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JUN 25 2019

WATER RESOURCES
WESTERN REGION

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JUN 24 2019

DEPARTMENT OF
WATER RESOURCES

C107082

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, and 42-222, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information. TRANS NO. ✓

1. Matter being protested APPLICATION FOR TRANSFER WATER RIGHT 83238
2. Name of protestant THOMAS DESHAZO AND OR CASTLE CREEK RANCH LLC
3. Protestant's Representative for service (If different than protestant)

4. Service mailing address 1228 S. RIVER FLOW WAY, EXALE ID
5. Service telephone no. 208-284-9746 Email Address: TDESHAZO@GMAIL.COM 83016
6. Basis of protest (including statement of facts and law upon which the protest is based)

THIS TRANSFER AND POINT OF DIVERSION WILL IMPACT AVAILABLE WATER, WATER FLOWS, ACCESSIBILITY, CONFIRM APPLICANTS PRIOR UNLAWFUL TAKING AND INTERRUPTION OF A WATER RIGHTS APPURTENANT TO PROTESTANT'S PROPERTY, IMPACT PUBLIC INTEREST AND RESIDENT MIGRATORY BIRDS.

(additional pages may be attached to describe nature of the protest)

7. What would resolve your protest? AT PRESENT, WE ARE DETERMINING POSSIBLE RESOLUTIONS THAT MAY BE RESOLVED BETWEEN PROTESTANT, APPLICANT, AND OTHER IMPACTED WATER RIGHTS HOLDER.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 24 day of JUNE, 2019.

T. A. Deshazo Protestant T. A. Deshazo, Manager Castle Creek Ranch LLC

Protestant's Representative

* FOR WATER RIGHTS NO. 57-104, 57-116, 57-120, 57-127
57-149, 57-2104, 57-89, 57-45

Kaiser, Anna

From: Thomas De Shazo <tdeshazo@gmail.com>
Sent: Monday, June 24, 2019 10:45 PM
To: Kelly, Patrick
Cc: Kaiser, Anna
Subject: May 24th, 2019 Protest Filed: Applications for Permit No. 57-12004 & 57-12005 and Application for Transfer no. 83238
Attachments: Gisela Schaal and Castle Creek Ranch LLC Memorandum of Purchase Agreement 2013 11 27 v1(1).pdf

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WATER RESOURCES

WESTERN REGION

May 24th, 2019 Protest Filed: Applications for Permit No. 57-12004 & 57-12005 and Application for Transfer no. 83238

Dear Patrick,

Castle Creek Ranch LLC filed a protest for the above referenced Applications for Permit and Transfer.

We wanted to provide the IDWR documentation that we, the Protestant, have Standing to Protest the Applications that derive from the Purchase Agreement between Gisela Schaal and Castle Creek Ranch LLC, November 27, 2013. This document is filed with the recorder's office in Owyhee County, and attached (signatures redacted) to this email: "Gisela Schaal and Castle Creek Ranch LLC Memorandum of Purchase Agreement 2013 11 27"

Within the attached Memorandum of Purchase Agreement is the specific language:

"Purchase of Real Property. For good and valuable consideration from Buyer, the receipt and adequacy of which are hereby acknowledged, Seller grants Buyer the right to purchase the Property, all improvements, water rights, easements, appurtenances and other rights owned by Seller whatsoever appertaining thereto, pursuant to the terms and conditions of the Agreement."

This afternoon, in discussing with your staff our Protest, it was recommended that the purchaser of the property file the Protest. We considered to file acting as Gisela Shaal's representative but we are not her agents but purchasers holding a direct interest and therefore Standing in the property and its appurtenant water rights. If this is incorrect, please advise us.

Thank you for your attention in this matter and I kindly request you to direct this email to the proper individuals within IDWR.

Thank you,

Thomas De Shazo
Mobile: 208-284-9746

Thomas A. De Shazo
Mobile: +1-208-284-9746
Facsimile: +1-208-345-4700
E-mail: tdeshazo@gmail.com

For Recording in Owyhee County,
State of Idaho

Return To:
Cheree Bartram, Escrow Officer
Alliance Title & Escrow Corp.
1005 W Sanetta St.
Nampa, Idaho 83651

Memorandum of Real Estate Contract

Notice is hereby given by this Memorandum (this "**Memorandum**") of that certain Real Estate Contract, an unrecorded agreement (the "**Agreement**"), made and entered into and effective as of November 27, 2013 (the "**Effective Date**") by and between Gisela Schaal, a widow, dealing in her sole and separate property, whose address is 9711 151st Avenue KPN, Gig Harbor, WA 98329 ("**Seller**"), and Castle Creek Ranch, LLC, a Idaho limited liability company whose address is 942 West Myrtle Street, Boise, Idaho 83702 ("**Buyer**").

All terms used herein but not defined herein shall have the meaning ascribed to them in the Agreement.

1. **The Property.** Seller owns the Property described in Exhibit A, attached hereto.
2. **Purchase of Real Property.** For good and valuable consideration from Buyer, the receipt and adequacy of which are hereby acknowledged, Seller grants Buyer the right to purchase the Property, all improvements, water rights, easements, appurtenances and other rights owned by Seller whatsoever appertaining thereto, pursuant to the terms and conditions of the Agreement.
3. **Term.** Unless sooner terminated in accordance with the terms of the Agreement, the purchase and sale shall commence on the Effective Date and continue for so long as Buyer continues to pay the consideration set forth in the Agreement.
4. **Purpose of this Memorandum.** Seller and Buyer desire to execute and record this Memorandum to provide notice to third parties of the Agreement and of Buyer's interests and rights thereunder. Additional terms and conditions are contained in the Agreement. This Memorandum shall not limit, decrease, increase, or in any manner affect any of the terms of the Agreement or any rights, interests, or obligations of the parties under the Agreement.
5. **Counterparts.** This Memorandum may be executed in counterparts, each of which shall be deemed an original, but all of which when taken together shall constitute but one and the same Memorandum.

IN WITNESS WHEREOF, the parties hereto have executed, delivered, and accepted this Memorandum as of the date written below.

Dated this 27th day of November 2013.

(Signature page and notarization to follow)

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY

213164

IN TOWNSHIP 4 SOUTH, RANGE 1 EAST, B. M., OWYHEE COUNTY, IDAHO

Section 13: SE1/4NW1/4, SW1/4NE1/4, E1/2SW1/4, W1/2SE1/4

Section 24: NE1/4SW1/4, E1/2NW1/4, NW1/4NE1/4, that part of the SW1/4SW1/4 lying East of Castle Creek.

Section 25: Lot 4 (NW1/4NW1/4) LESS a strip of land 100 feet wide lying in the SW1/4SW1/4, Sec. 24, and the NW1/4NW1/4, Section 25, T4S, R1E, B.M., the center line of which is described as follows: Beginning at a point which is 32 feet North of the SW corner of said SW1/4SW1/4, Sec. 24, thence N 89°25' E 527.8 feet to a point of curvature, thence along a curve right which has a radius of 1432.40 feet approximately 727.2 feet to the East line of said NW1/4NW1/4, Sec. 25.

EXCEPTING therefrom any house trailer or mobile home on the land.

THIS MAP IS FURNISHED AS AN ACCOMMODATION, STRICTLY FOR THE PURPOSES OF GENERALLY LOCATING THE LAND. IT DOES NOT REPRESENT A SURVEY OF THE LAND OR IMPLY ANY REPRESENTATIONS AS TO THE SIZE, AREA OR ANY OTHER FACTS RELATED TO THE LAND SHOWN THERE OF.

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, JAMES J. HOWARD, BEING A REGISTERED LAND SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS A REASONABLY ACCURATE REPRESENTATION OF A SURVEY AS MADE BY ME OR UNDER MY SUPERVISION, AND IS IN CONFORMITY WITH THE CORNER PERPETUATION AND PLING ACT - IDAHO CODE 55-1601 THROUGH 55-1613.



LEGEND

- BOUNDARY LINE
- SECTION LINE
- SECTION BREAKDOWN LINE
- CENTERLINE
- CREEK
- GISELA SCHAAL PROPERTY
- FENCE
- PROPERTY LINE IN DETAIL BUBBLES
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND RAILROAD SPIKE
- FOUND 1" PIPE
- FOUND 5/8" IRON PIN
- FOUND 1/2" IRON PIN
- SET 1/2" x 24" IRON PIN W/ CAP
- CALCULATED POINT-NOT SET
- DATA OF RECORD (G.L.O.)
- BASIS OF BEARING

NOTES

BASIS OF BEARING DERIVED FROM AN AUTONOMOUS GPS OBSERVATION.
REFERENCE IS MADE TO THE FOLLOWING:
1979 BLM DEPENDENT RESURVEY & SUBDIVISION OF T.4S, R.1E, B.M.
SHEET 3 OF 4, OFFICIALLY FILED 5/3/75
1987 BLM DEPENDENT RESURVEY AND SUBDIVISION OF T.4S, R.1E, B.M.
OFFICIALLY FILED 10/23/97

DISCLAIMER

THE RECORDING OF THIS SURVEY DOES NOT ENABLE THE OWNERS OF THE PARCELS TO CONVEY OWNERSHIP BASED SOLELY ON THIS MAP. J.J. HOWARD ENGINEERING ASSUMES NO LIABILITY FOR PRESENT OR FUTURE COMPLIANCE OR NONCOMPLIANCE WITH CITY AND/OR COUNTY ORDINANCES AS THEY PERTAIN TO BUILDING PERMITS AND THE INSURANCE THEREOF. IT IS THE OWNERS RESPONSIBILITY TO INSURE BY A CITY/COUNTY REVIEW THAT NON-CONFORMING PARCELS ARE NOT CREATED BY ANY CONVEYANCE.

RECORD OF SURVEY
FOR
GISELA SCHAAL

A PARCEL OF LAND BEING PORTIONS OF SECTIONS 13, 24 & 25, T.4S., R.1E., B.M., OWYHEE COUNTY, IDAHO.

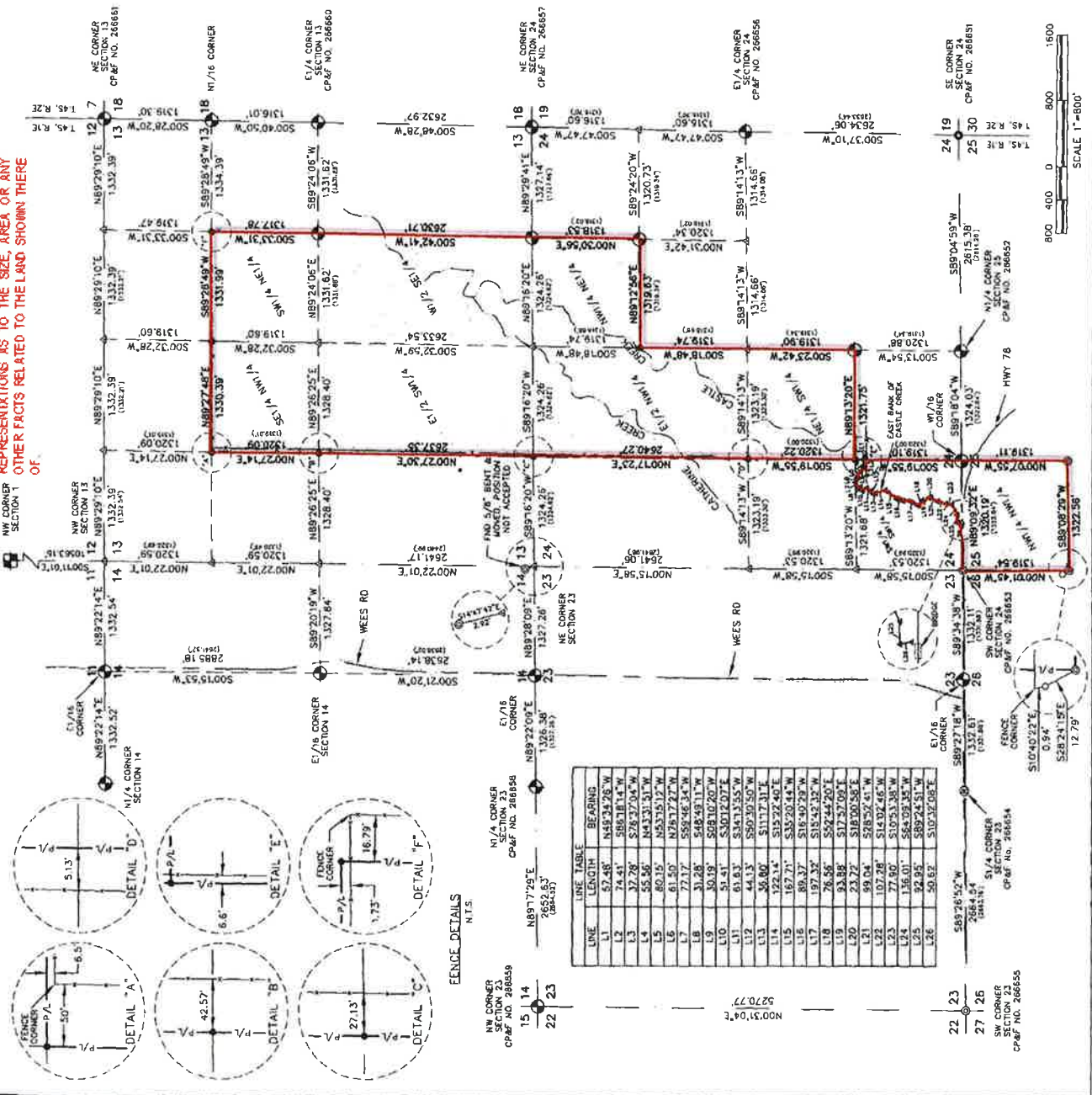


J.J. HOWARD
ENGINEERING / SURVEYING

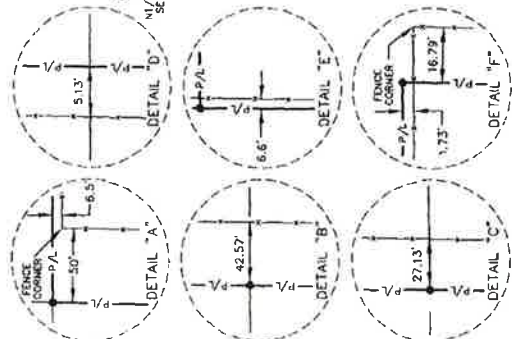
2746 N. Princeton River Drive / Boise, ID 83703
PHONE: 1-208-346-8837 FAX: 1-208-346-8822

DATE: 11/18/08
SCALE: 1"=600'
SHEET: 1 OF 1
DRAWN BY: J.J.H.
CHECKED BY: J.J.H.

BY ORDER OF THE BOARD OF LAND SURVEYORS



ENCLOSURE DETAILS
N.T.S.



SCALE 1"=600'