

10/28/2005

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

RIGHT NUMBER: 27-12125

NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK CO
C/O DEAN SMITH
826 WOOD ROAD
BANCROFT ID 83217

SOURCE: SPRING TRIBUTARY: WARBONNET CREEK

QUANTITY: 0.040 CFS

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

PRIORITY DATE: 05/18/1900

POINT OF DIVERSION:

T05S R39E S8 SESENW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 11/01	0.020 CFS
STOCKWATER	05/01 11/01	0.020 CFS

PLACE OF USE: STOCKWATER Within CARIBOU County

T05S R39E S04 NWSW

DOMESTIC Within CARIBOU County

T05S R39E S04 NWSW

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

SCANNED

APR 18 2006

PROFILED

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

RIGHT NUMBER: 27-12125
NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC
1976 TELFORD RD
GRACE ID 83241

SOURCE: SPRING

TRIBUTARY: WARBONNET CREEK

QUANTITY: 0.040 CFS
7.30 APY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.29 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, and 27-12125.

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.35 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, 27-12175, 27-12179, 27-12120, 27-12122, 27-12123, 27-12124 and 27-12125.~~

PRIORITY DATE: 05/18/1900

POINT OF DIVERSION: T05S R39E S08 SE28NW Within CARIBOU County
T05S R39E S8 NW28W Within CARIBOU County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	05/01 10/31	0.020 CFS
	05/01 11/01	0.60 APY
STOCKWATER	05/01 10/31	0.020 CFS
	05/01 11/01	7.30 APY

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R39E S04 NWSW

DOMESTIC in CARIBOU County

T05S R39E S04 NWSW

Domestic use is for 1 home.

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 - Beneficial Use

Stockwater use is for 1000 cow-calf pairs.

CERTIFICATE OF MAILING

I certify that on _____, 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

2. Copies to:

SHOSHONE-BANNOCK TRIBES
Represented by:
JEANETTE WOLFLEY
SPECIAL COUNSEL
SHOSHONE-BANNOCK TRIBE
202 N. ARTHUR
POCATELLO, ID 83202

DIRECTOR OF IDWR
P.O. BOX 83720
BOISE, ID 83720-0098

CHESTERFIELD LAND & LIVESTOCK
Represented by:
RANDALL C .BUDGE
201 E. CENTER, STE. A2
P.O. BOX 1391
POCATELLO, ID 83204-1391

STATE OF IDAHO
Represented by:
NATURAL RESOURCES DIVISION CHIEF
STATE OF IDAHO
ATTORNEY GENERAL'S OFFICE
P.O. BOX 44449
BOISE, ID 83711-4449

Signature of person or attorney mailing the form

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. 27-12125

STANDARD FORM 5

AMENDED CLAIM

FOR DOMESTIC & STOCKWATER
RIGHTS

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and one/or one federal reserved right and to amend the Notice of Claim. Submission of this form will not 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 decreed as described in the attached Amended Claim. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

Chesterfield Land & Livestock Assn.

OBJECTOR:

Shoshone-Bannock Tribes

Randall C. Budge 8/14/09
Randall C. Budge Date
Attorney for Claimant

Jeanette Wolfley 8/10/09
Jeanette Wolfley Date
Attorney for Objector

RESPONDENT:

State of Idaho


Shasta Kilminster-Hadley 01-10-09
Attorney for Respondent Date

IDWR Concurrence:

Denise Kidman Date
Water Resource Agent

 8/5/09
Andrea L. Courtney Date
Deputy Attorney General
Attorney for IDWR

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

RIGHT NUMBER: 27-12125

NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC
1976 TELFORD RD
GRACE ID 83241

SOURCE: SPRING

TRIBUTARY: GRAVE CREEK

~~WARBONNET CREEK~~

QUANTITY: 0.040 CFS
7.30 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.29 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, and 27-12125.

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.35 AF. Combined Right Nos: 27-12172, 27-12173, 27-12174, 27-12175, 27-12119, 27-12120, 27-27-12122, 27-12123, 27-12124 and 27-12125.~~

PRIORITY DATE: 05/18/1900

POINT OF
DIVERSION: ~~T05S R39E S8 SESENW~~ Within CAEIBOU County

T05S R39E S4 NWNWSW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	<u>05/01 10/31</u>	0.020 CFS
	~~05/01 11/01~~	0.60 AFY
STOCKWATER	<u>05/01 10/31</u>	0.020 CFS
		<u>7.30 AFY</u>
	~~05/01 11/01~~	~~7.34 AFY~~

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R39E S04 NWSW

DOMESTIC in CARIBOU County

T05S R39E S04 NWSW

Domestic use is for 1 home.

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 - Beneficial Use
Stockwater use is for 1000 cow-calf pairs.

Kidman, Denise

From: c williams [cjtatwill@gmail.com]
Sent: Thursday, April 16, 2009 10:06 PM
To: Kidman, Denise
Subject: Chesterfield Land and Livestock Assoc. Water Rights

Denise,

The POD on water right 27-12127 is south and west of the POU as you described to me on the phone. It may not quite be a mile but it is some distance. As far as 27-12122 I am not positive on the exact location of this trough. I have not reason not to believe the original filing. Until I can get out on the ground I cannot verify that location but it does look logical that we could have do that project. I am sure you wanted a more definate answer, but that is the best I can do until I can discuss it with Mr. Wheatley.

Cameron Williams
Secretary
Chesterfield Land & Livestock

4/17/2009

Kidman, Denise

From: c williams [cjtatwill@gmail.com]
Sent: Wednesday, July 29, 2009 4:15 PM
To: Becky J. Harvey; Kidman, Denise
Subject: 27-122 and 27-12125

Becky & Denise,

Sorry for being so slow on these points:

Lower Bear Canyon

27-12122

POU

N 42' 56' 02.2"

W 111' 42' 22.5"

Elevation 6193

*-27-12122
T05S R41E Sec 31 SWSWSW*

Blackfoot Cow Camp

27-12125

POD

N 42' 59' 53.5"

W 111' 55' 10.1"

Elevation 6027

T05S R39E Sec 8 NW NESW

Please let me know if you have any trouble with these points. Or if you need them in a different coordinate system.

208-425-3013

Cameron Williams

Secretary

Chesterfield Land & Livestock

7/30/2009

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

RIGHT NUMBER: 27-12125

NAME AND ADDRESS: CHESTERFIELD LAND & LIVESTOCK ASSOC
1976 TELFORD RD
GRACE ID 83241

SOURCE: SPRING

TRIBUTARY: WARBONNET CREEK

QUANTITY: 0.040 CFS
7.30 AFY

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

The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.29 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, and 27-12125.

~~The rights listed below are limited to a total combined annual diversion volume for stockwater of 11.35 AF. Combined Right Nos.: 27-12172, 27-12173, 27-12174, 27-12175, 27-12119, 27-12120, 27-27-12122, 27-12123, 27-12124 and 27-12125.~~

PRIORITY DATE: 05/18/1900

POINT OF
DIVERSION: ~~T05S R39E S8 SESENEW~~ Within CAEIBOU County
T05S R39E S8 NWNESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DOMESTIC	<u>05/01 10/31</u>	0.020 CFS
	~~05/01 11/01~~	0.60 AFY
STOCKWATER	<u>05/01 10/31</u>	0.020 CFS
		<u>7.30 AFY</u>
	~~05/01 11/01~~	~~7.34 AFY~~

PLACE OF USE: STOCKWATER in CARIBOU County

T05S R39E S04 NWSW

DOMESTIC in CARIBOU County

T05S R39E S04 NWSW

Domestic use is for 1 home.

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 - Beneficial Use
Stockwater use is for 1000 cow-calf pairs.

12/25
42' 59' 53.5"
111' 55' 10.1"
POD

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 27-12125
Date Received: 10/26/2005
Receipt No: E031388
Received By: BJP

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

1. Name of Claimant(s)

CHESTERFIELD LAND & LIVESTOCK CO Phone: (208) 648-7330

C/O DEAN SMITH
826 WOOD ROAD
BANCROFT ID USA 83217

2. Date of Priority: 05/18/1900

3. Source: SPRING Trib. to: WARBONNET CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05S	39E	8	SE SE NW	CARIBOU	

5. Description of diverting works:

TROUGH, HYDRANT, HOME.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	05/01	11/01	0.02	
DOMESTIC	05/01	11/01	0.02	

7. Total Quantity Appropriated is:
0.04 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:
Number of homes: 1

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
05S	39E	4	NW	SW	DOMESTIC	
			NW	SW	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:

SPRING, TROUGHS, HOME
BLACKFOOT COW CAMP
N 43° 00.752' W 111° 54.266' "DOMETC"

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: 39576Ident. Number 27-12125Date Received 10-26-05Receipt Number E031388

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chesterfield C & L Phone () 648-7330Mailing Address 40 Dean Smith 826 Wood Rd Bannock Zip 832172. Date of Priority (Only one (1) per claim) 5/18/1898 ~~1896~~ 19003. Source of water supply (a) Spring
which is tributary to (b) Sinks Warbonnet Crk.4. a. Location of existing point of diversion is: Township 5S Range 39E Section 8,SE 1/4 of SE 1/4 of NW 1/4, Govt. Lot, _____ B.M., County of Caribou,

Additional points of diversion if any: _____

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

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

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

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

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.trough, hydrant, home.

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Domestic purposes from 5/1 to 11/1 amount 0.02 or _____

For Stock purposes from 5/1 to 11/1 amount 0.02 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.04. (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.) 400 head of range cows.

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	
55	39E	4										D							
		4										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 X

14. Remarks: spring - troughs, home
Blackfoot Cow Camp.
N 43° 00.752' W 111° 54.266' "DOMETC"

Last Name Chesterfield Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

Copies: White-State, Yellow-Claimant

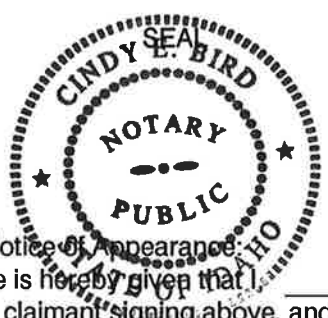
15. Basis of Claim (check one) Beneficial Use X Posted Notice _____ License _____ Permit _____
Decree _____
If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs Defendant _____

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 _____

For Organizations: I do solemnly swear or affirm that I am Board member Title _____
of C. H. & H Organization _____, that I have signed the foregoing
document in the space below as Board member Title _____ of C. H. & H Organization _____
and that the statements contained in the foregoing document are true and correct.
Signature of Authorized Agent [Signature]
Title and Organization C. H. & H Date Oct. 25.05

State of Idaho/or _____)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 25th day of October, 2005



Notary Public Cindy E. Bird
Residing at Lava Hot Springs
My Commission Expires May 1, 2007.
Please Print Name Cindy E. Bird

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 Chesterfield Ident. Number _____

