

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: 13-132

Date Rcd: 7/5/24

Receipt No: P001088

Claim Fee: 50.00 By: mb

RECEIVED

JUL 22 2024

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

- 1: Name of Claimant(s): Oxford Mountain Ranch, LLC
Phone: 630-461-0056
Mailing Address: 6895 Lupine Dr., Park City, Utah 84098
E-mail Address: jkoch@fellowes.com
- 2: Date of Priority (mm/dd/yyyy): 1/22/1890
- 3: Source of water: Ground Water () or Other (x) (a) Pine Canyon Creek
which is tributary to (b) Gooseberry Creek
- 4a: Location of Point of Diversion

T	R	S	QQ	Lot	County	Div. Name or Parcel
13S	6	5	SWSE		Bannock	

5. Description of existing diversion works.

A concrete structure collects water from Pine Canyon Creek into a pipeline, which carries the water to the 2.0 acre irrigation retention pond, where it can be co-mingled with ground water rights into the mainline for distribution to the pivots or wheel line systems. The farm has been converted primarily to pivots through a multiyear improvement project that began in 2017 to replace damaged mainlines and outdated irrigation systems.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Irrigation	4/01	6/15	0.8	
Irrigation	6/15	7/15	0.5	
Irrigation	7/15	11/01	0.3	

7. Total quantity claimed (a) 0.8 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully:

9: Description of Place of Use

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
13S	38E	4							21	8	29	40	28	11					137
		5				3					8			2	22	32	35	39	141
		8	41	36	33	1	33	2	3	39									188
		9		27			38	32	1										98
Total Acres																			<u>564</u>

Parcel no(s): RPR4643002801, RPR4643003303, RPR4643002102, RPR4643002700, RPR4643005600, RPR4643003302, RPR4643005300, RPR4643005800, RPR4643004600

10. In which counties are lands listed above as the place of use located? Bannock

11. Do you own the property listed above as place of use? Yes (x) No ()

If "no" explain in Remarks

12: Describe any other water rights used at the same place and for the same purposes as described above. or None ()

Rights 13-132, 13-7134, and 13-7144 share a common place of use and distribution system. Each right has an acre limit within the shared place of use boundary.

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

Remarks to aid in claims review:

1. Priority date is based upon decree.
2. The irrigation system improvements that began in 2017 were intended to replace mainlines that have failed, leaked, or otherwise were inadequate to deliver irrigation water, as well as replace wheel line systems with pivot systems. There were multiple years prior to the improvements when irrigation water could not be delivered on the east side of the highway to Field 3. An affidavit is attached to describe the obstacles to irrigation and the improvement plan that has reinstated irrigation across the farm to acres that were not irrigable due to failed systems.
3. All water from Pine Canyon Creek is used each year and all 40 acres irrigated within the described place of use, when water is available.
4. Pine Canyon Creek rarely is tributary to Gooseberry Creek except in very high water. Typically, it sinks when not diverted.
5. The claim map is shown on a 2015 NAIP to illustrate the "pre-improvement" configuration of the fields, which is consistent with the 2016-2017 practices. Pivots have since been added to all of the fields, as described on the additional 2 maps in the attachments. Some changes have been made after the start date of the BRBA on June 14, 2021 and are not proposed to be reflected in this claim. A post-claim transfer will be filed to make final changes to the configuration, which will dry up corners and establish irrigation on new acres under the pivot on Field 3. A map is attached to illustrate the proposed post-adjudication transfer acres to help reconcile the changes in the irrigation practices.

6. The irrigation retention pond has a surface area of 2 acres and was lined with locally sourced clay in about 2014. It is used to comingle the surface and ground water rights before distributing to the irrigation systems.

Conditions necessary to the definition and administration of the right.

7. This right is limited to the irrigation of 40 acres within the authorized place of use in a single irrigation season.
8. Rights 13-132, 13-7134 and 13-7144 when combined shall not exceed a total annual maximum diversion volume of 1953 af at the field headgate, and the irrigation of 558 acres.

Attachments:

1. Affidavit of Joseph Koch, owner of Oxford Mountain Ranch, LLC
2. Map - 2019 System Improvements
3. Map – 2020-2023 System Improvements
4. Map – Proposed Post Adjudication Transfer
5. Photos of Diversion and Pond

Claim Map

Based on WR Number: 13-132

Claimant: Oxford Mountain Ranch, LLC

Claim No: _____



1,600 800 0 1,600 Feet

-  Claim POD
-  Claim POU
-  Pond
-  Section
-  QQ



Date Created: 5/9/2024

Base Map: USDA NAIP 2015

14. Basis of Claim (Check one)

Beneficial Use	()
Posted Notice	()
License	0
Permit	()
Decree	(X)

Court	Third Judicial District of Idaho Territory
Plaintiff v. Defendant	Hillman vs. Hardwick
Decree Date	January 22, 1890

IDWR WR number if applicable: 13-132

15: Signatures

(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 (X) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 5

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

(Agent's Title) of _____
(Name of Organization)

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

Signature of Authorized Agent [Signature] Date 7-12-24

Printed Name of Authorized Agent Joseph Koch

16. Notice of Appearance

Notice is hereby given that I, xxx, 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 _____

Affidavit of Joseph Koch

I, Joseph Koch, residing at 6895 Lupine Dr., Park City, Utah 84098, do hereby swear under oath that:

1. Through my entity Oxford Mountain Ranch, LLC, I purchased the Oxford Mountain Ranch within Township 13 South, Range 38 East, Sections 4, 5, 6, 7, 8, 9, and 17 in 2003 from John H. Probst. The map in Exhibit A illustrates the location of the property and identifies the field names referenced herein.
2. Since purchasing the property, I have worked with my farm manager Doug Beckstead to make this a productive and efficient farm. There were two large pivots that covered the large fields. All other fields were irrigated through wheel lines or hand lines initially.
3. The irrigation system was old and began having challenges. The mainlines were in very poor condition and began having more frequent issues, failing often and needing constant repair. The mainline to Fields 3 and 5 were in the worst condition. In addition, the wind regularly blew the wheel lines over fences, resulting in damaged systems that complicated the summer irrigation practices.
4. By 2017, it was apparent that the system required some major upgrades in order to continue irrigating all of the fields. We worked with Valley Implement & Irrigation in Preston, ID, to put together a comprehensive plan that year to replace mainlines and install pivots to replace the wheel and hand lines. Due to the expense, these upgrades were planned to occur over multiple years.
5. Field 3 experienced a complete failure of the mainline by 2016 and even partial irrigation was made impossible. This field was dry farmed every second year until the irrigation system could be upgraded. A new mainline and pivot was installed in 2022 to restore irrigation.
6. Field 4 has been irrigated every year without exception. The new pivot was installed and in place during the 2018 irrigation season.
7. Field 5 was partially irrigated till 2017 by wheel and hand line, as best as it could be with the limitations of the poor mainline. This field was then dry farmed in 2019 and 2021. In 2023, two pivots were installed on this field to complete the Valley recommendations, along with a new mainline.

I hereby declare and affirm that the above stated facts, to the best of my knowledge, are true and correct.

Dated this ____ day of July, 2024.



Joseph Koch

State of Utah)

§

County of Wasatch)

On this 16 day of July, in the year 2024, before me, Jessica K. Olivas a notary public, personally appeared **Joseph Koch**, proved on the basis of satisfactory name of document signer evidence to be the person whose name is subscribed to this instrument, and acknowledged he executed the same.

Witness my hand and official seal.

(seal)



Notary Public

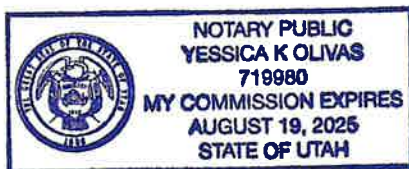
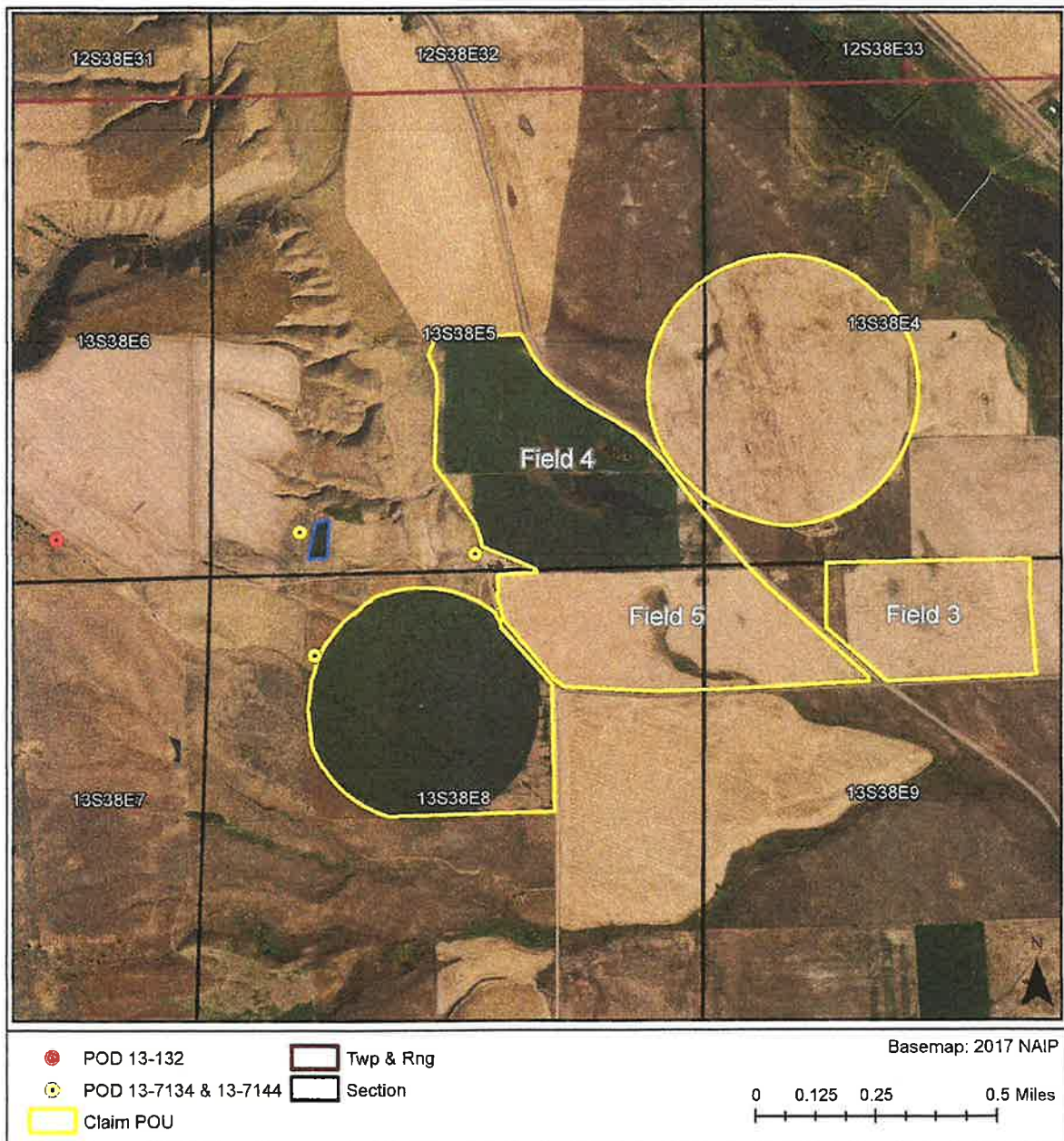


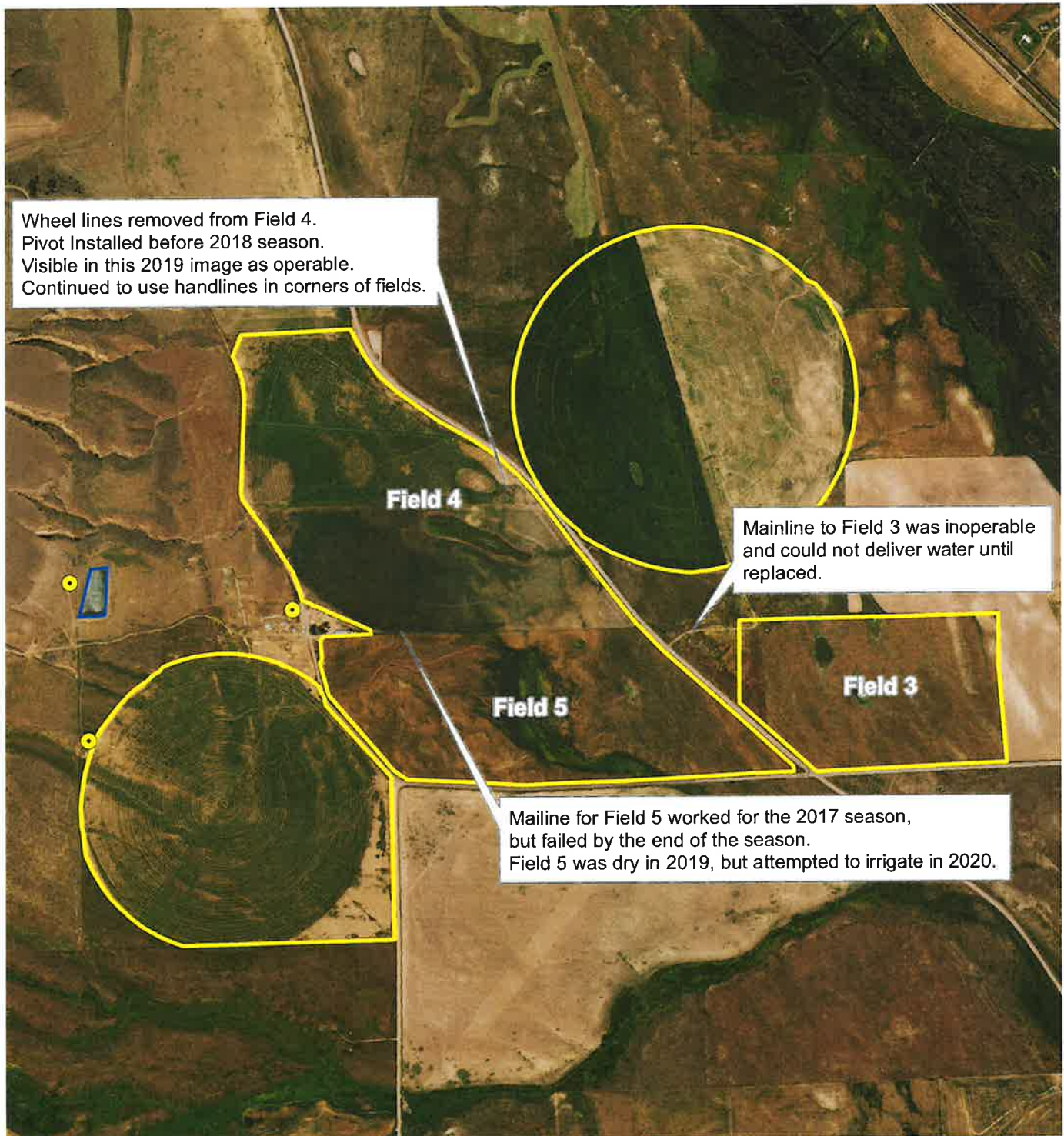
EXHIBIT A

Map of Property with Field Names



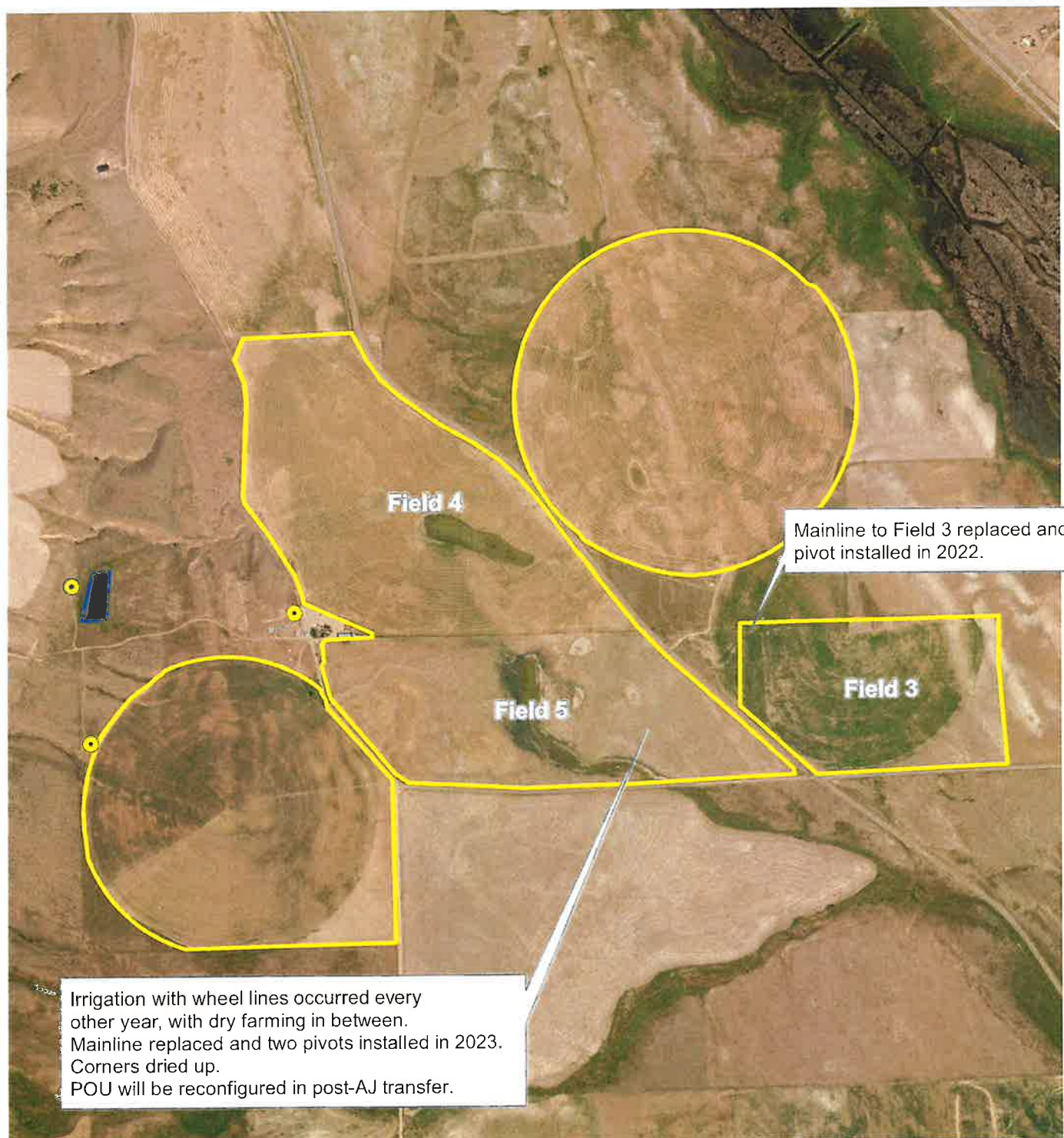
2019 System Improvements

Based on WR Number: 13-132, 13-7134, & 13-7144



2020-2023 System Improvements

Based on WR Number: 13-132, 13-7134, & 13-7144



1,200 600 0 1,200 Feet



Date Created: 5/9/2024

- Wells
- Claim POU
- Pond

Base Map: USDA NAIP 2023



Proposed Post Adjudication Transfer

Based on WR Number: 13-132, 13-7134, & 13-7144



1,200 600 0 1,200 Feet



-  Post AJ POU
-  Claim POU
-  Section
-  QQ



Attachment #5. Photos of Surface Water Diversion WR# 13-132

Pine Creek Diversion, looking upstream from the concrete structure.





Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

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JUL 22 2024

IDWR/Preston

July 22, 2024

RMEA 23-0116

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

Re: Bear River Basin Adjudication Claims – Oxford Mountain Ranch LLC

Dear Ms. Marion Beck,

This letter accompanies a check for six Adjudication claims for Oxford Mountain Ranch LLC, 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 \$789.

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,

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
 Fee Summary Tables

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Oxford Mtn. Ranch

Total

Claimant:
Claim ID:

Oxford Mtn. Ranch
13-132

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

Duplicate this worksheet once
for each claim.

Note:

Claims 13-132, 13-7134, and 13-7144 share a POU; Acres paid under 13-7134

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.		

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