



STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL
LAWRENCE G. WARDEN

March 23, 2006

Travis L. Thompson
Barker Rosholt & Simpson LLP
113 Main Ave. W, Suite 303
P.O. Box 485
Twin Falls, Idaho 83303

Re: Tugaw Ranch Late Claim #45-487A (Dry Creek)

Dear Travis:

This letter is in response to a letter you wrote, dated March 17, 2006, to Don Shaff, regarding the Department's processing of claim no. 45-287A.

The Department is presently reviewing claim no. 45-287A and will attempt to issue a recommendation in time to be filed with this year's annual late claim report, which should be filed with the SRBA District Court in the beginning of April.

Enclosed herewith is an undated, two-page table generated by the Department regarding decreed water rights to Dry Creek. In order to issue a recommendation, the Department needs additional information regarding your client's ownership of the water represented by claim no. 45-487A. Our analysis indicates that the amount claimed, 0.56 cfs (28 miner's inches), corresponds to the proportionate share of Sturgill listed in the table. Therefore, please provide the Department with documentation tracing your client's possessory interest to claim no. 45-487A.

If you have any questions or concerns, please do not hesitate to contact me or contact Doug Jones at the Department's Southern Region office.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "C. Bromley", is written over the typed name.

Chris M. Bromley

Encl.

TITLE OF CASE		SOURCE		JUDICIAL DIST.		RECORDED		FILE NO. 31		
Ethel Stoner, et al		WATER DIST. 45-N		COUNTY CARRERA & TWIN FALLS		JUDGE T. Bailey Lee		PAGE 1		
Alice L. Willhite, et al		DATE OF DECREE MAY 27, 1942		IN BOOK NO. 6		AT PAGE NO. 113		FILE NO. 31		
RM. DN.	DECREED OWNER	NAME	PRESENT OWNER	INCHESD AMT. SEC. FLD.	PRIORITY	DIVERSION	SEC. TWR	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.	CT.
45-481	Alice L. & J. R. Willhite			90	12-31-72	NWNE 12	128	19E	Under Jordan Dam. Lot 1-2-30; T. 11S. R. 20E. Portion S. of Milner Lowlift Canal of Lot 4-19; T. 11S. R. 20E.	1750
45-483	Ida A. & W. R. Oliver			90	12-31-72	"	"	"	Lots 3 & 4, NESEW, SESEW-30; T. 11S. R. 20E.	2500
45-485	Theodore Mason & others			90	12-31-72	"	"	"	Theodore Mason - NESEW-30; T. 11S. R. 20E. SWSEW-19; NWSEW, SESEW, SESEW, NESEW-30; T. 11S. R. 20E.	
45-487	Archie & Anna Quenell			90	12-31-72	"	"	"	SWSEW-19; NWSEW, SESEW, SESEW-30; T. 11S. R. 20E.	
45-489	Gilbert F. Quenell								NWSEW-30; T. 11S. R. 20E.	
45-491	Richard D. Quenell								SESEW, NWSEW, Lot 1, SESEW-1; T. 12S. R. 19E. Lots 3 & 4 except part of official plat of Archesian City, SWNW-6; T. 12S. R. 20E. Lots 1, 2, 3 & NW-4; SESEW, SWSEW-31; T. 11S. R. 20E. SESEW, SWNW-36; T. 11S. R. 19E. excepting part of official plat of Archesian City.	
45-493	Ethel & Julia Stoner			292	3-1-79	SWSW 13	128	19E	NWNW, SWNW-6; T. 12S. R. 20E. SESEW, NWSEW-1; T. 12S. R. 19E. Lots 1, 2, 3 & NW of 4-31; T. 11S. R. 20E. NWSEW, SWNW-36; T. 11S. R. 19E. NWSEW-31; T. 11S. R. 20E.	
45-495	Charles & Henry Colner			146					SESEW-1; T. 12S. R. 19E.	
45-497	Ernest Fuller			146					SESEW-1; T. 12S. R. 19E.	
45-499	George Fuller								SESEW-1; T. 12S. R. 19E.	
45-501	E. L. Barton								SESEW-1; T. 12S. R. 19E.	
45-503	J. Mathews								SESEW-1; T. 12S. R. 19E.	
45-505	K. R. Marshall								SESEW-1; T. 12S. R. 19E.	
45-507	Theodore Sturgill								SESEW-1; T. 12S. R. 19E.	
45-509	Dry Creek Water Co.			153	3-1-79	NWNE 12	128	19E	SESEW-6; T. 12S. R. 20E. Lands of stockholders in 36; T. 11S. R. 19E. 31; T. 11S. R. 20E. 1; T. 12S. R. 19E. 6; T. 12S. R. 20E.	
45-511	Alice L. & J. R. Willhite			153	3-1-80	"	"	"	See above.	

TITLE
OF
CASE

Ethel Stoner, et al
vs.
Alice I. Wilbrite, et al

(continued)

SOURCE Dry Creek

WATER DIST. 45-N
JUDICIAL DIST. 11
COUNTY Cassia & Twin Falls
PAGE 2

DATE OF DECREE May 27, 1942

JUDGE W. Bailey Lee
RECORDED IN BOOK NO. 6 AT PAGE NO. 113

FILE NO.

PN.	DN.	DECEED OWNER	NAME	PRESENT OWNER	AM. INCHES SEC. FLD	PRIORITY	SUBDIV.	SEC.	DIVISION	TR.	RG.	REMARKS, LAND TO BE IRRIGATED, ETC.
484		Jess Wilbrite										
484		Ilia A. & W. R. Oliver	Mason		63 3/4	3-1-80	WNNE	12	128	19E		"
486		Theodore Mason & others										"
486		Archie & Anna Quesnell			63 3/4	3-1-80	"	"	"	"		"
488		Gilbert E. Quesnell										"
488		Ethel & Julia Stoner	Funk		53	3-1-84	"	"	"	"		"
		See above Stoner right										
		for present owners										
490		Dry Creek Water Co.	?		27	3-1-84						
		Charles & Henry Corner										
		Provided when only (OON) or less water reaches Wilbrite										
481		A. J. Fuller	Fuller-Springs	All								
		"	Tugood		130	3-1-84						
		Valeria Fuller (2 above water rights)										
		This decree affects only the earliest water rights totaling (985) of decree										
		985 - Funk										

See above
600 share proportionate share of above
Dry Creek Water Co. rights WYNN, STANLEY, NEWSEY
WYNN-361 T. 11S. R. 19E.
NEWSEY-361 T. 11S. R. 19E.
may be diverted to Stoner & Dry Creek Water Co.

Bower Canyon Ditch
WYNN, EYSSW, WYNN, WYNN-121 T. 12S. R. 19E.
dated 5-7-26. Judge Wm. A. Babcock