



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

75-04313C; 75-04340A; 75-14090; 75-14091; 75-14093

DERROLD SLAVIN

MADGE SLAVIN

PO BOX 41

CARMEN ID 83462

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

Enclosure

RESPONSE DEADLINE
JULY 29, 2005

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 75-4340A

WATER RIGHT NUMBER: 75-4340A

Owner Type Name and Address
Current Owner MADGE SLAVIN
 PO BOX 41
 CARMEN, ID 83462
 (208)756-3442
Current Owner DERROLD SLAVIN
 PO BOX 41
 CARMEN, ID 83462
 (208)756-3442

Priority Date: 04/01/1915

Basis: Beneficial Use

Status: Active

Source
CARMEN CREEK
Tributary
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	1,000 CFS	
	<u>Total Diversion:</u>			1,000 CFS

Location of Point(s) of Diversion
CARMEN CREEK SE1/4NW1/4SW1/4 Sec. 9, Twp 22N, Rge 22E, B.M.
LEMHI County

Place of Use
IRRIGATION Within LEMHI County
T22N R22E S05 NENE 8.5 T22N R22E S05 NWNE 11.5
T22N R22E S05 SWNE 7.5 T22N R22E S05 SENE 5.0
Total Acres: 32.5

Conditions of Approval:

1. THIS CLAIM REPRESENTS A PORTION OF 75-04340.

Remarks:

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 60 years, my current address is Box 41 Carmen, ID.
2. That my father, Theodore Slavin and his brother Milton C. Slavin and their respective wives purchased the property and I know the ranch and it's water usage very well.
3. That I currently reside on said ranch and have been for 58 years.
4. That to the best of my knowledge the Beneficial Use water claim numbered 75-04340 is at least 90 years old and the waters have been used on a continual basis for agricultural purposes.

DATED this 20 day of July, 2005.

STATE OF IDAHO)

: ss.

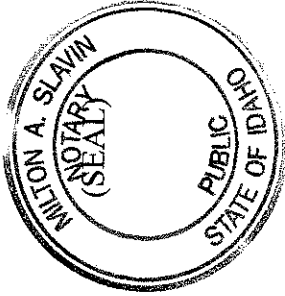
County of Lemhi)

Derrold Slavin

DERROLD SLAVIN

On this 20th 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: 10/20/05

HAILEY, IDAHO.

1862

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 Ella Lee Brautigan, widow of Alfonso P. Brautigan, has been established and duly consummated, in conformity to law, for the lot four of Section four and the lot one of Section five in Township twenty-two north and the west half of the southwest quarter of Section thirty-three in Township twenty-three north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred sixty-one and ninety-one 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, HOOVER 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 THIRD

day of JANUARY, in the year of our Lord one thousand eight hundred and FOURTEEN

and of the Independence of the United States the one hundred and THIRTY-EIGHTH.

By M. K. Gulick, Assistant Secretary

L. L. B. Lammie

371824

DEPARTMENT OF THE INTERIOR,

HOMESTEAD ENTRY.

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

RECEIPT NO. _____

FINAL PROOF.

TESTIMONY OF WITNESS.

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

ANSWER. H.F. William Weimann, 39 years of age, post office Carmen, Idaho, ✓

QUESTION 2. (a) How long have you known the claimant in this case and the Lot 4, Sec 4, Lot 1 Sec. 5, T. 22 N. R. 22 E. W1SW1 ✓

_____, Section 33, Township 23 North, Range 22 East, of the Boise Meridian, the land embraced in Homestead Entry No. 07691, made at the Hailey, Idaho. Land Office? ✓

ANSWER. I have known claimant 4 years and the land 11 years. ✓

(b) Is claimant married? ANSWER. no she is a widow, the widow of Alfonso F. Brautigam

QUESTION 3. Is said tract within the limits of an incorporated town, or used in any way for trade or business?

ANSWER. No it is not _____

QUESTION 4. (a) When did claimant settle upon the homestead? ✓

ANSWER. on or about April 1st, 1910

(b) At what date did claimant establish actual residence thereon? ✓

ANSWER. about April 1st, 1910.

(c) Have claimant and family resided continuously on the homestead since thus establishing residence thereon? ✓

ANSWER. Yes they have _____

(d) Have claimant and family ever been absent from the homestead since thus establishing residence thereon? ✓

ANSWER. have never been absent

(e) If there have been any such absences, give the dates covered by such absences, stating who was absent and for what reason.

ANSWER. never been absent _____

QUESTION 5. Describe the land embraced in above entry 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.
Lot 4; Sec 4; Lot 1 Sec. 5, T. 22 N. 22 E.		no timber	no timber
W $\frac{1}{2}$ SW $\frac{1}{4}$ Sec 55, T. 23 N. R. 22 E.	about 40		
sandy loam	acres		

QUESTION 6. 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. 25 acres of Lot 1, said Sec 5, under cultivation planted oats, wheat, barley and vegetables, harvested in 1910, vegetables, in 1911 harvested about 100 bu oats and wheat, and in 1912 about 100 bu oats and wheat, the cause of the small crop was on account of no water, and the dry weather.

QUESTION 7. Describe fully and in detail the amount and kind of improvements on each subdivision. State total value of improvements on the claim.

ANSWER.

Subdivision.	Character of improvements.
All buildings located on said Lot 1, said Sec 5, and consist of the following,	One frame house five rooms size about 20 by 30 ft. One frame barn size 12 by 20 ft. One frame chicken house size 10 by 12 ft.
60 acres of said tract under fence with posts and wire	
Total value of all improvements	I estimate to be \$600.00

QUESTION 8. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. None to my knowledge

QUESTION 9. Have you any knowledge or information that claimant has sold or contracted to sell, optioned, mortgaged, or agreed to option or mortgage this land? If so, give full details as to whom, for what purpose, and in what amount.

ANSWER. No I have not.

QUESTION 10. (a) Have you personal knowledge, from your own observation, that claimant and his family (if any) actually resided upon and cultivated this land?

QUESTION 10. (a) Have you personal knowledge, from your own observation, that claimant and his family (if any) actually resided upon and cultivated this land each year in accordance with your above testimony?

ANSWER. Yes I have.

(b) How many times each year have you seen this land, and the claimant and his family residing thereon; and what other personal knowledge have you upon which your answers are based?

ANSWER. I have seen this land every few days during the entire time, I live about $\frac{1}{4}$ of a mile from claimant house, and in plain view thereof.

QUESTION 11. Are you interested in this claim, or related to the claimant? If so, how?

ANSWER. No I am not.

H. F. William
(Sign plainly, with full Christian name.)

NOTE 1.—The officer before whom the proof is made will see that all answers are complete and responsive to the questions.

NOTE 2.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes (below), 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 ~~xxxxx~~ deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known ~~(xxx has been satisfied)~~
~~xxxxxx identical to the before xxxxx~~ by

that I verily believe deponent to be the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to

(Give full name and post-office address.)

before me at my office, in Salmon, Lemhi County, Idaho,
within the Hailey, Idaho,
(Town, county, and State.)

this 31st day of May, 1913, land district,

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

(Official designation of officer.)

REVISED STATUTES OF THE UNITED STATES. TITLE LXX.—CRIMES.—CHAP. 4.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by fine of not more than two thousand dollars, and by imprisonment at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. (See Sec. 1750.)

NOTE.—In addition to the above penalty, every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit pertaining to any matter within the jurisdiction of the Secretary of the Interior may be punished by fine or imprisonment.

[illegible]

NOTIONALLY

U. S. LAND OFFICE

02

LOOSE

RECEIVED

[illegible]

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

ANSWER. Ella Lee Brenton, 10, 125 1/2 St. Louis, 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 Missouri, my husband was a native born citizen of Missouri were you born? (If foreign born, see Question 2.)

QUESTION 3. Are you the same person who made Hemanter's statement? he was born in Illinois; my husband was a native born citizen

07691 , at the Bailey, K.
 ... who came person who made Homestead Entry No.

Land Office on the

XXXXXXXXXX 16th

day of _____

Lot 4, Sec. 4, Lot 1, Sec. 5, T. 20 N., R. 10 E., S. 10 E., for the

Township 35 North, Range 28 East, 42nd Meridian

ANSWER. I am the widow of Alfonzo J. Brantigan the person who made the said entry.

[illegible]

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

ANSWER. my family consists of my self and two children (a) 11 5 years.

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:

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

ANSWER. April 1st, 1900

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

ANSWER. about April 1890.

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

ANSWER. No we have never been absent

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: have never been

QUESTION 6. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

Subdivision.			
Lot 4 Sec. 4, Lot 1, Sec. 5, T. 55 N., R. 22 E., S. 12 S.	Acres cultivable.	Acres timbered.	Feet timber.
WASPA Sec 33 Tp. 23 N. R. 22 E. S. 12 S. sandy loam.	about 40	no timber	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. 25 acres under cultivation, being in lot 1, Sec 5, said T. 55 N. R. 22 E. planted oats, wheat and barley, and vegetables, harvested in 1910 vegetables, in 1911 harvested about 100 bu oats and wheat, and in 1913 harvested about 100 bu oats and wheat, the cause of the small crop was an accident of dry weather and no water for said land.

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

ANSWER.

Subdivision.	Character of improvements.
All buildings are on Lot 1 said Sec 5, and consist of the following.	one frame house 5 rooms, size 10 by 20 ft. one frame barn size 12 by 10 ft. one frame chicken house size 10 by 12 ft.
60 acres of the tract enclosed with post and wire.	
total value of all improvements on the claim.	\$600.00

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. None to my knowledge.

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

ANSWER. No I never did.

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. No I have not.

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. No I have not

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. No I have not

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 not.

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. Never made an other entry of said kind.

Ella Lee Brantigan

(Sign plainly, 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 minor, 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 125 of the U. S. Criminal Code (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 ~~copy~~ deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known (~~and has been satisfied~~);

~~that I verily believe deponent to be the identical person hereinbefore~~

(Give full name and post-office address.)

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 Colmon, county of Lemhi, Idaho,

(Town, county, and State.)

within the bailey, land district,

this 21st day of May, 1910

Joseph D. McCracken
Notary Judge of Lemhi County, Idaho.

(Official designation of officer.)