

**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: 13-7917

Date Received: 1001276

Receipt No: 9/10/2024

Claim Fee: \$130.00 By: CG

RECEIVED
RECEIVED

SEP 10 2024
SEP 09 2024

IDWR/Preston
IDWR/Preston

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

Please type or print clearly

1. Name of claimant(s) Shaw Land & Livestock Co., LLC Phone (801) 6432888
Mailing address 3601 North Higley Road Ogden UT Zip 84404
Street or Box City State
Email address (optional) rcshawesq@gmail.com
2. Date of priority: (Only one per claim) December/8/1882 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Steve's Creek
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 11S, Range 40E, Section 19,
NW 1/4 of NW 1/4, Govt. Lot 1, BM, County of Caribou
Parcel no. 11S40E193400
Additional points of diversion, if any: _____
If available, GPS Coordinates 42.459024, -111.836817
- 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.
See Attachment

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/20 to 09/30 amount 1.6 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.6 (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:

- 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	
11S	40E	17											25	20					45
11S	40E	18															10	5	15
11S	40E	20					10	10											20

Parcel no(s). 11S40E189000, 176500, 201200 Total number of acres irrigated 80

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.
_____ or None (☒)

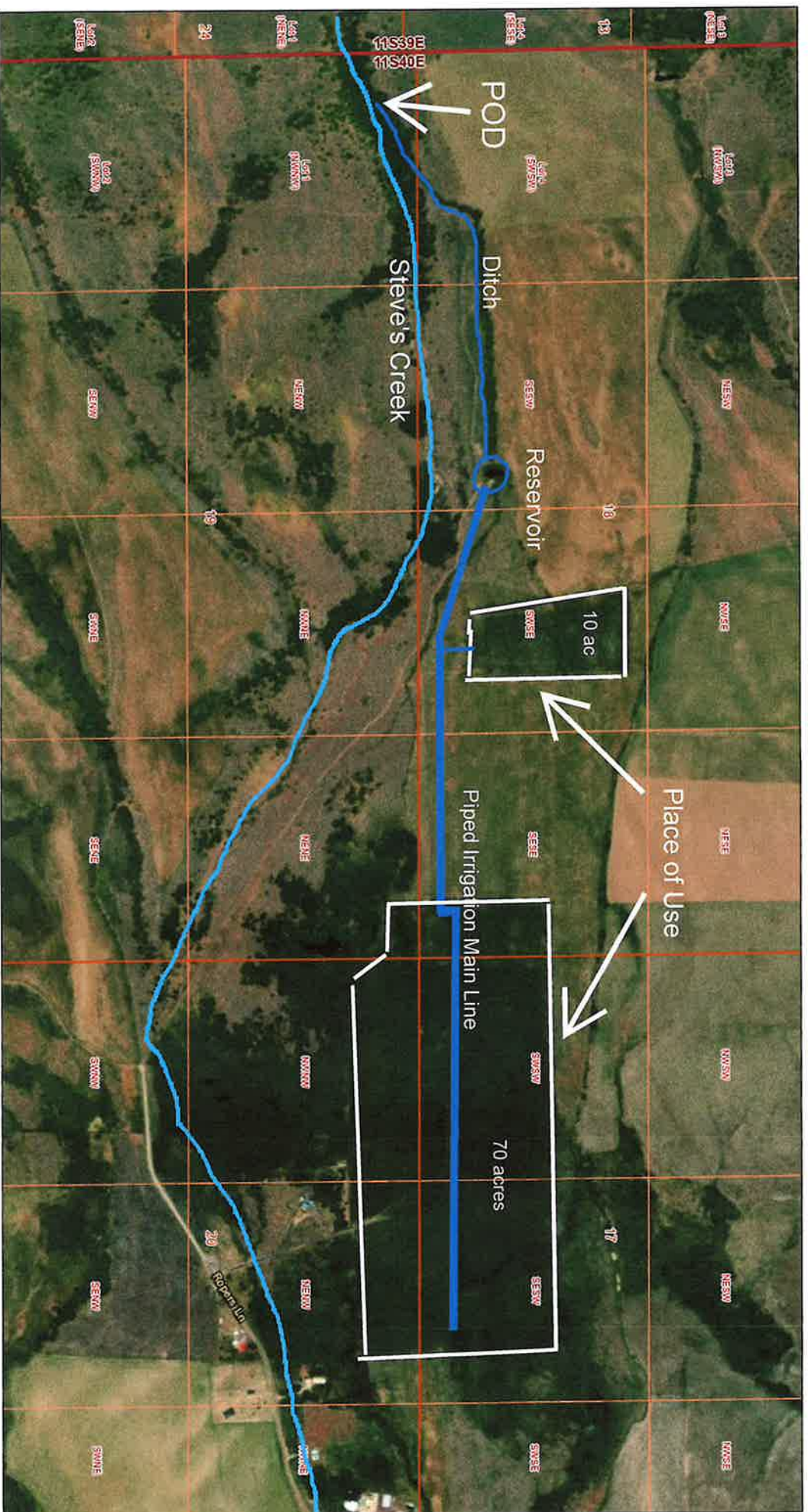
13. Remarks (Include an explanation of the priority date selected):

The Priority Date selected is the Priority Date identified in the water right decree.

See Attachment for additional remarks.

Name of claimant(s) Shaw Land & Livestock Co., LLC Claim ID _____

13-7917



8/29/2024, 8:10:23 AM

- ☐ Quarter Quarters
- ☐ PLS Sections
- ☐ Townships

T11S
R40E

Name of Claimant(s): Shaw Land & Livestock Co., LLC

Claim ID _____

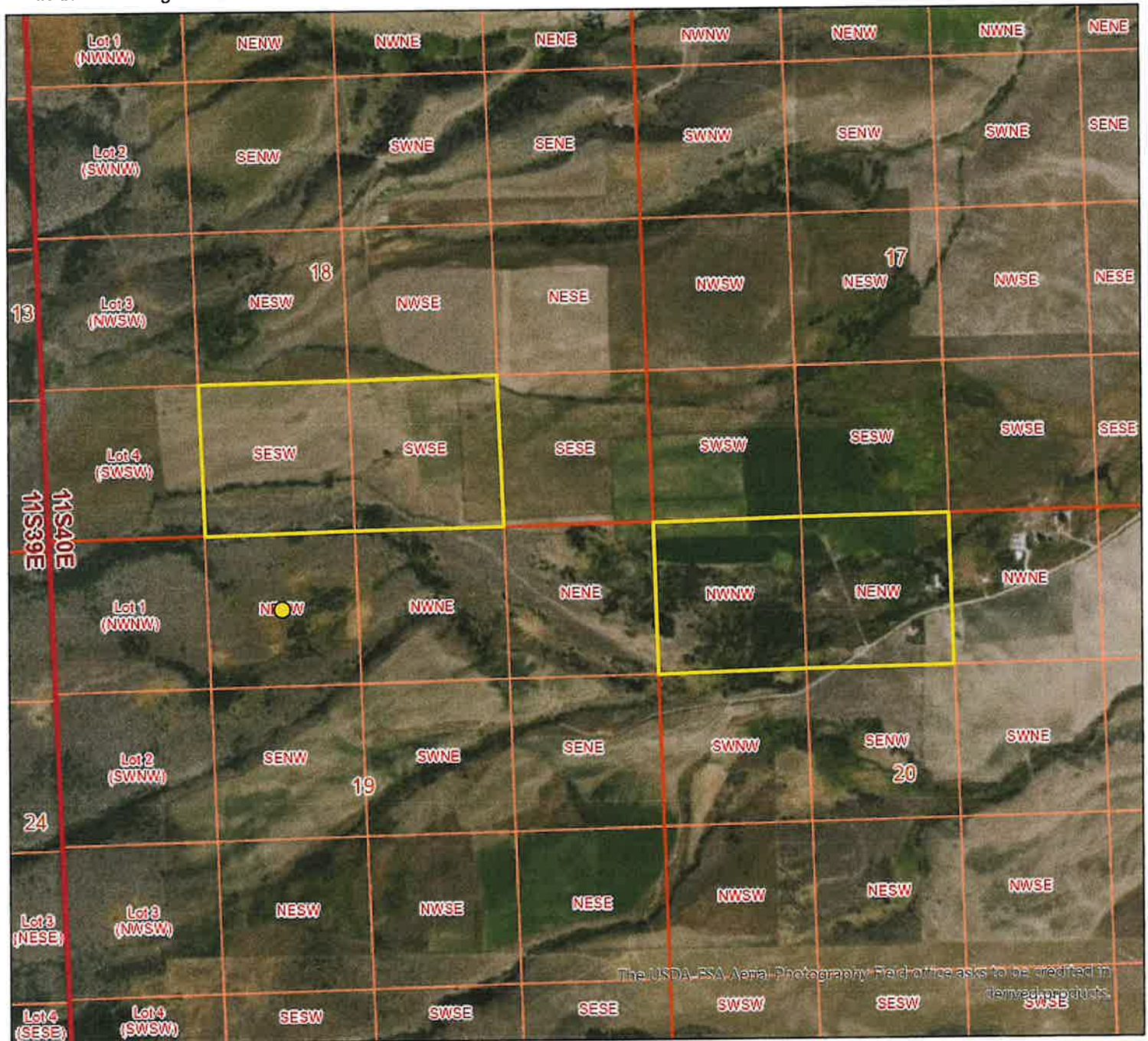
State of Idaho
Department of Water Resources

Water Right

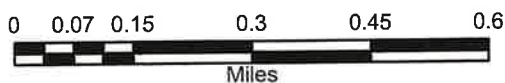
13-7917

IRRIGATION

The map depicts the place of use for the water use listed above and point(s) of diversion of this right as currently derived from interpretations of the paper records and is used solely for illustrative purposes. Discrepancies between the computer representation and the permanent document file will be resolved in favor of the actual water right documents in the water right file.



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



Legend

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



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

Court _____ Decree Date 07/14/1920 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-7917

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

Number of attachments: 1

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

Manager/Member _____ of Shaw Land & Livestock Co. 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 Ryan C. Shaw Date 10 Sept 2021

Printed Name of Authorized Agent Ryan C. Shaw

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) Shaw Land & Livestock Co., LLC Claim ID _____

ATTACHMENT 13-7917

Claim Item

5. The subject water is diverted from Steve's Creek by a rock and earthen diversion. There is no permanent diversion structure. Historic aerial photos from 1953 show this diversion was well established at that point. Once diverted, the water flows in an open ditch/stream for approximately 2,450 ft. to a small earthen detention reservoir approximately 4,300 square feet by 4.5 ft. deep. Aerial photos from 1968 show the detention reservoir existed at that time. Water is contained in the reservoir by a 17 inch corrugated metal drain pipe with an iron head gate. In the reservoir is a 10 inch screened vertical perforated PVC collection pipe leading to 4 inch vertical vent pipe and an in-ground butterfly gate valve just below the reservoir. The PVC collection pipe was installed around 2018 to replace an aging and deteriorating concrete and iron collection box inside the reservoir. The gate valve flows into an 8 inch underground steel and PVC pipeline which runs approximately 2,600 feet to the beginning of the irrigation mainline. The irrigation mainline is approximately 2,450 feet long and has 3 inch risers the length of the Place of Use. The Place of Use is irrigated with a single wheel line and various hand lines. Records from IDWR indicate that the current gravity flow sprinkler system was constructed sometime just prior to December of 1976. Claimant Shaw Land & Livestock Co., LLC has continuously used this irrigation system since it purchased the property in 1978.

It should be noted that the IDWR Water Right Map depicts the Point of Diversion (POD) in the NENW quarter-quarter of Section 19, however the actual POD is located in Lot 1 (NWNW) quarter-quarter of Section 19. In addition, the IDWR water right map depicts the Place of Use (POU) in the SESW and SWSE quarter-quarters of Section 18 and the NWNW and NENW quarter-quarters of section 20. However, the actual POU is in the SWSE quarter-quarter of Section 18 and the SWSW and SESW quarter-quarters of Section 17 in addition to the NWNW and NENW quarter-quarters of Section 20.

13. It should be noted that the original diversion of Steve's Creek diverted the entire creek, essentially moving the creek out of its original channel to its current location. The current location has created a significant riparian area, including a number of beaver dams, downstream from the detention reservoir. Over the past 2-3 years, Claimant has been working with the Idaho Department of Fish and Game to explore options for diverting Steve's Creek back into its original channel to create better fish habitat while preserving the irrigation access as well as the riparian area, and also addressing potential flooding concerns to downstream property owners.

Water Right Report : 13-7917(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	SHAW LAND & LIVESTOCK LLC	3601 N HIGLEY ROAD	OGDEN	UT	84404
Original Owner	ROPER, SEWELL			ZZ	
Previous Owner	ROPER, BETTY J	RT 1 BOX 126	GRACE	ID	83241
Previous Owner	ROPER, LEO B	RT 1 BOX 126	GRACE	ID	83241

Water Right Status

Priority Date : 12/8/1882
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
STEVES CREEK		BEAR RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
STEVES CREEK	11S	40E	19	0		NE	NW	CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	1.56 CFS	
TOTAL			1.60 CFS	

Places of Use

Printable View Paged View

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	40E	18			SE	SW	
11S	40E	18			SW	SE	
11S	40E	20			NE	NW	
11S	40E	20			NW	NW	

Irrigation Totals	
Total Acres	Acre Limit

Conditions

Code Conditions

NOT TO EXCEED 78 AC. IRR./YR.

Dates

Licensed Date :

Decreed Date : 7/14/1920

Permit Proof Due Date :

Permit Proof Made Date :

Permit Approved Date :

Permit Moratorium Expiration Date :

Enlargment Use Priority Date :

Enlargement Statute Priority Date :

Application Received Date:

Protest Deadline Date:

Other Information

State or Federal :

Water District Number : 11

Generic Max Rate Per Acre : 0.02

Generic Max Volume Per Acre : 3.5

Civil Case Number :

Decree Plaintiff :

Decree Defendant :

Swan Falls Trust or Nontrust :

Swan Falls Dismissed :

DLE Act Number :

Cary Act Number :

Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

7/27/2021