



A47-11876

*GOVERNOR PHILIP E. BATT

R. KEITH HIGGINSON
Director

January 10, 1995

A47-11876
RANGEN, INC.
BY TERRY CUMMINS, MGR.
BX. 706
BUHL ID 83316

RE: Evidence of Priority

* RESPONSE DEADLINE *
* MARCH 15, 1995 *

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, at a later date, conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided by the claimant supporting the priority date claimed.

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

Please find enclosed a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a

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notarized affidavit.

Please submit the required evidence supporting the priority date by March 15, 1995, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enc.

NOV 28 1996

ELLSWORTH, MAY, SUDWEEKS, STUBBS,
IPSEN & PERRY
ATTORNEYS AT LAW

BART D. BROWNING
MAURICE O. ELLSWORTH
LOREN C. IPSEN
THOMAS D. KERSHAW, JR.
J. MICHAEL KULCHAK
J. DEE MAY
MARK B. PERRY
MARK D. STUBBS
JAY D. SUDWEEKS

With Attorneys Licensed to Practice
in Idaho, Arizona, Nevada and Oregon

516 Second Street East
P.O. Box 1846
Twin Falls, Idaho 83303
Telephone (208) 733-7180
Facsimile (208) 733-7967

BOISE, IDAHO

Alaska Center
1020 Main Street, Suite 400
P.O. Box 637
83701
Telephone (208) 338-1001
Facsimile (208) 338-8400

HAILEY, IDAHO

219 S. Main
83333
Telephone (208) 788-0834

March 15, 1995

RECEIVED

MAR 15 1995

HAND DELIVERED

Department of Water Resources
Southern Region

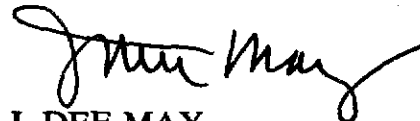
Idaho Department of Water Resources
222 Shoshone East
Twin Falls, ID 83301

RE: RANGEN, INC. WATER RIGHTS

TO WHOM IT MAY CONCERN:

Pursuant to notice on behalf of Rangen, Inc. I am submitting the enclosed
Affidavit as proof of priority for water right no. A-47-11876.

Very truly yours,


J. DEE MAY

JDM/kb

Enclosure

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AFFIDAVIT OF THORLEIF RANGEN

RECEIVED

MAR 15 1995

Department of Water Resources
Southern Region

STATE OF IDAHO)

: ss.

County of Twin Falls)

THORLEIF RANGEN, Being first duly sworn on oath, deposes and says:

1. That Rangen, Inc. is the claimant on water right no. A-47-11876.
2. That the Idaho Department of Water Resources has requested evidence of priority date for the above referenced water right given the fact that they are based on a statutory claim. This affidavit is prepared and submitted to the Idaho Department of Water Resources as evidence of said priority date. The priority date claimed for said water right is May 1, 1986.
3. That the water right referenced above is for the bean warehouse owned by Rangen, Inc., the claimant.
4. The bean warehouse went into production May 1, 1986. The water has been used in that commercial venture continuously since that date. The water referenced in the above water right is essential to the use of the bean warehouse facility and the facility would not be able to operate without the use of the water. The water and the facility have been in constant operation since May 1, 1986.

AFFIDAVIT OF THORLEIF RANGEN - 1

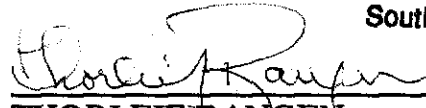
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DATED This 15th day of March, 1995.

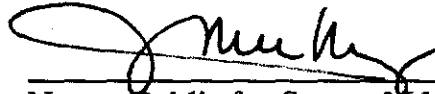
MAR 15 1995

Department of Water Resources
Southern Region



THORLEIF RANGEN

SUBSCRIBED AND SWORN To before me this 15th day of March, 1995.



Notary Public for State of Idaho
Residing at Twins Falls, therein.
Commission Expires: 11/2/99

AFFIDAVIT OF THORLEIF RANGEN - 2

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