

05/17/2006

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

RIGHT NUMBER: 75-4313C
NAME AND ADDRESS: DERROLD SLAVIN
PO BOX41
CARMEN ID 83462

MADGE SLAVIN
PO BOX 41
CARMEN ID 83462

SOURCE: NORTH FORK SALMON RIVER TRIBUTARY: SALMON RIVER

QUANTITY: 0.360 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 SWNW Within LEMHI County
T25n R21E S28 SESWNW Within LEMHI County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.020 CFS
IRRIGATION	04/01 10/31	0.340 CFS

PLACE OF USE: IRRIGATION Within LEMHI County
T24N R21E S04 SWSW 17.00
STOCKWATER same as IRRIGATION
17 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

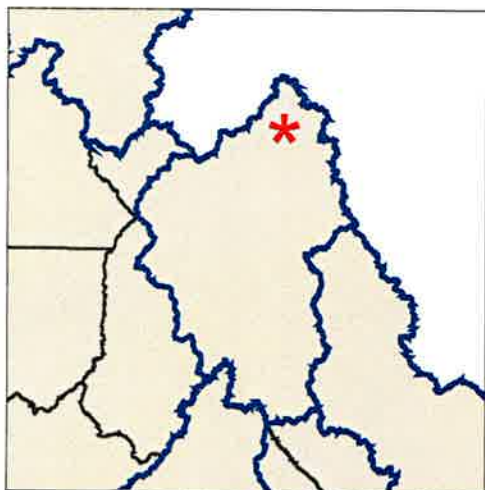
Idaho Department of Water Resources

X GPS 055



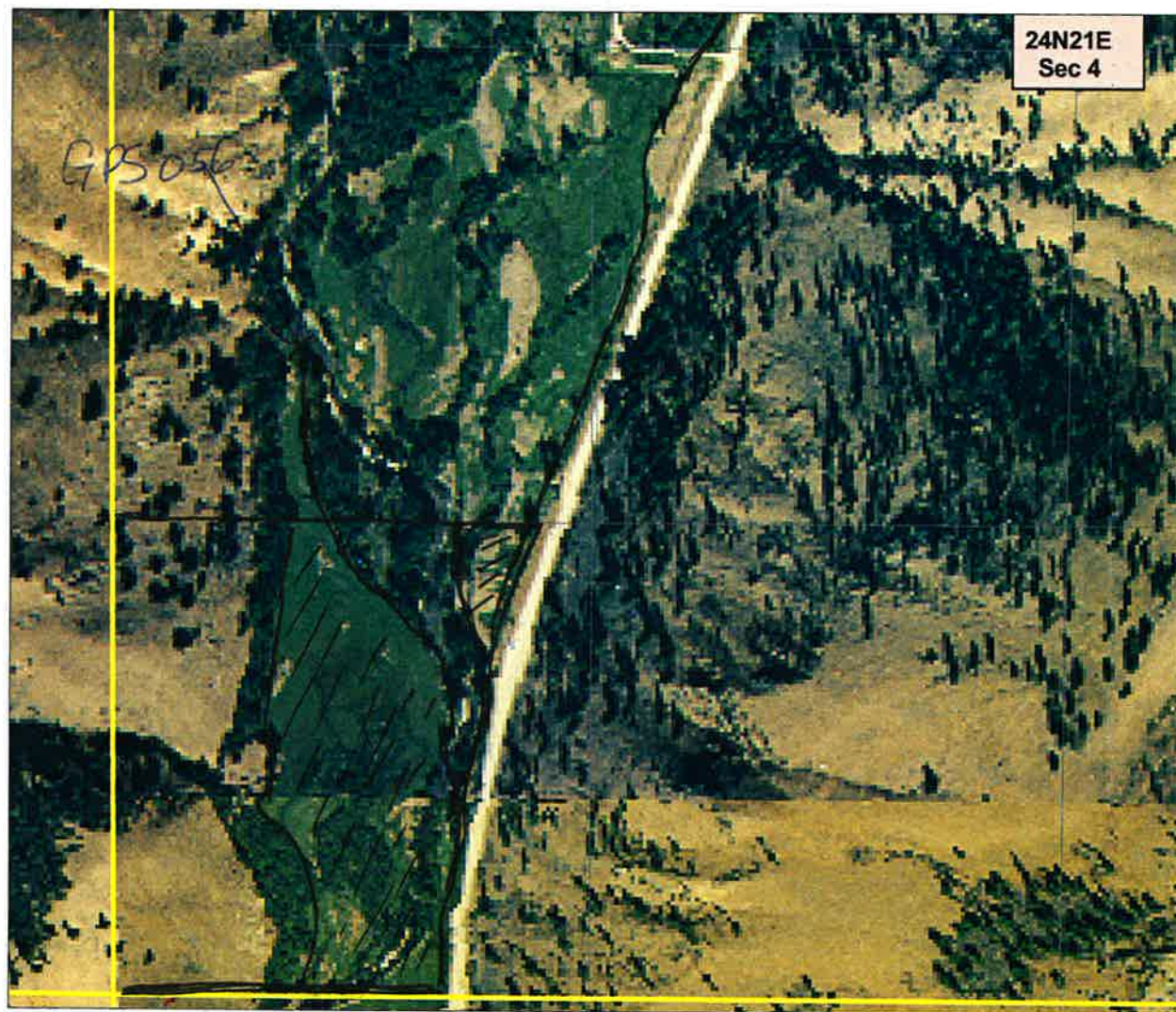
Adjudication Claim Number:

75-4313 C



Legend

- Section Lines
- 25N21E GCDB
- 24N21E GCDB



0 0.2 0.4 Miles

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

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: 75-4313C

DERROLD SLAVIN

PO BOX 41

CARMEN ID 83462

Telephone Number: (208)756-3442

MADGE SLAVIN

PO BOX 41

CARMEN ID 83462

Telephone Number: (208)756-3442

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:

12-6-06

SIGNATURE:

Derrold Slavin

Please print your name:

Derrold Slavin

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

SCANNED
DEC 11 2006

RECEIVED

DEC 03 2006

IDWR/North



State of Idaho

SCANNED

OCT 10 2001

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

April 3, 1998

LOIS CHYNOWETH & HOWARD JEFFREY
3437 WINECORK WAY
SAN JOSE CA 95124

RE: CHANGE IN OWNERSHIP FOR A75-04313A

Dear Ms. Chynoweth & Mr. Jeffrey:

The request for Change in Ownership for a portion of the above referenced Notice(s) of Claim has been processed with the new Notice(s) reflecting you as one of the claimants.

Since the Change in Ownership involved just a portion of the Notice(s) of Claim, the right was split as follows:

A75-04313C, 0.730 cfs on 33.5 acres, Slavin
A75-04313D, 0.510 cfs on 23.5 acres, Chynoweth & Jeffrey

Enclosed for your records is a typed Notice(s) reflecting your portion of the right. Review the Notice(s) and if you have other corrections or questions, please contact this office.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure

STATE OF IDAHO
IDAHO DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

RECEIVED

MAR 11 1998

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Water Right Number(s) _____
Adjudication Claim Number(s) A75-04313A
2. The following **REQUIRED** information must be submitted with this form.

A. A copy of the most recent DEED, TITLE POLICY, CONTRACT OF SALE, or other legal document indicating your ownership of the property and water rights or claims in question, WITH ATTACHED LEGAL DESCRIPTION.

AND

B. PLAT OF PROPERTY or SURVEY MAP for parcel of ten acres or less. (These are usually on file with the county.)

OR

C. For water rights or adjudication claims involving ten or more irrigated acres, a USDA Farm Service Agency (formerly ASCS) AERIAL PHOTO with irrigated acres outlined and point(s) of diversion clearly marked.

3. Name and Address of Former Owner/Claimant(s) Derrold + Madge Slavin

PO Box 41 CARMEN ID 83462

4. New Owner/Claimant(s) Lois Chynoweth OR/ Howard C. Jeffrey

Name connector (Check one): [] AND, [] OR, [X] AND/OR

New Mailing Address 3437 Wine Cork Way

City, State and ZIP Code San Jose, CA 95124

New Telephone Number (408) 288 - 7800 Ext. 345 Monday-Friday 8:00am thru 6:00pm

5. Date you acquired the property October 21, 1997

6. If you have acquired only a portion of the former owner's property, IDWR may need to split the water right(s) or adjudication claim(s). If this applies, describe in detail your portion of each water right or adjudication claim in the spaces below. If necessary, attach additional pages.

Number of acres actually irrigated 28.65 Number and type of stock _____

Diversion rate in CFS 163 cfs Number of homes _____ Other uses _____
cubic feet per second

If a water right or adjudication claim is being split and you are not sure how to identify your portion of the original right or claim, please contact the nearest IDWR office for assistance.

7. Signature of New Owner/Claimant(s) Lois Chynoweth Date 12/15/97

Date _____

8. (Corporations or other organizations must submit a list of directors/officers demonstrating authority to sign form.)
For Snake River Basin Adjudication Claims: If you are represented by an attorney and you want IDWR to correspond directly with your attorney for all matters related to your claims, please attach a Notice of Appearance completed by your attorney.

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

CLAIM NO(s). A75-04313C

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 055 + GPS 056
☐ Point of diversion is different than the claim and/or new P/D's:
GPS Site Tag No.: A0014967 - A0014977

055-Township 25N Range 21E Section 28 1/4 SE 1/4 SW 1/4 NW
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 <u>24N</u>	Range <u>11E</u>	Section <u>4</u>	1/4 <u>SW</u>	1/4 <u>SW</u>
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

It looks like all of the irrigated land
is in the SW, SW of sec 4

system's office parcel is 30 acres

☐ 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.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-043130 75-04340A; 75-14090; 75-14091; 75-14093

DERROLD SLAVIN
MADGE SLAVIN
PO BOX 41
CARMEN ID 83462

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

Enclosure

SCANNED

AUG 02 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 W¹/₄ E¹/₄ NW¹/₄, E¹/₂ W¹/₂ NW¹/₄, sec. 9. E¹/₂ W¹/₂ SW¹/₄, W¹/₂ SE¹/₄ SW¹/₄, NE¹/₄ SW¹/₄, E¹/₂ NW¹/₄, N¹/₂ NW¹/₄ NE¹/₄ SW¹/₄, SW¹/₄ NW¹/₄ NE¹/₄ SW¹/₄, NW¹/₄ SE¹/₄ NE¹/₄ SW¹/₄, 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.

Derroll Slavin
Claim 75-4313C
Lies within this
Description

SCANNED

AUG 02 2005

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

WATER RIGHT NUMBER: 75-4313C

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	LETHIA CUNAN
	, ID
Current Owner	DERROLD SLAVIN PO BOX 41 CARMEN, ID 83462 (208)756-3442
Current Owner	MADGE SLAVIN PO BOX 41 CARMEN, ID 83462 (208)756-3442

Priority Date: 04/14/1916

Basis: Beneficial Use

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
IRRIGATION	4/01 to 10/01	0.730 CFS	
	<u>Total Diversion:</u>	0.730 CFS	

Location of Point(s) of Diversion

NORTH FORK SALMON RIVER	SW1/4SE1/4NW1/4	Sec. 4,	Twp 24N,	Rge 21E, B.M.
LEMHI County				
NORTH FORK SALMON RIVER	SW1/4NW1/4SW1/4	Sec. 4,	Twp 24N,	Rge 21E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T24N R21E S04 NWSW 10.0 T24N R21E S04 SWSW 23.5

Total Acres: 33.5

STOCKWATER same as IRRIGATIONConditions of Approval:

1. STOCKWATER, 100 CATTLE
2. THIS CLAIM REPRESENTS A PORTION OF CLAIM 75-04313.
SPLIT BY OWNERSHIP CHANGE/ACREAGE SPLITS ARE A BEST ESTIMATE

Remarks:

SCANNED

AUG 02 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 89 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

AUG 02 2005

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: A75-04313C
Date Received: 4/19/1990
Receipt No: X777777
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DERROLD SLAVIN 208-756-3442
Address: PO BOX 41
CARMEN ID 83462
AND/OR
Name: MADGE SLAVIN 208-756-3442
Address: PO BOX 41
CARMEN ID 83462

A7504313C



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	SW	SE	NW		LEMHI
			SW	NW	SW		LEMHI

5. Description of diverting works:
2 PODS, HEADGATES, DITCHES, 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	0.730		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
24N	21E	4	NW	SW	IRR	10.0
			SW	SW	IRR	23.5
Section Acres						33.5
Total Acres						33.5

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:

14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF CLAIM 75-04313.
SPLIT BY OWNERSHIP CHANGE/ACREAGE SPLITS ARE A BEST ESTIMATE
STOCKWATER, 100 CATTLE

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: _____