

October 25, 2003

Matt Mann
13043 N 115 E
Idaho Falls ID 83401

Re: Posey Creek Water Right Claims

Dear Mr. Mann:

Thank you for showing me your water use on Posey Creek. With what you showed me, with documentation in your file and the other Posey Creek files, and with documentation that Mrs. Gardner and Mr. Morris are sending me, I have enough information to document the original basis of the Posey Creek water rights. What you and the other claimants showed me gives me a good idea of the lands currently able to be irrigated. The enclosed sketch shows where water use has been claimed.

Because actual application of water to beneficial use is the "basis, limit, and extent" of a water right, I also need a better understanding of the use of Posey Creek water during the five years leading up to signing of the adjudication claims. These claims were signed in 1988, 1989, and 1995. I would appreciate any information you can give me regarding all irrigation from Posey Creek from 1983 through 1995. The more detail you can provide - dates, acres irrigated, which ditches were used and which way the water ran - the more useful the information will be and the better job I can do.

A water right is protected from being lost by forfeiture if "circumstances beyond the water user's control" prevent the use of the right. If any of the Posey Creek claimants *were prevented* from irrigating by some circumstance they couldn't control, please also describe that situation.

I realize that the people who know the most about these things are the claimants themselves. However, if some "disinterested person" can provide a written statement about this water use, that is stronger evidence than a statement from a claimant.

Any statement (from the claimant or anyone else) needs to show "personal knowledge." This doesn't mean just that the person *knows* about the water use, but that they actually *saw it* themselves. A statement like "I know this water use occurred because I saw it myself the summer I worked for the Forest Service at Caribou, which would have been 1988 or 1989" is the kind

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of thing we need. Please try to include specific detail about *exactly where* the water was used, *when* it was used, and *how much* was used.

Please mark up this map, write a statement, get statements from other people if you can, and mail it back to me at the address at the top of the letter. If you have questions, please call me at 208 663 4667 or 208 681 9100.

Thank you,

Bryce A. Contor



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