

RECEIVED

JUL 27 2009

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

JUL 24 2009

By _____

Clerk

Deputy Clerk

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Subcases: 27-12192 & 27-12193

Case No. 39576

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

On April 10, 2009, Chesterfield Land and Livestock Association, by and through counsel, Scott J. Smith, filed a *Motion to File Late* July 21, 2009. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 24, 2009.


JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on July 24,
2009, with sufficient first-class postage to the following:

CHESTERFIELD LAND & LIVESTOCK

Represented by:

SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

Julie Murphy

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 27-12192

Date Received: _____

Receipt No: _____

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chesterfield Land and Livestock Assoc. Phone (208) 425-3013

Mailing Address 1976 Telford Rd Grace Id ZIP 83241
Street or Box City State

2. Date of Priority (Only one (1) per claim) 6/1/1927
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Grizzly Creek
which is tributary to (b) Corral Creek

4. a. Location of Point of Diversion is: Township 6-S, Range 40-E, Section 3
NW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Caribou

Parcel (PIN) no. _____

Additional points of diversion if any: T6S, R40E Sec 3 NE 1/4 of NW 1/4, T6S, R4-E Sec 3 NW 1/4 of NE 1/4

If available, GPS Coordinates 42.93070424 Lat -111.76567337 Long, 42.93032957 Lat x -111.76108545 Long,

b. If instream flow, beginning point of claimed instream flow is:

Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., County of _____

ending point is: Township _____, Range _____, Section _____, _____, 1/4 of _____, 1/4

Govt. Lot _____, BM., 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. First diversion point is an open ditch take out of the Creek channel.
Second diversion the Creek channel is checked up at the culvert. Third diversion point is an open ditch take out.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 2.1 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. 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 instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6-S	40-E	3		31	7		9	17	27	14									105

Parcel (PIN) no(s).

Total number of acres irrigated 105

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

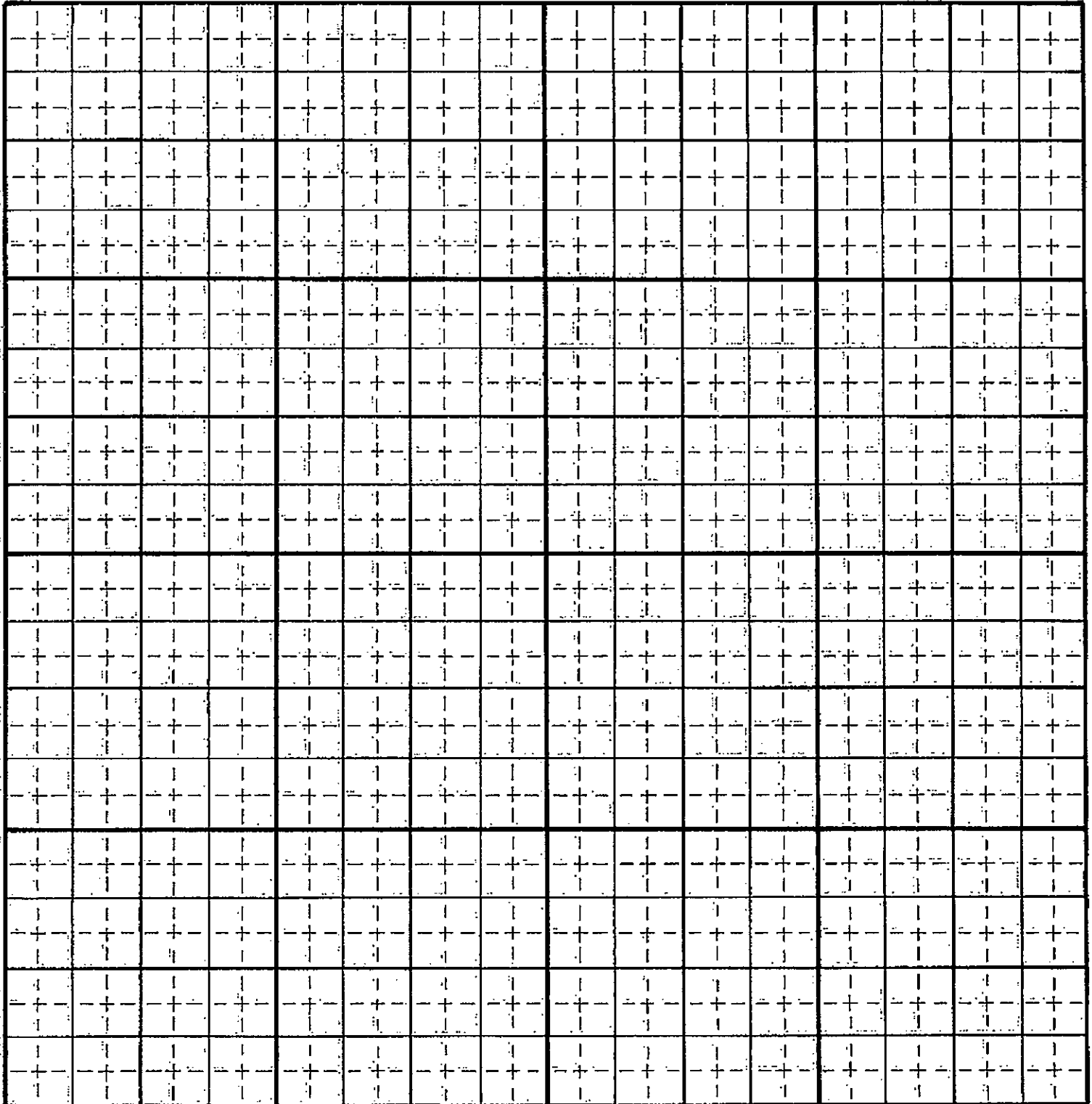
or None (✓)

13. Remarks: The third diversion point GPS coordinates is 42.93091337, x -111.75724461

Last Name Identification No.

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below. *See attached map*

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use (✓) Posted Notice () License () Permit () Decree ()

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

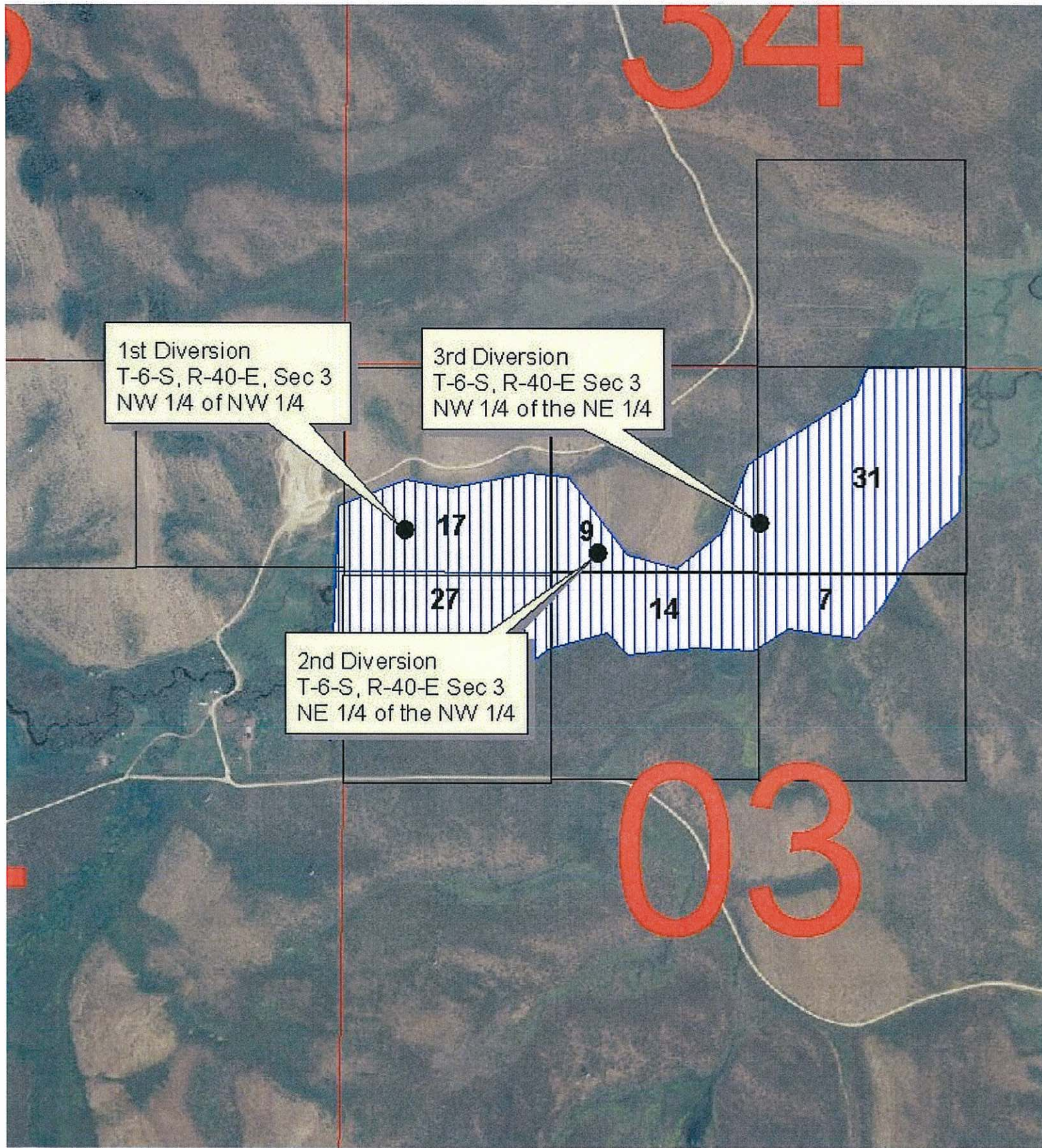
Notice is hereby given that I/we Racine, Olson, Nye, Budge, & Bailey, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Candice M. McHugh Date 4-9-09
Candice M. McHugh on behalf of Scott J. Smith

Address _____
PO Box 1391, Pocatello, ID 83201

Last Name _____ Identification No. _____

Chesterfield Land & Livestock



500 0 500 1000 Feet



- Qrqr.shp
- Placeofuse_ac.shp
- Sections

AFFIDAVIT

Clyde Twitchell _____ being first duly sworn,

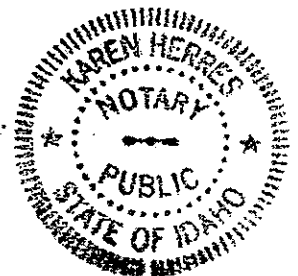
deposes and says: In 1927, I road with Roughie Howell, from our
ranch at Mt. Putnum and camped at Dairy Springs on
Grizzley Creek. I saw that water from Grizzley Creek, Dairy
Spring and Sawmill Creek was being used to flood irrigate
land at T65-R40E Sections 3,4,and 5.

Cheryl Twitchell
(Signature)

Subscribed and sworn to before me this 18th day of July, 2003.

Karen Hanes
(Notary Public)

Residing at Bingham County
My Commission Expires 02-23-04



**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 27-12193

Date Received: _____

Receipt No: _____

Received By: _____

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

Please type or print clearly

1. Name of Claimant (s) Chesterfield Land and Livestock Assoc. Phone (208) 425-3013

Mailing Address 1976 Telford Rd Grace Id ZIP 83241
Street or Box City State

2. Date of Priority (Only one (1) per claim) 6/1/1927
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Grizzly Creek
which is tributary to (b) Corral Creek

4. a. Location of Point of Diversion is: Township _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates Start N 42.9336367 x W 111.7811505, End N 42.9323567 x W 111.752364

b. If instream flow, beginning point of claimed instream flow is:

Township 6-S, Range 40-E, Section 4, NE, 1/4 of NW, 1/4

Govt. Lot _____, BM., County of Caribou

ending point is: Township 6-S, Range 40-E, Section 3, NW, 1/4 of NE, 1/4

Govt. Lot _____, BM., County of Caribou

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. Livestock are watering directly out of the creek.

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Instream Stockwater purposes from 5/1 to 10/31 amount .23 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .23 (cfs) and/or (b) _____ (acre feet)

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.) 1000 head of mother cows and calves

9. 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 instructions for standard symbols.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6-S	40-E	3	S	S			S	S	S	S									
6-S	40-E	4			S	S	S	S		S									

Parcel (PIN) no(s) _____

Total number of acres irrigated _____

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

If your answer is No, describe in Remarks below the authority you have to claim this water right.

12. Describe any other water rights used at the same place and for the same purposes as described above.

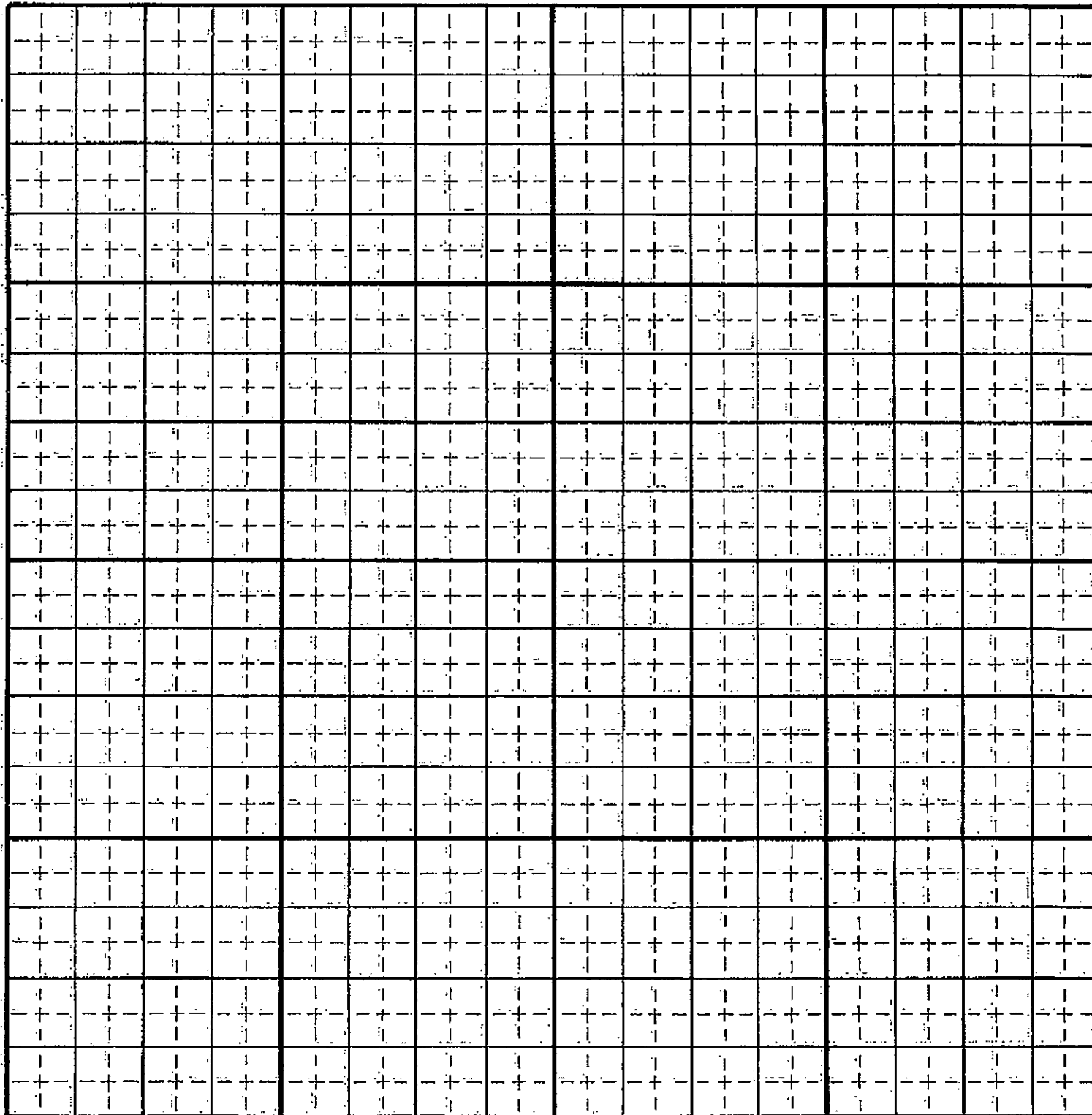
_____ or None (✓)

13. Remarks: _____

Last Name _____ Identification No. _____

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below. *see attached map*

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. _____

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 1

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date: _____

_____ Date: _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am

_____ of _____
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Racine, Olson, Nye, Budge & Bailey

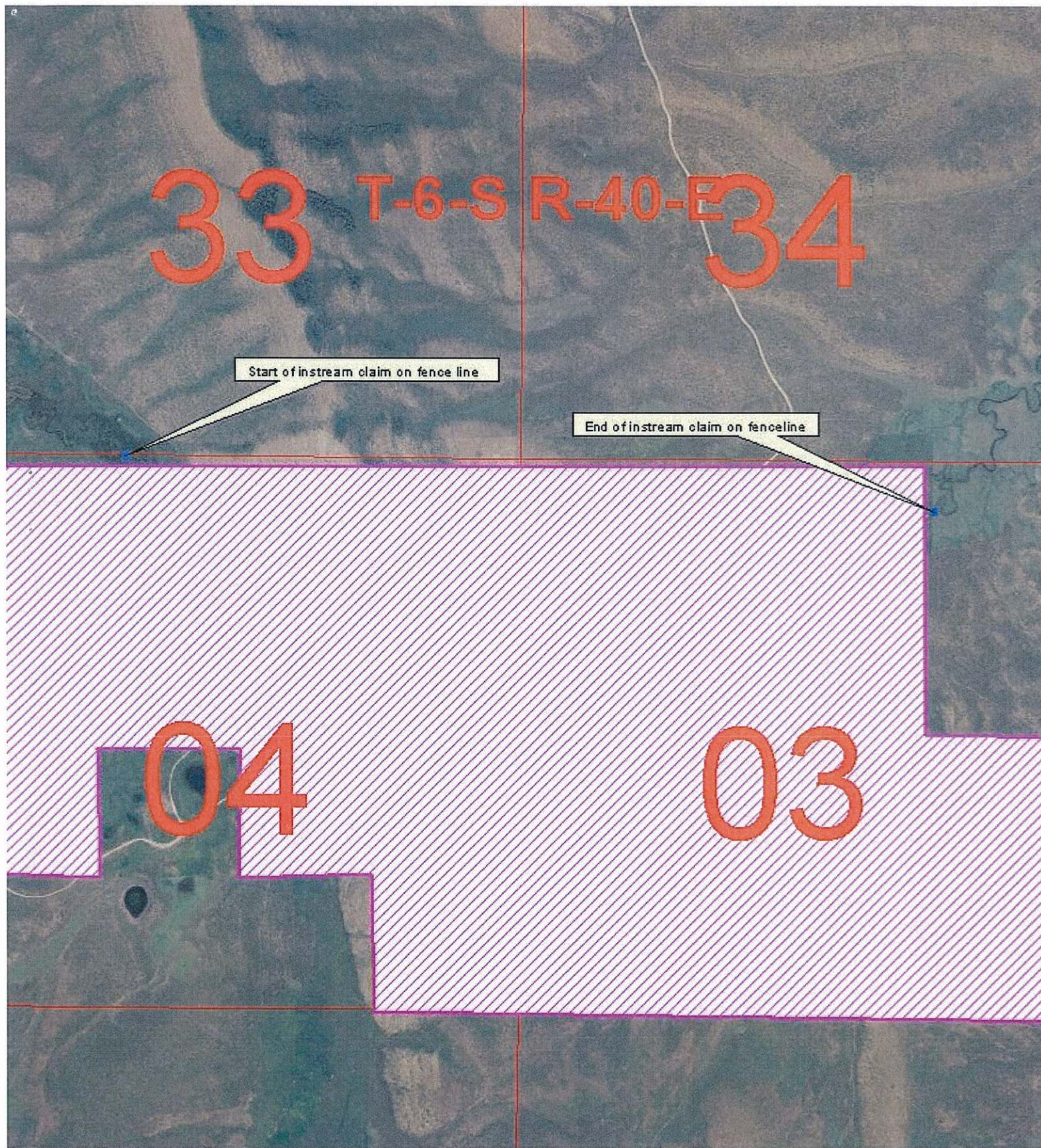
Notice is hereby given that I/we _____, will be acting as attorney at law of behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Candice M. McHugh Date 4-9-09
Candice M. McHugh on behalf of Scott J. Smith

Address _____
PO Box 1391, Pocatello, ID 83201

Last Name _____ Identification No. _____

Chesterfield Land & Livestock



- Grizzly_instream.shp
- Boundry.shp
- Chesterfield Deeded
- Chesterfield State Lease
- Sections

500 0 500 1000 Feet

