

DEPARTMENT OF THE INTERIOR.

HOMESTEAD ENTRY.

U. S. LAND OFFICE, Hailey, Idaho, No. _____

FINAL PROOF.

RECEIPT No. _____

TESTIMONY OF CLAIMANT.

QUESTION 1. What is your full name, age, and post-office address?

ANSWER. Elizabeth M. Eldridge, 59 years of age, post office North Fork,

Lemhi County, Idaho,

QUESTION 2. Are you a native-born citizen of the United States, and if so, in what State or Territory were you born? (If foreign born, see Note 1.)

ANSWER. yes, I was born in the State of Missouri,

QUESTION 3. Are you the same person who made Homestead Entry No.

06540, at the Hailey, Idaho, Land Office on the

20th day of July, 1909, for the

For 74.14 acres of unsurveyed land within the Salmon National Forest, Lemhi County, approximately in T. 25 N., R. 21 E. designated as Homestead Entry Survey No. 61, List No. 4-81 consisting of Tract "A" containing 55.15 acres and Tract "B" containing 18.99 acres. Said tracts are described as follows:

Tract "A" Commencing at Corner No. 1 from which corner U.S.L.M. No. 8, Dahlonaga M.D., bears N. 61° 36' E. 4.21 chains; and running thence S. 2° 25' E. 21.11 chains to Corner No. 2; thence N. 70° 15' W. 1.49 chains to Corner No. 3; thence S. 22° 32' W. 27.28 chains to Corner No. 4; thence S. 80° 09' E. 1.68 chains to Corner No. 5; thence N. 30° 23' E. 10.64 chains to Corner No. 6; thence N. 46° 29' E. 8.62 chains to Corner No. 7; thence N. 57° 22' E. 16.82 chains to Corner No. 8; thence N. 43° 39' E. 6.89 chains to Corner No. 9; thence N. 34° 33' W. 10.40 chains to Corner No. 10; thence N. 55° 53' E. 11.01 chains to Corner No. 11; thence N. 35° 02' W. 4.68 chains to Corner No. 12; thence S. 72° 03' W. 20.40 chains to Corner No. 13; thence N. 27° 59' W. 5.22 chains to Corner No. 1, the place of beginning.

Tract "B" Commencing at Corner No. 1, from which corner U.S.L.M. No. 8, Dahlonaga M.D., bears N. 52° 55' E. 16.22 chains; and running thence S. 20° 57' W. 9.48 chains to Corner No. 2; thence S. 36° 07' W. 18.95 chains to Corner No. 3; thence S. 49° 26' E. 10.87 chains to Corner No. 4; thence N. 22° 32' E. 22.44 chains to Corner No. 5; thence N. 70° 15' W. 1.51 chains to Corner No. 6; thence N. 5° 03' W. 10.03 chains to Corner No. 1, the place of beginning.

Paperwork received from Hall/Murphy during field exam
mvanbussum

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HOMESTEAD ENTRY.

U.S. LAND OFFICE: Halley, Idaho.

[illegible]

Township _____, Range _____, Meridian _____

ANSWER. yes

QUESTION 4. (a) Are you married or single? ANSWER. single
(b) If married, of whom does your family consist?

ANSWER.

(c) If a married woman, state whether your husband now has an unperfected homestead entry, and during what time he has resided on this land with you. - -

ANSWER. I am not married

QUESTION 5. (a) When did you first establish actual residence upon this land?

ANSWER. In March 1889

(b) When was your house built on this land?

ANSWER. in the spring of 1889.

(c) Have either you or your family ever been absent from the homestead since establishing residence?

ANSWER: I have never been absent, since first establishing residence thereon.

(d) If there has been such absence, give the dates covered by each absence; and as to each absence, state whether you, your family, or both, were thus absent and the reason for each such absence.

ANSWER, I have never been absent

QUESTION Describe the land embraced in a section by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
There are tracts of unsurveyed land within the Galbon National Forest, Lemhi County, approximately in T.25 N., R.21 E. designated as Homestead Entry Survey No. 61, List No. 4-81 consisting of tract "A" containing 55.15 acres, and Tract "B" containing 18.99 acres. Said tracts are described as follows: Tract "A" Commencing at Cor. No. 1, from which corner U.S.L.M. No. 8, Dahlenoga M.D. bears N. 61° 36' E. 4.21 chains; and running thence S. 2° 25' E. 21.11 chains to Corner No. 2; thence N. 70° 15' W. 1.49 chains to Corner No. 3; thence S. 22° 32' W. 27.28 chains to Corner No. 4; thence S. 80° 09' E. 1.68 chains to Corner No. 5; thence N. 30° 23' E. 10.64 chains to Corner No. 6; thence N. 46° 29' E. 8.62 chains to Corner No. 7; thence N. 57° 22' E. 16.83 chains to Corner No. 8; thence N. 43° 39' E. 6.89 chains to Corner No. 9; thence N. 34° 33' W. 10.40 chains to Corner No. 10; thence N. 55° 53' E. 11.01 chains to Corner No. 11; thence N. 35° 02' E. 4.68 chains to Corner No. 12; thence S. 72° 03' W. 20.40 chains to Corner No. 13; thence N. 27° 59' W. 5.22 chains to Corner No. 1 the place of beginning.			
Tract "B" Commencing at Corner No. 1, from which Corner U.S.L.M. No. 8, Dahlenoga M.D. bears N. 52° 55' E. 16.22 chains; and running thence S. 20° 57' W. 9.48 chains to Corner No. 2; thence S. 36° 07' W. 18.95 chains to Corner No. 3; thence S. 49° 26' E. 10.87 chains to Corner No. 4; thence N. 22° 32' E. 22.44 chains to Corner No. 5; thence N. 70° 15' W. 1.51 chains to Corner No. 6; thence N. 5° 03' W. 10.03 chains to Corner No. 1 the place of beginning.			

...the character of the land, sandy loam, 65 no timber

the character of the land, sandy loam,	65	no timber
--	----	-----------

QUESTION 7. State by subdivisions the number of acres cultivated, kind of crop planted, and amount harvested, each year. How many acres of the claim are now cleared, or broken, and under cultivation? If used for grazing only, state number and kind of stock grazed each year and by whom owned.

ANSWER. 35 acres under cultivation being all of Tract B, and part of Tract A timothy, clover and alfalfa hay, fruit and vegetables, Harvested each year since 1900 about 60 tons of timothy, clover and alfalfa hay, Harvested each year since 1904, about 50 bu. of apples, harvested other small fruit each year since 1904, harvested each year since 1890 about 200 bu. potatoes, and harvested each year since 1890, small vegetables of all kinds, about 35 acres of the claim now cleared, broken and under cultivation.

QUESTION 8. Describe fully and in detail the amount and kind of improvements on each subdivision. State total value of improvements on the claim.

Subdivision.	Character of Improvements.
On tract A.	One log house, 18 x 26 5 rooms, One frame barn, 24 x 80, 2 story, One log chicken house, 12 x 16, One frame milk house, 10 x 36, the entire tract fenced by leaning fence part and part what is known as a worm fence, the leaning fence with posts and jacks, 16 ft apart, 5 poles nailed on said posts, and the worm fence built of poles and stakes, about nine poles and rider in each panel. Total total cost of improvements \$3000.00 said tracts of land are covered with three main ditches leading from the North Fork of the Salmon River to and upon said land,

QUESTION 9. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

ANSWER. no it is not,

QUESTION 10. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. not to my knowledge,

QUESTION 11. Have you ever made any other homestead entry? If so, describe the same.

ANSWER. I never made any other homestead entry,

QUESTION 12. Have you sold, conveyed, or agreed to sell or convey any portion of the land; if so, to whom and for what purpose?

ANSWER. I have not sold, conveyed, or agreed to sell or convey any portion of the land;

QUESTION 13. Have you optioned, mortgaged, or agreed to option or mortgage, or convey this land, or any part thereof; if so, when, to whom, and for what purpose and in what amount?

ANSWER. I have not optioned, mortgaged, or agreed to option or mortgage or convey any portion of this land.

QUESTION 14. Have you any personal property of any kind elsewhere than on this claim? If so, describe the same, and state where the same is kept.

ANSWER. No I have no other property of any kind other than on this tract,

QUESTION 15. Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral) made by you since August 30, 1890.

ANSWER. I never made any other entry of any kind.

Elizabeth M. Eldridge
(Sirs here, with full Christian name.)

NOTE 1.—If applicant is alien born, he should state the fact and file evidence of citizenship in due form, either a certificate of his own naturalization in a court of competent jurisdiction, or, if claiming to be a citizen by virtue of his father's naturalization, and his own minority and residence in the United States at the date thereof, or, if a married woman claiming citizenship by virtue of her husband's nativity or naturalization, then record evidence of the naturalization of the father, or husband, or an affidavit as to the nativity of the latter.

NOTE 2.—The officer before whom the proof is made will see that all answers are complete and responsive to the questions.

NOTE 3.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes (over), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

I HEREBY CERTIFY that the deponent was examined separately and apart from the other witnesses in the case; that the foregoing deposition was read to ~~or by~~ deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known ~~(or has been satisfactorily identified before me by~~

~~that I verily believe deponent to be the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me at my office, in Salmon, Lemhi County, Idaho,~~

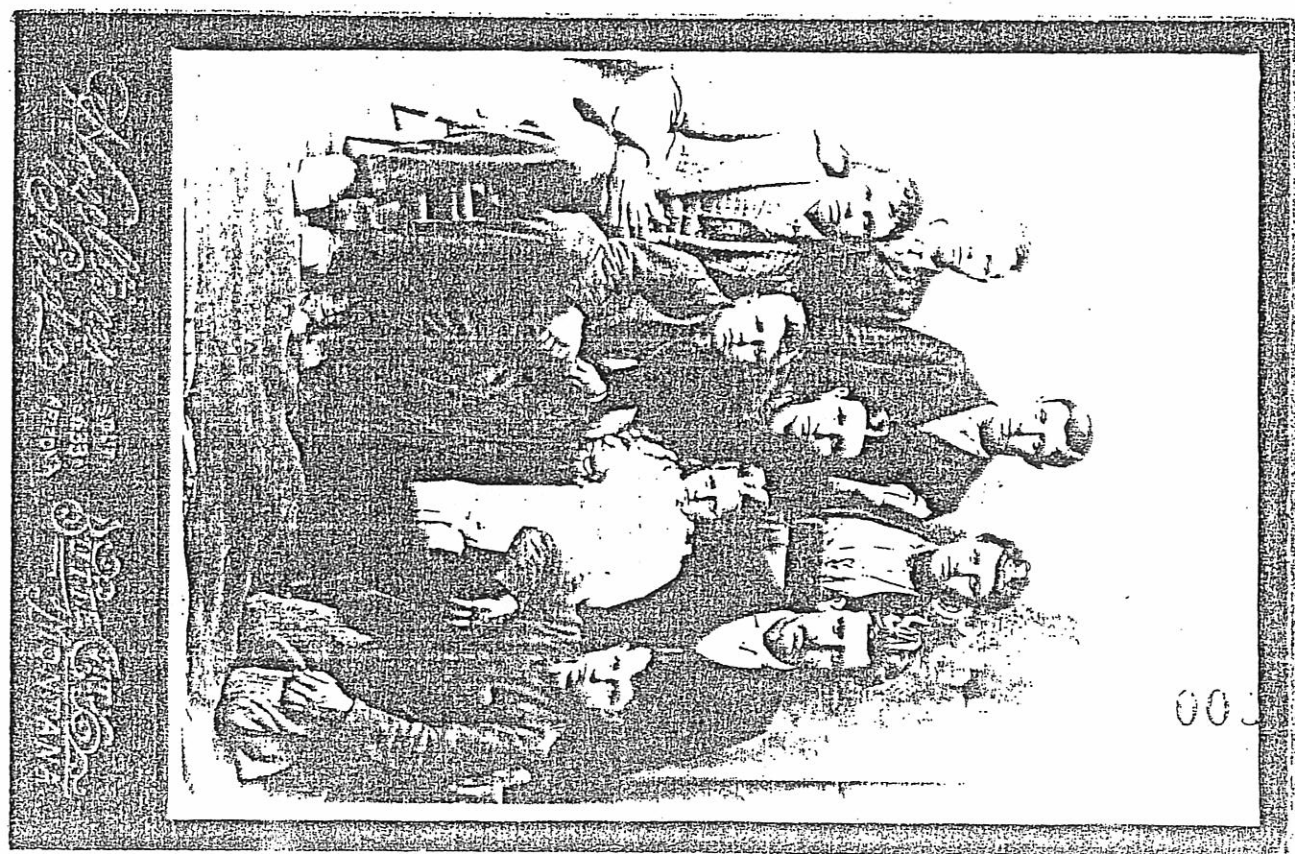
within the Hailey, Idaho, land district,

this 29th day of July, 19 12

Frank O. McEachern
Probate Judge of Lemhi County, Idaho.

(Official designation of officer.)

004



Description of Survey.

Elixabeth M. Eldridge, Homestead Entry.

Salmon National Forest, Idaho.

October 8-9-10, 1908.

From U.S. Location Monument No. 8 of Dahlonaga Mining District, Lemhi County, Idaho, a large boulder protruding above the surface of the ground located on the brow of ridge between North Fork and Hughes Creek, approximately ninety rods from the junction of the two creeks; corner #1 of the Hughes Creek Placer-Survey No. 1480, identical with $\frac{H}{10}$ of Eldridge claim, bears S. 61° 36' W. 277.85 feet. Corner #1 of Survey No. 1498, identical with $\frac{H}{6}$ of Eldridge claim, bears S. 48° 09' E. 1037.5 feet. Thence beginning at corner No. 1 identical with Corner No. 1 of Eagleson claim, a conglomerate boulder 6x8x24 inches above ground, marked $\frac{H}{1}$. Whence a pine stump 36 inches in diameter 30 inches high, marked W/H/1, bears N. 46° W. 11 links. A fir stump 7 inches in diameter 5 feet high, marked W/H/1, bears S. 74° E. 18 links.

Thence N. 29° 15' E.

Chains. Line follows general course of wagon road and fence.

10.62 To $\frac{H}{2}$, an aspen post 3" diameter 2' high set in mound of rock. Whence a pine tree 8" in diameter, marked W/H/2, bears N. 43° E. 73 links. A cottonwood tree 6" in diameter, marked W/H/2, bears S. 56° W. 25 links.

Thence N. 45° 15' E.

8.57 To $\frac{H}{3}$, a fir post 3" in diameter 18" long set in mound of rock. Whence a fir tree 4" in diameter, marked W/H/3, bears S. 27° E. 22 links. A fir tree 24" diameter marked W/H/3, bears N. 64° E. 1.12 chains.

Thence S.71°45'E.

Chains, Line follows general course of fence along hill side.
20.30 To ^H9, a wash boulder 6"x8"x3' long set in a mound
of rock. Whence gable end of Eldridge house bears
S.2°W. The NW corner of stable bears N.56°30'W. 1.90
chains. The NW corner of cellar bears N.71°W. 12 feet.

Thence N.41°13'W.

5.30 To ^H10, identical with Corner No.1 of Hughes Creek Placer
Survey No.1480, a stone 8x12x18 inches. Whence a pine
tree 20" diameter, bears S.64°21'W. 40.4 feet. A fir
tree 56" diameter bears N.41°42'E. 62.45 feet. Whence
U.S.L.M. No.8 bears N.61°36'E. 277.85 feet.

Thence S.2°25'E.

3.97 To point where patented line strikes Eldridge's stable.
15.80 To North Fork.
21.11 To ^H11, identical with patent corner #2 of Survey No.1480
(Hughes Creek Claim)

Thence N.70°15'W.

0.74 To ^H12, identical with Corner No.2 of Stein Claim, Survey
No.1480.

Thence S.22°52'W.

Following 2-3 course of Stein Placer Claim, Surv'y No.1480.
27.30 To ^H13, identical with ^H2 of Eagleson claim, a 4"x4" post
6" above ground, set 3' north of Eaglesons stable. No
other available witnesses.

Thence S.81°E.

Chains.
1.68

To ^H1, place of beginning.

The tract contains approximately fifty-seven (57) acres, more or less.

Thence continuing with successive numbering of corners.

Beginning at ^H14, identical with Corner No.1 of the Stein Placer Claim, Survey No.1480, a cottonwood post 5" diameter 3' long, set in mound of rock in alfalfa patch. From whence U.S.L.M.No.8, bears N.27°40'E. 1511.64 feet.

Thence N.70°15'W.

Following 2-3 course of Hughes Creek Placer Claim.

2.27 To ^H15, identical with Corner No.3 of Hughes Creek Placer, a cottonwood stake 3" in diameter 2' long set in alfalfa patch. No available witnesses.

Thence N.2°25'W.

Following 3-4 course of Hughes Creek Placer.

9.67 To ^H16, a pine stump 2' high 5" in diameter. Whence a pine tree 4" in diameter, marked W/H/16, bears S.72°E. 11 links. A pine tree 5" in diameter, marked W/H/16, bears S.56°30'W. 10 links.

Thence S.20°W.

Along foot of steep hill side.

9.46 To ^H17, a boulder 3'x14"x6" above ground. Whence a pine tree 5" diameter, marked W/H/17, bears N.18°W. 73 links.

Chains. A pine tree 36 inches in diameter, marked W/H/17,
bears N.87°W. 1.09 chains.

Thence S.35°W.

Along general course of fence.

19.12 To $\frac{H}{18}$ identical with $\frac{H}{6}$ of Eagleson claim, an aspen
stake 3" in diameter 3' long set in a mound of rock
at the butt of a fir tree 4' in diameter, marked
W/H/6-18 respectively.

Thence S.50°E.

Line divides Eldridge and Eagleson claims.

6.00 To creek or waste ditch.

10.40 To $\frac{H}{19}$, identical with $\frac{H}{5}$ of Eagleson's claim, a
cottonwood post 5" in diameter 3' long set in willow
bottom. No available witnesses.

Thence N.22°32'E.

Line is identical with 4-1 course of Stein Placer.

22.57 To $\frac{H}{14}$, place of beginning, identical with Corner NO 1
of Stein Placer, Survey No.1480, as above stated.

The tract contains approximately eighteen (18)
acres, more or less.

The combined area of the two noncontiguous
tracts is approximately seventy-five (75) acres,
more or less, and is all good agricultural land.

*Variation used was 19°30' E. obtained from
Examiners of U.S. Public Lands Survey.*

Approved Jan. 20/09
J.B.

Geo. C. Thompson
Land Examiner

MAP SHEET

No. 55

Salmon National Forest.

Division

District

Block

T. 25 N, R. 21 E

B. M., Section 21, Unsurveyed, Quarter

Mapped by

Scale: 8 inches = 1 mile.

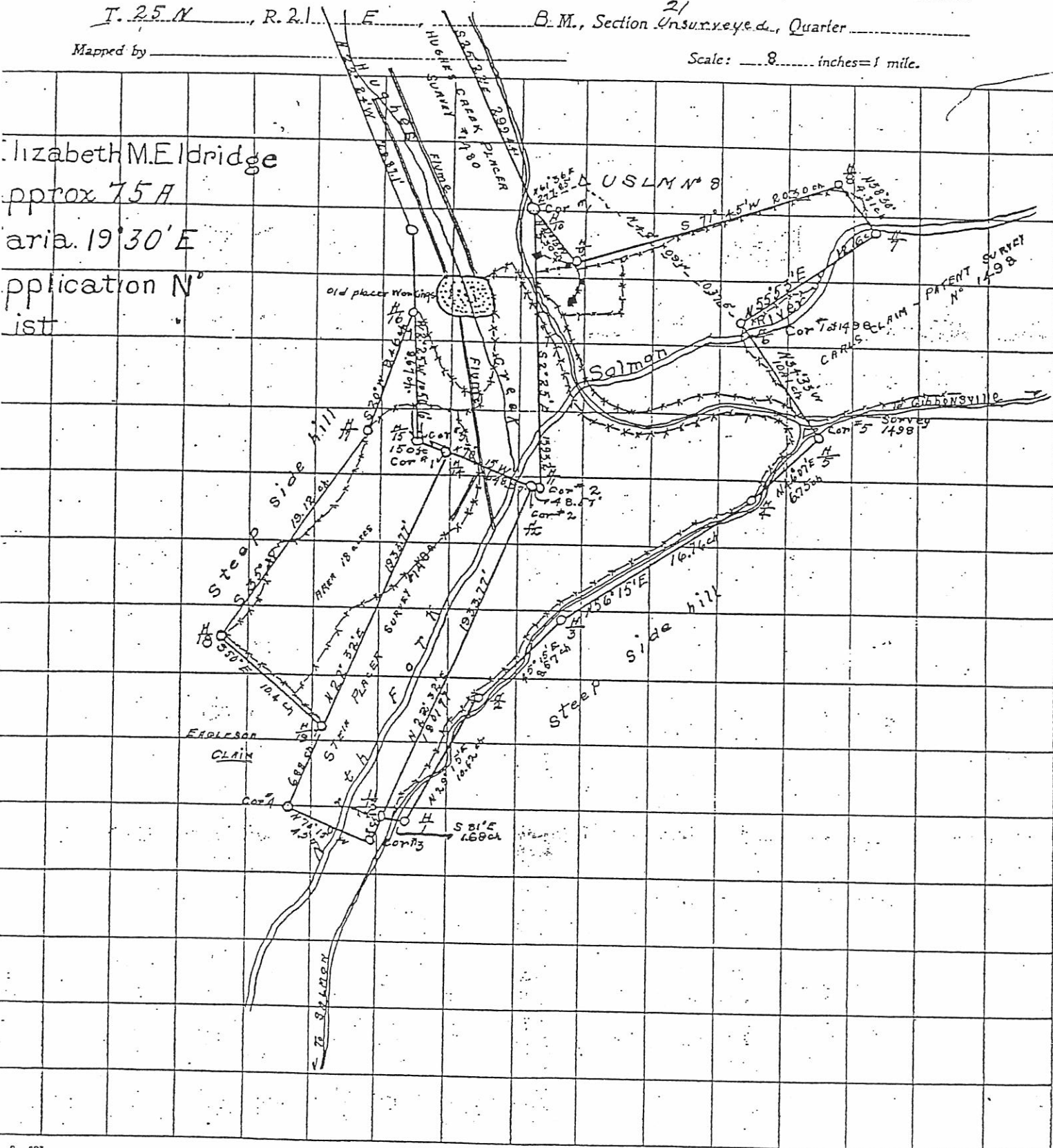
Elizabeth M. Eldridge

approx 75 A

area 19'30" E

application N

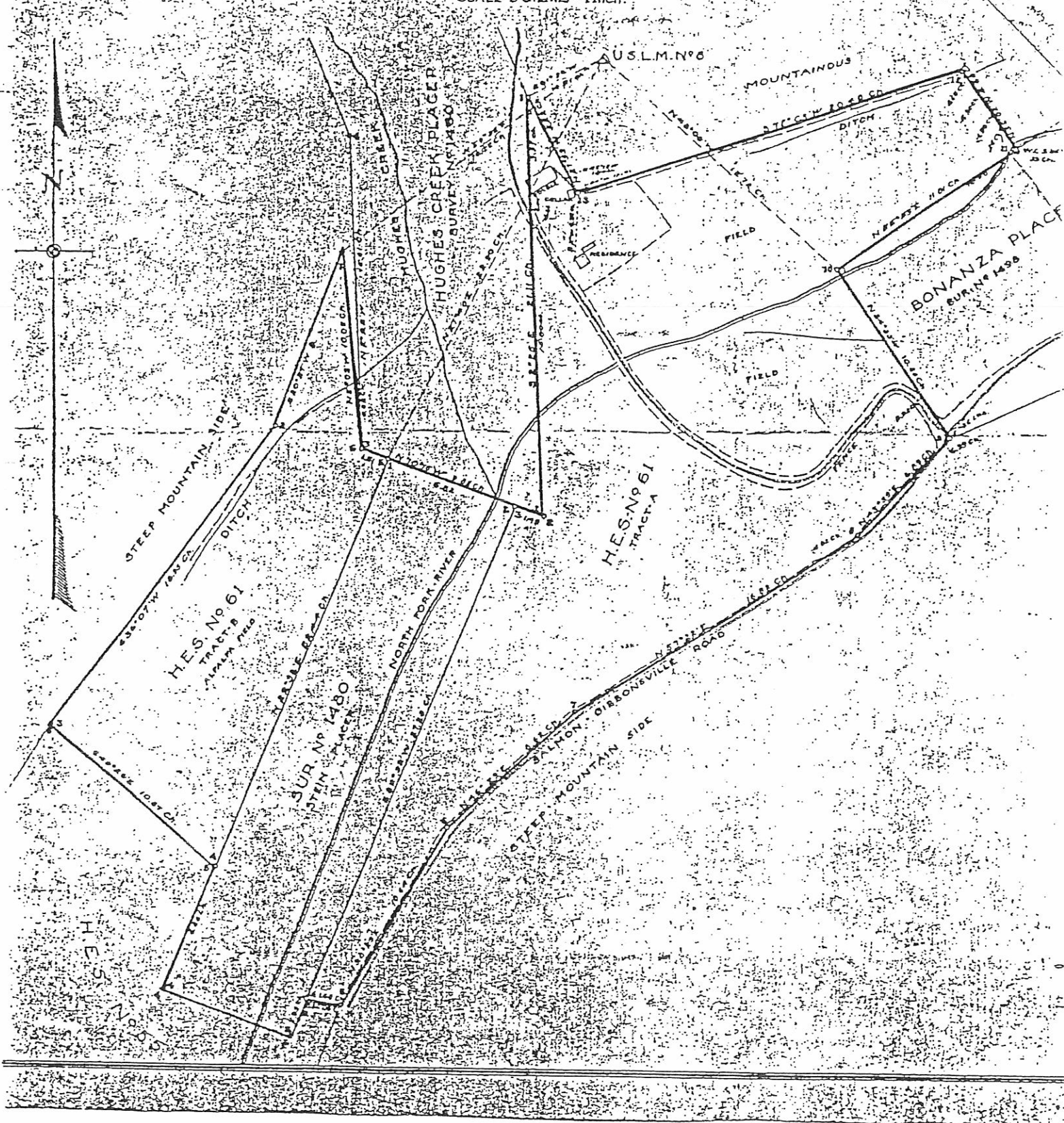
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HOMESTEAD ENTRY SURVEY N°61

TRACTS A & B
SALMON NATIONAL FOREST
LEMHI COUNTY, IDAHO.

Surveyed Sept. 4-7, 1910. By
James W. Caples, U.S. Deputy Surveyor.
SCALE 5 Chains = 1 inch.



Description of Survey.

Elixabeth M. Eldridge, Homestead Entry.

Salmon National Forest, Idaho.

October 8-9-10, 1908.

From U.S. Location Monument No. 8 of Dahlenega Mining District, Lemhi County, Idaho, a large boulder protruding above the surface of the ground located on the brow of ridge between North Fork and Hughes Creek, approximately ninety rods from the junction of the two creeks; corner #1 of the Hughes Creek Placer-Survey No. 1480, identical with $\frac{H}{10}$ of Eldridge claim, bears S. 61° 36' W. 277.85 feet. Corner #1 of Survey No. 1498, identical with $\frac{H}{6}$ of Eldridge claim, bears S. 48° 09' E. 1037.5 feet. Thence beginning at corner No. 1 identical with Corner No. 1 of Eagleson claim, a conglomerate boulder 6x8x24 inches above ground, marked $\frac{H}{1}$. Whence a pine stump 36 inches in diameter 30 inches high, marked W/H/1, bears N. 46° W. 11 links. A fir stump 7 inches in diameter 5 feet high, marked W/H/1, bears S. 74° E. 18 links.

Thence N. 29° 15' E.

Chains. Line follows general course of wagon road and fence.

10.62 To $\frac{H}{2}$, an aspen post 3" diameter 2' high set in mound of rock. Whence a pine tree 8" in diameter, marked W/H/2, bears N. 43° E. 73 links. A cottonwood tree 6" in diameter, marked W/H/2, bears S. 56° W. 25 links.

Thence N. 45° 15' E.

8.57 To $\frac{H}{3}$, a fir post 3" in diameter 18" long set in mound of rock. Whence a fir tree 4" in diameter, marked W/H/3, bears S. 27° E. 22 links. A fir tree 24" diameter marked W/H/3, bears N. 64° E. 1.12 chains.

Thence N.56°15'E.

Chains. Line follows the general course of wagon road.

16.76 To $\frac{H}{4}$ an aspen post 3" in diameter 2' high set in a mound of rock. Whence a cottonwood tree 5" diameter marked W/H/4, bears S.74°30'W. 16 links. An aspen tree 4" in diameter, marked W/H/4, bears S.43°W. 34 lks.

Thence N.46°07'E.

6.75 To $\frac{H}{5}$, a boulder 2 1/2 x 4 feet 14" above ground, identical with Corner No.5 of Survey No.1498. Whence B.T. of mineral survey, bears N.36°30'E. 1.31 chains.

Thence N.34°33'W.

Following 5-1 course of Mineral Survey No.1498.

8.56 To North Fork Creek.

10.40 To $\frac{H}{6}$, identical with Corner No.1 of Mineral Survey No.1498, a cottonwood tree 10" in diameter, in clump of brush on the west bank of North Fork.

Thence N.55°53'E.

Following 1-2 course of Survey No.1498.

12.16 To $\frac{H}{7}$, a birch tree 7" in diameter, in clump of brush on the east side of North Fork, identical with Corner No.8 of the Hughes Creek Ranger Station. No available witnesses.

Thence N.38°30'W.

Line is identical with 7-8 course of said Ranger Station.

4.81 To $\frac{H}{8}$ a 2x4" post 4' long set in mound of rock, identical with $\frac{R}{7}$,. A cottonwood tree on ditch bank, marked W/H/8, bears SE, 1.39 ch- no other near by objects suitable for witnesses.

Thence S.71°45'E.

Chains, Line follows general course of fence along hill side.
20.30 To $\frac{H}{9}$, a wash boulder 6"x8"x3' long set in a mound of rock. Whence gable end of Eldridge house bears S.2°W. The NW corner of stable bears N.56°30'W. 1.90 chains. The NW corner of cellar bears N.71°W. 12 feet.

Thence N.41°13'W.

5.30 To $\frac{H}{10}$, identical with Corner No.1 of Hughes Creek Placer Survey No.1480, a stone 8x12x18 inches. Whence a pine tree 20" diameter, bears S.64°21'W. 40.4 feet. A fir tree 36" diameter bears N.41°42'E. 62.45 feet. Whence U.S.L.M. No.8 bears N.61°36'E. 277.85 feet.

Thence S.2°25'E.

3.97 To point where patented line strikes Eldridge's stable.
15.80 To North Fork.
21.11 To $\frac{H}{11}$, identical with patent corner #2 of Survey No.1480 (Hughes Creek Claim)

Thence N.70°15'W.

0.74 To $\frac{H}{12}$, identical with Corner No.2 of Stein Claim, Survey No.1480.

Thence S.22°52'W.

Following 2-3 course of Stein Placer Claim, Surv'y No.1480.
27.30 To $\frac{H}{13}$, identical with $\frac{H}{2}$ of Eagleson claim, a 4"x4" post 3" above ground, set 3' north of Eaglesons stable. No other available witnesses.

Thence S.81°E.

Chains.
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To ^HI, place of beginning.

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Thence N.2°25'W.

Following 3-4 course of Hughes Creek Placer.

9.67 To ^H16, a pine stump 2' high 5" in diameter. Whence a pine tree 4" in diameter, marked W/H/16, bears S.72°E. 11 links. A pine tree 5" in diameter, marked W/H/16, bears S.53°30'W. 10 links.

Thence S.20°W.

Along foot of steep hill side.

9.46 To ^H17, a boulder 3'x14"x6" above ground. Whence a pine tree 5" diameter, marked W/H/17, bears N.18°W. 73 links.

Chains. A pine tree 36 inches in diameter, marked W/H/17,
bears N.87°W. 1.09 chains.

Thence S.35°W.

Along general course of fence.

19.12 To $\frac{H}{18}$ identical with $\frac{H}{6}$ of Eagleson claim, an aspen
stake 3" in diameter 3' long set in a mound of rock
at the butt of a fir tree 4' in diameter, marked
W/H/6-18 respectively.

Thence S.50°E.

Line divides Eldridge and Eagleson claims.

6.00 To creek or waste ditch.

10.40 To $\frac{H}{19}$, identical with $\frac{H}{5}$ of Eagleson's claim, a
cottonwood post 5" in diameter 3' long set in willow
bottom. No available witnesses.

Thence N.22°32'E.

Line is identical with 4-1 course of Stein Placer.

22.57 To $\frac{H}{14}$, place of beginning, identical with Corner NO 1
of Stein Placer, Survey No.1480, as above stated.

The tract contains approximately eighteen (18)
acres, more or less.

The combined area of the two noncontiguous
tracts is approximately seventy-five (75) acres,
more or less, and is all good agricultural land.

*Variation used was 1930' E. obtained from
Examiners of U.S. Public Lands Survey.*

Geo. C. Thompson
Land Examiner

Approved Jan. 20/09
J.B.

No. 55-

Salmon National Forest.

Division -----

District _____, Block _____

T. 25 N, R. 21 \ 1 E

B. M., Section ²¹ Unsurveyed, Quarter

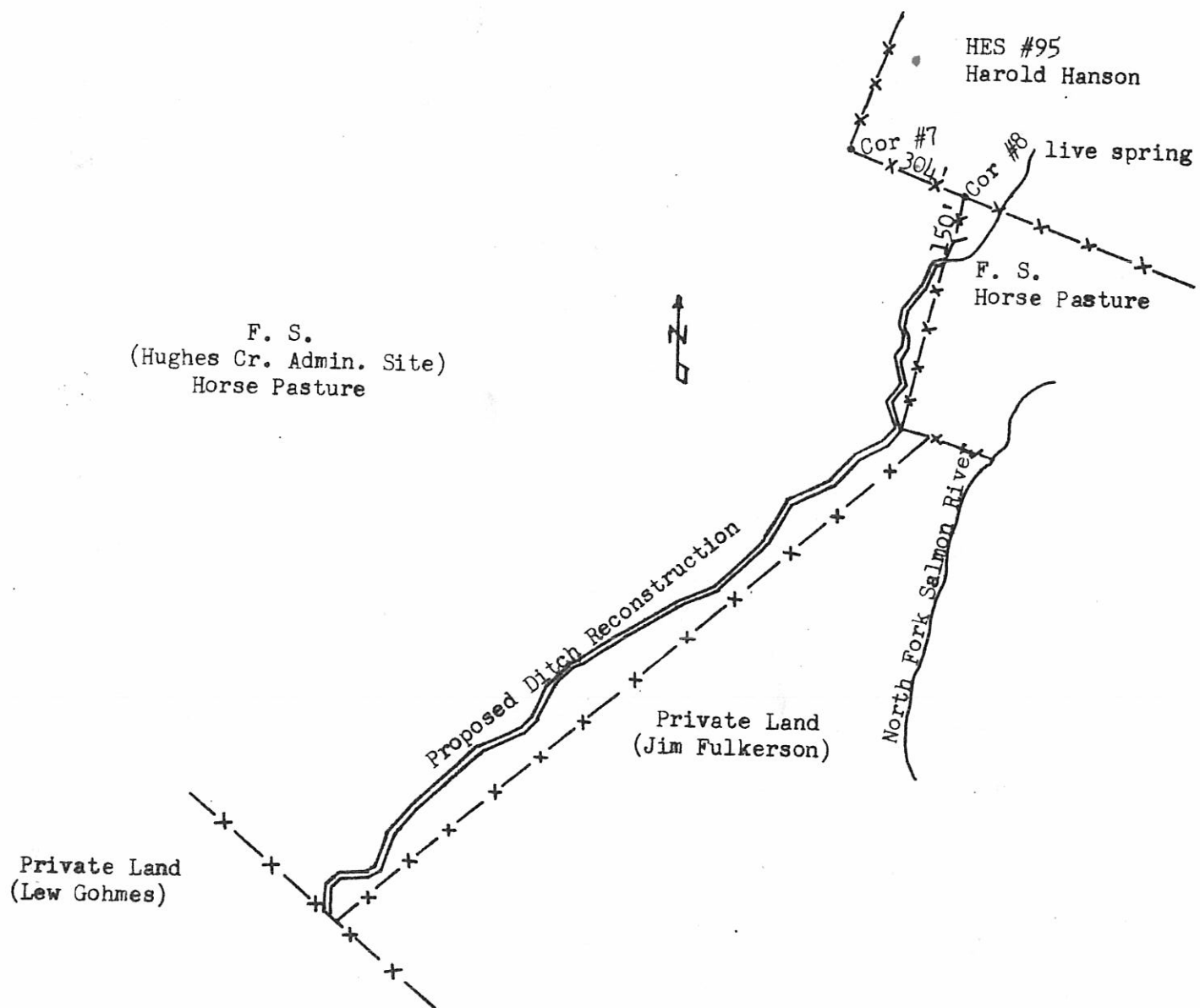
Mapped by: _____

Scale: 8 inches = 1 mile.



2710

Special Use Permit - Gohmes, Lew R., Ditch (Proposed)



Legend
 Scale 1 inch - 400 ft.
 Proposed Ditch -
 Fence -
 Length of Ditch on FS - 2502 Ft.
 Width - 14 Ft.
 Area - .8 Acre
 Location - T25N; R21E; NW $\frac{1}{4}$ sec. 22,
 NE $\frac{1}{4}$ sec. 21

Date of Survey - 9/17/62 by REL - AJ

received by MVB from Daryl Hull 4/29/2009
 from special use permit filed 9/10/1962

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE



(Designation)

SPECIAL-USE APPLICATION

1. Application is hereby made for a permit to use the following-described lands:

T25N R21E Sec. 21-22

for the purpose of Stockwater irrigation ditch - 14' width overall

2. Construction of improvements will begin within 1 months, will be completed within 12 months; the premises will be used at least 365 days each year; will cost approximately \$ will occupy miles of National Forest land; will occupy .8 acres of National Forest land; and will consist of the following:

Cleaning and rebuilding the old ditch

September 6, 1962
(Date of application)

(Signature of applicant)

(Address)

REPORT ON APPLICATION
(To be completed by Forest Officer)

1. General description of the area and adaptability for the proposed use. Outline area on map on reverse side or on separate map sheet if needed to clarify proposed use.

Suitable - old ditch in place now

2. Status of the land requested, including description of any improvements or claims on area. If previously under permit indicate former permit date and permittee's name.

National Forest lands

3. State approximate amount and kinds of timber to be cut, recommended stumpage prices, method of scaling. 5500' Ponderosa Pine - Recommend standard stumpage price-to be scaled in deck after cuttings

4. Recommendations including any factors which might affect the granting of the permit or future use of the land.
recommend approval

5. List on the reverse side any additional conditions which should be made a part of the permit.

Report submitted: 9/10/62
(Date)

(Signature)

District Forest Ranger

(Title)

Report approved: 9/17/62
(Date)

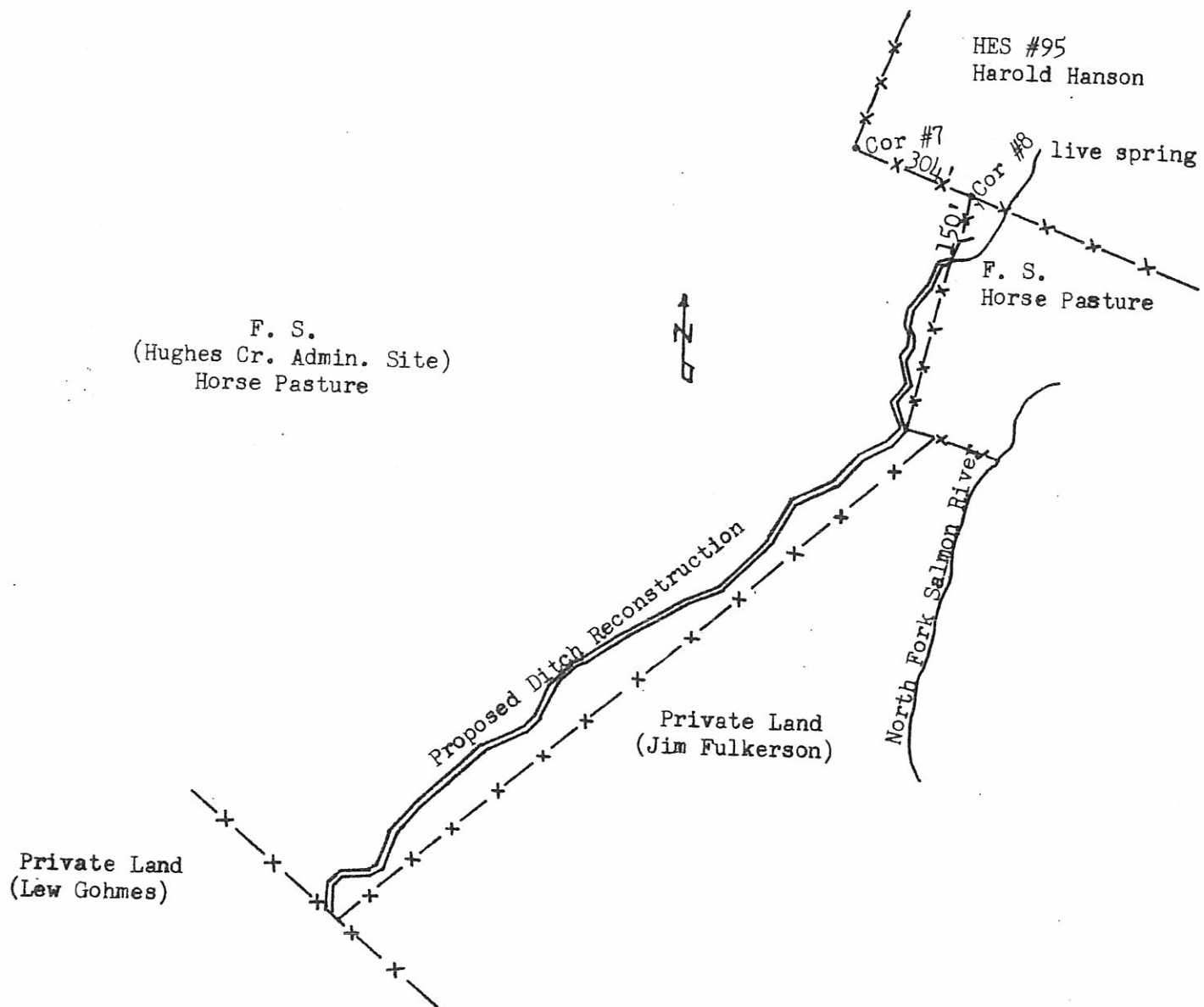
(Signature)

(Over)

(Title)

2710

Special Use Permit - Gohmes, Lew R., Ditch (Proposed)



Legend
Scale 1 inch - 400 ft.
Proposed Ditch - ==
Fence - x-x-x-x
Length of Ditch on FS - 2502 Ft.
Width - 1 1/4 Ft.
Area -.8 Acre
Location - T25N; R21E; NW 1/4 sec. 22,
NE 1/4 sec. 21

Date of Survey - 9/17/62 by REL - A

United States
Department of
Agriculture

Forest
Service

Salmon
National
Forest

North Fork RD
P.O. Box 780
North Fork, ID 83466

SALMON N. F.

SEP 9 - '86

Reply to: 2720

Hughes Cr. Ditch

Date: September 4, 1986

Info ☒ Action ☐

~~SLP~~

LMP 1 2 3 4 5 6

TAF 1 2 3 4 5 6

~~ELM~~ 1 2 3 4 5 6

RRWW 1 2 3 4 5 6

AO 1 2 3 4 5 6

CC's TO: _____

Law Offices

SPECIALE & FELTON

5 Triad Center, Suite 585
Salt Lake City, Utah 84180

Dear Mr. Felton,

I received your letter sometime ago and have held off responding until I could gather some of the information you were requesting. I do appreciate you and Sue visiting our office in an effort to consummate the ditch permit.

I have enclosed several documents for your information and use that may shed light on the situation:

1. Copy of Forest Service Manual Direction. (A copy was furnished to you also when you were in my office.)
2. Copy of Forest Service Regulations concerning occupancy of Federal Land.
3. Copy of Mrs. Eldridge's October, 1908, Application for Homestead and subsequent report. Patent issued May 10, 1913.
4. Copy of Idaho State water rights listing.
5. Copy of Hughes Creek Administrative Site survey plat.
6. Copy of 1962 Special Use Permit Plat issued to Lew Gohmes.

As you can see from the information provided, there is no evidence of a ditch from the spring being in existence on 05-01-1880 as indicated on the Kozacek water rights filing which stated that date as when it was put to beneficial use. In fact, the information provides a cloud of doubt. As an example, the very first settlers that eventually patented the property (the Eldridges) did not even allegedly settle the land until 1887 and by their statements in the patent application, the water developments constructed between 1887 and 1908, when patent application occurred, were ditches from Hughes Creek and the North Fork of the Salmon. The associated report states "There are no possibilities for developing water but there is an abundance of water in both the North Fork and Hughes Creek easily obtainable for irrigation."

The Idaho State water rights record also casts doubt on the 1880 date. The

you know, was a Mr. Westman. His statement of when the spring was put to beneficial use was December 26, 1912. If this date is not the correct date, then we may never know the true date, but the Westman date may be more supportive since a 1908 Forest Service survey shows a ditch in that vicinity coming from the North Fork and not from the spring area. On the ground evidence may also support this when the old holding pond located at the administrative site is considered in the analysis.

Based on the evidence, we do not believe the ditch as it exists today either in whole or in part was in place prior to March 3, 1891 and in continuous use. We also believe that previous land owners that held special use permits for the ditch also would have processed an easement if they had evidence that the ditch qualified.

The record also shows that no rights-of-way easement has been granted, under the Act of March 3, 1891, to any previous owner of the ditch. Therefore, this facility would require authorization by special use permit.

Even though we feel there is adequate evidence to show the ditch in whole does not qualify under either the Act of July 26, 1866 or the Act of March 3, 1891. We also are aware that the ditch was not in continuous use nor was all segments of the ditch always in their present location.

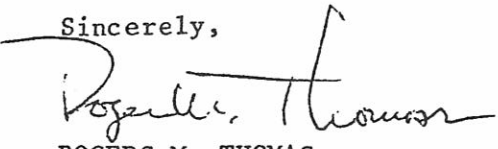
} ? sentence structure

As you can see by our direction that if a facility does qualify for an easement, then it must be used for its original purpose and can only be maintained. Any alteration of alignment or addition or improvement of any kind would require a special use permit.

As can be seen by the application for a special use permit of a prior owner and the subsequent permit being issued to reconstruct and maintain an old ditch, portions of an old ditch was reconstructed and altered. This was a 1962 application and the point in time when, as an example, a ditch was dug directly from the spring across the back of the small horse pasture by the Hughes Creek barn. If other parts of the ditch would qualify for easement, these constructed and reconstructed segments would require a special use permit.

I hope the information provided is helpful to you. I have enclosed a special use application for your convenience. If you can show good evidence of portions of the ditch qualifying for easement status, please furnish it and we will consider those portions of the ditch for easement. However, the reconstructed sections need to be placed under special use permit. If you find it convenient to place the entire ditch under special use permit, that would be satisfactory with us also.

Sincerely,


ROGERS M. THOMAS
District Ranger

Enclosures

cc: Kozacek
S.O.

THIS INSTRUMENT, made this Eighth day of March, in the year our Lord one thousand nine hundred and Sixteen, between Levi R. Jones and Stella Jones, husband and wife, of Lemhi County, Idaho, the parties of the first part and J. D. Peable and Sophia Peable, husband and wife of said County and State, the parties of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of \$3000.00 Eight Thousand and No/100 DOLLARS, in lawful money of the United States of America, to them in hand paid by the said parties 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 parties of the second part, and to their heirs and assigns forever, all that certain lot, piece and parcel of land, situate, lying and being in Lemhi County, Idaho, particularly described as follows, to-wit:

Beginning at Corner No. 1, from which U. S. Mineral Monument No. 3, Dahlonga Mining District, bears N. 71° 32' E. 39.99 chains distant; thence N. 51° 57' W. 21.63 chains to Corner No. 2; thence S. 32° 45' W. 7.13 chains to Corner No. 3; thence S. 47° 12' W. 14.61 chains to Corner No. 4; thence S. 5° 23' E. 11.32 chains to Corner No. 5; thence S. 46° 12' W. 10.48 chains to Corner No. 6; thence S. 42° 13' W. 39.15 chains to Corner No. 7; thence S. 48° 38' E. 4.61 chains to corner No. 8; thence S. 54° 49' E. 19.63 chains to Corner No. 9; thence N. 44° 57' E. 6.2 chains to Corner No. 10; thence N. 15° 24' E. 8.72 chains to Corner No. 11; thence N. 42° 15' E. 20.72 chains to Corner No. 12; thence N. 17° 19' E. 21.54 chains to Corner No. 13; thence N. 47° 29' E. 24.22 chains to Corner No. 1, the place of beginning; containing 157.66 acres of land, more or less; being the same land embraced in Forest H. E. Survey No. 95; and being the same land patented by the United States of America, to said Levi R. Jones, under date June 24th, 1914; which said patent is duly recorded in the office of the County Recorder of Lemhi County Idaho, in Book "W" of Deeds at page 602 thereof, to which record reference is here made as a part of this description.

Together with any and all water, water rights, ditches, headgates, and conduits whatsoever, situate upon, belonging to, appurtenant to, or used in connection with, said or any part of said lands; and together with any and all buildings and improvements on said lands and premises; and, Revenue Stamps \$8.00 L.R.J., 3/8/16, Canceled.

It is agreed that the said parties of the first part shall pay any and all taxes on said premises for the year nineteen hundred and fifteen and for all times prior thereto; and that the second parties shall pay the taxes for the year 1916.

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 parties of the second part, and to their heirs and assigns forever. And the said parties of the first part, and their heirs, the said premises in the quiet and peaceful possession of the said parties of the second part, and their heirs and assigns, against the said parties of the first part and their heirs, 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

Levi R. Jones (SEAL)

Stella Jones (SEAL)

STATE OF IDAHO,)
COUNTY OF LEMHI) ss.

On this 8th day of March, in the year 1916 before me, Ariel C. Cherry a Notary Public for the State of Idaho, and in and for the said County, personally appeared Levi R. Jones, who is personally known to me, to be the person whose name is 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. Ariel C. Cherry, Notary Public for Idaho, residing at
State of Idaho) Salmon, Lemhi County, Idaho.
County of Lemhi)--ss.

On this the 9th day of March, in the year 1916, before me, A.L.Kirk a Notary Public for the State of Idaho, and in and for Lemhi County, Idaho, personally appeared Mrs. Stella Jones, who is personally known to me to be the person whose name is subscribed to the within instrument, and acknowledged, to me that she 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.

A.L.Kirk, Notary Public for Idaho,
residing at Gibbonsville, Idaho.

My commission expires April 30th, 1918.

Recorded at request of A. C. Cherry at 25 minutes past 10 o'clock A. M., March 11th, 1916, in Book W of Deeds, on page 605 Records of Lemhi County, Idaho.

J. L. Kirtley, Jr.
County Recorder.

By W. W. Simmonds
Deputy.

received by mub from Pat Hull 4/24/2009

Hailey 06683 and 09132.

4-1043.

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 Levi R. Jones has been established and duly consummated, in conformity to law, for the H. E. Survey No. 95, embracing a portion of the unsurveyed public domain, Idaho, more particularly bounded and described as follows:

Beginning at corner No. 1, from which U. S. Mineral Monument No. 3, Dahlenega Mining District, bears north seventy-one degrees, thirty-two minutes east thirty-nine and ninety-nine hundredths chains distant; thence north fifty-one degrees, fifty-seven minutes west twenty-one and sixty-three-hundredths chains to corner No. 2; thence south thirty-two degrees, forty-five minutes west seven and thirteen-hundredths chains to corner No. 3; thence south forty-seven degrees, twelve minutes west fourteen and sixty-one-hundredths chains to corner No. 4; thence south five degrees, twenty-three minutes east eleven and eighty-two-hundredths chains to corner No. 5; thence south forty-six degrees, twelve minutes west ten and forty-eight-hundredths chains to corner No. 6; thence south forty-two degrees, thirteen minutes west thirty-nine and fifteen-hundredths chains to corner No. 7; thence south forty-eight degrees, thirty-eight minutes east four and sixty-one-hundredths chains to corner No. 8; thence south fifty-four degrees, forty-nine minutes east nineteen and sixty-three-hundredths chains to corner No. 9; thence north forty-four degrees, fifty-seven minutes east six and two-tenths chains to corner No. 10; thence north fifteen degrees, twenty-four minutes east eight and seventy-two-hundredths chains to corner No. 11; thence north forty-two degrees, fifteen minutes east twenty and seventy-two-hundredths chains to corner No. 12; thence north seventeen degrees, nineteen minutes east twenty-one and fifty-four-hundredths chains to corner No. 13; thence north forty-seven degrees, twenty-nine minutes east twenty-four and twenty-two-hundredths chains to corner No. 1, the place of beginning, containing one hundred fifty-seven and sixty-six-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-fourth day of June 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-eighth.

By the President: Woodrow Wilson.

SEAL.

By M. P. LeRoy, Secretary,

RECORDED: Patent Number 417265

L. Q. C. Lamar

Recorder of the General Land
Office.

Recorded at the request of L. R. Jones March 8th 1916 at --- minutes past 9 o'clock
A. M., in Book W of Deeds page 602 Records of Lemhi County, Idaho

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

By W. W. Lamm
Deputy.