



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

February 22, 2006

PETER J MC CABB
5951 WHITLEY DR
FRUITLAND ID 83619

RESPONSE DEADLINE
MARCH 8, 2006

3-4017

Re: Evidence of Priority Date & Irrigated Acres

Dear Mr. McCabe:

The Notice of Claim to a Water Right (claim) identified with the number shown below your name has been filed in the Snake River Basin Adjudication (SRBA). The claim indicates your water usage is based on "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. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

You are receiving this notice because the evidence of priority date received for 3-10218 is insufficient to recommend this claim. To recommend claim 3-4017 we need evidence that irrigation was began in the area outlined on the enclosed map on or before June 1, 1920. 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.

In addition to evidence of priority, clarification for irrigated place of use is needed. Based on available aerial photography, only 220 acres appear to be irrigated. Your claim is for 237 acres. IDWR recommendations will reflect the irrigation of 220 acres unless evidence is provided to support irrigation of additional acres. The enclosed map outlines the 220 acres that appear irrigated. If all of your irrigation is within these boundaries, there is no need for you to respond to this matter. If, however, you irrigate outside of these boundaries, please indicate on the map where additional water is used and include a statement describing the water use in these areas. Please include the date irrigation began in these areas if it is different from the claimed priority date.

PLEASE NOTE: If no evidence supporting your priority date is submitted, IDWR will recommend the SRBA Court decree the claim disallowed. Without proof of additional irrigated acres, IDWR will recommend this claim be limited to 220 acres. It will be to your advantage to provide clear and convincing evidence. Because some documents commonly used for evidence of priority 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.

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. If you wish to call, our toll free number is 1-800-451-4129.

Sincerely,

Jennifer Dean, EIT
Adjudication Bureau

Enclosures

CC: PAUL E MC CABB
5945 WHITLEY DR
FRUITLAND ID 83619