



State of Idaho

DEPARTMENT OF WATER RESOURCES

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C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

December 12, 2007

KATHRYN GARDNER
MARY ELLEN DRASHNER
PO BOX 1200
HAILEY ID 83333

37-22241 AND 37-4375
Re: Evidence of Priority Date

Dear Claimants:

I recently received SRBA claim 37-22241 review and noticed you filed an objection to the recommendation for SRBA claim 37-4375 and I believe the two claims are related, so I would like to address both in this letter.

The claims indicate your water usage is based on "Beneficial Use." Water rights of this type are established by the historic use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed for either claim. SRBA claim 37-4375 was recommended as disallowed in the Fall 2007 report because of lack of evidence for the priority date. You were contacted on April 15, 2005, and December 18, 2006, regarding confirmation of the priority date for claim 37-4375. We also have no evidence establishing the priority date for claim 37-22241. **Proof must be provided by the claimant supporting the priority date claimed and the historic use of the water.**

Enclosed you will find a pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. A map of the general area stated in your claim is also enclosed. Please outline the location of lands irrigated claimed under 37-4375, as well as the location of any points of diversion, if possible. Note the historic location of the pond(s) for aesthetic use claimed under 37-22241. Submit the completed map along with your evidence of priority. This will assist me in making a more accurate recommendation of your claim(s) and possibly in the resolution of your objection.

PLEASE NOTE: If no evidence is submitted, IDWR will recommend the SRBA Court decree both claims be disallowed. The deed you submitted with your objection for 37-4375 provides evidence of land ownership, but does not mention a specific water right and is not sufficient to establish a priority date.

If you have questions not covered by this letter or the enclosed pamphlet, please contact me at (208) 287-4907.

Sincerely,

Monica P. Van Bussum
Sr. Water Resource Agent
Adjudication Bureau

Cc: James P Speck, Speck & Aanestad
Enclosures