

TELEPHONE & VISITOR LOG

Date: 5/20/03

Time: 11:45 AM

Call _____ Visit X

Name :

Douglas. Beauregard.

Address:

Phone No. :

Claim No(s):

27-4003.

RE: Evidence of priority

Conversation: Douglas told Pauline that they don't irrigate anything but the domestic lawn.

Action Required:

Recommend domestic use only. no additional irrigation.

May 19, 2003

Douglas P Beauregard
364 South Second East
Soda Springs, Idaho 83276

State Of Idaho
Department Of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

Reference: Water Right 27-4003

Dear Sir or Madame,

This letter is in response to a notice dated April 23, 2003, sent by your office to Owen L Nelson requesting "Evidence of Priority" for his water right on Trail Creek. Enclosed are copies of photographs that corroborate the priority date of this claim, which is June 1, 1929. Mr. Nelson has the original photographs, which are reprints of older photos. Hand written notations on the back of them state the originals were taken in 1939.

The photos show a house from various views. One of them contains an old car, perhaps a Ford Model A, which dates them to around the 1930's. Two others show ridges and skylines that locate the property on which the house stood.

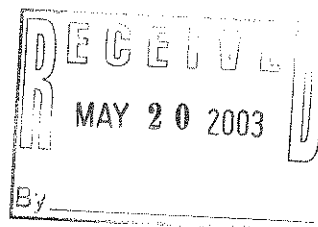
I took the following three photographs on May 16, 2003. They show Mr. Nelson's home and the same ridges and skylines that are in the background of the 1939 photographs. Photograph #1 and #2 show Mr. Nelson's home from its east side. Photograph #3 shows the view looking from the home toward Trail Canyon Archery Range. The ridges and skylines clearly show Mr. Nelson's home sits on the same property as the one in the 1939 photographs.

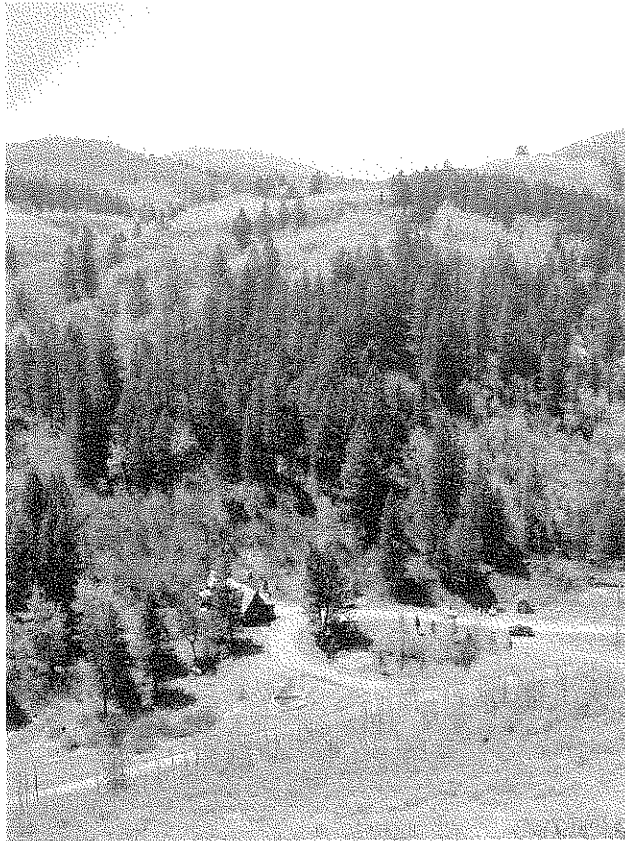
The home in the 1939 photographs does not appear to be new, so it is reasonable to assume its construction could have pre-dated them by ten years, which would be the year of the priority date listed on Water Right 27-4003.

If further information is needed to resolve this matter, please contact me at 208-547-4024. I have purchased the land associated with this water right from Mr. Nelson and am responding on his behalf.

Sincerely,


Douglas P. Beauregard





Photograph #1

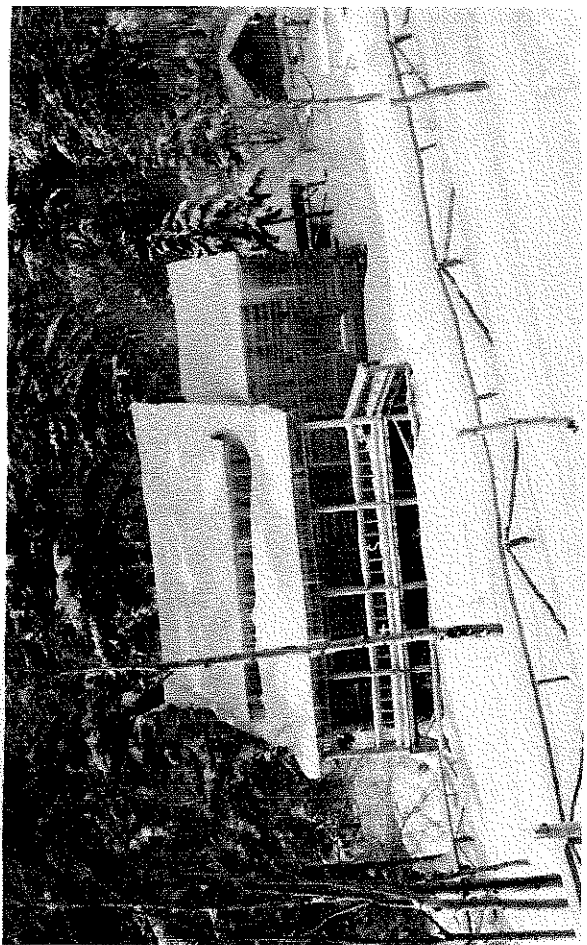


Photograph #2

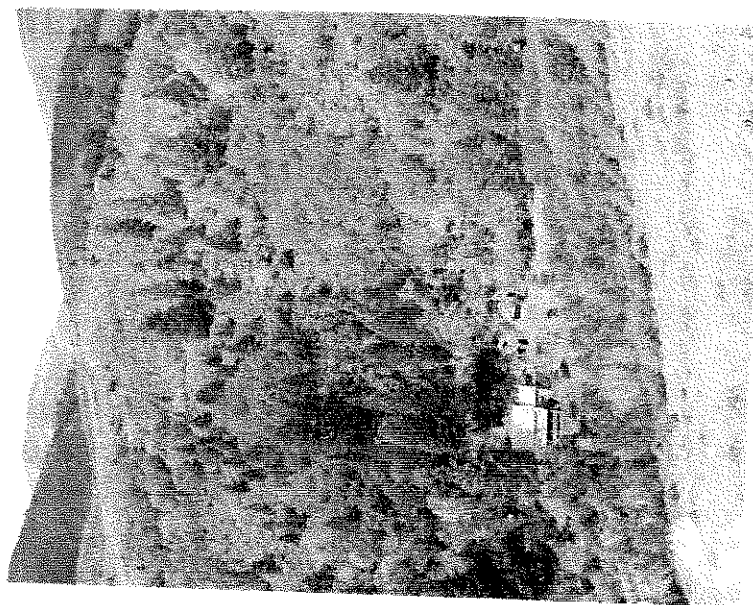
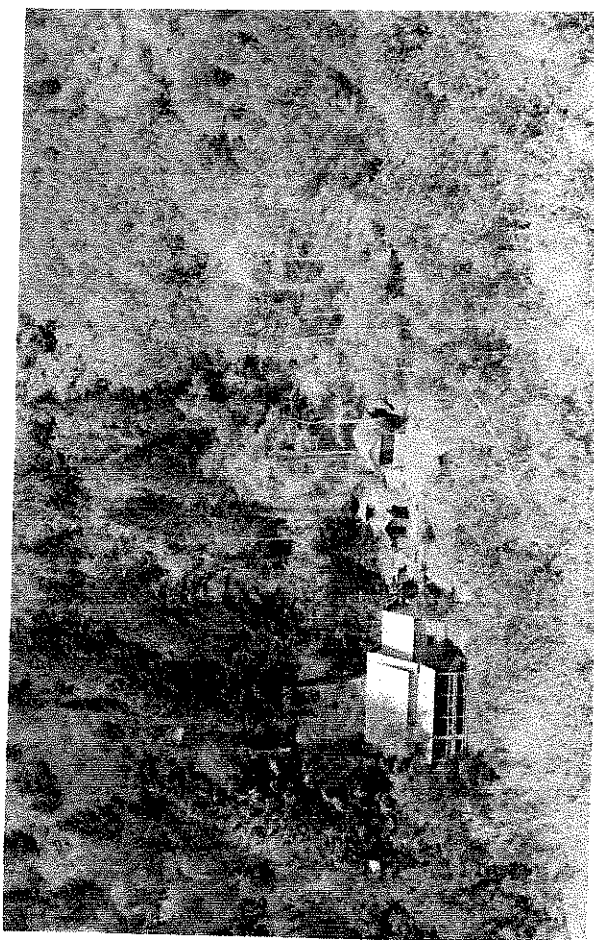


Photograph #3

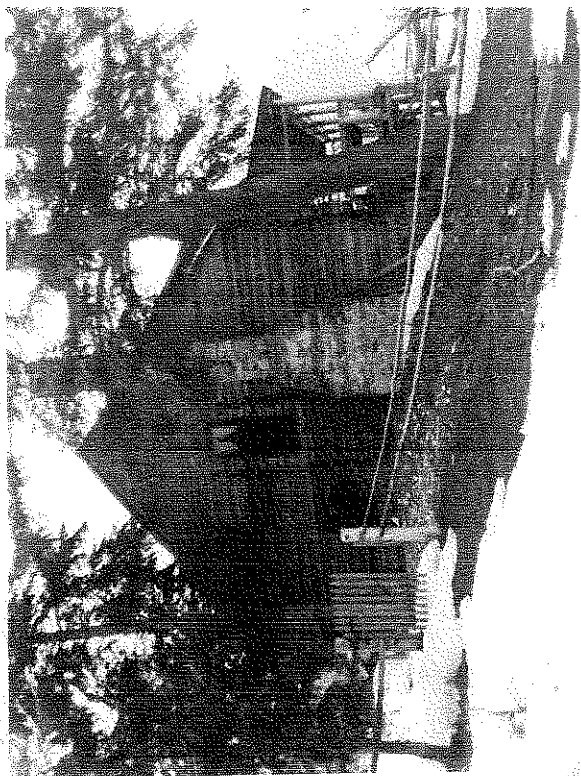
AUG • 61



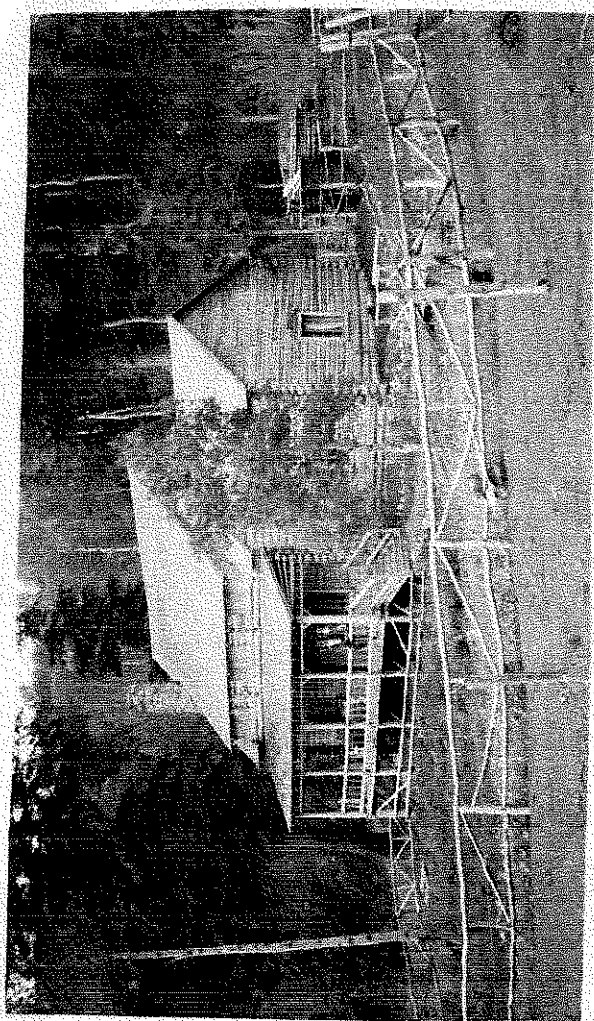
AUG • 61



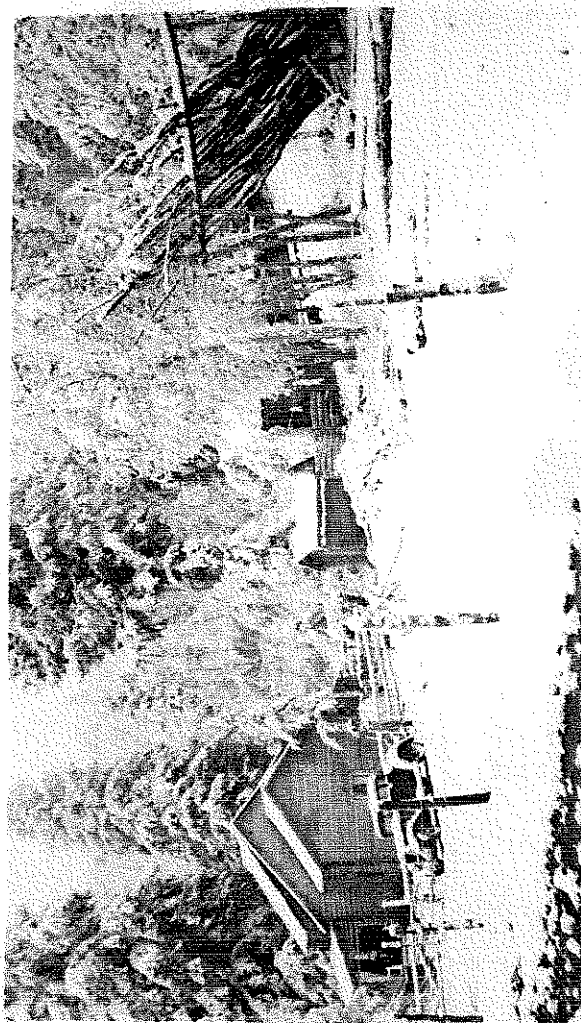
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State of Idaho

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

Owen L. Nelson
P.O. Box 562
Soda Springs, Idaho 83276

April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04003

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a license, Decree, or Permit. For this reason, proof must be provided supporting the priority date. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read the entire pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

.....
**The Department cannot recommend the court decree the Notice if no evidence of a
priority date is submitted.**
.....

Please submit the documentation supporting the priority date by May 23, 2003,
referencing all documents with the corresponding Notice number. If you have any
questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report