

Anderson Nelson Hall Smith, P.A.
ATTORNEYS

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Joel E. Tingey
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Brian T. Tucker
Jeffery W. Banks
Wiley R. Dennert
W. Joe Anderson
(1923-2002)

*Also member of Utah bar

November 12, 2004

Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise ID 83720-0098

RECEIVED
NOV 16 2004
DEPARTMENT OF
WATER RESOURCES

Re: Antelope Valley Ranch LLC/Change in Ownership for Water Right
34-413D, 570A, 719B, 720B, 721B, 513A, 513B, 514B, 514A, 515A, 515B,
560A, 560B, 10113, 10888, 10889, 10890, 10891 & 10892

Dear Sirs:

This office represents the interests of Antelope Valley Ranch LLC. Mr. Manetta forwarded your letter to us for a response.

Pursuant to your letter, please find enclosed herewith the following documents:

1. Partial Decree
2. Policy Schedule A and Schedule B
3. Warranty Deed with legal description

The water right 10113 does not appear to be conveyed to my client. I would hope that this ends the confusion in regard to this water right.

Very truly yours,



Marvin M. Smith

MMS/DCB

L:\MMS\5937stillwater\idwr.ltr.wpd

RECEIVED

NOV 16 2004

DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIn Re SRBA)
Case No. 39576)
_____)PARTIAL DECREE PURSUANT TO
I.R.C.P. 54(b) FOR

Water Right 34-10113

1996 DEC 10 PM 2:12

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO

FILED _____

NAME & ADDRESS: A GORDON PLAYER
ANTELOPE VALLEY RANCH
HC 60 BOX 257
MOORE ID 83255

SOURCE: GROUNDWATER

QUANTITY: 0.04 CFS

THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000
GALLONS PER DAY.

PRIORITY DATE: 04/01/1953

POINT OF DIVERSION: T06N R25E S08 SWSWSW

Within CUSTER County

PURPOSE AND
PERIOD OF USE: PURPOSE OF USE
DOMESTIC 1 HOMEPERIOD OF USE
01-01 12-31QUANTITY
0.04 CFSPLACE OF USE: DOMESTIC Within CUSTER County
T06N R25E S08 SESW ←

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

THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A
DETERMINATION OF HISTORICAL BENEFICIAL USE.

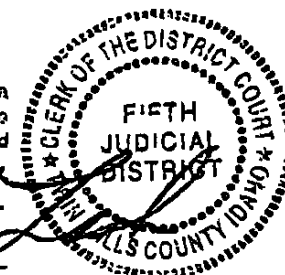
DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin Adjudication

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.

DATED: DEC 10 1996


DANIEL C. HURLBUTT, JR.
PRESIDING JUDGE
Snake River Basin AdjudicationPARTIAL DECREE PURSUANT TO I.R.C.P. 54(b)
Water Right 34-10113State of Idaho
County of Twin Falls ss.
I hereby certify the foregoing to be a
full, true and correct copy of the
original on file in the above entitled
action.ROBERT S. FORT
CLERK OF THE DISTRICT COURTBy _____
DEPUTY CLERKPAGE 1
NOV-25-1996

TOTAL P.03

RECEIVED
NOV 16 2004
DEPARTMENT OF
WATER RESOURCES

OWNER'S POLICY
SCHEDULE A

Order Number	Policy Number	Date of Policy	Amount of Insurance	Premium Amount
307042125C-G	72106-792534	March 12, 2004 At 2:08PM	\$2,000,000.00	\$4,380.00

1. Name of Insured:

Antelope Valley Ranch, LLC

2. The estate or interest in the land which is covered by this policy is:

Fee Simple

3. Title to the estate or interest in the land is vested in:

Antelope Valley Ranch, LLC, an Idaho Limited Liability Company

4. The land referred to in this policy is described as follows:

CUSTER COUNTY PROPERTY:

TOWNSHIP 4 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO

SECTION 4: SW1/4SW1/4

SECTION 5: SW1/4NE1/4, LOT 3, LOT 4, S1/2NW1/4, SW1/4, W1/2SE1/4, AND SE1/4SE1/4

SECTION 6: LOT 1, LOT 2, S1/2NE1/4, LOT 3, SE1/4NW1/4, E1/2SW1/4, AND SE1/4

SECTION 7: NE1/4, LOT 1, LOT 2, E1/2NW1/4, LOT 3, LOT 4, E1/2SW1/4, N1/2SE1/4, AND SE1/4SE1/4

SECTION 8: W1/2, SW1/4SE1/4, NE1/4NE1/4, THAT PORTION OF THE SE1/4SE1/4, NORTH OF ANTELOPE CREEK IN CUSTER COUNTY, AND THAT PORTION OF THE NW1/4NE1/4, DESCRIBED AS: BEGINNING AT A POINT 20 FEET NORTH OF THE SE CORNER OF THE NW1/4NE1/4; THENCE N. 1,300 FEET, MORE OR LESS, TO THE NE CORNER OF SAID NW1/4NE1/4; THENCE W. 80 RODS, MORE OR LESS, TO THE N1/4 CORNER OF SAID SECTION 8; THENCE S. 20 FEET; THENCE SOUTHEASTERLY IN A DIRECT LINE TO THE POINT OF BEGINNING. EXCEPTING THEREFROM ANY PORTION IN

SECTION 9: **SECTION 8, LYING SOUTH OF ANTELOPE CREEK WITHIN BUTTE COUNTY.**
NW1/4NW1/4, THE N. 60 RODS OF THE SW1/4NW1/4, THE S. 45 RODS OF THE NE1/4SW1/4, THE S. 45 RODS OF THE NW1/4SE1/4, AND THAT PORTION OF THE S1/2SW1/4 ALL LYING NORTH OF GROUSE CREEK.
EXCEPTING THEREFROM ANY PORTION OF SECTION 9 LYING SOUTH OF ANTELOPE CREEK WITHIN BUTTE COUNTY.

SECTION 17: **NW1/4NW1/4, AND THAT PART OF THE NE1/4NW1/4 LYING NORTH OF ANTELOPE CREEK IN CUSTER COUNTY, IDAHO.**

TOWNSHIP 5 NORTH, RANGE 24 E.B.M., CUSTER COUNTY, IDAHO

SECTION 31: **W1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4, AND LOT 7**

SECTION 32: **W1/2SW1/4, SE1/4SW1/4**

BUTTE COUNTY PROPERTY:

**TOWNSHIP 4 NORTH, RANGE 24 EAST OF THE BOISE MERIDIAN, BUTTE
COUNTY, IDAHO.**

SECTION 8: SE1/4SE1/4, LYING SOUTHERLY OF ANTELOPE CREEK.

**SECTION 9: S1/2SW1/4, NW1/4SE1/4, SW1/4SE1/4, LYING SOUTHERLY OF
ANGELOPE CREEK.**

SECTION 17: NE1/4NW1/4, LYING SOUTHERLY OF ANTELOPE CREEK.

**EXCEPTING THEREFROM ALL OF THE ABOVE WITHIN CUSTER COUNTY,
IDAHO.**

END OF SCHEDULE A

OWNER'S POLICY

Order No: 307042125C-G
Policy No: 72106-792534

SCHEDULE B PART I

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

General Exceptions:

1. Rights or claims of parties in possession not shown by the public records.
2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matters contradictory to any survey plat shown by the public records.
3. Easements, or claims of easement, not shown by the public records.
4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims or title to water, whether or not the matters excepted under (a), (b), or (c) are shown by the public records.
6. Taxes or special assessments which are not shown as existing liens by the public records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

SCHEDULE B PART II

Special Exceptions:

CUSTER COUNTY:

7. Taxes, including any assessments collected therewith, for the year 2004, which are a lien not yet payable.
8. Liens, levies and assessments of the Big Lost River Irrigation District.
9. Ditch Rights of Way reserved in Deed
Recorded: May 1, 1918.
Book 12 of Deed at Page 293.
10. Agreement for Electric Service for irrigation recorded June 3, 1987 as Instrument No. 207459.

11. Any adverse claim based on the assertion that the location of Antelope Creek and Grouse Creek has moved.
12. Any rights, interests or easements in favor of the public which exist or are claimed to exist over any part of the land covered by water that is included within the boundaries of Antelope Creek and Grouse Creek.
13. A Mortgage to secure an indebtedness as shown below and any other obligations secured thereby:
Amount: \$1,000,000.00.
Mortgagor: Antelope Valley Ranch, LLC, an Idaho Limited Liability Company.
Mortgagee: Metropolitan Life Insurance Company.
Recorded: March 12, 2004.
Instrument No. 228852 Official Records of Custer County, Idaho.
14. Assignment of Bonuses, Rentals and Royalties recorded March 12, 2004 as Instrument No. 228853 records of Custer County, Idaho.

BUTTE COUNTY:

15. Taxes, including any assessments collected therewith, for the year 2004, which are a lien not yet payable.

A Mortgage to secure an indebtedness as shown below and any other obligations secured thereby:

Amount: \$1,000,000.00.

Mortgagor: Antelope Valley Ranch, LLC, an Idaho Limited Liability Company.

Mortgagee: Metropolitan Life Insurance Company.

Recorded: March 12, 2004.

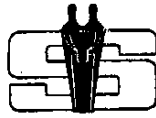
Instrument No. 228852 Official Records of Custer County, Idaho.

and Recorded March 12, 2004 as Instrument No. 0040425 Official Records of Butte County, Idaho.

END OF SCHEDULE B

Countersigned:

Authorized Signature



WARRANTY DEED

For Value Received A. GORDON PLAYER and TERRY LYNNE PLAYER, as Trustees of the GORDON PLAYER FAMILY TRUST DATED MAY 21, 1993

the Grantor hereby grants, bargains, sells, conveys and warrants unto ANTELOPE VALLEY RANCH LLC, an Idaho limited liability company

the Grantee whose current address is: 2411 WHALER COURT, VIRGINIA BEACH VA 23451
the following described premises, to-wit:

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

Parcel Number:

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

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

Dated: March 11, 2004

THE GORDON PLAYER FAMILY TRUST DATED MAY 21, 1993

A. Gordon Player
A. GORDON PLAYER, Trustee

Terry Lynne Player
TERRY LYNNE PLAYER, Trustee

State of IDAHO

ss.

County of BLAINE

On this 11th day of March, 2004, before me, the undersigned, a Notary Public, in and for said State, personally appeared A. GORDON PLAYER and TERRY LYNNE PLAYER

known to me, and/or identified to me on the basis of satisfactory evidence, to be the Trustee's of THE GORDON PLAYER FAMILY TRUST DATED MAY 21, 1993

the Trust that executed the within instrument and acknowledged to me that they executed the same on behalf of said Trust.

WITNESS MY HAND AND OFFICIAL SEAL.

Notary Public KATHY SEAL
Residing at: KETCHUM
Commission Expires: July 09, 2005



EXHIBIT "A"
Legal Description

Township 4 North, Range 24 E.B.M., Custer County, Idaho

- Section 4: SW1/4SW1/4
- Section 5: SW1/4NE1/4, Lot 3, Lot 4, S1/2NW1/4, SW1/4, W1/2SE1/4, and SE1/4SE1/4
- Section 6: Lot 1, Lot 2, S1/2NE1/4, Lot 3, SE1/4NW1/4, E1/2SW1/4, and SE1/4
- Section 7: NE1/4, Lot 1, Lot 2, E1/2NW1/4, Lot 3, Lot 4, E1/2SW1/4, N1/2SE1/4, and SE1/4SE1/4
- Section 8: W1/2, SW1/4SE1/4, NE1/4NE1/4, that portion of the SE1/4SE1/4, North of Antelope Creek in Custer County, and that portion of the NW1/4NE1/4, described as: beginning at a point 20 feet North of the SE corner of the NW1/4NE1/4; thence N. 1,300 feet, more or less, to the NE corner of said NW1/4NE1/4; thence W. 80 rods, more or less, to the N1/4 corner of said Section 8; thence S. 20 feet; thence southeasterly in a direct line to the point of beginning. Excepting therefrom any portion in Section 8, lying South of Antelope Creek within Butte County.
- Section 9: NW1/4NW1/4, the N. 60 rods of the SW1/4NW1/4, the S. 45 rods of the NE1/4SW1/4, the S. 45 rods of the NW1/4SE1/4, and that portion of the S1/2SW1/4 all lying North of Grouse Creek. Excepting therefrom any portion of Section 9 lying South of Antelope Creek within Butte County.
- Section 17: NW1/4NW1/4, and that part of the NE1/4NW1/4 lying North of Antelope Creek in Custer County, Idaho.

Township 5 North, Range 24 E.B.M., Custer County, Idaho

- Section 31: W1/2NE1/4, SE1/4NE1/4, NE1/4SE1/4, and Lot 7
- Section 32: W1/2SW1/4, SE1/4SW1/4

Township 4 North, Range 24, East of the Boise Meridian, Butte County, Idaho

- Section 8: SE1/4SE1/4, lying Southerly of Antelope Creek
- Section 9: S1/2SW1/4, NW1/4SE1/4, SW1/4SE1/4, lying Southerly of Antelope Creek
- Section 17: NE1/4NW1/4, lying Southerly of Antelope Creek

Conveying with the herein described land any and all water rights belonging or in anywise appertaining thereto, and including as applicable the following:

Number	Priority	CFS
34-513B	09/03/1888	.04
34-514B	09/03/1882	.05
34-560B	05/01/1905	.04
34-7580	08/21/1996	1.00

34-413D	05/15/1891	1.20
34-513A	09/03/1888	3.16
34-514A	09/03/1882	3.15
34-515A	07/01/1904	3.16
34-560A	05/01/1905	3.16
34-570A	05/01/1905	3.20
34-720B	06/01/1886	1.50
34-721B	06/01/1891	1.75
34-719B	06/01/1885	.05
34-10888	01/01/1900	.17
34-10889	01/01/1900	.04
34-10890	01/01/1900	.16
34-10891	01/01/1900	.13
34-180892	01/01/1900	.16