

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

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.



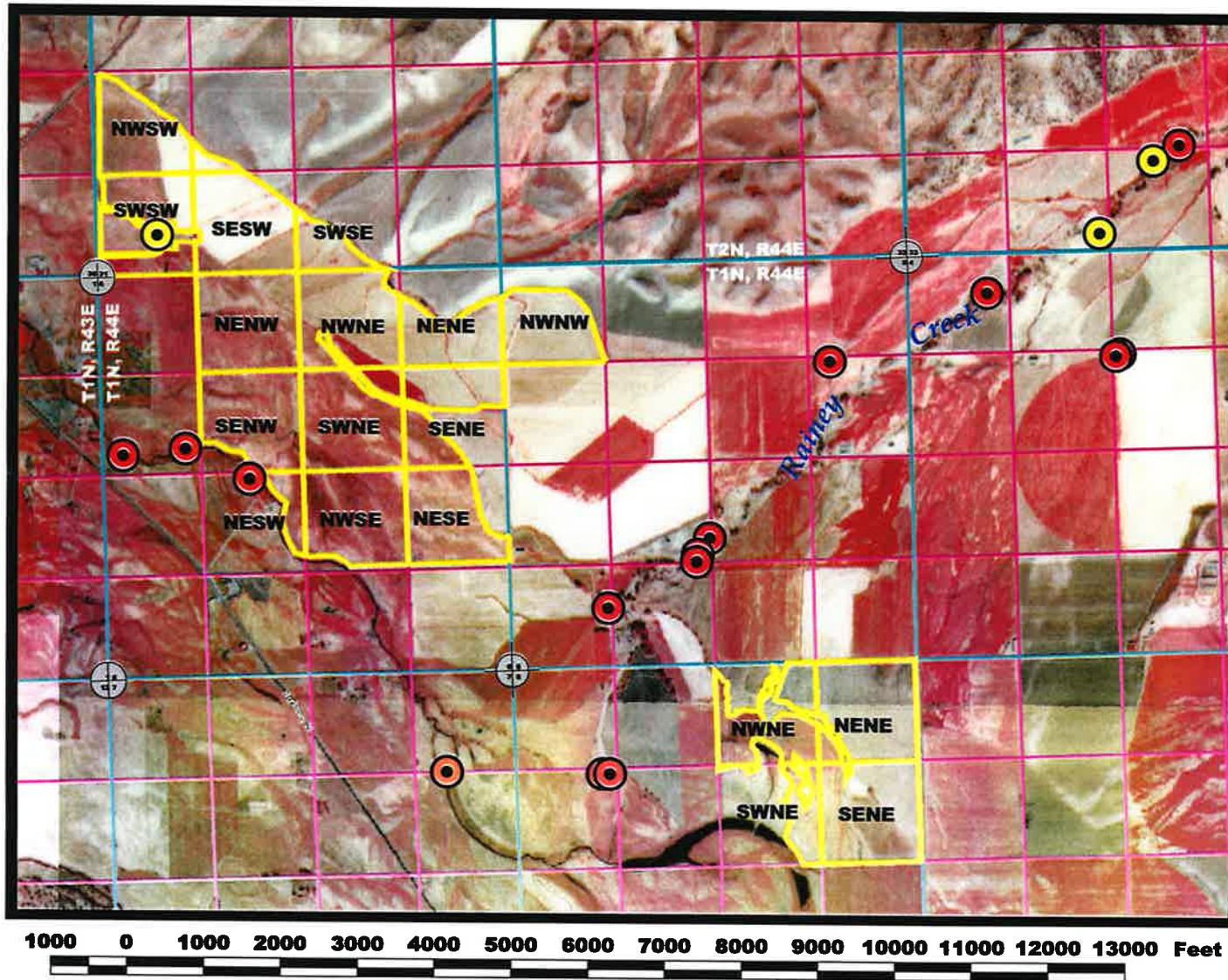
JUL 0 8 2004

SCANNED

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**

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: January 2004

Contacts Data Entry Form

Water Right No. 23-63

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

Current Owner	SHURTLEFF RANCHOS LTD. PARTNERS					
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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:

DIRECTED UNDER RAINBOW TRNG Co. vs TETON TRNG Co. 1910
AS #171, C. CALDWELL, JUNE 15, 1898 RAINBOW CK 120" (2.4 cfs)

* CLAIM DOES NOT REFERENCE TWO POD's. POD (UNCLAIMED) IN
(SE) SESW SEC. 6 SERVES POD IN SEC. 8 - AMEND OR NOT RECOMM.
CLAIM MAP TENDS TO SHOW PROVISION BUT CLAIM IS NOT
AMENDED TO ADD SESW POD.

FE INDICATED: POD/POD, System / Delivery
OVERLAP OF OTHER IRL.

Reviewer: _____

Date: _____

SCANNED

JUL 08 2004

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. $11.3 \text{ cfs} / 565.0 \text{ ac} = 0.02 \text{ cfs}$; $11.2 \text{ cfs} / 565.0 \text{ ac} = 0.01982 \text{ cfs}$ Rounds to 0.02. However, only 516.2 acres are confirmed by field exam and GIS. Therefore, $0.02 \text{ cfs/ac} \times 516.2 \text{ ac} = 10.32 \text{ cfs}$. Then added to this is a 5%/QQ conveyance loss allowance of 7 QQ's $\times 0.05 = 0.35$ or 35%. So, $10.32 \text{ cfs} \times 1.35 = 13.93 \text{ cfs}$ 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 516.2 acres with 10.32 cfs for irrigation plus 3.61 cfs for conveyance loss regardless of POD used. Making the total Q recommended for this right as 13.93 cfs.

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 watermaster) is dated 16 January 1951..

All decreed rights are used in a Permissible Place of Use (PPU) scenario serving the entire 516.0 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: JUNE 15, 1898 Claimed Basis: DECREEDRecommended Priority Date: 6/15/1898 Recommended Basis: DECREED☐ 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 matches DECREED

Reviewer: _____

Date: _____



Photo 1. Looking East this ditch is fed by a wash which comes down behind the truck - Western most of Section 8 POU.

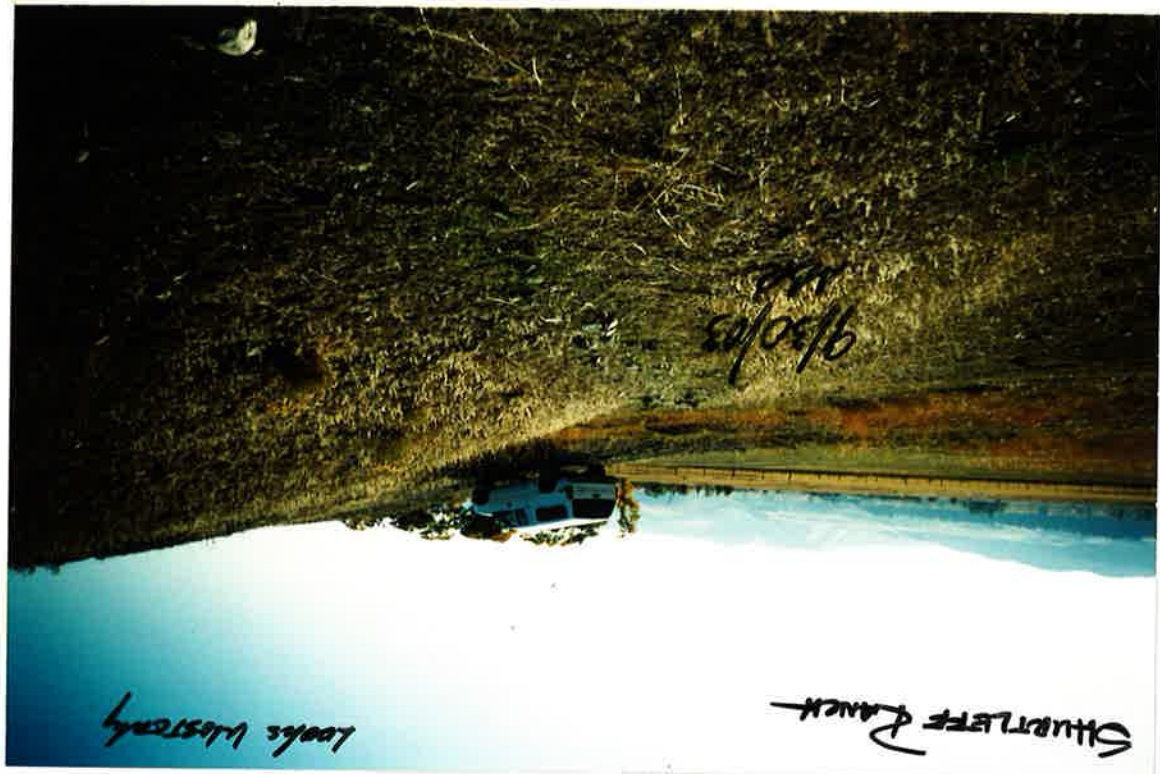


Photo 2. Looking West shows a ditch remnant traversing Eastly. Obviously not maintained or used.



Rainey Creek Diversion Northside
T.2N., R.44E.
Section 33 SWSBSW
(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,____, SW, SE, County: BONNEVILLESource: RAINY CK Tributary: SNAKE RIVER, SO. FK

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
①			<u>33</u>			<u>SESESW</u>		
	GPS Coordinates: _____							
②			<u>33</u>			<u>NWSESE</u>		
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							

Other rights from this POD? GPS TAG #1. AOP 9598 2. AOP 9599

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

BOTH ON W/1002 PUMPSPOD NOT ADDRESSSED BY DISCREPcp3
Perm. POW.

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			BONN		205	Pring.
		B	NE		"		137	"

Total Acres 3420

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 DECREE.

POD DOES NOT SOLVE POU IN SEC. 8

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>Panis</i>	<i>4/1</i>	<i>11/1</i>	<i>2.4</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Panis</i>	<i>4/1</i>	<i>10/31</i>	<i>2.4</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____ Overall Diversion Volume _____

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

SOIL NOT ADDRESSED BY DIVERS- USUD DOOT. STO.
DESIGNED AS 120" - 2.4 cfs ⇒ 120ac COMBINED USES
Limits Apply

Reviewer: _____

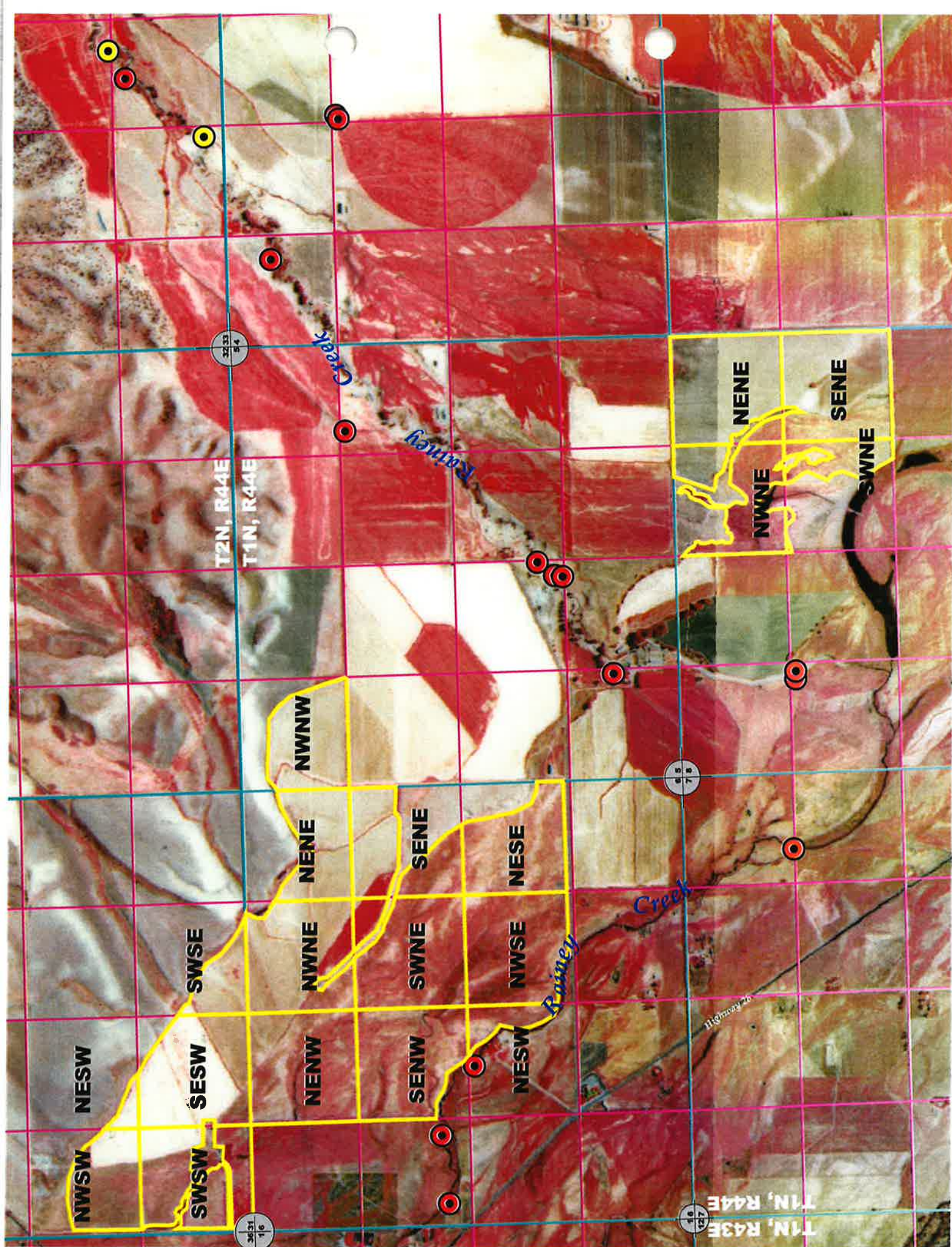
Date: _____

Log for claim 23-00063

Spatial Dynamics LTD

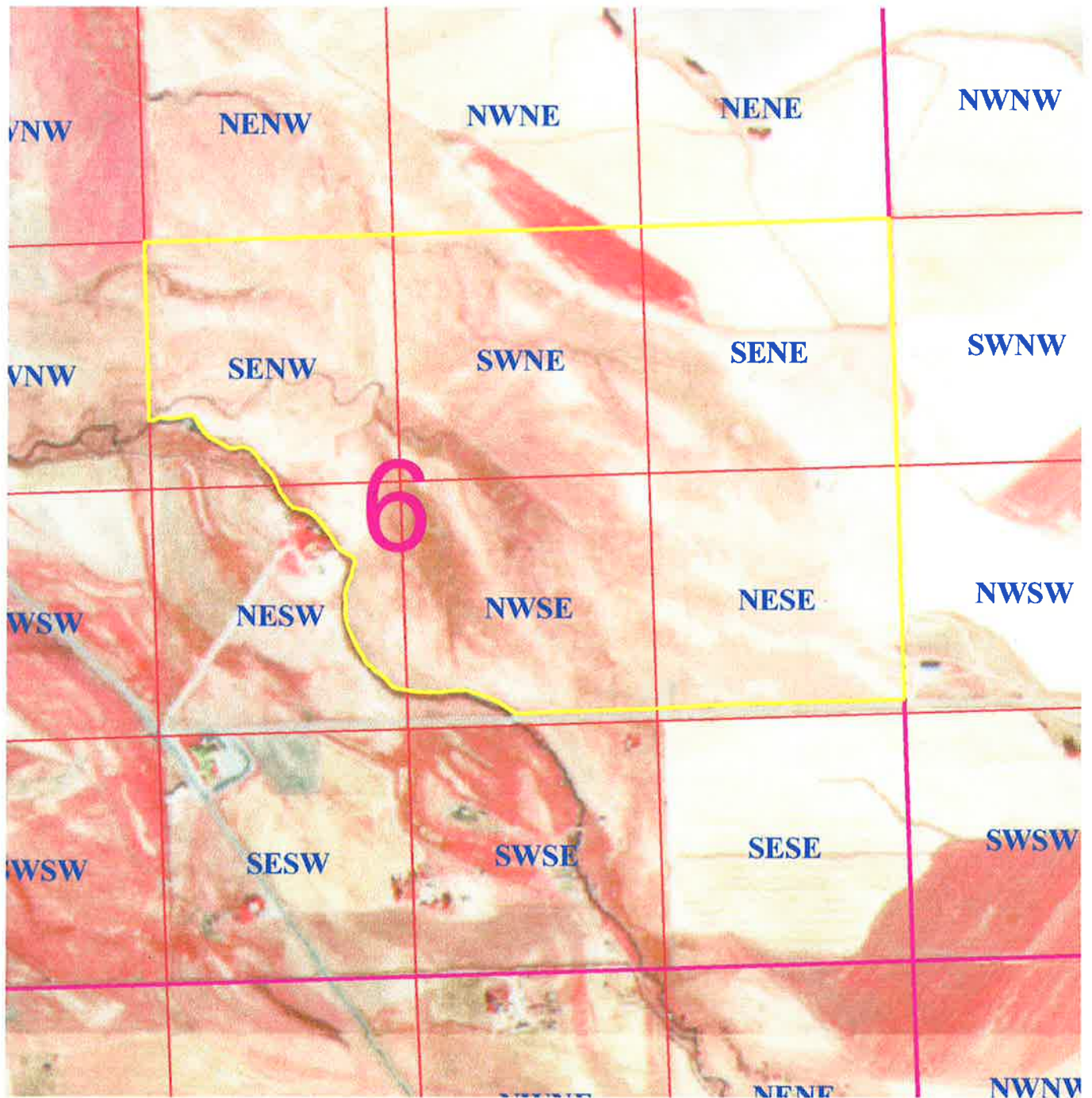
5/30/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	6	SWNE	38	40	
01n44e	6	SENE	39	40	
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	
Totals:			342	335.4	



Water Right Claim Number 23-00063
Township , 1N44E

05/30/2001



SPATIAL
DYNAMICS

Water Right Claim Number 23-00063
Township , 1N44E

05/30/2001



**Irrigated Area**

**Place of Diversion**

Legend

**Section Line**

**Quarter Section Line**

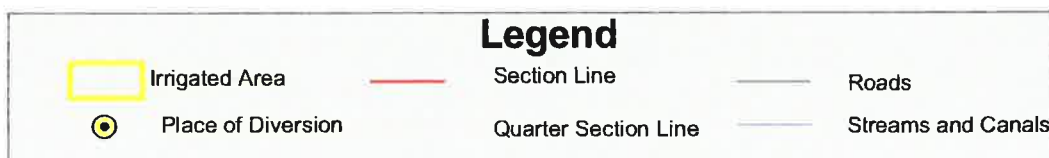
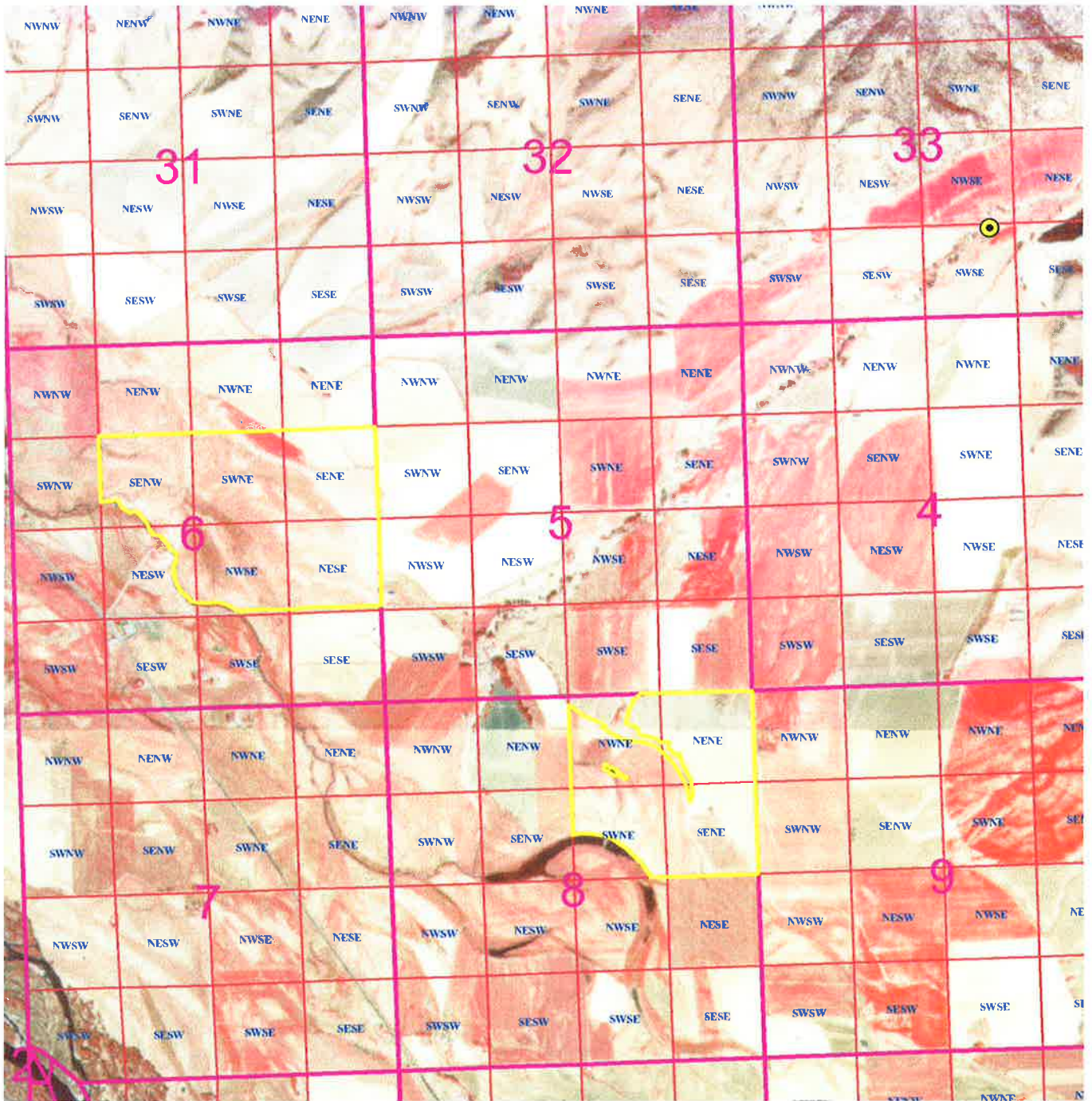
**Roads**

**Streams and Canals**



Water Right Claim Number 23-00063
Township , 1N44E

05/30/2001



SPATIAL
DYNAMICS

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: 23-63

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

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Galdwell, Charles	2.4		23-0063
381-A	Shurtleff, Annie C.	2.4		23-0063

T
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S T A T E O F I D A H O
DEPARTMENT OF RECLAMATION
CERTIFICATE OF WATER RIGHT
Transferred Right No. 381-A

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 Charles Caldwell for irrigation of the Northwest quarter (NW $\frac{1}{4}$), of Section 8, Township 1 North, Range 44, East of Boise Meridian, said right bearing date of priority of June 15, 1898; 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 2.4 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:

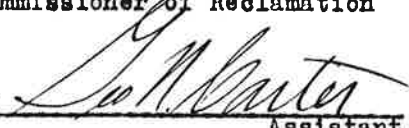
					2.4 sec. ft., dated June 15, 1898									
					NE $\frac{1}{4}$		NW $\frac{1}{4}$		SW $\frac{1}{4}$		SE $\frac{1}{4}$			
Twp.	Rge.	Sec.	NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$		Total.	
1 N.	44 E.	5			40								40	
		6	40	40	40	40	40		40		40	40	320	

That said waters are now diverted on the south bank of Rainey Creek at or near the southwest corner of the NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Section 4, Township 1 North, Range 44 E., B.M. but will hereafter be diverted through a private ditch heading on the north bank of said Rainey creek at or about the center of the SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 5, Township 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.

W. G. SWENDSEN
Commissioner of Reclamation

By 
Assistant

RECORDED

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application)
of Annie C. Shurtleff for Transfer)
of Water Right: Water Dist. #36:)
Case #170-170-A.)

ORDER GRANTING TRANSFER

WHEREAS, On the 2nd day of July, 1926, at the Department of Reclamation of the State of Idaho, at Boise, the matter of the application of Annie C. Shurtleff for transfer of water rights came regularly on for hearing, pursuant to the published notice: and,

WHEREAS, No one appeared at the hearing, either in person or by affidavit, to protest the said application, and the evidence submitted by the applicant with her application shows a greater duty of water would result by reason of the transfer, and that no one would be injured thereby:

IT IS, THEREFORE, Hereby ordered that the said application for transfer be granted and that the certificate of transfer be issued the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of my office, at Boise, Idaho, this 7th day of July, 1926.

W. G. SWENDSEN
Commissioner of Reclamation

By


Assistant.

RECORDED

RECEIVED
FEB 27 1911
OFFICE OF STATE ENGINEER

IN RE: DE PRIGG & SONS OF THE FIFTH JUDICIAL DISTRICT
OF THE
STATE OF ILLINOIS, IN AND FOR THE COUNTY OF WINNEBAGO.

File 205

Vanburen Irrigation Company, et al.,
PLAINTIFFS,

DECEES.

-V-

Teton Irrigation Canal Company, et al.,
DEFENDANTS.

This case is coming on to be heard this _____ day of _____
1910, upon the report of F. J. Cowen, Referee heretofore appointed,
for the purpose of taking the testimony and making recommendations
as to the facts, conclusions of law and decree, to be entered
herein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to findings of fact
and conclusions of law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
before by their respective counsel, and the Court being well informed
of the facts in the premises, and having ordered that judgment be
entered in accordance with the report and recommendations of the said
referee, the Court of the law and the equity, finding

It is ordered, Adjudged and decreed, that the several parties
to this case be and each of them be, to have judgment and decree
entered in their favor for irrigation and other purposes, the following:
namely, to have water, each fifty inches thereof to be equivalent
to one cubic foot per second, as prescribed by the law.

RECORDED

1947-1948

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: A23-00063
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 15, 1898

3. Source: RAINEY CREEK

Trib. to: SNAKE RIVER, SOUTH

4. Point of Diversion:

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

5. Description of diverting works:
DITCH TO FLOOD IRRIGATION AND DAM, PUMP AND SPRINKLER LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.400		

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

8. Total consumptive use is 712.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	6	SW	NE		IRR	38.0
			SE	NE		IRR	39.0
			SE	NW		IRR	36.0

A23-00063

Page 1

Date: 08/07/89

MICROFILMED

NOV 07 1992

A2300063



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
01N	44E	6	NE	SW		IRR	15.0
			NE	SE		IRR	39.0
			NW	SE		IRR	38.0
			Section Acres				
		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		
Total Acres					342.0		

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, A23-00078, A23-00094

14. Remarks:
LTD. PARTNERSHIP INCLUDES; R.N. AND LARAE FERGUSON- BILL
AND GARLENE SHURTLEFF- WILMA SHURTLEFF

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

vs

TETON IRRIGATION CANAL CO ET A
Decree Defendant

(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.

MICROFILMED
NOV 07 1992

U-5

Twisted

A23-00063

