

RECEIVED

SEP 21 2004

DEPARTMENT OF
WATER RESOURCES

Idaho Department of Water Resources
Adjudication Bureau
Statehouse Mail
Boise Idaho 83720-9000

August 27, 2004

Dear Sirs

I am writing this letter in response to your request for proof of beneficial use for case #A22-10-90.

I think the priority date that I applied for was 1935 the year of my birth. I remember my father used this water to water a field that was in pasture when I was a small boy. Later he and I cleared the field and he had it leveled to irrigate better and continued to water it the same way, by backing up the drain ditch by putting a large wooden head gate in front of the pipe under the crossing into the field. I remember watching him using a large pole to lever the head gate out when the water was done. In 1940 he bought our first tractor which was then used to pull the head gate out.

My father, Silas Eli Spaulding, now deceased, filed on this water with the help of an attorney sometime in those early years but he was never able to get an answer as to his rights to the water.

In the early 1960s there was a winter flood in the area south and west of Rexburg east of our place, which resulted in the drain being dug out deeper and wider. As a result our neighbors ask us not to back the drain up any more because the banks would sluff in when the water was released, so we put a pipe across the drain and watered the field with Texas slough irrigating canal co. water from then until now.

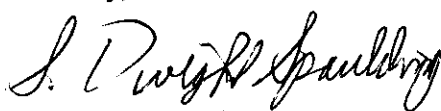
We purchased the farm where the water is now used in 1958 and started to pump into a ditch on the one field at that time with a tractor pump bought from Mr. Raymond Erikson, now deceased. In 1976 I was able to buy the other field and pumped into a sprinkler line to irrigate it. A renter, Lorin Johnson, now deceased previously operated this field and also pumped out of the drain to water the field.

I am now retired and lease the land to Blaine Hall who still pumps as I did to irrigate these two fields.

It is my hope that we can establish this water right as it is an interagual part of our irrigating system.

Thank you for your consideration in this matter.

Sincerely,



S. Dwight Spaulding