

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

RIGHT NUMBER: 27-12192

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

SOURCE: GRIZZLY CREEK

TRIBUTARY: CORRAL CREEK

QUANTITY: 2.100 CFS

PRIORITY DATE: 06/01/1927

POINT OF
DIVERSION:

T06S R40E S3 SWNWNE Lot 2 Within CARIBOU County
T06S R40E S3 SWNENW Lot 3 Within CARIBOU County
T06S R40E S3 SWNWNW Lot 4 Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.100 CFS

PLACE OF USE: IRRIGATION in CARIBOU County

T06S R40E S03 Lot 2 NWNE	31.00	T06S R40E S03	SWNE	7.00	
T06S R40E S03 Lot 3 NENW	9.00	T06S R40E S03 Lot 4 NWNW		17.00	
T06S R40E S03	SWNW	27.00	T06S R40E S03	SENE	14.00

105 ACRES TOTAL

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.

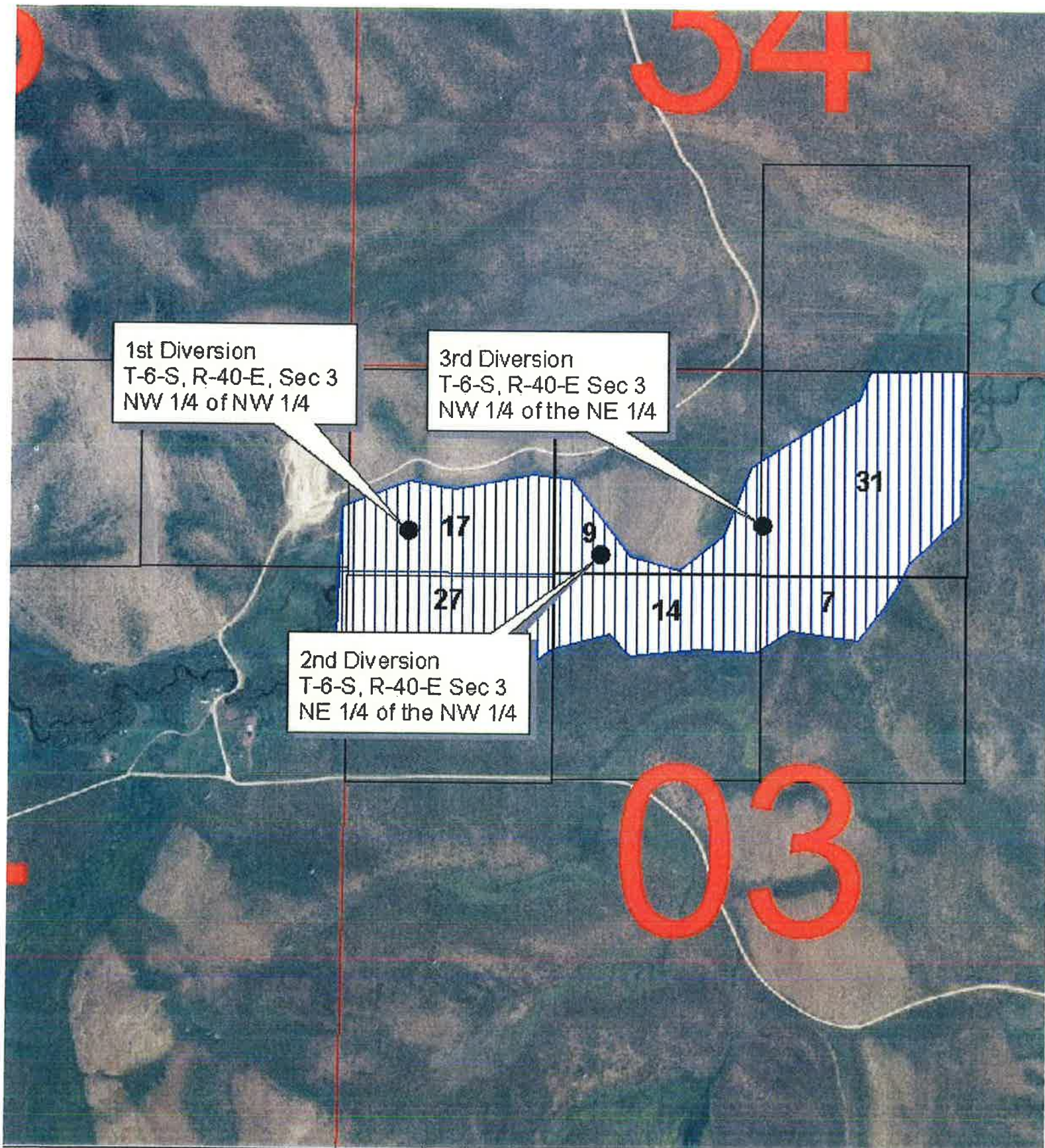
EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Created By:

Denise Kidman:

Date: 10-28-09

Chesterfield Land & Livestock



- Qrqr.shp
- Placeofuse_ac.shp
- Sections

500 0 500 1000 Feet



SCANNED

JUL 28 2009





Idaho Department of Water Resources

Adjudication Recommendation

27-12192

(IRRIGATION)

Legend

○ Point of Diversion

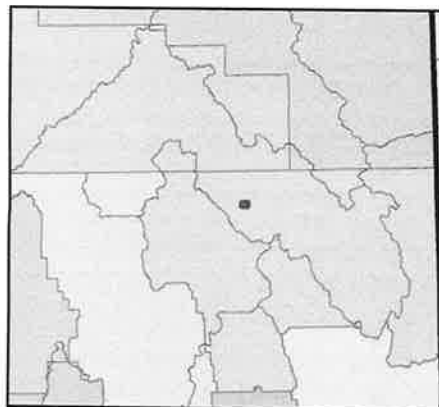
□ Place of Use

▭ State Outline

▭ Townships

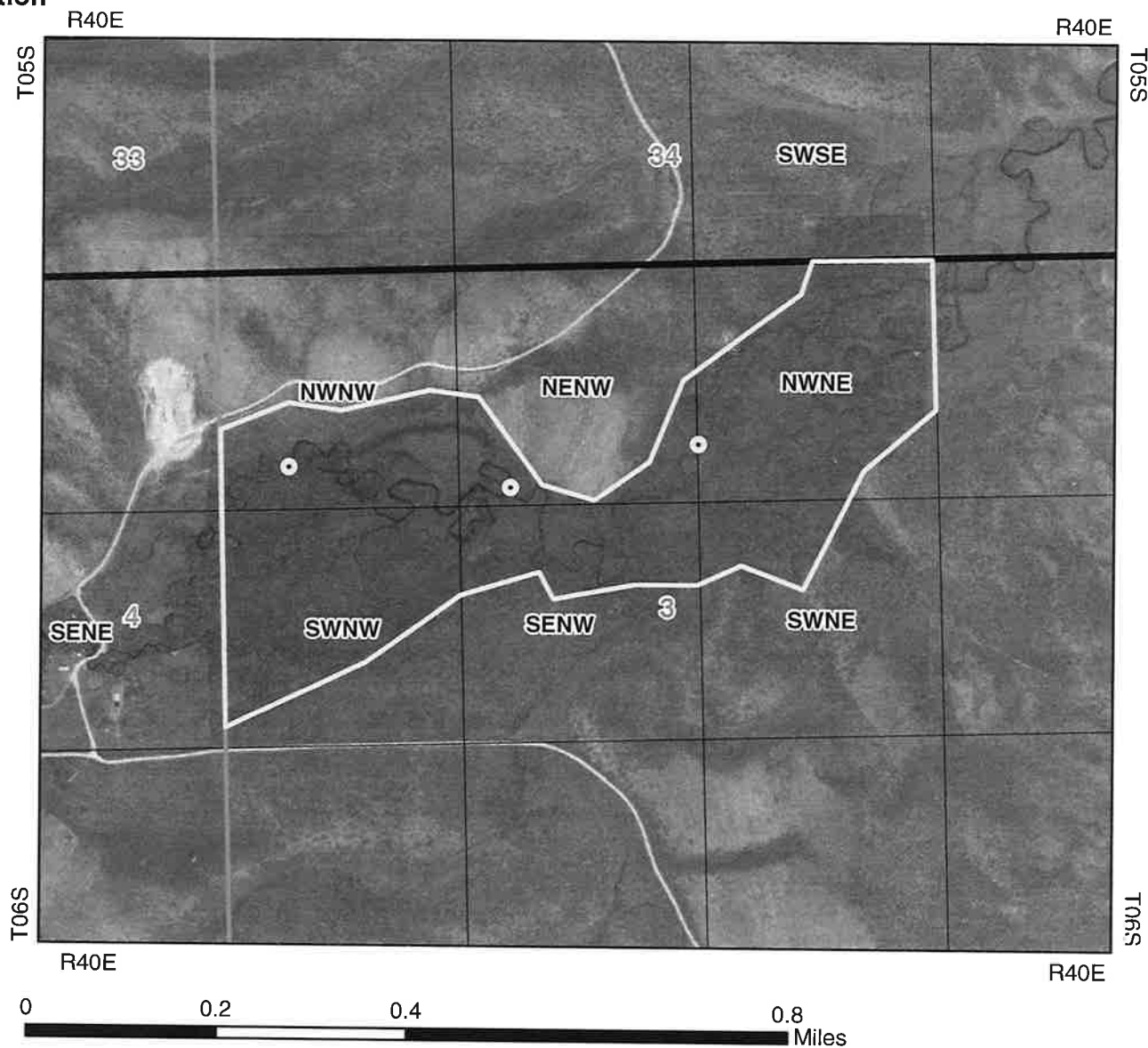
▭ PLS Sections

▭ Quarter Quarters



Caribou County
IDWR Basin 27

Prepared by Denise Kidman
On October 28, 2009
2004 Aerial Photography



Claim No(s). 27-12192

Claim No(s). 27-12192

[illegible]



State of Idaho

DEPARTMENT OF WATER RESOURCES

322 East Front Street • P.O. Box 83720 • Boise, Idaho 83720-0098

Phone: (208) 287-4800 • Fax: (208) 287-6700 • Web Site: www.idwr.idaho.gov

C. L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Interim Director

August 3, 2009

SCOTT J SMITH
RACINE OLSON NYE BUDGE & BAILEY CHTD
PO BOX 1391
POCATELLO ID 83204-1391

RE: Snake River Basin Adjudication (SRBA)
Late Notices of Claim #27-12192 and 27-12193
Your Client: Chesterfield Land & Livestock

Dear Mr. Smith:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. We have enclosed receipts #C089051 (#27-12192) and C089052 (#27-19193) for the filing fees you paid.

You are due a refund as follows:

Fees were overpaid by \$45 on Claim #27-12192.

Fees were overpaid by \$100 on Claim #27-12193.

The refund process has been initiated with the State Auditor's Office. You should receive a check in the near future.

Your Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4917 if you have any questions.

Sincerely,

Carter Fritschle
Section Manager
Adjudication Bureau

CLS:ss:region
Enclosures:

Receipts Referenced Above

SCANNED
AUG - 1 2009

Memorandum

Date: July 29, 2009

To: File 27-12192 and 27-12193

RE: Late claims 27-12192 and 27-12193

On July 29, 2009, Sally Sherman gave me two late claims that had been granted by the court. She had pointed out that she could not find copies of the motions we originally receive several months ahead of time.

I checked our late claim access database as well as a personal tracking sheet and could not verify that we had ever received copies of the motions.

I printed off the motions from the back file and conducted an initial review of the claims as well as did the data entry for both 27-12192 and 27-12193.

My analysis determined that filing fees were overpaid.

27-12192: Paid \$250: C089051

Owed: \$50 claim fee
\$50 late fee
\$105 (\$1 per acre at 105 acres)
\$205 total

Need to refund \$45 to claimant

27-12193: Paid \$223 : C089052

Owed: \$50 claim fee
\$50 late fee
\$23 (\$100 per cfs at 0.23 cfs)
\$123 total

Need to refund \$100 to claimant.

Total refund to claimant should be **\$145.00**

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JUL 30 2009

REFUND REQUEST

TO: S. Sherman to Log In
 FOR: C. Fritschle/D. Allen
 FROM: C. Saxton Date: 7-30-09
 SUBJ: Receipt No. C089051 (Please attach ARQ2 Receipt copy immediately behind blue form)

RE: PayOR Racine Olson Nye Budge & Bailey Chtd.
 Address PO Box 1391
Pocatello ID 83204-1391

Claimant(s) if NOT Payor Chesterfield Land & Livestock
 Refund Amount \$ 45.- Claim Location (Region/Claimant) (State)
 Extension Filed? Y/N (NA) Copy Attached? Y/N (NA)
 Late Fees Paid? Y/N (NA) Late Fee Receipt # C089051
 S.O. Verified Ext. by — on — D.B. Query by —
 Refund Generated By (☒) Agent () Claimant
 Refund Category:
 insufficient fees / claim incomplete / withdrawn / (o-pmt)

Date of Last Correspondence (copy attached) 7-29-09

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>27-12192</u>	<u>01</u>	<u>\$250.-</u>	<u>205.-</u>	<u>C089051</u>
Total		<u>\$250.-</u>	<u>\$205.-</u>	

*Incomplete claims or insufficient fees for irrigation use will generally NOT be refunded. D.E. claim in AJSP1 at minimum.

Detailed Reason(s) for Refund Attached (Y) N

Region AJ Spvsr. Approval — S.O. AJ Spvsr. Approval CS
 C. Fritschle Approval C. Fritschle Hold — To Fiscal 8-3-09-10
 Logged 7-30-09
 Data Base Modified? Y/N (NA) A &/or R Records By — on —

Memorandum

Date: July 29, 2009

To: File 27-12192 and 27-12193

RE: Late claims 27-12192 and 27-12193

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SCANNED
JUL 30 2009

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 27-12192

Date Received: _____

Receipt No: 008905/2

Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Chesterfield Land and Livestock Assoc. Phone (208) 425-3013

Mailing Address 1976 Telford Rd Grace Id ZIP 83241

Street or Box

City

State

2. Date of Priority (Only one (1) per claim) 6/1/1927
Month Day Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Grizzly Creek

which is tributary to (b) Corral Creek

4. a. Location of Point of Diversion is: Township 6-S, Range 40-E, Section 3,
NW, 1/4 of NW, 1/4 Govt. Lot _____, BM., County of Caribou

Parcel (PIN) no. _____

Additional points of diversion if any: T6S, R40E Sec 3 NE 1/4 of NW 1/4, T6S, R4-E Sec 3 NW 1/4 of NE 1/4

If available, GPS Coordinates 42.93070424 Lat -111.76567337 Long, 42.93032957 Lat x -111.76108545 Long,

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

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

Govt. Lot _____, BM., County of _____

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

Govt. Lot _____, BM., 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. First diversion point is an open ditch take out of the Creek channel.

Second diversion the Creek channel is checked up at the culvert. Third diversion point is an open ditch take out.

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JUL 28 2009

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Irrigation purposes from 4/15 to 10/31 amount 2.1 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

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

8. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock, Etc.)

9. 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.

Twn	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
6-S	40-E	3		31	7		9	17	27	14									105

Parcel (PIN) no(s)

Total number of acres irrigated 105

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

11. Do you own the property listed above as place of use? Yes (✓) No ()

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

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

or None (✓)

13. Remarks: The third diversion point GPS coordinates is 42.93091337, x -111.75724461

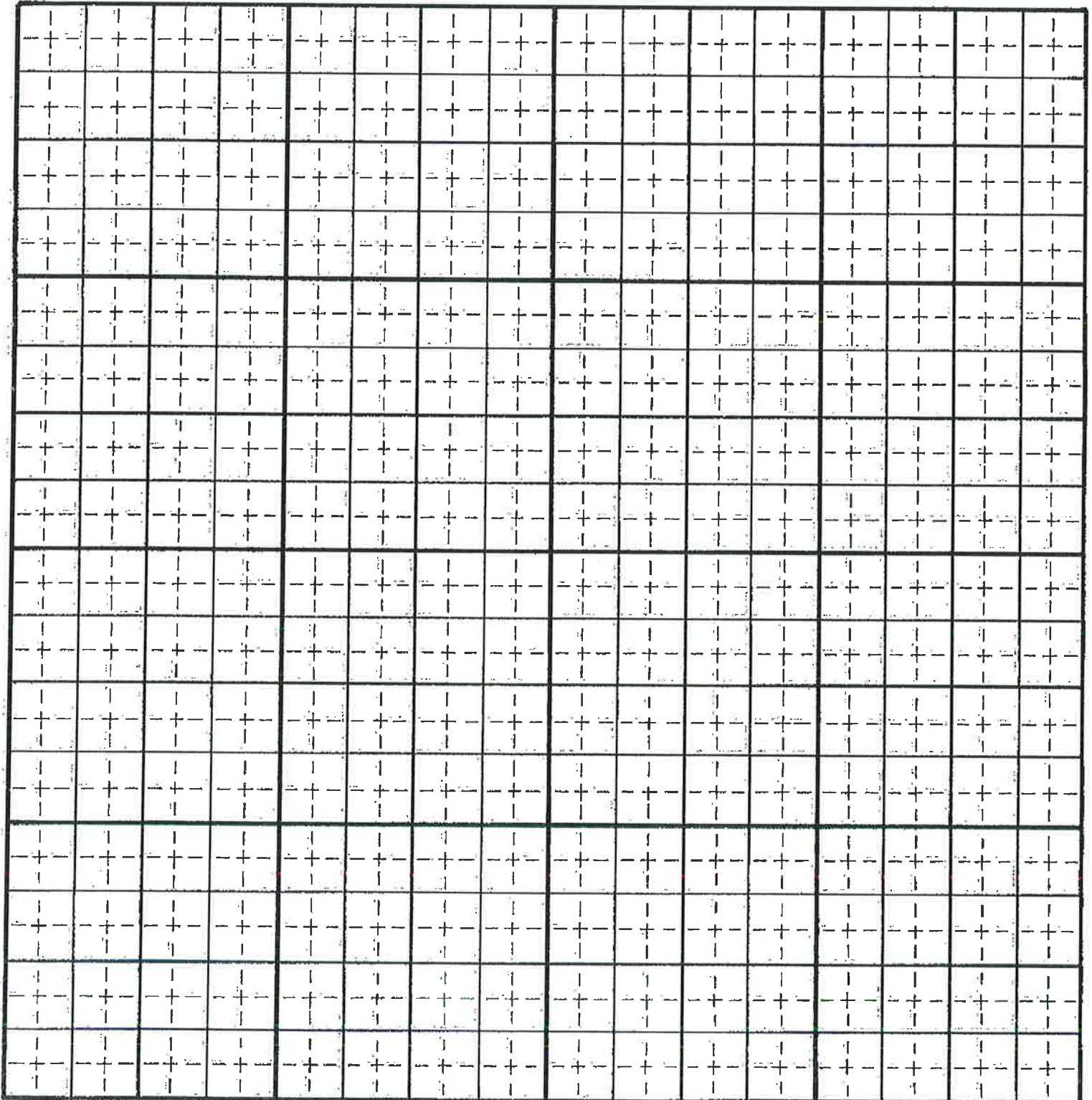
Last Name

Identification No.

JUL 28 2009

Map of Project: Attach aerial photograph or topographic map showing clearly the point of diversion, place of use, section number, township, and range number, unless unavailable. Otherwise sketch the elements above on the grid below. *See attached map*

Scale: 2 Inches equals 1 mile



Last Name _____ Identification No. _____

SCANNED

11/17/2009

14. Basis of Claim (Check One) Beneficial Use (☒) Posted Notice (☐) License (☐) Permit (☐) Decree (☐)

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number _____

15. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices 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: 2

For Individuals: I/We do solemnly swear or affirm under penalty of perjury 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 under penalty of perjury that I am

_____ of _____,
Title Organization

that I have signed the foregoing document in the space below as

_____ of _____,
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent _____ Date _____

Title and Organization _____

16. Notice of Appearance:

Notice is hereby given that I/we Racine, Olson, Nye, Budge, & Bailey, will be acting as attorney at law of 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 Candice M. McHugh Date 4-9-09
Candice M. McHugh on behalf of Scott J. Smith

Address _____
PO Box 1391, Pocatello, ID 83201

Last Name _____ Identification No. _____

SCANNED

11/11/2009

)))))

AFFIDAVIT

2)

being first duly sworn,

deposes and says: In 1927, I road with Roughie Howell, from our ranch at Mt. Putnum and camped at Dairy Springs on Grizzley Creek. I saw that water from Grizzley Creek, Dairy Spring and Sawmill Creek was being used to flood irrigate land at T65-R40E Sections 3,4,and 5.

(Signature)

Subscribed and sworn to before me this 18th day of July, 2003

(Notary Public)

Residing at Bingham County
My Commission Expires 02-23-04



SCANNED

444 2 8 2009

RECEIVED
JUL 27 2009
DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT-SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
JUL 24 2009	
By _____	Clerk Deputy Clerk

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

) Subcases: 27-12192 & 27-12193

Case No. 39576

)
) ORDER GRANTING MOTIONS TO FILE
) LATE NOTICE OF CLAIM
)
)
)

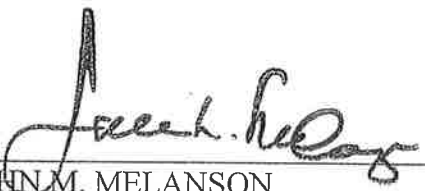
On April 10, 2009, Chesterfield Land and Livestock Association, by and through counsel, Scott J. Smith, filed a *Motion to File Late* July 21, 2009. These *Motions* complied with all procedural requirements under *SRBA Administrative Order 1*, and no objections were made to these late Notices of Claim.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for each of the above-captioned water rights are **granted**.

The original Notices of Claim, as well as any attached filing fees, and a copy of this **Order** will be forwarded to the Idaho Department of Water Resources for further action. Following investigation by the Idaho Department of Water Resources, recommendation for the claims will be reported in the next *Late Claims Director's Report* which is issued on an annual basis. This modifies the provisions of *SRBA Administrative Order 1* 4d(2)(h).

IT IS SO ORDERED.

Dated July 24, 2009.



JOHN M. MELANSON
Presiding Judge
Snake River Basin Adjudication

CERTIFICATE OF MAILING

I certify that a true and correct copy of the ORDER GRANTING
MOTIONS TO FILE LATE NOTICE OF CLAIM was mailed on July 24,
2009, with sufficient first-class postage to the following:

CHESTERFIELD LAND & LIVESTOCK

Represented by:

SCOTT J SMITH

201 E CENTER

PO BOX 1391

POCATELLO, ID 83204-1391

Phone: 208-232-6101

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 7/24/09

FILE COPY FOR 00712

Julie Murphy
Deputy Clerk
SCANNED

JUL 28 2009

ORIGINAL

DISTRICT COURT - SRBA
Fifth Judicial District
County of Twin Falls - State of Idaho

APR 10 2009

By _____ Clerk

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 *Claim is complete*)
+ date Entered)
Case 39576 *C. S. S. S.*)
7/24/99)
Paid \$250.00 : 489051)
owe A 205)
Refund = \$45)

Subcase 27-12192
(Insert water right number)

STANDARD FORM 4

MOTION TO FILE:
☒ LATE NOTICE OF CLAIM
☐ AMENDED NOTICE OF CLAIM

INSTRUCTIONS

This form is used to file a late Notice of Claim or an amendment to a Notice of Claim in a reporting area where the Director's Report has been filed. Forms may be obtained from the SRBA Court, the Idaho Department of Water Resources (IDWR), or you may copy or reproduce this blank form. If you copy or reproduce this form, please copy on both sides with the even-number pages upside down.

The water right number for your late or amended claim must be indicated above in the blank space following "Subcase." You must use a **separate form for each** late or amended Notice of Claim.

This form has been adopted by the court in **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996), Section 4, which may be consulted for further information.

By filing a *Motion to File a Late Notice of Claim* or a *Motion to File an Amended Notice of Claim*, you certify that it is well-grounded in fact; is warranted by existing law or a good-faith argument for the extension, modification or reversal of existing law; and is not filed for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation.

☒ I have read **SRBA Administrative Order 1, Rules of Procedure** (amended Sept. 30, 1996).

My name is _____

My address is _____

My phone number is: Work _____ Home _____

I am an attorney representing Chesterfield Land and Livestock Association

My name is Scott J. Smith

My address is P.O. Box 1391
Pocatello, Idaho 83201

My phone number is 208-232-6101

MOTION TO FILE A LATE NOTICE OF CLAIM

A Motion to File a Late Notice of Claim will require a hearing before the Presiding Judge.

☒ I did not file a Notice of claim to the use of water in the SRBA because:

This particular irrigation claim was overlooked since it
was believed that the prior officers of the company had filed
the SRBA claim for it.

☐ I filed a Notice of Claim and elected to defer judicial proceedings on my domestic or stock watering use. I desire to reinstate my Notice of Claim for domestic or stock watering use.

☒ I am providing legal and factual documentation for my claimed use of water. You must describe these documents and attach a readable copy. (You do not need to fill this out if you are reinstating a Notice of Claim for domestic or stock watering use, but you **must** attach a copy of your Notice of Claim.)

See attached copy of Claim.

I have attached:

- ☒ A fully completed Notice of Claim (available from IDWR).
- ☐ A claim filing fee for a domestic and stock watering use. IDWR may charge this fee pursuant to I.C. § 42-1414. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ _____.
- ☒ A claim filing fee and a late claim fee for those claims other than a domestic or stock watering use for which a notice of claim was not filed. To determine this amount, contact IDWR at (800) 451-4129. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ 250.00. *689051*

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) to request a hearing date and time.
2. Fill in the following information:

This motion will be heard on June 16, 2009 at 1:30 p.m.

(Insert Date and Time)

at the SRBA courthouse, 253 Third Avenue North, Twin Falls, Idaho.

MOTION TO FILE AN AMENDED NOTICE OF CLAIM

A Motion to File an Amended Notice of Claim may require a hearing before the Presiding Judge or Special Master or may be granted by leave of the court or by written consent of the parties and the Idaho Department of Water Resources. Leave to amend a claim shall be freely given when justice so requires.

- ☐ I must amend my Notice of Claim to the use of water in the SRBA because:

- ☒ I am providing legal and factual documentation to support my amended Notice of Claim.
You must describe these documents and attach a readable copy.

See Affidavit of Clyde Twitchell attached to Notice of Claim.

I have attached:

☐ An amended Notice of Claim (available from IDWR).

☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

State of Idaho

County of Ada

Candice M. McHugh, being first duly sworn, upon oath, deposes and says:
(Insert name of person filing form)

That I am the party/claimant filing this motion for late or amended claim (as listed on Page 2) as defined by I.C. §§ 42-1401A(1) and (7) or that I am the attorney for the party/claimant filing this motion for late or amended claim and that I have read this motion, know its contents, and believe that the statements are true to the best of my knowledge.

Signature of person filing motion

Candice McHugh
Attorney signing in representative capacity

Subscribed and sworn to before me on _____
(Insert Date)

Notary Public for _____
Residing at: _____
My Commission expires: _____

INSTRUCTIONS FOR MAILING

You must mail this form, including all attachments, to the Clerk of the SRBA Court. **FAX filings will not be accepted by the SRBA Clerk of the Court.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

CERTIFICATE OF MAILING

I certify that on April 9, 2009, ~~199==~~, 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
PO Box 2707
Twin Falls, ID 83303-2707

2. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

3. If you are filing an amended Notice of Claim in a subcase being heard before the Presiding Judge or a Special Master, you must serve a copy on all parties to that subcase.

(Insert Names/address of parties)

Chesterfield Land and Livestock Association
1976 Telford Rd.
Grace, Idaho 83241


Signature of person or attorney mailing the form
~~Scott J. Smith~~ Candice M. Hugen