

11/13/2006

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

RIGHT NUMBER: 24-2007A

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

ANN S LUTHI
PO BOX 223
FREEDOM WY 83120

SOURCE: TINCUP CREEK

TRIBUTARY: SALT RIVER

QUANTITY: 1.220 CFS

The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

PRIORITY DATE: 02/16/1906

POINT OF DIVERSION:

T05S R46E S9 SESWNW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	01/01 12/31	0.030 CFS
IRRIGATION	04/15 10/31	1.220 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T05S R46E S09	SESE	3.50	T05S R46E S10	NESW	3.10
T05S R46E S10	NWSW	20.00	T05S R46E S10	SWSW	32.00
T05S R46E S10	SESW	1.60	T05S R46E S15	NWNW	5.80
T05S R46E S16	NENE	2.30			

STOCKWATER same as IRRIGATION

68.3 ACRES TOTAL

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

The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Stockwater use is for 60 range cattle.

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APR 02 2009



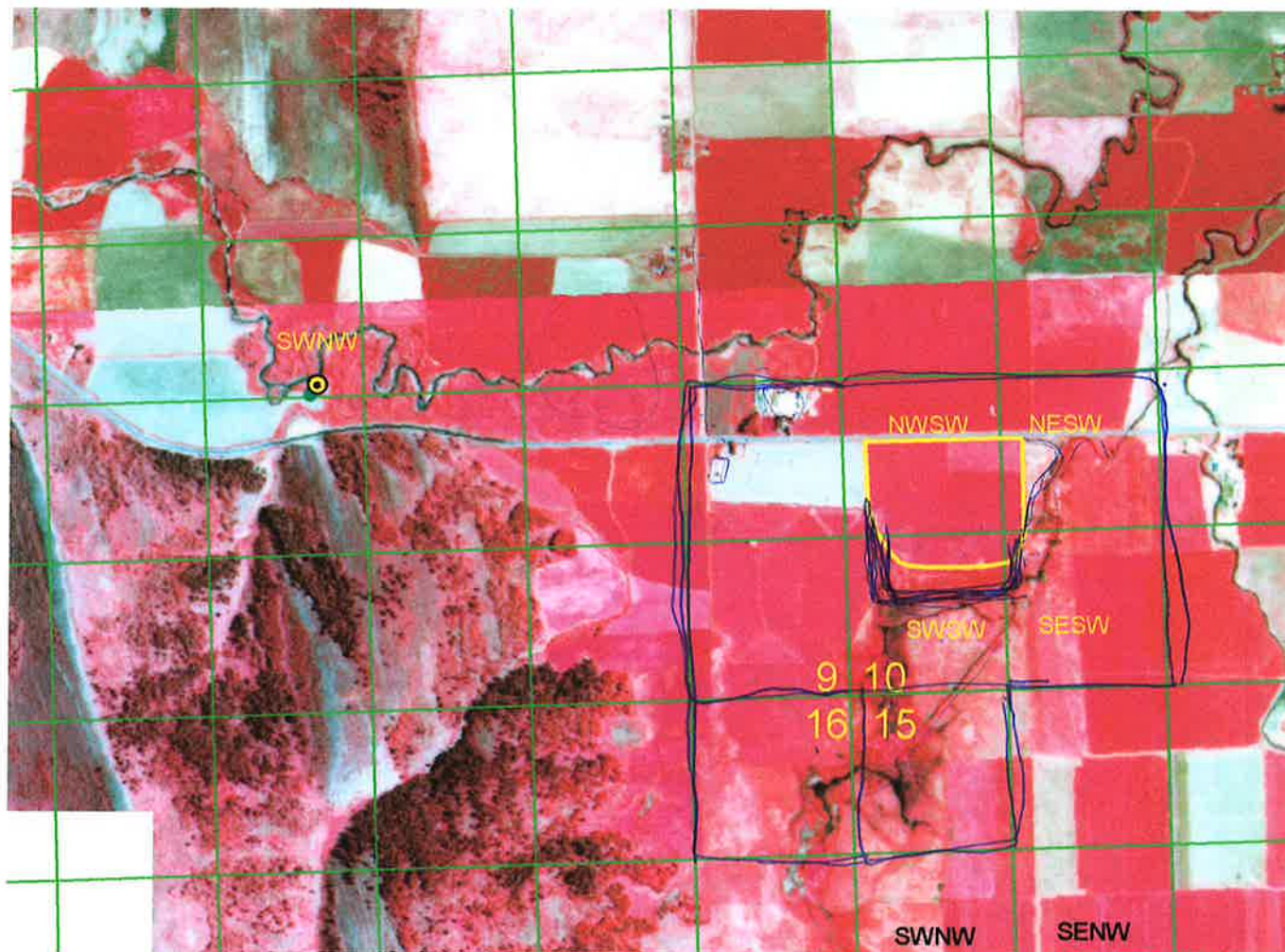
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 24-2007A



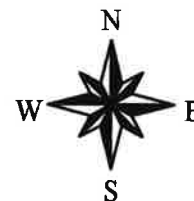
600 0 600 1200 Feet

LEGEND

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

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

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



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

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APR 02 2009

Handwritten notes:
2007A - 68 128 2.3
2007B - 60
128
0.01796875/ac.



Idaho Department of Water Resources

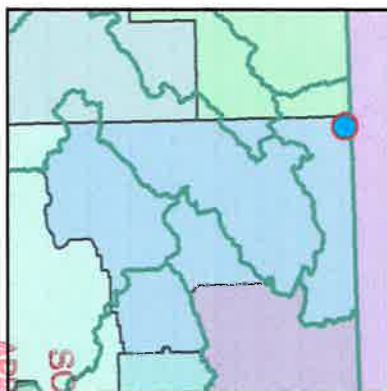
SRBA Recommendation:

24-2007A

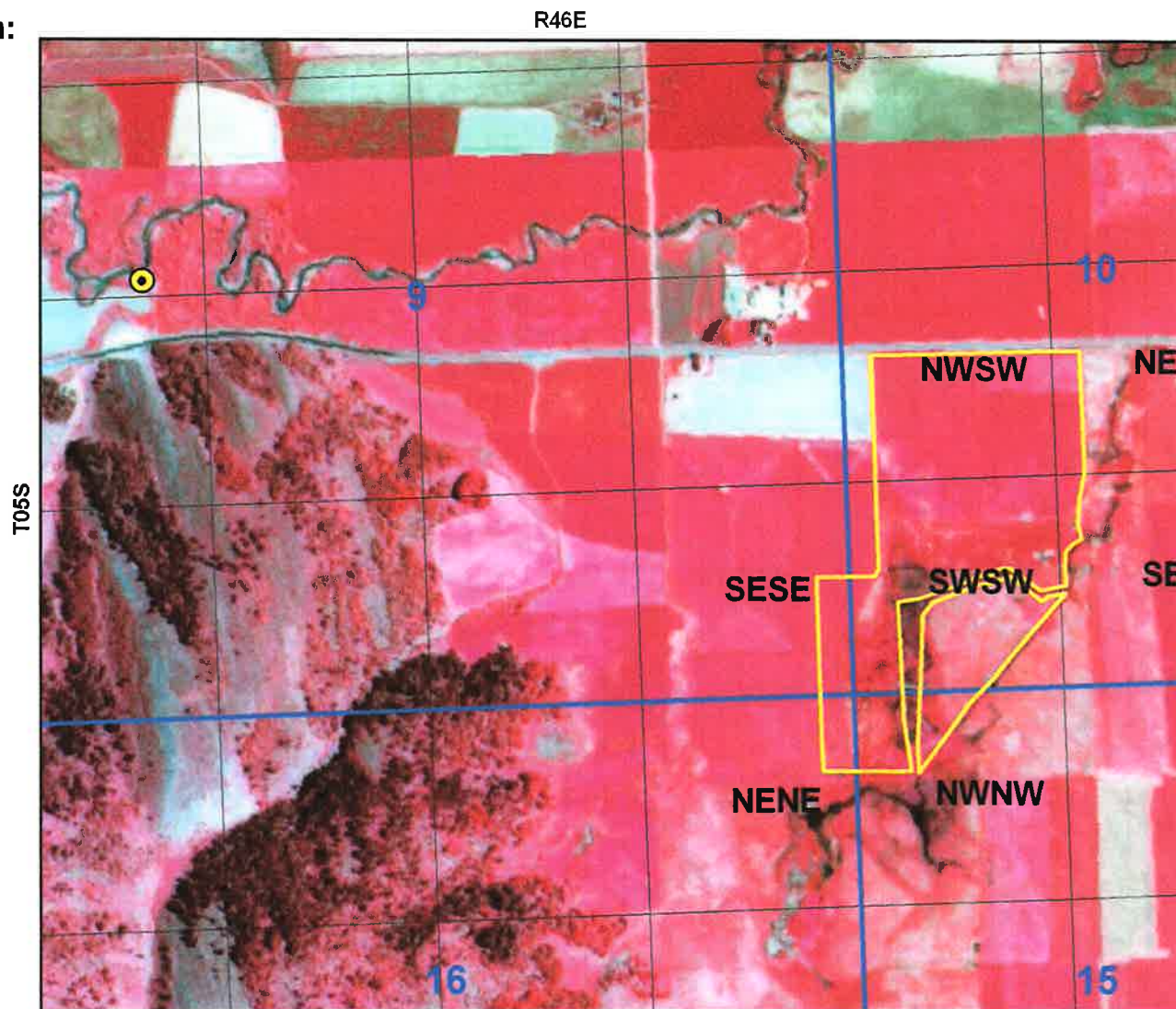
(Irrigation)

Legend

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



Caribou County
IDWR Basin 24



0 0.5 1 Miles

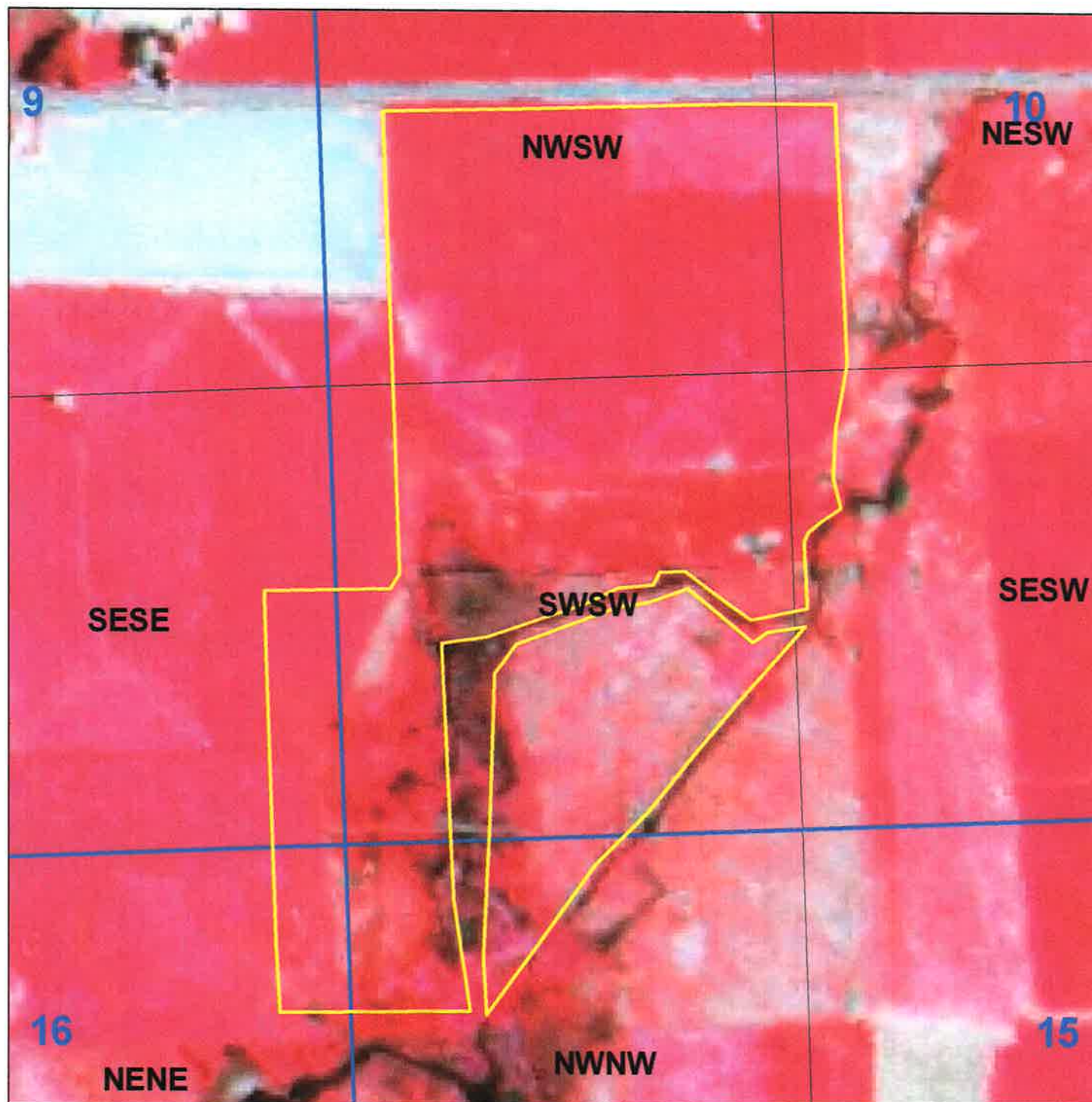
Prepared by C. Bird
On Monday, November 13, 2006
1987/88 Aerial Photography

APR 02 2008
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24-2007A



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APR 02 2005



Notes

11/2/06 license was issued for 2.3 cfs
~~and does~~ so the POU for A & B combined
is 128 acres.

$$128 \overline{) 0179687 \text{ cfs/acre}}$$

$$24-2007 A = 68 \text{ ac} \times 0.0179687 \text{ cfs/acre} = 1.22 \text{ cfs}$$

$$24-2007 B = 60 \text{ ac} \times 0.0179687 \text{ cfs/acre} = 1.08 \text{ cfs}$$

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

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

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1-9-06 the not recommending that water
 under the claim because it wasn't
 assessed as a surprise of me. They almost
 probably give a separate assessment
 which claim with the proper priority
 date in that case. This is what we had
 decided to do in Jan 07.

1-12-06 recommending only what is covered
 and claimed by applicant. Recommendation
 complete, linked PDD: PDD 12

1-208-873-2563

10-4-06 9:34 AM. Left a message. 11:13 returned the call.

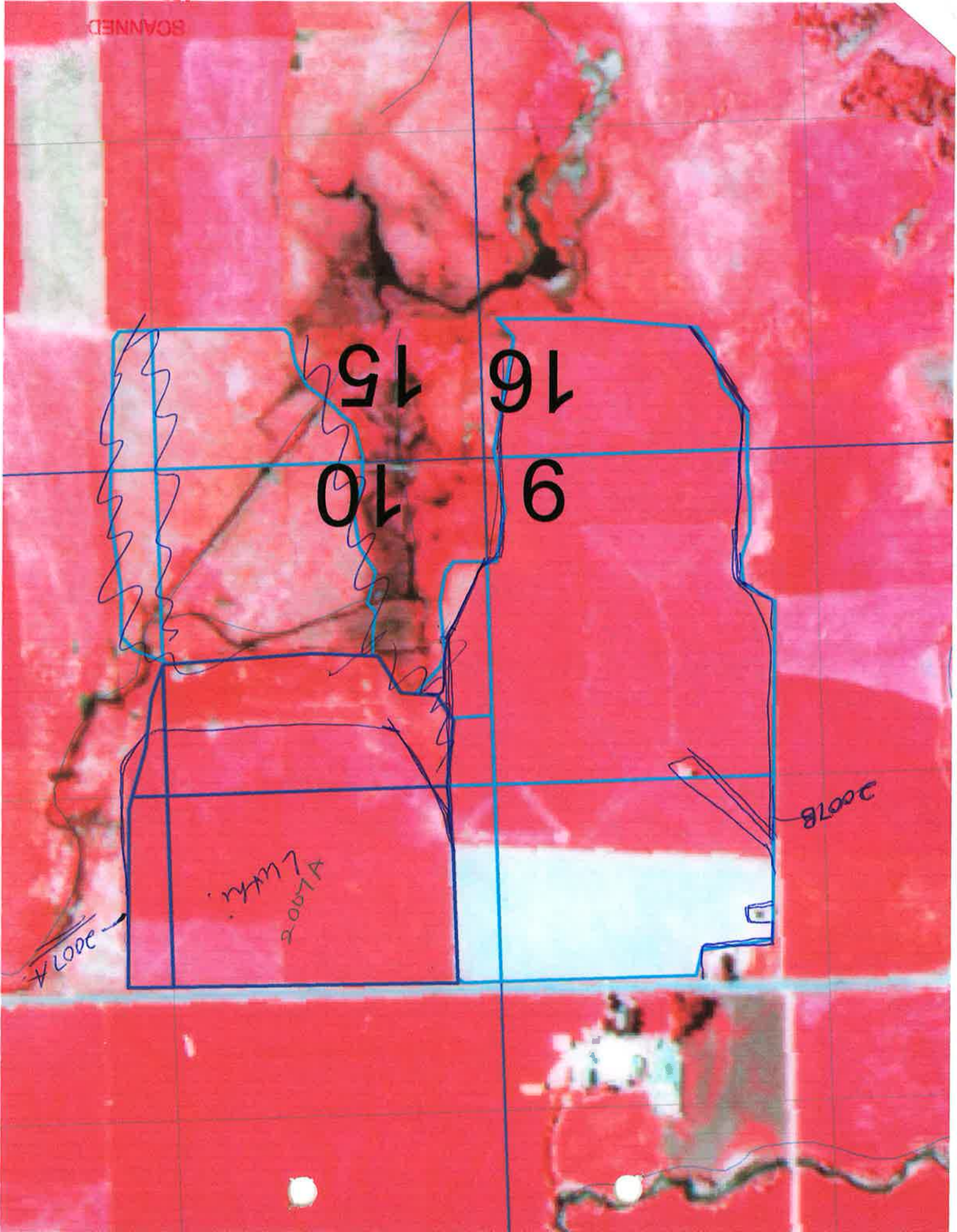
10-11-06 11 AM apt.

10-12-06. Allen came in. The purchased
 additional ground from Eugene. Shinkle
 in 2004. He that said Mr. Shinkle conveyed
 63 acres under of 1901 water from the cap
 cab. Mr. Shinkle doesn't have any more
 water. Mr. Shinkle is going to talk with Mr.
 Shinkle to figure out the problem. The being
 recommended 57.5 acres out of the cap at
 under 34-20070, with 1906 priority.
 - located at 115 acres, so approx 57.5 acres
 on left, the little stream. 43m?

24-2007A Date withi /allen withi

APR 02 2009

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

Status Active

Claim Number 24 2007 A Version Number 1

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

Check List [Print Form](#)

☒ Priority Date

☒ Contacts

☐ Point of Diversion

☒ Source

☐ Place of Use

☒ Purpose of Use

☒ Period of Use

☐ Quantity

☐ Summary [Yes to All](#)

Comments

Author CBIRD Text

Subj

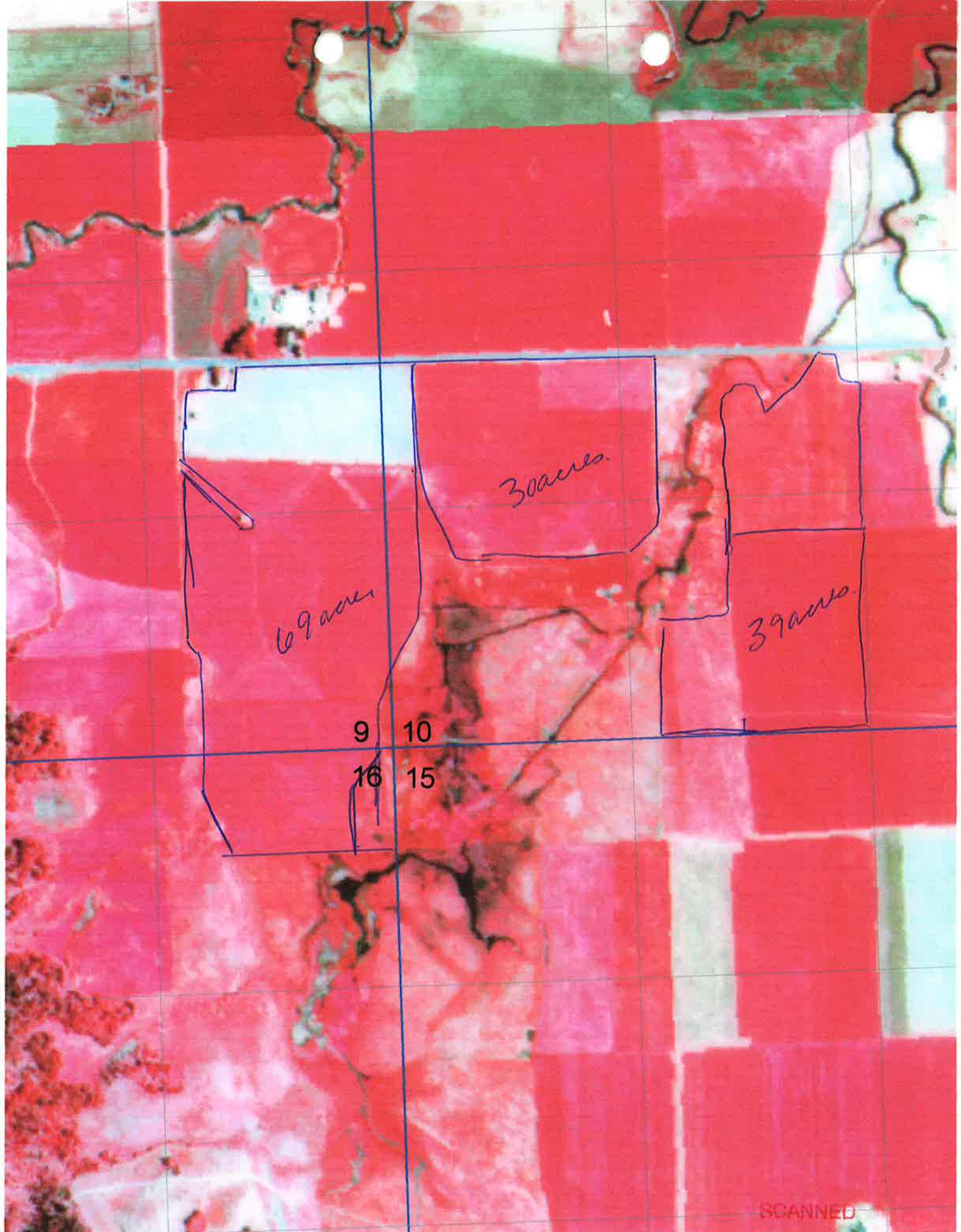
Date 12 - 05 - 2005 [Add](#) [Edit](#) [Remove Selected](#)

Contacts

Sou 4/15 - 10/31 0.50

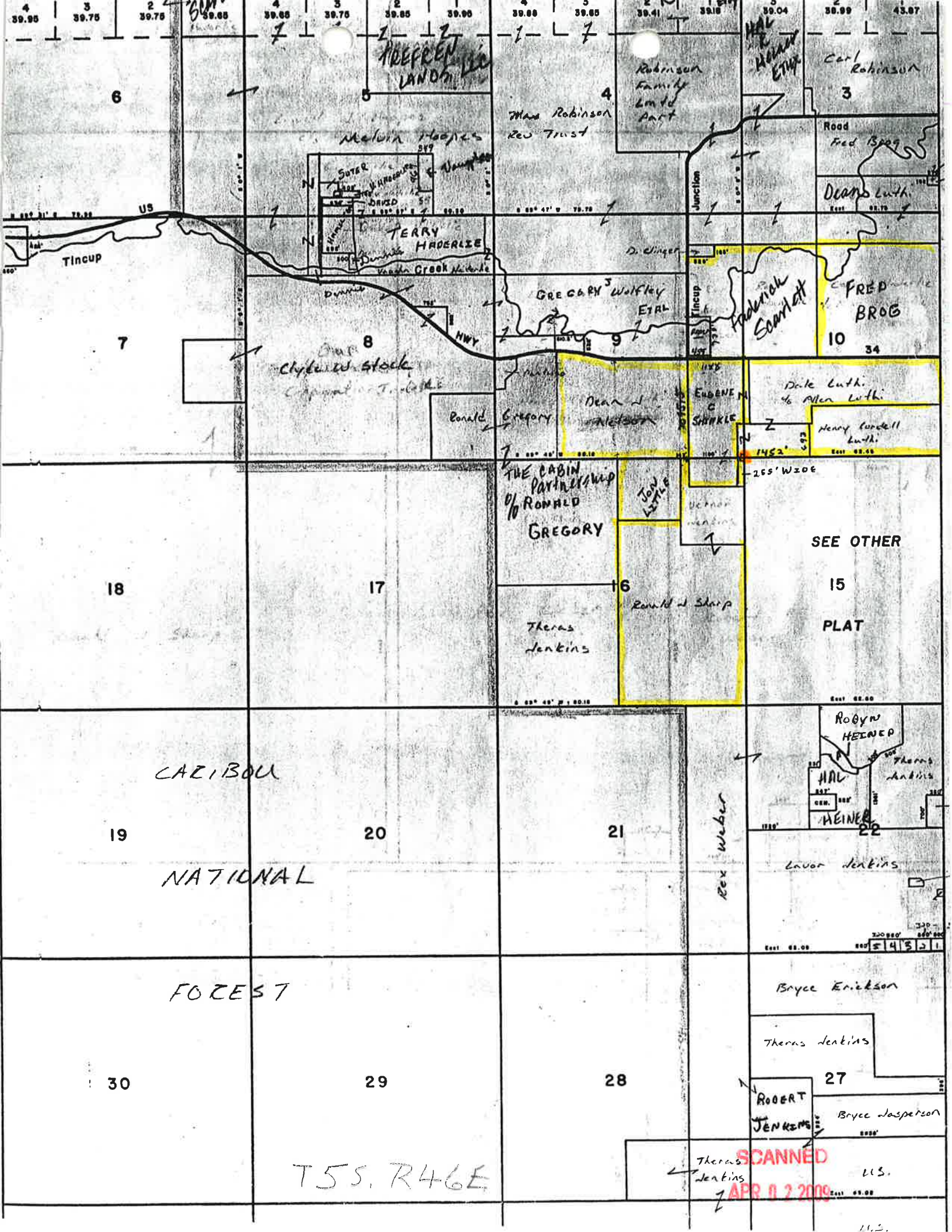
[S](#)
[Con](#)

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



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

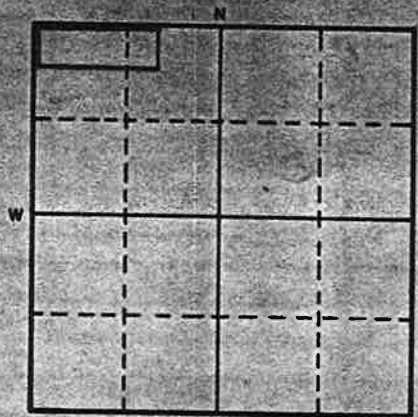
APR 02 2009
~ 138 acres.



RURAL PROPERTY RECORD CARD

OWNERSHIP RECORD AND DESCRIPTION

RL 11890 LUTHE, FLEEN B & FNNIS
 SHINKLE, EUGENE C. ETUX AREA=28
 PO BOX 1048 PO BOX 223
 THAYNE WY, 83127 FREEDOM, WY 83120
 TR 2
 20-25-AC 20.9 AC
 SEC 15 T 5S-R 46 E



Well
 Irrigation = o
 Stock = s

Improvements
 Occupied = x
 Vacant = v

AA2

TAX CODE

PARCEL NUMBER

48. SUMMARY OF LAND AND IMPROVEMENT VALUES

Property	Code	Appraised Value	19	2005	19	19	19	19	19	19	19	19	19
Land	5	1.5 R 1	2549	2422									
	8	D3	1989	1700									
	2079	1.5 M4	1675	1591	4745								
		1.5											
		1.5											
		1.5											
		1.5											
Improvements		1.5											
		1.5											
		1.5											
TOTAL	2079	1.5	6013	5713	4745								

48. ANNUAL ASSESSMENT

155347 Oct 97 Eugene C. Sh
 172431 12-04 To LUTHE

Listed By

REMARKS

Priced By

PURCHASE INFORMATION

Reviewed By

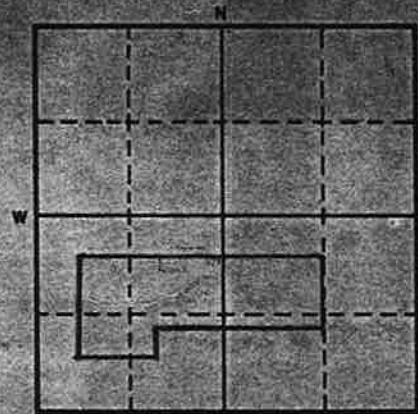
PRICE

RURAL PROPERTY RECORD CARD

OWNERSHIP RECORD AND DESCRIPTION

RL 11840 ALLEN
LUTHI, DALE
PO BOX 223
FREEDOM WY, 83120
TR 586
104.34 AC.
SEC 10 T 5S-R 46 E

AREA=28



Well
Irrigation = o
Stock = s
Improvements
Occupied = x
Vacant = v

TAX CODE

PARCEL NUMBER					

AA-2

46. SUMMARY OF LAND AND IMPROVEMENT VALUES

48. ANNUAL ASSESSMENT

Property	Code	Appraised Value	19	19	19	19	19	19	19	19	19	19	19
Land	1.5 10	4050	4050							147512	1-1-94	Date to Allen Contract	
61	1.5 12	28049	26647										
43	1.5 M4	10373	9854										
	1.5												
	1.5	42472	40551										
	1.5												
	1.5												
Improvements	1.5 31	31178	29619										
	1.5 32	31138	31138										
	1.5	62316	60757										
TOTAL	1.5	104788	101308										

REMARKS

Listed By RH-JSK 9-8-83

Priced By " "

Reviewed By SK 8Y

9/7/83 SK-JAH 1st visit 3:10 PM - No answer - Left CBP 9/8/83

PURCHASE INFORMATION

PRICE

PRICE

RURAL PROPERTY RECORD CARD

OWNERSHIP RECORD AND DESCRIPTION

SCARLETT, FREDERICK L RT

RD 11830 SDN

AREA=28

ROBINSON, ROY

PO BOX 3715

5490 HWY 54

FREEDOM WT, 83100

Jackson WY

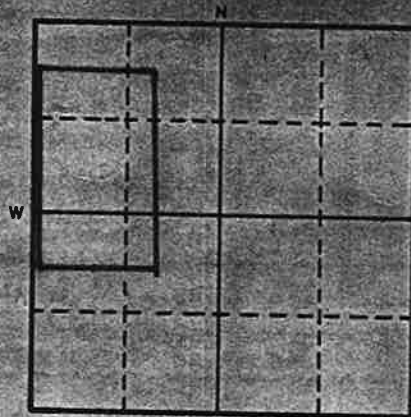
83001

TR 4

87.39 AC

SEC 10 T15S-R 46 E

SEC 10 T15S-R 46 E



Well
Irrigation = o
Stock = s

Improvements
Occupied = x
Vacant = v

TAX CODE	

PARCEL NUMBER					

AA-2

46. SUMMARY OF LAND AND IMPROVEMENT VALUES

Property	Code	Appraised Value	19	19	19	19	19	19	19	19	19	19	19
Land	4T	18810	17870										
	73 34	7200	6840	18907									
	124												
	1.5												
	1.5												
	1.5												
	1.5												
Improvements	1.5												
	1.5												
TOTAL	1.5	26010	24710	18907									

REMARKS

Listed By 223 AV

Priced By

Reviewed By

48. ANNUAL ASSESSMENT

172947 9/05 to Frederick L Scarlett

PURCHASE INFORMATION

PRICE

100

LL77 24

SHARLETT, PRED

✓ RT

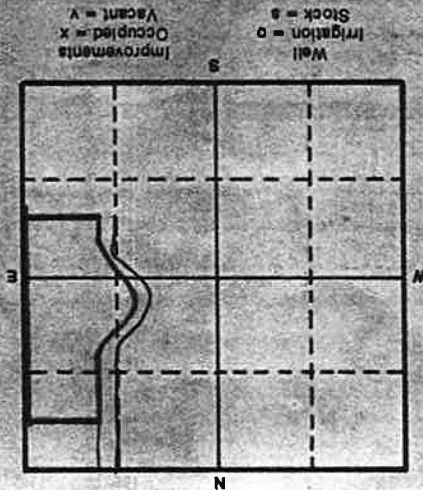
AKC RT

PURCHASE INFORMATION

48. ANNUAL ASSESSMENT

MMARY OF LAND AND IMPROVEMENT VALUES

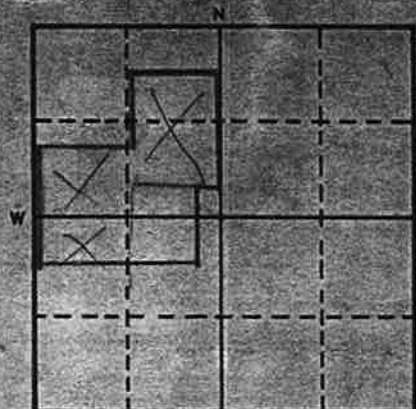
SHARLETT, FREDERICK L RT



RURAL PROPERTY RECORD CARD

OWNERSHIP RECORD AND DESCRIPTION

REX & FERN WEBER FARM TR 1191
 RL-11910
 WEBER, REX B
 5529 WEBER LANE
 FREEDOM, WY, 83120
 AREA=28
 TR 488, 331.94 AC. SEC 15
 TR 488, 331.94 AC. SEC 15
 SEC 15 T5S R46E
 T5S R46E



Well
 Irrigation = o
 Stock = s
 Improvements
 Occupied = x
 Vacant = v

TAX CODE

--	--	--

PARCEL NUMBER

--	--	--	--	--	--

AA-2

48. SUMMARY OF LAND AND IMPROVEMENT VALUES

Property	Code	Appraised Value	19 87	19	19	19	19	19	19	19	19	19	19
Land	1. S												
63	1. S	28913	13832										
82	1. S	14560											
	1. S												
	1. S												
	1. S												
	1. S												
	1. S												
Improvements	1. S												
	1. S												
	1. S												
	1. S												
	1. S												
TOTAL	1. S		13832										

48. ANNUAL ASSESSMENT

Listed By <u>SK & PH 7/14/93</u> Priced By <u>11</u> Reviewed By <u>11 84</u>	REMARKS <u>Elvie Tieman owns 157' x 60' w/ Mobile Home -</u> <u>(For Sale 873-2949) this small property should be on separate</u> <u>land / land 1191 Dan Sharo has loafing shed and corrals</u>	PURCHASE INFORMATION PRICE _____ PRICE _____
---	---	--

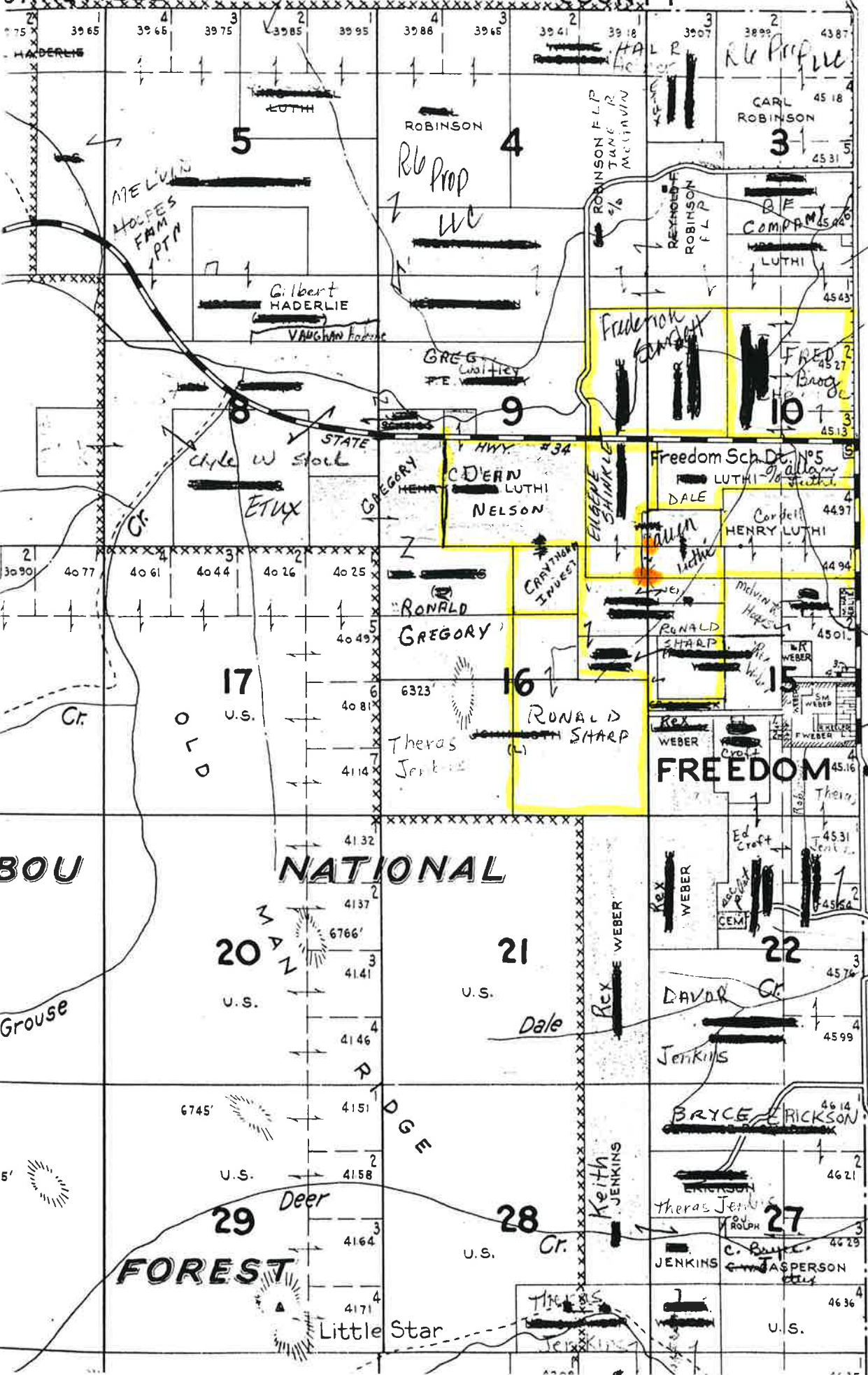
PORTLAND OREGON
ACOMA WASHINGTON
EATTLE WASHINGTON

CARIBOU COUNTY, IDAHO

FREDERICK GARLETT
ONNEVILLE

TREFFREY
LANDS

T 55
R 46E



WYOMING

Scale 6 inches = 1/4 mi.

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

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APR 02 2009

Bryce

Checker _____ Date _____ Claim # 27-2007A

SCANNED
APR 02 2009

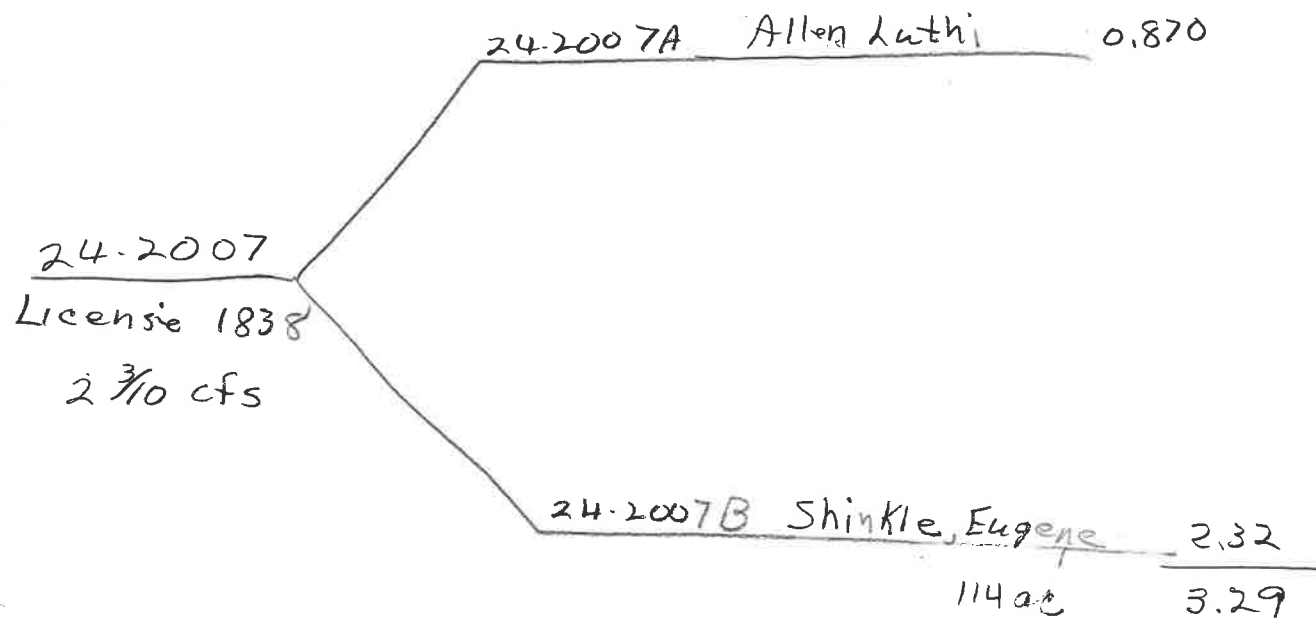
Bryce

Checker _____ Date _____ Claim # 24-2007B SCANNED
COPY APR 02 2009

Claim # 24-2007 B

APR 02 2009

COPY



Notes

10-21-04 Assessment's Op:

(Dale Luthi) → sold

purchased

{ Allen B. Luthi & ux
PO Box 223

Correct per
Luthi's

Frederick, WY 83120

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

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

5-25-05 Priority date, Source & POD are the
same as the license. POB has changed. DB

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

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

22 Aug 05 Please see general Tincup narrative in
A24-2007A. BAC copy in this file. 10-18-05 BGP

12-7-05

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

SCANNED

APR 02 2009

CB

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Allen B. Luthi or Ann S. Luthi					
Name connector: and		or		and/or		
Current Owner	PO Box 223, Freedom, WY 83120					
Current Owner						

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

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

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

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

Reviewer: _____

Date: _____

Contacts Data Entry Form

SCANNED

APR 02 2009

Priority Date Data Entry Form

Claim Number: A24-2007A

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

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

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

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

Reviewer: _____

Date: _____

Priority Date Data Entry Form

SCANNED
APR 02 2009

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

Priority Date

Claim No.

124 - 2007A
SCANNED
APR 02 2009

Claim Number: A24-2007A

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	9		SES NW SW NW	Carbon	Tin cup Creek
GPS Coordinates:				2738345 E	1314949 N	

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? A24-2007B

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

GDS, field inspection. Site tag A0013654 Bae
22 Aug 05

Transfers Changing POD _____

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

SCANNED

APR 02 2009

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

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

Yes (X) No ()

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

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

Yes () No ()

3. Has the License been issued?

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

Yes () No ()

4. Does the parent right have a POD?

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

8. Was a transfer filed?

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

Point of Diversion

Claim No. A24-2007A

APR 23 2009

1. Is the basis of claim a Decree or License? Yes (X) No ()
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes () No ()
If Yes, go to 5
If No, recommend the Source as shown on the Permit. Go to 11
4. Does the parent right have a Source? Yes (X) No ()
If Yes, go to 5
If No, go to 7
5. Can the claimed Source be verified using the water right file? Yes (X) No ()
If Yes, recommend the Source as shown in the water right file. Go to 11
If No, go to 7
6. Is the basis of claim a Posted Notice? Yes () No ()
If Yes, consult the attorney assigned to the basin. Go to 7
If No, go to 7
7. Is there evidence that there has been a change in the Source? Yes () No ()
If Yes, go to 8
If No, go to 10
8. Can the change be verified as an accomplished transfer? Yes () No ()
If Yes, add condition C02, go to 10
If No, Notify claimant that a transfer is necessary before the claimed Source can be recommended. Go to 9
9. Did the claimant file a transfer? Yes () No ()
If Yes, recommend the Source as shown in the transfer. Go to 11
If No, go to 10
10. Does the file contain all of the necessary information to verify the Source? Yes () No ()
If Yes, recommend the Source as it existed on 11-19-1987. Go to 11
If No, collect the necessary information. Recommend the Source as it existed on 11-19-1987. Go to 11
11. Is a Source remark and/or condition required? Yes () No (X)
If Yes, enter the appropriate remark and/or condition. Source review is complete.
If No, Source review is complete.

Source

Claim No.

SCANNED
A24-2007A
APR 02 2009

Purpose of Use Data Entry Form

Claim Number: A24-2007A☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Irrigation was not occurring at time of exam but seems reasonable. Headgate/ditch appeared to have been used this season. Bac 22 Aug 2005

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

Purpose of Use Data Entry Form

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APR 02 2009

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 (X)

Purpose of Use

Claim No. A24-APR 2007A

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Place Of Use Data Entry Form

Claim Number: A24-2007A☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Document how the POU was verified:

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

Transfers Changing POU _____

Reviewer: _____

Date: _____

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APR 02 2009

Place Of Use Data Entry Form

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.

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Place of Use

Claim No. AR34-28007A

Period of Use and Quantity Data Entry Form

Claim Number: A24-2007A

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

Please see split discussion

Reviewer: _____

Date: APR 02 2009

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APR 02 2009

1. Is the basis of claim a Decree or License? Yes (X) No ()
If Yes, go to 4
If No, go to 2
2. Is the basis of claim a Permit or Application? Yes () No ()
If Yes, go to 3
If No, go to 6
3. Has the License been issued? Yes () No ()
If Yes, go to 5
If No, recommend the Period of Use as shown on the Permit. Go to 18
4. Does the parent right have a Period of Use? Yes (X) 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 (X) 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 (X) 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 (X)
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 (X)
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. A24 - 2007A

SCANNED

APR 02 2009

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

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

Yes (☒) No (☐)

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

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

Yes (☐) No (☐)

3. Has the License been issued?

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

6. Is the basis of claim a posted notice?

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

Yes (☐) No (☐)

7. Is a flow measurement required?

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

10. Is irrigation a purpose of use?

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

Yes (☐) No (☐)

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

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12

Yes (☐) No (☐)

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

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

Yes (☐) No (☐)

Quantity

Claim No. A24 - 2007A

SCANNED
APR 02 2009

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 (X) 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 (X)

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 (X)

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 (X) 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 (X) 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 (X) 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 (X)

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 (X) No ()

Summary

SCANNED
APR 02 2009
Claim No. A24 - 2007A

Summary Data Entry Form

Claim No.: _____

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

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

split analysis 6 pages, photos 1 page bac

Claim No.: *A24-2007A*

Reviewer _____

SCANNED
APR 22 2009

01/12/2006

NOTICE OF ERROR
REPLY

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

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

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 24-2007A

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

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

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

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

There should be additional acres & Water Right added to this Property because of purchase of additional land

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

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

DATE: 10-17-06 SIGNATURE: *Allen Luthi*
Please print your name: Allen Luthi

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



SCANNED

APR 02 2009

WARRANTY DEED

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

SEE ATTACHED EXHIBIT "A:

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

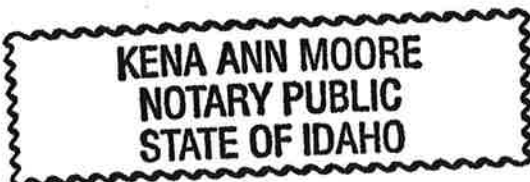
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and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

Dated: December 20, 2004

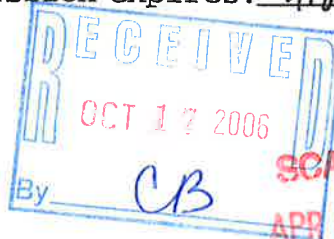
Eugene C. Shinkle
Eugene C. Shinkle
Jeanne M. Shinkle
Jeanne M. Shinkle

STATE OF IDAHO)
: ss.
County of Caribou)

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



Benjamin Moore
NOTARY PUBLIC FOR THE STATE OF IDAHO
Residing at: Soda Springs, Idaho
My commission expires: 7/18/09



SCANNED
APR 02 2009
FAXED
5:11 pm
10/31/06 to I.F.
Aaron Bolant

EXHIBIT "A"

Caribou County, Idaho:

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

A tract of land in the E½SE¼ of Section 9, and in the SW¼ of Section 10, and in the N½NW¼ of Section 15, and the NE¼NE¼ of Section 16, more particularly described as follows:

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

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APR 02 2009

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

Bae

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.

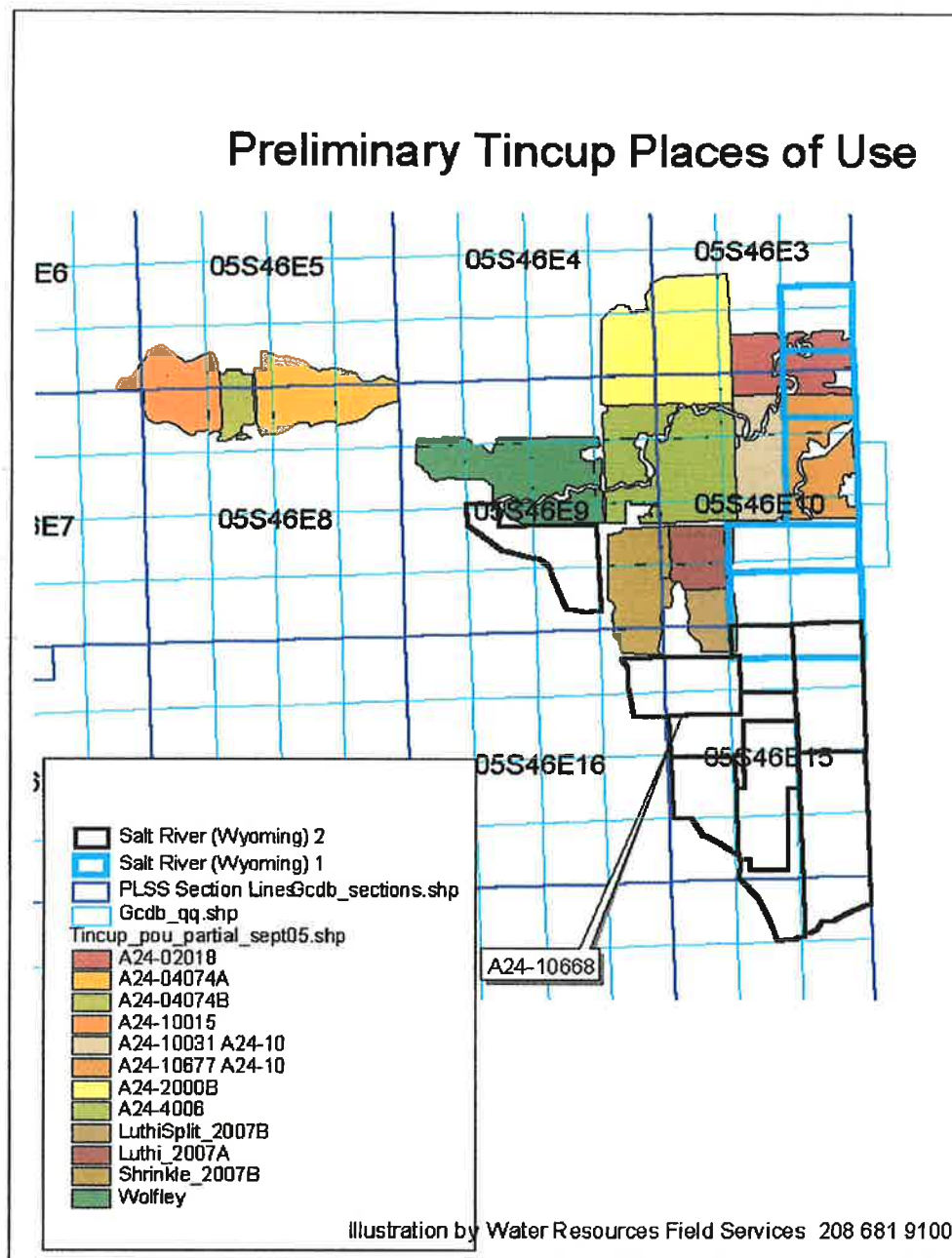


Figure 1. Approximate places of use and misalignment of Public Land Survey System with roads and property lines.

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APR 02 2009

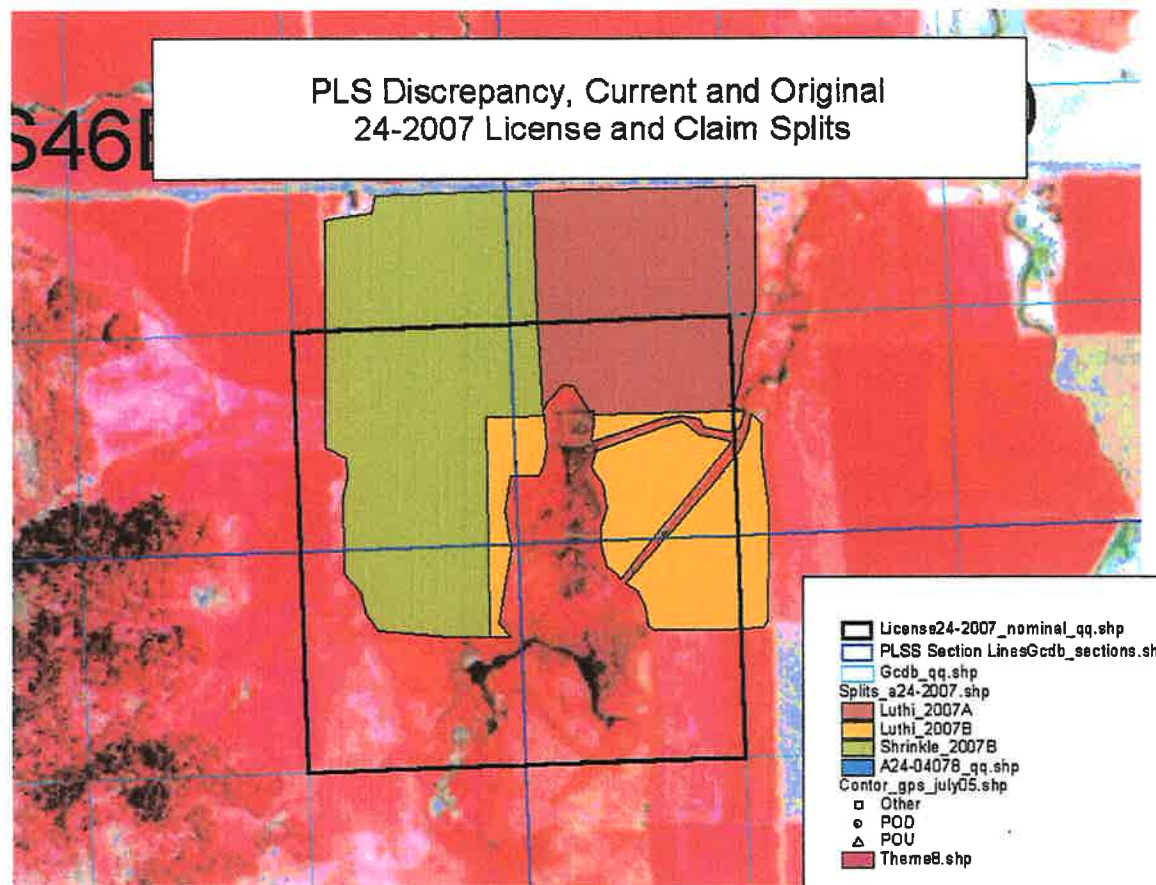


Figure 2. Licensed quarter-quarters and actual place of use, 24-2007.

Split Analysis 24-2007

License

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

Claims

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

Split

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

Public Land Survey

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

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

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APR 02 2009

Proposed split

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

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

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

B. Contor 22 August 2005

Bac

Follow-up 5 Sept 05

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

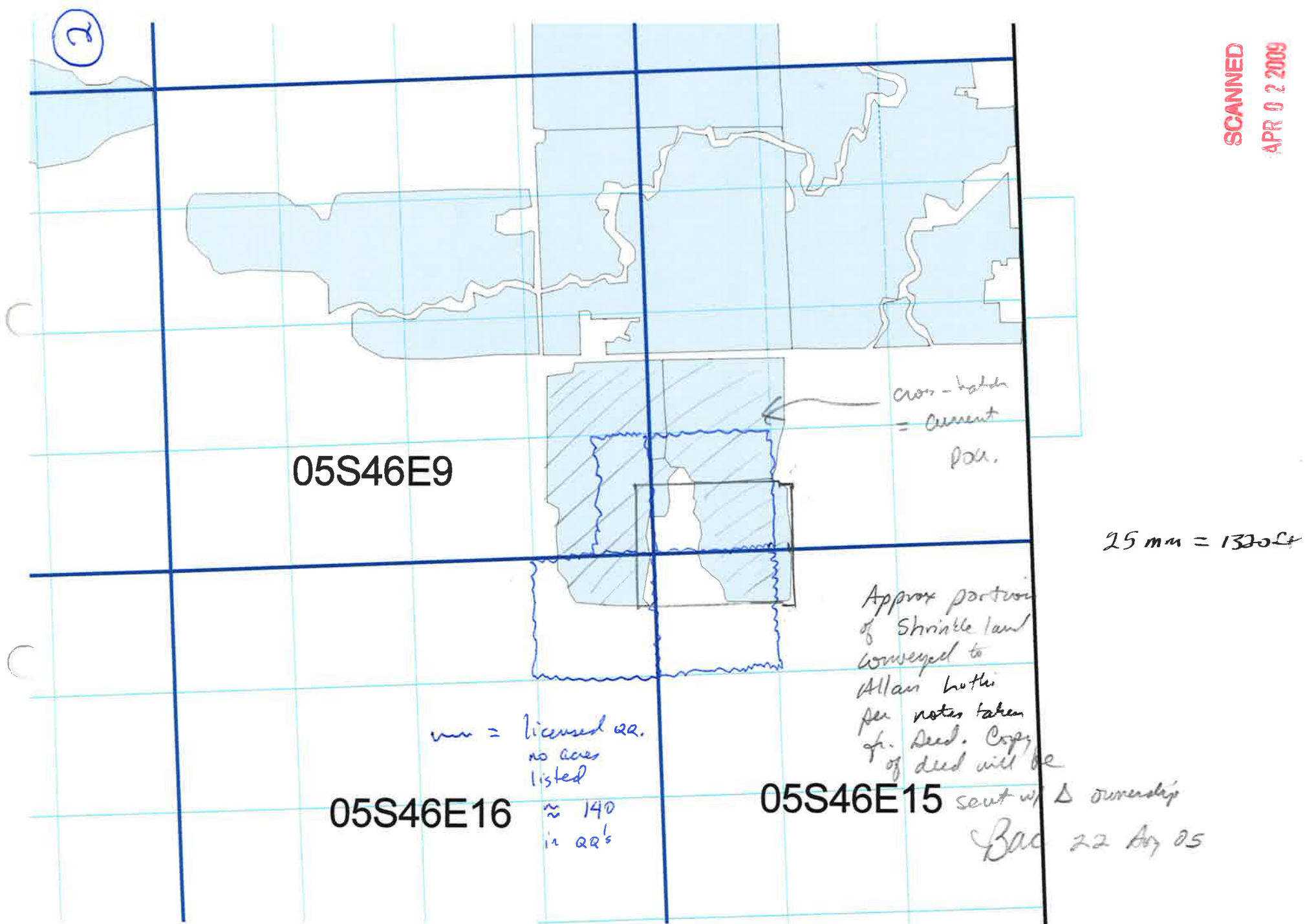
①

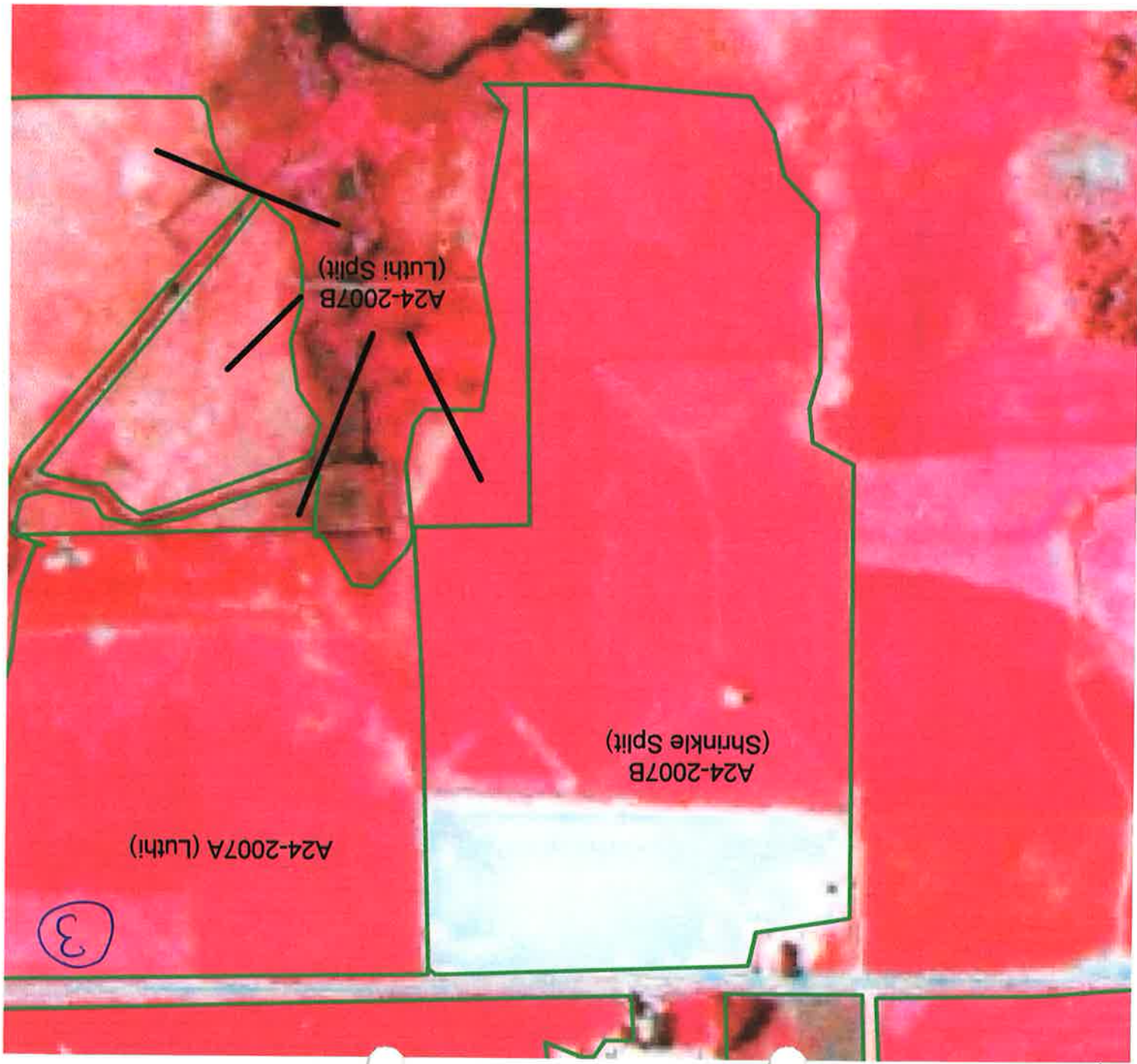
Legal fr. Deed
"A tract of land E $\frac{1}{2}$ SE $\frac{1}{4}$
Section 3, SW $\frac{1}{4}$ Section 10,
NE $\frac{1}{2}$ NW $\frac{1}{4}$ Section 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 16
Beginning 1452 E of SW corner
of Section 10
N 693 feet
W 132 feet
N 16.5 feet
W 1575 feet
S 1320 ft, which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

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

Bae 18 Aug 05

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APR 02 2009





4

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

See correction
in A24-2007B
PAC

see
copy in
this file

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APR 02 2009

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

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

cfs total
1.63

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

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

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APR 02 2009



April-2007A, 2007B
 looking W from headgate
 towards P00. Site tag
 A 0013654

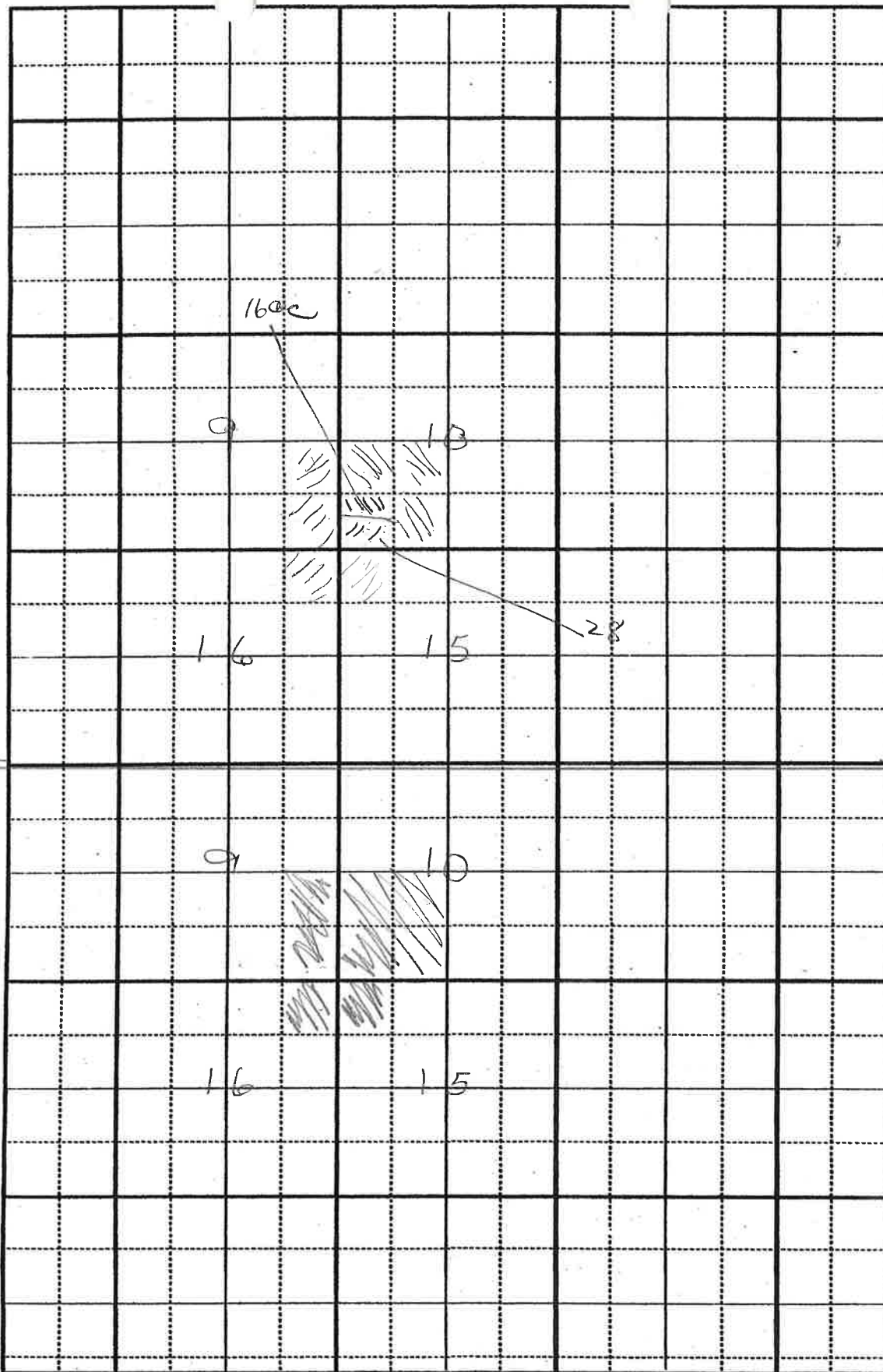
cbac



P00. Arrow marks
 inlet of ditch to
 headgate. Waypoint 37
 cbac

SCANNED

APR 02 2005



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

SCANNED

APR 02 2022

HEBER HANSON

HEBER HANSEN

F. E. WALFREY

LON SCHEISS

9

G.F. RO

REYNOL
ROBINSON

MRS. HAZEL
LUTHI

LUTHER H. HADERLIE

LUTHER H.
HADERLIE

W.P. ROBINSON
(ESTATE)

10

TE HWY. #34

HENRY & CHAS. LUTHI

Freedom Sch. Dist. No 5
FRED LUTHI

HENRY LUTHI

25 LON SCHIESS
(L)

AARON
BRACKEN

JUDD
WEBER

FERDINAND
WEBER

S.M.
WEBER

6323'

16

JOHN LOTH
(L)

C.R. CHADWICK

LAWRENCE
WEBER

CHAS.
WEBER

L.
WEBER

S.M.
WEBER

F.WEBER

FREEDOM

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SCANNED
APR 02 2009

10-21-04/BJ

Freedom, NY 83120

PO Box 206

Dot C. Kuch

male name
my own

Page 9391B

6100
A3 "

Drugstore
meadow

5,46,10 Tr 5x6

Page 1184D

9391B

1184D

Kuch, Dot C

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

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

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

1. Name of Claimant(s)

ALLEN B LUTHI Phone: (208)873-2563

PO BOX 223
FREEDOM WY USA 83120

ANN S LUTHI Phone: (208)873-2563

PO BOX 223
FREEDOM WY USA 83120

2. Date of Priority: 02/16/1906

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

4. Point of Diversion:

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

5. Description of diverting works:

DIVERSION DAM, HEADGATE, DITCH, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

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

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

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

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

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

15. Basis of Claim: License

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):

Allen B. Luechi
Ann S. Luechi

Date: 11-13-06

Date: 11-13-06

State of Idaho)

County of Bannock)

) SS.

Subscribed and sworn (or affirmed) before me this

13th

day

October, 2006

of November, 2006

Cindy E. Bird

Notary Public

Residing at

Lava Hot Springs

My commission Expires

May 1, 2007



AUG 11 2001

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A24-02007A
Date Received: 1/18/1990
Receipt No: MOD5546
Received By: CA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-873-2625

83120

2. Date of Priority: FEB 16, 1906

3. Source: TINCUP CREEK

Trib. to: SALT RIVER

4. Point of Diversion:

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

5. Description of diverting works:
DIVERSION DAM, HEADGATE, DITCH, FLOOD AND SPRINKLER IRRIGATION

6. Water is used for the following purposes:

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

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

A.F.A.

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

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

10. Place of Use:

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

A24-02007A

Page 1

Date: 01/18/90

MICROFILMED

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A2402007A



10. Place of Use: Continued

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

2007 B claimed 28 ac.

Section Acres 42.0

Total Acres 42.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

SALT RIVER RIGHTS DIVERTED IN WYOMING

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 1838

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: -1-

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Walter C. Luthi Date: 1/18/90

Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 18th day
of January 19 90

Carter Fritschle
Notary Public

Seal

Residing at _____

My Commission Expires _____

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

A 24-02007A

P.D.

TSS R. E.

P.U.

492 230 000 FEET 493 5' 494 495 496 2' 30"

