

IDAHO DEPARTMENT OF WATER RESOURCES  
Adjudication Claim Report 75-4002

WATER RIGHT NUMBER: 75-4002

|                   |                                                                     |
|-------------------|---------------------------------------------------------------------|
| <u>Owner Type</u> | <u>Name and Address</u>                                             |
| Current Owner     | BRUCE MC FARLAND<br>PO BOX 124<br>CARMEN, ID 83462<br>(208)756-2490 |

Priority Date: 08/30/1893  
Basis: Statutory Claim  
Status: Active

|               |                  |
|---------------|------------------|
| <u>Source</u> | <u>Tributary</u> |
| CARMEN CREEK  | SALMON RIVER     |

|                       |                         |                       |                      |
|-----------------------|-------------------------|-----------------------|----------------------|
| <u>Beneficial Use</u> | <u>From</u> <u>To</u>   | <u>Diversion Rate</u> | <u>Annual Volume</u> |
| IRRIGATION            | 4/01 to 11/01           | 1.700 CFS             |                      |
|                       | <u>Total Diversion:</u> | 1.700 CFS             |                      |

Location of Point(s) of Diversion  
CARMEN CREEK                      L3 (NE1/4NW1/4)                      Sec. 2,    Twp 22N,    Rge 22E, B.M.  
                                                 LEMHI County

Place of Use  
IRRIGATION Within LEMHI County  
T22N R22E S09    SESE    30.0                      T22N R22E S10    NWSW    31.0  
T22N R22E S10    SWSW    7.0  
Total Acres: 68

Conditions of Approval:  
1.                      SUPPORTING DATA CAN BE FOUND IN BOOK B OF WATER RIGHTS, PAGE 37 AND BOOK G OF DEEDS PAGE 108 AT LEMHI COUNTY COURTHOUSE.  
                                                 CHANGED OWNERSHIP PER REQUEST/JH/2-10-98

Remarks:

water right number 75-4002

RECEIVED from John. Daniels Dollars  
March 21.  
Five  
on an of water easement of  
mother  
J. W. Craskey.

\$39.00 Dec 18 189  
Received from John Daniels  
Thirty Nine Dollars  
on account of water payments  
on water and L. D. D.

Dec 29 189  
Received from John Daniels  
Twenty Dollars  
on account of  
B. L. Dyer

water right number 75-4002

Received from John D. ...  
...  
...  
...

Received from John D. ...  
...  
...  
...

Received from John D. ...  
...  
...  
...

Instrument No. 6038.

THE UNITED STATES OF AMERICA,

To all to whom these presents shall come, Greeting:

Homestead Certificate No. 1065 )  
Application 1432 )

Whereas There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Halley, 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 John Daniels has been established and duly consummated, in conformity to law, for the South East quarter of the South East quarter of Section nine and the west half of the South West quarter of Section Ten in Township twenty-two North of Range Twenty-two East of Boise Meridian in Idaho, containing one hundred and twenty acres according to the Official Plat of the Survey of the said Lands 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 John Daniels the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereof, unto the said John Daniels 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, for 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 of America, have

In Testimony Whereof I, Theodore Roosevelt, 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 March, in the year of our Lord one thousand nine hundred and three, and of the Independence of the United States the one hundred and twenty seventh.

By the President: T. Roosevelt

By F. M. McKean, Secretary

Beal

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

Recorded Idaho, Vol 49, Page 128.

Recorded at the request of A. E. Daniels Sept. 30th 1907 at 50 minutes past 11 o'clock A.M., in Book R of deeds page 147 Records of Lemhi County, Idaho.

water right # 75-4002

*W. R. Smith*  
County Recorder.

## Notice of Water Right-

Water Right Number 75-4222

State of Idaho } ss  
County of Lemhi }

To all Concerned. Notice is here by Given.

1st That I, John Daniels of Lemhi County, Idaho, hereby claim the use of the waters of Carmen Creek, Lemhi County, Idaho, to the extent of four cubic feet, per second. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely describe as follows. S.E. 1/4 S.W. 1/4 of Section 36, in Township 23 North of Range 22 East of Boise Meridian.

2d The purpose for which said water is intended to be used is irrigation domestic and other beneficial purposes. The place of intended use, is the S.E. 1/4 S.E. 1/4 of Sec. 9, the W. 1/2 S.W. 1/4 of Sec. 10, in Township 22 North of Range 22 East of Boise Meridian and adjacent lands.

3d. It is intended to divert said water by means of a ditch and dam. The general course of the proposed conduit is South westerly.

The length of the proposed conduit is about 2 miles. The destination of the proposed conduit is the lands above described. It is intended to use said waters for irrigating lands above described.

The area of lands proposed to be irrigated by said conduit is 120 acres, or more. Witness my hand on the ground, Lemhi County, Idaho, this 7<sup>th</sup> day of April 1902.

Witness, Alfred E. Daniels

John Daniels - Claimant

State of Idaho } ss  
County of Lemhi }

John Daniels, being first duly sworn, depose and say that he is of lawful age and the Claimant of the Water Right mentioned in the foregoing notice, and whose name is subscribed thereto. That the statements in said notice are true, and that the original notice of which the foregoing is a true copy, was posted in a conspicuous place at or near the place of intended diversion (as provided by law) on the 27<sup>th</sup> day of April 1902, at eleven o'clock A.M.

John Daniels

Subscribed and sworn to before me this 8<sup>th</sup> day of April, 1902. And I further certify that on the date last above given, personally appeared before me the affiant above named, 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"

John W. Padgham

Notary Public

STATE OF IDAHO

County of Lemhi

ss.

I, Notary Public, do hereby certify that the foregoing is a true and correct copy of the original of John Daniels

of the State of Idaho, as filed in my office on the 8<sup>th</sup> day of April

1902, at eleven o'clock A.M.

John W. Padgham, Notary Public, State of Idaho, at page 448

John Danieles

This Substantive made the twenty fifth day of September in the year of our Lord one thousand eight hundred and 93 between William H. Peilcke of the County of Lemhi, State of Idaho, the party of the first part, and John Danieles of the same County the party of the second part.

Witnesseth, That the said party of the first part for and in consideration of the sum of seventy per dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged done by their presents demers release and forever Quitclaim unto the party of the second part and to his heirs and assigns, all that certain lot, piece or parcels of land situated in said County of Lemhi, State of Idaho and particularly described as follows, to wit,

The north half of the south west quarter and the south west quarter of the south west quarter of Section Ten in Township Twenty-two North of Range twenty-two East of Bove's meridian, together with the water right located by the said party of the first part in August 1893, claiming one hundred and twenty per inches of the waters of

Parman Creek for the purpose of irrigating said land

together with all and singular the tenements, hereditaments and appendances thereto belonging, and the reversions and reversionary remainders and remainders unto issue and profits thereof,

To have and to hold all and singular the said premises, together with the appendances unto said party of the second part and to his heirs and assigns forever.

In witness whereof, the said party of the first part has hereunto set his hand and seal the day and year above written.

Signed, sealed and delivered in the presence of)

William H. Peilcke, Seals  
(Thomas Elder)

State of Idaho  
(County of Lemhi) ss

On this 21 day of September 1893, personally appeared before me, Thos. Elder, Probate Judge in and for said County, William H. Peilcke, known to me to be the identical person described in, and who executed the foregoing instrument and who acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein mentioned.

In witness whereof, I have hereunto set my hand the day and year in this certificate first above written.

Thos. Elder  
Probate Judge

Recorded at the request of John Danieles Sept. 26<sup>th</sup> 1893.  
at 15 minutes past 8 o'clock A. M. in Record. B. of Idaho page 108  
Records of the County of Lemhi, Idaho

Amosy Dore  
County Recorder

## Water Location Notice

Notice is hereby given that we the undersigned, Citizens of the United States, hereby locate and appropriate Two Hundred and Eighty-five (285) inches, measured under a four inch pressure, of the flow of the North Fork of Carmen Creek, Sanbik County, Idaho, for agricultural, mining and milling purposes.

The point of diversion of said water is to be at the headgate in said creek belonging to Matt Sinden and being about one mile west of the forks of said Carmen Creek and conveyed thence in the ditch of said Sinden, by us enlarged to a ditch five feet wide and two feet deep, to the tract of land of One Hundred and twenty acres belonging to M. H. Teilecke, lying immediately west of the ranch of Matt Sinden and also through said ditch to the One Hundred and sixty acre tract of A. J. Mathews, lying immediately west of the tract of M. H. Teilecke.

Said water is to be used on said above named tracts for irrigating and domestic purposes.

Dated August 30, 1893

M. H. Teilecke  
A. J. Mathews

Recorded at the request of A. J. Mathews August 30th, 1893, at 25 minutes past 5 o'clock A. M. in Book B of Water Rights page 37 Records of Sanbik County Idaho.

Timothy Dore  
County Recorder