

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCESTransfer No. 71109

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT
PART 1

MAR 08 2004

Name of Applicant
WATER RESOURCES
WESTERN REGION
Post Office addressLochsa Falls, LLCPhone 208-388-01894487 North Dresden Place, Suite 102, Boise, ID 83714

A. PURPOSE OF TRANSFER

1. ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____

Describe the reason for the proposed changes Applicant proposes reconfiguring place of use to allow irrigation of common areas and residential lots within the Lochsa Falls Subdivision. A new point of diversion is also proposed.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>63-2656B</u>	<u>01/06/1947</u>	<u>0.44 cfs</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
<u>TBD (63-11199)</u>	<u>02/01/1990</u>	<u>0.42 cfs / 135 af</u>	<u>irrigation</u>	<u>Mar. 15</u> to <u>Nov. 15</u>
				to _____

2. Total amount of water being transferred 0.86 cubic feet per second and/or 135 acre-feet per annum.

3. Source of water ground water tributary to NA

4. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	26	4N	1W	Ada	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26	28	38	40	39				30					35	40			250

Total Acres 43 ac w/in 250 ac PPU

PART 1**6. General Information:**

- a. Description of diversion system well with electric pump, cistern, booster pump, pipe to sprinklers
- b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts?
X Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes. See attached agreement for 66-acre portion of 63-11199
- c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:
The land is being developed for a residential subdivision and the place of use is being reconfigured.
- d. Remarks: Water will be used for up to 105 acres of supplemental irrigation of common areas, commercial properties, road right of way, and single-family residential lots in Lochsa Falls Subdivision. A 250-acre permissible place of use is proposed. The irrigated area of common areas, commercial properties, road right-of-way total approximately 43 acres. Irrigated area of single-family residential lots totals approximately 96 acres. An additional application for permit will be submitted for supplemental irrigation to increase the diversion rate and acres available for the single-family residential lot area. Settlers Irrigation District water will be used as the primary source of irrigation supply. A new well will be drilled in the SWSE of Section 26.

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And the said application is hereby _____, subject to the following conditions:

Witness my hand this _____ day of _____, 20 _____.

For the Director

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

**APPLICATION FOR TRANSFER OF WATER RIGHT
PART 2**

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-2656 issued by the Idaho Department of Water Resources.
- c. Claim No. 63-2656B on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Quitclaim Deed

2. Source of water ground water tributary to NA

3. Date or priority 01/06/1947

4. Water is used for the following purposes:

amount 0.44 cfs for irrigation purposes from Mar. 15 to Nov. 15
(cfs/ac-ft)

amount 0.04 cfs for domestic purposes from Jan. 1 to Dec. 31
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

5. Total amount of water under right 0.44 cubic feet per second and/or _____ acre-feet per annum.

6. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	SE	26	4N	1W	Ada	

7. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26													35	40			75

Total Acres 75

9. Describe any other water rights used for the same purpose as described above Settlers Irrigation District

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No _____ If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

3. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion

4. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right as evidenced by:

- a. Decree No. _____ Decreed to _____
in case of _____ vs. _____
dated _____ in _____ county of _____
- b. License No. 63-11199 issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. _____ which produced this right.

2. Attach copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☒ Other Quitclaim Deed

3. Source of water ground water tributary to NA

4. Date or priority 02/01/1990

5. Water is used for the following purposes:

amount 1.80 / 571.5 for irrigation purposes from Mar. 15 to Nov. 15
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.80 cubic feet per second and/or 571.5 acre-feet per annum.

7. Point(s) of Diversion:

Lot	¼	¼	¼	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

8. Lands irrigated or place of use:

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	23															38	15	53
4N	1W	26	38	36															74

Total Acres 127

9. Describe any other water rights used for the same purpose as described above Settler Irrigation District

PART 2

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

No If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount 0.42 / 135.0 for irrigation purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount 0.49 / 153.0 for irrigation (to water bank) purposes from Mar. 15 to Nov. 15
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	26	28	2															30
4N	1W	26		34															34*

*acres to be placed in State Water Bank per attached application

Total Acres 64

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount 0.89 / 283.5 for irrigation purposes from Mar. 15 to Nov. 1
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		NE	NE	26	4N	1W	Ada	

3. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
4N	1W	23															38	15	53
4N	1W	26	10																10

Total Acres 63

APPLICATION FOR TRANSFER OF WATER RIGHT PART 3

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- This topographic map depicts the Upper Fairview School area, located in Township 4 North, Range 1 West (T4N, R1W). The map shows a proposed diversion point for a canal, with a 'Place of Use' indicated by an arrow. The area is divided into sections 25, 26, 27, 34, 35, and 36. Key features include the Simpson Canal, Upper Fairview School, and various roads and canals. The map also shows the Boise Valley Meridian and the Ustick Canal. A scale bar indicates a distance of 1 mile (1600 feet) and 1 kilometer. The map is titled 'Point of Diversion' and 'Place of Use'.

PART 3**B. CHANGES IN NATURE OF USE**

1.

<u>New Nature of Use</u>	<u>Amount(cfs/af-ft)</u>	<u>Hours/days/year</u>	<u>Period of Use</u>
_____	_____	_____	_____ to _____
_____	_____	_____	_____ to _____
2. Quantity and quality of return flows and location of discharge: _____

3. Describe effects on other water uses resulting from the proposed change:

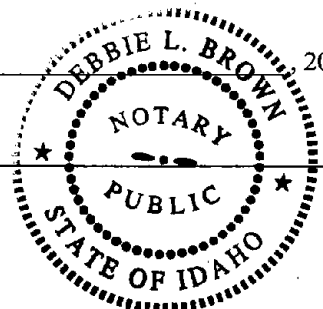
I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Marty Helms
(Signature of Applicant)

Subscribed and sworn to before me this 22nd day of August 20

Debbie L. Brown
(Notary Public)



My commission expires 8/5/07

FOR DEPARTMENT USE ONLY

Transfer contains 8 pages and _____ attachments

Received by KG Date 12/10/03 Protest filed by _____

Prelim. Check by KG Fee 250.00

Received by KG Date 12/10/03 W031173

Published in _____ Copies of protest forwarded by _____

Pub. Dates _____ Hearing held by _____ Date _____

Watermaster recommendations requested on _____ Recommended for ☐ approval ☐ denial

_____ received _____ by _____

Copy of transfer sent to lien holder _____

BOISE IDAHO 83/10/03 04:10 PM
 DEPUTY Joanne McCarty
 RECORDED - REQUEST OF
 WILSON - MCCOLL
 AMOUNT 12.00



QUITCLAIM DEED

FOR VALUE RECEIVED, Farwest L.L.C., an Idaho limited liability company, does hereby convey, release, remit and forever quitclaim unto Lochsa Falls, L.L.C., an Idaho limited liability company, whose current address is 4487 N. Dresden Pl., Ste. 102, Boise, Idaho 83714, that certain real property situate in Ada County, Idaho, and more particularly described on Exhibit "A" attached hereto, which is by this reference incorporated herein.

TO HAVE AND TO HOLD said premises unto the said Grantee's heirs and assigns forever.

DATED This 2nd day of March, 2003.

FARWEST, L.L.C.,

By: Developers Services, Inc.

By: Brian F. McColl
 Brian F. McColl, its President

STATE OF IDAHO,)

County of Ada.)

On this 17th day of March, 2003, before me, Ronni Johnson, a Notary Public in and for said State, personally appeared Brian F. McColl, known or identified to me (or proved to me on the oath of _____) to be the President of Developers Services, Inc., an Idaho corporation, one of the Members in the limited liability company of Farwest L.L.C., and the member or one of the members who subscribed said liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same in said company name.



Ronni Johnson
 Notary Public for the State of Idaho
 Residing at Boise Idaho
 Commission expires: 6/30/2004

EXHIBIT A

A parcel of land located in the N $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the northeast corner of the SE $\frac{1}{4}$ (east $\frac{1}{4}$ corner) of Section 26, T. 4N., R. 1W., B.M., the REAL POINT OF BEGINNING of this description;

Thence S $0^{\circ}25'24''$ W 250.00 feet along the east line of said SE $\frac{1}{4}$ to a point;

Thence N $89^{\circ}34'36''$ W 352.71 feet to a point;

Thence S $0^{\circ}25'24''$ W 700.50 feet to a point;

Thence S $89^{\circ}34'36''$ E 352.71 feet to a point on the east line of the SE $\frac{1}{4}$;

Thence S $0^{\circ}25'24''$ W 368.33 feet to the southeast corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$;

Thence N $89^{\circ}13'14''$ W 2,620.88 feet to the southwest corner of the N $\frac{1}{2}$ of the SE $\frac{1}{4}$;

Thence N $0^{\circ}37'38''$ E 1,322.12 feet to the center $\frac{1}{4}$ corner of said Section 26;

Thence S $89^{\circ}08'53''$ E 2,616.19 feet to the REAL POINT OF BEGINNING of this description;

This parcel contains 73.705 acres more or less, and is subject to an existing easement for Linder Road and any other easements of use or of record.

EXHIBIT A

A parcel of land located in the N $\frac{1}{4}$ of Section 26, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the southeast corner of the NE $\frac{1}{4}$ (east $\frac{1}{4}$ corner) of Section 26, T. 4N., R. 1W., B.M.;

Thence N 0°55'28" E 815.74 feet along the east line of said NE $\frac{1}{4}$ to the REAL POINT OF BEGINNING of this description;

Thence N 89°08'53" W 2616.39 feet to and point on the west line of said NE $\frac{1}{4}$

Thence S 00°37'38" W 615.74 feet to the southeast corner of said NE $\frac{1}{4}$ (center $\frac{1}{4}$ corner);

Thence N 89°08'53" W 1307.47 feet to the southwest corner of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$;

Thence N 00°29'24" E 1232.40 feet along the west line of said SE $\frac{1}{4}$ of the NW $\frac{1}{4}$ to a point;

Thence N 87°02'18" E 288.50 feet to a point;

Thence S 71°48'42" E 140.90 feet to a point;

Thence S 20°11'42" E 121.80 feet to a point;

Thence S 54°51'42" E 196.60 feet to a point;

Thence S 83°30'42" E 232.70 feet to a point;

Thence S 73°36'18" E 489.75 feet to a point on the east line of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$;

Thence N 00°37'38" E 487.83 feet to the northwest corner of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence S 89°23'39" E 2623.07 feet to the northeast corner of the S $\frac{1}{4}$ of the NE $\frac{1}{4}$;

Thence S 00°55'28" W 713.09 feet to the REAL POINT OF BEGINNING of this description;

This parcel contains 73.821 acres more or less, and is subject to an existing easement for Linder Road and any other easements of use or of record.

This description was compiled from Data of Record and is subject to change upon completion of a field survey.

EXHIBIT A . ●

A parcel of land located in the NE ¼ of Section 28, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the southeast corner of the NE ¼ (east ¼ corner) of Section 26, T. 4N., R. 1W., B.M., the REAL POINT OF BEGINNING of this description;

Thence N 89°08'53" W 2618.15 feet to the southwest corner of the NE ¼ (center ¼ corner);

Thence N 00°37'38" E 615.74 feet along the west line of said NE ¼ to a point;

Thence S 89°08'53" E 2618.39 feet to a point on the east line of said NE ¼;

Thence S 0°55'28" W 615.74 feet to the REAL POINT OF BEGINNING of this description;

This parcel contains 37.003 acres, more or less, and is subject to an existing easement for Under Road and any other easements of use or of record.

ADA COUNTY RECORDER J. DAVID NAVARRO POISE, IDAHO 2891 AP 12 PM 2:54 ALLIANCE TITLE & ESCROW CORP.	RECORDED - REQUEST OF ALLIANCE TITLE FEE <i>for</i> DEPUTY <i>for</i> 101034148
READ & APPROVED BY GRANTEE(S):	SPACE ABOVE THIS LINE FOR RECORDING DATA. Order No.: 01090764

QUITCLAIM DEED

FOR VALUE RECEIVED LINDA BRANDT, WIFE OF ELMROY BRANDT

do(es) hereby CONVEY, RELEASE, REMISE and FOREVER QUIT CLAIM unto **GRANTOR(S)**
ELMROY BRANDT, A
 MARRIED MAN AS HIS SOLE AND SEPARATE PROPERTY

whose current mailing address is:
 the following described property located in
 more particularly described as follows, to wit:

Ada

County, State of Idaho.

As set forth on the attached EXHIBIT "A", which by reference
 becomes a part hereof.

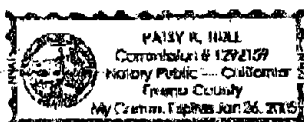
together with their appurtenances.
 Dated: February 23, 2001

Linda Brandt
 Linda Brandt

STATE OF *California*
 COUNTY OF *Fresno*

On this *23* day of *February*, in the year of *2001*, before me, the undersigned, a Notary Public in and for said State, personally appeared *Linda Brandt*

known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.



Signature: *Paisy K. Hull*
 Name: *Paisy K. Hull*
 Residing at: *7040 N. Fresno St.*
 My Commission Expires: *Jan 26, 2005*

DESCRIPTION FOR
GRANT 66 ACRES
(PARCEL 1)

February 6, 2001

A parcel of land located in the North 1/4 of the NE 1/4 of Section 28, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at the northwest corner of the NE 1/4 (north 1/4 corner) of Section 28, T. 4N., R. 1W., B.M., thence S 0°37'38" W 40.00 feet along the west line of said NE 1/4 to a point on the southerly right-of-way of U. S. Hwy 20-28, the REAL POINT OF BEGINNING of this description;

Thence continuing S 0°37'38" W 1277.67 feet to the southwest corner of the north 1/4 of the NE 1/4;

Thence S 89°23'30" E 2598.07 feet along the south line of the north 1/4 of the NE 1/4 to a point on the westerly right-of-way of Linder Road;

Thence N 0°55'28" E 498.97 feet along said right-of-way to a point;

Thence N 89°04'32" W 183.00 feet to a point;

Thence N 0°55'28" E 188.00 feet to a point;

Thence N 89°04'32" W 546.00 feet to a point;

Thence N 0°21'40" E 616.64 feet to a point on the southerly right-of-way of U. S. Hwy. 20-28;

Thence N 89°38'29" W 1898.60 feet along said southerly right-of-way to the REAL POINT OF BEGINNING of this description;

This parcel contains 66.020 acres, more or less, and is subject to any easements of use or of record.

Michael E. Marks, PLG - No. 409



06660 Grant 66 acres.doc

WATER RIGHT TRANSFER AGREEMENT

This WATER RIGHT TRANSFER AGREEMENT is entered into effective this ____ day of October, 2003 between Leroy E. Brandt Family Limited Liability Partnership and Elroy Brandt ("Brandt") and Lochsa Falls, L.L.C. ("Goldsmith"). In consideration of the mutual covenants herein contained, the parties hereby agree as follows:

1. Goldsmith is purchasing approximately 66 acres of land with appurtenant water rights from Brandt. The 66 acres are located in the N $\frac{1}{2}$ of the NE $\frac{1}{4}$ of Section 26, T4N, R1W.
2. Goldsmith will complete the purchase of the 66-acre Brandt property in April 2005.
3. Goldsmith will receive with the 66 acres a 64/127th portion of water right license 63-11199, for irrigation of 64 acres at a diversion rate of 0.91 cfs. The water right received by Goldsmith is appurtenant to 36 acres in the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26 and 28 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26.
4. Brandt will retain a 63/127th portion of license 63-11199, for irrigation of 63 acres at a diversion rate of 0.89 cfs. The water right retained by Brandt is appurtenant to 10 acres in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 26, and 53 acres in the SE $\frac{1}{4}$ of Section 23.
5. Goldsmith desires to immediately submit a water right transfer that would include a 0.42 cfs portion of the Brandt water right for irrigation of 30 acres. The transfer would authorize use of the water on the 66 acre Brandt property and on properties to the south currently owned by Goldsmith. In combination, these lands are known as the Lochsa Falls project.
6. Goldsmith desires to ultimately utilize the remaining 0.49 cfs of water right from the 66 acres of land on lands outside of the Lochsa Falls project.
7. To achieve the results described by items 4, 5, and 6 (above), the water right eventually will be divided into three portions.
 - Portion A will consist of 0.42 cfs (30 acres) proposed for transfer and use by the Lochsa Falls project.
 - Portion B will consist of 0.49 cfs (34 acres) proposed for use by Goldsmith on lands to be determined at a future date.
 - Portion C will consist of the 0.89 cfs (63 acres) appurtenant to the lands outside of the 66 acres to be purchased by Goldsmith.

8. Brandt will consent to the transfer proposed by Goldsmith. Goldsmith will submit the application for transfer in 2003.
9. Brandt will retain full ownership of Portions A, B, and C until sale of the 66 acres to Goldsmith is completed. Upon closing of the sale, Goldsmith will own Portions A and B and Brandt will retain Portion C.
10. Brandt will have full use of all portions of water right 63-11199 until the sale is completed.
11. If Goldsmith does not complete the purchase of the 66 acres by May 2005, the parties agree to rescind the transfer of the 0.42 cfs portion of 63-11199, and to remove the 66 acres from the place use authorized for water right 63-2656B.

IN WITNESS WHEREOF, this Agreement has been executed by the parties, in the State of Idaho, as of the effective day set forth above.

BRANDT:

LEROY E. BRANDT FAMILY LIMITED PARTNERSHIP

Leroy E. Brandt
LEROY E. BRANDT, Partner

Elroy Brandt
ELROY BRANDT

GOLDSMITH:

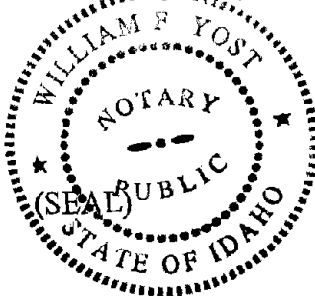
LOCHSA FALLS, L.L.C.

Marty Goldsmith
MARTY GOLDSMITH, Member

STATE OF IDAHO,)
 : ss.
 County of Ada Canyon)

On this 30th day of October, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared Leroy E. Brandt, known or identified to me to be the partner of LEROY E. BRANDT FAMILY LIMITED PARTNERSHIP, and the person who subscribed said limited liability partnership name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability partnership, and that such limited liability partnership executed the same in said partnership name.

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

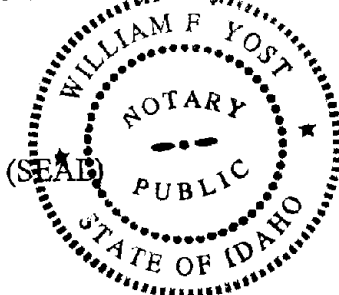


William F. Yost
 Notary Public for Idaho
 Residing at Meridian, Idaho
 Commission expires: 10/09/09

STATE OF IDAHO,)
 : ss.
 County of Ada Canyon)

On this 30 day of October, 2003, before me, the undersigned, a Notary Public in and for said State, personally appeared ELROY BRANDT known or identified to me to be the person who subscribed said name to the foregoing 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.

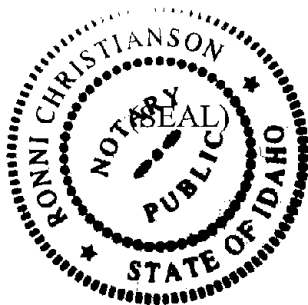


William F. Yost
 Notary Public for Idaho
 Residing at Meridian, Idaho
 Commission expires: 10/09/09

STATE OF IDAHO,)
 :SS
County of Ada.)

On this 30th day of October, 2003, before me, a Notary Public in and for said State, personally appeared Marty Goldsmith, known or identified to me to be a Member of the limited liability company of Lochsa Falls, L.L.C., and the Member or one of the Members who subscribed said liability company name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said limited liability company, and that such limited liability company executed the same in said company name.

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



Ronni Christianson
Notary Public for Idaho
Residing at Boise, Idaho
Commission expires: 6/30/04

