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DEPARTMENT OF
WATER RESOURCES

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SPECK & AANESTAD

A PROFESSIONAL CORPORATION

ATTORNEYS

120 EAST AVENUE

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KETCHUM, IDAHO 83340

JAMES P. SPECK
DOUGLAS J. AANESTAD

February 12, 2009

SRBA District Court
P. O. Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Subcase No. 37-19832

To the Court:

Enclosed please an original and a copy of each of the following documents:

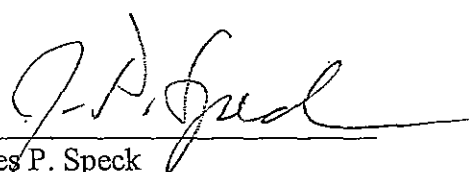
1. Affidavit of Doug Hallowell
2. Affidavit of James P. Speck

Please file these documents, file-stamp the copies and return those copies to us in the self-addressed envelope included in this mailing.

Thank you for your time and attention to this matter. Please let me know if you have any questions or require further information.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

CC w/ Enclosures: IDWR Document Repository
Christopher M. Bromley, IDWR
Rod Gonsales
Greg Vik

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DEPARTMENT OF
WATER RESOURCES

James P. Speck, ISB No. 2067
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120 East Avenue
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Ketchum, Idaho 83340
Telephone: (208) 726-4421
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Attorneys for Claimant Smokey Dome LLC

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
Case No. 39576) Subcase No. 37-19832
AFFIDAVIT OF DOUG HALLOWELL
_____)

STATE OF IDAHO)
County of Blaine) :SS

DOUG HALLOWELL, being first duly sworn upon his oath, declares as follows:

1. I was born in 1936 in Camas County, Idaho, and have lived in and been a resident of Camas County for all of my life.
2. My father, Darrell Hallowell, moved to Camas County, Idaho in 1915. My father, now deceased, was for all of his life, and I have been for all of my life, a farmer and rancher.

AFFIDAVIT OF DOUG HALLOWELL - 1

3. I have reviewed the GIS Place of Use presentation dated May 27, 2005, for this water right prepared by the Idaho Department of Water Resources, a copy of which is attached as **Exhibit A**. I understand the area outlined in yellow and appearing as red or pink on Exhibit A represents irrigated areas that are now part of the Soldier Mountain Resort golf course.

4. From conversations with my father, I know that from the time he moved to Camas County in 1915 until 1941 he farmed the lands in Section 23 designated on **Exhibit A**. I'm quite certain my father purchased the land in 1941 for that year he built some small houses and a cook shack for the farm employees. Right after World War 2 my father had constructed on the farm a very large quonset hut for cattle feeding. Attached as **Exhibit B** is a copy of the warranty deed whereby my parents acquired title to the farm which includes the Section 23 lands described above. I can't explain why the deed was not signed until 1954 and not recorded until 1964. However, W. W. (Bill) Leek was like a father to my father and they may simply have not documented the 1941 purchase until then. It is very unlikely my father would have made the improvements to the farm described above if he were not the owner! In any event, my father continued to farm these lands from 1941 until he retired.

5. The lands in Section 14 depicted on Exhibit A were then owned by Bashford Smith. My father told me that Mr. Smith flood-irrigated this land by placing dams in the east fork of Three Mile Creek and he raised hay, grain and native grasses. My father did the same on his land and raised pasture grass.

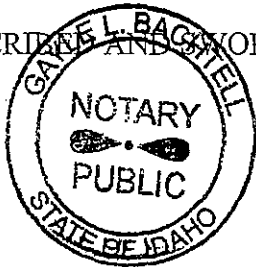
6. As far back as I can remember, I personally observed irrigation ditches running from the creek throughout all of these lands. The ditches were very old and looked like they could have been there since these lands were first homesteaded.

7. The statements made in this affidavit are based upon my own personal knowledge and observations and conversations I had with my father.

DATED this 9 day of February, 2009.

Doug Hallowell
DOUG HALLOWELL

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2009.



Gayle L. Bachtell
NOTARY PUBLIC FOR IDAHO
Residing at: Fairfield
Comm. Expires: 10-19-2011

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2009, I served a true and correct copy of the within and foregoing document upon the addressee named below in the manner noted:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720

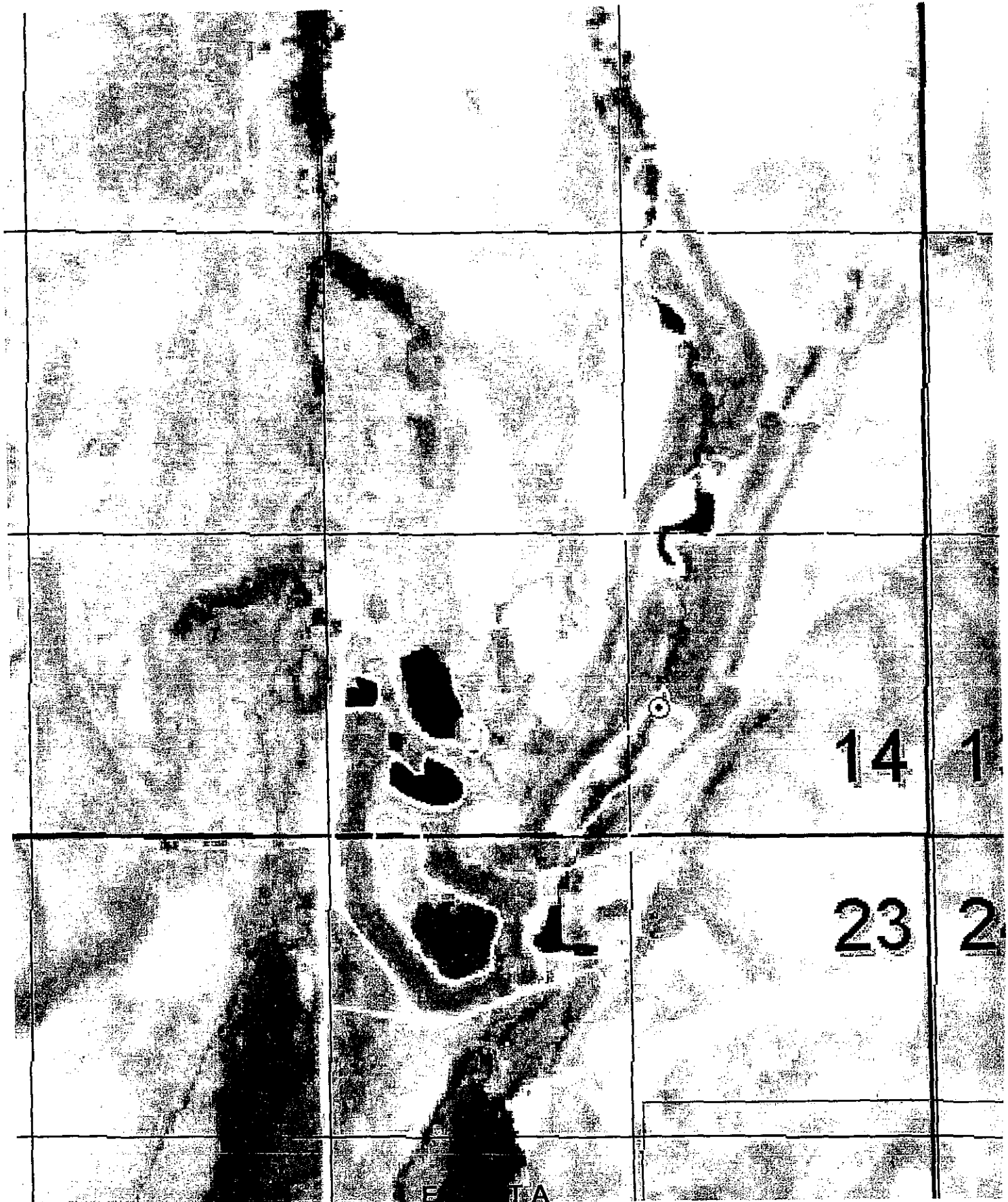
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Christopher Bromley
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

James P. Speck
James P. Speck

IDAHO DEPT OF WATER RESOUF
37-19832



its thereof.

AVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the
rty of the second part, and to ITS SUCCESSORS and assigns forever.

ITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day a
first above written.

Tom Ziden

OF IDAHO,)
)ss.
y of GOODING)

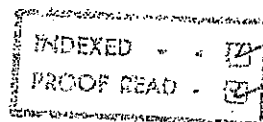
this 30th day of OCTOBER, in the year 1964, before me THE UNDERSIGNED, a Notary Public in and
said State, personally appeared TOM ZIDEN known to me to be the person whose name is subscribed
in within instrument, and acknowledged to me that he executed the same.

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

(Seal)

ed at request of Tom Wokersien
ember 25, 1964 at 9:40 A.M.
elle Vaught, Recorder

Fee \$1.20



Chas C. Shaw
Notary Public residing at
Gooding, Idaho My commis
expires 11-1-68

NO. 57038

WARRANTY DEED

THIS INDENTURE, Made this 12th day of JANUARY in the year of our Lord one thousand nine hundred
and FIFTY-FOUR between W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, of FAIRFIELD, County of CAMAS, State
IDAHO, the parties of the first part, and D.E. HALLOWELL AND MELVINA HALLOWELL, HIS WIFE, of
AIRFIELD, County of CAMAS, State of IDAHO, the parties of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
EIGHTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-THREE AND 91/100---DOLLARS, LAWFUL MONEY of the United
States of America, to them in hand paid by the said parties of the second part, the receipt whereof
is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, barga

EXHIBIT B

sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in ---, County of CAMAS, State of Idaho, to-wit:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11,
The W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 15,
E $\frac{1}{2}$ of Section 22, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23,
S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 24, all of Section 25,
The NW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ of Section 27,
Township 1 North, Range 13 East Boise Meridian.
Lots 1, 2, 3, and 4 and E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 19,
Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 30,
Township 1 North, Range 14 East Boise Meridian.
Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 2,
NW $\frac{1}{4}$ of Section 11 and
NW $\frac{1}{4}$ of Section 12
Township 1 South, Range 13 East Boise Meridian.

(\$92.40 documentary stamps attached and cancelled)

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as in law as in equity, of the said parties of the first part:

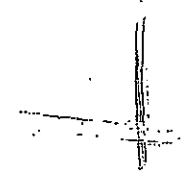
TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W.W. Leek

Ethel M. Leek



STATE OF IDAHO }
COUNTY OF CAMAS } ss.

On this 15th day of JANUARY, in the year 1954, before me, THE UNDERSIGNED, a Notary Public :
for said State, personally appeared W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, known to me to be th
persons whose names are subscribed to the within instrument, and acknowledged to me that they
executed the same.

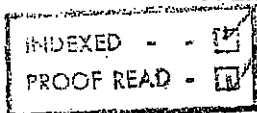
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and ye
in this certificate first above written

(Seal)
Filed at request of Tom Wokersien
December 1, 1964 at 9:15 A.M.
Estelle Vaught, Recorder

Fee \$1.80

County

Tom Wokersien
Notary Public in and for the
of Idaho, residing at Fairfie
therein



NO. 37049

MINING DEED

THIS INDENTURE, made and entered into this 28th day of October, 1964, by and between HELEN
FINES, a married woman dealing with her sole and separate property, hereinafter referred to as