



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

RECEIVED

JUL 13 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-4176, 75-4177
GREG COLVIN
BEVERLY COLVIN
PO BOX 4
ELLIS ID 83235

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic 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. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your 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: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim 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 should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

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 Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

July 8, 2005

State of Idaho Department of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098

Re: Evidence of Priority Date
Claim # 75-4176, 75-4177

To whom it May Concern:

I Bud Hamilton residing in Challis, Idaho does personally acknowledge the use of water being used prior to 1940 from the Salmon River and ground water at the Royal Gorge Motel and personal residence for growing crops, livestock, hot springs and domestic use.

Bud I Hamilton
BUD HAMILTON

STATE OF IDAHO

COUNTY OF Custer

On this 8th day of July, 2005 before me the undersigned
a Notary Public in and for the State personally appeared
~~BUD~~ Bud L. HAMILTON, known or identified to me to be the
person whose name is subscribed to the within instrument
and acknowledged to me that he executed the same.

Ethel M. Peck
Notary Public
Residing at: Challis
My Commission expires: 3-19-10

ETHEL M. PECK
NOTARY PUBLIC
STATE OF IDAHO

Blackfoot 045221

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 Blackfoot, Idaho,

has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of March 3, 1879, entitled "An Act to Secure Homesteads to Actual Settlers on the Public Lands," the following

Secure Homesteads to Actual Settlers on the Public Domain and the

John F. Cox

has been established and duly consummated, in conformity to law, for the Lot one of Section nineteen and the Lots seven and twelve of Section eighteen in Township sixteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred twenty-three acres and fifty hundredths of an acre.

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE.

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant TO HAVE AND TO HOLD the said right of Land, with the appurtenances thereof, unto the said claimant 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. Reserving unto the United States, its permittees or licensees, the right to enter upon, occupy and use, any part or all of said lands for the purposes provided in the Act of June 10, 1920 (41 Stat. 1063) and subject to the conditions and limitations of Section 24 of said Act, as amended by the Act of August 26, 1936 (49 Stat. 846).

IN TESTIMONY WHEREOF, I Franklin D. 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 **FOURTEENTH**

day of APRIL
ninety hundred and THIRTY-SEVEN
United States the one hundred and SDGY-FIRST

By the Presidents

By

Franklin D. Roosevelt
Sonia Robt Wilson, Secretary
Barclay S. Adams

Donna Holt Wilson, Secretary
Barbara S Adams

Buckeye S. Adams

Records of the General Land Office

RECORD OF PATENTS: Patent Number 1089484

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IN THE CANYON

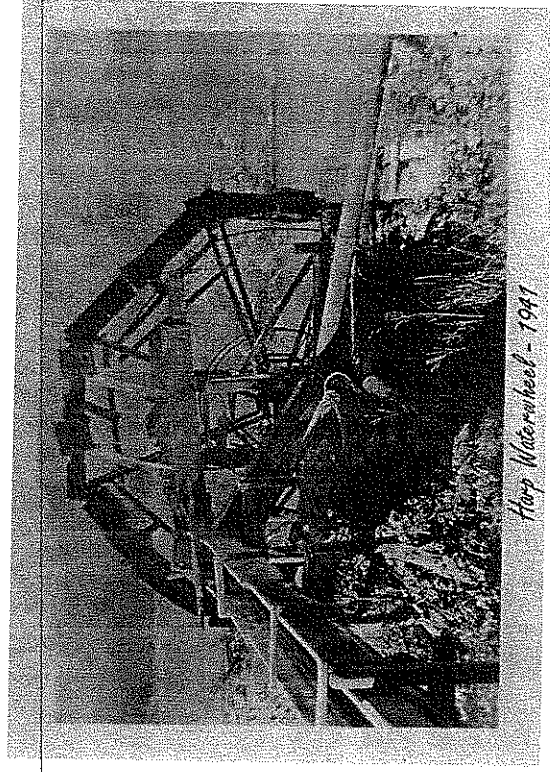
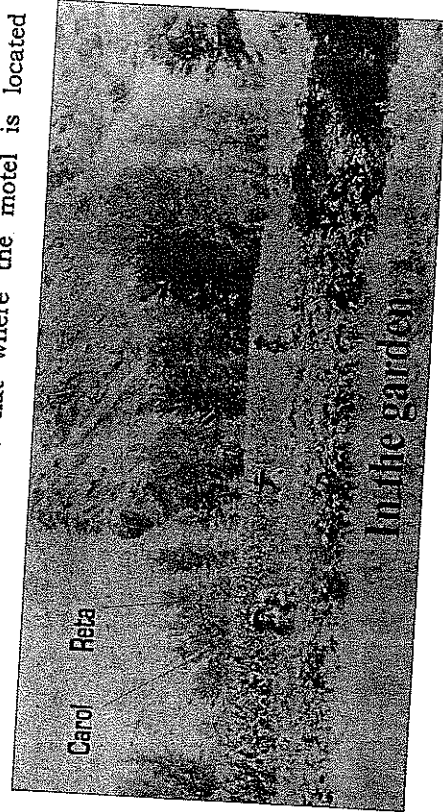
In the 1940's and 1950's

Henry, The Garden And High Water

From the time that the Harps bought what had been the Cox place in 1939, the waterwheel was there. Henry continued to improve on the system until he could water the entire flat below the house and cabins as well as the flat where the two motel units are today using the power of the waterwheel.

The Harps had a huge garden, and raised just about everything they needed in the way of fruits and vegetables. Potatoes, huge winter squash (Banana and Hubbard), corn, onions, carrots were all carefully tended, and when it was discovered how well strawberries thrived in the sandy soil of the lower flat, that segment was expanded on for summer-time income. People came clear from Salmon to Arco for Henry's enormous juicy strawberries. He'd order little baskets, which at that time were made from slices of thin wood, as well as the strawberry crates, which arrived as slats and he assembled. After the strawberries were picked they were stored in the root cellar until used or sold. For such a large garden, a constant reliable source of water was crucial, and while the river flowed only yards away, it was lower in elevation than the garden area (usually!) so the water wheel dipped water out of the river and delivered it to the garden.

The first water wheel photo shows the buckets pouring water into the trough. The water then either dropped into the downward slanting trough, which delivered it into the pipe to the ram which sent it up the hill to the flat where the motel is located



or continued out from the wheel in the trough shown above, left, to a ditch which delivered water to the flat below. The ram was put in place by John Cox, but at the time the Harps acquired the place it was froze up with all the seals and gaskets shot. Henry and Don Hunke worked it over and got it working good as new. The water hit the ram and the mechanical advantage of the ram lifted the water higher than could have been accomplished by the waterwheel alone.

Maintenance on the wheel was a hazardous activity, because, of course, the force of the river against it was very strong. So Henry would, with perfect timing, quickly insert a heavy hook into the arms to bring it to a groaning, protesting halt. Ropes were tied off to hold it in place. The force of the river would make the whole thing vibrate like a violin. Rodger remembers Henry trying to stop the wheel with a long lodgepole pine rail once. The gears simply chomped up the rail and continued on.

The waterwheel was positioned on a large log platform built out slightly into the river in a spot where a lot of current flowed close to the bank. It raised the water in the buckets as shown in Figure 3, top, dumped it into the trough, and channeled the water down a 6 inch pipe to the ram, which gave more mechanical advantage, lifting the water into ditches. The waterwheel's shaft about 12 feet long and was 6-inch solid steel, so with shaft, huge gears and brackets that held it in place, it weighed - well, a whole bunch.



Figure 2 - Maintenance on the wheel was hazardous. Henry and Don Hunke are both ready to jump in this photo, if required. Here you can see the size of the shaft and gears.

They have estimated its weight, using an engineering computer program at 1,480 pounds.

In the spring of the 1940's went from cold to hot over a short period of time, which always means higher water than usual, even if the flow pack isn't too extreme. (This was also the case this year, 2003.) The river was roaring and the waterwheel was overwhelmed. There was no system, of course, to lift this huge wheel out of the river during high water, so it had to try to deal with the force of the river day and night, 365 days a year. This particular year, it capitulated to the force of the river. In this story for the river, nothing was left of the waterwheel or the platform it had rested upon. That huge, heavy steel shaft was left 50 feet downstream! Nothing else remained. It was June and the garden needed water. What to do?

Henry drove to May, up the Pahsimeroi, to a friend who could make a grappling hook. Armed with that tool and a long section of chain, he rowed out into the river, now down to normal flow and clear. Time after time he threw his grappling hook, attempting to snag the enormous steel shaft he could see down in the bottom of the river. Several times he hooked on, but when he rowed back to shore it broke free. Persistence (a notable Harp trait) eventually paid off, however, and the grapple hook was firmly attached to the shaft. This is where the old '35 Ford sedan came in handy. He hooked his chain to the car and slowly dragged the shaft to the edge of the river. Well, heck, there's the shaft on the edge of the river, but there's a steep bank, and the car can't pull with that angle on the chain. Using a chain block, the shaft came slowly up the bank, and I'm sure over the days this effort took, Marge was cooking up a storm, because he needed all the fuel he could get!

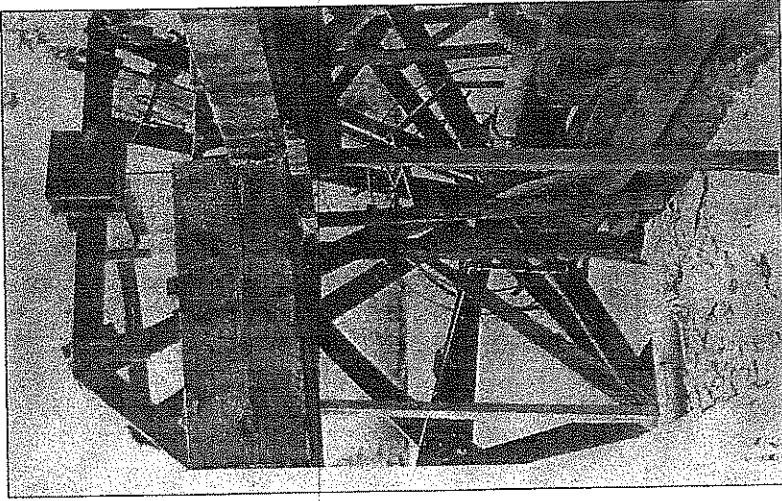


Figure 3 - Left side of the waterwheel showing the platform and mounting blocks

Of course, getting the shaft up onto flat ground was only part of the task. A new platform had to be built and backfilled with shale to provide the base for the new wheel. Amazing what you can do if you have to. A new waterwheel eventually churned in the river, more than likely with a few Harp improvements and modifications on the old one.

What happened to that waterwheel? Not a trace of it remained when I first came to the river in 1966. Rodger and I found the shaft lying along the hill down-river from the house when we visited to plan this reunion. It is indeed as massive as Rodger and Don indicated.

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Indexing / Recording Entry

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*INQUIRY

Instrument #: 185332 File #:

Date: 4-20-1987 Time: 10:13

Type: 050 WARRANTY DEED

Book: Page: SubPage:

Character:

#Pages Recorded: Fees: 400 Charge? Receipt#: 9999999

Delivered: BRUCE K. FULLER

P.O. BOX 145

ELLIS

ID 83235

Date: 4-21-1987

Termination Date:

Grantor

HARP, MARJORIE A.

HUNKE, DONALD L.

HUNKE, MAVIS H.

Grantee

FULLER, BRUCE K.

FULLER, LUCILLE B.

F1=Search F2=Notes F3=Link F4=Date F7=Exit F9=Help F10=New F12=Rcpt

owners
4/14/37 Cox
5/6 39 HARP & Hunke
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