



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

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Director

January 27, 2006

VIC CONRAD
JR SIMPLOT COMPANY
PO BOX 27
BOISE, ID 83707

REF: HARTMAN RANCH
Snake River Basin Adjudication (SRBA) claims
24-4015, 24-4016, 24-4017 & 24-10689

SUBJECT: EVIDENCE OF PRIORITY

Dear Vic,

I had a chance to talk with our legal department in Boise about our discussion last week on the "Notice of Water Right" located in files 24-4015, 24-4016 and 24-4017. The priority date under 24-4015 and 24-4016 of 1/26/1903 is correct for a Posted Notice. If the claims were amended to claim a priority date earlier based on the statement in the notice then the claim would be a beneficial use claim and would require additional evidence to prove that the ditch was used to irrigate the property. The completion of the ditch doesn't automatically establish that the water was used for irrigation. It could have been used for domestic or stock. The "Notice of Water Right" can be used as the initial evidence for a Posted Notice that they had the "intent" to irrigate the property under the notice. The intent discussed in the notice will need to be converted into them beneficially using the water.

The "Notice of Water Right" for Isaac Nelson doesn't pertain to the place of use claimed by the Hartman's. We got a copy of the homestead plat and according to the plat Isaac Wilson and/or Elizabeth Wilson homesteaded land in sections 8 and 5 within the same township and range. We do not have any evidence to support an accomplished change in place of use. So claim 24-4017 doesn't have any evidence to support the priority date and could be disallowed if no evidence is supplied. Claim 24-10689 was filed as a beneficial use right and also requires evidence to support the priority date claimed.

The "Notice of Water Right" does not cover any of the land claimed in section 15 and the only land it covers in section 22 is the land in the SWNW. Additional information will need to be provided to us for the additional land claimed that is not covered under the Notice.

The bottom line is that without some additional evidence on the Hartman claims to support the priority dates the claims will be recommended to the SRBA court as **disallowed**. As I stated during our conversation we are running out of time and may be forced into disallowing the claims because of a lack of evidence. This needs to be taken care of as soon as possible if the Hartman's want to retain water rights on their ranch. If you have any additional questions please don't hesitate to call.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Cc: Hartman Ranch