

DIRECTOR'S OFFICE
300 N 6th Street Suite 103
PO Box 83720
Boise ID 83720-0050
Phone (208) 334-0200
Fax (208) 334-5342



STATE BOARD OF LAND COMMISSIONERS
C. L. "Butch" Otter, Governor
Ben Ysursa, Secretary of State
Lawrence G. Wasden, Attorney General
Brandon D. Woolf, State Controller
Tom Luna, Sup't of Public Instruction

November 13, 2013

Beckley Media, LLC
c/o Jon Simmons
Kelly, Talbot & Simmons, PA
380 E. Parkcenter Boulevard, Suite 200
Boise, ID 83760

via e-mail: Jon Simmons (jts@ktslawoffice.com)

Re: Commercial Recreation Lease No. M700052

Dear Messrs. Ed Beckley and Jon Simmons,

Inquiry has been made regarding the inclusion of the rights to the airspace above the physical state lands to be leased pursuant to Commercial Recreation Lease No. M700052 (the "Jump Lease"). The Jump Lease was the subject of a competitive bidding and public auction process held September 27, 2013. Beckley Media, LLC ("Lessee"), was the successful high bidder with a bid of \$943,000.00, and will be the Lessee of the Jump Lease, which is currently awaiting execution by the State Land Board.

The express purpose of the Jump Lease was to provide the successful bidder with the opportunity to control and use the leased state lands as a landing platform for an attempted vehicular jump over the Snake River during the two (2) year term of the Jump Lease. The nature and purpose of the Jump Lease make it clear that the airspace over the leased state lands is an integral component of the Jump Lease. The Lessee has the right to the use and control of the leased state lands including the airspace over the leased lands in accordance with the terms and conditions of the Jump Lease.

"Lands" is specifically defined in Idaho Code § 55-101A, as "the material of the earth, whatever may be the ingredients of which it is composed, whether soil, rock or other substance, and include free or occupied space for an indefinite distance upwards as well as downwards, subject to limitations upon the use of airspace imposed and rights in the use of airspace granted, by law.

The Jump Lease includes the leased state lands and airspace. It is subject to the state's non-conflicting use and the rights of any preexisting state lessee whose use of the leased lands is not inconsistent with the purpose of the Jump Lease. The Jump Lease is intended to authorize Lessee to control the leased lands and airspace, including the placement of cameras and other electronic devices (subject to the state's express consent), to the exclusion of any other persons or entities who might seek to use the leased state lands or airspace in a competing jump over the Snake River during the term of the Jump Lease.

Sincerely,

Kathy Opp
Deputy Director, Division of Lands and Waterways

"Trusted Stewards of Idaho's Resources from Main Street to Mountaintop"