



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

May 8, 2006

LEROY E BRANDT
2630 W PARKSTONE DR
MERIDIAN ID 83642

RESPONSE DEADLINE
MAY 22, 2006

3-10001 & 3-10002

Re: Evidence of Priority Date & Ownership Change

Dear Claimant:

The Notices of Claim to a Water Right (claims) identified above have been filed in the Snake River Basin Adjudication (SRBA). The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water and the priority date is the date when water was first used for the purpose claimed. This date has not been confirmed. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

As it stands, we need more information regarding your claimed priority date. The claims filed in the SRBA note that the claimed priority date is based on a statement on the Application for Permit that was filed in obtaining license 3-2043. The statement mentions a 10 hp pump installed in 1920 and a 5 hp pump installed in 1947. To verify that this statement accurately represents the historic use of water, we need more information.

Enclosed you will find a computer printout of your claims and the pamphlet entitled "Evidence of Priority." The pamphlet suggests documents that may be used as evidence. If you choose to submit statements from individuals as evidence, the statement should be in the form of a notarized affidavit. The affidavit should include: 1) date, 2) extent of use (irrigation of 39 acres in the SENW of section 31), and 3) how the affidavit writer knows (I lived next door since I was a child). A form is provided for your convenience.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend these claims under license 3-2043 with a priority date of October 7, 1957. If you choose to pursue the earlier priority date, please provide clear and convincing evidence.

Additionally, the change of ownership form submitted is insufficient to change ownership of claim 3-10002. If Mr. Brandt has purchased the northern portion of this property, please submit the deed that was used to convey this property to Mr. Brandt. Upon receiving the deed for this land, we will process both changes.

Please submit the required evidence supporting the priority date and copies of the deed for the northern portion of the property by the date shown above, referencing all documents with the corresponding claim number. Send the documents in the enclosed envelope to assure they arrive 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, EIT
Adjudication Bureau

Enclosures

CC: ROBERTS FARM, INC
1449 LARSEN RD
WEISER ID 83672