

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 SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 45-4212
Date Received: 7/18/89
Receipt No:
Received By: *K*

AMENDED

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TUGAW RANCH
3277 WOODRIDGE DR
TWIN FALLS ID 83301

Phone: (208) 734-7511

2. Date of Priority: 04/01/1890

3. Source: MOUNTAIN MEADOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12S	20E	21	SE SE NE	CASSIA

5. Description of diverting works:

CHECK TO PIPELINE TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	03/15	11/15	1.2	
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

45-4212

12/19/2000

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
12S	20E	14	NE	NW	IRRIGATION	23
			NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	20
					Section Acres	80
					Total Acres	80

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

*****AMENDED CLAIM*****

CLAIM AMENDED TO ADD YEAR-ROUND STOCKWATER USE OF 0.04 CFS AND CHANGED THE PRIORITY DATE TO 1890. 12/19/2000 jr

15. Basis of Claim: Statutory Claim

*He will be sending
some information to
substantiate earlier
priority date.
12/19/00*

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
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NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

TUGAW RANCH
3277 WOODRIDGE DR
TWIN FALLS ID 83301

Phone: (208)734-7511

2. Date of Priority: 04/01/~~1910~~ 1890 ¹⁸⁹⁰

3. Source: MOUNTAIN MEADOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County
12S	20E	21	SE SE NE	CASSIA

5. Description of diverting works:

CHECK TO PIPELINE TO SPRINKLERS.

6. Water is used for the following purposes:

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IRRIGATION	03/15	11/15	1.2	
STOCKWATER	01/01	12/31	0.04	

7. Total Quantity Appropriated is:
1.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

45-4212

12/19/2000

10. Place of use:

Township	Range	Section	1/4 of	1/4 Lot	Use	Acres
12S	20E	14	NE	NW	IRRIGATION	23
			NW	NW	IRRIGATION	37
			SW	NW	IRRIGATION	20
					Section Acres	80
					Total Acres	80

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? Yes

13. Other Water Rights Used:

14. Remarks:

*****AMENDED CLAIM*****

CLAIM AMENDED TO ADD YEAR-ROUND STOCKWATER USE OF 0.04 CFS. 12/19/2000 jr

15. Basis of Claim: Statutory Claim

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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 Organizations:

I do solemnly swear or affirm that I am Joseph F. Hugan of Tugan Ranch Title

Tugan Ranch Organization that I have signed the foregoing

document in the space below as Owner of Title

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

Signature of Authorized Agent

Owner Tugan Ranch Title and Organization

12-19-2002 Date

State of Idaho)

County of Twin Falls) SS.

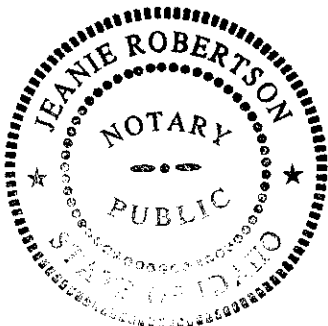
Subscribed and sworn (or affirmed) before me this 19th

of December 20 00

Jeanie Robertson Notary Public

Residing at Twin Falls, Id.

My commission Expires 9-23-2006



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that Joseph Tugaw (Name of Claimant)
Murtaugh, Idaho (Mailing Address) 83344 (Zip Code) Telephone No. 432-5249

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

(1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1910

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

(2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Mountain Meadow Creek tributary to Sinks

(3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
Quantity		Use		(Mo., Day)	(Mo., Day)
Quantity	1.20 cfs	Use	Irrigation	Period of Use From Mar. 15	To Nov. 15
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To

(4) 1.20 cfs TOTAL QUANTITY USED.
(cfs. af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SE ¼ NE ¼, Sec. 21 Twp. 12S, Rge. 20E B.M., County of Cassia

Additional points of diversion:

SW 1/4 NW 1/4 Sec 22 T.12S., R.20 E., B.M.

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. Approx. 1/2 mile perforated pipe in stream bed delivering via pipeline to sprinkler system.

(6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

[illegible]

No. of acres 80

B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

(7) If you are claiming water as a member of an organization, list name of organization: _____

NOTICE OF CLAIMS TO WATER RIGHTS

Notice is hereby given that the following claim(s) to water right(s) have been established by diversion and application to beneficial use:

45-4212-

TUGAW, JOSEPH

MURTAUGH, ID 83344

Source: MOUNTAIN MEADOW CREEK trib. to SINKS

Priority Date: 04/01/1910

Diversion Pt: SENE Sec 21 T 12S R 20E SMNW Sec 22 T 12S R 20E

Use: IRRIGATION (1.20 CFS)

In: NENW MNW SMNW Sec 14 T 12S R 20E FOR 60 ACRES

Any exception to any claim of water right may be filed with the Director of the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301.

A. KENNETH DUNN

Director

Published 9/8 & 9/15/83.

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A45-04212
Date Received: 7/12/1989
Receipt No: 5008593
Received By: AW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TUGAW RANCH
Address: RT. 1
MURTAUGH, ID 83344 208-432-5249

2. Date of Priority: APR 01, 1910

3. Source: MOUNTAIN MEADOW CREEK Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	20E	21	SE	SE	NE		CASSIA

5. Description of diverting works:
CHECK TO PIPELINE TO SPRINKLERS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	03/15	11/15	1.200		

7. Total Quantity Appropriated is:
1.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 240.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
12S	20E	14	NE	NW		IRR	23.0
			NW	NW		IRR	37.0
			SW	NW		IRR	20.0

Section Acres 80.0

A45-04212

Page 1

Date: 07/12/89

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10. Place of Use: Continued

Total Acres 80.0

11. Place of use in counties: CASSIA

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
A45-02283, 02322, 02575

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

I do solemnly swear or affirm that I am Owner of
Sugar-Ranch, that I have signed the foregoing
document in the space below as Owner of
Sugar-Ranch and that the statements contained in the
foregoing document are true and correct.

Joseph E. Fagan
Signature of Authorized Agent

Owner - Sugar-Ranch
Title and Organization

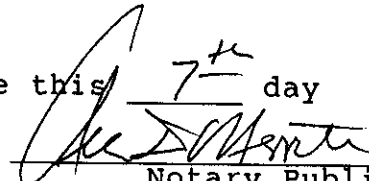
8-7-89

Date

State of Idaho)
County of Twin Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day

of Aug 19 89


Notary Public

Seal

Residing at Kimberly, ID

My Commission Expires 6/30/94



State of Idaho
DEPARTMENT OF WATER RESOURCES

Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04212
TUGAW RANCH
RT. 1
MURTAUGH

ID 83344

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 11 1993

Response to Evidence of Priority Letter

A45-04212

Received by R V Worstell

2/4/1993

STATE OF IDAHO,)
County of Cassia,) ss CERTIFICATE OF POSTING.

I, Marie Burgess, clerk of the Probate Court of Cassia County, State of Idaho, do hereby certify that on the 8th day of September, 1926, I posted correct and true copies of the within notice in three of the most public places in said County, to-wit: One of said copies at the place at the Court is held, one at U.S. Post-office in the City of Burley, and one at Swanson-Musser Company's Store in City of Burley in said County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Probate Court, this 8th day of September, 1926.

Marie Burgess,
(No seals shown). Judge and ex-officio Clerk.

Filed, Sept. 8, 1926.

Caption same as petition.

PETITION FOR DISTRIBUTION AND DISCHARGE.

TO: THE HONORABLE E. M. WRIGHT, JUDGE OF THE PROBATE COURT OF THE COUNTY OF CASSIA, STATE OF IDAHO:

Your petitioner, Alice Poulton Hale, the duly appointed, qualified and acting administratrix of the estate of Edward E. Poulton deceased, respectfully shows:

1. That on or about the 24th day of February, 1899, Edward E. Poulton died intestate at Oakley, in the County of Cassia, State of Idaho, leaving an estate, consisting of real, personal and mixed property in the County of Cassia, State of Idaho.
2. That on or about the 21st day of August, 1899 your petitioner was duly appointed the administratrix of the estate of Edward E. Poulton, deceased, and ever since said time has been and now is the duly appointed, qualified and acting administratrix of the estate of Edward E. Poulton, deceased.
3. That after the appointment of your administratrix, she caused to be published in the Oakley Sun, a weekly newspaper published at Oakley, in the County of Cassia, State of Idaho, for a period of four consecutive weeks, a notice requiring all creditors to present their bills or claims against said estate to your petitioner, as such administratrix for allowance or disallowance within ten months from the date of the first publication thereof; that the first publication of

MAR 11 1993

said notice was made on the 14th day of September, 1899 and that more than ten months have expired since the first publication.

4. That all bills that have been presented to your administratrix against said estate were, by your petitioner, allowed and paid, and copies thereof duly filed in the office of the Clerk of the above entitled Court; that the time for the presentation of bills has expired; that there are no bills now remaining due and unpaid against said estate, known to your administratrix, excepting such costs and expenses of administration as have not heretofore been paid.

5. That all of the heirs at law of Edward E. Poulton, deceased are now living; have attained their majority and are capable of contracting; that on the 16th day of January, 1926, a stipulation and agreement was entered into between all of the heirs at law of Edward E. Poulton, deceased, for the diversion of the assets of said estate now in the hands of your petitioner as administratrix thereof a true copy of which is hereto attached marked Exhibit "A" and made a part of this petition.

6. That your petitioner is informed and believes and on such information and belief alleges the fact to be that the said stipulation and agreement for the diversion of the assets of said estate is a fair and equitable division, and your petitioner is desirous that a decree of distribution be made in accordance with the terms and conditions of said stipulation and agreement.

7. That there is now in the hands of your administratrix, belonging to the estate of Edward E. Poulton, deceased, the following described real estate situated in the County of Cassia, State of Idaho to-wit:

W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 14; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 24; all in Twp 12 S.R. 20, E.B.M. together with the flow of the waters of Mountain Meadow Creek, Robbers Gulch Creek, and Buckhorn Creek, and all water from any springs or artesian wells upon said real estate. Also a further tract of land described as follows, to-wit: Beginning at a point 660 feet E. of the SW corner of Sec. 34, Twp 15 S.R. 22, E.B.M. thence running N. 339 $\frac{1}{2}$ feet; thence E. 243 $\frac{1}{2}$ feet, thence S. 339 $\frac{1}{2}$ feet; thence W. 243 $\frac{1}{2}$ feet, to the place of beginning.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining,

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MAR 11 1993

date of the hearing thereof may be given by the Clerk of this Court for a period of time not exceeding ten days, and for such other and further relief as to the Court shall seem meet and proper.

S. T. Lowe, Attorney for
Petitioner, residing at
Burley, Idaho.

Alice Poulton Hale,
Petitioner.

State of Idaho,)
County of Cassia,) ss

Alice Poulton Hale, being first duly sworn, deposes and says that she is the duly appointed, qualified and acting administratrix of the estate of Edward E. Poulton, deceased; that she has read the above and foregoing Petition for Distribution and knows the contents thereof, and the facts therein stated are true.

Alice Poulton Hale.

Subscribed and sworn to before me this 24 day of Aug., 1926.

(Seal).

S. A. Laurance, Notary Public,
residing at Oakley, Idaho.

Filed, Sept. 18, 1926.

THIS AGREEMENT, Made this 16th day of January in the year of our Lord 1926, between Alice Poulton Hale, a widow of Oakley, County of Cassia, State of Idaho, party of the first part, and Vera Poulton Nelson (Names in the petition for letters of administration as (Lla Vera); Emerald Poulton Hunter (named in the petition for letters of administration as Martha Emma), James W. Poulton (named in the petition for letters of administration as James Wesley) and Edna Poulton Hale (named in the letters of administration as Edna Alice Poulton) all of Oakley County of Cassia, State of Idaho, parties of the second part.

WITNESSETH, WHEREAS, on or about the 24th day of February, 1899, Edward E. Poulton died intestate, leaving him surviving as heirs at law, Alice Poulton, his wife and widow; Vera Poulton Nelson, Emerald Poulton Hunter and Edna Poulton Hale, daughters, and James W. Poulton, a son; who were all of the heirs at law of the said Edward E. Poulton, deceased; and

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Appraisers. Dr., To compensation for services in appraising said Estate, items as follows:-----

STATE OF IDAHO,
County of Cassia, } ss

Adam G. Smith, Albert Sheppard, the Appraisers above named being duly sworn, each for himself, says that the foregoing bill of items is correct and just, and that the services have been duly rendered as therein set forth.

A. G. Smith.
A. Sheppard.

Subscribed and sworn to before me this 11th day of Sept., A.D. 1899.
(No Seal shown).

Thomas E. Harper.
Probate Judge.

Buck horn Ranch, (160) acres	Value,	\$1000.00
Lot in Oakley, (3)	"	200.00
Mountain Meadows, (80)	"	275.00
Homer Ranch, (80)	"	1.00
(Together with personal property),		

the estate mentioned in the foregoing inventory is Community property.

W. the undersigned, duly appointed Appraisers of the estate of Edward B. Burton, deceased, hereby certify that the property mentioned in the foregoing inventory has been exhibited to us, and that we appraise the same at the sum of \$14266.00.

A. G. Smith, Appraiser.
A. Sheppard, Appraiser.

IN THE PROBATE COURT OF CASSIA CO., STATE OF IDAHO.

In the matter of the Estate of
Edward E. Poulton, Deceased.

1 PETITION FOR LETTERS OF ADMINISTRATION

The Petition of Mrs. Alice Poulton, a resident of the County of Cassia, State of Idaho, respectfully shows;

1st. That the Deceased Edward E. Foulton Died on or about the 24th day of Feb., 1899, at the County of Cassia, State of Idaho

2nd. That said deceased at the time of his death was a resident of the said Cassia County, State of Idaho.

3rd. That said Deceased left Estate in the County of Cassia, State of Idaho, and consisting of real and personal property.

\$1750.00. 4th. Said Personal property is of the probable value of

And said real Estate is of the probable value of \$2000.00.
and is described as follows, to-wit:

acres of land purchased from Edmond Homer in Twp. 13 S. R. 2, Also
House and Lot in Osage

5th. That the heirs at law of said Deceased are, Your petitioner, Ila Ver, Martin, Emma, James Wesley and Edna Alsie Poulton, the oldest of whom is seven years old.

6th. That Due search and inquiry have been made to ascertain if said deceased left a will and testament, but none has been found.

7th. That your petitioner is a widow of said deceased, And is entitled to letters of Administration of said Estate.

Wherefore petitioner prays that letters of Administration of said Estate be issued to your Petitioner.

Signed in the presence of
John F. Hansen.

Mrs. Alice A. Poulton.

William Poulton and Elizabeth
Poulton, his wife.

WARRANTY DEED.

To

Dated Feb. 15th, 1893.

Edward E. Poulton.

Filed, Oct. 9, 1899, 5:20 P.M.

Recorded Book 6 Deeds, page 586.

Consideration: \$2625.00.

Does grant, bargain, sell, convey and confirm the following described real estate situated in Cassia County, Idaho to wit:

The SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24,

12 S.R. 20, E.B.M.

Witness; John L. Smith.
Timothy Matthews

William Poulton.

Elizabeth Poulton.

Acknowledged February 17th, 1893, by William Poulton,
and Elizabeth Poulton, his wife, before B. P. Howells, a Justice of
the Peace in and for Cassia County, Idaho, Barley Precinct.

United States.

To

William Poulton.

PATENT.

Filed, Oct. 9th, 1899, 5:10 P.M.

Recorded Book 6 Deeds, page 583.

Act of Congress, May 20th, 1862.

Does give and grant the following described real estate situated in Cassia County, Idaho, to-wit:

The SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, NW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 24, Twp. 12 S.R. 20, E.B.M., containing 160 acres, according to the Official Plat of the Survey of the said Land, returned to the General Land Office, by the Surveyor General;

Subject to any vested and accrued water rights for mining, agricultural manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by the local customs, laws and decisions of courts, and also subject to the right of the proprietor of a vein or lode to extract and remove his ore therefrom, should the same be found to penetrate or intersect the premises hereby granted, as provided by law.

By the President: Benjamin Harrison.
By: H. M. Townsend, Recorder of the General Land Office.

(No seal shown).

*pls. file with
Tugaw Ranches
A45-04212
A45-12897
or
A45-12898*



State of Idaho
DEPARTMENT OF WATER RESOURCES
Southern Region, 222 Shoshone St. East, Twin Falls, Idaho 83301 (208) 736-3033

CECIL D. ANDRUS
Governor

25-Jan-1993

R. KEITH HIGGINSON
Director

A45-04212
TUGAW RANCH
RT. 1
MURTAUGH

ID 83344

RE: Evidence of Priority

RESPONSE DEADLINE

APRIL 1, 1993

Dear Claimant:

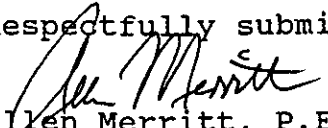
The Notice of Claim identified with the number shown above your name on the mailing label has been filed in the Snake River Basin Adjudication (SRBA). The Notice indicates your water usage is based on "Beneficial Use" or a "Statutory Claim". Water rights of this type are established by the historical use of water, dating back to when water was first used for the purpose claimed. The date of first use, known as the priority date, has not been confirmed by a License, Decree or Permit. The Department will at a later date conduct reviews &/or field exams for the claims in your area. Since the priority date of a beneficial use water right can not be confirmed by field examination, proof must be provided supporting the priority date you have claimed.

Please find enclosed a computer printout of your Notice and the pamphlet entitled "Evidence of Priority". The pamphlet describes the types of evidence required and suggests which documents will fulfill this requirement.

SPECIAL NOTE: The Department will not recommend the Notice be decreed by the court as claimed if no evidence of a priority date is submitted. It will be to your advantage to provide clear and convincing evidence. If you choose to submit statements from individuals as evidence, the statement must be in the form of a notarized affidavit.

Please submit the required evidence supporting the priority date by April 1, 1993, referencing all documents with the corresponding Notice number. If you have any questions not covered by this letter or the enclosed pamphlet, please contact this office.

Respectfully submitted,


Allen Merritt, P.E.
Water Rights Supervisor

Enclosures

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MAR 11 1993

02/25/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 45-4212

NAME AND ADDRESS: TUGAW RANCH
C/O JOE TUGAW
3277 WOODRIDGE DR
TWIN FALLS ID 83301

SOURCE: MOUNTAIN MEADOW CREEK

QUANTITY: 1.200 CFS

TRIBUTARY: SINKS

THE QUANTITY OF WATER UNDER THIS RIGHT FOR STOCKWATER USE
SHALL NOT EXCEED 13,000 GALLONS PER DAY.

PRIORITY DATE: 04/01/1899

POINT OF DIVERSION:
T12S R20E S21 SWSENE Within CASSIA County Source: MOUNTAIN MEADOW CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	03/15 11/15	1.200 CFS
STOCKWATER	01/01 12/31	0.040 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R20E S14	NENW	5.0	T12S R20E S14	NWNW	35.0
T12S R20E S14	SWNW	20.0			

STOCKWATER Within CASSIA County

T12S R20E S14	NENW		T12S R20E S14	NWNW	
T12S R20E S14	SWNW				

60 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 771 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 45-2057, 45-2283, 45-2321, 45-2322, 45-2575,
45-4212.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for
the definition of the rights or for the efficient administration of the water
rights as may be ultimately determined by the Court at a point in time no
later than the entry of a final unified decree. Section 42-1412(6), Idaho
Code.

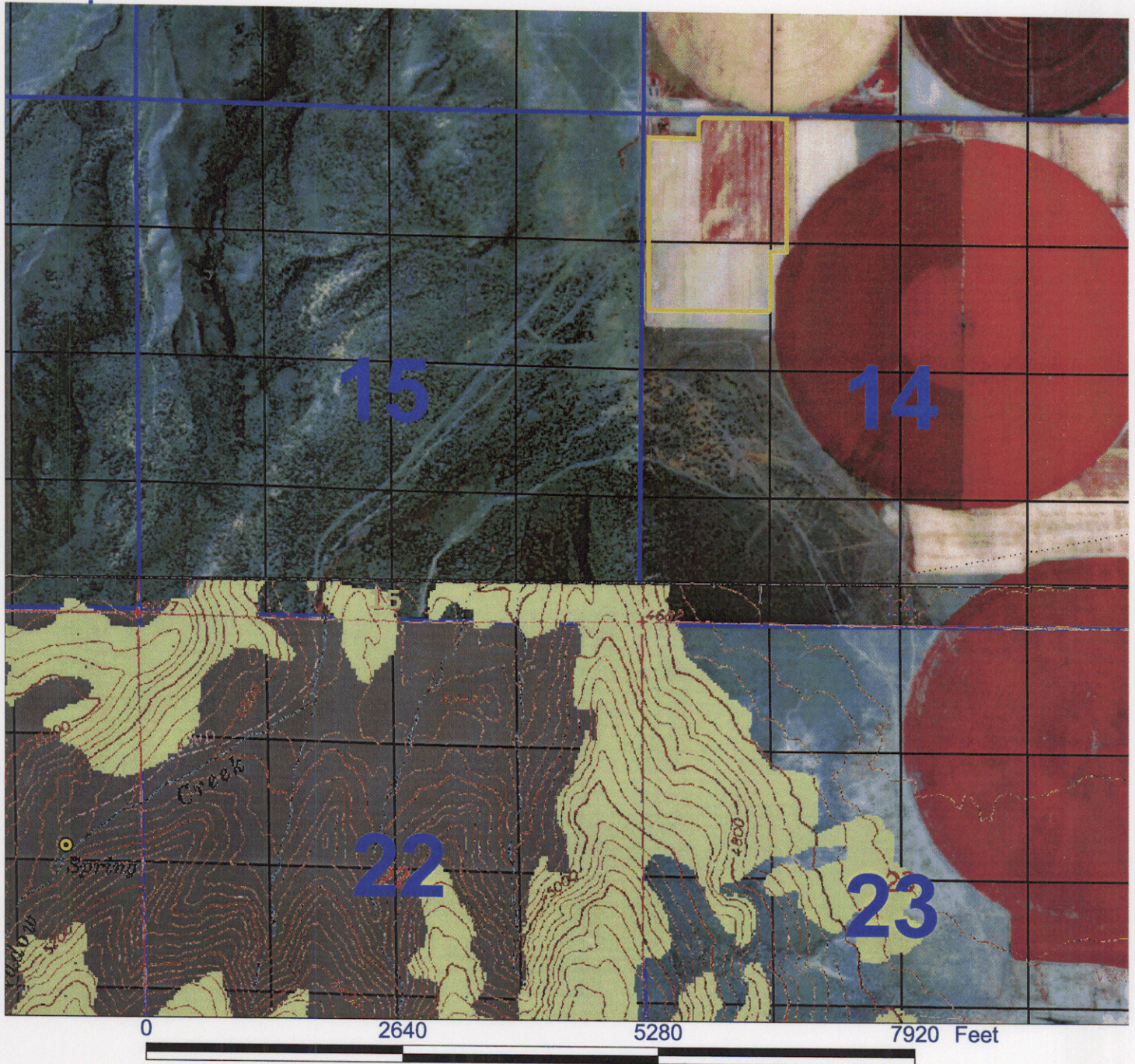
THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT FOR
STOCKWATER USE IS NOT A DETERMINATION OF HISTORICAL
BENEFICIAL USE.

EXPLANATORY MATERIAL: Beneficial Use

Idaho Department of Water Resources

RECOMMENDED PLACE OF USE
TWP 12S, RNG 20E, S14
PREPARED FEBRUARY 19, 2003

RIGHT: 45-4212



-  RECOMMENDED POINT OF DIVERSION
-  RECOMMENDED PLACE OF USE
-  SECTION LINES
-  QUARTER SECTION LINES



GIS PLACE OF USE PRESENTATION
1987 NAPP AERIAL PHOTOGRAPHY

PREPARED BY VIKIE HANCOCK

COMMUNICATION DOCUMENTATION

From: viki Hancock

November 18, 2003

Regarding:

Customer:

SRBA CLAIMS AT BUCKHORN RANCH

JOE TUGAW

Joe Tugaw came into the office November 14, 2003 to discuss his various claims. At that time we went over my recommendations for ground water and for surface water at his Buckhorn Ranch property.

He agreed with my recommendations for ground water as they were based upon his 1996 transfer #4065 and upheld the 1980 Golden Valley decree. He also agreed with my recommendation for surface water from Robber Gulch Creek, Buckhorn Creek and Mtn Meadows Creek, which were recommended on specific POUs and mostly overlapped by ground water.

Mr. Tugaw stated that water use on the ranch had changed somewhat since 1987 but that it did not encompass any more acres as far as he could tell. He is planning to install different pivots and preparing to change the irrigated place of use slightly from that identified in my recommendation. He asked about filing a transfer to do that. I told him that he could file a transfer at any time and should, especially if he wanted it approved in time to use his new pivots by next spring.



State of Idaho

DEPARTMENT OF WATER RESOURCES

1341 Fillmore Street, Suite 200, Twin Falls ID 83301-3380

Phone: (208) 736-3033 FAX: (208) 736-3037

SOUTHERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 2, 2003

Joseph E. Tugaw
3277 Woodridge Dr
Twin Falls, Idaho 83301

RE: Snake River Basin Adjudication (SRBA)
Preliminary Recommendations

Dear Joe:

I have completed preliminary recommendations of your irrigation water rights both at the farm on Dry Creek and on the farm on Buckhorn Creek. Following is a summary of the rights as I propose to recommend them.

Farm at Dry Creek

Surface Water Claims:

45-487B	2.08 cfs	Priority - 1879	Dry Creek
45-491	2.60 cfs	1884	Dry Creek
45-492	.08 cfs	1884	Dry Creek
45-493	.08 cfs	1885	Dry Creek
45-495	.90 cfs	1908	Deer Creek
45-496B	2.40 cfs	1908	Dry Creek

In addition to the above, I find that you are entitled to file a claim for 0.37 cfs of right 45-488, priority date 1884. This decreed right had the same original place of use as 45-487 and should be split using the same acreage proportions.

Ground water Claims:

45-2449	2.80 cfs	1953
45-2486	3.9 cfs	1954

The ground water rights combined are limited to the irrigation of 347 acres and a total diversion volume of 1388 acre feet per annum.

Surface and ground water rights when combined are limited to the 402.8 acres actually found irrigated within Sections 1 and 12, T12S, R19E, using 1987 aerial photos

Pursuant to Transfer 2604, a portion of the 347 acres under right 45-2449 may be irrigated within a permissible place of use of 546.8 acres. This permissible place of use includes acres located within Sections 1 and 12, T12S, R19E, and Section 10, T12S, R20E. However, acres dried up within Sections 1 and 12 to enable irrigation in Section 10 cannot be irrigated with any other water right. Any and all additional conditions found on transfer 2604 remain in effect.

Buckhorn Ranch

Surface Water claims:

45-2057	2.00 cfs	1909 Buckhorn Creek
	1.68 cfs	1909 Robber Gulch Creek
45-2321	3.50 cfs	1954 Buckhorn and Robber Gulch Creeks
45-4212	1.20 cfs	1899 Mountain Meadow Creek

Buckhorn and Robber Gulch Creeks are appurtenant to 380 acres
Mountain Meadow Creek is appurtenant to 60 acres

Ground water Claims:

45-2283	1.64 cfs	1948
45-2322	3.33 cfs	1950
45-2575	.55 cfs	1959

Ground water rights are appurtenant to a combined total of 773.2 acres and limited to a combined diversion rate of 5.52 cfs and annual diversion volume of 1663 acre feet. Ground water rights are subject to the conditions of Decree No. 9818 dated 6-25-1980.

Surface and ground water rights combined are limited to the irrigation of a total of 771 acres.

* * *

I have also found water right 45-4213 that has not been filed on in the SRBA. It is for irrigation and domestic use at your cabin located at Fuller Pasture in the South Hills. It appears that you and Jeanie prepared a claim but it was never signed nor was the \$75.00 filing fee paid. After you have completed the filing I can review and recommend the water right.

In addition to your claims for irrigation use, I have reviewed and recommended a number of your stockwater claims in the Dry Creek and Cottonwood Creek drainages. Claims filed for stockwater in the Rock Creek drainage and identified in basin 45 have been renumbered to basin 47 and will be included with IDWR's Director's Report for that basin.

I have enclosed maps based upon 1987 aerial photos of your farms with the irrigated acreages outlined. To discuss your irrigation and stockwater claims, and file the additional rights mentioned above, please call to make an appointment with me here at the office.

Sincerely,

A handwritten signature in cursive script, appearing to read 'V. Hancock', written in black ink.

Vikie Hancock
Sr. Water Resource Agent
Southern Adjudication Unit, Twin Falls
email: vhancock@idwr.state.id.us

MEMO TO FILE

From: Vikie Hancock

10/10/02

RE: Recommendation of Claim No: **45-4212**

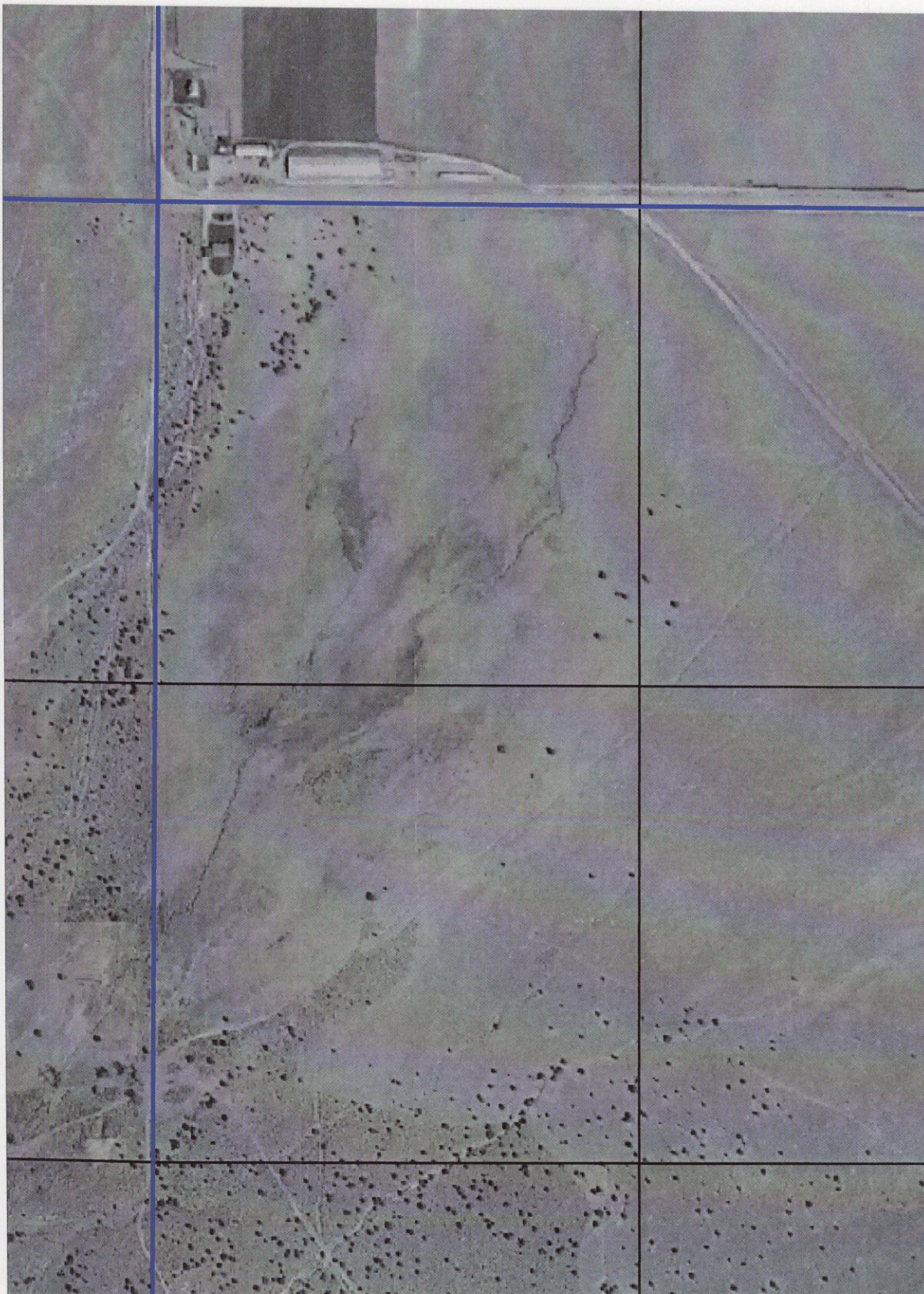
This claim is based upon beneficial use. The diversion rate is based upon reference to a 1940 warranty deed that lists 60 inches of Mountain Meadow Creek used upon the W½NW¼ Section 14. The priority date was changed from 1910 pursuant to the discovery of additional deeds that mentioned the place of use and the assumption that irrigation was developed from the source at that time. The earliest deed that includes the place of use is dated 1899.

1962 aerial photos show that most probably 60 acres, and not the full 80 acres, were irrigated during the initial 1899 development using ditches and gravity irrigation - which corresponds to the 60 inches conveyed in the referenced 1940 deed. In 1964, applications for transfer #1030 & #1031 placed groundwater on the entire north half of section 14. The Statutory Claim filed in 1983 shows 80 acres and an expansion of the place of use into the NENW. The conveyance works illustrate 1/3 mile of perforated pipe in the stream and a pipeline of nearly 1¾ miles from the point of diversion to the place of use. This probably represents an upgrade from the original system.

With a priority date of 1899, my recommendation is for 1.2 cfs on 60 acres in the W½NW¼. Point of diversion as GPSd in the SWSEWN S 21.
Site tag = A0002663.

Because of transfers #1030, #1031, #2604 and #4065 the place of use of this right is overlapped by groundwater rights 45-2283, 45-2322 & 45-2575. Per GIS calculations, there are a total of 769 acres irrigated by rights 45-2057, 45-2321, 45-2283, 45-2322, 45-2757 and 45-4212.

771

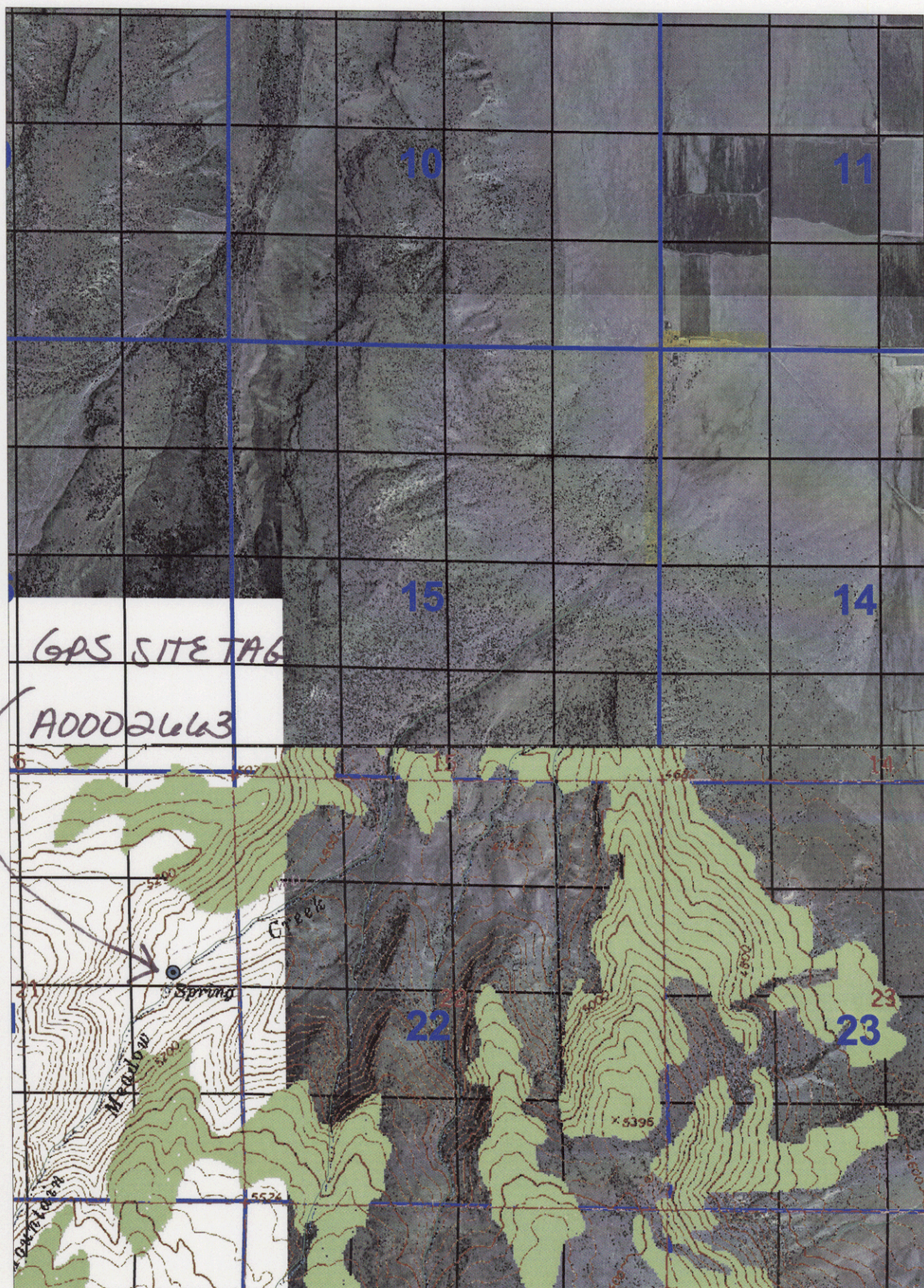


1962
AERIAL PHOTO

NW 1/4
Sec 14

Historical
development
method

45-4212



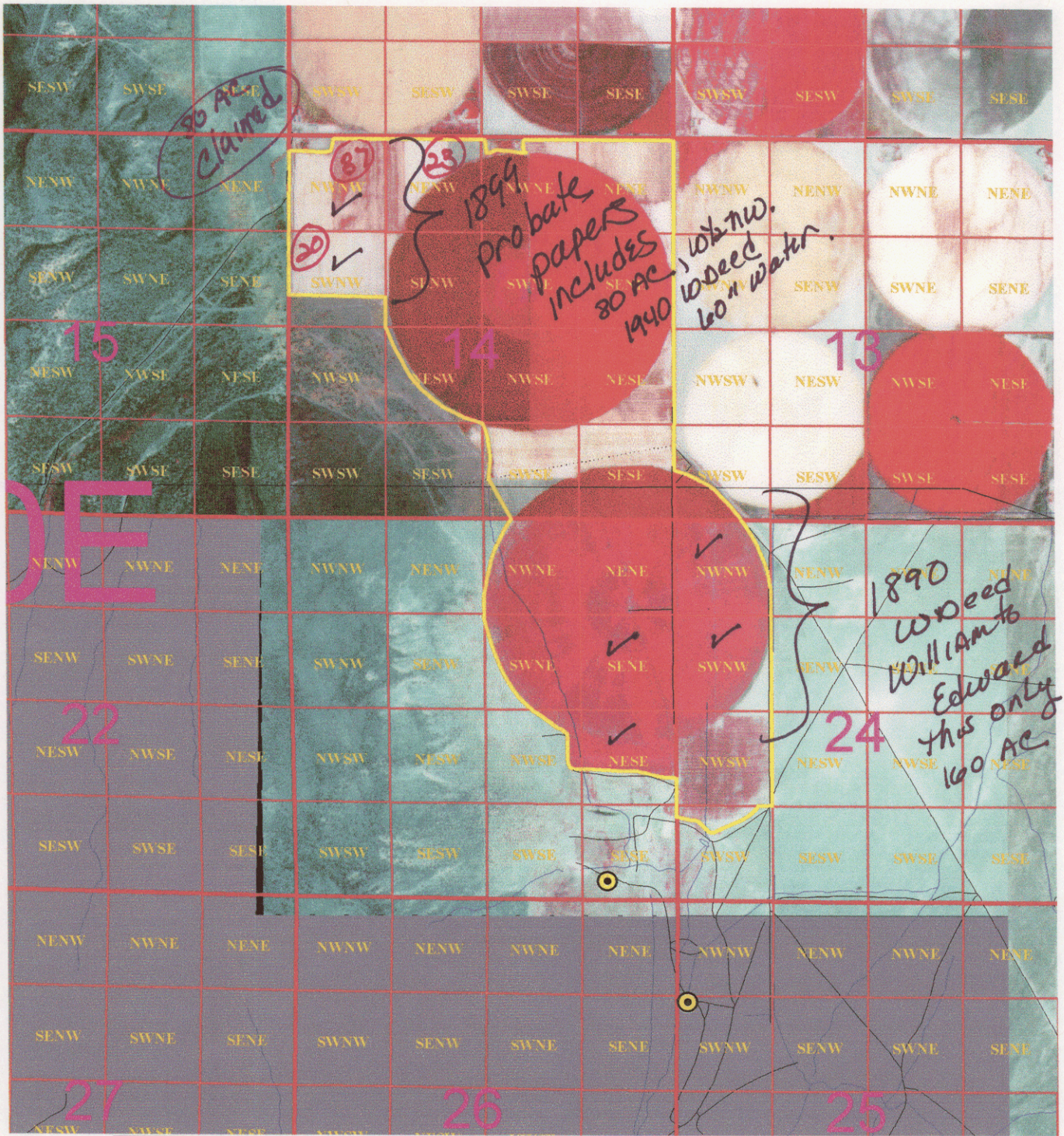
1962

AERIAL PHOTO

USGS QUAD CC 76

V HANCOCK
IDWR

Township , 12S20E



Legend					
	Irrigated Area		Section line		Roads
	Place of Diversion		Quarter Section Line		Streams and canals



500 0 500 1000 Feet

ADDD 2663 = P00 SITE TAG

Site/Sign Number	Sequence Number or	Measure Equipment Used	System Capacity	Discharge Method	General Comments
A0002663	4212	N/A	0	N/A	NEGLECTIBLE FLOW FROM SPRING ABOVE CHECK DAM; CHECK DAM IS UNDER CONSTRUCTION, AND THERE IS NO CLEAR CHANNEL TO MEASURE FLOW IN. THEREFORE WE CANNOT ESTIMATE DISCHARGE

8/23/2001
Softek & Am (Contractor)

Exhibit A

SCHEDULE A

PARCEL NO. 1: Township Twelve (12) South, Range Twenty (20) East of the Boise Meridian

Section Thirteen (13): That part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) lying South and West of the Oakley cut off road;

PARCEL NO. 2: Township Twelve (12) South, Range Twenty (20), East of the Boise Meridian

Section Ten (10): East Half (E $\frac{1}{2}$)
 Section Fourteen (14): North Half (N $\frac{1}{2}$)
 EXCEPT a portion of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) described as follows: Beginning at Section corner of Sections Ten (10), Fourteen (14), Eleven (11) and Section Fifteen (15), Township Twelve (12) South, Range Twenty (20), E.B.M., Starting from iron stake going South Thirty (30) feet; Thence going East One Hundred Thirty-two (132) feet to the point of beginning; Thence going East Four Hundred Sixteen (416) feet; Thence South Two Hundred Eight (208) feet; Thence West Four Hundred Sixteen (416) feet; Thence North Two Hundred Eight (208) feet to the point of beginning.

South Half Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)
 North Half Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$)
 Section Fifteen (15); East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)

Section Twenty-three (23): West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 Section Twenty-four (24): West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$)

Together with all domestic and irrigation water rights appurtenant to said lands, by license and permit of the State of Idaho Department of Reclamation

License No. 4426, May 19, 1909, Buckhorn Creek and Robbers Gulch	3.68 cfs
License No. 21358, January 16, 1950, Buckhorn Creek and Robbers Gulch	3.50 cfs
License No. 20805, December 12, 1948, Well in SE SE, 23-12-20	1.64 cfs
License No. 21359, January 16, 1950, Well in SE SE 23-12-20	1.33 cfs
Permit No. G 28649, May 1, 1961, Well in NE SE, 26-12-20	2.50 cfs
Permit No. G 28632, April 18, 1961, Well in SW SE, 23-12-20	2.00 cfs
Permit No. G 27866, April 8, 1959, Well in SE SE, 23-12-20	7.50 cfs

45-2283

Right of use Mountain Meadows Creek, Warranty Deed, February 5, 1940, from Edna Poulton Hale and Ursel Hale, her husband, and Vera Poulton Nelson and Clarence Nelson, her husband. Used on West half of the Northwest Quarter (W¹/₂ NW¹/₄) 14-12-20, 60 inches,

Together with the grazing privileges of the Buckhorn Ranch on record in Bureau of Land Management, Burley District Office, District 2, on the Briggs Allotment of Artesian Unit License 464 AUMs and Exchange of Use for 665 AUMs; and Churchill Unit 47 AUMs.

Together with the grazing privileges on record Sawtooth National Forest, Burley District Office for 1545 sheep. 166 cattle privilege is to be transferred to Buyer after January 15, 1970. It is understood that the Sellers have improved the Bureau of Land Management lands in the Artesian and Churchill units adjacent to the Buckhorn Ranch headquarters, by reseeding certain areas to crested wheat grass which are not in full feed production on this date. It is the intention of the Sellers that the Buyers shall receive and enjoy the benefit of any and all increased grazing privileges that shall be allowed by the Bureau of Land Management because of such reseedings.

Buyers agree to accept these grazing privileges and to comply with the rules, regulations and recommendations of said Federal Agencies regarding their use. And for the term of this contract Buyers agree to comply with and fully cooperate with said Federal Agencies on all matters concerning the management and future range improvement programs as they may appear on said allotments.

Together with all of the Seller's interest in and to lands leased from the State of Idaho by the Sellers which are utilized with the Buckhorn Ranch operation. It is intended that said leases shall be assigned by ^{TO} the Buyers upon completion of the terms of this Agreement. Said leases are described as follows:

State Land Lease #1484-70, Sec. 36, T. 12 S., R. 20, E.B.M., 640 acres, expiring 12-31-70; and

State Land Lease #3064-74, portion of which includes Sec. 16, T. 12 S., R. 20, E.B.M., 640 acres, expiring 12-31-74.

15 2283

10/07/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 45-12511 V1

WATER RIGHT NUMBER: 45-12511 V1

Stayed
TUGAW
OBJ.

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	UNITED STATES OF AMERICA ACTING THROUGH USDI BUREAU OF LAND MANAGEMENT 3948 DEVELOPMENT AVE BOISE, ID 83705 (208)384-3348

Priority Date: 01/01/1873

Basis: Beneficial Use

Status: Active

<u>Source</u>	<u>Tributary</u>
MOUNTAIN MEADOW SPRING	MOUNTAIN MEADOW CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
STOCKWATER	1/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.020 CFS	

Location of Point(s) of DiversionMOUNTAIN MEADOW SPRING
CASSIA County

NW1/4NE1/4SE1/4

Sec. 21, Twp 12S, Rge 20E, B.M.

Place of Use

STOCKWATER

Spring GPS'd
SW SE NE
8-23-2001

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
12S	20E	21													X				

Conditions of Approval:

1. D01 ***** 4/17/1926 CLAIMED UNDER FEDERAL RESERVED WATER RIGHT. ** THIS WATER RIGHT IS ALSO CLAIMED BASED ON FEDERAL LAW ** WITH AN APRIL 17, 1926, DATE OF PRIORITY PURSUANT TO AN ** EXECUTIVE ORDER SIGNED THE SAME DATE AND KNOWN AS PUBLIC ** WATER RESERVE 107. *****
2. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
3. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.

Remarks:

1. Explanatory BLM RECORD ID = 4502480076 CATTLE/110

(Reserved Right No 45-12512)

STAYED → ALSO BLM INSTREAM STOCKWATER CLAIM 45-12675 UPSTREAM OF SPRING PRIORITY 1873

6/9/94

COMMUNICATION DOCUMENTATION

Claim No. ~~A45-12511~~, A45-12511, A45-12512_

This form is to be used to document public record information requests regarding any SRBA claim or claims. The form may also be used to document IDWR communications requesting information regarding any SRBA claim or claims when the request is not made in writing or the claim verification report is not readily available to document the request. This form is to be filed in all relevant claim files or a central office file.

IDWR Employee/Agent JEANIE M ROBERTSON

DATE CUSTOMER
May 4, 1995 12:12pm **STEVE DAVIS - BLM**

SUBJECT: PROOF REPORTS FOR RIGHTS WITH P/D IN PARTICULAR LEGAL
phone call (X) walk-in (.)

He gave me the legal description of T12S, R20E, SENE of Section 21 and wanted to know what water rights and adjudication claims had that P/D. I found 45-04212, A45-04212, A45-12511 and A45-12512 and sent him proofs of each as he requested...

MICROFILMED
DEC 3 1996

No. 45-04212

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

PAGE: 59

OWNER	PRIORITY	USE PERIOD	DIVERSION	DIVERSION
CODE	DATE	FROM TO	RATE	VOLUME
C	04/01/1910	03/15 11/15	1.200 CFS	
JOSEPH TUGAW				
MURTAUGH ID 83344				
TOTAL DIVERSION:			1.200 CFS	

Water Source: MOUNTAIN MEADOW CREEK

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T12S R20E S21 SENE
S22 SWNW

CASSIA County
CASSIA County

Point of Diversion Name(s):

Name	Rate	Number
------	------	--------

Place of use Legal Description for: IRRIGATION

[illegible]

Pou County: CASSIA

Other Water Rights Listing Overlapping Place(s) of use:

45-02283 45-02322 45-02575

Dates: App. Received: Priority Date: 04/01/1910
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: Field Exam Fee:

Audit: 01/28/86 05/28/88 CONVERT

Water Right Number - 022812
Last Name - + First Name - + Address - + Old (D) Number - +
*** C - CURRENT OWNER ***
TUGAW RANCH
1 - 3277 WOODRIDGE DR
2 -
3 -
City- TWIN FALLS
Phone - 208-734-7511
State- ID Zip- 83301

Priority Date - + 04/01/1910
Region - + 17 SOUTHERN
Stage - + S - STATUTORY CLAIM
Status - +

Source - + MOUNTAIN MEADOW CREEK
Tributary - + SINKS

Twn Rng Sec Tract Lot RFlg County Point of Diversion
12S 20E 21 SE SE NE (31) CASSIA

Code Description Period From Period To Water Use Diversion Rate Diversion Volume
01 - IRRIGATION 03/15 11/15 1.200

Total Div. Rate - + 1.200
Total Div. Volume - +
Total Consumptive Use - + 240.0
KW Usage - +

Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County
12S	20E	14	NE NW		23.0	01	IRRIGATION	(31) CASSIA
12S	20E	14	NW NW		37.0	01	IRRIGATION	(31) CASSIA
12S	20E	14	SW NW		20.0	01	IRRIGATION	(31) CASSIA

Total Acres: 80.0

- - - Diversion Means - CHECK TO PIPELINE TO SPRINKLERS.
- - - Non-Irrigation Use - NONE
- - - Other Rights for Same Use - A45-02283, 02322, 02575
- - - Remarks
No Remarks found.
- - - No Old Water Right Numbers Found
- - - Old Water Right Numbers

Prefix Translation: ADJUDICATION CLAIM

Conditions of Approval - -
No Conditions of Approval found.

Decree Defendant

No Comments Found

- +
05/03/94 TBACKLUN

Adjudication Rights Dates and Flags Area

Field Inspection Made	-	00/00/0000	Civi Case Number	-
Field Inspection Flag	-		Old Case Number	-
Verified Date	-	00/00/0000	Old Judicial District	-
Last Amended Date	-	00/00/0000	Temporary Right	-
Receipt Number	-	S008593	Water District	-
POU Ownership Flag	-	Y	Federal/State Indicator	-
Name Connector	-		Presumption Flag	-
	-		Notice of Error Flag	-

MICROFILMED
OCT 27 1994