



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

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RECEIVED

DEC 11 2003

Department of Water Resources

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

37-10072 - Dured Water Rights
November 13, 2003
37-4010 & 37-4011 - SRBA Claims

LAWRENCE MC CONVILLE
RUTH MC CONVILLE
703 N BAYFRONT
BALBOA ISLAND CA 92662

Re: Evidence of Priority Date

Dear Claimants:

RESPONSE DEADLINE
DECEMBER 15, 2003

The Notices of Claim to a Water Right (claim) identified with the numbers shown above your name have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. Since the priority date and historic use of a beneficial use right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

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

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

PLEASE NOTE: IDWR will recommend the SRBA Court decree the claims disallowed if no evidence of the priority date and of the historic use 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 should be in the form of a notarized affidavit.

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

Sincerely,

Carter Fritschle
Carter Fritschle
Water Rights Supervisor

Enclosures

December 5, 2003
Have the enclosed Notarized Statement from
Larry Barlogi in sufficient evidence - Thank
you for your help in this matter -
Ruth Lawrence McConville

STATEMENT BY LARRY BARLOGI, SON OF REX
BARLOGI, GRANDSON
OF ALGEROY PENFOLD.

The History that has been passed down is that Al Penfold and his employee, Henry Clausen tunneled into the slope on the east side of the present highway 30 to develop a source of irrigation water for the portion of his land that was East of the old highway 30, now known as the Bliss highway. This water now arrives to a concrete box that is the east claim no. 37-4011.

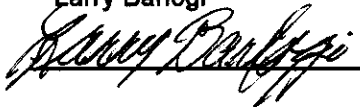
Around 1941 Rex Barlogi purchased the land east of old highway 30 from Al penfold with rights to the water.

Rex and Nora built a new home on part of this land which was sold later to Larry Barlogi and is now owned by Karen Mueller. I was involved in digging the trench from the spring north of the house to pipe the water to be used as domestic, garden, and stock water and is now claim no. 37-4010.

When John Lemoyne purchased a part of the property and subdivided this part into spring acres subdivision there was a concrete box installed at the end of the pipe from the source to allow the water to be split up for all the lots with Rex Barlogi retaining rights for water to his property. There also is an easement for the water line and access. This water line was to be used to water the land retained by Rex Barlogi which is rough land and requires more than the usual amount of water to irrigate. Also used as stock water. Claim no. 37-4011

At a later date the domestic water from the north source became contaminated so a line was tied in from the east source as domestic water and is under claim no. 40-4011.

Larry Barlogi



NOV. 1904

STATE OF IDAHO
COUNTY OF GOODING

On this 19th day of November, 2003, before me
SVANNE K. JENSEN, a Notary Public in and
for said State, personally appeared LARRY BARLOGI
known to me to be the person whose name IS subscribed to the within instrument,
and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed me official seal, the day and year in this certificate
first above written.




Notary Public for Idaho, residing at Vaderman Idaho
Commission
Expires: 08/04/2004