

11/16/2006

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

RIGHT NUMBER: 75-4340A
NAME AND ADDRESS: MADGE SLAVIN
PO BOX 41
CARMEN ID 83462

DERROLD SLAVIN
PO BOX41
CARMEN ID 83462

SOURCE: CARMEN CREEK TRIBUTARY: SALMON RIVER
QUANTITY: 0.166 CFS
PRIORITY DATE: 04/01/1915
POINT OF DIVERSION:

T22N R22E S9 NWSW 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	0.166 CFS

PLACE OF USE: IRRIGATION in LEMHI County

T22N R22E S05 Lot 1 NENE	9.90	T22N R22E S05 Lot 2 NWNE	8.00
T22N R22E S05 SWNE	6.90	T22N R22E S05 SENE	6.80

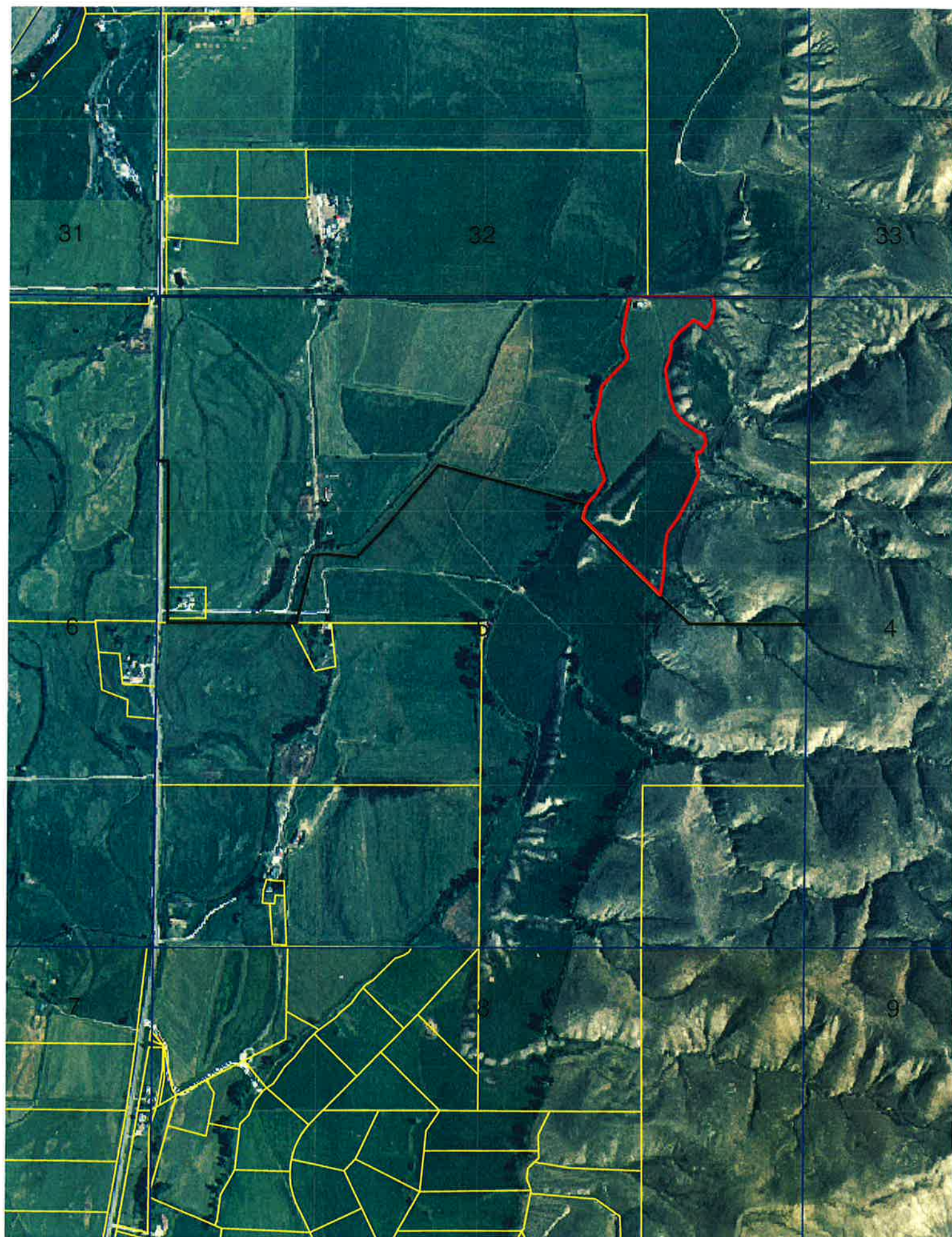
31.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 31.6 acres in a single irrigation season. Combined Right Nos.: 75-74, 75-10061G, 75-10178 and 75-4340A.

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





State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

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

DERROLD SLAVIN

MADGE SLAVIN

PO BOX 41

CARMEN ID 83462

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

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

WATER RIGHT NUMBER: 75-4340A

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

Priority Date: 04/01/1915

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
CARMEN CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.000 CFS	
	<u>Total Diversion:</u>	1.000 CFS	

Location of Point(s) of Diversion

CARMEN CREEK	SE1/4NW1/4SW1/4	Sec. 9,	Twp 22N,	Rge 22E, B.M.
LEMHI County				

Place of UseIRRIGATION Within LEMHI County

T22N R22E S05	NENE	8.5	T22N R22E S05	NWNE	11.5
T22N R22E S05	SWNE	7.5	T22N R22E S05	SENE	5.0
Total Acres: 32.5					

Conditions of Approval:

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

Remarks:

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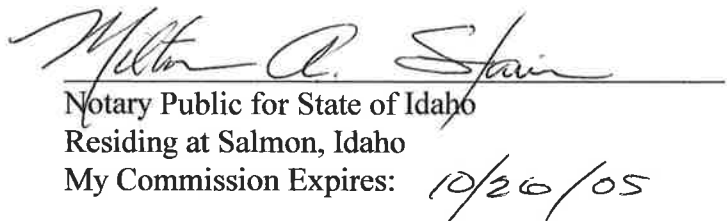
AUG 02 2005

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

- DATED this 20 day of July, 2005.

STATE OF IDAHO)
 : ss.
County of Lemhi)

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



AUG 02 2005

Patent

U. S. PATENT

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at Hailey, Idaho,

~~has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862,~~

"To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Ella Lee Brautigam, widow of Alfonso F. Brautigam,

has been established and duly consummated, in conformity to law, for the Lot four of Section four and the Lot one of Section five in Township twenty-two north and the west half of the southwest quarter of Section thirty-three in Township twenty-three north all in Range twenty-two east of the Boise Meridian, Idaho, containing one hundred sixty-one and ninety-one-hundredths acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, 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 THIRD

SEAL

day of JANUARY in the year of our Lord one thousand

nine hundred and FOURTEEN and of the Independence of the

United States the one hundred and THIRTY-EIGHTH.

By the President: Woodrow Wilson,

By M. K. Gulick, Assistant

Secretary

L. L. C. Lamm

DEPARTMENT OF THE INTERIOR.

HOMESTEAD ENTRY.

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

FINAL PROOF.

RECEIPT No. _____

TESTIMONY OF WITNESS.

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

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

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

, Section 32,

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

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

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

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

ANSWER. No it is not

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

ANSWER. on or about April 1st, 1910

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

ANSWER. about April 1st, 1910,

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

ANSWER. Yes they have

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

ANSWER. have never been absent

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

ANSWER. never been absent

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AUG 02 2005

QUESTION 5. Describe the land embraced in above entry by legal subdivisions, showing fully the character of same, and kind and amount of timber, if any.

ANSWER.

Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
Lot 4; Sec 4; Lot 1 Sec. 5, T. 22 N. 23 E.		no timber	no timber
1/4 Sec 5, T. 23 N. 22 E.	about 40		
sandy loam	acres		

QUESTION 6. State by subdivisions the number of acres cultivated, kind of crop planted, and amount harvested, each year. How many acres of the claim are now cleared, or broken, and under cultivation? If used for grazing only, state number and kind of stock grazed each year and by whom owned.

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

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

ANSWER.

Subdivision.	Character of improvements.
All buildings located on said Lot 1, said Sec 5, and consist of the following:	One frame house five rooms size about 20 by 30 ft.
60 acres of said tract under fence with posts and wire	One frame Barn size 12 by 20 ft.
Total value of all improvements	One frame chicken house size 10 by 12 ft.
	I estimate to be \$640.00

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

ANSWER. None to my knowledge

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

ANSWER. No I have not.

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AUG. 12 2005

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

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

ANSWER. Yes I have,

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

ANSWER. I have seen this land every few days during the entire time, I live about 1/2 of a mile from claimant house, and in plain view thereof.

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

ANSWER. No I am not.

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

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

NOTE 2.—The officer before whom the deposition is taken should call the attention of the witness to section 5392 of the Revised Statutes (below), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

I HEREBY CERTIFY that the deponent was examined separately and apart from the other witnesses in the case; that the foregoing deposition was read to ~~by~~ deponent in my presence before deponent affixed signature thereto; that deponent is to me personally known ~~(or has been satisfactorily identified before me by~~);

that I verily believe deponent to be the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me at my office, in Salmon, Lemhi County, Idaho, within the Hailey, Idaho, land district, this 31st day of May, 1913.

Frank P. McEachen
Probate Judge of Lemhi County, Idaho.

(Official designation of officer.)

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

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

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

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AUG 02 2005

DEPARTMENT OF THE INTERIOR.

HOMESTEAD ENTRY.

U. S. LAND OFFICE,

Alloy, Ia.

No.

FINAL PROOF.

RECEIPT NO.

TESTIMONY OF CLAIMANT.

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

ANSWER. Ella Lee Grant, 62, at post office Carmen, Idaho.

QUESTION 2. Are you a native-born citizen of the United States, and if so, in what State or Territory were you born? (If foreign born, see Note 1.)

ANSWER. Yes, I was born in Missouri, my husband was a native born citizen.

QUESTION 3. Are you the same person who made Homestead Entry No.

07691, at the Alloy, Ia. Land Office on the

xxxxxxx 16th day of xxxxxx, 1910, for the

Lot 4, Sec. 4, Lot 1, Sec. 5, T. 1, S. 1, E. 1, for the

Township 23 North, Range 33 East, 6th Meridian?

ANSWER. I am the widow of George Abraham the person who made the said entry.

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

ANSWER. my family consists of my self and two children

(c) If a married woman, state whether your husband now has an unperfected homestead entry, and during what time he has resided on this land with you.

ANSWER.

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

ANSWER. April 1st, 1908

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

ANSWER. about April 1908

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

ANSWER. No we have never been absent

(d) If there has been such absence, give the dates covered by each absence; and as to each absence, state whether you, your family, or both, were thus absent and the reason for each such absence.

ANSWER. have never been

SCANNED

AUG 02 2005

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

ANSWER.

Subdivision.	Acres cultivable.	Acres timbered.	Feet timber.
Lot 4 Sec.4, Lot 1, Sec.5, T.22 N., R.22 E., W.35th Sec 33 Tp.23 R.22 E. N. 1/2 sandy loam.	about 40	no timber	no timber

QUESTION 7. State by subdivisions the number of acres cultivated, kind of crop planted, and amount harvested, each year. How many acres of the claim are now cleared, or broken, and under cultivation? If used for grazing only, state number and kind of stock grazed each year and by whom owned.

ANSWER. 25 acres under cultivation, being in Lot 1, Sec 5, said T.22 N., R.22 E. planted oats, wheat and vegetables, in 1910 harvested about 100 bu. oats and wheat, and in 1911 harvested about 10 bu. oats and wheat, the cause of the small crop being because of dry weather and no water for said land.

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

ANSWER.

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

QUESTION 9. Is your present claim within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

ANSWER. No it is not

QUESTION 10. Are there any indications of coal, salines, or minerals of any kind on the land? If so, describe what they are.

ANSWER. None to my knowledge

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

ANSWER. No I never did.

QUESTION 12. Have you sold, conveyed, or agreed to sell or convey any portion of the land; if so, to whom and for what purpose?

ANSWER. No I have not

ANSWER. No I have not

ANSWER. No I have not

ANSWER. No I have not.

ANSWER. Never made an error entry of a kind.

Elia Lee Brontigan

NOTE: 3.—The officer before whom the deposition is taken should call the attention of the witness to section 125 of the U. S. Criminal Code (over), and state to him that it is the purpose of the Government, if it be ascertained that he testifies falsely, to prosecute him to the full extent of the law.

was not identified before by _____):

that I verily believe dependent to be the identical person hereinbefore described, and that said deposition was duly subscribed and sworn to before me at my office, at _____, County of Lemhi, Idaho, _____, within the _____ land district, this _____ day of _____, 1915.

Frank P. Macrae Secy.
State House of Representatives, Idaho.

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: A75-04340A

Date Received: 4-19-90

Receipt No: mod 686

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DERROLD SLAVIN 208-756-3442
Address: P.O. BOX 41
CARMEN, ID 83462

AND/OR

Name: MADGE SLAVIN 208-756-3442
Address: P.O. BOX 41
CARMEN, ID 83462

2. Date of Priority: APR 01, 1915

3. Source: CARMEN CREEK Trib. to: SALMON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
22N	22E	9	SE	NW	SW		LEMHI

5. Description of diverting works:
DITCH, HEADGATE & DAM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 81.2 Acre Feet Per Annum.

9. Non-irrigation uses:

A75-04340A

Page 1

Date: 04/19/90

A7504340A



MICROFILMED

DEC 15 1992

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
22N	22E	5	NE		NE		IRR	8.5
			NW		NE		IRR	11.5
			SW		NE		IRR	7.5
			SE		NE		IRR	5.0
							Section Acres	32.5
							Total Acres	32.5

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:

A75-10061G, A75-10178, A75-00074A

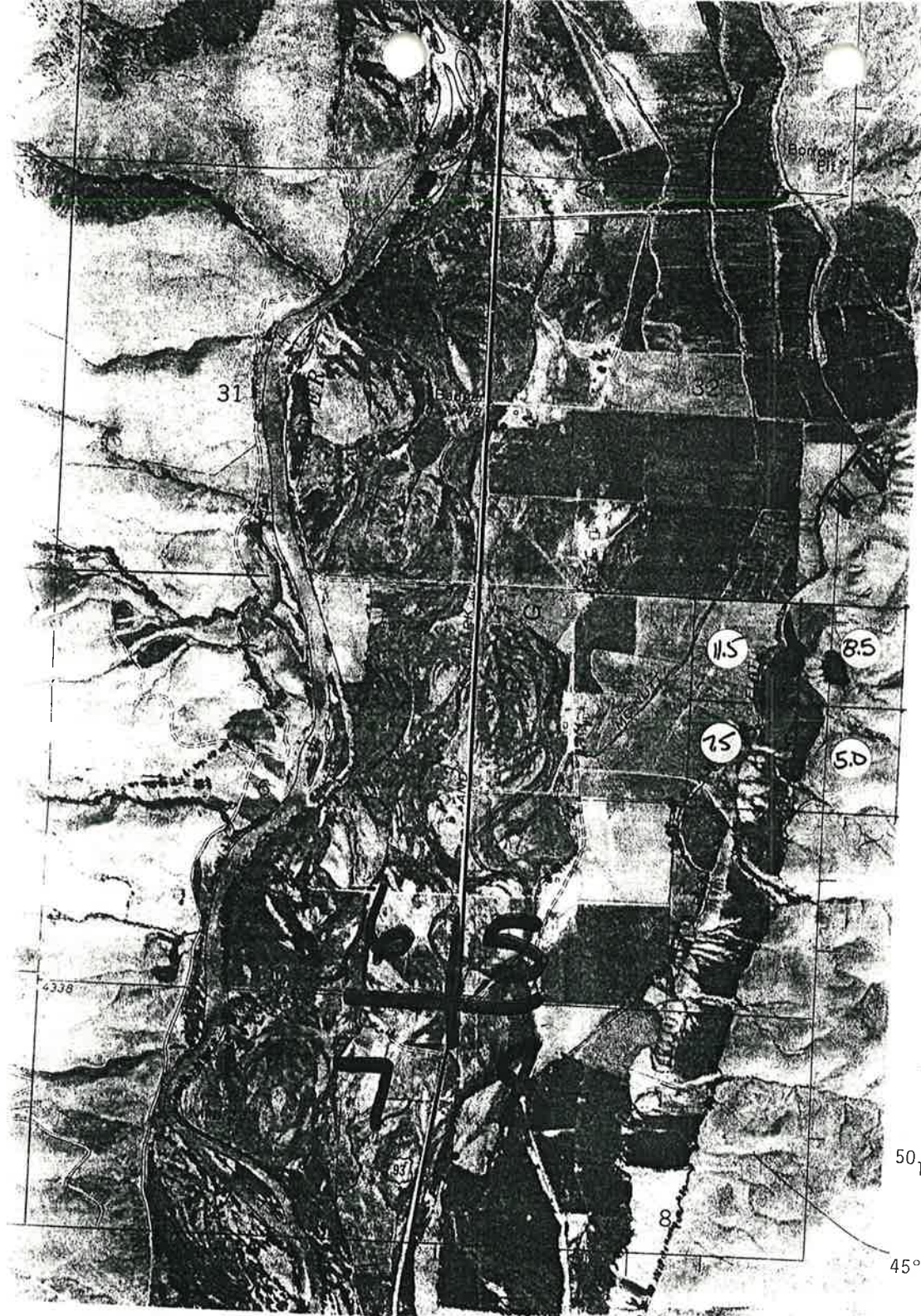
14. Remarks:

THIS CLAIM REPRESENTS A PORTION OF 75-04340.

15. Basis of Claim: BENEFICIAL USE

(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.

MICROFILMED
DEC 15 1992



T23N
T22N

27300m. E.

113°52'30"

22E

BIRD CREEK, IDAHO
N4515-W11352.5/7.5
1974

ADVANCE PRINT

MICROFILMED

DEC 15 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

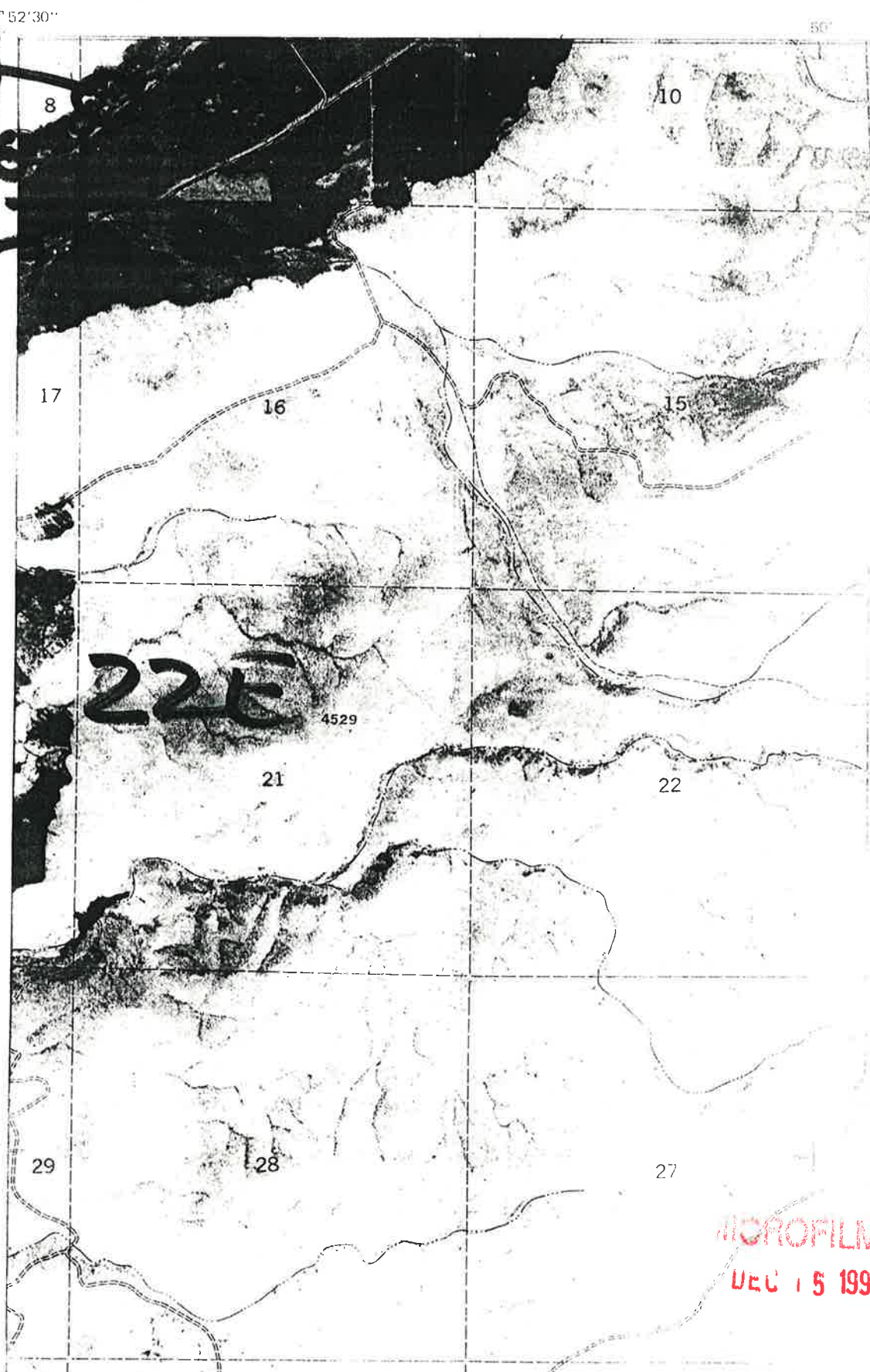
UNITED STATES
DEPARTMENT OF AGRICULTURE
FOREST SERVICE
INTERMOUNTAIN REGION

(332-3 1)
(BIRD CREEK)

POD

22N

22E



MICROFILMED
DEC 15 1992