

mailed
11/11/2004

March 11, 2004

**RICHARD F SMITH
PO BOX 8
REXBURG ID 83440**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 22-11149

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the end of water rights review in Basin 23, the Swan Valley area. 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 APRIL 15, 1981, from a WELL.

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 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. 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 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.

Respectfully submitted,

Nick L. Olson
Special Contract Agent
Adjudication Bureau

cc: File

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

Contacts Data Entry Form

Water Right No. A2211149

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>Richard</u>	<u>Smith</u>				
Name connector: and _____, or _____, and/or _____						
Current Owner						
Current Owner						
Representing Attorney:			Phone Number:			
Accompanied By:			Phone Number:			
Relationship to Claimant:						
Date of Field Exam:			Time:			

Directions to Property (if different from above) and/or update owner information:

D.I.U. Claim - ENLARGEMENT Claim BASED ON 42-1426
(NOT 42-1416)

This Right when combined with A2202184 shall
not exceed 3.55 cfs This is an expansion of
A2202184 POD is shared with A2202184, A2202230
A2211149

FE pod/pou CONVEYANCE/SYSTEM

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A2211149

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 15 April 1981 Claimed Basis: B.H.Recommended Priority Date: _____ Recommended Basis: B.H.☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

B.H. ClaimCLAIMS ENLARGEMENT OF 22-2184.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: A2211149

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 6N, R 40E, Sec. 33,____, NE, SW, County: MadisonSource: Ground Water Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

Sams POD as 22-2180, 2230 (AND CLAIMS 22-11149)→ BH LEIPOLD ROAD

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A2811149☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6N	40E	33	NENE		Madison		40	Irrigation
"	"	"	NWNE		"		20	"
"	"	"	SWNE		"		20	"
"	"	"	SENE		"		40	"

Total Acres 120

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A2811149☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	11/1	3.55 cfs	

Overall Diversion Rate 3.55 cfs Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

IOWR STA. 504 4/1 - 10/31

Reviewer: _____

Date: _____