

To: Idaho Dept of Water Resources
Adjudication Bureau
Statehouse Mail
Boise, ID 83720-9000

RECEIVED
JUL 29 2004
Department of Water Resources
Eastern Region

From: Gale Altman
829 Hidden Estates Lane
St. Anthony, ID 83445

Re: Evidence of Priority Date
SRBA Water Right Claim 21-12837

Date: July 25, 2004

Dear Sirs:

I recently received a letter from Ernest Carlson for Allen B. Ruberry requesting "evidence of priority" for the above claim. The water in question comes from a flume which was constructed by the Fremont Madison Irrigation District. I am enclosing a copy of a letter I received from Dale Swensen of FMID dated January 11, 2001 in which he indicates "the flumes and bridges were built during that same time frame presumably from 1938 to 1939."

When I first applied, an IDWR worker used Mr. Swensen's letter as evidence and thus assigned December 31, 1939 to me as the Priority Date.

Further, I had anticipated providing you with an affidavit signed by Floyd Greenhalgh, now of Rigby, Idaho, who lived in the area during the construction time period, witnessed the first beneficial use, and who later in 1953 owned and farmed the land using that water. However, on 7/25/04 Mr. Greenhalgh declined to sign. He said he declined not because of the truthfulness concerning the issue, but because he "had witnessed too much unpleasantness around water rights disputes and did not want to be involved."

Earlier, Mr. Greenhalgh had informed me that the first beneficial user were the "parents of Merril Howard." He said subsequent users were "Gruzinsky, Brown and Chamberlin" and himself. Mr. Greenhalgh later sold his property to a Reid Winters. Mr. Winters farmed it, and in the late 70's created a subdivision taking 100" of water rights with him. We purchased our property from Mr. Winters in 1979.

The source of Mr. Winters share was water which flowed from the flume into a triple headgate. The headgate opens into three ditches which he used to irrigate his farm. The headgate also carried a large amount of "waste water" from the Saurey farm, the water owners on the ditch before Mr. Winters. After 1980, I and several other home owners used parts of this remaining waste water for irrigation, ponds and aesthetic use. When I

later found out its origin, I obtained permission from Kim Saurey to use the waste water on September 1, 2000. Unfortunately, several years back another subdivision property owner living between us and the headgate, chose to divert the water which we had been using, into the Henry's Fork. As this shut off our access via one of Mr. Winters' three ditches, I obtained a ditch easement from Mr. Winters to bring the water to my property via another ditch.

I hope this information is sufficient for your needs. If you need additional verification data please advise me.

Sale Altman

FREMONT-MADISON IRRIGATION DISTRICT

P.O. BOX 15
ST. ANTHONY, IDAHO 83445

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January 11, 2001

Gail Altman
829 Hidden Estates Lane
St. Anthony, ID 83445

Dear Gail:

In response to your question about when the flumes and bridges were built over the Cross-cut Canal, I know that Island Park Dam, Grassy Lake Dam, and the Cross-cut Dam and Canal were built during the time frame from 1936 to 1939. I assume then that the flumes and bridges were built during that same time frame presumably from 1938 to 1939.

I hope that helps in your endeavors.

Sincerely,



Dale L. Swensen
Executive Director

Proof of Priority