



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 July 1, 1904

79-14087
US DEPT OF INTERIOR
BUREAU OF LAND MANAGEMENT
COTTONWOOD RESOURCE AREA
RT 3 BOX 181
COTTONWOOD ID 83522

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 79-14087

WATER RIGHT NUMBER: 79-14087

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	US DEPT OF INTERIOR BUREAU OF LAND MANAGEMENT COTTONWOOD RESOURCE AREA RT 3 BOX 181 COTTONWOOD, ID 83522 (208)962-3245

Priority Date: 07/01/1904

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SOUTH FORK RACE CREEK	RACE CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 10/30	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of Diversion

SOUTH FORK RACE CREEK	NW1/4NW1/4	Sec. 8, Twp 24N, Rge 01E, B.M.
IDAHO County		

Place of Use

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	8			.7														.7

Conditions of Approval:Remarks:

- General THE PURPOSE OF THIS CLAIM IS TO RECORD THE WATER RIGHT ESTABLISHED BY BENEFICIAL USE ON BLM GROUND. THE INTENT IS THAT THIS CLAIM WILL EVENTUALLY BE TRANSFERRED TO CLIFFORD GALLI AS A CONTINGENCY OF THE LAND TRADE. IF THE LAND TRADE DOES NOT OCCUR, THE CLAIMANT AGREES THERE IS NO RIGHT TO THE HISTORICAL DIVERSION POINT BASED ON THIS CLAIM AS LISTED UNDER ITEM NO. 4.
- General This claim is the result of a basin number change - renumbered from 77-13847.

Comments: