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DEPARTMENT OF
WATER RESOURCES

October 15, 2005

Attn: Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau
State of Idaho
Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Re: Evidence of Priority Date: Adjudication Claim Report 75-10850

Dear Ms. Brown:

I am responding to your letter of June 29, 2005 requesting evidence of my Adjudication Water Right Claim No. 75-10850.

I apologize for the delay in responding to your letter. However, due to a variety of circumstances, I did not actually receive and become aware of your request until August 15, 2005. Prior to that date I had already made a special trip to the IDWR Idaho Falls office and met with Ernie, to inquire about and review the status of my claim. He then advised I'd need to contact the Boise office. Subsequent to receiving your letter, I also contacted IDWR's Bob Foster, here in Salmon, to try and determine what type of information would respond to your request, given the fact that by the time I received your letter, it was after the indicated 30 day response deadline. He advised that he would inform you I had responded and would be providing you additional information.

Since then, I have had quite a series of frustrating experiences trying to obtain historical documentation from our Title Company and County Assessor's office, neither of which seemed to be of much help, relative to the nature of your request. In addition, I only recently learned of additional historical evidentiary information and the existence of an affidavit from our subdivision's former ranch owner's daughter, Virginia Perry. I have tried to work with my neighbors in compiling a coordinated response to your inquiry, however have been frustrated by not learning of additional information in their possession, some of which was available and had already been sent to you for their claims.

In addition, upon discussing the Perry's water claims with them, it appears they have claimed a water right for the entirety of their family's former ranch lands in Section 7. So, not only has there been a considerable amount of confusion and uncertainty, but it also appears some individuals have differing opinions as to the amount and extent of their claims, relative to present land owner's proportionate share of the subdivided ranch property. Therefore, to try and help clarify the confusion I have experienced, I will explain the information I have found in the hopes it may be of help to you in determining proportionate amounts for my own claims.

Background:

1. When the Snake River Adjudication process began, several of my neighbors and I filed water-use claims at an IDWR public meeting (over 15 years ago) held here in Salmon, at the Stagecoach Motel. Upon listening to explanations of our subdivision's situation, assisting IDWR personnel advised that the nature of our claims would be for "wastewater" which (as we understood) was a questionable basis for a claim, due to the lack of a defined point of origin. After explaining my personal property's water-use management from mixed sources, it was determined to be most advisable to file a single claim within the combined origins of use, referencing an adjacent spring source as a defined "point of origin".
2. As explained to you at a meeting in the Perry residence earlier this spring/summer, our collective understanding at the time was that we would likely not be able to make a definitive claim for water that we used from the Lover's Lane ditch, due to its lack of a clearly defined point of origin and the co-mingled nature of its sources.
3. In my own case, my wife and I were advised and filed a domestic/stock-water claim for our residence's well; plus, an irrigation/stock-water claim (**Enclosure 1. No. 75-10850**) for 3.0 of our 3.88 acres of property. However, this summer, Mrs. Perry disclosed the existence of historic documentation substantiating the several points of origin of water-uses associated with her parent's ranch, which provided a documented substantiation for waters used from the "Lover's Lane ditch", as I will refer to it here.
4. While I am unfamiliar with my immediately adjacent neighbor's (Al Taylor, Roger Tracy and Blaine White) historic justification and rational of their claims (we all flood irrigate together) a majority of water used to irrigate my property comes from the "Lover's Lane ditch". This source is shown in red **on Enclosure 2**. Its primary "point of diversion" is located on the east side of the ditch's intersection with Highway 93, at a metal Diversion/Bypass gate. When not being used, this water is bypassed into a drain ditch that parallels the east side of Highway 93, flowing north into and through the town of Salmon, to the Salmon River. While of mixed origin, this water is comprised of flows originating from the Lemhi River ditch on Cemetery Bar (The PoD for which is L-6) and Spring #1. as shown on the enclosure. I believe contributing flows also likely originate from the uppermost Salmon River diversion (above the Shoup Bridge) about 4-5 miles further south. (In a ditch noted by the dashed red line.)
5. A more detailed illustration, noting secondary points of diversion for the Lover's Lane water, is shown in red **on Enclosure 3**. Secondary PoD's redirecting and spreading the Lover's Lane ditch water are noted with red arrows, along both the Lover's Lane and Wagon Wheel Rd (lateral) ditches.
6. Per advice provided at the original Snake River Adjudication public meeting, the best available "defined point of origin" for the water source claimed in our filing No. 75-10850 at that time, was Spring #2. and its associated ditch flows (noted in orange) **on Enclosure 2. and 3**. We were/have been using this source for stock-water (of 30 head of sheep) plus supplemental (pumped) flood irrigation flows to dry areas of our pasture. The Point of Diversion for this spring flow is at the point

- where they enter our land, after flowing into a ditch on the back of our property. This ditch also carries Salmon River water originating from the second river diversion, above the Shoup Bridge, 4-5 miles south; which flows along the west side of Highway 93 until it rejoins the Salmon River, about a mile below our place. As a perennial source which doesn't freeze in winter, the spring provides for yearlong stock-water and (combined with the ditch water) summer irrigation. At the present time, we no longer raise sheep, but now have four horses instead.
7. Following receipt of your letter in August, and unaware (until recently) of a historical affidavit and title information for water use on this former ranch, for the past several weeks I tried finding information illustrating the stated transfer of "all rights appurtenant ... from Patents of the United States... etc." language in our property title. All that I could find was information of the nature of land plats and title statements, that didn't specifically, state anything of a nature that you requested. I did find an undated historic "Land Ownership Atlas of Lemhi County" at the Forest Service office, which included the Lemhi Indian Reservation; giving indication that it may have dated to the early 1900's or, shortly after the time during which the original claims of water use in Section 7 were established. (**Enclosure 4a and 4b**) Many years ago I researched a section of the Chipman property from its origins by US Land patents in 1890 to being sold to the State of Oregon, for the former Federal Salmon Egg taking station and hatchery, in 1921. Insofar that this property is so identified on this atlas, I suspect the atlas dates from at least the 1920's and notes land ownership heirs of the original ranch owner, Mr. George Conlee. As such, this atlas does portray the existence of early 1900's Conlee family properties, referenced in subsequent historical information explained in Part 8., below.
 8. Supporting information recently acquired from Mrs. Perry provides historical evidence of the purchase of water rights for Section 7 properties, as noted in **Enclosures 5a. through 5d.** Enclosure 5a. is an affidavit from what appears to be an elderly relative (notarized by yourself) which affirms the use of irrigation water by the her grandfather George Conlee, in Section T-21 N, R 22 E, Section 7. Enclosures 5b. and 5c. are historic Courthouse records documenting his purchase of both ditch and spring source water rights for his lands in Section 7 in 1892; and, Enclosure 5d. documents Mr. Conlee's 1907 purchase of a partial share of an 1888 Lemhi River filing, most likely originating from the L-6 diversion.
 9. At the time of our joint subdivision member's individual filing of SNRA claims 15+ years ago, it was uncertain as to if and/or how, we could file on water use of the ditch flows this area had historically been using, under the assumption (at that time) by advising IDWR personnel, that they were solely comprised of "waste-water". However, with the recent discovery of Mrs. Perry's historical family documentation, it would appear that there is in fact, a documented historical basis for the 1892 date we originally claimed. In addition, it might more properly be combined with an 1888 claim date; considering that part of the Lemhi River ditch 1888 filing (50 inches) purchased in 1907, as part of the Conlee family's historic water use in Section 7.

10. While, being within the fenced confines of the Conlee family ranch lands (and thereby also used as stock-water during the period prior to, and since, subdivision) I have not been able to discover specific documentation for the historical use of irrigation water from the other ditch and spring on our part of the original property. (Spring #2. and the Salmon River ditch, in orange.) However, at the time of purchasing our property (1989) the remains of an historic pump station was located on our part of the ditch, below its confluence with the spring source. Referring to the Lemhi County Atlas, it is also evident that prior to other (earlier) subdivisions, the former Conlee Ranch property extended all the way to Highway 93 and this (orange) ditch flowed through the middle of that area. (**Enclosure 3b. and 3 c.**) Besides remains of the old pump station, there were indications that historical diversions were made from this ditch as well, some of which are still in practice on lands further down the ditch from our property. However, since originally being constructed, this ditch has eroded to a lower channel elevation that now makes pumping necessary, on our property.

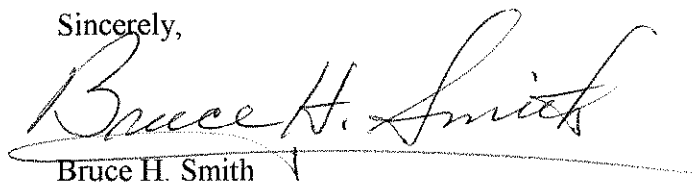
Conclusion:

I hope this information is helpful and provides the documentation you requested. Given the cumulative nature of more recently discovered information from Mrs. Perry's family and friends, further validating the combined sources of water purchased in the late 1800's and early 1900's for the Lands in Section 7, I request that my original claim be modified to include these sources, as well. (I.e. To include the historic purchase and use of both Lemhi and Salmon River waste-waters, spring waters, and direct Lemhi River sources by the original owners of our property.)

If some type of modified or additional form of official filing is required to clarify my original claim, I would be most appreciative if you could so advise.

Thank you for your help and assistance in this matter.

Sincerely,


Bruce H. Smith

ENCLOSURE 1.

Page 884

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10850

WATER RIGHT NUMBER: 75-10850

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	BRUCE SMITH 19 WAGON WHEEL RD SALMON, ID 83467 (208)756-4861
Current Owner	ELLEN SMITH 19 WAGON WHEEL RD SALMON, ID 83467 (208)756-4861

Priority Date: 01/01/1892

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	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	0.060 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.080 CFS	

Location of Point(s) of Diversion

SPRING	NW1/4SE1/4SE1/4	Sec. 7, Twp 21N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T21N R22E S07 SESE 3.0

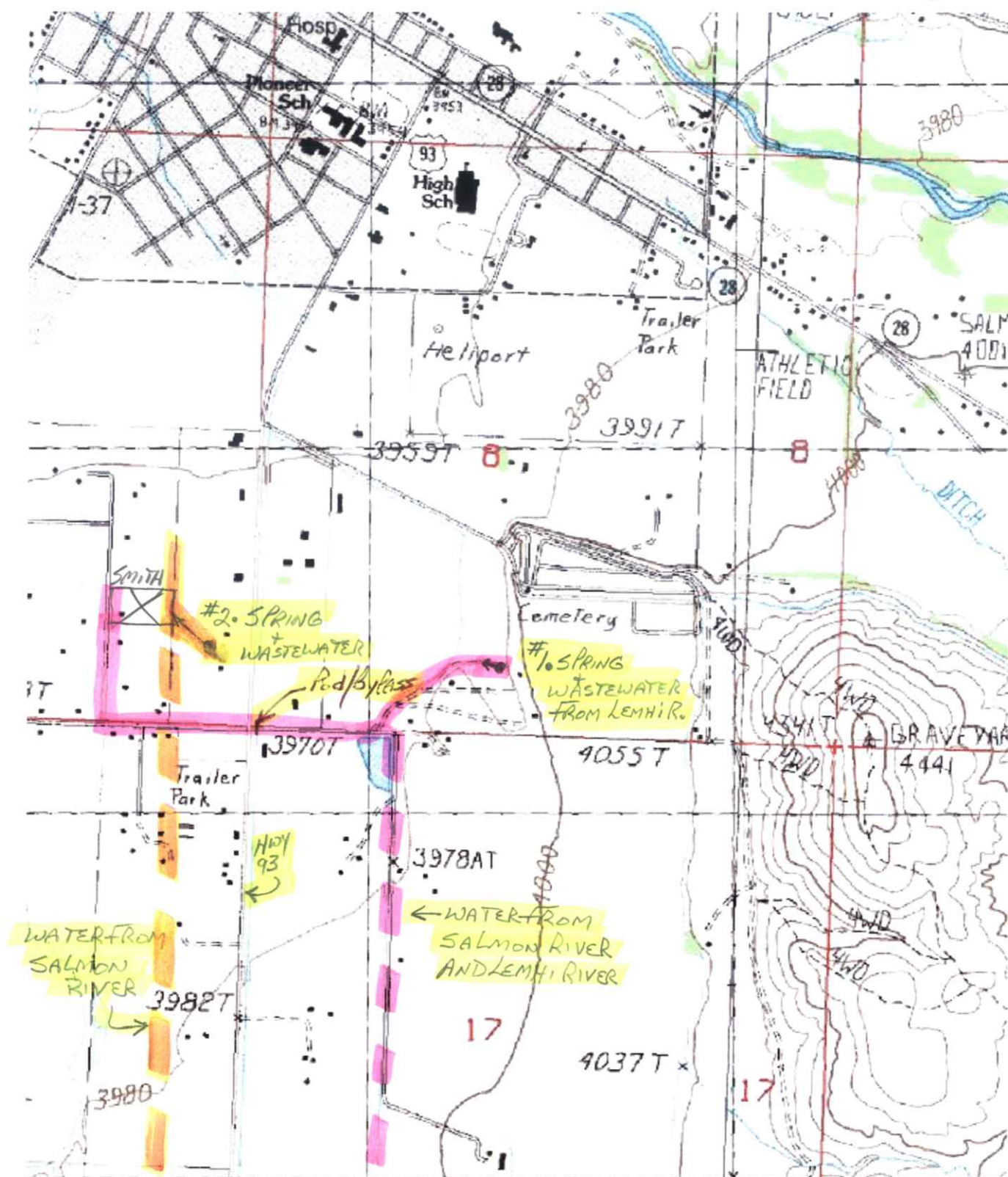
Total Acres: 3

STOCKWATER Within LEMHI County

T21N R22E S07 SESE

Conditions of Approval:

Remarks:



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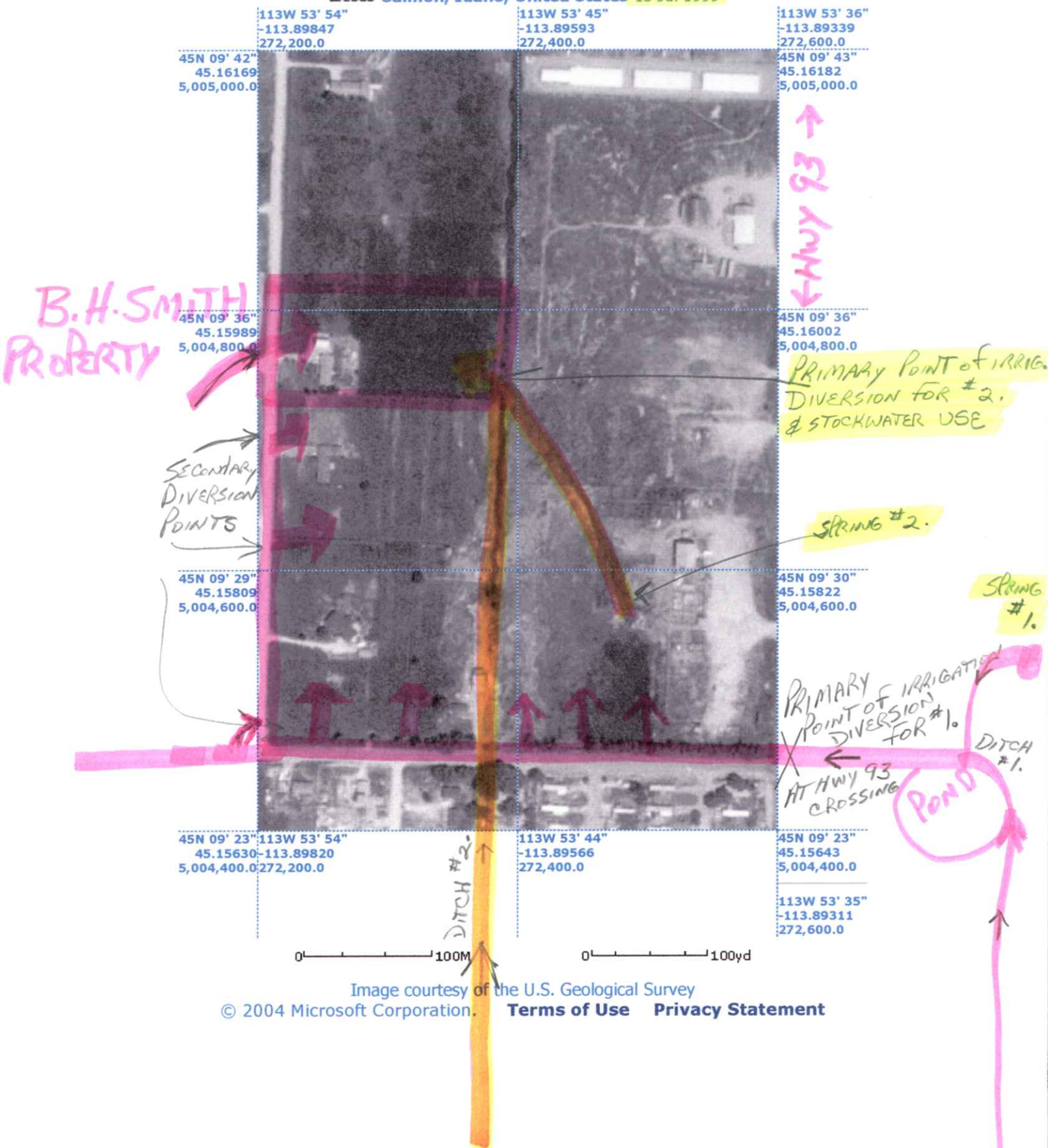
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USGS Salmon, Idaho, United States 13 Jul 1999

13 Jul 1999



ENCLOSURE 36.

TerraServer Image Courtesy of the USGS

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ENCLOSURE 3c.

TerraServer Image Courtesy of the USGS

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USGS Salmon, Idaho, United States 13 Jul 1999



0 100M

0 100yd

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TOWNSHIPS IN THIS COUNTY WITH NO PAGE NUMBERS ARE
UNSURVEYED AREAS OWNED ENTIRELY BY THE U.S. GOVT.

METSKER'S ATLAS OF LEMHI COUNTY STATE OF IDAHO

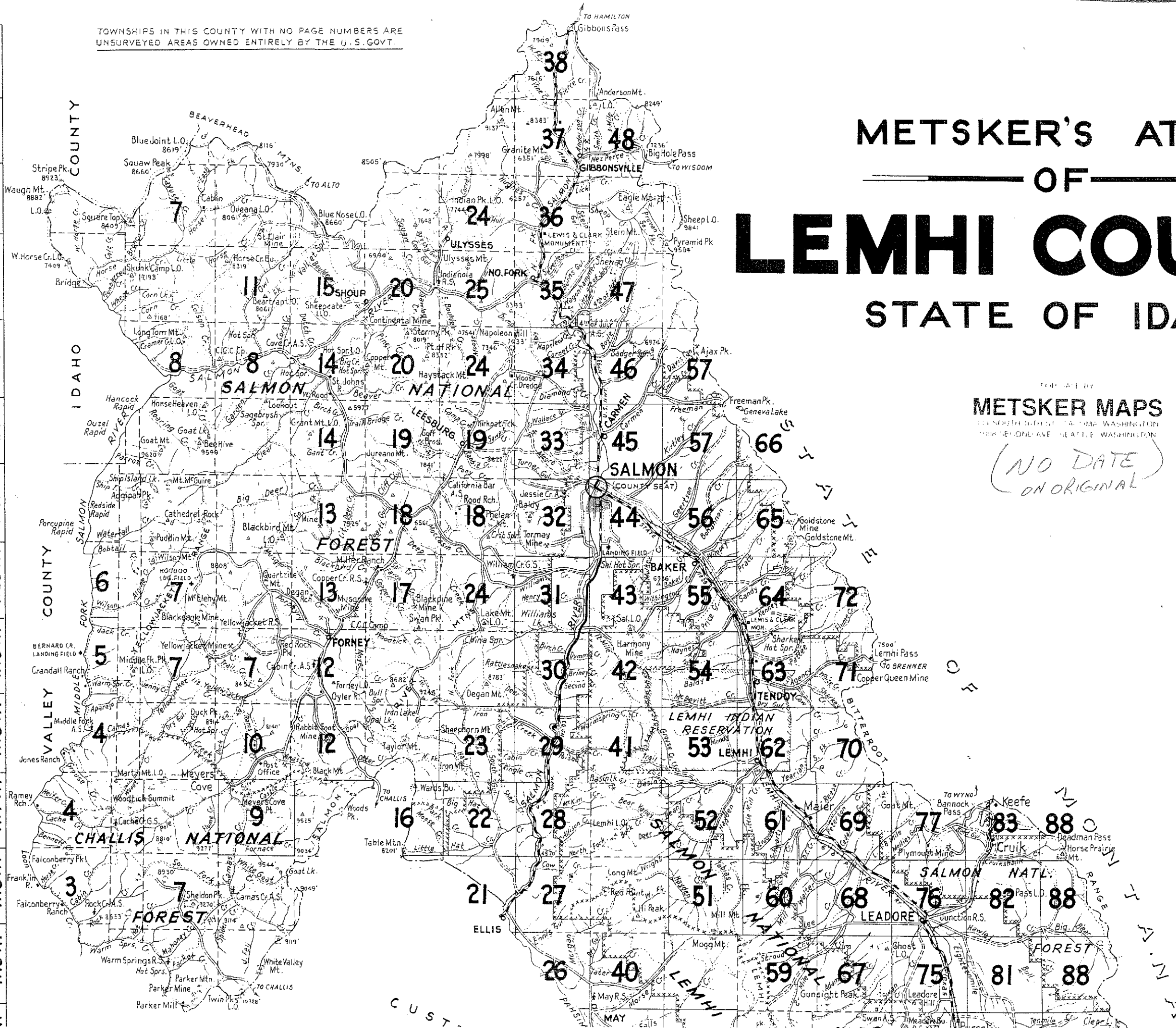
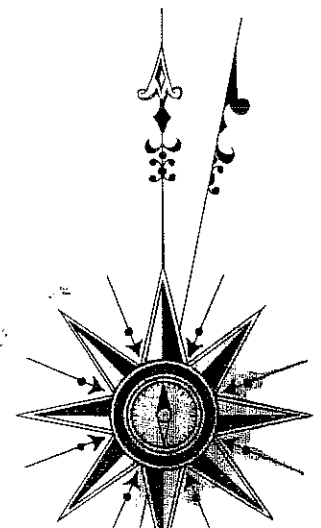
METSKER MAPS

111 NORTH BROAD ST. SEATTLE, WASHINGTON
1001 E. ONE AVE. SEATTLE, WASHINGTON

(NO DATE
ON ORIGINAL)

NOTE -
THIS ATLAS IS CAREFULLY COMPILED
FROM GOVERNMENT, CITY, COUNTY AND STATE
RECORDS AND THE MOST AUTHENTIC DATA
OBTAINABLE. ANY CONSTRUCTIVE CRITICISM
OR CORRECTIONS WILL BE GRATEFULLY
RECEIVED.

"METSKER THE MAP MAN"

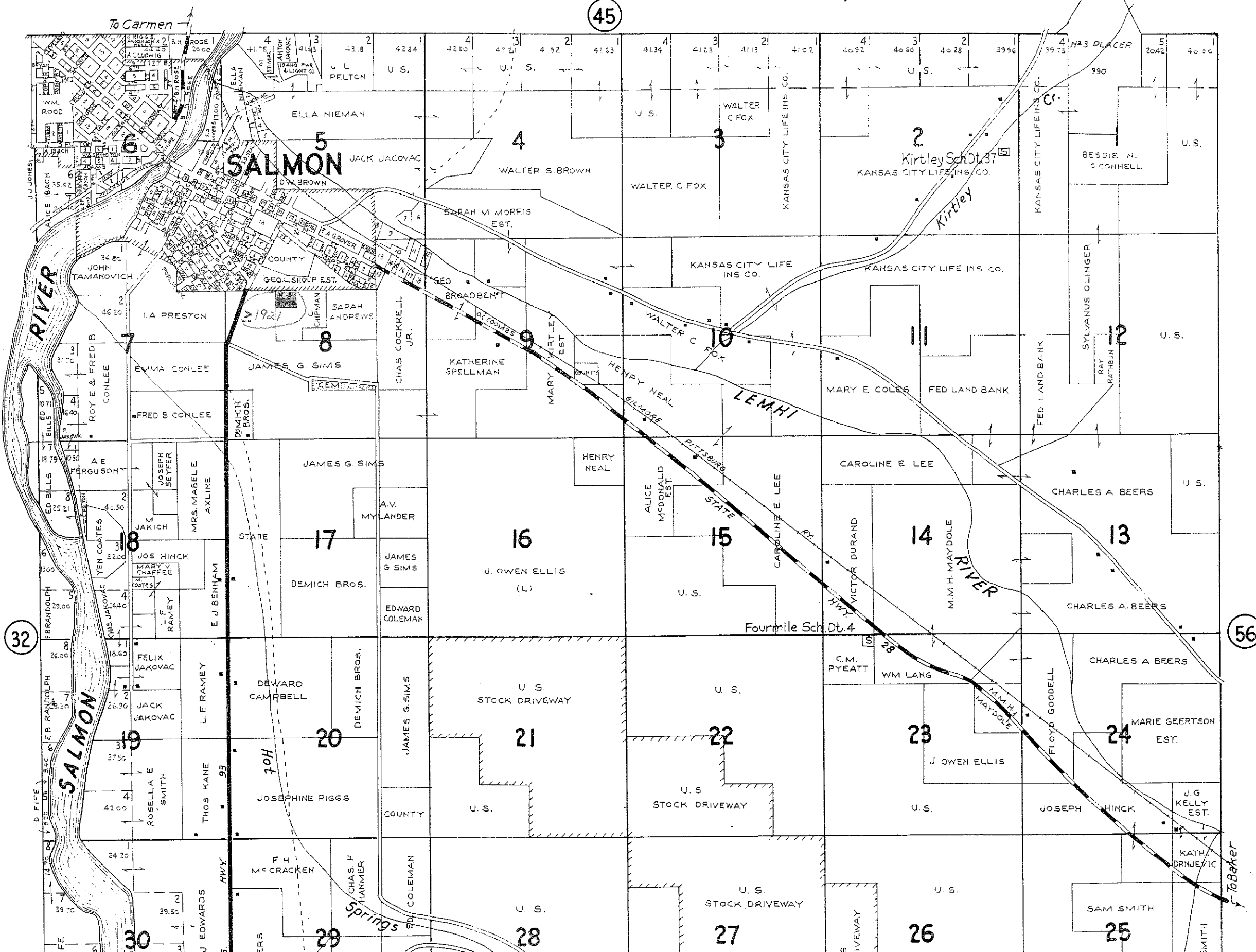


SCALE 2 IN. = 1 MILE

FOR SALE BY
CHAS. F. METSKER
514 S. W. OAK STREET, PORTLAND, OREGON
111 SOUTH 10TH ST., TACOMA, WASHINGTON
1020 THIRD AVE., SEATTLE, WASHINGTON

TOWNSHIP 21 N., RANGE 22 E. B. M. LEMHI COUNTY, IDAHO

(45)



SMALL TRACTS

- 1 GEO. KEEPER
- 2 J.B. McDONALD
- 3 CURTIS LOVELESS
- 4 S.L. REDDING
- 5 BERNARD SWANSON
- 6 GEO. FEKETE
- 7 MABEL LARSON
- 8 WALTER SCHOFIELD
- 9 IDAHO POWER & LIGHT
- 10 HOWARD HAWK
- 11 E. SCHOFIELD SR. EST.
- 12 CLARA A. BATES
- 13 ORVID SEAROSE
- 14 W.A. WRIGHT
- 15 JAS. BEATTIE EST.
- 16 E.I. GUTZMAN
- 17 JAS. T. SPENCER EST.
- 18 DANIEL COLES

CR. 1921 to 1940 - FARMER
LAND OWNERSHIPS
IN SECTION 7

ENCLOSURE 5a.

Idaho Idaho
July 12, 2003

To Whom it may concern:

I Virginia Corlee Crismon being born and raised on this property, on Section 7 Township 21 North range 22 East do attest to the fact that my Grandfather George Perry Corlee irrigated Section 7 with water from the Lemhi River, Spring and waste water from the Cemetery Bar And to my knowledge this water is still being used on this property.

Virginia Crismon

Virginia Crismon



Roxanne Brown
Residing in Ada Co., ID
Expires 5-11-2008

3/24/1892

This indenture, Made the 22nd day of March in the year of our Lord one thousand eight hundred and ninety two, Between Herman O. Andrews of the County of Smith, State of Idaho the party of the first part; and George O. Conlee of the same County, the party of the second part.

Witnesseth that the said party of the first part, for and in consideration of the sum of Five Dollars, lawful money of the United States of America, to him in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, do hereby here premises, demise, release and forever Quit Claim unto the said party of the second part, and to his heirs and assigns forever all that certain ditch and water right situated in the County of Smith, State of Idaho, and described as follows, to wit:

A small ditch carrying water from a spring on lands of William

H. O. Andrews

Geo. O. Conlee

of the County of Smith, State of Idaho, the said party of the second part, and to his heirs and assigns forever all that certain ditch and water right situated in the County of Smith, State of Idaho, and described as follows, to wit:

A small ditch carrying water from a spring on lands of William H. O. Andrews, the said party of the second part, and to his heirs and assigns forever all that certain ditch and water right situated in the County of Smith, State of Idaho, and described as follows, to wit:

A small ditch carrying water from a spring on lands of William H. O. Andrews, the said party of the second part, and to his heirs and assigns forever all that certain ditch and water right situated in the County of Smith, State of Idaho, and described as follows, to wit:

A small ditch carrying water from a spring on lands of William H. O. Andrews, the said party of the second part, and to his heirs and assigns forever all that certain ditch and water right situated in the County of Smith, State of Idaho, and described as follows, to wit:

At the presence of
Phos Elden

Norman O. Andrews

State of Idaho
County of Smith

On this twenty fourth day of March in the year one thousand eight hundred and ninety two before me, Thomas Elliott Probate Judge and ex-officio Clerk of the Probate Court, in and for said County of Smith, personally appeared Herman O. Andrews, whose name to me to be the person in name is subscribed to the within instrument, and acknowledged to me that he executed the same,

and that he is the person in name to me to be the person in name is subscribed to the within instrument, and acknowledged to me that he executed the same,

(Seal)

of

Recorded at the request of George O. Conlee April 6th A.D. 1892, at 9 o'clock A.M. in Book F of Deeds page 484

Amosy R. Rouse
Recorder Smith County

O'Brien

This indenture, made this twenty-fourth day of March, in the year of our Lord one thousand eight hundred and ninety-two, between Thomas C. Andrews, of the County of Santa Clara, the party of the first part, and George C. Conley, of the same County, the party of the second part,

Witnesseth, that the said party of the first part, for and in consideration of the sum of One Thousand Five Hundred Dollars, in hands paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, remised, released, alienated and confirmed, and by these presents does grant, bargain, sell, remise, release, alien and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described lot piece or parcel of land, situated in the County of Santa Clara and State of Santa Clara, known and described as follows, to wit;

The South East Quarter of Section Seven, in Towns hip Twenty-one North, of Range Twenty-two East, of Base Meridian, containing One Hundred and Sixty acres, according to the Government survey thereof.

And the following described water rights and ditches, and up others, are hereby, in like manner conveyed with the said lands, to wit;

All the waste water from four hundred and forty acres of land, owned by the said party of the first part, and situated on or in, the vicinity of the so called Cemetery Bar; Also, one ditch, without water right therewith, extending from a point near the south-west corner of the South-east quarter of the South-west quarter of section nine, in Towns hip Twenty-one North of Range Twenty-two East, to and upon said land hereby conveyed - The said party of the first part reserving the right to deep water into said ditch from his ditch immediately above said ditch hereby conveyed;

And also, that certain ditch to catch waste water, extending about one half mile between the lands of the said party of the first part and lands of William J. Bryan, and to the lands hereby conveyed.

To have and to hold the said premises above bargained and appurtenances thereto belonging, or in anywise appertaining, and the reversion and remainder, remainders, rents, issues and profits thereof, and all the estate right, title, interest, claim or demand whatsoever of the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

To have and to hold the said premises above bargained and described, with the appurtenances unto the said party of the second part his heirs, and assigns forever. And the said party of the first part, for his heirs, executors and administrators, does covenant, grant, bargain and agree to and with the said party of the second part, his heirs and assigns, that at the time of signing and delivery of these presents is well seized of the premises above conveyed, as of a good, sure, perfect, absolute and indefeasible estate of inheritance in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in name and form aforesaid; and that the same are free and clear of all former or other grants, bargains, sales, liens, mortgages, assignments and incumbrances, of what kind or nature soever; and the above bargained premises in the quiet and peaceable possession of the said party of the second part, his heirs and assigns, against all and every persons or persons lawfully claiming or to claim the whole or any part thereof. The said party of the

ENCLOSURE 5d.

7/30/1907
7/30/1907

Instrument No. 8309

This Indenture, Made the Thirtieth day of July in the year of our Lord one thousand nine hundred and seven between William J. Bryan

of Salmon, County of Lemhi, State of Idaho, the part of the first part, and George P. Conlee of Salmon

County of Lemhi State of Idaho the part of the second part, WITNESSETH, that the said part of the first part, for and in consideration of the sum of One Hundred and Fifty (150)

Dollars, Lawful money of the U.S. of America to him in hand paid by the said part of the second part, the receipt of which is hereby acknowledged, do REMISE, RELEASE and forever QUITCLAIM unto the said party of the second part, and to his heirs and assigns, the following described property situated in the County of Lemhi and State of Idaho, to-wit: An undivided Fifty (50) cubic inches of that certain Water Right to Fourteen Hundred (1400) cubic inches of the Waters of the Lemhi River, as filed on July 30th, 1888 by William J. Bryan et al. and Recorded in Book "A" of Water Rights at page 347 of the records of the said Lemhi County;

Together with an undivided one-twenty-eighth interest in and to that certain Hitch conveying the aforesaid water from the Lemhi River to the lands of the said party of the second part.

together with all the tenements, hereditaments and appurtenances thereunto belonging, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and also all the estate, right, title, interest properly, possession, claim and demand whatsoever as well in law as in equity, of the said party of the first part, of, in or to the said premises, and every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the said premises, with the appurtenances.

unto the said part of the second part, his heirs and assigns forever.

IN WITNESS WHEREOF, the said part of the first part has hereunto set his hand and seal the day and year first above written.

Signed, sealed and delivered in the presence of

P. J. Dempsey

William J. Bryan (SEAL)

(SEAL)

STATE OF IDAHO,

County of Lemhi } ss.

On this Thirtieth day of July 1907, before me P. J. Dempsey

a Notary Public

in and for said County, personally appeared

William J. Bryan

to the within instrument, and acknowledged to me that he executed the same; and on this day of

1907, before me, the officer above described, personally appeared

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to the within instrument, described as a married woman, and upon an examination without the hearing of her husband, I made her acquainted with the contents of the instrument, and thereupon she