

ATTN JANA

RECEIVED
SEP 02 2005

Department of Water Resources

Page 165

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4114

WATER RIGHT NUMBER: 75-4114

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	KWEN SMITH 10643 W STATE ST STAR, ID 83669 (208) 286-7292
Current Owner	DONNA SMITH 10643 W STATE ST STAR, ID 83669 (208) 286-7292
Current Owner	JOE A SCHWILLING 10643 W STATE ST STAR, ID 83669 (208) 286-7292

208-459-2200

Priority Date: 10/12/1923
Basis: Statutory Claim
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	4/01 to 11/01 0.300 CFS
	<u>Total Diversion:</u> 0.300 CFS

Location of Point(s) of Diversion
PANTHER CREEK
LEMHI County
NE1/4NE1/4
Sec. 33, Twp 19N, Rge 18E, B.M.

Place of Use
IRRIGATION Within LEMHI County
T19N R18E S33 NENE 5.0
Total Acres: 5

Conditions of Approval:
1. THERE IS A TOTAL OF 4.6 ACRES OF IRRIGATION.
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.

287-4410

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04114
JOE A SCHWILLING
10643 W STATE ST
STAR ID 83669

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.

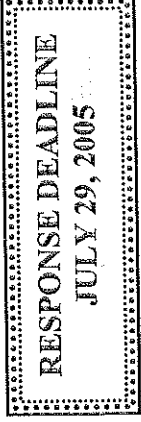
If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a 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

Roxanne



Not a legal survey

Assisted By: nate maddock

Legal Description: T19N, R18E, Sec 33,34



Legend

-  plss_bhm_a_id0059
 -  twp_mosaic_a_id61029712
- Image: topography



**LEMHI COUNTY CLERK AND RECORDER
LEMHI COUNTY
206 COURTHOUSE DRIVE
SALMON, IDAHO 83467**

TERRI J. MORTON, CLERK OF THE DISTRICT COURT

August 26, 2005

PHONE (208) 756-2815 ext 225

JOE A. SCHWILLING
10643 w State St.
Star, ID 83669

Dear Mr. Schwilling:

I searched the records of Lemhi County and found the patent deed for your property, a copy of which is enclosed. We have a few water rights recorded in Lemhi County and I searched that book but found nothing useful. I also checked to see if Mr. Rooker had filed a Location Notice for a mining claim but found no reference that he did.

Hopefully the deed on its own will help you in researching your water right. The date on the deed is 02-15-24 and your priority date is listed as 10-12-23.

It may be helpful for you to call the Natural Resources Conservation Service here in Lemhi County. The number is (208) 756-4262. This office has aerial photographs which are in color. They have photos dating back to 1913. If they have a photo of your property and it is green then that is proof it was irrigated.

The cost of the deed is \$1.00.

If we can be of further assistance please let us know.

Sincerely,



Jana Stokes Eagle
deputy clerk

Instrument No. 69040

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 B. 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. Rucker 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 minute 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 and 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,)
County of Lemhi) ss.

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

6-2186