

594 W. 200 S.
Blackfoot, ID 83221
Jan 6, 2004

Cindy E. Bird
Adjudication Bureau
Dept. of Water Resources
15 West Center Street
Soda Springs, ID 83276

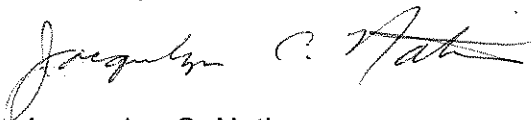
Re: Snake River Basin Adjudication (SRBA)
Claim 27-11120

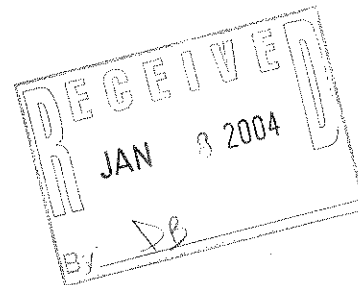
Dear Ms. Bird:

In response to your letter of 9 December 2003, please be advised that we accept Mr. Merlin Yancey's response of December 30, 2003 in behalf of all holders of Welch water. If you require another copy please advise me, and I would be happy to send you one.

On another matter, is it possible to separate this claim between Nations and Romriells? Or do we need to keep it intact until the adjudication process is complete? I can be contacted daytime at 208 785-8616 or email at inbckft@ida.net. Thank you.

Sincerely,


Jacquelyn C. Nation





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

9 December 2003

Howard S. Nation
594 West 200 South
Blackfoot, ID 83221

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 27-11120

Subject: EVIDENCE OF PRIORITY DATE

Response Date: 8 January 2004

Dear Claimant(s):

The Idaho Department of Water Resources has begun its SRBA claims review in Basin 27. The Notice(s) of Claim identified with the number shown above, has been filed in the SRBA.

The referenced claim is not a decreed right based on Welch Irrigation. In the Stevens' 1891 decree the Welch water was decreed as mining, not irrigation and cannot be converted to irrigation. The mining purpose is non-consumptive while, irrigation is consumptive. Therefore, it can only be recommended to the Court as a beneficial use claim. However, before we can prepare the recommendation, we need evidence to support when the water was put to beneficial use for irrigation.

It is important that each element of the Notice be substantiated. For 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**".

If we do not hear from you by the above referenced response date we will recommend to the Court that this claim be disallowed.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Cindy E. Bird" followed by a stylized flourish.

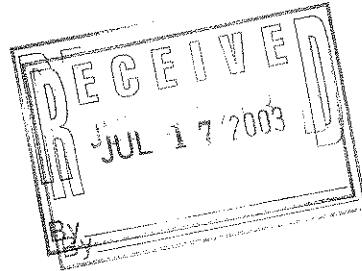
Cindy E. Bird
Adjudication Bureau

CEB/bjp

Enclosure: Evidence of Priority Brochure

594 W. 200 S.
Blackfoot, ID 83221
July 15, 2003

Attn: Cindy E. Bird
State of Idaho Department of Water Resources
15 West Center Street
Soda Springs, ID 83276



Re: Evidence of Priority

Claim No. A27-11120

Dear Ms. Bird:

Here is the history as I have been able to piece it together. Most of the information is from Zane Caldwell.

3/20/1886

The Welch family had a mining claim on the property we now own. They dug the canal presently used to run their mining operation and later farmed it.

????

Zane Caldwell purchased the farm and water rights. He has filed with you as water right No. 27-37C

1976

Zane Caldwell sold approximately 1.5 acres to Bruce and Karen Hansen with the water rights as outlined in our claim. Shortly thereafter, Mr. Hansen subdivided and sold half his lot to Don and Linda Romrell.

1977

Cox Insurance and Loan foreclosed on Bruce and Karen Hansen. Property is rented with option, Cox Insurance and Loan pays dues to Central Canal to deliver water.

1987

Howard and Jacque Nation buy the property, told by Cox Insurance and Loan that there are water rights, confirmed by Zane Caldwell and Central Ditch Co. Renters water lawn with pump from ditch until pump burns up. Property watered by well thereafter.

1989

Howard and Jacque Nation move into house. Because papers are in storage and Adjudication forms are due, Jacque asks Zane Caldwell for facts on water claim which he supplies. Claim filed.

1998

Don and Linda Romrell install sprinkler system for their property using ditch water. Take over payment of Canal dues.

2003

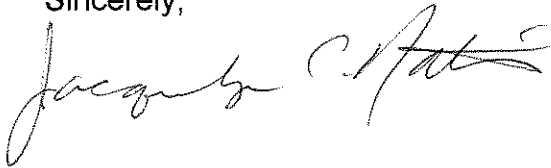
Zane Caldwell sells remaining farm with water rights to Beans.

I can get written statements from Zane Caldwell and the secretary of the ditch company. Cox Insurance and Loans is now defunct and its owners deceased. Please advise me as to best procedure. Thank you for your time.

Contact Information:

594 W. 200 S.
Blackfoot, ID 83221
Home 785-6793
Work 785-8616 M-F 7-3:30
Fax 785-8614
email jnblkft@ida.net

Sincerely,

A handwritten signature in cursive script, appearing to read "Jacquelyn C. Nation".

Jacquelyn C. Nation



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

Howard S. Nation
594 West 200 South
Blackfoot, Idaho 83221

May 9, 2003

Re: Evidence of Priority

Claim No.(s) A27-11120

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.
.....

Please submit the documentation supporting the priority date by June 26, 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