



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

July 27, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

Russell Hayden
PO Box 598
SODA SPRINGS, ID 83276-0598

Re: Irrigation use; claims 29-2144, 29-2498

Dear Mr. Hayden:

Yesterday Hans Hayden took me up to the upper place where the pond and well are, and showed me the irrigated place of use for these two claims. It looked like it had been some time since water from Clifton Creek and/or the spring was applied to the hay meadow downhill of the grove where the trailer home used to sit. Hans couldn't recall exactly when it was last used.

In order to recommend this irrigation in the adjudication, I need to certify that I have investigated the possibility of the right being forfeited due to non-use. From a practical standpoint, I need to find evidence that the water was applied to those lands at some point in time during the five years prior to your filing the adjudication claims. In this case, that means sometime between March 1985 and March 1990.

Hans is coming next Friday to review some other information with me, and he will be contacting you. Could you send with him a statement regarding your irrigation of the lawn areas around the pond, well, and homesite, as well as a statement regarding your irrigation of the pasture/hay meadow downstream of the grove and homesite? The more detail you can provide, the better. Even details that only establish the date help me. Something like "My grandson John was helping me, and he got the red pickup stuck. I bought the red pickup in 1986, so it had to have been after that" would help pinpoint the date, for instance.

Please call me if you have questions. I'll be out of town 'til Thursday, but I'd be glad to visit with you then.

Sincerely,

Bryce A. Contor