

Identification No. (1) 45-487 (part) (2) 45-491 (3) 45-492
Transfer No. (4) 45-493 (5) 45-495
(6) 45-496 (part)

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

#1762

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 Murtaugh, Id.
2. Right obtained by Fannie L. Thomas, Ethel & Jerry Bonard et al, Ethel Stoner, et al
a. Decree to Julia Stoner, A.J. Fuller in Case of et al
(Name)
vs. D.B. Moorman, et al Dated 5-7-26 in 11th Judicial Court
Alice L. Willhite et al 7-26-26
5-27-42 (Name of Court)
Court, County of Twin Falls
Water Right No. (1) 45-487 (part) (2) 45-491, (3) 45-492, (4) 45-493, (5) 45-495
b. ~~XXXXXX~~ issued by the State of Idaho, Department of Reclamation.
(6) 45-496 (part) Deer Creek Dry Creek
3. Source of water Dry Creek tributary to Snake River
(Name of stream or source)
4. Date of Priority (1) 3-1-79 (2) 3-1-84 (3) 3-1-94 (4) 3-1-95 (5) 5-18-08 (6) 10-21-08
(1) .96 (2) 2.6 plus Fuller Spring (3) .08 (4) .08 (5) .9 (6) 2.4
5. Amount of water a. 7.02 plus Fuller Spring c.f.s. and/or
b. _____ acre feet/annum
6. Water is used for irrigation from Mar. 15 to Nov. 15
(Month, Day) (Month, Day)
7. Original location of point of diversion is SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 13
Township 12S, Range 19E, B.M., in Cassia County;
Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

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 $\frac{1}{4}$	
(1)	12S	19E	1				X			X									
(2)	12S	19E	12		X	X		X		X	X			X		X			
(3)&(4)	12S	19E	13				X			X		X	X						
(5)	12S	19E	13										X						
(5)	12S	19E	24					X											
(6)	12S	19E	12									X	X						
	12S	19E	13					X	X	X	X	X	X						
	12S	19E	24					X											

Total number of acres presently irrigated _____ *

*None specified in Decree

9. If applicant was not the original holder of this right explain how it was acquired: _____
by purchase _____

10. CHANGE IN POINT OF DIVERSION same

a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet

b. New point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____
_____, Range _____, B.M. _____

c. Description of method of diversion and conveyance from new points of diversion: _____
Headgate measuring device, ditches, sprinkler system

d. Is water to be conveyed to the lands previously irrigated? Yes X No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

To be able to use the decreed rights on other lands, so I may put the
water to a more beneficial use. This point of diversion has been used
for some years but was never recorded with the State.

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

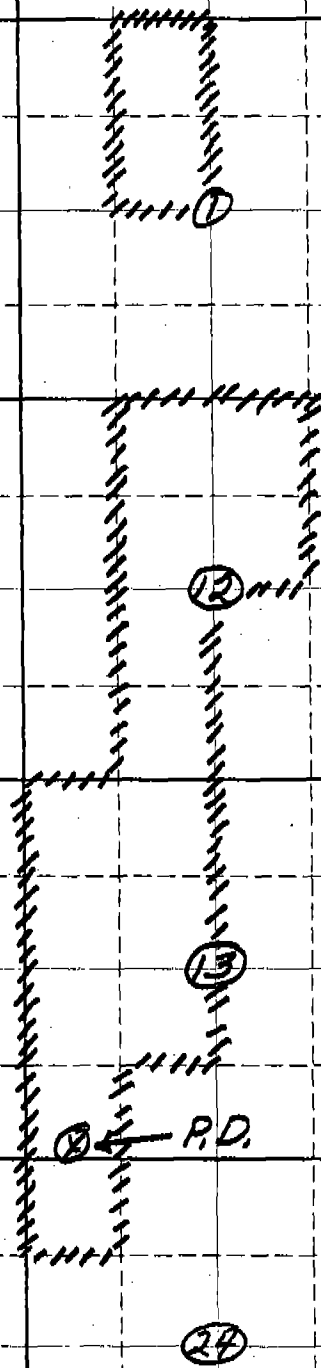
a. Describe the new lands on which you wish to use your right.

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 $\frac{1}{4}$	
12S	19E	1					40			40									80
12S	19E	12		12	11		37			35	39	9	2	34					179
12S	19E	13					13	10	15	10	15	15	20						98
12S	19E	24						10											10

Total number of acres to be irrigated 367

R12E

T12S



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

9. If applicant was not the original holder of this right explain how it was acquired: _____
by purchase _____

10. CHANGE IN POINT OF DIVERSION same

- a. Quantity to be diverted at new point: _____ c.f.s. and/or _____ acre feet
- b. New point of diversion: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$, Section _____, Township _____
_____, Range _____, B.M.
- c. Description of method of diversion and conveyance from new points of diversion: _____
Headgate measuring device, ditches, sprinkler system _____

- d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____
If not, the place of use should be changed below.
- e. Describe the reasons for applying for a change in the point of diversion:
To be able to use the decreed rights on other lands, so I may put the
water to a more beneficial use. This point of diversion has been used
for some years but was never recorded with the State.

- 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

- 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 $\frac{1}{4}$	
12S	19E	1					40			40									80
12S	19E	12		12	11		37			35	39	9	2	34					179
12S	19E	13					13	10	15	10	15	15	20						98
12S	19E	24						10											10

Total number of acres to be irrigated 367

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:

No, I am incorporating all my rights, so I may more beneficially use
my water.

d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: no new ground

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. Langer
(signature of applicant)

Subscribed and sworn to before me this 2nd day of August, 19 74

Spencer L. Trappett
(notary public)

My commission expires 2-24-78

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

This is to certify that I have examined Application for Transfer of Water Rights No. 1762,

and said application is hereby APPROVED.

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

That the approval of this change does not grant a right to use the conveyance
system of another person.

The Land irrigated by each individual right shall not be greater then originally
allowed by the decree. A measuring device of a type approved by this Dept.
shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 26 day of June, 19 75

State Reclamation Engineer
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by KDF Date 8-2-74

Protest filed by: _____ Date _____

Prelim. check by MYJ Date 8-8-74

Fee received by KDF Date 8-2-74 Fee \$30.00 (13963)

Approved for publication by _____

Published in S.I. Press Dates 8-20 & 8-27-74

Hearing held _____

Watermaster Recommendation sent _____

IN THE DISTRICT COURT OF THE ELEVENTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF
TWIN FALLS.

JERRY BONARD, PAULINE BONARD, S.F. STRONG,
MARY M. STRONG, H.R. PETTIJOHN, C.A. PETTIJOHN,
FANNIE L. THOMAS, GEORGE WISE, JOSEPH E. STRONG,
JOSEPHINE STRONG,

Plaintiffs,

vs.

D.B. MOORMAN, M.B. BOLEY, R.J. DAY, J.E. DAY,
PERRY PAPINEAU, J.W. PORTER, JOHN ZUFFREY,
FABIAN ANTILLE, A.D. MCFARLANE, A.J. FULLER,
FRANK TERRILL, ANNIE TERRILL, FRANK SOMSEN,
THOMAS T. RUTLEDGE, FRED J. BACON, MARTHA
A. BACON, HARRY MORRISSEY, L.C. CALLEN, HARRIETT HOAG,
CLARENCE W. PARKS, B.F. HAYS, W.E.L. CROZIER, IVAN
STARK, CHESTER S. STARK, CHARLES SUMMERS, ELMIRA
E. HALL, CHRIS ARSTEIN, DAN WILKINSON,
GUINN, HAMMOND, F.J. MARSHALL, REUBEN
RANDELL, ARCH MAXWELL, M.T. BURGESS, W.A.
STENCHCOMB, HARRY B. WALLACE, K.T. SIMMONS,
GEORGE R. RAYMOND, EMMA C. BARBER, THOMAS A.
STARRH, AGNES PARKS, HOGAN,
MARY HONROTH, J. H. STONER, FRANK STONER, DRY CREEK
WATER COMPANY, a corporation, ARTESIAN WATER COM-
PANY, a corporation,

Defendants.

JUDGMENT.

*Transferred
Noted*

THIS CAUSE, having come on to be heard before the Court at various times, upon the final pleadings filed by the respective parties who had appeared herein, the plaintiffs appearing through E.M. Wolfe and S.T. Hamilton, their attorneys; the defendants Frank Terrill and Annie Terrill (now deceased and represented by Frank A. Terrill, administrator, and Alice Wilhite) appearing through Walters & Parry, their attorneys; the defendants D.B. Moorman, M.B. Boley, and R.J. Day appearing through Sweeley & Sweeley, their attorneys; the defendant Clarence Parks appearing through Sweeley & Sweeley, his attorneys; the defendants John Zuffrey, Fabian Antille, appearing through Bothwell & Chapman, their attorneys, the defendant J. W. Porter appearing through Porter & Witham, his attorneys; the defendants Stoner, et al, appearing through E.R. Dampier and Harmon E. Hosier, their attorneys, the defendant A.J. Fuller appearing through T.M. Morris, his attorney; the defendant B.F. Hays appearing through Asher B. Wilson, his attorney; the other defendants not appearing either in person or by attorney, and the parties having stipulated that all pleadings might be deemed to be amended to conform to proof, and having stipulated as to other facts in the action, and after all of the testimony both oral and documentary had been introduced and the matter had been presented to the Court both on oral argument and briefs, and the Court after being fully advised in the premises, having made and filed its written Findings of Fact and Conclusions of Law constituting its decision herein,

RECORDED

Redlined

45-0536

WATER RIGHT NO. 4

D- A water right of 80 inches of the waters of Dry Creek and its tributaries, with a priority date of March 1st, 1884, hereby designated as:

WATER RIGHT NO. 5-A

That the said water rights Nos. 2, 3, 4, and 5-A shall be diverted in the Bower-Somsen Ditch and the Upper Jordan Dam; it being particularly provided, however, that the Court particularly retains jurisdiction of this case insofar as it effects the water rights in this paragraph described, for a further hearing as more particularly set forth in paragraph XXV hereof.

III.

That there is hereby awarded to A.J. Fuller and his successors in interest for use upon the following described lands, to-wit:

East Half ($E\frac{1}{2}$) of Northwest Quarter ($NW\frac{1}{4}$),
East Half ($E\frac{1}{2}$) of Southwest Quarter ($SW\frac{1}{4}$),
Northwest Quarter ($NW\frac{1}{4}$) Southeast Quarter ($SE\frac{1}{4}$),
West Half ($W\frac{1}{2}$) Northeast Quarter ($NE\frac{1}{4}$),
all in Section Twelve (12), Township
Twelve (12) South, Range Nineteen (19) E.B.M.

45 0491

a water right of 130 inches of the waters of Dry Creek and its tributaries with a priority date of March 1st, 1884, to be diverted at the Bower-Somsen Ditch, hereby designated as:

WATER RIGHT NO. 5-B.

IV.

That there is hereby awarded to Fannie L. Thomas, and her successors in interest, for use upon the following described lands, to-wit:

East Half ($E\frac{1}{2}$) Northwest Quarter ($NW\frac{1}{4}$)
and West Half ($W\frac{1}{2}$) Southwest Quarter ($SW\frac{1}{4}$),
Section Thirteen (13), Township Twelve (12),
South, Range Nineteen (19) E.B.M.

those water rights described as follows, to-wit:

45 0492

A- 4 inches of the waters of Dry Creek and its tributaries with a priority date of March 1st, 1894, hereby designated as:

WATER RIGHT NO. 6.

45 0493

B- 4 inches of the waters of Dry Creek and its tributaries with a priority date of March 1st, 1895, hereby designated as:

WATER RIGHT NO. 7.

V.

That there is hereby awarded to Alice I. Wilhite (representing Annie Terrill, deceased) and her successors in interest, for use upon the following described lands, to-wit:

The southeast Quarter of the Northeast Quarter ($SE\frac{1}{4} NE\frac{1}{4}$),
The Northeast Quarter of the Southeast Quarter ($NE\frac{1}{4} SE\frac{1}{4}$),
all in Section Twenty-four (24), Township Eleven (11),
South, Range Nineteen (19) E.B.M.

45 0480

a water right of 80 inches of the waters of Dry Creek and its tributaries,

450491
RECEIVED

MAR 13 1919

OFFICE OF STATE ENGINEER

STATE OF IDAHO,

County of Twin Falls ss.G. J. Terrill

being first duly sworn, upon his

oath deposes and says:

That he is the owner of a decreed water right appurtenant to the following described land to-wit:

E 1/2 NW 1/4 and Lot 2, S 30 T 11 S R 20 E B M. W 1/2 NE 1/4
NW 1/4 S E 1/4 S 30 T 11 S R 20 E B M. 8 1/2
SW 1/4 Lot 4 S 30 T 11 S R 20 E B M. SE 1/4 NE 1/4 SE 1/4 S 20 T 11 S R 19 E B M.
 as evidenced by the decree dated 1904 7th day of March

in the cause entitled Granville Terrill & Annie Terrill Plaintiff,vs. L. L. and W. Fuller & J. E. Bower Defendant, broughtin the District Court of the 4th Judicial District of the State of Idaho; or,

That he is the owner and holder of Permit to appropriate the Public Waters of the State of Idaho

No. _____

That he intends to change the point of diversion, as described in said decree or permit, to the following described point:

Jordan Dam NE 1/4 NW 1/4 S 12 T 12 S R 17 E B M

That such change will be made for the following reasons, to-wit:

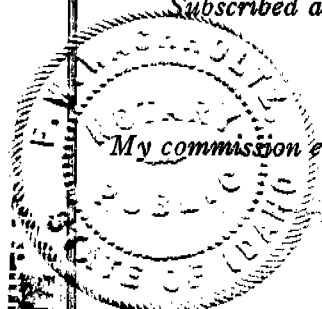
That the
present location of ditch is
more wasteful than it would
be changed to point above mentioned

That no one will be injured by such change and that deponent will make such change at his own risk.

And further deponent saith not.

G. J. TerrillSubscribed and sworn to before me this 12 day of MarchG. W. Washburn
Notary Public.My commission expires 2-6-1919

(Over)



EFFECTIVE APRIL 10, 1911

STATE ENGINEER'S OFFICE

Regulations as to Change of Point of Diversion.

Section 3247 of the Revised Codes provides that a person entitled to the use of water, may change the place of diversion if others are not injured by such change. The Board of Irrigation has adopted the following regulations as to procedure under said section:

The person desiring to change point of diversion must file with the State Engineer an affidavit describing his water right, setting forth his intent to change point of diversion and the reasons for such change, together with an averment that no one will be injured thereby and that deponent will make such change at his own risk.

The point to which it is desired to change the place of diversion must be described as follows:

When the amount claimed does not exceed 25 cubic feet per second, and point of diversion will be on surveyed land, locate same by giving the legal description of the 40 acre tract in which it will be situated. If upon unsurveyed land, give approximate distance to mouth of stream from which water is claimed or to the mouth of some creek flowing into said stream. Where there is more than one point of diversion, describe each separately and specify amount claimed from each.

Where the water claimed exceeds 25 cubic feet per second, locate the point to which it is desired to change the place of diversion as follows:

If upon or near surveyed land, tie point of diversion by course and distance to section or quarter section corner. If said point will be more than two miles from the corner of a public survey, the tie may be made to the mouth of the stream from which the water is claimed or to the mouth of some creek flowing into said stream.

The affidavit must be accompanied by maps in duplicate, showing the following details:

1. If for irrigation and domestic use:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches, including laterals delivering water within one mile of each 160 acre tract of the land to be irrigated.
 - (f) Lands to be irrigated to be shown by cross-hatching, outlining, or coloring.
2. If for other than irrigation and domestic purposes:
 - (a) Name of applicant.
 - (b) Section, town and range numbers, where public survey has been made.
 - (c) Source or sources of supply.
 - (d) Point or points of diversion.
 - (e) Route of ditch or ditches.
 - (f) Point or points of use.
 - (g) Point or points of return to stream after use.

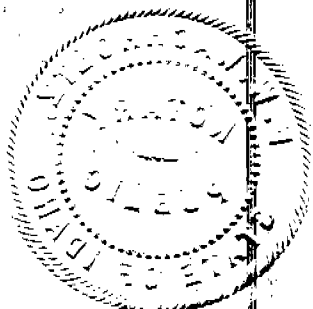
If application is for more than 25 cubic feet per second, the maps must be prepared from actual survey and must be certified to by the engineer in charge of survey, in the following form:

I hereby certify that this map was prepared from an actual survey made by me _____ 191____, and correctly shows position of points indicated thereon.

Engineer.

P. O. _____

Date _____ 191____
(Over)



76

T12S R10E B.M.

T12S R20E B.M.

Amie Smith

2 SEC.

SEC.

SEC.

2 SEC.

SEC.

SEC.

2 SEC.

SEC.

SEC.

W

Township Line E

SEC.

SEC.

T12S R10E

T12S R20E

Section 12, Township 12S, Range 20E

1 SEC.

SEC.

SEC.

1 SEC.

SEC.

SEC.

MICROFILM

Range 20E

Section 12, Township 12S, Range 20E

100-450487-1762

See 45-0487 for correspondence on Transfer 1762

June 26, 1975

Re: Application for Transfer

Joseph E. Tugaw
Murtaugh, ID 83344

Dear Mr. Tugaw:

Enclosed is a copy of your approved Application for Transfer. 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 at your point of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enclosure

cc: Everett Fuller, Watermaster ✓
Water District 45N

RECEIVED
JUL 1 1975

Change Point Div.
No 34

April 5, 1919.

Mr. R. J. Terrill,
Martaugh, Idaho.

Dear Sir:--

Replying to yours of the 3rd inst. would say that your affidavit for change of point of diversion was duly received and placed on file in this office. No authority from this office is necessary as the change is made the owner's own risk. The affidavit and map are placed on file here for future reference and the water master on the stream, if there be one, should be advised of the change.

Very truly yours,

W. G. SWENDSEN,

Commissioner of Reclamation.

By _____

RECEIVED

Mustang Idaho
April 3-19

State Engineer
Boise Idaho

Dear Sir. I mailed you
an application for changing
the point of diversion of my ditch
some time ago. Please let me
know soon as possible whether or
not I can make the change as it is
getting time of year that it must
be done. The present ditch is badly
washed out and will cost considerable
to fix it. Hoping to hear from
you soon. Cord Yours, Truly
G. J. Terrill

RECEIVED

