

**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: 13-960 D

Date Received: 8/22/24

Receipt No: P001206

Claim Fee: 160.00 By: m3

RECEIVED

AUG 22 2024

IDWR/Preston

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

Please type or print clearly

1. Name of claimant(s) Thatcher Farms LLC Phone (801) 597-4487
Mailing address 4014 Nike Dr West Jordan UT Zip 84088
Street or Box City State
Email address (optional) mcqueen@xmission.com
2. Date of priority: (Only one per claim) 02/23/1901 (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 11S, Range 40E, Section 36,
NW 1/4 of NW 1/4, Govt. Lot _____, BM, County of Caribou
Parcel no. 11S40E363001
Additional points of diversion, if any: _____
If available, GPS Coordinates 42°25'39.97"N 111°44'17.33"W
- 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.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/1 to 10/31 amount 2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 2 (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	
11S	40e	35	10	7	14	35													66
11S	40e	36						5	24	1	3	11							44

Parcel no(s) see remarks- 4 parcels, all Thatcher Farms LLC Total number of acres irrigated 110

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

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.
Thatcher Irrigation Co shares can be used on this property when river is low or times of shortage or None (☐)

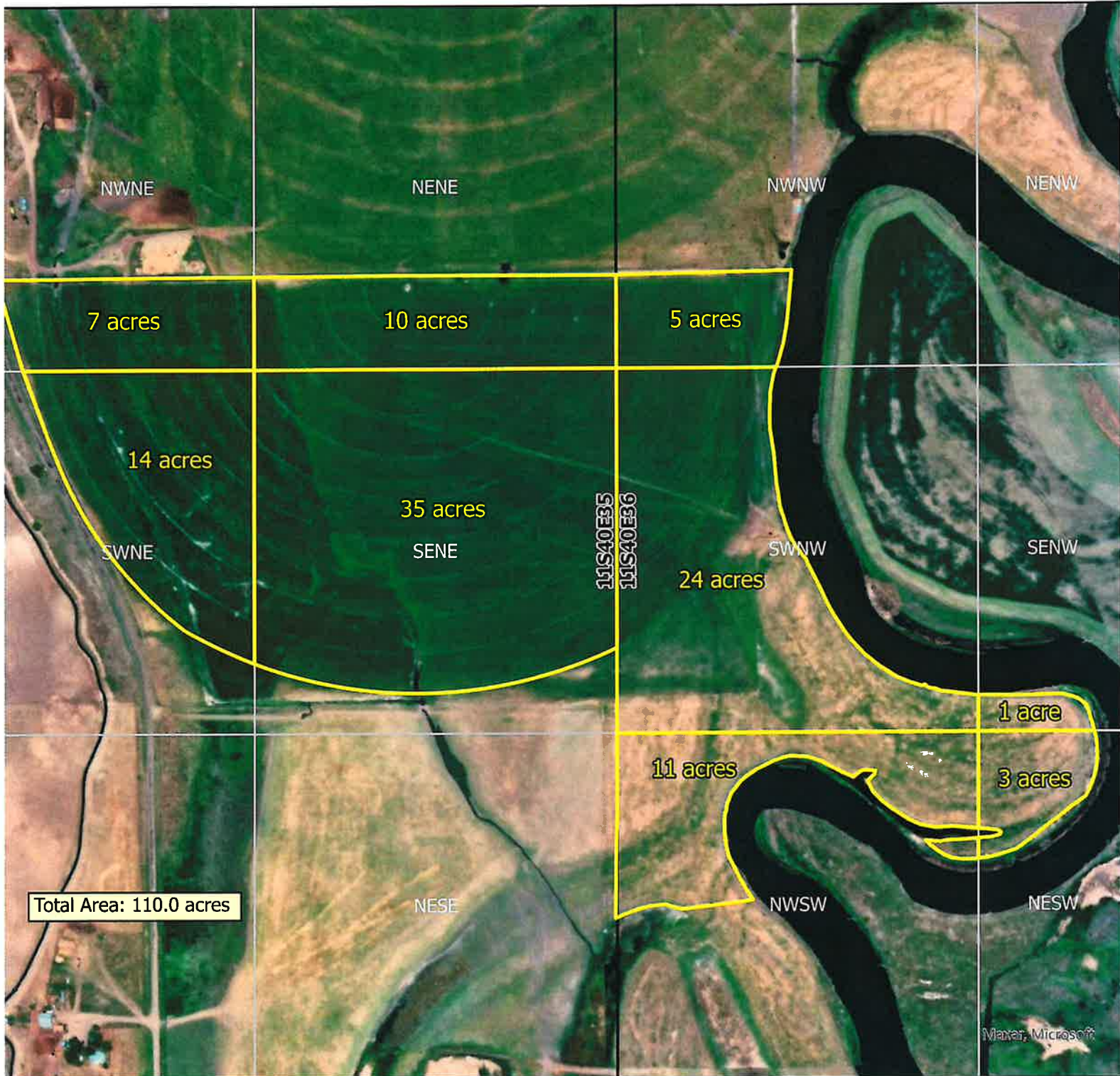
13. Remarks (Include an explanation of the priority date selected):

Claim Map

Based on Water Right Number: 13-960D

Claimant: Thatcher Farms LLC

Claim No: 13-960D



Irrigated Area
 PLSS Sections

PLSS QQs

0 205 410 820 1,230 1,640 Feet

Water Right Adjudication

Thatcher Farms LLC



Rocky Mountain
ENVIRONMENTAL
ASSOCIATES, INC.

Date: 7/31/2024

Project #: 24-0069

Drawn by: AG

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

Court Eastern Div/Idaho Decree Date July 14, 1920 Plaintiff v. Defendant Utah Power vs Last Chance

If applicable provide IDWR Water Right Number 13-960D

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

Managing Member of Thatcher Farms LLC
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 [Signature] Date 8/14/2024

Printed Name of Authorized Agent _____

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) Thatcher Farms LLC Claim ID _____

In the District Court of the United States for the
District of Idaho, Eastern Division.

UTAH POWER & LIGHT COMPANY,

Plaintiff

vs.

THE LAST CHANCE CANAL COMPANY,
Limited, et. al.

Defendants.

In Equity

No. 203.

FINAL DECREE

Before HON. F. S. DIETRICH,
District Judge.

Filed July 14, 1920.

W. D. McREYNOLDS,
Clerk.

By PEARL ZANGER,
Deputy.

DATE OF
PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

9. *The Gentile Valley Irrigation Com-
pany, Ltd.:*
1889—June 1

33 c.f.s.

13-0959

Said water to be diverted from the natural flow of Bear River in the Southwest quarter, Section 21, Township 10 South, Range 40 East, B.B.M., through the Gentile Valley Canal, and to be used for the irrigation of 1638 acres of land in the West half of Section 8, the East half Northeast quarter, the Southwest quarter, and the Southeast quarter of Section 29, the East half of Section 32, and the Northwest quarter of Section 33, all in Township 10 South, Range 40 East; the West half of Section 4, the East half, and the North half Southwest quarter of Section 5, the West half and the Southwest quarter Southeast quarter of Section 9, the South half Southwest quarter and the Southwest quarter Southeast quarter of Section 14, the South half Southwest quarter of Section 15, the North half, and the Northwest quarter Southeast quarter of Section 16, and the Southeast quarter Northeast quarter of Section 21, in Township 11 South, Range 40 East, of the Boise Meridian.

10. *Thatcher Irrigation Company,
Limited:*
1901—Feb. 23

35 c.f.s.

13-0960

Said water to be diverted from the natural flow of Bear River at the point described in the paragraph immediately preceding, through the said Gentile Valley Irrigation Company's canal, and to be used for the irrigation of 1738 acres of lands, situate under what is known as the Thatcher Canal in the Northeast quarter and the West half Southwest quarter of Section 22, the North half, the South half Southwest quarter, and the South half Southeast quarter of Section 23, the Southwest quarter Northwest quarter of Section 24, the South half Southwest quarter of Section 25, the Northwest quarter Southwest quarter, the Southeast quarter Southwest quarter and the Southeast quarter of Section 26, the East half and the Northeast quarter Northwest quarter of Section 35, and the West half Northwest quarter and Southwest quarter Southwest quarter of Section 36, of Township 11 South, Range 40 East; and the Southwest quarter, and West half Northwest quarter of Section 1, the Northeast quarter, the Northeast

RECEIVED
FEB 1 21960

Department of Reclamation

Application For Transfer of Water Right

RECEIVED
FEB 3 1960

Department of Reclamation

STATE OF IDAHO

County of Franklin.

ss.

Trans #962

Wynn S. Hogan, being first duly sworn, deposes and says:

That his name is Wynn S. Hogan; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Grace, Idaho.

That he is the owner and using a certain water right, bearing date of priority of Feb. 20, 1901, for 6.4 cubic feet per second of the waters of Bear River County of Caribou, State of Idaho, decreed to Thatcher Irrigation Company by decree of Judge F. S. Dietrich of the U. S. District Court Eastern Division Judicial District of the State of Idaho, in and for the county of Caribou, in the case of Utah Power & Light Company vs. Last Chance Canal Co. Limited, et al., said decree bearing date of July 14, 1920, (or obtained by virtue of License No. , issued by the State Department of Reclamation of the State of Idaho, dated , 19 , bearing date of , 19) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 5 in the County of Caribou and State of Idaho, to-wit:

There is no change in the land to be watered from said source, the only change is in point of diversion, and method of use. Part of the same land will be watered by sprinkling, part by flooding and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i.e.

as per abstract of title of said water right hereto attached and made a part of this statement;

That said waters are now diverted from said stream in the S. 1/4 of Section 21, Township 10 South, Range 40 East, B. M., and conducted to the above described lands through Gentile Valley Canal as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to abandon the point of diversion of two use of same cubic feet per second and to change the point of diversion to a point in Bear River which is of said water upon the above described land and to convey and use same upon the following tract situate lying and being in the County of Caribou and State of Idaho, to-wit: about 35 rods South of the N. line of S. 24 NW. 4 Sec. 36, T. 11 S., R. 40 EBM. and convey the said water to and use the same by pump and sprinkling system on the same land which it has been previously used.

That reasons for desiring to make such transfer are as follows: The water can be prevented from ponding in low places, and can be used more effectively by sprinkling than by flooding the land.

That he intends to divert and convey said.....two.....second feet of water to the tract of land last above described in the following manner and as per map accompanying this application: By pump and sprinkling system. The other 4.4 c.f.s. will be diverted as formerly and used on same land as formerly. Only 2 c.f.s is affected and applicant wants to divert this water directly from the Bear River by a pump.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described NW₄ of Sec 36 to a point located in NW₄ of Sec 36, Township 11 S., Range 40 EBM, and thereafter conduct same to the above described land through the pump and sprinkling system as per map appended.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Walter D. Hogan

Applicant.

Subscribed and sworn to before me this 21st day of December, 19 59

F. M. Condie

Notary Public.

Preston, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted?

Where is the diversion point located?

Through what ditch is it now conducted?

How much land is now irrigated by the water sought to be transferred?

Give the description:

What is the total amount of water in inches, or second feet, dedicated to said land?.....

What kind of crops are being raised? Pasture land and spring grain

How much water per acre is now required to irrigate said land? One inch.

What will be the effect on the land now irrigated, if the use of water on it is discontinued? No land
will be taken out of irrigation. This 2 c.f.s. will be used on following land:
34 acres in NW1/4, 23 Acres in NE1/4 NW1/4, 1.8 acres in SE1/4 NW1/4, 24 acres in
SW1/4 NW1/4, and 26.5 Acres in NW1/4 SW1/4, Section 36, T. 11 South, R. 40 E. B. M.

Give location of new point of diversion, if change is to be made.....

Through what ditch will it be conducted after transfer? Pump and sprinkling system for 2 cfs.

Remainder of water rights will be taken out as formerly-Gentile Valley Canal
How much water will be required per acre to irrigate the land to which this water is transferred?.....

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.....

Is there any other water right for the land to which you seek to make this transfer? If so, give amount,
date and source.....

Signed Wawn S. Hegan
Applicant.

STATE OF IDAHO,

County of Caribou } ss.

I, Russell D. Stoker, Watermaster of Bear River

Water District No. 5, County of Caribou, State of Idaho, whose postoffice address

is Soda Springs, Idaho, have read or heard read the foregoing affidavit and petition

of Wawn S. Hegan, and, of my own knowledge, believe the same to be true

as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized;

and I hereby endorse my approval of said petition, and request that the State Reclamation Engineer
issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of

transfer prayed for) for the following reasons:.....

Watermaster, District No. 5

Russell D. Stoker

Dated at Soda Springs, Idaho, this 10th day of February, 1960

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STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

Wawn S. Hogan)

of)

Grace, Idaho)

For a Change of Point of Diversion
from Bear River, in Water District
No. 5, Caribou County)

ORDER GRANTING CHANGE
OF POINT OF DIVERSION
NO. 249

WHEREAS, on the 26th day of February, 1960, the application of Wawn S. Hogan of Grace, Idaho, for a change of point of diversion from Bear River, came on regularly for hearing at the Department of Reclamation of the State of Idaho, at Boise, Idaho, pursuant to the published notice in due and statutory form, and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Change of Point of Diversion be issued to the applicant herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

RECORDED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE FOR CHANGE OF POINT OF DIVERSION
OF DECREED WATER RIGHT NO. 249.

THIS IS TO CERTIFY That Wawn S. Hogan, of Grace, Idaho, is the owner of and using certain water right for 6.4 cubic feet per second of the waters of Bear River with priority of February 23, 1901, said water being decreed to the Thatcher Irrigation Company by Judge F. S. Dietrich, of the United States District Court, Eastern Division, in the Counties of Caribou and others, in the case of

UTAH POWER AND LIGHT COMPANY
Plaintiff
vs.

LAST CHANCE CANAL COMPANY, LTD. et al,
Defendants

said decree bearing date of July 14, 1920, and being appurtenant to the following described lands, to-wit:

34 acres in the NW $\frac{1}{4}$ NW $\frac{1}{4}$;
23 acres in the NE $\frac{1}{4}$ NW $\frac{1}{4}$;
1.8 acres in the SE $\frac{1}{4}$ NW $\frac{1}{4}$;
24 acres in the SW $\frac{1}{4}$ NW $\frac{1}{4}$;
26.5 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Section 36, Township 11 So.,
Range 40 E.B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, at Boise, Idaho, in Volume 4 of Decrees, at Page 502 thereof;

And that now, upon the application of Wawn S. Hogan, of Grace, Idaho, made before the State Reclamation Engineer of the State of Idaho, for a Certificate of Change of Point of Diversion, and the said application having been granted, the right to change the point of diversion of 2 cubic feet per second of the waters of Bear River is HEREBY GRANTED;

That said change of point of diversion shall not modify in effect said decreed water right or place of use;

Said water is to be limited at any given time to an amount actually needed and beneficially used, and shall not exceed the following amount, to-wit:

2.0 cubic feet per second of
the waters of Bear River, with
priority of February 23, 1901.

That the water right hereby transferred has heretofore been conducted from Bear River to the above described lands with point of diversion in the SW $\frac{1}{4}$ of Section 21, Township 10 South, Range 40 E.B.M., and conducted through the Gentile Valley Canal;

RECORDED

That the water right hereby transferred will hereafter be conducted to said lands with point of diversion in the NW $\frac{1}{4}$ of Section 36, Township 11 South, Range 40 E.B.M., by pumping directly out of Bear River.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed, at Boise, Idaho, this 27th day of June, 1960.

GEO. N. CARTER

GEO. N. CARTER
State Reclamation Engineer

NOT RECORDED

Date: August 14, 2024

To: IDWR Preston Office
325 E 600 S Ste 300
Preston ID 83263-4921

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AUG 22 2024

IDWR/Preston

Please find attached five (5) claims for Thatcher Farms LLC and three (3) claims for McQueen Enterprises LC. Also enclosed is a check in the amount of \$680.00 for the claims as described below.

Claim Fees for Thatcher Farms LLC

13-638- \$50 flat fee, \$1.00/acre for 320 acres= \$370.00
13-960D- \$50 flat fee, \$1.00/acre for 110 acres= \$160.00

Stockwater and domestic claims:

House and surrounding area (stockwater) from springs (was licensed as 13-7064)- \$25.00
Stockwater along Bear River- \$25.00
Stockwater from springs in field- \$25.00

Total- \$605.00

Claim Fees for McQueen Enterprises LC

13-669 (based on) for house and surrounding area (stockwater) from spring- \$25.00
Stockwater along Bear River- \$25.00
Stockwater from spring \$25.00

Total- \$75.00

Should you have any questions, please contact me at 801-597-4487.

Cordially,



James McQueen
4014 Nike Dr
West Jordan UT 84088
801-597-4487
mcqueen@xmission.com