



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

28 December 2004

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Walloby's Retreat, Inc. 152 North 200 East Blackfoot, ID 83221	Claim 27-11944
Leo Wallace, Sherrilynn Bair, Richard M. Wallace, Starla Thompson 1921 West Taber Road Blackfoot, ID 83221	Claim 27-11945
Leola Carrol Roberts 152 North 200 East Blackfoot, ID 83221	Claims 27-12034 & 27-12037
Blue BirdRanch LLC 149 North 200 East Blackfoot, ID 83221	Claim 27-12035
Peggy Barnes 149 North 200 East Blackfoot, ID 83221	Claim 27-12036
Joe Dean Brantzeg 153 North 400 West Blackfoot, ID 83221	Claim 27-12040
Starla Thompson 1921 West Taber Road Blackfoot, ID 83221	Claim 27-12045

Re: Snake River Basin Adjudication (SRBA)
Claims 27-11944, 27-11945, 27-12034, 27-12037, 27-12035, 27-12036,
27-12040, 27-12045

Subject: EVIDENCE OF PRIORITY

Response Date: 10 January 2005

COPY

Dear Claimant(s):

In reviewing the documents submitted for the above referenced claims we do not have sufficient documentation to support the claimed priority date of March 10, 1919. The documents that we do have include the following:

<u>Document</u>	<u>Date</u>	<u>Description</u>
U.S.A. to E. C. Higley	2/21/1916	T4S, R39E, Sec. 25, SESW, Sec. 36, NENW, Sec. 36, W1/2NE
E. Higley to B. Hansen	3/10/1919	Same legal as above
State Land Lease to M. Wallace	9/30/1966	No legal description
John Sharp to Malvern Wallace	8/1/1968	T4S, R39E, Sec. 24, E1/2; Sec. 25, S1/2, SESW; Sec. 36, W1/2NE, NENW. T4S, R40E, Sec. 19, Lots 3 & 4, E1/2SW; Sec. 30, all.
M. Wallace to James Roberts	7/14/1989	T4S, R39E, Sec. 36, oart of SWNE
James Roberts to Leola Roberts	11/10/1998	T4S, R39E, Sec. 36, part of SWNE All water rights
Walloby's Retreat to Peggy Barnes	8/27/2001	T4S, R39E, Sec. 36, part of E1/2NE 1/6 70 Creek, Claude's Creek & well
Walloby's Retreat to Malvern Wallace	8/27/2001	Same legal as above
Walloby's Retreat to Leola Roberts	8/27/2001	Same legal as above
M. Bergevin to Joe & Frank Brantzeg	1/9/2002	T4S, R39E, Sec. 36, part of SWNE

I would like to call your attention to the following:

1. The property that was conveyed from Walloby's Retreat to the Barnes, Wallace and Roberts is not within the same quarter-quarters of Section 36

- as the original patent to E. C. Higley. The deed involving the land from Bergevin to Brantzeg is the only one within the original quarter-quarters.
2. There is no evidence that supports that Bergevin had any property to transfer to Brantzeg.
 3. No evidence has been presented that Walloby's Retreat owned the property transferred to Malvern's children.
 4. The State Land Lease to M. Wallace on September 30, 1966 did not contain any legal description and, therefore, does not provide any information pertinent to these claims.
 5. There are three documents that transfer land from John Sharp, to Malvern Wallace to James Roberts to Leola Roberts. However, there is no evidence that Walloby's Retreat owned any property to transfer.

I am enclosing a copy of an outline indicating how the documents we do have form a lineage from the land originally acquired in 1916 to today. Hopefully, this will assist you in identifying the missing links so we can show to the Court a clear line of ownership from the claimed priority date to you as a claimant in the SRBA Court

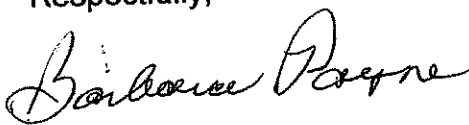
We also have copies of the following documents that refer to water usage for various periods of time:

1. A notarized statement by Clyde Twitchell dated 9/14/2004 that provides some history of water use.
2. A notarized letter from Evert J. Higley dated 1/17/1995 that provides some history of water use.
3. A copy of a newspaper article dated 4/27/1960 entitled "Presto Man Looks Back To Oxen, Wagon Days" that provides some history of water use.

If sufficient documentation is not provided that link these documents together by the above referenced date providing evidence that the claimed land is owned by the claimants and that the water has been beneficially used since the claimed priority date then the claims will be recommended to the Court to be disallowed.

If you have any questions, please feel free to contact me at 547-3993.

Respectfully;



Barbara Payne

Enclosure

Walloby's Retreat
Blue Bird Ranch LLC
Wallace Ranches

Basin 27

Walloby's Retreat to Peggy Barnes (27-12036)
8/27/2001
T4S, R39E, Sec. 36, E1/2NE, part of, 13.3 ac
1/6 70 Creek, Claude's Creek and well

Walloby's Retreat to Malvern Wallace
8/27/2001
T4S, R39E, Sec. 36, E1/2NE, part of 13.3 ac
1/6 70 Creek, Claude's Creek and well

Walloby's Retreat to Leola Roberts (27-12037 or 27-12034)
8/27/2001
T4S, R39E, Sec. 36, E1/2NE, part of
1/6 70 Creek, Claude's Creek and well

E. Higley to B. Hansen
3/10/1919
T4S, R39E,
Sec. 25, SESW
Sec. 36, NENW
Sec. 36 W1/2NE
160 ac

U.S.A. to E. C. Higley
2/21/1916
T4S, R39E,
Sec. 25, SESW
Sec. 36, NENW
Sec. 36 W1/2NE
160 ac

John Sharp to Malvern Wallace
8/1/1968
T4S, R39E,
Sec. 24, E1/2
Sec. 25, S1/2, SESW
Sec. 36, W1/2NE, NENW
T4S, R40E,
Sec. 19, Lots 3 & 4, E1/2SW
Sec. 30, all

M. Wallace to James Roberts
7/14/1989
T4S, R39E,
Sec. 36, SWNE, part of

James Roberts to Leola Roberts (27-12034 or 27-12037)
11/10/1998
T4S, R39E,
Sec. 36, SWNE, part of
All water rights

M. Bergevin to Joe Brantiez, et al (27-12040)
1/9/2002
T4S, R39E, Sec. 36, SWNE, part of

State Land Lease to M. Wallace
9/30/1966
No description