

01/28/2004

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

RIGHT NUMBER: 23-78
NAME AND ADDRESS: SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401
SOURCE: RAINEY CREEK TRIBUTARY: SOUTH FORK SNAKE RIVER
QUANTITY: 1.000 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: 05/01/1895

POINT OF DIVERSION:

T02N R44E S33 SESESW Within BONNEVILLE County
T02N R44E S33 NWSWE 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	1.000 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 50.0 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.



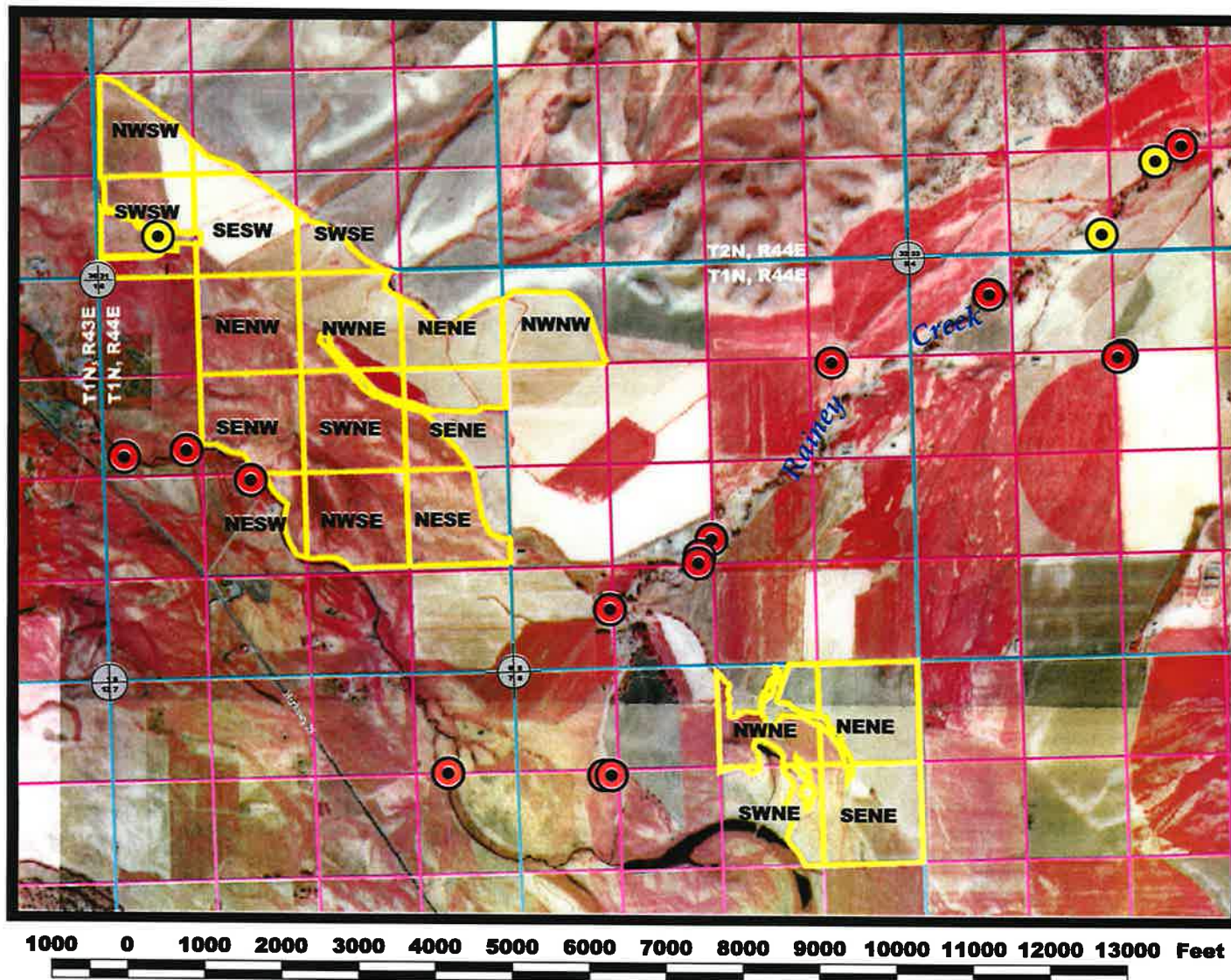
JUL 08 2004

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

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: 23-78

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

SCANNED
JUL 08 2004

Contacts Data Entry Form

Water Right No. 23-78

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:

DECREED UNDER Roubidoux Land Co. vs. Teton Land Co. 1910.
As #126. to J.A. Schmeckly, May 1, 1895 Rainey Cr 50" (1.0 cfs)

FE INDICATED: POB/POD, System/Delivery, Overlap
OR OTHER ITS

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 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: 5/01/1895 Claimed Basis: DECREEDRecommended Priority Date: MAY 1 1895 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 Claimed matches DECREE

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

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: Bonne

Source: Kainoy Ck Tributary: SWANK RIVER, SO. PK.

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			33		SEBBSW		
	GPS Coordinates: _____						
②			33		NWSESE		
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						
	GPS Coordinates: _____						

Other rights from this POD? GNS POD-126 1. A009598 2. A009597

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

ON WHITE FISHES

POD NOT ADDRESSOD BY DISTRESS

Transfers Changing POD _____

Reviewer: _____

Date: _____

сфз
Рем. Рот

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	4			Brown		205 ²	Pring.

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:

POU not addressed by Decree - POU shown Pts?

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>Travis</i>	<i>4/1</i>	<i>11/1</i>	<i>1.0</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Travis</i>	<i>4/1</i>	<i>10/31</i>	<i>1.0</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SOIL NOT ADDRESSED BY DECREE - USE DEPT. STD 4/1 TO 10/31.
Q DETERMINED AS 50" (1.0 cfs) $\Rightarrow$ 50 AC

Reviewer: _____

Date: _____

Log for claim 23-00078

Spatial Dynamics LTD

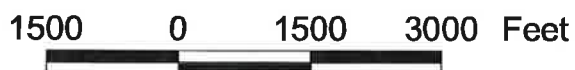
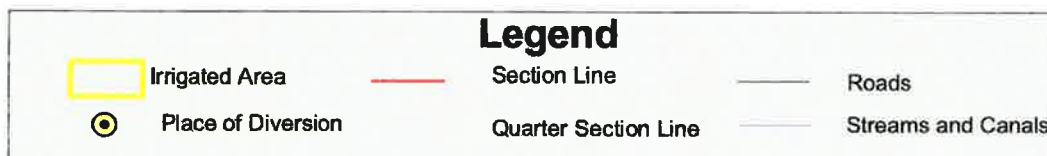
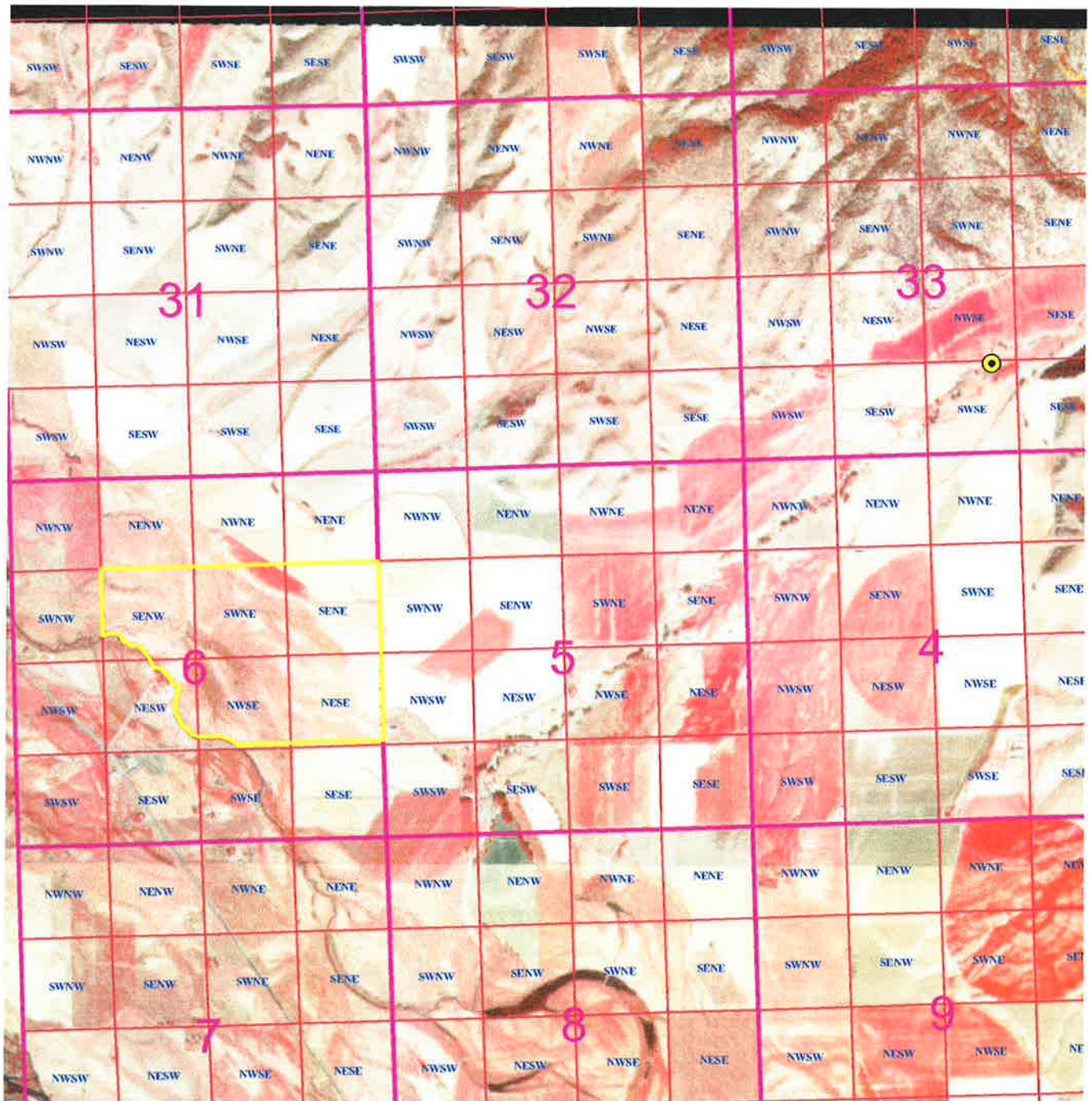
5/31/01

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
01n44e	6	SWNE	38	40	
01n44e	6	SENE	39	40	
01n44e	6	SENW	36	36	
01n44e	6	NESW	15	8.4	
01n44e	6	NESE	39	38	
01n44e	6	NWSE	38	37	
Totals:			205	199.4	



Water Right Claim Number 23-00078 Township , 1N44E

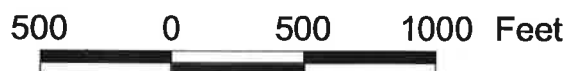
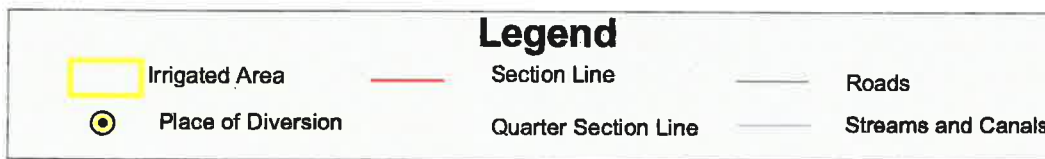
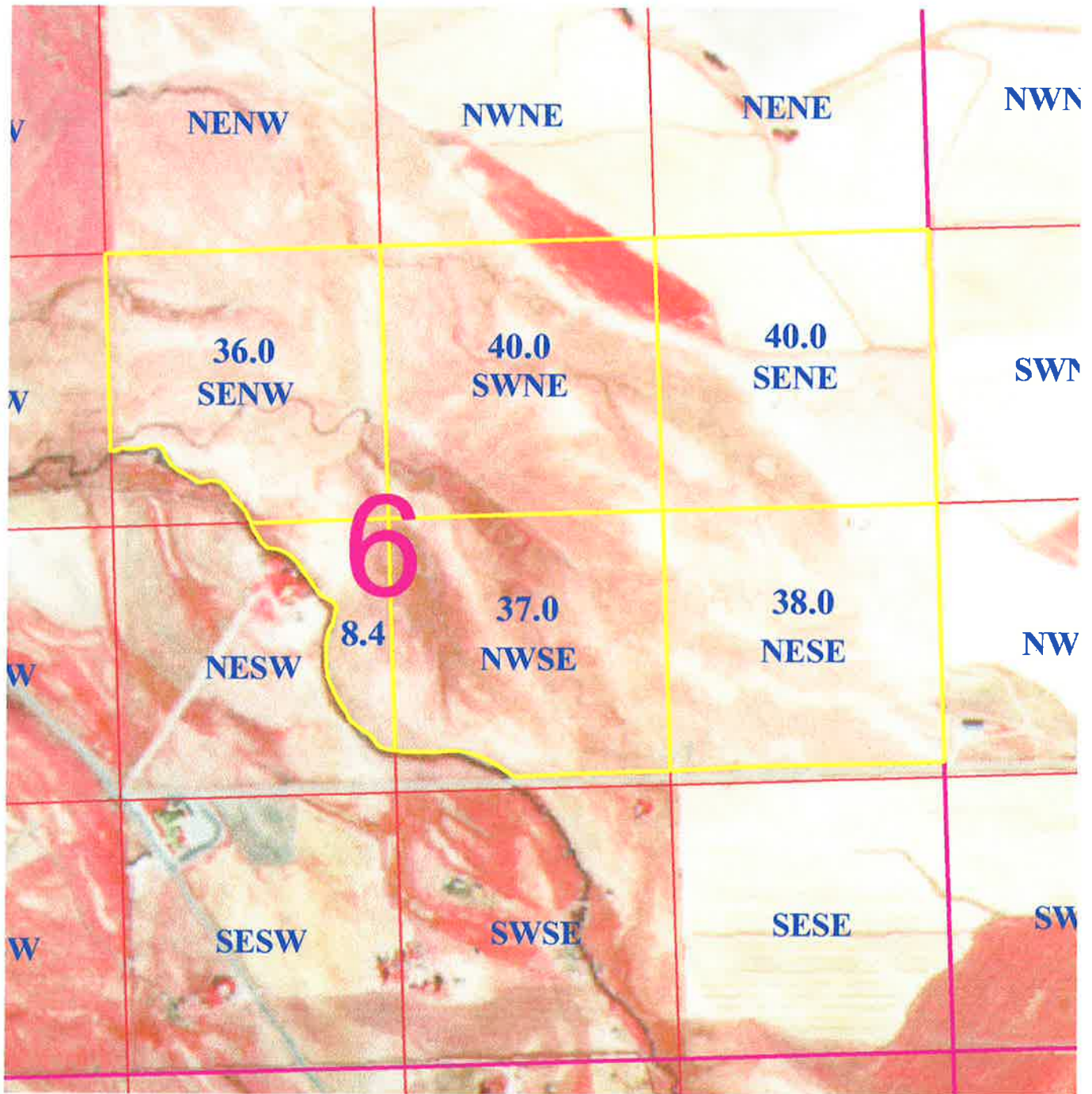
05/31/2001



SPATIAL
DYNAMICS

Water Right Claim Number 23-00078
Township , 1N44E

05/31/2001



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: A23-00078
Date Received: 9/15/1988
Receipt No: 2010028
Received By: HW

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: MAY 01, 1895

3. Source: RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH F

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

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		

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

8. Total consumptive use is 512.5 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

A23-00078

Page 1

Date: 08/07/89

MICROFILMED

NOV 07 1992

A2300078



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	205.0
					Total Acres	205.0

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. A23-00079, A23-00080, A23-00063 AND A23-00094

14. Remarks:

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

15. Basis of Claim: DECREED

Water Right Number: 230078

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRRIG. CO. ET AL
Decree Plaintiff

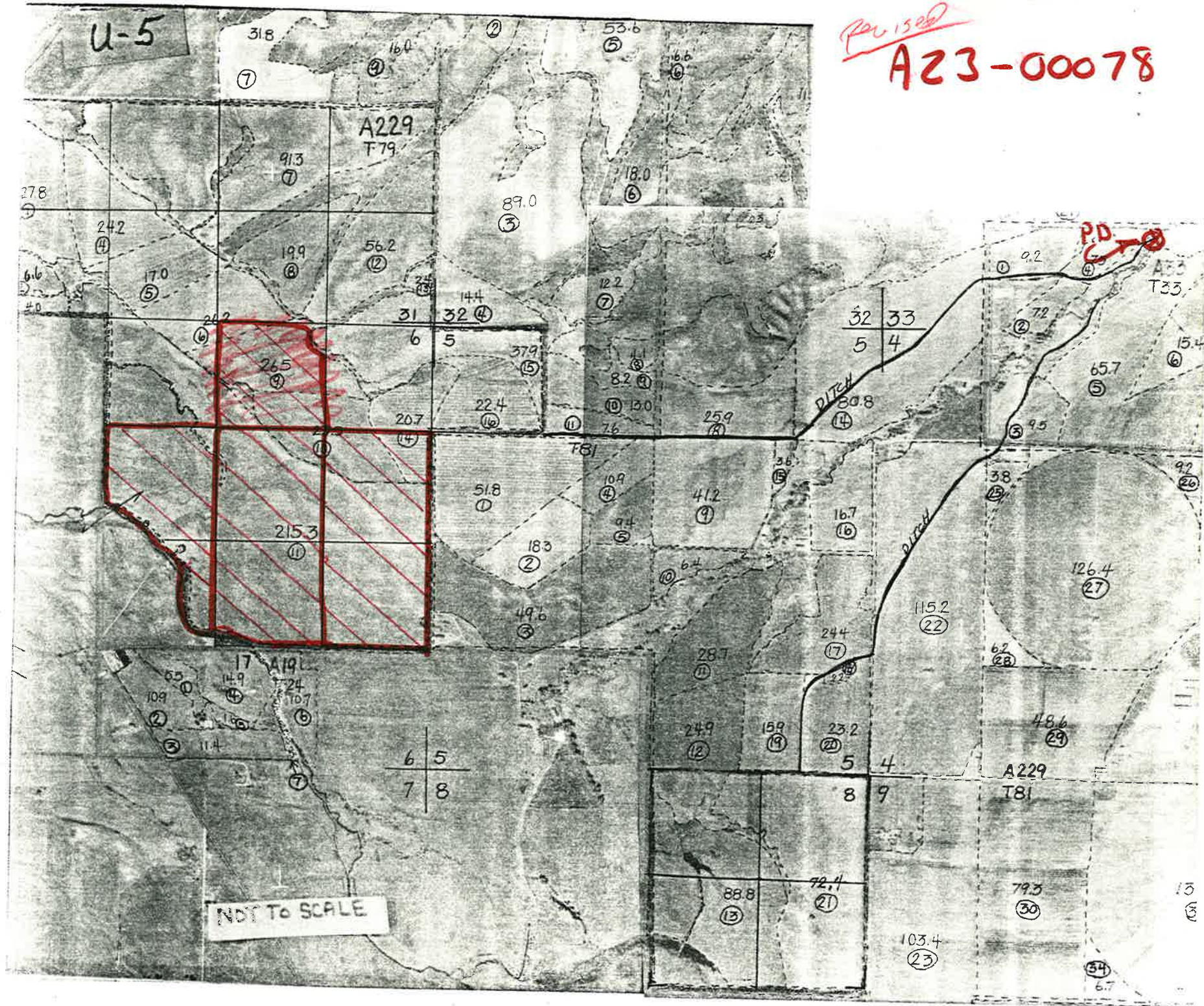
vs

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

Per 1526
A23-00078



MICROFILM
NOV 07 1992