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JAN 12 2004

Department of Water Resources
Southern Region

**SUPPORTING DOCUMENTS
CLAIM TO A WATER RIGHT,
CASE #39576; ID# 37-20604**

**CLAIMANTS: DONALD V. BOECKER AND
GAY SCOTT BOECKER**

**SLAUGHTERHOUSE GULCH,
BELLEVUE, IDAHO**

**TOWNSHIP 02N, RANGE 19E, 80 ACRES
WITHIN SECTIONS 17 AND 20
BLAINE COUNTY**

SUMMER ADDRESS:

**IN CARE OF GENERAL DELIVERY (208) 720-7285
BELLEVUE, ID 83313**

WINTER HOME ADDRESS:

**19610 TOWER HILL ROAD
LEONARDTOWN, MD 20650 (301) 475-1526**

Mr. Kelly K. Christensen
Senior Water Resource Agent
Idaho Department of Water Resources,
Southern Regional Office
Suite 200
1341 Fillmore Street
Twin Falls, Idaho 83301-3380

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JAN 12 2004

Department of Water Resources
Southern Region

Dear Kelly,

I am enclosing our package of supporting materials to complete our file for our water rights application, Civil Case #39576, ID# 37-20604.

I have done the best job I know how to do, based on my understanding of what is needed to support our claims for stock water rights and irrigation rights, as well as for wildlife habitat protection, for our 80 acres within Sections 20 and 17 in Slaughterhouse Gulch, outside of Bellevue, Idaho.

When Don and I met with you in July, we talked about the possibility of filing separate applications for different parts of the property, based on the different priority dates and the strength of supporting evidence we would be able to present. After putting together all my research and making what we believe are reasonable assumptions, which we have become convinced are valid assumptions, we have decided to risk it all and 'go for it': we will keep to just one claim, with the priority date as 1909.

I have reviewed the old documents and have talked to as many 'old timers' as I could turn up. I have walked the property, placing myself in the lives and steps of the pioneers who lived on and worked this land over the past century, trying to visualize how they would have gone about doing what the facts show that they did.

Through this process, Don and I have grown convinced of three things that relate to our water rights application. The first is that both the water of Slaughterhouse Creek, where it flows through our land in Sections 17 and 20, and the reservoir/pond into which it flows in Section 20 on our property have been used for stock watering in a nearly unbroken sequence since the early part of the twentieth century.

Secondly, we have discovered that considerable use has been made of both the creek and the reservoir for irrigation.

And thirdly and quite obviously, the stream and pond have always been favored habitat for the many species of wildlife of the canyon.

Evidently, there was never an irrigation water right granted to our specific 80 acres,¹ although we will present evidence that there was much irrigation to various parts of the land we now own. This acreage was part of larger homesteads, first belonging to the Weery families and then to various Head relatives, holdings that grew larger in the 1940's as Worley and Viola Head consolidated parcels into a total of 3,840 acres.

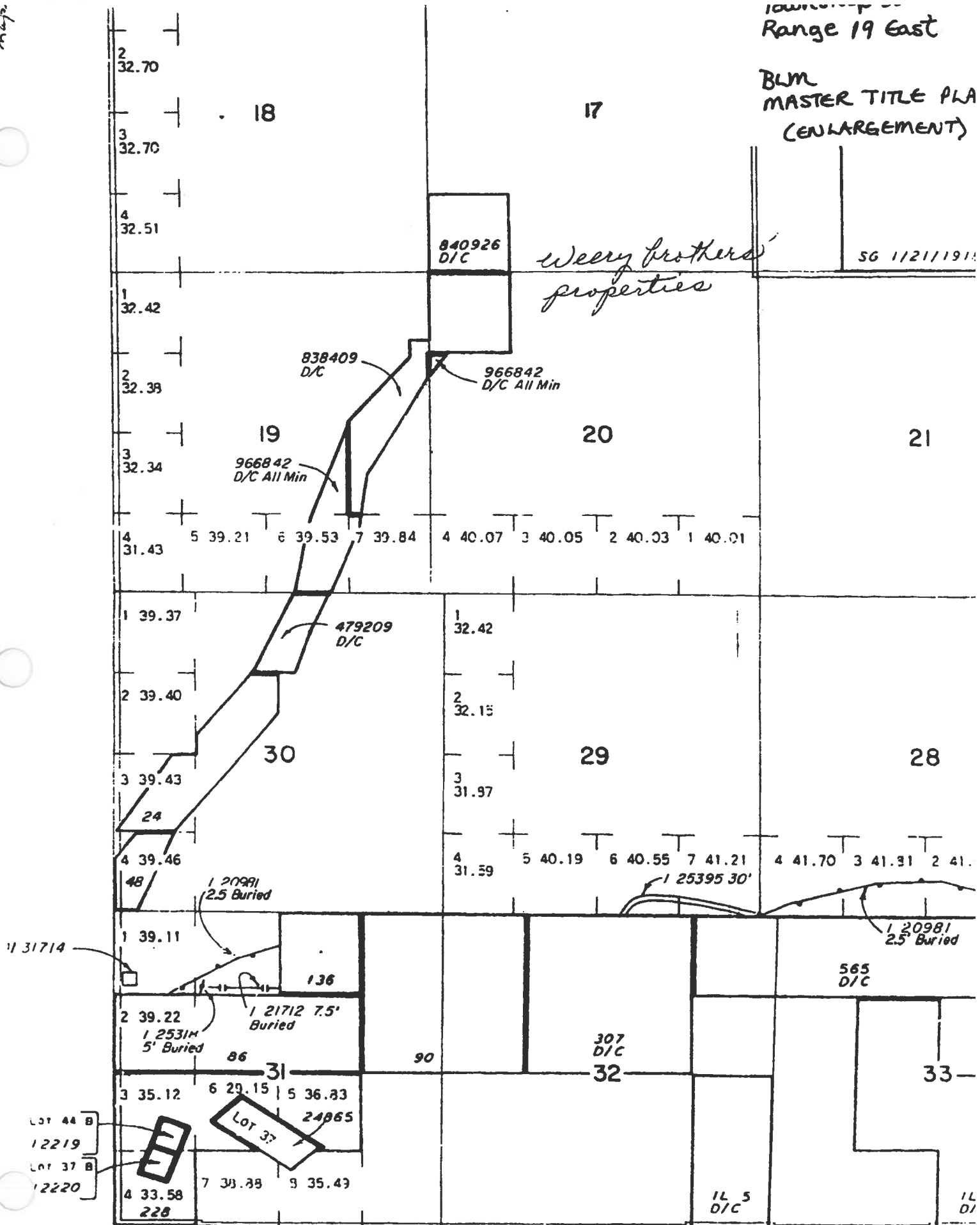
Some of these acres they farmed by irrigating from our creek and pond, even though their patents may specify the irrigation of crop land outside our acreage. After examining all the old documents as records of human thought, it is our argument that the Heads used all the waters of the creek and reservoir however they needed to over all their lands, presuming that the old patents they had bought from the Weerys along with the land gave them the right to use all the waters in Slaughterhouse for any purpose they wished.

Undeniably there have been breaks in the irrigation-use time line. Periods have existed when the land was used mostly for sheep ranching and only parenthetically for crop or stock-grass cultivation. In more recent years, areas that had once been green and lush dried out, and sagebrush took the place of alfalfa and wheat. Nevertheless, even during those decades, the 1970's and 1980's, there was a certain amount of irrigation use made of the waters.

The stock watering use of our waters has been consistent. Both the Weerys and the Heads were, principally, sheep ranchers, as were the later owners, the Arkoosh partnership. Faulkner Land and Livestock's sheep bands have grazed the canyon and have used the waters seasonally ever since the Arkooshes left and until our arrival.

¹ John Freitag, IDWR Water Resource Agent, Southern Region, in a telephone conversation, 9/3/00.

BLM
MASTER TITLE PLA
(ENLARGEMENT)



And so we are asking that our requests for both stock water rights and irrigation rights be decided positively.

We were unsuccessful in finding photographs from the early parts of the twentieth century to support our position. Some photographs existed and were in the possession of the Derris (son of Worley and Viola) Head family. He and his wife Jo told us about these, some of which may have been taken as recently as the early 1960's. And the Gladys (Dewey) Head family knew of their existence, also. All were, however, burned in a fire that destroyed the home of an elderly Head relative. The family of Dewey and Gladys Head had no photographs, having been too poor then as homesteaders in the 1930's to have afforded themselves such a luxury.

We have searched the Bellevue museum and the Hailey library collections of historical photographs. There are many photos of the mining boom towns of Bellevue and Hailey and of sheep ranching in Quigley Canyon and of mining operations in Muldoon Canyon, the two adjacent canyons to Slaughterhouse. But we could find no photographs of Slaughterhouse. Slaughterhouse Canyon was the isolated and relatively unknown canyon of the three, having had no successful mining operations and having been homesteaded primarily by members of two families, the Weerys and then the Heads.

There is much evidence of the historical and on-going use of the pond and of Slaughterhouse Creek as wildlife habitat. We feel fervently about being good stewards of our land. We have established it as a conservation area in order to provide a safe and life-sustaining environment for the wildlife in our canyon. We are surrounded by BLM-owned land on which hunting abounds, along with ATV traffic. And we fear the impact on habitat from the impending Grimwood development of the lower 172 acres of canyon land. A subdivision of homes and ranchettes is to begin soon and is to move in phases up toward the southern edge of our property. These developers hope to use old water rights patents to further their development plans.

Our own use of our property is limited to the summer months, as you know, because of the isolation and the lack of facilities and utilities. We like it that way. We intend that our presence will do little to disturb, but only to protect and enhance, the wild and wonderful nature of this land about which we feel passionately.

We are applying for irrigation water rights so that we may return some small measure of the previous history's verdancy to the gulch. We want to irrigate pasture grasses to feed our horses in the summer months. Where there are areas of arid ground, we ask to be allowed to irrigate enough to reduce the threat of wildfire. And we want to keep alive the habitat-friendly reeds, rushes, and grasses that are being planted near the wetlands, with the help of the Idaho Department of Fish and Game, from whom we have received a Habitat Improvement Project grant.

Stock watering rights will give us the opportunity to water our own livestock, using the waters of the creek and the pond in ways that have been historic and on-going. Such rights will also protect the water flow for the canyon wildlife.

We are fully aware, of course, that our desires to protect and to conserve the gulch and its wildlife are not supposed to be good reasons for having our application package accepted. Nevertheless our personal pleas are added here to the factual historical evidence I will chronicle within this package.

What follows in this package is what we believe to be a factual, historical timeline story of life in our gulch acreage as it pertains to our water rights application. Where there are no clear facts, we have made reasonable deductions, supported by as much evidence as we had available. The details are supported by primary and also secondary sources.

Don and I ask for a positive decision with respect to our applications.

Respectfully,

Gay Scott Boecker

Gay Scott Boecker
19610 Tower Hill Road
Leonardtwn, MD 20650-4619

Donald Vaux Boecker

Donald Vaux Boecker
home phone (301) 475-1526

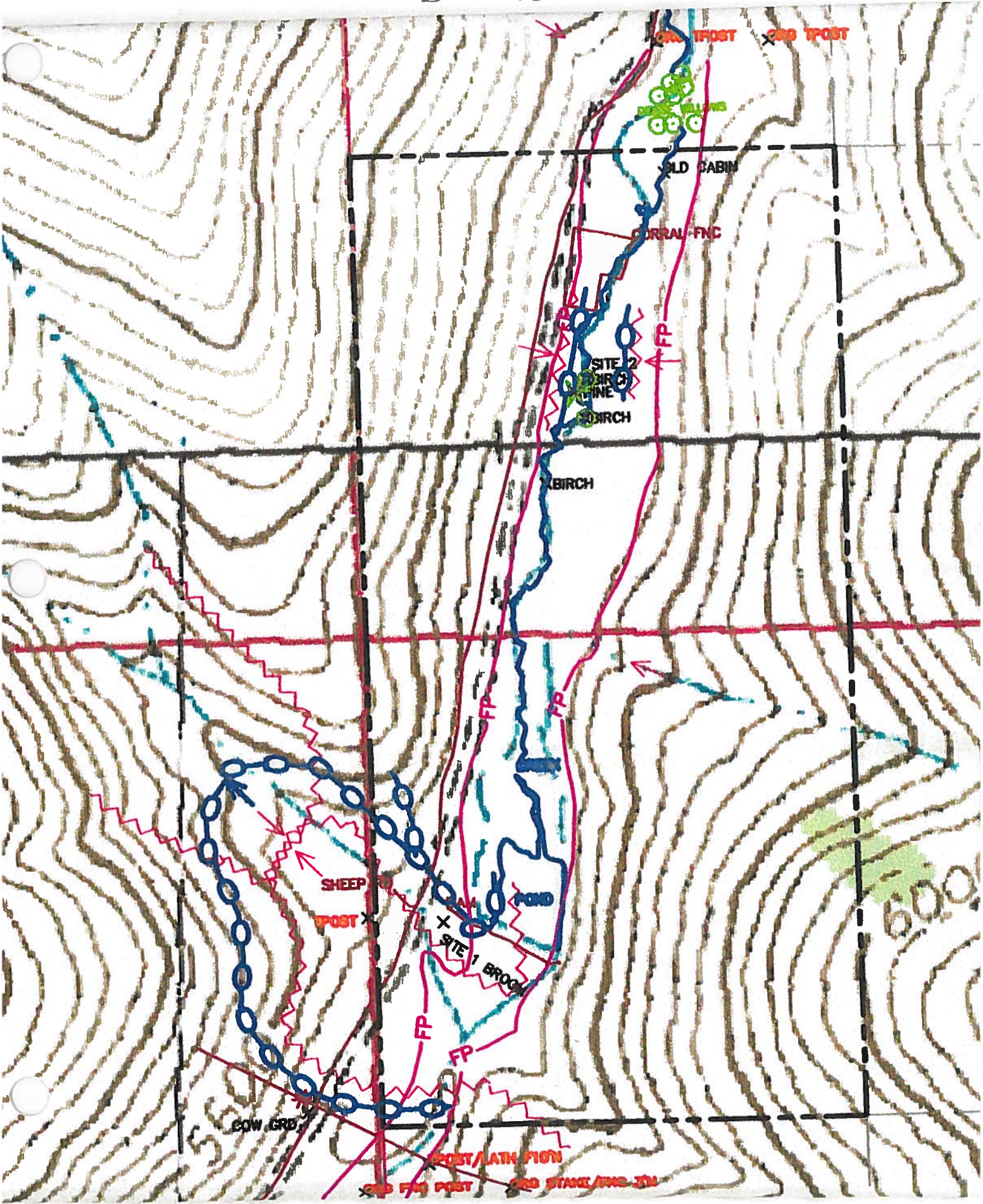
Summer address and telephone: (208) 720-7285

"Spirit-Woman Ranch," Slaughterhouse Gulch

General Delivery, Bellevue, ID 83313

12/27/03

"Spirit - Woman Ranch"
Brecker 80 acres



Slaughterhouse Canyon and Gulch, Definitions and Geography

The canyon known as Slaughterhouse begins within the easternmost limits of the town of Bellevue, Idaho, in Blaine County, in Section 36. It turns in a northerly direction from there, lying within Sections 30, 19, 20, and 17, and narrowing and gaining in altitude as it curves to the east into Section 9 and beyond. These sections are within Township 2, Range 19E.

The lower mouth of the canyon is the widest part, and we refer to it usually as 'the canyon.' Our 80 acres, lying within Sections 20 and 17, we often refer to as being in Slaughterhouse Gulch, because the canyon narrows there and continues to narrow further as it climbs through our mile high mountains into mountains that are higher. Old records often use the Gulch name instead of Canyon. Our acreage begins two miles from the beginning of the old gravel canyon road at the edge of Bellevue. And our land runs for one-half mile north along the old road and includes the floor of the gulch and the mountainsides on both sides.

The old road has been there since the late 1800's, when timbering in the northern, higher parts of the gulch and mining in the southern reaches of the canyon brought pioneers to this land. It is today a public and unmaintained, narrow, rocky road which crosses streams and gullies. It is enjoyed daily by a small number of hardy recreationists who walk, jog, and hike or who ride motorcycles, bicycles, all-terrain vehicles, and horses through it into the publicly-owned land which surrounds us. There is considerable truck traffic, and in hunting seasons, the road is more heavily traveled. In winter, the road and the canyon/gulch are accessible only by snowmobile and cross-country skiing.

Most of the land within the canyon and gulch is owned by the Bureau of Land Management. Grazing rights for sheep and cattle are let to ranchers, whose stock range freely during spring, summer, and fall.

In addition to our private land, approximately 172 acres below us is owned by a partnership of the Grimwood brothers, who are proceeding with plans to develop their property into homes and ranchettes. There is said to be other land within the reaches of the canyon that is in private ownership, but it is, as of now, unused and undeveloped.



2002, Breckers's Reservoir, dam, wetlands, and Slaughterhouse Creek
Lower Canyon and Bellevue to the South

The terrain in our area and south is very rugged 'high desert landscape,' covered in the lower canyon and gulch by sage and antelope bitterbrush, and in the gulch near the creek by willows, aspen, and wetland grasses. Mountain and wetland wildflowers flourish throughout the spring and summer. Beyond, in the higher elevations to the north, there are desert mountain evergreens and sage.

Avalanche zones are common throughout the reach of the canyon. And much of the valley floor is within the flood plain. There are no utilities within the canyon, no electricity or drinking water. Cell phones fall silent. No one lives anywhere within this remote canyon except for us, during the spring and summer, and a mountain man from Bellevue, Tom Boschele, who has lived in a tent on BLM land for several summers prior to 2003.

Slaughterhouse Creek is made up by a series of streams which flow from springs in the higher mountains north of our property. There is evidence to suggest that several old springs have gone dry within the last half century or are seasonal. Nonetheless, the creek flow into our reservoir is lively, regardless of drought, but the flow is less now than in the days when the reservoir water supplied irrigation to all the land around it and below. Seasonal snowmelt and runoff increase the natural creek flow.

The stream flows into our reservoir, which is near the south end of our property, and stops there. The creek bed from there on, through the southern canyon areas, may be intermittently moist but is usually dry, except for a seasonal flow, fed by melting waters from the side canyons or from sheep-watering pipes which have been laid underground.¹

The canyon and gulch are home to deer, coyote, chukkers, wintering elk, the occasional bear, and meadow lark, magpies, killdeer, ducks and geese. Small rodents are present, as are rattlesnakes, bull snakes, and others. Antelope, absent in recent years, were seen in the spring of 2003.

¹ See copies of e-mails from Greg Martinez, U.S. Army Corps of Engineers, and Terry Blau, Stream Protection Specialist, Idaho Department of Water Resources, to each other and to Linda Haavik, of Blaine County Planning and Zoning, dated August 6, 2003. They refer to the stream's being intermittent downstream of the dam, according to the USGS quad and the dam's having been built in 1909. Greg Martinez goes on to say that the dam was rebuilt in 1934, which we did not know.



Wetlands and Creek

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 37-20604
Date Received: 11/15/2001
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DONALD V BOECKER Phone: (301)475-1526
GAY S BOECKER
19610 TOWER HILL RD
LEONARDTOWN MD USA 20650-4619

COPY

2. Date of Priority: 05/23/1909

3. Source: SLAUGHTERHOUSE CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	19E	20	NW NW	BLAINE	

5. Description of diverting works:

EARTHEN DAM AND POND

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	0.03	
IRRIGATION STORAGE	01/01	12/31		18
IRRIGATION FROM STORAGE	04/01	11/01		18
STOCKWATER	01/01	12/31	0.02	

7. Total Quantity Appropriated is:
0.05 C.F.S. and/or 18 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
02N	19E	17	SW SW	IRRIGATION	1
				Section Acres	1
02N	19E	20	NW NW	IRRIGATION	1
			NW NW	IRRIGATION STORAGE	
			NW NW	IRRIGATION FROM STORAGE	
			NW NW	STOCKWATER	

Section Acres 1
Total Acres 2

11. Place of use in counties: BLAINE

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

PRIORITY DATE IS THE DATE OF THE ENGINEER REPORT FOR LICENSE 37-2156B WHICH DESCRIBES THE DAM AND POND.

The claim was amended on 8-14-2003 to change from wildlife storage to stockwater, irrigation and storage. KKC

15. Basis of Claim: Beneficial Use

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)

County of _____)

SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

Idaho Department of Water Resources Receipt

Receipt ID S026052

Payment Amount \$2.00 Date Received 8/14/2003 3:33:32 PM Region Southern Status
Payment Type Cash

Payer BOECKER,DONALD

Comment amendment to 37-20604 to add 2 acres of irrigation to the original claimed uses.

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$2.00	ADJUDICATION FILING FEE	0337		44503	1155


Signature Line (Dept. Representative)

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20604

WATER RIGHT NUMBER: 37-20604

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	DONALD V BOECKER 19610 TOWER HILL RD LEONARDTOWN, MD 20650-4619
Current Owner	GAY S BOECKER 19610 TOWER HILL RD LEONARDTOWN, MD 20650-4619
Attorney	SPECK & AANESTAD JAMES P SPECK PO BOX 987 KETCHUM, ID 83340

Priority Date: 05/23/1927

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SLAUGHTERHOUSE CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
WILDLIFE	01/01 to 12/31		18.00 AF
<u>Total Diversion:</u>			18.00 AF

Location of Point(s) of Diversion

SLAUGHTERHOUSE CREEK	SW1/4NW1/4NW1/4	Sec. 20, Twp 02N, Rge 19E, B.M.
BLAINE County		

Place of Use

WILDLIFE

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	20						X											

Conditions of Approval:Remarks:

1. Explanatory PRIORITY DATE IS THE DATE OF THE ENGINEER REPORT FOR LICENSE 37-2156B WHICH DESCRIBES THE DAM AND POND.

Comments:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 37-20604

Dates and Other Information:

Claim Received Date: 11/15/2001

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector: AND

Water District Number:

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False



upper 40 acres, section 17, Boecker property

**Summary of Anecdotal Evidence
In Support of Water Rights Application: Request for
Irrigation Rights and for Stock Watering Rights, As Well As
For Wildlife Habitat. Case # 39576, ID# 37-20604.**

**“Spirit-Woman Ranch,” Slaughterhouse Gulch, within
Sections 17 and 20, near Bellevue, Idaho
Donald V. and Gay S. Boecker, owners**

Part I. The early years

The exact date of the earliest settlement in our area of Slaughterhouse Gulch is unknown to us. The Weery family of homesteaders established themselves in the canyon in the early 1900's. Harry, Sam, and Will Weery were among the earliest to homestead in the canyon. (See old deeds, included in appendix). They are known to have raised sheep and may have farmed crops in support of that endeavor.

Evidently they knew about using a shovel to dig irrigation ditches. Historical records in old spiral notebooks in the Bellevue museum suggest that the Weerys may have been clay miners (for making fine porcelain china) in Great Britain.

When they homesteaded in Slaughterhouse, it is our contention that these former miners began, in the early years of the 1900's, to shovel a long series of irrigation ditches within our property, leading out of both the creek and the pond.

These ditches were present in the north area of our land, above the sheep corral, which they probably constructed, too, and also below the pond, running south from the dam. Ditches in this lower area can still be seen today. The ditches north of the pond came out of the creek, and we believe they were used to water stock pastures that lay in the northern part of our acreage. (See letters from R.T. and John Head).

Probably before they dug the ditches, the Weerys shored up the natural borders of the pond, making a dam so that the pond would serve as



Gladys Head visits "Spirit-Woman Ranch." Old sheep corral in background. She pointed out where things were when she lived there in the 1930's.

an irrigation reservoir, as well as a catchment for stock water. A headgate was put in the dam so that water could be released. Ninety-one year old homesteader Gladys Head, the oldest person we could find with the earliest knowledge of our gulch land, confirmed the early existence of these entities by her assumption that the pond was always there. (Visit with Gladys on 7/28/01, see footnote to follow).

In a Report of Engineer for the Water Commissioner, from the engineer's examination on September 7, 1910, the engineer notes that the "owner (a Weery) was a blind man and he...must have made the ditches." (See enclosed Report regarding permit #5317 and others. The Point of Diversion listed is a ditch below what must have been our reservoir, from which water flow was directed to fields in the south canyon. The source of the water supply is listed as Slaughterhouse Creek.

In addition to the irrigation ditching south of our property, it is our argument that the ditches on our property, both where they used to be in the north end and also the existing ditches south of the pond/reservoir, were made by members of the Weery family at this time and were used for irrigation from 1909 onward. No written proof exists to verify this early date beyond doubt. We could find no evidence to disprove our reasoning.

The Weery relatives continued to homestead land which included our property from the early years of the century. Will and Sam Weery received patent deeds, dated 1922 and 1925. Evidently it was Will who lived with his family in a cabin near our sheep corral, and common sense and remarks by Gladys Head¹ indicate that he must have used diversion irrigation to support his farming enterprise. And he would have used the waters of the creek and existing pond for stock water. (July 28, 2001, conversation with Gladys Head at her home in Bellevue, Idaho).

Other old claims for lower canyon water, including case # 39576, dated 10/18/88, and #37-2156B, and 37-12241, for another example, refer to a barrier in the creek south of our property and give a priority date of

¹ Gladys Sloan Head is the widow of Dewey Head. She has continued to live in the Bellevue area all her life after moving from Slaughterhouse. She is now 91 years old and lives in Aspen Grove Assisted Living Home on 7th Avenue in Bellevue, Idaho. I visit with her often and have taken notes on some of her stories about Slaughterhouse. I will enclose my notes and will have them notarized over my own signature. I do not think it is appropriate to ask her to undergo the trauma of having to go to a notary to have her signature notarized. She is frail of body but strong and keen on long-term memories, which I believe to be factual. Wherever possible, I have confirmed her statements with the notarized testimony of her sons.



Reservoir, showing earthen dam, and Slaughterhouse Creek

October 5, 1909. The remarks indicate that "Licenses do not describe all the land (the) water is used on." (See enclosed documents). We are using this date as the Priority Date of our claims. Although the old ditches survive, no evidence of a dam corresponding to the one mentioned in the old reports exists today. The only old dam is a large one: the one at the south end of our reservoir.

Since we believe that the water south of our reservoir was controlled by the headgate in our dam, it stands to reason that it was present as early as this priority date. (See e-mail from 8/6/03 from Greg Martinez, Army Corps of Engineers, verifying date of reservoir and of continuing use).

In support of this premise, the "Report of Engineer," dated October 24, 1914, refers again to a fully completed work of diversion but says there is "no water at this time...has had a good head." It may be deduced from this comment that there was no water in the ditch because the headgate in our reservoir was not open.

In an Engineer's Report, dated 5/23/27, there is verification of the early presence of our dam, an earth and rock dam ten feet high, with a headgate which "lets water into an irrigation ditch." (See letter from James Stanton, Senior Water Resource Agent, dated 8/16/2001).

In summary, then it is our contention that the old ditches on our land north of the pond/reservoir and the pond itself were used for irrigation from 1909, if not earlier, even though the documents claim water rights for land south of the reservoir.

From the Weerys, the land passed to the Heads. My interviews with Gladys Head and with her sons, R.T. Head and John Head, confirm that when they arrived in 1937, the northern ditches had been in place much earlier and were overgrown, in fact, until the Heads cleared them and began again to use them for flood irrigation to water their stock and to grow grasses for grazing.

An old pasture had been fenced, pre-dating their arrival in 1937, and the Heads adapted that pasture to use for their horses and buck sheep, and they called it the old "buck pasture." (See Head letters).



Boecker property, section 17. Creek above corral, area where northern ditches and buck pasture would have been.

All the Heads refer to the old sheep corral, which was there when they arrived and which has been in more or less continuous use throughout the years. Stock in the corral would have been watered by diversion of creek water, just as we have done as we adapted the corral for a horse pasture in the summer of 2001. (See Head letters).

Dewey Head came to Slaughterhouse in 1928 to work with his cousin Worley, who had taken over some of the land homesteaded by the Weerys. When Gladys Head and her sons arrived in Slaughterhouse Gulch in 1937 to join her husband Dewey, they moved into the cabin left by Will Weery near the old sheep corral. She says the pond was used for irrigation then, and she and her sons (see Head letters) remember that the area north of the pond was lush with trees, grasses, a wheat field, and a garden. Water was diverted from the creek and a seep spring across the road to irrigate these areas. From the nearby 'quakies,' (aspen), Dewey built a springhouse at the edge of the creek just to the east of the corral, and Gladys used it for storing their food supplies. Its remains can be seen today. (See Head letters).

Continuing in the tradition of the Weerys, the Dewey Head family raised sheep, watering them from the creek and the pond, grazing them in the surrounding hills and mountains, and penning them in the corral, which was there when they arrived. They also kept horses, using the fenced 'buck pasture' north of the Weery cabin. When that cabin burned, the Heads lived in two sheep wagons. (Gladys Head, 7/28/01).

Gladys Head, (7/28/01), verified also that the reservoir and the creek has been used by wildlife for water throughout her many years of familiarity with the land we now own. From the time she lived there, she remembers deer, elk, bear, and cougar in the canyon and an abundance of bird life. Her children caught wild trout in the pond.

Dewey worked for his cousin, Worley Head, who homesteaded many acres in the canyon. John Head, in an interview dated 7/28/01, and Worley and Viola Head's son Derris Head, in a 7/30/01 interview², refer to

² Derris and Jo Head welcomed us into their home at 3 Muldoon Canyon Road on July 30, 2001, and spoke to us freely and at length about their memories of the water use in Slaughterhouse Canyon.

However, when attorney James P. Speck of Ketchum, Idaho, asked them to have their testimony notarized in 2001 for support of our original water rights application, which was for the protection of the



Remnants of old sheep corral with creek beside
Baecher property, 2001

Worley Head's using the pond to irrigate his alfalfa fields below the pond. Derris was born in 1935 in Slaughterhouse Canyon and was raised near our gulch land. He spent all his life within sight of the canyon, and was living at the mouth of the canyon until shortly after our interview at his home at 3 Muldoon Canyon Road, Bellevue, Idaho.

Derris Head told us on 7/30/01 that his father used the water from the pond to water his grain fields below the dam with a system of pipes and ditches and an old gas engine to pump the water. He said that Worley and Viola Head eventually owned 3,840 acres in Slaughterhouse Canyon, where they raised both sheep and cattle, in addition to grain crops, using the creek and the pond for irrigation and stock water. Derris and his father Worley put in the spillway in the pond in the late 1950's so they could better regulate the irrigation water flow. Derris and his wife Jo remember a photo of her standing in lush grain fields below the dam as late as 1957, the year she was pregnant. They indicated to us that this was one of the pictures destroyed in the house fire referred to earlier.

Derris and Gladys Head's testimony is verified by others, as follows.

Keith Myers,³ was raised from infancy in Bellevue near the mouth of Slaughterhouse Gulch and can remember "from the late 1950's when Wurley (sic) Head owned the land that is now the Boecker's property." He can remember the old homeplace that was part of the Head property (probably Worley's cabin near an old mine, just outside our land and to the south, according to Derris Head). Keith "recalls the old log cabin (the spring house) that is near the corral north of the pond and beside the creek

(continuation of Derris Head footnote from previous page) pond for wildlife use of the water, Derris refused. He told James Speck that the pond was intended for irrigation only, not for wildlife habitat. He gave the impression of believing that he had inherited some water rights from his father, which we think he thought he was going to be able to make use of somehow in marketing the subdivision of the remaining property he owned then in the mouth of Muldoon Canyon. We think his refusal to formalize his freely offered information stemmed from his suspicion that our having water rights would somehow threaten his. He has since sold his building lots and has moved to Eagle, Idaho.

Nevertheless, his remarks include important information for our water-use time line, and I am including them here, even without his signature. I have tried to validate his information with the overlapping testimony of others. I will include my notes, taken at that time, in this package and will have my signature notarized under them.

³ Keith Myers, owner of Myers Excavation in Bellevue, Idaho. He and Danny Dugger have spent their lives hunting and fishing in Slaughterhouse Gulch and are familiar with the activities which have gone on there. They were happy to give their testimony. They were unfamiliar and uncomfortable with the notarization process and, instead, had their testimony and signatures witnessed.

and...he is aware that the waters of the creek and pond have long been used by the families who owned the land during the past half century.”

In his testimony, Keith Myers confirms that Boeckers’ land “has long been used for sheep grazing and that the sheep have used the Boeckers’ area of Slaughterhouse Creek, as well as the pond, for stock water throughout these years and continuing into current time.”

Dan Dugger verifies that the land has long been used to “graze sheep, and horses have also been present over the years. The livestock have used the water of the stream above the pond and the pond itself...”⁴

Dugger also testified about the irrigation use of the pond. He recalls that “from the 1960’s...a steel pipe ran from the open water of the pond down into the valley floor south of the pond. Water from the pond flowed through this pipe to water fields below.”

Additionally, Dugger affirms that “irrigation ditches, which abutted the south end of the dam, were in use. Water from the pond flowed through these ditches, which began on land now owned by the Boeckers...”

In addition to Dugger’s memories from the 1960’s about irrigation from the reservoir, the Head brothers remember old Worley Head’s using the headgate, ditches and the pipe through the 1940’s and early 1950’s (the years through which they had personal experience) to irrigate his fields. (See secondary source notes from 8/24/03 interview).

All three men, Derris Head, Keith Myers, and Dan Dugger, confirm with Gladys, the Head matriarch, the importance of the stream and pond in providing home and sustenance to the bountiful wildlife present in this area of the gulch during those middle years of the century.

Lee Frost, Conservation officer with the Idaho Department of Fish and Game, confirmed in a visit to our property on 7/7/01 and in a conversation by telephone on 10/13/00 that his familiarity with

⁴ Dan Dugger, miner, mountain man, excavator, and landscaper, was born in 1957 and has lived in Bellevue most of his life. He works for Myers Excavation, and he and Keith Myers witnessed each other’s signature. Frank Thresher witnessed for both of them.

Slaughterhouse Canyon spans the twenty-nine years he was the conservation officer for this territory. He emphasized the importance of the creek and the reservoir for wildlife. He was involved in the designating of the northern and western slopes of our gulch area as wildlife protection area, because of their importance for winter range, particularly for elk. (See wildlife overlay map and also notes from interviews with Lee Frost.) He reports that antelope used to use the waters of the pond and are slowly returning to the area. (We saw three in the spring of 2003.)

In summary, this Part I. has intended to present evidence of early and persistent irrigation and stock water use of Slaughterhouse Creek, where it runs through our land from the mountains north of our land. Additionally, evidence has been presented to verify the early presence and use of the reservoir, headgate, and ditches within our property for the purposes of providing water for crops and livestock. Though considered a secondary and informal purpose at that time, the creek and the reservoir/pond have provided vegetation, cover, and water for the wild animals and birds which thrived in our gulch area.

Part II. of this document will present evidence of water use from the 1960's into the present.

Part II. The Later Years

The Head dynasty's ownership and use of the land in our area of the canyon and south toward Bellevue began to diminish in the 1960's, when Worley Head began to sell off some of his acres in Slaughterhouse Canyon. Local stories hint at foreclosures and gambling debts. Whatever the truths may be, the facts are that the Head family began slowly to give up their lives in the canyon and to move closer to town.

Old Worley and Viola sold many of their Slaughterhouse acres, including our 80 gulch acres, to a land partnership called Arkoosh and Zidan in the mid 1960's. And we think that they believed their water rights, stemming from Weery's patent, #5317, with the 1909 Priority Date, covered their rights to ALL waters of the creek, within all of the many acres they controlled, including water on the property we now own.⁵

Arkoosh and Zidan, a sheep ranching enterprise, owned our land for over twenty years, until 1989. During these years Arkoosh and Zidan ran sheep in a seasonal pattern up through our area of Slaughterhouse Canyon.

Here following are testimonies of various people who had knowledge of the use of the land we now own when it was part of a sheep ranching enterprise. They warrant that the waters on our land continued to be used for stock watering and in a more minor way, for irrigation in support of the sheep ranching purpose.

Sworn testimony by Bill Karst of Bellevue, who has had knowledge of the canyon since 1966, affirms that "over the decades...that part of the canyon has historically been used for sheep ranching and the enterprises that go with it." "Sheep and also horses have used the creek and the reservoir as a source of water." (Bill Karst, letter dated 9/23/03)

Dan Dugger has hunted and fished regularly in Slaughterhouse since 1962. He remembers when "the old corral was used as a holding and

⁵ In a deed dated the 9th day of September, 1965, Worley and Viola Head sold a number of acres of various lands in the southern part of the canyon to the Arkoosh and Zidan corporation. The Heads refer to an old water right, #5317, dated October 5, 1909. In this deed they retain certain water rights for themselves as well as for their heirs.

loading area for livestock, which was watered from Slaughterhouse Creek and the pond on the Boecker property.” (Letter dated and witnessed on August 22, 2003).

According to John Faulkner, the sheep rancher from Gooding who owns Faulkner Land and Livestock and who now owns the BLM grazing rights to run sheep in our canyon, Arkoosh used to irrigate our acreage from the creek and the pond until the Idaho State Bank took back the land.⁶

Faulkner’s ranch office manager is Mitch Arkoosh, the son of the George Arkoosh (of Arkoosh and Zidan). Mitch can remember visiting the canyon from his youth. He dates his earliest memories of his father’s land from about 1972, when he can recall the sheep corral, the sheep, and the headgate in the reservoir, which he knew had been there to be used for irrigation.⁷

This irrigation during the Arkoosh era was confirmed by Donna Cochran in a phone interview I held with her in late September of 2000. She lived in the mouth of Slaughterhouse Canyon from 1984-1987, when she and her husband worked for Larry Boyd, who then owned a cattle ranch on the 172 acres in the wider canyon, south of our land. Donna told me that the herders would get the old headgate open and would flood the land below the dam.⁸

⁶ Conversation with John Faulkner on 7/2/03 at 2:55 in the afternoon, overlooking our pond and land. John Faulkner has been familiar with this part of the canyon for years, having known the Arkoosh brothers and having run his own bands of sheep over our land until we arrived. He has been very helpful to us and gracious in co-operating with us over the use of water and also in avoiding our land with his grazing sheep. However, he has his own competing interest in the waters in Slaughterhouse, needing the water for his sheep. Though he has been encouraging about our seeking to protect our water and is aware of what we are doing, I do not want to ask him to notarize his statements; I feel he would be in an uncomfortable position, given his own need for the waters from the mountains. I will swear to the validity of my notes.

⁷ Mitch Arkoosh related this to Don Boecker by telephone on 7/21/01.

⁸ Walt and Donna Cochran have lived at 518 N. 3rd Street in Bellevue since moving from Slaughterhouse in 1988. I was referred to them as ‘old timers’ who had been familiar with activities in Slaughterhouse Canyon since the 1980’s and on into the present day. Ed Lynt, formerly of Bellevue, had tried to buy the land from Mark Acker and Nancy Kern in about 1999. He had talked to the Cochrans and had learned a great deal from them about the history of the property. He recommended that I talk to them.

I began conversations with both Walt and Donna Cochran by telephone in the fall of 2000, before we purchased our land, and they proved to be familiar with many things, from where avalanches had occurred, to where the fences had been, to the presence of large trout that used to thrive in our pond, to the elk that pass through in the winter time. They were also full of stories about water issues. They talked freely and at length with me on a number of occasions from the fall of 2000 through the summer of 2003. They were encouraging about our wanting to secure water rights on our property, and they were fully aware

In a conversation in Bellevue on August 8, 2003, Donna Cochran told me another story about the use of our reservoir's water for irrigation and for stock water during the mid 1980's. She said that Boyd's cowboy would go up to the pond and let the water out to water his cows. He used a system of boards and tarp for flood irrigation, because there was no water on Boyd's property. The cowboy could not get the water from the reservoir to reach beyond the property we now own, and so he would bring his stock up to the area he had flooded so that they could drink.

According to the Cochrans, there were years of disagreements between the sheep ranching interests and the cattle ranching interests over the use of Slaughterhouse water.

Mark Acker, a doctor of veterinary medicine, came to Bellevue in 1984 and began to visit the canyon frequently. He says that during the decade of the 1980's when the sheep ranchers owned the land, the waters of Slaughterhouse Creek, where they flow over our property, and the pond itself were used for stock water. No creek water flowed south of the pond, and so the sheep depended on our area of the gulch for water. The sheep wagons and camp were kept during the warm seasons near the old sheep corral on our property, and the sheep moved back and forth through the canyon to graze.⁹

(continuation of Cochran footnote) of why I was interviewing them. Their details on all the wide variety of subjects we covered in our conversations always checked out to be valid. When Don and I asked them, early in September 2003, to have their testimony notarized, they said they would. However, weeks went by with no return of their typed testimony. After telephoning them several times, I finally reached Donna in early November 2003, and she said she could not sign her testimony because she had suddenly remembered things differently. Needless to say, I was disappointed and also curious about her abrupt change of heart.

When I talked a few days later, on Sunday, November 9, 2003, to Dr. Mark Acker about this problem with the Cochrans, he told me that he had had the very same experience with them when he had asked them to help him with information about the water rights on the land he owned, which we later purchased from him. They had been full of specific information and willing to talk to him about details. However, when he asked them to have their statements formalized, they suddenly refused, saying they had agreed to help the land owners in the south end of the canyon with water rights applications. (Presumably, this would have been the owners of the land where they had been ranch hands when Larry Boyd had been alive....perhaps Mr. Brennan or the Grimwoods). Mark Acker verified that the testimony of the Cochrans had checked out to be accurate, just as I had learned. Therefore, I have decided to include here the Cochrans's testimony as related to me, and I will sign my contemporaneous notes as being accurate.

⁹ Dr. Mark Acker, who continues to have a veterinary practice in Bellevue, has had his testimony notarized.

In 1990, Dr. Acker and Nancy Kern purchased the eighty acres from the Idaho State Bank, which had been holding it since receiving it back from the Arkooshes. He gave notarized testimony with regard to the use of the waters on our land for both stock watering and also for irrigation during the decade of the 1990's.

The use of the pond and the stream for stock watering became a point of contention between Dr. Acker and John Faulkner, who by this time owned the sheep which were grazed in Slaughterhouse.¹⁰ Even though the land was now held by Acker and Kern, private individuals, Faulkner's herders were continuing to set up camp in their traditional area near the old corrals. The herders were also using the stream and the reservoir for stock water, because that was the southern-most supply of water. (Donna Cochran confirmed this in her statement on 8/8/03). (Additionally, see August 2003 e-mails between Greg Martinez, Army Corps of Engineers, and Terry Blau, IDWR).

After Acker's objections, Faulkner brought in his earth moving equipment and dug up the road where it ran through Acker's property and on, above and below. He had a pipe run from the spring further north, up in the mountains, on his BLM grazing land, and under the road and all the way down the canyon, so that he could pipe in water to troughs he set up for his sheep in several different places up in the side canyons. The pipe also ran under the south valley floor, and water from the pipe could be turned on to pool into ponds there when the sheep were grazing in that area.

Dr. Acker and Ms. Kern wanted to bring back some of the green growth which had been lost to sage during the years of sheep over-grazing by the Arkoosh brothers. They planted trees throughout their land near the banks of the stream in the northern range of the property. To irrigate their trees, they built a series of check dams in the creek on property we now own. To do this, they used rocks and logs from the property to dam up the creek to raise the water so that they could get it to flow around their trees. Some of these trees were ultimately damaged by the sheep, and some by wintering elk. A few survive and are thriving today.

¹⁰ Having a water right does not grant you a right to trespass, according to John Freitag, IDWR Water Resources Agent, in a telephone conversation on 9/3/00. Refer to my copy of notes from that conversation.



Sheep Corral, Converted to horse pasture by Boeckner, 2001



Horses being watered at old seep spring, used by Heads
as irrigation in the 1930's. Section 17

Thus, there was both irrigation and stock water use of the water on our land throughout the decade of the 1990's. (See Acker's notarized testimony).

We purchased our 80 acres in Slaughterhouse from Acker and Kern in November of 2000. Since then we have spent the summers there and have used the stream and the pond for stock watering. We have used the creek near the old corral for irrigation, as well.

Before we arrived in the gulch in the summer of 2001, there was evidence in the landscape that Faulkner's sheep had returned to use the waters of the reservoir for drinking. After our arrival, they moved through our land in June of 2001, drinking briefly from the pond. We asked the herder to avoid our property with his sheep, and he has done that from then on. We help him water his sheep, instead, from the troughs in the side canyons.

We knew we wanted to have trail horses for our use in the summers, and so Don, with the help of Faulkner's herder in his off-duty hours, removed most of the imbedded old sheep wire from the ancient corral and put in a solar-powered, electrified ribbon fence. Don extended the size of the corral, enlarging it across the creek so that the horses could get to the water. He and our tent-dwelling neighbor, Tom Boschele, also diverted the creek in one area so that the water would pass through a deeper pool for drinking water access for the horses.

To water the horses, in addition to the stream, we use the pond and the old seep spring across the road, the one used by Dewey Head's family to water their crops.

Irrigation of the grass in the horse pasture was accomplished with a ½ horsepower Briggs and Stratton gasoline centrifugal pump which Don positioned in the stream flow. He ran three hoses from the pump into the pasture and, thus, was able to devise a sprinkler system by which the pasture was irrigated. More than fifty years after Worley Head had first used a gasoline pump for irrigation, we were doing it again. (See notarized testimony of Donald V. Boecker).



2003, newly prepared pasture beyond dam, near site of old Head
Grain fields

In August of 2003, we excavated an area just below the dam, near where Jo Head had remembered standing in alfalfa fields in the late '50's, and this area will become our second horse pasture in the summer of 2004. We hope to be able to irrigate from the recently revitalized reservoir, using the same pump method used by the Heads, and perhaps even using the old ditching system dug by the Weerys around 1909 and used by the Heads and others who followed later.

As part of a Habitat Improvement Program, for which we have received a partnership grant from the Idaho Department of Fish and Game, the habitat biologist, Terry Gregory, is helping us to plant habitat-enhancing grasses and willows in and around the wetlands that extend north of the reservoir. We hope to be granted the right to irrigate these areas to improve the health of the land for wildlife use.

We began, in the summer of 2003, to irrigate the dry soil around our RV, in which we live during our summers in the gulch. We were able to do this because the sheep rancher offered to share some of his water with us in return for our helping his herder with his sheep. By tapping into the rancher's pipes that run under our property, Don was able to set us a series of small sprinklers and hoses. This ability to sprinkle the land around our RV pad has helped in a small way to give us a firebreak. (See photos of wildflower berm and firebreak berming). In the summer of 2002 we were forced to evacuate our horses and ourselves because the wildfire on the Hailey Woodside range of mountains reached the crest of our western slopes. We came to recognize how very vulnerable our position is in the gulch: we could easily be trapped by quickly-moving fire. Our own water right would enable us to protect ourselves more completely.

I have no idea what a package of documentation in support of a water rights application is supposed to look like. Neither Don nor I have ever been involved with any water rights issue before. I have fallen back on my experience as a writer and as a college English professor to put together a document to support our application. The task was daunting. There is no written record of the past hundred years of the use of our waters. No water right exists which identifies specifically the water within our 80 acres. The legal documents which do exist are confusing and difficult to read and (at least for a non-professional) also difficult to understand. Few people with



2003 wildflower blooming

knowledge of the early years remain alive. Some people who could be helpful were afraid or unwilling to give sworn testimony. No early photographs of activities on our land could be found. No one has lived on the land since the Heads left. And no one but we live now within the entire reach of the canyon and gulch known as Slaughterhouse.

What I did find as I did my research over these past three years were fascinating stories of the remarkable people who lived in and toiled on and loved this wild land. In my accumulation of supporting data, I also found disappointment, disillusionment, dissembling, double-crossing, and intrigue. Somewhere within all of this there are some facts.

These facts point to a timeline of decades of use of the waters of Slaughterhouse Creek within our land and of the pond/reservoir on our property for both irrigation and for stock water. Wildlife and stock and people have used these waters for the past century.

We ask to be granted water rights to use our waters for both irrigation and stock watering. Please act with favor upon our application.

Gay Scott Boecker
 GAY SCOTT BOECKER
 12/27/03

Donald Vaux Boecker
 Donald Vaux Boecker
 12/27/03



State of Kentucky
 County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
 Notary Public
 Virginia D. Robbins-Bugg
 My Commission expires on 01/19/04

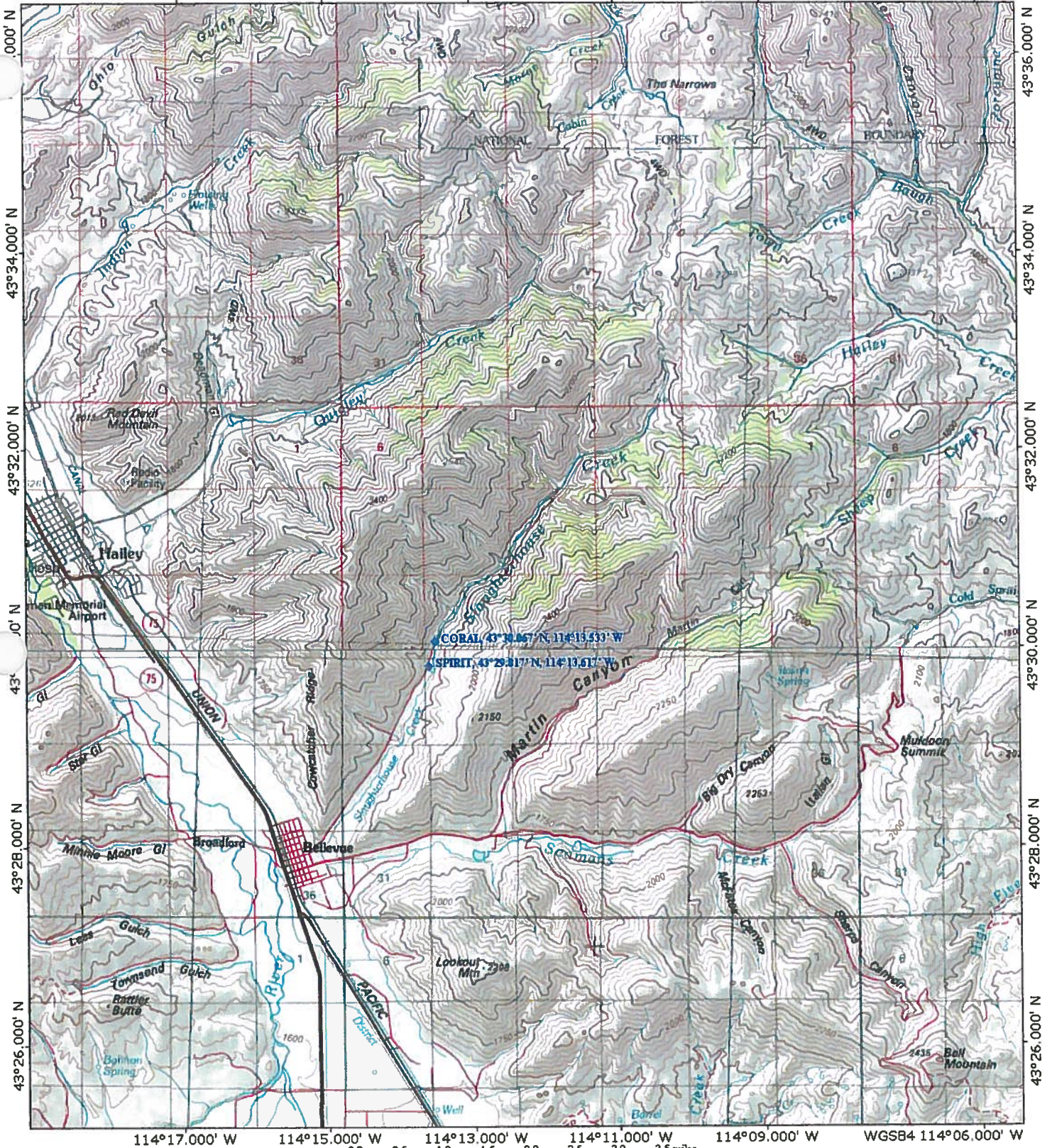


sign delineating Boecker 80 acres

APPENDIX

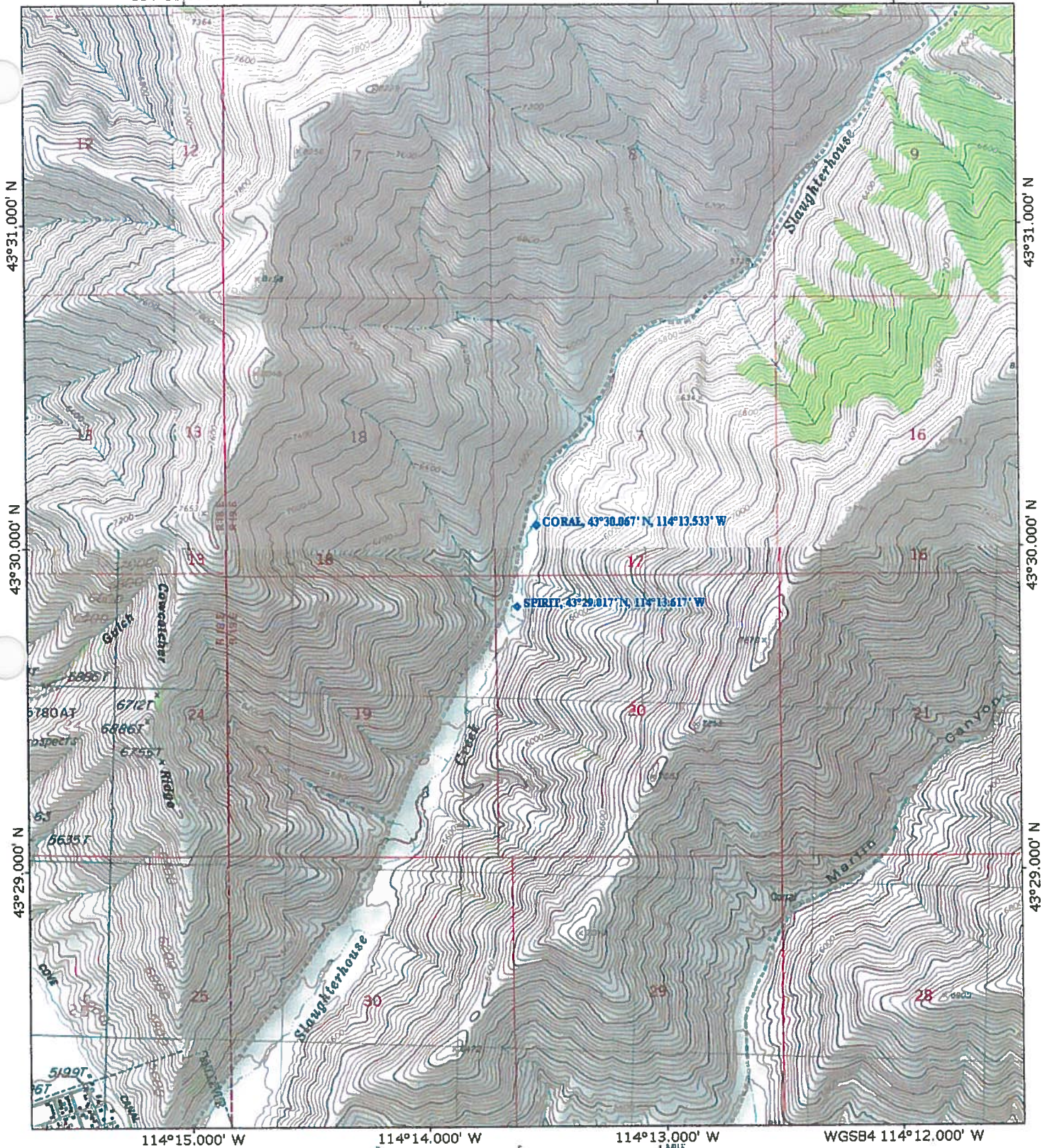
MAPS

TOPOI map printed on 08/17/02 from "Slaughterhouse Creek.tpo" and "Untitled.tpg"
114°17.000' W 114°15.000' W 114°13.000' W 114°11.000' W 114°09.000' W WGS84 114°06.000' W



No profile exists. Choose 'Build Profile' from the pop-up options menu of a route.

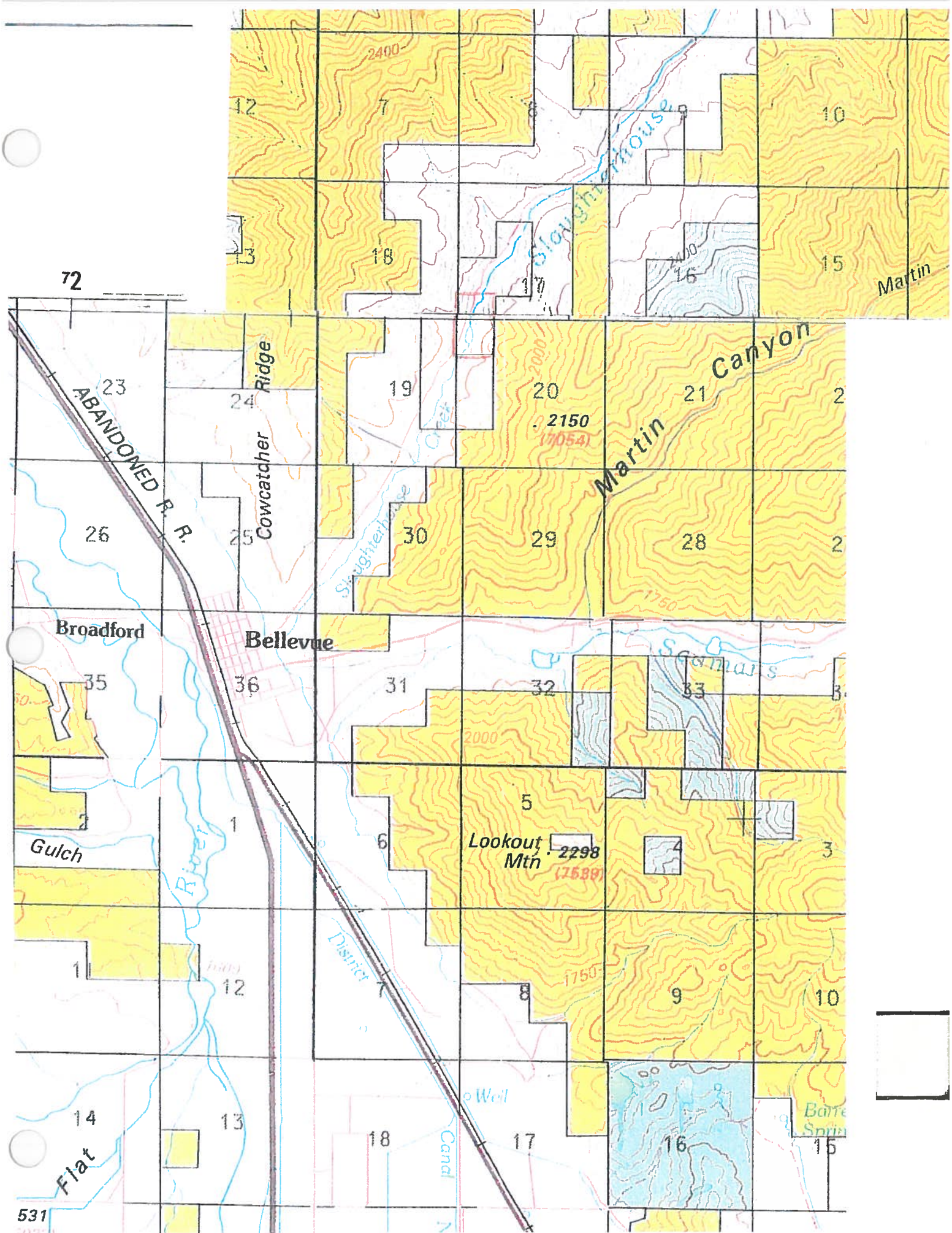
TOPOI map printed on 08/17/02 from "Slaughterhouse Creek.tpo" and "Untitled.tpg"
114°15,000' W 114°14,000' W 114°13,000' W WGS84 114°12,000' W



TN* MN
15°

Map created with TOPOI® ©2002 National Geographic (www.nationalgeographic.com/topo)

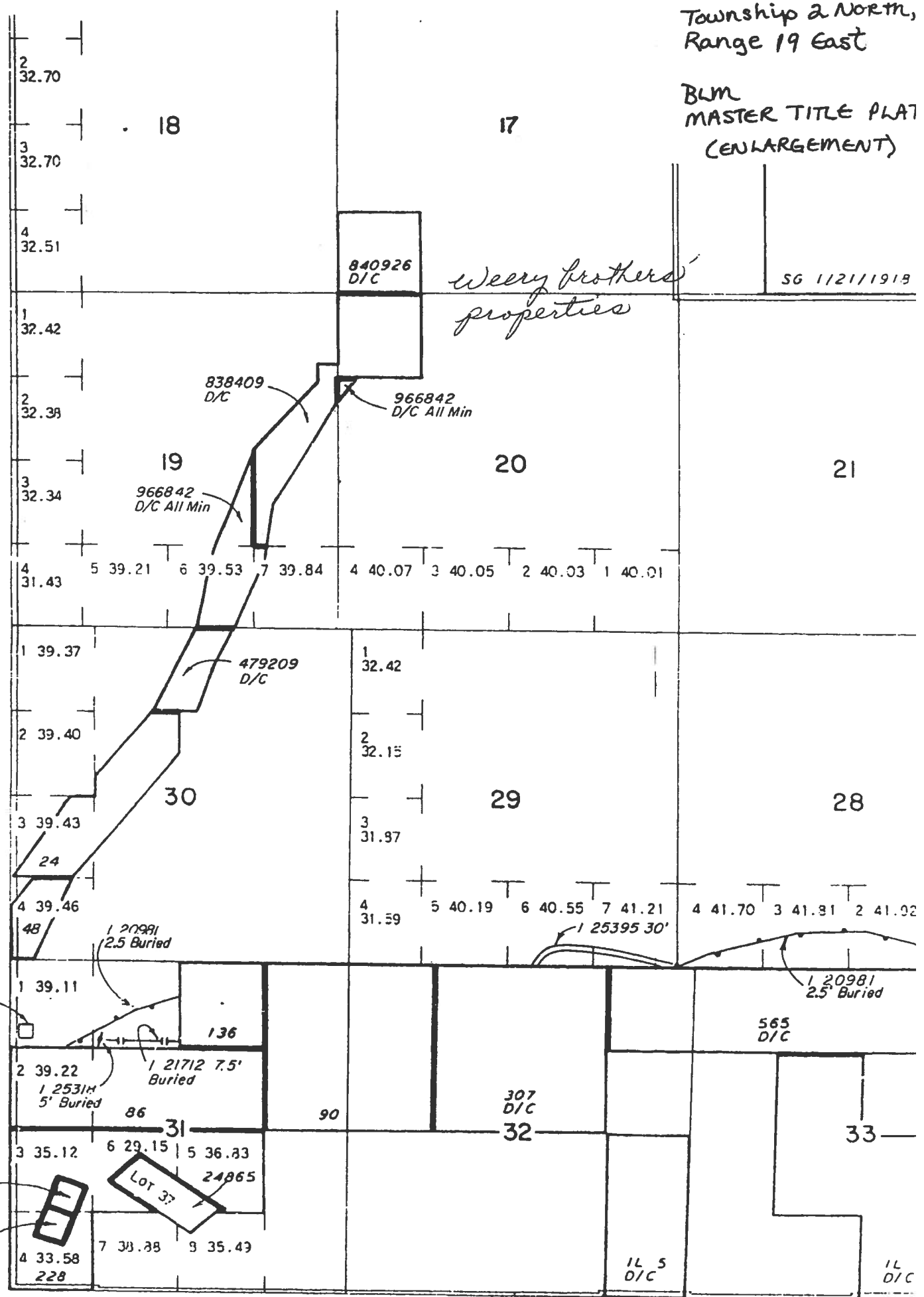
No profile exists. Choose 'Build Profile' from the pop-up options menu of a route.



maps

Township 2 North,
Range 19 East

BLM
MASTER TITLE PLAT
(ENLARGEMENT)



PRIMARY AND SECONDARY
SOURCES,
SUPPORTING EVIDENCE

CONVERSATION WITH JOHN FREITAG,
IDAHO DEPARTMENT
OF WATER RESOURCES, 9/3/00.

I affirm that these 2 pages of my notes, made during a telephone conversation with John Freitas on 9/3/00, are accurate representations of my understanding of his information.

Gay Scott Boecker
GAY SCOTT BOECKER

12/27/03



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg

Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

00- W. Resources (208) 736-3033

720-5246
Serrin

- John

no water rights in whole
17 + 20 sections -
no filed to get a water right

as far as he can tell water is
publicly owned

Nobody filed in get rights to
use the water

now moratorium for irrigation
& ~~private~~ ^{private} use

Can file if then if moratorium
is lifted, we can get
lifting not soon & may never

- Or can do water right transfer
by buying water rights from
somebody

Swan Falls hydro plant wanted
to claim water rights, could drain
- Snake R. Basin adjudication
to sort out who has what

Gayle Scott Beecher

5/2/00
7.2

can drill a well

John Heitzig

• Water right does not give right to trespass

• Someone (Bellevue) could claim water out of creek

(*)

John

- will send water rights application
- application for a transfer

Does not know who has water rights for sale or how advertised

(O)

Thru his office you get drilling permit associated w/ household

13,000 gal per day
irrigate $\frac{1}{2}$ acre

If no household, part 6 application gives 2,500 gal per day

"DEQ"

Dept. Environmental Quality - Twin Falls
can tell about water quality

*7 Health

Scott Boecker
Gary

**COPY OF E-MAILS FROM TERRY BLAU AND
GREG MARTINEZ, AUGUST 6, 2003**

5a.b

boecker

From: "Blau, Terry" <tblau@idwr.state.id.us>
To: "Linda Haavik (E-mail 2)" <lhaavik@co.blaine.id.us>
Cc: <borecker@erols.com>
Sent: Wednesday, August 06, 2003 6:18 PM
Subject: FW: File No. 032101050 Donald Boecker Slaughterhouse Gulch

Linda, We met with Boeckers yesterday. **It doesn't look like any water has gone past the pond for a long time.** I don't think we will require a permit for them to remove sediments from the dry bottom of the res. or to seal it if they decide to. We would require a permit for any work in the channel. I believe the work they are proposing. I believe this would fall under the isolated waters category for the COE. However if the work is done as described it would be exempt any way.

-----Original Message-----

From: Greg.J.Martinez@nww01.usace.army.mil [mailto:Greg.J.Martinez@nww01.usace.army.mil]
Sent: Wednesday, August 06, 2003 11:58 AM
To: tblau@idwr.state.id.us
Subject: File No. 032101050 Donald Boecker Slaughterhouse Gulch

Terry,

I will send you a letter from Mr. Boecker requesting permission to excavate out silts from an in channel pond on Slaughterhouse Gulch, just east of Bellvue, Idaho.

The Dam was built around 1909 and has stored water since that time. It does have an overflow channel along the west side, but it appears it rarely flows. The stream is perennial from the Dam upstream. Downstream it is intermittent.

The applicant proposes to excavate our 3 to 4 feet of silts hoping to restore the pond. All work would be done in the dry, since the pond has dried up. All work would be done using bucket equipment, placed directly in trucks and hauled to an upland area on the applicants property. There would be no temporary fills for haul roads or the need to divert the stream during construction. As proposed, they do not require an approval from us. I met with them last Monday, July 28, 2003. I left them with an application but they did not fill it out. They instead just sent a letter.

I will be sending them a letter today saying it does not require our approval.

I did ask them to look into whether they need a water right to store water. They tell me there was a water right with the property but was lost in a card game, some years ago by the former owner. Here is one for you folks to figure out.

Greg Martinez
COE

[Blau, Terry]

Terry,

11/19/2003

I met yesterday[Blau, Terry] (7/28) with Mr. & Mrs. Don and Gay Boecker, they own 80 acres in the drainage and have a small in channel pond. The pond was built in 1909, rebuilt in 1934. It does have a spill way but most water stops in the pond. The USGS quad shows the stream perennial to the pond then intermittent downstream. Long and short, their pond is dry, and they feel the problem is that the bottoms leaks. They had the NRCS out, they looked at the soils said they had a good clay layer about three feet down. The amount of water coming down the creek is about 20 gals per minute, but with the hot weather it may all be going up in smoke. But they still think it is leaking. They are considering several options, first, just spraying a polimer on the pond bed to seal it, second excavating out several feet of silts till they get to the clay layer, they sealing it, and finally excavating several feet of silts and then bringing in bentonite (sp?) to seal it.

Their first option is likely what they will go with. I do not believe we have any jurisdiction if they just spray this stuff on the pond bed. Don't know if you do either. They will submit an application.

Other problem, pond has been here for a lot of years, they have no water right to store the water. They have applied for a new water right, two years ago, but no response yet. I advised them if they plan to alter the pond i.e., deepen it, they need the water right. I sent then to your office on this question.

Just a heads up.

Greg Martinez

11/19/2003

WEERY BROTHERS' HOMESTEAD PATENTS

#64040
99/511
10-1923

Will Weary
12/12/21

Wm S Weary
4-10-23
E 1/2 NE 1/4 and Sect 19
N 1/4 SE 1/4 7
NW 1/4 NW 1/4 8
Sect 20
1600

12/12/21

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Raleigh, North Carolina, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 10, 1862, "To Secure Homesteads to Actual Settlers on the Public Lands," and the acts supplemental thereto, the claim of William J. Weary has been established and duly consummated, in conformity to law, for the east half of the northwest quarter and the northwest quarter of the southeast quarter of Section nineteen and the northwest quarter of the northwest quarter of Section twenty in Township two north of Range nineteen East of the Boise Meridian, Idaho, comprising 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 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 land unto the said claimant, his heirs and assigns forever, subject to any valid and approved water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs in connection with such water rights, as may be recognized and acknowledged by the State, and 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 WITNESS WHEREOF, I, Warren G. Harding, 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, in the District of Columbia, the Twelfth day of December, in the year of our Lord one thousand nine hundred and Twenty-one and of the Independence of the United States the one hundred and forty-ninth.

By the President: WARREN G. HARDING
By: Victor B. Fugh, Secretary.
R. F. Lohay, Recorder of the General Land Office.

(SEAL)

PROCESSED: Patent Number 838409.
Filed for record at the request of William J. Weary at 10:15 o'clock A.M., October 11, 1923.
Charles H. Russell, County Recorder.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Raleigh, North Carolina, has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 10, 1862, "To Secure Homesteads to Actual Settlers on the Public Lands," and the acts supplemental thereto, the claim of William J. Weary has been established and duly consummated, in conformity to law, for the east half of the northwest quarter and the northwest quarter of the southeast quarter of Section nineteen and the northwest quarter of the northwest quarter of Section twenty in Township two north of Range nineteen East of the Boise Meridian, Idaho, comprising 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:

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By the President: WARREN G. HARDING
By: Victor B. Fugh, Secretary.
R. F. Lohay, Recorder of the General Land Office.

(SEAL)

PROCESSED: Patent Number 838409.
Filed for record at the request of William J. Weary at 10:15 o'clock A.M., October 11, 1923.
Charles H. Russell, County Recorder.

The United States of America,

On all to whom these presents shall come, Greeting:

09-03-00A10:12 RCVD

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 **The Legal Representatives of Samuel T. Werry** has been established and duly consummated, in conformity to law, for the southeast quarter of the northwest quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of Section seventeen in Township two north of Range nineteen 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 there is, therefore, granted by the UNITED STATES unto the said claimant **S** the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant **S** and to the heirs and assigns of the said claimant **S** 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, **Warren G. Harding,**

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, in the District of Columbia, the **FOURTH**

(SEAL)

day of **JANUARY** In the year of our Lord one thousand nine hundred and **TWENTY-TWO** and of the independence of the United States the one hundred and **FORTY-SIXTH.**

By the President:

By

Warren G. Harding
Viola B. Hughes Secretary.
W. P. Le Roy
 Recorder of the General Land Office

840926

The United States of America,

On 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

William J. Werry

has been established and duly consummated, in conformity to law, for the southeast quarter of the southwest quarter and the southwest quarter of the southeast quarter of Section eighteen, the lots five, six and seven, the west half of the northeast quarter, the southeast quarter of the northwest quarter, the northeast quarter of the southwest quarter and the northwest quarter of the southeast quarter of Section nineteen and the southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of Section twenty in Township two north of Range nineteen east of the Boise Meridian, Idaho, containing four hundred seventy-eight acres and fifty-eight 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 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. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, **Calvin Coolidge,**

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 **SEPTEMBER**

In the year of our Lord one thousand

also hundred and

TWENTY-FIVE

and of the Independence of the

United States the one hundred and

FIFTIETH

By the President:

Calvin Coolidge

By

David B. Page

, Secretary.

M. P. Le Roy

Recorder of the General Land Office

NOTARIZED TESTIMONY OF JOHN HEAD AND RAY HEAD

Testimony of J.H. (John) and R.T. (Ray) Head, regarding the Slaughterhouse Gulch waters on the land now belonging to Don and Gay Boecker and the waters' use for irrigation and stock watering.

R.T. and J.H. Head came to live in Slaughterhouse Gulch in 1937 when they were young boys. They lived on the land, homesteaded then by their parents Dewey and Gladys Head, now owned by the Boeckers. These notes were made from an interview with them in Bellevue, Idaho, on August 24, 2003.

The Heads remember this land from their childhood and have continued to visit it from time to time into the current day, although they moved away as adults. Their ninety-one year old mother, Gladys Head, continues to live in Bellevue, Idaho, and has lived in the vicinity of Slaughterhouse Gulch since moving here from Virginia with them in 1937.

The Heads remember their parents' homestead and the waters of Slaughterhouse Creek, which ran through it from north to south into the pond that was used as an irrigation reservoir and a source of stock water and a wildlife habitat.

R.T. spoke of a pasture that was there when they arrived, and he remembers the old ditching that had previously been used to supply water to it, evidently. This pasture was present above their cabin area and north of where the old sheep corral stood and still stands, in the area in the north end of the property now owned by the Boeckers. This area he judges to have been about 3-4 acres and was fenced. His parents kept horses there and, during parts of the year, buck sheep. They called it the "buck pasture."

In about 1937 the Head family adapted these old ditches, using them to irrigate their pasture, using canvas to divert the water from Slaughterhouse Creek to flood through the ditches into the pasture for livestock watering.

The Heads recall that the land around the old cabin and spring-house was lush with grass, and fish could be caught in the creek and pond. Their mother had a garden to the west and south of the sheep coral, and water from the creek was diverted to water this garden. Water from a seep spring across the old road was also diverted to water this garden. This area is part of the 80 acres now owned by the Boeckers.

The Heads remember that the sheep were kept up the hillsides to graze and were brought down to the valley floor to drink water from the creek and the pond and were then sent back up the hillside. They recall the story that when the Basques were the herders of the sheep bands, sometime between 1937 and 1939, the sheep got loose from over the hill on the Quigley Canyon side and came down into the gulch to drink, trampling through the wheat field on the way and causing dissention between their parents and the herders.

The Head brothers remember another Head who homesteaded in the canyon, Worley Head, using the reservoir for irrigation to water fields below the dam of the reservoir. A headgate in the south end of the reservoir/pond was opened to release water from the pond to water the land below. Water flowed through a series of ditches, as well as through a pipe system, to carry water from the pond.

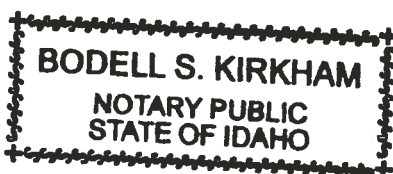
R.T. and John Head remember this irrigation use of water through the 40's and up to the early 1950's, when R.T. Head left the area to join the Army.

Members of the Head family had homesteaded the canyon before the 1930's. Relatives, including Floyd, Jesse, Worley, and father Dewey (who came in about 1928), ran sheep, kept horses, and grew grain and pasture crops before R.T. and John were born. However, they can only presume that the Head homesteaders had used the creek and reservoir for stock watering and irrigation during those early years.

The Heads remember the plentiful wildlife which was sustained by the waters of the creek and pond from the 1930's and until today. They can recall deer, elk, mountain lion, bear, coyote, as well as many types of birds, snakes, and fish.

Ray T. Head

Ray T. Head appeared before me and
signed this document 10-16-03



Bodell S. Kirkham
Notary Public - Laramie City
Commission Expires

6
Testimony of J.H. (John) and R.T. (Ray) Head, regarding the Slaughterhouse Gulch waters on the land now belonging to Don and Gay Boecker and the waters' use for irrigation and stock watering.

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The Heads remember the plentiful wildlife which was sustained by the waters of the creek and pond from the 1930's and until today. They can recall deer, elk, mountain lion, bear, coyote, as well as many types of birds, snakes, and fish.

x John H. Head

State of Idaho County of Minidoka
Subscribed and sworn to before me on 10-16-03
Kelli Schrenk (Date)
(Notary Signature)
Kelli Schrenk

KELLI SCHRENK
NOTARY PUBLIC
STATE OF IDAHO

SEPTEMBER 7, 1910, REPORT OF ENGINEER
HARRY WEERY'S WATER RIGHT PERMIT # 5317,
WITH REFERENCE TO PRESENCE OF DITCHES

Report of Engineer

1. State name of applicant and number of permit: Harry Barry - Permit 5317
2. State source of water supply: Slaughter 30-ee creek
3. Location of point of diversion: About 1/2 mi. NW from NE cor. of Sec. 30, T.2 N., R. 19 E.
on unsurveyed land.
4. State whether or not the works of diversion are fully completed and in accordance with terms of permit: Yes.
5. Describe works as they exist, giving dimensions of same as follows:
- (a) Width of conduit at bottom: 18"
 - (b) Width at water line: 30"
 - (c) Depth of water: 1'
 - (d) Grade per mile: 25'
6. State whether or not water has been turned into works of diversion and if so, to what extent: full.
7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation for each
forty acre tract: 8 - NE4, 22 NW4 and NE4 SW4 Sec 30, T.2 N., R. 19 E.
8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross
hatch lands to be irrigated.

Remarks: The owner is a blind man and think he must have made the ditch
but it will carry the water, all there is of it.

Examination made Sept. 7th, 1910.

Water Commissioner 2nd Div.

STATE OF IDAHO,

County of _____

_____ being first duly sworn, deposes and says that the state-
ments contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this _____

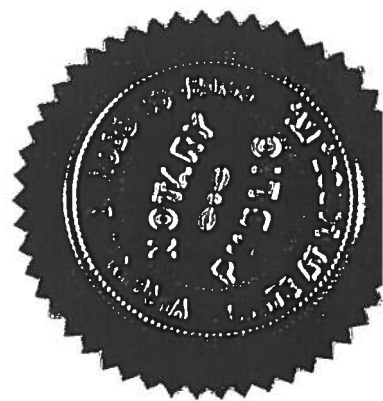
My Commission Expires _____

VARIOUS INTERVIEWS WITH GLADYS HEAD

I affirm that these four pages
of contemporaneous notes are accurate
in recording my conversation with
Gladys A. Head, made during a visit
with her at her home in Bellevue, Idaho,
on 7/28/01.

12/27/03

Jay Scott Boecker
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

7/28/01

Door.
Mrs Head ^{niece} got there
fire — sheep were there
Slaughterhouse
Cabin — kept your stuff
(Worley Head ^{Brothers} had sheep for husband.
McKinley died ^{spotted} fever

Cabin — they were staying in a friend's
Cabin near the corral —
got in creek ^{it burst} & one of 2 wagons

Will Woorey —
old Cabin was ^{next to} spring house

lived in Slaughterhouse
1 year — her dad worked for
Worley Head

pond was there

used for irrigation
fish in creek

Gay Scott Goeken

feights over water
lways

Gay was ~~4~~ 5

1936 or 7 - in August

Sheep wagon caught on
fire

2 Sheep wagon

skin turned

(Roll - John Deere)
Trailer

Mulchbox

Floyd - pl. to Wurler
Deere

Elaine Head J.H. (John)

208436 - 3379

Report

Gay Scott Becker

Slaughterhouse

9

up on mt.
at near mine

Gene Law Glahn's mine

Cliff Roxon - mine

settles
gold on
this side

Sawmill Canyon

the nose -

bears - up tree - shaking

Cougars -

youngest big kitty cat
just will it hurt me

she slept out all over those
laid out up mt

she loves the sheep

Clenchpat - toward Tenn.

Come to Idaho, she
followed him

She was 16 - married

died in 75 heart

he came to herd sheep & cattle

June 30
1926

Gary Scott Brecken

Remy Head - Porattello
then brother Golden
Clutchport - Rd

Indisposed
for Cordelle Sloan
her grandmother Indian
War

Aug 23 - Gladys

1912 when Titanic

Gary Anne Boecker

8/20/02

8/20/02

Gladys Deed

90 on Aug 23, 2022

Aspen Grove Assisted Living
PK & Pine

(208) 788-5410

Built springhouse in '37

used to hunt

pond used to provide water
for irrigation

Mine - mine had a Capri
foreigner - French?
lead & silver

They know Blue Karst

Gary Scott Soehren

I affirm that these notes from
a conversation I held with Gladys S.
Heard at her home in Bellevue, Idaho,
are contemporaneous to the conversation
and are accurate in recording her words.

Gay Scott Boecker
GAY SCOTT BOECKER

12/27/03



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

9/7/01

Gladys Heath
birthday ± Aug 26

- blue racer killed rattlesnake
as her son sat by rock

- Spout for well on R on spring
this side of house
children would go up w/ bucket

- cabin this side of creek &
this side of canal but near it
she loves sheep-

(Hall - postmaster
San. Valley)

Gladys went to Jackpot
for her birthday - brought
some a roll of nickels
(not quarters?) No - I don't
play the big machines

Gay Scott Becker

VARIOUS WATER RIGHT DOCUMENTS,
REFERRING TO DAM, DIVERSION, AND USE OF
WATER FROM SLAUGHTERHOUSE CREEK

11/4/01

SPECK & AANESTAD

A PROFESSIONAL CORPORATION
ATTORNEYS

120 EAST AVENUE
POST OFFICE BOX 987
KETCHUM, IDAHO 83340

TELEPHONE
(208) 726-4421
FACSIMILE
(208) 726-0752

JAMES P. SPECK
DOUGLAS J. AANESTAD

November 7, 2001

B 11-20-01

Don and Gay Boecker
10610 Tower Hill Road
Leonardtown, MD 20650-4619

Re: Slaughterhouse Canyon Property

Dear Don and Gay:

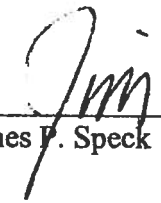
Enclosed you will find the Report of Engineer and the August 16, 2001 letter to me from Jim Stanton describing what the rather illegible language on the first page says about the construction of the dam.

Please call if you have any questions.

Thank you.

Sincerely yours,

SPECK & AANESTAD
A Professional Corporation

By: 

James P. Speck

JPS:jal
enclosure
F:\WPDATA\JIM\Boecker\Correspondence\Client.04.wpd



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls, ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

RECEIVED

AUG 20 2001

SPECK & AANESTAD

SOUTHERN REGION

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

August 16, 2001

James P. Speck, Attorney
PO Box 987
Ketchum, ID
83340

RE: Water License 37-2156B

Dear Jim;

I have reviewed the original engineer's report for this right. The report, dated 5-23-1927, states that there is an earth-and-rock dam 10' high and 275' long across the gulch about 3/4 mile above the upper end of the ranch. The pond stores about 18 acre feet. A headgate with screw valve lets water into an irrigation ditch. It was the practice of the irrigator to hold water in the dam for a week or so in order to release about 5 cfs into the ditch. Inflow to the pond was estimated at 6-8 cfs during spring runoff, but only 1-2 cfs during summer.

Per your request, a copy of the Union Central Life Insurance Co. vs Barker decree is enclosed.

Regards,

James E. Stanton
Sr. Water Resource Agent

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Filing No. 8517

Beneficial Use

In Water District No.

1. Name of applicant Benjamin E. Parker
2. Name of water supply Slaughter House Gulch
3. Location of point of diversion about 1 1/2 miles above town of Ball Lake
County of _____

4. Describe works to be done, giving dimensions and capacities of same:

*There is a small dam about 100 ft. long, but across gulch
which is not enough to hold back water. The dam is made of
logs and stones. It is about 1 1/2 miles above town of Ball Lake.
The dam is about 100 ft. long and 10 ft. high. It is made of
logs and stones. It is about 1 1/2 miles above town of Ball Lake.
The dam is about 100 ft. long and 10 ft. high. It is made of
logs and stones. It is about 1 1/2 miles above town of Ball Lake.*

5. Water to be used for Irrigation

6. State whether or not the water is to be used for other than irrigation

For legal verification of work to be done, if possible, the following are given exact number of acres
under cultivation in each tract here listed. (Number of acres and share of use if for other than irriga-
tion)

Tract No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

(Submit map or sketch of site, showing location and extent of work to be done.)

7. What large stream would the water here be diverted from? Snake River

Remarks:

License has already issued for 100 acres.

*The dam is about 100 ft. long and 10 ft. high. It is made of
logs and stones. It is about 1 1/2 miles above town of Ball Lake.
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logs and stones. It is about 1 1/2 miles above town of Ball Lake.
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logs and stones. It is about 1 1/2 miles above town of Ball Lake.*

To Permit to appropriate the Public Waters of the State of Idaho, Not on

Continued from Benjamin H. Barker, and represents to the Commissioner of Reclamation of the State of Idaho.

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Kansas No. 8517 and requests that the list of lands to be irrigated as described in said permit

SW 1/4 Sec. 10, T. 22 N., R. 18 E. M. also 10 acres in
NE 1/4 of NE 1/4 of Sec. 23, T. 22 N. R. 18 E. M. also 30 acres in NE 1/4 of NE 1/4 of Sec. 23, T. 22 N. R. 18 E. M. Containing 170 acres.....

making a total of 170.

That an additional amount of water is not asked for, and that the rights of others will not be adversely affected by such change.

Signed at Bellevue this 12th day of March 1927

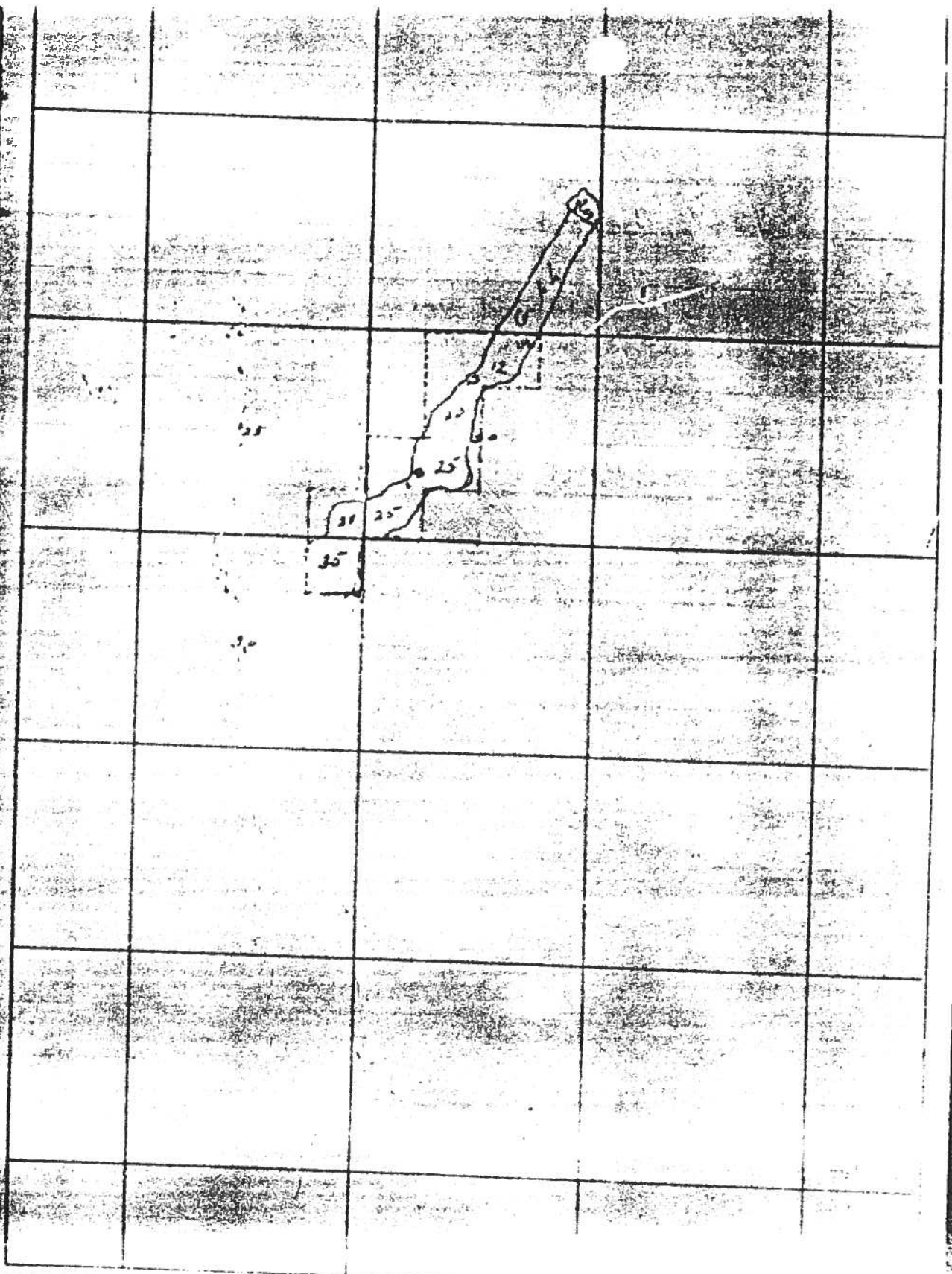
Date of receipt at Office of Department of Reclamation . . . JAN. 14, 1922 . . .

APPROVAL OF COMMISSIONER OF RECLAMATION.

Geo. H. Carter, Commissioner of Reclamation of the State of Idaho, lately deceased.

Only insofar as the rights of others will not be adversely affected thereby.

Commissioner of Revenue



SCALE 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2156B V1

WATER RIGHT NUMBER: 37-2156B V1

<u>Owner Type</u>	<u>Name and Address</u>
Attorney	BRIAN L BALLARD PO BOX 1617 BOISE, ID 83701 (208)344-6000
Original Owner	LAWRENCE A BOYD AKA L A BOYD PO BOX 836 BURLEY, ID 83318 (208)678-2563
Current Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876

Priority Date: 10/05/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SLAUGHTER CREEK SPRINGS	MILLER DITCH MILLER DITCH

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.500 CFS	
	<u>Total Diversion:</u>	1.500 CFS	

Location of Point(s) of Diversion

SLAUGHTER CREEK	NE1/4SE1/4NE1/4	Sec. 19, Twp 02N, Rge 18E, B.M.
BLAINE County	(Beginning of Reach)	
SLAUGHTER CREEK	SE1/4SE1/4	Sec. 25, Twp 02N, Rge 19E, B.M.
BLAINE County	(Ending of Reach)	
SPRINGS	NW1/4NW1/4	Sec. 20, Twp 02N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE	NW	SW	SE	Totals
02N	18E	36	35.0				35.0
02N	19E	25				25.0	25.0
02N	19E	30	12.0	3.0	20.0	25.0	97.0

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 37-2156B V1

Total Acres: 157

Conditions of Approval:

Remarks:

1. General THIS LICENSE 37-02156B TOGETHER WITH 37-01226 & 37-02156A AND FLOW OF SLAUGHTER CREEK AND SPRING ARE USED TO IRRIGATE ABOUT 172.16 ACRES. USE ENTIRE FLOW. LICENSES DO NOT DESCRIBE ALL LAND WATER IS USED ON. QUESTION 10 SHOWS USE PER ORIGINAL LICENSE. SEE ATTACHED MAP AND LEGAL DESCRIPTION FOR PLACE OF TOTAL USAGE OF ALL WATER.
ITEM 5 (CONT.) SMALL DAM IN SLAUGHTER CREEK BUILT ABOUT 1909 LOCATED ABOUT 1/2 MILE NW FROM NE CORNER OF SECTION 30. WATER DISTRIBUTED TO IRRIGATION DITCH USED TO IRRIGATE HAY GROUND. ANY UNUSED WATER AND WATER IN NON-IRRIGATION SEASON RUNS INTO MILLER DITCH.

Comments:

1. KEEN 11/4/1992 OWNERSHIP CHANGE

Comment: CHANGE OF OWNERSHIP WAS SUBMITTED ON 10-13-1992; OLD OWNER IS L.A. BOYD; NEW OWNER IS ROBERT BRENNAN. NOTICE OF APPEARANCE BRIAN BALLARD OF BOISE HAS FILED NOTICE OF APPEARANCE ON OTHER CLAIMS FILED BY MR. ROBERT BRENNAN. THEREFORE, THAT NOTICE OF APPEARANCE IS ENTERED ON THIS CLAIM AS WELL.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12241 V1

WATER RIGHT NUMBER: 37-12241 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LAWRENCE A BOYD AKA L A BOYD PO BOX 836 BURLEY, ID 83318 (208)678-2563
Current Owner	ROBERT M BRENNAN PO BOX 1933 SUN VALLEY, ID 83353 (208)788-9876
Attorney	BRIAN L BALLARD PO BOX 1617 BOISE, ID 83701 (208)344-6000

Priority Date: 03/26/1929

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SLAUGHTER CREEK	MILLER DITCH
SPRINGS	MILLER DITCH

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.000 CFS	
<u>Total Diversion:</u>		3.000 CFS	

Location of Point(s) of Diversion

SLAUGHTER CREEK	NE1/4SE1/4NE1/4	Sec. 19, Twp 02N, Rge 18E, B.M.
BLAINE County	(Beginning of Reach)	
SLAUGHTER CREEK	SE1/4SE1/4	Sec. 25, Twp 02N, Rge 19E, B.M.
BLAINE County	(Ending of Reach)	
SPRINGS	NW1/4NW1/4	Sec. 20, Twp 02N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	18E	25																	13.0
02N	19E	19				10.0									10.0	10.0	20.5		50.5
02N	19E	30			12.0		8.0			28.0	20.0	15.0	25.0						108.0

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 37-12241 V1

Total Acres: 171.5

Conditions of Approval:Remarks:

1. General THIS WATER RIGHT TOGETHER WITH THOSE LISTED IN 13 ABOVE USE ALL OF THE FLOW OF SLAUGHTERHOUSE CREEK AND SPRINGS. THEY ARE USED TO IRRIGATE 172.16 ACRES. PLACE OF USE HAS NOT CHANGED ON LICENSE BUT ALL OF THE WATER IS USED IN THE 172.16 ACRES. SEE ATTACHED LEGAL DESCRIPTION AND MAP OF RANCH.
- ITEM 5 (CONT.) SMALL DAM IN SLAUGHTER CREEK BUILT ABOUT 1909 LOCATED ABOUT 1/2 MILE NW FROM NE CORNER OF SECTION 30. WATER DISTRIBUTED TO IRRIGATION DITCH USED TO IRRIGATE HAY GROUND. ANY UNUSED WATER AND WATER IN NON-IRRIGATION SEASON RUNS INTO MILLER DITCH.

Comments:

1. KEEN 11/4/1992 OWNERSHIP CHANGE
Comment: CHANGE OF OWNERSHIP SUBMITTED ON 10-13-1992; OLD OWNER IS L.A. BOYD; NEW OWNER IS ROBERT M. BRENNAN. NOTICE OF APPEARANCE BRIAN BALLARD OR BOISE HAS FILED NOTICE OF APPEARANCE TO REPRESENT MR. BRENNAN.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag: NONE RECEIVED
State or Federal: S
Owner Name Connector: OR
Water District Number: 37
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

REPORT OF ENGINEER, OCTOBER 24, 1914.
McKERCHER, PERMIT #5317. COMPLETED
DIVERSION BUT NO WATER AT THIS TIME:
DEDUCTION THAT HEADGATE WAS PRESENT

REPORT OF ENGINEER

1. State name of applicant and number of permit: Joseph M. Ketcher 15517

2. State source of water supply: Slaughter House Creek

3. Location of point of diversion: about 1/2 mile from the corner of Sec 30

T 2 N R 19 E

4. State whether or not the works of diversion are fully completed and in accordance with terms of permit:

yes

5. Describe works as they exist, giving dimensions of same as follows:

(a) Width of conduit at bottom: 18 inches

(b) Width at water line: 32 "

(c) Depth of water: 1 1/2 "

(d) Grade per mile: 2.5 ft

(e) Capacity of ditch: 4 " second feet

6. State whether or not water has been turned into works of diversion and if so, to what extent:

No water at this time
has had a good head

7. Give exact location of lands to be irrigated. Give exact number of acres under cultivation in each forty acre tract: Mr. 1 Mr. 4 7 1/2 Acres Cult

Mr. 2 Mr. 3 7 1/2 "

Mr. 4 Mr. 5 30 "

Mr. 6 Mr. 7 30 "

all in Sec 30 T. 2 N R 19 E Bm

8. Submit map on enclosed plat, source of supply, point of diversion, route of ditch or ditches and cross hatch lands to be irrigated.

Remarks:

RECEIVED

SEP 9 1914

Oct 24 1914

Walden R. Hardy

STATE OF IDAHO.

County of

} ss.

being first duly sworn, deposes and says that the facts contained in the within report are correct to the best of his knowledge and belief.

Subscribed and sworn to before me this day of

My Commission Expires

Notary Public



SCALE: 2 INCHES EQUALS 1 MILE DRAW MAP IN INK.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 37-2156A

WATER RIGHT NUMBER: 37-2156A

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ISAIAH MC KERCHER
	BELLEVUE, ID 83313
Original Owner	HARRY WERRY
	, ID

Priority Date: 10/05/1909

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
UNNAMED STREAM	SLAUGHTERHOUSE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.500 CFS	0.00 AF
DOMESTIC	/ to /	0.000 CFS	0.00 AF
<u>Total Diversion:</u>		1.500 CFS	

Location of Point(s) of Diversion

UNNAMED STREAM	NW1/4SE1/4	Sec. 19, Twp 02N, Rge 19E, B.M.
BLAINE County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
02N	19E	30		8.0			8.0			30.0	30.0								76.0

Total Acres: 76

DOMESTIC same as IRRIGATIONConditions of Approval:Remarks:

1. General LIC. IDENTIFIES SOURCE AS SLAUGHTERHOUSE CK. & TRIBUTARIES.^^^ AC. IRR. = 75.^^^

Comments:Dates and Other Information:

IDAHO DEPARTMENT OF WATER RESOURCES

Dates and Other Information:

Licensed Date: 5/8/1979

Decreed Date:

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 37

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant:

Decree Plaintiff:

Civil Case Number:

Judicial District:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

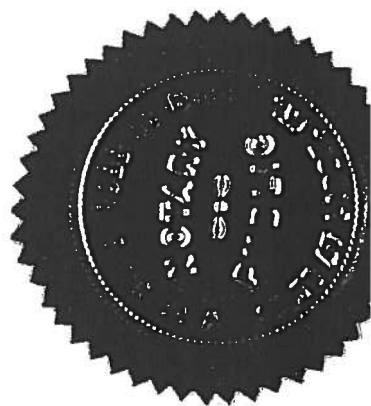
Carey Act Number:

Mitigation Plan: False

INTERVIEW WITH DERRIS AND JO HEAD, 7/30/01

I affirm that these three pages of my notes, made during a conversation with Derris and Jo Head at their home at the mouth of Muldoon Canyon, on 7/30/01, are accurate in recording their words.

Gay Scott Becker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg

Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

7/30/01

Kerris Head — his dad owned
Homesteaded & his mom
homesteaded too

1935

~~born~~ 3840 acres in Slaughter
bottom in Slaughterhouse
ravine in canyon bottom

Eagle — (208) 938-0922

2654 West Timber Dr

Eagle I

83616

~~Somps~~

Somson —

Shaffer — top of canyon

put fence in years ago

~~back pasture~~ —

~~down there originally~~
~~late '50's he & Dad put~~
~~spillway & built it up~~
to keep water from leaking

Gay Scott Becker

Mar 7 10
7/3/01 P. 2
10/2/01
10/2/01

4 - - - - -

1957 - grain - Jo - photo
pe.
alfalfa -
page
water

fish - up river
early 60's last at the
year to irrigate
Jim Koonce

water went to Ranch -
Pond - helps w/ fire ins.

Aiken - at agent -
wild life
deer, elk

Narrow - Longon
sawmiller
cabin in wetland
Spring

Gay Scott Becker

5
Jed Harris

Rob (son)

788-4705 w
Saw to the
wood products

38

788-3878 h

people would divert
reck up above by doing
it up w/ manure so they could
rip the fish - It's dad's
engines would run the
burn up for lack of water
old gasoline, run engines
need to water the fields
to grain below the dam -

Gary Scott Becker

SWORN TESTIMONY OF KEITH MYERS

8/22/03

Keith Myers was raised from infancy in Bellevue near the mouth of Slaughterhouse Gulch, and he has continued to live in the Bellevue area all his life. He has been familiar with Slaughterhouse and the land now owned by the Boeckers all his life.

Keith can remember from the late 1950's when Wurley Head owned the land that is now the Boeckers' property. He verifies that it has long been used for sheep grazing, and that the sheep have used the Boeckers' area of Slaughterhouse Creek, as well as the pond, for stock water throughout these years and continuing into current time.

Keith Myers knows of the many varieties of wildlife that have made their home in Slaughterhouse and which have used the waters of the Boeckers' land for sustenance. He has hunted birds for years in this area for years, and he continues his visits to the canyon for recreation often, and thus he has continued to be aware of the use of the waters of this property.

Keith remembers the homeplace that was part of the Head homestead. He recalls the old log cabin that is near the corral north of the pond and beside the creek, and he knows there was once another cabin there which burned in a fire. He is aware that the waters of the creek and pond have long been used by the families who owned the land during the past half century.

Keith Myers

WITNESS DAN DUGGER



SWORN TESTIMONY OF DAN DUGGER

Dan Dugger was born in 1957 and has lived in Bellevue, Idaho, most of his life. From the time he was about five years old, he has memories of Slaughterhouse Gulch, having visited it often to fish and hunt.

Dan remembers from the early 1960's when the water of the pond was used for irrigation. A steel pipe ran from the open water of the pond down into the valley floor south of the pond. Water from the pond flowed through this pipe to water fields below.

Dan also remembers that during the 1960's the irrigation ditches, which abutted the south end of the dam, were in use. Water from the stream and pond flowed through the ditches, which begin on land now owned by the Boeckers, and was used for field irrigation south of the dam down the valley.

In addition, Dan Dugger verifies that the Boecker land has long been used to graze sheep, and horses have also been present over the years. The livestock have used the water of the stream above the pond and the pond itself for sustenance. He remembers when the old corral was used as a holding and loading area for livestock, which was watered from Slaughterhouse Creek and pond on the Boecker property.

DATED THIS DAY AUG. 22 03

SIGNED Dan Dugger

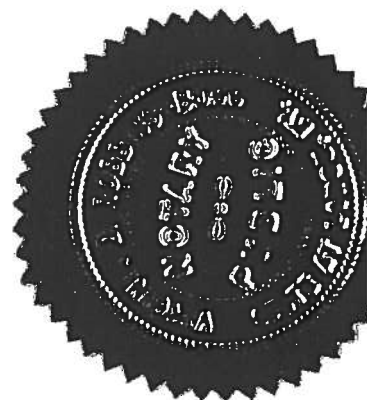
WITNESS

Keith Myers

INTERVIEW WITH JOHN HEAD, 7/28/01.
INFORMATION ABOUT IRRIGATION IN 1940'S.

I affirm that these notes, taken during a conversation with John Head. (Jay Head) on 7/28/01 at the home of his mother Gladys D. Head in Bellevue, Idaho, are accurate in recording his words.

Jay Scott Boecker, 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

7/28/01

"J" John Head - Rupert, Idaho.
was 4 - 1937 they came
to Slaughterhouse from
Virginia. He thinks Wurley
put lat's / dam in in the
'40's to water his alfalfa
down below - he ran it
the land on down below
the dam & grew alfalfa
there, so he used the
water then to root irrigate
his alfalfa. His home
was near the dam -
over to West side near
road that goes up toward
the old mine.

Wurley had cows & sheep.
Always disagreements w/
Larry Boyd & over water
canal came from Big Wood
across to E side of
Bellevue & down across
near where park is now
... .. (Mulliken)

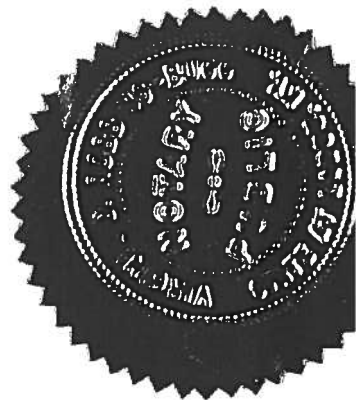
Gary Scott Becker

Bellevue, Id

NOTES FROM COMPLETE INTERVIEW WITH
JOHN HEAD AND RAY HEAD, 8/24/03. THE BASIS
FOR THEIR NOTARIZED TESTIMONY.

I affirm that these five pages
of notes, made during a conversation
with Jay (John) Head and Ray (R.T.) Head
at their mother, Gladys Sloan Head's
home in Bellevue, Idaho, on 8/24/03, are
accurate in recording their words.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg

Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

8/24/03

Hand

Gay 101 Westside
Rupert, Idaho

Gay (RT) 669 Willard
Pocatello

Gay Scott Brecken

Place lane down across
road - near road as creek comes
above ^{to road} corral
buck pasture ^{for horses}
3-4 acres

above cabin
along fence - old ditch
grassed up by '37

deciding before they were
there in '37

used canals to divert water to run to irrigate pasture -

pasture was there before
of also ditches - they adopted
them & used the ditches

RT - quaking aspen
"quady" - RT - dad built
spring house -

posture of ditches were done before '37 - they used it

Gary Scott Becker

full

lush grass all way to
pond
used to fish from stream

old cabin - across from
Spring house - Dad wanted
to make a permanent house

near west 75

near coral - garden

bypass from creek to water
garden.

used seep from across
road west 7 road to
divert of water to

Gary Scott Baecher

Remember
to W Head

Winters
Head

irrigation from
reservoir to fields
below

headgate used for
irrigation -



9 pipe

late 40's & early 50's

they were in high school

RT left in 50

Canyon ~~but~~ livestock
midlife, when they
came '30's

stock evidence before
Moran / Butram
had run stock
up canyon & had

Gary Scott Brecken

When they came, presume
Heads —

Floyd, Jesse, Wurlley
Heads — Doory

homestead before the '80's
Doory — came in ^{June 3} 28 or 29
married ^{June 30} 28,

RT born in '29

stock water

Sheep for heads
could have used reservoir
to drink — 1 day — then back up
wt —

wheat planted bet. road
& creek

Sheep from over hill
higher side — fringed wheat
field — late '30's — bet 37-39
Basque —

Gary Scott Boecker

NOTES FROM CONVERSATIONS WITH LEE FROST,
7/7/01 AND 10/13/00

I affirm that these notes, made during a visit with Conservation Officer Lee Grosh on 7/7/01 during his visit with us at 'Spirit-Woman Ranch' in Slaughterhouse Gulch, are accurate recordings of his words.

Gary Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

Lee Frost - 7/7/01

650' prosecution of trespassing
or spray fluorescent orange
steel fencepost
legal - fluorescent orange

Dave Cropper

Rocky mt Elk Conservancy

L-
unlike

Elk - winter range

Elk - eat aspen & willow

Fence - plotted subdiv.
42" top rail 16" off ground
can build what want
if not in subdivision

Jay Scott Boecker

fence -
would not be a problem

lean-to not too necessary
they would use

no permit needed for lean-to

never lost this stream

fire -

domestic livestock trample
stream - trample side up
shallow - Bill feed habitat

J. Faulkner

has movable water

sharp sheep feet break up
soil on hillside - vegetation

Jay Scott Becker

part of interview

Lee - Pond

root willows / plants
below water line

plant around edge of pond

buffer vegetation

sponges - filters bad stuff
in soil

- noxious weed control
eliminate some noxious

great Basin wild rye

- badgers > kill on dogs
beaver

rattlesnake -

Western Prairie rattlesnake

gopher snake - King

rubber boa - painted head & tail

Gay Scott Brecken

part of review 7/7/01

I affirm that these two pages
of notes were made during a telephone
conversation with Conservation Officer
Lee Frost on 10/13/00 and are accurate
in representing his words.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg

Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

See + more

10/1/2008

4) Slaughterhouse
playground
traffic lye in
snowmachine

Hunting

deer & elk
a little bird

Oct 5 - 31st deer

elk
controlled - lottery

Cow elk Oct 5 - Oct 31

bull Sunday 2 week

late cow hunt Nov 10 & 30

not dangerous to be up there then

vandalism - potential
snowmachine

water trough - dig out - gravity feed - run it down
Stock water

Plany & Faulkner epitomize
interesting

more &
much easier

1890
before Statehood
;

Gary Scott Brecher

Lee Frost - Conservation Officer
(208) 788-2746
fish & game

inters a lot of Elk

~~Fuller~~
Does not have grazing rights on our property
or he might pay to graze on the property -
or we can allow continued trespass
so he grazing it as he passes over it is the death
or is he staying there - overgrazing
of property

- napweed - noxious
sheep spread it
get rid of it - keep at it

- deer farms
antelope - haven't come back
summering area
blue grouse
chukker - partridge
hungarian
coyotes
crowd squirrels -

Gary Scott Brecken

**MAP OF SLAUGHTERHOUSE CANYON AND GULCH
SHOWING WILDLIFE PROTECTION OVERLAY**

AUG 11 '98 09:47PM BLAINE COUNTY

comp. 2/2



DEED FOR SALE OF LANDS, FROM
HEADS TO ARKOOSH AND ZIDAN,
SUPPORTING EVIDENCE FOR THE THEORY THAT
THE HEADS BELIEVED THEIR WATER RIGHTS
INCLUDED USE OF WATERS WITHIN THEIR LANDS,
INCLUDING OUR PROPERTY IN SLAUGHTERHOUSE

79 acres 28.00 acres, together with other lands, a portion of lands held and retained by the Grantors on which said water has been applied for irrigation.

The Grantors, as part of the consideration of the execution of this deed, reserve the free and uninterrupted use of waters of Slaughter House Creek and tributaries, in Blaine County, Idaho, to be by them their heirs at law and successors in interest, the full and uninterrupted use thereof, and the full and uninterrupted use of ditches, laterals and laterals in the conveyance of said water from said point of diversion to

#131671
189/514
12.30.1968

Filed for record at the request of G. R. Sheldahl at 3:15 o'clock P.M., December 28, 1968.

George F. McCoy, Co-Officer Recorder
By: Marcel Barber, Deputy

No. 131655

WARRANTY DEED

JOHN S. FELDMEIER, ET UX TO RICH A. CUMMINGS, ET UX

For Value Received JOHN S. FELDMEIER and GLADYS L. FELDMEIER, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto RICH A. CUMMINGS and WILHELM B. CUMMINGS, husband and wife, of 1730 Olive Avenue, Santa Barbara, California, the grantee, the following described premises, in Blaine County Idaho, to-wit:

Lots 3 and 5 in Block 2 of Eagle Creek Meadows Subdivision, Blaine County, State of Idaho, according to the official plat thereof on file in the office of the County Recorder of Blaine County Idaho. It is understood by and between the parties hereto that the above described property is subject to the following restrictions:

- No commercial use of any lot, for residential purposes only.
- No structures of temporary character. No trailers, tents or shacks.
- Valuation of building must exceed \$9,000.00.
- No livestock permitted other than riding horses and household pets.
- Seepage disposal shall be through septic tank and acceptable drain field.

TO HAVE AND TO HOLD the said premises with their appurtenances unto the said Grantee their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises, that they are free from all incumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: October 4, 1968.

John S. Feldmeier

Gladys L. Feldmeier

STATE OF IDAHO, COUNTY OF TWIN FALLS

On this tenth day of Oct., 1968, before me, a notary public in and for said State, personally appeared JOHN S. FELDMEIER and GLADYS L. FELDMEIER, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

(SEAL)

Belton McCallie
Notary Public
Residing at Twin Falls, Idaho
Comm. Expires - - -

Filed for record at the request of Land Title Warranty Company at 2:45 o'clock P.M., December 27, 1968.

George F. McCoy, Co-Officer Recorder

By: Marcel Barber, Deputy

No. 131671

WARRANTY DEED

W. H. HEAD, ET UX TO ARTHUR & ZIDAR, INC.

For Value Received, W. H. HEAD and VERA H. HEAD, husband and wife, the grantors, do hereby grant, bargain, sell and convey unto ARTHUR & ZIDAR, Inc., an Idaho corporation, the grantee, the following described premises, to-wit:

Township 2 North, Range 19 East, T12N, R19E, W12E, BLAINE COUNTY, IDAHO

Section 4: 5 1/2 SE 1/4, NW 1/4, NE 1/4

Section 5: SE 1/4

Section 7: SE 1/4

Section 8: SE 1/4, NE 1/4, NW 1/4

Section 9: NE 1/4, NW 1/4, SE 1/4, NW 1/4

Section 10: NW 1/4, NE 1/4, NW 1/4, NW 1/4

189/514

Head

546

grantee all the coal and minerals in the lands so entered and patented, together with the right to transport coal, lime, and gravel the same pursuant to the provisions and limitations of the Act of November 20, 1918 [39 Stat. 882]."

Observations in United States Patents recorded in Dred Book 97 are pages, 518 and 519 and 513 and 1 in Dred Book 52, Page 1; records of Staines County, Idaho, vesting "subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to discharge 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 discharge or disposal of water by the authority of the United States.

Power Line Easement from V. M. Reed and Viola M. Reed, his wife, to Idaho Power Company, dated November 26, 1934, recorded November 24, 1935 in Book 168 of Deeds, page 617, granting easement over and across the subject Sec. 36, Township 2 North, Range 10 East, Boise Meridian, lying East of the Railways Village Platteau, Boise, Idaho.

This deed of conveyance is ALSO SUBJECT TO
the reservation by the grantors of all water rights, reserving to the Grantees as provided in Water
License No. 3217 of the State of Idaho, dated the 8th day of October, 1903, and duly recorded in the Office
of the County Recorder of Blaine County, Idaho, relating to the Grantees 1.5 cubic feet per acre of the
waters of Slaughterhouse Creek and tributaries, in the County of Blaine and State of Idaho, or so much
thereof as may be necessary for the purposes of irrigation of all of Block 69 of Bellview Township, Blaine
County, Idaho, according to the official plat thereof on file in the Office of the County Recorder of Blaine
County, Idaho, and all other portions of the ~~SE¹~~¹/₄, Sec. 33 and Lots 1 and 2, & Sec. 34, Twp. 2 N., R. 10 E.,
~~N¹~~¹/₄, and Lots 3 and 4, ~~NE¹~~¹/₄, SE¹/₄, NE¹/₄, NE¹/₄, NE¹/₄, Sec. 35, and ~~NE¹~~¹/₄, SE¹/₄, NE¹/₄, NE¹/₄, NE¹/₄,
~~NE¹~~¹/₄, NW¹/₄, Sec. 37, Twp. 2 N., R. 10 E., N.E. and by notes and brands now follows:

[illegible]

Said irrigation water to be diverted about 1/2 mile N.W. from the N.W. Corner of Sec. 20, T. 2 N., R. 19 E., N.W. and conducted to and upon 75 acres. Acreages follow:

19 E., N.W., and conducted to and upon 75 acres. Acreages follow:

75 acres in NE1/4, 75 acres in NE2/4, 20 acres in NE3/4 and 30 acres in NE1/2, all in Sec. 30, T. 2 N., R. 19 E., N.W. together with other lands, or portions of lands held and retained by the Grantors.

The following acreages have been allotted for irrigation.

The Defendants, as part of the consideration of the execution of this deed, receive the free and undisturbed use of waters of Slaughter House Creek and tributaries, in Blaine County, Idaho, to be by them used hereafter at law and otherwise in interest. The full and uninterrupted use thereof, and the full and uninterrupted use of ditches, laterals and canals in the conveyance of said water from said point of diversion to

Water License \$317 1909
also
retention of water rights
1.5 cubic feet per second
of waters of Slaughterhouse Creek
for irrigation of Belleme

water to be diverted to 75 acres
in such 30
sloughs and creeks
reserved to heirs of Head?
use of waters of 1969

Filed for record at the request of G. R. Enoelund at 2:10 o'clock P.M., December 26, 1958.

George F. McKay, Ex-Officio Recorder
By Hazel Barber, Deputy

No. 131833

WARRANT 2000

ALVIN S. FELDMAN, ET AL TO HUGH A. CONNORIAN, ET AL

... wanted his wife, the printer, to have

NOTARIZED TESTIMONY OF BILL KARST

Bill Karst of Bellevue, Idaho, has had knowledge of what is now the Boeckers' Slaughterhouse Gulch land since 1966 and continuing through the present day. He has hunted and otherwise visited the canyon area throughout these years, and in the past several years he has worked with the Boeckers on making improvements to their property. He testifies to the stock water use and wildlife watering use of the creek, and of the pond/reservoir.

Bill says that throughout the years and over the decades from 1966 on, sheep and also horses have used the creek and the reservoir as a source of water. That part of the canyon has historically been used for sheep ranching and the enterprises that go with it.

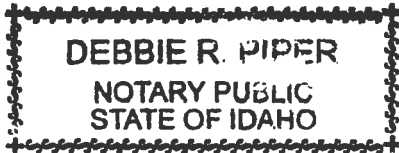
Bill Karst is also familiar with the many varieties of wildlife that have used the creek and reservoir for water. He has seen ducks, deer, antelope, sage hens, and elk, during various seasons and throughout the years, on the property now owned by the Boeckers.

Bill Karst 9/23/03

ACKNOWLEDGMENT

State of Idaho
County of Blaire

On this 23 day of September, 2003, Buekars personally appeared before me,
☒ who is personally known to me,
____ whose identity I verified on the basis of _____,
____ whose identity I verified on the oath/affirmation of _____,
a credible witness,
to be the signer of the foregoing document, and he/she acknowledged that he/she signed it.



[Signature]
Notary Public

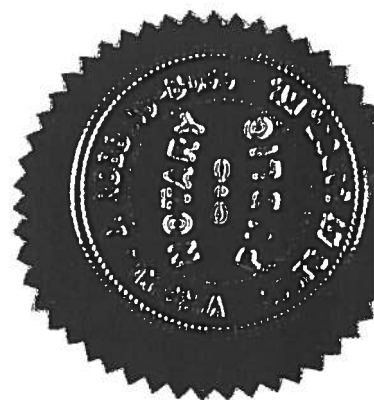
My Commission Expires: 12-01-06

Attribution Clause: This Certificate is prepared for, and exclusively belongs to, the accompanying document entitled
Knowledge of Boeckers Skunkhouse which consists of one page(s) and is dated 9/23/03.
If this Certificate is appropriated to any document other than the one described herein, it shall be deemed null and void.

NOTES FROM CONVERSATION WITH JOHN
FAULKNER REGARDING USE OF WATER FOR
IRRIGATION AND STOCK WATERING

I affirm that these two pages
of notes were made immediately following
my conversation with John Faulkner
at 'Spirit - Woman Ranch' in Slaughterhouse
Gulch on 7/2/03 and are accurate in
recording his words.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

7/24/05
Wednesday
2:55 pm

John Faulkner has just been here, moving the sheep wagon up above our property. We discussed the water in the Canyon, which he pipes in for his sheep and which bubbles up from the pipes in the lower Canyon on Greenwood property, and which his pipes convey to the trough he has positioned in the side canyons on BLM land. He has water rights grandfathered in, he says, & rights that come with his grazing rights. No one buying Greenwood land to develop can use his pipes or his water - they would have to drill wells. No creek in the Greenwood end of our pond of now flows from the Canyon into the lower Canyon, he says. Arkosh of owners before them & our property used to irrigate this acreage - from the creek & the pond until Arkosh

left & the bank took the
land.

John thinks we actually could
just dig out one pond with
no problem - you have a right,
he says, to a 10' dam, and
we would not be disturbing
anyone else's water, he says.
JLB

Gay Ann Becker

NOTES FROM CONVERSATION WITH MITCH
ARKOOSH REGARDING USE OF WATER FOR
IRRIGATION DURING YEARS HIS FATHER OWNED
THE LAND FOR A SHEEP RANCHING ENTERPRISE

7/21/01

Mitch Hikosch - remembers
Pond - 72 there
Dad - Geo - Arkosh - sheep - mid 60's
* Boyds - bar - irrigated
- 3 sites
- head gate used to be there
- water rights - it should be - he
doesn't know of anyone filing H2O rights
John Falchner
Hikosch - put in dam - probably
rights

Sunday 22nd 15 miles N Ketchum
Night 1/4 = 1/2 mile Baker Creek Rd
Left on Baker Creek →
- Newman Creek - turn right
past 3 houses road to right
a 1/4 mile to camp for
lamb chops.

Donald Vaux Boecker
Donald Vaux Boecker
12/27/03

State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

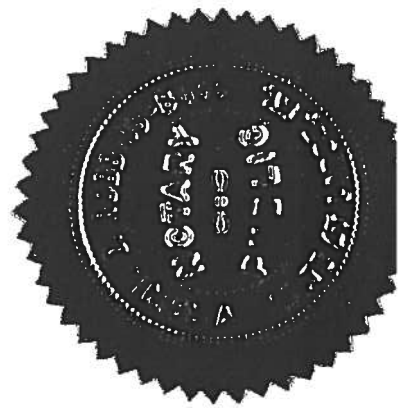
Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04



NOTES FROM VARIOUS CONVERSATIONS, HELD
OVER A THREE AND A HALF YEAR PERIOD, WITH
DONNA AND WALT COCHRAN.

I affirm that these two pages
of notes were made immediately
following my conversation with her
in front of the post office on Pine
Street in Bellevue, Idaho, on 8/8/03
and are accurate in presenting
her words.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

Donna Cochran, page 1
Conversation in front of Post Office in Bellevue
on 8/8/03. Contemporaneous notes

8/8/03

Donna Cochran

She & Walt lived in
Mouth of Cn on 84-88
working for Boyd,
Cattle Rancher.

His cowboy used
water from pond
to irrigate into canals
below pond

Water would not come
down the canyon to
his property, so he
brought his stock up
to the canals & pond to
drink. Used flood
irrigation: attached
boards to tarp - put
across ditch to dam
water & then flood
the fields below the
pond. Not his land.

Maybe Arkook.

Arkook had sheep
who used pond irrigation
& of water.

Donna says Berber got
flood gate open in late 80's
to let water out into ditch.

Gary Scott Beecher

Donna Cochran, Bellevue, Idaho
conversation in front of the post office
8/8/03 pg. 2

to irrigate so sheep
could drink.

Always arguments
over water. Donna
told herder to stop
using canyon floor for
his sheep. They were
taking all the grass
she needed for Boyd's
cows. Herder moved
sheep up mt.

Boyd & Boyce (Coyote)
died & land was sold.
When Mark Aches owned
it herders moved
back in & used pond.

Guy Scott Cochran

I affirm that this page of notes
was recorded contemporaneously from
a conversation with Walt and Donna
Cochran in Bellevue, Idaho, on 7/19/01,
and accurately represents their
information.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this th 27 day of December 2003.

Virginia D. Robbins-Bugg
Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

7-19-01 Thursday

Walt, Donna Cochran 518 N 3rd Bellevue

10's - 84

788-3572

- Worley Head - Dennis father -

Dennis Head 3 Buldorn Canyon Rd
mesquite

788-4123

(John) Judge

720-0

Chair link

Main St.

8

7-19 Linda - arrive Aug 19 - leaving on 18
Knot Hill Inn - 5 miles

✓ Dennis Head thinks he still owns water rights

Boyd - bought property -

foreclosed on Head property

Jinker Liebenratt -

water rights - (water master)

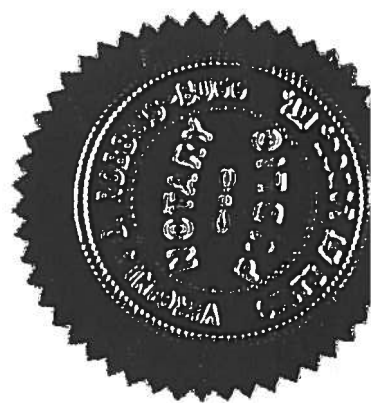
10964 Hwy 75 Bellevue

788-2506

Jay Sant Becker

I affirm that these two pages of notes are a portion of the notes I took during conversations with Donna Cochran and Walt Cochran in the fall of 2000, by telephone, and are accurate in recording their words.

Gay Scott Boecker 12/27/03
GAY SCOTT BOECKER



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

Walt & Donna Cochran - Fall 2000 - partial

Dept. of Environmental Quality, Twin Falls
ask about water quality

Just 9 Grm. Regional office
James 1 Fish Cochran - regarding duck
Jerome -
(208) 324-4359

Walt Cochran - knows about the canyon & has seen
avalanches (what about flood of his time)
(Ed Lynt referred us to him)

208) 788-3572 Bellevue

1pm (6) 2 trailers - used to take care of cows
5 acres - 2 old pump house - 172 bet. cattle guard -
porch could watch

Antelope, Coyote - Eagle -

84-87

side canyon was where aval
imped one cattle guard
near pond - canyon to left & they left

Frank Swanner - mining expert
(208) 726-4226 - Warm Spring Rd.
Ketchum

water iron in well - had water
tested - lots of animals
lots of iron

grandson said there was elk
daughter lived in trailer
elk on hillside - they did not
have wildlife - they had avalanches
she liked it - quiet -
'hunting' in season - but they are good
her land ^{Deer} Deer Head

Larry Boyd - they rented from him
owned 172 acres

- She doesn't care for Vivian Davis - she'll screw me up -
- Hills belonged to Atkinson - back -

(X) (noting) - Road cannot be closed - ~~originally~~ originally a slaughterhouse
she cleared for one of the fields. Road has been used
It is an established road on maps.
Her husband works for Comm. for Public Access
* nothing left of slaughterhouse -

Donna Cochran

Mrs. Cochran 84's
avalanches + one at cattle gate or near
several roads to front - spotted her to
go by the mt. P 2

Madge Head - Head family - 87 now
hard looking

Came in Virginia -
to talk to her next summer

avalanches were further back - Canyon to ~~front~~
left of track fence line & cattle guard
'86.

living - once in a while.

Fast Cochran - works at assessors office {ask for him}
has been there for 36 years -

roadfront Road - Hollywood Producers -
paddocked gate - old mine - owners wanted
to get to it - gate paddocked - Cyn public access
said road had been there a long time
Bellman used to grade road all way
up beyond Achers on up -
She never a countrying work on road -

Sheep graze - Pond used to be best fishing pond

up ~~water~~ gate open
Pond now filled - Sediment has plugged it up
some bear had 3 hybrid wolves ~~multidisc~~
Lower roadfront people and female wolves
killed the hybrid for killing
also killing sheep on
Jacket Road

Jan Kent Boecher

COMPLETE NOTES FROM A CONVERSATION WITH
MARK ACKER, DVM, FROM WHICH HIS SWORN
TESTIMONY WAS TAKEN.

I affirm that these two pages
of notes were made during a
telephone conversation on 11/9/03 with
Mark Acher, DVM, and are
accurate in representing his words.

Gay Scott Boecker
GAY SCOTT BOECKER

12/27/03



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia Robbins-Bugg
Notary Public

Virginia D. Robbins-Bugg

My Commission expires on 01/19/04

Mark Achon 11/9/03

Mark

84 - Bellevue walked out Canyon

90 - punch

Arkness near upper end of property -
sheep corral
packed wagon -
watered sheep in pond &
along creek

water contained in reservoir
did not proceed below property
below the property. used on so acres
to water the sheep?

every year - ran sheep through but kept
wagon camp here

kept sheep camp wagon
moved through -

after alex moved land
sheep moved to be
and moved through after moved

home of contention w/ Faulkner

Faulkner kept sheep camp wagon there
of killed trees

imagative out of creek to water (trees)
check dunes - logs / rocks - dam creek
dam creek

Gen. Scott Boecher

11/9/03

Mark called Ben when I came w yellow
machines
faulbner - no rights to water & no rights
to right to put pipe in -

1880-

Guy Scott Becker

NOTARIZED TESTIMONY OF MARK ACKER

98

The following notes were made during a telephone interview on Sunday, November 9, 2003, with Dr. Mark Acker, the co-owner of the 80 acres in Slaughterhouse Gulch now owned by Don and Gay Boecker. Mark Acker and Nancy Kern owned this acreage from approximately 1990 until selling it to the Boeckers in 2000.

With regard to the use of the water in Slaughterhouse Creek and/or the use of the water in the pond/reservoir on the property acreage I owned, now owned by the Boeckers:

I came to Bellevue in 1984 and was a frequent visitor to the canyon from then on. During those years before I bought the property from the bank in 1990, I can attest that it was used for sheep ranching, with the waters being used for watering the stock that would naturally accompany such an undertaking.

The sheep were watered in the pond and along the creek on what is now the Boeckers's property. They were watered there because the waters of the creek stopped at the pond: no water flowed south of that reservoir, and so at that time that was the southern-most available stock water.

By the time I began visiting the canyon in 1984, (and presumably prior to my knowledge of the canyon, although I cannot attest to that under oath), the sheep wagons and the sheep camp were kept each spring near the old sheep corral on the property. Every year the sheep were brought in to graze during the season, and the waters were used for the stock during each migration.

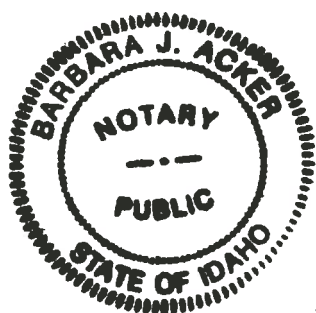
After I bought the property and during the 10 years I owned it, the sheep bands, now owned by John Faulkner, continued to use the property and to go to the creek and the reservoir for water. This became a bone of contention between John Faulkner and me, because Faulkner's herders continued to keep the sheep wagons in the traditional place, now on land I owned. What concerned me most was that his sheep ate at the trees I had planted along the bank of the stream, damaging them and killing some of them.

In our attempt to get trees to grow on our acreage, Nancy and I built check dams in the creek on our property north of the pond. We made these by using logs and rocks to dam up the creek to raise the water. We used this form of irrigation during the decade of the 1990's to irrigate the trees we had planted near the stream.

Late in the 1990's, to provide water for his stock, the sheep owner had a series of pipes laid under the road that runs through the acreage I owned. He tapped into the spring up in the mountains beyond our land, and ran the pipes down the canyon to sheep troughs he put in on BLM land on which he held the grazing rights. And he also ran his pipes

further on down into the canyon valley on land owned then by a man named Brennan. This gave the sheep water to drink as they moved up and down the canyon and along the canyon sides. It also made it look like Brennan had water flowing naturally on his land, which he did not. My suspicion always was that Brennan wanted to claim a 'beneficial use' of the water in this way.

M. K. E. Acker
11-12-03



Barbara - Acker
Hailey ID 83333

Exp. 12/4/07

NOTARIZED TESTIMONY OF DONALD V. BOECKER

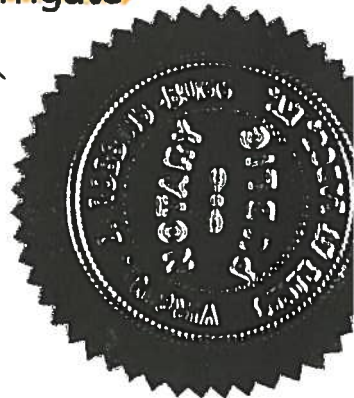
In the summer of 2001, I turned the old sheep corral into a corral/pasture for our horses. With the help of Faulkner's sheep herder, Jaime Chara, I removed the old sheep wire and installed a solar-powered, electrified ribbon fence.

I expanded the pasture across the creek and around the willows which grow at the edge of the creek. This expansion allows the horses to get to the creek to drink and is a stock-watering use of the Slaughterhouse Creek waters in an area north of the pond, toward the north end of our property and near where the old buck pasture must have been.

With the help of Tom Boschele from Bellevue, a diversion was dug in the flow of the creek to broaden the creek for a very short distance and to let it flow into a small pool in the corral/pasture so that the horses could more easily drink from the creek. This may be a form of diversion irrigation.

I needed to bring irrigation water from the creek to the pasture to water the grass for the horses. I purchased a 1/2 horsepower Briggs and Stratton gasoline centrifugal pump for watering the pasture. By positioning the pump in the creek flow and running 3 hoses out of the pump and into the pasture, I was able to devise a sprinkler system to irrigate the horse pasture.

Donald Vaux Beecker
Donald Vaux Beecker
12/27/03



State of Kentucky
County of Boyle

Subscribed and sworn to me this 27th day of December 2003.

Virginia D. Robbins-Bugg
Notary Public
Virginia D. Robbins-Bugg
My Commission expires on 01/19/04

Dear John,

Here are copies of photos from the ranch. Next spring we hope the reservoir will be full of creek water.

Please show these photos to Corey. I'm sending him photos of the reservoir overflow channel excavation for his files. I will send Larry Blane a copy of this photo page.

Please give our best to Kelly Christensen. I am waiting for a few more signatures on Testimonies about the stock watering and irrigation uses of water over the decades on our land, and then I will put together a package for you all to support our water rights' application.

Please keep in touch. All our best — and gratitude for your help, Jay and Don

10/14/03

winter phone
(381) 475-1526

RECEIVED

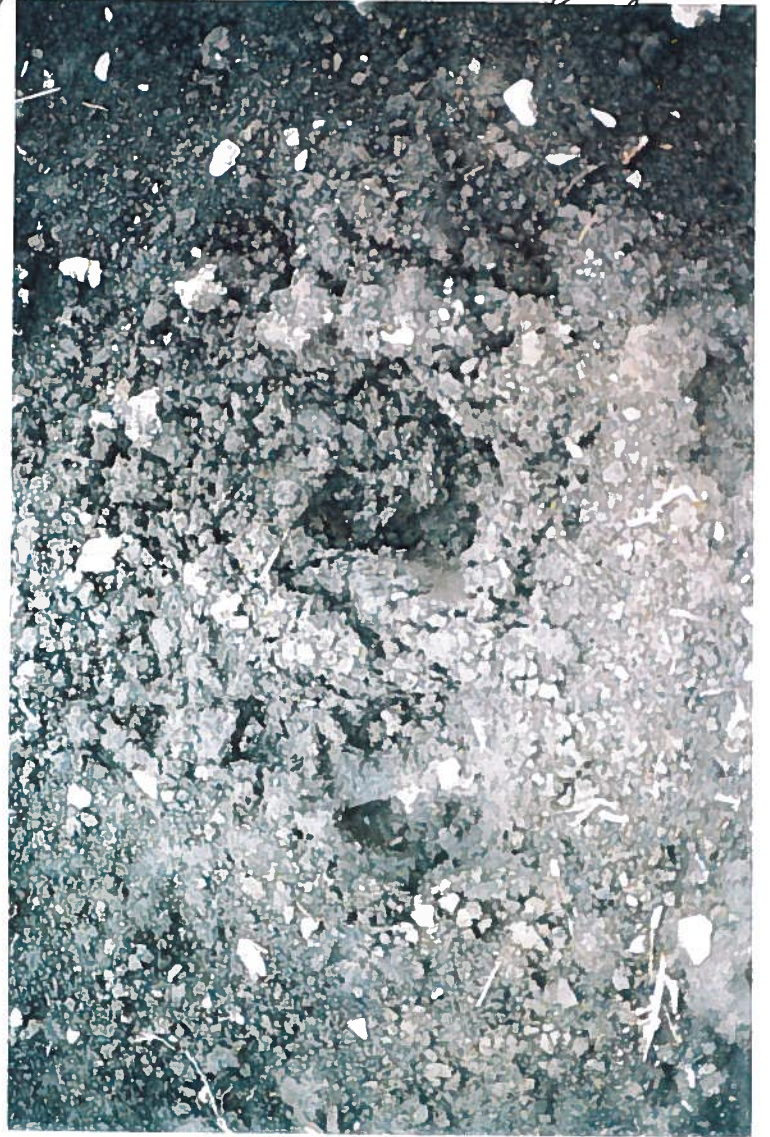
OCT 20 2003

Department of Water Resources
Southern Region

Spur - Womaz Ranch, Beaumont area, near Womaz, Texas. Excavation project
Conservation / Habitat Enhancement Project



RV pad with new firebreak turning from reservoir/pond silt. New horse pasture area south of dam. Shovel of overflow channel west of dam



Large deer and elk hoof prints in new mud of pond. 9/9/03



Reservoir/pond after excavation of 3' of silt. One acre of open water. Shows fill used to close old road areas, and new road (2002) just north of RV pad.



September 9, 2003. Don, looking at water collecting in clay-based soil of excavated pond bed.



Wildflower term flashing. RV pad. New fill beyond and newly excavated pond.

Don and Gay Boecker