

05/17/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 75-4313B

NAME AND ADDRESS: GAYLE BILBAO
PO BOX 731
SALMON ID 83467

SOURCE: NORTH FORK SALMON RIVER

TRIBUTARY: SALMON RIVER

QUANTITY: 0.550 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 04/14/1916

POINT OF DIVERSION:

T24N R21E S4 SESWSW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.550 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within LEMHI County

T24N R21E S09 NWNW 18.50 T24N R21E S09 SWNW 14.50

STOCKWATER same as IRRIGATION

33 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

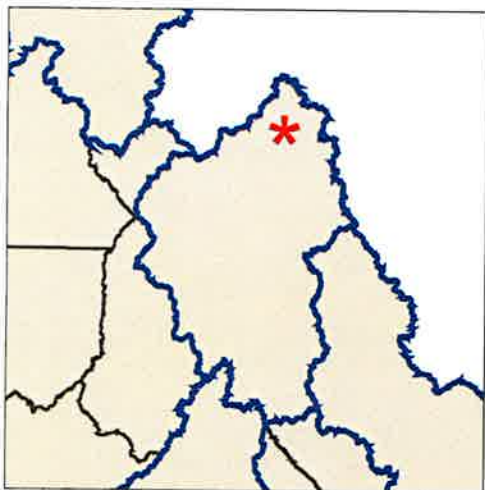
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Idaho Department of Water Resources



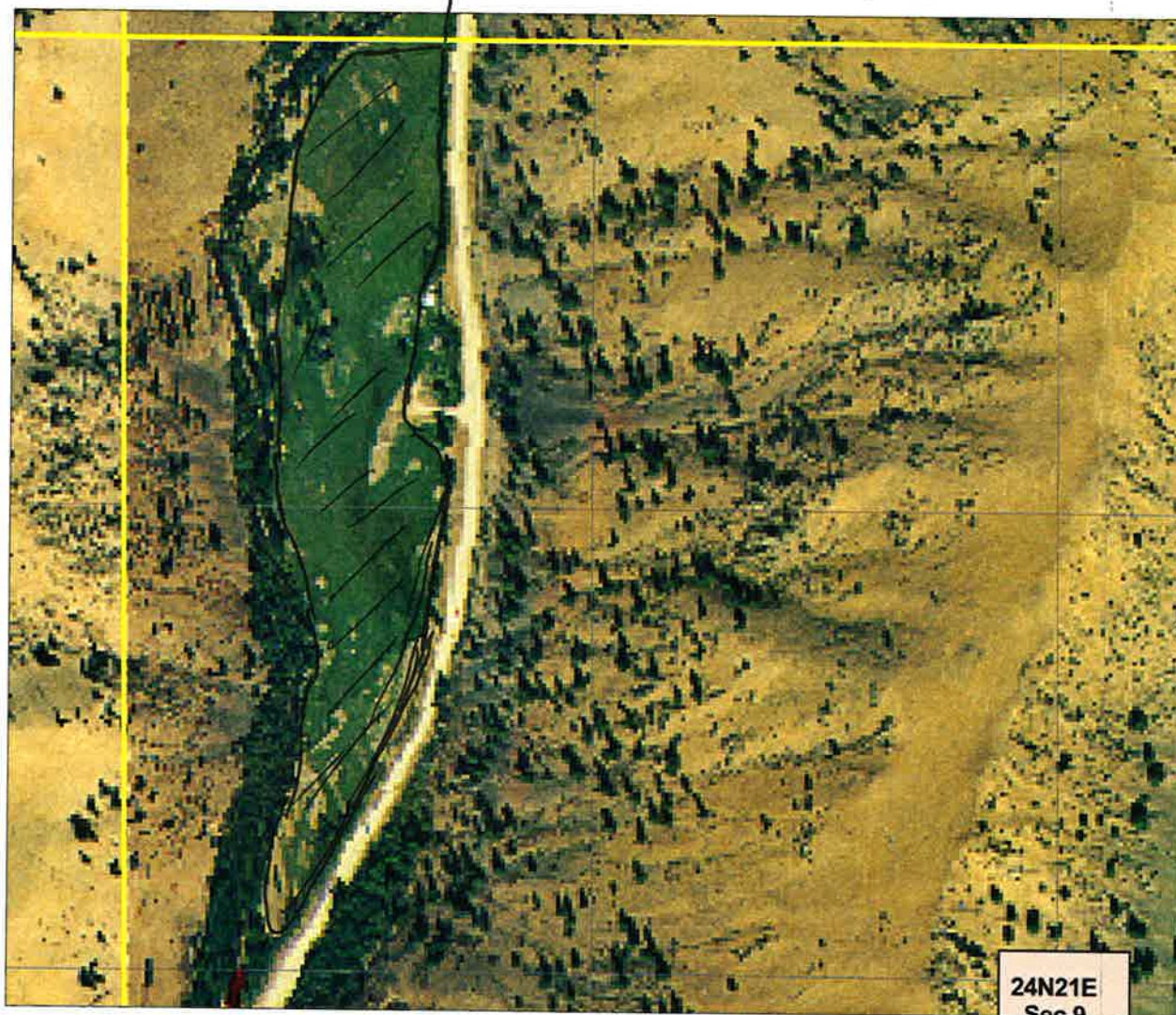
Adjudication Claim Number:

75-4313 B



Legend

-  Section Lines
-  24N21E GCDB



0 0.2 0.4 Miles

A scale bar with markings for 0, 0.2, and 0.4 miles.

Prepared by M. Van Bussum
On Wednesday, May 11, 2005
1991 Aerial Photography

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
ADJUDICATION SECTION
CLAIM VERIFICATION FIELD EXAM SHEET
(Use with the ECVR)**

CLAIM NO(s).

A75-04313B

1. ☒ No Change NAME IS SAME
☐ NEW OWNER: _____
☒ No Change ADDRESS
☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed evidence submitted
☐ Incomplete - Claimant should be asked during the exam when was water first used and submit proof of date of priority.

Priority date, per claimant, is: _____

(If the priority date, based on your exam, seems questionable, explain below.)

3. ☒ No Change — SAME SOURCE
☐ Source is different than that claimed:

Source found: _____

4. ☐ No Change — POINT OF DIVERSION GPS 057
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0014980

Township _____	Range _____	Section _____	1/4 _____	1/4 _____	1/4 _____
Township _____	Range _____	Section _____	1/4 _____	1/4 _____	1/4 _____

5. ☒ No Change - DESCRIPTION OF DIVERTING WORKS
☐ Incomplete description, list below:

6. ☒ No Change - WATER USES
☐ Different uses, (list uses found):

Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____
Use _____	From _____	To _____	Amount _____	CFS _____	AFA _____

7. ☐ No Change - TOTAL VOLUME

☐ Incomplete on claim, the total is, Amount _____ CFS _____ AFA _____

☐ Changes found, the new total is, Amount _____ CFS _____ AFA _____

8. ☒ No Change - NON-IRRIGATION USES:

☐ Changes Exam found:

Domestic # of homes: _____ Stock # _____ List types: _____

Additional comments: _____

9. ☒ No Change — PLACE OF USE: (If changed, list below.)

Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____
Use: _____	Township _____	Range _____	Section _____	1/4 _____	1/4 _____

Remarks: (Comments pertinent to field examination) ☐ See additional attachment

☐ SYSTEM DIAGRAM INCLUDED ☐ NA

☐ Shown on GIS Layout

☐ CK IF IN OFFICE EXAM

DATE EXAM CONDUCTED: _____

FIELD EXAMINER:

Print Name

Jack F. Ellis

Signature



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

RECEIVED

JUL 26 2005

DEPARTMENT OF
WATER RESOURCES

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-04313B

GAYLE BILBAO

PO BOX 731

SALMON ID 83467

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

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

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

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

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

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

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

SCANNED

JUL 26 2005

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-4313B

WATER RIGHT NUMBER: 75-4313B

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

Priority Date: 04/14/1916

Basis: Beneficial Use

Status: Active

Source

NORTH FORK SALMON RIVER

Tributary

SALMON RIVER

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

Location of Point(s) of DiversionNORTH FORK SALMON RIVER
LEMHI County

SE1/4SW1/4SW1/4

Sec. 4, Twp 24N, Rge 21E, B.M.

Place of UseIRRIGATION Within LEMHI County

T24N R21E S09 NWNW 18.5 T24N R21E S09 SWNW 14.5

Total Acres: 33

STOCKWATER same as IRRIGATIONConditions of Approval:

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

Remarks:

RECEIVED
JUL 26 2005
DEPARTMENT OF
WATER RESOURCES

SCANNED

JUL 26 2005

4-196.
DEPARTMENT OF THE INTERIOR
UNITED STATES LAND OFFICE Hailey, Idaho.

Serial No. 06708
Receipt No. 1144116

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

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

April 12, 1913, 19----

IT IS HEREBY CERTIFIED that, pursuant to the provisions of Section 2291, Revised Statutes of the United States, Edward J. Roske, North Fork, Idaho, has made payment in full for W. E. W. NW 1/4, E. W. W. NW 1/4, sec. 9. E. W. W. SW 1/4, W. SE 1/4 SW 1/4, NE 1/4 SW 1/4, E. NW 1/4, N. NW 1/4 SW 1/4, SW 1/4 NW 1/4 SW 1/4, NW 1/4 SW 1/4 NE 1/4 SW 1/4, Section 4 Township 24 North, Range 21 East, Boise Meridian, containing 105 acres.

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

P. F. Horne, Register.

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

By W. W. Simmonds
Deputy.

J. L. Kirtley, Jr.
County Recorder.

Instrument No. 16758

Hailey 06927

4-1023

THE UNITED STATES OF AMERICA.

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho, has been deposited in the General Land Office, whereby it appears that full payment has been made by the claimant Joseph M. Darcy according to the provisions of the Act of Congress of April 24, 1820, entitled "An Act making further provision for the sale of the Public Lands," and the acts supplemental thereto, for the northwest quarter of the southeast quarter, the north half of the southwest quarter, and the southeast quarter of the southwest quarter of Section four in Township fourteen north of Range twenty-seven east of the Boise Meridian, Idaho, containing one hundred sixty acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor-General:

NOW KNOW YE, That the UNITED STATES OF AMERICA, in consideration of the premises, and in conformity with the several Acts of Congress in such case made and provided, HAS GIVEN AND GRANTED, and by these presents DOES GIVE AND GRANT, unto the said claimant and to the heirs of the said claimant the Tract above described; TO HAVE AND TO HOLD the same, together with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, Woodrow Wilson President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, at the City of Washington, the Eleventh day of January in the year of our Lord one thousand nine hundred and Sixteen and of the Independence of the United States the one hundred and fortieth.

SEAL.

By the President: Woodrow Wilson

By M. P. LeRoy, Secretary,

L. Q. C. Lamar,

Recorder of the General Land Office.

RECORDED: Patent Number 507233

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

BY W. W. Simmonds
Deputy

J. L. Kirtley, Jr.
County Recorder.

A75-04313B
Cayle Bilbao
claim lies
within this
description

SCANNED

III 26 2005

AFFIDAVIT OF DERROLD SLAVIN

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

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

DATED this 20 day of July, 2005.

Derrold Slavin
DERROLD SLAVIN

STATE OF IDAHO)
 : ss.
County of Lemhi)

On this 20 day of July 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared DERROLD SLAVIN, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

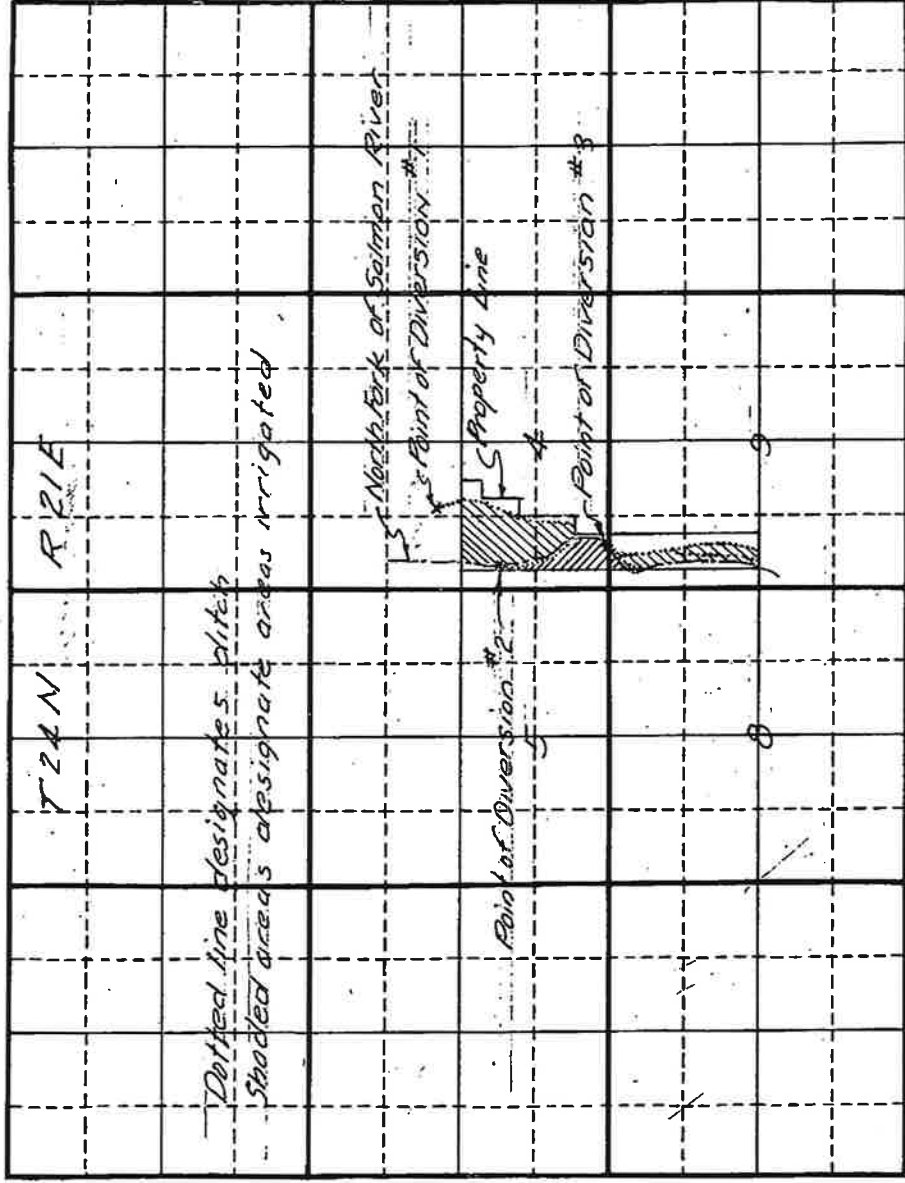


Milton A. Slavin
Notary Public for State of Idaho
Residing at Salmon, Idaho
My Commission Expires: 10/26/05

SCANNED

JUL 26 2005

(8) Remarks



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho

County of Lemhi

ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

Sworn to before me this 9th day of November

(Claimant)

1982

Notary Public
Residing at Salmon, Idaho

My commission expires

FOR DEPARTMENT USE ONLY

Exception filed by:

Received by AW Date 11-12-82
Prelim. check by Kaw Date 11-15-82
\$30.00 fee received by AW Date 11-15-82
Published in Recorder Herald
Dates 11/25 & 12/2/82

Forwarded to claimant by:

Date

32 9372

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Leitha Cunan, formerly Leitha I. Skavin
(Name of Claimant)

P.O. Box 731 Salmon, ID. 83467 Telephone No. (208) 756-3357
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows: Used date of Homestead Patent No. 524482

(1) Date of priority: (When was the water first applied to a beneficial use) April 14, 1916 Book 5 clouds pg 44

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)

North Fork of the Salmon River tributary to Salmon River

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, gpd, AFA)	Use	(Both dates inclusive)	
			(Mo., Day)	(Mo., Day)
Quantity #1 - .66 cfs	Use <u>Irrigation</u>	Period of Use From <u>4/1</u>	To <u>10/1</u>	
Quantity #2 - .58 "	Use "	Period of Use From <u>4/1</u>	To <u>10/1</u>	
Quantity #3 - .55 "	Use "	Period of Use From <u>4/1</u>	To <u>10/1</u>	
Quantity " .02 "	Use <u>Stock water</u>	Period of Use From <u>1/1</u>	To <u>12/81</u>	
Quantity	Use	Period of Use From	To	

(4) 1.81 cfs TOTAL QUANTITY USED.
(cfs, gpd, AFA)

(5) A) Point of diversion: (Location of point where water is diverted from its source)

#1 SE 1/4 NW 1/4, Sec. 4 Twp. 24N Rge. 21E B.M., County of Lemhi

Additional points of diversion: #2 NW 1/4, SW 1/4 T24N R21E (Sec 4)

#3 SW 1/4, SW 1/4 T24N R21E (Sec 4)

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Ditch 2' wide, 1' deep

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
24N	21	4									4.8	23.5	23.5						57.0
24N	21	9						18.5	16.5										35.0

No. of acres 90.0

B) If water is used for other than irrigation, fully describe that use, being as specific as possible: Stock water from the river in addition to the above irrigated areas in NW, SW and SW, SW (Sec 4) and NW, NW 9 and SW, NW (Sec 9)

NOTE: -Include here the type and number of stock watered: 100 head cattle

If you are claiming water as a member of an organization, list name of organization:

11/20/2006

**NOTICE OF ERROR
REPLY**

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: 12/13/2006

Water right number: 75-4313B

GAYLE BILBAO

PO BOX 731

SALMON ID 83467

Telephone Number: (208)756-3442

RECEIVED

DEC 15 2006

IDWR/North

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

X I AGREE with this proposed recommendation: no changes need to be made.

DATE: 11/28/06 SIGNATURE: Gayle Bilbao
Please print your name: GAYLE BILBAO

IDWR Regional Office, 7600 Mineral Drive, Suite 100, Coeur D' Alene, ID 83815, 2087622800

SCANNED ✓

JAN - 2 2006

OCT 10 2001

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: A75-04313B

Date Received: 5-11-90

Receipt No: E014443

Received By: Cal

MAY 11 1990

Department of Water Resources
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: GAYLE BILBAO
Address: P.O. BOX 731
SALMON, ID

208-756-3442

83467

2. Date of Priority: APR 14, 1916

3. Source: SALMON RIVER, NORTH FORK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
24N	21E	4	SE	SW	SW		LEMHI

5. Description of diverting works:
HEADGATE, DITCHE, FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	10/01	0.550		
STOCKWATER	01/01	12/31	0.020		

7. Total Quantity Appropriated is:
0.550 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 82.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 BEEF CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
24N	21E	9	NW	NW		IRR	18.5
			SW	NW		IRR	14.5

Section Acres 33.0

A75-04313B

Page

1

Date: 04/19/90

A7504313B



MICROFILMED
DEC 15 1992

10. Place of Use: Continued

Total Acres 33.0

11. Place of use in counties: LEMHI

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

13. Other Water Rights Used:
NONE

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF CLAIM 75-04313.

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): Gayle Bilbao Date: 5-9-90

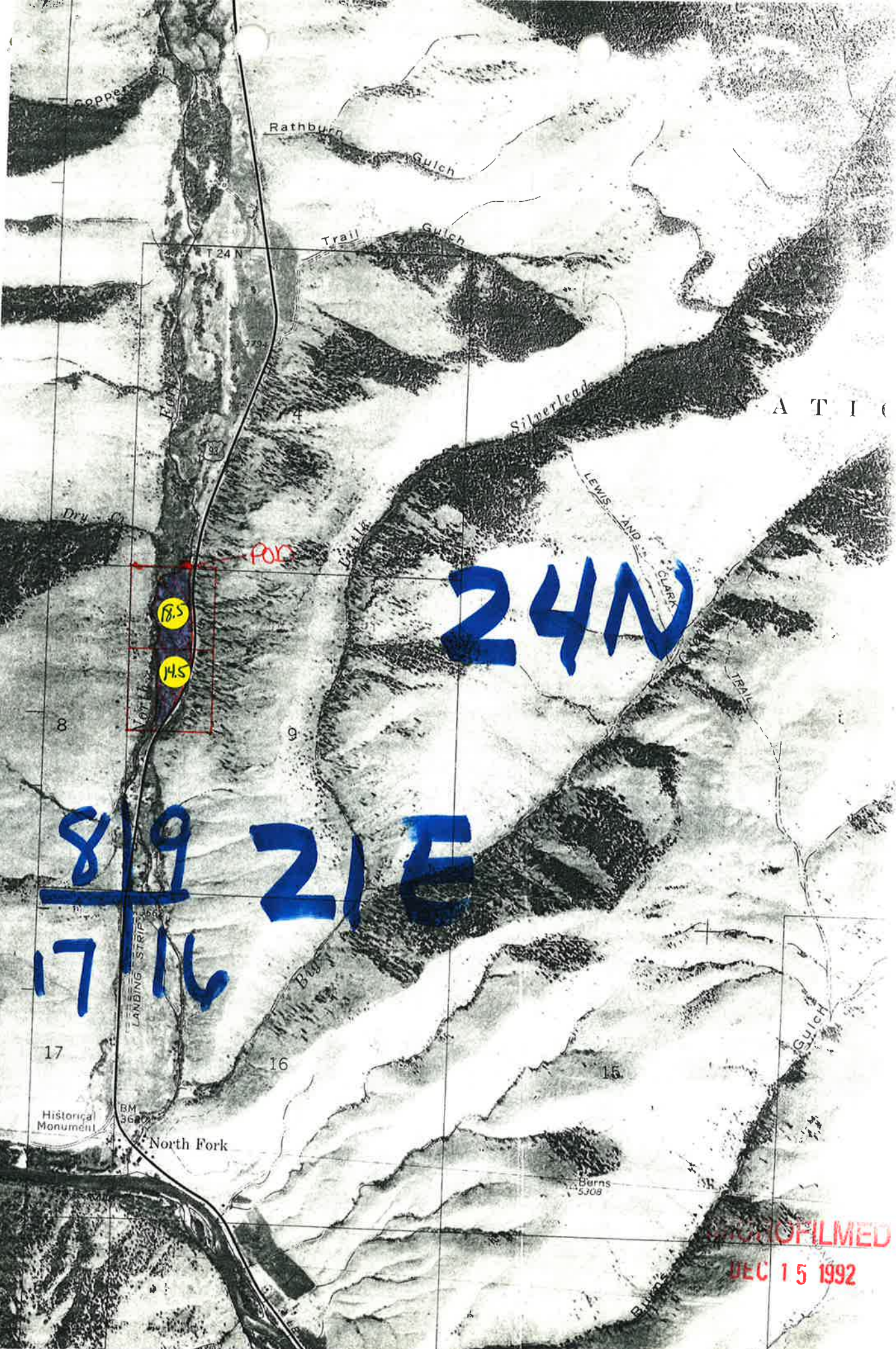
Date: _____

State of Idaho)
County of Lewiston) ss.

Subscribed and sworn (or affirmed) before me this 9TH day
of May 19 90
Seal

[Signature]
Notary Public

Residing at Saltman, Id
My Commission Expires LNE



PHOTOFILMED
DEC 15 1992