

**BRASS
ENGINEERING
INTERNATIONAL**

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June 29, 2004

Mr. Allen B. Ruberry
Sr. Water Resource Agent, Adjudication Bureau
Department of Water Resources
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

JUL 02 2004

Department of Water Resources
Eastern Region

Subject: Evidence of Priority of SRBA Water Right Claim 22-4184A
Your 02 JUNE 2004 Letter to R. Vernon Ricks

5N40E

Dear Mr. Ruberry:

Per your letter and its enclosed pamphlet titled "Evidence of Priority", and having personal knowledge of the water's beneficial use I submit the following notarized affidavits:

My name is Brad Ricks with the following vital data:

Date of Birth: 21 July 1947 (refer to attached Passport photocopy showing birth date and Idaho as birth place.)

Born in Rexburg, Idaho and graduated from Madison High School in May of 1965.

The subject's Priority Date is 01 JUNE 1962. At that time I was 15 years old and worked for my father and uncles as a "pipe mover." I believe the wells were used prior to the priority date but I can state with certainty that water was used for irrigation in 1962. The well water was used to irrigate spring grain, potatoes, and alfalfa. The irrigation period began in May and lasted through the summer. "Pipe moving" was a six day per week task with the "moming set" occurring around 05:00 AM and the "evening set" occurring at 5:00 PM. I suppose the claim refers to the land on the Rexburg bench, about 3 miles south of the city, and refers to one or more of the following land parcels:

RP 05N40E086610 A (irrigated AG)

RP 05N40E182401 A (irrigated AG)

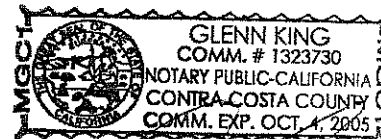
RP 05N40E076601 A (irrigated AG)

RP 05N40E079010 A (irrigated AG).

I trust the above is sufficient. If you have any questions please contact me.

Sincerely,

Brad Ricks



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

On June 29, 2004 before me, Glenn King

DATE

NAME, TITLE OF OFFICER - E.G., "JANE DOE, NOTARY PUBLIC"

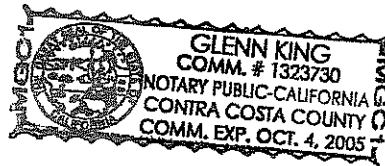
personally appeared, Brian Hicks

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

NOTARY PUBLIC SIGNATURE

(SEAL)



OPTIONAL INFORMATION

TITLE OR TYPE OF DOCUMENT LETTER

DATE OF DOCUMENT 6/29/04

NUMBER OF PAGES 1

SIGNER(S) OTHER THAN NAMED ABOVE None

June 2, 2004

**MARK G RICKS
3348 S 1400 W
REXBURG ID 83340**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-4184E

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 22, the Teton River 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 JUNE 1 1962, from GROUNDWATER.

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 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.

Respectfully submitted,



Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"