

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: 11-4259

Date Received: 10/20/23

Receipt No: PO00539

Claim Fee: 25.00 By: MB

RECEIVED

OCT 20 2023

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

IDWR/Preston

Please type or print clearly

1. Name of claimant(s) Five Square Ranch, LLC Phone (714) 585-4111
Mailing address 7028 Kearny Drive, Huntington Beach, CA Zip 92648
Street or Box City State
Email address (optional) jgm@uniquepartners.com
2. Date of priority: (Only one per claim) March 25, 1921 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Unnamed spring
which is tributary to (b) Sinks
4. a. Location of point of diversion is: Township _____, Range _____, Section _____,
_____ 1/4 of _____ 1/4, Govt. Lot _____, BM, County of _____
Parcel no. _____
Additional points of diversion, if any: _____
If available, GPS Coordinates _____
b. If instream flow, beginning point of claimed instream flow is:
Township 12S, Range 46E, Section 7, NW 1/4 of SE 1/4,
Govt. Lot _____, BM, County of Bear Lake
Ending point is: Township 12S, Range 46E, Section 7, NW 1/4 of SE 1/4,
Govt. Lot _____, BM, County of Bear Lake
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.
In-stream livestock watering.

6. Water is claimed for the following purposes:

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

For Stockwater purposes from 05/01 to 12/31 amount 0.12 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.12 (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: 500 head of cattle or 250 head of horses

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	
12S	46E	7														S			

Parcel no(s). 12S46E071200 (03306.00) Total number of acres irrigated N/A

10. In which county(ies) are lands listed above as place of use located? Bear Lake 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.
_____ or None (☒)

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

The priority date is based on a long history of continued stockwater use dating back to 1921
(see attached Patent Record).

List of Attachments to Claim Form:

1. IDWR Water Right Report for 11-4259
2. IDWR Map for 11-4259
3. Map depicting the current point of diversion and place of use
4. Patent Record 800754, BI M Serial No IDBI 0029469

Name of claimant(s) Five Square Ranch, 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 11-4259

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: 4

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 Five Square 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  Date Oct 18, 2023
John G. Makoff (Oct 18, 2023 21:21 MDT)

Printed Name of Authorized Agent John G. Makoff

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 10/19/2023

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

Name of claimant(s) Five Square Ranch, LLC Claim ID _____

IDAHO DEPARTMENT OF WATER RESOURCES

WATER RIGHT REPORT

2/17/2023

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 11-4259

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	JOHN G MAKOFF & JUSTINE MARIE MAKOFF FAMILY TRUST 18866 ROCKINGHORSE LN HUNTINGTON BEACH, CA 92648
Original Owner	HALL FAMILY TRUST 2643 IOWA ST OGDEN, UT 84401

Priority Date: 03/25/1921

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRING	THOMAS FORK CREEK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
STOCKWATER	5/01	12/31	0.1 CFS	
Total Diversion			0.1 CFS	

Location of Point(s) of Diversion:

SPRING	SESE	Sec. 07	Township 12S	Range 46E	BEAR LAKE County
SPRING	SWSW	Sec. 08	Township 12S	Range 46E	BEAR LAKE County

Place(s) of use:

Place of Use Legal Description: STOCKWATER BEAR LAKE County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
12S	46E	7		SESE										
		8		SWSW										

Conditions of Approval:

Five Square Ranch, LLC

1. CLAIM C/O EVELYN H. INGALLS, TRUSTEE**Dates:****Licensed Date:****Decreed Date:****Enlargement Use Priority Date:****Enlargement Statute Priority Date:****Water Supply Bank Enrollment Date Accepted:****Water Supply Bank Enrollment Date Removed:****Application Received Date:****Protest Deadline Date:****Number of Protests: 0****Other Information:****State or Federal:****Owner Name Connector:****Water District Number: 11F****Generic Max Rate per Acre:****Generic Max Volume per Acre:****Civil Case Number:****Old Case Number:****Decree Plaintiff:****Decree Defendant:****Swan Falls Trust or Nontrust:****Swan Falls Dismissed:****DLE Act Number:****Cary Act Number:****Mitigation Plan: False**

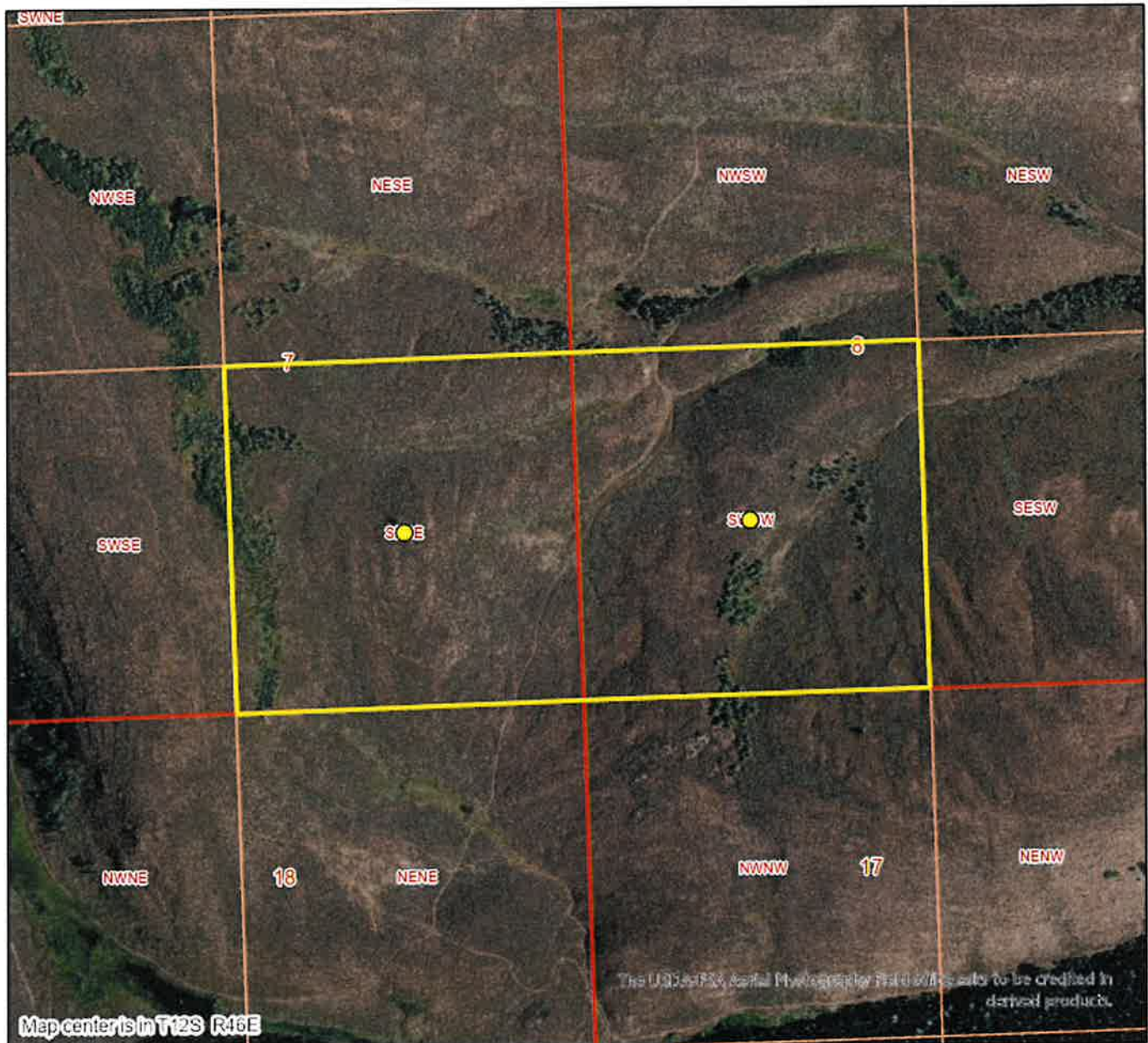
State of Idaho
Department of Water Resources

Water Right

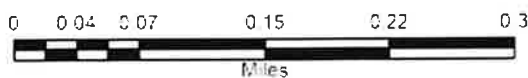
11-4259

STOCKWATER

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: 9/11/2023



Legend

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



Five Square Ranch, LLC

Five Square Ranch, LLC Unnamed Spring 2 - Armstrong POU & POD

Unnamed Spring 2 - Armstrong

07

12S46E

NWSE

Legend

- Unnamed Spring 2 (Armstrong)
- Instream POU
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarters



Land Patent Details						
Accession Nr: 800754		Document Type: Serial Patent		State: Idaho	Issue Date: 3/25/1921	Cancelled: No
Names On Document			Miscellaneous Information			
SCHOSS, FRED W			Land Office:	Blackfoot		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			Authority:	May 20, 1862: Homestead EntryOriginal (12 Stat. 392)		
Document Numbers			Survey Information			
Document Nr: 029469			Total Acres:	320.00		
Misc. Doc. Nr: 0			Survey Date:	---		
BLM Serial Nr: IDBL 0029469			Geographic Name:	---		
Indian Allot. Nr: ---			Metes/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	012S - 046E	SW¼NE¼	8		Bear Lake
ID	Boise	012S - 046E	S½NW¼	8		Bear Lake
ID	Boise	012S - 046E	S½NE¼	7		Bear Lake
ID	Boise	012S - 046E	N½SE¼	7		Bear Lake
ID	Boise	012S - 046E	SE¼SE¼	7		Bear Lake

Blackfoot 029469

4-1003-R.

The United States of America,

To all to whom these presents shall come, Greeting:

WHEREAS, a Certificate of the Register of the Land Office at **Blackfoot, Idaho,** has been deposited in the General Land Office, whereby it appears that, pursuant to the Act of Congress of May 20, 1862, "To Secure Homesteads to Actual Settlers on the Public Domain," and the acts supplemental thereto, the claim of **Fred W. Schoss**

has been established and duly consummated, in conformity to law, for the southwest quarter of the northeast quarter and the south half of the northwest quarter of Section eight and the south half of the northeast quarter, the north half of the southeast quarter, and the southeast quarter of the southeast quarter of Section seven in Township twelve south of Range forty-six east of the Boise Meridian, Idaho, containing three hundred twenty acres,

according to the Official Plat of the Survey of the said Land, returned to the GENERAL LAND OFFICE by the Surveyor-General:

NOW KNOW YE, That there is, therefore, granted by the UNITED STATES unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof, unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws, and decisions of courts; and there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States.

IN TESTIMONY WHEREOF, I, **Warren G. Harding,**

President of the United States of America, have caused these letters to be made Patent, and the seal of the General Land Office to be hereunto affixed.

GIVEN under my hand, in the District of Columbia, the **TWENTY-FIFTH**

(SEAL)

day of **MARCH**

In the year of our Lord one thousand

nine hundred and **TWENTY-ONE**

and of the Independence of the

United States the one hundred and **FORTY-FIFTH.**

By the President:

By

Warren G. Harding
M. P. LeRoy
J. D. Sambar

Secretary.

Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number.

800754

4-1003



October 19, 2023

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

Sent via Email & U.S. Mail

**Re: Five Square Ranch, LLC
Notices of Claims to Water Rights
Bear River Basin Adjudication**

RECEIVED
OCT 20 2023
IDWR/Preston

To whom it may concern:

Enclosed for filing please find the originals of fifteen Notices of Claims to Water Rights filed on behalf of Five Square Ranch, LLC, together with a check in the amount of \$569.00 for the filing fees, broken down as follows:

Claim: \$50 flat fee + (\$1.00 per acre x 98 acres) + (\$100 per cfs x 0.02 for mitigation) = \$150.00
Claim: \$50 flat fee (claim same POU acres for irrigation as claim above) = \$50.00
Claim: \$50 flat fee + (\$1.00 per acre x 144 acres) = \$194.00
Claim: \$25 flat fee (domestic) = \$25.00
Claim: \$25 flat fee (domestic) + \$25 flat fee (stockwater) = \$50.00
Claim: \$25 flat fee (stockwater) = \$25.00
Claim: \$25 flat fee (stockwater) = \$25.00
Claim: \$25 flat fee (stockwater) = \$25.00
Claim: \$25 flat fee (stockwater) = \$25.00
Claim: Fee exempt (stockwater)
Claim: Fee exempt (stockwater)
Claim: Fee exempt (stockwater)
Claim: Fee exempt (stockwater)
Claim: Fee exempt (stockwater)
Claim: Fee exempt (stockwater)
Total: \$569.00

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

Sincerely,

TESSA SPARROW
Paralegal