

12/5/06

Robert Tacke
248 Hot Spring Road
Salmon, Idaho 83467

RECEIVED
DEC 11 2006
IDWR/North

Department of Water Resources
322 East Front Street
Boise, Idaho 83702-0098

Re: Late Claim application

This letter is sent as a cover letter to my late claim application. The reason I am sending this letter is that I feel I have not been fully informed of the adjudication process and what the difference between my permit and a late claim are.

I purchased the Hot Springs property in 1990 and was given information from the courthouse that said the water rights were claimed in September of 1876. I was also given a short summary of the history of the place that stated the same information. Unfortunately when I went to the IDWR office in Hayden Lake, where I resided at the time, I was given an application for a permit, which I filled out and received the permit with a 1990 priority date.

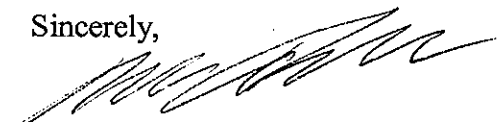
Now on the eleventh hour of the adjudication process I find that the 1876 filing of water claim by the original owners (Wentz and Finster) will not be valid unless I file this late claim.

It is my hopes that IDWR will understand that I have no formal knowledge of Idaho water laws and did not really understand the difference between a permit and an existing water claim. I'm absolutely positive that the documentation of the beneficial uses of the water in question can be substantiated and that had I been fully informed at the time of my initial inquiry I would have pursued the late claim in 1990 instead of today.

I have attached a copy of the original claim by Wentz and Finster from the Water Rights Book A of Lemhi County. I have also included a copy of the historical article on the property. While it may not be a total documentation of the properties beneficial use of waters it does establish that this property has had a historical use of the waters and should be considered in the Basin 75 adjudication process.

Thank you for your consideration of this application. I look forward to your determination.

Sincerely,



Robert Tacke

Salmon Hot Springs

Salmon Hot Springs in early April 1989 consisted of land, some decrepit buildings, and the hot springs that underlay its significant value.

The land amounted to just under 320 acres in two separate parcels that touched in one corner. The elevation ranged from about 4,500 feet, near the turnoff of Hot Springs Road from the road to Pope Shenon Mine, to 5,400 feet, on the hill northeast of the buildings. The structure that housed the pools lay at about 4,950 feet, surrounded by rivulets of warm water.

Most of the acreage was hilly and had little worth as real estate. The few flat places didn't amount to much space. On the lower parcel were a couple flats, one holding an old, low-slung barn, the other used, presumably, for a hayfield.

On the upper parcel--the site of the hot springs itself--were a couple more flats. The buildings sat on the higher of the two; below was a slopy pasture with some wet places. The creek had eroded this pasture somewhat.

Clark Hereford Ranch was leasing the property as summer range for cattle.

Six or seven buildings were still standing: two abandoned log structures; one shed-roofed house; a fairly new garage/shop with an outhouse behind it; a cabin, lived in by a caretaker, made of two by fours stacked flat; and the building that used to be Salmon Hot Springs hotel and plunge.

A good sized swimming pool, supposedly twenty-eight by sixty-eight feet, held warm water (about eighty-six degrees fahrenheit). This pool, on the northwest side of the main building, was roofed but open on three sides. Not quite open: two layers of recently installed plastic enclosed it.

The pool was fed by water piped from the hot springs source, located very approximately a hundred yards northeast. The flow is substantial for a hot springs, but doesn't amount to much of a creek; on the Salmon quadrangle map (U.S. Geological Survey), Hot Springs creek is represented by a line signifying an intermittent stream.

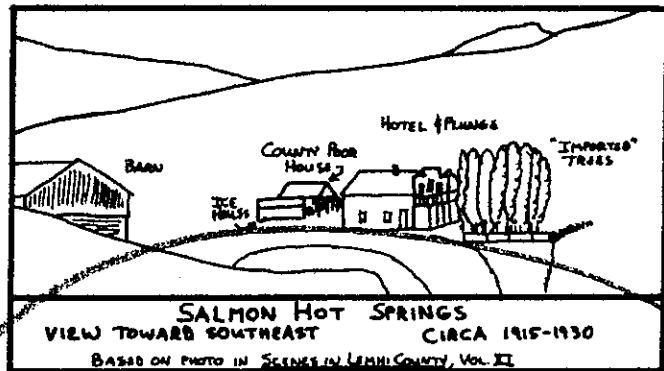
Not much was left, in early 1989, of what was once a showplace of Salmon.

At its peak in the late 1930s, Salmon Hot Springs featured two pools: a large room one for recreation and a small hot one for therapeutic soaking. It had a ranch-style dining room, two dance halls (upstairs and down) and overnight accommodations for fifteen to thirty guests and staff. Two nearby structures used the county poor, numbering as many as twenty to thirty men, elderly, destitute, without families. The hot

springs was, back then, a hotspot for the people of Salmon and Lemhi County.

But it's been kissed goodbye--the Salmon Hot Springs that had been a developed resort for almost as long as white men have lived in these mountains and valleys.

This is its obituary.



Legal claims on the hot springs are fairly well documented. Lemhi County Courthouse records show that Wentz and Finster filed a water right on "Warm Springs creek" on 28 September 1876. The water was "to be taken Out at The Source ... for Bathing and Irrigating purposes, and to be conveyed by ditch ... Said springs being about six (6) Miles South East from Salmon City [sic]" (Water Rights Book A, p. 157).

Salmon Hot Springs was called Andrews Hot Springs during the ownership of Thomas K. and Martha ("Aunt Matt") Andrews. By homestead right, Thomas was deeded 160.2 acres in "the South half of the North East quarter and the lots numbered one and two of section three in Township twenty North of Range twenty-two East" (Deed Record I, p. 151).

Aunt Matt said they lived there for fourteen and a half years--presumably until around 1899 or 1900--after which they sold it to A.J. Macnab (Martin, p. 18). Deed Record I, however, shows that Andrews sold the place to George L. Shoup (the former governor and then senator), Murdock M. McPherson, Alexander J. Macnab and William H. Shoup on 26 November 1896 for three thousand dollars (p. 152).

Those men in turn peddled it in 1899 to Henry H. Watson (Deed Record I, p. 153) who in 1901 sold it to Frederick Brough (Deed Record I, p. 154).

Frederick Brough was the father of Fred Brough, who owned the springs later.

Pearl Stroud was the daughter of Clarence Wayant, homesteader in 1915 of

Notice

is hereby Given that the Undersigned Claims My Tract and 10000 Acres of Water for all the Water in Yellow Jacket Creek for Mining, Milling, and Other purposes. The Water to be taken out of said Creek nearly opposite the Strong Mills at a similar Notice to this Notice in Yellow Jacket District Teton County Idaho Territory.

Dated September 2nd 1876 J. G. Vian
 J. M. H. Young

Filed for Record in this Office this 2nd day of Sep. A.D. 1876 at 8 O'clock A.M. and duly recorded same day at 9 O'clock P.M. in Record of Water Rights Book A, Page 157
 John Hogan Sec. Recorder

Notice is hereby Given that the Undersigned Claims all the Water in Warm Spring Creek to be taken out at the source of said Springs for Bathing and Irrigating purposes, and to be conveyed by ditch within the same may be conveyed said Springs being about six (6) Miles South East from Salmon City Teton County Idaho Territory.
 Salmon City Sep^r 28th 1876 Montz & Fumter

Filed for Record in this Office this 25th day of September A.D. 1876 at 5 O'clock P.M. and duly Recorded same day at 6 O'clock P.M. in Record of Water Rights Book A, Page 13.
 John Hogan Sec. Recorder

Notice

is hereby Given that the Undersigned do this day Claim all the Water in Indian and Snake Creeks for mining purposes on the River and below. The Water to be taken out of Indian Creek about Eight hundred or One Thousand Feet from the mouth of the Snake River this 28th day of Sep^r 1876. N. C. Murgerson

Filed for Record in this Office this 6th day of Nov^r A.D. 1876 at 8 O'clock A.M. and duly Recorded same day at 5 O'clock P.M. in Record of Water Rights Book A, Page 157.
 John Hogan Sec. Recorder

Undersigned
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 M. Garvey
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 under same
 the Rights
 and
 the Record
 signed Claim
 when this
 Yellow Jacket
 Territory and
 the Sup. Court
 the State of Idaho
 the
 day of
 at 6 O'clock
 Water Rights
 and
 the

WARRANTY DEED

For Value Received

SHARON BISTLINE, a married woman dealing with her sole and separate property,
the grantor, does hereby grant, bargain, sell and convey unto

ROBERT TACKE, a single man

whose current address is

the grantee, the following described premises, in Lemhi County Idaho, to wit:

TOWNSHIP 21 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI COUNTY, IDAHO.
SECTION 34: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$.
ALSO: TOWNSHIP 20 NORTH, RANGE 22 EAST, BOISE MERIDIAN, LEMHI
COUNTY, IDAHO.
SECTION 3: S $\frac{1}{2}$ NE $\frac{1}{4}$, LOTS 1 AND 2, LOT 4 AND E $\frac{1}{2}$ N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Together with all water, ditch, oil and mineral rights appurtenant thereto not heretofore reserved by the United States of America and all other appurtenances.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that she is the owner in fee simple of said premises; that they are free from all incumbrances, except current taxes and assessments and subject to exceptions in any title policy issued on the above described premises in connection with this transaction,

and that she will warrant and defend the same from all lawful claims whatsoever.

Dated: November 4, 1989

Sharon Bistline
Sharon Bistline

STATE OF IDAHO, COUNTY OF ADA

On this 7th day of November, 1989, before me, a notary public in and for said State, personally appeared

SHARON BISTLINE

known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same.

Sharon Bistline
Notary Public
Residing at Boise, Idaho
Comm. Expires 7/19/94

State of Idaho }
County of Lemhi } ss No. 204260

This instrument was filed for record at the request of *Sharon Bistline* at 1:00 o'clock P.M. 11-27-1989 and duly filed and indexed in the records of Lemhi County.

Alberts Biederrick
Ex-Officio Recorder
By *Theresa L. Biederrick* Deputy
Tenth Floor

4-1003.

Hailey 06313.

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 Clarence M. Wayant has been established and duly consummated, in conformity to law, for the Lot four and the southwest quarter of the northwest quarter of Section three in Township twenty north and the south half of the southwest quarter of Section thirty-four in Township twenty-one north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred sixty and thirty-five-hundredths 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, Woodrow Wilson 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 Twenty-third day of November in the year of our Lord one thousand nine hundred and fourteen and of the Independence of the United States the one hundred and thirty-ninth.

(SEAL)

By the President: Woodrow Wilson,

By M. P. LeRpy, Secretary,

L. Q. C. Lamar, Recorder of the
General Land Office.

RECORDED: Patent Number 444242.

Recorded at the request of C. M. Wayant Feb., 25th, 1915, at 25 minutes past 1 o'clock P. M., in Book W of Deeds, page 420, records of Lemhi County, Idaho.

J. L. Kirtley, Jr., County Recorder,

By *M. M. Linn* Deputy.

The United States of America.

To all to whom these presents shall come, Greeting: Whereas there has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Boise, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th May, 1862, "To secure homesteads to actual settlers on the public domain," and the acts supplemental thereto, the claim of Thomas R. Andrews, has been established and duly consummated in conformity to law, for the South half of the North East quarter and the Lots numbered one and two of section three in Township twenty North of Range twenty two East of Boise Meridian in Idaho containing one hundred and sixty acres and twenty 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 Thomas R. Andrews the tract of land above described. To have and to hold the said tract of Land, with the appurtenances thereof, unto the said Thomas R. Andrews and to his heirs and assigns 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 also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the land hereby granted a right of way thereon for ditches or canals constructed by the authorities of the United States.

In testimony whereof I Grover Cleveland, President of the United State 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 hands at the City of Washington, the twentieth day of December in the year of our Lord one thousand eight hundred and ninety five, and of the Independence of the United States the one hundred and twentieth.

By M. M. Kean, Secretary. L. B. Lamar
By the President Grover Cleveland
Recorder of the General Land Office.

Recorded Vol 20, Page 191.

Recorded at the Request of Geo L. Sharp + les November 26-1896
at 30 minutes past 9 o'clock A.M. in Book A of Records page 15/
Records of Lemhi County, Idaho.

J. P. Lough
County Recorder

The United States of America

To all to whom these Presents shall come, Greeting:

Homestead Certificate No. 6017

Application 1289

Whereas, There has been deposited in the General Land Office of the United States, in pursuance of the Statute of the United States at Albany, New York, approved 22d May 1862, "To secure Homesteads to actual Settlers on the Public Domain," and the only supplemental thereto, the claim of **Thomas K. Andrews**

has been established and duly consummated, in conformity to law, for the South half of the North East Quarter and the Lots number one and two of Section Twenty in Town ship twenty North of Range twenty-three East of the Third Meridian, in the State of Ohio, containing one hundred and sixty acres, and twenty hundredths of an acre.

According to the Official Plat of the Survey of 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 **Thomas K. Andrews**

the tract of Land above described: To have and to hold the said tract of Land, with the appurtenances thereto, unto the said **Thomas K. Andrews** and his heirs and assigns forever: subject to any vested and accrued rights, rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and easements used in connection with such water rights as may be ascertained and acknowledged by the local customs, laws, and decisions of courts, and also subject to the right of the proprietor of a mine or lode to surface and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law; and there is reserved from the lands hereby granted, a right of way through for ditches as same be constructed by the authority of the United States.

In testimony whereof, I, **Chester Cleveland** PRESIDENT OF THE UNITED STATES OF AMERICA, have caused these letters to be made Public, and the Seal of the General Land Office to be hereunto affixed.

Given under my hand, at the City of Washington, the 10th day of June, 1862.

By the President,

Chester Cleveland
L. C. Hunt Secretary of the General Land Office