



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

1 June 2004

Rawlings Creek Land & Livestock
Terry McNeely
P. O. Box 54
Firth, ID 83238

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 27-10207

Subject: Basis of Claim
Changes to water right.

Response Date: 14 June 2004

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". However on line 14 of the notice of claim, the remark states "Priority date based on decreed water right A27-23B". If the claim is in fact a beneficial use claim then evidence of priority must be filed with the department. Information needed is discussed below:

Water rights based on beneficial use 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 the 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**".

If the Notice of Claim is based on decree 27-23B then you will need to provide documentation for the change in the point of diversion (POD), source and place of use (POU).

Previous source: Rawlins Creek
Claimed source: Poison Creek

Previous POD: SWNE section 15, T3S, R39E.
Claimed POD: SENW section 23, T3S, R39E.

Previous POU: SWNE, SWSE section 15, T3S, R39E.
Claimed POU: SWNW, SENW section 23, T3S, R39E.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

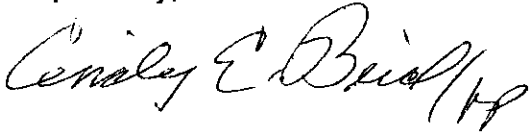
Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

It's our goal to recommend historical water rights within the Snake River Basin Adjudication as accurately as possible. This office must receive your response by the date shown above. If no response is received, then your claim to water from the new source, point of diversion and place of use **will not be recommended to the SRBA court.**

I am also enclosing a Change in Address of Notice of Claim form. Please sign the form and return it to this office.

If you have any questions, please feel free to contact me at the office in Soda Springs at 547-3993.

Respectfully,

A handwritten signature in cursive script, reading "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure: Brochure on "Evidence of Priority"
SRBA Notice of Claim Report 27-10207
Change in Address of Notice of Claim