

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4361

WATER RIGHT NUMBER: 75-4361

RECEIVED
AUG 16 2005
Department of Water Resources

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	JULIE NOVA MERRILL PO BOX 252 NORTH FORK, ID 83466 (208)865-2266
Current Owner	MICHAEL A FRATIS JR 2600 MANZANITA DR ROCKLIN, ID 95677 (916)624-3712
Current Owner	SHELLEY M FRATIS 2600 MANZANITA DR ROCKLIN, CA 95677 (916)624-3712
Original Owner	R DANA MERRILL PO BOX 252 NORTH FORK, ID 83466 (208)865-2266
Original Owner	MARK K OLSON 842 CALLE SERRA SAN DIMAS, CA 91773 (714)599-9716

Priority Date: 11/17/1921

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	0.400 CFS	
	<u>Total Diversion:</u>	0.400 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER
LEMHI County

SW1/4NW1/4

Sec. 28, Twp 25N, Rge 21E, B.M.

Place of UseIRRIGATION Within LEMHI County

T25N R21E S28 SWSW 4.3

Total Acres: 4.3

Conditions of Approval:

1. #5 - WOODEN HEADGATE ON NORTH FORK RIVER DIVERTS WATER INTO MOTICHKA DITCH AND THENCE TO P.O.U. HEADGATE & DITCH ARE ABOUT 2 FEET WIDE, 1 TO 1-1/2 FEET DEEP. DITCH IS APPROX. 3/8 OF A MILE LONG.

26-119
2-104



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04361
MICHAEL A FRATIS JR
SHELLEY M FRATIS
2600 MANZANITA DR
ROCKLIN ID 95677

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

Hailey 06492.

4-1043.

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 James J. Conroy has been established and duly consummated, in conformity to law, for the H. E. Survey No. 285, embracing a portion of the unsurveyed Public Domain, Idaho, more particularly bounded and described as follows;

Beginning at corner No. 1 from which the north corner to Sections four and five in Township twenty-four north of Range twenty-one east of the Boise Meridian bears south three degrees twenty-five minutes west forty-three and eighty-four-hundredths chains distant; thence north three degrees thirty-eight minutes west forty-four and sixty-five-hundredths chains to corner No. 2; thence south seventy-eight degrees thirty-nine minutes east twenty and twenty-nine-hundredths chains to corner No. 3; thence south five degrees twenty-one minutes east forty-one and thirty-three-hundredths chains to corner No. 4; thence north eighty-eight degrees four minutes west twenty-one chains to corner No. 1, the place of beginning; containing eighty-six and eighty-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 FOURTEENTH day of AUGUST in the year of our Lord one thousand nine hundred and SEVENTEEN and of the Independence of the United States the one hundred and FORTY-SECOND.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar

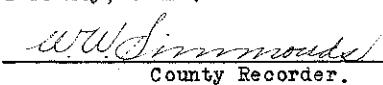
Recorded: Patent Number 597273

Recorder of the General Land Office.

Recorded at the request of Leslie Dean Aug. 8th, 1919, at --- minutes past 2 o'clock P. M., in Book Z of Deeds page 104, Records of Lemhi County, Idaho.

BY

Deputy.


County Recorder.

This Indenture, Made this fourth day of May in the year of our Lord one thousand nine hundred and seventeen between James J. Conroy and Lula M. Conroy, his wife, both of Gibbonsville, Idaho, parties of the first part, and LESLIE V. DEAN, of Gibbonsville, Idaho, the party of the second part.

the part of the second part.

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

THREE THOUSAND (\$3000.00)

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, has 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 that certain lot, piece or parcel of land situate, lying and being within the County of Lemhi, State of Idaho, more particularly described as follows, to wit: A tract of 66.80 acres within Salmon National Forest, in what will probably be, when surveyed, sections 28, 29 and 33, Township 25 North, Range 21 East, Boise Meridian, designated as Homestead Entry Survey No. 285, 1st No. 4-78, described by metes and bounds as follows: Beginning at corner No. 1, from which the section corner common to Sections 32 and 33, T. 25 N., R. 21 E., and Sections 4 and 5, T. 24 N., R. 21 E., B. M., bears S. 3 deg. 25' W. 43.84 chains distant; thence N. 3 deg. 38' W. 44.65 chains to corner No. 2; thence S. 78 deg. 39' E. 20.29 chains to corner No. 3; thence S. 5 deg. 21' E. 41.33 chains to corner No. 4; thence N. 88 deg. 04' W. 21 chains to corner No. 1, the place of beginning, together with any and all water, water rights, ditches and conduits, and all interest therein, situated upon, belonging to, appurtenant to or used in connection with said or any part of said lands.

Being the same lands embraced in Homestead Entry of one James J. Conroy, Serial No. 06492 Bailey, Land Office.

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 parties of the first part, of in or to the said premises, and every part and parcel thereof, with the appurtenances. To have and to 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, 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

A. C. Cherry

Augusta R. Hines

James J. Conroy

(SEAL)

Lula M. Conroy

(SEAL)

(SEAL)

STATE OF IDAHO, } ss.
COUNTY OF LEMHI }

On this Fourth day of May in the year 1917 before me, Ariel C. Cherry a Notary Public for Idaho, and James J. Conroy and Lula M. Conroy in and for the said County, personally appeared James J. Conroy and Lula M. Conroy 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.

Ariel C. Cherry Notary Public for the State of

Idaho residing at Salmon, Lemhi County, Idaho;

commissioned for a term expiring July 29th, 1917

Recorded at request of Leslie V. Dean at 30 minutes past 1 o'clock

P.M., May 8th 1917 in Book X of Deeds, on page 165 Records of Lemhi County, Idaho.

J. L. Kirtley, Jr.

County Recorder.

By W. W. Simmonds

Deputy