

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 73-2141
Date Received: 1/6/1990
Receipt No: E011506
Received By:

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

1. Name of Claimant(s)

OLD CORRALS & SAGEBRUSH LLLP Phone: (208)893-5333

435 S FITNESS PL
EAGLE ID USA 83616

2. Date of Priority: 01/21/1952

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
14N	21E	13	SW SE SE	CUSTER	

5. Description of diverting works:

WELL & PUMP DIVERTS TO POU THROUGH SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	11/01	2	

7. Total Quantity Appropriated is:
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
14N	21E	13	SE NE	IRRIGATION	16
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	15

SE SE

IRRIGATION 35

Section Acres 106

Total Acres 106

11. Place of use in counties: CUSTER

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

LICENSED FOR 100 ACRES
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License

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 73-02141
Date Received: 1/6/90
Receipt No:
Received By:

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

1. Name of Claimant(s)

SULPHUR CREEK LIVESTOCK Phone: (208)876-4405

PO BOX 151
MAY ID 83253

2. Date of Priority: 01/21/1952

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County
14N	21E	13	SW	SE	SE	CUSTER

5. Description of diverting works:

WELL & PUMP DIVERTS TO POU THROUGH SPRINKLER IRR. SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	1/01	11/01	2	

7. Total Quantity Appropriated is:
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
14N	21E	13	SE	NE		IRRIGATION	16
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	15
			SE	SE		IRRIGATION	35
						Section Acres	106
						Total Acres	106

11. Place of use in counties: CUSTER

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

13. Other Water Rights Used:

14. Remarks:

LICENSED FOR 100 ACRES
CHANGED OWNERSHIP PER REQUEST/CV/09-11-00

15. Basis of Claim: License

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

Case No. 39576

Subcase No. 73-02141

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
FILED

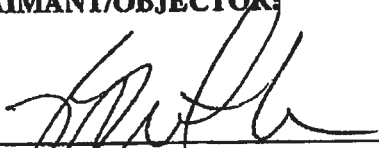
2009 AUG 14 AM 10:27

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/OBJECTOR:


Brett MacNeil, limited power of attorney for:
Old Corals & Sagebrush LLLP, Rio B LLC,
HWH LLC, Normco LLC, Rio Claro Inc.,
and Charlesview LLC

Date

IDWR Concurrence:


Craig Saxton
Senior Water Resource Agent

8-13-09

Date


Chris Bromley
Deputy Attorney General
Attorney for IDWR

8/13/09

Date

08/05/2009

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2141
NAME AND ADDRESS: OLD CORRALES & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

RIO B LLC
3007 CAN-ADA RD
MELBA ID 83641

HWHL LLC
1711 N CHERAPPLE DR
OREM UT 84097

NORMCO LLC
10424 S 2700 W
SUITE 200
SOUTH JORDAN UT 84095

RIO CLARO INC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

CHARLESVIEW LLC
1819 E SOUTHERN AVE #B-10
MESA AZ 85204

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
350.00 APY

PRIORITY DATE: 01/21/1952

POINT OF
DIVERSION: T14N R21E S13 SWSESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	2.000 CFS 350.00 APY

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13	NESR	40.00	T14N R21E S13	NWSE	25.00
T14N R21E S13	SESE	35.00			

100 ACRES TOTAL

Right Nos. 73-2141 and 73-2153 are limited to the irrigation of a combined total of 271.2 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: BASIS OF CLAIM - License

CERTIFICATE OF MAILING

I certify that on Aug 12/09, 2009, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

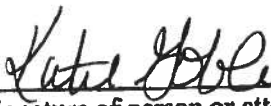
1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P.O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

BRETT MAC NEIL
SCYTHE & SPADE CO
453 S FITNESS PL
EAGLE, ID 83616

OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE, ID 83616


Signature of person or attorney mailing form

RECEIVED

DEC 19 2007

DEPARTMENT OF
WATER RESOURCES

2007 DEC 17 PM 2:07

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

In Re SRBA

A. Subcase 73-2141

Case No. 39576

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Old Corrals and Sagebrush LLLP

Address: 435 S. Fitness Place

Eagle, ID 83616

Daytime Phone: (208) 893-5333

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Old Corrals and Sagebrush LLLP

Address: 453 S. Fitness Place

Eagle, ID 83616

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate boxes.)

1. ☐ Name and Address
Should be: _____

2. ☒ Source
Should be: Two wells. The first located in SE quarter of Section 13 Township 14N Range 21E and the second located in the NE quarter of Sections 24 Township 14N Range 21E.

14 N 21 E 13 SE
14 N 21 E 24 NE

3. ☐ Quantity
Should be: _____

4. ☐ Priority Date
Should be: _____

5. ☒ Point(s) of Diversion
Should be: Two wells. The first located in SE quarter of Section 13 Township 14N Range 21E and the second located in the NE quarter of Sections 24 Township 14N Range 21E.

6. ☐ Instream Flow Description
Should be: _____

7. ☐ Purpose(s) of Use
Should be: _____

8. ☒ Period of Year
Should be: As per historical use, March 1st to November 1st or otherwise consistent with all other irrigation users in the Basin.

9. ☐ Place of Use
Should be: _____

10. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): Refer to Limited Power of Attorney on File with IDWR. This area has historically been irrigated from one or both of the wells noted above.

F. VERIFICATION (Must be completed)

State of Idaho)
)ss.
County of Ada)

Brett MacNeil, duly sworn, upon oath, deposes and says:

That I am the party filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Subscribed and sworn to before me on: _____

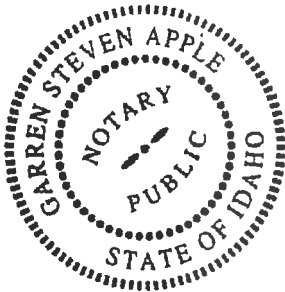
[Signature] 12/17/07

[Signature]

Notary Public for Scythe & Spade Co

Residing at: Nampa

My Commission Expires: 8/12/2011



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. FAX filings will not be accepted. You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on 12/17, 2007, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right:

Name: Old Corrals & Sagebrush LLLP
Address: 453 S. Fitness Place
Eagle, ID 83616

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney

Well Locations



- County
- Township/Range
- Section
- Well



08/14/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 73-2141

NAME AND ADDRESS: OLD CORRALS & SAGEBRUSH LLLP
435 S FITNESS PL
EAGLE ID 83616

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
350.00 AFY

PRIORITY DATE: 01/21/1952

POINT OF
DIVERSION:

T14N R21E S13 SWSESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	2.000 CFS 350.00 AFY

PLACE OF USE: IRRIGATION in CUSTER County

T14N R21E S13	NESE	40.00	T14N R21E S13	NWSE	25.00
T14N R21E S13	SESE	35.00			

100 ACRES TOTAL

Right Nos. 73-2141 and 73-2153 are limited to the irrigation of a combined total of 271.2 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.

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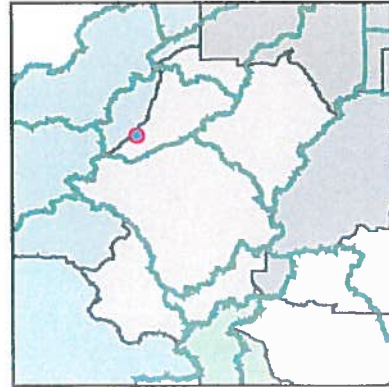


Idaho Department of Water Resources

Adjudication Claim:
73-2141

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Custer County
IDWR Basin 73

Prepared by R. Brown
On Tuesday, March 21, 2006
1987/88 Aerial Photography



04/14/2006

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

RIGHT NUMBER: 73-2141

NAME AND ADDRESS: SULPHUR CREEK LIVESTOCK
PO BOX 151
MAY ID 83253

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.000 CFS
350.000 AFY

PRIORITY DATE: 01/21/1952

POINT OF DIVERSION:

T14N R21E S13 SWSESE Within CUSTER County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
2.000 CFS
350.00 AFY

PLACE OF USE: IRRIGATION Within CUSTER County

T14N R21E S13	NESE	40.00	T14N R21E S13	NWSE	25.00
T14N R21E S13	SESE	35.00			

100 ACRES TOTAL

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EXPLANATORY MATERIAL: BASIS OF CLAIM - License

State of Idaho License and Certificate of Water Right

Water License No. G-22567Amount 2.0 c.f.s.

Water District No. _____

Priority January 21, 1952THIS IS TO CERTIFY that CLAUS BURSTEDT

of May, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated January 21, 1952; that Permit No. G-22567 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.0 second feet, was issued thereunder on October 16, 1957, showing that said works were completed on the 8th day of May, 1957; and that on the 8th day of May, 1957, CLAUS BURSTEDT

of May, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of a well

, a tributary of subterranean, for the purpose of Irrigation

, under Use Permit No. G-22567 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume

10 of Licenses at page 6129, on the 16th day of October, 1957;

The right hereby confirmed dates from January 21, 1952;

The Point of Diversion is located

in the SE 1/4 SE 1/4, Sec. 13, Tp. 14 N. R. 21 E., B. M. County Custer

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 2.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
<u>14 N.</u>	<u>21 E.</u>	<u>13</u>	<u>NE 1/4 SE 1/4</u>	<u>40</u>	<u>40</u>
			<u>NW 1/4 SE 1/4</u>	<u>20</u>	<u>25</u>
			<u>SE 1/4 SE 1/4</u>	<u>40</u>	<u>35</u>
			Total number of acres irrigated	<u>100</u>	

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 Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 16th day of October, 1957.

/s/ Mark R. Kulp

State Reclamation Engineer.

(SEAL)

73 2141

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-22567

REPORT ON PROOF OF Completion of Works & Beneficial Use

Claus Burstedt, May, Idaho

*2.0 gals
max*

*app. 3.6
Sub. 3
acres 100*

T
14
N.

Subdivisions = Three
Area = 100 acres
Q = 100 inches.

Has built a small reservoir 500' x 300' x 10' deep
at outlet to catch flood water.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. G-22567

This proof is for Completion of Works & Beneficial Use In Water District No. _____

1. Name of applicant Claus Burstedt
2. Source of water supply: Subterranean flow from a well
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 13
T. 14 N., R. 21 E., B.M. County of Custer
4. Describe works as they exist, giving dimensions and capacities of same: Pump is Jacuzzi
4 stage with 11" bowls. 8" x 180' = Column. 208' x 16" = well.
h = 150' Motor is 75 hp. Cat Diesel. 3 gal. fuel per hr.
@ 174 per gal. Whole is enclosed in large log shed

5. Water is used for: Irrigation
6. State whether or not water has been turned into works of diversion: yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

65 acres in E $\frac{1}{2}$ SE $\frac{1}{4}$, 30 acres in NW $\frac{1}{4}$ SE $\frac{1}{4}$ all in Sec. 13., Twp. 14 N., Rge. 21 E., B.M.

See map

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? _____

Remarks: _____

Delivery was thru short 8" pipe to N. to ditch-
to fields by gravity.

8" pipe was full Much more possible by
opening the motor a bit

This examination was made on the 8 day of August, 1957

(Signed) E. M. Humphrey Examiner.

22567

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
AUG-1 9-1957

Department of Reclamation

Claus Burstedt
May, Idaho

Permit No. 9-22567

Examination for Completion of Works & Beneficial Use

County Custer

13-14N-21E

Sz 3.6 a.s.

Sz West

P.D. = S.E. 1/4, Sec. 13, T. 41N - R. 21E.

Use = Irrigation

Filed = Jan. 21, 1952

July = Jan. 20, 1957

W. H. H. H.

Cat. 75 died

Facuigi

8" pipe full est. 110"

2' x 2' cone base

well in S. house

20' x 20'

8" x 185' col. 60' of water in well

14 stage 11"

Est. 75 bottom

208' x 16"

h = 150'