

PAUL B. WITHERS, ESQ
WITHERS LAW OFFICE, Chartered
1301 Main Street, Suite 6
Salmon, Idaho 83467
Telephone: (208) 756-2009
Facsimile: (208) 756-2046

RECEIVED
OCT 17 2005
Department of Water Resources

October 14, 2005

Roxanne Brown
IDWR
P.O. Box 83720
Boise, ID 83720-0098

Re: Water Right # 75-13943
Robert E. Baker & William T. Baker – Current Owners

Dear Roxanne:

This letter is in response to IDWR's request for information related to water right # 75-13943.

The source of this water right is several springs located on the real property located in Lemhi County, Township 18 N., Range 21 East, Sections 13 and 24. A sketch outlining the location of the property is attached to the Affidavit of Elizabeth Hutchison, which is included. The springs form a natural creek from which the diversions were created. All of the irrigation is done by gravity flow. Approximately 80 acres has at some point been irrigated by either the Bakers or their predecessors. Mr. Baker informs me that he currently irrigates somewhere between 40 and 50 acres of ground from the spring.

I have included with this packet a copy of the original Notice of Claim, which gives you the legal descriptions, points of diversions, etc. I have also included herewith a copy of the original Homestead HES document which is related to the property and subsequent Quitclaim transferring the property and an aerial photo of Baker's property. Finally, as referenced above, I have enclosed Ms. Hutchison's affidavit with attached map of the subject property.

I appreciate your review of these documents and if you have any questions or concerns, please feel free to contact me. If I can provide anything else, I would be happy to do so.

Sincerely Yours,



Paul B. Withers
PBW/lis
c. client

RECEIVED

OCT 17 2005

Department of Water Resources

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: A75-13943

Date Received: 5/24/1999

Receipt No: E025012

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: WILLIAM T BAKER 208-756-4832
Address: PO BOX 2055
SALMON ID 83467

AND/OR

Name: ROBERT E BAKER 208-756-4832
Address: PO BOX 2055
SALMON ID 83467

2. Date of Priority: JUN 18, 1930

3. Source: SPRINGS Trib. Co: POISON CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
18N	21E	13	SE	SW	SE		LEMHI

5. Description of diverting works:
DITCHES FROM SPRING SOURCES TO POU

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	13	SE	SW		IRR	30.0

COPY

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
18N	21E	13	SW	SE		IRR	30.0
			SE	SE		IRR	10.0
						Section Acres	70.0
		24	NW	NE		IRR	10.0
						Section Acres	10.0
						Total Acres	80.0

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:

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

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): _____ Date: 5-30-99

Date: _____

COPY

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

248

Instrument No. 53700

4-1303

Blackfoot 039194

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 Blackfoot, 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 David Lambeth has been established and duly consummated, in conformity to law, for the

southeast quarter of the southwest quarter and the south half of the southeast quarter of Section thirteen and the northwest quarter of the northeast quarter of Section twenty-four in Township eighteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred sixty acres,

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

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, Herbert Hoover, 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 Eighteenth day of June in the year of our Lord one thousand nine hundred and Thirty and of the Independence of the United States the one hundred and Fifty-Fourth

By the President: Herbert Hoover

By Viola B. Fugh, Secretary

John O'Connell
Acting Recorder of the General Land Office.

((SEAL))

RECORDED: Patent Number 1036256

Recorded at the request of David Lambeth May 27 1940 at 45 minutes past 10 o'clock A. M. in Book 35 of Deeds page 248 Records of Lemhi County, Idaho.

W. W. Simmonds
County Recorder

By *Margaret [Signature]* Deputy

Fee: \$1.00

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Fee: \$2

608--QUITCLAIM DEED

QUITCLAIM DEED.

THIS INDEMTURE, Made this sixth day of April, in the year of our Lord one thousand nine hundred and forty-six, between DAVID LAMBETH and CLARISSA B. LAMBETH, husband and wife, of the County of Lemhi, State of Idaho, the parties of the first part, and WILLIAM V. PRENDERGAST, an unmarried man, 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 the sum of ONE AND NO/100 Dollars, and other valuable consideration, 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, do by these presents remise, release and forever QUITCLAIM, unto the said party of the second part, and to his heirs and assigns, all that certain lot, piece or parcel of land, situate, lying and being in the, County of Lemhi, State of Idaho, bounded and particularly described as follows, to-wit:

The southeast quarter of the southwest quarter and the south half of the southeast quarter of Section thirteen and the northwest quarter of the northeast quarter of Section twenty-four in Township eighteen north of Range twenty-one east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

Together with all water and water rights, ditches and ditch rights appurtenant thereto or used in connection therewith.

DOCUMENTARY STAMPS \$.55 CANCELLED 4/17/46 W. V. P.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, All and singular the said premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever.

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 PRESENCE OF

David L. Lambeth (Seal)
Clarissa B Lambeth (Seal)

STATE OF Oregon)
) ss.
County of Malheur)

On this 13th day of April in the year 1946, before me, the undersigned, a Notary Public in and for said State, personally appeared David Lambeth and CLARISSA B. Lambeth, husband and wife 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.

(SEAL)

Verl W. Dowers
Notary Public for the State of Oregon,
Residing At VALE, Oregon
My commission expires August 13, 1948

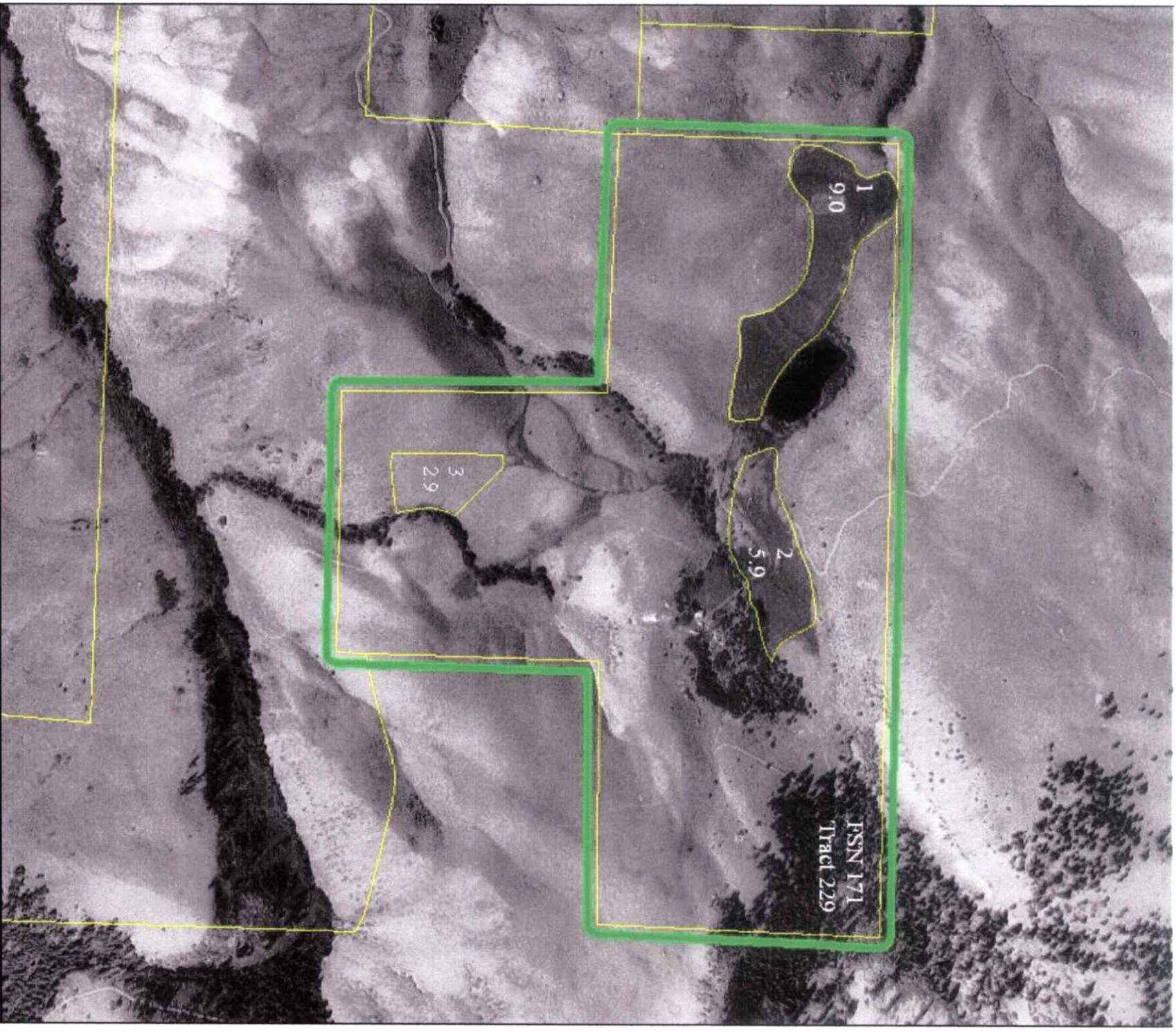
STATE OF IDAHO,)
) ss.
County of Lemhi,)

I hereby certify that this instrument was filed for record at request of William V Prendergast at 57 minutes past 9 o'clock A. M., this 17th day of April, A. D. 1946 in my office, and duly recorded in Book 39 of Deeds at page 110.

W. W. Simmonds
Ex-Officio Recorder

By Anthony M. McFadden
Deputy.

Fees, \$1.00 Paid

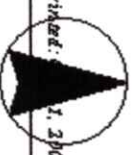


Map of FSN 171 T 229

CALADISSA, INC.

Map Printed: 1.30.04

0.06 0 0.06 0.12 0.18 0.24 Miles



Affidavit of Elizabeth Hutchison
Poison Creek Water Rights
Re: Water Right # 75-13943

STATE OF IDAHO)
)ss.
County of Lemhi)

COMES NOW YOUR AFFIANT, ELIZABETH HUTCHISON, being first duly sworn
upon oath, deposes and says:

I.

Your affiant has personal knowledge of the facts set forth herein.

II.

Your affiant is 81 years of age, having been born September 6, 1924, in Lemhi County, Idaho. Further, that your affiant has resided her entire life on real property located on Poison Creek, in Lemhi County.

III.

That your affiant's residence is located on real property adjacent to real property currently owned by Robert Baker and Thomas Baker. Attached to this affidavit as Exhibit A is a map that includes the quarter-sections in Sections 13 and 24 that are owned by the Bakers.

IV.

That your affiant has highlighted on Exhibit A the quarter-sections owned by the Bakers and also highlighted the portions of the sections which your affiant has personally seen hay cultivated on since the mid-1930's. Your affiant's father farmed the vast majority of the acreage in the Poison Creek drainage and from the time your affiant was six (6) years old she would accompany him when he was involved in haying, irrigating or simply traveling in the Poison Creek area. The

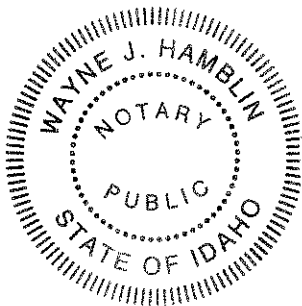
portions of the sections on which hay is still cultivated have also been highlighted by your affiant. Further, that your affiant is aware that the water source for the irrigation of the subject property is several springs located on the uppermost quarter-section of section 13 and your affiant has noted that source location on Exhibit A.

FURTHER, YOUR AFFIANT SAYETH NAUGHT.

DATED this 09 day of October, 2005.

Elizabeth Hutchison
ELIZABETH HUTCHISON

SUBSCRIBED AND SWORN to me this 09 day of October, 2005.

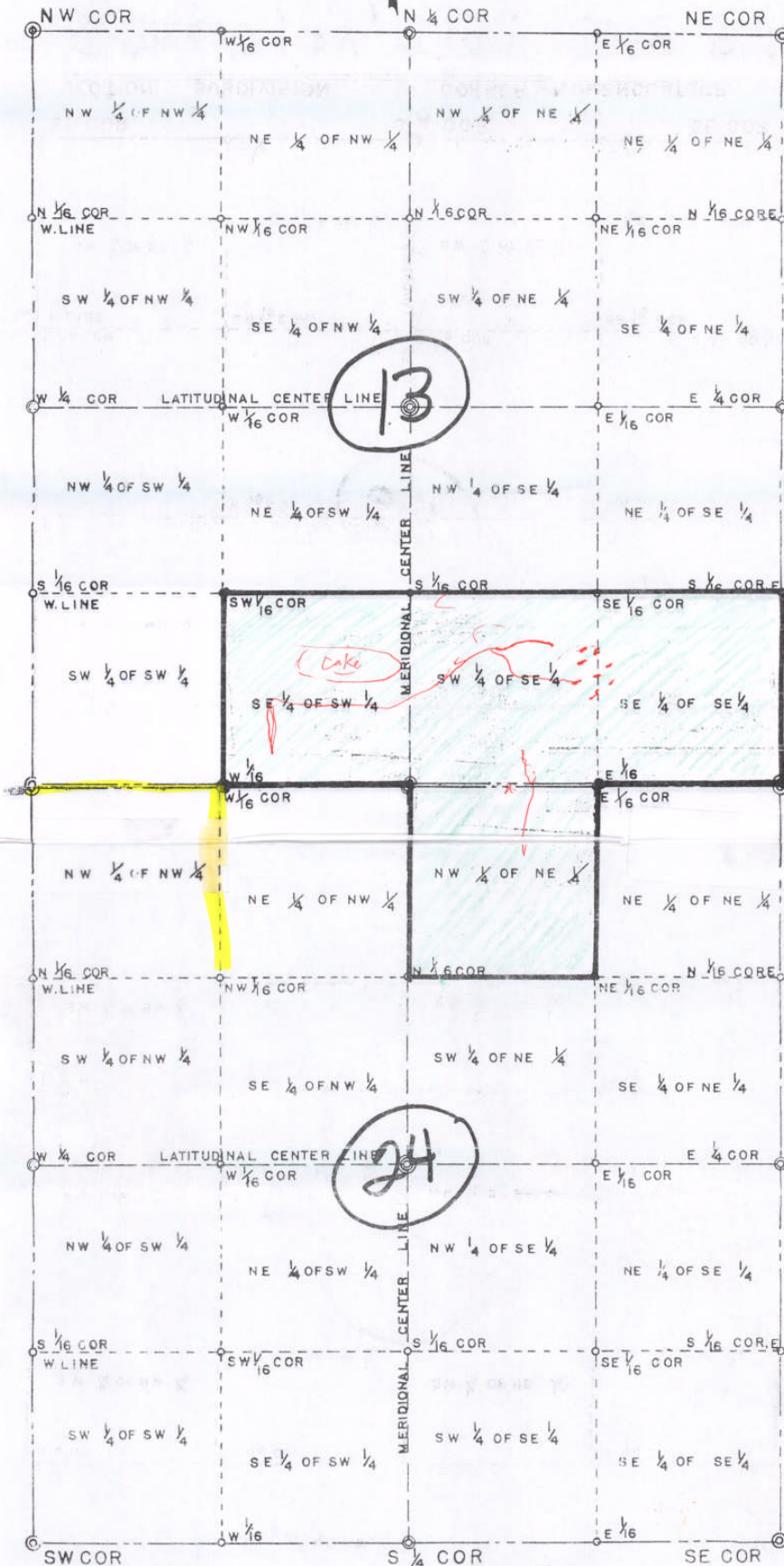


Wayne J. Hamblin
NOTARY PUBLIC FOR IDAHO
Residing at Salmon, Idaho
My Commission Expires: 3/8/2010

OFFICE OF
COUNTY SURVEYOR
COUNTY
IDAHO



6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36



SECTION SUBDIVISION CORNER NOMENCLATURE

Sections 13 & 24, T18N - R21E B.M.