

No Color
Documents
In File



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 26, 2004

TAMARACK RESORT LLC
JEAN-PIERRE BOESPFLUG CEO
960 BROADWAY AVE STE 100
BOISE ID 83706

**RE: APPLICATION TO LEASE WATER RIGHT NO(S). 65-8702, 65-8703
AND 65-22475 TO THE WATER SUPPLY BANK**

Dear Lessor:

The Department of Water Resources ("department") has completed its review of the Application to Sell or Lease Water Right(s) to the Water Supply Bank ("bank"). Please consider that the offered water right(s) are accepted into the bank

Several items to keep in mind in connection with the lease of a water right to the bank are as follows:

- 1 There is no rental payment to the lessor of the water right if the right or a part thereof is not rented from the bank
- 2 While a right is in the bank, the owner of the right may not use the right even if the right is not rented from the bank.
3. A right accepted into the bank stays in the bank until the Board releases it, the lease term expires, or upon request from the lessor to change the term of the lease
- 4 While a water right is in the bank, forfeiture provisions are stayed.
- 5 Water rented from the bank under rights 65-8702 and 65-8703 is limited to irrigation of a combined total of 49 acres in a single irrigation season
- 6 Failure of the right holder to comply with the conditions of acceptance is cause for the Director to rescind acceptance of the lease.
7. Upon acceptance of a water right into the Board's water supply bank, the owner of the right may withdraw the right within thirty (30) days of acceptance into the bank if the owner does not agree with the conditions of acceptance

SUPPORT DATA

IN FILE # 65-08702

- 8 The leased rights when combined with all other rights shall provide not more than 0.02 cfs per acre nor more than 3.0 afa per acre at the field headgate for irrigation use.

The right(s) will automatically be released from the bank on April 15, 2006 unless the right(s) are released earlier by the Board, or upon request by the lessor. To change the term of the lease or to release the right(s) from the bank, the lessor must submit a request in writing to the department prior to the release date.

If you have questions, please feel free to contact the department.

Sincerely,



Jeff Peppersack, Manager
Water Right Permits Section

c: John Westra – IDWR Western Regional Office
Jeffrey C. Fereday – Givens Pursley LLP
Ron Shurtleff – Watermaster, Water District 65

RECEIVED

APR 7 2004

WATER RESOURCES

**TAMARACK RESORT LLC
WATER BANK APPLICATION
Water Right No. 63-022475
(Rock Creek, Poison Creek)**

(P65)

ORIGINAL

Water Supply Bank No _____

Water Right No. 63-022475 (Rock Creek,
Poison Creek, and unnamed creek)

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**APPLICATION TO SELL OR LEASE A WATER RIGHT
TO THE WATER SUPPLY BANK**

Name of Seller/Lessor Tamarack Resort LLC Phone 208-472-1750

Jean-Pierre Boespflug
Chief Executive Officer
Tamarack Resort LLC
960 Broadway Avenue, Ste. 100
Boise, ID 83706

Post office address _____

1 DESCRIPTION OF WATER RIGHT

Right evidenced by

- a Decree No 65-022475 Decreed to WestRock Associates, LLC*
(Name)
in case of In Re SRBA vs _____
dated 3/7/2003 in 5th Judicial Dist. county of Twin Falls
(Name of court)
- b License No _____ issued by the Idaho Department of Water
Resources
- c Permit No _____ issued by the Idaho Department of Water
Resources

*now Tamarack Resort LLC ("Tamarack"), as described in section 3.d,
below

2 DESCRIPTION OF PORTION OF RIGHT FOR SALE OR LEASE (If the entire right is for sale or lease,
show "all" on line a below and skip the remainder of part 2)

- a Amount of water under right 6.26 cubic feet per second &/or
_____ acre-foot per annum
- b Point of diversion SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5 Township 15N Range
3E , B M in Valley County (Poison Creek, Rock Creek, and
unnamed stream)
Additional points _____

c Place of use

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
15N	3E	5	15	21	40	24				13	22	3		15	24	38	21	2	238

If the right is for irrigation, show the number of acres for the part of the right to be put into the bank

Total number of acres 238

3 ADDITIONAL INFORMATION ABOUT RIGHT, OR PORTION THEREOF, FOR SALE OR LEASE

- a Explain how the seller/lessor acquired the right, or portion thereof, and attach a copy of the deed to the land to which it is appurtenant or other evidence of ownership of the right. If the right is not recorded in the name of the seller/lessor, attach a copy of a change of ownership form as required by Section 42-248 or 42-1409(6), Idaho Code, together with required documentation

Lessor acquired the water right as an appurtenance to land by means of the October 18, 2000 Warranty Deed from Donald K. Weilmunster to WestRock, L.P ("WestRock"), and the June 3, 2003 Warranty Deed from WestRock, L.P. to Tamarack Resort LLC, which warranty deeds are recorded in the records of Valley County, Idaho as instrument nos 250509 and 272870, respectively, copies of which are included herewith as **Attachment A**

- b Describe the frequency of water use under the right, or portion thereof, during the past five (5) years of use. Attach watermaster records, pumping power bills, or other evidence to demonstrate that the right has not been lost through abandonment or forfeiture. (This information is not required if a partial decree has been issued on the right within the last 5 years.)

A partial decree was issued on this right on March 7, 2003. A copy of the partial decree is attached hereto as **Attachment B**

- c If the right is from a surface water source, describe the period of the year that water is typically available to satisfy the right

April 15 through October 15

- d Describe any other water rights with the same purpose and place of use as the right, or portion thereof, offered for lease Will the present place of use continue to receive water from any source? If so, describe

Portions of the place of use will receive water from a deep ground water source under Tamarack's water right Permit 65-22357, issued December 20, 2002 to WestRock Associates, LLC Permit 65-22357 authorizes Tamarack to divert, for municipal purposes (and with a future needs component), 8.6 cfs of groundwater with a maximum annual diversion volume of 520 acre-feet A copy of Permit No. 65-22357 is attached as **Attachment C**.

WestRock Associates, LLC changed its name to Tamarack Resort LLC in January 2003 The Idaho Department of Water Resources' January 31, 2003 acknowledgement of this name change is included as **Attachment D**.

- e If the water right is a permit, describe the work accomplished toward developing the right
-
-
-
-

- f If the right to the use of the water or the use of the diversion works or irrigation system is represented by shares of stock in a company or corporation, or if such works or system is owned or managed by an irrigation district, a written consent of the sale or lease must be attached

4 REMARKS

The decree contains a remark noting that this water right shall be administered as being from a separate source pursuant to Basin 65 General Provision No. 3, provided, that if the holder seeks to change or transfer the water right pursuant to Idaho Code 42-222, the "separate source" designation shall not preclude any person from seeking to demonstrate that such a change would cause injury

5 SALE/LEASE AGREEMENT

- 1 The water right, or portion thereof, described above is offered to the Idaho Water Resource Board

_____ For sale,

x _____ For lease for a period from April 15, 2004 to April 14, 2006
(Day, month, year) (Day month, year)

(The lease period may be shown as "indefinite," if the total duration of lease is unknown), or

_____ As a gift to the state of Idaho

- 2 Show the minimum payment acceptable to the Seller/Lessor Include the method of determining the minimum payment The minimum payment may be shown as the "current rental rate"

\$25.00 per acre-foot for each acre-foot that is available for diversion under the right in each irrigation season.

I hereby assert that the information contained in this application is true to the best of my knowledge, and that I have the authority to offer this right for sale or lease to the Idaho Water Resource Board.

The owner/lessor acknowledges the following

- 1 Payment to the owner/lessor is contingent upon the sale or rental of the right from the bank
- 2 While a right is in the bank, the owner of the right may not use the right even if the right is not rented
- 3 A right accepted into the bank stays in the bank until the Board releases it or until the lease term expires
- 4 While a water right is in the bank, forfeiture provisions are stayed
- 5 Acceptance of a right into the bank does not, in itself, confirm the validity of the right or any elements of the water right

April 15, 04
Date

[Signature]
Signature

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Preliminary check by _____

Watermaster recommendation requested on _____ Received _____

Recommended for _____ approval _____ denial _____ by _____

WARRANTY DEED

FOR VALUE RECEIVED, WestRock L.P., a Delaware Limited Partnership, whose address is 8671 Wilshire Blvd., Suite 700, Beverly Hills, California, 90211, as Grantor, does hereby grant, bargain, sell, and convey unto **Tamarack Resort LLC**, an Idaho Limited Liability Company, whose address is 475 Capitol Blvd., Boise, Idaho, 83702, as Grantee, that certain real property, situated in Valley County, Idaho, which is described with particularity in the attached Exhibit "A", to have and to hold the said premises, together with improvements and appurtenances unto the said Grantee, its successors and assigns forever.

The said Grantor hereby covenants to and with said Grantee that it is the owner in fee simple of said premises; that the said premises are free from all liens and encumbrances, except as noted in that certain Preliminary Title Commitment No. AMT0078-02A, issued by Lawyers Title on April 22, 2003, and except as are visible and in use on the Property; and, that it will warrant and defend the same from all lawful claims whatsoever.

DATED this 3rd day of June, 2003.

Instrument # 272870

VALLEY COUNTY, CASCADE, IDAHO
2003-06-18 03:49 31 No of Pages 3
Recorded for , AMERITITLE
LELAND G HEINRICH Fee 9.00
Ex-Officio Recorder Deputy [Signature]
Index to DEEDS

WestRock Inc., as General Partner
of WestRock L.P.,

By: [Signature]
Jean Pierre Boespflug-Chairman and CEO

STATE OF IDAHO,)
) ss.
County of Valley,)

On this 3rd day of June, 2003, before me, STEVEN J. MILLEMAN a Notary Public in and for said State, personally appeared Jean Pierre Boespflug, known or identified to me to be the Chairman and CEO of WestRock Inc and acknowledged to me that he executed the same on behalf of said Corporation, and that such Corporation executed the same, as General Partner of WestRock L.P.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.



[Signature]
NOTARY PUBLIC FOR IDAHO

Residing at: [Signature]

My Commission Expires: May, 2008

EXHIBIT A

Property located in Valley County, Idaho, and more particularly described as follows:

Beginning at the Northwest Corner of Section 5, Township 15 North, Range 3 East (Basis of bearing being South 00°13'49" West between the West Quarter Corner and the Northwest Corner of said Section 5), said point also being on the Easterly boundary of State of Idaho Lands; and running thence along said Easterly boundary North 00°54'20" West 2637.72 feet to the West Quarter Corner of Section 32, Township 16 North, Range 3 East; thence South 89°54'50" East 2641.68 feet to the center of said Section 32, thence South 00°05'35" East 2642.05 feet to the South Quarter Corner of said Section 32, also being the North Quarter Corner of Section 5, Township 15 North, Range 3 East; thence along the North line of said Section 5, South 89°27'05" East 1995.78 feet to West Mountain Road; thence following said West Mountain Road the following three courses: 1) South 00°05'08" East 1543.53 feet; 2) South 00°05'06" East 1331.39 feet to the Southeast Corner of the West half of the Southwest Quarter of the Northeast Quarter of said Section 5; 3) South 00°05'04" East 2664.27 feet to the Southeast corner of the West Half of the Southeast Quarter of the Southeast Quarter of said Section 5; thence along the South line of said Section 5, also being the Northerly boundary of State Of Idaho Lands, South 89°56'25" West 1976.03 feet to the South Quarter Corner of said Section 5; thence continuing along the boundary of State of Idaho Lands the following two courses: 1) South 00°07'41" West 1325.76 feet to the Southwest Corner of the Northwest Quarter of the Northeast Quarter of Section 8, Township 15 North, Range 3 East; 2) South 89°53'46" East 1645.40 feet, also being on the Westerly boundary of United States of America property; thence following the Westerly boundary line of United States of America Property the following seven courses: 1) South 00°10'21" West 216.07 feet; 2) South 00°11'32" West 1114.45 feet to the South line of the Southeast Quarter of the Northeast Quarter of said Section 8; 3) along said South line North 89°43'49" West 328.78 feet to the Southwest Corner of said Southeast Quarter of the Northeast Quarter of Section 8; 4) South 00°10'59" West 830.90 feet; 5) North 89°39'03" West 657.17 feet, 6) South 00°09'20" West 497.90 feet; 7) South 00°08'47" West 634.98 feet to the North Lake Subdivision No. 2; thence along said North Lake Subdivision No. 2 boundary line the following six courses: 1) South 89°49'06" West 536.19 feet; 2) North 02°23'30" East 516.75 feet, 3) North 89°43'00" West 884.93 feet; 4) North 73°58'58" West 1000.77 feet; 5) South 00°05'30" East 108.17 feet; 6) South 89°47'07" West 264.77 feet; thence continuing along and beyond said North Lake Subdivision No. 2 to the Westerly boundary of North Lake Subdivision No. 1 South 00°06'06" West 1356.66 feet to the Northeast Corner of the West Half of the Northwest Quarter of the Northwest Quarter of Section 17; thence continuing along the Westerly boundary of North

EXHIBIT A
continued

Lake Subdivision No. 1 South 00°03'52" West 1323.66 feet to the Southeast Corner of said West Half of the Northwest Quarter of Section 17, to a point on West Mountain Road; thence along West Mountain Road North 89°32'32" West 655.07 feet to the Southwest Corner of said West Half of the Northwest Quarter of the Northwest Quarter of Section 17; thence North 88°15'41" West 2675.18 feet to the Southwest Corner of the North Half of the Northeast Quarter of Section 18, Township 15 North, Range 3 East, also being on the Easterly boundary line of United States of America property; thence along said United States of America property boundary the following eight courses: 1) North 00°07'00" West 1340.00 feet to the North Quarter Corner of said Section 18; 2) North 00°05'54" East 2629.19 feet to the center of Section 7, Township 15 North, Range 3 East; 3) North 00°06'27" East 1339.71 feet to the Northwest Corner of the Southwest Quarter of the Northeast Quarter of said Section 7; 4) South 87°44'15" East 1337.70 feet to the Northeast Corner of the Southwest Quarter of the Northeast Quarter of said Section 7; 5) North 00°01'56" East 1329.86 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 7; 6) South 87°18'53" East 1338.21 feet to the Northeast Corner of said Section 7, also being the Southwest Corner of Section 5, Township 15 North, Range 3 East; 7) along the West Section line of said Section 5 North 00°12'43" West 2651.05 feet to the West Quarter Corner of said Section 5; 8) continuing along said West Section line North 00°13'49" East 2920.18 feet to the Northwest Corner of said Section 5 and the POINT OF BEGINNING.

SAVE AND EXCEPT (subject to the terms and conditions of that certain Amendment and Supplemental Agreement to Second Amended and Restated Option Agreement, dated of even date herewith) (the "Retained Five (5) Acre Parcel"):

A parcel of land located in the West 1/2 of Section 5, Township 15 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North 1/4 corner of said Section 5; thence, S.00°17'13"E., 2901.59 feet along the North-South center-section line of said Section, to the Center 1/4 corner of same; thence, along the East-West center-section line, S.89°46'58"W., 425.09 feet to a point on a new line; thence, N.03°39'34"E., 337.69 feet to the POINT OF BEGINNING; thence, S.03°39'34"W., 591.48 feet; thence, S.89°57'25"W., 383.01 feet; thence, N.06°34'07"E., 609.30 feet; thence, S.79°59'58"E., 86.03 feet; thence, N.89°57'25"E., 266.34 feet to the POINT OF BEGINNING.

WHEN RECORDED, RETURN TO:

Guy P. Kroesche, Esq.
STOEL RIVES LLP
201 South Main, Suite 1100
Salt Lake City, Utah 84111

Instrument # 250509
VALLEY COUNTY, CASCADE, IDAHO
2000-10-19 08:49:19 No. of Pages: 6
Recorded for: AMERITITLE
LELAND G. HEINRICH
Ex-Officio Recorder Deputy
Index to: DEEDS
Fee: 18.00

WARRANTY DEED

DONALD K. WEILMUNSTER, an individual, having a mailing address at P.O. Box 4, Garden Valley, Idaho 83622 (the "Grantor"), hereby CONVEYS AND WARRANTS to WESTROCK L.P., a Delaware limited partnership, located and having a mailing address at 8671 Wilshire Blvd., Suite 709, Beverly Hills, California 90211 (the "Grantee"), for GOOD AND VALUABLE CONSIDERATION, the tract of land as described in attached Exhibit "A", located in Valley County, State of Idaho.

TO HAVE AND TO HOLD the said premises, together with all tenements, hereditaments, and appurtenances thereunto belonging, including any and all mineral, geothermal and water rights appurtenant thereto (inclusive of Water Right Nos. 65-02247 and A65-02247; as such water rights are more particularly described in the records of the Idaho Department of Water Resources, together with all appurtenant diversion (well, pump, etc.) and conveyance facilities and rights-of-way and easements used in connection therewith) (collectively, the "Property"), unto the Grantee, and its successors and assigns, forever. The Grantor does hereby covenant to and with the Grantee that the Grantee is owner in fee simple of the Property and that the Grantor will warrant and defend the same from all lawful claims whatsoever, EXCEPT those exceptions set forth in attached Exhibit "A" and those made, done or suffered by Grantee, its affiliates or its predecessors- or successors-in-interest.

The undersigned represents and warrants that the undersigned has the right, power, legal capacity, authority, and means to enter into and perform this Deed. The undersigned further hereby acknowledges and affirms to the below named Notary Public that the undersigned appeared before such Notary Public and either executed this Deed before such Notary Public or acknowledged to such Notary Public that the undersigned executed this Deed, and that the undersigned executed this Deed for the purposes stated in it.

DATED as of the 18th day of October, 2000.

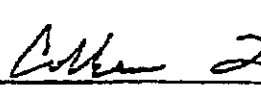
GRANTOR


Donald K. Weilmunster

STATE OF IDAHO)
 : ss.
COUNTY OF VALLEY)

On this 18 day of October, 2000, before me, the undersigned, a Notary Public in and for said state, personally appeared DONALD K. WEILMUNSTER, known or identified to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledged to me that s/he 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.


Notary Public for Idaho
Residing at Cascade
My commission expires: 6/10/2005

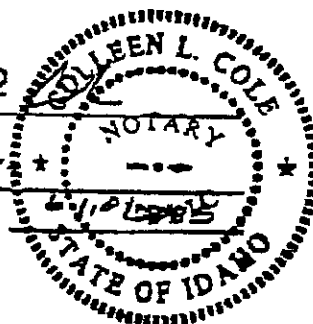


Exhibit A

(Legal Description of Subject Property)

Property located in Valley County, Idaho more particularly described as follows:

PARCEL NO. 1

NW1/4; SW1/4; W1/2 SE1/4; W1/2 E1/2 SE1/4; SW1/4 NE1/4; W1/2 W1/2 NW1/4 NE1/4; and W1/2 SE1/4 NE1/4, Section 5, Township 15 North, Range 3 East, B.M., Valley County, Idaho; ~~SAVE AND EXCEPT~~ that portion known and planted within Fort Boise W. Subdivision No. 1; ~~FURTHER SAVE AND EXCEPT~~ (subject to the terms and conditions of that certain Amendment and Supplemental Agreement to Second Amended and Restated Option Agreement, dated of even date herewith) (the "Retained Five (5) Acre Parcel"):

A parcel of land located in the West 1/2 of Section 5, Township 15 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North 1/4 corner of said Section 5; thence, S.00°17'13"E., 2901.59 feet along the North-South center-section line of said Section, to the Center 1/4 corner of same; thence, along the East-West center-section line, S.89°46'58"W., 425.09 feet to a point on a new line; thence, N.03°39'34"E., 337.69 feet to the POINT OF BEGINNING; thence, S.03°39'34"W., 591.48 feet; thence, S.89°57'25"W., 383.01 feet; thence, N.06°34'07"E., 609.30 feet; thence, S.79°59'58"E., 86.03 feet; thence, N.89°57'25"E., 266.34 feet to the POINT OF BEGINNING.

AND FURTHER SAVE AND EXCEPT AND RESERVING (subject to the terms and conditions of that certain Amendment and Supplemental Agreement to Second Amended and Restated Option Agreement, dated of even date herewith) to Grantor, his heirs, successors and assigns, for the use and benefit of the Retained Five (5) Acre Parcel, a portion of the water rights appurtenant to the Property of .02 cfs per acre or, in the aggregate, .10 cfs.

PARCEL NO. 2

A strip of land more particularly described as follows:
Beginning at the NW corner of the E1/2 SW1/4 NW1/4;
Thence South 216 feet to a point;

Thence East 3,630 feet, more or less to a point;
Thence North 216 feet to the NE corner of the NW1/4 NW1/4 SE1/4 NE1/4;
Thence West 3,630 feet to the Place of Beginning; Valley County, Idaho, aka Tax No. 1 in
Section 8, Township 15 North, Range 3 East, B.M., Valley County, Idaho.

PARCEL NO. 3

All of Fort Boise W. Subdivision No. 1, as platted and filed for record in the office of the
Recorder of Valley County, Idaho.

PARCEL NO. 4

W1/2 NE1/4 NE1/4; E1/2 NW1/4 NE1/4; and E1/2 W1/2 NW1/4 NE1/4, Section 5,
Township 15 North, Range 3 East, B.M., Valley County, Idaho; SAVE AND EXCEPT all
that portion within known and platted as Fort Boise W. Subdivision No. 1, Valley County,
Idaho.

AND FURTHER RESERVING (subject to the terms and conditions of that certain Amendment
and Supplemental Agreement to Second Amended and Restated Option Agreement, dated of
even date herewith) to the Grantor, his heirs, successors and assigns, a non-exclusive easement
for road access and utilities to and for the benefit of the Retained Five (5) Acre Parcel over,
across, under and through that certain strip of land described as follows:

A strip of land located in Section 5, Township 15 North, Range 3 East, Boise Meridian, Valley
County, Idaho, being 70.00 feet in width, the sidelines of which lying 35 feet on each side of
the following described centerline:

COMMENCING at the North 1/4 corner of said Section 5; thence, along the northerly
line of same, N.89°27'05"E., 1995.78 feet to the E-E 1/64 corner common to said
Section 5 and Section 32, Township 16 North, Range 3 East, Boise Meridian; thence,
along the East line of the West 1/2 of the NE1/4 of the NE1/4, S.00°05'08"E., 58.73
feet to the POINT OF BEGINNING;

thence, N.89°59'56"W., 1225.50 feet to the beginning of a tangent curve; thence,
along said curve to the left having a radius of 765.30 feet, an arc length of 998.18 feet,
a central angle 74°43'51", and a chord bearing and distance of S.52°38'08"W., 928.91
feet to a point of compound curvature; thence, along said curve to the left having a
radius of 297.00 feet, an arc length of 149.54 feet, a central angle of 28°50'55", and a
chord bearing and distance of S.00°50'45"W., 147.97 feet; thence, tangent from said
curve, S.13°34'42"E., 131.49 feet to a point of curvature; thence, along said curve to

the right having a radius of 400.00 feet, an arc length of 323.84 feet, a central angle of $46^{\circ}23'13''$, and a chord bearing and distance of $S.09^{\circ}36'55''W.$, 315.07 feet; thence, tangent from said curve, $S.32^{\circ}48'31''W.$, 151.07 feet to a point of curvature; thence, along said curve to the left having a radius of 675.00 feet, an arc length of 249.85 feet, a central angle of $21^{\circ}12'29''$, and a chord bearing and distance of $S.22^{\circ}12'17''W.$, 248.43 feet; thence, tangent from said curve, $S.11^{\circ}36'02''W.$, 248.15 feet to a point of curvature; thence, along said curve to the right having a radius of 500.00 feet, an arc length of 275.59 feet, a central angle of $31^{\circ}34'50''$, and a chord bearing and distance of $S.27^{\circ}23'27''W.$, 272.12 feet; thence, tangent from said curve, $S.43^{\circ}10'52''W.$, 636.41 feet; thence, $S.06^{\circ}34'07''W.$, 622.53 feet to the POINT OF TERMINUS, said point being $S.82^{\circ}14'36''E.$, 1782.85 feet from the West 1/4 corner of said Section 5.

SUBJECT TO the following exceptions:

1. General taxes and assessments (including irrigation and utility assessments, if any) for the year 2000 and subsequent years.
2. IDAHO CODE, SECTION 58-604, which grants over all lands belonging to the State, a right-of-way for ditches constructed by authority of the United States.
3. Matters disclosed on that certain RECORD OF SURVEY recorded in the records of Valley County, Idaho in Book 6 of Surveys at page 679 as Instrument No. 244031.
4. (Affects only Parcel 3): FORT BOISE W. SUBDIVISION NO. 1 as filed for record in the office of the Recorder, Valley County, Idaho, as follows: PLAT AND DEDICATION; Instrument No. 111762. COVENANTS, RESTRICTIONS AND LIMITATIONS; Instrument No. 111763.
5. (Affects only Parcel 2): EASEMENT TO Idaho Power Company, as filed for record in the office of the Recorder of Valley County, Idaho on October 20, 1994 as Instrument No. 207582.
6. Any rights of the Public and/or State of Idaho under Public Trust Doctrine as it may apply to the bed and the banks and for the recreational usage of Poison Creek and Rock Creek.
7. (Affects only Parcel 2): Matters disclosed on that certain RECORD OF SURVEY recorded in the records of Valley County, Idaho in Book 6 of Surveys at page 681 as Instrument No. 244033.

8. Rights of the United States of America to construct ditches and canals as reserved in Patents recorded in the records of Valley County, Idaho in Book 2 of Patents at page 639, Book 2 of Patents at page 79, Book 2 of Patents at page 162 and Book 3 of Patents at page 31.

9. (Affects only Parcel 2): Ingress and egress being provided or otherwise made available over and across other property owned by Grantee.

AND SUBJECT TO all restrictions, reservations and other conditions of record as may be disclosed by a record examination of title.

TOOTHAN-ORTON ENGINEERING COMPANY
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

McCALL AIR TAXI BUILDING
P.O. BOX 2308
McCALL, IDAHO 83638-2308
208-634-4863 • FAX 208-634-4951

COPY SENT TO CLIENT

DATE 9.6.00

INITIALS

llg

PROJECT: 00083
DATE: September 1, 2000
PAGE: 1 of 1

RECEIVED

SEP 06 2000

BAKER HOUST LLP

DESCRIPTION OF A 5.00 ACRE PARCEL
FOR DONALD K. WEILMUNSTER

A parcel of land located in the West ½ of Section 5, Township 15 North, Range 3 East, Boise Meridian, Valley County, Idaho, more particularly described as follows:

COMMENCING at the North ¼ corner of said Section 5; thence, S.00°17'13"E., 2901.59 feet along the North-South center-section line of said Section, to the Center ¼ corner of same; thence, along the East-West center-section line,

- a.) S.89°46'58"W., 425.09 feet to a point on a new line; thence,
- b.) N.03°39'34"E., 337.69 feet to the POINT OF BEGINNING; thence,
- 1.) S.03°39'34"W., 591.48 feet; thence,
- 2.) S.89°57'25"W., 383.01 feet; thence,
- 3.) N.06°34'07"E., 609.30 feet; thence,
- 4.) S.79°59'58"E., 86.03 feet; thence,
- 5.) N.89°57'25"E., 266.34 feet to the POINT OF BEGINNING.

CONTAINING 217,800 square feet or 5.00 acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

TOOTHMAN-ORTON ENGINEERING COMPANY
CONSULTING ENGINEERS, SURVEYORS AND PLANNERS

McCALL AIR TAXI BUILDING
P.O. BOX 2308
McCALL, IDAHO 83638-2308
208-634-4863 • FAX 208-634-4951

COPY SENT TO CLIENT

DATE *9-6-00*

INITIALS *dlg*

PROJECT: 00083
DATE: September 1, 2000
PAGE: 1 of 2

RECEIVED
SEP 06 2000
BAKER HOUST LLP

**DESCRIPTION OF AN INGRESS/EGRESS AND UTILITIES EASEMENT
FOR DONALD K. WEILMUNSTER**

A strip of land located in Section 5, Township 15 North, Range 3 East, Boise Meridian, Valley County, Idaho, being 80.00 feet in width, the sidelines of which lying 40.00 feet on each side of the following described centerline:

COMMENCING at the North $\frac{1}{4}$ corner of said Section 5; thence, along the northerly line of same,

- a.) N.89°27'05"E., 1995.78 feet to the E-E $\frac{1}{64}$ corner common to said Section 5 and Section 32, Township 16 North, Range 3 East, Boise Meridian; thence, along the East line of the West $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$,
- b.) S.00°05'08"E., 58.73 feet to the **POINT OF BEGINNING**; thence,
 - 1.) N.89°59'56"W., 1225.50 feet to the beginning of a tangent curve; thence,
 - 2.) along said curve to the left having a radius of 765.30 feet, an arc length of 998.18 feet, a central angle 74°43'51", and a chord bearing and distance of S.52°38'08"W., 928.91 feet to a point of compound curvature; thence,
 - 3.) along said curve to the left having a radius of 297.00 feet, an arc length of 149.54 feet, a central angle of 28°50'55", and a chord bearing and distance of S.00°50'45"W., 147.97 feet; thence, tangent from said curve,
 - 4.) S.13°34'42"E., 131.49 feet to a point of curvature; thence,
 - 5.) along said curve to the right having a radius of 400.00 feet, an arc length of 323.84 feet, a central angle of 46°23'13", and a chord bearing and distance of S.09°36'55"W., 315.07 feet; thence, tangent from said curve,
 - 6.) S.32°48'31"W., 151.07 feet to a point of curvature; thence,

PROJECT: 00083
DATE: September 1, 2000
PAGE: 2 of 2

- 7.) along said curve to the left having a radius of 675.00 feet, an arc length of 249.85 feet, a central angle of $21^{\circ}12'29''$, and a chord bearing and distance of $S.22^{\circ}12'17''W.$, 248.43 feet; thence, tangent from said curve,
- 8.) $S.11^{\circ}36'02''W.$, 248.15 feet to a point of curvature; thence,
- 9.) along said curve to the right having a radius of 500.00 feet, an arc length of 275.59 feet, a central angle of $31^{\circ}34'50''$, and a chord bearing and distance of $S.27^{\circ}23'27''W.$, 272.12 feet; thence, tangent from said curve,
- 10.) $S.43^{\circ}10'52''W.$, 636.41 feet; thence,
- 11.) $S.06^{\circ}34'07''W.$, 622.53 feet to the **POINT OF TERMINUS**, said point being $S.82^{\circ}14'36''E.$, 1782.85 feet from the West $\frac{1}{4}$ corner of said Section 5.

CONTAINING 400,972 square feet or 9.21 acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

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

AMENDED

In Re SRBA

Case No. 19576

PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 65-22475

NAME AND ADDRESS:

WESTROCK ASSOCIATES LLC
2710 SUNRISE RIM RD, SUITE 240
BOISE, ID 83702

SOURCE:

ROCK CREEK
POISON CREEK
UNNAMED STREAM

TRIBUTARY: POISON CREEK
CASCADE RESERVOIR
CASCADE RESERVOIR

QUANTITY:

6.26 CFS

THIS RIGHT IS LIMITED TO .02 CFS PER ACRE DELIVERED TO THE
FIELD HEADGATES.

PRIORITY DATE:

04/30/1919

POINT OF DIVERSION:

TISH ROSE S05
S06

SWSW
SESW
NENE

Within Valley County

PURPOSE AND

PERIOD OF USE:

PURPOSE OF USE
Irrigation

PERIOD OF USE
04-15 TO 10-15

QUANTITY
6.26 CFS

PLACE OF USE:

Irrigation

Within Valley County

TISH ROSE S05 LOT 1	(NENE) 15.0	LOT 2	(NWNW) 21.0
	SWNE 40.0		SENE 24.0
	SESW 13.0		NESW 22.0
	WNSW 3.0		SESW 15.0
	NENE 24.0		NWSE 38.0
	SWSE 21.0		SESE 2.0

238.0 Acres Total

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

BASIN 65 GENERAL PROVISIONS NO 2, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977.

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3. IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 ON SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY.

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

State of Idaho
Department of Water Resources
Permit to Appropriate Water

NO. 65-22357

Priority: March 16, 2001

Maximum Diversion Rate: 8.60 CFS

This is to certify, that WESTROCK ASSOC LLC
2710 SUNRISE RIM RD STE 240
BOISE ID 83705

has applied for a permit to appropriate water from:

Source: GROUND WATER

and a permit is APPROVED for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
MUNICIPAL	01/01 to 12/31	8.60 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	8.60 CFS	
MUNICIPAL STORAGE	01/01 to 12/31		520.0 AF
MUNICIPAL FROM STORAGE	01/01 to 12/31		520.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER	SENE	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NESW	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SWSE	Sec. 8, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NESW	Sec. 32, Twp 16N, Rge 03E, B.M.	VALLEY County
GROUND WATER	L1 (NENE)	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	L1 (NENE)	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SENW	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NESW	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SWSW	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	NESE	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County
GROUND WATER	SESE	Sec. 5, Twp 15N, Rge 03E, B.M.	VALLEY County

CONDITIONS OF APPROVAL

1. Proof of application of water to beneficial use shall be submitted on or before January 1, 2008.
2. Subject to all prior water rights.
3. This right authorizes the diversion and use of 8.60 cfs to a maximum of 1248.0 acre feet per annum for reasonably anticipated future needs for municipal purposes within the service area for a 15-year planning horizon ending December 31, 2017, pursuant to Section 42-202(B), Idaho Code.
4. The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
5. The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the time proof of beneficial use is filed.
6. The place of use of this permit is the generally described service area depicted as a GIS shape file in IDWR's electronic file for permit 65-22357.
7. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
NO. 65-22357

CONDITIONS OF APPROVAL

8. After notification by the Department, the right holder shall install suitable measuring devices or use other means acceptable to the Director to determine the amount of water diverted and shall annually report the information to the Department.
9. The volume of the storage reservoirs shall not exceed 135.0 acre feet. Operation of the reservoirs shall be in accordance with the operation plan submitted with the application for permit restricting diversions to and from storage to not exceed 520.0 acre feet per year.
10. The right holder shall comply with the requirements of the Idaho Department of Environmental Quality (IDEQ) as specified below:
 - a) the surface water pollution prevention plan, with any amendments approved or required by IDEQ;
 - b) the environmental monitoring agreement with IDEQ;
 - c) the IDEQ's Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08;
 - d) the water quality monitoring plan submitted to IDEQ;
 - e) the conditions in the Clean Water Act S401 certification for wetlands; and
 - f) the culvert sizing proposed by WestRock.
11. The right holder shall comply with the requirements of the Wildlife Habitat Conservation Plan with any changes approved by the Idaho Department of Fish and Game, in particular as the Plan relates to the right holder's agreement to retain its appurtenant surface water rights.
12. The right holder shall comply with the terms of the lease of state endowment land between the Idaho Department of Lands and WestRock, including Article VII addressing water rights.
13. The right holder shall comply with the terms of the conservation easement from WestRock to the Idaho Foundation for Parks and Lands.
14. The right holder shall complete the plans outlined in the letter of intent to develop joint sewer facilities to serve the West Mountain area. Until the sewer facilities under that plan are in place, no water use under the terms of this permit that will result in a sewage discharge may occur without the express, written consent of the Director of IDWR.

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code. Witness the signature of the Director, affixed at Boise, this 20th day of December, 2002.



KARL J DREHER, Director



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

January 31, 2003

DEBORAH E NELSON
GIVENS PURSLEY LLP
PO BOX 2720
BOISE ID 83701

Re: Change of name for Westrock Associates, LLC

Dear Mr. Squires:

This letter acknowledges the name change of Westrock Associates, LLC to Tamarack Resort, LLC. As you have requested I have changed the database for water right permit no. 65-22357 according to Jeff Peppersack's instruction. However, the permit was issued by the director on December 20, 2002, as an attachment to the Final Order in this matter. Therefore, the name change will be reflected on any notices or correspondence issued by the department and the license when issued from this date forward.

If you need any further assistance in this matter, please contact me at (208) 327-7953.

Sincerely,

Deborah J. Gibson
Administrative Assistant
Water Allocation Bureau

Enclosure

c: Western Region

IDAHO DEPARTMENT OF WATER RESOURCES
Water Permit Report 65-22357

WATER RIGHT NUMBER: 65-22357

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	TAMARACK RESORT LLC 2710 SUNRISE RIM RD STE 240 BOISE, ID 83705 (208)333-0802

Priority Date: 03/16/2001

Basis:

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
MUNICIPAL	01/01 to 12/31	8.600 CFS	
DIVERSION TO STORAGE	01/01 to 12/31	8.600 CFS	
MUNICIPAL STORAGE	01/01 to 12/31		135.00 AF
MUNICIPAL FROM STORAGE	01/01 to 12/31		135.00 AF
	<u>Total Diversion:</u>	8.600 CFS	

Location of Point(s) of Diversion

GROUND WATER	SE1/4NE1/4	Sec. 8,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	NE1/4SW1/4	Sec. 8,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	SW1/4SE1/4	Sec. 8,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	NE1/4SW1/4	Sec. 32,	Twp 16N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	SE1/4NW1/4	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	NE1/4SW1/4	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	NE1/4SE1/4	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	SE1/4SE1/4	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				
GROUND WATER	L1 (NE1/4NE1/4)	Sec. 5,	Twp 15N,	Rge 03E, B.M.
VALLEY County				

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-22357

GROUND WATER
VALLEY County

SW1/4SW1/4

Sec. 5, Twp 15N, Rge 03E, B.M.

Place of UseConditions of Approval:

1. X64 This right authorizes the diversion and use of 8.60 cfs to a maximum of 1248.0 acre feet per annum for reasonably anticipated future needs for municipal purposes within the service area for a 15-year planning horizon ending December 31, 2017, pursuant to Section 42-202(B), Idaho Code.
2. 007 The right holder shall not assign or sell the permit without first securing the written approval of the Department of Water Resources.
3. 109 The full system capacity necessary to provide water for the reasonably anticipated future needs authorized under this right must be constructed by the time proof of beneficial use is filed.
4. 125 The place of use of this permit is the generally described service area depicted as a GIS shape file in IDWRs electronic file for permit 65-22357.
5. 046 Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
6. 01M After notification by the Department, the right holder shall install suitable measuring devices or use other means acceptable to the Director to determine the amount of water diverted and shall annually report the information to the Department.
7. The volume of the storage reservoirs shall not exceed 135.0 acre feet. Operation of the reservoirs shall be in accordance with the operation plan submitted with the application for permit restricting diversions to and from storage to not exceed 520.0 acre feet per year.
8. 106 The right holder shall comply with the requirements of the Idaho Department of Environmental Quality (IDEQ) as specified below:
 - a) the surface water pollution prevention plan, with any amendments approved or required by IDEQ;
 - b) the environmental monitoring agreement with IDEQ;
 - c) the IDEQs Idaho Rules for Public Drinking Water Systems, IDAPA 58.01.08;
 - d) the water quality monitoring plan submitted to IDEQ;
 - e) the conditions in the Clean Water Act S401 certification for wetlands; and
 - f) the culvert sizing proposed by WestRock.
9. The right holder shall comply with the requirements of the Wildlife Habitat Conservation Plan with any changes approved by the Idaho Department of Fish and Game, in particular as the Plan relates to the right holders agreement to retain its appurtenant surface water rights.
10. The right holder shall comply with the terms of the lease of state endowment land between the Idaho Department of Lands and WestRock, including Article VII addressing water rights.
11. The right holder shall comply with the terms of the conservation easement from WestRock to the Idaho Foundation for Parks and Lands.
12. The right holder shall complete the plans outlined in the letter of Intent to develop joint sewer facilities to serve the West Mountain area. Until the sewer facilities under that plan are in place, no water use under the terms of this permit that will result in a sewage discharge may occur without the express, written consent of the Director of IDWR.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-22357

Dates and Other Information:

Permit Proof Due Date: 1/1/2008
Permit Proof Made Date:
Permit Approved Date: 12/20/2002
Permit Moratorium Expiration Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Field Exam Date:
Date Sent to State Office:
Date Received at State Office:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

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

AMENDED

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
Case No. 39576) I R C.P. 54(b) FOR
) Water Right 65-22475

NAME AND ADDRESS WESTROCK ASSOCIATES LLC
 2710 SUNRISE RIM RD, SUITE 240
 BOISE, ID 83705

SOURCE ROCK CREEK TRIBUTARY POISON CREEK
 POISON CREEK CASCADE RESERVOIR
 UNNAMED STREAM CASCADE RESERVOIR

QUANTITY. 6 26 CFS

THIS RIGHT IS LIMITED TO .02 CFS PER ACRE DELIVERED TO THE
FIELD HEADGATES.

PRIORITY DATE. 06/30/1919

POINT OF DIVERSION T15N R03E S05 SWSW Within Valley County
 SENE
 NESE

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	6.26 CFS

PLACE OF USE: Irrigation Within Valley County

T15N R03E S05 LOT 1	(NENE) 15.0	LOT 2	(NWNE) 21.0
	SWNE 40.0		SENE 24.0
	SENE 13.0		NESW 22.0
	NWSW 3.0		SESW 15.0
	NESE 24.0		NWSE 38.0
	SWSE 21.0		SESE 2.0
238.0 Acres Total			

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

BASIN 65 GENERAL PROVISIONS NO 3, THE SEPARATE STREAMS GENERAL
PROVISION, DOES NOT APPLY TO APPROPRIATIONS OF WATER AFTER
OCTOBER 18, 1977

THIS WATER RIGHT SHALL BE ADMINISTERED AS BEING FROM A
SEPARATE SOURCE PURSUANT TO BASIN 65 GENERAL PROVISIONS NO 3 IF
THE HOLDER OF THIS RIGHT SEEKS TO CHANGE THE RIGHT PURSUANT TO
IDAHO CODE SEC 42-222 OR SUCCESSOR STATUTE, NOTHING IN THIS
GENERAL PROVISION SHALL PRECLUDE ANY OTHER PERSON OR ENTITY FROM
DEMONSTRATING THAT SUCH CHANGE IN USE WOULD CAUSE INJURY TO ITS
WATER RIGHT OR FROM RECEIVING ANY RELIEF PROVIDED BY LAW IN THE
EVENT OF INJURY

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I C. SECTION 42-1412(6).

SCANNED

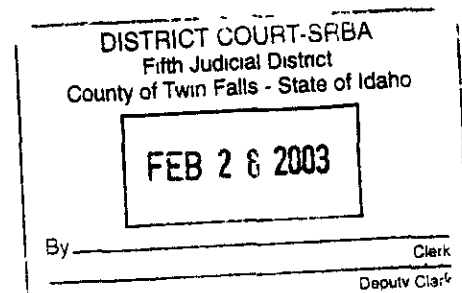
MAR 13 2003

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules

A handwritten signature in dark ink, reading "Roger Burdick", is written over a horizontal line.

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication



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

In Re SRBA

Case No. 39576

)
) **ORDER OF PARTIAL DECREE**
)
) **For Water Right 65-22475**
)

On 10-29-2002, a *Special Master's Report and Recommendation* was filed for the above water right. No Challenges were filed to the *Special Master's Report and Recommendation* and the time for filing Challenges has now expired.

Pursuant to I.R.C.P. 53(e)(2) and *SRBA Administrative Order 1*, Section 13f, this Court has reviewed the Findings of Fact and Conclusions of Law contained in the *Special Master's Report* and wholly adopts them as its own.

Therefore, IT IS ORDERED that water right 65-22475 is hereby decreed as set forth in the attached *Partial Decree* Pursuant to I.R.C.P. 54(b).

DATED February 26, 2003

ROGER S. BURDICK
Presiding Judge
Snake River Basin Adjudication

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

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

In Re SRBA

PARTIAL DECREE PURSUANT TO
I R C P 54(b) FOR

Case No 39576

Water Right 65-22475

FEB 26 2003

By _____ Clerk
Deputy Clerk

NAME AND ADDRESS WESTROCK ASSOCIATES LLC
2710 SUNRISE RIM RD, SUITE 240
BOISE, ID 83705

SOURCE ROCK CREEK TRIBUTARY POISON CREEK
POISON CREEK CASCADE RESERVOIR
UNNAMED STREAM CASCADE RESERVOIR

QUANTITY 6.26 CFS

THIS RIGHT IS LIMITED TO .02 CFS PER ACRE DELIVERED TO THE
FIELD HEADGATES

PRIORITY DATE 06/30/1919

POINT OF DIVERSION T15N R03E S05 SWSW Within Valley County
S06 SENE
NESE

PURPOSE AND PERIOD OF USE	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	Irrigation	04-15 TO 10-15	6 26 CFS

PLACE OF USE	Irrigation	Within Valley County
T15N R03E S05 LOT 1	(NENE) 15 0	LOT 2 (NWNE) 21 0
	SWNE 40 0	SENE 24 0
	SENE 13 0	NESW 22 0
	NWSW 3 0	SESW 15 0
	NESE 24 0	NWSE 38 0
	SWSE 21 0	SESE 2 0
238 0 Acres Total		

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE I C SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I R C P, that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules

Roger Burdick

Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

RECEIVED

APR 9 2003

RECEIVED

MAR 28 2003

Department of Water Resources

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

WATER RESOURCES
WESTERN REGION

Claim Number(s):

Water Right No. 65-22475

Previous Mailing Address:

WestRock Associates LLC
2710 Sunrise Rim Rd
Suite 240
Boise, ID 83705

New Mailing Address:

Tamarack Resort LLC
475 S. Capitol Blvd.
Suite 200
Boise, ID 83702

Telephone Number:

(208) 472-1750

Signature of Claimant(s):

Red Mountain
Controller

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____