



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

13 October 2004

Arvel W. Fielding
1115 East 1200 North
Shelley, ID 83274

COPY

RE: Snake River Basin Adjudication (SRBA)
Claim 27-13A

Subject: Ownership documentation

RESPONSE DATE: 3 November 2004

Dear Claimants:

The Department of Water Resources is currently investigating water right claims in Basin 27. IDWR's information indicates that your water right claim is based on a water right decreed in *Stevens v. Eastern Idaho Water Co.*, Judgment Book 1, pp 106-117 (Bingham County, Idaho August 1, 1891) to Henry Dunn. This water right was decreed with a July 1, 1870, priority date.

In order to make a complete and accurate recommendation of your water right, each element of the water right must be proven. The Department needs information that shows you are a successor to the original water right. This could be established through deeds or other conveyance documents that show you own a portion of the original water right. I am enclosing a copy of our pamphlet "Evidence of Priority" to guide you to sources that may constitute proof of the priority date of your water right.

This office must receive your response by the date shown above. If no response is received, then your claim to water will not be recommended to be decreed. If you have any questions, please feel free to contact me at the Soda Springs Satellite office at 547-3993.

Respectfully,

Barbara Payne

sent copy in 27-4AC

Enclosure



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

8 March 2005

Keith Fielding
597 North 1100 East
Shelley, ID 83274

RE: Snake River Basin Adjudication (SRBA)
Claim 27-4AC and 27-13A

COPY

Subject: EVIDENCE OF PRIORITY

RESPONSE DATE: 25 March 2005

Dear Claimants:

Thank you for calling our office concerning evidence for the two referenced claims. I have prepared a timeline listing the documents we have received concerning evidence of priority. Please review this timeline and pay specific attention to the notes for each document.

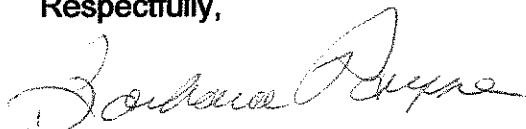
One of the documents cites a portion of the claimed POU as being transferred from Tew to Arvel Fielding. However, no documents have been submitted that provide evidence prior to Tew's ownership. If Tew owned the balance of the claimed POU, when did he obtain ownership and when did he transfer it to Arvel Fielding?

Several of the documents mention shares in various irrigation companies. These are only carrying ditches and do not have any rights to water by themselves.

The important water document is the Warranty Deed dated January 30, 1959 from Ball to Tew that includes 100 miner's inches. No evidence has been provided that proves Ball had the water to sell to Tew. The other question in connection with this document is the location of the acres sold. They are NOT within the claimed POU. This water could have been transferred from T3S, R36E, Sections 3 and 4 to the claimed POU in T2S, R37E, Section 1. However, no transfer has been submitted nor found.

This office must receive the missing documentation by the date shown above. If no response is received, then your claim to water will not be recommended to be decreed. If you have any questions, please feel free to contact me at the Soda Springs Satellite office at 547-3993.

Respectfully,

A handwritten signature in cursive script, appearing to read "Barbara Payne", written in dark ink.

Barbara Payne

Enclosure: Timeline



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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

4 March 2005

Keith Fielding
597 North 1100 East
Shelley, ID 83274

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4AC and 27-13A

Subject: OWNERSHIP CHANGE & EVIDENCE OF PRIORITY

Response Date: 25 March 2005

Dear Claimant(s):

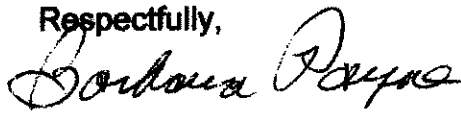
We have received a copy of the death certificate for Arvel Fielding, who filed water claims in the 1990s. We have also been furnished multiple documents supporting the priority date. In order to proceed with the recommendation, there are two items that are still missing.

One of the documents furnished is a Warranty Deed dated January 30, 1959 from William & Verla Ball to Warren Tew for 100 miner's inches of decreed Blackfoot River water with a priority date of July 1, 1870. However, we have received no documents that support that Mr. Ball had the water to sell, nor to whom Mr. Tew sold the water to. In order to apply this priority date to Claim 27-13A, documentation supporting the water transfers need to be provided from the priority date to present.

Also in order to change the name of the water claims, please complete the enclosed Notice of Change in Water Right Ownership and return it to our office.

Please feel free to call me at 547-3993 if you have any questions.

Respectfully,


Barbara Payne

Enclosure:
Ownership Change Form

