



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

August 30, 2005

67-4413

Russell & Maryann Allen

PO BOX K

COUNCIL, ID 83612

RESPONSE DEADLINE
SEPTEMBER 16, 2005

Re: Evidence of Priority Date

Dear Claimant:

The Notice of Claim to a Water Right (claim) identified with the number(s) 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. A map of the general area stated in your claim is also enclosed. If you irrigate, please outline the location of lands irrigated based on your claim, as well as the location of any points of diversion, if possible. If you have a claim other than irrigation, please outline the location of your place of use (i.e. house) and note the location of wells or other points of diversion. Please submit the completed map along with your evidence of priority. This will assist me in making a more accurate recommendation of your claim(s).

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. You can contact the Basin 67 team via e-mail at B67questions@IDWR.idaho.gov. If you wish to call, 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,

Craig L. Saxton
Sr. Water Resource Agent
Adjudication Bureau

Enclosures

287 4914

RECEIVED

SEP 15 2005

IN THE MATTER OF)
NOTICE OF CLAIM TO)
A WATER RIGHT NO. (S))

AFFIDAVIT

Department of Water Resources

67-4413

State of Idaho)
County of Adams)

Margaret Merk

being first duly sworn,

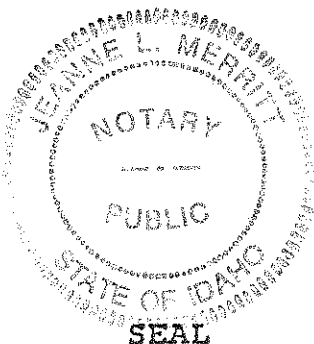
deposes and says: I Margaret Merk of Fruitvale Idaho have been a
witness since 1947 to the irrigation by runoff, flood and ditch water to
the property now owned by Russell and Maryann Allen. I know that the water
was used as early as 1930 but I have witnessed its use since 1947

Margaret E Merk

2671 - W.F. Road

Fruitvale Idaho - 83612

208- 253- 4751



Margaret E Merk
(Signature)

Subscribed and sworn to before me this
day 14 of September, 2005.

Jeanne L Merritt Expires 3/13/08
(Notary Public)

Residing at Council 3D 83612.



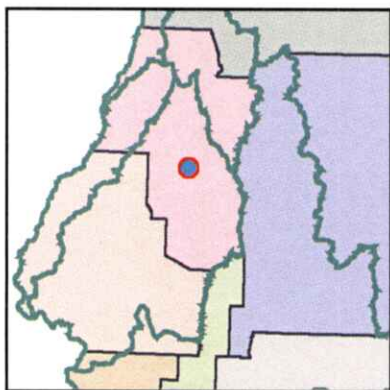
Idaho Department of Water Resources

T17N R01W

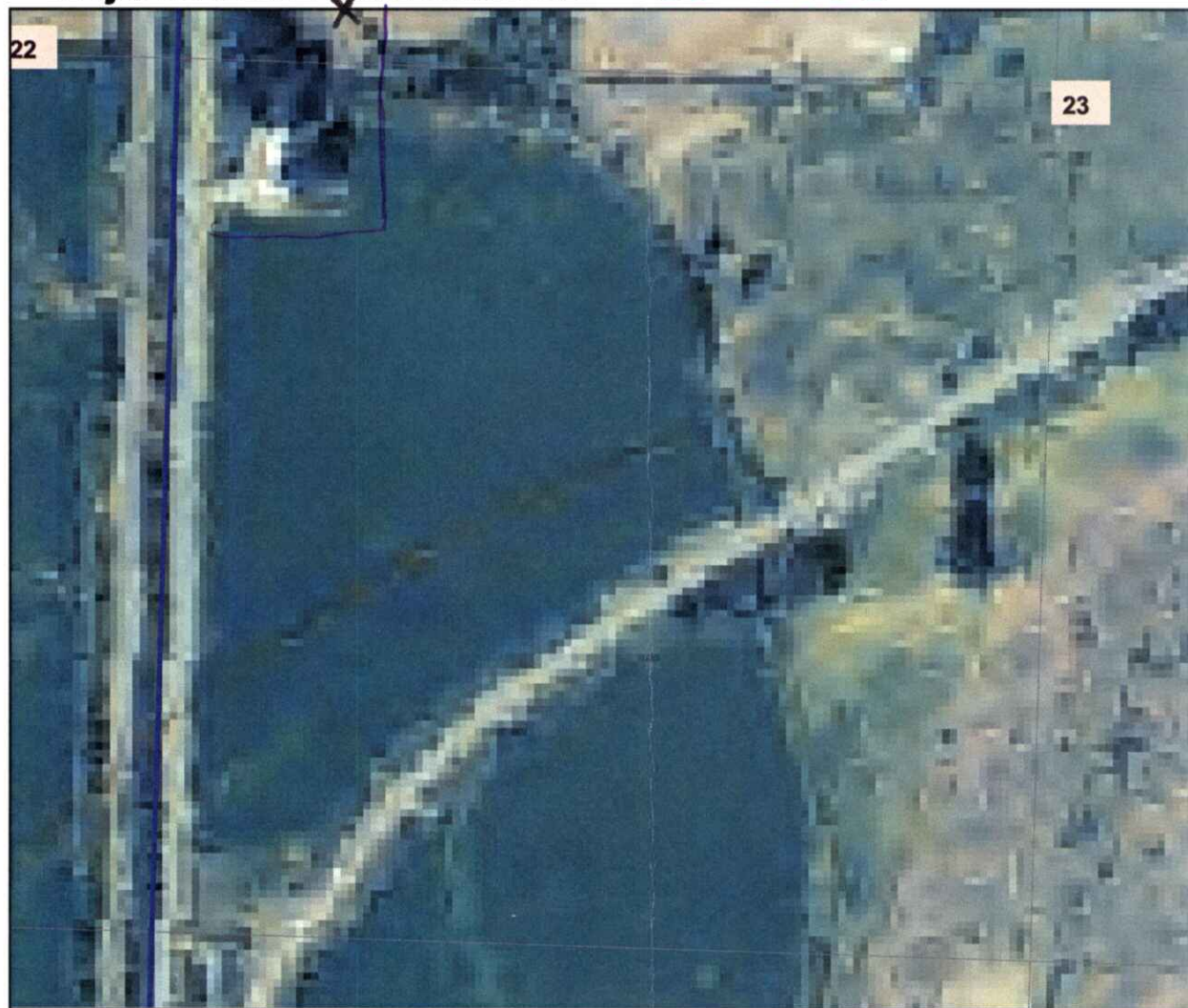
Adjudication Claim Number: **67-4413**

Legend

PLS Sections
GCDBQuarter Quarters



Adams County
IDWR Basin 67



0 0.1 0.2 Miles

Prepared by M. Van Bussum
On Thursday, September 1, 2005
1987 Aerial Photography