

22 January 2004

Roland G. Allen
Roland Allen Land & Livestock, Inc.
1910 Oakley Avenue
Burley, ID 83318

Re: Snake River Basin Adjudication (SRBA)
Claim 27-4156 and 27-4157

Subject: EVIDENCE OF PRIORITY & PURPOSE OF USE

Response Date: 22 February 2004

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 27. In April 2003 we wrote to your company requesting evidence of priority. However, we did not receive a response to our request. Since you are the registered agent for the corporation we are directing our request to you as their agent.

The Notice(s) of Claim identified with the numbers shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial Use". (the claim sites statutory claim). 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.**

We have in our files a notarized statement by Roland R. Allen dated February 6, 1995. I am enclosing a copy of that statement for your ready reference. Mr. Allen sets forth an apparent general history of the ranch. However, it does not contain specific enough information to satisfy the requirements of the Court.

Our research of the Water Master Reports for ¹⁹⁷⁵1875 through 1988 indicates there have been several changes in the amount of water allotted to Roland Allen. The source of the water in the reports states it is from the Blackfoot River, above the reservoir, not from Slug Creek as sited in your claim. There is only one water user listed as using water from Slug Creek. Therefore, there is a discrepancy in the source stated in the claim. These reports do not provide sufficient evidence to substantiate your claim.

In the Claim to a Water Right dated 26 June 1983 it lists the purpose of use as irrigation. In the Notice of Claim To A Water Right dated 14 February 1990 it lists purpose of use as irrigation and stockwater. You need to provide when the change took place. Please use the enclosed brochure as a guideline to supply the appropriate documentation.

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 the above sited response date. 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

CEB/ bjp

Enclosure: Brochure on "Evidence of Priority"
Adjudication Claim Report
Copy of Roland R. Allen's statement dated February 6, 1995

WATER RESOURCES BOARD
BOISE, IDAHO
FEB. 6, 1995

Dear Sir:

My father, H. H. Allen, bought the Lower Austin Ranch early in 1941. On October 11th of that year, I Roland Allen, moved to the ranch as manager. Since that time I have consistently been connected with the ranch. So I am speaking about my experience there.

When I moved to the ranch there were two concrete dams in the river as points for taking water from the river for irrigation. A few years later we added one more dam which helped to get water to the west end of the meadows. This one was used for a few years and then was abandoned because it was difficult to maintain.

The first two mentioned deteriorated and finally had to be replaced and are in use every summer. Until about 1962 we were harvesting hay from the meadows. Since that time we have continued to irrigate the same land for pasturing cattle. During the years that we put up hay we would turn off the water about July 1st and then after the hay was up we would turn out the water again if it was available and with permission of the water master.

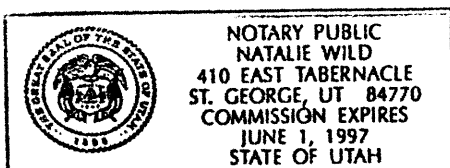
On extremely dry or short water years we were informed by the water master when it would be necessary for us to stop irrigating. This always varied from year to year depending on how full the reservoir was and the amount of rainfall. On good water years the water master would just tell us to use it as needed unless we were notified otherwise.

For quite a few years I served on the board of directors of the irrigation company and attended the meetings annually. Since that time my son in law has been serving in that capacity. So we have always stayed in touch with the Water Master and have never used late water without his permission. We have even cleared with him when we needed stock water on extremely dry years. And we have had a few of those lately. For the most part we live in an area that gets a heavy snow fall during the winters and there is sufficient water.

We have used water for irrigation on the ranch well over 50% of the years from 1942 to 1994 after July 1st. Of course the time used each year has varied with water conditions at the time as well as our needs and the needs of other users as determined by the Water Master.

Respectfully submitted by,


Roland R. Allen



MICROFILMED

NOV 13 1995

Handwritten signature/initials



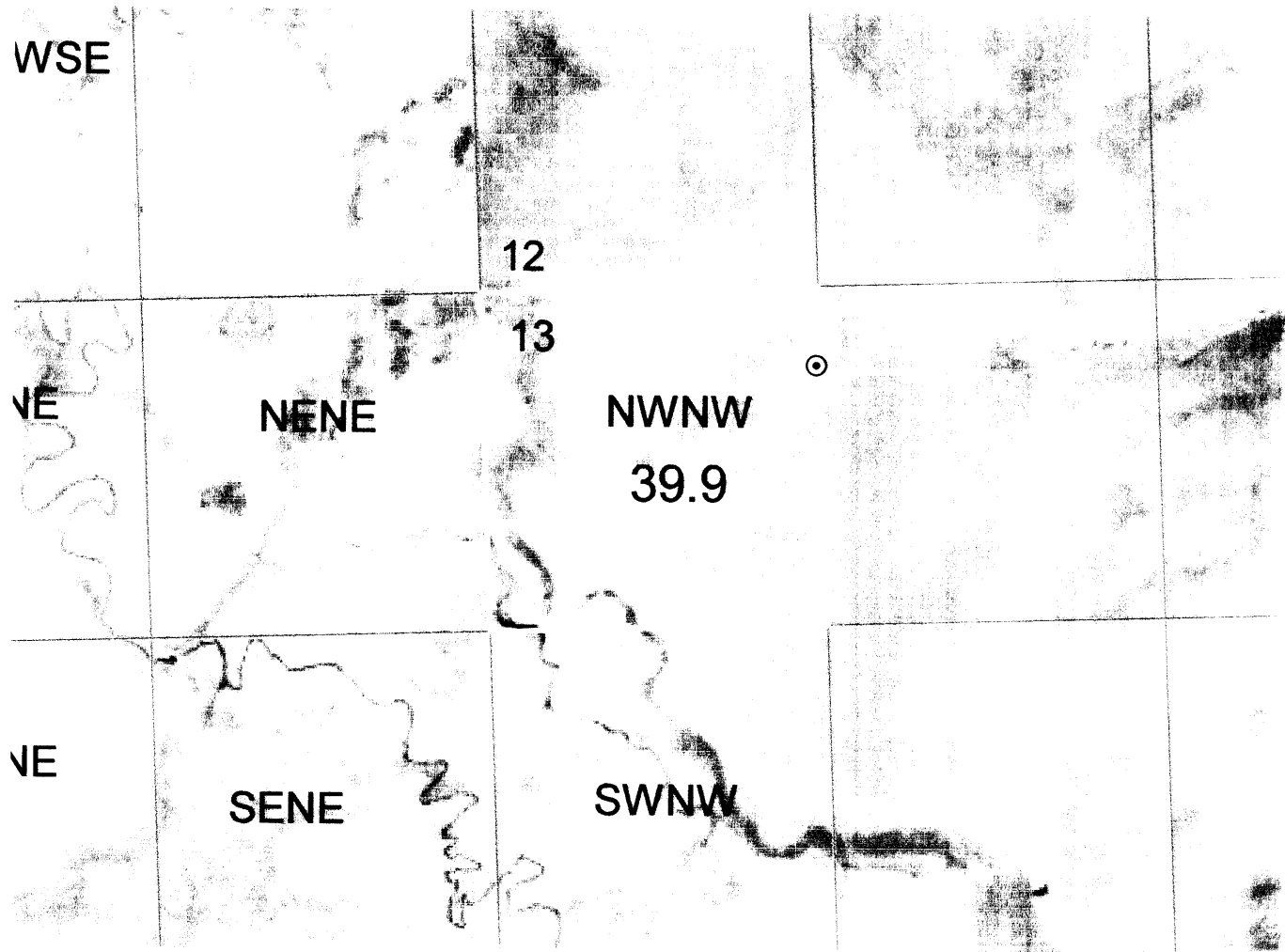
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 27-11334



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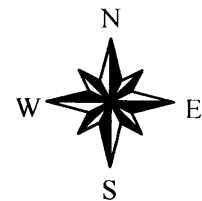
IRRIGATED ACRES

LEGEND

- ⊙ Point of Diversion
- Place of Use
- ▬ Townships
- ▬ Sections
- ▬ Quarter-Quarters

Place of Use: T8S, R43E:
(part of) Sec. 13, NWNW.

Point(s) of Diversion: T8S, R43E:
Sec. 13, NENWNW.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: November 2003



State of Idaho

DEPARTMENT OF WATER RESOURCES

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DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Roland Allen Land & Livestock, Inc.
2020 Conant Ave.
Burley, Idaho 83318

May 6, 2003

Re: Evidence of Priority

Claim No.(s) A27-45A, A27-11018, A27-11330 & A27-11334

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.**

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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.
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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