

June 25, 2004

**STATE OF IDAHO
DEPT OF HEALTH & WELFARE
YOUTH SERVICES CENTER
450 W STATE 10TH FL
BOISE ID 83720**

RE: EVIDENCE OF PRIORITY FOR SRBA WATER RIGHT CLAIM 21-11972

Dear Claimant (s):

The Idaho Department of Water Resources is nearing the beginning of water rights review in Basin 21, the Henry's Fork 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 JAN 01 1909, 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 as soon as possible,
referencing all documents with the corresponding claim number.

Respectfully submitted,



for Allen B. Ruberry
Sr. Water Resource Agent
Adjudication Bureau

cc: File

Enclosure: Brochure on "Evidence of Priority"



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WASDEN

September 13, 2004

Allen B. Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

Re: Response to Letter Regarding Evidence of Priority for subcase no.
21-11972.

Dear Mr. Ruberry:

In June, you sent a letter to the Idaho Department of Health & Welfare requesting evidence of priority for subcase no. 21-11972, which provides irrigation water for the Juvenile Corrections Center at St. Anthony. I represent the Idaho Department of Health & Welfare in the Snake River Basin Adjudication.

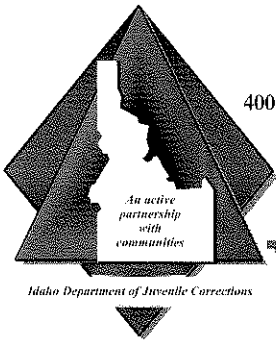
The Act of March 6, 1995, ch. 44, 1995 Idaho Sess. Laws 65, created the Idaho Department of Juvenile Corrections. The Youth Services Center was transferred by operation of law to this new department and renamed the Juvenile Corrections Center. The deputy attorney general assigned to this department is Ms. Nancy S. Bishop. I have contacted her, and she has asked me to assist the Idaho Department of Juvenile Corrections in this matter. I will provide a response to your request.

Sincerely,

A handwritten signature in cursive script that reads "David J. Barber".

DAVID J. BARBER
Deputy Attorney General

DJB/ov
cc: Nancy S. Bishop



Idaho Department of Juvenile Corrections

400 N. 10th Street, 2nd Floor

P.O. Box 83720

Boise, ID 83720-0285

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Fax: (208) 334-5120

Telecommunications Relay Service (TRS) 1 800 377 3529

DIRK KEMPTHORNE
Governor

BRENT D. REINKE
Director

September 25, 2004

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SEP 29 2004

Department of Water Resources
Eastern Region

Mr. Dave Carlson
Idaho Department of Water Resources
900 North Skyline
Idaho Falls, ID 83402

Dear Mr. Carlson:

RE: Adjudication Claim

The Idaho Department of Juvenile Corrections received a request from the Office of the Attorney General to update a packet of information on "Water Right No. 21-11972." The Department of Health and Welfare attorney, Michael Stoy, originally filed this claim back in 1990. The information filed is incorrect. Please change the name on this document from Idaho Department of Health and Welfare to:

Idaho Department of Juvenile Corrections
2220 E. 600 North
St. Anthony, Idaho

The information included in this same document identifying 40 acres for irrigation is incorrect; it should be 20 acres.

Also, please provide copies of the original filing documents on the Egin Bench Canal Co. for our other water shares.

Sincerely,

Brent D. Reinke
Director

BDR:zb

Cc: Nancy Bishop
Dee Young

Changed 22-11971 ALSO

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