

12/08/2003

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

RIGHT NUMBER: 23-101

NAME AND ADDRESS: SOUTH FORK RANCH
C/O DALE F KINSELLA
PO BOX 64
SWAN VALLEY ID 83449-0064

SOURCE: BRANDYWINE SLOUGH TRIBUTARY: SNAKE RIVER

QUANTITY: 4.200 CFS
USE OF THIS RIGHT WITH RIGHT NO. 23-0050B IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.2 CFS.

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:
T01N R44E S7 SWNWSW Lot 3 Within BONNEVILLE County

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	4.200 CFS

PLACE OF USE:	<u>IRRIGATION Within BONNEVILLE County</u>				
	T01N R43E S01	SWSW	11.0	T01N R43E S01	SESW 10.0
	T01N R43E S12	NENE	40.0	T01N R43E S12	NWNE 35.0
	T01N R43E S12	SWNE	6.0	T01N R43E S12	SENE 34.0
	T01N R43E S12	NENW	34.0	T01N R43E S12 Lot 1	NWNW 30.0

200 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 23-00050B IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 200.0 ACRES IN A SINGLE
IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL:

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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 23-101
Date Received: 7/22/2002
Receipt No: X999999
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

SOUTH FORK RANCH Phone: (310)201-2001
C/O DALE F KINSELLA
PO BOX 64
SWAN VALLEY ID USA 83449-0064

2. Date of Priority: 01/22/1916

3. Source: BRANDYWINE SLOUGH Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
01N	43E	12	NE SE	BONNEVILLE	

5. Description of diverting works:

HEADGATE & DITCH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	4.2	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
----------	-------	---------	----------------	-----	-------

01N	43E	1	SW	SW	IRRIGATION	10
			SE	SW	IRRIGATION	10
					Section Acres	20
01N	43E	12	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
					Section Acres	240
					Total Acres	260

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:

14. Remarks:

OTHER WATER RIGHTS USED: 23-50B AND 23-366

15. Basis of Claim: Decreed

*No Such Right
its 01-366*

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 23-101
Date Received _____
Receipt Number _____

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

1. Name of Claimant(s) South Fork Ranch, Inc. Phone (310) 553-3610 310-201-2001
Mailing Address c/o Dale F. Kinsella P.O. Box 64, Swan Valley, ID Zip 83449
2. Date of Priority (Only (1) per claim) January 22, 1916
3. Source of water supply (a) Brandywine Slough
which is tributary to (b) Snake River
- 4.a. Location of existing
point of diversion is: Township 1N Range 43E Section 12 1/4 of NE 1/4 of SE 1/4, Govt. Lot _____,
E B.M., County of Bonneville
Additional points of diversion if any: _____
b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged
and the depth of each well. Headgate and ditch
6. Water is claimed for the following purposes:
(Both dates are inclusive) (cfs) (acre feet)
For Irrigation purposes from 04/01 to 11/01 amount 4.2 cfs or _____
For _____ purposes from _____ to _____ amount _____ or _____
7. Total quantity claimed (a) 4.2 (cfs) and/or (b) _____ (acre feet)
8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (e.g. Domestic: Give number of household served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
1N	43E	1											10	10					20
		12	40	40	40	40	40	40											240

Total number of acres irrigated 260

11. In which county(ies) are lands listed above as place of use located? Bonneville

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
23-50B and 23-366 or None ()

14. Remarks:

15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree X License _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

16. Signature(s)

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) _____

Date

5/03/02

Date _____

For Organizations: I do solemnly swear or affirm that I am President of _____
(Title)

South Fork Ranch, Inc., that I have signed the foregoing document in the space below as
(Organization)

President of South Fork Ranch, Inc. and that the statements contained in the
(Title) (Organization)

foregoing document are true and correct.

Last Name South Fork Ranch, Inc. Ident. Number 23-101

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho)
) SS.
County of _____)

Subscribed and sworn (or affirmed) before me this 3 day of May 2002 ~~March, 2001.~~

Notary Public _____
Residing at _____
My Commission Expires _____



17. Notice of Appearance:

Notice is hereby given that I, KENT W. FOSTER will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature *Kent W. Foster*
Address PO Box 50130 IDAHO FALLS, ID 83405
Date 7/12/02

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: A23-00101
Date Received:
Receipt No: X999999
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DELETE
Address:

-, ID

00000

2. Date of Priority: JAN 22, 1916

3. Source: DELETE

Trib. to: NOT RECEIPTED

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
01N	43E	1			BONNEVILLE

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION			4.200		
DOMESTIC					

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
01N	43E	1			IRR	

11. Place of use in counties: BONNEVILLE

A23-00101

Page 1

Date: 08/18/89

MICROFILMED
NOV 07 1992



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

13. Other Water Rights Used:

14. Remarks:

NUMBERS FOR THIS RT. ARE 01-0366 & 23-0101.

CLAIMANT DECIDED NOT TO FILE THE ADJUDICATION CLAIM SINCE OTHER RIGHTS SUFFICIENTLY COVERED PROPERTY.

15. Basis of 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 _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

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

Notary Public

Seal

Residing at _____

My Commission Expires _____

04/03/2002

Contacts Data Entry Form

Water Right No. 23-00101

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>SOUTH FORK RANCH</u>					
Name connector: and	or	and/or	<u>10 DALE KINSELA</u>			
Current Owner						
Current Owner						
Representing Attorney:						Phone Number:
Accompanied By:						Phone Number:
Relationship to Claimant:						
Date of Field Exam:						Time:

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

DECREED UNDER PALISADES IRRIG. CO. VS L. CHANDLER, 1/16/1951.
Pg 5, P III AND Pg 7 (LAST P) AND Pg 8 (TOP FINISHES POW). SUB EXCERPT.

THIS CLAIM WAS CROSS-CLAIMED (BY SAME CLAIMANT) AS RT. #
01-00366. 01-00366 IS DISALLOWED IN FAVOR OF THIS
WATER RIGHT (23-00101).

FB INDICATED: POW/POD, System/Delivery
Overlap of Rts.

Reviewer: _____

Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1/22/1916 Claimed Basis: DEGREERecommended Priority Date: 1/22/1916 Recommended Basis: DEGREE☐ 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:

Claim MATCHES DEGREE.

Reviewer: _____

Date: _____

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: _____

Claimed Point of Diversion: T 1N, R 43E, Sec. 12, _____, _____, _____ County: BONN.Source: BRANDYWINE SLOUGH Tributary: SNAKE RIVER

Recommended Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary: SNAKE RIVER S Fork ←
☐ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Other rights from this POD? GPS POD - TAG #

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

POD NOT ADDRESSED BY DECREE. SOURCE IS CLAIMED AS
BRANDYWINE SLOUGH. SOURCE IS DECREED AS "DIVERGENT FROM
SNAKE RIVER AND BRANDYWINE SLOUGH"

Transfers Changing POD _____

Reviewer: _____

Date: _____

Place Of Use Data Entry Form

Claim Number: _____

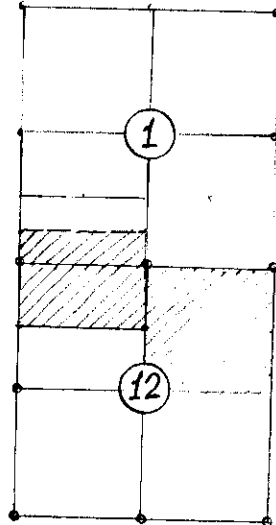
_____ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	43E	1	S ²	SW			20	
		12	NE				160	
			N ²	NW			80	
Total Acres							260	

Recommended Place of Use

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



Document how the POU was verified:

POU NOT ADDRESSED BY DEGREE.ACCORDING TO THE BOWNBVILLE Co. OWNERSHIP TRUST (ANNUAL) THE CLAIMED AREA IS MOSTLY SUB-DIVIDED FOR LOTS.

Transfers Changing POU _____

Reviewer: _____

Date: _____

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ 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
<i>Tring</i>	<i>4/01</i>	<i>11/01</i>	<i>4.2</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Tring</i>	<i>4/15</i>	<i>10/31</i>	<i>4.2</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate *4.2*

Overall Diversion Volume _____

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

SQU NOT ADDRESSED BY DECREE. W/ SU DEPT STD FOR AREA AS 4/15 TO 10/31. QDR 4.2 cfs (210") SO DECREED.

Reviewer: _____

Date: _____

IDAHO DEPARTMENT OF WATER RESOURCES

July 8, 2003

To: The File 23-00366

From: A. Ruberry

Re: SRBA Claim 23-00366

As claimed, this water right is actually a Basin 01 claim, as 01-00366. The compliment to 01-00366 is SRBA claim is 23-00101. The 01-00366 claim has been filed as 23-00366. There is no SRBA claim for 01-00366.

Both, 23-00101 and 01-00366 are addressed by the Palisades Irrigation Co .vs L. Crandall, 01/16/1951, as being the same right. See attached decree excerpt.

Recommendation: 23-00366 will be (disallowed and) recommended as 23-00101, which is claimed by the same claimant.

rights shall immediately lapse and become void and of no effect.

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

Plaintiffs	Amount of Miners Inches	Amount of Second Feet
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

01-0366/23-0101

It is further Ordered, Adjudged and Decreed that the plaintiff, Francis Stoltenberg, has the right to divert from Snake River and Brandywine Slough and use said quantity of water with the said priority date for irrigating and domestic purposes upon the

-8-

following described lands, to-wit:

South twenty (20) acres Southwest Quarter (SW $\frac{1}{4}$), Section One (1); Lot One (1), Northeast Quarter of the Northwest Quarter (NE $\frac{1}{4}$ NW $\frac{1}{4}$), and the Northeast Quarter (NE $\frac{1}{4}$), Section Twelve (12) all in Township One (1) North, Range Forty-three (43), East of the Boise Meridian.

23- 0102

It is further Ordered, Adjudged and Decreed that the plaintiff, Henry McCabe, has the right to divert from Sqaw (Indian) Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Lots Four (4), Six (6) and Seven (7), Section Eighteen

EXCERPT FROM PALISADES IRRIGATION CO.
VS L. CANDALL, 1951.

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER
SHAN B. PERRY
AMELIA A. SHEETS

US BANK BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

July 12, 2002

Idaho Department of Water Resources
ATTN: Jennifer Crabtree
900 N. Skyline Dr. Ste. A
Idaho Falls, ID 83402

RE: Notices of Claim to a Water Right in the name of South Fork Ranch, Inc.

Dear Jennifer:

Enclosed are three (3) Notices of Claim to a Water Right on behalf of South Fork Ranch, Inc. We have also enclosed our check in the amount \$410.00 which we understand to be the fee for the filing of these claims. We have calculated them as follows:
\$50.00 per claim for the flat fee and \$260.00 for the acreage fee.

If any thing else is needed or if we can be of assistance in any manner, please feel free to call upon us.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\10667 Dick Clayton\IDWR.71202.ltr.wpd.cdv

RECEIVED

JUL 15 2002

Department of Water Resources
Eastern Region



State of Idaho

Department of Water Resources

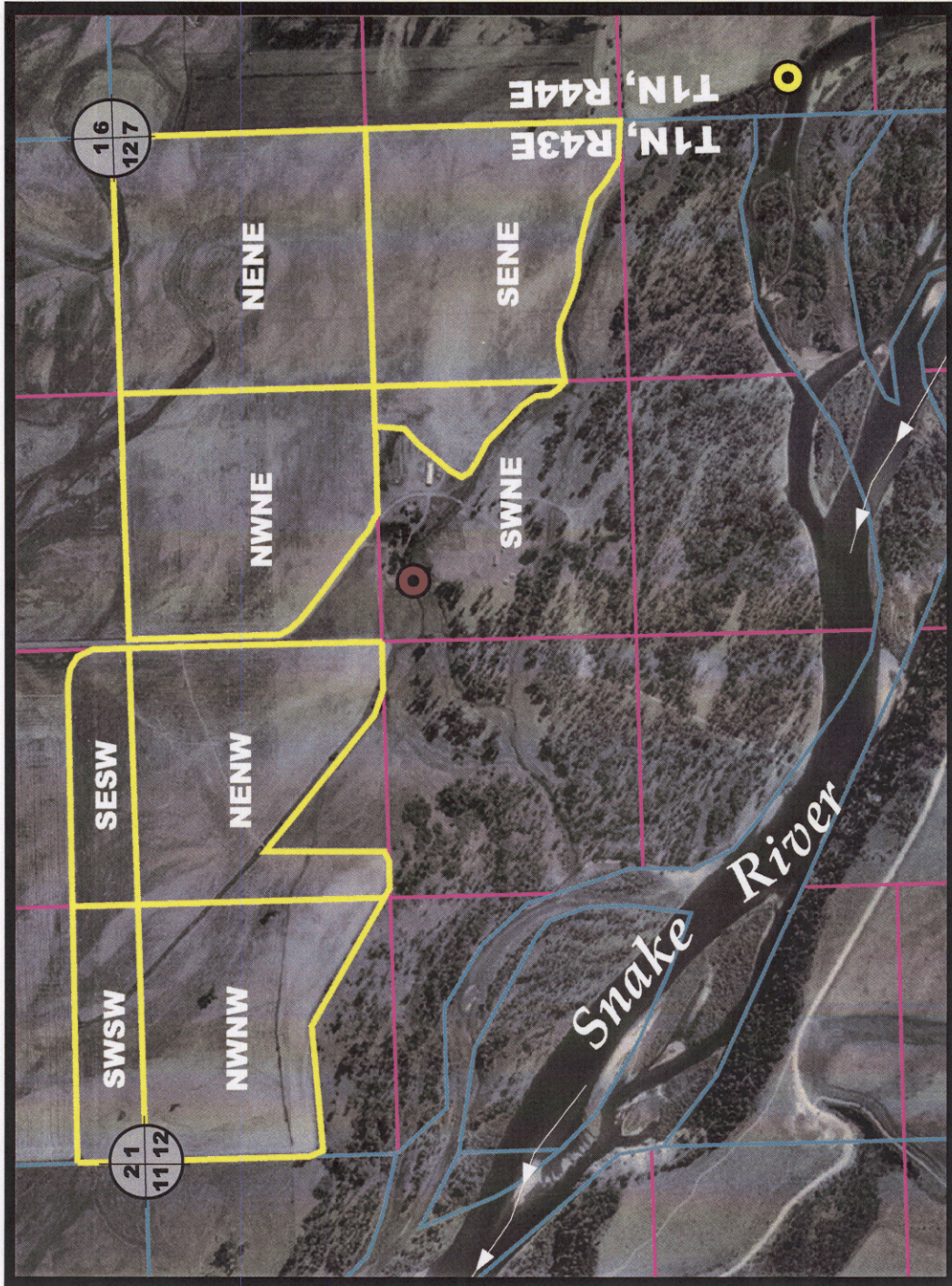
Eastern Region



Water Right(s):
23-00050B
23-00101

Place of Use: (parts of)
 T1N, R43E Sec. 1 S2SW,
 Sec. 12 NE, NWNW (L1),
 NENW

Point(s) of Diversion:
 T1N, R44E Sec. 7
 SWNWSW (L3)



LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter

12
1112

SNAKE

RIVER

T1N, R43E
T1N, R44E



T1N, R43E

T1N, R44E



