

RECEIVED

JUL 19 2005

DEPARTMENT OF
WATER RESOURCES

Frederick Griswold

PO Box 24

Carmen, ID 83462-0024

(208)756-2208

July 14, 2005

Roxanne Brown

State of Idaho Dept of Water Resources

PO Box 83720

Boise, ID 83707-9815

Dear Roxanne:

RE: 75-04187

Enclosed are 2 patents for Homestead claims on my property at 107 E. Tower Ck Rd, Carmen Idaho and an Indenture which are the earliest recorded documents at the Lemhi County Courthouse. All three of these documents reference water rights, such as: "Granted to have and to hold forever, subject to any vested and accrued water rights for mining, agriculture, manufacturing or other purposes and rights to ditches, et cetera. Though these words might be considered boiler-plate comments today, they were probably considered to be all inclusive rights by the property owners in their time.

There could be an extensive search of all of the title transfers and documents filed over the last 94 years since the April 1, 1911 priority date claimed on all documents that I have in my possession regarding this property. But that search would take many hours for each property owner claiming water rights and most likely would prove nothing.

I claim that the 1911 date is reasonable and probably accurate to a degree. Considering the harsh environment in the upper East Tower Creek area, the persons that Homesteaded the property originally must have built the irrigation ditch somewhere around 1896. The property is too dry and hot for dryland farming. Additionally, the ditch must have been built by hand or with the aid of horse or mule as my tractors can not follow most of the ditch without rolling over. I can not imagine trying to do subsistence farming without the use of the irrigation ditch. I would suspect that the ditch was an integral part of the yearly improvements required of Homesteaders under the act and that it was used to meet that requirement due to its expense in time and effort to utilize the ground. I would also suspect that the original Homesteaders did not build the house until there was at least some of the ditch in place for a garden and the apple trees that still are alive today. The apple trees are in terrible shape and I will tear them out soon as they are too old to rehabilitate. I have found wood axle remains of implements that were abandoned long ago along with cultivator shares that were from horse drawn implements when I plowed the fields two years ago. There is ample evidence that the fields were worked over the years and as I commented previously, no one would waste the time to plow and attend the fields with out the aid of the irrigation ditch.

The previous owner, Mr. Michaelis, said the homestead house on the property was built in 1896. Last year a woman in her 80's stopped by and asked to look at the dilapidated homestead house. She said she lived in the house when she was a small girl and that it was built in 1896. Considering her age, that would place her in residence in the late 1920's or early 1930's. She did not mention anything about the water usage as she was having trouble breathing at this altitude and left quickly. Her only comment was she hated the place as there was nothing for a young girl to do and that she would never return. She apparently lives out-of-state and wants to have nothing to do with this 'water thing'.

I have tried to find anyone that has direct knowledge of this property, but there appear to be no persons in the area that remember anything about this property or some of the others on East Tower Creek.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Frederick Griswold', written over a horizontal line.

Frederick Griswold

PS: Please change my mailing address to:

Frederick Griswold and
Mary Griswold
PO Box 24
Carmen, ID 83462-0024



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.

DIRK KEMPTHORNE

Governor

KARL J. DREHER

Director

June 29, 2005

75-04187

FREDERICK GRISWOLD

MARY E GRISWOLD

1848 GRISWOLD LN

VICTOR MT 59875

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,

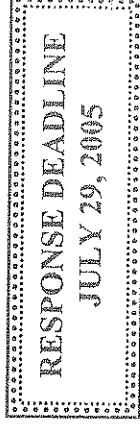
Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

RECEIVED

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DEPARTMENT OF
WATER RESOURCES



Book W Page 159

Instrument No. 13548.

Hailey 0902.

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 Finley B. Winterowd 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 southeast quarter of the southeast quarter of Section Eight and the south half of the southwest quarter and the northeast quarter of the southwest quarter of Section nine in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing one hundred sixty 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 GRANT¹ 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 whatever 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. GIVEN under my hand, at the City of Washington, the Twenty-fourth day of May in the year of our Lord one thousand nine hundred and thirteen and of the Independence of the United States the one Hundred and thirty-seventh,

By the president Woodrow Wilson

By M. P. LeRoy, Secretary,

By. H. W. Sanford,

Recorder of the General Land Office.

SEAL.

Recorded: Patent Number 336645.

Recorded at the request of W. C. Smith June 25th 1913 at 20 minutes past 3 o'clock P. M., in Book W. of Deeds page 159, Records of Lemhi County, Idaho.

J. B. Birtley Jr.
County Recorder

Ch. W. Williams
Deputy.

Instrument No. 12332

Hailey 06067 and 06639 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, pursuant to the Act of Congress of May 20, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Floyd L. Cooper has been established and duly consummated, in conformity to law, for the south half of the northeast quarter and the northwest quarter of the southeast quarter of Section nine and the south half of the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter of the northwest quarter of the northwest quarter, and the northeast quarter of the southwest quarter of the northwest quarter of the northwest quarter, Section ten in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, Idaho, containing one hundred sixty 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 claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land with the appurtenances thereof, 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, William H. Taft, 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 twentieth day of May in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and Thirty-sixth.

By the President: Wm. H. Taft

By M.P. LeRoy, Secretary

H. W. Sanford, Recorder of the General Land Office.

Recorded: Patent Number 268424
Seal.

Recorded at the request of W.C. Smith, June 20th, 1912, at 25 minutes past 9 o'clock A.M., in Book W of Deeds, page 13, Records of Lemhi County, Idaho.

J. H. Smith

County Recorder

Wm. H. Taft

Deputy

This Indenture, made this 30th day of October in the year of our Lord one thousand nine hundred and twelve between Floyd L. Cooper and Annie M. Cooper, his wife of the County of Lemhi, State of Idaho, the parties of the first part, and Erle Embley, of the County of Lemhi, State of Idaho, the party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of Twelve Hundred (\$1200) DOLLARS, lawful money of the United States of America, to them in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, have GRANTED, BARGAINED and SOLD, and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said party of the second part, and to his heirs and assigns forever, all those certain lots, pieces or parcels of land situate, lying and being in the County of Lemhi State of Idaho, and particularly described as follows, to wit:-

All of the South Half of the Northeast quarter, the Northwest quarter of the Southeast quarter of Section Nine, and the South half of the Southwest quarter of the Northwest quarter, the Southwest quarter of the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of the Northwest quarter of Section Ten, all in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, in Lemhi County, Idaho, containing 160 acres of land, Together with all ditches, water and water rights belonging to said land appurtenant thereto or used in connection therewith.

(Subject to that certain Mortgage given by said parties of the first part to Margaret Baer, dated May 6th, 1912, for the sum of \$500.00 Recorded in the Office of the County Recorder of Lemhi County, Idaho, in Book 9 of Mortgages on page 191 which said party of the second part hereby agrees to assume and pay)

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and also all estate, right, title, interest in and to the said property, possession, claim and demand whatsoever, as well in law as in equity, of the said parties of the first part, of, in or to the said premises, and every part and parcel thereof, with the appurtenances, to have and hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto this party of the second part, and to his heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seal the day and year first above written.

Signed, sealed and delivered in the presence of

_____	Floyd L. Cooper	[SEAL]
_____	Annie M. Cooper	[SEAL]
_____		[SEAL]

STATE OF IDAHO, } ss.
County of Lemhi }
year 1912 before me W.C. Smith a Notary Public in and for
the said County, personally appeared Floyd L. Cooper and Anna M. Cooper his wife
known to me to be the person whose name is subscribed to the
within instrument, and acknowledged to me that he executed the same.