

Water Resources Field Services

1571 N. 1100 E.
Terreton, ID 83450
208-663-4667

RECEIVED

DEC 10 2003

Department of Water Resources
Eastern Region

December 9, 2003

#9

Ralph J. Steele
531 S 52nd E
Idaho Falls ID 83401

Re: Adjudication Water Right Claims A25-4276, A25-4277, A25-4283, and
A25-13094, A25-13095, A25-13096

Dear Mr. Steele:

Last night I got your message on the telephone, asking for guidance for letters on the history of irrigation at your ranch near Bone, Idaho. The enclosed pamphlet from IDWR explains what is needed. Basically, IDWR needs a statement from someone who actually saw the irrigation taking place, with enough detail that a reviewer can know *what lands* were irrigated, *when*, with *how much water*. The more detail a person can provide, the better.

For instance, a statement like "I know Ralph Steele irrigated his ranch" would be very weak. A strong statement would be something like:

"In the summer of 1968 or 1969 I delivered a PTO pump to Ralph Steele's ranch. It couldn't have been any later than 1969 because I took the blue truck and it was wrecked early in 1970. The pump was a Berkely centrifugal pump and it ran six handlines. Ralph ran it with a John Deere 4020 tractor but it didn't work the tractor very hard. He had a half-mile of eight-inch aluminum mainline and he watered most of the place with the cabin on it, between the road and Deer Creek. A four-inch line went under the culvert and he watered about ten acres on the west of the road. About 1985 or 1986 I went up to the ranch to replace the seals in the pump and it looked like he was irrigating about the same ground. This ranch is south of Bone, it is the north edge of Ralph's place."

If you can't find a neighbor, hired man, or relative who can document your irrigation, please send a statement of your own describing exactly what you did, and when. This won't be nearly as strong coming from yourself, but it may be all you can do. If you can provide receipts for the pumps and sprinklers, or photos of the place being irrigated, that will help. Maybe you have an old ASCS report that identifies "80 acres irrigated pasture" or "100 acres irrigated alfalfa" on one of these parcels.

There are three different places that need to be documented. The first is the north parcel of land, on either side of the road. This is the place with the cabin, where the water would come from Deer Creek. The second is on the south end of your land, near the cattle guard. The water would come from a reservoir that is east of the road and north of the cattle guard. This reservoir shows on the USGS maps. The third place is on the south east of your place, east of the cattle guard. This is the place with a potato planter sitting in the middle of the field. The water would come from a creek on the east, down in a canyon a couple hundred feet deep.

I have returned your files to Michael Holliday at IDWR, and I can't remember exactly which claim numbers go to each of these parts of your lands. If you return a copy of this letter with the statements, Mr. Holliday can look at the files and sort out which claim is which. Since he has the files, please return the statements directly to him. His address is:

Attn: Michael Holliday
IDWR
900 N Skyline Ste A
Idaho Falls ID 83402

Please call me or Mr. Holliday if you have more questions. You can reach me at 663-4667 or 681-9100. Mr. Holliday's number is 5235-7161.

Sincerely,

Bryce A. Contor

cc: Michael Holliday

October 24, 2003

Ralph J. Steele
531 S 52nd E
Idaho Falls ID 83401

Re: Adjudication Water Right Claims A25-4276, A25-4277, A25-4283, and
A25-13094, A25-13095, A25-13096

Dear Mr. Steele:

A number of years ago you filed these water right claims in the Snake River Basin Adjudication. An enclosed rough map shows the general location of these claims. The Idaho Department of Water Resources (IDWR) is now preparing its recommendations for the court for your area. IDWR has contracted me to do a field inspection of your water rights. I plan to do this on Saturday, November 1 (weather permitting; for the sake of moisture I hope I can't get up there!). If you would like to be there or send someone to accompany me that would be good, but it is not necessary.

Three of these rights are "beneficial use" rights, which means they were developed before licenses were required, and there has never been a lawsuit over them resulting in a decree. This kind of right is perfectly legal and legitimate, but because there has never been any action on them, IDWR has never verified the priority date of the right. To get a good recommendation, it is very important that you submit "evidence of priority" documenting the first use of rights A25-04276, A25-04277, A25-04283, and A25-13094. An enclosed pamphlet suggests the kinds of evidence that may be useful. If you get a statement or letter from someone, be sure that it clearly says "I saw ..." or "I did" It is not good enough to say, "I know" For instance, I know that the Twin Falls Canal Company started using water in 1910, but since I didn't see that myself, a letter from me would not verify their use of water. It is important that the letter clearly says *when* the person first saw this, and it is even better if they tie the date to an event that clarifies how they know this. For instance, "I know Uncle Ralph started sprinkling in 1970 because that is the year I got my driver's license and he let me drive the red truck with a load of sprinkler pipe up to the ranch."

The other three rights are "enlargement claims" based on adding acres to existing water rights. We need some indication of when that happened, but it doesn't need to be a formal "evidence" like for the beneficial use rights.

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I haven't been up there yet, but I know a lot of that ground has been put into CRP. If it has, please send copies of the CRP documents (listing the legal descriptions) and a letter explaining the use of irrigation for the last five years before going into CRP.

I look forward to helping make sure your water rights are correctly recommended. Please call me at 208 282 7846 or 208 681 9100 if you have questions. I will be out of town October 29 through 31, but if you leave a message I can get back to you. You may mail evidence of priority or other documentation to me or directly to IDWR at:

Attn: Michael Holliday
IDWR
900 N Skyline Ste A
Idaho Falls ID 83402

Be sure to enclose a note identifying the water right numbers the documentation is for.

Sincerely,

Bryce A. Contor

Water Resources
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To: Ralph Steele Adjudication Claims, Basin 25, T03S R40E.
Fr: Bryce Contor
Date: 11/20/03 *Bryce A. Contor*
Re: Phone conversation with Ralph Steele.

Mr. Steele called me on 11/18/03 and we talked about his adjudication claims. I asked about the north piece of land that lies on either side of the road, which would be claims A25-04276, A25-04283, A25-13095, and A25-13097. Mr. Steele said it has been a long time since that land was farmed. He used to harvest hay but for many years it has been in grass. He has never had any of his land in CRP. I tried to ask specifically about the history of irrigation. Mr. Steele repeated that it has been a long time since the land was *farmed* and that the ponds are no longer there in Deer Creek. I don't think he ever confirmed or denied that he had irrigated that parcel.

We spent quite a bit of time talking about his history of growing potatoes "on the field where the potato planter is." I found a potato planter on the claimed POU for A25-13094. He was concerned that one of the hired hands who helped with that crop is no longer living and that he doesn't know how to contact the other. I tried to find out when the potato farming occurred but didn't get a specific answer. I don't think I really got a specific assertion that the place was *irrigated*. Ordinarily potatoes are an irrigated crop but I have relatives who have occasionally grown dryland potatoes in Teton Basin, which is a similar climate and elevation. Mr. Steele said he has neighbors who can provide affidavits that he "grew potatoes," and I tried to coach him specifically that their affidavits should refer to what they themselves saw, and describe in detail the *irrigation* they observed and when they observed it.

We didn't specifically talk about the lands under A25-04277 or A25-13096. The conversation focussed on the potato lands.

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Terreton ID 83450



Ralph Steele
531 S 52nd E
Idaho Falls ID 83401

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11/13/03

Dear Mr. Steele -

I got your phone message I tried to
call you back at 523-5424. Please
contact me again at 681-9100. If I
don't answer please leave me a
contact phone number. It is VERY
IMPORTANT to get some documentation
from you.

Thank you, Bryce A. Contor

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