

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

RECEIVED

FEB 05 2024

CIVIL CASE NUMBER: 79576

Claim ID: 11-4039

Date Received: 2/5/24

Receipt No: 7000 238

Claim Fee: 683.00 By: miz

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

Please type or print clearly

- Name of claimant(s) L. Simmons Farms LLC Phone (208) 390-7655
Mailing address 1498 Larsen Road, Soda Springs, Idaho Zip 83276
Street or Box City State
Email address (optional) ssp1@hotmail.com
- Date of priority: (Only one per claim) June 1, 1921 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Wood Canyon Creek
which is tributary to (b) Sinks
- a. Location of point of diversion is: Township 08S, Range 42E, Section 36,
SW 1/4 of NE 1/4, Govt. Lot , BM, County of Caribou
Parcel no. State of Idaho (no parcel no.), 09S42E021000, 09S42E031800, and 09S42E101201
Additional points of diversion, if any: SWNW and SENW of Section 2, T09S, R42E, SWSE of Section 3, T09S, R42E, and SWNE Section 10, T09S, R42E
If available, GPS Coordinates
- b. If instream flow, beginning point of claimed instream flow is:
Township 09S, Range 42E, Section 2, SE 1/4 of NW 1/4,
Govt. Lot , BM, County of Caribou
Ending point is: Township 09S, Range 42E, Section 2, SW 1/4 of NW 1/4,
Govt. Lot , BM, County of Caribou
- 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.
Diversion from wood Canyon Creek into open ditch, then through a series of pipes and
ponds to irrigate place of use. Stock water from an open ditch and Upper Pond located in
the SWNW and SENW of Section 2, T09S, R42E.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 06/01 to 09/30 amount 1.6 or _____

For Stockwater purposes from 05/01 to 10/31 amount 0.05 or _____

For Diversion to Storage purposes from 06/01 to 09/30 amount 1.6 or _____

For Irrigation Storage purposes from 01/01 to 12/31 amount _____ or 30.8

Irrigation from Storage 06/01 09/30 1.6

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) 30.8 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater: 332 head of cow/calf pairs

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.

S=Stockwater, Z= Storage

TWP	RGE	SEC	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
08S	42E	34			0.3					0.6	36.7			23.6		26.6	23	22.4	133.2
		35											0.4	29.6			29.6		59.6
09S	42E	2		24.15			24.15	23.6	29.4/S/Z	S/Z		14.4							115.7
		3	33	29	35.2	40					Z			12.9/Z	33.7	21.7/Z	37.5/Z	21.5	264.5
		10	6.5	14.4	S		11.8	18.9									3.2		54.8

Parcel no(s). 08S42E350000, 08S42E340000, 09S42E021000, 09S42E031800, and 09S42E100000 Total number of acres irrigated 627.8

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

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.
11-4040 or None (☐)

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

This claim is based on the statutory claim for Idaho water right no. 11-4039.

List of Attachments to Claim Form:

1. IDWR Water Right Report of 11-4039

2. IDWR Map of 11-4039

3. Maps of current place of use and point of diversion

Name of claimant(s) L. Simmons Farms LLC

Claim ID _____

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

Court _____ Decree Date _____ Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 11-4039

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.

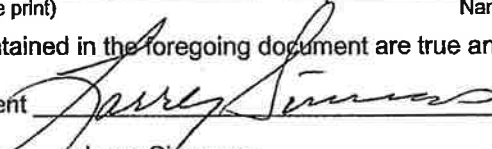
Signature of Claimant (s) _____ Date: _____

_____ 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 L. Simmons 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  Date 1/30/24

Printed Name of Authorized Agent Larry Simmons

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 1/31/2024

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

Name of claimant(s) L. Simmons Farms LLC Claim ID _____

Close

Water Right Report : 11-4039(Statutory Claim/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	POGUE MAHONE LLC	1566 CANYON RD	LAKE POINT	UT	84074
Original Owner	BEUS, LYNN G		SODA SPRINGS	ID	83276

Water Right Status

Priority Date : 6/1/1921
 Basis : Statutory Claim
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
WOOD CANYON CREEK		SLUG CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
WOOD CANYON CREEK	08S	42E	36	0				NW SE CARIBOU	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	6/01	9/30	1.60 CFS	
STOCKWATER	5/01	10/31	0.05 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
08S	42E	35		SE	SW	35	
08S	42E	35		SW	SE	30	
09S	42E	2		NW	NE	32	
09S	42E	2		NE	NW	30	

Irrigation Totals

Total Acres Acre Limit
 127.00

Dates

Licensed Date :
 Decreed Date :
 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 : 11
 Generic Max Rate Per Acre : 0
 Generic Max Volume Per Acre : 0
 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

10/26/2023

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L. Simmons Farms, LLC

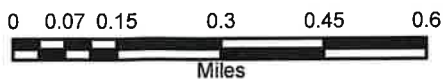
State of Idaho
Department of Water Resources

Water Right

11-4039

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.



Legend

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



Date created: 10/26/2023

L. Simmons Farms, LLC

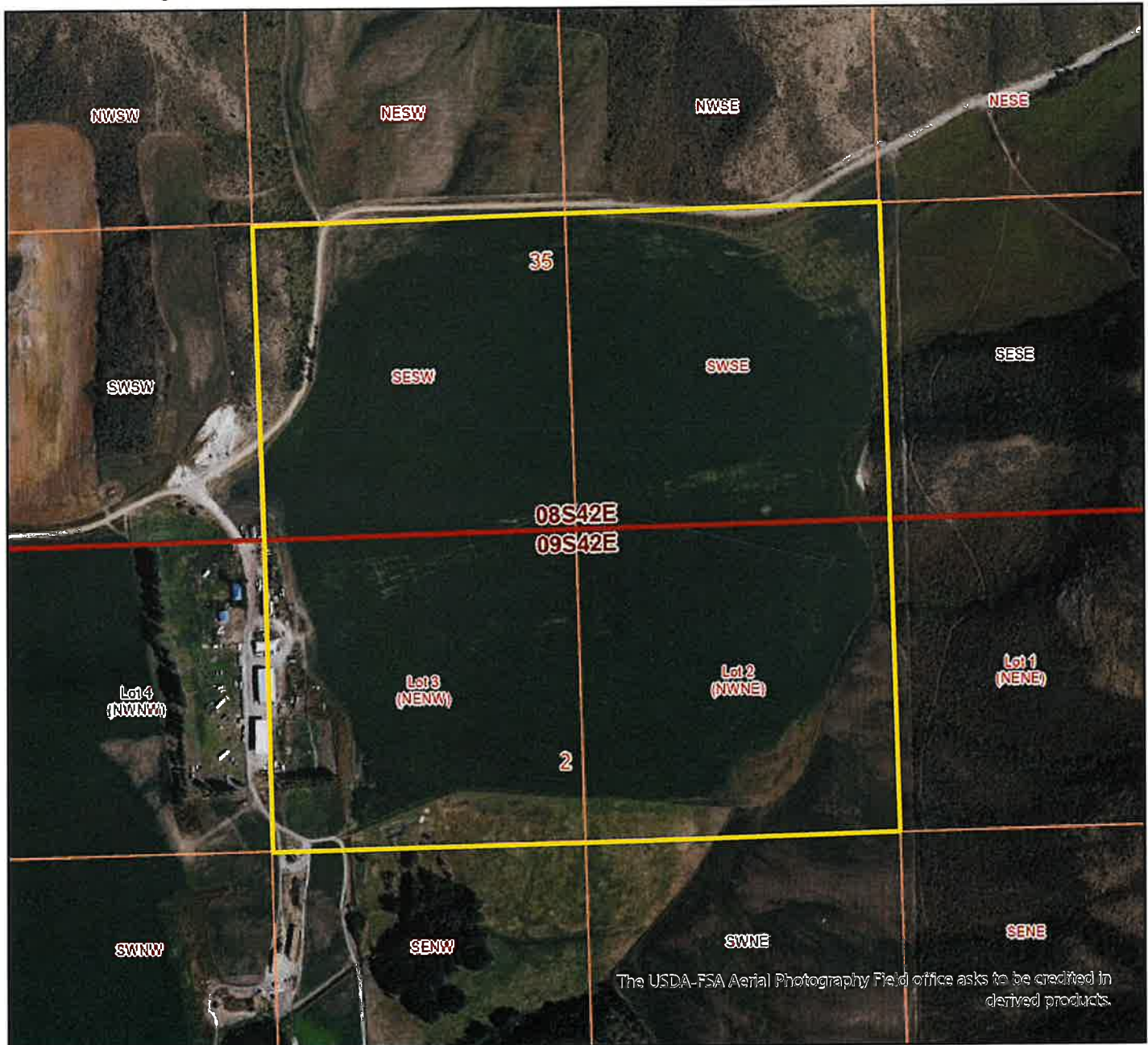
State of Idaho
Department of Water Resources

Water Right

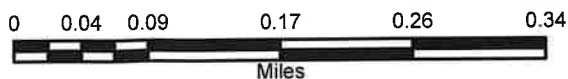
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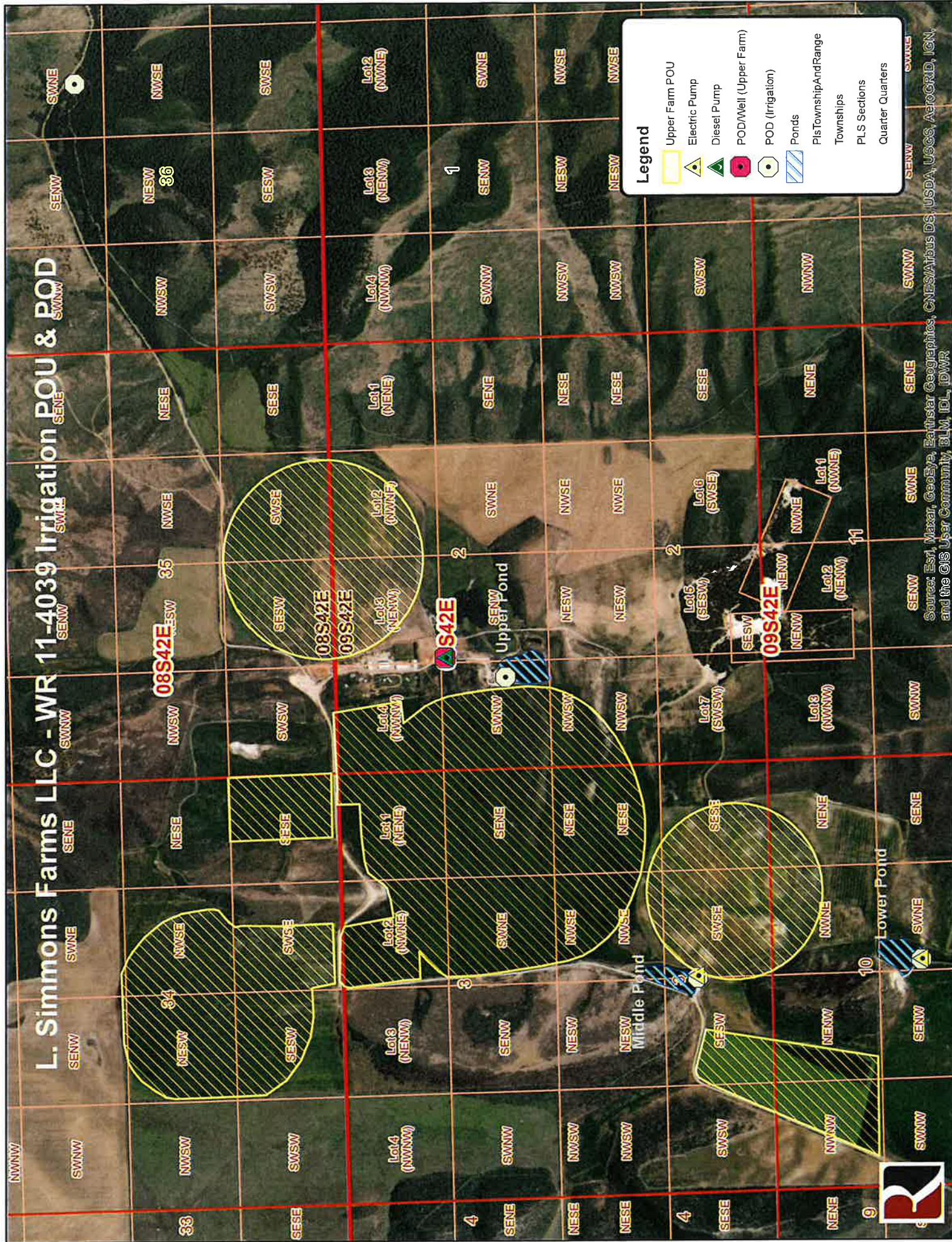
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- PLS Sections
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L. Simmons Farms, LLC

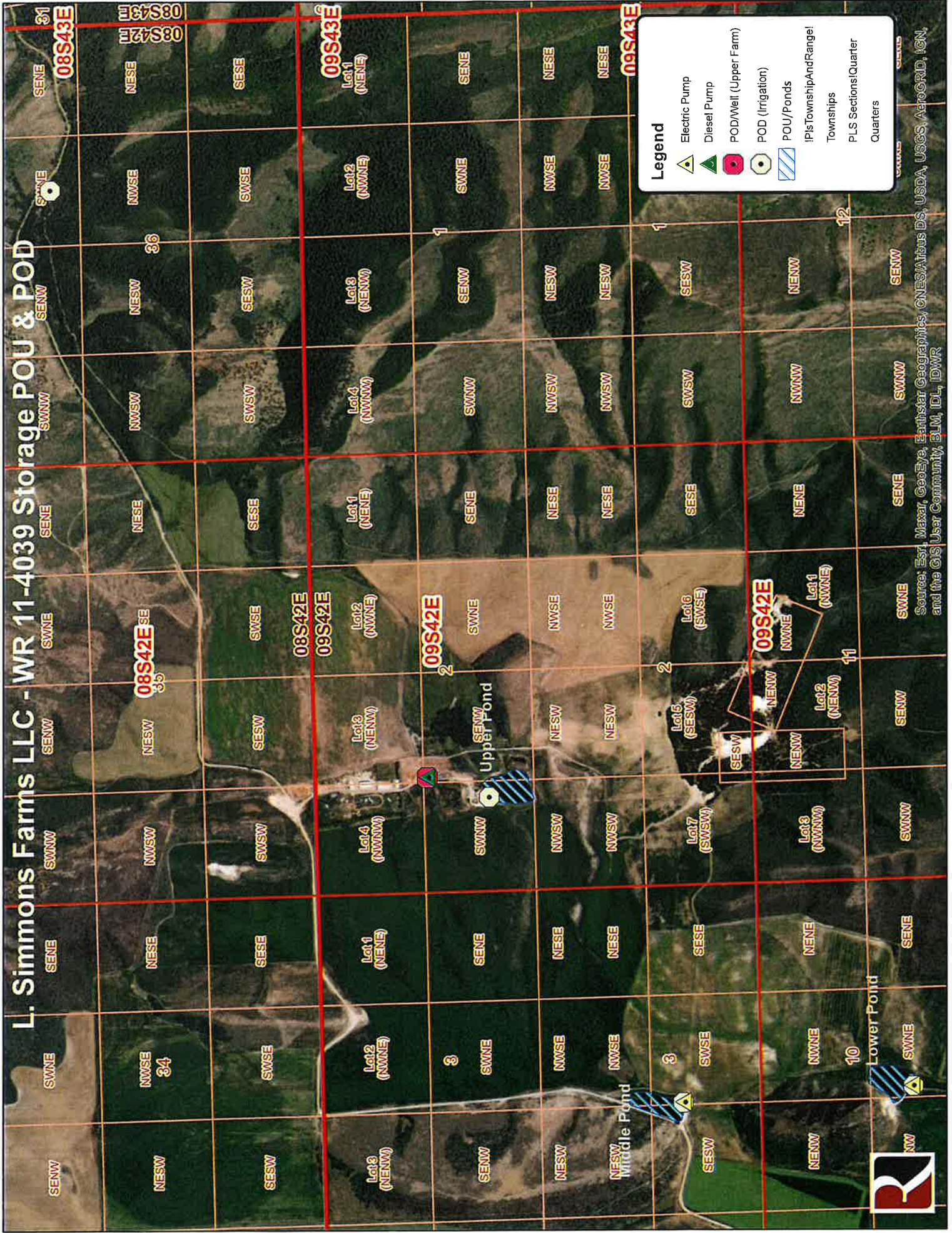


L. Simmons Farms LLC - WR 11-4039 Irrigation POU & POD

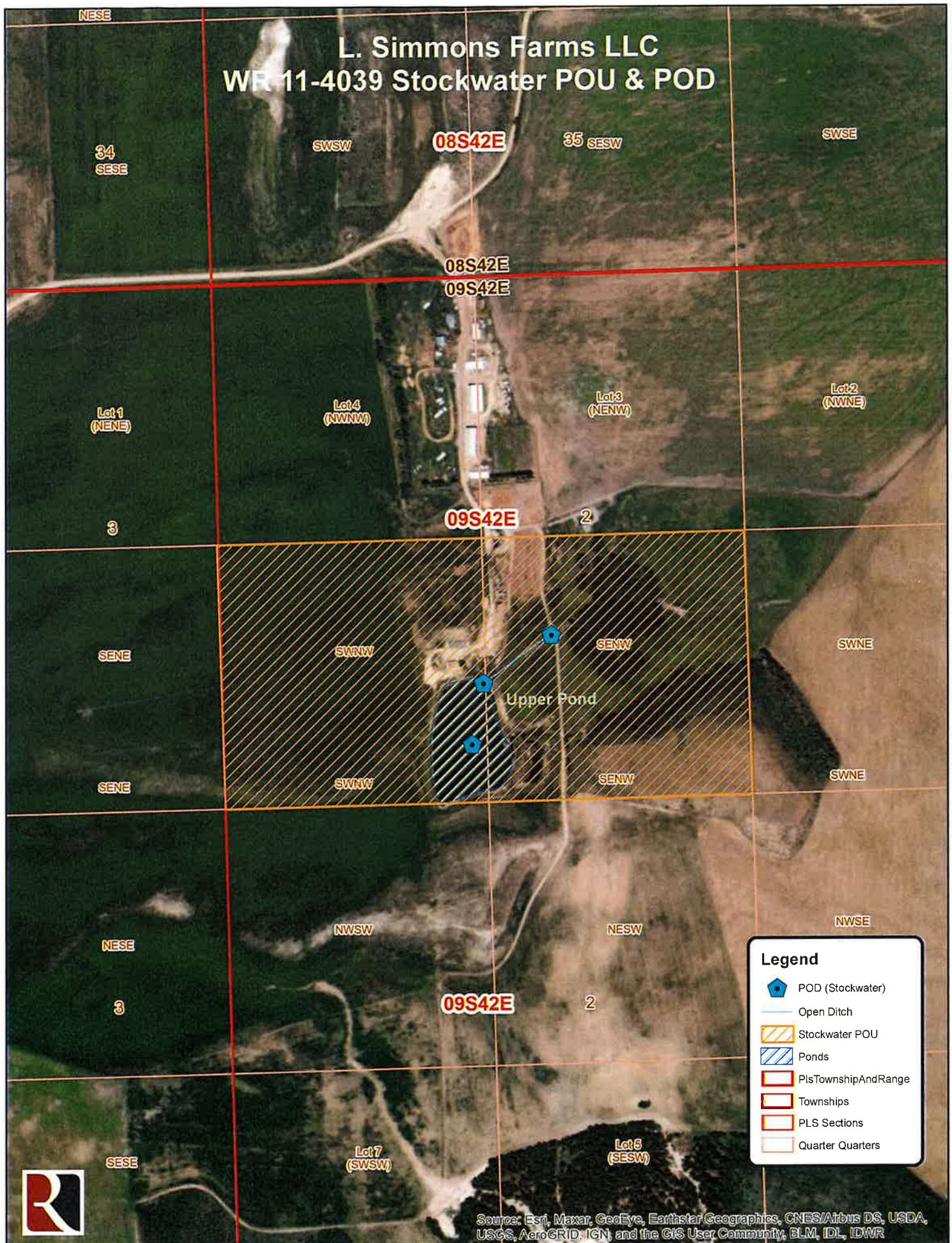


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, BLM, IDL, IDWR

L. Simmons Farms LLC - WR 11-4039 Storage POU & POD



L. Simmons Farms LLC WR 11-4039 Stockwater POU & POD





January 31, 2024

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

RECEIVED

FEB 05 2024

IDWR/Preston

**Re: L. Simmons Farms LLC
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of twelve Notices of Claims to Water Rights on behalf of L. Simmons Farms LLC, together with a check in the amount of \$1,493.00 for the filing fees, broken down as follows:

Claim 1 (11-4039): \$50 flat fee + \$5 for stockwater + (\$1.00 per acre x 628 acres) = \$683
Claim 2 (11-4040): \$50 flat fee + \$5 for stockwater + (no variable fee, claiming same POU acres) = \$55
Claim 3 (Spring): \$50 flat fee + \$16 for stockwater + (no variable fee, claiming same POU acres) = \$66
Claim 4 (11-4085): \$50 flat fee + \$16 for stockwater + (\$1.00 per acre x 423 acres) = \$489
Claim 5 (Wastewater): \$50 flat fee + (no variable fee, claiming same POU acres) = \$50
Claim 6 (Domestic & Stock): \$25 flat fee
Claim 7 (Stockwater): \$25 flat fee
Claim 8 (Domestic): \$25 flat fee
Claim 9 (Stockwater): \$25 flat fee
Claim 10 (Stockwater): \$25 flat fee
Claim (Stockwater): \$25 flat fee
Claim 12 (Stockwater): No fee

Total: \$1,493.00

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,


TESSA SPARROW
Paralegal

Enclosures

c: Larry Simmons