



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 29, 2005

75-14131
CATHRINE CHRISTENSEN
PO BOX 283
CARMEN ID 83462

RESPONSE DEADLINE
JULY 29, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number shown above your name has been 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. The date of first use, known as the priority date, has not been confirmed. Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.

Enclosed you will find a computer printout of your claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

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

Please submit the required evidence supporting the priority date and the historic use by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure it arrives at the correct location. If you have questions not covered by this letter or the enclosed pamphlet, please contact this office. Our toll free number is 1-800-451-4129.

If you no longer own the property to which the claim is appurtenant, please forward this correspondence to the present owner, or return it to Idaho Department of Water Resources (IDWR). If you have received this correspondence from the previous owner of the property, it is recommended that you file a Change of Ownership form with IDWR in order to receive future mailings and to participate in the adjudication.

Sincerely,

Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

RECEIVED

JUL 27 2005

DEPARTMENT OF
07/24/05 WATER RESOURCES

Ms. Roxanne Brown
Sr. Water Resource Agent
Adjudication Bureau, IDWR

Dear Ms. Brown,

I send you this letter and supporting documentation in order to accomplish two very important objectives: First to perfect our claim to water on the Tower Creek Drainage in Lemhi County, and second to again inform your agency that the parcel of land and corresponding water right that you have listed as owned by Cathrine Christensen was purchased by my wife Katie and myself in April, 2004.

Regarding the water right you will find enclosed a copy of Homestead Certification No. 798, Application 990, dated August 30 1899 granting the original water right. You will also find enclosed a letter from Mr. Roger Lanni an independent contractor testifying that he has been cutting the hay on this property for the past fifteen years. As I understand the properties history the acreage was used for domestic livestock grazing prior to conversion to hay production. If your agency requires additional documentation, receipts for pump repair/replacement, receipts for head gates that were purchased and installed I will be happy to provide them to you.

Regarding the property and ensuing water right ownership I have enclosed a copy of the Warranty Deed that transferred the right to my wife and I. Immediately after acquiring the property in 2004, I visited with you in your former office located on Orchard Avenue in Boise, Idaho. At that time I gave you this same information in order to initiate the transfer of the water right. I was informed that the information that I provided was all that was necessary in order to accomplish the transfer. Hence, I was surprised and somewhat bewildered when Ms. Christensen traveled to our home located on Tower Creek in order to deliver the information that your agency sent to her, instead of us. Thank goodness she was somewhat diligent with her delivery, (I only received the information last week) and thank goodness that my business travel obligations were such that I was around to respond to your edict. I realize that the water adjudication issue likely has your agency overwhelmed but I hope you can understand my concern. Had fortune looked the other way this issue would have been decided and neither my wife nor I would have had the opportunity to protect our valuable water right. Consequently, I again ask that your agency expedite transfer of the water right to us and also request that all future correspondence be mailed to our address:

Mr. And Mrs. Roy Barrett
P.O. Box 1432
Carmen, Idaho
83462
Home Telephone: 208-756-1770
Cell Phone: 208-890-4525

I hope that all of the information that you require has been provided. If you need further documentation or assistance please do not hesitate to contact me.

Sincerely,



Roy Barrett

The United States of America

To all to whom these presents shall come, Greeting

Homestead Certificate No. 798

Application 990

Whereas, There has been deposited in the General Land Office of the United States a Certificate of the Register of the Land Office at Hailey, Idaho, whereby it appears that, pursuant to the Act of Congress approved 20th. May, 1862, "To secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Fred. W. Niemann, has been established and duly consummated, in conformity to law, for the North West quarter of the South East quarter and the Lots numbered five and eight of Section eighteen and the Lot numbered one of Section nineteen in Township twenty three, North of Range twenty two, East of Boise Meridian in Idaho, containing one hundred and sixty three acres and seventy five hundredths of an Acre, according to the Official Plot of the Survey of the said Land, returned to the General Land Office by the Surveyor General, Now know Ye: That there is therefore, granted by the United States, unto the said Fred W. Niemann, the tract of Land above described, To have and to hold the said tract of Land, with the appurtenances thereof unto the said Fred W. Niemann and to his heirs and assigns forever, subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of Courts, and also subject to the right of the proprietor of a vein or lode, to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law. And there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States. In Testimony whereof I, William McKinley, President of the United States of America, have caused these letters to be made patent and the seal of the General Land Office to be hereunto affixed. Given under my hand at the City of Washington the twenty eighth day of June in the year of our Lord one thousand eight hundred and ninety nine, and of the Independence of the United States the one hundred and twenty third

Seal

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By the President William McKinley

By F. M. McKean

Secretary

L. M. Baugh Recorder of the General Land Office

July 22, 2005

To whom it may concern;

I Roger Lanni of 130 N. Agate Dr. Salmon ~~Idaho~~
have been cutting hay annually on Tower Crk
for Ron and Katie Barret formerly owned by
Cathy Christensen for the past fifteen years.

Thank you

Roger L. Lanni