

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4397

WATER RIGHT NUMBER: 75-4397

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY E ANDERSON 2988 SALMON RIVER RD SHOUP, ID 83469-6503
Current Owner	EDWARD CHARLES ANDERSON JR 3006 CLOVER RD KENNEWICK, WA 99337 (509)627-6695
Current Owner	EDWARD CHARLES ANDERSON HC 64 BOX 36 SHOUP, ID 83469
Current Owner	PAULA ANDERSON 3006 CLOVER RD KENNEWICK, WA 99337 (509)627-6695

Priority Date: 04/10/1920

Basis: Statutory Claim

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.050 CFS	
IRRIGATION	4/01 to 11/15	0.360 CFS	
	<u>Total Diversion:</u>	0.410 CFS	

Location of Point(s) of Diversion

OWL CREEK	NW1/4SE1/4	Sec. 15, Twp 23N, Rge 17E, B.M.
LEMHI County		

Place of UseIRRIGATION Within LEMHI County

T23N R17E S15 SESW 5.0 T23N R17E S22 NENW 6.0

Total Acres: 11

DOMESTIC same as IRRIGATIONConditions of Approval:

1. THIS RIGHT COMBINES 75-04397 AND 75-04489 ADDRESS CHANGE BY CLAIMANT LETTER.

Remarks:

July 28, 2005

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Enclosed are the following:

- * First recorded sale of our place; 07/09/1917
- * Homestead for our place; 04/10/1920

You realize that 25 years ago when we filed and thought we had a water right there were people living who had firsthand knowledge of original water usage and could answer the questions you pose today.. Because of your repeated failed attempts to end this issue years have passed and these knowledgeable people have all died. So, I may receive a poorer water right than I own because of your incompetence. Wait 25 more years and do it again and nobody will be alive. Some fair process.

We are currently working on the following:

- *Affidavit attesting to first party observed use of irrigation on our place.
 - *Placer claim records which may show when our ditch was first put to beneficial use.
- The 3rd hand belief is that our ditch predates the homestead. These records are listed by claimant and require a search of the entire set of courthouse records to find a location. I have not had the time to do this.

Current addresses of the owners are listed below:

Mary E Anderson
3004 Salmon River Road
Shoup, ID 83469

Edward Charles Anderson, JR
2614 Bluebird Lane
Idaho Falls, Idaho 83402

Edward Charles Anderson
3004 Salmon River Road
Shoup, Idaho 83469

Paula A Anderson
2614 Bluebird Lane
Idaho Falls, Idaho 83402

This Indenture, Made this 7th day of September in the year of our Lord

one thousand nine hundred and seventeen between William B. Walton
a single man, of the county of Lemhi, State of Idaho, the party of the first part, and
Charles W. Wilson of Bellevue, County of Blaine, State of Idaho,

the part Y of the second part.

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

Five Thousand (\$5000)

DOLLARS,

lawful money of the United States of America, to him 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
that certain lot, piece or parcel of land situate, lying and being in the County of Lemhi,
State of Idaho, and particularly described as follows, to wit;

A tract of 52.07 acres in Salmon National Forest approximately in unsurveyed township
23 North, Range 17 East of the Boise Meridian, embraced in Homestead Entry Survey, No.
368, List No. 4-331, and List No. 4-646 described by metes and bounds as follows;

Beginning at Cor. No. 1 from which U.S. Location Monument No. 368 bears south 60° 14'
West 12.30 chains distant; thence North 8° 18' west 12.20 chains to corner No. 2; thence North
5° 46' west 7.65 chains to corner No. 3; thence south 34° 21' east 21.95 chains to corner
No. 4; thence south and west along the right bank of Salmon River to corner No. 5; thence
North 3° 30' east 5.95 chains to corner No. 6; thence south 76° 33' east 20 chains to corner
No. 7; thence north 71° 30' East 30.96 chains to corner No. 1, the place of beginning.

Together with all the ditches, water and water rights belonging to said premises,
appertaining thereto or used in the irrigation 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 Y 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 Y of the first part, and his 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 Y
of the first part and his 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 part Y 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

William B Walton (SEAL)

(SEAL)

(SEAL)

STATE OF IDAHO, }
COUNTY OF LEMHI } ss.

On this 7th day of September in the year 1917 before me, W.C. Smith

a Notary Public

William B. Walton

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.

SEAL

W.C. Smith

Notary Public for the State of Idaho

residing at Salmon, Idaho.

Idaho

Recorded at request of Bellevue State Bank, Bellevue/ at 13 minutes past 1 o'clock

P.M., April 10th 1912 in Book X of Deeds, on page 515 Records of
Lemhi County, Idaho.

W.C. Smith

4-1043.

Hailey 011820 and 013260.

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 William B. Walton has been established and duly consummated, in conformity to law, for the H.E. Survey No. 368, 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. Location Monument No. 368 bears south sixty degrees fourteen minutes west twelve and three-tenths chains distant; thence north eight degrees eighteen minutes west twelve and two-tenths chains to corner No. 2; thence north five degrees forty-six minutes west seven and sixty-five-hundredths chains to corner No. 3; thence south thirty-four degrees twenty-one minutes east twenty-one and ninety-five-hundredths chains to corner No. 4, situate on right bank of Salmon River; thence, meandering said right bank of Salmon River, south twenty-one degrees seven minutes west ten and eighty-two-hundredths chains, south sixty degrees fifty-five minutes west four and six-hundredths chains, north eighty-two degrees forty-four minutes west ten and twenty-two-hundredths chains, south sixty-five degrees forty-two minutes west ten and seventy-four-hundredths chains, south eighty-five degrees thirteen minutes west twenty-one and eight-hundredths chains, north sixty-eight degrees twenty minutes west eleven and fifty-four-hundredths chains to corner No. 5, situate on said right bank of Salmon River; thence north three degrees thirty minutes east five and ninety-five-hundredths chains to corner No. 6; thence south seventy-six degrees thirty-three minutes east twenty chains to corner No. 7; thence north seventy-one degrees thirty minutes east thirty and ninety-six-hundredths chains to corner No. 1, the place of beginning; containing fifty-two and seven-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-FIRST day of AUGUST in the year of our Lord one thousand nine hundred and EIGHTEEN and of the Independence of the United States the one hundred and FORTY-THIRD.

SEAL

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

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

RECORDED: Patent Number
645194

Recorded at the request of Allen C. Merritt April 10th 1920 at 7 minutes past 1 o'clock P.M. in Book Z of Deeds page 310 Records of Lemhi County, Idaho.

BY Francis R. Hall
Deputy

W. W. Simmonds
County Recorder.