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RECEIVED
JUL 21 2004

Department of Water Resources
Eastern Region

July 20, 2004

Allen B. Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Evidence of Priority for SRBA Water Right Claim 22-13201

Dear Al:

We are writing this letter in response to your letter to Richard and Susan Jacobsen Family Trust dated July 7, 2004, requesting evidence of priority for the above referenced SRBA claim.

When our client, Richard and Susan Jacobsen Family Trust acquired the property involved on Drake Creek, they indicated there was an old small dam which impounded a small pond on the property and inquired what might be done as far as a claim is concerned. At that time, we obtained as much information from the former owners as we were able. I doubt that we will be able to supply anything else regarding the priority beyond the affidavits that were filed with the claim.

As you will see, there is a statement by Elva Letham and an affidavit of Rodney L. Taylor as well as an affidavit of Don L. Boyle. All are children or grandchildren of Fred J. Drake who allegedly built the dam in about 1927, probably originally for irrigation purposes. As we indicated in the claim, the pond is no longer used for irrigation, but only for recreation, aesthetics and fish propagation purposes.

Yours very truly,



Kent W. Foster

c: Dick Jacobsen