

01/28/2004

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

RIGHT NUMBER: 23-4043

NAME AND ADDRESS: SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401

SOURCE: UNNAMED STREAM

TRIBUTARY: RAINEY CREEK

QUANTITY: 2.200 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 14.0 CFS. COMBINED RIGHT NOS.: 23-00063,
23-00078, 23-00080, 23-10858, 23-04043.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 23-00063, 23-00078,
23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 01/17/1951

POINT OF DIVERSION:

T02N R44E S31 SESWSW Within BONNEVILLE County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

2.200 CFS

STOCKWATER

01/01 12/31

0.030 CFS

PLACE OF USE:

IRRIGATION Within BONNEVILLE County

T02N R44E S31 NESW 3.0 T02N R44E S31 Lot 3 NWSW 26.0

T02N R44E S31 Lot 4 SWSW 32.0 T02N R44E S31 SESW 36.0

T02N R44E S31 SWSE 11.0

STOCKWATER same as IRRIGATION

108 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 518.4 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 23-00063, 23-00078,
23-00080, 23-10858, 23-04043.

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: Beneficial Use

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

\$ 70 OK x

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: A23-04043
Date Received: 9/16/1988
Receipt No: 6010028
Received By: HWS

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: SHURTLEFF RANCHES LTD. PARTNERSHIP 208-523-5675
Address: 399 HEMLOCK CIRCLE 83401
IDAHO FALLS, ID

2. Date of Priority: JUN 15, 1898

3. Source: SPRINGS

Trib. to: RAINEY CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
02N	44E	31	SW	SW			BONNEVILLI

5. Description of diverting works:
DAM, PUMP & SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	01/01	12/31	2.900		
STOCKWATER	01/01	12/31	0.030		

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

A.F.A.

8. Total consumptive use is

275.0 Acre Feet Per Annum.

9. Non-irrigation uses:
S/100 RANGE CATTLE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
02N	44E	31	NW	SW		IRR	30.0 9
			SW	SW		IRR	40.0 6

A23-04043

Page

1

Date: 09/16/88

MICROFILMED
NOV 10 1992

A2304043



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
02N	44E	31	SE SW		IRR	40.0 5
Section Acres						110.0
Total Acres						110.0

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:
A23-00079, A23-00080, A23-00094

14. Remarks:
CLAIM C/O R.N. OR LARAE FERGUSON. THIS IS A LTD. PARTNERSHIP
THAT INCLUDES; BILL AND GARLENE SHURTLEFF- WILMA SHURTLEFF

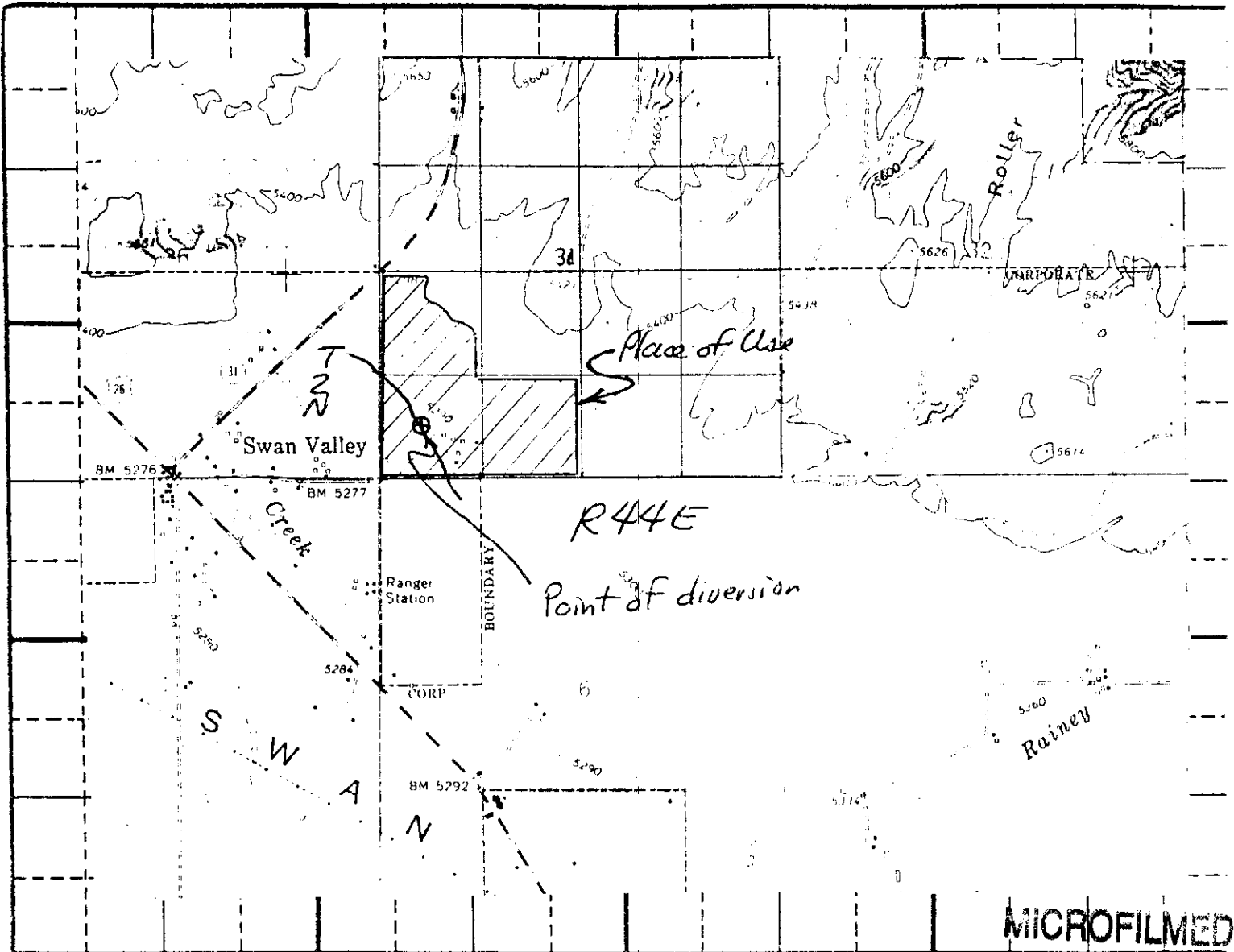
15. Basis of Claim: STATUTORY CLAIM
Water Right Number: 234043

(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.

NOV 10 1992

A23-04043

8) Remarks



Scale: 2 inches equal 1 mile.

MICROFILMED

NOV 10 1992

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

NOTICE OF ERROR
REPLY

01/28/2004
RECEIVED
APR 29 2004
Department of Water Resources

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: 23-4043
SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401
Telephone Number: (208)523-5675

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:

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

DATE: 4-27-04

SIGNATURE:

Please print your name:

Bill K. Shurtleff.

IDWR Regional Office,

RECEIVED
MAY 03 2004
Department of Water Resources
Eastern Region

01/28/2004

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

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IDAHO FALLS ID 83401

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TRIBUTARY: RAINEY CREEK

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23-00080, 23-10858, 23-04043 SHALL PROVIDE NO MORE THAN .02 CFS
PER ACRE.

PRIORITY DATE: 01/17/1951

POINT OF DIVERSION:
T02N R44E S31 SESWSW 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	2.200 CFS
STOCKWATER	01/01 12/31	0.030 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T02N R44E S31	NESW	3.0	T02N R44E S31 Lot 3 NWSW	26.0	
T02N R44E S31 Lot 4 SWSW		32.0	T02N R44E S31	SESW	36.0
T02N R44E S31	SWSE	11.0			

STOCKWATER same as IRRIGATION

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later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

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

Shurtleff Ranches Ltd. Partnership
c/o R.N. Ferguson
399 Hemlock Circle
Idaho Falls, ID 83401

November 1, 1994

Dave Carlson, Water Right Agent,
Adjudications
State of ID Dept. of Water Resources
900 N. Skyline Dr., Idaho Falls, ID
83402-1718

Ref: A23-04043

Dear Mr. Carlson:

Per your correspondence to us dated 9-14-94 requesting additional "Evidence of Priority" regarding Claim A23-04043 we are attaching a notarized statement by Mr. Ivan R. Weeks of Swan Valley regarding the use of the subject water. Additional statements from other long time neighbors can easily be obtained if you feel this is not sufficient. We asked Ivan because of his being a close neighbor with direct knowledge of the property and water usage. Also the following information may also be of some value:

1. The subject water has been used on the land identified in the claim and for stockwater continuously since the ranch was homesteaded by William Shurtleff prior to 1889. Until the advent of pumps in the '20s the primary diversion method for irrigation purposes was by private ditch and dams for use on the NW 1/4 of the SW 1/4 (30 acres) and, the SW 1/4 of the SW 1/4 (40 acres) of Section 31. After that time until the present, the additional diversion method of pump and then subsequently, pump & sprinkler lines, has been used and it's use was also extended to the SE 1/4 of the SW 1/4 (40 acres) of Sect. 31.

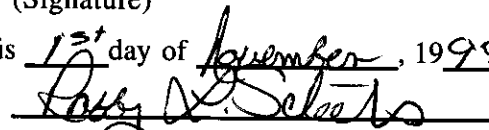
2. In September of 1982 we had Mr. Dennis Bitton (PO Box 115, Swan Valley, ID 83449), the Swan Valley Water Master, measure the flow from the springs where they exit our property at the county road. The measurement at that time was 2.93 second ft.

Sincerely,

R.N. Ferguson


(Signature)

Subscribed and sworn to before me this 13th day of November, 1994


(Notary Public)

Residing at Idaho Falls, Idaho

My commission Expires 9-7-99

Enclosure: Ltr. from Ivan R. Weeks

cc: B.K.Shurtleff/LaRae W. Ferguson/Ivan R. Weeks

MICROFILMED
NOV 6 1996

Contacts Data Entry Form

Water Right No. 23-4043

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>SHURLBEE RANCHES LTD. PARTNERSHIP</u>					
Name connector: and _____, or _____, and/or _____						
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:

243 CLAIM (S 42-243 IC)Q: OWNERSHIP QUESTION?FE INDICATED: PDD/PD4, OVERLAP w/ 23-79, 80 & 94.

Reviewer: _____

Date: _____

To: Bob Ferguson/Shurtleff Ranches Ltd. Partnership @ 399 Hemlock Circle, Idaho Falls, ID 83401
From: Ivan Weeks, Swan Valley ID 83449
Subject: Evidence of Water Right Priority for Shurtleff Ranches Claim #A23-04043
Date: October 29, 1994

Per your request I am hereby attesting that the water from the springs on the Shurtleff Ranch (Township 02N, Range 44E, Sect. 31) as identified in Water Right Claim # A23-04043 has been used continuously for irrigation and stockwater by the Shurtleff family for as long as I and my family have been in Swan Valley. Also we, as Weeks Bros Inc., have used the water on the Shurtleff Ranch as stated since 1965.

I am 86 years old and lived and farmed all of my life in Swan Valley. My family has farmed in the Valley since before 1889.

Ivan R Weeks
(Signature)

Subscribed and sworn to before me this 29th day of October, 1994

Ruth H. Weeks
(Notary Public)

Residing at Swan Valley Idaho
My commission Expires Nov. 3, 1999

1994

86

1908

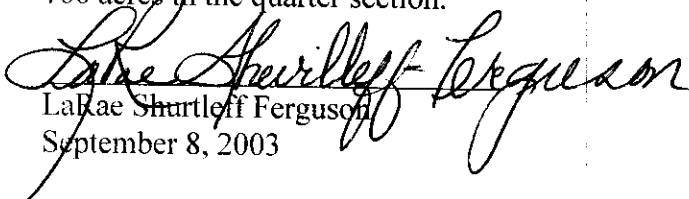
Don't Got to 1898
PRESORTED Roxbury Innig. vs Teton Innig 1910

MICROFILMED

NOV 07 1996

STATEMENT OF KNOWLEDGE

I am LaRae Shurtleff Ferguson (born 1/7/34) and Keith I. Shurtleff was my father and owner of the property we now call Shurtleff Ranches, in Swan Valley, Idaho. It is my knowledge that over my lifetime, many times we have flood irrigated the SW and NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of Section 8, Range 44E, TWP 1 from a ditch that has always run all along the north side of this quarter section. This would add an additional 17.7 acres to the existing 137 acres recorded as being irrigated for a total of 154.7 irrigated acres out of the 160 acres in the quarter section.


LaRae Shurtleff Ferguson
September 8, 2003

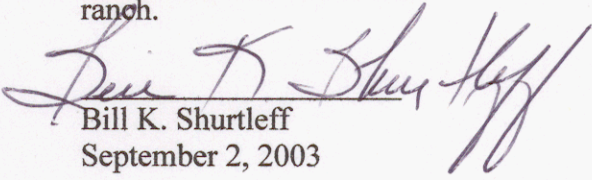
Department of Water Resources
Eastern Region

SEP 25 2003

RECEIVED

STATEMENT OF KNOWLEDGE

I am Bill K. Shurtleff and Keith I. Shurtleff was my father and owner of the property we now call Shurtleff Ranches, in Swan Valley. It is my knowledge that in the summer of 1953 we began irrigating some 70 acres of land, presently in the C.R.P. Program, with the use of a sprinkling system. This practice continued until the time my father left the ranch.


Bill K. Shurtleff
September 2, 2003

This is in regard
to Recommendation
2 on memo
dated 17, July 03
TWP 2 RGE 44E Sec. 31
SW 1/4

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JUNE 15, 1898 Claimed Basis: STAT.Recommended Priority Date: 17 Jan 1951 Recommended Basis: BU☐ 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:

EVIDENCE OF PRIORITY SUBMITTED DOES NOT
SUPPORT JUNE 15, 1898. ACCORDANT OF
FRAN R. WEEKS SUPPORTS PRIORITY OF ABOUT
1908. HOWEVER, A 1908 PRIORITY WOULD PUT
IT BEHIND THE 1910 ROXBURG JAMES VS TETON
JAMES DECISION - AND IS ALSO SUPERCEDED BY
PAULSONS JAMES VS L. CRANDALL, 1951. THEREFORE, THE
EARLIEST PRIORITY DATE CAN ONLY BE 17 JAN 1951.

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 2N, R 44E, Sec. 31,____, SW, SW County: BONNSource: SPRING Tributary: RAINLY CREEK

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
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? GPS POD - TAG * NONE

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

NO POD NO Pump NO Dam - ? SINCE WHEN.

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
2N	44E	31	NWSW		BONN.		30 [±]	PRAIRIE
			SWSW		"		40 [±]	"
			SESW		"		40 [±]	"

Total Acres _____

Recommended Place of Use

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

Total Acres _____

Document how the POU was verified:

CLAIMS PRAIRIE AND STOCKWATER FOR 100 RANGE CATTLE.
 STOCKWATER - IN-STREAM IN SWSW

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
Perig	1/1	12/31	2.20	
Stock	1/1	12/31	0.03	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Perig	4/15	10/31	2.20	
Stock	1/1	12/31	0.03	

 Overall Diversion Rate 2.20 Overall Diversion Volume _____

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

SOU CLAIMS YEAR ROUND - IDWR STANDARD FOR BU
IN THIS AREA IS 4/15 TO 10/31 FOR PERIG. STOCK @
YEAR ROUND - NON ADDITIVE OR

MEASURES PROVIDED: NO - 1982 by WIM

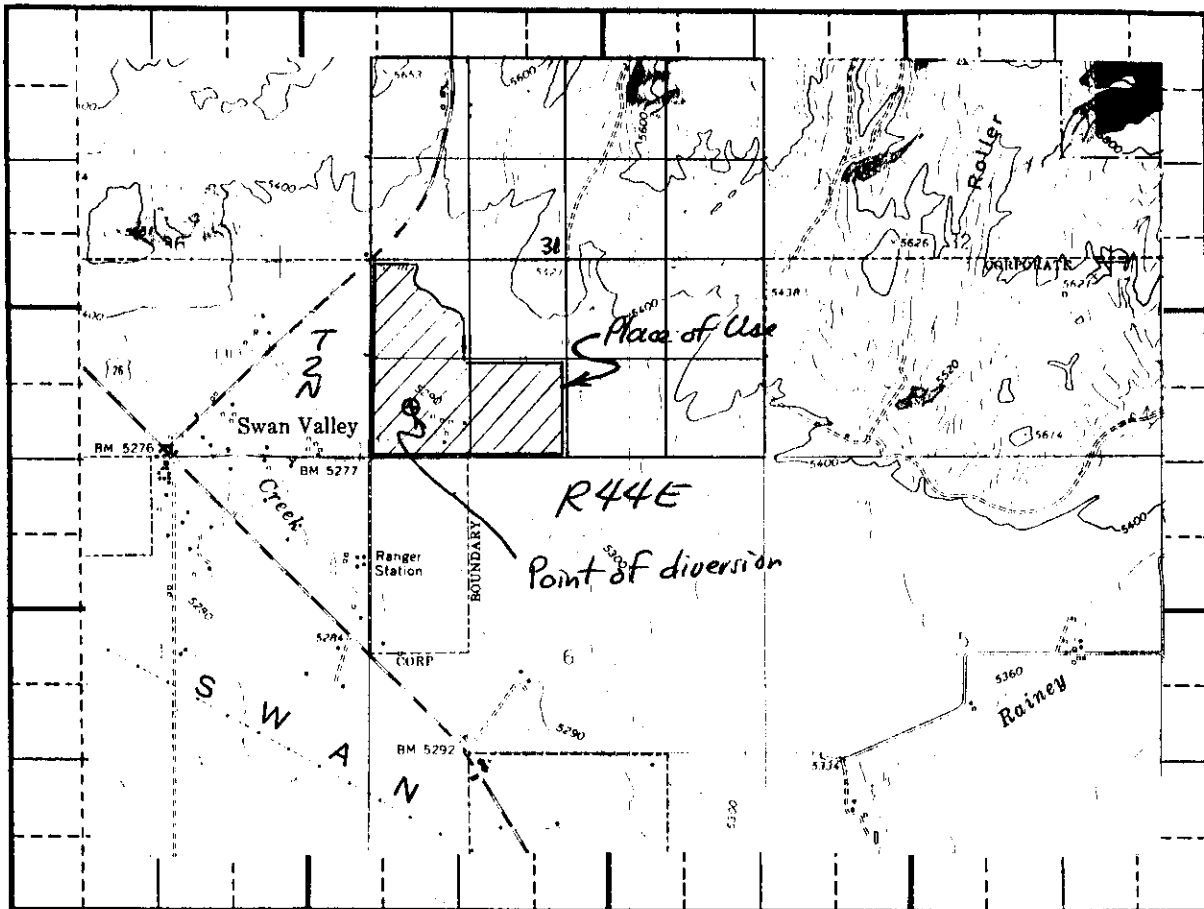
STOCK ADDITIVE? NO.

CLAIMS 2.90 ON 110ac: 42-220, 202 IC cits 0.02 cfs / ac

X Therefore 110ac x 0.02 = 2.20 cfs inrig & 0.03 NON-

Reviewer: _____ ADDITIVE FOR STOCK Date: _____

(8) Remarks



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 subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Bonneville) ss.

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

Shurtliff Ranches
R. N. Ferguson
(Claimant)

Sworn to before me this 21st day of October, 19 80.

William Wray
Notary Public
Residing at Idaho Falls Id

My commission expires 6/15/85

FOR DEPARTMENT USE ONLY
Received by KCW Date 10-21-82
Prelim. check by SM Date 10/21/82
\$10.00 fee received by BP Date 10-21-82 # 22544
Published in Post Register
11/4 11/11/82

Forwarded to claimant by: _____ Date _____

Log for claim 23-04043

Spatial Dynamics LTD

6/6/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
02n44e	31	NWSW	30	25	
02n44e	31	SWSW	40	32	
02n44e	31	SESW	40	40	
Totals:			110	97	



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
23-00063, 23-00078,
23-00080, 23-00094,
23-04043, 23-10858.

Place of Use: (parts of)
T1N, R44E Secs. 5, 6, & 8
T2N, R44E Sec. 31

Point(s) of Diversion:
T2N, R44E Sec. 33
SESESW, NWSWSE,
Sec. 31 SESWSW



LEGEND

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



NWSW

SWSW

SWSE

NENW

NWNE

NENE

NWNW

SENW

SWNE

SENE

NESW

NWSE

NESE

T1N, R43E
T1N, R44E

T2N, R44E
T1N, R44E

NENE

NWNE

SENE

SWNE

Rainey
Creek

Rainey
Creek

Creek

Highway 26

36
31
16

36
31
16

32
33
54

36
31
16

Water Right Claim Number 23-04043
Townships , 2N44E, 1N44E

06/06/2001

