



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 287-4800 FAX: (208) 287-6700 www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

July 14, 2005

WINEMAKERS LLC
PO BOX 1019
SUNNYSIDE WA 98944-1019

RESPONSE DEADLINE
August 25, 2005

Re: Evidence of Priority Date, Snake River Basin Adjudication claim 2-10046

Dear Claimant:

A Notice of Claim to a Water Right (claim) with the number 2-10046 was filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed, and are termed beneficial use rights. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit for all the acres you have claimed.

The information we have indicates you are claiming a March 15, 1964 priority date. Your claim includes a statement that a 55-acre portion of the claimed 88-acre place of use was licensed under water right 2-2313. As part of the licensing process for water right 2-2313, a field examination was conducted on the property in July 1972. At that time, the examiner found only 55 irrigated acres on the place of use you have claimed. The priority date you are claiming cannot therefore be supported for the entire 88 acres. Since the priority date and historic use of a beneficial use right cannot now be confirmed by another field examination, **proof must be provided by the claimant** supporting the priority date claimed and the historic use of the water.

Development of a new surface water right subsequent to May 19, 1971 requires compliance with a statutory procedure that requires you file a permit application. As the 1972 field exam did not find evidence of irrigation of the 33 acres, I cannot recommend a new water right with a priority date after May 19, 1971. If, however, you can provide proof that the historic use of water on the 33 acres commenced prior to November 19, 1987, and you claim that the 33 acres were part of an enlargement to the base water right (2-2313), I can recommend the 33 acre portion of the claim as an enlargement of the 55 acre use. An enlargement claim would allow you to irrigate the 33 additional acres but only under the condition that, when used in combination with the 55 acre claim, you do not exceed the diversion rate associated with the 55 acre claim.

WINEMAKERS LLC

July 14, 2005

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In anticipation that you may wish to proceed by splitting your original 88 acre claim into one for 55 acres and another for 33 acres, I have created two new claims (2-10287 and 2-10288). Copies of the claims are enclosed. I am prepared to recommend the 55 acre claim (2-10187) with only minor adjustments (priority date moved forward to 5/28/1964 to match license 2-2313, season of use beginning 3/1). Before I can recommend the 33 acre claim (2-10288), **you will need to provide proof of priority**. Enclosed you will find a copy of the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents may fulfill this requirement.

PLEASE NOTE: IDWR may recommend the SRBA Court decree a claim disallowed if no evidence of the priority date and of the historic use is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statements should be in the form of a notarized affidavit.

If you have any questions, please contact this office. Our toll free number is 1-800-451-4129. It will help speed things along if you have your claim numbers, 2-10046, 2-10287, and 2-10288 handy when you call.

Sincerely,

A handwritten signature in cursive script, appearing to read "Steve Robischon".

Steve Robischon
Adjudication Technical Section

Enclosures (3)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 2-10287
Date Received: 7/14/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY
FOR YOUR FILES
DO NOT RETURN

1. Name of Claimant(s)

WINEMAKERS LLC Phone: (509)836-2524
PO BOX 1019
SUNNYSIDE WA USA 98944-1019

2. Date of Priority: 03/15/1964

3. Source: SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
01N	03W	36	SW	SW	NE	7	CANYON	
01N	03W	16	SW	NW	NW	3	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.1	

7. Total Quantity Appropriated is:
1.1 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	03W	33	NE	NE	IRRIGATION	39
			SE	NE	IRRIGATION	39

					Section Acres	78
02N	03W	34	SW	NW	IRRIGATION	10
					Section Acres	10
					Total Acres	88

11. Place of use in counties: CANYON

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

ACRES DEVELOPED BEFORE THE MANDATORY PERMIT STATUTE OF 1971 FOR SURFACE WATER RIGHTS. SEE SYSTEM DESCRIPTION AND MAP IN 2-10046.

This right is a split from former right 2-10046.

SJR 7/14/05 Split claim to reflect statement in parent claim (2-10046) indicating 55 acre portion of claim licensed under 2-2313. Sibling split for 33 acres associated with enlargement and needs proof of priority date.

This right is limited to the irrigation of 55 acres within the place of use described above in a single irrigation season.

15. Basis of Claim: Beneficial Use

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 2-10288
Date Received: 7/14/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY
FOR YOUR FILES
DO NOT RETURN

1. Name of Claimant(s)

WINEMAKERS LLC Phone: (509)836-2524
PO BOX 1019
SUNNYSIDE WA USA 98944-1019

2. Date of Priority: 03/15/1964

3. Source: SNAKE RIVER , SNAKE RIVER Trib. to: COLUMBIA RIVER , COLUMBIA RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot				County	Type
01N	03W	36	SW	SW	NE	7	CANYON	
01N	03W	16	SW	NW	NW	3	CANYON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	0.66	

7. Total Quantity Appropriated is:
0.66 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot		Use	Acres
02N	03W	33	SE	NE	IRRIGATION	39
			NE	NE	IRRIGATION	39

					Section Acres	78
02N	03W	34	SW	NW	IRRIGATION	10
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