



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

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SEP 28 2006

DEPARTMENT OF
WATER RESOURCES

JAMES E. RISCH
Governor

KARL J. DREHER
Director

COPY

September 25, 2006

NEVADA ROCK AND SAND
527 REGENTS GATE DRIVE
HENDERSON, NV 89012

REF: 24-2020, 24-4007 thru 4010, 24-10684 thru 10686 and 24-10746

Subject: Snake River Basin Adjudication (SRBA) claims need evidence

RESPONSE DATE: OCTOBER 18, 2006

Dear Claimant(s):

I received your Notice of Claim to a Water Right on 24-2020. Since this right is a "perfected right" no evidence is required to support the priority date. Your other SRBA claims are **not** "perfected rights" so they **do** require evidence to support the priority dates. The evidence that I have in the files is the documents referring to Water license 8159 (24-2020) with an April 27, 1912 priority date. Therefore, I still need evidence to support the priority date on your beneficial use claims in the SRBA. License 24-2020 covers 75 acres of irrigated ground in the SE of section 15. I've enclosed a layout of the 75 acres under this right for your convenience to study and determine when the additional land around it was irrigated.

I have outlined several events that could effect the date when the additional lands were irrigated. Please review the information below and the layout on 24-2020 and try to get me the evidence to support the above referenced beneficial use claims by the response date listed above. If no evidence is supplied by that date then the additional beneficial use claims may not be recommended to the SRBA court in late October.

1. Stewart's purchased the property on Aug. 1, 1963.
2. Mandatory permit statute for surface water was effective May 20th 1971.
3. Harold Stewart filed statutory Claims 24-4007 thru 24-4010 on November 10th, 1975.
4. The original special use permit was issued by the USFS in October 1983.

5. According to the information in the IDWR dam safety file the pond was built in 1965 and enlarged in 1984.

When Harold filed the Statutory claims in 1975 was he filing to cover the additional development done by the Stewart's? Was the sprinkler system put in when the Special Use permit was acquired from the Forest Service? Was the irrigation enlarged at this time? Why was the pond enlarged? Was it to cover additional land irrigated? The volume and priority date of the ponds storage of irrigation water will depend on the number of irrigated acres and when they were irrigated.

Since the Statutory claims were filed in 1975 it would tend to suggest that the additional development wasn't done until after the Stewart's purchased the property in 1963?

If you have any questions please don't hesitate to give me a call at 547-3993 because our deadline is rapidly approaching.

Respectfully,

COPY

Cindy E. Bird
Adjudication Bureau

CC: Kent Foster, Attorney at Law (w/attachment)
Nick Spencer, Deputy District Attorney for IDWR (w/o attachment)

Enclosure(s): Layout of irrigated land under 24-2020.