

Notes

24-10663

11/3/05 This is not a spirit from 24-10027.

7/26/06 created POW Shape. Need to verify priority date. CB

7/27/06 No evidence to support a priority date. Claim disallowed CB

Hold on to the layouts incase they come up with evidence. CB

10/2/06 Garth called - Needs address update. He has an apt @ 10am Wednesday 10/4/06 CB

10/4/06 NOE - should be recommended CB

10/5/06 Amended claim Priority 5-1-1910. Garth will get me affidavits to support priority date. Address update on both Garth & Carolyn Allman. CB

Notes

24-10663

- 6-20-2001. Change of ownership. BP
- 10-18-04 County Assessor:
Koralyn H. Allenman
1700 Lower Bern Rd
Bern, Id 83220 BAC
- Need evidence of priority letter.
- 10-19-04 Letter to claimant re evidence of priority. BP
- 11-15-04 Evidence received sometime ago for 24-10026 + 24-10662. BP
- 5-19-05 Put a copy of the plat, topo + ortho maps in file #
- 19 July 05 208 847 0456 8:10 PM No answer BAC
- 20 July 05 208 847 0456 9:05 AM Ms. Allenman -
talk to Garth Allenman 847-0126 leave msg -
847-0126 - Mrs. Garth Allenman - Garth's office # is 847-8944, Mrs. Allenman will also talk to Garth - he may no longer be @ office. 847-8944 - no answer BAC
- 21 July 05 - Garth called. He is very busy w/ fire season. I will do a field insp w/ him & mail a prelim. map. If there are problems he will try to make arrangements to meet. BAC
- 22 July 05 field inspection. BAC
- 18 Aug 05 Please see correspondence in A24-10662 BAC
- 18 Aug 05

07/27/2006

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-10663

KAROLYN ALLEMAN
1700 LOWER BERN RD
BERN ID 83220
Telephone Number: (208)847-0126

GARTH ALLEMAN
1700 LOWER BERN RD
BERN ID 83220
Telephone Number: (208)847-0126

1. Describe the portion of the proposed recommendation with which you disagree (e.g., priority date, period of use, source):

I disagree with this because we use this right for stock water and irrigation.

2. Describe the changes you wish to make in the proposed recommendation:

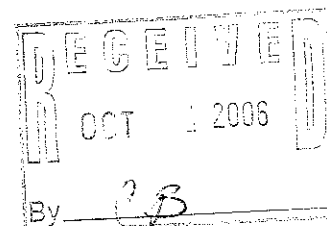
3. Give a brief explanation as to why you disagree with these portions:

 I AGREE with this proposed recommendation: no changes need to be made

DATE: 10-4-06 SIGNATURE: *Garth Alleman*

Please print your name: Garth Alleman

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161



MEMO TO THE FILE

DATE: 11-3-05

TO FILE NUMBER(S): 24-10663

FROM: Cindy Bird

CONVERSATION WITH: Garth alleman.

SUBJECT: Irrigation from unnamed stream.

in: SENE Sec. 23, T10S, R43E to irrigate.
S 1/2 SE, NESE and into the NE. The ditch
narrows thru the hill and then opens up into
the valley in the NE of Section 14.

See attached 1987 Napp photography with the
TDPO Map overlaid.

-Meeting with Garth in the Soda Springs
Office.

19 August 2005

Garth Alleman
1700 Lower Bern Road
Bern ID 83220

Re: Adjudication claims A24-10026, A24-10662, A24-10663

Dear Mr. Alleman:

About a month ago we talked on the telephone and we agreed that I would make a field inspection and send you maps of what I found. Attached are two maps for these three water right claims.

Claim A24-10662 had the same point of diversion and source as A24-10663, the small stream that is diverted behind (east) of a small hill across from Stewart's Crow Creek ranch. What I found was that the lands were actually irrigated from a ditch that picks up the wastewater from Stewart's irrigation from Alleman Spring and Crow Creek. I also found that this ditch carried water as far north as the Section 11 lands claimed under A24-10026. An enclosed amended claim A24-10662 changes these parts of the claim to match what I found. If this claim looks correct, please return it with a notarized signature to:

IDWR
15 West Center Street
Soda Springs ID 83276

The evidence of water-right priority in file A24-10662 also appears to refer to the ditch and water source for A24-10663. It will strengthen IDWR's ability to make a recommendation to the court if you can provide evidence of priority for the irrigation of lands in the NW of Section 14 from the headgate where the discharge from Stewart's crosses the road. The enclosed pamphlet describes some types of evidence you may wish to consider.

Please call me if you have questions.

Sincerely,

Bryce A. Contor

Claim	Sitetag	Feature	Waypoint	ldtm83_e	ldtm83_n	Instrument	Collected	Notes	N_dd	W_dd
A24-10663	none	Other	29	0	0	Garmin Geko 201	B. Contor	Points along ditch	43.00706667	-111.0942833
A24-10663	none	Other	30	0	0	Garmin Geko 201	B. Contor	Point along ditch	42.5486	-111.1569667
A24-10663	none	Other	31	0	0	Garmin Geko 201	B. Contor	Points along ditch	43.00681667	-111.0947833
A24-10663	none	Other	32	0	0	Garmin Geko 201	B. Contor	Point along ditch	42.54866667	-111.1574
A24-10663	none	Other	33	0	0	Garmin Geko 201	B. Contor	Points along ditch	43.00673333	-111.09495
A24-10663	none	Other	34	0	0	Garmin Geko 201	B. Contor	North end of ditch	42.54913333	-111.1574333
A24-10663	none	Other	35	0	0	Garmin Geko 201	B. Contor	Points along ditch	43.00673333	-111.09495
A24-10663	none	POD	36	0	0	Garmin Geko 201	B. Contor		A24-10663	42.54118333

6 PS Points

A24-10663 POU by quarter-quarter section

Township,	Section	QQ	Q	Acres
10S45E	14	NE	SE	1.3
10S45E	14	NW	SE	0.1
10S45E	14	SW	SE	2.7
10S45E	14	SE	SE	2.5
Total Acres				6.6

POU acres by QQ

Point of Diversion and Source Data Entry Form

Claim Number: A24-10663

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 CQ of Q	County	Source
10S	45E	23		NWSENE	Carbon	Crow Creek
GPS Coordinates:				2733610 E	1264013 N	FOPTH3
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						

Other rights from this POD? ~~A24-10662~~ See photos in A24-10662

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

GPS, field inspection BAR 15 Aug 05
A24-10662 is claimed from this POD but field
inspection shows a different POD, see file A24-10662.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Claim Number: A24-10663☐ 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:

Emigration } Stockwater use observed. Bae 18 Aug 05

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

Place Of Use Data Entry Form

Claim Number: A24-10663☐ 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

please see printout from GIS

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

Total Acres _____

Document how the POU was verified:

Field inspection, GIS Back 18 Aug 05

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A24-10663
☐ 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

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Flow estimated @ Waypoint 29 using roll-up on stick
for velocity. Area = $3.7 \text{ ft} \times 0.36 \text{ ft} = 1.33 \text{ ft}^2$
Velocity $\approx 1.5 \text{ ft/s}$. $Q = AV \approx 2 \text{ ft}^3/\text{s}$.
This is adequate for small acreage found. Bac 18 Aug 05
Note that the stream looked smaller than $2 \text{ ft}^3/\text{s}$.

Reviewer: _____

Date: _____

Summary Data Entry Form

Claim No.: _____

Remarks and Conditions (Include Type, Category and Code if applicable):

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Photos, 3 pages. BAC 18 Aug 05 CPS pursuant 1 page,
Acas per QQ 1 page. Letter 3 pages. Amended claims
4 pages. BAC 19 Aug 05 (in A24-10662)

aim No.: _____

Reviewer _____

Date _____

WARRANTY DEED

For Value Received \$110.00

Larry GALLEMAN, of Bern. County of Bear Lake, Idaho

the grantor do hereby grant, bargain, sell and convey unto

Karolyn HALLEMAN of Bern. County of Bear Lake, Idaho

the grantee, the following described premises, in Caribou County Idaho, to wit:

T10S, R45E Sec. 14

The West half of the Northeast quarter, and the East Half of the Northwest quarter of Section 14, in Township 10 South of Range 45 East of the Boise Meridian, Idaho, containing one hundred sixty acres, together with any water appurtenant thereto.

W $\frac{1}{2}$ NE, E $\frac{1}{2}$ NWT10S, R45E, ~~Sec. 14~~

The east half of the southwest quarter, the southeast quarter, and the east half of the northeast quarter of Section fourteen, the east half of the southeast quarter of Section eleven, and the northeast quarter of the southwest quarter and the south half of the southwest quarter of Section twelve in Township ten south of Range forty-five east of the Boise Meridian, Idaho containing five hundred twenty acres.

E $\frac{1}{2}$ SW, SEE $\frac{1}{2}$ NE~~Sec. 11~~E $\frac{1}{2}$ SE~~Sec. 12~~

NESW

S $\frac{1}{2}$ SW

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

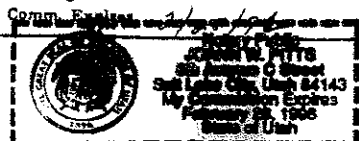
Dated: 12/1/92

Larry G. Gallemann

STATE OF ~~Idaho~~ Utah, COUNTY OF Salt Lake
On this 01 day of Dec 19 92
before me, a notary public in and for said State, personally appeared

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that Larry Gallemann executed the same.

Joann W. Lott

Residing at Salt LakeNotary Public, UtahSTATE OF IDAHO, COUNTY OF Caribou

I hereby certify that this instrument was filed for record at
the request of Karolyn Hallemann

at 40 minutes past 9 o'clock A.M.,
this 8th day of March,
1993, in my office, and duly recorded in Book
of Deeds at page

EDIE IZATT

Ex-Officio Recorder

By Denise Hursley

Deputy.

Fees \$3.00
Mail to:

WARRANTY DEED

For Value Received \$10.00

Larry G Alleman of Bern, County of Bear Lake
Idaho

the grantor, do hereby grant, bargain, sell and convey unto

Karolyn H. Alleman of Bern County of Bear Lake
Idaho

the grantee, the following described premises, in Caribou County Idaho, to wit:

An undivided 3/8 interest in and to the South 100 rods of the West half of the Southeast quarter and the East half of the Southwest quarter of Section 11, Township 10 South, Range 45 E.B.M., Caribou County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor do hereby covenant to and with the said Grantee, that he the owner in fee simple of said premises; that they are free from all incumbrances

and that he will warrant and defend the same from all lawful claims whatsoever.

Dated: 12/11/92

Larry G. Alleman

STATE OF ~~Idaho~~ ^{Utah}, COUNTY OF Salt Lake
On this 01 day of Dec., 1992,
before me, a notary public in and for said State, personally
appeared

known to me to be the person whose name
subscribed to the within instrument, and acknowledged to
me that Larry Alleman executed the same.

James W. Pitts
Residing at Salt Lake Notary Public, Utah
Comm. Expires 2/28/96, Idaho

STATE OF IDAHO, COUNTY OF Caribou

I hereby certify that this instrument was filed for record at the request of Karolyn Alleman

at 40 minutes past 9 o'clock A.M.,
this 8th day of March,
1993, in my office, and duly recorded in Book
of Deeds at page

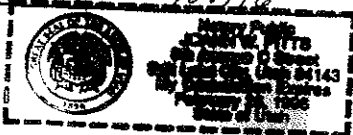
EDIE IZATT

Ex-Officio Recorder

By Denise Hunsley, Deputy.

Fees \$300
Mail to:

INSTRUMENT No





MONTPELIER OFFICE

First Security Bank of Idaho

NATIONAL ASSOCIATION

92-286

1241

MONTPELIER, IDAHO Dec 15 1967 No.

PAY TO THE ORDER OF

Ted Mate

\$56.10

Fifty Six & 10/100

DOLLARS

For ditch cleaning

Ed L. Alleman

1241 0286

EXPENSE OF DITCHING AT CROW-CREEK-1966

IRON PRICE BACK-HOE WORK ON DITCH	\$	
FROM STEWART'S	432.00	
NATE'S DOZER	20.00	
NATE LABOR	60.00	
SULVERTS AT HEAD OF DITCH	106.14	
	TOTAL - 618.14	
LESS A.S.C. PAYMENT	140.50	
	TOTAL - 477.64	
D. ALLEMAN 1/10 SHARE OF EXPENSE	47.76	}
D. ALLEMAN SHARE OF EXPENSE ON		
BACK-HOE WORK FILLING IN WASHED OUT		
SULVERTS ON CROWCREEK (WELL'S DITCH)	15.00	
	~~62.76~~	
TOTAL OWED NATE RANCH	62.76	

NOV 15 2004

RTV

Ed

Anything you don't understand

Warranty Deed

THIS INDENTURE, made the 6th day of April, in the year of our Lord, one thousand nine hundred and Sixty-two, between GEORGE NATE and BETH NATE, his wife; MILTON M. NATE and MARGARET NATE, his wife, and OREN NATE and VERA J. NATE, his wife; of Dingle, County of Bear Lake, State of Idaho, part 1.88 of the first part, and LARRY ALLEMAN, of Bern, County of Bear Lake, State of Idaho, the part Y of the second part:

WITNESSETH, That the said part 1.88 of the first part, for and in consideration of the sum of Ten dollars and other valuable consideration DOLLARS, lawful money of the United States of America to them in hand paid by the said part Y of the second part, the receipt whereof is hereby acknowledged, he ve granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM unto the said part Y of the second part, and to his heirs and assigns forever, all that ~~certain piece or parcel of land~~ situated in the County of Bear Lake, State of Idaho, and known and described as follows, to-wit: their right, title, estate and interest, the same being an undivided Five-eighths (5/8) interest in and to the following described land, situated in Caribou county, state of Idaho, to-wit:

The East Half of the South West quarter ($E\frac{1}{2}SW\frac{1}{4}$) and the West Half of the South East quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section II, in Township Ten (10) South, of Range Forty five (45) East of Boise Meridian. Together with all ditches and water rights appertaining or belonging thereto, including a water right from the Allermann Springs and from Crow Creek, the same being shown by the records.



NOV 16 2004

BT

Together with all and singular the tenements, hereditaments and appurtenances thereof, belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity of the said part 1.88 of the first part, of, in or to said premises, and every part and parcel thereof, with the appurtenances.

TO HAVE AND TO HOLD, all and singular the said premises, together with the appurtenances unto the said part Y of the second part, and to his heirs and assigns, forever, and said part ies of the first part, and their heirs, the said premises, in the quiet and peaceable possession of the said part y of the second part, his heirs, and assigns against the said part ies of the first part, and their heirs and against any and all persons whatsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend

IT WITNESS WHEREOF, The said part ies of the first part have ve hereunto set their hand s and seal s the day and year first above written.

Signed, Sealed and Delivered in the Presence of

D. E. Headlock

George Nate (SEAL)

Beth Nate (SEAL)

Milton M. Nate (SEAL)

Margaret Nate (Seal)

United States of America Oren Nate (Seal)

Vera J. Nate (Seal)

STATE OF IDAHO }
County of Bear Lake } ss.

On this 6th day of April, in the year of our Lord one thousand nine hundred and Sixty-two, before me, R. Hugh Shylock a Notary Public, within and for said County and State personally appeared GEORGE NATE and BETH NATE, his wife; MILTON M. NATE and MARGARET NATE, his wife; and OREN NATE and VERA J. NATE, his wife,

personally known to me to be the person s whose name s are subscribed to the within instrument, and duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate above written.

R. Hugh Shylock
Notary Public for Idaho
Residing at Paris, Idaho

my Commission
expires Oct 10-1962

NOV 15 2004

BT

No. 47926

Warranty Deed

George Nate et al
et al

TO

Henry G. Allman

Dated , 19
OFFICE OF COUNTY RECORDER

STATE OF IDAHO } ss.
County of Bear Lake

I hereby certify that this instrument was filed for record at the request of

George & Allman
at 26 minutes past 3 o'clock P. m.
this 6th day of April

A. D. 19 62, in my office and duly recorded in Book 44 Deeds at page 13

R. Hugh Shylock
County Recorder.

Fee - \$ 1.50 for Deputy.

Presented to and platted by me this day of , 19

Assessor.

Notary to Henry G. Allman
County of Bear Lake



LEN JORDAN
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

MARK R. KULP, RECLAMATION ENGINEER

BOISE

June 28, 1954

Mr. E. L. Alleman
Bern
Idaho

Dear Mr. Alleman:

Reference is made to your letter of June 26th, inquiring whether a water permit has been issued to Mrs. Sarah A. Boss on the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, Township 10 South, Range 45 East, B. M.

There is no record in this Department of a permit having been issued to Mrs. Boss, but there is a record of two applications as follows:

Application No. 15218 filed May 27, 1914, for one second foot of water from a spring in the SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15, Township 10 South, Range 45 East, B. M. for use on 50 acres in the E $\frac{1}{2}$ NW $\frac{1}{4}$ Section 14, Township 10 South, Range 45 East B. M.

This application was returned for certain corrections May 28, 1914, but the corrected application was not returned, and no permit was issued.

Application No. 15596 filed August 24, 1914, for one second foot of water from springs in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ NE $\frac{1}{4}$ Section 15; place of use not shown.

This application was returned September 19, 1914, for certain corrections, but never came back and no permit was issued.

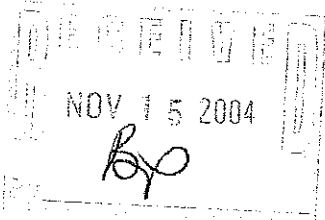
Of course if the water has been used continuously on the land described for a period of years a use right may be established through the district court by proving such continuous use.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Jeanne L. Anderson
Chief Clerk



Warranty Deed

THIS INDENTURE, Made the 2d. day of December in the year of our Lord one thousand nine hundred and Twenty between Geo. A. Sparks, a widower

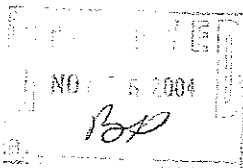
of Rubert, Idaho ~~County of Bear Lake, State of Idaho~~ part V of the first part, and Fred Hite of Dingle County of Bear Lake State Idaho, part V of the second part:

WITNESSETH, That the said part V of the first part, for and in consideration of the sum of One Thousand - - - - DOLLARS

lawful money of the United States of America to him in hand paid by the said part V of the second part, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents do GRANT, BARGAIN, SELL, ALIEN, REMISE, RELEASE, CONVEY and CONFIRM, unto the said part V of the second part, and to his heirs and assigns forever, all that certain piece or parcel of land, situated in the County of ~~Bear Lake~~ Caribou, State of Idaho, and known and described as follows, to-wit:

An undivided three eights (3/8) interest in the following described land to wit:-

The East half of the South west quarter and the West half of the South-east quarter of Section Eleven (11) in Township Ten (10) South, of Range Forty-five (45) East of Boise Meridian, together with all ditches and water rights appertaining or belonging including a water right from the Allermann springs and from Crow Creek the same being shown by the records.



TOGETHER with all and singular the tenements, hereditaments and appurtenances thereto belonging, or in any wise appertaining, and the rents, issues and profits thereof, and also, all the estate right, title, interest, property, possessions, claim and demand whatsoever, as well in law as in equity, of the said part V of the first part, of, in or to said premises, and every part and parcel thereof with the appurtenances.