

**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**

RECEIVED

NOV 27 2023

CIVIL CASE NUMBER: 79576

Claim ID: 11-903

Date Received: 12/1/23

Receipt No: P000632

Claim Fee: 50.00 By: MB

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

Please type or print clearly

1. Name of claimant(s) Peg Leg Irrigation Company Inc. Phone (208-) 390-1332

Mailing address PO Box 243, Montpelier, Idaho Zip 83254
Street or Box City State

Email address (optional) justin.skinner@nutrien.com

2. Date of priority: (Only one per claim) 4/15/1883 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)

3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake

4. 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. RP14S45E084900

Additional points of diversion, if any: _____

If available, GPS Coordinates 42.2153656, -111.2204538

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.

Dam and concrete headgate of the Black Otter Canal. Peg Leg water rights are diverted through this diversion and then branch off in T14S R45E S7 SWNW into the Peg Leg Ditch. Water is then delivered through a series of ditches and laterals for irrigation of the place of use.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 9/30 amount 6.5 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.5 (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:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- 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 the Service Area of Peg Leg Irrigation Co.
See attached POU list**

Parcel no(s). _____ Total number of acres irrigated 866.5

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.

11-902, 11-903, & 11-904 overlap the entire POU for irrigation or None ()

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

Priority is per Terrell Decree, which defines priority dates and quantities, but also describes subordination of "Meadow" rights to "Agricultural" rights. Peg Leg was decreed "Agricultural" rights and asserts its claim to the subordination of the "meadow" rights. A copy of the excerpts of the decree are attached with highlights of relevant language that must be included in the BRBA decree. Additional details regarding elements of the claim are described more fully in the attached narrative.

Attachments include:

- 1) Narrative
- 2) Maps of Irrigated Acres - Overview and Detailed maps
- 3) POU List
- 4) Terrell Decree Excerpts

Name of claimant(s) Peg Leg Irrigation Company Inc.

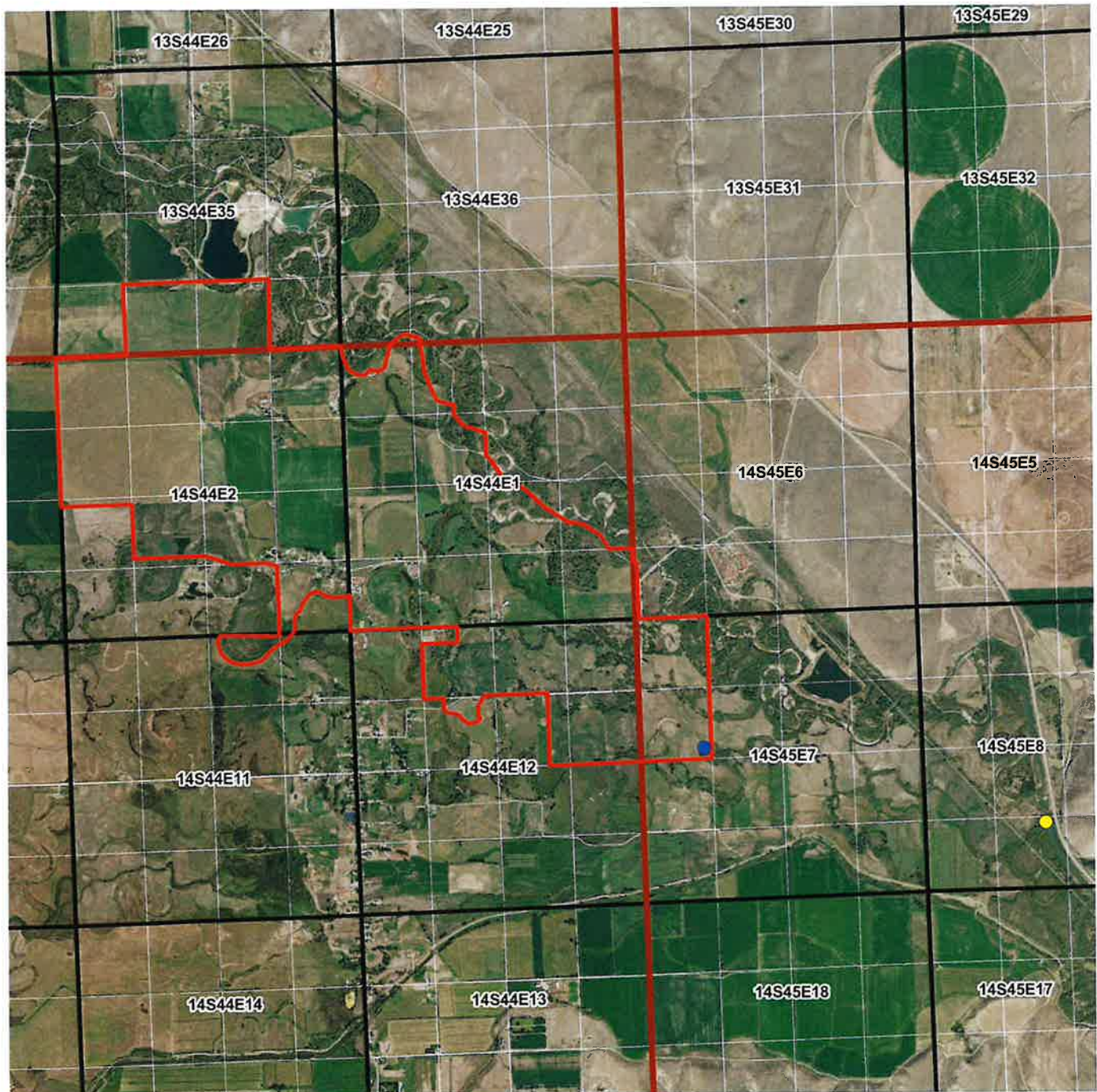
Claim ID _____

Claim Map

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



2,700 1,350 0 2,700 Feet



- Peg Leg Headgate
- Claim POD
- ▭ Service Area Boundary
- ▭ Townships
- ▭ PLSS Sections
- QQ



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

Court 5th Jud. District Decree Date 3/7/1924 Plaintiff v. Defendant Preston Montpelier vs Dingle

If applicable provide IDWR Water Right Number 11-903

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: 4

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.

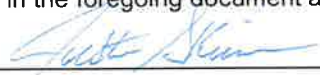
Signature of Claimant (s) _____ Date: _____

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 Peg Leg Irrigation Company Inc.
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  Date 11/27/2023

Printed Name of Authorized Agent Justin Skinner

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) Peg Leg Irrigation Company Inc. Claim ID _____

Attachment 1

Narrative to Accompany BRBA Water Right Claim to Provide Additional Information

Claim based on WR#: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company, Inc.

1. Name. The decreed name is the Peg Leg Island Irrigation Co., however the claimant now uses the name Peg Leg Irrigation Company, Inc., which is the registered entity with the Secretary of State since 1941.

4. Point of Diversion. The point identified in this claim is the accurate location of the historical diversion, which is consistent with the IDWR record and verified through aerial photography. This is a shared point of diversion with the Black Otter Irrigation Co. and is generally referred to as the Black Otter diversion.

9. Place of Use. The Claim map on Page 3 of the claim form illustrates the service area boundary claimed for Peg Leg. The service area boundary was drawn based upon review of the irrigated lands, and extended to the property boundaries of the patrons (as represented by the parcel layer obtained from Bear Lake County) to include all lands that could be irrigated from Peg Leg. The service area boundary encompasses 1,214 acres, as described in the claim.

Some lands, specifically the W1/2NW1/4 of Section 7, T14S R45E, are included within the service area as water is deliverable to this location from Peg Leg Ditch and historically received water. The shares were sold off some years ago and the current owner has just obtained some shares since 2021 to begin irrigating again.

Total irrigated acres were reviewed in detail with the individual patrons, mapped, and confirmed by the canal president, representing active irrigated acres as of 2021. Some patrons own shares for properties that have lost access to their delivery ditches. However, the historical irrigated lands are included in the total acreage since the patrons are current shareholders with valid shares in good standing. Connection to Peg Leg may be restored to allow patrons to continue beneficially using their shares.

An overview map and detailed maps are included in Attachment 2 to show the GIS polygons generated by the acre review. The service area boundary was drawn according to the parcel layer from the county, but irrigated acres were estimated based on field boundaries, which do not always correlate to the represented property boundaries. The Place of Use List attached to the claim summarizes the irrigated acres per quarter-quarter. A shapefile can be provided to IDWR of the place of use boundary and irrigated acres.

The analysis indicated approximately 808 acres of irrigation. However, the full decreed acreage **866.5 acres** is claimed because recommendation of anything less would constitute a partial forfeiture of the Peg Leg rights, and per Idaho Code 42-223:

(7) No portion of a water right held by an irrigation district, a Carey Act operating company, or any other company, corporation, association or entity which holds water rights for distribution to its landowners, shareholders or members shall be lost or forfeited due to nonuse by such landowners, shareholders or members, unless the nonuse is subject to the control of such entity.

It is acknowledged that within the near future, likely Peg Leg may not need the ability to irrigate a full 866.5 acres. However, it is expected that the Bear River Basin Adjudication decree will endure beyond a

period of time when future needs, practices and conditions can be foreseen. Even more important than preserving the original decreed acreage is to avoid any reduction in diversion rate based on a notion of loss of acres. Historical use has equilibrated to what can be supported with the decreed diversion rates, and a reduction in diversion rate would change the Adjudication from a *confirmation* of rights to a *reallocation*.

12. Other water rights. Peg Leg owns decreed rights 11-902, 11-903, and 11-904 that are used in combination for the irrigation of the 866.5 acres within the service area. In addition, claimant is filing a stockwater claim for the same place of use delivered through Peg Leg.

Known overlaps: Other non-Peg Leg water rights that overlap may include Kent La Roco, which delivers to the Keetch property in T13S R44E S35 and T14S R44E S2. Peg Leg water is injected into the Kent La Roco and both rights are diverted into a holding pond to irrigate the Keetch property.

Other private domestic ground water rights may overlap the service area boundary, and Peg Leg makes no assertion that they are used in combination with Peg Leg water rights, unless specifically stated by the other claimants.

The following canal systems are adjacent to, but do not overlap with Peg Leg:

- Black Otter Irrigation Co.,
- Dingle Irrigation Co., and
- Ream Crockett Irrigation Co.

Patrons may own shares in one or more of these companies, but the canals do not irrigate the same lands.

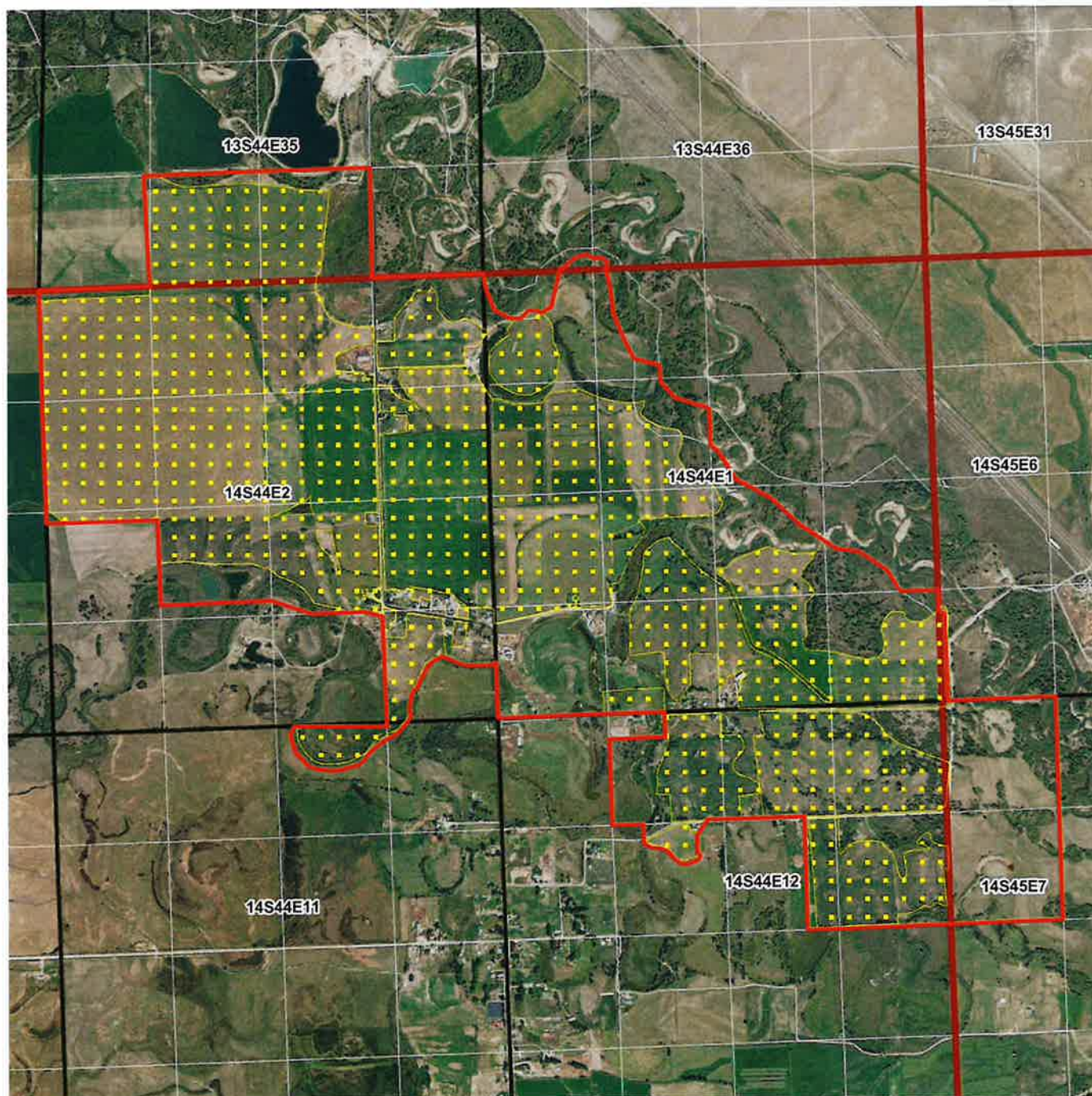
Attachment 2

Overview of Irrigated Acres

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



1,700 850 0 1,700 Feet



Date Created: 11/21/2023

-  Service Area Boundary
-  Irrigated Acres
-  Townships
-  PLSS Sections
- QQ

Base Map: USDA NAIP 2021



Irrigated Acres - Detail Map 1

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ



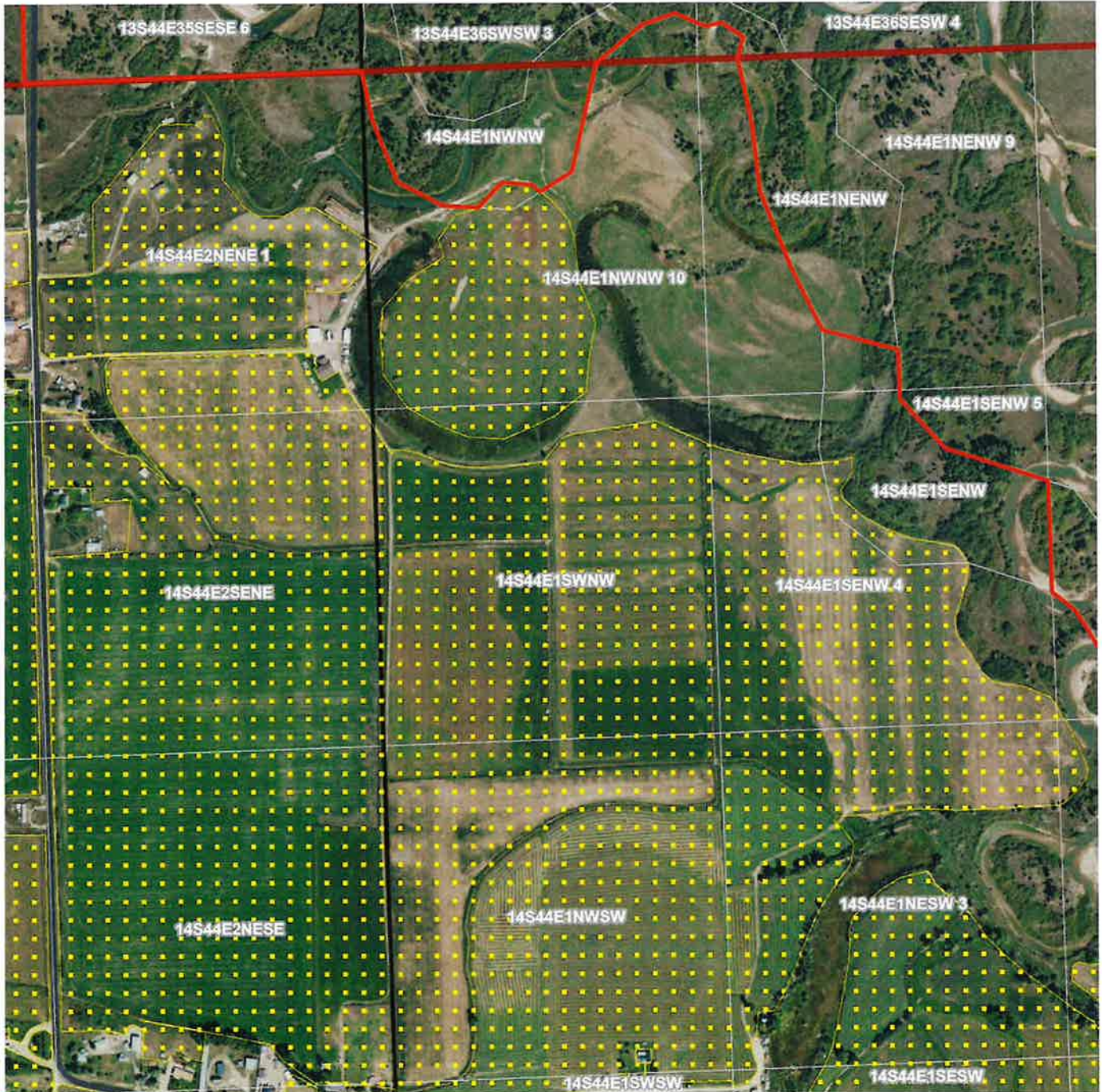
Base Map: USDA NAIP 2021

Irrigated Acres - Detail Map 2

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ

Base Map: USDA NAIP 2021

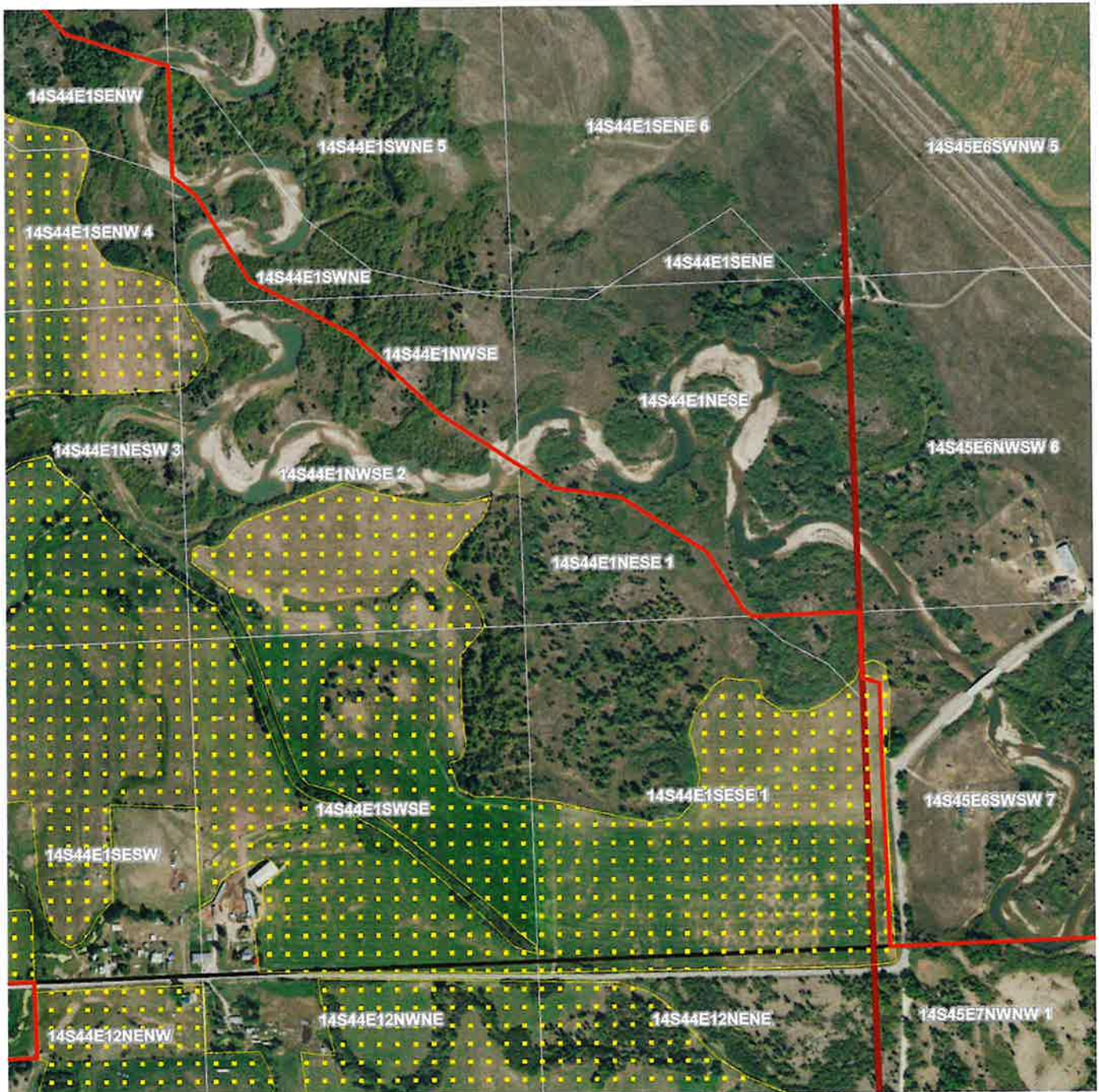


Irrigated Acres - Detail Map 3

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ

Base Map: USDA NAIP 2021

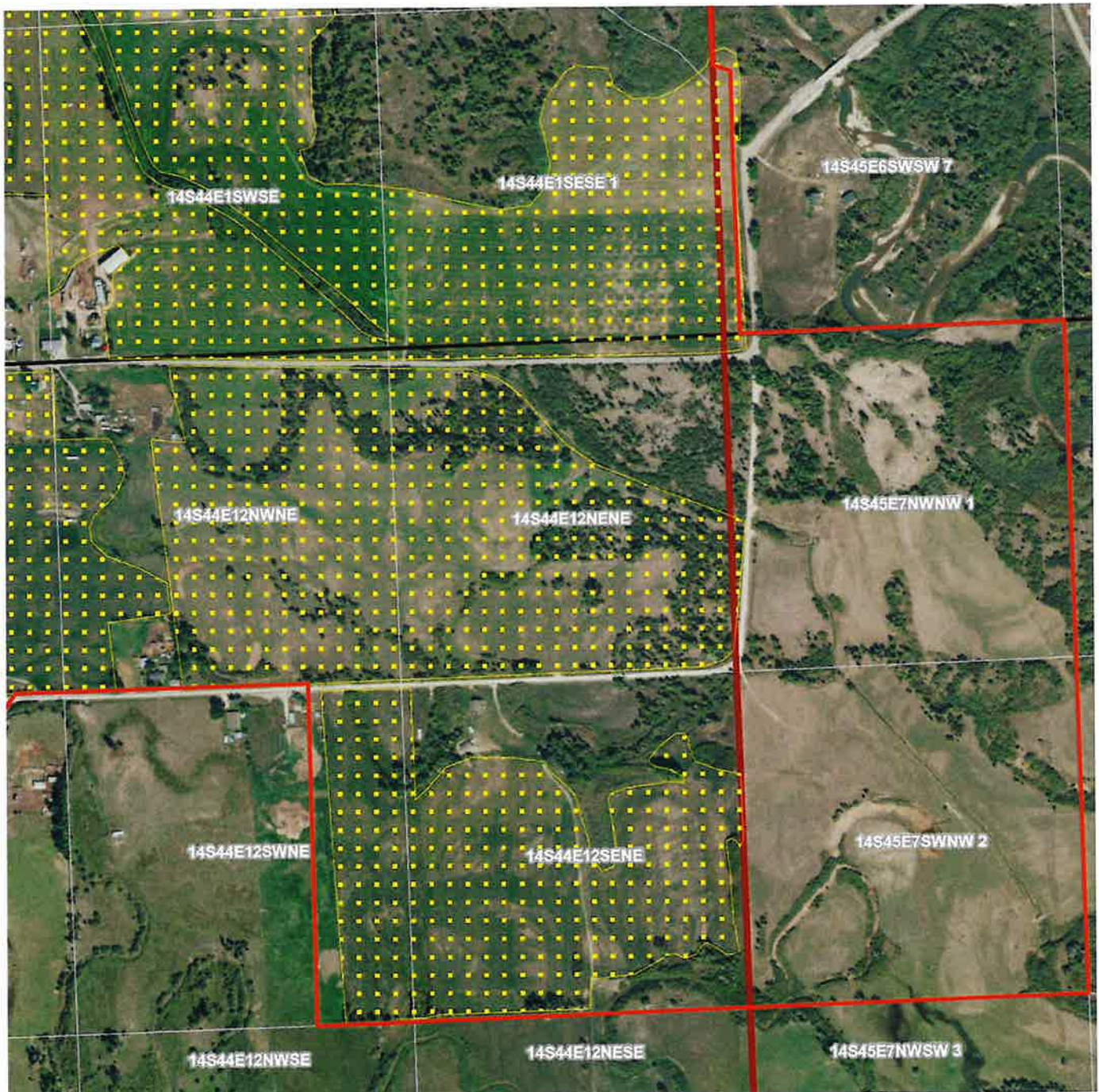


Irrigated Acres - Detail Map 4

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ
- Base Map: USDA NAIP 2021

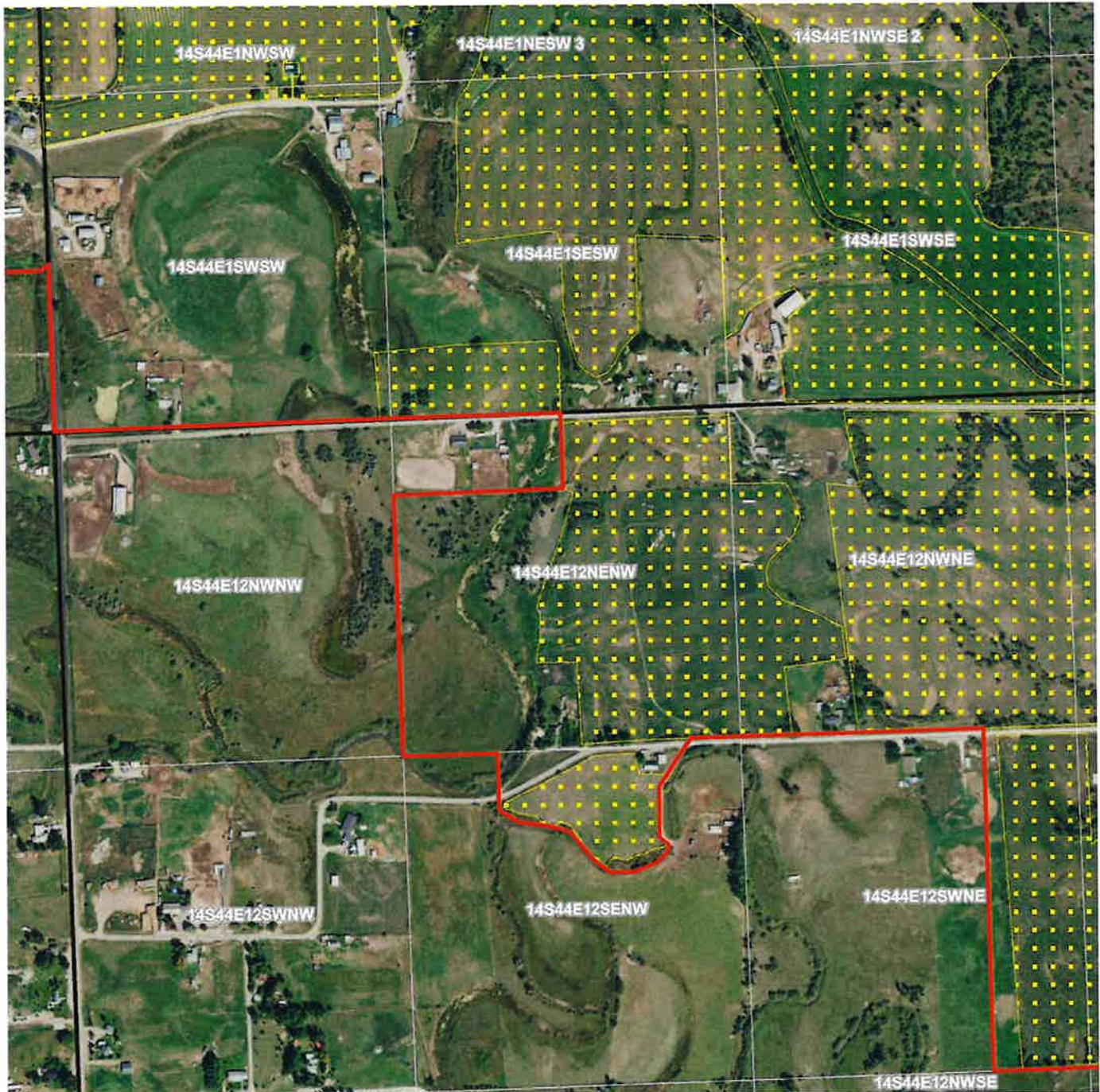


Irrigated Acres - Detail Map 5

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ

Base Map: USDA NAIP 2021

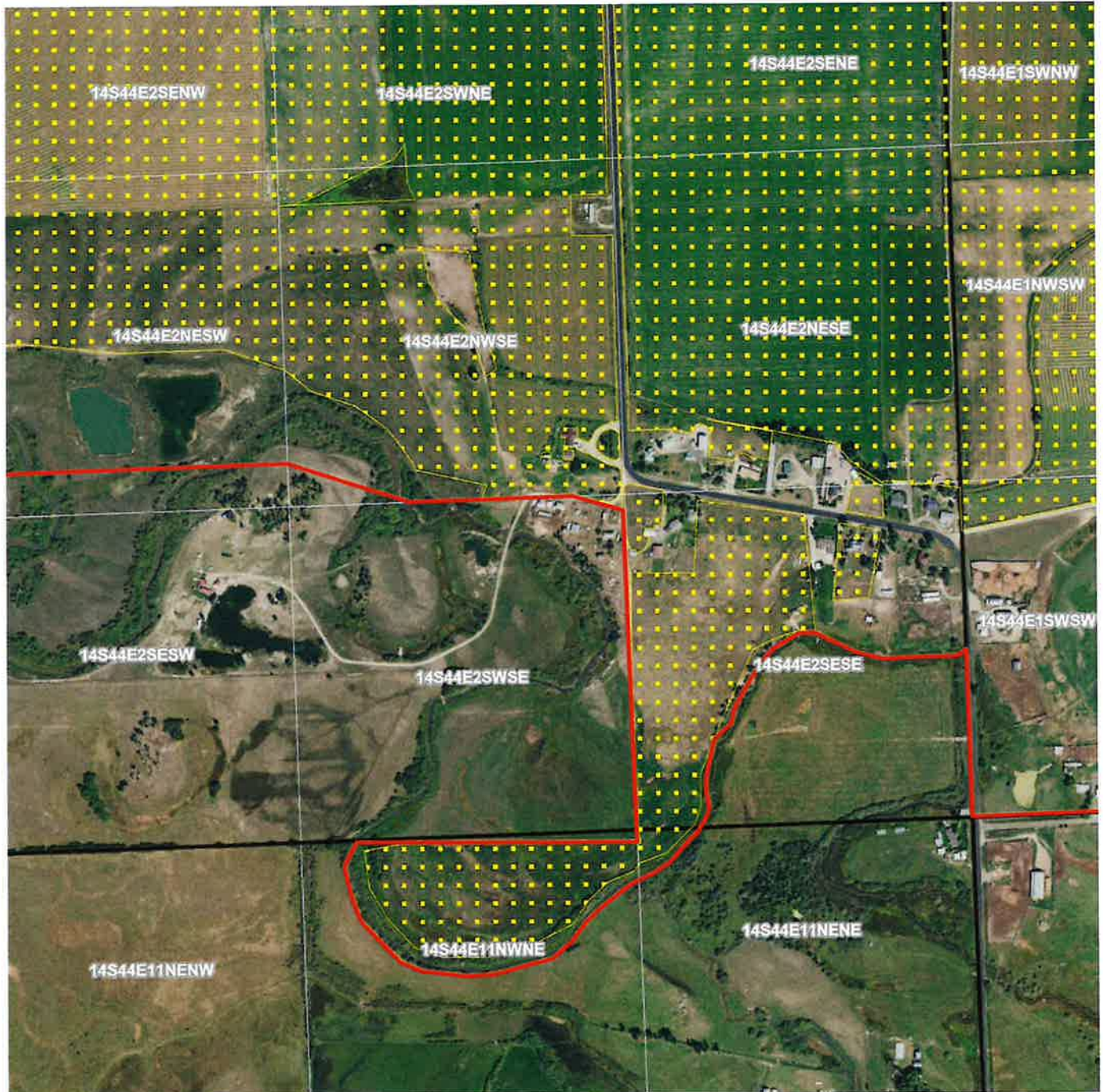


Irrigated Acres - Detail Map 6

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

- Service Area Boundary
- Irrigated Acres
- Townships
- PLSS Sections
- QQ

Base Map: USDA NAIP 2021



Irrigated Acres - Detail Map 7

Based on WR Number: 11-902, 11-903, 11-904

Claimant: Peg Leg Irrigation Company Inc.

Claim No: _____



610 305 0 610 Feet



Date Created: 11/21/2023

-  Service Area Boundary
-  Irrigated Acres
-  Townships
-  PLSS Sections
- QQ

Base Map: USDA NAIP 2021



Attachment 3

Place of Use List

Claimant: Peg Leg Irrigation Company Inc.

Based on Water Right Nos: 11-902, 11-903, 11-904

Twp	Rng	Sec	QQ	Gov. Lot	Service Area Acres	Irrigated Acres
13S	44E	35	SWSW		1.1	1.1
		35	SESW		39	36
		35	SWSE		40	19
		36	SWSW	5	1.1	0
		36	SESW	5	0.5	0
14S	44E	1	SWNE	2	2.3	0
		1	NENW		9.2	0
		1	NENW	10	1.4	0
		1	NWNW		0.4	0.4
		1	NWNW	10	31	12
		1	SWNW		40	36
		1	SENW		10	1.4
		1	SENW	4	26	21
		1	NESW	3	40	28
		1	NWSW		40	40
		1	SWSW		40	3.1
		1	SESW		40	23
		1	NESE	1	8.2	0
		1	NWSE	2	33	13
		1	SWSE		40	32
		1	SESE		1.6	0.1
		1	SESE	1	39	24
		2	NENE	1	40	22
		2	NWNE	2	40	29
		2	SWNE		40	39
		2	SENE		40	37
		2	NENW	3	40	40
		2	NWNW	4	40	37
		2	SWNW		40	40
		2	SENW		40	40
		2	NESW		35	21
		2	NWSW		4.1	3.7
		2	NESE		40	35
		2	NWSE		39	31
		2	SESE		25	15
		11	NENE		0.7	0.4
		11	NWNE		11	8.1
		12	NENE		40	30
		12	NWNE		40	31
		12	SWNE		11	8.8
		12	SENE		40	25
		12	NENW		36	20
		12	SENW		5.7	3.7
14S	45E	6	SWSW	7	1.6	2.2
		7	NWNW	1	41	0.4
		7	SWNW	2	41	0
					1214.9	809.4

Attachment 4

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grismett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Pugnire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtum; Garrie Hill; J.A.O. Nielson;
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

DECREE

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. C. Kms,
Esquire, appearing as attorneys for the plaintiff Preston-Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. C. Kms, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Garrie
Hill, J. A. O. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grismett Black Otter Irrigation Company, a corporation, and the Pugnire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

BREAK IN PAGES

-3-

11 0900 1883- April 15th, what is designated in this decree as an "Agricultural Right", 11 cu. ft. per second.

11 0901 1884- April 15th, what is designated in this decree as an "Agricultural Right", 8 cu. feet per second.

All of said waters to be diverted from Bear River through a ditch diverting therefrom at a point located at or near the East line of the Southeast Quarter of Section Seventeen, Township Fourteen North, Range Forty-four East of the Boise Meridian to be used upon 1721 acres of land described as follows, to-wit:

Commencing at the Southeast corner of the Northeast Quarter of Section 14 in Township 14 South of Range 44 East of Boise Meridian, run thence West 10 chains; thence North 40 chains; thence north 88°20' west 3 chains; thence north 17°40' west 10 chains; thence north 14° west 18 chains; thence north 9°20' east 18 chains; thence north 3° west 10 chains; thence north 19°20' west 18 chains; thence south 88°20' east 23 chains; thence south 1 chain; thence north 87° east 3.50 chains; thence south 1.30 chains; thence south 84°20' east 18 chains; thence north 87°20' E. 11 chains; thence north 32°10' east 2 chains; thence north 89°40' east 80 chains; thence south 27 chains; thence east 60 chains; thence north 3.50 chains; thence 5.50 chains; thence south 16.50 chains; thence west 32 chains; thence south 42° east 20 chains; thence south 76°40' east 5 chains; thence south 58° east 3 chains; thence south 75° east 13 chains; thence south 53°50' east 28 chains; thence south 6 chains to the Dingle Company canal, from which the point of diversion at Bear river bears south 40°50' east 5 chains, from which said point on the canal along the meanderings of canal, to wit, south 76° west 36 chains; thence south 35°20' west 14.10 chains; thence south 82° west 24 chains; thence north 72°20' west 9 chains; thence north 65°40' west 11 chains; thence south 87°40' west 10 chains; thence north 80°40' west 25.50 chains; thence north 42° west 15 chains; thence north 75°15' west 13 chains; thence south 57°30' west 10 chains; thence south 21° west 11 chains; thence south 35° west 62 chains; thence north 48 chains to beginning. Containing 1721 acres.

PEG LEG ISLAND IRRIGATION COMPANY: (Block after)

1 0902 1878- April 15th, what is designated in this decree as an "Agricultural Right", 8 cubic feet per second.

1 0903 1883- April 15th, what is designated in this decree as an "Agricultural Right", 6.5 cubic feet per second.

1 0904 1884- April 15th, what is designated in this decree as an "Agricultural Right", 3 cubic feet per second.

All of said waters to be diverted from Bear River through a ditch therefrom at a point located at or near the Southeast Quarter of Section Seven, Township Fourteen South, Range Forty-four East of the Boise Meridian, to be used upon 265.5 acres of land, described as follows, to-wit:

The Southwest quarter of the Northeast quarter and Lot 2 in Section 2, Township 14 South, and the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter of Section 35, Township 13 South, all in Range 44 East Boise Meridian, containing 160 19/100 acres.

Also the Southeast quarter of the Southwest quarter of Section 1 in Township 14 South, Range 44 East Boise Meridian, containing 40 acres. Also, commencing at a point 14 rods North and 12 rods West from the Southeast corner of the Northeast quarter of the Southeast quarter of Section 2, in Township 14 South, Range 44 East of Boise Meridian, running thence West 7 rods; thence North 39 rods; thence East 18 rods; thence South 13 rods; thence West 11 rods; thence South 36 rods; to place of beginning, containing 2 1/2 acres, more or less. 26 W.P. 2-15-46

Also, commencing at a point 28 rods North from the Southwest corner of Section 1, in Township 14 South, Range 44 East Boise Meridian, running thence East 8 rods; thence North 40 rods; thence West 8 rods; thence South 40 rods to place of beginning, containing 2 acres of land.

Also, commencing at the Southwest corner of the Northeast Quarter of the Northwest Quarter of Section 12 Township 14 South Range 44 East of Boise Meridian, and running thence North 68 rods; thence East 108 rods; thence South 68 rods; thence West 108 rods to the place of beginning, containing 41 acres.

Also, commencing at the Northwest corner of the Northeast quarter of Section 12 Township 14 South, Range 44 East Boise Meridian, running thence East 180 rods; thence South 80 rods; thence West 135 rods; thence Northwest 61 rods; thence West 80 rods; thence Northeast 19 rods to place of beginning, containing 71 acres and 67 1/2 square rods. Also, commencing at a point 3 rods East from the Northwest corner of the Southeast quarter of the Northeast quarter of Sec. 2, Township 14 South, Range 44 East Boise Meridian, running thence South 20 rods; thence East 80 rods; thence North 20 rods; thence West 80 rods to place of beginning, containing 10 acres.

Also Lots 11 and 10 of Sec. 1 and Lot 1 of Sec. 2, Township 14 South, Range 44 East, Boise Meridian, containing 100 and 84/100 acres.

Also, commencing at the Southwest corner of the Southwest quarter of the Southeast quarter of Sec. 1, Township 14 South, Range 44 East of Boise Meridian, running thence East 55 and 65/100 rods; thence North 115 rods to Bear River; thence with the meanderings of Bear River in a Northwesterly direction to a point 115 rods North of said Section line; thence 115 rods to the South boundary line of the said Quarter section, containing 40 acres, more or less.

Also, commencing at a point 55 and 65/100 rods East of the Southwest corner of the Southwest Quarter of the Southeast Quarter of Sec. 1, Township 14 South, Range 44 East of the Boise Meridian, running thence East 27 and 60/100 rods; thence North 115 rods; thence 27.60 rods with the meanderings of Bear River; thence South to the South boundary line of said Section 115 rods, containing 20 acres, more or less.

Also, commence at a point 65 rods S. and 18 rods W. from the NE corner of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., and run thence S. along local line 16 rods, more or less to county road; thence W. along said highway 30 rods, more or less, to land now owned by C. H. Bridges; thence N. along local line 16 rods; thence E. 30 rods to place of beginning, containing 3 acres.

Also, commence at a point 1 rod N. from the SE corner of the NE 1/4 of Sec. 2 Tp. 14 S. R. 44 E. B. M., and run thence N. 59 rods, more or less, to the land heretofore sold by this grantor to Mary A. Lewis; thence W. 77 rods, more or less, to the E. line of the county road; thence S. along E. line of said highway 112 rods, more or less, to the land heretofore sold by said grantor to C. H. Bridges, being a point 28 rods from the SW corner of the NE 1/4 of the SE 1/4 of said Sec. 2; thence on a course bearing slightly south of east along a water ditch known as Samson Nate-Solk Ditch, a distance of 62 rods, more or less, to local line; thence nearly due N. on local line 60 rods, more or less; thence E. on local line 15 rods, more or less, to a point one rod W. of the E. line of said Section 2; thence N. 12 rods, more or less, to a point one rod directly W. from the place of beginning; thence E. one rod to the place of beginning.

Also a certain strip of land 40 rods wide and 80 rods long lying on the W. side of the NW 1/4 of the NW 1/4 of Sec. 1, Tp. 14 S. R. 44 E. B. M. containing 20 acres. Also a certain strip of land 32 rods wide and 60 rods long to be laid off of the West side of the SW 1/4 of the NW 1/4 of said Sec. 1, Tp. 14 S. R. 44 E. B. M. containing 15 acres. (12 acres) 1108 1-23-46

Also, commencing at the NE corner of the NW 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., and running thence W. 93 1/2 rods; thence S. 20 rods; thence in a northeasterly direction in a straight line to a point which is 40 rods W. and 10 rods S. from the starting point; thence S. 2 rods; thence E. 22 rods; thence N. 4 rods; thence E. 28 rods; thence N. 8 rods; to the point of beginning, containing 7 acres and 50 square rods, more or less.

Also, commencing at a point 20 rods N. of the SW corner of Sec. 1 Tp. 14 S. R. 44 E. B. M., and running thence North 1 rod; thence E. 40 rods; thence N. 59 rods; thence E. 8 rods; thence N. 8 rods; thence W. 8 rods; thence North 72 rods; thence E. 40 rods; thence S. 140 rods; thence W. 80 rods to the place of beginning.

Also, commencing at a point 83 1/2 rods E. of the SW corner of the SW 1/4 of the SE 1/4 of Sec. 1, Tp. 14 S. R. 44 E. B. M., and running thence ~~N~~ E 76 3/4 rods to the SE corner of said Sec. 1; Thence N. 75 rods, more or less to Bear River; thence in a northwesterly course with the meanderings of said river to a point 115 rods N. of the S. line of said quarter section; thence S. 115 rods to the point of beginning, containing 50 acres, more or less.

Also, Commencing at a point 10 rods N. and 2 rods E. from the SW corner of the NE 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M., running thence N. 18 rods; thence Easterly along the Samson Mate main water ditch 80 rods; thence S. 18 rods; thence Westerly along the county road 19 rods to place of beginning, containing 11 acres and 1 1/2 square rods.

Also commencing at a point 21 rods E. and 12 rods N. of the SW corner of the NE 1/4 of the SE 1/4 of Sec. 2, Tp. 14 S. R. 44 E. B. M. and running thence Easterly along the county road 15 1/2 rods; thence N. 15 rods; thence westerly following Samson Mate main water ditch 15 1/2 rods to a point 15 rods N. of the place of beginning; thence S. 15 rods to the place of beginning, containing one acre and 7 1/2 square rods.

Commencing at a point 1380 feet East and 1485 feet North of the Southwest corner of Section 2 in Township 14 South of Range 44 East of the Boise Meridian and running thence South 792 feet; thence East 2640 feet; thence North 759.6 feet; thence North 76 degrees 30' West 376 feet; thence South 26 degrees West 165 feet to the North bank of Black Otter Slough; thence Westerly along North bank of said slough 1300 feet, more or less to a point which is 924 feet East of the point of beginning; thence West 924 feet to the place of beginning, containing 48.72 acres of land be there more or less. Together with all water rights thereunto belonging.

Also, commencing at a point one thousand three hundred and twenty(1320) feet East and one hundred and thirty-two(132) feet south of the northwest corner of the southeast quarter section two (2) township fourteen(14) S. R. 44 E. B. M., running thence South nine hundred and forty (940) feet; thence North 82 degrees West four hundred and forty four (444) feet; thence north 8 degrees 10' west three hundred and two (302) feet; thence north 29 degrees 45' west four hundred (400) feet; thence north 13 degrees 15' west one hundred and seventy eight (178) feet; thence east one hundred and ninety eight (198) feet; thence north sixty-six (66) feet; thence east four hundred sixty-two (462) feet to place of beginning, containing eleven and 15/100 (11.15) acres of land be there more or less. Together with all water rights thereunto belonging.

Subdivision, Lot 3; Section 1; Township 14; Range 44; acres agricultural land 38;

Subdivision, 4094; Section 1; Township 14; Range 44; acres agricultural land 21;

Section 1; Township 14; Range 44; Acres Agricultural land 20;

Section 1; Township 14; Range 44; acres agricultural land 8;

Section 12; Township 14; Range 44; acres agricultural land 2;

55 acres in Sec. 1 Tp. 14 S. R. 44 E. B. M. standing of record in the name of Berren Sorensen.

30 acres in Sec. 1 Tp. 14 S. R. 44 E. B. M. standing of record in the name of Talmage Mate, containing 86 1/2 acres.

The above listing taken to include all of S 1/2 NW 1/4, all agr. land in NE 1/4 SW 1/4, all land in NW 1/4 SW 1/4 + SW 1/4 SW 1/4 not previously taken. - Doshler + Irens - 2-20-46

38
21
20
5
55
30
169

BREAK IN PAGES

-18-

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian, to be used on 260 acres of land, described as follows, to-wit:

GEORGE A. SPARKS:

90-2 (Sloyd ditch)

11 1897- May 1st, What is designated in this decree as an "Agricultural Right". 3 cubic feet per second.

~~All of said water to be diverted from Bear River at a point described as follows, and~~

~~SW¹/₄, NW¹/₄, Section 23, NE¹/₄ Section 24, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho, and to be used on 160 acres of land described as follows, to-wit:~~

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the South East Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 160 acres of land, described as follows, to-wit:

SW¹/₄, SW¹/₄, Section 23; and, NE¹/₄ Section 24, Township 14 South, Range 45 East, B.M., in Bear Lake County, State of Idaho, containing 160 acres.

JOHN O. MILLER:

84-2

11 1877- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second
July 1st - September 30th 3.0 cubic feet per second.

11 1880- April 15th, What is designated in this decree to be a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second.
July 1st - September 30th 3.0 cubic feet per second.

11 1885- April 15th, What is designated in this decree to be an "Agricultural Right". 3.5 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 480 acres of land described as follows:

E¹/₂NE¹/₄, NE¹/₄SE¹/₄, SE¹/₄NW¹/₄, and SW¹/₄, Section 31, Township 14 South, Range 45 East Boise Meridian.

And E¹/₂SE¹/₄ Section 36, Township 14 South, Range 45 East B. M., all in Bear Lake County, State of Idaho.

11 1895- IT IS FURTHER ORDERED, ADJUDGED AND DECREED That there shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through the canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1½) miners inches per acre of water from April 15th to July 1st of each year, and at one (1)

71070
D. to 19
after 8:30
Land Co. &
1000 ft. above
Coral Sea
near Seals
Spring 90.

not possible
from Phelps Dam

miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season, except that it is ^{adjudged & decreed} stipulated that 500 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Ream-Crockett Ditch have a gravelly sub-soil and require one and one-fourth ($1\frac{1}{4}$) miners inches per acre for their proper irrigation, which amount is to be decreed to said lands; it being further decreed that if within five years it is determined that said gravelly land does not need $1\frac{1}{4}$ miners inches per acre the same shall be reduced which in no event shall it be reduced ^{so as} /to give it less than one (1) miners inch per acre to such land, the Court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the lands herein classified as meadow lands or rights are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston-Montpelier Irrigation Company, 2200 acres; Dingle Irrigation Company, 1721 acres; Peg Leg Irrigation Company, 866.5 acres; Ream-Crockett Irrigation Company, 861 acres; Kent-LaRocco Ditch, 365 acres; It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water so that ^{said} 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water

to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED , That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL
District Judge.

STATE OF IDAHO
COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Preston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

(SEAL)

J. S. PETERSON
Clerk

RECEIVED

NOV 27 2023

IDWR/Preston



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

November 27, 2023

RMEA 22-0229

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Peg Leg Irrigation Company Inc.

Dear Ms. Marion Beck,

This letter accompanies a check for four Adjudication claims for the Peg Leg Irrigation Company, which were transmitted electronically, along with GIS shapefiles to aid in review of the claims. Also attached are worksheets summarizing the fee calculations for a total fee of \$1,567.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

The claims filed are listed in the attached summary table.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in cursive script that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Application for Permit
 Application for Transfer of 22-14026
 Application for Transfer of 22-10762
 Check #20402

RECEIVED

NOV 27 2023

Claimant: Preston Reg Irrigation Co. Inc.

Remember that only the first four de minimis stockwater claims require the \$25 fee. Remember to round up to the whole dollar.

Claim ID	\$ for Claim	Notes
11-902	\$917.00	Acres rounded to next whole acre
11-903	\$50.00	Same acres as 11-902 - no Acre fee
11-904	\$50.00	Same acres as 11-902 - no Acre fee
11-7515	\$550.00	
Total	\$1,567.00	

Claimant:
Claim ID:

Peg Leg Irrigation Co. Inc.
11-903

	Rate/Unit	Unit	# Units	\$ Amount
De Minimis	\$25 Claim			
De Minimis Stock (> 4th claim)	\$0 Claim			
Non-De Minimis	\$50 Claim		1	\$50.00
Irrigation	\$1 Acre			
Power Generation	\$3.50 KW of			
	Capacity			
Aquaculture	\$10 cfs			
Dom. & Stock (>13k gpd),	\$100 cfs			
Municipal, industrial,				
commercial, mining, heating,				
cooling				
Public instream flow, public lake	\$100 cfs			
level maintenance, wildlife				
Fire protection	\$0 cfs			
Groundwater recharge	\$0 cfs or afa			
Total				\$50.00

Duplicate this worksheet once
for each claim.

Note:
Same acres as 11-902 - no Acre
fee

Revised January 30, 2023

Instructions for Form No. 42-1409-1

FILING FEES

Each claim submitted must include the filing fee. The filing fee for domestic and/or stockwater use claims diverting less than 13,000 gallons of water per day is \$25.00. However, if you are filing more than four (4) claims in which the only purpose of use listed is stockwater, only the first four (4) claims require the \$25.00 filing fee. All additional stockwater claims are fee exempt once the \$100.00 in filing fees has been paid for the first four (4) stockwater only claims filed after July 1, 2017.

The flat fee for filing all other claims filed is \$50.00 per claim. An additional variable filing fee based upon acreage, power generating nameplate capacity, cubic feet per second (cfs) amount, or an equivalent volume of storage water is required for claims for water uses other than domestic and/or stockwater uses diverting less than 13,000 gallons of water per day. Use Table 3 to calculate the variable fee. Add the calculated variable fee to the \$50.00 flat fee to determine the total fee for the claim. The exceptions are fire protection or ground water recharge which have a \$50.00 flat fee, and no variable fee.

Examples for a single claim to a water right with single source and same priority date:

Single family domestic and stockwater use, less than 13,000 gallons per day in total	\$25.00
100 acres irrigation, domestic and stockwater as above	\$150.00
Fish propagation, 4.2 cfs	\$92.00
Multiple family domestic, 1.6 cfs, irrigation of yards and gardens, 14 acres	\$224.00

TABLE 3. VARIABLE FEE SCHEDULE			
Irrigation	\$1.00 per acre	Each acre is charged only once	
Power generation	\$3.50 per kilowatt of capacity	Manufacturer's nameplate rating, or \$250,000.00, whichever is less	
Aquaculture	\$10.00 per cfs		
Domestic stockwater use in excess of 13,000 gallons per day	\$100.00 per cfs		
Municipal, industrial, commercial, mining, heating, cooling	\$100.00 per cfs		
Public instream flow, public lake level maintenance, wildlife	\$100.00 per cfs		
Exceptions: No variable fee is charged for fire protection or ground water recharge.			