

Norman and Dorothy Olsen
P.O. Box 131
Carmen, Idaho 83462-0131
208-756-4034

RECEIVED
JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

State Of Idaho
Department Of Water Resources
322 East Front Street
P.O. Box 83720
Boise, Idaho 83720-0098
Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Re: Evidence of Priority Date: #75-04385D

Dear Ms. Brown:

In support of our Statutory Claim, # 75-04385D, 1923 priority date, we are submitting copies of the following documents:

1. Instrument # 30973, granting Homestead title to Joseph Sanderson, dated April 17, 1923
2. Transfer of property, including water rights, from Joseph Sanderson to Herbert N. Benham, dated August 10, 1925
3. Transfer of property, including water rights, from Herbert Benham to Frank Malcolm, dated August 11, 1925.
4. Transfer of property, including water rights, from Frank Malcolm to William H. Anders, dated July 6, 1929.
5. Notarized statement from Robert C. Anders, grandson of William H. Anders, stating that his grandfather either built or rebuilt the ditch while he owned the property.
6. An Ariel photograph dated 1968, showing irrigated acres.

In 1923, part of our land was included in the original Sanderson homestead, in the original document mention was made to all water rights, ditches to be used for mining and agriculture purposes. The 1923 Statutory claim # 75-04385D for this area is apparent evidence that the claim was made by Sanderson in 1923 in order to prove up the land to satisfy requirements needed to be granted his Homestead title. Even if the ditch that delivers water to our acreage today was not completed in 1923, there is strong physical evidence, on the ground, that these lands were flood irrigated by ditches, gullies and natural draws long before the current configuration was completed or installed.

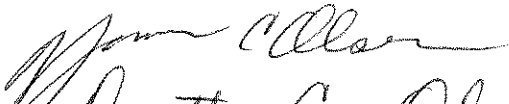
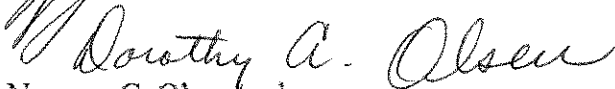
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JUL 27 2005
DEPARTMENT OF
WATER RESOURCES

The land passed from Sanderson to Benham in 1925; then to Malcom in 1925; to Anders in 1929. Due to the length of time involved we have only been able to obtain a statement from Mr. Anders's grandson, stating the ditch was completed or improved in 1929. However, in our opinion this is proof that the original 1923 system was enhanced in 1929.

The 1968 Ariel photograph shows this property was still being irrigated.

Sincerely,

Norman C. Olsen and
Dorothy A. Olsen

July 25, 2005

Hailey 027276

4-1023

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 GUST O. SWANSON according to the provisions of the Act of Congress of April 24, 1920, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the Lot two and the southwest quarter of the northeast quarter of Section one in Township sixteen north of Range twenty-four east of the Boise Meridian, Idaho, containing seventy nine acres and sixty-six hundredths of and acre, 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 GRANT 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 whatsoever 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, Calvin Coolidge, 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, in the District of Columbia, the SEVENTEENTH day of MARCH in the year of our Lord one thousand nine hundred and TWENTY-FIVE and of the Independence of the United States the one hundred and FORTY-NINTH

By the President: Calvin Coolidge
By Viola B. Pugh, Secretary.

-Seal-

RECORDED: Patent Number 955402

M. P. LeRoy
Recorder of the General Land Office.

Recorded at the request of Francis R. Hall Jr. August 7th, 1925 at 32 minutes past 11 o'clock A. M., in Book 28 of Deeds page 224. Records of Lemhi County, Idaho.

By *W. W. Simmonds*
Deputy.

W. W. Simmonds
County Recorder.

Fee: 1.00

Instrument No. 30973

Hailey 021045

4-1003.

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, 1882, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of JOSEPH SANDERSON has been established and duly consummated, in conformity to law, for the Lots ten and eleven of Section thirty-one in Township twenty-three north and the Lot five of Section six in Township twenty-two north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred eleven acres and eighty-four hundredths of and acre, 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, Warren G. Harding, 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 SEVENTEENTH day of APRIL in the year of our Lord one thousand nine hundred and TWENTY-FIVE and of the Independence of the United States the one hundred and FORTY-SEVENTH.

By the President: Warren G. Harding
By Viola B. Pugh, Secretary.

-Seal-

RECORDED: Patent Number 903446

M. P. LeRoy
Recorder of the General Land Office.

Recorded at the request of Jos. Sanderson August 10th, 1925 at -- minutes past 3 o'clock P. M., in Book 28 of Deeds page 224. Records of Lemhi County, Idaho.

By *W. W. Simmonds*
Deputy.

W. W. Simmonds
County Recorder.

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2 o'clock

By *W. W. Simmonds*

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This Indenture, Made this.....

in the year of our

Lord one thousand nine hundred and twenty-five between JOSEPH SANDERSON and LAURA SANDERSON, husband and wife, of Salmon, County of Lemhi, State of Idaho,

the parties of the first part, and HERBERT N. BENHAM of Salmon, County of Lemhi, State of Idaho,

the party of the second part.

WITNESSETH, That the said part^{ies} of the first part, for and in consideration of FOUR HUNDRED AND NO/100- 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, ha^{ve} 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 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 Lots Ten and Eleven of Section Thirty-one in Township twenty-three north and the Lot Five of Section Six in Township twenty-two north all in Range twenty-two east of the Boise Meridian in Lemhi County, Idaho, containing 111.84 acres.

Together with any and all ditches, water and water rights belonging to said premises, appertaining thereto or used in connection therewith.

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 11th DAY OF July YEAR 2005

Documentary Stamp: .50; J.S., L.S., 8/10/25.

TERRI J. MORTON, CLERK
BY *Almerice* DEPUTY

Together with all and singular 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 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, his heirs and assigns, against the said part^{ies} 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 part^{ies} of the first part ha^{ve} hereunto set their hand^s and seal^s the day and year first above written.

Signed, sealed and delivered in the presence of

Joseph Sanderson (SEAL)

Laura Sanderson (SEAL)

(SEAL)

STATE OF IDAHO,
COUNTY OF LEMHI, ss.

On this 10th day of August, in the year 1925, before me Allen C. Merritt

a Notary Public in and for the said County, personally appeared Joseph Sanderson and Laura Sanderson, husband and wife,

known to me to be the person^s whose name^s are subscribed to the within instrument, and acknowledged to me that the^y 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-

Allen C. Merritt
Notary Public for the State of Idaho.
residing at Salmon, Idaho.

Recorded at request of Allen C. Merritt at 55 minutes past 11 o'clock A. M., 11th August, 1925, in Book 27 of Deeds, on page 174, Records of Lemhi County,

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This Indenture, Made this 11th day of August in the year of our Lord one thousand nine hundred and twenty-five between HERBERT N. BENHAM and ELIZA J. BENHAM, husband and wife, of the County of Lemhi, State of Idaho, the parties of the first part, and FRANK MALCOLM, 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 SIX HUNDRED AND NO/100 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

all those certain lots, pieces or parcels of land situate, lying and being in the County of Lemhi, State of Idaho, and described as follows to wit:-

All of Lots Ten and Eleven of Section Thirty-one Township Twenty-three North and Lot Five of Section Six, Township Twenty-two North all in Range Twenty-two East of the Boise Meridian, containing 111.84 acres of land,

Together with all the ditches, water and water rights belonging to said premises appertaining thereto or used in connection therewith.

Documentary Stamp: 1.00; E.J.B., E.N.B., 8/11/25.

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 11th DAY OF August, 1925.
TERRI J. MORTON, CLERK
BY [Signature] DEPUTY

Together with all and singular 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 HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the 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 peaceful 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 hand and seal, the day and year first above written.

Signed, sealed and delivered in the presence of
Herbert N. Benham
Eliza J. Benham
[SEAL]
[SEAL]
[SEAL]

STATE OF IDAHO, ss.
COUNTY OF LEMHI.
On this 11th day of August, in the year 1925, before me Allen C. Merritt, Notary Public in and for the said County, personally appeared Herbert N. Benham and Eliza J. Benham, husband and wife, 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.

Allen C. Merritt
Notary Public for the State of Idaho,
Residing at Salmon, Idaho.

Recorded at request of Frank Malcolm at 30 minutes past 4
11th August 1925, in Book 27 of Deeds, on page 175, Records of Lemhi County,

By [Signature] County Recorder.
[Signature] Deputy.

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This Indenture, Made this Sixth day of July

Lord one thousand nine hundred and twenty-nine between

FRANK MALCOLM and BERTHA N. MALCOLM, husband and wife, of Lemhi County, State of Idaho,

the parties of the first part, and

WILLIAM H. ANDERS of the same place the party of the second part.

WITNESSETH, That the said parties of the first part, for and in consideration of

EIGHT HUNDRED 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

of the following described pieces and parcels of land situated, lying and being in the

County of Lemhi, State of Idaho, to-wit:

Lots Nos. 10 and 11 of Section 31 Township 23 North and Lot No. 5 in Section

6, Township 22 North, all in Range 22 East of the Boise Meridian, together with all

water, water rights, ditches and ditch rights, tenements, hereditaments and appurtenances

thereto appertaining or used in connection therewith.

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 11th DAY
OF JULY, 1931, YEAR 1931

TERRI J. MORTON, CLERK
BY *Adm. Mort* DEPUTY

Together with all and singular and 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 HOLD all and singular, the above mentioned and described premises, together with the appurtenances, unto the 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 peaceful 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 hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

John H. Padgham

Frank Malcolm

(SEAL)

Bertha N. Malcolm

(SEAL)

(SEAL)

STATE OF IDAHO,

COUNTY OF LEMHI,

ss.

On this Sixth day of July, in the year 1931, before me John H. Padgham

Notary Public

in and for the said County, personally appeared

Frank Malcolm and Bertha N. Malcolm

known to me to be the person 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)

John H. Padgham

Notary Public for Idaho,

Residing at Salmon, Idaho.

Recorded at request of J. A. Herndon

at 30

minutes past 1

o'clock P.M., July 29th

1931, in Book 27 of Deeds, on page 567, Records of Lemhi County, Idaho.

Fee: 1.50

W. W. Simmonds
County Recorder.

By

Deputy.

July 10, 2005

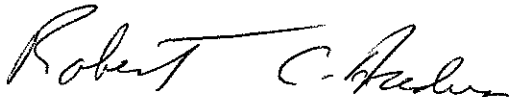
Re: Wallace Creek Ditch

To Whom It May Concern:

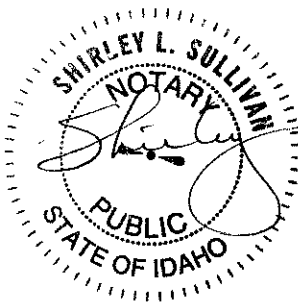
My grandfather, William Henry Anders, either built or rebuilt the Wallace Creek Ditch.

According to my father, Esmond W. Anders, they acquired the property in 1929 and worked on the ditch while they owned the property. At that time, there were no trees along the ditch bank, contrary to the present, where the trees are almost solid along the ditch bank.

Sincerely,

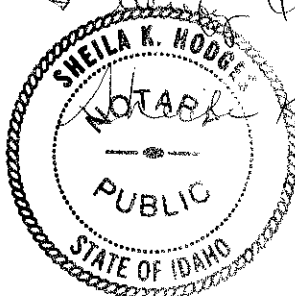


Robert C. Anders
306 S. Terrace St.
Salmon, Idaho 83467-4141
208-756-4373

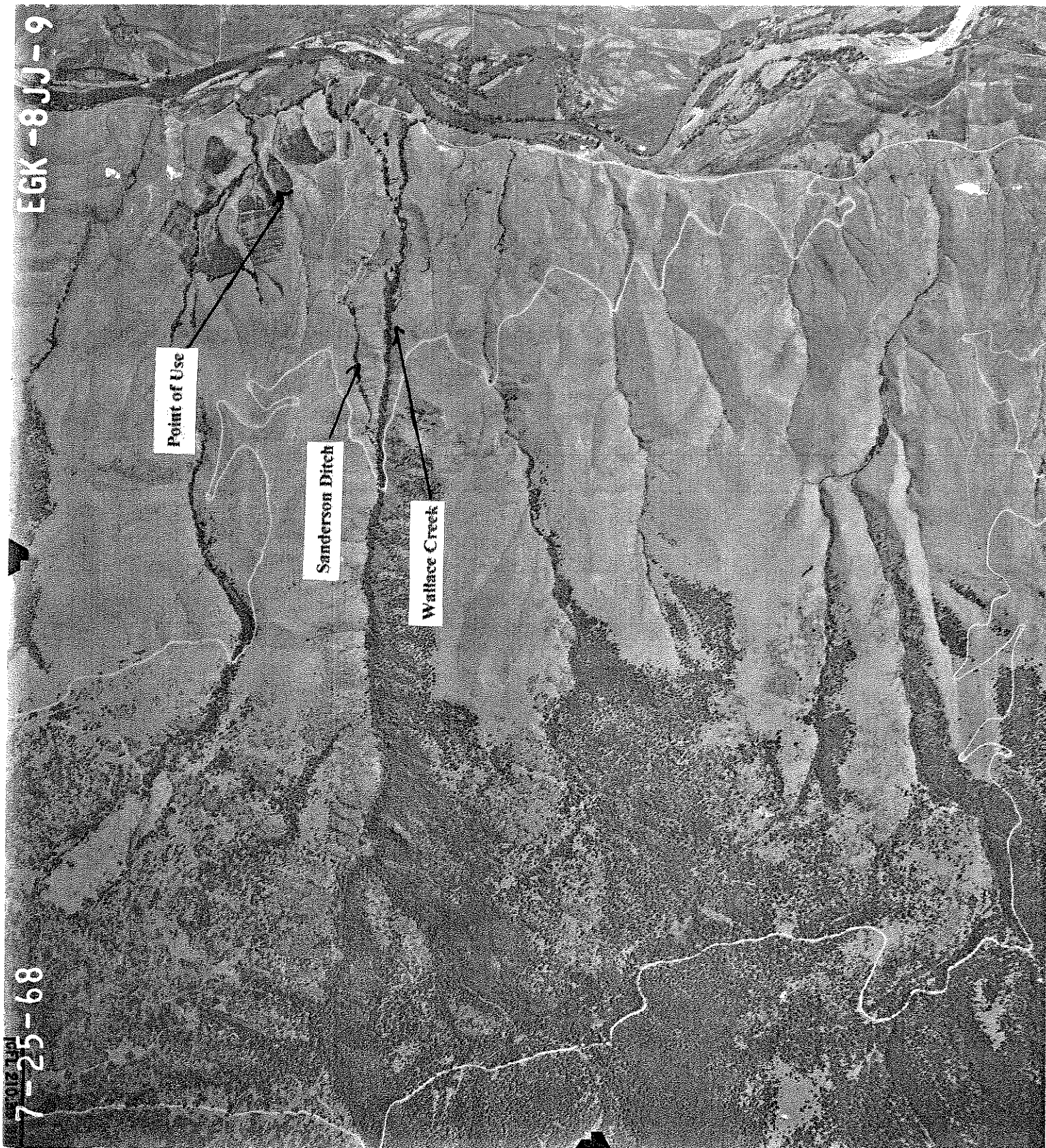


2-19-08

I verify these are true copies of the originals.



Sheila K. Hodges 7.12.05



The riparian growth along Sanderson Ditch appears to be almost as mature as the growth along Wallace Creek. This would indicate water flow in the ditch for a number of years.