



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098 DEPARTMENT OF
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov WATER RESOURCES

RECEIVED

JUN 29 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-10272
DAVID F WARREN
THYRA WARREN
PO BOX 1375
SALMON ID 83467

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.

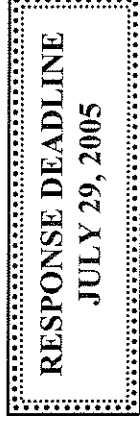
Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by 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



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10272

WATER RIGHT NUMBER: 75-10272

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DAVID F WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	SYBIL E HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Original Owner	ORA R HARDIE PO BOX 70 CARMEN, ID 83462 (208)756-3511
Current Owner	THYRA WARREN PO BOX 1375 SALMON, ID 83467 (208)756-8036
Original Owner	TRACY CHARLES FRENCH 4640 DOE ST SHINGLE SPRINGS, CA 95682 (916)933-3081

Priority Date: 03/03/1909

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
TOWER CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.060 CFS	6.00 AF
<u>Total Diversion:</u>			0.060 CFS	

Location of Point(s) of Diversion

TOWER CREEK	SW1/4NW1/4	Sec. 17, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T23N R22E S18 NESE 2.0

Total Acres: 2

Conditions of Approval:

1. THIS CLAIM IS BASED ON LICENSE # 75-07271. THE CLAIMANTS FILED THIS CLAIM BASED ON BENEFICIAL USE TO SHOW THE OLDER PRIORITY DATE.
CHANGED OWNERSHIP PER REQUEST 5/27/97/JT/SB

Quitclaim Deed.

This Indenture, Made the Second day of November 1903, in the year of our Lord one thousand nine hundred and thirteen between Frederick Meyers

of Idaho County of Lemhi and State of Idaho, the party... of the first part, and of William J. Rose

County of Lemhi State of Idaho the party... of the second part, WITNESSETH, that the said party... of the first part, for and in consideration of the sum of Five Dollars, in hand paid by the said party... of the second part, the receipt of which is hereby acknowledged, do SELL, REMISE, RELEASE and forever QUITCLAIM unto the said party... of the second part, and to heirs and assigns, the following described real estate, situated in the County of Lemhi and State of Idaho, to-wit:

The north east quarter of the north east quarter, the north east quarter of the south east quarter of Section Eighteen (18), and that certain forty acre tract of unincorporated land, which when conveyed will belong south west quarter of the north east quarter of Section Seventeen (17) all in Township Twenty Three North of Range twenty two, east half, the above land described in Deed of April 8th 1903, No 186, dated United States District Land Office, Tuley, Idaho, April 8th 1903. Also that ditches and water right taken out of Boyle Creek and carried to and upon the above land, and all other ditches and water rights upon, belonging to, and under connection with said land. The above mentioned water right, being the assigned right to the use of the water of said Boyle Creek. And the party of the first part does hereby relinquish, demise, sell, convey and assign to the said party of the second part, all his right, title and interest in and to that certain Deed Land Cont'd of said land, No 186, made by said party of the first part, at the United States District Land Office, Tuley Idaho, April 8th 1903.

together with all the tenements, hereditaments and appurtenances thereto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest property, possession, claim and demand whatsoever as well in law as in equity, of the said party... of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances.

unto the said party... of the second part, heirs and assigns forever. IN WITNESS WHEREOF, the said party... of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

J. W. Linn chair } Frederick Meyers (SEAL)

(SEAL)

STATE OF IDAHO, } ss.

County of Lemhi, }

On this Second day of November 1903, before me John W. Linn chair a Notary Public in and for said County, personally appeared

known to me to be the person whose name Frederick Meyers subscribed to the within instrument, and acknowledged to me that he executed the same; and on this day of

1903, before me, the officer above described, personally appeared John W. Linn chair known to me to be the person whose name is subscribed to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she acknowledged to me that she executed the same, and that she does not wish to retract such execution.

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

Frederick Meyers } John W. Linn chair
Notary Public }

STATE OF IDAHO, } ss.
County of Lemhi, }

I hereby certify that this instrument was filed for record at request of Frederick Meyers day of November A. D. 1903, in my office, and duly recorded in Book 10 of Record at page 577.

This Indenture, Made this 31st day of July, in the year of our Lord one thousand nine hundred and Sixteen, between William J. Rose and his wife Nannie Rose, both of Salmon, Lemhi County, Idaho, the parties of the first part, and W. L. Thompson, of Northfork, Idaho,

the part Y of the second part.

WITNESSETH, That the said part ies of the first part, for and in consideration of \$5500.00

FIFTY FIVE HUNDRED DOLLARS, Lawful money of the United States of America, to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said part Y of the second part, and to his heirs and assigns forever, all those certain lots, pieces and parcels of land, situate, lying and being in Lemhi County, Idaho, to-wit:

The southeast quarter of the Northeast Quarter; the Northeast Quarter of the Southeast Quarter, of Section Eighteen; and the Southwest Quarter of the Northwest Quarter, Section Seventeen, and the Northwest Quarter of the Southwest Quarter of Section Seventeen; all in Township Twenty-three North, Range Twenty-two, East, Boise Meridian, containing 159 acres of land, more or less.

This being what is commonly known as the Rose Ranch, situated on Boyle Creek in said County and State.

Together with any and all water, water rights, ditches and conduits whatsoever, situate upon, belonging to, used in connection with, or appurtenant to said, or any part of said lands.

(Excepting and reserving from this conveyance, a certain tract of land, embracing about one acre, conveyed by said parties of the first part, to one S. E. Bowler by deed dated April 17th, 1911 and recorded in the County Recorder's office of said County in Book "Y" of Deeds at page 334 thereof.)

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 part ies 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 the part Y of the second part, and to his heirs and assigns forever. And the said part ies of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said part Y of the second part, and his heirs and assigns, against the said part ies of the first part and their heirs, 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 seals the day and year first above written.

Signed, sealed and delivered in the presence of

William J. Rose (SEAL)

Nannie Rose (SEAL)

(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI }

On this 31st day of July, in the year 1916 before me, Ariel C. Cherry, a Notary Public, for the State of Idaho, and in and for the said County, personally appeared William J. Rose and his wife Nannie Rose, personally known to me, to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

SEAL.

Ariel C. Cherry

Notary Public for Idaho, Residing at

Salmon, Lemhi County, Idaho.

Recorded at request of W. L. Thompson at 9 minutes past 9 o'clock

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

WHEREAS, on May 11, 1911 Patent No. 197664 issued to William J. Rose, Assignee of Frederick Meyers, for the southeast quarter of the northeast quarter and the northeast quarter of the southeast quarter of Section eighteen and the southwest quarter of the north-west quarter of Section seventeen in Township twenty-three north of Range twenty-two east of the Boise Meridian, Idaho, containing one hundred twenty acres, reserving to the United States all coal in said lands, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of said subject to the limitations of the Act of March 3, 1909; and

WHEREAS, the land so conveyed have been subsequently classified as noncoal in character; NOW, THEREFORE, KNOW YE, THAT the UNITED STATES OF AMERICA, in accordance with the Act of Congress approved April 14, 1914 (Public No. 83) authorizing, under, such conditions, the issuance of new or supplemental patent without such reservation, does hereby remise, release, and forever quitclaim unto the said William J. Rose and to his heirs and assigns, all right, title, interest, and estate to and in the above-described lands which may be vested in and possessed by it by virtue of the reservation hereinbefore mentioned and recited.

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made P atent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the twenty-fifth day of May in the year of our Lord one thousand nine hundred and fifteen and of the Independence of the United States the one hundred and thirty-ninth.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary.

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

Recorded: Patent Number 474755

Recorded at the request of W. J. Rose Aug., 12th, 1915, at...minutes past 9 O'clock A.M. in Book W of Deeds, page 521, records of Lemhi County, Idaho.

J. L. Kirtley, Jr., County Recorder.

BY *W. J. Rose* Deputy

Assessment Book of the Property of

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760

Lemhi County, Idaho, for the Year 1904.

[illegible]

Assessment Book

[illegible]

4

[illegible]

ASSESSMENT ROLL FOR THE YEAR 19112

REAL PROPERTY

[illegible]

P 23 RANGE 21
23 22

[illegible]