



State of Idaho

DEPARTMENT OF WATER RESOURCES

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EASTERN REGION

DIRK KEMPTHORNE
GOVERNOR

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April 4, 2001

Bill Nelson
The Church of Jesus Christ of Latter-day Saints
Real Estate Division
Twelfth Floor East
500 East North Temple
Salt Lake City, Utah 84250-5670

Re: Adjudication Claims 29-4058, 29-4176

Dear Brother Nelson:

Attached are copies of two LDS irrigation claims for a farm near Pocatello, Idaho. These claims are based upon older "statutory claims." This means that the underlying water rights were perfected by the original user simply applying the water to beneficial use. This was completely legal and appropriate at the time it occurred, but it did not result in a paper record of the water right with the department. In the 1970's and 1980's, owners of these rights were invited to submit "statutory claims." These claims were never investigated by the department, but simply advertised and filed. Copies of the original statutory claims are also attached. Because these claims were never investigated, I am required to base my recommendations on other documentation besides the original statutory claims.

In order to recommend these irrigation rights, I need you to supply "evidence of priority" and "evidence of beneficial use." The enclosed pamphlet describes some typical sources that may be used. If an affidavit is used, it must clearly show that the person making the affidavit personally observed the water use. The more detail the affidavit gives, indicating dates, circumstances, amounts and details of water use, the better. As I review the documentation provided, my standard will be:

The documentation should tend to indicate that diversion works were in place and had adequate capacity for the claimed use. The documentation should also tend to indicate that water was applied to the claimed beneficial use on the claimed place of use.

Please review these documents, and contact your people in Pocatello to see what documentation you may be able to provide. Feel free to call me if you have questions. I'm working on a college degree part-time, so you will have better luck reaching me Thursday or Friday mornings.

Sincerely,

Bryce A. Contor
Senior Water Resource Agent