

08/17/2004

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

RIGHT NUMBER: 25-4306  
NAME AND ADDRESS: TED C FROME  
PO BOX 968  
AFTON WY 83110

SOURCE: BROCKMAN CREEK  
TRIBUTARY: OUTLET CREEK

QUANTITY: 0.132 CFS  
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 09/10/1919

POINT OF DIVERSION:  
T02S R42E S32 SENESE Within BONNEVILLE County  
T02S R42E S33 NENWSW Within BONNEVILLE County  
T02S R42E S34 NWNWNE Within BONNEVILLE County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u>                   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------------------|----------------------|-----------------|
| STOCKWATER                              | 05/01 11/01          | 0.132 CFS       |
| Stockwater use is for 600 range cattle. |                      |                 |

PLACE OF USE: STOCKWATER Within BONNEVILLE County

|               |      |               |      |
|---------------|------|---------------|------|
| T02S R42E S28 | NESW | T02S R42E S28 | NWSW |
| T02S R42E S28 | SWSW | T02S R42E S29 | NESE |
| T02S R42E S29 | SWSE | T02S R42E S29 | SESE |
| T02S R42E S32 | NENE | T02S R42E S32 | NWNE |
| T02S R42E S32 | SWNE | T02S R42E S32 | SENE |
| T02S R42E S33 | NWNW | T02S R42E S33 | SWNW |
| T02S R42E S33 | SENW |               |      |

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.

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Statutory Claim

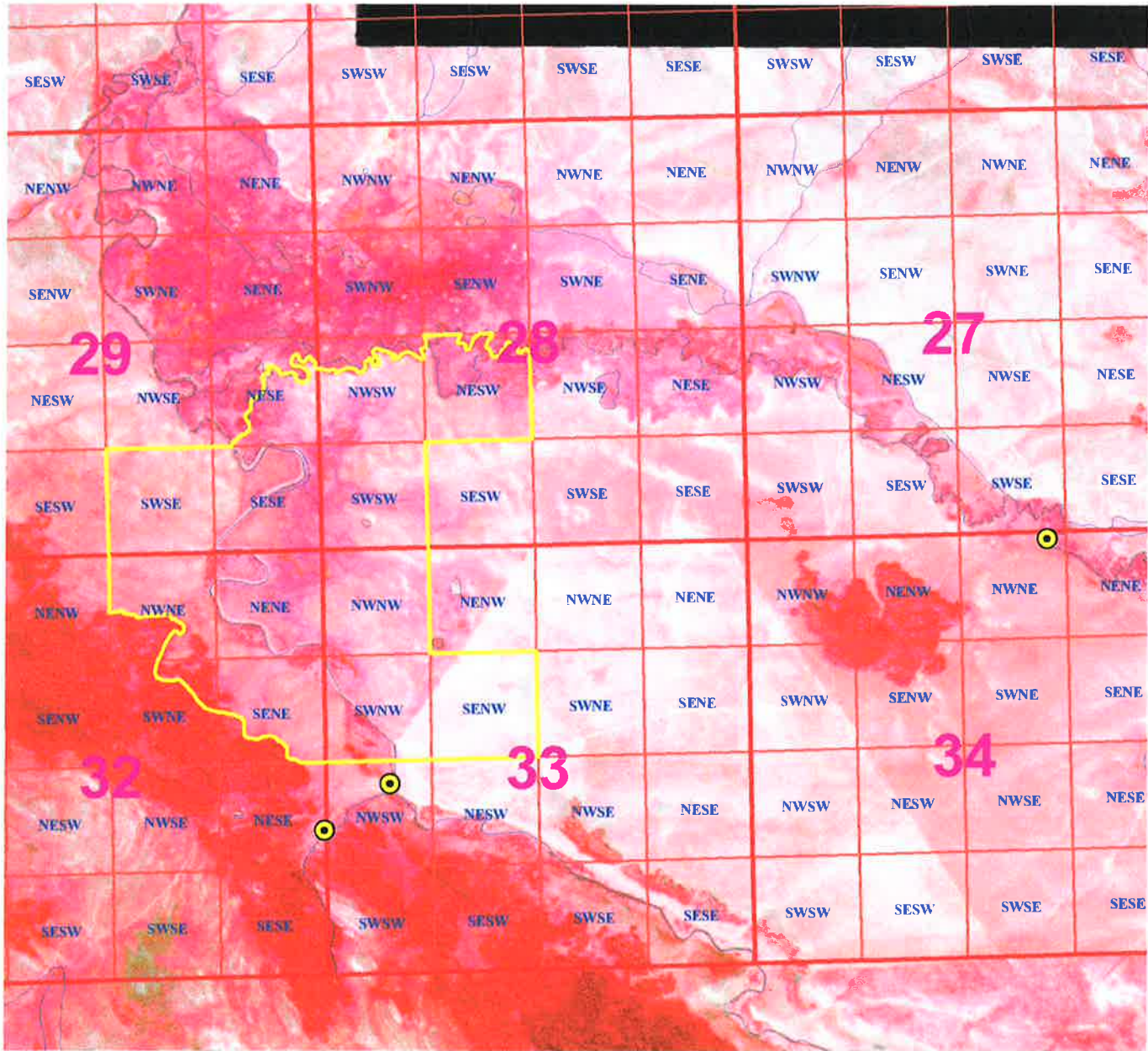
SCANNED

OCT 13 2004

PROFILED

Water Right Claim Number 25-04306  
Township , 2S42E

11/14/2000



Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

Legend

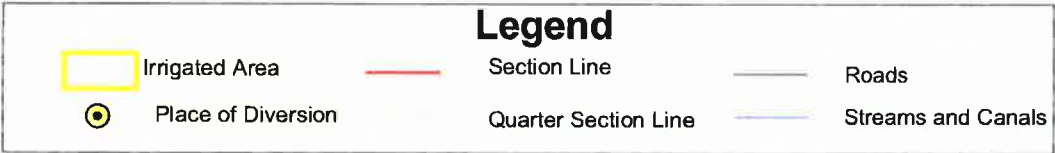
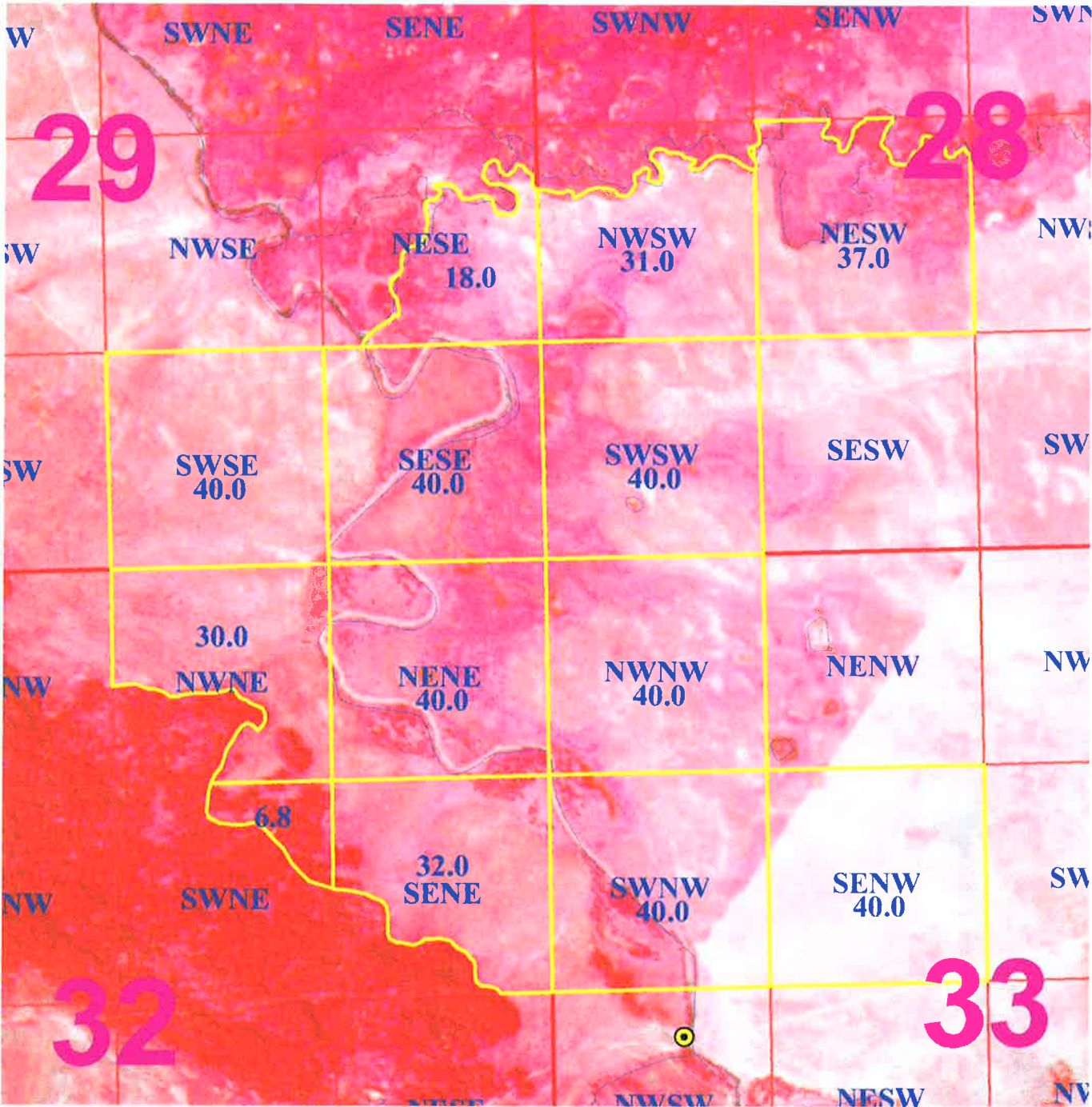


SPATIAL  
DYNAMICS



Water Right Claim Number 25-04306  
Township , 2S42E

11/14/2000



SPATIAL  
DYNAMICS

08/17/2004

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

RIGHT NUMBER: 25-4306  
NAME AND ADDRESS: TED C FROME  
PO BOX 968  
AFTON WY 83110  
SOURCE: BROCKMAN CREEK  
TRIBUTARY: OUTLET CREEK  
QUANTITY: 0.132 CFS  
The quantity of water under this right shall not exceed 13,000 gallons per day.  
PRIORITY DATE: 09/10/1919  
POINT OF DIVERSION:  
T02S R42E S34 NWNWNE Within BONNEVILLE County  
PURPOSE AND PERIOD OF USE:  

| <u>PURPOSE OF USE</u>                   | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------------------------|----------------------|-----------------|
| STOCKWATER                              | 05/01 11/01          | 0.132 CFS       |
| Stockwater use is for 600 range cattle. |                      |                 |

PLACE OF USE: STOCKWATER Within BONNEVILLE County

|               |      |               |      |
|---------------|------|---------------|------|
| T02S R42E S28 | NESW | T02S R42E S28 | NWSW |
| T02S R42E S28 | SWSW | T02S R42E S29 | NESE |
| T02S R42E S29 | SWSE | T02S R42E S29 | SESE |
| T02S R42E S32 | NENE | T02S R42E S32 | NWNE |
| T02S R42E S32 | SWNE | T02S R42E S32 | SENE |
| T02S R42E S33 | NWNW | T02S R42E S33 | SWNW |
| T02S R42E S33 | SENW |               |      |

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.

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

EXPLANATORY MATERIAL: Statutory Claim

JUL 30 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: A25-04306

Date Received: 9/19/1989

Receipt No: 6010686

Received By: Egn

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: TED C. FROME  
Address: P.O. BOX 968  
AFTON, WY 83110  
307-886-5430

2. Date of Priority: SEP 10, 1919

3. Source: BROCKMAN CREEK  
NONAME CREEK  
OUTLET CREEK  
Trib. to: OUTLET CREEK  
OUTLET CREEK  
WILLOW CREEK

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County     |
|----------|-------|---------|--------|--------|-----|-----|------------|
| 02S      | 42E   | 32      | SE     | NE     | SE  |     | BONNEVILLE |
|          |       | 33      | NE     | NW     | SW  |     | BONNEVILLE |
|          |       | 34      | NW     | NW     | NE  |     | BONNEVILLE |

5. Description of diverting works:  
DIVERSION DAMS, DITCHES, IN-STREAM AND INCIDENTAL STOCKWATERING

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 05/01 | 10/01 | 6.720  |      |        |
| STOCKWATER | 05/01 | 11/01 | 0.132  |      |        |

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

8. Total consumptive use is 840.0 Acre Feet Per Annum.

9. Non-irrigation uses:  
S/600 RANGE.

A25-04306

Page 1

Date: 09/19/89

MICROFILMED  
NOV 10 1992



10. Place of Use:

| Township | Range | Section | 1/4           | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|----|-----|-----|-----|-------|
| 02S      | 42E   | 28      | NE            |    | SW  |     | IRR | 6.0   |
|          |       |         | NW            |    | SW  |     | IRR | 24.0  |
|          |       |         | SW            |    | SW  |     | IRR | 40.0  |
|          |       |         | Section Acres |    |     |     |     | 70.0  |
|          |       | 29      | NE            |    | SE  |     | IRR | 16.0  |
|          |       |         | SW            |    | SE  |     | IRR | 25.0  |
|          |       |         | SE            |    | SE  |     | IRR | 40.0  |
|          |       |         | Section Acres |    |     |     |     | 81.0  |
|          |       | 32      | NE            |    | NE  |     | IRR | 40.0  |
|          |       |         | NW            |    | NE  |     | IRR | 25.0  |
|          |       |         | SW            |    | NE  |     | IRR | 5.0   |
|          |       |         | SE            |    | NE  |     | IRR | 35.0  |
|          |       |         | Section Acres |    |     |     |     | 105.0 |
|          |       | 33      | NW            |    | NW  |     | IRR | 40.0  |
|          |       |         | SW            |    | NW  |     | IRR | 34.0  |
|          |       |         | SE            |    | NW  |     | IRR | 6.0   |
|          |       |         | Section Acres |    |     |     |     | 80.0  |
|          |       |         | Total Acres   |    |     |     |     | 336.0 |

11. Place of use in counties: BONNEVILLE

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

13. Other Water Rights Used:  
NONE

14. Remarks:  
PLACE OF USE FOR STOCKWATERING IS SAME AS PLACE OF USE FOR IRRIGATION.

15. Basis of Claim: STATUTORY CLAIM

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 C. Frame Date: 9/19/89  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonneville ) SS.

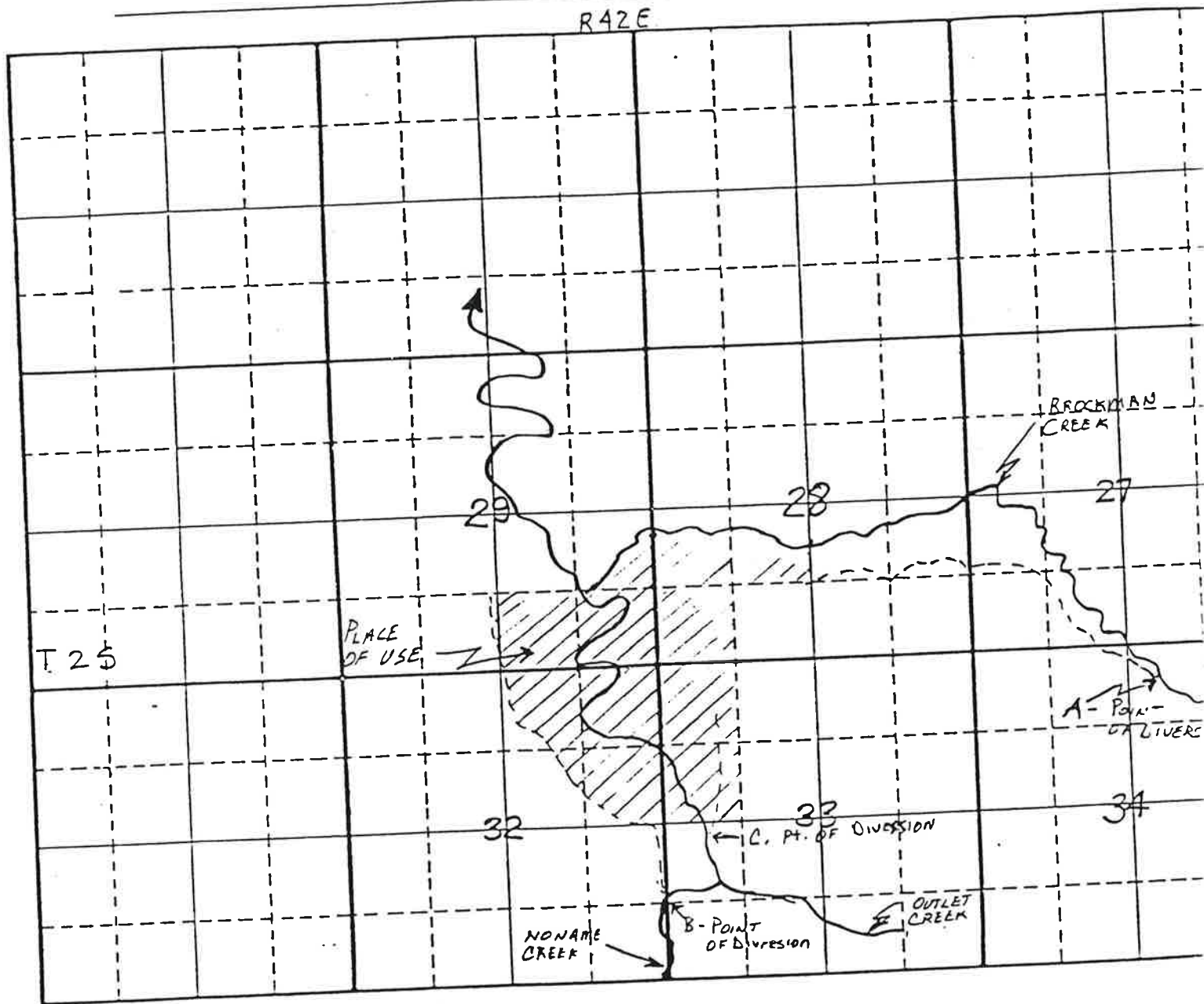
Subscribed and sworn (or affirmed) before me this 19 day  
of September 19 89

Ed C. Frame  
Notary Public

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



(8) Remarks Stock are watered in each 1/4 1/4 listed above



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisi:  
section, township and range of the public land survey system.

Wyoming )  
State of ~~Wyoming~~ ) ss.  
County of Lincoln )

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing  
to a water right, together with all attached information, and that the matters and facts therein are true to the best c  
affiant's knowledge.

Feb 6. James  
(Claimant)

this 26th day of June

19 84.

MICROFILMED  
NOV 10 1982

Km

08/17/2004

**NOTICE OF ERROR  
REPLY**

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

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

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 25-4306

TED C FROME

PO BOX 968

AFTON WY 83110

Telephone Number: (307)886-3191

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

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

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

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

DATE: Oct. 4, 2004 SIGNATURE: Ted C. Frome

Please print your name: Ted C. Frome

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

SCANNED

OCT 13 2004

PROFILED

Bryce Contor

Water Resources Field Services

### General Comments

This is a claim for irrigation south and west of Outlet Creek, south of claim A25-04156. Both are owned by the same claimant, Mr. Frome. I did not find any evidence of irrigation. Field notes, correspondence, and a contact log for A25-04306 and A25-042156 are filed in paper file A25-04156.

There are three claimed sources. The first is Brockman Creek. An old ditch does travel toward the claimed POU along the south side of the creek. I could see from the road several places where it had collapsed into the creek. Neighboring water user (and also a user of Brockman Creek) Mr. Claude Storer told me that he and Mr. Frome had once planned to restore and use that ditch but that a survey found it went uphill in some places, indicating it has never been used.

The second source is Outlet Creek, which at the POU is incised about 4 or 5 feet. A long ditch would be needed, and I would have to have crossed the ditch on the path I took driving around the POU. The claimed priority would likely have predated any pump usage, and even so I did not see any pumps.

The third source is an unnamed stream which theoretically could serve a small parcel of land east of that stream and Outlet Creek. I drove across that creek and parallel to that potential place of use and did not see any irrigation.

I did not see any ditches, dikes, corrugates, sprinklers, or any other evidence of irrigation. The affidavit in A25-04156 is generic enough in its description that it potentially could apply to these lands also, if irrigation had been found.

Unless the claimant produces solid documentation of recent use, I propose recommending only the stockwater portion of the claim, with a 1924 priority date.

### Ownership

Appears to be correct.

### POD

Not found.

SCANNED

AUG 20 2004

## **POU**

None found. Much of what is claimed is potentially irrigable. If the claimant provides convincing documentation, the claimant's map and a USGS topo map could allow estimation of what could have been irrigated.

## **Overlap**

None.

## **Conflict**

See write-up to A25-04115

## **Priority**

Affidavit in A25-04156 could be interpreted to include these lands, supporting a 1924 priority. If the claimant to A25-04115 produces the documentation for a 1902 priority for that right it is likely to be generic enough to also apply to this right.

## **Quantity**

I propose 0.02 cfs/acre for any *irrigation* use recommended. It may be well to also consider some additional early-spring diversion rate, parallel to whatever decision is made for A25-04115 and A25-04156.

## **Water Use**

Stockwater found.

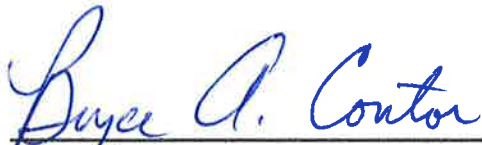
## **List of Photos**

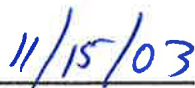
- |                 |                                                                                                              |
|-----------------|--------------------------------------------------------------------------------------------------------------|
| A25-04156_1.jpg | The lands beyond the red willows are mostly in the area claimed under A25-04306.                             |
| A25-04306_1.jpg | Looking east at waypoint 61 (see map in A25-04156). This location is close to the center of the claimed POU. |
| A25-04306_2.jpg | Looking SE at waypoint 61.                                                                                   |
| A25-04306_3.jpg | Looking SW at waypoint 61.                                                                                   |
| A25-04306_4.jpg | Looking W (WNW?) at waypoint 61.                                                                             |

A25-04306\_5.jpg Looking N at waypoint 61.

A25-04306\_6.jpg Looking NE at waypoint 61.

A25-04306\_7.jpg Looking NE at waypoint 63. Only the lands on the near side of the creek are part of this claim; east of the creek is A25-04156.

  
Bryce A. Contor

  
Date

A25-04030 10/23/03

Please see A25-04156 for field notes and  
evidence of purity

JUL 30 2001

Log for claim 25-04306

Spatial Dynamics CAT

11/14/00

| TR      | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT       |
|---------|-----|------|------------------|----------------|---------------|
| 02s42e  | 28  | NESW | 6                | 37             | Indiscernible |
| 02s42e  | 28  | NWSW | 24               | 31             |               |
| 02s42e  | 28  | SWSW | 40               | 40             |               |
| 02s42e  | 29  | NESE | 16               | 18             |               |
| 02s42e  | 29  | SWSE | 25               | 40             | Indiscernible |
| 02s42e  | 29  | SESE | 40               | 40             |               |
| 02s42e  | 32  | NENE | 40               | 40             |               |
| 02s42e  | 32  | NWNE | 25               | 30             | Indiscernible |
| 02s42e  | 32  | SWNE | 5                | 6.8            |               |
| 02s42e  | 32  | SENE | 35               | 32             |               |
| 02s42e  | 33  | NWNW | 40               | 40             |               |
| 02s42e  | 33  | SWNW | 34               | 40             |               |
| 02s42e  | 33  | SENW | 6                | 40             | Indiscernible |
| Totals: |     |      | 336              | 434.8          |               |

AJ5809NP  
No. A25-04306

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 10/18/00  
PAGE: 53

| OWNER<br>CODE    | NAME & ADDRESS                                                | PRIORITY<br>DATE | WATER USE                | USE PERIOD<br>FROM TO      | DIVERSION<br>RATE      | DIVERSION<br>VOLUME |
|------------------|---------------------------------------------------------------|------------------|--------------------------|----------------------------|------------------------|---------------------|
| C                | TED C FROME<br>PO BOX 968<br>AFTON WY 83110<br>(307) 886-5430 | 09/10/1919       | IRRIGATION<br>STOCKWATER | 05-01 10-01<br>05-01 11-01 | 6.720 CFS<br>0.132 CFS |                     |
| TOTAL DIVERSION: |                                                               |                  |                          |                            | 6.852 CFS              |                     |
| CONSUMPTIVE USE: |                                                               |                  |                          |                            |                        | 840.00 AFA          |

Water Source: BROCKMAN CREEK  
NONAME CREEK  
OUTLET CREEK

Tributary to: OUTLET CREEK  
OUTLET CREEK  
WILLOW CREEK

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T02S R42E S32  
S33  
S34

SENESE  
NENWSW  
NWNWNE

BONNEVILLE County  
BONNEVILLE County  
BONNEVILLE County

Place of use Legal Description for: IRRIGATION

| NE  |     |    |      |    |      |    |      |    |      |    |      | NW |      |    |      | SW |      |             |      | SE |      |    |      |    |      |    |      |       |      |    |      |    |       |      |     |
|-----|-----|----|------|----|------|----|------|----|------|----|------|----|------|----|------|----|------|-------------|------|----|------|----|------|----|------|----|------|-------|------|----|------|----|-------|------|-----|
| T   | R   | S  | NENE |    | NWNE |    | SWNE |    | SENE |    | NENW |    | NWNW |    | SWNW |    | SENE |             | NESW |    | NWSW |    | SWSW |    | SESW |    | NESE |       | NWSE |    | SWSE |    | SESE  |      | SUM |
|     |     |    | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac          | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac | Lt   | Ac    | Lt   | Ac | Lt   | Ac |       |      |     |
| 02S | 42E | 28 | :    |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |             | :    | 06 |      | 24 |      | 40 | :    |    |      |       |      |    |      |    |       | 70.0 |     |
| 02S | 42E | 29 | :    |    |      |    |      |    |      |    | :    |    |      |    |      |    |      |             | :    |    |      |    |      |    |      |    | 16   |       |      | 25 |      | 40 | :     | 81.0 |     |
| 02S | 42E | 32 | :    |    | 40   |    | 25   |    | 05   |    | 35   | :  |      |    |      |    |      |             | :    |    |      |    |      |    |      |    |      |       |      |    |      |    | 105.0 |      |     |
| 02S | 42E | 33 | :    |    |      |    |      |    |      |    | :    |    | 40   |    | 34   |    | 06   | :           |      |    |      |    |      |    |      |    |      |       |      |    |      |    | 80.0  |      |     |
|     |     |    |      |    |      |    |      |    |      |    |      |    |      |    |      |    |      | TOTAL ACRES |      |    |      |    |      |    |      |    |      | 336.0 |      |    |      |    |       |      |     |

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

POU County: BONNEVILLE

Non-Irrigation Uses: S/600 RANGE.

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:  
A25-04156

Remarks: GEN PLACE OF USE FOR STOCKWATERING IS SAME AS PLACE OF USE FOR  
IRRIGATION.  
CHANGED ADDRESSES TO MATCH FOR MAILING PURPOSES ONLY 3/28/95 DMS

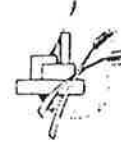
Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: 01 Field Inspection Flag:  
Presumption Flag:

Audit: 09/19/89 VERNER 03/28/95 DSMITH 03/29/95 POST-STD

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

## CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that TED C. FROME  
(Name of Claimant)  
P. O. Box 968, Afton, WY 83110 Telephone No. (307) 886-5430  
(Mailing Address) (Zip Code)

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) September 10, 1919  
A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.
- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)  
A - Brockman Creek tributary to Outlet Creek  
B - Noname Creek  
C - Outlet Creek
- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

|              | (cfs, af)        | (Domestic, Irrigation, Stock, Etc.) | (Mo., Day)         | (Both dates inclusive) | (Mo., Day)       |
|--------------|------------------|-------------------------------------|--------------------|------------------------|------------------|
| A Quantity   | <u>2.72 CFS</u>  | Use <u>Irrigation</u>               | Period of Use From | <u>May 1</u>           | To <u>Oct. 1</u> |
| B Quantity   | <u>2.28 CFS</u>  | Use <u>Irrigation</u>               | Period of Use From | <u>May 1</u>           | To <u>Oct. 1</u> |
| C Quantity   | <u>1.72 CFS</u>  | Use <u>Irrigation</u>               | Period of Use From | <u>May 1</u>           | To <u>Oct. 1</u> |
| ABC Quantity | <u>.132 CFS</u>  | Use <u>Stock</u>                    | Period of Use From | <u>May 1</u>           | To <u>Nov. 1</u> |
| Quantity     |                  | Use                                 | Period of Use From |                        | To               |
| (4)          | <u>6.852 CFS</u> | TOTAL QUANTITY USED.                |                    |                        |                  |

- (5) A) Point of diversion: (Location of point where water is diverted from its source)  
A - NW 1/4 NE 1/4, Sec. 34 Twp. 2 S Rge. 42 E B.M., County of Bonneville  
Additional points of diversion: B - NE 1/4 of Section 32, T 2 S, R 42 E, B.M.  
C - NW 1/4 of Section 33, T 2 S, R 42 E, B.M.  
B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change.  
A - Dirt Diversion Dam - open ditch  
B - Dirt Diversion Dam - open ditch  
C - Wood and Dirt Diversion Dam - open ditch
- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

| T | R   | SEC. | NE 1/4 |        |        |        | NW 1/4 |        |        |        | SW 1/4 |        |        |        | SE 1/4 |        |        |        | TOTAL |
|---|-----|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------|
|   |     |      | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 |       |
| A | 2 S | 42E  | 28     |        |        |        |        |        |        |        | 6      | 24     | 40     |        |        |        |        |        | 70    |
|   |     |      | 29     |        |        |        |        |        |        |        |        |        |        |        | 16     |        |        | 30     | 46    |
|   |     |      | 33     |        |        |        |        | 20     |        |        |        |        |        |        |        |        |        |        | 20    |
| B | 2 S | 42E  | 29     |        |        |        |        |        |        |        |        |        |        |        |        |        | 25     | 10     | 35    |
|   |     |      | 32     | 8      | 25     | 5      | 35     |        |        |        |        |        |        |        |        |        |        |        | 73    |
|   |     |      | 33     |        |        |        |        |        |        | 6      |        |        |        |        |        |        |        |        | 6     |
| C | 2 S | 42E  | 32     | 32     |        |        |        |        |        |        |        |        |        |        |        |        |        |        | 32    |
|   |     |      | 33     |        |        |        |        | 20     | 34     |        |        |        |        |        |        |        |        |        | 54    |

No. of acres 336

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE Include here the type and number of stock watered: 600 Range

- (7) If you are claiming water as a member of an organization, list name of organization

25-4156

See 25-4156  
for affidavit

May 6, 1991

TED C FROME  
PO BOX 968  
AFTON WY 83110

RE: **Evidence of Priority**

Dear Mr. Frome:

The Notices of Claim identified with the numbers shown at the end of this letter has been filed in the Snake River Basin Adjudication (SRBA). The Notices indicates the water usage are based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed, at or on the place of use identified on the Notice. The date the water was first put to use, known as the priority date, has not been confirmed by a License, Decree, or Permit. For this reason, proof must be provided supporting the priority date.

For your reference I have provided a printout of your Notices and the pamphlet entitled "**Evidence of Priority**". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement. While I encourage you to read all of the pamphlet, I direct your attention to the two sections entitled "**What Kind of Evidence is Required**" and "**Some Examples of Documents Which May Be Evidence of the Priority Date**".

It is our goal to recommend this historical water rights within the Snake River Basin as accurately as possible. Field exams to verify other items of the Notices have been or soon will be conducted by Department personnel. But, the Department will not recommend the Notices be decreed by the court if no evidence of a priority date is submitted.

Please submit the required evidence supporting the priority dates by **June 6, 1991**, referencing all documents with the corresponding Notice numbers. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

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Ted C. Frome

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All Notices required to submit this evidence are currently being reviewed for recommendation to the court. Hence, the need for expediency on your part or your agency. Every effort should be made to submit this information within 30 days of the date of this letter.

Respectfully submitted,

Ernest Carlsen  
Water right Supervisor, Adjudication

EC:sc

Enclosure: Brochure on "Evidence of Priority"  
Proof Report

A25-04306  
TED C. FROME  
P.O. BOX 968

AFTON WY 83110

A25-04156  
TED C. FROME  
P.O. BOX 968

AFTON WY 83110

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