



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

October 22, 2007

PARTNERS PRODUCE INC
C/O GEORGE RODRIGUEZ
2150 NE 21ST ST
PAYETTE ID 83661

RE: Amended Late Notice of Claims 67-4354 and 67-4557

Dear Mr. Rodriguez,

After our discussion on 10/19 and 10/22, I reviewed the information you faxed me along with the documents held by our legal staff. As I told you on the phone, I do not see any major problems that we can not fix fairly easily.

To recap, it appears that the big problem with the court accepting the claims was that the priority date on each of the claims was left blank. Enclosed are two amended notices of claim for 67-4354 and 67-4557. All I did was take the information from your hand written claims and enter it into the computer. When I did this I added in the claimed priority date that was shown on the original claim that was filed back in the early 1980's. The priority date I entered is highlighted in yellow on each of the claims for your review.

Please look over the claims and initial any changes you wish to make. When satisfied, sign the claims in front of a notary and return them to me ASAP. I will then forward the claims onto the court telling them that we had worked on the claims and they are complete.

That is all that needs to be done to get the claims submitted to the court, however, I want to talk to you a little about evidence of priority.

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Evidence of Priority:

Originally 67-4354 claimed a priority date of **4/1/1934**. 67-4557 claimed a priority date of **1/1/1900**. By paying the fees of \$208.00 per claim, you are asserting that your water use exceeds 2500 gallons per day and therefore is not a deferrable right. *In other words, small water uses for a commercial use such as what you described, does not need to be filed on as long as you don't exceed 2500 gallons per day.*

Since the claims appear to be for more than 2500 gallons per day, you are going to need to support the priority dates claimed for each well with some sort of evidence supporting that water was first used on that date.

One of the things I do is look through our records to see if I can find the old well logs from when the well was drilled. I did this and I found two well logs. One shows a well drilled in **1972** and the other drilled in **1974** (enclosed). This information does not support the original claimed priority dates of 1900 and 1934.

You will need to find some other evidence to support the older priority dates, or at least some evidence of use as far back as you can. Priority dates can be supported through affidavits or statements from the previous owner or neighbors that know the history of the property and the water use. I am enclosing a pamphlet that discusses evidence of priority for your review.

I want to reiterate that you do not need to have any evidence of priority right now for the court to accept the claims. But, what I am telling you is that once the court does accept the claims, the first thing IDWR is going to do is ask you for some evidence supporting the claimed priority dates. I just wanted to bring that to your attention.

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I know this is a lot of information so feel free to call me if you have any questions.

Respectfully submitted,



Craig L. Saxton
Water Right Supervisor
Adjudication Bureau

Enclosure(s): Amended claim 67-4354
 Amended claim 67-4557
 Two (2) well logs
 Evidence of Priority Pamphlet
 Copies of Original statutory claims 67-4354 & 67-4557