

09/08/2006

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

RIGHT NUMBER: 24-2005B

NAME AND ADDRESS: TED C FROME
PO BOX 968
AFTON WY 83110

SOURCE: SMOKY CREEK

TRIBUTARY: TYGEE CREEK

QUANTITY: 0.600 CFS

PRIORITY DATE: 09/29/1904

POINT OF DIVERSION: T08S R46E S16 NENWNE 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	0.600 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T08S R46E S09	SESE	3.50	T08S R46E S10	NESW	5.40
T08S R46E S10	NWSW	4.20	T08S R46E S10	SWSW	17.00

30.1 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 - License

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

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APR 02 2009



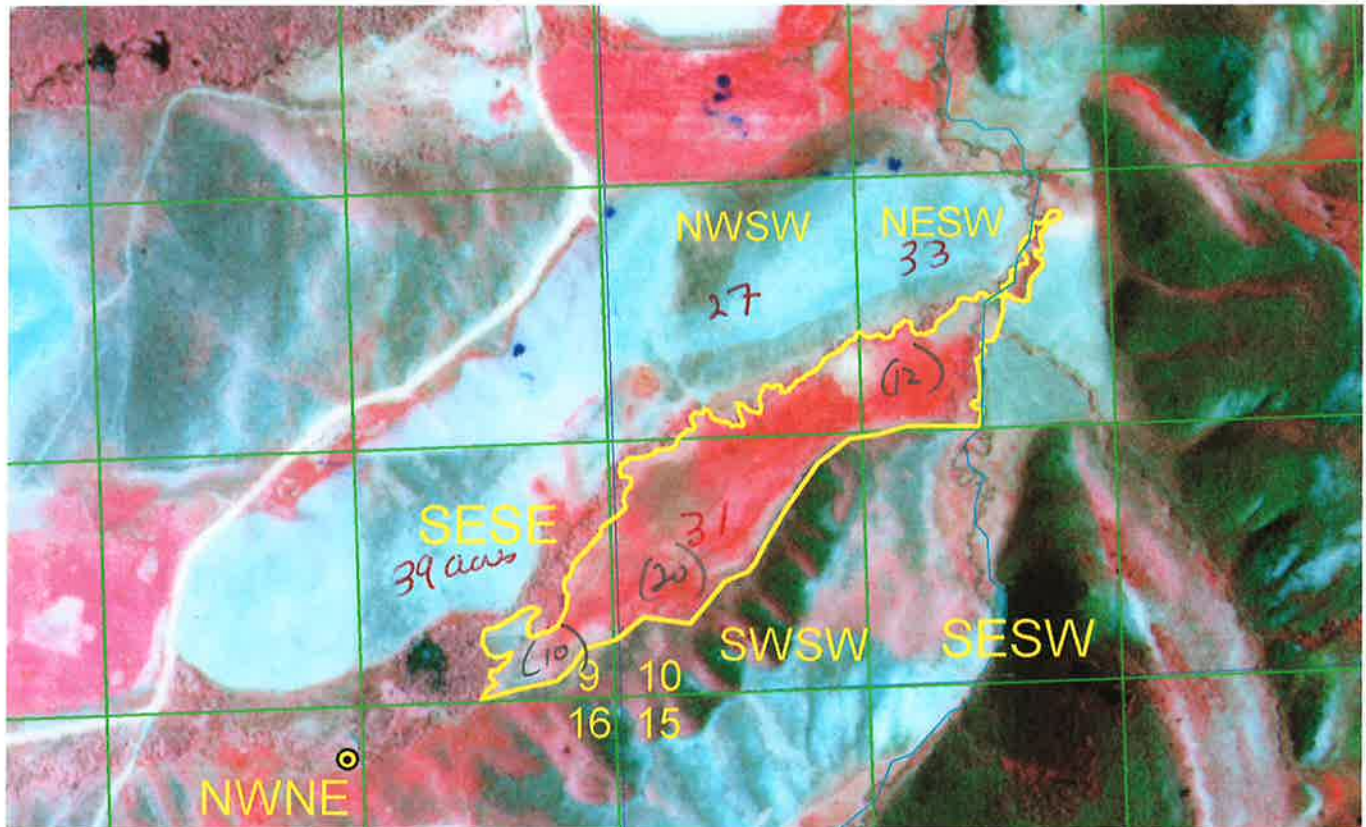
STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 24-2005B



Red = acres per Q2, xfr 5485 unchanged portion $\Sigma = 130$ acres

pencil = visual estimate of acres $\Sigma \approx 42$

500 0 500 1000 Feet

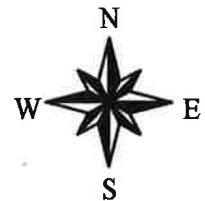
IRRIGATED ACRES

LEGEND

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

Place of Use: T8S, R46E:
(part of) Sec. 9, SESE.
(part of) Sec. 10, NWSW, NESW, SWSW.

Point(s) of Diversion: T8S, R46E:
Sec. 16, NENWNE.



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

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Notes

10-20-04 Waret said it was license but I couldn't find a copy. None on C.D. BT

1-13-05 Requested a copy of license from Waret. BV

1-13-05 Letter to claimant re POD & POD change. BP

1-13-05 Copy of license from Waret BP

1-20-05 Claimant called. They have used the same water on the same POD w/ the same POD. They don't know of any changes made. I advised I would send another letter w/ a map & list the changes. BP

2-11-05 Mr. Frome phoned this morning. He wondered where his letter was explaining the letter of 1-13-05. He said there has never been a change. BP

2-23-05 Letter to claimant re POD & POD. BP

3-1-05 Received letter from Claimant re POD. BP

3-2-05 Letter to claimant re POD & POD Classification. BP

3-10-05 " from " re POD. BP

5-31-05 The claim matches the transfer except for the SESW piece in sec. 10. Claimant said there have been no changes since he's owned the property. BP

9 Sept 2005 field inspection w/ Ted Frome. Bac

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Contacts Data Entry Form

Owner Type _____ Full Name Ted C. Frome Address _____ City _____ State _____ Zip _____ Phone _____
Current Owner _____
Name connector: and _____, or _____ and/or _____
Current Owner PO Box 968, Afton, WY 83110
Current Owner _____

Representing Attorney: _____ Phone Number: 307-885-9587

Accompanied By: Ted Frome Phone Number: _____

Relationship to Claimant: _____

Exam conducted by Bryce Contois

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

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

Reviewer:

Date:

Contacts Data Entry Form

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Priority Date Data Entry Form

Claim Number: A24-02005B

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 29 Sept 1904

Reviewer: EBDate: 12/14/05

Priority Date Data Entry Form

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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. A24-2005B
APR 02 2009

Point of Diversion and Source Data Entry Form

Claim Number: A24-2005B

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
85	46E	16		NWNE NE	Caribou	Smoky Creek
GPS Coordinates: 128 56 75 N				2739151 E 20TM 83		
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

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

GPS / field inspection. This is a different PLS description than license or approved transfer but Mr. Frome states nothing has changed in the 50 yrs he's owned the place. I believe this only reflects a change in methods used to locate PLS description. Topo maps were probably not available in early 1900s at time of license exam. Bac 28 Sept 2005.

Transfers Changing POD _____

Reviewer: _____

Date: _____

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Point of Diversion and Source Data Entry Form 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. A 24 - 2005 A
APR 02 2005

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

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Source

Claim No. APP 12-1-2005 B

Claim Number: A24-02005B

Water Right Purpose of Use

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

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

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 & aerial photo image. Bac 28 Sept 2005

Reviewer: _____

Date: _____

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APR 02 2009

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 Purpose(s) of Use as shown on the Permit. Go to 13
4. Does the parent right have a Purpose of Use? Yes (☒) No (☐)
If Yes, go to 5
If No, go to 6
5. Can the claimed Purpose of Use be verified using the water right file? Yes (☒) No (☐)
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
6. Is there evidence that there has been a change in the Purpose of Use? Yes (☐) No (☐)
If Yes, go to 7
If No, go to 11
7. Can the change be verified as an accomplished transfer? Yes (☐) No (☐)
If Yes, add condition C04, go to 11
If No, go to 8
8. Does the change include an enlargement of the Purpose of Use? Yes (☐) No (☐)
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
9. Was an enlargement claim filed? Yes (☐) No (☐)
If Yes, go to 11
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 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
11. Does the file contain all of the necessary information to verify the Water Use? Yes (☐) No (☐)
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
12. Did the claimant file a transfer? Yes (☐) No (☐)
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
13. Is a Purpose of Use remark and/or condition required? Yes (☐) No (☒)
If Yes, enter the appropriate remark and/or condition. Purpose of Use review is complete.
If No, purpose of Use review is complete.

Purpose of Use

Claim No. A24-2005B

Place Of Use Data Entry Form

Claim Number: A24-02005B☐ 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 _____

Please see attached list

Document how the POU was verified:

Field inspection / Aerial photo. Mr. Frome states "nothing has changed" for 50 years. Differences between aerial photo & license either reflect long-standing accomplished changes or differences in methods. Bac 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. A24-2005B

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APR 12 2019

Period of Use and Quantity Data Entry Form

Claim Number: A24-02005B

☐ 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:

Because of wild flood practices and because return flows immediately enter the source stream, I propose recommending the full 2.60 cfs in the transfer even though the ^{unchanged} package is smaller than contemplated by the transfer. Dec 28 Sept 2004
I propose calling this an accomplished transfer to consolidate diversion rate.

Reviewer: _____

Date: SCANNED

APR 02 2009

Period of Use and Quantity Data Entry Form

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. A24 - 2003B

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

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

Yes (X) No ()

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

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

Yes () No ()

3. Has the License been issued?

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

6. Is the basis of claim a posted notice?

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

Yes () No ()

7. Is a flow measurement required?

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

Yes () No ()

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

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

Yes () No ()

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

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

Yes () No ()

10. Is irrigation a purpose of use?

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

Yes () No ()

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

If Yes, recommend an annual diversion volume. Show the calculation of the annual diversion volume or describe how the annual diversion volume was determined. Go to 12
If No, go to 12

Yes () No ()

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

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

Yes () No ()

Quantity

Claim No. A24 - 2005B

SCANNED

APR 12 2009

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice? Yes (X) No ()
If Yes, go to 2
If No, go to 3
2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? Yes () No (X)
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
3. Is the water being used for all of the purposes claimed and to the extent claimed? Yes () No ()
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
4. Is any portion of the claim being recommended? Yes () No ()
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
5. Does this right have any combined used limits with other rights? Yes () No (X)
If Yes, go to 6
If No, go to 6
6. Is an additional remark and/or condition required? Yes (X) No ()
If Yes, enter the appropriate remark and/or condition. Go to 7
If No, go to 7
7. Would you like to view the recommended right? Yes (X) No ()
If Yes, go to 8
If No, the review is incomplete. The recommendation must be viewed to complete the review.
8. Is this a "split" or "combined" right? Yes () No (X)
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
9. Do you have documents you would like to attach or link to the file? Yes () No (X)
If Yes, go to PowerDOCS and profile the documents. Go to 10
If No, go to 10
10. Would you like to set the verification date? Yes (X) No ()
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Summary

Claim No. A24-2005B

SCANNED

APR 9 2009

Claim No.:

A24- 2005 B

Split or Combined Right Analysis:

Attached Field Notes or Other Documents:

Average list (1), GPS list (1), sketch map (1), photos (1). Dec 28 Sept 05

Claim No.: A24-205 B

Reviewer

Date _____

SCANNED

APR 02 2009

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-2005

WATER RIGHT NUMBER: 24-2005

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARY I MILLER 1666 KATHY ST EMMETT, ID 83617 (208)365-7267

Priority Date: 09/29/1904

Basis: License

Status: Active

SourceTributary

TYGEE CREEK

STUMP CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /		4.360 CFS	
DOMESTIC	/ to /			
<u>Total Diversion:</u>			4.360 CFS	

Location of Point(s) of Diversion

TYGEE CREEK	SW1/4SW1/4	Sec. 15, Twp 08S, Rge 46E, B.M.
CARIBOU County		
TYGEE CREEK	SW1/4NW1/4	Sec. 15, Twp 08S, Rge 46E, B.M.
CARIBOU County		

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	46E	9																	39.0
08S	46E	10									33.0	27.0	31.0						91.0
08S	46E	15									17.0	25.0			18.0	28.0			88.0

Total Acres: 218

DOMESTIC same as IRRIGATIONConditions of Approval:

1. SOURCE NAMES ARE NOT IDENTIFIED AS SUCH BY USGS QUAD.

Remarks:

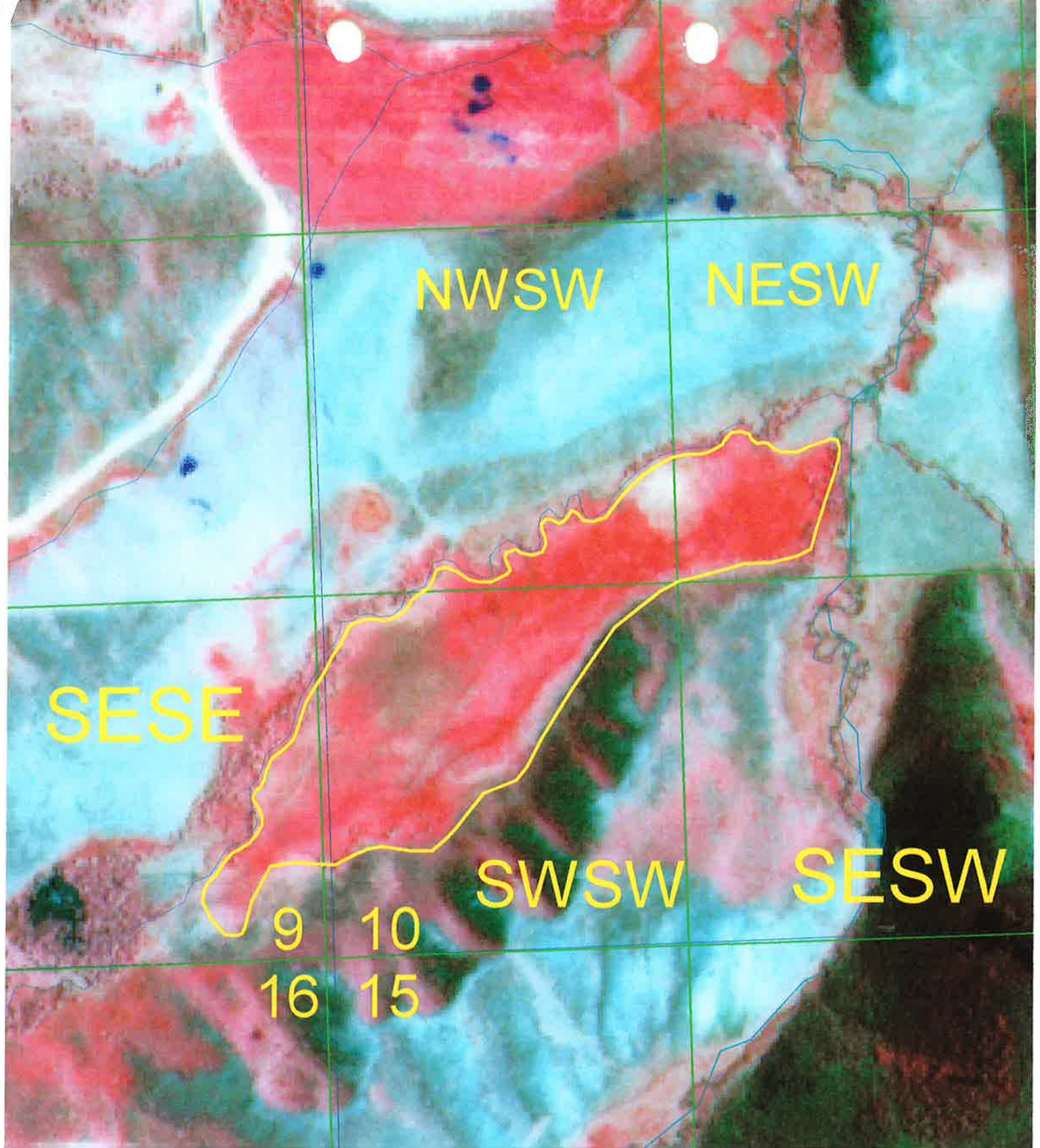
SCANNED
APR 02 2009

Bryce

?

Claim # 24-2005 B

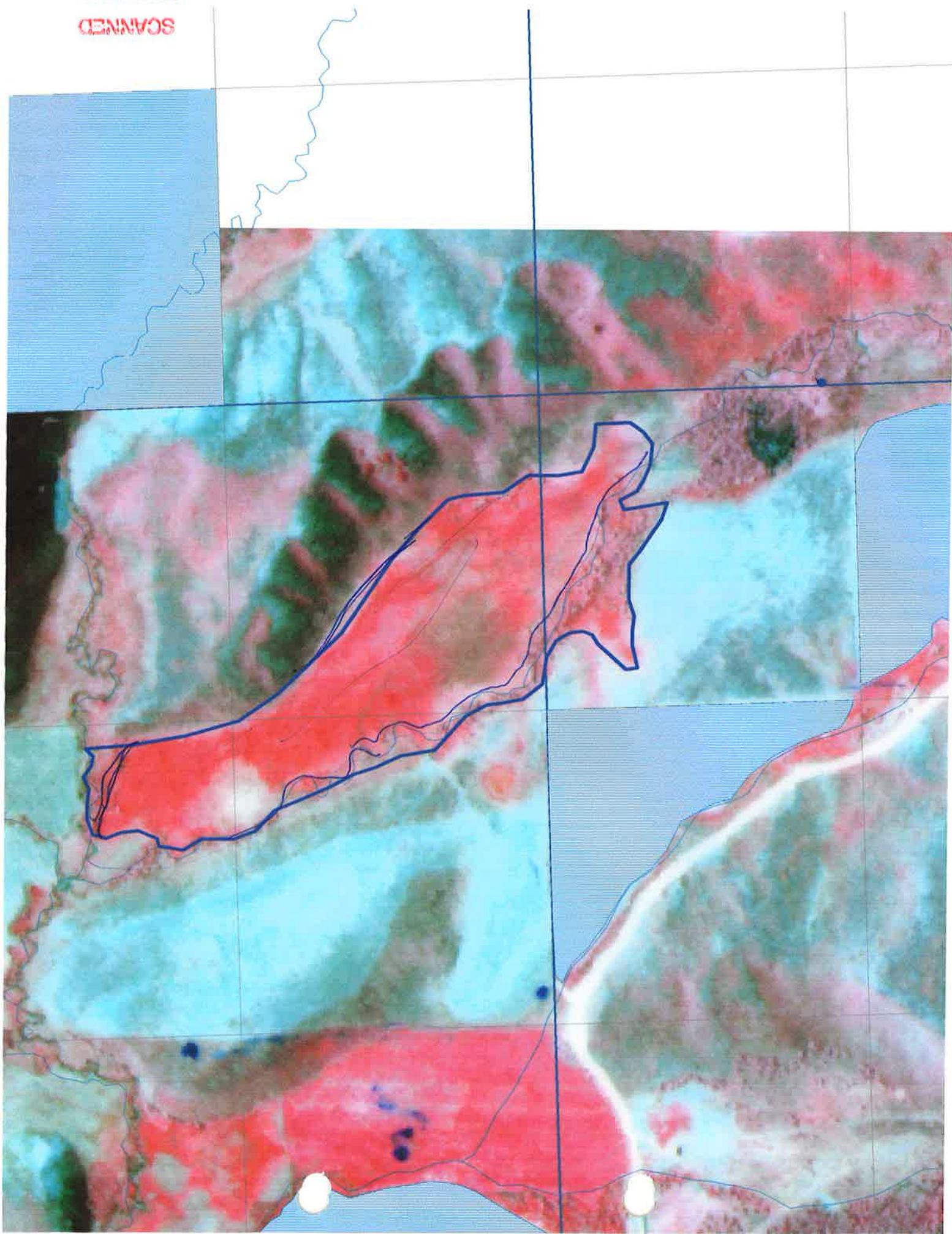
SCANNED
APR 02 2009



24-2005B
12-19-05

SCANNED
APR 02 2009

SCANNED
APR 02 2009



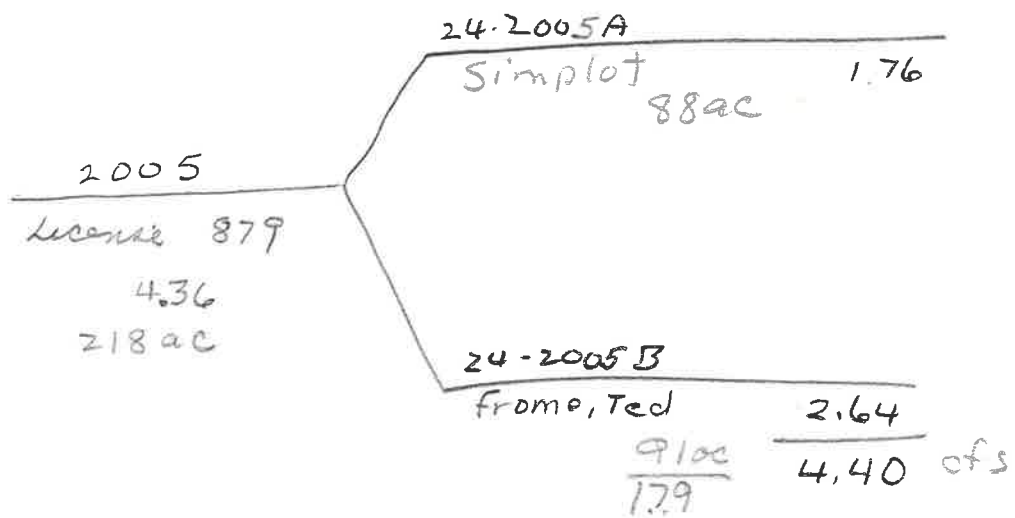
24-2005B

Attributes of Intsect644.shp			
<i>Tns</i>	<i>Tnsqg</i>	<i>Tnsdt</i>	<i>Acres</i>
08S46E10	08S46E10NESW		5.4
08S46E10	08S46E10NWSW		4.2
08S46E10	08S46E10SWSW		17.2
08S46E9	08S46E9SESE		3.5

30.4

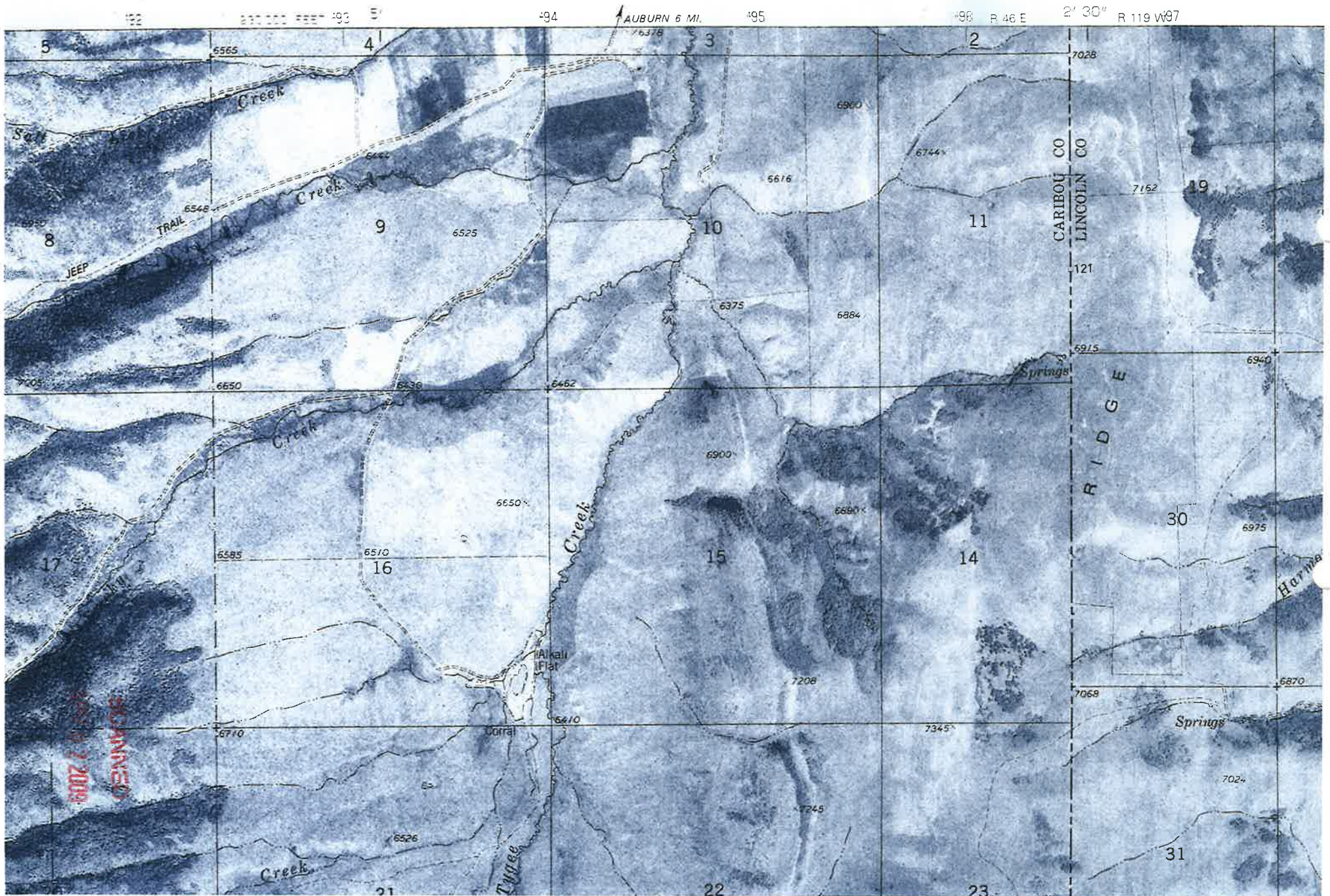
30.3

SCANNED
APR 02 2009



R46E

1976



A24-02005B Acres by QQ				
Trsqq				Acres
08S46E	9	SE	SE	7.8
Section Total				7.8
08S46E	10	NE	SW	5.9
08S46E	10	NW	SW	5.9
08S46E	10	SW	SW	16
Section Total				27.8
Total Acres				35.6

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APR 02 2009

Waypoint	Lon	Lat	Claim	Site_tag	Feature	Collect_by	Instrument	Comment
2	-111.0786	42.73431667	A24-02005B	none	POD	B.Contor	Garmin Geko 201	

85 46E 16 NW NE NE

SCANNED

APR 02 2009



①

A24-2005 B
Teel Frome,
Smoky Creek

SCANNED

APR 02 2008

POD looking E,
Waypoint 2
9 Sept 05



②

Looking E along
ditch from a
point $\approx$ 50' E
of POD. Ditch is
in taller, greener
strip of grass just
across fence.

9 Sept 05

Bac

Ted C. Frome
P.O. Box 968
Afton, WY 83110
(307) 885-9587

State of Idaho
Department of Water Resources
Attn: Barbara Payne
15 West Center Street
Soda Springs, ID 83726

Re: Snake River Basin Adjudication (SRBA)
Claim 24-2005B, 24-2012, 24-2004

Dear Ms. Payne:

Thank for your letter of March 2, 2005. I have reviewed the material within and have the following comments:

Claim 24-0212- It appears from your calculations that the area irrigated is 2.9 acres. The License on file with IDWR for this claim shows the POD in the SW/4NE/4 of Section 10, which I agree with. The License indicates the POU is in the NW/4NE/4 of Section 10. You will note from the aerial photo that this is a dryfarm and steep sidehill area, all over 50 feet above the level of Hassan Creek. It would be physically impossible for a ditch out of Hassan Creek to water the area shown as POU. Thus, it appears to me that an error was made on Water License No. 6130, and that the POU should have been the forty to the south, or SW/4NE/4 of Section 10. As requested, I have marked the POD on the map.

Claim 24-02005B- As requested, the POD has been marked on the map.

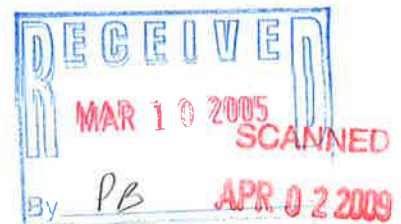
Claim A24-02004- As requested, the two POD's have been marked on the map.

Thank you for your assistance in resolving this. Please let me know if you have any questions.

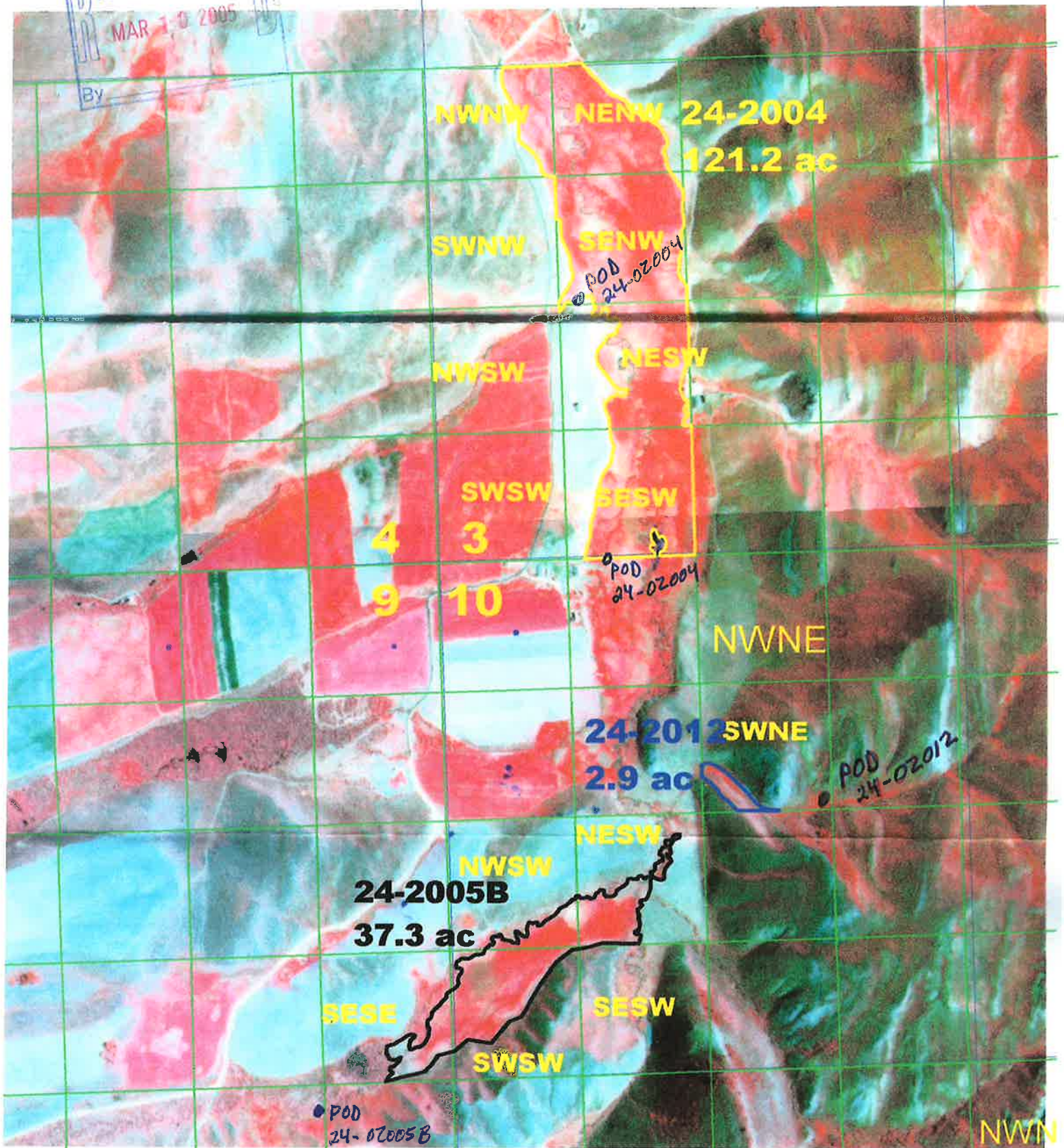
Sincerely,



Ted C. Frome



RECEIVED
MAR 10 2005
By _____



PLEASE RETURN THIS CARD
SCANNED
APR 02 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

2 March 2005

Ted C. Frome
P. O. Box 968
Afton, WY 83110

Re: Snake River Basin Adjudication (SRBA)
Claim 24-2005B, 24-2012, 24-2004

Subject: CHANGE IN PLACE OF USE (POU) & POINT OF DIVERSION (POD)

Response Date: 18 March 2005

Dear Claimant (s):

Thank you for your recent letter concerning the above referenced claims. Since you did not return the map with the adjusted areas marked, I have taken the liberty of tweaking the shapes for your claims following your recommendations. However, the calculated acreage does not agree with your recommendations. The differences are as follows:

	Requested Acres	Calculated Acres
Claim 24-2004	120	121.2
Claim 24-2012	5	2.9
Claim 24-2005B	41	37.3

Claim 24-2004 is based on License #787. The claimed POU is within the licensed POU. Please mark on the map the POD and label it as the POD for Claim 24-2004.

Claim 24-2012 is based on License #6138. The claimed POU is **NOT** within the licensed POU. A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

SCANNED

APR 02 2009

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

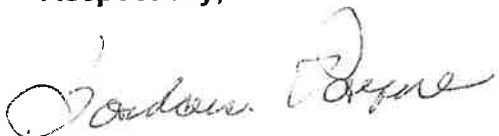
Please mark on the map the POD and label it as the POD for Claim 24-2012.

Claim 24-2005B is based on License #879. The claimed POU is within the licensed POU. Please mark on the map the POD and label it as the POD for Claim 24-2005B.

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. **Field exams to verify other items of the Notice need to be conducted by the Department personnel.**

Please return the map with the missing items labeled to this office by the above response date. We can then prepare the amended claims to reflect these changes and forward them to you for your signature. If you have any questions, I can be reached at 547-3993. Thank you.

Respectfully,



Barbara Payne

Enclosure: Drawing of claims

SCANNED
APR 22 2009

Ted C. Frome
P.O. Box 968
Afton, WY 83110
(307) 885-9587

State of Idaho
Department of Water Resources
Attn: Barbara Payne
15 West Center Street
Soda Springs, ID 83726

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 24-2005B, 24-2012, 24-2004

Dear Ms. Payne:

Thank for your letter of February 23, 2005. I have reviewed the material within and have the following comments:

Claim 24-0212- This claim is for seven (7) acres. In reviewing the aerial photo, it appears that perhaps two (2) acres of this claim on the south side is not irrigated. Thus, I would like to change the claim to five (5) acres.

Claim 24-02005B- This claim is for ninety one (91) acres. It appears that approximately 50 acres on the south and east are not irrigated. Thus, I would like to revise this claim to 41 acres.

Claim A24-02004- This claim is for 123 acres. Via a planimeter measurement, total irrigated lands appear to be 120 acres. Thus, I would like to revise this claim to reflect 120 acres.

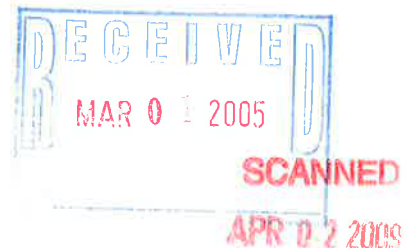
The claims after revision total 166 acres. You noted that the Caribou County Assessor classifies 136 acres as irrigated. I feel it is obvious from the infra-red photos that 166 acres is actively irrigated.

Please let me know if you have any questions.

Sincerely,



Ted C. Frome





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

23 February 2005

Ted C. Frome
P. O. Box 968
Afton, WY 83110

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 24-2005B, 24-2012, 24-2004

Subject: CHANGE IN PLACE OF USE (POU) & POINT OF DIVERSION (POD)

Response Date: 9 March 2005

Dear Claimant (s):

Thank you for calling our office concerning your claims. To help clarify the information that we have discovered and the information that was submitted with the claims, I have included a map with the approximate areas the claims cover. I am also enclosing a copy of each of the claims as submitted in 1990.

During our routine check with the Caribou County Assessor's office, we were advised that the tax lot that covers this land contains 136 acres assessed as meadow ground, which could be classified as irrigated. There were no additional acres specifically classified as irrigated. The total irrigated acres claimed on the above three claims total 231.4 acres.

Please indicate the changes that are needed on the enclosed map and any changes that need to be made to the claims and return them to our office. If you have any questions, I can be reached at 547-3993. Thank you.

Respectfully,

Barbara Payne

Enclosure: Notice of Claim to a Water Rights
Drawing of claims

SCANNED
APR 02 2009



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

13 January 2005

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

Ted C. Frome
P. O. Box 968
Afton, WY 83110

COPY

Re: Snake River Basin Adjudication (SRBA)
Claim 24-2005B

Subject: CHANGE IN PLACE OF USE (POU) & POINT OF DIVERSION (POD)

Response Date: 12 February 2005

Dear Claimant (s):

The Idaho Department of Water Resources initial investigation of the Notice of Claim listed above indicates that there has been a change in the point of diversion and place of use.

A water right owner who has made a change in use of a water right prior to commencement of the SRBA without prior IDWR approval may claim the change in the SRBA. IDWR may recommend a right as changed, however, only if the change meets certain requirements. One of those requirements is that the changes not result in injury to other water rights, or that the change be conditioned to prevent injury to other water rights.

Before IDWR may recommend your claim, you must provide IDWR with the date the change was made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 19, 1987.

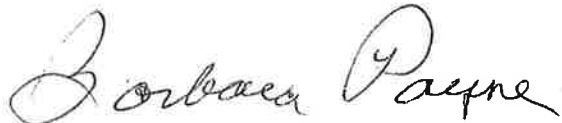
It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notice need to be conducted by the Department personnel.

SCANNED

APR 02 2005

This office must receive your response by the above referenced response date. If no response is received, then your claim to water from the new point of diversion will not be recommended to be decreed. If you have any questions not covered by this letter, please feel free to contact me at 547-3993.

Respectfully,

A handwritten signature in cursive script that reads "Barbara Payne".

Barbara Payne

Enclosure: Notice of Claim to a Water Right

SCANNED
2
APR 02 2009

AUG 05 2001

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

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

CIVIL CASE NUMBER: 39576

Ident. Number: A24-02005B

Date Received: 2/13/1990

Receipt No: E012041

Received By: ESW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TED C. FROME
Address: P.O. BOX 968
AFTON, WY 83110 307-886-3191

2. Date of Priority: SEP 29, 1904

3. Source: SMOKY CREEK
UNNAMED CREEK Trib. to: TYGEE CREEK
TYGEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	46E	10	SW	SW	SE		CARIBOU
		16	NE	NW	NE		CARIBOU

5. Description of diverting works:
HEADGATES IN STREAM TO DIVERSION DITCHES.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.640		

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

8. Total consumptive use is 227.5 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 400 HEAD RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
08S	46E	9	SE	SE		IRR	9.0
						Section Acres	9.0

A24-02005B

Page 1

Date: 02/13/90

A2402005B



MICROFILMED
SCANNED
NOV 06 1992
APR 02 2000

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08S	46E	10	NE		SW		IRR	20.0
			NW		SW		IRR	6.0
			SW		SW		IRR	38.0
			SE		SW		IRR	18.0
							Section Acres	82.0
							Total Acres	91.0

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:
NONE

14. Remarks:

15. Basis of Claim: LICENSE
Water Right Number: 879

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: 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): Ed G. Lane Date: 2-13-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of February 19 90
Seal

[Signature]
Notary Public

Residing at Idaho Falls, Id.
My Commission Expires 22 Aug 1994

T75

R46E

T8S

DIVERSION
A24-02004

A24-02012

DIVERSION A24-02012

DIVERGIONS
A24-02005A

R46E

STAMPED INFORMATION
JAN 06 2002