

RECEIVED

JUL 26 2005
DEPARTMENT OF
WATER RESOURCES

Alan & Victoria Harber
PO Box 194
Carmen, ID 83462
(208) 756-3531

July 20, 2005

Idaho Department of Water Resources
PO Box 83720
Boise ID 83720-0098

RE: Priority Dates for 75-04305 and 75-04315

Dear Ms Brown:

Enclosed are documents to show water rights on our property.

Water Right Number 75-4305 includes documents that show water rights dating back to December 1, 1906.

Water Right Number 75-4315 with your requested priority date of 4/1/1874 which dates back to before the irrigation ditch was put in the 1930s. I was able to find the first document when the US Department of the Interior signed the property over on the Desert Lands Act, 8/29/1918. In order to get property under the Desert Lands act, the property had to be irrigated. Therefore, this shows proof it was irrigated. Other warranty deeds are enclosed.

Sincerely,



Victoria M. Harber

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4315

WATER RIGHT NUMBER: 75-4315

Owner Type Name and Address
Original Owner KAREN WOELFEL
 PO BOX 93
 BOONEVILLE, AR 72927
Original Owner GARLAND WOELFEL
 PO BOX 93
 BOONEVILLE, AR 72927
Current Owner VICTORIA M HARBER
 PO BOX 194
 SALMON, ID 83462
 (208)756-3531
Current Owner ALAN D HARBER
 PO BOX 194
 SALMON, ID 83462
 (208)756-3531

Priority Date: 04/01/1874

Basis: Statutory Claim

Status: Active

Source Tributary
FREEMAN CREEK CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.400 CFS	
<u>Total Diversion:</u>			0.400 CFS	

Location of Point(s) of Diversion
FREEMAN CREEK NW1/4SW1/4 Sec. 36, Twp 23N, Rge 22E, B.M.
LEMHI County

Place of Use
IRRIGATION Within LEMHI County
T22N R22E S03 SESE 10.0
Total Acres: 10

Conditions of Approval:

Remarks:

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DEPARTMENT OF
WATER RESOURCES

Book Y Page 551

Instrument No. 20582

4-200

DEPARTMENT OF THE INTERIOR

UNITED STATES LAND OFFICE Hailey, Idaho.

ACK DESERT LANDS

Serial No. 019208
Receipt No. 1681893 - 40.00
2239187 -160.00

C E R T I F I C A T E .
DUPLICATE

200.00.

August 29, 1918.

IT IS HEREBY CERTIFIED that, in pursuance of the act of Congress approved March 3, 1877, as amended by the act of March 3, 1891, entitled "An Act to provide for the sale of desert lands in certain States and Territories," CHRISTINE A. CURRAN of Salmon, Lemhi County, State of Idaho has purchased of the Register of this Office, and made payment in full for the land described as follows, to wit:

W¹/₂SW¹/₄ Section 2; SE¹/₄SE¹/₄ Section 3; NE¹/₄NE¹/₄ Section 10 Township 22 North, Range 22 East, Boise Meridian, containing one hundred sixty Acres, at the rate of \$1.25 per acre, amounting to Two Hundred Dollars and No cents.

NOW, THEREFORE, be it known that, on presentation of this Certificate to the Commissioner of the General Land Office, the said Christine A. Curran shall be entitled to receive a Patent for the land above described if all then be found regular.

Ben R. Gray, Register.

Recorded at the request of Allen C. Merritt Sept. 9th, 1918, at --- minutes past 9 o'clock A. M., in Book Y of Deeds page 551, Records of Lemhi County, Idaho.

BY W. L. Kirtley, Jr.
Deputy.

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

Instrument No. 20598

Revenue Stamps \$1.00 Cancelled.

THIS INDENTURE, Made on the 16th day of August, 1918, at Salmon, Lemhi County, State of Idaho, by and between A. C. CHERRY, the duly appointed, qualified and acting ADMINISTRATOR of the estate of JOHN P. DIMOCK, deceased, late of Lemhi County, Idaho, the party of the first part, and CHARLES F. SNYDER of Lemhi County, Idaho, the party of the second part, WITNESSETH:

THAT WHEREAS, On the 25th day of May, 1918, the Probate Court of Lemhi County, State of Idaho, made an order of sale authorizing and directing the said party of the first part to sell certain real estate of the estate of the said John P. Dimock, deceased situated in Lemhi County, State of Idaho, and specified and particularly described in said order of sale, and which said order of sale, now on file and of record in said Probate Court, is hereby referred to and made a part of this indenture:

AND WHEREAS, Under and by virtue of said order of sale, and pursuant to legal notices given thereof, the said party of the first part, on the 22nd day of June, 1918, at 1 o'clock, P. M., in said Lemhi County, State of Idaho, offered for sale in one parcel (the bidders refusing to bid for said property in any other way, and said Administrator judging it to be most beneficial to said estate) at public auction and subject to the confirmation of said Probate Court, and the said real estate situated in said Lemhi County, Idaho, and specified and described in said order of sale as aforesaid, and at such sale the said party of the second part became the purchaser of the said real estate hereinafter particularly described for the sum of SEVEN HUNDRED and SEVENTY-FIVE DOLLARS (\$775.00), lawful money of the United States, he being the highest and best bidder and that being the highest and best sum bid.

AND WHEREAS, The said Probate Court, upon due and legal return of the proceedings of said Administrator under the said order of sale made by the said Administrator, party of the first part, on the 10th day of July, 1918, after making such sale and after due and legal notice had been given by the Clerk of said court of hearing upon said return of said sale of real estate for the time and in the manner required by law, did, on the 22nd day of July, 1918, duly make an order confirming said sale and directing conveyances to be executed to the said party of the second part, a certified copy of which order of confirmation was recorded in the office of the County Recorder of said Lemhi County, State of Idaho, within which the said land sold is situated, on the 16th day of August, 1918, and which said order of confirmation now on file and of record in said Recorder's office

Desert Land Act

From Wikipedia, the free encyclopedia.

The **Desert Land Act** was passed by the United States Congress on 3 March 1877 to encourage and promote the economic development of the arid and semiarid public lands of the Western United States. Through the Act, individuals may apply for a desert-land entry to reclaim, irrigate, and cultivate arid and semiarid public lands.

The act offered 640 acres (2.6 km²) of land to anyone who would pay 25 cents an acre (\$61.78/km²) and promise to irrigate the land within 3 years. Individuals taking advantage of the act were required to submit proof of their efforts to irrigate the land within three years, but as water was relatively scarce, a great number of fraudulent "proofs" of irrigation (estimated as high as 95% for early claims) were provided.

This article is based in part upon content from <http://www.blm.gov/nhp/landfacts/DesertLand.html>, a public domain resource provided by the United States federal government.

Retrieved from "http://en.wikipedia.org/wiki/Desert_Land_Act"

Categories: Law stubs

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http://en.wikipedia.org/wiki/Desert_Land_Act

7/14/2005

WARRANTY DEED

THIS INDENTURE, Made this 2nd day of February in the year of our Lord one thousand nine hundred and forty-six between J. N. COOPER and FERN S. COOPER, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the first part, and FRANK PARMENTER and MARY V. PARMENTER, husband and wife of Salmon, County of Lemhi, State of Idaho, the part of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN AND NO/100 (\$10.00) and Other Valuable Considerations DOLLARS, lawful money of the United States of America, to them in hand paid by the said parties 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 parties of the second part, and to their heirs and assigns forever, all of the following described real estate, situated in

County of Lemhi, State of Idaho, to wit:
 All of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (with the exception of 10 $\frac{1}{2}$ acres heretofore conveyed by Thomas Palmer and Sarah Ann Palmer to James A. Palmer by deed dated October 1, 1915, recorded November 4, 1915 in Book "X" of Deeds, page 13, records of Lemhi County, Idaho,) and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2, and Lot 2 and the S $\frac{1}{2}$ NE $\frac{1}{4}$ and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 3, and the NE $\frac{1}{4}$ of Section 10, all in Township 22 North, Range 22 East of the Boise Meridian.

Together with all water and water rights, ditches and ditch rights appertaining to or used in connection therewith.

DOCUMENTARY STAMPS \$16.50 CANCELLED 2/4/46 P.P.

TOGETHER, With all and singular the tenements, hereditaments and appurtenances thereto unto belonging or in anywise appertaining, the reversion and reversions, remainder, and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to the said property, as well in law as in equity, of the said parties of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their 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 parties of the second part, and their heirs and assigns, against the said part 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 hand and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED IN PRESENCE OF

J N Cooper
 Fern S. Cooper

(SEAL)
 (SEAL)

STATE OF IDAHO,)
) : SS.
 County of)

On this day of February in the year 1946, before me the undersigned, a Notary Public in and for said State, personally appeared J. N. Cooper and Fern S. Cooper, 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)

J W Herndon
 Notary Public for the State of Idaho,
 Residing at Salmon, Idaho

STATE OF IDAHO,)
) : SS.
 County of Lemhi,)

I hereby certify that this instrument was filed for record at request of Frank Parmenter at 5 minutes past 4 o'clock P. M., this 4th day of February, A. D. 1946 in my office, and duly recorded in Book 38 of Deeds at page 642.

W. W. Simmonds
 Ex-Officio Recorder.

Fees, \$1.25 Paid

By *Dorothy M. McF*
 Deputy

This Indenture, Made this 8th day of January in the year 1900

Lord one thousand nine hundred and thirty-eight between

R. F. Bicknell and Helen J. Bicknell, husband and wife, of Boise, County of Ada, State of Idaho, the parties of the first part and

J. N. Cooper and Fern S. Cooper, husband and wife, of Salmon, County of Lemhi, State of Idaho, the parties of the second part

WITNESSETH, That the said parties of the first part, for and in consideration of
Ten Thousand and No/100 - - - - - DOLLARS
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt where of is hereby acknowledged, have GRANTED, BARGAINED and SOLD and by these presents do GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said parties of the second part, and to their heirs and assigns forever of the following described real estate, situated in Lemhi County, State of Idaho, to-wit:

ALL of the SW $\frac{1}{4}$ NW $\frac{1}{4}$ (with the exception of 10 $\frac{1}{2}$ acres heretofore conveyed by Thomas Palmer and Sara Ann Palmer to James A. Palmer by deed dated October 1, 1915, recorded November 4, 1915 in Book "X" of Deeds, Page 13, records of Lemhi County, Idaho) and the W $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 2 and Lot 2 and the S $\frac{1}{2}$ NW $\frac{1}{4}$ and the E $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 3, and the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 10, all in Township 22 North, Range 22 East of the Boise Meridian.

Documentary stamp \$10.00 canceled RFB HJB

[illegible]

TO HAVE AND HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the said part^{ies} of the second part, and to thei^r heirs and assigns forever. And the said part^{ies} of the first part, and the said part^{ies} of the second part, thei^r heirs and assigns, do hereby covenant, promise, warrant and assign unto the said part^{ies} of the first part and thei^r heirs and assigns, lawfully claiming, 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 .the ir..... hands... and seals... the day and year first above writien.

Signed, sealed and delivered in the presence of

R. T. Bicknell
R. W. Bicknell
Helen J. Bicknell
Helen J. Bicknell

STATE OF IDAHO,
Ada
COUNTY OF KERNED,

On this 8th day of January, in the year 1938, before me, A. H. Caine

Notary Public.

R. F. Bicknell and Helen J. Bicknell

to me to be the person/s... whose names.....are.....subscribed to the within instrument, and acknowledged to me that they are the same.

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

(SEAL) _____
A. H. Caine
Notary Public for the State of Idaho
Residing at Boise, Idaho.

Recorded at request of J. W. Herndon at 1 minutes past, in my office, and duly recorded in my office, on page 592, 1938, in Book 31 of Deeds, on page 592, Records of Lemhi County, Idaho.

W. W. TIMMONDS

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4305

WATER RIGHT NUMBER: 75-4305

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	TIM KOEHLER PO BOX 77 CARMEN, ID 83462
Original Owner	JOE MONTERO ID
Current Owner	ALAN D HARBER PO BOX 194 CARMEN, ID 83462 (208)756-3531
Original Owner	GLADYS O MONTERO 717 LEMHI AVE SALMON, ID 83467 (208)756-2358
Current Owner	VICTORIA M HARBER PO BOX 194 CARMEN, ID 83462 (208)756-3531

Priority Date: 04/01/1949

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
FREEMAN CREEK	CARMEN CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01	to 11/01	0.100 CFS	
	<u>Total Diversion:</u>		0.100 CFS	

Location of Point(s) of Diversion

FREEMAN CREEK
LEMHI County
NW1/4SW1/4
Sec. 36, Twp 23N, Rge 22E, B.M.

Place of Use

IRRIGATION Within LEMHI County

T22N R22E S03 SWSW 5.0

Total Acres: 5

Conditions of Approval:

1. MY FILE COPY OF ORIGINAL STATUTORY CLAIM SHOWS 11 ACRES IN THE SE4SE4, SEC. 3, HOWEVER, THE ADDITIONAL SIX (6) ACRES WERE BEING LEASED AND WERE NOT OWNED EITHER AT THAT TIME OR PRESENTLY. **CHANGED OWNERSHIP 6/6/96/JT/GT**

Remarks:

This Indenture, Made this First day of December in the year of our Lord one thousand nine hundred and six between Hilliard Dahle and Gertrude Dahle, his wife of the County of Lemhi, State of Idaho, the parties of the first part, and William J. Hoffman, 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 Four Thousand Five Hundred (\$4,500.00) 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 DOLLARS,

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: The north east quarter of the south west quarter, the west half of the south east quarter and the south half of the south west quarter of Section Three, in Township Twenty Two north north of Range Twenty Two east of Boise Meridian, containing two hundred acres according to the Government Survey thereof.

Together with all buildings, improvements, water rights and ditches erected thereon, belonging or appertaining thereto or used in connection therewith.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise 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 to hold, all and singular, the above mentioned and described premises, together with the appurtenances, unto the parties of the second part, and to their 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 seals the day and year first above written.

Signed, sealed and delivered in the presence of

J.C. Sinclair

Witness to signature } W.C. SMITH
of Gertrude Dahle } J.C. Sinclair

Hilliard Dahle (SEAL)

Gertrude Dahle (SEAL)

(SEAL)

STATE OF IDAHO,

County of Lemhi } ss. On this First day of December in the year 1906 before me, William C. Smith a Clerk of the District Court in and for said County, personally appeared Hilliard Dahle

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same; and on this First day of December in the year 1906 before me, the officer above described, personally appeared Gertrude Dahle, his wife 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.

W.C. Smith

seal.

Clerk of the District Court

Recorded at the request of Wm J. Hoffman at 10 minutes past 5 o'clock P. M., Dec. 1st 1906 in Book S of Deeds on Page 34 Records of

Lemhi County, Idaho. W.C. Smith County Recorder. By Deputy.

hundred and twenty sixth.
By the President: T. Roosevelt
Seal By F.M. McKean Secretary.

C.W. Bush Recorder of the General Land Office.

Recorded Vol. 356, pages 247 to 249, inclusive.

Recorded at the request of Horace W. Soule Dec. 1st 1906 at 20 minutes past 11 o'clock
o'clock A.M., in Book R of Deeds page 61 Records of Lemhi County Idaho

W.C. Bush
County Recorder.

Book R Page 62

THE UNITED STATES OF AMERICA,
Homestead Certificate No. 929
Application 982
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 Hilliard Dahle has been established and duly consummated, in conformity to law, for the West half of the south east quarter and the South half of the South West quarter of Section three in Township twenty two North of Range twenty two East of Boise Meridian in Idaho containing one hundred and 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 Hilliard Dahle the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Hilliard Dahle 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, William McKinley, 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 Ninth day of February, in the year of our Lord one thousand nine hundred and one, and of the Independence of the United States the one hundred and twenty fifth.

Seal By the President; William McKinley

By F.M. McKean, Secretary.

C.W. Bush, Recorder of the General Land Office.

Recorded Idaho, Vol. 46, Page 176.

Recorded at the request of Wm. J. Hoffman Dec. 1st 1906 at 5 o'clock P.M., in Book R of Deeds Page 62 Records of Lemhi County, Idaho.

W.C. Bush
County Recorder.

Desert Lands
Certificate No. 401

THE UNITED STATES OF AMERICA,
To all to whom these presents shall come, Greeting:

Whereas Hilliard Dahle of Lemhi County, Idaho has 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 full payment has been made by the said Hilliard Dahle according to the provisions of the Act of Congress of the 24th of April, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the North East quarter of the South West quarter of Section three, in Township twenty two North, of Range twenty two East of Boise Meridian in Idaho, containing forty acres according to the Official plat of the Survey of the said Lands, returned to the General Land Office by the Surveyor General, which said tract has been purchased by the said Hilliard Dahle

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, have given and granted, and by these presents do give and grant, unto the said Hilliard Dahle and to his heirs, the said 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 Hilliard Dahle 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 A. William McKinley, President of the United States of