

IDAHO DEPARTMENT OF WATER RESOURCES
 Adjudication Claim Report 75-4194

RECEIVED
 AUG 25 2005
 DEPARTMENT OF
 WATER RESOURCES

WATER RIGHT NUMBER: 75-4194

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHNSTON FAMILY TRUST/SURVIVORS TRUST PO BOX 38 CARMEN, ID 83462
Trustee	F MAXINE JOHNSTON PO BOX 38 CARMEN, ID 83462-0038 (208)756-2852

Priority Date: 04/01/1911
 Basis: Statutory Claim
 Status: Active

<u>Source</u>	<u>Tributary</u>
EAST FORK TOWER 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	0.150 CFS	
	<u>Total Diversion:</u>	0.150 CFS	

Location of Point(s) of Diversion
 EAST FORK TOWER CREEK NE1/4NW1/4 Sec. 10, Twp 23N, Rge 22E, B.M.
 LEMHI County

Place of Use
IRRIGATION Within LEMHI County
 T23N R22E S10 NENW 5.0
 Total Acres: 5

Conditions of Approval:

Remarks:

Hailey 01973

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 full payment has been made by the claimant William A. Rose, according to the provisions of the Act of Congress, of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the Northwest quarter of the Southeast quarter, the Northeast quarter of the Southwest quarter, and the Southeast quarter of the Northwest quarter of Section Twenty-three in Township Twenty North of Range Twenty-three East of the Boise Meridian, Idaho, containing one hundred twenty 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 the United States of America, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, has given and granted, and by these presents does give and grant, unto the said claimant and to the heirs of the said claimant the Tract above described; To have and to hold the same, together with all the rights, privileges, immunities and appurtenances of whatsoever nature, thereunto belonging, 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, 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 Sixth day of May, in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and thirty-sixth.

Seal.

By the President: Wm. H. Taft.

Recorded: Patent Number 264073

By M.P. LeRoy, Secretary.

H.W. Sanford, Recorder of the General Land Office.

Recorded at the request of W.C. Smith, June 14th, 1912, At 45 minutes past 9 o'clock A.M., in Book W of Deeds, page 13, Records of Lemhi County, Idaho.

County Recorder

Deputy.

Instrument No. 12332

Hailey 06067 and 06639

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 Floyd L. Cooper has been established and duly consummated, in conformity to law, for the south half of the northeast quarter and the northwest quarter of the southeast quarter of Section nine and the south half of the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter of the northwest quarter, and the northeast quarter of the southwest quarter of the northwest quarter of Section ten in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, Idaho, containing one hundred sixty 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, 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 twentieth day of May in the year of our Lord one thousand nine hundred and twelve and of the Independence of the United States the one hundred and thirty-sixth.

Recorded: Patent Number 268424

By the President: Wm. H. Taft

Seal.

By M.P. LeRoy, Secretary

H.W. Sanford, Recorder of the General Land Office.

Recorded at the request of W.C. Smith, June 20th, 1912, at 25 minutes past 9 o'clock A.M., in Book W of Deeds, page 13, Records of Lemhi County, Idaho.

County Recorder

Deputy

This Indenture, made this 30th day of October in the year of our Lord one thousand nine hundred and twelve between Floyd L. Cooper and Annie M. Cooper, his wife of the County of Lemhi, State of Idaho, the parties of the first part, and Erle Embley, of the County of Lemhi, State of Idaho,

the party of the second part,

WITNESSETH, that the said parties of the first part, for and in consideration of Twelve Hundred (\$1200)

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, have 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 those certain lots, pieces or parcels of land situate, lying and being in the County of Lemhi State of Idaho, and particularly described as follows, to wit:-

All of the South Half of the Northeast quarter, the Northwest quarter of the Southeast quarter of Section Nine, and the South half of the Southwest quarter of the Northwest quarter the Southwest quarter of the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of the Northwest quarter of Section Ten, all in Township Twenty-three North of Range Twenty-two East of the Boise Meridian, in Lemhi County, Idaho, containing 160 acres of land, Together with all ditches, water and water rights belonging to said land appurtenant thereto or used in connection therewith.

(Subject to that certain Mortgage given by said parties of the first part to Margaret Baer, dated May 6th, 1912, for the sum of \$500.00 Recorded in the Office of the County Recorder of Lemhi County, Idaho, in Book 6 of Mortgages on page 191 which said party of the second part hereby agrees to assume and pay)

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 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 peaceable possession of the said party of the second part, his heirs and assigns, against the said parties of the first part, and their heirs, and 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

Floyd L. Cooper [SEAL]

Annie M. Cooper [SEAL]

[SEAL]

STATE OF IDAHO,

ss.

County of Lemhi on this 30th day of October in the year 1912 before me W.C. Smith a Notary Public in and for the said County, personally appeared Floyd L. Cooper and Anna M. Cooper his wife known to me to be the persons whose names are 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 in and for Lemhi County, Idaho.

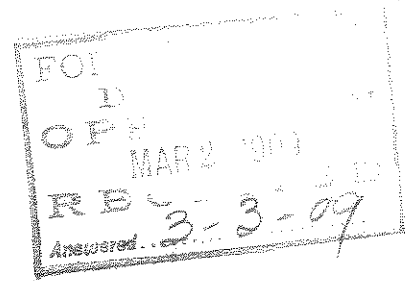
STATE OF IDAHO,

ss.

County of Lemhi I hereby certify that this instrument was filed for record at request of W.C. Smith at 45 minutes past 9 o'clock A. M., this 4th day of November A. D. 1912, in my office, and duly recorded in book U of Deeds at page 467

By W.C. Smith Deputy.

Ex Officio Recorder.



Form 110.

2948

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

REPORT ON AGRICULTURAL HOMESTEAD APPLICATIONS.

Applicant #25.

July 8, 1908. *Salmon* Nat. Forest Reserve.

1. Name and address of applicant: *Mary Z. Cooper*
(If already on land, give date of settlement.)

Feb 4 1908, *Carmen, Lemhi Co., Idaho.*

2. Location: *S 1/2 SW 1/4 NW 1/4 SW 1/4 SE 1/4 NW 1/4 and*
(Legal subdivision, or by metes and bounds. Relation to highways, rivers, railroads, etc. Proximity and importance of towns, settlements, etc.)

NE 1/4 SW 1/4 NW 1/4 Sec. 10 T 23 N R 22 E Boise Meridian.

On wagon road 16 miles N Easterly from Salmon, County seat of Lemhi Co. Land is all settled on this and neighboring creeks where water can be obtained for irrigation. No railroads.

(Enclosed)

3. Area: *40 acres, applied for reported on and recommended.*
(Applied for, reported on, and recommended.)

8-490

List 4-72

4. Topography: Creek bottom surrounded by grassy hills.
(Topography of tract applied for, and relation to surrounding territory. Topography should be considered particularly in its bearing on

agricultural possibilities, slope, aspect, etc.)

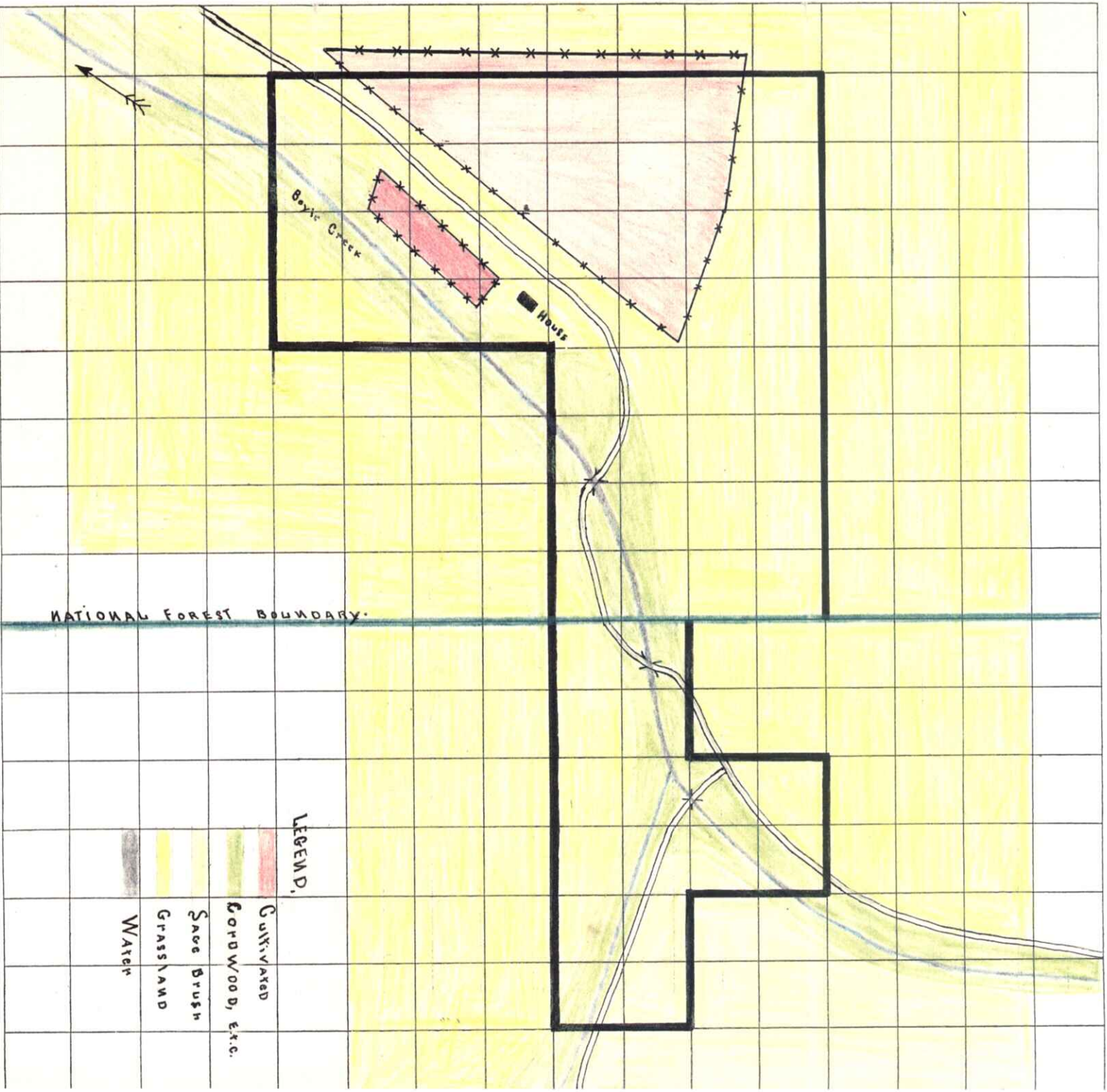
5. Formation: Clay and black loam. Sufficient water on the land for
(Nature and extent of soil, rock, etc., paying particular attention to their influence on agricultural possibilities. Presence of water for
irrigation.
irrigation and domestic use. Possibilities for developing water.)

6. Climate: Mild. Summers hot, winters moderate, with heavy precipi-
(Precipitation, temperature, occurrence of killing frosts.)
tation. Killing frosts seldom occur between May 30 and Sept. 15.

7. Cover: A narrow streak of brush and poles containing about 80 cords
(Nature and extent of cover, with estimate of amount and value. Accessibility and distance to market. Is cover needed for protective or
of wood worth \$40. along creek bottom. Cover not needed for pro-
seedling purposes?)
ective or seeding purposes.

MAP SHEET.

Tp. 23, N. R. 22, E. Range M. Section 10, Quarter N.W. Scale: 8 inches = 1 mile.



Sketch map, in colored pencil, of the area applied for on a scale of 4 inches to the mile, showing topography, cover, roads, trails, agricultural land, and improvements. At least one-half mile of surrounding country should be sketched in.

8. Claims: No conflicting claims.

(Conflicting claims to land or existing improvements—by whom and on what grounds. Examiner is not to pass upon claims—merely to furnish all

available information. Use in the past, and by what means. Existence of mining claims.)

9. Economic possibilities: The land will produce large crops of vegetables

(Reason for application, and opinion as to success of applicants' plans. State fully agricultural possibilities. Value,

and fruits when brot under cultivation. Applicant wishes to get
if any, to Forest Service for Rangers' Quarters or other administrative purposes. Distance and market price per acre of nearby farms. Transportation facilities.)

patent to the land in connection with adjoining land which is off the
National Forest.

10. Recommendations: I recommend that the land be listed because it is

(Specific recommendation for or against listing of land, with summary of reasons for recommendation.)

agricultural in character and is needed by applicant to complete
his farm. Also because the land is not valuable as Forest.

11. Photographs: None.

(Give numbers of negatives which go with this report.)

(Signed) James M. Ryan,

(Signature of examining officer.)

Dep. For. Supervisor.

(Title.)

Approved: February 27, 1909.

Gro. G. Brutz
(In charge, Examinations.)

Y. C. G.
Approved: Mar 1, 1909.

J. C. H.
(In charge, Office of Reserve Organization.)

- J -

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE
SALMON NATIONAL FOREST

SALMON, IDAHO.

OL
Salmon, Settlement,

May 25, 1909.

Cooper, Floyd, #25-
Davies, Mrs. Mary, #26- /

The District Forester,
Forest Service,
Ogden, Utah.

Dear Sir:

A portion of each of the above designated claims is outside the National Forest, and the survey of the township in which they lie has been approved and the land opened to entry April 26.

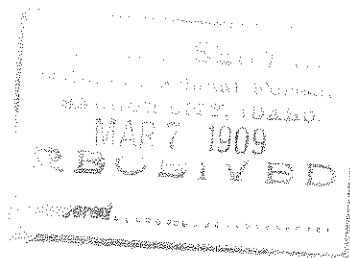
The claimants are anxious to have those portions of their respective claims that lie on the Forest advertised for entry before the 90 days preference right expires on that portion which is off the Forest in order to obviate the necessity of making two entries on their claims.

Could anything be done to hurry these claims?

Very truly yours,

James M. Ryan

Acting Forest Supervisor.



Salmon, Settlement,
Cooper, Floyd, L. #28.

March 3, 1909.

Mr. Floyd L. Cooper,

Carmen, Idaho,

Dear Sir:

I am very glad to inform you that a tract of land of 60 acres in the Salmon National Forest has this day been listed upon your application with the Commissioner of the General Land Office, to whom you are referred for further information concerning it. Your local land office will notify you when your entry can be accepted.

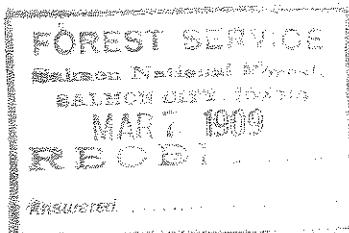
Very truly yours,

F. W. Reed.

Acting District Forester.

Duplicate for Forest Supervisor.

N. W.



OL.
Salmon, Settlement,
Cooper, Floyd, L. #25.

March 3, 1909.

The Commissioner
of the General Land Office.

Sir:

I have the honor to request that the tract of land described below (List 4-72) in the Salmon National Forest, Idaho, be opened to settlement and entry in accordance with the Act of June 11, 1906, (34 Stat. 233):

Surveyed, acceptance of survey pending in General Land Office.
Township 23 North, Range 22 East, Boise Meridian.

Section 10/

S 1/2 SW 1/4 NW 1/4.
SW 1/4 SE 1/4 NW 1/4.
NE 1/4 SW 1/4 NW 1/4.

Approximate area 40 acres.

Floyd L. Cooper of Carmen, Idaho, applied for this tract July 22, 1906, alleging settlement February 10, 1906.

Very respectfully yours,

F. W. Reed.

Acting District Forester.

Duplicate for Forest Supervisor.

M. N.