

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 24-4011
Date Received: 1/26/1990
Receipt No: M005605
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARIAM M BAKER Phone: (208)873-2632
PO BOX 110
FREEDOM WY USA 83120

2. Date of Priority: 01/01/1938

3. Source: UNNAMED STREAM , LUTHI CREEK , TIN CUP CREEK , UNNAMED STREAM , TIN CUP
CREEK Trib. to: TINCUP CREEK , TIN CUP CREEK , SALT RIVER , TINCUP CREEK , SALT
RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
05S	45E	12	NE	NW	CARIBOU	
05S	45E	12	NW	NW	CARIBOU	
05S	45E	12	NW	NE	CARIBOU	
05S	45E	1	SE	SW	CARIBOU	
05S	45E	12	NE	NE	CARIBOU	

5. Description of diverting works:

5 PUMP STATIONS AND ONE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	5/01	10/31	1.4	
STOCKWATER	1/01	12/31	0.02	

7. Total Quantity Appropriated is:

1.42 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	45E	1	SE	SW	IRRIGATION	20
			SE	SW	STOCKWATER	
					Section Acres	20
05S	45E	12	NE	NE	STOCKWATER	
			NW	NE	STOCKWATER	
			NE	NW	STOCKWATER	
			NE	NE	IRRIGATION	20
			NW	NE	IRRIGATION	20
			NE	NW	IRRIGATION	9
					Section Acres	49
					Total Acres	69

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:

2 P/D IN NENE & 2P/D IN NENW, S12, T5S, R45E.
SOURCES ARE LUTHI CK. & UNNAMED STREAM; TRIB. TIN CUP CK.
TIN CUP CK.

15. Basis of Claim: Statutory Claim

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:

AUG 05 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: A24-04011
Date Received: 1/26/1990
Receipt No: 1005605
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MARIAM M. BAKER
Address: P.O. BOX ~~188~~ 110
FREEDOM, WY

208-873-2632

83210
83120

2. Date of Priority: JAN 01, 1938

3. Source: TIN CUP CREEK
LUTHI CREEK
UNNAMED STREAM

Trib. to: SALT RIVER
TIN CUP CREEK
TIN CUP CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05S	45E	1	SE	SW			CARIBOU
		12	NE	NE			CARIBOU
			NW	NE			CARIBOU
			NE	NW			CARIBOU
			NW	NW			CARIBOU

5. Description of diverting works:
5 PUMP STATIONS AND ONE DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	05/01	10/31	1.400		
STOCKWATER	01/01	12/31	0.020		

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

A.F.A.

8. Total consumptive use is 172.5 Acre Feet Per Annum.

9. Non-irrigation uses:

A24-04011

Page 1

Date: 01/26/90

A2404011



MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05S	45E	1	SE	SW		IRR	20.0
			SE	SW		STOCK	
			Section Acres				20.0
		12	NE	NE		IRR	20.0
			NE	NE		STOCK	
			NW	NE		IRR	20.0
			NW	NE		STOCK	
			NE	NW		IRR	9.0
			NE	NW		STOCK	
			Section Acres				49.0
			Total Acres				69.0

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:

2 P/D IN NENE & 2P/D IN NENW, S12, T5S, R45E.
SOURCES ARE LUTHI CK. & UNNAMED STREAM; TRIB. TIN CUP CK.
TIN CUP CK.

15. Basis of Claim: STATUTORY CLAIM

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 X 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): Meriam M. Baker Date: 1-26-90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 26th day

of January 19 90

Seal

Anthony S. Clench
Notary Public

Residing at Idaho Falls

My Commission Expires 9/12/94

34

35

36

BONNEVILLE CO

CARIBOU CO

LUTHI

CREEK

UNNAMED

3

2

HWY

10

11

TIN CUP

12

MICROFILMED

NOV 06 1992



Idaho Department of Water Resources

SRBA Recommendation:

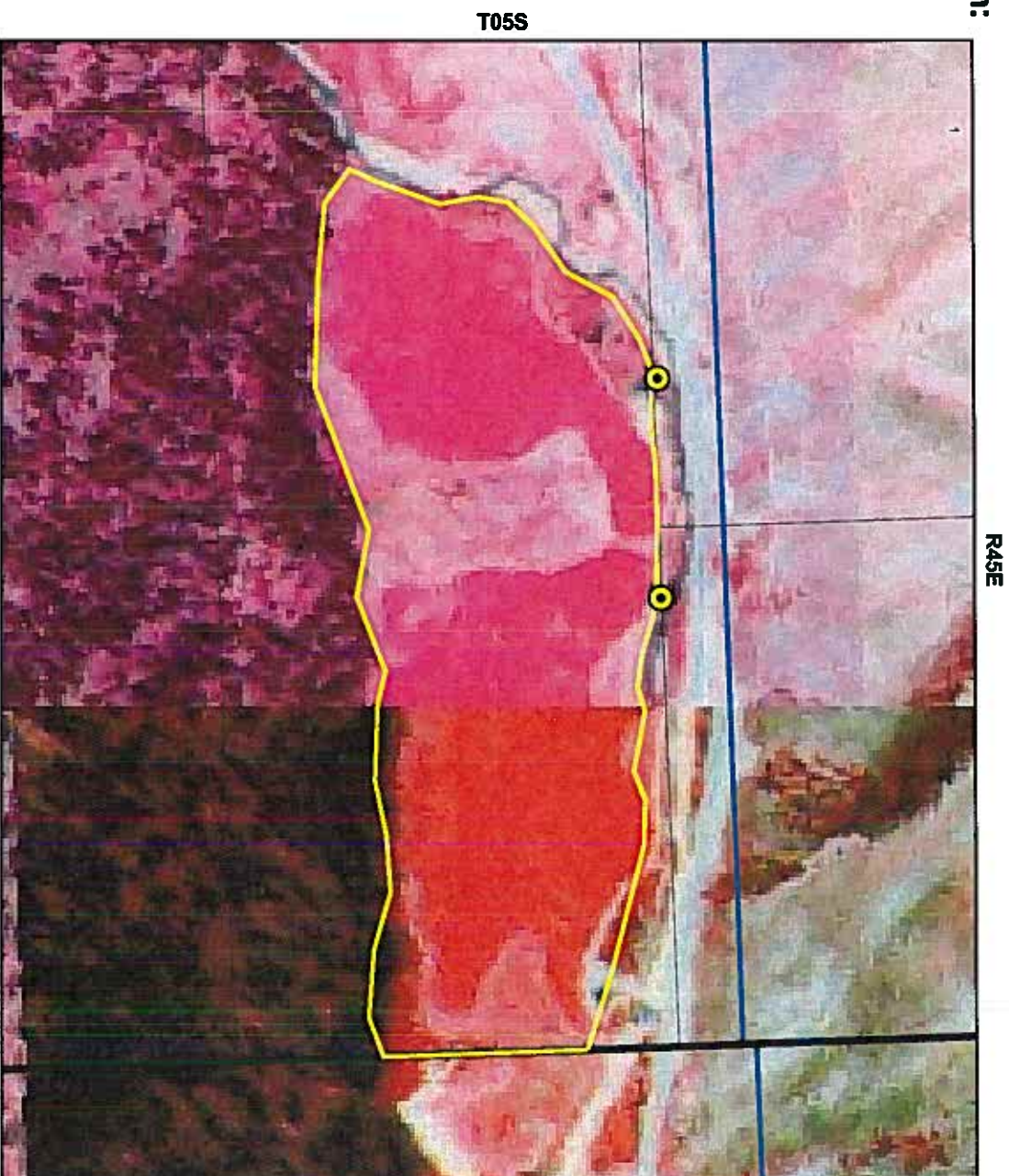
24-4011

Legend

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



Caribou County
IDWR Basin 24



0 0.2 0.4 Miles

Prepared by A. Golart
On Wednesday, August 30, 2006
1987/88 Aerial Photography

Quick Look	Contacts	Priority	POD	Source	POU	Water Use	Period of Use	Quantity
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Review/Verify Log

Status:

Claim Number: Version Number:

[View Documents](#) [View Recommendation](#)

Check List

☐ Priority Date

☒ Contacts

☐ Point of Diversion

☒ Source

☐ Place of Use

☐ Purpose of Use

☒ Period of Use

☐ Quantity

☐ Summary [Yes to All](#)

[Print Form](#)

Comments

Author: Text:

Subj:

Date: - - [Add](#) [Edit](#) [Remove Selected](#)

[S](#)
[Com](#)

24-4j011 POU Analysis

Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	SW SW	SE SW	NE SE	SW W	SE E	Total
Claim	24-4011	MARIAM M BAKER,		05S45E1													X		0
Claim	24-4011	MARIAM M BAKER,		05S45E1													20		20
Claim	24-4011	MARIAM M BAKER,		05S45E12	X				X										0
Claim	24-4011	MARIAM M BAKER,		05S45E12	20	20			9										49
Type	WR #	Owner	Source	TRS	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	SW SW	SE SW	NE SE	SW W	SE E	Total
Claim	24-7074	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1															0
Claim	24-7075	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1									X						0
Claim	24-4011	MARIAM M BAKER,		05S45E1										X			X		0
Claim	24-4011	MARIAM M BAKER,		05S45E1													20		20
Rec	24-7076	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	05S45E1															0
Rec	24-7071	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1												X			0
Rec	24-7072	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	05S45E1				X											0
Rec	24-7073	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1								X							0
Right	24-10588	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1								X							0
Right	24-10056	UNITED STATES OF AMERICA ACTING THROUGH,	SPRING	05S45E1														X	0
Right	24-10584	UNITED STATES OF AMERICA ACTING THROUGH,	UNNAMED STREAM	05S45E1												X			0
Right	24-7008	MARIAM M BAKER,	SPRINGS	05S45E1													X		0
Right	24-7073	US DEPT OF AGRICULTURE,	UNNAMED STREAM	05S45E1								X							0

[illegible]

Notes

9-12-06 - Used data from BAC field exam & 87 image
to make preliminary recommendation.
Claimant needs to file a B.U. claim
to get additional stock water. See
BAC field exam of areas in & out.
Made recommendation for area covered
irrigation & stock.

Notes

- 10-18-04 County address ok. BP
- 10-19-04 Letter to claimant re evidence of priority. BP
- 11-15-04 Wayne Baker (873-2632) called asking for a
termin extension. None here til 11-29-04. BP
- 2-24-05 Called Baker's this morning. In talking
with Mariam I discovered she had the wrong
fax number. Gave her the correct one. She
said she would fax it tomorrow. PB
- 2-25-05. Received fax from claimant. BP
- 2-25-05 Letter to claimant re clarification. BP
- 3-8-05. Merion called. None here til 3-15. BP
- 3-21-05 Multi-page fax from claimant. BP
- 3-21-05. Letter to claimant re evidence & split claims. BP

4/4/05 Wayne Baker brought in a warranty
deed from Melvin Robinson to Merion Baker.

20 July 05 Wayne Baker 208 873 2632 - Mr. Baker -
Call Sat AM when on the way. Come to Freedom
west on 34 leave Valley onto Forest, on
to private. 5 miles west of state line on
Hwy 34. Freedom Church is on Wyoming,
everything else is Idaho. Turn west @
Soda Springs sign.

22 July 05 - I called / cancelled apt - will be too
late Sat for their plans. I will call again in
about 1 week. BAC

4 Aug 05 208 873 2632 1:45 pm msg w/ Mrs. Baker - Tentative
AM of Aug 13.

13 Aug 05 met w/ Mr. Baker @ POU BAC

Contacts Data Entry Form

Owner Type _____ Full Name Marian Baker Address _____ City _____ State _____ Zip _____ Phone (208) 873-2632

Current Owner _____ Name connector: and _____, or _____, and/or _____

Current Owner _____ P.O. Box 110

Current Owner _____ Freedom, WY 83120

Representing Attorney: _____ Phone Number: _____

Accompanied By: Mr. Baker Phone Number: _____

Relationship to Claimant: Spouse

Date of Field Exam: 13 Apr 05 Time: 8 AM

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

West on Idaho 34 from Wyoming state line. Road
enters canyon and then opens up. Shop on south
side of road at the beginning of the wider part of
canyon marks the east end of the pole.

Reviewer: _____

Date: _____

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: A24-04011

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:

See affidavits in file. BaePlease see general Tincup narrative in A24-2000B
BAE 5 Sept 05
Made copy for this file. 10/18/05. /BP

Reviewer: _____

Date: _____

Priority Date Data Entry Form

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

Priority Date

Claim No. A24 - 4011

Point of Diversion and Source Data Entry Form

Claim Number: A24-04011Water 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 Q	County	Source
55	4SE	12		NE NW NE	Carbon	Thin cup Creek

GPS Coordinates: 2734480 E 1315585 N IOTM 83

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source
55	4SE	12		NW NW NE	Carbon	Thin cup Creek

GPS Coordinates: 2734310 E 1315580 N IOTM 83

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source
55	4SE	12		SE NW NW	Carbon	Unnamed Stream

GPS Coordinates: 2733705 E 1315246 N IOTM 83

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source

GPS Coordinates:

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source

GPS Coordinates:

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source

GPS Coordinates:

Twp	Rge	Sec	Gov Lot	QQQ of Q	County	Source

GPS Coordinates: Other rights from this POD?

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

GCDB has problems. QQ information above is from 1:100,000 map. Only the stockwater POD was in use, so locations are based on claimant's representation. BAC 18 by 05
 Stock also divert directly from Luthi Creek and unnamed stream.
 BAC 5 Sept 05

Transfers Changing POD Reviewer: Date:

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

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

Yes () No (X)

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

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

Yes () No (X)

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 (X)

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 (X) 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 (X)

Point of Diversion

Claim No. A24 - 4011

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

Yes () No (X)

If Yes, go to 4

If No, go to 2

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

Yes () No (X)

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 () No ()

If Yes, go to 5

If No, go to 7

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

Yes () 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 (X)

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 (X)

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 (X) 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 - 4011

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

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

Yes () No (X)

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

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

Yes () No (X)

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 (X) 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 - 4011

Place Of Use Data Entry Form

Claim Number: A24-04011☐ 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
55	4SE	12	NENE		Carbon		12	irrigation
"	"	"	NWNE		"		25	irrigation
		"	NENE		"			Spd water
			NWNE		"			"
			NENW		"			"
55	4SE	1	SESW		"			"

Total Acres 37

Document how the POU was verified:

Field inspection confirms that lands identified by Mr. Baker could have been irrigated. See sketch on layout and shapefile. Bac 13 Aug 05

Transfers Changing POU _____

Reviewer: _____

Date: _____

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

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

Yes () No (X)

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 (X) No ()

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

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

Yes () No (X)

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 (X)

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. A 24 - 4011

Period of Use and Quantity Data Entry Form

Claim Number: A24-04011☐ 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:

Based on average @ 0.03 cfs/acre for wild flood practice,
1.11 cfs plus 0.02 for stockwater. Dec 5 Sept 05

Reviewer: _____

Date: _____

Period of Use and Quantity 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 (X)

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

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

Yes () No (X)

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 () 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 () 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 (X)

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 (X) 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 (X)

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 () 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 (X) 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 ()

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. A24-4011

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 - 4011

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

If Yes, go to 2
If No, go to 3

Yes () No (✓)

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

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

Yes () No ()

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

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

Yes (✓) No ()

4. Is any portion of the claim being recommended?

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

Yes () No ()

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

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

Yes () No (✓)

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

If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7

Yes (✓) No ()

7. Would you like to view the recommended right?

If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.

Yes (✓) No ()

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

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

Yes () No (✓)

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

If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10

Yes () No (✓)

10. Would you like to set the verification date?

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

Yes (✓) No ()

Summary

Claim No. A24 - 4011

Claim No.: _____

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

Photos, 2 pages. BAC 18 Aug 05 Map (1 page), GPS list
(1 page) Pou list (1 page). BAC 5 Sept 05

Claim No.: _____ Reviewer _____ Date _____

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.

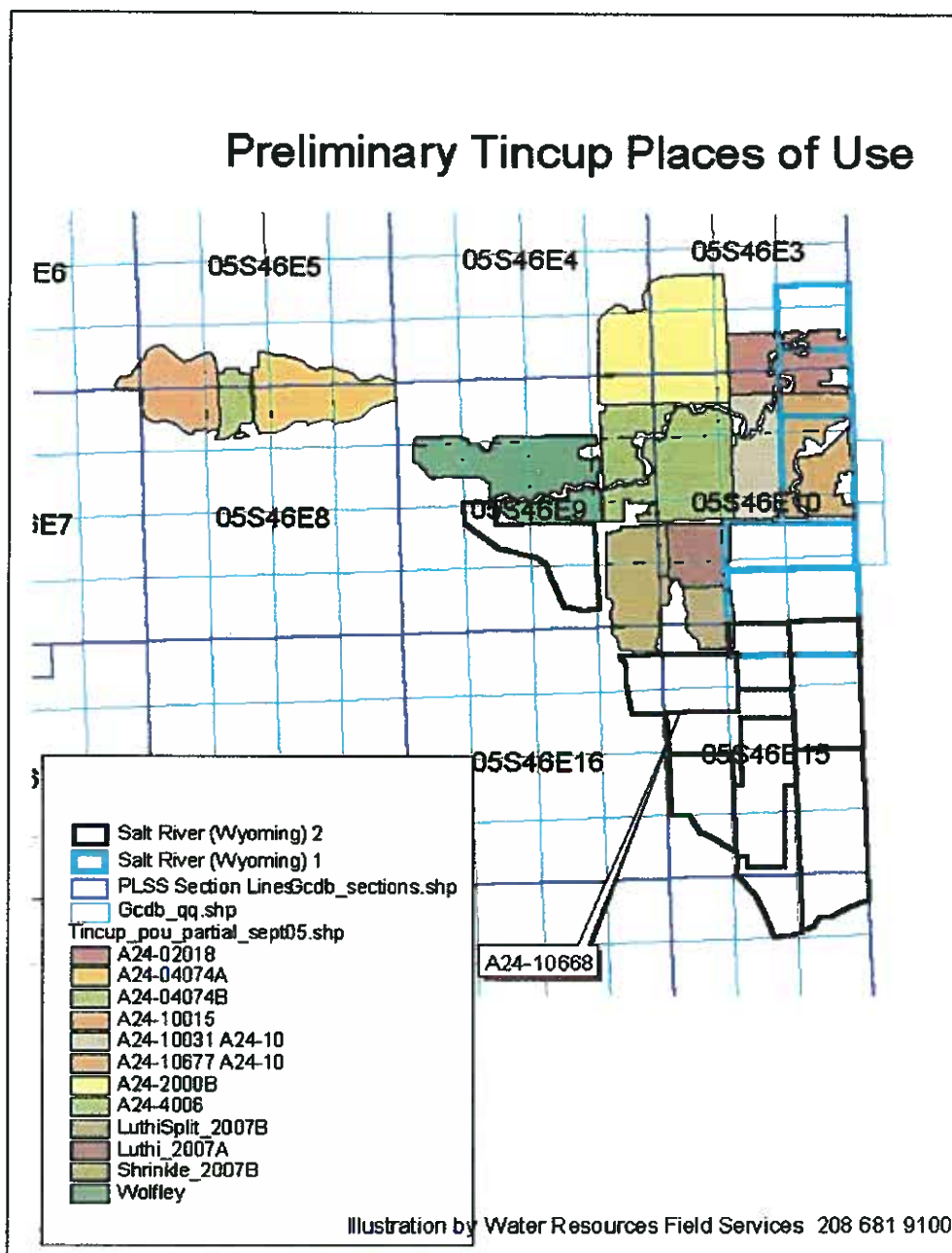


Figure 1. Approximate places of use and misalignment of Public Land Survey System with roads and property lines.

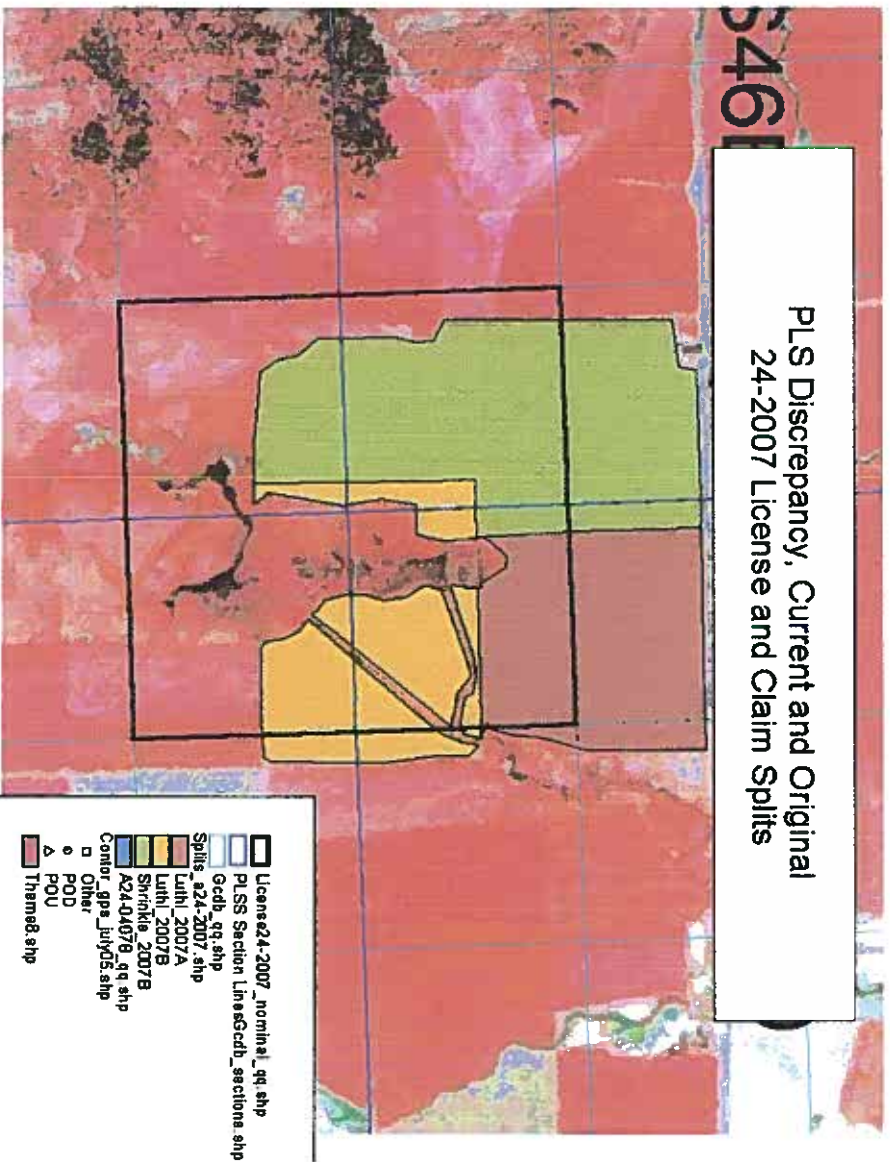
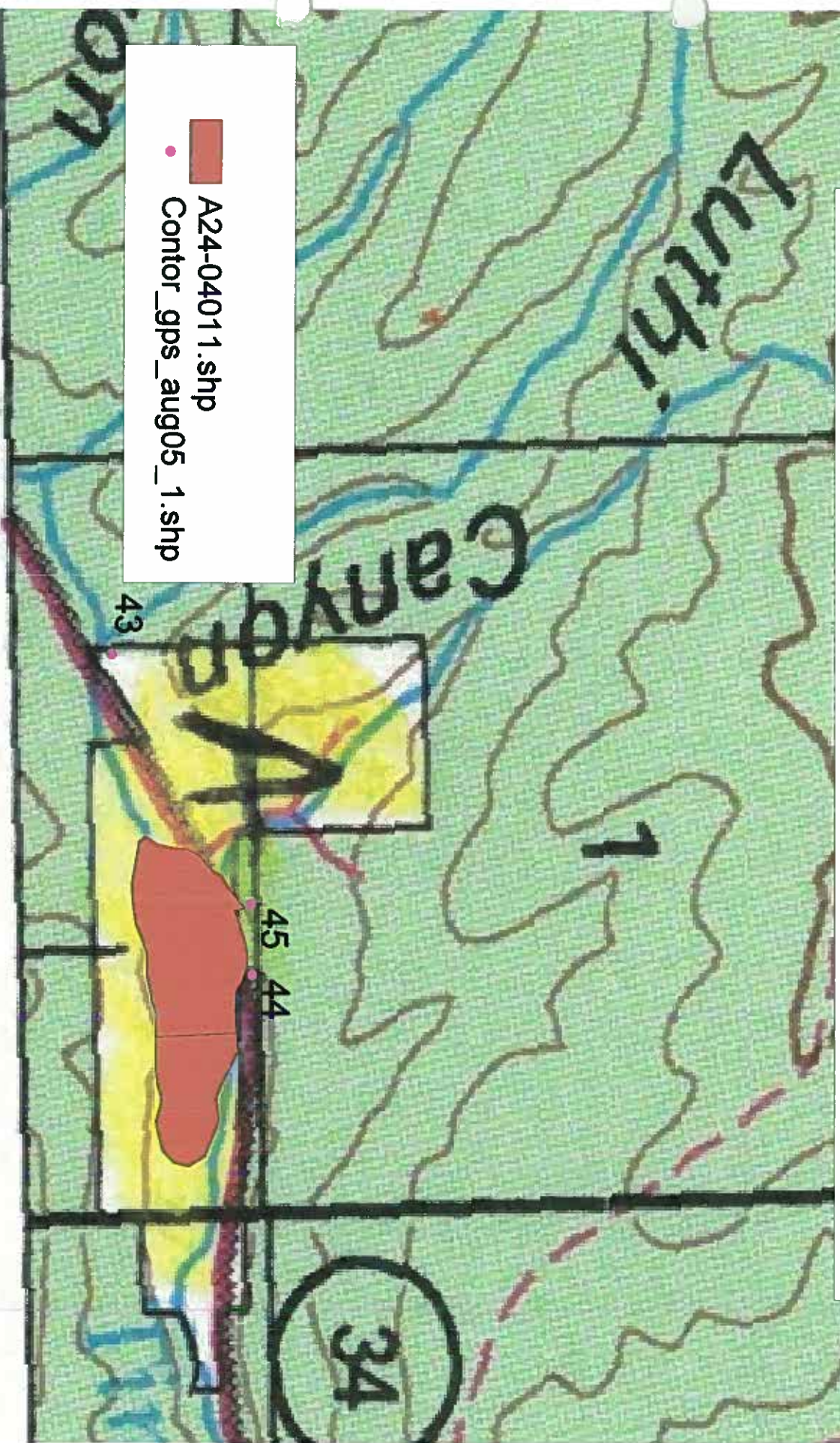


Figure 2. Licensed quarter-quarters and actual place of use, 24-2007.

A24-04011 and BLM 1:100,000 Topo Map
(Use for QQ description; GCDB has
problems in this location)



Waypoint	Lat	dd	Lon	dd	Claim	Sitetag	Feature	Instrument	Collected	Notes
43	43.00195		-111.13275		A24-04011	none	POD	Garmin Geko 201	B. Contor	Stock trough POD - stock also drink from streams
44	43.00476667		-111.1231		A24-04011	none	POD	Garmin Geko 201	B. Contor	location for portable pump on opposite side of stream from waypoint
45	43.00478333		-111.1252		A24-04011	none	POD	Garmin Geko 201	B. Contor	location for portable pump on opposite side of stream from waypoint

A24-04011 Acres per QQ

TRSQQ		Acres
05S45E12NWNE		25
05SS45E12NENE		12
Total		37

A24-04011

Looking SSE at
East irrigation POD.
Portable pump sits on
bank opposite photographer.
POA is beyond creek.
Taken from waypoint 44
2734480E 1315585N
IDTM83, 13 Aug 2005
Bae



West irrigation POD, looking
SSE. Taken from waypoint
45 2734310E
1315580N IDTM83,
13 Aug 2005 Bae



A24-04011

Looking N at stockwater
POD from Waypoint 43,
2733705 E 1315246 N
E07M83, 13 Aug 2005.
Shed also don't from streams
NW of here and in another
small drainage E of here.
Bae



Department of Water Resources
15 W. Center Street
Soda Springs, ID 83276

Ph. 208-547-3993
FAX 208-547-3939

Attn: Barbara Payne

Reference your letter of October 19, 2004 and reply extension to November 29, 2004 concerning Snake River Basin Adjudication (SRBA) claims 24-4011, 24-4012 and 24-4013 and the use of water from the same.

Enclosed are notarized statements from the following individuals verifying use of water from the above.

Donald R. McCourt
Dale Luthi
Fred Brog
Bruce Robinson

East Carbon, Utah
Freedom, WY (Id.)
Freedom, WY
Bedford, WY

Sincerely,

Mariam M. Baker

Mariam M. Baker
P.O. Box 110
Freedom, Wyoming 83120

208-873-2632 Ph.
307-883-2005 FAX

November 26, 2004



*Moved from A24-10031
to A24-04011
12 Aug 05 Bac*

November 15, 2004

Dale Luthi
P O Box 225
Freedom, WY 83120

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

Water Department:

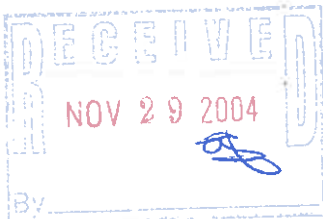
I, Dale Luthi farmed property in Tin Cup Canyon belonging to Wayne and Mariam Baker during the 1980's and the 1990's. I produced crops on this property and used irrigation water from Tincup Creek to water these crops.

Sincerely

Dale C. Luthi
Dale Luthi



Linda C Vandenburg 11-15-2004



*Moved from A24-10031
to A24-04011 12 Aug 05
Bae*

11-15-04 10:36

From-EASTERN UTAH COMMUNITY CREDIT UNION

4358884483

T-357 P.02/02 F-308

Donald R. McCourt
HC 032 Box 198
East Carbon, Utah 84520

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

November 14, 2004

Water Department:

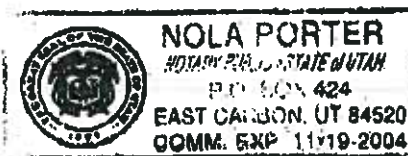
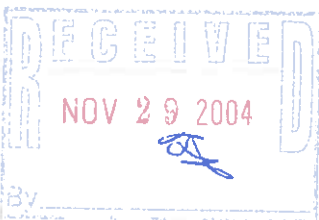
I began farming property in Tin Cup Canyon belonging to Wayne and Mariam Baker in 1972. I used water from Tin Cup Creek to irrigate the fields belonging to that property.

Sincerely,

Donald R. McCourt

Donald R. McCourt

State of Utah
County of Carbon
I, this 15 day of November, 2004, Donald R. McCourt
personally appeared before me,
☒ to be personally known to me,
and acknowledged to me that he executed the foregoing instrument as his free and voluntary act and deed.
Notary Public



Moved from A24-10031 to
A24-04011 12 Nov 05
Bac

November 22, 2004

State Of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Id 83276

To Idaho Water Department:

I rented Mariam Baker's property in Tin Cup Canyon during the 1970's and irrigated the crops out of Tin Cup Creek.

Sincerely

Fred Brog

Fred Brog
1644 Freedom North Rd
Freedom, WY 83120



Linda C Van Deburg



*Moved from A24-10031
to A24-04011 12 Aug 05*

BAC

To Whom It May Concern:

Mariam I am Bruce E Robinson, a son of John Melvin Robinson and Leone Augusta Robinson, born on March 6 1936. I was raised on the property in freedom Wy, that was sold to ~~Wayne~~ Baker, from about 1940 to 1955 when I left home to be on my one. This property is located up Tincup canyon in Idaho. During this period of time we built a dam in Tincup creek and built ditches and irrigated part of the said property. To this I so testify.

Date 11/26/04

Name **Bruce E Robinson**

Signature

Bruce E Robinson



Clara Jensen



Moved from A24-10031
to A24-04011 12 Aug 05

Bac

To: michael.ciscell@idwr.idaho.gov
Cc:
Subject: T5S R45E, Sections 1 and 12

Hi Michael,

I started working on a project in this T&R and ran into a problem with the gcdb. Could you please look at these sections and tell me what is happening to the labeling, etc.? Thanks.

Barbara :-)

24-4011

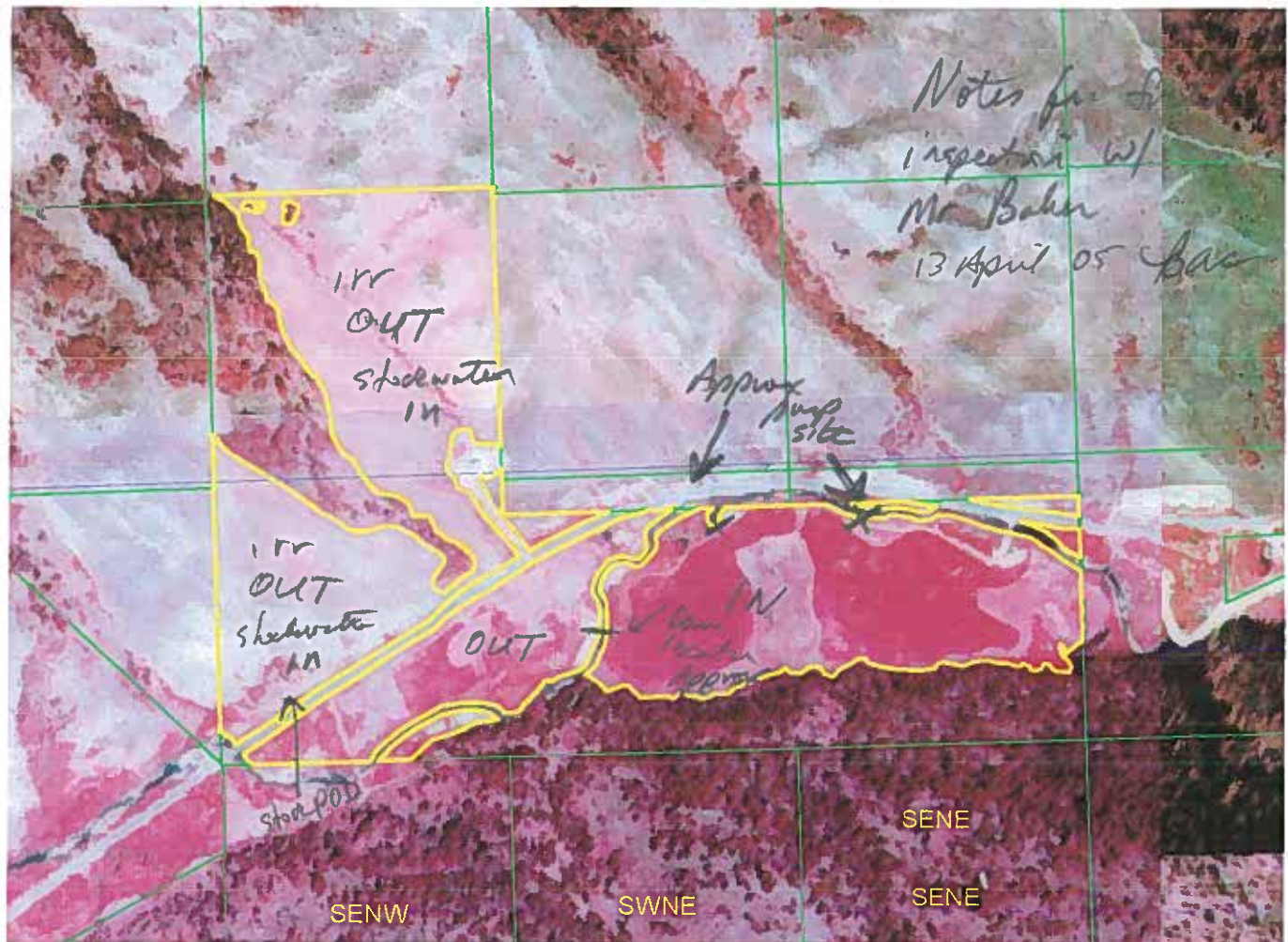


STATE OF IDAHO

Department of Water Resources
Eastern Region



Water Right(s) 24-4011, apr



700 0 700 1400 Feet

IRRIGATED ACRES

LEGEND

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

Place of Use: T5S, R45E:
(part of) Sec. 1, SESW.
(part of) Sec. 12, NENE, NWNE, NENW.

Point(s) of Diversion: T5S, R45E:
Sec. 1, SESW.
Sec. 12, NENE, NWNE, NENW, NWNW.



GIS Place of Use Illustration
1987/88 NAPP Photography
Prepared by: B. Payne
Date: June 2005.

Department Of Water Resources
15 West Center Street
Soda Springs, ID 83276
208-547-3993
208-547-3939 FAX

Attn: Barbara Payne

Being hand delivered to you this date by Wayne B. Baker
copies of the following:

Warranty Deed from Melvin J. Robinson and Leone
Robinson, his wife, as Grantors, of Caribou
County, State of Idaho, to Mariam M. Baker,
together with any and all waters and water
rightsthereunto belonging or in anywise
appertaining or used in connection therewith
or any part thereof.

Signed and witnessed May 13, 1972.

Also copies of Water Right 24-10020 & 24-10021.

Sincerely,

Mariam M. Baker

Mariam M. Baker
P.O. Box 110
Freedom, WY 83120

208-873-2632

April 4, 2005



WARRANTY DEED

MELVIN ROBINSON aka MELVIN J. ROBINSON and LEONE ROBINSON, his wife, Grantors, of Caribou County and State of Idaho, for and in consideration of Ten Dollars (\$10.00) and other valuable considerations in hand paid, receipt whereof is hereby acknowledged, CONVEY AND WARRANT TO: MARIAM M. BAKER, Grantee, of Price, Utah, the following described real estate, situate in Caribou County, Idaho, hereby releasing and waiving all rights under and by virtue of the homestead exemption laws of the State, to-wit:

The S $\frac{1}{2}$ -N $\frac{1}{2}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$, S $\frac{1}{2}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 7, in Township 5 South of Range 46 East of the Boise Meridian, Idaho, and the H. E. Survey No. 550, embracing a portion of approximately Sections 1 and 12 in Township 5 South of Range 45 East of the Boise Meridian, said H. E. Survey No. 550, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the northwest corner of Said Section 7, bears north 10 minutes west 2.97 chains distant; thence, south 10 minutes east 17.05 chains to corner No. 2; thence, North 89 degrees 50 minutes West 59.98 chains to corner No. 3; thence, North 7 minutes west 39.85 chains to corner No. 4; thence, South 89 degrees 52 minutes east 20.01 chains to corner No. 5; thence, South 2 minutes West 22.93 chains to corner No. 6; thence, North 89 degrees 56 minutes east 40.06 chains to corner No. 1, the place of beginning, containing in the aggregate one hundred fifty-nine acres and ninety-eight hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General.

EXCEPTING THEREFROM:

A Parcel of land within Homestead Entry Survey No. 550, more particularly described as follows: Beginning at a point on the southerly right-of-way line of the Tincup Highway State Route 34 which point is 703 feet south and 587 feet west of Corner No. 6 of HES No. 550 in Sections 1 and 12, T. 5S., R. 45E., Boise Meridian; thence South 57°57' West along said highway right-of-way line 773.8 feet to the south boundary of said HES No. 550; thence South 89°50' East along said South boundary 654.7 feet; thence North 0°10' East 412.6 feet, more or less, to the point of beginning, containing 3.1 acres, more or less. SUBJECT to restrictions contained in that certain Warranty Deed for right-of-way for State Highway No. 34, dated September 5, 1960, recorded October 7, 1960, in Book 43 of Deeds, page 302, records of Caribou County, Idaho. TOGETHER with the tenements, hereditaments and appurtenances thereunto belonging, or appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.



Together with any and all waters and water rights thereunto belonging or in anywise appertaining or used in connection therewith or any part thereof.

WITNESS our hands this 13th day of May, 1972.

Melvin Robinson
MELVIN ROBINSON

Leone Robinson
LEONE ROBINSON

STATE OF WYOMING)
COUNTY OF LINCOLN) SS

On this 13th day of May, 1972, before me personally appeared MELVIN ROBINSON and LEONE ROBINSON, his wife, to me known to be the persons described in and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

O. David Petersen
NOTARY PUBLIC

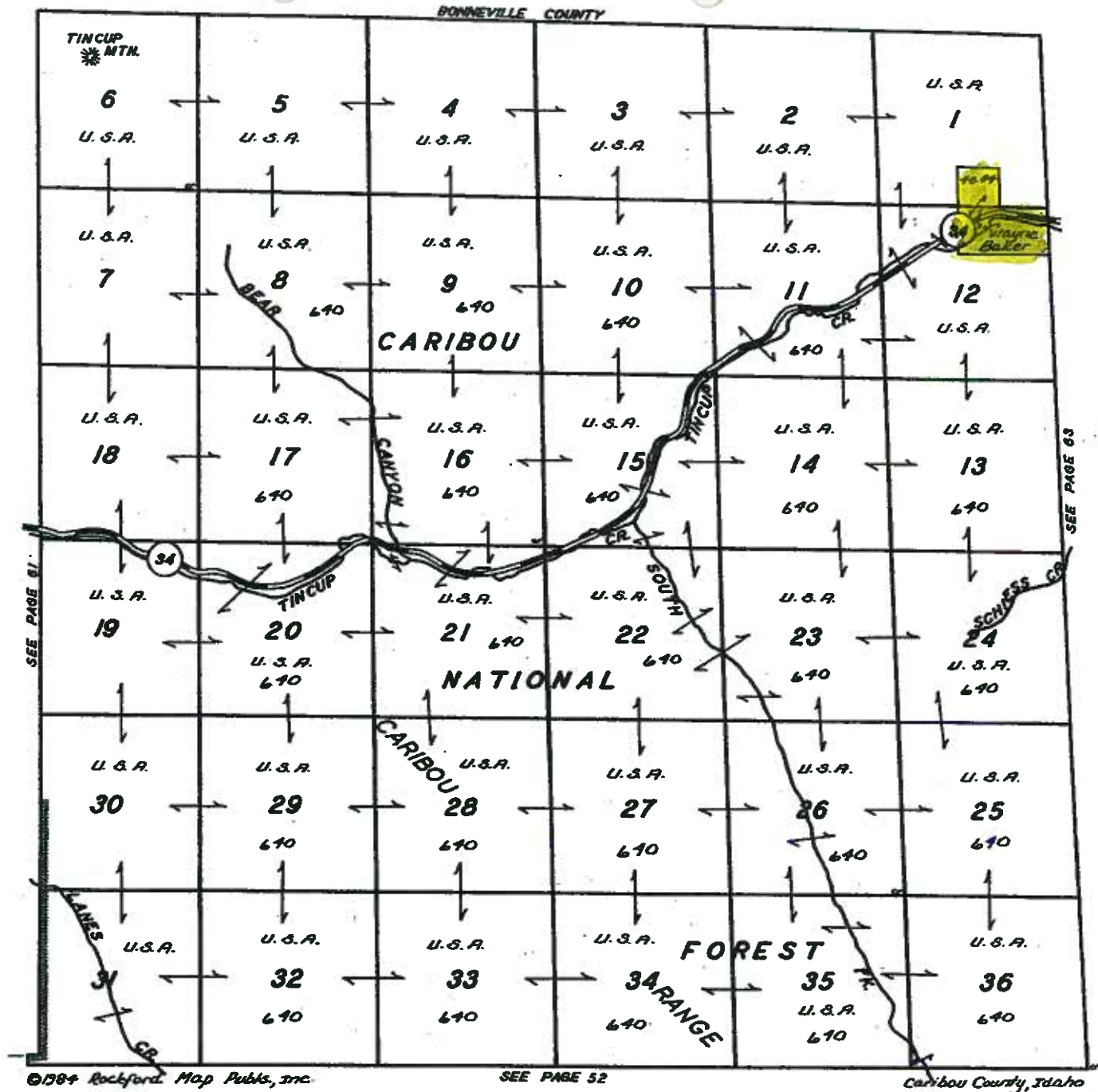
My commission expires: July 20, 1975

STATE OF IDAHO } 112875
County of Carbon } SS

I hereby certify that this instrument was by me
recorded of Mariam M Baker
9:05 A.M. of this 2 day
July 82 in my office and
4:00 " Standa Petersen



T.5 S.-R. 15 E.





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

21 March 2005

COPY

Mariam M. Baker
P. O. Box 110
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4011

Subject: EVIDENCE OF PRIORITY CLARIFICATION

Response Date: 4 April 2005

Dear Claimant (s):

We acknowledge receipt of a multi-page FAX containing various documents. The only documents that are relevant in proving lineage are the following:

US Patent to Sarah Spackman dated 2/15/1923
Warranty Deed from Sarah Spackman to Melvin Robinson dated 2/9/1936

Please supply the missing warranty deeds from Robinson to Baker.

When the claim was filed April 15, 1976 the claimed priority dates included May 1, 1948 for irrigation and January 1, 1938 for stockwatering. With the current filing we can only recommend to the Court the junior priority date of May 1, 1948 for both uses. If you desire to apply the earlier date for stockwater, you need to amend your claim to reflect only one use and file a separate claim for the other use.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

Barbara Payne

WARRANTY DEED

Albert Snapp and Sara Spackman
Snapp, husband and wife,

Grantors,

To

Melvin Robinson,

Grantee.

Dated: February 9, 1938

Filed: September 1, 1960 at 1:10 P.M.

Recorded: Book 43 of Deeds, page 240,
Records of Caribou County, Idaho

Instrument No. 44993

Consideration: \$600.00

Witnesses: one

Acknowledged: February 24, 1938, as to
Albert Snapp, husband of Sara Spackman
Snapp, before R. J. Bennett, Notary Public,
residing at Spokane, Washington. Notarial
Seal affixed.

March 7, 1938 as to Sarah Spackman Snapp,
wife of Albert Snapp, before S. E. Matthews,
Notary Public, Residing at Soda Springs, Idaho.
Notarial Seal affixed.

Granting Words:- do by these presents, Grant, Bargain, Sell and Convey and Confirm

Conveys:- The S $\frac{1}{2}$ -N $\frac{1}{2}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$, S $\frac{1}{2}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ -NW $\frac{1}{4}$ -NW $\frac{1}{4}$ of Section 7,
in Township 5 South of Range 46 East of the Boise Meridian, Idaho,
and the H. E. Survey No. 550, embracing a portion of approximately
Sections 1 and 12 in Township 5 South of Range 45 East of the Boise
Meridian, said H. E. Survey No. 550, more particularly bounded and
described as follows:

Beginning at corner No. 1, from which the northwest corner of
said Section 7, bears north 10 minutes west 2.97 chains distant;
thence, south 10 minutes east 17.05 chains to corner No. 2; thence,
North 89 degrees 50 minutes West 59.98 chains to corner No. 3;
thence, North 7 minutes west 39.85 chains to corner No. 4; thence,
South 89 degrees 52 minutes east 20.01 chains to corner No. 5;
thence, South 2 minutes West 22.93 chains to corner No. 6; thence,
North 89 degrees 56 minutes east 40.06 chains to corner No. 1, the
place of beginning, containing in the aggregate one hundred fifty-
nine acres and ninety-eight-hundredths of an acre, according to the
Official Plat of the Survey of the said Land, returned to the General
Land Office by the Surveyor General.

Together with any and all waters and water rights thereunto be-
longing or in anywise appertaining or used in connection therewith
or any part thereof.

(Abstracter's Note: This instrument was recorded under recorder's instrument No.
21243, in Book 10 of Deeds at page 503, see page 7 of this
abstract. Said instrument has the following notation:

Re-recorded to correct error of recording in the original recording:

CARIBOU TITLE COMPANY

Soda Springs, Idaho

SHEET
NO.

35



1. 3 pages
THE UNITED STATES OF AMERICA,

Instrument No. 17,007.

--- P-A-T-E-N-T ---

Grantor,

Dated: February 15th, 1923.

To:

Recorded: April 5th, 1938 at 10:20
o'clock A. M., in Book 2 of
Patents, at page 74 thereof.

Sarah Spackman,

Grantee.

CONSIDERATION: Conformity to law.

....it appears, that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of Sarah Spackman, has been established and duly consummated, in conformity to law, for the south half of the north half of the northwest quarter of the northwest quarter of the north-west quarter, the south half of the northwest quarter of the northwest quarter of the northwest quarter and the north half of the southwest quarter of the northwest quarter of the northwest quarter of Section seven in Township five south of Range forty-six east of the Boise Meridian, Idaho, and the H.E. Survey No. 550, embracing a portion of approximately Sections one and twelve in Township five south of range forty-five east of the Boise Meridian, said H. E. Survey No. 550, more particularly bounded and described as follows:

Beginning at corner No. 1, from which the northwest corner of said Section seven, bears north ten minutes west two and ninety-seven-hundredths chains distant; thence, south ten minutes east seventeen and five-hundredths chains to corner No. 2; thence, North eighty-nine degrees fifty minutes west fifty-nine and ninety-eight-hundredths chains to corner No. 3; thence, north seven minutes west thirty-nine and eighty-five-hundredths chains to corner No. 4; thence, south eighty-nine degrees fifty-two minutes east twenty and one-hundredth chains to corner No. 5; thence, south two minutes west twenty-two and ninety-three-hundredths chains to corner No. 6; thence, north eighty-nine degrees fifty-six minutes east forty and six-hundredths chains to corner No. 1, the place of beginning, containing in the aggregate one hundred fifty-nine acres and ninety-eight-hundredths of an acre, according to the Official Plat of the Survey of the said Land, returned to the General Land Office by the Surveyor General:

NOW KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tracts of Land above described; TO HAVE AND TO HOLD the said tracts of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

(Forward)



BOON SPRINGS, IDAHO

FILE

4

17.3 (Continued)

17,007

17.4

IN TESTIMONY WHEREOF, I, Warren G. Harding, President of the United States of America, have caused these letters to be made Patent, and the Seal of the General Land Office to be hereunto affixed.

GIVEN under my hand.....

SEAL
1690209-2

By the President: Warren G. Harding

By Viola E. Fugh, Secretary.

M. P. LeRoy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number 896133.

DEPARTMENT OF THE INTERIOR
GENERAL LAND OFFICE
WASHINGTON

1690209
B

Jul 21, 1937

I hereby certify that the annexed copy of patent is a true and literal exemplification from the record which is in my custody in this office.

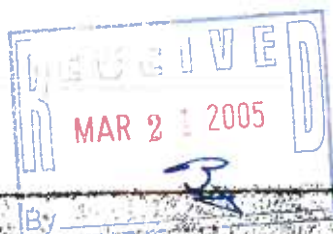
IN TESTIMONY WHEREOF I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

(SEAL)

Evelyn S. Adams

Recorder of the General Land Office

-----0-----



P. 2 Entry No. 2.

Sheet No. 2

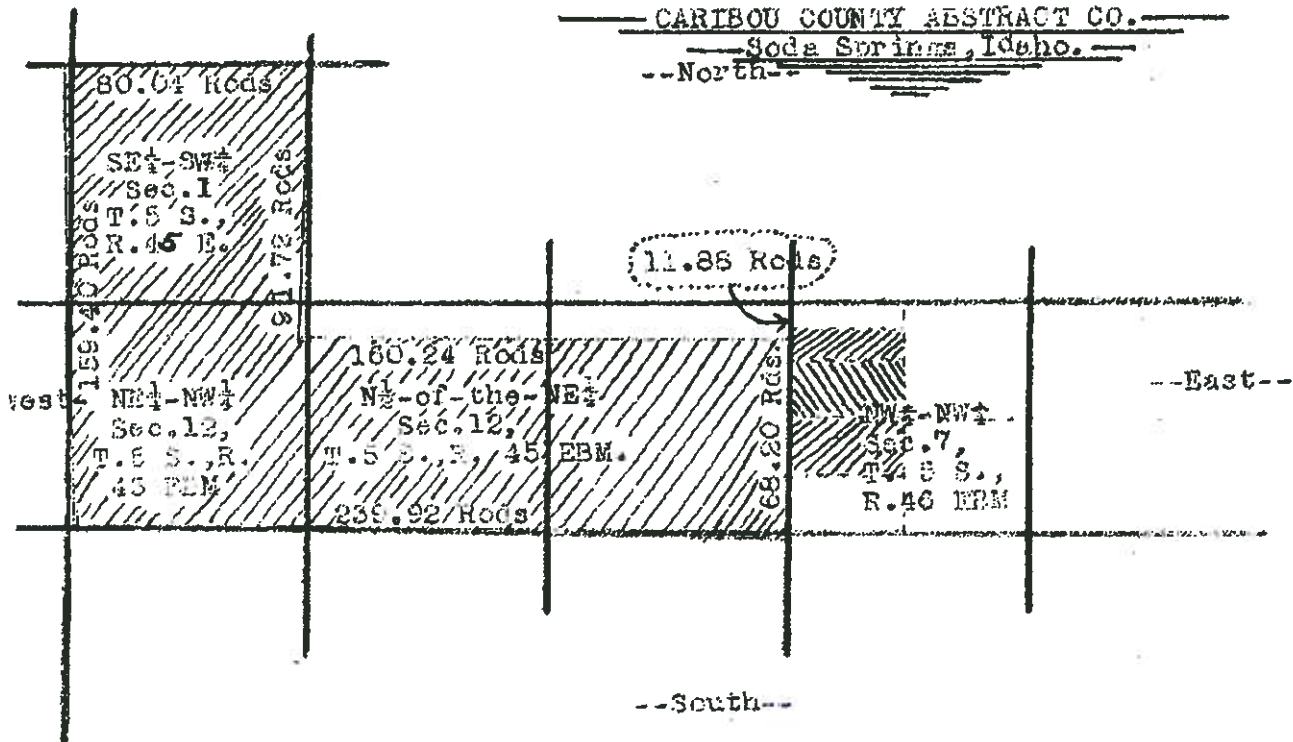
17007

SUPPLEMENTAL (Or, Auxiliary) PLAT - No. 1001.

CARIBOU COUNTY ABSTRACT CO.

Soda Springs, Idaho.

--North--



MAR 3

Page 5

ALBERT SNAPP and SARA SPACKMAN
SNAPP, husband and wife,

Grantors,

To:

MELVIN ROBINSON,

Grantee.

Instrument No. 21,243

--- W-A-R-R-A-N-T-Y D-E-B-T ---

Dated: February 9th, 1938.

Recorded: Oct. 13th, 1943 at 1:15
o'clock P.M., in Book 10 of Deeds,
at page 308 thereof.

CONSIDERATION: \$500.00 lawful money.

....by these presents, Grant, Bargain, Sell and Convey and Confirm unto said party of the second part, and to his heirs, administrators, and assigns forever: All those certain lots, pieces or parcels of land situated, lying and being in the County of Caribou, State of Idaho.....to-wit:

The SE-1/4-N1/4-NW-1/4-NE-1/4, SE-1/4-NW-1/4-NW-1/4, NE-1/4-SW-1/4-NW-1/4 of Section 7, in Township 5 South of Range 46 East of the Boise Meridian, Idaho, and the M. & S. Survey No. 550, embracing a portion of approximately Sections 1 and 12 in Township 5 South of Range 46 East of the Boise Meridian, said M. & S. Survey No. 550, more particularly bounded and described as follows:

Beginning at Corner No. 1, from which the northwest corner to said Section 7, bears north 10 minutes west 2.97 chains distant; thence, south 10 minutes east 17.05 chains to corner No. 2; thence, North 89 degrees 30 minutes West 59.98 chains to corner No. 3; thence, North 7 minutes west 39.85 chains to corner No. 4; thence, South 89 degrees 52 minutes east 20.01 chains to corner No. 5; thence, South 2 minutes West 22.93 chains to corner No. 6; thence, North 89 degrees 56 minutes east 40.06 chains to corner No. 1, the place of beginning, containing in the aggregate one hundred fifty-nine acres and ninety-eight-hundredths of an acre, according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General.

Together with any and all waters and water rights.....

(\$1.00 L.R. Stamps affixed and cancelled.)

Together with all and singular, the tenements, hereditaments and appurtenances.....

TO HAVE AND TO HOLD....forever. And the said parties of the first part, and their heirs.....shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF.....

Witness: Ellen Johnson

Albert Snapp (Seal)

Sara Spackman Snapp (Seal)

ACKNOWLEDGED: In the State of Washington, County of Spokane on the 24th day of Feb. 1938, by Albert Snapp, husband of Sara Spackman Snapp, before R. J. Bennett, a Notary Public in and for said County and State, residing at Spokane, Wash. (SEAL)

ACKNOWLEDGED: In the State of Idaho, County of Caribou, on the 7th day of March, 1938, by Sarah Spackman Snapp, wife of Albert Snapp, before R. J. Matthews, a Notary Public in and for said County and State, residing at Soda Springs, Idaho. (SEAL)

[Abstracted From ORIGINAL DOCUMENT. ---0---
--Abstracter--]



SEPT Raylist 1/1/1999
 3 head for 13 days each 1950

OCT
 3 head for 9 days 13.50
 5 " " 14 " 35.00
 2 " " 7 " 7.00

NOV
 5 head for 30 days 75.00
 over

horses

DEC 1/1/99
 3 head for 28 days 42.00
 1 " " 8 " 4.00
 1 " " 13 " 6.50
 202.50
 - 50.00

 less \$50 fence \$152.50

1/1/99 Dep 7/1/99 1-15.00



38 steers @ \$8/month

28 cows @ \$10/month

18 calves - WA

Bull and 2 cows came in late so I
just counted the 2 cows

Total - \$584/month

3 1/4 months

Total \$1898.25
Ch. #3693

Gene Harmon



Darrel L. Haderlie
P O Box 233
Freedom, WY 83120

17-15-99



Wayne Baker
PO Box holder
New Cup Road
Freedom

WY 83120



RECEIVED
MAR 21 2005
By 

761544
-A3-

1992

Condensed Exchange
 - June 1947
 - Through 8:30 a.m.
 - Agents (persons, not to go)
 - Corrections

AUGUST 1980
 DAILY RECORD OF EVENTS

THURSDAY
 Stamp Day 123 LPH
 Week 31

Stone, Walter - 18 head cattle (cows)
 commencing 6-1-80

Date	Time	Event	Remarks
June 1947	6-11-93	8 # 3330	80 = 4
July 1947	7-6-93	8 # 3341	80 =
July 1947	8-17-93	" 3376	80 =
9-18-83	9-30-93	" 3339	61 3348

8-13-93 1st June 9 July 1947

May 1947 - 8 head cattle (cows)
 commencing 6-1-93

picked up 11-7-93

Alayne Baker
PO Box 110
Frederick NY 83100

302 WASHINGTON ST.
AFTON, WY 83110
MEMBER FDIC



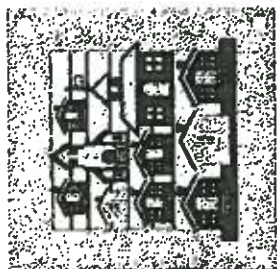
19501444

000000

003FBALL/20/95#002

BANK SYMBOL TRANSACTION NUMBER DATE AND AMOUNT OF DEPOSIT ARE SHOWN ABOVE

© 1997 by The McGraw-Hill Companies, Inc.



Alayne Baker
PO Box 110
Frederick NY 13512

Gene Warren Ch. #547
June & Judy
Pasture West
dep. 7-25-96

320. —





by 254 1943
June 4th
paid in.

Gene Warren
22 head ~~head~~ cattle
(single) @ 8.00/head

6-11-93 Cr # 3598 353.-
June 4th to Aug 4th

8-10-93 Cr # 3657 176.-
Aug. 4th to Sept. 4th

Aug. 36 took 2 cows out & put
diff. one back in, making 31 head
in pasture.

10-2-93 afternoon - picked up cows.

198.40

10-12-93 Cr # 3697

Sept. 4 - Oct. 8

118.40

9-30-94

Gene Warren paid

200.- Cr # 4189
bal. of pasture thru
9-19-94

502

SHIP TO

Copy of this message
sent to Mr. [unclear]
[unclear] [unclear]
to [unclear] [unclear]

REDFOAM • 75735
POLY PAK (50 SETS) 7P 736

RECEIVED
MAR 21 2005
By *[Signature]*

75.00¹⁻¹ Robertson
 8.80¹ Bob Perry
 75.00¹ Anne Allman
 29.60¹ HSHI Inc
 908.40¹ 100.40-100.40

+ + + + +
 609.60
 75.00
 75.00
 148.80
 908.40

11-18-40
 James & Jennie Allman
 Thru
 1-ton bag 7.50
 Ch. #6877
 Cashed

11-7-40
 47 Sales (3 tons)
 150.00 - 48.00 = 102.00
 11-7-40
 47 Sales (3 tons)
 150.00 - 48.00 = 102.00
 11-7-40
 47 Sales (3 tons)
 150.00 - 48.00 = 102.00
 11-7-40
 47 Sales (3 tons)
 150.00 - 48.00 = 102.00

RECEIVED
 MAR 21 2005
 15

1993 Sweet Crop
May 9-97-93

9" Spec holes from
center of upper field
across creek. (6 in
field w/ penicillin
3 in middle ph)

Spec holes on
N. side of creek
15 Spec holes
about 4" spec holes from
center of upper field
in same type holes

Star Valley Indep
7-55-99

Sold spec to Kent Suttie
for 1000 - 4 he do cutting, packing & shipping

RECEIVED
MAR 2 2005
By *Bx*

SNAP · A · GRAM

INVOICE

FROM:

Marian M. Baker
P.O. Box 110
Freedom, WY 83120

DATE

8-18-97

ATTENTION OF:

SUBJECT:

TO:

Brad Stoor
Afton, WY 83110

PASTURE RENTAL:

June 20 through July 14, 1997 24 days

100 cow/calf combinations @ 12.50/mo
50 yearlings @ 8.00/mo

1000.00

320.00

1320.00

1 cow/calf comb 7-15 thru 8-19

15.00

1335.00

Estate Repair

46 -

*Still has Hammer, fencing tool
& Apron*

SIGNED

Date

REV 12/77

Snap · A · Gram



Handwritten notes:
Keep. M&B acct.
6-11-97
Home improvement
\$468. -
A new pasture
winter

Gene
 7.1. 15 until 9.13-89
 3 9.13-89

 18 w^o Gene

9.1.89 ch. #167 119. —
 no. of Sept.
 cashed

Waderlies
 until 9.13-89 19
 9.13 10

 29 w^o

total of 47 head

7.30-89 took out all but 16 head

Oct. 6-89 put in

15
 33 head total

ch. #641 197.75

Max Waderlie 10.1.89 119. —
 Oct pasture rental ch. #634
 for 16 cattle

9.18.89 1.76 bal. of rental
 for Sept. ch. #564 w^o





STOOR TRUCKING
BOX 112 888-9729
GROVER, WY 83122

1903

99-183/1023

Pay to the
order of

Wayne Baker

10-11 1989

\$2053.50

Dollars

STOOR TRUCKING

STAR VALLEY STATE BANK
485 WASHINGTON
AFTON, WYOMING 83110

For 27.38 Ton @ \$75/ton

2/24

Brad St

⑈001903⑈ ⑆102301830⑆ 00 91523 8⑈

Sup approx 10-12-89

verified

	WEIGHED ON STANDARD SCALES			Mar 1 1991	No.	
	Load Of			Hay	Rich H.	
	From			Wayne Baker		
	To			Rich Nelson		
	TRUCK	TRAILER	TOTAL	DRIVER ON	DRIVER OFF	FEE
GROSS	19450					
TARE	10650					
NET	9300	in				
				TD		
				WEIGHER		



3-6-91

3-48-91

2052

10-5-78 (Mon)
David Shepherd & I called
Shirley Pickard up. I told her
I called Ned. We were in
4 hours. He was told of
the bomb.

To Whom It May Concern:

Mariam I am Bruce E Robinson, a son of John Melvin Robinson and Leone Augusta Robinson, born on March 6 1936. I was raised on the property in freedom Wy, that was sold to Wayne Baker, from about 1940 to 1955 when I left home to be on my one. This property is located up Tincup canyon in Idaho. During this period of time we built a dam in Tincup creek and built ditches and irrigated part of the said property. To this I so testify.

Date 11/26/04

Name Bruce E Robinson

Signature *Bruce E Robinson*



Clara Jensen



11-15-04

10:35

From-EASTERN UTAH COMMUNITY CREDIT UNION

4350004483

T-357

P. 02/02

F-300

Donald R. McCourt
HC 032 Box 198
East Carbon, Utah 84520

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

November 14, 2004

Water Department:

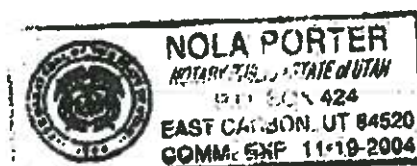
I began farming property in Tin Cup Canyon belonging to Wayne and Mariam Baker in 1972. I used water from Tin Cup Creek to irrigate the fields belonging to that property.

Sincerely,

Donald R. McCourt

Donald R. McCourt

State of Utah
County of Carbon
this 15 day of November 2004, Donald R. McCourt
personally appeared before me,
I am a Notary Public in and for the State of Utah,
and I am personally known to the
person whose name is subscribed to the foregoing instrument,
and I am satisfied that the person whose name is subscribed to the foregoing instrument is the person whose name is subscribed to the foregoing instrument.

Nola Porter
Notary Public

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIM TO A WATER RIGHT NO. 24-4011

Notice is hereby given that Miriam M. Baker, Freedom, Wyoming has filed a claim to a water right established by diversion and application to beneficial use of 1.42 cubic feet per second of water from Tin Cup, Luthi Creek and an unnamed stream tributary to Tin Cup Creek with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points), NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 12, T. 5S, R. 45E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of Jan. 1, 1938; and from May 1 to Oct. 31 for the irrigation of 69 acres with a priority of May 1, 1948 the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, N $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 5S, R. 45E, B.M.

Any exception to this claim

CARIBOU COUNTY SUN
Soda Springs, Idaho

Thursday, June 10, 1976
Page Ten

of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on June 8 and June 10, 1976

PUBLIC NOTICE

First Time
Published

NOTICE OF CLAIM TO A WATER RIGHT NO. 24-4011

Notice is hereby given that Miriam M. Baker, Freedom, Wyoming has filed a claim to a water right established by diversion and application to beneficial use of 1.42 cubic feet per second of water from Tin Cup, Luthi Creek and an unnamed stream tributary to Tin Cup Creek with point of diversion in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ (2 points), NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 12, T. 5S, R. 45E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering purposes with a priority of Jan. 1, 1938; and from May 1 to Oct. 31 for the irrigation of 69 acres with a priority of May 1, 1948 the place of use is within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 1, N $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 5S, R. 45E, B.M.

Any exception to this claim of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON
Director

Published in the Caribou County Sun, Soda Springs, Idaho on June 8 and June 10, 1976

Caribou County Sun
June 7, 1976



November 22, 2004

State Of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Id 83276

To Idaho Water Department:

I rented Mariam Baker's property in Tin Cup Canyon during the 1970's and irrigated
the crops out of Tin Cup Creek.

Sincerely

Fred Brog

Fred Brog
1644 Freedom North Rd
Freedom, WY 83120



Linda c Van Deburg



November 15, 2004

Dale Luthi
P O Box 225
Freedom, WY 83120

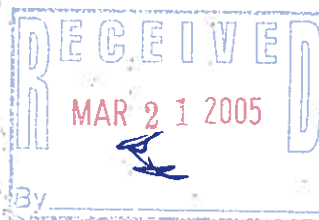
State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

Water Department:

I, Dale Luthi farmed property in Tin Cup Canyon belonging to Wayne and Mariam Baker during the 1980's and the 1990's. I produced crops on this property and used irrigation water from Tincup Creek to water these crops.

Sincerely

Dale C. Luthi
Dale Luthi



Linda C Vandenburg 11-15-2004

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, ID 83276

Attn: Barbara Payne

Am FAXing numerous pages to you of information as to when claims 24-4011, 2404012 and 24-4013 have been used for raising crops (irrigation) and pasturing.

As you will see there are numerous notes over the years on bits of scratch paper, detailing who bought hay and for how much or who rented pasture when and for how much.

Am also resending four confirmation letters previously FAX'd you

Other papers being FAX'd:

Claim To A Water Right I.D. No. 24 4002
Date of priority claimed: 1938

Claim To A Water Right I.D. No. 24 4001
Date of priority claimed: 1967

The United States Of America - Grantor PATENT (3 pages
To: Sarah Spackman February 15th, 1923
Albert Snapp and Sara Spackman Warranty Deed
To: Melvin Robinson February 9, 1938
Albert Snapp and Sara Spackman Snapp February 9, 1938
To: Melvin Robinson - to correct recording error

Hopefully this information covers what you need.

Sincerely,

Mariam M. Baker

Mariam M. Baker
P.O. Box 110
Freedom, WY 83120
208-873-2632
307-883-2005 FAX

Appreciate your patience.

March 18, 2005

P.S: Irrigation is done using a suction pump with 4" hose,
from four locations.





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

25 February 2005

Mariam M. Baker
P. O. Box 110
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4011, 24-4012 & 24-4013

Subject: EVIDENCE OF PRIORITY CLARIFICATION

Response Date: 11 MARCH 2005

Dear Claimant (s):

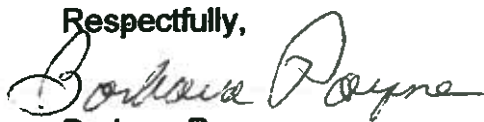
We received today your fax that contained three sheets, a cover letter and affidavits from Bruce R. Robinson and Donald R. McCourt. However, these documents alone do not provide sufficient evidence to support the claimed priority dates on the lands claimed nor for the purposed claimed.

Please note that two of the claims have a priority date of January 1, 1938 and one of June 1, 1967. The usage is for irrigation, stockwater and domestic. The claimed places of use are within Township 5S, Range 45 E, Sections 1 and 12 and Township 5S, Range 46E, Section 7. Evidence needs to support the claimed priority dates, the place of use and the purpose of use. The affidavits submitted do not support the 1938 priority date, the place of use is not specifically mentioned and the purpose of use stated in the affidavits is for irrigation only, not domestic and stockwater.

Please refer to the copies of the Notices of Claim to a Water Right sent to you with our last letter and re-read the Evidence of Priority also sent with our last letter.

If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,


Barbara Payne

COPY

Donald R. McCourt
HC 032 Box 198
East Carbon, Utah 84520

State of Idaho
Department of Water Resources
15 West Center Street
Soda Springs, Idaho 83276

November 14, 2004

Water Department:

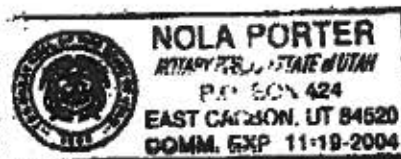
I began farming property in Tin Cup Canyon belonging to Wayne and Mariam Baker in 1972. I used water from Tin Cup Creek to irrigate the fields belonging to that property.

Sincerely,

Donald R. McCourt

Donald R. McCourt

State of Utah
County of Carbon
I, Donald R. McCourt
do hereby certify that the foregoing is a true and correct copy of the original as the same appears in the records of the County of Carbon, State of Utah.
Witness my hand and the seal of the County of Carbon, State of Utah, this 15 day of November, 2004.
Nola Porter
County Clerk



FEB 25 2005

To Whom It May Concern:

marion I am Bruce E Robinson, a son of John Melvin Robinson and Leone Augusta Robinson, born on March 6 1936. I was raised on the property in freedom Wy, that was sold to Wayne Baker, from about 1940 to 1955 when I left home to be on my own. This property is located up Tincup canyon in Idaho. During this period of time we built a dam in Tincup creek and built ditches and irrigated part of the said property. To this I so testify.

Date 11/26/04

Name Bruce E Robinson

Signature *Bruce E Robinson*



Clara Jensen

FEB 25 2005

To Whom It May Concern:

May 13/11
I am Bruce E Robinson, a son of John Melvin Robinson and Leone Augusta Robinson, born on March 6 1936. I was raised on the property in freedom Wy, that was sold to Wayne Baker, from about 1940 to 1955 when I left home to be on my own. This property is located up Tincup canyon in Idaho. During this period of time we built a dam in Tincup creek and built ditches and irrigated part of the said property. To this I so testify.

Date 11/26/04

Name Bruce E Robinson

Signature *Bruce E Robinson*



Clara Jensen

FEB 25 2005



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

19 October 2004

Mariam M. Baker
P. O. Box 110
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claim 24-4011, 24-4012 & 24-4013

Subject: EVIDENCE OF PRIORITY

Response Date: 16 November 2004

COPY

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 number shown above, has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates water usage is based on "Beneficial 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

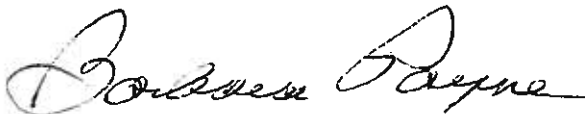
Evidence is Required” and “Some examples of Documents Which May Be Evidence of the Priority Date”.

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 Notice number. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,



Barbara Payne

Enclosure: Brochure on “Evidence of Priority”
Notice of Claim to a Water Rights

NOTICE OF CLAIM TO A WATER RIGHT

NO. 24-4011

Notice is hereby given that Miriam M. Baker,
Freedom, Wyoming

has filed a claim to a water right established by diversion and application
to beneficial use of 1.42 cubic feet per second ~~XXXXXXXXXXXXXXXXXXXX~~
of water from Tin Cup, Luthi Creek and an unnamed stream tributary to
Tin Cup Creek
with point of diversion in the SE~~1~~SW~~4~~, Sec. 1, NE~~1~~NE~~4~~ (2 points), NW~~1~~NE~~4~~,
NE~~1~~NW~~4~~ (2 points), Sec. 12, T. 5S, R. 45E, B.M., Caribou County.

The water is claimed to be used from Jan. 1 to Dec. 31 for stockwatering
purposes with a priority of Jan. 1, 1938; and from May 1 to Oct. 31 for the
irrigation of 69 acres
with a priority of May 1, 1948 ;
the place of use is within the SE~~1~~SW~~4~~, Sec. 1, NW~~1~~NE~~4~~, NE~~1~~NW~~4~~, Sec. 12,
T. 5S, R. 45E, B.M.

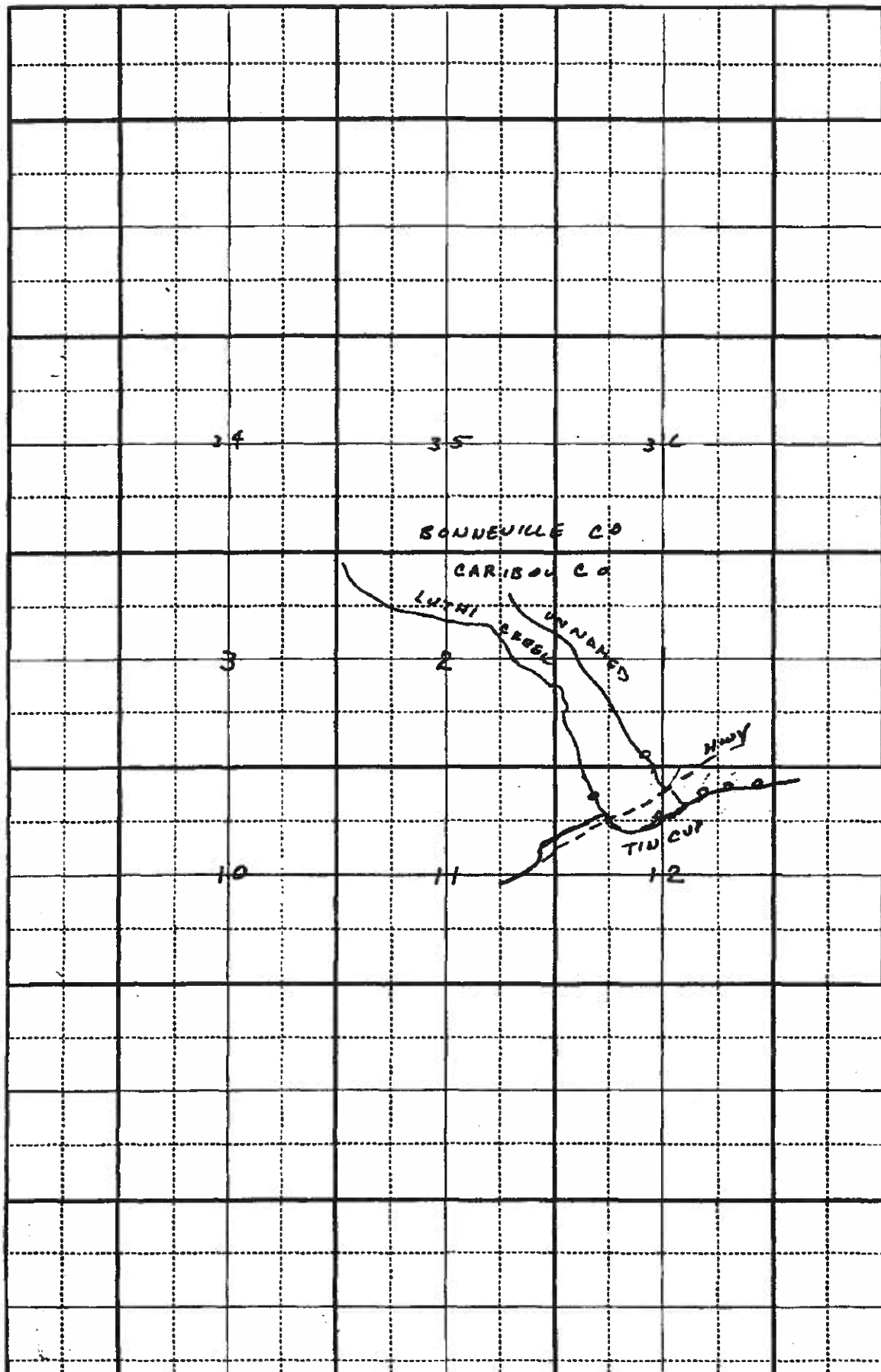
Any exception to this claim of water right may be filed with the Idaho
Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401.

R. KEITH HIGGINSON

Director

Published in the Caribou County Sun, Soda Springs, Idaho
on June 3 and June 10, 1976

filed



SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.

SCANNED

AUG 01 2001

Log for claim 24-04011

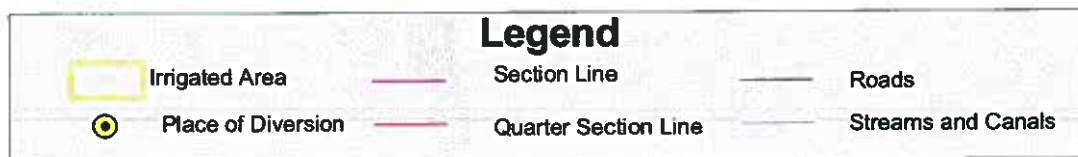
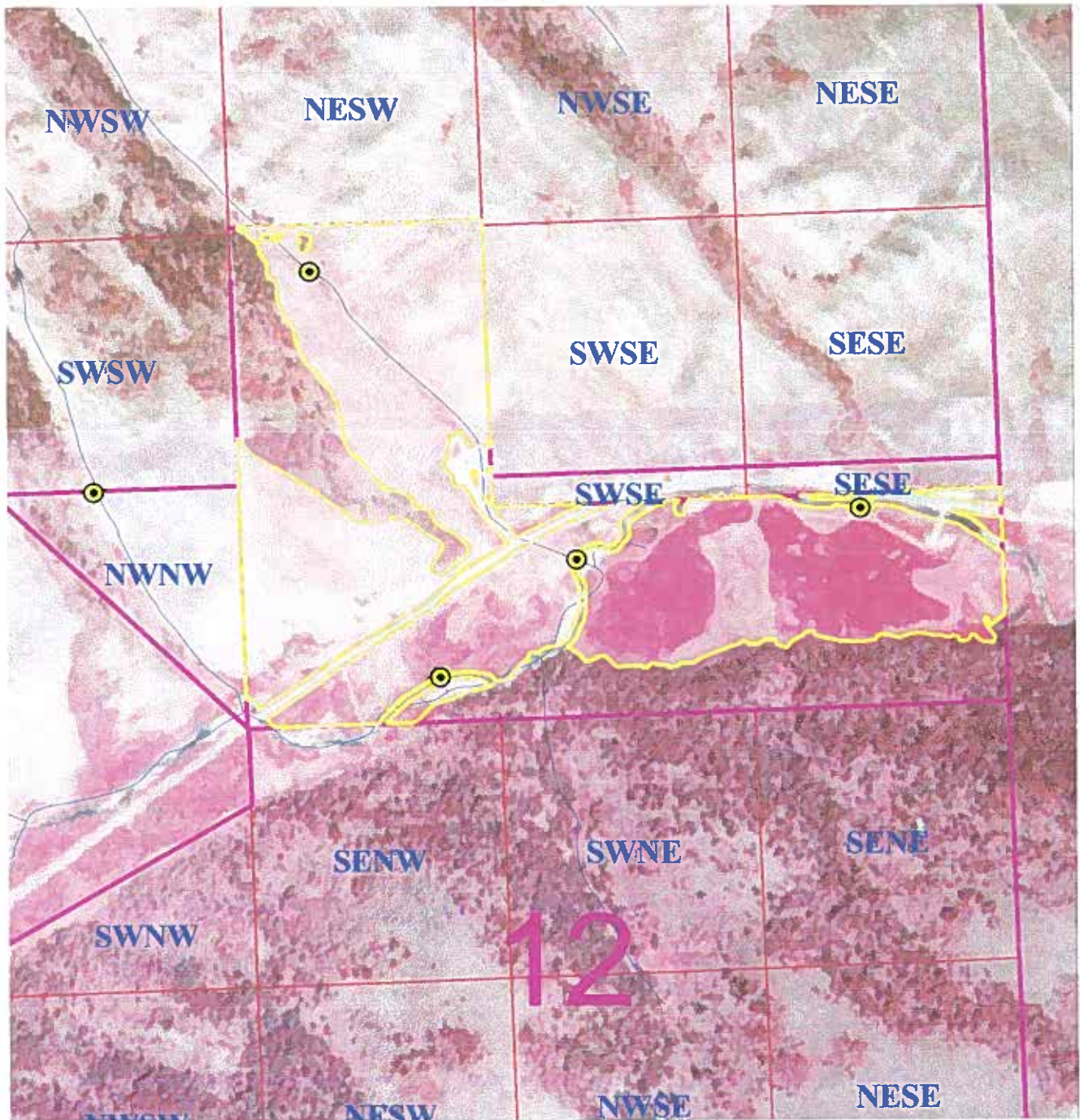
Spatial Dynamics BTD

4/4/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
05s45e	1		69	104	GCDB is Irregular/All acreages included/Indiscernib
Totals:			69	104	

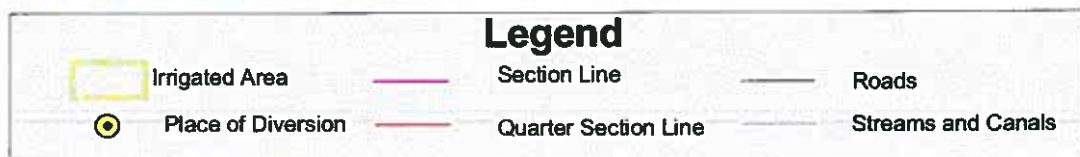
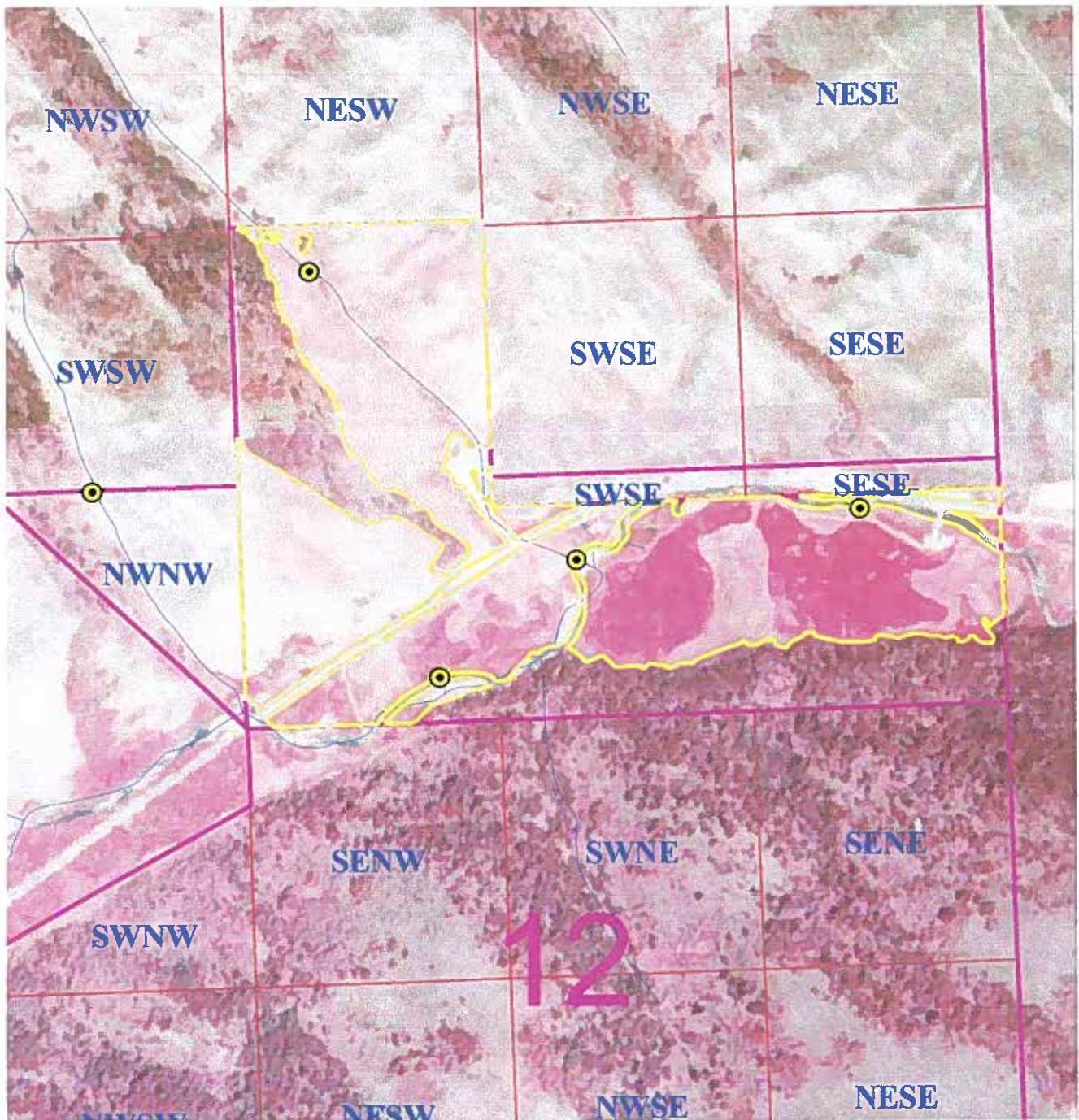
Water Right Claim Number 24-04011
Township , 5S45E

04/04/2001



Water Right Claim Number 24-04011
Township , 5S45E

04/04/2001



600 0 600 1200 Feet



Water Right Claim Number 24-04011
Township , 5S45E

04/04/2001

