

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 24-2007A
Date Received: 1/18/1990
Receipt No: M005546
Received By:

**AMENDED NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

ALLEN B LUTHI Phone: (208)873-2563

PO BOX 223
FREEDOM WY USA 83120

ANN S LUTHI Phone: (208)873-2563

PO BOX 223
FREEDOM WY USA 83120

2. Date of Priority: 02/16/1906

3. Source: TINCUP CREEK Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	46E	9	SE SW NW	CARIBOU	

5. Description of diverting works:

DIVERSION DAM, HEADGATE, DITCH, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.22	
STOCKWATER	01/01	12/31	0.03	

7. Total Quantity Appropriated is:
1.22 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	46E	9	SE	SE	IRRIGATION	4
					Section Acres	4
05S	46E	10	SE	SW	IRRIGATION	2
			NE	SW	IRRIGATION	4
			NW	SW	IRRIGATION	21
			SW	SW	IRRIGATION	32
					Section Acres	59
05S	46E	15	NW	NW	IRRIGATION	6
					Section Acres	6
05S	46E	16	NE	NE	IRRIGATION	3
					Section Acres	3
					Total Acres	72

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

*** CHANGE OF OWNERSHIP FILED 4/27/99, ESV

15. Basis of Claim: License

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: _____

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):

Allen B. Lueck
Ann S. Lueck

Date: 11-13-06

Date: 11-13-06

State of Idaho)

County of

Bannock

) SS.

Subscribed and sworn (or affirmed) before me this

13th

day

October, 2006

of November, 2006

Cindy E. Bird

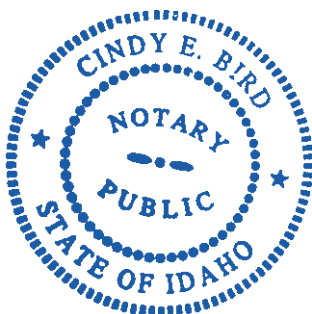
Notary Public

Residing at

Lava Hot Springs

My commission Expires

May 1, 2007



09/08/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 24-2007A

NAME AND ADDRESS: ALLEN B LUTHI
PO BOX 223
FREEDOM WY 83120

ANN S LUTHI
PO BOX 223
FREEDOM WY 83120

SOURCE: TINCUP CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 0.500 CFS

PRIORITY DATE: 02/16/1906

POINT OF DIVERSION: T05S R46E S9 SESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	0.500 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R46E S10	NESW	3.10	T05S R46E S10	NWSW	20.00
T05S R46E S10	SWSW	5.90	T05S R46E S10	SESW	0.80

29.8 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License



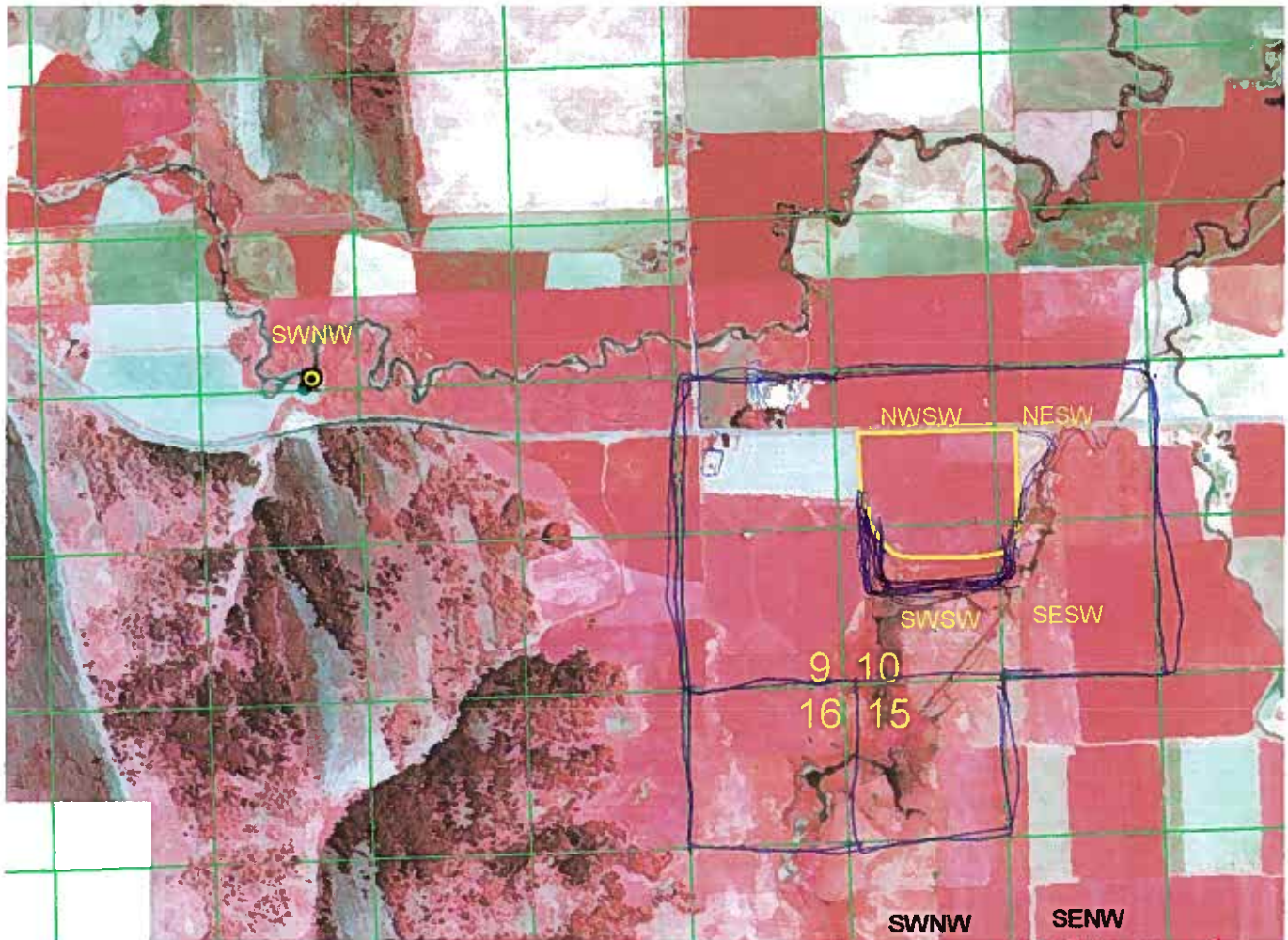
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 24-2007A



600 0 600 1200 Feet

- LEGEND**
- Point of Diversion
 - Place of Use
 - Townships
 - Sections
 - Quarter-Quarters

Place of Use: T5S, R46E:
(part of) Sec. 10, NWSW,
NESW, SESW, SWSW.

Point(s) of Diversion: T5S, R46E:
Sec. 9, SESWNW.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: January 2006.

2007A - 68 128 / 2.3
2007B - 60
128

.01796875/ac.

AUG 0 2001

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: A24-02007A
Date Received: 1/18/1990
Receipt No: M005546
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DALE C. LUTHI
Address: P.O. BOX 206
FREEDOM, WY

208-873-2625

83120

2. Date of Priority: FEB 16, 1906

3. Source: TINCUP CREEK

Trib. to: SALT RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05S	46E	9	SE	SW	NW		CARIBOU

5. Description of diverting works:

DIVERSION DAM, HEADGATE, DITCH, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.840		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is 105.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER, 60 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	46E	10	NE	SW		IRR	3.0
			NW	SW		IRR	21.0

A24-02007A

Page 1

Date: 01/18/90

A2402007A



MICROFILMED

NOV 06 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	46E	10	SW	SW		IRR	16.0
			SE	SW		IRR	2.0
					Section Acres		42.0
					Total Acres		42.0

2007 B claimed
2.8 ac.

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
SALT RIVER RIGHTS DIVERTED IN WYOMING

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 1838

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): Dale C. Luthi Date: 11/18/90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of January 19 90

Seal

Carter Fritschle
Notary Public

Residing at _____

My Commission Expires _____

Carter Fritschle, Notary Public
Residing at Eagle, Idaho
My commission Expires March 21, 1994

CARIBOU County

SE

TOTAL ACRES

Other Rights: SALT RIVER RIGHTS DIVERTED IN WYOMING

Objection Filed Date:

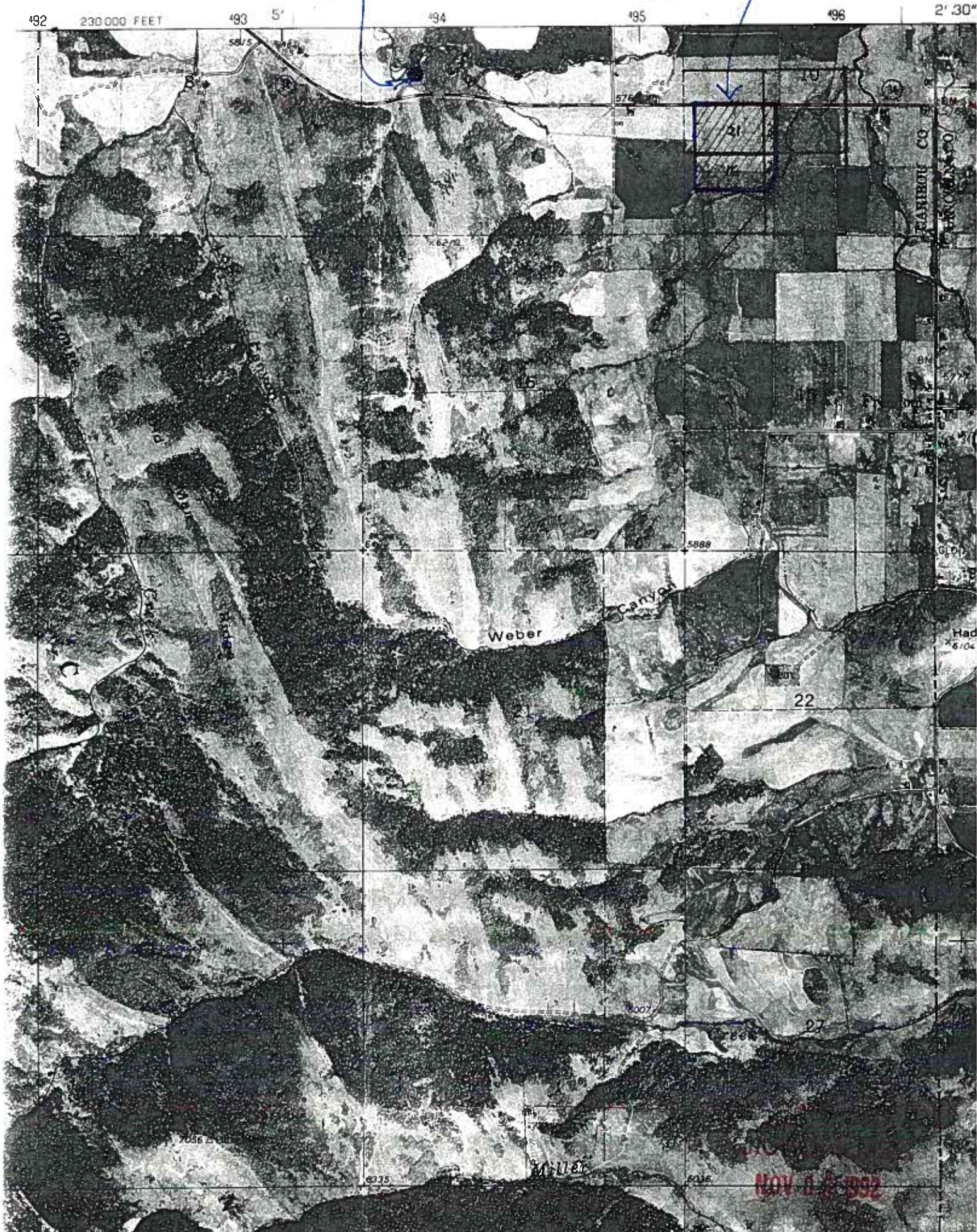
Field Inspection Flag:
Presumption Flag:

A 24-02007A

P.D.

T55 R. E

P.U.





Idaho Department of Water Resources

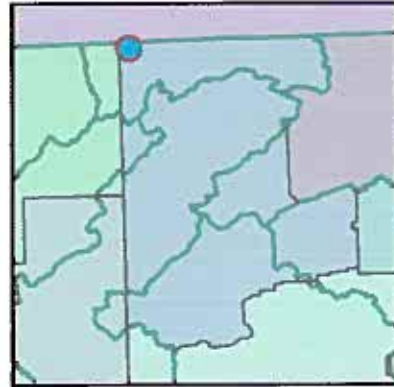
SRBA Recommendation:

24-2007A

(Irrigation)

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Caribou County
IDWR Basin 24



R46E

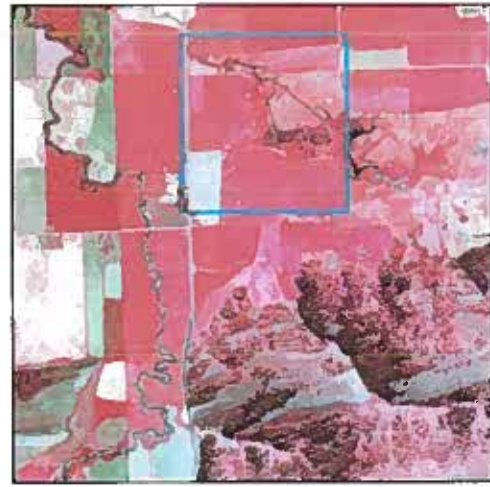
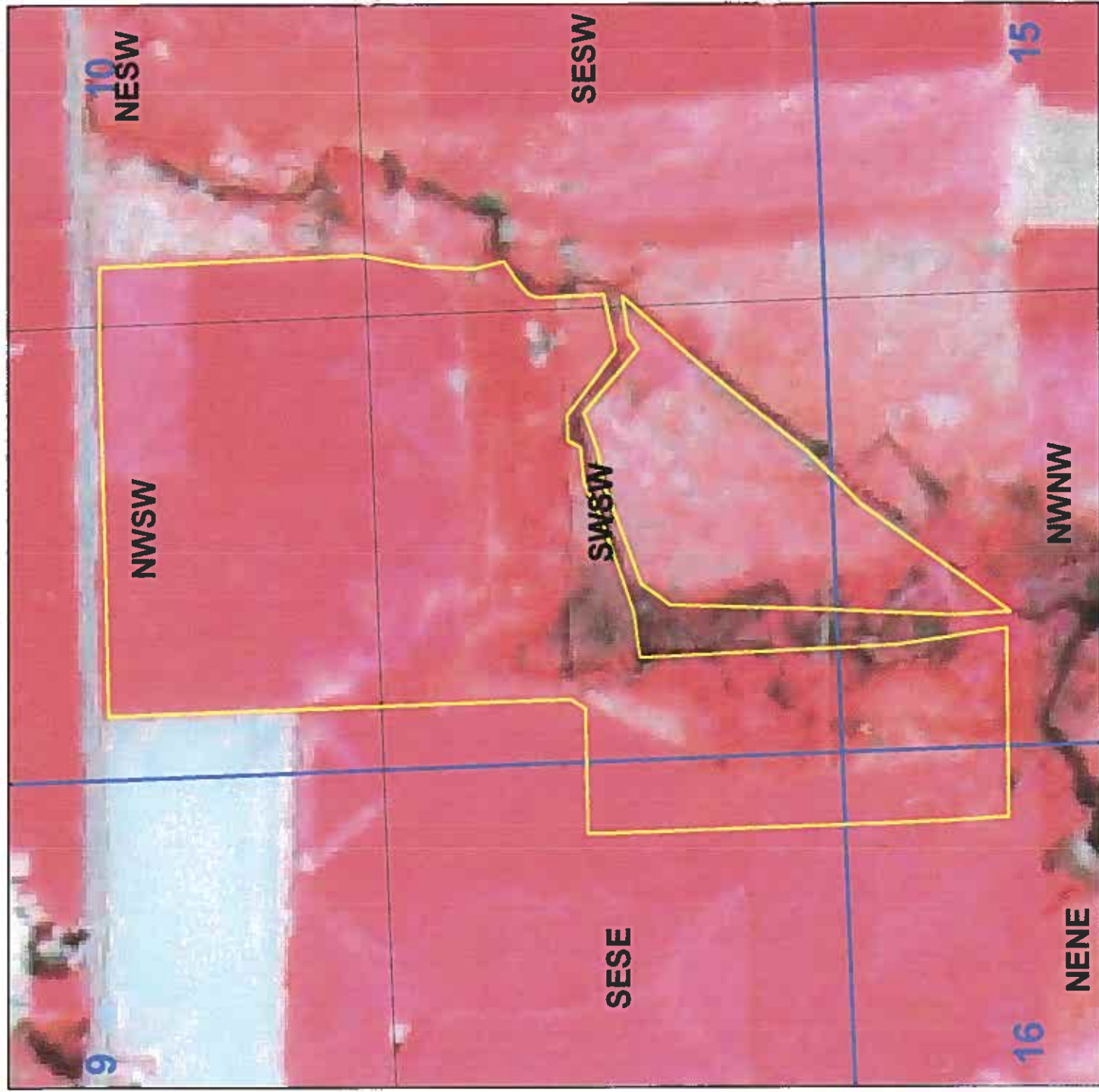


106S

0 0.5 1 Miles

Prepared by C. Bird
On Monday, November 13, 2006
1987/88 Aerial Photography

24-2007A



Notes

11/2/06 license was issued for 2-3 cts
~~and~~ ~~cost~~ So the POU for A & B combined
is 128 acres.

.0179687 cts/ac
128 | 2.3 cts

$$24-2007 A = 68 \text{ ac} \times .0179687 \text{ cts/ac} = 1.22 \text{ cts}$$

$$24-2007 B = 60 \text{ ac} \times .0179687 \text{ cts/ac} = 1.08 \text{ cts}$$

Eugene Shinkle sold Allen Luthi
approximately 50 acres in the SWSW
of Section 10 and NWNW of Sec 15. All
in T5S R46E.

My conversation with both Allen Luthi
& Eugene was that there is another
source the goes flows in a northeasterly
direction across the 50 acre piece.
The channel is so deep you can't get
water out of it and the ditches from
Tincup creek don't flow over it
so the piece south easterly from
the unnamed source is not irrigated
from Tincup crk. CS.

Notes

1-9-06 I'm not recommending stock water under either claims because it wasn't licensed as a purpose of use. They should probably file a separate in-stream stock claim with the proper priority date for that use. This is what we had decided to do in basin 27.

1-12-06 Recommending only what is owned and claimed by claimant. Recommendation complete, linked POD: PO4 CS

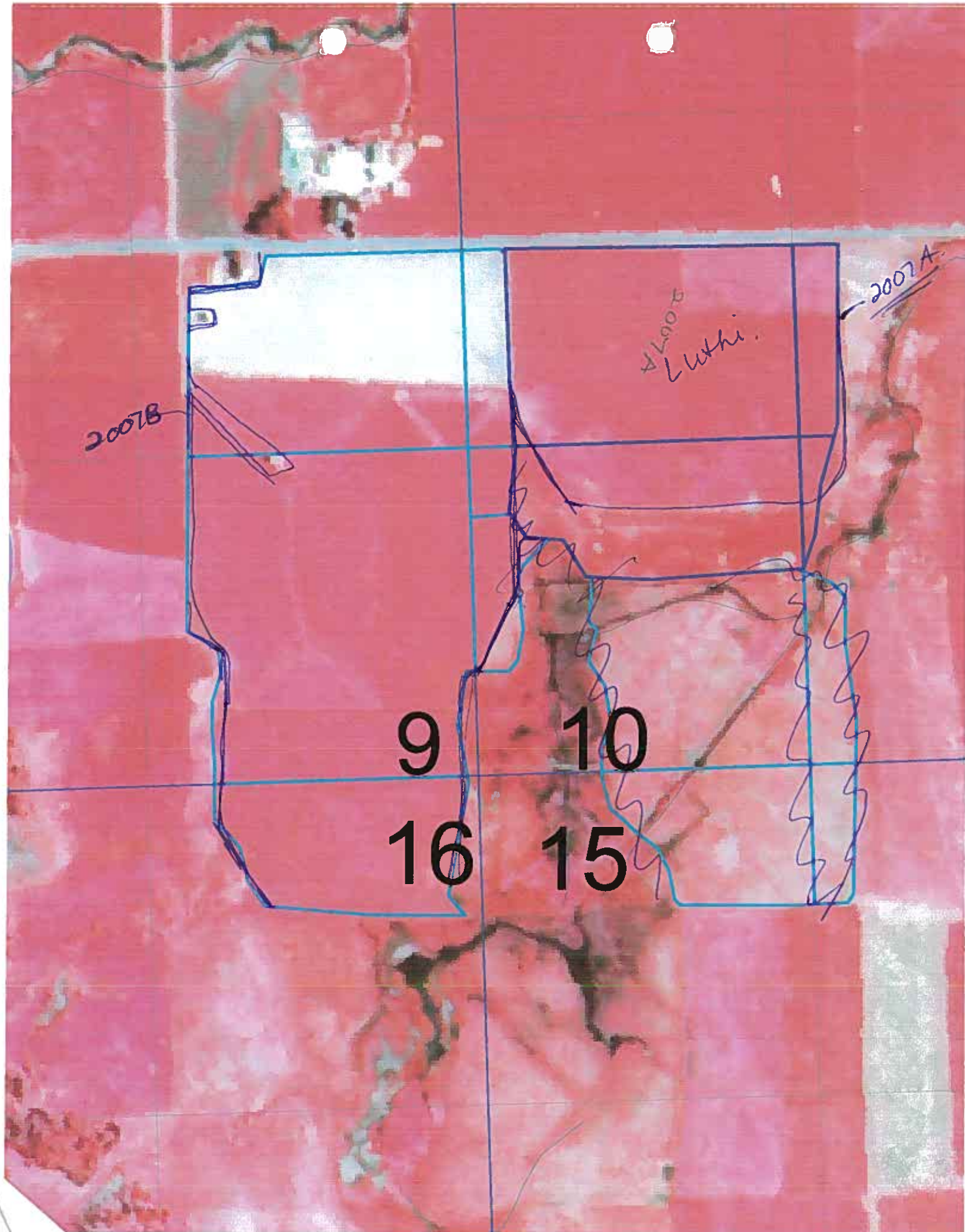
1-208-873-2563

10-4-06 9:34 am. left a message. 11:13 returned the call.

10-12-06 11 am apt

10-12-06 Allen came in. He purchased additional ground from Eugene Shinkle in 2004. In that deed Mr Shinkle conveyed 63 miner's inches of 1901 water from Tin Cup ckb. Mr Shinkle doesn't have any such water. Mr. Luthi is going to talk with Mr. Luthi to figure out the problem. His being recommended 57.5 inches out of Tin Cup ckb under 24-20070, with 1906 priority.

- licensed at 115 inches, so approx 57.5 inches are left, Dale Luthi claimed 42 in.?



24-2007A

Dale Luthi / Allen Luthi

Quick Look	Contacts	Priority D	POD	Source	POU	Water Use	Period of Use	Quar
------------	----------	------------	-----	--------	-----	-----------	---------------	------

Review/Verify Log

Status:

Claim Number: Version Number:

Check List

☒ Priority Date	
☒ Contacts	No
☐ Point of Diversion	
☒ Source	
☐ Place of Use	
☒ Purpose of Use	
☒ Period of Use	
☐ Quantity	
☐ Summary	

Comments

Author: Text:

Subj:

Date: - -

Handwritten in Contacts field: sou 4/15 - 10/31. 0.50

$$1.6667 \text{ E}^{-2} \text{ cfs/ac} * 30 \text{ ac} = 0.50 \text{ cfs.}$$

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 24-2007

WATER RIGHT NUMBER: 24-2007

Owner Type Name and Address
Current Owner ARTHUR R CLARK

 FREEDOM, WY

Priority Date: 02/16/1906

Basis: License

Status: Active

Source Tributary
TIN CUP CREEK SALT RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	2.300 CFS	
DOMESTIC	/ to /		
	<u>Total Diversion:</u>	2.300 CFS	

Location of Point(s) of Diversion

TIN CUP CREEK SW1/4NW1/4 Sec. 9, Twp 05S, Rge 46E, B.M.
CARIBOU County

Place of Use

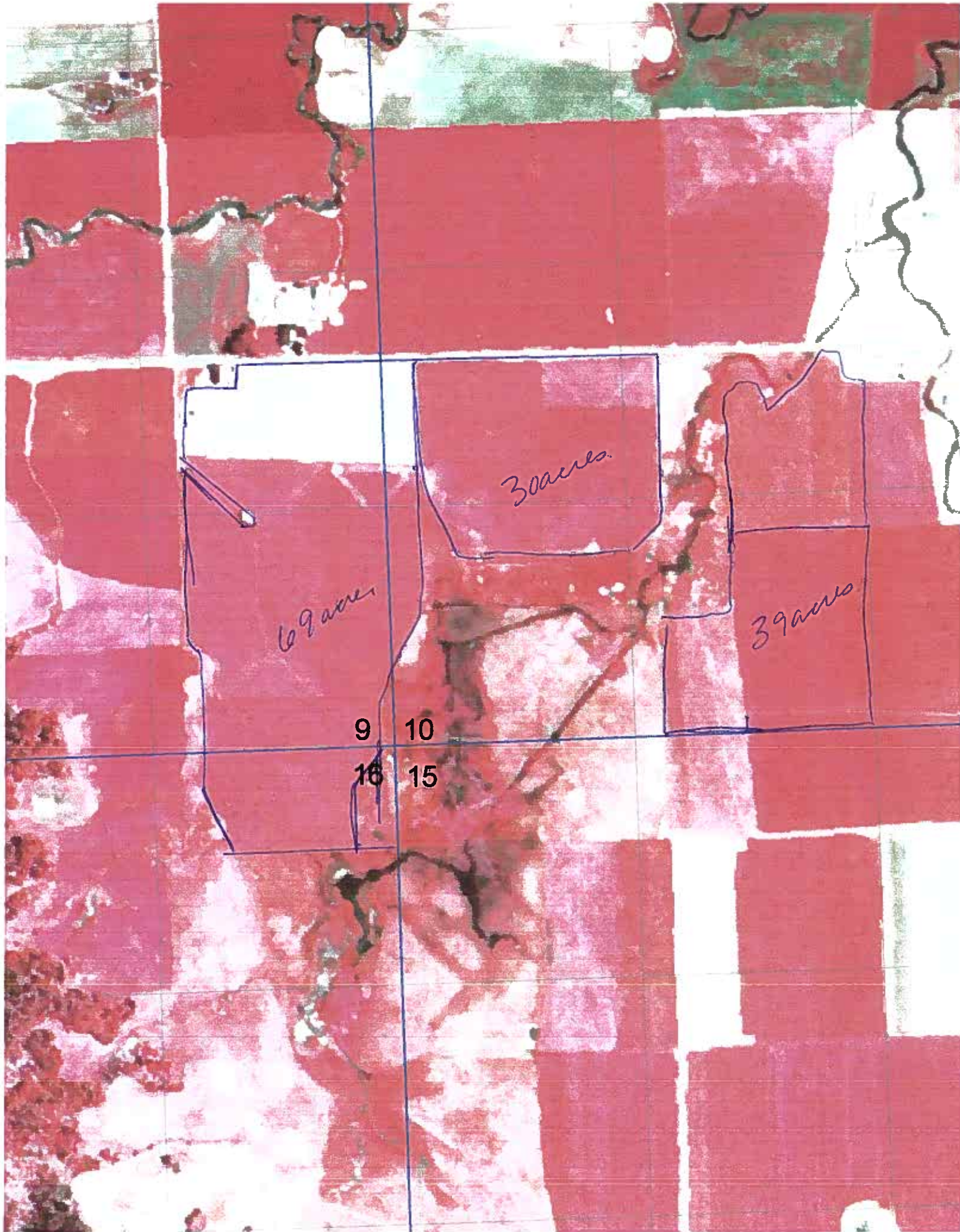
IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05S	46E	9													X				X
05S	46E	10									X	X	X	X					
05S	46E	15					X												
05S	46E	16	X																

DOMESTIC same as IRRIGATIONConditions of Approval:

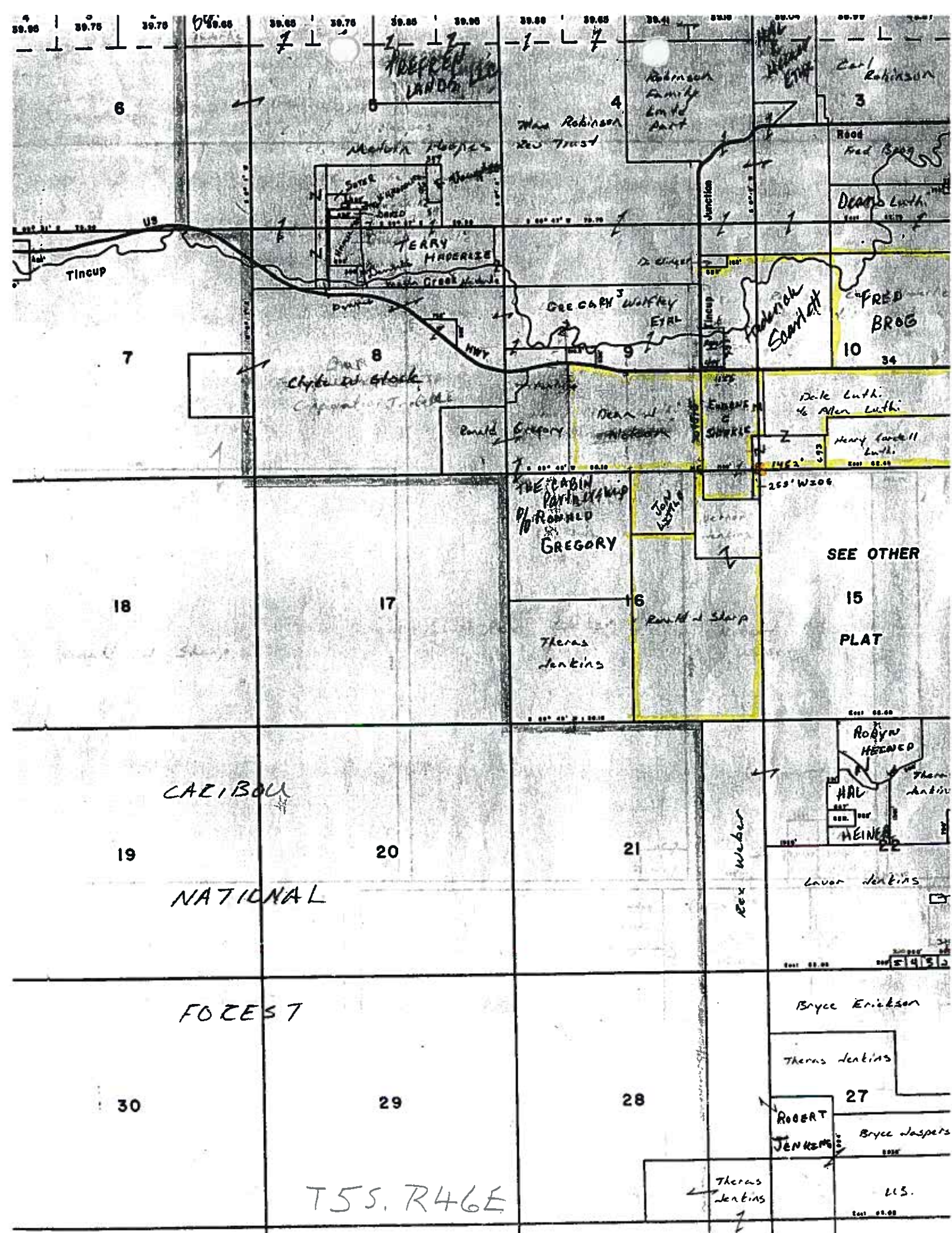
1. SEE FILE FOR P/U.

Remarks:



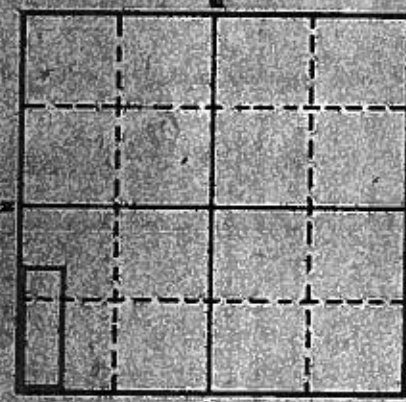
$$2.3 \div 138 \text{ ac} = .01667 \text{ cfs/acre.}$$

$\approx 138 \text{ acres.}$



OWNERSHIP RECORD AND DESCRIPTION

RL 11890
LUTHE, FLENN B L ADNS
SHAWNEE, EUGENE D. ETUX
PO BOX 1008 PO Box 223
THAWNE WY, 83427 FORSSIM, WY 83120
TR B
SEC 15 T 59-R 46 E



Weld
Irrigation = 0
Stock = 0

A A 2

TAX CODE		PAGE NUMBER				

45. ANNUAL ASSESSMENT									
Property	Code	Appraised Value	19	2005	19	19	19	19	19
Land 5	1111	2549	2422						
8	DD	1989	1700						
1000	1114	1675	1591						
	1-3								
	1-3								
	1-3								
	1-3								
	1-3								
Improvements	1-3								
	1-3								
TOTAL	1-3	6013	5713	17943					
Listed By			REMARKS			PURCHASE INFORMATION			
Priced By									

POLYMER LETTERS EDITION, 1968, 6, 111-112

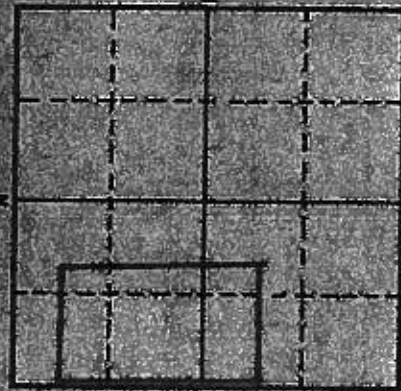
Well
Irrigation and
Stocking

ALG

DATE	TIME	NAME	ADDRESS	CITY	STATE	ZIP

[illegible]

MEMBERSHIP RECORD AND DESCRIPTION

[illegible]

Wall
Immersion used
Sticks = #

[illegible]

43

100% Satisfaction Guarantee

[illegible]

Key findings

Princeton City

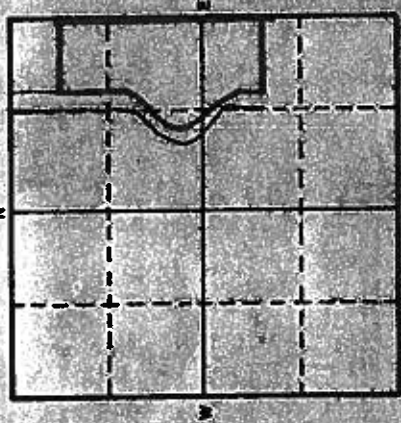
www.pearsoned.com

733A ✓

PURCHASE INFORMATION

SOARLETT, FREDERICK C RT

RL 11760
 ROBINSON, RGT
 5490 HWY 34
 FREEDOM, WY 83120
 AREA=28
 TR #5
 66 AC 58 ACES
 SEC 9 T55-R 46 E
 JACKSON, WY 83001



P	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

A-A-2

MARY OF LAND AND IMPROVEMENT VALUES

48. ANNUAL ASSESSMENT

Property	Code	Appraised Value	19	18	17	16	15	14	13	12	11	10	09	08	07	06	05	04	03	02	01
1.1 10		4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050	4050
1.1 32		20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592	20592
1.1 31		38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000	38000
1.1 32		24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775	24775
1.1 32		62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775	62775
1.1 32		87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417	87417

REMARKS	PURCHASE INFORMATION	PRICE	DATE	PRICE	DATE	RENT	PER	DATE
SK 8 RA 7/6/83	See Remarks on attached card							
" "	396 ADE							
SK 8 4								

down on the 20th and 21st. And the 22nd.

A 3x3 grid with a 4x4 grid inside. The 4x4 grid has some cells shaded and some with an 'X' mark.

Well,
 Irrigation = 0
 Stock = 8
 Improvements
 Occupied in X
 Vacant in Y

244

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

24. SUMMARY OF LARGEST AND MOST SIGNIFICANT VIOLATIONS

[illegible]

REMARKS

Unitary	443 2A 4/17/83	REMARKS	Elvie Tienow owns 157A x 60' w/mobile Home - (For sale 613-2949) this same property should be on separate
Priced By	"		

PRICE

PURCHASE INFORMATION

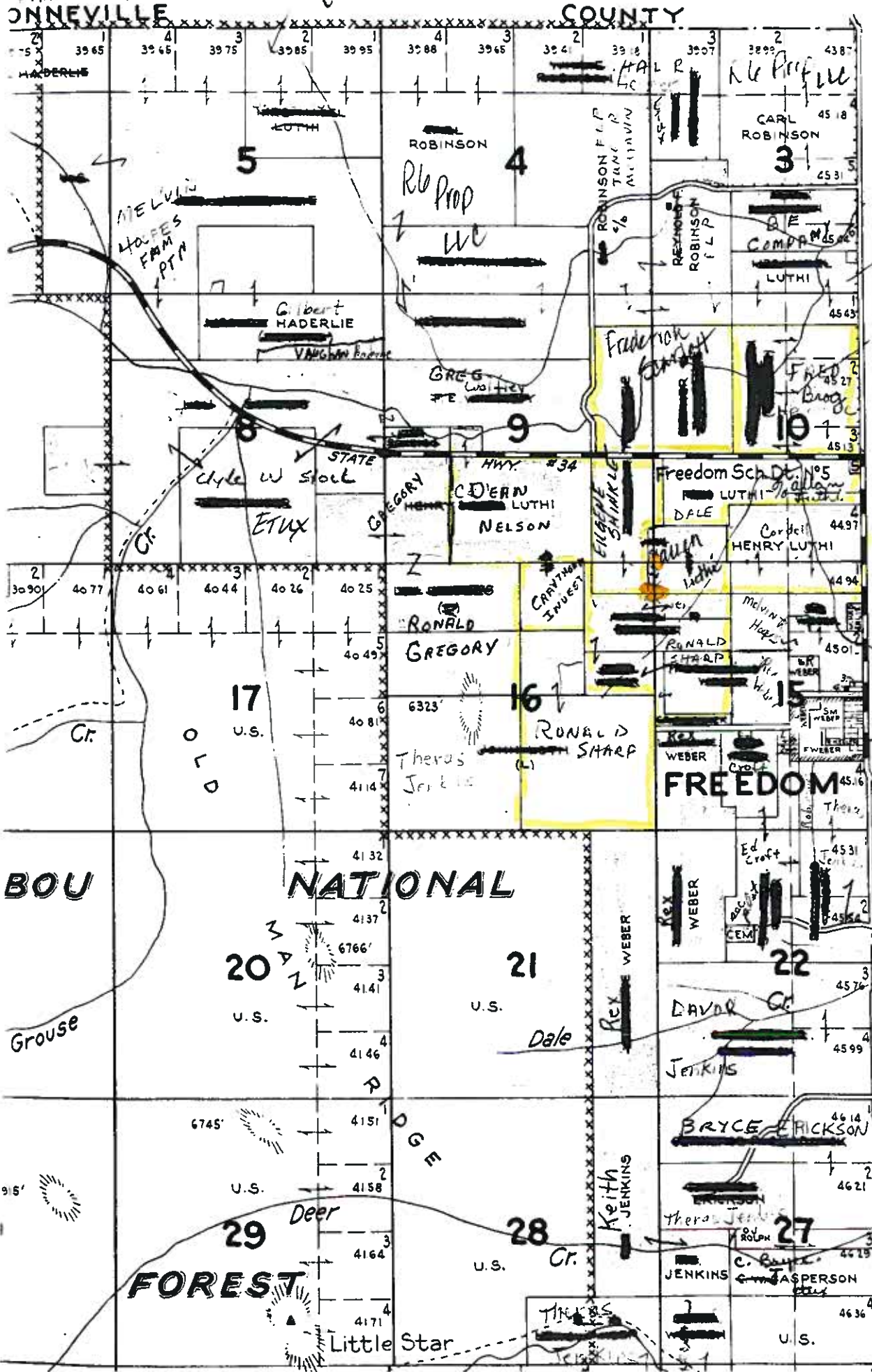
PORTLAND OREGON
ACOMA WASHINGTON
EATTLE WASHINGTON

FREDERICK CHARLETT
ONNEVILLE

TREE
LANDS

CARIBOU COUNTY, IDAHO

T 55
R 46 E



WYOMING

Scale 6 inches = 1/4

LAWRENCE 7.58 +	
To Arton	
ROBERT MENNING	
L.D.S. EAST PORTION OF BALL PARK 1.87 + a.	
VERONA WEBER 535 a.	
SYLVIA M. WEBER 87-a.	

BOU

NATIONAL

Grouse

9.5'

FOREST

Deer

Little Star

28

U.S.

Cr.

THICKS

FREEDOM

WEBER

Ed Croft

REX WEBER

DAVID

JENKINS

BRYCE ERICKSON

ERICKSON

Thera Jenkins

ROLPH

JENKINS

C. BRYCE

JASPERSON

U.S.

To Arton

OF

TALE

Bryce

Claim # 27-2007A

N Buzza

COPY

24-2007A Allen Kuthi 0.870

24-2007

License 1838

2 7/10 cfs

24-2007B Shinkle, Eugene 2.32

114 ac 3.29

Notes

10-21-04 Assessment's Op:

purchased

(Dale Luthi) → sold

{ Allen B. Luthi et ux }

P.O. Box 223

Freedom, WY 83120

Correct per
Luthi's

No assessed irrigated or meadow acres. B&P
Split license w/ 24-7007B

3-28-05 Keni Luthi returned my call. Dale's
is the same if he is still on the Wyoming
side. The acres listed on both sides of
the state line. B&P

5-25-05 Priority date, source + POD are the
same as the license. POU has changed. DB

4 Aug 05 208 873 2563 Dale Luthi 2:00 PM -
Friday early afternoon - call when get back from
Crow Creek.

12 Aug 05. Field exam w/ Allan & Dale Luthi BAC

22 Aug 05 Please see general Tincip narrative in
A24-2007A. BAC copy in this file. 1048-05 B&P

12-7-05

1-9-06 Since an ownership change has not been
done, I'm only recommending the irrigated
portion claimed/owned by claimant.
Also taking into consideration that all
of the SW was listed under the license
the total number of historical acres
irrigated is approx 138 acres.
That would be about 0.0167 CSs/acre claimed.

CB

Contacts Data Entry Form

Owner Type _____ Full Name Allen B. Luthi or Ann S. Luthi Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner _____

Name connector: and _____ or _____ and/or _____

Current Owner PO Box 223, Freedom, WY 83120

Current Owner _____

Representing Attorney: _____ Phone Number: 208-873-2563

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 8-12-05 Time: _____

Directions to Property (if different from above) and/or update owner information:

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: A24-2007A

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☐ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

License priority is 16 February 1960/1906 However
Allan Luthi states title company may have found
evidence of 1901 WR. This should be submitted
w/ d ownership for this right / d ownership / split for
A24-2007B. If appropriate, new claims will need to
be sent to claimant. BAC 22 Apr 2005

Please see discussion in general theory narrative
in Paper file A24-2000B. BAC
copy in this file BD

Reviewer: _____

Date: _____

1. Should this water use have been included in a later court decree of the water rights from this source? Yes () No (X)
If Yes, go to 2
If No, go to 4
2. Was the owner or the owner's predecessor in interest of the place of use joined in the later decree? Yes () No ()
If Yes, go to 3a
If No, go to 4
- 3a. Is the date the decree was entered after the date a permit is required for the source and the water use? Yes () No ()
If Yes, consult the attorney assigned to the Basin. Go to 3b
If No, go to 4
- 3b. Do the facts support disallowing the claim, or recommending the claim as an enlargement or an expansion? Yes () No ()
If Yes, go to 11
If No, go to 4
4. Is the basis of claim a decree or license? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes (X) No ()
If Yes, go to 6
If No, Consult the attorney assigned to the Basin, go to 15
6. Did the Claimant claim the decreed or licensed Priority Date? Yes (X) No ()
If Yes, recommend the Priority Date claimed. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
If No, Obtain an amended claim if necessary. If questions 1. and 2. were both answered yes, consult attorney. Go to 15
7. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 10e
If No, go to 8
8. Is the basis of claim a posted notice? Yes () No ()
If Yes, consult the attorney assigned to the Basin, go to 15
If No, go to 9
9. Is the Priority Date claimed after the date a permit is required for the source and the water use? Yes () No ()
If Yes, go to 11
If No, go to 12
- 10e. Will the license be issued prior to filing the Director's Report? Yes () No ()
If Yes, recommend the Priority Date shown on the license, go to 15
If No, recommend the Priority Date shown on the Permit. All other elements should be recommended as shown on the Permit.
Add Condition Code A01 to the Recommendation, go to 15
11. Is the claim for an expansion or enlargement under 42-1416B or 42-1426? Yes () No ()
If Yes, go to 12
If No, disallow with condition P01.
12. Does the claim file contain sufficient evidence of Priority Date? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, Request additional evidence of Priority Date, go to 13
13. Has additional evidence of priority date been submitted? Yes () No ()
If Yes, recommend the date supported by the evidence submitted, go to 15
If No, recommend a Priority Date based on available evidence if possible. If some of the claimed water uses can be recommended with the Priority Date supported by the evidence, then do so, go to 14
14. Can any portion of the claim be recommended as a valid water right? Yes () No ()
If Yes, go to 15
If No, disallow with condition P01.
15. Is the basis of claim coded correctly? Yes (X) No ()
If Yes, go to 16
If No, Enter the appropriate basis of claim.
16. Is a Priority Date remark and/or condition required? Yes () No (X)
If Yes, Enter the appropriate basis of claim. Priority Date review is complete.
If No, Priority Date review is complete.

Priority Date

Claim No. A24 - 2007 A

Point of Diversion and Source Data Entry Form

Claim Number: A24-2007A

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	000 of 00 of 0	County	Source
55	46E	9		~~SESWNW~~	Carbon	Tin Cup Creek
GPS Coordinates:				2738345 E	1314949 N	
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? A24-2007B

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

GPS, field inspection. Site tag A0013654 Bac
22 Aug 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10

Yes () No ()

4. Does the parent right have a POD?

If Yes, go to 5
If No, go to 6

Yes () No ()

5. Can the claimed POD be verified using the water right file?

If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6

Yes () No ()

6. Is there evidence that there has been a change in the POD?

If Yes, go to 7
If No, go to 9

Yes () No ()

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C03, go to 9
If No, Notify claimant that a transfer is necessary before the claimed POD can be recommended. Go to 8

Yes () No ()

8. Was a transfer filed?

If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9

Yes () No ()

9. Does the file contain all of the necessary information to verify the POD?

If Yes, recommend the POD as it existed on 11-19-1987. Describe how the POD was verified. Go to 10
If No, collect the necessary information. Conduct field exam if necessary. Recommend the POD as it existed on 11-19-1987. Go to 10

Yes () No ()

10. Is a POD remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.

Yes () No ()

Point of Diversion

Claim No. A24 - 2007A

1. Is the basis of claim a Decree or License?

Yes (X) No ()

If Yes, go to 4
If No, go to 2

2. Is the basis of claim a Permit or Application?

Yes () No ()

If Yes, go to 3
If No, go to 6

3. Has the License been issued?

Yes () No ()

If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11

4. Does the parent right have a Source?

Yes (X) No ()

If Yes, go to 5
If No, go to 7

5. Can the claimed Source be verified using the water right file?

Yes (X) No ()

If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7

6. Is the basis of claim a Posted Notice?

Yes () No ()

If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7

7. Is there evidence that there has been a change in the Source?

Yes () No ()

If Yes, go to 8
If No, go to 10

8. Can the change be verified as an accomplished transfer?

Yes () No ()

If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9

9. Did the claimant file a transfer?

Yes () No ()

If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10

10. Does the file contain all of the necessary information to verify the Source?

Yes () No ()

If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11

11. Is a Source remark and/or condition required?

Yes () No (X)

If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Source

Claim No. A24-2007A

Purpose of Use Data Entry Form

Claim Number: A24-2007A☐ 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 was not occurring at time of exam but seems reasonable. Headgate/ditch appeared to have been used this season. Pac 22 Aug 2005

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes ☒ No ☐

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes ☐ No ☐

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Purpose(s) of Use as shown on the Permit. Go to 13

Yes ☐ No ☐

4. Does the parent right have a Purpose of Use?

If Yes, go to 5
If No, go to 6

Yes ☒ No ☐

5. Can the claimed Purpose of Use be verified using the water right file?

If Yes, recommend the Purpose(s) of Use that is (are) claimed and shown in the water right file. Go to 13
If No, go to 6

Yes ☒ No ☐

6. Is there evidence that there has been a change in the Purpose of Use?

If Yes, go to 7
If No, go to 11

Yes ☐ No ☐

7. Can the change be verified as an accomplished transfer?

If Yes, add condition C04, go to 11
If No, go to 8

Yes ☐ No ☐

8. Does the change include an enlargement of the Purpose of Use?

If Yes, describe the evidence that supports that there has been an enlargement in the Purpose of Use. Go to 9
If No, Describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed Purpose(s) of Use can be recommended. Go to 12

Yes ☐ No ☐

9. Was an enlargement claim filed?

If Yes, go to 11
If No, Notify claimant that an enlargement claim is necessary. Go to 10

Yes ☐ No ☐

10. Did the claimant file an enlargement claim?

If Yes, go to 11
If No, recommend only the Purpose(s) of Use that existed on the date established as the priority date of this right. Go to 13

Yes ☐ No ☐

11. Does the file contain all of the necessary information to verify the Water Use?

If Yes, recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13
If No, collect the necessary information. Conduct field exam if necessary. Recommend the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes ☐ No ☐

12. Did the claimant file a transfer?

If Yes, recommend the Purpose(s) of Use shown on the approved transfer. Go to 13
If No, recommend only the Purpose(s) of Use in existence on 11-19-1987. Go to 13

Yes ☐ No ☐

13. Is a Purpose of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Yes ☐ No ☒

Purpose of Use

Claim No. A24 - 2007A

Place Of Use Data Entry Form

Claim Number: A24-2007A☐ 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:

Please see attached QQ list and split discussion
Dec 22 Aug 05

Transfers Changing POU _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

1. Is the basis of claim a Decree or License?

If Yes, go to 2a
If No, go to 2b

Yes (☒) No (☐)

2a. Is a POU required?

If Yes, go to 5
If No, go to 14

Yes (☐) No (☐)

2b. Is a POU required?

If Yes, go to 3
If No, go to 14

Yes (☐) No (☐)

3. Is the basis of claim a Permit or Application?

If Yes, go to 4
If No, go to 7

Yes (☐) No (☐)

4. Has the License been issued?

If Yes, go to 6
If No, recommend the POU as shown on the Permit. Go to 14

Yes (☐) No (☐)

5. Does the parent right have a POU?

If Yes, go to 6
If No, go to 7

Yes (☐) No (☐)

6. Can the claimed POU be verified using the water right file?

If Yes, recommend the POU as shown in the water right file. Go to 14
If No, go to 7

Yes (☐) No (☐)

7. Is there evidence that there has been a change in the POU?

If Yes, go to 8
If No, go to 13

Yes (☐) No (☐)

8. Can the change be verified as an accomplished transfer?

If Yes, add condition C05, go to 13
If No, go to 9

Yes (☐) No (☐)

9. Does the change include an enlargement of the POU?

If Yes, describe the evidence that supports that there has been an enlargement in the POU. Go to 10
If No, describe the evidence that supports the change occurred after 11-19-1987. Notify claimant that a transfer is necessary before the claimed POU can be recommended. Go to 12

Yes (☐) No (☐)

10. Was an enlargement claim filed?

If Yes, go to 13
If No, notify claimant that an enlargement claim is necessary. Go to 11

Yes (☐) No (☐)

11. Did the claimant file an enlargement claim?

If Yes, go to 13
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

12. Was a transfer filed?

If Yes, recommend the POU as shown on the approved transfer. Go to 14
If No, recommend the POU as it existed on of 11-19-1987. The size of the POU is limited to the size that existed on the date established as the priority date of this right. Go to 13

Yes (☐) No (☐)

13. Does the file contain all of the necessary information to verify the POU?

If Yes, go to 14
If No, collect the necessary information. Conduct field exam if necessary. Go to 14

Yes (☐) No (☐)

14. Is a POU remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. POU review is complete.
If No, POU review is complete.

Yes (☐) No (☐)

Place of Use

Claim No. A24 - 2007A

Period of Use and Quantity Data Entry FormClaim Number: A24-2007A☐ 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:

Please see split discussion

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (X) No ()

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes () No ()

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18

Yes () No ()

4. Does the parent right have a Period of Use?

If Yes, go to 5
If No, go to 6

Yes (X) No ()

5. Can the claimed Period of Use be verified using the water right file?

If Yes, go to 14
If No, go to 6

Yes (X) No ()

6. Is there evidence that there has been a change in the Period of Use?

If Yes, go to 7
If No, go to 12

Yes () No ()

7. Does the change include an enlargement in the Period of Use?

If Yes, go to 9
If No, go to 8

Yes () No ()

8. Can the change be recommended as an accomplished transfer?

If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11

Yes () No ()

9. Was an enlargement claim filed?

If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10

Yes () No ()

10. Did the claimant file an enlargement claim?

If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

11. Was a transfer filed?

If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12

Yes () No ()

12. Does the file contain all of the necessary information to verify the Period of Use?

If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13

Yes () No ()

13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?

If Yes, go to 14
If No, go to 15

Yes () No ()

14. Is irrigation claimed as a purpose of use?

If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18

Yes (X) No ()

15. Is irrigation claimed as a purpose of use?

If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18

Yes () No ()

16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?

If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18

Yes () No (X)

17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?

If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18

Yes () No ()

18. Is a Period of Use remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Yes () No (X)

Period of Use

Claim No. A24 - 2007 A

1. Is the basis of claim a Decree or License?

If Yes, go to 4
If No, go to 2

Yes (☒) No (☐)

2. Is the basis of claim a Permit or Application?

If Yes, go to 3
If No, go to 6

Yes (☐) No (☐)

3. Has the License been issued?

If Yes, go to 5
If No, recommend the Quantity shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a diversion rate and/or volume?

If Yes, go to 5
If No, go to 7

Yes (☐) No (☐)

5. Can the claimed diversion rate and/or volume be verified using the water right file?

If Yes, go to 8
If No, go to 7

Yes (☐) No (☐)

6. Is the basis of claim a posted notice?

If Yes, consult the attorney assigned to the Basin. Go to 7
If No, go to 7

Yes (☐) No (☐)

7. Is a flow measurement required?

If Yes, attach all related measurement documents. Describe the flow measurement that was made. Go to 9
If No, describe why a flow measurement is not required. Go to 9

Yes (☐) No (☐)

8. Does the parent right have an annual diversion volume limit?

If Yes, go to 10
If No, go to 9

Yes (☐) No (☐)

9. Is the source Ground Water and does the purpose of use require a diversion volume limit?

If Yes, go to 10
If No, go to 11

Yes (☐) No (☐)

10. Is irrigation a purpose of use?

If Yes, view the map of field irrigation requirements. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes (☐) No (☐)

11. Has a diversion volume limit for this water use been established by a decree, license or transfer?

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes (☐) No (☐)

12. Is a Quantity remark and/or condition required?

If Yes, enter the appropriate remark and/or condition. Quantity review is complete.
If No, quantity review is complete.

Yes (☐) No (☐)

Quantity

Claim No. A24 - 2007A

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice?

Yes (☒) No (☐)

If Yes, go to 2

If No, go to 3

2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture?

Yes (☐) No (☒)

If Yes, consult the attorney assigned to the Basin. Document the period of time the right or portion of the right was not used. Go to 4

If No, status will be set as Active. Go to 5

3. Is the water being used for all of the purposes claimed and to the extent claimed?

Yes (☐) No (☐)

If Yes, status will be set as Active. Go to 5

If No, consult the attorney assigned to the Basin. Recommend only the uses found and limit the elements of those uses to the extent of the beneficial use found. Go to 4

4. Is any portion of the claim being recommended?

Yes (☐) No (☐)

If Yes, status will be set as Active. Go to 5

If No, claim will be disallowed. Enter the appropriate condition code. Status will be set as Disallowed. Go to 5

5. Does this right have any combined used limits with other rights?

Yes (☐) No (☒)

If Yes, go to 6

If No, go to 6

6. Is an additional remark and/or condition required?

Yes (☒) No (☐)

If Yes, enter the appropriate remark and/or condition. Go to 7

If No, go to 7

7. Would you like to view the recommended right?

Yes (☒) No (☐)

If Yes, go to 8

If No, the review is incomplete. The recommendation must be viewed to complete the review.

8. Is this a "split" or "combined" right?

Yes (☒) No (☐)

If Yes, go to the Update Pedigree Process in Workflow when the review is complete. Do any necessary data entry. Go to 9

If No, go to 9

9. Do you have documents you would like to attach or link to the file?

Yes (☐) No (☒)

If Yes, go to PowerDOCS and profile the documents. Go to 10

If No, go to 10

10. Would you like to set the verification date?

Yes (☒) No (☐)

If Yes, the review is complete.

If No, the review is incomplete. The recommendation must be verified to complete the review.

Summary

Claim No. A24 - 2007A



Claim No.: _____

This image shows a single page of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

split analysis 6 pages, photos 1 page. bac

Reviewer _____ Date _____

01/12/2006

**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: 24-2007A

ALLEN B LUTHI
PO BOX 223
FREEDOM WY 83120
Telephone Number: (208)873-2563

ANN S LUTHI
PO BOX 223
FREEDOM WY 83120
Telephone Number: (208)873-2563

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

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

There should be additional acres & water right added to this property because of purchase of additional land

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: 10-17-06 SIGNATURE: *Allen Luthi*

Please print your name: Allen Luthi

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



WARRANTY DEED

For Value Received Eugene C. Shinkle and Jeanne M. Shinkle, husband and wife, the grantors of Freedom, Wyoming, do hereby grant, bargain, sell and convey unto Allen B. Luthi and Ann S. Luthi, husband and wife, of P.O. Box 223, Freedom, Wyoming, 83120, the grantees, the following described premises located in Caribou County, Idaho, to-wit:

SEE ATTACHED EXHIBIT "A:

TOGETHER WITH 63 M.I. on Tin Cup Creek, priority Date September 4, 1901.

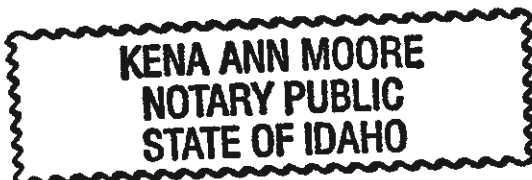
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 20, 2004

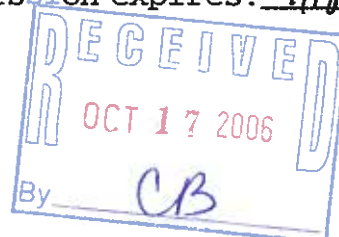
Eugene C. Shinkle
Eugene C. Shinkle
Jeanne M. Shinkle
Jeanne M. Shinkle

STATE OF IDAHO)
: ss.
County of Caribou)

On this 20th day of December, 2004, before me the undersigned, a notary public in and for said County and State, personally appeared Eugene C. Shinkle and Jeanne M. Shinkle, husband and wife, known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



Kena Ann Moore
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 11/18/09



FAXED
5:11 pm
10/31/06 to I.F.
Aaron Gola

EXHIBIT "A"

Caribou County, Idaho:

Township 5 South, Range 46 East of the Boise Meridian:

A tract of land in the E½SE½ of Section 9, and in the SW¼ of Section 10, and in the N½NW¼ of Section 15, and the NE½NE½ of Section 16, more particularly described as follows:

Beginning at a point 1452 feet East of the Southwest corner of said Section 10, and running
thence North 693 feet;
thence West 132 feet;
thence North 16.5 feet;
thence West 1575 feet;
thence South 1320 feet, which is also the South line of the property conveyed as Instrument No. 155347, records of Caribou County, Idaho;
thence East 1575 feet;
thence South 16.5 feet;
thence East 132 feet;
thence North 627 feet.
to the point of beginning.

Water Resources Field Services

P.O. Box 94
Iona, ID 83427
208-681-9100

To: File A24-200B
Fr: Bryce Contor
Date: 13 September 2005

Bac

Re: General narrative regarding Tincup Creek Adjudication claims.

To date I have done field inspections for all the Tincup Creek Adjudication claims which I received in July 2005. I have not been able to contact the owners of A24-02018, A24-04074A, A24-04074B or A24-10015, though I was able to inspect the places of use and points of diversion. At the location I did visit with a Mrs. V. Haderlie who may be a former claimant for A24-04074A and/or A24-04074B. A24-10668 is in the Tincup area but its source is Salt River, with a Wyoming water right and point of diversion. Places of use are illustrated in Figure 1 at the end of the memo.

This memo discusses several considerations that apply to all Tincup Creek water rights in general. It is filed in paper file A24-2000B but applies to all irrigation claims with Tincup Creek as a source, with notes in each of the other claims referencing the memo.

1. Public Land Survey System.

The overlay of county roads, fences, and claimed places of use on the Public Land Survey System shows a misalignment, as illustrated in Figure 1. Older 2000-series licenses and land patents I have examined describe the parcels in terms of whole quarter-quarter sections, as expected. Newer deeds and legal descriptions show the partial quarter-quarters that appear from the map.

My hypothesis is that the original licenses and patents were described according to some kind of preliminary PLS layout that corresponded to the roads, fences and apparent property lines. It seems that later a new PLS survey was performed which resulted in all the partial quarter-quarters in individual parcels.

Based on this hypothesis I have extrapolated the place of use of original license 24-2007 to the claimed places of use based the license. This does not appear to be an accomplished transfer, even though the GIS polygons of my proposed place of use have slightly different legal descriptions than the nominal legal description of the original license. This is illustrated in Figure 2.

Because there are no competing or overlapping claims from this source, I believe an exhaustive chain of title documenting the exact change in legal description is not necessary to correctly recommendation the historical water use that is authorized by the license.

The Wyoming places of use were mapped from scanned images of paper maps from the Wyoming State Engineers Office (provided by claimants) and appear to be consistent with the actual fence lines and apparent property lines.

2. Ownership Issues

Apparently due to this problem with the PLS system, there are some potential ownership issues, as follows:

- a. A24-2000B and A24-4006. These were both claimed by entities with the name "Robinson" in the organization name, and Perry Robinson (208 356-5325) was listed in both files as a contact. In fact Perry Robinson is only associated with A24-4006. The land has changed ownership but he has agreed to continue to provide information as needed for the Adjudication review.
- b. Notes in the files suggest that A24-04074B now belongs to Melvin Hoopes, owner of adjacent claim A24-10015. Visiting with Mrs. V. Haderlie at a home on the place of use, and inspection of the fences, roads, and claims maps, suggest that this is incorrect and the land belongs to Haderlies. The claim adjoining on the other side, A24-04074A, also is in the name of a Haderlie. I have requested a current plat map and ownership list from the Caribou County Assessor.
- c. There apparently is or has been an ownership dispute regarding some of the Wolfley lands. This does not appear to affect the irrigated portion of the lands proposed to be recommended under A24-10029.

3. Nature of Beneficial Use

Claims A24-10676, A24-10677 and A24-10678 contain wording to the effect that these semi-arid lands need irrigation to be productive and therefore the existence of a patent indicates that irrigation must have been present. Some of the lands in Tincup were granted under the Homestead

Act and some under the Desert Entry Act. I think irrigation may have been required under the Desert Entry Act but I don't think it was under the Homestead Act. The attached average precipitation map suggests that at Freedom, annual precipitation is in the 14 inch to 22 inch range. The upper end of that range begins to approach the range where dry farming can be successful. It appears that precipitation increases quite rapidly with elevation as the valley floor rises towards the west. Dry farming is being practiced just up-slope of A24-10015, for instance, but I saw no dry farming along the state line near A24-02018 and other claims. This argument (that the patent establishes priority, because irrigation is necessary for agricultural production) may only apply to the eastern-most claims, if at all.

Claims A24-10031, A24-10668, A24-10676, A24-10677 and A24-10678 appear to be under typical "full irrigation" with sprinklers. This may also be true of A24-02018. A24-02007A and A24-02007B appear to be under active irrigation by gravity. These are the eastern-most claims at the lowest elevation, near the state line. I did not make a detailed investigation, but it appears that the adjacent lands in Wyoming are irrigated if they are in production.

For the other claims, higher in elevation and west of those listed above, the irrigation that takes place presently appears to be confined to dry years or to the first year of establishing an alfalfa stand. For these claims I believe the evidence supports intermittent irrigation, with all of the lands being irrigated in at least some years, but seldom would the whole farm have been irrigated in a given season. In some cases a permissible place of use with a smaller limit of irrigated acres in any one year would be most likely to correctly describe the actual irrigation practice.

4. Overlap of Wyoming Water Rights.

Claim A24-10668 appears to be based on Wyoming "Certificates of Diversion of Water" from the Salt River, with part of the place of use in Idaho. Figure 1 illustrates other lands with Wyoming water rights, most of which appear to be under active irrigation.

5. Unclaimed historical water use.

Some lands in the North of section 9 and the south of Section 4 were historically irrigated by an owner named Carl Robinson, according to some claimants. They appear not to be irrigated now and I have no claim for

these lands.

6. Priority Administration.

While the claims and licenses have different priority dates, it appears that there has been no application of priorities as between Tincup water users. One user said he had heard that "Haderlie had the first right on the creek" but none described operation of priority cuts in allocation of water. It appears that either there is always enough Tincup Creek water for local demand or that an informal rotation system operates in times of scarcity.

In Basin 31 an agreement signed by all the users out of Mud Lake and filed at the county courthouse was incorporated in the partial decrees by reference. This was done by using a special condition attached to certain water rights (see 31-6 for an example). With the viewpoint that one purpose of the Adjudication is to correctly describe actual administrative practices that have been in place for long periods of time, I would propose doing something similar for the Tincup Creek (and tributaries) recommendations, if the users were to come forward with a unanimously-adopted agreement stating that in times of shortage, Tincup water is allocated among local users by rotation, regardless of nominal priority date.

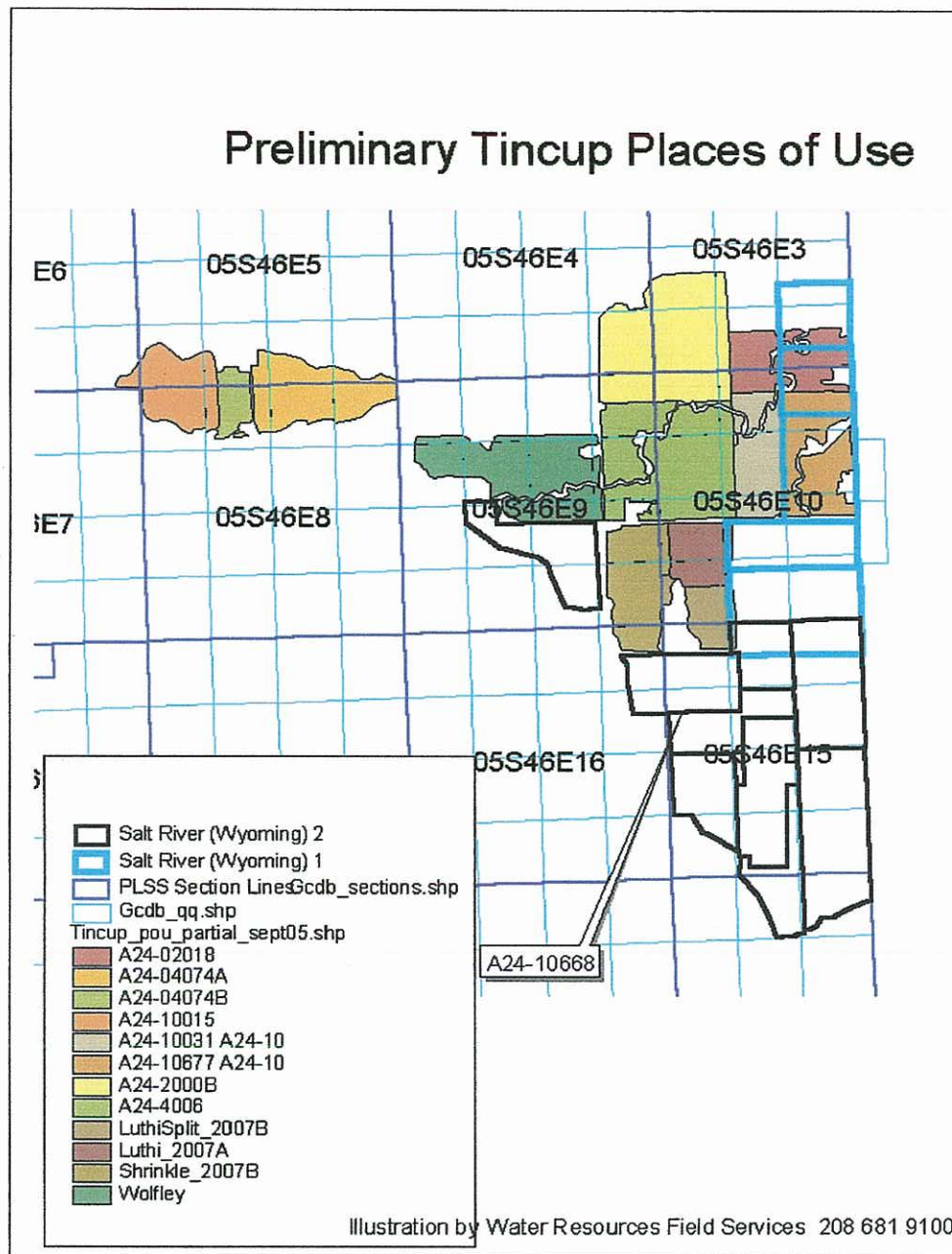


Figure 1. Approximate places of use and misalignment of Public Land Survey System with roads and property lines.

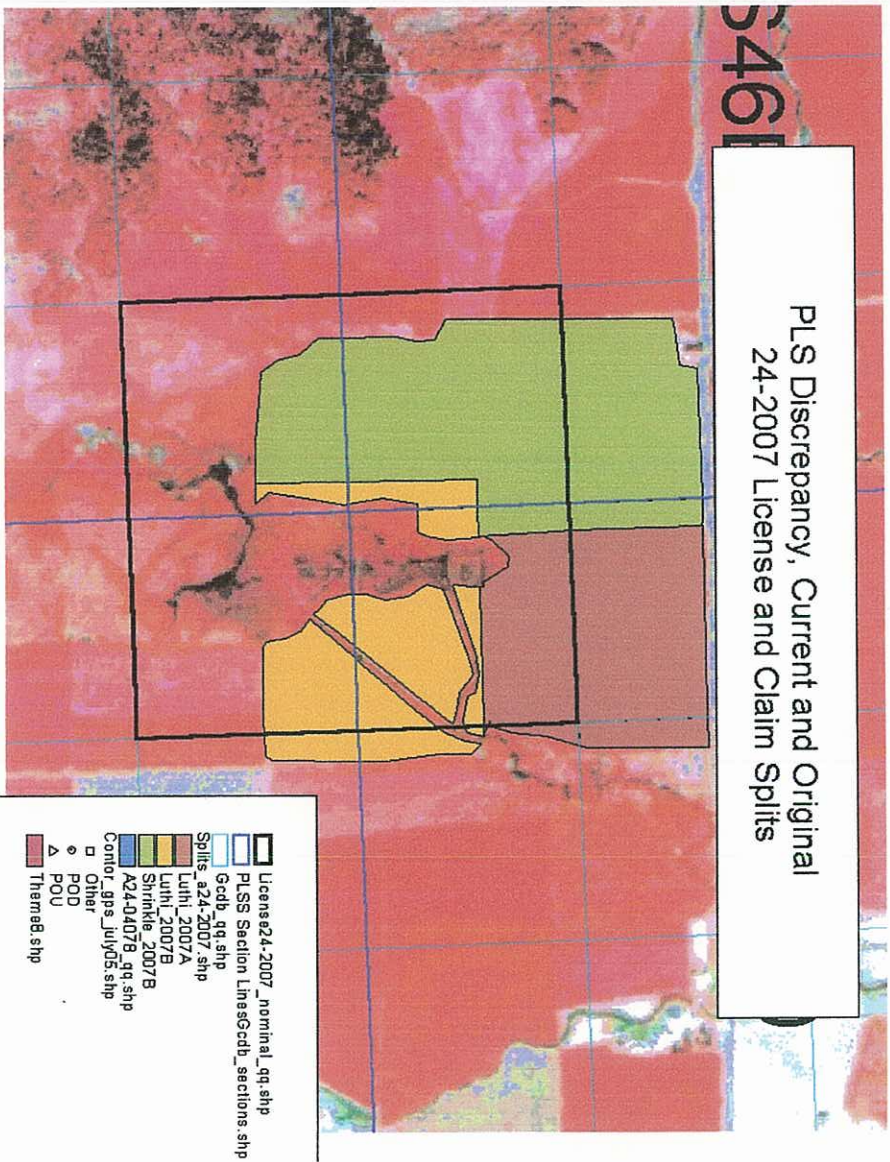


Figure 2. Licensed quarter-quarters and actual place of use, 24-2007.

Split Analysis 24-2007

License

The license specifies 2.30 cfs on quarter-quarter sections that sum to a nominal 140 acres. Total acres within quarter-quarter sections are not given in the license, and there is not a copy of the licensing exam in the file. The diversion rate might suggest 115 acres but I propose that we can't hold the recommendation to that since the license lists full PLS parcels and this land is flat enough that all but the ditches/slough omitted from the current POU could historically have been irrigated.

Claims

Claim A24-2007A claims a part of the diversion rate on 42 acres of lands that appear to be the northeast corner of the original POU (see discussion below on Public Land Survey). Claim A24-2007B claims the full diversion rate on 115 acres of lands that appear to be the other three corners of the original POU approximately.

Split

Both current owners, Allen Luthi and Gene Shrinkle, describe a split of A24-2007B so that Luthi (who also owns A24-2007A) owns approximately the east half of the original POU and Shrinkle owns approximately the west half. Attachment 1 is a copy of the legal description of the part of A24-2007B conveyed to Luthi. Both owners plan to send change of ownership forms. Sketched on Attachment 2 is the conveyed parcel, using the legal description.

Public Land Survey

From the maps, legal descriptions, and comments of various claimants, it appears that the original layout of farms in the Idaho side of Tincup Creek valley was based on a Public Land Survey system that is miss-aligned with the current Public Land Survey system. Attachment 2 shows the current POU (which aligns with the local roads and the neighboring farms) overlaid on the GCDB and the approximate licensed POU.

It seems most reasonable to me to assume that at the time of the license exam (about 1906), the lands described in the license were actually the current irrigated lands, and that since then the Idaho PLS system has been overlaid in a manner inconsistent with the original patterns of settlement, so that the original license legal description no longer describes the actual lands originally irrigated.

Proposed split

Based on the above assumptions, I propose splitting A24-02007B and recommending both splits and A24-02007A according to the figure shown in attachment 3 and the list in attachment 4. While the chain of title may not show every parcel included in the original license, the lack of competing claims and the existence of fences, roads, etc all consistent with the current lands suggests that there is no controversy over ownership of this right.

The line between A24-02007A and the parts of A24-02007B is based on field inspection and claimant's identification of the fence line on aerial photos. The line between the splits of A24-02007B is based on the sketch made from the legal description (I don't have a deed-plotter software on my computer).

The proposed split allocates 2.30 cfs of diversion rate to 134 acres within what I believe is the original POU.

B. Contor 22 August 2005

Bac

Follow-up 5 Sept 05

File A24-2007B contains a change of ownership from Nagel to Shinkle. The deed in that Δ ownership is instrument 155347, referenced in the deed I copied. It appears that the deed in Shinkle's Δ ownership will be superseded by the deed in Luthi's Δ ownership. I believe the split POU shapefile I have prepared is correct (Splits-A24-2007.shp, in "supporting data" folder of 31 Aug & Sept CDs) except for my spelling of Shinkle. Bac 5 Sept 05

①

Legal fr. Deed
"A tract of land E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 3, SW $\frac{1}{4}$ Section 10,
NE $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 16
Beginning 1452 E of SW corner
of Section 10
N 693 feet
W 132 feet
N 16.5 feet
W 1575 feet
S 1320 ft, which is S line of
property conveyed in instrument
155347
E 1575 ft
S 16.5 feet
E 132 feet
N 627 feet to point of beginning.

Field notes - copied fr. deed in
files of Allan Luthi. POA for
Luthi split of A24-2007B

Bae 18 Aug 05

2

05S46E9

05S46E16

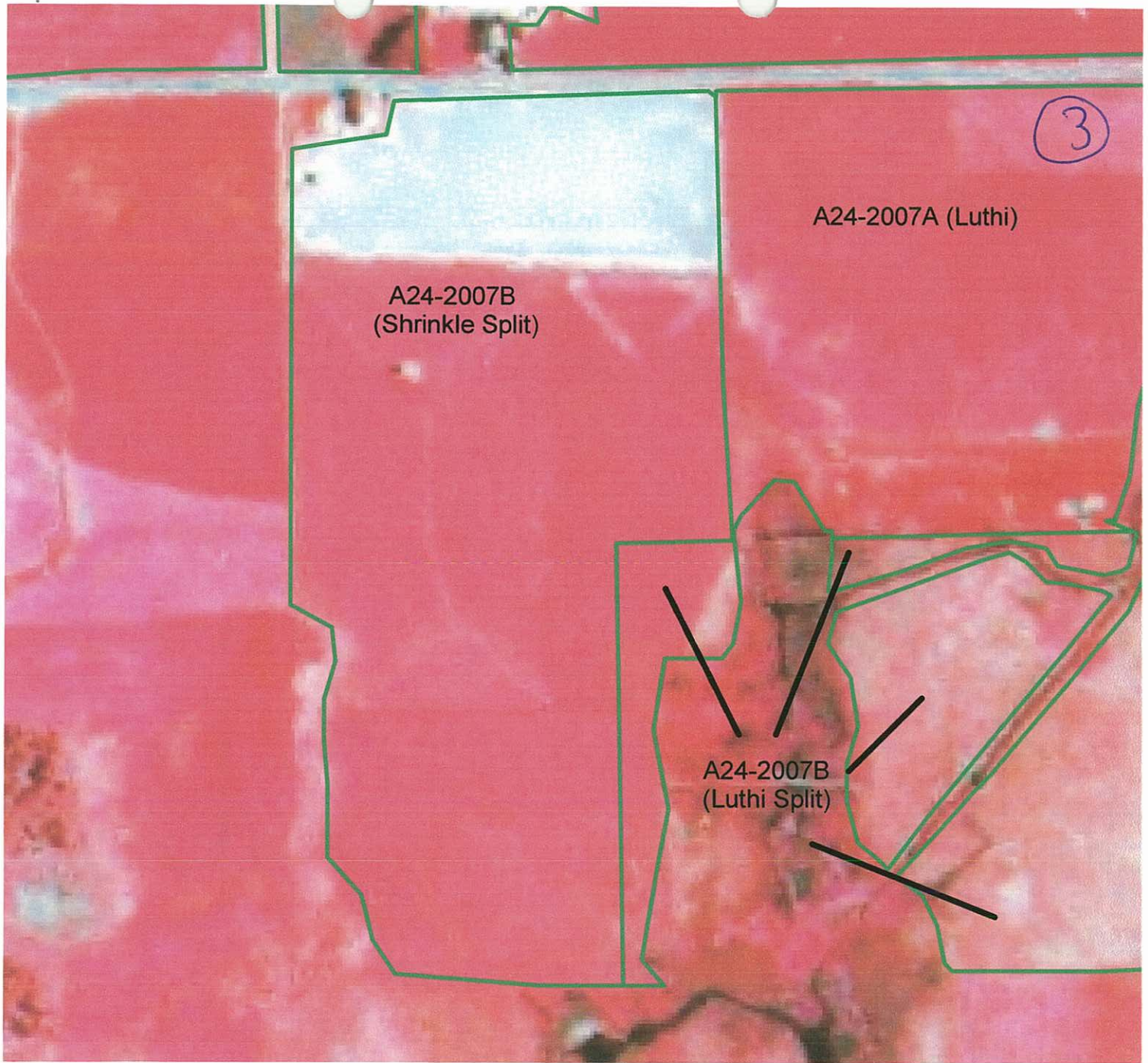
~~~~ = licensed aa.  
no acres  
listed  
~ 140  
in aa's

05S46E15

Approx portion  
of Shrinette land  
conveyed to  
Allan Lottis  
per notes taken  
of deed. Copy  
of deed will be  
sent w/ Δ ownership  
Dec 22 Aug 05

cross-hatched  
= current  
pos.

25 mm = 1320 ft



④

| Split analysis of 24-2007. Please see narrative |   |       |    |                |       |      |
|-------------------------------------------------|---|-------|----|----------------|-------|------|
| T,R                                             | S | QQ    | Q  | Split          | Acres | CFS  |
| 05S46E                                          |   | 10 NE | SW | Luthi_2007A    | 3     |      |
| 05S46E                                          |   | 10 NW | SW | Luthi_2007A    | 21    |      |
| 05S46E                                          |   | 10 SW | SW | Luthi_2007A    | 14    |      |
| 05S46E                                          |   | 10 SE | SW | Luthi_2007A    | 0.9   |      |
| Split subtotal                                  |   |       |    |                | 38.9  | 0.67 |
| 05S46E                                          |   | 9 SE  | SE | Luthi_2007B    | 2.6   |      |
| 05S46E                                          |   | 10 SW | SW | Luthi_2007B    | 14    |      |
| 05S46E                                          |   | 10 SE | SW | Luthi_2007B    | 2.6   |      |
| 05S46E                                          |   | 15 NE | NW | Luthi_2007B    | 2.2   |      |
| 05S46E                                          |   | 15 NW | NW | Luthi_2007B    | 8.4   |      |
| Split subtotal                                  |   |       |    |                | 29.8  | 0.51 |
| 05S46E                                          |   | 9 NE  | SE | Shrinkle_2007B | 19    |      |
| 05S46E                                          |   | 9 SE  | SE | Shrinkle_2007B | 30    |      |
| 05S46E                                          |   | 10 NW | SW | Shrinkle_2007B | 3.1   |      |
| 05S46E                                          |   | 10 SW | SW | Shrinkle_2007B | 2.2   |      |
| 05S46E                                          |   | 16 NE | NE | Shrinkle_2007B | 9.7   |      |
| 05S46E                                          |   | 16 NE | NE | Luthi_2007B    | 1.3   |      |
| Split subtotal                                  |   |       |    |                | 65.3  | 1.12 |
| Total Acres                                     |   |       |    |                | 134   | 2.30 |

See correction  
in A24-2007B  
bac

see  
copy in  
this file

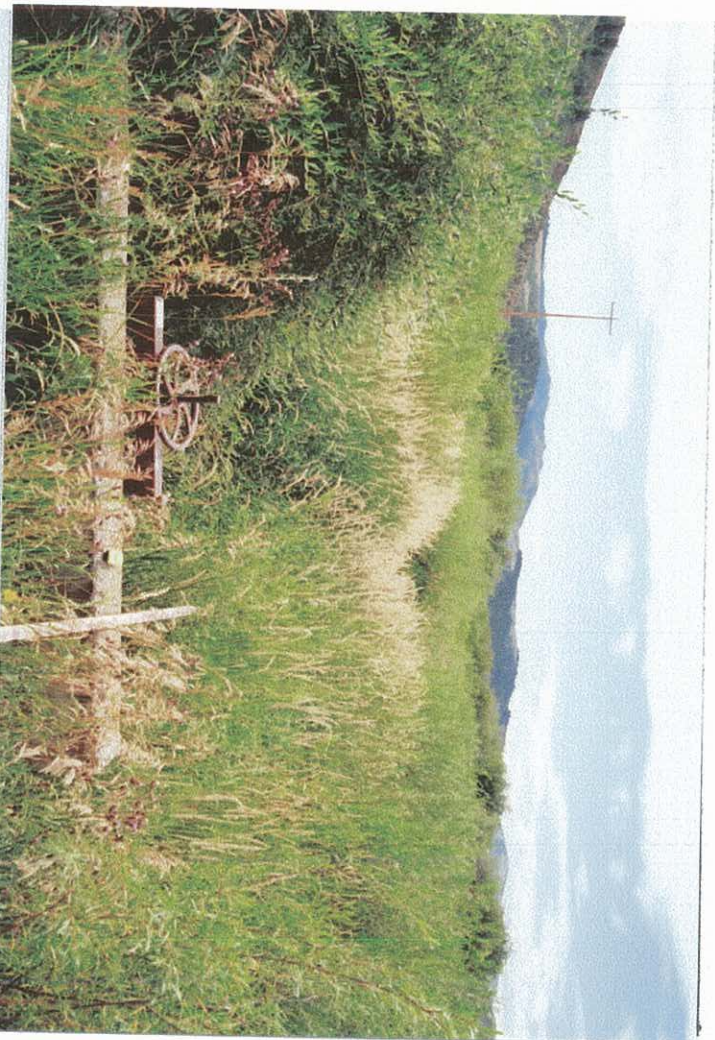
If Luthi A ownership is received, split according to circled QQ lists (copied from paper file A24-2007A).

| Split analysis of 24-2007. Please see narrative |   |       |    |                |       |      |
|-------------------------------------------------|---|-------|----|----------------|-------|------|
| T,R                                             | S | QQ    | Q  | Split          | Acres | CFS  |
| 05S46E                                          |   | 10 NE | SW | Luthi_2007A    | 3     |      |
| 05S46E                                          |   | 10 NW | SW | Luthi_2007A    | 21    |      |
| 05S46E                                          |   | 10 SW | SW | Luthi_2007A    | 14    |      |
| 05S46E                                          |   | 10 SE | SW | Luthi_2007A    | 0.9   |      |
| Split subtotal                                  |   |       |    |                | 38.9  | 0.67 |
| 05S46E                                          |   | 9 SE  | SE | Luthi_2007B    | 2.6   |      |
| 05S46E                                          |   | 10 SW | SW | Luthi_2007B    | 14    |      |
| 05S46E                                          |   | 10 SE | SW | Luthi_2007B    | 2.6   |      |
| 05S46E                                          |   | 15 NE | NW | Luthi_2007B    | 2.2   |      |
| 05S46E                                          |   | 15 NW | NW | Luthi_2007B    | 8.4   |      |
|                                                 |   | 16 NE | NE | Luthi_2007B    | 1.3   | 0.53 |
| Split subtotal                                  |   |       |    |                | 31.1  | 29.8 |
| 05S46E                                          |   | 9 NE  | SE | Shrinkle_2007B | 19    |      |
| 05S46E                                          |   | 9 SE  | SE | Shrinkle_2007B | 30    |      |
| 05S46E                                          |   | 10 NW | SW | Shrinkle_2007B | 3.1   |      |
| 05S46E                                          |   | 10 SW | SW | Shrinkle_2007B | 2.2   |      |
| 05S46E                                          |   | 16 NE | NE | Shrinkle_2007B | 9.7   |      |
| 05S46E                                          |   | 16 NE | NE | Luthi_2007B    | 1.3   |      |
| Split subtotal                                  |   |       |    |                | 64.0  | 65.3 |
| Total Acres                                     |   |       |    |                | 134   | 2.30 |

cfs total  
1.63

If Luthi A ownership is not received, recommend as listed below:

|          |    |       |     |     |      |                |
|----------|----|-------|-----|-----|------|----------------|
| 5 S 46 E | 9  | NE SE | 19  |     | 19   | } 21.6<br>51.6 |
|          |    | SE SE | 30  | 2.6 | 32.6 |                |
|          | 10 | NW SW | 3.1 |     | 3.1  | } 21.9         |
|          |    | SW SW | 2.2 | 14  | 16.2 |                |
|          |    | SE SW |     | 2.6 | 2.6  |                |
|          | 15 | NE NW |     | 2.2 | 2.2  | } 21.6         |
|          |    | NW NW |     | 8.4 | 8.4  |                |
|          | 16 | NE NE | 9.7 | 1.3 | 11.0 |                |
|          |    |       |     |     |      | < - 901        |

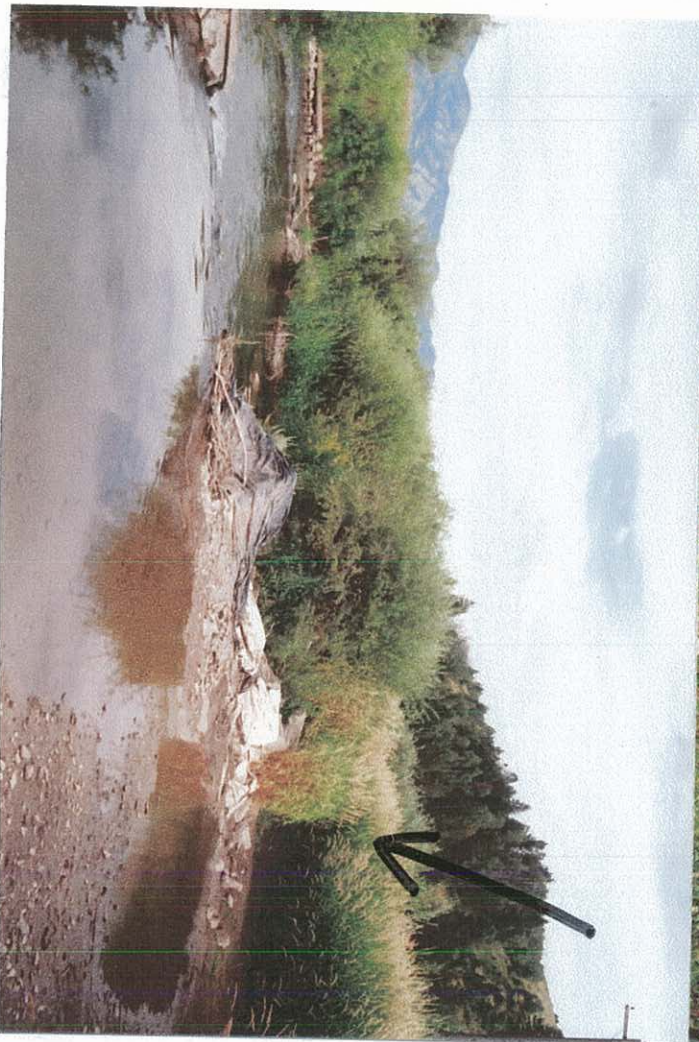


A24-2007A, 2007B

looking W from headgate  
towards PAD. Site tag

A 0013654

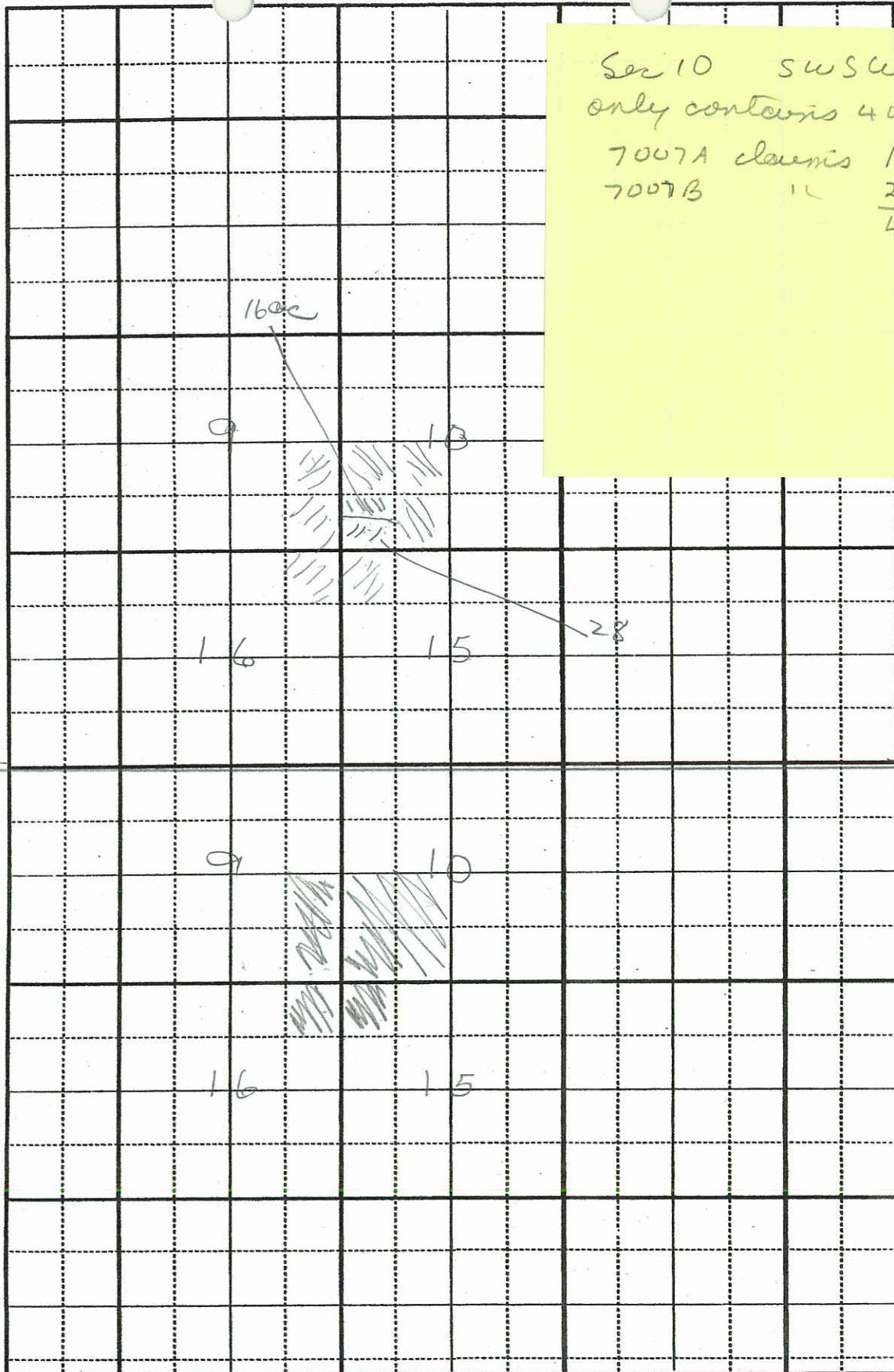
Bae



P20. Arrow marks  
inlet of ditch to  
headgate. Claypoint 37

Bae

Sec 10 SWSW  
only contains 40 ac  
7007A claims 16  
7007B 12 28  
44



claims

license  
1838

SCALE: 2 Inches Equal 1 Mile. Draw Plan In Ink.

HEBER HANSON

HEBER HANSEN

F. E. WALFREY

LON SCHEISS

9

HWY. #34

HENRY & CHAS. LUTHI

LON SCHIESS  
(L)

6323'

16

JOHN LOTH  
(L)

G.F. RO

REYNOL  
ROBINSON

MRS. HAZEL  
LUTHI

LUTHER H. HADERLIE

LUTHER H.  
HADERLIE

W.P. ROBINSON  
(ESTATE)

10

Freedom Sch. Dist. No 5

FRED LUTHI

HENRY LUTHI

AARON F.  
BRACKEN

JUDS  
WEBER

FERDINAND  
WEBER

C.R. CHADWICK

LAWRENCE  
WEBER

CHAS.  
WEBER

**FREEDOM**

S.M. WEBER

L. WEBER

S.M. WEBER

F. WEBER

AND  
WEBER

45.46

45.43

45.27

45.13

44.97

44.94

45.01

45.16

45.31

41.32

TIONAL

Luthi, Dale C

P 11840

9391B

Parcel 11840

5, 46, 10 Tr 546

irrigated

61 ac

meadow

43 "

Parcel 9391B

mobile home

no acres

Dale C. Luthi

PO Box 206

Freedom, Ky 83120

10-21-04/BS