

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4592
WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
CLAIM NOS. A45-10104 & A45-12757

This is to certify that: LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 45-02338 : IRRIGATION Priority: 08/08/1950	04/01 to 10/31	1.25 CFS	528.1 AF
Right No. 45-02384 : IRRIGATION Priority: 06/18/1951	04/01 to 10/31	1.42 CFS	599.9 AF
Right No. 45-04239 : IRRIGATION Priority: 06/01/1954	04/01 to 10/31	7.24 CFS	1100.0 AF
Right No. 45-10104 : IRRIGATION Priority: 06/01/1954	04/01 to 10/31	1.25 CFS	249.3 AF
Right No. 45-12757 : IRRIGATION Priority: 04/01/1959	03/15 to 11/15	1.70 CFS	340.0 AF
TOTAL:		* 8.30 CFS	* 1660.0 AF

SOURCE

GROUNDWATER

RECEIVED
JAN 30 1996

TRANSFER NO. 4592
 WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
 CLAIM NOS. A45-10104 & A45-12757

LOCATION OF POINT(S) OF DIVERSION:

NENE , Sec. 33, Township 11S, Range 20E
 NENW , Sec. 34, Township 11S, Range 20E
 NESW , Sec. 34, Township 11S, Range 20E
 TWIN FALLS County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
11S	20E	33	NENE 31	SENE 30	NESE 30	
			SESE 25			116
		34	NENW 38	NWNW 38	SWNW 39	
			SESW 40	NESW 40	NWSW 39	
			SWSW 30	SESW 39		303
Total number of acres irrigated:						** 419

CONDITIONS OF APPROVAL AND REMARKS

1. Approval of this transfer in no way confirms the right(s) claimed.
2. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 4.0 afa per acre for the lands above.
3. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

JAN 30 1996

TRANSFER NO. 4592
WATER RIGHT NO(S). 45-02338/45-02384/45-04239,
CLAIM NOS. A45-10104 & A45-12757

CONDITIONS OF APPROVAL AND REMARKS

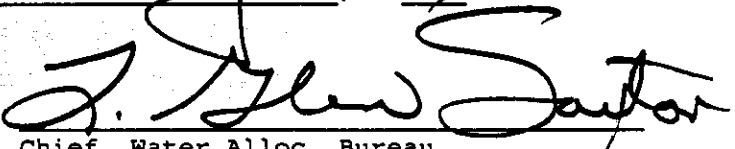
- *8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4592 shall not exceed 8.30 cfs, nor total combined annual volume of 1,660 af for irrigation of a combined total of 415.0 acres.
- 9. Right Nos. 45-02338 and 45-10104 when combined shall not exceed a diversion rate of 1.02 cfs for irrigation of 55.0 acres.
- 10. Right Nos. 45-02338, 45-02384, 45-04239 and 45-10104 when combined shall not exceed a diversion rate of 1.60 cfs for irrigation of 80.0 acres.
- 11. Right Nos. 45-02384, 45-04239 and 45-10104 when combined shall not exceed a diversion rate of 3.90 cfs for irrigation of 195.0 acres.
- **12. Right No. 45-02338 is limited to the irrigation of 135.0 acres in the place of use described above in a single irrigation season.
- **13. Right No. 45-02384 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- **14. Right No. 45-04239 is limited to the irrigation of 275.0 acres in the place of use described above in a single irrigation season.
- **15. Right No. 45-10104 is limited to the irrigation of 135.0 acres in the place of use described above in a single irrigation season.
- **16. Right No. 45-12757 is limited to the irrigation of 85.0 acres in the place of use described above in a single irrigation season.

Dated this 23 day of

January

19

96



Chief, Water Alloc. Bureau

45-02338

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



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 Theodore Sturgill
(Name of Claimant)
Kimberly, Idaho 83341 Telephone No. 423-5434
(Mailing Address) (Zip Code)

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) 1954

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)
ground water 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:

(cfs, af)		(Domestic, Irrigation, Stock, Etc.)		(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	7.24 cfs	Use	irrigation	Period of Use From	April 1 To November 1
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) 7.24 cfs TOTAL QUANTITY USED.
(cfs, af)

(5) A) Point of diversion: (Location of point where water is diverted from its source)
SW ¼ SW ¼, Sec. 34 Twp. 11 S Rge. 20 E B.M., County of Twin Falls
Additional points of diversion: NE 1/4 NW 1/4 and SE 1/4 NW 1/4 all in the same section TWP and Range

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.
1. 40 hp motor
2. 40 hp motor
3. 75 hp motor

(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.

T	R	SEC.	NE%				NW%				SW%				SE%				TOTAL
			NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	NE%	NW%	SW%	SE%	
11S	20E	34					40	40	40	40	40	35		40					275

No. of acres 275

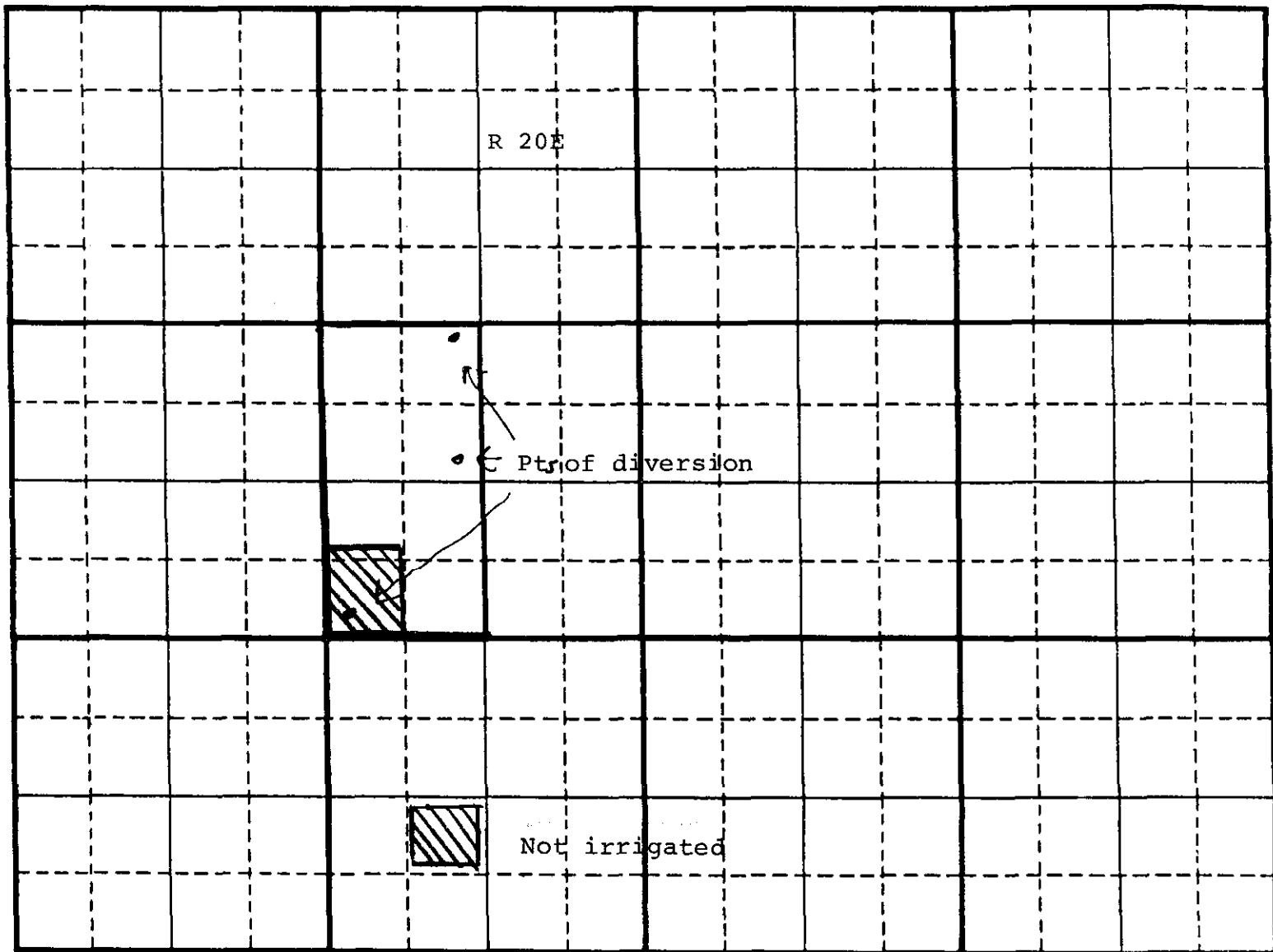
B) If water is used for other than irrigation, fully describe that use, being as specific as possible: n/a

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: n/a

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(8) Remarks Water flow was greater when well was tested than when discarded



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)
County of Twin Falls) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing 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.

Sworn to before me this 29th day of June

Thodore Shugart
(Claimant)

Kim Tami
Notary Public
Residing at Twin Falls

My commission expires 2/9/86

FOR DEPARTMENT USE ONLY

Received by TGB Date 6-29-84 Exception filed by: _____ Date _____
Prelim. check by Y Date 7-5-84 Forwarded to claimant by: _____
\$100, ~~\$30.00~~ fee received by TB Date 6-29-84 # 33130
Published in Times News
Dates 7/19 + 7/26/84

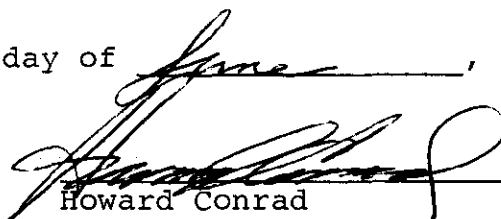
AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Minidoka)

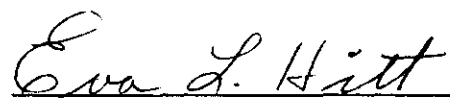
HOWARD CONRAD, after first being duly sworn,
deposes and says:

1. I am a resident of Cassia County, State of
Idaho. I have farmed between Murtaugh and Burley, Idaho all
of my life. In 1954, I farmed all 275 acres, which Mr. Ted
Sturgill's Water License No. G-22192/45-2384 is appurtenant
to.

DATED this 13 day of June, 1984.


Howard Conrad

SUBSCRIBED AND SWORN to before me this 13th day
of June, 1984.


NOTARY PUBLIC FOR IDAHO
Residing at: Burley, Idaho

MICROFILMED

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Twin Falls)

TED STURGILL, after first being duly sworn,
deposes and says:

1. I am a resident of Twin Falls County, State of Idaho. I have farmed in the Murtaugh and Burley areas all of my life. I am the claimant in this matter and I am the individual who obtained the State of Idaho License and Certificate of Water Right No. G-22192/45-2384. The well shown as point of diversion No. 3 under that water right was tested in January 1954. I personally remained at the well for most of five days and five nights during that test period. The well pumped 3,200 gallons per minute and the pumping level was approximately 120 feet.

2. I farmed all 275 acres in 1956. In 1954, Howard Conrad farmed the 275 acres for me. In 1955 Calvin Glenn farmed the 275 acres for me.

DATED this 30 day of 5 - 1984,
1984.

Ted Sturgill
Ted Sturgill

SUBSCRIBED AND SWORN to before me this 30th day
of MAY, 1984.

Jim F. [Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: TWIN FALLS

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of Twin Falls)

CALVIN GLENN, after first being duly sworn,
deposes and says:

1. I am a resident of ^{Twin Falls} ~~Cassia~~ County, State of
Idaho. In 1955, I farmed all 275 acres, which Mr. Ted
Sturgill's Water License No. G-22192/45-2384 is appurtenant
to.

DATED this 24 day of MAY, 1984.

Calvin Glenn
Calvin Glenn

SUBSCRIBED AND SWORN to before me this 24 day
of MAY, 1984.

[Signature]
NOTARY PUBLIC FOR IDAHO
Residing at: Twin Falls

MICROFILMED

AFFIDAVIT

STATE OF IDAHO)
) ss.
County of TWIN FALLS)

TOMMY THOMPSON, after first being duly sworn,
deposes and says:

1. In January of 1954, I was an employee of Layne & Bowler Corporation. I was in charge of testing a well for Ted Sturgill southeast of Murtaugh, Idaho. A true and correct copy of that original test, certified by Gail Staley the Branch Manager of Aurora Pump's Twin Falls Branch, which Company is a successor in interest to Layne & Bowler Corporation, is attached to this Affidavit as Exhibit "A".

2. The well was pumped for five (5) days, and it pumped approximately 3,200 gallons per minute. I sold Mr. Sturgill a 200 h.p. motor and pump that went into the hole.

DATED this 24 day of May, 1984.

Tommy Thompson
Tommy Thompson

SUBSCRIBED AND SWORN to before me this 24 day
of May, 1984.

Dona Orr
NOTARY PUBLIC FOR IDAHO
Residing at: Kimberly Idaho

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LAYNE & BOWLER CORPORATION

CABLE ADDRESS "LAYNBOWLER"

~~SALES AND SERVICE OFFICES IN EVERY PRINCIPAL CITY AND TOWN~~

**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:

47-4483

NELSON, VICTOR W.
&/OR MAXINE
RT 2, Box 5602, Twin
Falls, Idaho 83301

Source: SPRING trib.
to SINKS
Priority Date:

04/01/1940

Diversion Pt: NWSW
Sec 19 T 15S R 17E

Use: STOCKWATER
(0.05 CFS)

In: NESE Sec 24 T 15S
R 18E

45-4230

STURGILL,
THEODORE

Kimberly, Idaho 83341

Source: Ground water
Priority Date:

04/01/1954

Diversion Pt: SWSW
NENW SENW Sec 34 T 11
S 20E

Use: Irrigation (7.24
CFS)

In: NENW NWNW
SWNW SENW NESW

NWSW SESW Sec 34 T
11S R 20E FOR 275

ACRES

Any exception to any
claim of water right may
be filed with the Director

of the Idaho Department
of Water Resources,

1041 Ble Lakes Blvd.
North, Twin Falls, Idaho

83301

A. KENNETH DUNN

Director
PUBLISH: Thursday,
July 19 and 26, 1984.

Affidavit of Publication

STATE OF IDAHO.

COUNTY OF TWIN FALLS

ss.

Nº 14281

Linda Capps McBain being first duly sworn up

Prue Clerk of the TIMES-NEWS,
published daily at Twin Falls, Idaho, and do solemnly swear that a copy of
the notice of advertisement, as per clipping attached, was published in the regular and
entire issue of said newspaper, and not in any supplement thereof, for *Two*
consecutive *Weeks*, commencing with the issue dated
July 19, 1984, and ending with the issue dated
July 26, 1984.

And I do further certify that said newspaper is a consolidation, effective February 16,
1942, of the Idaho Evening Times, published theretofore daily except Sunday, and the Twin
Falls News, published theretofore daily except Monday, both of which newspapers prior to
consolidation had been published under said names in said city and county continuously and
uninterruptedly during a period of more than twelve consecutive months, and said TIMES-
NEWS, since such consolidation, has been published as a daily newspaper except Saturday,
until July 31, 1978, at which time said newspaper began daily publication under said name
in said city and county continuously and uninterruptedly.

And I further certify that pursuant to Section 60-108 Idaho Code, Thursday of each week
has been designated as the day on which legal notice by law or by order of any court of com-
petent jurisdiction within the state of Idaho, to be published weekly, will be published; and
that at the head of the editorial column of said combined newspapers, and in each issue there-
of, Thursday is announced as the day on which said legal notices will be published.

Linda Capps McBain
Subscribed and sworn to before me on this *30* day of

August, 1984
Darlene L. Sawcett

Notary Public in and for the County of Twin Falls,
State of Idaho, residing at Twin Falls, Idaho

CONFIDENTIAL



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 23, 1996

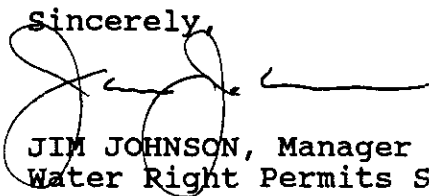
LARRY M ADAMS
KATHY S ADAMS
RT 1
MURTAUGH ID 83344

RE: Transfer of Water Right Nos. 45-02338/45-02384/45-04239
Claim Nos. A45-10104 and A45-12757

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4592). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,



JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECEIVED
JAN 30 1996

MEMORANDUM

TO: FILE 45-04239

FROM: PAM SKAGGS

RE: TRANSFER # 4592

DATE: 4/18/95

=====

Original Transfer Application, Form and correspondence regarding the above referenced Transfer is located within File # 45-02338.

RECEIVED
JAN 30 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Southern Region

1841 Blue Lakes Blvd. N.
Twin Falls, Idaho 83301
(208) 734-3579

~~AUGUST 6~~ 1984
Sept. 11

THEODORE STURGILL
KIMBERLY

ID 83341

RE: Claim No. 45-4239

Dear Claimant:

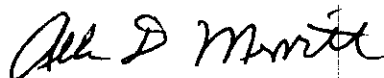
The Department of Water Resources has completed the advertising of your claim to a water right, and no further action is authorized under Section 42-243 and 42-244, IDAHO CODE. Your claim will be retained in our files and will be available at any time for use by you or the court.

The filing and advertising of the claim does not confirm the water right claimed, but will serve to record and preserve the information and the evidence which you included in your claim.

If, at a later date, you find that you have additional information or supporting evidence that you would like to have included with the claim, you may have that information or evidence added at any time. Please refer to the claim identification number when corresponding with this office.

We are enclosing a copy of your claim for your records. If you have questions, or if this office may be of further assistance, please feel free to contact us.

Yours truly,



ALLEN D. MERRITT
Senior Water Resource Analyst

Enclosure

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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:

45-4239-

STURGILL, THEODORE

KIMBERLY, ID 83341

Source: GROUNDWATER

Priority Date: 04/01/1954

Diversion Pt: SWSW NENW SENW Sec 34 T 11S R 20E

Use: IRRIGATION (7.24 CFS)

In: NENW NWNW SWNW SENW NESW NWSW SESW Sec 34 T 11S R 20E FOR 275 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 7/19 & 7/26/84.

MICROFILMED

45-4239

S T U R G I L L ,
THEODORE

Kimberly, Idaho 83341

Source: Ground water

Priority Date:

04/01/1954

Diversion Pt: SWSW

NENW SENW Sec 34 T 11

S 20E

Use: Irrigation (7.24
CFS)

In: NENW NWNW

SWNW SENW NESW

NWSW SESW Sec 34 T

11S R 20E FOR 275

ACRES

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

A. KENNETH DUNN

Director

PUBLISH: Thursday,
July 19 and 26, 1984.

de
may
7/18/84

STATE OF IDAH
DEPARTMENT OF WATER RESOURCES
Southern Region

1041 Blue Lakes Blvd N.
Twin Falls, Idaho 83301
(208) 734-3578

JULY 12, 1984

Times News
P. O. Box 548
Twin Falls, Idaho 83301

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before AUGUST 6, 1984.

Yours truly,

Mary A. Newby
Secretary

Encl.

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