

Jim Harvat

To: Roxanne Brown
Subject: Adjudication Claim # 75-10693 Water Right

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Department of Water Resources

Roxanne, per our conversation, I am submitting 2 documents as "Evidence of Priority". The first document was retrieved from the USDA files and is also on microfilm. This document is signed, notarized and dated 10/23/33 which supports the current Priority Date. The second document is an aerial view of the property, Sec.29,T 23N,R 22E. If additional documentation is required please contact me and I will do additional research to provide supporting evidence.

Contact Info:
Jim Harvat
Heritage Hills #1B
Somers, NY. 10589
914-277-4904 (Home)
914-924-0047 (Cell)
jharvat@compucallinc.com

THANKS
Jim

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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

75-10693
JAMES M HARVAT
HERITAGE HILLS 1B
SOMERS NY 10589

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

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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 75-10693

WATER RIGHT NUMBER: 75-10693

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JAMES M HARVAT HERITAGE HILLS 1B SOMERS, NY 10589 (914)277-4904
Original Owner	JOHN R MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Original Owner	CYNTHIA L MC FREDERICK 37 LINDBERG LN CARMEN, ID 83462-4509 (208)756-2040
Current Owner	RONALD J WEHRLI HERITAGE HILLS 1B SOMERS, NY 10589 (914)277-4904

Priority Date: 10/23/1933

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING CREEK	SALMON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.000 CFS	
STOCKWATER	1/01 to 12/31	0.040 CFS	
<u>Total Diversion:</u>		3.040 CFS	

Location of Point(s) of Diversion

SPRING CREEK	SW1/4SW1/4NW1/4	Sec. 29, Twp 23N, Rge 22E, B.M.
LEMHI County		

Place of Use

IRRIGATION Within LEMHI County

T23N R22E S19 Lot 1 SWSE 20.0 T23N R22E S30 NWNE 30.0

Total Acres: 50

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. CHANGED OWNERSHIP 9/6/95/JT/GT

Remarks:

THIS IS A COPIE AND ORIGINAL IS
IN POSSESSION OF Elvin J. Aldison

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state of Idaho)
County of Lemhi) ss.

ALIEN G. MOERHITT, being first duly sworn, deposes and says:

I am a citizen of the United States, over the age of 21 years, and a resident of Lemhi County, Idaho.

I am well acquainted with the lands owned by Mary J. Miller and the water rights supplying the water for irrigation for said lands; said lands being described as follows, to-wit:

Lots 5 and 11, of Section 19, and Lot 1, of Section 30, all in Township 23 North of Range 22 East of the Boise Meridian.

That all of the water supplying this land is by private ditch, in which no one else has any interest.

That the ditch from the Salmon River is approximately one-half mile in length, and is about 3 feet wide on the bottom and 5 feet at the top, the depth of the ditch varies from one foot to 3 feet, and will carry enough water to irrigate the entire ranch every year, and there is an inexhaustible supply of water from the Salmon River, at all times.

In addition to the Salmon River Ditch, there is a ditch from Spring Creek, point of diversion being on the lands of W.G. Albomsburg directly south of this ranch. This ditch is approximately three-fourths mile long and is about 3 feet wide on the bottom and about 5 feet at the top, the depth of the ditch varying from one foot to 4 feet and will safely convey over 300 miners inches. This ditch is used merely for convenience, as the Salmon River Ditch will at all times convey all of the water needed for the ranch, but cost of keeping up the Salmon River Ditch being much heavier than the Spring Creek Ditch, makes it desirable to use the Spring Creek waters, as said waters are below all other lands on the Salmon River, and not available for any other lands.

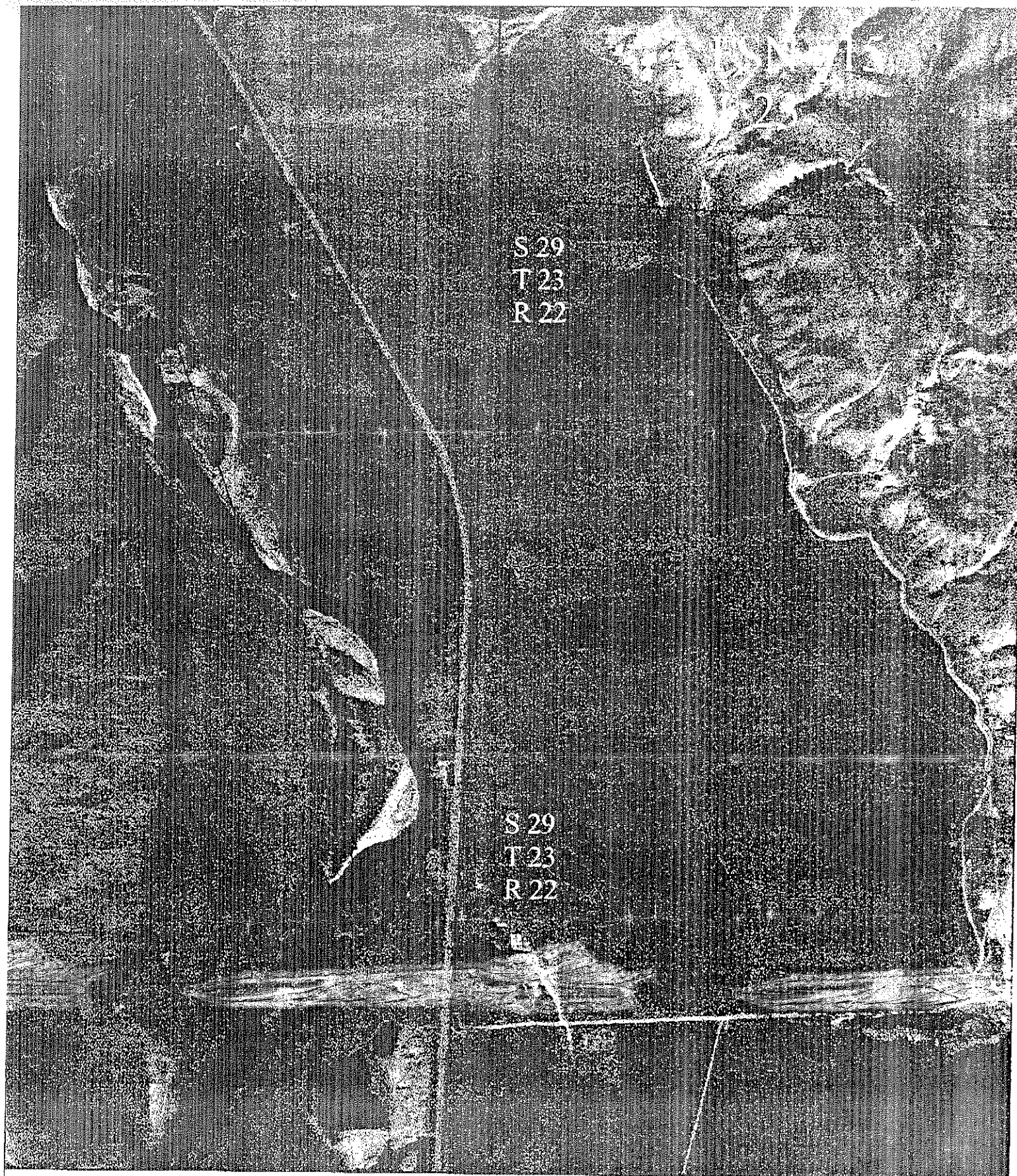
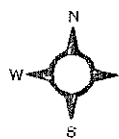
None of this water has been decreed to this ranch, for the reason that the waters are not available for any other lands, this ranch being at or near the mouth of the canyon, and no lands lying below it. Said waters of Spring Creek, has more water alone, than can be used on the said lands, and there is an inexhaustible supply of water also, from the Salmon River. If needed, the two said ditches could supply 700 miners inches at all times of the year, whereas less than 200 miners inches are needed at any time of the year. These waters have been used continuously on the said lands, for more than 30 years.

Subscribed and sworn to before me a
Notary Public, this 23rd day of
October, 1923.

NOTARY PUBLIC FOR STATE OF IDAHO

MICROFILMED

DEC 15 1992

**SEC 29 T23N R 22E**

0.09 0 0.09 0.18 0.27 0.36 Miles

Map Printed: Apr 12, 2005

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