



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

September 22, 2005

Hartman Ranch LLC
1694 Eastman
Ventura, CA 93003

COPY

Re: Snake River Basin Adjudication (SRBA)
Claims: 24-4015, 24-4016 & 24-4017

Subject: EVIDENCE OF PRIORITY

Response Date: October 13, 2005

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. The Notice(s) of Claim identified with the numbers shown above, have been filed in the Snake River Basin Adjudication (SRBA).

The Notice indicates that the claims are based on statutory 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.

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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 the above noted response date referencing all documents with the corresponding Claim numbers. If you have any questions not covered by this letter, please feel free to contact me at (208) 547-3993.

Respectfully,

Pauline Bassett

Enclosure: Brochure on "Evidence of Priority"

CC: Tate M. Jarry
Live Water Properties, LLC
PO Box 9240
Jackson, WY 83002