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March 3, 2008

Idaho Department of Water Resources
Eastern Regional Office
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

Attention: Nate Arave

Re: Salmon River Properties
Water Rights Nos.: 75-4027, 75-4026 and 75-10332

Dear Mr. Arave:

The purpose of this letter is to provide you with documentation as proof of authority for the above-named water rights, as follows:

1. Affidavit of Edward Benjamin
2. Affidavit of Florence Swanson
3. Water Right No. 75-4027:
 - a. Patent No. 403208 to Homer Y. Harris (as corroboration for the Affidavit of Mr. Benjamin)
 - b. Patent No. 961850 to Wilson E. Benjamin (as corroboration for the Affidavit of Mr. Benjamin)
 - c. BLM GLO records
4. Water Right No. 75-4026:
 - a. Patent No. 962314 to William T. King (as corroboration for the Affidavit of Mr. Benjamin)
 - b. Patent No. 1028310 to Horace B. King (as corroboration for the Affidavit of Mr. Benjamin)
5. Water Right No. 75-10332:
 - a. Patent No. 909951 to Charles Kapp (as corroboration for the Affidavit of Florence Swanson)
 - b. BLM GLO records
 - c. NAIP aerial photo of Rattlesnake Creek.

RECEIVED

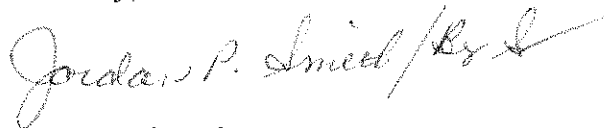
MAR 06 2008

Department of Water Resources
Eastern Region

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Idaho Department of Water Resources
March 3, 2008

We would appreciate your review of these documents which we believe will confirm the use and priority date of the water rights in question. Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jordan P. Smith / Lr L".

Jordan P. Smith

JPS:sez

Enclosures

cc: Mike Whitmore
Linda Ruiz

AFFIDAVIT OF EDWARD BENJAMIN

Re: Water Right 75-4027; 75-10332; and 75-4026

I am Ed Benjamin. My parents were Wilson and Bertha Benjamin. In 1915 my folks purchased the Homer (Smokey) Harris homestead on Deer Creek. In 1925 my dad obtained an additional 160 acres on Deer Creek with a Desert Land Entry. We raised cattle, garden truck, and hay on the ranch. During the Depression, my dad sold garden produce door to door in Challis. I was born October 31, 1917 and lived all my early life on the ranch. I attended the Iron Creek School and graduated Challis High School in 1937. My folks owned the Deer Creek Ranch until 1952.

Water Right 75-4027 – I suspect that the claimed priority date, 6/6/1927, is about right. We irrigated that parcel as long as I can remember. One of my jobs when I was just a kid was to ride a horse up Deer Creek and change the water. We also harvested hay on that ground.

Water Right 75-10332 – When I was growing up, Mrs. Kapp lived on this place in Rattlesnake Creek. There was some irrigated pasture and an orchard just below the house. Mrs. Kapp canned a lot of fruit, so the orchard was mature. It has surely been irrigated at least as long as the claimed priority date, 4/1/1923.

Water Right 75-4026 – When I was growing up, the King Brothers, Burt and Bill, owned this ranch. There used to be a bridge across the Salmon River right at the house. High water took the bridge out one year and it was never replaced. The bridge was just below the cable car crossing. I am surprised that the priority date is as junior as claimed, 7/18/1932. All I remember is that the Kings put up a lot of hay on that flat north of Hat Creek.

Signed Edward Benjamin February 29, 2008
Edward Benjamin

RECEIVED

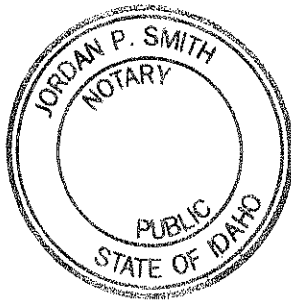
MAR 06 2008

Department of Fish and Game
Ecosystems Division

STATE OF IDAHO)
) SS
County of Lemhi)

On this 29th day of February, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD W. BENJAMIN, 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 Idaho
Residing at Salmon, Idaho
Commission Expires: 9-8-2012

AFFIDAVIT OF FLORENCE SWANSON

I am Florence (Babe) Swanson. My parents were George and Viola Schultz Waetzig. My parents homesteaded about 20 miles south of Salmon on the Salmon River. I was born March 10, 1921. I attended Iron Creek School and graduated Salmon High School. I grew up on the river.

Water Right 75-10332 – When I was growing up, the Kapp family lived in the first place up Rattlesnake Creek. Her name was Lida, I think his name was Charley. They had two girls about my age that attended Iron Creek School. Sometimes I would stay overnight with them. I remember that there was irrigated pasture and an orchard at the house. Mrs. Capps canned a lot of fruit, heck everyone did in those days. The orchard was mature when I was young, so a 1923 priority date on the water right would be reasonable.

Signed Florence Swanson February 29, 2008
Florence Swanson

RECEIVED

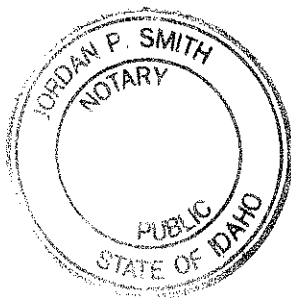
MAR 06 2008

Department of Water Resources
Eastern Center

STATE OF IDAHO)
) SS
County of Lemhi)

On this 29th day of February, 2008, before me, the undersigned, a Notary Public in and for said State, personally appeared FLORENCE SWANSON, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she 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.



Jordan P. Smith
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-8-2012

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 **Hailey, 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
Homer Y. Harris

has been established and duly consummated, in conformity to law, for the **lots three, five and eight and**
the southwest quarter of the northwest quarter of Section three in Township
eighteen north of Range twenty-one east of the Boise Meridian, Idaho, con-
taining one hundred forty-two and sixty-hundredths 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, **Woodrow Wilson**

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 **SIXTH**
day of **MAY** in the year of our Lord one thousand
nine hundred and **FOURTEEN** and of the Independence of the
United States the one hundred and **THIRTY-EIGHTH.**

By the President: *Woodrow Wilson*
By *M. C. LeRoy* Secretary,

L. B. Luman
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **403208**

A-1028-R.

Hailey 020411.

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 Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **Wilson E. Benjamin**

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 Lot one of Section five and the Lot four of Section four in Township eighteen north and the southeast quarter of the southeast quarter and the west half of the southeast quarter of Section thirty-two in Township nineteen north all in Range twenty-one east of the Boise Meridian, Idaho, containing one hundred ninety-seven acres and eighty 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:

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, **Calvin Coolidge**,

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**

(SEAL)

day of **JUNE** in the year of our Lord one thousand

nine hundred and **TWENTY-FIVE** and of the Independence of the

United States the one hundred and **FORTY-NINTH**

By the President

By

Calvin Coolidge
Viola B. Coughlin
M. P. LeRoy

Secretary.

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **961850**

Accession/Serial #: 961850 BLM Serial #: IDH 0020411

Names

Patentee: WILSON E BENJAMIN

Survey

State: IDAHO

Acres: 158.99

Metes/Bounds: No

Title Transfer

Issue Date: 6/18/1925

Land Office: Hailey

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: March 3 1877: Desert Land Act (19 Stat. 377)

Document Numbers

Document Nr.: 020411

Accession/Serial Nr.: 961850

BLM Serial Nr.: IDH 0020411

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
W½SE	32/	19-N	21-E	No	Boise	ID	Lemhi	
SESE	32/	19-N	21-E	No	Boise	ID	Lemhi	
1	5/	18-N	21-E	No	Boise	ID	Lemhi	

Remarks: LOT 1 OR NENE QUARTER

WR 75-4027

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 **Hailey, 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 T. King
has been established and duly consummated, in conformity to law, for the **Lots three and seven of Section**
seventeen and the northeast quarter of the northeast quarter and the Lots
three and five of Section eighteen in Township seventeen north of Range
twenty-one east of the Boise Meridian, Idaho, containing one hundred
sixty-one acres and forty-eight 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:

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, **Calvin Coolidge,**

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 **TWENTY-FOURTH**
day of **JUNE** In the year of our Lord one thousand
nine hundred and **TWENTY-FIVE** and of the Independence of the
United States the one hundred and **FORTY-NINTH**

By the President:

By

Calvin Coolidge

Viola B. Cagle

, Secretary.

M. P. LeRoy

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **962314**

4-1002

1891299

(SEAL.)

Hot ex.

Accession/Serial #: 962314 BLM Serial #: IDBL 0037812

Names

Patentee: WILLIAM T KING

Survey

State: IDAHO

Acres: 161.48

Metes/Bounds: No

Title Transfer

Issue Date: 6/24/1925

Land Office: Blackfoot

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: May 20, 1862: Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr.: 037812

Misc. Doc. Nr.: 0

Accession/Serial Nr.: 962314

BLM Serial Nr.: IDBL 0037812

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
NENE	18/	17-N	21-E	No	Boise	ID	Lemhi	
3	17/	17-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 3 OF SENE								
7	17/	17-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 7 OR NWSW QUARTER								
3	18/	17-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 3 OR SENE QUARTER								
5	18/	17-N	21-E	No	Boise	ID	Lemhi	
Remarks: LOT 5 OR NESE QUARTER								

WR - 75-4026

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 **Horace B. King** 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 Lot eight of Section seventeen in Township seventeen north of Range twenty-one east of the Boise Meridian, Idaho, containing fifty-two acres and twenty 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:

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. Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of said lands, for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act.

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 **TENTH** day of **JUNE** 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-THIRD**

By the President:

By

Herbert Hoover
Viola B. Pugh

Secretary,

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

RECORD OF PATENTS: Patent Number **1028310**

Horace Burdette King = Burt

Accession/Serial #: 1028310 **BLM Serial #:** IDBL 0037811**Names****Patentee:** HORACE B KING**Survey****State:** IDAHO**Acres:** 52.2**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/10/1929**Land Office:** Blackfoot**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** March 3 1877: Desert Land Act (19 Stat. 377)**Document Numbers****Document Nr.:** 037811**Accession/Serial Nr.:** 1028310**BLM Serial Nr.:** IDBL 0037811

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
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8	17/	17-N	21-E	No	Boise	ID	Lemhi	
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Remarks: LOT 8 OF S HALF OF SW

WR - 75-4026

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 Hailey, 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 Charles Kapp has been established and duly consummated, in conformity to law, for the southwest quarter of the southwest, the Lot seven and the northwest quarter of the southwest quarter of Section twenty-seven and the northeast quarter of the southeast quarter of Section twenty-eight in Township nineteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred seventy-four acres and seventy-seven 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:

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, reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of Lot seven of said Section twenty-seven, for the purposes provided in the Act of June 10, 1920, (41 Stat., 1063), and subject to the conditions and limitations of Section 24 of said Act.

IN TESTIMONY WHEREOF, I, Warren G. Harding

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 TWENTY-FIFTH

(SEAL)

day of JUNE In the year of our Lord one thousand nine hundred and TWENTY-THREE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

By the President:

By

Warren G. Harding
Viola B. Engle, Secretary.
W. P. LeRoy
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number. 909951

Accession/Serial #: 909951 BLM Serial #: IDH 0023031

Names

Patentee: CHARLES KAPP

Survey

State: IDAHO

Acres: 174.77

Metes/Bounds: No

Title Transfer

Issue Date: 6/25/1923

Land Office: Hailey

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: May 20, 1862: Homestead Entry Original (12 Stat. 392)

Document Numbers

Document Nr.: 023031

Misc. Doc. Nr.: 0

Accession/Serial Nr.: 909951

BLM Serial Nr.: IDH 0023031

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
W½SW	27/	19-N	21-E	No	Boise	ID	Lemhi	
Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920								
7	27/	19-N	21-E	No	Boise	ID	Lemhi	
Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920								
NESE	28/	19-N	21-E	No	Boise	ID	Lemhi	
Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920								

WR- 75-10332