



## 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](http://www.idwr.idaho.gov)

DIRK KEMPTHORNE  
Governor

KARL J. DREHER  
Director

February 22, 2006

DOUGLAS S DORSING  
716 S 1<sup>ST</sup> ST  
FRUITLAND ID 83619

RESPONSE DEADLINE  
MARCH 8, 2006

3-4014

Re: Irrigation Diversion Rate Requirements, Evidence of Priority Date

Dear Mr. Dorsing:

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). In this claim you have identified your diversion rate as 1.23 cubic feet per second (cfs). The diversion rate you have claimed is higher than can be recommended under normal circumstances. Typically the maximum diversion for a water right in the State of Idaho is 1 miners inch or 0.02 cfs per acre. For the acreage you have claimed this would equate to 0.82 cfs.

In a telephone conversation between you and IDWR Adjudication agent Jennifer Wilson on December 8, 2005, you said that in a previous meeting with IDWR you were promised 1.23 cfs. As she mentioned, there is no record of this agreement on file with IDWR. If you have documentation supporting this agreement, please submit this by the date shown above.

If documentation supporting the agreement cannot be found, an irrigation diversion rate analysis needs to be performed on your fields. This analysis has been designed to evaluate irrigation practices in order to determine if there is need for greater diversion rates than normal. Your answers to the enclosed questionnaire will enable IDWR to perform the analysis, thereby determining if your soil type and irrigation practices merit the use of more water than would normally be recommended.

Instructions for answering the questionnaire are included. Please note that the Natural Resources Conservation Service (formerly known as the Soil Conservation Service) and other professionals may be of assistance in helping you understand the technical questions contained in this form.

In addition to verifying your diversion rate, the historical use of your claim must be confirmed. 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. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. A form is provided for your convenience.

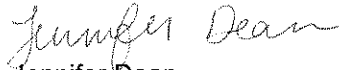
February 22, 2006

DOUGLAS S DORSING

**PLEASE NOTE:** If no evidence of priority date is submitted, IDWR will recommend the SRBA Court decree the claim be disallowed. If no information regarding increased diversion rate is submitted, the claim will be recommended with a diversion rate of 0.82 cfs. It will be to your advantage to provide clear and convincing evidence. Because some of the requested documents take some time to obtain, it is in your best interest to begin immediately collecting evidence that may be submitted to support your priority date and increase in diversion rate.

Please submit the required evidence supporting the priority date and the increased diversion rate 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. If you wish to call, our toll free number is 1-800-451-4129.

Sincerely,



Jennifer Dean  
Engineer in Training  
Adjudication Bureau

Enclosures