

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 23 2023

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

CIVIL CASE NUMBER: 79576

Claim ID: 11-7592

Date Received: 10-23-23

Receipt No: P000543

Claim Fee: 50.00 By: MB

Please type or print clearly

1. Name of claimant(s) The Georgetown Irrigation Company Phone (208) 847-5486
Mailing address c/o Drue Smith, President, PO Box 174, Georgetown, Idaho Zip 83239
Street or Box City State
Email address (optional) druesmith69@gmail.com and lynette.smith86@yahoo.com
2. Date of priority: (Only one per claim) April 4, 2008 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (☒) (a) Wastewater
which is tributary to (b) Georgetown Creek
4. a. Location of point of diversion is: Township 11S, Range 44E, Section 4,
NW 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. Unknown - US Forest Service
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 _____, _____ 1/4 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.
Wastewater from the City of Georgetown's storage tank is piped to Georgetown Creek for hydropower
purposes.

6. Water is claimed for the following purposes:

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

For Power purposes from 01/01 to 13/31 amount 5.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 5.0 (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.) Hydropower Generation: 480 kWh

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	44E	7								P									

Parcel no(s). 11S44E074420 (02628.01) 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.
11-7219 or None ()

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

The priority date is based off permit no. 11-7592.

List of Attachments to Claim Form:

1. IDWR Water Right Report of 11-7592

2. IDWR Map of 11-7592

3. Maps of POU and POD

4. Assignment of Permit No. 11-7592

This right and 11-7219 combined generate 480 kWh

Name of claimant(s) City of Georgetown 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 11-7592

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

President _____ of The Georgetown Irrigation Company
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 Drue Smith Date 10/18/2023

Printed Name of Authorized Agent Drue Smith

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 Thomas J. Budge Date 10/19/2023

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

Name of claimant(s) Georgetown Irrigation Company Claim ID _____

Georgetown Irrigation Company
WR 11-7259 POU

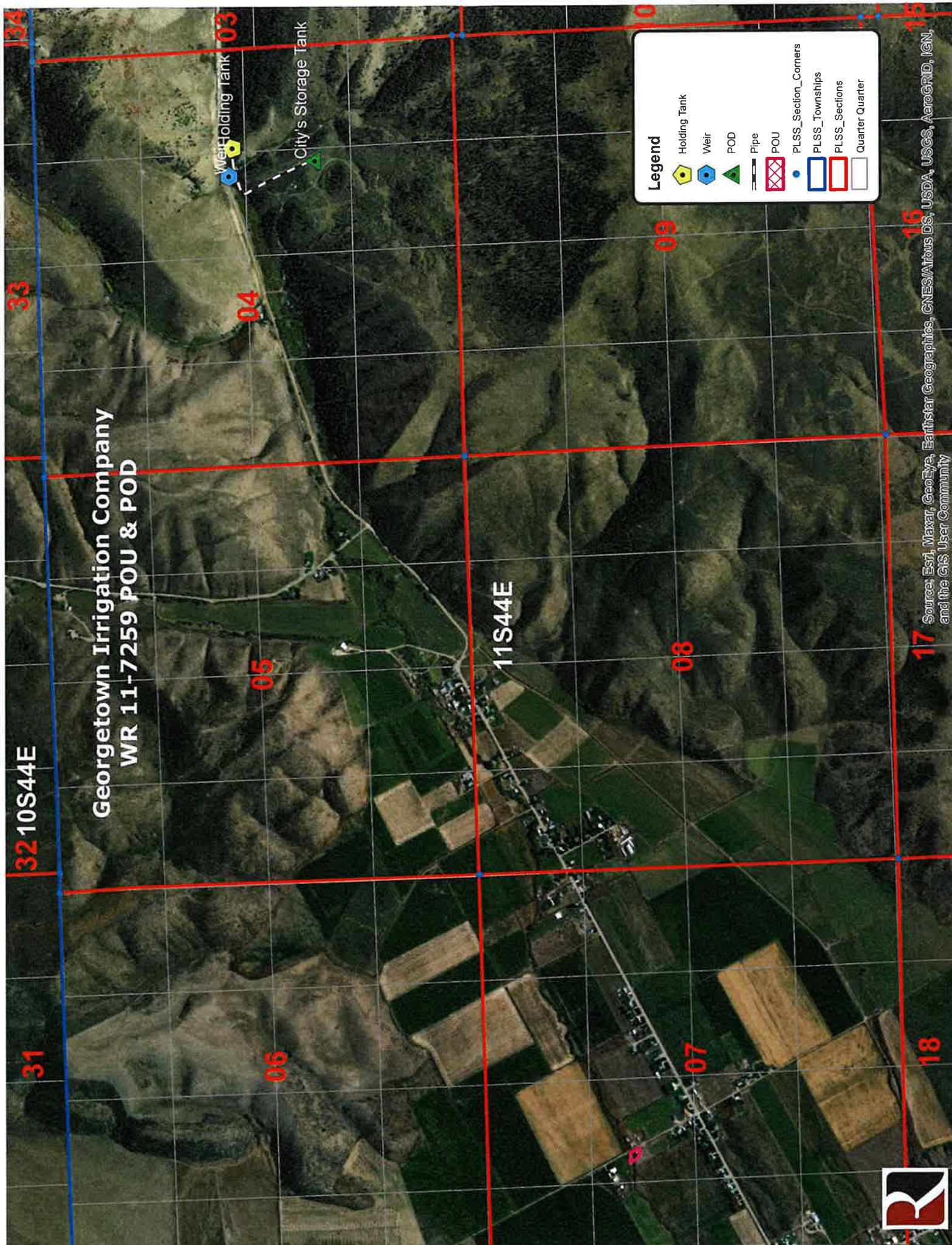


Legend

- POU
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter



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



Georgetown Irrigation Company
WR 11-7259 POU & POD

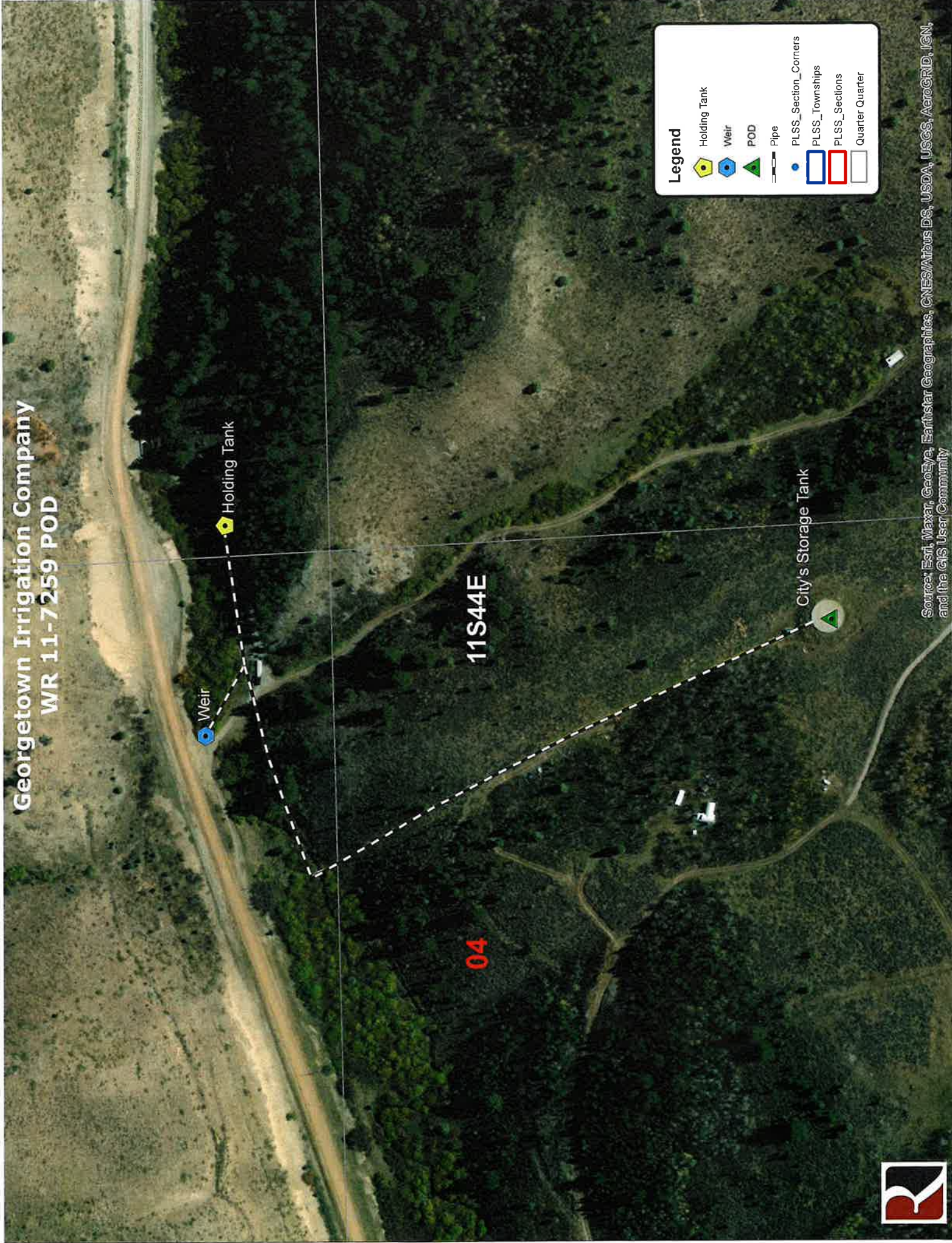
11S44E

Legend

- Holding Tank
- Weir
- POD
- Pipe
- POU
- PLSS_Section_Corners
- PLSS_Townships
- PLSS_Sections
- Quarter Quarter



Georgetown Irrigation Company
WR 11-7259 POD



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

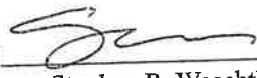


ASSIGNMENT OF WATER RIGHT

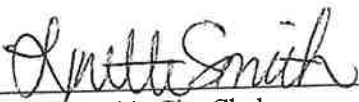
This Assignment of Water Right ("Assignment") is entered into between the City of Georgetown, an Idaho Municipal Corporation (the "City") and the Georgetown Irrigation Company, an Idaho non-profit corporation (the "Irrigation Company"). For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City hereby assigns to the Irrigation Company its entire right, title, and interest in Idaho Water Right Permit No. 11-7592 as described in Exhibit A attached hereto.

Dated this 18th day of October, 2023.

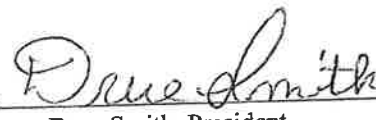
City of Georgetown

By: 
Stephan R. Waechtler, Mayor

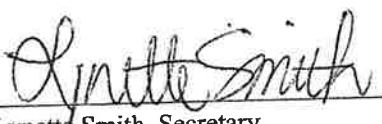
Attested by:


Lynette Smith, City Clerk

Georgetown Irrigation Company

By: 
Drue Smith, President

Attested by:


Lynette Smith, Secretary

Georgetown Irrigation Company

Close

Water Permit Report: 11-7592(Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	CITY OF GEORGETOWN	PO BOX 99	GEORGETOWN	ID	83239

Water Permit Status

Priority Date : 4/4/2008

Status : Active

Water Source

Source	Tributary	Tributary Qualifier
SPRING	GEORGETOWN CREEK	

Points Of Diversion (Location)

Source	Township	Range	Section	QQQ	QQ	Q	County	Diversion Type
SPRING	11S	44E	4		NW	NE	BEAR LAKE	
SPRING	11S	44E	4		SE	NE	BEAR LAKE	Injection
SPRING	11S	44E	4		SE	NE	BEAR LAKE	Rediversion

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
POWER	01/01	12/31	5.00 CFS	
TOTAL			5.00 CFS	

Places of Use

Printable View

Paged View

Place of Use Legal Description : POWER (BEAR LAKE county)

Township	Range	Section	Lot	QQQ	QQ	Q	Acres
11S	44E	7		SE	NW		

Conditions

Code Conditions

- X35 Rights 11-290 , 11-7219, and 11-7592 when combined shall not exceed a total diversion rate of 70 cfs at the point of rediversion for this right.
- X42 The diversion and use of water for hydropower purposes under this license is subject to review by the Director on or after March 1, 2021. Upon appropriate findings relative to the interest of the public, the Director may cancel all or any part of the use authorized herein and may revise, delete or add conditions under which the right may be exercised.
- 01J Prior to diversion of water under this right, the right holder shall install and maintain a measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.
- 027 Use of water under this right shall be non-consumptive.
- 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. 11.

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 For Rights 11-290 and 11-7219, are also diverted through the point of rediversion described above.

- G01 Point of injection into and point of redirection from Georgetown Creek.
- 17H The rights for the use of water acquired under this right shall be junior and subordinate to all other rights for the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this right and shall not give rise to any claim against any future rights for the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.
- 025 This right does not constitute Idaho Public Utilities Commission or Federal Energy Regulatory Commission approval that may be required.
- 01N The right holder shall install a measuring device on the penstock at the power plant that can be used to determine the instantaneous rate of flow of water through the system, or the right holder shall provide to the department a flow rate measurement or computation made by a certified water right examiner in accordance with actual system design and operation.
- 08A This right is subject to the provisions of Sections 42-205 through 42-210, Idaho Code, restricting the sale, transfer, assignment, or mortgage of this right. Failure to comply with these provisions is cause for immediate cancellation of this right.

When diverting and using water in connection with this right, the right holder shall maintain an instantaneous minimum bypass flow in the amount of 5.0 cfs past the point of redirection on Georgetown Creek. Until a fish passage structure is installed at the point of re-diversion on Georgetown Creek, the bypass flow shall be measured at the crested weir located within the SWNE, Section 4, T11S, R44E, B.M., approximately 150 to 200 feet downstream from the point of diversion, or at a point as close as possible to the location of the crested weir if the weir is removed or damaged, or at the location of the replacement measuring device if the crested weir is replaced. When a fish passage structure is installed at the point of diversion on Georgetown Creek, the 5.0 cfs bypass flow shall be measured in the fish passage structure from April 15 through July 15 and shall be measured in the fish passage structure or at the location of the weir or replacement measuring device as described above during the period July 16 through April 14. Deviations from the measurement locations shall be approved in advance in writing by the Department. In determining whether to authorize an alternative measurement location, the Department will consult the USDI Bureau of Land Management and/or the Idaho Department of Fish and Game as the Department deems necessary.

Dates

Licensed Date :
 Decreed Date :
 Permit Proof Due Date : 1/1/2011
 Permit Proof Made Date : 11/29/2010
 Permit Approved Date : 1/6/2010
 Permit Moratorium Expiration Date :
 Enlargement Use Priority Date :
 Enlargement Statute Priority Date :
 Water Supply Bank Enrollment Date Accepted :
 Water Supply Bank Enrollment Date Removed :
 Application Received Date: 4/4/2008
 Protest Deadline Date: 6/9/2008

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 : N
 Swan Falls Dismissed :
 DLE Act Number :
 Cary Act Number :
 Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

6/26/2023

State of Idaho
Department of Water Resources
Permit to Appropriate Water

11-7592

POWER

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: 6/26/2023



Legend

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

N



City of Georgetown

State of Idaho
Department of Water Resources
Permit to Appropriate Water

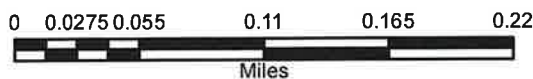
11-7592

POWER

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Date created: 6/26/2023



Legend

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



City of Georgetown



RECEIVED

OCT 23 2023

IDWR/Preston

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: Georgetown Irrigation Company
Notices of Claims to Water Rights
Bear River Basin Adjudication**

To whom it may concern:

Enclosed for filing please find the originals of four Notices of Claims to Water Rights on behalf of Georgetown Irrigation Company, together with a check in the amount of \$7,414.00 for the filing fees, broken down as follows:

Claim 11-290: \$50 flat fee + (\$1.00 per acre x 3,500 acres) = \$3,550.00

Claim (Supplemental): \$50 flat fee + (\$1.00 per acre x 354 acres) = \$404.00

Claim 11-7219: \$50 flat fee x (\$3.50 per kilowatt capacity x 480 kWh) = \$1,730.00

Claim 11-7592: \$50 flat fee (combined with 11-7219 for 480 kWh) = \$50.00

Total: \$5,734.00

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,

A handwritten signature in blue ink that reads 'Tessa Sparrow'.

TESSA SPARROW
Paralegal

Enclosure

c: Georgetown Irrigation Company