

Patrick D. Mihelich and
Pamela K. Mihelich
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Roxanne Brown, Senior Water Resource Agent
Adjudication Bureau
Idaho Department of Water Resources
P. O. Box 83720
Boise, Idaho 83720-0098

July 28, 2005

RE: Claim to a Water Right No. 75-04382

Dear Ms. Brown:

We are responding to your letter of June 29, 2005, which was mailed on July 5, and received by us on about July 14, 2005, requesting proof of the "Beneficial Use" or "Statutory Claim" priority date claimed and the historic use of water.

As proof of the priority date and usage pertaining to the Claim to Water Right No. 75-04382, enclosed are the following documents:

1. A copy of the original "Report on Agricultural Homestead Applications" dated December 5, 1908, applicant Mr. Frank Baer, Lemhi Co., Idaho. Mrs. F. (Margaret) Baer, widow and heir of Frank Baer completed the applicants entry. The Application was signed by Mr. Geo. C. Thompson, Land Examiner, and approved on January 19, 1909, by Mr. Geo. G. Brutz (In charge of Examinations) and then approved on January 29, 1909, by the "Chief, Office of Lands".
2. A copy of the "Report on Agricultural Homestead Applications" dated December 6, 1908, for Mrs. Johanna Mulcihy of Salmon, Lemhi County, Idaho that shows adjacent property in Section 33 where it is clearly indicated that the property of Margaret E. Baer is being irrigated.
3. A copy of the original "In response to notice of 5 year proof from the Haily L.O. to be submitted December 21, 1909. Margaret Baer, H. E. #05622, Hailey. Salmon National Forest." Examined December 10, 1909 and signed by the Asst. Forest Ranger.
4. A copy of "Instrument No. 9729" Decree of Distribution of the Estate of Frank Baer, Deceased to Margaret E. Baer. Decreed by Frank P. McCracken, Probate Judge on April 5, 1910.
5. A copy of Instrument No. 11268, Land Patent Grant for Hailey 05662, Recorded Patent No. 214494 in Book R. of Deeds, page 550, Records of Lemhi County, Idaho, signed by J. S. Kirtley Jr., County Recorder and W. W. Simmonds, Deputy, filed on August 21, 1911 at the request of Margaret Baer. This document shows that as of July 3, 1911, claimant Margaret Baer, heirs and assigns are granted the land claimed subject to any vested and accrued water rights, rights to ditches and reservoirs used in connection with such water rights.
6. A copy of Instrument No. 24106, Conveyance of Property from Margaret E. Baer to Verna E. Kellogg, James E. E. Kellogg and John H. Jewett, Notorized on August 17, 1920, and recorded in Book Z of Deeds, on page 432, Records of Lemhi County, Idaho. This document indicates conveyance of property "Together with all irrigation ditches, water and water rights appurtenant thereto and heretofore use in connection with said lands.
7. A copy of "Claim To A Water Right," by Michael Walsh dated June 1, 1983, claims .1 use of irrigation from March 15 to November 15 annually.
8. A copy of Water Claim from Michael Walsh to Patrick D. and Pamela K. Mihelich including public notices of water useage.

9. A copy of "Notice of Claim to a Water Right Acquired Under State Law" issued to Michael E. Walsh.
10. A copy of New Property Owner Notice of Change of Water Right Ownership, Date of Closing: 7/13/95, shows the ownership changed for Water Right Number A75-04382 from Walsh to Patrick D. and Pamela K. Mihelich.
11. A copy of "Amended Notice of Claim to a Water Right Acquired Under State Law" for claim #A-75-04382 which shows the owners of the Claim as Patrick D. and/or Pamela K. Mihelich.

Enclosure 1, the "Report on Agricultural Homestead Applications" prepared on **December 5, 1908**, and approved on January 19, 1909, for the claim of Mr. and Mrs. Frank Baer that lies on Boyle Creek (which later became named Tower Creek). This report indicates in #10 that, "Large crops of hay, fruit and vegetables are produced every year". In order for "large crops of hay, etc." to have been produced every year, irrigation water from Tower Creek must have been in use.

Our property is adjacent to Section 33. The point of water diversion for our property is on adjacent Section 33 and our ditch flows through through the lower portion of Sec. 33 onto and through our property. According to Enclosure 2, "Report on Agricultural Homestead Applications, dated **December 6, 1908**, for Mrs. Johanna Mulcihy of Salmon, Lemhi County, Sec 33 color penciled drawing," it shows that the cultivated land extended into adjacent Sec. 4, NW ¼ NE ¼ portion which is now our property. This indicates that our property was irrigated by said ditch and the owners of Sec. 33 (Mulcihy) had to also use this ditch in order to irrigate their field. In other words, the ditch went from the point of diversion on Mulcihy's through our property, and both Mulcihy and Baer used this ditch for irrigation.

Enclosure 3, the document, "In response to notice of 5 year proof from the Hailey L. O. to be submitted December 21, 1909. Margaret Baer, H. E. #05662, Hailey. Salmon National Forest" indicates in paragraph #10 that in, "good faith, the **claimant has cultivated the land since 1899.**" And further indicates in paragraph #3 that NW ¼ NE ¼, contains 7 ½ acres, 5 of which can be tilled; in paragraph #4 that **the land was settled in 1899**; in paragraph #6, " Claimant has raised mostly hay on claim. 40 Tons of hay raised each season. All of the land was ditched and cultivated by the present claimant. Hay is fed to domestic animals"; and in paragraph #7, "After hay is cut all stock graze upon claim at large." This indicates that the land had ditches and was irrigated at the least for hay production and grazing which could not occur without irrigation water. 1899 is the first date that water from Tower Creek can be demonstrated to have been put to beneficial use on the property, and accordingly, should be the correct priority date of the beneficial use right being claimed in Water Right No. 75-04382.

Enclosure 4 shows that Mr. Baer died and on April 5, 1910, his estate was distributed by Frank P. McCracken, Probate Judge. His widow, Margaret E. Baer, was Executix of his estate and received all Real and Personal property including "sixty ton of hay" valued at \$180. This indicates that the property was still being irrigated and hay production was increasing.

Enclosure 5, Instrument No. 11268, is the recording of Land Patent Grant of July 3, 1911, for the Homestead Claim of Margaret Baer and states, "the claim of Margaret Baer has been established and duly consummated..." and further, "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..." This documents indicates, "GIVEN under my hand, at the City of Washington, **the Third day of July in the year of our Lord one thousand nine hundred and eleven** and of the Independence of the United States the one hundred and Thrity-fifth. By the President: Wm. H. Taft. By M. P. LeRoy, Secretary. John O'Connell, Acting Recorder of the General Land Office." This Patent was recorded at the Request of Margaret Baer on August 21, 1911 in Book R of Deeds, page 550, Records of Lemhi County, Idaho.

Homestead Patent document, Instrument No. 11268, contains the date of July 3, 1911, that has heretofore been used as the priority date for the water claim on our property. **However, since the land was settled in 1899 and in "good faith" had been cultivated since 1899, and on December 5, 1908, the Report on Agricultural Homestead Application for the late Mr. Frank Baer and his widow Mrs. Baer indicates large crop and hay production which could only occur through irrigation, we are respectfully requesting that our water use priority date be established as 1899 for Claim for Water Right No. 75-04382 and that the prior date of July 3, 1911, be deleted.**

Enclosure 6, Instrument No. 24106, Conveyance of Property from Margaret E. Baer to Verna E. Kellogg, James E. E. Kellogg and John H. Jewett, indicates conveyance of property "Together with all irrigation ditches, water and water rights appurtenant thereto and heretofore use in connection with said lands. This demonstrates that the irrigation water was beneficially used from 1899 through the date the property was sold on August 17, 1920.

Enclosure 7, Claim To A Water Right, Claim No. 75-4382 by Michael Walsh, dated June 1, 1983, claims .1 use of irrigation from March 15 to November 15 annually. Item #5 Point of diversion is shown as "SW ¼, SE ¼, **Section 33, T24N, R22E, B.M., County of Lemhi.**

Enclosure 8, Affidavit of Publication notarized on June 23, 1983, indicates that on June 16, 1983 and June 23, 1983, Michael Walsh filed on water right(s) created by diversion and beneficial use for Claim 75-4382. The diversion point is shown as **SW/SE Sec. 33 T24N R22E**. Use was shown as being for irrigation (0.10 CFS).

Enclosure 9, Notice of Claim to a Water Right Acquired Under State Law issued to Michael E. Walsh indicates the point of diversion as T23N, R22E, **Section 4**, SE ¼ of NE ¼ of NW ¼. This is clearly an error as indicated by both Enclosures 7 and 8 whereby the point of diversion is in Section 33 NOT in Section 4.

Enclosure 10, New Property Owner Notice of Change of Water Right Ownership, Date of Closing: 7/13/95, shows the ownership changed for Water Right Number A75-04382 from Walsh to Patrick D. and Pamela K. Mihelich. Proof of ownership is attached including the Warranty Deed to Patrick D. and Pamela K. Mihelich dated June 30, 1995, and the legal description of the property as Exhibit A.

Enclosure 11 is the "Amended Notice of Claim to a Water Right Acquired Under State Law" for claim #A-75-04382 which shows the owners of the Claim as Patrick D. and/or Pamela K. Mihelich. In this document the point of diversion continues to be shown as T23N, R22E, **Section 4**, SE ¼ of NE ¼ of NW ¼.

Enclosures 7-11 show the occurrence and perpetuation of the error in the point of diversion. We respectfully request the point of diversion be corrected to reflect the correct location of SW ¼, SE ¼, Section 33, T24N, R22E, B.M., and County of Lemhi.

In summary, the enclosed documents show that beneficial use rights were established in 1899, the point of diversion was and continues to be in Section 33, T24N, R22E where a ditch went from the point of diversion on Mulcihy's (currently Fred Park) through our property, and both Mulcihy and Baer used this ditch for irrigation. The diversion point should be corrected to reflect past and current location.

Thank you for your time and consideration. Should you have questions or wish additional information, we can be contacted at the above address and phone number.

Sincerely yours,



Patrick D. Mihelich

Enclosures

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

Application No. 16 Salmon National Forest.

Land District Hailey December 5, 1908.
(Date of examination.)

Salmon,

1. Name and address of applicant Mr. Frank Baer, Lemhi Co., Idaho.
Mr. Baer died July 14, last, and Mrs. F. Baer, widow and heir of
deceased, wishes to complete former applicants entry.

2. Settlement Deceased, applicant alleges settlement fall of 1892.
Present applicant alleges settlement April 19, 1906.
(Is applicant living on land? Give date of settlement.)

3. Location The W1/2 NW/4, N/2 & SW/4 NW/4 SW/4 of NE/4; E/2 SE/4 & SE/4
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settle-
ments, etc.)
NE/4 NE/4 of NW/4; S/2 & S/2 of NW/4 & NE/4 SE/4 of NW/4; SE/4 &
S/2 NE/4 SW/4 of NW/4; E/2 NW/4r NE/4 NW/4 & W/2 NE/4 SE/4 of SW/4,
all of section 4. T. 25 N. R. 22 E. B. Mer.

This claim lies on Boyle Creek, about one and one half miles
above the confluence of the waters of this creek and Salmon River.
There are good road facilities up the river to Salmon City the
county seat, and also to Red Rock, Montana, where connections are
made with the Oregon Short-Line Railroad.

4. Area One hundred sixty acres. (160)
(Applied for, and recommended.)

5. Topography ----- ~~Aside from the narrow strips of cultivatable land~~
(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in
~~along the creek bottom the character of the country is extremely~~
its bearing on agricultural possibilities, altitude, slope, aspect, etc.)

~~mountainous, ranging in elevation from about 4200 feet along the~~
~~creek to five and six thousand feet in the surrounding country.~~

6. Formation ----- ~~The ranch consists of bench land and bottom land,~~
(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of
~~the former is made up of a mixture of loam and gravel while~~
water for irrigation and domestic use. Possibilities for developing water.)

~~the latter is composed chiefly of a sandy loam or wash soil.~~
~~Possibilities are very good for the production of all kinds of~~
~~fruit and hay, with sufficient water for irrigation purposes.~~

7. Climate ----- ~~The climate is generally very mild. Winter weather~~
(Precipitation, temperature, occurrence of killing frosts.)
~~breaks during April or the fore part of May and the open weather~~
~~extends well into October and November. It is very seldom that~~
~~killing frosts occur before the latter part of September.~~

8. Cover ----- ~~With the exception of the cultivated land the cover~~
(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for pro-
~~both on the claim and the adjacent country consists of sage brush~~
tective or seeding purposes?)
~~and grass, and is not needed for either protective or seeding~~
~~purposes.~~

~~The claim is easily accessible by wagon road.~~

9. Claims Applicant has no knowledge of any existing conflicts
(Conflicting claims to land or existing improvements—by whom and on what grounds. Examiner is not to pass upon claims—merely

to the land or improvements. The improvements consist of a log
to furnish all available information. Use in the past, and by what means. Existence of mining claims. Give any information available affecting
and frame house, frame stable, a 100 tree orchard, approximately
qualifications of applicant to make a homestead entry. Show what improvements have been made, and their present state of repair.)
four miles of fencing and about fifty acres of cleared land, all
of which are in good condition.

10. Economic possibilities Applicant desires to obtain patent. The
(Reason for application, and opinion as to success of applicants' plans. State fully agricultural possibilities,

agricultural possibilities are good. Large crops of hay, fruit
value, if any, to Forest Service for Rangers' Quarters or other administrative purposes. If withdrawal of tract for administrative use is desired,
and vegetables are produced every year. Transportation facilities
submit separate report on Form 271. Distance and market price per acre of near-by farms. Transportation facilities.)
are fair, and new markets have recently been opened up in the
Big Hole Country, Montana, through wagon road facilities accomplish
ed by the combined efforts of the Service and the general public.

11. Recommendations It is recommended that the claim be listed for
(Specific recommendation for or against listing of land, with summary of reasons for recommendation.)

settlement. Because an early adjustment of these agricultural claims
will greatly facilitate the administration of the Forest.

12. Photographs No photographs.
(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal -----
(Has applicant agreed to the findings of the examiner?)

Geo. C. Thompson
(Signature of examining officer.)

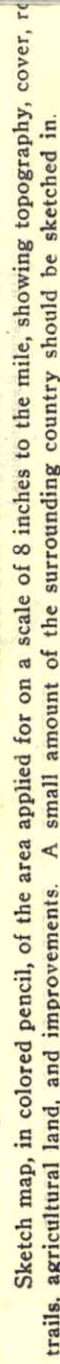
Land Examiner.
(Title.)

Approved January 19, 1909.
Geo. B. Smith
(In charge, Examinations.)

Approved _____ 190

Chief, Office of Lands.

Tp. 24 N. R. 22 E. B. M. Section 33. Quarter — Scale: 3 inches = 1 mile.



UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS

Application No. Salmon National Forest.

Land District Hailey Dec. 6, 1908.
(Date of examination.)

1. Name and address of applicant Mrs. Johanna Mulciky,
(The county should always be given.)
Salmon, Lemhi Co., Idaho.

2. Settlement Settled December 1898.
(Is applicant living on land? Give date of settlement.)

3. Location The W² SE⁴ NE⁴; SE⁴ NE⁴ and SE⁴ SW⁴ NE⁴; W² NE⁴
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settle-
ments, etc.)
SE⁴; E² NW⁴ SE⁴ and E² and SW⁴ SW⁴ and E² NW⁴ of SE⁴;
N² & SW⁴ and W² SE⁴ of SW⁴ SE⁴, all of section 33.

Twp. 24 N. R. 22 E. Boise Meridian.

The claim lies on Bayle Creek, about three
miles off the county road and fifteen miles
below Salmon, the county seat. Road
facilities throughout this section of country
are comparatively good. Railroad
connections are made at Red Rock, Mont.
via Salmon, Ida.

4. Area One hundred twenty acres (120).
(Applied for, and recommended.)

5. Topography *The claim is located in a widening arch of Bough Creek Canyon, and is comprised of*
(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in its bearing on agricultural possibilities, altitude, slope, aspect, etc.)
bottom and bench land, equal areas of each. Aside from these narrow strips of comparatively level land along the streams, the country is exceedingly mountainous.

6. Formation *The soil of the bottom land is made up*
(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for irrigation and domestic use. Possibilities for developing water.)
chiefly of sandy loam or wash soil from the mountains higher up, while that composing the bench is more of a gravel, loam and clay mixture. Possibilities are good for the production of all kinds of fruits and hay with an abundance of water to insure crops.

7. Climate *As a general rule the climate is very mild.*
(Precipitation, temperature, occurrence of killing frosts.)
The winter season usually breaks during April or the fore part of May, and the summer season lasts well into October. Very seldom that killing frosts occur before latter September.

8. Cover *Aside from the narrow strip of brush*
(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for protective or seeding purposes?)
along the creek bottom the cover consists of sage brush. This cover is valueless for forest purposes. The claim is easily accessible by wagon road.

9. Claims

There are no existing conflicts to the land or any of the improvements. The improvements consist of house, stable, sheds and various other outbuildings. 50 acres cleared land 2 1/2 miles fencing, ditches, etc. all the improvements are in good condition.

10. Economic possibilities

Applicant desires to secure patent. The agricultural possibilities are good. Large crops of hay, vegetables and fruit are produced annually. all the land along the creek suitable for agriculture is being tilled. Transportation facilities to various markets are fair. Considerable of the produce of this locality is now being taken into the Big Hole, Mont. This market was made practicable through combined efforts of the Service and public in furthering road facilities.

11. Recommendations

It is recommended that the claims under consideration be listed for settlement. For the specific reason that an early adjustment of these agricultural claims will tend greatly to facilitate the records and administration of the Forests.

12. Photographs

(Give numbers of negatives which go with this report. Photographs should be made in each case where unfavorable action is recommended.)

13. Personal

(Has applicant agreed to the findings of the examiner?)

Geo. C. Thompson
(Signature of examining officer.)

Land Examiner
(Title.)

Approved

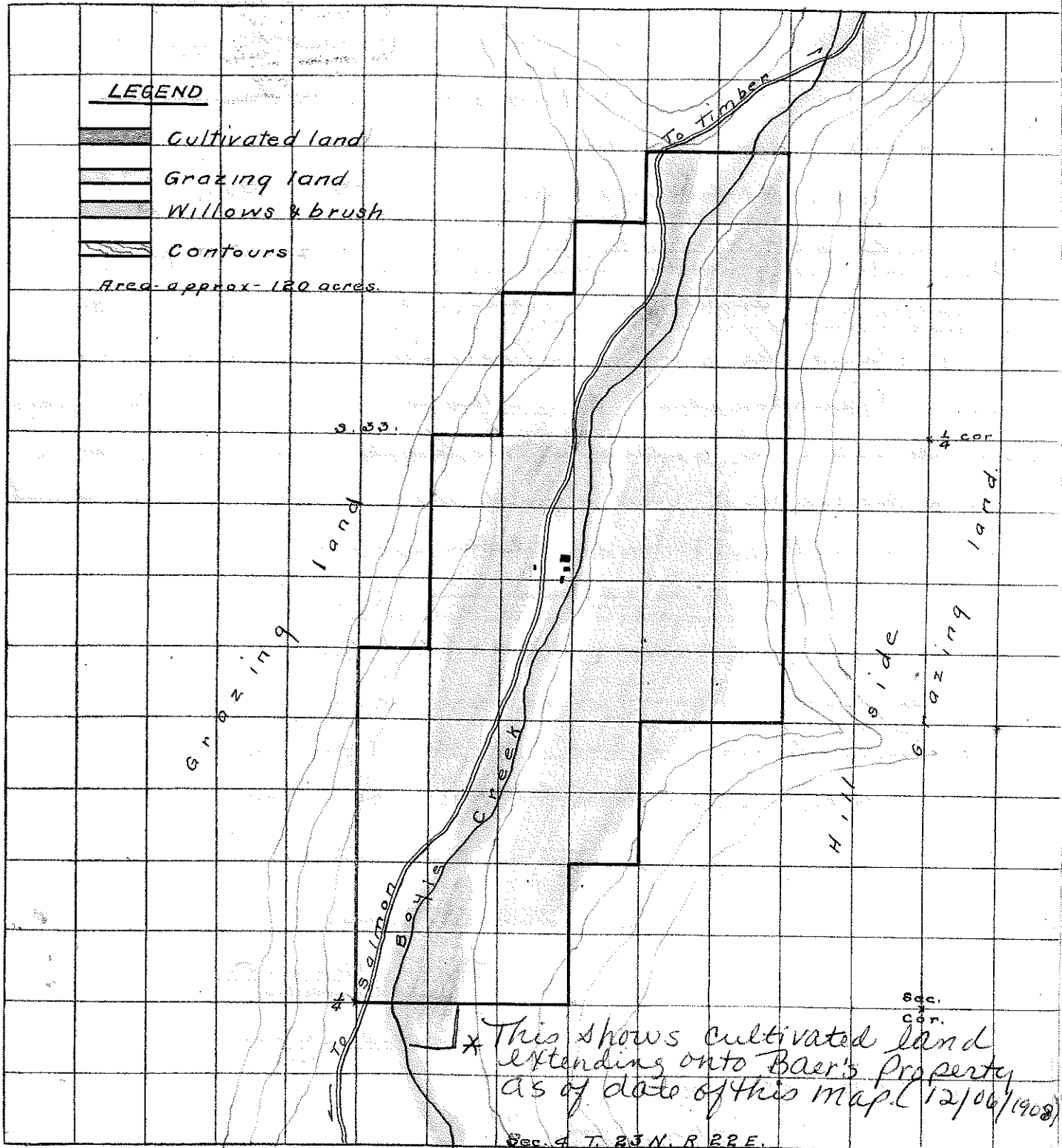
January 20, 1909
Geo. G. Brintz
(In charge, Examinations.)

Approved 190

Chief, Office of Lands.

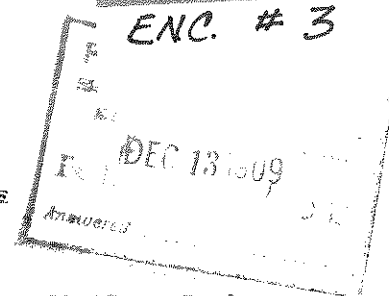
MAP SHEET.

Tp. 24 N R. 22 E B M. Section 33, Quarter ——— Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 8 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. A small amount of the surrounding country should be sketched in.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SALMON NATIONAL FOREST



In reponse to notice of 5 year proof from the Hailey L.O.
to be submitted December 21, 1909.
Margaret Baer, H. E. # 05662, Hailey.
Salmon National Forest.

1. CLAIMANT. Margaret Baer, Carmen, Idaho. Widow, has 1 minor son. Family resides on claim.
2. DESCRIPTION OF CLAIM. Surveyed land, W 1/2 NW 1/4 NE 1/4, N 1/2 NW 1/4 SW 1/4 NE 1/4, SW 1/4 NW 1/4 SW 1/4 NE 1/4, E 1/2 SE 1/4 NW 1/4, E 1/2 SE 1/4 NE 1/4 NW 1/4, SE 1/4 NE 1/4 NE 1/4 NW 1/4, SW 1/4 SE 1/4 NW 1/4, S 1/2 NW 1/4 SE 1/4 NW 1/4, SE 1/4 SW 1/4 NW 1/4, S 1/2 NE 1/4 SW 1/4 NW 1/4, E 1/2 NW 1/4 SW 1/4, NE 1/4 SW 1/4, NW 1/4 SE 1/4 SW 1/4, W 1/2 NE 1/4 SE 1/4 SW 1/4, Sec. 4, T.23 N. R 22 E. Boise Mer Homestead entry 05662, Hailey.
3. TOPOGRAPHY AND SURFACE. NW 1/4 NE 1/4, Contains 7 1/2 acres 5 acres can be tilled. Eastern slope. Altitude 4,500.
NE 1/4 NW 1/4, Contains 10 acres, of which 5 acres can be tilled. none in cultivation at present. Western slope.
SW 1/4 NE 1/4, Contains 17 1/2 acres, 4 acres now in meadow, 10 acres can be tilled. Western slope.
SE 1/4 NW 1/4, Contains 35 acres, 10 acres now in cultivation 30 acres can be tilled. Eastern slope.
SW 1/4 NW 1/4, Contains 15 acres, none in cultivation at present, 10 acres can be tilled. Eastern slope.
NW 1/4 SW 1/4, Contains 20 acres, none in cultivation at present, 20 acres can be tilled. Eastern slope.
NE 1/4 SW 1/4, Contains 40 acres, of which 30 acres is now in cultivation, 35 acres can be tilled. Eastern slope.
SE 1/4 SW 1/4, Contains 15 acres, 5 acres now in cultivation 10 acres can be tilled. Eastern slope.
Altitude 4,500.
4. SETTLEMENT AND RESIDENCE. Claimant settled on land in August 1899, Date of filing November 18, 1907. Actual residence was established in August 1899. Claimant has not been absent from claim. Witnesses, Samuel E. Bowler, Peter McKinney, Fredrick W. Neiman, William J. Rose. all of Carmen, Idaho. 49 acres are now in cultivation. All tools and implements necessary for farming are now on the claim.

5. IMPROVEMENTS. 1 log dwelling house, 18' X 26' addition to the same 15' X 15', Valued at \$1000.00, Dwelling in habitable at all seasons. 1 frame barn 18' X 24', Valued at \$300.00. 1 cellar 18' X 18', Valued at \$100.00. 1 log poultry house 12' X 12', Valued at \$50.00, 100 tree orchard valued at \$500.00. Domestic water supply is taken from Boyle Creek. 4 miles of good 4 pole fence. All of the present improvements were put on claim by present owner.
6. CULTIVATION. 49 acres now in cultivation, 100 tree orchard laore, 75 trees are bearing. No slashed area on the claim. Cost \$10.00 per acre to clear land. Worth \$50.00 per acre when cleared. Claimant has raised mostly hay on claim. 40 tons of hay raised each season. All of the land was ditched and cultivated by the present claimant. Hay is fed to domestic animals.
7. Grazing. Claimant has 21 head of cattle, 5 head of horses. 30 domestic fowls. After hay is cut all stock graze upon claim at large. Grazing permit has been obtained for 4 head of cattle.
8. TIMBER. No timber of any value on claim.
9. ADDITIONAL INFORMATION. Claim is not used for any trade or business not contemplated by the homestead law. No homestead entry elsewhere. Claimant claims 160 acres. Not sold or mortgaged. The land is most valuable for agriculture.
10. GOOD FAITH. The claim has the appearances of a permanent home. Claimant has cultivated the land since 1899. Claim has a good fence around same, and all of the improvements are made of good substantial materials.

Examined Decemebr 10, 1909.

J. C. Harman.

Asst. Forest Ranger.

Instrument No. 11268.

Halley 05662. 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 Halley, 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 Margaret Baer has been established and duly consummated, in conformity to law, for the North Half of the Northwest Quarter of the Southwest Quarter of the Northeast Quarter, the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter, the East Half of the Southwest Quarter of the Northwest Quarter, the lots six, eleven, and twelve, the Southwest Quarter of the Southeast Quarter of the Northwest Quarter, the South Half of the Northwest Quarter of the Southeast Quarter of the Northwest Quarter, the Southeast Quarter of the Southwest Quarter of the Southeast Quarter of the Northwest Quarter, the Northwest Quarter of the Southwest Quarter of the Southeast Quarter of the Southwest Quarter, and the West Half of the Northeast Quarter of the Southeast Quarter of the Southwest Quarter of Section Four in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, Idaho, containing one hundred fifty-nine and seventy-nine-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; reserving, also, to the United States all coal in the lands so granted, and to it, or persons authorized by it, the right to prospect for, mine, and remove coal from the same upon compliance with the conditions of and subject to the limitations of the Act of March 3, 1909 -- 35 Stat., 844--

IN TESTIMONY WHEREOF, I, William H. Taft, 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 Third day of July in the year of our Lord one thousand nine hundred and eleven and of the Independence of the United States the one hundred and Thirty-fifth.

By the President: Wm. H. Taft.

By M. P. LeROY, Secretary.

John O'Connell

Acting Recorder of the General Land Office.

Recorded: Patent Number 214494.

Recorded at the request of Margaret Baer, August 21st, 1911, at 30 minutes past 11 o'clock A.M., in Book R of Deeds page 550, Records of Lemhi County, Idaho.

County Recorder

Deputy.

MACHESTER
FAMC

Instrument No. 24106

THIS INDENTURE, made this 17th day of August in the year of our Lord one thousand nine hundred and twenty between MARGARET E. BAER, a widow, of Lemhi County, State of Idaho, the party of the first part, and VERA E. KELLOGG, JAMES E. E. KELLOGG and JOHN H. JEWETT, of Lemhi County, Idaho, the parties of the second part.

Witnesseth, that the said party of the first part, for and in consideration of TEN THOUSAND and no/100 DOLLARS, lawful money of the United States of America, toher in hand paid by the said parties of the second part, the receipt whereof is hereby acknowledged, has GRANTED, BARGAINED and SOLD and by These presents does GRANT, BARGAIN, SELL, CONVEY and CONFIRM unto the said parties of the second part, and to their heirs and assigns forever all those certain lots, pieces or parcels of land, situated in the County of Lemhi, State of Idaho, described as follows, to-wit:-

The North half of the Northwest quarter of the Southwest quarter of the Northeast quarter, the Southwest quarter of the Northwest quarter of the Southwest quarter of the Northeast quarter, the East half of the Southeast quarter of the Northwest quarter, lots six (6), Eleven (11) and Twelve (12), the Southwest quarter of the Southeast quarter of the Northwest quarter, the South half of the Northwest quarter of the Southeast of the Northwest quarter, the Southeast quarter of the Southwest quarter of the Northwest quarter, the South half of the Northeast quarter of the Southwest quarter of the Northwest quarter, the East half of the Northwest quarter of the Southwest quarter, the Northeast quarter of the Southwest quarter, the Northwest quarter of the Southeast quarter of the Southwest quarter and the West half of the Northeast quarter of the Southeast quarter of the Southwest quarter, of Section Four (4) in Township twenty-three (23) North, Range Twenty-two (22) East of the Boise Meridian, containing 159.79 acres.

Together with all irrigation ditches, water and water rights appurtenant thereto and heretofore used in connection with said lands.

This conveyance is subject to two certain mortgages upon said lands - one executed by the party of the first part to the Federal Land Bank of Spokane, Washington, dated May 23, 1918, recorded June 21, 1918 in the office of the County Recorder of Lemhi County, in Book "H" of Mortgages at pages 566 and 567; the other executed by the said Margaret E. Baer to Robert B. Stocker upon said lands, bearing date of January 21, 1919, recorded in the office of the County Recorder of Lemhi County in Book "J" of Mortgages at Page 75, on the 21st day of January, 1919, which mortgages the parties of the second part hereby assume and agree to pay -- the same being a part of the consideration for this conveyance.

Together with all and singular the tenements, hereditaments and appurtenances therunto 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 party 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 party of the first part, and her heirs, she said premises in the quiet and peaceful possession of the said parties of the second part, their heirs and assigns, against the said party of the first part and her heirs, against all and every person and persons whatsoever, lawfully claiming or to claim, the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of) Margaret E. Baer (SEAL)
John H. Padgham.

STATE OF IDAHO) ss.
COUNTY OF LEMHI,

On this 26th day of August in the year 1920 before me, JOHN H. PADGHAM a Notary public in and for the said State and County, personally appeared MARGARET E. BAER 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

Documentary stamp \$10.00; M.E.B; Notary Public for the State of Idaho, residing at Salmon, Lemhi County, Idaho.
Aug 17th 1920.

Recorded at the request of Verna E. Kellogg at 48 minutes past 4 o'clock P.M.
Oct 9th 1920 in Book Z of Deeds, on page 432, Records of Lemhi County, Idaho.

W.H.D. S. ...

W.H.D. S. ...

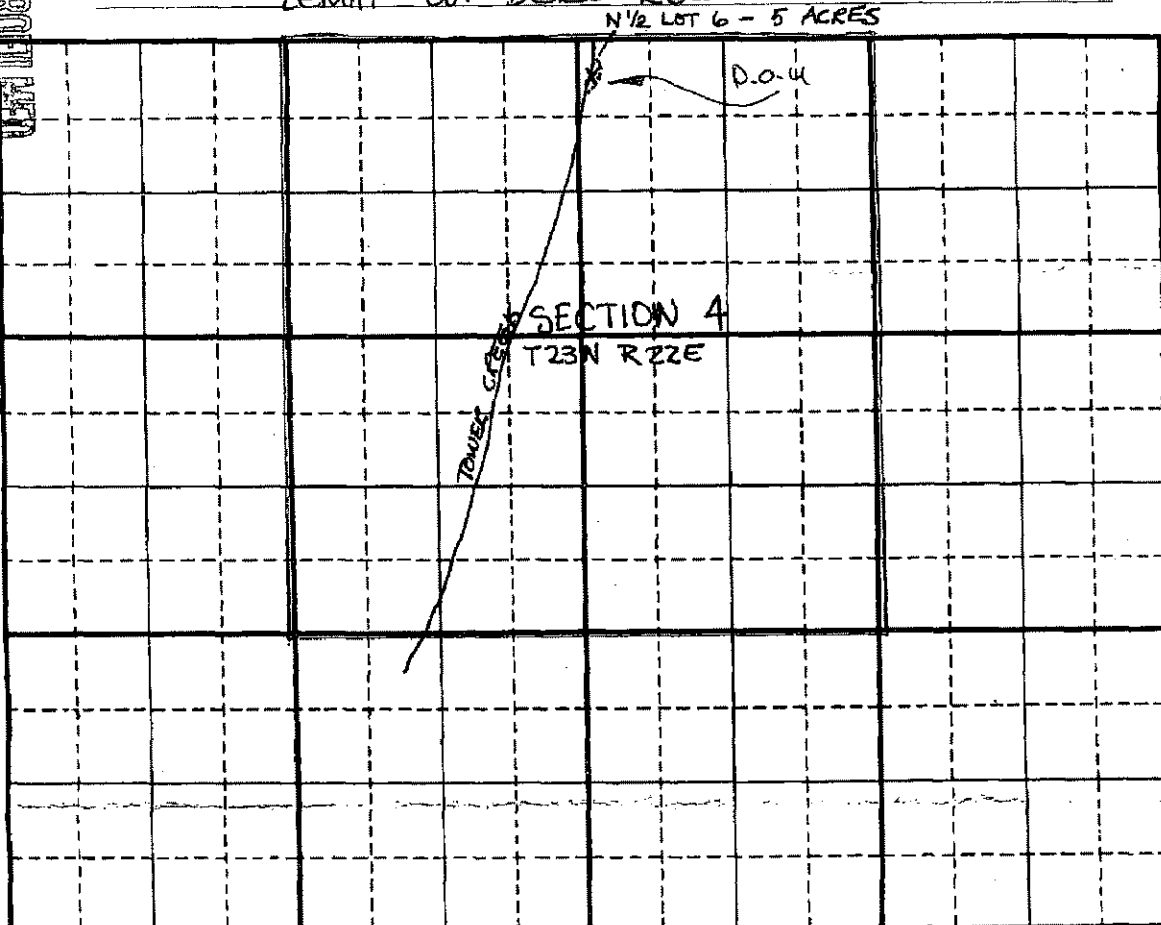
Public waters of Idaho
 Resources on or
 30 (Idaho Code.
 ure of a water right.

If you are claiming water as a member of an organization, list name of organization: _____

UNPROFILING

RECORDED

(8) Remarks DATE OF PRIORITY LISTED WITH
MARGARET BAER
BOOK R PAGE 550
LEMHI CO. DEED RECORDS



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of LEMHI) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 1st day of JUNE, 1983.

Michael Walsh
(Claimant)

[Signature]
Notary Public
Residing at SALMON, IDAHO

My commission expires LIFE

FOR DEPARTMENT USE ONLY

Received by CW Date 6-2-83 Exception filed by: _____ Date _____
Prelim. check by HES Date 6-2-83
\$30.00 fee received by CW Date 6-7-83 130805
Published in Recorder Herald
Dates 6/16 - 6/23/83

Forwarded to claimant by: _____ Date _____

NOTICE OF CLAIMS TO
WATER RIGHTS

The following claim(s)
have been filed on water
right(s) created by diver-
sion and beneficial use:

75-4382

WALSH, MICHAEL
P. O. BOX 1781, SAL-
MON, ID 83467
Source: TOWER CREEK
trib. to SALMON RIVER
Priority Date: 07/03/1911
Diversion Pt: SWSE Sec
33 T 24N R 22E
Use: IRRIGATION (0.10
CFS)
IRRIGATION (0.10 CFS)
In: NWNE Sec 04 T 23N R.
22E FOR 5 ACRES
75-4383

SCHWARTING, DENNIS
W.
P. O. BOX 852, SAL-
MON, ID 83467
Source: TOWER CREEK
trib. to SALMON RIVER
Priority Date: 06/28/1899
Diversion Pt: NESE Sec
18 T 23N R 22E
Use: IRRIGATION (0.20
CFS)
In: NWSE Sec 18 T 23N R.
22E FOR 18 ACRES
75-4384

PUGH, DONALD LLOYD
RT. 1, BOX 134, SAL-
MON, ID 83467
Source: UNNAMED
STREAM trib. to SAL-
MON RIVER
Priority Date: 09/01/1964
Diversion Pt: NWSE Sec
07 T 21N R 22E
Use: IRRIGATION (0.08
CFS)
STOCKWATER (0.01
CFS)
In: NWSE Sec 07 T 21N R
22E FOR 4 ACRES
75-4385

SLAVIN, DERROLD
SIMS, SANDY
MARCUS, BARRY
BOX 41, CARMEN, ID
83462
Source: WALLACE
CREEK trib. to SALMON
RIVER
Priority Date: 04/17/1923
Diversion Pt: SENW Sec
01 T 22N R 21E
Use: IRRIGATION (1.80
CFS)
In: SWSW SESW Sec 31 T
23N R 22E NENW
NWNW SWNW SENW
Sec 06 T 22N R 21E FOR
90 ACRES

Exceptions to a claim
may be filed with the
Director, Dept. of Water
Resources, 150 Shoup
Ave., Suite 15, Idaho
Falls, Idaho 83402.

KEN DUNN, Dir.
Published 6/16 & 6/23/
83.

6-16-2cc

Affidavit of Publication

STATE OF IDAHO

County of Lemhi

ss.

JUN 24 1983

Department of Water Resources
Eastern District Office

JERRY G. ROSIN

being first duly sworn, deposes
and says that he is one of the printers (publisher) of the RECORDER HERALD,
a newspaper published weekly at Salmon, Lemhi County, Idaho, and of general
circulation therein.

That the Notice of Claims to Water Rights 75-4382 thru 75-4385

a true
printed copy of which is attached to the margin hereof, has been and was correct-
ly printed and published in the regular and entire issue of every number of said
newspaper and not in any supplement thereof or thereto for 2
consecutive issues, commencing with the issue dated June 16, 1983
and ending with the issue dated June 23, 1983

Subscribed and sworn to before me, this twenty third
day of June, 1983

Terre Armstrong
Notary Public for the State of Idaho,
Residing at Salmon, Idaho

Publication Fee \$ 37.80

MICROFILMED

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04382
Date Received: 5/03/1990
Receipt No: 1006900
Received By: J. de

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MICHAEL E. WALSH 208-756-4664
Address: HCR 10 BOX 31A
CARMEN, ID 83462

2. Date of Priority: JUL 03, 1911

3. Source: TOWER CREEK, NORTH FORK Trib. to: TOWER CREEK

4. Point of Diversion:

Township Range Section 1/4 of 1/4 of 1/4 Lot County
23N 22E 4 SE NE NW LEMHI

5. Description of diverting works:
ROCK DAM WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	4	SW	NE		IRR	2.0
			SE	NW		IRR	4.0
Section Acres							6.0

A75-04382

Page 1

Date: 05/03/90

MICROFILMED

DEC 15 1992

A7504382



10. Place of Use: Continued

Total Acres 6.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do ☐ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Michael Wabl Date: 5-3-90

Date: _____

State of Idaho)
County of Lemhi) SS.

Subscribed and sworn (or affirmed) before me this 3 day

of May 19 90

Seal

John Dal Lado
Notary Public

Residing at Boise Id

My Commission Expires 4/2/94



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

JUL 17 1995

Department of Water Resources
Eastern District Office

DATE OF CLOSING: 7/13/95

LEGAL DESCRIPTION OF PROPERTY: Township 23 N., Range 22 E., B.M.
Section 4, SE 1/4 of NE 1/4 of NW 1/4, Govt. Lot _____, B.M.
Lot _____, Block _____, Subdivision/Townsite _____.

ENC. # 10

If you have additional legal descriptions, please attach separate sheet.

☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)

☒ Water Right Number(s) A75-10665 & A75-04382
Assigned by IDWR: _____

☒ Name and Address of Former Owner/Claimant(s)(Seller): MICHAEL E. WALSH
HCR 10, BOX 31A
CARMEN, IDAHO 83462

☒ New Owner/Claimant (Purchaser): PATRICK D. AND PAMELA K. MIHELICH

☒ New Mailing Address: P.O. BOX 26
CARMEN, IDAHO
83462

☒ New Telephone Number: (208) 756-8270

☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

☒ Attach proof of ownership, describe proof attached: WARRANTY DEED RECORDED AS INSTRUMENT NO. 226558, RECORDS OF LEMHI COUNTY, IDAHO.
(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

☒ Signature of New Owner/Claimant(s) Pamela K. Mihelich Date 7/14/95

☐ Signature of Former Owner/Claimant(s): _____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 18 1996

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

WARRANTY DEED

For Value Received

MICHAEL WALSH, an unmarried man

the grantor , does hereby grant, bargain, sell and convey unto

PATRICK D. MIHELICH AND PAMELA K. MIHELICH, husband and wife.
P.O. BOX 26, CARMEN, IDAHO 83462

the grantees , the following described premises, in Lemhi County Idaho, to wit:

SEE ATTACHED EXHIBIT "A"

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees ,
their heirs and assigns forever. And the said Grantor do^es hereby covenant to
and with the said Grantee s, that they are the owner in fee simple of said premises; that they
are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: JUNE 30, 1995

Michael Walsh
MICHAEL WALSH

STATE OF IDAHO, COUNTY OF LEMHI

On this 30TH day of JUNE , 1995 ,
before me, a notary public in and for said State, personally appeared

MICHAEL WALSH

known to me to be the person whose name is
subscribed to the within instrument, and acknowledged
to me that he executed the same.

Erin M. Kue Notary Public

Residing at SALMON , Idaho
Comm. Expires 1/10/98

STATE OF IDAHO, COUNTY OF

I hereby certify that this instrument was filed for record
at the request of Lemhi Title

at 05 minutes past 3 o'clock p.m.,
this 5TH day of July
1995, in my office, and duly recorded in Book
of Deeds at page

Alberta Wiederrick
Ex-Officio, Recorder

By Thorn Stevens Deputy.

Fees \$ 6-
Mail to: L.T.

EXHIBIT "A"

THAT PART OF LOT 11 AND LOT 6, SECTION 4, TOWNSHIP 23 NORTH,
RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, STATE OF IDAHO,
DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 4; RUN
THENCE S. 00 DEGREES 04' 12" W., 314.20 FEET ALONG THE WEST
BOUNDARY OF LOT 6 TO THE NORTHEAST CORNER OF LOT 11, THE POINT
OF BEGINNING.

THENCE N. 89 DEGREES 52' 44" E., 100.00 FEET TO A POINT
IN THE ASSUMED CENTERLINE OF TOWER CREEK;

THENCE ALONG SAID CENTERLINE S. 06 DEGREES 38' 35" E.,
98.03 FEET;

THENCE S. 63 DEGREES 12' 25" W., 51.16 FEET;

THENCE S. 11 DEGREES 31' 40" W., 37.37 FEET;

THENCE S. 54 DEGREES 57' 08" W., 55.81 FEET;

THENCE S. 03 DEGREES 29' 01" W., 75.28 FEET;

THENCE S. 36 DEGREES 04' 27" W., 79.28 FEET;

THENCE N. 89 DEGREES 52' 08" E., 38.33 FEET;

THENCE S. 00 DEGREES 04' 12" W., 8.89 FEET;

THENCE N. 89 DEGREES 38' 17" E., 657.11 FEET;

THENCE N. 00 DEGREES 08' 23" E., 650.03 FEET ALONG THE
EASTERLY BOUNDARY OF SAID LOT 6 TO A POINT ON THE NORTHERLY
BOUNDARY OF SAID SECTION 4;

THENCE S. 89 DEGREES 33' 22" W. ALONG THE NORTHERLY
BOUNDARY OF SAID SECTION 4 A DISTANCE OF 657.91 FEET TO THE
NORTH 1/4 CORNER;

THENCE S. 00 DEGREES 04' 12" W., 314.20 FEET TO THE POINT
OF BEGINNING. . .

966: 81 AGN

WICHOFILMEID

RECEIVED

ENC.#11

SEP 29 1995

Department of Water Resources

Eastern District Office

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A75-04382

Date Received: 5/3/1990

Receipt No: M006900

Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: PATRICK D MIHELICH 208-756-8270
Address: PO BOX 26
CARMEN ID 83462
AND/OR
Name: PAMELA K MIHELICH 208-756-8270
Address: PO BOX 26
CARMEN ID 83462

2. Date of Priority: JUL 3, 1911

3. Source: TOWER CREEK, NORTH FORK Trib. to: TOWER CREEK

4. Point of Diversion: *Should be Sec 33*

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
23N	22E	4	SE	NE	NW		LEMHI

5. Description of diverting works:
ROCK DAM WITH DITCHES AND FLOOD IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.100		

7. Total Quantity Appropriated is:
0.100 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 15.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

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NOV 18 1995

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
23N	22E	4	NW	NE		IRR	6.0
Section Acres							6.0
Total Acres							6.0

11. Place of use in counties: LEMHI

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
NONE

14. Remarks:

CHANGED OWNERSHIP 09/11/95/JT/GT

THIS RIGHT WAS AMENDED TO REFLECT THE ORIGINAL 243 CLAIM AND THE HISTORICAL PLACE OF USE.

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments:

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Patricia O Michelich Date: 8/28/95
Samela K Michelich Date: 9/28/95

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NOV 18 1995

State of Idaho

County of Latah

) SS.
)

Subscribed and sworn (or affirmed) before me this 28th day

of September 19 95

[Signature]
Notary Public

Seal

Residing at Salmon

My Commission Expires 1/10/98

MICROFILMED

NOV 18 1995