

08/24/2005

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

RIGHT NUMBER: 27-12094
NAME AND ADDRESS: TORGESEN RANCH INC
% KENT W. FOSTER, ATTORNEY
P.O. BOX 50130
IDAHO FALLS ID 83405

SOURCE: SPRINGS TRIBUTARY:

QUANTITY: 0.020 CFS
The quantity of water under this right shall not exceed 13,000 gallons per day.

PRIORITY DATE: 05/01/1946

POINT OF DIVERSION:
T07S R42E S24 SWNW End of Stream Flow Within CARIBOU County
T07S R42E S24 SWSW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
STOCKWATER	04/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County
T07S R42E S24 SWNW T07S R42E S24 NWSW
T07S R42E S24 SWSW

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.

The quantity of water decreed for this water right is not a determination of historical beneficial use.

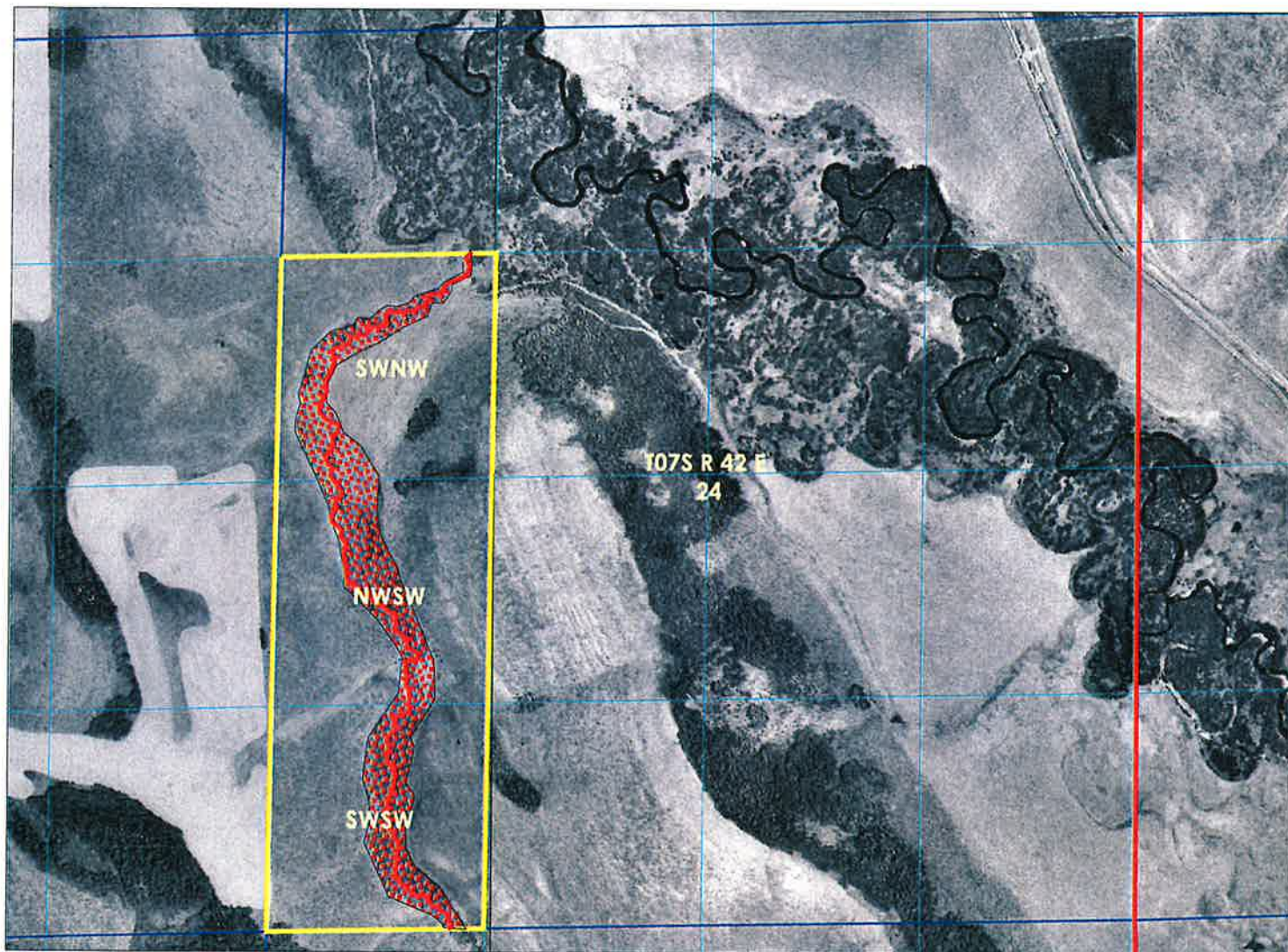
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Department of Water Resources

Eastern Region



Claim No.: 27-12094



0 1320 2640 Feet

- Point of Diversion
- Place of Use
- QQ with POU
- Township/Range
- Sections
- QQ

PROFILED

SCANNED
APR 28 2006



GIS Place of Use Illustration
1992 Orthophoto
Prepared by: Kristin Moore
Date Prepared: August 2005

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

RIGHT NUMBER: 27-12094

NAME AND ADDRESS:

IORGESEN RANCH INC
C/O KENT FOSTER
HOLDEN KIDWELL HAHN & CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

SOURCE:

Source:

UNNAMED STREAM ✓

Tributary:

BLACKFOOT RIVER ✓

QUANTITY:

0.020 CFS ✓

2.110 AFY ✓

~~9.000 AFY~~

Right Nos. 27-12094, 27-12095 and 27-11344 are limited to a total combined annual diversion volume of 2.11 AF. ✓

The quantity of water under this right shall not exceed 13,000 gallons per day. ✓

PRIORITY DATE:

05/01/1946 ✓

POINT OF DIVERSION:

T07S R42E S24 SNNW End of Stream Flow ✓
Within CARIBOU County

T07S R42E S24 SWSW Begin of Stream Flow ✓
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

STOCKWATER ✓

05/15 10/01 ✓

~~04/01 11/01~~

0.020 CFS ✓

2.11 AFY ✓

PLACE OF USE:

STOCKWATER

within CARIBOU County ✓

T07S R42E S24 SNNW

T07S R42E S24 NWSW

T07S R42E S24 SWSW ✓

ACRES TOTAL

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

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

The quantity of water decreed for this water right is not a determination of historical beneficial use.

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 - Beneficial Use
Stockwater use is for 250 cow-calf pairs.

AS
CB
293
[Signature]



SHOSHONE-BANNOCK TRIBES
TRIBAL WATER RESOURCES DEPARTMENT
 P.O. BOX 306
 FORT HALL, ID 83203

E031150

FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Ernie Carlsen	Else D Teton
COMPANY:	DATE:
IDWR	January 9, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(208) 525-7177	1
PHONE NUMBER:	SENDER'S TELEPHONE NUMBER:
(208) 525-7161	(208) 239-4581
RE:	
Request for SF5 Preparation for 27-12094, 27-12095, 27-11344, Torgeson Ranch	

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

NOTES/COMMENTS:

Ernie we would like to request that an SF5 be prepared for water right no. 27-12094, 27-12095, and 27-11344, Torgeson Ranch, Inc., to settle the Tribes' objection. We have settled on a volumetric amount for water rights. This amount being 2.11 AFY, this was based on the following calculation:

$$(250 \text{ cow calf pairs}) \times (20 \text{ gallons/cow calf pair/day}) \times (138 \text{ days}) = 2.11 \text{ AFY}$$

Remarks: These combined rights: 27-12094, 27-12095 and 27-11344 shall not exceed a total combined annual diversion volume of 2.11 AFY for stockwater use.

This settles all tribal objections to this water right. Should you have any questions regarding this request, please give me a call at the number above.

SOU

214 days

[5/15-10/1]

138 days

Post-it® Fax Note	7671	Date	1/12/07	# of pages	2
To	CINDY BIRD	From	ERIE MARTIN		
Co./Dept.	IDWR	Co.	SBT WORES		
Phone #		Phone #	(208) 239-4582		
Fax #		Fax #			

TELEPHONE: (208) 239-4580

FAX: (208) 239-4592

S:\Cindy\Bids\Tribal\2006\01-09-2007 Torgeson Ranch Inc 27-12094 ...doc

added NOS & NO8

SCANNED

1/12/07

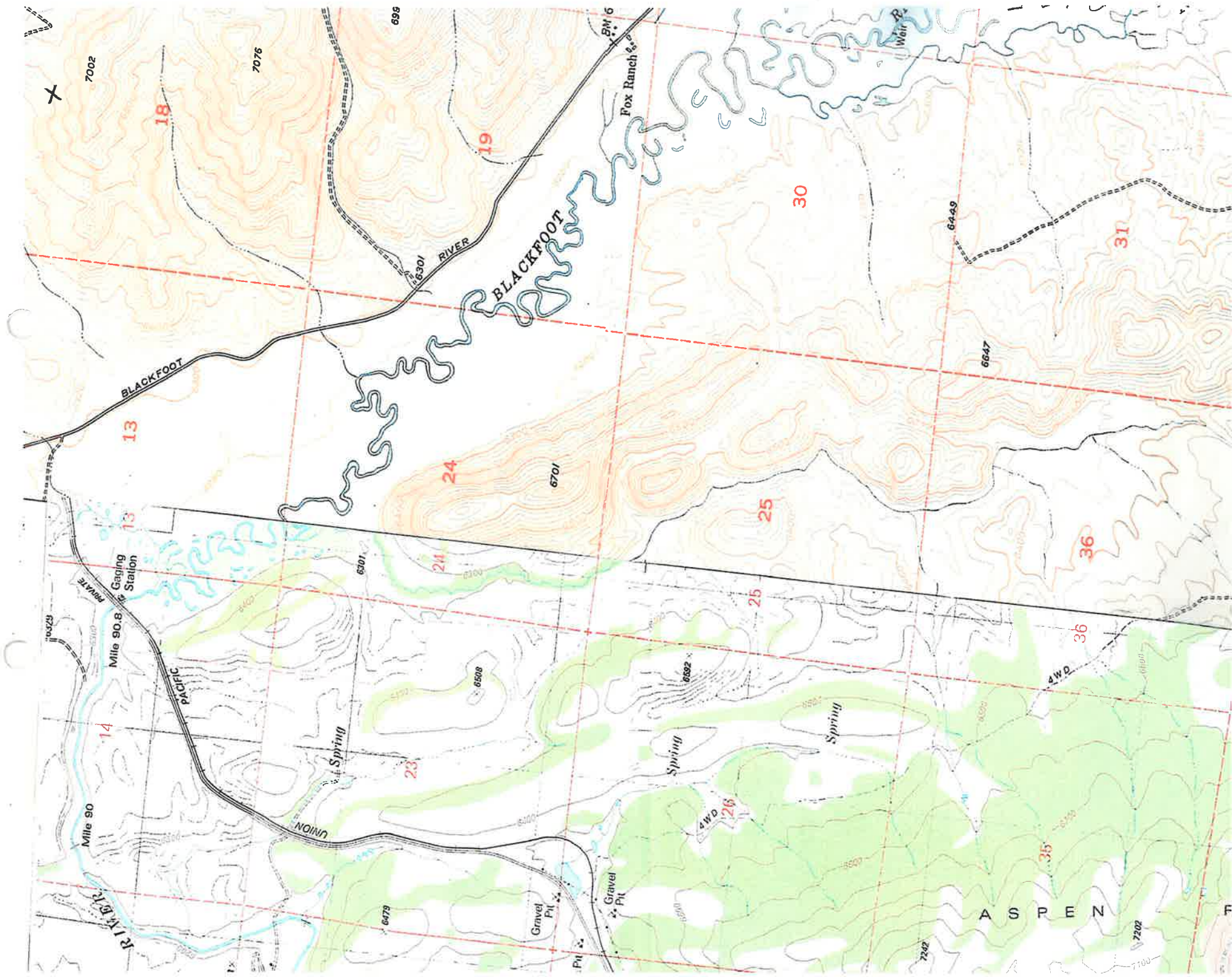
Notes

8-22-05 Checked with County Assessor's Office.
Torgesen's own this property. They are
being taxed on property in Sections 23,
24, 26 + 36; 35 acres meadow ground,
553 acres dry grazing and 6 acres waste. PB

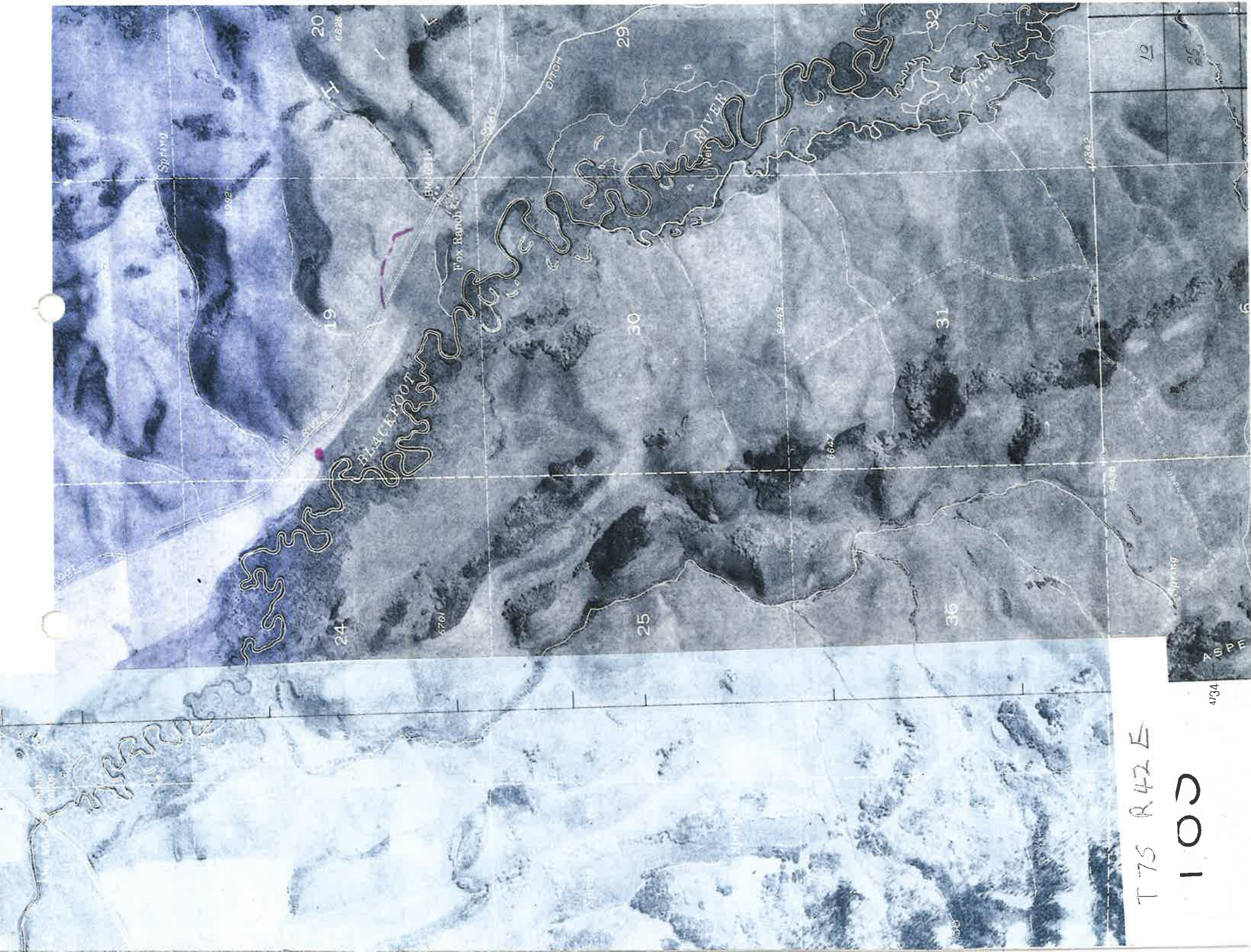
Add remarks N11 & N13.

PROFILED

SCANNED
APR 28 2006



T7S R42E



T 75 R 42 E

100

434

ASPE

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

August 1, 2005

Ms. Cindy E. Bird
Idaho Department of Water Resources
15 W. Center St.
Soda Springs, ID 83276

Re: Torgesen Ranch, Inc. - In stream stockwatering claims

Dear Ms. Bird:

We are enclosing with this letter two signed Notices of Claim to a Water Right together with our check in the amount of \$200.00 for the filing fee. We assume a \$50.00 fee each and a \$50.00 late fee for each. If that is incorrect, please let us know and we will be happy to correct any error.

All of this is in response to a letter you wrote us almost a year ago. Apparently we prepared the two new claim forms and sent them to our clients for signature, but the forms got lost in some piles and shifted around and were just rediscovered this month. In any event, the clients did finally sign, get an acknowledgment for their signature and return them to us. We apologize for the delay, but hope that something can still be done to finish this matter up. Thank you for your kind attention to this matter.

Yours very truly,



Kent W. Foster

Enclosures



RECEIVED
AUG 04 2005
Department of Water Resources
Eastern Region

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 27-12094
Date Received: 8/4/2005
Receipt No: E031150
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TORGESEN RANCH INC Phone: (208) 523-0620
% KENT W. FOSTER, ATTORNEY
P.O. BOX 50130
IDAHO FALLS ID USA 83405

2. Date of Priority: 05/01/1946

3. Source: SPRINGS Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	42E	24	SW SW	CARIBOU	Beginning Point
07S	42E	24	SW NW	CARIBOU	Ending Point

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	04/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.02 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
07S	42E	24	SW	NW		STOCKWATER	
			NW	SW		STOCKWATER	
			SW	SW		STOCKWATER	
07S	42E	26	NE	NW		STOCKWATER	

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:

14. Remarks:

15. Basis of Claim: Beneficial Use



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

27-12094

Date Received

8-4-05

Receipt Number

E031150

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

AUG 06 2005

Department of water resources
Eastern Region

Please type or print clearly

1. Name of Claimant (s) Torgesen Ranch, Inc. Phone (208) 523-0620

Mailing Address c/o Holden, Kidwell, Hahn & Crapo, PLLC, PO Box 50130 Idaho Falls, ID Zip 83405-0130

2. Date of Priority (Only one (1) per claim) May 1, 1946

3. Source of water supply (a) Springs
which is tributary to (b) _____

4. a. Location of existing point of diversion is: Township _____ Range _____ Section _____,
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of _____

Additional points of diversion if any: _____

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

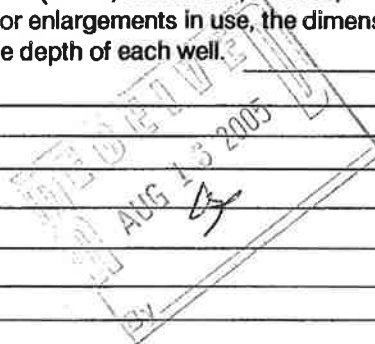
Township 7S Range 42E Section 24, _____ 1/4 of SW 1/4 of SW 1/4,

Govt. Lot _____ B.M., County of Caribou

ending point is: Township 7S Range 42E Section 24, _____ 1/4 of SW 1/4 of

NW 1/4, Govt. Lot NW B.M., 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.



6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Stockwater purposes from 04/01 to 11/01 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.02 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) 250 Range Cattle

10. 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.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7S	42E	26					S												
		24							S			S	S						

Total number of acres irrigated _____

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

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

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

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

or None ()

14. Remarks:

Last Name Torgesen Ranch, Inc. Ident No. _____

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 do solemnly swear or affirm 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 that I am Director Title _____
of Torgesen Ranch Inc Organization _____, that I have signed the foregoing
document in the space below as Director Title _____ of Torgesen Ranch Inc Organization _____
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Torgesen Ranch Inc by [Signature]
Title and Organization Director, Torgesen Ranch Inc Date 7/12/05

State of Idaho/or Idaho)
County of Blaine) SS.

Subscribed and sworn (or affirmed) before me this 12th day of July 192005



Notary Public Shonette Christensen
Residing at 2454 Hillside Dr. Soda Springs, ID
My Commission Expires 3/8/2010

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ will be acting as attorney at law on 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 _____

Address _____

Date _____

Last Name Torgesen Ranch, Inc Ident. Number _____



Scale: 2 inches equals 1 mile

A large grid of graph paper, consisting of 20 columns and 20 rows of squares. Each square contains a small crosshair pattern. A diagonal watermark reading "COPYRIGHTED MATERIAL" is visible across the bottom right portion of the grid.

Last Name Torgesen Ranch, Inc. Ident No. _____