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JUL 26 2005

DEPARTMENT OF
WATER RESOURCES



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04313B
GAYLE BILBAO
PO BOX 731
SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4313B

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JUL 25 2005
DEPARTMENT OF
WATER RESOURCES

WATER RIGHT NUMBER: 75-4313B

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	GAYLE BILBAO PO BOX 731 SALMON, ID 83467 (208)756-3442
Original Owner	LEITHA CUNAN PO BOX 731 SALMON, ID 83467

Priority Date: 04/14/1916

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
NORTH FORK SALMON RIVER	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 10/01	0.550 CFS	
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.550 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER SE1/4SW1/4SW1/4 Sec. 4, Twp 24N, Rge 21E, B.M.
LEMHI County

Place of UseIRRIGATION Within LEMHI County

T24N R21E S09 NWNW 18.5 T24N R21E S09 SWNW 14.5

Total Acres: 33

STOCKWATER same as IRRIGATIONConditions of Approval:

1. THIS CLAIM REPRESENTS A PORTION OF CLAIM 75-04313.

Remarks:

4-196.

DEPARTMENT OF THE INTERIOR

UNITED STATES LAND OFFICE Halley, Idaho.

Serial No. 06708
Receipt No. 1144116

C E R T I F I C A T E
Homestead.

Act of June 11, 1906, List 4-63.

April 12, 1913, 19----

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, Edward J. Roske, North Fork, Idaho, has made payment in full for W¹/₂E¹/₂W¹/₂NW¹/₂, E¹/₂W¹/₂NW¹/₂, sec. 9. E¹/₂W¹/₂SW¹/₂, W¹/₂SE¹/₂SW¹/₂, NE¹/₂SW¹/₂SW¹/₂, E¹/₂NW¹/₂SW¹/₂, N¹/₂NW¹/₂NE¹/₂SW¹/₂, SW¹/₂NW¹/₂NE¹/₂SW¹/₂, NW¹/₂SW¹/₂NE¹/₂SW¹/₂, Section 4 Township 24 North, Range 21 East, Boise Meridian, containing 105 acres.

NOW, THEREFORE, BE IT KNOWN that, on presentation of this Certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Edward J. Roske shall be entitled to receive a Patent for the lot above described.

P. F. Horne, Register.

Recorded at the request of PIONEER BANK & TRUST CO. MARCH 23rd, 1916, at --- minutes past 1 o'clock P. M., in Book W of Deeds page 616 Records of Lemhi County, Idaho.

By W. W. Simmonds
Deputy.

J. L. Kirtley, Jr.
County Recorder.

Instrument No. 16753

Hailey 06927

4-1023

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 Halley, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Joseph M. Darcy according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southeast quarter of the southwest quarter of Section four in Township fourteen north of Range twenty-seven east of the Boise Meridian, Idaho, containing one hundred sixty 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 the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, 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 Eleventh day of January in the year of our Lord one thousand nine hundred and Sixteen and of the Independence of the United States the one hundred and fortieth.

SEAL.

By the President: Woodrow Wilson
By M. P. LeRoy, Secretary,
L. Q. C. Lamar,

RECORDED: Patent Number 507233

Recorder of the General Land Office.

Recorded at the request of Joseph M. Darcy Mar. 24th 1916 at 19 minutes past 1 o'clock P. M., in Book W of Deeds page 616, Records of Lemhi County, Idaho.

By W. W. Simmonds
Deputy

J. L. Kirtley, Jr.
County Recorder.

A 75-04313B
Gayle Bilbao
claim lies
within this
description

✓

AFFIDAVIT OF DERROLD SLAVIN

I, DERROLD SLAVIN, being first duly sworn and deposed states:

1. That I have been living and ranching in the Carmen and North Fork, ID basins for 71 years, my current address is Box 41 Carmen ID.
2. That my father and mother, Theodore and Leitha Slavin owned property just north of North Fork, Idaho and I know the ranch and it's water usage very well.
3. That I grew up on the ranch.
4. That to the best of my knowledge the Beneficial Use water claim numbered 75-04313 has been used for at least 49 years and the waters have been used on a continual basis for agricultural purposes.

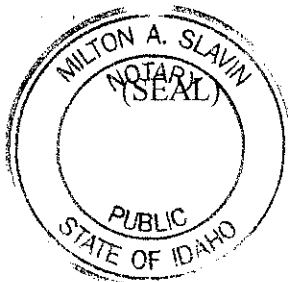
DATED this 20 day of July, 2005.

Derrold Slavin
DERROLD SLAVIN

STATE OF IDAHO)
 : ss.
County of Lemhi)

On this 20 day of July 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared DERROLD SLAVIN, 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 seal the day and year first above written.



Milton A. Slavin
Notary Public for State of Idaho
Residing at Salmon, Idaho
My Commission Expires: 10/26/05