

RECEIVED

AUG 22 2005

Department of Water Resources

16 August 2005

Roy Nichols  
1154 No. Garth St.  
Ridgecrest, CA 93555  
760-371-5909

Roxanne Brown  
State of Idaho  
Idaho Department of Water Resources  
P.O. Box 83720  
Boise, ID 83707-9815

Ref: Letter Dated 6/29/2005, Roxanne Brown on Evidence of Priority to Water Rights on Property Described as HES 629.

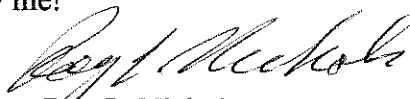
Encl: Copy of Patent #931775 recorded on HES 629 on 25 October 1948.

Dear Roxanne;

The reference letter from you gave an unreasonable short time to search recorded databases for a document giving evidence of Priority of Water Rights. For something this important, a 45 day notice is unrealistic and unsupportable in property law.

I am enclosing a document that I just was able to obtain of the subject property which shows that the Priority of Water Rights was assigned to HES 629 on 25 October 1948. Please find copy of this Patent #931775 on HES 629.

If this satisfies your request, Please notify me!

  
Roy L. Nichols

45763  
W.B.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
WASHINGTON  
OCT 20 1948

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

((SEAL))

4-207c (July 1940)

Nellie E. Jeffery  
Acting Chief, Patents Section

Hailey 024625

4-1043-R.

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 Frank B. Rooker has been established and duly consummated, in conformity to law, for the H.E. Survey No. 629, embracing a portion of, approximately, Sections twenty-seven, twenty-eight, thirty-three and thirty-four in Township nineteen north of Range eighteen east of the Boise Meridian, Idaho, more particularly bounded and described as follows: Beginning at corner No. 1, from which U.S. Location Monument No. 427 bears south twenty-four degrees fifty-two minutes east ninety-six and forty-five hundredths chains distant; thence, north thirty-eight degrees ten minutes west forty-two and seventy-five hundredths chains to corner No. 2; thence, north one degree twenty-seven minutes west twenty-one and twelve hundredths chains to corner No. 3; thence, south eighty-nine degrees forty-three minutes east three and thirty-nine hundredths chains to corner No. 4; thence, south twenty-two degrees thirty-five minutes east fourteen and thirty-two hundredths chains to corner No. 5; thence, south thirty-six degrees seven minutes east thirty-seven and seventy hundredths chains to corner No. 6; thence, north thirty-four degrees east forty-one and thirty-four hundredths chains to corner No. 7; thence, south forty degrees twenty-three minutes east six and seventy-eight hundredths chains to corner No. 8; thence, south twenty-two degrees fifty-seven minutes west twenty-one and eighty hundredths chains to corner No. 9; thence, south forty-nine degrees one minutes west thirty and seventy hundredths chains to corner No. 1 the place of beginning, containing ninety-one acres and seventy hundredths of an acre, 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, Calvin Coolidge, 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, in the District of Columbia, the FIFTEENTH day of FEBRUARY in the year of our Lord one thousand nine hundred and TWENTY-FOUR and of the Independence of the United States the one hundred and FORTY-EIGHTH

(SEAL)

By the President:  
Calvin Coolidge  
By Ada Braddock, Assistant Secretary,  
M. P. LeRoy  
Recorder of the General Land  
Office.

RECORD OF PATENTS:  
Patent Number 931775

STATE OF IDAHO, )  
: ss.

6-2186

County of Lemhi )  
Recorded at the request of Preston Thatcher, October 25th, 1948 at 59 minutes past 1 o'clock P.M., in Book 41 of Deeds Page 353, Records of Lemhi County, Idaho.

Fees, \$1.00 Paid

W. W. Simmonds, County Recorder.

By Betty Sue Smart, Deputy

Enclosure (1)

## IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10562

WATER RIGHT NUMBER: 75-10562

| <u>Owner Type</u> | <u>Name and Address</u>                                             |
|-------------------|---------------------------------------------------------------------|
| Current Owner     | PHYLLIS NICHOLS<br>1154 N GARTH<br>RIDGECREST, CA 93555             |
| Current Owner     | ROY L NICHOLS<br>1154 N GARTH<br>RIDGECREST, CA 93555               |
| Current Owner     | JOHN C NICHOLS<br>RT 3 BOX 164<br>RUPERT, ID 83350<br>(208)532-4541 |

Priority Date: 01/01/1870 *10/25/05*  
 Basis: Beneficial Use  
 Status: Active

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

| <u>Beneficial Use</u>   | <u>From</u> <u>To</u> | <u>Diversion Rate</u> | <u>Annual Volume</u> |
|-------------------------|-----------------------|-----------------------|----------------------|
| IRRIGATION              | 3/15 to 11/15         | 0.300 CFS             |                      |
| DOMESTIC                | 1/01 to 12/31         | 0.040 CFS             |                      |
| <u>Total Diversion:</u> |                       | 0.340 CFS             |                      |

Location of Point(s) of Diversion

PANTHER CREEK  
 LEMHI County

Sec. 34, Twp 19N, Rge 18E, B.M.

Place of UseIRRIGATION Within LEMHI County

T19N R18E S34    15.0

Total Acres: 15

DOMESTIC Within LEMHI County

T19N R18E S34

Conditions of Approval:

1. SEE ATTACHMENTS FOR ADDITIONAL DESCRIPTION OF LOCATION. THIS PROPERTY IS DESCRIBED AS H.E.S. 629.

Remarks:



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](http://www.idwr.idaho.gov).

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

June 29, 2005

75-10562  
ROY L NICHOLS  
PHYLLIS NICHOLS  
1154 N GARTH  
RIDGECREST CA 93555

**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