



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

December 9, 2004

City of Blackfoot
157 N. Broadway
Blackfoot, ID 83221

REF: Snake River Basin Adjudication (SRBA)
Claim 27-4086 (well #7)

Subject: CLAIM DISALLOWED

RESPONSE DATE: DECEMBER 27, 2004

Dear Sir or Madam:

The Notice of Claim identified with the number shown above, has been filed on in the Snake River Basin Adjudication (SRBA). The basis of the above referenced Notice of Claim is a statutory claim. The claimant must document with evidence when a water right was put to beneficial use to establish a priority date. A statutory claim filed under Idaho Code 42-243 is not evidence of priority. In April of 2003 the Department requested evidence to support the 1921 priority date claimed. The information received by the Department does not support that date. In fact, it is about 10 years after the March 25, 1963 mandatory permit statute date. Therefore, the Notice of Claim to a water right in the SRBA is being recommended as **"DISALLOWED"** and the City of Blackfoot must contact the Idaho Falls office to file an Application for Permit to register this well. Please contact the Idaho Falls office for an appointment time at 525-7161.

Respectfully,

Cindy E. Bird
Adjudication Bureau

CC: Roger Warner
IDWR, Idaho Falls



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City of Blackfoot
157 North Broadway
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April 23, 2003

Re: Evidence of Priority

Claim No.(s) A27-04106, A27-04151, A27-04152, A27-04153, A27-04154, A27-04165
A27-04084, A27-04086, A27-04087 & A27-04088

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.

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