

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

JUN 30 2025

CIVIL CASE NUMBER: 79576

Claim ID: 13-946A

Date Received: 6/30/25

Receipt No: POC-2041

Claim Fee: ~~8979.00~~ By: MB

\$8,979.00

IDWR/Preston

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) West Cache Irrigation Company Phone (435) 770-0413
Mailing address c/o Dale Buxton 13632 N. 5600 W., Cornish, Utah Zip 84308
Street or Box City State
Email address (optional) westcacheirrigation@gmail.com
- Date of priority: (Only one per claim) May 6, 1911 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (☒) (a) Deep Creek
which is tributary to (b) Bear River
- a. Location of point of diversion is: Township 14S, Range 39E, Section 25,
SE 1/4 of SW 1/4, Govt. Lot _____, BM, County of Franklin
Parcel no. RP01109.00 and RP01806.00
Additional points of diversion, if any: Point of Injection: T15S, R39E, Section 17, SENW
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 _____
- 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 from Deep Creek is injected into the Bear River and diverted upstream via an
exchange into the West Cache Canal. The diversion for the West Cache Canal is controlled
using manually operated radial gates and is metered.

6. Water is claimed for the following purposes:

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

For Irrigation purposes from 04/20 to 09/30 amount 15.05 or

For purposes from to amount or

For purposes from to amount or

For purposes from to amount or

7. Total quantity claimed (a) 15.05 (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	

Parcel no(s). Shareholder parcels Total number of acres irrigated 8,928.9 acres

10. In which county(ies) are lands listed above as place of use located? Franklin County, Idaho and Cache County, Utah

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.
13-974, enlargement water right, Bear Lake storage water or None ()

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

This claim is based on decreed water right no. 13-946A. Irrigated land within the place of use is owned by shareholders of Claimant. Water from Deep Creek is injected into the Bear River at the point of injection and diverted from the Bear River point of diversion identified above.

Attachments:

1. IDWR Water Right Report 13-946A
2. Map of Idaho Service Area, POU, and POD
3. Map of Utah Service Area, POU, and POD

Name of claimant(s) West Cache Irrigation Company Claim ID

14. Basis of claim (Check one) Beneficial Use () Posted Notice () License () Permit () Decree (✓)

Court Eastern Division Decree Date July 14, 1920 Plaintiff v. Defendant Utah Power & Light Company

If applicable provide IDWR Water Right Number 13-946A v. The Last Chance Canal Company, Limited, et al.

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

President _____ of West Cache 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 [Signature] Date 6-26-25

Printed Name of Authorized Agent Tom Griffin

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 6/30/2025

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

Name of claimant(s) West Cache Irrigation Company 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 Right Report : 13-946-A (Decreed/Active)

Water Right Owners

Owner Type	Name	Address	City	State	Postal Code
Current Owner	WEST CACHE IRRIGATION CO	C/O DALE BUXTON 13632 N 5600 W	CORNISH	UT	84308-1718

Water Right Status

Priority Date : 5/6/1911
 Basis : Decreed
 Status : Active

Water Source

Source	Source Qualifier	Tributary	Tributary Qualifier
DEEP CREEK		BEAR RIVER	

Points Of Diversion (Location)

Source	Township	Range	Section	Govt. Lot	QQQ	QQ	Q	County	Diversion Type
DEEP CREEK	14S	39E	25	0				SE SW FRANKLIN	

Water Uses

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	4/20	9/30	15.05 CFS	
TOTAL			15.05 CFS	

Places of Use

Printable View

Paged View

Irrigation Totals

Total Acres	Acre Limit
8928.90	

Conditions

Code Conditions

- X27 This right is limited to the irrigation of 8,928.9 acres within the authorized place of use in a single irrigation season.
- X35 Rights 13-946A and 13-974 when combined shall not exceed the irrigation of 14,832 acres.
- G23 Diversion of water under this right is limited to those times when water is available for diversion under the priority of this right at the original point of diversion from Deep Creek in NWSE Sec 7 T15S R39E.
 Diversion of water under this right is limited to the quantity of water available at the original point of diversion on Deep Creek or the quantity of water at the confluence of Deep Creek and the Bear River, whichever is less.
- R05 Use of water under this right may 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.
- R43 The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).
- X49 Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the department for measuring the flow in Deep Creek at the original point of diversion and at the point where Deep Creek flows into the Bear River.
- T09 Approval of this transfer does not preclude the opportunity for review of the validity of this water right in the ongoing Bear River Basin Adjudication.
- F01 Water is delivered through West Cache Canal.
- 129 Place of use is within the area served by West Cache Irrigation Company. Place of use in Idaho is located within Sec 19, 20, 29 and 30, T15S, R39E; Sec 4, 5, 17, 19, 20, 29 and 30, T16S, R39E, B.M.
- J07 The authorized place of use for this right includes acres in Utah. The place of use in Utah is located within Sec 34 and 35, T15N, R01W; Sec 3-4, 9-11, 15-16, 21-23, 25-28, and 33-36, T14N, R01W; Sec 1-3, 10-16, 19-30 and 32-36, T13N, R01W; Sec 5-8, 18-19 and 30, T13N, R01E; Sec 1-4, 11 and 12, T12N, R01W; S.L.M.
- R63 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the place of use.
- 004 This right does not grant any right-of-way or easement across the land of another.

T08 Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.

Dates

Licensed Date :
Decreed Date : 7/14/1920
Permit Proof Due Date :
Permit Proof Made Date :
Permit Approved Date :
Permit Moratorium Expiration Date :
Enlargement Use Priority Date :
Enlargement Statute Priority Date :
Application Received Date:
Protest Deadline Date:

Other Information

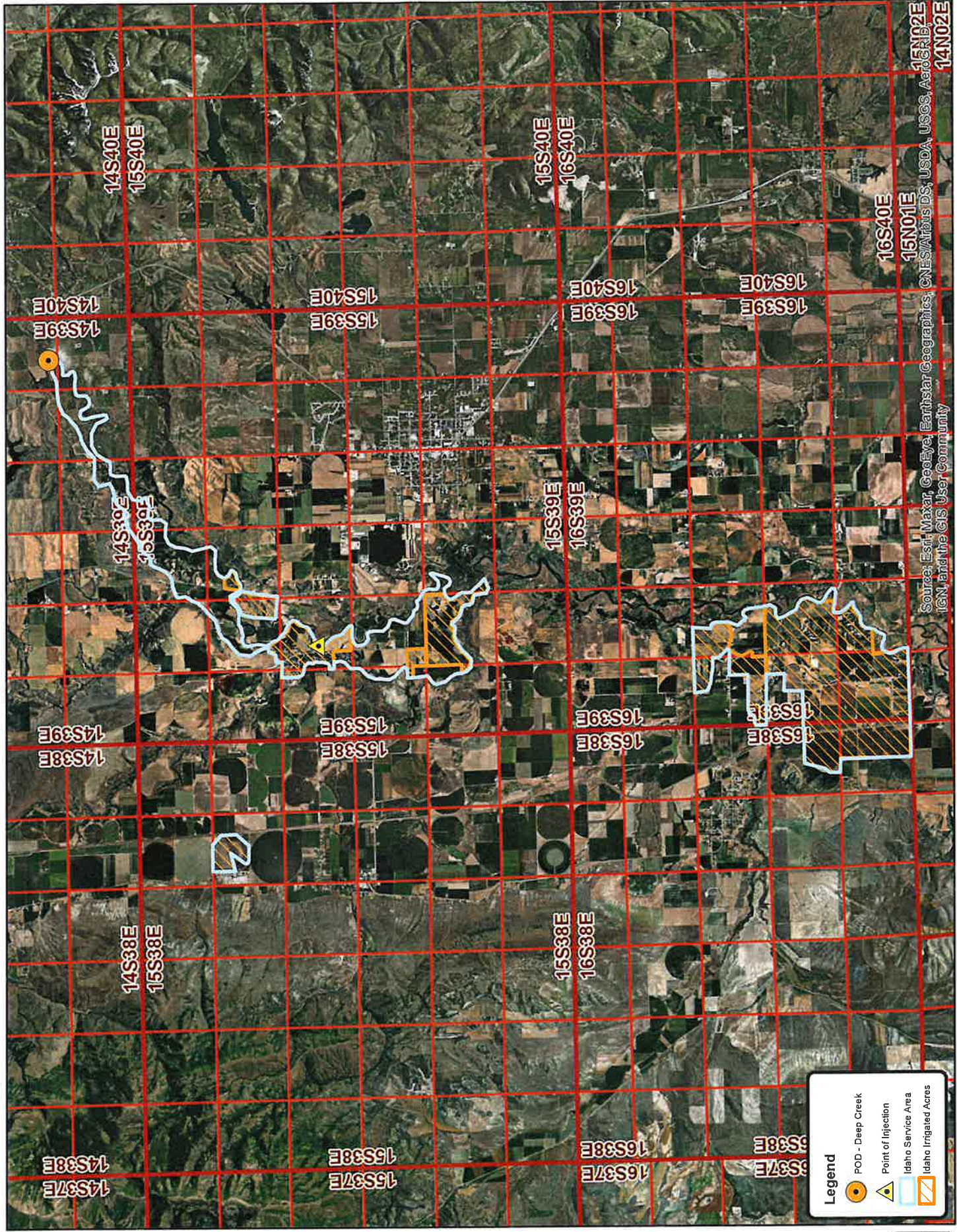
State or Federal :
Water District Number : 11
Generic Max Rate Per Acre : 0.02
Generic Max Volume Per Acre : 3.5
Civil Case Number :
Decree Plaintiff :
Decree Defendant :
Swan Falls Trust or Nontrust :
Swan Falls Dismissed :
DLE Act Number :
Cary Act Number :
Mitigation Plan: False

IDAHO DEPARTMENT OF WATER RESOURCES

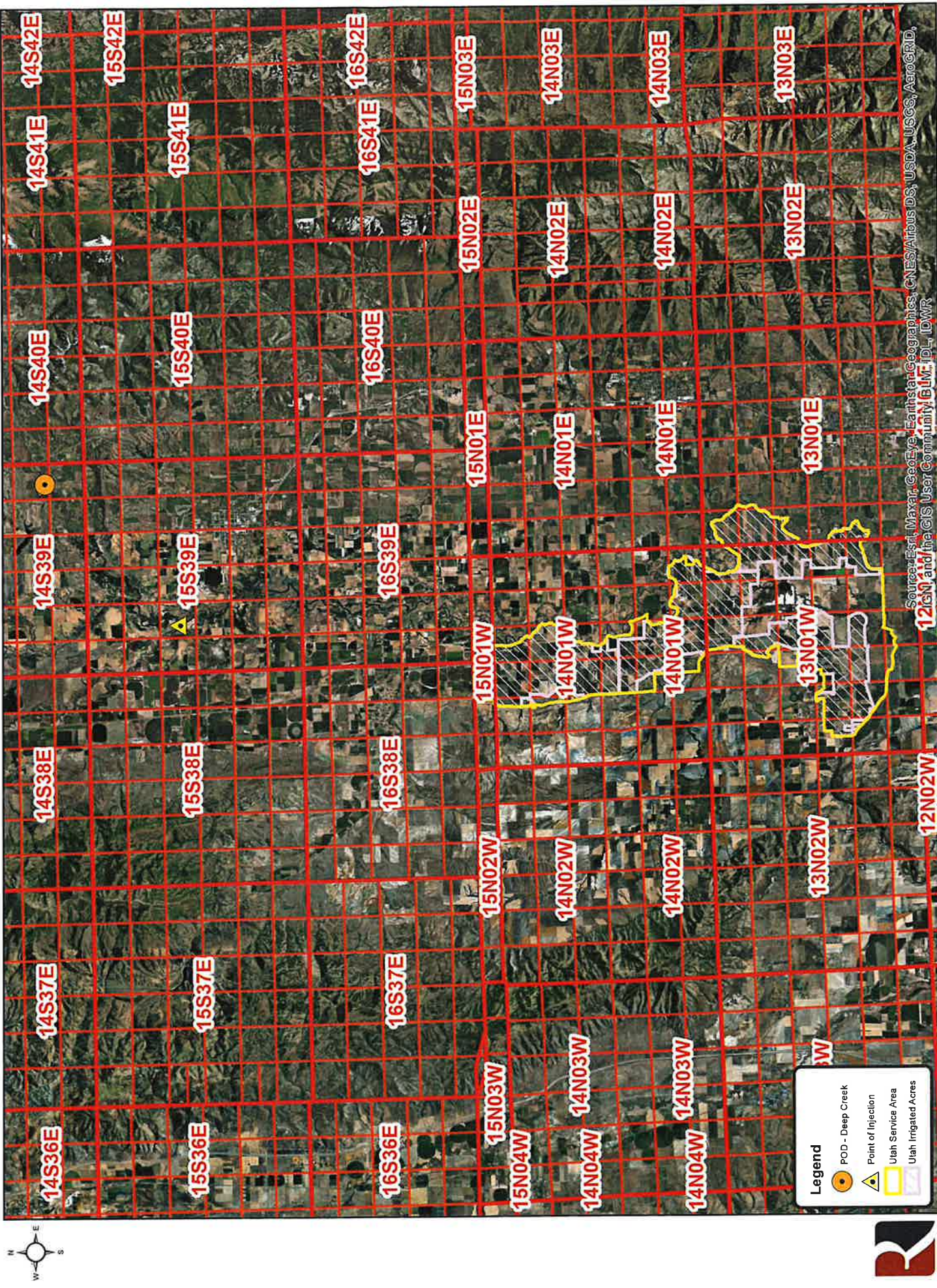
4/7/2025

West Cache Irrigation Company

West Cache Irrigation Company - 13-946A POU & POD - Idaho Service Area and Irrigated Acres



West Cache Irrigation Company - 13-946A POU & POD - Utah Service Area and Irrigated Acres



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



RECEIVED

JUN 30 2025

IDWR/Preston

June 30, 2025

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: West Cache 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 seven (7) Notices of Claims to Water Rights filed on behalf of West Cache Irrigation Company. A check in the amount of \$23,023.00 for the filing fees will be hand delivered to the IDWR office. The fees are broken down as follows:

Claim 1 (13-946A): \$50 flat fee + \$8,929 (\$1.00 per acre x 8,928.9 acres) = \$8,979

Claim 2 (13-974): \$50 flat fee + \$5,904 (\$1.00 per acre x 5,903.1) + \$4,000 (\$100 per cfs x 40 cfs) for stockwater = \$9,954

Claim 13-974 claims irrigation of 14,832 acres but 8,928.9 acres of those acres are also claimed under 13-946A above, so that acreage amount is not applied here.

Claim 3 (Enlargement): \$50 flat fee + \$3,840 (\$1.00 per acre x 3,840 acres) = \$3,890

Claim 4 (Storage Water): \$50 flat fee + (no variable fee for acreage as acreage claimed above) = \$50.00

Claim 5 (Storage Water): \$50 flat fee + (no variable fee for acreage as acreage claimed above) = \$50.00

Claim 6 (Storage Water): \$50 flat fee + (no variable fee for acreage as acreage claimed above) = \$50.00

Claim 7 (Storage Water): \$50 flat fee + (no variable fee for acreage as acreage claimed above) = \$50.00

Total: \$23,023.00

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,

TESSA SPARROW
Paralegal

Enclosure

c: West Cache Irrigation Company



IDAHO DEPARTMENT OF
WATER RESOURCES

322 E Front Street, Suite 648, Boise ID 83702 • PO Box 83720, Boise ID 83720-0098
Phone: 208-287-4800 • Fax: 208-287-6700 • Email: idwrinfo@idwr.idaho.gov • Website: idwr.idaho.gov

Governor Brad Little

Director Mathew Weaver

March 20, 2025

RECEIVED
Jan 30
JUN 30 2025

WEST CACHE IRRIGATION CO
13632 N 5600 W
CORNISH UT 84308

IDWR/Preston

Re: Request for Extension of Time to File Adjudication Claim(s)
Bear Lake Storage Water

Dear Claimant(s),

The Request for Extension of Time to File Adjudication Claim(s) has been approved and is enclosed. The new filing deadline is **October 31, 2025**.

Please enclose a copy of the approved extension request form when filing your claim.

Respectfully,

Christopher Holmes
Water Resources Supervisor
325 E 600 S Ste 300
Preston, ID 83263
Christopher.Holmes@idwr.idaho.gov

RECEIVED
Date Received MAR 18 2025

State of Idaho
Department of Water Resources
REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

IDWR/Preston

The Idaho Department of Water Resources will consider this form as a request by the claimant for an additional period of time to file an adjudication claim as allowed under Section 42-1409(8), Idaho Code.

West Cache Irrigation Company

(435) 770-0413

Name of Claimant

Phone Number

13632 N 5600 W

westcacheirrigation@gmail.com

Mailing Address

E-mail Address

Cornish

UT

84308

City

State

Zip

Franklin County, Idaho; Cache County, Utah

December 8, 2023

County(ies) where place of use is located

Date claim originally due

TBD

Identify water right(s) for which extension is requested

State why an extension of time is requested, explaining how a diligent effort has been made to meet the deadline:

See attached.

Claimant requests an extension to October 31, 2025, 2025

Signature

March 13, 2025

Date of request

Board President

Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby [☒ granted] [☐ denied] for the following reasons:

BRBA staff will be working on Basin 11 claim evaluation before the extension date. This will allow staff time to review and include the claimant's claims in the Director's Report.

and if granted the filing deadline is extended to October 31, 2025

Signed this 20 day of March, 2025

Christopher Holmes
Director or his designated agent

Mail to: Idaho Department of Water Resources
322 E. Front St., PO Box 83720
Boise, ID 83720-0098

*Note: Pacific Corp's approved extension date is July 1, 2025 not July 31, 2025. This extension is for Bear Lake storage water as described in attachments.

RECEIVED

MAR 18 2025

IDWR/Preston

Attachment to Second Request for Extension of Time to File Adjudication Claims

Claimant owns irrigated farmland, or is a canal company that serves irrigated farmland, in the Bear River Basin. Claimant owns storage water in Bear Lake that it applies to beneficial use for irrigation purposes. The Bear River Basin Adjudication (BRBA) Court has issued a Commencement Notice for Basin 11, mailing Group 2, which encompasses Bear Lake.

Claimant filed and obtained an extension to March 31, 2024, to file its adjudication claims. As explained in Claimant's first request for extension to file adjudication claims, Claimant claims equitable title to storage in Bear Lake in accordance with *U.S. v. Pioneer Irrigation District*, 144 Idaho 106 (2007). Based on that decision, PacifiCorp holds nominal legal title and Claimant holds equitable title to storage water in Bear Lake. Claimant anticipates that PacifiCorp will file claims in the BRBA to Bear Lake storage and will be the named owner of the storage water right in Bear Lake, and that Claimant's equitable title will be memorialized with a condition on PacifiCorp's partial decree as prescribed in *U.S. v. Pioneer Irrigation District*.

If Claimant's interest is memorialized with a proper condition, it will be unnecessary for Claimant to file a separate claim to a storage water right in Bear Lake. Claimant filed and obtained its first extension to file adjudication claims in order to defer Claimant's filing deadline until after PacifiCorp files its adjudication claim for Bear Lake storage water. At the time Claimant filed its first extension request, PacifiCorp had filed and obtained an extension until December 31, 2024, to file its adjudication claims. Claimant obtained an extension to March 31, 2025, to afford ample time for Claimant to review PacifiCorp's adjudication claim for Bear Lake storage and determine whether it is necessary for Claimant to file a separate claim.

It has come to Claimant's attention that PacifiCorp filed and obtain a second extension to file its adjudication claims, extending its filing deadline to July 31, 2025. Claimant will need to review PacifiCorp's claims in order to determine whether it is necessary for Claimant to file separate claims to storage in Bear Lake. Therefore, Claimant requests, pursuant to Idaho Code Section 42-1409(8), that the time for filing Claimant's notice of claim for storage water in Bear Lake be extended to October 31, 2025.