

June 18, 2004

**CRAPO FARMS INC
RT 2 PO BOX 155
ST ANTHONY ID 83445**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 21-4163

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of water rights review in Basin 21, the Henry's Fork drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

Your claim, as referenced above, claims a Priority Date of JUN 3 1899, from WASTEWATER.

It is important that each element of the Notice of Claim be verified. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
The Department will not recommend the Notice of Claim be decreed by the court if evidence of a priority date is not submitted. The Notice of Claim will be disallowed.
.....

Please submit documentation supporting the priority date as soon as possible, referencing all documents with the corresponding claim number.

Respectfully submitted,



for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

claim # 21-4163

GEO. D. BARNARD & CO., PRINTERS, ST. LOUIS

NOTICE OF WATER RIGHT.

STATE OF IDAHO,

County of Fremont

ss.

TO ALL CONCERNED, NOTICE IS HEREBY GIVEN:

1st. That Frank H. Mason & Fred H. Mason of Parker
State of Idaho hereby claim the use of the waters of seepage from Egin & St. Anthony Can.
North line of SW 1/4 Sec. 9 T. 7 North
to the extent of six cubic feet per second.

2d. It is intended to divert said water at or near the point where a copy of this notice is posted, and more definitely described as follows: Forty three rods east of the NW corner of
the South west 1/4 of Section 9 Township 7 North, Range
40 East Boise Meridian. Notice is posted on siphon
barrel.

(In above description give legal subdivision of land or describe the place with reference to some prominent landmark.)

3d. The purpose for which said water is intended to be used is Agricultural and
Domestic
The place of intended use is on ranch owned by Frank H. Mason
as above described

4th. It is intended to divert said water by means of ditch.

The general course of the proposed canal is South

The length of the proposed canal is about one half mile

It is intended to use said water for irrigating the following described land: South west 1/4
of Section 9 Township 7 North Range 40 East Boise
Meridian

5th. It is intended to have the works for diversion and use of said water as aforesaid completed within
four years. (This must in no case exceed five years.)

WITNESS our hands at Parker County of Fremont Idaho,
this 7th day of June 1899

Frank H. Mason
Fred H. Mason

Claimants.

STATE OF IDAHO,

County of Fremont

ss.

Frank H. Mason
being first duly sworn, depose and say that he I am of lawful age and the appropriate
claimant of the Water Right mentioned in the foregoing notice and whose name is subscribed thereto. That
the statements in said notice are true, and that the original notice, of which the foregoing is a true copy, was posted
in a conspicuous place at or near the place of intended diversion (as provided by law) on the 8th
day of June 1899, at 30 minutes past 7 o'clock P.M.

Subscribed and sworn to before me this 9th

day of June 1899

Fred H. Mason

E. J. Carbine
Notary Public

NOTE.—The above Certificate may, where there are several claimants, be made and sworn to by one of them.

Filed for record this 10th
By Rose E. Davis day of June
Deputy.

1899 at 9⁴⁰ o'clock A.M.

A. M. Carter

Recorder.