

03/09/2010

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

RIGHT NUMBER: 27-12195

NAME AND ADDRESS: BEAR LAKE GRAZING CO
835 ALTON RD
MONTPELIER ID 83254

SOURCE: UNNAMED STREAM

TRIBUTARY: SINKS

QUANTITY: 0.020 CFS
8.500 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 of 39.4 af. Combined Right Nos.: 27-12043, 27-12052, 27-12053, 27-12054, 27-12055, 27-12056, 27-12057, 27-12058, 27-12059, 27-12060, 27-12061, 27-12194, and 27-12195.

PRIORITY DATE: 08/26/1920

POINT OF DIVERSION:

T07S R44E S23 SENWSW End of Stream Flow Within CARIBOU County

T07S R44E S23 NWSWSW 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 11/30	0.020 CFS 8.50 AFY

PLACE OF USE: STOCKWATER in CARIBOU County

T07S R44E S23	NWSW	T07S R44E S23	SWSW
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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 3000 cow-calf pairs.

Source is known locally as Mesquito Springs.

Blackfoot 024901

4-1003-R.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of

Clarence D. Hansen has been established and duly consummated, in conformity to law, for the **southwest quarter of Section twenty-three in Township seven south of Range forty-four east of the Boise Meridian, Idaho, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I,

Woodrow Wilson,

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTY-SIXTH**

(SEAL)

day of **AUGUST** In the year of our Lord one thousand

nine hundred and **TWENTY** and of the Independence of the

United States the one hundred and **FORTY-FIFTH.**

By the President:

By

Woodrow Wilson
W. P. Le Roy, Secretary.
L. B. Samson,
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **769847**

4-921

27-12195

Claim No(s). 27-12195

Claim No(s). 27-12195

[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

March 10, 2010

JERRY R RIGBY
PO BOX 250
REXBURG ID 83440-0250

RE: Snake River Basin Adjudication (SRBA)
Notices of Claim to a Water Right #27-12194 and 27-12195
Your Client: Bear Lake Grazing Co.

Dear Mr. Rigby:

The Notices of Claim to a Water Right you filed for your client referenced above were received from the SRBA Court recently. I have enclosed receipts #C090077 and C090078 for the filing fees your firm paid.

Your client's Notices of Claim will be investigated and reported to the Court in a future supplemental Director's Report. Please contact me at 208/287-4916 if you have any questions.

Please notify us in writing if your client's address changes or if there is a change in ownership of their property and water rights.

Sincerely,

Craig L. Saxton
Water Rights Supervisor
Adjudication Bureau

CLS:ss:region

Enclosures: Receipts Referenced Above

SCANNED

MAR - 9 2010

FEB/16/2010/TUE 03:14 AM

BLMR

BUSINESS OFFICE

FAX No. 208 847

P. 003

356-0763

Line 1

11:59:53 02-16-2010

2/8

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 27-12195
Date Received: 4/8/2009
Receipt No: **CO90078**
Received By: MWH

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

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

FEB 16 2010

By

Clerk

Deputy Clerk

1. Name of Claimant(s)

BEAR LAKE GRAZING CO Phone: (208)847-0636
835 ALTON RD
MONTPELIER ID USA 83254

2. Date of Priority: 05/01/1886

3. Source: UNNAMED STREAM Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	44E	23	NW SW SW	CARIBOU	Beginning Point
07S	44E	23	SE NW SW	CARIBOU	Ending Point

5. Description of diverting works:

Instream stockwater

6. Water is used for the following purposes:

Purpose	From To	C.F.S.	(or) A.F.A
STOCKWATER	05/01 11/30	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	44E	23	NW SW	STOCKWATER	
			SW SW	STOCKWATER	

FEB/16/2010/TUE 03:15 AM

BLMH BUSINESS OFFICE

FAX No. 208 847

P.004

356-0768

Line 1

12:00:16

02-18-2010

3/6

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:

Source is known locally as Mosquito Springs.

Stockwater use is for 3000 cow-calf pairs.

15. Basis of Claim: Beneficial Use

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 Organizations:I do solemnly swear or affirm that I am General Partner ofBear Lake Grazing Co. Title
Organization that I have signed the foregoingdocument in the space below as General Partner ofBear Lake Grazing Co. Title
Organization and that the statements contained in theforegoing document are true and correct. Lynn C. Keetch

Signature of Authorized Agent

General Partner Bear Lake Grazing Co.
Title and Organization2-16-10
Date

State of Idaho

County of Bear Lake)

SS.

Subscribed and sworn (or affirmed) before me this 16th Day
of February 2010Linda Cochran

Notary Public

Residing at 436 Jefferson St. MontpelierMy commission Expires 6-01-2010

27-12195

01/29/2010

SCANNED
FEB 25 2010

2

RECEIVED

APR 14 2009

DEPARTMENT OF
WATER RESOURCES

Brigette appointed SM; no further proceedings set MVB 8/17/09

Hearing: 7-21-09

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

Fees OK.

Claim is complete

4-27-09

• fees correct
• d.e. - no 4-21-09
POD steps made
Denise.
by

Subcase 27-12195
(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.

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APR 14 2009

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

My name is Lynn C. Keetch for Bear Lake Grazing Co.

My address is 3623 Bench Road Montpelier, Id 83254

My phone number is: Cell 208-540-0207 Home 208-847-0636

I am an attorney representing _____

My name is _____

My address is _____

My phone number is _____

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:

a claim was already filed but the purpose of use
was irrigation. The purpose of use has and will
be stockwater.

☐ 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.)

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 \$ 25.00.
- ☐ 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 \$ _____.

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 _____
(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 Bear Lake

Lynn C. Keetch, 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.

Lynn C. Keetch
Signature of person filing motion

General partner of Bear Lake Grazing Company

Attorney signing in representative capacity

Subscribed and sworn to before me on

April 8, 2009
(Insert Date)



Jonie M. Barga
Notary Public for

Residing at: Idaho Falls

My Commission expires: July 24, 2013

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, 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)

Synn C. Keetch
Signature of person or attorney mailing the form

APR 14 2009

DEPARTMENT OF
WATER RESOURCES

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 27-12195
Date Received:
Receipt No:
Received By:

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

1. Name of Claimant(s)

BEAR LAKE GRAZING CO Phone: (208) 847-0636

C/O ROWDEEN KEETCH
3632 BENCH RD
MONTPELIER ID USA 83254

2. Date of Priority: 05/01/1886

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	44E	23	SE SW SW	CARIBOU	

5. Description of diverting works:

SPRING PIPED TO A STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	6/01	11/15	0.02	

7. Total Quantity Appropriated is:
0.2 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	44E	23	SW SW	STOCKWATER	

11. Place of use in counties: CARIBOU

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APR 14 2009

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS KNOWN LOCALY AS MESQUITO SPRINGS.
650 COW/CALF PAIRS

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am General Partner of
Title
Bear Lake Grazing Company that I have signed the foregoing
Organization
document in the space below as General Partner of
Title
Bear Lake Grazing Company and that the statements contained in the
Organization
foregoing document are true and correct. Leon C. Keetch
Signature of Authorized Agent

General Partner Bear Lake Grazing Company
Title and Organization

4-8-09

Date

State of Idaho

County of Bonneville

SS.

Subscribed and sworn (or affirmed) before me this 8th day

of April 2009

Jonie M. Barga
Notary Public

Residing at aldaho Falls, ald

My commission Expires July 24, 2013



SCANNED

APR 14 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 27-12195
Date Received:
Receipt No:
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

BEAR LAKE GRAZING CO Phone: (208)847-0636

C/O ROWDEEN KEETCH
3632 BENCH RD
MONTPELIER ID USA 83254

2. Date of Priority: 05/01/1886

3. Source: SPRINGS Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
07S	44E	23	SE SW SW	CARIBOU	

5. Description of diverting works:

SPRING PIPED TO A STOCK TROUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
STOCKWATER	6/01	11/15	0.02	

7. Total Quantity Appropriated is:
0.2 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	44E	23	SW SW	STOCKWATER	

11. Place of use in counties: CARIBOU

SCANNED
FEB 25 2010

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

13. Other Water Rights Used:

14. Remarks:

SOURCE IS KNOWN LOCALY AS MESQUITO SPRINGS.
650 COW/CALF PAIRS

15. Basis of Claim: Beneficial Use

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 Organizations:

I do solemnly swear or affirm that I am General Partner of
Title
Bear Lake Grazing Company that I have signed the foregoing
Organization
document in the space below as General Partner of
Title
Bear Lake Grazing Company and that the statements contained in the
Organization
foregoing document are true and correct. Leon C. Keetch
Signature of Authorized Agent

General Partner Bear Lake Grazing Company
Title and Organization
4-8-09
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 8th day

of April 2009

Jonie M. Barga
Notary Public

Residing at Idaho Falls, Idaho

My commission Expires July 24, 2013



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FEB 25 2010

RECEIVED

FEB 25 2010

DEPARTMENT OF
WATER RESOURCES

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

FEB 24 2010

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

)

Subcase: 27-12194 & 27-12195

)

Case No. 39576

)

ORDER GRANTING MOTIONS TO FILE
LATE NOTICE OF CLAIM

)

)

)

On April 10, 2009, Bear Lake Grazing Company filed *Motiosn to File Late Notice of Claim* for the above-captioned water rights. Hearing was held on the *Motions* on July 21, 2009. No party appeared in opposition to the *Motions to File Late Notice of Claim*, however, following the hearing the Court referred this matter to a special master to make findings consistent with the I.R.C.P. 55(s) standard.

On February 23, 2010, Special Master Brigette Bilyeu issued a *Special Master's Report and Recommendation on Motion to File Late Claim* recommending the late claims be granted. No party appeared in opposition to the motion in conjunction with the proceedings before the special master. Although the time for filing a *Motion to Alter or Amend* to the *Special Master's Report and Recommendation* has not expired, the Court can find no reason to delay the issuance of this *Order* and will forward the late claims to IDWR for investigation and reporting.

THEREFORE, IT IS ORDERED, that the *Motions to File a Late Notice of Claim* for 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

SCANNED

FEB 25 2010

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 February 24, 2010.



ERIC J. WILDMAN
Presiding Judge
Snake River Basin Adjudication

SCANNED
FEB 25 2010

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 February
24, 2010, with sufficient first-class postage to the following:

BEAR LAKE GRAZING CO

Represented by:

JERRY R. RIGBY

25 N 2ND E

PO BOX 250

REXBURG, ID 83440-0250

Phone: 208-356-3633

DIRECTOR OF IDWR

PO BOX 83720

BOISE, ID 83720-0098

ORDER

Page 1 2/24/10

FILE COPY FOR 00714

Deputy Clerk

Sally Murphy

SCANNED

FEB 25 2010