

25-229

HERMAN WAKEMAN

4.80 CFS

JULY 1, 1886

MYERS' CREEK

35 43 E 20 SESE

21 SWSW

29 E $\frac{1}{2}$ NE $\frac{1}{4}$

28 W $\frac{1}{2}$ NW $\frac{1}{4}$

240 acres

A25-00229 Summary 11/11/03

1) Lombard Land / Livestock general Summary.

There are five water rights associated with this ranch:

A25-00229 based on the Rexburg decree, $\approx$ 600 acres from Herman Creek

A25-02030 based on a license from a spring, $\approx$ 5 acres

A25-02092 based on a license from a creek / springs $\approx$ 75 acres

A25-12923 beneficial use from Willow Creek $\approx$ 300 acres

New Claim beneficial use from a creek $\approx$ 10 acres.

The actual irrigated POA for each of these rights is sketched on a map in file A25-00229. The uphill extent of the POA is based on a GPS traverse documented on two other maps and yellow notes in A25-00229. For

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11/11/02

convenience in transcribing locations these points are recorded in lat/lon, DMS format. POB points will be reported in IDTM in the summaries and GPS data file.

The sketch for A25-02030, A25-02092 and the new claim are closed polygons. The sketch for A25-00229 and A25-12923 is open on the south west. This is because there is a boundary dispute w/ USFWS and BIA regarding the location of the property line. Mr. Lombard is working w/ Clive Strong's office to resolve this issue. The irrigation (when water is adequate) continues clear to the wetland boundary, so whatever is owned by Lombard appears to be a legitimate part of the POB.

These sketches describe what is irrigated, w/o looking at what is claimed. In the individual summaries I may propose an amendment and/or enlargement.

In general I found an actively operated ranch, fences and ditches maintained,

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and water use taking place (except as limited by drought).

2) General Comments specific to A25-00229

I don't have a copy of the decree, but the claim is for 4.50 cfs on ≈ 600 acres or about 0.008 cfs/acre. While both seem reasonable for current practice I expect the original POU was closer to 240 acres. You may want to consider inviting an enlargement claim.

3) Ownership appears to be correct.

4) POD is approximately correct on claim & layout. Use GPS location, waypoint 26
IDTM 710,094 E 230,347 N.

Photos of POD are described in the photo section. The POD is just a rocky split in the stream bed but it does direct water to the ditch / POU.

5) POU. The region "E2" on the map is the POU I found. There is more land

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claimed in section 29 than I have sketched. My sketch is based on the tax notices w/ the Δ ownership papers & corresponds with what Mr. Lombard & I discussed looking over the POU from the road.

Depending on where the SW boundary is, I want 500 acres + using a topographic overlay w/ 10-acre grid cells.

The NE edge of my sketched POU is based on GPS readings. The S. edge extends below the claimed QQ - you may want to invite ^{amended} claim.

Because this is high altitude (and usually fairly high precip) pasture, any application of water is "beneficial" and there should not be a problem w/ recommending less than 0.01 cfs/acre.

6) Overlap. On the south end there is some mingling of water from this right w/ water from A25-02030, A25-02092, and A25-12923. I don't know how important it would be to recommend

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places of use w/ appropriate remarks. It may be clearest to just recommend adjacent ponds.

- 7) Conflict. Collins has a beneficial use claim in Section 29 (A25-04070). Lombard acknowledges allowing "stormwater" to go down Herman creek to Gene Lombard, USFWS, and Collins. My guess is in good water years there would be adequate water to supply Lombard's 4.8 cfs and some irr. to Collins, but that Lombard would be able to direct & use more than 4.8.

USFWS has a claim for 3.2 cfs (A25-0229A) as a split or perhaps competing claim. I have not researched this.

- 8) Priority - per decree
9) Quantity - see decree / conflict notes

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10) Water Use - as claimed (irrigation)

11) List of Photos

A25-00229-1.jpg. POD. This is hard to see, the rocks in the center of the photo are where the channel splits. The ditch goes to the left and the creek goes to the right.

A25-00229-2.jpg. Just downstream from the POD. The ditch goes under the gray log, the stream continues down to the right.

Boyer A. Contor

Ernie Lombard Pos - 10/22/03

we drove along hi side of ditch ?

took GPS points 31 - 53

Waypoint 45 is where the 25-2030 water
meets the Willow Creek

Waypoint 48 is N end of Willow Creek
ditch. This is down-slope end of
the two licensed rights

Waypoint 50 bottom of Watamam / Johnson -
end of Northern extent of licensed Pos

Waypoint 51 approx meeting of Herman ditch
& licensed ditches

Waypoint 53 is where Herman ditch
turns back West. From here to Waypoint
where it goes under the road it basically
follows the contours (flows from road
to here).

There appears to be no gap or break
between the licensed coverage & deemed
coverage, nor between licensed &
gen. use - BAC 10/23/03

GPS Points - Lombard Ditches - 10/22/03
Part 1- ditch traverse

Point	lat	lon	E	N
31	43° 7' 12.2"	111° 23' 59.7"		
32	43° 7' 08.8"	111° 24' 00.9"		
33	43° 7' 06.0"	111° 24' 02.3"		
34	43° 07' 4.7"	111° 24' 5"		
35	43° 7' 4.7"	111° 24' 9"		
36	43° 7' 4.7"	111° 24' 9.2"		
37	43° 7' 6.2"	111° 24' 12.9"		
38	43° 7' 9.6"	111° 24' 19.8"		
39	43° 7' 9.6"	111° 24' 19.9"		
40	43° 7' 11.1"	111° 24' 21.7"		
41	43° 7' 11.1"	111° 24' 21.8"		
42	43° 7' 13.5"	111° 24' 24.2"		
43	43° 7' 13.6"	111° 24' 24.3"		
44	43° 7' 17.0"	111° 24' 25.5"		
45	43° 7' 17.0"	111° 24' 25.5"		

* This is the southern extent of the licensed rights

46	43° 7' 18.2"	111° 24' 30.2"		
47	43° 7' 18.2"	111° 24' 30.4"		
48	43° 7' 19.9"	111° 24' 39.4"		turn

GPS Points - Lombard - p 2

51 $43^{\circ} 7' 32.7''$ $111^{\circ} 25' 4.6''$

* Southern extent of Herman Creek (devised)
POC

52 $43^{\circ} 7' 32.8''$ $111^{\circ} 25' 4.6''$

53 $43^{\circ} 7' 45.5''$ $111^{\circ} 25' 5.8''$

* This is where the Herman Creek ditch turns West. From where it crosses the road (GPS point 25) to here, ditch follows contours around the hill.

Part 2 - other points

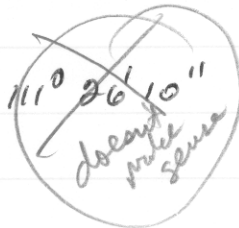
15 Spring for one of Licensed rights (North) (A25-02092)

(C5)

$43^{\circ} 7' 58.9''$ $111^{\circ} 26' 10''$

~~710,867 229~~

708,587 229,002



16

Spring

(C3)

$43^{\circ} 8' 4.9''$

$111^{\circ} 24' 26.7''$

710,867

229,256

17

Spring

(C4)

$43^{\circ} 7' 52.6''$

$111^{\circ} 24' 28.1''$

710,846

228,878

A25-02092

GPS Points - Lombard - p 3

A25-02030 Points

19 Irrigation POD

$43^{\circ} 7' 44.1''$ $111^{\circ} 24' 15.1''$ 711,147 E 228,623 N

20 Spring POD (for stock tank)

(D3) $43^{\circ} 7' 50.3''$ $111^{\circ} 24' 6.3''$ 711,341 E 228,820 N

21 Stock Pond

(D4) $43^{\circ} 7' 54.0''$ $111^{\circ} 23' 57.4''$ 711,538 E 228,743 N

A25-12923 field points

23 POD in Mann's corral

~~$43^{\circ} 7' 54''$ $111^{\circ} 23' 57.6''$~~

$43^{\circ} 6' 58.2''$ $111^{\circ} 23' 20.8''$ 712,418 E 227,246 N

A25-00229

25 Where ditch goes under road (approximate) -

$43^{\circ} 8' 7.9''$ $111^{\circ} 25' 28.1''$

(From seat of ...)

GPS - Lombard - 10/22/03 p 4

New Claims

29 POD

$43^{\circ} 7' 21''$ $111^{\circ} 23' 47.3''$ 711,799 E 227,930 N

30 2nd place where water is spread

$43^{\circ} 7' 19.9''$ $111^{\circ} 23' 48.8''$ 711,764 E 227,896 N

A25-00229

GPS 025 $\approx$ Where water goes under road

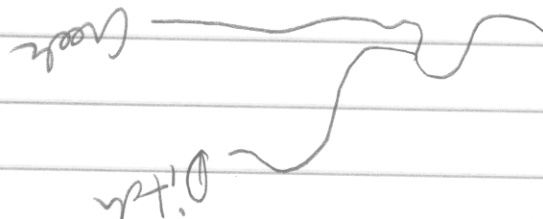
GPS 026 = POD 710,094 E ~~281~~

230,347 N

Waypoint 026

2 photos

↑ N



Lombard does allow some stockwater down creek
for Fish & Wildlife & Gene Lombard

Some may reach to Collins

Contact log - Lombard

10/18/03 17:00 visited w/ Mr. Ernie Lombard.

Appointment Wed. ~ 8 AM