

Claim No. 11-7595

74827 App. ID.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM TO A WATER RIGHT

Under the provisions of Section 42-243, *Idaho Code*, any person claiming a water right established by diversion and application of water to beneficial use must file a claim with the Department of Water Resources. **The filing of this claim does not confirm the water right claimed.** Water Rights represented by a valid permit, license, decree, or previous claim are exempt from this requirement, as are uses of water for domestic purposes as defined in Section 42-111, *Idaho Code*. A filing fee must be submitted with this claim. See the instruction sheet to determine the appropriate fee.

Notice is hereby given that Torgesen Ranch, Inc.

Mailing Address: PO Box 456, Soda Springs, ID 83276

Telephone No.: ~~208-547-3011~~ 208-547-2362 Email: _____

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

1. Date of Priority: (When the water was first applied to beneficial use) April 15, 1900
A claim is not acceptable for the use of surface of water with a priority later than May 20, 1971. A claim is not acceptable for the use of ground water with a priority date later than March 25, 1963, unless the water is used for domestic purposes as defined in Section 42-111, *Idaho Code*.

2. Describe the source of water: (Name of stream, lake, spring, etc., or ground water)
Groundwater Tributary to _____

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

Quantity: 0.040 Use: Stockwater Period of Use from 01/01 to 12/31
Quantity: 0.040 Use: Domestic Period of Use from 01/01 to 12/31
Quantity: 0.020 Use: Irrigation Period of Use from 04/01 to 11/01

4. 0.040 TOTAL QUANTITY USED.

5. A) Location of point of diversion is _____ $\frac{1}{4}$ of SW $\frac{1}{4}$ of NW $\frac{1}{4}$, Govt. Lot _____, Sec. 9, Township 8S Range 42E B.M., Caribou County; additional points of diversion, if any _____

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch, etc.). Give size and capacities. Be specific. Describe any changes in the system and give the date of the change. Well and pump. See attached SRBA claim backfile for Water Right No. 27-11342.

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MAY 27 2003

6. A) Describe the place of use within each 40-acre tract in the appropriate box using the symbols listed below. If the use is for irrigation, describe the location by listing the number of acres within each 40-acre tract.
D - Domestic, S - Stockwater, M - Municipal, C - Commercial, I - Industrial, X - Other

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
8S	42E	9							D,S 1										1

Total Acres 1

B) If water is used for purposes other than irrigation, fully describe the use. Be specific.

Domestic - three households. Stockwater: 400 head of cattle.

Note: Include here the type and number of stock watered: 400 head of cattle.

7. Remarks: See attached SRBA claim back file for Water Right No. 27-11342.

8. **Map:** Attach an 8½" x 11" map clearly identifying the point of diversion and the place of use by 40-acre subdivisions, section, township and range of the public land survey system. (A photocopy of a USGS 7½ minute topographic quadrangle map is preferred). Attach an aerial photograph of the place of use if available.

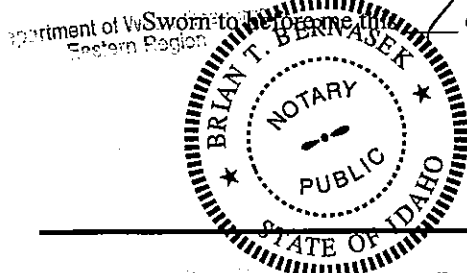
State of Idaho)
County of Bannock)ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the forgoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

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MAY 27 2008

Troyson Ranch Inc by Chris Troyson
Claimant's Signature (and title if claim is for an organization)

7 day of May, 2008.



Notary Public for the State of Idaho
Residing at: 775 Yellowstone Ave
My Commission Expires: 6/11/2013

FOR DEPARTMENT USE ONLY

Received by: _____ Date: _____
Prelim. Check by: JSL Date: 27 May 08
Fee: \$500 Receipt #: E034085
Receipt prepared by: JSL Date: 27 May 08

Published in: _____
Publication Dates: _____
Publication Checked by: _____ Date: _____
Exceptions filed by: _____

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: A27-11342
Date Received: 2/14/1990
Receipt No: E012049
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: J. RICHARD TORGESON 208-547-3011
Address: BOX 456
SODA SPRINGS, ID 83276

2. Date of Priority: APR 15, 1900

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
08S	42E	9	SW NW		CARIBOU

5. Description of diverting works:
WELL/PUMP TO WATER TROUGH, HOME AND IRR.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
STOCKWATER	01/01	12/31	0.040		
DOMESTIC	01/01	12/31	0.040		
IRRIGATION	04/01	11/01	0.020		

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

8. Total consumptive use is 2.5 Acre Feet Per Annum.

9. Non-irrigation uses:
S/ UP TO 400 HEAD CATTLE D/ THREE HOME

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	42E	9	SW NW		STOCK	

A27-11342

Page 1

Date: 02/14/90

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A2711342



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
08S	42E	9	SW SW	NW NW	DOMEST IRR	1.0
Section Acres						1.0
Total Acres						1.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: BENEFICIAL USE

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEMCIVIL CASE NUMBER: 39576
Ident. Number A27-11342
Date Received 2/14/90
Receipt Number E012049NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

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FEB 14 1990

Department of Water Resources
Eastern District Office

1. Name of Claimant(s) J. Richard Torgesen Phone (208) 547-3011
Mailing Address Box 456, Soda Springs, Idaho Zip 83276
2. Date of Priority (Only (1) per claim) April 15, 1900
3. Source of water supply (a) Groundwater
which is tributary to (b) _____
- 4.a. Location of existing
point of diversion is: Township 8S. Range 42E. Section 9 ,
1/4 of SW 1/4 of NW, Govt. Lot, _____ B.M., County of Caribou
Additional points of diversion if any: _____
- b. If instream flow, beginning point of claimed instream flow is:
Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,
Govt. Lot _____ B.M., County of _____
ending point is: Township _____ Range _____ Section _____, _____ 1/4 of
_____ 1/4 of _____ 1/4 Govt. Lot _____ B.M., County of _____
5. Description of existing diversion works (Dams, Reservoirs, Ditches,
Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any
changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. _____

Well and pump.

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6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Domestic purposes from 01/01 to 12/31 amount .04 or _____

For Stockwater purposes from 01/01 to 12/31 amount .04 or

For Irrigation purposes from 04/01 to 11/01 amount .02 or

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) .04 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is de minimus acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)
Domestic--three households; Stockwater--400 head of cattle.

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

[illegible]

Total number of acres irrigated 1

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

12. Do you own the property listed above as place of use? Yes X No ____
If your answer is No, describe in Remarks below the authority you have
to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

or None (X)

14. Remarks:

Original well was located across the road to the west but after the newer home was constructed on the east side of the road, it became apparent that there were problems with the old well and with the line underneath the road freezing up so a new well was eventually drilled on the east side of the road and the old well abandoned.

Last Name Torgesen Ident. Number NOV 13 1952

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~~NOV 13 1952~~

15. Basis of Claim (Check one) Beneficial Use ☒ Posted Notice _____
Permit _____ Decree _____ License _____

If applicable provide IDWR Water Right Number _____
Court _____ Case Number _____ Decree Date _____
Plaintiff vs 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 1

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s) J. Richard Torgesen Date 02/12/90
J. Richard Torgesen

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ of _____, that I have signed the
Title Organization

foregoing document in the space below as _____
Title

of _____ and that the statements contained in the
Organization

foregoing document are true and correct.

Signature of Authorized Agent _____

Title and Organization _____ Date _____

State of Idaho/or _____)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of February, 1990.

Notary Public Kent W. Foster
Residing at Idaho Falls, Idaho
My Commission Expires 11/10/92

17. Notice of Appearance:

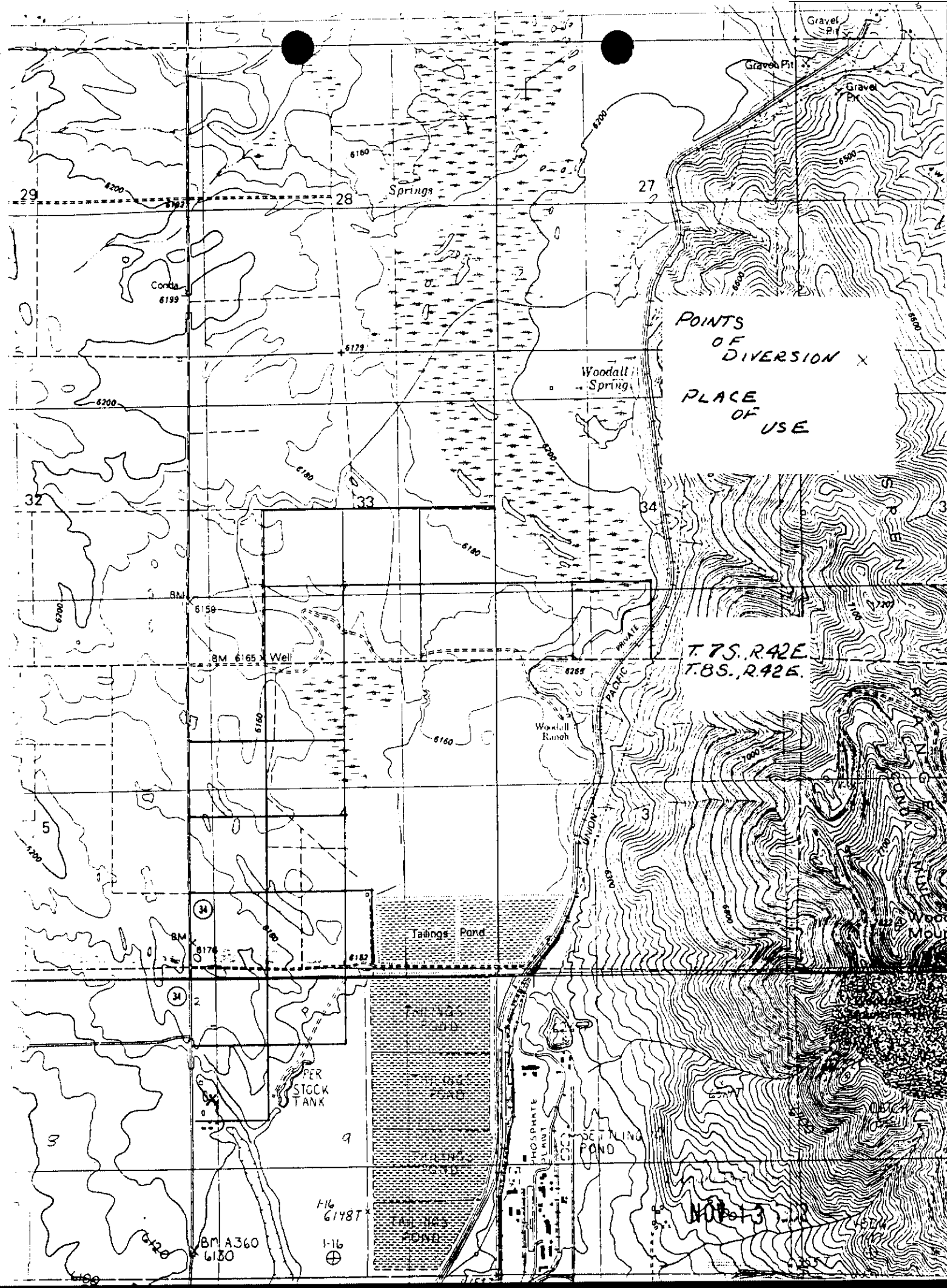
Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster
Address P.O. Box 50130, Idaho Falls, Idaho 83405
Date 02/12/90

Last Name Torgesen Ident. Number _____

NOTARIAL SEAL

NOV 13 1992



Log for claim 27-11342

Spatial Dynamics BTD

12/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
08s42e	9	SWNW	1	17	Indiscernible
Totals:			1	17	

 SPATIAL
DYNAMICS

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	J RICHARD TORGESON BOX 456 SODA SPRINGS ID 83276 (208) 547-3011	04/15/1900	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	0.020 CFS 0.040 CFS 0.040 CFS	
TOTAL DIVERSION:					0.040 CFS	
CONSUMPTIVE USE:						2.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: BENEFICIAL USE

Point(s) of Diversion: T08S R42E S09 SWNW

CARIBOU County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
08S	42E	9	:				:				:				:	SUM

TOTAL ACRES 1.0																

Place of use Legal Description for: STOCKWATER

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
08S	42E	9	:				:				:				:	

Place of use Legal Description for: DOMESTIC

NE				NW				SW				SE				
T	R	S		T	R	S		T	R	S		T	R	S		
08S	42E	9	:				:				:				:	

POU County: CARIBOU

Non-Irrigation Uses: S/ UP TO 400 HEAD CATTLE D/ THREE HOME

Other Rights: NONE

Remarks: GEN CONFORMED ATTORNEY MAILING ADDRESS DMS

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

4/11/1989

SRBA CLAIMS RECEIVING CHECKLIST #2

CLAIMANT'S NAME

Torgesen

CLAIM DENT. NO.

A27-11342

DATE RECEIVED

2/14/90

CK #

AMOUNT \$

YES NO Required Info?

1. Is the name and address complete with zip code?
2. Is a priority date entered?
Is the priority date acceptable in view of mandatory filing dates?
See Adjudication Memos #1 and #4 to determine if a Permit is required.
3. (a) Is a source entered?
(b) Is a tributary to entered? (if required) N/A
4. Is the legal description of the p.d. sufficient?
5. Is there a description of the diverting works?
6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form.
Is the period of use included?
Is a quantity claimed for each use?
7. Is a total quantity claimed entered?
8. If required is a consumptive use entered? N/A
Is the consumptive use correct? N/A
9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A
10. Is (are) the place(s) of use and purpose(s) indicated?
11. Is (are) the county(ies) entered?
12. Is the ownership of p.u. checked?
13. Are other water rights listed or "none" indicated?
14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A
15. Is the basis of the claim indicated?
16. If the claimant requested a monthly docket sheet, is payment enclosed? (If yes, describe payment status in "Comments" below.) N/A
17. Is the claim signed by the claimant, and is the signature appropriate? Organizations must complete the organization block.
18. Has the claim been signed, sealed, and dated by a notary?
19. Was this claim filed on time, or was an extension granted?
20. Is the fee enclosed correct? Exempt
21. If this claim is based on an existing water right, has the identification number been entered? N/A
22. Should this claim be data entered?

Claim checked by:

DC

Date:

2/14/90

Claim must be returned to claimant:

(Yes) X (No)

Claimant must be notified of modifications:

X (Yes) (No)

Receipt Prepared by:

Claim data entered by:

DC

Date:

2/14/90

Checked by:

Date:

Sent to claimant by:

Comments:

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item #8 total consumptive use should be 1379925 AF/ANNUAL

LAW OFFICES
HOLDEN, KIDWELL, HAHN & CRAPO

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
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WEST ONE BANK BUILDING
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

ARTHUR W. HOLDEN (1877-1967)
ROBERT B. HOLDEN (1911-1971)
TERRY L. CRAPO (1939-1982)
WILLIAM S. HOLDEN (1907-1988)

R. VERN KIDWELL, OF COUNSEL

February 13, 1990

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FEB 14 1990

Idaho Department of Water Resources
150 Shoup Avenue, #15
Idaho Falls, Idaho 83402

Department of Water Resources
Eastern District Office

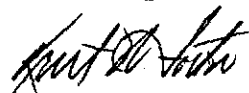
RE: J. Richard Torgesen SRBA Claims

Gentlemen:

Enclosed for filing are ten Notices of Claim in Caribou County, Idaho. We have also enclosed Mr. Torgesen's check in the amount of \$1,277.00 for the filing fees.

Please direct any questions you may have regarding these claims to our office. Thank you for your assistance with this matter.

Yours very truly,


Kent W. Foster

#1270.00/srr

Enclosure

DO NOT FILM

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
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JAMES K. SLAVENS

WEST ONE BANK BLDG.
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
TELEFAX (208) 523-9518

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

February 6, 1995

Dave Carlson, Water Right Agent
IDAHO DEPARTMENT OF
WATER RESOURCES
900 N. Skyline
Idaho Falls, Idaho 83402-1718

Re: Evidence of Priority for Water Right No. A27-11342 in the name of J. Richard
Torgesen

Dear Mr. Carlson:

We are enclosing with this letter an affidavit and an attachment which appears to be
all of the information we've been able to gather to date with respect to the well in question.
If we can be of any further assistance, please feel free to call at your convenience.

Very truly yours,



Kent W. Foster

Enclosure

G:\WPDATA\KWF\1270\CARL0206.LTR:sjw

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NOV 13 1996

AFFIDAVIT OF J. RICHARD TORGESEN

J. Richard Torgesen being first duly sworn on his oath deposes and says:

1. Your affiant is the claimant of SRBA Claim No. A27-11342, and is personally acquainted with the facts stated herein.

2. Affiant has been personally familiar with the property to which the claimed water right is appurtenant since about 1930. When affiant first became acquainted with this property, there was a well located on the west side of Highway 34, just across the road from affiant's present home, which served two homes, provided water for livestock and farm animals and for the watering of a sizeable yard and garden. The well, the homes and yard had the appearance at that time of having been there for many years. As affiant became more familiar with the property, he received information and formed an understanding and belief that the well had been drilled by the original homesteaders, whose name was Skinner, when they first settled on the land. Although affiant understood that the Skinner's had first come to the property much earlier, the patent to the property was issued to Mr. Smith Skinner in 1919. A copy of said patent is attached as Exhibit "A" to this affidavit.

3. When affiant first became aware of the property and the well, the property was owned by Mr. Clarence Lau, affiant's cousin. The well had been drilled to a depth of 225 feet and was pumped by means of jack and motor which were fixed at the top of the well and pumped water into a large tank set up on a wooden frame work. The well supplied water to two homes, to all of the livestock and farm animals, and for the watering of the yard and garden.

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NOV 13 1996

4. In 1946, affiant bought a farm, from said Clarence Lau, which included the old homes and the well and the property upon which they were located and affiant has owned and operated said farm ever since. The use of the old well remained the same until 1963, by which time, affiant had constructed his new home on the east side of said Highway 34. A line was constructed from the old well, underneath the Highway, to the east side of the Highway, where it then supplied water to two new homes and for the watering of livestock at affiant's livestock feeding and watering facilities on the east side of the road as well as approximately one acre of yard and garden. It soon became apparent that a different arrangement needed to be made because of freezing of the line which often occurred in the winter time. In 1970 affiant caused a new well to be drilled on the east side of the Highway to replace the old one on the west side and the old well was abandoned. The new well was drilled to a depth of 240 feet and is located about 150 east of the old well. The new well continues to provide water for two homes, for affiant's livestock, and for approximately 1 acre of yard and garden.

DATED this 27th day of January, 1995.


J. Richard Torgesen

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NOV 13 1996

STATE OF IDAHO)
)ss.
County of Caribou)

SUBSCRIBED AND SWORN TO before me this 27th day of January, 1995.

Lynette Sharp
Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires: 11/8/99

(seal)

G:\WPDATA\KWF\1270\Dick0123.AFF:sjw

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NOV 13 1995

WELL is located SE $\frac{1}{4}$ / NE $\frac{1}{4}$ - Sec 8 - 8S+42.
East

Second day of July 1919 and one nineteenth
In dependence

Attest
J. T. Ferguson, Oct. 9th, 1919 at 4:25 P.M.
Fee \$1.00

By *Alvin B. ...*

Number 595.

Blackfoot 015798 and 023516.

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETING:

Whereas a certain certificate of the Register of the Land Office at Blackfoot, Idaho has been deposited in the General Land Office whereby it appears that, pursuant to the Act of Congress of March 3, 1862, "To Secure Homesteads to actual Settlers on the Public Domain," and the supplemental thereto, the claim of Smith Skinner has been established and fully complied with in conformity to law for the south half of the northeast quarter and the northeast quarter of the northeast quarter of Section eight, the southeast quarter of the southeast quarter of Section five, and the west half of the northwest quarter of Section nine in Township 42 North, Range Forty two east of the Boise Meridian, Idaho, containing one hundred and twenty acres according to the Official Plat of the Survey of the said land, returned to the General Land Office by the Surveyor General:

Now KNOW YE, That there is, therefore, granted by the United States unto the said claimant the tract of Land above described; TO HAVE AND TO HOLD the said tract of Land, with the appurtenances thereof unto the said claimant and to the heirs and assigns of the said claimant forever; subject to any vested and accrued water rights and rights of 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 there is reserved from the lands hereby granted a right of way thereon for ditches or canals constructed by the authority of the United States. Also reserving and reserving to the United States all the phosphate in the west half of the southeast quarter of said Section nine and to it, or persons authorized by it, the right to mine the same and the proceeds therefrom from the same upon compliance with the conditions

of the Act of July 17, 1914 (38 Stat. 1091)

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NOV 13 1996

CARIBOU COUNTY, IDAHO

IN TESTIMONY WHEREOF, I, Woodrow Wilson, President of the United States of America, have caused these letters to be made a test, and the seal of the General Land Office to be hereunto affixed. WITNESSED under my hand, in the District of Columbia, the Nineteenth day of August in the year of our Lord one thousand nine hundred and nineteen.

Seal

Woodrow Wilson, President

His Excellency, Governor

Received: [illegible] General Land Office.

Attest: [illegible] Secretary.

1919.

1919.

1919.

1919.