



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

Chesterfield Land & Livestock Company
% Grant Williams
1975 Telford Road
Grace, Idaho 83241

May 7, 2003

Re: Evidence of Priority

Claim No.(s) A27-11245, A27-11261 & A27-11262

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.

.....
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

IN THE MATTER OF:)
)
)
)
)
~~Water Right-Priority Date~~)
State of Idaho)
County of Bingham)

AFFIDAVIT

Clyde Twitchell being first duly sworn,

deposes and says: In 1927, I road with Roughie Howell, from our
ranch at Mt. Putnum and camped at Dairy Springs on
Grizzley Creek. I saw that water from Grizzley Creek,Dairy
Spring and Sawmill Creek was being used to flood irrigate
land at T65-R40E Sections 3,4,and 5.

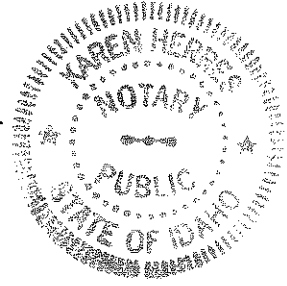
COPY

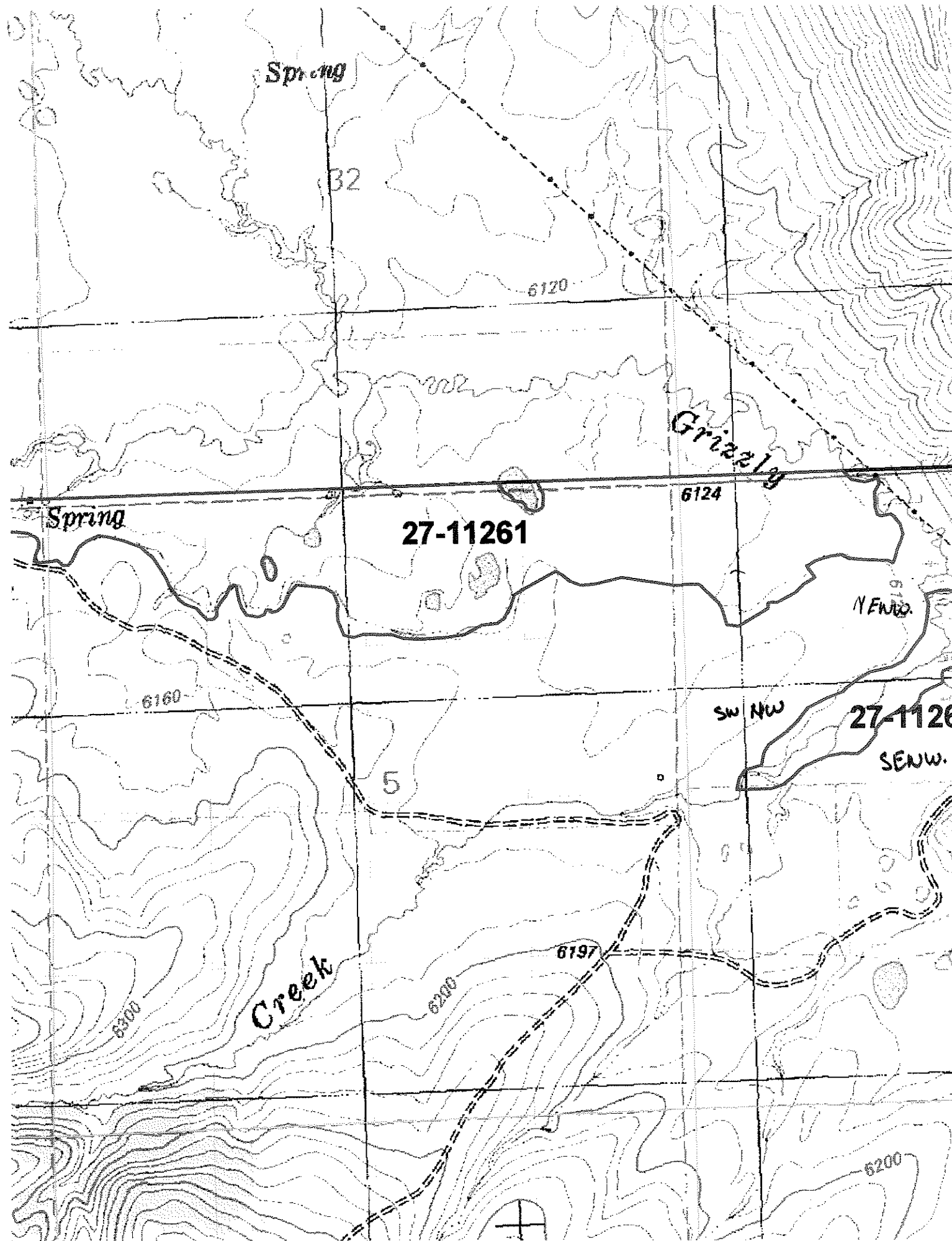
Clyde Twitchell
(Signature)

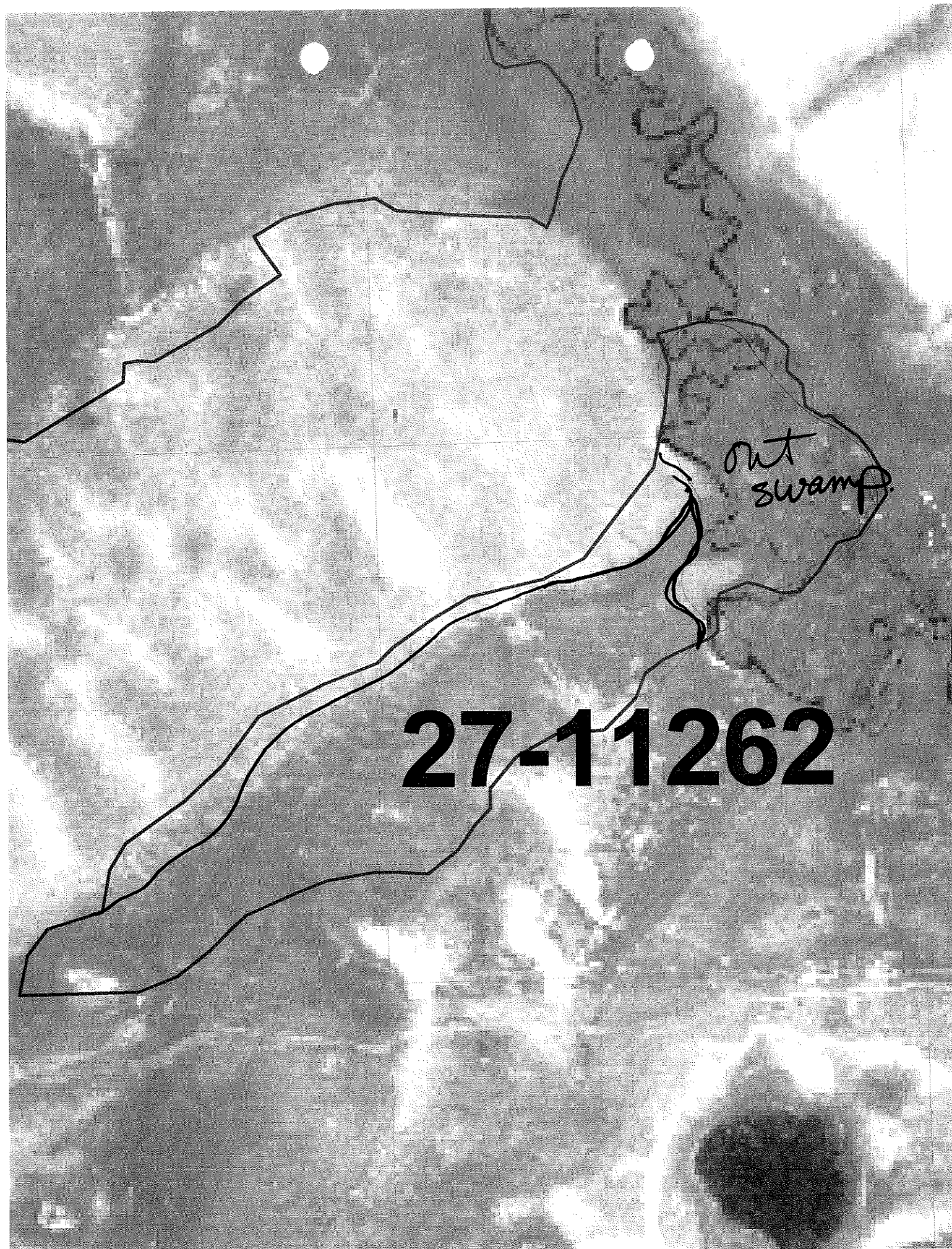
Subscribed and sworn to before me this 18th day of July, 2003.

Karen Heeres
(Notary Public)

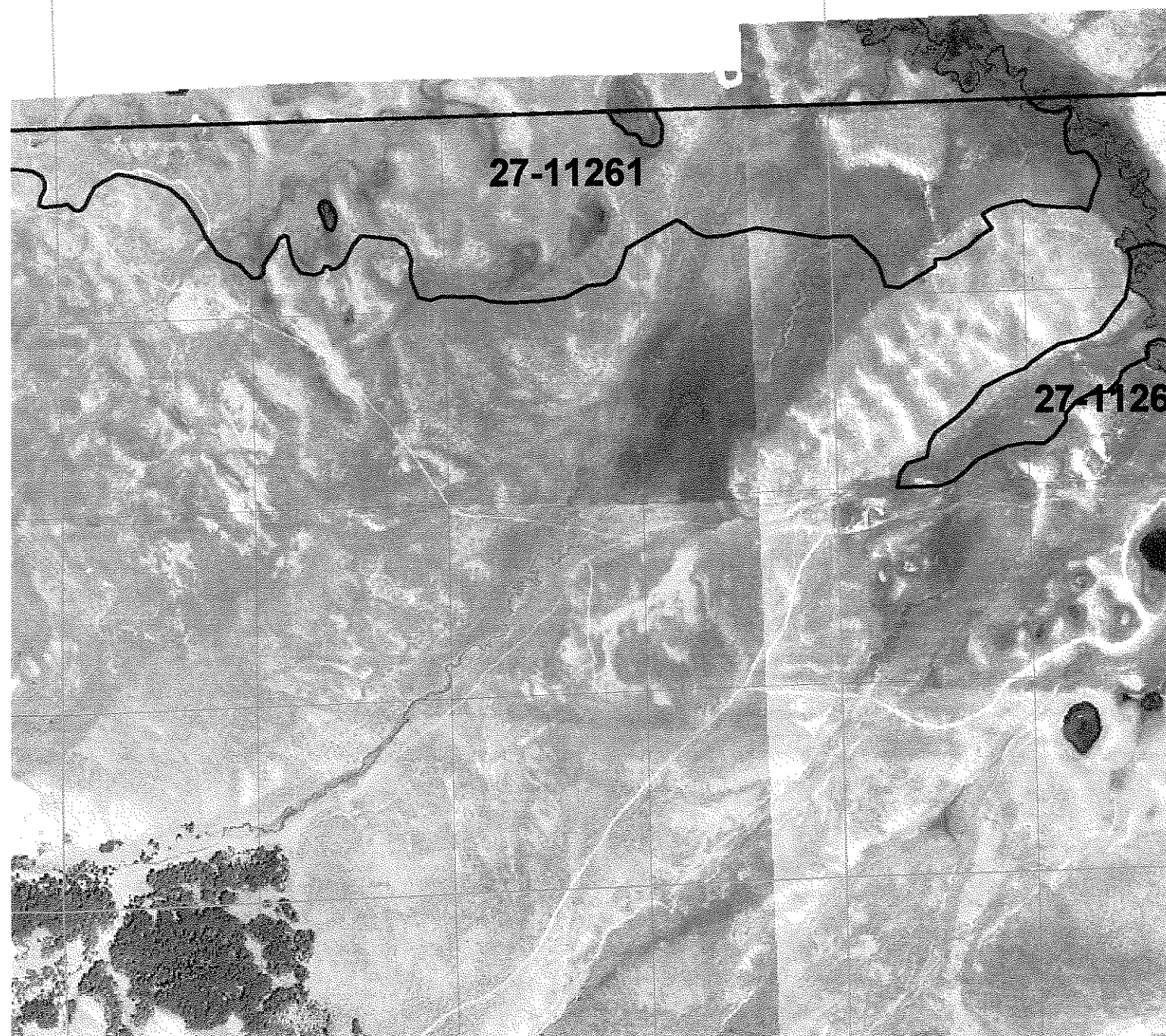
Residing at Bingham County
My Commission Expires 02-23-04

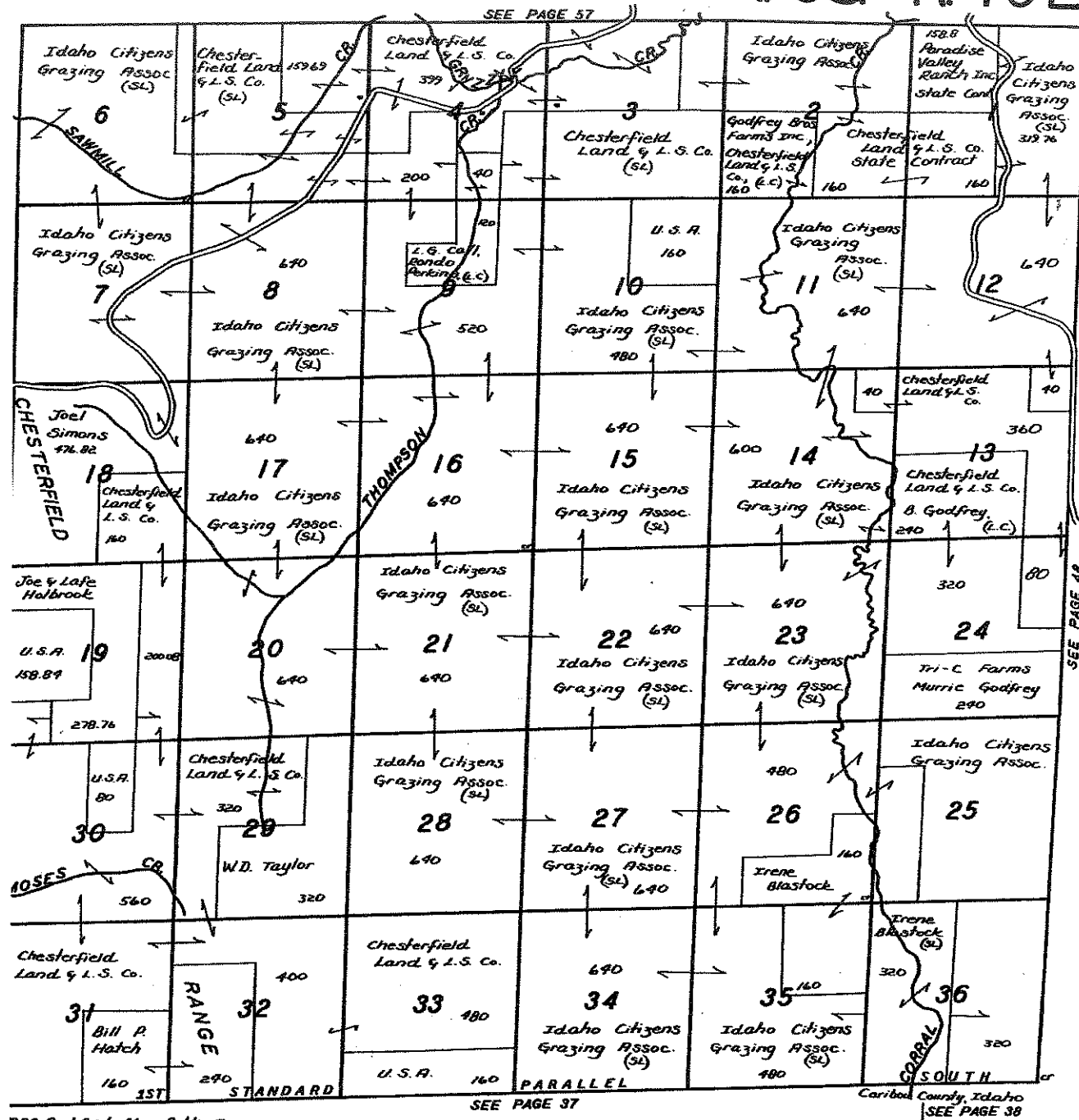






1964 Imagery
T6S, R40E Sec 4





ra,

1927 water

Creek was used

T 55 R 39 E

at William J

veg. A 27-11245

that in 1927 water

A 27

was used for irrigation

11262

5 R 40 E Section 4,

if that in 1927 water

A 27

was used for irrigation

11261

on T 65 R 40 E Sections

Clark J. Lantieri
(Signature)

sworn and sworn to before me this 25 day of January, 1925.

Betty J. Thompson
(Notary Public)

Residing at _____
My Commission Expires _____
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 7-05-2000