

**IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS**

**IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE BEAR RIVER BASIN WATER SYSTEM**

RECEIVED

OCT 25 2024

CIVIL CASE NUMBER 79576

Claim ID: 13-2113

Date Rcd: 10/28/24

Receipt No: 7001508

Claim Fee: 50.00 **By:** mb

IDWR/Preston **NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

- 1: Name of Claimant(s):** Turnbow Land Holdings, LLC
Phone: 208-851-0620
Mailing Address: 2457 S 3200 W, Weston, ID 83286
E-mail Address: fturnbow@aol.com
- 2: Date of Priority (mm/dd/yyyy):** 12/19/1938
- 3: Source of water: Ground Water () or Other (x) (a)** Weston Slough
which is tributary to (b) Bear River
- 4a: Location of Point of Diversion**

T	R	S	QQ	Lot	County	Div. Name or Parcel
16S	39E	18	SWNE		FRANKLIN	Pump (Div. 1)
16S	39E	17	SWNW		FRANKLIN	Headgate (Div. 2)
16S	39E	17	SESW		FRANKLIN	Pump (Div. 3)

5. Description of existing diversion works.

Original delivery of this right was abandoned prior to 2014, when Turnbows agreed upon a water right exchange with Lazy River Ranch HOA predecessors. The original delivery method is described in historical documents and maps attached. Current delivery is described here. Water from Weston Slough is retained in the Thomas Pond and released through a headgate and/or spillway to flow downstream towards another on-stream pond with an earthen embankment that captures the released water from Weston Slough. A pump (Diversion 1) is located on the northeast side of the pond where it diverts water into mainlines for delivery across the Section 18 place of use. Each lot owner within Phase 1 has a connection to the mainline to allow irrigation. Spillway on the pond also allows water to be released to be sent downstream for delivery of water to Phase 2, or Section 17 of the place of use. A headgate on Weston Slough (Diversion 2) diverts water to an open ditch, which is used to flood irrigate lands in Section 17. Further downstream, a pump (Diversion 3) diverts water into mainline that distributes water to 8 wheel lines for irrigation in Section 17.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Irrigation	4/01	9/30	1.68	

7. Total quantity claimed (a) 1.68 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully: None.

9: Description of Place of Use

Twp	Rge	Sec	NE				NW				SW				SE				Total
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
16S	39E	17							2		21	32	31	34					120
		18		3	39	25					40	1				38			146

Parcel no(s):

Total Acres: 266

Acre Limit: 84

10. In which counties are lands listed above as the place of use located? Franklin

11. Do you own the property listed above as place of use? Yes () No (X)

If "no" explain in Remarks

12: Describe any other water rights used at the same place and for the same purposes as described above. or None ()

Right 13-138 is also used in Lazy River Ranch, but the acres do not overlap. An enlargement claim captures acres that have been added prior to the BRBA.
Some acres are overlapped by shares in Weston Creek Irrigation Company.
Many lawns around homes receive water under this right, but are supplemented with domestic wells during times of scarcity. If the lawns are included in the irrigated acres shown on the claim map, then they receive water under this right.

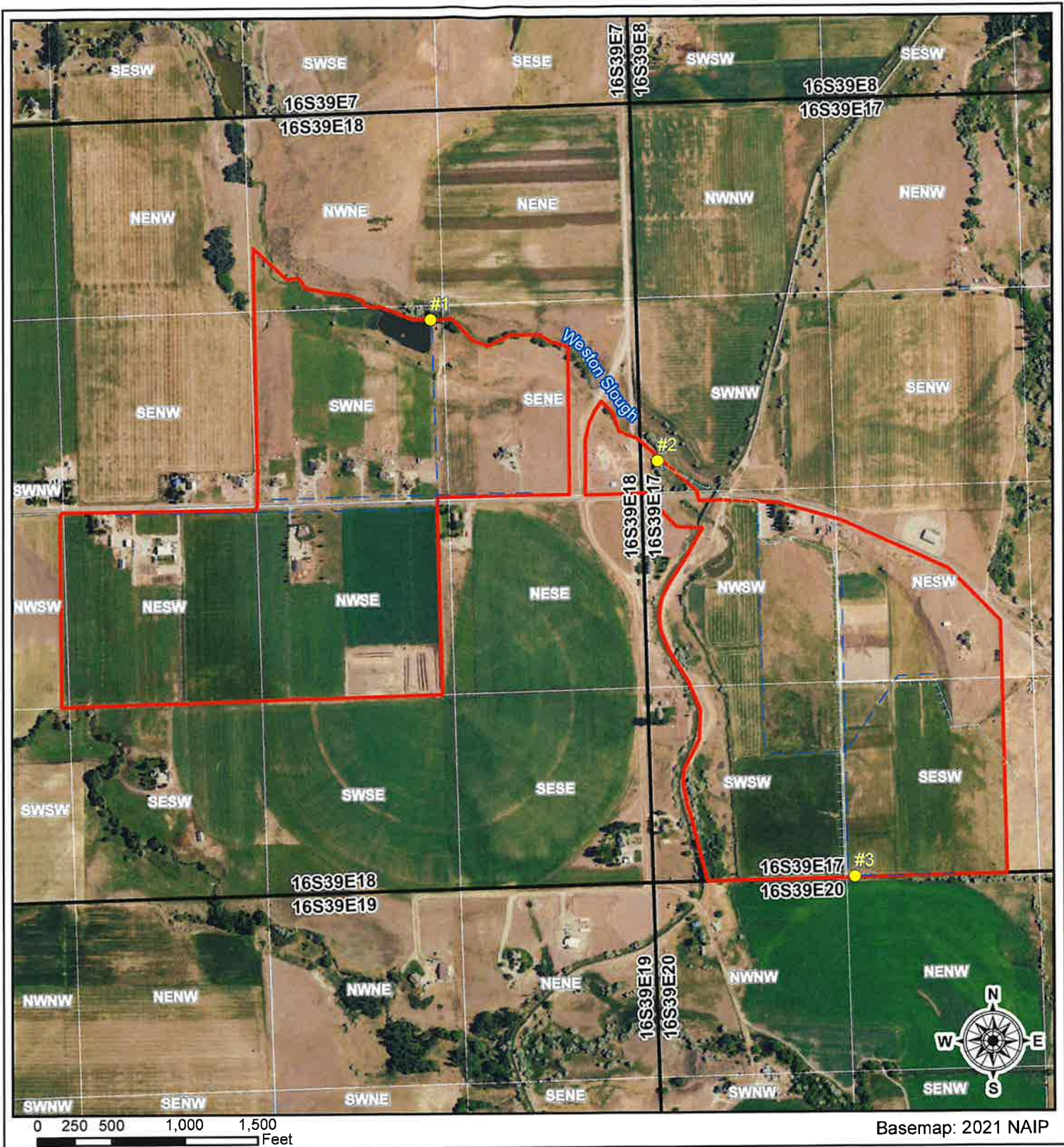
13. Remarks (include an explanation of the priority date selected):

Priority date is based upon license. Place of use is described as a permissible place of use that is comprised of three water rights:

<u>Water Right</u>	<u>Acre Limits</u>
13-138	88.6 ac
Portion of 13-2113	84.0 ac (<i>used in Lazy River Ranches by agreement with the Turnbows</i>)
Enlargement	26.4 ac
Total Acres	199.0 ac

Water rights share a common place of use, but do not overlap. One of the claim maps identifies the current mapped irrigated acres, based on aerial photography between 2016 and 2021, and verified with the individual landowners.

This right is currently owned by the claimant but is used on lands owned by Lazy River Ranches by agreement (Attachment 1) and relocated to the claimed POU through an accomplished transfer. An attached affidavit (Attachment 2) by Frank Turnbow describes in greater detail the history of the exchange agreement and the historical use and includes maps of locations described. Attachment 3 is an authorization document from all of the entities who own lands within the original POU involved in the exchange agreement. All entities are relatives of the applicant and their current property was a part of the family farm prior to being divided.



Claim Map Pg 1. Permissible Place of Use and Delivery System

Legend

- POD
- Open Ditches
- Mainlines - Approx.
- PPU
- Sections
- QQ

**BRBA Claim for Water Rights:
13-138, 13-2113, & New Claim
for Enlargement**

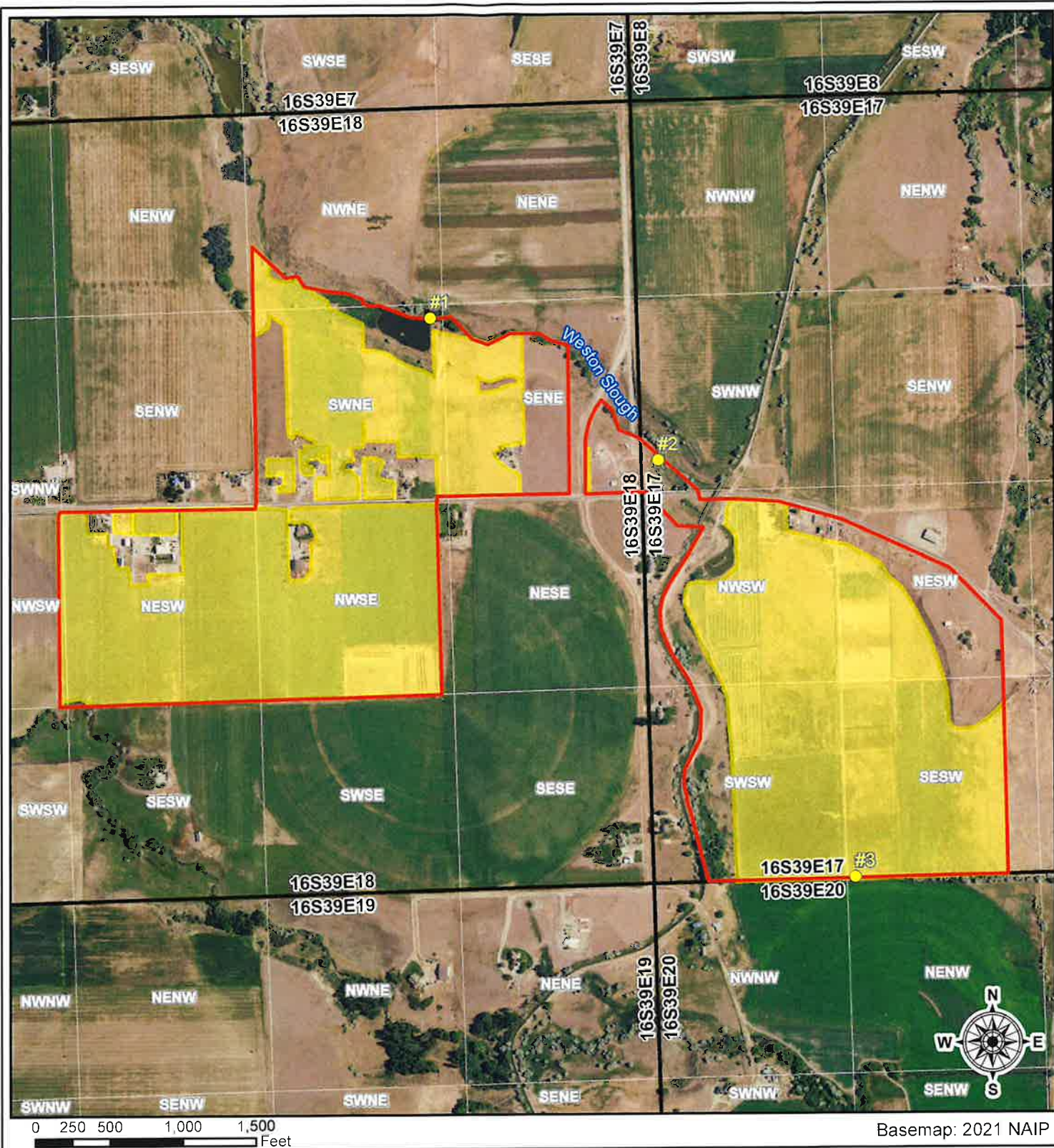
**Lazy River Ranches
Weston, Idaho**

Date: 10/23/2024

RMEA #: 24-0079

Drafted by: KM





Claim Map Pg 2. Irrigated Acres

Legend

- POD
- Sections
- PPU
- Irrigated Acres
- QQ

BRBA Claim for Water Rights:
13-138, 13-2113, & New Claim
for Enlargement

Lazy River Ranches
Weston, Idaho

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14. Basis of Claim (Check one)

Beneficial Use ()
Posted Notice ()
License (X)
Permit ()
Decree ()

Court
Plaintiff v. Defendant
Decree Date

IDWR WR number if applicable 13-2113

15: Signatures

(a) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notices in the Bear River Basin Water System Adjudication."

(b) I/We do () do not (x) wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 3

For Individuals: I/We do solemnly swear or affirm under penalty of perjury that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s):  Date 10-24-24

Date _____

For Organizations: I do solemnly swear or affirm under penalty of perjury that I am, and that I have signed the foregoing document in the space below as the

Member of Turnbow Land Holdings, LLC
(Agent's Title) (Name of Organization)

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent  Date 10-24-24

Printed Name of Authorized Agent Frank Turnbow

16. Notice of Appearance

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

Signature _____ Date _____

Address _____

Water Usage Exchange Agreement

PBJ Holdings, LLC, hereinafter called PBJ, is the owner of 52.50 shares of water in the Weston Creek Irrigation Company. Benjamin A. Turnbow and Shari Turnbow and Frank B. Turnbow and Christine S. Turnbow, hereinafter called Turnbow, owns a water right in the Weston Slough stored in the Thomas Pond that is equal to or greater than the above described Weston Creek Water right.

The distribution ditch system that historically delivered the said Weston Creek Irrigation Company water to the property now owned by PBJ has been filled where the distribution ditch traveled through the property now owned by Turnbow, and a pivot sprinkling system was created by Turnbow to irrigate that portion of their property.

In exchange for allowing the said Weston Creek distribution ditch to be filled in Turnbow has agreed to allow PBJ and its successors and assigns in perpetuity to release and use an equal amount of water from the said Thomas pond located on the Weston Slough, which flows into the PBJ property now known as Lazy River Ranches Subdivision, Phases 1 & 2. Turnbow also has the right to use the PBJ Weston Creek Water in exchange for the above. Turnbow only needs to release an equal amount of water from the Thomas Pond, not any water from Turnbow's main pond.

This agreement has been in existence historically with the prior owners of the PBJ Holdings, LLC property but it is now the intention of the parties to create this document to monument the agreement in writing for present and future owners of the said respective water rights.

PBJ Holding, LLC Date: 6/13/14

By: [Signature]

By: [Signature]

Turnbow Date: 7-7-14

By: [Signature]

By: [Signature]

By: [Signature]

By: [Signature]

Affidavit of Frank Turnbow

I, Frank Turnbow, currently reside at 2457 S 3200 W, Weston, ID. I have lived on the Turnbow farm since I was born in 1969. I currently operate the family farm with my brother Benjamin Turnbow.

The Turnbow Farm includes lands within Section 7 of Township 16 South, Range 39 East. It was historically irrigated from Weston Slough under water right 13-2113. Exhibits 1 and 2 illustrate locations described herein.

Lazy River Ranch is a nearby subdivided property in Sections 17 and 18 of Township 16 South, Range 39 East. Dan McKay owned the original farm prior to it being subdivided. Dan would put his Weston Creek Irrigation shares in the Turnbow's Main Reservoir and we would release it through the spillway to Weston Slough to deliver to Dan when he needed it. Dan would then divert it with his other right 13-138 from an on-stream pond on Weston Slough. The original delivery ditch that previously delivered the Weston Creek shares was plowed in some years previously. The problem with this approach is that when only Dan's Weston Creek shares were being delivered through this conveyance, it was inadequate to make it without additional carrying water. It was inefficient and had challenges with delivery.

Turnbow's water right 13-2113 was historically delivered to our property in Section 7 from the Thomas Pond, through a headgate, and to the property via an open ditch. This ditch was very inefficient and suffered high conveyance losses. Water was distributed across the property via a series of ditches. The historically irrigated acres totaled somewhere around 84 acres within parcels owned by Turnbows. Water was applied to fields, pastures and lawns, all the way up to the Weston Slough. Some of the original water right may also be owned by neighboring land owners, but Turnbow's portion appears to be about 84 acres.

Around 2007, Dan sold his farm to the Davis group (PBJ Holdings, LLC), who ultimately developed it into Lazy River Ranches. Some of the irrigation practices and delivery of water had changed over time, so when the Davis group took over, Turnbow's offered this other trade, the trade that exists today. Rather than capturing Weston Creek Irrigation shares and delivering to the Davis group via the Main Pond, water right 13-2113 (originally owned by David Nash, and from the Thomas Pond) was offered in trade for the Weston Creek shares.

Right 13-2113 is now delivered to Lazy River Ranch by retention in the Thomas Pond, then release through the headgate to flow through Weston Slough down to Lazy River Ranch's pond. A pump then diverts water into mainline or is released and sent down to Phase 2 where it is diverted through multiple diversions. All of Turnbow's portion of 13-2113 is used within Lazy River Ranch and co-mingled with their other water right from Weston Slough.

Right 13-2113 was removed from use on the Turnbow lands in about 2001 when the delivery system was filled in. To continue irrigating the Turnbow lands in Section 7, we moved some of our Twin Lakes canal shares to replace it. The Thomas Pond right 13-2113 never overlapped the Twin Lakes shares.

The exchange was beneficial to both parties. For Turnbow's, it removed their obligation to deliver water downstream from the Main Pond, but also because it was a difficult to deliver 13-2113 down the historical ditch to Turnbow lands due to high conveyance losses. The Davis group/Lazy River Ranches benefit because they have direct delivery of their water rights from Weston Slough and they don't have to rely on Turnbow's to release water from the Main Pond anymore. In order to bypass the Main Pond, they would have to restore connection to the Weston Creek Irrigation company delivery system. In addition,

wastewater from Twin Lakes contributes to flows in Thomas Pond and Weston Slough, improving stream flows and availability.

IN WITNESS WHEREOF, the undersigned have caused their names to be hereunto subscribed.

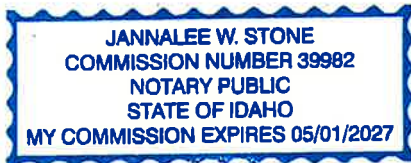
DATED this 24 day of October, 2024.



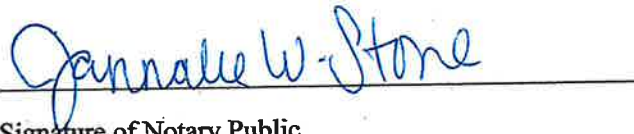
Frank Turnbow

STATE OF IDAHO)
)ss.
County of Franklin)

This record was acknowledged before me on the 24 day of October, 2024, by **Frank Turnbow.**



(stamp)



Signature of Notary Public

My Commission Expires: 5/1/24

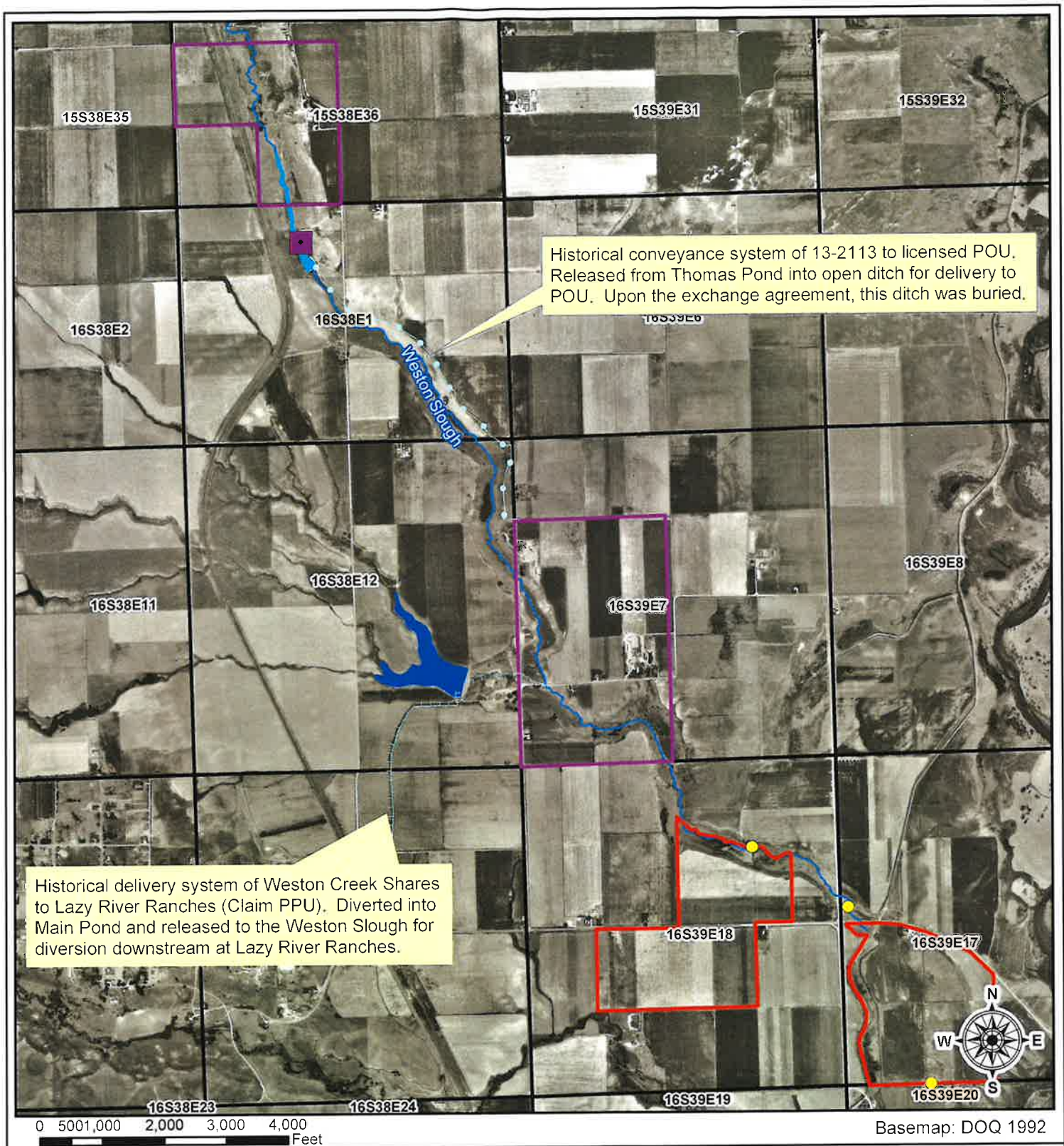


Exhibit 1. Historical Conveyance Systems

Open Ditch - Weston Crk Shares	Main Pond	Affidavit of Frank Turnbow Turnbow Land Holdings, LLC Weston, Idaho	Date: 10/9/2024
Open Ditch - for 13-2113	Lazy River Ranches Diversions		RMEA #: 24-0079
Licensed POD 13-2113	Lazy River Ranches		Drafted by: KM
Licensed POU 13-2113	Sections		
Thomas Pond			



Exhibit 2. Historical Irrigation on Turnbow Lands

- Open Ditch - Licensed POU 13-2113 - Irrigated Ac on Turnbow Lands	- Sections - QQ	Affidavit of Frank Turnbow Turnbow Land Holdings, LLC Weston, Idaho	Date: 10/9/2024 RMEA #: 24-0079 Drafted by: KM
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Authorization from Owners

Frank Turnbow and Benjamin Turnbow manage the family's interests in regards to the family farm and operation thereof. We acknowledge that water right 13-2113 was exchange for other sources of water with PBJ Holdings, LLC. It is our understanding that water right 13-2113 is being used downstream by Lazy River Ranch and the adjudication claim represents this exchange.

We are part owners and have a proportional interest in 13-2113 based on the proportionate amount of acres historically irrigated by this water right.

Dated this 24 day of October, 2024.

Lynette Jensen Lynette H. Jensen
Sign and Print Name

Margie Nielson Margie Nielson
Sign and Print Name

Sign and Print Name

Sign and Print Name

Sign and Print Name

Sign and Print Name

Sign and Print Name

Sign and Print Name



RECEIVED
OCT 25 2024
IDWR/Preston

October 25, 2024

RMEA 24-0079

Idaho Department of Water Resources
Preston Field Office
325 East 600 South, Ste 300
Preston, Idaho 83263-4921

Re: Bear River Basin Adjudication Claims – Lazy River Ranch HOA and Turnbow Land Holdings, LLC

Dear Ms. Marion Beck,

This letter accompanies a check for three Adjudication claims for the water used within Lazy River Ranch HOA, which were transmitted electronically, along with GIS shapefiles to aid in review of the claims. Also attached are worksheets summarizing the fee calculations for a total fee of \$416.

In addition to responses to be provided to the claimant, please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com with a copy of the receipt and copies of the first pages of each claim, showing the numbers assigned by IDWR.

Please contact our office with any questions regarding these applications.

Thank you,

A handwritten signature in blue ink that reads "Kristin Moore".

Kristin Moore
Senior Water Rights Analyst

Enclosures: Check
 Fee Summary Tables

OCT 25 2024

Claimants : Lazy River Ranch HOA
Turnbow Land Holdings, LLC

Claim ID	\$ for Claim	Notes
13-138	\$316.00	266-acre PPU
Enlargement	\$50.00	Acres paid under 13-138
13-2113	\$50.00	Acres paid under 13-138
Total	\$416.00	