

Sept 13, 2004
State of Idaho
Dept of Water Resources

RECEIVED
SEP 20 2004
DEPARTMENT OF
WATER RESOURCES

Roxanne Brown
Sr. Water Resource Agent

I HAVE BEEN AROUND THE PAHSIMEROI VALLEY FOR MOST OF MY LIFE. I WAS BORN IN 1940 AND SPENT MOST OF MY YOUTH RIGHT HERE ON THIS RANCH WITH MY GRANDPARENTS, BOISE (BAKE) AND MAY ELLIS.

THE HISTORY OF THIS CLEGHORN PROPERTY HAS BEEN RELATED TO ME ON SEVERAL OCCASIONS BY MY GRANDFATHER AND MY FATHER DICK COLEMAN.

CLEGHORN RAISED STRAWBERRIES AND ASPARAGUS AND SHIPPED THEIR CROPS TO MINES IN IDAHO AND MONTANA.

MR CLEGHORN WAS THE PERSON THAT BUILT THE POND AND DITCHES THAT BROUGHT WATER TO THIS PLACE. THIS PROPERTY WAS IN PRODUCTION WHEN MY GRANDFATHER WAS A VERY YOUNG MAN. HE WAS BORN IN 1888 LESS THAN A MILE FROM MY PRESENT HOME.

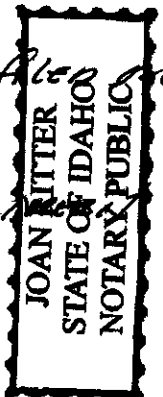
ACCORDING TO COUNTHOUSE RECORDS, MARY CLEGHORN ALLEN AND RECORDED THIS PROPERTY IN 1904.

I HOPE THIS LETTER, AFFIDAVIT AND RECORDS LEAD TO MY WATER RIGHT CLAIM.

Thank You

Starr W. Coleman
STARR COLEMAN

Subscribed and sworn to before me in my presence, this 13th day of September, 2004, a Notary Public in and for the County of Custer, State of Idaho.
Joan Kitter
(Signature) Notary Public
My commission expires 8-14, 2006.



JAMES R. BENNETTS
Attorney at Law
P. O. Box 36
Challis, Idaho 83226
Phone: 208/879-4488
Fax: 208/879-4248

RECEIVED
SEP 20 2004
DEPARTMENT OF
WATER RESOURCES

AFFIDAVIT OF JACK FUREY
Water Use

Owner: Starr W. Coleman &/or Gloria J. Coleman
Water Right A73-04104
Water Right A73-04105

STATE OF IDAHO)
 ss:
County of Custer)

First being sworn and deposed, the undersigned states as follows:

1. I am a long time resident of Pahsimeroi Valley-Lemhi and Custer Counties, Idaho having resided there for most periods of my life since the age of 12 years in 1932.
2. I am familiar with the irrigation system on the lands owned by the above parties on the lower section of the Pahsimeroi River. I have read and reviewed the water rights attached as Exhibit "A".
3. These rights, as printed, are supported by my earliest recollection of the area in 1932. I recall the ditches, diversion points and irrigated lands to have then been located as indicated on the attached printouts. At that time, the ditches appeared to have been well established.
4. I can state without question that while there may have been some modification in deliver systems and the like, the lands listed had been irrigated for sometime previous to 1932 and continue to be irrigated to this date.
5. I swear that the foregoing is accurate and correct to the best of my knowledge, recollection and belief.

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

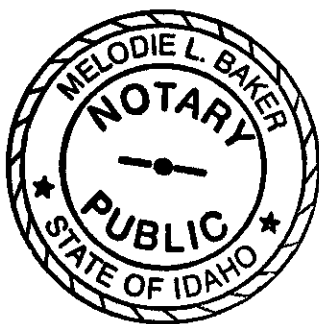
Dated: Sept 10, 2004



Jack Furey

On this 10th day of September, 2004, before me, a Notary Public in and for said State, personally appeared JACK FUREY, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Melodie L. Baker
Notary Public
My Commission Expires on 10/23/06

JAMES R. BENNETTS
Attorney at Law
P. O. Box 36
Challis, Idaho 83226
Phone: 208/879-4488
Fax: 208/879-4248

AFFIDAVIT OF JAMES R. BENNETTS
Water Use

Owner: Starr W. Coleman &/or Gloria J. Coleman
Water Right A73-04104
Water Right A73-04105

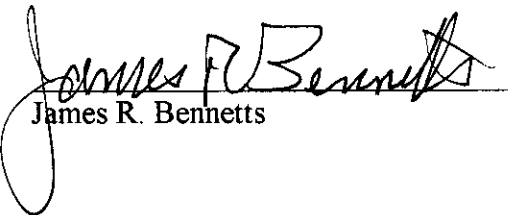
STATE OF IDAHO)
 ss:
County of Custer)

First being sworn and deposed, the undersigned states as follows:

1. I am 70 years of age and I have sound recollection. Also, I can state that I have reviewed the above water claims or rights as presently filed a copy of which are attached as Exhibit "A".
2. I have been associated with the Ellis, Idaho area all of my life, as the lands being irrigated under the above rights belonged to my uncle, Boise Ellis, in the 1940's (i.e. my early childhood).
3. My recollection is that the lands were being irrigated from ditch water gathered or diverted from Springs or a pond to the south of the irrigated lands in the early 1940's when I first remember being on the properties. As I recall, all of the irrigable lands under the ditch were being irrigated.
4. Further, from my best recollection, the ditches and the trees and brush along them appeared to have been well established and in place or being used for some time as of the 1941-1944 time frame.
5. I swear that the foregoing is accurate and correct to the best of my knowledge, recollection and belief.

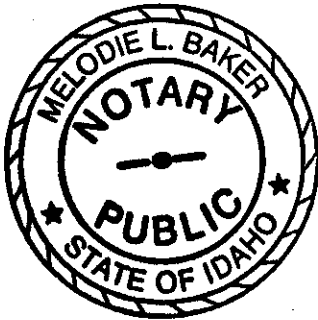
IN WITNESS WHEREOF, the party hereto has hereunto set his hand and seal the day and year first above written.

Dated: Sept. 10, '04


James R. Bennetts

On this 10th day of September, 2004, before me, a Notary Public in and for said State, personally appeared JAMES R. BENNETTS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same.

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



Melodie L. Baker
Notary Public
My Commission Expires on 10/23/06

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: A73-04104
Date Received: 11/17/1989
Receipt No: M005245
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Do Affid

1. Name: DICK H. COLEMAN
Address: BOX 5
ELLIS, ID 83235

OR
Name: STARR W. COLEMAN
Address: HC 62 BOX 1002
ELLIS, ID 83235

208-876-4244

2. Date of Priority: JUN 01, 1882

3. Source: SPRING CREEK

Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	20E	25	NE	SE	SW		CUSTER

5. Description of diverting works:
HEADGATE TO DITCH FOR FLOOD IRRIGATION. STOCK DRINK FROM DITCH.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.920		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

57.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
16N	20E	25	SE		NW		IRR	3.0
			SE		NW		STOCK	
			NE		SW		IRR	15.0
			NE		SW		STOCK	
			SE		SW		IRR	5.0
			SE		SW		STOCK	
							Section Acres	23.0
							Total Acres	23.0

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:
A73-04105, A73-04106

14. Remarks:
SESW 25 T16N R20E (2 POINTS).

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: A73-04105
Date Received: 11/17/1989
Receipt No: M005245
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DICK H. COLEMAN
Address: BOX 5
ELLIS, ID 83235

OR

Name: STARR W. COLEMAN
Address: HC 62 BOX 1002
ELLIS, ID 83235

208-876-4244

2. Date of Priority: JUN 01, 1882

3. Source: SPRINGS

Trib. to: PAHSIMEROI RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
16N	20E	36	NE	SE	NE		LEMHI

5. Description of diverting works:
COLLECTION DITCH FOR FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

5.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
16N	20E	25	SE	NW		IRR	14.0
			NW	SE		IRR	6.0
			SE	SE		IRR	2.0
					Section Acres		22.0
		36	NE	NE		IRR	8.0
			NE	NE		STOCK	
			SE	NW		STOCK	
			NW	SE		STOCK	
			SE	SE		STOCK	
					Section Acres		8.0
					Total Acres		30.0

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:
A73-04104, A73-04106

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 73-4104

WATER RIGHT NUMBER: 73-4104

RECEIVED
SEP 20 2004
DEPARTMENT OF
WATER RESOURCES

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	STARR W COLEMAN 33 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4244
Current Owner	GLORIA J COLEMAN 33 PAHSIMEROI RD ELLIS, ID 83235 (208)876-4244

Priority Date: 06/01/1882

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
PAHSIMEROI RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	0.460 CFS	80.50 AF
STOCKWATER	1/01 to 12/31	0.030 CFS	1.30 AF
	<u>Total Diversion:</u>	0.490 CFS	81.80 AF

Location of Point(s) of Diversion

PAHSIMEROI RIVER	SE1/4NW1/4	Sec. 25, Twp 16N, Rge 20E, B.M.
CUSTER County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	25								3.0				15.0				5.0	23.0

Total Acres: 23

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
16N	20E	25								X				X				X	

Conditions of Approval:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 73-4104

RECEIVED
SEP 20 2024
DEPARTMENT OF
WATER RESOURCES

Remarks:

1. General *TRANSFER #4753 CHANGED SOURCE AND PLACE OF USE, REDUCING BOTH.

Comments:

SE4NW14
DATE LEASE 6272
37

0454

COUNTY

EIRA Wm. COLEMAN (EXCHANGE) 40-244 1-23-47	
---	--

FRANK R.
23 484 ACRES
ELLIS
12-11-37

Wm E.
VANCE
6-29-16
V-524

Wilson P. Ellis	5-29-34
-----------------	---------

Wm. Jones
1-2-07

Wilson Ellis
9-7-01

MARY
T

Allen D.
Ellis

Jas. M.
SHARP

6-24-32

3-16-9

3-21-99

208
I.

20921
J.R. Wils

Yes.

WILSON P. E.
5-14-18

ELLIS 7-30

—

GEßER

4-19-
J-5
20

The United States of America,
To all to whom these presents shall come, Greeting:
Homestead Certificate No. 1125 }
Application 1463.

Whereas there has been deposited in the General Land Office of the United States a certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain", and the acts supplemental thereto, the claim of Mary J. Cleghorn has been established and duly consummated in conformity to law, for the Lot numbered ten of Section twenty-four and the East half of the North West quarter, and the North East quarter of the South West quarter of Section twenty-five in Township sixteen North of Range twenty East of Boise Meridian in Idaho containing one hundred and forty-nine 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 Mary J. Cleghorn the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Mary J. Cleghorn and to her heirs and assigns 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 also subject to the right of the proprietor of a vein or lode to extract ~~or~~ remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the Land hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

In testimony whereof, Theodore Roosevelt, 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 first day of March, in the year of our Lord one thousand nine hundred and four, and of the Independence of the United States the one hundred and twenty-eighth.

By the President T. Roosevelt
By F. M. McKean Secretary.
L. H. Bush

Recorder of the General Land Office.
Recorded Idaho, Vol. 50, Page 298.

Book Q Page 125
April 13th 1904
C. H. Cleghorn
Idaho County, Idaho

Boise Ellis

Book 26

Instrument No. 28599

(4-405a.)

Homestead Certificate No. 1055
Application 1252

THE UNITED STATES OF AMERICA,

To All to whom these presents shall come, Greeting:

WHEREAS There has been deposited in the GENERAL LAND OFFICE of the United States a CERTIFICATE OF THE REGISTER OF THE LAND OFFICE at Hailey, Idaho, whereby it appears that pursuant to the Act of Congress approved 20th May, 1862, "TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN," and the acts supplemental thereto, the claim of Boise B. Ellis has been established and duly consummated, in conformity to law, for the South East quarter of the North West quarter and the Lots numbered two and three of Section eighteen in Township fifteen North of Range twenty two East and the North East quarter of the South East quarter of Section thirteen, in Township fifteen North of Range twenty one East of Boise Meridian in Idaho containing one hundred and fifty-nine acres and fifty-six 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 Boise B. Ellis the tract of Land above described: TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereto, unto the said Boise B. Ellis and to his heirs and assigns 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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. 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, Theodore Roosevelt, 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.

SEAL

GIVEN under my hand, at the City of Washington, the seventh day of March, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty-seventh.

By the President: T. Roosevelt

By F. M. McKean, Secretary,

C. H. Brush,

Recorder of the General Land Office

Recorded Idaho, Vol. 49, Page 47.

Recorded at the request of Rollin H. Ellis, October 11th, 1923 at 30 minutes past 4 o'clock P. M., in Book 26 of Deeds page 496, Records of Lemhi County, Idaho.

BY

Deputy.

W. W. Simmons
County Recorder.

Hailey 018909

4-1023.

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 full payment has been made by the claimant Boise H. Ellis according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the northwest quarter of the southeast quarter of Section twenty-five in Township sixteen north of Range twenty east of the Boise Meridian, Idaho, containing forty 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 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.

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.

Seal.

GIVEN under my hand, at the City of Washington, the TWENTY-SIXTH day of APRIL in the year of our Lord one thousand nine hundred and NINETEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

By the President: Woodrow Wilson

By M.P. LeRoy, Secretary.

L.Q.C. Lamar, Recorder of the General Land Office.

RECORDED: Patent Number 675294

Recorded at the request of Boise Ellis June 4th 1920 at . . . minutes past 2 o'clock P.M. in Book Z of Deeds page 350 Records of Lemhi County, Idaho.

By Francis R. Hall,
Deputy

W. W. Simmonds
County Recorder.