

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

SEP 08 2025

IDWR/Preston

CIVIL CASE NUMBER: 79576

Claim ID: 13-942

Date Received: 9/8/25

Receipt No: P002101 + P002184

Claim Fee: 706.00 By: MB

+ \$750=

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

- Name of claimant(s) Rushville Irrigation Company Phone (435) 760-3368
Mailing address 5735 N Westside Hwy, Clifton, ID Zip 83228
Street or Box City State
Email address (optional) eric@openrangeconsulting.com
- Date of priority: (Only one per claim) 05/01/1869 (Explain priority date selected in Remarks)
Month/Day/Year (YYYY)
- Source of water supply (Check one) Ground Water () or Other (✓) (a) Michael Creek & Davis Creek
which is tributary to (b) Oxford Slough
- 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 See attached map and GIS files on thumb-drive
- 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.
See attached map and GIS files on thumb-drive

SCANNED

6. Water is claimed for the following purposes:

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

For irrigation purposes from 1/1 to 12/31 amount 6.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 6.0 (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.) stock water

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) See attached map and GIS files on thumb-drive Total number of acres irrigated _____

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

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.
See attached map and GIS files on thumb-drive or None (☐)

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

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

Scale: 2 inches equals 1 mile

A 16x16 grid of 256 squares. Each square contains a crosshair pattern formed by four dots (top, bottom, left, right) and four short line segments connecting them. The pattern is consistent across all squares, creating a uniform grid of crosshairs.

Name of claimant(s) _____, Claim ID _____

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

Court _____ Decree Date 01/01/1869 Plaintiff v. Defendant _____

If applicable provide IDWR Water Right Number 13-942

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: _____

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.

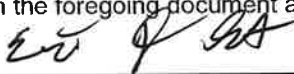
Signature of Claimant (s) _____ Date: _____

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

Secretary _____ of Rushville Irrigation Company
Agent's title (Please print) Name of organization (Please print)

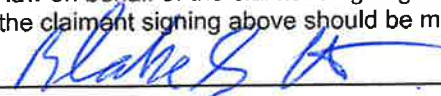
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 8/25/2025

Printed Name of Authorized Agent Eric D. Sant

16. **Notice of Appearance:**

Notice is hereby given that I, (please print) Blake Atkins, 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 8/25/2025

Address 7579 N Westside Hwy, Clifton, ID 83228

Name of claimant(s) Rushville 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.

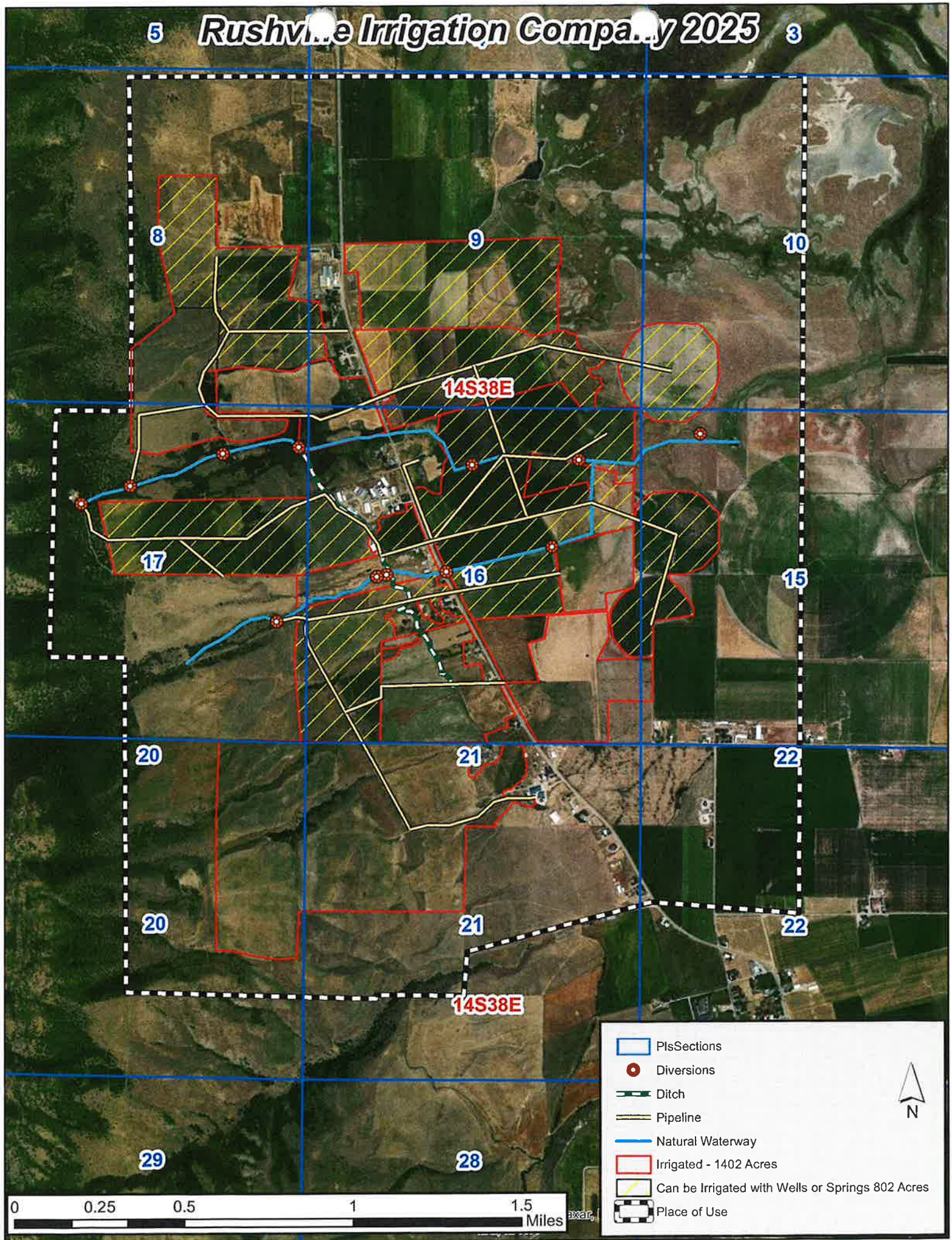
After the notices of claim have been reviewed, the director will prepare and file a Director's report with the court that will contain the Director's recommendations as to each water right claimed under state law and a copy of each federal reserved water right claimed. A Director's report will be prepared 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.

5 Rushville Irrigation Company 2025 3



August 16th 2025

James Westover

To whom it may concern:

I was born in 1950. My first memories of irrigation in the early to mid 50's was helping Grandpa Albert Westover, change the water in the fields on the farm. The field on top of the farm was always hard because we had to walk alot. I remember Grandpa (Albert Westover) saying we have to make sure we scatter the water out so that it won't wash gullies. He also said we are watering this years crops but we are also watering next year's too.

Dad Nord Westover and Mom Carmen Westover bought the farm from Grandpa (Alber)t and Grandma (Liva) in 1958 and Dad (Nord) did the same thing with the water that Grandpa did. We drilled a well in the early 60's and so we could water the ground below the highway with the well and the ground above with Michael creek. We got some portable mainline and handline and started to run sprinklers on the ground up top in 1958. In 1960 we used traveling sprinklers and now we have pivots on that ground. These pivots allow us to have better use of the water.

I remember in the mid 50' Dale Ralphs would use Michael Creek pretty much year around for pastures and cattle water when no one else was using the water. This was helping his pasture and also the neighboring pastures as well. I vividly remember Dale Ralphs watering his upper ground with sprinklers and also his lower ground with sprinklers. He would also put part of his Michael Creek shares on his meadows in the late summer and fall. We always talked about Lake Ralphs and how he would use it also on his pasture for grass and his beef cows. Most of that ground is now being watered by pivot and wheel lines.

Willard Gailey used to water his upper ground with Slide Creek and some Michael Creek too. He also used Michael and his lower pasture ground. Now we are watering it with wheelines or handlines.

I remember in the middle and late 50's that Roy Taylor and Frank and Arthur Sant would put Davis Creek on their gravel spots as early as February or as soon as the frost was out of the ground. They would do this into late November for the irrigation and also cattle water. This was done until winter or the water was gone depending on how the seasons would go. These men used the water on the water use map area the best they could. By using sprinklers we are watering the use area now.

Signed

James Westover

A handwritten signature in cursive script that reads "James Westover". The signature is written in dark ink and is positioned below the printed name.

August 23, 2025
Buck Peak Ranches

To Whom It May Concern,

I, David Sant, of legal age, residing at 5645 N Westside Hwy, Clifton ID, state the following facts concerning my rights and entitlements to the use of water from with the Rushville Irrigation Company, situated at or near the above stated address.

I moved to Clifton, ID in 1945 with my parents. As a teenager in the 1950s, one of my chores was to irrigate our farm using water from the Rushville Irrigation Company. The lower section of the farm was challenging to irrigate, but we used water there whenever possible.

After pursuing a career elsewhere, I retired and returned to the family farm in 2001. Working with neighbors, we implemented pivots, pipelines, and well water to ensure reliable irrigation on the lower portion of the farm, effectively using Rushville Irrigation Company water.


David Sant

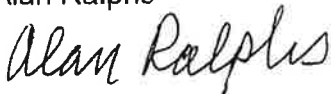
Affidavit of Michael Creek Water Use

I, Alan Ralphs, state the following:

1. I was born in 1954 to Dale and Afton Ralphs, who moved to our current property at 6379 N. Westside Hwy, Clifton, ID 83228, in 1945. Since that time, my family has continuously relied on Michael Creek, which runs through our property, as a primary water source for both crops and livestock.
2. From a young age, I grew up working the farm with my parents, specifically helping to move sprinkler pipes and manage irrigation using Michael Creek water. This water has been used year-round across the property, with sprinklers irrigating both the upper and lower ground during the main growing season.
3. At the close of the irrigation season, in late summer and early fall, our family has always used our shares to flood irrigate the meadows. This practice, carried forward from the landowners before my parents, provides late-season water to our summer and winter pastures, as well as neighboring pastures.
4. These practices support both our dairy and beef cattle operations and improve the productivity of the land.
5. These practices, established by my parents in 1945, continued throughout my upbringing in the 1950s and remain in place on the property today, reflecting continuous and beneficial use of Michael Creek water.

Signed:

Alan Ralphs

A handwritten signature in cursive script that reads "Alan Ralphs".

Date: August 17, 2025

Affidavit of Michael Creek Water Use

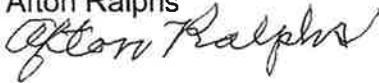
I, Afton Ralphs, state the following:

1. My late husband, Dale Ralphs, and I moved to our current property at 6379 N. Westside Hwy, Clifton, ID 83228, in 1945. Since that time, we have continuously relied on Michael Creek, which runs through our property, as a primary water source for both crops and livestock.
2. Throughout our ownership, Michael Creek water has been used year-round across the property. We irrigate both the upper and lower ground with sprinklers during the main growing season.
3. At the close of the irrigation season, in late summer and early fall, we have always used our shares to flood irrigate the meadows. This practice, which we continued from the landowners before us, provides late-season water to our summer and winter pastures, as well as neighboring pastures. The water ultimately benefits the Oxford Sloughs/Bird Refuge.
4. These practices support our beef cattle operation and improve the productivity of the land.

This affidavit is submitted as evidence of continuous and beneficial use of Michael Creek water on the described property since our ownership began in 1945.

Signed:

Afton Ralphs

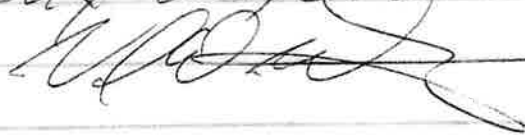


Date: August 17, 2025

To whom it may concern:

I, Val D Westover, remember listening to Roy Tuxton and my Father discussing where the early water was being used (before April) and the late water (After October). These conversations took place while I was a young child in the late 1950's. The water from Rushville irrigation company was being used in all months of the year at times. I also remember that the ground the water was used on coincided with the ground shown on Rushville's connect map.

July 20, 2025





IDAHO DEPARTMENT OF
WATER RESOURCES

Preston Field Office • 325 East 600 South, Suite 300 • Preston, ID 83263-4921
Phone: 208-701-7200 • Email: prestoninfo@idwr.idaho.gov • Web: idwr.idaho.gov

RECEIVED

SEP 08 2025

Governor Brad Little

Director Matthew Decker
IDWR/Preston

May 15, 2025

RUSHVILLE IRRIGATION CO
5735 N WESTSIDE HWY
CLIFTON ID 83328

Re: Request for Extension of Time to File Adjudication Claim(s)
13-942 and 13-4233

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 **September 1, 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

Date Received MAY 14 2025

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

RECEIVED
IDWR/Preston
RECEIVED
SEP 08 2025
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.

Rushville Irrigation Co () 435 760 3368
Name of Claimant Phone Number
5735 N Westside Hwy
Mailing Address E-mail Address eric@openrangeconsulting.com
Clifton ID 83328
City State Zip
Franklin 13-942 - 13-4233
County(ies) where place of use is located Date claim originally due

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:

A confusing claim as to additions of wells & pivots.
The company needs to document changes & prepare the
claim

Claimant requests an extension to Sept 1, 20 25
Eric R Bant 5-14-25, 20 25
Signature Date of request
Secretary
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

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

Original filing deadline was October 25, 2024. This is the 4th extension
request approval. BRBA staff will have little availability to assist in order to meet Basin 11 deadlines.
and if granted the filing deadline is extended to September 1, 20 25

Signed this 15 day of May, 20 25

Christopher Holmes
Director or his designated agent

RECEIVED

SEP 08 2025

IDWR/Preston

Rushville Irrigation Company
5735 N Westside Hwy
Clifton ID 83228
eric@openrangeconsulting.com
435 760-3368

08/25/25

Idaho Department of Water Resources
Preston Field Office
325 E 600 S #300
Preston, ID 83263

To Whom It May Concern:

Subject: Notice of Claim to a Water Right

I am writing to formally notify the Idaho Department of Water Resources of my claim to a water right in the state of Idaho. The details of my claim are as follows:

1. **Source of Water:** Michael Creek and Davis Creek
2. **Tributary To:** Oxford Slough
3. **Location of Diversion:** See attached map and GIS files on thumb-drive
4. **Amount of Water Claimed:** 6.0 CFS
5. **Purpose of Use:** Irrigation and Stock Water
6. **Period of Use:** Change to Year Round
7. **Point of Diversion:** See attached map and GIS files on thumb-drive
8. **Place of Use:** See attached map and GIS files on thumb-drive

The enclosed check covers the filing fee for acres of the Rushville Irrigation Company that have not been paid by shareholders for lands irrigated on their property by wells and springs.

I have attached all necessary documents and maps to support my claim. I understand that the Idaho Department of Water Resources will review my claim and may require additional information or clarification.

Thank you for considering my notice of claim. I look forward to your response.

Sincerely,

Eric Sant
Secretary Rushville Irrigation Company

Enclosures

Notice of Claim to Water Right
Rushville Irrigation Company Map
Letters of Affidavit
Thumb Drive containing GIS Data
Check for \$701.00