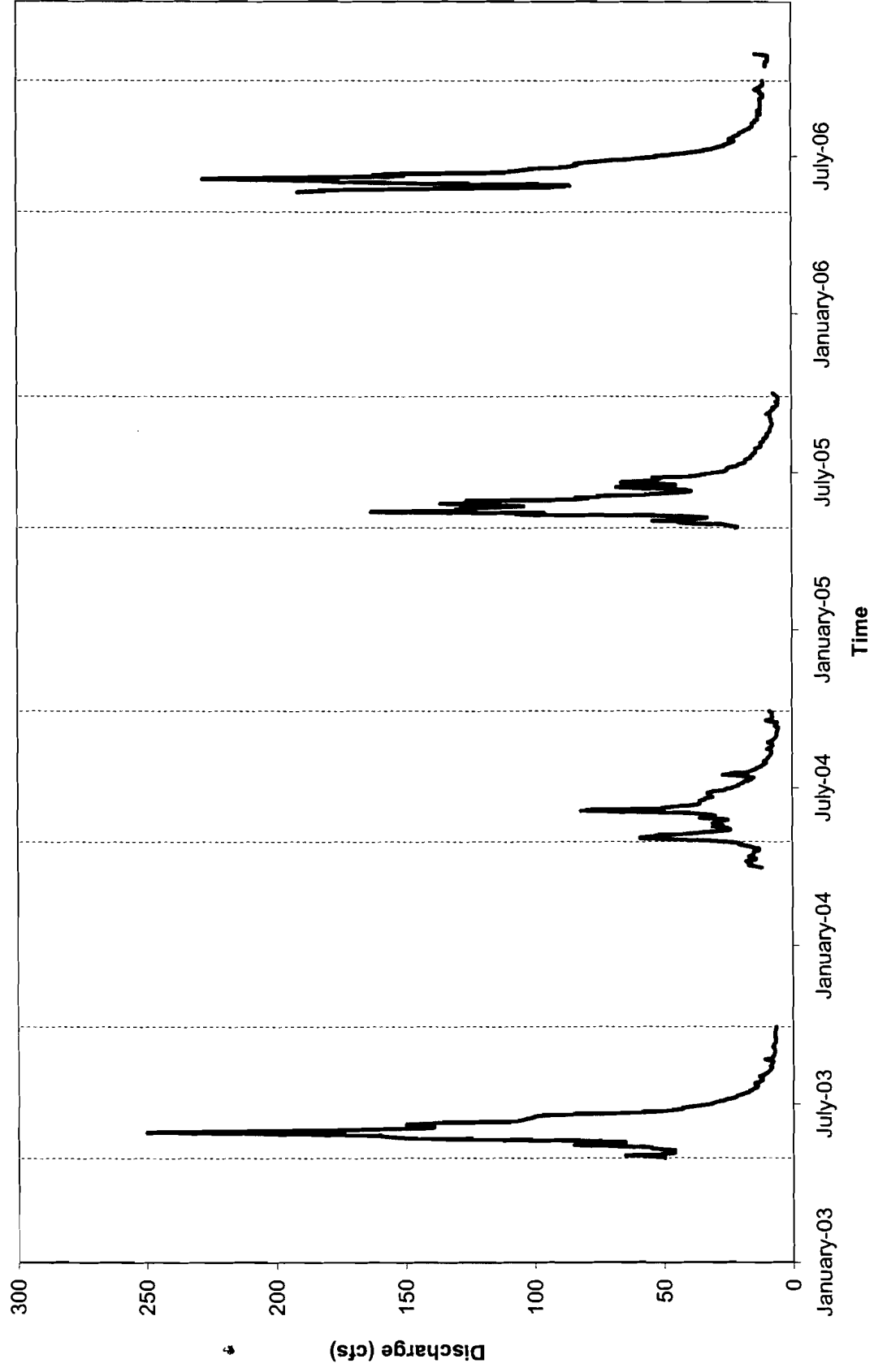
"REGULAR" IRRIGATION

Project irrigated area (not including native areas)	15 acres	
Seasonal ET - pasture	22.72 inches or	28.4 acre-feet
Irrigation application efficiency	0.65	
Irrigation water requirement	34.95 inches	
Total annual irrigation volume	43.7 acre-feet	
Peak monthly ET - June	0.196 in/day	
Standard deviation of peak ET	0.015 in/day	
Design probability level	90%	
Peak day : peak month factor	1.1	
Design peak ET	0.236 in/day	
Design peak application rate	0.363 in/day	
Design peak flow rate	0.23 cfs	
	103 gpm	
	0.0152 cfs/acre	

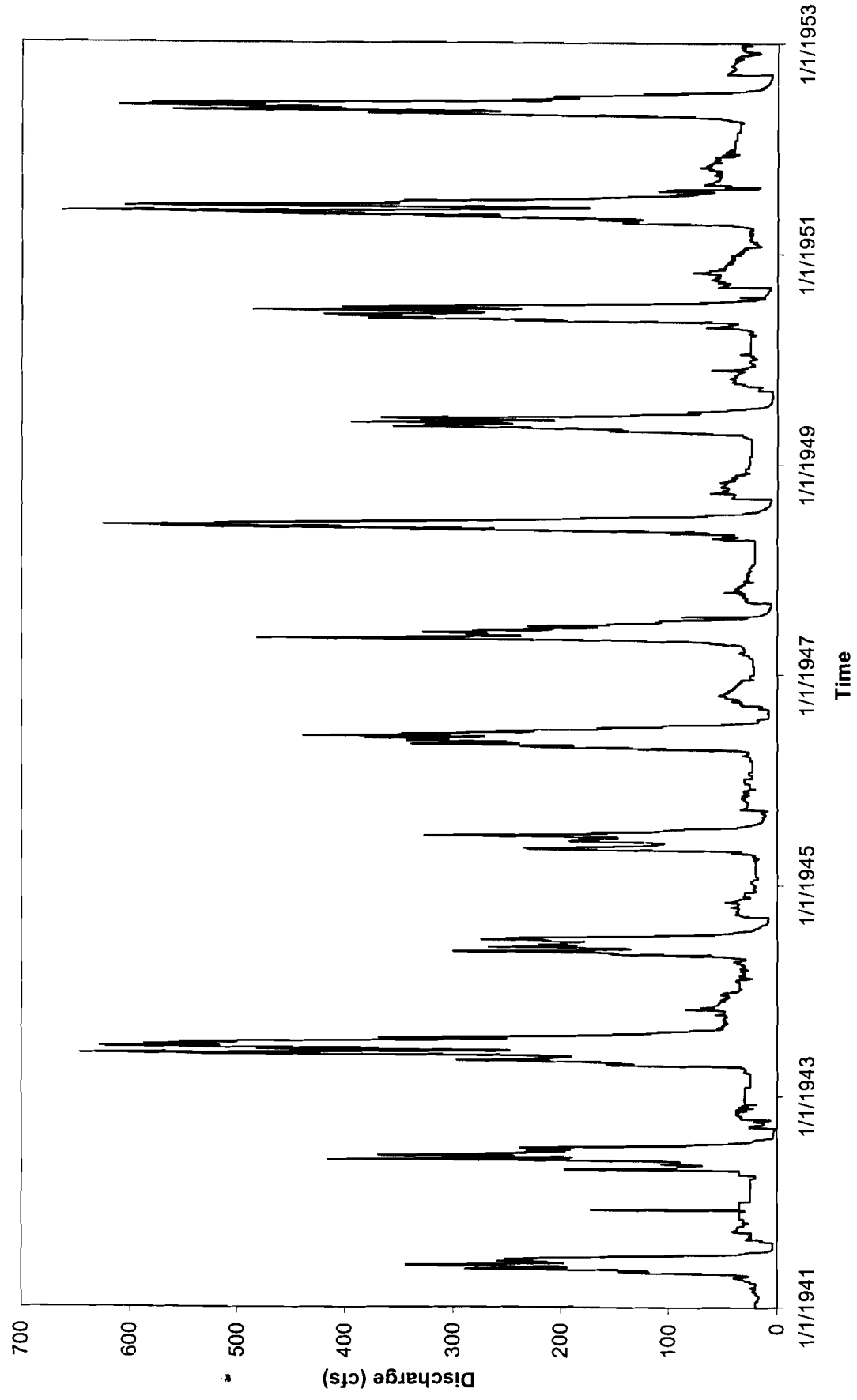
2.14	0.084 May
4.97	0.196 June
4.86	0.191 July
3.96	0.156 August
2.89	0.114 September

Appendix D
Salmon River Flow Estimates

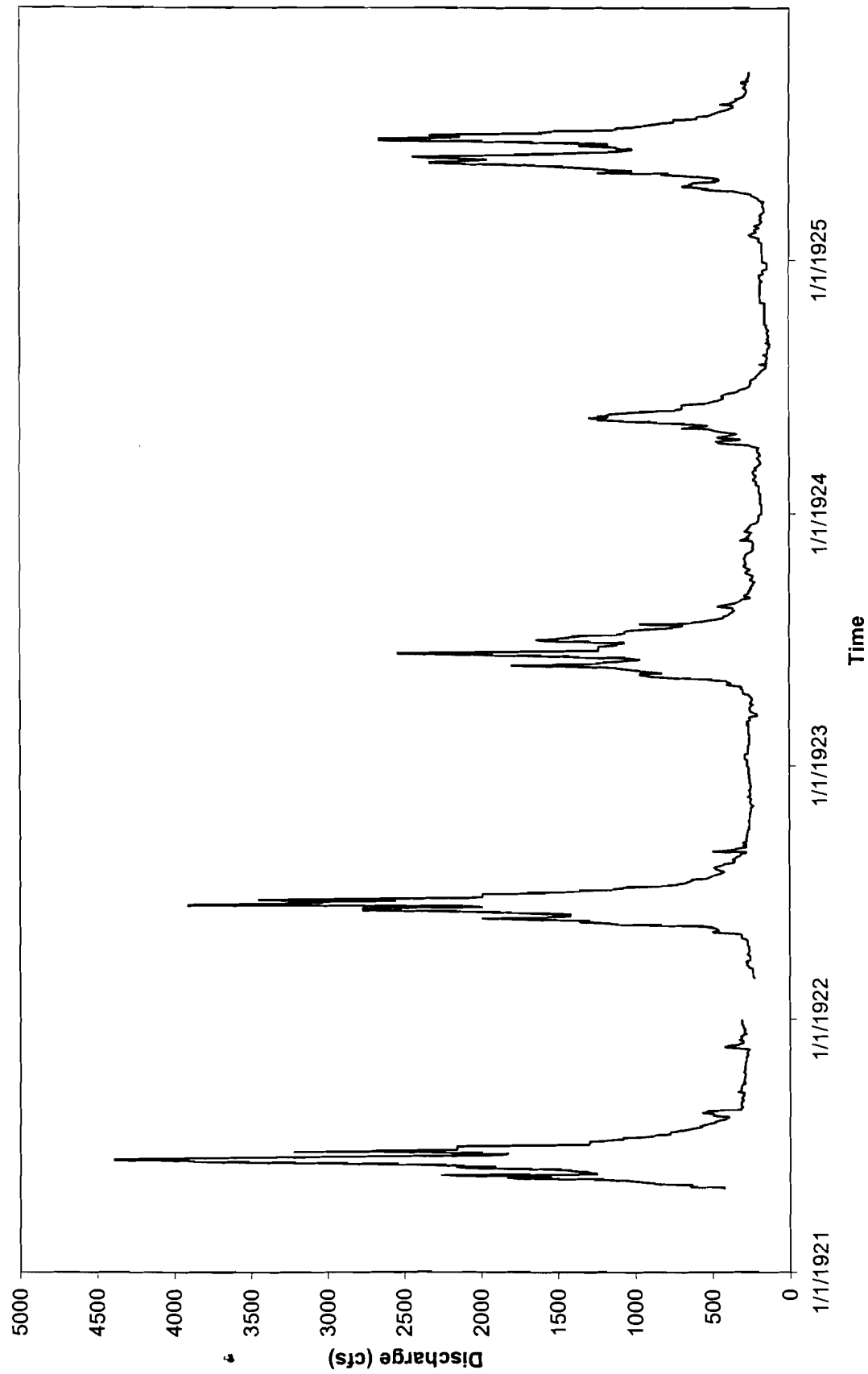
Daily Discharge for USGS Gage 132932280



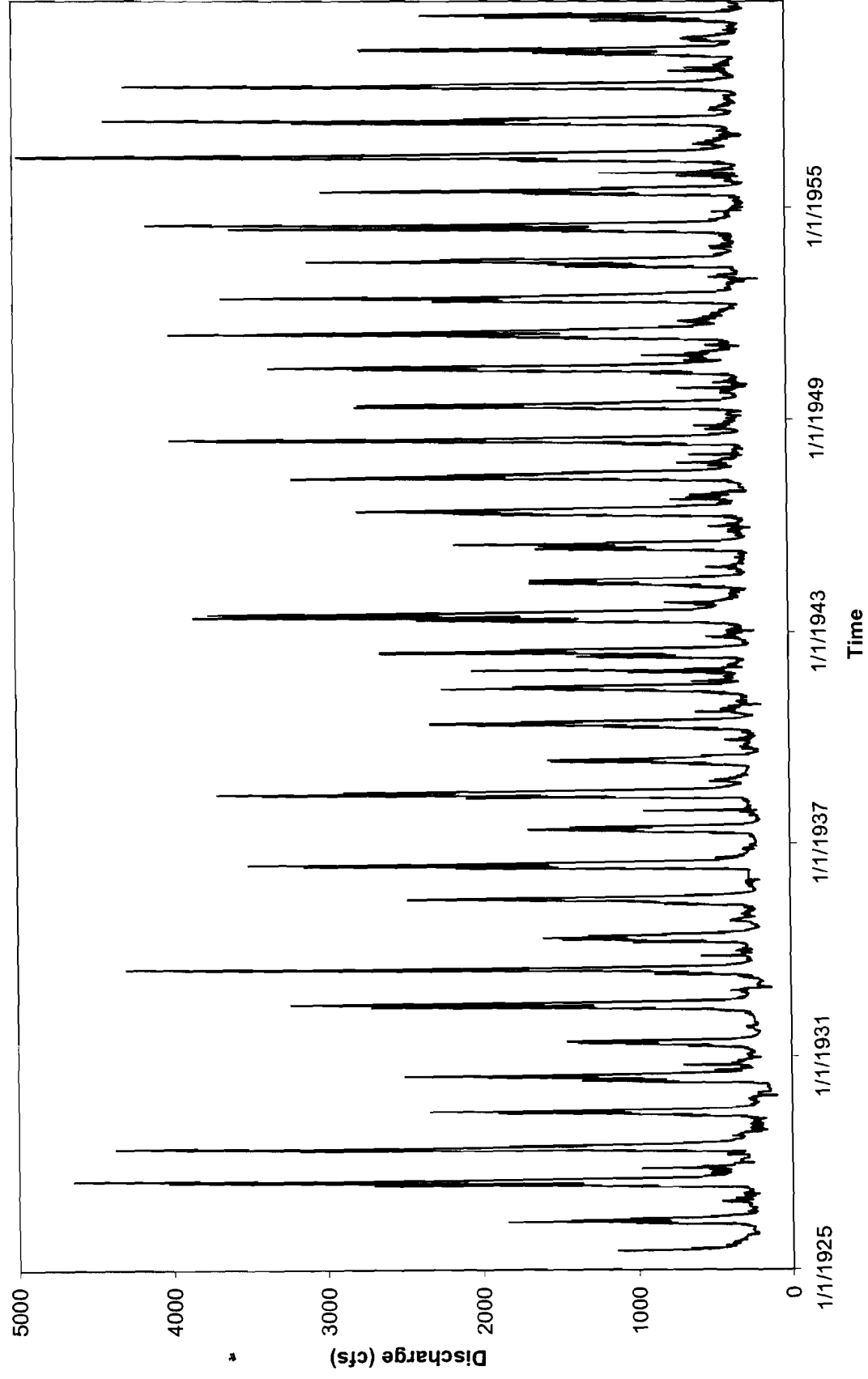
Daily Discharge for USGS Gage 13292500



Daily Discharge for USGS Gage 13294500



Daily Discharge for USGS Gage 13295500



USGS Gage 13294500

DA	355					
	May	June	July	Aug	Sept	
Measured	1126	1765	819	347	255	
Predicted	1400	1300	343	171	150	
	0.804286	1.357692	2.387755	2.02924	1.7	

USGS Gage 13295500

DA	501					
	May	June	July	Aug	Sept	
Measured	1615	1966	966	415	341	
Predicted	1800	1750	450	232	207	
	0.897222	1.123429	2.146667	1.788793	1.647343	

USGS Gage 13292500

DA	94.7					
	May	June	July	Aug	Sept	
Measured	255	284	106	21	28	
Predicted	341	299	75.1	40.4	26.8	
	0.747801	0.949833	1.411451	0.519802	1.044776	

USGS Gage 13292280

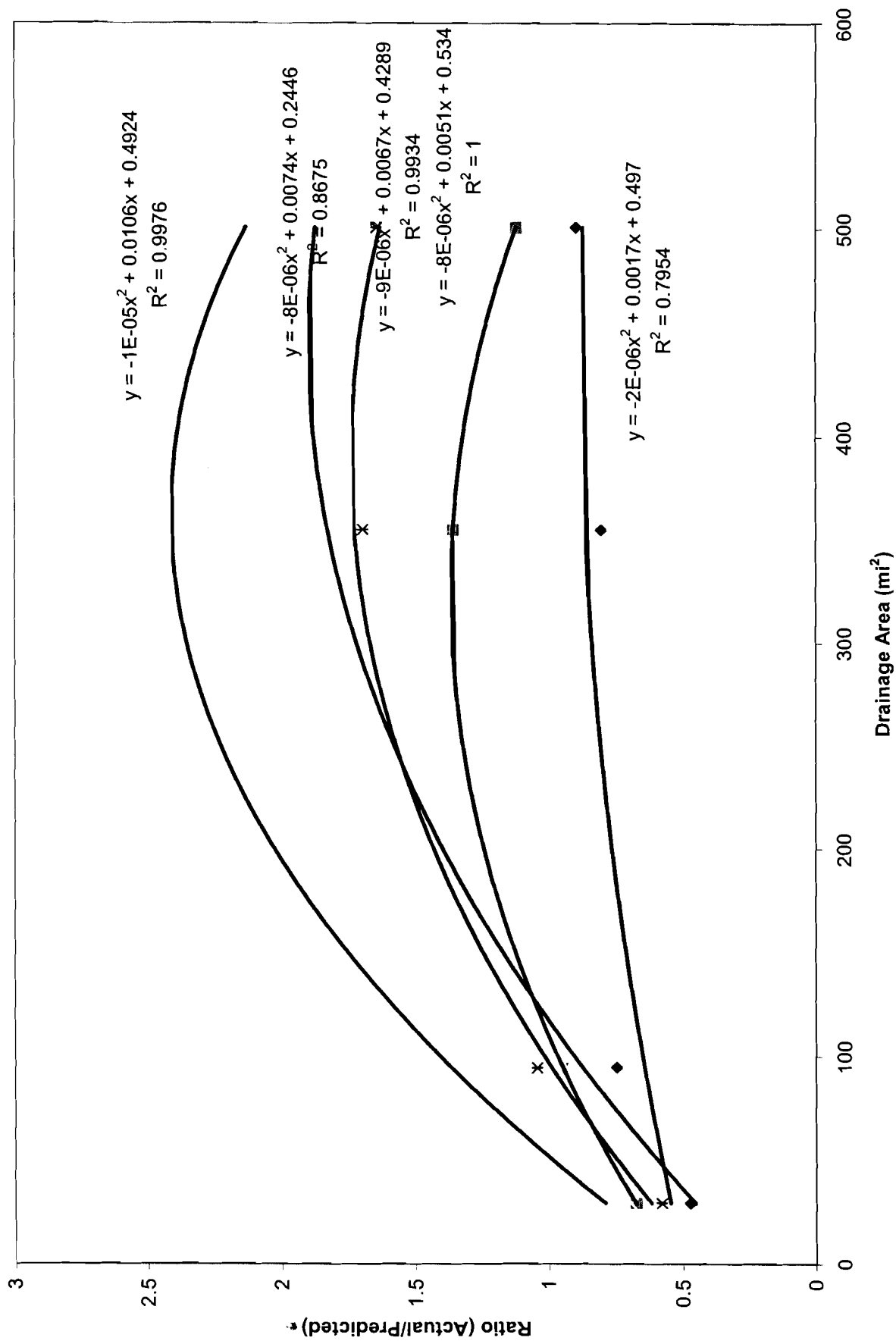
DA	29.1					
	May	June	July	Aug	Sept	
Measured	62	83	23	11	8	
Predicted	131	123	30.4	15.8	13.8	
	0.473282	0.674797	0.756579	0.696203	0.57971	

Ratios of Measured/Predicted

DA	May	June	July	Aug	Sept	
355	0.804286	1.357692	2.387755	2.02924	1.7	
501	0.897222	1.123429	2.146667	1.788793	1.647343	
94.7	0.747801	0.949833	1.411451	0.519802	1.044776	
29.1	0.473282	0.674797	0.756579	0.696203	0.57971	

Christianson Property

DA	234					
	May	June	July	Aug	Sept	
Predicted	880	783	205	105	93.3	
Ratios estimated from graph						
Ratio	0.785288	1.289352	2.42524	1.538152	1.503896	
Estimated	691	1010	497	162	140	



Appendix E
Legal Documentation of Ownership



United States
Department of
Agriculture

Forest
Service

Sawtooth National Forest
Sawtooth National Recreation
Area

HC 64, Box 8291
Ketchum, ID. 83340
208-727-5000
Visitor Center: 208-727-5013
Fax: 208-727-5029

File Code: 5400

SNRA Tract #SV-66

Date: September 29th, 2003

Wesley A. Wills
Wildlands LLC
Sawtooth Springs Ranch
P.O.Box 7133
Ketchum, Idaho 83340

Dear Wes,

This letter supplements the August 2nd, 2002 letter that we sent to you regarding your ownership of Sawtooth Springs Ranch, located in the Sawtooth National Recreation Area. In that letter we documented a July 22nd, 2002 site visit to you from our landscape architect, Tom Streit, and our private lands administrator, Ruth Wooding. You had requested to meet on site at your newly acquired property, Sawtooth Springs Ranch, SNRA Tract #SV-66, to discuss residential building options. You also requested that the meeting be documented. The items discussed at that meeting are listed again in this letter with the clarification of the word "footprint" included for building size. Your Scenic Easement allowances are also listed again for continuity in this supplemental letter.

On August 14th, 2003 you met with Ruth Wooding, Tom Streit, and Mark Moulton, our district hydrologist, to discuss the building option mentioned in your July 22nd, 2002 site visit of possibly building a single story residence down on the bench above the Salmon River that is on the west side of Highway 75. In researching past certification files for the ranch, building on the west side of Highway 75 on Sawtooth Springs Ranch was not precluded as an option. There was a past certification issued, #379, indicating approval to a previous owner, in 1988, for a building site in the location near the trees on the east side of Highway 75. This is the area of your other building site option discussed with Tom and Ruth in 2002.

In addition to the scenic easement on Sawtooth Springs Ranch, the private land regulations of the SNRA also apply to the ranch. The applicable clause to building on the west side of Highway 75 near the Salmon River would be:

Clause 292.16 Standards. c) general standards, (5) No Structures or other improvements will be constructed in or encroaching upon streambeds, banks, and flood plains of live or intermittent streams. Streambeds, banks, and floodplains will not be disturbed, except as may be necessary to construct, operate, and maintain irrigation, fisheries, utilities, roads and similar facilities or improvements. Any such necessary encroachment will avoid impeding water flow, sedimentation of streams, or entrance of deleterious material into streams.

The western most portion of your ranch is in an "indeterminate" floodplain according to county records. [Custer County, Idaho and Incorporated Areas. FIRM Flood Insurance Map. Map



OCT 15 2003

Caring for the Land and Serving People

Printed on Recycled Paper



We sincerely appreciate the professionalism of this report and your time and expense to obtain it. This report does determine that building in this proposed location meets the requirements of the private land regulation clause 292.16 Standards, c) general standards which pertains to activities near waterways. We appreciate and concur that this is a feasible building site with the following agreed upon stipulations: a home no taller in height than 22.5 feet, at a 3,000 square foot footprint, built in the ranching, "western style" architecture with attached garage that essentially hides the windows from view from the highway. In addition you have agreed to a screening plan to be worked out with the USFS and irrigation of that screening, and subdued colors for the home and roof. Based on these conditions the Forest Service approves of this building site.

We are also incorporating in this letter the previous agreement on building sites from the 2002 site visit and documentation of that visit.

- This ranch is agriculturally designated by Public Law PL-92 400, as of 1972, when the SNRA was enacted.
- The ranch, formerly known as Thousand Springs now known as Sawtooth Springs, is 203 acres more or less, and encumbered by a USFS administered scenic easement: public record # 137907 Custer County.
- The ranch has a recorded legal decision Civil # 84-4119, Racine and Fury vs. the United States, finding in favor of the plaintiffs in interpreting the scenic easement deed allowances. Per this civil action the court has decided that the deed allows:

"With reference to 36 CFR 292.16(g) (1), it is agreed that only one residence and one tenant dwelling are authorized within the easement area. The regulation referred to in the deed--36 CFR 292.16(g) (1) ---...permits only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching, such as dwellings, barns, storage buildings, fences, corrals, irrigation facilities, roads, and utilities In interpreting the scenic easement deed and the regulation it is clear that the addition of a second residence or second tenant dwelling is clearly prohibited. But what about the addition of other buildings necessary for a dude ranch? there is only one consistent way to interpret these provisions: only one residence and one tenant dwelling will be allowed among the other dude ranching facilities permitted under the regulation... the court has found the deed is not ambiguous.

- Your ranch may therefore have the buildings needed, as underlined above, for ranching operations, and one residence and one tenant dwelling.
- You discussed with Ruth and Tom building your residence and tenant dwelling against the sloped portion of your property on one of three sites shared at the 2002 site visit. Our landscape architect prefers the second site shared, to the left of the slump area when facing the slope, but all three have screening and are much preferred building sites to an area closer to Highway 75. The hillside is active in this area and an alluvial fan is noted near or at your proposed building sites. You have stated that you have consulted with a hydrologist regarding these sites and are comfortable taking the risk of building near the slump.

- You would like to build a 2 and ½ story home at 3,200 square foot footprint residence and a 2,200 square foot footprint tenant dwelling, also 2 ½ stories. If you build against the slope you would like to incorporate a daylight basement level to these two structures. You would construct the home and tenant dwelling from log or timber frame building styles. You prefer dark stain and light chinking. Lighter chinking against the slope in one of these three areas would be fine. Pigmented chinking would be requested if you built the residence and tenant home closer to the highway. The SNRA also prefers the darker stain style as it blends more easily with the surroundings. Our landscape architect believes this type of architecture would be compatible with the ability to screen these buildings against the slope and the trees found there.
- The other two locations mentioned: clustered in with the existing barn, or along the Salmon River front portion of your property, would necessitate a lower profile ranch style building of one story.
- If you choose to use the building site on the western side of highway 75 near Salmon River you have indicated that would be in lieu of the 2,200 square foot footprint "tenant dwelling" discussed above. This building site is approved per the conditions listed above in this letter.
- You are grazing cattle, and your plans for the barn area are to rehabilitate an adjacent outbuilding, maintain the fencing, and use the barn as a tack and meeting room for your horse riding guests. You have a number of horses already on the property. You suggested that any further ranching structures could be clustered in with the barn area and that is preferable by SNRA standards.

Please let us know if your recollection of this discussion is different than ours, or if your interpretation of your scenic easement deed differs from ours.

You have been a great neighbor to the SNRA and have applied a number of conservation principals on your properties in the SNRA. I sincerely appreciate the time and energy you have expended to meet the terms of your scenic easement while developing your ranch. We look forward to working with you in the future on the certification process for your residence and tenant dwelling.

Sincerely,

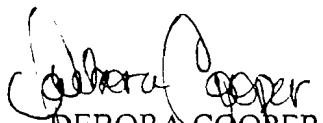
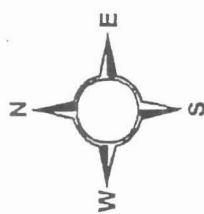

DEBORA COOPER
AREA RANGER

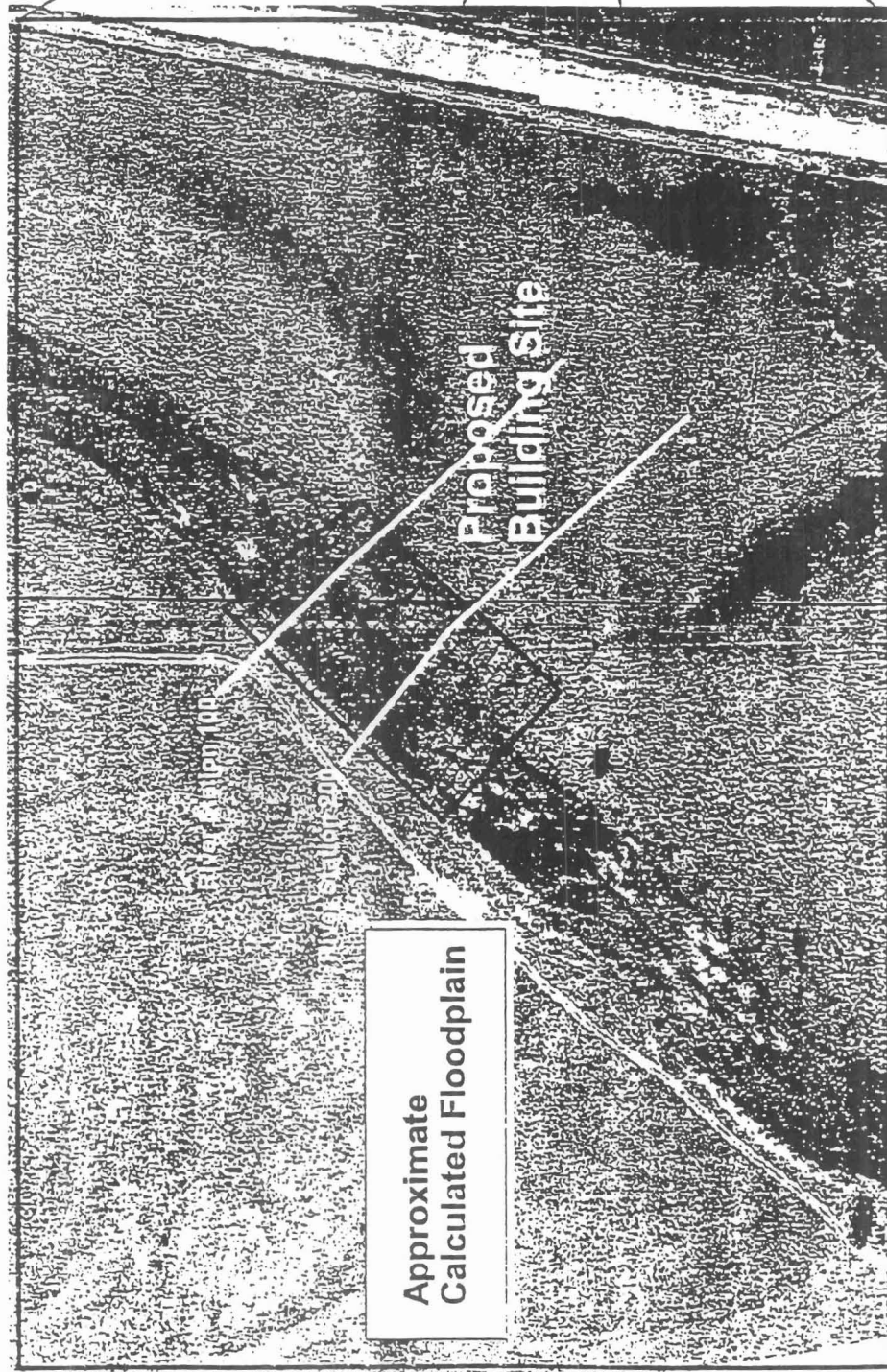
FIGURE 1.

Floodplain Determination for Proposed Building Site
(Wes Wills' Thousand Springs Ranch)



Calculated Floodplain

Thousand Springs Ranch
Property Boundary



2002 Rectified Aerial Photo

1987 Rectified Infrared Aerial Photo



United States
Department of
Agriculture

Forest
Service

Sawtooth National
Forest

Sawtooth National
Recreation Area
HC 64 Box 8291
Ketchum, Id. 83340
208-727-5000
Fax: 208-727-5029

File Code: SV-61a & SV-66

Date: July 24th, 2002

Wes Wills

Sawtooth Springs Ranch

P.O.Box 7133

Ketchum, Idaho 83340

Dear Wes,

In a letter dated May 4th, 2002 you requested review of proposed improvements to your log barn on the recently purchased Thousand Springs Ranch, now known as Sawtooth Springs Ranch [SNRA Tract # SV-66]. You spoke informally with Ruth Wooding first. Your plan was to rehabilitate your barn that was built in the 1950's.

Ruth met you on site June 6th, at Sawtooth Springs Ranch, and reviewed improvements with you. You installed white mullioned windows and barn doors that were toned down with brown paint. The barn has been restored to a very clean but original condition. The current use of the barn is a tack room and meeting area for your ranch guests to go riding. Thank you for this sensitive improvement and contact with the SNRA regarding the rehabilitation.

During the site visit you asked Ruth to research your adjacent SNRA Tract # SV-61a that was purchased as part of a package with the Sawtooth Springs Ranch. SNRA Tract # SV-66. Both Tracts are encumbered with Scenic Easements which Ruth Wooding and Craig Sheely shared with you, at your request, prior to purchase of these properties.

You wanted to know if you could build a residence on SV-61a, a parcel split from Stanley Basin Corporation land, an original total of 701 acres. SV-61a is bound by Scenic Easement County Record #141456. After extensive file research, Ruth informed you in June 2002 that we would contact the USFS Office of General Counsel, Ken Paur, regarding a final answer on this request.

Our legal counsel concurs that there is no building allowed on SNRA Tract # SV-61a per the terms of the Scenic Easement that binds it. This parcel is a split from the 701-acre Stanley Basin Corp property of which only two residences are allowed. The easement reads:

"With reference to dwellings in 36CFR 292.16(g)(1), it is agreed that no more than two (2) single family dwellings are authorized within the easement area and that any structures related to dude ranching are prohibited"

;



The property was split five times under the easement clause 36CFR 292(g)(5). The two homes allowed have been built. One residence is on the Vanderbilt's property, SV-61b, and one on the Stone/Lawler property, SV-28. All of the splits are bound by easement #141456. Building rights have been documented by the original owners of the 701 acres, Furey and Racine, in the warranty deeds for all of the splits: Stone/Lawler, Brady, Elliot, Vanderbilt, and the piece you now own.

Per the terms of this easement no additional residential building is allowed anywhere on the original 701 acres which includes your SNRA Tract #61a.

Your cooperation with our office has been greatly appreciated. Please let us know if we can be of any further assistance with your property interests in the Sawtooth National Recreation Area.

Sincerely,



GLENN P. CASAMASSA
Acting Area Ranger

EXHIBIT "A"

The land referred to in this commitment is situated in the State of Idaho, County of Custer and is described as follows:

TRACT 1:

TOWNSHIP 8 NORTH, RANGE 14 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 4: W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT a parcel of land situated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the Quarter section corner common to Sections 5 and 4; thence South 88°20'30" East, 315.78 feet to the Easterly right-of-way line of highway; thence continuing South 88°20'30" East 1,004.22 feet; thence South 0°02'18" West, 300.00 feet; thence North 88°20'30" West, 887.02 feet; thence North 21°05' West 325.16 feet along the Easterly right-of-way line of said highway to the Point of Beginning.

ALSO EXCEPTING:

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows:

Commencing at the Quarter corner common to Sections 4 and 5; thence South 53°51' East, 534.23 feet to the True Point of Beginning on the Easterly right-of-way boundary of U. S. Highway 93; thence South 88°20'30" East, 901.10 feet; thence South 0°02'18" West, 747.00 feet; thence North 88°20'30" West, 613.52 feet to the Easterly boundary of U. S. Highway 93; thence 151.33 feet along a curve to the left on the Easterly boundary of U. S. Highway 93 with a central angle of 2°59'32", a radius of 2,897.79 feet, and a tangent of 75.68 feet that bears North 18°05'28" West; thence North 21°05'00" West 656.72 feet along the Easterly boundary of U. S. Highway 93 to the True Point of Beginning. (Basis of bearing: U.S. Highway 93, North 21°05' West at Quarter Section Line).

ALSO EXCEPTING:

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows:

Commencing at the Quarter Corner common to Sections 4 and 5; thence South 33°51'49" East, 1,289.16 feet to the True Point of Beginning on the Easterly right-of-way boundary of U.S. Highway 93; thence South 88°20'30" East, 613.52 feet; thence South 0°02'18" West, 147.00 feet; thence North 88°20'30" West, 569.27 feet to the Easterly boundary of U.S. Highway 93; thence 154.72 feet along a curve to the left on the Easterly boundary of U.S. Highway 93, with a central angle of 3°03'33", a radius of 2,897.79 feet, and a tangent of 77.37 feet that bears North 15°01'55" West, to the True Point of Beginning. (Basis of bearing: U.S. Highway 93, North 21°05' West at Quarter Section Line.)

ALSO EXCEPTING HIGHWAY RIGHT OF WAY, NOW KNOWN AS STATE HIGHWAY 75.

Description continued:

SECTION 9: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Commencing at the Southwest corner of said 40-acre tract of land, which is the Point of Beginning; thence East 1,188 feet; thence North 561 feet; thence West 1,188 feet; thence South 561 feet to the Point of Beginning.

ALSO EXCEPTING HIGHWAY RIGHT OF WAY

TRACT II:

A tract of land, said land being located in Sections 4 and 9, Township 8 North, Range 14 East, Boise Meridian, Custer County, Idaho, lying particularly in the E $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 4, and lying partially in the E $\frac{1}{2}$ NW $\frac{1}{4}$ and in the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 9, being more particularly described as follows:

Commencing at the corner common to Sections 4, 5, 8 and 9, Township 8 North, Range 14 East, Boise Meridian, Custer County, Idaho; thence East along the South boundary of said Section 4 to the South Quarter Corner thereof, the point of beginning; thence

North 25°00' West 658.31 feet; thence

North 76°41' West 60.34 feet; thence

North 37°30' West 16 feet; thence

North 76°45' West 211 feet; thence

North 23°50' West 988.0 feet; thence

North 44°30' East 175.72 feet to the most Westerly corner of the land described in the deed to Lloyd Haight et. ux., recorded August 31, 1967, in Book 36 of Deeds, Page 488, Official Records of Custer County, Idaho; thence

North 48°36' West 127.04 feet; thence

North 55°57' West 275.15 feet; thence

North 30°30' West 78.85 feet more or less to a point that intersects the East boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, said Section 4; thence

South along the East boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ said Section 4 to the Southeast corner thereof;

thence continuing South along the East boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$, said Section 9 to the

Southeast corner thereof; thence East along the South boundary of the E $\frac{1}{2}$ NW $\frac{1}{4}$, said Section 9

to the Southeast corner thereof; thence continuing East along the South boundary of the

SW $\frac{1}{4}$ NE $\frac{1}{4}$, said Section 9 a distance of 750 feet; thence North 1°56' West a distance of 250 feet to the Southwest corner of the White Cloud Subdivision as shown by the Official Plat thereof,

Official Records of Custer County, Idaho; thence continuing North 1°56' West 564.77 feet;

thence North 74°27'50" East 109.8 feet; thence North 48°32'50" East 229.30 feet; thence North

6°06'50" East 493.2 feet; thence South 62°28'10" West 389.49 feet; thence North 54°47'50"

West 437.87 feet; thence North 42°47'50" West 509.12 feet; thence North 25°11' East 377.18

feet; thence North 25°00' West 422.09 feet; and thence North 89°07' West 14 feet more or less to the point of beginning.



United States
Department of
Agriculture

Forest
Service

Sawtooth National
Forest

Sawtooth National
Recreation Area
HC 64 Box 8291
Ketchum, Id. 83340
208-727-5000
Fax: 208-727-5029

File Code: SV-66

Date: August 2nd, 2002

Wes Wills
Sawtooth Springs
P.O. Box 7133
Ketchum, Idaho 83340

Dear Wes,

On July 22nd, 2002 you met with Ruth Wooding, Private Lands Administrator, and Tom Streit, Landscape Architect, for the Sawtooth National Recreation Area.

You had requested to meet on site at your newly acquired property, Sawtooth Springs Ranch, SNRA Tract #SV-66, to discuss residential building options. You also requested that the meeting be documented. The items discussed are listed below. The scenic easement allowances for this ranch are also listed:

- This ranch is agriculturally designated by Public Law, PL-92 400, as of 1972, when the SNRA was enacted.
- The ranch, formerly known as Thousand Springs now known as Sawtooth Springs, is 203 acres more or less, and encumbered by a scenic easement: public record # 137907 Custer County, administered by the Forest Service.
- The ranch has a recorded legal decision Civil # 84-4119, Racine and Fury vs. the United States, finding in favor of the plaintiffs, March 20th 1987, in interpreting the scenic easement deed allowances. Per this civil action the U.S. District Court for the District of Idaho decreed:

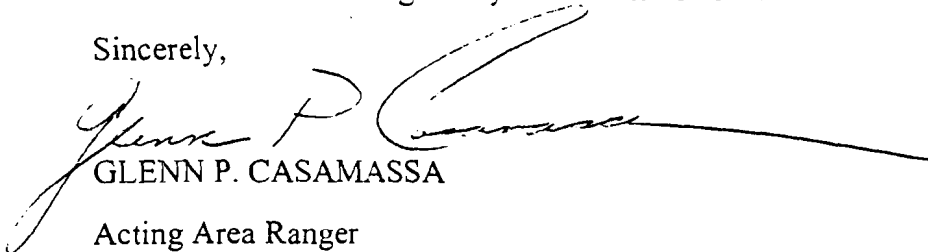
"With reference to 36 CFR 292.16(g) (1), it is agreed that only one residence and one tenant dwelling are authorized within the easement area. The regulation referred to in the deed--36 CFR 292.16(g) (1) --...permits only structures which do not substantially impair or detract from the scenic, natural, historic, pastoral, and fish and wildlife values of the area and which are necessary for ranching or dude ranching, such as dwellings, barns, storage buildings, fences, corrals, irrigation facilities, roads, and utilities.....In interpreting the scenic easement deed and the regulation it is clear that the addition of a second residence or second tenant dwelling is clearly prohibited. But what about the addition of other buildings necessary for a dude ranch? there is only one consistent way to interpret these provisions: only one residence and one tenant dwelling will be allowed among the other dude ranching facilities permitted under the regulation... the court has found the deed is not ambiguous".



- Your ranch may therefore have the buildings needed, as underlined above, for ranching operations, and one residence and one tenant building for "dwellings".
- You discussed with Ruth and Tom that you would like to build your residence and tenant building against the sloped portion of your property on one of three sites shared at the site visit. Our Landscape Architect prefers the second site shared, to the left of the slump area as you face the slope. All three have screening and are much preferred building sites to an area closer to Highway 75. Our Lands Forester, Ruth Wooding, is concerned about the slump on your property. The slump is periodically active and an alluvial fan is noted from Highway 75. You stated that you have had a hydrologist look at the potential building sites, and that you are aware of this unstable slope, and are willing to take the risks of building in a geologically active area.
- You would like to build a 2 and ½ story home at 3,200 square feet, and a 2,200 square foot tenant home also 2 ½ stories. If you build against the slope you would like to incorporate a daylight basement level to these two structures. You would construct the home and tenant building from log or timber frame building styles. You prefer dark stain and light chinking. Lighter chinking against the slope in one of these three areas would be fine. Pigmented chinking would be requested if you built the residence and tenant home closer to the highway. The SNRA also prefers the darker stain style as it blends more easily with the surroundings. Our Landscape Architect believes this type of architecture would be compatible with the ability to screen these buildings against the slope and the trees found there. The other two locations mentioned: clustered in with the existing barn, or along the Salmon River front portion of your property, would necessitate a lower profile ranch style building of one story.
- You are grazing cattle and your plans for the barn area are to rehabilitate an adjacent outbuilding, maintain the fencing, and use the barn as a tack and meeting room for your horse riding guests. You have a number of horses already on the property. You suggested that any further ranching structures could be clustered in with the barn area. A clustering of the structures is preferable by SNRA standards.

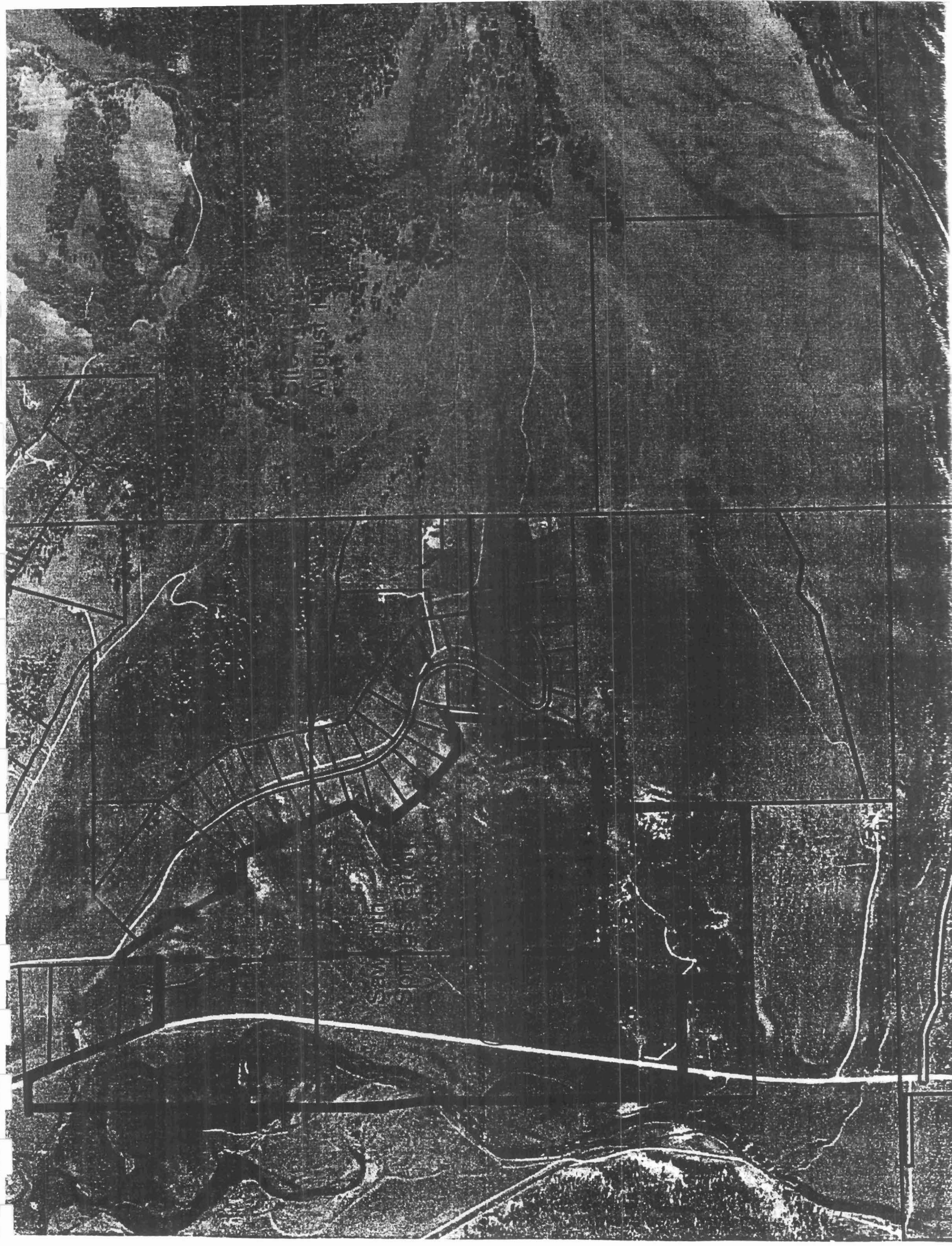
Please let us know if your interpretation of your scenic easement deed, or the residential construction details is different than ours. It was a pleasure to meet with you on site. The Forest Service sincerely appreciates the collaborative approach you taken to establish your ranch. We look forward to working with you in the future on the certification process for your buildings.

Sincerely,



GLENN P. CASAMASSA

Acting Area Ranger





Order No. 01012273

WARRANTY DEED

FOR VALUE RECEIVED

WILDLANDS, LLC, a Montana Limited Liability Company

the Grantor hereby grants, bargains, sells, conveys and warrants unto

WES

 JON L. CHRISTIANSON AND WES S. CHRISTIANSON, husband and wife

 the Grantee whose current address is: c/o SKADDEN, ARPS, SLATE, NEAGHER & FLOM, LLP, FOUR TIMES SQUARE,
 NEW YORK, NY 10036

the following described premises, to-wit:

SEE SCHEDULE "C" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN.

AND AS RELINQUISHED PROPERTY IN AN L.R.C. 1031 TAX DEFERRED EXCHANGE.

SUBJECT TO A MORTGAGE DATED APRIL 10, 2002 IN FAVOR OF JEAN RACINE AND LOUIS F. RACINE, TRUSTEES OF THE JEAN RACINE FAMILY TRUST DATED DECEMBER 16, 1994 AND LOUIS F. RACINE AND JANELL RACINE, TRUSTEES OF THE LOUIS F. AND JANELL RACINE TRUST DATED APRIL 28, 1992, IN THE ORIGINAL AMOUNT OF \$700,000.00 RECORDED APRIL 17, 2002 AS INSTRUMENT NO. 224702, RECORDS OF CUSTER COUNTY, IDAHO, WHICH GRANTEES HEREIN AGREE TO ASSUME AND PAY ACCORDING TO ITS TERMS AND CONDITIONS.

Parcel Number: RP08N14E044830, RP08N14E045401A, RP08N14E092402A AND RP08N14E093001A

SUBJECT TO Current General Taxes, a lien in the process of assessment, not yet due or payable. Easements, restrictions, reservations, provisions of record, and assessments, if any.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, their heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that it is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: March 15, 2004

WILDLANDS, LLC, a Montana Limited Liability Company

BY: WES WILLS, Member

State of Idaho)

) ss.

County of Blaine)

On this 15th day of March, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared WES WILLS known to me or identified to me to be the Member of WILDLANDS, LLC, the Limited Liability Company that executed the instrument and the foregoing instrument was signed on behalf of said company by authority of consent of its members and acknowledged to me to be executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

[Signature]
 Notary Public
 Residing at: Ketchum
 Commission Expires: 12-14-2007



READ AND APPROVED:

[Signature]
 JON L. CHRISTIANSON

[Signature]
 WES S. CHRISTIANSON

EXHIBIT XC

A parcel of land lying within Sections 4 & 9, Township 8 North, Range 14 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Beginning at a brass cap marking the Southwest corner of the said Section 4, which lies South $00^{\circ}23'53''$ West, 2645.60 feet from the West Quarter corner of said Section 4; thence South $89^{\circ}23'02''$ East, 2630.91 feet along the South boundary of said Section 4 to the proportioned South Quarter corner of said Section 4; thence continuing South $89^{\circ}23'02''$ East, 17.14 feet to the intersection of the South boundary of said Section 4 and the West Boundary of White Cloud Subdivision, said point being the REAL POINT OF BEGINNING;

thence North $25^{\circ}00'00''$ West, 654.43 feet (Record North $25^{\circ}00'$ West, 658.31 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $76^{\circ}38'02''$ West, 59.54 feet (Record North $76^{\circ}41'$ West, 60.34 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $76^{\circ}36'41''$ West, 187.72 feet (Record North $76^{\circ}45''$ West, 211.00 feet) to a 2" Iron Pipe;

thence North $29^{\circ}55'22''$ West, 989.70 feet (Record North $29^{\circ}53''$ West, 989.8 feet) along the Simplot Industries, Inc. parcel to a 2" Iron Pipe;

thence North $44^{\circ}25'33''$ East, 176.31 feet (Record North $44^{\circ}30'00''$ East, 175.72 feet) to a spike, which bears South $44^{\circ}26'28''$ West, 323.39 feet (Record 323.28 feet) from a 2" Iron Pipe;

thence North $48^{\circ}36'00''$ West, 127.04 feet to a point;

thence North $55^{\circ}57'00''$ West, 275.15 feet to a point;

thence North $30^{\circ}30'00''$ West, 209.66 feet more or less, to the East boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4;

thence South $00^{\circ}26'02''$ West, 2038.49 feet along the East boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 4 to its intersection with the Southern boundary of said Section 4;

thence South $00^{\circ}32'08''$ West, 2642.70 feet along the East boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 9, to the Center West 1/16 corner of said Section 9;

thence South $89^{\circ}24'30''$ East, 1316.70 feet along the South Boundary of the E $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 9 to the Center quarter corner of said Section 9;

thence continuing South $89^{\circ}24'30''$ East, 798.56 feet (Record East 750.00 feet) along the South Boundary of the W $\frac{1}{2}$ NE $\frac{1}{4}$ of said Section 9;

thence North $01^{\circ}37'59''$ West, 244.49 feet (Record North $01^{\circ}56'$ West, 250.00 feet) to a 2" Iron Pipe;

thence North $01^{\circ}39'56''$ West, 564.23 feet (Record North $01^{\circ}56'$ West, 564.77 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $74^{\circ}48'40''$ East, 109.56 feet (Record North $74^{\circ}27'50''$ East, 109.80 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

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thence North $06^{\circ}19'53''$ East, 492.37 feet (Record North $06^{\circ}06'50''$ East, 492.20 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence South $62^{\circ}42'00''$ West, 389.78 feet (Record South $62^{\circ}28'10''$ West, 389.49 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $54^{\circ}41'47''$ West, 450.97 feet (Record North $54^{\circ}47'50''$ West, 437.87 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

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thence North $25^{\circ}17'47''$ East, 377.17 feet (Record North $25^{\circ}11'00''$ East, 377.18 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $25^{\circ}00'00''$ West, 427.04 feet (Record North $25^{\circ}00'$ West, 422.09 feet) along the boundary of White Cloud Subdivision to the REAL POINT OF BEGINNING.

AND THE FOLLOWING:

TOWNSHIP 8 NORTH, RANGE 14 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO.

SECTION 4: W $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT a parcel of land situated in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, more particularly described as follows:

Commencing at the Quarter section corner common to Sections 5 and 4; thence South $88^{\circ}20'30''$ East, 315.78 feet to the Easterly right-of-way line of highway; thence continuing South $88^{\circ}20'30''$ East 1,004.22 feet; thence South $0^{\circ}02'18''$ West, 300.00 feet; thence North $88^{\circ}20'30''$ West, 887.02 feet; thence North $21^{\circ}05'$ West 325.16 feet along the Easterly right-of-way line of said highway to the Point of Beginning.

ALSO EXCEPTING:

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows: Commencing at the Quarter corner common to Sections 4 and 5; thence South $53^{\circ}51'$ East, 534.23 feet to the True Point of Beginning on the Easterly right-of-way boundary of U. S. Highway 93; thence South $88^{\circ}20'30''$ East, 901.10 feet; thence South $0^{\circ}02'18''$ West, 747.00 feet; thence North $88^{\circ}20'30''$ West, 613.52 feet to the Easterly boundary of U. S. Highway 93; thence 151.33 feet along a curve to the left on the Easterly boundary of U. S. Highway 93 with a central angle of $2^{\circ}59'32''$, a radius of 2,897.79 feet, and a tangent of 75.68 feet that bears North $18^{\circ}05'28''$ West; thence North $21^{\circ}05'00''$ West 656.72 feet along the Easterly boundary of U. S. Highway 93 to the True Point of Beginning. (Basis of bearing: U.S. Highway 93, North $21^{\circ}05'$ West at Quarter Section Line).

ALSO EXCEPTING:

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows: Commencing at the Quarter Corner common to Sections 4 and 5; thence South $33^{\circ}51'49''$ East, 1,289.16 feet to the True Point of Beginning on the Easterly right-of-way boundary of U.S. Highway 93; thence South $88^{\circ}20'30''$ East, 613.52 feet; thence South $0^{\circ}02'18''$ West, 147.00 feet; thence North $88^{\circ}20'30''$ West, 569.27 feet to the Easterly boundary of U.S. Highway 93; thence 154.72 feet along a curve to the left on the Easterly boundary of U.S. Highway 93, with a central angle of $3^{\circ}03'33''$, a radius of 2,897.79 feet, and a tangent of 77.37 feet that bears North $15^{\circ}01'55''$ West, to the True Point of Beginning. (Basis of bearing: U. S. Highway 93, North $21^{\circ}05'$ West at Quarter Section Line.)

ALSO EXCEPTING HIGHWAY RIGHT OF WAY, NOW KNOWN AS STATE HIGHWAY 75.

SECTION 9: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

Commencing at the Southwest corner of said 40-acre tract of land, which is the Point of Beginning; thence East 1,188 feet; thence North 561 feet; thence West 1,188 feet; thence South 561 feet to the Point of Beginning.

ALSO EXCEPTING HIGHWAY RIGHT OF WAY



READ AND APPROVED:

JON L. CHRISTIANSON

WEL S. CHRISTIANSON

QUITCLAIM DEED

THIS INDENTURE, Made this 15th day of March, 2004 between

WILDLANDS LLC, a Montana Limited Liability Company

as Grantor and

WEL

JON L. CHRISTIANSON AND WEL S. CHRISTIANSON, husband and wife

as Grantee

whose current address is FOUR TIMES SQUARE, NEW YORK, NY 10034

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:

WATER RIGHT NO(S) 71-00016, 871-00036A, 871-10767, 871-10768, 871-10107, 71-10108, 71-02004 AND 871-02004C APPURTENANT TO THE PROPERTY DESCRIBED IN EXHIBIT "C".

Parcel Number: RPO814E044830

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.

WILDLANDS LLC, a Montana Limited Liability Company

By

WES WILLS

By

State of IDAHO

County of BLAINE

On this 15th day of March, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared WES WILLS

known to me, and/or identified to me on the basis of satisfactory evidence, to be the MEMBER of the Limited Liability Company that executed the instrument and the foregoing instrument was signed on behalf of said company by authority of consent of its members and acknowledged to me that he executed the same.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public KRISTEN KLUDT

Residing at KETCHUM

Commission Expires: December 16, 2007

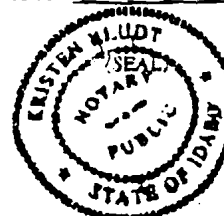


EXHIBIT ~~X~~C

A parcel of land lying within Sections 4 & 9, Township 8 North, Range 14 East, Boise Meridian, Custer County, Idaho, being more particularly described as follows:

Beginning at a brass cap marking the Southwest corner of the said Section 4, which lies South $00^{\circ}23'53''$ West, 2645.60 feet from the West Quarter corner of said Section 4; thence South $89^{\circ}23'02''$ East, 2630.91 feet along the South boundary of said Section 4 to the proportioned South Quarter corner of said Section 4; thence continuing South $89^{\circ}23'02''$ East, 17.14 feet to the intersection of the South boundary of said Section 4 and the West Boundary of White Cloud Subdivision, said point being the REAL POINT OF BEGINNING;

thence North $25^{\circ}00'00''$ West, 654.43 feet (Record North $25^{\circ}00'$ West, 658.31 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $76^{\circ}38'02''$ West, 59.54 feet (Record North $76^{\circ}41'$ West, 60.34 feet) along the boundary of White Cloud Subdivision to a 2" Iron Pipe;

thence North $76^{\circ}36'41''$ West, 187.72 feet (Record North $76^{\circ}45''$ West, 211.00 feet) to a 2" Iron Pipe;

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thence North $48^{\circ}36'00''$ West, 127.04 feet to a point;

thence North $55^{\circ}57'00''$ West, 275.15 feet to a point;

thence North $30^{\circ}30'00''$ West, 209.66 feet more or less, to the East boundary of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 4,

thence South $00^{\circ}26'02''$ West, 2038.49 feet along the East boundary of the W $\frac{1}{2}$ SW $\frac{1}{4}$ of said Section 4 to its intersection with the Southern boundary of said Section 4;

thence South $00^{\circ}32'08''$ West, 2642.70 feet along the East boundary of the W $\frac{1}{2}$ NW $\frac{1}{4}$ of said Section 9, to the Center West 1/16 corner of said Section 9;

thence South $89^{\circ}24'30''$ East, 1316.70 feet along the South Boundary of the $E\frac{1}{2}NW\frac{1}{4}$ of said Section 9 to the Center quarter corner of said Section 9;

thence continuing South $89^{\circ}24'30''$ East, 798.56 feet (Record East 750.00 feet) along the South Boundary of the $W\frac{1}{2}NE\frac{1}{4}$ of said Section 9;

thence North $01^{\circ}37'59''$ West, 244.49 feet (Record North $01^{\circ}56'$ West, 250.00 feet) to a 2" Iron Pipe;

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AND THE FOLLOWING:

TOWNSHIP 8 NORTH, RANGE 14 EAST, BOISE MERIDIAN, CUSTER COUNTY, IDAHO

SECTION 4: $W\frac{1}{2}SW\frac{1}{4}$, EXCEPT a parcel of land situated in the $NW\frac{1}{4}SW\frac{1}{4}$, more particularly described as follows:

•
•

Commencing at the Quarter section corner common to Sections 5 and 4; thence South $88^{\circ}20'30''$ East, 315.78 feet to the Easterly right-of-way line of highway; thence continuing South $88^{\circ}20'30''$ East 1,004.22 feet; thence South $0^{\circ}02'18''$ West, 300.00 feet; thence North $88^{\circ}20'30''$ West, 887.02 feet; thence North $21^{\circ}05'$ West 325.16 feet along the Easterly right-of-way line of said highway to the Point of Beginning.

ALSO EXCEPTING

A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows: Commencing at the Quarter corner common to Sections 4 and 5; thence South $53^{\circ}51'$ East, 534.23 feet to the True Point of Beginning on the Easterly right-of-way boundary of U. S. Highway 93; thence South $88^{\circ}20'30''$ East, 901.10 feet; thence South $0^{\circ}02'18''$ West, 747.00 feet; thence North $88^{\circ}20'30''$ West, 613.52 feet to the Easterly boundary of U. S. Highway 93; thence 151.33 feet along a curve to the left on the Easterly boundary of U. S. Highway 93 with a central angle of $2^{\circ}59'32''$, a radius of 2,897.79 feet, and a tangent of 75.68 feet that bears North $18^{\circ}05'28''$ West, thence North $21^{\circ}05'00''$ West 656.72 feet along the Easterly boundary of U. S. Highway 93 to the True Point of Beginning. (Basis of bearing: U. S. Highway 93, North $21^{\circ}05'$ West at Quarter Section Line).

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A parcel of land in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 4, more particularly described as follows: Commencing at the Quarter Corner common to Sections 4 and 5; thence South $33^{\circ}51'49''$ East, 1,289.16 feet to the True Point of Beginning on the Easterly right-of-way boundary of U.S. Highway 93; thence South $88^{\circ}20'30''$ East, 613.52 feet; thence South $0^{\circ}02'18''$ West, 147.00 feet; thence North $88^{\circ}20'30''$ West, 569.27 feet to the Easterly boundary of U.S. Highway 93; thence 154.72 feet along a curve to the left on the Easterly boundary of U.S. Highway 93, with a central angle of $3^{\circ}03'33''$, a radius of 2,897.79 feet, and a tangent of 77.37 feet that bears North $15^{\circ}01'55''$ West, to the True Point of Beginning. (Basis of bearing: U. S. Highway 93, North $21^{\circ}05'$ West at Quarter Section Line.)

ALSO EXCEPTING HIGHWAY RIGHT OF WAY, NOW KNOWN AS STATE HIGHWAY 75.

SECTION 9: W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, EXCEPT that portion of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ described as follows:

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ALSO EXCEPTING HIGHWAY RIGHT OF WAY

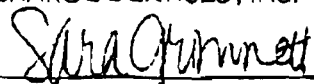
NOTICE OF ASSIGNMENT
OF
REAL ESTATE PURCHASE AND SALE AGREEMENT
FOR THE RELINQUISHED PROPERTY

To: Jon Christianson

Date: March 15, 2004

You are hereby notified that Wildlands, LLC., a Montana Limited Liability Company, as the Seller under the Real Estate Purchase and Sale Agreement, dated 10/30/03, and all addendums and counteroffers thereto, wherein you are the Buyer (the "Agreement"), which Agreement is incorporated herein by this reference thereto, has assigned to Exchange Services, Inc., as qualified intermediary pursuant to a Section 1031 exchange, all the Seller's right and interest under the Agreement and Exchange Services, Inc., as Intermediary, has accepted the assignment.

EXCHANGE SERVICES, INC.


Sara Grimm, Vice President

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 in the back of this form.
Incomplete forms will be rejected.

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
<u>71-00036</u>	<u> </u>	<u> </u>	<u>71-10108</u>	<u> </u>	<u> </u>
<u>R71-00036A</u>	<u> </u>	<u> </u>	<u>71-02004</u>	<u> </u>	<u> </u>
<u>R71-10767</u>	<u> </u>	<u> </u>	<u>R71-02004C</u>	<u> </u>	<u> </u>
<u>R71-10768</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u>R71-10107</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

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

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

3. Name and Address of Former Owner/Claimant(s) WILDLANDS, LLC
- PO Box 689, SEELEY LAKE, MT 59868
4. New Owner/Claimant(s) JON L. CHRISTIANSON AND ~~WEI~~ S. CHRISTIANSON
Name Connector (Check one) () and () or () and or
- New Mailing Address FOUR TIMES SQUARE
- City, State and ZIP Code NEW YORK, NY 10036
- New Telephone Number ()
5. Date you acquired the property March 2004

Form 12-1000-1 (08/01) Rev. 1/00

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

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

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

7. Signature of New Owner(s) or Claimant(s) *[Signature]*
(Include title if applicable) *[Signature]*

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

For Office Use Only

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

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Janeil Racine, as Personal Representative of the Estate of Louis F. Racine, and as
Trustee of the
of, HC 64, Box 9958, Stanley, Idaho 83278 208-774-3100
(Full Address) (Phone) Louis F. and
Janell Racine
Trust

All my right, title, and interest in and to Application for Permit No. 71-07170
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. _____ to appropriate the public waters of the State of Idaho.

(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

Made this 10th day of Jan, 2006.

Janeil Racine
Applicant(s)

State of Idaho)
County of Burnette)ss

On this 10 day of Jan, 2006, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

RANDALL C. BUDGE
NOTARY PUBLIC
STATE OF IDAHO

SEAL

Randall C. Budge
Notary Public residing at
Poc., ID

My commission expires: 10/11/2006

11/99

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION FOR PERMIT

To change the ownership of an application for permit

I, Jack B. Furey, hereby assign to Jon & Wei Christianson
of, HC 64, Box 9958, Stanley, Idaho 83278 208-774-3100
(Full Address) (Phone)

All my right, title, and interest in and to Application for Permit No. 71-07170
to appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to Application for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

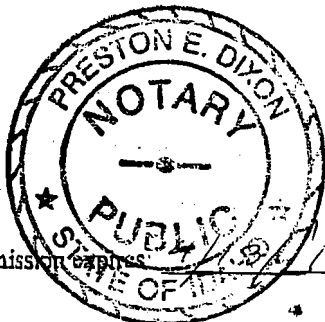
Made this 17th day of December, 20 05

Jack B. Furey
Applicant(s) JACK B. FUREY, Managing General Partner

State of Idaho)
County of Luster)ss

On this 17th day of December, 20 05, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

SEAL



My commission expires _____

Challis ID
Notary Public residing at
Preston E. Dixon

Appendix F

Governmental Comments Regarding Appropriation Application



IDAHO DEPARTMENT OF FISH AND GAME

SALMON REGION

99 Highway 93 North

P.O. Box 1336

Salmon, Idaho 83467

James E. Risch/Governor

Steven M. Huffaker/Director

December 5, 2006

Allen Merritt

Idaho Department of Water Resources

1341 Fillmore Street, Suite 200

Twin Falls, Idaho 83301-3380

RECEIVED
DEC 07 2006
DEPT. OF WATER RESOURCES
SOUTHERN REGION

Re: Water Right Application No. 71-7170 (Christianson)

Dear Allen,

Idaho Department of Fish and Game staff has reviewed the application from Jon and Wei Christianson for 0.3 cfs of Salmon River water near Obsidian, Idaho to irrigate 15 acres. As described in the application, it appears that the withdrawal will be from the existing S-42 diversion. This ditch already has a fish screen, the additional withdrawal will not negatively impact fish or aquatic resources and we do not oppose permit issuance.

Thank you for the opportunity to review this application and provide comments.

Sincerely,

James R. Lukens

Regional Supervisor

cc: Cindy Robertson
Walt Poole
Brian Reeves
Bob Foster
Shelley Keen
Jon and Wei Christianson

Keeping Idaho's Wildlife Heritage

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STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

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DEC 27 2006

Department of Water Resources
Eastern Region

900 NORTH SKYLINE DRIVE, SUITE B • IDAHO FALLS, IDAHO 83402 • (208) 528-2650

JAMES E. RISCH, GOVERNOR
TONI HARDESTY, DIRECTOR

December 27, 2006

Jon and Wei Christianson
YHC 64 Box 9958
Stanley, Idaho 83278

RECEIVED

DEC 29 2006

DEPT. OF WATER RESOURCES
SOUTHERN REGION

RE: DEQ comments on Water Rights Application 71-7170

Dear Jon and Wei Christianson:

The Idaho Department of Environmental Quality (Department) has reviewed your application and any of our existing water quality information near your proposed project site identified in Application 71-7170.

The water right applied for is not immediately adjacent to any impaired waterbodies whose beneficial uses may be affected by flow alteration caused by your potential water right. However, even minor flow alteration can have impacts on downstream health. For this reason the Department cannot make a determination concerning the future overall health of the down gradient streams if this water right is granted. However, because this application seeks to use water previously licensed, the cumulative impacts are already accounted for when evaluating basin wide cumulative impacts.

The Department does not have any additional comments and this time and believes this letter is sufficient to allow the Department of Water Resources to complete their review of your water rights application.

Please do not hesitate to contact me at 208.528.2650 for additional information we may be able to provide.

Thank you for the opportunity to review your application.

Sincerely,

Troy Saffle
Regional Water Quality Manager
Idaho Falls Regional Office

c: Roger Warner, IDWR
Harriet Hensley, DAG
Doug Conde, DAG

36804

