

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 PALOUSE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 59576

Claim ID: 87-11896Date Received: 8-30-19Receipt No: N035542Claim Fee: 2500 By: Ja

RECEIVED

AUG 30 2019

IDWR / NORTH

NOTICE OF CLAIM TO A WATER RIGHT

ACQUIRED UNDER STATE LAW

For Domestic and/or Stockwater Purposes

Where Daily Use is less than 13,000 gallons per day

Please type or print clearly

- Name of claimant(s) Theodore C Thompson Phone (509) 330-0350
Mailing address 1024 Pine Crest Road Moscow ID 83843
Street or Box City State Zip
Email address (optional) _____
- Date of priority: (Only one per claim) 1914 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water (✓) or Other () (a) _____
which is tributary to (b) _____
- Location of point of diversion is: Township 40N, Range 05W, Section 34,
SE/NE 1/4 of NW/SW 1/4, or Govt. Lot _____ BM, County of Latah;
Parcel no. RP40N05W344334A
Additional points of diversion, if any: _____
If available, GPS coordinates: _____
- Description of diverting works (wells, pumps, spring boxes, pipelines, etc.) including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.
Well drilled by Don Town, piped across the road to residence for domestic use.
- Water is claimed for the following: (limited to domestic and/or stockwater uses - see page 1 of the instructions)
For Domestic purposes from Month/Day 1/1 to Month/Day 12/31 amount cfs (✓) or AFY () 0.02
For _____ purposes from _____ to _____ amount _____
- Total quantity claimed 0.02 cfs (✓) or AFY ()
- Non-irrigation uses. Describe fully. (Domestic: give number of homes; Stockwater: list number and kind)
Domestic use - one household

9. Location of place of use is: Township 40N, Range 05W, Section 34,
SE/NW 1/4 of NE/SW 1/4, Govt. Lot _____ BM, Parcel no. RP40N05W344834 A
If different than shown in Item 4
for (check one) **Domestic** (✓) **Stock** () **Domestic and Stock** ()

Additional places of use, if any _____

10. In which county(ies) are lands listed above as place of use located? Latah

11. Do you own the property listed above as place of use? Yes (✓) No ()
If the answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.
Well on place of use also used for domestic. or None (✓)

13. Remarks (include an explanation of the priority date selected):
The house was built in 1894-1914. See maps pre-dating 1914 showing structure on parcel. Also see article on history of Town Family who owned the property.

14. Basis of claim (check one) **Beneficial Use** (✓) **Posted Notice** () **License** () **Permit** () **Decree** ()
Court _____ Decree Date _____ Plaintiff v. Defendant _____
If applicable provide IDWR Water Right Number _____

15. **Signature(s)**

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Palouse River Basin Water System 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 under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____ Date: _____
_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

_____ of _____,
Agent's title (Please print) Name of organization (Please print)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent [Signature] Date 8-28-19

Printed Name of Authorized Agent _____

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Susan R. Wilson, will be acting as attorney at law of behalf on the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Susan R. Wilson Date 8/28/19

Address 208 S Main Street, Suite 2, Moscow, ID 83843 208-882-8060

Name of claimant(s) Theodore C Thompson Claim ID _____

Parcel ID

RP40N05W344334A

Owner

KOSTER, RICHARD A

KOSTER, PATRICIA J H/W

Total Acreage

65.03

Physical Address

0 MOSCOW MTN RD

83843

Mailing Address

925 PARK DR

MOSCOW ID 83843

Lot Description**Frontage Depth Other Total Square Feet**

0.000 0.000 65.030

Legal Description

36.78 AC SENW LYING W CTY RD;

28.25 AC NESW W OF CTY RD

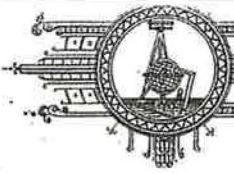
34 40 5

Deed Numbers573838573837519243519234519228**Assessment**

Category	Acres	Current Value
3 - DRY AGR	65.030	50,203
Subtotal	65.030	50,203
Less Homeowners Exemption		0
Net Taxable Property Value		50,203

Tax History**Tax Year Tax Amount**

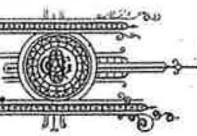
2018 635.66



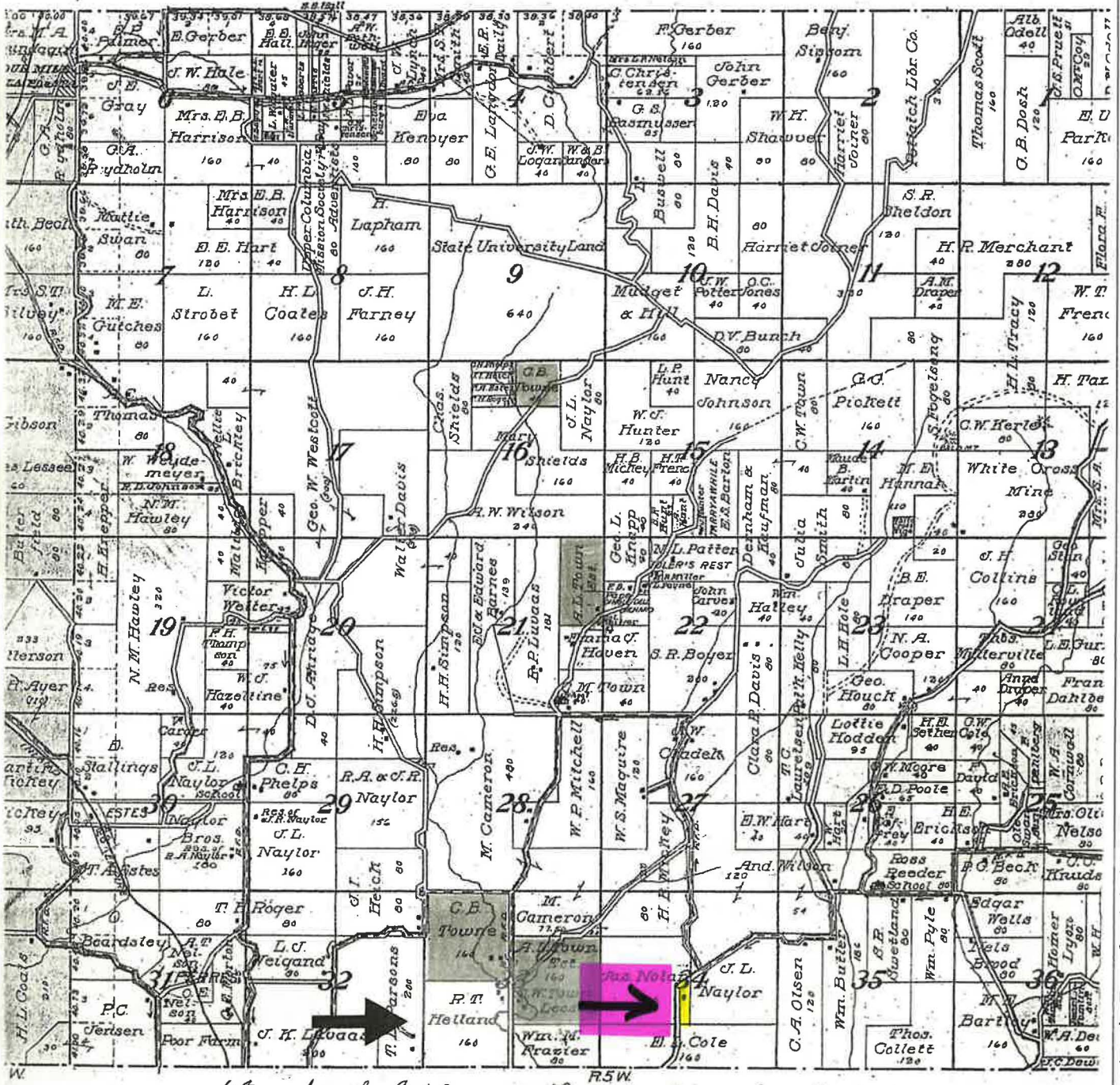
TOWNSHIP 40 N., RANGE 5 W. and
FRACT. TOWNSHIP 40 N., RANGE 6 W.

OF THE BOISE MERIDIAN

Scale 1 1/2 inches to 1 mile



Albert L. Town - Home place
Homestead section
C.B Towne -



Standard Atlas of Latah County Idaho
Geo. A. Ogle & Co. Publishers & Engravers
Chicago copyright 1914 page 22

6

Plat map showing the Town family holdings in 1914. The arrow indicates the approximate location of the stockade where the Towns took refuge on the Howard place in 1877.

Editor's Note: This article about the Town family is the result of years of research by Shirley Town Karr and the writing skills of Helen Jones Wootton. Tragically, Shirley Karr didn't live to see the results of her careful research published in this issue of Latah Legacy. She passed away on October 30, 2014, in Parkdale, Oregon. Sadly in addition, Shirely Town Jones, the last surviving member of the third generation of the Town family, left us on November 4, 2014.

The Town Family in Latah County

By Shirley Town Karr and Helen Jones Wootton



The Town brothers at their sawmill on Moscow Mountain c. 1907: Charles Walter, Clarence, Harry, brother-in-law Charles Jester, and Sherman Town (left to right)

ALTHOUGH THE TOWNS HAVE LIVED in Latah County continuously since 1877, no mention of the family is included in Lillian Otness' history of the county, *A Great Good Country*, probably because the Town brothers were all notoriously closemouthed. Therefore it has fallen to the current descendants to tell the story. Shirley Town Karr and Helen Jones Wootton are both great-granddaughters of Albert Lucien Town and Gertrude Finch Town.

According to the History of North Idaho found at the Latah County Historical Society, the Towns were natives of New York, later moving to Iowa and thence to Minnesota. In 1876 they went to California and eight months later arrived in Idaho.

Family accounts of the particulars of the first journeys differ. Shirley Town Jones was told that Ethamer Sanders

Town and his two sons, Albert Lucien Town (born in Wisconsin in 1851) and Charles Benton Town (born in Iowa in 1855), came to what is now Latah County sometime around 1874 and saw that the area was good for farming. They then went back to Mankato, Minnesota, to collect Ethamer's wife Ellen Louisa Gail Town and Albert's wife Gertrude Ella Finch Town and their baby Sherman Finch Town and bring them out to Idaho. However, we cannot



L to R: Ethamer Sanders Town (2 Jan 1823 – 10 Apr 1909), Ellen Louisa (Gail) Town (25 Apr 1829 – 19 Feb 1922), Charles Benton Town (later Towne) and Albert Lucien Town, the sons of Ellen Louisa (Gail) and Ethamer Sanders Town about 1863.

find documentation of that first journey. Another version, given to Sherman Duane (Bud) Town by his older sister L. Maude Town Davis, was that Ethamer, Charles, and Albert and Gertrude and their baby all came to Idaho together in 1877. (The baby was born June 19, 1877, in Minnesota, and the party arrived in Moscow in September that same year.) The 1880 census records show that Ethamer, Charles, and Albert and Gertrude were in Moscow then, but Ellen Gail Town was still in Minnesota with her sister, Dora Pew and family, so we believe Ellen remained there probably to settle affairs and prepare for the move. (Ellen's obituary says that she came to Moscow later on in 1880.) Complicating our family history is the fact that the Federal Census of 1890 was destroyed in a fire.

All accounts agree that Ethamer, Charles, and Albert and his little family had traveled by rail from Mankato, Blue Earth County, Minnesota, to San Francisco, California, and then up the West Coast by steamer to Astoria, Oregon. From there they traveled in a smaller boat up the Columbia River, portaging around Celilo Falls and following the Snake River to Lewiston. They traveled from Lewiston to Moscow by horse and wagon.

The Nez Perce War was in 1877, and although it never directly affected Moscow, settlers here were on edge, so the family stayed for a time in a stockade. (This was not the more commonly known Fort Russell stockade, but was northeast of town on the Howard place.) Duane Town remembers his grandmother, Gertrude Finch Town, telling him about living in the stockade. She said the Nez Perce used to ride by single file on their ponies and they must have had a really keen sense of smell because whenever she baked bread, they would stop and ask for some. She always obliged. She said they were always respectful and considerate, particularly to her father with his long white hair and beard. (Gertrude's father was Sherman Finch, but we know he did not come west with them in 1877, so this

must have been her father-in-law, Ethamer Town. Sherman Finch and his other daughter Callie came to Moscow later.)

Ethamer, Albert, and Charles each filed for 160-acre homesteads. After fulfilling the terms of the homestead, Albert was issued his deed on February 2, 1889; Ethamer's deed was issued on June 7, 1883, and Charles' was issued on April 10, 1882. These homesteads were all located northeast of Moscow in sections 20, 21, and 22:

Ethamer Sanders Town—west half of the northeast quarter and east half of the northwest quarter of section 21 in township forty north of range five west of Boise Meridian in Idaho Territory containing one hundred and sixty acres.

Albert Lucien Town—west half of the northwest quarter of section 22 and east half of the northeast quarter of section 21 in township forty north of range five west of Boise Meridian in Idaho Territory containing one hundred and sixty acres.

Charles Benton Town—west half of the southwest quarter of section 21 and the southwest quarter of the northwest quarter of section 21 and the northeast quarter of the southeast quarter of section 20 in township forty north of range five west of Boise Meridian in Idaho Territory containing one hundred and sixty acres.

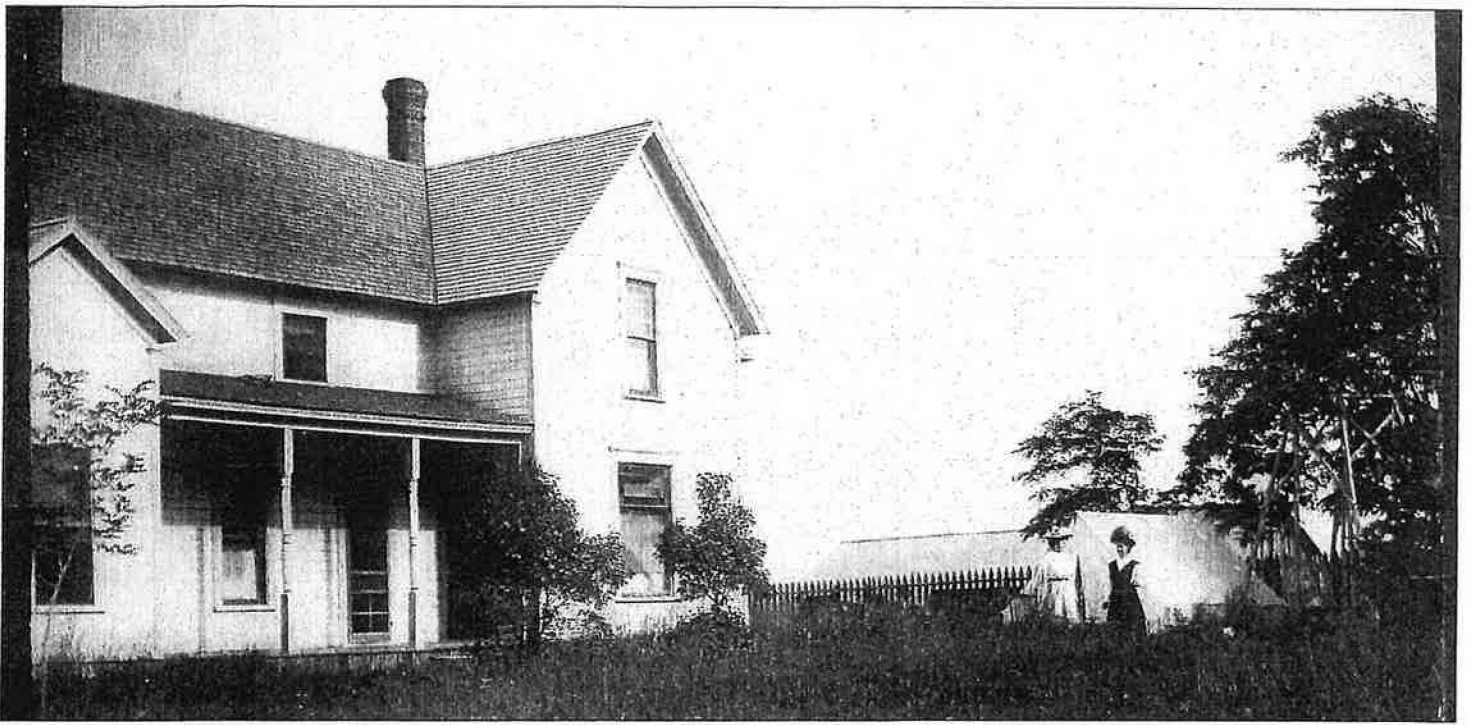
The house that the family has always called "The Home Place" was not on any of these three original homesteads but was built on land purchased later (18 October 1888 and 1 November 1892) in section 33. Albert brought the lumber for the house from the Lewiston mill up the grade by horse and wagon. The house must have been completed around 1900 because Sherman's children were born there beginning in 1902. It was large enough to accommodate a

Scale $1\frac{1}{4}$ inches to 1 mile

[illegible]

Standard Atlas of Latah County Idaho
Geo. A. Ogle & Co. Publishers & Engravers
Chicago copyright 1914 page 22

6



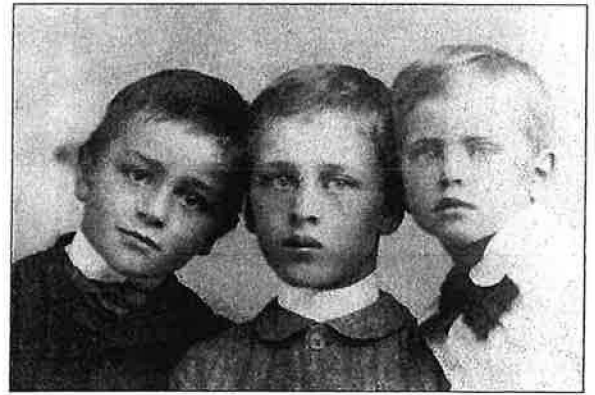
The Town family home built on their land in section 33. Photo taken around 1910.



Gertrude Ella (Finch) Town, wife of Albert Lucien Town



Albert Lucien Town with his Jersey cows



The three oldest sons of Albert and Gertrude Town: Walter, Sherman, and Clarence (left to right)



Nellie May Town, daughter of Albert and Gertrude Town



Harry Oliver Town, youngest son of Albert and Gertrude Town

big multi-generation family, having seven bedrooms, a very large living room and dining room, large kitchen and pantry. The house was later sold by Gertrude Town to James and Josephine O'Conner and then to S.O. and Anna Gibbs. The house is still lived in today, located on North Mountain View Road about a mile-and-a-half north of Mountain View Park. (See photo and Latah County Plat map from 1914.)

In addition to the aforementioned Sherman Finch Town, Albert Lucien Town and his wife Gertrude Ella Finch had four more children, all born in Moscow: Charles Walter born 6 December 1880, Clarence Marion born 18 August 1883, Nellie May born 12 August 1886, and Harry Oliver born 22 July 1892.

Charles Benton Town married Emma Jane (Jennie) Townsend in Moscow and had two children that lived to

maturity: Gertrude Janette (Nettie) born 1 April 1884 and Charles Edgar born 22 July 1886. Three other children died in infancy and are buried together under one headstone in the Moscow Cemetery. (Jennie's family had come by covered wagon, following the railroad tracks, to Moscow in 1875 and her mother kept a diary of this journey.)

Sisters-in-law Jennie and Gertrude were always competitive. Their houses were in view of each other and the two women raced to see who could get her wash out on the line first, proving what a good housewife she was. Gertrude told her granddaughter Shirley Town Jones that she was getting up at three in the morning so that she could get her wash out first!

The Charles B. branch of the family added an "E" to their name; newspaper accounts of the family will sometimes spell the family name "TOWNE" and sometimes "TOWN".

Ellen Louisa Gail Town was a quiet, contemplative woman who wrote poetry. We have her handwritten book of poetry, in which some of the poems were written by her and some she must have copied. When she died in 1922, one of her own poems was read at her funeral.

Ethamer and his two sons and their sons all farmed and/or worked in the woods in the Moscow area, except for the youngest son, Harry, who became a mechanic. We have photos of Albert Lucien and Charles B. when they were young, and a formal photo of Charles B. as an

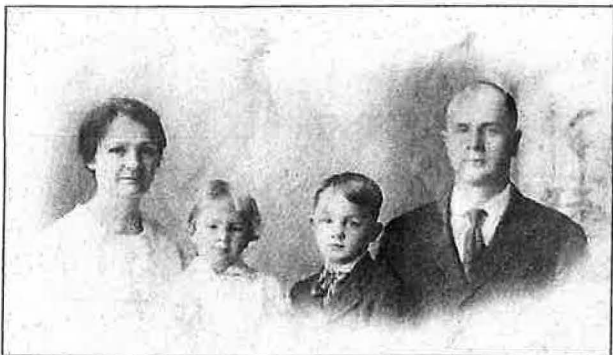
adult. Albert must have been camera shy because the only adult picture we have is with his prized Jersey cows!

Gertrude Ella Finch Town was a remarkable woman. She was married at the age of 16 and came west with a tiny baby. During the journey by rail she would get out at each stop and wash the baby's diapers in puddles. She not only birthed and raised five children, but also had the care of her elderly father-in-law and mother-in-law, Ethamer and Ellen Town, as well as her own elderly father, Sherman Finch. She also raised a foster daughter, Sarah Dillman, who later married Gertrude's son Clarence. A story told by Shirley Town Jones is that the two elderly grandpas in the household didn't like to use the chamber pot, so were in the habit of urinating out of the upstairs bedroom window. Sarah Dillman and Gertrude's younger sister Callie Finch decided to teach them a lesson. They upended an iron wash tub and placed it under the bedroom window which resulted in a loud drumming noise the next time the old gents used the window instead of the chamber pot. The men behaved themselves after that.

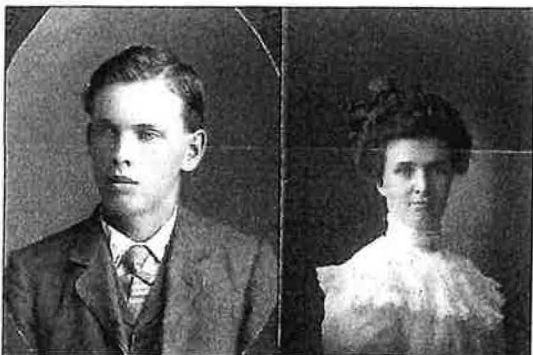
Gertrude's husband Albert died in 1913 not long after his father Ethamer passed in 1909, so by necessity Gertrude became a successful businesswoman, buying and selling property. In 1916 she married again, to Henry L. Land, but soon divorced him after hearing that he was bragging in the beer parlor that he had "snagged a rich widow." Gertrude lived until 1940.



Sherman and Ella (Burr) Town



Walter and Flora (Herington) Town, with sons Donald & Merton



Clarence and Sarah (Dillman) Town



Left: Nellie (Town) and Charles Jester
Right: Harry and Mable (Moore) Town

**Descendants of Albert Lucien TOWN (1851-1913)
and Gertrude Ella Finch TOWN (1859-1940)**

Sherman Finch TOWN (1877-1953)

m. (1) Luella BURR (1883-1911)

Altha Mae TOWN (1903-1991)

m. Marvin TUCKER - 1 child, Patricia

Luella Maude TOWN (1905-2001)

m. Cecil DAVIS - 1 child, Barbara

m. (2) Hannah RONHOLT (1893-1972)
(Carine Johanna)

Thelma Elene TOWN (1916-2004)

m. Lee MORRIS - 1 child, Geoffrey

Sherman Duane TOWN (1919-2006)

m. (1) Ellen OLSON - 2 children, Marilyn, Sandra

m. (2) Elizabeth SCHRACK - 1 child, Douglas

m. (3) Ellen PARLIN - 3 children, Katherine, Duane, Betty

Charles Walter TOWN (1880-1945)

m. Flora HERINGTON (1884-1979)

Merton Herington TOWN (1912-1984)

m. Fontella PHILLIPPI - 2 children, Larry, Ronald

Donald Walter TOWN (1915-1998)

m. Laura CARLETON - 2 children, Shirley, Donna

Howard Lester TOWN (1922-1969)

m. (1) Lois SORWEIDE - 1 child, Carol Jean

m. (2) Barbara RUSSELL - 2 children, Paulette, Patricia

Clarence Marion TOWN (1883-1960)

m. Sarah DILLMAN (1884-1976)

Albert Ray TOWN (1911-1979)

m. Clarice HAMILTON - 3 children, Richard, Charlene, David

Clinton Oliver TOWN (1912-1986)

m. Regina PATTON - 2 children, William, Michael

Allen Lucien TOWN (1914-?)

m. Florence CAMERON - children's names unknown

Nellie May TOWN (1886-1972)

m. Charles JESTER (1877-1964)

Lee Charles JESTER (1908-1985)

m. Dora WAKEFIELD - 6 children, Leslie, Russell,
Beverly, Marjorie, Maxine, David

Ralph Leo JESTER (1917-1954)

m. Alice M. JOHNSON - 3 children, Douglas, Vicki, Jack

Harry Oliver TOWN (1892-1935)

m. Mable MOORE (1893-1986)

Helen Shirley TOWN (1916- alive in 2014)

m. Cadwaladr JONES, Jr. - 3 children, Alan, Helen, Darrell

Darrell Harry TOWN (1919-1940)

Descendants of Charles Benton TOWNE (1855-1914) and Emma Jane (Jennie) Townsend TOWNE (1866-1951)

Gertrude Janette (Nettie) TOWNE (1884-1920)

m. William TAYLOR (1873-1946) _____

Charles TAYLOR (1904-?)

m. Edith RILEY - no children

George TAYLOR (1906-?)

m. name unknown - children's names unknown

Charles Edgar TOWNE (1886-1938)

m. Anna Irene HEICK (1893-1945) _____

Margarette Janette TOWNE (1915-2000)

m. Louis NEARING - 3 children, Irene, Frank, Robert

(Other children died young)



Emma Jane (Jennie)
(Townsend) Towne, wife of
Charles B. Towne



Charles B. Towne



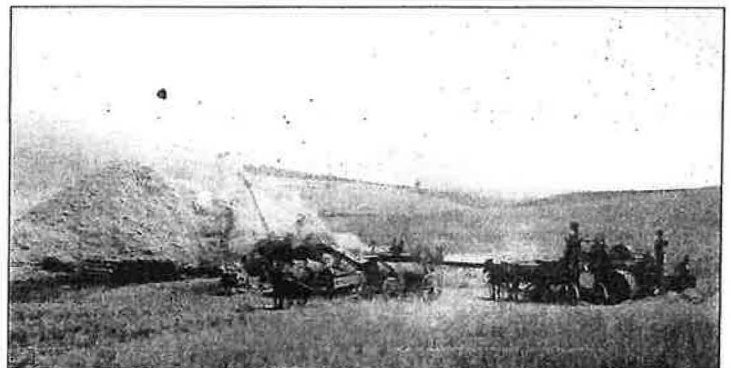
Nettie (Towne) and William
Taylor



Edgar and Irene (Heick) Towne

Emma Jane (Jennie) Townsend Towne also lived a long life, outliving not only her husband, but all of her children, before her death in 1951. Her great-granddaughter Irene Nearing Asker remembers family gatherings at Jennie's home on holidays, with the Taylor cousins coming all the way from Canada. Jennie was an avid deer hunter well into her eighties and always had home canned jars of deer meat on her shelves. On her last hunting trip she got lost and the family made her quit.

Jennie Towne was the last of the second generation of Towns, and only one of the third generation survives: Shirley Town Jones, age 98 at this writing, and still living in Moscow. Most of the fourth generation spent at least



The Town brothers harvesting, 1920s

their childhoods growing up in Latah County. Although many have scattered, we still continue to call this "home."