

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 63-32536
Date Received: 10/30/2006
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ERIN LORD Phone: (208)343-8938
1171 MAYFIELD RD
BOISE ID USA 83716

2. Date of Priority: 04/01/1910

3. Source: UNNAMED STREAMS Trib. to: WEST FORK SLATER CREEK
SLATER CREEK WEST FORK SLATER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
02N	04E	36	NE SW	ELMORE	
02N	04E	36	NE SW	ELMORE	
02N	04E	36	SE SW	ELMORE	
01N	04E	1	NE NW	ELMORE	
01N	04E	1	SW NE	ELMORE	
01N	04E	1	NW SE	ELMORE	
01N	04E	1	NW SE	ELMORE	
02N	04E	36	NE SW	ELMORE	
02N	04E	36	NW SW	ELMORE	

5. Description of diverting works: *Ditch to Pond*

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION*	03/15	11/15	2.86	
IRRIGATION STORAGE	02/01	11/15		20 30
IRRIGATION FROM STORAGE	03/15	11/15	2.36	30
DIVERSION TO STORAGE*	02/01	11/15	2.86	
Stock Water	1/01	12/31	0.12 cfs	

* See Remarks.

7. Total Quantity Appropriated is:
2.86 C.F.S. and/or 30 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
01N	04E	1	NW	NW	IRRIGATION	10
			NE	NW	IRRIGATION	10
			SE	NW	IRRIGATION	30
			SW	NE	IRRIGATION	10
			NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	25
~~01N~~	~~04E~~	~~12~~	~~NE~~	~~NW~~	~~IRRIGATION~~	~~32~~
~~1N~~	~~4E~~	~~1~~	~~NE~~	~~SW~~	~~(Pond)~~	~~Section Acres 32~~
02N	04E	36	SE	NW	IRRIGATION	5
			NE	SW	IRRIGATION	8
			NW	SW	IRRIGATION	7
			SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	8
					Section Acres	38
					Total Acres	175 143

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

14. Remarks:

Serves to refill pond multiple times during season.

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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):

Erin Lord

Date: 8-31-09

Date: _____

State of Idaho

County of

Ada

)
) SS.

Subscribed and sworn (or affirmed) before me this

31 of August 2009

Briana C. Belden

Notary Public

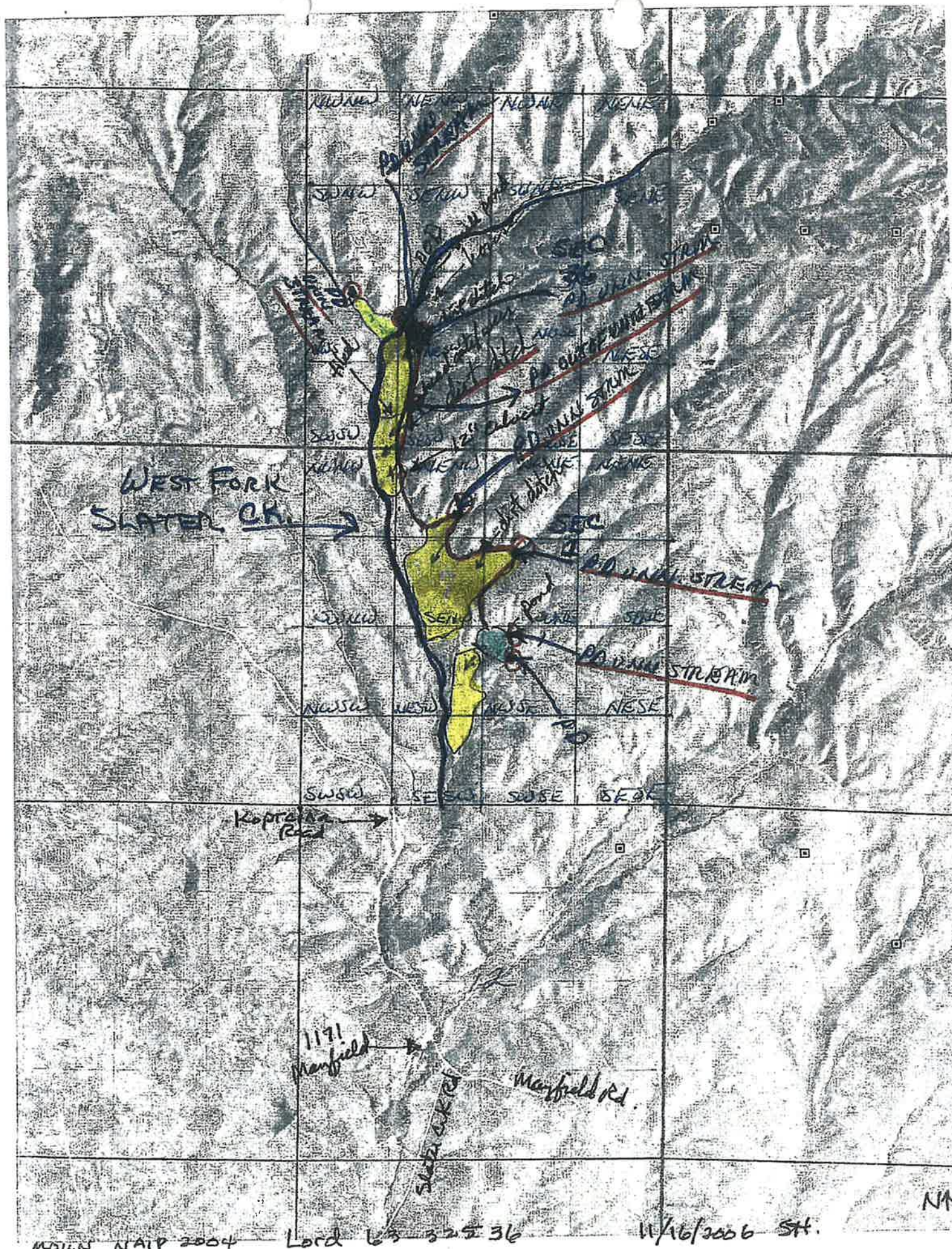
Residing at

Meridian

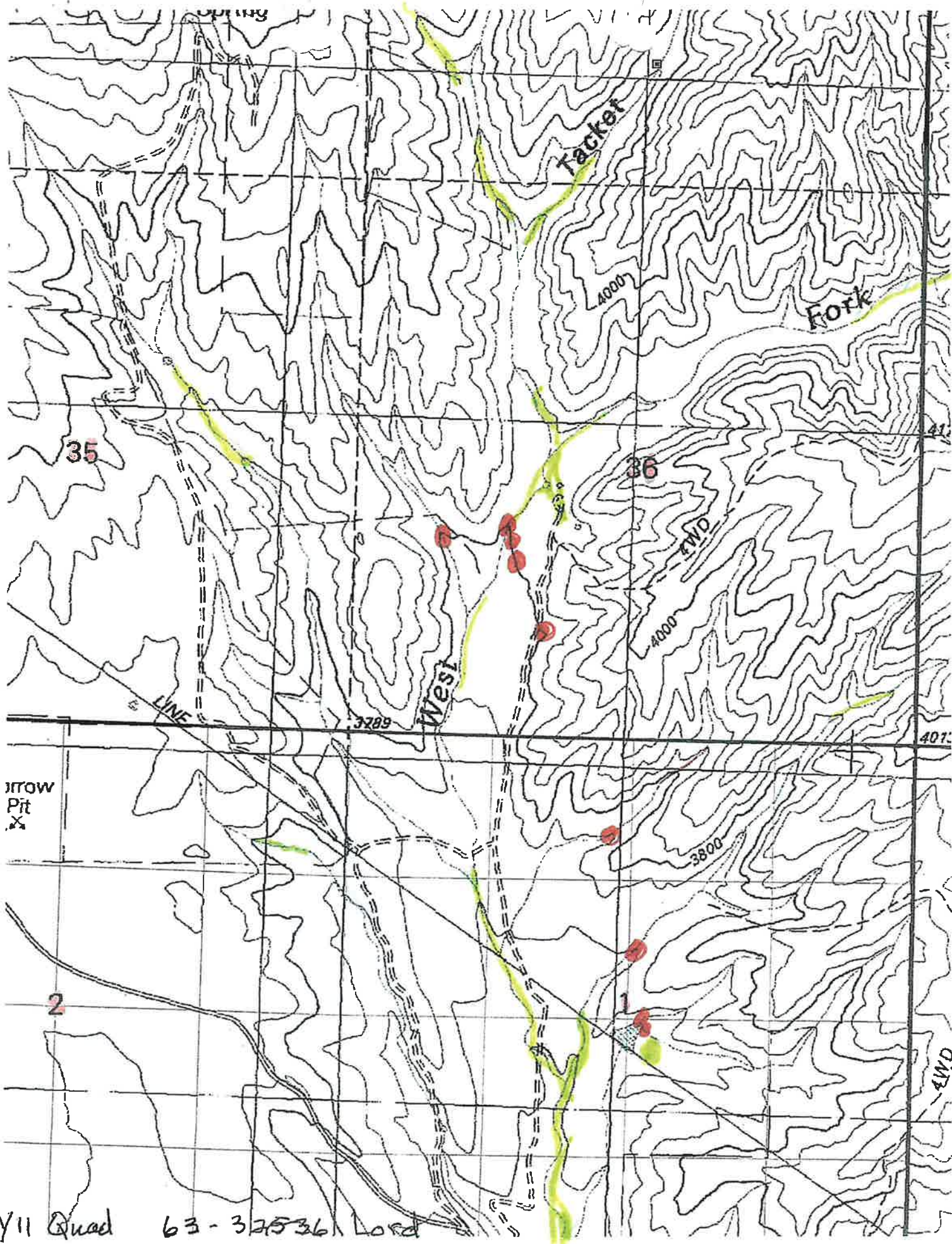
My commission Expires

01/16/12





NA



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 63-32536
Date Received: 10/30/2006
Receipt No:
Received By:

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

ERIN LORD Phone: (208)343-8938
1171 MAYFIELD RD
BOISE ID USA 83716

2. Date of Priority: 04/01/1910

3. Source: UNNAMED STREAMS Trib. to: WEST FORK SLATER CREEK
SLATER CREEK WEST FORK SLATER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	CountyType
02N	04E	36	NE	SW		ELMORE
02N	04E	36	NE	SW		ELMORE
02N	04E	36	SE	SW		ELMORE
01N	04E	1	NE	NW		ELMORE
01N	04E	1	SW	NE		ELMORE
01N	04E	1	NW	SE		ELMORE
01N	04E	1	NW	SE		ELMORE
02N	04E	36	NE	SW		ELMORE
02N	04E	36	NW	SW		ELMORE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	2.36	
IRRIGATION STORAGE	02/01	11/15		20
IRRIGATION FROM STORAGE	03/15	11/15	2.36	
DIVERSION TO STORAGE	02/01	11/15	2.36	

7. Total Quantity Appropriated is:
2.36 C.F.S. and/or 20 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
01N	04E	1	NW	NW	IRRIGATION	10
			NE	NW	IRRIGATION	10
			SE	NW	IRRIGATION	30
			SW	NE	IRRIGATION	10
			NE	SW	IRRIGATION	20
			SE	SW	IRRIGATION	25
					Section Acres	105
01N	04E	12	NE	NW	IRRIGATION	32
						Section Acres
02N	04E	36	SE	NW	IRRIGATION	5
			NE	SW	IRRIGATION	8
			NW	SW	IRRIGATION	7
			SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	8
					Section Acres	38
					Total Acres	175

11. Place of use in counties: ELMORE

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

13. Other Water Rights Used:

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

RIGHT NUMBER: 63-32536

NAME AND ADDRESS: ERIN LORD
1171 MAYFIELD RD
BOISE ID 83716

SOURCE: UNNAMED STREAMS TRIBUTARY: WEST FORK SLATER CREEK
WEST FORK SLATER CREEK TRIBUTARY: SLATER CREEK

QUANTITY: ~~1.57 CFS~~ 1.95 CFS

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

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T01N R04E S1 SWNE Within ELMORE County
T01N R04E S1 NENW Lot 3 Within ELMORE County
T01N R04E S1 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NWSW Within ELMORE County
T02N R04E S36 SESW Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S2 NENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	02/01 11/15	~~12.00 AFY~~ 24.00 AFY
IRRIGATION	03/15 11/15	~~1.570 CFS~~ 1.83 CFS
IRRIGATION FROM STORAGE	03/15 11/15	~~12.00 AFY~~ 24.00 AFY
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.120 CFS</u>
<u>STOCKWATER STORAGE</u>	<u>01/01 12/31</u>	<u>24.00 AFY</u>
<u>STOCKWATER FROM STORAGE</u>	<u>01/01 12/31</u>	<u>24.00 AFY</u>

PLACE OF USE: IRRIGATION in ELMORE County

T01N R04E S01	SWNE	3.50	T01N R04E S01 Lot 3 NENW	2.40
T01N R04E S01 Lot 4 NWNW		~~4.8~~ 14.8	T01N R04E S01	SENW 27.00 30.00
T01N R04E S01	NESW	10.00	T01N R04E S01	SESW 4.50
T02N R04E S36	NESW	5.90	T02N R04E S36	NWSW 5.80

T02N R04E S36	SWSW	8.70	T02N R04E S36	SESW	5.80
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IRRIGATION STORAGE in ELMORE County

<u>T01N R04E S01</u>	<u>NESW</u>	<u>T01N R04E S01</u>	<u>NWSE</u>
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STOCKWATER STORAGE in ELMORE County

<u>T01N R04E S01</u>	<u>NESW</u>	<u>T01N R04E S01</u>	<u>NWSE</u>
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IRRIGATION FROM STORAGE same as IRRIGATION

STOCKWATER same as IRRIGATION

STOCKWATER FROM STORAGE same as IRRIGATION

~~78.4~~ ACRES TOTAL 91.4 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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 500 range cattle

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32536 V1

WATER RIGHT NUMBER: 63-32536 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ERIN LORD 1171 MAYFIELD RD BOISE, ID 83716 (208)343-8938
Attorney	DANA L HOFSTETTER HOFSTETTER LAW OFFICE LLC 608 W FRANKLIN ST BOISE, ID 83702 (208)424-7800

Priority Date: 04/01/1910

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
WEST FORK SLATER CREEK UNNAMED STREAMS	SLATER CREEK WEST FORK SLATER CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	02/01	to 11/15		24.00 AF
IRRIGATION	03/15	to 11/15	1.830 CFS	
IRRIGATION FROM STORAGE	03/15	to 11/15		24.00 AF
STOCKWATER	01/01	to 12/31	0.120 CFS	
STOCKWATER STORAGE	01/01	to 12/31		24.00 AF
STOCKWATER FROM STORAGE	01/01	to 12/31		24.00 AF

<u>Total Diversion:</u>	1.950 CFS
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Location of Point(s) of Diversion

UNNAMED STREAMS ELMORE County	NW1/4SE1/4	Sec. 1, Twp 01N, Rge 04E, B.M.
UNNAMED STREAMS ELMORE County	NW1/4SE1/4	Sec. 1, Twp 01N, Rge 04E, B.M.
UNNAMED STREAMS ELMORE County	NE1/4NE1/4	Sec. 2, Twp 01N, Rge 04E, B.M.
UNNAMED STREAMS ELMORE County	SW1/4NE1/4	Sec. 1, Twp 01N, Rge 04E, B.M.
UNNAMED STREAMS ELMORE County	L3 (NE1/4NW1/4)	Sec. 1, Twp 01N, Rge 04E, B.M.
WEST FORK SLATER CREEK ELMORE County	NE1/4SW1/4	Sec. 36, Twp 02N, Rge 04E, B.M.
WEST FORK SLATER CREEK ELMORE County	NE1/4SW1/4	Sec. 36, Twp 02N, Rge 04E, B.M.

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32536 V1

UNNAMED STREAMS	NW1/4SW1/4	Sec. 36, Twp 02N, Rge 04E, B.M.
ELMORE County		
UNNAMED STREAMS	SE1/4SW1/4	Sec. 36, Twp 02N, Rge 04E, B.M.
ELMORE County		
UNNAMED STREAMS	NE1/4SW1/4	Sec. 1, Twp 01N, Rge 04E, B.M.
ELMORE County		

Place of UseIRRIGATION STORAGE Within ELMORE County

T01N R04E S01	NESW	T01N R04E S01	NWSE
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IRRIGATION Within ELMORE County

T01N R04E S01	SWNE	3.5	T01N R04E S01 Lot 3	NENW	2.4
T01N R04E S01 Lot 4	NWNW	14.8	T01N R04E S01	SENE	30.0
T01N R04E S01	NESW	10.0	T01N R04E S01	SESW	4.5
T02N R04E S36	NESW	5.9	T02N R04E S36	NWSW	5.8
T02N R04E S36	SWSW	8.7	T02N R04E S36	SESW	5.8

Total Acres: 91.4

STOCKWATER STORAGE Within ELMORE County

T01N R04E S01	NESW	T01N R04E S01	NWSE
---------------	------	---------------	------

IRRIGATION FROM STORAGE same as IRRIGATION STORAGESTOCKWATER same as IRRIGATION STORAGESTOCKWATER FROM STORAGE same as IRRIGATION STORAGEConditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. C18 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.
4. X02 Stockwater use is for 500 range cattle.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 63-32536 V1

Comments:

1. Vmusic 11/20/2006 BASIS FOR DISALLOWAL

Comment: NO EVIDENCE OF PRIORITY SUBMITTED. CLAIM SUBMITTED 2 WEEKS BEFORE AGENT DEADLINE FOR RECOMMENDATIONS TO BE COMPLETE. FIELD EXAM SUBMITTED AFTER ABOVE DEADLINE - NO TIME FOR ADEQUATE REVIEW. SEE MEMO IN FILE.

2. Vmusic 11/20/2006 EVIDENCE OF PRIORITY

Comment: VAGUE REFERENCE TO A LETTER IN LICENSE FILE 63-2143. DOES NOT ESTABLISH PRIORITY FOR A 1910 PRIORITY DATE.

3. jshurte 5/13/2010 Obj resolution

Comment: Objection filed to diallowal of water right due to lack of evidence of priority. During objection review patents were submitted actually going back earlier than 1910, so the 1910 priority is a safe priority considering time for development of the entire acreage. The acreage, place of use and point of diversion were obtained through a field exam conducted in 2006, meetings with the claimant and comparisons of aerial photography and topographic maps.

4. jshurte 8/11/2011 2nd obj resolution

Comment: Resolution of second objection resulted in an increase in acres in the SENW, S1 from 27 to 30 acres. The addition of 3 points of diversion for 2 in S1 and 1 in S2. The addition of stockwater and stockwater storage which resulted in 24 afy which represents a double refill. The reservoir actually hold 12 af. SF5 sent 8-11-11.

5. jshurte 5/31/2012 2nd obj cont. resolution

Comment: With the addition of the point of diversion in the NENE S. 2, I added 9.8 acres irrigated from the pod from an unnamed stream trib to W Fk Slater Creek. With the 5 acres existing in the NWNW this would be a total of 10 acres in the NWNW S 2 plus the 3 acres in the SENW S1 for a total of 91.4 acres and 1.83 cfs for irrigation use.

SubCase:

SubCase Number: 63-32536

Class: 1

SF5 Filed Date:

Special Master Recom Signed Date:

Attorney Assigned:

Adjudication Agent: Vicky Music

Basis of Claim: Beneficial Use

Date Filed: 6/15/2007 Objection Status: Active

Water Supply Bank:

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 31, 2012 4:16 PM
To: 'Hofstetter Law Office'
Subject: RE: Erin Lord - 63-2118 and 63-32536 - 4064.2
Attachments: SF5 Right No. 63-32536.docx

Sorry Dana. I get it. Your right it does look like it should be for 14.8 acres. So, attached is another SF5 reflecting the correction to match the map. Let me know what you think. Thanks, Jan

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

From: Hofstetter Law Office [<mailto:Dana@IdahoWaterLaw.com>]
Sent: Thursday, May 31, 2012 3:50 PM
To: Shurte, Jan
Subject: Re: Erin Lord - 63-2118 and 63-32536 - 4064.2

Jan,

Thank you for providing this - It is the same as the SF5 that I actually have. My question relates to the attached shape file which I believe was provided to me in conjunction with that SF5. It appears that the 4.8 acre parcel in the NWNW of Section 1 is significantly larger than the 5 acre parcel in that same quarter-quarter. Therefore, I wonder if the 4.8 acre figure is correct (or the corresponding 9.8 acre total in that quarter quarter). I hope this clarifies my question.

Thank you,
Dana

On 5/31/2012 2:49 PM, Shurte, Jan wrote:

> Hi Dana,
>
> Attached is a copy of what I have in my file for the SF5. This SF5
> was created in Sept of last year, but I am not sure you ever got it.
> The legal files do not show this being sent out, so I'm not sure what
> happened.
>
> Will this work for getting the SF5s in?
>
> Sorry about that and thanks,
> Jan

>
>
> -----Original Message-----
> From: Hofstetter Law Office [<mailto:Dana@IdahoWaterLaw.com>]
> Sent: Wednesday, May 30, 2012 3:26 PM
> To: Shurte, Jan
> Cc: Courtney, Andrea
> Subject: Erin Lord - 63-2118 and 63-32536 - 4064.2
>
> Jan:
>
> I tried to reach you by phone but the line was busy - I hope IDWR
> isn't having trouble with its voice mail again? I have the signed

> SF5s for these two subcases but I have a question about the number of
> acres in the NWNW of Section 1 on 63-32536. From the aerial you
> provided the numbers do total up to 9.8 acres in the NWNW, made of a
> 4.8 acre parcel and a 5.0 acre parcel, but the 4.8 acre parcel appears
> about twice as large as the 5 acre parcel and, therefore, I wonder if
> the 4.8 acre parcel actually should be 9.8 acres. If you could look
> into this and let me know what you think. I am prepared to forward
> you the signed SF5s once this issue is clarified.

>
> Thank you,
> Dana
>
>
>

Shurte, Jan

From: Shurte, Jan
Sent: Thursday, May 31, 2012 2:50 PM
To: 'Hofstetter Law Office'
Subject: RE: Erin Lord - 63-2118 and 63-32536 - 4064.2
Attachments: SF5 Right No. 63-32536.docx

Hi Dana,

Attached is a copy of what I have in my file for the SF5. This SF5 was created in Sept of last year, but I am not sure you ever got it. The legal files do not show this being sent out, so I'm not sure what happened.

Will this work for getting the SF5s in?

Sorry about that and thanks,
Jan

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

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Sent: Wednesday, May 30, 2012 3:26 PM
To: Shurte, Jan
Cc: Courtney, Andrea
Subject: Erin Lord - 63-2118 and 63-32536 - 4064.2

Jan:

I tried to reach you by phone but the line was busy - I hope IDWR isn't having trouble with its voice mail again? I have the signed SF5s for these two subcases but I have a question about the number of acres in the NWNW of Section 1 on 63-32536. From the aerial you provided the numbers do total up to 9.8 acres in the NWNW, made of a 4.8 acre parcel and a 5.0 acre parcel, but the 4.8 acre parcel appears about twice as large as the 5 acre parcel and, therefore, I wonder if the 4.8 acre parcel actually should be 9.8 acres. If you could look into this and let me know what you think. I am prepared to forward you the signed SF5s once this issue is clarified.

Thank you,
Dana

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

RIGHT NUMBER: 63-32536

NAME AND ADDRESS: ERIN LORD
1171 MAYFIELD RD
BOISE ID 83716SOURCE: UNNAMED STREAMS
WEST FORK SLATER CREEKTRIBUTARY: WEST FORK SLATER CREEK
TRIBUTARY: SLATER CREEKQUANTITY: ~~1.57 CFS~~ 1.85 CFS

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

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T01N R04E S1 SWNE Within ELMORE County
T01N R04E S1 NENW Lot 3 Within ELMORE County
T01N R04E S1 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NESW Within ELMORE County
T02N R04E S36 NWSW Within ELMORE County
T02N R04E S36 SESW Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S1 NWSE Within ELMORE County
T01N R04E S2 NENE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	02/01 11/15	~~12.00 AFY~~ <u>24.00 AFY</u>
IRRIGATION	03/15 11/15	~~1.570 CFS~~ <u>1.73 CFS</u>
IRRIGATION FROM STORAGE	03/15 11/15	~~12.00 AFY~~ <u>24.00 AFY</u>
<u>STOCKWATER</u>	<u>01/01 12/31</u>	<u>0.120 CFS</u>
<u>STOCKWATER STORAGE</u>	<u>01/01 12/31</u>	<u>24.00 AFY</u>
<u>STOCKWATER FROM STORAGE</u>	<u>01/01 12/31</u>	<u>24.00 AFY</u>

PLACE OF USE:

IRRIGATION in ELMORE County

T01N R04E S01	SWNE	3.50	T01N R04E S01 Lot 3 NENW	2.40
T01N R04E S01 Lot 4 NWNW		~~4.0~~ <u>9.80</u>	T01N R04E S01 SENW	~~27.00~~ <u>30.00</u>
T01N R04E S01	NESW	10.00	T01N R04E S01 SESW	4.50
T02N R04E S36	NESW	5.90	T02N R04E S36 NWSW	5.80
T02N R04E S36	SWSW	8.70	T02N R04E S36 SESW	5.80
<u>IRRIGATION STORAGE in ELMORE County</u>				
<u>T01N R04E S01</u>	<u>NESW</u>		<u>T01N R04E S01</u>	<u>NWSE</u>

STOCKWATER STORAGE in ELMORE County

T01N R04E S01

NESW

T01N R04E S01

NWSE

IRRIGATION FROM STORAGE same as IRRIGATION

STOCKWATER same as IRRIGATION

STOCKWATER FROM STORAGE same as IRRIGATION

~~78.4~~ ACRES TOTAL 86.4 ACRES TOTAL

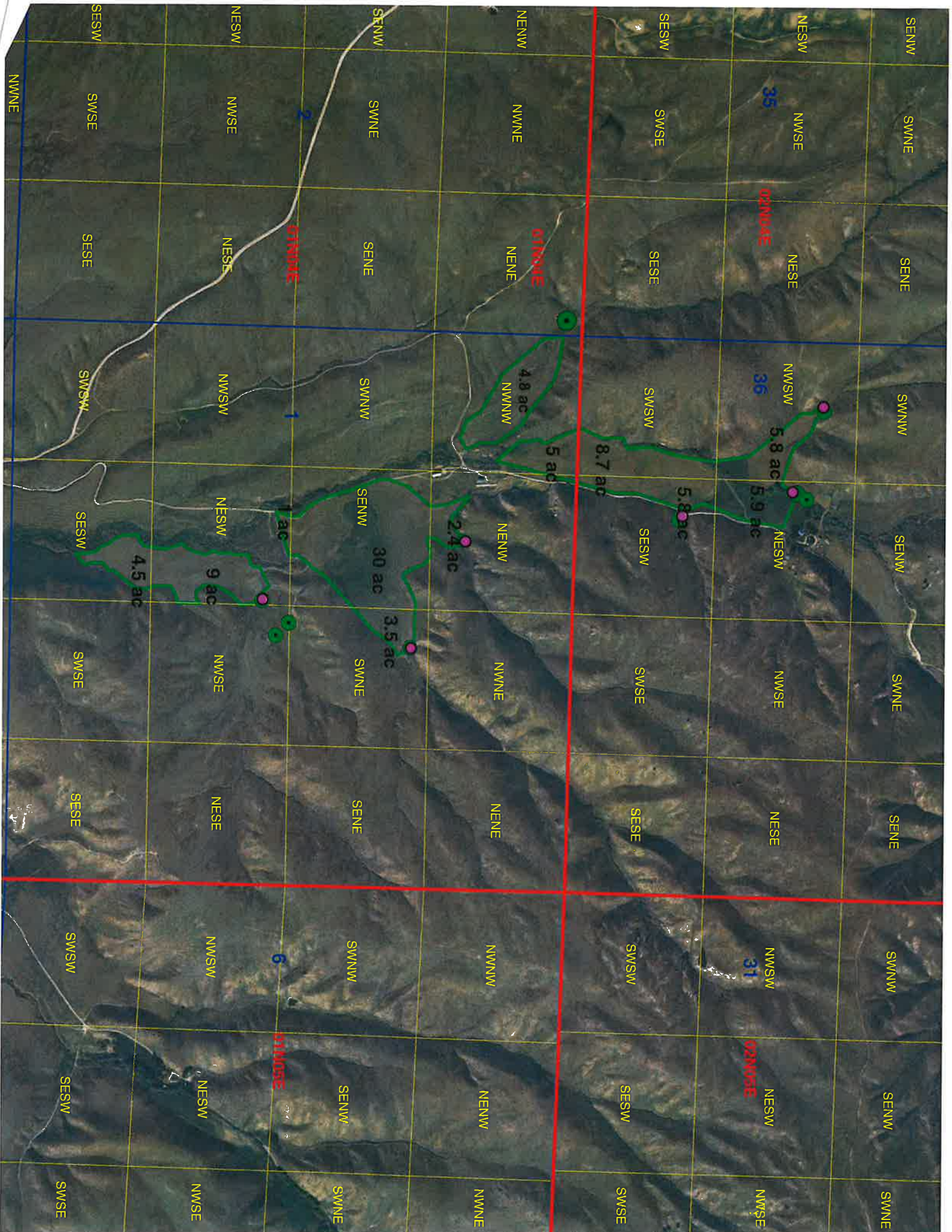
OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

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.

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Stockwater use is for 500 range cattle



Shurte, Jan

From: Williams, Ray
Sent: Friday, August 05, 2011 3:23 PM
To: 'Dana Hofstetter'
Cc: Courtney, Andrea; Shurte, Jan
Subject: 63-2118 & 63-32536 (Lord)

Dana,

Attached are SF5s for the above-referenced water rights. If they are acceptable to your client, please have them signed, initialed and return them to me. I will obtain the remaining signature and file the SF5s with the SRBA Court.

If you have questions or comments prior to next week's pre-trial conference, let us know.

Thanks,

Ray



63-2118.pdf



63-32536.pdf

STATUS CONFERENCE NOTES:

RIGHT NO. 63-2118 & 63-32536

DATE: 9-14-10

Trial scheduled 8/23/10 - 10:00 AM

Video conference

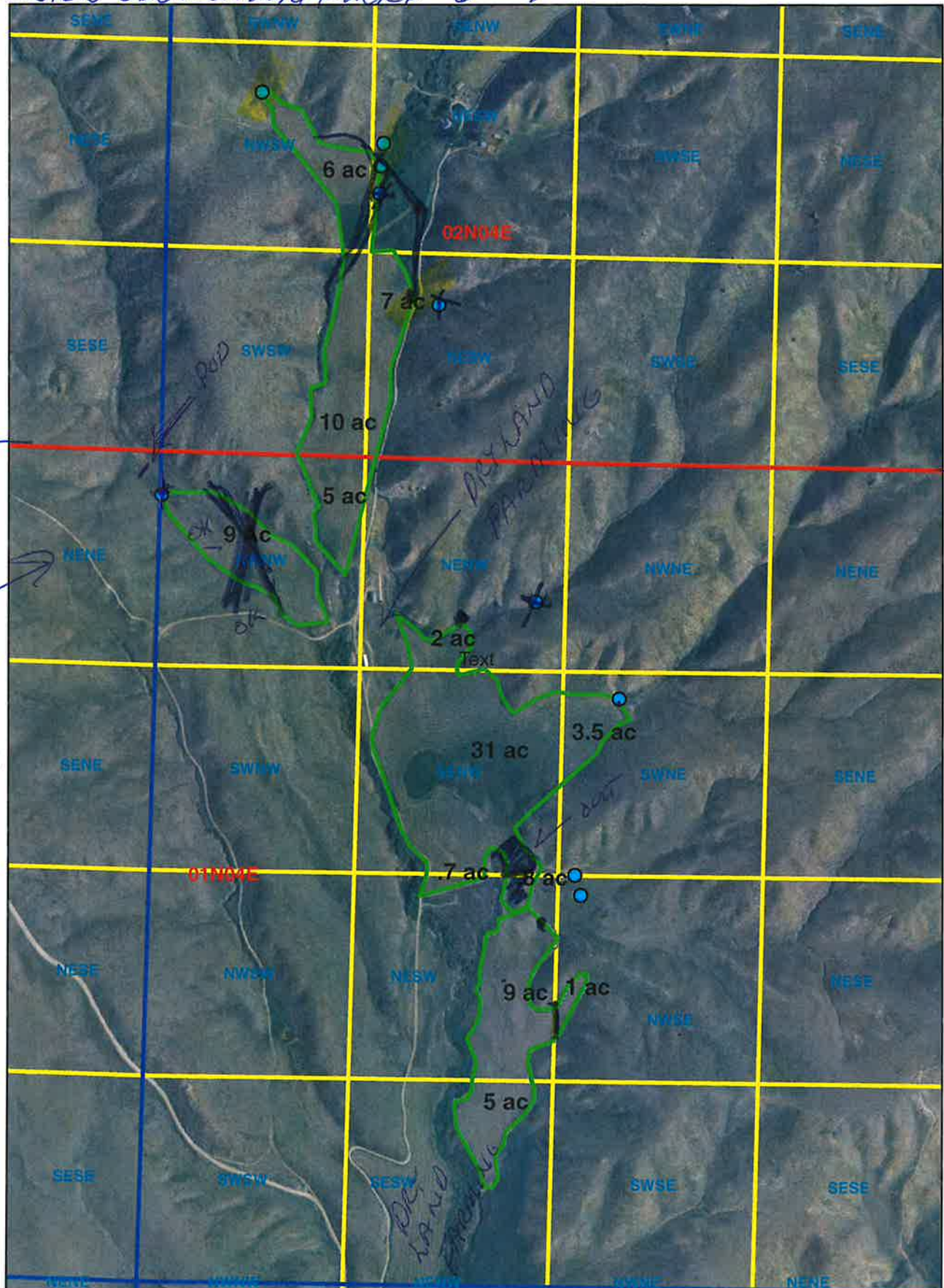
Re trial - 9:30 AM 8/9/11

Discovery Completion - 7/22/10

MAP PER MTG. W/ JEFF LORD & DANA HOFSTETTER
Lord Ranch 62-22522

Lord Ranch - 63-32536

DISCLOSED OBJECTION FILED 6-29-10



See email

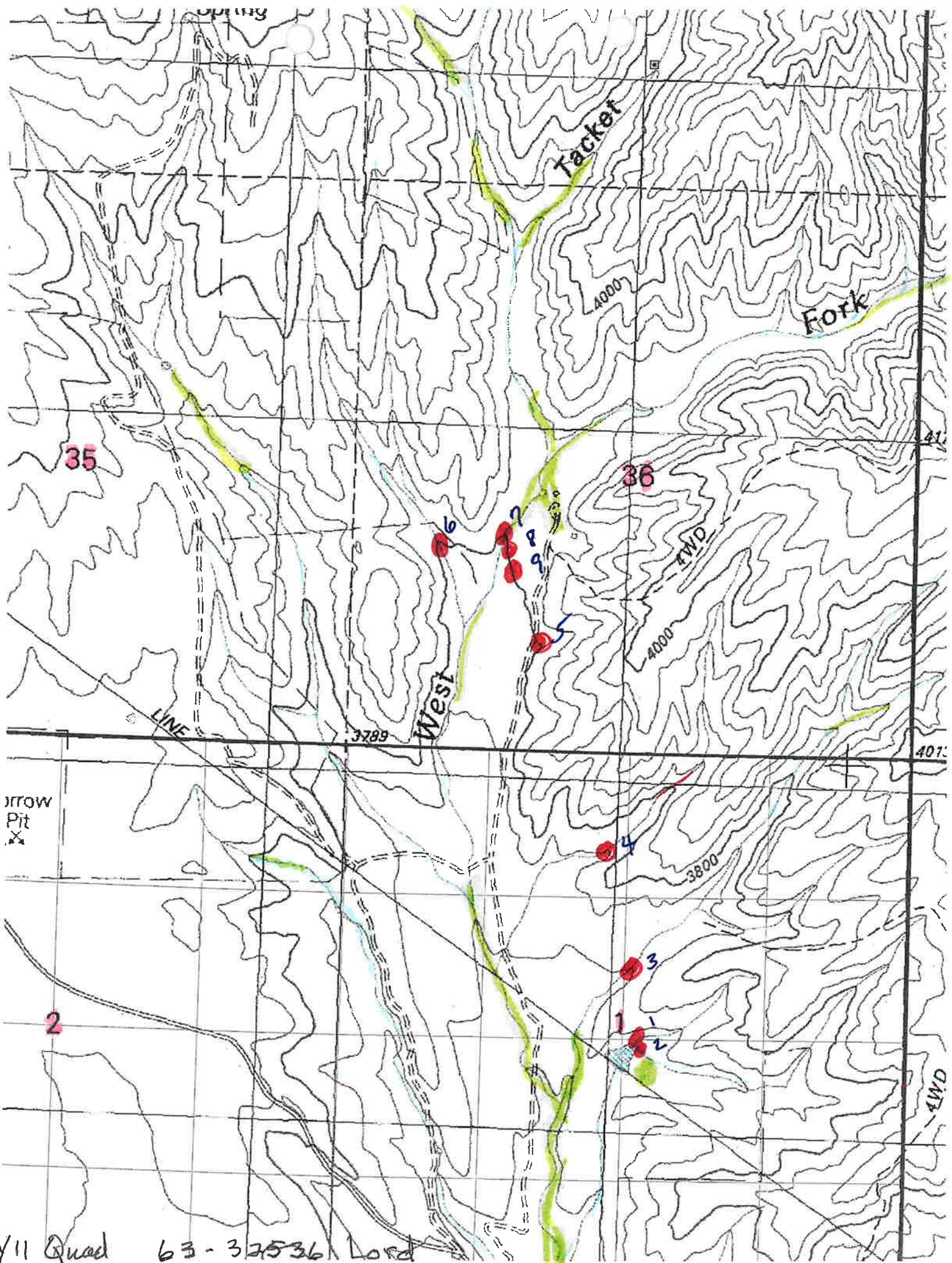
WEST FORK
SLATER CK.

Kopraha
Road

1171
Mayfield

Slater CK

Mayfield Rd.



Y11 Quad 63-32536 Lord

STATUS CONFERENCE NOTES:

RIGHT NO. 63-32536

DATE: 10-27-09

Amended Director's Rept. by Jan. 29th
Objections March 15th.

OK'd Amended claim on 10-27-09
without Dana at the Hearing.

Remember ADK is due Jan. 29th.

LORD RANCHES SUBCASES
5-28-2010 SETTLEMENT MEETING

63-2143 - Split into 63-33232 (Ark Properties) & 63-33233(Lord Ranches)

63-33233

License - 63-2143 licensed 4 sources, Big Draw Creek, Dry Hollow Creek, Indian Creek and Slater Creek with a priority date of 10-21-1910 and 53 acres of irrigation showing 15 acres in the NENE, 9 acres in the SENE, 20 acres in the NESE and 9 acres in the NWSE, S23, T1N, R4E.

Claim (after split) – All 4 sources, 10-21-1910 priority date – 28.5 acres – 4.5 acres in the NWSE, 15 Acres in the NENE and 9 acres in the SENE, S.23, T1N, R4E. Added 1 point of diversion on Indian Creek in Sec. 23, NESE.

Rec – Disallowed – Forfeited/Abandoned 1979 – 1987.

Analysis: Need information on whether all the sources above are used on this property. Indian Creek appears to come in too far south of the property leaving the other 3 sources. Where are the points of diversion from these sources, etc. Note: 63-2655 is a groundwater right that was recommended for overlapping ground under this right. It overlaps in the NENE, and SENE for a total of 24 acres. 63-2655 has been objected to concerning the place of use being incorrect on the claim verses the map submitted with the claim as explained below. It appears there may be some irrigation that could be covered under this right. Need information from claimant concerning which acres the **surface** water sources irrigate and when the change in place of use occurred for the **surface** water diversions in order to apply accomplished transfer in place of use.

63-2655

License – 12-27-46 priority date for 1 cfs from a well to irrigate 20 acres in the NENE, and 20 acres in the SENE, S23, T. 1N, R4E for a total of 40 acres.

Claim – All same except for place of use claimed was 10 acres in the NENE, 12 acres in the NWNE and 18 acres in the SENE.

Rec – Recommended same except for place of use acres. Same quarter-quarters recommended as claimed with less acres in each 1/41/4 resulting in less cfs recommended.

Analysis: When recommendation was to be decreed a Motion to Alter or Amend was filed by claimant's attorney. An objection was also filed to the recommendation stating that there was a clerical error made in the claimed place of use. The place of use did reflect different 1/41/4's than outlined on the map with the claim. This right does overlap with 63-33233 as explained above. Need to verify that point of diversion is still correct and outline place of use irrigated from **well** with claimant. An amended claim is not needed, however, evidence that the irrigation from groundwater to the existing place of use occurred prior to 1987 is along with the location of

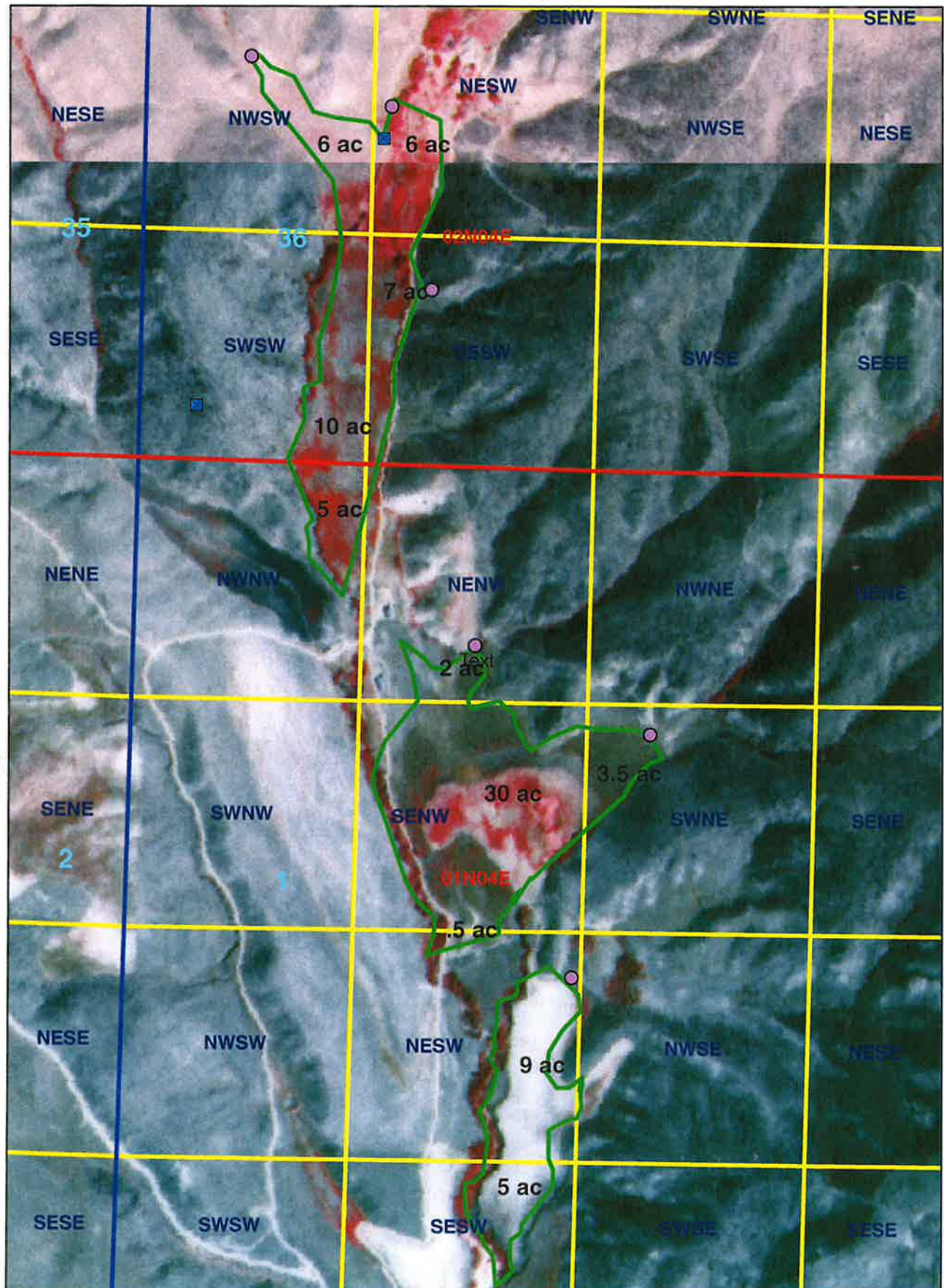
the place of use irrigated only from the **well**. With the mixture of this source and the sources listed under 63-33233 it is hard to tell which changed prior to 1987. Affidavit from the Lord's would be adequate.

63-2118 – uncontested overlap that did overlap with claimed pou for 63-32536. Does not overlap with the recommended pou for 63-32536. The ADR, based on the claimant's information did not include any lands in Sec. 12. 63-2118 is for lands in Sec. 12 only. Can this be moved forward to decree?

63-32536 – ADR submitted 5-18-10. Based on working with the claimant recommended lands in Sec. 1, T1N, R4E and Sec. 36, T2N, R4E for 78.4 acres from the W. Fk. Slater Creek and Unnamed stream trib. to the W. Fk. Slater Creek.

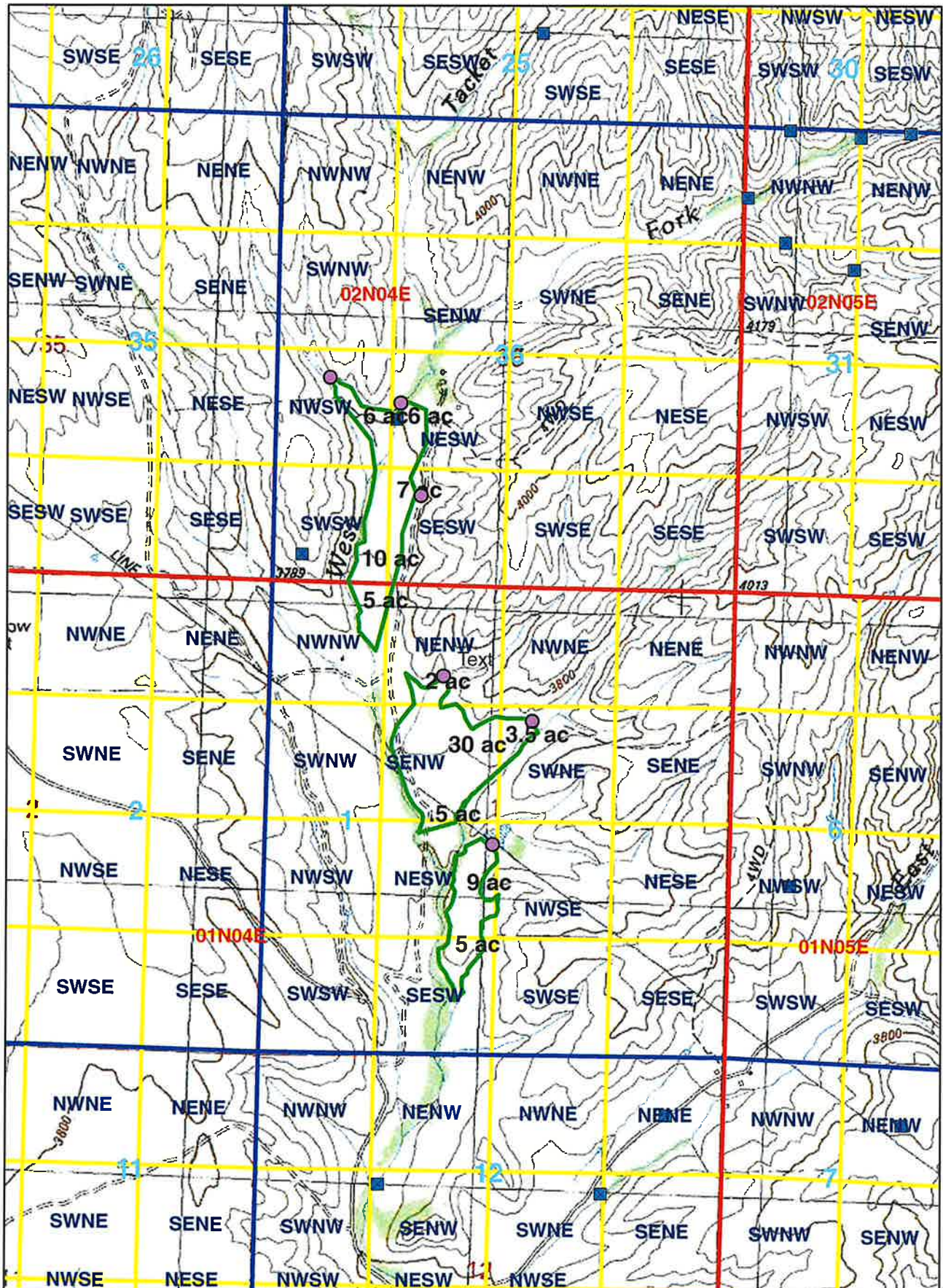
Lord Ranch - 63-32536

5/13/10

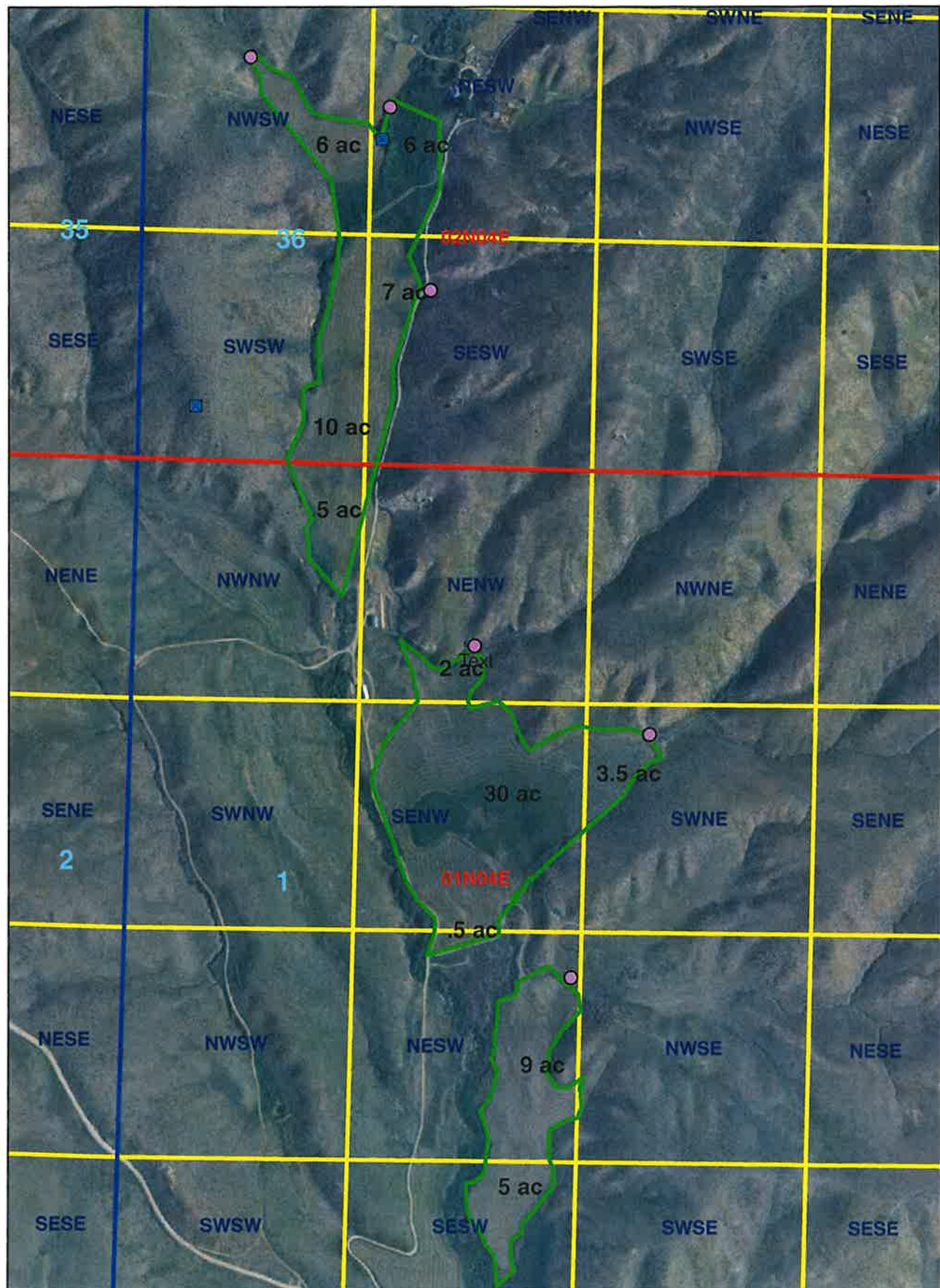


Lord Ranch - 63-32536

5/13/10



5/13/10





Bureau of Land Management - General Land Office Records

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Survey Details

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[Original Survey](#) • [Twp 1N-4E, ID, Boise \(Subdiv. Lines\)](#)

[Survey Details](#) [Plat Details](#) [Plat Image](#) [Field Note Images](#)

Page 1 [Description: ---](#)

The map is a historical survey plat for the '4 East Boise Meridian.' It features a grid of land parcels, each labeled with a number (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12). The parcels are separated by lines, and the measurements are handwritten in cursive. The map is displayed in a viewer with navigation controls (back, forward, zoom, pan) and a toolbar at the bottom.

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Shurte, Jan

From: Shurte, Jan
Sent: Friday, May 07, 2010 11:57 AM
To: jefflord@wildblue.net
Subject: Water Right Map - 63-35936 - Unnamed streams & Slater Creek, West Fork
Attachments: Lord_Ranch_Master.sbx; Lord_Ranch_Master.shp; Lord_Ranch_Master.shp.xml;
Lord_Ranch_Master.shx; Lord_Ranch_Master.dbf; Lord_Ranch_Master.prj;
Lord_Ranch_Master.sbn; Lord Ranch.pdf

Hi Jeff,

Attached is the shape file I came up with from the map we worked on when you were here with Dana Hofstetter. I am also attaching a colored copy of the shapes on a topographic image and an aerial photo. The blue dots are my attempts at the points of diversions from both the unnamed streams and West Fork Slater Creek. The area outlined in green is the area that we outlined when you were here. The acres calculated in each 1/41/4 or field are shown in black.

Once you review these, please feel free to call me or send me an updated shape. I'm sure once you have a look at these that there is likely to be changes, especially to the points of diversion. The topographic map is being sent so you can see the sources a little better. I came up with a total of 90 acres of irrigation for this area.

The amended director's report is due on this one on May 28th, so please call before then to discuss.

Thanks,

Jan Shurte

STATUS CONFERENCE NOTES:

RIGHT NO. 63-32536

DATE: 8-24-09

Dana has not received amended claim back from her claimants. She ^{or SM. BOOTH} scheduled a hearing for October 27th to give her time ~~to get back to the~~ ^{get back to the} ~~for the amended claim~~ ^{motion} for the amended claim, got it approved & per agreement with Andrea we will try to set this for an ADR the end of November.

Need to read abstracts & count acres.

HAND DELIVERED 8-13-09



State of Idaho

DEPARTMENT OF WATER RESOURCES

Western Region, 2735 Airport Way, Boise, Idaho 83705-5082

Phone: (208) 334-2190 FAX: (208) 334-2348 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

August 13, 2009

GARY SPACKMAN
Interim Director

Dana Hofstetter
Hofstetter Law Office, LLC
608 W. Franklin St.
Boise, ID 83702

Dear Dana,

Attached is the amended claim for Right No. 63-32536 per your client's request. This amended claim reflects an addition of the source of Unnamed Streams tributary to Slater Creek, West Fork.

The points of diversion were derived from a map submitted by your client and may not reflect what is actually in the field. A field exam will have to be conducted in order to make a recommendation with the exact points of diversion.

The purpose of this amended claim was to add the source and enable you to file a Motion for Amended Claim to the SRBA Court that may enable the hearing on this motion to be heard at the same time set for the Status Conference on this right, August 25, 2009.

Please remember these point of diversion were taken from the map submitted by Erin Lord and are not necessarily what will be recommended if different locations are found. This right remains disallowed pending review of the evidence of priority submitted and field exam conducted once the Motion for the Amended Claim is approved by the SRBA Court.

If you have any questions, please feel free to contact me.

Sincerely,

JAN SHURTE
Water Rights Supervisor
Adjudication Section
IDWR, Western Regional Office
(208) 334-2190

Enclosures

STATUS CONFERENCE NOTES:

RIGHT NO. 63-32536

DATE: 6-23-09

Agreed to Draft up an amended claim adding in the str. of diversion and unnamed streams trib. to Slater Creek. Send to Dona an amended claim for the pod's, then work on acreage. Get the amended claim to her and she can get the signature of the Gods, fill the claim & have the Motion done at the Status Conference set up for the 8/25/09 at 9:00. The Motion will be heard & if we're lucky SR5's filed.

STATUS CONFERENCE NOTES:

RIGHT NO. 63-2118 & 32536

DATE: 4-14-09

63-2118 - uncontested overlap

63-32536 - Dana states have obtained docs from archives concerning priority date. Jeff is in the process of getting history from Chin Lord. Hoping to demonstrate historic use back to 1910.

Status conference June 23rd at 11:00 AM.

Will set ap time to have Jeff come in & look at map & show irrigated acres in 63-32536.

Need him to show irrigated acres, pts. of diversion, ditches and evidence of priority.

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 14, 2009

RECEIVED

APR 15 2009

WATER RESOURCES
WESTERN REGION

Via E-mail and U.S. Mail

Vicky Music
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA Subcase No. 63-32536

Dear Ms. Music:

As you may recall, I requested copies of the patent files from the National Archives associated with the place of use for SRBA Claim No. 63-32536. I enclose with this letter copies of documents from those files that are relevant to historic irrigation on the place of use for Water Right No. 63-32536. We are also in the process of collecting other historic information and expect to be able to submit that additional information shortly in conjunction with affidavits.

The SW $\frac{1}{4}$ of Section 36, Township 2 North, Range 4 East, was issued Homestead Entry Patent No. 23007 to Thomas McMillan on October 19, 1908. Copies of several documents from this National Archives file, which are enclosed, indicate that about 50-60 acres were being farmed by the time of patenting in 1908.

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 1 North, Range 4 East were patented to Orange Slater on August 18, 1887. Copies of documents from this National Archives patent file indicate that at the time of patenting at least 10-12 acres of that ground was in cultivation, including a garden, an orchard and hay and grain fields.

The patent issued to Orange Slater on March 20, 1877, for Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, Township 1 North, Range 4 East, included about 50 acres of cultivated ground in that Lot 3, as well as in Lot 2.

Vicky Music
April 14, 2009
Page 2

The patent issued to Reason Slater for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 1 North, Range 4 East and for the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 1 North, Range 4 East, *inter alia*, included approximately 12 acres of cultivated ground as of the time of patent issuance in 1872.

Please let me know if you have any questions regarding the enclosed information. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in blue ink, reading "Dana Hofstetter", with a long horizontal flourish extending to the right.

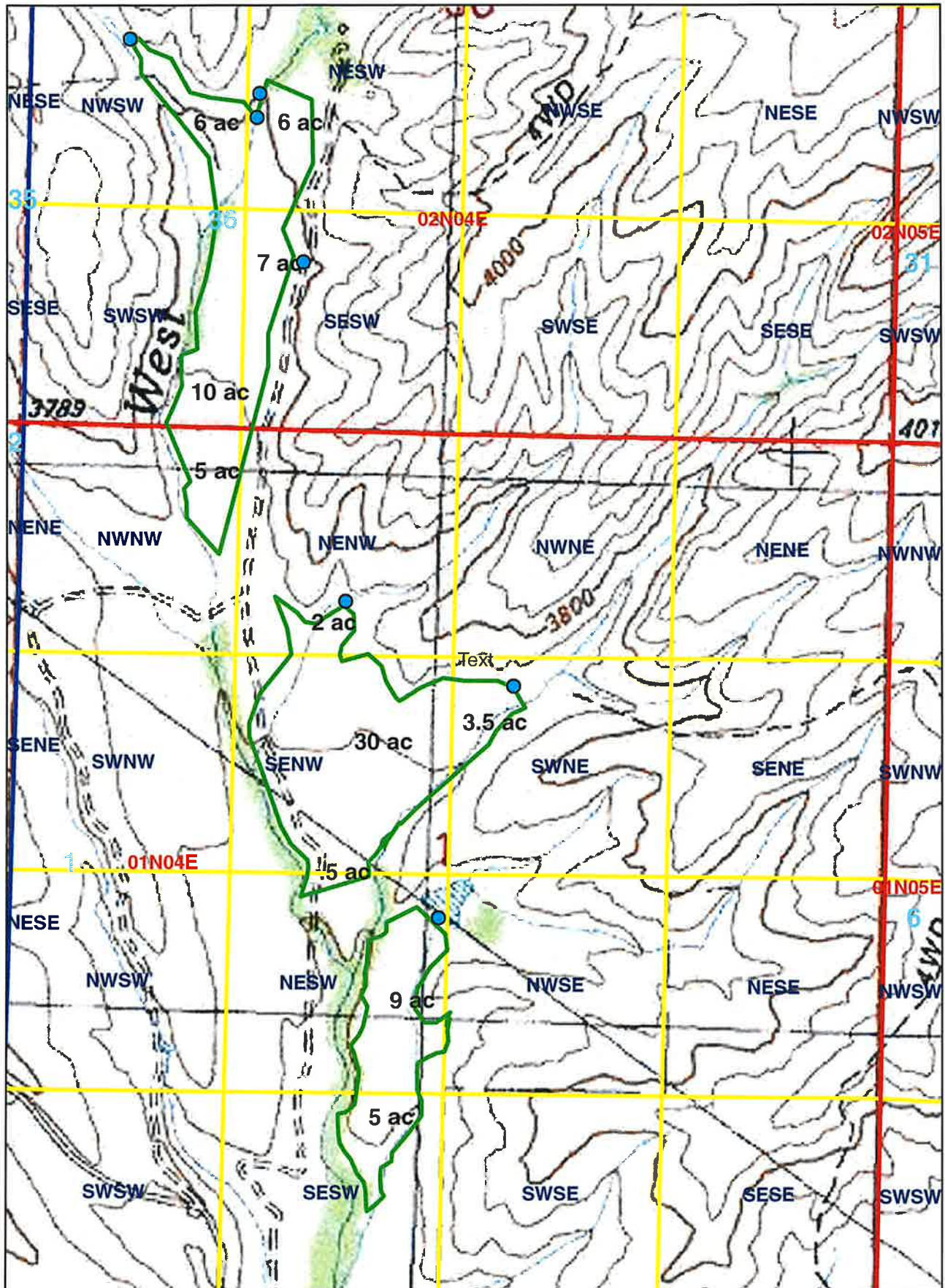
Dana L. Hofstetter

Enclosures

cc: Nick Spencer w/ enclosures

Lord Ranch - 63-32536

5/12/10



MEMORANDUM TO CLAIM FILE

TO: CLAIM FILE NOS. 63-32536
FROM: VICKY L MUSIC, SR WATER RESOURCE AGENT, IDWR / WESTERN
REGION
SUBJECT: CLAIMS REVIEW
DATE: 11/20/2006
CC:

Attorney Dana Hofstetter on behalf of Erin Lord filed this claim on 10-30-06.

This beneficial use claim 63-32536 was filed for some of the same acres licensed under 63-2118 in Section 12 plus acres in Section 1 for a total of 175 acres, and additional PODs from West Slater Creek with a 1910 priority date. No evidence of priority was provided. Dana contends that a letter in license file. A field exam was conducted on 11/16/06.

The acres found on the field exam are different from those claimed. There is not enough time for an adequate review of this claim before the B63 P3 DR is filed with the SRBA Court on 12-3-06. I am disallowing this claim because no evidence of priority was submitted. The claimant can file an objection and we can resolve the issue of the acres and priority at the same time.

VLM

Music, Vicky

From: Music, Vicky
Sent: Friday, May 16, 2008 10:53 AM
To: 'Hofstetter Law Office'
Cc: Spencer, Nick; Williams, Ray
Subject: Lord subcases 63-2118, 63-32536

Hi Dana –

Sorry I was not available when you and Jeff called this week. Although you and Jeff have only asked about the beneficial use claim 63-32536, I will cover the problems with both claims here.

63-2118 –license

I cannot reconcile the acres licensed and claimed with the map submitted with the claim. The map does not show where the 105 acres irrigated are. The POU looks different in the 1987 aerial [no where close to 105 acres irrigated] than the 1998 and 2004. Also, though 3 PODs from Slater Cr were licensed, 6 were claimed, but the PODs were not shown on the map so I have no idea where these are.

So, we can sit down at the initial hearing and Jeff can show me where the irrigated areas are in each QQ and where the 6 PODs are. He commented during our conversation that the system had changed and acres had changed for 63-32536. If those system changes affected these licensed acres too, I will need him to describe when and how so that if the changes occurred prior to 1987, I can consider the changes accomplished transfers in POUs and PODs. The claimant can amend his claim if needed and hopefully we can move quickly from there to an SF5.

63-32536 – beneficial use

No evidence of priority was provided for the 1910 priority date. Though I have addressed this in 2 prior emails and the conversation I had with Jeff last week, the letter with the 1968 date that you provided from attorney Anderson from the 63-2143 license file does not provide evidence of priority. [63-2143 - Jackson, now Ark Prop with 1910 priority date]. When we exchanged emails about this in 2006, you stated you could get an affidavit from Erin Lord but I never received one. I explained at length to Jeff that I needed specific information as far back as they can go about the history of water use on this property.

Additionally, the claim states the **POD** is in Sec 1 but the field exam and the map attached to the claim shows it in Sec 36 NESW. Once we agree on the acres, the Lords can amend the claim but I will need to sit down and discuss this with Jeff with the maps in front of us.

At this point, Dana, I cannot spend any more time on this until I get **evidence of priority** so a conference call with you and Jeff as you suggested in your voicemail is not going to be productive. Hope this helps.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

Tracking:

Recipient

Delivery

email to Dana

Rec.  t

'Hofstetter Law Office'

Spencer, Nick

Williams, Ray

 Delivery

Delivered: 5/16/2008 10:53 AM

Delivered: 5/16/2008 10:53 AM

Music, Vicky

From: Music, Vicky
Sent: Monday, April 28, 2008 4:42 PM
To: 'Hofstetter Law Office'
Subject: 63-32536

Attachments: img-428153355.pdf

Dana – Steve Lester forwarded you question re why the above claim filed by Erin Lord was disallowed. Attached is a short memo and emails exchanged by you and me re this claim. Looks like I did not finish my sentence in the 1st paragraph, 2nd to last sentence re the letter you faxed me from license file 63-2145, dated 1968. However, the emails refer to why the letter does not provide evidence of priority for this claim.



img-428153355.pdf
(87 KB)

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

HOFSTETTER LAW OFFICE

608 West Franklin Street
Boise, Idaho 83702

Dana@IdahoWaterLaw.com

Dana L. Hofstetter
Attorney at Law

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

April 14, 2009

Via E-mail and U.S. Mail

Vicky Music
Western Region
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705-5082

Re: SRBA Subcase No. 63-32536

Dear Ms. Music:

As you may recall, I requested copies of the patent files from the National Archives associated with the place of use for SRBA Claim No. 63-32536. I enclose with this letter copies of documents from those files that are relevant to historic irrigation on the place of use for Water Right No. 63-32536. We are also in the process of collecting other historic information and expect to be able to submit that additional information shortly in conjunction with affidavits.

The SW $\frac{1}{4}$ of Section 36, Township 2 North, Range 4 East, was issued Homestead Entry Patent No. 23007 to Thomas McMillan on October 19, 1908. Copies of several documents from this National Archives file, which are enclosed, indicate that about 50-60 acres were being farmed by the time of patenting in 1908. 565

The SE $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 1 North, Range 4 East were patented to Orange Slater on August 18, 1887. Copies of documents from this National Archives patent file indicate that at the time of patenting at least 10-12 acres of that ground was in cultivation, including a garden, an orchard and hay and grain fields. 11/11/06

The patent issued to Orange Slater on March 20, 1877, for Lot 3 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section 1, Township 1 North, Range 4 East, included about 50 acres of cultivated ground in that Lot 3, as well as in Lot 2. dec. not written

Vicky Music
April 14, 2009
Page 2

The patent issued to Reason Slater for the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 1 North, Range 4 East and for the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 12, Township 1 North, Range 4 East, *inter alia*, included approximately 12 acres of cultivated ground as of the time of patent issuance in 1872. 12

Please let me know if you have any questions regarding the enclosed information. Thank you.

Sincerely,

HOFSTETTER LAW OFFICE, LLC

A handwritten signature in black ink, appearing to read "Dana Hofstetter", written over a horizontal line.

Dana L. Hofstetter

Enclosures
cc: Nick Spencer w/ enclosures

HOESLAND

LAND

Wm. G. G. G.

October - 26

Sec. 1, Town 1 N., Range 6 E.

Deane L. Galt

Deborah Galt

Dec. March 20, 1874

Dec. 1, 1866

42-121
Raccoon Dec 21

Final Proof required under Homestead Act May 20, 1862.

WE, Julius M. Hager & Eben Lobdell do solemnly swear that we have known Orange J. Slater for seven years last past; that he is the head of a family consisting of a wife and _____ a citizen of the United States; that he is an inhabitant of the lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30 of section No. One in Township No. One North of Range No. Four East and that no other person resided upon the said land entitled to the right of Homestead or Pre-emption

That the said Orange J. Slater entered upon and made settlement on said land on the twenty eighth day of October 1869, and has built a house thereon

and has lived in the said house and made it his exclusive home from the twenty eighth day of October, 1869, to the present time, and that he has, since said settlement, plowed, fenced, and cultivated fifty acres of said land, and has made the following improvements thereon, to wit: corn, sheds &c and the improvements are worth \$300.00

I, William P. Thompson Register Land Office, do hereby certify that the above affidavit was taken and subscribed before me this 26th day of October, 1876.

WE CERTIFY that Julius M. Hager & Eben Lobdell whose names are subscribed to the foregoing affidavit, are persons of respectability.

W P Thompson Register.
James Stout Receiver.

Case City

R VR-N^o 142

R. H. Slater

Approved for patenting
J. R. S.

Pat Sept 10th 72
Rec vol 2 p 18

42 E 124

No. 142 LAND OFFICE at Boise City - Idaho - April 6 1872

It is hereby certified, That, in pursuance of Law, Reason 46
of this Office, the Lot or *1/4 Sec. 12* of *Range No. 12* East
County, State of *Idaho* on this day, purchased of the Register
of *1/4 Sec. 12* of *Range No. 12* East containing
the *1/4 Sec. 12* of *Range No. 12* East acres, at the rate of
the dollar and *1/4* cents per acre, amounting to *1/4* hundred
dollars and *1/4* cents, for which the said *Reason 46*
Idaho has made payment in full as required by law.

John, therefore, be it known, That on presentation of this certificate to the
COMMISSIONER OF THE GENERAL LAND OFFICE, the said *Reason 46*
Idaho shall be entitled to receive a Patent for the Lot above described.

Thos. Donaldson Register

Sec. 12

HOMESTEAD ACT OF MAY 20, 1862.

(8th Section.)

I, Reason H. Slater,

claiming the right to commute, under the 8th section of the act of May 20, 1862, my homestead entry No. 111, made upon the East 1/2 of North 1/2 of Section 12, township 1 North, range 4 East, do solemnly swear that I made settlement upon said land on the 20th day of October, 1869, and that since said date, to wit: on the 20th day of October, 1869, I have built a house on 1/2 acres of said land.

I further swear that I have not heretofore had the benefit of the Homestead Act, nor abandoned an entry previously made under its provisions.

Reason H. Slater

LAND OFFICE,

Sworn and subscribed to before me this

6th day of April, 1872

J. S. Donaldson

Register.

Joseph Brown & Daniel Brown, do solemnly swear that we have known Reason H. Slater nearly three years and that he is

is a citizen of the United States, and is an inhabitant of the East 1/2 of North 1/2 of Section 12, township 1 North, range 4 East; that the said Reason H. Slater entered upon and made settlement in person on the said land on the 20th day of October, 1869.

He has built a house on said land, and has lived in said house and made improvements thereon, to wit: plowing, fencing, and cultivating about 1/2 acre, until the present time, and has not abandoned said land.

and has plowed, fenced, and cultivated about 1/2 acres.

Joseph Brown
Daniel Brown

LAND OFFICE, Brown City, Dakota

Sworn and subscribed to before me this

6th day of April, 1872

J. S. Donaldson

Register.

[AFFIDAVIT.]

HOMESTEAD.

Land Office at Boise City, Idaho.

October 20th 1869
of Alluvial County, Idaho.

I, Deacon H. H. Carter

having filed my Application No. 111 - , for an entry under the provisions of the act of Congress approved May 20, 1862, entitled "An act to secure Homesteads to actual settlers on the public domain," do solemnly swear, that I am a citizen of the United States, that I have resided on the land for the full term of years required by law, and that I have not transferred the land to any other person, and that I have not been convicted of any crime involving a forfeiture of the land.

I have to and subscribed this 20th day of October 1869 before

Deacon H. H. Carter
of the Land Office.

NO # C-11165

[4-189.]

No. 765

CASH ENTRY.

LAND OFFICE AT
Boone City Idaho

Sec. 1, Town. 1 N, Range 4 E

No conflicts

2650. NE "NW" NW
NE 1 - NW 4 E

Grant & State 3-89
Recommended for patent
and referred to Dir. O.
J. B. C.

Approved

by, Clerk.

Division

Patented 18 aug 1887

Recorded Vol. 3, Page 48

Paid Aug 18/85
22-121 2.25

SW NE
5. 1
NW 4E
1887

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Jacob Rein being called as a witness in support of the Pre-emption claim
of *Oranqu J. States* to the *SE 1/4 NW 1/4 SW 1/4 NE 1/4*
Sec 1 Tp 1 N R 4 E, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. *Boise City Idaho*

Ques. 2.—How long have you known claimant, and what is *his* age?

Ans. *Have known him for last six years about 45 years*

Ques. 3.—Is claimant married or single? 2d. Of whom does *his* family (if any) consist? 3d. Is *he*
a native or naturalized citizen?

Ans. 1st, *Married*; 2d, *wife & two children*
3d, *A native*

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or
salines thereon? (if so state plainly the nature.) 3d. *Is more valuable for agricultural than mining purposes?*
4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or
used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, *Yes sir*; 2d, *No sir not to my knowledge*
3d, *No sir*; 4th, *Yes sir*
5th, *No sir*

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did *he* leave or
abandon a residence on *his* own land in this *Territory* to reside on the land herein described?
3d. Has *he* ever filed for or entered other land under the pre-emption law? 4th. Has *he* mortgaged or
agreed to sell the land herein described?

Ans. 1st, *Not to my knowledge*; 2d, *Not to my knowledge*
3d, *Not to my knowledge*; 4th, *Not to my knowledge*

Ques. 6.—When did claimant first settle on *his* claim? 2d. What was *his* first act of settlement?
3d. What improvements has *he* on the land? 4th. What is the value of such improvements? 5th. When did
he commence *his* residence thereon? 6th. Has *his* residence been continuous? 7th. *Has he ever been married?*
Is he now married? (Answer to the point and
in detail.)

Ans. 1st, *In June 1882*; 2d, *building a house & house*
3d, *A house stave, & &*
4th, \$ *15.00*; 5th, _____; 6th, _____
7th, *for many years & vegetables*; 8th, _____ acres.

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. *No sir*

Jacob Rein

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to
before being subscribed, and was sworn to before me this *29* day of *Dec*, 188*4*.

(SEE NOTE ON FOURTH PAGE.)

Edw. L. Curtis
Register

SE 1/4 NW 1/4 SW 1/4 NE 1/4
S. 12
1882

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Charles Reim being called as a witness in support of the Pre-emption claim of Orange J. States to the SE¹ NW¹ & SW¹ NE¹ Sec 1 T¹ R¹ NE¹ E¹, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. Bone City, Idaho

Ques. 2.—How long have you known claimant, and what is his age?

Ans. Nearly four years, about 45 years

Ques. 3.—Is claimant married or single? 2d. Of whom does his family (if any) consist? 3d. Is he a native or naturalized citizen?

Ans. 1st, Married; 2d, a wife & two children; 3d, A native.

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or salines thereon? (if so state plainly the nature.) 3d. Is it more valuable for agricultural than mining purposes? 4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, Yes sir; 2d, Not to my knowledge; 3d, Yes sir; 4th, Yes sir; 5th, Yes sir

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did he leave or abandon a residence on his own land in this Territory to reside on the land herein described? 3d. Has he ever filed for or entered other land under the pre-emption law? 4th. Has he mortgaged or agreed to sell the land herein described?

Ans. 1st, Not to my knowledge; 2d, Not to my knowledge; 3d, Not to my knowledge; 4th, Not to my knowledge

Ques. 6.—When did claimant first settle on his claim? 2d. What was his first act of settlement? 3d. What improvements has he on the land? 4th. What is the value of such improvements? 5th. When did he commence his residence thereon? 6th. Has his residence been continuous? 7th. What use has he made of the land? 8th. How much land has he broken and cultivated? (Answer to the point and in detail.)

Ans. 1st, he has been on the land as long as I have known him which is since June 1884; 2d, building house & corral; 3d, a house sheds & a corral; 4th, \$ 1500; 5th, as much as I have known him which is since June 1884; 6th, 70 acres.

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. No sir

Charles Reim

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this 29th day of Dec, 1884.

Edw. L. Curtis

Register

SE NW
5.1
NW NE
10 acres
1884

PRE-EMPTION PROOF.—TESTIMONY OF CLAIMANT.

Orange J. Slater being called as a witness in his own behalf in support of his pre-emption claim to the N^o 1 NW¹ & SW¹ Sec 1 Tp 1 N R 4 E testifies as follows:

Ques. 1.—What is your name (written in full and correctly spelled) and age?

Ans. Orange J. Slater 47 years of age

Ques. 2.—Are you the head of a family, (if so, of whom does it consist,) or a single person?

Ans. Yes sir, a wife & two children

Ques. 3.—Are you a native-born or naturalized citizen of the United States?*

Ans. Native born citizen

Ques. 4.—Is your pre-emption claim, above described, within the limits of an incorporated town, or selected site of a city or town, or used in any way for trade and business? 2d. Did you leave other land of your own to settle on your present claim? 3d. Have you ever made a pre-emption filing or entry for land other than that you now seek to enter? If so, describe the same. (Answer to the point and in detail)

Ans. 1st, No sir; 2d, I did not

3d, I have not

Ques. 5.—When did you first make settlement on the above-described land? 2d. What was your first act of settlement? 3d. Were there any improvements on the land when you settled? If so, state who then owned them and whether you purchased the same. 4th. What improvements have you made on the land since settlement, and what is the value of same?

Ans. 1st, Oct 26th 1868; 2d, Built a corral & cut hay & built house

3d, None whatever

4th, House corral stake fence & about 1400

Ques. 6.—When did you first establish an actual residence on the land you now seek to enter? 2d. Has your residence thereon since been continuous? 3d. What use have you made of the land? 4th. How much of the land, if any, have you broken and cultivated since settlement, and what kind and quantity of crops have you raised?

Ans. 1st, Oct 26th 1868; 2d, Yes sir

3d, for raising

4th, about 100 acres, hay, corn & fruit

Ques. 7.—Are either of the parties who have testified as your witnesses in this case related to you by blood or marriage? If so, state how related.

Ans. No sir

Orange J. Slater

I HEREBY CERTIFY that each question and answer in the foregoing testimony was read to claimant before being subscribed, and was sworn to before me this 29 day of Dec, 1884.

E. W. L. Carter
Register

* In case the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization certificate, officially certified, must be filed with the case.

SE NW
SW NE
S. 1
1884

Patent No. 23007
Oct 19, 1908.

Handwritten signature

Pat. No. 23007
Oct 19, 1908.

shall be entitled to a patent for the track of land

which described.

TRANSMITTED BY MAIL

TO THE PATENT OFFICE

Handwritten text, possibly "Patent Office"

(The testimony of witnesses must be taken at the same time and place and before the same officer as claimant's final affidavit. The answers must be full and complete to each and every question asked, and officers taking testimony will be expected to make no mistakes in dates, description of land, or otherwise.)

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

SW 1/4
S. 36
1908

Hugh Sproat being called as witness in support of the homestead entry of Thomas McMillan for SW 1/4 Sec. 36 T. 2 N., R. 4 E.
B. M. testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Hugh Sproat; 29 years of age; Thurman, Idaho

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Partly farming and partly grazing land.

Ques. 5.—When did claimant settle upon the homestead, and at what date did he establish actual residence thereon? (State fully facts upon which you base your answer.)

Ans. In the fall of 1901, and established actual residence at that time. I moved his belongings into the house at that time.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. They have resided there continuously.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. No absences for more than a month at a time a year ago this winter, in California for his wife's health.

Ques. 8.—How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed and by whom owned.

Ans. Grazed his own stock on the land, 10 head of horses and 10 head of cattle.

All fenced—rabbit proof, cattle proof hog proof fence.

Ques. 9.—What improvements are on the land, and what is their value?

Ans. House, barn, bunk house, granary, ice house, fencing;

Total value—

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not that I am aware of.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. No, not that I am aware of.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. Not at all; I think he has.

[Sign plainly with full Christian name.]

Hugh Sproat

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 9th day of January, 1908 at my office at Boise, in Ada County, Idaho

[SEE NOTE ON FOURTH PAGE.]

Edward E. Garrett
Receiver.

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT

Thomas McMillan, being called as a witness in his own behalf in support of homestead entry No. 8359, for SW 1/4 Sec. 36m T. 2 N., R. 4 E. B. M. testifies as follows:

Ques. 1.—What is your name as you wish it to appear in your patent; age, and post-office address?

Ans. Thomas McMillan; 42 years of age; Mayfield, Idaho.

Ques. 2.—Are you a native-born citizen of the United States, and if so, in what State or Territory were you born?*

Ans. Naturalized.

Ques. 3.—Are you the identical person who made the entry?

Ans. Yes, Idaho.

Ques. 4.—When did you first establish actual residence on the land? State fully acts performed by you in this connection. When was your house built on the land and when did you commence permanent occupancy thereof as a place of abode? (Describe said house and other improvements placed on the land by you, giving total value thereof.)

Ans. June, 1905, and what is the true description of the land now claimed by you?
I am. SW 1/4 Sec. 36 T. 2 N., R. 4 E. B. M.
 Ques. 4.—When did you first establish actual residence on the land? State fully acts performed by you in this connection. When was your house built on the land and when did you commence permanent occupancy thereof as a place of abode? (Describe said house and other improvements placed on the land by you, giving total value thereof.) November, 1901; there was a house on it and I moved in it at that time. House, 4 rooms, frame; another 3-room house, barn, granary, well, all fenced. Total value—\$3000.

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Wife and two children; We have resided there continuously.

Ques. 6.—When and for what period or periods (giving dates) have you been absent from the homestead since making settlement, and for what purposes; and if temporarily absent, did your family reside upon and cultivate the land during such absence? If married woman, state whether the husband has unperfected homestead entry, and whether he has resided on this land with you?

Ans. January, and February, 1903, 1904, 1905, we went to California. No other absences.

Ques. 7.—How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed, and by whom owned.

Ans. do not know how many for I own other land in connection and they graze over it all. Fencing rabbit fence.

Ques. 8.—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 and business?

Ans. No.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Part of it grazing and part agriculture.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

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

Ans. No.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. About 9000 sheep running on adjoining land.

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral), made by you since August 30, 1890.

Ans. None.

[Sign plainly with full Christian name.]

Thomas McMillan

*In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.

Dame
Sub 4 2.34
1905

I HEREBY CERTIFY THAT THE FOREGOING testimony was read to the claimant before being subscribed, and was sworn to before me this 9th day of January, 1908, at my office at Boise, in Ada County, Idaho.

[SEE NOTE BELOW.]

Receiver.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the fact that if he swears falsely, he is liable to a fine of not more than \$1000, and to imprisonment for not more than one year.

Title LXX—CRIMES—Ch. 4.

Sec. 332. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which 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 a 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. (Sec. 1752.)

4-889.

HOMESTEAD PROOF.

LAND OFFICE AT

BOISE, IDAHO

Original Application No. 6359

Final Certificate No. 2813

Approved: Jan. 9, 1908

Edward E. Garrett

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION _____ OF THE REVISED STATUTES OF THE UNITED STATES.

I, Thomas McMillan, having made a homestead entry of the SW 1/4 Section No. 36 in Township Nos. 2 N of Range No. 4 E, subject to entry at Boise, Idaho under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. _____ of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am native born _____ a citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the _____ day of Nov 1901, 19 _____, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole bona fide owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except _____

[Sign plainly with full Christian name.]

Thomas M. McMillan

I, Edward E. Garrett, Receiver of U. S. Land Office, Boise, Idaho do hereby certify that the above affidavit was subscribed and sworn to before me this 9th day of January, 1908 at my office at Boise, in Ada County, Idaho

Receiver.

DEPARTMENT OF THE INTERIOR.

UNITED STATES LAND OFFICE, BOISE, IDAHO, June 3, 1905.

Thomas McMillan being duly sworn according to law deposes and says: that he is the identical person who is an apparent Government title to the south-west ~~quarter of section thirty-four, township two north, range~~ ~~four east, T2N, R4E, S34W~~; that he settled upon and established actual bona fide residence upon the above described tract of land with his family October 25, 1901; that he is now with his said family residing upon said tract of land and has ever since said 25th day of October, 1901, maintained his actual bona fide residence thereon; that there is now upon said tract of land and was at the time of the survey thereof, November 10, 1903, the following improvements belonging to affiant, to-wit:

Three room house, barn, three room bunk house, cellar, stable, ~~and other improvements~~. Said improvements were at the time of said survey and now actually ~~on the land~~. That he established said residence and has ever since maintained the same for the purpose of making said tract of land his home with the intention of filing application therefor whenever the same should be surveyed.

Thomas M. McMillan

.....
Subscribed and sworn to before me this 3rd day of

.....
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.)

[4-189.]

No. 765

CASH ENTRY.

LAND OFFICE AT
Pine City Idaho

Sec. 1, Town. 1N, Range 4E

No conflicts

2650. NE NW & NW
NE 1-1N 4E

Deans & State 3-84
Recommended for patent
and referred to Sec. C.
J. B. C.

Approved

by, Clerk.

Division

Patented 18 aug 1887

Recorded Vol. 3, Page 48

Filed July 18/85
22-121 1885

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Jacob Rein being called as a witness in support of the Pre-emption claim
of Oranqu J. States to the SE 1/4 NW 1/4 SW 1/4
Sec 1 Tp 1 N R 4 E, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. Boise City, Idaho

Ques. 2.—How long have you known claimant, and what is his age?

Ans. Have known him for last six years about 45 years

Ques. 3.—Is claimant married or single? 2d. Of whom does his family (if any) consist? 3d. Is he
a native or naturalized citizen?

Ans. 1st, Married; 2d, wife & two children
3d, A native

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or
salines thereon? (if so state plainly the nature.) 3d. Is more valuable for agricultural than mining purposes?
4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or
used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, Yes sir; 2d, No sir not to my knowledge
3d, No sir; 4th, Yes sir
5th, No sir

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did he leave or
abandon a residence on his own land in this Territory to reside on the land herein described?
3d. Has he ever filed for or entered other land under the pre-emption law? 4th. Has he mortgaged or
agreed to sell the land herein described?

Ans. 1st, Not to my knowledge; 2d, Not to my knowledge
3d, Not to my knowledge; 4th, Not to my knowledge

Ques. 6.—When did claimant first settle on his claim? 2d. What was his first act of settlement?
3d. What improvements has he on the land? 4th. What is the value of such improvements? 5th. When did
he commence his residence thereon? 6th. Has his residence been continuous? 7th. Has he
any other land? Has he any other land? (Answer to the point and
in detail.)

Ans. 1st, In June 1882; 2d, building a house & house
3d, A house & farm; 4th, \$15.00; 5th, acres; 6th, acres
7th, acres; 8th, acres

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. No sir

Jacob Rein

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to
before being subscribed, and was sworn to before me this 29 day of Dec, 1884.

(SEE NOTE ON FOURTH PAGE.)

Edw. L. Curtis
Register

PRE-EMPTION PROOF.—TESTIMONY OF WITNESS.

Charles Reim being called as a witness in support of the Pre-emption claim of Orange J. Slater to the SE¹ NW¹ & SW¹ NE¹ Sec 1 T¹ R¹ E¹, testifies as follows:

Ques. 1.—What is your post-office address?

Ans. Bone City Idaho

Ques. 2.—How long have you known claimant, and what is his age?

Ans. Nearly four years, about 45 years

Ques. 3.—Is claimant married or single? 2d. Of whom does his family (if any) consist? 3d. Is he a native or naturalized citizen?

Ans. 1st, Married; 2d, a wife & two children; 3d, A native

Ques. 4.—Are you familiar with the character of the land? 2d. Are there any indications of coal, minerals, or salines thereon? (if so state plainly the nature.) 3d. Is it more valuable for agricultural than mining purposes? 4th. Do you reside in its vicinity? 5th. Is it within the limits of an incorporated town, or selected town site, or used, in any way, for purposes of trade or business? (Answer to the point and in detail.)

Ans. 1st, Yes sir; 2d, Not to my knowledge; 3d, Yes sir; 4th, Yes sir; 5th, Yes sir

Ques. 5.—Is claimant the owner of 320 acres in this or any other State or Territory? 2d. Did he leave or abandon a residence on his own land in this Territory to reside on the land herein described? 3d. Has he ever filed for or entered other land under the pre-emption law? 4th. Has he mortgaged or agreed to sell the land herein described?

Ans. 1st, Not to my knowledge; 2d, Not to my knowledge; 3d, Not to my knowledge; 4th, Not to my knowledge

Ques. 6.—When did claimant first settle on his claim? 2d. What was his first act of settlement? 3d. What improvements has he on the land? 4th. What is the value of such improvements? 5th. When did he commence his residence thereon? 6th. Has his residence been continuous? 7th. What use has he made of the land? 8th. How much land has he broken and cultivated? (Answer to the point and in detail.)

Ans. 1st, he has been on the land as long as I have known him which is since June 1881; 2d, building house & corral; 3d, a house sheds & a corral; 4th, \$ 1500; 5th, as long as I have known him which is since June 1881; 6th, building house & corral; 7th, Used it for raising fruit hay grain & vegetables; 8th, 70 acres.

Ques. 7.—Are you in any way interested in this claim, or, by blood or marriage, related to claimant?

Ans. No sir

I HEREBY CERTIFY that witness is a person of respectability; that the foregoing testimony was read to him before being subscribed, and was sworn to before me this 29th day of Dec, 1881

(SEE NOTE ON FOURTH PAGE.)

Charles Reim
Edu. L. Curtis
Resides

PRE-EMPTION PROOF.—TESTIMONY OF CLAIMANT.

Orange J. Slater being called as a witness in his own behalf in support of his pre-emption claim to the Sec 1 1/2 1st R 4 E testifies as follows:

Ques. 1.—What is your name (written in full and correctly spelled) and age?

Ans. Orange J. Slater 47 years of age

Ques. 2.—Are you the head of a family, (if so, of whom does it consist,) or a single person?

Ans. Yes sir, a wife & two children

Ques. 3.—Are you a native-born or naturalized citizen of the United States?*

Ans. Native born citizen

Ques. 4.—Is your pre-emption claim, above described, within the limits of an incorporated town, or selected site of a city or town, or used in any way for trade and business? 2d. Did you leave other land of your own to settle on your present claim? 3d. Have you ever made a pre-emption filing or entry for land other than that you now seek to enter? If so, describe the same. (Answer to the point and in detail)

Ans. 1st, No sir; 2d, I did not

3d, I have not

Ques. 5.—When did you first make settlement on the above-described land? 2d. What was your first act of settlement? 3d. Were there any improvements on the land when you settled? If so, state who then owned them and whether you purchased the same. 4th. What improvements have you made on the land since settlement, and what is the value of same?

Ans. 1st, Oct 26 " 1868; 2d, Built a corral & cut hay & built house

3d, None whatever

4th, House corral Stake fence & about 1400

Ques. 6.—When did you first establish an actual residence on the land you now seek to enter? 2d. Has your residence thereon since been continuous? 3d. What use have you made of the land? 4th. How much of the land, if any, have you broken and cultivated since settlement, and what kind and quantity of crops have you raised?

Ans. 1st, Oct 26 " 1868; 2d, Yes sir

3d, for raising

4th, about 1/2 acre, & about 1/2 acre of fruit

Ques. 7.—Are either of the parties who have testified as your witnesses in this case related to you by blood or marriage? If so, state how related.

Ans. No sir

Orange J. Slater

I HEREBY CERTIFY that each question and answer in the foregoing testimony was read to claimant before being subscribed, and was sworn to before me this 29 day of Dec, 1884

E. L. Carter
Register

* In case the party is of foreign birth, a copy of his declaration of intention to become a citizen, or full naturalization certificate, officially certified, must be filed with the case.

Case City of London

R & R - No 142

R. H. Slater

Approved for patenting
I. P. S.

Pat Sept 18 1872
Rec Vol 2 P 18

42 £ 124

No. 142 LAND OFFICE at Princeton, N.J. - March 16, 1872

It is hereby certified, That, in pursuance of Law, Reuben H. Shaler - of Shaler as

County, State of New Jersey on this day purchased of the Register of this Office, the Lot or Lots of Section No. 12 East in Township No. 1 North of Rte 64

1 Acre of Range No. 4 East containing one hundred and thirty-five acres, at the rate of one dollar and twenty-five cents per acre, amounting to three hundred and thirty-seven dollars and fifty cents, for which the said Reuben H. Shaler has made payment in full as required by law.

Now, therefore, be it known, That on presentation of this certificate to the COMMISSIONER OF THE GENERAL LAND OFFICE, the said Reuben H. Shaler shall be entitled to receive a Patent for the Lot above described.

Witness my hand and the seal of the Office at Princeton, N.J. this 16th day of March, 1872.

HOMESTEAD ACT OF MAY 20, 1862.

(8th Section.)

I, Reason H Slater, claiming the right to commute, under the 8th section of the act of May 20, 1862, my homestead entry No. 111, made upon the East 1/2 of North 1/2 of Section 12, township 1 North, range 4 East, do solemnly swear that I made settlement upon said land on the 20th day of October, 1869, and that since said date, to-wit: on the 20th day of October, 1869, I have built a house on said land, and have continued to reside thereon up to the present time, and have made the following improvements on said land, to-wit: 50 acres of said land.

I further swear that I have not heretofore had the benefit of the Homestead Act, nor abandoned an entry previously made under its provisions.

Reason H Slater

LAND OFFICE,

Sworn and subscribed to before me this 6th day of April, 1872
Sheldon

Register.

known to us Joseph Brown & Daniel Dow Reason H Slater do solemnly swear that we have known many three years as that he is

is a citizen of the United States, and is an inhabitant of the S. 1/2 of Sec 12 of T. 1 N. R. 4 E., section 12, township 1 North, range 4 East; that the said Reason H Slater entered upon and made settlement in person on the said land on the 20th day of October, 1869.

He has built a house on said land, and has lived in said house and made the following improvements on said land, to-wit: 50 acres of said land and has plowed, fenced, and cultivated about 50 acres.

Joseph Brown
Daniel Dow
 LAND OFFICE, Brown City, Idaho

Sworn and subscribed to before me this 6th day of April, 1872
Sheldon

Register.

THOMES T. A. D.

Grand Office at *St. Louis*

October 28th 1869

of Alliance County 1844

[illegible]

Worn to and subscribed this 20th day of Decr 1869 before

Has Don action
to get
of the Grand Officer

HO. EST. 177

1870

LAND OFFICE

John W. C. C.

October - 26

Sec. 1, Town 11, Range 4

Donna L. Blatter

Deborah D. C. C.

For March 20, 1871

Deborah D. C. C.

42-121
Racine Aug 21/76

Final Proof required under Homestead Act May 20, 1862.

WE, Julius M. Haeger & Eben Lobdell do solemnly swear
that we have known Orange J. Slater for seven years last past; that he
is the head of a family consisting of a Wife and _____
_____ a citizen of the United States; that he is an inhabitant
of the Sold M. Luro 2. and Three (3) of section No. One (1) in
Township No. One North of Range No. Four East and that no other person resided upon the
said land entitled to the right of Homestead or Pre-emption

That the said Orange J. Slater entered upon and made settlement
on said land on the twenty eighth day of October 1869, and has built a house
thereon _____

and has lived in the said house and made it his exclusive home from the twenty eight day of
October, 1869, to the present time, and that he has, since said settlement, plowed,
fenced, and cultivated fifty acres of said land, and has made the following improvements
thereon, to wit: Buildings, sheds &c and the improvements are worth
\$300.00

Julius M. Haeger
Eben Lobdell
I, William P. Thompson Register Land Office, do hereby certify that the above affidavit was
taken and subscribed before me this 16th day of October, 1876.

W. P. Thompson Register
WE CERTIFY that Julius M. Haeger & Eben Lobdell whose names
are subscribed to the foregoing affidavit, are persons of respectability.

W. P. Thompson Register.
James Stout Receiver.

2000年12月 第10卷第12期

Patent to contain reservation, according to proviso to the Act of Aug. 30, 1890.

LAND OFFICE

Pat. No. 23007
Oct. 19, 1908.

no further use of evidence offered
by State. Dec. 13, 1916. - 08.
Sent to State. To State.

TRANSMITTED PATIENT

04-25-08

TO REGISTER & RECEIVER

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

John J. Breckenridge.

John G. Brackenridge, published _____, being called as witness in support of the homestead entry of _____ Thomas McMillan _____ for _____

M., testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. John G. Breckenridge; 39 years of age; Boise, Idaho.

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. _____ No. _____

State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans.

Ques. 5.—When did claimant settle upon the homestead, and at what date did he establish actual residence thereon? (State fully *facts* upon which you base your answer.)

Ans. He settled upon the land in November, 1901 and established
actual residence at that time. I know from personal observation.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. They have resided there continuously.

Q. — For what period or periods has the settler been [redacted] since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. No absences- except as claimant may have been absent from

~~time to time running sheep. His wife and family have been on~~
~~the claim all the time.~~

How much of the homestead has the settler cultivated, and for how many seasons? If used for grazing only, describe fencing, state number and kind of stock grazed and by whom owned.

Ans. ~~his own horses and cows~~ Part of it he has pastured
his own horses and cows 8 or 10 or 12 horses and 2 or 3 cows
All fenced, wheep tight wire fence with seal posts.

What improvements are on the land, and what is their value?

All fenced, good house, which would cost \$2500, barn, granary,
ice house, and several small buildings. Total value \$7000.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. _____ of.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. ----- No, I do not think so.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. No. 2- I do in every way.

[Sign plainly with full Christian name.]

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 9th day of January, 1908, at my office at Boise, in Ada County, Idaho

[SEE NOTE ON FOURTH PAGE.]

Receiver.

HOMESTEAD PROOF—TESTIMONY OF WITNESS.

Hugh Sproat, being called as witness in support of the homestead entry of Thomas McMillan for SW $\frac{1}{4}$ Sec. 36 T. 2 N., R. 4 E. B. M., testifies as follows:

Ques. 1.—What is your name, age, and post-office address?

Ans. Hugh Sproat; 29 years of age; Thurman, Idaho

Ques. 2.—Are you well acquainted with the claimant in this case and the land embraced in his claim?

Ans. I am.

Ques. 3.—Is said tract within the limits of an incorporated town or selected site of a city or town, or used in any way for trade or business?

Ans. No.

Ques. 4.—State specifically the character of this land—whether it is timber, prairie, grazing, farming, coal, or mineral land.

Ans. Partly farming and partly grazing land.

Ques. 5.—When did claimant settle upon the homestead, and at what date did he establish actual residence thereon? (State fully facts upon which you base your answer.)

Ans. In the fall of 1901, and established actual residence at that time. I moved his belongings into the house at that time.

Ques. 6.—Have claimant and family resided continuously on the homestead since first establishing residence thereon? (If settler is unmarried, state the fact.)

Ans. They have resided there continuously.

Ques. 7.—For what period or periods has the settler been absent from the land since making settlement, and for what purpose; and if temporarily absent, did claimant's family reside upon and cultivate the land during such absence?

Ans. No absences for more than a month at a time a year ago this winter, in California for his wife's health.

Ques. 8.—How much of the homestead has the settler cultivated, and for how many seasons did he raise crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed and by whom owned.

Ans. Grazed his own stock on the land, 10 head of horses and 10 head of cattle.

All fenced—rabbit proof; cattle proof—hog proof fence.

Ques. 9.—What improvements are on the land, and what is their value?

Ans. House, barn, bunk house, granary, ice house, fencing;

Total value—

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the homestead? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. Not that I am aware of.

Ques. 11.—Has the claimant mortgaged, sold, or contracted to sell, any portion of said homestead?

Ans. No, not that I am aware of.

Ques. 12.—Are you interested in this claim; and do you think the settler has acted in entire good faith in perfecting this entry?

Ans. Not at all; I think he has.

[Sign plainly with full Christian name.]

Hugh Sproat

I HEREBY CERTIFY that the foregoing testimony was read to the witness before being subscribed and was sworn to before me this 9th day of January, 1908 at my office at Boise, in Ada County, Idaho

[SEE NOTE ON FOURTH PAGE.]

Edward E. Garrett
Receiver.

HOMESTEAD PROOF—TESTIMONY OF CLAIMANT

Thomas McMillan, being called as a witness in his own behalf in support of homestead entry No. 8359, for SW $\frac{1}{4}$ Sec. 36m T. 2 N., R. 4 E. B. M. testifies as follows:

Ques. 1.—What is your name as you wish it to appear in your patent; age, and post-office address?

Ans. Thomas McMillan; 42 years of age; Mayfield, Idaho.

Ques. 2.—Are you a native-born citizen of the United States, and if so, in what State or Territory were you born?*

Ans. Naturalized.

Ques. 3.—Are you the identical person who made the entry?

Ans. Boise, Idaho.

June, 1905, and what is the true description of the land now claimed by you?

Ans. I am SW $\frac{1}{4}$ Sec. 36 T. 2 N., R. 4 E. B. M.

Ques. 4.—When did you first establish actual residence on the land? State fully acts performed by you in this connection. When was your house built on the land and when did you commence permanent occupancy thereof as a place of abode? (Describe said house and other improvements placed on the land by you, giving total value thereof.) November, 1901; there was a house on it and I

Ans. moved in it at that time. House, 4 rooms, frame; another 3 room house, barn, granary, well, all fenced. Total value—\$3000.

Ques. 5.—Of whom does your family consist; and have you and your family resided continuously on the land since first establishing residence thereon? (If unmarried, state the fact.)

Ans. Wife and two children; We have resided there continuously.

Ques. 6.—When and for what period or periods (giving dates) have you been absent from the homestead since making settlement, and for what purposes; and if temporarily absent, did your family reside upon and cultivate the land during such absence? If married woman, state whether the husband has unperfected homestead entry, and whether he has resided on this land with you?

Ans. January and February of 1905, we went to California. No other absences.

Ques. 7.—How much of the land have you cultivated each season, and for how many seasons have you raised crops thereon? If used for grazing only, describe fencing, state number and kind of stock grazed, and by whom owned.

Ans. Pastured horses and cattle—do not know how many for I own other land in connection and they graze over it all. Fencing rabbit fence.

Ques. 8.—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 and business?

Ans. No.

Ques. 9.—What is the character of the land? Is it timber, mountainous, prairie, grazing, or ordinary agricultural land? State its kind and quality, and for what purpose it is most valuable.

Ans. Part of it grazing and part agriculture.

Ques. 10.—Are there any indications of coal, salines, or minerals of any kind on the land? (If so, describe what they are, and state whether the land is more valuable for agricultural than for mineral purposes.)

Ans. No.

Ques. 11.—Have you ever made any other homestead entry? (If so, describe the same.)

Ans. No.

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

Ans. No.

Ques. 13.—Have you any personal property of any kind elsewhere than on this claim? (If so, describe the same, and state where the same is kept.)

Ans. About 9000 sheep running on adjoining land.

Ques. 14.—Describe by legal subdivisions, or by number, kind of entry, and office where made, any other entry or filing (not mineral), made by you since August 30, 1890.

Ans. None.

[Sign plainly with full Christian name.]

Thomas McMillan

* In case the party is of foreign birth a certified transcript from the court records of his declaration of intention to become a citizen, or of his naturalization, or a copy thereof, certified by the officer taking this proof, must be filed with the case. Evidence of naturalization is only required in final (five-year) homestead cases.

I HEREBY CERTIFY THAT THE FOREGOING TESTIMONY WAS READ TO THE CLAIMANT BEFORE BEING SUBSCRIBED, AND WAS SWORN TO BEFORE ME THIS 9th day of January, 1908, at my office at Boise, in Ada County, Idaho.

[SEE NOTE BELOW.]

Receiver.

NOTE.—The officer before whom the testimony is taken should call the attention of the witness to the fact 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.

TITLE LXX—CRIMES—CH. 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 a fine of not more than two thousand dollars, and by imprisonment, at hard as the judgment against him is reversed. (See 1770.)

4-369.

HOMESTEAD PROOF.

LAND OFFICE AT

BOISE, IDAHO

Original Application No. 6359

Final Certificate No. 2813

Approved: Jan. 9, 1908

FINAL AFFIDAVIT REQUIRED OF HOMESTEAD CLAIMANTS.

SECTION _____ OF THE REVISED STATUTES OF THE UNITED STATES.

I, Thomas McMillan, having made a homestead entry of the SW 1 Section No. 36 in Township Nos. 2 N of Range No. 4 E, subject to entry at Boise, Idaho under section No. 2289 of the Revised Statutes of the United States, do now apply to perfect my claim thereto by virtue of section No. _____ of the Revised Statutes of the United States; and for that purpose do solemnly swear that I am native born a citizen of the United States; that I have made actual settlement upon and have cultivated and resided upon said land since the _____ day of Nov. 1901, 19 _____, to the present time; that no part of said land has been alienated, except as provided in section 2288 of the Revised Statutes, but that I am the sole *bona fide* owner as an actual settler; that I will bear true allegiance to the Government of the United States; and, further, that I have not heretofore perfected or abandoned an entry made under the homestead laws of the United States, except _____

[Sign plainly with full Christian name.]

Thomas McMillan

I, Edward E. Garrett, Receiver of U.S. Land Office, Boise, Idaho do hereby certify that the above affidavit was subscribed and sworn to before me this 9th day of January, 190 8 at my office at Boise, in Ada County, Idaho

Receiver.

UNITED STATES LAND OFFICE, BOISE, IDAHO, June 3, 1905.

Three room house, barn, three room bunk house,
cellar, stable, ~~house, barn, etc.~~, ~~50 acres of land~~ said tract
~~cultivated in alfalfa and other crops and grazing land.~~ Said
improvements were at the time of said survey and now actually
~~worth at least \$10,000 in value.~~ That he established
said residence and has ever since maintained the same for the
purpose of making said tract of land his home with the
intention of filing application therefor whenever the same
should be surveyed.

Thomas M. Millau

Subscribed and sworn to before me this 3rd day of

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. 1760.)

Music, Vicky

From: Music, Vicky
Sent: Wednesday, November 08, 2006 9:18 AM
To: 'Hofstetter Law Office'
Subject: RE: 63-32536

Dana --

I received the faxed letter. Thank you. However, the letter does not provide any evidence for this beneficial use claim.

The source for license 63-2145 [Slater Cr, Indian Cr, Big Draw, Dry Hollow] and the pou are located a few sections west of the current claim. The letter simply states that the Lords are known to use the water of Slater Creek which is a given because they had licensed right 63-2118 with a priority date of 1910 from Slater Creek. This brings up another problem. Clearly, the Lord family and their predecessor know of the licensing process and it seems odd that they pursued it for 2 licenses [63-2118 and 63-2655; groundwater, 1946 priority date] and not for this b/u.

Please submit additional information to support the use and priority date.

Thanks.
Vicky Music
Sr. Water Resource Agent
IDWR/Western Region

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

From: Hofstetter Law Office [mailto:Dana@IdahoWaterLaw.com]
Sent: Tuesday, November 07, 2006 4:32 PM
To: Music, Vicky
Subject: Re: 63-32536

Vicky:

I believe that this beneficial use claim was filed by Erin Lord, not Lord Ranches. Mr. Lord and his son are available this week, whatever works best for you. Please let us know when you would like to conduct the field exam. The 1910 priority was based on the date of the irrigation license 63-2118 on the nearby property as this whole area would have been put under irrigation at about the same time. There's a 1968 letter in another license file, 63-2143, confirming that the Lord lands had been irrigated for along time. I will fax this letter to you. Also, I can get an affidavit from Erin Lord (Oliver Lord's son) confirming personal knowlege of at least some of the time period.

Thank you,
Dana

--

Dana L. Hofstetter
Hofstetter Law Office, LLC
608 West Franklin Street
Boise, Idaho 83702

11/8/2006

Telephone: (208) 424-7800
Facsimile: (208) 424-8774

Music, Vicky wrote:

Hi Dana -

I received the above beneficial use claim that you filed on 10/30/06 on behalf of the Lord Ranch. The Basin 63 Part 3 Director's Report will be filed with the Court December 1, 2006. Due to the late filing date of this claim and our deadlines, I must have evidence of priority by November 8, 2006. Additionally, a field exam must be done next week. If the evidence and exam are not completed by 11/9/06, I will be recommending this claim as disallowed. You can file an objection which can give us more time to verify the elements of this claim. Thanks.

Vicky L. Music
Sr. Water Resource Agent
Adjudication Bureau
IDWR/Western Region
2735 Airport Way
Boise, Idaho 83705-5082
(208) 334-2190

11/8/2006

11/20/2006

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

RIGHT NUMBER: 63-32536

NAME AND ADDRESS: ERIN LORD
1171 MAYFIELD RD
BOISE ID 83716

SOURCE: WEST FORK SLATER CREEK

TRIBUTARY: SLATER CREEK

QUANTITY: 2.360 CFS
20.000 AFY

PRIORITY DATE: 04/01/1910

POINT OF DIVERSION:

T02N R04E S1 NESE Within ELMORE County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION STORAGE	02/01 11/15	20.00 AFY
DIVERSION TO STORAGE	02/01 11/15	2.360 CFS
IRRIGATION FROM STORAGE	03/15 11/15	2.360 CFS
IRRIGATION	03/15 11/15	2.360 CFS

PLACE OF USE:

IRRIGATION in ELMORE County

T01N R04E S01	SWNE	10.00	T01N R04E S01	NENW	10.00
T01N R04E S01	NWNW	10.00	T01N R04E S01	SENW	30.00
T01N R04E S01	NESW	20.00	T01N R04E S01	SESW	25.00
T01N R04E S12	NENW	32.00	T02N R04E S36	SENW	5.00
T02N R04E S36	NESW	8.00	T02N R04E S36	NWSW	7.00
T02N R04E S36	SWSW	10.00	T02N R04E S36	SESW	8.00

IRRIGATION FROM STORAGE same as IRRIGATION

175 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.

No beneficial use found.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32536 V1

WATER RIGHT NUMBER: 63-32536 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	ERIN LORD 1171 MAYFIELD RD BOISE, ID 83716 (208)343-8938
Attorney	HOFSTETTER LAW OFFICE, LLC 608 WEST FRANKLIN STREET BOISE, ID 83702

Priority Date: 04/01/1910

Basis: Beneficial Use

Status: Disallowed

Source

WEST FORK SLATER CREEK

Tributary

SLATER CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION STORAGE	02/01 to 11/15		20.00 AF
DIVERSION TO STORAGE	02/01 to 11/15	2.360 CFS	
IRRIGATION FROM STORAGE	03/15 to 11/15	2.360 CFS	
IRRIGATION	03/15 to 11/15	2.360 CFS	
	<u>Total Diversion:</u>	2.360 CFS	20.00 AF

Location of Point(s) of Diversion

WEST FORK SLATER CREEK	NE1/4SE1/4	Sec. 1, Twp 02N, Rge 04E, B.M.
ELMORE County		

Place of UseIRRIGATION Within ELMORE County

T01N R04E S01	SWNE	10.0	T01N R04E S01	NENW	10.0
T01N R04E S01	NWNW	10.0	T01N R04E S01	SENE	30.0
T01N R04E S01	NESW	20.0	T01N R04E S01	SESW	25.0
T01N R04E S12	NENW	32.0	T02N R04E S36	SENE	5.0
T02N R04E S36	NESW	8.0	T02N R04E S36	NWSW	7.0
T02N R04E S36	SWSW	10.0	T02N R04E S36	SESW	8.0

Total Acres: 175

IRRIGATION FROM STORAGE same as IRRIGATIONConditions of Approval:

1. C18 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.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32536 V1

2. P13 No beneficial use found: This is included for a claim based on beneficial use that is proposed to be disallowed because beneficial use of water was not confirmed by IDWRs field examination or by other evidence submitted by the claimant.
3. P03 No beneficial use found.

Remarks:Comments:

1. Vmusic 11/20/2006 BASIS FOR DISALLOWAL

Comment: NO EVIDENCE OF PRIORITY SUBMITTED. CLAIM SUBMITTED 2 WEEKS BEFORE AGENT DEADLINE FOR RECOMMENDATIONS TO BE COMPLETE. FIELD EXAM SUBMITTED AFTER ABOVE DEADLINE - NO TIME FOR ADEQUATE REVIEW. SEE MEMO IN FILE.

2. Vmusic 11/20/2006 EVIDENCE OF PRIORITY

Comment: VAGUE REFERENCE TO A LETTER IN LICENSE FILE 63-2143. DOES NOT ESTABLISH PRIORITY FOR A 1910 PRIORITY DATE.

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	11/20/2006 2:06:23 PM	Vmusic			Disallowed
POD	11/20/2006 2:06:53 PM	Vmusic			Disallowed
Priority Date	11/20/2006 2:08:28 PM	Vmusic			Disallowed
Source	11/20/2006 2:08:51 PM	Vmusic			Disallowed
POU	11/20/2006 2:09:19 PM	Vmusic			Disallowed
Use	11/20/2006 2:09:54 PM	Vmusic			Disallowed
Season	11/20/2006 2:10:15 PM	Vmusic			Disallowed
Quantity	11/20/2006 2:10:40 PM	Vmusic			Disallowed
Summary			11/20/2006	Vmusic	Disallowed

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	11/20/2006 2:06:24 PM	Vmusic	(No) 1. Do you want to schedule an appointment? Comment for 1: DESKTOP REVIEW

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32536 V1

POD	11/20/2006 2:06:54 PM	Vmusic	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (No) 7. Can the change be verified as an accomplished transfer? (No) 8. Was a transfer filed? (No) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
General	11/20/2006 2:08:29 PM	Vmusic	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (No) 8. Is the basis of claim a posted notice? (No) 9. Is the Priority Date of this water use after the date a permit is required for the source and the water use? (No) 12. Does the claim file contain sufficient evidence of Priority Date? (No) 13. Has additional evidence of priority date been submitted? (No) 14. Can any portion of the claim be recommended as a valid water right? Description for Question 12/13 - NONE SUBMITTED
Source	11/20/2006 2:08:52 PM	Vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (No) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - FIELD EXAM
POU	11/20/2006 2:09:20 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (No) 7. Is there evidence that there has been a change in the POU? (Yes) 13. Does the file contain all the necessary information to verify the POU? (No) 14. Is a POU remark and/or condition required? Description for Question 13 - FIELD EXAM

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 63-32536 V1

Use	11/20/2006 2:09:55 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Summary	11/20/2006 2:12:48 PM	Vmusic	(No) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 3. Is the water being used for all of the purposes claimed and to the extent claimed? (No) 4. Is any portion of the claim be recommended? (Yes) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
Season	11/20/2006 2:10:16 PM	Vmusic	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	11/20/2006 2:10:41 PM	Vmusic	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is the basis of claim a posted notice? (Yes) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?

Water Supply Bank:

63-32536

500 HD

JANK POU AS IRRIGATION
IN NESW NUNK & POND (POU STOCK)

NW NW Q. 1 POU ACKES OK
NENE Q. ~~2~~ POD UNN. STREAM

SESW - DITCH DOES NOT GO TO THIS PROPERTY

IRRIG. STORAGE - POU
STORAGE AMOUNT - 12' deep (max. acc)
LIKELY 2 ACRES.

NESW POD OK.

ADD STOCKWATER USE -

63-2118 OK FOR SFS w/POD MOVED UP
63-2655 OK TO GO - WELL OK

63-33233 - POD'S Claimed on
63-33393 also
No Indian Creek water

* 63-2118 - Old #
63-2143 - " "

} only 2 on Slater Cr.

Set May & June 5th 2012
set for trial.

Lana will get SF5's back.

