

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: 13-761

Date Received: 2/10/25

Receipt No: P001849

Claim Fee: 135.00 By: MB

RECEIVED

FEB 07-2025

IDWR/Preston NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of claimant(s) Whiskey Creek Ranch LLC Phone (843) 693-9597
Mailing address 301 Bench Lago Road, Grace, Idaho Zip 83241
Street or Box City State
Email address (optional) nathan@hale.ink
2. Date of priority: (Only one per claim) May 1, 1871 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Trout Creek
which is tributary to (b) Trout Creek
4. a. Location of point of diversion is: Township 11S, Range 41E, Section 18,
SE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Caribou
Parcel no. 11S41E181800 and 11S41E190021
Additional points of diversion, if any: NENE of Section 19, T11S, R41E
If available, GPS Coordinates _____
- 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.
Concrete collection box with sump and screen.

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 0.3 or _____

For Stockwater purposes from 01/01 to 12/31 amount 0.07 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.3 (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.) Stockwater: 200 head of cattle, 7 horses

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	41E	18		0.4	2	6.1	29	Lot 1 - 21	Lot 2 - 36 2	38.7	39.7			36	7.4	21.1	25.2	18	280.8
11S	41E	19	39.5/S	30.7															70.2

Parcel no(s). 11S41E181800, 11S41E182401, 11S41E189021, 11S41E190021,
and 11S41E190500

Total number of acres irrigated 15 AC within the
351 AC POU

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.

13-687A, 13-688, 13-697A, 13-698, 13-728, 13-729, 13-4004, 13-7770, 13-7772, and 13-7774 and Shares in Last Chance Canal Company or None (☐)

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

The priority date is based on decreed water right number 13-761.

~~Attachments:~~

1. IDWR Water Right Report 13-761

2. IDWR Map of 13-761

~~3. Map of current POU & POD~~

Name of claimant(s) Whiskey Creek Ranch LLC

Claim ID _____

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

Court Eastern Division Decree Date July 14, 1920 Plaintiff v. Defendant Utah Power & Light Company v.

If applicable provide IDWR Water Right Number 13-761 The Last Chance Canal Company, Limited, et al.

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.

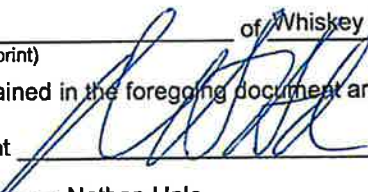
Signature of Claimant (s) _____ Date: _____

_____ 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

Manager _____ of Whiskey Creek Ranch 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  Nathan Hale Date 2-7-25

Printed Name of Authorized Agent Nathan Hale

16. Notice of Appearance:

Notice is hereby given that I, (please print) Thomas J. Budge, Attorney, 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 02/07/2025

Address PO Box 1391, Pocatello, Idaho 83204-1391, tj@racineolson.com

Name of claimant(s) Whiskey Creek Ranch LLC Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

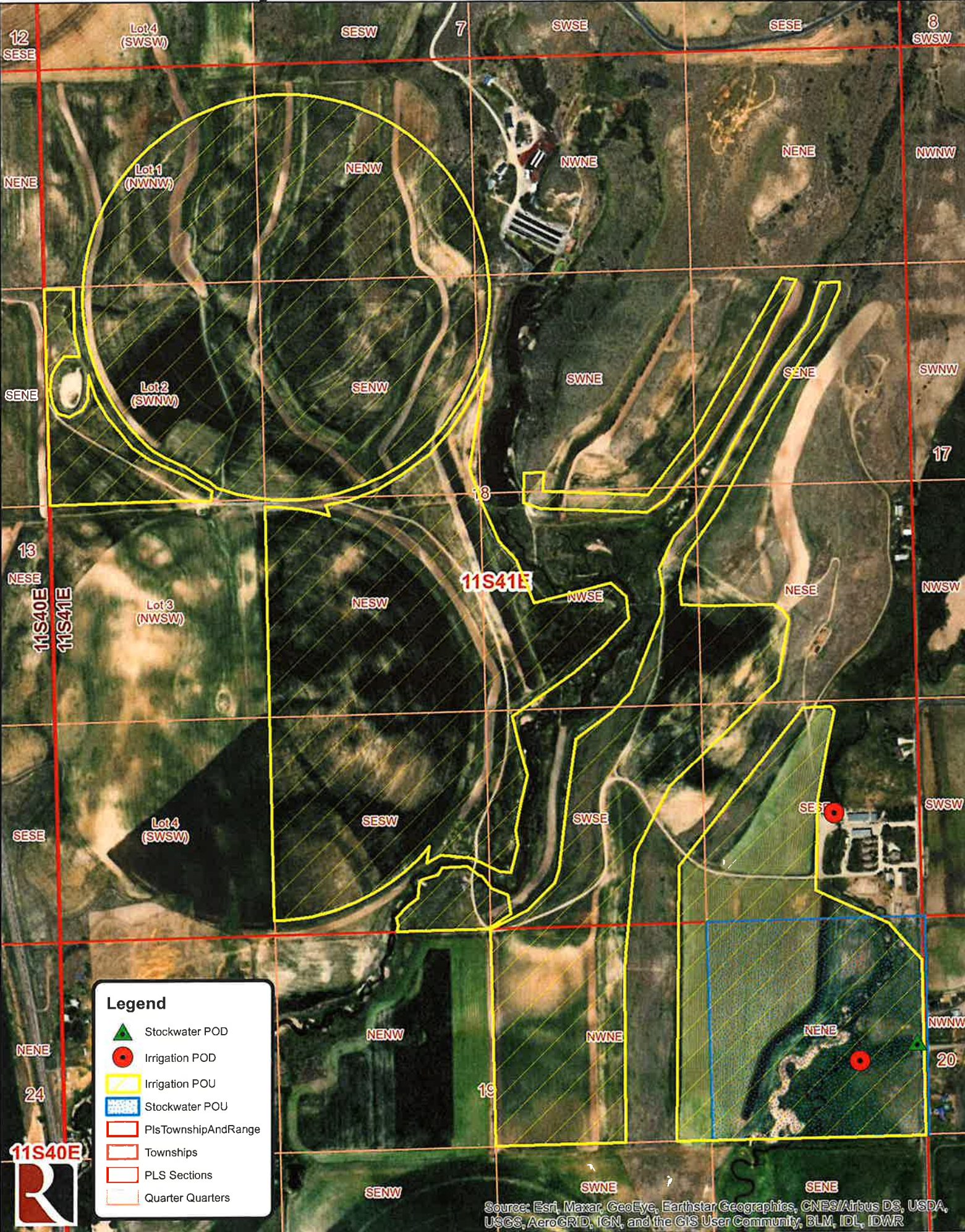
After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Whiskey Creek Ranch LLC - 13-761 POU & POD



IRRIGATION

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



Date created: 7/25/2023

A horizontal scale bar with tick marks at 0, 0.07, 0.15, 0.3, 0.45, and 0.6 miles. The bar is divided into segments of varying lengths corresponding to these distances.

Legend

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



Whiskey Creek Ranch LLC

Close

Water Right Report : 13-761(Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WHISKEY CREEK RANCH LLC	303 BENCH LAGO RD	GRACE	ID	83241
Original Owner	SWENSEN, HYRUM			ID	

Water Right Status

Priority Date : 5/1/1871
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
MIDDLE FORK TROUT CREEK		TROUT CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQ	QQ	Q	County	Diversion Type
MIDDLE FORK TROUT CREEK	11S	41E	18	0		SE	SE	CARIBOU	Rediversion
MIDDLE FORK TROUT CREEK	11S	41E	19	0		NE	NE	CARIBOU	Injection

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	0.30 CFS	
TOTAL			0.30 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : IRRIGATION (CARIBOU county)

Township	Range	Section	Lot	QQ	QQ	Q	Acres
11S	41E	18		SW	NE	40.0	
11S	41E	18		SE	NE	39.0	
11S	41E	18		NE	NW	40.0	
11S	41E	18	1	NW	NW	40.0	
11S	41E	18	2	SW	NW	39.0	
11S	41E	18		SE	NW	40.0	
11S	41E	18		NE	SW	40.0	
11S	41E	18		SE	SW	40.0	
11S	41E	18		NE	SE	32.0	
11S	41E	18		NW	SE	40.0	
11S	41E	18		SW	SE	40.0	
11S	41E	18		SE	SE	26.0	
11S	41E	19		NE	NE	40.0	
11S	41E	19		NW	NE	40.0	

Irrigation Totals

Total Acres	Acre Limit
536.00	15.00

Conditions

Code Conditions

X27 This right is limited to the irrigation of 15.0 acres within the authorized place of use in a single irrigation season.

X35 Rights 13-687A, 13-688, 13-697A, 13-698, 13-728, 13-729, 13-761, 13-4004, 13-7770, 13-7772 and 13-7774 when combined shall

© 2021 - External Search of this irrigation of 348.0 acres.

Whiskey Creek Ranch LLC

- 206 Rights 13-687A, 13-688, 13-697A, 13-698, 13-728, 13-729, 13-761, 13-4004, 13-7770, 13-7772 and 13-7774 are limited to the irrigation of a specific 348.0 acres within the 536.0 acre place of use authorized by this right in a single irrigation season. The specific 348.0 acres to be irrigated by the right holder are shown in the electronic shape file associated with this right in the geographic information system component of the water rights database maintained by the department. Before changing the 348.0 acres to be irrigated within the 536.0 acre place of use, the right holder shall submit a new land list and representative electronic shape file or map to the Department prior to the irrigation season in which the change will occur.
- G03 Water diverted under this right is exchanged by injecting water diverted under this right into North Fork Trout Creek at the point of injection described above, and diverting an equal amount from North Fork Trout Creek at the point of re-diversion described above.
- Diversion of water from North Fork Trout Creek is limited to those times water is available for diversion under this right and priority from Middle Fork Trout Creek at the original point of diversion and to the amount of water that actually reaches North Fork Trout Creek.
- R05 Use of water under this right will 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. 13Q.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
- R63 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.
- T07 The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
- T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates

Licensed Date :
Decreed Date : 7/14/1920
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

State or Federal :
Water District Number : 13P
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Combined Acre Limit : 348.00
Combined Volume Limit:
Combined Rate Limit:
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

1/17/2025

Whiskey Creek Ranch LLC



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FEB 07 2025

IDWR/Preston

February 7, 2025

Idaho Department of Water Resources
325 East 600 South, Ste 300
Preston, Idaho 83263-4921
marion.beck@idwr.idaho.gov

**Re: Whiskey Creek Ranch LLC
Bear River Basin Adjudication Notices of Claims to Water Rights**

To whom it may concern:

Enclosed please find for filing the originals of eighteen Notices of Claims to Water Rights filed on behalf of Whiskey Creek Ranch LLC, together with a check in the amount of \$1,758.00 for the filing fees, broken down as follows:

Claim 1 (681A): \$50 flat fee + \$200 for stockwater (\$100 per cfs x 2 cfs) + \$95 (\$1.00 per acre x 95 acres) = \$345

Claim 2 (Irrigation): \$50 flat fee + \$14 (\$1.00 per acre x 14 acres) = \$64

Claim 3 (Stockwater): \$25 flat fee

Claim 4 (13-687A): \$50 flat fee + \$34 (\$1.00 per acre x 34 acres) = \$84

Claim 5 (13-688 and 13-7772): \$50 flat fee + \$72 (\$1.00 per acre x 71.4 acres) = \$122

Claim 6 (13-697A): \$50 flat fee + \$3 for mitigation (\$100 per cfs x 0.03 cfs) + \$122 (\$1.00 per acre x 121.6 acres) = \$175

Claim 7 (13-698): \$50 flat fee + \$4 for mitigation (\$100 per cfs x 0.04 cfs) + (no variable fee, claiming same POU acres) = \$54

Claim 8 (13-7770): \$50 flat fee + \$38 (\$1.00 per acre x 37.4 acres) = \$88

Claim 9 (13-7774): \$50 flat fee + (no variable fee, claiming same POU acres) = \$50

Claim 10 (13-728): \$50 flat fee + \$55 (\$1.00 per acre x 55 acres) = \$105

Claim 11 (13-729): \$50 flat fee + \$70 for stockwater (\$100 per cfs x 0.07 cfs) + \$5 (\$1.00 per acre x 5 acres) = \$125

Claim 12 (13-4004): \$50 flat fee + \$80 (\$1.00 per acre x 80 acres) = \$130

Claim 13 (13-761): \$50 flat fee + \$70 for stockwater (\$100 per cfs x 0.07 cfs) + \$15 (\$1.00 per acre x 15 acres) = \$135

Claim 14 (13-7783): \$50 flat fee + \$20 for Wildlife Storage (\$100 per cfs x 0.02 cfs) + \$20 for Aesthetic Storage (\$100 per cfs x 0.02 cfs) = \$90

Claim 15 (13-7951): \$50 flat fee + \$41 for fish propagation (\$10 per cfs for aquaculture x 4.08 cfs) = \$91

Claim 16 (Stockwater): \$25 flat fee

Claim 17 (Stockwater): \$25 flat fee

Claim 18 (Stockwater): \$25 flat fee

Total: \$1,758.00

February 7, 2025

Page 2

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IDWR/Preston

Please file the originals and email the claim numbers assigned to tessa@racineolson. Thank you for your assistance. Please contact us if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tessa Sparrow".

TESSA SPARROW

Paralegal

Enclosures

c: Whiskey Creek Ranch LLC