



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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

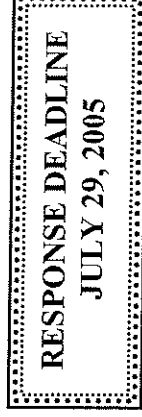
KARL J. DREHER  
Director

June 29, 2005

75-10906  
PATRICK MURPHY  
14 BLAZETREE TRL  
NORTH FORK ID 83466

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  
JUL 27 2005  
DEPARTMENT OF  
WATER RESOURCES

July 22, 2005

Roxanne Brown  
Sr. Water Resource Agent  
Adjudication Bureau  
State of Idaho  
Idaho Department of Water Resources  
PO Box 83720  
Boise, ID 83707-9815

Re: Evidence of Priority Date

Dear Roxanne:

I conducted a records search at the Lemhi County Courthouse, to search for documentation on my claimed water right number: 75-10906, for an irrigation water right of 0.240 CFS with priority date 05/15/1900. This is for place of use T25N R21E S15 SESW 12.0.

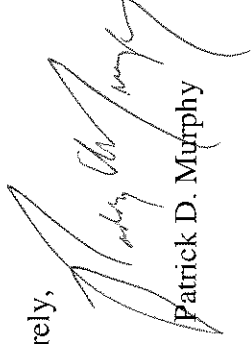
From the records, I have found that my property is a small parcel that was originally homesteaded (157.66 acres) by Levi R. Jones and recorded on June 24, 1914, it was then sold to the Pemble's on March 8, 1916 (Please refer to enclosed documentation).

The only record that I have found, thus far, is for a water right that L. R. Jones recorded with the Lemhi County recorder, for 100" of water on August 4<sup>th</sup>, 1893. However, the location seems ambiguous (Please refer to enclosed documentation).

In my ditch, there are currently only two water-users from this specific point of diversion (SNF-7A), and both of these parcels of property were part of one ranch/ one ownership (H. Hanson) until 1982. The other water user is currently D. and P. Hull with a claimed irrigation water right number: 75-14140 for 2.78 CFS, priority date 5/15/1898. T25N R21E S15 NENW. Both water rights historically irrigated one large field when it had a sole owner.

This is currently all the pertinent information I could find to date.

Sincerely,



Patrick D. Murphy

Hailey 06683 and 09132.

4-1043.

## 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 Levi R. Jones has been established and duly consummated, in conformity to law, for the H. E. Survey No. 95, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U. S. Mineral Monument No. 3, Dahlenega Mining District, bears north, seventy-one degrees, thirty-two minutes east thirty-nine and ninety-nine hundredths chains distant; thence north fifty-one degrees, fifty-seven minutes west twenty-one and sixty-three hundredths chains to corner No. 2; thence south thirty-two degrees, forty-five minutes west seven and thirteen hundredths chains to corner No. 3; thence south forty-seven degrees, twelve minutes west fourteen and sixty-one hundredths chains to corner No. 4; thence south five degrees, twenty-three minutes east eleven and eighty-two hundredths chains to corner No. 5; thence south forty-six degrees, twelve minutes west ten and forty-eight hundredths chains to corner No. 6; thence south forty-two degrees, thirteen minutes west thirty-nine and fifteen hundredths chains to corner No. 7; thence south forty-eight degrees, thirty-eight minutes east four and sixty-one hundredths chains to corner No. 8; thence south fifty-four degrees, forty-nine minutes east nineteen and sixty-three hundredths chains to corner No. 9; thence north forty-four degrees, fifty-seven minutes east six and two-tenths chains to corner No. 10; thence north fifteen degrees, twenty-four minutes east eight and seventy-two hundredths chains to corner No. 11; thence north forty-two degrees, fifteen minutes east twenty and seventy-two hundredths chains to corner No. 12; thence north seventeen degrees, nineteen minutes east twenty-one and fifty-four hundredths chains to corner No. 13; thence north forty-seven degrees, twenty-nine minutes east twenty-four and twenty-two hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and sixty-six hundredths 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, 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 June in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-eighth.

SEAL.

By the President: Woodrow Wilson.

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

RECORDED: Patent Number 417265

Recorder of the General Land Office.

Recorded at the request of L. R. Jones March 8th 1916 at --- minutes past 9 o'clock A. M., in Book W of Deeds page 602 Records of Lemhi County, Idaho

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

By W. W. Simm  
Deputy.

STATE OF IDAHO  
COUNTY OF LEMHI

I, TERRI J. MORTON, CLERK OF THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF LEMHI DO HEREBY CERTIFY THAT THE PROCEEDING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

IN WITNESS WHEREOF I HAVE HERE UNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THIS 8th DAY

OF May YEAR 1905  
TERRI J. MORTON, CLERK  
BY T. J. Morton DEPUTY

THIS INDENTURE, made this Eighth day of March, in the year of our Lord one thousand nine hundred and Sixteen, between Levi R. Jones and Stella Jones, husband and wife, of Lemhi County, Idaho, the parties of the first part and J. D. Pemble and Sophia Pemble, husband and wife of said County and State, the parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of \$3000.00 Eight Thousand and No/100 DOLLARS, in 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 that certain lot, piece and parcel of land, situate, lying and being in Lemhi County, Idaho, particularly described as follows, to-wit:

Beginning at Corner No. 1, from which U. S. Mineral Monument No. 3, Dahlonega Mining District, bears N. 71° 32' E. 39.99 chains distant; thence N. 51° 57' W. 21.63 chains to Corner No. 2; thence S. 32° 45' W. 7.13 chains to Corner No. 3; thence S. 47° 12' W. 14.61 chains to Corner No. 4; thence S. 5° 23' E. 11.82 chains to Corner No. 5; thence S. 46° 12' W. 10.48 chains to Corner No. 6; thence S. 42° 13' W. 39.15 chains to Corner No. 7; thence S. 48° 38' E. 4.61 chains to corner No. 8; thence S. 54° 49' E. 19.63 chains to Corner No. 9; thence N. 44° 57' E. 6.2 chains to Corner No. 10; thence N. 15° 24' E. 8.72 chains to Corner No. 11; thence N. 42° 15' E. 20.72 chains to Corner No. 12; thence N. 17° 19' E. 21.54 chains to Corner No. 13; thence N. 47° 29' E. 24.22 chains to Corner No. 1, the place of beginning; containing 157.66 acres of land, more or less; being the same land embraced in Forest H. E. Survey No. 95; and being the same land patented by the United States of America, to said Levi R. Jones, under date June 24th, 1914; which said patent is duly recorded in the office of the County Recorder of Lemhi County Idaho, in Book "W" of Deeds at page 502 thereof, to which record reference is here made as a part of this description.

Together with any and all water, water rights, ditches, headgates, and conduits whatsoever, situate upon, belonging to, appurtenant to, or used in connection with, said or any part of said lands; and together with any and all buildings and improvements on said lands and premises; and, Revenue Stamps \$3.00 L.R.J., 3/8/16, Canceled.

It is agreed that the said parties of the first part shall pay any and all taxes on said premises for the year nineteen hundred and fifteen and for all times prior thereto; and that the second parties shall pay the taxes for the year 1916.

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 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 peaceful possession of the said parties of the second part, and their heirs and assigns, against the said parties 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

Levi R. Jones (SEAL)

Stella Jones (SEAL)

STATE OF IDAHO, )  
COUNTY OF LEMHI ) ss.

On this 8th day of March, 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 Levi R. Jones, who is personally known to me, to be the person whose name is subscribed to the within instrument, and acknowledged to me that he 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.

Ariel C. Cherry, Notary Public for Idaho, residing at Salmon, Lemhi County, Idaho.

State of Idaho )

County of Lemhi )--ss.

On this the 9th day of March, in the year 1916, before me, A.L. Kirk a Notary Public for the State of Idaho, and in and for Lemhi County, Idaho, personally appeared, Mrs. Stella Jones, who is personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged, to me that she 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.

A.L. Kirk, Notary Public for Idaho, residing at Gibbonsville, Idaho.

My commission expires April 30th, 1918.

Recorded at request of A. C. Cherry at 25 minutes past 10 o'clock A. M., March 11th, 1916, in Book W of Deeds, on page 605 Records of Lemhi County, Idaho.

J. L. Kirtley, Jr.  
County Recorder.

By W. W. Zimmerman  
Deputy.

the appropriators and claimants of the water and water rights mentioned in the foregoing Notice and Statement of appropriation and claims, and the persons whose names are subscribed, thereto as the appropriators and claimants and that they know the contents of of said notice statement foregoing, and that the matters and things therein stated are true.

George Orr

John B. Harris

Subscribed and sworn to before me this 17 day of July A.D. 1893,

(Seal)

Robert A. O'Hara

Notary Public Ravalli County Montana

Recorded at the request of John B. Harris July 23<sup>rd</sup> 1893 at 4 o'clock A.M. in Book F of Water Rights page 32-33 Records of Lemhi County Idaho.

Timothy Dorr  
County Recorder

Notice is hereby given to all whom it may concern; That I do undersigned claim the water here flowing in this creek known as Jones Creek, situated in Lemhi County, Idaho, to the extent of One Hundred inches of water measured under a four inch pressure.

Said water is to be diverted from said stream at a point on the northwest bank thereof, about one half mile above the mouth of said creek.

The water hereby claimed is to be used for agricultural and domestic purposes upon the ranch of the undersigned situated on the west side of Salmon River, and to be conveyed thereon by a ditch of approximately the following size, two feet wide and eighteen inches deep.

Dated and posted this 4th day of August, 1893,

L. A. Jones

Claimant.

Recorded at the request of L. A. Jones, August 4<sup>th</sup> 1893, A.M. in Book F of Water Rights page 33 Records of Lemhi County, Idaho.

Timothy Dorr  
County Recorder