

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: 13-698

Date Received: 2/10/25

Receipt No: 7001844

Claim Fee: \$4.00 By: mb

RECEIVED

FEB 07 2025

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

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 83214
Street or Box City State
Email address (optional) nathan@hale.ink
2. Date of priority: (Only one per claim) May 1, 1905 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Whiskey Creek
which is tributary to (b) Bear River
4. a. Location of point of diversion is: Township 11S, Range 41E, Section 7,
SW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Caribou
Parcel no. 11S41E077801
Additional points of diversion, if any: _____
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, _____ 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 that connects and flows into 15" pipe.

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 1.46 or _____

For Mitigation purposes from 04/20 to 09/30 amount 0.04 or 7

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 1.5 (cfs) and/or (b) 7 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Mitigation

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	41E	18		0.4	2	6.1	29	Lot 1 21	Lot 2 36.2 / M	38.7	39.7			36	7.4	21.1	25.2	18	280.8
11S	41E	19	39.5	30.7															70.2

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

Total number of acres irrigated 121.6 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.

13-688, 13-687A, 13-697A, 13-728, 13-729, 13-761, 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 13-698

Attachments:

1. IDWR Water Right Report 13-698

2. IDWR Map of 13-698

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 13-698 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.

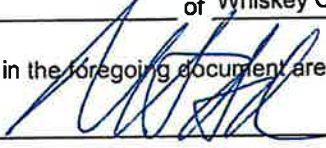
Signature of Claimant (s) _____ Date: _____

_____ 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.

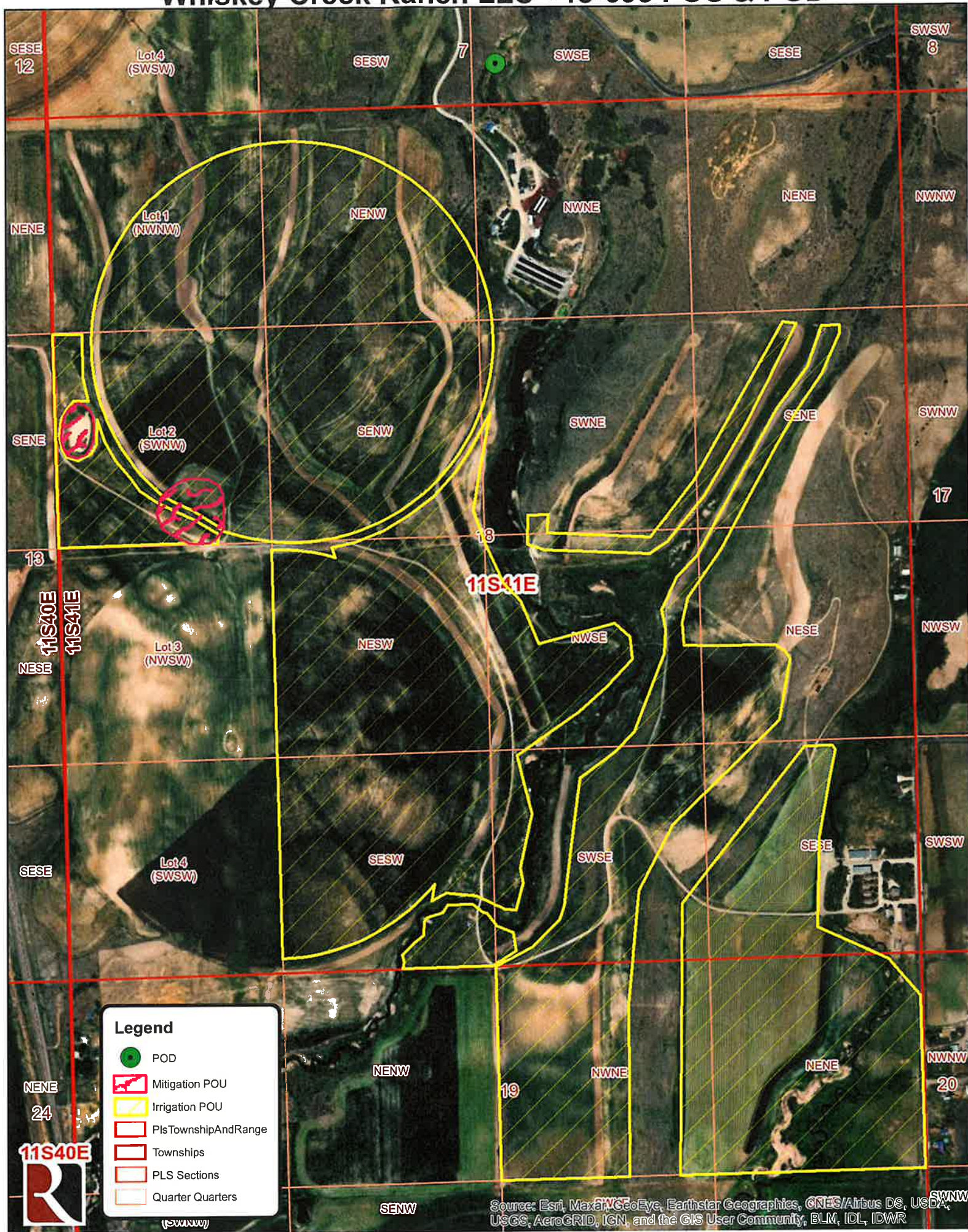
After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared 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 - 13-698 POU & POD



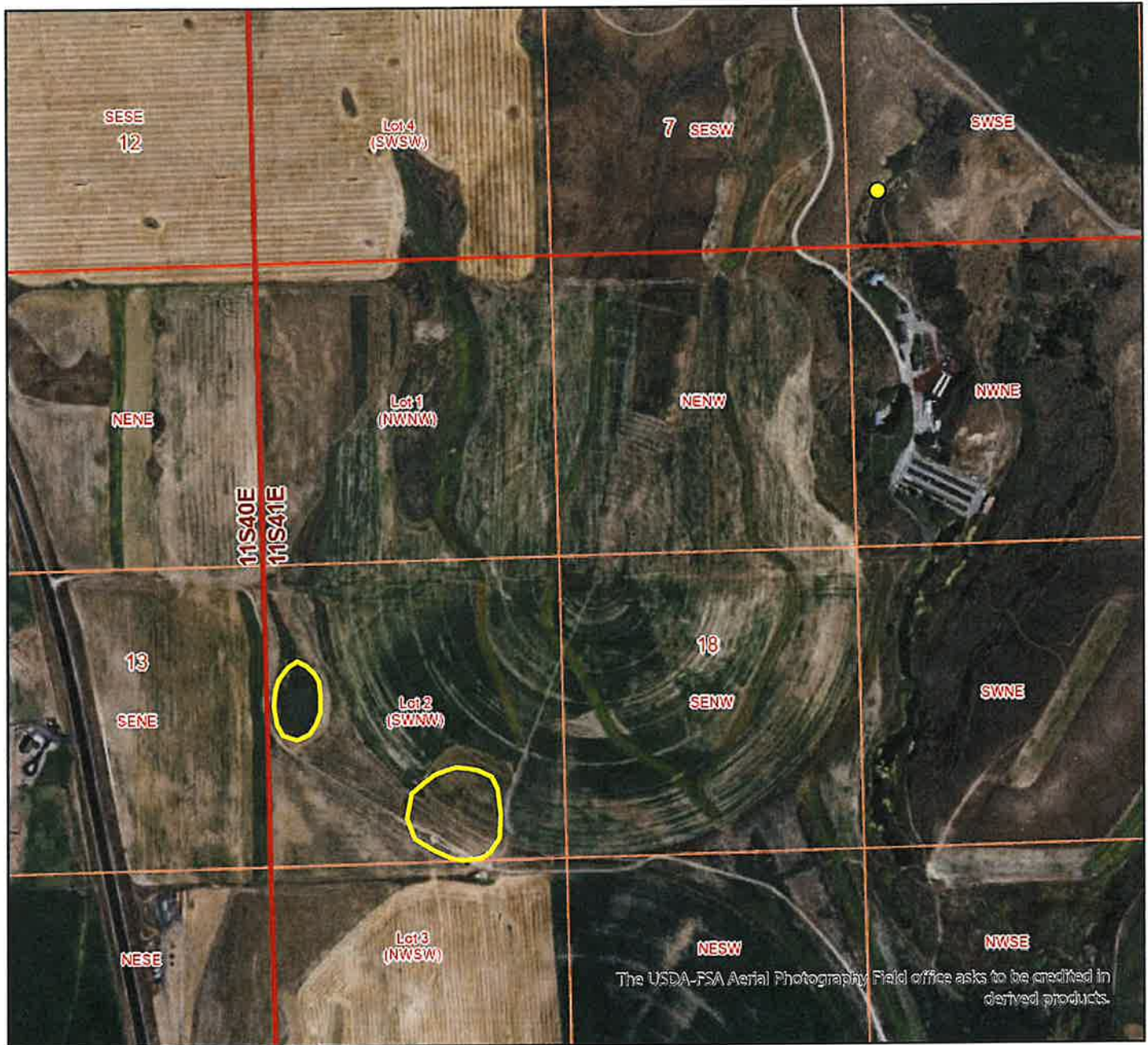
State of Idaho
Department of Water Resources

Water Right

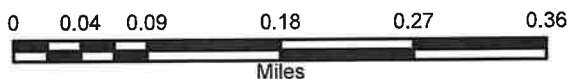
13-698

MITIGATION

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.



Date created: 7/25/2023



Legend

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



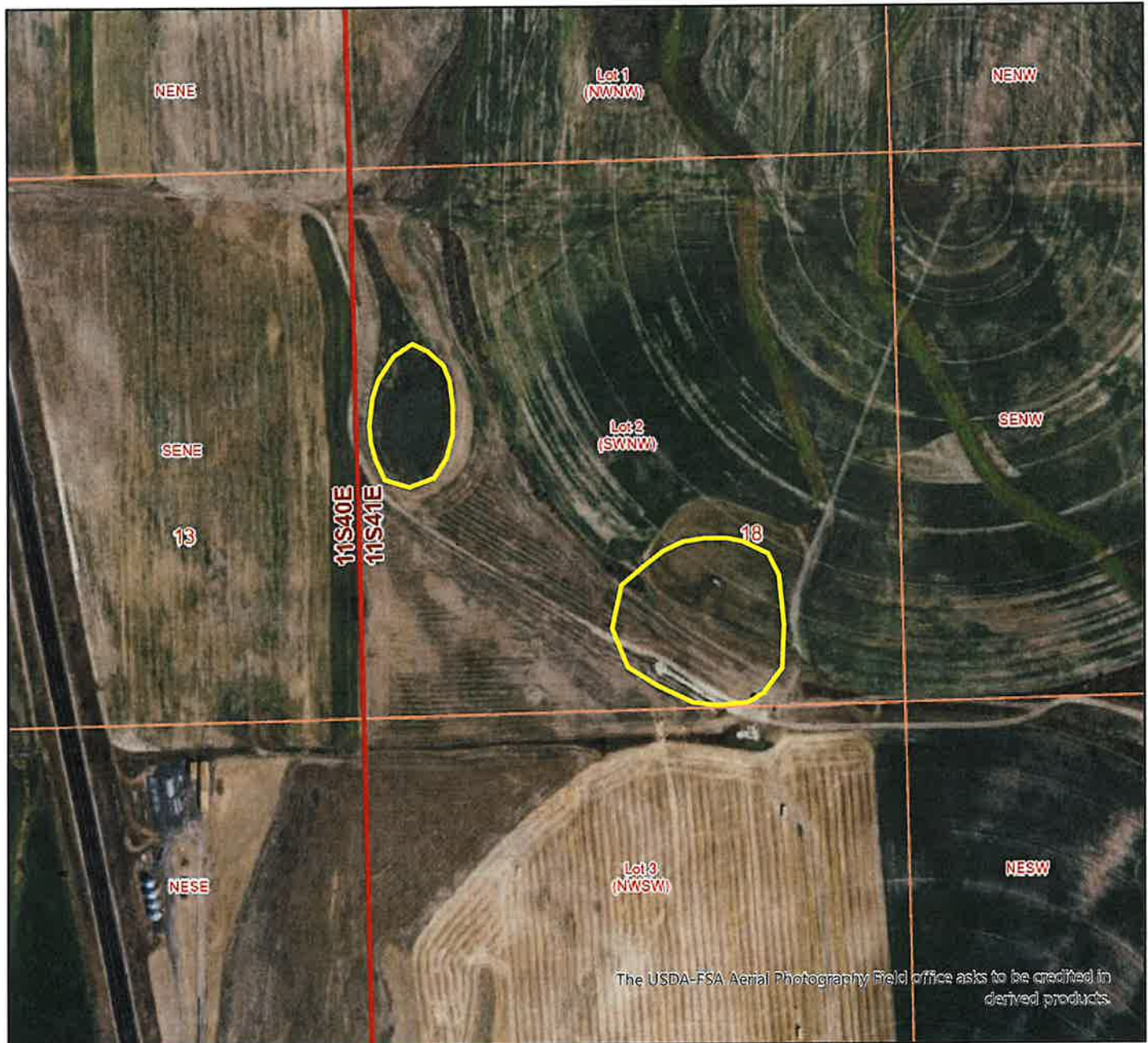
Whiskey Creek Ranch LLC

State of Idaho
Department of Water Resources
Water Right

13-698

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Date created: 7/25/2023



Legend

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



Whiskey Creek Ranch LLC

Close

Water Right Report : 13-698(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 : 5/1/1905
Basis : Decreed
Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WHISKEY CREEK		BEAR RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
WHISKEY CREEK	11S	41E	7	0				SW SE CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/20	09/30	1.46 CFS	
MITIGATION	04/20	09/30	0.04 CFS	7.00 AFA
TOTAL			1.50 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	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

Place of Use Legal Description : MITIGATION (CARIBOU county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	41E	18	2	SW	NW		

Irrigation Totals

Total Acres	Acre Limit
536.00	121.60

Conditions

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Code Conditions

- X27 This right is limited to the irrigation of 121.6 acres within the authorized place of use in a single irrigation season.
- X35 Rights 13-697A and 13-698 when combined shall not exceed the irrigation of 121.6 acres.
- 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 not exceed the irrigation of 348.0 acres.
- 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.
- The approval of Transfer 77048 as described under Rights 13-697A and 13-698 mitigate for the depletion of water caused by the diversion and use of water under Right 13-7783. To prevent injury to other water rights, the right holder shall cease diverting water under the mitigation portion of Rights 13-697A and 13-698, which shall remain un-diverted. If Rights 13-697A and 13-698, or a portion thereof, are not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under Right 13-7783 shall be reduced by the same proportion as the reduction of Rights 13-697A and 13-698.
- 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. 135.
- 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.
- 205 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.
- 004 This right does not grant any right-of-way or easement across the land of another.
- 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 :
 Enlargment Use Priority Date :
 Enlargement Statute Priority Date :
 Application Received Date:
 Protest Deadline Date:

Other Information

State or Federal :
 Water District Number : 135
 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

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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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