

**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

Ident. Number: 13-4101
Date Received: 8/6/2024
Receipt No: P001143
Claim Fee: \$50.00
Received By: BW

RECEIVED

AUG 06 2024

IDWR/Preston

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

1. Name of Claimant(s)

SQUARE POINT HOLDINGS LLC
1404 N 1070 E
SHELLEY ID 83274

Phone: (208) 521-2700

2. Date of Priority: 10/1/1883

3. Source:
PEST HOUSE CREEK

Trib. to:
WESTON CREEK

4. Point of Diversion:

Township	Range	Section	¼ of ¼ of ¼	Lot	County	Type
15S	38E	30	NW NE		FRANKLIN	

5. Description of diverting works:

Historically, water was diverted by head gates constructed along Pest House Creek. In 1965, a storage reservoir was constructed, with a screw gate for regulating water diversion into open ditches.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	4/01	11/01	3		

7. Total Quantity Appropriated is:

3 C.F.S. and/or A.F.A.

8. Non-irrigation uses:

9. Place of use:

IRRIGATION within FRANKLIN County

Township	Range	Section	¼	of	¼	Lot	Acres
15S	38E	30	NE		NW		1.3
15S	38E	30	SE		NW		25
15S	38E	30	NE		SW		4.5
15S	38E	30	SE		SW		15
15S	38E	31	NE		SW		0.3
15S	38E	31	SE		SW		1.3
15S	38E	31	NW		SE		5.1
15S	38E	31	SW		SE		11
15S	38E	31	SE		SE		15

Total Acres = 78.5

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

If your answer is no, describe in remarks below the authority you have to claim this water right.

11. Other Water Rights Used:

13-4100

12. Remarks:

Priority Date Explanation:

This is the date given on the statutory claim. My father filed the statutory claim and did extensive research into the history of this water use.

All of the irrigated acreage within the place of use is in CRP. There are various dates when separate pieces were entered into the program.

THIS CLAIM FILING IS BASED ON COURT CASE DATED 10/1883 & RECORDED 7/18/1892 IN BOOK A, PAGE 170 OF JUDGEMENTS ORIGINAL OF ONEIDA COUNTY RECORDS.

13. Basis of Claim: Statutory Claim

14. 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 BEAR 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 under penalty of perjury that I am, and I have signed the foregoing document in the space below as the

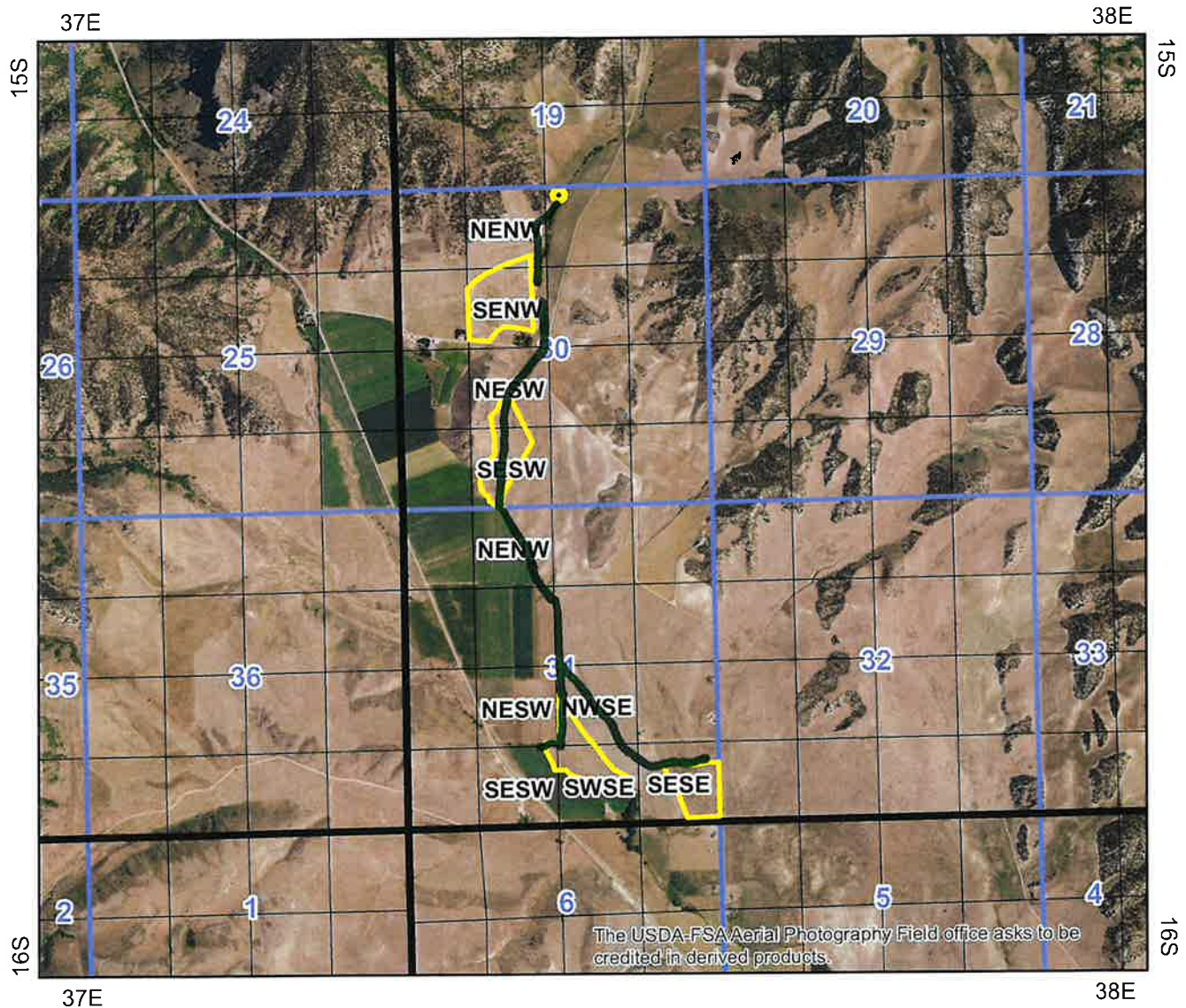
_____ Manager _____ of _____ SQUARE POINT HOLDINGS LLC _____,
Agents Title (please print) Name of Organization (please print)

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

Signature of Authorized Agent Brad Butters Date 08-06-2024

Printed Name of Authorized Agent BRAD BUTTARS

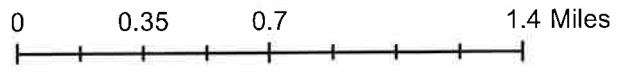
State of Idaho
Department of Water Resources
Adjudication Claim
13-4101



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.

DITCH

- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters
- Point of Diversion
- State Outline



RONALD COBURN - PEST HOUSE
WATER RECORDS IN COUNTY BLK

Enter 7 law of Pest House
creek -

Priority 2-7-1881

Decree recorded

7-18-1892 in

Bk 2 of Jd Page 6

Reference

Books "A" page 170

Jdgs - Original Decree
Co. records

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

13-4096

PITCHER, GRACE

40 WEST 2 SOUTH, LEWISTON, UT 84320

Source: WEST FORK PESTHOUSE CREEK tributary to WESTON CREEK

Priority Date: 05/01/1916

Amount: 1.00 CFS

Diversion Point: NESE Sec 19 T 15S R 38E, FRANKLIN CO.

Use: IRRIGATION (1.00 CFS) from 05/01 to 11/01

Place of Use: NESW NWSE SWSE Sec 19 T 15S R 38E FOR 41 ACRES

Diversion Means: HEADBOX & DITCH

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401.

C. STEPHEN ALLRED
Director

Published 2/15 & 2/22/79.

Legal No. 825-23L - Pub. Feb. 15 and 22, 1979.

Witness J. Haffard, J. Sanburg,

Sanctison L. Petersen,

Ed Goodwin and William

Ed name of Goodwin Bros.

Eder Michelsen Henry Rose

Ed Allen James Harrison Sen. Warren Gifford

Neils Neilson Mrs J. Jensen, Thomas Hull

John Evans Frederick Coburn, W. Robbins

John A. Campbell, Tary Haffard Theodore

Singquist James Rose Joseph Coburn Hannah

Benson John Lees M. B. Field and M. B. Field

Claimants against Warner Happs, David

Lapray Wm Coburn Henry Mc Colloch, John

Palmer Joseph Knudsen Charles Norton

Wm Bell Ferdinand Fredrickson Samuel

Reston and Richard Campbell

Defendants

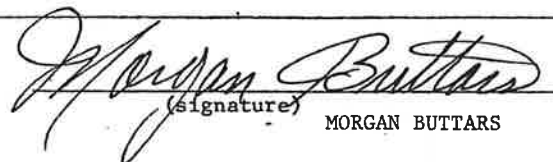
And now his cause coming on to be heard in vacation, it having been agreed by and between the attorneys for the respective parties that the same should be decided in vacation as of the last term of Court and the Court

IN THE MATTER OF:
Claim to a Water Right No.
13-4096 in the name of
GRACE PITCHER
State of Idaho
County of Bonneville

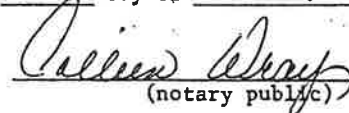
AFFIDAVIT

I, Morgan Buttars, Weston, Idaho being first duly sworn,
deposes and says: that the waters of Pest House Creek have been used on my
ranch since October of 1883 as evidenced by a court case dated October, 1883
and recorded in Book "A", Page 170 of Judgements Original Oneida County Records
now Franklin County. A copy of this document is attached.

Further evidenced by affidavits submitted by George Fredrickson, Boyd
Phillips, Bob White, Kenton Fredrickson, Dick Lemmon, and Sterling Bingham which
are attached.


(signature) MORGAN BUTTARS

Subscribed and sworn to before me this 28th day of February 19 79.


(notary public)

Residing at Idaho Falls, Idaho
My commission expires 6/15/81

Territory of Idaho } In the District Court of the
County of Oneida } Third Judicial District
October term thereof 1883

Anchor Kofford, Rasmus Neilson, N. Jensen,
E. E. Schwanerfeldt, H. Jensen, Neils Georgson,
J. Smith, William Dees, Hans Larsen, Nels Jensen,
H. C. Hansen, Noah Lineday, John Colburn,
J. H. Clark, John Maughan Sen., Henry Gasman Sen.,
Cedam Sanberg, C. M. Christensen, T. M. Olsen,
Mich. Loosley, J. P. Andersen, Henry Jensen, J. Mickelson,
Olen Neils, Christensen, C. Goodwin, Elizabeth Gill,
James W. Leonard, Christensen, J. Kofford, J. Sanberg,
J. L. Harmon, Loren Sanderson, L. Petersen,
A. Simonis, Charles Goodwin and William
Goodwin under firm name of Goodwin Bros.,
J. E. Jergensen, Peter Mickelson, Henry Rose,
A. Allen, James Harrison Sen., Warren Gifford,
Neils Neilson, Mrs. J. Jensen, Thomas Hull,
John Evans, Frederick Colburn, W. Robbins,
John A. Campbell, Tary Kofford, Theodore
Linguist, James Rose, Joseph Colburn, Hannah
Benon, John Dees, M. P. Gifford and M. P. Gifford
Plaintiffs against Warner Happs, David
Lapray, Wm. Colburn, Henry M. Colloch, John
Palmer, Joseph Knudsen, Charles Norton,
Wm. Bill, Ferdinand Fredrickson, Samuel
Briston and Richard Campbell

Defendants

And now his cause coming on to
be heard in vacation, it having been
agreed by and between the attorneys for
the respective parties that the same
should be decided in vacation as of
the last term of ^{the} Court and the Court
having fully considered the evidence in
said cause, the law pertaining thereto and
the agreement of Counsel and being fully
advised in the premises, it is ordered

adjudged and decreed that the following named persons are entitled under the law and the facts in this case to the amount of the water of Weston Creek aforesaid as are set opposite their names respectively, and estimated according to the custom in force in the community and that the said water by the number of acres which each of said persons is entitled to irrigate with one or two exceptions therein named, to wit:

A. Rose	Twenty nine acres
A. Lindsey	Seventeen "
J. Larson	Twenty four "
J. Mickelson	Twenty seven "
C. Christensen	Eighteen "
A. Cassman	Twenty seven "
J. Lemmon	Thirty one "
L. Peterson	Thirty Eight "
J. B. Anderson	Twenty two "
A. Sandberg	Thirty six $\frac{2}{3}$ "
A. Simmons	Twenty five $\frac{3}{4}$ "
H. Jensen	Twenty six "
J. Sandberg	Five $\frac{1}{4}$ "
James S. Anderson	Five $\frac{1}{4}$ "
J. Harrison	Fourteen $\frac{1}{2}$ "
C. G. Gaudin	Six $\frac{1}{4}$ "
M. Christensen	Forty three "
H. C. Hansen	Forty four $\frac{1}{2}$ "
E. E. Schwanefeldt	Thirty seven "
Wm. Dees	Twenty two "
J. Kofford	Nine $\frac{3}{4}$ "
A. Larsen	Seventeen "
F. L. Nelson	Twenty six $\frac{1}{2}$ "
A. Mc Culloch	Thirty one $\frac{2}{3}$ "
J. Kofford	Thirty six "
M. Soorby	Sixty two "
H. Jensen	Fifteen "
A. B. Jensen	Twenty seven "

Edill	Twenty seven Acres
Olson	Thirty three "
Goodwin Bros	Thirty 1/2 "
N. Jorgensen	One hundred & twenty two "
J. Coburn	Twenty three "
R. Nielsen	Twenty seven "
S. Lauritsen	Twenty "
John Maughan	Fifty Eight & 2/3 "
Peter Michelson	Eleven 2/3 "
M. N. Fifield	Forty & 1/2 "
J. N. Clark	Seventeen "
A. Hoferd	Six & 2/3 "
J. Smith	Six & 2/3 "
C. B. Fifield	Fifteen "
F. Campbell	Nine & 2/3 "
M. Christensen	Five & 1/2 "
S. Preston	Ten "
Warner Hoopes	Forty five "
X William Coburn	Fifteen acres & the waters of ^{But Sherry Creek}
C. Morton	Twenty two Acres
David Lapray	Fifteen "
R. Campbell	Thirty three "
J. Hansen	Thirty two & 1/2 "
F. Frederichsen	Fifty five "

It is further ordered adjudged and decreed that the town of Weston is entitled to one irrigating stream for irrigating and domestic purposes

That P. Michelson & J. Michelson are entitled to the waters of Black Canon Creek

That if at any time the waters of Weston Creek are not sufficient to properly irrigate the above amt of land the said waters are to be divided pro rata as above set forth, under the direction of the water master according to the respective rights of the parties as above set forth as to

quantity.

It is further ordered, adjudged and decreed that the distribution of the said waters of Weston Creek shall be under the direction and control of a water Master, to be allotted in accordance with the Act regulating the distribution of water - ~~C. 1881~~ approved Feb'y 1881., with such assistants as may be necessary for each of the respective ditches the whole distribution to be under the control and direction of such water master for Weston Creek as aforesaid.

It is further ordered and decreed that the injunction heretofore ordered and issued in this cause be and the same is hereby dissolved.

It is further ordered adjudged and decreed that the costs in this action taxed at one hundred and seventy four & ⁹⁹/₁₀₀ dollars together with the sum of forty-eight dollars due J. O. Caldwell Special Commissioner be equally divided as near as may be between the parties Plaintiff and Defendants and that unless said costs are paid in full within the next sixty days that executors shall issue therefor as in other cases.

John T. Morgan
Judge 3rd Dis Court
J. T.

Recorded at the request of Joseph Caburn
July 18th 1892

C. T. Woods
Clerk

My name is George Fredrickson. I have lived in the Weston,
Idaho area all my life, and have farmed here for fifty
years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

*For C.B. F. Rubin
State of Idaho
2-27-1979
Lifetime*

*Geo. Fredrickson
Feb 27. - 1979*

My name is Boyd Phillips. I have lived in the Weston,
Idaho area all my life, and have farmed here for twenty-
five years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

Gavriel P. Freese
Sta 6 at Idaho
2-27-1979
Sefetina

Boyd Phillips
Weston, Idaho

My name is Bob White. I have lived in the Weston,
Idaho area all my life, and have farmed here for thirty
years. All the waters from the Pest House Creek and
all contributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

*Harold B. Fairman
Sta. C. of Idaho
2-27-79
Lipetinus*

Bob White
2-27-79

My name is Kenton Fredrickson. I have lived in the Weston,
Idaho area all my life, and have farmed here for forty
years. All the waters from the Pest House Creek and
all contributaries has always been used on the old
William Coburn farm, which belongs to Morgan Butters
of Weston, Idaho, at the present time.

Date--February 23, 1979

Donald B. Fisher
State of Idaho
2-27-1979
Lifetime

Kenton L. Fredrickson
Weston Idaho 83286

My name is Dick Lemmon. I have lived in the Weston,
Idaho area all my life, and have farmed here for fifty
years. All the waters from the Pest House Creek and
all tributaries has always been used on the old
William Coburn farm, which belongs to Morgan Buttars
of Weston, Idaho, at the present time.

Date--February 23, 1979

Dick Lemmon

2-27-1979

*Samuel B. Fisher
State of Idaho
2-27-1979
Lefelium*

My name is Sterling Bingham. I have lived in the
Weston, Idaho area all my life, and have farmed here
for forty years. All the waters from the Pest House
Creek and all tributaries has always been used on
the old William Coburn farm, which belongs to Morgan
Buttars of Weston, Idaho at the present time.

Date-- February 23, 1979

Sara C. B. Fisher
State of Idaho
2-27-79
Lifitmo

Sterling A. Bingham
2-27-1979

in 1952 on posthouse water
Rights Federal Land Bank. Records
Show Date Feb. 7, 1881 post House
Recorded, also 7, 18, 1892 Recorded
in Book of Judgement on page 6 Book
2. in Franklin co. Future Reference
Book H. Page 170 original Judgement
in Onida co Records, Book
When Coburn property was originally
in Onida co.

Want photo of Records