

MEMORANDUM

November 10, 2010

To: File 86-11994 (Re-numbered from 83-11972)

From: Craig L. Saxton *CLS*

Subject: Recommendation for 86-11994 (Renumbered from 83-11972)

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Review of 86-11994 has resulted in questions about the claimed POU, POD, and tributaries.

Conclusion:

Recommend use with POD and POU in T37N, R1W, S1, Lot 1, NENE. Source is Spring tributary to Louse Creek

Discussion:

The claim submitted and accepted by the court didn't list a POD or POU. Instead it had attachments with the claim that appear to list the POD and POU, but aren't actually identified as such. It appears that there are 4 POD's claimed as follows:

Claimed POD:

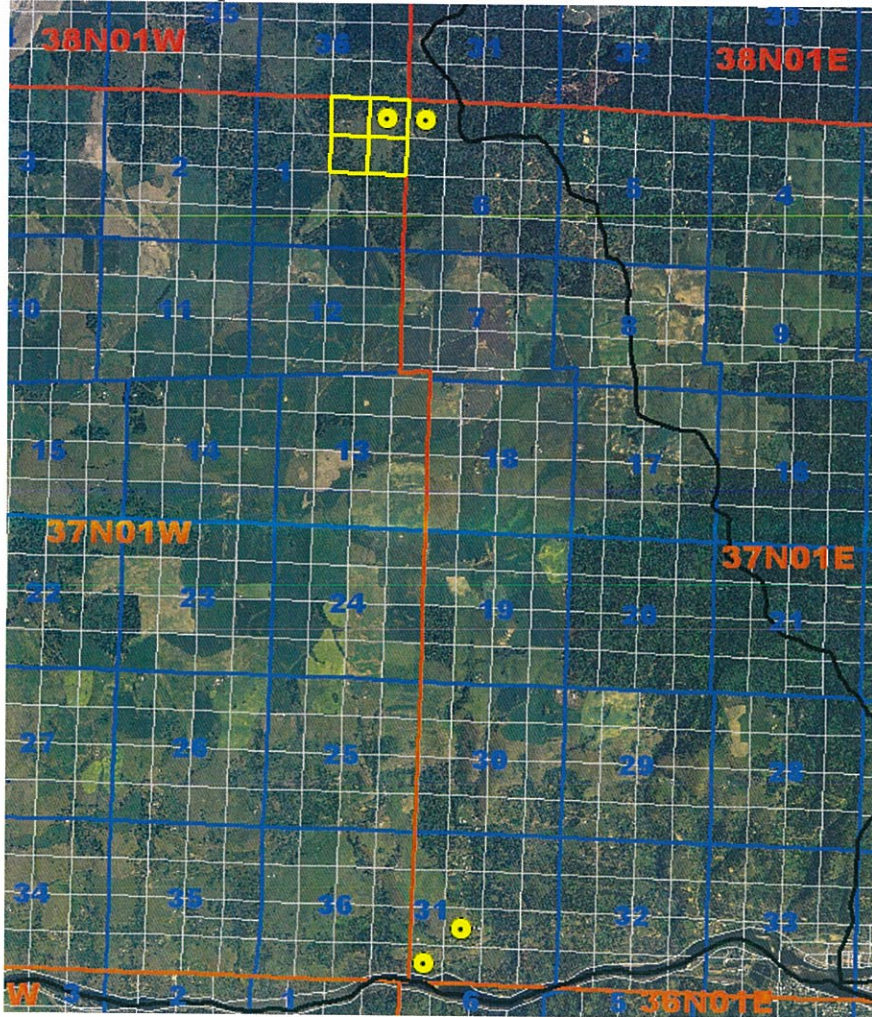
Township	Range	Section	Gov. Lot	QQ	Source	Trib
37N	1W	1		NENE	Spring	Freeman Creek
	1E	6		NWNW	Spring	Freeman Creek
	1E	31		SWSW	Spring	Crabb Creek
	1E	31		NESW	Spring	Crabb Creek

The claimed POU appears to be in the form of a legal description describing a Homestead Entry. The claimed POD's and POU's all fall in basin 86. This right has been renumbered from 83-11972 to 86-11994

Claimed POU:

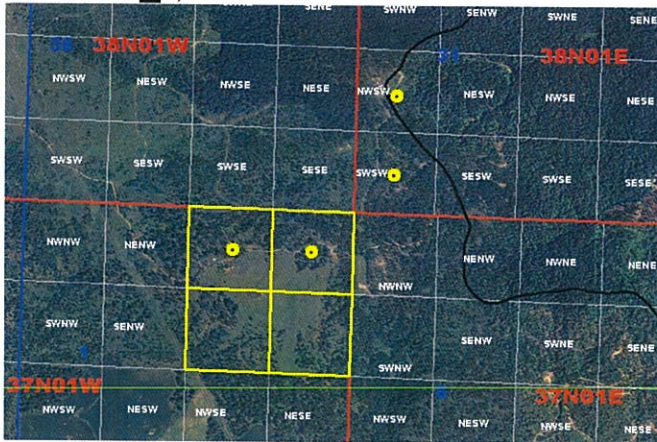
Township	Range	Section	Gov. Lot	QQ
37N	1W	1		SWNE
		1		SENE
		1	1	NENE
		1	2	NWNE

The attached map shows the POU and POD **AS CLAIMED**:



On October 28, 2010, I sent the claimant a letter with a map and a copy of IDWR's interpretation of the claim. I asked him to locate the POD's and POU's on the map and to explain how the delivery system worked. I also told the claimant that if the enclosed claim was wrong, he should amend it to reflect what he intended to claim.

The map I sent incorrectly displayed the POD locations (see below) as did the written description of the POD locations in the letter (*I left off that three of the POD's were actually located in T36N, R37E.*)



The claimant received this information and signed the claim I sent him, confirming IDWR's interpretation of the original claims intent. The claimant then labeled the POD's (1-4) on the erroneous map that I sent him and gave a description of the diversion works for each POD in an attached letter. Therefore, the map the claimant used to assign labels to the 4 POD's contradicted the claimed POD locations as described on the claim he also signed.

I understand that the erroneous map I sent the claimant could initially cause some confusion.

Sources:

In the letter the claimant sent me in On November 8, 2010, the claimant identifies the sources for each POD he has labeled on the map. The sources he listed in the November 8 letter do not completely match the sources listed on the claim. The claimant identifies the trip to POD's 3 and 4 as being Crabb Creek. According to the USGS data, there is not a Crabb Creek within a 6 mile radius of the assumed POD locations. It is possible that Crabb Creek is a local name, but there is no indication of what creek it would be.

Freeman creek is identified on the claim as a tributary. Freeman Creek is in Basin 83 and despite that the claim was filed with a Basin 83 number, the location of the assumed claimed POU and POD's are in Basin 86 and could not be tributary to Freeman Creek.

Louse Creek is identified as a tributary to one of the POD's in the November 8, 2010 letter, but that isn't what is on the claim.

Summary:

The claimant did not provide adequate information to verify all elements of the claim. IDWR asked for clarification, and the requested evidence contradicts the claim. The only POD location and POU location that fit with the claimed POD and the POU (homestead entry act description, is the claimed spring in T37N, R01W, S1 Lot1 NENE. The spring in the NENE Lot 1 would have to be tributary to Louse Creek which falls in Basin 86.