



State of Idaho
DEPARTMENT OF WATER RESOURCES

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JAMES E. RISCH
Governor

KARL J. DREHER
Director

August 4, 2006

Clyde Stock
P.O. Box 227
Freedom, WY 83120

COPY

REF: Snake River Basin Adjudication (SRBA) Claims
24-10696, 24-10697, 24-10698, 24-10699, 24-10700, 24-10701, 24-10702 and 24-10703

Subject: Establishing beneficial use prior to May 20th, 1971

Dear Clyde:

Claims 24-10696, 10697, 10698 and 10699 we created from the split of Statutory Claim 24-4076 in SRBA. Claims 24-10700, 10701, 10702 and 10703 we created from the split of Statutory Claim 24-4077. These statutory claims were both originally filed on in July of 1983 with the Department of Water Resources.

SRBA claims 24-10696, 24-10697, 24-10698, 24-10701 and 24-10702 have been disallowed in the preliminary SRBA process. SRBA claim 24-10696 was recommended for in stream stock watering from Schiess Creek. Claim 24-10699 was recommended for irrigation of 4.6 acres out of Schiess Creek.

Claims 24-10700 and 10703 were recommended for irrigation out of Tincup Creek but the acres were reduced to a total of 36.1 acres. There are several reasons for my decision and I will list a few of them. First, the 1976 Ortho Quad (photo) doesn't show irrigation on the ground you have claimed as irrigated. The 1987 photo shows some irrigation on parts of your ground. Any water that was developed after May 20th, 1971 requires that you go through the permitting process and make application for permit.

Secondly, the statutory claims you filed with us in 1983 didn't claim all the ground you claimed in your SRBA claim as irrigated. Finally, the points of diversion you claimed in your statutory claims couldn't irrigate all the ground you claimed in the SRBA. I realize that you have recently gone to sprinklers but the ground had to be irrigated prior to the 1971 date to qualify as a beneficial use claim.

We will consider during the Notice of Error process any evidence you might have demonstrating that the land was irrigated prior to May 20, 1971 and that the points of diversion could irrigate more ground than what was recommended. The priority dates would be based on when the water was first put to beneficial use and that it has been used continuously since that time. If you have any questions please don't hesitate to give me a call at 547-3993 or you can reach Nick Spencer, Deputy Attorney General for IDWR at 287-4813.

Respectfully,

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Cindy E. Bird
Adjudication Bureau

Enclosure(s):

CC: Nicholas B. Spencer
Deputy Attorney General, IDWR