

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: H-7504 11-7507

Date Received: 12/12/23

Receipt No: P000680

Claim Fee: 4050.00 By: MB

RECEIVED

AMENDED

DEC 05 2023

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

- Name of claimant(s) Black Otter Irrigation Company Phone (208) 681-4794
Mailing address PO Box 68 Dingle ID 83233
Street or Box City State
Email address (optional) ipsencattlecompany@yahoo.com
- Date of priority: (Only one per claim) 4/15/1877 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (☒) (a) Bear River
which is tributary to (b) Great Salt Lake
- a. Location of point of diversion is: Township 14S, Range 45E, Section 8,
SE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. _____
Additional points of diversion, if any: _____
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 _____
- 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.
Black Otter Canal with rock diversion dam and concrete headgate on Bear River.

6. Water is claimed for the following purposes:

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

For Stockwater purposes from 1/01 to 12/31 amount 20 or

For Wildlife purposes from 1/01 to 12/31 amount 20 or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 20 (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.) Stockwater - 7,280 head of range cattle; Wildlife - 10,000 waterfowl

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.

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

Place of use is within Black Otter Service Area

Parcel no(s). Total number of acres irrigated NA

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.
 or None (☒)

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

Priority date is based upon the Terrell Decree, as described more fully in Attachment 1. Memorandum dated July 31, 2023 Re: Stock water claims to accompany irrigation claims based on rights decreed in the Terrell Decree of 1924.

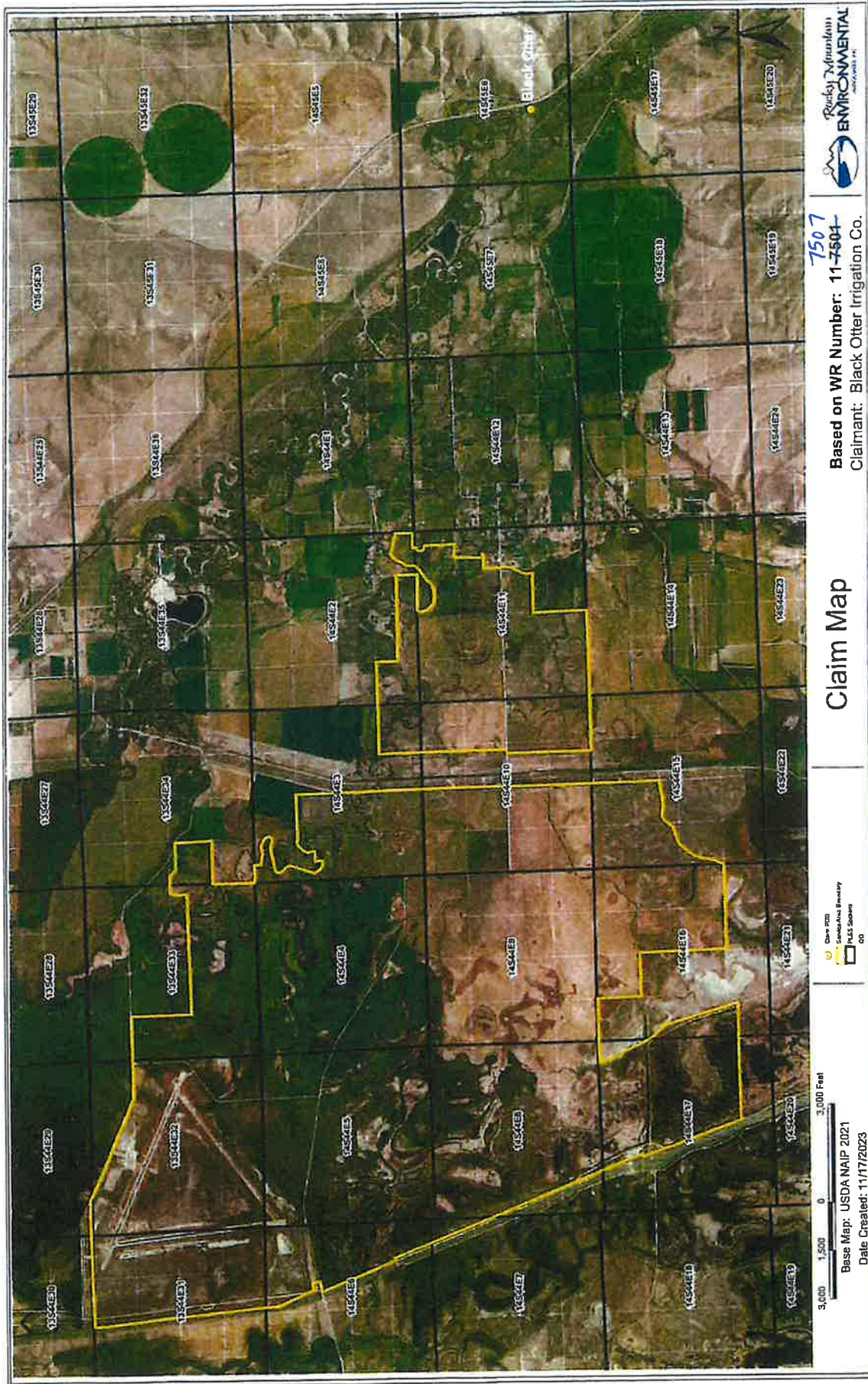
Claimant is the owner of the water rights delivered through the Black Otter Canal and serves patrons, who are the underlying land owners.

Attachment 2: Supplemental POU List.

Water is delivered through the Black Otter system year round to provide water to patrons for stock and wildlife. Affidavits from patrons supporting off-season stockwatering use were provided with the original statutory claim in 2002 and are located within the water right backfile of 11-7501. In addition, Attachment 3 includes a map of parcels that use stockwater and affidavits from current patrons identifying stockwater use year-round. The use of this right for stockwater during the irrigation season does not increase the total diversion from the Black Otter headgate and is not cumulative with the Irrigation water rights.

Name of claimant(s) Black Otter Irrigation Company

Claim ID 7507



Based on WR Number: 11-7504-7507
Claimant: Black Otter Irrigation Co.

Claim Map

Claim Area Boundary
US Section

Base Map: USDA NAIP 2021
Date Created: 11/17/2023

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (☒)

Court 5th Jud. District Decree Date March 7, 1924 Plaintiff v. Defendant Pres-Mont. Irr. vs. Dingle Irr.

If applicable provide IDWR Water Right Number 11-7501 7507

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: 3

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

President _____ of Black Otter Irrigation Company
Agent's title (Please print) Name of organization (Please print)

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

Signature of Authorized Agent Mark Ipsen Mark Ipsen Date 12-21-23
12-5-23

Printed Name of Authorized Agent Mark Ipsen

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) Black Otter Irrigation Company Claim ID _____