

01/28/2004

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

RIGHT NUMBER: 23-10858
NAME AND ADDRESS: SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401
SOURCE: RAINEY CREEK
QUANTITY: 5.400 CFS
TRIBUTARY: SOUTH FORK SNAKE RIVER

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.4 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: 06/01/1889

POINT OF DIVERSION:

T02N R44E S33 SESESW Within BONNEVILLE County
T02N R44E S33 NWSWSE 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	5.400 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S05 Lot 4 NWNW	25.0	T01N R44E S06 Lot 1 NENE	22.0
T01N R44E S06 Lot 2 NWNE	37.0	T01N R44E S06 SWNE	39.0
T01N R44E S06 SENE	26.0	T01N R44E S06 Lot 3 NENW	39.0
T01N R44E S06 SENW	35.0	T01N R44E S06 NESW	7.5
T01N R44E S06 NESE	30.0	T01N R44E S06 NWSE	36.0
T01N R44E S08 NENE	38.0	T01N R44E S08 NWNE	26.0
T01N R44E S08 SWNE	11.0	T01N R44E S08 SENE	39.0
T02N R44E S31 NESW	2.9	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		

518.4 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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.

01/28/2004

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

EXPLANATORY MATERIAL: Decreed

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

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE 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

Renumbered: A23-10858 10/26/92

Ident. Number: ~~A23-00079~~ SC

Date Received: 9/15/1988

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
IDAHO FALLS, ID 83401
2. Date of Priority: JUN 01, 1889
3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH FORK
4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
02N	44E	33	SE	SE	SE		BONNEVILLE
			SW	SW	SW		BONNEVILLE

5. Description of diverting works:
DITCHES TO FLOOD IRRIGATION AND DAM, PUMP AND SPRINKLERS

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	5.400		

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

A.F.A.

8. Total consumptive use is 1412.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
01N	44E	5	NW	NW	4	IRR	26.0
Section Acres							26.0

A23-00079

Page 1

Date: 08/07/89

MICROFILMED

DEC 09 1992

A2310858



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
01N	44E	6	NE		NE	1	IRR	20.0		
			NW		NE	2	IRR	36.0		
			SW		NE		IRR	38.0		
			SE		NE		IRR	39.0		
			NE		NW	3	IRR	39.0		
			SE		NW		IRR	36.0		
			NE		SW		IRR	15.0		
			NE		SE		IRR	39.0		
			NW		SE		IRR	38.0		
			Section Acres							300.0
			8	NE		NE		IRR	38.0	
				NW		NE		IRR	29.0	
				SW		NE		IRR	31.0	
				SE		NE		IRR	39.0	
Section Acres							137.0			
02N	44E	31	NE		SW		IRR	2.0		
			NW		SW	1	IRR	21.0		
			SW		SW	2	IRR	34.0		
			SE		SW		IRR	35.0		
			SW		SE		IRR	10.0		
			Section Acres							102.0
Total Acres							565.0			

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:

RT. A23-00080,A23-00078,A23-00094,A23-00063

14. Remarks:

THIS CLAIM IS A COMBINED FILING OF THE FOLLOWING RIGHTS;
23-0079, 23-0077A AND 23-0077B. LTD PARTNERSHIP INCLUDES;
R.N. AND LARAE FERGUSON- BILL AND GARLENE SHURTLEFF- WILMA
SHURTLEFF

15. Basis of Claim: DECREED

Water Right Number: 230079

Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

V S

TETON IRRIGATION CANAL CO ET A
Decree Defendant

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): Jim K. Shurley Date: 8/28/89
 _____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am General Partner of
Shen Heff Ranches, Title
Organization, that I have signed the foregoing
document in the space below as General Partner of
Shen Heff Ranches Title
Organization and that the statements contained in the
foregoing document are true and correct. Russ T. Shen Heff

Signature of Authorized Agent

Title and Organization

Date _____

MICROFILMED
DEC 09 1992

State of Idaho)
County of Tennille) SS.

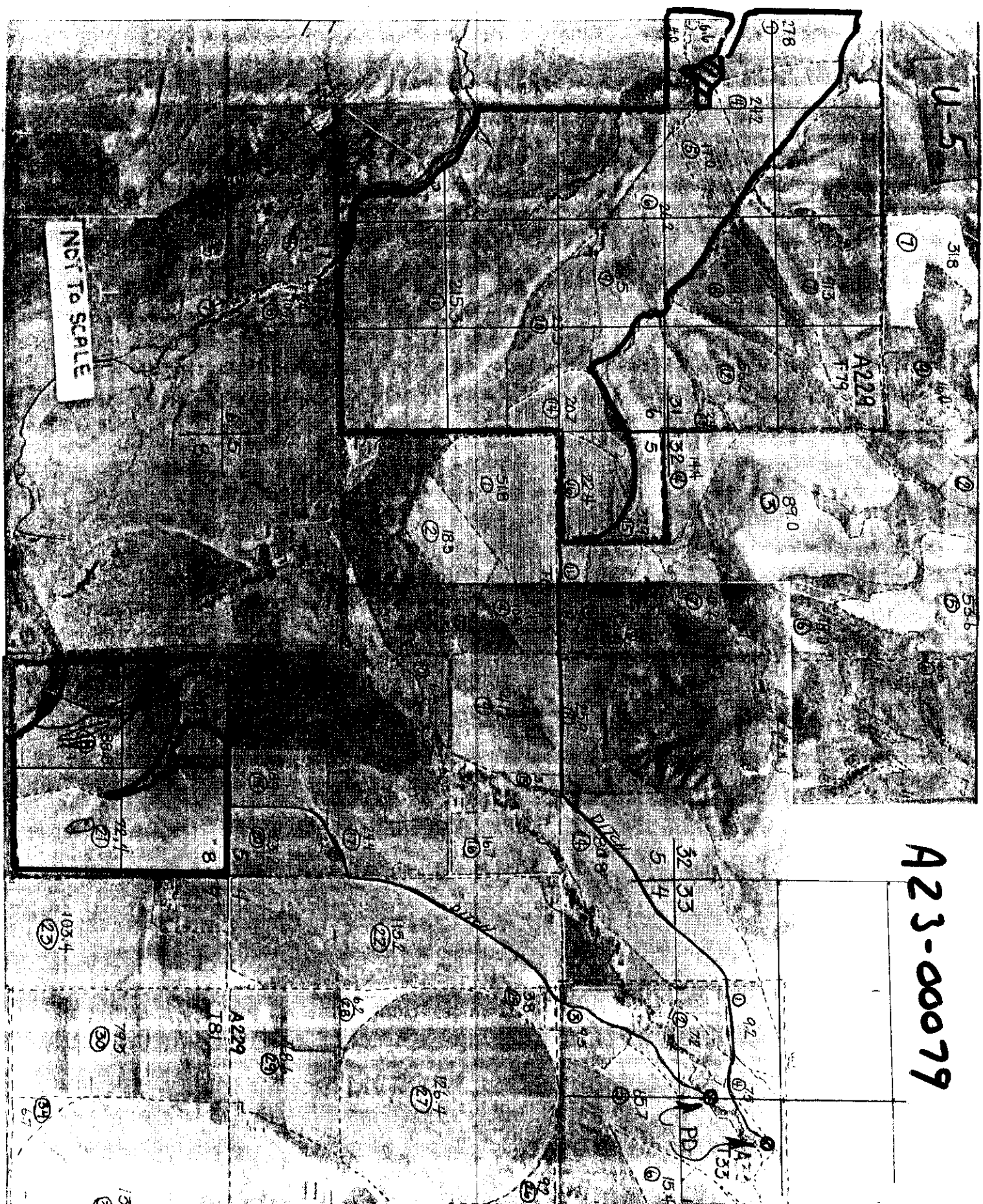
Subscribed and sworn (or affirmed) before me this 28th day
of August 19 89

Karen M. Munn
Notary Public

Seal

Residing at 823 Buckland Ct.
My Commission Expires June 4 1991

A23-00079



01/28/2004

RECEIVED
APR 29 2004
Department of Water Resources

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: 23-10858

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:

Bill K. Shurtleff

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

RIGHT NUMBER: 23-10858
NAME AND ADDRESS: SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401

SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 5.400 CFS
USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 13.4 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: 06/01/1889

POINT OF DIVERSION:
T02N R44E S33 SESESW Within BONNEVILLE County
T02N R44E S33 NWSWSE 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	5.400 CFS

PLACE OF USE: IRRIGATION Within BONNEVILLE County

T01N R44E S05 Lot 4 NWNW	25.0	T01N R44E S06 Lot 1 NENE	22.0
T01N R44E S06 Lot 2 NWNE	37.0	T01N R44E S06 SWNE	39.0
T01N R44E S06 SENE	26.0	T01N R44E S06 Lot 3 NENW	39.0
T01N R44E S06 SENW	35.0	T01N R44E S06 NESW	7.5
T01N R44E S06 NESE	30.0	T01N R44E S06 NWSE	36.0
T01N R44E S08 NENE	38.0	T01N R44E S08 NWNE	26.0
T01N R44E S08 SWNE	11.0	T01N R44E S08 SENE	39.0
T02N R44E S31 NESW	2.9	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		

518.4 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.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 270.0 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE 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: BASIS OF CLAIM - Decreed

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

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

Contacts Data Entry Form

Water Right No. 23-10858

Owner Type _____ Full Name _____ Address _____ City _____ State _____ Zip _____ Phone _____

Current Owner SHURTLEFF RANCHES LTD. PARTNERSHIP

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:

DETERMINED UNDER ROXBURG BRASS CO. vs TOLON BRASS CO.,
1910, AS #67, TO Wm SHURTLEFF, 6/1/1889 RAINY CK 150" (23-79)
AND #67, TO J.A. SCHNEGBUR, 6/1/1889 RAINY CK 120" (23-77 A/B)
THESE TWO 1889 RIGHTS ARE COMBINED FOR A TOTAL
DIV. RATE OF 5.40 cfs.
OWNERSHIP IS A QUESTION - RE: ORGANIZATION NAME? OK!

REMARK
P15

9/30/03 FE: POP's, POH, System

RESEARCH TX'S #381 AND 521. (23-77 A/B):

TX #381 MOVES 1.3 cfs TO NW" SEC. 8 T1N R44E (7 July 1926)

TX #521 MOVES 1.3 cfs FROM (ABOVE) TO NE" SEC. 8 T1N R44E (? April 1933)

TX COPIES ATTACHED HEREIN:

FE INDICATED: POP/POH, OBLIVIOUS/SYSTEM.
OVERLAP W/ OTHER RIGHTS

Reviewer: _____

Date: _____

Water Right Split History Analysis

Wm Shurtlett
23-00079
6/1/1889 30 cts
RAINY CK

23-00077
6/1/1889 24 cts
RAINY CK

23-00077A
1.1 cts 6/1/1889
RAINY CK

TX #381 Splits to A & B

23-00077B
1.3 cts 6/1/1889
RAINY CK

TX #521 MOVES AW w/ Sec. B

RTs COMBINED BY SRBA

23-10858
6/1/1889 54 cts
RAINY CK

P15

Reviewer: _____

Date: _____

Memorandum

17 July 2003

To: The SRBA files

From: A. Ruberry

Subject: Water Rights Listing of Shurtleff Ranches (SRBA Claims)

Re: 23-00063, 23-00078, 23-00080, 23-00094, 23-04043, 23-10858

<u>Water Right (SRBA Claim)</u>	<u>Priority date</u>	<u>Quantity (cfs)</u>	<u>Acres @ 0.02cfs/ac</u>
23-00063	June 15, 1898	2.4	120.0
23-00078	May 01, 1895	1.0	50.0
23-00080	June 01, 1891	2.4	120.0
23-00094	Jan. 22, 1916	17.6	880.0
23-04043*	June 15, 1898	2.93	145.0
23-10858**	June 01, 1889	5.4	270.0

Notes:

*Statutory claim based on §42-243 IC. Beneficial Use; Evidence of Priority is Req'd for an irrigation recommendation. @ 0.02cfs/ac this right (if confirmed) could serve 145.0 ac. Claim includes stockwater @ 0.03 cfs. The priority date of this claim precedes both Rexburg Irrigation Co. vs Teton Irrigation Co. Decree, 16 December 1910, and, The Palisades Irrigation Co. vs Lynn Crandall (as Watermaster), 16 January 1951, decrees. Therefore, the priority date claimed must be advanced to one (1) day after the last decree cited; 17 January 1951.

**This claim combines old decreed rights 23-00079 and 23-00077 A/B. Same Priority date, Q: 23-00077A, 1.1 cfs; 23-00077B, 1.3 cfs; 23-00079, 3.0 cfs. Σ cfs = 5.4.

Total acreage claimed is 565.0; at 0.02cfs/ac = 11.3 cfs. If all rights (except 23-00094 and 23-04043) are combined the Q= 11.2 cfs. $11.3 \text{ cfs} / 565.0 \text{ ac} = 0.02 \text{ cfs}$; $11.2 \text{ cfs} / 565.0 \text{ ac} = 0.01982 \text{ cfs} \dots$ Rounds to 0.02. However, only 518.4 acres are confirmed by field exam and GIS. Therefore, $0.02 \text{ cfs/ac} \times 516.2 \text{ ac} = 10.37 \text{ cfs}$. Then added to this is a 5%/QQ conveyance loss allowance of 7 QQ's $\times 0.05 = 0.35$ or 35%. So, $10.32 \text{ cfs} \times 1.35 = 13.9998 \text{ cfs}$ rounded to 14.0 cfs to be recommended overall. Each right will be recommended with it's cfs but with combined use limits of CFS and acres.

23-00094 is a flood water right decreed under Palisades Irrig. vs L. Crandall, 1951. 17.6 cfs @ 0.02 cfs/ac would allow irrigation of 880.0 acres (total claimed acres is 565.0). When this right is being served (when limited to 0.02cfs/ac) serves the entire 565.0 acres. And, all decreed rights are, in-effect, also being served. This right is basically worthless. However, since this is a decreed right it will be recommended for irrigation of 518.4acres with 10.36 cfs for irrigation plus 3.64 cfs for conveyance loss regardless of POD used. Making the total Q recommended for this right as 14.0cfs.

There is no need for the irrigation portion of 23-04043, however, it will be so recommended with permissible POU scenario with all other rights.. The stockwater portion would be recognized at 0.03 cfs, but, with the Priority Date of 17 January 1951 since Palisades Irrig vs L. Crandall (as water master) is dated 16 January 1951..

All decreed rights are used in a Permissible Place of Use (PPU) scenario serving the entire 518.4 acre POU. Therefore, all claims of decreed rights will be recommended as PPU with acreage and quantity limits as applicable.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 6/01/1889 Claimed Basis: DECRUEDRecommended Priority Date: 6/01/1889 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:

PRIORITY DATE CLAIMED MATCHES BOTH
23-79 AND 23-77 ADB AS DECRUED,

Reviewer: _____

Date: _____



Rainey Creek Diversion Northside
T.2N., R.44E.
Section 33 SWSESW
(Diversion serves several users)
Photo taken 9/30/03 ABR



Rainey Creek Diversion Southside
T.2N., R.44E.
Section 33 NWSWSE
(Diversion serves several users)
Photo taken 9/30/03 ABR

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. 33,____, SE SW SE SW SE SW County: BONNSource: RAINIER CK Tributary: SNAKE RIVER, So Rk

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	QQ of QQ of Q	County	Source
①	<u>2N</u>	<u>44E</u>	<u>33</u>		<u>SESESW</u>	<u>BONN</u>	<u>RAINIER CK</u>
	GPS Coordinates: _____						
②			<u>33</u>		<u>NKSWSE</u>	<u>"</u>	<u>"</u>
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						

Other rights from this POD? GPS PODs - TAG #1 1. A009598 Lower POD - ON WHEEL FRAME
2. A009597 Upper POD - ON WHEEL FRAME

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

(2) POD(s) NOT ADDRESSSED BY DECILES. PERMISSIBLE POD.

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	44E	6			Boonville		300	Tennis
		8			"		137	"
2N	44E	31			"		102	"
1N	44E	5			"		26	"

Total Acres 565⁹

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 2 POD's: ONE TO EACH POOL WHICH ARE DISCONNECTED.

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
Prong	4/1	11/1	5.4	

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Prong	4/1	10/31	5.4	

Overall Diversion Rate _____ Overall Diversion Volume _____

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

RECOMMENDED DEPT. STD FOR SOU AS 4/1 TO 10/31: NOT DEEMED
BY DEPT.

$5.4 \text{ cfs} \div 0.02 = 270 \text{ ac}$ - Ambiguous USO Limits Apply

Remarks
Q/AC Limits
PPU?

Reviewer: _____

Date: _____

DEPARTMENT OF RECLAMATION
 CERTIFICATE OF WATER RIGHT
 Transferred Right No. 381.

This is to certify that Annie C. Shurtleff, of Irwin, County of Bonneville, State of Idaho, has a right to the use of the waters of Rainey Creek, for irrigation and domestic purposes, and that said right has been confirmed by decree of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Bonneville, in the case of Rexburg Irrigation Company, et al, plaintiffs, vs. Teton Irrigation Canal Company, et al, defendants, J. M. Stevens, District Judge, wherein 2.4 second feet of the waters of Rainey Creek, in Water District #36, were decreed to Julius A. Schneebley for the irrigation of the NW₁ of NW₁, Sec. 5; NE₁ and E₁ NW₁, NW₁ of SW₁ and E₁ of SE₁, Sec. 6, all in Twp. 1 North, Range 44 E., B. M., said right bearing date of priority of June 1, 1889; that said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, in Book 3 of Decrees, at page 450; that, upon the application of Annie C. Shurtleff for a transfer of water right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 1.3 second feet of the waters of Rainey Creek is hereby abandoned upon the lands above described and the lands to be irrigated under such right and to which the water right hereby confirmed shall by this certificate become appurtenant, for irrigation and domestic purposes, are shown in the following table, limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

		1.3 sec. ft., dated June 1, 1889									
		NE ₁		NW ₁		SW ₁		SE ₁			
Twp.	Range	Sec.	NE ₁	NW ₁	SW ₁	SE ₁	NE ₁	NW ₁	SW ₁	SE ₁	Total.
1 N.	44 E.	8		40	40	40	40				160

That said waters are now diverted on the north bank of Rainey Creek at or about the center of the SW₁ of SW₁, Sec. 5, Twp. 1 N., Range 44 E., B. M., but will hereafter be diverted through a private ditch heading on the south bank of Rainey Creek at or near the southwest corner of the NW₁ of NW₁, of section 4, Twp. 1 North, Range 44 E., B. M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use herein described, as provided by the laws of the State of Idaho.

WITNESS, The seal and signature of the Commissioner of Reclamation of the State of Idaho, affixed at Boise, Idaho, this 7th day of July, 1926.

A. G. S. ELDSEN
 Commissioner of Reclamation

By L. H. Carter
 Assistant.

SPITS
 23-000071
 MOWS 1.3

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 826

THIS IS TO CERTIFY, That ANNIE C. SHURTLEFF, of Swan Valley, County of Bonneville, State of Idaho, is the owner of, and using, a certain water right bearing date of June 1, 1889, for 1.30 cubic feet per second of the waters of Rainey Creek, a tributary of JAAKE RIVER, County of Bonneville, State of Idaho, decreed to Julius A. Schneckley, by decree of Hon. Jas. M. Stevens, Judge of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REYNOLDS IRRIG. CO. vs. REYNOLDS IRRIG. CO.

said decree bearing date of December 15, 1910, for the purpose of irrigating the following described lands situate, lying and being in Water District No. 88, in the County of Bonneville, State of Idaho, to-wit:

Northwest Quarter of the Northwest Quarter (NW1/4) of section five (5), Northwest Quarter (NE1/4), East Half of the Northwest Quarter (E1/2NW1/4), Northwest Quarter of the Southwest Quarter (NW1/4SW1/4), and North Half of the Southeast Quarter (N1/2SE1/4) of section Six (6) all in Township One (1) North, Range Forty-four (44) East of the Boise Meridian.

NW1/4 Sec. 5
NE 1/2 NW 1/4 } Sec
NW1/4 SW 1/4 } 6

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho in Book 3 of Decrees, at page 450;

That said ANNIE C. SHURTLEFF has become the owner thereof by direct purchase from Julius A. Schneckley;

That, upon the application of Annie C. Shurtleff, the Department of Reclamation of the State of Idaho did, on the 7th day of July 1926, issue CERTIFICATE OF TRANSFER No. 826, authorizing the transfer and use of 1.30 cubic feet per second of the waters of Rainey Creek from the above described lands to the following described lands, to-wit:

Northwest Quarter (NW1/4) of Section Eight (8), Township One (1) North, Range Forty-four (44) East of the Boise Meridian.

NW Sec. 8

That, now, upon the application of ANNIE C. SHURTLEFF for a transfer of 1.30 cubic feet per second here before the Commissioner of Reclamation of the State of Idaho, and the said application having been GRANTED, the right to the use of

1.30 cubic feet per second of the waters of Rainey Creek upon the lands last above described, is hereby ABANDONED, and the lands to be irrigated under such right, and to which the water right hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, are described as follows:

East Quarter (NE1/4) of Section Eight (8), Township One (1) North, Range Forty-four (44) East of the Boise Meridian,

NE Sec. 8

situate, lying and being in Water District No. 36, in the County of Bonneville, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.50 cubic feet per second, as of June 1, 1889.

The water right hereby transferred has heretofore, by virtue of TRANSFERRED RIGHT No. 381, been diverted from said Rainey Creek at the following point:

Through a private ditch heading on the South bank of Rainey Creek at or near the south east corner of the SEVENTH quarter of the SEVENTH section (Ninth) Section Four (4), Township One (1) North, Range Forty-four (44) East, of the Boise Meridian;

and will hereafter be diverted at the same point and through the same ditch.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 21st day of April, 1935,

W. H. HARRIS
Commissioner of Reclamation

by _____
Director of Water Resources.

OCTOBER 26, 1992

SHURTLEFF RANCHES LTD. PARTNERSHIP
399 HEMLOCK CIRCLE
IDAHO FALLS ID 83401

RE: RENUMBERED NOTICE

Dear Mr. Shurtleff:

The Department has changed the identification number for Notice of Claim #A23-00079. The new number is #A23-10858. We have also modified receipt #E010028 to reflect the new number.

A copy of the receipt and the Notice of Claim is enclosed for your records.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor, Adjudications

EC:sc

Enclosure

MICROFILMED
DEC 09 1992

8/29/1989

SHURTLEFF, BILL

ADJUDICATION FEE

410162

9337

6490

960.00

CHECK

103

\$960.00

Water Right Numbers

A23-00094	A23-00080	<u>A23-10858</u>	A23-00078	A23-04043
A23-04045	A23-00063	A23-04046	A23-04044	-

Region: EASTERN

Signature: _____

Shurtleff
10/26/92

Renumbered from A23-00079

MICROFILMED
DEC 09 1992

Log for claim 23-10858

Spatial Dynamics LTD

6/15/01

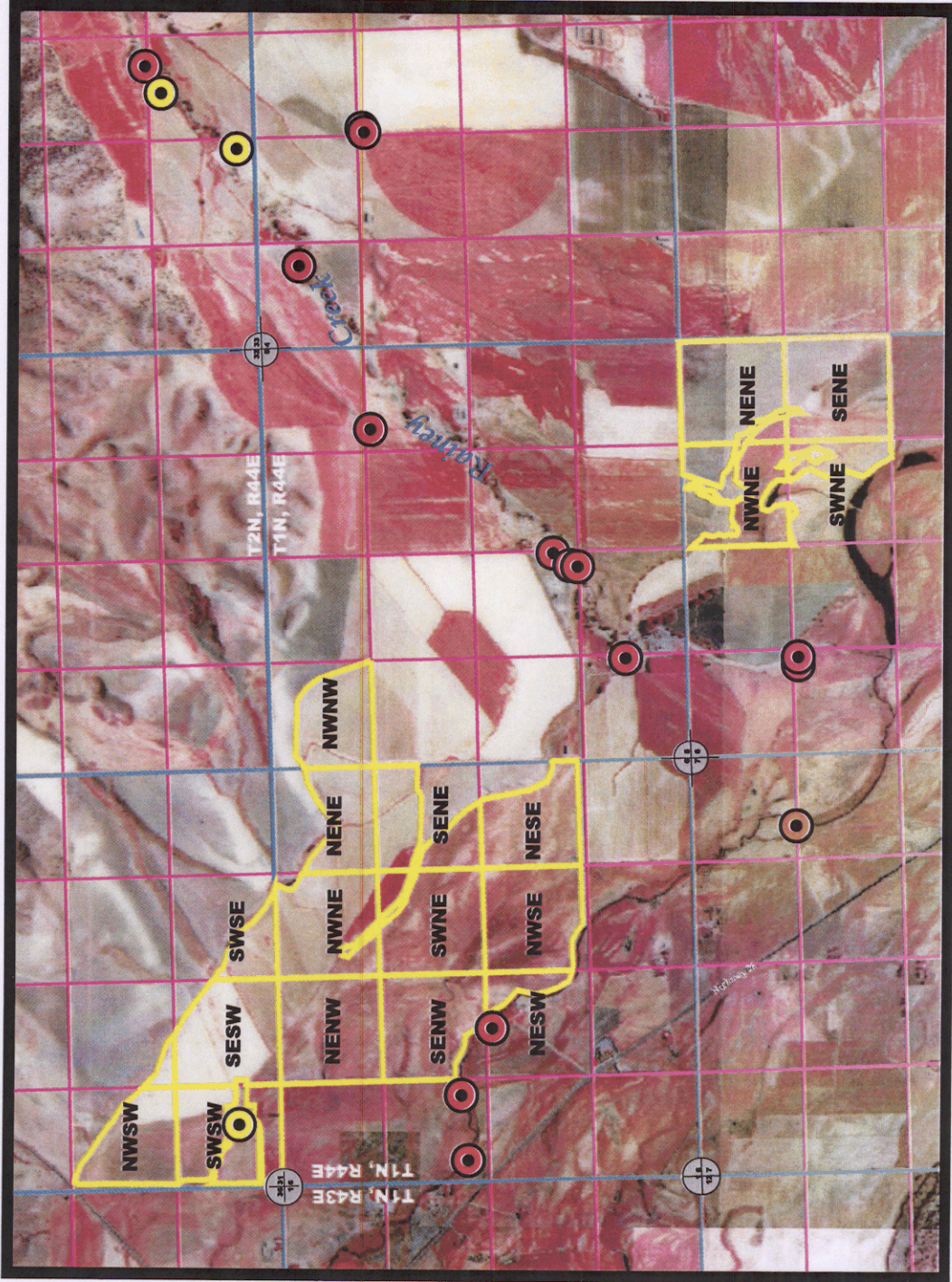
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	5	NWNW	26	25	
01n44e	6	NENE	20	23	
01n44e	6	NWNE	36	38	
01n44e	6	SWNE	38	40	
01n44e	6	SENE	39	40	
01n44e	6	NENW	39	39	
01n44e	6	SENE	36	36	
01n44e	6	NESW	15	8.4	
01n44e	6	NESE	39	38	
01n44e	6	NWSE	38	37	
01n44e	8	NENE	38	38	
01n44e	8	NWNE	29	30	
01n44e	8	SWNE	31	28	
01n44e	8	SENE	39	40	
02n44e	31	NESW	2	3.2	
02n44e	31	NWSW	21	25	
02n44e	31	SWSW	34	32	
02n44e	31	SESW	35	36	
02n44e	31	SWSE	10	13	
Totals:			565	569.6	



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



Place of Use



Section



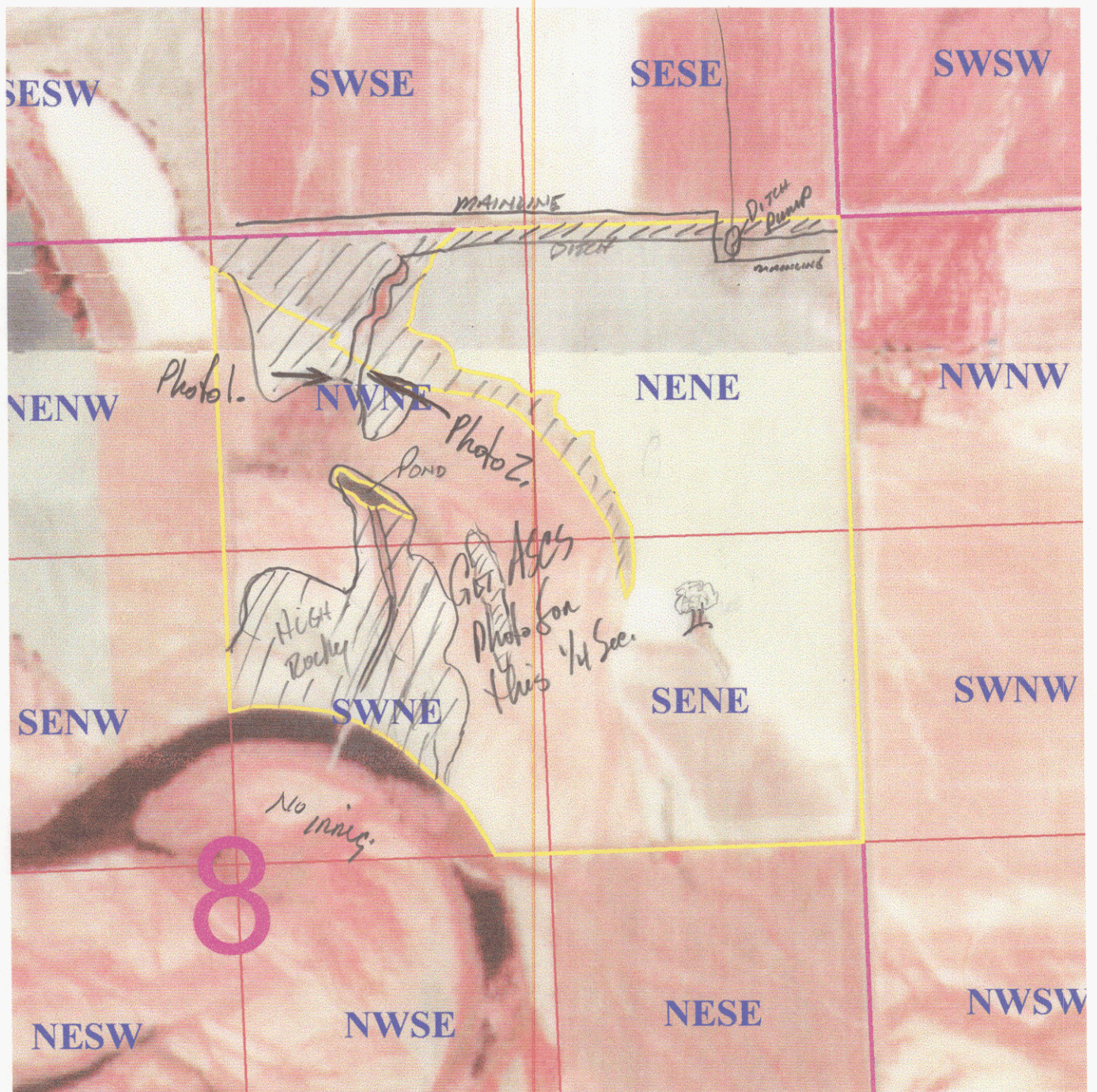
Quarter-Quarter

1000 0 1000 2000 3000 4000 5000 6000 7000 8000 9000 10000 11000 12000 13000 Feet



Water Right Claim Number 23-10858
Townships , 2N44E, 1N44E

06/15/2001



Legend

Irrigated Area

Place of Diversion

Section Line

Quarter Section Line

Roads

Streams and Canals

400 0 400 800 Feet



SPATIAL
DYNAMICS

9/30/03
ABW

Water Right Claim Number 23-10858
Townships , 2N44E, 1N44E

06/15/2001



9/30/03
Pon

