

**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**

CIVIL CASE NUMBER 79576

Claim ID: 13-4015

Date Rcd: 9/22/25

Receipt No: P002111

Claim Fee: 50.00 **By:** MB

RECEIVED

SEP 16 2025

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

IDWR/Preston

1: Name of Claimant(s): Turnbow Land Holdings LLC
Phone: 208-851-0620 (Frank Turnbow)
 208-851-0619 (Ben Turnbow)
Mailing Address: 2457 S 3200 W, Weston, ID 83286
E-mail Address: fturnbow@aol.com

2: Date of Priority (mm/dd/yyyy): 8/11/1950

**3: Source of water: Ground Water () or Other (x) (a) Unnamed Drain and
Wastewater which is tributary to (b) Bear River**

4a: Location of Point of Diversion

T	R	S	QQ	Lot	County	Div. Name or Parcel
16S	38E	13	NWNE		Franklin	Drain Pump

5. Description of existing diversion works.

Water has always been diverted from the Unnamed Drain into an irrigation pond for collection. From the pond, it has been pumped into a mainline and distributed to the immediate acres. Now, the water is pumped directly into the shared mainline that comes from the main reservoir and is comingled with the other sources.

6. Water is claimed for the following purposes:

Purpose	From (date)	To (date)	cfs	(or) acre feet
Irrigation	4/1	10/31	1.4	

7. Total quantity claimed (a) 1.4 (cfs) and/or (b) (acre feet)

8. Non-irrigation uses; describe fully:

9: Description of Place of Use

			NE				NW				SW				SE				Total
Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Total
16S	38E	12			17	29			1	1	40	39	31	40	40	40	40	40	358
		13	40	41	33	32	14												160
16S	39E	7							34			14	22	10					80
									(L2)			(L3)	(L4)						
		18					29			29									58
																		Total POU	656

Parcel no(s):

Total Acres: 656
Acre Limit: 70

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 (x) 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 ()

This system is a combination of water rights 13-2058, 13-2166, 13-2295, 13-2299, 13-4015, and Twin Lakes Canal Co. shares (381 shares). All of these rights co-mingle in the reservoir and are rediverted through the system illustrated on the attached maps, except right 13-4015, which does not flow through the reservoir. It is pumped directly into the mainline, though. Since the system is common among these rights, the place of use is described as a Permissible Place of Use, with 418 irrigated acres (as authorized under the privately held water rights). The distribution system has the ability to deliver water to any of the lands within the PPU. The acres prioritized under the privately held rights are identified in the Claim Map Overview; these acres can and have been rotated based upon specific needs. However, the identified 418 acres are the preferred the location for these rights within the system.

Some of the acres within the PPU only receive Twin Lakes canal shares. Some of these acres are also identified on the attached maps.

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

Priority date is based upon an original Application for Permit no. 29364/ Permit 21652 filed by D. Ariel Nash in 1950. At the time that Mr. Nash filed the original Application for Permit, he indicated the irrigation had already been occurring for 20 years. The Statutory Claim filed in

1974 includes the following statement suggesting that the Statement of Completion was not filed:

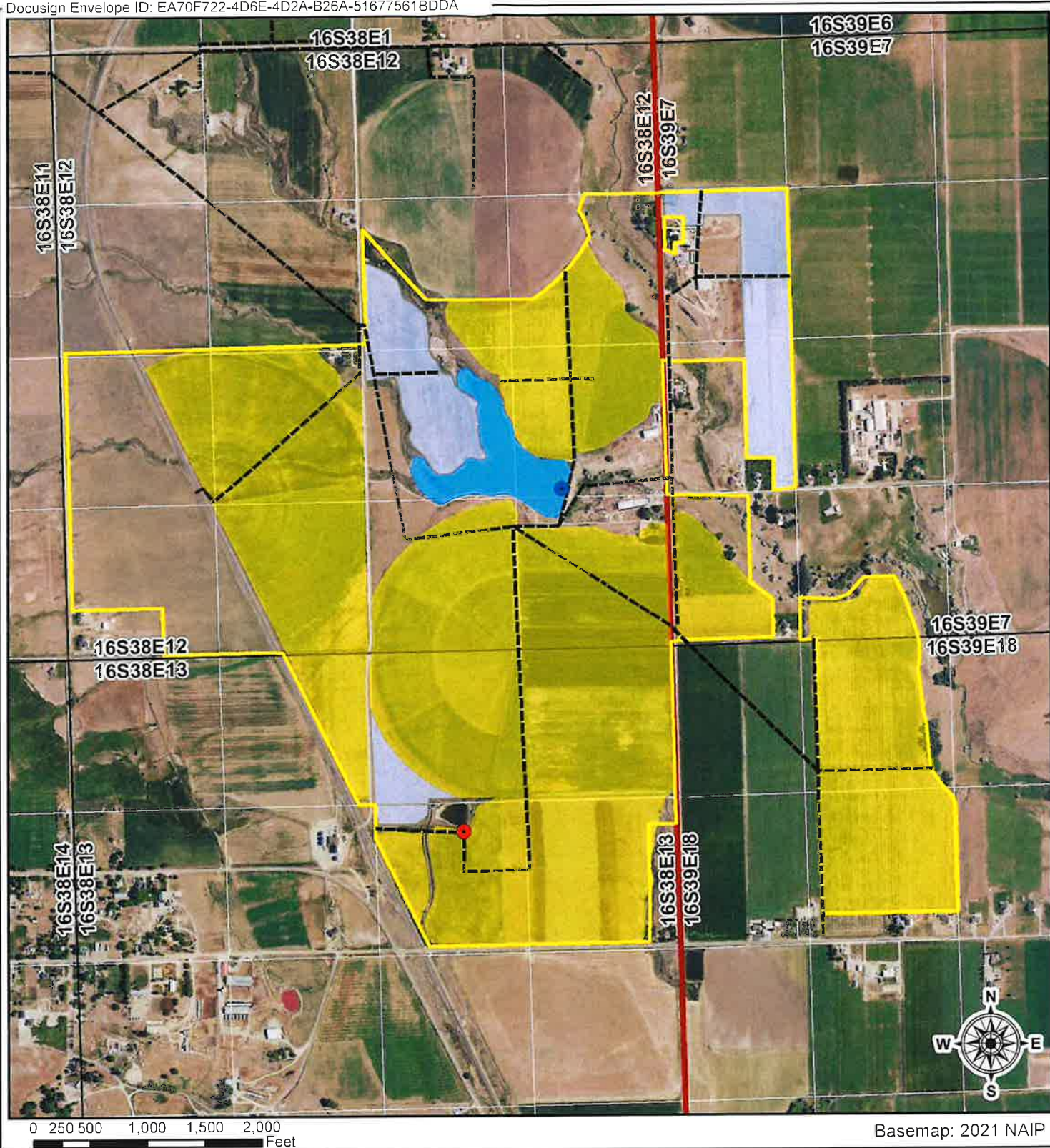
s. This claim is based upon permit 21652/13-2158 issued to D. Ariel Nash. The paperwork necessary to have a license issued was not done although the terms of the permit were otherwise met.

The Statutory Claim was filed by Wesley Nash, the son of D. Ariel Nash, who would have had personal knowledge of the property when filing the claim. When Wesley Nash obtained the property from his father in 1962, the deed also included language referencing the water rights to the drain:

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, 10 shares of the capital stock of the Twin Lakes Canal Company and 8 shares of the capital stock of the Weston Creek Irrigation Company; rights to the waters of a drain and Weston Slough, especially such rights under, but not limited to, Permit or License No. 16646 for 96.89

Attachment 1 is a map showing the original place of use on a 1953 aerial image. It appears the retention pond is present and the fields are irrigated. While this may not have been the only source of water at the time, the historical image supports active irrigation on the lands and the distribution system in place by 1953. Original irrigation appears to have been about 70 acres.

Attachment 2 is a copy of the deed to Wesley Nash.



Claim Map: Overview of Locations and Irrigation Distribution

- POD Drain Pump
- POD Reserv Pump
- Mainline
- Claim PPU
- Irrigated Acres - 418 ac
- Receives Twin Lakes Shares
- Main Reservoir
- Twp & Rng
- Section
- QQ

Turnbow Land Holdings LLC
BRBA Claim

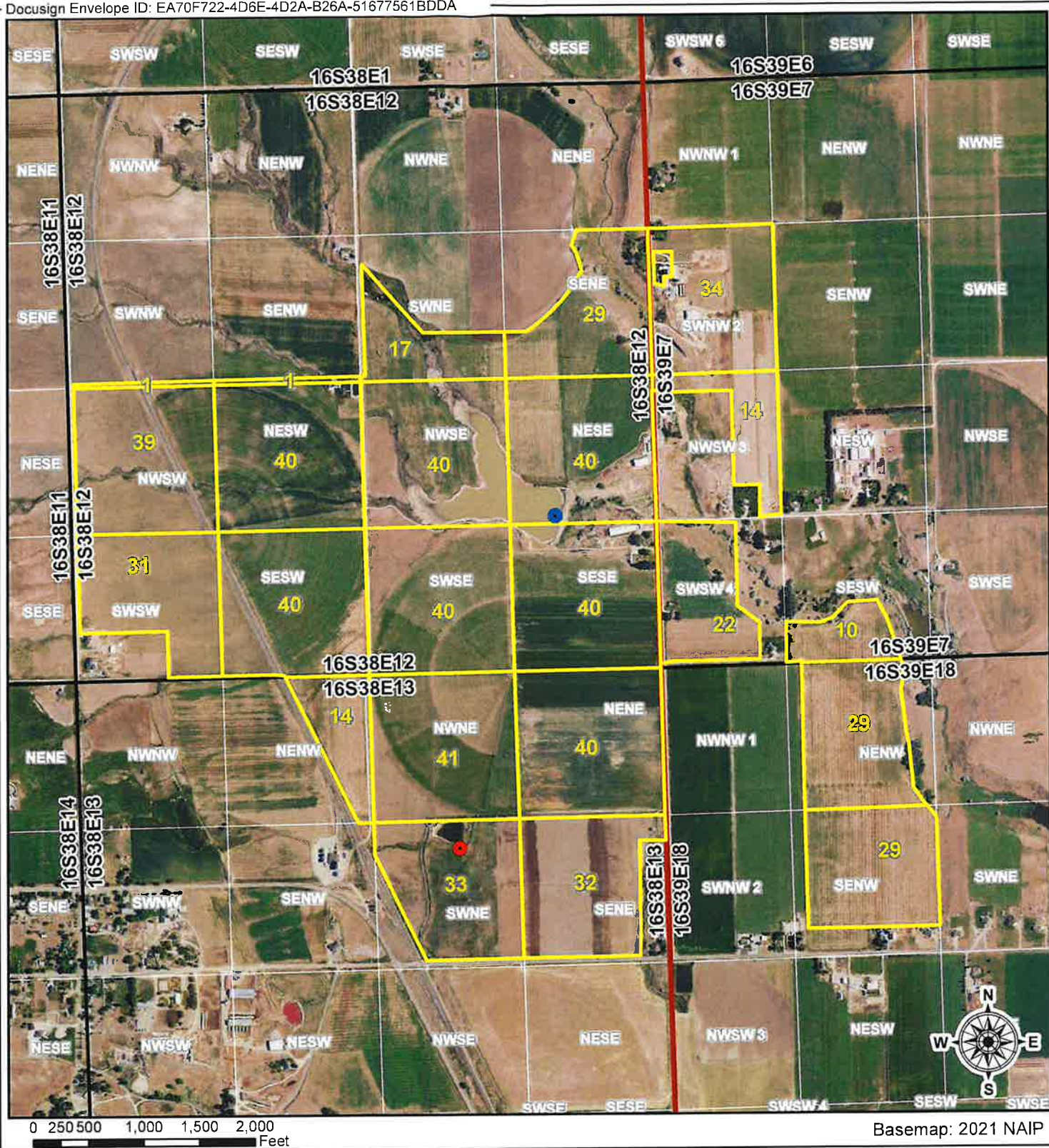
Water Right No(s): 13-2058, 13-2166,
13-2295, 13-2299, 13-4015

Date: 3/14/2025

RMEA #: 24-0166

Drafted by: KM





Claim Map: Proposed Permissible Place of Use by QQ

Legend

- POD Drain Pump
- POD Reservoir Pump
- Claim PPU
- Twp & Rng
- Section
- QQ

Turnbow Land Holdings LLC
BRBA Claim

Water Right No(s): 13-2058, 13-2166,
13-2295, 13-2299, 13-4015

Date: 3/13/2025

RMEA #: 24-0166

Drafted by: KM





Basemap: 2021 NAIP

Claim Map: Point of Diversion - Drain Pumping Station

Legend

- POD Drain Pump
- POD Reservoir Pump
- Mainline
- Claim PPU
- Twp & Rng
- Section
- QQ

Turnbow Land Holdings LLC
BRBA Claim
Water Right No(s): 13-2058, 13-2166,
13-2295, 13-2299, 13-4015

Date: 3/13/2025

RMEA #: 24-0166

Drafted by: KM



14. Basis of Claim (Check one)

Beneficial Use ☒
Posted Notice ☐
License ☐
Permit ☐
Decree ☐

Court
Plaintiff v. Defendant
Decree Date

IDWR WR number if applicable 13-4015

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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 2

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)

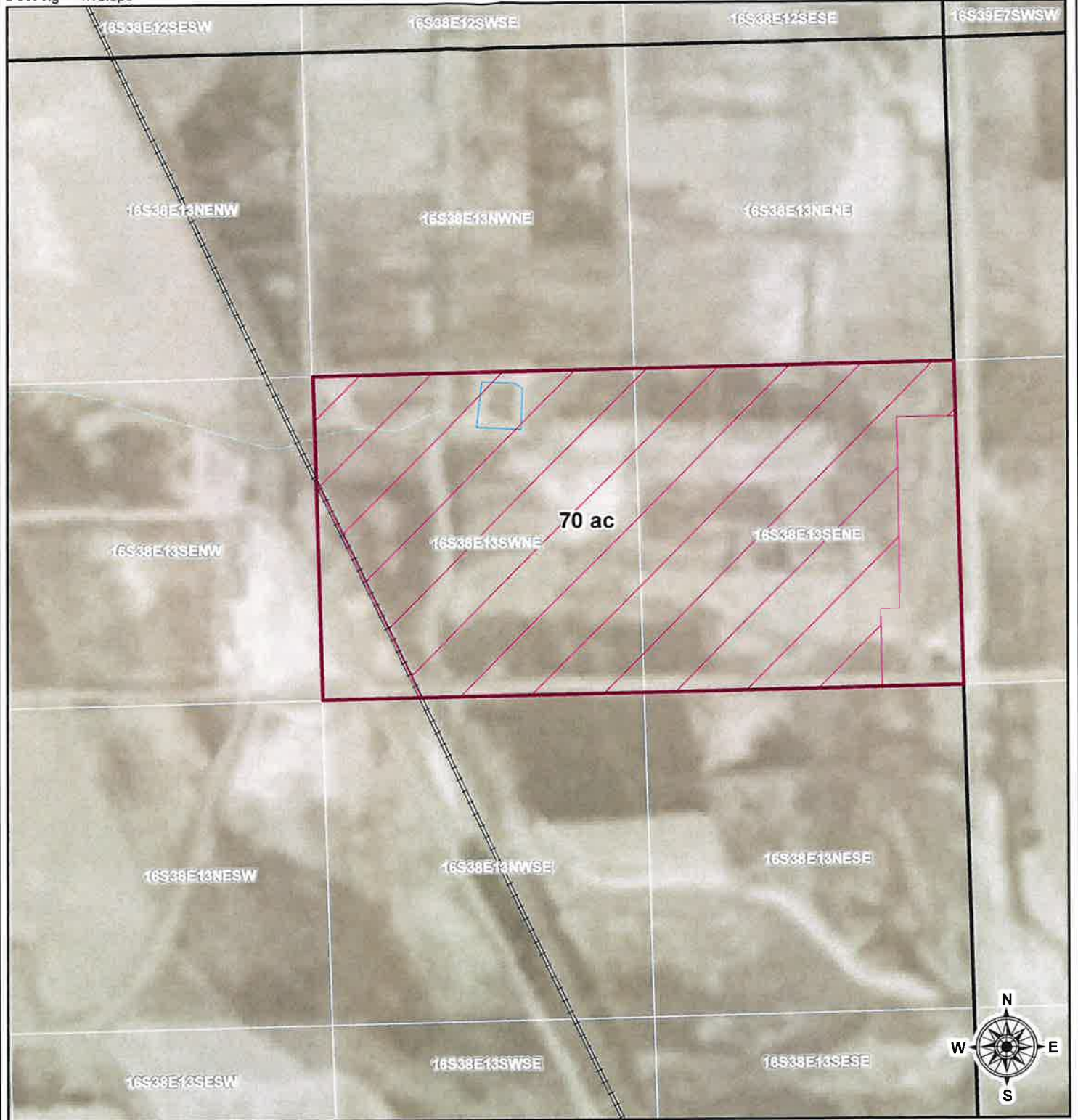
and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Frank Turnbow Date 9/11/2025

Printed Name of Authorized Agent Frank Turnbow

Attachment 1

Historical Map



Basemap: USGS Single Frame Photo, 1953

Historical Irrigation - 1953 Aerial

Legend WR POU Actual Irrigaition Irrigation Pond Railroad Drain PLSS Sections QQ	Turnbow Land Holdings LLC BRBA Claim Water Right No: 13-4015	Date: 3/13/2025 RMEA #: 24-0166 Drafted by: KM
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Attachment 2

STATE OF IDAHO,
County of Franklin--ss.

On this tenth day of April, in the year 1962, before me P. M. Condie, a Notary Public in and for said State, personally appeared Earl P. Cole and Beth M. Cole, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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

Seal

P. M. Condie

Notary Public, Residing at Preston, Idaho.

STATE OF IDAHO,
COUNTY OF FRANKLIN--ss.

Recorded at the request of Jed B. Atkinson at 10:45 A. M., April 11, 1962.

Fee: \$1.80

C. L. Swenson: Ex-Officio Recorder

By Anna P. Swenson Deputy.

Compared

Inst. No. 109953
USDA-FHA
Form FHA 427-12 Idaho
(Rev. 1-5-62)
(COMMUNITY)

WARRANTY DEED
(IDAHO)

KNOW ALL MEN BY THESE PRESENTS, That D. ARIEL NASH, also known as DAVID ARIEL NASH and ELAINE L. NASH, his wife, of the County of FRANKLIN, State of IDAHO, parties of the first part, for and in consideration of the sum of TWENTY-THREE THOUSAND AND NO/100 Dollars (\$23,000.00), in lawful money of the United States of America, and other valuable consideration, to them in hand paid by WESLEY S. NASH and CLAUDIA J. NASH, his wife, hereinafter called party of the second part, do hereby GRANT, BARGAIN, SELL and CONVEY unto the party of the second part, as a community property estate, and to the heirs and assigns of the second party, all of the following-described property situate, lying and being in the County of FRANKLIN, State of Idaho, to wit:

Township 16 South, Range 38 East, Boise Meridian

Section 13: Commencing at a point 30 rods West from the SE corner of the NE $\frac{1}{4}$ of said Section and running thence W to the right of way of the Oregon Short Line Railroad, thence in a NWesterly direction along the right of way of the Oregon Short Line Railroad to the West line of said Quarter section, thence North to the Northwest corner of the South half of Northeast quarter Section 13, Township 16 South, Range 38 East, Boise Meridian; thence East 130 rods, thence South 80 rods to the place of beginning.

EXCEPTING THEREFROM: Commencing at a point 30 rods West from the SE corner of NE $\frac{1}{4}$ of said Section, thence W 12 rods, thence N 8 rods; thence E 12 rods, thence S 8 rods to the place of beginning.

Section 1: Commencing at a point on the E side of Union Pacific Railroad right of way, which is 74 rods W and 440 feet SEasterly from the NE corner of Lot 3, of said Section 1, and running thence SEasterly along E side of said railroad right of way a distance of 50 rods, more or less, to a point on the S line of said Lot 3, which is 56 $\frac{1}{2}$ rods, more or less, West of the SE corner of said Lot 3, thence East 56 $\frac{1}{2}$ rods, more or less, to the SE corner of said Lot 3, thence N 22 rods, more or less, to the brow of the hill, thence NWesterly to a point 60 rods E of the place of beginning, thence W 60 rods to the place of beginning.

Township 16 South, Range 39 East, Boise Meridian

Section 7: Lots 2 and 3 (\$57.20 U. S. I. R. Stamps Duly Affixed and Cancelled.)

Together with all water and water rights, ditches and ditch rights, used thereon or appurtenant thereto, including, but not limited to, 10 shares of the capital stock of the Twin Lakes Canal Company and 8 shares of the capital stock of the Weston Creek Irrigation Company; rights to the waters of a drain and Weston Slough, especially such rights under, but not limited to, Permit or License No. 16646 for 96.89 miners inches, issued by the Idaho State Reclamation Engineer; an undivided 60% interest in the reservoir used in holding the foregoing water; and rights to waters of Weston Creek and Mink Creek.

Also together with all irrigation equipment of every kind and character used in the irrigation of the foregoing premises, whether located thereon or not, including pumps, pipe, motors and sprinkler systems.

Subject to exceptions and reservations contained in patents from the United States.

Subject to existing easements for roads, highways, ditches, canals, laterals and power and

transmission lines.

Subject to the \$16,000.00 mortgage, executed by D. Ariel Nash and Ruby S. Nash, his wife, in favor of The Federal Land Bank of Spokane, recorded December 29, 1959 in Book 62 of Mortgages at page 133, records of Franklin County, Idaho.

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining and all improvements, water and water rights appurtenant thereto or reasonably necessary to the use of the real property, and the rents, issues and profits thereof.

TO HAVE AND TO HOLD the said premises together with the appurtenances thereto unto the party of the second part, as community property, and to the heirs and assigns of the second party forever.

The parties of the first part, for themselves and for their heirs, executors and administrators, do hereby covenant to and with the party of the second part, and with the heirs and assigns of second party, that they are lawfully seized in fee simple of said premises, that they are free from all encumbrances and that they will and their heirs, executors and administrators shall warrant and forever defend the title thereto against all lawful claims and demands whatsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hand(s) and seal(s) this 11 day of April, 1962.

WITNESSE:

D. Ariel Nash (SEAL)
D. Ariel Nash, a/k/a (Husband)
David Ariel Nash
Elaine L. Nash (SEAL)
Elaine L. Nash (Wife)

ACKNOWLEDGMENT

STATE OF IDAHO) ss.
COUNTY OF FRANKLIN)

On this 11th day of April, 1962, before me, a Notary Public in and for said County and State, personally appeared D. ARIEL NASH, a/k/a DAVID ARIEL NASH and ELAINE L. NASH, his wife, to me known to be the identical individual(s) described in and who executed the within and foregoing instrument and whose name(s) are subscribed thereto, and acknowledged to me that they signed, sealed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above mentioned.

Seal
(SEAL)

Ted Larsen
Notary Public in and for the State of Idaho
Residing at Preston, Idaho
My commission expires: May 12, 1962

STATE OF IDAHO,
COUNTY OF FRANKLIN—ss.

Recorded at the request of J. N. Larsen Co. at 1:10 P. M., April 11, 1962.

Fee: \$3.00

C. L. Swenson: Ex-Officio Recorder
By: *Carol P. Swenson* Deputy

--- Compared ---

Inst. No. 109960

WARRANTY DEED

THIS INDENTURE, made this fourth day of January, in the year of our Lord one thousand nine hundred and sixty-two between Levean Greaves, a single woman, of Preston, County of Franklin, State of Idaho, the party of the first part, and Cluly K. Greaves, of Preston, County of Franklin, State of Idaho, the party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of the sum of Two thousand Dollars, lawful money of the United States of America, to her in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold, and by these presents does grant, bargain, sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all the following described real estate, situated in the County of Franklin, State of Idaho, to-wit:

Commencing at a point 80 rods North of the Southeast corner of the Southeast quarter of Section 10, Township 15 South, Range 39 East of Boise Meridian, and thence running West 80 rods; thence South 40 rods; thence East 80 rods; thence North 40 rods, to the place of beginning, containing 20 acres.

TOGETHER With all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all estate, right, title and interest in and to said property, as well in law as in equity, of the said party of the first part.

TO HAVE AND TO HOLD, All and singular the above mentioned and described premises, together with the appurtenances, unto the party of the second part, and to his heirs and assigns forever. And the said party of the first part, and her heirs, the said premises in the quiet and peaceable possession of



RECEIVED

SEP 16 2025

IDWR/Preston

September 16, 2025

RMEA 24-0166

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

Re: Bear River Basin Adjudication Claims – Turnbow Land Holdings, LLC

Dear Ms. Marion Beck,

This letter accompanies a check for five Adjudication claims for Turnbow Land Holdings, LLC, which were transmitted electronically on September 16, 2025, along with GIS shapefiles to aid in review of the claims. Claim fees are estimated at \$50 per claim plus \$1 for each irrigated acre from the shared place of use ($\$50 \times 5 + \$1 \times 656 = \$906$)

Please copy Rocky Mountain Environmental Associates, Inc. (RMEA) at kristin.rmea@gmail.com in future correspondence for these claims.

Thank you,

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

Kristin Moore
Principal Water Rights Analyst

Enclosures: Check