

Bird, Cindy

From: Bird, Cindy
Sent: Monday, January 23, 2006 12:25 PM
To: Williams, Ray
Cc: Spencer, Nick
Subject: RE: basin 24-Hartman Ranch

Ray,
We were able to get a hold of the patent plat for the posted notice of 24-4017, Issac Wilson, and he homesteaded the west 1/2 of section 8, and the W1/2 of the E1/2 of section 8, T9S, R46E. Which is not the land claimed by the Hartman's. There claim is for land in section 21. So it doesn't appear that they have any evidence for the priority date for 24-4017. Barbara is going to call Vic after lunch and let him know that. We will also let Vic know that on 24-4015 & 4016 if Nick agrees with you.
Cindy

-----Original Message-----

From: Williams, Ray
Sent: Monday, January 23, 2006 11:52 AM
To: Bird, Cindy
Cc: Spencer, Nick
Subject: FW: basin 24-Hartman Ranch

Cindy,

It appears that 24-4017 would be entitled to a priority date of September 18, 1888 via a Posted Notice on Sage Canyon Creek, apparently tributary to Crow Creek. (I am attaching the Notice). 24-4015 & 24-4016 appear to have been correctly claimed with a 1/26/1903 priority date in accordance with the posted notices. 24-10689 appears to be a BU claim and there doesn't appear to be a claim file for it - I couldn't find much "on-line" for it - it said something like the "owners not located".

I am copying Nick on this, for his review, and to make sure my understanding is correct.

Thanks,

Ray

<< File: 24-4017 Notice.pdf >>

-----Original Message-----

From: Bird, Cindy
Sent: Monday, January 23, 2006 9:33 AM
To: Williams, Ray
Subject: basin 24-Hartman Ranch

good morning Ray,
Friday I had a discussion with Vic Conrad with J.R. Simplot and they are in process of purchasing the Hartman Ranch (24-4015, 24-4016, 24-4017 and 24-10689) and one of the issues I have had with the previous owners is the evidence of priority. I guess in the water right files there are some posted notices. Would you pull the water right files and see if the documents are sufficient for a posted notice. Vic seems to think that on Crow Creek and Rock Creek the dates should be moved back 7 years because of the statement on the bottom of the notice. Can you please check this out for me and let me know?

Thanks,
Cindy

MEMO TO THE FILE

DATE: 1-20-06.

TO FILE NUMBER(S): 24-4015, 4016, 4017.

Hartman Ranch.

FROM: Cindy Bird

CONVERSATION WITH: Vic Conrad

J.R. Simplot. (Potential buyers)

SUBJECT: posted Notice documents

Vic feels that Crow Creek should have an 1896 priority date based on the statement. (24-4015)

Also Rock Creek (24-4016) should also have an 1896 priority.

Sage Creek (24-4017) vic thought should be 1899, but that document is for Water Canyon Creek. The Sage Creek document is 1888. but isn't sure if they meet the requirement for a posted notice.

ACTION:

1-23-06 I emailed Ray Williams, paralegal for Nick Spencer to pull the WR files and review the documents.

1-23-06: I asked Barbara Payne to review the documents of Water Canyon Creek and see if we have a current name on the TOPD map.

CB

TELEPHONE & VISITOR LOG

Date: 1-19-06

Time: 4:10pm

Call X Visit

Name :

Vic Conrad
J-R Simplot

Address:

Phone No. :

1-208-389-7359.

Claim No(s):

24-4015, 4016 & 4017.

RE:

RE: Evidence of priority, POU.

Conversation: J.R. Simplot is in the process of buying the Hartman Ranch.

I explained that the Hartman Ranch hasn't been helpful in working with us on these files. We spoke with Kent Foster and he doesn't work for the Hartmans anymore. According to Kent, the Hartmans are leaving it up to the new buyers to provide the evidence. Over →

Action Required:

- faxed Posted Notices to Vic from files 24-4015, 4016 & 4017.

[illegible]

9-18-1888

ISAAC R. WILSON,

WATER LOCATION

Claimant,

Dated: September 18, 1888.

To:

Recorded: September 24, 1888, at
11:15 o'clock A.M., in Book 1
of Water Locations, Page 139.

WHOM IT MAY CONCERN

NOTICE.

Is hereby given that I, Isaac R. Wilson of Sage Valley, Bingham or Bear Lake County, Idaho, being a citizen of the United States have claimed and by these presents do claim all the waters of what is known Sage Canyon Creek situated in Sage Valley, in Bear Lake or Bingham County Idaho Territory or so much as will flow through a ditch of the dimensions hereinafter named the same being seven hundred inches measured under a four inch pressure. The point of diversion of said water is at a point about twenty five rods Northwest of the Northwest corner of the said Isaac R. Wilsons Possessory claim in said valley. The purpose for which said water is claimed is the irrigation of said possessory claim and land adjacent thereto the same being situated in Sage Valley, Bear Lake or Bingham County, Idaho. The means by which said water is to be diverted and conducted to and upon said land, is a ditch two and a half feet deep and four feet wide. Dated this 18th day of September, 1888.

Isaac R. Wilson

I hereby certify that I posted up a notice of which the foregoing is a full true and correct copy at the point of diversion named in said notice on this 18th day of September 1888.

Isaac R. Wilson

Witness: Frederick O. Crackroft
Benjamin Wilson

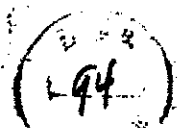
Transcribed from Bannock County Records, Water Location No. 2, Page 207.

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Recorded July 6, 1908, at 4:45 o'clock P.M., in Book 2 of Water Locations, Page, 207, records of Bannock County.

CARIBOU COUNTY ABSTRACT COMPANY
SODA SPRINGS, IDAHO

24-4017



12-9-1899

Instrument No 11535

Notice of Water Right.

State of Idaho County of Bear Lake) ss. To all concerned. Notice is hereby given:-
1st. That Isaac Wilson and Elizabeth B. Wilson of Sage Valley, Bear Lake County, Idaho,
hereby claim the use of the waters of Water Canyon Creek to the extent of 7-1/2 cubic feet
per second. 2nd. It is intended to divert said water at or near the point where a copy
of this notice is posted, and more definitely described as follows: ~~At~~ About 1/4 mile in
a Southwesterly direction from the south west corner of the Desert entry of unsurveyed land
made by Elizabeth B. Wilson in Sage Valley, Bear Lake Co. Idaho. 3rd. The purpose for
which said water is intended to be used is irrigation and domestic. The place of intended
use is the desert entries of Isaac and Elizabeth B. Wilson in Sage Valley, Bear Lake County,
Idaho. 4th. It is intended to divert said water by means of one main ditch 4 feet wide
and two feet deep and lateral ditches. The general course of the proposed canal is North
Easterly. The length of the proposed canal is about 1-1/2 miles. It is intended to
use said water for irrigating the following described land: The desert entries on unsurvey-
ed land in Sage Valley, Bear Lake County, Idaho, of Isaac Wilson and Elizabeth B. Wilson,
containing 480 acres. 5th. The works for diversion and use of said water as aforesaid
were completed in May 1899. Witness our hands at Montpelier, Idaho, this 9th day of Dec.
1899.

Isaac Wilson

her mark

Elizabeth x B. Wilson

Claimant

Witness to mark
William Godfrey
Eliza Bagley

STATE OF IDAHO COUNTY OF BEAR LAKE) SS

Isaac Wilson being first duly sworn deposes and

her mark

Elizabeth x B. Wilson

Claimant

Witness to mark
William Godfrey
Eliza Bagley

STATE OF IDAHO COUNTY OF BEAR LAKE) SS

Isaac Wilson being first duly sworn deposes and

says that he is of lawful age and one of the claimants of the water right mentioned in the
foregoing notice and whose name is subscribed thereto that the statements in said notice

Miscellaneous Records Book 2 page 244. Given under my hand and seal at my office in
Paris, Idaho this 26th day of July A. D. 1901. James E. Hart County Recorder. (seal)

Recorded at the request of E.A.D. & P. Co., July 6th 1908 At 4.47 P. M. E.G.
Gallet Recorder By W.A. Hyde Deputy Fee \$1.00
Transcribed from Bannock County Records, Water Location Record No. 2, page 208. ✓

24-4015

9 January 2006

To File

Claims: 24-4015, 24-4016, 4017, 24-10689

Re: Phone Conversation with:

Mark Nicoll

Star Valley Planning & Design

(435) 503-2866.

Cindy visited with Mark in connection with the Kennington claims. He mentioned that Hartman Ranch was being bought by a third party.

I called and visited with Mark advising that we had talked to Hartman's attorney in Idaho Falls and was informed that they no longer represented the Hartmans, at least in this matter, and that Mr. Hartman said he wasn't going to do anything about the water rights because he was in the process of selling it and was going to let the new owners worry about the evidence.

Mark advised that the people that were under contract to buy the Hartman ranch backed out but there were new potential buyers. He asked what was needed I advised that evidence of ownership and usage was needed back to the priority dates of 1888 and 1903. I also stated that without this evidence this claims could be recommended to be disallowed.

He said he would make a few calls and get back to me. I told him that unless we heard something, we were in the process of sending the Hartmans a letter stating that unless evidence was supplied, the claims would be recommended to be disallowed.

He is to get back to us.

Barbara

10/17/05.

24- 4017 Posted Notice
water of "Canyon Creek"
Desert entry Elizabeth B. Wilson.
Irrigate Isaac & Elizabeth Wilson's.

No legal description: The plat map from
Carbon Co. doesn't show the Wilson's anywhere
in Section 21. So, I'm not sure where this
land is located. But I don't think it is the
land claimed in section 21, T9S, R46E.

Original Statutory claim filed 13, March, 1979.

POD: Same.

POU:

Stat. Claim.	SWNW	SENW	NWSW	Total
T9S, 46E Sec. 21.	35	35.	5	75.

SRBA: (12-5-1989)

T9S, R46E Sec. 21.	SWNE	SENE	SWNW	SENW	Total
	35.0	20.0	6.0	18	79.

Bryce found. 82 acres. Sections 15, 21 & 22. Sage creek New claims?

11-28-05 Copy of POU analysis in file PB

There is nothing in this file that provides evidence.

There is a Notice of Water Right dated 9/18/1888 in the file, but nothing supporting it.
The claimants are Isaac & Elizabeth Wilson.

A Purchase Agreement dated 12/10/1991 shows the property belonged to Box Ranch Inc. (Alfred & Colleen Sorenson) and went to John Taft Corp. (John & Melody Taft) and the Hartman Family Trust (Walter Hartman Jr.).

Notes

10-20-04 Assessor's Office

PO Box 15

Farmville, Wy 83119

5-26-05 Put a copy of the plat, topo & ortho maps in the file. PB

3 Aug 05 Please see A24-04015 for complete contact log. Bac

9-12-05 Change of address. BP

9-20-05 Tate Jarry, from a property co. called about these rights. (307) 734-6100. They are under contract for these rights ranch. I explained to him that hopefully these claims have the proper documents to support a recommendation, if not the buyers will have to provide the documents. CB

9-22-05 Sent letter of evidence to claimant with CC: to Tate Jarry DB

10-3-05 Kent Foster, attorney for Hartman Ranch, LLC called and said he is working on locating evidence of priority, but he may not have it by the 13th DB

1-5-06 Text message w/ Kent Foster re missing evidence. BP

1-9-06 Phone conversation w/ Mark Nussel. See memo. BP

Point of Diversion and Source Data Entry Form

Claim Number: A24-04017

Water Right Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____, County:_____

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov	Lot	QQQ of QQ of Q	County	Source
9S	46E	20			NESES	Carbon	
GPS Coordinates: <u>273001 N</u> <u>2737418 E</u> <u>1273001 N</u> <u>1273001 E</u>							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							
GPS Coordinates: _____							

Other rights from this POD? A24-04019, A24-04020, new claim w/A24-04017

Document how the POD and Source were verified and/or Pump and Motor data:

field inspection and GPS. Site tag A0013649.
BAC 3 Aug 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: A24-04017☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Irrigation confirmed by field
inspection.

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: A24-04017☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

Field inspection and GIS. Please see narrative.
Following narrative are sheets listing acres
per QQ for A24-04017 and the new claim.
Bar 3 Aug 2005

Shapefile Inters4017.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A24-04017☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/31		

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

Please see narrative discussion of Q & Mannings Calculations. Ditch loss, wild flood practice and the fact that runoff returns immediately to Crow Creek w/o intervening diversions (by other users) justifies high diversion rate per acre. BAC 3 Aug 05

Reviewer: _____

Date: _____

A24-04017

Split or Combined Right Analysis:

1) Narrative 3 pages 2) New claim 4 pages 3) Pou lists
2 pages 4) Photos 2 pages Bae 3 Aug 05

Reviewer _____ Date _____

Date _____

HARTMAN RANCH

Place of Use Analysis

Claim#		NE				NW				SW				SE			
		NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
	Source: Crow Creek (Bryce amended claim)																
24-4015	T9S,R46E, Section 15, Crow Creek									8.5							
24-4015	T9S,R46E, Section 15, Crow Creek													24			
24-4015	T9S,R46E, Section 15, Crow Creek															2.6	
24-4015	T9S,R46E, Section 21, Crow Creek				1.4												
24-4015	T9S,R46E, Section 21, Crow Creek, Rec.								7								
24-4015	T9S,R46E, Section 21, Crow Creek, Rec.													29			
24-4015	T9S,R46E, Section 21, Crow Creek, Rec.													22			
24-4015	T9S,R46E, Section 22, Crow Creek		32														
24-4015	T9S,R46E, Section 22, Crow Creek			8.8													
24-4015	T9S,R46E, Section 22, Crow Creek,					32											
24-4015	T9S,R46E, Section 22, Crow Creek						0.1										
24-4015	T9S,R46E, Section 22, Crow Creek, Rec.							2.8									
24-4015	T9S,R46E, Section 22, Crow Creek								33								
24-4015	T9S,R46E, Section 22, Crow Creek, Rec.									6.6							
24-4015	T9S,R46E, Section 22, Crow Creek										22						
	Source: Rock Creek (Bryce amended claim)																
24-4016	T9S,R46E, Section 21, Rock Creek				1.4												
24-4016	T9S,R46E, Section 21, Rock Creek, Rec.									23							
24-4016	T9S,R46E, Section 21, Rock Creek											32					
24-4016	T9S,R46E, Section 21, Rock Creek, Rec.													29			
24-4016	T9S,R46E, Section 21, Rock Creek, Rec.														22		
24-4016	T9S,R46E, Section 22, Rock Creek		8.2														
24-4016	T9S,R46E, Section 22, Rock Creek			6.1													
24-4016	T9S,R46E, Section 22, Rock Creek					15											
24-4016	T9S,R46E, Section 22, Rock Creek, Rec.							2.8									
24-4016	T9S,R46E, Section 22, Rock Creek								33								
24-4016	T9S,R46E, Section 22, Rock Creek, Rec.									6.6							
24-4016	T9S,R46E, Section 22, Rock Creek										22						
	Source: Sage Creek																
24-4017	T9S,R46E, Section 21, Sage Creek			35													
24-4017	T9S,R46E, Section 21, Sage Creek				20												
24-4017	T9S,R46E, Section 21, Sage Creek							6									
24-4017	T9S,R46E, Section 21, Sage Creek								18								
	Source: Sage Creek																
24-10689	T9S,R46E, Section 15, Sage Creek											7.6					
24-10689	T9S,R46E, Section 21, Sage Creek									4.1							
24-10689	T9S,R46E, Section 21, Sage Creek													1			
24-10689	T9S,R46E, Section 21, Sage Creek														14		
24-10689	T9S,R46E, Section 22, Sage Creek					18											
24-10689	T9S,R46E, Section 22, Sage Creek						12										
24-10689	T9S,R46E, Section 22, Sage Creek							23									
24-10689	T9S,R46E, Section 22, Sage Creek								1.9								
24-10689	T9S,R46E, Section 22, Sage Creek										0.4						

HARTMAN RANCH
Place of Use Analysis

Claim#																
	NE				NW				SW				SE			
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
24-4015 T9S,R46E, Section 15, Crow Creek												8.5				
24-4015 T9S,R46E, Section 15, Crow Creek															24	
24-4015 T9S,R46E, Section 15, Crow Creek																2.6
24-10689 T9S,R46E, Section 15, Sage Creek												7.6				
Total Acres for Section 15	0	0	0	0	0	0	0	0	0	0	0	16.1	0	0	24	2.6
24-4015 T9S,R46E, Section 21, Crow Creek				1.4												
24-4016 T9S,R46E, Section 21, Rock Creek				1.4												
24-4017 T9S,R46E, Section 21, Sage Creek			35													
24-4017 T9S,R46E, Section 21, Sage Creek			20													
24-4017 T9S,R46E, Section 21, Sage Creek						6										
24-4017 T9S,R46E, Section 21, Sage Creek							18									
24-4015 T9S,R46E, Section 21, Crow Creek, Rec.									7							
24-4016 T9S,R46E, Section 21, Rock Creek, Rec.									23							
24-4016 T9S,R46E, Section 21, Rock Creek											32					
24-4015 T9S,R46E, Section 21, Crow Creek, Rec.													29			
24-4015 T9S,R46E, Section 21, Crow Creek, Rec.														22		
24-4016 T9S,R46E, Section 21, Rock Creek, Rec.													29			
24-4016 T9S,R46E, Section 21, Rock Creek, Rec.														22		
24-10689 T9S,R46E, Section 21, Sage Creek									4.1							
24-10689 T9S,R46E, Section 21, Sage Creek													1			
24-10689 T9S,R46E, Section 21, Sage Creek														14		
Total Acres for Section 21	0	0	35	22.8	0	0	6	18	34.1	0	0	32	59	58	0	0
24-4015 T9S,R46E, Section 22, Crow Creek			32													
24-4015 T9S,R46E, Section 22, Crow Creek			8.8													
24-4016 T9S,R46E, Section 22, Rock Creek			8.2													
24-4016 T9S,R46E, Section 22, Rock Creek			6.1													
24-4015 T9S,R46E, Section 22, Crow Creek,					32											
24-4015 T9S,R46E, Section 22, Crow Creek						0.1										
24-4015 T9S,R46E, Section 22, Crow Creek, Rec.							2.8									
24-4015 T9S,R46E, Section 22, Crow Creek								33								
24-4016 T9S,R46E, Section 22, Rock Creek					15											
24-4016 T9S,R46E, Section 22, Rock Creek, Rec.							2.8									
24-4016 T9S,R46E, Section 22, Rock Creek								33								
24-4015 T9S,R46E, Section 22, Crow Creek, Rec.									6.6							
24-4015 T9S,R46E, Section 22, Crow Creek										22						
24-4016 T9S,R46E, Section 22, Rock Creek, Rec.									6.6							
24-4016 T9S,R46E, Section 22, Rock Creek										22						
24-10689 T9S,R46E, Section 22, Sage Creek					18											
24-10689 T9S,R46E, Section 22, Sage Creek						12										
24-10689 T9S,R46E, Section 22, Sage Creek							23									
24-10689 T9S,R46E, Section 22, Sage Creek								1.9								
24-10689 T9S,R46E, Section 22, Sage Creek									0.4							
Total Acres for Section 22	0	40.2	14.9	0	65	12.1	28.6	67.9	13.2	44.4	0	0	0	0	0	0

Hartman Ranch LLC

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	SW NW	SE NW	SW NW	SE NW	NE SE	SW SE	SE SE	NW SE	SW SE	SE SE	Total
Claim	24-4015	HARTMAN RANCH LLC	CROW CREEK	09S46E15											8.5			24	2.6	35.1
Claim	24-10689		SAGE CREEK	09S46E15											7.6					7.6
Claim	24-4015	HARTMAN RANCH LLC	CROW CREEK	09S46E21				1.4			7						29	22		59.4
Claim	24-4017	HARTMAN RANCH LLC	SAGE CREEK	09S46E21			35	20			6	18								79
Claim	24-4016	HARTMAN RANCH LLC	ROCK CREEK	09S46E21									X							0
Claim	24-4016	HARTMAN RANCH LLC	ROCK CREEK	09S46E21										29	30	38	32			129
Claim	24-10689		SAGE CREEK	09S46E21									4.1				1	14		19.1

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	SW NW	SE NW	SW NW	SE NW	NE SE	SW SE	SE SE	NW SE	SW SE	SE SE	Total
Claim	24-10387	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10381	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10377	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-4015	HARTMAN RANCH LLC	CROW CREEK	09S46E15											8.5			24	2.6	35.1
Claim	24-10375	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10379	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10385	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10381	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10377	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10375	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10379	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10385	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10387	UNITED STATES OF A SPRING		09S46E15															X	0
Claim	24-10689		SAGE CREEK	09S46E15											7.6					7.6
Rec	24-10379	UNITED STATES OF A SPRING		09S46E15															X	0
Rec	24-10387	UNITED STATES OF A SPRING		09S46E15															X	0
Rec	24-10375	UNITED STATES OF A SPRING		09S46E15															X	0
Rec	24-10377	UNITED STATES OF A SPRING		09S46E15															X	0
Rec	24-4015	HARTMAN RANCH LLC	CROW CREEK	09S46E15											15		17	35		67
Rec	24-10385	UNITED STATES OF A SPRING		09S46E15															X	0
Rec	24-10381	UNITED STATES OF A SPRING		09S46E15															X	0
Right	24-10390	UNITED STATES OF A SPRING		09S46E15										X					X	0

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

September 22, 2005

Hartman Ranch LLC
1694 Eastman
Ventura, CA 93003

Re: Snake River Basin Adjudication (SRBA)
Claims: 24-4015, 24-4016 & 24-4017

COPY

Subject: EVIDENCE OF PRIORITY

Response Date: October 13, 2005

Dear Claimant (s):

The Idaho Department of Water Resources has begun its water right review in Basin 24. The Notice(s) of Claim identified with the numbers shown above, have been filed in the Snake River Basin Adjudication (SRBA).

The Notice indicates that the claims are based on statutory use. 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. **As the claimant, you are responsible for submitting the necessary proof to support the priority date.**

It is important that each element of the Notice be substantiated. For instance, regarding claims for irrigation, the evidence should tend to show that diversion works were in place, that they were capable of diverting the claimed diversion rate, and that the diverted water was beneficially used on the entire claimed place of use on or before the claimed priority date.

For your reference, I have enclosed 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 the entire 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 historical water rights within the Snake River Basin as accurately as possible.

.....
The Department cannot recommend the court decree the Notice if no evidence of a priority date is submitted.
.....

Please submit the documentation supporting the priority date by the above noted response date referencing all documents with the corresponding Claim numbers. If you have any questions not covered by this letter, please feel free to contact me at (208) 547-3993.

Respectfully,

Pauline Bassett

Enclosure: Brochure on "Evidence of Priority"

CC: Tate M. Jarry
Live Water Properties, LLC
PO Box 9240
Jackson, WY 83002

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.

(Please print or type)

[] Water Right Number(s): A24-04015, A24-04016, A24-04017

[] Name(s): Hartman Ranch LLC

[] Old Mailing Address: PO Box 25117
Jackson Wyo 83001

[] New Mailing Address: PO 1694 HARTMAN
VENTURA, CA
93003

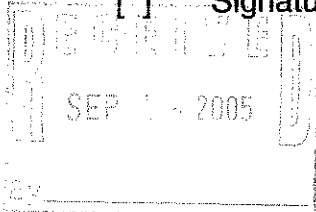
Telephone Number: 805) 642-0121

[] Signature(s) of Owner(s) W. E. Hartman

General Partner

(Include your title if on behalf of company or organization)

Date: Aug 17, 2005



Acreage, Sagecreek 1903 New Claim

Township, Range	Section	QQ	Q	ACRES	QQF	QE
09S46E	15	SE	SW	7.6	4	3
Section Total				7.6		
09S46E	21	NE	SW	4.1	1	3
09S46E	21	NE	SE	1	1	4
09S46E	21	NW	SE	14	2	4
Section Total				19.1		
09S46E	22	NE	NW	18	1	2
09S46E	22	NW	NW	12	2	2
09S46E	22	NW	SW	0.4	2	3
09S46E	22	SW	NW	23	3	2
09S46E	22	SE	NW	1.9	4	2
Section Total				55.3		
Total Acres				82		

Naremon 4017

Kennington 4019

4020

TRSQQ	ID	AREA	PERIMETER	ACRES
09S46E22SE	0	7702.337	421.553	1.903
09S46E22SW	0	94972.134	1861.883	23.468
09S46E21NE	0	4141.752	444.863	1.023
09S46E21NW	0	57511.309	1485.705	14.211
09S46E21SE	0	16472.101	795.560	4.070
09S46E22SW	0	1722.542	175.311	0.426
09S46E15SE	0	30634.829	905.085	7.570
09S46E22NE	0	73994.060	1686.961	18.284
09S46E22NW	0	47507.352	1014.573	11.739

Points in Contor_GPS_July05.shp

Claim	Sitetag	Feature	Waypoint	Idtm83_e	Idtm83_n	Instrument	Collected	Date	Notes
A24-04017	A0013649	POD	53	2737418	1273001	Garmin Geko 201	B Contor	20050723	Sage creek diversion for lands NW of creek
A24-04017	none	POU	57	2740725	1274866	Garmin Geko 201	B Contor	20050723	Taken on top of knoll that marks east extent of irr on north side o

multiple V. two owners

A24-04017 Narrative 3 Aug 2005

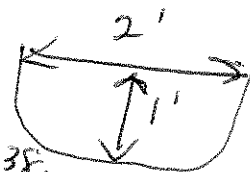
On 23 July 2005 I went to the POD w/ Mark Nickell (A22-04019, A22-04020) who shares this ditch. Later that day I met w/ farm manager Monte Clemo. We reviewed maps and looked at the current POW.

The POW extends further south and east than indicated on the claim. The claim may be confined to the lands in the oldest patent, conforming to the 1888 claimed priority. I prepared a new claim and mailed it to Walter Hartman, along with amended claims A24-04015 and A24-04016. A copy of the new claim is included in paper file A24-04017. A copy of the letter and attachments is included in paper file A24-04015.

The new claim POW overlaps the POW of A24-04015. A24-04015 in turn overlaps A24-04016. Depending on the rounding of acres per quarter-quarter, the total irrigated acreage is approximately 398 to 400 acres. The combined acreage under A24-04017 and the new claim is 142.5 acres, with no overlap.

Flow estimate: The ditch between the POD and the road appears to average 2 ft wide with 1 ft depth. Area = 2 ft^2 , wetted perimeter

≈ 3.5 feet. Slope calculation (on topo maps in A24-04019) indicates slope is about 0.019 to 0.038.



Assuming Manning's $N = 0.030$ (Excavated earth channel, weedy, from <http://www.lm.com/manning.htm>).

A24-04017 Narrative p 2 3 August 05

Approx ditch Capacity could be:

$$Q = 1.486 A / n R^{2/3} S^{1/2}$$

$$Q = \frac{(1.486)(2)}{(0.030)} \left(\frac{2 \text{ ft}^2}{3.5 \text{ ft}} \right)^{2/3} (0.019)^{1/2} = 9.4 \text{ ft}^3/\text{s}$$

to

$$Q = \frac{(1.486)(2)}{(0.030)} \left(\frac{2 \text{ ft}^2}{3.5 \text{ ft}} \right) (0.038)^{1/2} = 13.3 \text{ ft}^3/\text{s}$$

This seems a little high in light of inlet structure size but not much.

The total acreage served is unclear because A24-04019 and A24-04020 use this POD as well as an unshared POD, but those two rights could add 60 to 70 acres to the 142.5 acres under A24-04017 and the new claim, for a total of 200 to 210 acres. Assuming 0.03 or 0.04 cfs/acre for wild flood irrigation, the required field headgate delivery needs to be 6 to 8.4 cfs, plus any allowance for ditch loss. This seems reasonable in light of the Manning's calculation. See also my photos and the 1996 photos by S. Ball.

I have mapped the POD using a combination of the 1984 aerial photo, the sketch map in the claim, and the 2004 aerial photo provided by Mr. Clemo. The county road has been changed, apparently causing re-alignment of the ditch. A sprinkler is now used for some

A24-04017 Narrative P3 3 August 05

of the land in the SENW and SWE of
Section 21, north of the road.

Please see file A24-04015 for correspondence,
contact log, the 2004 aerial photo provided
by Mr. Clemo, and a summary of acreage.
The aerial photo has been georeferenced as

"Hartman.jpg." If file "Hartman.jpg" is
in the same directory, the photo can be
opened in GIS as an image and it will
be referenced to DOTM 83

Byron A. Contor
3 Aug 2005