

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

RECEIVED

NOV 20 1989

Ident. Number: A37-04096

Date Received: 10/25/1989

Receipt No: 0066760

Received By: hch

Department of Water Resources
Southern Region Office
**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name: ROYAL FORK RESTAURANT CORPORATION 208-322-5600
Address: 6874 FAIRVIEW RD
BOISE, ID 83704

2. Date of Priority: APR 01, 1917

3. Source: LITTLE DEER CREEK Trib. to: DEER CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
01N	15E	18	SW	SW			CAMAS

5. Description of diverting works:
HEADGATE AND LATERALS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/01	4.000		
STOCKWATER	05/15	11/01	0.050		

7. Total Quantity Appropriated is:
4.050 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 445.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/200 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	24	NE	SW		STOCK	
			NW	SW		STOCK	

A37-04096

Page 1

Date: 10/25/89

MICROFILMED
FEB 23 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	14E	24	SW	SW		STOCK	
			SE	SW		STOCK	
			NE	SE		STOCK	
			NE	SE		IRR	30.0
			NW	SE		STOCK	
			NW	SE		IRR	30.0
			SW	SE		STOCK	
			SW	SE		IRR	40.0
			SE	SE		STOCK	
			SE	SE		IRR	40.0
						Section Acres	140.0
						Total Acres	140.0

11. Place of use in counties: CAMAS

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
37-2224

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Title
Royal Fork Restaurant Corp., that I have signed the foregoing
Organization
document in the space below as President of
Title
Royal Fork Restaurant Corp. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
President Royal Fork Restaurant Corp.
Title and Organization

11-14-89
Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of Nov. 19 89

[Signature]
Notary Public

Seal

Residing at Boise
My Commission Expires 12/12/94

10/26/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 37-4096
NAME AND ADDRESS: ROYAL FORK RESTAURANT CORP
6874 FAIRVIEW RD
BOISE ID 83704
SOURCE: LITTLE DEER CREEK TRIBUTARY: DEER CREEK
QUANTITY: 1.440 CFS
PRIORITY DATE: 04/15/1941
POINT OF DIVERSION:

T01N R15E S19 NWNWNW Lot 1 Within CAMAS County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.440 CFS
STOCKWATER	01/01 12/31	0.050 CFS

PLACE OF USE: IRRIGATION Within CAMAS County

T01N R14E S24	NESE	24.00	T01N R14E S24	NWSE	15.00
T01N R14E S24	SWSE	39.00	T01N R14E S24	SESE	39.00

STOCKWATER Within CAMAS County

T01N R14E S24	NESE	T01N R14E S24	NWSE
T01N R14E S24	SWSE	T01N R14E S24	SESE

117 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 117 acres in a single irrigation season. Combined Right Nos.: 37-2224 and 37-4096.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use



Idaho Department of Water Resources

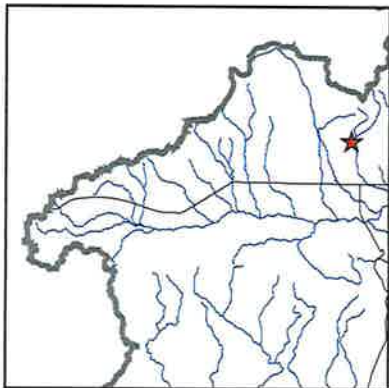
SRBA Recommendation:

37-2224

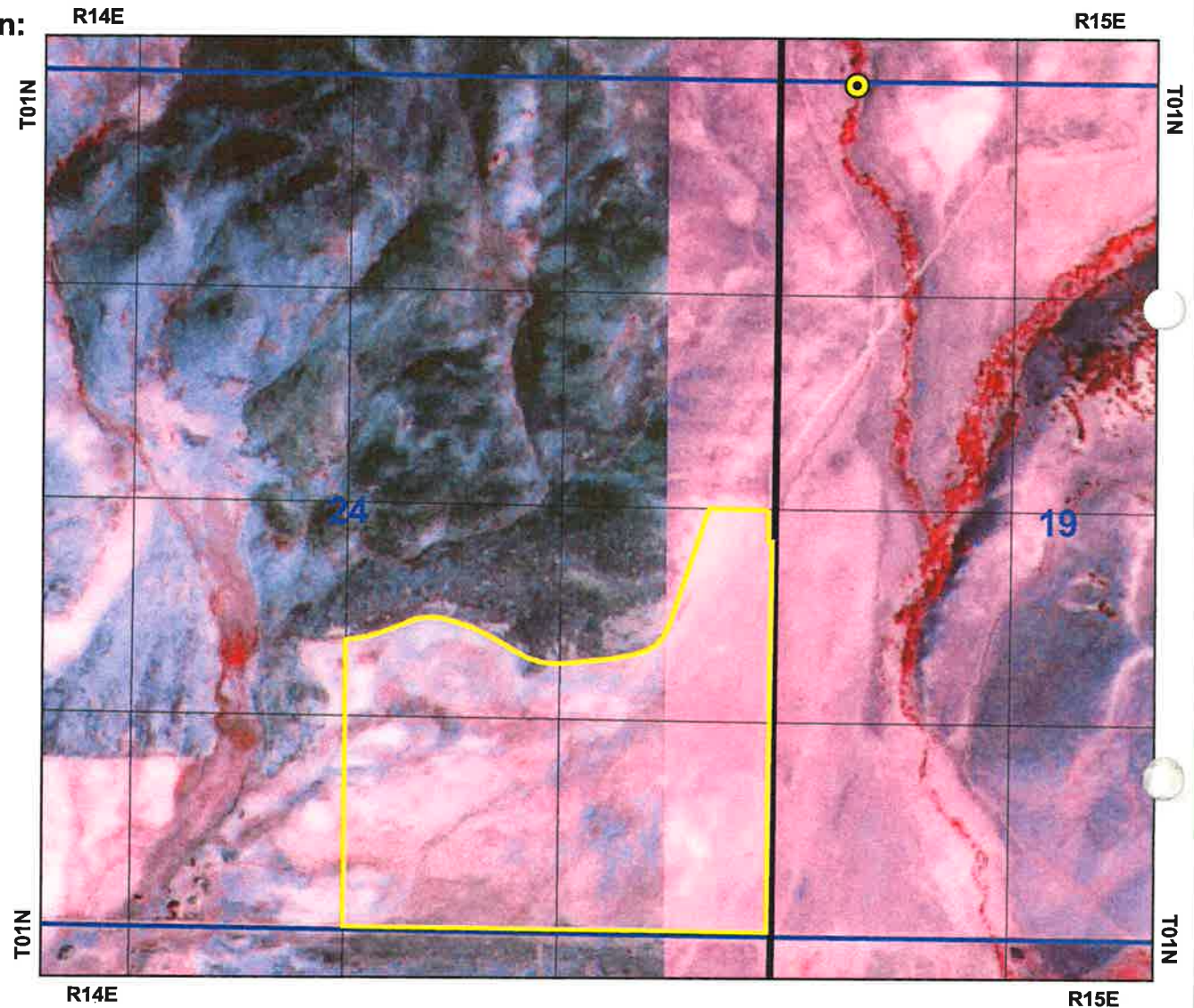
37-4096

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Camas County
IDWR Basin 37



0 0.25 0.5 Miles

Prepared by M. Anders
On Tuesday, August 29, 2006
1987/88 Aerial Photography



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098

Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 16, 2006

Royal Fork Restaurant Corporation
6874 Fairview Ave.
Boise, ID 83704

RE: Snake River Basin Adjudication claim 37-4096

Dear Royal Fork Restaurant Corporation,

In claim 37-4096 that you submitted for Snake River Basin Adjudication (SRBA), you claimed Irrigation and Stockwater use from Little Deer Creek. W.H. Wilson filed a statutory claim (enclosed) for these water uses in 1978 that included affidavits for Evidence of Priority. These affidavits support a priority date of April 15, 1941. This is the earliest priority date we can consider for the SRBA unless you submit evidence that supports your claimed priority date of April 1, 1917. Enclosed is a pamphlet describing types of evidence of priority that can be used to support your claimed priority date for the SRBA.

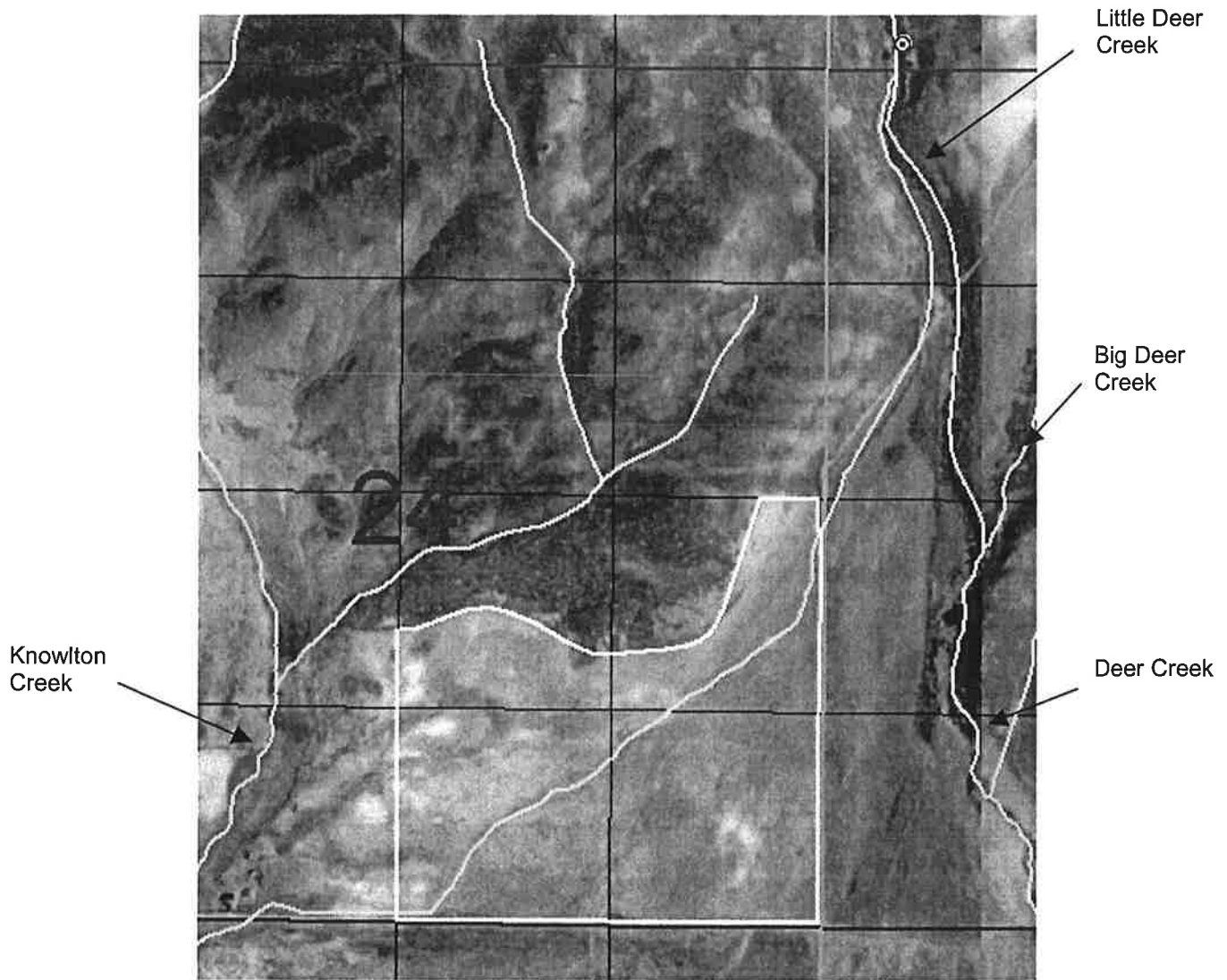
I have enclosed a 1987 aerial photo with a draft of the place of use and point of diversion for this claim.

Feel free to contact me at (208) 287-4937 if you have any questions.

Sincerely,

Matt Anders
GIS Specialist – Snake River Basin Adjudication

1987 Aerial Photo



Yellow line is the draft Place of Use created by IDWR based on historical data and records.
Yellow dot is draft Point of Diversion created by IDWR based on historical data and records.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Section 42-225a, Idaho Code

RECEIVED

MAR 7 1978

Department of Water Resources
Southern District Office

CLAIM TO A WATER RIGHT

Under the provisions of Section 42-225a, Idaho Code, a person may file a claim to a right to use water which has been established by diversion and application to beneficial use. **The filing of this claim does not confirm the water right but will serve for information purposes only.** It may, however, become the basis for future adjudication of the water right by the Court.

Notice is hereby given that W. H. Wilson
(name of claimant)

of Box 233, Fairfield, Idaho 83327, claims a right to the diversion and beneficial use of
(mailing address)

the public water of the State of Idaho

The extent and nature of said claim is as follows:

- (1) Describe source of water: (name of stream, lake, spring, etc., or ground water) Little Deer Creek
Big Deer Creek, tributary to, Big Deer Creek
- (2) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Amount 4.0 cfs Use irrigation Period of Use: From Apr 15 To Sep 1

Amount 0.05 cfs Use livestock Period of Use: From May 15 To Nov 1

Amount _____ Use _____ Period of Use: From _____ To _____
(cfs, gpm (dom., irri., stock, etc.)
or a/f) (both dates inclusive)

- (3) Total quantity of water claimed: 4.05 cubic feet per second, or _____ acre feet per annum, and/or _____ gallons per minute.

- (4) Priority claimed: (the date water was first applied to beneficial use) April, 1917 *W. H. W.*

A claim is not acceptable on a ground-water source with a priority later than March 25, 1963 or on a surface-water source with a priority later than May 20, 1971. An exception to this rule is that a claim may be filed on domestic use from a ground-water source.

- (5) A) Point of diversion: (give location of point where water is diverted from its source)
SW 1/4 SW 1/4, Sec. 18 Twp. 1N Rge. 15E B. M. County of Camas
 Additional points of diversion:

B) Describe means of diversion of water: (pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.) Give sizes and capacities; be as specific as possible. check dam, ditch to place of use,
gravity irrigation system, livestock drink directly from ditch.

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

Total No. of acres 140

- B) If the water is used for other than irrigation, fully describe that use, being as specific as possible: stock water for up to 200 range cattle

- (7) If you are claiming water as a member of an organization, list name of organization: _____

A hand-drawn map on a grid background. The map includes the following elements:

- North Arrow:** Located in the upper left, pointing upwards with the letter 'N' below it.
- Parcel 24:** A rectangular parcel in the center-left, labeled '24' above it. It is divided into four smaller sections labeled '30', '39', '49', and '40'.
- Parcel 18:** A parcel in the upper right, labeled '18' below it.
- Parcel 19:** A parcel in the lower right, labeled '19' below it.
- Point of Div.:** A point marked with an asterisk (*) between parcels 18 and 19, labeled 'Point of Div.'.
- Roads:** A road runs diagonally from the top left towards the bottom right, passing through the 'Point of Div.'. Another road runs horizontally across the middle of the map, passing through parcel 24.
- Geographical Features:** 'Little Deer Cr.' is written in the top right corner. 'Deer Cr.' is written near the 'Point of Div.'.
- Other Labels:** 'T.1N' is written to the left of parcel 24. 'R.14E' and 'R.15E' are written vertically below parcel 24.

Received by JG Stanton Date 3-7-78 Exception filed by: _____ Forwarded to _____ Date _____
Prelim. check by SS Date 3/13/78 claimant by: _____
\$10.00 fee received by Sm Date 3/7/78 #7558
Approved for publication by OJ 4/3/78 _____
Published in Mountain Home News _____
Dates 3/23 & 3/30/78 _____

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,) ss.

B. L. Wilson, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past seven years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past seven years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
seven years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Subscribed and sworn to before me this 5th day of March
1947.

[Signature]
Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,) ss.

Clarence E. Kiser, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year far the immediate past 7 years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past 7 years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
7 years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Clarence E. Kiser

Subscribed and sworn to before me this 15th day of ~~Dec~~
~~ember, 1947~~ January, 1948

Charles H. Scoggin

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

indivisible

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,)

ss.

Wilford H. Wilson a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past seven years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past seven years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
seven years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Wilford H. Wilson
Subscribed and sworn to before me this 22 day of ~~Dec~~
~~ember~~, 1947. January, 1948.

Charles Hoggins
Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

ss.

COUNTY OF CAMAS,

Vern H. Place, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past Five years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past Five years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
Five years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Vern H. Place

Subscribed and sworn to before me this 31st day of Dec-
ember, 1947.

Charles C. Lippert

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (S½) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,)

ss.

George Abbott, a resident of Camas County,
Idaho for more than 44 years, immediately last past being
first duly sworn upon oath, deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past 7 years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past 7 years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
7 years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

George Abbott

Subscribed and sworn to before me this 20th day of ~~Dec~~
~~ember, 1947~~ January, 1948.

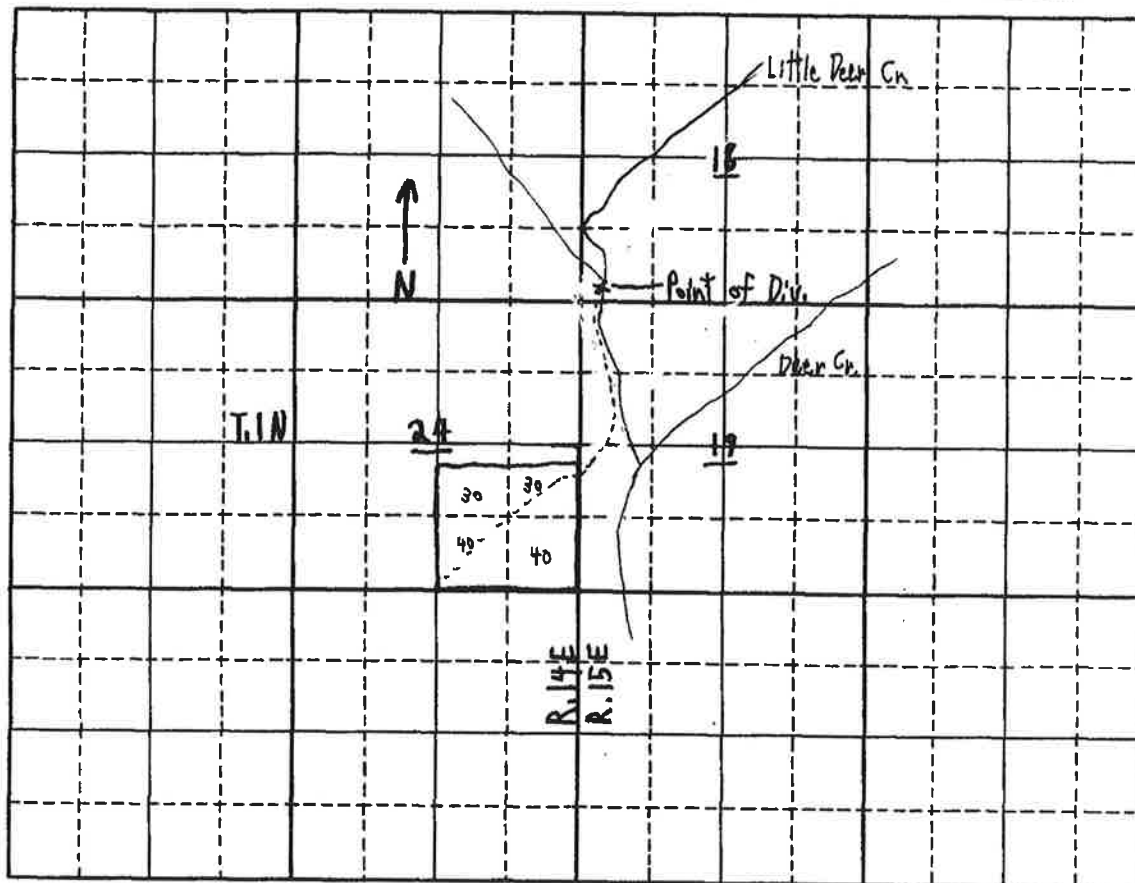
Chas. O. Soggin

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

(8) Remarks _____



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
) ss.
 County of Twin Falls)

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiants knowledge.

W. H. Wilson
 (Claimant)

Sworn to before me this 7th day of March, 19 78.

Sherif G. Merritt
 Notary Public

Residing at Twin Falls, Idaho

My commission expires Lifetime

For Department Use Only

Received by <u>J. G. Stanton</u>	Date <u>3-7-78</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>SS</u>	Date <u>3/13/78</u>		claimant by:	
\$10.00 fee received by <u>Sm</u>	Date <u>3/7/78</u> #7558			
Approved for publication by <u>dy</u> <u>4/3/78</u>				
Published in <u>Mountain Home News</u>				
Dates <u>3/23 + 3/30/78</u>				

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,) ss.

B. F. Wilson, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past Seven years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past Seven years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
Seven years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Subscribed and sworn to before me this 5th day of ~~Dec~~

March, 1947.

John F. Edwards
Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,) ss.

Clarence C. Kiser, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year far the immediate past 7 years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past 7 years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
7 years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Clarence C. Kiser

Subscribed and sworn to before me this 15th day of ~~Dec~~
~~ember, 1947~~ January, 1948

Charles B. Scoggin

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

UNRECORDED

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,)

ss.

Wilford H. Wilson a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
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therefrom each year for the immediate past seven years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past seven years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
seven years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Wilford H. Wilson

Subscribed and sworn to before me this 22nd day of ~~Dec~~
~~ember, 1947.~~ January, 1948.

Charles H. Hoggins

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (S $\frac{1}{2}$) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

ss.

COUNTY OF CAMAS,

Verne F. Pace, a resident of Camas County,
Idaho for more than 30 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year far the immediate past Five years
to the above said lands; that Ben Wilson has used, during
every irrigation season, all the water from said Deer Creek for
the past Five years and also during said same years
has used said water for domestic and stock purposes as well
as for irrigating the above said lands; that no water but
a small amount of seepage has flowed past said dam for the past
Five years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

Verne F. Pace

Subscribed and sworn to before me this 31st day of Dec-
ember, 1947.

Charles D. Lippert

Notary Public of Idaho.
Res.: Fairfield, Idaho.

(NOTARY SEAL)

MICROFILMED

AFFIDAVIT

RE: The South Half (Sh) of Sec. Twenty-four (24), Twp. One (1)
North of Range Fourteen (14) East of the Boise Meridian.

STATE OF IDAHO,)

COUNTY OF CAMAS,)

ss.

George Abbott, a resident of Camas County,
Idaho for more than 44 years, immediately last past being
first duly sworn upon oath deposes and says:

That he is well acquainted with the above land, generally
known as the Ben Wilson Ranch; that he is well acquainted
with the creek running down the east side of said land known
as Deer Creek; that he knows that this said Deer Creek has been
damed off just above the above said lands and the water conveyed
therefrom each year for the immediate past 7 years
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a small amount of seepage has flowed past said dam for the past
7 years, during said irrigation time; further
that said Ben Wilson has been the only person on said creek using
said water for irrigation to this deponents knowledge.

George Abbott

Subscribed and sworn to before me this 20th day of ~~Dec~~
~~ember, 1947~~ January, 1948.

Chas. D. Suggs

Notary Public of Idaho.
Res.: Fairfield, Idaho.

MICROFILMED

(NOTARY SEAL)



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 15, 2005

X
X
X
X

RESPONSE DEADLINE
JUNE 17, 2005

Re: Evidence of Priority

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim." 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. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will, in the coming year, conduct reviews and/or field exams for the claims in your area. Since the priority date of a beneficial use water right cannot be confirmed by field examination, **proof must be provided by the claimant** supporting the priority date claimed.

If you no longer own the property to which the claim is appurtenant please forward this correspondence to the present owner, or return it to the Department. If you have received this correspondence from the previous owner of the property it is required that you file a Change of Ownership form with the Department in order to receive future mailings and to continue to be a party in the adjudication.

Enclosed you will find a computer printout of your Notice of Claim and the pamphlet entitled "Evidence of Priority." The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

PLEASE NOTE: The Department will not recommend the court decree the notice **as claimed** if no evidence of a priority date is submitted – it may be disallowed. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement does **not** need to be in the form of a notarized affidavit as described in the brochure, but must relate first hand knowledge of the water right in question and include dates, quantities of water and extent of water use.

Submit the required evidence supporting the priority date by the date shown above, referencing all documents with the corresponding Notice of Claim number (i.e. 37-____). If you have questions not covered by this letter or the enclosed pamphlet, please contact this office.

Sincerely,

Douglas Jones, P.E.
Water Rights Supervisor

Enclosures