

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: A45-00495

Date Received: 7/11/1989

Receipt No: 5008557

Received By: AD

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: MAY 18, 1908

3. Source: DRY CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
12S	19E	24	NE	NW	NW		CASSIA

5. Description of diverting works:
CHECKDAM & HEADGATE TO PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.900		

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

8. Total consumptive use is 1275.0 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	19E	1	NW	NE		IRR	38.0
			SW	NE		IRR	33.0
			NE	NW		IRR	40.0

A45-00495

Page 1

Date: 07/11/89

MICROFILMED
MAR U 7 1993

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
12S	19E	1	SE	NW		IRR	40.0	
			NE	SW		IRR	40.0	
			SE	SW		IRR	40.0	
			NW	SE		IRR	15.0	
			SW	SE		IRR	6.0	
			Section Acres					252.0
		12	NW	NE		IRR	5.0	
			SW	NE		IRR	9.0	
			NE	NW		IRR	39.0	
			SE	NW		IRR	40.0	
			NE	SW		IRR	40.0	
			SE	SW		IRR	37.0	
			NW	SE		IRR	2.0	
			SW	SE		IRR	1.0	
			Section Acres					173.0
			Total Acres					425.0

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:

A45-00487B, 00491 THRU 00493, 00495, 00496B, 02486, 02449

14. Remarks:

RIGHT ORIGINALLY DECREED FROM DEER CREEK TRIB. TO DRY CREEK.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

BONARD, ET. AL.

Decree Plaintiff

vs

MOORMAN, ET. AL., AMENDED

Decree Defendant

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: 0

For Organizations:

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

Joseph J. Hagan
Signature of Authorized Agent
Owner - Pugan Ranch
Title and Organization
8-7-89
Date

State of Idaho)
County of Thur Falls) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of Aug 19 89
Ann M. Hunter
Notary Public

Seal

Residing at Kimberly, Id
My Commission Expires 6/30/94

Water Right Number [REDACTED] Prefix Translation: ADJUDICATION CLAIM Old (D) Number -
 + - - - - Last Name - - - - + + - First Name - - - - + Address - - - - -
 *** C - CURRENT OWNER ***
 TUGAW RANCH

1 - 3277 WOODRIDGE DR
 2 -
 3 -
 City- TWIN FALLS
 Phone - 208-734-7511
 State- ID Zip- 83301

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
 05/18/1908 17 SOUTHERN D - DECREED

+ - - - - Source - - - - - + - - - - - Tributary - - - - -
 DRY CREEK SNAKE RIVER

+ - - - - Point of Diversion - - - - -
 Twn Rng Sec Tract Lot Rflg County
 12S 19E 24 NE NW NW (31) CASSIA

+ - - - - Code Description Period From Period To Water Use Diversion Rate Diversion Volume
 01 - IRRIGATION 03/15 11/15 0.900

+ - - Total Div. Rate - + + - - Total Div. Volume - + + - - Total Consumptive Use - + + - - KW Usage - +
 0.900 1275.0

Twn	Rng	Sec	Tract	Lot	Acres	Place of Use	Code	Description	County
12S	19E	1	NW NE		38.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	SW NE		33.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	NE NW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	SE NW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	NE SW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	SE SW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	NW SE		15.0	01 IRRIGATION		(31) CASSIA	
12S	19E	1	SW SE		6.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	NW NE		5.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	SW NE		9.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	NE NW		39.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	SE NW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	NE SW		40.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	SE SW		37.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	NW SE		2.0	01 IRRIGATION		(31) CASSIA	
12S	19E	12	SW SE		1.0	01 IRRIGATION		(31) CASSIA	

Total Acres: 425.0

+ - - Diversion Means - CHECKDAM & HEADGATE TO PIPELINE

MICROFILMED
OCT 27 1994

Prefix Translation: ADJUDICATION CLAIM

+ - - Other Rights for Same Use - A45-00487B, 00491 THRU 00493, 00495, 00496B, 02486, 02449

DATE	REMARKS
11-1-58	RIGHT ORIGINALLY DECREED FROM DEER CREEK TRIB. TO DRY CREEK.

No Old Water Right Numbers Found

- - Conditions of Approval - -
No Conditions of Approval found.

Decree Plaintiff
BONARD, ET. AL.

- - Comments - -
No Comments Found

05/

Adjudication Rights Dates and Flags Area

Court Report Filing	-	00/00/0000
Objection Filed Date	-	00/00/0000
Response Filed Date	-	00/00/0000
Claim Received Date	-	07/18/1989

Field Inspection Made	-	00/00/0000
Field Inspection Flag	-	
Verified Date	-	00/00/0000
Last Amended Date	-	00/00/0000
Receipt Number	-	S008593
POU Ownership Flag	-	Y
Name Connector	-	

Civil Case Number	-	39576
Old Case Number	-	
Old Judicial District	-	
Temporary Right	- P	
Water District	- 45N	
Federal/State Indicator	- S	
Presumption Flag	- D	
Notice of Error Flag	-	

OCT 27 1994

11/19/2003

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

RIGHT NUMBER: 45-495

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

SOURCE: DEER CREEK

QUANTITY: 0.900 CFS

TRIBUTARY: DRY CREEK

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 8.05 CFS. COMBINED RIGHT NOS.: 45-487B, 45-491, 45-492, 45-493, 45-495, 45-496B, 45-2449, 45-2486, 45-13622.

PRIORITY DATE: 05/18/1908

POINT OF DIVERSION:

T12S R19E S24 NWNENW Within CASSIA County

PURPOSE AND PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	3/15 11/15	0.900 CFS

PLACE OF USE: IRRIGATION Within CASSIA County

T12S R19E S01 Lot 2 NWNE	34.0	T12S R19E S01	SWNE	38.0
T12S R19E S01 Lot 3 NENW	38.0	T12S R19E S01	SENE	38.0
T12S R19E S01	NESW 38.0	T12S R19E S01	SESW	36.0
T12S R19E S01	NWSE 24.0	T12S R19E S01	SWSE	6.5
T12S R19E S12	NWNE 5.2	T12S R19E S12	SWNE	6.1
T12S R19E S12	NENW 36.0	T12S R19E S12	SENE	34.0
T12S R19E S12	NESW 38.0	T12S R19E S12	SESW	31.0

402.8 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 402.8 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 45-487B, 45-491, 45-492, 45-493, 45-495, 45-496B, 45-2449, 45-2486, 45-13622.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

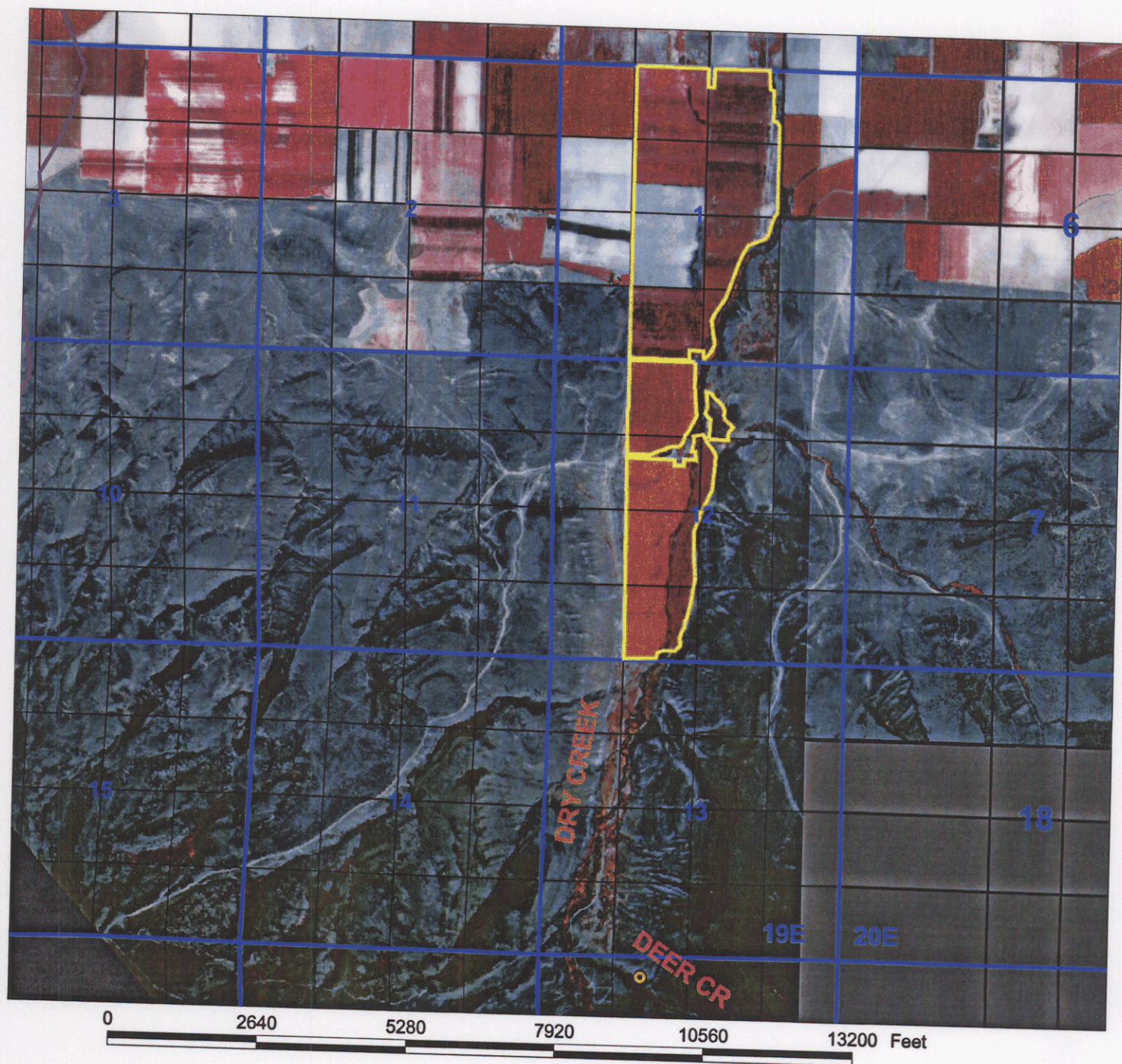
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

Water Right 45-495

Idaho Department of Water Resources

RIGHT: 45-495

**RECOMMENDED PLACE OF USE
TWP 12S, RNG 19E,**



-  **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
NOVEMBER 19, 2003**



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

November 3, 2003

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

RE: Snake River Basin Adjudication (SRBA)

Dear Mr. Tugaw:

It is getting near time for IDWR to send our Basin 45 Director's Report to the SRBA Court. If you feel that there are any unresolved issues concerning your water right claims please contact me at this office to make an appointment in order to discuss them.

Sincerely,

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



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 'VHancock', written in dark ink.

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

Field Exam Notes

Field Exam Date: 3/13/2003

Claim No: 45-495

Agent: Vikie Hancock

This claim is based upon a water right decreed in 1926 for 45 inches of water from Deer Creek, tributary to Dry Creek. The decree stated that the water was diverted from Deer Creek.

On March 13, 2003 I visited Deer Creek with the water master of Dry Creek, Don Craner. The diversion works consist of a ditch beginning some ways up the Deer Creek canyon from it's confluence with Dry Creek. I did not GPS the actual diversion as it was a considerable way up the steep Deer Creek channel accessed only by a cattle trail and I did not want to take up that much of Mr. Craner's time. I GPSd the ditch as it exited the canyon and from that mark I was able to identify the actual POD on aerial photos.

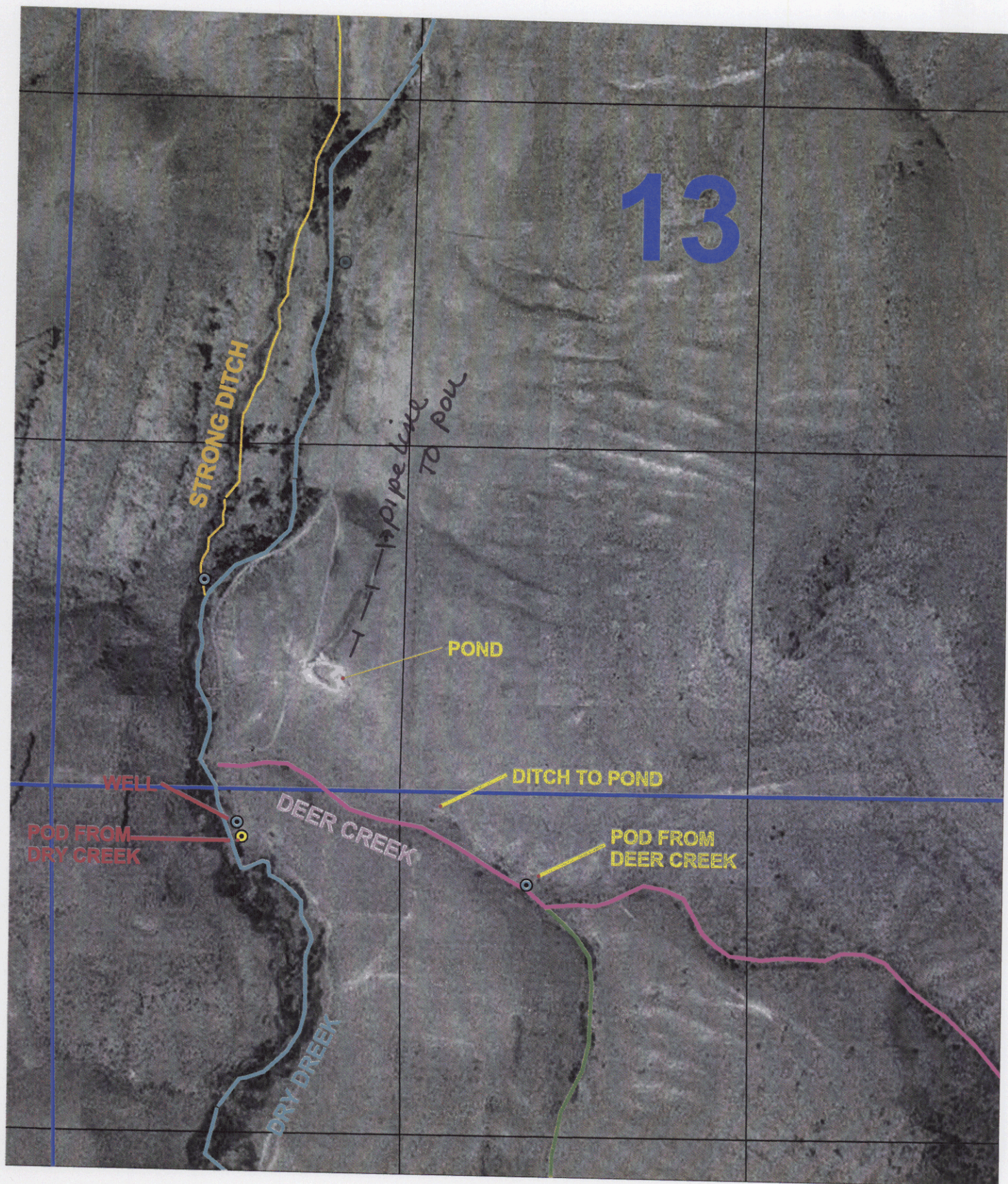
The ditch runs northwest out of the canyon to a pond located on a bench just above the Dry Creek channel downstream of it's confluence with Deer Creek. (See map). In the pond it is mingled with water from Dry Creek and ground water. Ground water is pumped through a pipeline up onto the bench from a well located along the Dry Creek channel. The water from Dry Creek is diverted into a pond located close to the well and pumped through the same pipeline to the bench. All three sources are then conveyed through a pipeline from the pond overland to the current place of use into a pressurized sprinkler system.

Mr. Craner told me that this is the way Deer Creek has been conveyed to Tugaw's land for many years. From a letter to the Department from Ken Flowerdew dated February 28, 1975 it appears that this is the historical point of diversion and ditch for this right. 1962, 1968 and 1976 aerial photos do not show the pond therefore it, and the co-mingling, is an addition needed to facilitate the transfer of water off the original place of use north to the current place of use.

Regarding Deer Creek, the bench is probably the historical place of use for an irrigated pasture - however since it does not contain the 45 acres indicated by the 45 inches of water decreed, perhaps there was an additional place of use not readily apparent today. Lacking better information, I am limiting the place of use of this right to the 45 acres indicated by the diversion rate.

The claim for this right lists a POD legal that would be located on Dry Creek upstream of the confluence of Dry and Deer Creeks. According to my field exam and conversation with the water master this is incorrect. The recommended POD should be at the historical and current point of diversion on Deer Creek.

TUGAW DIVERSIONS



map per field Exam 3/13/03

WJH

GW

2449 2.8 yrs } limited to 347 acres (6.7 yrs)
2486 3.9 yrs } when combined

San Jac Water

	<u>1879</u>	<u>1884</u>	<u>1885</u>	<u>1908</u>	AC [✓] _{1908 photo}
491		2.6			142
492		.08			97
493			.08		90 } comb 9 ac
495				.9	45
496B				2.4	145
487B (2.08) (part) 488 (2.02)		(.37) (.36)			2012 comb 261 } 201 ac
					542 AC

~~2.02~~	~~3.04~~	.08	3.30
2.08	3.05		

(= 8.51
~~8.44~~ yrs)

~~422"~~
425.6"

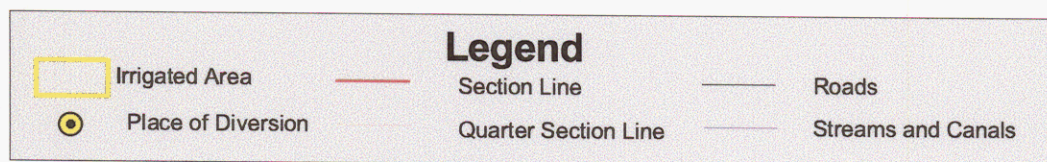
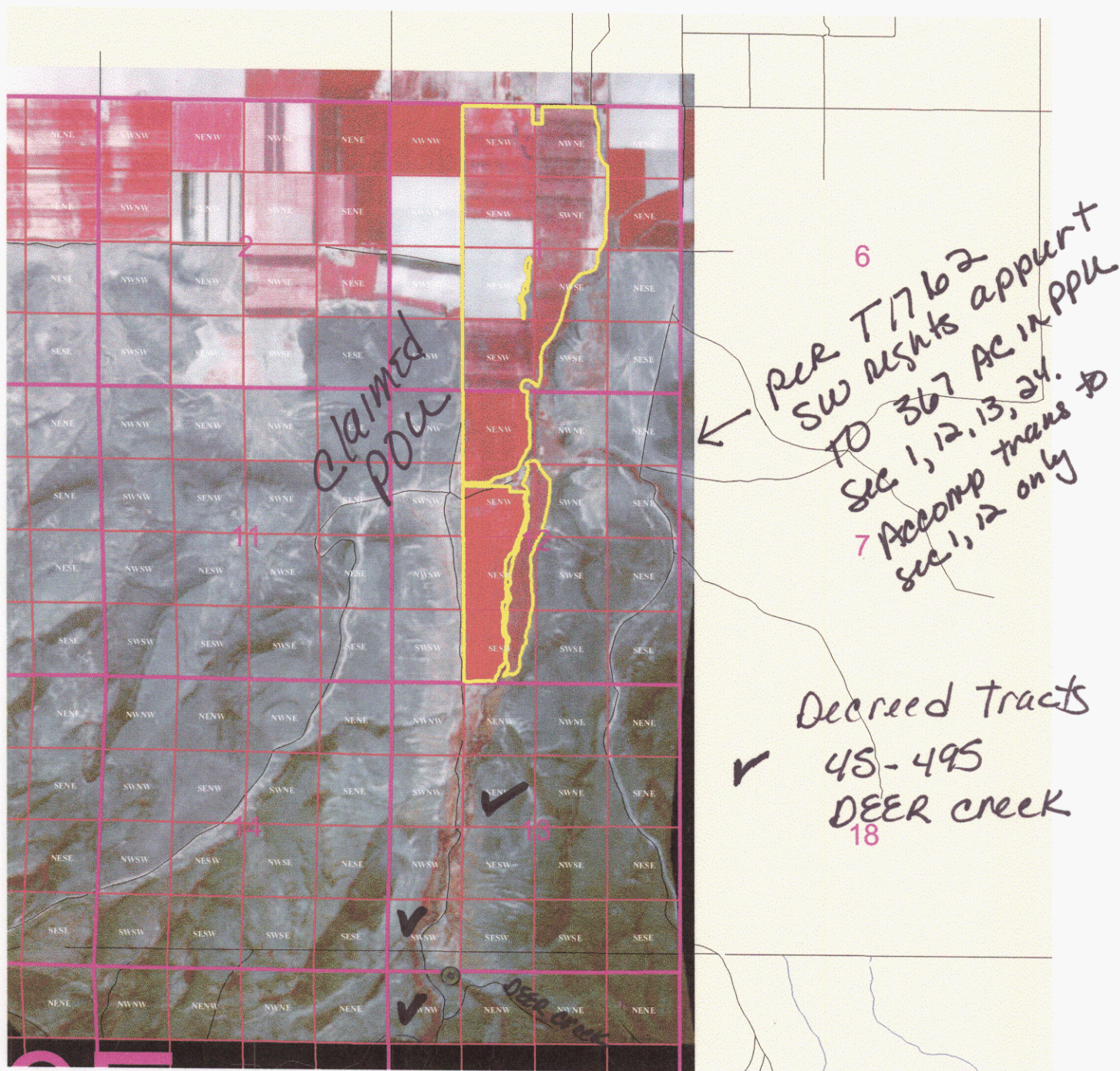
Found 102.8 AC IRR 1987 Photo

Water Right Claim Number A45-00487B

07/19/2000

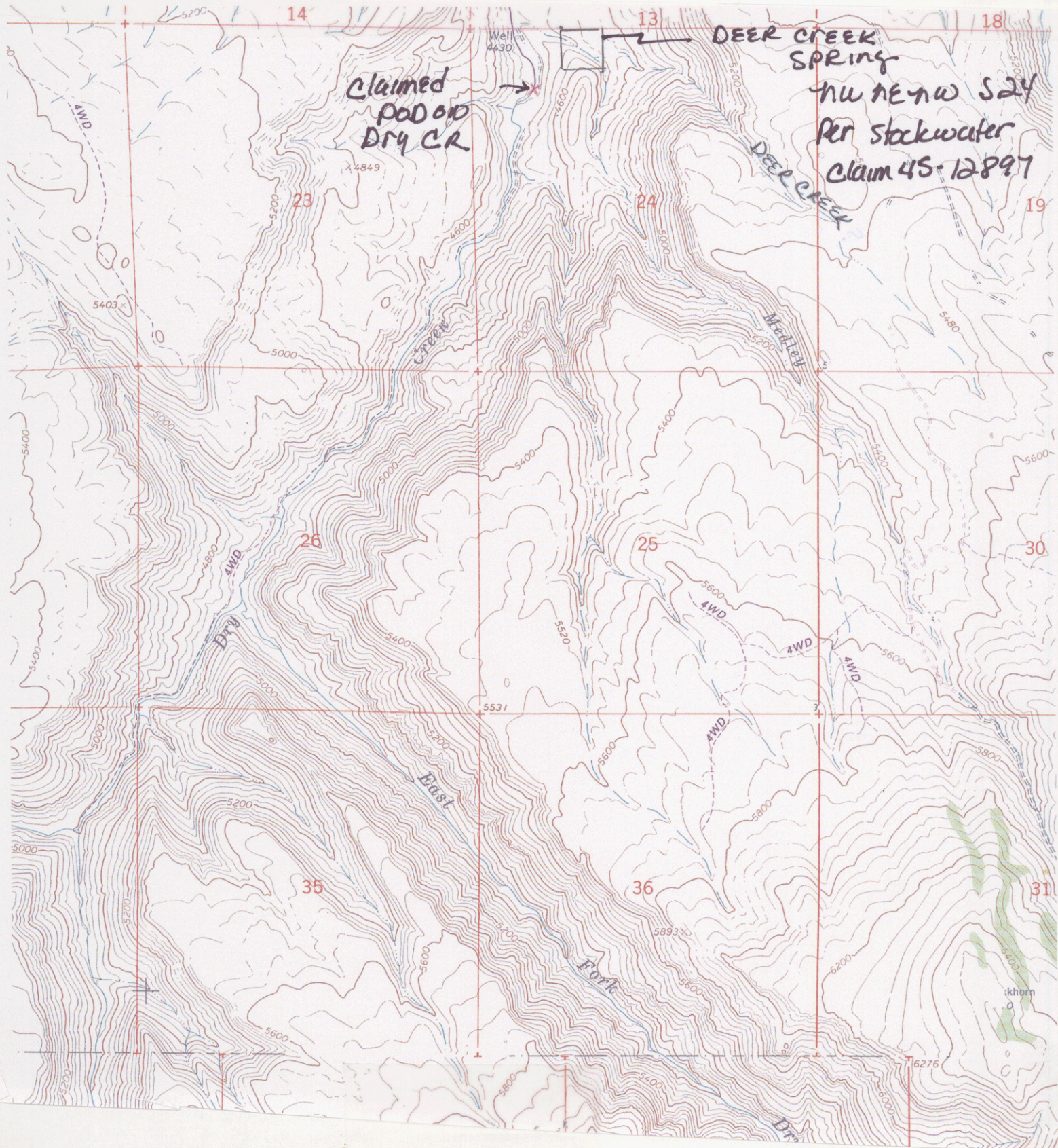
-495

Township, 12S19E



2000 0 2000 4000 Feet





CC 75

MEMORANDUM

TO: Bob Fleenor
 FROM: Ken Flowerdew *MF*
 DATE: February 28, 1975
 SUBJECT: Joseph E. Tugaw - Transfer No.'s (1) 45-487 (PART); (2) 45-491; (3) 45-492; (4) 45-493; (5) 45-495; (6) 45-496 (PART)

I have completed a field check of the above referenced water rights in company with the watermaster of Water District No. 45-N, Everett Fuller. According to his reports of deliveries for the applicant, some of the statements on the application are falsely stated. The applicant presently receives water from two diversions referred to by the watermaster as the upper diversion located within the NW¹/₄ of Section 24, and the lower diversion located within the SW¹/₄ of Section 13, Township 12S, Range 19E. He presently receives 178 inches of water through his upper diversion. The 45 inches of water from Deer Creek has not been recently used by the applicant to the ground that it was previously used on or this would constitute an additional point of diversion within the NE¹/₄ of Section 24, T 12S, R 19E. According to the watermaster, Deer Creek has not been delivered into Dry Creek for the last 50 years. When it was used, prior to ownership of the present applicant, it was diverted through a separate ditch at the above described point of diversion on to the lands in the SW¹/₄ of Section 13. At times last year, Deer Creek was flowing as a tributary of Dry Creek and delivered as Dry Creek waters.

Should the 178 inches of water be transferred from the upper to the lower diversion, benefit of the seepage and waste waters back into the Dry Creek channel would become unavailable to supply users on the lower end of Dry Creek. Which, in the watermasters opinion would definitely affect their rights.

128 inches of water of the applicant is being delivered through the lower diversion along with 151 inches belonging to the watermaster, Everett Fuller. At a lower point from this ditch only 48 inches is delivered in conjunction with the 151 inches of Mr. Fullers onto lands in Section 1. This is the normal carrying capacity of the ditch. According to the watermaster, the maximum this ditch can handle is 250 inches. It definitely will not handle the additional waters that the applicant of this transfer is proposing. The land owner has indicated to the applicant he will not grant right-of-way for increasing the size of the existing ditch. He did indicate to the applicant that he could redirect the ditch around and along the edge of his field if he desired to install a cement lined ditch of sufficient capacity to carry both streams of water. The applicant apparently was reluctant to do this because of the cost involved. *meat?*

From the indication received from the watermaster, there were decreed users below the applicant who would definitely have protested this transfer when it was advertised, however, due to the location of the use in Cassia County, people in that area do not receive the South Idaho Press in which the transfer was advertised, therefore, were unaware of this proposed change.

I personally feel that the most important factor in my investigation would be the effect on the lower users by making the change from the upper diversion to the lower diversion, and the loss of seepage and run-off waters of the lands to supply rights of the lower water users.

The application in its present form is incorrect as to the points of diversion from which the 7.02 cubic feet per second is presently received.

09/20/2002

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-495

WATER RIGHT NUMBER: 45-495

Owner Type Name and Address
 Current Owner FANNIE L THOMAS
 , ZZ

Priority Date: 05/18/1908

Basis: Decreed

Status: Active

Source Tributary
 DEER CREEK DRY CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	0.900 CFS	
	<u>Total Diversion:</u>	0.900 CFS	

Location of Point(s) of Diversion

DEER CREEK SW1/4SW1/4 Sec. 13, Twp 12S, Rge 19E, B.M.
 CASSIA County

Place of Use

IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
12S 19E 1					X			X									
12S 19E 12		X	X		X			X	X	X	X	X					
12S 19E 13					X	X	X	X	X	X	X						
12S 19E 24						X											

Conditions of Approval:Remarks:

- General TRANS. 1762.
 P/U INCOMPLETE. SEE FILE. AC. IRR.=367.

Identification No. (1) 45-487 (part) (2) 45-491 (3) 45-492
Transfer No. (4) 45-493 (5) 45-495
(6) 45-496 (part)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

#1762

APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

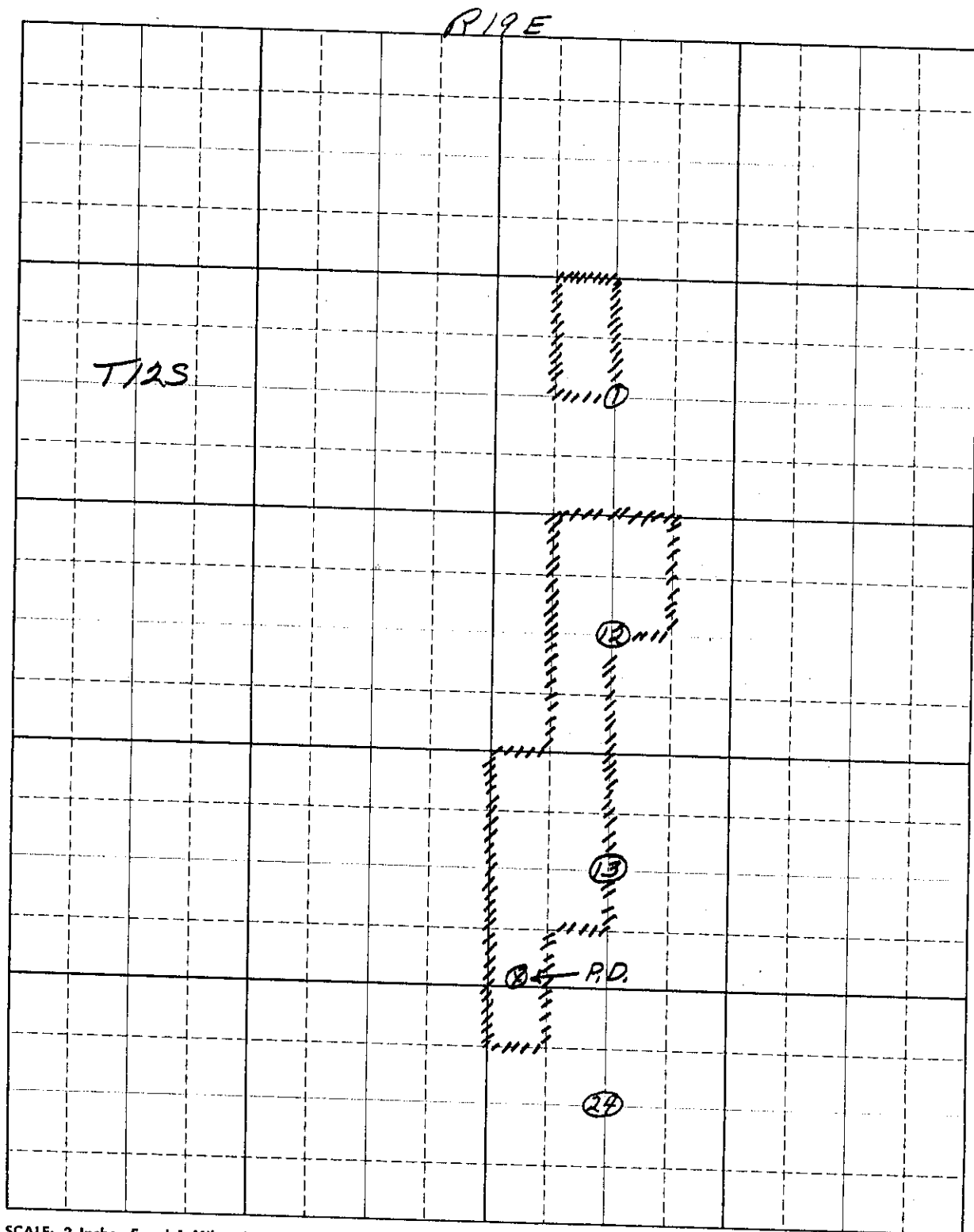
1. Name of Right Holder Joseph E. Tugaw
Post office address Murtaugh, Id.
2. Right obtained by Fannie L. Thomas, Ethel &
a. Decree to Julia Stoner, A.J. Fuller in Case of Jerry Bonard et al, Ethel Stoner, et al
(Name)
vs. D.B. Moorman, et al Dated 5-7-26 in 11th Judicial Court
Alice L. Willhite et al 7-26-26
5-27-42 (Name of Court)
Court, County of Twin Falls
Water Right No. (1) 45-487 (part) (2) 45-491, (3) 45-492, (4) 45-493, (5) 45-495
(6) 45-496 (part) issued by the State of Idaho, Department of Reclamation.
b. ~~XXXXXX~~ Deer Creek Dry Creek
3. Source of water Dry Creek tributary to Snake River
(Name of stream or source)
4. Date of Priority (1) 3-1-79 (2) 3-1-84 (3) 3-1-94 (4) 3-1-95 (5) 5-18-08 (6) 10-21-08
(1) .96 (2) 2.6 plus Fuller Spring (3) .08 (4) .08 (5) .9 (6) 2.4
5. Amount of water a. 7.02 plus Fuller Spring c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from Mar. 15 to Nov. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW 1/4 SW 13 of Section 13
(Month, Day)
Township 12S, Range 19E, B.M., in Cassia County,
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
(1)	12S	19E	1				X			X									
(2)	12S	19E	12		X	X				X	X			X			X		
(3)&(4)	12S	19E	13				X			X		X	X						
(5)	12S	19E	13										X						
(5)	12S	19E	24					X											
(6)	12S	19E	12									X	X						
	12S	19E	13				X	X	X	X	X	X	X						
	19E	24						X											

Total number of acres presently irrigated _____ *

*None specified in Decree



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not original holder of this right explain how it is acquired: by purchase

10. CHANGE IN POINT OF DIVERSION same

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____, Range _____, B.M. _____
- c. Description of method of diversion and conveyance from new points of diversion: Headgate measuring device, ditches, sprinkler system
- d. Is water to be conveyed to the lands previously irrigated? Yes X No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
To be able to use the decreed rights on other lands, so I may put the water to a more beneficial use. This point of diversion has been used for some years but was never recorded with the State.
- f. Do you intend to make the transfer permanent? yes
- g. Do you intend to abandon completely the old point of diversion? no
- h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

- a. Describe the new lands on which you wish to use your right.

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
12S	19E	1					40			40									80
12S	19E	12		12	11		37			35	39	9	2	34					179
12S	19E	13					13	10	15	10	15	15	20						98
12S	19E	24						10											10

*40 acres
decreed
7/2/20
45-495
40*

Total number of acres to be irrigated 367

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:
No, I am incorporating all my rights, so I may more beneficially use
my water.
- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: no new ground
- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Joseph E. L...
(signature of applicant)

Subscribed and sworn to before me this 2nd day of August, 1974

Lynias L. Tippet
(notary public)

My commission expires 2-24-78

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

This is to certify that I have examined Application for Transfer of Water Rights No. 1762
and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

That the approval of this change does not grant a right to use the conveyance
system of another person.

The Land irrigated by each individual right shall not be greater then originally
allowed by the decree. A measuring device of a type approved by this Dept.
shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 26 day of June, 19 75

St. Edmund R...
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by KOF Date 8-2-74 Protest filed by: _____ Date _____

Prelim. check by MY Date 8-8-74 _____

Fee received by KOF Date 8-8-74 Fee \$30.00 (13963) _____

Approved for publication by _____

Published in S.I. Press Dates 8-20 & 8-27-74 _____

Hearing held _____

Watermaster Recommendation sent _____

with a priority date of March 1st, 1900, diverted at the Upper Jordan Dam, hereby designated as:

WATER RIGHT NO. 8.

VI.

That there is hereby awarded to Perry Papineau, Frank Somsen, Thomas T. Rutledge, Ivan S. Stark, Chester S. Stark, Chris Arstein, F.J. Marshall, J.H. Stoner, Frank Stoner, Dry Creek Water Company, a corporation, and Artesian Water Company, a corporation, and their successors in interest, for use upon the following described lands, to-wit:

45-0494

1000 SW
45-0494

Lots three (3) and Four (4), in Section Six (6), Township Twelve (12) South, Range Twenty (20), E.B.M.

(Addition of Lands, See Amended Judgment)

a water right of 196 inches of the waters of Dry Creek and its tributaries with a priority date of May 11th, 1904, diverted at the Bower-Somsen Ditch and Upper Jordan Dam, hereby designated as:

WATER RIGHT NO. 9.

VII.

That there is hereby awarded to Fannie L. Thomas and her successors in interest for use upon the following described lands, to-wit:

Northwest Quarter (NW $\frac{1}{4}$) Northwest Quarter (NW $\frac{1}{4}$)
Section Twenty-four (24), Southwest Quarter (SW $\frac{1}{4}$) Southwest Quarter (SW $\frac{1}{4}$), Southeast Quarter (SE $\frac{1}{4}$) Northwest Quarter (NW $\frac{1}{4}$), all in Section Thirteen (13), Township Twelve (12) South, Range Nineteen (19) E.B.M.

a water right of 45 inches of the waters of Deer Creek, hereby found to be a tributary of Dry Creek, with a priority date of May 18th, 1908, to be diverted from Deer Creek, hereby designated as: WATER RIGHT NO. 10-A.

That there is also hereby awarded to Fannie L. Thomas and her successors in interest for use upon the following described lands, to-wit:

West Half Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), Section Twelve (12), Northwest Quarter (NW $\frac{1}{4}$); West Half (W $\frac{1}{2}$) Southwest Quarter (SW $\frac{1}{4}$), Northeast Quarter (NE $\frac{1}{4}$) Southeast Quarter (SE $\frac{1}{4}$), Section Thirteen (13), Northwest Quarter Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$), Section Twenty-four (24), all in Township Twelve (12) South of Range Nineteen (19), E.B.M.

45-0496

1000 SW

a water right of 200 inches of the waters of Dry Creek and its tributaries with a priority date of October 21st, 1908, to be diverted at the head of the Strong Ditch, hereby designated as:

WATER RIGHT NO. 10-AA.

Deer Creek ✓

SW SE Sec 35
missing from
legal. See
Findings
JH

1926 Board v Mooreman

IX

That Fannie L. Thomas was on the 18th day of May, 1908, the owner of and entitled to possession of the following described land, to-wit:

Northwest quarter of Northwest quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) of Section twenty-four (24); Southwest quarter of Southwest quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Southeast Quarter of Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Thirteen (13) all in Township Twelve (12) South, Range Nineteen (19) East of Boise Meridian.

That she or her predecessors in interest initiated and perfected and there is hereby awarded to her for said lands from Deer Creek, which is hereby declared to be a tributary of Dry Creek, a water right of 45 inches of the water of Deer Creek with priority date of May 18th, 1908, hereby denominated as WATER RIGHT NO. 10A; that the place of diversion is a ditch from Deer Creek.

That Fannie L. Thomas was on the 21st day of October, 1908, the owner of and entitled to the possession of the following described land, to-wit:

West half Southwest quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$) Section Twelve (12) Northwest quarter (NW $\frac{1}{4}$); West half (W $\frac{1}{2}$) Southwest Quarter (SW $\frac{1}{4}$), Northeast Quarter (NE $\frac{1}{4}$) Southwest quarter (S $\frac{1}{4}$) Section Thirteen (13) Northwest Quarter of Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) Section Twenty-four (24) all in Township Twelve (12) South, Range Nineteen (19) East of Boise Meridian.

South Half (S $\frac{1}{2}$) Southeast Quarter (SE $\frac{1}{4}$) of Section Thirty-five (35) Township Eleven (11) South, Range Nineteen (19) East of Boise Meridian.

That she initiated and perfected and there is hereby awarded to her for said lands a water right of two hundred (200) inches of the waters of Dry Creek with priority date of October 21st, 1908, hereby denominated as WATER RIGHT NO. 10A."

Findings of Fact
BOWARD v MOORMAN 1926