

**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

OCT 20 2023

IDWR/Preston

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

CIVIL CASE NUMBER: 79576

Claim ID: 11-4260

Date Received: 10/30/23

Receipt No: P000529

Claim Fee: 25.00 By: MB

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) May 9, 1929 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Surnge Creek
which is tributary to (b) Thomas Fork Creek
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 18, NW 1/4 of NE 1/4,
Govt. Lot _____, BM, County of Bear Lake
Ending point is: Township 12S, Range 46E, Section 18, NE 1/4 of NE 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	18	S	S															

Parcel no(s). 12S46E180000 (03354.00) 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 1929
(see attached Patent Record).

List of Attachments to Claim Form:

1. IDWR Water Right Report for 11-4260
2. IDWR Map for 11-4260
3. Map depicting the current point of diversion and place of use
4. Patent Record 1027246, BLM Serial No. IDBI 0036473

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 11-4260

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: _____


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

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 10/18/23
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. 11-4260

<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: 05/09/1929

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	SESW	Sec. 07	Township 12S	Range 46E	BEAR LAKE County
SPRING	NWNW	Sec. 17	Township 12S	Range 46E	BEAR LAKE County
SPRING	NENE	Sec. 18	Township 12S	Range 46E	BEAR LAKE County
SPRING	NWNE	Sec. 18	Township 12S	Range 46E	BEAR LAKE County
SPRING	NENW	Sec. 18	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		SESW										

Five Square Ranch, LLC

	17		NWNW							
	18		NENE		NWNE					
			NENW							

Conditions of Approval:

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

Five Square Ranch, LLC

STOCKWATER

The USDA-FSA Aerial Photography Field Office is to be credited in derived products.



2/17/2023, 11:08 AM

07

Five Square Ranch, LLC

WR 11-4260

Head of Surrage Creek (Beaver Ponds)

Head of Surrage Creek (Beaver Ponds)

18

Surrage Creek

12S46E

17

08

Legend

-  PODs
-  Instream POU
-  PLSS_Section_Corners
-  PLSS_Townships
-  PLSS_Sections
-  Quarter Quarters



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

Land Patent Details																				
Accession Nr: 1027246 Document Type: Serial Patent State: Idaho Issue Date: 5/9/1929 Cancelled: No																				
Names On Document			Miscellaneous Information																	
ERRAMOUSPE, JOHN			<table border="1" style="width: 100%; border-collapse: collapse;"> <tr><td>Land Office:</td><td>Blackfoot</td></tr> <tr><td>US Reservations:</td><td>Yes</td></tr> <tr><td>Mineral Reservations:</td><td>Yes</td></tr> <tr><td>Tribe:</td><td>---</td></tr> <tr><td>Militia:</td><td>---</td></tr> <tr><td>State In Favor Of:</td><td>---</td></tr> <tr><td>Authority:</td><td>December 29, 1916: Homestead Entry-Stock Raising (39 Stat. 862)</td></tr> </table>				Land Office:	Blackfoot	US Reservations:	Yes	Mineral Reservations:	Yes	Tribe:	---	Militia:	---	State In Favor Of:	---	Authority:	December 29, 1916: Homestead Entry-Stock Raising (39 Stat. 862)
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Militia:	---																			
State In Favor Of:	---																			
Authority:	December 29, 1916: Homestead Entry-Stock Raising (39 Stat. 862)																			
Military Rank: ---																				
Document Numbers			Survey Information																	
Document Nr: 036473			Total Acres: 160.00																	
Misc. Doc. Nr: 0			Survey Date: ---																	
BLM Serial Nr: IDBL 0036473			Geographic Name: ---																	
Indian Allot. Nr: ---			Metes/Bounds: No																	
Land Descriptions																				
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County														
ID	Boise	012S - 046E	SE¼NE¼	18		Bear Lake														
REMARKS: COAL AND OTHER MINERALS RESERVED TO US																				
ID	Boise	012S - 046E	N¼NE¼	18		Bear Lake														
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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 **John Krramouspe** has been established and duly consummated, in conformity to law, for the **southeast quarter of the northeast quarter, the north half of the northeast quarter, and the northeast quarter of the northwest quarter of Section eighteen in Township twelve south of Range forty-six east of the Boise Meridian, Idaho, containing one hundred sixty acres,**

according to the Official Plat of the Survey of the said Land, on file in the GENERAL LAND OFFICE:

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. Excepting and reserving, however, to the United States all the coal and other minerals in the lands so entered and patented, together with the right to prospect for, mine, and remove the same pursuant to the provisions and limitations of the Act of December 29, 1916 (39 Stat., 862).

IN TESTIMONY WHEREOF, I, **Herbert Hoover,**

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, at the City of Washington, the **NINTH**

day of **MAY** In the year of our Lord one thousand nine hundred and **TWENTY-NINE** and of the Independence of the United States the one hundred and **FIFTY-THIRD**

By the President:

By

Herbert Hoover
Viola B. Pugh, Secretary.
M. P. Leroy
Recorder of the General Land Office.

RECORD OF PATENTS: Patent Number **1027246**

GOVERNMENT PRINTING OFFICE 9-2177



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