

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

JAN 22 2024

CIVIL CASE NUMBER: 79576

Claim ID: 11-7686

Date Received: 11/26/24

Receipt No: P000728

Claim Fee: 50.00 By: MB

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

Please type or print clearly

1. Name of claimant(s) Emmaus Fund Phone () _____
Mailing address 1734 E Millbrook Road Salt Lake City Utah Zip 84106
Street or Box City State
Email address (optional) pdrinkaus@gmail.com
2. Date of priority: (Only one per claim) 4/15/1877 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Bear River
which is tributary to (b) Great Salt Lake
4. a. Location of point of diversion is: Township 14S, Range 46E, Section 29,
SW 1/4 of SW 1/4, Govt. Lot _____, BM, County of Bear Lake (Miller Ditch)
Parcel no. _____
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.

Water is diverted through the Miller Ditch for flood irrigation.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 4/15 to 7/01 amount 0.42 or _____

For Irrigation purposes from 7/01 to 9/30 amount 0.28 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 0.33 (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.) _____

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	
14S	45E	36													33				

Parcel no(s) 14S45E367200 Total number of acres irrigated 33

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

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.
11-7682, 11-7684, and 11-7686 share a common place of use. or None (☐)

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

Priority date is per decree of original parent right 11-949. Excerpts of the decree are attached. Subsequent splits have divided the original decreed right and only a portion of the original decreed POU is claimed herein. A portion of the water right, as it is currently described, is located within BLM lands, which is not claimed. Water Rights 11-7682, 11-7684, and 11-7686 operate together and irrigate the same place of use. Although only a portion of the acres are claimed, it is requested that the portion appurtenant to the NESE of Section 36 be recommended to allow for conveyance and delivery.

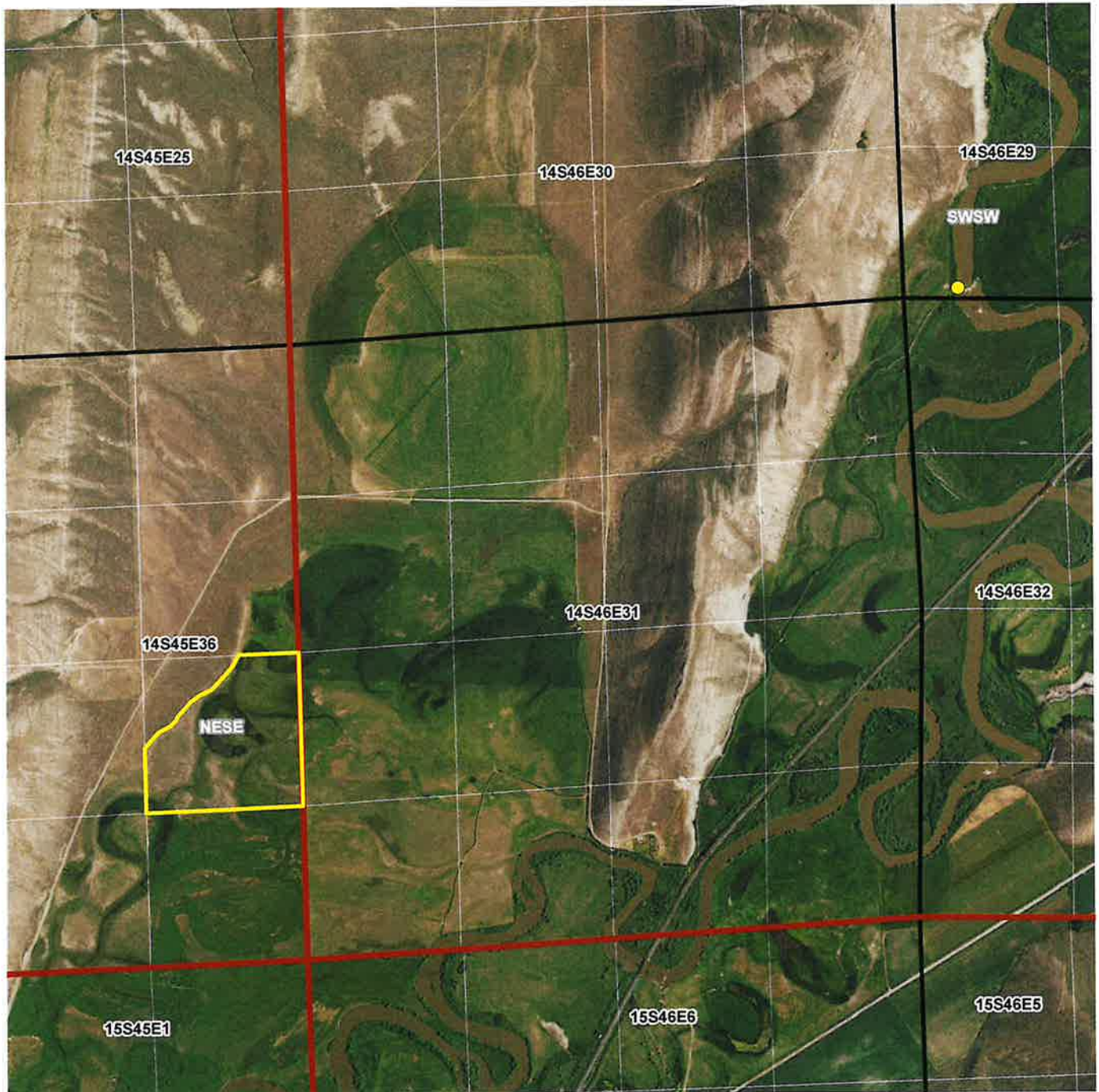
Name of claimant(s) Emmaus Fund Claim ID _____

Claim Map

Based on WR Number: 11-7682, 11-7684, 11-7686

Claimant: Emmaus Fund

Claim No: _____



1,100 550 0 1,100 Feet

- Claim POD
- Claim POU
- Townships
- PLSS Sections
- QQ



Name of claimant(s)	Emmaus Fund	Claim ID
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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF BEAR LAKE.

PRESTON-MONTPELIER IRRIGATION
COMPANY, a corporation,

Plaintiff,

vs.

DINGLE IRRIGATION COMPANY, a cor-
poration; Grinnett-Black Otter
Irrigation Company, a corporation;
Peg Leg Island Irrigation Company, a
corporation; West Fork Irrigation
Company, a corporation; Ream-Crockett
Irrigation Company, a corporation;
Fugaire Livestock & Land Company, a
corporation; Continental Life Insur-
ance Company, a corporation; Ole
Transtum; Carrie Hill; J.A.C. Nielson;
John A. Jensen; Oron Quayle; Thomas
Quayle; George Parker; Edw. LaRocco;
John O. Miller; Ezra J. Phelps; George
A. Sparks; Hyrum Esterholdt, and Joseph
Esterholdt,

Defendants

D E C R E E

This cause came on regularly for trial on the 4th
day of August, 1923, John A. Bagley, Esquire, and D. C. Kuns,
Esquire, appearing as attorneys for the plaintiff Preston- Montpelier
Irrigation Company, a corporation, and John A. Bagley, Esquire, appearing
as attorney for Oron Quayle, Thomas Quayle, George Parker, Edw. LaRocco,
John O. Miller, Ezra J. Phelps, and George A. Sparks, defendants and cross-
complainants; and D. C. Kuns, Esquire, appearing as attorney for the
Continental Life Insurance Company, a corporation, Ole Transtrum, Carry
Hill, J. A. C. Nielson and John A. Jensen, defendants and cross-complain-
ants; and A. B. Gough, Esquire, appearing as attorney for Dingle Irrigation
Company, a corporation, Peg Leg Island Irrigation Company, a corporation,
Grinnett Black Otter Irrigation Company, a corporation, and the Fugaire
Livestock & Land Company, a corporation, defendants and cross-complainants;
Ross W. Bates, Esquire, appearing as attorney for the Ream-Crockett Irriga-
tion Company, a corporation, defendants and cross-complainants; and Jesse P.
Rich, Esquire, appearing as attorney for the West Fork Irrigation Company,
a corporation, defendants and cross-complainants; and Darwin Haddock, Esquire,
appearing as attorney for Hyrum Esterholdt and Joseph Esterholdt, defendants
and cross-complainants. Whereupon, the respective parties proceeded to
negotiate a settlement and adjustment of the issues raised by the complain-

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the Southeast Quarter of Section 23, Township 14 South, Range 45 East of the Boise Meridian, to be used on 260 acres of land, described as follows, to-wit:

GEORGE A. SPARKS:

90-2 (Sloyd ditch)

11 1897- May 1st, What is designated in this decree as an "Agricultural Right". 3 cubic feet per second.

~~All of said water to be diverted from Bear River at a point described as follows, and~~

~~S1/2, S1/2, Section 23, NE1/4, Section 26, Township 14 South, Range 45 East Boise Meridian in Bear Lake County, State of Idaho, and to be used on 160 acres of land described as follows, to-wit:~~

All of said waters to be diverted from Bear River by means of a Dam known as the Ezra J. Phelps Dam located at or near the Southeast corner of the South East Quarter of Section 23, Township 14 South, Range 45 East, of the Boise Meridian, to be used on 160 acres of land, described as follows, to-wit:
S1/2, S1/2, Section 23; and, NE1/4, Section 26, Township 14 South, Range 45 East, B.M., in Bear Lake County, State of Idaho, containing 160 acres.

JOHN O. MILLER:

84-2

11 1897- April 15th, What is designated in this decree as a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second
July 1st - September 30th 3.0 cubic feet per second.

11 1880- April 15th, What is designated in this decree to be a "Meadow Right".

April 15th - July 1st 4.5 cubic feet per second.
July 1st - September 30th 3.0 cubic feet per second.

11 1885- April 15th, What is designated in this decree to be an "Agricultural Right". 3.6 cubic feet per second.

All of said waters to be diverted from Bear River by means of the Miller Ditch, the point of diversion of which is about 150 yards East from the Northeast corner of Section 31, Township 14 South, Range 45 East of the Boise Meridian, to be used upon 480 acres of land described as follows:

E1/2, N1/2, S1/2, and SE1/2, Section 31, Township 14 South, Range 45 East Boise Meridian.

And E1/2, Section 36, Township 14 South, Range 45 East B. M., all in Bear Lake County, State of Idaho.

11 1895- IT IS FURTHER ORDERED, ADJUDGED AND DECREED That there shall be allowed to pass by the Wardboro Dam in Bear River five cubic feet per second of water at all times for the use of the West Fork Irrigation Company for culinary and domestic purposes; and it is further understood and agreed that said West Fork Irrigation Company is to have a riparian right, inferior to the irrigation rights herein decreed, for forty cubic feet per second of water to be run through the canal at all times during the year except when needed for irrigation purposes.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That all of the above described lands are arid in character and require irrigation for their proper cultivation and for the profitable raising of crops thereon, and that the duty of water shall be fixed and determined at one and one-half (1½) miners inches per acre of water from April 15th to July 1st of each year, and at one (1)

NOTE
Date is
after 8000
Land is
lost since
1900
Bear Lake
Spring

not possible
from Phelps Dam

miners inch per acre from July 1st to September 30th of each year for the lands designated as meadow lands, and for the lands designated as agricultural lands, it is agreed that the duty shall be one miners inch per acre through the irrigation season, except that it is ^{adjudged & decreed} stipulated that 500 acres of agricultural lands under the canal of the Dingle Irrigation Company and 400 acres of agricultural lands under the Preston-Montpelier Irrigation Company's Canal, and 400 acres of land under the Ream-Crockett Ditch have a gravelly sub-soil and require one and one-fourth (1 $\frac{1}{4}$) miners inches per acre for their proper irrigation, which amount is to be decreed to said lands; it being further decreed that if within five years it is determined that said gravelly land does not need 1 $\frac{1}{4}$ miners inches per acre the same shall be reduced which in no event shall it be reduced ^{so as} /to give it less than one (1) miners inch per acre to such land, the Court retaining jurisdiction of this cause for said purpose.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That the lands herein classified as meadow lands or rights are understood to mean those lands along Bear River producing what is commonly called "wild hay" or "natural meadow grass", which lands must be flooded in order to produce crops, the water running over said lands and back into Bear River, which said meadow lands shall be subject to rights hereinafter specified in this decree.

The agricultural lands or rights as herein classified are intended to mean those lands which have been cultivated and irrigated for the production of crops. The acreage of said agricultural lands are hereby decreed and designated as follows: Preston-Montpelier Irrigation Company, 2200 acres; Dingle Irrigation Company, 1721 acres; Peg Leg Irrigation Company, 865.8 acres; Ream-Crockett Irrigation Company, 861 acres; Kent-LaRocca Ditch, 365 acres; It being adjudged and decreed that this is the number of acres designated as agricultural lands under this decree.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, That if at any time between the 17th day of June and the 4th day of July of any year there shall not be sufficient water in Bear River to supply the above designated agricultural lands consisting of 6012.25 acres, then and in that event, there shall be taken from the lands or rights herein designated as meadow rights pro rata a sufficient amount of water so that 6012.25 acres of agricultural land shall receive 75 per cent of the full amount of water herein decreed to said agricultural lands, and if after July 4th of any year there is not sufficient water in Bear River to supply said 6012.25 acres with the full amount of their decreed water right, then, and in that event, there shall be taken from the said meadow lands or rights a sufficient amount of water

to supply said 6012.25 acres of said agricultural lands to the full extent of their decreed rights.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED; That the Court shall retain jurisdiction, and jurisdiction is hereby reserved for a period of five years from the date hereof for the purpose of correcting said decree if it shall be made to appear to the court that there are errors in the description or amounts of land to which water has been decreed under this decree

IT IS FURTHER ORDERED, ADJUDGED AND DECREED , That each party pay his own costs herein.

Dated this 7th day of March, 1924.

ROBERT M. TERRELL

District Judge.

STATE OF IDAHO

COUNTY OF BEAR LAKE

I, J. S. Peterson, Clerk of the District Court of the Fifth Judicial District of Idaho, in and for Bear Lake County, do hereby certify that the within and foregoing is a full and true copy of the original Water Decree in the case of Proston-Montpelier Irrigation Company vs. Dingle Irrigation Company, et al duly filed in my office on the 7th day of March, 1924.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court at Paris, Idaho, this 8th day of July, 1924.

{SEAL}

J. S. PETERSON

Clerk

RECEIVED
JAN 26 2024
IDWR/Preston



January 22, 2024

RMEA 23-0009

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Emmaus Fund

Dear Ms. Marion Beck,

This letter accompanies a check for ten Adjudication claims for Emmaus Fund, which were transmitted electronically. The fees for the claims are detailed on the attached summary sheet.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in cursive script that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check

RECEIVED

Free Summary for Claims Submitted

IDWR/Preston Emmaus Fund

Claim ID	\$ for Claim	Notes
11-941	\$271.00	\$50 claim fee + 221 acres @ \$1/ac
11-942	\$50.00	Acres paid under 11-941
11-943	\$50.00	Acres paid under 11-941
11-944	\$50.00	Acres paid under 11-941
11-945	\$50.00	Acres paid under 11-941
11-AAAA	\$50.00	Acres paid under 11-941
11-7682	\$83.00	\$50 claim fee + 33 acres @ \$1/ac
11-7684	\$50.00	Acres paid under 11-7682
11-7686	\$50.00	Acres paid under 11-7682
11-BBBB	\$25.00	Domestic for 1 Home
Total	\$729.00	