Form No.42-1409-1 (Internet 06/21)

# 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 BEAR RIVER BASIN WATER SYSTEM**

**CIVIL CASE NUMBER: 79576**
Claim ID: 11-357
Date Received: 1/28/25
Receipt No: P001771
Claim Fee: $110.00 By: MB

RECEIVED
JAN 28 2025
IDWR/Preston

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

**Please type or print clearly**

1. Name of claimant(s) Eight Mile Ranch LLC Phone (208) 339-3857

   Mailing address 13895 Nounan Rd (Street or Box) Soda Springs (City) ID (State) Zip 83276

   Email address (optional) chadharriscattle@gmail.com

2. Date of priority: (Only one per claim) 5/01/1892 (Month/Day/Year (YYYY)) (Explain priority date selected in Remarks)

3. Source of water supply (Check one) Ground Water ( ) or Other (✔) (a) Eight Mile Creek

   which is tributary to (b) Bear River

4. a. Location of point of diversion is: Township _____, Range _____, Section _____,

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

   Parcel no. _____

   Additional points of diversion, if any: See Attachment A

   If available, GPS Coordinates _____

   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.

   Working from the south, from Wilson Canyon a ditch carries water to the land. From Chad Canyon, a tarp dam is used. Two pumps in the creek for irrigation. The most north POD on the south acreage is a ditch diversion. On the northern acreage the south POD is a ditch system. Following the creek there are 4 more ditch diversions.

6. Water is claimed for the following purposes:

(dates are inclusive MM-DD) (cfs) (acre-feet)

For Irrigation purposes from 4/20 to 10/31 amount 1.4 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.4 (cfs) and/or (b) _____ (acre-feet)

8. Non-irrigation uses; describe fully (e.g., 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.

| | | | NE | | | | NW | | | | SW | | | | SE | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| TWP | RGE | SEC | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | NE | NW | SW | SE | Totals |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | |

Parcel no(s). See attachment A Total number of acres irrigated 60

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

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.
See attachement B, C or None ( )

13. Remarks (Include an explanation of the priority date selected):

Decreed priority date 5/1/1892. This is 60 acres used within 590.5 acres. See original place of use and points of diversion on attachment A. These place of use and points of diversion locations are within those used by Eight Mile Ranch which was transfered several years ago. This water water was inadvertently omitted from the prior water right transfer of the right listed in attachment.See attachments attachment B and C for Eight Mile Ranch points of diversions and place of use. Season of use was changed from 4/20-9/30 from original decree to 4/20-10/31. We use this water well past 9/30 to irrigate grass pastures and crops. It is common to irrigate fall grain or other crops into October to put a little moisture in the ground before the winter season. We have owned the property for over 50 years and have been water grass pastures every years since, well past the original decreed season of use date.

Name of claimant(s) _____ Claim ID _____

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.

Scale: 2 inches equals 1 mile

Name of claimant(s) _____ Claim ID _____

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 11-357

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 Bear River Basin Water System 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/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, and that I have signed the foregoing document in the space below as the

X Owner/Partner of Eight Mile Ranch LLC,

Agent's title (Please print) Name of organization (Please print)

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

X Signature of Authorized Agent [signature] Date 8/1/24

Printed Name of Authorized Agent Wade G Harris

16. **Notice of Appearance**:

Notice is hereby given that I, (please print) _____, 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 _____ Date _____

Address _____

Name of claimant(s) _____ Claim ID _____

# HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

http://www.srba.idaho.gov/BRBA20.HTM

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site http://www.idwr.idaho.gov/ for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Original Waterright

Water Right Status

Priority Date : 5/1/1892
Basis : Decreed
Status : Active

Water Source

| Source | Source Qualifier | Tributary | Tributary Qualifier |
|---|---|---|---|
| EIGHTMILE CREEK | | BEAR RIVER | |

Points Of Diversion (Location)

| Source | Township | Range | Section | Govt. Lot | QQQ | QQ | Q | County | Diversion Type |
|---|---|---|---|---|---|---|---|---|---|
| EIGHTMILE CREEK | 10S | 42E | 16 | 0 | | SW | SW | BEAR LAKE | |

Water Uses

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 4/20 | 10/31 | 1.40 CFS | |
| **TOTAL** | | | 1.40 CFS | |

Places of Use

Printable View Paged View

Place of Use Legal Description : IRRIGATION (BEAR LAKE county)

| Township | Range | Section | Lot | QQQ | QQ | Q | Acres |
|---|---|---|---|---|---|---|---|
| 10S | 42E | 9 | | | SE | SW | |
| 10S | 42E | 16 | | | NE | NW | |
| 10S | 42E | 16 | | | SE | NW | |
| 10S | 42E | 16 | | | NW | SW | |

Irrigation Totals

Total Acres Acre Limit

Conditions

**Code Condtions**

P/D, WOODALL-FOSTER-MUNRO DITCH. P/U, AC IRR=60.

A,B

Point of Diversions

EIGHTMILE CREEK SESE Sec. 04 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK SWNE Sec. 09 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK NESW Sec. 09 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK NWSE Sec. 09 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK SENW Sec. 16 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK SWSW Sec. 16 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK NENE Sec. 20 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK SENE Sec. 20 Township 10S Range 42E BEAR LAKE County
EIGHTMILE CREEK NWSE Sec. 20 Township 10S Range 42E BEAR LAKE County

EIGHTMILE CREEK NWSW Sec. 20 Township 10S Range 42E BEAR LAKE County

EIGHTMILE CREEK SWNE Sec. 20 Township 10S Range 42E BEAR LAKE County

A

# Place of Use

Place of Use Legal Description: IRRIGATION BEAR LAKE County

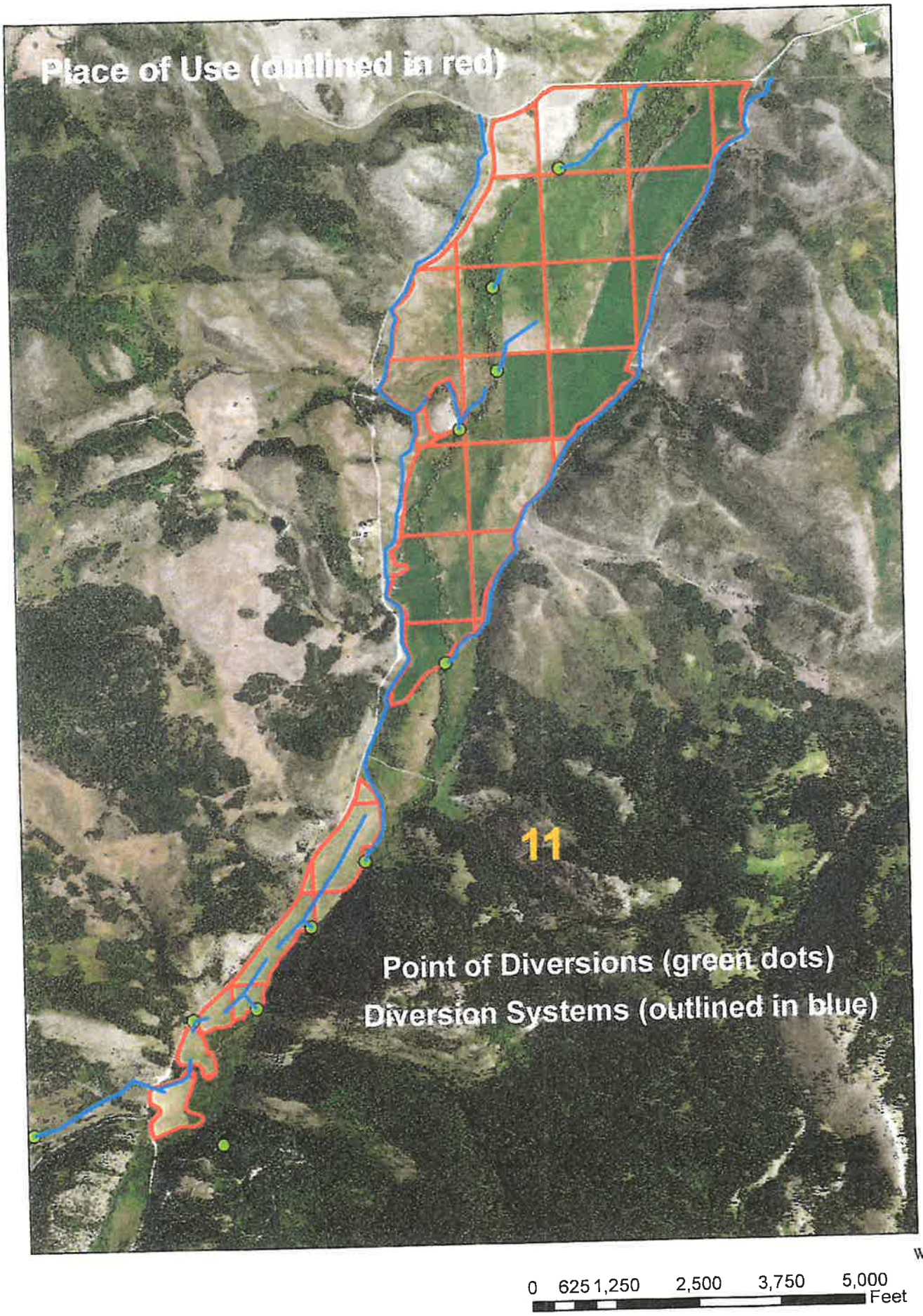
| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 10S | 42E | 3 | | SWSW | 37.5 | | SESW | 9.3 | | | | | | |
| | | 4 | | SWSE | 14.4 | | SESE | 38.2 | | | | | | |
| | | 9 | | NENE | 40 | | NWNE | 32.8 | | SWNE | 40 | | SENE | 39.9 |
| | | | | NENW | 2.3 | | SENW | 27.3 | | | | | | |
| | | | | NESW | 21.2 | | SESW | 27.8 | | | | | | |
| | | | | NESE | 27.2 | | NWSE | 40 | | SWSE | 33.1 | | SESE | 1.2 |
| | | 10 | | NWNW | 28.2 | | SWNW | 7.1 | | | | | | |
| | | 16 | | NWNE | 11.7 | | SWNE | 0.4 | | | | | | |
| | | | | NENW | 34.7 | | SWNW | 0.3 | | SENW | 16.6 | | | |
| | | | | NWSW | 1.8 | | SWSW | 19.3 | | | | | | |
| | | 17 | | SESE | 1.1 | | | | | | | | | |
| | | 20 | | NENE | 13.3 | | SWNE | 11.3 | | SENE | 4.7 | | | |
| | | | | NWSE | 10.3 | | | | | | | | | |

Total Acres: 590.5

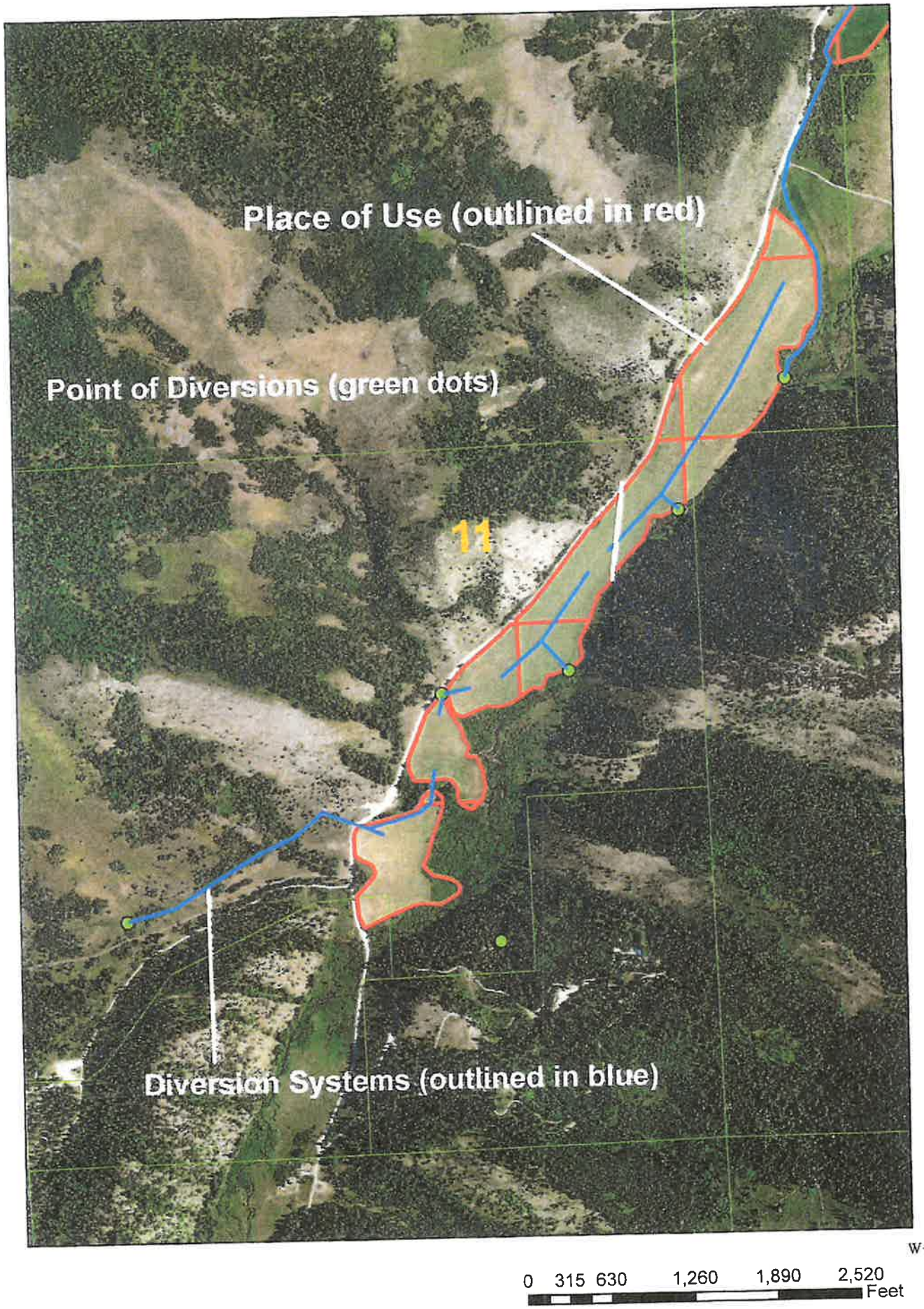
Conditions of Approval:

B

# BRBA Claim


Place of Use (outlined in red)
11
Point of Diversions (green dots)
Diversion Systems (outlined in blue)
A, B
N
W
E
S
0 625 1,250 2,500 3,750 5,000
Feet

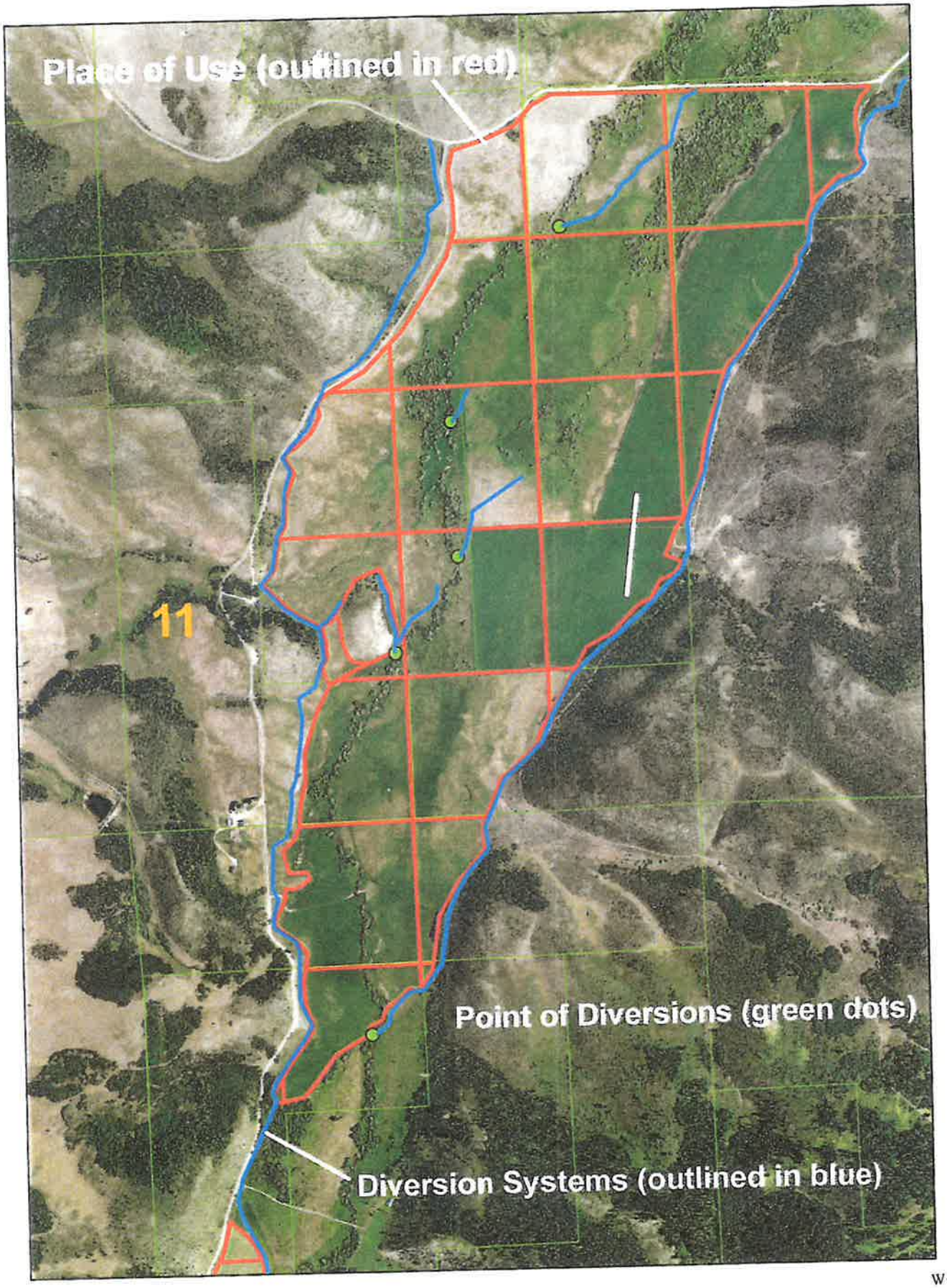
# BRBA Claim




A,B

# BRBA Claim

590.5 Ac, 12.74 CFS




AB

N
W E
S

0 395 790 1,580 2,370 3,160
Feet

| Type | Basin | Seq. | Name of area | Ditch | Basis | Status | Priority Date | Div. Rate (cfs) | Source | Water Use | Owner |
|---|---|---|---|---|---|---|---|---|---|---|---|
| WR | 11 | 340 | Howards Hayfield | Simmons | Decreed | Active | 5/1/1884 | 2 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 341 | Howards Hayfield | Simmons | Decreed | Active | 5/1/1890 | 1 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 342 | Howards Hayfield | Simmons | Decreed | Active | 5/1/1891 | 1 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 343 | Howards Hayfield | Simmons | Decreed | Active | 5/1/1912 | 0.2 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 344 | Howards Hayfield | Simmons | Decreed | Active | 5/15/1912 | 0.7 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 345 | Eight Mile Meadow | | Decreed | Active | 5/1/1890 | 0.9 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 346 | Eight Mile Meadow | | Decreed | Active | 5/1/1891 | 1 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 355 | Minnick Meadow and Howar | | Decreed | Active | 5/1/1890 | 0.9 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 356 | Minnick Meadow and Howar | | Decreed | Active | 5/1/1891 | 1 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 357 | Eight Mile Meadow | | Decreed | Active | 5/1/1892 | 1.4 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 362 | Southwest Howard farm and | | Decreed | Active | 5/15/1912 | 0.5 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 363 | Southwest Howard farm and | | Decreed | Active | 5/1/1892 | 1.4 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 364 | Southwest Howard farm and | | Decreed | Active | 5/1/1894 | 0.4 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 365 | Eight Mile Hayfiel | Wilson | Decreed | Active | 5/1/1912 | 0.24 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |
| WR | 11 | 366 | Eight Mile Hayfiel | Wilson | Decreed | Active | 5/15/1912 | 1.5 | EIGHTMILE CREEK | IRRIGATION | EIGHT MILE RANCH LLC |

C

# IDAHO DEPARTMENT OF WATER RESOURCES

11-357

## WATER RIGHT REPORT

12/7/2023
IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report
WATER RIGHT NO. 11-357

| Owner Type | Name and Address |
|---|---|
| Current Owner | PATRICK GALLAGHER |
| Current Owner | GEORGE GREEN |
| Current Owner | D A WOODALL |
| Current Owner | J D WOODALL |
| | PO BOX 33 |
| | VICTOR, ID 83455 |

Priority Date: 05/01/1892
Basis: Decreed
Status: Active

| Source | Tributary |
|---|---|
| EIGHTMILE CREEK | BEAR RIVER |

| Beneficial Use | From | To | Diversion Rate | Volume |
|---|---|---|---|---|
| IRRIGATION | 4/20 | 9/30 | 1.4 CFS | |
| Total Diversion | | | 1.4 CFS | |

Location of Point(s) of Diversion:

EIGHTMILE CREEK | SWSW | Sec. 16 | Township 10S | Range 42E | BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: IRRIGATION BEAR LAKE County

| Township | Range | Section | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres | Lot | Tract | Acres |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 10S | 42E | 9 | | SESW | | | | | | | | | | |
| | | 16 | | NENW | | | SENW | | | | | | | |
| | | | | NWSW | | | | | | | | | | |

Conditions of Approval:

1: P/D, WOODALL-FOSTER-MUNRO DITCH. P/U, AC IRR=60.

Dates:

Licensed Date:

Decreed Date: 07/14/1920

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: 11A

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plantiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False