



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

3 November 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Raymond S. Petersen & Sons, Inc.
P. O. Box 194
Cokeville, WY 83114

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4080

Subject: EVIDENCE OF PRIORITY CLARIFICATION

Response Date: 23 NOVEMBER 2005

Dear Claimant (s):

We are in receipt, and have reviewed, the documentation you furnished last November. However, this documentation does not completely satisfy the required needs for IDWR to make a recommendation to the SRBA Court.

The Notice indicates the claim is based on statutory 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 Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a 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.** Many land patents were submitted. The land patents may mention that with the land there is also given a "vested and accrued water rights for mining, agricultural, manufacturing or other purposes". However, this does not establish that the water was put to use, it only authorizes how it can be utilized.

Furthermore, the land patents themselves, do not fully satisfy the evidence of priority requirements. The patents that were submitted only cover a portion of the claimed place of use. I have highlighted in yellow on the enclosed Notice of Claim to a Water Right indicating which quarter-quarters are mentioned in the submitted land patents. We need documentation that show a clear chain of ownership **from the claimed priority date.**

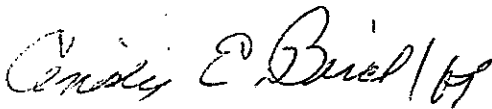
It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible.

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**The Department cannot recommend the court decree the Notice if no
evidence of a priority date is submitted.**
.....

Please submit the documentation supporting the priority date by the above noted response date referencing **all documents with the corresponding Notice number.** If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Cindy E. Bird

CEB/bjp

Enclosure:

Notice of Claim to a Water Right 24-4080