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September 22, 2004

RECEIVED

SEP 22 2004

Department of Water Resources
Eastern Region

Ernie Carlsen
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Ernie:

We are writing this letter in response to your letter of June 17, 2004, regarding evidence of priority for SRBA water right claim 21-4126. I believe our firm has represented the last few owners including F. Mitchell Jacobs and Valynn Hill Jacobs, Triple Creek Ranches, Inc., Natural Guardian Limited Partnership and now Eagle Ridge Ranch, LLC, the current owner. I believe the land was purchased from William Gordon McCrea by the Jacobs in about December of 1989. Since the time of that purchase, the property has continued to be operated the same as it always was, including with respect to the use of this claimed water right.

The only documentation of which we are aware is a claim filed under Idaho Code § 42-243 by Mr. William Gordon McCrea in June of 1983. The claim is of course on file with the Department of Water Resources, but we are enclosing a photocopy we obtained with this letter for your ready reference.

Our client acquired a book in Island Park entitled "History of Island Park" by Dean H. Green. The book is copyrighted in 1990 and the copyright indicates we cannot reproduce any of the contents without written permission of the author. We have not been successful in making contact with Mr. Green in order to obtain such permission, so we will not enclose copies of the relevant pages. But, we have relied to some extent upon information contained in that book for some of the history referenced in this letter.

Apparently Mr. Alfred S. Trude, a well known and politically well connected lawyer from Chicago, Illinois, first came to Island Park in 1888. By 1891 he had purchased the "Arangee

Ranch” and later acquired the “Rea Ranch” from the heirs of George Rea shortly after Rea’s death in 1902. He re-named the second ranch after his wife, Algenia Trude, or the “Algenia Ranch”. His brother, Charles J. Trude, came to Island Park in 1899 to manage these holdings of Mr. A.S. Trude. Charles was married to Marjorie Long Trude and they brought with them their children, Sam, Fred, Bill, Althea and Algenia. Bill, Sam and Algenia apparently lived much of their lives and also had extensive holdings in the Shotgun Valley area. Bill, or William C. Trude, married Ester K. Trude. Algenia S. Trude married William S. McCrea, and they were the parents of William Gordon McCrea.

The land affected by this water right claim, 21-4126, was the subject of three (3) patents from the United States government, two (2) to William C. Trude and one (1) to Ester K. Trude, his wife. (Copies are enclosed) By Warranty Deed, dated October 18, 1946, William C. and Ester K. Trude conveyed land, including that affected by 21-4126, to Algenia S. McCrea, William Trude’s younger sister. (A copy is enclosed). Algenia then conveyed the relevant land with a good deal of additional land to her son, William Gordon McCrea, as Trustee of the Algenia S. McCrea Revocable Trust on September 4, 1985. (Copy enclosed). In December of 1989, after the death of Algenia, the land went to William Gordon McCrea personally, who, the same year, conveyed title to it to Mitch and Valynn Jacobs.

We do not know the date of the death of William Gordon McCrea, but there are photographs of him in the book we mentioned, one taken of him in 1989 which shows him as an elderly man at that time. The book also tells us that William Gordon McCrea’s grandparents (Charles J. and Marjorie L. Trude) left Island Park in 1909 and that at that time, their children were all grown, so, we assume William Gordon McCrea must have been born around 1910. He is referenced in the book by Mr. Green as an “old timer” of “fourscore years”.

As indicated, we have enclosed a copy of the claim to a water right, number 21-4126, prepared and filed by Mr. William Gordon McCrea on June 30, 1983. This is the best evidence we have been able to locate in support of the claimed priority of June 1, 1916. Mr. McCrea’s signature is notarized under his oath that the facts stated therein are true to the best of his knowledge. He was certainly in a position to know, if anyone did in 1983, about the use of water on property he and his family had owned and operated all of his life, and on or near which he spent his entire life.

Yours very truly,



Kent W. Foster

Enclosures

BOOK G/497 of Patents

THE UNITED STATES OF AMERICA

To all to Whom these Presents shall Come—GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been

deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at

by the said claimant, William L. Trude

according to the provisions of the Act of Congress of the 24th of April, 1820, entitled, "An Act making further provisions for the Sale of

Public Lands," and the acts supplemental thereto, for the approved March 3, 1877, entitled "An Act to

provide for the sale of desert lands in certain States and Territories," as

amended by the Act of March 3, 1891, for the east half of the southeast

quarter of Section ten and the Lots one and two of Section fifteen in

Township thirteen north of Range forty-two east of the Boise Meridian,

Idaho, containing one hundred sixty-two acres and fifty-nine hundredths

of an acre,

according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General, which said

Tract has been purchased by the said

NOW, KNOW YE, That the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such cases made and provided, have GIVEN and GRANTED, and by these presents do GIVE and GRANT, unto the said

claimant and to the heirs of the said claimant

the said Tract above described.

TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature thereunto belonging, unto the said ~~claimant~~ and to the heirs and assigns, forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law, and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, ~~William L. Trude~~ President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the ~~10th~~ day of ~~March~~ in the year of our Lord one thousand Nine hundred and ~~1902~~ and of the Independence of the United States the one hundred and ~~thirtieth~~

BY THE PRESIDENT: ~~William L. Trude~~

By ~~William L. Trude~~ Secretary.

Recorded. Patent number 403192 Vol. Page

Recorder of the General Land Office

FILED IN 2005 MAR 10 10 16 AM 1906 A. D. 1906 and recorded at the request of



BOOK H/79 of Patents

4-1003

The United States of America

Blackfoot 431786

To All to Whom these Presents Shall Come--Greeting:

WHEREAS, a Certificate of the Register of the Land Office at *Blackfoot, Idaho* has been deposited in the General Land Office, whereby it appears that, pursuant to the act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of *William C. Gude*

has been established and duly consummated, in conformity to law, for the *east half of the southwest quarter and the southwest quarter of the southeast quarter of Section ten and the northwest quarter of the northeast quarter of Section fifteen in Township thirteen north of Range forty-two east of the Boise Meridian, Idaho, containing one hundred sixty acres.*

according to the Official Plat of the Survey of the said land, returned to the GENERAL LAND OFFICE, by the Surveyor General:

NOW, KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of land above described; TO HAVE AND TO HOLD the said tract of land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I

William McKinley
President of the United States of America, have caused these letters to be made patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the *fourth* day of

hundred and *twenty* in the year of our Lord one thousand nine
the one hundred and *forty* and of the Independence of the United States

BY THE PRESIDENT:

By

Secretary.

Recorded: Patent Number *431786*

Recorder of the General Land Office.

Filed for record at the request of *W. C. Gude*

past *11 A.M.*

Re

FREMONT COUNTY

No. 108525

4--1028.

Blackfoot 035843

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Esther K. Trude according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Northwest quarter of the southeast quarter of Section ten in Township thirteen north of Range forty-two east of the Boise Meridian, Idaho, containing forty acres, according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Herbert Hoover, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the EIGHTEENTH day of NOVEMBER in the year of our Lord one thousand nine hundred and TWENTY-NINE and of the Independence of the United States the one hundred and FIFTY-FOURTH.

By the President: Herbert Hoover

By Viola B. Pugh, Secretary.

SEAL

M. P. LeRoy
Recorder of the General Land Office.

RECORDED Patent Number 1082204

Filed for record at the request of W. C. Trude at 10:40 o'clock A. M., January 28, 1930.

Wm. D. Hollist, Recorder.

Warranty Deed

This Indenture, Made the 18th day of October, 1946,

Between WILLIAM C. TRUDE and ESTHER K. TRUDE, husband and wife,

the parties, of the first part,

And ALGENIA S. MCCREA

the party, of the second part,

Witnesseth: That the said parties, of the first part, for and in consideration of the sum of ONE DOLLAR and other valuable consideration Dollars, lawful money of the United States of America, to them in hand paid by the said party, of the second part, the receipt whereof is hereby acknowledged, do by these presents, grant, bargain, sell, convey and confirm, unto the said party, of the second part, and to her heirs and assigns forever, all that certain lots, piece or parcels of land situate, lying and being in the

County of Fremont, and State of Idaho, and bounded and particularly described as follows, to-wit:

The east half of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section Ten (10), and the Northwest quarter of the Northeast quarter of Section Fifteen (15) in Township 13 North of Range 42, East of the Boise Meridian, Idaho, containing 160 acres.

The North half of the Northwest quarter of Section 15, and the east half of the Southwest Quarter of Section 10 in Township 13, North of Range 42, East of Boise Meridian, Idaho, containing 160 acres.

The North half of the Southwest quarter of Section 14, all in Township 13 North, Range 42 East, Boise Meridian, together with all water rights and irrigation rights thereunto belonging or connected therewith, less that portion heretofore deeded for highway purposes.

The East half of the Southeast quarter of Section 10 and the lots 1 and 2 of Section 15 in Township 13 North of Range 42, East of the Boise Meridian, Idaho, containing 162.59 acres.

The Northwest quarter of the Southeast quarter of Section 10 in Township 13, North of Range 42 East of the Boise Meridian, Idaho, containing 40 acres.

Lots 4, 5, 6 and 7 and the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southwest quarter of Section 15, the north half of the northeast quarter of Section 22 in Township 13, North of Range 42 East of Boise Meridian, Idaho, containing 132.11 acres.

The South half of the Southwest quarter of Section 14 in Township 13 North of Range 42, East of Boise Meridian, less that portion heretofore deeded for highway purposes.

Together with the water rights going with the above described land

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

To have and to hold, the same to the said Lgenia McRea her heirs and assigns forever and the said first part do hereby covenant with the said Lgenia McRea and

legal representatives, that the said real estate is free from all encumbrances and that the said Lgenia McRea and

their heirs, executors and administrators shall WARRANT AND DEFEND the same to the said Lgenia McRea

heirs and assigns forever, against the just and lawful claims and demands of all persons whomsoever.

In Witness Whereof, the said parties of the first part have hereunto set their hand and seal the day and year first above written.

William C. Trude

Esther C. Trude

State of California

County of Los Angeles

On this 18th day of October

A.D. 1902 before me,

a Notary Public in and for said County and State, personally appeared William C. and Esther C. Trude, husband and wife

(or proved to me on the oath of to be the person whose name is subscribed to the within

Instruments and acknowledged to me that they 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 in and for said County and State

In Witness Whereof, the said parties of the first part have hereunto set their hand and seal the day and year first above written

William B. Truitt
Beverly S. Truitt

State of California
County of Los Angeles

On this 13th day of October A.D. 1924 before me
Al. Clark

Notary Public in and for said County and State, personally appeared
William B. and Beverly S. Truitt, husband and wife

(or proved to me on the oath of _____ known to me
to be the person whose name _____ are
Instrument, and acknowledged to me that they executed the same

In Witness Whereof, I have hereunto set my hand and affixed my
official seal this day and year in this certificate first above written



Al. Clark
Notary Public in and for said County and State

Doc. 282269

Deed
Warranty

Co

Date

10-13-24

at 30 minutes past 11

o'clock A.M. this

day of October 1924

and performed in front

of Clerk Page 269

Records of Fremont County

State of Idaho Falls

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