

01/28/2004

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

RIGHT NUMBER: 23-94

NAME AND ADDRESS: SHURTLEFF RANCHES LTD PARTNERSHIP
399 HEMLOCK CIR
IDAHO FALLS ID 83401

SOURCE: RAINEY CREEK

TRIBUTARY: SOUTH FORK SNAKE RIVER

QUANTITY: 17.600 CFS

PRIORITY DATE: 01/22/1916

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	17.600 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, 23-00094, 23-10858, 23-04043.

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 PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



State of Idaho

Department of Water Resources

Eastern Region

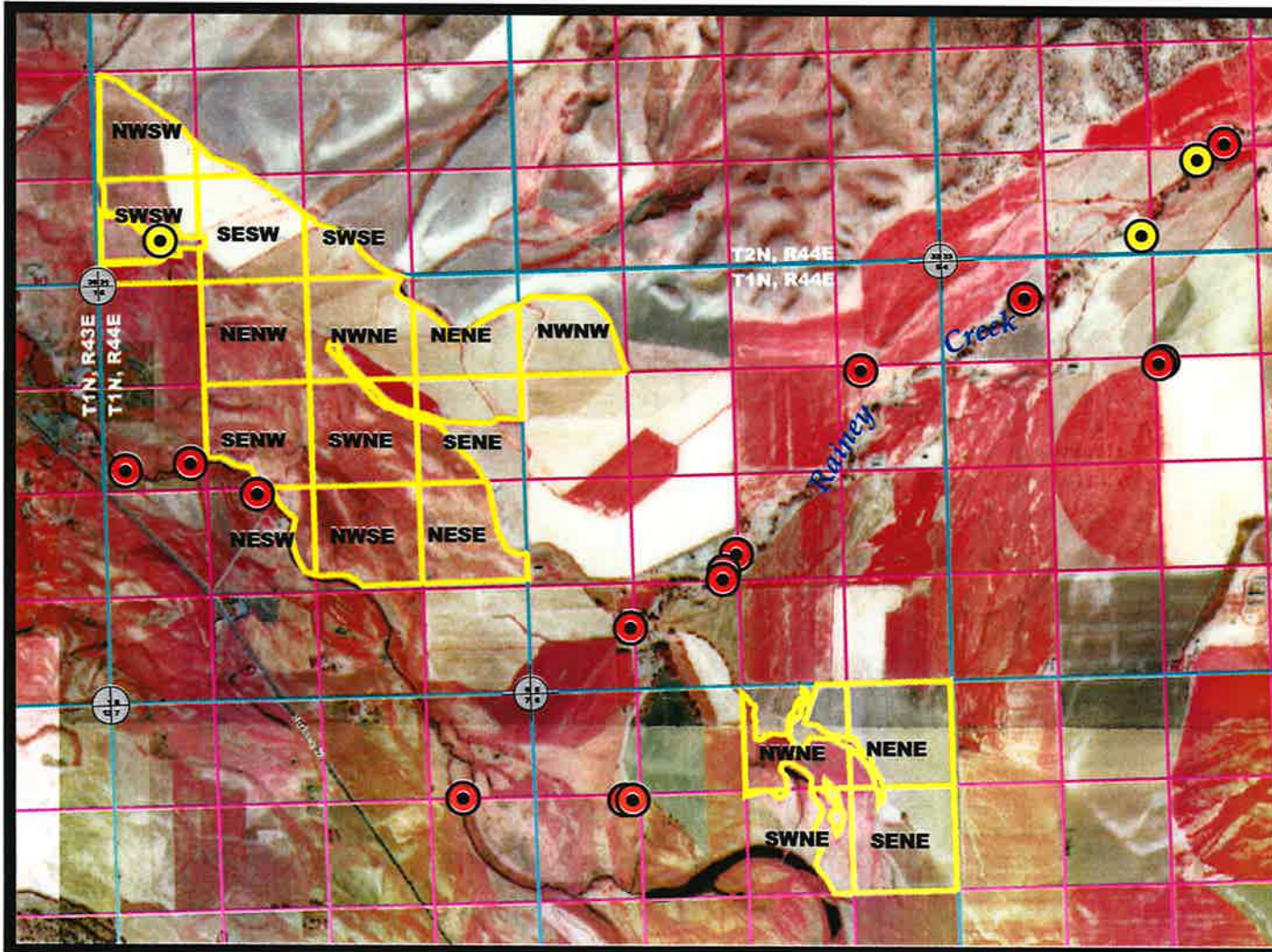


JUL 09 2004

SCANNED

JUL 12 2004

SCANNED



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. 23-94

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>SHURTLEFF RANCHES LTD. PARTNERSHIP</u>					
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 PALMADUS TRACT Co. vs L. CRANDALL, 1951
SEE EXCERPT ATTACHED HERE TO:

FIS INDICATOR: POU/POO, System/Permitting, OVERLAP OF
PLS

Reviewer: _____

Date: _____

SCANNED

JUL 12 2004

SCANNED

JUL 09 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.

4/27/04

RECOMMENDED AS DECREED AT 17th cfs - No limits, except
OVERALL 518⁴ ac.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: JAN 22 1916 Claimed Basis: DOCRUDRecommended Priority Date: 1/22/1916 Recommended Basis: DOCRUD☐ 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:

Matches DOCRUD

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. County: BONNEVILLESource: Upper Rainey Cr / Rainey Cr Tributary: Snake River, So Fork

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	2N	44E	33		SESESW	Bonne	Rainey Cr	TRIB TO:
	GPS Coordinates: _____							Snake River, So Fork
②					NWSWSE	"	" "	
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							
	GPS Coordinates: _____							

Other rights from this POD? GPS TAG #'s 1. A009598 2. A009597 (Both on Wheel Frames)

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

1951 RAUSANDS Filing vs L. CHANDALL ADDRESSSES SOURCE AS
Upper Rainey Cr. BUT FAILS TO DERIVE A POD(s).
USGS QUAD MAP Y-48 RECOGNIZES ONLY 'RAINEY CR'.
RECOMMEND SOURCE AS 'RAINEY CR'.

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	5			BONN	4	26	Trails
		6			"		300	"
		8			"		137	"
2N	44E	31			"		102	"

Total Acres 565²

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
1N	44E	5				4		
		6						
		8						
		31						

Total Acres 514SEE Layout for
Ac/QQ by GPS

Document how the POU was verified:

POU DEFINED BY 1951 DEEDS FITS PROXY CLOSE - ACth NOT DEFINED
DOES NOT INCLUDE SEC. 5 NWNW - CØ5

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
FRING.	4/1	11/1	17 ⁶	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
FRING.	4/1	10/31	13.93	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

SOLL NOT ADDRESSSED BY DECREES. RECOMMEND DORT STD. OF
4/1 TO 10/31.

17⁶ cfs IS DECREED FROM AUSADES FRING. Co. VS L. CHANDALL
1951, pg 5 SECT. III AND Pg 6 PR 4 AS 23-00094.

17⁶ cfs @ 0.02 = 880 AC @ RECOMMEND 13.93 cfs BASED ON
5/6 AC @ 0.02 cfs/AC PLUS (5%/AQ) 5% X 700'S = 35% CONVEY LOSS.
10.32 X 1.35 = 13.93 cfs

Reviewer: _____

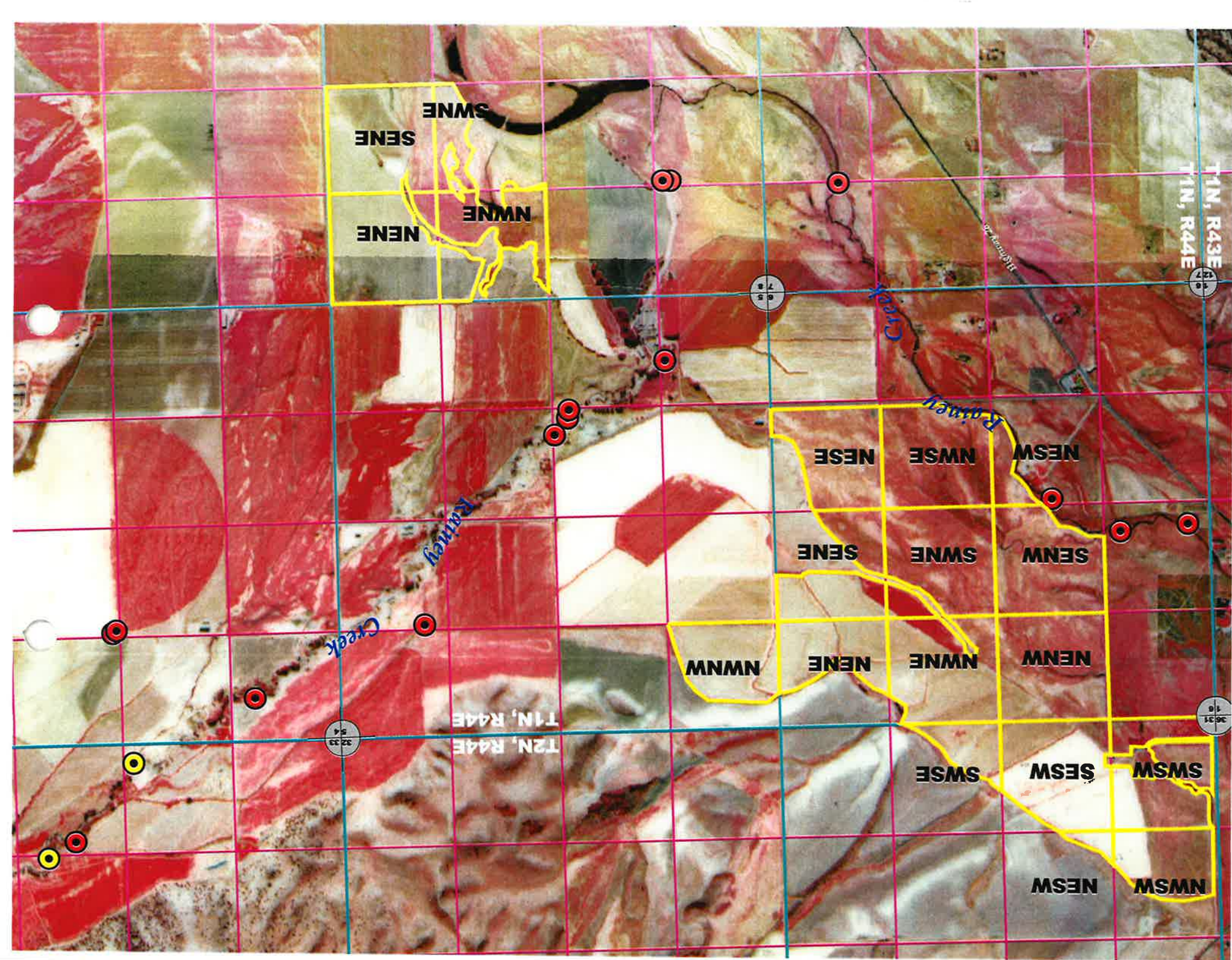
Date: _____

Log for claim 23-00094

Spatial Dynamics LTD

5/31/01

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	SENW	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	



Water Right Claim Number 23-00094
Townships , 2N44E, 1N44E

05/31/2001



 Irrigated Area

 Section Line

 Roads

 Place of Diversion

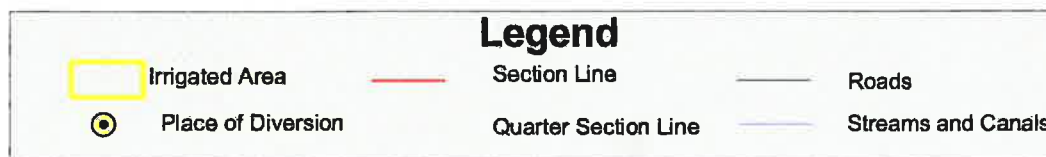
 Quarter Section Line

 Streams and Canals



Water Right Claim Number 23-00094
Townships , 2N44E, 1N44E

05/31/2001



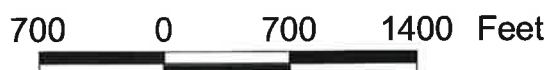
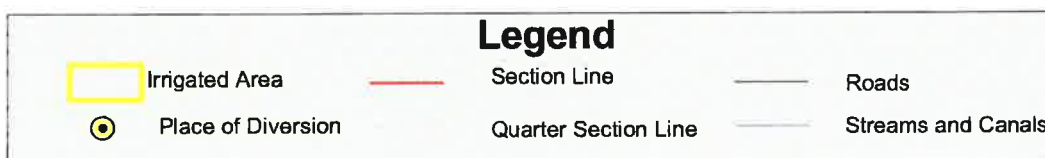
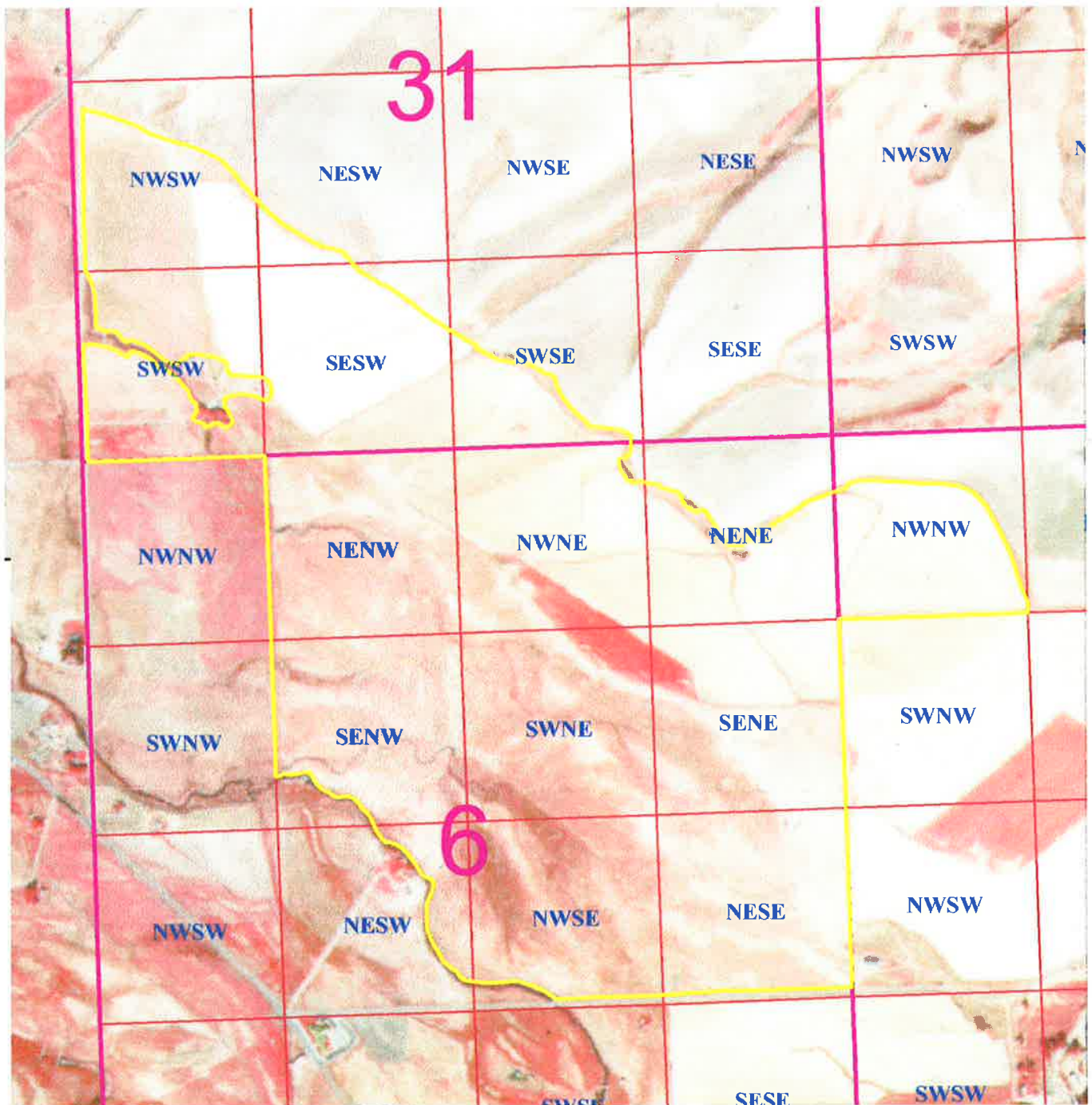
400 0 400 800 Feet



SPATIAL
DYNAMICS

Water Right Claim Number 23-00094
Townships , 2N44E, 1N44E

05/31/2001



SPATIAL
DYNAMICS

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: 23-94

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. Shurtlett

Please print your name:

Bill K. Shurtlett

IDWR Regional Office,

RECEIVED

MAY 03 2004

Department of Water Resources
Eastern Region

II.

It is further ordered, adjudged and decreed that the following awards shall be for use only on lands which have been heretofore irrigated from the waters of the Snake River and its tributaries and shall not be subject to transfer to any lands not heretofore irrigated, and if the owners or their successors in interest shall attempt to transfer the same to lands not heretofore irrigated, such rights shall immediately lapse and become void and of no effect.

III.

It is further considered, adjudged and decreed by the Court that the plaintiffs are entitled to a summary decree and adjudication of the waters of Snake River and its tributaries with date of priority of January 22, 1916.

Plaintiffs	Amount of Miners Inches	Amount of Second Feet
The Palisade Irrigation Company	4890	97.8
J. L. Higham	120	2.4
Richard A. Beam	360	7.2
Ivan Weeks	160	3.2
Thomas M. Weeks	200	4.
John B. Miller	240	4.8
Shurtleff Bros.	880	17.6
Elizabeth Beam	150	3.
David H. Peterson and Jess L. Peterson	100	2.00
Henry Goettsche	312	6.24
Weeks Bros.	135	2.7
Luther Smith	160	3.2
M. E. Toliver	800	16.
Harry Bitton	160	3.2
Francis Stoltenberg	210	4.2
Joe Kruse	120	2.4
Henry McCabe	150	3.

IV.

Further ordered, adjudged and decreed that the plaintiffs have the right to divert and use said quantity of water with the said priority date subject, however, to the terms of the said decree of December 16th, 1910, and said decree of June 25th, 1929, for use for irrigation and domestic purposes upon the following described lands, to-wit:

23-0094

It is further Ordered, Adjudged and Decreed that the plaintiff, Shurtleff Bros., a partnership, has the right to divert from Upper Rainey Creek and use said quantity of water with the said priority date for irrigating and domestic purposes upon the following described lands, to-wit:

Lot Four (4), Section Five (5); Northeast Quarter (NE $\frac{1}{4}$), North Half of the Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$), Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), East Half of the Northwest Quarter (E $\frac{1}{2}$ NW $\frac{1}{4}$), Section Six (6); Northeast Quarter (NE $\frac{1}{4}$), Section Eight (8), Township One (1) North, Range Forty-four (44), East of the Boise Meridian; South Half (S $\frac{1}{2}$), Section Thirty-one (31). Township Two (2) North, Range Forty-four (44).

NE $\frac{1}{4}$, N $\frac{1}{2}$ SE
NE $\frac{1}{4}$ SW, E $\frac{1}{2}$ NW

Sec 6
NE Sec. 8 ✓

S2 Sec. 31

EXCERPT FROM PALISADES
DAR CO. VS. L. CRAWFORD 1951
Pgs. 5 & 6

615

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: A23-00094
Date Received: 9/15/1988
Receipt No: 600-100-6010028
Received By: Hus

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: JAN 22, 1916
3. Source: UPPER RAINEY CREEK Trib. to: SNAKE RIVER, SOUTH F
RAINEY CREEK SNAKE RIVER, SOUTH F
4. Point of Diversion:

A2300094

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

5. Description of diverting works:
DITCHES 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	17.600		

7. Total Quantity Appropriated is:
17.600 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

A23-00094

Page 1

Date: 08/07/89

MICROFILMED
NOV 17 1992

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	OK	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:

A23-00079, A23-00080, A23-00078, A23-00063

14. Remarks:

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

15. Basis of Claim: DECREED

Case Number:

Court :

A23-00094

Page

2

Date: 08/07/89

MICROFILMED

NOV 07 1992

PALISADE IRRIGATION CO., ET AL
Decree Plaintiff

LYNN CRANDALL.
vs 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): David K. Sturtevant Date: 8/28/89
 _____ Date: _____

For Organizations:

I do solemnly swear or affirm that I am General Partner of
L.H. Partnership Smoky Ranch that I have signed the foregoing
Organization document in the space below as General Partner of
Smoky Ranch Title and that the statements contained in the
Organization foregoing document are true and correct. Eric K. Smith

Signature of Authorized Agent

Title, and Organization

Date _____

MICROFILMED
NOV 07 1992

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 28th day

of August 19 89

Karen Meiners
Notary Public

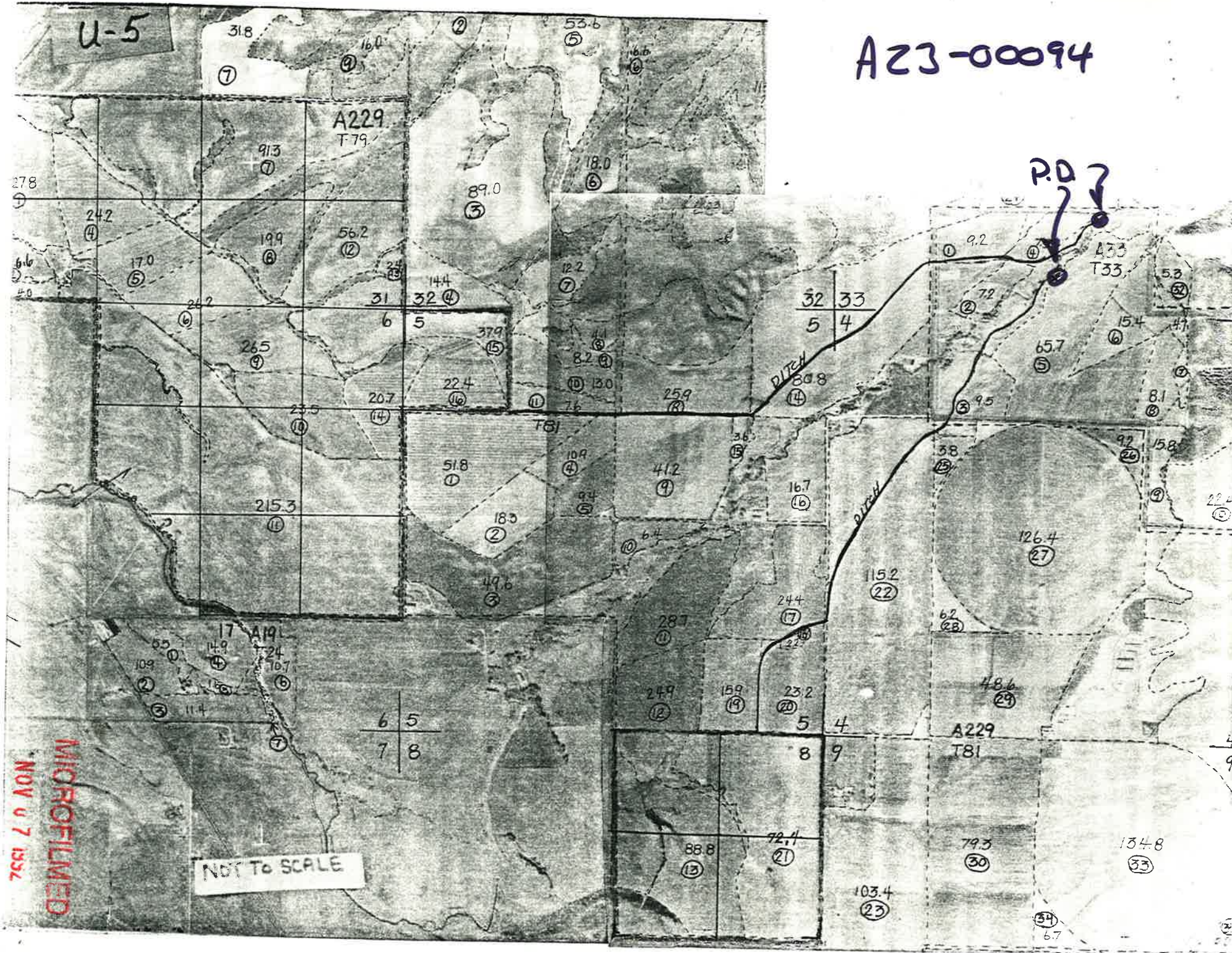
Seal

Residing at 823 Buckboard Ct.

My Commission Expires June 4 1991

A23-00094

P.D 3



MICROFILMED
NOV 6 7 1956