

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 45-7552A
Date Received: 5/31/1989
Receipt No: S007407
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK DARRINGTON Phone:
887 E 500 S
DECLO ID USA 83323

BRUCE B TURNER Phone: (208) 654-2616
WATER CANYON NO 13
DECLO ID USA 83323

2. Date of Priority: 07/19/1983

3. Source: GROUND WATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
11S	24E	14	SW SE SW	CASSIA	

5. Description of diverting works:

WELL AND 15 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	3/15	11/15	0.2	
DOMESTIC	1/01	12/31	0.08	

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
11S	24E	14	SE SW	DOMESTIC	
			SW SW	IRRIGATION	5
			SE SW	IRRIGATION	3
				Section Acres	8
11S	24E	23	NW NW	IRRIGATION	2
				Section Acres	2
				Total Acres	10

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:

Bruce Turner assigned the permit to Bruce Turner or Mark Darrington on 7-5-2001. This document was used to update this right. kkc

Permit holder shall commence the excavation or construction of diverting works within one year of the date this permit is issued and shall proceed diligently until the project is complete.

The issuance of this right does not grant any right-of-way or easement across the land of another.

POINT OF DIVERSION IS IN LOT 15, PLACE OF USE FOR DOMESTIC IS LOT 13, AND PLACE OF USE FOR IRRIGATION IS LOTS 14 - 20, ALL IN BLOCK 1, OF WATER CANYON HEIGHTS SUBDIVISION

15. Basis of Claim: Permit

11/99

File Sent to S.O.

JUL 18 2001

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

COPY

For Office Use Only
\$25 filing fee
Receipt # 5024153
Date 7/17/2001

FEE NOT RECEIVED
UNTIL 7/17/2001 P.S.

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Bruce B Turner hereby assign to Bruce B Turner or Mark Darling
of, 887 E 500 S Declo ID 83323
(Full Address) (Phone)

All my right, title, and interest in and to Permit No. 45-7552 to
appropriate the public waters of the State of Idaho.

OR (for partial assignments)

The following described portion of my right, title, and interest in and to for
Permit No. _____ to appropriate the public waters of the State of Idaho.
(Describe portion of the application for permit assigned, listing the number of acres in each 40 acre
subdivision, point of diversion location, and amount of the water in cubic feet per second.)

RECEIVED

JUL 11 2001

Department of Water Resources
Southern Region

Made this 5 day of July, 2001.

Bruce B. Turner
Permit Holder(s)

State of Idaho)
County of Cassia)ss

On this 5 day of July, 2001, personally appeared before me the signer(s) of the above
instrument, who duly acknowledged to me that he (she) (they) executed the same.

Nelda Mathews
Notary Public residing at

Declo, Id

SEAL

My commission expires: 6-1-2003

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: A45-07552A
Date Received: 5/31/1989
Receipt No: 5007407
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BRUCE B. TURNER 208-654-2616
Address: WATER CANYON NO. 13
DECLO, ID 83323

2. Date of Priority: JUL 19, 1983

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
11S	24E	14	SW	SE	SW		CASSIA

5. Description of diverting works:
WELL AND 15 HP PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	03/15	11/15	0.200		
DOMESTIC	01/01	12/31	0.080		

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

8. Total consumptive use is 30.0 Acre Feet Per Annum.

9. Non-irrigation uses:
D/1 HOME

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
11S	24E	14	SW	SW		IRR	5.0
			SE	SW		IRR	3.0

A45-07552A

Page 1

Date: 05/31/89

MICROFILMED

MAR 08 1993

10. Place of Use: Continued

Township 11S	Range 24E	Section 14	1/4 SE	of 1/4 SW	Lot	Use DOMEST	Acres
						Section Acres	8.0
		23	NW	NW		IRR	2.0
						Section Acres	2.0
						Total Acres	10.0

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:
NONE

14. Remarks:
POINT OF DIVERSION IS IN LOT 15, PLACE OF USE FOR DOMESTIC IS
LOT 13, AND PLACE OF USE FOR IRRIGATION IS LOTS 14 - 20, ALL IN
BLOCK 1, OF WATER CANYON HEIGHTS SUBDIVISION

15. Basis of Claim: PERMIT

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 Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Bruce B Turner Date: 5-31-89

Date: _____

State of Idaho)
County of TWIN FALLS) SS.

Subscribed and sworn (or affirmed) before me this 31ST day
of MAY 19 89

Jeff Peppersack
Notary Public

Seal

Residing at _____

My Commission Expires _____

Jeff Peppersack, Notary Public
Residing at Boise, Idaho
My Commission Expires Nov. 8, 1994

INTER-DEPARTMENT MEMO — 1

FROM Steve C. Kelland

DATE 8-25-89

TO file A45-07552 A

SUBJECT

This information was originally sent to Mark Darrington.
In reviewing my files I found this & only the
claim by Bruce B. Turner is filed.

Steve

SIGNATURE

\$ 69 TOTAL



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

April 2, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

STACEY KRIEGH
US BANK
PO BOX 1268
BURLEY ID 83318-0859

RE: Bruce B. Turner; Bruce Turner Farms, L.L.C.

Dear Stacey,

Enclosed are the SRBA proof reports for the claims found to be in the name of Bruce B. Turner. I searched for the records by the names you gave to me and also by the legal descriptions listed on Attachment "A".

If you need further assistance please contact our office. Please note the change in our mailing address and office location as shown in the letterhead above.

Sincerely,

A handwritten signature in cursive script that reads "Steve Clelland".

STEVE CLELLAND
Sr. Water Resource Agent

ENC:

A45-07552A



BURLEY BRANCH
Post Office Box 1268
Burley, ID 83318-0859
208-678-3591

March 18, 1997

RECEIVED

MAR 24 1997

Department of Water Resources
Southern Region

Idaho Department of Water Resources
220 Shoshone East
Twin Falls, ID 83301

To Whom it May Concern:

We are writing to your office to request a copy of the Water Adjudication for the following entity:

Bruce B. Turner
Bruce Turner Farms, L.L.C.

The water rights are probably filed under Bruce B. Turner but Mr. Turner has transferred or is in the process of transferring over everything under the entity of Bruce Turner Farms, L.L.C. I have attached the legal descriptions of the properties for which we need the Water Adjudication.

If you should have any questions or concerns, please feel free to contact myself, or Steve Ormond at (208)678-3591. I have enclosed a self-addressed, stamped envelope for your convenience. Thank you.

Sincerely,

U.S. BANK

Stacey Kriegh
Sr. Secretary

enc.

T10S R24E S36 SWNW

NO AS

PARCEL NO. 1:

40 acres, more or less, located in the SW1/4NW1/4 of Section 36, Township 10 South, Range 24, EDM, more fully described as follows:

Section 36: Beginning at the Southwest corner of the SW1/4NW1/4 of said Section 36; thence North along section line for 341.99 feet to the True Point of Beginning; said point lying on the South bank of Marsh Creek; thence North along section line for 133.73 feet to a point; thence East for 147.58 feet to a point; thence South for 187.84 feet to a point on the South bank of Marsh Creek; thence North 80°50' West along the South bank of Marsh Creek 149.49 feet to the True Point of Beginning.

Subject to a 25.0 foot wide county road right-of-way along the West side. Subject to the natural drainage right of way of Marsh Creek.

PARCEL NO. 2:

200 acres, more or less, located in the SE1/4NW1/4, SW1/4 and Lot 3 of Section 1, Lot 3, Township 11 South, Range 24, EDM.

T11S R24E S01 Lot 3, SW1/4, SENE

PARCEL NO. 3:

40 acres, more or less, located in the SE1/4NE1/4 of Section 2, Township 10 South, Range 24, EDM, less the following exceptions:

Exception 1: Beginning at the Southeast corner of the SE1/4NE1/4 of said Section 2; thence North 816 feet; thence West 337 feet; thence South 816 feet; thence East 337 feet to the Point of Beginning.

Exception 2: Beginning 337 feet West of the Southeast corner of the SE1/4NE1/4 of said Section 2; thence North 186 feet; thence in a Southwesterly direction along a line and which are of a circle passes through four points of a circle composed of the arc of said circle in said Southwesterly direction and the following described legs of said triangle which are highest at a point south of the Point of Beginning; thence West 210 feet; thence South 12 feet (1st point); thence West 75 feet; thence South 20 feet (2nd point); thence East 65 feet; thence South 30 feet (3rd point); thence West 60 feet; thence South 60 feet (4th point); thence West 83 feet; thence South 65 feet; thence East 473 feet to the Point of Beginning.

11 acres, more or less, located in Lot 1 of Section 36, Lot 1 Township 9 South, Range 24, EDM.

T9S R24E S35 Lot 1

PARCEL NO. 4:

160 acres, more or less, located in the S1/2NE1/4, N1/2SE1/4 of Section 10, Township 11 South, Range 24, EDM, save and except that portion of the SW1/4 NE1/4 lying North and West of the Third Lift Canal, and except that portion added to the State of Idaho for Highway purposes.

T11S R24E S10 S1/2NE N1/2SE

PARCEL NO. 5:

160 acres, more or less, located in the S1/2NW1/4, SW1/4SW1/4, SE1/4SE1/4 of Section 13, Township 11 South, Range 24, EDM.

S1/2NW SWSW SESE T11S R24E S13

PARCEL NO. 6:

160 acres, more or less, located in the NW1/4NE1/4, NE1/4NW1/4, NW1/4NW1/4 North of Highway and SW1/4NW1/4 East of Highway, Section 23, Township 11 South, Range 24, EDM.

NW1/4 NESW N1/2NE T11S R24E S24

PARCEL NO. 7:

80 acres, more or less, located in the S1/2NE1/4 of Section 24, Township 11 South, Range 24, EDM.

T11S R24E S24 S1/2NE

PARCEL NO. 8:

40 acres, more or less, located in the SE1/4NW1/4 and Lot 2 of Section 19, Township 11 South, Range 25, EDM.

T11S R25E S19 SENE

PARCEL NO. 9:

160 acres, more or less, located in the S1/2NE1/4, N1/2SE1/4 of Section 10, Township 11 South, Range 24, EDM.

S1/2NE N1/2SE

T11S R24 S10

<SAME AS PARCEL #4>

ALL OF THE PROPERTY LISTED ABOVE IS LOCATED IN CASSIA COUNTY, IDAHO. RECORD OWNER: BRUCE B. AND LILA H. TURNER

80 acres, more or less, located in the S1/2SE1/4 of Section 33, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Dennis Osterhout ✓

80 acres, more or less, located in the N1/2NW1/4 of Section 34, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Wayne Lewis ✓

80 acres, more or less, located in the N1/2SW1/4 of Section 28, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Gene Bortz ✓

30 acres, more or less, located in part of the SE1/4SW1/4 of Section 28, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Andy Anderson ✓

47 acres, more or less, located in the N1/2SW1/4 of Section 35, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Engstrom ✓

80 acres, more or less, located in the N1/2SW1/4 of Section 34, Township 10 South, Range 24, EDM, Cassia County, Idaho. Record Owner: Seymour Osterhout ✓

RIGHTS LISTED By NAME: TURNER

SEE →

A45-07120 A ✓

A45-10921

A45-10924 (stock) ✓

A45-04033

A45-07249 ✓

A45-07552 (split)

A45-07501

A45-07552 A ✓

* those with ✓ marks were found in cross check with the POA query above. sec 4/2/97

THIS ATTACHMENT "A" IS EXECUTED ON FEBRUARY 28, 1997.

BORROWER:

BRUCE TURNER FARMS, LLC

By:

BRUCE B. TURNER, MEMBER

By:

LILA TURNER, MEMBER

02/18/2003

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

RIGHT NUMBER: 45-7552A
NAME AND ADDRESS: MARK DARRINGTON
887 E 500 S
DECLO ID 83323
BRUCE B TURNER
WATER CANYON #13
DECLO ID 83323

VERIFIED BY KAC

SOURCE: GROUND WATER TRIBUTARY:
QUANTITY: 0.190 CFS
41.200 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Rights 45-07455 and 45-07522 when combined shall not exceed a total diversion rate of 0.19 cfs.

PRIORITY DATE: 07/19/1983

POINT OF DIVERSION:

T11S R24E S14 SESWSW Within CASSIA County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
DOMESTIC	01/01 12/31	0.080 CFS 1.20 AFY
IRRIGATION	03/15 11/15	0.190 CFS 40.00 AFY

Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.

PLACE OF USE: DOMESTIC Within CASSIA County

T11S R24E S14 SESW

IRRIGATION Within CASSIA County

T11S R24E S14	SWSW	5.2	T11S R24E S23	NENW	3.6
T11S R24E S23	NWNW	1.2			

10 ACRES TOTAL

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: License

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 45-7552

WATER RIGHT NUMBER: 45-7552

DRAFT

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MARK DARRINGTON 887 E 500 S DECLO, ID 83323
Current Owner	BRUCE B TURNER WATER CANYON NO 13 DECLO, ID 83323 (208)654-2616

Priority Date: 07/19/1983

Basis: License

Status: Active DRAFT

<u>Source</u>	<u>Tributary</u>
GROUND WATER	

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	03/15 to 11/15	0.190 CFS	40.00 AF
DOMESTIC	01/01 to 12/31	0.080 CFS	1.20 AF
<u>Total Diversion:</u>		0.190 CFS	41.20 AF

Location of Point(s) of Diversion

GROUND WATER	SE1/4SW1/4SW1/4	Sec. 14, Twp 11S, Rge 24E, 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	
11S	24E	14											5.2						5.2
11S	24E	23					3.6	1.2											4.8

Total Acres: 10

DOMESTIC

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
11S	24E	23					X												

Total Acres: 0

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-7552

Conditions of Approval:

1. R64 This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 4.0 afa per acre at the field headgate for irrigation of the lands above.

Remarks:

1. General Domestic use is for 2 homes and does not include lawn, garden, landscape, or other types of irrigation.
2. General Rights 45-07455 and 45-07522 when combined shall not exceed a total diversion rate of 0.19 cfs.
3. General Right 45-07455 is also diverted through the point of diversion described above.

Comments:

1. afolsom 7/23/2001 Field Exam narrative

Comment: I conducted the field exam for this permit on June 22, 2001. Mark Darrington, who is a co-owner of this water right, accompanied me during the exam. This permit was issued for 11 acres of irrigation, and a two home domestic use. Upon the examination I found that the point of diversion is really located in the SWSW ¼ of Sec 14, Twp 11S, Rge 24E, instead of the SESW as described on the permit. This point of diversion overlaps with permit 45-7455, which is also in the ownership of Bruce Turner and Mark Darrington.

This well contains a 15 horsepower submersible pump in the well along with a 35 horsepower booster pump that works jointly with the other pump. The water is pumped up a grade to the southeast into a 10,000-gallon storage tank. The tank is buried on Mark Darringtons property. This tank feeds Mark Darringtons home, Mr. Turners home, and Dean Moss home, including all of the irrigation surrounding the homes. One of these homes and all of the irrigation in the SESW ¼ are covered under permit 45-7455. For this permit, I calculated the acres with GIS, which came to a total of 11 acres. Arnie Wetzstein measured this well in 1999, and his recorded measurement came to 83.7gpm. At the time of the exam, the pipes coming from the well in the pump house are submersed under water.

All of the irrigation under these two permits are lawn or pasture. To the west of the pump house in the SWSW ¼ of Sec 14 and NWNW ¼ of Sec 23, Mr. Turner uses wheel lines to irrigate his pasture. Each home uses a combination of Rainbirds and sprinklers to irrigate their lawn and pasture.

My recommendation is 0.19cfs for irrigation and 0.08cfs for domestic use. However, when this right and water right 45-7455 are used together, they be limited to 0.19cfs and a total volume of 82afa.

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 45-7552

Dates and Other Information:

Licensed Date: 9-20-01
Decreed Date:
Water Supply Bank Enrollment Accepted:
Water Supply Bank Enrollment Removed:
Enlargement Use Priority Date:
Enlargement Statute Priority Date:
State or Federal:
Owner Name Connector: Or
Water District Number:
Generic Max Rate Per Acre: 0.02
Generic Max Volume Per Acre: 4
Decree Defendant:
Decree Plaintiff:
Civil Case Number:
Judicial District:
Swan Falls Trust or Nontrust:
Swan Falls Dismissed:
DLE Act Number:
Carey Act Number:
Mitigation Plan: False

Log for claim A45-07552A

Spatial Dynamics AMH

6/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s24e	14	SWSW	5	5.9	
11s24e	14	SESW	3	7.5	
11s24e	23	NWNW	2	1.7	
Totals:			10	15.1	

Township , 11S24E

