

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

Ident. Number: A25-04306
Date Received: 9/19/1989
Receipt No: 6010686
Received By: ESR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED C. FROME 307-886-5430
Address: P.O. BOX 968
AFTON, WY 83110

2. Date of Priority: SEP 10, 1919

3. Source: BROCKMAN CREEK Trib. to: OUTLET CREEK
NONAME CREEK OUTLET CREEK
OUTLET CREEK WILLOW CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02S	42E	32	SE	NE	SE		BONNEVILLE
		33	NE	NW	SW		BONNEVILLE
		34	NW	NW	NE		BONNEVILLE

5. Description of diverting works:
DIVERSION DAMS, DITCHES, IN-STREAM AND INCIDENTAL STOCKWATERING

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/01	6.720		
STOCKWATER	05/01	11/01	0.132		

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/600 RANGE.

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02S	42E	28	NE	SW		IRR	6.0
			NW	SW		IRR	24.0
			SW	SW		IRR	40.0
						Section Acres	70.0
		29	NE	SE		IRR	16.0
			SW	SE		IRR	25.0
			SE	SE		IRR	40.0
						Section Acres	81.0
		32	NE	NE		IRR	40.0
			NW	NE		IRR	25.0
			SW	NE		IRR	5.0
			SE	NE		IRR	35.0
						Section Acres	105.0
		33	NW	NW		IRR	40.0
			SW	NW		IRR	34.0
SE	NW			IRR	6.0		
				Section Acres	80.0		
				Total Acres	336.0		

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:
NONE

14. Remarks:
PLACE OF USE FOR STOCKWATERING IS SAME AS PLACE OF USE FOR IRRIGATION.

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: 1

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Ed C. Frame Date: 9/19/89
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 19 day
of September 19 89

Ed C. Frame
Notary Public

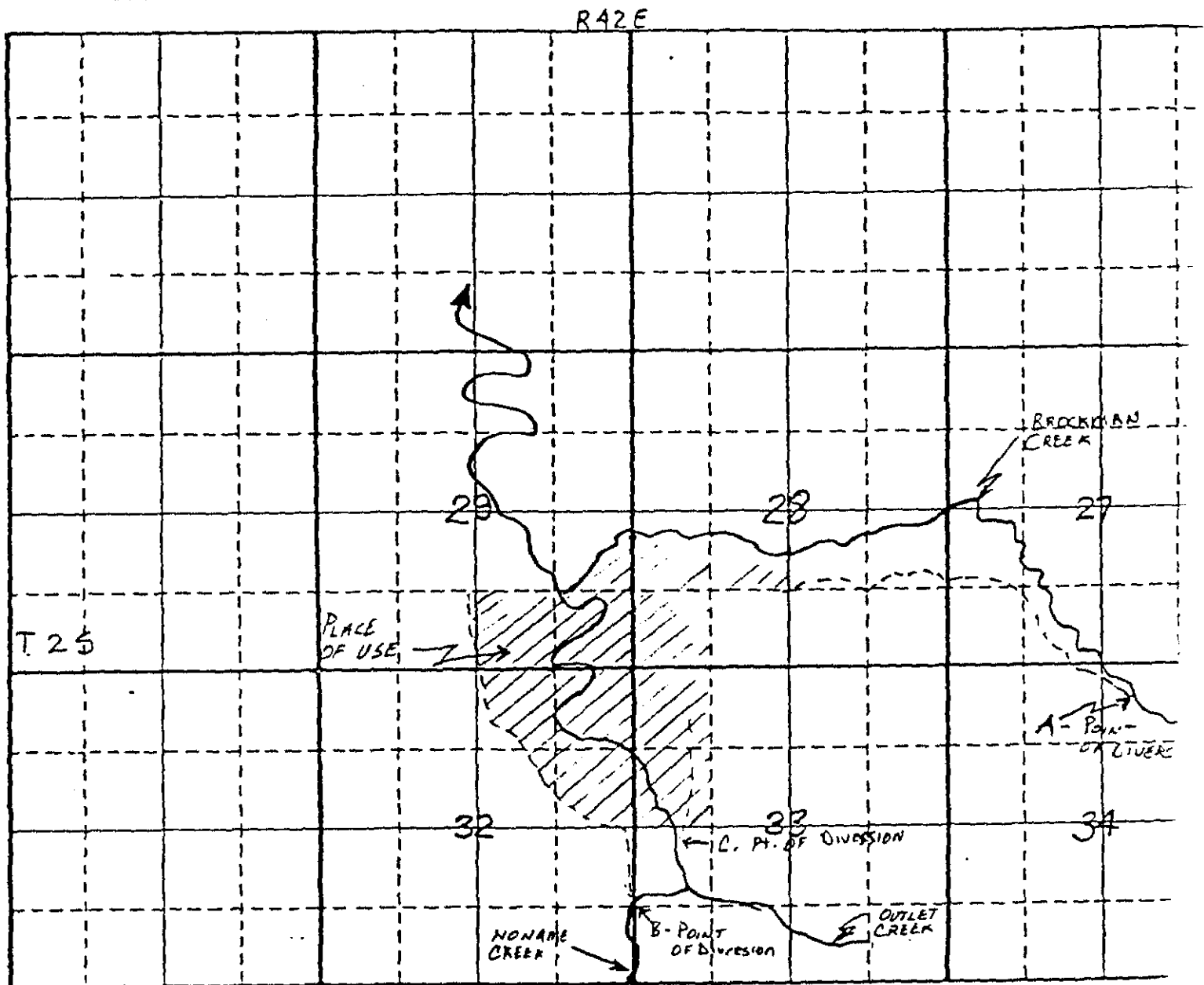
Residing at Bake Falls, Id.

My Commission Expires 22 Aug 1994

Seal

NOTARY
PUBLIC

(8) Remarks Stock are watered in each 1/4 1/4 listed above



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

Wyoming
State of ~~Wyoming~~)
County of Lincoln) ss.

MICROFILMED
NOV 10 1992

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

John G. Thomas

(Claimant)

this 26th day of June

1984

Log for claim 25-04306

Spatial Dynamics CAT

11/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02s42e	28	NESW	6	37	Indiscernible
02s42e	28	NWSW	24	31	
02s42e	28	SWSW	40	40	
02s42e	29	NESE	16	18	
02s42e	29	SWSE	25	40	Indiscernible
02s42e	29	SESE	40	40	
02s42e	32	NENE	40	40	
02s42e	32	NWNE	25	30	Indiscernible
02s42e	32	SWNE	5	6.8	
02s42e	32	SENE	35	32	
02s42e	33	NWNW	40	40	
02s42e	33	SWNW	34	40	
02s42e	33	SENW	6	40	Indiscernible
Totals:			336	434.8	

AJ5809NP
No. A25-04306

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00
PAGE: 53

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TED C FROME PO BOX 968 AFTON WY 83110 (307) 886-5430	09/10/1919	IRRIGATION STOCKWATER	05-01 10-01 05-01 11-01	6.720 CFS 0.132 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					6.852 CFS	840.00 AFA

Water Source: BROCKMAN CREEK
NONAME CREEK
OUTLET CREEK

Tributary to: OUTLET CREEK
OUTLET CREEK
WILLOW CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion: T02S R42E S32 SENESE
S33 NENWSW
S34 NWNWNE

BONNEVILLE County
BONNEVILLE County
BONNEVILLE County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
T	R S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
02S	42E 28	:		:		:		:		:		:		:		:		70.0
02S	42E 29	:		:		:		:		:		:		:		:		81.0
02S	42E 32	:	40	:	25	:	05	:	35	:		:		:		:		105.0
02S	42E 33	:		:		:		:		:		:		:		:		80.0
TOTAL ACRES																	336.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BONNEVILLE

Non-Irrigation Uses: S/600 RANGE.

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A25-04156

Remarks: GEN PLACE OF USE FOR STOCKWATERING IS SAME AS PLACE OF USE FOR
IRRIGATION.
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:
Misc: Water District Number: 01 Field Inspection Flag:
Presumption Flag:
Audit: 09/19/89 VERNER 03/28/95 DSMITH 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that TED C. FROME
(Name of Claimant)
P. O. Box 968, Afton, WY 83110 Telephone No. (307) 886-5430
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows

- (1) Date of priority. (When was the water first applied to a beneficial use) September 10, 1919

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 is that a claim may be filed on single family domestic use from a ground water source.

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

	(cfs. sf)	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive) (Mo., Day)	(Mo., Day)
A Quantity	2.72 CFS	Use Irrigation	Period of Use From May 1	To Oct. 1
B Quantity	2.28 CFS	Use Irrigation	Period of Use From May 1	To Oct. 1
C Quantity	1.72 CFS	Use Irrigation	Period of Use From May 1	To Oct. 1
ABC Quantity	.132 CFS	Use Stock	Period of Use From May 1	To Nov. 1
Quantity		Use	Period of Use From	To
(4)	6.852 CFS	TOTAL QUANTITY USED.		

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
A- NW 1/4 NE 1/4, Sec. 34 Twp. 2 S Rge. 42 E B.M., County of Bonneville
Additional points of diversion: B- NE 1/4 SE 1/4 of Section 32, T 2 S, R 42 E, B.M.
C- NW 1/4 SW 1/4 of Section 33, T 2 S, R 42 E, B.M.
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. Describe any changes in the system and give the date of the change.
A - Dirt Diversion Dam - open ditch
B - Dirt Diversion Dam - open ditch
C - Wood and Dirt Diversion Dam - open 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.

	T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
				NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
A	2 S	42 E	28									6	24	40						70
			29													16			30	46
			33					20												20
B	2 S	42 E	29														25	10		35
			32	8	25	5	35													73
			33								6									6
C	2 S	42 E	32	32																32
			33					20	34											54

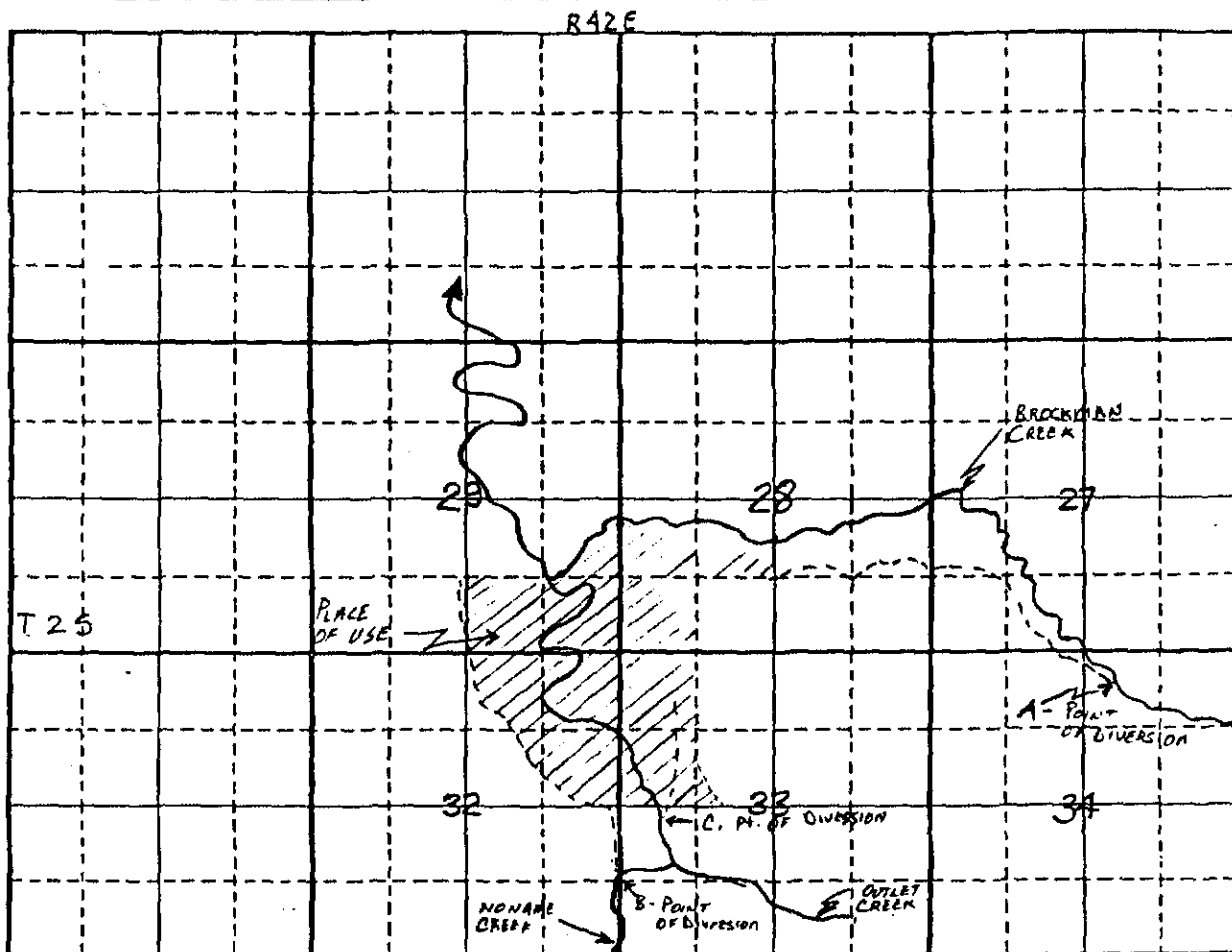
No. of acres 336

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE Include here the type and number of stock watered: 600 Range

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

(B) Remarks Stock are watered in each 1/4 1/4 listed above



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.

Wyoming
State of ~~Nebraska~~)
County of Lincoln) ss.

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 affiant's knowledge.

Ed G. Thomas
(Claimant)

Sworn to before me this 26th day of June

19 84

L. A. Anderson
Notary Public
Residing at Afton, Wyoming

My commission expires September 7, 1987.

FOR DEPARTMENT USE ONLY

Received by <u>lw</u>	Date <u>6-28-84</u>	Exception filed by:	Forwarded to	Date
Prelim. check by <u>lw</u>	Date <u>7-2-84</u>		claimant by:	
\$5.00 fee received by <u>lw</u>	Date <u>2/3/84</u>	# <u>24227</u>		
Published in <u>Post Register</u>				
Dates <u>7/12 & 19/84</u>				

2504304
See 25-4156
for affidavit

May 6, 1991

TED C FROME
PO BOX 968
AFTON WY 83110

RE: **Evidence of Priority**

Dear Mr. Frome:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are 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, 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.

For your reference I have provided a printout of your Notices and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "What Kind of Evidence is Required" and "Some Examples of Documents Which May Be Evidence of the Priority Date".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **June 6, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

MICROFILMED
NOV 10 1992

Ted C. Frome

Page 2

All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"
Proof Report

A25-04306
TED C. FROME
P.O. BOX 968

AFTON

WY 83110

A25-04156
TED C. FROME
P.O. BOX 968

AFTON

WY 83110

MICROFILMED
NOV 10 1992