

09/11/2006

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

RIGHT NUMBER: 75-4027

NAME AND ADDRESS: SALMON RIVER PROPERTIES INC
PO BOX 774
SALMON ID 83467

SOURCE: DEER CREEK

TRIBUTARY: SALMON RIVER

QUANTITY: 2.000 CFS

PRIORITY DATE: 06/06/1927

POINT OF DIVERSION:

T19N R21E S32 SESENW Within LEMHI County

T19N R21E S32 NWNWSE Within LEMHI County

T19N R21E S32 NWSESE Within LEMHI County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

1/01 12/31

2.000 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T18N R21E S04 Lot 4 NWNW 4.50 T18N R21E S05 Lot 1 NENE 1.50

T19N R21E S32 NWSE 15.50 T19N R21E S32 SWSE 5.50

T19N R21E S32 SESE 12.20 T19N R21E S33 SWSW 1.50

40.7 ACRES TOTAL

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

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM -

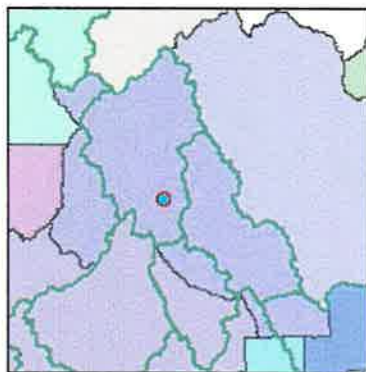


Idaho Department of Water Resources

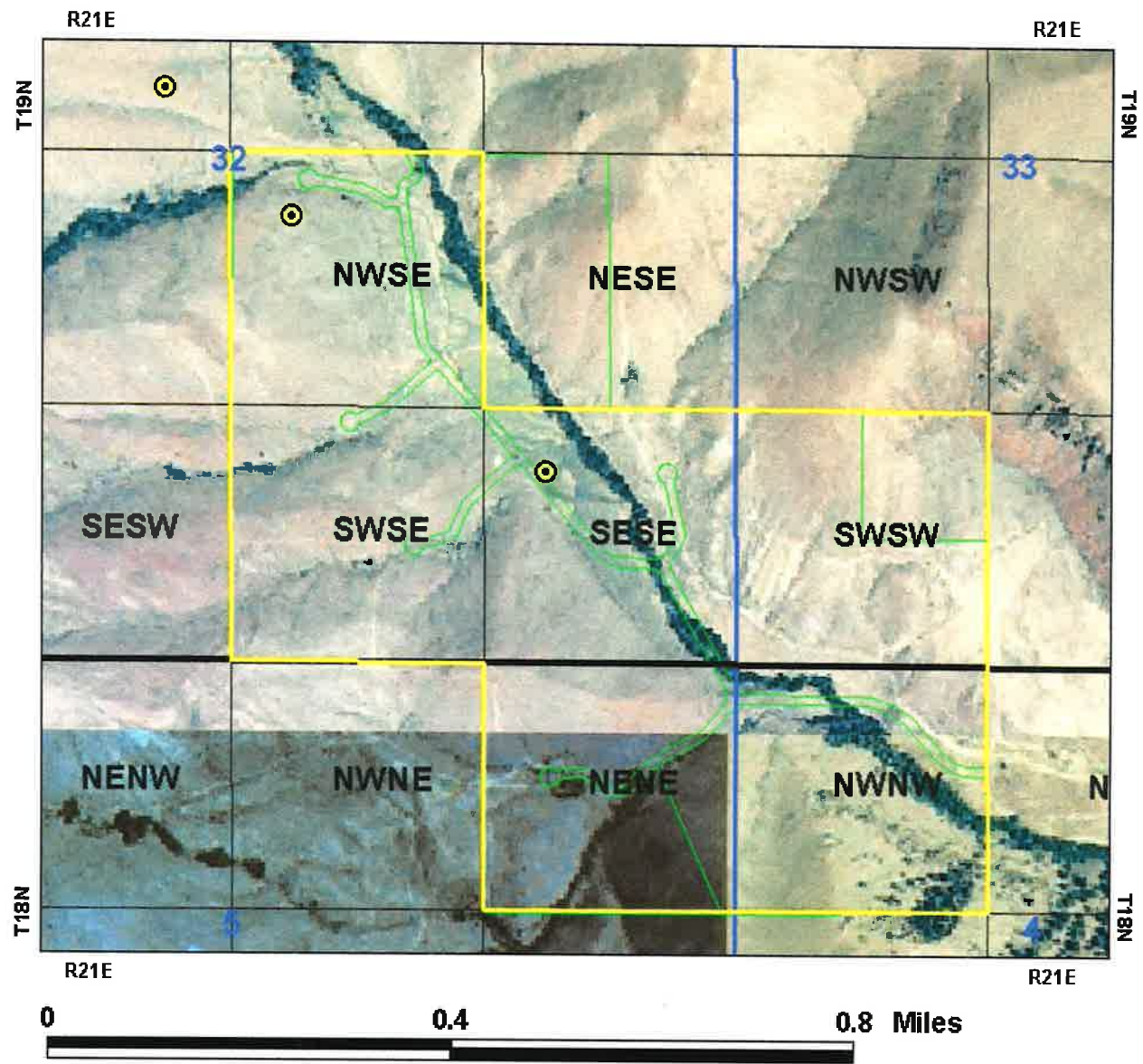
SRBA Claim:
75-4027

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters
-  Parcels



Lemhi County
IDWR Basin 75

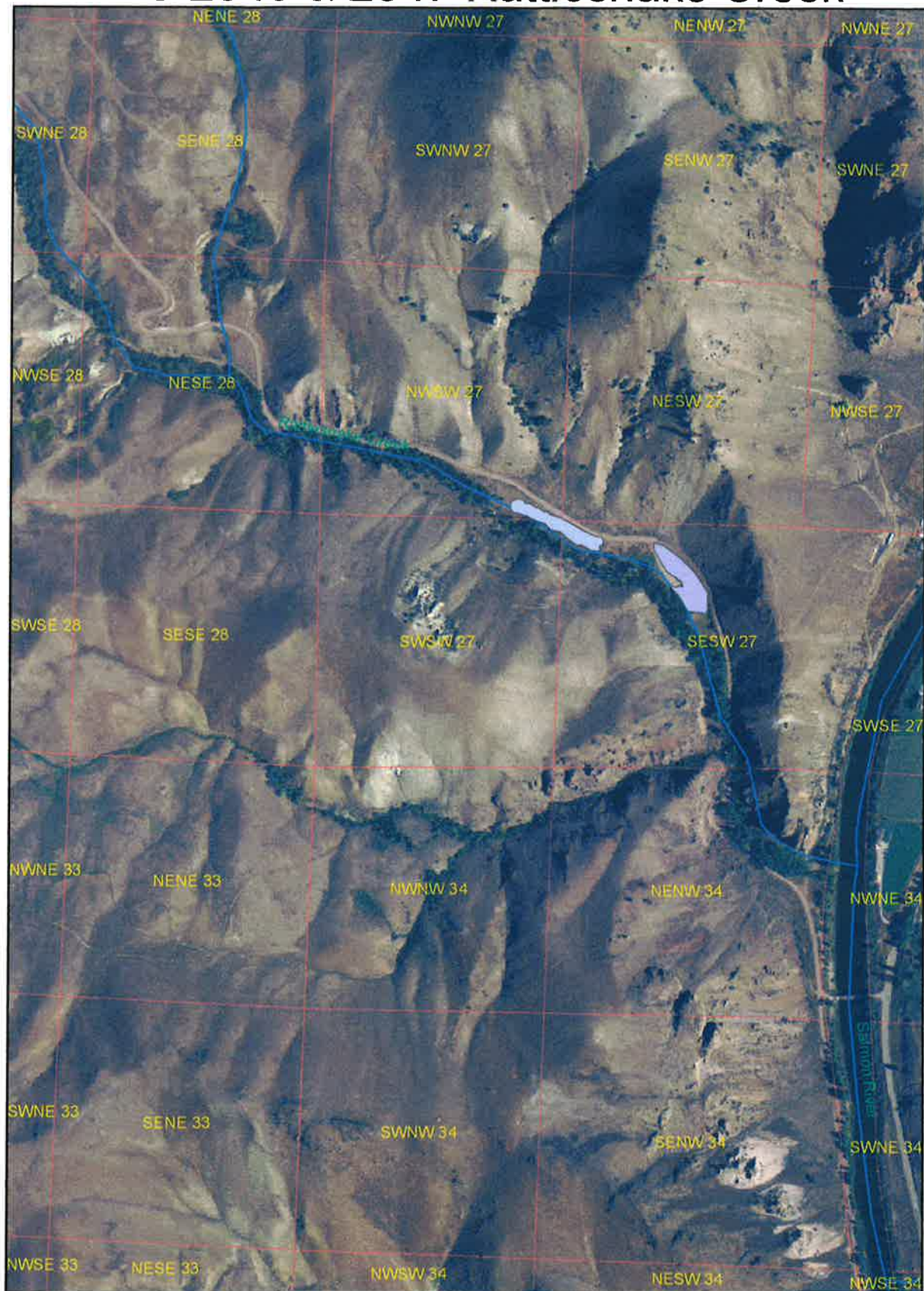


Prepared by R. Brown
On Thursday, July 6, 2006
1987/88 Aerial Photography

Owner: SALMON RIVER PROPERTIES INC

NOTE: Only one owner is listed. There may or may not be more than this in the IDWR database.

75-2046 & 2047 Rattlesnake Creek



1 inch equals 800 feet

0 205 410 820 1,230 1,640 Feet

SCANNED
MAR 06 2003

SCANNED
SALMON RIVER PROPERTIES, INC.
P.O. BOX 4495
CHATSWORTH, CA 91313-4495
(818) 341-0281

RECEIVED

DEC 28 1998

Department of Water Resources

December 23, 1998

State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

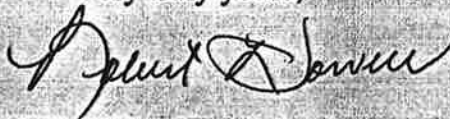
Ladies and Gentlemen:

A75-02047 A75-02046
A75-04026
A75-04027
A75-10332
A75-10333
75-10609 A75-02058
A75-10627
A75-00105 ← already has this address.

Enclosed is a copy of your letter dated December 2, 1998 regarding water rights.

Please change our address on your records to P.O. Box 4495, Chatsworth, California 91313-4495.

Very truly yours,



Robert L. Powell

RLP/lr

Enclosure

Records modified 12-30-98, as
NCAP prepared for 75-10609.

JORDAN P. SMITH
CHARTERED
ATTORNEY AT LAW
807 MAIN STREET
SALMON, IDAHO 83467
208-756-2257
TELEFAX (208) 756-4626

March 3, 2008

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

Attention: Nate Arave

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

Dear Mr. Arave:

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

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

RECEIVED

SCANNED

MAR 06 2008

MAR 06 2008

Department of Water Resources
Eastern Region

Page 2
Idaho Department of Water Resources
March 3, 2008

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

Sincerely,

A handwritten signature in cursive script, reading "Jordan P. Smith / JPS".

Jordan P. Smith

JPS:sez

Enclosures

cc: Mike Whitmore
Linda Ruiz

SCANNED
MAR 06 2008

AFFIDAVIT OF EDWARD BENJAMIN

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

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

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

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

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

Signed Edward Benjamin February 29, 2008
Edward Benjamin

RECEIVED

MAR 06 2008

Department of Fish and Game
Eastern Region

FILED

MAR 06 2008

STATE OF IDAHO)
) SS
County of Lemhi)

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

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




Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-8-2012

AFFIDAVIT OF FLORENCE SWANSON

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

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

Signed Florence Swanson February 29, 2008
Florence Swanson

RECEIVED

MAR 06 2008

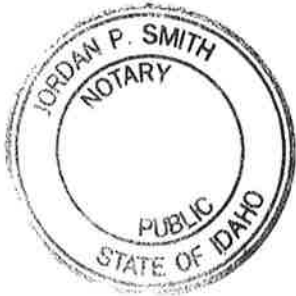
Department of Water Resources
Eastern Region

RECEIVED
MAR 06 2008

STATE OF IDAHO)
) SS
County of Lemhi)

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

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





Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-8-2012

SCANNED

MAR 06 2008

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Homer Y. Harris**

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

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Woodrow Wilson**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **SIXTH**

(SEAL)

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

By the President:

By

Woodrow Wilson
M. O. LeRoy Secretary,
L. B. Lamar
 Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **403208**

4-1028-R.

Hailey 020411.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,** has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **Wilson E. Benjamin** according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Lot one of Section five and the Lot four of Section four in Township eighteen north and the southeast quarter of the southeast quarter and the west half of the southeast quarter of Section thirty-two in Township nineteen north all in Range twenty-one east of the Boise Meridian, Idaho, containing one hundred ninety-seven acres and eighty hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, therunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **EIGHTEENTH**

(SEAL)

day of **JUNE**

In the year of our Lord one thousand

nine hundred and **TWENTY-FIVE**

and of the Independence of the

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

By the President *Calvin Coolidge*
By *Viola B. Coughlin* Secretary,
M. P. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **961850**

SCANNED

MAR 06 2003

Accession/Serial #: 961850 **BLM Serial #:** IDH 0020411**Names****Patentee:** WILSON E BENJAMIN**Survey****State:** IDAHO**Acres:** 158.99**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/18/1925**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** March 3 1877: Desert Land Act (19 Stat. 377)**Document Numbers****Document Nr.:** 020411**Accession/Serial Nr.:** 961850**BLM Serial Nr.:** IDH 0020411

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

Remarks: LOT 1 OR NENE QUARTER

WR 75-4027

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,**
has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,
"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of
William T. King
has been established and duly consummated, in conformity to law, for the **Lots three and seven of Section
seventeen and the northeast quarter of the northeast quarter and the Lots
three and five of Section eighteen in Township seventeen north of Range
twenty-one east of the Boise Meridian, Idaho, containing one hundred
sixty-one acres and forty-eight hundredths of an acre,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described;
TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of
the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and
rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws,
and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the
authority of the United States.

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

President of the United States of America, have caused these letters to be made
Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FOURTH**

day of **JUNE**

In the year of our Lord one thousand

nine hundred and **TWENTY-FIVE**

and of the Independence of the

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

By the President:

By

Calvin Coolidge
Viola B. Hughes, Secretary.
M. P. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **962314**

1891299

(SEAL)

SCANNED

MAR 06 2003

Hat er.

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

Names

Patentee: WILLIAM T KING

Survey

State: IDAHO

Acres: 161.48

Metes/Bounds: No

Title Transfer

Issue Date: 6/24/1925

Land Office: Blackfoot

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

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

Document Numbers

Document Nr.: 037812

Misc. Doc. Nr.: 0

Accession/Serial Nr.: 962314

BLM Serial Nr.: IDBL 0037812

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

WR - 75-4026

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Blackfoot, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant **Horace B. King** according to the provisions of the Act of Congress approved March 3, 1877, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act of March 3, 1891, for the Lot eight of Section seventeen in Township seventeen north of Range twenty-one east of the Boise Meridian, Idaho, containing fifty-two acres and twenty hundredths of an acre,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General;

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. Reserving unto the United States, its permittee or licensee, the right to enter upon, occupy and use, any part or all of said lands, for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063), and subject to the conditions and limitations of Section 24 of said Act.

IN TESTIMONY WHEREOF, I, **Herbert Hoover,**

President of the United States of America, have caused these letters to be made

Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the

TENTH

day of JUNE

In the year of our Lord one thousand

nine hundred and

TWENTY-NINE

and of the Independence of the

United States the one hundred and FIFTY-THIRD

By the President,

By

Herbert Hoover
Viola B. Pugh

Secretary,

M. P. LeRoy

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **1028310**

Horace Burdette King = Burt

SCANNED

MAR 05 2003

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

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
8	17/	17-N	21-E	No	Boise	ID	Lemhi	

Remarks: LOT 8 OF S HALF OF SW

WR - 75-4026

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,**

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Charles Kapp**

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

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Reserving unto the United States, its permittees or licensees, the right to enter upon, occupy and use, any part or all of Lot seven of said Section twenty-seven, for the purposes provided in the Act of June 10, 1920, (41 Stat., 1063), and subject to the conditions and limitations of Section 24 of said Act.

IN TESTIMONY WHEREOF, I, **Warren G. Harding**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the **TWENTY-FIFTH**

(SEAL)

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

By the President:

By

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

RECORD OF PATENTS: Patent Number **909951**

SCANNED

Accession/Serial #: 909951 **BLM Serial #:** IDH 0023031**Names****Patentee:** CHARLES KAPP**Survey****State:** IDAHO**Acres:** 174.77**Metes/Bounds:** No**Title Transfer****Issue Date:** 6/25/1923**Land Office:** Hailey**Cancelled:** No**U.S. Reservations:** Yes**Mineral Reservations:** No**Authority:** May 20, 1862: Homestead Entry Original (12 Stat. 392)**Document Numbers****Document Nr.:** 023031**Misc. Doc. Nr.:** 0**Accession/Serial Nr.:** 909951**BLM Serial Nr.:** IDH 0023031

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

7	27/	19-N	21-E	No	Boise	ID	Lemhi	
---	-----	------	------	----	-------	----	-------	--

Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920

NESE	28/	19-N	21-E	No	Boise	ID	Lemhi	
------	-----	------	------	----	-------	----	-------	--

Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920

WR- 75-10332

RECEIVED
JUL 17 2007
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 SRBA)
Case No. 39576)
A. Subcase 75-4027
(Insert water right number)
STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ward M. Whitmore
Address: P.O. Box 774
Salmon, ID 83467
Daytime Phone: (208) 894-2290

Name & Address of Attorney, if any:

Jordan P. Smith
Attorney at Law
807 Main Street
Salmon, ID 83467

(208) 756-2757

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

Name: Salmon River Properties, Inc.
Address: P.O. Box 4495
Chatsworth, CA 91313

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

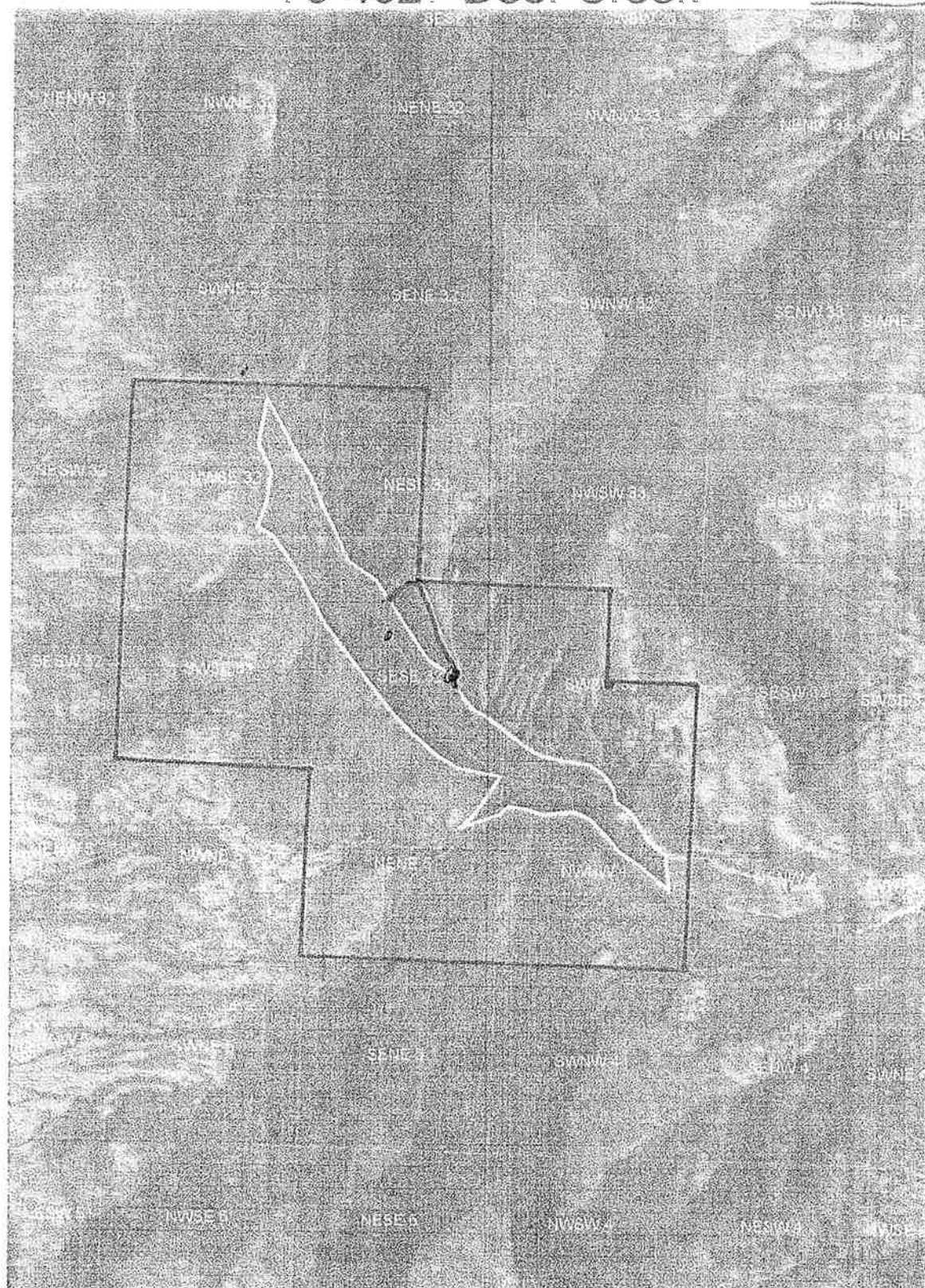
1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☒ **Quantity**
Should be: 2.0 cfs
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: 40 acres as shown on aerial photo, attached.
10. ☐ **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 OBJECTIONS(S):** This water right has always been active. The IDWR recommendation is in error.

75-4027 Dee Creek

2004 Photo



(1 inch equals 1,000 feet)

0 300 600 1,200 1,800 2,400 Feet

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Lemhi)

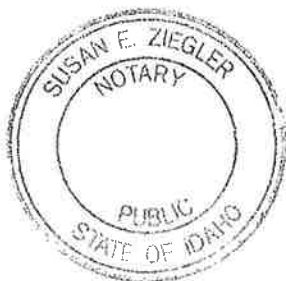
Ward M. Whitmore, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

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.

(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:



July 12, 2007
Susan E. Ziegler
Notary Public for Idaho

Residing at: Salmon, Idaho

My Commission Expires: 9-4-2011

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 July 13, 2007, 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:

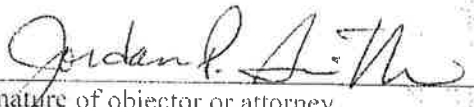
Name: Salmon River Properties, Inc.
Address: P.O. Box 4495
Chatsworth, CA 91313

3. Copies to:

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

United States Department of Justice
Environment & Nat'l Resources Div
550 W Fort Street, MSC 033
Boise, ID 83724

Chief, Natural Resources Division
Office of Attorney General
PO Box 44449
Boise, ID 83711-4449


Signature of objector or attorney
mailing on Objector's behalf

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s). 75-4027

1. ☒ No Change NAME IS SAME

☐ NEW OWNER: _____

☒ No Change ADDRESS

☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☐ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: see remarks

4. ☐ No Change — POINT OF DIVERSION
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: _____

Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____
Township _____ Range _____ Section _____ 1/4 _____ 1/4 _____ 1/4 _____

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☐ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA

☐ Changes found, the new total is, Amount _____ CFS _____ AFA

8. ☐ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☐ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

no point of diversion(s) or water use was found
for this claim

- ☐ SYSTEM DIAGRAM INCLUDED ☐ NA
☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: 7-7-06

FIELD EXAMINER: Bob Foster
Print Name

Bob Foster
Signature

SCANNED
OCT 05 2000

9102

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, X
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: A75-04027
Date Received: 5/08/1990
Receipt No: 1006945
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SALMON RIVER PROPERTIES
Address: C/O MC CARTY CO.
P.O. BOX 4005
STOCKTON, CA 95204 208-756-3885

2. Date of Priority: JUN 06, 1927

3. Source: DEER CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
19N	21E	32	SE	SE	NW		LEMHI
			NW	NW	SE		LEMHI
			NW	SE	SE		LEMHI

5. Description of diverting works:
THREE DITCH HEADINGS WITH HEADGATES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	2.000		

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

8. Total consumptive use is 101.7 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
18N	21E	4	NW	NW	4	IRR	4.5
Section Acres							4.5

A75-04027

Page 1

Date: 05/08/90

MICROFILMED
DEC 15 1992



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	5	NE	NE	1	IRR	1.5
						Section Acres	1.5
19N	21E	32	NW	SE		IRR	15.5
			SW	SE		IRR	5.5
			SE	SE		IRR	12.2
						Section Acres	33.2
		33	SW	SW		IRR	1.5
						Section Acres	1.5
						Total Acres	40.7

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 Organizations:

I do solemnly swear or affirm that I am Manager of Salmon River Properties, that I have signed the foregoing document in the space below as Manager of Salmon River Properties and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
Manager of S.R.P.
Title and Organization
5/8/90
Date

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 8 day
of May 19 90.
Ernest Carlson
Notary Public

Seal

Residing at Abbo Falls, ID
My Commission Expires 6-14-1994

AJ0749NP
No. 175-04027

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT
(REGIONAL)

DATE: 12/30/98
PAGE: 1

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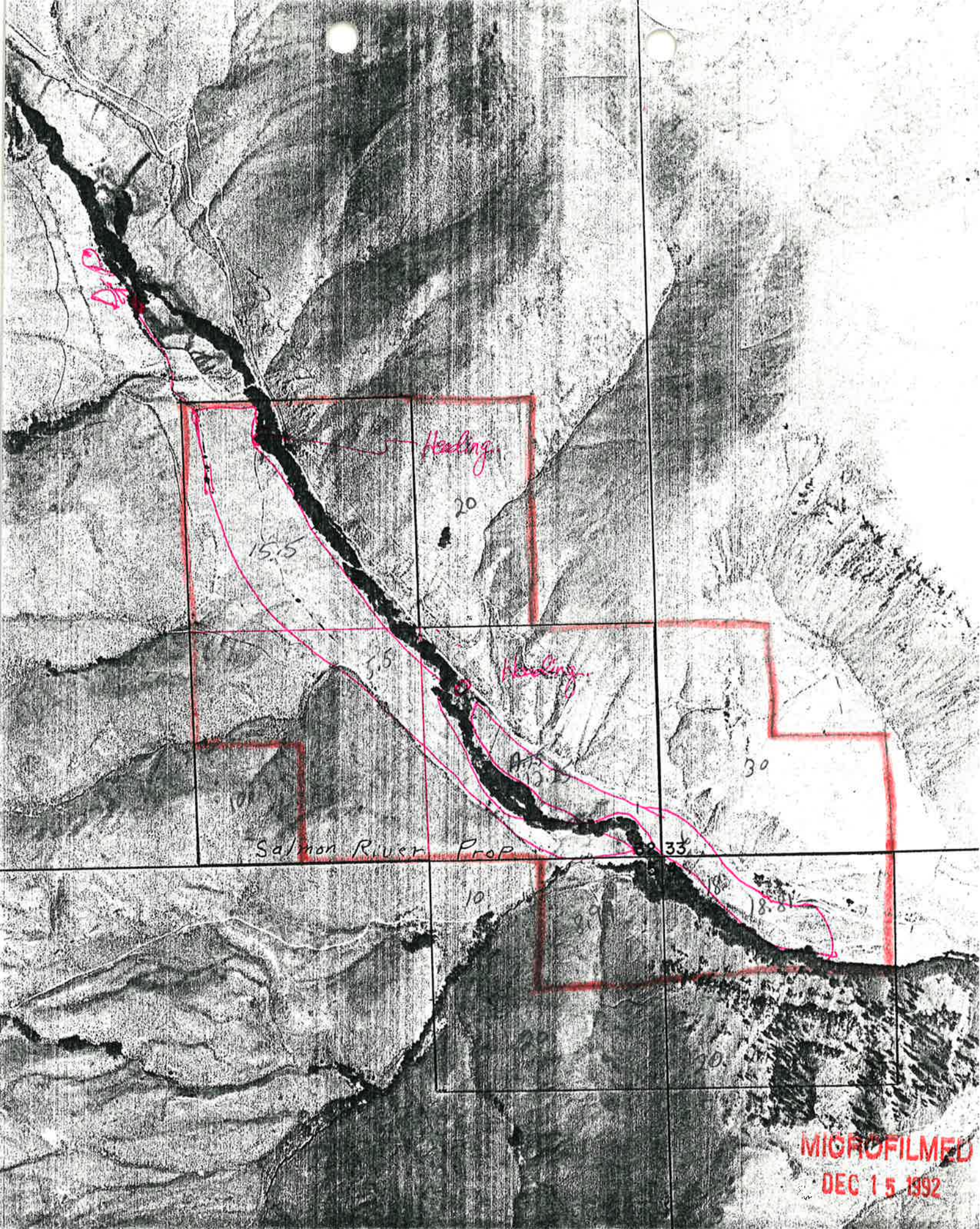
OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SALMON RIVER PROPERTIES PO BOX 4495 CHATSWORTH CA 91314495 (818) 341-0281	06/06/1927	IRRIGATION	01-01 12-31	2.00 CFS	
				TOTAL DIVERSION: CONSUMPTIVE USE:	2.00 CFS	101.70 AFA
	Water Source: DEER CREEK		Tributary to: SALMON RIVER			Stage: STATUTORY CLAIM
Point(s) of Diversion:	T19N R21E S32	SESENW	NWNWSE	NWSESE		LEMHI County
Place of use Legal Description for:	IRRIGATION					
	NE	NW	SW	SE		
T R S	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: Lt Ac Lt Ac Lt Ac Lt Ac	: SUM
18N 21E 4	:	:	:	:	:	4.5
18N 21E 5	: 01-01	:	:	:	:	1.5
19N 21E 32	:	:	:	:	15 05 12	33.2
19N 21E 33	:	:	:	01	:	1.5
					TOTAL ACRES	40.7

POU County: LEMHI

Remarks: GEN ADDRESS CHANGE BY CLAIMANT LETTER. SS 12/30/98

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:



MICROFILMED
DEC 15 1992

Deer Creek - Upper T-18N + 19N R-21E Sections 4, 5, 32, 33