

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: 11-7288

Date Received: 10/23/13

Receipt No: P000533

Claim Fee: 52.00 By: mb

RECEIVED

OCT 23 2013

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 Two, 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 6, 2014 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
3. Source of water supply (Check one) Ground Water () or Other (✓) (a) Surge Canyon Creek
which is tributary to (b) Thomas Fork
4. a. Location of point of diversion is: Township 12S, Range 46E, Section 16,
NE 1/4 of SE 1/4, Govt. Lot _____, BM, County of Bear Lake
Parcel no. RP12S46E160000 (03344.00)
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.
Small pond is filled during high spring runoff. Pond will be maintained during the summer to the extent water is
available in priority.

6. Water is claimed for the following purposes:

		(dates are inclusive MM-DD)	(cfs)	(acre-feet)
For	Stockwater Storage	purposes from 01/01 to 10/31	amount _____	or 4.0
For	Recreation Storage	purposes from 01/01 to 10/31	amount _____	or 4.0
For		purposes from _____ to _____	amount _____	or _____
For		purposes from _____ to _____	amount _____	or _____

7. Total quantity claimed (a) _____ (cfs) and/or (b) 4.0 (acre-feet)

8. Non-irrigation uses; describe fully (e.g., Domestic: Give number of households served; Stockwater: Type and number of livestock, etc.) Stockwater: 50 head of cows, 30 head of horses

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.

[illegible]

Parcel no(s). RP12S46E160000 (03344.00) 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):

This claim is based on Idaho water permit no. 11-7788 for stockwater storage and recreation storage.

~~List of Attachments to Claim Form:~~

1. IDWR Water Right Report of 11-7788
2. IDWR Map of 11-7788
3. Map depicting the current point of diversion and place of use

Name of claimant(s) Five Square Ranch Two, 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 11-7788

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 Five Square Ranch Two, 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 Two, LLC Claim ID _____

HOW YOU WILL RECEIVE NOTICES IN THE BEAR RIVER BASIN WATER SYSTEM ADJUDICATION

All documents filed in the Bear River Basin Water System Adjudication, other than notices of claim, are filed with the court. Notices of claim to water rights filed in the Bear River Basin Water System Adjudication are filed with the Idaho Department of Water Resources (IDWR). Copies of all documents filed in the Bear River Basin Water System Adjudication will not be mailed to all parties (claimants) in the adjudication. Any document filed with the court will be mailed only to those parties who may be directly affected by it.

A monthly docket sheet is prepared by the court, which contains a summary of all documents filed with the court in the previous month and the dates and locations of hearings scheduled for the following three months. The docket sheet will be filed with the district court clerk in each county within the Bear River Basin Water System Adjudication. Copies of a monthly docket sheet may be obtained from any of the offices of IDWR; a small fee may be charged to cover the cost of mailing and/or copying. If you wish to receive an annual subscription of the docket sheet printed each month, you should mark the appropriate place on your notice of claim form. You will be charged a small annual subscription fee by the court to cover the cost of copying and mailing. The docket sheet is also available on the court's web site at:

<http://www.srba.idaho.gov/BRBA20.HTM>

Copies of any document listed on the docket sheet may be obtained from any of the IDWR offices or the court and a small fee may be charged to cover the cost of mailing and/or copying the document.

Copies of all notices of claim filed with IDWR will be available for inspection at all IDWR offices. You may also obtain copies of the notices of claim filed by other claimants, but you may be charged for the cost of copying and mailing. A claimant will not be charged for a copy of his or her own notice of claim, and a person who acquires property with water rights for which a notice of claim was filed will not be charged for a copy of the notice of claim filed by the previous owner.

After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared for all claims filed in the Bear River Basin Water System Adjudication. When this report is filed with the court, you will be mailed a notice informing you that the report has been filed. The notice will be sent to the most recent address shown by IDWR's files. Attached to the notice will be a copy of those portions of the report describing the water rights you have claimed. If you do not agree with the way your water right is described, you may file an objection to the report with the court. You can also file an objection if you disagree with the way another claimant's water rights are described, and the notice will tell you where a copy of the full report is available for inspection. The notice will tell you when and where to file your objection.

It is very important that you inform IDWR in writing of any change in your address. This is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

If you are acquiring property with water rights within the boundaries of the Bear River Basin Water System Adjudication in Idaho (either by purchase, gift, inheritance, or other means), it is very important that you inquire of IDWR whether a notice of claim has been filed. If you fail to file a required notice of claim for a water right, that water right may be determined to no longer exist.

If a notice of claim has been filed, it is very important that you file a written notice of change in ownership with IDWR. You may contact IDWR regional offices or the IDWR web site <http://www.idwr.idaho.gov/> for change of ownership forms. The notice of change in ownership form must be accompanied by evidence of the ownership of the property. Again, this is to make sure that you receive the notices affecting your water rights that are to be mailed by IDWR or the court.

Close

Water Permit Report: 11-7788(Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	FIVE SQUARE RANCH LLC	C/O JOHN MAKOFF 7028 KEARNY DRIVE	HUNTINGTON BEACH	CA	92648

Water Permit Status

Priority Date : 5/6/2014
Status : Active

Water Source

Source	Tributary	Tributary Qualifier
SOREN CANYON CREEK	THOMAS FORK	

Points Of Diversion (Location)

Source	Township	Range	Section	QQ	QQ	Q	County	Diversion Type
SOREN CANYON CREEK	12S	46E	16				NW SE BEAR LAKE	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
STOCKWATER STORAGE	01/01	12/31		4.00 AFA
RECREATION STORAGE	01/01	12/31		4.00 AFA
TOTAL				4.00 CFS

Places of Use

[Printable View](#)
[Pagged View](#)

Place of Use Legal Description : STOCKWATER STORAGE (BEAR LAKE county)

Township	Range	Section	Lot	QQ	QQ	Q	Acres
12S	46E	16				NW SE	

Place of Use Legal Description : RECREATION STORAGE (BEAR LAKE county)

Township	Range	Section	Lot	QQ	QQ	Q	Acres
12S	46E	16				NW SE	

Conditions

Code Conditions

- 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. 11F.
- 01H Prior to diversion of water under this right, the right holder shall install a lockable device, subject to the approval of the Department, in a manner that will provide the watermaster suitable control of the diversion.
- 220 The pond established by the storage of water under this right shall not exceed a total capacity of 4.0 acre-feet or a total surface area of 1 acre.
- The storage pond authorized under this right can only be filled between October 1 and April 30.
- In times of shortage on Soren Canyon Creek, the right holders for water rights 11-140 and 11-7791 can call for the storage pond authorized under this right to be drained.
- 170 To mitigate for the depletion of water resulting from the use of water under this right and to prevent injury to senior water right holders, the right holder shall cease diverting and using water as authorized by the following water rights for the purposes and amounts specified below. Moreover, the official record for the following water right will be changed to show that diversion and use of water is not authorized because the rights, or portion thereof, are being dedicated to mitigation purposes. Use Changed Mitigation Mitigation Mitigation Right No. to Mitigation Rate (cfs) Volume (AF) Acres 11-90 Irrigation 0.025 2.5 1.0 The land that will no longer be irrigated under this right is located within the SENW, Section15, Township 12S, Range 46E. If the specified mitigation right, or portion thereof, is sold, transferred, leased, used on any place of use, or is not deliverable due to a shortage of water or a priority call, then the amount of water authorized for diversion under this right approval shall be reduced by the same proportion as the reduction to the mitigation rights.

Dates

Licensed Date :
Decreed Date :
Permit Proof Due Date : 11/1/2020
Permit Proof Made Date : 11/23/2020
Permit Approved Date : 10/21/2015
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: 4/14/2014
Protest Deadline Date: 8/3/2015

Other Information

State or Federal :
Water District Number : 11F
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

2/17/2023

Five Square Ranch Two, LLC

State of Idaho
Department of Water Resources
Permit to Appropriate Water

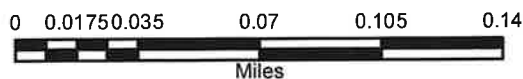
11-7788

STOCKWATER STORAGE

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: 2/17/2023



Legend

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



Five Square Ranch Two, LLC

State of Idaho
Department of Water Resources
Permit to Appropriate Water

11-7788

RECREATION STORAGE

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: 2/17/2023



Legend

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



Five Square Ranch Two, LLC

Five Square Ranch Two, LLC 11-7788 POU & POD

Surge Canyon Stockwater Pond

16

12S46E



Legend

-  11-7788 Permit POD
-  11-7788 Permit 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