

11/25/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 77-4209

NAME AND ADDRESS: CASTLE CREEK HIDEOUT, LLC
HC 82 BOX 40-60
CHALLIS ID 83226

SOURCE: CASTLE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 1.180 CFS

The quantity of water under this right for domestic and stockwater uses shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T17N R17E ~~S11~~ NENE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.040 CFS
DOMESTIC	01/01 12/31	0.120 CFS
IRRIGATION	05/01 10/31	1.140 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T17N R17E S11	NENE	18.0	T17N R17E S11	NWNE	12.0
T17N R17E S11	SWNE	15.0	T17N R17E S11	SENE	7.0
T17N R17E S11	SENE	3.0	T17N R17E S12	NWNW	2.0

STOCKWATER Within LEMHI County

T17N R17E S11	NENE	T17N R17E S11	NWNE
T17N R17E S11	SWNE	T17N R17E S11	SENE

DOMESTIC Within LEMHI County

T17N R17E S11	NENE	T17N R17E S11	SWNE
T17N R17E S11	SENE		

57 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Property is known as Homestead Entry Survey No. 325.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

**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

A. Subcase: _77-04209 _
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America, Acting through the USDA Forest Service
Address: 550 West Fort Street
MSC 033
Boise, Idaho 83724
Daytime Phone: (208) 334-1936

Name and Address of Attorney, if any:

David L Negri
550 West Fort Street
MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN THE DIRECTOR'S REPORT

Name: Castle Creek Hideout, LLC
Address: Box 390
Challis, ID 83226

D. I object to the following elements as recommended in the Director's Report.
(Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be:

2. ☐ **Source**

Should be:

3. ☐ **Quantity**

Should be:

4. ☐ **Priority Date**

Should be:

5. ☒ **Point(s) of Diversion**

Should be: See E below.

6. ☐ **Instream Flow Description**

Should be:

7. ☐ **Purpose(s) of Use**

Should be:

8. ☐ **Period of Year**

Should be:

9. ☐ **Places of Use**

Should be:

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):**

The point of diversion NENE Section 11, T17N, R17E shown in the Directors Report recommendation is incorrect. A recent site investigation by the U.S. Forest Service indicates that the point of diversion should be the NENW Section 12, T17N, R17E.

F. VERIFICATION (Must be Completed)

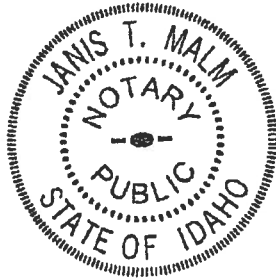
State of Idaho)
) ss.
County of Ada)

Steve Spencer , duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steven M. Spencer
(Signature of person filing objections)
Dan H.
(Attorney signing in representative capacity)

Subscribed and sworn before me on: July 26, 2006
Janis T. Malm



Notary Public for:
Residing at: Boise, Idaho
Commission Expires: 09/09/2008

INSTRUCTIONS FOR MAILING

You must mail the objection to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on JUL 28 2006, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Castle Creek Hideout, LLC

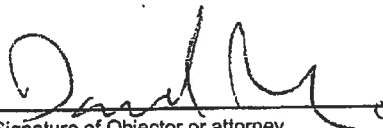
Address: Box 390
Challis, ID 83226

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resource Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney
mailing on Objector's behalf

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: March 3, 2006

Water right number: 77-4209

CASTLE CREEK HIDEOUT, LLC
~~HC 82 BOX 48-60~~ **Box 390**
 CHALLIS ID 83226

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

re I AGREE with this proposed recommendation: no changes need to be made.

DATE: 3-1-2006

SIGNATURE: *John Gregory*

Please print your name: John Gregory

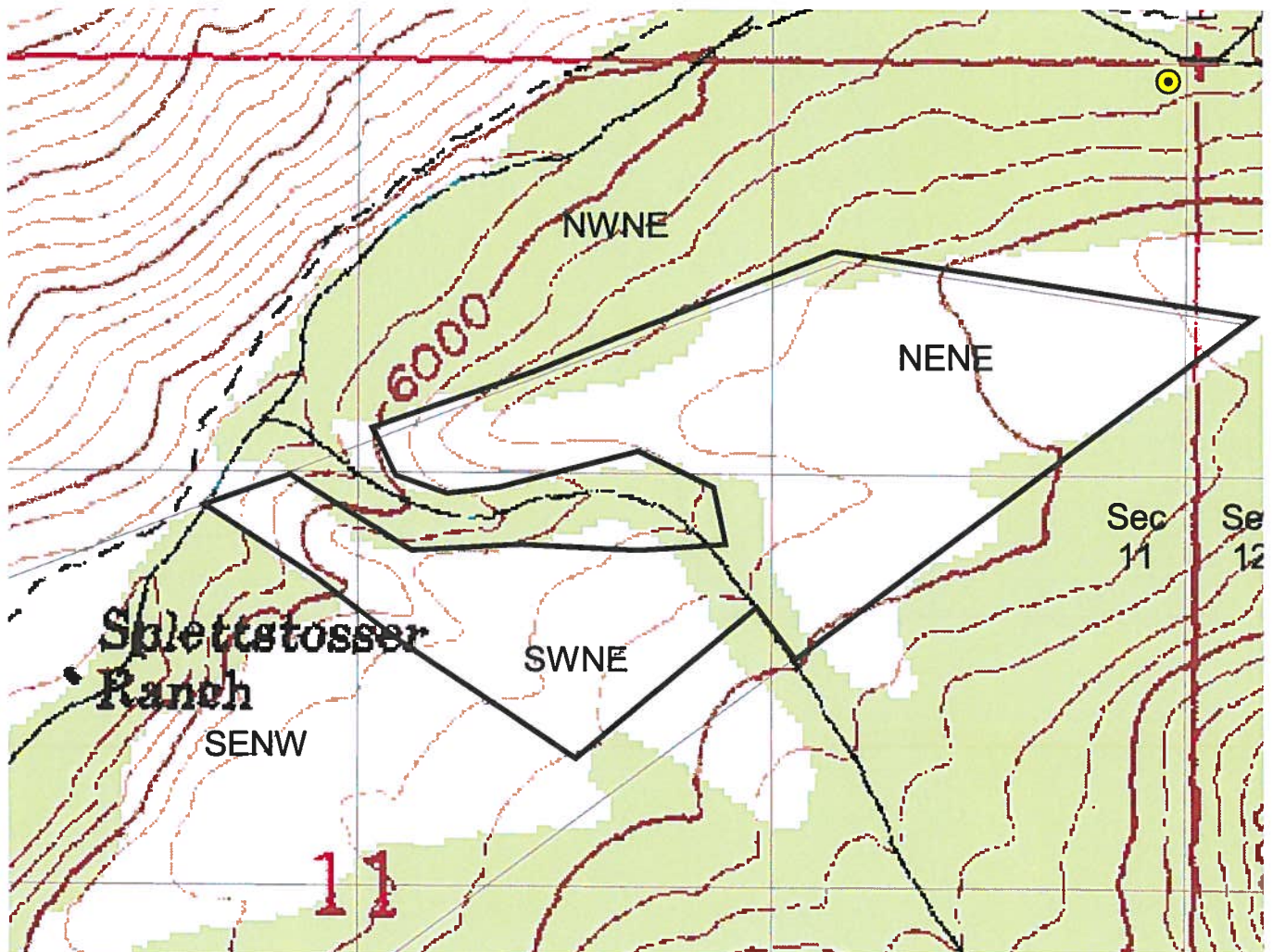
IDWR State Office, 322 E Front St
 PO Box 83720, Boise, ID 83720-0098, (208) 287-4800

ph 204 377-6050

email ~~IS~~Supercub 727 @ yahoo.com

SCANNED
 MAR 08 2006

77-4209



0 400 800 Feet

Sections 11 & 12
T17N R17E



● Point of Diversion

□ Place of Use

Map prepared on November 22, 2005
By Kenneth Knoblock
Idaho Department of Water Resources

Page 1

05/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 77-4209

WATER RIGHT NUMBER: 77-4209

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN D DRAKE PO BOX 865 SALMON, ID 83467
Current Owner	RICHARD G MC AFEE PO BOX 865 SALMON, ID 83467

Priority Date: 04/01/1919
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
CASTLE CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.040 CFS	
DOMESTIC	1/01 to 12/31	0.120 CFS	
IRRIGATION	6/01 to 10/01	1.140 CFS	
<u>Total Diversion:</u>		1.180 CFS	

Location of Point(s) of Diversion

CASTLE CREEK	NE1/4NE1/4	Sec. 11, Twp 17N, Rge 17E, B.M.
LEMHI County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	17E	11		7.0	30.0	6.0				14.0									57.0

Total Acres: 57

STOCKWATER same as IRRIGATION
DOMESTIC same as IRRIGATION

Conditions of Approval:Remarks:Comments:

Close

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

05/18/2005

WATER RIGHT NO. 77-4209

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN D DRAKE PO BOX 2008 SALMON, ID 83467
Current Owner	RICHARD G MC AFEE PO BOX 865 SALMON, ID 83467

Priority Date: 06/20/1967

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
CASTLE CREEK	CAMAS CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	6/01	10/01	1.14 CFS	
STOCKWATER	1/01	12/31	0.04 CFS	
Total Diversion			1.18 CFS	

Location of Point(s) of Diversion:

CASTLE CREEK	NENE	Sec. 11	Township 17N	Range 17E	LEMHI County
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Place(s) of use:

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
77-4209					

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Richard G. McAfee and/or John D. Drake
~~300 Carter Creek Rd., Dillon, MT 59725 /~~
P.O. Box 2008, Salmon, ID 83467
4. New Owner/Claimant(s) Castle Creek Hideout, LLC and/or John Drake
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
 New Mailing Address HC 82, Box 40-60
 City, State and ZIP Code Challis, ID 83226
 New Telephone Number (254) 377-6090
5. Date you acquired the property August 4, 2003

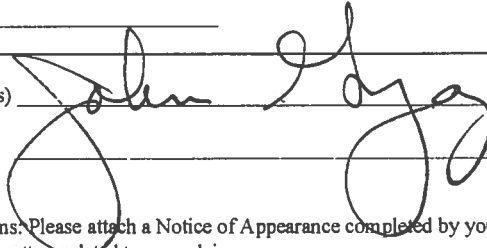
Address for John Drake:
 P.O. Box 2008
 Salmon, ID 83467

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by _____	Date _____	Fee _____
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

PAUL B. WITHERS, ESQ.
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

July 28, 2005

State of Idaho
Department of Water Resources
Northern Region, Suite 210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

RECEIVED
AUG 03 2005
IDWR/North

ATTN: Kenneth Knoblock

Re: Change in Water Right Ownership

Dear Mr. Knoblock:

Please find enclosed a Notice of Change in Water Right Ownership. This document is filed on behalf of John Gregory and Castle Creek Hideout, LLC. The change in ownership is for water right numbers 77-7210 and 77-4209. Your files should reflect changes in ownership for water rights associated with the same piece of property to Castle Creek Hideout, LLC from Dick and Ramona McAfee that were filed in approximately June 2004. You will find enclosed the signed applications, a aerial photo, a copy of the deed indicating the change in ownership, and the water right reports from the IDWR website related to these water rights.

If you have any questions or concerns, please feel free to contact me at 1301 Main Street, Suite 6, Salmon, ID 83467.

Sincerely Yours,



Paul B. Withers
PBW/lrs

cc: client
Enclosures

WARRANTY DEED

FOR VALUE RECEIVED, RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, do hereby grant, bargain, sell and convey unto JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picaboo, Idaho, 83348, the following described premises, in Lemhi County, Idaho, to-wit:

See attached Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, his heirs and assigns forever. And said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 8-4, 2003.

Richard G. McAfee
RICHARD G. MCAEEE

Ramona D. McAfee
RAMONA D. MCAFEE

State of Idaho)
County of Lemhi) SS No. 255463

This Instrument was filed for record at the request of Alliance

at 3:57 o'clock p.m. 7 Aug 2003

and duly filmed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

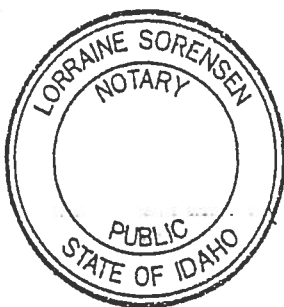
Return to _____

STATE OF Idaho)
County of Lamhi) ss.

255463

On this 4th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Palmer, Idaho
Comm. Expires: 3-26-04

EXHIBIT A

A FRACTION OF H.E.S. NO. 325 LOCATED IN SECTION 11 AND 12, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 3, H.E.S. NO. 325, A FOUND MARKED STONE FROM WHICH CORNER NO. 4, A FOUND BRASS CAP, BEARS SOUTH $81^{\circ}26'$ E., RUN THENCE SOUTH $61^{\circ}43'52''$ W., A DISTANCE OF 1030.37 FEET TO A SET $5/8"$ X 24" CAPPED REBAR, THE POINT OF BEGINNING:

THENCE NORTH $82^{\circ}24'38''$ E., A DISTANCE OF 2102.70 FEET TO A SET $5/8"$ X 24" CAPPED REBAR; THENCE SOUTH $21^{\circ}02'40''$ E., A DISTANCE OF 59.34 FEET TO A POINT ON THE BOUNDARY LINE BETWEEN CORNER NO. 4 AND CORNER NO. 5, OF H.E.S. NO. 325; THENCE SOUTH $53^{\circ}21'$ W., ALONG SAID BOUNDARY LINE A DISTANCE OF 88.60 FEET; THENCE SOUTH $82^{\circ}32'03''$ W., A DISTANCE OF 1283.26 FEET TO A SET $5/8"$ X 24" CAPPED REBAR; THENCE SOUTH $01^{\circ}11'50''$ E., A DISTANCE OF 114.25 FEET TO A SET $5/8"$ X 24" CAPPED REBAR; THENCE NORTH $86^{\circ}07'42''$ W., A DISTANCE OF 756.72 FEET TO A SET $5/8"$ X 24" CAPPED REBAR; THENCE NORTH $08^{\circ}57'39''$ W., A DISTANCE OF 61.17 FEET TO THE POINT OF BEGINNING.

DEED OF INTEREST OF TENANT IN COMMON
TO THIRD PARTY

Indenture made, effective August 4, 2003, by and between RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, the Grantors, and JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picaboo, Idaho 83348, the Grantee.

Grantors and the DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, are seised and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, as tenants in common, and no partition has been made between Grantors and DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, and Grantors hold and are entitled to an undivided 50% interest in the described property.

For and in consideration of value paid by Grantee to Grantors, the receipt of which is acknowledged, Grantors give, grant, bargain, sell and covey to Grantee all or Grantor's right, title, interest, and claim in and to the described undivided 50%-interest in the described property.

To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs, and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

DATED: August 8-4-2003, 2003.

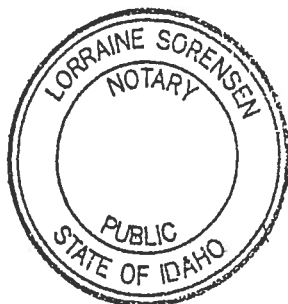
Richard G. McAfee
RICHARD G. MCAFEE

Ramona D. McAfee
RAMONA D. MCAFEE

STATE OF Idaho)
County of Lemhi) ss.

On this 24th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Delmon Id.
Comm. Expires: 3-26-06

255464

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request
of alliance

at 3:55 o'clock pm 7 Aug 2003

and duly filmed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

Return to _____

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT CORNER NO. 4 OF H.E.S. NO. 325, RUNNING THENCE SOUTH $53^{\circ}21'$ W., ALONG THE SOUTHEASTERLY BOUNDARY OF H.E.S. NO. 325, A DISTANCE OF 1815.7 FEET; THENCE NORTH $32^{\circ}50'$ W., 187.2 FEET; THENCE SOUTH $50^{\circ}56'$ W., 764.2 FEET; THENCE NORTH $55^{\circ}56'$ W., 1439.1 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF H.E.S. NO. 325; THENCE NORTH $68^{\circ}48'$ EAST ALONG SAID NORTHWESTERLY BOUNDARY 2198.04 FEET TO CORNER NO. 3 OF H.E.S. NO. 325; THENCE SOUTH $81^{\circ}26'$ E., 1308.47 FEET TO CORNER NO. 4 AND THE POINT OF BEGINNING.

WARRANTY DEED

For value received, **JOHN ROSS GREGORY**, a married man dealing with his sole and separate property, the Grantor, whose current address is P. O. Box 717, Picabo, Idaho 83348, does hereby grant, bargain, sell and convey unto **CASTLE CREEK HIDEOUT, LLC**, whose current address is P. O. Box 717, Picabo, Idaho 83348, the Grantee, the following described premises, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises, that said premises are free from all encumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1-27-2004

JOHN ROSS GREGORY

257892
State of Idaho)
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Holland & Hart LLP
at 10:57 clock am on 3-15-2004
and duly filed and indexed in the records of Lemhi
County
Terri J. Morton
Ex-Officio Recorder
By Brenda Anthony Deputy
Fee 9.00
Return to Holland & Hart LLP
J. Frederick Mack, Esq.
PO Box 2527
Boise ID 83701-2527

257892

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of January, 2003⁴, before me,
Colleen A. Jasper, a notary public for said State, personally appeared
JOHN ROSS GREGORY, known or identified to me to be the person who executed the
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.



Colleen A. Jasper
Notary Public for: Bose, Idaho
Residing at: Bose, Idaho
My Commission Expires: 11/27/04

3160180_1.DOC

257892

255463

EXHIBIT A

A FRACTION OF H.E.S. NO. 325 LOCATED IN SECTION 11 AND 12, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 3, H.E.S. NO. 325, A FOUND MARKED STONE FROM WHICH CORNER NO. 4, A FOUND BRASS CAP, BEARS SOUTH $81^{\circ}26'$ E., RUN THENCE SOUTH $61^{\circ}43'52''$ W., A DISTANCE OF 1030.37 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR, THE POINT OF BEGINNING:

THENCE NORTH $82^{\circ}24'38''$ E., A DISTANCE OF 2102.70 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE SOUTH $21^{\circ}02'40''$ E., A DISTANCE OF 59.34 FEET TO A POINT ON THE BOUNDARY LINE BETWEEN CORNER NO. 4 AND CORNER NO. 5, OF H.E.S. NO. 325; THENCE SOUTH $53^{\circ}21'$ W., ALONG SAID BOUNDARY LINE A DISTANCE OF 88.60 FEET; THENCE SOUTH $82^{\circ}32'03''$ W., A DISTANCE OF 1283.26 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE SOUTH $01^{\circ}11'50''$ E., A DISTANCE OF 114.25 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE NORTH $86^{\circ}07'42''$ W., A DISTANCE OF 756.72 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE NORTH $08^{\circ}57'39''$ W., A DISTANCE OF 61.17 FEET TO THE POINT OF BEGINNING.

DEED OF INTEREST OF TENANT IN COMMON
TO THIRD PARTY

Indenture made, effective the 11th day of March, 2004, by and between **JOHN ROSS GREGORY**, as his sole and separate property, the Grantor, whose current address is P. O. Box 717, Picabo, Idaho 83348, does hereby grant, bargain, sell and convey unto **CASTLE CREEK HIDEOUT, LLC**, whose current address is P. O. Box 717, Picabo, Idaho 83348, the Grantee.

Grantor is seized and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, and Grantor holds and is entitled to an undivided 50% interest in the described property.

For and in consideration of value paid by Grantee to Grantor, the receipt of which is acknowledged, Grantor gives, grants, bargains, sells and conveys to Grantee all of Grantor's right, title, interest and claim in and to the described undivided 50% interest in the described property.

To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

Dated: March 11, 1004

State of Idaho)
County of Lemhi)

SS No.

257893

This instrument was filed for record at the request
of Holland + Hart LLP
at 10:56 o'clock a.m. on 3-15-2004
and duly filed and indexed in the records of Lemhi
County

Tami J. Weston

County Clerk

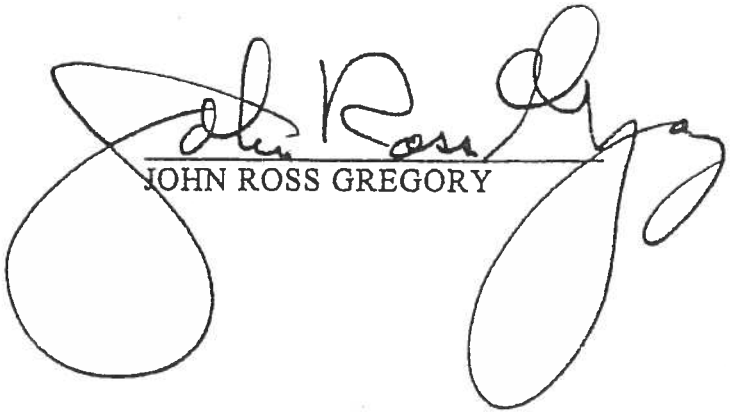
By Brenda C. Strong Deputy

Fee

900

Return to

Holland + Hart LLP
Frederick Mack Esq.
P.O. Box 2527
Boise, Id 83701 - 2527

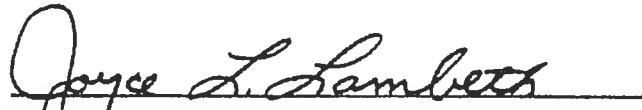

JOHN ROSS GREGORY

257893

STATE OF IDAHO)
 : ss.
County of Ada)

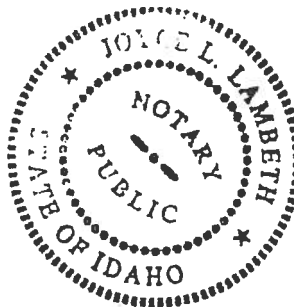
On this 11th day of March, 2004, before me, Joyce L. Lambeth, a notary public for said State, personally appeared JOHN ROSS GREGORY, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

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: Mountain Home, Idaho
My Commission Expires: 11/10/06

3160195_1.DOC



25'7893

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT CORNER NO. 4 OF H.E.S. NO. 325, RUNNING THENCE SOUTH $53^{\circ}21'$ W., ALONG THE SOUTHEASTERLY BOUNDARY OF H.E.S. NO. 325, A DISTANCE OF 1815.7 FEET; THENCE NORTH $32^{\circ}50'$ W., 187.2 FEET; THENCE SOUTH $50^{\circ}56'$ W., 764.2 FEET; THENCE NORTH $55^{\circ}56'$ W., 1439.1 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF H.E.S. NO. 325; THENCE NORTH $68^{\circ}48'$ EAST ALONG SAID NORTHWESTERLY BOUNDARY 2198.04 FEET TO CORNER NO. 3 OF H.E.S. NO. 325; THENCE SOUTH $81^{\circ}26'$ E., 1308.47 FEET TO CORNER NO. 4 AND THE POINT OF BEGINNING.



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 1910 Northwest Blvd. Suite 210, Coeur d'Alene, Idaho 83814-2615

Phone: (208) 769-1450

Fax: (208) 769-1454

Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

November 29, 2005

Paul Withers
1301 Main Street Suite 6
Salmon, ID 83467

RE: 77-7210 & 77-4209

Dear Mr. Withers:

I have changed the owner's name of adjudication claim 77-4209 to Castle Creek Hideout LLC. Water right 77-7210 is a decreed right and will be changed in our state office. I sent the form and documents to them for processing.

Sincerely,

A handwritten signature in black ink, appearing to read 'Knoblock', is written over a horizontal line.

Kenneth Knoblock
Water Resources Agent

PAUL B. WITHERS, ESQ.
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

RECEIVED
OCT 17 2005
ICWR-North

October 14, 2005

State of Idaho
Department of Water Resources
Northern Region, Suite 210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

ATTN: Kenneth Knoblock

Re: John Gregory / Castle Creek Real Property

Dear Mr. Knoblock:

Approximately a month ago, you and I spoke on the phone regarding the water rights attached to John Gregory's property at Castle Creek in Lemhi County. The information was forward to your office on July 28, 2005 and our conversation took place in the month of September.

It is my understanding that water right numbers 77-7210 and 77-4209 require no further documentation regarding either priority date or the amount of usage. You indicated in our phone conversation that you would be sending me some verification of that fact and I would appreciate, when it is convenient for you, getting a letter indicating this matter is complete.

I appreciated talking to you. If you have any further questions or concerns, please feel free to contact me at (208) 756-2009.

Sincerely Yours,



Paul B. Withers
PBW/lis

cc: client

PAUL B. WITHERS, ESQ.
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

RECEIVED

SEP 26 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 29 2005

IDWR/North

July 28, 2005

State of Idaho
Department of Water Resources
Northern Region, Suite 210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

RECEIVED

AUG 03 2005

IDWR/North

ATTN: Kenneth Knoblock

Re: Change in Water Right Ownership

Dear Mr. Knoblock:

Please find enclosed a Notice of Change in Water Right Ownership. This document is filed on behalf of John Gregory and Castle Creek Hideout, LLC. The change in ownership is for water right numbers 77-7210 and 77-4209. Your files should reflect changes in ownership for water rights associated with the same piece of property to Castle Creek Hideout, LLC from Dick and Ramona McAfee that were filed in approximately June 2004. You will find enclosed the signed applications, a aerial photo, a copy of the deed indicating the change in ownership, and the water right reports from the IDWR website related to these water rights.

If you have any questions or concerns, please feel free to contact me at 1301 Main Street, Suite 6, Salmon, ID 83467.

Sincerely Yours,



Paul B. Withers
PBW/lis

cc: client
Enclosures

RECEIVED

SEP 26 2005

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.RECEIVED
AUG 03 2005
IDWR/North

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
77-7210					

RECEIVED
SEP 29 2005
IDWR/North

2. The following **REQUIRED** information must be submitted with this form:

A. The appropriate **FILING FEE**. See instructions for fee amounts. N/A

B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.

C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

Richard G. McAfee

3. Name and Address of Former
Owner/Claimant(s)

300 Carter Creek Rd., Dillon, MT 59725

4. New Owner/Claimant(s)

Castle Creek Hideout, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

HC 82, Box 40-60

City, State and ZIP Code

Challis, ID 83226

New Telephone Number

(254) 377-6090

5. Date you acquired the property

August 4, 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s) _____
(include title if applicable)

For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by do Date 8/3/05 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

Page 1

05/18/2005

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 77-7210

WATER RIGHT NUMBER: 77-7210

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	RICHARD G MC AFEE PO BOX 865 SALMON, ID 83467

Priority Date: 09/06/1983

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
SPLETT'S CREEK	CASTLE CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01	to 12/31	0.080 CFS	2.40 AF
	<u>Total Diversion:</u>		0.080 CFS	2.40 AF

Location of Point(s) of Diversion

SPLETT'S CREEK	NE1/4SE1/4	Sec. 11, Twp 17N, Rge 17E, B.M.
LEMHI County		

Place of Use

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
17N	17E	11				X													

Conditions of Approval:

1. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. C18 THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.
4. PARCEL NOS. LR LESR00000121A, LR LESR00000023A

Remarks:

WARRANTY DEED

FOR VALUE RECEIVED, RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, do hereby grant, bargain, sell and convey unto JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picaboo, Idaho, 83348, the following described premises, in Lemhi County, Idaho, to-wit:

See attached Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, his heirs and assigns forever. And said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 8-4, 2003.

Richard G. McAffee
RICHARD G. MCAFEE

Ramona D. McAffee
RAMONA D. MCAFEE

State of Idaho)
County of Lemhi) SS No. 255463

This Instrument was filed for record at the request of Alliance

at 3:54 o'clock p.m. 7 Aug 2003

and duly filmed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

Return to _____

STATE OF Idaho)
County of Lamhi) ss.

255463

On this 4th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Palmer, Idaho
Comm. Expires: 3-26-04

EXHIBIT A

A FRACTION OF H.E.S. NO. 325 LOCATED IN SECTION 11 AND 12, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 3, H.E.S. NO. 325, A FOUND MARKED STONE FROM WHICH CORNER NO. 4, A FOUND BRASS CAP, BEARS SOUTH $81^{\circ}26'$ E., RUN THENCE SOUTH $61^{\circ}43'52''$ W., A DISTANCE OF 1030.37 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR, THE POINT OF BEGINNING:

THENCE NORTH $82^{\circ}24'38''$ E., A DISTANCE OF 2102.70 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE SOUTH $21^{\circ}02'40''$ E., A DISTANCE OF 59.34 FEET TO A POINT ON THE BOUNDARY LINE BETWEEN CORNER NO. 4 AND CORNER NO. 5, OF H.E.S. NO. 325; THENCE SOUTH $53^{\circ}21'$ W., ALONG SAID BOUNDARY LINE A DISTANCE OF 88.60 FEET; THENCE SOUTH $82^{\circ}32'03''$ W., A DISTANCE OF 1283.26 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE SOUTH $01^{\circ}11'50''$ E., A DISTANCE OF 114.25 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE NORTH $86^{\circ}07'42''$ W., A DISTANCE OF 756.72 FEET TO A SET $5/8"$ X $24"$ CAPPED REBAR; THENCE NORTH $08^{\circ}57'39''$ W., A DISTANCE OF 61.17 FEET TO THE POINT OF BEGINNING.

DEED OF INTEREST OF TENANT IN COMMON
TO THIRD PARTY

Indenture made, effective August 4, 2003, by and between RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, the Grantors, and JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picabo, Idaho 83348, the Grantee.

Grantors and the DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, are seised and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, as tenants in common, and no partition has been made between Grantors and DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, and Grantors hold and are entitled to an undivided 50% interest in the described property.

For and in consideration of value paid by Grantee to Grantors, the receipt of which is acknowledged, Grantors give, grant, bargain, sell and convey to Grantee all or Grantor's right, title, interest, and claim in and to the described undivided 50%-interest in the described property.

To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs, and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

DATED: August 8-4-03, 2003.

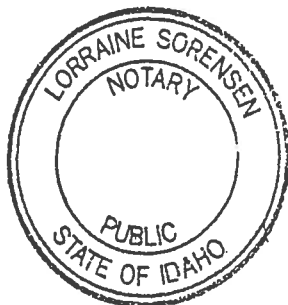
Richard G. McAfee
RICHARD G. MCAFEE

Ramona D. McAfee
RAMONA D. MCAFEE

STATE OF Idaho)
County of Lemhi) ss.

On this 24th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Delmon Id.
Comm. Expires: 3-26-06

255464

State of Idaho)
County of Lemhi) SS No. _____

This instrument was filed for record at the request
of Aliance

at 3:55 o'clock pm 7 aug 2003

and duly filmed and indexed in the records of Lemhi
County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

Return to _____

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

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WARRANTY DEED

For value received, **JOHN ROSS GREGORY**, a married man dealing with his sole and separate property, the Grantor, whose current address is P. O. Box 717, Picabo, Idaho 83348, does hereby grant, bargain, sell and convey unto **CASTLE CREEK HIDEOUT, LLC**, whose current address is P. O. Box 717, Picabo, Idaho 83348, the Grantee, the following described premises, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises, that said premises are free from all encumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1-27-2004

JOHN ROSS GREGORY

WARRANTY DEED - 1

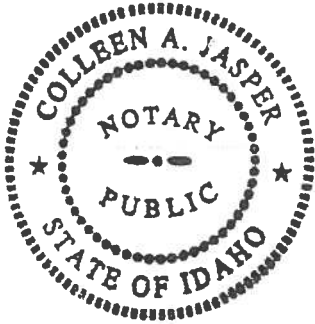
257892
State of Idaho)
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Holland & Hart LLP
at 10:57 o'clock am on 3-15-2004
and duly filed and indexed in the records of Lemhi
County. Terri J. Morton
Ex-Officio Recorder
By Brenda Clifton Deputy
Fee 9.00
Return to Holland & Hart LLP
J. Frederick Mack, Esq.
PO Box 2527
Idaho 83348

257892

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of January, 200⁴, before me,
Colleen A. Jasper, a notary public for said State, personally appeared
JOHN ROSS GREGORY, known or identified to me to be the person who executed the
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.



Colleen A. Jasper
Notary Public for: Bridgette
Residing at: Bose, Idaho
My Commission Expires: 11/27/04

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257892

255463

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TO THIRD PARTY

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To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

Dated: March 11, 1004

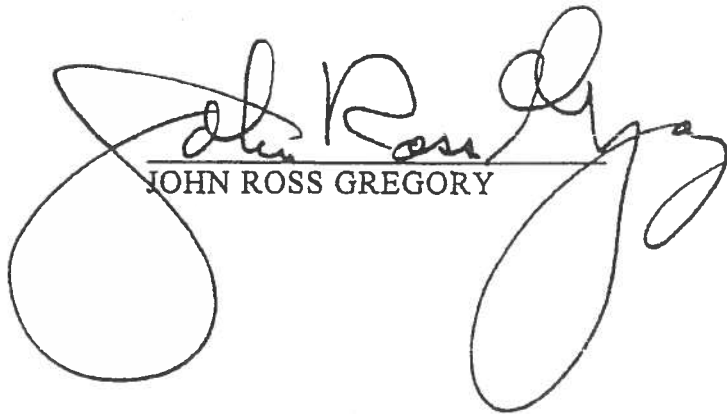
State of Idaho) SS No. 257893
County of Lemhi)

This instrument was filed for record at the request
of Holland & Hart LLP
at 10:58 a.m. on 3-15-2004

and duly filed and indexed in the records of Lemhi
County

By Brenda Outing
Fee 9.00

Return to Holland & Hart LLP
Frederick Mack Esq.
PO Box 2527
Boise, ID 83701 - 2527

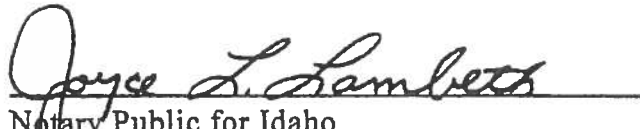

JOHN ROSS GREGORY

257893

STATE OF IDAHO)
 : ss.
County of Ada)

On this 11th day of March, 2004, before me, Joyce L. Lambeth, a notary public for said State, personally appeared JOHN ROSS GREGORY, known or identified to me to be the person who executed the 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: Mountain Home, Idaho
My Commission Expires: 11/10/06

3160195_1.DOC



257893

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT CORNER NO. 4 OF H.E.S. NO. 325, RUNNING THENCE SOUTH $53^{\circ}21'$ W., ALONG THE SOUTHEASTERLY BOUNDARY OF H.E.S. NO. 325, A DISTANCE OF 1815.7 FEET; THENCE NORTH $32^{\circ}50'$ W., 187.2 FEET; THENCE SOUTH $50^{\circ}56'$ W., 764.2 FEET; THENCE NORTH $55^{\circ}56'$ W., 1439.1 FEET TO A POINT ON THE NORTHWESTERLY BOUNDARY OF H.E.S. NO. 325; THENCE NORTH $68^{\circ}48'$ EAST ALONG SAID NORTHWESTERLY BOUNDARY 2198.04 FEET TO CORNER NO. 3 OF H.E.S. NO. 325; THENCE SOUTH $81^{\circ}26'$ E., 1308.47 FEET TO CORNER NO. 4 AND THE POINT OF BEGINNING.

Knoblock, Ken

From: Jim & Cindy Zimmerman [jimcinzim@moscow.com]
Sent: Tuesday, October 11, 2005 6:46 PM
To: 'Knoblock, Ken'
Subject: RE:

Ken,

I sent files 78-4012, 78-4058B, 78-4059, 78-4087, 78-4173, and 78-4188 by mail. I expect that you should get them either Wednesday or Thursday. Those files are not written up but include my notes including what I wrote on topo maps and photo-quads. Also included with the mailing is a CD with the corresponding photos and a flyer I found that may help in finding a contact for claim 78-10345. This one lists Youth with a Mission (YWAM) as the owner which no longer exists.

I did not make copies of my hand written notes, but do have copies of anything that went through this computer and plan to keep them for a while. This includes some extra photos although they really don't show anything more.

The files I just sent are the last of the ones I have for Basin 78 except for 78-4013 which, because of the circumstances I found on the exam, I thought I would write up before I sent it.

I still have 10 files from Basin 77 and the one I just mentioned from Basin 78. That makes 17 with those I just sent. Did you get a list of the ones I gave Carter? I believe I gave him 16 from the Salmon area and that would make up the difference.

I will get Basin 77 sent at the end of this week or the first of next. I kept the files just in case I needed to jar my memory when labeling the photos. Does Bob come down here on weekends? If so, I could drop them off with him.

Jim

-----Original Message-----

From: Knoblock, Ken [mailto:Ken.Knoblock@idwr.idaho.gov]
Sent: Tuesday, October 11, 2005 9:09 AM
To: 'Jim & Cindy Zimmerman'
Subject:

My records indicate that you have 33 files in basins 77 & 78.

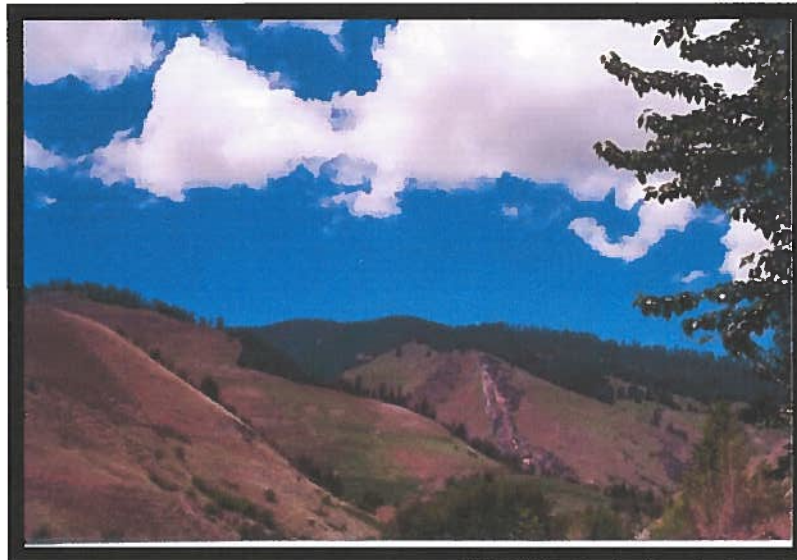
ken



**MOUNTAIN
LAKES
REALTY**

RECEIVED
OCT 12 2005
IDWR/North

RAPID RIVER RANCH ESTATES



Lot #	Acres	Price	Creek Frontage
1	SOLD	--	--
2	1.653	40,500	NO
3	1.758	36,000	NO
4	1.941	31,500	NO
5	.885	31,500	NO
6	1.323	38,250	NO
7	1.958	38,250	NO
8	SOLD	--	YES
9	0.415	33,750	YES
10	SOLD	--	--
11	2.131	139,000	YES
12	5.814	329,000	YES
13	23.68	99,000	YES

3.135 Acre Common Area, 2 Ponds and Creek Frontage. All lots have pressurized irrigation. *Direct Access to Rapid River Wild Area

** See our Display Books for individual listings and complete information.**

Owner: Ywam / Agent: Simonson

805 N. THIRD ST. • McCALL, IDAHO 83638-3806 • (208) 634-2728 • FAX (208) 634-3748 • 1-800-799-3881

email: sales@MountainLakesRealty.com

website: www.MountainLakesRealty.com

PAUL B. WITHERS, ESQ.
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

RECEIVED

SEP 26 2005

WATER RESOURCES
WESTERN REGION

RECEIVED

SEP 29 2005

IDWR/North

RECEIVED

AUG 03 2005

IDWR/North

July 28, 2005

State of Idaho
Department of Water Resources
Northern Region, Suite 210
1910 Northwest Blvd.
Coeur d' Alene, Idaho 83814-2615

ATTN: Kenneth Knoblock

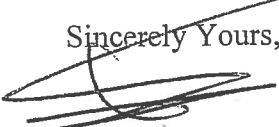
Re: Change in Water Right Ownership

Dear Mr. Knoblock:

Please find enclosed a Notice of Change in Water Right Ownership. This document is filed on behalf of John Gregory and Castle Creek Hideout, LLC. The change in ownership is for water right numbers 77-7210 and 77-4209. Your files should reflect changes in ownership for water rights associated with the same piece of property to Castle Creek Hideout, LLC from Dick and Ramona McAfee that were filed in approximately June 2004. You will find enclosed the signed applications, a aerial photo, a copy of the deed indicating the change in ownership, and the water right reports from the IDWR website related to these water rights.

If you have any questions or concerns, please feel free to contact me at 1301 Main Street, Suite 6, Salmon, ID 83467.

Sincerely Yours,



Paul B. Withers
PBW/lis

cc: client
Enclosures

RECEIVED

SEP 26 2005

WATER RESOURCES
WESTERN REGIONSTATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIPPlease print or type. Attach pages with additional information. Instructions are included at the end of this form.
Incomplete forms will be returned.RECEIVED
AUG 03 2005
IDWR/North

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
77-7210					

RECEIVED
SEP 29 2005
IDWR/North

2. The following REQUIRED information must be submitted with this form:

- A. The appropriate FILING FEE. See instructions for fee amounts. N/A
- B. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, WITH ATTACHED LEGAL DESCRIPTION.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or SURVEY MAP clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).
OR
If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency AERIAL PHOTO with the irrigated acres outlined and point(s) of diversion clearly marked. The AERIAL PHOTO should be submitted in place of the PLAT OF PROPERTY or SURVEY MAP.

3. Name and Address of Former Owner/Claimant(s)

Richard G. McAfee

300 Carter Creek Rd., Dillon, MT 59725

4. New Owner/Claimant(s)

Castle Creek Hideout, LLC

Name Connector (Check one): ☐ and, ☐ or, ☐ and/or

New Mailing Address

HC 82, Box 40-60

City, State and ZIP Code

Challis, ID 83226

New Telephone Number

(254) 377-6090

5. Date you acquired the property

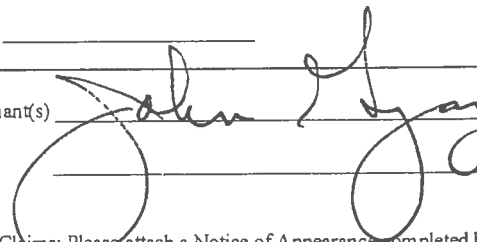
August 4, 2003

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
Total	_____	_____

7. Signature of New Owner(s) or Claimant(s)
(include title if applicable)



For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him/her for all matters related to your claims.

For Office Use Only

Received by JD Date 8/3/05 Fee _____
 Received by _____ Date _____ Receipt No. _____
 Processed by _____ AJ Date _____ WR _____ Date _____

WARRANTY DEED

FOR VALUE RECEIVED, RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, do hereby grant, bargain, sell and convey unto JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picaboo, Idaho, 83348, the following described premises, in Lemhi County, Idaho, to-wit:

See attached Exhibit A

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantee, his heirs and assigns forever. And said Grantors do hereby covenant to and with the said Grantee that they are the owners in fee simple of said premises; that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED: August 8-4, 2003.

Richard G. McAfee
RICHARD G. MCAFEE

Ramona D. McAfee
RAMONA D. MCAFEE

State of Idaho)
County of Lemhi)

SS No. 255463

This instrument was filed for record at the request of Alliance

at 3:54 o'clock p.m. 7 Aug 2003

and duly filed and indexed in the records of Lemhi County

Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

Return to _____

STATE OF Idaho)
County of Blaine) ss.

255463

On this 4th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Palmer, Idaho
Comm. Expires: 3-26-06

255463

EXHIBIT A

A FRACTION OF H.E.S. NO. 325 LOCATED IN SECTION 11 AND 12, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT CORNER NO. 3, H.E.S. NO. 325, A FOUND MARKED STONE FROM WHICH CORNER NO. 4, A FOUND BRASS CAP, BEARS SOUTH 81°26' E., RUN THENCE SOUTH 61°43'52" W., A DISTANCE OF 1030.37 FEET TO A SET 5/8" X 24" CAPPED REBAR, THE POINT OF BEGINNING:

THENCE NORTH 82°24'38" E., A DISTANCE OF 2102.70 FEET TO A SET 5/8" X 24" CAPPED REBAR; THENCE SOUTH 21°02'40" E., A DISTANCE OF 59.34 FEET TO A POINT ON THE BOUNDARY LINE BETWEEN CORNER NO. 4 AND CORNER NO. 5, OF H.E.S. NO. 325; THENCE SOUTH 53°21' W., ALONG SAID BOUNDARY LINE A DISTANCE OF 88.60 FEET; THENCE SOUTH 82°32'03" W., A DISTANCE OF 1283.26 FEET TO A SET 5/8" X 24" CAPPED REBAR; THENCE SOUTH 01°11'50" E., A DISTANCE OF 114.25 FEET TO A SET 5/8" X 24" CAPPED REBAR; THENCE NORTH 86°07'42" W., A DISTANCE OF 756.72 FEET TO A SET 5/8" X 24" CAPPED REBAR; THENCE NORTH 08°57'39" W., A DISTANCE OF 61.17 FEET TO THE POINT OF BEGINNING.

DEED OF INTEREST OF TENANT IN COMMON
TO THIRD PARTY

Indenture made, effective August 4, 2003, by and between RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, the Grantors, and JOHN ROSS GREGORY, a married man dealing with his sole separate property, whose address is P.O. Box 717, Picabo, Idaho 83348, the Grantee.

Grantors and the DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, are seised and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, as tenants in common, and no partition has been made between Grantors and DRAKE REVOCABLE TRUST and/or the Estate of John D. Drake and Virginia L. Drake, and Grantors hold and are entitled to an undivided 50% interest in the described property.

For and in consideration of value paid by Grantee to Grantors, the receipt of which is acknowledged, Grantors give, grant, bargain, sell and convey to Grantee all or Grantor's right, title, interest, and claim in and to the described undivided 50%-interest in the described property.

To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs, and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

DATED: August 24, 2003.

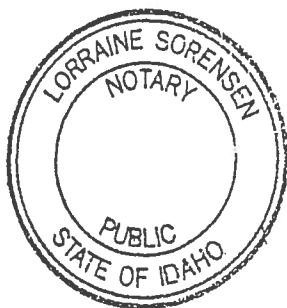
Richard G. McAfee
RICHARD G. MCAFEE

Ramona D. McAfee
RAMONA D. MCAFEE

STATE OF Idaho)
County of Lemhi) ss.

On this 4th day of August 2003, before me, a Notary Public in and for said County and State, personally appeared RICHARD G. MCAFEE and RAMONA D. MCAFEE, husband and wife, known to me to be the 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 year in this certificate first above written.



Lorraine Sorensen
NOTARY PUBLIC
Residing at Idaho Id.
Comm. Expires: 3-26-06

255464

State of Idaho)
County of Lemhi) SS No. _____

This Instrument was filed for record at the request
of alliance
at 3:55 o'clock p.m. 7 Aug. 2003
and duly filed and indexed in the records of Lemhi
County Terri J. Morton
Ex-Officio Recorder

By KB Deputy

Fee 9.00

Return to _____

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

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WARRANTY DEED

For value received, **JOHN ROSS GREGORY**, a married man dealing with his sole and separate property, the Grantor, whose current address is P. O. Box 717, Picabo, Idaho 83348, does hereby grant, bargain, sell and convey unto **CASTLE CREEK HIDEOUT, LLC**, whose current address is P. O. Box 717, Picabo, Idaho 83348, the Grantee, the following described premises, to-wit:

See Exhibit A attached hereto and incorporated herein by reference.

TO HAVE AND TO HOLD the premises with their appurtenances unto the said Grantee, its heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee that he is the owner in fee simple of said premises, that said premises are free from all encumbrances, and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 1-27-2004

JOHN ROSS GREGORY

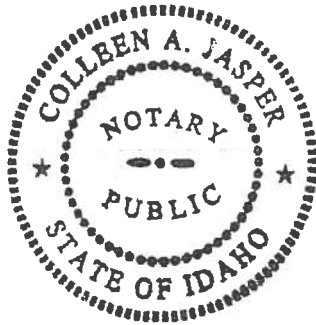
State of Idaho) SS No. 257892
County of Lemhi)
This instrument was filed for record at the request
of Holland & Hart LLP
at 10:27 clock am on 3-15-2004
and duly filmed and indexed in the records of Lemhi
County
Terri J. Molten
Ex-Officio Recorder
By Brian Anthony Deputy
Fee 9.00
Return to Holland & Hart LLP
J. Frederick Mack, Esq.
PO Box 2527

257892

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of January, 2007, before me,
Colleen A. Jasper, a notary public for said State, personally appeared
JOHN ROSS GREGORY, known or identified to me to be the person who executed the
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.



Colleen A. Jasper
Notary Public for: Brian Jasper
Residing at: Boss Idaho
My Commission Expires: 11/27/04

3160180_1.DOC

257892

255463

EXHIBIT A

A FRACTION OF H.E.S. NO. 325 LOCATED IN SECTION 11 AND 12, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

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DEED OF INTEREST OF TENANT IN COMMON
TO THIRD PARTY

Indenture made, effective the 11th day of March, 2004, by and between **JOHN ROSS GREGORY**, as his sole and separate property, the Grantor, whose current address is P. O. Box 717, Picabo, Idaho 83348, does hereby grant, bargain, sell and convey unto **CASTLE CREEK HIDEOUT, LLC**, whose current address is P. O. Box 717, Picabo, Idaho 83348, the Grantee.

Grantor is seized and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, and Grantor holds and is entitled to an undivided 50% interest in the described property.

For and in consideration of value paid by Grantee to Grantor, the receipt of which is acknowledged, Grantor gives, grants, bargains, sells and conveys to Grantee all of Grantor's right, title, interest and claim in and to the described undivided 50% interest in the described property.

To have and to hold, together with all and singular the privileges appertaining to the property, to Grantee, and Grantee's heirs and assigns, free of all encumbrances whatsoever not of record or disclosed in the Title Insurance report prepared for the parties by Alliance Title & Escrow, and Grantor's heirs, all and singular, shall and will warrant and forever defend from the lawful claim or claims of any and all persons whatsoever the interest conveyed.

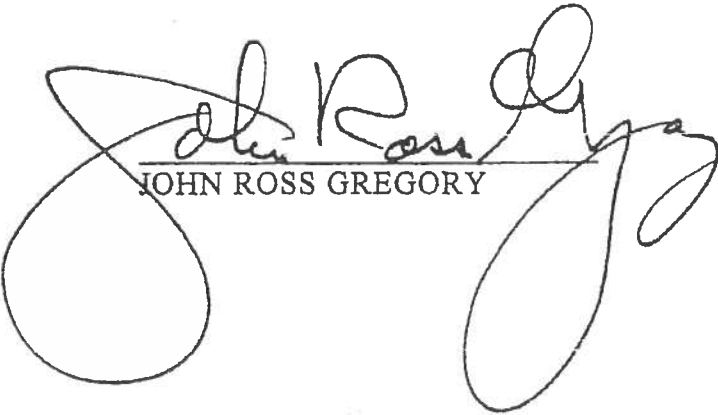
Dated: March 11, 1004

State of Idaho) SS No. 257893
County of Lemhi)
This instrument was filed for record at the request
of Holland & Hart LLP
at 10:58 o'clock a.m. on 3-15-2004
and duly filed and indexed in the records of Lemhi
County. Term J. [unclear]
[unclear] Recorder

By Brenda Outing Deputy

Fee 9.00

Return to Holland & Hart LLP
9 Frederick Mack Esq.
P.O. Box 2527
Boise, Id 83701 - 2527


JOHN ROSS GREGORY

257893

STATE OF IDAHO)
 : ss.
County of Ada)

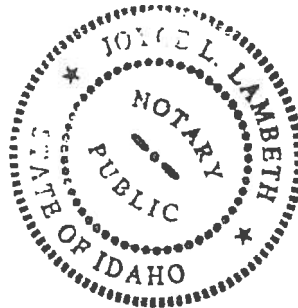
On this 11th day of March, 2004, before me, Joyce L. Lambeth, a notary public for said State, personally appeared JOHN ROSS GREGORY, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

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: Mountain Home, Idaho
My Commission Expires: 11/10/06

3160195_1.DOC



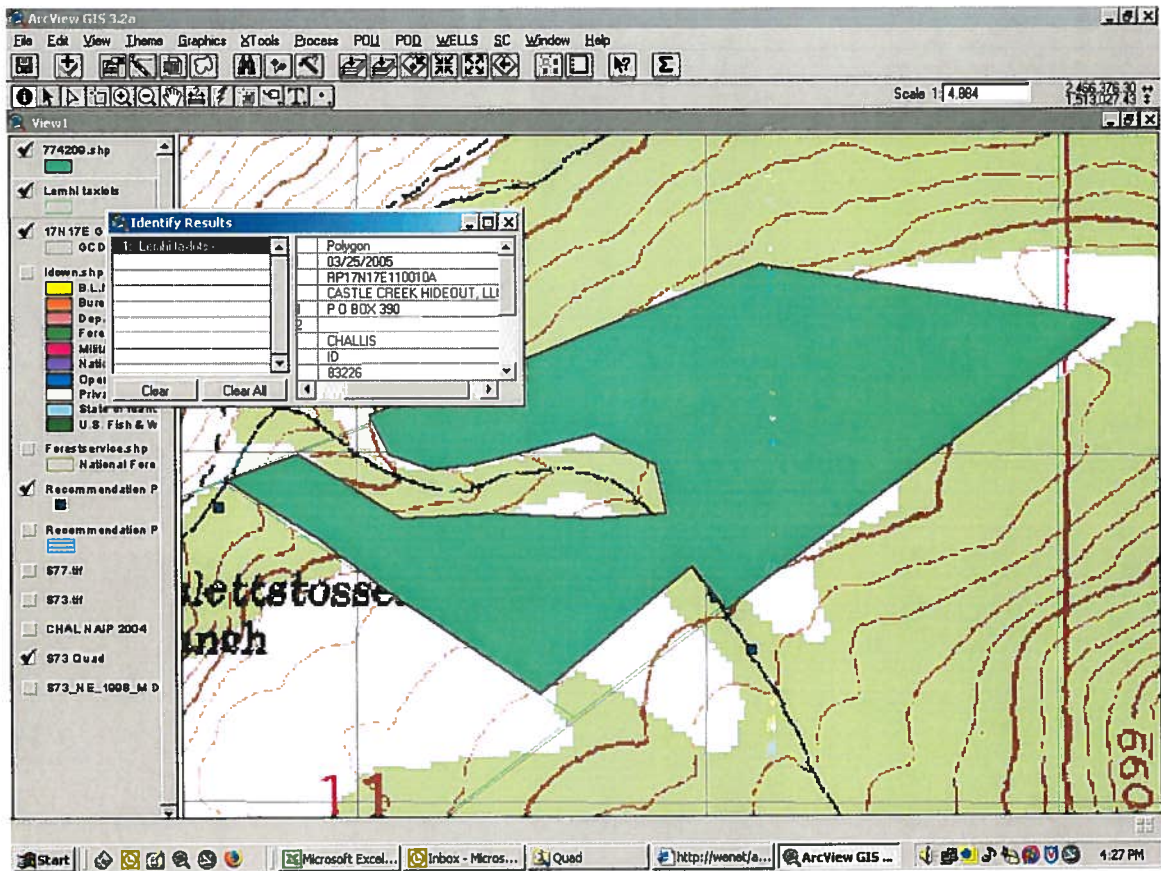
257893

255464

EXHIBIT "A"

THAT PART OF HOMESTEAD ENTRY SURVEY NO. 325 IN APPROXIMATELY SECTION 11, TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

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State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 6, 2005

77-4209
JOHN D DRAKE
PO BOX 865
SALMON ID 83467

Re: Field Examination and 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, and are termed beneficial use rights.

The elements of beneficial use rights need to be verified by an examiner for the Idaho Department of Water Resources (IDWR) before the claim can be recommended to the SRBA Court. The examination of claims in your area will take place during the summer of 2005. An examiner will be contacting you to schedule a time to visit your property to verify your use of the water right claimed.

Also, even though most of the elements of your claim can be verified by the field exam, the date of first use, or priority date can only be verified by documentation of the historic use. If you have not supplied documentation for the priority date and historical beneficial use of the water, please submit your evidence by August 31, 2005. Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claim disallowed if the priority date and the historic use cannot be documented. 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.

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.

Sincerely,

Carter Fritschle
Water Rights Supervisor
Adjudication Bureau

Enclosure:

Evidence of Priority Date pamphlet

Additional claimant(s) and/or claim(s):

77-4209
RICHARD G MC AFEE
PO BOX 865
SALMON ID 83467

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-04209
Date Received: 3/ 8/1990
Receipt No: W010749
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD MC AFEE
Address: P.O. BOX 865
SALMON ID

83647

OR

Name: JOHN D. DRAKE
Address: P.O. BOX 865
SALMON ID

83467

RECEIVED
NOV 12 1992

Department of Water Resources
Western Regional Office

2. Date of Priority: JUN 20, 1967

3. Source: CASTLE CREEK

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	NE	NE			LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.140		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

STOCKWATER, 15 RANGE; DOMESTIC, 3 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	NW	NE		IRR	7.0
			SW	NE		IRR	30.0
			SE	NE		IRR	6.0
			SE	NW		IRR	14.0

Section Acres 57.0

Total Acres 57.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
77-07202, 77-04222, 77-07210

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

\$10700

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED
MAR 08 1990

Ident. Number: A77-04209
Date Received: 3-8-90
Receipt No: 2010749
Received By:

Department of Water Resources
Western Regional Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD MC AFEE
Address: P.O. BOX 865
SALMON, ID 83647

OR

Name: JOHN D. DRAKE
Address: P.O. BOX 2008
SALMON, ID 83467

2. Date of Priority: JUN 20, 1967

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
17N	17E	11	NE	NE	NE		LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.140		
STOCKWATER	01/01	12/31	0.040		

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/15 RANGE

A77-04209

Page 1

Date: 11/29/89

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OCT 05 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	17E	11	NW		NE		IRR	7.0
			SW		NE		IRR	30.0
			SE		NE		IRR	6.0
			SE		NW		IRR	14.0
							Section Acres	57.0
							Total Acres	57.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

Sec 11



County of LEWIS

MICROFILMED

OCT 05 1992

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

OCT 05 1992

and says that he, she, they subscribed the foregoing claim
the matters and facts therein are true to the best of the

Richard G. McAfee
(Claimant)

Sworn to before me this XXXXXX day of June, 1983

卷之四

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Richard G. McAfee Date: Jan 16 1990

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 16th day
of January 19 90 Cornie D. Trappan
Notary Public

Seal

Residing at Salmon, Idaho
My Commission Expires 7-10-92

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

SEP 18 1992

Ident. Number: A77-04209
Date Received: 3/ 8/1990
Receipt No: W010749
Received By:
HHT

Department of Water Resources NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD MC AFEE
Address: P.O. BOX 865
SALMON ID

83647

OR

Name: JOHN D. DRAKE
Address: P.O. BOX 865
SALMON ID

83467

2. Date of Priority: JUN 20, 1967

3. Source: CASTLE CREEK

Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	NE	NE			LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.140		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.12		

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

S/15 RANGE D/3 HOMES

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	NW	NE		IRR	7.0
			SW	NE		IRR	30.0
			SE	NE		IRR	6.0
			SE	NW		IRR	14.0
					Section Acres		57.0
					Total Acres		57.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used: A77-07202 A77-04222 A77-07210

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: (3)

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Richard McCreary Date: Sept 15 '92
Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 15th day

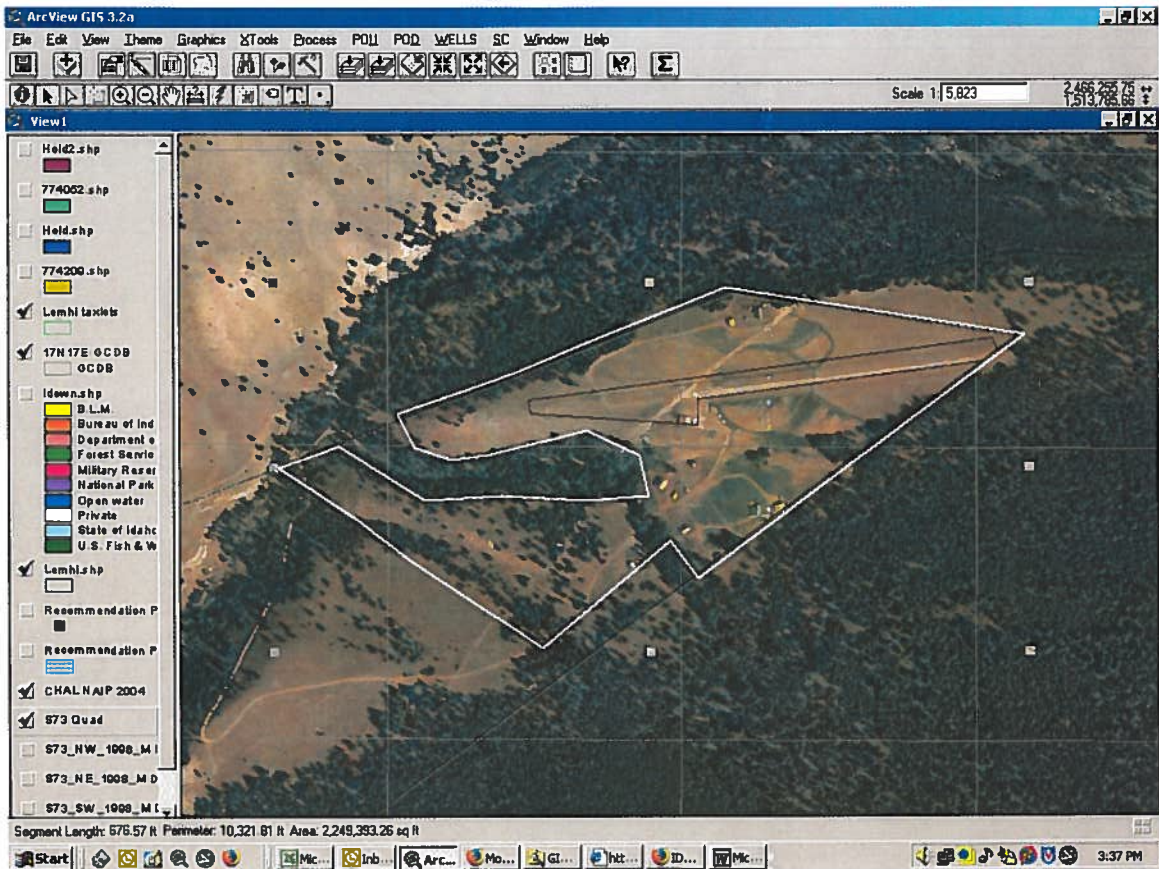
of September 19 92

Norma F. H. H. H.
Notary Public

Seal

Residing at Salmon, Idaho

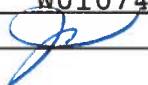
My Commission Expires 10-26-93



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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: **A77-04209**
Date Received: 3/ 8/1990
Receipt No: W010749
Received By: 

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: RICHARD MC AFEE
Address: PO BOX 865
SALMON ID 83647

OR

Name: JOHN D DRAKE
Address: PO BOX 865
SALMON ID 83467

2. Date of Priority: APR 1, 1919

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	NE	NE			LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.140		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE; DOMESTIC, 3 HOMES

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OCT 24 1996

RECEIVED

MAR 17 1995

WATER RESOURCES
WESTERN REGION

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-04209
Date Received: 3/ 8/1990
Receipt No: W010749
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD MC AFEE
Address: P.O. BOX 865
SALMON ID 83647

OR

Name: JOHN D. DRAKE
Address: P.O. BOX 865
SALMON ID 83467

2. Date of Priority: ~~JUN 20, 1967~~ April 1, 1919 R.M.

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	NE	NE			LEMHI

5. Description of diverting works:
DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	06/01	10/01	1.140		
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.120		

7. Total Quantity Appropriated is:
1.180 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 15 RANGE; DOMESTIC, 3 HOMES

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	17E	11	NW		NE		IRR	7.0
			SW		NE		IRR	30.0
			SE		NE		IRR	6.0
			SE		NW		IRR	14.0

Section Acres 57.0

Total Acres 57.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
77-07202, 77-04222, 77-07210

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Richard McAfee Date: X March 8 1993

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of March 19 95 Connie D. Rogers
Notary Public

Seal

Residing at Salmon Idaho
My Commission Expires 7-10-98

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
17N	17E	11	NW		NE		IRR	7.0
			SW		NE		IRR	30.0
			SE		NE		IRR	6.0
			SE		NW		IRR	14.0
							Section Acres	57.0
							Total Acres	57.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

77-07202, 77-04222, 77-07210

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

[illegible]

State of Idaho

County of

LEMLER

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this

day of

~~XXXXXXXX~~

June

1953

Notary Public

Residing at

Salmon, Idaho

My commission expires _____

Life

Received by

Prelim. check by

\$20.00 fee received by

Published in

Dates

Date _____

Date

Date

22

1000

Exception filed by:

Forwarded to

claimant by

Date _____



State of Idaho
DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082 - (208) 334-2190
FAX (208) 334-2348

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

April 11, 1995

Richard McAfee or John Drake
PO Box 865
Salmon, ID 83467

Dear Mr. McAfee and Mr. Drake:

Enclosed are copies of amended Claim Nos. A77-04209 and A77-04222. The priority dates on these claims have been amended to April 1, 1919, per the amended claims received March 17, 1995. The evidence of priority submitted with these amended claims has also been placed in the files.

If you have any questions concerning the enclosed claims, please feel free to contact this office.

Sincerely,

Adjudication Staff
Western Regional Office
(208) 334-2190

Enclosures

cc: Gerald Williams
PO Box 1
Pearce, AZ 85625

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OCT 24 1996

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

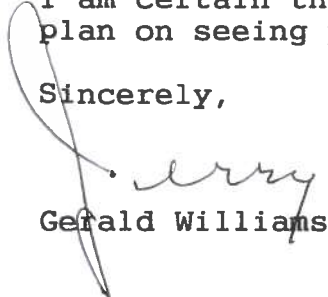
March 16, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

I want to express my sincere thanks to you for taking the time to help me with the water issues yesterday. When I can finally understand just how the system works and what the regulations mean, I am certain that it will not seem such a problem to me. We will plan on seeing you in early summer.

Sincerely,


Gerald Williams

4-11-95

I sent Mr. Williams copies of amended Claim Nos. A77-04209 + A77-04222 on this date. See letter dated 3-2-95 as to info. on this changed priority date + evid. of priority attached. I also sent a copy to the Claimant, Mr. McAffer.



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MAR 20 1995

WATER RESOURCES
WESTERN REGION

MICROFILMED

OCT 24 1996

RECEIVED

MAR 17 1995

WATER RESOURCES
WESTERN REGION

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

March 14, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

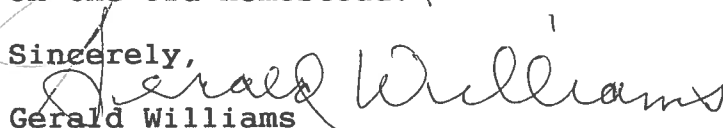
I just received the notarized copies of the change of priority date on the water claims by Mr. McAfee. It took two States in order to catch up with him. If there is anything missing or you need to talk to me by telephone, I should be, for all practical purposes, here at Spring Valley Ranch until about April 15. (Telephone is: 520-826-3318) The area code will have changed (March 19) from 602 to 520. Phoenix area will still be 602, but all the rest of Arizona will have the 520 code.

Jan, I want to be certain that I am at Castle Creek when you or some one from your Department come to make the verification next year. I am trying to make everything as good and efficient as one can in rocky, sandy, mountain terrain as to the irrigation techniques. I plan on stopping by your office some time this year in order to discuss some minor problems which I am running into in making the system work properly. I will value your counsel.

I generally am at the Castle Creek Ranch at least from July 15 until September 1 of each year. I spend much more time there, but other business often calls me in and out. If you write to our address here in Arizona in plenty of advance I can schedule to be there. If I am at Castle Creek, you can call in Salmon (756-4713) and they will get in touch with us by radio.

The directions for getting to Castle Creek are: Challis north about 8-10 miles on US 93 and then left on Morgan Creek Road to Meyers Cove. The road goes up over the Pass and then down Panther Creek toward Cobalt, but takes a sharp turn left to Meyers Cove (18 miles). At Meyers Cove you are 5.6 miles from us. Go up Camas (four wheel drive road) fording the Creek two times (total of 2.8 miles) and after the last ford take left up Castle Creek (2.8 miles) and you are at our place. The road runs straight onto our airstrip and ours is the first place and McAfees live higher on up on the Old Homestead.

Sincerely,


Gerald Williams

MICROFILMED

OCT 24 1996

Gerald Williams
P. O. Box 1
Pearce, Arizona 85625

RECEIVED

MAR 17 1995

WATER RESOURCES
WESTERN REGION

March 2, 1995

Jan Shurte
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Dear Jan:

It was a privilege for me to talk to you by telephone today. As I had Dave Couch, a Civil Engineer, do up our Water Claims, I was not familiar with the organization of the Department of Water Resources. I had Ernie Carlson's name in my file from Salmon, but now I realize it was because he worked with the folk there in the Lemhi River Basin. It was only after I talked with him by telephone just before Christmas that I learned that our area in the mountains is covered by your Western Region Office. Anyway he outlined the things that I should do and gave to me your name and address. He was very nice and helpful and thought that the information which I am sending to you would suffice. I will send a couple of affidavits which he suggested that I do even though they do not constitute the kind of proof normally accepted. All of the documents which I will enclose do add up to a reasonable credence that 1919 should be the date of priority. There are no irrigators that would complain in any case about our water as all of the land between us and the western border of Idaho is strictly Forest Service land and I doubt there are hardly anyone using water in that 175 mile expanse. Castle Creek flows into Camas and Camas into the Middle Fork of the Salmon and then into the Salmon River to the west of Salmon, Idaho (out of the area) where people do irrigate in the Lemhi Valley. I, along with your Department want the record to be clear.

Our neighbor, Dick McAfee and us use the same irrigation ditch which diverts water from Castle Creek to what was the Ernest Splettstosser homestead. He filed for the land in 1914 and proved up on it during the next five years when he was granted the patent in 1919. It is common knowledge that the condition for receiving patents on those kinds of homesteads was to prepare the land for tilling and to irrigate, without which there could be no crop. The patent deed from Woodrow Wilson makes it fairly clear that irrigation ditches were a part of the patent and indeed the requirement in order to receive the deed.

The reason that this issue came up during this past year was that my neighbor and I were comparing our Water Rights in conjunction with obtaining our permanent easement for the irrigation ditch across Forest Service land. Mr. McAfee noticed the discrepancy in our dates of priority. Obviously if both of us are using the same

MICROFILMED

OCT 24 1996

irrigation ditch from Castle Creek, then the priority date would naturally be one and the same. He was concerned, but as we have always been very good neighbors for twenty plus years, I told him not to worry about it for I would work with your Department and have it changed. As I told you by telephone, he had put down June 20, 1967 as the time that he and his partners took possession of the land and he did not understand the purpose of the "date of priority."

I am enclosing several documents.

Two of them are the signed (and notarized) Claims to Water by Richard McAfee changing the priority date from 1967 to 1919. The claim numbers are A77-04209 and A77-04222. Claim A77-04222 for Spletts Creek is probably really not a Creek, but rather a 6-8 week run off, but it was included in the original 1919 maps, etc. so we have always made a claim for it even though it is not much good. It is a "feast or famine" type of water source.

A copy of the original deed to Ernest Splettstosser by Woodrow Wilson.

Field notes which indicate the progress of preparing tillable land on the homestead from 1918-1919.

Copy of Claim To A Water Right prepared by Attorney James Herndon (now an Idaho District Judge) for us in the early eighties when we first needed to file claims. Herndon is the one who came up with the exact date of April 1, 1919. Even though all of the cumulative evidence points to that time being correct, I am not certain where he discovered the exact date of April 1. It was, however, accepted by the State Of Idaho Department Of Water Resources. Herndon's law practice has now been dissolved and I have no way of checking his records.

Copy of certification by me, Gerald Williams, as to conversations with a Mr. W. M. Wilson who was a contemporary rancher with Splettstosser. In the seventies I could have received a certification directly from him, but he is now deceased.

Copy of certification by a Mr. Frank Pfeiffer.

Once the priority date has been changed for Mr. McAfee, please return the documents to me so that I can give them to him. He is concerned about this issue (even though I have told him that we would get it changed) and I want to place his mind at ease.

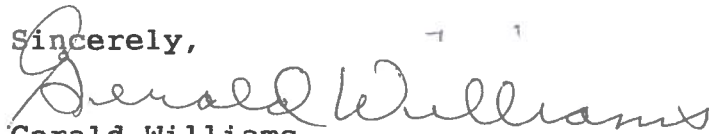
The same documentation which I am enclosing will serve as proof of priority date for the claims of Gerald and Evelyn Williams. These claims are: A77-10126; A77-04178; and A77-10127.

If there is anything further that we need in order to effect this change, please let me know. We are looking forward to seeing you in Castle Creek. It is a beautiful area. You will be "hooked" so

MICROFILMED
OCT 24 1996

you had better sell out before you go as you probably won't want to leave.

Sincerely,


Gerald Williams

Enclosures:

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OCT 24 1996

POOR ORIGINAL

RECEIVED

The United States of America, MAR 17 1995

To all to whom these presents shall come, Greeting:

WATER RESOURCES
WESTERN REGION

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

Ernest R. Spletstosser

has been established and duly consummated, in conformity to law, for the H.L. Survey No. 325, embracing a portion of, approximately, Township seventeen north of Range sixteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which the U.S. Location Monument No. 325 bears south thirty-nine degrees thirty-one minutes west four and forty-eight hundredths chains distant; thence north forty-one degrees thirty minutes east twenty-six and fifty-four hundredths chains to corner No. 2; thence north sixty-eight degrees forty-eight minutes east forty-four and sixty-four hundredths chains to corner No. 3; thence south eighty-one degrees twenty-six minutes east nineteen and eighty-one hundredths chains to corner No. 4; thence south fifty-three degrees twenty-one minutes west eighty-six and thirteen hundredths chains to corner No. 5; thence north twenty-seven degrees fifty-five minutes west twenty and eighty-two hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-nine and seventy-six 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, in the District of Columbia, the THIRTEENTH

day of DECEMBER in the year of our Lord one thousand

nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-FOURTH.

By the President:

By

Woodrow Wilson
W. P. Le Roy Secretary.
S. B. Samson

724054

RECORD OF PATENTS: Patent Number

MICROFILMED

OCT 24 1996

POOR ORIGINAL

REVIEWS

JUN 15 1983

**Department of Water Resources
Eastern District Office**

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that GERALD WILLIAMS
c/o James C. Herndon (Name of Claimant)

P. C. Box 789, Salmon, Idaho 83467
(Mailing Address)

1

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim, is as

(1) Date of priority: (When was the water first applied to a beneficial use)

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1919

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Spletts Creek tributary to Castles

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, gpd, AFA)

(Domestic, Irrigation, Stock, Etc.)

(Both dates inclusive)
(Mo., Day) (Mo.)

Quantity	1.00 cfs	Use	Irrigation	Period of Use	From	To
Quantity	0.02 cfs	Use	Domestic	Period of Use	From	To
Quantity	1.00 AFA	Use	Irrigation	Period of Use	From	To
Quantity	1.00 AFA	Use	Irrigation	Period of Use	From	To
Quantity		Use	Storage	Period of Use	From	To

(4) 1.02 cfs l cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

SW 1/4 NE 1/4 Sec. 11 Twp. 17N Rge. 17E B.M., County of Lemhi

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Domestic: holding box and $\frac{1}{2}$ " pipe; Irrigation; diversion dam headgate and ditch works (2600 linear feet)

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres	25
1	1
2	2
3	3
4	4
5	5
6	6
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99	99
100	100

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

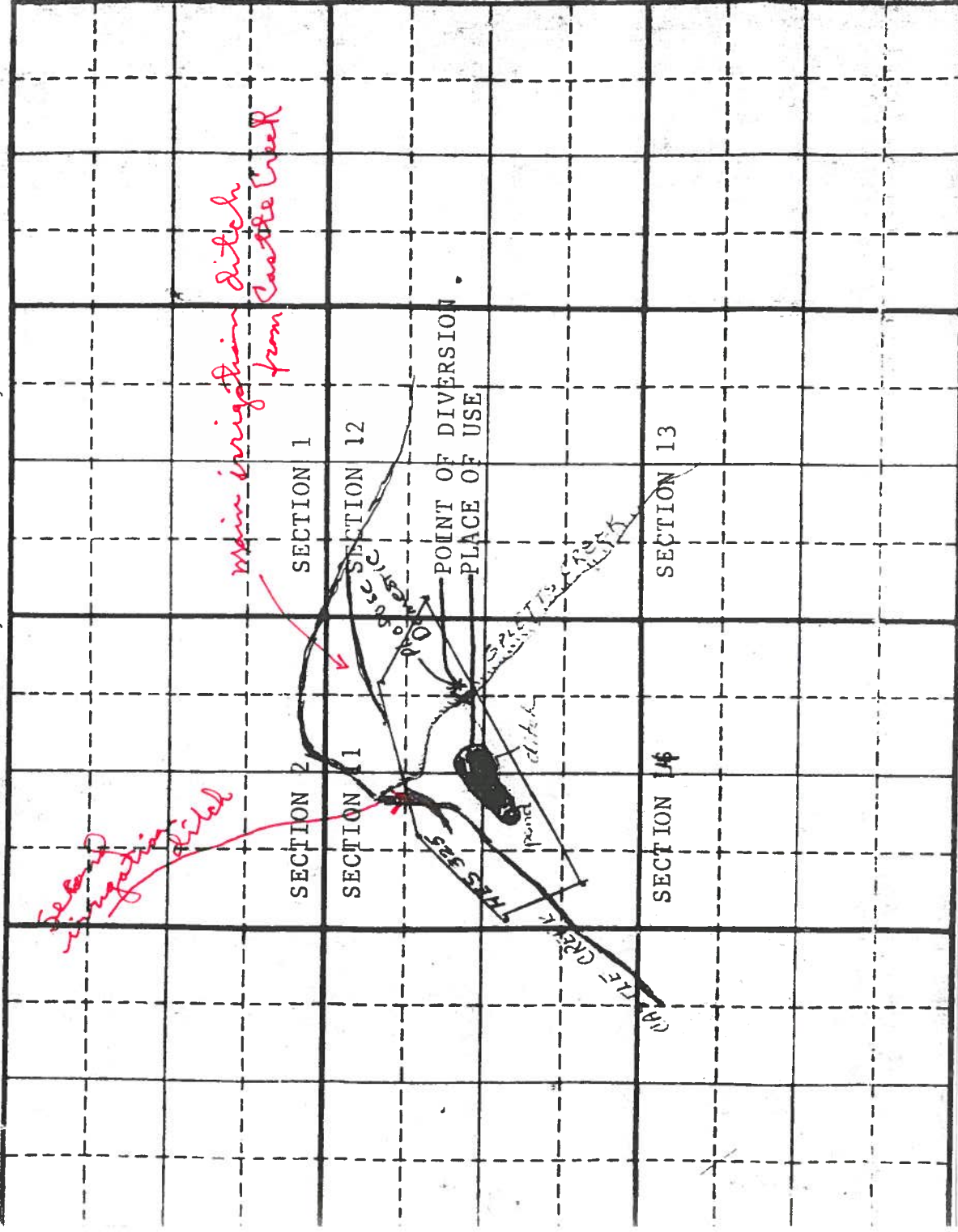
water, is used for other than irrigation, fully describe that use, being as specific as possible.
Domestic: SEANEX one family dwelling being the "old cabin" on
H.E.S. No. 325.

77. Include here the type and number of stock watered:

no claiming water as a member of an organization, list name of organization:

Remarks

TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Lemhi

ss.

MICROFILMED

OCT 24 1996

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 25th day of May

(Claimant)

1983-

May

My commission expires 10/86

10/86

Received by Civil

Prelim. check by HUT

~~\$30.00~~ fee received by

Published in Recorder-Herald Date

Dates 7/28 + 8/4 83

6-11-83 FOR DEPARTMENT USE ONLY

Exception filed by:

Date _____

Date 6-16-83

Date _____

Date 6-17-83 # 3016

pro

Dates 7/28 + 8/4/83

Published in Recorder-Herald _____ Date _____

Forwarded to
claimant by: _____
Date _____

Date _____

24

SERIAL No. 014052

THE

Wernest R. Speltstosser

2570007

Myers Cove, Idaho

[illegible]

DATE.	NOTATIONS.
	"FS" of 5-5-1919 accepts cultivation already performed on said entry, and authorizes issuance of P.C. upon the claimant filing a supplemental affidavit showing that the land has been used for grazing purposes in lieu of cultivation.

Notice sent.

Suppl. affidavit as to cultivation
held in response to 11/25/19
11/25/19

and the land has been
used for growing sorghum.

Final Certificate to Glad July 1919. Return

Patent # 724,156 covered
Electric Sinter

Jan 13 1936 Justice Court

17 1995

OCT 24 1999

ED

27/11/2019

TO WHOM IT MAY CONCERN:

I, Gerald Williams do make the following certification. My family has owned what is known as Castle Creek Ranch since 1971. The ranch is located in Lemhi County, Idaho and consists of the major portion of H.E.S. 325 which was the homestead of Ernest R. Splettstosser who filed claim for the land in 1914 and proved up on his claim during the following five years and was granted permanent title and patent to the land in 1919 by President Woodrow Wilson. Our ranch is more specifically identified on the present tax records as RP 17N17E110002 A.

During the late 1970s I had the opportunity to meet a Mr. W. M. Wilson (known as Bill Wilson) who was one of the early pioneers in the area and owned the ranch at Meyers Cove. His ranch was located about three miles from our present ranch (as the crow fly) and about 5.6 miles by the primitive road following Castle and Camas Creeks. Mr. Wilson was the only neighbor to Mr. Splettstosser and related a great deal of the early history of the area to me. He told me that Mr. Splettstosser had built by means of a team of horses, using primitive frontier equipment, the present irrigation ditch which transverses Forest Service property to join his homestead land in order to irrigate his crops which consisted of potatoes and wheat. According to Mr. Wilson the irrigation ditch was somewhat of an engineering marvel considering the primitive tools he had to work with as far as elevations and fall were concerned. It was my distinct impression that the irrigation ditch existed from the beginning time of Mr. Splettstosser's homestead and was a requirement by the U.S. Government for proving up on his land. Mr. Wilson is now deceased. I have met a daughter of his, but she does not remember anything that would pertain to Mr. Splettstosser as she was only a child. Several pieces of haying equipment are still laying around (rotting) on the ranch and I can recall their vintage of being at least in the early thirties.

March 1, 1995

Date

Gerald Williams

Gerald Williams

P. O. Box 2512

Salmon, Idaho 83467

MICROFILMED

OCT 24 1996

TO WHOM IT MAY CONCERN:

I, Frank Pfeiffer, now being retired do certify that during the summers of 1937, 1938, and 1939 that I worked two of those summers for Ernest R. Splettstosser on his homestead on Castle Creek in Lemhi County, Idaho. I was a boy at the time and recall vividly some of the scenes on his farm in the mountains in those early days. Mr. Splettstosser raised goats and made cheese from the milk. He had an irrigation system whereby he raised hay and potatoes. The irrigation water came onto his property through some source from Castle Creek up high on his homestead. I recall his haying equipment which consisted of an old dump rake and a horse drawn mowing machine.

January 25, 1995

Date

Frank Pfeiffer

Frank Pfeiffer
P. O. Box 534
Challis, Idaho 83226

6/3/94

RECEIVED

DEC 05 1994

COMMUNICATION DOCUMENTATION

WATER RESOURCES
WESTERN REGION

Claim No. A77-10126 & A77-04209

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent Ernie Carlsen. Date 30 NOV 94

Contact Person(s) Gerald Williams

Nature of Contact Telecon concerning evidence of priority and amending priority date on A77-04209.

Substance of Communication Mr. Williams is assisting his neighbor in compiling evidence of priority and subsequently amending the priority date on A77-04209. Mr. Williams will send IDWR a copy of his the land patent, dated 1919, for the homestead that originally included both his and his neighbors property along with a personal affidavit. These documents will apply to both A77-10126 & A77-04209. His neighbor will then file and amended A77-04209 conforming to the evidence of priority.

MICROFILMED

OCT 24 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

pr. file

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 5, 1994

RECEIVED

AUG 08 1994

WATER RESOURCES
WESTERN REGION

GERALD WILLIAMS
PO BOX 2512
SALMON ID 83467

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim #A77-04209 and A77-04222
Richard McAfee

Dear Mr. Williams:

Following your telephone calls today, I have enclosed computer-generated copies of Notices of Claim #A77-04209 and A77-04222 for your neighbor, Richard McAfee. You stated Mr. McAfee wishes to amend the priority date on these two notices of claim, which he may do.

Mr. McAfee would help our department by submitting evidence of priority at the time he mails us the amended claim. As we discussed, this can be an affidavit from someone who knows when the water was first used, or documents Mr. McAfee may have in his possession. I have enclosed a pamphlet which may help.

If Mr. McAfee wishes to amend his notices of claim, he should line through the priority date at Item #2, write in the new priority date and initial his change. He will also need to sign the Notice of Claim in front of a notary public and return the amended claim form to me at this office.

Since Mr. McAfee and his co-claimant, John Drake, have "or" between their names, only one of them needs to sign the claim form. There is no fee for amending the priority date.

You instructed me to send this information to your post office box in Salmon since David Couch is now residing in Boise making the address on your claim(s) out of date. I have enclosed a form for you to complete and return to update your mailing address.

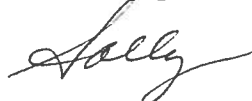
MICROFILMED

OCT 24 1996

Gerald Williams
August 5, 1994
Page 2 - Lemhi County

I enjoyed talking to you very much and feel Richard McAfee is fortunate to have you as his friend and neighbor. Please call me if I can assist you again.

Sincerely,



Sally Sherman
Secretary, Adjudication Bureau
Department of Water Resources

SS:region:state
Enclosures:

Computer-generated Notices of Claim #A77-04209 and A77-04222
Evidence of Priority Pamphlet
Change in Address of Claim Form

MICROFILMED
OCT 24 1996

8/5/94 Gerald Williams
called for his neighbor,
Richard McAfee re Richard
wanting to amend p-dte to
match ~~his~~ Gerald's.

Both Lemhi Adj.

Gerald Williams:

A77-10126 et al (over)

use P.O. Box 2512

Salmon, ID 83467

Send amend. info + fee, if
any, + ^{address} change so
Gerald can del. Cook, who
is living here now.

> McAfee has Source of
Castle Cr., 1967 p-dte.

A77-07202 + A77-04209

> Gerald will call me @ 1p today
to get info.

RECEIVED

MICROFILMED

AUG 31 1994

OCT 24 1996

WATER RESOURCES
WESTERN REGION

Castle G.:

A77-04178 (Spletts G. trib to
Castle G.)

* A77-10127 trib. to Camas
p-dte 1919

RECEIVED

AUG 31 1984

WESTERN ELECTRIC
RECORDS SECTION

MICROFILMED

OCT 31 1986



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866



CECIL D. ANDRUS
GOVERNOR

October 27, 1992

R. KEITH HIGGINSON
DIRECTOR

Mrs. Richard G. McAfee
PO Box 865
Salmon, ID 83467-0865

RE: Snake River Basin Adjudication
Notice of Claim A77-04209

Dear Mrs. McAfee:

Enclosed is a copy of the amended claim as processed. Please review it and confirm the changes have been made. Thank you for your patience. I have only now found time to complete the processing.

Please let me know if you have any questions about the adjudication process or if I can be of any assistance.

Sincerely,

Helen Harrington-Thornton
Senior Water Resource Agent

HHT:sf:west

Enclosure:

Notice of Claim A77-04209 Amended

MICROFILMED

AUG 08 1994

POOR ORIGINAL

RECEIVED

SEP 18 1992

Department of Water Resources

September 16, 1992

State Of Idaho
Department Of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Amended Notice Of Claim - A77-04209

Attention: Helen Harrington-Thornton
Sr. Water Resource Agent

Dear Helen Harrington-Thornton:

Enclosed, please find the amended Notice of Claim, for our domestic water from Castle Creek, along with my husband, Richard G. McAfee's notarized signature.

Thankyou for all the help you have been. It is much appreciated by both my husband and myself.

Sincerely,

Mrs. Richard McAfee

Mrs. Richard G. McAfee
P.O. Box 865
Salmon, Idaho 83467-0865

Enclosure:

(3) page Notice of Claim - A77-04209

MICROFILMED

AUG 08 1994

Please note
Drake's
P.O. Box #
as 865, not
2008. Thanks.



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

August 21, 1992

Mrs. Richard G. McAfee
P.O. Box 865
Salmon, ID 83467

RE: Snake River Basin Adjudication (SRBA)
Lemhi County - Notice of Claim No. 77-07202

Dear Mrs. McAfee:

I apologize for the delay in my response. I have been out of town for several weeks and have only now had time to answer your letter.

Upon my initial review of your letter, it appeared that I did not have good news for you; however, upon further investigation I believe I have discovered the proper action to take in order to correct the omission of the domestic use from Castle Creek.

The claim you referenced, 77-07202, is a license for hydropower purposes and was initiated in 1983. The proper procedures and statutory actions have perfected this right. However, as you will note in the enclosed brochure, Idaho Water Rights - A Primer, as of May 20, 1971, the only way to establish a right to surface water is via the permit process. Therefore, adding the domestic use would conflict with the statutes used to establish this water right.

I have also located a claim which you filed for water from Castle Creek used for irrigation and stockwater purposes. That claim, 77-04209, claims a priority date of June 20, 1967. Prior to May 20, 1971, a water right for surface water could be established by diverting the water and applying it to beneficial use. If you put the irrigation water and stockwater to use at the same time as the domestic use, you may modify this claim, rather than the above hydropower claim and it would not appear to conflict with the state statutes.

I realize this may be confusing; please do not hesitate to call me and perhaps we can discuss this on the phone to clarify the situation. I have enclosed a claim form for A77-04209 for you to identify the amendments if indeed the domestic use began at the same time as the irrigation and stockwater uses from Castle Creek.

MICROFILMED

AUG 08 1994

Mrs. Richard G. McAfee
August 20, 1992
Page 2 - Lemhi County

If you decide to amend the claim, you may do so by making the appropriate changes (i.e., adding domestic at Item 6, with period of use of 1-1 to 12-31; and completing a diversion rate). Then initial the new information. The claim must be signed by either Richard McAfee or John D. Drake, the claimants listed at Item 1 and the signature(s) must be notarized. There would not be any additional fee. I have enclosed an instruction booklet for you to use in determining a diversion rate if your don't know it. When we receive the amended claim, we will process it.

If the domestic use began after May 20, 1971, you should complete the enclosed application for permit, following the enclosed instructions.

Again, please call or write if you would like to discuss this or I can be of any assistance. My phone number is 327-7935. We have regional offices in Idaho Falls, Twin Falls and Boise, and personnel are available if your find yourself in one of those locations. Let me know if I can help.

Sincerely,



Helen Harrington-Thornton
Sr. Water Resource Agent
Adjudication Bureau

HHT:sf:state:tf

Enclosures:

Notice of Claim A77-04209
Short Instruction Booklet
Application for Permit
Water Rights Primer

MICROFILMED
AUG 08 1994

RECEIVED
AUG 06 1992
Department of Water Resources

July 30, 1992

State Of Idaho
Department Of Water Resources
1301 North Orchard Street
Boise, Idaho 83720

RE: Amended Claim # 77-7202

Attention: Helen Harrington--Thornton
Water Rights Agent

Dear Helen Harrington - Thornton:

In December of 1989, you were kind enough to help me in filling out Adjudication forms on our water right claim numbers.

Once again, I am writing for your assistance, on claim #77-7202.

In reviewing our water right claims at a recent water rights meeting in Salmon, in which Mr. Keith Higginson, Director, was present, he suggested an amended claim, when we found we overlooked having domestic water use from Castle Creek added to both water application permit and notice of claim.

I have enclosed the first page copies of the two documents I wish to have amended.

Please advise, as to what I must do to complete this amendment.

Thanking you for your time and prompt reply.

Sincerely,

Mrs. Richard G. McAfee

Mrs. Richard G. McAfee
P.O. Box 865
Salmon, Idaho 83467

Enclosures: (2)

MICROFILMED
AUG 08 1994

DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMITIdent. No. 77-7202

RECEIVED

AUG 1 1987

To appropriate the public waters of the State of Idaho

1. Name of applicant Richard McAfee Phone Post office address P.O. Box 865, Salmon, Idaho 834672. Source of water supply Castle Creek which is a tributary of Camas Creek and3. Location of point of diversion is NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11 Salmon River
Township 17 NRange 17 E.B.M. Lemhi County, additional points of diversion if any none

NINE Sec.11 T17N R17E

4. Water will be used for the following purposes:

Amount 1.6 cfs for power purposes from Jan. 1 to Dec. 31 (both dates inclusive)
 (cfs or acre-feet per annum) for
 Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum) for
 Amount for purposes from to (both dates inclusive)
 (cfs or acre-feet per annum) for
 Amount for purposes from to (both dates inclusive)

5. Total quantity to be appropriated:

a. 1.6 cubic feet per second and/or acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. headgate, open ditch for one-half
mile, then 6" plastic pipe (underground) for one-fourth mile, 2 Pelton
wheels and 2 generatorsb. Height of storage dam none feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam: Period of year when water will be diverted to storage to inclusive.c. Proposed well diameter is inches; proposed depth of well is feet.7. Time required for the completion of the works and application of the water to the proposed beneficial
use is five years (minimum 1 year - maximum 5 years).

8. Description of proposed uses

a. If water is not for irrigation:

(1) Give the place of use of water: SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 11 Township 17 N
Range 17 E. B.M.(2) Amount of power to be generated: 11.73 kw or 8.68 kw(3) List number of each kind of livestock to be watered none horsepower under 80 feet of head.(4) Name of municipality to be served none, or number of families to be
supplied with domestic water power five(5) If water is to be used for other purposes describe: none

MICROFILMED

file
copy

POOR ORIGINAL

\$80.38

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A77-07202
Date Received:
Receipt No: _____
Received By: _____
alt

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: RICHARD MC AFEE
Address: P.O. BOX 865
SALMON, ID

83467

2. Date of Priority: AUG 17, 1983

3. Source: CASTLE CREEK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	NE	NE	NE		LEMHI
			NW		NE		LEMHI

5. Description of diverting works:
HEADGATE, DITCH, PIPE, WHEELS & MOTORS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
POWER	01/01	12/31	1.600		

7. Total Quantity Appropriated is:
1.600 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
P/5 HOMES
GENERATING CAPACITY 8.6 KILOWATTS

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	SW	NE		POWER	

A77-07202

Page 1

Date: 11/29/89

MICROFILMED
AUG 08 1994

MEMORANDUM

TO: FILE
FROM: STEVE LESTER *SL*
DATE: FEBRUARY 28, 1992
SUBJECT: REVIEW OF EXAM FOR PERMIT 77-07203

According to the topographic map, Castle Creek does not appear in NENE S.11 except as the creek bisects the section corner common to Sections 1, 2, 11, and 12. See the attached map (reviewer's). This is not a distortion due to photocopying; refer to original quad # S-73. It is possible that the P/D is actually in SESE S.2 or on the section line between S.1 and 12 but cannot be confirmed by exam data. Due to the remote location of the site, I recommend that the P/D be described as the section corner Perhaps an amendment fee would not be necessary since the point could be seen as the outermost part of NENE S.11 and is clarified rather than changed by the above suggestion.

The same diversion point is used in rights 77-07202, 77-04209, and 77-04001. The other rights serve other uses in the area. The exam information in 77-07203 and 77-07202 is insufficient to quantify the ditch capacity. The flow measured in 77-07202 on 8/4/88 involved a 6" pipe from the ditch to the power use and is not a capacity limiter for the ditch. SRBA exams will be needed for claims (if filed) based on the two statutory claims, and ditch capacity can be determined at that time.

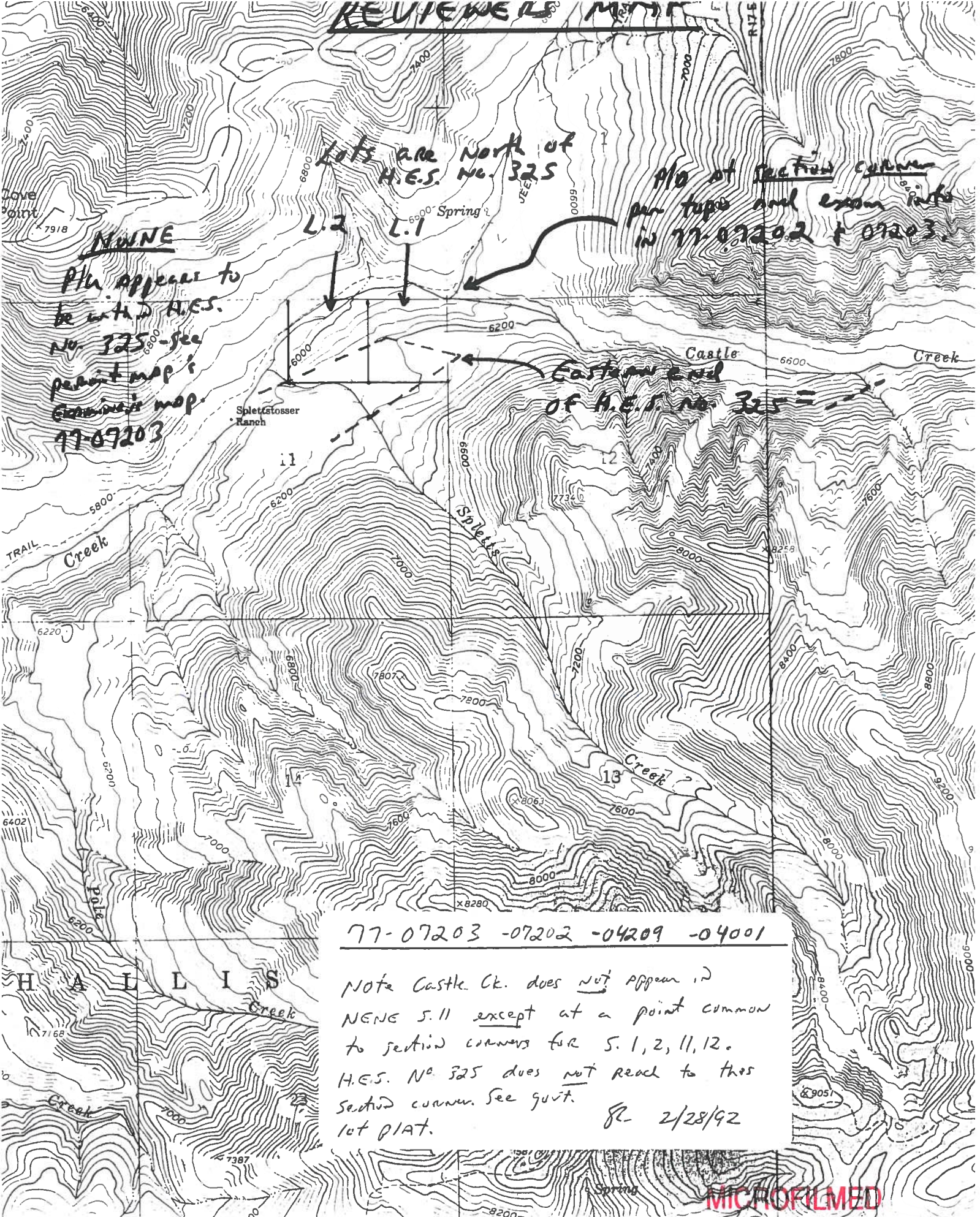
Yard use at the cabin is apparently covered by 77-04209 (includes 7 acres in NWNE S.11), and 77-07203 is used for internal domestic at 1 cabin. The examiner's comment in item G2, Volume, seems to refer to this. Previous exams have allowed .04 cfs for internal use instead of restricting the rate to .02 cfs. Therefore, allow .04 cfs but still limited to .6 afa.

SRBA claims were found for 77-07202 and 77-04209. No SRBA claims were found for 77-07203 or 77-04001 per AJ5 or AJ2. No claim is required for 77-07203 since proof was filed in 1988.

CC: 77-07202, 77-04209, 77-04001 Vault and Region files
A77-07202, A77-04209 Region files

MICROFILMED
OCT 05 1992

REVIEWS



NWNE
Pln appears to
be within H.E.S.
No. 325 - see
parent map &
Gannett map.
77-07203

Lots are North of
H.E.S. No. 325

Pln of section corner
per topo and exam info
in 77-07202 & 07203.

Eastern end
of H.E.S. No. 325 =

77-07203 -07202 -04209 -04001

Note Castle Ck. does not appear in
NENE S. 11 except at a point common
to section corners for S. 1, 2, 11, 12.
H.E.S. No. 325 does not reach to this
section corner. See gvt.
let plat.

82 2/28/92

MICROFILMED

OCT 05 1992

March 6, 1990

RECEIVED
MAR 08 1990

Department of Water Resources
Western Regional Office

State of Idaho
Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Snake River Basin Adjudication
Notices of Claim to a Water Right
A77-07202 A77-07210
A77-04222 A77-04209

Water Rights Agent:

Please find check number 1510, in the amount of \$272.38, for the above Water Right claims, in the Snake River Basin Water Adjudication System.

Sincerely,

Mrs. Richard McAfee

Mrs. Richard G. McAfee
P.O. Box 865
Salmon
Idaho 83467

Enclosures:

- (4) Notice of Claims
- (1) Combined check for fees

MICROFILMED
OCT 05 1992

77-4209



LEGEND

- Limited Lands
- Township/Range
- Sections
- QQ
- DOQQ 1998

Prepared By: Danielle Favreau, 9/7/05, IDWR/IWWRI

