



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

March 7, 2006

STANTON BECKER FARMS
BOX 246
GENESEE ID 83832

3-4019

Re: Required Information for claim 3-4019

Dear Mr. Becker:

In conversations with Dale Becker and Mike Becker during the past week, we have discussed claim 3-4019 in the Snake River Basin Adjudication (SRBA). In these conversations I have tried to address your questions about the validity of this water right. The purpose of this letter is to clarify the position of IDWR with regard to your water right, in an effort to provide you with sufficient information to determine if this claim represents a valid water right.

This claim indicates your water usage is based on 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 drawback to claims of this type is that they are not verified by IDWR and confirmed as a water right. This requires that the claimant supply proof of the historical use of water and that IDWR verify other aspects of water use.

Another item we have discussed that relates to your water right is forfeiture. When a water right is not applied to a beneficial use for a continuous period longer than 5 years, it is subject to forfeiture. However, the SRBA court has said that any period of nonuse between filing an SRBA claim and receiving the resulting water right decree does not count towards forfeiture. Imagine a clock timer that is set at the time nonuse begins. When an SRBA claim is filed, the clock stops and does not resume until the adjudication process is finished. Because you filed your SRBA claim in 1989, if water was applied to beneficial use after 1984 you are not subject to forfeiture.

One other item that may be important for you to know relates to the water right associated with the well on this property. The water right for the well is only for stockwater and domestic use. Under this type of water right only ½ acre of irrigation is allowed. If more acres are being irrigated from the well, a water right will need to be developed through the permit process. More information on this process is available upon request.

In light of the previously mentioned items, I need some additional information to make a positive recommendation for your claim.

1. I need evidence of priority. The affidavits that we have discussed in our conversations should be sufficient to recommend the priority date you have claimed. After receiving and reviewing the affidavits, I will let you know if additional information may be needed to recommend the priority date for your claim.
2. I need information about the date of last use. Since I was told that this right hasn't been used for "a while", I need some evidence that it has been used at least once since 1984.
3. I will need to know the capacity of the irrigation system. If the specific diversion rate is unknown, this can be supplied by providing pump horsepower, lift from the river, number of sprinkler lines, etc for the system. Returning a copy of the enclosed map showing the location of the pump and canals or sprinklers will provide us assistance in analyzing your system. Photos may also be helpful. If you need more information about what information to supply, please call.

March 7, 2006

STANTON BECKER FARMS

Without the additional information requested above, claim 3-4019 will be disallowed. This would require you to obtain a new water right through the permit process if you are planning on resuming irrigation on this property. If approved, the new water right would be subject to a 2006 or later priority date.

In addition to the items that must be verified to establish this water right, I am requesting additional information about the irrigated place of use. Based on the map that was filed with the SRBA claim, I could find only 89 acres out of the 104 acres claimed. The 89 acres I found are marked in yellow on the enclosed map. If there are additional acres that can be irrigated outside of these boundaries, please indicate on the map and return it to me.

Finally, we discussed on the phone the procedure of changing the ownership of a water right. At this point, I suggest laying aside ownership changes until the water right has been verified. When we have determined what the water right should be, we will be better able to assign the water right appropriately.

You will need to determine yourselves if this water right is worth pursuing. I hope that the information I have provided you is useful in making this decision. Please let me know if I can be of any further assistance.

If you decide to pursue this claim, please submit the required evidence, 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. You may reach me directly at (208) 287-4918.

Sincerely,



Jennifer Dean
Engineer in Training
Adjudication Bureau

Enclosures

CC: DALE BECKER
17602 BECKER RD
GENESEE ID 83832