

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPROVED
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Joseph E. Tugaw Phone (801) 487-1321
Post office address 1875 Jeremy Drive, Salt Lake City, Utah 84121

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Joseph E. Tugaw
in case of Glen Briggs, et ux, et al. vs R. Keith Higginson, Director
dated June 25, 1980 in Fifth District Court County of Cassia Civil No. 9818
Decree (Name of court)
- b. License No. / (copy attached) issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant

3. Source of water Groundwater tributary to
4. Date of priority Lic.No.45-2283-12/13/1948; Lic.No.45-2322-1/16/1950;
Lic.No.45-2575-4/3/1959

5. Water is used for the following purposes:
- (45-2283) amount 1.64 for Irrigation purposes from April 1 to October 1
2322
(45-2232) amount 3.33 for Irrigation purposes from April 1 to October 1
(45-2575) amount 0.55 for Irrigation purposes from April 1 to October 1
(month/day -- both dates inclusive)

6. Total amount of water under right: a. 5.52 cubic feet per second
&/or
b. 1663 acre feet per annum
7. Location of original point of diversion is (45-2283) SW¼ of SE ¼ of Section 23
Township 12 South Range 20 East, B.M., in Cassia County
Additional points of diversion, if any (45-2322) SE1/4SE1/4 said Sec.23; (45-2575) SW1/4
NW1/4 of Sec.25 Township 12 South, Range 20 East B.M.

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	20E	13											X						
12S	20E	14	X	X	X	X	X			X	X				X	X	X	X	
12S	20E	23	X	X	X	X									X	X			
12S	20E	24						X	X			X	X						

Total number of acres to be irrigated 600*

Describe any other water rights used for the same purposes as described above
License Nos. 4426 (45-2057) and 21358 (45-2321); 60 inches of water from Mountain Meadows Creek

*See Remarks

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (If the entire right is owned by the applicant, omit part B).

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion

a. Amount of water to be diverted 5.52 c.f.s. &/or 1663.0 acre feet

b. Point(s) of diversion (45-2283) SW1/4 SE ¼, Section 23 Township 12 South
Range 20 East, B.M., Cassia County
Additional points (45-2322) SE1/4 SE1/4 said Sec.23; (45-2575) SW1/4 NW1/4
Sec.25, Township 12 South, Range 20 East, B.M. (Same Wells as Para.7)

c. Description of diverting works 3 wells with pumps; conveyance by means of
concrete ditches and/or supply lines to sprinkler system

d. Describe the reasons for applying for a change in the point(s) of diversion _____
No change in points of diversion - See Remarks
2. Change in place of use

a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
12S	20E	13											3.0						3.0
12S	20E	14	32.9	35.7	40.0	32.0	38.8	35.7	16.9	39.0	25.6				38.5	40.0	23.4	36.7	445.2
12S	20E	23	48.0	29.5	32.4	40.0									31.7	10.3			183.9
12S	20E	24						33.8	36.8			28.6	6.9						101.10

Total number of acres to be irrigated 733.20

Transfer No. _____

Water Right No. _____

4. Remarks (Continued)

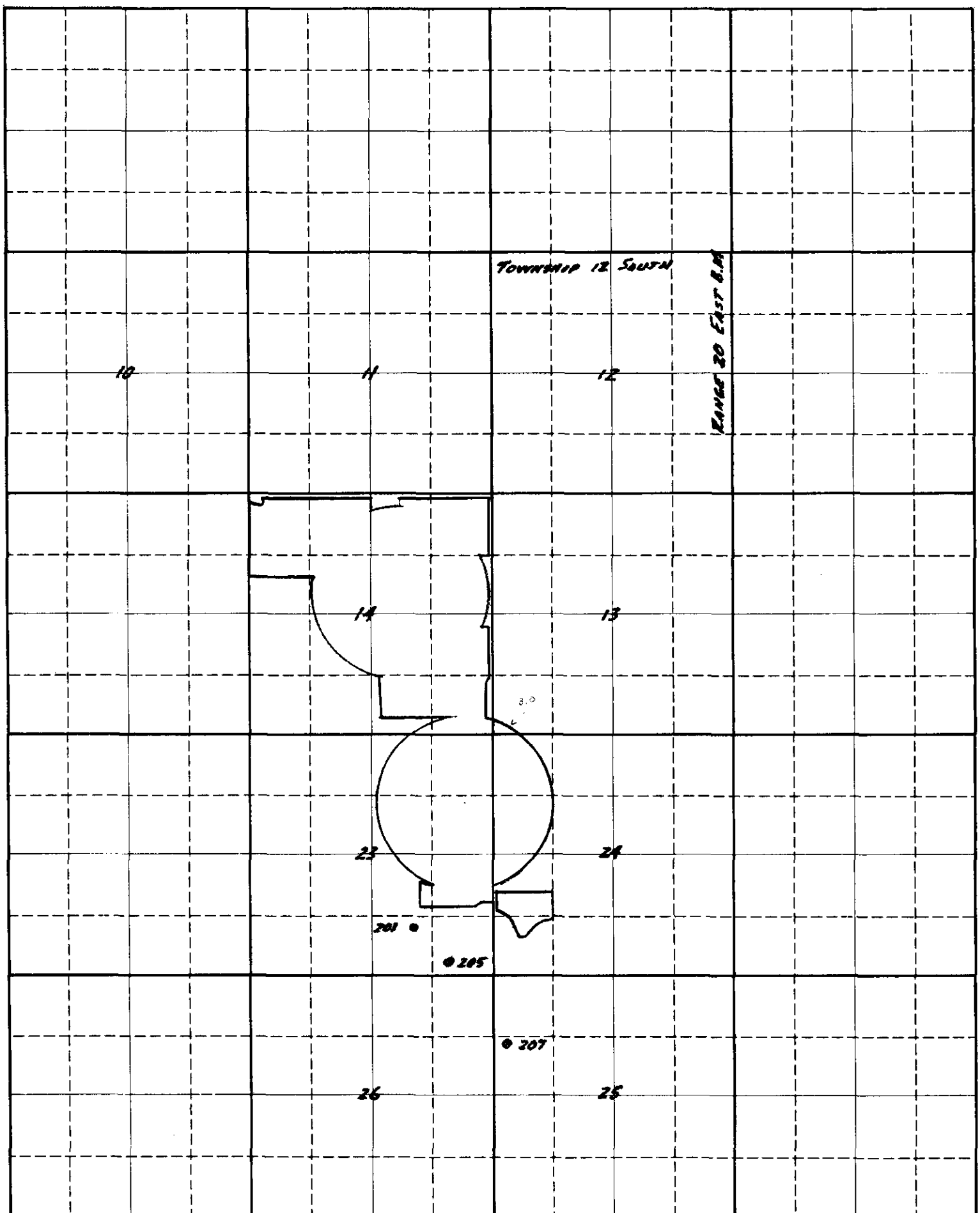
Thus, there is no actual change in point of diversion.

The locations of the 600 acres of land under paragraph A.8 herein were generally identified as such in said Transfer when the nature and extent of applicant's water rights were in dispute in the then pending litigation in Cassia County, Civil No. 9818. There, the director sought to limit applicant's rights to 1233 acre feet annually and applicant claimed 1982 acre feet annually. A final Judgment was entered in Cassia County, Civil No. 9818 on June 25, 1980, (copy attached) wherein applicant's water rights under the designated licenses were fixed and finally adjudicated at 1663 acre feet annually.

The purpose of this application is to conform the licensed water rights covered herein to the actual use of the waters, as confirmed by the final Judgment in Cassia County Civil No. 9818. The 1663 acre feet of water annually as confirmed under paragraph I thereof are diverted by any combination of the three wells specified and are used on the 733.2 acres of land described in paragraph C.2 above, all of which overlay the Big Cedar Buckhorn Aquifer. Paragraph IX of said Judgment specifically confirms that applicant in fact is and has been applying the waters awarded to him under Paragraph I thereof to beneficial use in compliance with the statutes of the State of Idaho and the law as established in that case. Thus, the primary purpose hereof is to identify the lands upon which said waters are and have been applied to beneficial use as confirmed by Paragraph IX of said Judgment and to conform applicant's designated licenses accordingly.

CONFIRMED

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

4. Remarks Prior Transfer No. 45-2283/45-2322/45-2575 amended applicant's designated license rights to authorize the diversion of the waters by means of four wells located at Pole Nos. 201, 205, 207 and 208. This application proposes to eliminate the well at Pole No. 208 and to divert the waters by any combination of the remaining three wells. (See attached sheet).

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Joseph P. Pagan
(Signature of applicant)

Subscribed and sworn to before me this 27th day of August, 19 81.

Joseph Novak
(Notary public)

My commission expires July 20, 1982

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2283, 45-2322, 45-2575 and said application is hereby APPROVED, subject to the following limitations and conditions:
Pursuant to Order attached.

Witness my hand this 26th day of November, 1982.

W. H. H. H. H. H.

FOR DEPARTMENT USE ONLY

Received by DRT Date 8/28/81

IN FULL TO RECEIPT DRT

Prelim. check by Fee 50.00 # 19794

Receipted by RB Date 9-1-81

Published in South ida press

Pub. dates 8/8 & 10/15/81

Watermaster's commendation requested on

 rec'd.

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by LH

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR
TRANSFER OF WATER RIGHTS NOS.
45-2283, 45-2322 AND 45-2575 IN
THE NAME OF JOSEPH E. TUGAW

O R D E R

WHEREAS, on August 28, 1981, the Department of Water Resources received from Joseph E. Tugaw an Application For Transfer of water rights Nos. 45-2283, 45-2322 and 45-2575; and,

WHEREAS, said Application For Transfer proposes to change the description of the place of use on said water rights from 600 acres to 733.2 acres to conform with the present use of the water rights; and,

WHEREAS, based on an initial analysis, the consumptive use of said water rights would apparently be increased if the number of acres irrigated is increased; and,

WHEREAS, under provisions of Section 42-222, Idaho Code, the director cannot approve a transfer application that constitutes enlargement in the use of the original rights; and,

WHEREAS, an Order to Show Cause why the Application For Transfer should not be denied was sent to the applicant on January 30, 1982, by the Director; and,

WHEREAS, the applicant has submitted evidence that indicates Paragraph IX of the District Court Judgment for Case No. 9818 signed by District Judge Theron W. Ward on June 25, 1980, was intended to affix irrigated acreage at the quantities irrigated at the time the judgment was signed; and,

WHEREAS, the applicant has demonstrated that the acreage irrigated by his system in 1980 was in fact the 733.2 acres described in the Application For Transfer; and,

WHEREAS, the applicant has provided affidavits signed by all parties represented in the final judgment, except the Idaho Department of Water Resources, which indicate that counsel for all parties concurred in the interpretation that said judgment, and particularly Paragraph IX thereof, awarded to the applicant the right to irrigate the full 733.2 acres of land

with the 1,663 acre feet of water awarded to him; and,

WHEREAS, parties submitting affidavits represent all of the parties presently entitled to use water from the ground water basin; and,

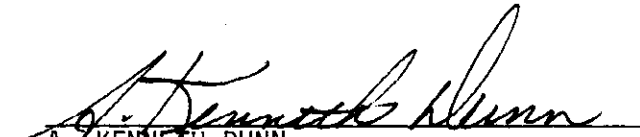
WHEREAS, the evidence submitted by the applicant is sufficient to interpret that the Judgment in Case No. 9818 dated June 25, 1980, allowed for the irrigation of 733.2 acres with 1,663 acre feet of water per annum:

NOW, THEREFORE, Application For Transfer No. T2603 is hereby APPROVED subject to the conditions:

1. Totalizing devices and lockable controlling works of a type acceptable to the department shall be permanently installed and maintained as part of the diverting works.

2. Use of water under this right is subject to control by the watermaster of State Water District No. 45-0, Golden Valley.

DATED this 26th day of November, 1982.


A. KENNETH DUNN
Director

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS NOS.)
45-2283, 45-2322 AND 45-2575 IN)
THE NAME OF JOSEPH E. TUGAW)
_____)

ORDER TO SHOW CAUSE

WHEREAS, on August 28, 1981, the Department of Water Resources received from Joseph E. Tugaw an Application For Transfer of water rights nos. 45-2283, 45-2322 and 45-2575; and,

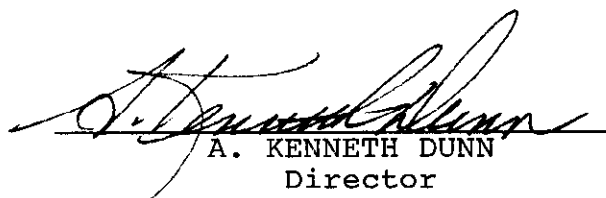
WHEREAS, said Application For Transfer proposes to change the description of the place of use on said water rights from 600 acres to 733.2 acres to conform with the present use of the water rights; and,

WHEREAS, the consumptive use of said water rights would apparently be enlarged if said Application For Transfer is approved; and,

WHEREAS, under provisions of Section 42-222, Idaho Code, the Director cannot approve a transfer application that constitutes an enlargement in the use of the original rights;

IT IS, THEREFORE, HEREBY ORDERED that the Applicant for Transfer of said water rights show cause before the Director of the Department of Water Resources on or before April 1, 1982, why Application For Transfer No. T2603 should not be Denied, by demonstrating how the water right can be spread on an additional 133.2 acres without causing an increase in consumptive use.

Dated this 30 day of January, 1982.


A. KENNETH DUNN
Director

Dca

JOSEPH NOVAK
Attorney for Petitioners-Appellants
520 Continental Bank Building
Salt Lake City, Utah 84101
Telephone: 328-4737

7518
IN THE DISTRICT COURT OF
THE FIFTH JUDICIAL DISTRICT
JUN 25 4 25 PM '88
FRANK B. ROBERTSON
BY *[Signature]* DEPUTY

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE
OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

GLENN BRIGGS and HAZEL BRIGGS,	)	
Husband and Wife; JOE TUGAW,	)	
Successor in Interest of BILL	)	
BROCKMAN and MARIE BROCKMAN,	)	
Husband and Wife,	)	
	)	
Petitioners-Appellants,	)	J U D G M E N T
vs.	)	
	)	
R. KEITH HIGGINSON, Director of the	)	
Department of Water Administration,	)	
State of Idaho; SIMON L. BAKER and	)	
MARJORIE BAKER, Husband and Wife;	)	
RALPH POULTON and DESMA POULTON,	)	Case No. 9818
Husband and Wife; BILL R. POULTON	)	
and PATRICIA L. POULTON, Husband	)	
and Wife; RAYMOND POULTON and	)	
BESSIE MAUD POULTON, Husband and	)	
Wife; and J. RICHARD POULTON, a	)	
Bachelor; GOLDEN VALLEY LAND &	)	
CATTLE COMPANY, a Corporation;	)	
GOLDEN VALLEY MUTUAL WATER COMPANY,	)	
a corporation,	)	
	)	
Respondents.	)	

This matter came on regularly before the above-entitled Court on the written Stipulation for Judgment entered into among the above-named parties and filed herein and the Court having reviewed the files and pleadings herein and being fully advised in the premises hereby approves said Stipulation for Judgment and based thereon makes and enters its Judgment as follows:

It is hereby ORDERED, ADJUDGED and DECREED:

I.

The rights to the use of the first 5,500 acre feet of underground waters annually from the limestone aquifer in Cassia County, Idaho by the following parties under the water rights and by means of the wells hereinafter set forth be and the same are hereby settled, confirmed and adjudged as follows:

<u>Pole No.</u>	<u>Owner</u>	<u>Permit No.</u>	<u>Priority</u>	<u>Licensed Amounts-CFS</u>	<u>Acre Feet Per Year</u>
201)	Joseph E. Tugaw	(45-2283) G-20805	12/13/48)	1.64	
205)	(Briggs-Brockman)	G-21359	1/16/50)	3.33	1,663
207)		G-27866	4/3/59)	0.55	
208	Golden Valley Mutual Water Co.	G-27908	4/29/59	3.56	978
339	Baker-Poulton	G-27987	6/16/59	4.00	952
214	Baker-Poulton	G-28052	7/20/59	6.31	1,413
211	Golden Valley	G-28374	1/13/60	13.5	494
8348	Mutual Water Co.				
				Total	5,500

II.

The well at Pole No. 201 shall be used only as a part of a group of wells used by Tugaw to pump his 1,663 acre feet. The well at Pole No. 207 has been transferred to Tugaw and may be used by him in accordance with this Judgment.

III.

Golden Valley may pump the wells at Poles 216/and 386²¹⁷ under Permit Nos. G-27908 and G-28374, but total withdrawal from all listed wells of Golden Valley shall not exceed the total quantities stated in Paragraph I hereinabove.

IV.

The quantity of underground water which each of the parties shall be entitled to divert and use annually from the first 5,500 acre feet of water annually diverted from the limestone aquifer in Cassia County, Idaho under the provisions of Paragraph X of the Amended Decree made and entered on October 1, 1971, in said Civil No. 7876, be and the same are hereby fixed and determined to be the respective quantities of water in acre feet per year as set forth in Paragraph I hereinabove under the respective water rights and priorities stated therein and the rights of the parties to the annual diversion and use of the quantities of water in acre feet per year stated therein be and the same are hereby settled, confirmed and adjudged to be final and binding on the parties hereto.

V.

In the event that the average annual rate of natural recharge of the limestone aquifer exceeds 5,500 acre feet per year and the Director allows water to be pumped therefrom in addition to the 5,500 acre feet now allowed, the first 430 acre feet of increased pumping shall be allocated between Baker and Golden Valley as follows: Baker to receive 255 and Golden Valley 175 on a proportional basis as it becomes available. The portion going to Baker shall be proportioned between the rights under Permit G-27987 and G-28052 in the proportion of 86/255 to G-27987 and 169/255 to G-28052. Any additional water above 430 acre feet shall be allocated in accordance with Paragraphs XII and XIII of the Amended Decree made and entered on October 1, 1971 in said Civil No. 7876.

VI.

The administration and distribution of the underground waters under the water rights of the parties set forth in Paragraph I hereinabove shall be based on a five-year average annual diversion beginning with the 1981 irrigation season. The average annual pumpage from all wells combined (exclusive of the carryover water provided for in Paragraph VII hereinafter) shall not exceed 5,500 acre feet during any consecutive five-year period. Each of the parties shall be entitled to pump water in excess of his annual quantity specified in Paragraph I hereinabove during any year but not to exceed an additional fifty per cent (50%) thereof, provided that the rights of the other parties shall not be impaired thereby and provided further that the total quantity of water pumped by any party (exclusive of his carryover water) during any consecutive five-year period shall not exceed five times his annual quantity of water specified in Paragraph I hereinabove.

VII.

Each of the parties shall be entitled to carry over for pumping during succeeding years any water which he did not pump but was entitled to pump during a preceding year. Each

party shall be considered to have unpumped water from previous years (water in the bank) when the number of preceding years of the then existing five-year period multiplied by his allocations specified in Paragraph I hereinabove (or as might be modified under Paragraph V hereinabove) produces a total allowed pumpage larger than his actual pumpage in those preceding years. In any subsequent year of the five-year period, any such party may pump and use his water in the bank, or any portion thereof, in addition to his said annual allocation subject to the provisions of Paragraph VI hereinabove. Any party having water in the bank at the end of a five-year period may carry over such water in the bank to his credit at the start of the next five-year period.

VIII.

The current five-year period expires December 31, 1980. As a part of this settlement, the parties agree that as of January 1, 1980 Golden Valley had 774 acre feet of its allocation for the current five-year period unused in the water bank; Baker-Poulton has 115 acre feet of allocated water unused and Joseph Tugaw (Briggs-Brockman) has no unused water and no deficit from previous years pumping. During the 1980 irrigation season Golden Valley shall be entitled to pump 2246 acre feet, Baker-Poulton shall be entitled to pump 2480 acre feet and Joseph Tugaw shall be entitled to pump 1663 acre feet.

IX.

All parties are hereby adjudged to have sufficient lands to apply the amounts of water specified in Paragraph I hereinabove to beneficial use and in fact are now and have been applying said water to beneficial use in compliance with the Statutes of the State of Idaho and the law as established in this case.

X.

The administration and distribution of the underground waters under the water rights of the parties as set forth in Paragraph I hereinabove shall be by the Idaho Department of Water Resources and shall be administered and distributed by

it among the parties hereto in accordance with the priorities stated therein. The said Department may limit or expand the amount of water which may be pumped from the aquifer without exceeding its average annual rate of recharge in accordance with Paragraphs XII and XIII of the Amended Decree made and entered on October 1, 1971, in said Civil No. 7876 provided, however, that the quantities of water in acre feet per year set forth in Paragraph I hereinabove shall not be reallocated or reapportioned among the parties hereto in the administration or distribution thereof.

XI.

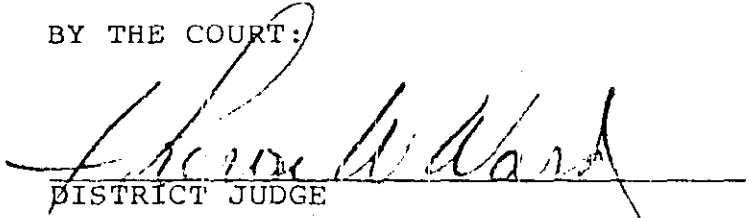
The Director's Order dated May 9, 1972, and Supplemental Order dated May 19, 1972, and Amendment to Order dated March 15, 1977, be and the same are modified to conform to this Judgment and as so modified the said Director's Orders be and the same are hereby affirmed.

XII.

Each party shall bear his own costs.

DATED this 25th day of June, 1980.

BY THE COURT:

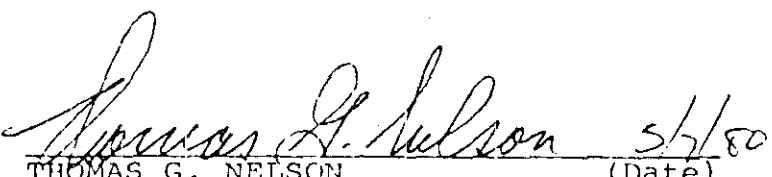

DISTRICT JUDGE

Approved as to form and substance prior to signature and entry:


HERMAN E. BEDKE (Date) 6-23-80
P. O. Box 240
1416 Overland Avenue
Burley, Idaho 83318


JOSEPH NOVAK (Date) 4/1/1980
520 Continental Bank Building
Salt Lake City, Utah 84101

Attorneys for Petitioner-
Appellant Joe Tugaw,
a/k/a Joseph E. Tugaw


THOMAS G. NELSON (Date) 5/7/80
Attorney for Respondents Simon L. Baker and Marjorie Baker, husband and wife; Ralph Poulton and Desma Poulton, husband and wife; Bill R. Poulton and Patricia L. Poulton, husband and wife; Raymond Poulton and Bessie Maud Poulton, husband and wife, and J. Richard Poulton, a bachelor
P. O. Box 525
Twin Falls, Idaho 83301

Lloyd J. Walker
LLOYD J. WALKER (Date)
Attorney for Respondents Golden
Valley Land & Cattle Company, a
corporation, and Golden Valley
Mutual Water Company, a corpor-
ation
P. O. Box 23
Twin Falls, Idaho 83301

Josephine P. Beeman 6/18/80
MICHAEL H. HYER (Date)
Deputy Attorney General
Attorney for Respondent C. Stephen
Allred, Director
Statehouse
Boise, Idaho 83720

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Mary Summers, being first
duly sworn, deposes and says that she is the
Clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of

The South Idaho Press for Two
consecutive weeks, commencing with the issue
dated October 8th 1981, and ending
with the issue dated October 15, 1981

Mary Summers

Subscribed and sworn to before me
this 10th day of Nov

19 81.

Norma M. Peterson Notary Public

Cost of Publication \$ 35.10

Notary Fee

Total Cost \$ 35.10

NOV 16 1981

NOTARY PUBLIC RESIDING AT
BURLEY, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1985.



SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

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consecutive weeks, commencing with the issue
dated October 8th 1981, and ending
with the issue dated October 15, 1981

Mary Summers

Subscribed and sworn to before me

this 15th day of May
1981.

Notary Public

Cost of Publication 35.10
Notary Fee
Total Cost 35.10

NOTARY PUBLIC RESIDING AT
RUPEST, IDAHO. MY COMMISSION
EXPIRES JUNE 21, 1985

81-256

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
No. 45-2283
No. 45-2322
No. 45-2575

Notice is hereby given that Joseph Tugaw of Salt
Lake City, Utah has applied to the Department of
Water Resources for a change of place of use of
the waters of a groundwater source. The right
sought to be changed is evidence by decree to
Joseph E. Tugaw in case of Glen Briggs, et ux, et al
vs. R. Keith Higginson, Director Department of
Water Resources et al dated June 25, 1980 in Fifth
District Court, Cassia County, and is recorded as
follows:

45-2283 Priority: December 13, 1948
Amount: 1.64 cfs
Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S,
R20E, B.M., Cassia County.

45-2322
Amount: 3.33 cfs Priority: January 16, 1950
Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S,
R20E, B.M., Cassia County.

45-2575
Amount: 0.55 cfs Priority: April 3, 1959
Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S,
R20E, B.M., Cassia County.

The water is used for irrigation of 600 acres
from April 1 to October 1 within the SW $\frac{1}{4}$ SW $\frac{1}{4}$,
Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec.
14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$,
W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E.

TO BE CHANGED AS FOLLOWS:

Amount: 5.52 cfs

Point of Diversion:

45-2283 — SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;

45-2322 — SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;

45-2575 — SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S, R20E.

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$,
SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23;
W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E.

The water to be used for irrigation of 733.20
acres from April 1 to October 1. Any protest
against approval of the above proposed change of
water right must be filed with the Idaho Depart-
ment of Water Resources, 1041 Blue Lakes Blvd.
North, Twin Falls, Idaho 83301 on or before
October 26, 1981.

A. KENNETH DUNN
Director

Published in the South Idaho Press October 8
and 15, 1981.

Identification No. _____

Transfer No. 45-2283/45-2322/

#1875 45-2575

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

**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 1875 Jeremy Drive, Salt Lake City, Utah 84121

2. Right obtained by:

Glen Briggs and Hazel Briggs; Bill

a. Decree to Brockman and Marie Brockman in Case of Simon L. Baker et ux, et al
(Name) Inc. et al

vs. Ore-Ida Foods/, Dated Oct. 1, 1971 in Fifth District

(Name of Court)

Court. County of Cassia

G-20805 (45-2283); G-21359 (45-2322); G-27866 (45-2575); Trans.

b. License No. Rt. Nos. 1030 and 1031 issued by the State of Idaho, Department of Reclamation.

- Buckhorn Aquifer

3. Source of water Underground - Big Cedar/ tributary to -

(Name of stream or source)

4. Date of Priority 12/13/48, 1/16/50 and 4/3/59 resp.

5. Amount of water a. _____ c.f.s. and/or

b. 1982 acre feet/annum

6. Water is used for irrigation from April 15 to October 15

(Pole No. 205)

(Month, Day)

(Month, Day)

7. Original location of point of diversion is / SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23,

Township 12 South, Range 20 East, B.M., in Cassia County;

Additional points of diversion, if any _____

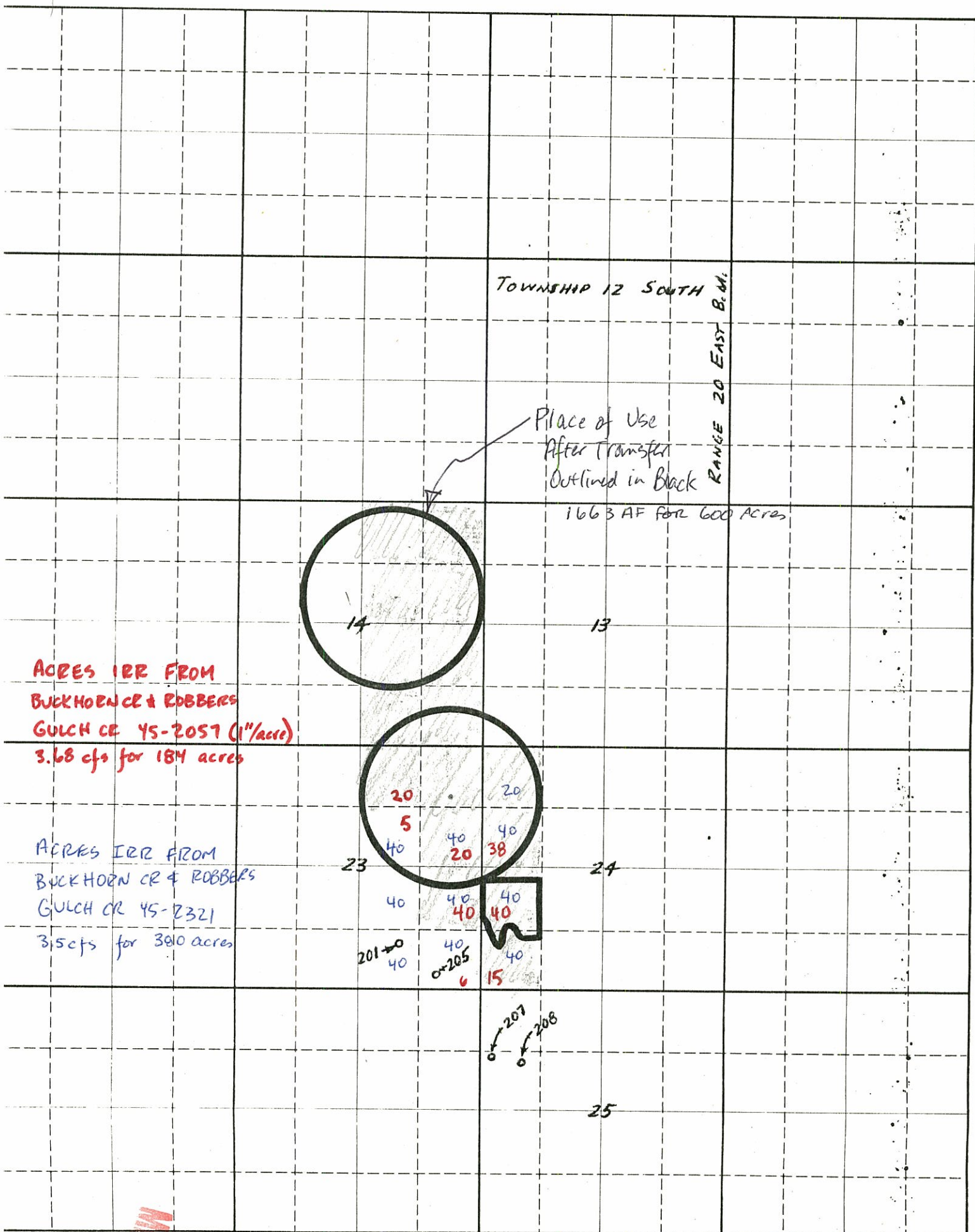
8. Lands presently irrigated or place of use: (See attached sheet - Explanatory)

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 $\frac{1}{4}$	
12 S	20 E	14	40	24	27	40									40	36	33	40	280
12 S	20 E	23	40	2		37									11				90
12 S	20 E	24						37	40			39	5						121

Total number of acres presently irrigated 491 *

* See attached sheet 15-2283 - Explanatory

JOSEPH TUGAW WATER RTS



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



IRRIGATED SUBDIVISIONS
UNDER LIC. NO. G-27866
(491 acres)

Identification No. _____

Transfer No. 45-2283/45-2322/45-2575

EXPLANATORY

Par. 8, continued

The 491 acres described herein are those specified in License No. G-27866 upon which proof was made during the period when junior wells had substantially reduced the water levels in the limestone aquifer known as the Big Cedar-Buckhorn aquifer, and by reason thereof applicant's predecessors were unable at that time to irrigate the total acreage theretofore irrigated of at least 580 acres, and applicant does not intend hereby to jeopardize his claim of right to irrigate the full 580 acres.

Par. 11, continued

Applicant proposes to install two center pivot sprinklers and hand moved sprinklers at the approximate locations shown on the included sketch. It is impractical at this time to specify the number of acres to be irrigated within each 40 acre tract because of the circular perimeter thereof and the positioning of the center of pivot. However, the total acreage will be embraced within the 40 acre tracts designated herein.

Applicant proposes to more efficiently use the full quantity of water awarded to his predecessors under the Amended Decree referred to above by means of the proposed sprinkler irrigation system, and by reason thereof applicant will be able to irrigate more acreage with the same quantity of water than under the prior corrugate system. In addition thereto, the waters covered hereby will be used supplementary to applicant's rights from intermittent surface sources as specified in par. 11(d) herein.

9. If applicant was not the original holder of this right explain how it was acquired: On December 8, 1971 William J. Brockman and Marie Brockman assigned their interests as purchasers from Glen Briggs and Hazel Briggs under Contract of Purchase and Sale dated May 27, 1966 to applicant. See attached Assignment.

10. CHANGE IN POINT OF DIVERSION

- a. Quantity to be diverted at new point: - c.f.s. and/or 1982 acre feet
(205) SE $\frac{1}{4}$ SE $\frac{1}{4}$ (same well as par. 7)
- b. New point of diversion: (201) SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 South
, Range 20 East, B.M. (207) and (208) both in SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 25, Township 12 South, Range 20 East, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: Diversion - 4 wells with pumps; conveyance by means of concrete ditches and pipes from each well to boxes and/or supply lines to sprinkler system and corrugates
- d. Is water to be conveyed to the lands previously irrigated? Yes x No x
- If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
Reductions in water levels in limestone aquifer necessitates utilizing additional wells to divert the 1982 acre feet of water awarded under the above amended decree to applicant's predecessors and to more efficiently use the waters so awarded by center pivot sprinkler system and corrugates
- 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 (See attached sheet - Explanatory)

- 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 $\frac{1}{4}$	
12 S	20 E	13											x						
12 S	20 E	14	x	x	x	x	x			x	x				x	x	x	x	
12 S	20 E	23	x	x	x	x									x	x			
12 S	20 E	24						x	x			x	x						

Total number of acres to be irrigated 600

45 2283

- 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:

Two center pivot sprinklers and hand move sprinklers will be used to irrigate in part lands presently irrigated and new lands as generally shown on the above sketch

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: (45-2257) (45-2221) License Nos. 4426 and 21358; 60 inches of water from Mountain Meadows Creek.

- 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. Lujan
(signature of applicant)

Subscribed and sworn to before me this 21st day of June, 19 73

Joseph Novak
(notary public)

Residing in Salt Lake City, Utah

My commission expires June 20, 1976

**ACTION OF STATE RECLAMATION ENGINEER
AND CERTIFICATE OF TRANSFER**

45-2283/

This is to certify that I have examined Application for Transfer of Water Rights No. 45-2322/45-2575,

and said application is hereby APPROVED

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

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 26th day of July, 19 73

L. Keith Higinbotham
Director

FOR DEPARTMENT USE ONLY

Received by if Date 6-25-73

Protest filed by: _____ Date _____

Prelim. check by MOF Date 6-26-73

Fee received by from Date 6-26-73 Fee \$ 30.00

MOF Approved for publication by _____
South Idaho

Published in _____ Press Dates 7-3 & 7-10-73

Hearing held _____

Watermaster Recommendation sent _____

DEPARTMENT OF WATER ADMINISTRATION
- STAFF ANALYSIS -

Item	Initial	Date	
(1)	<i>jmm</i>	<i>6-27-73</i>	Application No. <u>45-2283/45-2322/45-2575</u> <i>Joseph E. Tugow</i>
(2)	<i>KOF</i>	<i>6-26-73</i>	☒ Source ☒ Point of Diversion ☒ County ☒ Quantity of Water and Period of Use ☒ Description of Diverting Works ☐ Time required for B/U of water ☒ Place of Use or Acres Irrigated ☒ Map ☒ Signature ☒ Fee
(3)	<i>KOF</i>	<i>6-26-73</i>	In form to receipt Send Copies to: ☐ Idaho State Health Department ☐ Idaho Fish and Game Department ☐ Bureau of Land Management
(4)	_____	_____	☐ Request Special Use Permit from U.S.F.S. ☐ Request Easement from B.L.M. ☐ Request Information from Applicant
(5)	<i>KOF</i>	<i>6-27-73</i>	In form for advertising
(6)	<i>KOF</i>	<i>6-27-73</i>	Located within Water District No. <u>45-11</u>
(7)	<i>KOF</i>	<i>6-27-73</i>	Critical groundwater area: yes ☒ no _____
(8)	_____	_____	Groundwater levels: ☐ Decline (comment) _____ ☐ Stable (comment) _____ ☐ Increasing (comment) _____
(9)	_____	_____	Comments: _____
(10)	<i>jmm</i>	<i>7-13-73</i>	Affidavit of Publication received (date) <u>7-13-73</u>
(11)	_____	_____	Final date for protests <u>July 20, 1973</u> Protests received: yes _____ no _____
(12)	_____	_____	Date and Place of hearing _____ Decision reached at hearing _____
(13)	_____	_____	All requested information received from agencies or applicant yes _____ no _____
(14)	_____	_____	Action recommended: ☒ Approve Priority _____ ☐ Deny Reason for Reduction _____ ☐ Measuring device required ☐ See attached sheet for additional conditions of approval ☐ No additional conditions for approval
(15)	District <u>Southern</u>	By <u>Bob Haynes</u>	Date <u>7-20-73</u>

SOUTH IDAHO PRESS

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

Keith Chambers, being first

duly sworn, deposes and says that he is the

Boskheper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2

consecutive weeks, commencing with the issue

dated July 3, 1973, and ending

with the issue dated July 10, 1973.

Keith Chambers

Subscribed and sworn to before me

this 12th day of July

1973.

Edith Raustadt Notary Public

Cost of Publication 24.85

Notary Fee

Total Cost

My commission expires October 23, 1975

73-283
Notice is hereby given that Joseph E. Fogow of Salt Lake City has applied to the Department of Water Administration for a change of points of diversion and place of use of the waters of a ground water source. The right sought to be changed is evidenced by License Nos. 45-2283, 45-2322, 45-2575, Transfer Right Nos. 1030 and 1031 and is recorded as follows:

45-2283, Transfer No. 1030
— Amount: 1.64 c.f.s.

Priority: December 13, 1948

Point of diversion: SE 1/4, Sec. 23, T. 12S, R. 20E, B.M.

45-2322, Transfer No. 1031

— Amount: 3.33 c.f.s.

Priority: January 16, 1950

Point of diversion: SW 1/4, Sec. 23, T. 12S, R. 20E, B.M.

45-2575 — Amount: .55 c.f.s.

Priority: April 3, 1959

Point of diversion: SE 1/4, Sec. 23, T. 12S, R. 20E, B.M.

The water is used for (45-2283, Transfer No. 1030 and 45-2322, Transfer No. 1031):

irrigation purposes within 1/2, N 1/4 SE 1/4, Sec. 14; E 1/2 N 1/4, Sec. 15; NW 1/4 NE 1/4, S 1/4 N 1/4, N 1/4 SE 1/4, Sec. 23; W 1/2 N 1/4, Sec. 24; T. 12S, R. 20E, B.M.

(45-2575): Irrigation purposes within NE 1/4, SE 1/4, Sec. 14; N 1/4 NE 1/4, SE 1/4 NE 1/4, NE 1/4 SE 1/4, Sec. 23; W 1/2 NW 1/4, W 1/2 W 1/4, Sec. 24; T. 12S, R. 20E, B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1982-acre-ft

Points of diversion:

SE 1/4 SE 1/4, SW 1/4 SE 1/4, Sec. 23;

SW 1/4 NW 1/4 (2 points), Sec. 25;

T. 12S, R. 20E, B.M.

The water will be used for irrigation purposes from Apr. 15 to Oct. 15 within the SW 1/4 SW 1/4, Sec. 13; NE 1/4, E 1/2 NW 1/4, NE 1/4 SW 1/4, SE 1/4, Sec. 14; NE 1/4, NE 1/4 SE 1/4, Sec. 23; W 1/2 NW 1/4, W 1/2 SW 1/4, Sec. 24; T. 12S, R. 20E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, ID 83401, on or before July 20, 1973.

R. KEITH HIGGINS

Director

Published in the South Idaho Press on July 12 and July 10, 1973.

SOUTH IDAHO PRESS
BURLEY, IDAHO
AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss
STATE OF IDAHO)

Ruth Chambers being first

duly sworn, deposes and says that he is the

Bartkeeper of the South Idaho Press, a daily newspaper published at Burley, Idaho, in the county aforesaid and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular editions of

The South Idaho Press for 2 consecutive weeks, commencing with the issue

dated July 3, 1973, and ending

with the issue dated July 10, 1973.

Ruth Chambers

Subscribed and sworn to before me

this 12th day of July

1973.

Edith Raustadt Notary Public

Cost of Publication 24.85

Notary Fee

Total Cost

My commission expires October 23, 1975

73-216

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

NO. 45-2283/45-2322/45-2575

Notice is hereby given that Joseph E. Tugaw of Salt Lake City has applied to the Department of Water Administration for a change of points of diversion and places of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. 45-2283, 45-2322, 45-2575, Transfer Right Nos. 1030 and 1031 and is recorded, as follows:

45-2283, Transfer No. 1030

— Amount: 1.64 c.f.s.

Priority: December 13, 1948

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 23, T. 12S, R. 20E, B.M.

45-2322, Transfer No. 1031

— Amount: 3.33 c.f.s.

Priority: January 16, 1950

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 23, T. 12S, R. 20E, B.M.

45-2575 — Amount: .55

c.f.s. Priority: April 3, 1959

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 23, T. 12S, R. 20E, B.M.

The water is used for (45-2283, Transfer No. 1030; and

45-2322, Transfer No. 1031):

irrigation purposes within N $\frac{1}{2}$,

N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ NE $\frac{1}{4}$,

Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,

N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ W $\frac{1}{2}$,

Sec. 24; T. 12S, R. 20E, B.M.

(45-2575): Irrigation purposes

within NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14;

N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$,

Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$,

Sec. 24; T. 12S, R. 20E, B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1982 acre feet

Points of diversion:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;

SW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 25;

T. 12S, R. 20E, B.M.

The water will be used for

irrigation purposes from Apr.

15 to Oct. 15 within the

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$,

E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$,

Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec.

23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec.

24; T. 12S, R. 20E, B.M.

Any protest against ap-

proval of the above proposed

change of water right must be

filed with the Idaho Depart-

ment of Water Administration,

1041 Blue Lakes Boulevard

North, Twin Falls, ID 83301, on

or before July 20, 1973.

R. KEITH HIGGINSON

Director

Published in the South Idaho

Press on July 3 and July

10, 1973.

RECEIVED

JUN 20 1973

Department of Social Administration
Southern District Office

ASSIGNMENT

THIS AGREEMENT Made and entered this 3rd day of December, 1971, between WILLIAM J. BROCKMAN and MARIE A. BROCKMAN, husband and wife, hereinafter called "Sellers" and JOSEPH E. TUGAW, hereinafter called "Buyer."

For and In Consideration of the covenants and agreements herein contained the parties do hereby agree as follows:

(1) The Sellers have this day entered into an agreement with Joseph E. Tugaw and Edward A. Tugaw, d/b/a Tugaw Ranch, a partnership, wherein Tugaw Ranch sold on contract to the Sellers herein certain real property situated in Twin Falls County, Idaho. The downpayment for the purchase of such property by the Sellers herein is the Sellers' agreement to assign to Joseph E. Tugaw all right, title and interest which the Sellers have in and to real property and grazing rights situated in Cassia County, Idaho, which real property and grazing rights are subject to a contract of sale wherein Glen and Hazel Briggs, husband and wife, the Sellers and William J. Brockman and Marie A. Brockman, husband and wife, were the Buyers, which contract of sale is dated May 27, 1966, and supplemented by a supplemental contract of sale dated March 6, 1967, both of which contracts are escrowed at the Twin Falls Bank & Trust Company in Twin Falls, Idaho. A copy of said contract and supplemental contract is attached hereto marked Exhibit "A" and by this reference made a part hereof as though set out at length herein. It is agreed that the unpaid principal balance due on said contract of sale dated May 27, 1966, and the supplemental contract of sale dated March 6, 1967, is the sum of \$167,000.00, together with interest thereon.

45 2283

1 (2) In consideration of the transaction between
2 William J. Brockman and Marie A. Brockmar, as Buyers and
3 Joseph E. Tugaw and Edward A. Tugaw, d/b/a Tugaw Ranch,
4 the Sellers herein, do hereby assign all right, title
5 and interest which they have in and to that contract
6 of sale dated May 27, 1966, and the supplemental contract
7 of sale dated March 6, 1967, hercinabove referred to
8 and all property described therein to Joseph E. Tugaw.

9 (3) That the Sellers herein shall pay all interest
10 due on said contract to January 15, 1972.

11 (4) Sellers agree to pay all taxes and assessments
12 against the property covered by this agreement and all state
13 land lease payments and fees for grazing on the Bureau of
14 Land Management allotment and Forest Service allotment for
15 the year 1971 and prior thereto.

16 (5) Buyer agrees to pay all of said taxes, assessments
17 state land lease payments and fees to the Bureau of Land
18 Management for the year 1972 and subsequent years.

19 (6) Buyer has inspected the premises and is relying
20 upon his own knowledge and information concerning the same
21 and is not relying upon any representation of the Sellers
22 respecting the character or quality of said premises and
23 Buyer specifically acknowledges that he has received a copy
24 of the decree in the litigation in Cassia County involving
25 the water rights on said property in the case entitled
26 Baker against Ore-Ida and that the water rights listed in
27 the schedule attached to Exhibit "A" hereto, are subject to
28 said decree.

29 (7) Sellers agree that this sale includes all water
30 rights appurtenant to the land including all decreed rights
31 water licenses and permits and that all pumps situated
32 on the premises are included in this sale.

1 (8) It is recognized by and between the parties
2 hereto that the grazing privileges on the Bureau of Land
3 Management allotment and the Forest Service are to be
4 used and enjoyed by the Buyer and are included in this
5 agreement of sale but Sellers do not guarantee that there
6 will not be a future cut or reduction therein. Sellers
7 agree to execute any and all documents necessary for
8 the transfer of said rights and shall cooperate with
9 the Buyer to effect such transfer. It being recognized
10 that the prosecution of the transfer of said rights shall
11 be an obligation of the Buyer and shall not be an obligation
12 of the Sellers.

13 (9) The Buyer shall be entitled to possession of
14 the above described real property from and after January
15 1, 1972 and shall be entitled to hold and enjoy the same
16 and the whole thereof so long thereafter as he meets
17 all of the terms and conditions of the contract between
18 the Sellers herein and Glen Briggs and Hazel Briggs

19 (10) Coincident with the execution of this assignment
20 the Sellers will make, execute and deliver a Warranty Deed
21 to the property described in the schedule attached to
22 Exhibit "A" subject to said contract and supplemental
23 contract and subject to taxes and assessments for the
24 year 1971 and subsequent years and subject to any easements
25 or rights of way of record.

26 (11) Sellers agree to pay Herman E. Bedke in full for
27 all legal services in connection with the representation of
28 the Sellers in the Baker vs Ore-Ida law suit through the
29 period of December 31, 1971.

30 (12) It is understood and agreed by and between
31 the parties hereto that the written consent of Glen Briggs
32

1 and Hazel Briggs to this assignment is necessary and
2 that the Sellers herein shall obtain the same within
3 fifteen (15) days from the date of this agreement.

4 IN WITNESS WHEREOF, The parties hereto have caused this
5 agreement to be executed the day and year first above written.
6

7 William J. Brockman
8 WILLIAM J. BROCKMAN

9 Marie A. Brockman
10 MARIE A. BROCKMAN

11 "Sellers"
12 Joseph E. Tugaw
13 JOSEPH E. TUGAW
14 "Buyer",

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

17 On this 10th day of December, 1971, before me, the
18 undersigned, a Notary Public in and for said County and State,
19 personally appeared WILLIAM J. BROCKMAN and MARIE A. BROCKMAN,
20 husband and wife, known to me to be the persons who executed
21 the foregoing instrument and acknowledged to me that they
22 executed the same.

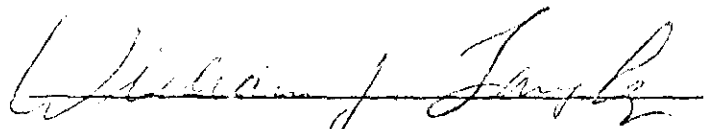
23 IN WITNESS WHEREOF, I have hereunto set my hand and
24 affixed my official seal, the day and year in this certificate
25 first above written.

26 William J. Tugaw
27 Notary Public for Idaho
28 Residing at Twin Falls, Idaho
29
30
31
32

1 STATE OF IDAHO)
2) ss.
3 County of Twin Falls.)

4 On this 8th day of December, 1971, before me, the
5 undersigned, a Notary Public in and for said County and State,
6 personally appeared JOSEPH E. TUGAW, known to me to be the person
7 who executed the foregoing instrument and acknowledged to me
8 that he executed the same.

9 IN WITNESS WHEREOF, I have hereunto set my hand and
10 affixed my official seal, the day and year in this certificate
11 first above written.

12 

13 Notary Public for Idaho
14 Residing at Twin Falls, Idaho
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Exhibit A

SCHEDULE A

PARCEL NO. 1: Township Twelve (12) South, Range Twenty (20) East of the Boise Meridian

Section Thirteen (13): That part of the Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) lying South and West of the Oakley cut off road;

PARCEL NO. 2: Township Twelve (12) South, Range Twenty (20), East of the Boise Meridian

Section Ten (10): East Half (E $\frac{1}{2}$)
 Section Fourteen (14): North Half (N $\frac{1}{2}$)
 EXCEPT a portion of the Northwest Quarter of the Northwest Quarter (NW $\frac{1}{4}$ NW $\frac{1}{4}$) described as follows: Beginning at Section corner of Sections Ten (10), Fourteen (14), Eleven (11) and Section Fifteen (15), Township Twelve (12) South, Range Twenty (20), E.B.M., Starting from iron stake going South Thirty (30) feet; Thence going East One Hundred Thirty-two (132) feet to the point of beginning; Thence going East Four Hundred Sixteen (416) feet; Thence South Two Hundred Eight (208) feet; Thence West Four Hundred Sixteen (416) feet; Thence North Two Hundred Eight (208) feet to the point of beginning.

South Half Southeast Quarter (S $\frac{1}{2}$ SE $\frac{1}{4}$)
 North Half Southeast Quarter (N $\frac{1}{2}$ SE $\frac{1}{4}$)
 Section Fifteen (15); East Half of the Northeast Quarter (E $\frac{1}{2}$ NE $\frac{1}{4}$)

Section Twenty-three (23): West Half of the Northeast Quarter (W $\frac{1}{2}$ NE $\frac{1}{4}$), Southeast Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$), and the Southeast Quarter (SE $\frac{1}{4}$) and the Northeast Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$)
 Section Twenty-four (24): West Half of the West Half (W $\frac{1}{2}$ W $\frac{1}{2}$)

Together with all domestic and irrigation water rights appurtenant to said lands, by license and permit of the State of Idaho Department of Reclamation

License No. 4426, May 19, 1909, Buckhorn Creek and Robbers Gulch	3.68 cfs
License No. 21358, January 16, 1950, Buckhorn Creek and Robbers Gulch	3.50 cfs
License No. 20805, December 12, 1948, Well in SE SE, 23-12-20	1.64 cfs
License No. 21359, January 16, 1950, Well in SE SE 23-12-20	3.33 cfs
Permit No. G 28649, May 1, 1961, Well in NE SE, 26-12-20	2.50 cfs
Permit No. G 28632, April 18, 1961, Well in SW SE, 23-12-20	2.00 cfs
Permit No. G 27866, April 8, 1959, Well in SE SE, 23-12-20	7.50 cfs

45 2283

Right of use Mountain Meadows Creek, Warranty Deed, February 5, 1940, from Edna Poulton Hale and Ursel Hale, her husband, and Vera Poulton Nelson and Clarence Nelson, her husband. Used on West half of the Northwest Quarter (W $\frac{1}{2}$ NW $\frac{1}{4}$) 14-12-20, 60 inches,

Together with the grazing privileges of the Buckhorn Ranch on record in Bureau of Land Management, Burley District Office, District 2, on the Briggs Allotment of Artesian Unit License 464 AUMs and Exchange of Use for 665 AUMs; and Churchill Unit 47 AUMs.

Together with the grazing privileges on record Sawtooth National Forest, Burley District Office for 1545 sheep. 166 cattle privilege is to be transferred to Buyer after January 15, 1970. It is understood that the Sellers have improved the Bureau of Land Management lands in the Artesian and Churchill units adjacent to the Buckhorn Ranch headquarters, by reseeding certain areas to crested wheat grass which are not in full feed production on this date. It is the intention of the Sellers that the Buyers shall receive and enjoy the benefit of any and all increased grazing privileges that shall be allowed by the Bureau of Land Management because of such reseedings.

Buyers agree to accept these grazing privileges and to comply with the rules, regulations and recommendations of said Federal Agencies regarding their use. And for the term of this contract Buyers agree to comply with and fully cooperate with said Federal Agencies on all matters concerning the management and future range improvement programs as they may appear on said allotments.

Together with all of the Seller's interest in and to lands leased from the State of Idaho by the Sellers which are utilized with the Buckhorn Ranch operation. It is intended that said leases shall be assigned by ^{TO} the Buyers upon completion of the terms of this Agreement. Said leases are described as follows:

State Land Lease #1484-70, Sec. 36, T. 12 S., R. 20, E.B.M., 640 acres, expiring 12-31-70; and

State Land Lease #3064-74, portion of which includes Sec. 16, T. 12 S., R. 20, E.B.M., 640 acres, expiring 12-31-74.

45 2283

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 1030

THIS IS TO CERTIFY, That Glen Briggs of Murtaugh, Idaho, is the owner of and using a certain water right of 1.64 cubic feet per second of the waters of subterranean source, said water being obtained by virtue of License No. 20805, issued by the State of Idaho, Department of Reclamation, dated July 15, 1952, bearing date of December 13, 1948, for the purpose of irrigating the following described lands situate, lying and being in the County of Cassia, State of Idaho, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24;
Township 12 South, Range 20
E.B.M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 8 of Licenses, at Page 4945 thereof;

And that Glen Briggs has become the owner of said right by appropriation;

And that now, upon the application of Glen Briggs for the transfer of 1.64 cubic feet per second, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.64 cubic feet per second of the waters of subterranean source by well, upon the above described lands is hereby abandoned, and the place of use of said water under such right is HEREBY CONFIRMED, shall by this Certificate become appurtenant for irrigation purposes, is described as follows, to-wit:

N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14;
E $\frac{1}{2}$ NE $\frac{1}{4}$, (55 acres), Section 15;
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, 65 acres in
N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 23;
W $\frac{1}{2}$ N $\frac{1}{2}$ (125 acres) Section 24;
Township 12 South, Range 20 E.B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.64 cubic feet per second of the
waters of subterranean source with
priority of December 13, 1948;

And that the water right hereby transferred has heretofore been conducted from subterranean source with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 South, Range 20 E.B.M., and conducted through private ditch;

That the water right hereby transferred will hereafter be conducted to the last above described lands from subterranean source by well with no change in point of diversion;

That the right to the use of the water aforesaid, hereby described, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 10th day of June, 1964.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

T-1020
45-2223

.....

45- 2283

State of Idaho

License and Certificate of Water Right

Water License No. 20805

Amount 1.64 cfs per sec

Water District No.

Priority Dec 13, 1948

THIS IS TO CERTIFY that GLEN BRIGGS

of Murteugh, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated December 13, 1948; that Permit No. 20805 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 2.02 second feet, was issued thereunder on January 16, 1950, showing that said works were completed on the 14th day of January, 1950; and that on the 1st day of March, 1950,

GLEN BRIGGS

of Murteugh, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of two wells, ~~partially of~~ (subterranean flow), for the purpose of irrigation and domestic use, under Use Permit No. 20805 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4945, on the 15th day of July, 1952;

The right hereby confirmed dates from December 13, 1948;

The Point of Diversion is located

in the SE 1/4, Sec. 23, Twp. 12 S., R. 20 E., B.M. Cassia County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.64 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Authorized Permit	No. Acres Actually Irrigated
12 S.	20 E.	23	40	40	40
		24	40	40	40

The right to the use of the water aforesaid hereby confirmed is restricted to the kinds or kinds of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, signed at Boise, Idaho, this

15th day of July, 1952.

MARY E. KIRBY

State Reclamation Engineer

(Seal)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

45-2283

APPLICATION No. 28449
 PERMIT No. 20805
 DISTRICT No.

1. Name of Applicant: GLEN BRIGGS

Postoffice address: Murtaugh

County: Twin Falls

State: Idaho

I. If applicant is a corporation, give:

- (a) Date and place of incorporation:
- (b) Amount of capital stock:
- (c) Amount paid in:
- (d) Names and addresses of directors:

II. The financial resources of the applicant are:

- (b) Treasury stock:
- (d) Other resources:

(a) Cash on hand:

(c) Bonds to be issued:

2. Quantity of water claimed: 120 inches or 2.4

cubic feet per second.

3. Source of water supply: Subterranean (2 wells)

which is a tributary of

4. Location of point of diversion:

feet distant from the

corner of Section , T. , R. , B.M., and is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$

of Section 23 , T.12 S. , R.20 E. , B.M., County of Cassia

5. Water is to be used for Irrigation and domestic purposes

6. If for mining, milling, power or manufacturing purposes, give:

(a) Point of use of water:

feet distant from

corner of Section

T. , R. , B.M., in the

of Section

, T. , R. , B.M.

(b) Amount of power generated:

H.P., under

feet head.

(c) Water is to be returned to

at a point

feet

distant from the

corner of Section

, T. , R. , B.M., in the

of Section

, T. , R. , B.M.

7. Estimated cost of works: \$ 10,000.00

8. Kind of works: Wells, pumps and ditches

9. Height of dam

feet; length of dam at top

feet; length of dam at bottom

feet; material used in dam:

10. Size of headgate: Width

feet; height

feet.

11. Ditch: Width at bottom

feet; width at water line

feet; depth of water

feet;

dimensions of flume:

Diameter of pipe

inches; length of conduit

miles.

Average grade per mile

feet.

12. The time required for the completion of such work is Completed years.

13. The time required for the complete application of the water to the proposed use is No

additional years.

14. The land to be irrigated is described in the following tabulation: See remarks.

15. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: None (See Permit 20806)

16. (a) Is reservoir to be used? If so, fill in (b) and (c) below:
 (b) Name of Reservoir and number of Storage Permit:
 (c) Date of filing of Application for Storage Permit and Name of Applicant:

BE IT KNOWN THAT The undersigned hereby makes application for permit to appropriate the public water of the State of Idaho as herein set forth.

GLEN BRIGGS *Applicant.*

By

Agent.

Date of first receipt at Department of Reclamation: 3:30 P. M. December 13, 1948

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is 20805

Recorded in Book 75 Page 20805 Approved December 18, 1948

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of \$ _____ to be filed on or before _____

Work to begin on or before Completed and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before -

The whole of said work to be completed on or before March 18, 1949

Beneficial use of water appropriated in accordance herewith, to be made on or before March 18, 1949

WITNESS My hand this 18th day of December, 1948

MARK R. KULP

State Reclamation Engineer.

IN TESTIMONY WHEREOF, WE, C. H. ROBINS, Governor of the State of Idaho,
and J. D. "CY" PRICE, Secretary of State of the State of Idaho, have caused this instrument to

be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 18th

day of December, 1948.

STATE OF IDAHO

Countersigned:

(SEAL)

By C. A. ROBINS

Governor.

By J. D. "CY" PRICE

Secretary of State.

REMARKS:

14.

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 $\frac{1}{4}$	
12 S.	20 E.	23 24	40				40				40				40				80 80
Total Number of Acres to be Irrigated - -																	160		
Permit No. 20805																			
CERTIFICATE OF COMPLETION OF WORKS																			
TO ALL WHOM IT MAY CONCERN:																			
This is to certify that GLEN BRIGGS of Murtaugh, County of Twin Falls, and State of Idaho, the holder of Permit No. 20805, issued upon Application No. 28449 bearing date of priority of December 13, 1948, authorizing the diversion of 2.4 second feet of the waters of two wells, County of Cessie, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use 2.02 second feet of the waters of said wells; that the points of diversion of said waters are located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 12 South, Range 20 East, B.M. and that the lands proposed to be irrigated by the use of said water are described as follows, to-wit: SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Township 12 South, Range 20 East, B.M.																			
Witness my hand this 16th day of January, A. D. 1950.																			
MARK R. KULP State Reclamation Engineer																			
Proof of Completion of Works made January 14, 1950.																			
Certificate of Completion of Works issued January 16, 1950.																			

APPROVAL OF STATE RECLAMATION ENGINEER

I, MARK R. KULP, State Reclamation Engineer of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20805 to March 18, 1950.

Witness my hand this 6th day of February, 1950.

MARK R. KULP
State Reclamation Engineer.

LICENSE ISSUED FOR 1.64 SEC. FT.
pg. 4945

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4065
WATER RIGHT NO(S). 45-02283/45-02322/45-02575

This is to certify that: **TUGAW RANCH**
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>DIVERSION VOLUME</u>
Right No. 45-02283 :			
IRRIGATION	04/01 to 10/31	1.64 CFS	
Priority: 12/13/1948			
Right No. 45-02322 :			
IRRIGATION	04/01 to 10/31	3.33 CFS	
Priority: 01/16/1950			
Right No. 45-02575 :			
IRRIGATION	04/01 to 10/31	0.55 CFS	
Priority: 04/03/1959			
TOTAL:		5.52 CFS	1663.0 AF

SOURCE
GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SESE , Sec. 23, Township 12S, Range 20E
SWNW , Sec. 25, Township 12S, Range 20E
CASSIA 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>
12S	20E	13	SWSW 3.0			3.0
		14	NENE 37.9	NWNE 35.7	SWNE 40.0	
			SENE 37.0	NENW 38.8	NWNW 35.7	
			SWNW 16.9	SENE 39.0	NESW 25.6	
			NESE 38.5	NWSE 40.0	SWSE 23.4	
			SESE 36.7			445.2
		23	NENE 40.0	NWNE 29.5	SWNE 32.4	
			SENE 40.0	NESE 31.7	NWSE 10.3	183.9
		24	NWNW 33.8	SWNW 36.8	NWSW 23.6	
			SWSW 6.9			101.1

Total Number of acres irrigated: 733.2

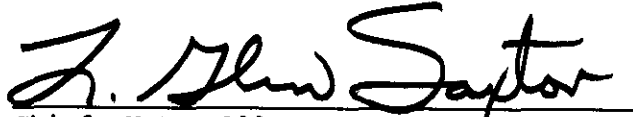
APR 29 1996

TRANSFER NO. 4065
WATER RIGHT NO(S). 45-02283/45-02322/45-02575

CONDITIONS OF APPROVAL AND REMARKS

1. Right holder shall comply with the drilling permit requirements of Section 42-235, Idaho Code.
2. Use of water under this water right will be regulated by the watermaster of State Water District No. 45-O.
3. 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.
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. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
8. Right Nos. 45-02283, 45-02322 and 45-02575 when combined shall not exceed the total diversion rate of 5.52 cfs, a total annual diversion volume of 1663.0 af, nor irrigation of more than 733.2 acres.
9. Totalizing measuring devices and lockable controlling works of a type approved by this Department shall be maintained as a part of the diverting works of each authorized point of diversion in a manner that will provide the watermaster suitable control of the diversion.
10. Right Nos. 45-02283, 45-02322 and 45-02575 are subject to the conditions of the decree of Case No. 9818 dated 06-25-1980.
11. Two points of diversion are located in SWNW, S25, T12S, R20E.

Dated this 17th day of April, 1996.


Chief, Water Alloc. Bureau

APR 29 1996

Page 1 of 10

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Transfer No. 4065

APPLICATION FOR TRANSFER OF WATER RIGHT

PART 1

801 - 487 - 1321

Name of applicant Tugaw Ranch Phone 432 - 5249
Post Office address Rt. 1, Murtry, Idz 83344

A. PURPOSE OF TRANSFER

- ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Change nature of use ☐ Change period of use ☐ Other _____
- Describe the reason for the proposed changes To add 2 point of diversion so that all water decreed can be pumped. Existing wells presently not providing enough water.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

- | Right Number | Priority | Amount (cfs/ac-ft) | Nature of Use | Period of Use |
|-----------------|-------------------|--------------------|---------------|-----------------------------|
| <u>45-02283</u> | <u>12/13/1948</u> | <u>1.64</u> | <u>Irrig.</u> | <u>3/15</u> to <u>11/15</u> |
| <u>45-02322</u> | <u>1/16/1950</u> | <u>3.33</u> | <u>Irrig.</u> | <u>3/15</u> to <u>11/15</u> |
| <u>45-02575</u> | <u>4/3/1959</u> | <u>0.55</u> | <u>Irrig.</u> | <u>3/15</u> to <u>11/15</u> |
- Total amount of water being transferred 5.52 cubic feet per second and/or 1663 acre-feet per annum.
- Source of water groundwater tributary to _____
- Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
	SW	SE	SE	23	12S	20E	Cassia	Power Pole 205
	NW	SW	NW	25			"	Power Pole 207 ^{Purchased} well
	NE	SW	NW	25				Power Pole 208 (New well)

5. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres 733.7

PART 1

6. General Information:

a. Description of diversion system Three wells & pumps delivering to
pipelines to boosters to sprinklers.

b. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? N/A Yes _____ No. If yes, provide a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes.

c. Describe the affect on the land now irrigated if the place of use is changed pursuant to this transfer:

None

d. Remarks:

Well was purchased from "Golden Valley"

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____

And said application is hereby _____, subject to the following limitations and conditions:

Witness my hand this _____ day of _____, 19____.

APPROVED

APR 29 1996

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02283

STAGE: DECREE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/01	1.64 CFS

SOURCE

GROUNDWATER

Priority: 12/13/1948

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 12S, Range 20E
 SESE , Sec. 23, Township 12S, Range 20E
 SWNW , Sec. 25, Township 12S, Range 20E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S 20E 13	SWSW 3			3
14	NENE 38	NWNE 36	SWNE 40	
	SENE 37	NENW 39	NWNW 36	
	SWNW 17	SENW 39	NESW 26	
	NESE 38	NWSE 40	SWSE 23	
	SESE 37			446
23	NENE 40	NWNE 30	SWNE 32	
	SENE 40	NESE 32	NWSE 10	184
24	NWNW 34	SWNW 37	NWSW 24	
	SWSW 7			102

Total number of acres irrigated: 735

CONDITIONS/REMARKS:

1. AC. IRR. = 733.2 P/D & P/U COMBINED BY TRANS. 2603.
2. THIS RT. WHEN COMBINED WITH RTS. 45-2322 & 45-2575 SHALL NOT EXCEED 1663 AF/ANNUUM.
3. DECREE GIVEN LIC. 45-2283. LIC. 45-2283 IS RETAINED IN OUR FILES
3. AND DATA ENTRY FOR PURPOSE OF LAND DESCRIPTION AND OTHER
3. INFORMATION NOT MENTIONED IN DECREE.

APR 29 1996

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2 (Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-2283 Decreed to Glenn Briggs
in case of Glenn Briggs, et al vs. R. Keith Higginson, et al
dated 6/25/1980 in _____ county of Cassia
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. T2603 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☒ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 12/13/1948

5. Water is used for the following purpose:

amount 1.64 for Irrigation purposes from 4/1 to 10/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 1.64 cubic feet per second and/or 1663* acre-feet per annum.

7. Point(s) of Diversion: * in combination w/ 45-2322 & -2575

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	23	12S	20E	Cassia	
		SE	SE	23	12S	20E	Cassia	
		SW	NW	25	12S	20E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
12S	20E	13											3						3
		14	38	36	40	37	39	36	12	39	26				38	40	23	37	446
		23	40	30	32	40									32	10			184
		24						34	32		24	7							102

** 733.2 set in Transfer 2603 Total acres 735**

9. Describe any other water rights used for the same purpose as described above 45-2322, 45-2575,
45-2057, 45-2321

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	¼	¼	¼	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	Sec.	NE ¼				NW ¼				SW ¼				SE ¼				Totals
			NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	NE ¼	NW ¼	SW ¼	SE ¼	

Total acres _____

APR 29 1986

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02322

STAGE: DECREED

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/01	3.33 CFS

SOURCE

GROUNDWATER

Priority: 01/16/1950

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 12S, Range 20E
 SESE , Sec. 23, Township 12S, Range 20E
 SWNW , Sec. 25, Township 12S, Range 20E
 CASSIA County

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
12S 20E 13	SWSW 3			3
14	NENE 38	NWNE 36	SWNE 40	
	SENE 37	NENW 39	NWNW 36	
	SWNW 17	SENW 39	NESW 26	
	NESE 38	NWSE 40	SWSE 23	
	SESE 37			446
23	NENE 40	NWNE 30	SWNE 32	
	SENE 40	NESE 32	NWSE 10	184
24	NWNW 34	SWNW 37	NWSW 24	
	SWSW 7			102
Total number of acres irrigated:				735

CONDITIONS/REMARKS:

1. AC. IRR. = 733.2 P/D & P/U COMBINED BY TRANS. 2603.
2. THIS RT. WHEN COMBINED WITH RTS. 45-2283 & 45-2575 SHALL NOT EXCEED 1663 AF/ANNUM.
3. DECREE GIVEN LIC. 45-2322. LIC. 45-2322 IS RETAINED IN OUR FILES
3. AND DATA ENTRY FOR PURPOSE OF LAND DESCRIPTION AND OTHER
3. INFORMATION NOT MENTIONED IN DECREE.

APR 29 1996

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2
(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-2322 Decreed to Glenn Briggs
in case of Glenn Briggs, et al vs. R Keith Higginson, et al
dated 3/25/1980 in _____ county of Cassia
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. T2603 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____4. Date or priority 1/16/1950

5. Water is used for the following purpose:

amount 3.330 for IRRIGATION purposes from 4/1 to 10/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 3.33 cubic feet per second and/or 1663* acre-feet per annum.

*In combination w/ 45-2283 & 45-2525

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	23	12S	20E	Cassia	
		SE	SE	23	12S	20E	Cassia	
		SW	NW	25	12S	20E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
12S	20E	13											3						3
		14	38	36	40	37	39	36	17	26					38	40	23	37	446
		23	40	30	32	40									32	10			184
		24						34	37	APP 28		24	7						102

** 733.2 set in Transfer 2603

Total acres 735**9. Describe any other water rights used for the same purpose as described above 45-2283, 45-2525,45-2057, 45-2321

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____**B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED**

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

APR 29 1996

PART 2**A. DESCRIPTION OF RIGHT AS RECORDED:**

Water Right No. 45-02575

STAGE: DECREE

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
IRRIGATION	04/01 to 10/01	0.55 CFS

SOURCE

GROUNDWATER

Priority: 04/03/1959

LOCATION OF POINT(S) OF DIVERSION:

SWSE , Sec. 23, Township 12S, Range 20E
 SESE , Sec. 23, Township 12S, Range 20E
 SWNW , Sec. 25, Township 12S, Range 20E
 CASSIA 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>
12S	20E	13	SWSW 3			3
		14	NENE 38	NWNE 36	SWNE 40	
			SENE 37	NENW 39	NWNW 36	
			SWNW 17	SENW 39	NESW 26	
			NESE 38	NWSE 40	SWSE 23	
			SESE 37			446
		23	NENE 40	NWNE 30	SWNE 32	
			SENE 40	NESE 32	NWSE 10	184
		24	NWNW 34	SWNW 37	NWSW 24	
			SWSW 7			102
Total number of acres irrigated:						735

CONDITIONS/REMARKS:

1. Use of water under this right is subject to control by the watermaster of State Water District No. 450.
AC. IRR. = 733.2.
3. P/D & P/U COMBINED BY TRANS. 2603.
4. THIS RT. WHEN COMBINED WITH RTS. 45-2283 & 45-2322 SHALL NOT EXCEED 1663 AF/ANNUM.
5. DECREE GIVEN LIC. 45-2575. LIC. 45-2575 IS RETAINED IN OUR FILES AND DATA ENTRY FOR PURPOSE OF LAND DESCRIPTION AND OTHER INFORMATION NOT MENTIONED IN DECREE.
6. TOTALIZING DEVICES AND LOCKABLE CONTROLLING WORKS OF A TYPE

APR 20 1959

Page _____ of _____

TRANS NO. 4065

Water Right No. 45-02575

CONDITIONS/REMARKS:

ACCEPTABLE TO THE DEPT. SHALL BE PERMANENTLY INSTALLED AND
MAINTAINED AS PART OF THE DIVERTING WORKS.

APR 29 1986

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT

PART 2

(Attach one copy for each right)

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree No. 45-02575 Decreed to Glenn Briggs,
in case of Glenn Briggs, et al vs. R Keith Higginson, et al
dated 6/25/80 in _____ county of Cassia
- b. License No. _____ issued by the Idaho Department of Water Resources.
- c. Claim No. _____ on file with the Idaho Department of Water Resources.
- d. Transfer No. T2603 which produced this right.

2. Attach a copy of last year's tax notice for the property to which the water right is appurtenant or other documents which show ownership. Label document as attachment A. Check appropriate box below:

☐ Tax Notice ☐ Warranty Deed ☐ Other _____

3. Source of water Groundwater tributary to _____

4. Date or priority 4/03/1959

5. Water is used for the following purpose:

amount 0.55 for Irrigation purposes from 4/1 to 10/1
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)
amount _____ for _____ purposes from _____ to _____
(cfs/ac-ft)

6. Total amount of water under right 0.55 cubic feet per second and/or 1663 * acre-feet per annum.
* in combination w/ 45-2283 & -2322

7. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion
		SW	SE	23	12S	20E	Cassia	
		SE	SE	23	12S	20E	Cassia	
		SW	NW	25	12S	20E	Cassia	

8. Lands irrigated or place of use:

Twp.	Rge.	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	
12S	20E	13											3						3
		14	38	36	40	37	39	36	17	39	26				38	40	23	37	446
		23	40	30	32	40									32	10			184
		24						34	37			24	7						102

** 733.2 set in Transfer 2603

Total acres 735 **

9. Describe any other water rights used for the same purpose as described above 45-2283, 45-2322,
45-2057, 45-2321

10. To your knowledge, has any portion of this water right undergone a period of five or more consecutive years of non-use?

NO If yes, describe _____

B. DESCRIPTION OF PORTION OF RIGHT BEING TRANSFERRED

(If the entire right is to be changed by the applicant, omit part B and C.)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

Twp.	Rge.	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	

Total acres _____

C. DESCRIPTION OF UNCHANGED PORTION OF RIGHT (omit if there is no change)

1. amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)
 amount _____ for _____ purposes from _____ to _____
 (cfs/ac-ft)

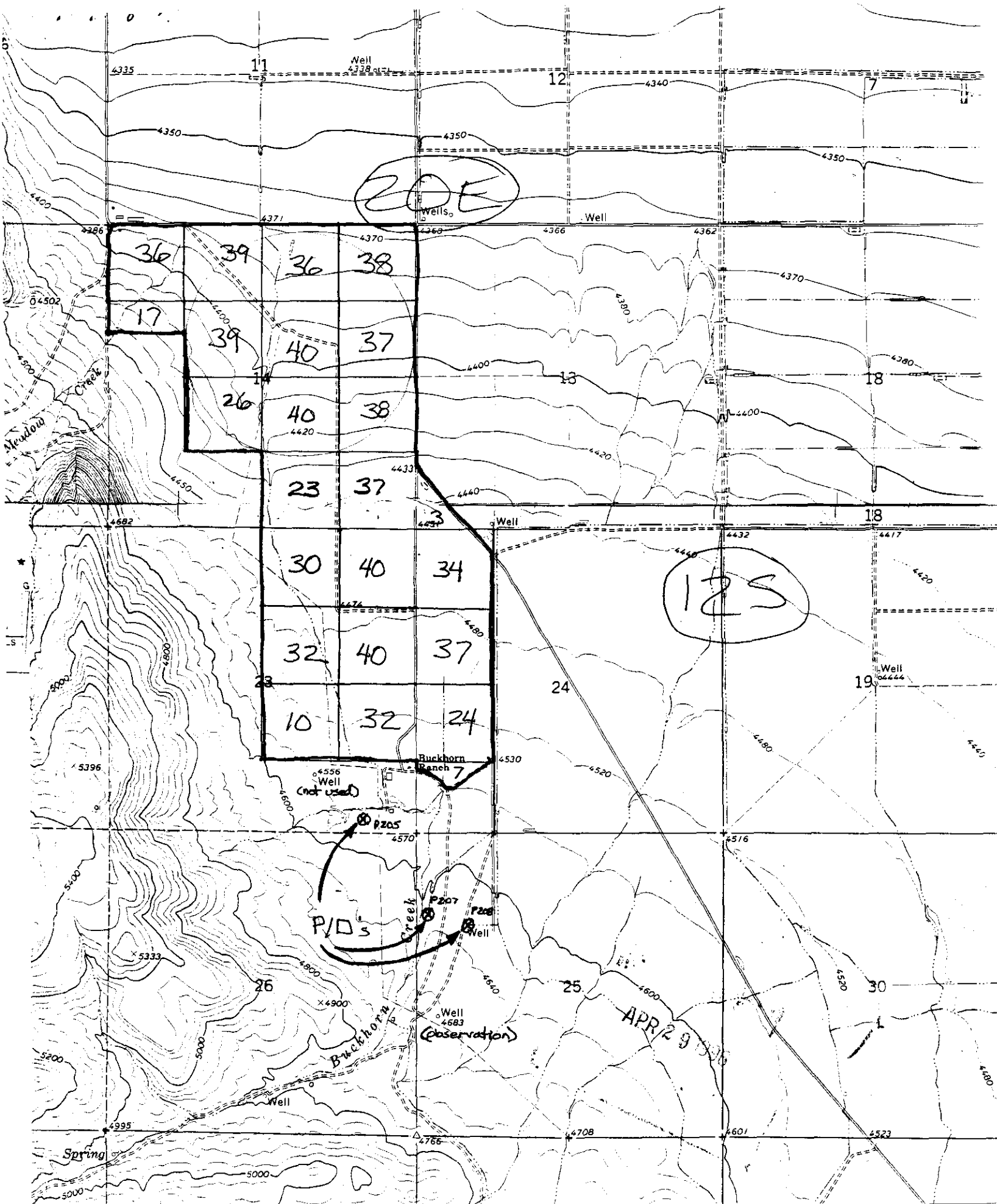
2. Point(s) of Diversion:

Lot	1/4	1/4	1/4	Sec.	Twp.	Rge.	County	Local name for diversion

3. Lands irrigated or place of use:

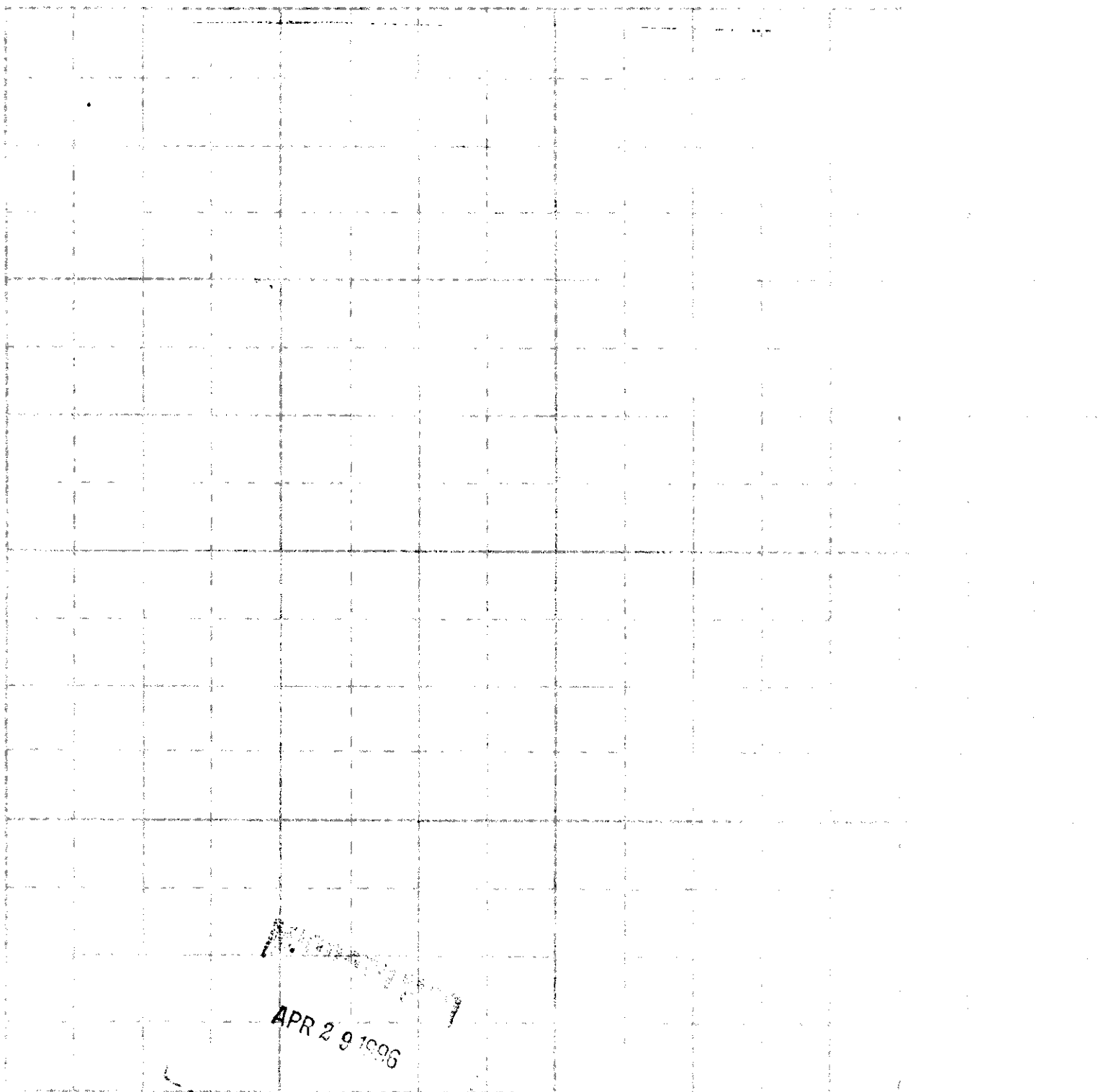
Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	

Total acres _____



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
PART 3

- A. Draw a map or attach a USGS map indicating the new point(s) of diversion and/or the new place of use for rights described in part 1. Clearly depict the land by section, township and range number.**



SCALE: 2 inches equal 1 mile. Draw plan in ink.

PART 3**B. CHANGES IN NATURE OF USE**

1	New Nature of Use	Amount (cfs/ac-ft)	Hours/days/year	Period of Use
				to
				to

2. Quantity and quality of return flows and location of discharge:

3. Describe effects on other water uses resulting from the proposed change:

I hereby assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

I understand that any willful misrepresentations made in this application may result in voiding its approval.

Subscribed and sworn to before me this 7th day of Aug, 19 85.

(Signature of Applicant)

(Notary Public)

My commission expires 6/30/87**FOR DEPARTMENT USE ONLY**Transfer contains 9 pages and 0 attachmentsReceived by AD Date 8/7/85 Protest filed by _____Prelim. check by DS Fee 50.00Receipted by AD Date 8/7/85 5008765Published in So. T.D. Press Copies of protest forwarded by _____Pub. dates 9/21 - 9/28/89 Hearing held by _____ Date _____Watermaster recommendation requested on 9/8/89 Recommended for ☐ approval ☐ denial_____ rec'd. 9/27/89 by _____

Copy of transfer sent to lien holder _____

APR 29 1996

2

45-K-2

BDF

20805/45-2283

DOCKETED

1971
108
H. B. Dunlap
District Judge

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF CASSIA

SIMON L. BAKER and MARJORIE BAKER,	)	Civil No. 7876
husband and wife, RALPH POULTON and	)	
DESMA POULTON, husband and wife,	)	
BILL R. POULTON and PATRICIA L.	)	
POULTON, husband and wife, RAYMOND	)	
POULTON and BESSIE MAUDE POULTON,	)	
husband and wife, and J. RICHARD	)	
POULTON, a bachelor,	)	
	)	
Plaintiffs,	)	
	)	
vs.	)	<u>AMENDED DECREE</u>
	)	
ORE-IDA FOODS, INC., a Delaware	)	
corporation, HOI CORPORATION,	)	
formerly Ore-Ida Foods, Inc.), an	)	
Oregon corporation, U.S. NATIONAL BANK	)	
OF OREGON, Trustee, K.C. BARLOW, INC.,	)	
GOLDEN VALLEY LAND & CATTLE COMPANY,	)	
a corporation, GOLDEN VALLEY MUTUAL	)	
WATER COMPANY, a corporation, GLEN	)	
BRIGGS and HAZEL BRIGGS, husband and	)	
wife, BILL BROCKMAN and JANE DOE	)	
BROCKMAN, husband and wife, WILEY	)	
COOPER and MATTIE COOPER, husband and	)	
wife, and HAROLD CRANNEY and CIRMA	)	
CRANNEY, husband and wife,	)	
	)	
Defendants.	)	

The above-entitled case came on regularly for hearing
before the Honorable Robert B. Dunlap, sitting without a jury, at
the Courthouse in Cassia County, Idaho, on February 17, 1969.

APR 8 9 1996

1 Range 21 East of the Boise Meridian, Cassia County, Idaho, developed
2 and licensed pursuant to Permit and License No. G-27987 issued by
3 the State Reclamation Engineer of the State of Idaho with a priority
4 date of June 16, 1959, licensed for 4.0 second feet except as that
5 right may be otherwise limited herein. The right to the use of the
6 water produced by said well is hereby declared appurtenant to the
7 following-described real property located in Township 12 South,
8 Range 21 East of the Boise Meridian, Cassia County, State of Idaho:

Section	Forty-Acre Tract	Owner
20	E 1/2 NE 1/4 NE 1/4 SE 1/4 NW 1/4 SE 1/4 SW 1/4 SE 1/4 SE 1/4 SE 1/4	Simon & Marjorie Baker Bill & Patricia Poulton Bill & Patricia Poulton Simon & Marjorie Baker Bill & Patricia Poulton
21	NW 1/4 NW 1/4 SW 1/4 NW 1/4	Ralph & Desma Poulton Ralph & Desma Poulton
29	NW 1/4 NE 1/4 SW 1/4 NE 1/4 SE 1/4 NW 1/4 E 1/2 SW 1/4 NW 1/4 SW 1/4 SW 1/4 SW 1/4 W 1/2 SE 1/4	Simon & Marjorie Baker Simon & Marjorie Baker Simon & Marjorie Baker Simon & Marjorie Baker Simon & Marjorie Baker Simon & Marjorie Baker Simon & Marjorie Baker
31	NE 1/4 NE 1/4 SE 1/4 NE 1/4	Bill & Patricia Poulton Simon & Marjorie Baker
32	NW 1/4 NE 1/4 NE 1/4 NW 1/4 W 1/2 NW 1/4	Simon & Marjorie Baker Simon & Marjorie Baker Ralph & Desma Poulton

IV.

23 Of the water produced by the well described in Paragraph III
24 hereof, Simon L. and Marjorie Baker are entitled to and are hereby
25 awarded 5/6 of the production thereof and Bill R. and Patricia L.
26 Poulton are entitled to and are hereby awarded 1/6 of the production
27 thereof.

V.

29 Glen and Hazel Briggs are the owners, and Bill and Marie
30 Brockman the contract purchasers of, and are entitled to and are
31 hereby awarded the right to the use of the water produced by the
32

following described wells located in Township 12 South, Range 20 East Boise Meridian, Cassia County, State of Idaho, except as that right may be otherwise limited herein:

<u>Location</u>	<u>Idaho Power Pole No.</u>	<u>Permit No.</u>	<u>Priority Date</u>	<u>Licensed Amount</u>
SE 1/4 SE 1/4 Sec. 23, Tp. 12 S R. 20 E	205	G-20805 G-21359 G-27866	12/13/48 1/16/50 4/03/59	1.64 cfs 3.30 cfs .55 cfs
SW 1/4 SE 1/4 Sec. 23, Tp. 12 S R. 20 E	201	G-28632	4/18/60	1.14 cfs
NE 1/4 SE 1/4 Sec. 26, Tp. 12 S R. 20 E	331	G-28649	4/22/60	2.03 cfs

VI.

Defendants Glen and Hazel Briggs are the owners and Bill and Marie Brockman the contract purchasers of the following real property located in Township 12 South, Range 20 East Boise Meridian, Cassia County, Idaho, to which the right to the use of the water produced by the wells herein-described is hereby declared appurtenant:

<u>Section</u>	<u>Forty-Acre Tract</u>
14	NW 1/4 NE 1/4 NE 1/4 NE 1/4 SW 1/4 NE 1/4 SE 1/4 NE 1/4 NW 1/4 SE 1/4 NE 1/4 SE 1/4 SW 1/4 SE 1/4 SE 1/4 SE 1/4
23	NW 1/4 NE 1/4 NE 1/4 NE 1/4 SE 1/4 NE 1/4 NE 1/4 SE 1/4
24	NW 1/4 NW 1/4 SW 1/4 NW 1/4 NW 1/4 SW 1/4 SW 1/4 SW 1/4

APR 29 1996



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

APRIL 18, 1996

TUGAW RANCH
RT 1
MURTAUGH ID 83344

RE: Transfer of Water Right Nos. 45-02283/45-02322/45-02575

Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water right (Transfer No. 4065). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Johnson', followed by a horizontal line.

JIM JOHNSON, Manager
Water Right Permits Section

JJ:rl

Enclosure

RECORDED

APR 29 1996

MEMORANDUM

TO: FILE NO. 35-02882

FROM: PAM SKAGGS²/STATE OFFICE

SUBJECT: TRANSFER NO. 4778

DATE: April 12, 1996

=====

Transfer No. 4778 was filed to change the place of use under Right No. 35-02882 to reflect a change in ownership and use. The applicant purchased 2 of 3 quarter-quarters of the original place of use and received a release of the entire water right from both the previous owners and the current owner of the 3rd QQ.

The applicant has reconfigured the acres on his property, all in Section 32, and reduced the total number of acres by 2 to 115 as claimed under A35-02882. This right was developed as a supplemental groundwater right at the original place of use and overlaps with the same rights at the new acres for no net change in use.

Diversion volume was adjusted to current standards. Recommended conditions include irrigation overlap, future measuring devices & annual reporting, supplemental groundwater and standard transfer conditions.

APR 29 1996

MEMORANDUM

TO: FILE NOS. 45-02283, 45-02322 & 45-02575

FROM: PAM SKAGGS/²STATE OFFICE

SUBJECT: TRANSFER NO. 4065

DATE: April 15, 1996

=====

Transfer No. 4065 was filed to remove one point of diversion and add a new point of diversion under Right Nos. 45-02283, 45-02322 and 45-02575.

Since this application was filed in 1989, the applicant was contacted and he confirmed that the change described on the application is what he currently desires. The new point of diversion is an existing well that has been purchased and will be connected to the remaining two wells to serve the system.

Recommended conditions include drilling permit requirements, watermaster control, measuring devices, irrigation overlap, supplemental groundwater, subject to conditions of decree and standard transfer conditions.

APR 29 1996



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

March 27, 1996

PHILIP E. BATT
GOVERNOR

Tugaw Ranch
Rt 1
Murtaugh, ID 83344

KARL J. DREHER
DIRECTOR

RE: Application for Transfer No. 4065
Water Right Nos. 45-02283, 45-02322 & 45-02575

Dear Applicant:

I have attempted to contact you by telephone to discuss the above referenced transfer application, but have not been able to speak to the person that deals with your water right matters. This transfer application has been pending since August, 1989. Since so much time has passed since the transfer was proposed, I am asking if the requested change is something you would currently like to pursue or not.

The application requests a change in the points of diversion currently authorized under these rights. A new well was to be drilled in the NESWNW, S25, T12S, R20E at power pole no. 208. The well in SWSE, S23, T12S, R20E at power pole no. 201 would no longer be used under these rights.

I found no recent well drilling permits and assume the new well was never drilled. Is this a correct assumption? Would you still like to drill a new well as described and continue to use the two existing wells located in SWSESE (power pole no. 205), S23 and NWSWNW (power pole no. 207), S25, T12S, R20E?

I have enclosed a computer generated report of the three rights as currently recorded and a copy of the application for transfer that describes the change. Please review the information and advise me what action you would like to take. If the change is no longer what you want, the application can be withdrawn or amended to accomplish some other modification. If you would like to proceed with this transfer, I will forward the application for approval.

I will withhold the file from any action for 15 days to allow you to respond. I hope I have answered all your questions regarding this matter. If you require any further assistance, please contact me directly at 327-7943 and I will be happy to help you.

Sincerely,

PAMELA SKAGGS
Sr. Water Resource Agent

APR 29 1996

27-Nov-1989

Tugaw Ranch
c/o Joseph Tugaw
Rt. 1
MURTAUGH ID 83344

Re: Application for Transfer Nos. 45-02283, 45-02322,
45-02575

SECOND REQUEST

Dear Mr. Tugaw:

As requested in our correspondence dated 9/8/89, we need additional information as listed below.

Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land from which the water is being removed such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

If you have any questions or if this office can be of further assistance, please feel free to contact us.

Very truly yours,



Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

APR 29 1996

County of Cassia.)
) ss.
STATE OF IDAHO)
Lanetta Sellers being first
duly sworn, deposes and says that *she* is the
clerk of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of
The South Idaho Press for *Two (2)*
consecutive weeks, commencing with the issue
dated *September 21, 1989*, and ending
with the issue dated *September 28, 1989*.
Lanetta Sellers

Cost of Publication 89.78
Notary Fee 1.50
Total Cost 89.78

OK
MB
10/19/89

007

APR 29 1996

of Massachusetts, in 1907, and
the said Board of Water Commissioners,
in its report dated January 1, 1908, recommended to
the General Court that the same be authorized to
acquire the right of way for the proposed canal.
The General Court has since that time
passed several resolutions authorizing the Board of
Water Commissioners to acquire the right of way for the
proposed canal, and the Board of Water Commissioners
has accordingly acquired the right of way for the
proposed canal, and the same is now being constructed.

Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, NW1/4, S14, T12S,
R20E; NE1/4, N1/2NE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.
Water right No. 45-2322

Basin of rights: Deeded to Glenn Briggs in
case of Glenn Briggs, et al. vs. E. Keith
Haggenston, et al. dated 5/26/1900 in Cassia
County, Transfer No. 2008.

Source: Groundwater
Priority Date: 5/15/1900
Amount of water: 1,000 cfs
Water used: Irrigation
Point(s) of diversion: SW1/4SE1/4, S23,
T12S, R20E; SE1/4SE1/4, S23, T12S, R20E;
SW1/4NW1/4, S24, T12S, R20E; Cassia
County.

Place of use according to Transfer No.
2008: 733.2 acres
Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, NW1/4, S14, T12S,
R20E; NE1/4, N1/2NE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.
Water right No. 45-2322

Basin of rights: Deeded to Glenn Briggs in
case of Glenn Briggs, et al. vs. E. Keith
Haggenston, et al. dated 5/26/1900, Cassia
County.

Source: Groundwater
Priority Date: 5/15/1900
Amount of water: 1,000 cfs
Water used: Irrigation
Point(s) of diversion: SW1/4SE1/4, S23,
T12S, R20E; SE1/4SE1/4, S23, T12S, R20E;
SW1/4NW1/4, S24, T12S, R20E; Cassia
County.

Place of use according to Transfer No.
2008: 733.2 acres
Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, NW1/4, S14, T12S,
R20E; NE1/4, N1/2NE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.
TO BE CHANGED AS FOLLOWS:
Water right No. 45-2322 Amount: 1,000
cfs
Water right No.: 45-2322 Amount: 2,332
cfs
Water right No.: 45-2375 Amount: 0.54
cfs
Total amount being purchased: 5.32 cfs
Source: Groundwater
Point of diversion: SW1/4SE1/4, S23, T12S, R20E;
SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S24, T12S, R20E;
NW1/4NW1/4, S24, T12S, R20E;
(Power Plant 227, NE1/4SW1/4, S24, T12S,
R20E, Cassia County, Pile 235), Cassia County.

Place of use to change: 733.2 acres as
noted in above water right.

Any applicant desiring approval of the transfer
shall file transfer with the State Engineer,
Department of Water Resources, Room 410,
Ave. East, Twin Falls, ID 83420, prior to
May October 1, 1960.

Paid
to

SOUTH IDAHO PRESS
BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.
..... being first
duly sworn, deposes and says that...he is the
..... of the South Idaho
Press, a daily newspaper published at Bur-
ley, Idaho, in the county aforesaid and that
the paper is of general circulation therein.
Deponent further states that the printed no-
tice attached hereto was duly published
according to law in the regular editions of
The South Idaho Press for
consecutive weeks, commencing with the issue
dated 19..... and ending
with the issue dated 19.....
.....

STATE OF IDAHO

COUNTY OF

On this 16th day of October in the year of 1987, before me,
a Notary Public, personally appeared Sumette Sellers,
known or identified to me to be the person whose name subscribed to the within instrument
and being by me first duly sworn, declared that the statements therein are true, and
acknowledged to me that he executed the same.

Notary Public for Idaho

Residing at

My commission expires: 10/17/93

Cost of Publication 89.78
Notary Fee 50
Total Cost 89.78

OK
MB
10/19/89

89-509

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
Nos. 45-2283, 45-2322, 45-2575

Notice is hereby given that Tugaw Ranch
of Murtaugh, ID has applied to the Depart-
ment of Water Resources to change the fol-
lowing described water right(s) pursuant to
Section 42-222 of the IDAHO CODE.

Water right No. 45-2283

Basis of right: Decreed to Glenn Briggs in
case of Glenn Briggs, et. al. vs. R. Keith
Higginson, et. al. dated 6/25/1980 in Cassia
County, Transfer No. 2603.

Source: Groundwater

Priority Date: 12/13/1948

Amount of water: 1.64 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23,
T12S, R20E; SE1/4SE1/4, S23, T12S, R20E;
SW1/4NW1/4, S25, T12S, R20E; Cassia
County.

Place of use according to Transfer No.
2603: 733.2 acres.

Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, SE1/4, S14, T12S,
R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2322

Basis of right: Decreed to Glenn Briggs in
case of Glenn Briggs, et. al. vs. R. Keith
Higginson, et. al. dated 3/25/1980 in Cassia
County, Transfer No. 2603.

Source: Groundwater

Priority Date: 1/16/1950

Amount of water: 3.330 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23,
T12S, R20E; SE1/4SE1/4, S23, T12S, R20E;
SW1/4NW1/4, S25, T12S, R20E; Cassia
County.

Place of use according to Transfer No.
2603: 733.2 acres

Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, SE1/4, S14, T12S,
R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2575

Basis of right: Decreed to Glenn Briggs in
case of Glenn Briggs, et. al. vs. R. Keith
Higginson, et. al. dated 6/25/1980, Cassia
County.

Source: Groundwater

Priority Date: 4/3/1959

Amount of water: 0.55 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23,
T12S, R20E; SE1/4SE1/4, S23, T12S, R20E;
SW1/4NW1/4, S25, T12S, R20E; Cassia
County.

Place of use according to Transfer No.
2603: 733.2 acres

Recorded place of use: 735 acres within
SW1/4SW1/4, S13, T12S, R20E; NE1/4,
NW1/4, NE1/4SW1/4, SE1/4, S14, T12S,
R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E;
W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

TO BE CHANGED AS FOLLOWS:

Water right No.: 45-2283 Amount: 1.64
cfs

Water right No.: 45-2322 Amount: 3.33
cfs

Water right No.: 45-2575 Amount: 0.55
cfs

Total amount being transferred: 5.52 cfs

Source: Groundwater

Point of diversion: SW1/4SE1/4SE1/4,
S23, T12S, R20E; (Power Pole 205);
NW1/4SW1/4NW1/4, S25, T12S, R20E
(Power Pole 207); NE1/4SW1/4NW1/4, S25,
T12S, R20E (Power Pole 208); Cassia Coun-
ty.

Place of use: No change. 733.2 acres as
listed in above water rights.

Any protest against approval of the appli-
cation for transfer must be filed with the
Department of Water Resources, 2148 4th
Ave. East, Twin Falls, ID 83301 on or be-
fore October 9, 1989.

R. Keith Higginson, Director
Published in the South Idaho Press on Sep-
tember 21 and 28, 1989.

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. _____ Rights 45-2283, 45-2323, 45-2575

SEP 27 1989

RECOMMENDATION OF WATERMASTER

Department of Water Resources
Southern Region Office

I, Loren O. Holmes, watermaster of groundwater,
of Water District No. 45-0, County of Cassia, State of Idaho,
whose address is 2148 4th Ave. East, Twin Falls, ID, 83301
have read the attached copy of the application for transfer of water right for _____
Tugaw Ranch, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: measuring device with totalizer meter^{shall} be installed
& permanently maintained on Well # 208. The meters now in use on Wells 205
& 207 shall continue to be maintained.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Twin Falls, Idaho, this 27 day of September 19 89.

Loren O. Holmes
(signature)

APR 29 1996

Please use reverse side if needed.

18-Sep-1989

James E. Stanton, Watermaster
2148 4th Ave. East
Twin Falls, ID 83301

Re: Application for Transfer of Water Right Nos. 45-2283,
45-2322, 45-2575

Dear Mr. Stanton:

Enclosed is a copy of an Application for Transfer of a Water Right within your District, and Watermaster's Recommendation Form.

Section 42-222 of the IDAHO CODE requires that the watermaster must be advised of proposed changes in water rights in the water district and must notify the Department of his recommendation on the application.

Please complete the enclosed recommendation form and return it to this office.

Processing of the application can be completed in 20 days, therefore, your prompt response to this request will be appreciated.

If you have any questions about the application, please contact this office or the applicant.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB

Enclosures

APR 29 1996

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NOS. 45-2283, 45-2322, 45-2575

Notice is hereby given that Tugaw Ranch of Murtaugh, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 45-2283

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 6/25/1980 in Cassia County, Transfer No. 2603.

Source: Groundwater

Priority Date: 12/13/1948

Amount of water: 1.64 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No. 2603: 733.2 acres.

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2322

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 3/25/1980 in Cassia County, Transfer No. 2603.

Source: Groundwater

Priority Date: 1/16/1950

Amount of water: 3.330 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No. 2603: 733.2 acres

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2575

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 6/25/1980, Cassia County.

Source: Groundwater

Priority Date: 4/3/1959

Amount of water: 0.55 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No. 2603: 733.2 acres

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

APR 29 1996

TO BE CHANGED AS FOLLOWS

Water right No.:	45-2283	Amount:	1.64 cfs
Water right No.:	45-2322	Amount:	3.33 cfs
Water right No.:	45-2575	Amount:	0.55 cfs

Total amount being transferred: 5.52 cfs

Source: Groundwater

Point of diversion: SW1/4SE1/4SE1/4, S23, T12S, R20E; (Power Pole 205); NW1/4SW1/4NW1/4, S25, T12S, R20E (Power Pole 207); NE1/4SW1/4NW1/4, S25, T12S, R20E (Power Pole 208); Cassia County.
Place of use: No change. 733.2 acres as listed in above water rights.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave East, Twin Falls, ID 83301 on or before October 9, 1989.

R. Keith Higginson, Director

Published in South Idaho Press on 9/21 & 9/28/89.

APR 29 1996

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NOS. 45-2283, 45-2322, 45-2575**

Notice is hereby given that Tugaw Ranch of Murtaugh, ID has applied to the Department of Water Resources to change the following described water right(s) pursuant to Section 42-222 of the IDAHO CODE.

Water right No. 45-2283

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 6/25/1980 in Cassia County, Transfer No. 2603.

Source: Groundwater

Priority Date: 12/13/1948

Amount of water: 1.64 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No. 2603: 733.2 acres.

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2322

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 3/25/1980 in Cassia County, Transfer No. 2603.

Source: Groundwater

Priority Date: 1/16/1950

Amount of water: 3.330 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No.

2603: 733.2 acres

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

Water right No. 45-2575

Basis of right: Decreed to Glenn Briggs in case of Glenn Briggs, et. al. vs. R. Keith Higginson, et. al. dated 6/25/1980, Cassia County.

Source: Groundwater

Priority Date: 4/3/1959

Amount of water: 0.55 cfs

Water use: Irrigation

Point(s) of diversion: SW1/4SE1/4, S23, T12S, R20E; SE1/4SE1/4, S23, T12S, R20E; SW1/4NW1/4, S25, T12S, R20E; Cassia County.

Place of use according to Transfer No.

2603: 733.2 acres

Recorded place of use: 735 acres within SW1/4SW1/4, S13, T12S, R20E; NE1/4, NW1/4, NE1/4SW1/4, SE1/4, S14, T12S, R20E; NE1/4, N1/2SE1/4, S23, T12S, R20E; W1/2NW1/4, W1/2SW1/4, S24, T12S, R20E.

TO BE CHANGED AS FOLLOWS:

Water right No.: 45-2283 Amount: 1.64 cfs

Water right No.: 45-2322 Amount: 3.33 cfs

Water right No.: 45-2575 Amount: 0.55 cfs

Total amount being transferred: 5.52 cfs

Source: Groundwater

Point of diversion: SW1/4SE1/4SE1/4, S23, T12S, R20E; (Power Pole 205); NW1/4SW1/4NW1/4, S25, T12S, R20E (Power Pole 207); NE1/4SW1/4NW1/4, S25, T12S, R20E (Power Pole 208); Cassia County.

Place of use: No change. 733.2 acres as listed in above water rights.

Any protest against approval of the application for transfer must be filed with the Department of Water Resources, 2148 4th Ave. East, Twin Falls, ID 83301 on or before October 9, 1989.

R. Keith Higginson, Director
Published in the South Idaho Press on September 21 and 28, 1989.

RECEIVED

SEP 15 1989

Department of Water Resources
Southern Region Office

APR 29 1989

08-Sep-1989

South Idaho Press
Box 190
Burley, ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the required publication dates. If time allows, please submit a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

Mary Baldwin
Secretary/Office Coordinator

Enclosure

APR 2 1989

APR 2 1989

08-Sep-1989

Tugaw Ranch
c/o Joseph Tugaw
Rt. 1
Murtaugh, ID 83344

Re: Application for Transfer Nos. 45-02283, 45-02322, 45-02575

Dear Mr. Tugaw:

The Department of Water Resources acknowledges receipt of your Application for Transfer.

This office will be advertising the application in the South Idaho Press on 9/21 and 9/28/89. The advertisement will be published for two weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our State Office in about five weeks. State Office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review.

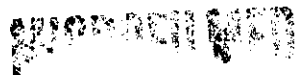
Before we can forward your application to our state office for approval we must include in the file evidence of ownership of the land from which the water is being removed such as copies of deeds, tax records, etc. and/or a notarized statement from any lien holder on the property.

Please feel free to contact this office if you have any questions regarding this procedure.

Very truly yours,

Douglas Jones, E. I. T.
Water Resources Engineer

DJ:MB



APR 29 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

December 7, 1982

RE: Water Right Nos. 45-2283, 45-2322 and 45-2575

Joseph E. Tugaw
1875 Jeremy Drive
Salt Lake City, UT 84121

Dear Mr. Tugaw:

Enclosed is a copy of your approved application for transfer on the above referenced rights and a copy of the Order approving the application (Transfer No. 2603). Be sure to note the conditions of approval as listed on the second page of the Order.

If you have any questions regarding this matter, please feel free to contact our office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

RECEIVED
DEC 10 1982
WATER RESOURCES

Tuth, 11 *dat*
Novak

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR

POST OFFICE BOX 3000

SALT LAKE CITY, UTAH 84110

TELEPHONE (801) 521-9000

TELECOPIER (801) 363-0400

August 24, 1982

THURMAN & SUTHERLAND	1885
THURMAN, SUTHERLAND & KING	1888
THURMAN, WEDGWOOD & IRVINE	1906
IRVINE, SKEEN & THURMAN	1923
SKEEN, THURMAN, WORSLEY & SNOW	1952
WORSLEY, SNOW & CHRISTENSEN	1967

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

RECEIVED

AUG 26 1982

Department of Water Resources

HAROLD G. CHRISTENSEN
REED L. MARTINEAU
STUART L. POELMAN
RAYMOND M. BERRY
H. JAMES CLEGG
MERLIN R. LYBBERT
DAVID W. SLAGLE
A. DENNIS NORTON
ALLAN L. LARSON
JOHN E. GATES
R. BRENT STEPHENS
KIM R. WILSON
MICHAEL R. CARLSTON
GEORGE A. HUNT
ELLIOTT J. WILLIAMS
SCOTT DANIELS
MICHAEL C. FREI
RICHARD K. CRANDALL
DAVID G. WILLIAMS
HEX E. MADSEN

DEE V. BENSON
MAX D. WHEELER
PAUL J. GRAF
PAUL C. DROZ
MICHAEL D. BLACKBURN
ROBERT H. HENDERSON
STEPHEN ROTH
DENNIS C. FERGUSON
BRUCE H. JENSEN
HENRY K. CHAI II
BRYCE D. PANZER
RANDY K. JOHNSON
DAMIAN C. SMITH
STEPHEN J. HILL
ROBERT H. COPIER
FLOYD W. HOLM
DAVID J. CASTLETON
PAMELA G. HEFFERNAN
JODY K. BURNETT

A. Kenneth Dunn, Director
Department of Water Resources
Statehouse
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer No. T2603
Cassia County Case No. 9818

Dear Mr. Dunn:

Pursuant to your Order to Show Cause issued January 30, 1982, and subsequent extensions and our prior telephone conversations relative to the above, enclosed are originals of

- (1) Affidavit of Joseph Novak, dated July 21, 1982;
- (2) Affidavit of Joseph E. Tugaw, dated July 30, 1982;
- (3) Affidavit of Thomas G. Nelson, dated July 30, 1982; and
- (4) Affidavit of Lloyd J. Walker, dated August 19, 1982.

The enclosed should all be self-explanatory and I trust that you can now proceed with the approval of the above Transfer Application. If you have any further questions thereon, kindly advise.

Very truly yours,

Joseph Novak
JOSEPH NOVAK

JN:jm
Enclosures
cc: Dr. Joseph E. Tugaw

ENCLOSURE

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TRANSFER OF WATER RIGHTS NOS.)
45-2283, 45-2322 and 45-2575 IN)
THE NAME OF JOSEPH E. TUGAW)
_____)

AFFIDAVIT OF
JOSEPH NOVAK

STATE OF UTAH)
COUNTY OF SALT LAKE) ss.

JOSEPH NOVAK, being first duly sworn, upon oath, deposes
and says:

1. That I am the attorney for Joseph E. Tugaw, who is one
and the same person as the named Petitioner-Appellant, Joe
Tugaw, Successor in Interest of Bill Brockman and Marie Brockman,
husband and wife, in that certain action filed in the District
Court of the Fifth Judicial District of the State of Idaho, in
and for the County of Cassia, being Case No. 9818, and that I
represented said Joseph E. Tugaw as his attorney in all pro-
ceedings in and related to said Case No. 9818.

2. That during the period May, 1978, through June, 1980,
I represented Joseph E. Tugaw in all of the negotiations which
culminated in the Stipulation for Judgment signed between
April 7 and June 23, 1980, by the attorneys for the respective
parties and the final Judgment which was signed and entered by
the Court on June 25, 1980, in said Case No. 9818.

FILED

3. That the substance of Paragraph IX of the final Judgment was first incorporated as a part of Paragraph II in a revised draft of the Stipulation for Judgment prepared in the latter part of February, 1980 by Lloyd J. Walker, Esq., as attorney for Golden Valley Land and Cattle Company and Golden Valley Mutual Water Company (collectively Golden Valley) and again was incorporated in a redraft of the Stipulation for Judgment prepared by Thomas G. Nelson, Esq., as attorney for defendants Baker and Poulton on or about March 6, 1980; that the foregoing redraft was extensively revised by me after a number of telephone conversations with Lloyd J. Walker, Esq., and Thomas G. Nelson, Esq., which culminated in the final drafts of the Stipulation for Judgment and Judgment prepared by me on or about April 7, 1980, both of which incorporated the said Paragraph IX.

4. That during the course of the settlement negotiations I discussed by telephone with Michael H. Hyer, Esq., then Deputy Attorney General for the State of Idaho, the procedural aspects of effectuating the proposed settlement, as far as the records of the Director's officer were concerned, to provide for the use of the quantity of water to be allocated to Joseph E. Tugaw for the irrigation of the lands which he was then irrigating and, particularly, whether transfer applications would be required to transfer rights to quantities of water and corresponding acreages from Baker and Poulton or

from Golden Valley to Joseph E. Tugaw, and it was our conclusion that since the total 5500 acre feet annual withdrawal was controlling, the irrigated acreages of the parties was secondary, and it would unduly complicate matters to attempt to identify the rights and corresponding acreages for transfer among those parties and to attempt to do so could frustrate the settlement negotiations; and it is my memory that we both concluded and agreed that the foregoing would best be resolved by the proposed Judgment since the provisions of Paragraph IX thereof would settle and adjudicate the water rights of the parties to the use of the quantities of water specified under Paragraph I for the irrigation of the lands which they were then irrigating.

5. That during my telephone conversations with Lloyd J. Walker, Esq. and Thomas G. Nelson, Esq., between the latter part of February, 1980, and the forepart of April, 1980, we discussed, among other things, the need for and the purpose and objective of the language which Mr. Walker had drafted as a part of his proposed Paragraph II and, which in substance, was finally incorporated into Paragraph IX; that it was our conclusion that such language was needed in the final Judgment to confirm the rights of the parties (except the Director) to use the quantities of water allocated to those parties for use on their respective lands then being irrigated; that I advised both Messrs. Walker and Nelson of my telephone conversations with Mr. Hyer relative to the procedural problems inherent in attempting to transfer water

rights to quantities of water and corresponding acreages between such parties; that it was our conclusion that such matters could best be resolved by said Paragraph IX and the purpose and effect thereof would be to confirm the rights of the parties (except the Director) to use the quantities of water allocated to such parties on the lands then being irrigated by them at or about the time of the entry of the final Judgment.

6. That copies of the proposed drafts of the Stipulation for Judgment and Judgment prepared by me were mailed to Michael H. Hyer, Esq. and other counsel of record, i.e., initial drafts with cover letter under date of January 31, 1980; revised draft of Stipulation for Judgment with cover letter under date of March 14, 1980; final drafts of both with cover letter under date of April 8, 1980; cover letter dated June 3, 1980 acknowledging minor amendments to Paragraph III of the Stipulation for Judgment and Judgment; that the final Stipulation for Judgment was executed and the final Judgment was approved as to form and substance by Josephine P. Beeman, Esq., for Michael H. Hyer, Esq., on June 18, 1980, and by other counsel between April 7, 1980 and June 23, 1980; and that the final Judgment was signed on June 25, 1980 by the Honorable Theron W. Ward, District Judge, and was filed and entered in the District Court of Cassia County, Idaho on June 25, 1980.

7. That I had no personal knowledge of the actual acreages being irrigated by the respective parties during the settlement negotiations, although I was then advised by Joseph E. Tugaw that he was, and had been, irrigating in excess of 700 acres, which was of secondary importance since the controlling limitation on the rights of the parties was the quantities of water each was allocated to annually divert by means of their respective wells in the collective amount of 5500 acre feet annually; that it is my understanding and view that the purpose and effect of the final Judgment made and entered in said Case No. 9818 on June 25, 1980, was to award and confirm to Joseph E. Tugaw the right to divert the 1663 acre feet of water allocated to him for the irrigation of the 733.2 acres of land embraced within the legal subdivisions as shown under Paragraph C2 of the Application for Transfer No. T2603 and the map attached thereto.

8. That Application for Transfer No. T2603 was filed by Joseph E. Tugaw on my advice for the purpose of correcting the records of the Department of Water Resources to conform to the final Judgment made and entered in said Case No. 9818 on June 25, 1980, and more specifically, to amend License Nos. 45-2283, 45-2322 and 45-2575 to identify and describe the lands on which the waters diverted by any combination of the three wells described therein were being beneficially

UNRECORDED

used under the water right as awarded and confirmed to him by the said final Judgment, and particularly under Paragraph IX thereof; that said Application for Transfer is amendatory only and does not constitute an in fact change and place of use from the lands which were being irrigated at the time of entry of the said final Judgment on June 25, 1980, and which had been irrigated during the irrigation season of 1979.


JOSEPH NOVAK

SUBSCRIBED AND SWORN to before me this 21st day of July,
1982.


NOTARY PUBLIC
Residing in State of Utah

My Commission Expires:
April 24, 1982

RECORDED
INDEXED
JUL 27 1982
COUNTY CLERK

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR)	
TRANSFER OF WATER RIGHTS NOS.)	
45-2283, 45-2322 and 45-2575 IN)	AFFIDAVIT OF
THE NAME OF JOSEPH E. TUGAW)	JOSEPH E. TUGAW
_____)	

JOSEPH E. TUGAW, being first duly sworn, upon oath,
deposes and says:

1. That I am one and the same person as the named Petitioner-Appellant, Joe Tugaw, Successor in Interest of Bill Brockman and Marie Brockman, husband and wife, in that certain action filed in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Cassia, being Case No. 9818.

2. That I have been in possession and operated the Buckhorn Ranch, aka Tugaw Ranch, in Cassia County, Idaho beginning on December 8, 1971, and continuously thereafter until the present time pursuant to an Assignment dated December 8, 1971, from William J. Brockman and Marie Brockman of their interests as purchasers from Glenn Briggs and Hazel Briggs under Contract of Purchase and Sale dated May 27, 1966.

3. That during the period from May, 1978 through June, 1980, I actively participated in and was kept informed by my attorney, Joseph Novak, Salt Lake City, Utah, of the negotiations being conducted in an effort to settle the above Case No. 9818 and particularly during the period January, 1980 through June, 1980;

MICROFILMED

that I reviewed all drafts of the Stipulation for Judgment and Judgment being circulated among the attorneys and particularly the final draft of the Stipulation for Judgment, which was signed between April 7 and June 23, 1980, by the attorneys for the respective parties, and the final Judgment which was signed and entered by the Court on June 25, 1980 and, on numerous occasions, I discussed with my attorney the purpose and objective of Paragraph IX of said Judgment.

4. That the purpose and objective of Paragraph IX of the said final Judgment insofar as my water rights were concerned, were to fix and confirm the right to use the waters diverted by means of the wells at Pole Nos. 205 and 207 to irrigate the total acreage being irrigated thereby at the time the said final Judgment was entered and it was, and presently is, my understanding that the same purpose and objective would apply to the water rights and wells of the other parties (except the Director) in the above Case No. 9818.

5. That during the irrigation season of the year 1979, the total acreage irrigated on the Buckhorn Ranch by means of the wells at Pole Nos. 205 and 207 was 733.20 acres embraced within the legal subdivisions as shown under Paragraph C.2 of the Application for Transfer No. T2603 and the map attached thereto; that the said irrigation of the 733.20 acres continued throughout the irrigation seasons of 1980, 1981 and to the present time; that during that part of the irrigation season of 1980,

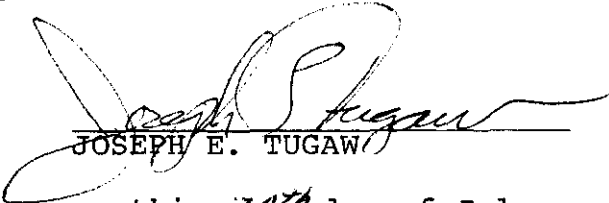
and particularly in June, 1980, when the settlement negotiations were being conducted, the waters being diverted by means of said wells were being beneficially used on the full 733.20 acres of land identified above.

6. That during the settlement negotiations in 1979 and 1980, it was absolutely essential that I establish the right to the use of at least 1663 acre feet of water annually to irrigate the lands then being irrigated (733.20 acres) from the wells at Pole Nos. 205 and 207 and to accomplish that objective I agreed to pay, and did pay, Simon Baker \$10,000.00 to relinquish, from his point of view, the right to the additional quantity of water necessary to make up the 1663 acre feet in order to effectuate the settlement; and that had I understood the said final Judgment would not have confirmed my right to use the 1663 acre feet on the total acreage which I was then irrigating (733.20 acres) I would not have approved or authorized my attorney to sign the Stipulation for Judgment or the final Judgment and would not have paid the \$10,000.00 to Simon Baker.

7. That it is absolutely essential to the efficient and economical operation of the Buckhorn Ranch that I have the right to the use of at least 1663 acre feet of water annually to irrigate the full 733.20 acres of land identified above, and

it was and is my understanding that said final Judgment
accomplished that end result.

Dated this 30th day of July, 1982.


JOSEPH E. TUGAW

SUBSCRIBED AND SWORN to before me this 30th day of July,
1982.


NOTARY PUBLIC
Residing in:

My Commission Expires:

July 20, 1986

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR)	
TRANSFER OF WATER RIGHTS NOS.)	
45-2283, 45-2322 and 45-2575 IN)	AFFIDAVIT OF
THE NAME OF JOSEPH E. TUGAW)	THOMAS G. NELSON
_____)	

THOMAS G. NELSON, being first duly sworn, upon oath,
deposes and says:

1. That I was the attorney for Simon L. Baker and Marjorie Baker, his wife; Ralph Poulton and Desma Poulton, his wife; Bill R. Poulton and Patricia L. Poulton, his wife; Raymond Poulton and Bessie Maude Poulton, his wife; and Jay Richard Poulton (collectively Baker and Poulton) in Case No. 9818 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Cassia; and that during the period May, 1978, through June, 1980, I represented Baker and Poulton in all of the negotiations which culminated in the Stipulation for Judgment signed between April 7, 1980 and June 23, 1980, by the attorneys for the respective parties and the final Judgment, which was signed and entered therein by the Court on June 25, 1980.

2. That during the course of the settlement negotiations, and particularly between the period of February 1980 and April, 1980, I discussed by telephone with Joseph Novak, attorney for Joseph E. Tugaw, the need for and the purpose of the language



which finally was incorporated into Paragraph IX of the Stipulation for Judgment and final Judgment made and entered in said Case No. 9818 and the procedural problems relating to attempting to transfer rights to quantities of water and corresponding acreages between the parties (except the Director); that Mr. Novak generally advised me of the telephone conversations with Michael H. Hyer, Esq., then Deputy Attorney General for the State of Idaho; and that it was our conclusion that such problems could best be solved by said Paragraph IX and the purpose and effect thereof would be to confirm the rights of the parties (except the Director) to use the quantities of water allocated to such parties on the lands then being irrigated by them at or about the time of the entry of the final Judgment.

3. That I had no personal knowledge of the actual acreages being irrigated by the respective parties during the settlement negotiations, which was of secondary importance since the controlling limitation on the rights of such parties was the quantities of water each was allocated to annually divert by means of their respective wells in the collective amount of 5500 acre feet annually; that it is my understanding that the purpose and effect of said final Judgment made and entered in said Case No. 9818 on June 25, 1980, and particularly under Paragraph IX thereof, was to award and confirm the rights of the parties to divert the respective quantities of water

allocated for use on their respective lands then being irrigated by them; and specifically that if Joseph E. Tugaw was in fact irrigating 733.20 acres of land at that time, the said final Judgment awarded him the right to irrigate the full 733.20 acres of land with the 1663 acre feet of water allocated to him.


THOMAS G. NELSON

SUBSCRIBED AND SWORN to before me this 30th day of July,
1982.


NOTARY PUBLIC
Residing in:

My Commission Expires:
6/3/86

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR)
TRANSFER OF WATER RIGHTS NOS.) AFFIDAVIT OF
45-2283, 45-2322 and 45-2575 IN) LLOYD J. WALKER
THE NAME OF JOSEPH E. TUGAW)
_____)

STATE OF IDAHO)
COUNTY OF TWIN FALLS) ss.

LLOYD J. WALKER, being first duly sworn, upon oath, deposes and says:

1. That I was the attorney for Golden Valley Land & Cattle Company and Golden Valley Mutual Water Company (collectively Golden Valley) in Case No. 9818 in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Cassia; and that during the period May, 1978 through June, 1980, I represented Golden Valley in all of the negotiations which culminated in the Stipulation for Judgment signed between April 7 and June 23, 1980, by the attorneys for the respective parties and the final Judgment, which was signed and entered therein by the court on June 25, 1980.

2. That during the course of the settlement negotiations I prepared a revised draft of the Stipulation for Judgment in the latter part of February, 1980 and drafted the language contained in Paragraph II thereof, which in part was finalized in Paragraph IX of the Stipulation for Judgment and the final

RECEIVED
JUN 25 1980
CLERK OF DISTRICT COURT
TWIN FALLS, IDAHO

Judgment signed and entered by the court on June 25, 1980; that the purpose and intent of the said language which I drafted was to confirm the rights of the parties (except the Director) to use the quantities of water allocated to such parties on the lands then being irrigated by them at or about the time of the entry of the final Judgment.

3. That during the course of the settlement negotiations and particularly between the period February, 1980 and April, 1980, I discussed by telephone with Joseph Novak, attorney for Joseph E. Tugaw, the need for and the purpose of the above language, which was finally incorporated into said Paragraph IX and the procedural problems relating to attempting to transfer rights to quantities of water and corresponding acreages between the parties (except the Director); that Mr. Novak generally advised of the telephone conversations with Michael H. Hyer, Esq., then Deputy Attorney General for the State of Idaho; and that it was our conclusion that such problems could best be resolved by said Paragraph IX and the purpose and effect thereof would be to confirm the rights of the parties (except the Director) to use the quantities of water allocated to such parties on the lands then being irrigated by them at or about the time of the entry of the final Judgment.

4. That I had no personal knowledge of the actual acreages being irrigated by the respective parties during the settlement negotiations, which was of secondary importance since

the controlling limitation on the rights of such parties was the quantities of water each was allocated to annually divert by means of their respective wells in the collective amount of 5500 acre feet annually; that it is my understanding that the purpose and effect of said final Judgment made and entered in Case No. 9818 on June 25, 1980, and particularly under Paragraph IX thereof, was to award and confirm the rights of the parties to divert the respective quantities of water allocated for use on their respective lands then being irrigated by them; and specifically, that if Joseph E. Tugaw was in fact irrigating 733.20 acres of land at that time, the said final Judgment awarded to him the right to irrigate the full 733.20 acres of land with the 1663 acre feet of water allocated to him.


LLOYD G. WALKER

SUBSCRIBED AND SWORN TO before me this 19 day of August,
1982.


NOTARY PUBLIC
Residing at:

My Commission Expires:

October 31, 1984



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

August 2, 1982

Joseph Novak
P.O. Box 3000
Salt Lake City, UT 84110

RE: Joseph E. Tugaw - Application for Transfer No. 2603

Dear Mr. Novak:

Your request to extend the period for response to September 1, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. Kenneth Dunn
Director

AKD:dc

11/11/82

CONVERSATION MEMORANDUM.

DATE 8-2-82

FILE 45-2283

NAME OF PARTY Mr Joseph Novak

EMPLOYEE D. Tutthill

RE: Bockhorn Ranch Transfer

1. Requested extension of time to Sept 1, 1982

2. Address changed to P.O. Box 3000
Salt Lake City, UT 84110

RECEIVED

June 30, 1982

Joseph Novak
Snow, Christensen & Martineau
10 Exchange Place, 11th Floor
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

RE: Joseph E. Tugaw - Application for Transfer No. 2603

Your request to extend the period for response to August 1, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:slw

June 8, 1982

Joseph Novak
Snow, Christensen & Martineau
10 Exchange Place, 11th Floor
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

RE: Joseph E. Tugaw - Application for Transfer No. 2603

Your request to extend the period for response to July 1, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

RECEIVED
JUN 10 1982
FBI - SALT LAKE CITY

JUN 3 1982

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR
POST OFFICE BOX 3000
SALT LAKE CITY, UTAH 84110
TELEPHONE (801) 521-9000
TELECOPIER (801) 363-0400

THURMAN, SUTHERLAND
THURMAN, WEDGWOOD

NAME	DATE
THURMAN, BURTON AND	1886
THURMAN, SUTHERLAND & KING	1888
THURMAN, WEDGWOOD & IRVINE	1906
IRVINE, SKEEN & THURMAN	1923
SKEEN, THURMAN, WORSLEY & SNOW	1952
WORSLEY, SNOW & CHRISTENSEN	1967

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

HAROLD G. CHRISTENSEN
REED L. MARTINEAU
STUART L. POELMAN
RAYMOND M. BERRY
H. JAMES CLEGG
MERLIN R. LYBBERT
DAVID W. SLAGLE
A. DENNIS NORTON
ALAN L. LARSON
JOHN E. GATES
B. BRENT STEPHENS
KIM R. WILSON
MICHAEL R. CARLSTON
GEORGE A. MUNT
LEWIS J. WILLIAMS
SCOTT DANIELS
MICHAEL C. FREI
RICHARD K. CRANDALL
DAVID G. WILLIAMS
REX E. MAUSEN
DEE V. BENSON
MAX D. WHEELER
PAUL J. GRAF
PAUL C. DROZ
MICHAEL D. BLACKBURN
ROBERT H. HENDERSON
STEPHEN ROTH
DENNIS C. FERGUSON
BRUCE H. JENSEN
HENRY K. CHAI II
BRYCE D. PANZER
RANDY K. SMITH
DAMIAN C. JOHNSON
STEPHEN J. HILL
ROBERT M. COPIER
FLOYD W. HOLM
DAVID J. CASTLETON
PAMELA G. HEFFERNAN
JODY K. BURNETT

May 28, 1982

A. Kenneth Dunn, Director
Department of Water Resources
State House
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer of Water
Right Nos. 45-2283, 45-2322 and 45-2575

Dear Mr. Dunn:

Pursuant to my telephone conversation of May 28, 1982 with Mr. Norman Young of your office, request is hereby made for an extension of time to and including July 1, 1982, within which to respond to the Order to Show Cause issued in the above-entitled matter on January 30, 1982. Your favorable consideration of this request will be sincerely appreciated.

Very truly yours,

JOSEPH NOVAK

JN : jm

cc: Dr. Joseph E. Tugaw
Central Valley Veterinary Hospital
55 East Miller Avenue
Salt Lake City, UT 84117

May 5, 1982

Joseph Novak
Snow, Christensen & Martineau
10 Exchange Place, 11th Floor
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

RE: Joseph E. Tugaw - Application for Transfer No. 2603

Your request to extend the period for response to June, 11, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw

RECEIVED

APR 30 1982

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR

POST OFFICE BOX 3000

SALT LAKE CITY, UTAH 84110

TELEPHONE (801) 521-9000

TELECOPIER (801) 363-0400

April 28, 1982

Department of Water Resources

HAROLD G. CHRISTENSEN
REED L. MARTINEAU
STUART L. POELMAN
RAYMOND M. BERRY
H. JAMES CLEGG
MERLIN R. LYBBERT
DAVID W. SLAGLE
A. DENNIS NORTON
ALLAN L. LARSON
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BRUCE H. JENSEN
HENRY K. CHAI II
DENNIS C. FERGUSON
BRYCE D. PANZER
ROBERT H. HENDERSON
RANDY K. JOHNSON

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1888
THURMAN, WEDGWOOD & IRVINE 1906
IRVINE, SKEEN & THURMAN 1923
SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

A. Kenneth Dunn, Director
Department of Water Resources
State House
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer of Water
Right Nos. 45-2283, 45-2322 and 45-2575

Dear Mr. Dunn:

Pursuant to our telephone conversation of April 27, 1982, request is hereby made for an extension of time to and including June 1, 1982, within which to respond to the Order to Show Cause issued in the above-entitled matter on January 30, 1982. Your favorable consideration of this request will be sincerely appreciated.

Very truly yours,


JOSEPH NOVAK

JN:jm

cc: Dr. Joseph E. Tugaw
Central Valley Veterinary Hospital
55 East Miller Avenue
Salt Lake City, UT 84117

R. Keith Higginson, P.E.
106 West 5th South, Suite 101
Bountiful, UT 84010

RECEIVED

April 12, 1982

Joseph Novak
Snow, Christensen & Martineau
10 Exchange Place, 11th Floor
P. O. Box 3000
Salt Lake City, UT 84110

Dear Mr. Novak:

RE: Joseph E. Tugaw - Application for Transfer No. 2003

Your request to extend the period for response to May 1, 1982, for the Order to Show Cause regarding the above referenced application is hereby approved.

Sincerely,

A. KENNETH DUNN
Director

AKD:alw



RECEIVED

LAW OFFICES

SNOW, CHRISTENSEN & MARTINEAU

10 EXCHANGE PLACE, ELEVENTH FLOOR

POST OFFICE BOX 3000

SALT LAKE CITY, UTAH 84110

TELEPHONE (801) 521-9000

TELECOPIER (801) 363-0400

March 26, 1982

MAR 29 1982

THURMAN & SUTHERLAND 1886
THURMAN, SUTHERLAND & KING 1906
THURMAN, WEDGWOOD & JEVNER 1923
Department of Water Resources
SKEEN, THURMAN, WORSLEY & SNOW 1952
WORSLEY, SNOW & CHRISTENSEN 1967

JOHN H. SNOW 1917-1980

JOSEPH NOVAK
OF COUNSEL

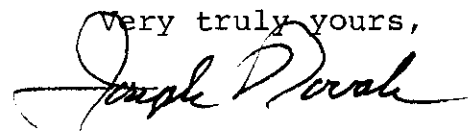
HAROLD G. CHRISTENSEN
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H. JAMES CLEGG
MERLIN R. LYBBERT
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FLOYD W. HOLM
DAVID J. CASTLETON
PAMELA G. HEFFERNAN
JODY K. BURNETT

A. Kenneth Dunn, Director
Department of Water Resources
State House
Boise, ID 83720

Re: Joseph E. Tugaw - Application for Transfer of
Water Right Nos. 45-2283, 45-2322 and 45-2575

Dear Mr. Dunn:

Pursuant to our telephone conversation of March 26, 1982, request is hereby made for an extension of time to and including May 1, 1982, within which to respond to the Order to Show Cause issued in the above-entitled matter on January 30, 1982. Your favorable consideration of this request will be sincerely appreciated.

Very truly yours,


JOSEPH NOVAK
Attorney for Joseph E. Tugaw

JN:jm

cc: Dr. Joseph E. Tugaw
Central Valley Veterinary Hospital
55 East Miller Avenue
Salt Lake City, UT 84117

R. Keith Higginson, P.E.
2520 S. State Street #214
Salt Lake City, UT 84115

RECEIVED
MAR 29 1982
DEPT. OF WATER RESOURCES



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

February 1, 1982

CERTIFIED MAIL # 32866

RE: Application for Transfer of Water Right Nos. 45-2283, 45-2322 and 45-2575

Joseph E. Tugaw
1875 Jeremy Drive
Salt Lake City, UT 84121

Dear Mr. Tugaw:

Enclosed is an Order to Show Cause why Application for Transfer No. 2603 should not be denied.

Note that any information in response to this Order must be submitted by April 1, 1982. Please contact this office if you have any questions.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

Mr Joseph Novak

RECEIVED
FEB 11 1982
STATE OF IDAHO



STATE OF IDAHO

OFFICE OF THE ATTORNEY GENERAL

BOISE 83720

DEPARTMENT OF WATER RESOURCES

STATEHOUSE, BOISE, IDAHO 83720

TELEPHONE: (208) 334-4448

DAVID H. LEROY
ATTORNEY GENERAL

MEMORANDUM

TO: ^{MS} Glen Saxton/Dave Tuthill ^{DP}

FROM: Phil Rassier, Deputy Attorney General

DATE: December 10, 1981

RE: T2063

I have reviewed this transfer application as requested. As I read the file, the applicant owns three licensed groundwater rights totaling 5.52 cfs: 45-2283, 12/13/48, 1.64 cfs; 45-2322, 1/16/50, 3.33 cfs; and 45/2575, 4/3/59, 0.55 cfs. Effective July 26, 1973 these three water rights were made appurtenant to a total of 600 acres of land pursuant to approved Department transfer No. 1875.

The Judgment of the District Court in Briggs v. Higginson (Cassia County Civil No. 9818, June 25, 1980) adjudged that a total volume of 1,663 acre feet per year of water could be diverted under these three licensed rights.

The applicant now seeks by this application for transfer to expand the place of use for his water rights from 600 acres to 733.20 acres without increasing either the rate of flow or the annual volume of water diverted.

The application states that the purpose for the transfer is to "conform the licensed water rights covered herein to the actual use of the waters, as confirmed by the final Judgment in Cassia County Civil No. 9818." The application states that the water rights have actually been used on 733.20 acres rather than the 600 acres for which the rights are licensed.

RECORDED
12/10/81

The language which the applicant asserts is a judicial approval of this expanded use appears in Paragraph IX of the Judgment:

IX.

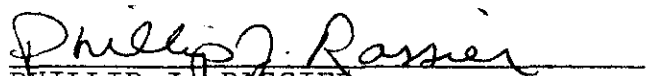
All parties are hereby adjudged to have sufficient lands to apply the amounts of water specified in Paragraph I hereinabove to beneficial use and in fact are now and have been applying said water to beneficial use in compliance with the Statutes of the State of Idaho and the law as established in this case.

I have found nothing in the pleadings, briefs or orders of this case which would indicate an intention by the parties or the Court to expand the water rights of the parties to additional lands. Even if it had been so intended, the Judgment could not have such an effect under Idaho law. Section 42-229, Idaho Code, makes it clear that after 1963 the applicant could only have obtained a valid groundwater right for the additional 133.20 acres through the application, permit and license procedure provided in Chapter 2, Title 42, Idaho Code.

The real measure of an irrigation water right is not the rate of diversion or volume of water diverted but rather the total number of acres of land that the water right owner is entitled to irrigate in any given year. As evident from Section 42-101, Idaho Code, the right to use the public waters of the State is not a separate property right in itself, but is rather a right to apply water to a particular parcel of land as may be necessary to satisfy a given beneficial use.

Under the provisions of I.C. Section 42-222, the Department is obligated to find prior to approving a change in place of use that the transfer does not constitute an enlargement in use of the original right. The application being presently considered seeks to enlarge the use of the original right from 600 acres to 733.20 acres of land.

It is my opinion that this application for transfer should be denied. It further appears that the applicant has no present right to apply water to the additional 133.20 acres which is claimed to be irrigated.



PHILLIP J. RASSIER

M E M O R A N D U M

TO: Glen Saxton *MS*

FROM: Dave Tuthill *DPT*

DATE: December 2, 1981

RE: T2063

This transfer application is unusual in that the acreage to be irrigated is requested to be increased from 600 to 733.2. The supporting document for this increase is the latest judgement concerning what used to be the Baker vs. Ore Ida case (now entitled Briggs, et. al. vs. Higginson, et. al.), dated June 25, 1980. The primary argument in favor of approving the application is certain language in the June 25, 1980 judgement.

Paragraph IX of this document states:

All parties are hereby adjudged to have sufficient lands to apply the amounts of water specified in Paragraph I herein-above to beneficial use and in fact are now and have been applying said water to beneficial use in compliance with the Statutes of the State of Idaho and the law as established in this case.

This language can be interpreted to recognize the irrigation of all lands irrigated by the water right holder at the time the judgement was signed. I have checked a U-2 infrared photo dated September 17, 1980 and have verified that all 733.2 acres identified in the application were irrigated in 1980.

Another argument in favor of approving the application is that the acre-foot allowance for the water rights in question has been limited to 1663 AF per annum. A totalizing meter will be used on each well to monitor the total pumped amount from the well, preventing exceedance of the acre-foot allowance on a five-year running basis.

On the other hand one can argue that the land list for the three licenses covered by the transfer application has already been maximized. T1875, approved on July 26, 1973, increased the total number of acres irrigated from 491 to 600, based on the theory that licensure had initially taken place when pump output was unrealistically low. Any further increase in irrigated acreage must be scrutinized very carefully.

The Department has traditionally utilized three parameters to monitor the extent of existing water rights. One parameter is rate of flow, for which an increase is not requested. The second is diverted volume, for which an increase is not requested. The third is consumptive use. Depending on the use of water before and after the transfer there is a good chance that consumptive use would be increased if the transfer is approved. A crop raised on 733.2 acres will normally consume more water than the same crop raised on 600 acres, unless the crop type is different.

Administratively it is very difficult to monitor and prevent expanded consumptive use if acreage irrigated is allowed to increase. However, I don't see how we can prevent a change in irrigated acreage if we are

TO: Glen Saxton
DATE: December 2, 1981
PAGE: 2

assured that not one of the three parameters is increased. It is my recommendation that the transfer not be approved unless the applicant can in some way convince the Department that the consumptive use will not be increased.

Due to the adjudicated nature of this water right I further recommend that the legal staff review the matter before we take further action.

MICROFILMED

MEMORANDUM

To: Dave Tuthill *DPT (Rec'd 12/1)*

From: Jim Johnson *an*

November 23, 1981

RE: Transfer Application No. 2603

Mr. Tugaw has submitted said transfer application to specifically identify the lands in which the water under rights 45-2283, 45-2322 and 45-2575 have been applied.

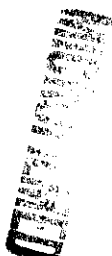
In doing so Mr. Tugaw shows that the 600 irrigated acres which were generally described in location on an earlier approved Transfer No. 1875 has now expanded to 733.20 as described on item 2a in the application for transfer.

The transfer application was advertised and no protests against its approval were received. The Department must now act upon the application in accordance to the provisions of Section 42-222, Idaho Code.

It appears that we have two options before us:

- A. Approve the transfer ~~in part~~ and use conditions of approval to limit the irrigated acres to the amount that was approved in the Transfer No. 1875 being 600 acres. The conditions could be as follows:
 - 1. The maximum number of acres to be irrigated under the rights identified herein shall not exceed 600 acres.
 - 2. The maximum volume of all the rights herein combined shall not exceed 1,663 acre feet.
 - 3. A totalizing measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works.
 - 4. Use of water under these rights is subject to control by the watermaster of State Water District No. 45-0, Golden Valley.
- B. Deny the application on the basis that approval would result in an enlargement of the use of the original rights and would cause injury to other water rights, pursuant to Section 42-222, Idaho Code.

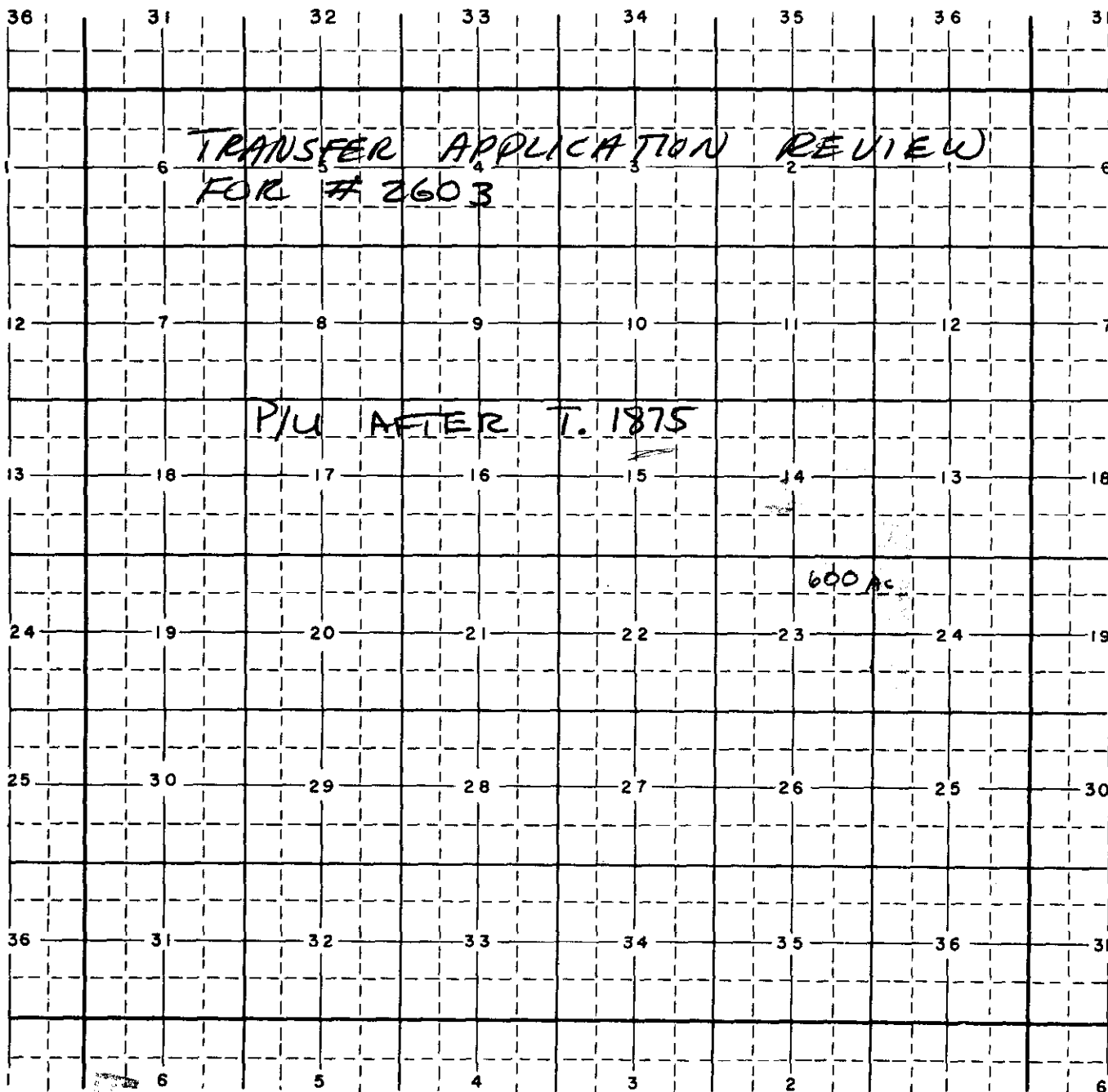
The denial would require the Department to send notice of the denied application for transfer of water right by certified mail.



U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM*

Township	12S	Range	20E	Meridian	State
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T- 1875	45-2283	1.64	600 AC
	45-2322	3.33	
	45-2575	.55	
		5.52 cfs	

* SCALE: 1 INCH = 1 MILE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM *

Township	Range	Meridian	State
36	31	32	33
34	35	36	31
6	5	4	3
2	1	6	
12	7	8	9
10	11	12	7
13	18	17	16
15	14	13	18
24	19	20	21
22	23	20	19
25	30	29	28
27	26	25	30
36	31	32	33
34	35	36	31
6	5	4	3
2	1	6	

45-2322 3.33
AT TIME OF LICENSE

275 AC

*SCALE: 1 INCH = 1 MILE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM*

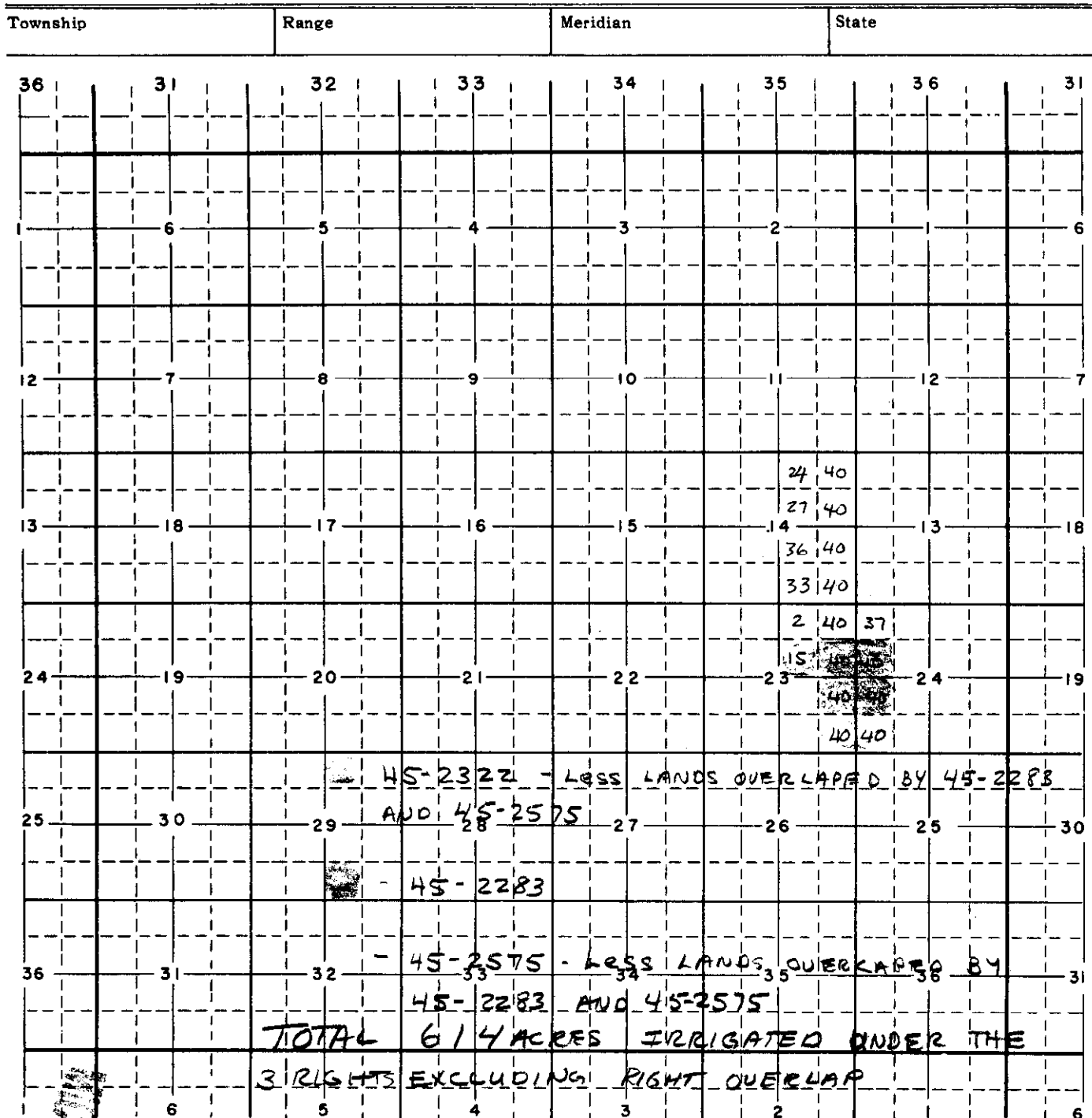
Township	Range	Meridian	State
36	31	32	33
34	35	36	31
1	6	5	4
3	2	1	6
12	7	8	9
10	11	12	7
13	18	17	16
15	14	13	18
24	19	20	21
22	23	24	19
25	30	29	28
27	26	25	30
36	31	32	33
34	35	36	31
6	5	4	3
2	6		

45-2283 1.64 160 AC
AT TIME OF LICENSE

*SCALE: 1 INCH = 1 MILE

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TOWNSHIP DIAGRAM*



THIS SCHEMATIC SHOWS LOCATION AND IRRIGATED ACRES BY 40 ACRE TRACT TOTAL LAND AREA COVERED WHEN THE INDIVIDUAL RIGHTS WERE LICENSED EXCLUDING THE LANDS THAT WERE OVERLAPED FOR ALL THREE RIGHTS IN TRANSFER APPLICATION # 2603

* SCALE: 1 INCH = 1 MILE

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 45-2283, 2322, 2575

RECOMMENDATION OF WATERMASTER

I, Loren Holmes, watermaster of Golden Valley CGWA,
of Water District No. 45-0, County of Cassia, State of Idaho,
whose address is 1041 Blue Lakes Blvd N., Twin Falls, ID
have read the attached copy of the application for transfer of water right for _____
Joseph E Tugan, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: (1) A Totalizing Measuring Device shall
be required at all points of diversion.
(2) Delivery shall be controlled by the watermaster, W.D. 45-0

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Twin Falls, Idaho, this 17 day of November 1981.

Loren O Holmes
(signature)

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: LH

1. Right number 45-2283, 2232, 2575/T1875 Applicant TUGAW, Joseph E.
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☐ Priority ☐ Amount ☐ Purpose ☐ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☐ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☐ Check proof of ownership of right &/or land from which water is transferred.
 - h. ☒ Check for expansion in use of right. Comments P/O Expansion.
Annual Volume unchanged & under W.M. Control
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) Surface Rts only
 - j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No
If yes, what district? 45-0

FINAL PROCESSING REVIEW BY: LH

1. Watermaster recommendation requested on 11/17/81 Received on 11/17/81
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* See W.M. Recommendation.

4. By Loren O Halmer Date 11/17/81

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2283
45-2232
45-2575

Notice is hereby given that Joseph E. Tugaw of Salt Lake City, Utah has applied to the Department of Water Resources for a change of place of use of the waters of a groundwater source. The right sought to be changed is evidence by decree to Joseph E. Tugaw in case of Glen Briggs, et ux, et al vs R. Keith Higginson, Director Department of Water Resources et al dated June 25, 1980 in Fifth District Court, Cassia County, and is recorded as follows:

45-2283 Priority: December 13, 1948

Amount: 1.64 cfs

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S, R20E, B.M., Cassia County

45-2322

Amount: 3.33 cfs Priority: January 16, 1950

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S, R20E, B.M., Cassia County

45-2575

Amount: 0.55 cfs Priority: April 3, 1959

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S, R20E, B.M., Cassia County

The water is used for irrigation of 600 acres from April 1 to October 1 within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E

TO BE CHANGED AS FOLLOWS:

Amount: 5.52 cfs

Point of Diversion:

45-2283 - SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;
45-2322 - SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;
45-2575 - SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S, R20E

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23;
W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E
be

The water to be used for irrigation of 733.20 acres from April 1 to October 1.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho, 83301 on or before October 26, 1981.

A. KENNETH DUNN
Director

Published in the South Idaho Press on October 8 and October 15, 1981.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

No. 45-2283

No. 45-2232

No. 45-2575

Notice is hereby given that Joseph Tugaw of Salt Lake City, Utah has applied to the Department of Water Resources for a change of place of use of the waters of a groundwater source. The right sought to be changed is evidence by decree to Joseph E. Tugaw in case of Glen Briggs, et ux, et al vs. R. Keith Higginson, Director Department of Water Resources et al dated June 25, 1980 in Fifth District Court, Cassia County, and is recorded as follows:

45-2283 Priority: December 13, 1948
Amount: 1.64 cfs

Point of Diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S, R20E, B.M., Cassia County.

45-2322

Amount: 3.33 cfs Priority: January 16, 1950

Point of Diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T12S, R20E, B.M., Cassia County.

45-2575

Amount: 0.55 cfs Priority: April 3, 1959

Point of Diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S, R20E, B.M., Cassia County.

The water is used for irrigation of 600 acres from April 1 to October 1 within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E.

TO BE CHANGED AS FOLLOWS:

Amount: 5.52 cfs

Point of Diversion:

45-2283 — SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;

45-2322 — SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;

45-2575 — SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 25, T12S, R20E.

Place of Use:

SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24, T12S, R20E.

The water to be used for irrigation of 733.20 acres from April 1 to October 1. Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1041 Blue Lakes Blvd. North, Twin Falls, Idaho 83301 on or before October 26, 1981.

A. KENNETH DUNN

Director

Published in the South Idaho Press October 8 and 15, 1981.

*called correction
10/6/81*



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
SOUTHERN DISTRICT

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

September 29, 1981

South Idaho Press
Box 190
Burley, Idaho 83318

Re: Notice of Proposed Change of Water Right No. 45-2449 & 45-2283, 45-2232, 45-2575

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

In order to receive payment, an affidavit of publication must be submitted to the Department along with the publication bill.

Sincerely,

Mary A. Hill
Sr. Secretary

Loren O. Holmes
Southern Region Supervisor

Encl:

UNITED STATES POSTAL SERVICE

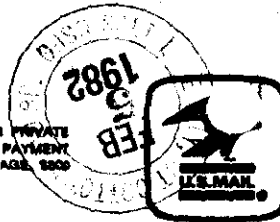
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete forms 1, 2, and 3 on the reverse.
- Attach to front of article (space permits, otherwise affix to back of article).
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE
USE TO AVOID PAYMENT
OF POSTAGE \$300



RECEIVED
FEB 8 1982

RETURN
TO

DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

Department of Water Resources

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

SENDER: Complete Items 1, 2, and 3.
Add your address in the "RETURN TO" or
address.

1. The following service is requested (check one.)
☒ Show to whom and date delivered.....
☐ Show to whom, date and address of delivery.....
☐ RESTRICTED DELIVERY
Show to whom and date delivered.....
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.....

(CONSULT POSTMASTER FOR FEES) 80

2. ARTICLE ADDRESSED TO:
Joseph E. Tugaw
1875 Jeremy Drive
Salt Lake City, UT 84121

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
32866

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DELIVERY DELIVERY

5. ADDRESS (Complete only if requested)

6. REASON TO DELIVER BECAUSE:

CLERK'S
DATE

REGISTERED

RECEIVED
FEB 13 1982
SALT LAKE CITY, UT 84103

45-2283, 45-2322, 45-2575

July 26, 1973

Re: Transfer No. 45-2283/45-2322/45-2575

Mr. Joseph E. Tugaw
1875 Jeremy Drive
Salt Lake City, Utah 84121

Dear Mr. Tugaw:

Enclosed is a copy of the above referenced approved Transfer of Water Right. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device as part of the diverting works has been placed on your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

45 2283

June 27, 1973

RE: Transfer No. 45-2283/45-2322/45-2575 - Joseph E. Tugaw

South Idaho Press
Box 120
Burley, ID 83318

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing ample time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

Bob Haynes
District Engineer
Southern District

Bill submitted 7-13-73 by jmm

BH:jmm

Enc: Legal Notice

45 2283

73-216

OK *Jan 6-23-73*
NOTICE OF PROPOSED CHANGE
OF WATER RIGHT

NO. 45-2283/45-2322/45-2575

Notice is hereby given that Joseph E. Tugaw of Salt Lake City has applied to the Department of Water Administration for a change of points of diversion and places of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. 45-2283, 45-2322, 45-2575, Transfer Right Nos. 1030 and 1031 and is recorded as follows:

45-2283, Transfer No. 1030

— Amount: 1.64 c.f.s.

Priority: December 13, 1948

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23, T. 12S, R. 20E, B.M.

45-2322, Transfer No. 1031

— Amount: 3.33 c.f.s.

Priority: January 16, 1950

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23, T. 12S, R. 20E, B.M.

45-2575 — Amount: .55
c.f.s. Priority: April 3, 1959

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 23, T. 12S, R. 20E, B.M.

The water is used for (45-2283, Transfer No. 1030; and 45-2322, Transfer No. 1031): irrigation purposes within N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ NE $\frac{1}{4}$,

Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 24; T. 12S, R. 20E, B.M. (45-2575): Irrigation purposes within NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24; T. 12S, R. 20E, B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1982 acre feet

Points of diversion:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23;
SW $\frac{1}{4}$ NW $\frac{1}{4}$ (2 points), Sec. 25;
T. 12S, R. 20E, B.M.

The water will be used for irrigation purposes from Apr. 15 to Oct. 15 within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24; T. 12S, R. 20E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, ID 83301, on or before July 20, 1973.

R. KEITH HIGGINSON

Director

Published in the South Idaho Press on July 3 and July 10, 1973.

45 2283

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 45-2283/45-2322/45-2575

Notice is hereby given that Joseph E. Tugaw of Salt Lake City has applied to the Department of Water Administration for a change of points of diversion and places of use of the waters of a groundwater source. The right sought to be changed is evidenced by License Nos. 45-2283, 45-2322, 45-2575, Transfer Right Nos. 1030 and 1031 and is recorded as follows:

45-2283, Transfer No. 1030 -- Amount: 1.64 c.f.s. Priority: December 13, 1948

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 20E, B.M.

45-2322, Transfer No. 1031 -- Amount: 3.33 c.f.s. Priority: January 16, 1950

Point of diversion: SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 20E, B.M.

45-2575 -- Amount: .55 c.f.s. Priority: April 3, 1959 Point of diversion:

SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23, T. 12S, R. 20E, B.M.

The water is used for (45-2283, Transfer No. 1030; and 45-2322, Transfer No. 1031):

irrigation purposes within NE $\frac{1}{2}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$,

NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 24; T. 12S, R. 20E, B.M. (45-2575): Irrigation purposes within NE $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14, NW $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24; T. 12S, R. 20E, B.M.

TO BE CHANGED AS FOLLOWS

Amount: 1932 acre feet

Points of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; SW $\frac{1}{4}$ NW $\frac{1}{2}$ (2 points), Sec. 25; T. 12S, R. 20E, B.M.

The water will be used for irrigation purposes from Apr. 15 to Oct. 15 within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 13; NE $\frac{1}{2}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$, Sec. 14; NE $\frac{1}{4}$, NW $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 24; T. 12S, R. 20E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Administration, 1041 Blue Lakes Boulevard North, Twin Falls, ID 83301, on or before July 20, 1973.

R. KEITH HIGGINSON
Director

Published in the South Idaho Press on July 3 and July 10, 1973.

45 2283

June 27, 1973

RE: Transfer No. 45-2283/45-2322/45-2575 -

Mr. Joseph E. Tugaw, D.V.M.
1875 Jeremy Drive
Salt Lake City, Utah 84121

Dear Mr. Tugaw:

Attached is your Receipt No. 10931 in the amount of \$30.00 for the above referenced Application for Transfer of Water Right, which was received in this office June 26, 1973.

Very truly yours,

Janet M. Messersmith
Secretary

45 2283

RECEIVED

INTER-DEPARTMENT MEMO — 1

FROM BOB FLEENOR

JUN 27 1973

DATE June 25, 1973

TO BOB HAYNES

Department of Agriculture
Soil Conservation Service

SUBJECT Joseph E. Tugaw Transfer

Attached herewith is a transfer in the name of Joseph E. Tugaw and his check No. 31-87 in the amount of \$30.00.

Please note: He needs to add rates of diversion; 1.64, 3.33, and 0.55.

Cannot approve transfer for expansion of acreage from 491 to 600 acres.

6-27-73 according to Tugaw's lawyer, these specific points had been discussed with Keith. Keith indicated this was satisfactory. I discussed this with Bob F. He said to go ahead and advertise. Ken.

Bob

45 2283

[Signature]

SIGNATURE

JOSEPH NOVAK
ATTORNEY AT LAW
520 CONTINENTAL BANK BUILDING
SALT LAKE CITY, UTAH 84101
TELEPHONE 328-4737
AREA CODE 801

June 22, 1973

JUN 25 1973
Department of Water Administration

RECEIVED

JUN 25 1973

Department of Water Administration
Subdivision and Survey Section

R. Keith Higginson, Director
Department of Water Resources
State House - Annex 2
Boise, Idaho 83707

Re: Joseph E. Tugaw - Change Application

Dear Keith:

Enclosed please find

- (1) Application to change point of diversion and place of use of water in the name of Joseph E. Tugaw.
- (2) Photocopy of Assignment dated December 8, 1971 from William J. Brockman and Marie A. Brockman to Joseph E. Tugaw, with attached Exhibit "A".
- (3) Check No. 0981 of Joseph E. Tugaw in the sum of \$30.00 made payable to Department of Water Administration, covering the filing fees for (1).

As to (1) above, the same has been prepared in accordance with the written instructions and my recent telephone conversations with you. If the same requires any amendments, I would appreciate your calling me collect, with the hope of working out any amendments by telephone rather than incurring the delays of mailing. If the same is in proper form, we would appreciate your processing the same as expeditiously as possible since Dr. Tugaw would like to proceed thereunder forthwith.

As to (2) above, you will note that the subject lands and water rights were being purchased under Contract dated May 27, 1966 by William J. Brockman and Marie A. Brockman from Glen Briggs and Hazel Briggs and that the interests of the Brockmans as contract purchasers are thereby assigned to Joseph E. Tugaw. I trust that the same will suffice to endorse your records to show ownership of the water rights in the name of Joseph E. Tugaw.

We sincerely appreciate your attention to the above.

45 2283

R. Keith Higginson, Director
June 22, 1973
Page 2

If you have any questions thereon kindly advise the undersigned.
With best regards, I remain

Very truly yours


Joseph Novak

JN:rh
Encs.

c.c. Dr. Joseph E. Tugaw
1875 Jeremy Drive
Salt Lake City, Utah 84121

45 2283

July 7, 1971

Re: Transfer of Water Right No. 1030
Transfer of Water Right No. 1031
License No. 45-2575/27866

C
Miller, Anderson, Nash, Yerke & Wiener
200 S.W. Fifth Avenue
Portland, Oregon 97204

O
ATTN: R. Alan Wight

Gentlemen:

Please find enclosed copies of the above referenced license and transfers of water rights as requested in your letter of June 28, 1971.

P
The fee for these copies is \$1.75. Your prompt remittance would be appreciated.
If we can be of further assistance, please contact us.

Very truly yours,

Y
Donald W. McEldowney
Appropriation Supervisor

DWM:CR

Enclosures

15 2003

MILLER, ANDERSON, NASH, YERKE & WIENER
ATTORNEYS AND COUNSELORS AT LAW
900 S. W. FIFTH AVENUE
PORTLAND, OREGON 97204

RALPH H. KING
ROBERT S. MILLER
GRANT T. ANDERSON
FRANK E. NASH
FREDRIC A. YERKE
NORMAN J. WIENER
ORVAL C. HAGER
JOHN W. HILL
CURTIS W. CUTSFORTH
MAURICE O. GEORGES
MARK C. MCCLANAHAN
CLIFFORD N. CARLSEN, JR.
DONALD R. HOLMAN
KENNETH W. HERGENHAN
WILLIAM B. CROW
HARVEY C. BARRAGAR
GERALD A. FROEBE
CONRAD L. MOORE
DEAN D. DECHAMNE
R. ALAN WIGHT

TELEPHONE
(503) 224-5858

CABLE ADDRESS
"KINGMAR"

WILLIAM N. STILES
DAVID W. MORTHLAND
DOUGLAS M. RAGEN
J. FRANKLIN CABLE
RALPH M. DAVISSON
RICHARD A. EDWARDS
DAVID M. MUNRO
JOHN R. BAKKENSEN
T. LEONARD O'BYRNE
G. TODD NORVELL
MARTIN B. VIDGOFF

June 28, 1971

RECEIVED
JUL 6 1971

Department of State Affairs

State Reclamation Engineer
Department of Reclamation
State House - Annex 2
Boise, Idaho 83707

Dear Sir:

Please send me a photocopy of the following:

1. License issued with respect to permit 27866.
2. Order of transfer of water right No. 1030.
3. Order of transfer of water right No. 1031.

We shall promptly respond to your statement for costs.

Very truly yours,

R. Alan Wight

45 2283

KING, MILLER, ANDERSON, NASH & YERKE
ATTORNEYS AND COUNSELORS AT LAW
900 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

RALPH H. KING
ROBERT S. MILLER
GRANT T. ANDERSON
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CLIFFORD N. CARPENTER
DONALD R. HOLMAN
KENNETH W. HERGENHATZ
WILLIAM B. CROW
HARVEY C. BARRAGAN
GERALD A. FROESE

TELEPHONE
AREA CODE 503
224-5858

October 30, 1970

CABLE ADDRESS
"KINGMAR"

LEONARD E. MOORE
DEAN D. GECHANE
WILLIAM N. STILES
R. ALAN WIGHT
DAVID W. MORTLAND
DOUGLAS M. RAGEN
J. FRANKLIN CABLE
RALPH M. DAVISSON
RICHARD A. EDWARDS
DAVID M. MUNRO
JOHN R. BAKKENSEN
T. LEONARD OBYRNE
ROBERT L. HASKINS
G. TODD NORVELL
MARTIN B. VIDDYOFF
ROBERT E. BABCOCK

State of Idaho
Department of Water Administration
Statehouse -- Annex 2
Boise, Idaho 83707

Department of Water Administration

Attention: Mr. Donald W. McEldowney

Subject: Transfer No. 45-2322
Transfer No. 45-2283
License No. 45-2575

Gentlemen:

Replying to your letter dated October 27, 1970,
our enclosed check in the amount of \$2.75 is for your fees
in providing copies of the subject transfer orders and
license.

For your information, a copy of your letter
dated October 16, 1970, is enclosed.

Very truly yours,

R. Alan Wight

45-2283
20805

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse -- Annex 2
Boise, Idaho 83707
(208) 384-2215



Department of Water Administration

R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 16, 1970

R : Transfer No. 45-2322
Transfer No. 45-2283
License No. 45-2575

KING, MILLER, ANDERSON, NASH, & YERKE
Attorneys and Counselors at Law
900 South West 5th Avenue
Portland, Oregon 97204

ATTENTION: R. Allan Wight

Dear Mr. Wight:

As requested in your October 5, 1970 letter, please find enclosed photo copies of transfers numbered 1030 and 1031. These two numbers are the same that you have referenced later in your letter as being 30805 and 21359. We are enclosing Water License No. 27866/45-2575. We are returning your check in the amount of \$10.00, as the fee for these copies will only be \$2.75.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: Copy of : Transfer No. 45-2322
Transfer No. 45-2283
License No. 45-2575

RECEIVED
OCT 21 1970

45-2283
20805

November 2, 1970

King, Miller, Anderson, Nash and Yerke
Attorneys at Law
900 Southwest Fifth Avenue
Portland, Oregon 97204

Gentlemen:

Returned herewith is Departmental Receipt No. 5284 in the amount of
\$1.75 for copies of transfer and license (45-12283, 45-12283, 45-12283),
which was received in this office under the above date.

Very truly yours,

M. RUSSELL BOSCH
Administrative Assistant

MRB:ejv

Enclosure: Receipt

45-2283
20805

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

Statehouse - Annex 2
Boise, Idaho 83707
(208) 384-2215



R. Keith Higginson
Director

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Flood Plain Management
Irrigation and
Flood Control Districts

October 16, 1970

Re: Transfer No. 45-2322
Transfer No. 45-2283
License No. 45-2575

KING, MILLER, ANDERSON, NASH, & YERKE
Attorneys and Counselors at Law
900 South West 5th Avenue
Portland, Oregon 97204

ATTENTION: R. Allan Wight

Dear Mr. Wight:

As requested in your October 5, 1970 letter, please find enclosed photo copies of transfers numbered 1030 and 1031. These two numbers are the same that you have referenced later in your letter as being 30805 and 21359. We are enclosing Water License No. 27866/45-2575. We are returning your check in the amount of \$10.00, as the fee for these copies will only be \$2.75.

If we may be of any further assistance in this matter, please feel free to contact us.

Very truly yours,

Dorian Clay
Appropriation Examiner

DC:cm

Enc: Copy of : Transfer No. 45-2322
Transfer No. 45-2283
License No. 45-2575

45-2283
20805

February 4, 1964

RE: Permit No. G-27866
Licence Nos. 20805, 21359

Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

Enclosed are two forms, Transfer of Water Right, Form No. 20,
and form to amend the land list.

You may complete the applications for transfer of water right
for change in point of diversion under the two water licenses
where the wells are dry. We would prepare two legal notices
for publication in two weekly issues of the county paper at
your cost which would probably be under \$10.00 each. In case
of protest, a hearing would be held. In case of no protest,
the certificates for change of point of diversion would be
issued upon receipt of the Affidavits of Publication, and a
fee of \$1.00 for each transfer. The land list could also be
changed to make both licenses appurtenant to the same land.

Your area is in a Critical Ground Water Area and this office
is not approving any permits to divert subterranean water in
that area.

Very truly yours,

RALPH W. THOMAS
Deputy State Reclamation Engineer

RWT:mr

Enc. Form 20 2
Amendment

20805

✓
September 10, 1952

RE: Permit No. 20805

Mr. Glen Briggs
Murtaugh
Idaho

Dear Mr. Briggs:

In checking your License No. 20805, we find that the land is described as being located in Twin Falls County instead of Cassia County.

We have corrected our records accordingly and you may do the same or send the license to us for such correction.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20805

July 17, 1952

RE: Permit No. 20805

Mr. Glen Briggs
R. F. D.
Murtaugh, Idaho

Dear Mr. Briggs:

We enclose License and Certificate of Water Right issued under Permit No. 20805, confirming your right to the use of 1.64 second feet of water from two wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 12 South, Range 20 East, B.M., with priority of December 13, 1948, for irrigation and domestic use on the SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, and SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Township 12 South, Range 20 East, B.M.

We also enclose departmental receipt No. 24648 for the \$8.00 license fee paid in connection therewith.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

20805

July 7, 1952

RE: Permit No. 20805

Mr. Glenn Briggs
R. F. D.
Murteugh, Idaho

Dear Mr. Briggs:

The report of our field engineer on examination for beneficial use under Permit No. 20805, shows that your two wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Township 12 South, Range 20 East, B.M., will deliver 82 inches, or 1.64 second feet, of water and that you have irrigated 160 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, and the SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24, Township 12 South, Range 20 East, B.M.

Therefore, upon receipt of the statutory fee of \$8.00 a license will be issued for the above amount of water from the two wells.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg

20805

Inspected
Jy 13-1950

Permit No. 20805
Mr. Glenn Briggs, RFD, Murtaugh, Idaho

Well # 1.

The well is 126-131 feet deep. It is cased with 13 inch diameter casing for 96 feet, then 8 inch casing the balance of the depth. This was a spring before being developed into a well. Artesian flow for same was estimated at 25 inches by Mr. Briggs. The water draws down to approximately 80' when pumping. Pump bowl is down 95-96 feet. Eight inch column, Ten inch bowl. Ten inch pipe below bowl.

No well house. No curbing. Pump and motor supported on ties (railroad).

Discharge - 6" x 5' into an open ditch. (dirt sump).

G. E. Motor, 40 h.p., 220 v., 97.3 amps, 3 ph., 60 cycle, speed 1760. No. TD6710230.

Fairbanks Morse Pump. Pomona Turbine Pump #PH7365.

Meter - Type VM84, 240 volts, 2.5 amps, 3 wire, Sec. k. - 1.2, Sec. dial constant - 1, Rr - 83 1/3, Demand - M20., Class D., Serial 971055, Scale 2.5, Pri. A. - 200, Ratio - 6:1, Mult read. by 40. Serial #24582535., Co No T1049X. 11 rpm of dial.

.385' - gage.

60.175" - Q.

60.8° F.

Well # 2.

The well is 66 feet deep by 8 inch diameter, cased the full depth. This was also a spring before being developed into a well. Artesian flow is estimated at 10" by Mr. Briggs, when not being pumped. The pump is down 46', column is 6" and drawdown is 40'.

This pump is downhill from other.

No well house, no base - supported on ties.

Discharge - 6" i.d. x 17' l. into open dirt sump.

G. E. Motor, 10 h.p., 60 cycle, 3 ph., speed - 3480, 220 volta, 25.6 amps, #WCJ6697060.

Fairbanks Morse Pomona Turbine Pump - PH7601-5.

.180' - Gage.

20.325" - Q.

61.7° F.

oooooooooooooooooooooooooooo

These were originally springs. Both pumps surge, lower pump badly, and have considerable vibration. They are pumping all the water available.

The small pump completely broke suction for a short time today.

Mr. Briggs will hire a licensed surveyor to spot his wells and measure and spot his irrigated ground.

20805

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit No. 20805

This proof is for Beneficial use In Water District No. _____

1. Name of applicant Glenn Briggs, R.F.D., Murtaigh, Idaho
2. Source of water supply: Subterranean from two wells
3. Location of point of diversion: Is in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 23
T. 12 S. R. 20 E. County of Twin Falls
4. Describe works as they exist, giving dimensions and capacities of same:
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion:
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):
SE $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23;
SW $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ SW $\frac{1}{4}$ Section 24;
Township 12 South, Range 20 East, B. M.
- (Submit map on attached plat, showing location and details of above description.)
8. What large stream would the water here appropriated finally reach?

(Submit map on attached plat, showing location and details of above description.)

Remarks: _____

This examination was made on the 13 day of July, 1958

(Signed) E. N. Humphrey Examiner

20805

These pumps are
surging and have
considerable vibration

They are pumping all
the water available.

The small pump completely
broke suction for a
short time today.

Mr Briggs will
hire a licensed surveyor
to spot his wells and
measure and spot his
irrigated ground.

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

RECEIVED
JUN 23 1952

Department of Reclamation

Glenn Briggs
R.F.D., Murtaugh, Idaho

Permit No. 20805

Examination for Beneficial use

County Twin Falls

23

Mr Briggs (owner) 10" for well #2
Carboniferous flow out @ 25" h
open ditch (ditch pump)

Blackhawk = 6" x 5" with an
open 80' when pumping

Carboniferous flow out when not
pumping; flow down to
10" pipe below level (mud)

10" break - 8" section
Pump head down 95'-96'

No well house
no casing - pump & motor
supported on two (railroad)

Well #1
13" d (i.d. casing x 96')
5" x 30' x 35' cond.
Total 126' - 121'

11 1/2 ft. high

Co No T 10 49X

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

Head # 20805 535

G.E. Motor #1
 40 h.p. volts 220 amps 97.3
 3 ph. - 60 cycle. Speed 1760 ✓
 No TD 6710230.

Well #1
 13" d (i.d. casing x 96')
 8" x 30' to 35' cased.
 total 126' - 131'

Fairbanks Morse Pump.
 Pomona Turbine Pump. ✓
 PH 7365

No well house.
 ✓ no curbing - pump & motor
 supported on ties (railroad)

Meter
 Type VMBA volts 240
 Amps 2.5 wire 3
 Scale = 1/2 see dial constant = 1
 $R_p = 83 \frac{1}{3}$ Demand = 1420
 Class D. Serial 971055 Scale 2.5
 P. P. 200 Ratio 6:1
 Mult. read by 40.
 Serial # 24582535
 Co No T 10 49X

Pump bowl down 95'-96'
 10" bowl - 8" column
 10' pipe below bowl (reaction)

Artesian flow when not
 pumping. Draws down to
 approx 80' when pumping

Discharge = 6" x 5" into an
 open ditch. (ditch runs)

Artesian flow est. @ 25" by
 Mr Briggs @ 10" for well #2
 125 - 203
 23

Glenn Briggs
 R.F.D., Murtaugh, Idaho
 Permit No. 20805
 Examination for Beneficial use
 Teton Falls County

11 spg for dial.

- Department of Reclamation
 JUN 23 1952
 RECEIVED
1. Always carefully note the location of the point of diversion and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
 6. Give general characteristics of soils, topography, and crops raised.

INSTRUCTIONS TO EXAMINERS

Their pumps are
 running and have
 considerable vibration
 they are pumping all
 the water available.
 The small pump completely
 broke action for a
 short time today.
 Mr Briggs will
 hire a licensed surveyor
 to spot his wells and
 measure and spot his
 irrigated ground.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. 20805

REPORT ON PROOF OF Beneficial use

164 cfs
- 164 cfs

29
85
145
232
2465

.45
16
29
8
232
16
392
50
19600

45
2465
6965
10
348250

14
2465
4065
50
207250

1.28
83
45
83
135
360

2735
83
120.35

50
601750

4-40's
160 acres
4-40's

#1 = 16°C
#2 = 16 1/2°C

well 2
Q = 20.325"
page 5.180

#1 well
385' = gage
Q = 60.175"

These were
originally springs.

well #2 This pump is
downhill from other.
66' deep x 8" crest full depth.
artesian - est. 10"
draws down to 40'

6" column 40' down. pump
on bottom of that est. 46' to pump.
no well house.
no base - supported on ties

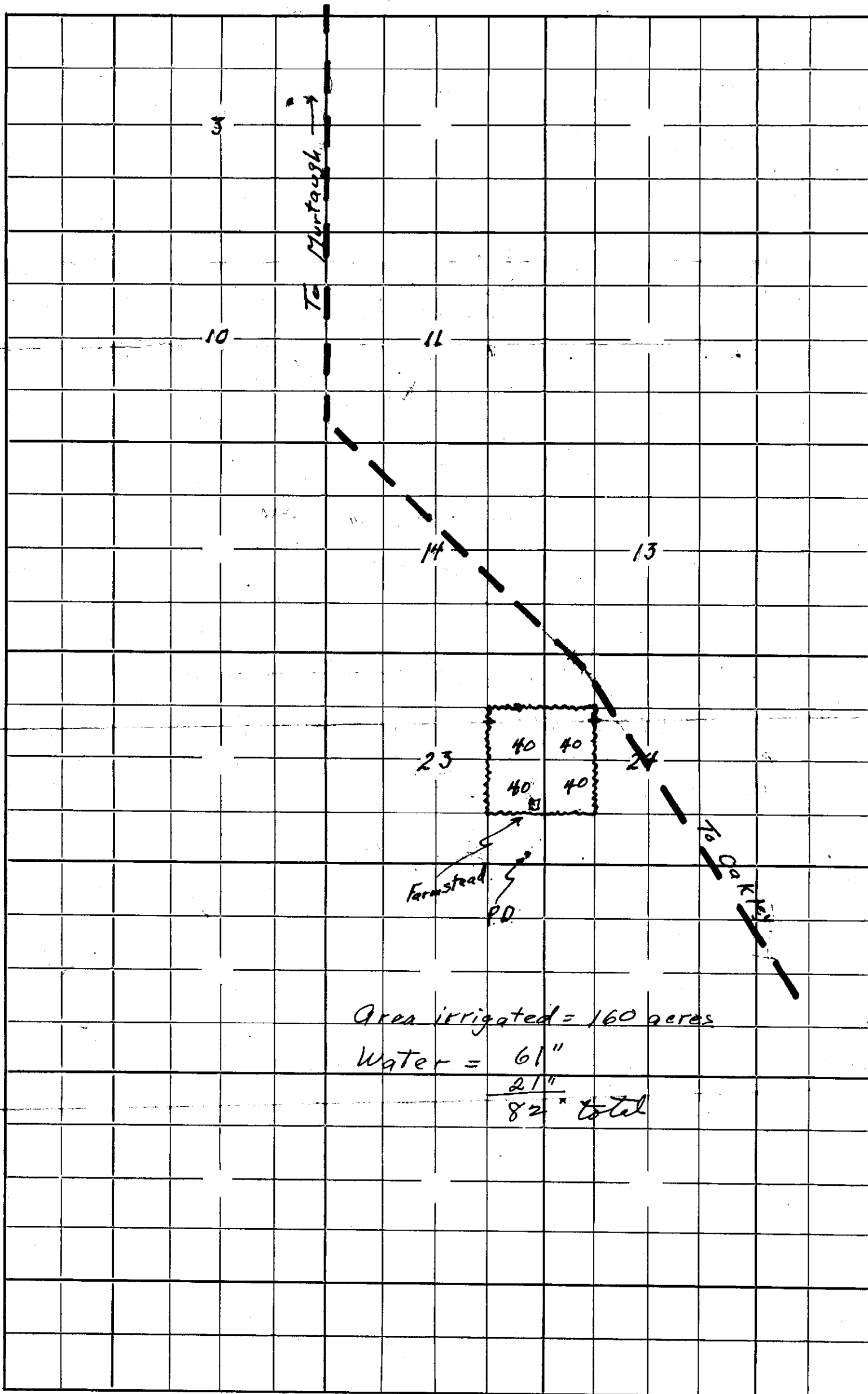
E. E. Motor
104 p. - 60 cycle - 3 ph.
speed 3480 volts = 220
amps = 25.6
no WCT 6697060

Pump = Pomona Turbine
Fairbanks Morse

PH 760.1-5

discharge = 6" x 19' L.
into open dirt ramp

Both pumps surge
lower pump badly
Both pumps on one meter



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

20805

✓
January 23, 1951

Re: Permit No. 20805

Mr. Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

Reference is made to your letter of January 20,
1951.

If you can get the survey made sometime next
spring or summer, I will delay turning in any report on
your wells until I receive the maps from you.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH:bh

P.S. Your priority will not be affected by this present
delay.

20805

GLENDALE FARMS

PHONE 28-R2
MURTAUGH, IDAHO

GLEN BRIGGS
PRODUCERS OF LIVESTOCK
AND PURE SEEDS

Permit No. 20805

Jan 20. 1954

RECEIVED
JAN 23 1954
Department of Reclamation

Mr. E. N. Humphrey
Deputy State Reclamation Engineer

Dear Mr. Humphrey, I am referring to your letter of Dec 15. 1950, of which I am very grateful and Thankful to you for your kind attention and help. Upon receipt of your letter 12-15-50. I immediately started trying to get the necessary Surveying done as I knew was necessary by a properly licenced Engineer as you advised I have had very poor success. Such Engineers in this locality are very few. and all appear to be very busy. Finally I did get the promise of one from Twin Falls. and he didn't come to do the work as he promised. Now the snow is so deep I am afraid I won't be able to get him to do the work for several more days. If I am not able to furnish you with the necessary maps by Feb. 15-th as I understand is the latest date. What course of progress. Should I take, I will still supply you with the maps and other papers that are supposed to accompany the maps that will be filled out by the Engineer. I would be very glad to have your further advice in this matter.

Yours Very Truly Glen Briggs

20805

GLENDALE FARMS

PHONE 28-R2
MURTAUGH, IDAHO

GLEN BRIGGS
PRODUCERS OF LIVESTOCK
AND PURE SEEDS

Dec 15 / 1950.

Re. 20805

Mr. E. N. Humphrey.
Deputy State Reclamation Engineer
 Boise Idaho.

Dear Mr. Humphrey

I hereby acknowledge receipt of your letter of Dec 15, 1950
in regards to the prove up on my Emigration Wells.
South of Murtaugh, and I do not as yet have
The Necessary Surveying done. That you required
I will immediately take steps to finish the work
and furnish you with the maps and location
needed. I wish to thank you for your

Kindness in Calling my attention to the matter.

Yours Very Truly

Glen Briggs.

RECEIVED
DEC 19 1950
Department of Reclamation

20805

December 15, 1950

Re: Permit No. 20805

Mr. Glenn Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

I am wondering if you were able to get your pumps and irrigated ground spotted on a map by a competent surveyor so that I may have a copy to finish the report which is necessary before license can be issued.

Very truly yours,

MARK R. KULI
State Reclamation Engineer
By

E. N. Humphrey
Deputy State Reclamation Engineer

ENH: bh

20805

✓
March 20, 1950

Re: Permit No. 20805

Mr. Glenn Briggs,
R.F.D.
Murtaugh, Idaho

Dear Mr. Briggs:

We acknowledge receipt of the depositions of yourself and two witnesses, also Affidavit of Publication in the Burley Herald; all in Proof of Beneficial Use under your Permit No. 20805.

Before final action is taken in the matter, the law requires that a field examination be made by an Engineer from this Department.

We are unable to say just when this examination will be made as this Department has but one Field Engineer who makes examinations all over the State.

However, the Field Engineer for this Department, will try and contact you at the time he makes the examination in order that you may arrange to show him over the grounds.

Very truly yours,

MARK R. EULP
State Reclamation Engineer
By

Chief Clerk

A:bn

20805

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
 COUNTY OF CASSIA } ss.

Glen Gilchrist

first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for four consecutive weeks, commencing with the issue dated Feb. 7, 1950, and ending with the issue dated Feb. 28, 1950.

Subscribed and sworn to before me this 1st day of March, 1950.

Hazel G. Nordal
 Notary Public in and for the State of Idaho,
 Residing at Burley, Idaho.

My Commission Expires June 4, 1951

20805

STATE OF IDAHO
 COUNTY OF CASSIA
 I, the undersigned, being duly sworn, depose and say: That the person or persons holding said water right are Glen Briggs, Burley, Idaho.
 The use to which said water has been applied is Irrigation and Domestic.
 The amount applied to beneficial use is 200 cfs.
 The place where said water is used 50% of N.E. 1/4 of Sec. 11 of Twp. 13 South, R. 1 E. S. 1 E. M. Cassia County.
 The source of the water is surface water from which said water is diverted to such place or places (private ditch).
 The right to take water from such source is under prior patent No. 10805.
 The source of supply from which said water is diverted is a subterranean flow from two deep wells in the N.E. 1/4 of Sec. 11, Twp. 13 S. R. 1 E. S. 1 E.
 The date of priority which said water is claimed is sometime in Dec. 11, 1911.
 Witness my hand and the Seal of the State of Idaho
 State Registration
 Engineer
 Published in the Burley Bulletin
 Feb. 7-14-21-28, 1950.

NOTICE OF PROOF APPLICATION
OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 a.m. on the 1st day of March, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before J. Edwin True, Notary Public, proof will be submitted of the application to beneficial use of 2.02 cubic feet per second of the waters of two wells in accordance with the terms and conditions of Permit No. 20805 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Glen Briggs, Murtaugh, Idaho.

The use to which said water has been applied is Irrigation and Domestic.

The amount applied to beneficial use is 2.02 cubic feet.

The place where said water is used, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24 of Twp. 12 South, Range 20 E B M, Cassia County.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None (private ditch).

The right to take water from such works is based upon Permit No. 20805.

The source of supply from which such water is diverted is subterranean flow from two Deep Wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 12 S., Range 20 East, B. M.

The date of priority which said user is prepared to establish is Dec. 13, 1948.

7-266 MARK R. KULP,
State Reclamation
Engineer.

Published in the Burley Bulletin
Feb. 7-14-21-28, 1950.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
COUNTY OF CASSIA } ss.

..... first being duly sworn, deposes and says: That he is the printer of The Burley Herald and/or The Burley Bulletin, a weekly newspaper published at Burley, in the County of Cassia, State of Idaho; that the said newspaper has a general circulation in said county, and that the said newspaper is published weekly and has been continuously and uninterruptedly published in said county, not less frequently than once a week, during a period of seventy-eight consecutive weeks immediately prior to the first publication of the printed notice herein referred to;

That said newspaper at all times herein mentioned, has been a newspaper of general circulation, made up of at least four pages of at least five columns each, printed from typed matter or stereotyped forms of at least seventeen and three-fourths inches depth, and during the whole of said time has had at least two hundred bona-fide subscribers living within said County of Cassia.

Affiant further states that the printed notice attached hereto was duly published according to law, in the regular weekly editions of the said newspaper and not in any supplement thereof, for consecutive weeks, commencing with the issue dated 19..... and ending with the issue dated 19.....

Subscribed and sworn to before me this day of 19.....

.....
Notary Public in and for the State of Idaho,
Residing at Burley, Idaho.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

MAR 13 1950
Department of Reclamation

Permit No. 20805

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. Glenn Briggs, Murtaugh, Idaho, Farmer, R. F. D.

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Privately owned

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. No. 20805, Dec. 18, 1948, and same date of priority

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. Wells, Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-three (23) Township 12 S. Range Twenty (20) E

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. Electric pumps, 2.2 second feet, Ditch

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SE $\frac{1}{4}$, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 23, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 24, Township 12 S, Range (20) EBM

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans. No

20805
2007

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 1 inch to the acre

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. I am original applicant

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. For irrigation and domestic. For raising two crops and constant domestic use.

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. None

(Sign)

Glen Briggs

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Twin Falls, County of Twin Falls, State of Idaho, on this 1st day of March, A. D. 19 50

My commission expires August 11, 1954

J. Steven True

20825

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20805

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Clarence Barks, 33, Murtaugh, Idaho, Farmer, R. F. D.

Ques. 2. Are you acquainted with Glenn Briggs, Yes, the holder of Permit No. 20805? How long have you known him and where does he reside?

Ans. Twenty years, and he resides at Murtaugh, Idaho

Ques. 3. Have you read or heard read said Permit No. 20805, and are you familiar with its provisions and conditions?

Ans. Yes.

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wells, Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of Section twenty-three (23) Township Twelve (12) S. Range Twenty (20) EBM

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2.2 second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SE $\frac{1}{4}$, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 23, SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ Section 24, Township 12 S, Range (20) EBM

20805

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation and domestic

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Volcanic Ash, 1 inch to the Acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I farm the land for Glenn Briggs,

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Used the water to irrigate 70 acres of hay, and 40 acres of grain. in 1948 and 1949

(Signed)

Clarence B. Arpes

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, Idaho, County of Twin Falls, State of Idaho, on this 1st day of March, A. D. 19 50.

My commission expires August 11, 1954

John W. Tamm
Notary Public.

20805

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. 20805

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Pat Cockrum, 42, 1645 Maple Street, salesman,
Twin Falls, Idaho.

Ques. 2. Are you acquainted with Glenn Briggs, yes, the holder of Permit No. 20805? How long have you known him and where does he reside?

Ans. twenty-one years, Murtaugh, Idaho

Ques. 3. Have you read or heard read said Permit No. 20805, and are you familiar with its provisions and conditions?

Ans. yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Wells, Southeast Quarter (SE $\frac{1}{4}$) of Southeast Quarter (SE $\frac{1}{4}$) of
Section twenty-three (23) Township Twelve (12) S. Range Twenty
(20) EBM

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 2.2 Second feet

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation, SE $\frac{1}{4}$, NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Section 23, SW $\frac{1}{4}$ of NW $\frac{1}{4}$
and NW $\frac{1}{4}$ pf SW $\frac{1}{4}$ Section 24, Township 12 S, Range (20) EBM

20805

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. Irrigation and Domestic

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Volcanic Ash, 1 inch to the Acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. no.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. Used the water to irrigate 70 acres of hay, and 40 acres of grain, in 1948 and 1949

(Signed) Pat Cockrum

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Twin Falls, Idaho, County of Twin Falls,, State of Idaho, on this 1st day of March, A. D. 1950.

My commission expires August 11, 1954

J. Edwin True
Notary Public.

20805

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE
INSTRUCTIONS
PROOF OF BENEFICIAL USE OF WATER

BOISE, IDAHO, February 20, 1950

Re: Permit No. 20805
Glen Briggs

Mr. J. Edwin True
Notary Public
Box 465, Twin Falls, Idaho

DEAR SIR:

I enclose herewith the following forms to be used in connection with proof of beneficial use of water under Permit No. 20805.....

DEPOSITION OF PERMIT HOLDER,
DEPOSITIONS OF TWO WITNESSES.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of rights:

1. On March 1, 1950....., the date set for proof, the enclosed forms (one for permit holder and one each for two disinterested witnesses) should be filled out and sworn to, at.....
Twin Falls, Idaho..... before J. Edwin True, Notary Public......

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

.....
MARK R. TULP
~~Commissioner of Reclamation~~
State Reclamation Engineer

20805

The Burley Herald-Bulletin

Commercial Job Printing

CASSIA COUNTY'S BEST ADVERTISING MEDIUM

Glenn Briggs,

Murtaugh, Idaho

Statement for the Month of February 1950

Balance Forward			
Inches	Display	Advertising	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
"	"	"	
Feb. 7-14-21-28, 1950			
Publishing Notice of Proof			
Application of Water to Beneficial			
Use- 46 lines, 4 times @ 10¢/line			11 50

Pl. 3/2/50
Burley Herald-Bulletin
by Hazel E. Stoddell

WHAT HELPS BUSINESS HELPS YOU

20805

February 20, 1950

Re: Permit No. 20805

Burley Bulletin
Burley, Idaho

Gentlemen:

On February 2, we sent you Notice for Publication for Beneficial Use Proof for Glenn Briggs, to be made on March 4, 1950.

To date, we have not received an acknowledgement for this notice and a copy of your paper containing same.

Please advise if the notice is being published and if so, please send us a copy of same.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20805

✓
February 50

Re: Permit No. 20805

Mr. Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

We enclose herewith, the approval of the State Reclamation Engineer of your Application for Extension of Time for making Proof of Beneficial Use under Permit No. 20805 to March 18, 1950.

As you know, Beneficial Use Proof is being advertised to be made on March 1, 1950, before J. Edwin True, Notary Public, at Twin Falls, Idaho.

We shall send Mr. True the necessary forms of deposition, consisting of one for yourself and one for each of two witnesses, and at the time set, you should appear before him together with two disinterested witnesses who are familiar with the terms of your Permit and the works done thereunder for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bn
Enc.

20805

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Date: February 2, 1950

Re: Permit No. 20805

Burley Bulletin (or Herald)

Burley, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **March 1, 1950**, the date set for proof, the expense of the publication to be paid by the applicant, **Glenn Briggs** of **Murtaugh, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

20805

Form 10

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 11 A. M. on the 1st day of March, 1950,
at Twin Falls, County of Twin Falls, State of Idaho, before
J. Edwin True, Notary Public, proof will be submitted of the
application to beneficial use of 2.02 cubic feet per second of the waters of two wells
in accordance with the terms and conditions of Permit No. 20805
heretofore issued by the Department Of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are

Glen Briggs, Murtaugh, Idaho

The use to which said water has been applied is Irrigation and Domestic

The amount applied to beneficial use is 2.02 cubic feet

The place where said water is used (~~For irrigation, give full and accurate description of the~~

~~land irrigated~~ SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$,
NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24 of Twp. 12 South, Range 20 E. B. M., Cassia County.

The name of the canal or ditch or other works by which said water is conducted to such place of
use is None (private ditch)

The right to take water from such works is based upon Permit No. 20805

The source of supply from which such water is diverted is subterranean flow from two

Deep Wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 12 S., Range 20 E., B.M.

The date of priority which said user is prepared to establish is Dec. 15, 1948

MARK R. KULP

State Reclamation Engineer.

20805

STATE OF IDAHO
Department of Reclamation

Permit No. 20805

Application for Extension of Time for Beneficial Use Proof

STATE OF IDAHO }
County of Twin Falls } SS

GLEN BRIGGS, of Murtaugh

State of Idaho, being first duly sworn, upon his oath deposes and says:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho, No. 20805

That, under the terms and conditions of said permit, proof of beneficial use thereunder was required to be made by March 18, 1949.

That he has heretofore put to beneficial use 2.02 second feet of water and has irrigated 160 acres.

That, for the following reasons, he is unable to put to beneficial use within the required time the remainder of the water appropriated under his permit, to-wit:

Applicant has been unable to complete pump and
pipe construction within the limits set in the
permit.

WHEREFORE, He asks that the Commissioner of Reclamation extend the time for the making of proof of beneficial use under said permit to March 18, 1950.

Subscribed and sworn to before me this 4th day of February, 1950.

My commission expires August 11, 1954

Notary Public.

Date of receipt at office of Department of Reclamation Feb. 6, 1950

STATE RECLAMATION ENGINEER
APPROVAL OF ~~COMMISSIONER OF RECLAMATION~~
State Reclamation Engineer

I, MARK R. KULP, ~~Commissioner of Reclamation~~ of the State of Idaho, hereby extend the time for the making of proof of Beneficial Use under Permit to Appropriate the Public Waters of the State of Idaho, No. 20805, to

March 18, 1950.

Witness my hand this 6th day of February, 1950

Mark R. Kulp
State Reclamation Engineer

February 2, 1950

Re: Permit No. 20805

Mr. Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

We have not yet received your application for Extension of Time for Beneficial Use Proof under Permit No. 20805, which was enclosed in our letter of January 16, 1950.

Since this proof was due on or before March 18, 1949, it will make nearly a years difference in your priority if this extension application is not approved prior to making this proof which is being advertised for March 1, 1950.

We are reminding you of this because it seems important on subterreneen filings in that locality.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

20805

✓
January 16, 1950

Re: Permit No. 20805

Mr. Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

We enclose Certificate of Completion of Works issued under your Permit No. 20805 for the diversion of 2.02 second feet of water from two wells in the SE¹/₄ SE¹/₄ Section 23, Township 12 South, Range 20 East, B.M. for irrigation and domestic use on 160 acres in Section 23 and 24, same Township and Range.

We also enclose Departmental Receipt No. 22018 for the \$5.00 fee paid by you in connection with this proof.

We have completed the Notice of Beneficial Use Proof to be made on March 1, 1950, before J. Edwin True, Notary Public, and shall send a copy to the Burley Bulletin with instructions to publish it once a week for four consecutive weeks, prior to that date. However, the time set for making this proof, under the terms of your Permit, was March 15, 1949, and since it is almost a year past due, it will have the effect of giving you a later priority than December 13, 1948, your original filing date.

However, since we know that the matter of priority is important in subterranean filings in this locality, we suggest that you execute and return the enclosed Application for Extension of Time, in which case it will not be necessary to give you a later priority date.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

A:bh
Enc.

Chief Clerk

20805

Permit No. 20805

STATE OF IDAHO
Department of Reclamation

Proof of Completion of Works

AFFIDAVIT OF HOLDER

STATE OF IDAHO

County of Twin Falls

SS.

Glen Briggs

being first duly sworn, upon his oath deposes and says:
First: That he is the holder and owner of Permit to appropriate the Public Waters of the State of Idaho, No. 20805, and that his postoffice address is Murtaugh, State of Idaho

Second: That the name of the stream which said water is to be ^{DIVERTED} directed is

None - Subterranean flow from two wells. SE $\frac{1}{4}$

Third: That the point of diversion of said water is SE $\frac{1}{4}$ Sec. 23, Twp. 12S, Range 20 E B M. Cassia County

Fourth: That under the terms and conditions of said permit, construction thereunder was required to be completed by March 18, 1949

Fifth: That the use for which said water is intended is Irrigation & domestic

Sixth: That on the date above mentioned, the works constructed under said permit were ~~(not yet)~~ fully completed and consisted of the following:

I. Kind of works: Wells, pumps and ditches.

(Reservoir, dam, ditch, flume, pipe or otherwise)

II. Dimensions of work:

(a) Height of dam feet, length of dam at top feet, length of dam at bottom feet. Material used in construction

(State whether wood, earth, stone or concrete)

(b) Capacity of reservoir acre feet.

(c) Size of headgate: Width feet, height feet.

(d) Conduit width at bottom feet, width at water line

(State whether ditch, flume or pipe)

feet, depth of water feet; diameter of pipe inches, average grade per mile is feet. Length of conduit is miles.

Seventh: That said works are capable of conducting to the place of intended use 2.02 second feet of water.

Eighth: That water appropriated under said permit is available for 160 acres of land described as follows: SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24 Twp 12 South Range 20 E B M Cassia County.

Ninth: Remarks: That There are two wells, one 60 ft. deep, equipped with a 20 H.P. electric pump, and the other 110 ft. deep, equipped with a 40 H.P. electric pump.

Glen Briggs

(Sign Here)

Subscribed and sworn to before me this 14 day of Jan., 1950

My commission expires Aug. 11, 1954

Notary Public.

20805

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) Jan. 14, 1950

(P. O.) Murtaugh, Idaho

STATE RECLAMATION ENGINEER
TO THE ~~COMMISSIONER OF RECLAMATION~~:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the
Burley Bullitin of Cassia County, published in
the county in which the works are situated.

Glen Briggs

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water
per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

Engineer.

20805

May 4, 1949

Re: Permit No. 20805

Mr. Glen Briggs
Murtaugh, Idaho

Dear Mr. Briggs:

In checking our files, we note that the statutory proofs have not been made under your Permit No. 20805.

As you will recall, this was the Permit in which you stated that the works were completed and therefore three months were allowed, within which to make these proofs, or until March 18, 1949.

If you wish additional time, we shall be glad to send you the necessary form of application for extension. On the other hand, if you are prepared to make these proofs and complete the water right, we enclose the necessary forms.

The first proof or proof of completion of works is made by executing Form 6, enclosed, before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which, a certificate of completion of works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks in a county newspaper prior to the date set for making the proof. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom proof is to be made. Both copies of the notice to be returned to this Department together with Form 11, which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms furnished by this Department.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

20805

December 23, 1948

Re: Permits Nos. 20804, 20805 & 20806

Mr. Glen Briggs
Burrough, Idaho

Dear Mr. Briggs:

We enclose Permits Nos. 20804, 20805 and 20806 together with Departmental Receipt No. 21094 for the \$18.50 filing fees.

On Permits Nos. 20804 and 20806 you will note that the full statutory time has been allowed for making the proofs of completion of works and beneficial use.

Permit No. 20805 states that the works are completed and we have therefore allowed three months or until March 18, 1949, to make the two statutory proofs necessary to complete the water right. These proofs, however, may be made at any time prior to that date.

The first proof or proof of completion of works is made by executing Form 6, enclosed, before a Notary Public, and returning to this Department with a statutory fee of \$5.00, upon receipt and approval of which a certificate of completion of works will be issued.

The final or beneficial use proof requires publication once a week for four consecutive weeks in a county newspaper prior to the date set for making the proof. Notice should be made in duplicate on Form 10 enclosed, setting the time and place and naming the Notary Public before whom proof is to be made. Both copies of the notice to be returned to this Department together with Form 11 which is your authorization for us to have the notice published in the designated newspaper at your expense.

We shall then send a copy of the notice to the newspaper with instructions in regard to publishing, and on the date set you should appear before the Notary Public together with two disinterested witnesses to execute depositions of proof on forms furnished by this Department.

Very truly yours,

MARK E. KULP
State Reclamation Engineer
By

Chief Clerk

E/kt
Encls.

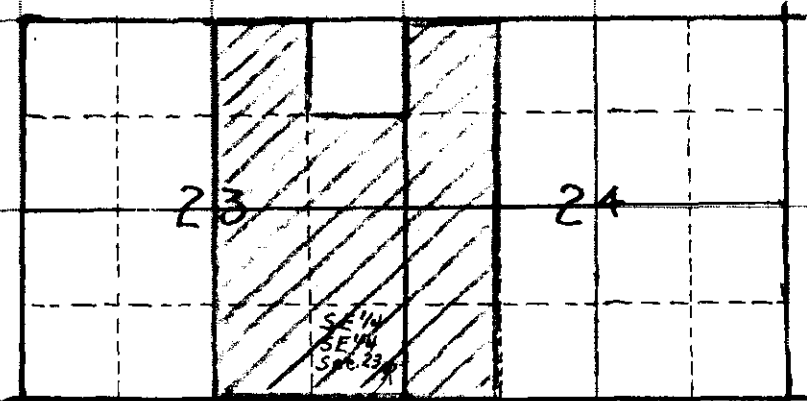
20805

NAME OF APPLICANT

Jen Briggs

Permit #20805

T 12 S, R 20 E, B.M.

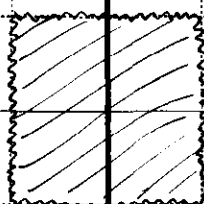


R. A. Armstrong
State Registered Professional Engineer
#197

20805

T. 12 S. - R. 20 E. B. M.

23



24

Point of Diversion - 2 Wells

Permit Map No. 24805
As Approved
DEC 18 1948
MAYOR RULP
Sanitation Engineer

20805

LEGAL NOTICES

NOTICE OF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 a.m. on the 1st day of March, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before J. Edwin True, Notary Public, proof will be submitted of the application to beneficial use of 2.02 cubic feet per second of the waters of two wells in accordance with the terms and conditions of Permit No. 20805 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Glen Briggs, Murtaugh, Idaho.

The use to which said water has been applied is Irrigation and Domestic.

The amount applied to beneficial use is 2.02 cubic feet.

The place where said water is

used, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24 of Twp. 12 South, Range 20 E B M, Cassia County.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None (private ditch).

The right to take water from such works is based upon Permit No. 20805.

The source of supply from which such water is diverted is subterranean flow from two Deep Wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 12 S., Range 20 East, B. M.

The date of priority which said user is prepared to establish is Dec. 13, 1948.

MARK R. KULP,
State Reclamation
Engineer.

Published in the Burley Bulletin
Feb. 7-14-21-28, 1950. 2.21.50

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11 a.m. on the 1st day of March, 1950, at Twin Falls, County of Twin Falls, State of Idaho, before J. Edwin True, Notary Public, proof will be submitted of the application to beneficial use of 2.02 cubic feet per second of the waters of two wells in accordance with the terms and conditions of Permit No. 20805 heretofore issued by the Department of Reclamation of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are Glen Briggs, Murtaugh, Idaho.

The use to which said water has been applied is Irrigation and Domestic.

The amount applied to beneficial use is 2.02 cubic feet.

The place where said water is used, SE $\frac{1}{4}$ of NE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 23 and SW $\frac{1}{4}$ of NW $\frac{1}{4}$, NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 24 of Twp. 12 South, Range 20 E B M, Cassia County.

The name of the canal or ditch or other works by which said water is conducted to such place of use is None (private ditch).

The right to take water from such works is based upon Permit No. 20805.

The source of supply from which such water is diverted is subterranean flow from two Deep Wells in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 23, Twp. 12 S., Range 20 East, B. M.

The date of priority which said user is prepared to establish is Dec. 13, 1948.

MARK R. KULP,
State Reclamation
Engineer.

Published in the Burley Bulletin
Feb. 7-14-21-28, 1950.

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ilding suitable for
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mess. If interested phone 136,
Rupert. 2-9 p 2-14

other works by which said water is
conducted to such place of use is
None (private ditch).
The right to use water from such
works is based upon Permit No.
20805.

The source of supply from which
such water is diverted is subterranean
flow from two Deep Wells in the
SE 1/4 SE 1/4 Section 23, Twp. 12 S.,
Range 20 East, B. M.

The date of priority which said
user is prepared to establish is Dec.
13, 1948.

MARK R. KULP,
State Reclamation
Engineer.

Published in the Burley Bulletin
Feb. 7-11-21-28, 1950.

LEGAL NOTICES

NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 11
a.m. on the 1st day of March, 1950,
at Twin Falls, County of Twin Falls,
State of Idaho, before J. Edwin Truc,
Notary Public, proof will be sub-
mitted of the application to bene-
ficial use of 2.02 cubic feet per sec-
ond of the waters of two wells in
accordance with the terms and con-
ditions of Permit No. 20805 hereto-
fore issued by the Department of
Reclamation of the State of Idaho.

The name and postoffice address
of the person or corporation holding
said permit are Glen Briggs, Mur-
taugh, Idaho.

The use to which said water has
been applied is Irrigation and Do-
mestic.

The amount applied to beneficial
use is 2.02 cubic feet.

The place where said water is
used, SE 1/4 of NE 1/4, NE 1/4 of SE 1/4 of
Sec. 23 and SW 1/4 of NW 1/4, NW 1/4 of
SW 1/4 of Sec. 24 of Twp. 12 South,
Range 20 E B M, Cassia County.

The name of the canal or ditch or

2-14-50

June 10, 1964

Re: Transfer of Water Right
Nos. 1030 and 1031
Glen Briggs

Mr. Julien S. Blaye,
542 Addison Avenue West,
Twin Falls, Idaho.

Dear Mr. Blaye:

We enclose Certificate of Transfer of Water Right
Nos. 1030 and 1031, together with Departmental Receipt
No. G-9755, which was issued in the amount of \$2.00 cover-
ing payment of the recording fee in connection with the
above transfers.

Also enclosed is a copy of the Certificates for
your file.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

Encl. - Certificates (2)
Copies of Certificates (2)
Receipt No. G-9755

RWH:puk
cc: Glen Briggs
Murtaugh, Idaho

T-1030
45-2223

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of	)	
Glen Briggs	)	ORDER GRANTING TRANSFER
of	)	
Murtaugh, Idaho	)	NO. 1030
For a Transfer of Water Right in the	)	
County of Cassia, State of Idaho	)	

WHEREAS, On the 20th day of March, 1964, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of Glen Briggs of Murtaugh, Idaho, for a transfer of water right, came on regularly for hearing, pursuant to the published notice, in due and statutory form, and;

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant with the application shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED, That the said application be, and the same is, HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 10th day of June, 1964.

(SEAL)

s/ CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

T-1030
45-2023

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
TRANSFERRED RIGHT NO. 1030

THIS IS TO CERTIFY, That Glen Briggs of Murtaugh, Idaho, is the owner of and using a certain water right of 1.64 cubic feet per second of the waters of subterranean source, said water being obtained by virtue of License No. 20805, issued by the State of Idaho, Department of Reclamation, dated July 15, 1952, bearing date of December 13, 1948, for the purpose of irrigating the following described lands situate, lying and being in the County of Cassia, State of Idaho, to-wit:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 24;
Township 12 South, Range 20
E.B.M.,

That said license has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume No. 8 of Licenses, at Page 4945 thereof;

And that Glen Briggs has become the owner of said right by appropriation;

And that now, upon the application of Glen Briggs for the transfer of 1.64 cubic feet per second, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.64 cubic feet per second of the waters of subterranean source by well, upon the above described lands is hereby abandoned, and the place of use of said water under such right is HEREBY CONFIRMED, shall by this Certificate become appurtenant for irrigation purposes, is described as follows, to-wit:

N $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 14;
E $\frac{1}{2}$ NE $\frac{1}{4}$, (55 acres), Section 15;
NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, 65 acres in
N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 23;
W $\frac{1}{2}$ NW $\frac{1}{4}$ (125 acres) Section 24;
Township 12 South, Range 20 E.B.M.

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

1.64 cubic feet per second of the
waters of subterranean source with
priority of December 13, 1948;

And that the water right hereby transferred has heretofore been conducted from subterranean source with point of diversion in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 South, Range 20 E.B.M., and conducted through private ditch;

That the water right hereby transferred will hereafter be conducted to the last above described lands from subterranean source by well with no change in point of diversion;

That the right to the use of the water aforesaid, hereby described, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho;

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 10th day of June, 1964.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

T-1030

45-2223

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
STATE OF IDAHO) ss.

R. C. Ostrander, being first
duly sworn, deposes and says that he is the

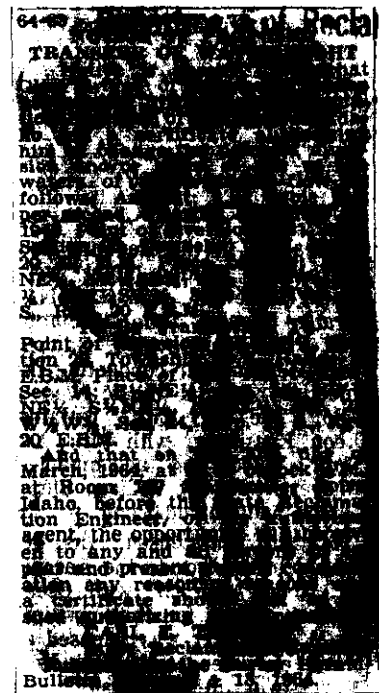
Business Manager of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

two (2) consecutive weeks, commencing
with the issue dated March 6, 1964, and
ending with the issue dated March 13 1964.

[Signature]
Subscribed and sworn to before me this

17th day of March, 1964

Dorothy L. Judd Notary Public



MY COMMISSION EXPIRES
APRIL 24, 1967

T-1030

45-2283

The Burley Herald-Bulletin

BURLEY, IDAHO

AFFIDAVIT OF PUBLICATION

County of Cassia,)
) ss.
STATE OF IDAHO)

I, J. C. Galloway, being first

duly sworn, deposes and says that he is the

Managing Editor of Burley Herald-Bulletin, a weekly newspaper published at Burley, Idaho, in the county aforesaid, and that the paper is of general circulation therein. Deponent further states that the printed notice attached hereto was duly published according to law in the regular weekly editions of Burley Herald-Bulletin for

two (2) consecutive weeks, commencing

with the issue dated March 6, 1964, and

ending with the issue dated March 13, 1964.

Subscribed and sworn to before me this

17th day of March, 1964.

Notary Public

61463

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Glen Briggs of Murtaugh, Idaho has applied to the State Reclamation Engineer of the State of Idaho for a certificate authorizing him to change the point of diversion and/or place of use of the waters of subterranean flow as follows: Amount: 1.64 cubic feet per second. Priority: December 13, 1948. Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 S., Range 20 E., B.M. Place of Use: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 23; SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 24; Twp. 12 S., Rge. 20 E.B.M.

To Be Transferred To Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 S., Range 20 E.B.M. Place of Use: N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 14; E $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 15; NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Sec. 23; W $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 24, Twp. 12 S., Rge. 20 E.B.M.

And that on the 20th day of March, 1964, at 10:00 o'clock A.M., at Room 107 Statehouse, Boise, Idaho, before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration any reason or reasons why a certificate should not be issued authorizing such transfer.

CARL E. TAPPAN
State Reclamation Engineer
Published in the Burley Herald-Bulletin March, 6 & 13, 1964.

June 5, 1964

Re: Transfer of Water Rights
Glen Briggs

Mr. Julian S. Blaye,
Blaye Realty,
542 Addison Avenue West,
Twin Falls, Idaho - 83301

Dear Mr. Blaye:

Your letter of June 5, 1964, states the Affidavits of Publication in regards to Permit No. G-27866 were sent to this office. We have received this affidavit, but the ones requested in my letter of May 29, 1964, were in connection with two applications for transfer of water right. These publications were sent to the Burley Herald February 28, 1964. We have received clippings from the paper, but have not received the affidavits. The publication dates were March 6, and 13, 1964.

Once we receive these affidavits of publication, we will issue the Certificates of Transfer of Water Right.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RH:spk
cc: Glen Briggs
Murtaugh, Idaho

T-1030

45-2283

BLAYE REALTY

SPECIALIZING IN FARMS — RANCHES — ACREAGES



JULIEN S. BLAYE, REALTOR

542 ADDISON AVENUE WEST, TWIN FALLS, IDAHO
83301

PHONE 733-7064
DAY OR NIGHT

June 5, 1964

RECEIVED
JUN 5 1964

State of Idaho
Department of Reclamation
107 State House
Boise, Idaho 83701

Department of Reclamation

Attention: Mr. Robert W. Hamilton

Dear Mr. Hamilton:

Your letter of May 29, 1964 to Mr. Glen Briggs, Murtaugh, Idaho, is received. Mr. Briggs requests that I correspond with you on this matter in his behalf.

It is believed this letter refers to Permit No. G-27866 and the transfer of water rights in connection with it.

Please be advised the depositions of holder and two witnesses, also affidavit of publication in the Burley Herald-Bulletin, all submitted in proof of completion of works and beneficial use on Permit No. G-27866 were mailed to your office on April 10th.

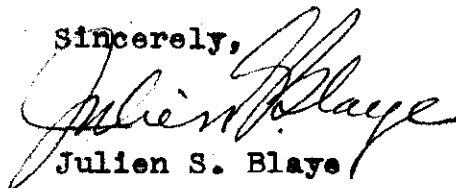
The letter received by Mr. Briggs from the chief clerk of your office, Mrs. Edna P. Rule, dated April 15, 1964, acknowledges receipt of all the above documents.

We are quite concerned that you do not have this affidavit of publication in your files at this time. Our foremost desires are to cooperate with your office in every manner possible to correct this situation. Your instructions are sincerely requested.

In the event another affidavit will remedy this situation, please advise and we shall procure another copy from the Burley Herald-Bulletin.

Awaiting your earliest instructions.

Sincerely,


Julien S. Blaye

cc; Mr. Glen Briggs
Murtaugh, Idaho

T-1030

45-2283

May 29, 1964

Re: Transfer of Water Right

Mr. Glenn Briggs,
Murtaugh, Idaho.

Dear Mr. Briggs:

This is to inform you that we have not as yet received the Affidavits of Publication in connection with your transfers of water right.

Upon receipt of same, your Certificates will be forwarded to you.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pak

T-1030
45-2223

March 11, 1964

Re: Transfer of Water Right

Mr. Glen Briggs,
Murtaugh, Idaho.

Dear Mr. Briggs:

Upon receipt of the Affidavits of Publication,
the Certificate of Transfer of Water Right will be issued.

The Burley Herald Bulletin, Burley, Idaho, will
supply these affidavits if you have not already received
them.

Very truly yours,

CARL E. TAPPAN
State Reclamation Engineer
By

ROBERT W. HAMILTON
Supervisor of Water Distribution

RWH:pmk

T-1030
45-2223

NOTICE OF PROPOSED TRANSFER OF WATER RIGHT

Notice is hereby given that Glen Briggs of
Murtough, Idaho has applied to the State Reclamation Engineer of the
State of Idaho for a certificate authorizing him to change the point of diversion
and/or place of use of the waters of Subterranean as follows:
Amount: 1.64 cubic feet per second. Priority: 12-13-48
Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 S Range 20 E, B.M.
Place of Use: SE⁴NE⁴, NE⁴SE⁴-23; SW⁴NW⁴, NW⁴SW⁴-24; -12S-20E.B.M.

To Be Transferred To

Point of diversion: SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, Township 12 S, Range 20 E B. M.
Place of Use: N², N²SE⁴-14; E²NE⁴-15; NW⁴NE⁴, S²NE⁴, N²SE⁴-23; W²W²-24;
12S-20E.

And that on the 20 day of March, 1944, at 10.00 o'clock A M.,
at Room 107 Statehouse Boise Idaho, before the State Reclamation Engineer,
or his authorized agent, the opportunity will be given to any and all persons to
appear and present, for his consideration any reason or reasons why a certificate
should not be issued authorizing such transfer.

State Reclamation Engineer

T-1030

45-2283