

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

RIGHT NUMBER: 27-12193

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

SOURCE: GRIZZLY CREEK

TRIBUTARY: CORRAL CREEK

QUANTITY: 0.020 CFS
7.30 APY

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

PRIORITY DATE: 06/01/1927

POINT OF
DIVERSION: T06S R40E S3 NWNE End of Stream Flow Within CARIBOU County
T06S R40E S4 NENW 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	05/01 10/31	0.020 CFS 7.30 APY

PLACE OF USE: STOCKWATER in CARIBOU County

~~T06S R40E S03~~ NENE	T06S R40E S03	NWNE	
T06S R40E S03	NENW	T06S R40E S03	NWNW
T06S R40E S03	SWNW	T06S R40E S03	SENE
T06S R40E S04	SWNE	T06S R40E S04	SENE
T06S R40E S04	NENW	T06S R40E S04	NWNW
T06S R40E S04	SENE		

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.

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

RIGHT NUMBER: 27-12193

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

SOURCE: GRIZZLY CREEK

TRIBUTARY: CORRAL CREEK

QUANTITY: 0.020 CFS
7.30 AFY

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

PRIORITY DATE: 06/01/1927

POINT OF
DIVERSION: T06S R40E S3 NWNE End of Stream Flow Within CARIBOU County
T06S R40E S4 NENW Begin of Stream Flow Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

STOCKWATER

05/01 10/31

0.020 CFS
7.30 AFY

PLACE OF USE:

STOCKWATER in CARIBOU County

~~T06S R40E S03~~	~~NENE~~	T06S R40E S03	NWNE
T06S R40E S03	NENW	T06S R40E S03	NWNW
T06S R40E S03	SWNW	T06S R40E S03	SENW
T06S R40E S04	SWNE	T06S R40E S04	SENE
T06S R40E S04	NENW	T06S R40E S04	NWNW
T06S R40E S04	SENW		

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.



Idaho Department of Water Resources

Adjudication Recommendation

27-12193

(STOCKWATER)

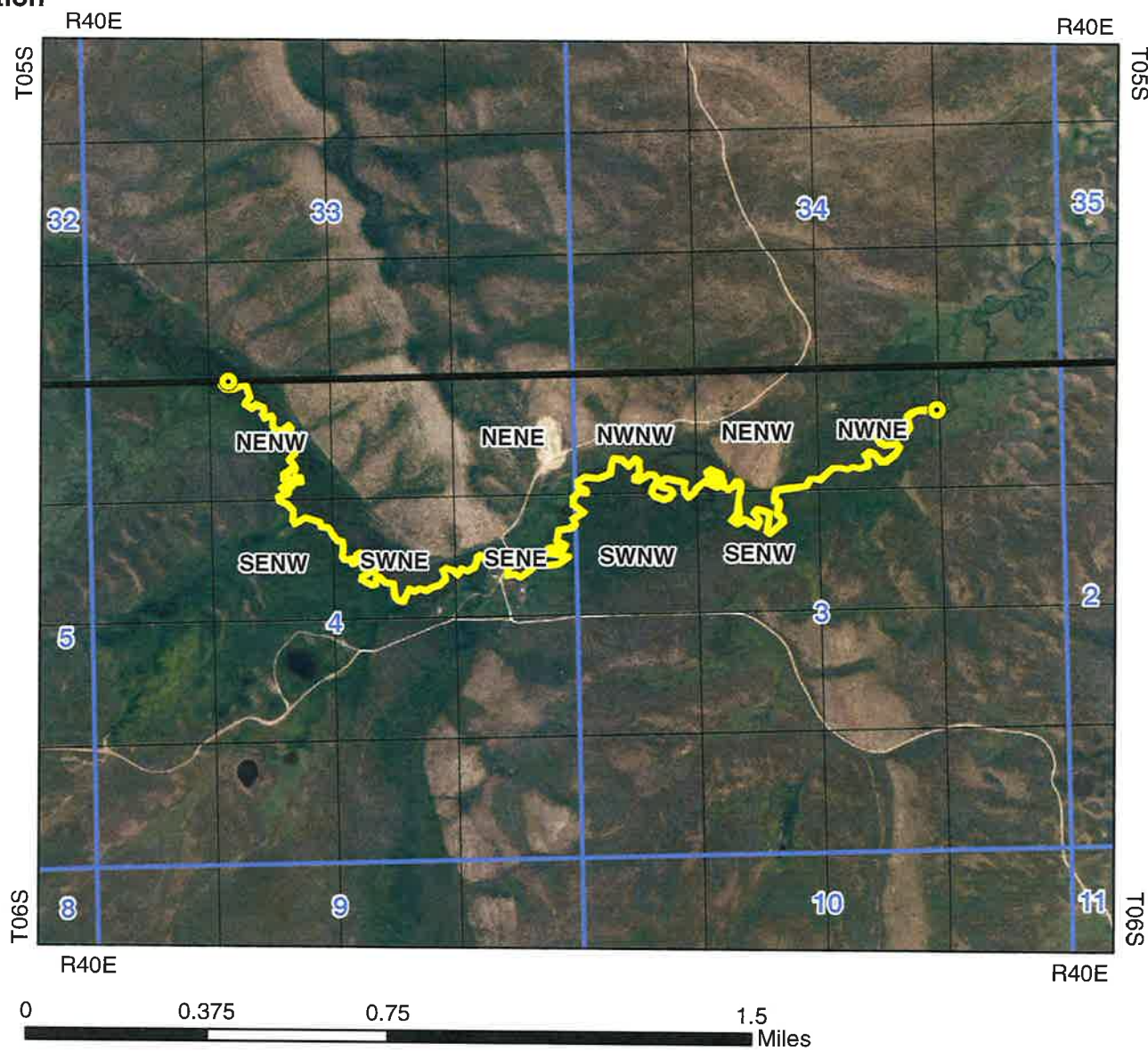
Legend

- Point of Diversion
- Place of Use
- State Outline
- Townships
- PLS Sections
- Quarter Quarters

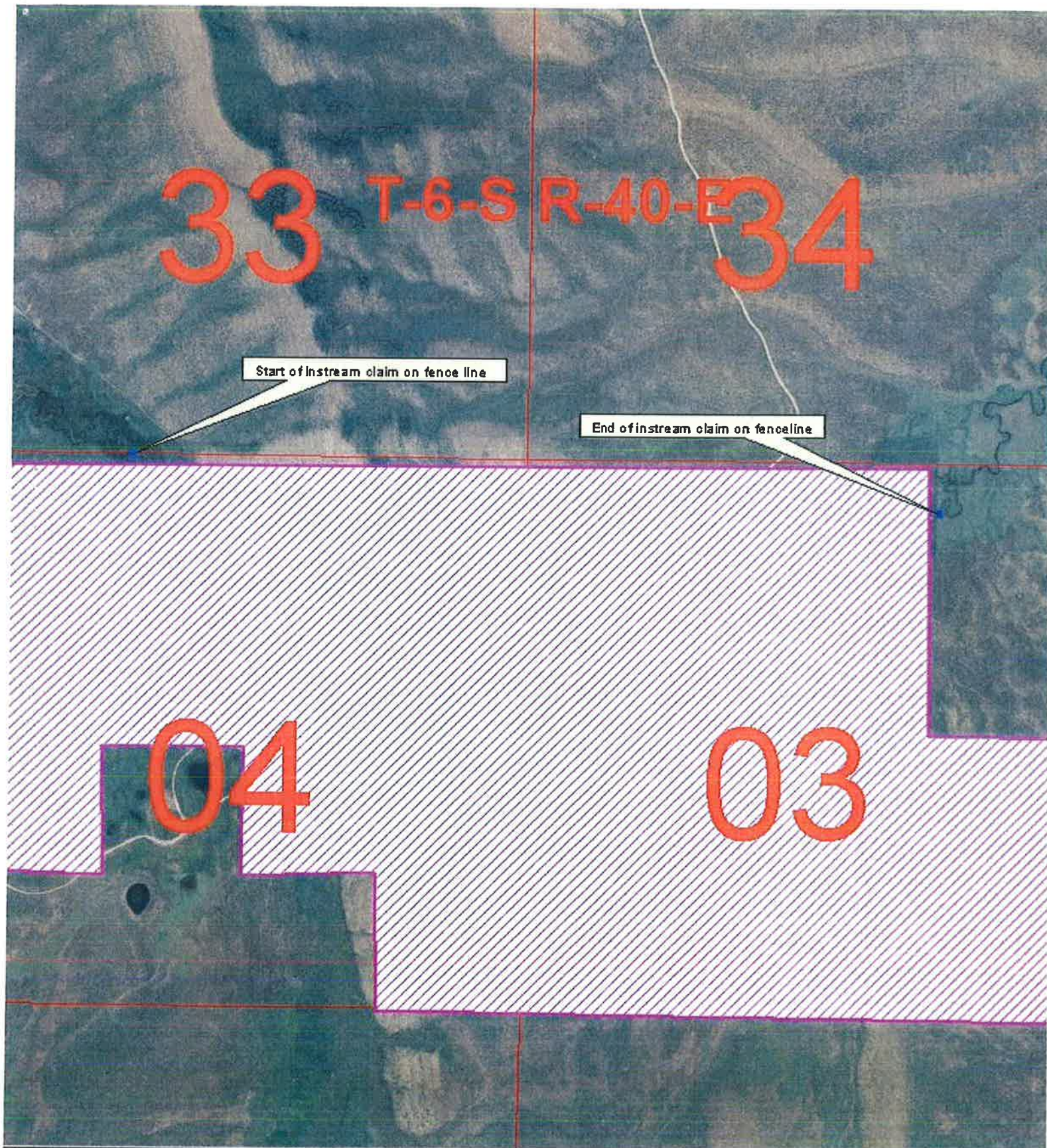


Caribou County
IDWR Basin 27

Prepared by Denise Kidman
On October 27, 2009
2004 Aerial Photography



Chesterfield Land & Livestock



- Grizzly_instream.shp
- Boundry.shp
- ▨ Chesterfield Deeded
- ▨ Chesterfield State Lease
- ▭ Sections

500 0 500 1000 Feet



SCANNED

Jul 28 2009



STAFF TIME LOG

LATE CLAIMS

Claim No(s). 27-12193

[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**

SCANNED

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. 0089052 (Please attach ARQ2 Receipt copy immediately behind blue form)
 RE: PayOR Racing Olson Nye Badge # Basley Chtd.
 Address P.O. Box 139
Pocatello ID 83204-1391

Claimant(s) if NOT Payor Chesterfield Land & Livestock
 Refund Amount \$ 145.10 Claim Location (Region/Claimant)
 Extension Filed? Y/N NA Copy Attached? Y/N NA
 Late Fees Paid? Y/N NA Late Fee Receipt # 0089052
 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) —

Claim No.	Use*	Fees Paid	Correct Fee	Rec't #
<u>27-12193</u>	<u>04</u>	<u>\$223.-</u>	<u>123.-</u>	<u>0089052</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
<u>—</u>	<u>—</u>	<u>\$</u>	<u>—</u>	<u>—</u>
Total		<u>\$223.-</u>	<u>\$123.-</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 —
 G. Fritschle Approval C. Fritschle Hold — To Fiscal 8-3-09.10
 Data Base Modified? Y/N (NA) A &/or R Records By — on 7-30-09

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**

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 SRBA

Case No. 39576

Subcase Nos. 27-12193

STANDARD FORM 5

This form is used to report the stipulated elements of one "domestic and/or stockwater" right acquired under state law and/or federal reserved water right. Submission of this form will not automatically resulting 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 water right description. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT:

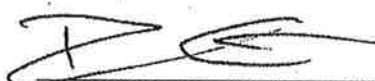
Chesterfield Livestock Land & Livestock Ass'n

OBJECTOR:

State of Idaho
Department of Lands

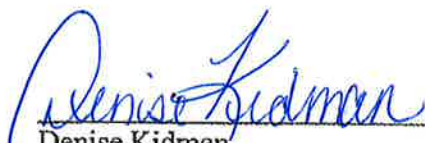
 3/12/10

Scott J. Smith Date
Attorney for Claimant

 3/14/10

David I. Stanish Date
Deputy Attorney General

IDWR Concurrence:

 3/16/10

Denise Kidman Date
Water Agent

Andrea Courtney Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2010, 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:

STATE OF IDAHO DEPT OF LANDS
Represented by:
STATE OF IDAHO
JRW BUILDING, SECOND FLOOR
700 W STATE ST, PO BOX 44449
BOISE, ID 83711-4449

CHESTERFIELD LAND & LIVESTOCK ASSOC
Represented by:
Scott J. Smith
RACINE, OLSON, NYE, BUDGE & BAILEY, CHTD.
101 CAPITOL BLVD. SUITE 208
BOISE, ID 83702

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

Signature of person or attorney mailing the form

T13N R41E S16	SWSE	7.80	T13N R41E S17	NENE	29.00
T13N R41E S17	NWNE	40.00	T13N R41E S17	SWNE	40.00
T13N R41E S17	SENE	40.00	T13N R41E S17	NENW	40.00
T13N R41E S17	NWNW	40.00	T13N R41E S17	SWNW	40.00
T13N R41E S17	SENW	40.00	T13N R41E S17	NESW	40.00
T13N R41E S17	NWSW	40.00	T13N R41E S17	SWSW	40.00
T13N R41E S17	SESW	40.00	T13N R41E S17	NESE	40.00
T13N R41E S17	NWSE	40.00	T13N R41E S17	SWSE	40.00
T13N R41E S17	SESE	40.00	T13N R41E S18	NENE	40.00
T13N R41E S18	NWNE	40.00	T13N R41E S18	SWNE	40.00
T13N R41E S18	SENE	40.00	T13N R41E S18	NENW	40.00
T13N R41E S18 Lot 1	NWNW	40.00	T13N R41E S18 Lot 2	SWNW	40.00
T13N R41E S18	SENW	40.00	T13N R41E S18	NESW	40.00
T13N R41E S18 Lot 3	NWSW	40.00	T13N R41E S18 Lot 4	SWSW	40.00
T13N R41E S18	SESW	40.00	T13N R41E S18	NESE	40.00
T13N R41E S18	NWSE	40.00	T13N R41E S18	SWSE	40.00
T13N R41E S18	SESE	40.00	T13N R41E S19	NENE	40.00
T13N R41E S19	NWNE	40.00	T13N R41E S19	SWNE	40.00
T13N R41E S19	SENE	40.00	T13N R41E S19	NENW	40.00
T13N R41E S19 Lot 1	NWNW	40.00	T13N R41E S19 Lot 2	SWNW	40.00
T13N R41E S19	SENW	40.00	T13N R41E S19	NESW	40.00
T13N R41E S19 Lot 3	NWSW	40.00	T13N R41E S19 Lot 4	SWSW	40.00
T13N R41E S19	SESW	40.00	T13N R41E S19	NESE	40.00
T13N R41E S19	NWSE	40.00	T13N R41E S19	SWSE	40.00
T13N R41E S19	SESE	40.00	T13N R41E S20	NENE	40.00
T13N R41E S20	NWNE	40.00	T13N R41E S20	SWNE	40.00
T13N R41E S20	SENE	40.00	T13N R41E S20	NENW	40.00
T13N R41E S20	NWNW	40.00	T13N R41E S20	SWNW	40.00
T13N R41E S20	SENW	40.00	T13N R41E S20	NESW	40.00
T13N R41E S20	NWSW	40.00	T13N R41E S20	SWSW	40.00
T13N R41E S20	SESW	40.00	T13N R41E S20	NESE	40.00
T13N R41E S20	NWSE	40.00	T13N R41E S20	SWSE	40.00
T13N R41E S20	SESE	40.00	T13N R41E S21	NWNE	5.00
T13N R41E S21	SWNE	0.40	T13N R41E S21	NENW	40.00
T13N R41E S21	NWNW	40.00	T13N R41E S21	SWNW	40.00
T13N R41E S21	SENW	38.60	T13N R41E S21	NESW	35.00
T13N R41E S21	NWSW	40.00	T13N R41E S21	SWSW	39.00
T13N R41E S21	SESW	33.00			

3857.7 ACRES TOTAL

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-12193 V1

WATER RIGHT NUMBER: 27-12193 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	CHESTERFIELD LAND & LIVESTOCK ASSOC 1976 TELFORD RD GRACE, ID 83241 (208)547-7396 X110

Priority Date: 06/01/1927
Basis: Beneficial Use
Status: Active

<u>Source</u>	<u>Tributary</u>
GRIZZLY CREEK	CORRAL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	05/01 to 10/31	0.020 CFS	7.30 AF
	<u>Total Diversion:</u>	0.020 CFS	7.30 AF

Location of Point(s) of Diversion

GRIZZLY CREEK	NE1/4NW1/4	Sec. 4, Twp 06S, Rge 40E, B.M.
CARIBOU County	(Beginning of Reach)	
GRIZZLY CREEK	NW1/4NE1/4	Sec. 3, Twp 06S, Rge 40E, B.M.
CARIBOU County	(Ending of Reach)	

Place of Use
STOCKWATER

not there

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
06S	40E	3	X	X			X	X	X	X					
06S	40E	4			X	X	X	X							

didn't pour update

Conditions of Approval:

1. C18 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.
2. N13 The quantity of water under this right shall not exceed 13,000 gallons per day.
3. X02 Stockwater use is for 1000 cow/calf pairs.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 27-12193 V1

Comments:

1. dkidman 10/27/2009 Recommendation

Comment: Version 1 created for late claim filed for instream stockwater. Using IDWR standard calculations for 1000 cow/calf pairs resulted in 11.3 AF. GPS coordinates for beginning and ending reach.

Dates and Other Information:

Decreed Date:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
Defendant:
Plaintiff:
Civil Case Number:
Judicial District:
Notice of Error Flag:
State or Federal:
Owner Name Connector:
Water District Number:
Generic Max Rate Per Acre:
Generic Max Volume Per Acre:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Combined Use Limits:Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	10/27/2009 10:20:52 AM	dkidman			Active
Priority Date	10/27/2009 10:22:51 AM	dkidman			Active
POD	10/27/2009 10:23:23 AM	dkidman			Active
Source	10/27/2009 10:25:56 AM	dkidman			Active
POU	10/27/2009 10:26:20 AM	dkidman			Active
Season	10/27/2009 11:22:59 AM	dkidman			Active
Summary			10/27/2009	dkidman	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	10/27/2009 10:23:23 AM	dkidman	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2. Is the basis of this claim a Application or Permit? (No) 3. Has the licensed been issued? (No) 10. Is a POD remark and/or condition required?
POD	10/27/2009 10:24:47 AM	dkidman	Updated Shape
POD	10/27/2009 10:25:22 AM	dkidman	Updated Shape

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-12193 V1

Source	10/27/2009 10:25:56 AM	dkidman	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim an Application or Permit? (No) 3. Has the licensed been issued? (Yes) 11. Is a Source remark and/or condition required?
POU	10/27/2009 10:26:20 AM	dkidman	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (Yes) 3. Is the basis of claim a Application or Permit? (No) 4. Has the licensed been issued yet? (No) 14. Is a POU remark and/or condition required?
POU	10/27/2009 11:22:03 AM	dkidman	Updated Shape
General	10/27/2009 10:22:51 AM	dkidman	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (Yes) 7. Is the basis of claim a Application or Permit? (Yes) 10a. Has proof of beneficial use been submitted? (No) 10b. Has the Field exam been completed? (No) 10e. Will the license be issued prior to filing the Directors Report? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	10/27/2009 12:08:50 PM	dkidman	Updated Shape
Contacts	10/27/2009 10:20:53 AM	dkidman	(No) 1. Do you want to schedule an appointment? Comment for 1: Required information has already been obtained.
POU	10/27/2009 12:53:03 PM	dkidman	Updated Shape
Season	10/27/2009 11:23:00 AM	dkidman	(No) 1. Is the basis of claim Decree or License? (Yes) 2. Is the basis of claim a Application or Permit? (No) 3. Has the licensed been issued? (No) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 27-12193 V1

Summary	10/27/2009 11:29:32 AM	dkidman	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Does this right have any combined use limits with other rights? (No) 6. Is an additional remark and/or condition required? (Yes) 7. Would you like to view the recommended right? (No) 8. Is this a split or combined right? (No) 9. Do you have documents you would like to attach or link to the file? (Yes) 10. Would you like to set the verification date?
---------	------------------------	---------	---

Water Supply Bank:

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

RIGHT NUMBER: 27-12193

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

SOURCE: GRIZZLY CREEK

TRIBUTARY: CORRAL CREEK

QUANTITY: 0.020 CFS
7.30 AFY

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

PRIORITY DATE: 06/01/1927

POINT OF DIVERSION: T06S R40E S3 NWNE End of Stream Flow Within CARIBOU County
T06S R40E S4 NENW Begin of Stream Flow Within CARIBOU County

PURPOSE AND PERIOD OF USE:	PURPOSE OF USE	PERIOD OF USE	QUANTITY
	STOCKWATER	05/01 10/31	0.020 CFS 7.30 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T06S R40E S03	NENE	T06S R40E S03	NWNE
T06S R40E S03	NENW	T06S R40E S03	NWNW
T06S R40E S03	SWNW	T06S R40E S03	SENE
T06S R40E S04	SWNE	T06S R40E S04	SENE
T06S R40E S04	NENW	T06S R40E S04	NWNW
T06S R40E S04	SENE		

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.

Created By:

Denise Kidman:

Date: 10-27-09

**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 27-12193

Date Received: _____

Receipt No: C089052

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 _____, Range _____, Section _____,
_____, 1/4 of _____, 1/4 Govt. Lot _____, BM., County of _____

Parcel (PIN) no. _____

Additional points of diversion if any: _____

If available, GPS Coordinates Start N 42.9336367 x W 111.7811505, End N 42.9323567 x W 111.752364

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

Township 6-S, Range 40-E, Section 4, NE, 1/4 of NW, 1/4

Govt. Lot _____, BM., County of Caribou

ending point is: Township 6-S, Range 40-E, Section 3, NW, 1/4 of NE, 1/4

Govt. Lot _____, BM., 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. Livestock are watering directly out of the creek.

SCANNED

JUL 28 2009

6. Water is claimed for the following purposes:

(both dates are inclusive MM-DD)

(cfs)

(acre feet)

For Instream Stockwater purposes from 5/1 to 10/31 amount .23 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) .23 (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.) 1000 head of mother cows and calves

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	S	S			S	S	S	S									
6-S	40-E	4			S	S	S	S		S									

Parcel (PIN) no(s).

Total number of acres irrigated

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:

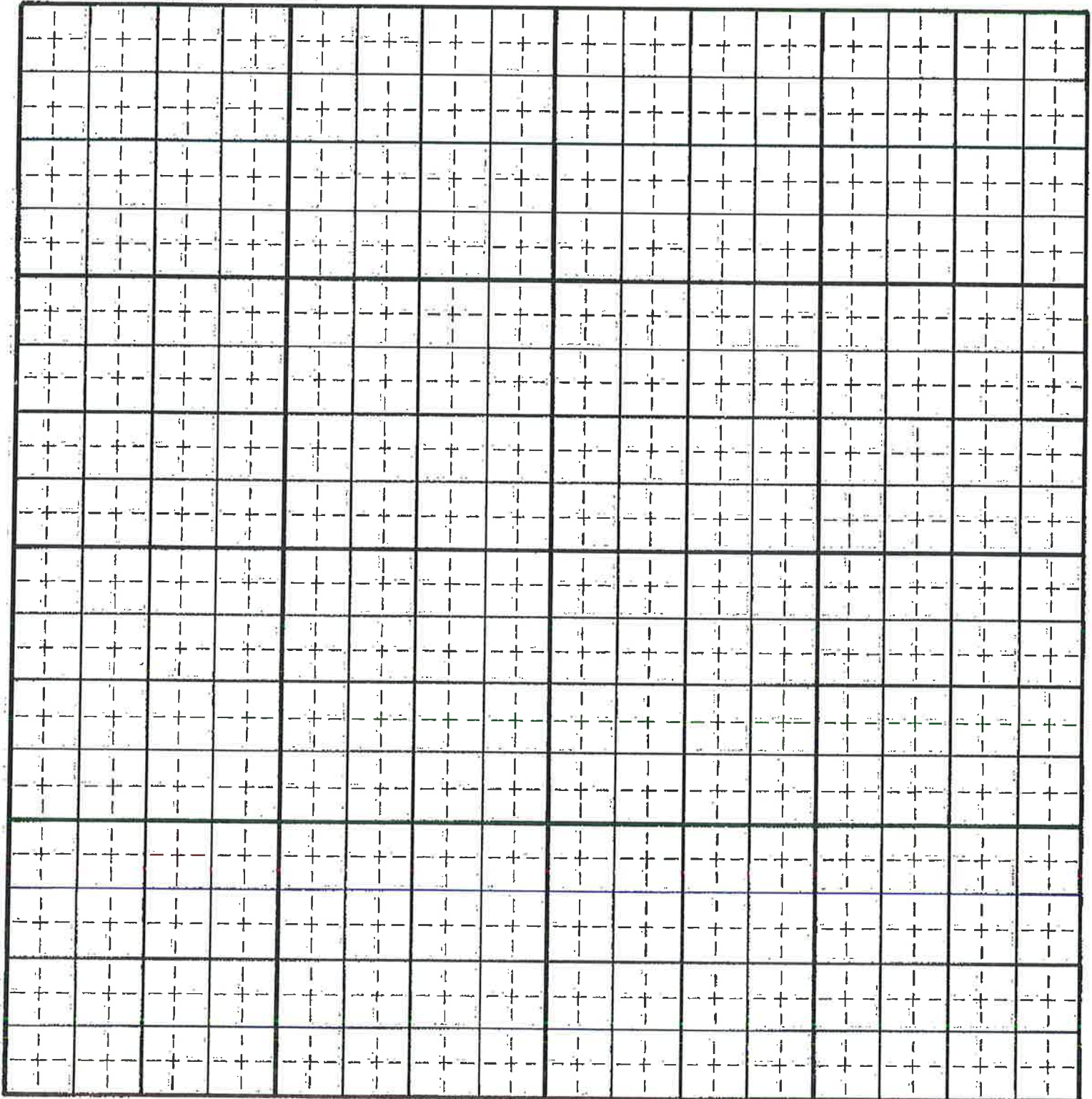
Last Name Identification No.

SCANNED

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

JUL 28 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: 1

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:

Racine, Olson, Nye, Budge & Bailey

Notice is hereby given that I/we _____, 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

Address Candice M. McHugh on behalf of Scott J. Smith

PO Box 1391, Pocatello, ID 83201

Last Name _____ Identification No. _____

SCANNED

APR 28 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

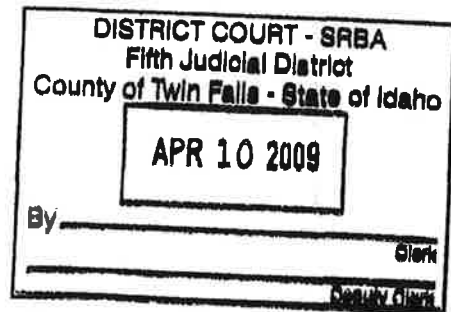
Page 1 7/24/09

FILE COPY FOR 00712

Julie Murphy
Deputy Clerk

SCANNED

JUL 28 2009



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)
Paid \$223.00)
Case 39576 *owe \$123.00*)
Refund \$100)
6/29/07)

Subcase 27-12193
(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:

The claimant only recently discovered that this claim had
been overlooked amongst the many claims filed the Association.

☐ 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 \$ 223.00. *CD89052*
- ☐ 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. I have enclosed a check payable to: State of Idaho Department of Water Resources in the amount of \$ ____.

Follow these instructions regarding the hearing on this motion.

1. Contact the Clerk of the SRBA Court (208-736-3011) at the 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.

I have attached:

- ☐ An amended Notice of Claim (available from IDWR).
- ☐ Payment of the following additional fees required by IDWR:

VERIFICATION (Must be completed)

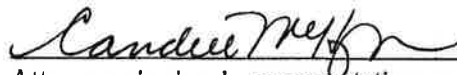
State of Idaho

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


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 McHugh