

File. WD 75-B 2003 416

FyI - Tim Luke

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Law Offices

Department of Water Resources

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March 11, 2003

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

Re: Williams' Creek, Lemhi County

Dear Glen:

Since my letter to you dated January 24, 2003, we have obtained the Affidavit of Mr. Gar Hodges, the son of the original owner of the properties involved. His affidavit addresses and confirms the position taken by Mr. Gattung. Although we will not be advancing anything further at this time before the Department, please see that this Affidavit is placed in the appropriate file for the appropriate time when the affected water rights will be adjudicated. As always, should you have any question, please do not hesitate to call.

Sincerely yours,



Jerry R. Rigby

JRR:jt

Enclosure

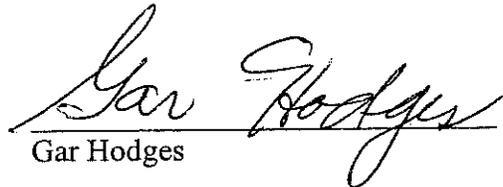
cc: Bill Gattung

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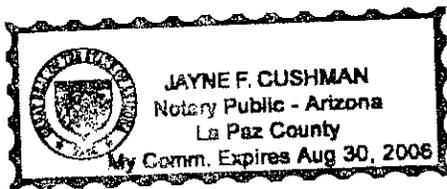
to Bill Gattung, Jason Beyler and others. My sister Deleith's property is still owned by the Rice family as far as I understand it.

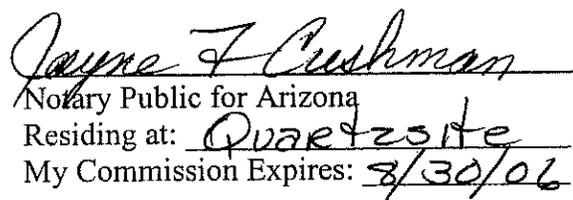
7. From my own personal knowledge, since the beginning of the Highline Ditch's construction, at no time did the Highline Ditch carry any water for the lands now owned by Mr. Benzon nor was any water diverted from the Highline Ditch for any lands now owned by Mr. Benzon.
8. During the entire time I resided and owned lands in the Salmon area, the Benzon property was never developed for irrigation. It only grew large sage brush (further evidencing no irrigation activity upon the property) and the only use of the property was from an old saw mill that was constructed there during some of the time I resided in the area. Never was any water diverted from any creek or ditch to the Benzon property to my knowledge.

FURTHER YOUR AFFIANT SAITH NOT.


Gar Hodges

SUBSCRIBED AND SWORN To before me this 4th day of ^{Feb}~~January~~, 2003.




Notary Public for Arizona
Residing at: Quartzsite
My Commission Expires: 8/30/06