

From: [Howe, Bob](#)
To: [Schwed, Tara](#)
Subject: Further Clarification: Claims 11-9682 & 11-9683 Additional Information-Action Requested-USFS Basin 11 Adjudication Claims.
Date: Friday, October 24, 2025 11:20:22 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)
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[Outlook-l5qoeg2r.png](#)

Hi Tara,

Please add the preceding email correspondence to the AJ file for BRBA claims- **11-7186, 11-7282, 11-9682, 11-9683, 11-9670, 11-9671, 11-9672, 11-9697, 11-9715, 11-9723, 11-9444, 11-9446, 11-9674, 11-9675, 11-9676, 11-9677, 11-9678, 11-9685, 11-9686, 11-9696, 11-9719, 11-9726, 11-9727, 11-9728, 11-9729, 11-9732, and 11-10026.**

Thank you!

Best Regards,

Bob Howe

 IDAHO DEPARTMENT OF
WATER RESOURCES
Bob Howe | Water Resource Agent, Sr.
322 E Front St, Boise, ID 83702
PO Box 83720, Boise, ID 83720-0098
(208) 287-4954 | www.idwr.idaho.gov

From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Thursday, October 23, 2025 3:18 PM
To: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Subject: Further Clarification: Claims 11-9682 & 11-9683 Additional Information-Action Requested-USFS Basin 11 Adjudication Claims.

Hi Tyler,

I provided additional direction (red text) to your questions. Hopefully that provides you enough direction for the claim amendments. If you still want to meet to discuss things in person tomorrow morning at 9am works for me.

Thank you for your help in clarifying things.

Best Regards,

Bob Howe

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From: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Sent: Tuesday, October 21, 2025 8:16 AM
To: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Subject: Claims 11-9682 & 11-9683 Additional Information-Action Requested-USFS Basin 11 Adjudication Claims.

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Bob,

I was exempted from furlough yesterday to attend some wildland fire training in Boise this week. If you can meet Friday morning to talk about the attachments and some of your questions in your office in Boise, then I will be available. Here's some of the additional information I obtained from my visit to the Montpelier Ranger District.

1. **11-7186** "The place of use and point of diversion on the claim describes a different location than the license additionally section 13 of the claim states that the trough is located at GPS 42.476187 N, -111.244985 W, which is (see attached documents). Please review the attached documents and either amend the notice of claim to match the water right cited or withdraw the claim (see attached withdrawal form)."
 - Maybe we should amend our notice of claim to (1) strike the reference to the license; (2) amend the priority date to 1953; (3) move the legal description to NW1/4 NE1/4 Sec. 7, T. 12 S., R. 45 E., BM; (4) claim 424 sheep; and (5) attach the 1953 allotment map attached?

This seems like a good solution. Please submit your amended claim and evidence documents as attachments to file@idwr.idaho.gov, using "Amended Claim 11-7186" as the subject line.

2. **11-7282** "The place of use and point of diversion on the claim describes a different location than the license additionally section 13 of the claim states that the trough is located at GPS 42.484647 N, -111.275371 W, which is (see attached documents). Please review the attached documents and amend the notice of claim to match the water right cited or amend your claim to describe the accomplished transfer."
 - Maybe we should amend our notice of claim to (1) strike the reference to the license; (2) amend the priority date to 1907; (3) move the legal description to the one in the Red Pine AMP; (4) claim 3000 sheep; and (5) attach the Red Pine AMP?

This seems like a good solution. Please submit your amended claim and evidence documents as attachments to file@idwr.idaho.gov, using "Amended Claim 11-7282" as the subject line

3. **11-9682 and 11-9683** "...I am hoping to get the construction records described in the claim as "Priority date is the Agency record of date constructed". This information is needed as evidence of the priority date. I am hoping you can provide [sic] that information so I can submit my recommendations on claims 11-9682 and 11-9683 (see attached documents)."
 - I was able to locate troughs and range improvements on page 9 of the attached Paris Liberty AMP, but cannot find anything that supports our claim that the Forest Service constructed "Pond collects surface for stock usage" or "Large depression collects surface runoff and precipitation for stock use." However, there is an AMP for the allotment dated May 12, 1970 that notes a Past Actual Use dating back to 1919 on page 3. Maybe we should amend our notice of claims to change from "Priority date is the Agency record of date constructed" to historical allotment information that said there were 2,400 cows since 1961?

This seems like a good solution. Please submit your amended claim and the evidence documents as attachments to file@idwr.idaho.gov, using "Amended Claim 11-7282" as the subject line

4. **11-9670** "USFS Claim 11-9670 is based on beneficial use, within a National Forest parcel, fully overlaps BLM right 11-7370 with an active claim, based on license (priority date 11/06/1987)."
 - BLM and I talked about this one and both agencies, Forest Service and BLM, use this POD. Although I agree that the land ownership is the same—the United States of America—both agencies claim water rights for their ranger allotments from this POD. Maybe we can discuss this one a little more?

It still seems that the two claims are served by the claimed right. It appears as completing claim for the same period of use, same place of use, and the same diversion system. We can discuss it more tomorrow though.

5. **11-9671, 11-9672, 11-9697, 11-9715, 11-9723**, "As the diversion to stockwater tank(s) was constructed after May 20, 1971, which makes the permit process necessary to establish the rights. To ensure no confusion or unnecessary processing these claims should be withdrawn. Any further review of these claims would be recommended disallowed to the court."
 - These are all on the Paris-Liberty allotment, so maybe we should amend our notices of claims to change from "Priority date is the Agency record of date constructed" to historical allotment information that said there were 2,400 cows since 1961 based upon the AMP history?

This seems like a good solution. Please submit your amended claim and evidence documents as attachments to file@idwr.idaho.gov, using the Amended Claim number for each as the subject line

6. **11-9444, 11-9446, 11-9674, 11-9675, 11-9676, 11-9677, 11-9678, 11-9685, 11-9686, 11-9696, 11-9719, 11-9726, 11-9727, 11-9728, 11-9729, & 11-9732** "...[Y]ou describe constructed/excavated stock ponds with surface runoff that sinks as [sic] the source. The priority dates for the storage use claimed are after May 20, 1971, which makes the permit process necessary to establish the rights. To ensure no confusion or unnecessary processing these claims should be withdrawn."
 - These are also on the Paris-Liberty allotment, maybe we should amend our notices of claims to change from "Priority date is the Agency record of date constructed" to historical allotment information that said there were 2,400 cows since 1961 based upon the AMP history."
 - In the alternative, BLM calls these kinds of claims "private water" where the POD and POU are at the same location. I'm not familiar with this doctrine, but maybe you can help me understand it if you think it applies?

We can discuss this more tomorrow. I do think that regardless of the name of the source, if a claim has a beneficial use basis and the use is

described as a stock pond, but we have no evidence that the pond was developed (or if it existed) prior to May 20, 1971, that claim would be likely be disallowed for violating the mandatory permitting statute..

7. **11-10026** "The claim is based on a [license] 13-7322, which was established for one spring box POD...three additional troughs have been added to the system as included in this claim. The claim describes two spring box PODs...Please describe when the addition of the three troughs was completed and provide evidence supporting the improvement completion date...Please clarify if the legal description of the original POD is accurate, and describe when the two PODs were installed...[and]...provide evidence supporting the improvement completion date."

- This was a project completed in 2023, so I don't know why they didn't just apply for a license for the supplemental water at the second POD? Maybe we should withdraw this claim and file a permit for the supplemental water? We already have a license for the original POD. Here's a photo of the two overlapping water systems.

The use for the original water right can be claimed, but yes any additional use developed as late as 2023 would require an application for permit.



Thanks Bob and I look forward to hopefully meeting with you this week if possible.

Tyler



Tyler Larsen, JD
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From: Howe, Bob <Bob.Howe@idwr.idaho.gov>
Sent: Tuesday, August 26, 2025 4:35 PM
To: Larsen, Tyler - FS, UT <Tyler.Larsen@usda.gov>
Subject: [External Email]Additional Information-Action Requested-USFS Basin 11 Adjudication Claims.

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Dear Claimant,

The Department received 24 Notices of Claim you submitted in **Basin 11** (Bear River) citing the **basis of claim as beneficial use**. We are currently reviewing the claims for recommendation. The recommendation process reviews information/documentation submitted by the claimant, available county records, and historical GIS aerial imagery for evidence supporting the validity of a claim. The completed review provides a recommendation to the court.

After reviewing your Notices of Claim, it seems that a different process, or further information and clarification may be necessary. Based on the cursory review I have identified the following areas of concern in your claims.

1. In section 13 of notices of claims 11-9671, 11-9672, 11-9697, 11-9715, 11-9723, you stated that the "Priority date is the Agency record of date constructed." As the diversion to stockwater tank(s) was constructed after May 20, 1971, which makes the permit process necessary to establish the rights. To ensure no confusion or unnecessary processing these claims should be withdrawn. Any further review of these claims would be recommended disallowed to the court. Please fill out the attached withdrawal form, sign, and return it to the IDWR at the address below my signature, or email the completed document to file@idwr.idaho.gov and use the claim numbers in the subject line.
2. USFS Claim 11-9670 is based on beneficial use, within a National Forest parcel, fully overlaps BLM right 11-7370 with an active claim, based on license (priority date 11/06/1987). Typically rights are held by the landowner(s). However, as the BLM right was licensed at a higher rate and indicates it may be the same system with an earlier priority date evidence available indicates that USFS Claim 11-9670 could be disallowed. Please provide clarification regarding the intent of claim 11-9670 and any details of the use that could provide evidence of a valid claim, or withdraw the claim.
3. In notices of claims 11-9444, 11-9446, 11-9674, 11-9675, 11-9676, 11-9677, 11-9678, 11-9685, 11-9686, 11-9696, 11-9719, 11-9726, 11-9727, 11-9728, 11-9729, & 11-9732 you describe constructed/excavated stock ponds with surface runoff that sinks as the source. The priority dates for the storage use claimed are after May 20, 1971, which makes the permit process necessary to establish the rights. To ensure no confusion or unnecessary processing these claims should be withdrawn. Any further review of these claims would be recommended disallowed to the court. Please fill out the attached withdrawal form, sign, and return it to the IDWR at the address below my signature, or email the completed document to file@idwr.idaho.gov and use the claim numbers in the subject line.

Feel free to reach out to me with any questions or concerns regarding the items above. If I am unavailable another member of the adjudication staff should be able to assist you if you provide your claim numbers. It is important that you respond to this request by mail within the next 30 days, in order to expedite your claim process. If you do not respond your claim will be recommended based on the information provided in your notice of claim. Thank you for your time and attention on these matters.

Regards,

Bob Howe



IDAHO DEPARTMENT OF
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