

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Right Number: 77-04222

Name and Address: CASTLE CREEK HIDEOUT, LLC
BOX 390
CHALLIS, ID 83226

Source: SPLETTTS CREEK Tributary: CASTLE CREEK

Quantity: .20 CFS
30.00 AFY

Priority Date: 04-01-1919

Diversion Point: T17N R17E S11 LOT 5 (SENE) Within Lemhi County

Purpose and Period of Use:	Purpose of Use	Period of Use	Quantity
	Irrigation	05-01 TO 10-31	.20 CFS
			30.00 AFY

Place of Use: Irrigation Within Lemhi County
T17N R17E S11 ~~LOT 1 (NENE) 10~~
NENE 10
10 Acres Total

Other Provisions Necessary for Definition / Administration of this
Water Right:

Place of use is on property known as Homestead Entry
Survey 325.

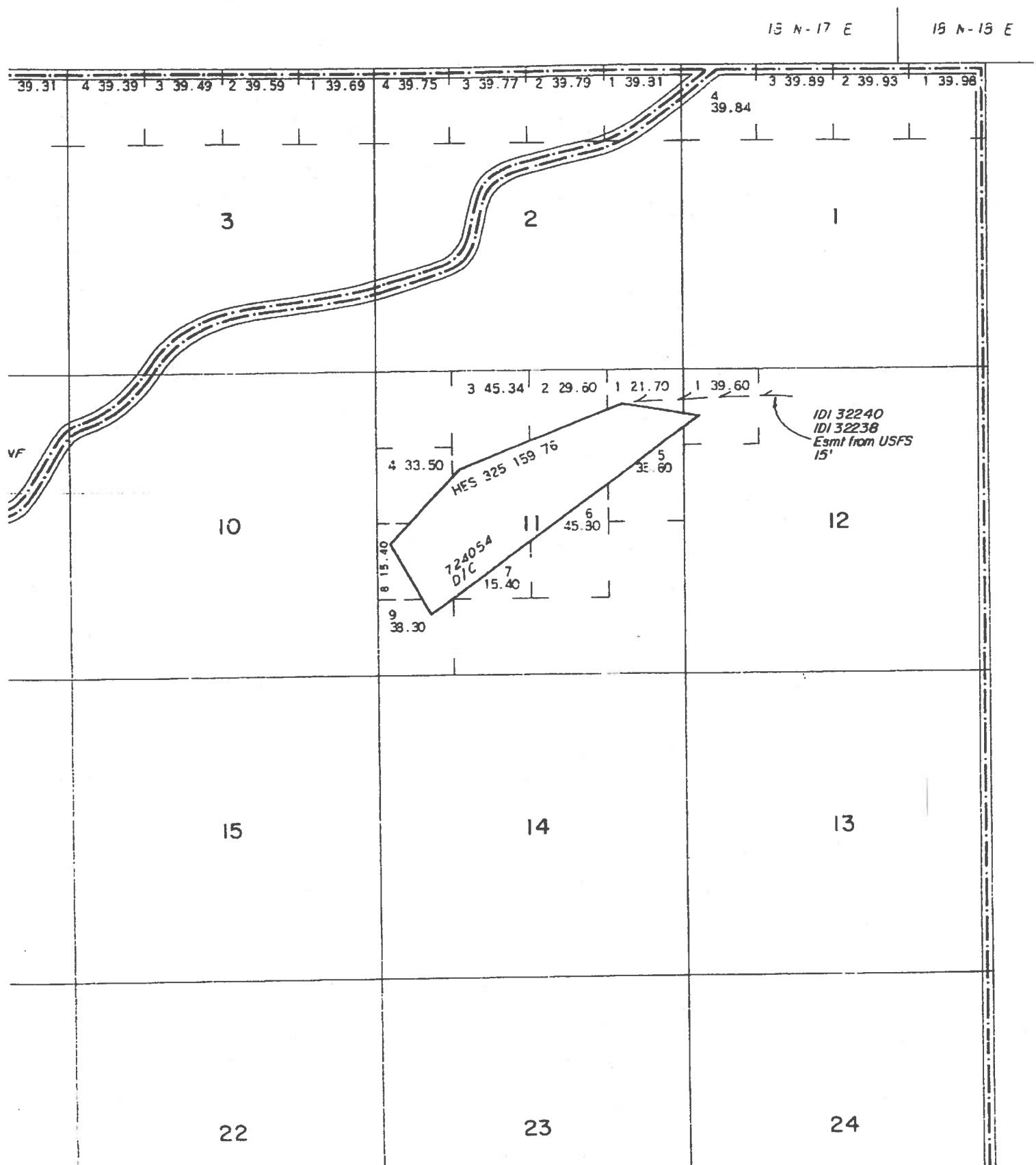
This partial decree is subject to such general
provisions necessary for the definition of the rights or
for the efficient administration of the water rights as
may be ultimately determined by the Court at a point in
time no later than the entry of a final unified decree.
Section 42-1412(6), Idaho Code.

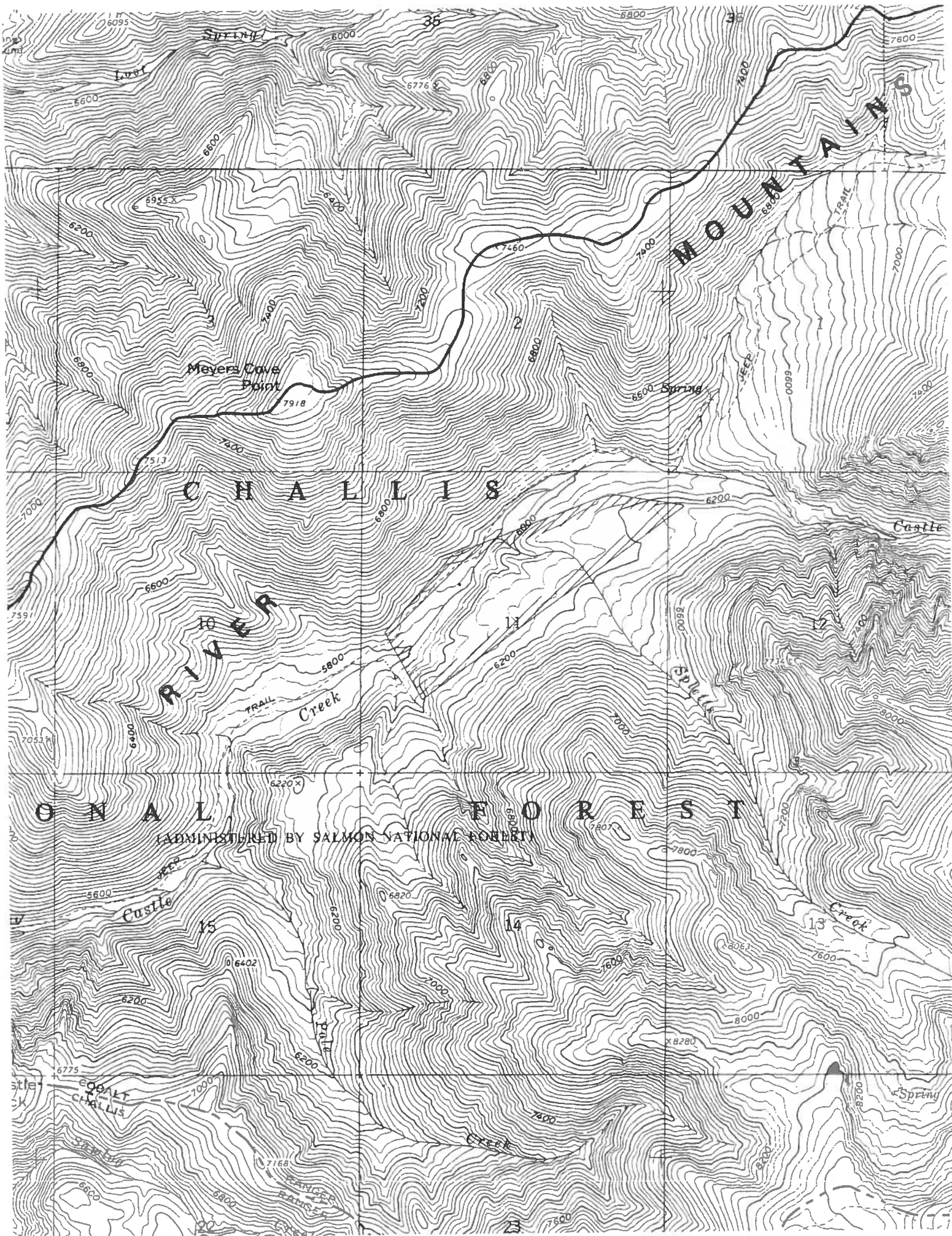
Explanatory Material: Basis of Claim - Beneficial Use

RANGE 17 EAST OF THE BOISE MERIDIAN, IDAHO

MHI COUNTY 059

SALMON DISTRICT





Knoblock, Ken

From: Steven M Spencer [sspencer@fs.fed.us]
Sent: Friday, March 23, 2007 3:18 PM
To: lemhip@salmoninternet.com
Cc: lemhia@salmoninternet.com; Knoblock, Ken
Subject: Castle Creek Hideout



Suggested
77-04209.doc



Suggested
77-04222.doc



Suggested
77-07202.doc

I believe you have spoken and exchanged messages with Bob Kenworthy about the Castle Creek Hideout water rights. The Forest Service objected to three of their water rights in order to clarify legal descriptions. I have worked up some water right descriptions for 77-04203, 77-04222 and 77-07202. Deletions are lined through and additions are underlined. Suggested changes for each water right are based on USGS and BLM Master Title Plat maps. (I'll send copies of those maps in a separate message because they are quite large.) I had the opportunity to discuss these changes with Ken Knoblock of IDWR. We are in agreement that these changes are appropriate. After you have been able to review this information, please contact me and we can determine the next step to take.

For 77-04209 we see a need to change the point of diversion from S11 NENE to S12 NENW. This is based on the BLM MTP which shows the recorded ditch bill easement for the Castle Creek diversion as being in S12 NENW.

For 77-04222 we see a need to remove LOT 1 from the place of use. The NENE is OK, but because the use is on HES 325, the government survey Lots are then know to be National Forest System land outside the private HES 325. This would be clear by adding the statement that, "Place of use is on property known as Homestead Entry Survey 325."

For 77-07202, again a diversion from Castle Creek, and knowing from the discussion for 77-07209, that the diversion is in the NENW of Sec 12, all the guess work reflected in the point of diversion possibly being in one of 4 quarter-quarters is removed by putting the diversion in T17N R17E S12 NENW.

(See attached file: Suggested 77-04209.doc) (See attached file: Suggested 77-04222.doc) (See attached file: Suggested 77-07202.doc)

If you have any questions about this business please contact me. Thank you.

Steve Spencer
Boise Adjudication Team
161 E. Mallard, Suite 110
Boise, ID 83706

(208) 331-5944
(208) 387-0842 FAX
e-mail: sspencer@fs.fed.us

**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: 77-04222
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:

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: See E below.

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 place of use in the NENE Lot 1 Sec 11, T17N, R17E shown in the Directors Report recommendation is on National Forest System (NFS) land. The claimant is not authorized to occupy and use NFS land for irrigation purposes. Lot 1 is specifically NFS land. Lot 1 needs to be removed from the legal description. The actual legal survey is HES 325. The legal description needs to include that the place of use is in HES 325 and by protraction would be in the NENE of Section 11.

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)

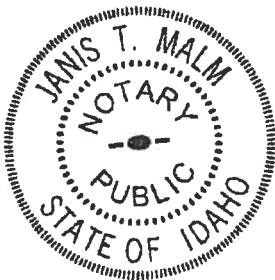
That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Steven M. Spencer
(Signature of person filing objections)

[Signature]
(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

11/24/2004

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

RIGHT NUMBER: 77-4222

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

SOURCE: SPLETTS CREEK

TRIBUTARY: CASTLE CREEK

QUANTITY: 0.200 CFS
30.000 AFY

PRIORITY DATE: 04/01/1919

POINT OF DIVERSION:

T17N R17E S11 SENE Lot 5 Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
05/01 10/31

QUANTITY
0.200 CFS
30.00 AFY

PLACE OF USE: IRRIGATION Within LEMHI County

T17N R17E S11 Lot 1 NENE 10.0

10 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.

EXPLANATORY MATERIAL: Beneficial Use

01/05/2006

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: 77-4222

CASTLE CREEK HIDEOUT, LLC
~~HC-82 BOX 40-60~~ 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 Cresley

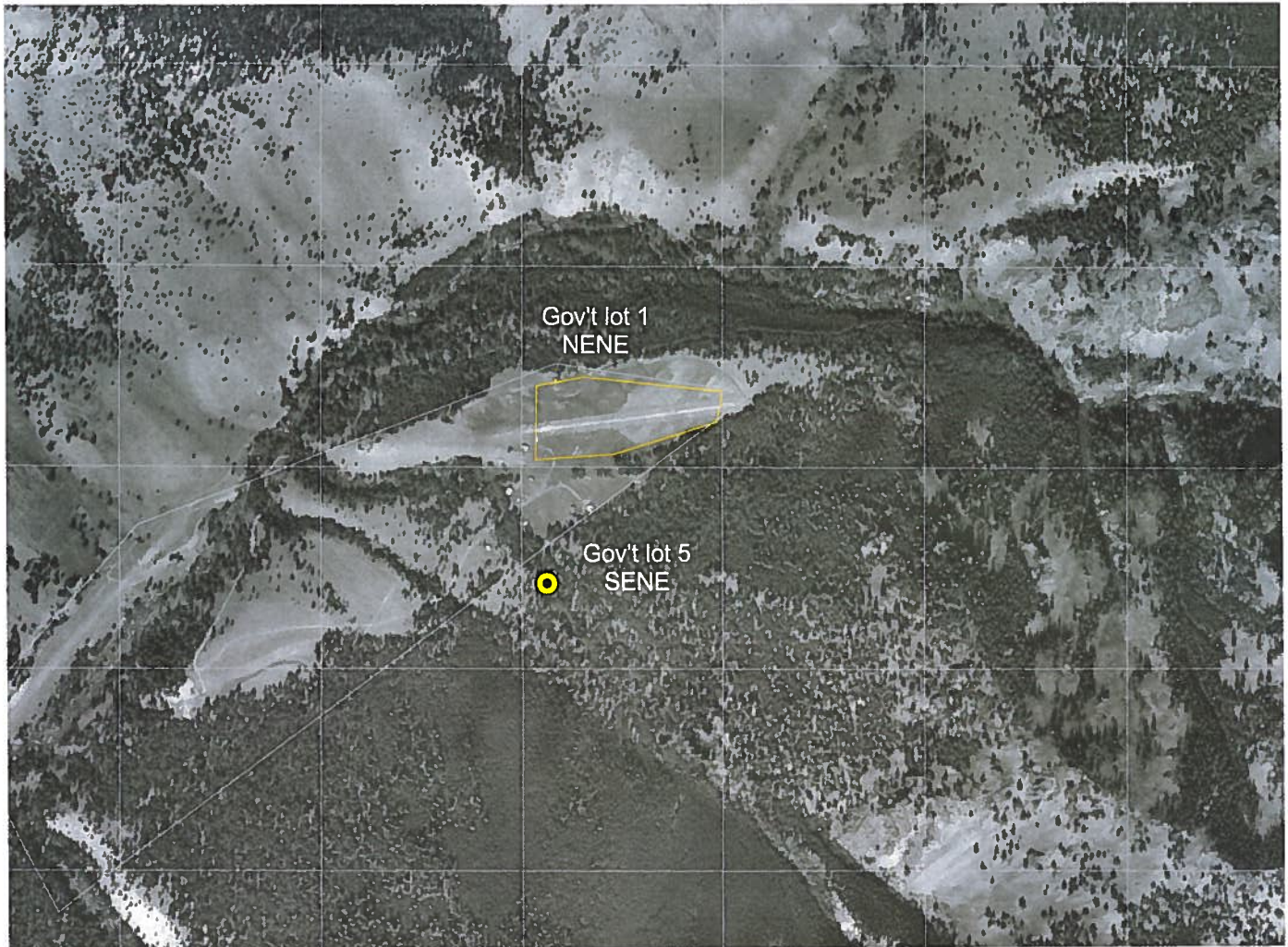
Please print your name: John Cresley

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

Phone 254 377-6090

Email: supercub727@yahoo.com

77-4222



0 1000 2000 Feet

A horizontal scale bar with a black and white alternating pattern, used to indicate distances in feet.

Section 11
T17N R17E



● Point of Diversion

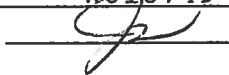
□ Place of Use

Map prepared on November 24, 2004
By Kenneth Knoblock
Idaho Department of Water Resources

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: A77-04222
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

83467-0000

2. Date of Priority: APR 1, 1919

3. Source: SPLETTS CREEK

Trib. to: CASTLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	SE	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	0.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/12 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	NE	NE		IRR	10.0

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OCT 24 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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

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 _____

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: A77-04222
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

83467-0000

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

3. Source: SPLETTS CREEK

Trib. to: CASTLE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	SE	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	0.200		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:
S/12 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	NE	NE		IRR	10.0

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10. Place of Use Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	10.0
					Total Acres	10.0

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

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 McGehee Date: x March 8, 1995

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 10th day
of March 19 95

Seal

Connie D. Trozden
Notary Public

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

\$60⁰⁰

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: A77-04222
Date Received: 3-8-90
Receipt No: 10010749
Received By: Ret

RECEIVED
MAR 08 1990

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

83467-0000

2. Date of Priority: JUN 20, 1967

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
17N	17E	11	SE	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	0.200		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
S/12 RANGE

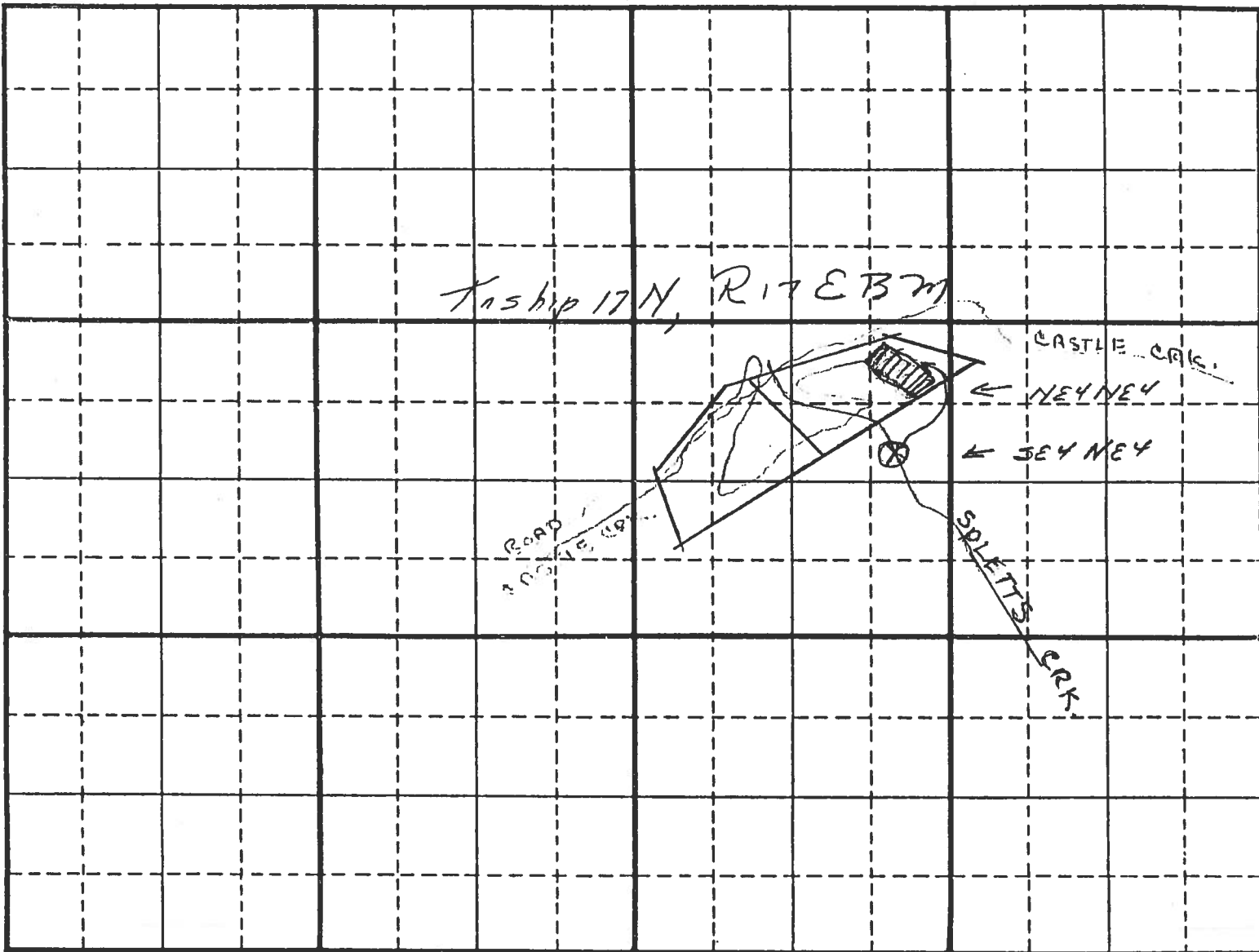
10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
17N	17E	11	NE	NE		IRR	10.0
Section Acres							10.0

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OCT 05 1992

A77-04222

(8) Remarks _____

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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 Sevier) ss.**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.

Richard McGehee
(Claimant)

Sworn to before me this

13th

day of

APRIL

1986.

10. Place of Use: Continued

Total Acres 10.0

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

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. McCall 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
Seal Connie D. Trogden
Notary Public

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



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

RECEIVED

MAR 20 1995

WATER RESOURCES
WESTERN REGION

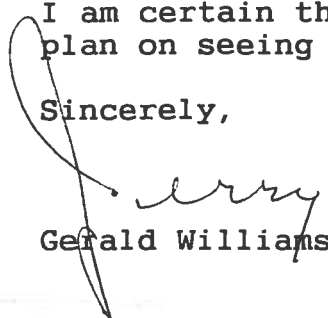
March 16, 1995

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 for info. on evidence of priority attached. I also sent a copy of amended Claim to the claimant, Richard McAfee.

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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

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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.

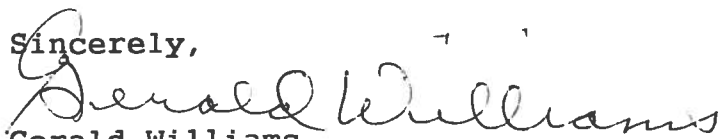
If there is anything further that we need in order to effect this change, please let me know. We are looking forward to seeing you in Castle Creek. It is a beautiful area. You will be "hooked" so

MICROFILMED

OCT 24 1996 .

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

Sincerely,


Gerald Williams

Enclosures:

MICROFILMED
OCT 24 1996

POOR ORIGINAL

RECEIVED

The United States of America, MAR 17 1995

To all to whom these presents shall come, Greeting:

WATER REPAIR
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. & S. 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
L. B. James
 Register of the General Land Office.

MICROFILMED

724054

RECORD OF PATENTS: Patent Number

OCT 24 1996

014052

1930

9/25/1978

Act of June 11, 1906. List No.

4-672

DATE.	DESCRIPTION OF LAND.	SECTION.	TOWNSHIP.	RANGE.	AREA.	NOTATIONS.
OCT 1 - 1918	RECEIPT NO. 1145976 - Allowed under, Act of June 11 1906.					
	To GLO OCT. Returns					
NOV 1 1918	Plant & field notes filed # 325 - notice sent.					
	Cox. Notice sent.					
NOV 9 1918	Appl to make & p. proof before Notary Wm. C. Lewis, State, Jan 2-1919					
NOV 24 1918	Letter awarded from V. H. Smith & Co. regarding that and Oct 1 is					
	Manufacture in that area as of about 25 acres - see in case of scattering there and followed in following					

KIND: H.E. #2

SERIAL No. 014052

NAME
Earnest R. Spletstosser

ADDRESS

Myers Cove, Idaho

DESCRIPTION OF LAND

SECTION

TOWNSHIP

RANGE

AREA

NOTATIONS

DATE

Feb. 16, 1922 Patent marked Chasmanville et
Myers Cove, Idaho.

DATE

NOTATIONS

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

Notice sent.

JUN 17 1919

Suppl. affidavit as to cultivation
filed in Myer's case to Feb 6-8-1919.
Affidavit filed in land lawsuit
and for grazing purposes.

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OCT 24 1996

Final Certificate to JULY 1919. Return

Patent # 724,514 Serial
Notice sent.

JUN 17 1919

JUN 17 1919

JUN 17 1919

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

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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

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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

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.

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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

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OCT 24 1996

Bruce Withers 756-2009

Forest Service Salmon Area

9 homes owned

1 home Singer Drake

Drake Revocable Trust

Power Production owned by John
next to shop & barn

Cabins for hunters

1301 Main St. Suite 6
Salmon, ID 83467

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

✓
RECEIVED

MAY 28 2004

Department of Water Resources
 Eastern Region

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
77-4222					
77-7202					

RECEIVED

JUN 03 2004

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 (84) 377-6090
5. Date you acquired the property August 4, 2003

SCANNED

JUN 03 2004

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)

John H. [Signature]
President

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 <u>DB</u>	Date <u>6.3.04</u>	Fee <u>0</u>
Receipted by _____	Date _____	Receipt No. _____
Processed by _____ AJ	Date _____	WR _____ Date _____

SCANNED
JUN 03 2004



State of Idaho
DEPARTMENT OF WATER RESOURCES

NORTHERN REGION, Suite No. 210 • 1910 Northwest Blvd. • Coeur d'Alene, Idaho 83814-2615
(208) 769-1450

Fax (208) 769-1454

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

September 15, 2004

Castle Creek Hideout, LLC
HC 82 Box 40-60
Challis, ID 83226

RE: 77-4222 & 77-7202

We have received and processed your Notice of Change in Water Right Ownership forms. Enclosed are copies of the Adjudication Claim Reports with the revised information. We expect to finish these claims toward the end of 2005.

Sincerely.

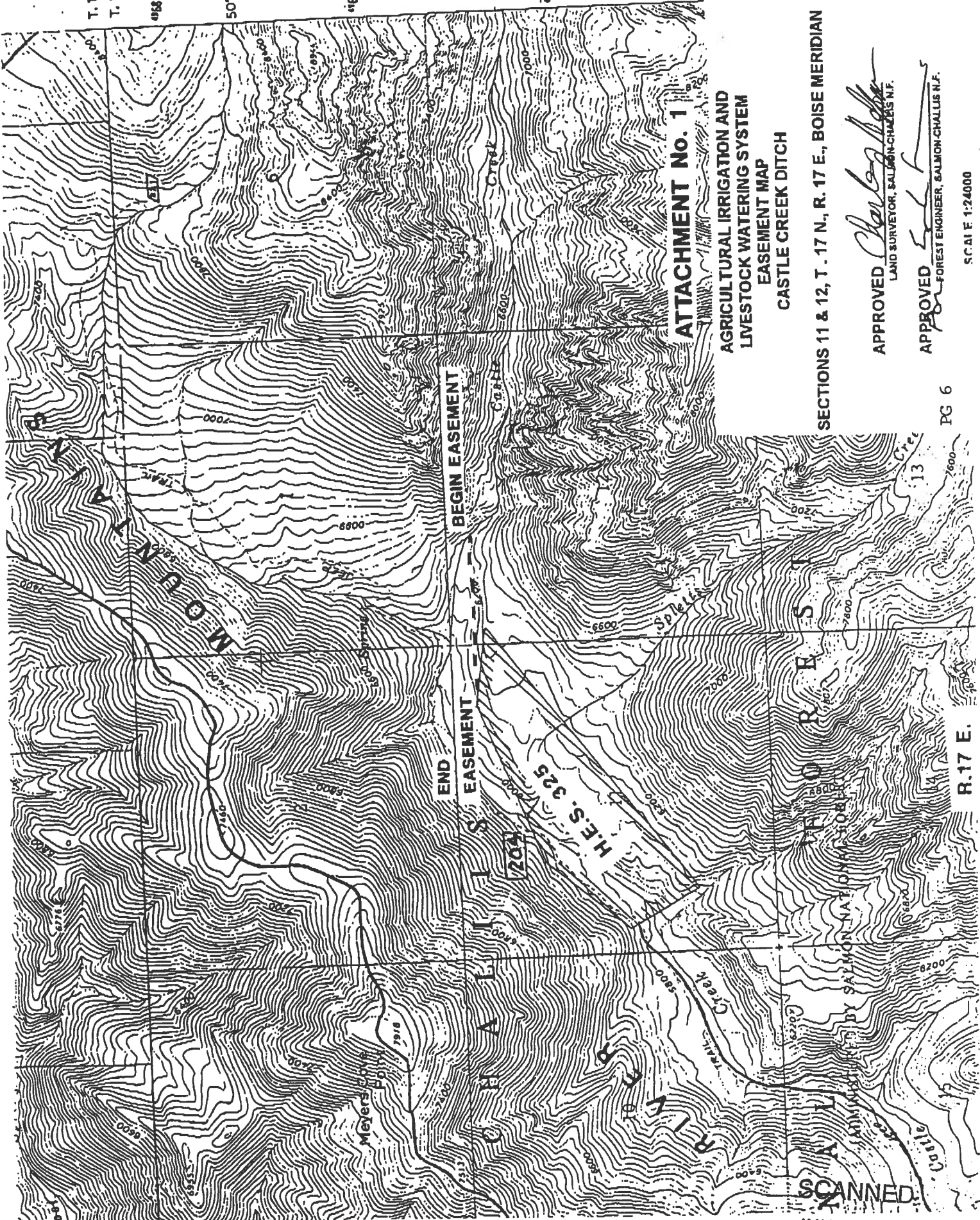
Kenneth Knoblock
Water Resources Agent

Salmon-Challis NF--Richard G. McAfee; Castle Creek Ditch
John D. Drake

EXHIBIT NO. 2

T. 18 N.
T. 17 N.

BLACK MTN.
(1304)



ATTACHMENT NO. 1

AGRICULTURAL IRRIGATION AND
LIVESTOCK WATERING SYSTEM
EASEMENT MAP
CASTLE CREEK DITCH

SECTIONS 11 & 12, T. 17 N., R. 17 E., BOISE MERIDIAN

APPROVED *Charles H. Drake*
LAND SURVEYOR, SALMON-CHALLIS N.F.

APPROVED *John D. Drake*
FOREST ENGINEER, SALMON-CHALLIS N.F.

SCALE 1:24000

PG 6

R. 17 E.

SCANNED
JUN 03 2004

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 3:57 o'clock p.m. 7 Aug 2003
and duly filmed and indexed in the records of Lemhi
County
Terri J. Merton
Ex-Officio Recorder
By KB Deputy
Fee 9.00
Return to _____

SCANNED
JUN 03 2004

STATE OF Idaho)
County of Benji) 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

SCANNED
JUN 03 2004

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.

SCANNED

JUN 03 2004

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 8-4-2003, 2003.

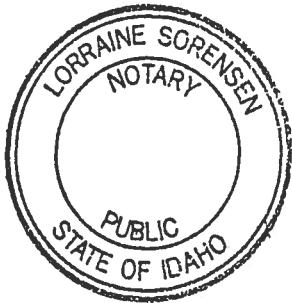
Richard G. McAfee
RICHARD G. MCAFEE

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 Del.
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 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 _____

SCANNED
JUN 03 2004

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.

SCANNED

JUN 03 2004

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

SCANNED
JUN 03 2004

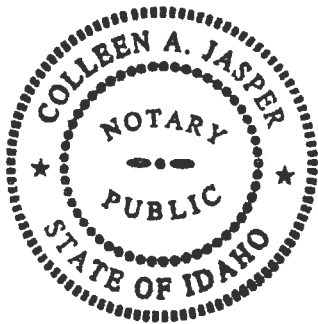
State of Idaho)
County of Lemhi) SS No. 257892
This instrument was filed for record at the request
of Holland & Hart LLP
at 10:57 clock am on 3-15-2004
and duly filmed and indexed in the records of Lemhi
County
Terr J. Morton
Ex-Officio Recorder
By Brenda Clutson Deputy
Fee 9.00
Return to Holland & Hart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

257892

STATE OF IDAHO)
 : ss.
County of Ada)

On this 27th day of January, 2003, 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.

SCANNED

JUN 03 2004

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.

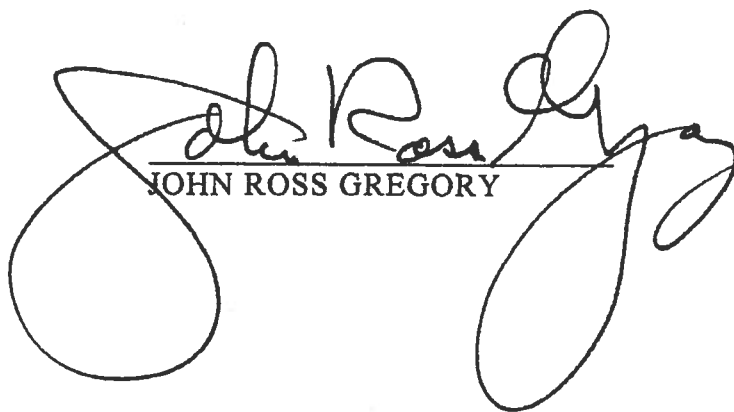
Grantor is seized and possessed of real property located in the County of Lemhi, State of Idaho, legally described in Exhibit A attached hereto, and Grantor holds and is entitled to an undivided 50% interest in the described property.

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) 257893
County of Lemhi) SS No. _____
This instrument was filed for record at the request
of Holland + Hart LLP
at 10:56 o'clock am on 3-15 2004
and duly filed and indexed in the records of Lemhi
County _____
Term _____
By Fredrick Mark Esq.
Fee 900
Return to Holland + Hart LLP
Fredrick Mark Esq.
P.O. Box 2527
Picabo, Id 83701 - 2527


JOHN ROSS GREGORY

DEED OF INTEREST OF TENANT IN COMMON TO THIRD PARTY - 1

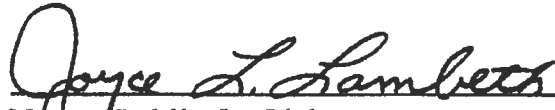
SCANNED
JUN 03 2004

257893

STATE OF IDAHO)
 : ss.
County of Ada)

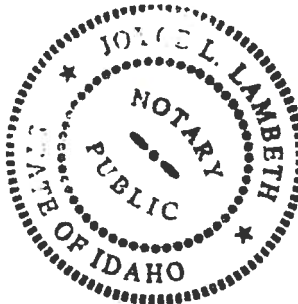
On this 11th day of March, 2004, before me, Joyce L. Lambeth, a notary public for said State, personally appeared JOHN ROSS GREGORY, known or identified to me to be the person who executed the instrument, and acknowledged to me that he executed the same.

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

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SCANNED
JUN 03 2004

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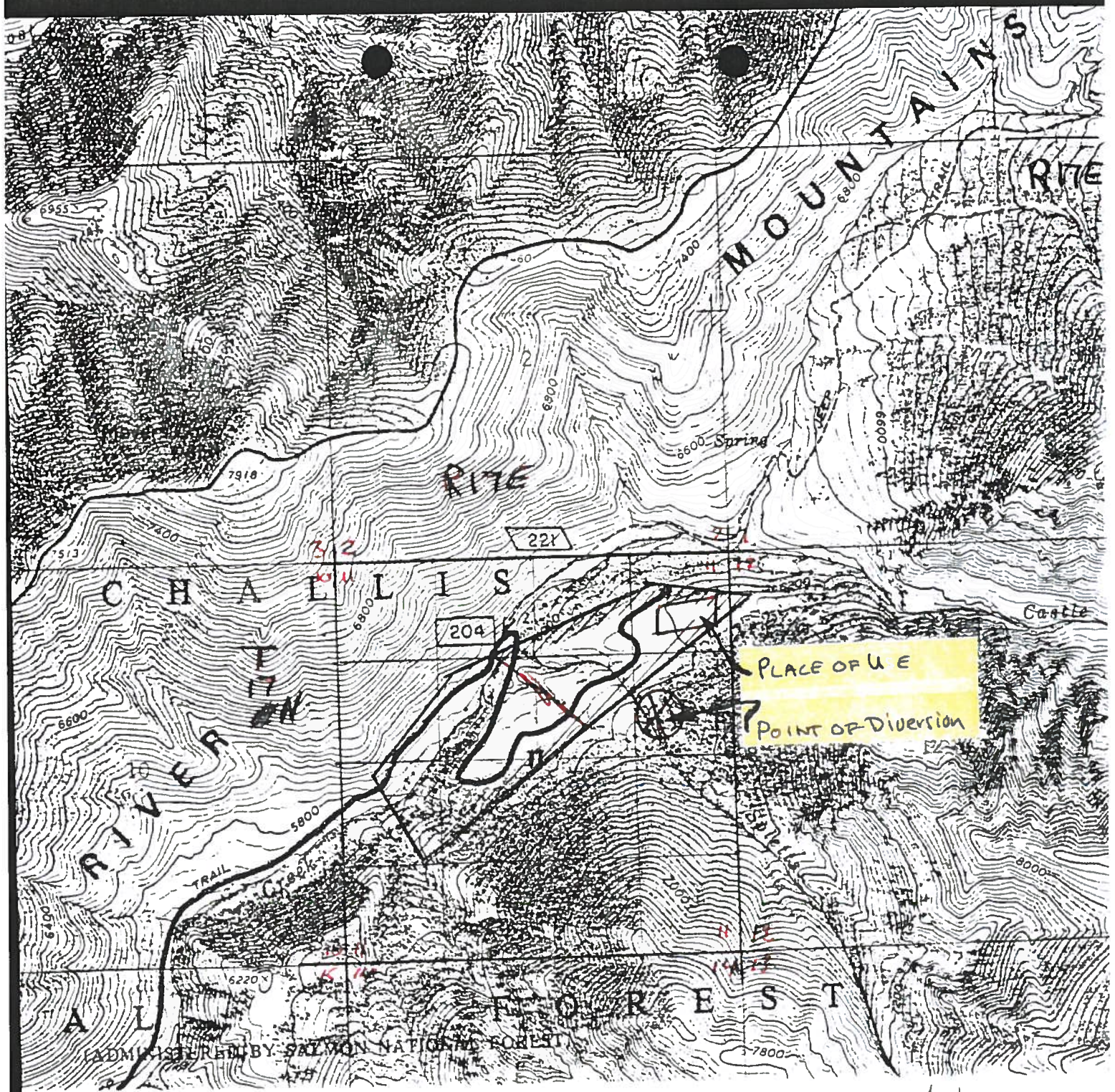
EXHIBIT "A"

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.

SCANNED

JUN 03 2004



Township Range Must be on map to be complete

~~LIKELY LOCATION~~
~~ONLY you would~~
~~know~~

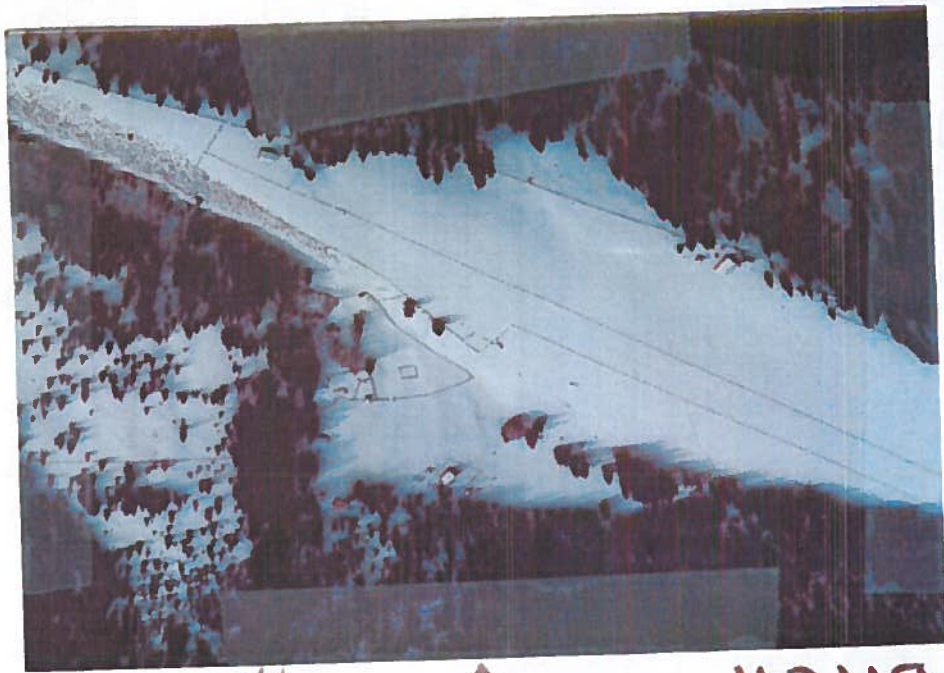
MICROFILMED

should use
 of or created
 the creating
 Township

N

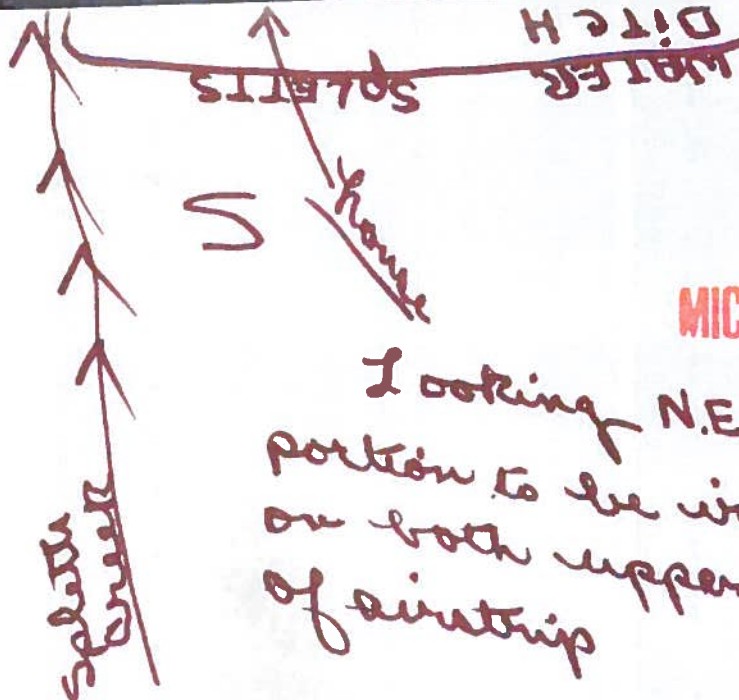
SOLITS

W
M



E
E

driveway



MICROFILMED

Looking N.E. upper
portion to be irrigated
on both upper sides
of airstrip

ATB

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

111N 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
 P. O. Box 789, Salmon, Idaho 83467
 (Mailing Address)

(Name of Claimant)

Telephone No. 208-756-2412
 (Zip Code)

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

- (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 Castle Creek

- (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.)		(Mo., Day)	(Mo., Day)
Quantity	1.00 cfs	Use	Irrigation	4/1	To 6/1/1
Quantity	0.02 cfs	Use	Domestic	1/1	To 12/31
Quantity	1.00 AFA	Use	Irrigation storage	4/1	To 11/1
Quantity	1.00 AFA	Use	Irrigation from	4/1	To 11/1
Quantity		Use	Storage		To
(4) 1.02 cfs		TOTAL QUANTITY USED.			

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
SW $\frac{1}{4}$ NE $\frac{1}{4}$, 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

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:
Domestic: SEATTLE one family dwelling being the "old cabin" on
H.F.S. No. 325.

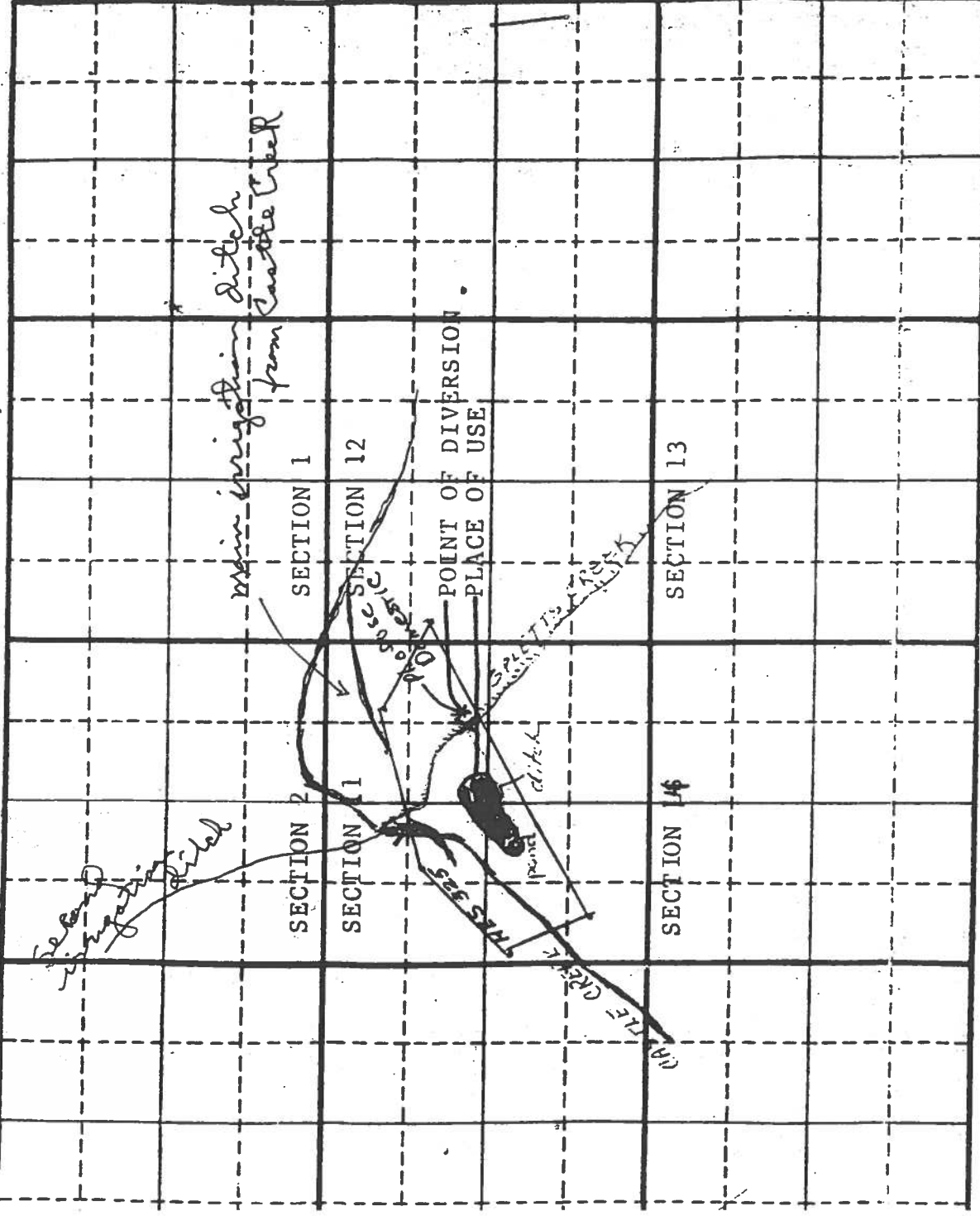
27. Include here the type and number of stock watered:

and claiming water as a member of an organization, list name of organization:

Remarks

POOR ORIGINAL

TOWNSHIP 17 NORTH, RANGE 17 EAST, BOISE MERIDIAN



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

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim on 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

1983.

(Claimant)

Gerald Williams

Notary Public

Residing at Salmon, Idaho

My commission expires 10/86

Received by

relim. check by

20.00 fee received by

published in

dates

FOR DEPARTMENT USE ONLY

Exception filed by:

Date

Date

Date

6-17-83

6-16-83

6-17-83

Date

Forwarded to claimant by: