



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

GARY SPACKMAN
Interim Director

May 10, 2010

JOHN HAMMOND JR
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US BANK PLAZA 5TH FLOOR
PO BOX 1308
101 S CAPITOL BLVD
BOISE ID 83701

RE: Snake River Basin Adjudication (SRBA) late claim 63-33143

Dear Mr. Hammond:

I have been reviewing SRBA late claim 63-33143 for inclusion in our next late claims Director's Report. The claim lists an April 22, 1979, priority date. As you know, the priority date reflects the date water was first put to use on the place of use (POU). A signed statement from you says, "Since their purchase of the Cook Place in April of 1979, the Claimants have applied water from Water Right No. 63-4428 to beneficial use on it..." The late claim filing also included a copy of a deed conveying the property from the Cooks to the Batts dated April 22, 1979.

The claim indicates the water usage is based on "Beneficial Use." Water rights of this type have priority dates that have not been confirmed. Before I can recommend the claim as a valid water right, I need you or your clients to provide proof 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.

PLEASE NOTE: If no evidence is submitted by June 14, 2010, IDWR will recommend the SRBA Court decree the claim be disallowed. If you have any questions or concerns, please feel free to call me at (208) 287-4907.

Respectfully submitted,

Monica Van Bussum
Sr. Water Resource Agent
Water Management Division