

RECEIVED

AUG 01 2005

DEPARTMENT OF
WATER RESOURCES

John Miller
2100 Hwy 93 N.
North Fork, ID 83466

July 24, 2005

State of Idaho
Idaho Department of Water Resources
c/o Roxanne Brown
PO Box 83720
Boise, ID 83707

Dear Roxanne Brown:

This letter and information is in regards to our water rights claims (75-13953 & 75-4323). I am sending information copied at our Lemhi County Courthouse.

Item #1: George J. Thomas homesteaded the area that includes both of my water rights. He was taxed on 36 acres of irrigated AG. And 4 head of cattle and 1 horse in 1913.

Item #2: George J. Thomas received a Patent for his homestead (#336090) in 1917, which was found in Book Y, Page 249 in Instrument #:18491 in the Lemhi County Book of Deeds.

Item #3: In 1917 the Homestead was sold to W.H. Bosch for highest bid at a probate sale, as Thomas had passed away. Water rights were included.

Item #4: In 1918 Bosch sold the property to a Harder, including water rights.

Item #5: Also in 1918 Harder paid taxes for irrigation and livestock.

Item #6: This is an aerial photo of the properties that include the water rights.

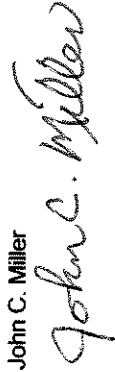
After looking up this information, Roxanne Brown, here's my take on the situation.

George Thomas homesteaded this ground and received a patent on it in 1917. That means he fulfilled his 5 years of occupancy that were required. So he must have been on the land in 1912. Unfortunately the County Clerk has no records for 1912. Thomas then past away and his executors sold the property to the highest bidder who was W. H. Bosch. And water rights were included. One year later Bosch sold the property and water rights to Harder. County records show taxes were paid in 1918 for irrigated ag. and livestock. Bosch was actually sent the tax papers and he forwarded the papers to Harder, as their sale took place in-between tax periods. I hope this information is of the type that is helpful. Since Harder, these lands have been sold with their water rights many times. During 1912, for sure 1913, Thomas established the diversion for the irrigation & stock water. The diversion is in the same place still today. These properties are still irrigated hayfields and pastures with cattle and horses on them. I really don't understand this whole process, but I would think both of these water rights claims should have the 1913 priority date. In looking for a local resident who personally witnessed the use of these lands and their water rights, I came up with a highly respected neighbor by the name of Wayne England, who actually irrigated, ran stock and put up hay on these very grounds. He has been a neighbor to these grounds even longer. He has personally observed these properties since 1932, during which the Harders still owned the properties. You will find his signature notarized at the bottom of this letter to attest to the truth of these facts.

I would very much appreciate your help in getting these water rights straightened out.

Sincerely,

John C. Miller



Wayne England



INDIVIDUAL ACKNOWLEDGMENT

State/ }
Commonwealth of Idaho } ss.
County of Franklin

On this the 25 day of July, 2005,
Day Month Year

before me, CLAUDIA MAXWELL,
Name of Notary Public

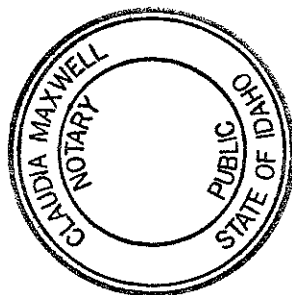
the undersigned Notary Public, personally appeared

WAYNE ENGLISH,
Name of Signer(s)

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed
to the within instrument, and acknowledged that
he/she/they executed it.

WITNESS my hand and official seal.



Claudia Maxwell
Signature of Notary Public

OPTIONAL

Though the information in this section is not required by law, it may prove valuable to
persons relying on the document and could prevent fraudulent removal and
reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Letter to Idaho Dept of Water Resources

Document Date: July 24, 2005 Number of Pages: 1

Signer(s) Other Than Named Above: None

**RIGHT THUMBPRINT
OF SIGNER #1**

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**RIGHT THUMBPRINT
OF SIGNER #2**

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ASSESSMENT ROLL FOR THE YEAR 1913

REAL PROPERTY

TOWNSHIP 23 RANGE 21

Receipt No.	OWNER OR REPUTED OWNER'S NAME AND ADDRESS	Subdivision or Tax No.	Sec.	Twp. N.	Rng. E.	CLASSIFICATION OF LANDS												Improvements	Value of Trees and Vines	PERSONAL PROPERTY																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																						
						Irrigated Agricultural		Natural Meadow and Pasture		Orchard Land		Grazing		Desert Waste and Swamp		Mineral				Cattle		Cows		Horses			Sheep and Goats			Swine		Vehicles			Harness Etc.	Machinery	Merchandise	Furniture and Fixtures																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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513	Murdoch & Viel Salmon, Ida.	Lots 2, 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Lots 1, 2, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$,	30			230	776 ⁵⁰ 8675					122	976	80	80			300	9118 ⁵¹																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																							

PERSONAL PROPERTY

ne	Vehicles			Harness Etc.	Machinery	Merchan- dise	Furniture and Fixtures	Not Otherwise Classified	Bank Stock		Money, Credits, Etc.	Exempt	TOTAL CASH VALUE
	Value	No.	Kind	Value					Shares	Value			
													9118 ⁵⁰ ~~998~~
	2			120						120 400	104 ⁵⁰ ~~990~~	170 400	186 ⁵⁰ ~~1870~~
	1			70	30					135	456 ⁵⁰ ~~400~~	1000	86 ⁵⁰ ~~875~~
										90	284 ⁵⁰ ~~275~~	90	2198 ⁵⁰ ~~2265~~
	75	1		70						140	5615 ⁷⁵ ~~5540~~	140	11813 ~~12179~~
	1			10				75		170 200	945 ~~835~~	170 200	3107 ~~3162~~

Township 24 N. Range 21 E.B.M.

SYMS-YORK CO., PRINTERS & BINDERS, BOISE 45980

REAL PROPERTY ASSESSMENT ROLL, YEAR 1918

No. of Assessment List	No. of Tax- payer's Receipt	NAME AND ADDRESS OF OWNER, REPUTED OWNER OR UNKNOWN OWNER	SUBDIVISION OR TAX NUMBER	Section	Township N.	Range E.	CLASSIFICATION OF LANDS AND IMPROVEMENTS					TOTAL VALUE OF REAL PROPERTY	Imp. on G. L.	Equity in S. L.	CATTLE		CALVES		COWS		GRADED HORSES		RANGE HORSES		COLTS		STALLION	P. E.
							IRRIGATED LAND	GRAZING LAND	WASTE LAND	MINERAL LAND	IMPROVE- MENTS				No.	K	No.	No.	No.	No.	No.	No.	No.					
							A	Value	A	Value	A	Value	A	Value	Value													
		Carpenter W. M.		2																								
1	1642.151	Tendoy, Idaho.	Tax #247	19	24	21	8	120	4	16	55	55	50	241														
			E 1/2 SW 1/4 NW 1/4, E 1/2 SW 1/4 NW 1/4, NW 1/4 NE 1/4 NW 1/4, W 1/2 SE 1/4 NW 1/4, Lots 6, 7,																									
2		Hull A. S.																										
3	1881.451	Northfork, Ida.	Tax #228	4				50	1125	20	240	57	57	35	1457	7	0	210	2	80	2	150	10	380				
			E 1/2 W 1/2 SW 1/4, W 1/2 SE 1/2 SW 1/4, N 1/2 NW 1/2 NE 1/2 SW 1/4, SW 1/4 NW 1/2 NE 1/2 SW 1/4, NW 1/2 SW 1/2 NE 1/2 SW 1/4, W 1/2 E 1/2 NW 1/4, E 1/2 W 1/2 NW 1/4,																									
4		Robbins J. A.		4																								
5	1380.452	Northfork, Ida.		9				40	900	40	480	25	25	300	1705	21	0	630	24	360	10	400	3	300	2	70	1	25
			E 1/2 SE 1/4 NE 1/4 SE 1/4, E 1/2 SE 1/4 SE 1/4 SE 1/4, E 1/2 NW 1/4 NW 1/4 SW 1/4,																									
6		Bartl Mrs. A.	SW 1/4 NW 1/4 SW 1/4,																									
7	1379.451	Northfork, Ida.	W 1/2 SW 1/4 SW 1/4, E 1/2 SE 1/4 SE 1/4, E 1/2 SW 1/4 SE 1/4 SE 1/4, SE 1/4 SE 1/4 NE 1/4 SE 1/4,					10	300	40	200			100	600				2	80			2	120				
		Newman H. E.		14				28	140																			
8	901	Carmen, Ida.	Tax #248	13				27	135	50	50			325														
9	IN-BETWEEN TAX PERIOD	Bosch W. H.	NW 1/4 NW 1/4, W 1/2 SW 1/4 NW 1/4, W 1/2 NW 1/4 SW 1/4, E 1/2 SE 1/4 NE 1/4, E 1/2 NE 1/4 SE 1/4,																									
10	1378.113	Northfork, Ida.		17				30	900	71	710	17	17	400	2027													
			Lots 1, 2, E 1/2 NW 1/4, SW 1/4 SW 1/4 NW 1/4, S 1/2 NW 1/4 SW 1/4 NW 1/4, Lots 3, 8, SE 1/4 SE 1/4 NE 1/4, S 1/2 NE 1/4 SE 1/4 NE 1/4, Lots 1, 4, NW 1/4 NE 1/4,																									
11		Hovey C. B.		18																								
12	1532.14	Northfork, Ida.		19				147	3410		69	69		2000	5479													
13		Newman H. E.	S 1/2 SE 1/4 SE 1/4 SW 1/4,	16																								
			W 1/2 E 1/2 NW 1/4 NE 1/4, Lots 1, 4, 5, W 1/2 NW 1/4 NE 1/4,																									
14	1601.407	Carmen, Idaho.		21				20	600	20	360	68	68	350	1378													

ITEM #5

ITEM #5

IN THE PROBATE COURT
OF THE COUNTY OF LEMHI, STATE OF IDAHO

THE MATTER OF THE ESTATE OF)
GEORGE J. THOMAS, Deceased.)

ORDER CONFIRMING SALE OF REAL ESTATE.

W. H. Shoup and W. G. Whitwell, the executors of the last will and estate of George Thomas, deceased, having made to this Court, and filed in the office of Clerk thereof, on the 12th day of May 1917, a return of their proceedings under the order of the sale herein, duly verified by affidavit, and the said matter, after due proof of due notice made and given as required by law, coming on regularly to be heard this 23rd day of May 1917, and the Court having examined the said return and heard the testimony of witnesses in support thereof and duly appearing to the Court that, in pursuance of said order of sale, said executors caused notice of the time and place of holding said sale to be posted up in three of the most public places in Lemhi County, State of Idaho, in which the land ordered to be sold is situated and to be published in the Salmon Herald a newspaper printed and published in the same Lemhi County for two weeks successively next before such sale, in which order of sale and notice the lands and tenements to be sold were described with common certainty, as follows, to-wit:

SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; W $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; W $\frac{1}{2}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; all of section 17; also also the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$; E $\frac{1}{2}$ of the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$; all of section 17; also the E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$; the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$; and the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of the said section 16; all of said above described lands being in Town-ship 24 North; Range 21 East of the Boise Meridian, and being situate in and lying in the said County of Lemhi, State of Idaho

That at such sale W. H. Bosch became the purchaser of all of said real estate for the sum of FOUR THOUSAND SEVEN HUNDRED AND FIFTY DOLLARS, being the highest and best bidder and said sum being the highest and best sum bid; that said executors accepted said bid; that said sale was legally made and fairly conducted; that a sum exceeding such bid, at least ten per cent., exclusive of the expense of a new sale, cannot be obtained, (1) that said estate has been appraised within one year of the time of such sale; (2) that the sum of FOUR THOUSAND SEVEN HUNDRED & FIFTY DOLLARS, offered by said W. H. Bosch is ninety per cent. of the appraised value of said real estate; and all and singular, the law and the premises, being by the Court here, seen, heard, understood and fully considered, wherefore it is by the Court

ORDERED, ADJUDGED AND DECREED, That the said sale be, and the same is hereby confirmed and approved, and declared valid, and the proper and legal conveyances of all said real estate are hereby directed to be executed to said W. H. Bosch purchaser, by said W. H. Shoup and W. G. Whitwell, executors.

Done in open Court this 23rd day of May 1917

Erle H. Casterlin
Probate Judge and Ex-officio Clerk
of Probate Court.

Erle H. Casterlin
Probate Judge.

STATE OF IDAHO)
County of Lemhi) ss.

I, Erle H. Casterlin, Probate Judge of the County of Lemhi, State of Idaho, hereby certify that the foregoing Confirmation of Sale of Real Estate is a full, true and correct copy of the original Confirmation of Sale of Real Estate in the matter of the estate of George J. Thomas, deceased, filed in my office on the 23rd day of May, 1917, and the whole thereof.

GIVEN under my hand and the seal of this Court this 24th day of May, 1917.

st

Erle H. Casterlin
Probate Judge SEAL.

Recorded at the request of Erle H. Casterlin May 24th, 1917, at 10 minutes past twelve o'clock P. M., in Book V of Deeds, page 167, Records of Lemhi County, Idaho.

BY W. W. S. Deputy.
J. L. Kirtley, Jr.,
County Recorder.

ITEM #3

THIS INDENTURE, made this 18th day of November in the year of our Lord one thousand nine hundred and eighteen between W. H. BOSCH and IIA A. BOSCH, husband and wife of Northfork County of Lemhi, State of Idaho, the parties of the first part, and CHARLES O. HARDER and RACINE L. HARDER, husband and wife, of Northfork, 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 SIX THOUSAND FIVE HUNDRED 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 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 those certain pieces or parcels of land, situate, lying and being in said County of Lemhi, State of Idaho, and bounded and described as follows, to-wit:

The Northwest quarter of the Northwest quarter; the West half of the Southwest quarter of the Northwest quarter; the West half of the Northwest quarter of the Southwest quarter; all of Section 16; also the East half of the Southeast quarter of the Northwest quarter; the East half of the Northeast quarter of the Southeast quarter, all of Section 17; all of said above described lands being in Township 24 North, Range 21 East of the Boise Meridian, and being situate and lying in said County of Lemhi, State of Idaho; together with the tenements, hereditaments and appurtenances whatsoever to the same belonging or in any wise thereto appertaining; together with any and all water, water rights, ditches, flumes and aqueducts thereto belonging or in any wise thereto appertaining.

(Excepting from this conveyance that certain lot comprising one acre more or less, heretofore conveyed by George J. Thomas to Mary C. Calvin by deed dated April 1912 and recorded in Book "J" of Deeds on page 433 of the records of Lemhi County, State of Idaho, being the East half of the Northeast quarter of the Southeast quarter of Section Seventeen, Township Twenty-four North, Range Twenty-one East of the Boise Meridian.)

This conveyance is made subject to one certain Mortgage, being a first Mortgage upon said premises in the sum of \$3,500.00, which said mortgage and the debt thereby secured, the said parties of the second part herein agree to assume and pay; also to a second mortgage given on said premises by the said parties of the second part herein to the said parties of the first part herein to secure the payment of one promissory note in the sum of \$2,300, of even date herewith, payable five years after its date with interest at the rate of 9 per cent per annum, which said note and second mortgage is given in part payment of the consideration of SIX THOUSAND FIVE HUNDRED DOLLARS herein expressed.

The said first mortgage herein described is dated May 24, 1917 and is given by the said parties of the first part herein to Emma Wheeler to secure the payment of one promissory note in the sum of THREE THOUSAND FIVE HUNDRED DOLLARS of even date with said mortgage, due on or before five years after its date with interest at the rate of 9 per cent per annum, which said mortgage is recorded in the office of the Recorder of said County of Lemhi in Book "I" of Mortgages at page 262.

Revenue stamps \$4.50 W. H. B., 11/18/18

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 hold, all and singular, the abovementioned 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 quit and peaceful possession of the said parties of the second part, their 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) W. H. Bosch (SEA L)
) IIA A. Bosch (SEAL)

STATE OF IDAHO,)
 COUNTY OF LEMHI,) ss.

On this 18th day of November in the year 1918 before me, E. W. Whitcomb a Notary Public in and for the said County and State, personally appeared W. H. Bosch and IIA A. Bosch, husband and wife known to me, to be the persons whose names are 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.

SEAL.

Enoch W. Whitcomb

Notary Public, residing at Salmon, Idaho

Recorded at request of Chas. O. Harder at 30 minutes past 2 o'clock P. M., Dec. 2nd, 1918, in Book Y of Deeds, on page 566, Records of Lemhi County, Idaho.

BY W. L. Kirtley, Jr.
 Deputy.

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



North Fork
Idaho
Salmon Scenic

- NORTH FORK OF
SALMON RIVER
X - POINT OF DIVERSION
SINCE 1913
- IRRIGATION DITCH

KEY

WATER RIGHTS

75-4323

75-13953

WATER

6

50