

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: 11-381

Date Received: 4/4/24

Receipt No: P000787

Claim Fee: 489.00 By: mib

RECEIVED

APR 04 2024

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) William + Stacey Rasmussen Phone 208 547-7063
Mailing address PO Box 185 Soda Springs ID Zip 83276
Street or Box City State
Email address (optional) 11blrasmd@gmail.com
2. Date of priority: (Only one per claim) 06/01/1887 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water ☒ or Other () (a) _____
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township T9S, Range 41E, Section 25, 26, 35, 36
____ 1/4 of ____ 1/4, Govt. Lot _____, BM, County of Caribou County
Parcel no. See attached map for details
Additional points of diversion, if any: several poD on USDA map for details
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township T9S, Range 41E, Section 35, ____ 1/4 of ____ 1/4,
Govt. Lot _____, BM, County of Caribou
Ending point is: Township T9S, Range 41E, Section 25 and 26, ____ 1/4 of ____ 1/4,
Govt. Lot _____, BM, County of Caribou
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.
There are 5 holding ponds fed by Winchell Creek
+ Langerille Creek, As well as springs. (SUB Springs)

other source is S36 T9S R41E

6. Water is claimed for the following purposes:

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

For irrigation purposes from 4-20 to 9-30 amount 8.68 or _____

For culinary purposes from 12-1 to 11-31 amount .04 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 8.68 (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.) 2 homes

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	
9S	41E	25			17.7				40	35.5	40	40	39	40		15	208		286
		26				40									40	25	15.7	25.3	146
		26															stor		
		36					stor	stor	stor										

Parcel no(s). _____ Total number of acres irrigated 435

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 (X) 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 (X)

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

In 2000 we purchased this property. It had changed hands before us. The water was never transferred. In July of 2017 I worked with Mr. Ceffalo at the Idaho Falls office and had everything legally & properly done.

Name of claimant(s) _____ Claim ID _____

Scale: 2 inches equals 1 mile

[illegible]

Claim ID _____

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

Court _____ Decree Date 16-1-87 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-381

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: 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) William Rasmussen Date: 11-15-23

Stacey Rasmussen Date: 11-15-23

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

_____ of _____
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 _____

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) William Stacey Rasmussen Claim ID 11-381



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N Skyline Dr., Ste A, Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 FAX: (208) 525-7177 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

March 15, 2018

GARY SPACKMAN
Director

WILLIAM L RASMUSSEN
STACEY RASMUSSEN
PO BOX 185
SODA SPRINGS ID 83276

Re: Transfer No: 81780
Water Right No(s): 11-381
Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of

the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,

A handwritten signature in black ink, appearing to read 'J Cefalo', written in a cursive style.

James Cefalo
Water Resources Program Manager

Enclosure

JC:sc

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2018 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

**Re: Transfer No.: 81780
Water Right No(s): 11-381**

**WILLIAM L RASMUSSEN
STACEY RASMUSSEN
PO BOX 185
SODA SPRINGS ID 83276**

**WATER DISTRICT 11
85 CRAYON CT
LOGAN UT 84321**



**Sharla Cox
Administrative Assistant**

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 81780**

This is to certify that: STACEY RASMUSSEN AND
WILLIAM L RASMUSSEN
PO BOX 185
SODA SPRINGS, ID 83276

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
11-381	WR/DECREED	6/1/1887	20.000 cfs	N/A	N/A	N/A	LARGILLIERE CREEK, WINCHELL CREEK

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
11-381	NO	YES	YES	YES	NO	YES

Summary Of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (Changed Portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
11-381	11-381	8.680 cfs	N/A	N/A	434.0	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		8.680 cfs	N/A	N/A	434.0		N/A	N/A	N/A	N/A

This water right(s) is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources. Detailed Water Right Description(s) attached.

Dated this 15th day of March, 2018.



Water Resources Program Manager

WATER RIGHT NO. 11-381**As Modified by Transfer No. 81780**

In accordance with the approval of Transfer No. 81780, Water Right No. 11-381 is now described as follows:

Right Holder: WILLIAM L RASMUSSEN AND
STACEY RASMUSSEN
PO BOX 185
SODA SPRINGS, ID 83276

Priority Date: 6/1/1887

Source: WINCHELL CREEK
Source: LARGILLIERE CREEK

Tributary: BEAR RIVER
Tributary: BEAR RIVER

BENEFICIAL USE

IRRIGATION
IRRIGATION STORAGE
IRRIGATION FROM STORAGE

From 4/20 to 9/30
04/20 to 09/30
04/20 to 09/30

Diversion Rate

8.680 cfs

Diversion Volume

180.0 af

8.680 cfs

LOCATION OF POINT(S) OF DIVERSION

WINCHELL CREEK	NWSE	Sec 25 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	NWSE	Sec 25 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	SESW	Sec 25 Twp 09S Rge 41E	CARIBOU County
LARGILLIERE CREEK	SWSE	Sec 26 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	SENE	Sec 35 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	NENW	Sec 36 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	NWNW	Sec 36 Twp 09S Rge 41E	CARIBOU County
WINCHELL CREEK	SWNW	Sec 36 Twp 09S Rge 41E	CARIBOU County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	41E	25			17.7				40.0	35.5	40.0	40.0	39.0	40.0		15.0	20.8		288.0
09S	41E	26				40.0									40.0	25.0	15.7	25.3	146.0

POU Total Acres: 434.0

PLACE OF USE: IRRIGATION FROM STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	41E	25			17.7				40.0	35.5	40.0	40.0	39.0	40.0		15.0	20.8		288.0
09S	41E	26				40.0									40.0	25.0	15.7	25.3	146.0

POU Total Acres: 434.0

PLACE OF USE: IRRIGATION STORAGE

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	41E	26															X		

Transfer No. 81780

WATER RIGHT NO. 11-381**As Modified by Transfer No. 81780****PLACE OF USE: IRRIGATION STORAGE**

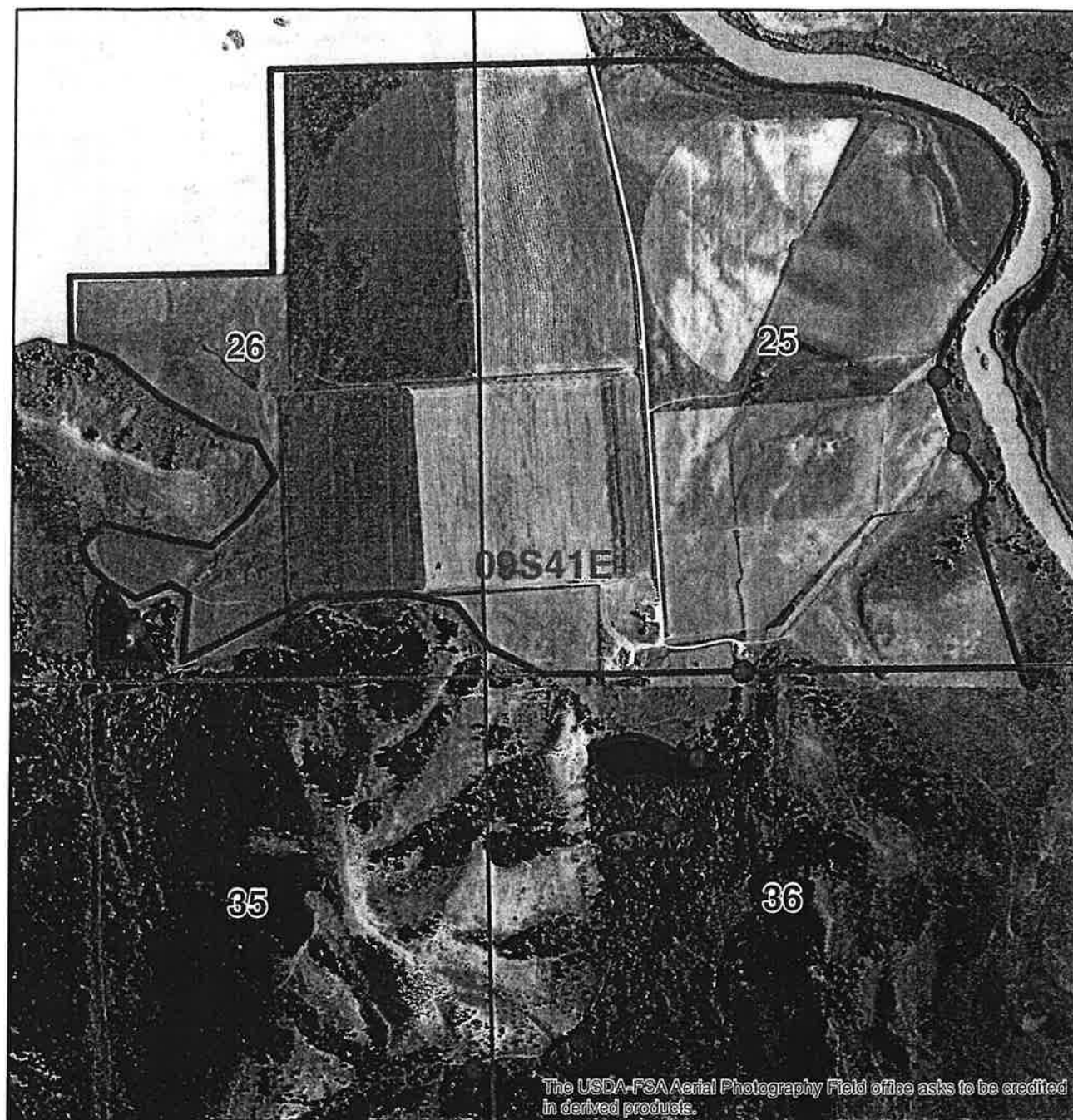
Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
09S	41E	36					X	X	X										

CONDITIONS OF APPROVAL

1. The total capacity of the four storage reservoirs authorized under this right is 60 acre-feet. The reservoirs may be refilled multiple times up to the total diversion volume in a single year.
2. The changes approved in Transfer 81780 are intended to replace the beneficial uses described in statutory claims 11-4072, 11-4073, 11-4074 and 11-4075.
3. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.
4. Use of water under this right may be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 11.
5. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.
6. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
7. This right does not grant any right-of-way or easement across the land of another.
8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Transfer Approval 81780

This map depicts the IRRIGATION place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



Legend

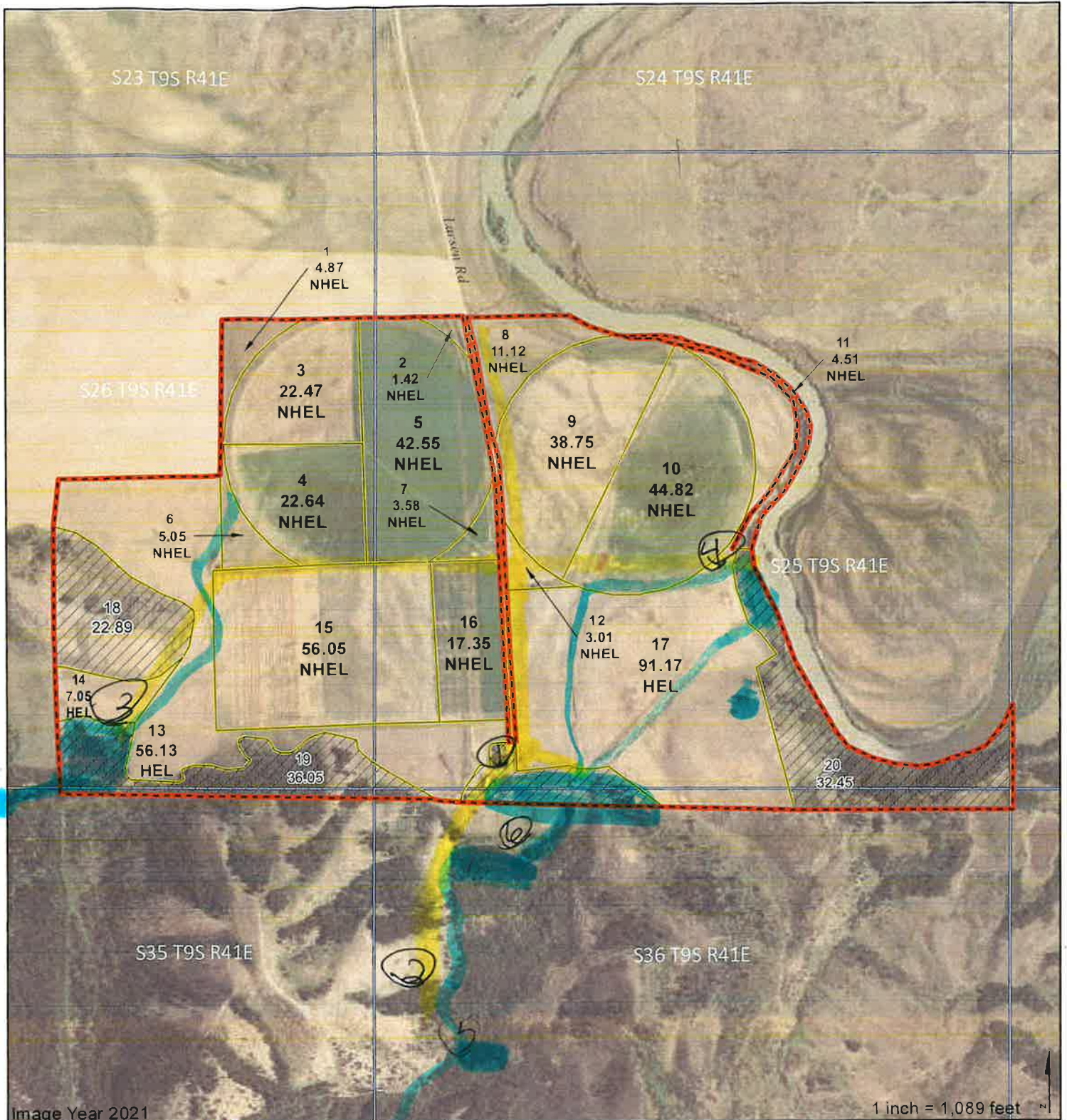
- Water Right POD
- Water Right POU
- Township/Range
- Sections

0 462.5 925 1,850 Feet

1 inch = 1,038 feet



pipe line
water



Common Land Unit

- Non-Cropland
- Cropland

Tract Boundary

PLSS

County Boundary

Wetland Determination Identifiers

- Restricted Use
- Limited Restrictions
- Exempt from Conservation Compliance Provisions

Tract Cropland Total: 432.54 acres

2024 Program Year

Map Created October 25, 2023

Farm 1943

Tract 2194

United States Department of Agriculture (USDA) Farm Service Agency (FSA) maps are for FSA Program administration only. This map does not represent a legal survey or reflect actual ownership; rather it depicts the information provided directly from the producer and/or National Agricultural Imagery Program (NAIP) imagery. The producer accepts the data 'as is' and assumes all risks associated with its use. USDA-FSA assumes no responsibility for actual or consequential damage incurred as a result of any user's reliance on this data outside FSA Programs. Wetland identifiers do not represent the size, shape, or specific determination of the area. Refer to your original determination (CPA-026 and attached maps) for exact boundaries and determinations or contact USDA Natural Resources Conservation Service (NRCS).