

RECEIVED

JUL 26 2005

DEPARTMENT OF
WATER RESOURCES

Frederick B. Park
PARK RANCH, INC.

P.O. Box 965

Veradale, Washington 99037

(509) 999-4786

e-mail: fpark@supersat2.net

July 20, 2005

Roxanne Brown, Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

RE: Claim to a Water Right No. 75-04130

Dear Ms. Brown:

Thank you for your letter of June 29, 2005 requesting proof of the "Beneficial Use" priority date claimed and of the historic use of water. A copy of your letter is attached for your reference.

As proof of the Beneficial Use priority date pertaining to the Claim to Water Right No. 75-04130, enclosed please find the following documents:

1. A copy of the original "Report On Agricultural Homestead Applications" dated December 6, 1908 and prepared on behalf of Mrs. Johanna Mulchihy, the homestead applicant, and signed by Mr. Geo. C. Thompson, Land Examiner, and approved on January 20, 1909 by Mr. Geo. G. Brutz (sp?);
2. A copy of the original "Request For Report On Agricultural Settlement" dated November 3, 1909 and stating that proof of said homestead application claim will be made before a Mr. Frank P. McCracken in Salmon Idaho on December 27, 1909;
3. A copy of the report providing 5 year proof of homestead application claim to be submitted on December 27, 1909. The property was examined and this report prepared on December 10, 1909 by Mr. F.C. Haman (sp?), Asst. Forest Ranger, Department of Agriculture, Salmon National Forest; and
4. Instrument No. 10942, created on March 9, 1911 at the behest of William H. Taft, President of the United States of America, grants unto the claimant, Johanna Mulchihy and to her heirs and assigns, to have and to hold forever the tract of

land described in the document. Instrument No. 10942 was recorded as Patent Number 182941 at the request of Frank Barton on April 29, 1911.

These documents provide proof of (i) the date that water from Tower Creek (formerly Boyle Creek) was first put to beneficial use on the property and (ii) the historic beneficial use of water on the ranch during the period from 1896 through 1911.

Document #3, the report providing 5 year proof of homestead application claim dated December 10, 1909, resulted from an examination by Mr. Haman, Asst. Forest Ranger and provides dates and details of the improvements to the property made by the homestead claimant, Johanna Mulcihy. Paragraph 10 of this document, entitled "GOOD FAITH" states that the "claimant has cultivated the land since 1896". 1896 is the first date that water from Tower Creek can be demonstrated to have been put to beneficial use on the ranch property and, accordingly, is the correct priority date of the beneficial use right being claimed in Water Right No. 75-04130.

I therefore respectfully request that 1896 be noted as the correct Beneficial Use Priority Date for Claim Water Right No. 75-04130 and that the erroneous priority date of September 28, 1910 appearing on the computer printout (copy attached) you provided be deleted.

Paragraph 4, entitled "SETTLEMENT AND RESIDENCE" states that the claimant established actual residence on November 28, 1897 and that between then and the July 1, 1909 filing date was never absent from the property.

Paragraph 6 of this document #3, entitled "CULTIVATION" describes in detail the 110 tree apple orchard, all of which bear fruit, and the annual hay yields for the period 1904 through 1909. The orchard and hay fields are all irrigated using a system of ditches built by the claimant.

That the claimant, Johanna Mulcihy, was issued fee simple title in the form of a 120 acre homestead patent on April 29, 1911 combined with documented annual crop yields serves as de facto proof that irrigation water was beneficially used on a regular basis during the period 1896 through 1911.

My father, Charles F. Park, jr. (deceased), my brother, Allan M. Park and I bought the ranch from Daisy E. Tappan on June 2, 1969 as evidenced by the attached copy of the Warranty Deed. At this time, Daisy Tappan was producing hay for her livestock and had well irrigated and beautifully maintained fields irrigated by ditches originating from 4 separate diversion points. Through a series of family transactions my wife, Sally H. Park and I have become the sole owners of the ranch. In the attached notarized Affidavits of Frederick B. Park and Sally H. Park, respectively, we describe the history of the ranch during our 36 year (1969 - 2005) tenure. My brother, Allan M. Park, knew Daisy Tappan for some years prior to our purchasing the ranch and his notarized

Affidavit is attached.

From the personal knowledge summarized in the attached Affidavits, the ranch was well maintained and productive before we purchased the property and has been continuously irrigated and maintained during our 36 year tenure. To the best of my knowledge and belief, the beneficial use right established in 1896 has been used continuously and without interruption ever since.

I would like to advise that a 1/2 acre parcel in the southwestern most corner of the ranch was forfeited by Daisy Tappan prior to June 2, 1969 to her mortgage holder in lieu of a mortgage payment. With the exception of this 1/2 acre parcel, the ranch has never been subdivided since the homestead patent was granted on April 29, 1911. The field shapes and the 4 diversion points and ditch locations are dictated by topography and are essentially unchanged since the ranch was first developed. The computer printout accompanying your letter of June 29, 2005 lists the location of 3 diversion points. The correct number of diversion points is four (4) and Bob Foster, Senior Water Resource Agent, Salmon Regional Office, IDWR has taken GPS readings at each of these points and can provide their specific locations. I would appreciate your correcting your records to reflect the 4th diversion point.

Park Ranch Inc. was formed in September 1996 as a means to mitigate liability. Sally H. Park and I are the sole shareholders in the corporation. A one and one-half acre parcel encompassing the ranch house and the apple orchard is not owned by the corporation but rather is owned jointly by Sally H. Park and Frederick B. Park.

Thank you for your time and consideration. I would appreciate your contacting me at the above address, phone number and/or e-mail address should you have questions or wish additional information.

Sincerely yours,



Frederick B. Park

- encl:
- Roxanne Brown letter of June 29, 2005 and computer printout
 - Report on Agricultural Homestead Applications approved Jan. 20, 1909
 - Request for Report on Agricultural Settlement dated Nov. 3, 1909
 - Response to Notice of 5 year proof report dated Dec. 10, 1909
 - Instrument No. 10942 - Land Patent Grant dated April 29, 1911
 - Notarized Affidavit of Frederick B. Park dated July 20, 2005
 - Notarized Affidavit of Sally H. Park dated July 20, 2005
 - Notarized Affidavit of Allan M. Park dated July 20, 2005
 - Warranty Deed dated June 2, 1969



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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04130
PARK RANCH INC
PO BOX 126
CARMEN ID 83462

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

RESPONSE DEADLINE
JULY 29, 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4130

WATER RIGHT NUMBER: 75-4130

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PARK RANCH INC PO BOX 126 CARMEN, ID 83462 (208)756-4568

Priority Date: ~~09/28/1940~~ 18876

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK TOWER CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.010 CFS	
IRRIGATION	4/01	to 11/01	23.000 CFS	
STOCKWATER	1/01	to 12/31	0.020 CFS	
Total Diversion:			23.030 CFS	

<u>Location of Point(s) of Diversion</u>	Location of Point(s) of Diversion	Location of Point(s) of Diversion	Location of Point(s) of Diversion
NORTH FORK TOWER CREEK LEMHI County	SE1/4SW1/4NE1/4	Sec. 33, Twp 24N, Rge 22E, B.M.	
NORTH FORK TOWER CREEK LEMHI County	NE1/4NW1/4NE1/4	Sec. 33, Twp 24N, Rge 22E, B.M.	
NORTH FORK TOWER CREEK LEMHI County	SE1/4NW1/4NE1/4	Sec. 33, Twp 24N, Rge 22E, B.M.	

ADD FOURTH DIVERSION POINT (SEE BOB FOSTER'S REPORT FOR LOCATION)

IRRIGATION WITHIN LEMHI COUNTY

	T24N R22E S33	SWNE	6.0	T24N R22E S33	SENE	11.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4130

T24N R22E S33	NESE	9.0	T24N R22E S33	NWSE	33.0
T24N R22E S33	SWSE	34.0			

Total Acres: 93

STOCKWATER Within LEMHI County

T24N R22E S33	NWSE	
---------------	------	--

DOMESTIC same as IRRIGATION

Conditions of Approval:

1. THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.
STOCKWATER USE CURRENTLY FOR 25-50 HORSES, HISTORICALLY USED FOR 80 HEAD OF CATTLE.
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS **** CHANGE OF OWNERSHIP PROCESSED 5/7/99, ESV

Remarks:

Water Supply Bank:

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

48

Application No. Salmon National Forest
 Land District Naiiley Dec. 6, 1908
 (Date of examination.)

1. Name and address of applicant.
Mr. John M. Mulcahy,
Salmon, Lemhi Co., Idaho.
(The county should always be given.)
2. Settlement
Settled December 1898.
(Is applicant living on land? Give date of settlement.)
3. Location
The W² SE⁴ NE⁴; SE⁴ NE⁴ and SE⁴ NW⁴ NE⁴; W² NE⁴ SE⁴; E² NW⁴ and E² and NW⁴ NW⁴ and E² NW⁴ of SE⁴; N² & NW⁴ and W² SE⁴ of NW⁴ SE⁴, all of section 33, Twp. 24 N. R. 22 E. Boise Meridian.
(Legal subdivision, or by acres and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)
The claim lies on Bayle Creek about three miles off the county road and fifteen miles below Salmon, the county seat. Road facilities throughout this section of country are comparatively good. Railroad connections are made at Red Rock, Mont. via Salmon, Ida.

4. Area One hundred twenty acres (120).
(Applied for and recommended.)

5. Topography The claim is located in a widening arch of Bayh Creek Canyon, and is comprised of badland and brush land, a great area of each. Aside from these narrow strips of comparatively level land along the streams, the country is exceedingly mountainous.

6. Formation The soil of the bottom land is made up chiefly of sandy loam or wash soil from the mountains higher up, while that composing the brush is more of a gravel, loam and clay mixture. Possibilities are good for the production of all kinds of fruits and hay with an abundance of water to assure crops.

7. Climate As a general rule the climate is very mild. The winter season usually breaks during April or the first part of May, and the summer season lasts well into October. Very seldom that killing frosts occur before latter September.

8. Cover Aside from the narrow strip of furrows (Nature and extent of soil, road, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for irrigation and domestic use. Possibilities for developing water.) brush along the creek bottom the cover consists of sage brush. This cover is valuable for forest purposes. The claim is easily accessible by wagon road.

9. Claims

There are no existing conflicts to the land or any of the improvements. The improvements to furnish all available information. Use in the past, and by what means. Existence of mining claims. Give any information available affecting consist of. Hence, state the desired various other and known qualifications of applicant to make a homestead entry. Show what improvements have been made, and their present state of repair.)

50 acres cleared land 2 1/2 miles fencing, ditches etc. all the improvements are in good condition.

10. Economic possibilities

Applicant desires to secure patent. The agricultural possibilities are good. Large crops of hay, vegetables and fruit are produced annually. All the land along the creek suitable for agriculture is being tilled. Transportation facilities to various markets and fair

(Reason for application, and opinion as to success of applicant's plans. State fully agricultural possibilities available, if any, to Forest Service for Rangers' Quarters or other administrative purposes. If withdrawal of tract for administrative use is desired, submit separate report on Form 271. Distance and market price per acre of near-by farms. Transportation facilities.)

Considerable of the produce of this locality is now being taken into the Big Hole Market. This market was made practicable through continued efforts of Service and public in furthering road facilities.

11. Recommendations

It is recommended that the claims under consideration be listed for settlement. For the specific reason that an early adjustment of these agricultural claims will tend greatly to facilitate the records and administration of the Forest.

(Specific recommendation for or against listing of land, with summary of reasons for recommendation.)

12. Photographs

(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal

(Has applicant agreed to the findings of the examiner?)

Approved *January 20* 190*9*
Geo. H. Bantz
(In charge, Examinations.)

Geo. C. Thompson
(Signature of examining officer.)

Land Examiner
(Title.)

Approved _____ 190 _____

Chief, Office of Lands.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REQUEST FOR REPORT ON AGRICULTURAL SETTLEMENT

SALMON NATIONAL FOREST

Salmon, Idaho
(Place)November 3, 1909.
(Date)

Mr. T. C. Haman

Carmen, Idaho.

DEAR SIR:

The Land Office at Malley, Idaho

has given notice that

of Carmen, Idaho.

has filed notice

Johanna Mulcihy

of his intention to make final five ^{year} _(Here insert words "five years" or "commutation" as case may be)proof in support of his claim, viz: Homestead Application, Forest Serial 05583
(H. E. desert, etc.)Entry No. 53004, made July 1, 1909 ^(Date), for the SE 1/4 NE 1/4
SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, W 1/2 SE 1/4 NE 1/4, SW 1/4 SW 1/4
NW 1/4 SE 1/4, E 1/2 W 1/2 NW 1/4 SE 1/4, E 1/2 NW 1/4 SE 1/4, W 1/2
NE 1/4 SE 1/4, W 1/2 SW 1/4 SE 1/4, W 1/2 E 1/2 SW 1/4 SE 1/4, E 1/2
NE 1/4 SW 1/4 SE 1/4

Range 22 East of the E. M., and that said proof will be made before Frank

P. McCracken P.J. at Salmon, Idaho on December 27, 1909.

He names the following witnesses:

Henry Grieter

of

Peter McKinney

of

Fred W. Nienan,

of

William J. Ross All

of

Carmen, Idaho.

Please make prompt report in the above case, on Form 655, in order that the Forest Service may take appropriate action and notify the Land Office prior to the date of final

proof

Very truly yours,

Supervisor.

(COPY)

RE: WATER RIGHT No. 75-04130

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SALMON NATIONAL FOREST

In response to notice of 5 year proof from the Hailey L. O.
to be submitted December 27, 1909.

Johanna Mulcinhy, H. E. # 05583, Hailey.
Salmon National Forest.

1. CLAIMANT. Johanna Mulcinhy, Carmen, Idaho. Widow, Family
consists of 4 children, 3 boys, 1 girl, all minors. Family
reside on claim.

2. DESCRIPTION OF CLAIM. Surveyed land, SE 1/4 NE 1/4 SW 1/4
NE 1/4, SE 1/4 SW 1/4 NE 1/4, W 1/2 SE 1/4 NE 1/4, SW 1/4
SW 1/4 NW 1/4 SE 1/4, E 1/2 W 1/2 NW 1/4 SE 1/4, E 1/2
NW 1/4 SE 1/4, W 1/2 NE 1/4 SE 1/4, W 1/2 SW 1/4 SE 1/4,
W 1/2 E 1/2 SW 1/4 SE 1/4, E 1/2 NE 1/4 SW 1/4 SE 1/4.
Sec. 33, T. 24 N. R. 22 E. Boise Mer.

3. TOPOGRAPHY AND SURFACE. SE 1/4 NW 1/4, Contains 15 acres,
all of which is cultivation. Eastern slope.
NE 1/4 SW 1/4, Contains 35 acres all of which is in
cultivation, Eastern slope.
SE 1/4 SW 1/4, Contains 30 acres all of which is in
cultivation, Eastern slope.
SW 1/4 NE 1/4, Contains 20 acres all of which is in
cultivation. Western slope.
NW 1/4 SE 1/4, Contains 20 acres all of which is in
cultivation. Western slope.
Altitude 4,800.

4. SETTLEMENT AND RESIDENCE. Claimant settled on land in Sept.
1897. Actual residence was established in November 28, 1897.
Date of filing July 1, 1909. Claimant was not absent from
claim at any time. Witnesses, Henry Greiber, Peter McKinney,
Fred W. Neiman, William J. Rose, all of Carmen, Idaho.
All tools and implements necessary for farming now on the
claim.

5. IMPROVEMENTS. 1 frame house 24' X 24', 4 rooms, addition to
same 14' X 14', valued at \$1500.00. 1 log stable 18' X 20'
valued at \$100.00. 1 frame stable 14' X 30' valued at \$100.00
1 log poultry house 18' X 20' valued at \$100.00. 1 frame
buggy shed valued at \$50.00. 1 blacksmiths shop 14' X 16'
valued at \$50.00. 1 log house, 1 room, 14' X 16' valued at
\$150.00. 1 log milk house 10' X 12' valued at \$50.00.
1 frame granary 10' X 12' valued at \$50.00. 110 tree orchard
valued at \$800.00. Dwelling is habitable at all seasons.

DEC 13 1909

6. CULTIVATION. 120 acres are producing agricultural crops, 120 acres are under ditch. No slash on the claim. 110 apple tree orchard, 1 1/4 acres, trees are 5 years old, all of the trees are bearing. The cost to clear the land is \$10.00 per acre. Worth when cleared \$50.00 per acre. Claimant has raised mostly hay on the claim. In 1904, 50 tons of hay was raised. 1908, 60 tons of hay raised. 1908, 75 tons of hay raised. 1907, 75 tons hay raised. 1908, 75 tons hay raised. 1909, 100 tons of hay raised. 120 acres was cultivated and ditched by the present claimant. Hay has been fed to range cattle and domestic stock. Sold 30 tons in 1908.

7. GRAZING. Claimant has 6 head of cattle, 6 head of calves, 5 head of horses, 1 hog, 60 domestic fowls. Claimant sold all her range stock last season 1908. After the hay is cut the stock graze on the claim at large. Claimant does not graze cattle on the National Forest.

8. TIMBER. No timber of any value on the claim.

9. ADDITIONAL INFORMATION. Claim is not used for any trade or business not contemplated by the homestead law. No homestead entry elsewhere. Claimant claims 120 acres. Not sold or mortgaged. The land is most valuable for agriculture.

10. GOOD FAITH. The claim has the appearances of a permanent home. Claimant has cultivated the land since 1896. Claim has a good fence around it and all of the improvements are made of good substantial materials.

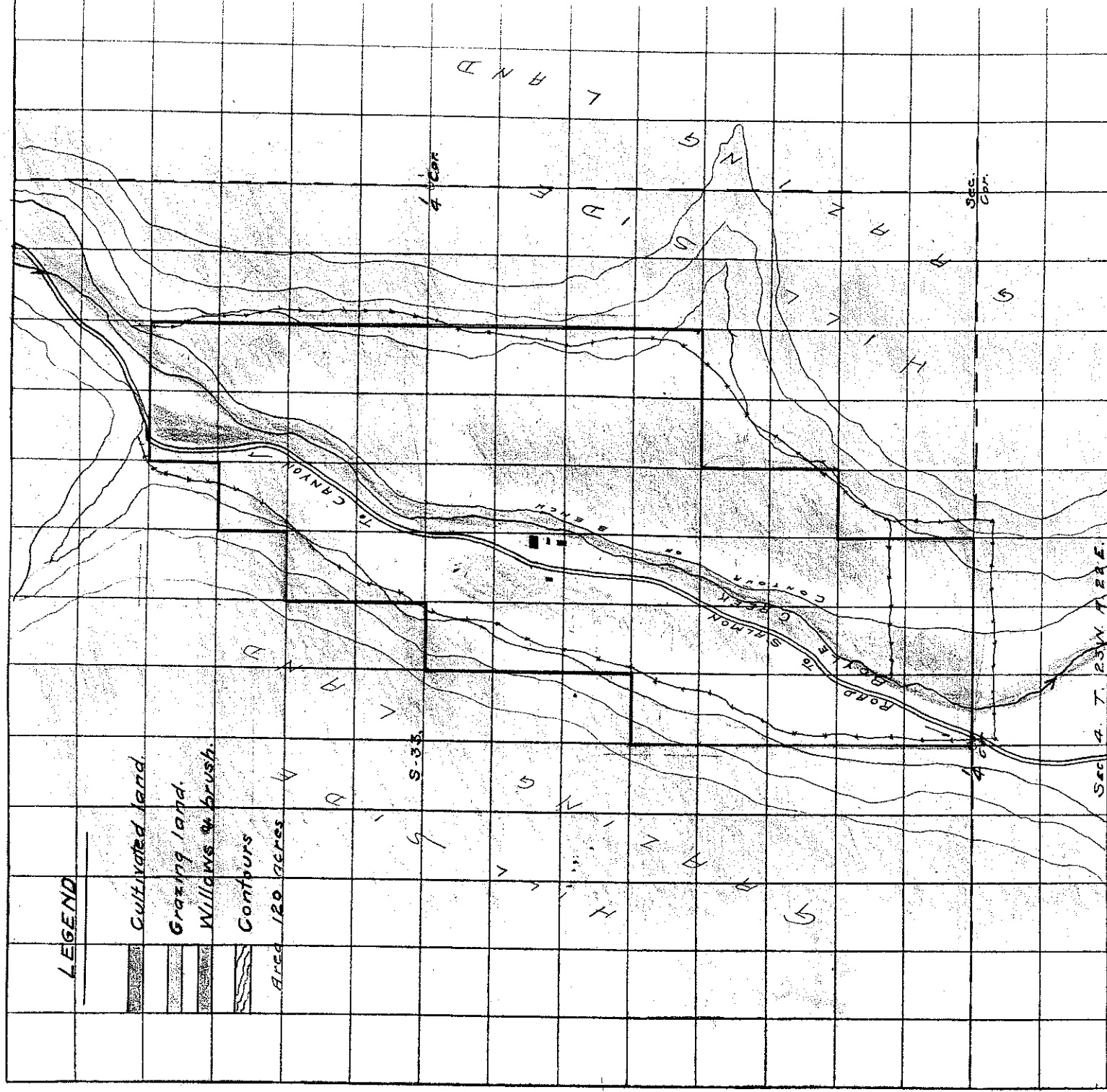
Examined December 10, 1909.

A. C. Starnan.

Asst. Forest Ranger.

MAP SHEET.

Tp. 24., N. R. 22. E. B. M. Section 33. Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in.

Halley 05583.

RE: WATER RIGHT No. 75-04130

THE UNITED STATES OF AMERICA shall come, greeting:

Whereas, a Certificate of the Register of the Land Office at Halley, 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 JOHANNA MULCIHY has been

established and duly consummated, in conformity to law, for the Southeast Quarter of

the Northeast Quarter of the Southwest Quarter of the Northeast Quarter, the South-

east Quarter of the Southwest Quarter of the Northeast Quarter, the West Half of

the Southeast Quarter of the Northeast Quarter, the Southwest Quarter of the South-

west Quarter of the Northeast Quarter of the Southwest Quarter, the East Half of the

West Half of the Northeast Quarter of the Southwest Quarter, the East Half of the

Northeast Quarter of the Southwest Quarter, the West Half of the Northeast Quarter of

the Southeast Quarter, the West Half of the Southwest Quarter of the Southeast Quar-

ter, and the East Half of the Northeast Quarter of the Southwest Quarter of the

Southeast Quarter of Section Thirty-three in Township Twenty-four North of Range Twen-

ty-two East of the Boise Meridian, Idaho, containing One Hundred Twenty Acres, ac-

cording to the Official Plat of the Survey of the said Land, returned to the GEN-

ERAL 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 re-

served from the lands hereby granted, a right of way thereon for ditches or canals con-

structed by the authority of the United States.

IN TESTIMONY WHEREOF, I, WILLIAM H. TAFT, 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 Ninth day of March in the year of our Lord one thousand nine hundred and eleven

and of the Independence of the United States the one hundred and Thirti-fifth.

By the President Wm. H. Taft

By M. P. Lehey, Secretary

H. W. Sanford

Recorded: Patent Number 182941.

Recorded at the request of Frank Barton, April 29, 1911, at 15 minutes past 1

Book R of Deeds Page 524

6:00 P.M. in Book R of Deeds Page 524

RE: WATER RIGHT No. 75-04130

WARRANTY DEED CORRECTION

For Value Received, namely, \$44,650.00, DAISY E. TAPPAN,

an unmarried woman,

the grantor, does hereby grant, bargain, sell and convey unto

ALLAN M. PARK, a single man, FREDERICK B. PARK, a married man, and
CHARLES F. PARK, JR., a married man,

the grantees, the following described premises, ~~transit~~ in the County of Lemhi,

State of Idaho, to wit:

SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; the SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$; the W $\frac{1}{2}$ of
SE $\frac{1}{4}$ of NE $\frac{1}{4}$; the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; the E $\frac{1}{2}$ of W $\frac{1}{2}$ of NW $\frac{1}{4}$ of
SE $\frac{1}{4}$; the E $\frac{1}{2}$ of NW $\frac{1}{4}$ of SE $\frac{1}{4}$; the W $\frac{1}{2}$ of NE $\frac{1}{4}$ of SE $\frac{1}{4}$; the W $\frac{1}{2}$ of SW $\frac{1}{4}$ of
SE $\frac{1}{4}$; the W $\frac{1}{2}$ of E $\frac{1}{2}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$; the E $\frac{1}{2}$ of NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of SE $\frac{1}{4}$;
Section 33, Township 24 North, Range 22 East Boise Meridian,
consisting of about 120 acres, more or less, together with all
water and water rights, range and range rights, used in connection
therewith.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said grantees
their heirs and assigns forever. And the said Grantor does hereby covenant to and
with the said grantees, that she is the owner in fee simple of said premises that said
premises are free from all incumbrances

and that she will warrant and defend the same from all lawful claims whatsoever
Dated: June 2, 1969.

STATE OF IDAHO, COUNTY OF LEMHI
On this 2 day of June 1969
before me, a notary public in and for said State, personally
appeared Daisy E. Tappan, an
unmarried woman,

known to me to be the person whose name is
subscribed to the foregoing instrument, and acknowledged to
me that she executed the same

STATE OF IDAHO, COUNTY OF
I hereby certify that this instrument was duly recorded a
the request of John S. McKinney

at 44 minutes past 11 o'clock A.M.
on the 3 day of July
1979 in my office, and duly recorded in ~~XXX~~ Deed

~~XXXXXXX~~

Eleanor Aldous
Notary Public

INSTRUMENT No. 146

The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$), the Southeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$), the West half of the Southeast Quarter of the Northeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$), the Southwest Quarter of the Southwest Quarter of the Northeast Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), the East Half of the West Half of the Northwest Quarter of the Southwest Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), the East Half of the Northwest Quarter of the Southeast Quarter (E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), the West Half of the Northeast Quarter of the Southeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$), the West Half of the Southwest Quarter of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), the East Half of the Northeast Quarter of the Southwest Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$), Section Thirty-three (33), Township Twenty-four (24) North, Range Twenty-two (22) East, Boise Meridian.

EXCEPTING THEREFROM: That parcel of land described as follows:

A fraction of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Thirty-three (33), Township Twenty-four (24) North, Range Twenty-two (22) East, Boise Meridian, more particularly described as follows, to wit:

Beginning at the Southwest Corner of the said Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-three (33) run thence North along the Westerly boundary of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-three (33) a distance of 210.0 feet; thence East 130.0 feet; thence South 18' 26" West 221.4 feet to a point on the Southerly boundary of the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Thirty-three (33); thence West 60.0 feet to the point of Beginning.

4620 S. PROGRESS CT
VERADALE, WA 99037
509-922-8850
FAX: 509-926-3372

July 20, 2005

Affidavit of Allan M. Park concerning: Water rights Number 75-4130 (75-04130)

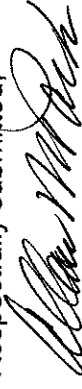
To Whom It May Concern:

In late 1968 or early 1969, I met Daisy Tappan, the then current owner of the Tappan Ranch at the end of the road on the North Fork of Tower Creek, north of Salmon, Idaho in Lemhi County. Daisy was in her late 60's at that time. I got to know Daisy quite well before my brother, father, and I purchased her ranch in June 1969. She stayed at and operated the ranch for another two years, and then she purchased another ranch.

She had been married to Mr. Tappan who owned and operated the ranch for many years before he passed away. She then married Mr. Westergard whom she later divorced. When I knew Daisy, she had two or three boys who were in their late thirties and forties. It is my recollection that these boys were born on the ranch which would mean that Daisy Tappan and her husband were working the ranch in the 1920's.

Daisy was proud of the property and worked hard at irrigating and harvesting hay to feed the 30 head of cattle she raised. The ranch was, and had been her sole source of income for many years. I don't know exactly what year Daisy moved to the ranch or if her husband (Mr. Tappan) owned the place before they were married, but Daisy said it had always been a beautiful, well maintained ranch that yielded a reasonable crop of hay and provided a reasonable living.

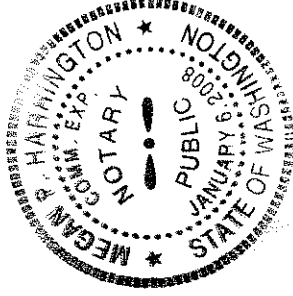
Respectfully submitted,


Allan M. Park

STATE OF WASHINGTON)

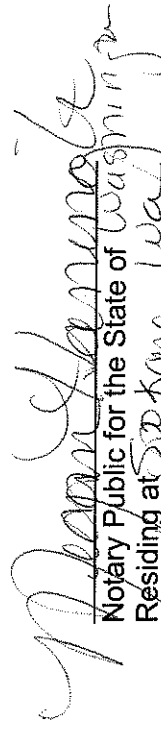
County of Spokane)

ss



On this 20th day of July, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared Allan M. Park, known 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 the State of Washington
Residing at Spokane Washington
Commission Expires: 1/6/08

AFFIDAVIT OF FREDERICK B. PARK

Re: Water Right Number 75-04130

TO WHOM IT MAY CONCERN:

This Affidavit is made by Frederick B. Park whose mailing address is P.O. Box 965, Veradale, Washington 99037 and whose phone number is (509) 999-4786.

With reference to Water Right Number 75-04130 and the Snake River Basin Adjudication, I do hereby swear that I have been a co-owner of the ranch property named the Park Ranch and physically located at 387 Tower Creek Road, Carmen, Idaho since it was purchased on June 2, 1969. Tower Creek was formerly known as Boyle Creek. The ranch was purchased from Daisy E. Tappan who had owned and worked the ranch for more than 20 years. At the time the ranch was purchased by me and other members of my family, the fields were planted with grass and some alfalfa and yielded sufficient hay to carry Daisy's 30 head of cattle through the winter months. Daisy obviously took great pride in her ranch and was conscientious about flood irrigating the hay fields. The ranch constituted Daisy's principal source of income and hence she took it's operation very seriously. Since purchasing the ranch, I have been an absentee owner but have been physically present on the premises several times each and every year and have been particularly cognizant of the on-going flood irrigation. From June 1975 to January 1976 I lived full time at the ranch.

For two growing seasons following her selling of the ranch (1969 and 1970), Daisy Tappan continued to live in the ranch house and operate the ranch including routine flood irrigation. She departed the property in late 1970. From 1971 through 1976, the ranch was operated by neighbors, Ralph and Blanche Cottrell. In exchange for irrigating the fields, mowing and baling the hay, maintaining the fences and looking after the ranch house, out buildings and equipment, the Cottrells were entitled to keep 100% of the hay crop and were allowed to graze some of their stock on the ranch. They were very responsible and regularly irrigated the fields throughout this period. The Cottrell's retired in 1977.

Following the Cottrell's retirement, we entered into a similar association with Bill and Betty Clements, other neighbors on the Tower Creek. The Clements looked after the ranch during the period from 1977 through 1992, during which time the ranch was their principal source of income. In addition to raising cattle, they also would board horses. From time to time they would purchase feed from third parties, but to the maximum extent possible, they would rely on feed produced on the ranch to sustain the livestock. To this end timely and consistent flood irrigation was essential and was pursued with dedication. Due to advancing age, the Clements retired in 1993.

My daughter and her husband lived full time at the ranch during the period 1993 through 1994 during which period they continued the irrigation of the hay fields.

Beginning in 1995 and continuing to the present, I personally undertook the physical operation of the ranch. During this period I've gradually shifted from flood irrigation to gravity fed sprinkler distribution. At present about 75% of the productive acreage is sprinkled and 25% is flood irrigated. Every year the ranch yields between 30 and 50 tons of hay obtained from a single cutting. In normal water years, irrigation continues through most of August.

My now deceased father and mother, Charles F. Park, jr. and Eula B. Park, spent 5 months every summer for the period from 1971 through 1984 living at the ranch. During these months, they witnessed first hand and were interested in the on-going flood irrigation of the hay fields.

ABP

AFFIDAVIT OF SALLY H. PARK

Re: Water Right Number 75-04130

TO WHOM IT MAY CONCERN:

This Affidavit is made by Sally H. Park whose mailing address is P.O. Box 965, Veradale, Washington 99037 and whose phone number is (509) 999-4786.

With reference to Water Right Number 75-04130 and the Snake River Basin Adjudication, I do hereby swear that I have been a co-owner of the ranch property named the Park Ranch and physically located at 387 Tower Creek Road, Carmen, Idaho since it was purchased on June 2, 1969. Tower Creek was formerly known as Boyle Creek. The ranch was purchased from Daisy E. Tappan who had owned and worked the ranch for more than 20 years. At the time the ranch was purchased by me and other members of the Park family, the fields were planted with grass and some alfalfa and yielded sufficient hay to carry Daisy's 30 head of cattle through the winter months. Daisy obviously took great pride in her ranch and was conscientious about flood irrigating the hay fields. The ranch constituted Daisy's sole source of income and hence she took it's operation very seriously. Since purchasing the ranch, I and my husband, Frederick B. Park, have been an absentee owners but have been physically present on the premises several times each and every year and have been particularly cognizant of the on-going flood irrigation. From June 1975 to January 1976 I lived full time at the ranch.

For two growing seasons following her selling of the ranch (1969 and 1970), Daisy Tappan continued to live in the ranch house and operate the ranch including routine flood irrigation. She departed the property in late 1970. From 1971 through 1976, the ranch was operated by neighbors, Ralph and Blanche Cottrell. In exchange for irrigating the fields, mowing and baling the hay, maintaining the fences and looking after the ranch house, out buildings and equipment, the Cottrells were entitled to keep 100% of the hay crop and were allowed to graze some of their stock on the ranch. They were very responsible and regularly irrigated the fields throughout this period. The Cottrell's retired in 1977.

Following the Cottrell's retirement, a similar association was entered into with Bill and Betty Clements, other neighbors on Tower Creek. The Clements looked after the ranch during the period from 1977 through 1992, during which time the ranch was their principal source of income. In addition to raising cattle, they also would board horses. From time to time they would purchase feed from third parties, but to the maximum extent possible, they would rely on feed produced on the ranch to sustain the livestock. To this end timely and consistent flood irrigation was essential and was pursued with dedication. Due to advancing age, the Clements retired in 1993.

My daughter and her husband lived full time at the ranch during the period 1993 through 1994 during which period they continued the irrigation of the hay fields.

Beginning in 1995 and continuing to the present, my husband, Frederick B. Park undertook the operation of the ranch. During this period, he gradually shifted from flood irrigation to gravity fed sprinkler distribution. At the present time about 75% of the productive acreage is sprinkled and 25% is flood irrigated. Every year the ranch yields between 30 and 50 tons of hay obtained from a single cutting. In normal water years, irrigation continues through most of August.

My now deceased father-in-law and mother-in-law, Charles F. Park, jr. and Eula B. Park, spent 5 months every summer for the period from 1971 through 1984 living at the ranch. During these months, they witnessed first hand and were interested in the

SAP

on-going flood irrigation of the hay fields.

Like myself and my husband, my brother-in-law and co-owner of the ranch, Allan M. Park, would also make several trips each year to visit the ranch. Through personal observation and frequent communication with the Cottrells and later the Clements, he knew at all times that the ranch was being properly flood irrigated.

In conclusion, I can personally attest to the fact that during every growing season for the period from 1969 to present, the hay fields on the Park Ranch were actively and conscientiously irrigated using water from Tower Creek.

Under penalty of Perjury, I do solemnly swear that, to the best of my knowledge and belief, the above Affidavit is true and accurate.

DATED this 20 day of July, 2005

Sally H. Park
SALLY H. PARK

VERIFICATION

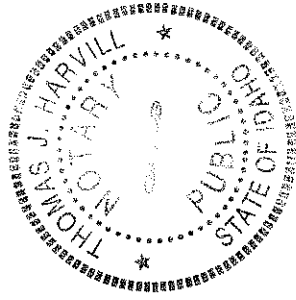
STATE OF IDAHO)
 : ss.
County of Bonner)

On this 20 day of July, 2005 before me, the undersigned, a Notary Public for the State of Idaho, personally appeared **Sally H. Park**, known to me to be the person whose name is inscribed to the above instrument and acknowledged to me that she executed the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year above written.

(NOTARIAL SEAL)

Thomas J. Harvill
Notary Public for the State of Idaho
Residing in Sandpoint, Idaho
My Commission Expires Apr 4, 2009



SHH