

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



# Idaho Department of Water Resources

MAY 10 2007

SCANNED

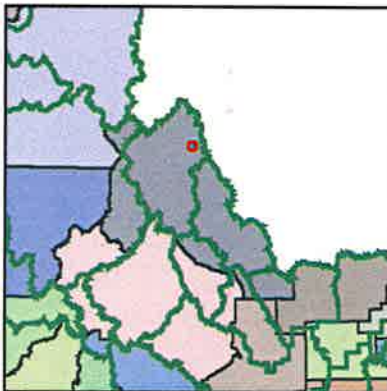
T23N R22E

T24N R22E

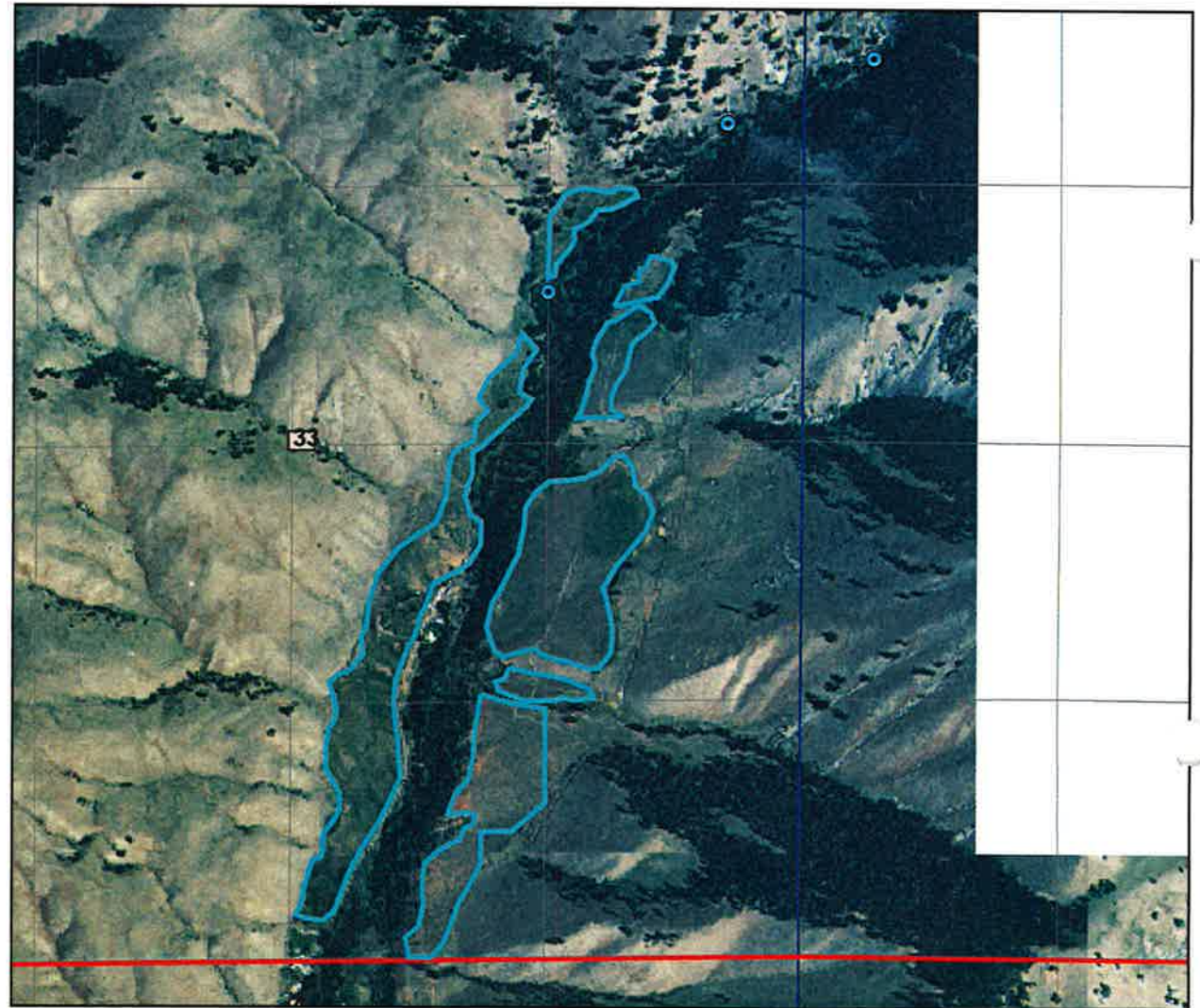
Adjudication Claim Number: **75-4130**

## Legend

-  Point of Diversion
-  75-4130
-  Township/Range
-  Sections

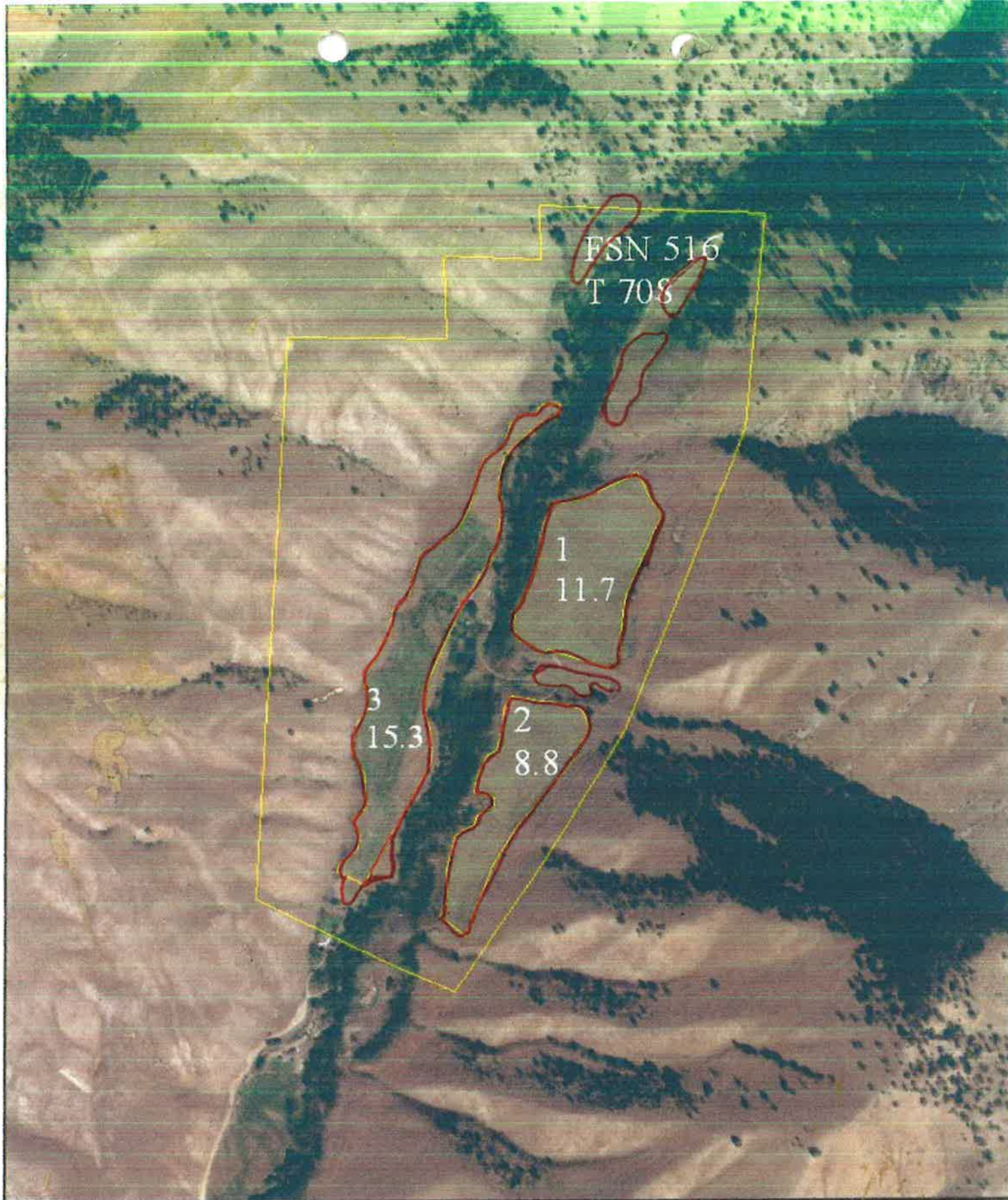


Lemhi County  
IDWR Basin 75



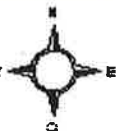
0 0.3 0.6 Miles

Prepared by R. Brown  
On Thursday, February 9, 2006  
1993/94 Aerial Photography



**Tract 708**

**Farm 516<sup>W</sup>**



0.07 0 0.07 0.14 0.21 0.28 Miles



Map Printed: Feb 28, 2005

*PARK RANCH - WATER RIGHT No. 75-04130*

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JUL 16 2007



State of Idaho

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

January 11, 2007

PARK RANCH INC  
C/O FRED PARK  
PO BOX 965  
VERADALE WA 99037-0965

Re: Tower Creek Adjudication Recommendation

Dear Mr. Park:

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

Robert G. Haynes P.E.  
Regional Manager

06/19/2007

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

RIGHT NUMBER: 75-4130

NAME AND ADDRESS: HOLLY FLOWERS  
PO BOX 1451  
CARMEN ID 83462  
  
THOMAS M MARSHBURN  
PO BOX 1451  
CARMEN ID 83462

SOURCE: TOWER CREEK

TRIBUTARY: SALMON CREEK

QUANTITY: 1.070 CFS

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

PRIORITY DATE: 12/06/1908

POINT OF  
DIVERSION: T24N R22E S33 NENE Within LEMHI County  
T24N R22E S33 SWNE Within LEMHI County  
T24N R22E S34 NWNW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 1.050 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

PLACE OF USE: IRRIGATION in LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T24N R22E S33 | SWNE | 1.80  | T24N R22E S33 | SENE | 4.80  |
| T24N R22E S33 | NESE | 9.40  | T24N R22E S33 | NWSE | 12.00 |
| T24N R22E S33 | SWSE | 15.00 |               |      |       |

STOCKWATER in LEMHI County

T24N R22E S33 NWSE

43 ACRES TOTAL

Place of use does not include federal public lands

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

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

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

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

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CLAIM NO(s). 75-4130

1. ☒ No Change NAME IS SAME

☐ NEW OWNER:

☐ No Change ADDRESS

☒ NEW ADDRESS: PO Box 965 Veradale WA. 99037

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: \_\_\_\_\_

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's: See map

GPS Site Tag No.: \*1 P623 P0D1, \*2 P623 P0D2, \*3 P623 P0D3, \*4 P623 P0D4  
TAC A0015056 A0015057 A0015058 A0015059

|                |             |               |     |     |     |
|----------------|-------------|---------------|-----|-----|-----|
| 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:

headgates in creek, ditches for flood irrigation, gravity sprinkler system

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 *See measurements*

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA

☒ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA *See measurements*

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.) *See map*

|            |                |             |               |           |           |
|------------|----------------|-------------|---------------|-----------|-----------|
| 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

*actual irrigated acres are 58 according to claimant.*

*system consists of ditches for flood irrigation + gravity sprinkler*

*system. 53 5/32 birds on west side 60 5/32 birds on east side*

*4 55 gpm sprinklers on west side.*

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

FIELD EXAMINER: \_\_\_\_\_

*Diversion #3 is used as a conveyance system to pick up waste water from DN. #4*

*6-23-05*

*Bob Foster*

Print Name

*Bob Foster*

Signature

filename: c:\docs\forms\ditch flow computations upgraded.xls

Measurement done by: B. Foster

A0015056

Date if measurment: 6/23/2005

## REW value: 1.00

LEW value: 5.00

Space between

readings (ft): 0.50

**Note to user:**

**Make entries in cells without shading.**

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MAY 10 2007

[illegible]

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

A0015058

6/23/2005

## REW value: 1.00

LEW value: 3.40

readings (ft): 0.30

**Make entries in cells without shading.**

MAY 10 2007

[illegible]

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

Location of measurement: Tower Creek 75-4130 upper westside diversion A0015057

Date of measurement: 6/23/2005

REW value: 1.00

LEW value: 3.40

Space between

readings (ft): 0.30

**Note to user:**

**Make entries in cells without shading.**

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[illegible]

GPS Site Tag No.: A0015056

POD Location:

Rate Measured: 4.52 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.5                  | 0.22               | 0.1174                | 0.62            | 0.62            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

Total 23

0.1174

0.62

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 4.0 ft.

i = 2.0 ft/day

S = 0.53 cfs/mi.

0.62  
0.34  
0.09  

---

1.05 cfs

GPS Site Tag No.: A0015057

POD Location:

Rate Measured: 1.41 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.29                 | 0.117              | 0.0531                | 0.34            | 0.34            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

SCANNED  
MAY 10 2007

|       |    |  |  |  |  |        |  |      |
|-------|----|--|--|--|--|--------|--|------|
| Total | 23 |  |  |  |  | 0.0531 |  | 0.34 |
|-------|----|--|--|--|--|--------|--|------|

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 3.4 ft.

i = 2.0 ft/day

S = 0.45 cfs/mi.

GPS Site Tag No.: A0015058

POD Location:

Rate Measured: 0.84 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.07                 | 0.046              | 0.0203                | 0.09            | 0.09            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

Total 23

0.0203 0.09

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 3.3 ft.

i = 2.0 ft/day

S = 0.44 cfs/mi.



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

**EASTERN REGION**

June 19, 2007

THOMAS M MARSHBURN  
HOLLY FLOWERS  
PO BOX 1451  
CARMEN ID 83462

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

**RECEIVED**  
**SEP 07 2007**  
**IDWR/North**

RE: Notice of Change of Water Right Ownership (NCO) for 75-4130 and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir/Madam:

On April 11, 2007 the Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

  
Jonie Barg  
Office Specialist 2

Enclosure  
cc: Park Ranch Inc

**SCANNED**

**JUL 16 2007**

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

)

Water Rights: 75-4130

Case No. 39576

)

)

NOTICE OF COMPLETED  
ADMINISTRATIVE  
PROCEEDING

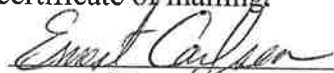
IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party PARK RANCH INC-FLOWERS & MARSHBURN
- ☐ I.C. § 42-222 transfer
- |                                               |                                              |
|-----------------------------------------------|----------------------------------------------|
| <input type="checkbox"/> point of diversion   | <input type="checkbox"/> place of use        |
| <input type="checkbox"/> period of use        | <input type="checkbox"/> nature of use       |
| <input type="checkbox"/> split of water right | <input type="checkbox"/> change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 13, 2007



Signature of IDWR Representative

SCANNED

JUL 16 2007

### CERTIFICATE OF MAILING

I certify that on July 17, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court  
Snake River Basin Adjudication  
PO Box 2707  
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:  
PARK RANCH INC  
C/O FRED PARK  
PO BOX 965  
VERADALE WA 99037

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:  
THOMAS M MARSHBURN  
HOLLY FLOWERS  
PO BOX 1451  
CARMEN ID 83462

4. One copy to:

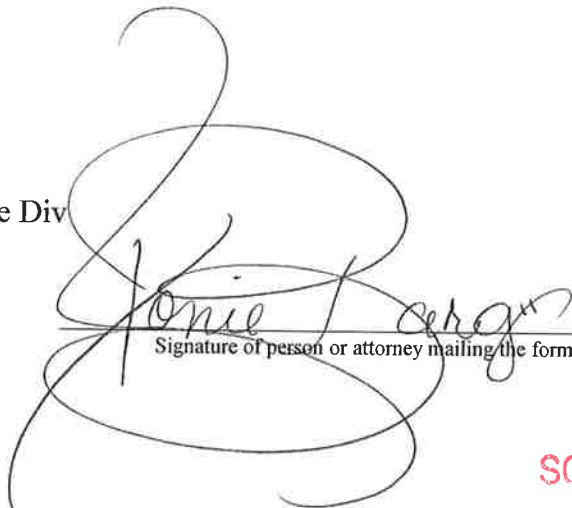
Each party in the subcase, or attorney of record

5. One copy each to:

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

6. One Copy to:

United States Dept of Justice  
Environment & Natural Resource Div  
550 West Fort Street MSC 033  
Boise ID 83724

  
Signature of person or attorney mailing the form

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

RECEIVED

APR 11 2007

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.

OK JC

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 IDWR will produce new water right number(s) for the split(s).

| Water Right No(s) | Adjudication Claim No(s) | Split(s) | Water Right No(s) | Adjudication Claim No(s) | Split(s) |
|-------------------|--------------------------|----------|-------------------|--------------------------|----------|
| 75-04130          | TOWER CRK                |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |
|                   |                          |          |                   |                          |          |

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

- A. The appropriate **FILING FEE**. See instructions for fee amounts. *no fee needed*
- 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 on file with the county Planning and Zoning or Recorder's Office).
- OR**
- D. 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 or equivalent **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)

PARK RANCH INC, c/o FRED PARK  
 PO BOX 965, VERADALE, WA 99037-0965

4. New Owner/Claimant(s)

HOLLY FLOWERS, THOMAS MARSHBURN

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

New Mailing Address

PO BOX 1451

City, State and ZIP Code

CARMEN ID 83462

New Telephone Number

(208) 756-1428

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JUL 18 2007

5. Date you acquired the property

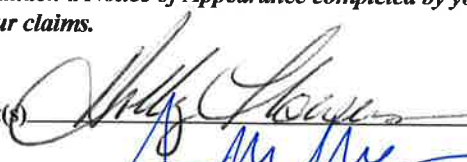
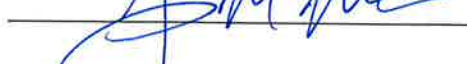
Sept. 22, 2005

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in line 1, then skip this line and go to line 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 (you may copy this page, if 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<br>(If the right will not be split, skip this area and proceed to line 7) |                                                                            |                                                              |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------|
| Water Use                                                                                                            | Diversion Rate or Volume<br>(cubic feet per second or acre-feet per annum) | Description<br>(acres, number and type of stock, homes, etc) |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |
| <b>Water Right and/or Adjudication Claim Number</b> _____                                                            |                                                                            |                                                              |
| Irrigation                                                                                                           |                                                                            |                                                              |
| Stock                                                                                                                |                                                                            |                                                              |
| Domestic                                                                                                             |                                                                            |                                                              |
| Other                                                                                                                |                                                                            |                                                              |
| <b>Totals</b>                                                                                                        |                                                                            |                                                              |

*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.*

7. Signature(s) of New Owner(s) or Claimant(s)

 (title if applicable)  
 (title if applicable)

**IT IS IMPORTANT TO FILE THIS COMPLETED FORM AT THE APPROPRIATE IDWR OFFICE, WITH PAYMENT OF THE FILING FEE AND THE OWNERSHIP DOCUMENT(S), AS REFERRED TO IN LINE 2.**

**For IDWR Office Use Only:**

Received by \_\_\_\_\_

Date \_\_\_\_\_

Receipt Amt. \_\_\_\_\_

Received by \_\_\_\_\_

Date \_\_\_\_\_

Receipt No. \_\_\_\_\_

Processed by \_\_\_\_\_ AJ

Date \_\_\_\_\_

WR \_\_\_\_\_

Date \_\_\_\_\_

SCANNED

JUL 16 2007

COPY

QUITCLAIM DEED

FOR VALUE RECEIVED, PARK RANCH, INC. ("Grantor"), does hereby convey, release, remise and forever quitclaim to THOMAS MARSHBURN, JR. and HOLLY FLOWERS, whose address is 800 North Aspaas Road, Cornville, AZ 86325 ("Grantee"), all right, title and interest in and to the water right identified in the records of the Idaho Department of Water Resources as Water Right Claim No. 75-04130 and any other water right appurtenant to and for beneficial use upon the property conveyed to Grantee this same date by Warranty Deed recorded as Instrument No. 264559, records of Lemhi County, Idaho.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this September 16, 2005.

By:

Park Ranch, Inc.

Sally H. Park, President

By: Sally H. Park, President

Frederick B. Park, Secretary

By: Frederick B. Park, Secretary

State of Idaho  
County of Lemhi )

SS No. 264560

This instrument was filed for record at the request  
of Alliance Title  
at 2:49 o'clock Pm 23 Sept 2005  
and duly filed and indexed in the records of Lemhi  
County

Tam J. Morton  
Ex-Officio Recorder  
By [Signature] Deputy

Fee 15.00

Return to \_\_\_\_\_

State of Idaho

}  
} ss.  
}

County of Lemhi

On this 23<sup>rd</sup> day of September, 2005, before me, a Notary Public in and for said state, personally appeared Sally H. Park and Frederick B. Park known to me to be the President and Secretary of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, they executed the foregoing in said Corporation name.

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



[Signature]  
Notary Public for the State of Idaho  
Residing at: Salmon  
Commission Expires: 4/24/2009

SCANNED

JUL 16 2007

State of Idaho ) SS No. 264559  
County of Lemhi )  
This instrument was filed for record at the request  
of Alliance Title  
at 2:00 clock P.m. 22, Sept 2006  
and duly filmed and indexed in the records of Lemhi  
County  
Terril J. Morton  
Ex-Officio Recorder  
By [Signature] Deputy  
Fee 6  
Return to (a)

COPY

**CORPORATION DEED**

Order No. 307053181L-G

For Value Received

**Park Ranch, Inc., an Idaho Corporation**  
a corporation duly organized and existing under the laws of the State of Idaho, Grantor,  
does hereby Grant, Bargain, Sell and convey unto  
**Thomas Marshburn, Jr. and Holly Flowers, Husband and Wife**  
whose current address is: **800 N. Aspaas Rd.**  
**Cornville, AZ 86325**

the following described real estate, to-wit:

**TOWNSHIP 24 NORTH, RANGE 22 EAST, BOISE MERIDIAN LEMHI  
COUNTY, IDAHO.**

**SECTION 33: SE1/4NE1/4SW1/4NE1/4, SE1/4SW1/4NE1/4, W1/2SE1/4NE1/4,  
SW1/4SW1/4NW1/4SE1/4, E1/2W1/2NW1/4SE1/4, E1/2NW1/4SE1/4,  
W1/2NE1/4SE1/4, W1/2SW1/4SE1/4, W1/2E1/2SW1/4SE1/4 AND  
E1/2NE1/4SW1/4SE1/4.**

**EXCEPTING THEREFROM THAT PARCEL OF LAND DESCRIBED AS  
FOLLOWS:**

**A FRACTION OF THE SW1/4SE1/4 OF SECTION 33, TOWNSHIP 24 NORTH,  
RANGE 22 EAST, BOISE MERIDIAN, MORE PARTICULARLY DESCRIBED  
AS FOLLOWS, TO WIT:**

**BEGINNING AT THE SOUTHWEST CORNER OF THE SAID SW1/4SE1/4 OF  
SECTION 33 RUN THENCE NORTH ALONG THE WESTERLY BOUNDARY  
OF THE SW1/4SE1/4 OF SECTION 33 A DISTANCE OF 210.0 FEET; THENCE  
EAST 130.0 FEET; THENCE SOUTH 18° 26' WEST 221.4 FEET TO A POINT  
ON THE SOUTHERLY BOUNDARY OF THE SW1/4SE1/4 OF SECTION 33;  
THENCE WEST 60.0 FEET TO THE POINT OF BEGINNING.**

**ALSO EXCEPTING THEREFROM:**

**A PARCEL OF LAND LOCATED IN THE NW1/4SE1/4, SECTION 33, T. 24 N.,  
R. 22 E., BOISE MERIDIAN, LEMHI COUNTY, IDAHO, MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:**

**COMMENCING AT THE WITNESS CORNER TO THE NE CORNER  
SW1/4SW1/4NW1/4SE1/4 OF SAID SECTION 33, FROM WHICH THE NW  
CORNER SW1/4SW1/4NW1/4SE1/4 BEARS S. 89° 51' 00" W. 323.66 FT., THE  
BASIS OF BEARING OF THIS DESCRIPTION, RUN THENCE N. 32° 03' 49" E.  
A DISTANCE OF 197.43 FT. TO THE POINT OF BEGINNING;**

**THENCE N. 40° 24' 34" E. A DISTANCE OF 199.53 FT.;  
THENCE S. 57° 28' 38" E. A DISTANCE OF 233.28 FT.;  
THENCE S. 10° 14' 25" E. A DISTANCE OF 104.84 FT.;  
THENCE S. 24° 55' 56" W. A DISTANCE OF 54.79 FT.;  
THENCE S. 68° 32' 06" W. A DISTANCE OF 133.99 FT.**

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JUL 16 2007

264559

THENCE N. 48° 18' 21" W. A DISTANCE OF 263.67 FT. TO THE POINT OF BEGINNING.

SPECIFICALLY EXCEPTING AND RESERVING ANY AND ALL APPURTENANT WATER RIGHTS, WHICH GRANTOR SHALL CONVEY TO GRANTEE THROUGH A SEPARATE QUITCLAIM DEED.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), heirs and assigns forever. And the Grantor does hereby covenant to and with the Grantee(s), that it is the owner of said premises; that they are free from all encumbrances EXCEPT: current year taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

IN WITNESS WHEREOF, the Grantor, pursuant to a resolution of its Board of Directors has caused its corporate name to be hereunto subscribed by its President and its corporate seal to be affixed by its Secretary this September 16, 2005.

By:

Park Ranch, Inc.

Sally H. Park, President  
By: Sally H. Park, President

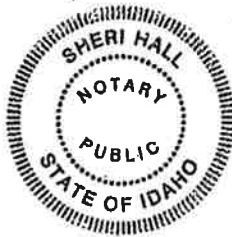
Frederick B. Park, Secretary  
By: Frederick B. Park, Secretary

State of Idaho

}  
} ss.

County of Lemhi

On this 22<sup>nd</sup> day of September, 2005, before me, a Notary Public in and for said state, personally appeared Sally H. Park and Frederick B. Park known to me to be the President and Secretary of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, they executed the foregoing in said Corporation name.  
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



Sheri Hall  
Notary Public for the State of Idaho  
Residing at: Salmon  
Commission Expires: 4/24/2009

SCANNED

JUL 16 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

EASTERN REGION

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Interim Director

April 16, 2007

THOMAS MARSHBURN  
HOLLY FLOWERS  
PO BOX 1451  
CARMEN ID 83462

RE: RETURNED FEE FOR OWNERSHIP CHANGE 75-4130

Dear Claimants:

I am returning the above referenced fee. A fee is not required to change an adjudication claim.

I will process the change as soon as possible and send a copy for your files.

Respectfully,

Jennifer Crabtree

Technical Records Specialist

Enclosure

SCANNED

JUL 18 2007

# SRBA

## SUBCASE SUMMARY REPORT 75-04130

[Return to SRBA Home Page](#)

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SRBA  
06-19-2007

SUBCASE SUMMARY REPORT

HTML12

SUBCASE: 75-04130      FILE#: 00000  
CLAIMANT: PARK RANCH INC  
          C/O FRED PARK  
          PO BOX 965

VERADALE                      WA      99037  
STATUS: UNOBJECTED TO W/R      SPECIAL MASTER:  
WATER SOURCE: TOWER CREEK      TRIBUTARY: SALMON CREEK

**\*\*\*\* PARTIES INVOLVED \*\*\*\***

PARK RANCH INC                      C PRO SE

**\*\*\*\* ROA ENTRIES \*\*\*\***

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[Return to SRBA Home Page](#)

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### Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

The extent and nature of said claim is as follows:

- Amount 23 cfs Use irrigation Period of Use: From April 1 To October 31  
 Amount \_\_\_\_\_ Use and stock Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
 Amount \_\_\_\_\_ Use \_\_\_\_\_ Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
 (cfs, gpm) (dom., irr., (both dates inclusive)  
 or a/f) stock, etc.)

- (4) Priority claimed: (the date water was first applied to beneficial use) September 28, 1910

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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- 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. Ditch Heads. Length of ditches:

(1) = 2300ft.; (2) = 4300ft.; (3) = 4000ft.; (4) = 3000ft.; and  
(5) = 5500ft. Each ditch is 4 ft wide by 2 ft deep, with capacity of

- [illegible]

RECEIVED

JUL 26 2005

DEPARTMENT OF  
WATER RESOURCES

**Frederick B. Park  
PARK RANCH, INC.**

P.O. Box 965  
Veradale, Washington 99037  
(509) 999-4786  
e-mail: fpark@supersat2.net

July 20, 2005

Roxanne Brown, Senior Water Resource Agent  
Adjudication Bureau  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, Idaho 83720-0098

RE: Claim to a Water Right No. 75-04130

Dear Ms. Brown:

Thank you for your letter of June 29, 2005 requesting proof of the "Beneficial Use" priority date claimed and of the historic use of water. A copy of your letter is attached for your reference.

As proof of the Beneficial Use priority date pertaining to the Claim to Water Right No. 75-04130, enclosed please find the following documents:

1. A copy of the original "Report On Agricultural Homestead Applications" dated December 6, 1908 and prepared on behalf of Mrs. Johanna Mulcihy, the homestead applicant, and signed by Mr. Geo. C. Thompson, Land Examiner, and approved on January 20, 1909 by Mr. Geo. G. Brutz (sp?);
2. A copy of the original "Request For Report On Agricultural Settlement" dated November 3, 1909 and stating that proof of said homestead application claim will be made before a Mr. Frank P. McCracken in Salmon Idaho on December 27, 1909;
3. A copy of the report providing 5 year proof of homestead application claim to be submitted on December 27, 1909. The property was examined and this report prepared on December 10, 1909 by Mr. F.C. Haman (sp?), Asst. Forest Ranger, Department of Agriculture, Salmon National Forest; and
4. Instrument No. 10942, created on March 9, 1911 at the behest of William H. Taft, President of the United States of America, grants unto the claimant, Johanna Mulcihy and to her heirs and assigns, to have and to hold forever the tract of

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JUL 26 2005

land described in the document. Instrument No. 10942 was recorded as Patent Number 182941 at the request of Frank Barton on April 29, 1911.

These documents provide proof of (i) the date that water from Tower Creek (formerly Boyle Creek) was first put to beneficial use on the property and (ii) the historic beneficial use of water on the ranch during the period from 1896 through 1911.

Document #3, the report providing 5 year proof of homestead application claim dated December 10, 1909, resulted from an examination by Mr. Haman, Asst. Forest Ranger and provides dates and details of the improvements to the property made by the homestead claimant, Johanna Mulcihy. Paragraph 10 of this document, entitled "GOOD FAITH" states that the "claimant has cultivated the land since 1896". 1896 is the first date that water from Tower Creek can be demonstrated to have been put to beneficial use on the ranch property and, accordingly, is the correct priority date of the beneficial use right being claimed in Water Right No. 75-04130.

**I therefore respectfully request that 1896 be noted as the correct Beneficial Use Priority Date for Claim Water Right No. 75-04130 and that the erroneous priority date of September 28, 1910 appearing on the computer printout (copy attached) you provided be deleted.**

Paragraph 4, entitled "SETTLEMENT AND RESIDENCE" states that the claimant established actual residence on November 28, 1897 and that between then and the July 1, 1909 filing date was never absent from the property.

Paragraph 6 of this document #3, entitled "CULTIVATION" describes in detail the 110 tree apple orchard, all of which bear fruit, and the annual hay yields for the period 1904 through 1909. The orchard and hay fields are all irrigated using a system of ditches built by the claimant.

**That the claimant, Johanna Mulcihy, was issued fee simple title in the form of a 120 acre homestead patent on April 29, 1911 combined with documented annual crop yields serves as de facto proof that irrigation water was beneficially used on a regular basis during the period 1896 through 1911.**

My father, Charles F. Park, jr. (deceased), my brother, Allan M. Park and I bought the ranch from Daisy E. Tappan on June 2, 1969 as evidenced by the attached copy of the Warranty Deed. At this time, Daisy Tappan was producing hay for her livestock and had well irrigated and beautifully maintained fields irrigated by ditches originating from 4 separate diversion points. Through a series of family transactions my wife, Sally H. Park and I have become the sole owners of the ranch. In the attached notarized Affidavits of Frederick B. Park and Sally H. Park, respectively, we describe the history of the ranch during our 36 year (1969 - 2005) tenure. My brother, Allan M. Park, knew Daisy Tappan for some years prior to our purchasing the ranch and his notarized

Affidavit is attached.

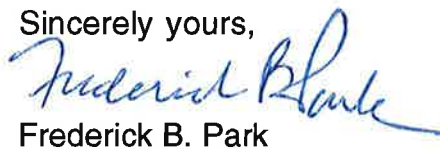
**From the personal knowledge summarized in the attached Affidavits, the ranch was well maintained and productive before we purchased the property and has been continuously irrigated and maintained during our 36 year tenure. To the best of my knowledge and belief, the beneficial use right established in 1896 has been used continuously and without interruption ever since.**

I would like to advise that a 1/2 acre parcel in the southwestern most corner of the ranch was forfeited by Daisy Tappan prior to June 2, 1969 to her mortgage holder in lieu of a mortgage payment. With the exception of this 1/2 acre parcel, the ranch has never been subdivided since the homestead patent was granted on April 29, 1911. The field shapes and the 4 diversion points and ditch locations are dictated by topography and are essentially unchanged since the ranch was first developed. The computer printout accompanying your letter of June 29, 2005 lists the location of 3 diversion points. The correct number of diversion points is four (4) and Bob Foster, Senior Water Resource Agent, Salmon Regional Office, IDWR has taken GPS readings at each of these points and can provide their specific locations. I would appreciate your correcting your records to reflect the 4th diversion point.

Park Ranch Inc. was formed in September 1996 as a means to mitigate liability. Sally H. Park and I are the sole shareholders in the corporation. A one and one-half acre parcel encompassing the ranch house and the apple orchard is not owned by the corporation but rather is owned jointly by Sally H. Park and Frederick B. Park.

Thank you for your time and consideration. I would appreciate your contacting me at the above address, phone number and/or e-mail address should you have questions or wish additional information.

Sincerely yours,



Frederick B. Park

- encl:
- Roxanne Brown letter of June 29, 2005 and computer printout
  - Report on Agricultural Homestead Applications approved Jan. 20, 1909
  - Request for Report on Agricultural Settlement dated Nov. 3, 1909
  - Response to Notice of 5 year proof report dated Dec. 10, 1909
  - Instrument No. 10942 - Land Patent Grant dated April 29, 1911
  - Notarized Affidavit of Frederick B. Park dated July 20, 2005
  - Notarized Affidavit of Sally H. Park dated July 20, 2005
  - Notarized Affidavit of Allan M. Park dated July 20, 2005
  - Warranty Deed dated June 2, 1969



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 29, 2005

75-04130  
PARK RANCH INC  
PO BOX 126  
CARMEN ID 83462

**RESPONSE DEADLINE**  
**JULY 29, 2005**

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown  
Sr. Water Resource Agent  
Adjudication Bureau

Enclosures

SCANNED

JUL 26 2005

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4130

WATER RIGHT NUMBER: 75-4130

|                   |                                                                   |
|-------------------|-------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                           |
| Current Owner     | PARK RANCH INC<br>PO BOX 126<br>CARMEN, ID 83462<br>(208)756-4568 |

Priority Date: ~~09/28/1910~~ 1896

Basis: Statutory Claim

Status: Active

Source

NORTH FORK TOWER CREEK

Tributary

SALMON RIVER

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| DOMESTIC                | 1/01 to 12/31         | 0.010 CFS             |                      |
| IRRIGATION              | 4/01 to 11/01         | 23.000 CFS            |                      |
| STOCKWATER              | 1/01 to 12/31         | 0.020 CFS             |                      |
| <u>Total Diversion:</u> |                       | 23.030 CFS            |                      |

Location of Point(s) of Diversion

|                                        |                 |                                 |
|----------------------------------------|-----------------|---------------------------------|
| NORTH FORK TOWER CREEK<br>LEMHI County | SE1/4SW1/4NE1/4 | Sec. 33, Twp 24N, Rge 22E, B.M. |
| NORTH FORK TOWER CREEK<br>LEMHI County | NE1/4NW1/4NE1/4 | Sec. 33, Twp 24N, Rge 22E, B.M. |
| NORTH FORK TOWER CREEK<br>LEMHI County | SE1/4NW1/4NE1/4 | Sec. 33, Twp 24N, Rge 22E, B.M. |

ADD FOURTH DIVERSION POINT (SEE BOB FOSTER'S REPORT FOR LOCATION)

Place of UseIRRIGATION Within LEMHI County

|               |      |     |               |      |      |
|---------------|------|-----|---------------|------|------|
| T24N R22E S33 | SWNE | 6.0 | T24N R22E S33 | SENE | 11.0 |
|---------------|------|-----|---------------|------|------|

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JUL 26 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4130

T24N R22E S33    NESE    9.0

T24N R22E S33    NWSE    33.0

T24N R22E S33    SWSE    34.0

Total Acres: 93

STOCKWATER Within LEMHI County

T24N R22E S33    NWSE

DOMESTIC same as IRRIGATION

Conditions of Approval:

1.        THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.  
          STOCKWATER USE CURRENTLY FOR 25-50 HORSES, HISTORICALLY USED FOR 80 HEAD OF  
          CATTLE.  
          CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS \*\*\*\* CHANGE  
          OF OWNERSHIP PROCESSED 5/7/99, ESV

Remarks:

Water Supply Bank:

SCANNED

JUL 26 2005

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

## REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

48

Application No. — Salmon — National ForestLand District Hailey Dec. 6, 1908  
(Date of examination.)1. Name and address of applicant Mrs. Johanna Mulciky  
(The county should always be given.)Salmon, Lemhi Co., Idaho.2. Settlement Settled December 1898  
(Is applicant living on land? Give date of settlement.)3. Location The W<sup>2</sup> SE<sup>4</sup> NE<sup>4</sup>, SE<sup>4</sup> NE<sup>4</sup> and SE<sup>4</sup> SW<sup>4</sup> NE<sup>4</sup>, W<sup>2</sup> NE<sup>4</sup>  
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)SE<sup>4</sup>; E<sup>2</sup> NW<sup>4</sup> and E<sup>2</sup> and SW<sup>4</sup> SW<sup>4</sup> and E<sup>2</sup> NW<sup>4</sup> of SE<sup>4</sup>;N<sup>2</sup> & SW<sup>4</sup> and W<sup>2</sup> SE<sup>4</sup> of SW<sup>4</sup> SE<sup>4</sup>, all of section 33,Twp. 24 N. R. 22 E. Boise Meridian.

The claim lies on Bayle Creek, about three miles off the county road and fifteen miles below Salmon, the county seat. Road facilities throughout this section of country are comparatively good. Railroad connections are made at Red Rock, Mont. via Salmon, Ida.

4. Area One hundred twenty acres (120)  
(Applied for, and recommended.)

SCANNED

JUL 26 2005

5. Topography

The claim is located in a widening arch of Big Lost Canyon, and is comprised of bottom and bench land, equal areas of each.

(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in its bearing on agricultural possibilities, altitude, slope, aspect, etc.)

Aside from these narrow strips of comparatively level land along the streams, the country is exceedingly mountainous.

6. Formation

The soil of the bottom land is made up chiefly of sandy loam or wash soil from the mountains higher up, while that composing the bench is more of a gravel, loam and clay mixture. Possibilities are good for the production of all kinds of fruits and hay with an abundance of water to insure crops.

(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for irrigation and domestic use. Possibilities for developing water.)

7. Climate

As a general rule the climate is very mild. The winter season usually breaks during April or the fore part of May, and the summer season lasts well into October. Very seldom that killing frosts occur before latter September.

(Precipitation, temperature, occurrence of killing frosts.)

8. Cover

Aside from the narrow strip along the creek bottom the cover consists of sage brush. This cover is valueless for Forest purposes. The claim is easily accessible by wagon road.

(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for protective or seeding purposes?)

9. Claims

There are no existing conflicts to the land or any of the improvements. The improvements consist of house, stable, sheds and various other out houses, 50 acres cleared land, 2 1/2 miles fencing, ditches, etc. all the improvements are in good condition.

10. Economic possibilities

Applicant desires to secure patent. The agricultural possibilities are good. Large crops of hay, vegetables and fruit are produced annually. All the land along the creek suitable for agriculture is being tilled. Transportation facilities to various markets are fair. Considerable of the produce of this locality is now being taken into the Big Lake, Mont. This market was made practicable through combined efforts of the service and public in furthering road facilities.

11. Recommendations

It is recommended that the claims under consideration be listed for settlement. For the specific reason that an early adjustment of these agricultural claims will tend greatly to facilitate the records and administration of the Forests.

12. Photographs

(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal

(Has applicant agreed to the findings of the examiner?)

Geo. C. Thompson

(Signature of examining officer.)

Land Examiner

(Title.)

Approved

January 20, 1909  
Geo. G. Brutz  
(In charge, Examinations.)

Approved

190

Chief, Office of Lands.

SCANNED

111 6 2005

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

## REQUEST FOR REPORT ON AGRICULTURAL SETTLEMENT

SALMON

NATIONAL FOREST

Salmon, Idaho

(Place)

November 3, 1909

(Date)

Mr. T. C. Haman

Carmen, Idaho

DEAR SIR:

The Land Office at Hailey, Idaho has given notice thatJohanna Mulcihy of Carmen, Idaho has filed noticeof his intention to make final five year

(Here insert words "five years" or "commutation," as case may be)

proof in support of his claim, viz: Homestead Application, Forest Serial 05583

(H. E., desert, etc.)

Entry No. 53004, made July 1, 1909

(Date)

for the SE 1/4 NE 1/4  
SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, W 1/2 SE 1/4 NE 1/4, SW 1/4 SW 1/4  
NW 1/4 SE 1/4, E 1/2 W 1/2 NW 1/4 SE 1/4, E 1/2 NW 1/4 SE 1/4, W 1/2  
NE 1/4 SE 1/4, W 1/2 SW 1/4 SE 1/4, W 1/2 E 1/2 SW 1/4 SE 1/4, E 1/2  
NE 1/4 SW 1/4 SE 1/4Range 22 East of the B.M., and that said proof will be made before FrankP. McCracken P.J. at Salmon, Idaho on December 27, 1909

He names the following witnesses:

Henry Griebner

of

Peter McKinney

of

Fred W. Nieman

of

William J. Rose All

of

Carmen, Idaho

Please make prompt report in the above case, on Form 655, in order that the Forest Service may take appropriate action and notify the Land Office prior to the date of final proof.

Very truly yours,

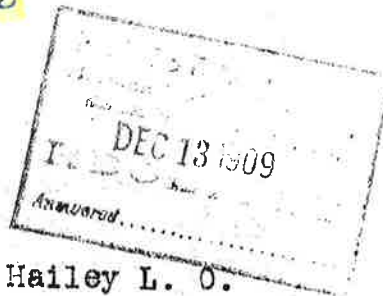
Supervisor.

SCANNED

JUL 26 2005

(COPY)  
RE: WATER RIGHT NO. 75-04130

UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
SALMON NATIONAL FOREST



In response to notice of 5 year proof from the Hailey L. O.  
to be submitted December 27, 1909.

Johanna Mulcihy, H. E. # 05583, Hailey.  
Salmon National Forest.

1. CLAIMANT. Johanna Mulcihy, Carmen, Idaho. Widow, Family consists of 4 children, 3 boys, 1 girl, all minors. Family reside on claim.
2. DESCRIPTION OF CLAIM. Surveyed land, SE 1/4 NE 1/4 SW 1/4 NE 1/4, SE 1/4 SW 1/4 NE 1/4, W 1/2 SE 1/4 NE 1/4, SW 1/4 SW 1/4 NW 1/4 SE 1/4, E 1/2 W 1/2 NW 1/4 SE 1/4, E 1/2 NW 1/4 SE 1/4, W 1/2 NE 1/4 SE 1/4, W 1/2 SW 1/4 SE 1/4, W 1/2 E 1/2 SW 1/4 SE 1/4, E 1/2 NE 1/4 SW 1/4 SE 1/4. Sec. 33, T. 24 N. R. 22 E. Boise Mer.
3. TOPOGRAPHY AND SURFACE. SE 1/4 NW 1/4, Contains 15 acres, all of which is cultivation. Eastern slope.  
NE 1/4 SW 1/4, Contains 35 acres all of which is in cultivation, Eastern slope.  
SE 1/4 SW 1/4, Contains 30 acres all of which is in cultivation, Eastern slope.  
SW 1/4 NE 1/4, Contains 20 acres all of which is in cultivation. Western slope.  
NW 1/4 SE 1/4, Contains 20 acres all of which is in cultivation. Western slope.  
Altitude 4,800.
4. SETTLEMENT AND RESIDENCE. Claimant settled on land in Sept. 1897. Actual residence was established in November 28, 1897. Date of filing July 1, 1909. Claimant was not absent from claim at any time. Witnesses, Henry Greiber, Peter McKinney, Fred W. Neiman, William J. Rose, all of Carmen, Idaho. All tools and impliments necessary for farming now on the claim.
5. IMPROVEMENTS. 1 frame house 24' X 24', 4 rooms, addition to same 14' X 14', valued at \$1500.00. 1 log stable 18' X 20' valued at \$100.00. 1 frame stable 14' X 30' valued at \$100.00. 1 log poultry house 18' X 20' valued at \$100.00. 1 frame buggy shed valued at \$50.00. 1 blacksmiths shop 14' X 16' valued at \$50.00. 1 log house, 1 room, 14' X 16' valued at \$150.00. 1 log milk house 10' X 12' valued at \$50.00. 1 frame granary 10' X 12' valued at \$50.00. 110 tree orchard valued at \$800.00. Dwelling is habitable at all seasons.

6. CULTIVATION. 120 acres are producing agricultural crops, 120 acres are under ditch. No slash on the claim. 110 apple tree orchard, 1 1/4 acres, trees are 5 years old, all of the trees are bearing. The cost to clear the land is \$10.00 per acre. Worth when cleared \$50.00 per acre. Claimant has raised mostly hay on the claim. In 1904, 50 tons of hay was raised. 1905, 60 tons of hay raised. 1906, 75 tons of hay raised. 1907, 75 tons hay raised. 1908, 75 tons hay raised. 1909, 100 tons of hay raised. 120 acres was cultivated and ditched by the present claimant. Hay has been fed to range cattle and domestic stock. Sold 30 tons in 1908.

7. GRAZING. Claimant has 6 head of cattle, 6 head of calves, 5 head of horses, 1 hog, 60 domestic fowls. Claimant sold all her range stock last season 1908. After the hay is cut the stock graze on the claim at large. Claimant does not graze cattle on the National Forest.

8. TIMBER. No timber of any value on the claim.

9. ADDITIONAL INFORMATION. Claim is not used for any trade or business not contemplated by the homestead law. No homestead entry elsewhere. Claimant claims 120 acres. Not sold or mortgaged. The land is most valuable for agriculture.

10. GOOD FAITH. The claim has the appearances of a permanent home. Claimant has cultivated the land since 1896. Claim has a good fence around it and all of the improvements are made of good substantial materials.

Examined December 10, 1909.

*G. C. Haman.*

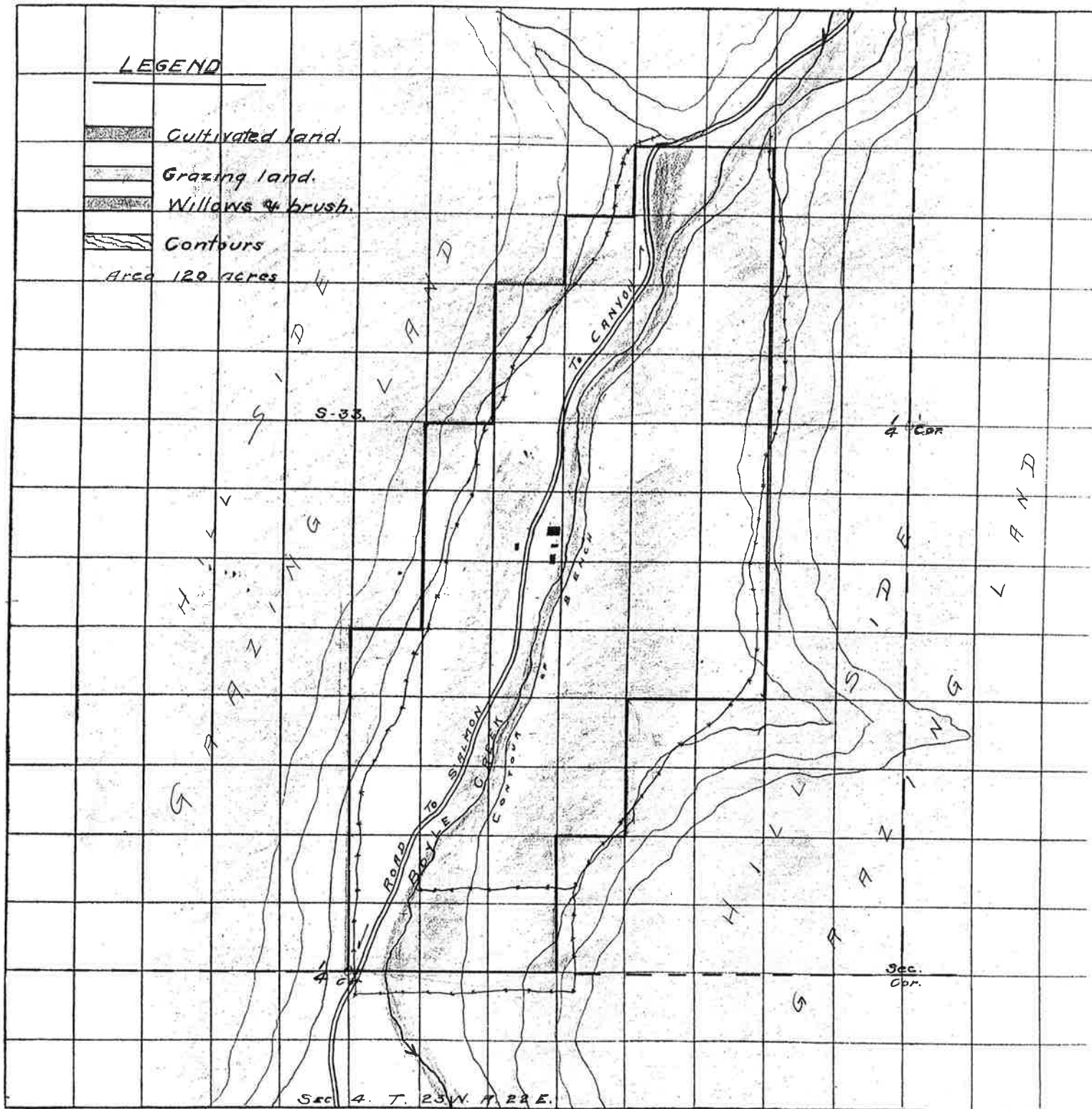
Asst. Forest Ranger.

SCANNED

JUL 26 2005

## MAP SHEET.

Tp. 24, N. R. 22, E. B. M. Section 33, Quarter —, Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in.

SCANNED

JUL 26 2005

Halley 05583.

RE: WATER RIGHT No. 75-04130

THE UNITED STATES OF AMERICA shall come, greeting:

Whereas, a Certificate of the Register of the Land Office at Halley, 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 JOHANNA MULCIHY has been established and duly consummated, in conformity to law, for the Southeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter, the Southeast Quarter of the Southwest Quarter of the Northeast Quarter, the East Half of the West Quarter of the Northeast Quarter of the Southwest Quarter, the East Half of the West Quarter of the Northeast Quarter of the Southwest Quarter, the East Half of the Southeast Quarter of the Northeast Quarter, the West Half of the Southeast Quarter of the Southeast Quarter, the West Half of the East Half of the Southeast Quarter, and the East Half of the Southeast Quarter of Section Thirty-three in Township Twenty-four North of Range Twenty-two East of the Boise Meridian, Idaho, containing One Hundred Twenty 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, WILLIAM H. TART, 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 Ninth day of March in the year of our Lord one thousand nine hundred and eleven and of the Independence of the United States the one hundred and Thirty-fifth.

By the President Wm. H. TART  
M. P. LeRoy, Secretary  
H. W. Sanford

Recorded: Patent Number 182941.  
Recorded at the request of Frank Barton, April 29, 1911, at 15 minutes past 1

SCANNED

JUL 7 6 2005

RE: WATER RIGHT No. 75-04130

MICROFILM  
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3

## WARRANTY DEED CORRECTION

For Value Received, namely, \$44,650.00, DAISY E. TAPPAN,  
an unmarried woman,

the grantor, does hereby grant, bargain, sell and convey unto  
ALLAN M. PARK, a single man, FREDERICK B. PARK, a married man, and  
CHARLES F. PARK, JR., a married man,  
the grantees, the following described premises, ~~to-wit:~~ in the County of Lemhi,  
State of Idaho, to wit:

~~SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; the SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ ; the W $\frac{1}{2}$  of  
SE $\frac{1}{4}$  of NE $\frac{1}{4}$ ; the SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; the E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of  
SE $\frac{1}{4}$ ; the E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; the W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ ; the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of  
SE $\frac{1}{4}$ ; the W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ; the E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ ;  
Section 33, Township 24 North, Range 22 East Boise Meridian,  
consisting of about 120 acres, more or less, together with all  
water and water rights, range and range rights, used in connection  
therewith.~~

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees,  
their heirs and assigns forever. And the said Grantor does hereby covenant to and  
with the said Grantees, that she is the owner in fee simple of said premises, that said  
premises are free from all incumbrances.

and that she will warrant and defend the same from all lawful claims whatsoever.  
Dated: June 2, 1969.

*Daisy E. Tappan*

STATE OF IDAHO, COUNTY OF LEMHI  
On this 11 day of June 1969  
before me, a notary public in and for said State, personally  
appeared Daisy E. Tappan, an  
unmarried woman,

known to me to be the person whose name is  
subscribed to the instrument, and acknowledged to  
me that she executed the same.

STATE OF IDAHO, COUNTY OF  
I hereby certify that this instrument was filed as and a  
the request of John S. McKinney

at 44 minutes past 11 o'clock A.M.  
this 3 day of July  
1979, in my office, and duly recorded in ~~xxx~~ Deed  
~~xxxxxx~~

Eleanor Aldous  
Ex Officio Register

SCANNED

JUL 26 2005

WE

INSTRUMENT NO. 146

CHROMAL  
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The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter ( $SE\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ), the Southeast Quarter of the Southwest Quarter of the Northeast Quarter ( $SE\frac{1}{4}SW\frac{1}{4}NE\frac{1}{4}$ ), the West half of the Southeast Quarter of the Northeast Quarter ( $W\frac{1}{2}SE\frac{1}{4}NE\frac{1}{4}$ ), the Southwest Quarter of the Southwest Quarter of the Northwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}SE\frac{1}{4}$ ), the East Half of the West Half of the Northwest Quarter of the Southeast Quarter ( $E\frac{1}{2}W\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ), the East Half of the Northwest Quarter of the Southeast Quarter ( $E\frac{1}{2}NW\frac{1}{4}SE\frac{1}{4}$ ), the West Half of the Northeast Quarter of the Southeast Quarter ( $W\frac{1}{2}NE\frac{1}{4}SE\frac{1}{4}$ ), the West Half of the Southwest Quarter of the Southeast Quarter ( $W\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ), the West Half of the East Half of the Southwest Quarter of the Southeast Quarter ( $W\frac{1}{2}E\frac{1}{2}SW\frac{1}{4}SE\frac{1}{4}$ ), the East Half of the Northeast Quarter of the Southwest Quarter of the Southeast Quarter ( $E\frac{1}{2}NE\frac{1}{4}SW\frac{1}{4}SE\frac{1}{4}$ ), Section Thirty-three (33), Township Twenty-four (24) North, Range Twenty-two (22) East, Boise Meridian.

EXCEPTING THEREFROM: That parcel of land described as follows:

A fraction of the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ) of Section Thirty-three (33), Township Twenty-four (24) North, Range Twenty-two (22) East, Boise Meridian, more particularly described as follows, to wit:

Beginning at the Southwest Corner of the said Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ) of Section Thirty-three (33) run thence North along the Westerly boundary of the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ) of Section Thirty-three (33) a distance of 210.0 feet; thence East 130.0 feet; thence South 18' 26" West 221.4 feet to a point on the Southerly boundary of the Southwest Quarter of the Southeast Quarter ( $SW\frac{1}{4}SE\frac{1}{4}$ ) of Section Thirty-three (33); thence West 60.0 feet to the point of beginning.

SCANNED

III 26 2005

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4620 S. PROGRESS CT  
VERADALE, WA 99037  
509-922-8850  
FAX: 509-926-3372

July 20, 2005

**Affidavit of Allan M. Park concerning: Water rights Number 75-4130 (75-04130)**

To Whom It May Concern:

In late 1968 or early 1969, I met Daisy Tappan, the then current owner of the Tappan Ranch at the end of the road on the North Fork of Tower Creek, north of Salmon, Idaho in Lemhi County. Daisy was in her late 60's at that time. I got to know Daisy quite well before my brother, father, and I purchased her ranch in June 1969. She stayed at and operated the ranch for another two years, and then she purchased another ranch.

She had been married to Mr. Tappan who owned and operated the ranch for many years before he passed away. She then married Mr. Westergard whom she later divorced. When I knew Daisy, she had two or three boys who were in their late thirties and forties. It is my recollection that these boys were born on the ranch which would mean that Daisy Tappan and her husband were working the ranch in the 1920's.

Daisy was proud of the property and worked hard at irrigating and harvesting hay to feed the 30 head of cattle she raised. The ranch was, and had been her sole source of income for many years. I don't know exactly what year Daisy moved to the ranch or if her husband (Mr. Tappan) owned the place before they were married, but Daisy said it had always been a beautiful, well maintained ranch that yielded a reasonable crop of hay and provided a reasonable living.

Respectfully submitted,



Allan M. Park

STATE OF WASHINGTON )

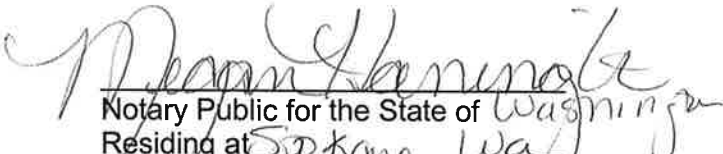
County of Spokane )

ss



On this 20<sup>th</sup> day of July, 2005, before me the undersigned, a Notary Public in and for said State, personally appeared Allan M. Park, 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 the State of Washington  
Residing at Spokane, WA  
Commission Expires: 1/6/08

SCANNED

JUL 26 2005

**AFFIDAVIT OF FREDERICK B. PARK**

Re: Water Right Number 75-04130

**TO WHOM IT MAY CONCERN:**

This Affidavit is made by Frederick B. Park whose mailing address is P.O. Box 965, Veradale, Washington 99037 and whose phone number is (509) 999-4786.

With reference to Water Right Number 75-04130 and the Snake River Basin Adjudication, I do hereby swear that I have been a co-owner of the ranch property named the Park Ranch and physically located at 387 Tower Creek Road, Carmen, Idaho since it was purchased on June 2, 1969. Tower Creek was formerly known as Boyle Creek. The ranch was purchased from Daisy E. Tappan who had owned and worked the ranch for more than 20 years. At the time the ranch was purchased by me and other members of my family, the fields were planted with grass and some alfalfa and yielded sufficient hay to carry Daisy's 30 head of cattle through the winter months. Daisy obviously took great pride in her ranch and was conscientious about flood irrigating the hay fields. The ranch constituted Daisy's principal source of income and hence she took it's operation very seriously. Since purchasing the ranch, I have been an absentee owner but have been physically present on the premises several times each and every year and have been particularly cognizant of the on-going flood irrigation. From June 1975 to January 1976 I lived full time at the ranch.

For two growing seasons following her selling of the ranch (1969 and 1970), Daisy Tappan continued to live in the ranch house and operate the ranch including routine flood irrigation. She departed the property in late 1970. From 1971 through 1976, the ranch was operated by neighbors, Ralph and Blanche Cottrell. In exchange for irrigating the fields, mowing and baling the hay, maintaining the fences and looking after the ranch house, out buildings and equipment, the Cottrells were entitled to keep 100% of the hay crop and were allowed to graze some of their stock on the ranch. They were very responsible and regularly irrigated the fields throughout this period. The Cottrell's retired in 1977.

Following the Cottrell's retirement, we entered into a similar association with Bill and Betty Clements, other neighbors on the Tower Creek. The Clements looked after the ranch during the period from 1977 through 1992, during which time the ranch was their principal source of income. In addition to raising cattle, they also would board horses. From time to time they would purchase feed from third parties, but to the maximum extent possible, they would rely on feed produced on the ranch to sustain the livestock. To this end timely and consistent flood irrigation was essential and was pursued with dedication. Due to advancing age, the Clements retired in 1993.

My daughter and her husband lived full time at the ranch during the period 1993 through 1994 during which period they continued the irrigation of the hay fields.

Beginning in 1995 and continuing to the present, I personally undertook the physical operation of the ranch. During this period I've gradually shifted from flood irrigation to gravity fed sprinkler distribution. At present about 75% of the productive acreage is sprinkled and 25% is flood irrigated. Every year the ranch yields between 30 and 50 tons of hay obtained from a single cutting. In normal water years, irrigation continues through most of August.

My now deceased father and mother, Charles F. Park, jr. and Eula B. Park, spent 5 months every summer for the period from 1971 through 1984 living at the ranch. During these months, they witnessed first hand and were interested in the on-going flood irrigation of the hay fields.

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JUL 26 2005



Like myself and my wife, Sally H. Park, my brother and co-owner of the ranch, Allan M. Park, would also make several trips each year to visit the ranch. Through personal observation and frequent communication with the Cottrells and later the Clements, he knew at all times that the ranch was being properly flood irrigated.

In conclusion, I can personally attest to the fact that during every growing season for the period from 1969 to present, the hay fields on the Park Ranch were actively and conscientiously irrigated using water from Tower Creek.

Under penalty of Perjury, I do solemnly swear that, the the best of my knowledge and belief, the above Affidavit is true and accurate.

DATED this 20<sup>th</sup> day of July, 2005

Frederick B. Park  
FREDERICK B. PARK

**VERIFICATION**

STATE OF IDAHO       )  
                              : ss.  
County of Bonner     )

On this 20 day of July, 2005 before me, the undersigned, a Notary Public for the State of Idaho, personally appeared **Frederick B. Park**, known to me to be the person whose name is inscribed to the above instrument and acknowledged to me that he executed the same.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed my official seal the day and year above written.

(NOTARIAL SEAL)



Thomas J. Harvill  
Notary Public for the State of Idaho  
Residing in Sandpoint, Idaho  
My Commission Expires Apr 4, 2009

SCANNED

JUL 26 2005

728

**AFFIDAVIT OF SALLY H. PARK**

Re: Water Right Number 75-04130

**TO WHOM IT MAY CONCERN:**

This Affidavit is made by Sally H. Park whose mailing address is P.O. Box 965, Veradale, Washington 99037 and whose phone number is (509) 999-4786.

With reference to Water Right Number 75-04130 and the Snake River Basin Adjudication, I do hereby swear that I have been a co-owner of the ranch property named the Park Ranch and physically located at 387 Tower Creek Road, Carmen, Idaho since it was purchased on June 2, 1969. Tower Creek was formerly known as Boyle Creek. The ranch was purchased from Daisy E. Tappan who had owned and worked the ranch for more than 20 years. At the time the ranch was purchased by me and other members of the Park family, the fields were planted with grass and some alfalfa and yielded sufficient hay to carry Daisy's 30 head of cattle through the winter months. Daisy obviously took great pride in her ranch and was conscientious about flood irrigating the hay fields. The ranch constituted Daisy's sole source of income and hence she took its operation very seriously. Since purchasing the ranch, I and my husband, Frederick B. Park, have been absentee owners but have been physically present on the premises several times each and every year and have been particularly cognizant of the on-going flood irrigation. From June 1975 to January 1976 I lived full time at the ranch.

For two growing seasons following her selling of the ranch (1969 and 1970), Daisy Tappan continued to live in the ranch house and operate the ranch including routine flood irrigation. She departed the property in late 1970. From 1971 through 1976, the ranch was operated by neighbors, Ralph and Blanche Cottrell. In exchange for irrigating the fields, mowing and baling the hay, maintaining the fences and looking after the ranch house, out buildings and equipment, the Cottrells were entitled to keep 100% of the hay crop and were allowed to graze some of their stock on the ranch. They were very responsible and regularly irrigated the fields throughout this period. The Cottrell's retired in 1977.

Following the Cottrell's retirement, a similar association was entered into with Bill and Betty Clements, other neighbors on Tower Creek. The Clements looked after the ranch during the period from 1977 through 1992, during which time the ranch was their principal source of income. In addition to raising cattle, they also would board horses. From time to time they would purchase feed from third parties, but to the maximum extent possible, they would rely on feed produced on the ranch to sustain the livestock. To this end timely and consistent flood irrigation was essential and was pursued with dedication. Due to advancing age, the Clements retired in 1993.

My daughter and her husband lived full time at the ranch during the period 1993 through 1994 during which period they continued the irrigation of the hay fields.

Beginning in 1995 and continuing to the present, my husband, Frederick B. Park undertook the operation of the ranch. During this period, he gradually shifted from flood irrigation to gravity fed sprinkler distribution. At the present time about 75% of the productive acreage is sprinkled and 25% is flood irrigated. Every year the ranch yields between 30 and 50 tons of hay obtained from a single cutting. In normal water years, irrigation continues through most of August.

My now deceased father-in-law and mother-in-law, Charles F. Park, jr. and Eula B. Park, spent 5 months every summer for the period from 1971 through 1984 living at the ranch. During these months, they witnessed first hand and were interested in the

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SCANNED

JUL 7 6 2005

on-going flood irrigation of the hay fields.

Like myself and my husband, my brother-in-law and co-owner of the ranch, Allan M. Park, would also make several trips each year to visit the ranch. Through personal observation and frequent communication with the Cottrells and later the Clements, he knew at all times that the ranch was being properly flood irrigated.

In conclusion, I can personally attest to the fact that during every growing season for the period from 1969 to present, the hay fields on the Park Ranch were actively and conscientiously irrigated using water from Tower Creek.

Under penalty of Perjury, I do solemnly swear that, the the best of my knowledge and belief, the above Affidavit is true and accurate.

DATED this 20 day of July, 2005

Sally H. Park  
SALLY H. PARK

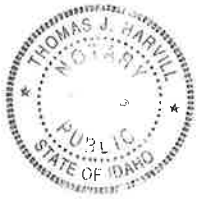
### VERIFICATION

STATE OF IDAHO       )  
                              : ss.  
County of Bonner     )

On this 20 day of July, 2005 before me, the undersigned, a Notary Public for the State of Idaho, personally appeared **Sally H. Park**, known to me to be the person whose name is inscribed to the above instrument and acknowledged to me that she executed the same.

**IN WITNESS WHEREOF**, I have hereunto subscribed my name and affixed my official seal the day and year above written.

(NOTARIAL SEAL)

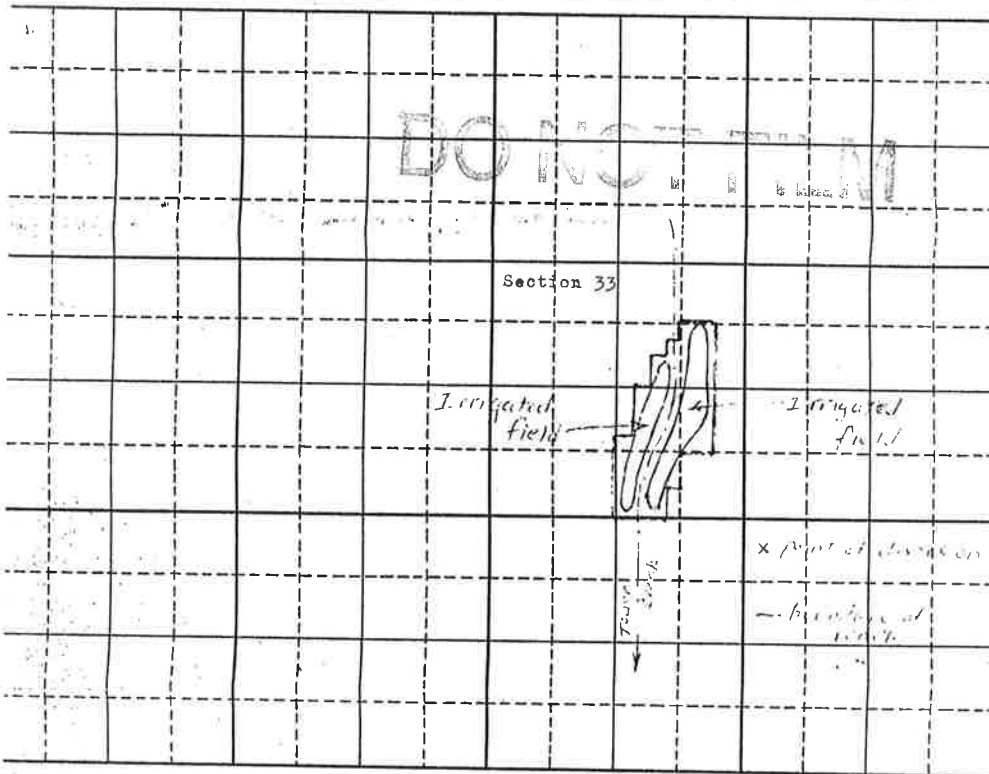


Thomas J. Harvill  
Notary Public for the State of Idaho  
Residing in Sandpoint, Idaho  
My Commission Expires 4-4-2009

SCANNED  
JUL 7 6 2005

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(8) Remarks All irrigation of the fields is by flooding, and much of the water used flows directly back into Tower Creek. The patent date on the ranch is April 9, 1911, and the patent number is 182941.



Scale: 2 inches equal 1 mile.

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

State of Idaho )  
County of Lemhi ) ss.

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 affiants knowledge.

Sworn to before me this 21<sup>st</sup> day of June, 1921.

C. F. Gask  
(Claimant)

Notary Public  
Residing at Selma, Idaho

My commission expires 2-22-22

#### For Department Use Only

|                                   |            |                           |                                 |            |
|-----------------------------------|------------|---------------------------|---------------------------------|------------|
| Received by _____                 | Date _____ | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by _____            | Date _____ |                           |                                 |            |
| \$10.00 fee received by _____     | Date _____ |                           |                                 |            |
| Approved for publication by _____ |            |                           |                                 |            |
| Published In _____                |            |                           |                                 |            |
| Dates _____                       |            |                           |                                 |            |

RECEIVED

AUG 18 2005

Department of Water Resources

**Frederick B. Park**

**PARK RANCH, INC.**

P.O. Box 965

Veradale, WA 99037-0965

Phone: (509) 999-4786

e-mail: fpark@supersat2.net

August 15, 2005

Roxanne Brown, Senior Water Resource Agent

Adjudication Bureau

Idaho Department of Water Resources

P.O. Box 83720

Boise, Idaho 83720-0098

RE: Claim to a Water Right No. 75-04130

Dear Ms. Brown:

In my letter to you dated July 20, 2005, I included a number of documents providing proof of the Beneficial Use priority date pertaining to the above referenced claim to water right. Item 1 in this letter is a copy of the original "Report on Agricultural Homestead Applications" dated December 6, 1908 and prepared on behalf of homestead applicant Mrs. Johanna Mulcihy, signed by Mr. Geo. C. Thompson, Land Examiner, and approved on January 20 1909 by Mr. Geo. G. Brutz (sp?). Attached to this report is Map Sheet 24N, 22E, Sec. 33 denoting cultivated land, grazing land, willows and brush, and contours covering the 120 acre parcel which is the ranch property pertaining to the above referenced Claim to Water Right. These different land use classifications are distinguished by colored pencil shading. Years ago, when I first obtained copies of these documents from the U.S. Forest Service, they were black and white and, as such, the various land use classifications are not easily distinguishable. Since sending you my July 20, 2005 letter containing these black and white copies, I have had opportunity to visit the U.S. Forest Service office in Salmon, Idaho and have obtained color copies of this "Report on Agricultural Homestead Applications" including the Map Sheet (copy attached) This colored Map Sheet clearly shows the in red shading the cultivated land.

Also enclosed herewith are the Soil Conservation Service (1988?) black and white aerial photograph and the 2004 color aerial photograph, each showing the ranch property. The red outlines on each of the aerial photographs show the boundaries of the irrigated fields. Also, accompanying my IDWR submission dated April 27, 1999 and sent to your Idaho Falls Eastern Region Office, is a copy of the (1988?) Soil Conservation Service aerial photograph on which the irrigated fields are outlined and the four diversion points are denoted.

SCANNED

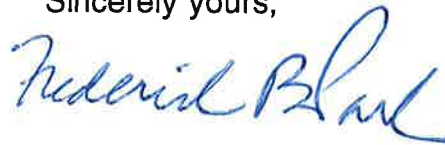
AUG 18 2005

The location of the cultivated lands are shown with greater precision on the aerial photographs because the physical characteristics of topography are clearly visible, a level of precision not available to Mr. Geo. C. Thompson, the examining officer in 1908. Within the limits of accuracy available to Mr. Thompson, the location of the irrigated fields on the ranch today are essentially unchanged from those depicted on the 1909 Map Sheet (24N, 22E, Sec. 33).

It would be greatly appreciated if you would attach the accompanying aerial photographs and the color copy of the "Report on Agricultural Homestead Applications" including Map Sheet 24N, 22E, Sec. 33 to the Claim to a Water Right No. 75-04130 file.

Thank you for your time and consideration. Please let me know if you desire additional information or have questions.

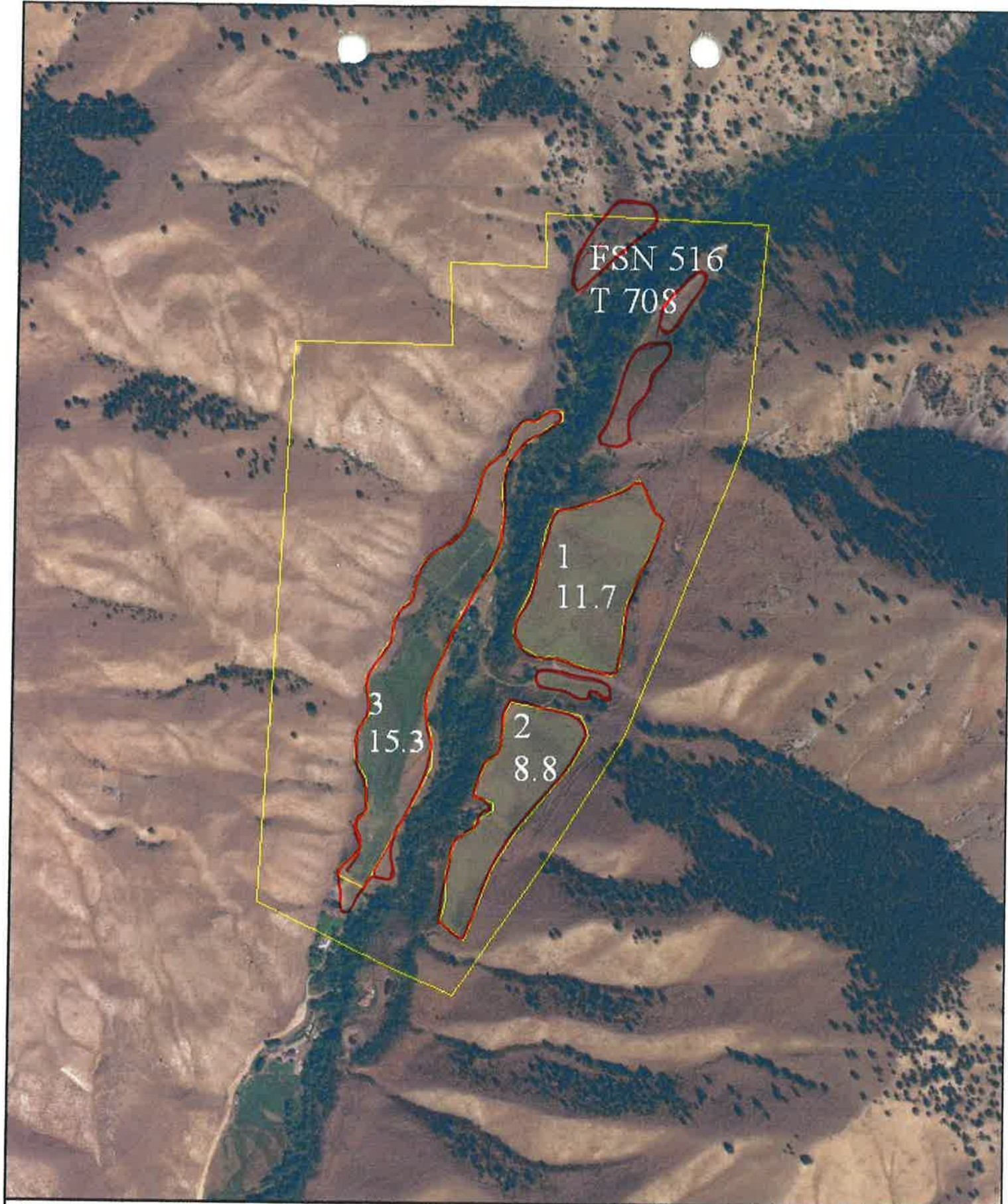
Sincerely yours,

A handwritten signature in blue ink, appearing to read "Frederick B. Paul". The signature is fluid and cursive, with the first name "Frederick" being more legible than the last name "Paul".

encl: "Report on Agricultural Homestead Applications w/ Map Sheet 24N23ESec.33  
Soil Conservation Service Aerial Photograph (1988? edition)  
Soil Conservation Service Aerial Photograph (2004 edition)

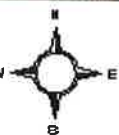
SCANNED

AUG 18 2005



**Tract 708**

**Farm 516**



0.07 0 0.07 0.14 0.21 0.28 Miles



Map Printed: Feb 28, 2005

PARK RANCH - WATER RIGHT NO. 75-04130

SCANNED

AUG 18 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

SCANNED

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 19, 1999

SALLY PARK  
PARK RANCH INC (AN IDAHO CORP)  
PO BOX 126  
CARMEN ID 83462

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE OF CLAIM TO A WATER RIGHT A75-04130

Dear Ms. Park:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland  
Technical Records Specialist

Enclosure

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 A75-04130Date Received 4/30Receipt Number E014151

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW



APR 30 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Frederick B. Park, Sally H. Park  
Allan M. Park, Barbara Park Phone (303) 978-9455

Mailing Address 21 Tamarade Dr., Littleton, Colorado Zip 80127

2. Date of Priority (Only one (1) per claim) September 28, 1910

3. Source of water supply (a) North Fork of Tower Creek (formerly Boyle Cr.)  
which is tributary to (b) Salmon River

4. a. Location of existing point of diversion is: Township 24N Range 22E Section 33

NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, B.M., County of Lemhi (1 ditch head)

Additional points of diversion if any: SE 1/4 NW 1/4 NE 1/4 (3 ditch heads); SE 1/4 SW 1/4 NE 1/4 (1 ditch head);  
SE 1/4 NW 1/4 SE 1/4 (domestic well)

b. If instream flow, beginning point of claimed instream flow is:

Township 24N Range 22E Section 33, NE 1/4 of NW 1/4 of NE 1/4,

Govt. Lot        B.M., County of Lemhi

ending point is: Township 24N Range 22E Section 33, SW 1/4 of SE 1/4 of  
       1/4, Govt. Lot        B.M., County of Lemhi

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 5 ditch heads to irrigate ranch; length of

ditches are: (1) = 2300 feet; (2) = 4300 feet; (3) = 4000 feet; (4) = 3000 feet; (5) = 5500  
feet. Each is 4 feet wide and 2 feet deep with a capacity of 5 cfs each.  
The ditch heads and diversion points consist of small rock walls built  
by hand in the creek to divert water into the ditches. These ditches were  
built and have been in continuous use since September 28, 1910. The  
domestic well (80 feet deep) was drilled in September.

MICROFILMED

DEC 15 1992

A7504130

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.01 or \_\_\_\_\_

For Stock purposes from 1/1 to 12/31 amount 0.02 or \_\_\_\_\_

For Irrigation purposes from 4/1 to 11/1 amount 23.00 or \_\_\_\_\_

For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 23.03 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 232.5 acre feet per annum. ( $93 \text{ ac.} \times 2.5 \text{ ac. ft/ac.}$ )

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household; up to 50 head horses and/or 80 head cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP | RNG | SEC | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | Totals |
|-----|-----|-----|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|     |     |     | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |        |
| 24N | 22E | 33  |        |        | 6      | 11     |        |        |        |        |        |        |        |        | 9      | 33     | 34     |        | 93     |
| 24N | 22E | 33  |        |        |        |        |        |        |        |        |        |        |        |        |        | D, S   |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|     |     |     |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres irrigated 93

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes ☒ No \_\_\_\_\_

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None (☒)

14. Remarks: All irrigation is by flooding and much of the water flows directly back into Tower Creek. The patent date on the ranch is April 9, 1911 and the patent number is 182941. The water right was filed on September 28, 1910 (priority date) and water from Tower Creek has been used for ranch and domestic purposes since that time on a continuous basis.

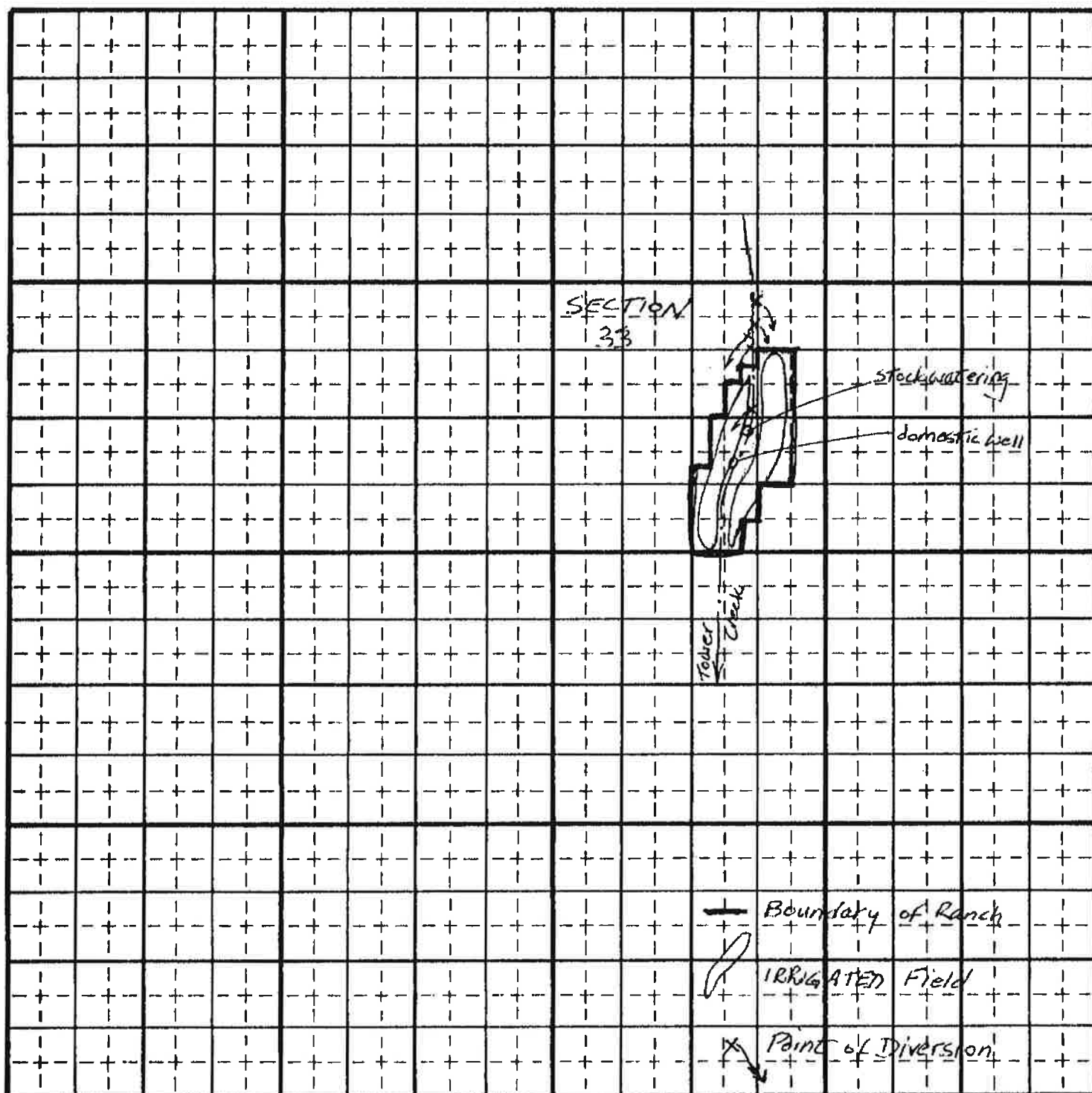
MICROFILMED

Last Name PARK Ident No. \_\_\_\_\_

DEC 15 1992  
Copies: White-State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



MICROFILMED

DEC 15 1992

Last Name

PARK

Ident No.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) Frederick B. Park Date Apr 25, 1990  
\_\_\_\_\_  
Date \_\_\_\_\_

For Organizations: I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_ Title \_\_\_\_\_  
of \_\_\_\_\_, that I have signed the foregoing

Organization \_\_\_\_\_  
document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title \_\_\_\_\_ Organization \_\_\_\_\_

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Colorado )  
County of Arapahoe ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day of April 19 90

SEAL

Notary Public Pat Brady

Residing at 7100 E. Minutal Circle  
Englewood, CO 80112

My Commission Expires 2-28-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

MICROFILMED

DEC 15 1992

Copies White-State, Yellow-Claimant

Last Name PARK Ident. Number \_\_\_\_\_

32 33

516  
T708

Tower West

32 33  
5 4

33  
4 3

Photo 3-3

T?  
on 65

5 4  
8 9

4 3  
9 10



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE  
GOVERNOR

KARL J. DREHER  
DIRECTOR

May 19, 1999

SALLY PARK  
PARK RANCH INC (AN IDAHO CORP)  
PO BOX 126  
CARMEN ID 83462

RE: NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP  
NOTICE OF CLAIM TO A WATER RIGHT A75-04130

Dear Ms. Park:

The request for Change of Water Right Ownership concerning the above-referenced Notice of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Please keep this report for your records.

Respectfully yours,

Jennifer Hoagland  
Technical Records Specialist

Enclosure

ok 8/27/99

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A 75-04130

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

A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**

**AND**

B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)

**OR**

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant Frederick B. & Sally H. Park and Allen M. & Barbara A. Park  
21 Tamarade Drive, Littleton, CO 80127

4. New Owner/Claimant(s) Park Ranch, Inc. (an Idaho Corporation)  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address P.O. Box 126  
 City, State and ZIP Code Carmen, ID 83462  
 New Telephone Number (208) 756-4568

5. Date you acquired the property SEPT. 13, 1996

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_

Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner or Claimant(s) Sally H. Park, President  
Frederick B. Park, Secretary

Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.

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

**MINUTES OF THE ORGANIZATIONAL MEETING  
OF THE BOARD OF DIRECTORS**

**OF**

**PARK RANCH, INC.**

The organizational meeting of the Board of Directors was held in the Law Offices of Milton A. Slavin, located at 1016 Main Street, Salmon, Idaho on September 13, 1996 at 2:00 pm.

The following directors were present:

**FREDERICK B. PARK  
SALLY H. PARK**

being a quorum.

The meeting was called to order and SALLY H. PARK was elected temporary chairperson and FREDERICK B. PARK was elected temporary secretary of the meeting.

The secretary then presented, to the meeting, the Waiver of Notice of the meeting signed by all of the directors. It was ordered that the Waiver of Notice be appended to the minutes of the meeting.

The temporary chairperson ordered the election of officers and permanent chairperson of the board. Following discussion, nominations, motions duly made and seconded and carried, it was

RESOLVED, the following named persons were elected to office:

|                          |                   |
|--------------------------|-------------------|
| Chairperson of the Board | SALLY H. PARK     |
| President                | SALLY H. PARK     |
| Vice President           |                   |
| Secretary/Treasurer      | FREDERICK B. PARK |

The secretary presented and read to the meeting, the Articles of Incorporation. Said Articles were filed with the Secretary of the State of Idaho on July 22, 1996. The Secretary of State issued a Certificate of Incorporation. Said Certificate and a recorded copy of the Articles of Incorporation were ordered appended to the minutes of the meeting.

The secretary presented and read to the meeting, the By-Laws proposed for the corporation. After discussion and upon a motion duly made, seconded and carried, the By-Laws were adopted and ordered appended to the minutes of the meeting.

The secretary then submitted the following to the Board of Directors:

The corporate record book with share transfer ledger, specimen stock share certificate and the corporate seal. Upon motions duly made, seconded and carried, it was

RESOLVED, that the corporate record book and the share transfer ledger are adopted by the corporation.

RESOLVED, that the specimen share certificate is adopted as the form to be used by the corporation to represent stock shares issued by the corporation.

RESOLVED, that the corporate seal presented is adopted by the corporation as the official seal. An impression of said seal is affixed hereto:

(CORPORATE SEAL)

The chairperson stated a depository for the funds of the corporation must be designated. After discussion, it was decided that the Bank of America located in Salmon, Idaho shall be used as the depository. The treasurer shall open an account in behalf of the corporation at such future time as assets are transferred to the corporation and a resolution for that purpose shall be adopted prior to the opening said account.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the principal office of the corporation be established at:

North fork of Tower Creek  
P.O. Box 126  
Carmen, Idaho 83462

The meetings of the Board of Directors may be held at the principal place of business or at such other locations as the board may from time to time order.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the treasurer is authorized to pay all charges and expenses incurred in the formation of the corporation.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to conduct business in any state or country, the officers of this corporation are authorized to engage or appoint all necessary agents or attorney for services of process, to establish or change the location of all offices and to make and file all necessary certificates, reports or other instruments as required by the laws of the states or countries where it is necessary for the corporation to conduct business.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the Board of Directors of the corporation is authorized to issue shares of capital stock of the corporation, consideration having first been given.

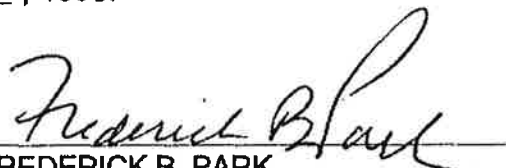
Upon motions duly made, seconded and carried, it was

RESOLVED, that the corporation carry on with the business for which it was formed, and further

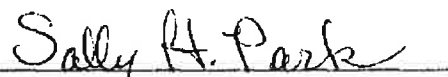
RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on a motion duly made, seconded and carried, the meeting was adjourned.

DATED this 13<sup>th</sup> day of September, 1996.

  
FREDERICK B. PARK  
Secretary/Treasurer

MINUTES APPROVED BY:

  
SALLY H. PARK  
President

(CORPORATE SEAL)

STATE OF WASHINGTON )

COUNTY OF Spokane )

ss.

On this 24<sup>th</sup> day of May, 1995, before me the undersigned Notary Public, personally appeared Allan M. Park and Barbara A. Park, husband and wife, known 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 first above written.



Diana Telford

Notary Public, residing at

Spokane WA

My Commission expires:

2-15-98

State of Idaho  
County of Lemhi

SS No. 22655

This instrument was filed for record at the request of

Fred Park

1:45 o'clock pm July 5 1995

Filed and indexed in the records of Lemhi



STATE OF Colorado )

COUNTY OF Jefferson )

ss.

On this 19<sup>th</sup> day of June, 1995, before me the undersigned Notary Public, personally appeared Frederick B. Park and Sally H. Park, husband and wife, known 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 first above written.

Roseann T. Horn

Notary Public, residing at

8500 W. Bowles Ave, Littleton, CO

My Commission expires:

My Commission Expires 11/07/98

Liberta Wiederrick  
Ex-Officio Recorder

Sharon Stevens Deputy

Fred Park  
P.O. Box 126  
Carmen 83462

### CORRECTION DEED

This Indenture is made this 24 day of May, 1995 by and between Allan M. Park and Barbara A. Park, husband and wife, whose current address is 4620 S. Progress Court, Veradale, WA 99037, Grantor, and Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, Grantee.

Whereas, the following Gift Deeds conveying lands previously owned by Grantor were executed by the Grantor in favor of the Grantee and were duly recorded in the official records of Lemhi County, Idaho:

|           | <u>Dated</u>      | <u>County Recordation</u> |
|-----------|-------------------|---------------------------|
| Gift Deed | December 29, 1993 | 225926                    |
| Gift Deed | January 25, 1994  | 225927                    |
| Gift Deed | January 3, 1995   | 225928                    |

Whereas, such Deeds contain a common error in the legal description of the lands conveyed and more specifically as to a tract of land excepted therefrom. The correct legal description of the lands intended to be conveyed by Grantor and to be accepted by Grantee is as set forth below.

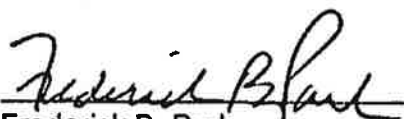
Now, therefore, in consideration of their love and appreciation of each other, and for the purpose of making the Gift Deeds more definite and certain in respect to the identity of the lands conveyed, Grantor and Grantee declare that it is their intention that the lands conveyed and the legal description in each of the referenced Gift Deeds is hereby amended, to-wit:

The following described premises in Section 33, Township 24 North, Range 22 East, Boise Meridian, County of Lemhi, State of Idaho, to-wit: W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for a tract of land beginning at the Southwest corner of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , thence North along the Westerly boundary of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$  a distance of 210.0 feet, thence East 130.0 feet, thence South 18° 26' west 221.4 feet to a point on the southerly boundary of the SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , thence west 60.0 feet to the point of beginning.

In Witness whereof, Grantor and Grantee hereunto set their hands the day and year first above written.

  
Allan M. Park

  
Barbara A. Park

  
Frederick B. Park

  
Sally H. Park

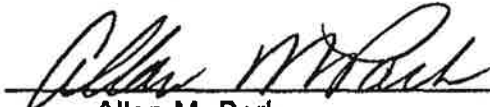
# GIFT DEED

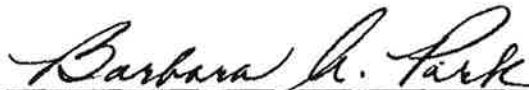
For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, their one sixth (1/6) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 3 day of January, 1995

  
Allan M. Park

  
Barbara A. Park

STATE OF WASHINGTON )  
 ) ss.

County of Spokane

On this 3<sup>rd</sup> day of January, 1995, before me, Doris I. Miller, personally appeared before me Allan M. Park and Barbara A. Park, 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.

  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



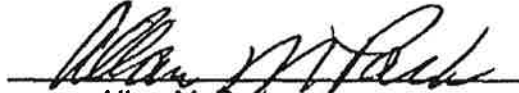
# GIFT DEED

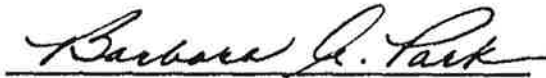
For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, one half (1/2) of their one third (1/3) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 25<sup>th</sup> day of January, 1994

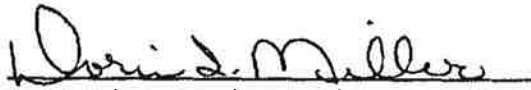
  
Allan M. Park

  
Barbara A. Park

STATE OF WASHINGTON     )  
                                          ) ss.  
County of Spokane

On this 25<sup>th</sup> day of January, 1994, before me, Doris I. Miller, personally appeared Allan M. Park and Barbara A. Park, 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.

  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



# GIFT DEED

For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, one third (1/3) of their one half (1/2) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 29 day of December, 1993

Allan M. Park  
Allan M. Park

Barbara A. Park  
Barbara A. Park

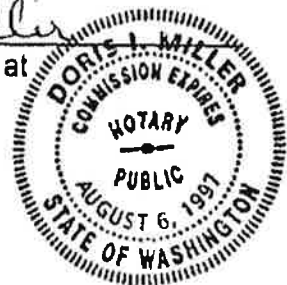
STATE OF WASHINGTON )  
 ) ss.  
County of Spokane

On this 25<sup>th</sup> day of December, 1993, before me, Doris I. Miller, personally appeared Allan M. Park and Barbara A. Park, 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.

Doris I. Miller  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



**Frederick B. Park**

**PARK RANCH, INC.**

P.O. Box 126  
Carmen, Idaho 83462  
Phone/Fax: (208) 756-4568  
e-mail: fpark@dm1.net

RECEIVED

APR 29 1999

Department of Water Resources  
Eastern Region

April 27, 1999

Idaho Department of Water Resources Eastern Region  
900 North Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

RE: Water Right Claim No. 75-10592 (Park Homesite)  
Water Right Claim No. A75-04130 (Park Ranch)

Dear Department of Water Resources Representative:

I received a letter dated December 2, 1998 from your Boise office outlining the Department of Water Resources recommendations for the domestic water right for our ranch home (Water Right Claim No. 75-10592). I called this office to explain that the ownership of the property and the mailing address have changed from what you have in your records. The IDWR sent me a form entitled Notice of Change of Water Right Ownership and I have done my best to complete it for you.

By way of summary, your present records show the tenant-in-common owners as being Frederick B. & Sally H. Park and Allan M. & Barbara A. Park (my brother and his wife). As a result of failing health, my brother and his wife gifted their interest in the ranch to me and my wife, Sally. Subsequent to this, we formed an Idaho corporation, Park Ranch, Inc. and put the entire ranch property into this corporation except for a 1.5 acre parcel surrounding the ranch house. This 1.5 acre parcel remains in the names of Frederick B. & Sally H. Park, tenants-in-common. The common stock of Park Ranch, Inc. is held 50% by Frederick B. Park and 50% by Sally H. Park.

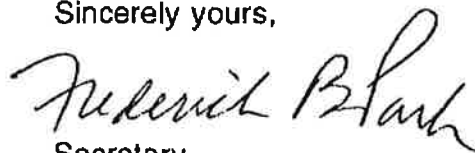
I have completed two different versions of the Notice of Change of Water Right Ownership, one for Water Right Claim No. 75-10592 and the other for Water Right Claim No. A75-04130. In support, please find the following documents:

1. Copies of the recorded Gift Deed dated December 29, 1993, Gift Deed dated January 25, 1994, Gift Deed dated January 3, 1995, and Correction Deed dated May 24, 1995.
2. A copy of the Record of Survey and a copy of the survey notes dated September 21, 1996 showing location and shape of the 1.5 acre homesite parcel lying within the NW1/4 of the SE1/4 of Section 33, T24N, R22E.

3. A copy of the recorded Quitclaim Deed dated September 13, 1996 whereby all of the ranch property (~120 acres), except for the 1.5 acre homesite parcel, is conveyed from Frederick B. & Sally H. Park to Park Ranch, Inc., an Idaho Corporation.
4. A copy of the Record of Survey dated April 1994 by the U.S. Forest Service showing the boundaries of the ranch property, all lying within Section 33, T24N, R22E. I have highlighted the ranch property boundary in yellow.
5. A copy of the USDA Farm Service Agency (Soil Conservation Service) aerial photograph. The irrigated fields are outlined in red and the four points of water diversion from Tower Creek are shown in green. Diversion point #1 supplies water to irrigate the fields east of the creek and diversion points #2, 3 and 4 supply water to irrigate the fields west of the creek. Irrigation is all by gravity, some is flood irrigation and the majority is a combination of wheel lines and solid set hand line.
6. An letter sized sheet of paper entitled "Map Sheet" which accompanied the application for patent in 1909 and, among other things, shows the outline of the of the ranch perimeter boundaries. Initially, the creek was named Boyle Creek, but it was subsequently changed to Tower Creek after some tower-like rock formations which Lewis and Clark noted when they came up this particular creek.
7. A copy of the "Minutes of the Organizational Meeting of the Board of Directors" for Park Ranch, Inc., with the Corporate Seal affixed, in which the election of officers was duly recorded.

Thank you for your consideration and I hope I've provided all the information you need to be able to update your records to show the current ownership status of our property. Should you require additional information, I will be pleased to assist in any way I can.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Frederick B. Park". The signature is fluid and cursive, with the first name "Frederick" being more prominent and the last name "Park" following in a similar style.

Secretary  
Park Ranch, Inc.

21 Tamarade Drive  
Littleton, Colorado 80127  
Home: (303) 978-9455  
Office: (303) 643-5646

April 25, 1990

Idaho Department of Water Resources  
150 Shoup Avenue, Suite 15  
Idaho Falls, Idaho 83401



APR 30 1990

Department of Water Resources  
Eastern District Office

Gentlemen:

With reference to Civil Case Number 39576 regarding the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, attached please find our completed and executed Notice of Claim to a Water Right (Form 42-1409 (2) a 1/88. Also attached please find check number 297 in the amount of \$143.00 to cover the application filing fee (\$50 + \$1.00 /acre X 93 acres = \$143.00).

For your reference, I am also enclosing a copy of the Claim to a Water Right which we filed on June 21, 1979 and a copy of the filing fee receipt number 13634 dated August 2, 1979.

I can be contacted at the above address and phone numbers should you have questions or require additional information.

Thank you for your assistance in this matter.

Sincerely yours,

*Frederick B. Park*  
Frederick B. Park

cc: Mr. Allan M. Park

MICROFILMED

DEC 15 1992

STATE OF IDAHO  
Department of Water Resources

No 13634

Boise, Idaho, Aug 2, 1979

RECEIVED FROM Charles F Park Jr of Baldwin \$20.00  
Twenty and 00/100 DOLLARS

FOR

|              |    |    |    |
|--------------|----|----|----|
| <u>claim</u> | \$ | 20 | 00 |
|              | \$ |    |    |
|              | \$ |    |    |
|              | \$ |    |    |
| TOTAL - - -  | \$ | 20 | 00 |

NOT RECORDED

Dona Amey



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

APR 30 1990

Department of Water Resources  
Eastern District Office

August 2, 1979

Charles F. Park, Jr.  
P. O. Box 569  
Salmon, Idaho 83467

Dear Sir:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 13634 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

*Ronald D. Carlson by dh*  
RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Attachment

MICROFILMED

DEC 15 1992

## Section 42-225a, Idaho Code

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

**The extent and nature of said claim is as follows:**

- Amount 23 cfs Use irrigation Period of Use: From April 1 To October 31  
 Amount \_\_\_\_\_ Use and stock Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
 Amount \_\_\_\_\_ Use \_\_\_\_\_ Period of Use: From \_\_\_\_\_ To \_\_\_\_\_  
 (cfs, gpm (dom., live, stock, etc.) (both dates inclusive)

- 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 to this rule is that a claim may be filed on domestic use from a ground-water source.

- (1) = 2300ft.; (2) = 4300ft.; (3) = 4000ft.; (4) = 3000ft.; and  
(5) = 5500ft. Each ditch is 4 ft wide by 2 ft deep, with capacity of 5cfs

- [illegible]

Total No. of acres \_\_\_\_\_

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: Currently  
between 25 and 50 head of horses are being watered. In the past up to  
about 80 head of cattle have been maintained on the ranch. The principal  
use of water on the ranch, however, is for irrigation of hay fields.
- (7) If you are claiming water as a member of an organization, list name of organization:

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

CLAIM NO(s). 75-4130

1. ☒ No Change NAME IS SAME  
☐ NEW OWNER: \_\_\_\_\_  
☐ No Change ADDRESS \_\_\_\_\_  
☒ NEW ADDRESS: PO Box 965 Veradale WA. 99037

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: \_\_\_\_\_

4. ☐ No Change — POINT OF DIVERSION

☒ Point of diversion is different than the claim and/or new P/D's: See map  
GPS Site Tag No.: #1 P623 P0D1, #2 P623 P0D2, #3 P623 P0D3, #4 P623 P0D4  
TAC# A0015056 A0015057 A0015058 A0015059

|                |             |               |     |     |     |
|----------------|-------------|---------------|-----|-----|-----|
| 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:

headgates in creek, ditches for flood irrigation, gravity sprinkler system

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 *See measurements*

☐ Incomplete on claim, the total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA \_\_\_\_\_

☒ Changes found, the new total is, Amount \_\_\_\_\_ CFS \_\_\_\_\_ AFA *See measurements*

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.) *See map*

|            |                |             |               |           |           |
|------------|----------------|-------------|---------------|-----------|-----------|
| 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

Actual irrigated acres are 58 according to claimant.

System consists of ditches for flood irrigation + gravity sprinkler

system. 53 5/32 birds on west side 60 5/32 birds on east side

4 55 gpm sprinklers on west side.

☐ SYSTEM DIAGRAM INCLUDED

☐ NA

Diversion #3 is used as a conveyance  
system to pick up waste water from  
DN. #4

☒ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: \_\_\_\_\_

6-23-05

FIELD EXAMINER: \_\_\_\_\_

Bob Foster

Print Name

Bob Foster

Signature

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

A0015056

6/23/2005

REW value: 1.00

REW value: 1.00

LEW value: 5.00

Space between

readings (ft): 0.50

**Note to user:**

**Make entries in cells without shading.**

[illegible]

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

A0015058

### Global Inputs:

**Note to user:**

**Make entries in cells without shading.**

|                |      |
|----------------|------|
| readings (ft): | 0.30 |
|----------------|------|

[illegible]

```
filename: c:\docs\forms\ditch flow computations upgraded.xls
```

Measurement done by: B. Foster

A0015057

6/23/2005

REW value: 1.00

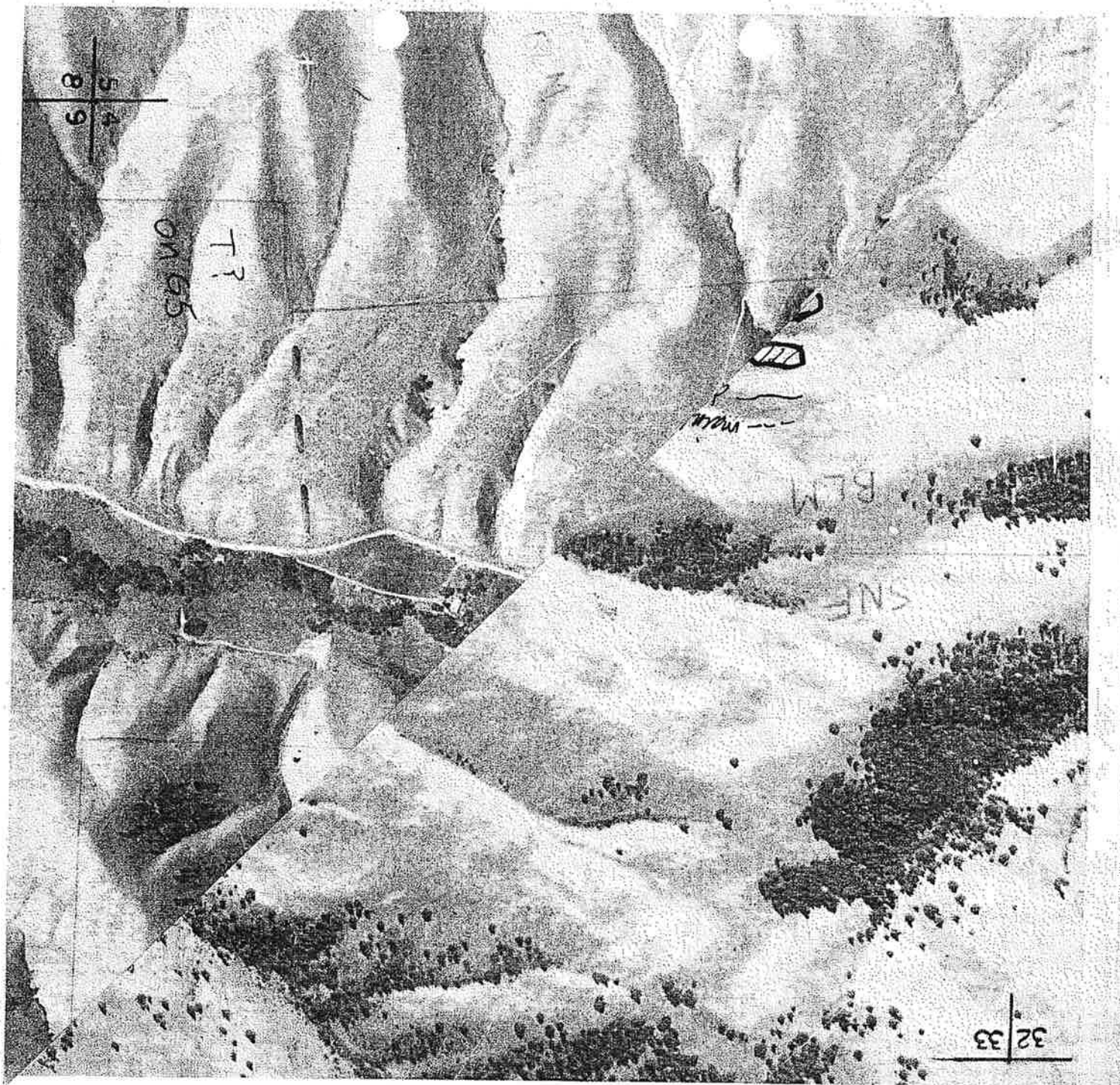
1.00

3.40

0.30

**Make entries in cells without shading.**

[illegible]





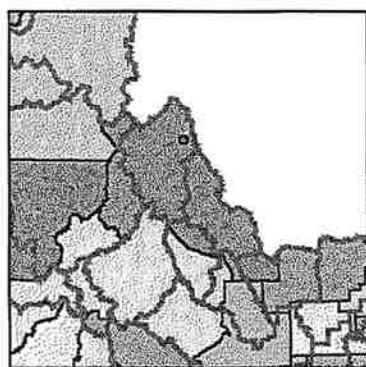
# Idaho Department of Water Resources

Adjudication Claim Number: **75-4130**

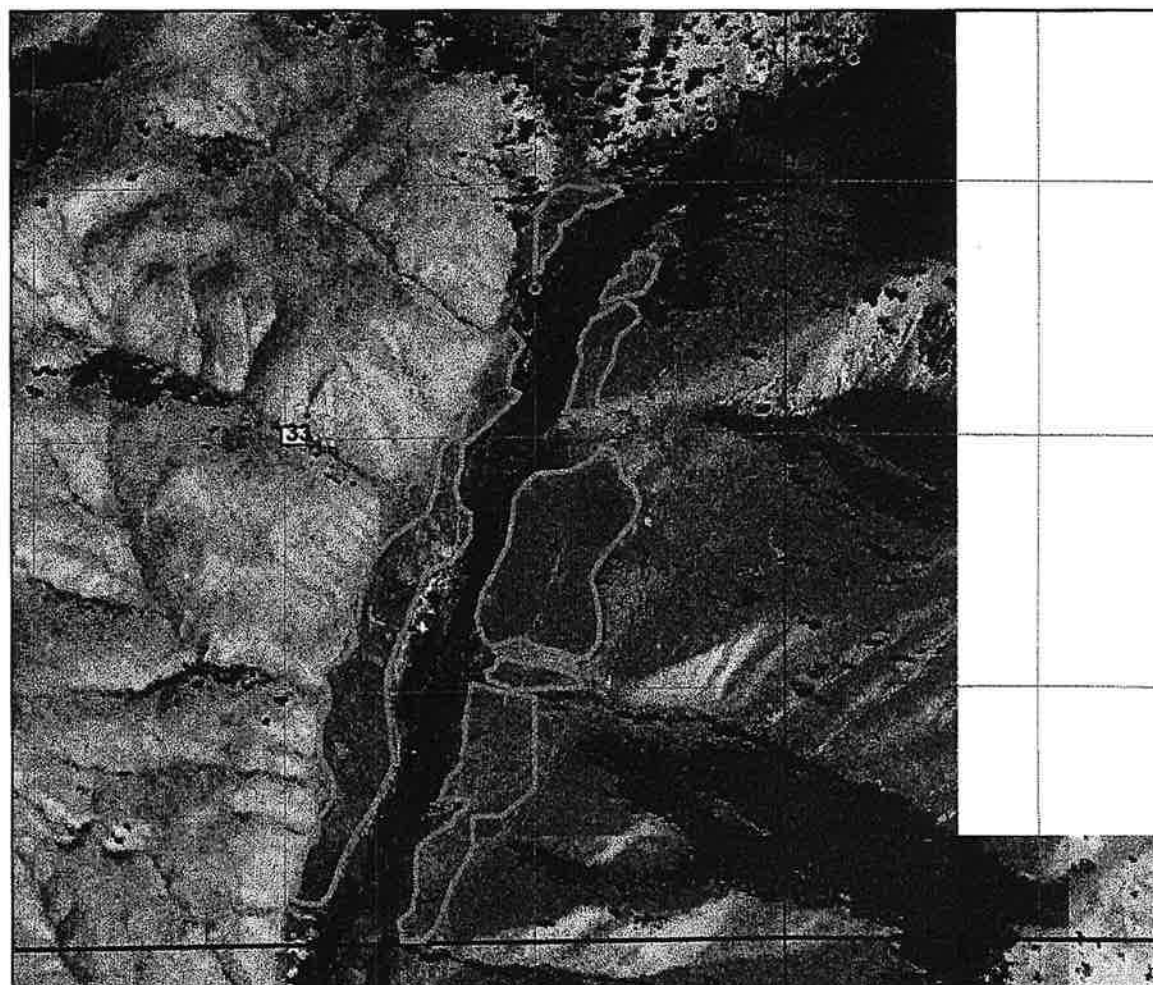
T23N R22E  
T24N R22E

## Legend

- Point of Diversion
- 75-4130
- Township/Range
- Sections



Lemhi County  
IDWR Basin 75



0 0.3 0.6 Miles

A horizontal scale bar with markings for 0, 0.3, and 0.6 miles.

Prepared by R. Brown  
On Thursday, February 9, 2006  
1993/94 Aerial Photography

GPS Site Tag No.: A0015056

POD Location:

Rate Measured: 4.52 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.5                  | 0.22               | 0.1174                | 0.62            | 0.62            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

Total

23

0.1174

0.62

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 4.0 ft.

i = 2.0 ft/day

S = 0.53 cfs/mi.

0.62

0.34

0.09

1.05 cfs

GPS Site Tag No.: A0015057

POD Location:

Rate Measured: 1.41 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.29                 | 0.117              | 0.0531                | 0.34            | 0.34            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

Total

23

0.0531

0.34

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 3.4 ft.

i = 2.0 ft/day

S = 0.45 cfs/mi.

GPS Site Tag No.: A0015058

POD Location:

Rate Measured: 0.84 cfs

| Claim No. | Priority Claimed | Rate Claimed (cfs) | Priority Rec. | Rate (0.02 cfs/acre) | Ditch Length (mi.) | Conveyance Loss (cfs) | Max. Rate (cfs) | Rec. Rate (cfs) |
|-----------|------------------|--------------------|---------------|----------------------|--------------------|-----------------------|-----------------|-----------------|
| 75-4130   | 9/28/1910        | 23.0               | 9/28/1910     | 0.07                 | 0.046              | 0.0203                | 0.09            | 0.09            |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |
|           |                  |                    |               |                      |                    | 0.0000                | 0.00            |                 |

|       |    |  |  |  |  |        |  |      |
|-------|----|--|--|--|--|--------|--|------|
| Total | 23 |  |  |  |  | 0.0203 |  | 0.09 |
|-------|----|--|--|--|--|--------|--|------|

**Conveyance Loss (Worstell Method)**

$S = (W)(i)(0.0667)$

where: S = loss in cfs/mile

W = top width of ditch high water mark in feet

i = loss rate in feet per day (see table)

0.0667 is a factor to convert to cfs/mile

| Type of Soil      | Loss Rate i (ft/day) |
|-------------------|----------------------|
| med. Clay loam    | 0.5 to 1.5           |
| impervious clay   | 0.5                  |
| med. Soils        | 1.0                  |
| somewhat pervious | 1.5 to 2.0           |
| gravel            | 2.5 to 5.0           |

W = 3.3 ft.

i = 2.0 ft/day

S = 0.44 cfs/mi.



# Idaho Department of Water Resources

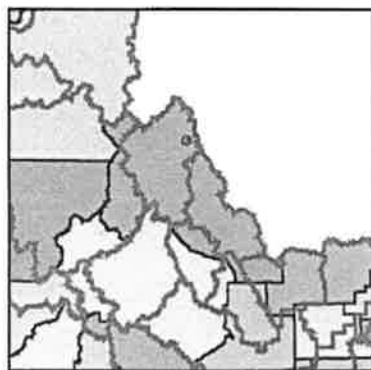
SCANNED  
MAY 10 2007

T23N R22E  
T24N R22E

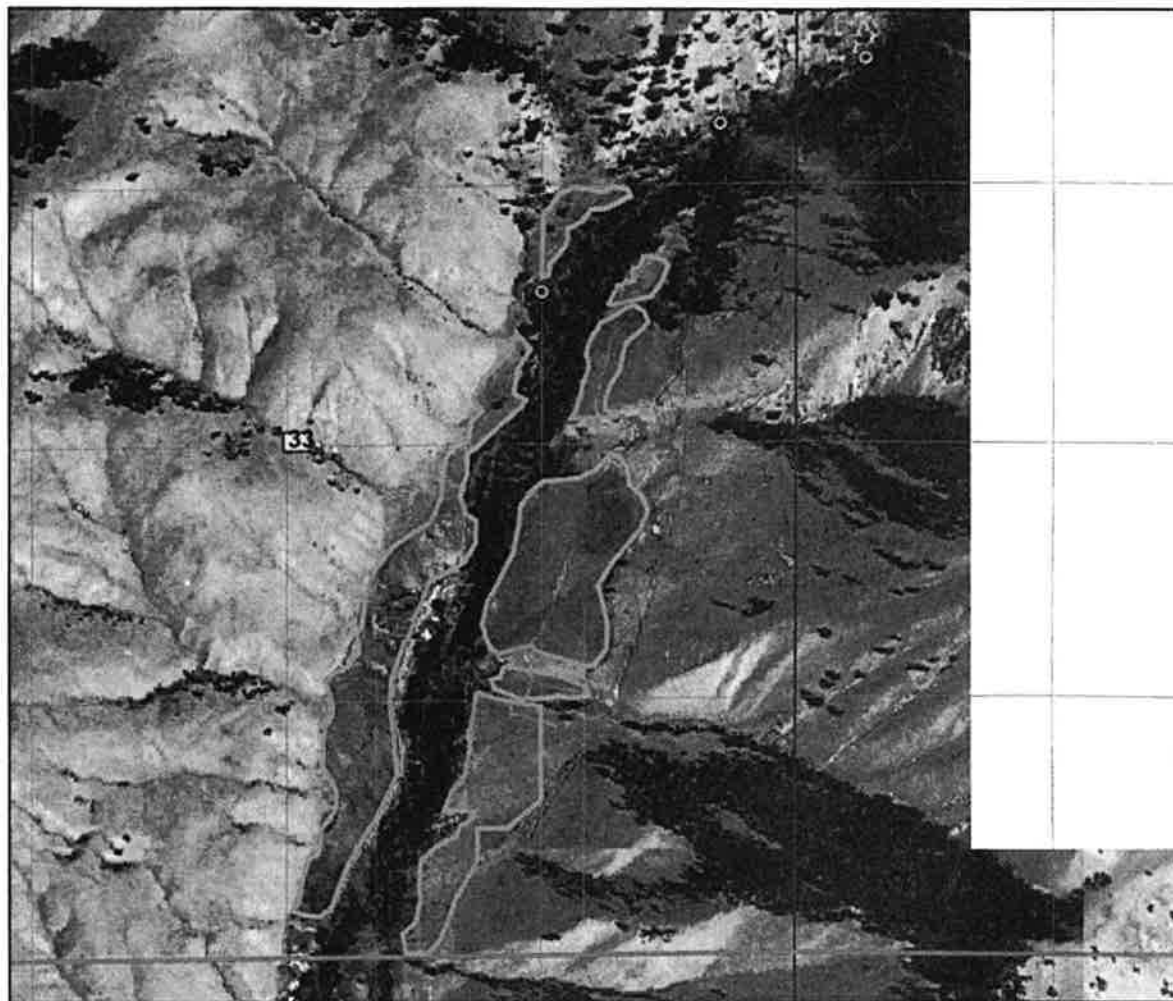
Adjudication Claim Number: **75-4130**

## Legend

- Point of Diversion
- 75-4130
- Township/Range
- Sections



Lemhi County  
IDWR Basin 75



0 0.3 0.6 Miles

A horizontal scale bar with markings for 0, 0.3, and 0.6 miles.

Prepared by R. Brown  
On Thursday, February 9, 2006  
1993/94 Aerial Photography

32 33

SNF

BLM

516  
T708

Flood  
Tower  
Creek

Flood  
Flood  
Flood

mesquite  
ditch  
flood irrigation  
spring line irrigated

32 33  
5 4

32 33  
4 3

BLM

SNF

Photo 3-3

BLM

T?  
on 155

BLM

8 9

4 3  
9 10



**State of Idaho**

**DEPARTMENT OF WATER RESOURCES**

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800

Fax: (208) 762-2819

Web Site: [www.idwr.idaho.gov](http://www.idwr.idaho.gov)

JAMES E. RISCH  
Governor

KARL J. DREHER  
Director

January 11, 2007

PARK RANCH INC  
C/O FRED PARK  
PO BOX 965  
VERADALE WA 99037-0965

Re: Tower Creek Adjudication Recommendation

Dear Mr. Park:

Enclosed is a spreadsheet that summarizes recommendations filed with the SRBA court for claims for water from Tower Creek for properties that were settled in the 1890's or early 1900's. The claims had a wide array of priority dates and evidence in support of those priority dates was received. Some of you filed a Notice of Error in response to the Recommended Findings that were mailed out to claimants in November 2006. Some of you may have already received a response from us regarding your Notice of Error.

After looking at each right separately, we concluded that a more systematic approach to how recommendations were made was required. It seemed to us that it made sense to have the same priority date recommended for all of the property that was originally part of a single homestead. To that end we evaluated the Evidence of Priority information that was submitted and used the earliest date that we felt could be verified. In some cases documents were submitted that may reference dates earlier than what we have recommended, but the extent of development was not quantified. The spreadsheet lists the various water rights and the basis for the selection of the date used. Please note that you still have the option of filing an objection with the court if you disagree with these recommendations

If you have any questions please don't hesitate to contact us.

Sincerely

Robert G. Haynes P.E.  
Regional Manager

12/21/2006

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

RIGHT NUMBER: 75-4130  
NAME AND ADDRESS: PARK RANCH INC  
C/O FRED PARK  
PO BOX 965  
VERADALE WA 99037-0965

SOURCE: TOWER CREEK TRIBUTARY: SALMON CREEK

QUANTITY: 1.070 CFS

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

PRIORITY DATE: 12/06/1908

POINT OF DIVERSION:

T24N R22E S33 NENE Within LEMHI County  
T24N R22E S33 SWNE Within LEMHI County  
T24N R22E S34 NWNW Within LEMHI County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 1.050 CFS       |
| STOCKWATER            | 01/01 12/31          | 0.020 CFS       |

PLACE OF USE:

IRRIGATION in LEMHI County

|               |      |       |               |      |       |
|---------------|------|-------|---------------|------|-------|
| T24N R22E S33 | SWNE | 1.80  | T24N R22E S33 | SENE | 4.80  |
| T24N R22E S33 | NESE | 9.40  | T24N R22E S33 | NWSE | 12.00 |
| T24N R22E S33 | SWSE | 15.00 |               |      |       |

STOCKWATER in LEMHI County

T24N R22E S33 NWSE

43 ACRES TOTAL

Place of use does not include federal public lands

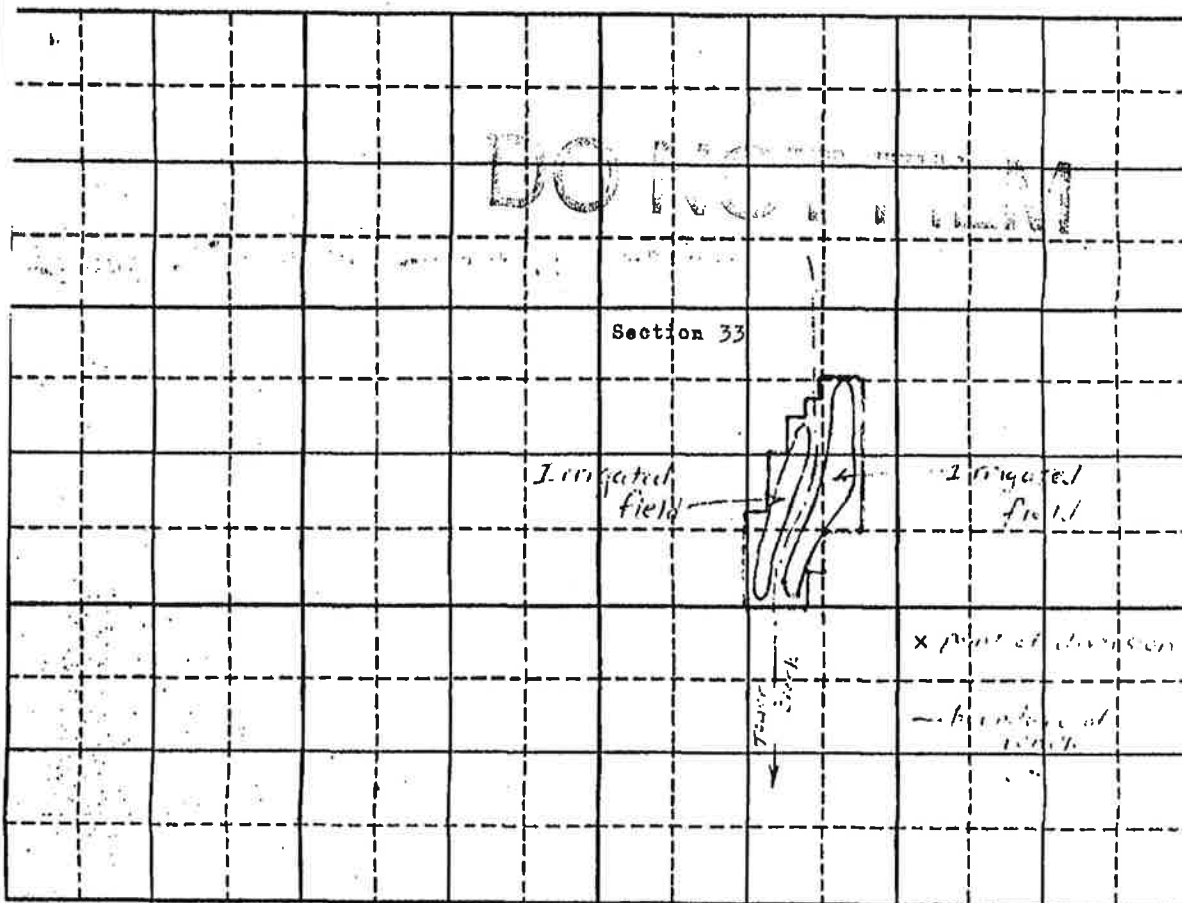
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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

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

(8) Remarks All irrigation of the fields is by flooding and much of the water used flows directly back into Tower Creek. The patent date on the ranch is April 9, 1911, and the patent number is 182941.



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 )

) ss.

County of Lemhi )

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 affiants knowledge.

Sworn to before me this 21<sup>st</sup> day of June, 1921.

Harry & Alice Smith  
A. F. Gask  
(Claimant)

Notary Public

Residing at Salmon, Idaho

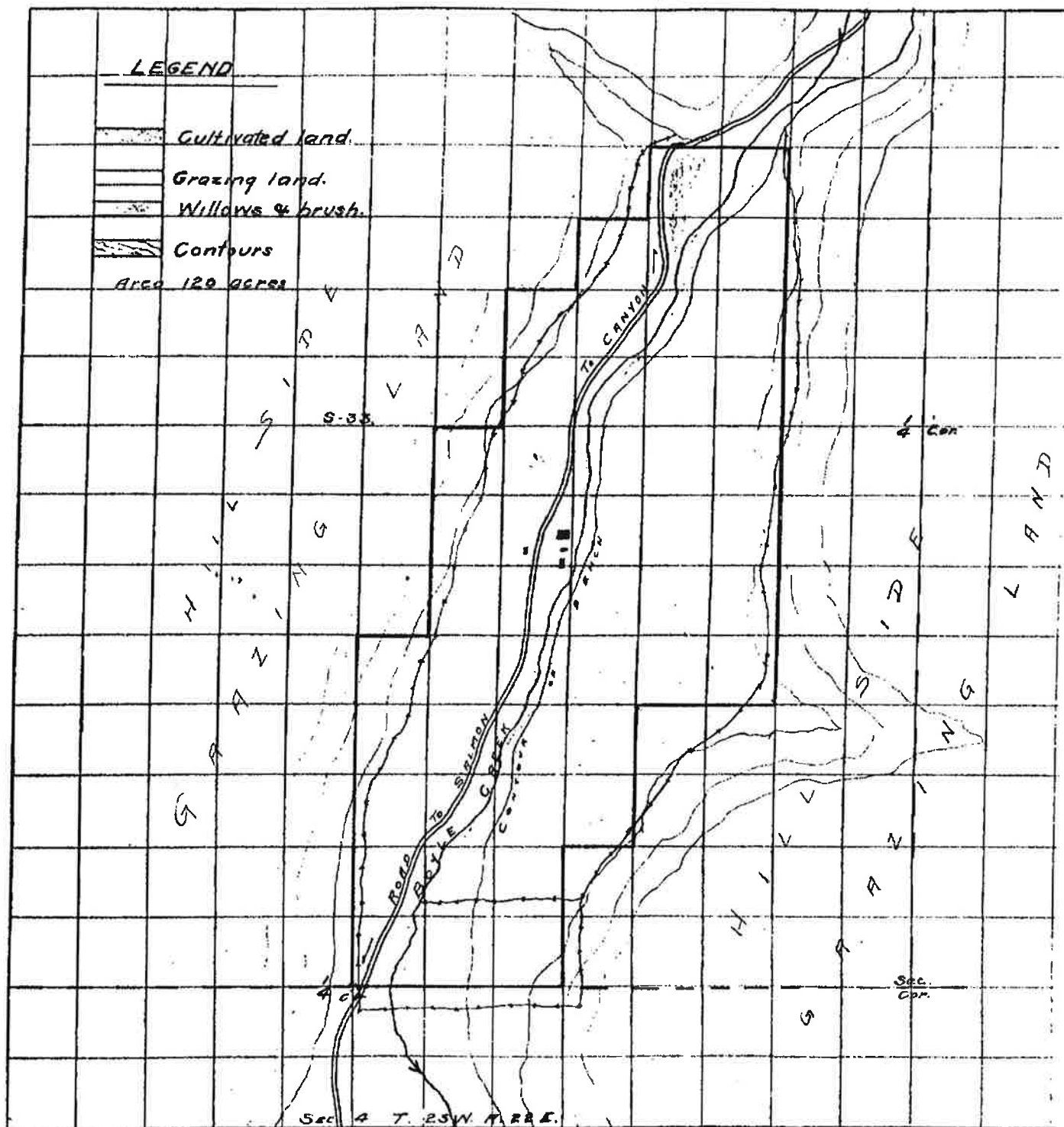
My commission expires Dec 22 - 22

#### For Department Use Only

|                                   |            |                           |                                 |            |
|-----------------------------------|------------|---------------------------|---------------------------------|------------|
| Received by _____                 | Date _____ | Exception filed by: _____ | Forwarded to claimant by: _____ | Date _____ |
| Prelim. check by _____            | Date _____ |                           |                                 |            |
| \$10.00 fee received by _____     | Date _____ |                           |                                 |            |
| Approved for publication by _____ |            |                           |                                 |            |
| Published in _____                |            |                           |                                 |            |
| Dates _____                       |            |                           |                                 |            |

# MAP SHEET.

Tp. 24. N. R. 23. E. B. N. Section 33. Quarter. Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in

ok 22 8/7/99

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

Please print or type. Attach pages with additional information. Instructions are on the back of this page.  
 Incomplete forms will be returned.

1. Water Right or Adjudication Claim No(s): A 75-04130
2. The following **REQUIRED** information must be submitted with this form:
  - A. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights or claims in question, **WITH ATTACHED LEGAL DESCRIPTION.**
  - AND**
  - B. **PLAT OF PROPERTY** or **SURVEY MAP** for parcel of ten acres or less. (These are usually attached to your deed or on file with the county.)
  - OR**
  - C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency **AERIAL PHOTO** with irrigated acres outlined and point(s) of diversion clearly marked.
3. Name and Address of Former Owner/Claimant Frederick B. & Sally H. Park and Allen M. & Barbara A. Park  
21 Tamarack Drive, Littleton, CO 80127
4. New Owner/Claimant(s) Park Ranch, Inc. (an Idaho Corporation)  
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or  
 New Mailing Address P.O. Box 126  
 City, State and ZIP Code Carmen, ID 83462  
 New Telephone Number (208) 756-4568
5. Date you acquired the property SEPT. 13, 1996
6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.  
 Number of acres you irrigate \_\_\_\_\_ Number and type of stock \_\_\_\_\_  
 Diversion rate in CFS \_\_\_\_\_ Number of homes \_\_\_\_\_ Other uses \_\_\_\_\_  
 If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.
7. Signature of New Owner or Claimant(s) Sally H. Park, President  
Frederick B. Park, Secretary  
 Corporations or other organizations must submit a list of directors and/or officers demonstrating authority to sign this form.
8. For Snake River Basin Adjudication Claims: Please attach a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

**MINUTES OF THE ORGANIZATIONAL MEETING  
OF THE BOARD OF DIRECTORS**

**OF**

**PARK RANCH, INC.**

The organizational meeting of the Board of Directors was held in the Law Offices of Milton A. Slavin, located at 1016 Main Street, Salmon, Idaho on September 13, 1996 at 2:00 pm.

The following directors were present:

FREDERICK B. PARK  
SALLY H. PARK

being a quorum.

The meeting was called to order and SALLY H. PARK was elected temporary chairperson and FREDERICK B. PARK was elected temporary secretary of the meeting.

The secretary then presented, to the meeting, the Waiver of Notice of the meeting signed by all of the directors. It was ordered that the Waiver of Notice be appended to the minutes of the meeting.

The temporary chairperson ordered the election of officers and permanent chairperson of the board. Following discussion, nominations, motions duly made and seconded and carried, it was

RESOLVED, the following named persons were elected to office:

|                          |                   |
|--------------------------|-------------------|
| Chairperson of the Board | SALLY H. PARK     |
| President                | SALLY H. PARK     |
| Vice President           |                   |
| Secretary/Treasurer      | FREDERICK B. PARK |

The secretary presented and read to the meeting, the Articles of Incorporation. Said Articles were filed with the Secretary of the State of Idaho on July 22, 1996. The Secretary of State issued a Certificate of Incorporation. Said Certificate and a recorded copy of the Articles of Incorporation were ordered appended to the minutes of the meeting.

The secretary presented and read to the meeting, the By-Laws proposed for the corporation. After discussion and upon a motion duly made, seconded and carried, the By-Laws were adopted and ordered appended to the minutes of the meeting.

The secretary then submitted the following to the Board of Directors:

The corporate record book with share transfer ledger, specimen stock share certificate and the corporate seal. Upon motions duly made, seconded and carried, it was

RESOLVED, that the corporate record book and the share transfer ledger are adopted by the corporation.

RESOLVED, that the specimen share certificate is adopted as the form to be used by the corporation to represent stock shares issued by the corporation.

RESOLVED, that the corporate seal presented is adopted by the corporation as the official seal. An impression of said seal is affixed hereto:

(CORPORATE SEAL)

The chairperson stated a depository for the funds of the corporation must be designated. After discussion, it was decided that the Bank of America located in Salmon, Idaho shall be used as the depository. The treasurer shall open an account in behalf of the corporation at such future time as assets are transferred to the corporation and a resolution for that purpose shall be adopted prior to the opening said account.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the principal office of the corporation be established at:

North fork of Tower Creek  
P.O. Box 126  
Carmen, Idaho 83462

The meetings of the Board of Directors may be held at the principal place of business or at such other locations as the board may from time to time order.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the treasurer is authorized to pay all charges and expenses incurred in the formation of the corporation.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that for the purpose of authorizing the corporation to conduct business in any state or country, the officers of this corporation are authorized to engage or appoint all necessary agents or attorney for services of process, to establish or change the location of all offices and to make and file all necessary certificates, reports or other instruments as required by the laws of the states or countries where it is necessary for the corporation to conduct business.

Upon a motion duly made, seconded and carried, it was

RESOLVED, that the Board of Directors of the corporation is authorized to issue shares of capital stock of the corporation, consideration having first been given.

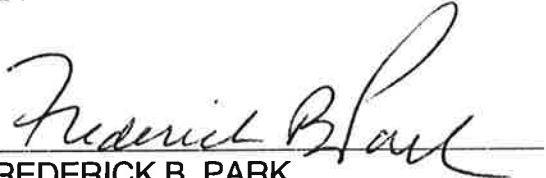
Upon motions duly made, seconded and carried, it was

RESOLVED, that the corporation carry on with the business for which it was formed, and further

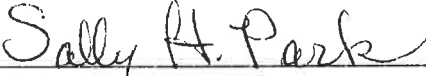
RESOLVED, that the signing of these minutes shall constitute full ratification thereof and waiver of notice of the meeting by the signatories.

There being no further business before the meeting, on a motion duly made, seconded and carried, the meeting was adjourned.

DATED this 13<sup>th</sup> day of September, 1996.

  
FREDERICK B. PARK  
Secretary/Treasurer

MINUTES APPROVED BY:

  
SALLY H. PARK  
President

(CORPORATE SEAL)

STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Spokane )

On this 24<sup>th</sup> day of May, 1995, before me the undersigned Notary Public, personally appeared Allan M. Park and Barbara A. Park, husband and wife, known to be 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 first above written.



Diana Telford  
Notary Public, residing at  
Spokane WA

My Commission expires: 2-15-98

State of Idaho )  
County of Lemhi ) SS No. 226554

This instrument was filed for record at the request of  
Fred Park  
at 1:45 o'clock pm July 5 19 95  
and filed and indexed in the records of Lemhi

STATE OF Colorado )  
 ) ss.  
COUNTY OF Jefferson )



Roseann T. Horn  
Notary Public, residing at  
8500 W. Bowles Ave, Littleton, CO

On this 19<sup>th</sup> day of June, 1995, before me the undersigned Notary Public, personally appeared Frederick B. Park and Sally H. Park, husband and wife, known to be 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 first above written.

Roseann T. Horn  
Notary Public, residing at  
8500 W. Bowles Ave, Littleton, CO

My Commission expires: My Commission Expires 11/07/98

## CORRECTION DEED

This Indenture is made this 24 day of May, 1995 by and between Allan M. Park and Barbara A. Park, husband and wife, whose current address is 4620 S. Progress Court, Veradale, WA 99037, Grantor, and Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, Grantee.

Whereas, the following Gift Deeds conveying lands previously owned by Grantor were executed by the Grantor in favor of the Grantee and were duly recorded in the official records of Lemhi County, Idaho:

|           | <u>Dated</u>      | <u>County Recordation</u> |
|-----------|-------------------|---------------------------|
| Gift Deed | December 29, 1993 | 225926                    |
| Gift Deed | January 25, 1994  | 225927                    |
| Gift Deed | January 3, 1995   | 225928                    |

Whereas, such Deeds contain a common error in the legal description of the lands conveyed and more specifically as to a tract of land excepted therefrom. The correct legal description of the lands intended to be conveyed by Grantor and to be accepted by Grantee is as set forth below.

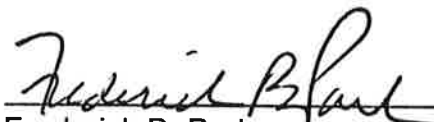
Now, therefore, in consideration of their love and appreciation of each other, and for the purpose of making the Gift Deeds more definite and certain in respect to the identity of the lands conveyed, Grantor and Grantee declare that it is their intention that the lands conveyed and the legal description in each of the referenced Gift Deeds is hereby amended, to-wit:

The following described premises in Section 33, Township 24 North, Range 22 East, Boise Meridian, County of Lemhi, State of Idaho, to-wit:  $W\frac{1}{2}$  of  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$ ,  $SE\frac{1}{4}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ,  $SE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NE\frac{1}{4}$ ,  $E\frac{1}{2}$  of  $W\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ ,  $E\frac{1}{2}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ ,  $W\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SE\frac{1}{4}$ ,  $SW\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $NW\frac{1}{4}$  of  $SE\frac{1}{4}$ ,  $E\frac{1}{2}$  of  $NE\frac{1}{4}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ ,  $W\frac{1}{2}$  of  $E\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ , and  $W\frac{1}{2}$  of  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  except for a tract of land beginning at the Southwest corner of the  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ , thence North along the Westerly boundary of the  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$  a distance of 210.0 feet, thence East 130.0 feet, thence South  $18^{\circ} 26'$  west 221.4 feet to a point on the southerly boundary of the  $SW\frac{1}{4}$  of  $SE\frac{1}{4}$ , thence west 60.0 feet to the point of beginning.

In Witness whereof, Grantor and Grantee hereunto set their hands the day and year first above written.

  
Allan M. Park

  
Barbara A. Park

  
Frederick B. Park

  
Sally H. Park

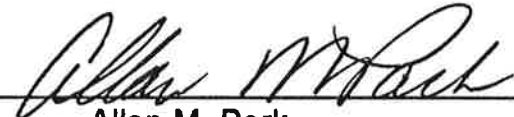
## GIFT DEED

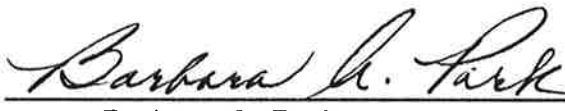
For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, their one sixth (1/6) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 3 day of January, 1995

  
Allan M. Park

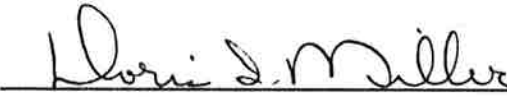
  
Barbara A. Park

STATE OF WASHINGTON     )  
                                          ) ss.

County of Spokane

On this 3<sup>rd</sup> day of January, 1995, before me, Doris I. Miller, personally appeared before me Allan M. Park and Barbara A. Park, 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.

  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



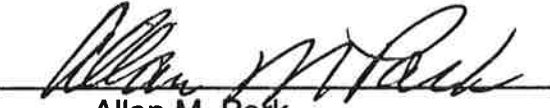
## GIFT DEED

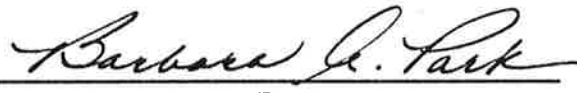
For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, one half (1/2) of their one third (1/3) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 25<sup>th</sup> day of January, 1994

  
Allan M. Park

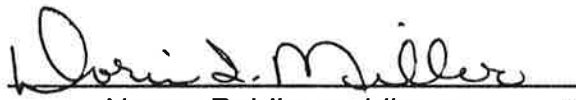
  
Barbara A. Park

STATE OF WASHINGTON      )  
                                          ) ss.

County of Spokane

On this 25<sup>th</sup> day of January, 1994, before me, Doris I. Miller, personally appeared Allan M. Park and Barbara A. Park, 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.

  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



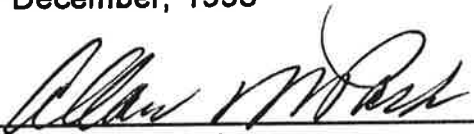
## GIFT DEED

For and in consideration of our love and appreciation for them, the sufficiency whereof is hereby acknowledged by each of the undersigned, Allan M. Park and Barbara A. Park, husband and wife, do hereby convey, release, remise and forever quitclaim unto Frederick B. Park and Sally H. Park, husband and wife, whose current address is 21 Tamarade Drive, Littleton, Colorado 80127, as joint tenants and not as tenants in common, one third (1/3) of their one half (1/2) interest in and to the following described premises in the County of Lemhi, State of Idaho, to-wit:

W $\frac{1}{2}$  of SE $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , SE $\frac{1}{4}$  of SW $\frac{1}{4}$  of NE $\frac{1}{4}$ , E $\frac{1}{2}$  of W $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of NE $\frac{1}{4}$  of SE $\frac{1}{4}$ , SW $\frac{1}{4}$  of SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of SE $\frac{1}{4}$ , E $\frac{1}{2}$  of NE $\frac{1}{4}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , W $\frac{1}{2}$  of E $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$ , and W $\frac{1}{2}$  of SW $\frac{1}{4}$  of SE $\frac{1}{4}$  except for one half (1/2) acres in the Southwest corner, Section 33, Township 24 North, Range 22 East, Boise Meridian.

Together with their appurtenances.

MADE AND EXECUTED this 29 day of December, 1993

  
Allan M. Park

  
Barbara A. Park

STATE OF WASHINGTON     )  
                                          ) ss.

County of Spokane

On this 29<sup>th</sup> day of December, 1993, before me, Doris I. Miller, personally appeared Allan M. Park and Barbara A. Park, 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.

  
Notary Public, residing at  
Spokane, Washington

My Commission expires: August 6, 1997



**Frederick B. Park**

**PARK RANCH, INC.**

P.O. Box 126  
Carmen, Idaho 83462  
Phone/Fax: (208) 756-4568  
e-mail: fpark@dmr.net

RECEIVED

APR 29 1999

Department of Water Resources  
Eastern Region

April 27, 1999

Idaho Department of Water Resources Eastern Region  
900 North Skyline Drive, Suite A  
Idaho Falls, ID 83402-1718

RE: Water Right Claim No. 75-10592 (Park Homesite)  
Water Right Claim No. A75-04130 (Park Ranch)

Dear Department of Water Resources Representative:

I received a letter dated December 2, 1998 from your Boise office outlining the Department of Water Resources recommendations for the domestic water right for our ranch home (Water Right Claim No. 75-10592). I called this office to explain that the ownership of the property and the mailing address have changed from what you have in your records. The IDWR sent me a form entitled Notice of Change of Water Right Ownership and I have done my best to complete it for you.

By way of summary, your present records show the tenant-in-common owners as being Frederick B. & Sally H. Park and Allan M. & Barbara A. Park (my brother and his wife). As a result of failing health, my brother and his wife gifted their interest in the ranch to me and my wife, Sally. Subsequent to this, we formed an Idaho corporation, Park Ranch, Inc. and put the entire ranch property into this corporation except for a 1.5 acre parcel surrounding the ranch house. This 1.5 acre parcel remains in the names of Frederick B. & Sally H. Park, tenants-in-common. The common stock of Park Ranch, Inc. is held 50% by Frederick B. Park and 50% by Sally H. Park.

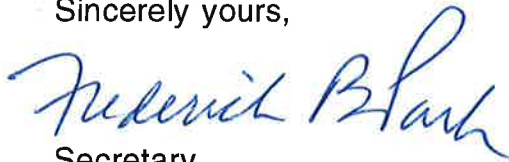
I have completed two different versions of the Notice of Change of Water Right Ownership, one for Water Right Claim No. 75-10592 and the other for Water Right Claim No. A75-04130. In support, please find the following documents:

1. Copies of the recorded Gift Deed dated December 29, 1993, Gift Deed dated January 25, 1994, Gift Deed dated January 3, 1995, and Correction Deed dated May 24, 1995.
2. A copy of the Record of Survey and a copy of the survey notes dated September 21, 1996 showing location and shape of the 1.5 acre homesite parcel lying within the NW1/4 of the SE1/4 of Section 33, T24N, R22E.

3. A copy of the recorded Quitclaim Deed dated September 13, 1996 whereby all of the ranch property (~120 acres), except for the 1.5 acre homesite parcel, is conveyed from Frederick B. & Sally H. Park to Park Ranch, Inc., an Idaho Corporation.
4. A copy of the Record of Survey dated April 1994 by the U.S. Forest Service showing the boundaries of the ranch property, all lying within Section 33, T24N, R22E. I have highlighted the ranch property boundary in yellow.
5. A copy of the USDA Farm Service Agency (Soil Conservation Service) aerial photograph. The irrigated fields are outlined in red and the four points of water diversion from Tower Creek are shown in green. Diversion point #1 supplies water to irrigate the fields east of the creek and diversion points #2, 3 and 4 supply water to irrigate the fields west of the creek. Irrigation is all by gravity, some is flood irrigation and the majority is a combination of wheel lines and solid set hand line.
6. An letter sized sheet of paper entitled "Map Sheet" which accompanied the application for patent in 1909 and, among other things, shows the outline of the of the ranch perimeter boundaries. Initially, the creek was named Boyle Creek, but it was subsequently changed to Tower Creek after some tower-like rock formations which Lewis and Clark noted when they came up this particular creek.
7. A copy of the "Minutes of the Organizational Meeting of the Board of Directors" for Park Ranch, Inc., with the Corporate Seal affixed, in which the election of officers was duly recorded.

Thank you for your consideration and I hope I've provided all the information you need to be able to update your records to show the current ownership status of our property. Should you require additional information, I will be pleased to assist in any way I can.

Sincerely yours,



Secretary  
Park Ranch, Inc.

21 Tamarade Drive  
Littleton, Colorado 80127  
Home: (303) 978-9455  
Office: (303) 643-5646

April 25, 1990

Idaho Department of Water Resources  
150 Shoup Avenue, Suite 15  
Idaho Falls, Idaho 83401

RECEIVED

APR 30 1990

Department of Water Resources  
Eastern District Office

Gentlemen:

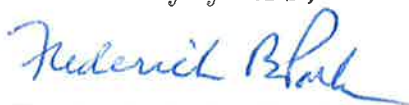
With reference to Civil Case Number 39576 regarding the General Adjudication of Rights to the Use of Water from the Snake River Basin Water System, attached please find our completed and executed Notice of Claim to a Water Right (Form 42-1409 (2) a 1/88. Also attached please find check number 297 in the amount of \$143.00 to cover the application filing fee (\$50 + \$1.00 /acre X 93 acres = \$143.00).

For your reference, I am also enclosing a copy of the Claim to a Water Right which we filed on June 21, 1979 and a copy of the filing fee receipt number 13634 dated August 2, 1979.

I can be contacted at the above address and phone numbers should you have questions or require additional information.

Thank you for your assistance in this matter.

Sincerely yours,



Frederick B. Park

cc: Mr. Allan M. Park

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DEC 15 1992



STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
EASTERN REGION

John V. Evans  
Governor

C. Stephen Allred  
Director

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

APR 30 1990

Department of Water Resources  
Eastern District Office

August 2, 1979

Charles F. Park, Jr.  
P. O. Box 569  
Salmon, Idaho 83467

Dear Sir:

Re: Claim to Water Right

Attached herewith is Departmental receipt No. 13634 in the amount of \$20.00 for the above referenced claim.

Very truly yours,

*Ronald D. Carlson by dh*  
RONALD D. CARLSON  
Supervisor  
Eastern Region

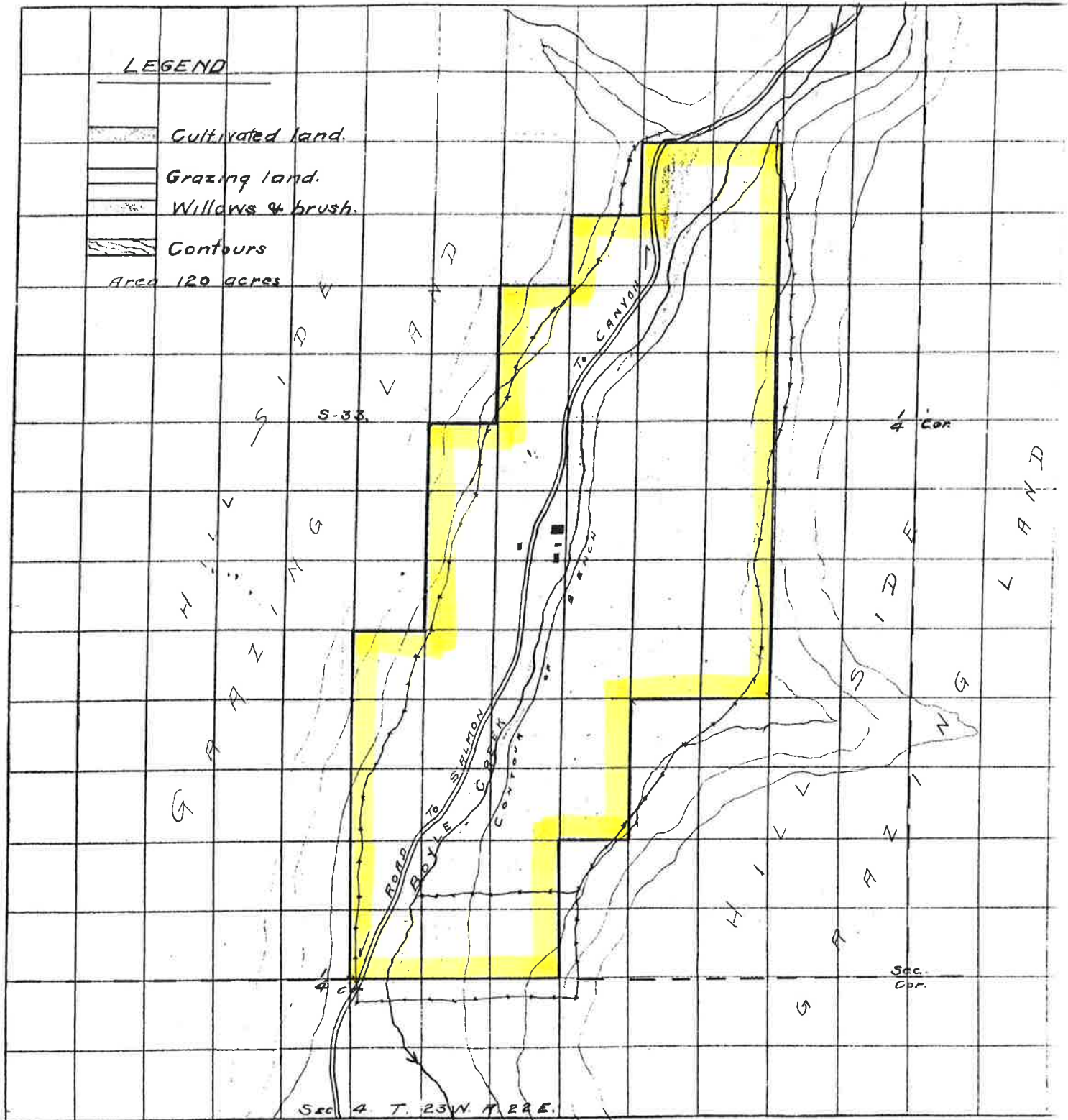
RDC:dh

Attachment

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DEC 15 1992

# MAP SHEET.

Tp. 24. N. R. 23. E. B. M. Section 33. Quarter ——— Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in.

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: **A75-04130**  
Date Received: 5/ 3/1990  
Receipt No: E014151  
Received By: \_\_\_\_\_

COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: PARK RANCH INC *Fred Paic* 208-756-4568  
Address: PO BOX 126  
CARMEN ID *PO Box 9805*  
*Veradale WA 83462*  
*99037*  
2. Date of Priority: SEP 28, 1910 *509-899-4786*  
3. Source: TOWER CREEK, NORTH FORK Trib. to: SALMON RIVER  
4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 24N      | 22E   | 33      | NE     | NW     | NE     |     | LEMHI  |
|          |       |         | SE     | NW     | NE     |     | LEMHI  |
|          |       |         | SE     | SW     | NE     |     | LEMHI  |

5. Description of diverting works:  
DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 23.000 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.010  |      |        |

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

A.F.A.

8. Total consumptive use is 232.5 Acre Feet Per Annum.

9. Non-irrigation uses:

D/ ONE HOME S/ 50 HORSES, 80 CATTLE

10. Place of Use:

| Township | Range | Section | 1/4 | of 1/4 | Lot | Use           | Acres |
|----------|-------|---------|-----|--------|-----|---------------|-------|
| 24N      | 22E   | 33      | SW  | NE     |     | IRR           | 6.0   |
|          |       |         | SE  | NE     |     | IRR           | 11.0  |
|          |       |         | NE  | SE     |     | IRR           | 9.0   |
|          |       |         | NW  | SE     |     | IRR           | 33.0  |
|          |       |         | NW  | SE     |     | STOCK         |       |
|          |       |         | SW  | SE     |     | IRR           | 34.0  |
|          |       |         |     |        |     | Section Acres | 93.0  |
|          |       |         |     |        |     | Total Acres   | 93.0  |

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:  
NONE

14. Remarks:

THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.  
STOCKWATER USE CURRENTLY FOR 25-50 HORSES, HISTORICALLY USED FOR  
80 HEAD OF CATTLE.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/27/95 DMS  
\*\*\*\* CHANGE OF OWNERSHIP PROCESSED 5/7/99, ESV

15. Basis of Claim: STATUTORY CLAIM

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: A75-04130  
Date Received: 5/24/1990  
Receipt No: E014151  
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ALLAN M. PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: FREDERICK B. PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: SALLY PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: BARBARA PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127

2. Date of Priority: SEP 28, 1910

3. Source: TOWER CREEK, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 | of | 1/4 | of | 1/4 | Lot | County |
|----------|-------|---------|-----|----|-----|----|-----|-----|--------|
| 24N      | 22E   | 33      | NE  |    | NW  |    | NE  |     | LEMHI  |
|          |       |         | SE  |    | NW  |    | NE  |     | LEMHI  |
|          |       |         | SE  |    | SW  |    | NE  |     | LEMHI  |

5. Description of diverting works:  
DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S  | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 23.000 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.010  |      |        |

A75-04130

Page 1

Date: 05/24/90

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DEC 15 1992

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

A.F.A.

8. Total consumptive use is 232.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ ONE HOME S/ 50 HORSES, 80 CATTLE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|---------------|-------|---------|--------|-----|-----|-------|-------|
| 24N           | 22E   | 33      | SW     | NE  |     | IRR   | 6.0   |
|               |       |         | SE     | NE  |     | IRR   | 11.0  |
|               |       |         | NE     | SE  |     | IRR   | 9.0   |
|               |       |         | NW     | SE  |     | IRR   | 33.0  |
|               |       |         | NW     | SE  |     | STOCK |       |
|               |       |         | SW     | SE  |     | IRR   | 34.0  |
| Section Acres |       |         |        |     |     |       | 93.0  |
| Total Acres   |       |         |        |     |     |       | 93.0  |

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:  
NONE

14. Remarks:  
THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.  
STOCKWATER USE CURRENTLY FOR 25-50 HORSES, HISTORICALLY USED FOR  
80 HEAD OF CATTLE.

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: \_\_\_\_\_

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 475-04130Date Received 4/30Receipt Number E014151

NOTICE OF CLAIM  
TO A  
WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

APR 30 1990

Department of Water Resources  
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Frederick B. Park, Sally H. Park  
Allan M. Park, Barbara Park Phone (303) 978-9455Mailing Address 21 Tamarade Dr., Littleton, Colorado Zip 801272. Date of Priority (Only one (1) per claim) September 28, 19103. Source of water supply (a) North Fork of Tower Creek (formerly Boyle Cr.)  
which is tributary to (b) Salmon River4. a. Location of existing point of diversion is: Township 24N Range 22E Section 33,NE 1/4 of NW 1/4 of NE 1/4, Govt. Lot, \_\_\_\_\_ B.M., County of Lemhi (1 ditch head)  
SE 1/4 NW 1/4 NE 1/4 (3 ditch heads); SE 1/4 SW 1/4 NE 1/4 (1 ditch head)  
Additional points of diversion if any: SE 1/4 NW 1/4 SE 1/4 (domestic well)

b. If instream flow, beginning point of claimed instream flow is:

Township 24N Range 22E Section 33, NE 1/4 of NW 1/4 of NE 1/4,Govt. Lot \_\_\_\_\_ B.M., County of Lemhiending point is: Township 24N Range 22E Section 33, SW 1/4 of SE 1/4 of\_\_\_\_\_ 1/4, Govt. Lot \_\_\_\_\_ B.M., County of Lemhi5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),  
including the dates of any changes or enlargements in use, the dimensions of the diversion works as  
constructed and as enlarged and the depth of each well. 5 ditch heads to irrigate ranch; length ofditches are: (1) = 2300 feet; (2) = 4300 feet; (3) = 4000 feet; (4) = 3000 feet; (5) = 5500  
feet. Each is 4 feet wide and 2 feet deep with a capacity of 5 cfs each.  
The ditch heads and diversion points consist of small rock walls built  
by hand in the creek to divert water into the ditches. These ditches were  
built and have been in continuous use since September 28, 1910. The  
domestic well (80 feet deep) was drilled in September, 1976.

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DEC 15 1992

A7504130



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 1/1 to 12/31 amount 0.01 or \_\_\_\_\_  
 For Stock purposes from 1/1 to 12/31 amount 0.02 or \_\_\_\_\_  
 For Irrigation purposes from 4/1 to 11/1 amount 23.00 or \_\_\_\_\_  
 For \_\_\_\_\_ purposes from \_\_\_\_\_ to \_\_\_\_\_ amount \_\_\_\_\_ or \_\_\_\_\_

7. Total quantity claimed (a) 23.03 (cfs) and/or (b) \_\_\_\_\_ (acre feet)

8. Total consumptive use claimed is 232.5 acre feet per annum. ( $93 \text{ ac.} \times 2.5 \text{ ac. ft/ac.}$ )

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 1 household; up to 50 head horses and/or 80 head cattle

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

| TWP        | RNG        | SEC       | NE 1/4 |       |          |           | NW 1/4 |       |       |       | SW 1/4 |       |       |       | SE 1/4   |             |           |       | Totals    |
|------------|------------|-----------|--------|-------|----------|-----------|--------|-------|-------|-------|--------|-------|-------|-------|----------|-------------|-----------|-------|-----------|
|            |            |           | NE1/4  | NW1/4 | SW1/4    | SE1/4     | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4  | NW1/4 | SW1/4 | SE1/4 | NE1/4    | NW1/4       | SW1/4     | SE1/4 |           |
| <u>24N</u> | <u>22E</u> | <u>33</u> |        |       | <u>6</u> | <u>11</u> |        |       |       |       |        |       |       |       | <u>9</u> | <u>33</u>   | <u>34</u> |       | <u>93</u> |
| <u>24N</u> | <u>22E</u> | <u>33</u> |        |       |          |           |        |       |       |       |        |       |       |       |          | <u>D, S</u> |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |
|            |            |           |        |       |          |           |        |       |       |       |        |       |       |       |          |             |           |       |           |

Total number of acres irrigated 93

11. In which county (ies) are lands listed above as place of use located? Lemhi

12. Do you own the property listed above as place of use? Yes X No \_\_\_\_\_  
 If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above. \_\_\_\_\_ or None (X)

14. Remarks: All irrigation is by flooding and much of the water flows directly back into Tower Creek. The patent date on the ranch is April 9, 1911 and the patent number is 182941. The water right was filed on September 28, 1910 (priority date) and water from Tower Creek has been used for ranch and domestic purposes since that time on a continuous basis.

**MICROFILMED**

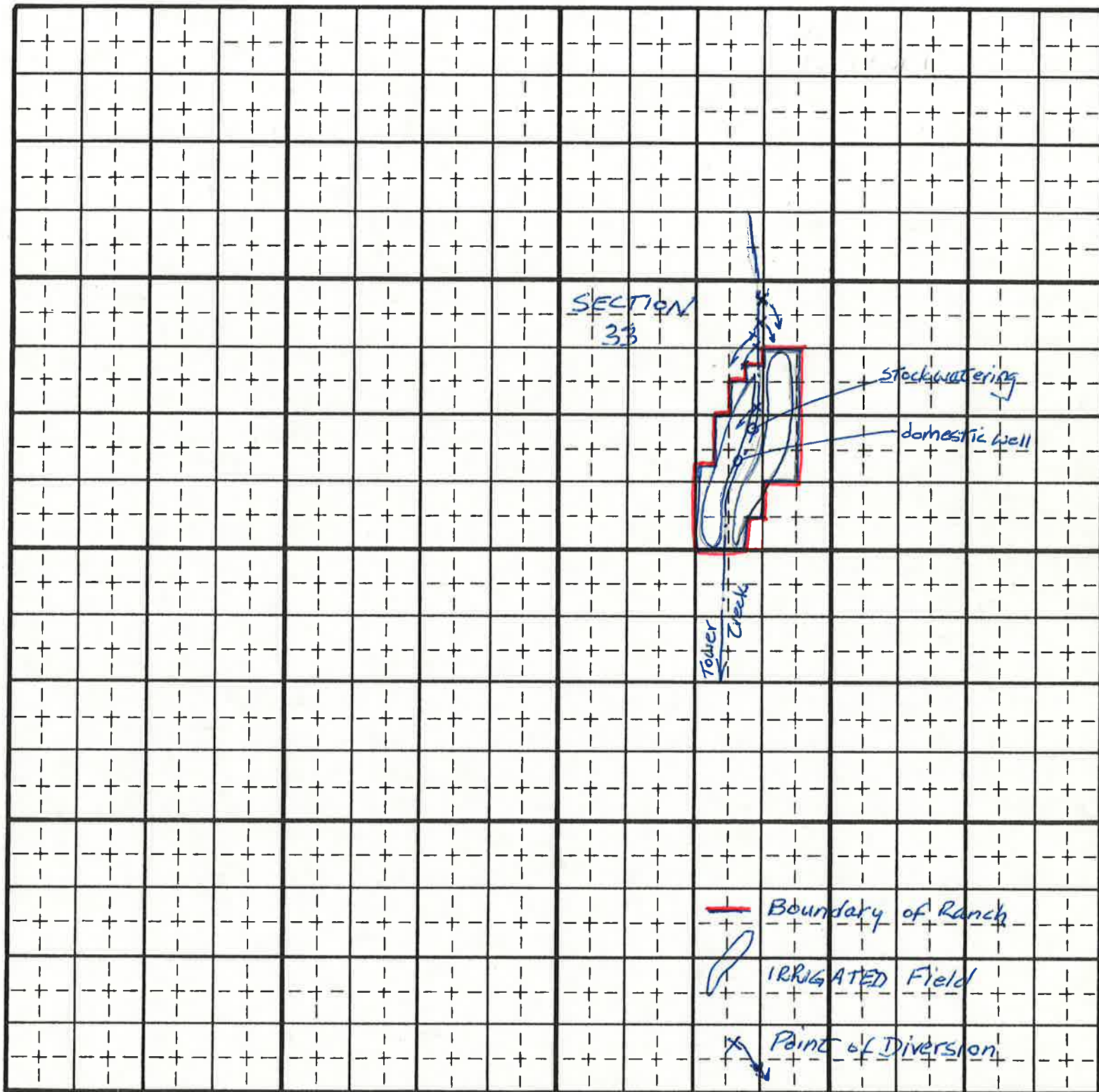
**DEC 15 1992**

Last Name PARK Ident No. \_\_\_\_\_

Copies: White - State, Yellow - Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name

PARK

Ident No.

Copies: White-State, Yellow-Claimant

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DEC 15 1992

15. Basis of Claim (check one) Beneficial Use X Posted Notice \_\_\_\_\_ License \_\_\_\_\_ Permit \_\_\_\_\_  
Decree \_\_\_\_\_  
If applicable provide IDWR Water Right Number \_\_\_\_\_  
Court \_\_\_\_\_ Case Number \_\_\_\_\_ Decree Date \_\_\_\_\_  
Plaintiff vs Defendant \_\_\_\_\_

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

Signature of Claimant (s) Frederick B. Park Date Apr. 25, 1990  
\_\_\_\_\_  
Date \_\_\_\_\_

**For Organizations:** I do solemnly swear or affirm that I am \_\_\_\_\_

\_\_\_\_\_  
Title  
of \_\_\_\_\_, that I have signed the foregoing  
Organization

document in the space below as \_\_\_\_\_ of \_\_\_\_\_  
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent \_\_\_\_\_

Title and Organization \_\_\_\_\_ Date \_\_\_\_\_

State of Idaho/or Colorado )  
County of Arapahoe ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day of April 19 90

SEAL

Notary Public Pat Brady

Residing at 9100 E. Mineral Circle  
Englewood, CO 80112

My Commission Expires 2-28-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, \_\_\_\_\_ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature \_\_\_\_\_

Address \_\_\_\_\_

Date \_\_\_\_\_

Last Name PARK Ident. Number \_\_\_\_\_

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DEC 15 1992

Copies White-State, Yellow-Claimant

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,  
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COPY FOR  
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

COPY FOR  
YOUR FILES

1. Name: PARK RANCH INC  
Address: PO BOX 126  
CARMEN ID 83462 208-756-4568

2. Date of Priority: SEP 28, 1910

3. Source: TOWER CREEK, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 24N      | 22E   | 33      | NE     | NW     | NE     |     | LEMHI  |
|          |       |         | SE     | NW     | NE     |     | LEMHI  |
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5. Description of diverting works:  
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| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.010  |      |        |

7. Total Quantity Appropriated is:  
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|----------|-------|---------|-----|----|-----|-----|---------------|-------|
| 24N      | 22E   | 33      | SW  |    | NE  |     | IRR           | 6.0   |
|          |       |         | SE  |    | NE  |     | IRR           | 11.0  |
|          |       |         | NE  |    | SE  |     | IRR           | 9.0   |
|          |       |         | NW  |    | SE  |     | IRR           | 33.0  |
|          |       |         | NW  |    | SE  |     | STOCK         |       |
|          |       |         | SW  |    | SE  |     | IRR           | 34.0  |
|          |       |         |     |    |     |     | Section Acres | 93.0  |
|          |       |         |     |    |     |     | Total Acres   | 93.0  |

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:  
NONE

14. Remarks:

THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.  
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80 HEAD OF CATTLE.  
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NOTICE OF CLAIM TO A WATER RIGHT  
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1. Name: ALLAN M. PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: FREDERICK B. PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: SALLY PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127  
OR  
Name: BARBARA PARK 303-978-9455  
Address: 21 TAMARADE DR  
LITTLETON, CO 80127

2. Date of Priority: SEP 28, 1910

3. Source: TOWER CREEK, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County |
|----------|-------|---------|--------|--------|--------|-----|--------|
| 24N      | 22E   | 33      | NE     | NW     | NE     |     | LEMHI  |
|          |       |         | SE     | NW     | NE     |     | LEMHI  |
|          |       |         | SE     | SW     | NE     |     | LEMHI  |

5. Description of diverting works:  
DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/01 | 11/01 | 23.000 |      |        |
| STOCKWATER | 01/01 | 12/31 | 0.020  |      |        |
| DOMESTIC   | 01/01 | 12/31 | 0.010  |      |        |

A75-04130

Page 1

Date: 05/24/90

MICROFILMED  
DEC 15 1992

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

A.F.A.

8. Total consumptive use is 232.5 Acre Feet Per Annum.

9. Non-irrigation uses:  
D/ ONE HOME S/ 50 HORSES, 80 CATTLE

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 | Lot | Use   | Acres |
|---------------|-------|---------|--------|-----|-----|-------|-------|
| 24N           | 22E   | 33      | SW     | NE  |     | IRR   | 6.0   |
|               |       |         | SE     | NE  |     | IRR   | 11.0  |
|               |       |         | NE     | SE  |     | IRR   | 9.0   |
|               |       |         | NW     | SE  |     | IRR   | 33.0  |
|               |       |         | NW     | SE  |     | STOCK |       |
|               |       |         | SW     | SE  |     | IRR   | 34.0  |
| Section Acres |       |         |        |     |     |       | 93.0  |
| Total Acres   |       |         |        |     |     |       | 93.0  |

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:  
NONE

14. Remarks:  
THERE ARE 3 DIVERSION POINTS WITHIN NWNE SEC 33 T 24N R 22E.  
STOCKWATER USE CURRENTLY FOR 25-50 HORSES, HISTORICALLY USED FOR  
80 HEAD OF CATTLE.

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: \_\_\_\_\_