

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 24-2004

WATER RIGHT NUMBER: 24-2004

Owner Type Name and Address
 Current Owner JOHN G MILLER
 FAIRVIEW, WY

Priority Date: 08/19/1904

Basis: License

Status: Active

Source Tributary

TYGEE CREEK

STUMP CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
DOMESTIC	/ to /			
IRRIGATION	/ to /		2.820 CFS	
	<u>Total Diversion:</u>		2.820 CFS	

Location of Point(s) of Diversion

TYGEE CREEK	NE1/4NW1/4	Sec. 10, Twp 08S, Rge 46E, B.M.
CARIBOU County		
TYGEE CREEK	SE1/4NW1/4	Sec. 3, 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	3					39.0	23.0		39.0	40.0								141.0

Total Acres: 141

DOMESTIC same as IRRIGATIONConditions of Approval:

1. USGS QUAD INDICATES TAGEE CK. AS TYGEE CK., HORSESHOE CK. NOT LISTED, SALT CK. AS SALT LICK CK.

Remarks:Comments:

SCANNED

MAR 09 2009



STATE OF IDAHO

Department of Water Resources

Eastern Region



Water Right(s) 24-2004



1000 0 1000 2000 Feet

LEGEND

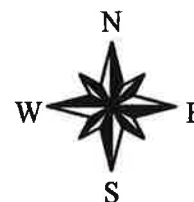
- ⊙ Point of Diversion
- Place of Use
- Townships
- Sections
- Quarter-Quarters

Place of Use: T8S, R46E:
(part of) Sec. 3, NWNW, NENW,
SESW, NESW, SESW

Point(s) of Diversion: T8S, R46E:
Sec. 3, SWSW
Sec. 10, NWNENW.

Claim POD

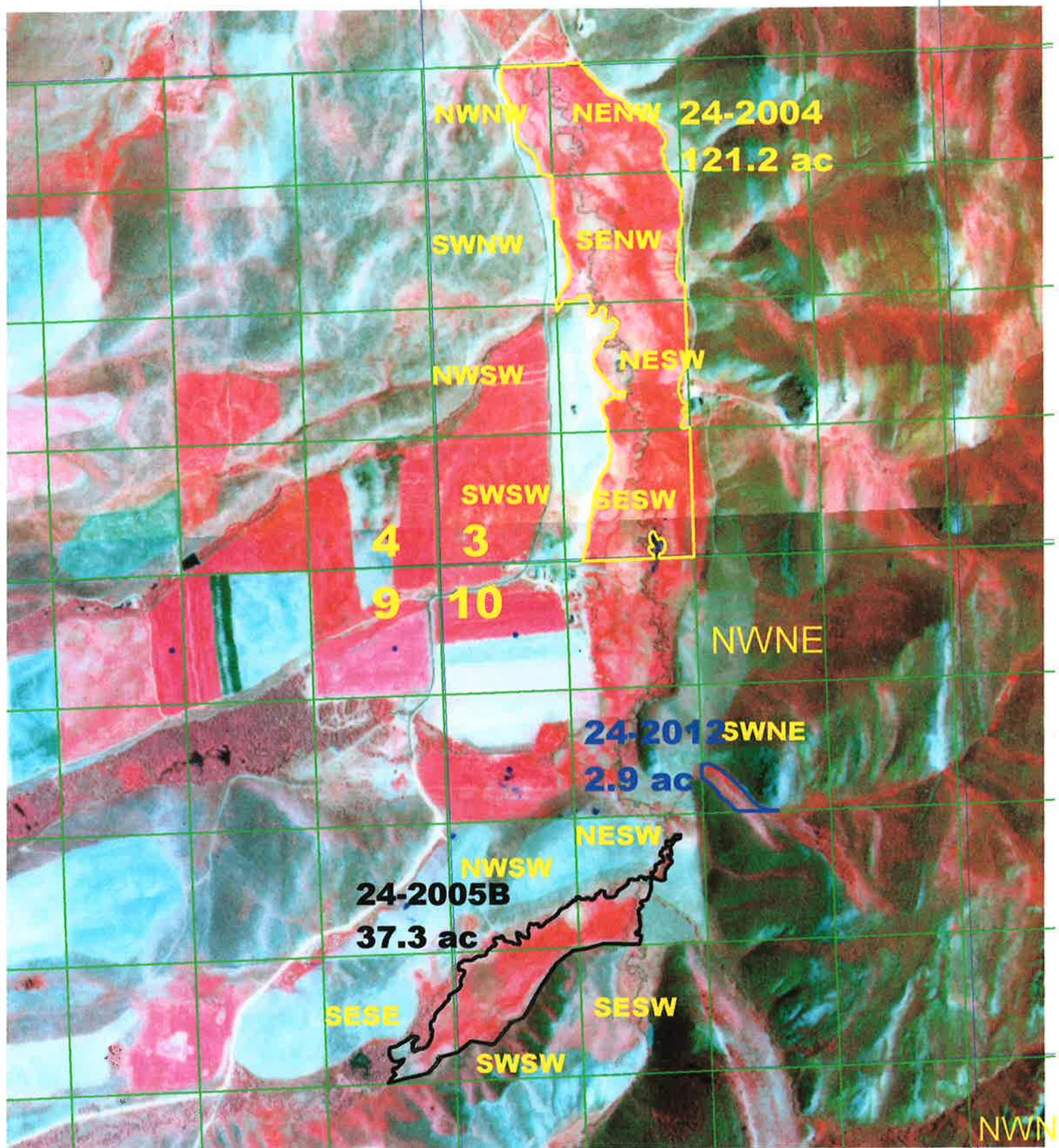
SW SENW 3 IRRIGATED ACRES 121.2
NW NENW 10
SE NENW 10



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

SCANNED

MAR 09 2009



SCANNED
MAR 09 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

23 February 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, 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

MAR 09 2005

MAR 09 2009

SCANNED

SWNW

SENW

NWNW

SESW

MSWS

SESE

NESW

NMSW

24-2005B

SWNE

24-2012

10

9

3

4

SESW

MSWS

NESW

NMSW

SENW

NMSW

24-2004

NENW

NWNW



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

MAR 09 2005

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.

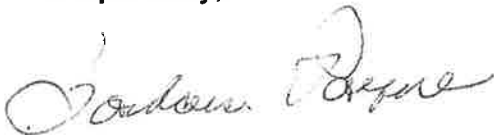
Please mark on the map the POD and label it as the POD for Claim 24-2012.

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

MAR 09 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

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.

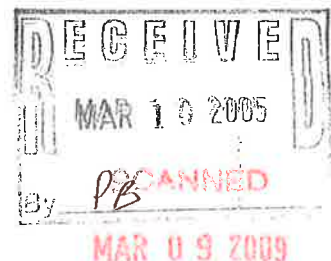
Claim A24-02004- As requested, the two POD's have been marked on the map.

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

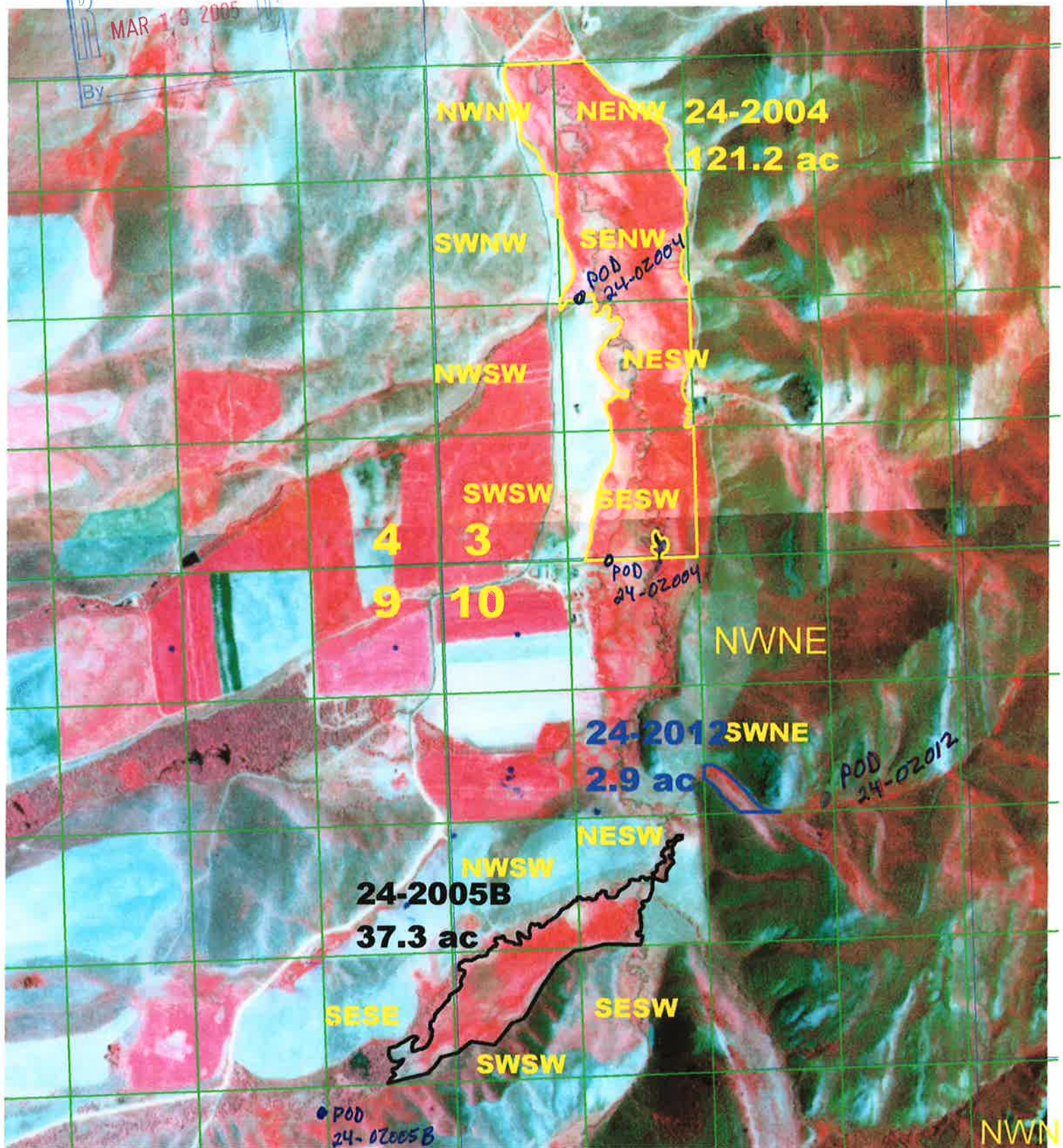
Sincerely,



Ted C. Frome



RECEIVED
MAR 10 2005
By _____



PLEASE RETURN THIS COPY.

SCANNED
MAR 10 2009

Notes

1020-04 Cessario's Ops

P.O. Box 969

Afton, WY 83710

Parcel 11500 280 Dry grazing. BP

I did not write down any meadow, if there was any. BP

2-23-05 Letter to Clement re POU & POD changes BP

3-1-05 " from " BP

3-2-05 " to " re POU & POD BP

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

6 May 05 307-886-3191 out of service BAC

7 Sept 05 307-885-9587 is number from A25-4156.

Friday AM. 9 AM - Auburn - Rock Church

9 Sept 05 Field inspection w/ Mr. Frome. BAC

11/14/06 Recommendation complete LB

SCANNED

MAR 09 2009

24-2004

 Attributes of Intsct667.shp		
<i>Tns</i>	<i>Tnny</i>	<i>Acres</i>
08S46E3	08S46E3NWNW	8.4
08S46E3	08S46E3SWNE	0.1
08S46E3	08S46E3SEnw	36.4
08S46E3	08S46E3NENw	23.1
08S46E3	08S46E3NWSE	0.4
08S46E3	08S46E3NESW	25.0
08S46E3	08S46E3SWSE	3.9
08S46E3	08S46E3SESW	11.7
08S46E10	08S46E10NWNE	0.5

109.6

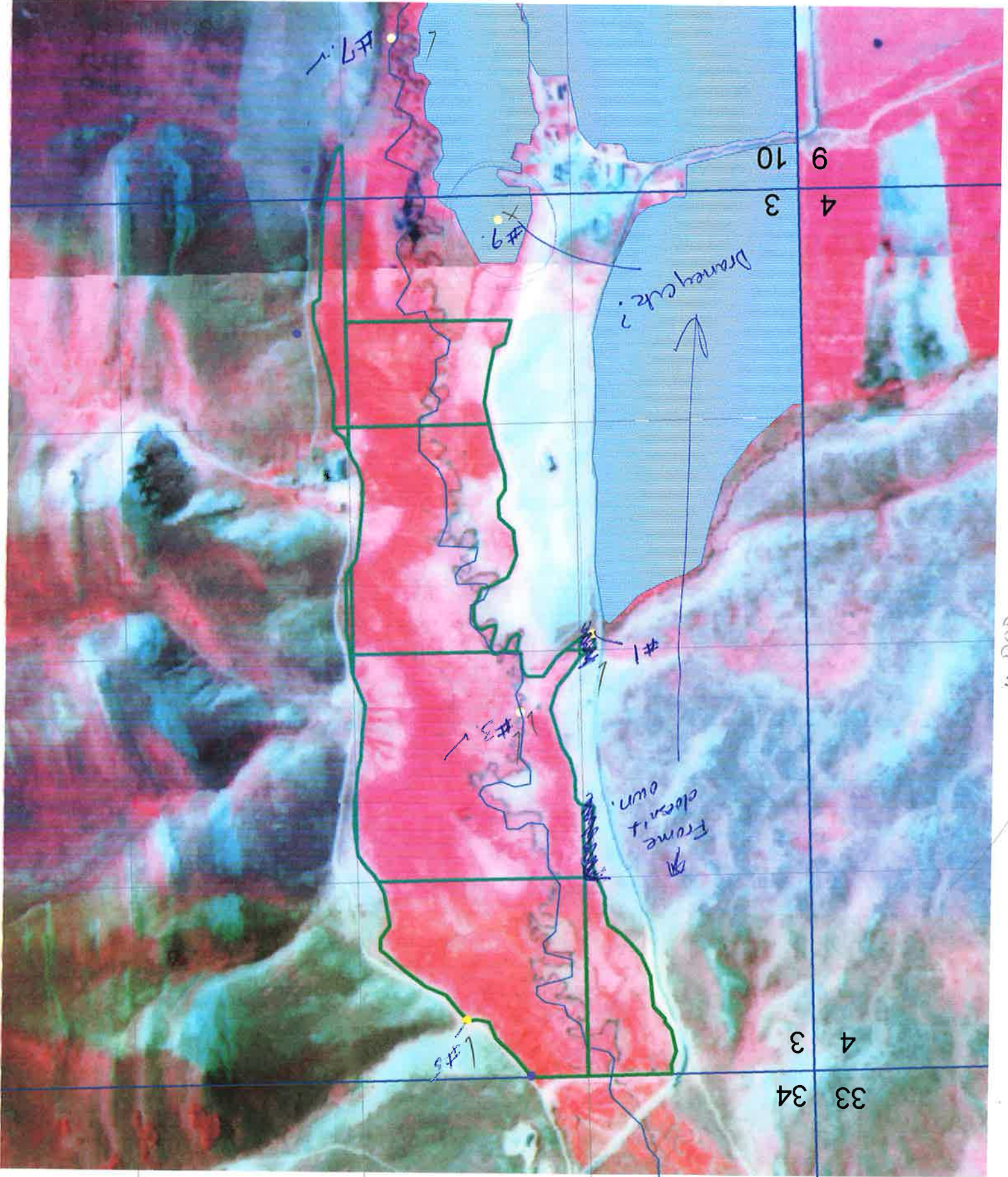
109.5

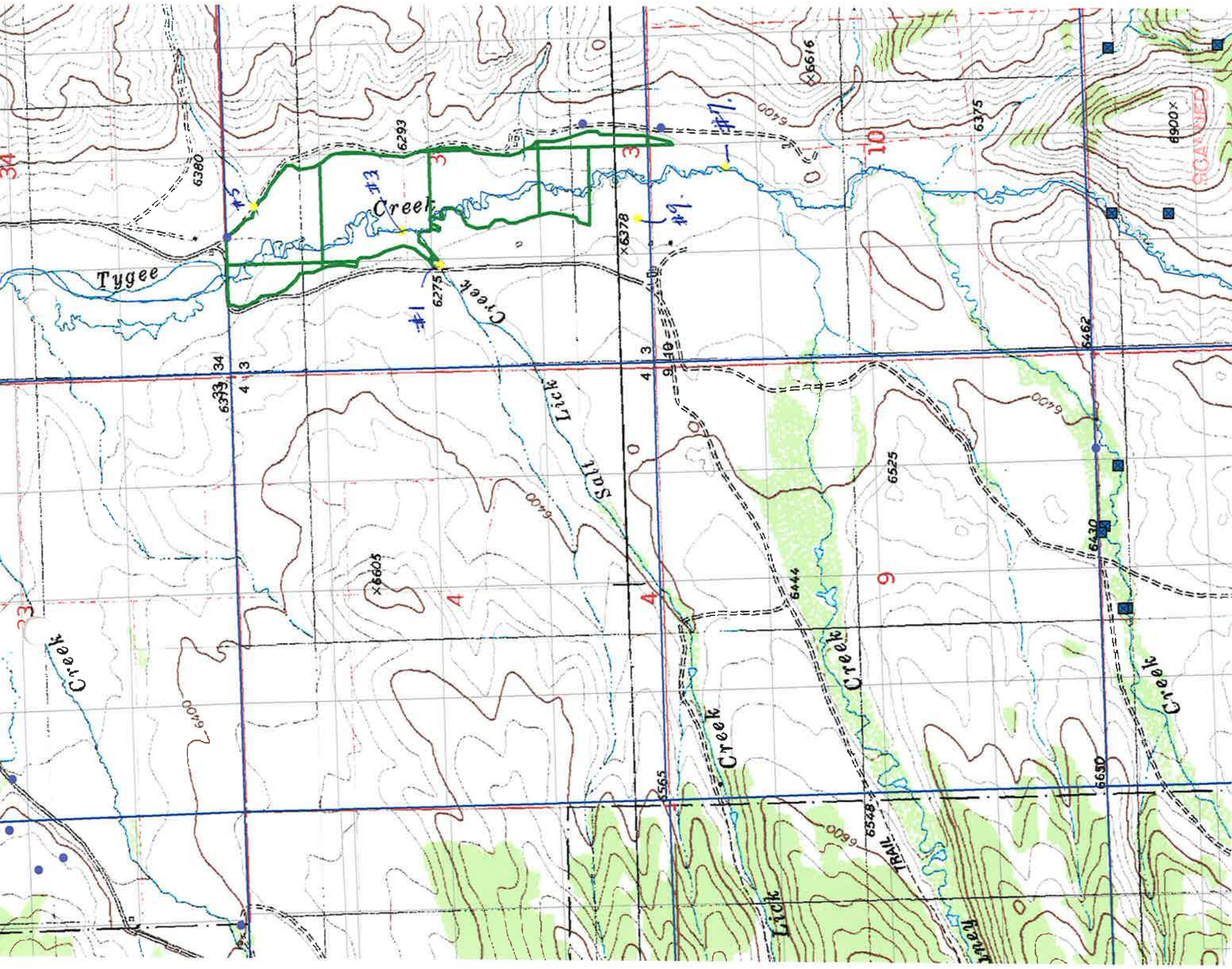
SCANNED

MAR 09 2009

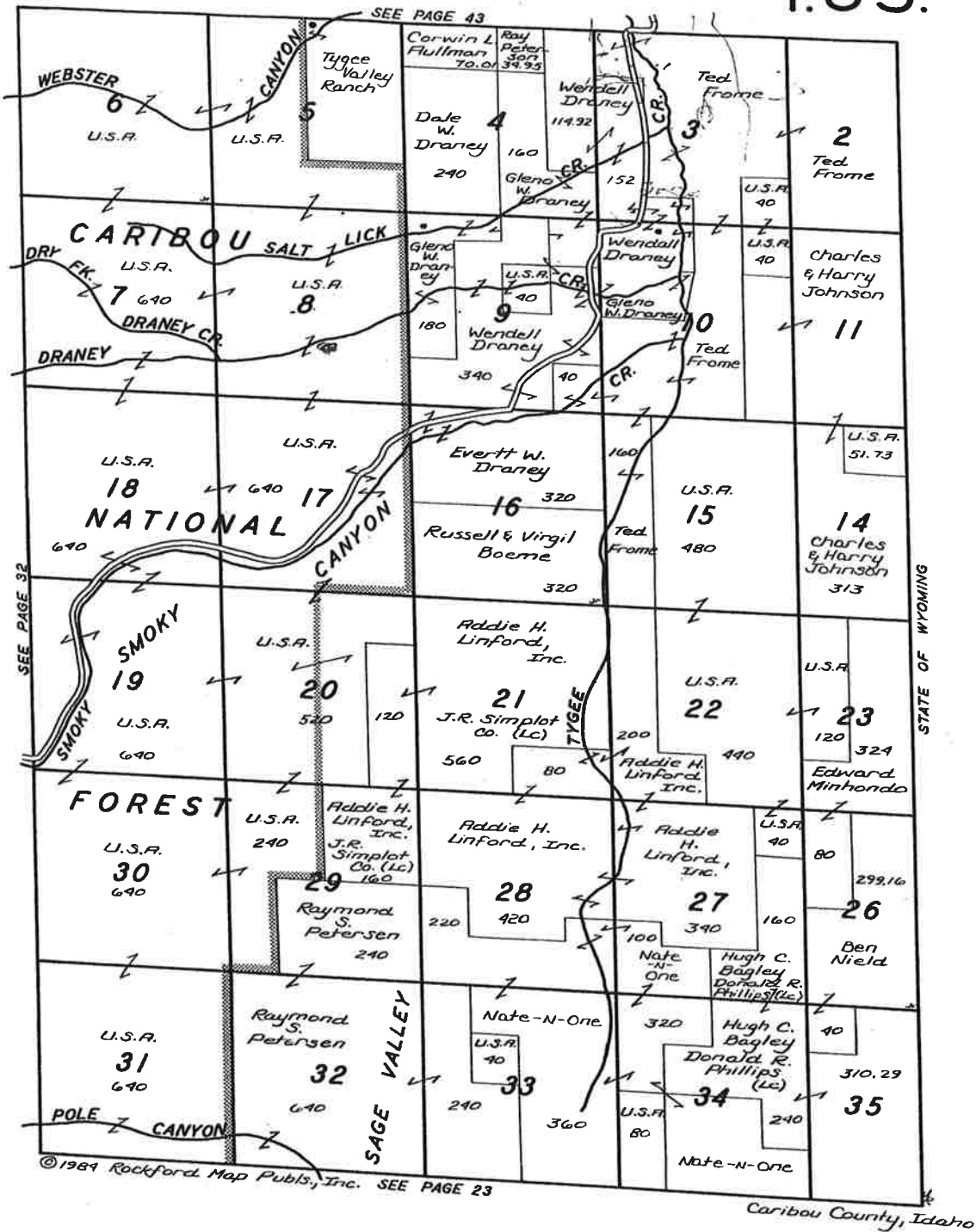
MAR 09 2009

4/15 - 10/31





TOPO map showing Bryce's GPS PTS. MAR 09 2009



SCANNED

MAR 09 2009

CLAIMS BASED ON LICENSE COMPARISON

	Licensed	Claimed	Field Exam
License #	787	242004	
Priority Date	8-19-1904	same	
Source(s)	Togee Creek Horse Creek Salt Creek	Togee Creek Salt Creek Draney Creek	
Tributary to	—		8.46, 3 SWSESW 3 NENENW 3 NENW SW
POD	8.46, 10, NENW 3, SENW 9, SENE	8.46, 10, NW NENW 3 SWSESW 10 SENENW	3 SWSESW 3, SWSESW 10, SENENW
Purpose of Use	irrigation domestic	same —	same
Season of Use		4/1 - 11/1	
Quantity (cfs)	2.82	2.82	2.82
POU Acres			
40	8.46, 3 NESW	8.46, 3 NESW 32	?
39	SESW	SESW 30	
39	NENW	NENW 17	
23	NW NW	NW NW 11	
141		SESW 33 123	
	Licensed	Claimed	Field Exam

Checker BP Date 10 2005

Claim # 24-2004

SCANNED

MAR 09 2009

Priority Date Data Entry Form

Claim Number: A24-02004

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 August 19, 1904. Pac 28 Sept 2005

Reviewer: CBDate: 4/4/06

Priority Date Data Entry Form

SCANNED

MAR 09 2009

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

Priority Date

Claim No. 154 - 2004

MAR 09 2009

Point of Diversion and Source Data Entry Form

Claim Number: A24-2004

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
①	8S	46E	3		NE NWSW	Caribou	Unnamed stream
	GPS Coordinates: <u>2739806 E</u>					<u>1288088 N</u>	<u>IDTM 83</u>
③	8S	46E	3		SW SE NW	Caribou	Tygee Creek
	GPS Coordinates: <u>2739933 E</u>					<u>1288228</u>	
⑤	8S	46E	3		NE NE NW	Caribou	Unnamed stream
	GPS Coordinates: <u>2740021 E</u>					<u>1288773 N</u>	<u>IDTM 83</u>
⑦	8S	46E	10		SE NE NW	Caribou	Tygee Creek
	GPS Coordinates: <u>2740172 E</u>					<u>1287041 N</u>	<u>IDTM 83</u>
⑨	8S	46E	3		SW SE SW	Caribou	Draney Creek
	GPS Coordinates: <u>2739983 E</u>					<u>1287361 N</u>	<u>IDTM 83</u>
	GPS Coordinates: _____						
	GPS Coordinates: _____						

Other rights from this POD? none

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

Waypoint 3, lower (N) Tygee Creek POD site tag A0013657.
 Ted Frome states nothing has changed in 50 years. Differences between this inspection & license may represent accomplished changes or simply differences in technology & methods. Note that license authorizes diversion from "Tygee Creek, Horseshoe Creek, Salt Creek and Tributaries." Names of some creeks appear to have changed. I propose current PODs.

Reviewer: _____

Date: _____

Can be recommended as accomplished changes of original

Point of Diversion and Source Data Entry Form

license. Bac 28 Sept 2005.

SCANNED

MAR 09 2009

Remove Draney crk is S. of this pt. This looks like it might be a ditch?
 CB

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. A24-2004

SCANNED
MAR 09 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. SA24-2004

MAR 09 2009

Purpose of Use Data Entry Form

Claim Number: A24-02004 Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Irrigation confirmed by field
inspection & aerial photo. Bac 28 Sept 05

Transfers Changing Purpose of Use _____

Reviewer: _____

Date: _____

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

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

Yes (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. A24-2004

MAR 09 2009

Place Of Use Data Entry Form

Claim Number: A24-2004☐ 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:

Claimant states nothing has changed in 50 years. Differences between GIS and license likely represent differences in methods. Note that field inspection confirms ditches serve the extent of lands included in proposed shapefile. DAC 28 Sept 2005.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: A24-2004
☐ 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	2.82	

Overall Diversion Rate 2.82

Overall Diversion Volume _____

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

Even though current acres are less than licensed, I propose recommending full licensed diversion rate of 2.82 cfs as an accomplished transfer to concentrate diversion rate. This is justified by wild flood practice. Because runoff returns directly to Tygee creek w/o intervening diversions by other rights, there is no potential for injury from increased

Reviewer: CBDate: 1/4/06

diversion rate. Bac 28 Sept 2005.

Period of Use and Quantity Data Entry Form

SCANNED

MAR 09 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 Period of Use as shown on the Permit. Go to 18
Yes () No ()
4. Does the parent right have a Period of Use?
If Yes, go to 5
If No, go to 6
Yes (X) No ()
5. Can the claimed Period of Use be verified using the water right file?
If Yes, go to 14
If No, go to 6
Yes (X) No ()
6. Is there evidence that there has been a change in the Period of Use?
If Yes, go to 7
If No, go to 12
Yes () No ()
7. Does the change include an enlargement in the Period of Use?
If Yes, go to 9
If No, go to 8
Yes () No ()
8. Can the change be recommended as an accomplished transfer?
If Yes, add Condition C10. Describe the evidence that supports the change occurred after 11-19-1987. Go to 12
If No, notify claimant that a transfer is necessary. Go to 11
Yes () No ()
9. Was an enlargement claim filed?
If Yes, go to 12
If No, notify claimant that an enlargement claim is necessary. Go to 10
Yes () No ()
10. Did the claimant file an enlargement claim?
If Yes, go to 12
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes () No ()
11. Was a transfer filed?
If Yes, go to 14
If No, recommend the Period of Use as it existed on 11-19-1987, subject to completing the review. Go to 12
Yes () No ()
12. Does the file contain all of the necessary information to verify the Period of Use?
If Yes, go to 13
If No, collect the necessary information. Conduct field exam if necessary. Go to 13
Yes () No ()
13. Is the basis of claim a decree, license or a transferred beneficial use right that has had the Period of Use administratively determined?
If Yes, go to 14
If No, go to 15
Yes () No ()
14. Is irrigation claimed as a purpose of use?
If Yes, go to 16
If No, recommend the Period of Use of the parent right. Go to 18
Yes (X) No ()
15. Is irrigation claimed as a purpose of use?
If Yes, recommend the "standard" Period of Use for the location of the POU. Go to 18
If No, the Period of Use is usually recommended as claimed. Go to 18
Yes () No ()
16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards?
If Yes, go to 17
If No, recommend the Period of Use of the parent right. Go to 18
Yes () No (X)
17. Was the Period of Use shortened by a Transfer to a "standard" Period of Use that is shorter than the current standard Period of Use?
If Yes, recommend the current standard Period of Use if the Period of Use of the parent right prior to the transfer was not established, equal to, or longer than the current standard. If the Period of Use of the parent right prior to the transfer was shorter than the current standard, recommend the Period of Use of the parent right and add the appropriate shoulder remark. Consult attorney assigned to the Basin if the Period of Use was an element transferred. Go to 18
If No, recommend the Period of Use of the parent right. Add appropriate shoulder remark. Go to 18
Yes () No ()
18. Is a Period of Use remark and/or condition required?
If Yes, enter the appropriate remark and/or condition. Period of Use review is complete.
If No, Period of Use review is complete.
Yes () No (X)

Period of Use

Claim No. A24-2004

MAR 09 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
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 - 2004

MAR 09 2009

1. Is the basis of claim a Decree, License, Permit, Application or Posted Notice? Yes (✓) 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 (✓)
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 (✓)
If Yes, go to 6
If No, go to 6
6. Is an additional remark and/or condition required? Yes (✓) 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 (✓) 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 (✓)
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 (✓)
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 (✓) No ()
If Yes, the review is complete.
If No, the review is incomplete. The recommendation must be verified to complete the review.

Summary

SCANNED
Claim No. 142 - 2004

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:

Average list (1), GPS list (1), photos (3), post card (1).

Claim No.: A24-2004

Reviewer _____

SCANNED
Date _____

MAR 09 2009

A24-02004 Acres by QQ.				
Township,	Section	QQ	Q	Acres
08S46E	3	SW	NE	0.1
08S46E	3	NE	NW	23
08S46E	3	NW	NW	8.4
08S46E	3	SW	NW	0.5
08S46E	3	SE	NW	36
08S46E	3	NE	SW	25
08S46E	3	NW	SW	0.2
08S46E	3	SE	SW	12
08S46E	3	NW	SE	0.4
08S46E	3	SW	SE	3.9
Section Total				109.5
08S46E	10	NW	NE	0.5
Section Total				0.5
Total Acres				110

SCANNED
MAR 09 2009

A24-02004 GPS Points

Waypoint	Lon	Lat	Claim	Site_tag	Feature	Collect_by	Instrument	Comment
1	-111.0695667	42.75581667	A24-02004	none	POD	B.Contor	Garmin Geko 201	unnamed stream serves west side
3	-111.0679667	42.75703333	A24-02004	A0013657	POD	B.Contor	Garmin Geko 201	Tygee Creek serves west side
4	-111.0680167	42.76283333	A24-02004	none	POU	B.Contor	Garmin Geko 201	north extent of POU
5	-111.0666667	42.76191667	A24-02004	none	POD	B.Contor	Garmin Geko 201	unnamed stream serves east side
6	-111.0633667	42.75093333	A24-02004	none	POU	B.Contor	Garmin Geko 201	see notes
7	-111.06555	42.74628333	A24-02004	none	POD	B.Contor	Garmin Geko 201	Tygee Creek serves east side
8	-111.06365	42.74835	A24-02004	none	POU	B.Contor	Garmin Geko 201	see notes
9	-111.0677333	42.74921667	A24-02004	none	POD	B.Contor	Garmin Geko 201	Draney Creek serves west side

Legal description.

Waypoint

1	85 46 E	3	NENW SW
3			SW SE NW
5			NENE NW
7		10	SE NE NW
9		3	SW SE SW

Waypoints 6 and 8 were used to help mapping POU.

BAC 28 Sept 2005

SCANNED

MAR 09 2009

MAR 09 2009

SCANNED

Thank you, Joyce C. Carter

call me at 208 681 9100.

If I am unable to reach you, please
at 307-886-3191 to make an appointment.
the Tiger Creek area. I will try to call you
within eight days from Hassan Creek and others in
Water Resources to do field inspection of your
I have been asked by Idaho Department of

3 Sept 05

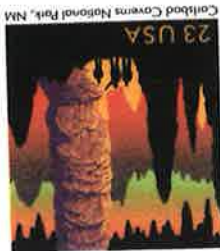
Dear Mr. Frome

© USPS 2002 recycled

After WY ~~88~~ 83110

PO Box 968

Ted C. Frome



Water Resources Fid Svcs
PO Box 94
Iona, ID 83427-0094
(208) 681-9100

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

COPY

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.

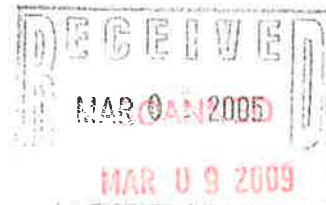
The claims after revision total 166 acres. You noted that the Caribou County Assessor classifies 136 acres as irrigated. I feel it is obvious from the infra-red photos that 166 acres is actively irrigated.

Please let me know if you have any questions.

Sincerely,



Ted C. Frome



Caribow County property codes

2-05

REAL PROPERTY (LAND)

- 1 - Investment IRR AG
- 2 - Investment IRR Pasture
- 3 - Investment Non-IRR AG
- 4 - Investment Meadow
- 5 - Investment Dry Grazing
- 6 - Productivity Value-Forest Land
- 7 - Bare Forest Land Value
- 8 - Reforestation
- 9 - Mineral
- 10 - Homestead Value on Rural Investment
Land Categories 1-9
- 11 Recreational Sites
- 12 Rural Residential Tracts
- 13 Rural Commercial Tracts
- 14 Rural Industrial Tracts
- 15 Rural Sub Res Lots and/or Acreages
- 16 Rural Sub Commercial Lots and/or Acreages
- 17 Rural Sub Industrial Lots and/or Acreages
- 18 Other Rural Land
- 19 Waste (acreage only, public r-o-w)
- 20 Res Lots and/or Acreages (inside city)
- 21 Commercial Lots and/or Acreages (inside city)
- 22 Industrial Lots and/or Acreages (inside city)
- 25 Common Areas, condos, townhouses, etc

IMPROVEMENTS

- 30 Non Res Imp on Cat 20
- 31 Imp on Cat 10
- 32 Non Res Imp on Cat 1-12, 15
- 33 Imp on Cat 11
- 34 Imp on Cat 12
- 35 Imp on Cat 13
- 36 Imp on Cat 14
- 37 Imp on Cat 15

- 38 Imp on Cat 16
- 39 Imp on Cat 17
- 40 Imp on Cat 18
- 41 Imp on Cat 20
- 42 Imp on Cat 21
- 43 Imp on Cat 22
- 44 Imp on Partially
- 45 Utility Systems (h)
- 46 Manufactured Hc
- 47 Imp to Manufact

PERSONAL PROPE

- 55 Boats
- 56 Construction Mac
tools & equip
- 57 Equities in State
(pymt in 2 Inst
- 58 Farm Machinery
tools & equipr
- 59 Furniture & Fixt
- 60 Imp on Railroad
- 61 Imp by Lessee
other than C
- 62 Leasehold Imp E
(pymt in 2 Inst
Sec 63-1302
- 63 Logging Machin
tools & equip
- 64 Mining Machin
tools & equip
- 65 Manufactured F
- 66 Net Profit of Mi
- 67 Operating Prop

SCANNED

MAR 09 2009



①



②

A24-02004

Red frome

Unnamed creek

Pod on E side

Creek comes from

right, through

culture, is

interrupted by

ditch where coy

is standing in

front of pickup.

Waypoint 5 95m

looking NW

Tyger Creek Pod

for E side of

pod. Creek is

left fork, ditch is

right fork.

Waypoint 7

95m

back

looking N

MAR 09 2009

SCANNED



(3)

A24-02004
Ted Firme.
N Tyge creek
POD, sense w side
of POD. Ditch
Covers through gateways
pipe to near left,
Creek goes through
sewer gate to
far left. Weypoint
3, tag A0013657
9 Sept 05

(4)



Looking E down hill
at same POD.

9 Sept 05 BAC



④

A24-02004
Ted Frome

Draney Creek POD,
Creek goes off to left,
ditch goes off to
right. Looking NNE
from waypoint 9.
Sewer west side
of pole. 9 Sept 05

SCANNED
MAR 09 2009



⑤

Unnamed stream
POD, sewer west
side of POD.
Dam is circled,
ditch goes off to
left. Waypoint 8, 1
9 Sept 05. Ditch
picks up entire
flow of stream.
Blue
looking E



48. ANNUAL ASSESSMENT

[illegible]

vements
 died = x
 ant = v

PRICE _____ DATE _____

SCANNED

SCANNED

AUG 01 2001

Log for claim 24-02004

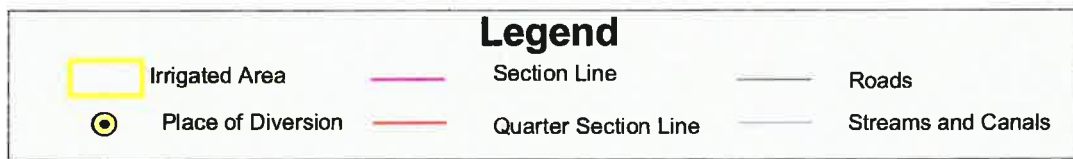
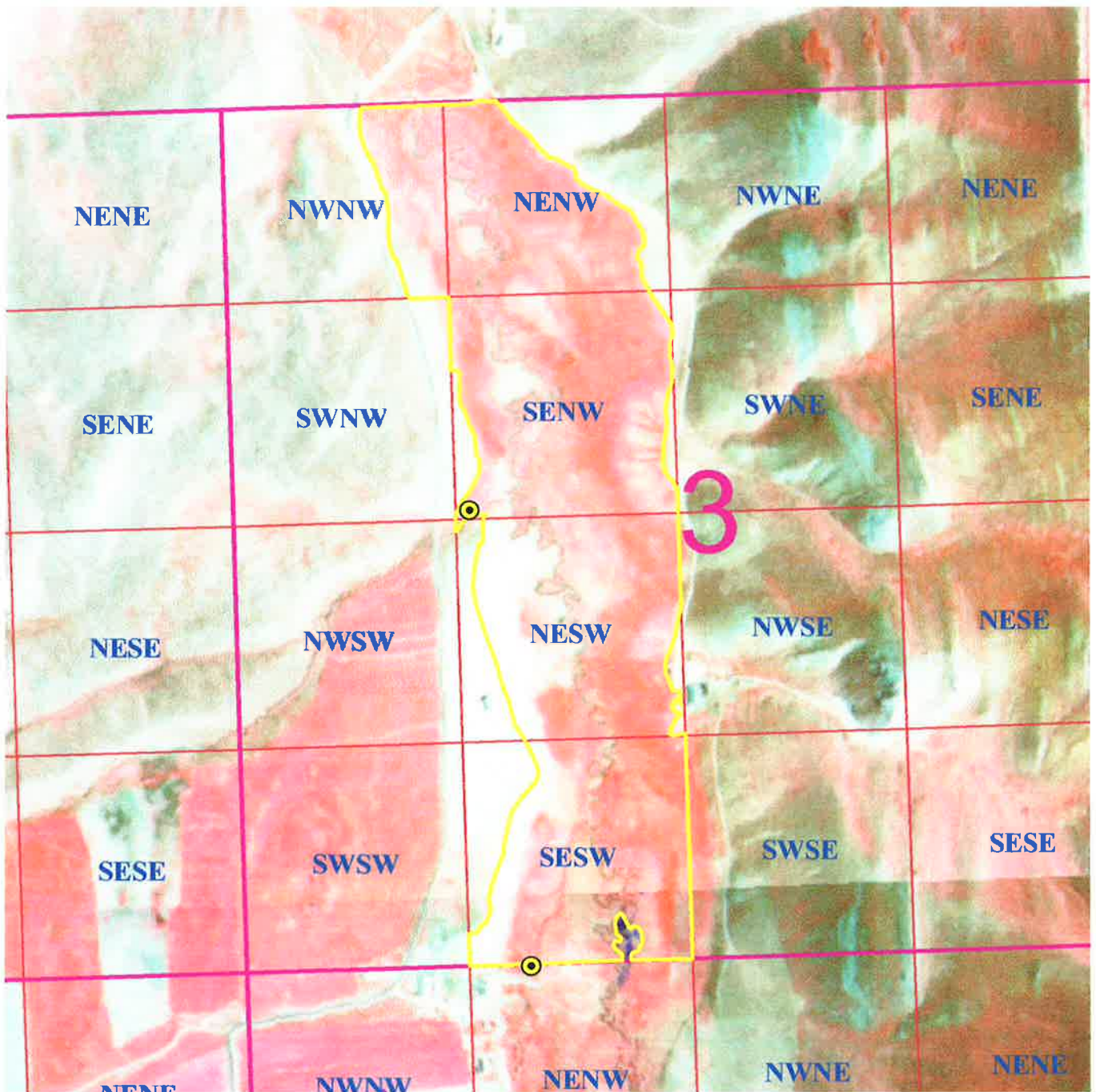
Spatial Dynamics LTD

4/2/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s46e	3	NENW	17	23	
08s46e	3	NWNW	11	9.9	
08s46e	3	SEnw	30	37	
08s46e	3	NESW	32	33	
08s46e	3	SESW	33	33	
Totals:			123	135.9	

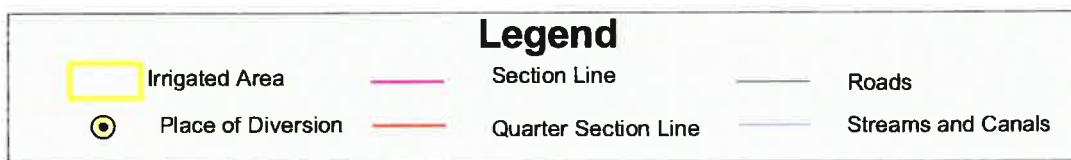
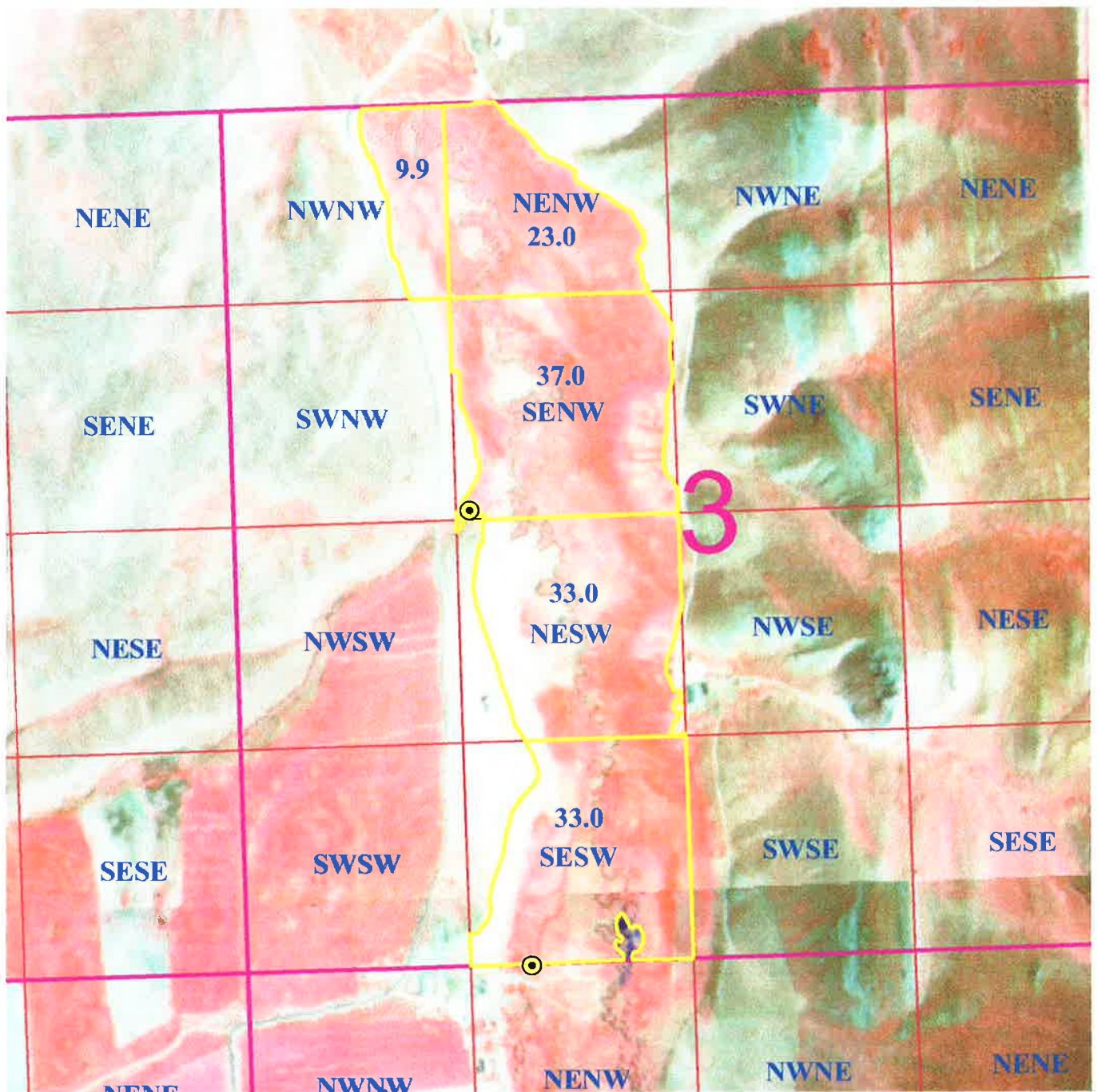
Water Right Claim Number 24-02004
Townships , 7S46E, 8S46E

04/02/2001



Water Right Claim Number 24-02004
Townships , 7S46E, 8S46E

04/02/2001



 Bannock County *
 Tague, Horse Shoe, Salt Creeks *
 Irrigation and Domestic use *
 2.82 second feet *
 Priority 8-19-1904 *

S T A T E O F I D A H O

Water License No. 787.

WHEREAS, On the 19th day of August A.D. 1904 JOHN G. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1113) to me for a permit to use 3.2 cubic feet per second of the waters of Tague Creek, Horse Shoe Creek, Salt Creek and tributaries, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 3rd day of September A.D. 1904 Permit No. 787 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 3rd day of September A.D. 1906 and for the application to beneficial use of said water on or before the 3rd day of September A.D. 1909, and,

WHEREAS, On the 1st day of September A.D. 1906 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 787, dated October 22, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of August 19, 1904, and,

WHEREAS, On the 1st day of September, A.D. 1909, proof was duly made of the application to beneficial use of 2.82 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN G. MILLER, of Fairview, Wyoming, the holder and owner of said permit No. 787, a perpetual right, dating from August 19, 1904, to the use of 2.82 cubic feet per second of the waters of Tague, Horse Shoe and Salt Creeks and tributaries, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as follows: #1 in NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of sec. 10, #2 in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 3; #3 in SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 9, T. 8 S.R. 46 - E.B.M., and conducted to and upon (40 acres in northeast quarter of southwest quarter; 39 acres in southeast quarter of northwest quarter; 39 acres in northeast quarter of northwest quarter; 23 acres in northwest quarter of the northwest quarter; all in section 3, township 8 south, range 46 east of B.M., for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office, at Boise, Idaho, this 17th day of September, A.D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded September 17, 1908.

8.46.3 VESW
 SENW
 NENW
 NW40
 40
 39
 39
 23
 141

John G. Miller

Fairview

County—Uinta State of Wyoming

(a) ~~Date and place of incorporation~~
(b) ~~The amount of capital stock~~
(c) ~~The amount paid in~~
(d) ~~The names and addresses of directors~~

(a) Cash on hand : Stockraising - Raising business, valued - \$1,000

(b) Treasury stock

(c) Bonds to be issued

(d) Other resources

3. Source of water supply *Fager Creek, Horse Shoe Creek, Salt Creek, + small tribu-*

4. Location of point of diversion Raton - 15 mi N. & 6 W. from S. E. cor. T₁E₁N₄S₄C₁₀R₈
S R M E

Miller Rutch Ho. rd. N. P. So. rd. N. from S. 5. Sec. 2 said Apr. 1896.

I. Irrigation and domestic use:

(a) Number of acres to be irrigated One Hundred Sixty acres

(b) In the following legal subdivisions Lots 3 & 4, SE "1/4" & NE "1/4" of Sec.

3, 2/4.85.0. 46 East B.M.

II. Mining, power, manufacturing or transportation purposes:

(a) *To be used for:*

(b) Amount, of power to be generated _____ horse power

(c) *At what point*

(d) If water is to be returned to stream, ("yes" or "no")

(e) If "yes" at what point

6. Estimated cost of works = \$ 350.00

7. *Description of works for diversion:*

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) — Dams ditches

II. Dimensions of works: Note All indicated on plat

Upper ditch on Tague Creek appropriating $1\frac{1}{2}$ sec. ft. of water.

(a) Height of dam — 2 — feet, length of dam at top — 16 — feet

length of dam at bottom.....4.....feet, material used in construction

* (wood, earth, stone or concrete) — earth and wood

(b) Capacity of reservoir..... acre feet.

(c) Size of headgate, width _____ feet, height _____ feet.

(d) Ditch (~~flume or pipe~~) width at bottom 3 feet, width at water

line 14 feet, depth of water 1 feet. Average

grade per mile is 2 1/2 feet. Length of ditch is 1 mile.

miles, and it crosses the following quarter sections — N.W.⁴ and N.E.⁴ of Sec. 10, S.W.⁴ of

5.6.4 of Sec. 3 of S. R. 46 E.

(c) If "yes" at what point

6. Estimated cost of work

\$ 350.00

7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise) — Dams, ditches

II. Dimensions of works: Note indicated on plat

upper ditch on Tye Creek appropriating 1 3/4 ac. ft. of water

(a) Height of dam — 3 feet, length of dam at top — 16 feet

length of dam at bottom — 4 feet, material used in construction

(wood, earth, stone or concrete) — earth and wood

(b) Capacity of reservoir — _____ acre feet.

(c) Size of headgate, width — _____ feet, height — _____ feet.

(d) Ditch (flume or pipe) width at bottom — 3 feet, width at water

line — 4 feet, depth of water — 1 feet. Average

grade per mile is — 2 1/2 feet. Length of ditch is — 1

miles, and it crosses the following quarter sections: N.W. and N.E. of Sec. 10, S.W. of

S.E. of Sec. 3, E. & S. R. No. 6.

to N.E. of S.W. of Sec. 2, T. 8 S. R. 46 E. which is the point of intended use.

8. Time required for the completion of the construction of such work is 2 years
years. (The time must in no case exceed five years after date of approval of application.)

9. Time required for the complete application of the water to the proposed use is Two
years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Remarks:

The Henderson-Lakin ditch, appropriating $\frac{3}{5}$ of a second foot of water from Horse Shoe Creek and $\frac{1}{5}$ of a second foot from Salt Creek, diverts water by means of a small, temporary diverting dam at point of diversion on Horse Shoe Creek. Width of ditch at bottom 4 feet at water line, 5 feet. Depth of water 1 foot, grade about 1 in. to rod. It is about $\frac{1}{2}$ mile long and crosses S.E. $\frac{1}{4}$ of T. 6 E. of Sec. 9, N.W. $\frac{1}{4}$ of Sec. 10 and N.E. $\frac{1}{4}$ of Sec. 3 T. 8 S. R. 46 E. to lands to be irrigated.

The lower ditch from Tague Creek, appropriating $\frac{1}{5}$ of one second foot of water, has bottom width of 2 feet, top width of 2 $\frac{1}{2}$ feet, depth of 1 foot, with fall of about 3 feet to the mile, and lies wholly within land proposed to be irrigated.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 786

Date of first receipt of application—5 a. m. August 18—1904

Returned to applicant for correction—190

Corrected application received—190

Recorded in Book—3—Page—786

Approved—September 3—1904

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before—March 3, 1907

The whole of said work to be completed on or before—September 3, 1909

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to—September 3, 1911

Witness my hand this third day of September—1904

Waynes Darling Jones
State Engineer.

 Bannock County *
 Tagee, Horse Shoe, Salt Creeks *
 Irrigation and Domestic use *
 2.82 second feet *
 Priority 8-19-1904 *

STATE OF IDAHO

Water License No. 787.

WHEREAS, On the 19th day of August A.D. 1904 JOHN G. MILLER, of Fairview, County of Uinta, and State of Wyoming, duly made application (No. 1113) to me for a permit to use 3.2 cubic feet per second of the waters of Tagee Creek, Horse Shoe Creek, Salt Creek and tributaries, County of Bannock, State of Idaho, for irrigation and domestic purposes; and

WHEREAS, On the 3rd day of September A.D. 1906 Permit No. 787 was issued to said applicant for the diversion of said water, and providing for the completion of the works of diversion therein described on or before the 3rd day of September A.D. 1906 and for the application to beneficial use of said water on or before the 3rd day of September A.D. 1909, and,

WHEREAS, On the 1st day of September A.D. 1906 the holder of said permit duly made proof of the completion of adequate works for the diversion of 3.2 cubic feet per second of said waters, as evidenced by my Certificate No. 787, dated October 22, 1906, confirming the completion of works of sufficient capacity for diverting and conveying to the place of intended use 3.2 cubic feet per second of water, with date of priority of August 19, 1904, and,

WHEREAS, On the 1st day of September A.D. 1909 proof was duly made of the application to beneficial use of 2.82 cubic feet per second of said water;

NOW, THEREFORE, By virtue of the authority vested in me by the laws of the State of Idaho, I hereby grant and confirm to JOHN G. MILLER, of Fairview, Wyoming, the holder and owner of said permit No. 787, a perpetual right, dating from August 19, 1904, to the use of 2.82 cubic feet per second of the waters of Tagee, Horse Shoe and Salt Creeks and tributaries, in the County of Bannock, and State of Idaho, or so much thereof as may be necessary for the purposes hereinbelow mentioned, to be diverted as follows: #1 in NE $\frac{1}{4}$ or NW $\frac{1}{4}$ of sec. 10, #2 in SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 3; #3 in SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 9, T. 8 S.R. 46 E.B.M., and conducted to and upon (40 acres in northeast quarter of southwest quarter; 39 acres in southeast quarter of northwest quarter; 39 acres in northeast quarter of northwest quarter; 23 acres in northwest quarter of the northwest quarter; all in section 3, township 8 south, range 46 east of B.M., for the purpose of irrigation and domestic use, subject, however, to the laws of the State of Idaho applicable to a license for the use of the waters of the State, and subject, also, to the local or community customs, rules and regulations which have been or may be adopted from time to time by a majority of the users from a common source of supply, canal or lateral from which such water may be taken, when such rules and regulations have for their object the economical use of such water.

WITNESS, My hand and the seal of my office, at Boise, Idaho, this 17th day of September, A.D. Nineteen Hundred and eight.

Jas. Stephenson, Jr.

State Engineer.

(SEAL)

Recorded September 17, 1908.

Record of Application

24-2004

1. Name of applicant

Postoffice address: P. O.

County

I. If applicant is a corporation give

- (a) Date and place of incorporation
- (b) The amount of capital stock
- (c) The amount paid in
- (d) The names and addresses of directors

II. The financial resources of the applicant are:

- (a) Cash on hand - \$100,000.00
- (b) Treasury stock
- (c) Bonds to be issued
- (d) Other resources

2. The quantity of water claimed is

5 cfs

cubic feet per second

3. Source of water supply

4. Location of point of diversion

5. To be used for:

I. Irrigation and domestic use:

- (a) Number of acres to be irrigated - One Hundred Sixty acres
- (b) In the following legal subdivisions Lots 3 & 4, S.E. 1/4, N.W. 1/4, & N.E. 1/4, S.W. 1/4 of Sec. 3, T. 5 S., R. 4 E., East B.M.

II. Mining, power, manufacturing or transportation purposes:

- (a) To be used for
- (b) Amount, of power to be generated horse power
- (c) At what point
- (d) If water is to be returned to stream, ("yes" or "no")
- (e) If "yes" at what point

6. Estimated cost of works \$200.00

7. Description of works for diversion:

I. Kind of works (reservoir, dam, ditch, flume, pipes or otherwise)

II. Dimensions of works:

- (a) Height of dam 2 feet, length of dam at top 16 feet, length of dam at bottom 4 feet, material used in construction (wood, earth, stone or concrete) earth and wood
- (b) Capacity of reservoir acre feet.
- (c) Size of headgate, width feet, height feet.
- (d) Ditch (flume or pipe) width at bottom 3 feet, width at water line feet, depth of water feet. Average grade per mile is 2 feet. Length of ditch is 1 mile, and it crosses the following quarter sections: N.W. 1/4 and N.E. 1/4 of Sec. 10, S.W. 1/4 of Sec. 11, S.E. 1/4 of Sec. 12, E. 1/4 of Sec. 13, which is the point of intended use.

or Permit to Appropriate

PAINTING CO., 2012 E. 10th Ave.

8. Time required for the completion of the construction of such work is 18 months years. (The time must in no case exceed five years after date of approval of application.)
9. Time required for the complete application of the water to the proposed use is 180 years. (The time must in no case exceed four years after the date set for the completion of works as defined in Section 8.)

Remarks

The station near - Indian dunes, approximating 90° N. across foot of glacier from base
flow vein and 45° for several feet from East side debris under the same exposure and, low-
est of short distance point of divergence or divide flow crest. Ditching debris at station -
but it underlines S.E. slope of divide; its grade about 1:1. To W. - It is about 1/8 mile
long and crosses S.E. of T.E. of Sec. 7, T.M. of Sec. 6 and E. of Sec. 3 & 4 S. R. 46 E. to boundary to
irrigated.

It is a lower ditch from Tanager Creek, above, irrigating 1/2 the second foot of water, two inches wide of 2 ft., 1/2 inch of 2 1/2 ft., depth of 1 ft., with fall of about 3 ft. to the mile, and still showing further lower movement to the irrigated.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 786.
Date of first receipt of application - 5 B. M. August 18 - 1904.
Returned to applicant for correction 190.
Corrected application received 190.
Recorded in Book 3 Page 786.
Approved - State Engineer 1904.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before March 3, 1907.

The whole of said work to be completed on or before September 3, 1907.

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to September 3, 1910.

Witness my hand this 18th day of September 1904.

Thos. A. Washington
State Engineer.

the Public Waters of the

APPROVAL OF STATE ENGINEER.

The number of this permit is 757

Date of first receipt of application August 17, 1906

Returned to applicant for correction -- -- -- 1906

Corrected application received -- -- -- 1906

Recorded in Book -- -- -- Page 757

Approved -- September 3, 1906

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho and hereby grant the same, subject to the following limitations and conditions:

One-fifth of the work above specified to be completed on or before: September 3, 1906

The whole of said work to be completed on or before: September 3, 1906

The time for the proof of beneficial use of water appropriated in accordance herewith, to extend to September 3, 1906

Witness my hand this 22 day of September, 1906

State Engineer.

Form 103. Notice of Proof of Completion of Work mailed applicant June 1, 1906
 Notice of Proof of Completion received July 12, 1906 fixing Montpelier Idaho as the
 place and September 12 as the date of proof. Notice of Publication sent to
 Oscillator Tribune July 23, 1906 and same day Elmer H. Hester, owner sent to applicant
 for depositions of holder and witnesses. Depositions of Holder and witnesses
 received September 7, 1906 also for of 500 same day Affidavits of Publication
 received September 24, 1906. Report of L. M. Ross received August 16, 1906
 All papers being in and found all right Certificate of Completion was then
 issued October 23rd 1906

Permit No 787

Certificate of Completion of Works

To All Whom It May Concern:

This is to certify that John B. Miller of Fairview, County of Uinta, and State of Wyoming, the holder of Permit No 787, issued upon Application No 1113, bearing date of priority of August 12, 1904, authorizing the diversion of three and one-fifth second-foot of the waters of Tager, Horse Shoe, Salt North and South creeks, County of Blaine, State of Idaho, at (see below) for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the form of completion of the work of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use three and one-fifth second-foot of water; and that the lands proposed to be irrigated & the use of said water are described as follows, to-wit: Lots 3 and 4, S. 8 T. 12 N. R. 46 E. of SW 1/4 of Section 3, Township 8 South, Range 46 East of Boise Meridian Point of diversion Ditch from Horseshoe creek S. 18° 15' W. 1020 feet from corner common to Sections 3, 4, 9 and 10, T. 8 S., R. 46 E. B. M.

Point of diversion Ditch No. 1 from Tager creek S. 17° 45' W. 875 feet from NW corner between Sections 3 and 10, T. 8 S., R. 46 E. B. M.

Point of diversion Ditch No. 2 from Tager creek S. 47° 07' E. 2522 feet from Northwest corner Section 3, T. 8 S., R. 46 E. B. M.

Point of diversion Ditch from Salt Creek at intersection of said creek and ditch from Horseshoe creek, in NW 1/4 of SW 1/4 of Section 2, T. 8 S., Range 46 East of Boise Meridian

Point of diversion Ditch from North Creek in NW 1/4 of NW 1/4 of Section 3, T. 8 S., R. 46 E. B. M.

Point of diversion ditch from South Creek at intersection of said creek and Ditch No 1 from Tager creek, in NW 1/4 of SW 1/4 of Section 3, T. 8 S., R. 46 E. B. M.

Capacities of ditches as follows

Horseshoe creek	3/5 sec. ft.	Salt creek	1/5 sec. ft.
Tager creek ditch No 1	1 1/5 sec. ft.	North creek	1/5 sec. ft.
Tager creek ditch No 2	3/5 sec. ft.	South creek	3/5 sec. ft.

Witness my hand this twenty-second day of October A. D. 1906

Geo. Stephenson Jr.
State Engineer of the State of Idaho.

License issued for 282 second feet

Page 353

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 54-2124

Old No.

New No.

Record

1. Original Owner: Don H. Brown

Present Owner: _____

2. Address: _____

3. City: Monticello State: Id Zip: _____

4. A. Source of Water: Upper Snake River

B. Tributary of: _____

5. A. Stage (A,P,L,D,S,J): L

B. Status (D,L,R,C,A,I,F - leave blank if valid): _____

C. Priority Date: 8-19-1964

D. County: CL

E. Total Diversion Rate: 2.82

F. Total Diversion Volume: _____

G. Transfer/Amendment (P,T of A or blank): _____

H. Water District: _____

I. DLE/Carey Act (D,C or blank): _____

J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>ACT. 10</u>	<u>10</u>	<u>S2</u>	<u>46E</u>		
	<u>20 NW</u>	<u>2</u>	<u>42</u>	<u>46E</u>		
	<u>20 NE</u>	<u>9</u>	<u>42</u>	<u>46E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for 19 purposes. Amount 1.52
(cfs or AC-FT/yr)

from _____ to _____ for 1 purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

2112179

9. A. Decree Name:

B. Decree Date:

11. Other Uses (Non-irrigation explanatory information):

13. A. Proof Due Date:

C. **Protested Date:**

E. Old Number: 787

G. Field Exam Made (P,R,F or blank):

14. Diversion Means (brief narrative):

SCANNED
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: A24-02004

Date Received: 2/13/1990

Receipt No: EO12041

Received By: Edv

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

2. Date of Priority: AUG 19, 1904

3. Source: TYGEE CREEK Trib. to: STUMP CREEK
SALT LICK CREEK TYGEE CREEK
DRANEY CREEK TYGEE CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08S	46E	3	SW	SE	NW		CARIBOU
		10	NW	NE	NW		CARIBOU
			SE	NE	NW		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	2.820		

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

8. Total consumptive use is 237.5 Acre Feet Per Annum.

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

A24-02004

Page 1

Date: 02/13/90

MICROFILMED

NOV 06 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08S	46E	3	NE	NW		IRR	17.0
			NW	NW		IRR	11.0
			SE	NW		IRR	30.0
			NE	SW		IRR	32.0
			SE	SW		IRR	33.0
						Section Acres	123.0
						Total Acres	123.0

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:
USGS QUAD INDICATES TAGEE CK. AS TYGEE CK., HORSESHOE CK. NOT LISTED, SALT CK. AS SALT LICK CK.

15. Basis of Claim: LICENSE
Water Right Number: 787

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): 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

Notary Public

Seal

Residing at Idaho Falls, ID
My Commission Expires 22 Aug 1994

T7S

R46E

T8S

DIVERSION
A24-02004

A24-02012

DIVERSION A24-02012

DIVERSIONS
A24-02005A

R46E

NOV 06 1992