

2/8/02.

29-7253

Phil Yost owns property in 8S 39E.
Sec 22. ? NWNW of sec 27.

Phil is irrigating Sec 22 (SW) & 40 AC in
NWNW Sec 27,

- IN CRP Since 1987.

29-7446 Phil Yost doesn't own this property.
It's owned by the Sweeneys.

- W/R sold to Terry Rindlishbacher

From: McHugh, Candice
Sent: Wednesday, February 27, 2002 9:44 AM
To: Carlsen, Ernie; Bird, Cindy
Cc: Music, Vicky
Subject: FW: chronology for 29-7446
Ernie and Cindy,

I'm forwarding the chronology that Vicky did on two right 29-7446. Neither right 29-7446 or 7253 has had a transfer filed.

First, 29-7446

There is only one claim for this right at this point -- Phil Yost. If Rindlisbaker wants this right he needs to claim it. Then, Ernie, I think we recommend Yost's claim and disallow Rindlisbaker's and then let the two of them prove to the court who owns it. At this point, Rindlisbaker has to show how the water was legally moved from the Sweeney property to his property and without that, we cannot recommend it to him. Does this sound like a reasonable solution?

Second, 29-7253

I have a few questions on this one, Cindy. Is the claim for this right the same as what was decreed in the Bancroft-Lund decree? I thought we discussed that the license for this one differed than what was decreed but I cannot recall what was claimed.

Thanks,

Candice



Chron of
29-7446.doc

-----Or

ginal Message-----

From: McHugh, Candice
Sent: Wednesday, February 27, 2002 9:26 AM
To: Music, Vicky
Subject: chronology for 29-7446 and 7253

Can you email me these and I will forward with an email to Cindy and Ernie?

Thanks

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure

Date: February 22, 2002
 To: Candice McHugh
 From: Vicky Music
 Re: Chronology of 29-7446 per review of license file.

Date	Description
4/3/78	Application for permit in name of Diamond Farms, Inc. Application states property owner is Keith Sweeney. Applicant [Diamond G] has 10-year lease option to purchase property. Approved by IDWR 5/22/78.
2/28/83	Letter from IDWR to Diamond G Farms re proof of beneficial use due 5/1/83.
3/7/84	IDWR field exam report. Exam by Skip Jones.
7/7/86	Ben use proof approved.
7/15/86	Letter from IDWR to Diamond G Farms re enclosed is draft license proposed to be issued. If you don't concur, notify IDWR in 10 days or license will be issued per draft.
7/27/87	Application for Extension of Time to Avoid Forfeiture. Requests 10-year extension because property is in the CRP program. Approved by IDWR 11/27/87.
11/27/87	Letter from IDWR to Diamond G Farms re approved Application for Extension of Time to Avoid Forfeiture. Beneficial use of the water must resume on or before 11/1/97.
4/1/88	Approved Water Right License.
8/20/97	Letter entitled "Notice to Resume Water Use" from IDWR to Diamond G Farms re the condition of IDWR's approval of the extension of time was that the b/u of the water was to be resumed on or before 11/1/97. Requests that claimant submit enclosed form within 60 days notifying IDWR that water use has resumed. Mail returned on 8/29 as address unknown.
9/5/97	Letter entitled "Notice to Resume Water Use" from IDWR to Audrey R Sweeney Living Trust. Note from Audrey Sweeney re Diamond G used to run some of her land on a share basis but hasn't done so for 10 years. Contact Phil Yost.
1/7/98	Letter entitled "Notice to Resume Water Use" from IDWR to Phil Yost.
	Prior entry is most recent in file.

Bird, Cindy

From: Bird, Cindy
Sent: Monday, February 11, 2002 11:50 AM
To: McHugh, Candice; Carlsen, Ernie
Subject: Another Bancroft-Lund problem.

Hi Ernie and Candice,

Adjudication Claim: A29-7446 is in the Bancroft-Lund Area, I don't find that it was claimed in the Bancroft-Lund Adjudication? It looks like the application for permit was made in April of 1978. The application was made by the party leasing the property (Diamond G Farms). The 10 year lease had an option to purchase the property and it appears that they didn't exercise that right. The license was approved in April of 1988 in the name of Diamond G Farms. The owner on the license was a party to the decree. Is there any reason why the owners was not required to claim this in the Bancroft-Lund? Is the SRBA claim valid if it wasn't claimed in the previous adjudication?

It gets more complicated, I had a claimant (Rindlisbaker) come in to my office last week with a warranty deed for this water right. The person that signed the warranty deed (Gordon and Monte Yost) did not own the property and is not the current claimant (Phil Yost) or owner (Mrs. Sweeney). The person that claimed the water right in the adjudication doesn't own the land and the owner of the land hasn't filed on the water right. If this hasn't totally confused you then would we consider the claim in SRBA valid?

Cindy

2/19/02 teleconference.

app.

*XXIF - didn't need to be claimed in B-L because
it was a permit.*

- Claimant - Phil Yost.

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- send Candice a warranty deed.

- ask ~~Ernie~~

- query transfer workflow:

- water right.

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Cindy

CONVERSATION MEMORANDUM

EMPLOYEE: Cindy Bird

FILE: A29-7446

RE: property ownership

DATE: February 11, 2002

NAME OF PARTY

Preston- Caribou County Assessors office

Phone

The property listed on this water right according the Preston at the Caribou County Assessors office is Audrey Sweeney, 3716 West 5180 South, Salt Lake City, Utah 84418-3588

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There is no text or other markings on the paper.

WR5809NP
No. 29-07446

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DIAMOND G FARMS INC. BANCROFT ID 83217	04/03/1978	IRRIGATION	04/01 11/01	1.890 CFS	477.00 AFA
TOTAL DIVERSION:					1.890 CFS	477.00 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 1.890 CFS

Point(s) of Diversion: T08S R39E S22

SESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE		
T	R S	NE	SE	NW	SW	NE	SE	NW	SW	SUM
08S 39E 27		33	33	33	39	21				159.0
TOTAL ACRES										159.0

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07253

Conditions of Approval:

R29 - This right when combined with all other rights shall provide no

016 -

Remarks: GEN

claim. 8/20/01.
Matches the license

Dates:

App. Rel
Proof Di
Exam Mar
License

adjust imagery to
match the 159 acres
claimed

Misc: Water D

Audit: 04/28/8

CRP - 15 years
potatoes
wheat
barley
hay.