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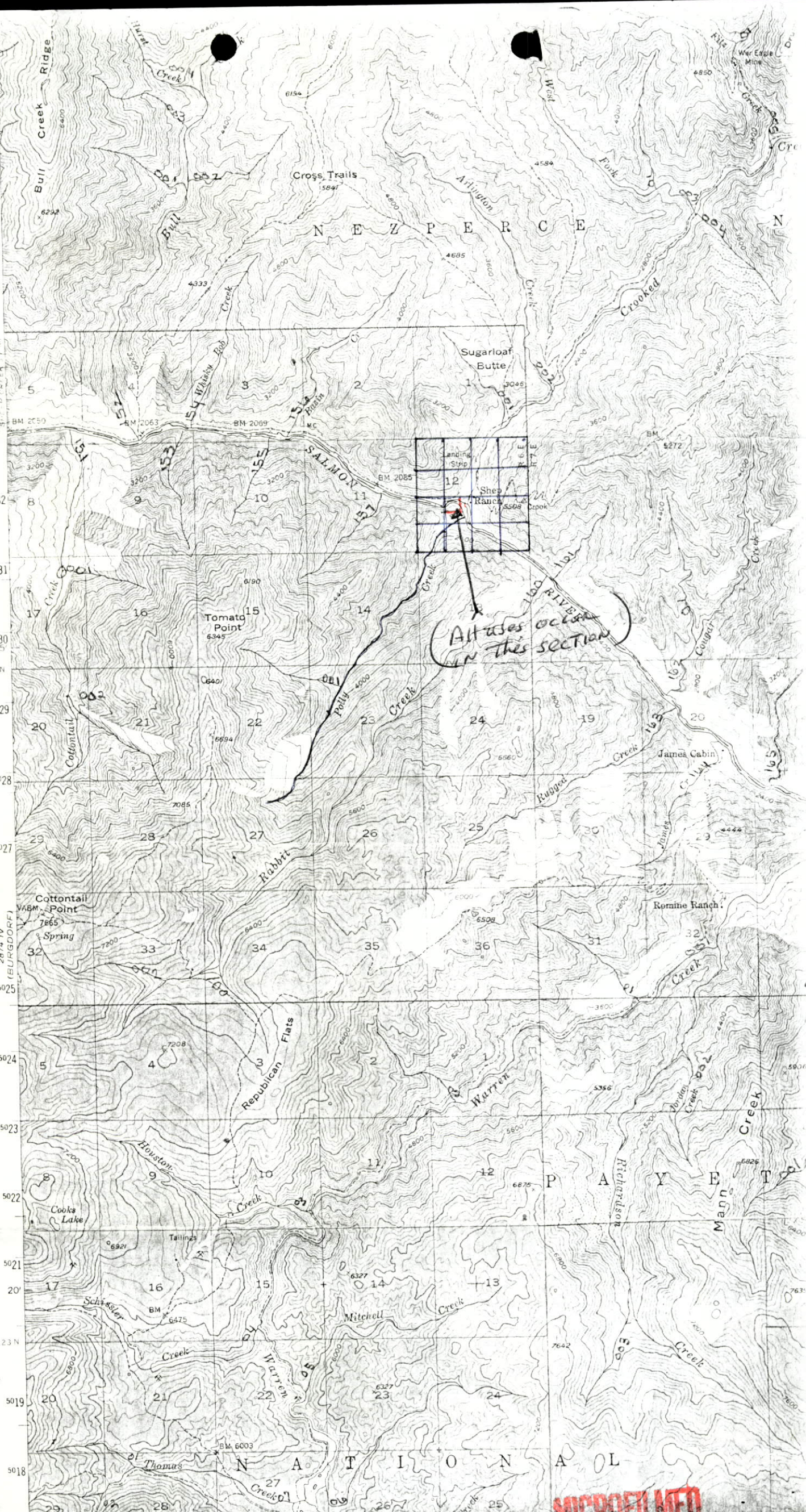
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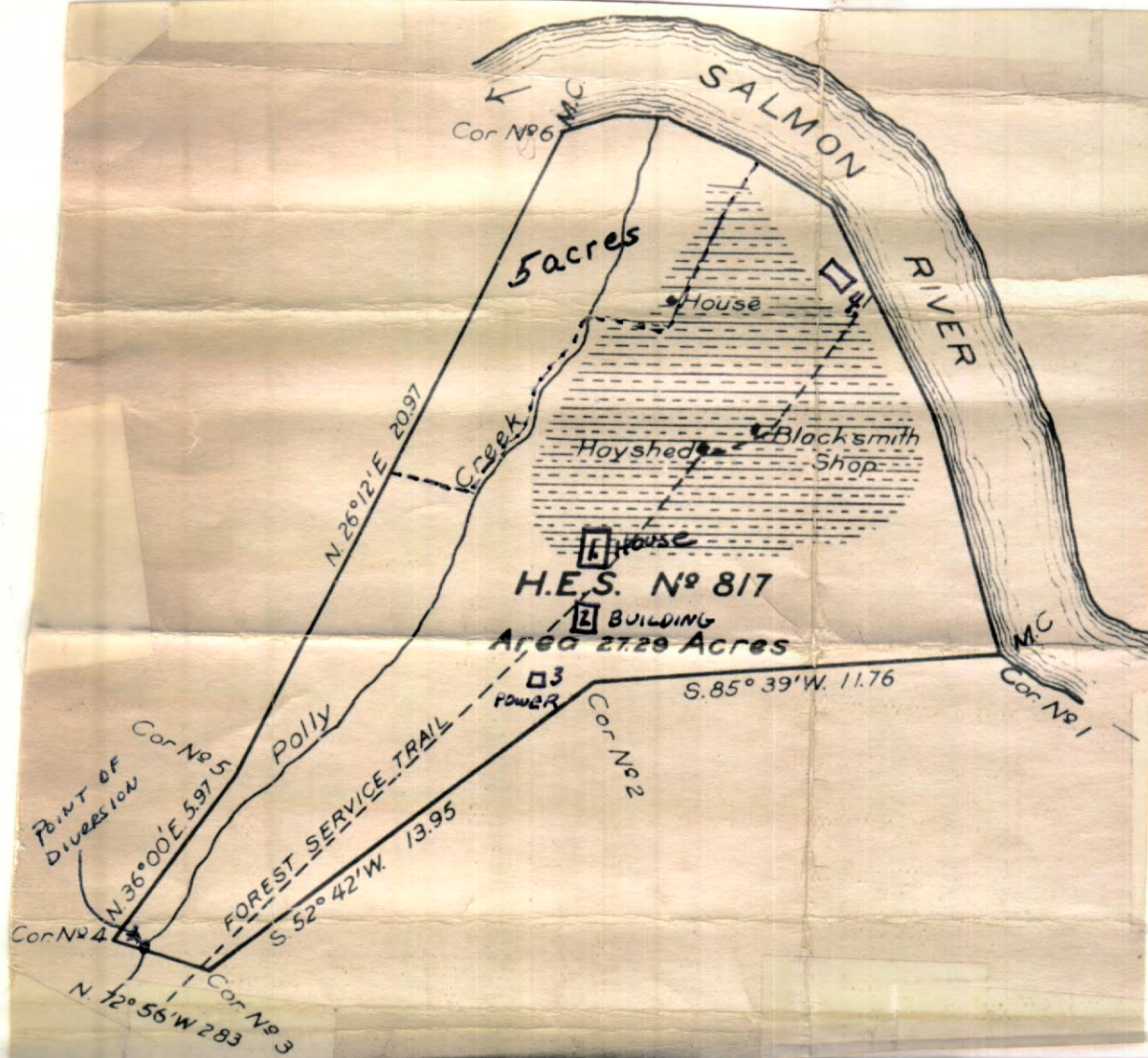


Alt uses ocean in this section

MAPS OF THE

Plat of HOMESTEAD ENTRY SURVEY

No. 817



By whom Surveyed	Inst., Cont., Group		When Surveyed		Date of Approval
	No.	Date	Begun	Completed	
Albert Smith Jr.	44		1913		
Charles J. Truscott	817	July 16, 1929	October 3, 1929	October 5, 1929	February 6, 1930

Meanders		
Cor.	Course	Dist.
6 M.C.	N 73° 12' E	1.64
	S 89° 14' E	1.63
	S. 66° 58' E	2.55
	S. 58° 45' E	2.76
	S. 26° 54' E	6.79
— 1 M.C.	S. 14° 39' E	7.33

Act of June 11, 1906 Act of February 16, 1929

List No. 4-2593

Dated November 21, 1929

Latitude 45° 25' 53" N.

Longitude 115° 40' W.

Mean Mag. Decl. 20° 30' E

Observations at
Corner No. 1

MICROFILMED

AFFIDAVIT OF PUBLICATION

Charlotte Sotin being first duly sworn, says he is the Bookkeeper of the IDAHO COUNTY FREE PRESS, a weekly newspaper which is published and issued weekly at Grangeville, Idaho County, State of Idaho, and which is of general circulation in said county and state; that the said notice, of which the one hereto attached is a true copy, was published in said paper for two weeks, being published two times, the first publication being on the 25th day of September, 1985, and the last publication on the 2nd day of October, 19 85; and that the said notice was published in the newspaper proper and not a supplement; that said newspaper has been continuously and uninterruptedly published in said county during a period of more than seventy-eight consecutive weeks prior to the first publication of said notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 9th day of October, 19 85.

[Signature], Notary Public
for State of Idaho, residing at Grangeville, Idaho.

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use: --

77-4220 ✓ 1P

FLYING EAGLE RESORTS
P.O. BOX 2675, BOISE, ID 83701
Source: POLLY CREEK trib. to
SALMON RIVER
Priority Date: 01/01/1892
Diversion Pt: NESW Sec 12 T 24N R
06E
Use: IRRIGATION (0.30 CFS)
DOMESTIC (0.16 CFS)
In: NESW Sec 12 T 24N R 06E FOR 26
ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, Western Region,
Statehouse, Boise, Idaho 83720.

KENNDUNN, Dir.
Published 9/25 & 10/02/85.

S25-02

RECEIVED
OCT 15 1985

Department of Water Resources
Western Regional Office

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77
RECEIVED
AUG 22 1985

Claim No. 77-4220

RECEIVED
JUL 1 1985
Department of Water Resources

STATE OF IDAHO
Department of Water Resources
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT

NOTE:

The filing deadline has been extended with a substantially increased fee:

Date Claim Filed	Fee
Until 6-30-1983	\$ 30
7-01-1983 thru 6-30-1984	\$160
7-01-1984 thru 6-30-1985	\$200

Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Flying Eagle Resorts

(Name of Claimant)

P. O. Box 2675 Boise, Idaho 83701

(Mailing Address)

Telephone No. (208) 376-9011

(Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) 1892 by Charles & Polly Bemis

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

Polly Creek tributary to Main Salmon River 43 miles East of Rigger

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Total	Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
					(Mo., Day)	(Mo., Day)
	.16		Use	Domestic,	Period of Use From <u>1-1</u>	To <u>12-31</u>
	.3		Use	Irrig.	Period of Use From <u>3-1</u>	To <u>12-1</u>
			Use		Period of Use From	To
			Use		Period of Use From	To
			Use		Period of Use From	To

- (4) 2160 AF/year .46 cfs TOTAL QUANTITY USED.
(cfs, af) DRT 9/19/85

- (5) A) Point of diversion: (Location of point where water is diverted from its source)

NE 1/4 SW 1/4, Sec. 12 Twp. 24 N Rge. 6E B.M., County of Idaho

Additional points of diversion:

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Diversion Dam & Pipe

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
24N	6E	12	Latitude 45° 25' 53" N.				Longitude 115° 40' W				26 (SEE ATTACHED TOPO MAP)								26 A

No. of acres 26

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

Domestic Water - 13 cabins

Stock Water

Irrigation

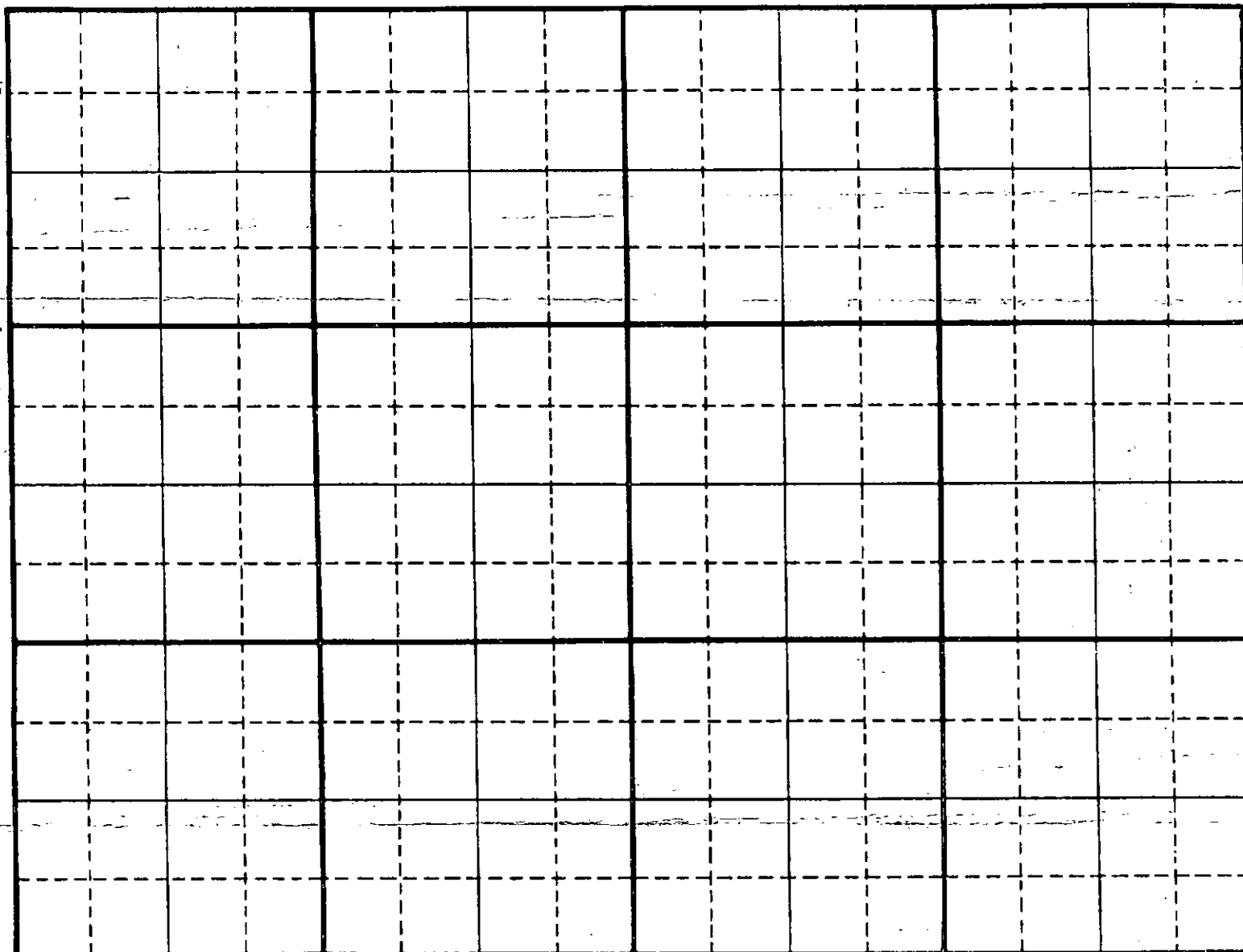
NOTE: Include here the type and number of stock watered: 8 horses

- (7) If you are claiming water as a member of an organization, list name of organization: Land held by an Idaho General Partnership

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(8) Remarks _____



Scale: 2 inches equal 1 mile.

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

SEE PLAT

State of Idaho)
County of Ada) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 24th day of June

Flying Eagle Resorts by
James P. Campbell (Claimant)
1985
General Partner
Joseph A. Shoultz
Notary Public
Residing at Hampton, Idaho

My commission expires 11/2/85

8-27-85 FOR DEPARTMENT USE ONLY

Received by [Signature] 9:53a Date 7-1-85 Exception filed by: _____ Date _____
Prelim. check by [Signature] Date 9/85 _____
\$30.00 fee received by [Signature] Date 7/1/85 36103
Published in Idaho County Free Press
Dates 9/25 & 10/2/85

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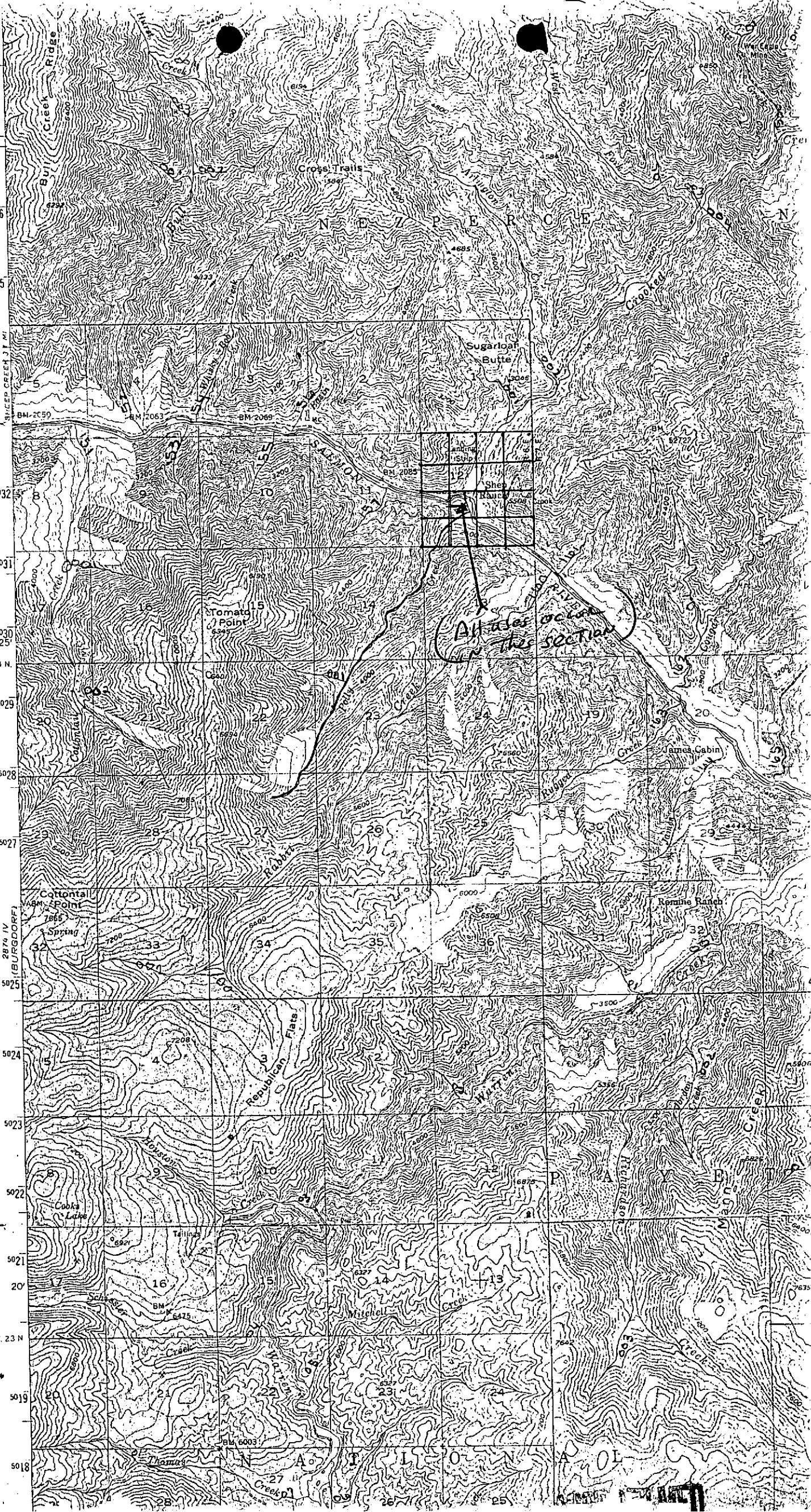
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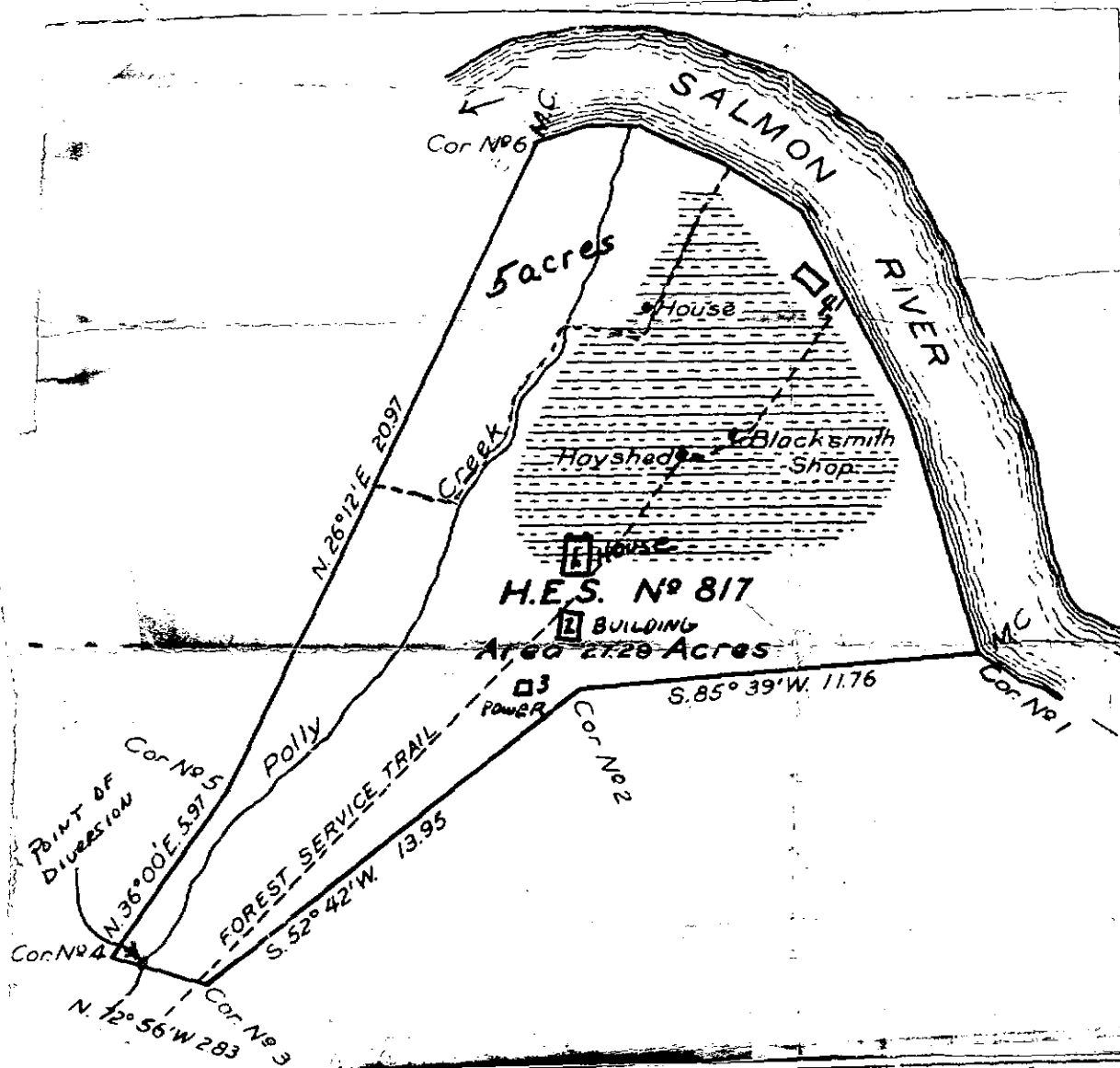
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Plat of HOMESTEAD ENTRY SURVEY

No. 817



By whom Surveyed	Inst., Cont. Group		When Surveyed		Date of Approval
	No.	Date	Began	Completed	
R. & E. Albert Smith Jr.	44		1913		
Charles J. Truscott	817	July 16, 1929	October 3, 1929	October 5, 1929	February 6, 19.

Meanders		
Cor.	Course	Dist.
6 MC—	N 73° 12' E	1.64
	S 89° 14' E	1.63
	S 66° 58' E	2.55
	S. 58° 45' E	2.76
	S. 26° 54' E	6.79
— 1 MC.	S. 14° 39' E	7.33

Act of June 11, 1906 Act of February 16, 1929

List No. 4-2593

Dated November 21, 1929

Latitude 45° 25' 53" N.

Longitude 115° 40' W.

Mean Mag. Decl. 20° 30' E

Observations at
Corner No. 1

MICROFILMED

I, Fred Shiefer, of 1716 Vista Ave., Boise, Idaho do hereby affirm this 30th day of November, 1979 that I was a guest of Charles and Polly Bemis on February 22, 1914, at their homestead on the Salmon River. This homestead is located approximately 43 miles east of Riggins, Idaho and ten miles west of the confluence of the South Fork of the Salmon River with the Main Salmon on the south side of the Salmon River. It is more defined as the twenty-eight acre homestead in the State of Idaho, County of Idaho, and Homestead Entry Survey No. 817 embracing a portion of approximately Section 12, Twp 24 N., Rge. 6 E., B.M.

I affirm that Charles and Polly Bemis were, and had been, prior to this time, diverting Polly Creek, which runs through the property, for domestic use, irrigation, and stock use.

Fred Shiefer
Fred Shiefer

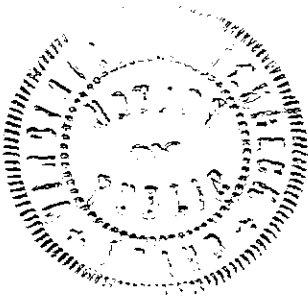
STATE OF IDAHO)
County of Ada) ss.

Subscribed and sworn to before me this 30th day of November, 1979.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal.

Virginia Kappenberg

Notary Public for Idaho
Residing at Boise, Idaho



MICROFILMED

AFFIDAVIT OF PUBLICATION

**NOTICE OF CLAIMS
TO WATER RIGHTS**
The following claim(s) have been
filed on water right(s) created by
diversion and beneficial use: -
77-4220 ✓ 1P

FLYING EAGLE RESORTS
P.O. BOX 2675, BOISE, ID 83701
Source: POLLY CREEK trib. to
SALMON RIVER
Priority Date: 01/01/1892
Diversion Pt: NESW Sec 12 T 24N R
06E
Use: IRRIGATION (0.30 CFS)
DOMESTIC (0.16 CFS)
In: NESW Sec 12 T 24N R 06E FOR 26
ACRES

Exceptions to a claim may be filed
with the Director, Dept. of Water
Resources, Western Region,
Statehouse, Boise, Idaho 83720.
KENNDUNN, Dir.
Published 9/25 & 10/02/85.
S25-02

Charlotte Sotin being first duly
sworn, says he is the Bookkeeper
of the IDAHO COUNTY FREE PRESS, a weekly newspaper which
is published and issued weekly at Grangeville, Idaho County,
State of Idaho, and which is of general circulation in said county
and state; that the said notice, of which the one hereto attached
is a true copy, was published in said paper for two weeks,
being published two times, the first publication being
on the 25th day of September, 1985,
and the last publication on the 2nd day of
October, 1985, and that the said notice
was published in the newspaper proper and not a supplement;
that said newspaper has been continuously and uninterruptedly
published in said county during a period of more than seventy-
eight consecutive weeks prior to the first publication of said
notice or advertisement.

Charlotte Sotin

Subscribed and sworn to before me this 9th day
of October, 1985.

[Signature], Notary Public
for State of Idaho, residing at Grangeville, Idaho.

RECEIVED
OCT 15 1985

Department of Water Resources
Western Regional Office

MICROFILMED

State of Idaho
Department of Water Resources

CLAIM ANALYSIS SHEET

INITIAL REVIEW BY:

Right Number

77-4220

Applicant

Flying Eagle Resorts

NOTE: IF ANY OF THE ITEMS BELOW ARE MISSING, THE CLAIM IS INCOMPLETE AND MUST BE RETURNED IMMEDIATELY TO THE CLAIMANT ALONG WITH THE APPROPRIATE COVER LETTER.

CHECK:

- ☒ Name and address.
- ☒ Date of priority. (Check for a date past the mandatory filing dates.) (One date only.)
- ☒ Source.
- ☒ Quantity, use, period.
- ☒ Point(s) of diversion.
- ☒ Location of use.
- ☒ Signature/notarization/fee.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. 10/15/85
- ☒ Claim published correctly. ID County Free Press,
- ☒ Exceptions processed. 200/36103 9/26/85

By

DRT

Date

10/16/85

STATE OFFICE PROCESSING:

- ☒ Claim review complete.

By

SC

Date

10/16/85

MICROFILMED
RECEIVED
OCT 17 1985

Department of Water Resources



State of Idaho

DEPARTMENT OF WATER RESOURCES

WESTERN REGION, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-2190

September 10, 1985

Flying Eagle Resorts
Attn: James P. Campbell
5114 Denton St.
Boise, ID 83706

Dear Mr. Campbell:

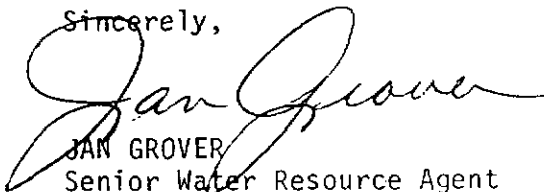
Thank you for the information returned on your recently submitted claim. However, in the final review, another question came up concerning the period of use under Item No. 3.

You have listed the period of use from January 1, 1979 to present. It appears that the uses listed on this claim may have begun in January of 1979. If this is the case, it would jeopardize your water right to file a claim with the priority date listed as 1892. Normally, this means the uses were begun in 1892 and have continued in their entirety until now. From the attached notarized affidavit, it appears that the Bemises used the water for domestic, irrigation and stockwater. If any portion of the uses were begun at a later date, then another claim with that priority date would have to be filed. The reason for this is that if anyone contested the power use with a priority date of 1892, and could prove that was not the date of first use, but rather a much later date, then you could lose the right to use Polly Creek for power completely. So, if any portion of the uses were begun later than 1892, but earlier than May 20, 1971, then an additional claim needs to be filed reflecting that date. If any uses have begun after May 20, 1971, an Application for Permit needs to be filed.

Enclosed are both forms for your consideration. If you wish to leave the claim as it is, we will process it in two weeks unless we receive word from you.

Please contact me if you have any questions.

Sincerely,


JAN GROVER
Senior Water Resource Agent

JG/ljs

Enclosure

*9/10/85 - Mr. Campbell
came to our office filed
an app. for permit for
the power portion as it
was not begun until
1980.*

MICROFILMED



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

July 15, 1985

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 334-4440

Flying Eagle Resorts
Attn: James P. Campbell
P.O. Box 2675
Boise, ID 83701

Dear Mr. Campbell:

We have received your Claim to a Water Right submitted for water use from Polly Creek. However, before we can process this claim, more information is needed.

On Item No. 3 the amount of water that has been used for each use must be listed separately. For instance, the domestic portion should show the cubic feet per second diverted and number of homes. The number of homes can be shown under Item No. 6(B). Enclosed is a listing of estimated cfs per home for domestic use. The irrigation amount would be what has been diverted only for the irrigation of 26 acres. Power diversion must also be listed separately. For the stockwater use, the Department has an estimated amount based on 12 gallons per day per head. For eight horses that would be 0.02 cubic feet per second.

On Items No. 5 and 6(A), the legal description needs to be listed by quarter-quarter, section township, and range. Enclosed is a topographic map of the area with the quarter-quarters outlined in the section. Please designate on the map by quarter-quarter your places of use for each purpose. The irrigated acres in each quarter-quarter must be shown on Item No. 6(A) also.

Please complete the items as requested and return the claim and map to us as soon as possible so processing can continue. If you have any questions, please do not hesitate to contact us.

Sincerely,

JAN GROVER
Senior Water Resource Agent

JG/lr

Enclosure

MICROFILMED

October 16, 1985

Flying Eagle Resorts
P. O. Box 2675
Boise, ID 83701

Re: Claim No. 77-4220

Dear Claimant:

The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Sections 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,

DAVID R. TUTHILL, JR., P.E.
Western Regional Manager

DRT:jp

Enc:

MICROFILMED

NOTICE OF CLAIMS TO WATER RIGHTS

The following claim(s) have been filed on water right(s) created by diversion and beneficial use:

Exceptions to a claim may be filed with the Director, Dept. of Water Resources, Western Region, Statehouse, Boise, Idaho 83728.

KEN DUNN, Dir.

Published 09/25 & 10/02/85.

MICROFILMED

77-4220

FLYING EAGLE RESORTS

P.O. BOX 2675, BOISE, ID 83701

Source: POLLY CREEK trib. to SALMON RIVER

Priority Date: 01/01/1892

Diversion Pt: NESW Sec 12 T 24N R 06E

Use: IRRIGATION	(0.30 CFS)
DOMESTIC	(0.16 CFS)

In: NESW Sec 12 T 24N R 06E FOR 26 ACRES

MICROFILMED