

May 26, 2004

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JUN 07 2004

Department of Water Resources
Eastern Region

Allen B. Ruberry: Sr. Water Resource Agent
State of Idaho Department of Water Resources
900 N. Skyline Dr., Suite A.
Idaho Falls, Idaho 83402-1718

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4077

Dear Mr. Ruberry;

We purchased property including Dude Creek Water rights and the gravity fed sprinkler system from Nancy Osgood in December 1990.

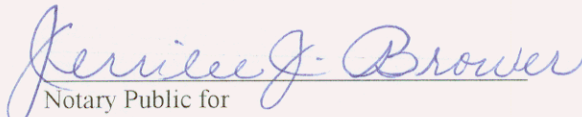
Prior to that time, we had rented and irrigated the farm ground since 1971. We filed for water right on Dude Creek water with Nancy Osgood September 26, 1988.

I have been involved in farming the ground serviced by Dude Creek water and surrounding area since I was a boy. I have personal knowledge that my father worked with Earl Bainbridge operating both their connecting farms together beginning in 1942. They raised wheat, barley, alfalfa, potatoes and had some stock using an old gas motor and a pump to pump Dude Creek water out of a holding pond. Later, a steel pipeline to 2 handlines under gravity flow was installed. There was some flood irrigation out of the creek using portable dams. I have known of irrigation and Dude Creek water use for 50 years now. Earl and his family also used Dude Creek water for domestic use.


Garry Lerwill

STATE OF Idaho)
COUNTY OF Teton) :SS

On this 4 day of June in the year of 2004, before me, a Notary Public in and for said State, personally appeared Garry Lerwill known or identified to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same.


Notary Public for

Residing at: Tetonia, Idaho
My commission expires: 2-27-10

