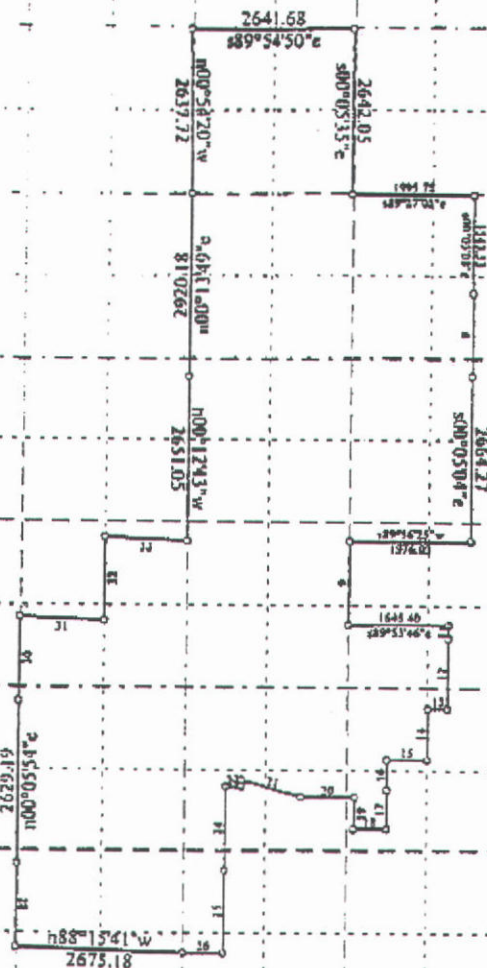


NTS **NORTH**

2083825070 P.07/08

SECTION 4



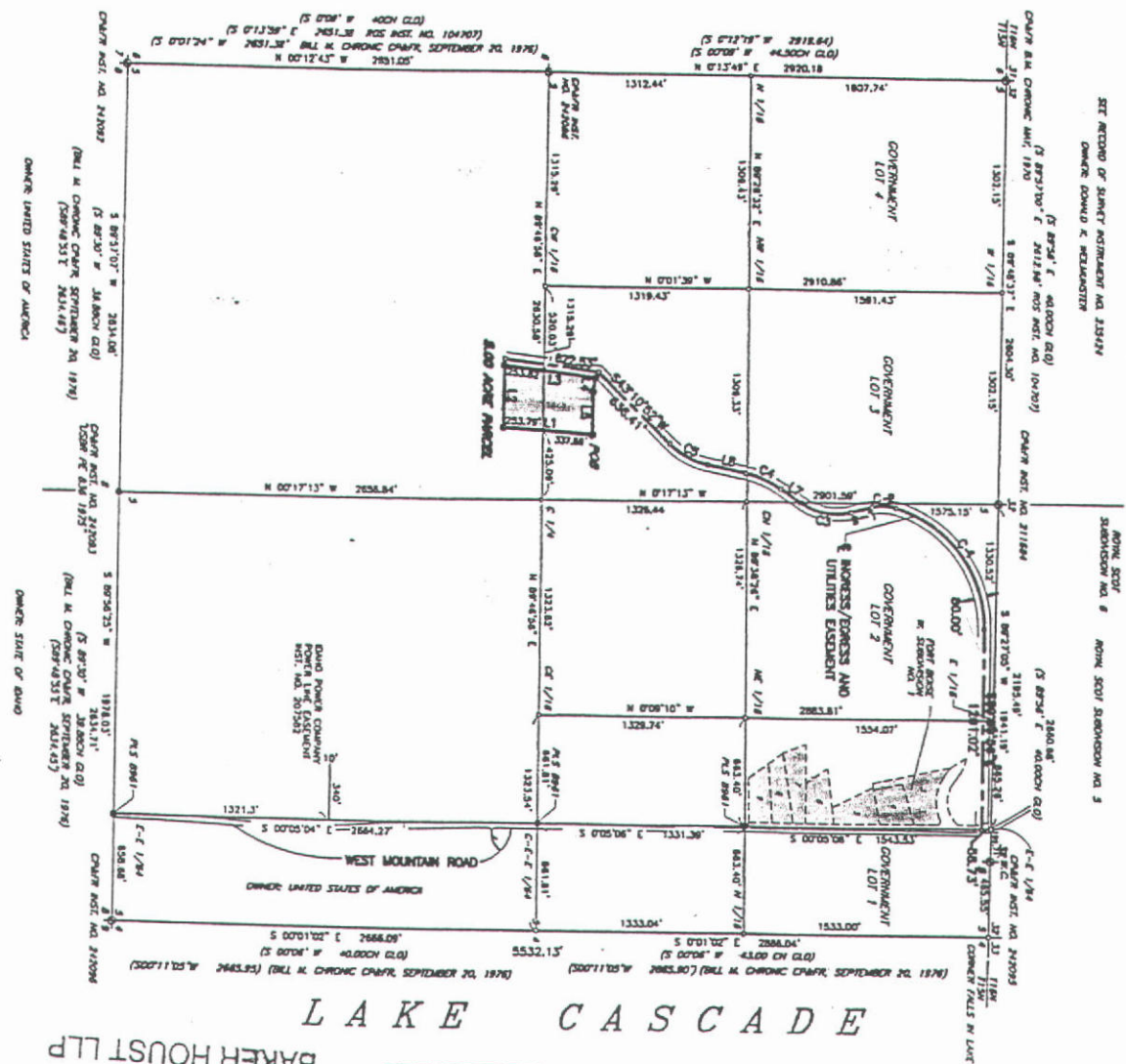
Title:		Date: 10-11-2000
Scale: 1 inch = 2958 feet	File: westrock boundary.des	
Tract 1: 1485.307 Acres: 6010820.2 Sq Meters: Closure = s71.5108w 0.05 feet: Precision = 1/893589: Perimeter = 48892 feet		
001=n89.4349w 328.78	014=n89.4349w 328.78	027=n89.3232w 655.07
002=n00.5420w 2637.72	015=s00.1059w 830.90	028=n88.1541w 2675.18
003=s89.5450e 2641.68	016=n89.3903w 657.17	029=n00.0700w 1340.00
004=s00.0535e 2642.05	017=s00.0920w 497.90	030=n00.0554e 2629.19
005=s89.2705e 1995.78	018=s00.0847w 634.98	031=n00.0627e 1339.71
006=s00.0508e 1543.53	019=s89.4906w 536.19	032=s87.4415e 1337.70
007=s00.0506e 1331.39	020=n02.2330e 516.75	033=n00.0156e 1329.86
008=s00.0504e 2664.27	021=n89.4300w 884.93	034=s87.1853e 1338.21
009=s89.5625w 1976.03	022=n73.5858w 1000.77	035=n00.1243w 2651.05
010=s00.0741w 1325.76	023=s00.0530e 108.17	036=n00.1349e 2920.18
011=s89.5346e 1645.40	024=s89.4707w 264.77	
012=s00.1021w 216.07	025=s00.0606w 1356.66	
013=s00.1132w 1114.45	026=s00.0352w 1323.66	

MICROFILMED

MAR 17 2003

TOTAL P.08

RECORD OF SURVEY
A SURVEY FOR DONALD K WEILUNSTER, LOCATED IN
SECTION 5, TOWNSHIP 15 NORTH, RANGE 3 EAST, BOISE MERIDIAN,
VALLEY COUNTY, IDAHO 2000



RECEIVED
SEP 06 2000
BAKER HOUST LLP

LINE	LENGTH	BEARING
1	591.48	S 02°19'14\"
2	583.01	S 02°19'14\"
3	609.30	N 00°34'02\"
4	66.03	S 72°58'38\"
5	286.31	N 02°19'14\"
6	131.49	S 12°14'27\"
7	131.07	S 12°14'27\"
8	248.15	S 11°20'02\"

CLIQUE	BEARING	LENGTH	BEARING	DISTANCE
C1	283.50	283.50	S 02°19'14\"	591.48
C2	283.00	283.00	S 02°19'14\"	583.01
C3	400.00	400.00	N 00°34'02\"	609.30
C4	612.00	612.00	S 72°58'38\"	66.03
C5	500.00	500.00	N 02°19'14\"	286.31

PROPERTY BOUNDARY LINE
INTERIOR SECTION LINES
FOUNDED 5/8\" FROM PW AS NOTED
SET 5/8\" FROM PW PLS. 8577
FOUNDED 1/2\" FROM PW AS NOTED
(1128.25) RECORD DATA
FOUNDED BEARS CAP MONUMENT AS NOTED
FOUNDED ALUMINUM CAP MONUMENT AS NOTED
CALCULATED POINT - MONUMENT SET

REFERENCE MAPS
ACCORD TO RECORD OF SURVEY INSTRUMENT NO. 24401,
BOOK 4, PAGE 878, VALLEY COUNTY, IDAHO, RECORDS

BASES OF BEARING ~ STATE PLANE COORDINATE SYSTEM
NAD83(86) IDAHO WEST ZONE

RECORDED'S STAMP
BOOK NO. _____ PAGE NO. _____
OF RECORD OF SURVEY'S
INSTRUMENT NO. _____

CERTIFICATE OF SURVEYOR
I, RUTHY LAMLER, DO HEREBY CERTIFY THAT I AM A REGISTERED
PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO. THAT
THIS MAP REPRESENTS AN ACTUAL SURVEY MADE BY ME OR UNDER
MY DIRECT SUPERVISION AND COMPLETES WITH ACCURATE
COMPARISON WITH THE 55' CHAIN/PIE 14' DIAM. COIL.
RUTHY LAMLER
IDAHO NO. 8577
TOOTHMAN-ORTON ENGINEERING COMPANY
9777 CHIMNEY ROCK BLVD
BOISE, IDAHO 83714
(200) 223-2288
MICHAEL AND LIZ BAKER
300 OCEANVIEW BLVD
MCALL, IDAHO 83435
(200) 654-6853



MAR 17 2003



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.

October 26, 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

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 23 2004
Department of Water Resources

**TAMARACK RESORT LLC
WATER BANK APPLICATION
Water Right No. 65-8702
(Ballard Creek)**

ORIGINAL

**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 65-8702 Decreed to WestRock Associates, LLC*
(Name)
in case of In Re SRBA vs _____
dated 10/31/2000 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 0.760 cubic feet per second &/or
_____ acre-fee per annum
- b. Point of diversion: SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 8 Township 15N Range
3E , B.M. in Valley County (Ballard Creek)
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	8										12	13						25
15N	3E	17						13											13

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 38

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 October 31, 2000. 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:**

Remarks included in the partial decree for this right specify that use of water under this right together with that under right no. 65-8703 is limited to the irrigation of a combined total of 49 acres in a single irrigation season.

The decree for this right specifies that its use, when combined with water right no. 65-8703, is limited to the irrigation of a combined total of 49 acres in a single irrigation season

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

Boesflugh
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
Ex-Officio Recorder Deputy
index to DEEDS

Fee: 9.00

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

By:

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.



Steven J. Millemann
NOTARY PUBLIC FOR IDAHO

Residing at: McCall

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, Fee: 12.00
Index to: DEEDS

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.

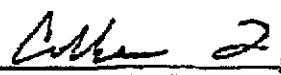
GRANTOR


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

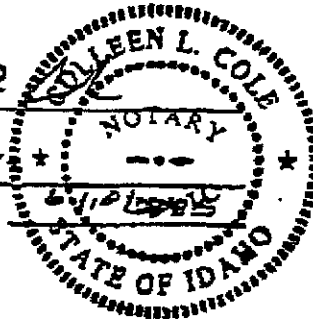


Exhibit A

(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 platted 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°23'13", and a chord bearing and distance of S.09°36'55"W., 315.07 feet; thence, tangent from said curve, S.32°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°12'29", and a chord bearing and distance of S.22°12'17"W., 248.43 feet; thence, tangent from said curve, S.11°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°34'50", and a chord bearing and distance of S.27°23'27"W., 272.12 feet; thence, tangent from said curve, S.43°10'52"W., 636.41 feet; thence, S.06°34'07"W., 622.53 feet to the POINT OF TERMINUS, said point being S.82°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.

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 1

RECEIVED

SEP 06 2001

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.

00083_5AC.doc

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 dleg

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

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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

In Re SRBA)
Case No. 39576)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-08702

NAME AND ADDRESS: DONALD K WEILHUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

SOURCE: BALLARD CREEK TRIBUTARY: CASCADE RESERVOIR
QUANTITY: 0.76 CFS
PRIORITY DATE: 05/19/1900
POINT OF DIVERSION: T15N ROSE S08 SWSW Within Valley County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 0.76 CFS
PLACE OF USE: Irrigation Within Valley County
T15N ROSE S08 NWSW 12.0
S17 NWNW 13.0
38.0 Acres Total

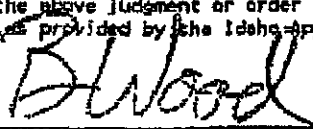
USE OF THIS RIGHT WITH RIGHT NO. 65-08703 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 49 ACRES IN A SINGLE IRRIGATION
SEASON.

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

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

445 1 / 2003

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

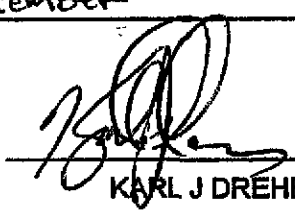
Permit to Appropriate Water

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)333-0902

Priority Date: 03/18/2001

Basis:

Status: Active

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

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

IDAHO DEPARTMENT OF WATER RESOURCES

Water Permit Report 65-22357

GROUND WATER

SW1/4SW1/4

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

VALLEY County

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

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

RECEIVED

MAY 09 2001

WATER RESOURCES
WESTERN REGION

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

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

Water Right No(s)	Adjudication Claim No(s)	Split	Water Right No(s)	Adjudication Claim No(s)	Split
65-02247	A65-02247	X			
\$25- 65-08702					
\$25- 65-08703					

RECEIVED

MAY 10 2001

Department of Water Resources

- 2 The following **REQUIRED** information must be submitted with this form:
- 6 The appropriate **FILING FEE**. See instructions for fee amounts.
- 7 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.**
- 8 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) Donald Weilmunster
P.O. Box 4 Garden Valley, ID 83622
- 4 New Owner/Claimant(s) WestRock Associates LLC
Name Connector (Check one) [] and, [] or, [] and/or
New Mailing Address 2710 Sunrise Rim Road, Suite 240
City, State and ZIP code Boise, ID 83705
New Telephone Number (208) 333-0902
- 5 Date you acquired the property 10/18/2000

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MAY 17 2003

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. HENRICH
Ex-Officio Recorder Deputy
Fee: 18.00
Index to: DEEDS

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.

MICROFILMED
2000 10 20

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: 6/1/2003

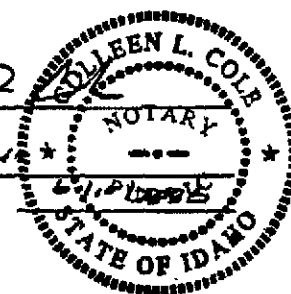


Exhibit A

(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 platted 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°23'13", and a chord bearing and distance of S.09°36'55"W., 315.07 feet; thence, tangent from said curve, S.32°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°12'29", and a chord bearing and distance of S.22°12'17"W., 248.43 feet; thence, tangent from said curve, S.11°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°34'50", and a chord bearing and distance of S.27°23'27"W., 272.12 feet; thence, tangent from said curve, S.43°10'52"W., 636.41 feet; thence, S.06°34'07"W, 622.53 feet to the POINT OF TERMINUS, said point being S.82°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.

JMM COPY

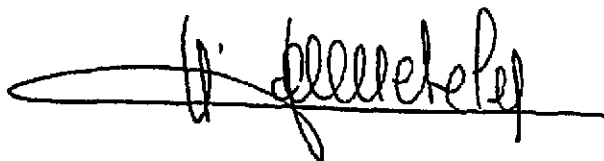
QUITCLAIM DEED

FOR VALUE RECEIVED, WESTROCK INC. (formerly Valbois Incorporated) ("Grantor"), does hereby remise, release, transfer, convey and forever quitclaim unto WESTROCK L.P. ("Grantee"), the described real property attached as Exhibit A located in Valley County, Idaho.

TOGETHER WITH all appurtenances thereunto belonging or in anywise appertaining, the rents and profits thereof.

TO HAVE AND TO HOLD all and singular the premises, together with the appurtenances, unto Grantees, their successors, and assigns forever.

IN WITNESS WHEREOF, Grantor has executed this instrument this 24 day of December, 1998.



WESTROCK INC.

By: *Chief Executive Officer*

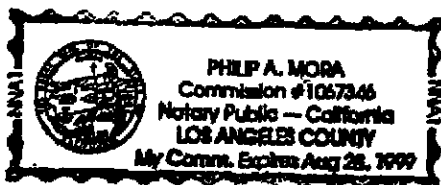
238132
TYPE: *Deed*
VALLEY COUNTY RECORDER
BY: *[Signature]*
DEC 28 1998
RECORDED

ACKNOWLEDGMENT

STATE OF CALIFORNIA)
) ss.
County of LOS ANGELES)

On this 24th day of December, 1998, before me, the undersigned notary public in and for the said state, personally appeared DIANE SCHAEFEL known or identified to me to be the CEO of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year subscribed herein.



Philip A. Mory
NOTARY PUBLIC FOR CALIFORNIA
Residing at 400 N. Roxbury Dr. Beverly Hills
Commission Expires AUG 28, 1999

Exhibit A
Page 1 of 4

Parcel No. 1

A portion of Government Lot 1, Section 6, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho and more particularly described as follows:

The East 330 feet of the North 660 feet and that portion of the East 330 feet of the South 660 feet lying Northeasterly of a line extended from the Northwest corner thereof to the Southeast corner thereof. aka Tax no. 1

AND

Government Lot 4, SW1/4 NW1/4; W1/2 SW1/4; W1/2 NE1/4 SW1/4; NW1/4 SE1/4 SW1/4 Section 4, T. 16 N., R. 3 E.; Government Lots 1, 2, 3 and 4; S1/2 NE1/4; N1/2 SE1/4; SE1/4 SE1/4; SW1/4 NW1/4 Section 5, T. 16 N., R. 3 E.

SAVE AND EXCEPT THAT PORTION OF THE SW1/4 NW1/4 Section 5, T. 16 North, Range 3 East and more particularly described as follows:

The S1/2 SW1/4 SW1/4 NW1/4; SW1/4 SE1/4 SW1/4 NW1/4, and that portion of the SE1/4 SE1/4 SW1/4 NW1/4 lying Southwesterly of a diagonal line extended from the Northwest corner thereof to the Southeast corner thereof.

Parcel No. 2

W1/2 E1/2 NW1/4 NW1/4; W1/2 NW1/4 NW1/4; SW1/4 NW1/4; Section 9, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Parcel No. 3

A permanent easement to use any non flooded portion of the following described lands for farming and grazing purposes and as a means of access to water for stock watering purposes. Said easement is subject at all times and subordinate to the paramount right of the United States, its successors and assigns, to use these lands for reservoir purposes and to construct and maintain a reservoir thereon and the right to enter and use these lands for all purposes incidental to or necessary or proper in connection with the construction and maintenance of a reservoir thereon, and the exclusive right of the United States, its successors and assigns, to own and possess, to enter and clear the same, to use and occupy these lands, for any and all purposes other than farming, grazing and a means of access to stock water, over and across:

E1/2 NE1/4 SW1/4, E1/2 SE1/4 SW1/4, SW1/4 SE1/4 SW1/4, Section 4, Township 16 North, Range 3 East, Boise Meridian; and E1/2 NW1/4, E1/2 E1/2 NW1/4 NW1/4, Section 9, Township 16 North, Range 3 East, B.M., Valley County, Idaho.

Exhibit A
Page 2 of 4

Parcels of land in Valley County, Idaho, described as follows:

Township 15 North, Range 3 East, Boise Meridian:

Section 7: NE1/4 NE1/4; S1/2 NE1/4; SE1/4

Section 8: N1/2 NW1/4; W1/2 SW1/4 NW1/4; W1/2 W1/2 SW1/4

Section 17: W1/2 NW1/4 NW1/4

Section 18: N1/2 NE1/4

Parcel C

All that certain lot, piece or parcel of land situated in Valley County, Idaho and shown as all of Blue Mountain Subdivision, a plat which is recorded in the office of the Recorder of Valley County, Idaho. **SAVE AND EXCEPT LOTS 6, 7 and 8 therefrom**

AND

Township 15 North, Range 3 East, B.M., Valley County, Idaho:

Section 8: W1/2 W1/2 SE1/4 NE1/4; SW1/4 NE1/4; SE1/4 NW1/4; E1/2 SW1/4 NW1/4; E1/2 W1/2 SW1/4; E1/2 SW1/4; W1/2 SW1/4 SE1/4; N1/2 NW1/4 SE1/4; SW1/4 NW1/4 SE1/4; the North 12 rods of SE1/4 NW1/4 SE1/4

EXCEPTING therefrom a strip of land 216 feet wide off the North portion thereof and described as follows:

Beginning at the Northwest corner of the E1/2 SW1/4 NW1/4 thence South 216 feet; thence East 3630 feet more or less; thence North 216 feet to the Northeast corner of the NW1/4 NW1/4 SE1/4 NE1/4; thence West 3630 feet, more or less to the place of beginning;

AND EXCEPTING therefrom Blue Mountain Subdivision set forth on the plat as filed for record in the office of the Recorder in Drawer 1 of plats as Instrument No. 82698,

AND EXCEPTING therefrom Northlake Subdivision No. 2, as filed for record in the office of the Recorder of Valley County, Idaho on as Instrument No. 106231

AND EXCEPTING therefrom Northlake Subdivision No. 1, as filed for record in the office of the Recorder of Valley County, Idaho. All in Valley County, Idaho.

Exhibit A
Page 3 of 4

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 platted within Fort Boise W. Subdivision No. 1.

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.

Parcel E

A parcel of land situate in Valley County, Idaho, more particularly described as the SW1/4 of Section 32, Township 16 North, Range 3 East, Boise Meridian, Valley County, Idaho.

Parcel F

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lots 6, 7 and 8, Blue Mountain Subdivision, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

Exhibit A
Page 4 of 4

Parcel G

All that certain lot, piece or parcel of land, situate in Valley County, Idaho, and shown as Lots 76 and 79, Northlake Subdivision No. 2, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

Parcel H

All that certain lot, piece or parcel of land, situate in Valley County, Idaho; and shown as Lot 19, Northlake Subdivision No. 1, a plat which is recorded in the office of the Recorder of Valley County, Idaho.

WHEN RECORDED, RETURN TO:

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

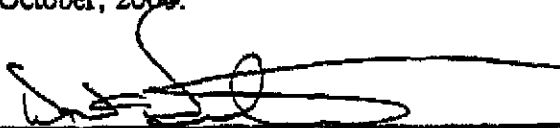
Instrument # 250511
VALLEY COUNTY, CASCADE, IDAHO
2000-10-18 08:52:48 No. of Pages: 7
Recorded for: AMERITITLE
LELAND G. HEINRICH Fee: 21.00
Ex-Officio Recorder Deputy
Index to: QUITCLAIM DEED

QUIT-CLAIM DEED

For good and valuable consideration, DONALD K. WEILMUNSTER, an individual having a mailing address at P.O. Box 4, Garden Valley, Idaho 83622 (the "Grantor"), hereby quitclaims 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"), any and all right, title and interest in and to the tract of land as described in attached Exhibit "A", together with all tenements, hereditaments, and appurtenances thereunto belonging, including any and all water rights appurtenant thereto, together with all appurtenant diversion (well, pump, etc.) and conveyance facilities and rights-of-way and easements used in connection therewith, located in Valley County, State of Idaho (the "Subject Property").

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 each of the undersigned executed this Deed for the purposes stated in it.

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

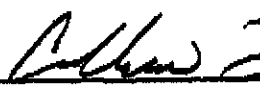

DONALD K. WEILMUNSTER

DATED this 18th day of October, 2000.

STATE OF IDAHO)
 ; ss.
COUNTY OF VALLEY)

On this 19th 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: 11/1/2006



EXHIBIT "A"

(Legal Description of Subject Property)

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

Lake Subdivision No. 1 South $00^{\circ}03'52''$ 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 $89^{\circ}32'32''$ 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 $88^{\circ}15'41''$ 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 $00^{\circ}07'00''$ West 1340.00 feet to the North Quarter Corner of said Section 18; 2) North $00^{\circ}05'54''$ East 2629.19 feet to the center of Section 7, Township 15 North, Range 3 East; 3) North $00^{\circ}06'27''$ East 1339.71 feet to the Northwest Corner of the Southwest Quarter of the Northeast Quarter of said Section 7; 4) South $87^{\circ}44'15''$ East 1337.70 feet to the Northeast Corner of the Southwest Quarter of the Northeast Quarter of said Section 7; 5) North $00^{\circ}01'56''$ East 1329.86 feet to the Northwest Corner of the Northeast Quarter of the Northeast Quarter of said Section 7; 6) South $87^{\circ}18'53''$ 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 $00^{\circ}12'43''$ West 2651.05 feet to the West Quarter Corner of said Section 5; 8) continuing along said West Section line North $00^{\circ}13'49''$ 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. $00^{\circ}17'13''$ 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. $89^{\circ}46'58''$ W., 425.09 feet to a point on a new line; thence, N. $03^{\circ}39'34''$ E., 337.69 feet to the POINT OF BEGINNING; thence, S. $03^{\circ}39'34''$ W., 591.48 feet; thence, S. $89^{\circ}57'25''$ W., 383.01 feet; thence, N. $06^{\circ}34'07''$ E., 609.30 feet; thence, S. $79^{\circ}59'58''$ E., 86.03 feet; thence, N. $89^{\circ}57'25''$ 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.

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**;

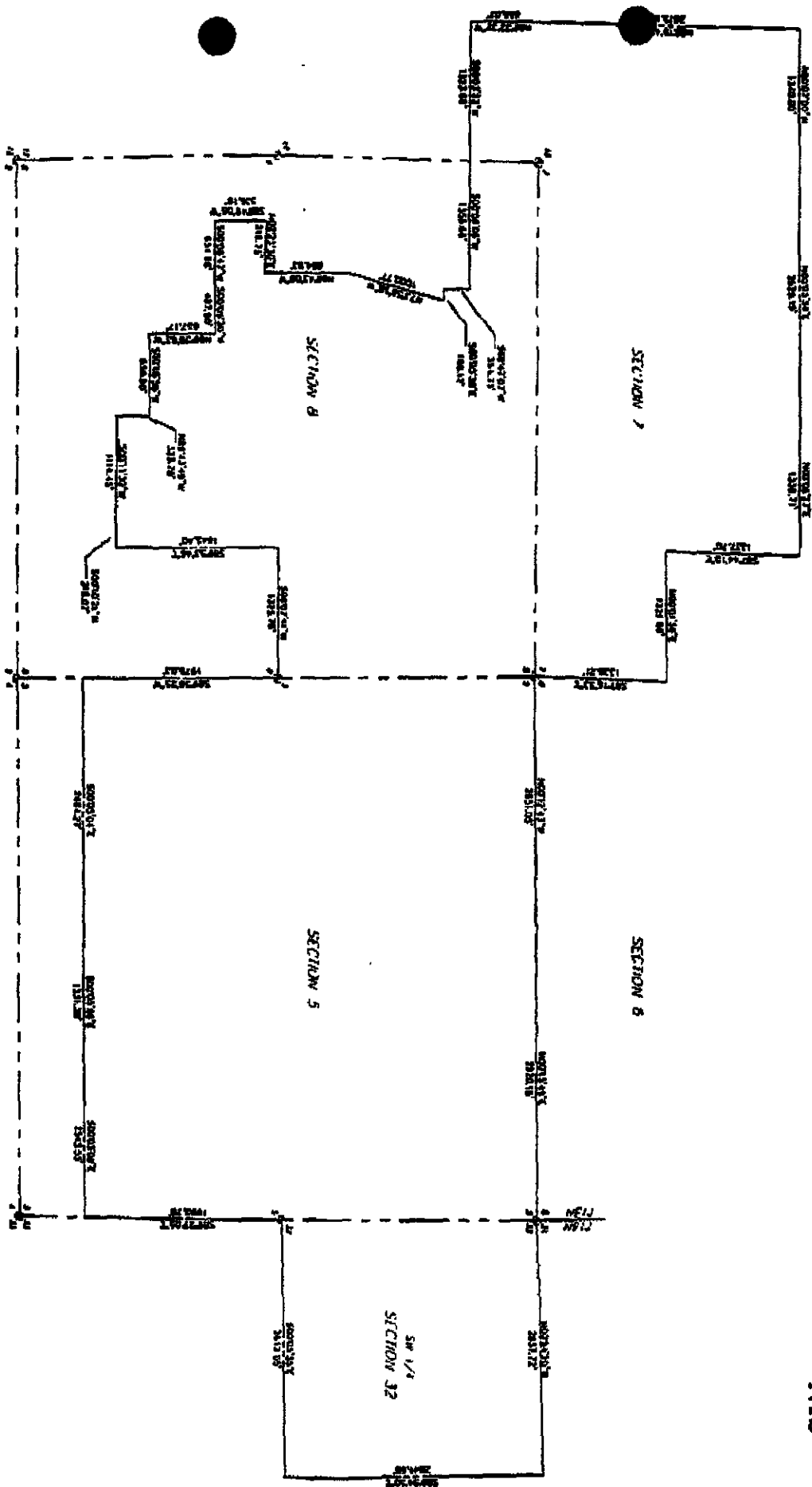
thence, N.89°59'56"W., 1225.50 feet to the beginning of a tangent curve; thence, along said curve to the left having a radius of 765.30 feet, an arc length of 998.18 feet, a central angle 74°43'51", and a chord bearing and distance of S.52°38'08"W., 928.91 feet to a point of compound curvature; thence, 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°23'13", and a chord bearing and distance of S.09°36'55"W., 315.07 feet; thence, tangent from said curve, S.32°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°12'29", and a chord bearing and distance of S.22°12'17"W., 248.43 feet; thence, tangent from said curve, S.11°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 51°34'50", and a chord bearing and distance of S.27°23'27"W., 272.12 feet; thence, tangent from said curve, S.43°10'52"W., 636.41 feet, thence, S.06°34'07"W., 622.53 feet to the **POINT OF TERMINUS**, said point being S.82°14'36"E., 1782.85 feet from the West 1/4 corner of said Section 5.

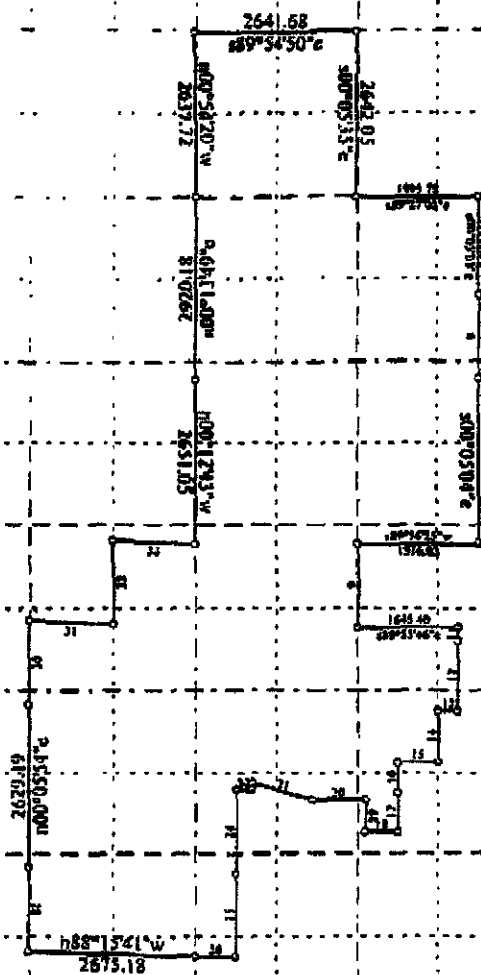
MICRO

1000 2 1 3700

NTS **NORTH**

208-387-5070 P.07/08





Title:

Date: 10-11-2000

Scale: 1 inch = 2958 feet

File: westrock boundary.des

Tract R: 1485.307 Acres: 6010820.2 Sq Meters: Closure = 871.5108w 0.05 feet Precision = 1/893589: Perimeter = 48892 feet

001=n89.15n.3e
 002=n00.5420w 2637.72
 003=s89.5450e 2641.68
 004=s00.0535e 2642.05
 005=s89.2705e 1995.78
 006=s00.0508e 1543.53
 007=s00.0506e 1331.39
 008=s00.0504e 2664.27
 009=s89.5625w 1976.03
 010=s00.0741w 1323.76
 011=s89.5346e 1645.40
 012=s00.1021w 216.07
 013=s00.1132w 1114.45

014=n89.4349w 328.78
 015=s00.1059w 830.90
 016=n89.3903w 657.17
 017=s00.0920w 497.90
 018=s00.0847w 634.98
 019=s89.4906w 536.19
 020=n02.2330e 516.75
 021=n89.4300w 884.93
 022=n73.5858w 1000.77
 023=s00.0530e 108.17
 024=s89.4707w 264.77
 025=s00.0606w 1356.66
 026=s00.0352w 1323.66

027=n89.3232w 655.07
 028=n88.1541w 2675.18
 029=n00.0700w 1340.00
 030=n00.0554e 2629.19
 031=n00.0627e 1339.74
 032=s87.4415e 1337.70
 033=n00.0156e 1329.86
 034=s87.1853e 1338.21
 035=n00.1243w 2651.05
 036=n00.1349e 2920.18

MIC

MAR 12 2001

TOTAL P.08

**A SURVEY FOR DONALD K. WEIMUNSTER, LOCATED IN
SECTION 5, TOWNSHIP 15 NORTH, RANGE 3 EAST, BOISE MERIDIAN,
VALLEY COUNTY, IDAHO 2000**

ADONIS SCOT
RUBINSON AND P
ADONIS SCOT RUBINSON AND P



NORFOLK FORESTS (45°50'N) CHINESE TIME					
CHINESE	RAILROAD	DEPTA	LENGTH	BEARING	DISTANCE
C1	765.50	72°43.11'	881.18'	55°23'00"	928.81'
C2	781.00'	78°50'55"	146.51'	80°50'55"	147.87'
C3	400.00'	47°53.11'	313.84'	8°40'35"	314.87'
C4	875.80'	31°32'28"	852.18'72"	328°43'	848.43'
C5	500.00'	31°34'30"	735.18'	327°43'27"	772.12'

CALCULATED POWER - NOTHING SET

SHEET 1 OF 1

ROCKWELL'S STAFF

BOOK NO. _____ PAGE _____
OF RECORD OF SUMMERS
ASTORIA, ASTORIA, OR

BASIS OF BEARING ~ STATE PLANE COORDINATE ALTIMETRIC
WADSWORTH DATA WEST ZONE



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)
PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR
Water Right 65-08702

NAME AND ADDRESS: DONALD K WEILMUNSTER
PO BOX 4
GARDEN VALLEY, ID 83622

SOURCE: BALLARD CREEK TRIBUTARY: CASCADE RESERVOIR
QUANTITY: 0.76 CFS
PRIORITY DATE: 05/19/1900
POINT OF DIVERSION: T15N R03E S08 SWSW Within Valley County
PURPOSE AND PERIOD OF USE: PURPOSE OF USE PERIOD OF USE QUANTITY
Irrigation 04-15 TO 10-15 0.76 CFS
PLACE OF USE: Irrigation Within Valley County
T15N R03E S08 NWSW 12.0 SWSW 13.0
S17 NWNW 13.0
38.0 Acres Total

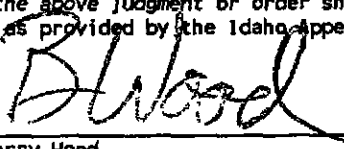
USE OF THIS RIGHT WITH RIGHT NO. 65-08703 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 49 ACRES IN A SINGLE IRRIGATION
SEASON.

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

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


Barry Wood
Administrative District Judge
Presiding Judge of the
Snake River Basin Adjudication

MICROFILMED

OCT 17 2000

MEMORANDUM

To: File 65-8702, 65-8703 and 65-22475

From: Jeff Peppersack

Date: October 26, 2004

Re: Lease of Water Rights to the State Water Supply Bank

<u>Water Right</u>	<u>SRBA Claims</u>	<u>Lease/Rental:</u> <u>Rate</u>	<u>Volume</u>	<u>Acres</u>
65-8702	Decreed	0.76 cfs		38.0
65-8703	Decreed	0.46 cfs		23.0
Combined Total		1.22 cfs		49.0
65-22475	Decreed	6.26		238.0

The applicant has offered the entire rights for lease to the bank. Rights 65-8702 and 65-8703 were decreed in the SRBA in 2000. Right 65-22475 was decreed in the SRBA in Feb. 2003 and amended in March 2003. Note that the address for the applicant has changed as shown on the application. The lease application identifies a permit for municipal use in the same general place of use (65-22357). No forfeiture or other issues have been identified. See attached for Western Region comments. The rights should be accepted into the bank as proposed in the application with combined limit conditions for 65-8702 and 65-8703.

Peppersack, Jeff

To: Westra, John
Subject: RE: application to lease water rights to the water supply bank - B65

Thanks John,
I think we would cover the issues you presented if and when the rights are actually rented. The rental agreement would include some standard conditions - especially the watermaster condition.

Thanks for the review.

Jeff

-----Original Message-----

From: Westra, John
Sent: Tuesday, October 19, 2004 12:34 PM
To: Peppersack, Jeff
Subject: RE: application to lease water rights to the water supply bank - B65

Jeff,
I apologize for not responding to this, somehow I passed the original e-mail by
It looks fine.
Looks like these rights are junior to a least one irrigation
right on each of these short creeks trib to Cascade Res
Do you think it would be valuable to put on the letter
something regarding the rights would still be subject to senior creek rights
and Watermaster #65 regulation if they are rented?

John

-----Original Message-----

From: Peppersack, Jeff
Sent: Tuesday, October 19, 2004 8:36 AM
To: Westra, John
Subject: FW: application to lease water rights to the water supply bank - B65

Hi John,
Sorry to push on these, but we've been holding these lease applications for some time and would appreciate input from your region prior to acceptance of the rights into the water supply bank. I have attached a draft memo and acceptance letter for your review and input

Thanks,
Jeff

<< File: 65-8702.doc >> << File: Lease Accept Letter 65-8702 doc >>

-----Original Message-----

From: Peppersack, Jeff
Sent: Tuesday, September 21, 2004 10:59 AM
To: Westra, John
Subject: application to lease water rights to the water supply bank - B65

Hi John,
We have three applications to lease to the bank from Tamarack Resort LLC. The rights are 65-8702, 65-8703 and 65-22475 from Rock and Poison Creeks, Ballard Creek and Walker Creek. The entire rights are offered to the bank for lease through April 2006. Please provide comments regarding this lease prior to our acceptance of the rights into the bank.

Thanks,
Jeff

RECEIVED
APR 23 2004

Department of Water Resources

LAW OFFICES
601 W. Bannock Street
PO Box 2720, Boise, Idaho 83701
TELEPHONE 208 388-1200
FACSIMILE 208 388-1300
WEBSITE www.givenspursley.com

JEFFREY C. FEREDAY
Direct Dial 208-388-1217
E-Mail jcf@givenspursley.com

Gary G. Allen
Christopher J. Beeson
Jessica M. Borup
William C. Cole
Michael C. Creamer
Thomas E. Dvorak
Roy Lewis Eiguren
Timothy P. Feamside
Jeffrey C. Fereday
Steven J. Hippler
Karl T. Klein
Debora K. Knstensen
Anne C. Kunkel
Franklin G. Lee

David R. Lombardi
D. David Lorello, Jr.
Emily A. MacMaster
Kimberly D. Maloney
John M. Marshall
Kenneth R. McClure
Kelly Greene McConnell
Cynthia A. Melillo
Christopher H. Meyer
L. Edward Miller
Patrick J. Miller
Judson B. Montgomery
Angela K. Nelson
Deborah E. Nelson

W. Hugh O'Riordan, LLM
Michael C. Orr
Kenneth L. Pursley
Bradley V. Sneed
H. Barton Thomas, LLM
Conley E. Ward
Robert B. White
Michael V. Woodhouse
James A. McClure
OF COUNSEL
Raymond D. Givens
RETIRED

April 23, 2004

HAND DELIVERED

Ms. Cynthia Clark
Idaho Department of Water Resources
1301 N. Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Tamarack Resort Water Bank Applications
GP File No. 5859-23

Dear Cynthia:

I am enclosing three water bank applications to be filed on behalf of Tamarack Resort LLC. These propose to place into the water bank natural flow water rights 65-022475, 65-8702, and 65-8703 from Rock and Poison Creeks, Ballard Creek, and Walker Creek, respectively.

I am enclosing an extra copy of each application as a confirmation copy; after they have been stamped as received, please return them to me in the enclosed, self-addressed envelope. In addition, I am sending an extra unbound copy of each for your convenience should you need to make additional copies. Please let me know if you need additional information.

Sincerely,



Jeffrey C. Fereday

JCF/hcm
Enclosures

cc: Jean-Pierre Boespflug
Michael McCarthy
Don Weilmunster

AAACTM3 B3705

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, P.O. Box 83720
Boise, Idaho 83720-0098

Return Service Requested

RECEIVED

MAR 14 2003

Department of Water Resources

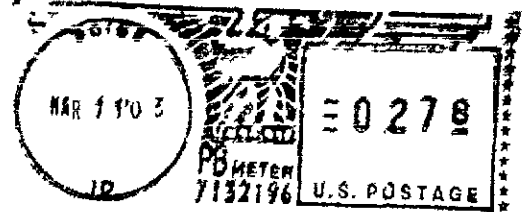
WR's 65-8702-94 65-8703

Per ~~Idaho~~ warehouse the new
name is: Janarick Resort LLC
475 S. Capital Blvd # 200
Boise 83702

Mail resent to Janarick -
John vice former address
IDWR of the name change.

Kari Lynn
3.14.03

PRESS HERE
FIRST CLASS



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507

MICROFILMED

MAR 17 2003





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

March 10, 2003

WESTROCK ASSOCIATES LLC
2710 SUNRISE RIM RD #240
BOISE ID 83705

RE: Change of Ownership for Water Rights 65-8702 and 65-8703

Dear Water Right Holder(s):

The department acknowledges receipt of correspondence changing ownership of the above referenced water rights to you. The department has modified its records to reflect the changes in ownership and has enclosed computer-generated reports for your records. Also enclosed is a receipt for the \$50.00 filing fee.

Please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address of the owner of a water right to the department. Notice of the change must be provided to the department within 120 days of the change. Change reporting forms are available from any office of the department.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

for 
Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

MICROFILMED
MAR 17 2003

GIVENS PURSLEY LLP

RECEIVED

SEP 24 2001

Department of Water Resources

LAW OFFICES

277 North 6th Street, Suite 200
PO Box 2720, Boise, Idaho 83701
TELEPHONE 208 388-1200
FACSIMILE 208 388-1300
WEBSITE www.givenspursley.com

Gary G. Allen
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W. Hugh O'Riordan
Kenneth L. Pursley
Virginia L. Stukel
Conley Ward
Stephanie C. Westemeier
Robert B. White

Raymond D. Givens
James A. McClure
OF COUNSEL

Direct Dial (208) 388-1270
E-Mail jmm@givenspursley.com

September 20, 2001

VIA US MAIL

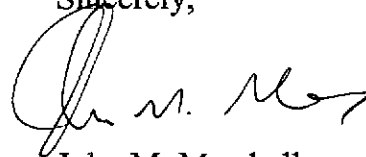
Kari Lynn Townsend
Idaho Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, ID 83720-0098

Re: Notice of Change in Water Right Ownership
Our File: 5859-4

Dear Kari Lynn:

I am returning a Notice of Change in Water Right Ownership for water rights 65-08702 and 65-08703 with the required signature. Please call with any questions.

Sincerely,



John M. Marshall

JMM/tma
Enclosure

cc: Jean-Pierre Boespflug (via U.S. Mail - w/enclosures)
S:\CLIENTS\5859\4\Corr\Townsend ltr 9 20 01 - JMM.doc

MICROFILMED
MAR 17 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

May 11, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

WESTROCK ASSOCIATES LLC
2710 SUNRISE RIM RD #240
BOISE ID 83705

RE Change of Ownership for Decreed Water Rights 65-08702 / 65-08703

Dear Interested Party:

The Department of Water Resources acknowledges receipt of your Notice of Change in Water Right Ownership. Our review of your notice indicates that additional information is required before we can process the change. The information required is indicated below:

✓ **Signature** The ownership change request is **not** valid without a signature. Please include title if signing for a corporation.

Because the Department cannot process the ownership change without proper documentation, we will hold any action on your notice pending receipt of the necessary information. If we do not receive the necessary information within 30 days we will return your notice and all attachments and your notice will not be processed.

Please note that water right owners are required to report any change in water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage (<http://www.idwr.state.id.us>) on the Internet to obtain the proper forms and instructions.

Please feel free to contact the Department if you have any questions.

Sincerely,

A handwritten signature in cursive script, reading "Kari Lynn Townsend".

Kari Lynn Townsend
Secretary

Enclosure (Ownership change request form – unsigned)

MICROFILMED

MAY 17 2001

MILLEMANN, PITTENGER & McMAHAN, LLP
ATTORNEYS AT LAW

708 NORTH FIRST
POST OFFICE BOX 1066
MCCALL, IDAHO 83638

STEVEN J. MILLEMANN
GREGORY C. PITTENGER
BRIAN L. McMAHAN
AMY N. PEMBERTON

TELEPHONE (208) 634-7641
FACSIMILE (208) 634-4516
E-MAIL mpm@micron.net

RECEIVED

JAN 09 2001

WATER RESOURCES
WESTERN REGION

January 8, 2001

Idaho Department of Water Resources
Western Region
Attn: Denise Buffington or Lori Harris
2735 Airport Way
Boise, ID 83705

RECEIVED

JAN 12 2001

Department of Water Resources

Re: Donald K. Weilmunster

Dear Denise and/or Lori:

Attached to this cover letter is a Special Power of Attorney. Under it, Donald K. Weilmunster gives a power of attorney to Steven J. Millemann and/or Brian L. McMahon, and the powers given are for all water matters, e.g., for SRBA claims, licenses, permits, and so forth.

Please file this Special Power of Attorney in your permanent records. A copy of the document is also enclosed. Will you please conform that copy and return it to us in the self-addressed stamped envelope which is provided for your convenience?

I have discussed this Special Power of Attorney with Dan Nelson; accordingly, if you have any questions regarding it, please contact him, and/or please feel free to contact me. Thank you.

Sincerely,

Brian L. McMahon

BRIAN L. McMAHAN

BLM/plp
Enc.
cc: Client

MICROFILMED

JAN 12 2001

SPECIAL POWER OF ATTORNEY

RECEIVED

JAN 09 2001

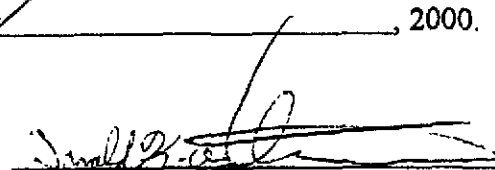
WATER RESOURCES
WESTERN REGION

STATE OF IDAHO)
(ss.
County of Valley)

KNOW ALL MEN by these presents, that I, Donald K. Weilmunster, of P.O. Box 4, Garden Valley, Idaho 83622, do hereby make, constitute and appoint STEVEN J. MILLEMANN and/or BRIAN L. McMAHAN, of the law firm of Millemann, Pittenger & McMahan, LLP, P.O. Box 1066, City of McCall, County of Valley, State of Idaho, 83638, as my true and lawful attorneys-in-fact, for me, and in my name, place and stead. The Powers granted to the above-named persons are LIMITED to the following:

1. Preparing, executing and filing all documents advisable or required by the Idaho Department of Water Resources and/or the Snake River Basin Adjudication Court to establish, protect, administer and manage water rights on my Idaho properties.
2. The rights, powers and authority of said attorneys-in-fact shall not be terminated until revoked by me in writing.

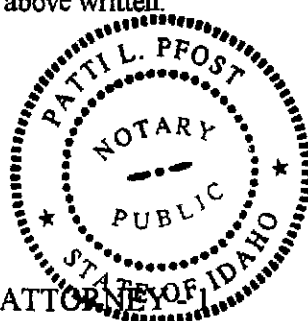
DATED this 29 day of Nov, 2000.

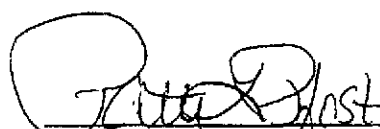

DONALD K. WEILMUNSTER

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

On this 29 day of November, 2000, before me, Patti L. Pfist, 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 instrument, and acknowledged to me that 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: McCall, Idaho

My Commission Expires: 2/22/2002

MICROFILMED

SPECIAL POWER OF ATTORNEY

JUN 02 2003