



State of Idaho
DEPARTMENT OF WATER RESOURCES
1118 F. St, Lewiston, Idaho 83501
Phone: (208) 743-0301 FAX: (208) 743-0415 www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 8, 2004

Re: Evidence of Priority Date June 1, 1963

79-10437
PATRICK L & SHARI A MAREK
PO BOX 1299
RIGGINS ID 83549

RESPONSE DEADLINE
October 8, 2004

Dear Claimants:

The Notice of Claim to a Water Right (claim) identified with the number shown above your names has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates 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 or purposes claimed, and are termed beneficial use rights. The priority date (which is the date the water was first used) has not been confirmed by a License or a Decree. Likewise, the historic use of the water, which is the amount of water diverted and the extent to which it has been applied to beneficial use, must also be determined.

As an example, the historic use for an irrigation right would be the number of acres irrigated and the amount of water diverted at the time the water use was developed. Since the priority date and historic use of a beneficial use right has not been confirmed by Idaho Department of Water Resources (IDWR) or a Court, **proof must be provided by the claimant** supporting both the priority date claimed and the historic use of the water.

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 Idaho Department of Water Resources. 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 claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide the best evidence possible. 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 at 1-208-743-0301.

Sincerely,

Gregory J. Taylor
Sr. Water Agent

Enclosures:

"Evidence of Priority" pamphlet
Computer generated copy of claim

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 79-10437

WATER RIGHT NUMBER: 79-10437

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	PATRICK L MAREK PO BOX 1299 RIGGINS, ID 83549 (208)628-3264
Current Owner	SHARI A MAREK PO BOX 1299 RIGGINS, ID 83549 (208)628-3264

Priority Date: 06/01/1963

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	RACE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	1/01 to 12/31	0.040 CFS	
IRRIGATION	1/01 to 12/31	0.060 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
	<u>Total Diversion:</u>	0.100 CFS	

Location of Point(s) of Diversion

SPRING	SW1/4NW1/4NE1/4	Sec. 10, Twp 24N, Rge 01E, B.M.
IDAHO County		

Place of Use

DOMESTIC																				
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24N	01E	3																X		
IRRIGATION																				
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24N	01E	3																2.0	2.0	
Total Acres: 2																				
STOCKWATER																				
Twp	Rge	Sec	NE				NW				SW				SE				Totals	
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
24N	01E	3																X		

Conditions of Approval:Remarks:

- General WATER IS TAKEN THROUGH PIPE ON A YEAR AROUND BASIS. THE USE FOR IRR. IS ALSO CONTINUOUS OR YEAR AROUND IN ORDER TO KEEP PIPE FROM FREEZING. DOM. AND STOCK WATER ARE YEAR AROUND THROUGH THE SAME PIPE LINE.

Comments: