

PRESUMPTION FLAG:

SKIOMORE
LOT - ~~OLD~~ HAROLD FORMIS - LOT
GARY TONKIN - HAS BEEN IRR.
ED ADAMSON - ORIGINAL



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

July 19, 1994

Edward Skidmore
Edwin Adamson
Gary Tonkin
Terreton, ID 83450

Re: Snake River Basin Adjudication (SRBA)
Claim No. A31-10674

Dear Claimant,

In the past, you submitted the above referenced claim in the Snake River Basin Adjudication. Enclosed is a computer generated print-out of the claim for your reference. (This print-out is NOT to be returned or re-filed.) You indicated at the time this claim was filed that the water right was based on beneficial use of the water.

Water rights of this type are established by the historical use of water for a beneficial purpose, dating back to the time the water was first used. This date is the **Priority Date** as shown on the enclosed print-out. The Department is under a legal obligation to gather evidence from claimants supporting the date of first use, or Priority Date, for claims based on historical beneficial use of water.

Enclosed is a pamphlet entitled "Evidence of Priority" which describes the types of evidence required and explains what kind of documents will fulfill this requirement. While we encourage you to read the entire pamphlet, we would like to direct your attention to the right-hand half of this pamphlet. There you will find information concerning the evidence requirements mentioned above. The other sections describe to you why this evidence is necessary.

If no evidence is submitted, your claimed priority date cannot be recommended to the Court for decree. **This could jeopardize your water use under this right.** It is our goal to decree the historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the above claim have been or soon will be conducted by Department personnel.

Please submit the required evidence supporting the priority date by August 12, 1994, referencing all documents with the corresponding claim number. If you have any questions please contact me at (208)327-7925.

Sincerely,

A handwritten signature in cursive script that reads "Roxanne McCarthy".

Roxanne McCarthy
Sr. Water Resource Agent
Adjudication Bureau

RMC:r:tf
Enclosures
copy of claim
priority pamphlet

June 20, 1994

Edward Skidmore
Edwin Adamson
Terreton, ID 83450
Claim No.: A31-10674

RE: EVIDENCE OF PRIORITY

Dear Claimant(s):

The Notice(s) of Claim identified with the number shown above in the "address" label and at the "end" of this letter 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 provided a printout of your Notice and 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 all of the 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"**.

EVIDENCE OF PRIORITY

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It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice have been or soon will be conducted by Department personnel.

The Department can not recommend the Notice be decreed by the court if no evidence of a priority date is submitted.

Please submit the documentation supporting the priority date by July 8, 1994, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,

Roxanne McCarthy
Water Right Agent, Adjudications

RM:r

File: To Claim

Enclosure: Brochure on "Evidence of Priority"
Proof Report