

09/12/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-10676

FRED BROG
1644 STATE LINE RD
FREEDOM WY 83120
Telephone Number: (307)883-2363

ANNIE BROG
1644 STATE LINE RD
FREEDOM WY 83120
Telephone Number: (307)883-2363

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

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

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

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

DATE: 10-12-06 SIGNATURE: Fred Brog

Please print your name: Fred Brog

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





Idaho Department of Water Resources

SRBA Recommendation:

24-10676

Legend

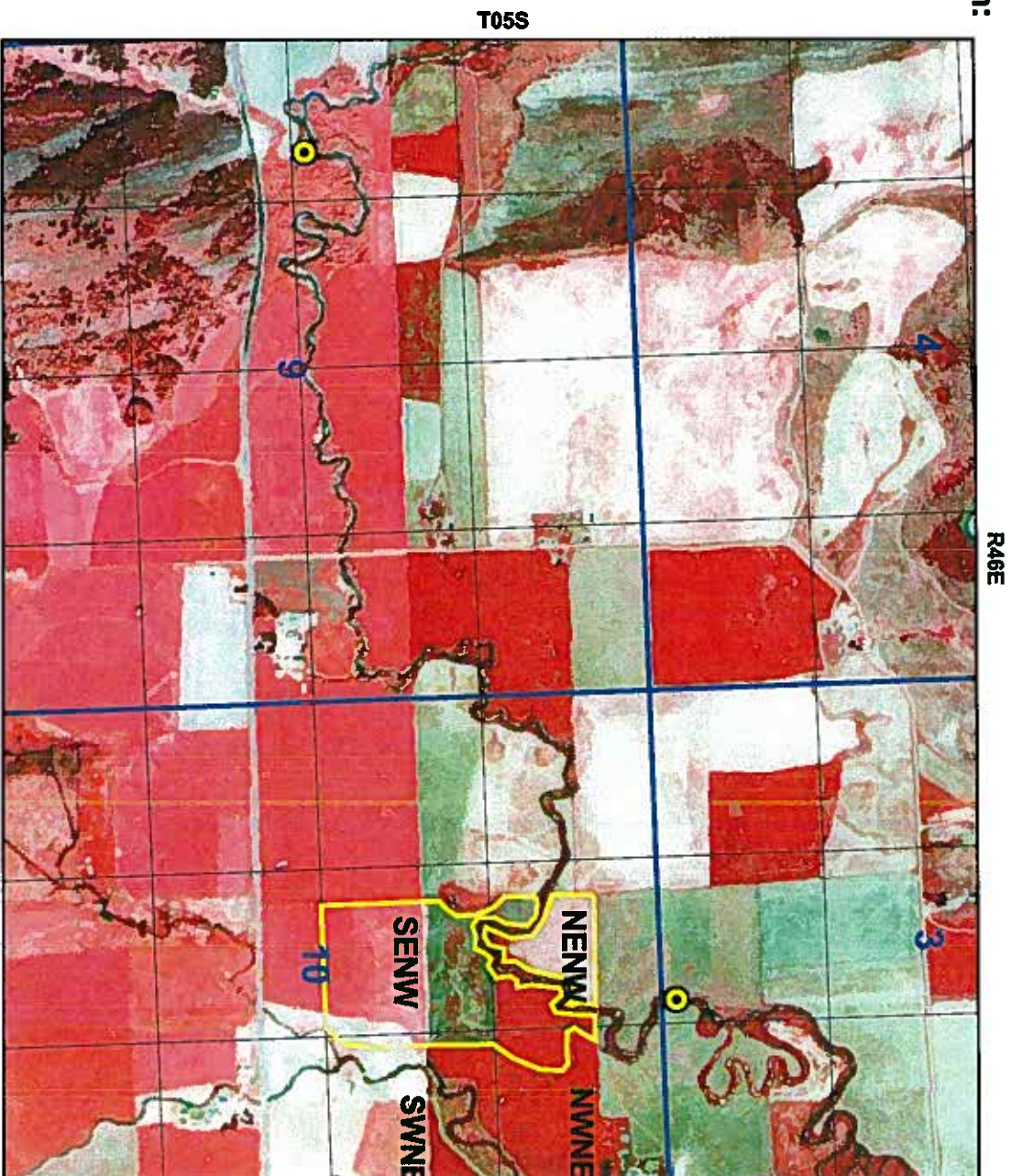
-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Caribou County
IDWR Basin 24



Prepared by A. Golart
On Wednesday, September 6, 2006
1987/88 Aerial Photography



Notes

8-26-05 Checked with County Assessor's office on ownership of property. Brog's own the property. Parcel # 11820, deed reference # 1165520. Taxed on 136 acres irrigated ag. + 18 acres waste land.

28 Sept 05 please see A24-10031 for field inspection. Bac

1-5-06 Letter to claimant re const, BP

8-31-06 Spoke with Fred Brog about POD from Tim Cup CR. Not aware of any in section 10, but verified one in section 9 that diverts to POW.

9/6/2006 - Called Fred to find out how north of Tim Cup CR. was irrigated prior to 1987. Says there was a dam downstream of POW. (Sec 3).

9/12/06 - Recommendation based on Tim Cup narrative and land patent.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner	See claim					
---------------	-----------	--	--	--	--	--

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

Current Owner						
---------------	--	--	--	--	--	--

Current Owner						
---------------	--	--	--	--	--	--

Representing Attorney: _____ Phone Number: _____

Accompanied By: Fred Bragg Phone Number: _____

Relationship to Claimant: _____

field exam done by Bryce
Contor.Date of Field Exam: 9-10-05 Time: _____

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

This claim is essentially the later-priority portion
of original claim A24-10031, claimed on a PPU
basis. A separate claim was filed to avoid advancing
the priority date on A24-10031. BAC 28 Sept 05

Reviewer: CBDate: 12/21/05

Contacts Data Entry Form

Priority Date Data Entry Form

Claim Number: A24-10676

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:

Priority claimed is based on date of Desert Land patent documented in timeline in A24-10031. Please see discussion of priority & necessity of irrigation in general Tiscup narrative in A24-2000B. Note that this part of farm is not overlapped w/ Wyoming water rights, though adjacent claims from the same POA (A24-10677 and A24-10678) are. BAC 28 Sept 05

Reviewer: CBDate: 12/21/05

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 - 10676

Point of Diversion and Source Data Entry Form

Claim Number: A24-10676

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov	Lot	QQQ of QQ of Q	County	Source
55	46E	10	3		NWNWSE	Caribou	Tin Cup Creek
GPS Coordinates: 2740533 E						1315620 N	FORM 83

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? A24-10031, A24-10677, A24-10678

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

GPS waypoint is in Center August 05 waypoints ok.
Site tag A0013655. See POD/Source discussion in
A24-10031. Bae 28 Sept 05.

Transfers Changing POD _____

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Point of Diversion

Claim No. A24 - 10676

1. Is the basis of claim a Decree or License? Yes () No ()
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes () No ()
If Yes, go to 5
If No, recommend the POD as shown on the Permit. Go to 10
4. Does the parent right have a POD? Yes () No ()
If Yes, go to 5
If No, go to 6
5. Can the claimed POD be verified using the water right file? Yes () No ()
If Yes, recommend the POD as shown in the water right file. Go to 10
If No, go to 6
6. Is there evidence that there has been a change in the POD? Yes () No ()
If Yes, go to 7
If No, go to 9
7. Can the change be verified as an accomplished transfer? Yes () No ()
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
8. Was a transfer filed? Yes () No ()
If Yes, recommend the POD as shown on the approved transfer. Go to 10
If No, go to 9
9. Does the file contain all of the necessary information to verify the POD? Yes () No ()
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
10. Is a POD remark and/or condition required? Yes () No ()
If Yes, enter the appropriate remark and/or condition. POD review is complete
If No, POD review is complete.

Point of Diversion

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

Yes () No ()

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

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

Yes () No ()

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

3. Has the License been issued?

Yes () No ()

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

4. Does the parent right have a Source?

Yes () 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 ()

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

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

Yes () No ()

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

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

Yes () No ()

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

9. Did the claimant file a transfer?

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

Source

Claim No. A24 - 10676

Purpose of Use Data Entry Form

Claim Number: A24-10676☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Irrigation confirmed by field inspection BAC 28 Sept 2005

Transfers Changing Purpose of Use _____

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 Purpose(s) of Use as shown on the Permit. Go to 13

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

9. Was an enlargement claim filed?

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

Yes () No ()

10. Did the claimant file an enlargement claim?

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

Yes () No ()

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

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

Yes () No ()

12. Did the claimant file a transfer?

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

Yes () No ()

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

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

Yes () No ()

Purpose of Use

Claim No. A24 - 10676

Place Of Use Data Entry Form

Claim Number:

A24-10676☐ 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, 48 acres within 58 acre APU.
Please see discussion of PLS discrepancies in paper file
A24-2000 B Tiscup narrative. No overlap of Wyoming
rights in this POU. CBAC 28 Sept 2005.

Transfers Changing POU _____

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License? Yes () No ()
 If Yes, go to 2a
 If No, go to 2b
- 2a. Is a POU required? Yes () No ()
 If Yes, go to 5
 If No, go to 14
- 2b. Is a POU required? Yes () No ()
 If Yes, go to 3
 If No, go to 14
3. Is the basis of claim a Permit or Application? Yes () No ()
 If Yes, go to 4
 If No, go to 7
4. Has the License been issued? Yes () No ()
 If Yes, go to 6
 If No, recommend the POU as shown on the Permit. Go to 14
5. Does the parent right have a POU? Yes () No ()
 If Yes, go to 6
 If No, go to 7
6. Can the claimed POU be verified using the water right file? Yes () No ()
 If Yes, recommend the POU as shown in the water right file. Go to 14
 If No, go to 7
7. Is there evidence that there has been a change in the POU? Yes () No ()
 If Yes, go to 8
 If No, go to 13
8. Can the change be verified as an accomplished transfer? Yes () No ()
 If Yes, add condition C05, go to 13
 If No, go to 9
9. Does the change include an enlargement of the POU? Yes () No ()
 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
10. Was an enlargement claim filed? Yes () No ()
 If Yes, go to 13
 If No, notify claimant that an enlargement claim is necessary. Go to 11
11. Did the claimant file an enlargement claim? Yes () No ()
 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
12. Was a transfer filed? Yes () No ()
 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
13. Does the file contain all of the necessary information to verify the POU? Yes () No ()
 If Yes, go to 14
 If No, collect the necessary information. Conduct field exam if necessary. Go to 14
14. Is a POU remark and/or condition required? Yes () No ()
 If Yes, enter the appropriate remark and/ or condition. POU review is complete.
 If No, POU review is complete.

Place of Use

Claim No. A24 - 10676

Period of Use and Quantity Data Entry Form

Claim Number: A24-10676☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

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

Overall Diversion Rate _____

Overall Diversion Volume _____

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

I propose 48 acres x 0.015333 gfs/acre = 0.74 gfs
Please see A24-10678 for discussion and calculations.
BAC 28 Sept 05

Reviewer: _____

Date: _____

1. Is the basis of claim a Decree or License? Yes () No ()
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes () No ()
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use? Yes () No ()
If Yes, go to 5
If No, go to 6
5. Can the claimed Period of Use be verified using the water right file? Yes () No ()
If Yes, go to 14
If No, go to 6
6. Is there evidence that there has been a change in the Period of Use? Yes () No ()
If Yes, go to 7
If No, go to 12
7. Does the change include an enlargement in the Period of Use? Yes () No ()
If Yes, go to 9
If No, go to 8
8. Can the change be recommended as an accomplished transfer? Yes () No ()
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
9. Was an enlargement claim filed? Yes () No ()
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
10. Did the claimant file an enlargement claim? Yes () No ()
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
11. Was a transfer filed? Yes () No ()
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
12. Does the file contain all of the necessary information to verify the Period of Use? Yes () No ()
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined? Yes () No ()
If Yes, go to 14
If No, go to 15
14. Is irrigation claimed as a purpose of use? Yes () No ()
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
15. Is irrigation claimed as a purpose of use? Yes () No ()
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
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? Yes () No ()
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
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? Yes () No ()
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
18. Is a Period of Use remark and/or condition required? Yes () No ()
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.

Period of Use

Claim No. A 24 - 10676

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

Yes () No ()

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

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

Yes () No ()

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

3. Has the License been issued?

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

6. Is the basis of claim a posted notice?

Yes () No ()

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

7. Is a flow measurement required?

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

10. Is irrigation a purpose of use?

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

Quantity

Claim No. A24 - 10676

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 - 10676



Summary Data Entry Form

This image shows a single sheet of white paper with horizontal black ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. A small dark speck is located near the bottom left corner, and some faint smudges are present near the top right corner. The paper appears to be a standard piece of stationery or notebook paper.

GPS worksheet, Poll worksheet. Bac 28 Sept 05

Reviewer _____ Date _____



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

3 January 2006

DIRK KEMPTHORNE
Governor

KARL J. DREHER
: Director

COPY

Fred Brog
1644 State Line Road
Freedom, WY 83120

Re: Snake River Basin Adjudication (SRBA)
Claims 24-10031, ~~24-10676~~, 24-10677 & 24-10678

Subject: CLAIM CLARIFICATION

RESPONSE DATE: 17 JANUARY 2006

Dear Claimant(s):

We are in the process of reviewing the above referenced claimed. However, there are several issues that are unresolved. Please call our office and make an appointment with Cindy Bird to discuss these issues so that we can finalize processing your claims. Thank you.

Respectfully,

Barbara Payne

This POD serves four water rights. 5S 46E 10 Lot 3 NWNWSE									
Waypoint	Lat dd	Lon dd	Claim	Sitetag	Feature	Instrument	Collected	Notes	
38	42.9978	-111.0491833	A24-10031	none	POD	Garmin Geko 201	B. Contor	Pump in slough - see exam writeup	
38	42.9978	-111.0491833	A24-10676	none	POD	Garmin Geko 201	B. Contor	Pump in slough - see exam writeup	
38	42.9978	-111.0491833	A24-10677	none	POD	Garmin Geko 201	B. Contor	Pump in slough - see exam writeup	
38	42.9978	-111.0491833	A24-10678	none	POD	Garmin Geko 201	B. Contor	Pump in slough - see exam writeup	

10031 BAC

A24-10334, A24-10676 PPU Acres by QQ				
Township, Range	Section	QQ	Q	Acres
05S46E	10	NE	NW	17
05S46E	10	SE	NW	31
05S46E	10	NE	SW	10
Section Acres				58
Total Acres				58

} 12/11/1917 Desert Land entry 1142 A24-10676
 2/15/1908 Homestead 5204 A24-10031

A24-10676 48 acres within 58 acre PPU
 A24-10031 10 acres within 58 acre PPU

BAC 28 Sept 2005

09/11/2006

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

RIGHT NUMBER: 24-10676

NAME AND ADDRESS: FRED BROG
1644 STATE LINE RD
FREEDOM WY 83120

ANNIE BROG
1644 STATE LINE RD
FREEDOM WY 83120

SOURCE: TINCUP CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 1.030 CFS

PRIORITY DATE: 12/11/1917

POINT OF DIVERSION:

T05S R46E S3 SESESW Within CARIBOU County

T05S R46E S9 SESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.030 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T05S R46E S10 Lot 1 NWNE	3.70	T05S R46E S10 Lot 2 SWNE	2.80
T05S R46E S10 NENW	15.00	T05S R46E S10 SENW	30.00

51.5 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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 24-10676
Date Received: 8/16/2005
Receipt No:
Received By:

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

1. Name of Claimant(s)

FRED BROG Phone: (307)883-2363
1644 STATE LINE RD
FREEDOM WY USA 83120

ANNIE BROG Phone: (307)883-2363
1644 STATE LINE RD
FREEDOM WY USA 83120

2. Date of Priority: 12/11/1917

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	46E	9	NE SW	CARIBOU	
05S	46E	10	SE NW	CARIBOU	
05S	46E	10	NE NW	CARIBOU	

5. Description of diverting works:

DIVERSION DAM AND DITCHES PUMP TO SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	1.38	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	46E	10	NW	NE	1	IRRIGATION 3
			SW	NE	2	IRRIGATION 2
			NE	NW		IRRIGATION 21
			SE	NW		IRRIGATION 31
			NE	SW		IRRIGATION 12
					Section Acres	69
					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:

THIS CLAIM IS 100 PERCENT OVERLAPPING WITH 24-10031. A TOTAL OF 1.38 CFS ON 69 ACRES IS CONTEMPLATED WITH THE TWO CLAIMS. TWO CLAIMS ARE FILED TO REPRESENT THE TWO PATENT DATES. THIS LAND REQUIRES IRRIGATION TO BE PRODUCTIVE AND THEREFORE THE PATENT INDICATES THE LAND MUST HAVE BEEN IRRIGATED.

15. Basis of Claim: Beneficial Use

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

24-10676

Date Received

8-16-05

Receipt Number

E031184

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Fred & Annie Brog Phone (BOT) 883 2363Mailing Address 1644 State Line Rd Freedom WY Zip 831202. Date of Priority (Only one (1) per claim) 12/11/19173. Source of water supply (a) Tincup Creek
which is tributary to (b) Salt River4. a. Location of existing point of diversion is: Township 5S Range 46E Section 10,
_____ 1/4 of NE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of CaribouAdditional points of diversion if any: 5S 46E 9 NESW, 5S 46E 10 SENW

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.Diversion Dam & Ditches & pump to sprinklers

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For irrigation purposes from 4/1 to 11/1 amount 1.38 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.38 (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.) _____

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
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
55	46	10		3	2		21			31	12								69

Total number of acres irrigated 69

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 ☒ 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.
A24-10037 or None ()

14. Remarks: This claim is 100% overlapping A24-10031. A total of 1.38 cfs on 69 acres is contemplated with the two claims. Two claims are filed to represent the two patent dates. This land requires irrigation to be productive & therefore the patent indicates the land must have been irrigated

Last Name Brog Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

[illegible]

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ 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 _____
For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true
and correct.

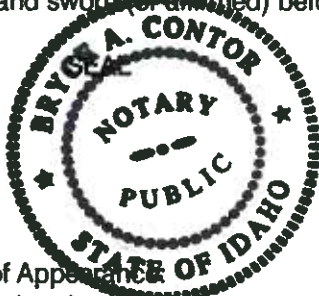
Signature of Claimant (s) Lud D. Brog Date 8-12-05
Annie C. Brog Date 8-12-05

For Organizations: I do solemnly swear or affirm that I am _____ Title _____
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 Caribou) SS.

Subscribed and sworn (or affirmed) before me this 12 day of August 2005



Notary Public Bryce A. Contor

Residing at Tona

My Commission Expires 10/14/05

Please Print Name

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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

Copies White-State, Yellow-Claimant