

June 17, 2004

**MICKELSEN 7 RANCH
5057 N 5TH W
IDAHO FALLS ID 83401**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 21-4094

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of water rights review in Basin 21, the Henry's Fork drainage. The Notice(s) of Claim identified with the number shown above has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim 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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by 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.**

Your claim, as referenced above, claims a Priority Date of AUG 19 1927, from COLD SPRING, BOOTJACK CREEK, MASTERSON CREEK, NORTH SAWTELL CREEK.

It is important that each element of the Notice of Claim be verified. 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 provided a printout of your Notice of Claim and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence which are acceptable 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**". **PLEASE READ THE ENCLOSED PAMPHLET.**

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or soon will be conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit documentation supporting the priority date as soon as possible,
referencing all documents with the corresponding claim number.

Respectfully submitted,



for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"

June 20, 2005

**MICKELSEN 7 RANCH
PO BOX 628
RIGBY ID 83442**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 21-4094 AND
21-4096

Dear Claimant (s):

The Notice(s) of Claim to a water right identified in the attached proof report(s) has been filed in the Snake River Basin Adjudication (SRBA). The Notice of Claim indicates water usage is based upon "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 Claim. The date the water was first put to beneficial use, known as the priority date, has not been confirmed by License, Decree, or Permit. For this reason, proof must be provided supporting your claimed 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 of Claim be verified. For instance, regarding claims for irrigation, the evidence should 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, enclosed is a printout of your Notice of Claim to Water Right and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents may 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**".

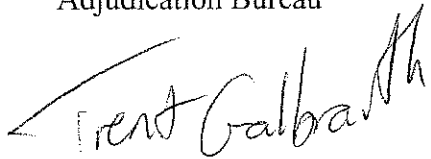
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other elements of the Notice of Claim have been or are currently being conducted by Department personnel.

.....
**The Department will not recommend the Notice of Claim be decreed by the court if
evidence of a priority date is not submitted. The Notice of Claim will be disallowed.**
.....

Please submit the documentation supporting the priority date **within 30 days of the date
of this letter, referencing all documents with the corresponding Claim number.** If
you have any questions not covered by this letter or the enclosed pamphlet, please feel
free to contact this office at 525-7161.

Respectfully submitted,

Trent Galbraith
Water Resource Agent
Adjudication Bureau

A handwritten signature in black ink that reads "Trent Galbraith". The signature is written in a cursive style with a large, sweeping initial "T" and a stylized "h" at the end.

cc: File

Enclosure: Brochure on "Evidence of Priority"
Notice of Claim (copy)