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NOV 17 2006

Department of Water Resources
Eastern Region

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NOV 24 2006

DEPARTMENT OF
WATER RESOURCES

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NOV 14 2006

DEPARTMENT OF
WATER RESOURCES

Form 25a

REQUEST FOR WATER RESOURCES CLAIM

Name of Claimant:
(Please Print)Ronald + Diane Sharp

Mailing Address:

3100 W. 142 St., Leawood, KS 66224

Amount:

\$ Receipt No.:

County of Water Right:

Carroll

Claim No(s):

SRBA No 24-10668

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do /do not X request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

[Signature]
(Signature of Claimant)

11/6/06
(Date)

[Signature]
(Signature of Claimant)

11/6/06
(Date)

(Signature of Claimant)

(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

For IDWR Use

Approval Region
Approval State Office
Data Entry
Claim File

Initials

Date

[Initials]
[Initials]

11-23-06
11-2-06

-5-

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DEC 04 2006

Department of Water Resources
Eastern Region

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NOV 14 2006

REQUEST FOR WITHDRAWAL OF CLAIM

Form 25a

Name of Claimant:
(Please Print)Ronald + Diane Sharp

Mailing Address:

3100 W. 142 St., Leawood, KS 66224

Amount:

\$ Receipt No.:

County of Water Right:

Carroll

Claim No(c):

SRBA No 24-10668

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do /do not X request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

[Signature]
(Signature of Claimant)11/6/06
(Date)[Signature]
(Signature of Claimant)11/6/06
(Date)
(Signature of Claimant)
(Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

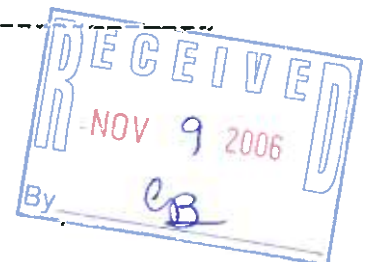
For IDWR Use

Approval Region
Approval State Office
Data Entry
Claim File

Initials

CB

Date

11/12/06CB11/12/06



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

October 30, 2006

Diane Sharp
Ronald Sharp
3100 W 142 Street
Leawood, KS 66224

RE SRBA Claim No. 24-10668

Dear Mr. & Ms. Sharp:

I have corresponded with you previously concerning the above-listed water right claim that you have filed in the Snake River Basin Adjudication. Representatives of the Idaho Department of Water Resources ("IDWR") and of the Wyoming State Engineer's Office have recently had the opportunity to meet and discuss your claim, as well as other similar claims.

As you know, IDWR considers your right to be a Wyoming water right, and filing a claim with the SRBA is not necessary, but is allowable under current Idaho law. Any recommendation provided to the SRBA Court by IDWR would only include the element(s) of your right that are actually located in Idaho. With regard to your water right, IDWR would only recommend the place of use element of your water right, with remarks indicating that this right is a Wyoming water right. Any description of elements of the right located in Wyoming would be for informational purposes only and would not be enforceable under Idaho law. Moreover, any recommendation issued by IDWR is limited to what is provided for in your Wyoming Certificate.

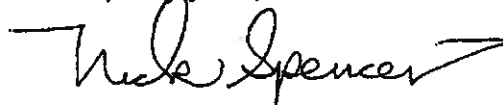
In the meeting between representatives of IDWR and the Wyoming State Engineer's Office, we were unable to resolve the discrepancies between how your right actually appears to be used in Idaho and how your Wyoming Certificate describes the right. If you are actually irrigating more acres than are provided for in your Wyoming Certificate, I would suggest that you contact Jade Henderson, Wyoming Water Superintendent, at (307) 279-3441 to discuss how you may be able to file for an enlargement of your water rights. IDWR does not have the authority to change the description of your water right and does not have the resources to determine the proper place of use.

Since any decree issued by the SRBA Court would essentially be duplicative of your Wyoming water right, the best course of action for you to take may be to withdraw your SRBA claim. A water right issued in Idaho is no more valid than a water right issued in Wyoming, and would carry no greater legal weight. Since the decision you make in this regard involves complicated multi-jurisdictional concerns, you may wish to consult your own attorney about it. If you wish to withdraw your SRBA claim, I have enclosed a Request for Withdrawal of Claim form for your convenience. IDWR will refund the filing fee that you submitted with your SRBA claim.

If you desire to move forward with your SRBA claim, additional information will likely be needed, such as deeds and potential title searches and surveys, to properly report your water right. This information will also be required by the State of Wyoming so that your Wyoming Certificate properly identifies the elements of your water right.

We are working closely with the Wyoming State Engineer's Office to make certain that your water right is accurately reported in both states. In that regard, we are mindful to attempt to prevent any additional burdens or costs upon claimants, along with making certain that you have properly recorded water rights that will be valid in the future.

Very truly yours,



NICHOLAS B. SPENCER
Deputy Attorney General

Enclosure

cc: Cindy Bird
Ernie Carlsen
Jade Henderson

REQUEST FOR WITHDRAWAL OF CLAIM

Form 25a

Name of Claimant: _____
(Please Print)
Mailing Address: _____
Amount: \$ _____ Receipt No.: _____
County of Water Right: _____
Claim No(s): _____

I wish to withdraw the Notice(s) of Claim to a Water Right which number(s) appear above and for which I previously paid a filing fee to the Idaho Department of Water Resources. I do /do not request a refund of the filing fee. If a refund is requested I have attached an explanation of the justification for granting a refund.

_____ (Signature of Claimant)	_____ (Date)
_____ (Signature of Claimant)	_____ (Date)
_____ (Signature of Claimant)	_____ (Date)

Return to:

Idaho Department of Water Resources
Adjudication Section

For IDWR Use

	Initials	Date
Approval Region	_____	_____
Approval State Office	_____	_____
Data Entry	_____	_____
Claim File	_____	_____



THE STATE

OF WYOMING

DAVE FREUDENTHAL
GOVERNOR

PATRICK T. TYRRELL
STATE ENGINEER

HARRY C. LaBONDE, JR.
DEPUTY STATE ENGINEER

Board of Control

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

Town Hall Rm 2 PO BOX 277
COKEVILLE, WY 83114
(307)279-3441
FAX (307)279-3217
jhende@seo.wyo.gov

RANDY TULLIS, SUPERINTENDENT
WATER DIVISION I
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION II
LOREN SMITH, SUPERINTENDENT
WATER DIVISION III
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION IV

26 October 2006

Ronald & Diane Sharp
3100 W 142 St
Leawood, KS 66224

Re: Idaho lands under Wyoming water rights
in Freedom Canal

Dear Mr. & Mrs. Sharp:

Working closely with Idaho along our shared border, your water right claim for Idaho lands in their Snake River Basin Adjudication comes to our attention. We are writing to let you know the Freedom Canal already has Wyoming water rights adjudicated for irrigation & stock use in Idaho, as a Wyoming diversion from Salt River. This is also true of the nearby Kirkbride Ditch.

In contrast to other areas where an existing interstate decree or compact already designates otherwise, both states agree that the state in which the canal diverts from the natural stream is the state which has jurisdiction to permit, adjudicate, and administer the water right for that diversion (regardless of which state the artificial conveyance and water's use attaches to).

Because your right to natural flow originates from and is recorded by Wyoming, your Idaho claim is an unnecessary duplication that can mislead you and others to expect that your usage on Idaho land should be subject to Idaho priorities and regulation. Wyoming therefore encourages you to withdraw your Idaho claim.

If you have questions about whether your full use in Idaho is covered by a Wyoming adjudication, please send me a copy of the legal land description on your deed so we can do a water right search of Wyoming State Engineer's Office records for that land. We can also provide copies, and can explain other procedures such as how to file for an expanded Wyoming water right to unpermitted lands or additional uses.

Both states will appreciate your attention to this matter, and your thoughtful withdrawal of the Idaho claim.

Best regards,

Jade Henderson
Wyoming Water Superintendent

copies: Ed Bruce, Water Commissioner
Kevin Wilde, Lead Hydrographer
Idaho Department of Water Resources



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

September 11, 2006

Diane Sharp
Ronald Sharp
3100 W 142 Street
Leawood, KS 66224

Re: SRBA Claim No. 24-10668

Dear Mr. & Ms. Sharp:

I am a Deputy Attorney General who represents the Idaho Dept. of Water Resources (IDWR) in the Snake River Basin Adjudication (SRBA). IDWR's records indicate that you have filed the above-listed water right claim in the SRBA.

The claim is evidenced by a Water Right Certificate issued by the State of Wyoming. IDWR considers such rights to be Wyoming water rights because the point of diversion of the water is in Wyoming, even though the right may be used in whole or in part in Idaho. However, the SRBA District Court has determined that such rights may be claimed—but do not have to be claimed—in the SRBA. If the owner of a Wyoming right that is used in whole or in part in Idaho files a claim in the SRBA, IDWR will investigate the claim and recommend to the SRBA Court how it ought to be decreed.

In conducting its investigation of your claim, IDWR has discovered discrepancies between how your right appears actually to be used in Idaho and how your Wyoming Certificate says the right is used. The discrepancy may be either that you appear to be irrigating more or different acres than are listed on your Wyoming Certificate, or that from the legal description provided on the Certificate, IDWR cannot determine which acres the Certificate entitles you to irrigate. Because IDWR considers the right to be a Wyoming water right, it likely cannot recommend the right differently from how the right is recorded on the Wyoming Certificate, even if the right is presently being used differently, without the concurrence of the Wyoming State Engineer's Office.

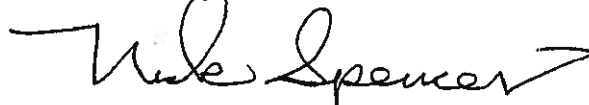
Due to the discrepancies that have been found between the use of the water and the Wyoming Certificate, the Preliminary Director's Report on the above referenced claim will not be sent at the same time as the other Basin 24 claims. There is a meeting scheduled between the Wyoming State Engineer's Office and IDWR to try to determine how to resolve discrepancies such as IDWR has found with your right. Following that

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SEP 12 2006

meeting, you will either be contacted by IDWR for additional information, or a Preliminary Recommendation of your right will be issued, after which time you will have an opportunity to meet with IDWR to resolve any problems with the recommendation before a Final Recommendation is sent to the SRBA Court. Also, there is a Public Meeting for Basin 24 scheduled for September 28, 2006, beginning at 2:30 p.m. at the Thayne Senior Center in Thayne, Wyoming. Although a preliminary recommendation for your water right will not be completed at that time, if you would like to get a better understanding of how the SRBA works, you are invited to attend.

To learn more about the exact nature of the discrepancies IDWR has found between your actual use in Idaho and your Wyoming Certificate you may contact Cindy Bird at IDWR's Soda Springs office, 15 W Center Street, Soda Springs, ID 83276, telephone number (208) 547-3993.

Very truly yours,

A handwritten signature in black ink, appearing to read "Nick Spencer", with a long horizontal flourish extending to the right.

NICHOLAS B. SPENCER
Deputy Attorney General

Cc: Cindy Bird
Ernie Carlsen
Jade Henderson

Notes

6 Sept 05 (913) 897 2845- msg on machine Bac

10 Sept 05 met w/ Mr. Sharp at ranch (POU) Bac

28 Sept 2005 1) Please see general Tincup narrative ^{copy in this file, 10-180, 28}
in A24-2000B. Note that Wyoming map
& certificates appear to be compatible
w/ current PLS alignment.

2) Please see special file for Basin 24
Wyoming water rights. Bac 28 Sept 05

2 Aug 2006 - Determined Quantity by licenses
~ $\phi. \phi 14$ in/acre as licensed
multiplied by 100.5 acres
 $\phi. \phi 14 * 100.5 = 1.41$ cfs. AB

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Contacts Data Entry Form

[illegible]

Current Owner _____

Name connector: and ____, or ____, and/or ____

Current Owner _____

Current Owner _____

Representing Attorney: _____ **Phone Number:** _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: 9-10-05 Time: _____

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

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 other markings on the paper.

Reviewer: _____

Date: _____

Contacts Data Entry Form

Priority Date Data Entry FormClaim Number: A24-10668

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:

Wyoming certificates 25704 and 25707 show
priority date of 6 August 1933. BAC 28 Sept 2005

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? Yes ☐ No ☒
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 ☒ No ☐
If Yes, go to 5
If No, go to 7
5. Does the decree or license have a Priority Date? Yes ☒ 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 ☒ 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 ☒ 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 ☒
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 - 10668

Point of Diversion and Source Data Entry Form

Claim Number: A2410668

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	QQ of QQ of Q	County	Source
55	46E	22	1	NE NW NE	Caribou	Salt River
GPS Coordinates: <u>2741027E</u>					<u>1312444 N</u>	<u>IDTM83</u>
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? Other Freedom Canal rights.

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

POD described above is GPS location where canal enters Idaho.
POD in Wyoming is at 2742066E 1310648N IDTM83.
My map does not have Wyoming QQ data but this
is in 34N 119W 6th principle Meridian Section 4.
Yac 28 Sept 2005.

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 ()

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 - 10668

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 Source as shown on the Permit. Go to 11

Yes (☐) No (☐)

4. Does the parent right have a Source?

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

Yes (☒) No (☐)

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

If Yes, recommend the Source as shown in the water right file. Go to 11
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 there evidence that there has been a change in the Source?

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

9. Did the claimant file a transfer?

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☒)

Source

Claim No. A24 - 10668

Purpose of Use Data Entry Form

Claim Number: A24-10668☐ 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:

Prization confirmed by field inspection. BAC 28 Sept 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 (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 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 (X) 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 (X) 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 - 10668

Place Of Use Data Entry Form

Claim Number: A24-10668☐ 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 list & discussion. Rec 28 Sept 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 (☐)

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 - 10668

Period of Use and Quantity Data Entry Form

Claim Number: A24-10668☐ 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:

Claimant appears to own all of certificate 25704 lands and $(44.84/120.93)$ of 25707 lands. Certificates are hard to read but assuming 25704 has a diversion rate of 0.86 gfs/acre, all certificates are consistent at ≈ 0.0142 gfs/acre. The average to apply this to depends on decision about irr. acreage in POU. Bac 28 Sept 2005

Reviewer: _____

Date: _____

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

Yes ☐ No ☐

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

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 ☐

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 ☒ 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 ☒

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 ☒

Period of Use

Claim No. A24 - 10668

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 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. A24-10668

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. A2c1 - 10668

Summary Data Entry Form

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

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

GPS list (1), Poll list (1), photos (1), field map (1), letter to
claimant (1). Pac 28 Sept 05

Claim No.: A24-10668

Reviewer _____ Date _____

CLAIMS BASED ON LICENSE COMPARISON

Wyoming

	Licensed	Claimed	Field Exam
License #	24-10668	24-10668	
Priority Date	8-6-1933	8-6-1933	
Source(s)	Salt River	Salt River	
Tributary to	Snake River	Snake River	
POD		5, 46, 22 NENWNW	
Purpose of Use	irrigation	irrigation	
Season of Use		4/1 to 10/31	
Quantity (cfs)		1.47 cfs.	
POU		5, 46, 15 NWNW SWNW NWSW	
		5, 46, 16 SENE NENE	
		102.21 acres	
	There are 5 different "Licenses" in the file - BP		
	Licensed	Claimed	Field Exam

Checker AB Date 10-25-05

Claim # A24-10668

MEMORANDUM

TO: Adjudication Bureau Staff Adjudication Memo No. 53
FROM: Dave Tuthill
DATE: Amended September 30, 2005
RE: Adjudication Recommendations for Out-of-State Diversions or
Places of Use

For an out-of-state diversion with place of use in Idaho, prepare recommendations for all elements of the water right.

For point of diversion use the location where the conveyance system enters Idaho.
To clarify the point of diversion use this condition:

F15

The point of diversion for this water right is in [state], [PLS, including meridian]. The point of diversion shown above is where the conveyance system enters Idaho.

To clarify the priority date use this condition:

The priority date for this water right must be determined by the state of [____]. The listing of this element is for informational purposes only.

To clarify the quantity use this condition:

The quantity for this water right must be determined by the state of [____]. The listing of this element is for informational purposes only.

Notes:

1. Digitize the POD at the location where the conveyance enters the state. This location is useful for spatial queries. Place the actual POD in the SpatialData layer.
2. As the recommendation for an out-of-state diversion is forwarded to the SRBA Court, the format will be changed in the State Office to conform with previous similar submittals.

For an in-state diversion with the place of use out-of-state, prepare recommendations for all elements except place of use. To clarify the place of use, use this condition:

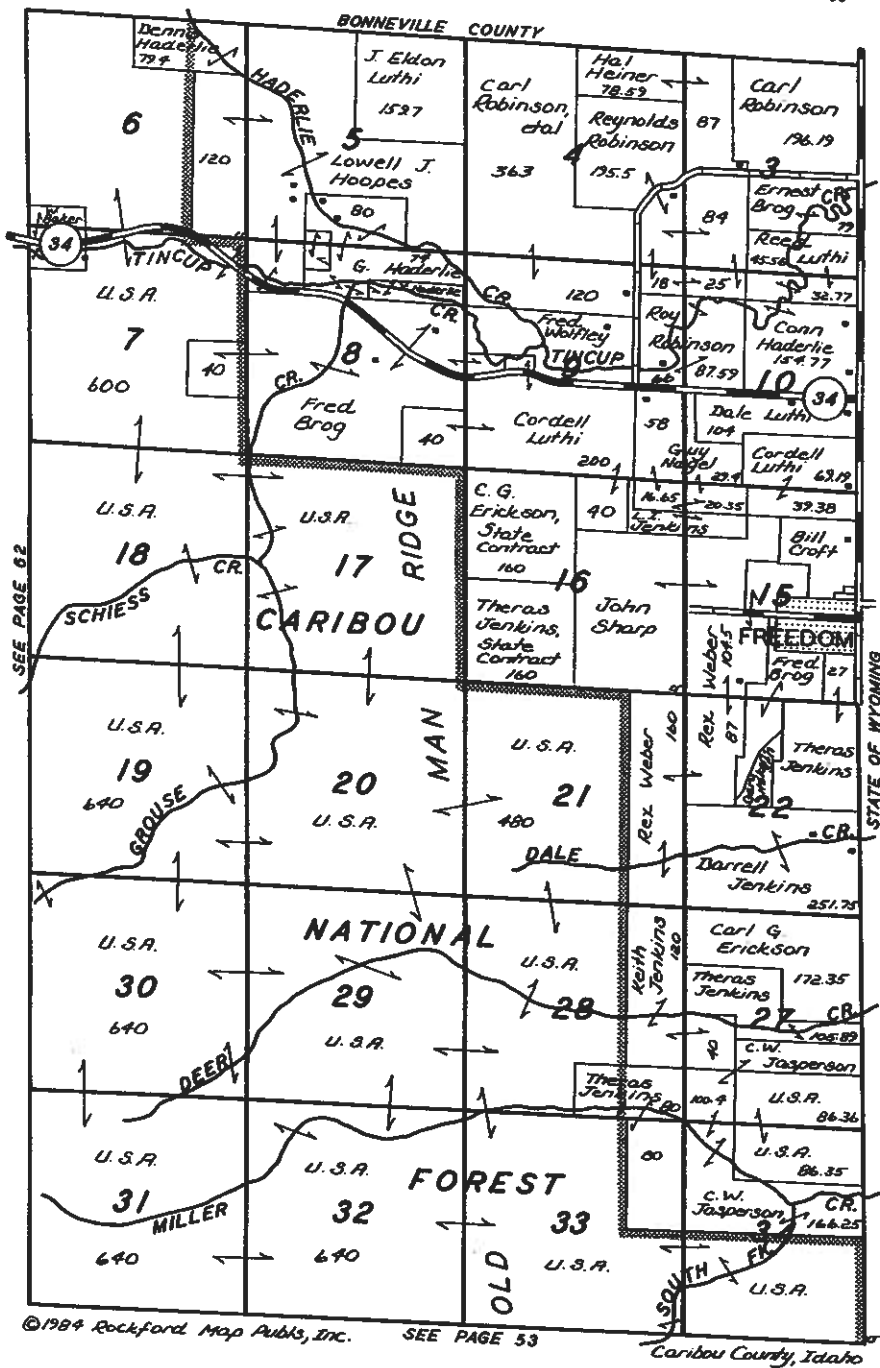
F16

The place of use for this water right is in [state], and includes [x] acres described as [PLS, including meridian].

SCANNED

SEP 12 2006

T.50-R.46 E.



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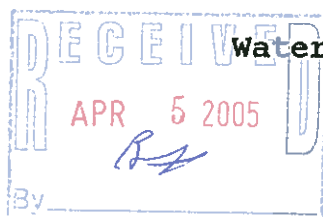
WY water law statutes

CHAPTER 3

Water Rights; Administration and Control

ARTICLE 1

WATER RIGHTS GENERALLY



41-3-101. Nature of water rights and beneficial use. A water right is a right to use the water of the state, when such use has been acquired by the beneficial application of water under the laws of the state relating thereto, and in conformity with the rules and regulations dependent thereon. Beneficial use shall be the basis, the measure and limit of the right to use water at all times, not exceeding the statutory limit except as provided by W.S. 41-4-317. In addition to any beneficial use specified by law or rule and regulation promulgated pursuant thereto, the use of water for the purpose of extracting heat therefrom is considered a beneficial use subject to prior rights. Water being always the property of the state, rights to its use shall attach to the land for irrigation, or to such other purposes or object for which acquired in accordance with the beneficial use made for which the right receives public recognition, under the law and the administration provided thereby. Water rights for the direct use of the natural unstored flow of any stream cannot be detached from the lands, place or purpose for which they are acquired, except as provided in W.S. 41-3-102 and 41-3-103, pertaining to a change to preferred use, and except as provided in W.S. 41-4-514.

Source: Laws 1909, ch. 68, 1; C.S. 1910, 724; C.S. 1920, 832; Laws 1921, ch. 161, 1; R.S. 1931, 122-401; Laws 1941, ch. 25, 1; 1945, ch. 118, 2; C.S. 1945, 71-401; W.S. 1957, 41-2; W.S. 1977, 41-3-101; Laws 1981, ch. 28, 1.

41-3-102. Preferred uses; defined; order of preference. (a) Water rights are hereby defined as follows according to use: preferred uses shall include rights for domestic and transportation purposes, steam power plants, and industrial purposes; existing rights

THE STATE OF WYOMING

 Certificate of Authorization of Water

Certificate of Appropriation of Water **Certificate Record No. 61**, **Page 24**

WHEREAS, H. LAWRENCE has presented to the Board of Control of the State of Wyoming proof of the appropriation of water from SALT MOUNTAIN RESERVOIR OF SALT LAKE

Through the **Table No. 7**
under Permit No. 6432 D1, for stock use and

for irrigation of the lands herein described, lying and being in Carbon County, Idaho ~~County, Idaho~~

NOW KNOW YE, That the State Board of Control, under the provisions of the Statutes of Wyoming, has, by an order duly made and entered on the 29th

day of March, A. D. 1957, in Order Record No. 23, Page 548, determined and established the priority and amount of such

superscription as follows:

Name of Appropriator	Postoffice Address	Provision	Why coming:
E. Larnester			

Date of Appropriation August 8, 1933
Total Average One Hundred Twenty and Ninety-three Percentages (120.93) A

Amount of Appropriation.....1.28
cu. ft. per sec.: Description of land to be irrigated and for which this appropriation is determined and established:

[illegible]

The right to water hereby confirmed and established is limited to irrigation, and, except as otherwise provided in this act, the use is restricted to the places where acquired and to the purposes for which acquired: right for irrigation not to exceed one cubic foot of water per second for each seventy acres of land for which the appropriation is herein determined and established, except when there is surplus water in the stream as provided by Sections 71-215 to 71-324, Wyoming Compiled Statutes, 1945.

IN TESTIMONY WHEREOF, I, J. C. HIGGINS,
President of the State Board of Control, have hereunto set my hand and the seal of said Board at the City of St. Louis, Missouri, this 11th day of May, 1910.

hand this ~~29th~~ ~~day of~~ ~~1967~~ ~~1~~ ~~-----~~ A.D. 1967 and caused the seal of said Board to be hereunto affixed.

Attention: Paul Lloyd
 Ex-Officio Secretary.
 President

[illegible]

United Nations
Secretary-General

10: Kevin Wilder
DEPT: Div 4
FROM: Lundy R
FAX # 777-6202
FAX # 777-6202
NO. OF PAGES 1

RECEIVED
APR 5 2005
IX
By

3

THE STATE OF WYOMING

Proof No. 28715

Certificate of Appropriation of Water

Certificate Record No. 64 Page 223

WHEREAS, Boyle Water has presented to the Board of Control of the State of Wyoming proof of the appropriation of water from Salt River, tributary of Snake River through the Idaho P.L. Freedom Canal under Permit No. 6692 P.L. for stock use and

for irrigation of the lands herein described, lying and being in Carbon County, Idaho NOW KNOW YE, That the State Board of Control, under the provisions of the Statutes of Wyoming, has, by an order duly made and entered on the 29th day of March, A. D. 19 67, in Order Record No. 13 Page 349 determined and established the priority and amount of such appropriation as follows:

Name of Appropriator Dorje Weber

Postoffice Address Freedom

Wyoming;

Date of Appropriation August 6, 1933

Total Acreage One Hundred Eight and Eighty-one Hundredths (108.81) Ac.

Amount of Appropriation 1.65

cu. ft. per sec.; Description of land to be irrigated and for which this appropriation is determined and established:

TWP.	RANGE	SEC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
			NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	NW 1/4	SW 1/4	SE 1/4	
5 S.	46 E.	16	6.27	Ac. Tract 21.	24 & 26 of Lot 51			6.26	Ac. Tract 19 of Lot 41						12.63
5 S.	46 E.	16	13.61	Ac. Tract 6 of Lot 1; 43.39 Ac. Tract 7 of Lot 21 3 Ac. Tract 1											60.29
5 S.	46 E.	16	14.80	Ac. Tract 1											14.80
5 S.	46 E.	22			20										20.
															108.81



The right to water hereby confirmed and established is limited to irrigation and stock use. The use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot of water per second for each seventy acres of land for which the appropriation is herein determined and established, except when there is surplus water in the stream as provided by Sections 71-216 to 71-224, Wyoming Compiled Statutes, 1945.

IN TESTIMONY WHEREOF, I, J. C. BISHOP

have this 29th day of March, A. D. 19 67, and caused the seal of said Board to be hereunto set my

Attest: Carl L. Bishop Recording Secretary.

President of the State Board of Control, have hereunto set my

President.

2323

4

Certificate Record No. 64, Page 277

~~Water~~ under Permit No. 6882 B-1. For Book use and.

NOW KNOW YE, That the State Board of Control, under the provisions of the Statute of this State, have caused to be printed and sold in Carbon County, Idaho, the following:

Postoffice Address... Freedom

Wyższy:

---: Total Average... 7103-2110

tion of land to be irrigated and for

RECEIVED
APR 5 2005
By *BT*

to 71-224, Wyoming Compiled Statutes, 1945.

President of the State Board of Control

Allegati: 1 foglio Ex-officio Secretary

unfiled

Presidential.

THE STATE OF WYOMING

Proof No. 2571A

Certificate of Appropriation of Water

Certificate Record No. 64 Page 221

WHEREAS, Mr. Robinson has presented to the Board of Control of the State of Wyoming proof of the appropriation of water from Salt River, tributary of Snake River through the Isabe Ryl. Freedom Canal

for irrigation of the lands herein described, lying and being in Carbon County, Idaho NOW KNOW YE, That the State Board of Control, under the provisions of the Statutes of Wyoming, has, by an order duly made and entered on the day of March, A. D. 1957, in Order Record No. 13 Page 568 determined and established the priority and amount of such appropriation as follows:

Name of Appropriator Mr Robinson Postoffice Address Freedom Date of Appropriation August 6, 1953 Total Acreage Thirty-one and Twelve Hundredths (31.12) Acres Amount of Appropriation 0.64 cu. ft. per sec.; Description of land to be irrigated and for which this appropriation is determined and established:

TWP.	RANGE	SBC.	NE 1/4			NW 1/4			SW 1/4			SE 1/4			TOTAL
			NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	NEW	
6 3.	46 E.	28	12	Ab.	Part of Lot 2										12
6 3.	46 E.	25	1.23	Ac.	Tract 11 of Lot 310 Ac.	Part of Tract 15 of Lot 41									19.12
															31.12

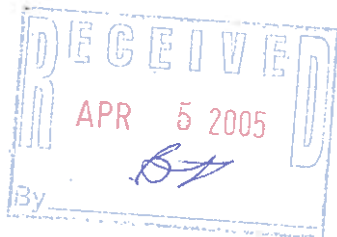


The right to water hereby confirmed and established is limited to irrigation and stock use the use is restricted to the place where acquired and to the purpose for which acquired; rights for irrigation not to exceed one cubic foot of water per second for each seventy acres of land for which the appropriation is herein determined and established, except when there is surplus water in the stream as provided by Sections 71-216 and 71-224, Wyoming Compiled Statutes, 1945.

IN TESTIMONY WHEREOF, I, L. G. BISSOP

and this 28th day of March, A. D. 19 57 and caused the seal of said Board to be hereunto set my Attest: L. G. Bissop Ex-Officio Secretary.

[Signature] President of the State Board of Control, have hereunto set my



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

SCANNED
SEP 12 2006

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.

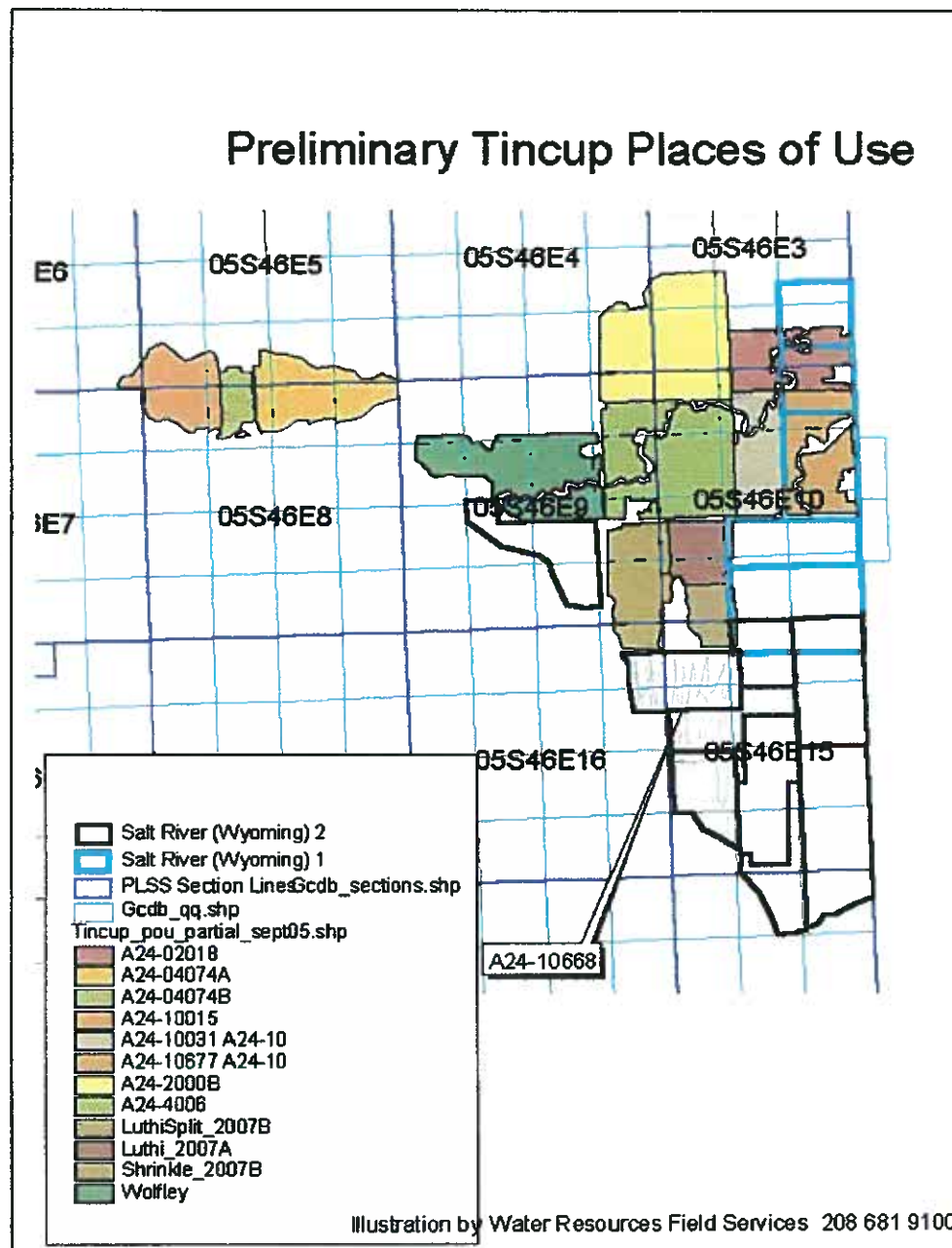


Figure 1. Approximate places of use and misalignment of Public Land Survey System with roads and property lines.



Close

From: Payne, Barbara**To:** Townsend, KariLynn; Roberts, Christine**Cc:****Subject:** 24-4000, 24-4021**Sent:** 10/18/2005 12:47 PM**Importance:** Normal

Hi girls,

We have received ownership changes for 24-4018, 24-4019, 24-4020, 24-4021, 24-4022, and 24-4000. We have all but 24-4021 and 24-4000. Cindy wanted me to check with ya'll to see if you have either of these two missing files. If so, please let me know and I will send a copy of these documents via snail mail. Thanks.

Barbara :-}

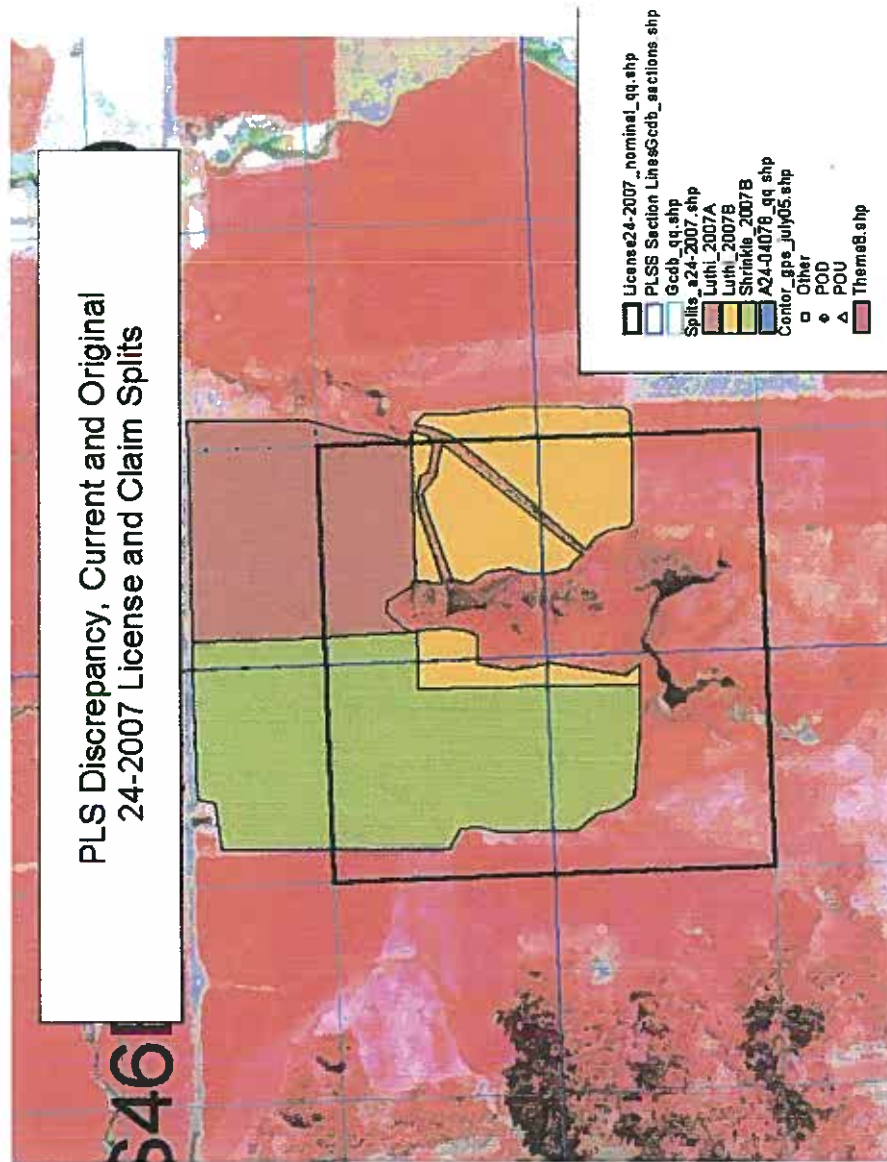


Figure 2. Licensed quarter-quarters and actual place of use, 24-2007.

A24-10668

Canal crosses into Idaho 5S 46E 22 Lot 1 NENWNE

POD in Wyoming is 34N 119W Section 4. My map does not have QQ labels, QQ/Lot unknown

Waypoint	Lon	Lat	Claim	Site tag	Feature	Collect by	Instrument	Comment
35	-111.0322833	42.95798333	A24-10668	none	POD	B Contor	Garmin Geko 201	POD in Wyoming - Freedom Canal
36	-111.0442333	42.97446667	A24-10668	none	POD	B Contor	Garmin Geko 201	Where canal crosses into Idaho - Freedom Canal

A24-10668 Acre per QQ (shapefile based on image)				
Township,	Section	QQ	Q	Acres
05S46E	15	NE	NW	3.1
05S46E	15	NW	NW	20
05S46E	15	SW	NW	40
05S46E	15	SE	NW	5
05S46E	15	NE	SW	1.5
05S46E	15	NW	SW	15
Section Total				84.6
05S46E	16	NE	NE	8.8
05S46E	16	SE	NE	7.2
Section Total				16
Total Acres				100.6

Note that shapefile "A24-10668-fr-wyoming-map.shp" (in folder "supporting data" on CD) is based on georeferenced image of Wyoming paper map in this file and shows ≈ 106 acres. Claim is for ≈ 102 acres. Because this is based on a Wyoming license I don't know which should be recommended. BAC

28 Sept 2005

Note that circled acreages on Wyoming certificates 25707, and 25704, sum to 104.65 + 14.65 acres. The difference is in the acreage in NWSW of Section 15.



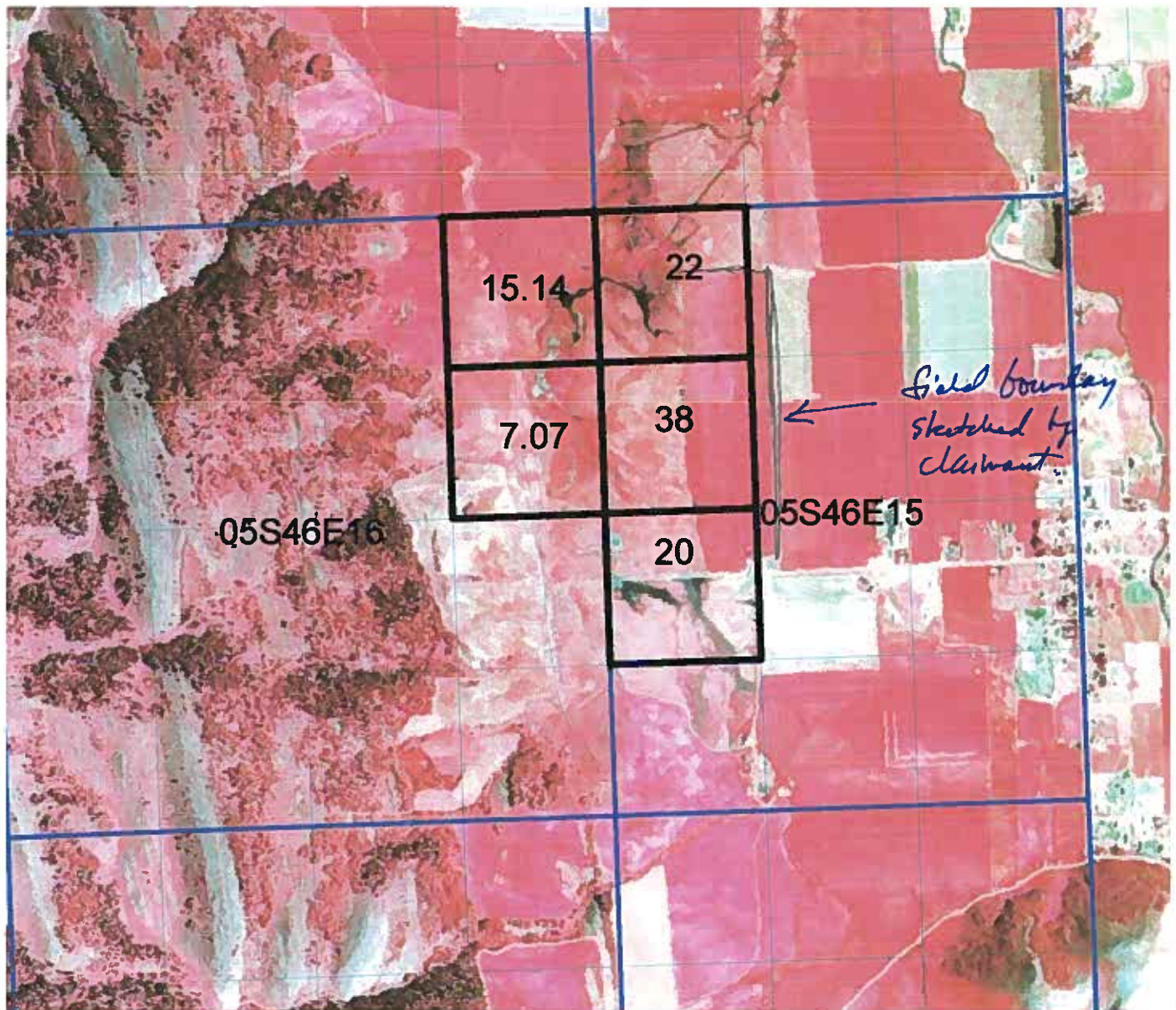
①
POD in Wyoming, looking
N. Salt River goes
straight away from camera,
canal goes to left. Taken
from Waypoint 35 10 Sept
2005.



②
Location where canal
enters Idaho, looking N
East. Waypoint 36 is
in the middle of the road
over the culvert. Dotted
line is stream line. 10 Sept 05
BAC

A24-10668

Map for Field Sketching



1987 Aerial Photography from IDWR
Illustration by Water Resources Field Services 208 681 9100

-  Claimed QQ w/ Acres
-  PLSS Section LinesGcdb_sections.shp
-  Gcdb_qq.shp

Water Resources Field Services

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

3 September 2005

Diane and/or Ronald Sharp
3100 W 142 ST
Leawood KS 66224

Re: Idaho water right claim A24-10668

Dear Mr. and Mrs. Sharp:

Idaho Department of Water Resources has asked me to do a field inspection of your water right claim. This is so that the Department may recommend the right to the court in the Snake River Basin Adjudication. The water right is for irrigation out of the ~~S~~^{Salt} Snake River via the Freedom Canal.

I will be trying to call you at (913) 897 2845. Please call me at (208) 681 9100 if you don't hear from me. I would like to know who I may contact locally to visit the irrigated place of use and the point of diversion from the Salt River. If possible, I would also like to contact one of the officers of the Freedom Canal (if any). Please call me if you have questions. You may also call Idaho Department of Water Resources at (208) 547 3993 or (208) 525 7161.

Thank you,

Bryce A. Contor

SCANNED
SEP 12 2006



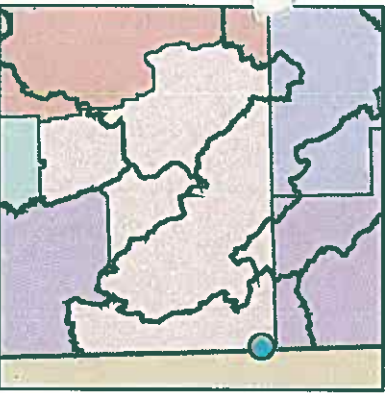
Idaho Department of Water Resources

SRBA Recommendation:

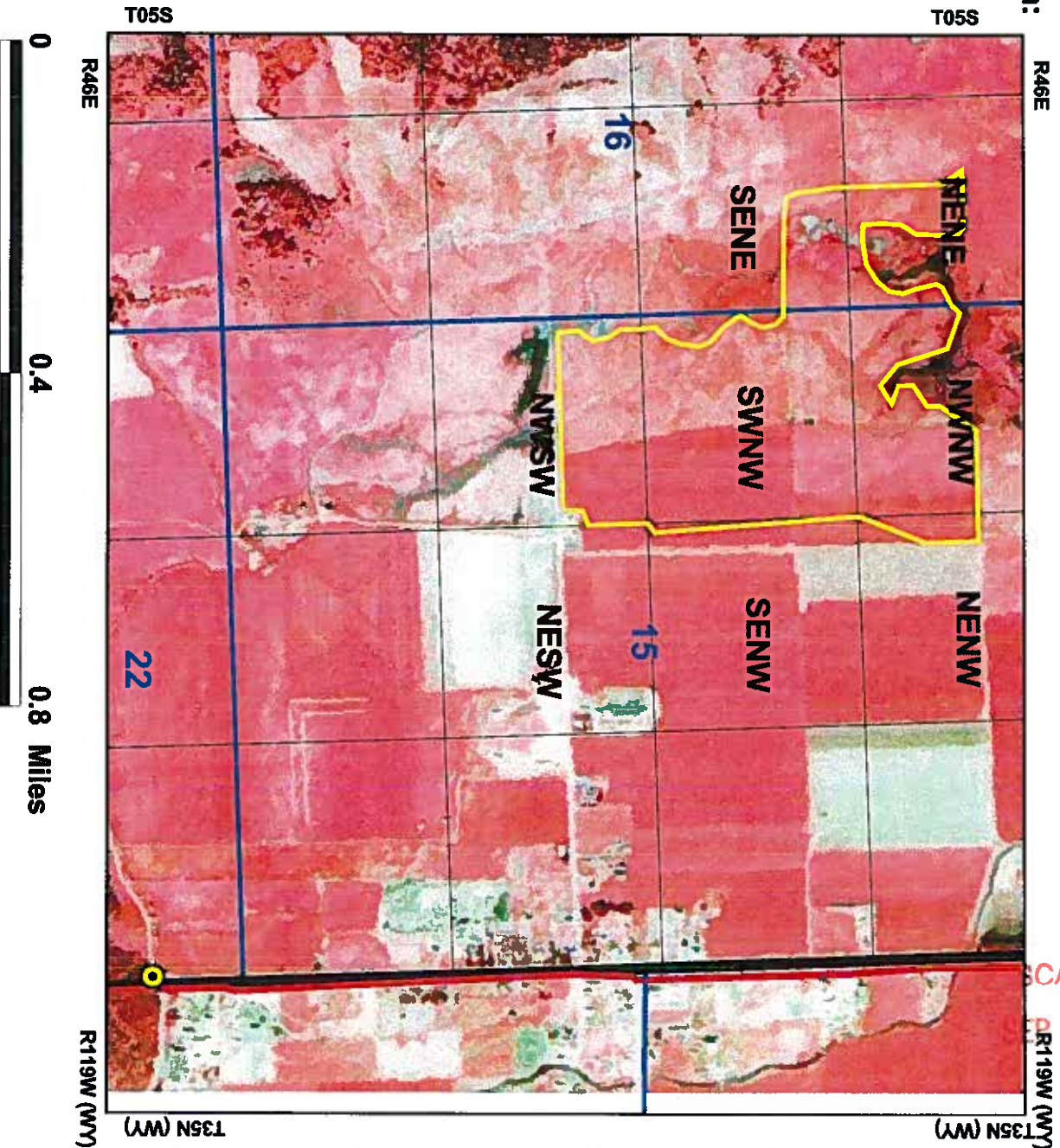
24-10668

Legend

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



Caribou County
IDWR Basin 24



SCANNED
12 2006

08/17/2006

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

RIGHT NUMBER: 24-10668
NAME AND ADDRESS: DIANE SHARP
3100 W 142 ST
LEAWOOD KS 66224

RONALD SHARP
3100 W 142 ST
LEAWOOD KS 66224

SOURCE: SALT RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 1.240 CFS
PRIORITY DATE: 08/06/1933
POINT OF DIVERSION:

T05S R46E S22 NENWNE Lot 1 Within CARIBOU County
The point of diversion shown above is where the conveyance system enters Idaho.
The point of diversion for this water right is in Wyoming, (T34N R119, S4 SENESE, 6PM)

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	05/01 10/31	1.240 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R46E S15	NENW	2.20	T05S R46E S15	NWNW	19.00
T05S R46E S15	SWNW	36.80	T05S R46E S15	SENE	1.20
T05S R46E S15	NWSW	15.00	T05S R46E S16	NENE	7.60
T05S R46E S16	SENE	7.00			

88.8 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.

THIS RIGHT LISTED ABOVE IS PART OF WYOMING PROOF NUMBER 25704 and 25707, CERTIFICATE RECORD NO. 64, PAGE 211 and 214, FOR L. I. Jenkins and E. Lancaster, UNDER THE IDAHO ENLARGEMNET FREEDOM CANAL. WHICH DESCRIBES THE PLACE OF USE AS FOLLOWS: IN THE NWSW 20 AC, SWNW 24.84 AC, NENW 2.21 AC, NWNW 22.1 AC, SWNW 12 AC, SENW 1.29 AC; ALL WITHIN SECTION 15, AND IN THE NENE 16.14 AC, SENE 7.07 AC OF SECTION 16, ALL WITHIN T5S R46E, B.M., STATE OF IDAHO, ONLY THE LAND DESCRIBED UNDER THE ORIGINAL WYOMING CERTIFICATE CAN BE IRRIGATED UNDER THIS RIGHT.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

SEP 12 2006

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 24-10668
Date Received: 3/25/2005
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DIANE SHARP Phone: (913)897-2845
3100 W 142 ST
LEAWOOD KS USA 66224

RONALD SHARP Phone: (913)897-2845
3100 W 142 ST
LEAWOOD KS USA 66224

WITHDRAWN

2. Date of Priority: 08/06/1933

3. Source: SALT RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	46E	22	NE NW NW	CARIBOU	

5. Description of diverting works:

FREEDOM CANAL, 50 HP PUMP IN DITCH, WHEEL LINE, AND SOME FLOOD IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.47	

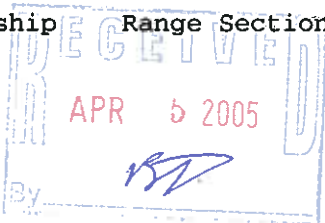
7. Total Quantity Appropriated is:
1.47 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
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24-10668

03/25/2005

SCANNED
SEP 12 2006

05S	46E	15	NW	NW	IRRIGATION	22
			SW	NW	IRRIGATION	38
			NW	SW	IRRIGATION	20
					Section Acres	80
05S	46E	16	SE	NE	IRRIGATION	7.07
			NE	NE	IRRIGATION	15.14
					Section Acres	22.21
					Total Acres	102.21

11. Place of use in counties: CARIBOU

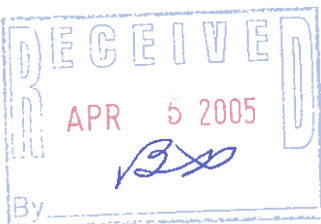
12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

The point of diversion for this water right is in Wyoming, [T34N R, S4 SENESE)
The point of diversion shown above is where the conveyance system enters Idaho.

15. Basis of Claim: License



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 24-10668Date Received 3-25-05Receipt Number E030702

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Ronald J and/or Diane Sharp. Phone (913) 897-2845
Mailing Address 3100 W. 142 ST. Leawood, KS Zip 66224

2. Date of Priority (Only one (1) per claim) Aug 6, 1933

3. Source of water supply (a) Salt River
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 5S Range 46E Section 22,
NE 1/4 of NW 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Caribou.

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

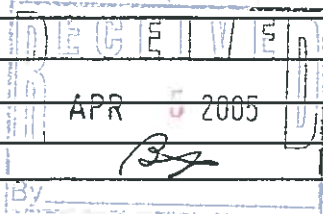
Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

Freedom Canal, 50 hp pump in ditch, wheel-line.
and some flood irrigation.



Scale: 2 inches equals 1 mile

TGS RULE. (see map).

16

15

14

13

RECEIVED
APR 6 2001
BY

Last Name

Sharp

Ident No.

24-

Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation. purposes from 4/1 to 10/31 amount 1.47 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.47 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Stock 100 head.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
55	46E	16	15.14			7.87													23
55	46E	15							23	38			20						80

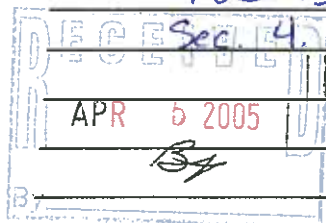
Total number of acres irrigated 103

11. In which county (ies) are lands listed above as place of use located? Caribou

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
_____ or None (X)

14. Remarks: POD is located in Wyo. T34N R.
Sec. 4. SE NE SE. - Flows thru Freedom Canal.



Last Name Sharp Ident No. 24-

Copies: White -State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License X Permit _____

Decree _____

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant _____

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 8

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) [Signature]

Date 24 MAR 05

[Signature]

Date 3/24/05

For Organizations: I do solemnly swear or affirm that I am _____

of _____, that I have signed the foregoing

Organization

document in the space below as _____ of _____

Title

Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)

County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 24th day of March, 2005



Notary Public Cindy E. Bird

Residing at Lava Hot Springs

My Commission Expires May 1, 2007

Please Print Name

Cindy E. Bird

17. Notice of Appearance

Notice is hereby given that I, _____ will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature [Signature]

Address [Signature]

Date _____

Last Name Sharp Ident. Number 24-

Copies White-State, Yellow-Claimant