

05/17/2006

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

RIGHT NUMBER: 75-10332

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

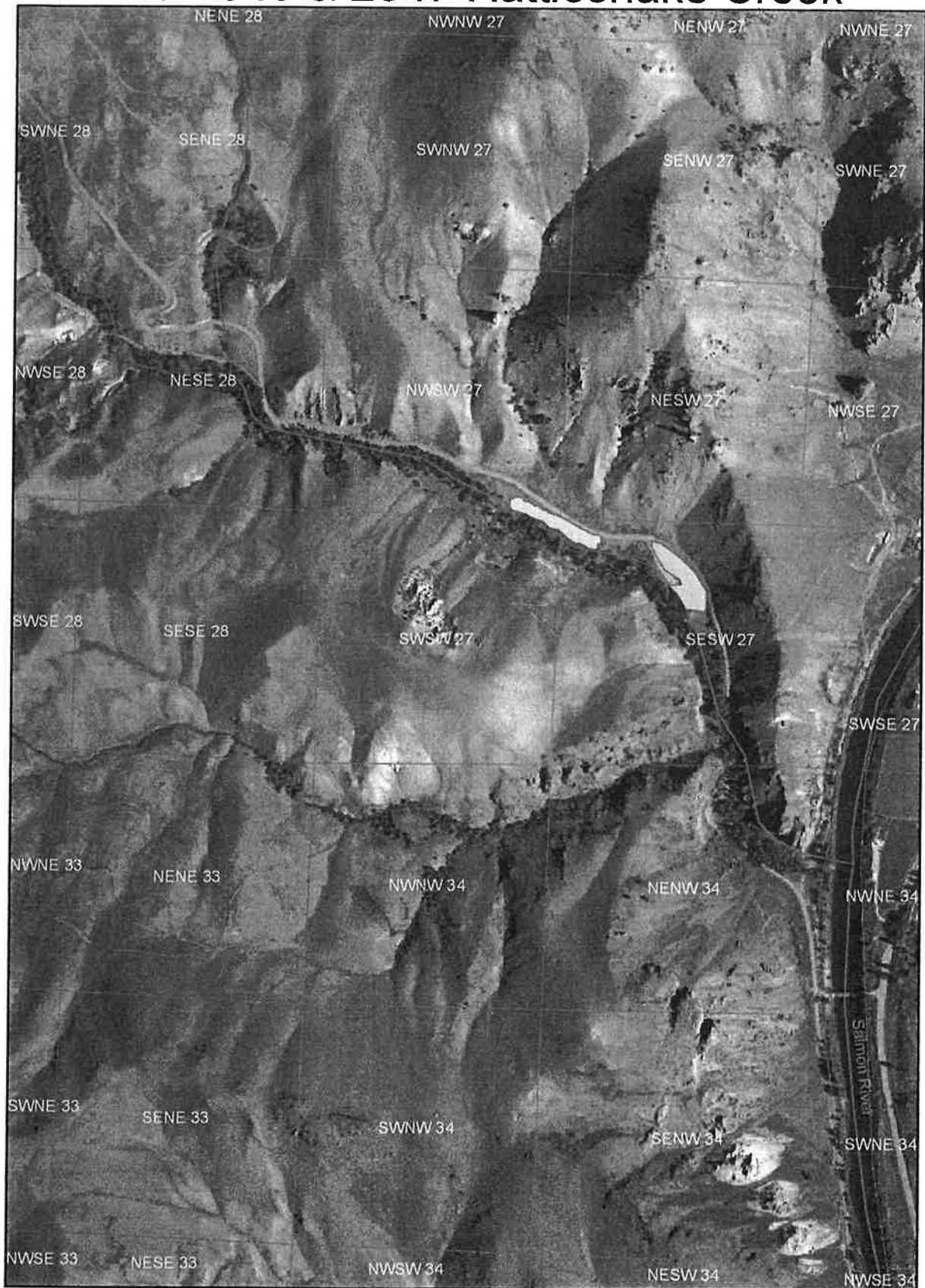
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER
RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

75-2046 & 2047 Rattlesnake Creek



1 inch equals 800 feet

0 205 410 820 1,230 1,640 Feet

JORDAN P. SMITH

CHARTERED

ATTORNEY AT LAW

807 MAIN STREET

SALMON, IDAHO 83467

208-756-2257

TELEFAX (208) 756-4626

March 3, 2008

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

Attention: Nate Arave

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

Dear Mr. Arave:

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

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

RECEIVED

MAR 06 2008

Department of Water Resources
Eastern Region

SCANNED
MAR 06 2008

Page 2
Idaho Department of Water Resources
March 3, 2008

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

Sincerely,


Jordan P. Smith

JPS:sez

Enclosures

cc: Mike Whitmore
Linda Ruiz

AFFIDAVIT OF EDWARD BENJAMIN

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

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

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

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

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

Signed Edward Benjamin February 29, 2008
Edward Benjamin

RECEIVED

MAR 06 2008

Department of Land Resources
Eastern Region

STATE OF IDAHO)
) SS
County of Lemhi)

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

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





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

SEARCHED
MAR 11 2008

AFFIDAVIT OF FLORENCE SWANSON

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

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

Signed Florence Swanson February 29, 2008
Florence Swanson

RECEIVED

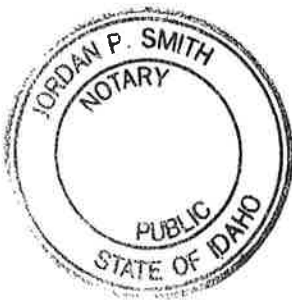
MAR 06 2008

Department of Water Resources
Eastern Region

STATE OF IDAHO)
) SS
County of Lemhi)

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

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



Jordan P. Smith
Notary Public for Idaho
Residing at Salmon, Idaho
Commission Expires: 9-8-2012

The United States of America,

To all to whom these presents shall come, Greeting:

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

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

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

IN TESTIMONY WHEREOF, I,

Woodrow Wilson

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

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

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

(SEAL)

day of **MAY** In the year of our Lord one thousand

nine hundred and **FOURTEEN** and of the Independence of the

United States the one hundred and **THIRTY-EIGHTH.**

By the President:

Woodrow Wilson

By

M. O. LeRoy Secretary.

L. L. Lamar
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **403208**

SCANNED
MAR 18 1917

4-1028-R.

Bailey 020411.

The United States of America,

To all to whom these presents shall come, Greeting:

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

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

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

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

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

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

(SEAL)

day of **JUNE** in the year of our Lord one thousand nine hundred and **TWENTY-FIVE** and of the Independence of the

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

By the President

By

Secretary

Calvin Coolidge
Violet B. Hughes
M. P. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **961850**

RECORDED
MAR 10 1926

Accession/Serial #: 961850 BLM Serial #: IDH 0020411

Names

Patentee: WILSON E BENJAMIN

Survey

State: IDAHO

Acres: 158.99

Metes/Bounds: No

Title Transfer

Issue Date: 6/18/1925

Land Office: Hailey

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: March 3 1877: Desert Land Act (19 Stat. 377)

Document Numbers

Document Nr.: 020411

Accession/Serial Nr.: 961850

BLM Serial Nr.: IDH 0020411

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

Remarks: LOT 1 OR NENE QUARTER

WR 75-4027

The United States of America,

To all to whom these presents shall come, Greeting:

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

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1882,

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **William T. King**

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

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

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

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

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

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

day of **JUNE** in the year of our Lord one thousand

nine hundred and **TWENTY-FIVE** and of the Independence of the

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

By the President:

By

Calvin Coolidge

Viola B. Pugh

, Secretary.

M.P. LeRoy

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **962314**

6-1003

1891299

(SEAL)

Hat er.

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

Names

Patentee: WILLIAM T KING

Survey

State: IDAHO

Acres: 161.48

Metes/Bounds: No

Title Transfer

Issue Date: 6/24/1925

Land Office: Blackfoot

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

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

Document Numbers

Document Nr.: 037812

Misc. Doc. Nr.: 0

Accession/Serial Nr.: 962314

BLM Serial Nr.: IDBL 0037812

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

WR - 75 - 4026

The United States of America,

To all to whom these presents shall come, Greeting:

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

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

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

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

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

GIVEN under my hand, in the District of Columbia, the **TENTH**
day of **JUNE** In the year of our Lord one thousand
nine hundred and **TWENTY-NINE** and of the Independence of the
United States the one hundred and **FIFTY-THIRD**

By the President

By

Herbert Hoover

Viola B. Pugh

Secretary,

M. P. LeRoy

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **1028310**

Horace Burdette King = Burt

1891299

(SEAL)

Accession/Serial #: 1028310 B Serial #: IDBL 0037811

Names

Patentee: HORACE B KING

Survey

State: IDAHO

Acres: 52.2

Metes/Bounds: No

Title Transfer

Issue Date: 6/10/1929

Land Office: Blackfoot

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

Authority: March 3 1877: Desert Land Act (19 Stat. 377)

Document Numbers

Document Nr.: 037811

Accession/Serial Nr.: 1028310

BLM Serial Nr.: IDBL 0037811

Aliquot Parts	Sec./ Block	Township	Range	Fract. Section	Meridian	State	Counties	Survey Nr.
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8	17/	17-N	21-E	No	Boise	ID	Lemhi	
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Remarks: LOT 8 OF S HALF OF SW

WR - 75 - 4026

The United States of America,

On all in whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Hailey, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Charles Kapp** has been established and duly consummated, in conformity to law, for the southwest quarter of the southwest, the lot seven and the northwest quarter of the southwest quarter of Section twenty-seven and the northeast quarter of the southeast quarter of Section twenty-eight in Township nineteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred seventy-four acres and seventy-seven hundredths of an acre,

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

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

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

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

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

(SEAL.)

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

By the President:

By

Warren G. Harding
Viola B. Engle, Secretary.
W. P. Le Roy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **909951**

Accession/Serial #: 909951 BL Serial #: IDH 0023031

Names

Patentee: CHARLES KAPP

Survey

State: IDAHO

Acres: 174.77

Metes/Bounds: No

Title Transfer

Issue Date: 6/25/1923

Land Office: Hailey

Cancelled: No

U.S. Reservations: Yes

Mineral Reservations: No

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

Document Numbers

Document Nr.: 023031

Misc. Doc. Nr.: 0

Accession/Serial Nr.: 909951

BLM Serial Nr.: IDH 0023031

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

7	27/	19-N	21-E	No	Boise	ID	Lemhi	
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Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920

NESE	28/	19-N	21-E	No	Boise	ID	Lemhi	
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Remarks: SUBJECT TO R-O-W OF THE US TO ENTER OCCUPY AND USE ANY PART OF LANDS ACT OF 6-10-1920

WR- 75-10332

SALMON RIVER PROPERTIES, INC.

P.O. BOX 4495
CHATSWORTH, CA 91313-4495
(818) 341-0281

RECEIVED

DEC 28 1998

Department of Water Resources

December 23, 1998

A75-02047 A75-02046

A75-04026

A75-04027

A75-10332

A75-10333

75-10609 A75-02058

A75-10627

A75-00105 ← already has this address.

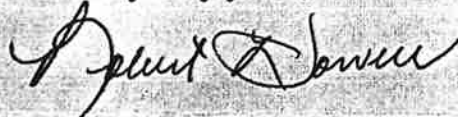
State of Idaho
Department of Water Resources
1301 North Orchard Street
P.O. Box 83720
Boise, Idaho 83720-0098

Ladies and Gentlemen:

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

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

Very truly yours,



Robert L. Powell

RLP/lr

Enclosure

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

RECEIVED

JUL 17 2007

DEPARTMENT OF
WATER RESOURCES

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

In Re SRBA)

A. Subcase 75-10332

(Insert water right number)

Case No. 39576)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Ward M. Whitmore

Address: P.O. Box 774

Salmon, ID 83467

Daytime Phone: (208) 894-2290

Name & Address of Attorney, if any:

Jordan P. Smith

Attorney at Law

807 Main Street

Salmon, ID 83467

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

Name: Salmon River Properties, Inc.

Address: P.O. Box 4495

Chatsworth, CA 91313

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

1. ☐ **Name and Address**
Should be: _____
2. ☐ **Source**
Should be: _____
3. ☐ **Quantity**
Should be: _____
4. ☐ **Priority Date**
Should be: _____
5. ☐ **Point of Diversion**
Should be: _____
6. ☐ **Instream Flow Beginning and Ending Point**
Should be: _____
7. ☐ **Purpose(s) of Use**
Should be: _____
8. ☐ **Period of Year**
Should be: _____
9. ☒ **Place of Use**
Should be: This water right is supplemental to 75-2046 and 75-2047, which have been recommended by the IDWR.

10. ☐ **I object because:**
☐ This water right Should not exist.

☒ This water right was not recommended, but Should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTIONS(S):** This water right has always been active. The IDWR recommendation is in error.

75-10332

2504 Photo



0 170 340 680 1,020 1,360 Feet

F.

VERIFICATION (must be completed)

State of Idaho)
)ss.
County of Lemhi)

Ward M. Whitmore

(Name of person filing objection)

duly sworn, upon oath, deposes and says:

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

Ward M. Whitmore
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

July 12, 2007



Susan E. Ziegler
Notary Public for Idaho
Residing at: Salmon, Idaho
My Commission Expires: 9-4-2011

INSTRUCTIONS FOR MAILING

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

G. CERTIFICATE OF MAILING

I certify that on July 13, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

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

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

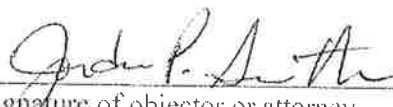
Name: Salmon River Properties, Inc.
Address: P.O. Box 4495
Chatsworth, CA 91313

3. Copies to:

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

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

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



Signature of objector or attorney
mailing on Objector's behalf

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: A75-10332
Date Received: 5/08/1990
Receipt No: M006945
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SALMON RIVER PROPERTIES
Address: C/O MCCARTY CO.
PO BOX 4005
STOCKTON, CA

95204

2. Date of Priority: APR 01, 1923

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE, DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.160		

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

A.F.A.

8. Total consumptive use is 395.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Per	Acres
19N	21E	27	SW	SW		100	35.0

Section Acres 35.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
19N	21E	28	NE		NE		IRR	7.0
			NW		NE		IRR	7.0
			SW		NE		IRR	18.0
			SE		NE		IRR	20.0
			SW		NW		IRR	3.0
			SE		NW		IRR	30.0
			NW		SE		IRR	8.0
			SE		SE		IRR	30.0
Section Acres								123.0
Total Acres								158.0

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:
A75-02046

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

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

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

State of Idaho)
County of Lemhi) SS.

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

Ernest Carlson
Notary Public

Seal

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

AJ0749NP
No. A75-10332

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

DATE: 12/30/98
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	SALMON RIVER PROPERTIES PO BOX 4495 CHATSWORTH CA 913134495 (818) 341-0281	04/01/1923	IRRIGATION	04-01 11-01	3.16 CFS	
TOTAL DIVERSION:					3.16 CFS	
CONSUMPTIVE USE:						395.00 AFA

Water Source: RATTLESNAKE CREEK

Tributary to: SALMON RIVER

Stage: BENEFICIAL USE

Point(s) of Diversion: T19N R21E S21 SESW

LEMHI County

Place of use Legal Description for: IRRIGATION

NE													NW				SW				SE				
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM	
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	:	
19N	21E	27	:					:					:					:					:	35.0	
19N	21E	28	:	07		07		:				03	:					:				30	:	123.0	
																							TOTAL ACRES		158.0

POU County: LEMHI

Other Rights: A75-02046

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

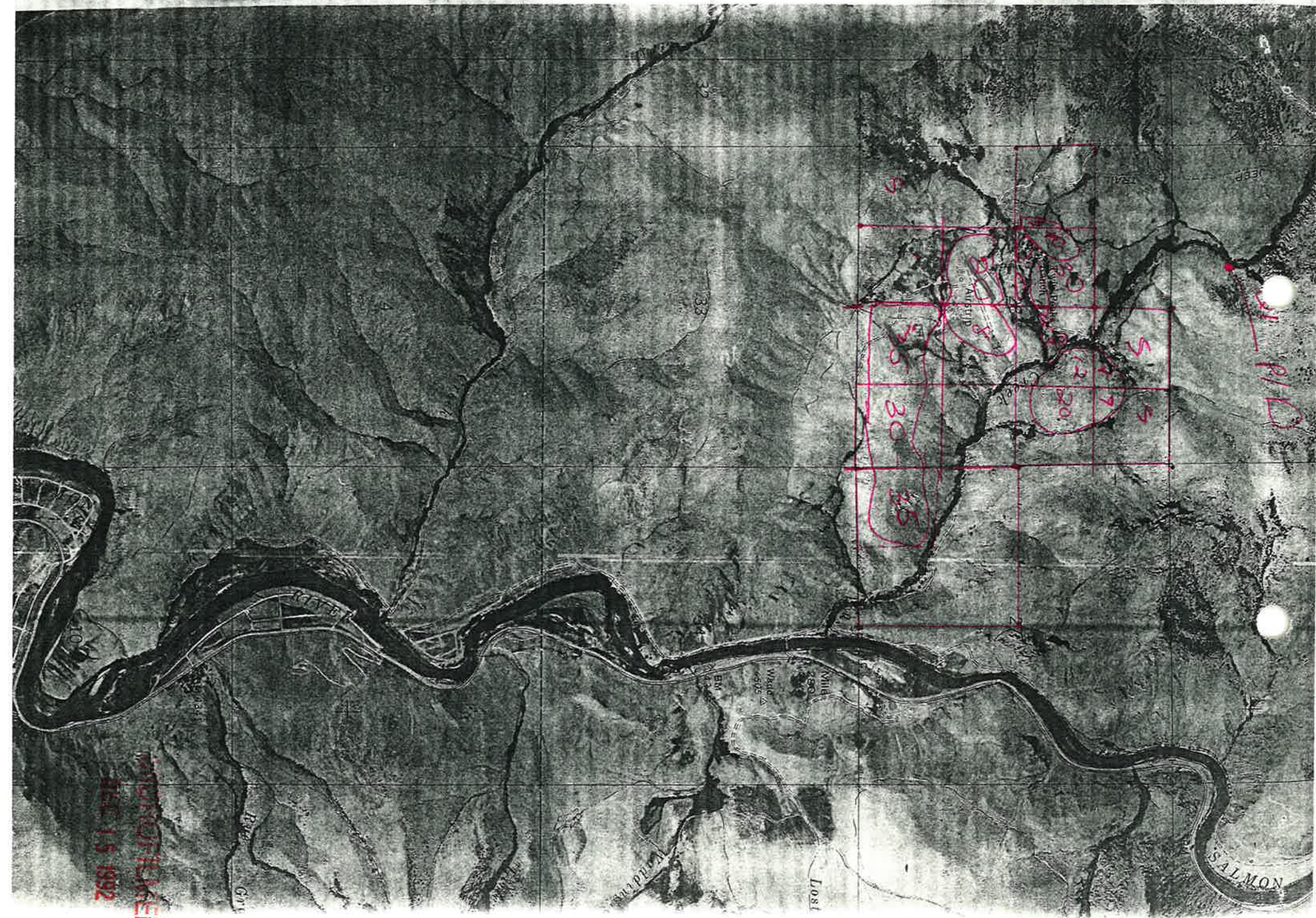
Dates: Exam Made Date: Verified Date: Objection Filed Date:

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

A75-10332

ZZ

T19N, R21E, Sec. 27, 28, 33



REPRODUCED
DEC 15 1992