

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 37-19832
Date Received: 12/30/1996
Receipt No: C037309
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SMOKEY DOME LLC
C/O CHARLES E HILL
PO BOX 1607
BELLEVUE WA USA 98009

Phone: (425) 688-9304

2. Date of Priority: 04/15/1912

3. Source: THREEMILE CREEK EAST FORK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	13E	14	SE SW SE	CAMAS	

5. Description of diverting works:

DAM IN CREEK; PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	0.91	

7. Total Quantity Appropriated is:
0.91 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
01N	13E	14	SE	NE		IRRIGATION	0.5
			NE	SE		IRRIGATION	13.3
			SW	SE		IRRIGATION	8.1
			SE	SE		IRRIGATION	9.8
			Section Acres				
01N	13E	23	NE	NE		IRRIGATION	0.9
			NW	NE		IRRIGATION	12.8
			Section Acres				
Total Acres							45.4

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:

14. Remarks:

CURRENT USE IS IRRIGATION OF A GOLF COURSE. BEFORE THE GOLF COURSE WAS ESTABLISHED, CROPS AND PASTURE WERE IRRIGATED. PLACE OF USE WAS REARRANGED, BUT NOT EXPANDED, WHEN THE GOLF COURSE WAS ESTABLISHED. SEE ATTACHED AFFIDAVIT AND 1950 ASCS AERIAL PHOTO COPY.

11/22/06 - Ownership change to Smokey Dome LLC

15. Basis of Claim: Beneficial Use

RECEIVED

JUN 30 1997

Department of Water Resources

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A37-19832
Date Received: 6/17/1997
Receipt No: C037309
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: CAMAS PROPERTIES INC
Address: PO BOX 279
FAIRFIELD ID 83327
208-764-2506

2. Date of Priority: APR 15, 1912

3. Source: THREEMILE CREEK, EAST FORK Trib. to: CAMAS CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	13E	14	SE	SW	SE		CAMAS

5. Description of diverting works:
DAM IN CREEK; PUMPS TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	0.910		

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

8. Total consumptive use is 113.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	13E	14	SE	NE		IRR	0.5
			NE	SE		IRR	13.3
			SW	SE		IRR	8.1
			SE	SE		IRR	9.8

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	31.7
		23	NE	NE	IRR	0.9
			NW	NE	IRR	12.8
					Section Acres	13.7
					Total Acres	45.4

11. Place of use in counties: CAMAS

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

13. Other Water Rights Used:
A37-02227, 37-08609

14. Remarks:

CURRENT USE IS IRRIGATION OF A GOLF COURSE. BEFORE THE GOLF COURSE WAS ESTABLISHED, CROPS AND PASTURE WERE IRRIGATED. PLACE OF USE WAS REARRANGED, BUT NOT EXPANDED, WHEN THE GOLF COURSE WAS ESTABLISHED. SEE ATTACHED AFFIDAVIT AND 1950 ASCS AERIAL PHOTO COPY.

15. Basis of Claim: BENEFICIAL USE

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

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

CIVIL CASE NUMBER: 39576

Ident. Number A37-19832Date Received 12/30/96Receipt Number C037309

JUN 30 1997

Department of Water Resources
Southern Region

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Camas Properties Inc. Soldier Mtn Ranch & Resort Phone (208) 764-2506Mailing Address P.O. Box 279 Fairfield, Id Zip 83327

2. Date of Priority (Only one (1) per claim) _____

3. Source of water supply (a) Threemile Creek, East Fork
which is tributary to (b) ~~Threemile~~ Camas Creek4. a. Location of existing point of diversion is: Township 01N Range 13E Section 14,
SE 1/4 of SW 1/4 of SE 1/4, Govt. Lot, _____ B.M., County of Camas

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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. Dam in creek; pumps tosprinklers

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/15 amount .91 cfs or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .91 cfs (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 113.5 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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	
01N	13E	14				0.5									13.3		8.1	9.8	31.7
		23	0.9	12.8															13.7

Total number of acres irrigated 45.4

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

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.

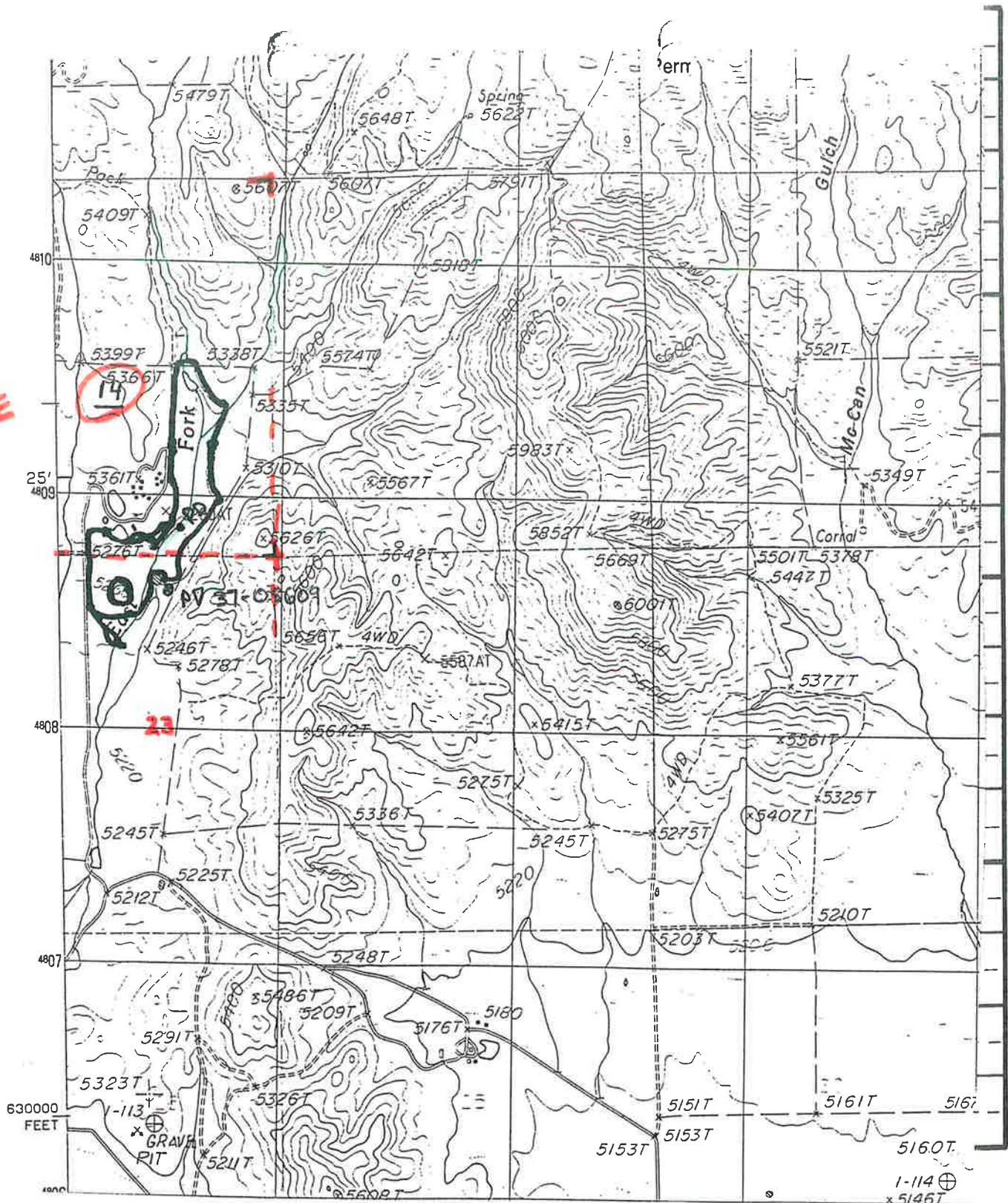
13. Describe any other water rights used at the same place and for the same purposes as described above.
A37-02227, 37-08609 or None ()

14. Remarks: Current use is irrigation of a golf course. Before the golf course was established, crops and pasture were irrigated. Place of use was rearranged, but not expanded, when the golf course was established. See attached affidavit and 1950 ASCS aerial photo copy.

Last Name ~~SMR~~ CAMAS Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile



~~SMR~~ Camas

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) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President MEMBER
of WYNE Soldier Arm Rancho CAMAS Properties Inc Title _____

Organization _____ that I have signed the foregoing document in the space below as member president of CAMAS Properties Inc
Title _____ Soldier Arm Rancho Organization _____

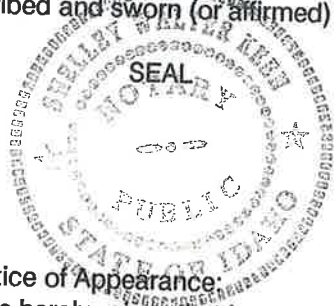
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent William N. Carter

Title and Organization State WILLIAM N. CARTER
President member Date 12-12-96
CAMAS Properties

State of Idaho/or _____)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 12th day of December 19 96



Notary Public Shelly Vatta Keen

Residing at Boise Idaho

My Commission Expires July 31, 1997

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 Camas Ident. Number _____

06/09/2009

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

RIGHT NUMBER: 37-19832

NAME AND ADDRESS: SMOKEY DOME LLC
C/O GREGORY VIK
PO BOX 1607
BELLEVUE WA 98009

SOURCE: EAST FORK THREEMILE CREEK

TRIBUTARY: CAMAS CREEK

QUANTITY: 0.910 CFS

PRIORITY DATE: 04/15/1915

POINT OF DIVERSION:

T01N R13E S14 SWSESE Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.910 CFS

PLACE OF USE:

IRRIGATION in CAMAS County

T01N R13E S14	SENE	0.50	T01N R13E S14	NESE	13.30
T01N R13E S14	SWSE	8.10	T01N R13E S14	SESE	9.80
T01N R13E S23	NENE	0.90	T01N R13E S23	NWNE	12.80

45.4 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 45.4 acres in a single irrigation season. Combined Right Nos.: 37-2227, 37-8609 & 37-19832.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

6/5/09 phone Conf. w/ J. Speck
S. Clelland
C. Bromley

at issue:

discussed Priority Date
1912 vs 1941

Jim says this Rt. is separate
from the 1912 license... a
standalone Rt. - Beneficial Use.

6/8/09 Review of Hollowell aff.
by Center & legal staff agrees
w/ Jim the aff. is sufficient to
support the priority date = 1915

* Pou & Q as claimed based on
current - IRAig. development.

Pou = 45.4 AC

[Acres based on
findings in Lic Exam
on 39-8609.]

11

14

DRAFT

19832
claimed
POD

37-19832
45.4 AC.

37-2227
16.0 AC.

0.5

13.3

1.0 8.1

9.8

14 13

0.9

23 24

12.8 9.0

POD
37-2227
SE SWSE
S14

11

14

DRAFT
37-19832

3/24/07
SCL

Shape
TOTAL GIS

= 57.8 AC.

DRAFT

0.8

0.5

15

3.3

18

15.1

14

9.8

14 13

0.9

23 24

10

21.8

16 AC. - 2227
45.5 AC. - 19832

Combined
& Added AC.

= 61.4 AC

James P. Speck, ISB No. 2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752
Attorneys for Claimant Smokey Dome LLC

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

Subcase No. 37-19832

AFFIDAVIT OF DOUG HALLOWELL

STATE OF IDAHO)

:SS

County of Blaine)

DOUG HALLOWELL, being first duly sworn upon his oath, declares as follows:

1. I was born in 1936 in Camas County, Idaho, and have lived in and been a resident of Camas County for all of my life.

2. My father, Darrell Hallowell, moved to Camas County, Idaho in 1915. My father, now deceased, was for all of his life, and I have been for all of my life, a farmer and rancher.

AFFIDAVIT OF DOUG HALLOWELL - 1

3. I have reviewed the GIS Place of Use presentation dated May 27, 2005, for this water right prepared by the Idaho Department of Water Resources, a copy of which is attached as **Exhibit A**. I understand the area outlined in yellow and appearing as red or pink on Exhibit A represents irrigated areas that are now part of the Soldier Mountain Resort golf course.

4. From conversations with my father, I know that from the time he moved to Camas County in 1915 until 1941 he farmed the lands in Section 23 designated on **Exhibit A**. I'm quite certain my father purchased the land in 1941 for that year he built some small houses and a cook shack for the farm employees. Right after World War 2 my father had constructed on the farm a very large quonset hut for cattle feeding. Attached as **Exhibit B** is a copy of the warranty deed whereby my parents acquired title to the farm which includes the Section 23 lands described above. I can't explain why the deed was not signed until 1954 and not recorded until 1964. However, W. W. (Bill) Leek was like a father to my father and they may simply have not documented the 1941 purchase until then. It is very unlikely my father would have made the improvements to the farm described above if he were not the owner! In any event, my father continued to farm these lands from 1941 until he retired.

5. The lands in Section 14 depicted on Exhibit A were then owned by Bashford Smith. My father told me that Mr. Smith flood-irrigated this land by placing dams in the east fork of Three Mile Creek and he raised hay, grain and native grasses. My father did the same on his land and raised pasture grass.

6. As far back as I can remember, I personally observed irrigation ditches running from the creek throughout all of these lands. The ditches were very old and looked like they could have been there since these lands were first homesteaded.

7. The statements made in this affidavit are based upon my own personal knowledge and observations and conversations I had with my father.

DATED this ____ day of January, 2009.

DOUG HALLOWELL

SUBSCRIBED AND SWORN TO before me this ____ day of January, 2009.

NOTARY PUBLIC FOR IDAHO

Residing at: _____

Comm. Expires: _____

CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of _____, 2008, I served a true and correct copy of the within and foregoing document upon the addressee named below in the manner noted:

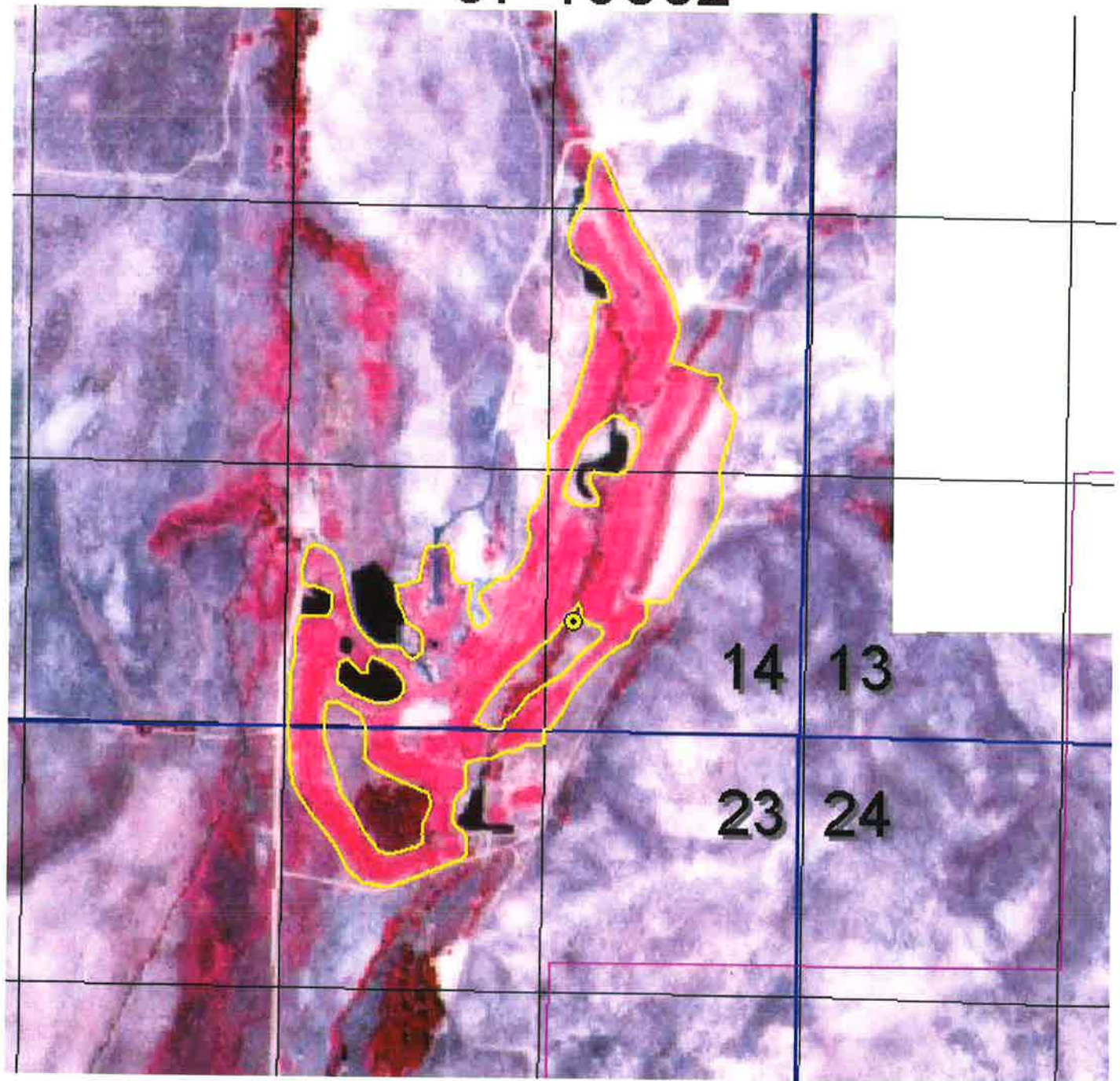
IDWR Document Repository
P.O. Box 83720
Boise, ID 83720

- ☐ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

James P. Speck

IDAHO DEPT OF WATER RESOURCES

37-19832



1320 0 1320 Feet

-  Basin 37 part 2-POU
-  Basin 37 part 2-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1N
RNG: 13E
SEC. 14 & 23



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MAY 27, 2005

EXHIBIT A

profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances, unto the said party of the second part, and to ITS SUCCESSORS and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day and year first above written.

Tom Ziden

STATE OF IDAHO,)
County of GOODING) ss.

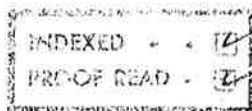
On this 30th day of OCTOBER, in the year 1964, before me THE UNDERSIGNED, a Notary Public in and for said State, personally appeared TOM ZIDEN known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

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

(Seal)

Filed at request of Tom Wokersien
November 25, 1964 at 9:40 A.M.
Estelle Vaught, Recorder

Fee \$1.20



Chas C. Shaw
Notary Public residing at
Gooding, Idaho My commis:
expires 11-1-68

NO. 37038

WARRANTY DEED

THIS INDENTURE, Made this 12th day of JANUARY in the year of our Lord one thousand nine hundred and FIFTY-FOUR between W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, of FAIRFIELD, County of CAMAS, State of IDAHO, the parties of the first part, and D.E. HALLOWELL AND MELVINA HALLOWELL, HIS WIFE, of FAIRFIELD, County of CAMAS, State of IDAHO, the parties of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of EIGHTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-THREE AND 91/100---DOLLARS, LAWFUL MONEY of the United States of America, to them in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, bargain

EXHIBIT B

sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in ---, County of CAMAS, State of Idaho, to-wit:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11,
The W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 15,
E $\frac{1}{2}$ of Section 22, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23,
S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 24, all of Section 25,
The NW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ of Section 27,
Township 1 North, Range 13 East Boise Meridian.
Lots 1, 2, 3, and 4 and E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 19,
Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 30,
Township 1 North, Range 14 East Boise Meridian.
Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 2,
NW $\frac{1}{4}$ of Section 11 and
NW $\frac{1}{4}$ of Section 12
Township 1 South, Range 13 East Boise Meridian.

(\$92.40 documentary stamps attached and cancelled)

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W.W. Leek

Ethel M. Leek

STATE OF IDAHO }
COUNTY OF CAMAS } ss.

On this 15th day of JANUARY, in the year 1954, before me, THE UNDERSIGNED, a Notary Public for said State, personally appeared W.W. LEEK AND ETHEL M. LEEK, HIS 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.

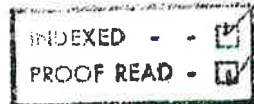
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written

(Seal)

Filed at request of Tom Wokersien
December 1, 1964 at 9:15 A.M.
Estelle Vaught, Recorder

Fee \$1.80

County



Tom Wokersien
Notary Public in and for the
of Idaho, residing at Fairfield
therein

NO. 37049

MINING DEED

THIS INDENTURE, made and entered into this 28th day of October, 1964, by and between HELEN HINES, a married woman dealing with her sole and separate property, hereinafter referred to as

sent by email
1/21/09

JAMES P. SPECK
DOUGLAS J. AANESTAD

SPECK & AANESTAD
A PROFESSIONAL CORPORATION
ATTORNEYS
120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

RECEIVED

FEB 18 2009

DEPARTMENT OF
WATER RESOURCES
TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

February 12, 2009

Christopher Bromley
IDWR
322 E. Front Street
P.O. Box 83720
Boise ID 83720-0098

Re: SRBA Subcase No. 37-19832 / Smokey Dome LLC

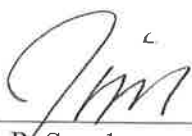
Dear Chris:

Enclosed you will find copies of the Affidavit of Doug Hallowell and my affidavit which I have just filed with the Court in this subcase. Will the next step be the preparation of an SF-5 or do you do an amended Director's Report for this water right? Please call me right away if you have any questions or comments about enclosures.

Thank you for your continuing help with these matters.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 
James P. Speck

CC: Rod Gonsales
Greg Vik

SPECK & AANESTAD **RECEIVED**
A PROFESSIONAL CORPORATION
ATTORNEYS

JAMES P. SPECK
DOUGLAS J. AANESTAD

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

FEB 18 2009
DEPARTMENT OF
WATER RESOURCES

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

February 12, 2009

SRBA District Court
P. O. Box 2707
Twin Falls, ID 83303-2707

Re: SRBA Subcase No. 37-19832

To the Court:

Enclosed please an original and a copy of each of the following documents:

1. Affidavit of Doug Hallowell
2. Affidavit of James P. Speck

Please file these documents, file-stamp the copies and return those copies to us in the self-addressed envelope included in this mailing.

Thank you for your time and attention to this matter. Please let me know if you have any questions or require further information.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

CC w/ Enclosures: IDWR Document Repository
Christopher M. Bromley, IDWR
Rod Gonsales
Greg Vik

James P. Speck, ISB No. 2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752
Attorneys for Claimant Smokey Dome LLC

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

In Re SRBA

Case No. 39576

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Subcase No. 37-19832

AFFIDAVIT OF DOUG HALLOWELL

STATE OF IDAHO)

:SS

County of Blaine)

DOUG HALLOWELL, being first duly sworn upon his oath, declares as follows:

1. I was born in 1936 in Camas County, Idaho, and have lived in and been a resident of Camas County for all of my life.

2. My father, Darrell Hallowell, moved to Camas County, Idaho in 1915. My father, now deceased, was for all of his life, and I have been for all of my life, a farmer and rancher.

AFFIDAVIT OF DOUG HALLOWELL - 1

3. I have reviewed the GIS Place of Use presentation dated May 27, 2005, for this water right prepared by the Idaho Department of Water Resources, a copy of which is attached as **Exhibit A**. I understand the area outlined in yellow and appearing as red or pink on Exhibit A represents irrigated areas that are now part of the Soldier Mountain Resort golf course.

4. From conversations with my father, I know that from the time he moved to Camas County in 1915 until 1941 he farmed the lands in Section 23 designated on **Exhibit A**. I'm quite certain my father purchased the land in 1941 for that year he built some small houses and a cook shack for the farm employees. Right after World War 2 my father had constructed on the farm a very large quonset hut for cattle feeding. Attached as **Exhibit B** is a copy of the warranty deed whereby my parents acquired title to the farm which includes the Section 23 lands described above. I can't explain why the deed was not signed until 1954 and not recorded until 1964. However, W. W. (Bill) Leek was like a father to my father and they may simply have not documented the 1941 purchase until then. It is very unlikely my father would have made the improvements to the farm described above if he were not the owner! In any event, my father continued to farm these lands from 1941 until he retired.

5. The lands in Section 14 depicted on Exhibit A were then owned by Bashford Smith. My father told me that Mr. Smith flood-irrigated this land by placing dams in the east fork of Three Mile Creek and he raised hay, grain and native grasses. My father did the same on his land and raised pasture grass.

6. As far back as I can remember, I personally observed irrigation ditches running from the creek throughout all of these lands. The ditches were very old and looked like they could have been there since these lands were first homesteaded.

7. The statements made in this affidavit are based upon my own personal knowledge and observations and conversations I had with my father.

DATED this 9 day of February, 2009.

Doug Hollowell
DOUG HALLOWELL

SUBSCRIBED AND SWORN TO before me this 9th day of February, 2009.



Gayle L. Bachtell
NOTARY PUBLIC FOR IDAHO
Residing at: Fairfield
Comm. Expires: 10-19-2011

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2009, I served a true and correct copy of the within and foregoing document upon the addressee named below in the manner noted:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720

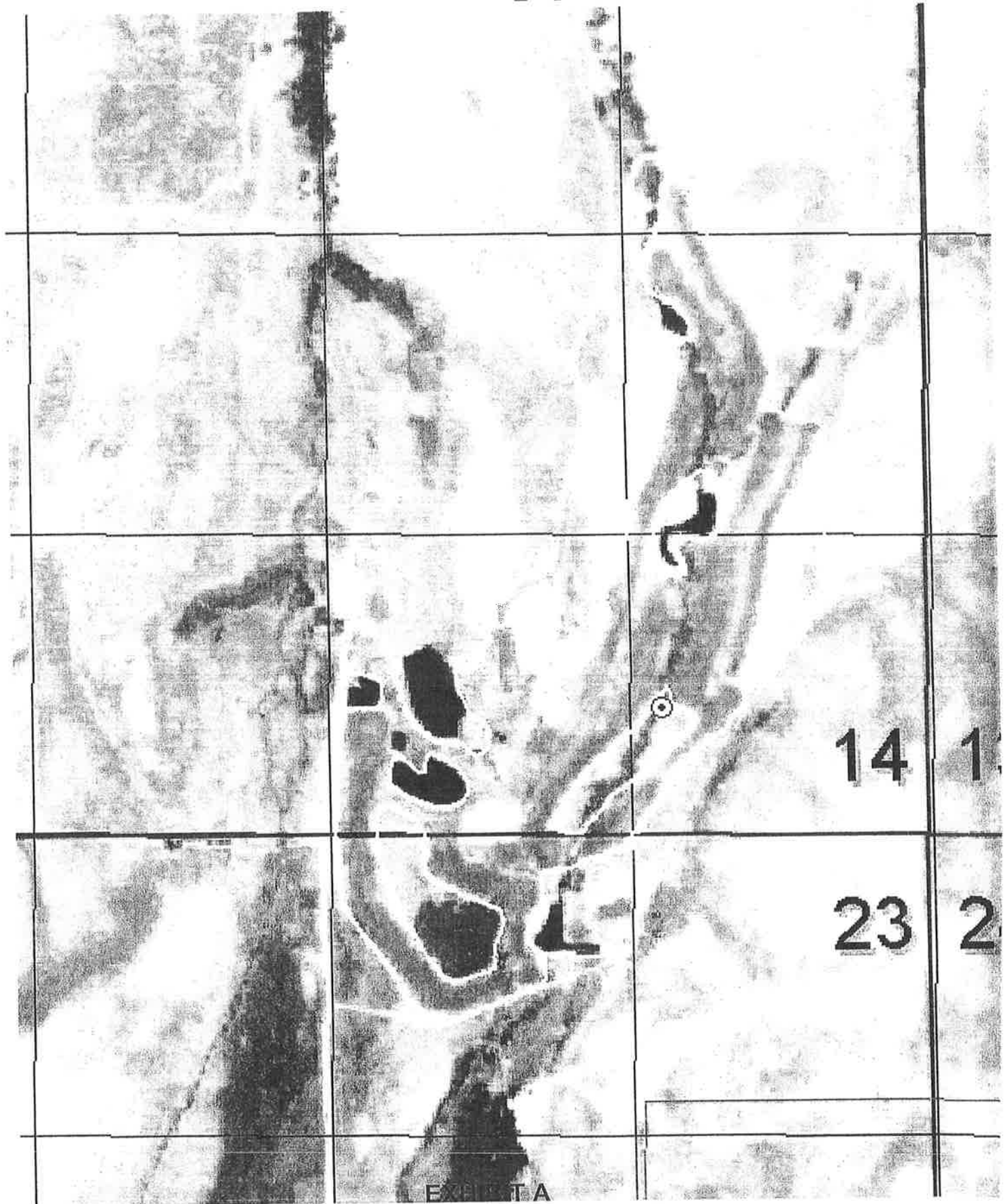
- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Christopher Bromley
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
- ☐ Hand Delivery
- ☐ Facsimile, with copy by United States Mail, Postage Prepaid

James P. Speck
James P. Speck

IDAHO DEPT OF WATER RESOUR
37-19832



its thereof.
VE AND TO HOLD, all and singular, the said premises, together with appurtenances, unto the
ty of the second part, and to ITS SUCCESSORS and assigns forever.
ITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day a
rst above written.

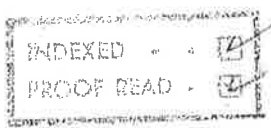
OF IDAHO,)
)ss.
of GOODING)

Tom Ziden

this 30th day of OCTOBER, in the year 1964, before me THE UNDERSIGNED, a Notary Public in and
aid State, personally appeared TOM ZIDEN known to me to be the person whose name is subscribed
e within instrument, and acknowledged to me that he executed the same.
V WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year i
certificate first above written.

(Seal)
ed at request of Tom Wokersien
ember 25, 1964 at 9:40 A.M.
elle Vaught, Recorder

Fee \$1.20



NO. 37038

WARRANTY DEED

THIS INDENTURE, Made this 12th day of JANUARY in the year of our Lord one thousand nine hundred
and FIFTY-FOUR between W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, of FAIRFIELD, County of CAMAS, State
IDAHO, the parties of the first part, and D.E. HALLOWELL AND MELVINA HALLOWELL, HIS WIFE, of
AIRFIELD, County of CAMAS, State of IDAHO, the parties of the second part:
WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
EIGHTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-THREE AND 91/100---DOLLARS, LAWFUL MONEY of the Unit
States of America, to them in hand paid by the said parties of the second part, the receipt where
is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, barga

sell, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in ---, County of CAMAS, State of Idaho, to-wit:

The $SE\frac{1}{4}$ $SW\frac{1}{4}$ of Section 11,
The $W\frac{1}{2}$ $NE\frac{1}{4}$, $NW\frac{1}{4}$ and $W\frac{1}{2}$ $SW\frac{1}{4}$ of Section 14, $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 15,
 $E\frac{1}{2}$ of Section 22, $W\frac{1}{2}$ and $W\frac{1}{2}$ $E\frac{1}{2}$ and $SE\frac{1}{4}$ $SE\frac{1}{4}$ of Section 23,
 $S\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ of Section 24, all of Section 25,
The $NW\frac{1}{4}$ of Section 26 and the $NE\frac{1}{4}$ of Section 27,
Township 1 North, Range 13 East Boise Meridian.
Lots 1, 2, 3, and 4 and $E\frac{1}{2}$ $W\frac{1}{2}$ of Section 19,
Lots 3 and 4, $E\frac{1}{2}$ $SW\frac{1}{4}$ and $SE\frac{1}{4}$ of Section 30,
Township 1 North, Range 14 East Boise Meridian.
Lots 1 and 2 and $S\frac{1}{2}$ $NE\frac{1}{4}$, $SE\frac{1}{4}$ of Section 2,
 $NW\frac{1}{4}$ of Section 11 and
 $NW\frac{1}{4}$ of Section 12
Township 1 South, Range 13 East Boise Meridian.

(\$92.40 documentary stamps attached and cancelled)

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W.W. Leek

Ethel M. Leek

STATE OF IDAHO }
COUNTY OF CAMAS } ss.

On this 15th day of JANUARY, in the year 1954, before me, THE UNDERSIGNED, a Notary Public :
for said State, personally appeared W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, known to me to be tl
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 y
in this certificate first above written

(Seal)
Filed at request of Tom Wokersien
December 1, 1964 at 9:15 A.M.
Estelle Vaught, Recorder

Fee \$1.80

County

Tom Wokersien
Notary Public in and for the
of Idaho, residing at Fairfie
therein

INDEXED - - ☒
PROOF READ - ☒

NO. 37049

MINING DEED

THIS INDENTURE, made and entered into this 28th day of October, 1964, by and between HELEN
MINES, a married woman dealing with her sole and separate property, hereinafter referred to as

James P. Speck, ISB No. 2067
Speck & Aanestad
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, Idaho 83340
Telephone: (208) 726-4421
Facsimile: (208) 726-0752
Attorneys for Claimant Smokey Dome LLC

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

In Re SRBA

Case No. 39576

)
)
)
)
)
)
)

Subcase No. 37-19832

AFFIDAVIT OF JAMES P. SPECK

STATE OF IDAHO)

:SS

County of Blaine)

JAMES P. SPECK, being first duly sworn upon his oath, declares as follows:

1. I am an attorney licensed to practice law in the state of Idaho and represent the Claimant in this Subcase.
2. Attached hereto as **Exhibit A** and made a part hereof by this reference is a true and correct copy of that certain Warranty Deed recorded as Instrument No. 37038 in the records of

AFFIDAVIT OF JAMES P. SPECK - 1

Camas County, Idaho.

3. Attached hereto as **Exhibit B** and made a part hereof by this reference is a true and correct copy of the Warranty Deed and Bill of Sale recorded as Instrument No. 25882 in the records of Camas County, Idaho.

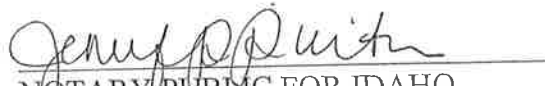
4. The above-referenced documents were obtained from the office of the County Recorder for Camas County, Idaho.

DATED this 11 day of February, 2009.


JAMES P. SPECK

SUBSCRIBED AND SWORN TO before me this 12th day of February, 2009.




NOTARY PUBLIC FOR IDAHO
Residing at: Ketchum, ID
Comm. Expires: 2-9-2015

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of February, 2009, I served a true and correct copy of the within and foregoing document upon the addressee named below in the manner noted:

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid

Mr. Christopher Bromley
Idaho Department of Water Resources
322 E. Front Street
PO Box 83720
Boise, ID 83720-0098

- ☒ United States Mail, Postage Prepaid
☐ Hand Delivery
☐ Facsimile, with copy by United States Mail, Postage Prepaid


James P. Speck

its thereof.
VE AND TO HOLD, all and singular, the said premises, together with appurtenances, unto the
ty of the second part, and to ITS SUCCESSORS and assigns forever.
ITNESS WHEREOF, the said party of the first part has hereunto set his hand and seal, the day a
rst above written.

Tom Ziden

OF IDAHO,)
)ss.
of GOODING)

this 30th day of OCTOBER, in the year 1964, before me THE UNDERSIGNED, a Notary Public in and
aid State, personally appeared TOM ZIDEN known to me to be the person whose name is subscribed
e within instrument, and acknowledged to me that he executed the same.
WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year i
certificate first above written.

(Seal)
ed at request of Tom Wokersien
ember 25, 1964 at 9:40 A.M.
elle Vaught, Recorder

Fee \$1.20

INDEXED - ☒
PROOF READ - ☒

Chas C. Shaw
Notary Public residing at
Gooding, Idaho My commis
expires 11-1-68

NO. 37038

WARRANTY DEED

THIS INDENTURE, Made this 12th day of JANUARY in the year of our Lord one thousand nine hundred
and FIFTY-FOUR between W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, of FAIRFIELD, County of CAMAS, State
IDAHO, the parties of the first part, and D.E. HALLOWELL AND MELVINA HALLOWELL, HIS WIFE, of
AIRFIELD, County of CAMAS, State of IDAHO, the parties of the second part:
WITNESSETH, that the said parties of the first part, for and in consideration of the sum of
EIGHTY-THREE THOUSAND SEVEN HUNDRED EIGHTY-THREE AND 91/100---DOLLARS, LAWFUL MONEY of the Unite
States of America, to them in hand paid by the said parties of the second part, the receipt wher
is hereby acknowledged, have granted, bargained and sold, and by these presents do grant, barga

and, convey and confirm unto the said parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in ---, County of CAMAS, State of Idaho, to-wit:

The SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 11,
The W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 14, E $\frac{1}{2}$ E $\frac{1}{2}$ of Section 15,
E $\frac{1}{2}$ of Section 22, W $\frac{1}{2}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23,
S $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 24, all of Section 25,
The NW $\frac{1}{4}$ of Section 26 and the NE $\frac{1}{4}$ of Section 27,
Township 1 North, Range 13 East Boise Meridian,
Lots 1, 2, 3, and 4 and E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 19,
Lots 3 and 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ of Section 30,
Township 1 North, Range 14 East Boise Meridian.
Lots 1 and 2 and S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ of Section 2,
NW $\frac{1}{4}$ of Section 11 and
NW $\frac{1}{4}$ of Section 12
Township 1 South, Range 13 East Boise Meridian.

(\$92.40 documentary stamps attached and cancelled)

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property, as in law as in equity, of the said parties of the first part:

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their heirs and assigns forever the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns, against the said parties of the first part, and their heirs and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands and seals the day and year first above written.

Signed, Sealed and Delivered in the Presence of

W.W. Leek

Ethel M. Leek

STATE OF IDAHO }
COUNTY OF CAMAS } ss.

On this 15th day of JANUARY, in the year 1954, before me, THE UNDERSIGNED, a Notary Public :
or said State, personally appeared W.W. LEEK AND ETHEL M. LEEK, HIS WIFE, known to me to be tl
ersons whose names are subscribed to the within instrument, and acknowledged to me that they
xecuted the same.

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

(Seal)
Filed at request of Tom Wokersien
December 1, 1964 at 9:15 A.M.
Estelle Vaught, Recorder

Fee \$1.80

County

Tom Wokersien
Notary Public in and for the
of Idaho, residing at Fairfie
therein

INDEXED - -	☒
PROOF READ -	☒

NO. 37049

MINING DEED

THIS INDENTURE, made and entered into this 28th day of October, 1964, by and between HELEN :
TTNES, a married woman dealing with her sole and separate property, hereinafter referred to as

No. 25082
 WARRANTY DEED
 AND
 BILL OF SALE

THIS INDENTURE, Made this 1st day of June in the year of our Lord one thousand nine hundred and forty-five between Bessie Smith, a widow, of Fairfield, County of Camas, State of Idaho, the party of the first part and Bashford A. Smith, a bachelor of Fairfield, County of Camas, State of Idaho, the party of the second part,

WITNESSETH, That the party of the first part for and in consideration of services rendered by my son, Bashford A. Smith, the party of the second part, to myself and to my late husband, Charles H. Smith, deceased, from June 21, 1933 to the time of the death of my husband, Charles H. Smith and for services rendered by said Bashford A. Smith to myself from the time of the death of my husband, Charles H. Smith, to the 1st day of January, 1942, without compensation other than his actual living expenses and necessities of life and in further consideration of the covenants and agreements of said Bashford A. Smith, the party of the second part to pay to the party of the first part the sum of Five Hundred and no/100 (\$500.00) Dollars per annum on the 1st day of October, 1945, and on the 1st day of October of each year thereafter as long as said party of the first part resides and makes her home with said party of the second part, Bashford A. Smith or until the death of said party of the first part, whichever event may first occur and to pay to the party of the first part the sum of Eighty-five (\$85.00) and no/100 Dollars per month on the first day of each and every month from and after such time as the said party of the first part may cease to reside and make her home with the party of the second part to and until the death of the party of the first part, for her support and maintenance has granted, bargain, sell, transfer and confirm unto the said party of the second part and to his heirs and assigns forever, all her right title and interest in and to the following described personal property, to-wit:

All horses bearing the brand of the party of the first part, "KS" on the right strifle

All cattle including cows, heifers, steers, calves and bulls bearing the brand of the party of the first part, "KS" on the right hip and bearing the recorded ear mark of the party of the first part being a right ear crop

The brand of the party of the first part recorded in the office of the Department of Agriculture of the State of Idaho on the 30th day of December, 1939, and recorded as brand No. 35254, said brand being a facsimile and description or mark as follows, to-wit:

Mark on horses "KS" on right strifle
 Mark on cattle "KS" on right hip,
 Mark on sheep "KS" on right back,

and the following ear mark:

right ear crop on cattle;

All farming equipment, machinery, implements, wagons, utensils, tools, harnesses and saddles

now owned and used by the party of the first part, Bessie Smith, and the party of the second part, Bashford A. Smith, as co-partners in the farming and livestock business; and has granted, bargained and sold and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all of the following described real estate situated in Camas County, State of Idaho, to-wit:

The South Half (S $\frac{1}{2}$) of the Southeast Quarter (SE $\frac{1}{4}$) of Section Eleven (11), the Northwest Quarter (NW $\frac{1}{4}$), West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) and the Northeast Quarter (NE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Thirteen (13) and the East Half (E $\frac{1}{2}$) of the Northeast Quarter (NE $\frac{1}{4}$), the Southeast Quarter (SE $\frac{1}{4}$) and the East Half (E $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Fourteen (14), the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section

Twenty-three (23) and the Northwest Quarter (NW1) of the Northwest Quarter (NW1) of Section Twenty-four (24), all in Township One (1) N, Range Thirteen (13), East of the Boise Meridian, together with all water rights appurtenant thereto;

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and all estate, right, title and interest in and to the said property as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises, together with the appurtenances unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceful possession of the said party of the second part, his heirs and assigns, against the said party of the first part, and her heirs and against all and every person and persons whomsoever lawfully claiming or to claim the same shall and will WARRANT and by these presents forever DEFEND.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Bessie Smith.

STATE OF IDAHO }
COUNTY OF TWIN FALLS } ss

On this 21st day of June, 1945, before me the undersigned, Marshall Chapman, a Notary Public in and for said State and County, personally appeared Bessie Smith, a widow, 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.

(Notarial Seal)

Marshall Chapman
NOTARY PUBLIC IN AND FOR THE STATE
OF IDAHO, Residing at Twin Falls, Idaho.

My commission expires the
28th day of January, 1948.

(Cancelled \$11.00 Documentary Stamps)

Filed at request of Bessie Smith
June 22, 1945 at 11:00 A.M. Fee \$8.00
John L. Edwards, Recorder

INDEXED.....	☐
PROOF READ.....	☐

No. 25891

QUITCLAIM DEED

THIS INSTRUMENT, Made the 18th day of June in the year of our Lord one thousand nine hundred and Forty-five, between Adale Hutcheson and H. H. Hutcheson, wife and husband of Fairfield, County of Camas, State of Idaho, the parties of the first part, and Forrest Markey of Hill City, County of Camas, State of Idaho, the party of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of One Dollar and other valuable considerations lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all certain lot, piece or parcel of land, situate, lying and being in Hill City, County of Camas, State of Idaho, bounded and particularly described as follows, to-wit:

Lot Six (6) in Block Twelve (12) of the Village of Hill City, as shown on the official plat on file in the office of the County Recorder of Camas County, Idaho.

(Cancelled 55% Documentary Stamps)

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

In Re SRBA

Case No. 39576

A. Subcase 37-19832

**STANDARD FORM 1
OBJECTION**

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Smokey Dome LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009
Daytime Phone: (425) 460-2542

Name & Address of Attorney, if any:
James P. Speck
SPECK & AANESTAD
A Professional Corporation
PO Box 987
Ketchum, ID 83340

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

Name: Smokey Dome LLC
Address: PO Box 1607
Bellevue, WA 98009

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: Smokey Dome LLC, PO Box 1607, Bellevue, WA 98009
2. ☒ **Source**
Should be: East Fork Three Mile Creek; this right should be added to the list of rights delivered from this source and its tributaries in Attachment 1 to Basin 37, Part 2 General Provisions.
3. ☒ **Quantity**
Should be: 0.91 cfs
4. ☒ **Priority Date**
Should be: April 15, 1912
5. ☒ **Point(s) of Diversion**
Should be: SESWSE, S.14, T.1N., R.13E, B.M. Camas County
6. ☐ **Instream Flow Description**
Should be:
7. ☒ **Purpose(s) of Use**
Should be: irrigation
8. ☒ **Period of Year**
Should be: April 15 to October 15
9. ☒ **Place of Use**
Should be: 42.4 acres within the 58.4 acres combined total for 37-2227 and 37-19832
10. **I object because:**
 - ☐ This water should not exist.
 - ☒ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): See information in claim file.

F. VERIFICATION (Must be completed)

State of Idaho)
) ss.
County of Blaine)

James P. Speck, being first 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.

(Signature of person filing objection)

J. P. Speck
(Attorney signing in representative capacity)

Subscribed and sworn to before me on:

May 7, 2007



Jean A. Latham
Notary Public for Idaho
Residing at Blaine County
My Commission expires 1-25-2013

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 of the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on May 7th, 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
P. O. Box 2707
Twin Falls, Idaho 83303-2707

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

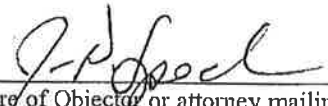
Name: Smokey Dome LLC
Address: c/o Gregory Vik
P.O. Box 1607
Bellevue, WA 98009

3. Copies to:

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

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P. O. Box 44449
Boise, Idaho 83711-4449

United States Department of Justice
Environment and Natural Resource
Division
550 West Fort Street, Box 33
Boise, Idaho 83734



Signature of Objector or attorney mailing on
Objector's behalf

08/03/2006

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

RIGHT NUMBER: 37-19832
NAME AND ADDRESS: CAMAS PROPERTIES INC
PO BOX 279
FAIRFIELD ID 83327-0279
SOURCE: EAST FORK THREEMILE CREEK
QUANTITY: 0.910 CFS
PRIORITY DATE: 04/15/1912
POINT OF DIVERSION: T01N R13E S14 SWSESE Within CAMAS County

*Ownership Change
to Smokey Dome LLC*

TRIBUTARY: CAMAS CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 10/15	0.910 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R13E S14	SENE	0.50	T01N R13E S14	NESE	13.30
T01N R13E S14	SWSE	8.10	T01N R13E S14	SESE	9.80
T01N R13E S23	NENE	0.90	T01N R13E S23	NWNE	12.80

45.4 ACRES TOTAL

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

No lawful appropriation shown.

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

Clelland, Steve

From: Clelland, Steve
Sent: Friday, May 27, 2005 2:55 PM
To: Jones, Doug; 'jimspeck@cox-internet.com'
Subject: RE: Smokey Dome LLC/Soldier Mt. Resort - 37-19832



37-19832.jpg

Dear Mr. Speck,

After reviewing the affidavit by William N. Carter and the ASCS map from 1950 I have reached the following observations:

The affidavit does not address anything that Mr. Carter can personally attest to, he does not appear to have ever farmed the place of use in question. It would be better if the persons he references in the affidavit were the authors of evidence instead. The photo does show some farming that was occurring in 1950 but it does not distinguish between the irrigated lands and the lands farmed by dryland techniques. It would be better if the claimant can submit additional information if they are to pursue the 1912 priority date as claimed.

A further note, I did the preliminary GIS draft of the place of use for the golf course claimed in this right and found additional acres may need to be claimed. I found 58.4 acres and the claim is for 45.4 acres. I will attach a copy of the shape file for your review also.

Feel free to call me if you have questions.
Steve Clelland

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

From: Jones, Doug
Sent: Friday, May 27, 2005 12:57 PM
To: Clelland, Steve
Subject: FW: Smokey Dome LLC/Soldier Mt. Resort - 37-19832

Steve,

Could you look at this for Jim and get back to him one way or the other?

Doug

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

From: Jim Speck [mailto:jimspeck@cox-internet.com]
Sent: Friday, May 27, 2005 12:33 PM
To: 'Ms. Kathy Ackerman'; 'Mr. Rod Gonsales'; 'Mr. Chuck Hill'; 'Mr. Doug Jones'
Subject: Re: Smokey Dome LLC/Soldier Mt. Resort - 37-19832

Doug,

My client, Smokey Dome LLC, has just acquired Soldier Mountain Resort which includes the above-described water right. Please review

the
affidavits and other evidence in the claim file and let me know if it is
sufficient. Thanks again for your help on these matters.

Jim

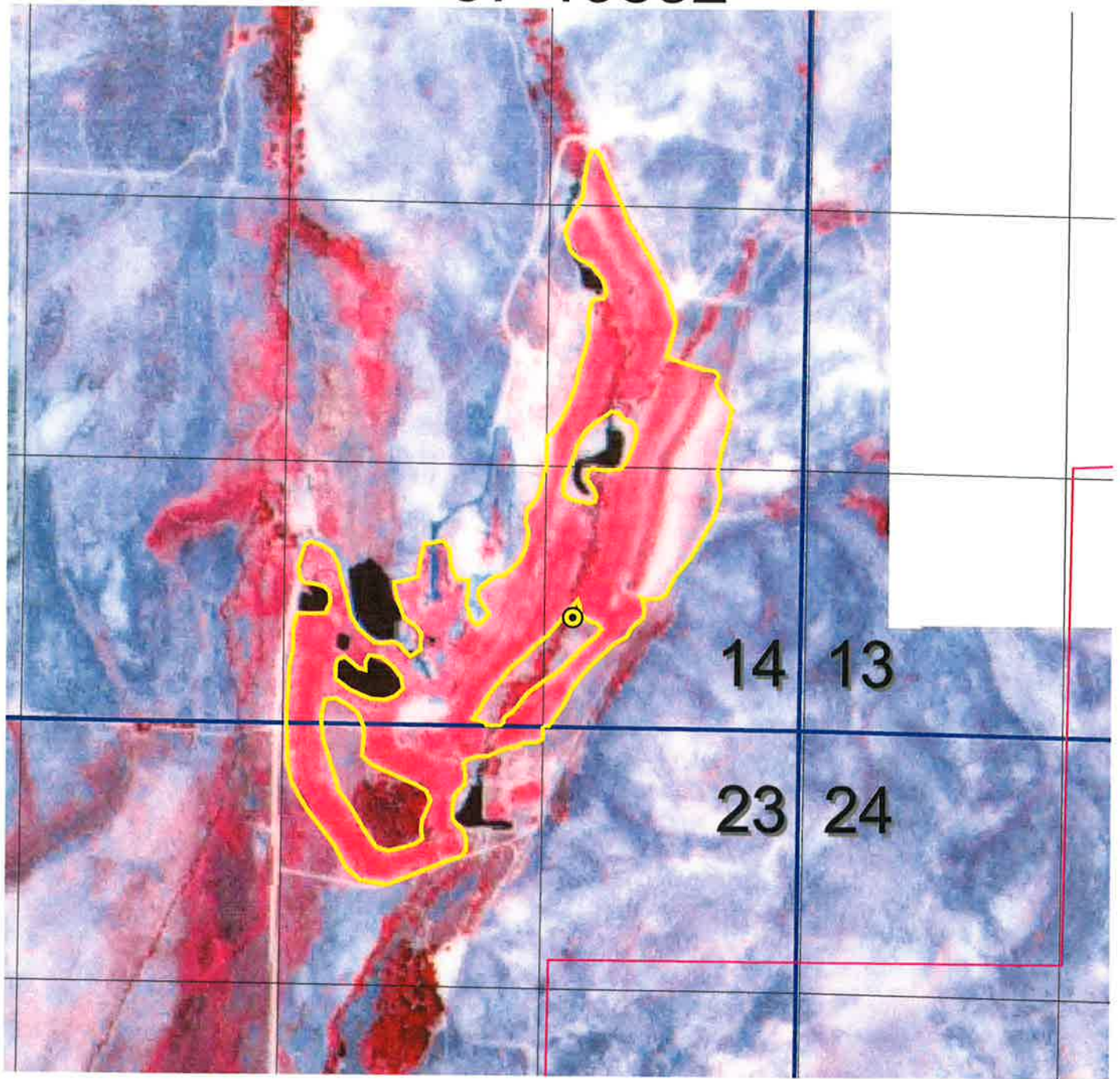
James P. Speck
SPECK & AANESTAD
A Professional Corporation
120 East Avenue
P.O. Box 987
Ketchum, ID 83340
208.726.4421
208.726.0752 (fax)
jimspeck@cox-internet.com

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to
this email message or by telephone. Thank you.

IDAHO DEPT OF WATER RESOURCES

37-19832



1320 0 1320 Feet

-  Basin 37 part 2-POU
-  Basin 37 part 2-POD
-  Ownership FED-Private
-  Streams
-  Section Lines
-  Quarter - Quarter lines

TWN: 1N
RNG: 13E
SEC. 14 & 23



GIS Place of Use Presentation
NAPP Aerial Photo 1987/1988
By Steve Clelland

Date: MAY 27, 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historical 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 by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

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 the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of 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: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may 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 does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures

C MAS PROPERTIES, INC.

2710 Sunrise Rim, Suite 200 • Boise, Idaho 83705

Phone (208) 343-4280

December 12, 1996

Dept. of Water Resources
1301 N. Orchard Street
Boise, Idaho 83706

Dear Sirs:

The following affidavit was prepared to show beneficial use claims of Hidden Paradise Ranch, presently now known as Soldier Mountain Ranch and Resort. This property is located in Fairfield, Idaho T.1N, R.13 E. section 14, 13, 23, 24, 26. Historically these ranches were farmed from 1912 thru 1979 by Bashford Smith (1912), William Leek and Darrell Holwell. Roger Crandlemire purchased the combined ranches in 1979 with a total acreage of 4,026 later to be called Hidden Paradise Ranch. Doug Holwell, who presently farms the adjacent ground to the south of Soldier Mountain Ranch, is the primary source of information for this document. It was his father the late Darrell Holwell that farmed much of the land in sections 14, 23, 24, 26 - 1930's thru 1979. Numerous irrigation ditches existed through out sections 13, 14, 23, 24 and were used to irrigate fields of grain and hay. Very few water rights were filed in the manner now required by the Idaho State Water Resources Department. Water was taken for irrigation as mother nature allowed. Early irrigation techniques such as hay bales in some ditches are still being used today for diversion. Section 14 possesses a concrete structure in the E Fork of 3 Mile Creek, which irrigates the ground presently used by the resort's golf course. The Katzemeyer ditch was developed in 1936 and served the West Fork of 3 Mile Creek. Sheet irrigation techniques were often employed.

The 1950's ASC map can be used to collaborate the irrigated acres and further support the irrigation ditches still in use today.

Sincerely,



William N. Carter



HIDDEN PARADISE RANCH



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 17, 1997

Bill Carter
Camas Properties, Inc.
P.O. Box 279
Fairfield, ID 83327

Re: Snake River Basin Adjudication
Camas County - Claim No. A3719832

Dear Mr. Carter,

We are forwarding to you a computer-generated copy of the Notice of Claim which you filed for your property in Camas County. We are also enclosing Receipt No. C037309 in the amount of \$55.40, for the filing fees.

We have interpreted the data you submitted with your claim and have added the priority date to your claim. Please review the enclosed form to assure that this addition is in agreement with your water right.

If you agree that the priority date is correct as indicated, you do not have to return this form. If you feel we have misinterpreted the information, and you make any changes to the Notice of Claim form enclosed, you must initial the changes you make, sign the form before a notary public and return the claim and a copy of this letter to:

Roxanne Brown
Department of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237

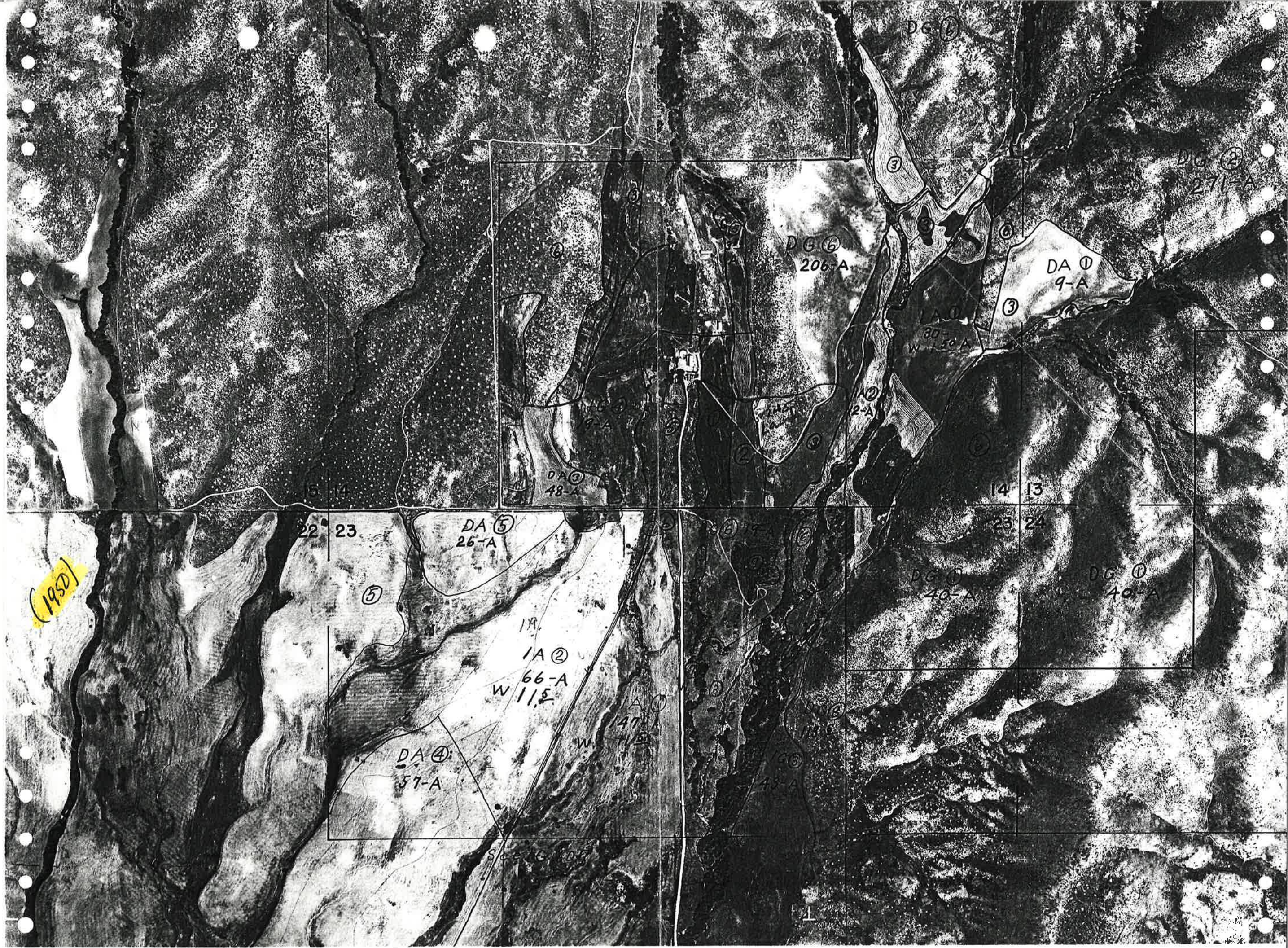
Do not hesitate to contact this office if you have any questions or concerns.

Sincerely,

Roxanne Brown
Sr. Water Resources Agent
Adjudication Bureau

RM:r: ^{south}~~west~~
Enclosures:

Claim No. A37-19832
Receipt No. C037309



(1950)

DC ①

DC ②
271-A

DC ⑥
206-A

DA ①
9-A

IA ①
30-A
W 30-A

IA ②
2-A

DA ③
48-A

DA ⑤
26-A

IA ②
66-A
W 11.5

DA ④
57-A

DC ⑦
40-A

DC ⑧
40-A

IA ①
147-A
W 11.5

DC ③
47-A

50

16-105

See 16-105

4 4 1

22 23
27 26

1A ①
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DC ③
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16-105

T

U.S.

W. W. Leek
% D. F. Hollowell
23 24
26 25

Geo. Crane

Doug Hollowell
D.C.

D.C. 1
220-A

16-105

T

U.S.

W. W. Lee
% D. F. Hollowell

23 24

2685

22 23

27 26

1A ①

50-A



DG (3)

65-7

Do you have a lowell

DE 4

202