

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 SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00010

Date Received: 1-25-90

Receipt No: 1005594

Received By: AS

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: ERMA M.. BANKS 208-648-7856  
Address: 3229 BANKS RD.  
BANCROFT, ID 83217

2. Date of Priority: APR 14, 1883

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 39E   | 19      | SW     | SE     | SW     |     | CARIBOU |

5. Description of diverting works:  
150HP PUMP, MAINLINE, HAND & WHEEL LINES & FLOOD IRRIGATION

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S | (or) | A.F.A. |
|------------|-------|-------|-------|------|--------|
| IRRIGATION | 04/15 | 09/15 | 2.320 |      |        |

7. Total Quantity Appropriated is:  
2.320 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1312.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township      | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|---------------|-------|---------|--------|--------|-----|-----|-------|
| 06S           | 38E   | 24      | NE     | NE     |     | IRR | 4.0   |
|               |       |         | SE     | NE     |     | IRR | 20.0  |
| Section Acres |       |         |        |        |     |     | 24.0  |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot  | Use           | Acres |      |               |       |
|----------|-------|---------|--------|-----|------|---------------|-------|------|---------------|-------|
| 06S      | 39E   | 19      | NE     | NW  |      | IRR           | 5.0   |      |               |       |
|          |       |         | NW     | NW  |      | IRR           | 5.0   |      |               |       |
|          |       |         | SW     | NW  |      | IRR           | 40.0  |      |               |       |
|          |       |         | SE     | NW  |      | IRR           | 40.0  |      |               |       |
|          |       |         | NE     | SW  |      | IRR           | 40.0  |      |               |       |
|          |       |         | NW     | SW  |      | IRR           | 26.0  |      |               |       |
|          |       |         | SW     | SW  |      | IRR           | 4.0   |      |               |       |
|          |       |         | SE     | SW  |      | IRR           | 40.0  |      |               |       |
|          |       |         | NW     | SE  |      | IRR           | 14.0  |      |               |       |
|          |       |         | SW     | SE  |      | IRR           | 40.0  |      |               |       |
|          |       |         | SE     | SE  |      | IRR           | 40.0  |      |               |       |
|          |       |         |        |     |      |               |       |      | Section Acres | 294.0 |
|          |       |         | 30     | NE  | NE   |               | IRR   | 40.0 |               |       |
| NW       | NE    |         |        | IRR | 40.0 |               |       |      |               |       |
| SW       | NE    |         |        | IRR | 40.0 |               |       |      |               |       |
| NE       | NW    |         |        | IRR | 40.0 |               |       |      |               |       |
| NW       | NW    |         |        | IRR | 5.0  |               |       |      |               |       |
| SW       | NW    |         |        | IRR | 4.5  |               |       |      |               |       |
| SE       | NW    |         |        | IRR | 37.5 |               |       |      |               |       |
|          |       |         |        |     |      | Section Acres | 207.0 |      |               |       |
|          |       |         |        |     |      | Total Acres   | 525.0 |      |               |       |

11. Place of use in counties: CARIBOU

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A29-10246, -00094A, -07391, 24 MILE CREEK CANAL CO.

14. Remarks:

TRANS. 2341 CHANGED DECREED P/D & P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MC CAMMON DITCH CO., ET. AL.

Decree Defendant

A29-00010

Page

2

Date: 01/25/90

MICROFILMED  
NOV 13 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin 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: \_\_\_\_\_

**For Individuals:**

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): Erma M. Banks Date: 1-25-90  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Caribou ) SS.

Subscribed and sworn (or affirmed) before me this 25<sup>th</sup> day  
of January 19 90

Anna Baumhoff  
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public  
Residing at Boise, Idaho  
My Commission Expires December 7, 1994

38E 39E

BOUNDARY

4.0 5.0 5.0

40 40

Hibner Springs

26 40

40

PORTRNEU

25

6.0

40

45 37.5 40

25

36

20 29

31 32

A29-10246

MICROFILMED

NOV 13 1992

31 32

54

Log for claim A29-00010

Spatial Dynamics BTD

5/30/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 06s38e         | 24  | NENE | 4                | 3.8            |         |
| 06s38e         | 24  | SENE | 20               | 13             |         |
| 06s39e         | 19  | SESE | 40               | 40             |         |
| 06s39e         | 19  | NESW | 40               | 39             |         |
| 06s39e         | 19  | NWSE | 14               | 7.1            |         |
| 06s39e         | 19  | SWNW | 40               | 40             |         |
| 06s39e         | 19  | SENW | 40               | 40             |         |
| 06s39e         | 19  | NWNW | 5                | 6.6            |         |
| 06s39e         | 19  | NENW | 5                | 6.6            |         |
| 06s39e         | 19  | SWSE | 40               | 40             |         |
| 06s39e         | 19  | SWSW | 4                | 3              |         |
| 06s39e         | 19  | NWSW | 26               | 21             |         |
| 06s39e         | 19  | SESW | 40               | 40             |         |
| 06s39e         | 30  | NENE | 40               | 40             |         |
| 06s39e         | 30  | NWNE | 40               | 40             |         |
| 06s39e         | 30  | NWNW | 5                | 4.2            |         |
| 06s39e         | 30  | SWNE | 40               | 40             |         |
| 06s39e         | 30  | SENW | 37               | 39             |         |
| 06s39e         | 30  | SWNW | 4                | 9.2            |         |
| 06s39e         | 30  | NENW | 40               | 40             |         |
| <b>Totals:</b> |     |      | 524              | 512.5          |         |

AJ5809NP  
No. A29-00010

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 1

| OWNER<br>CODE    | NAME & ADDRESS                                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|----------------------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | ERMA M BANKS<br>3229 BANKS RD<br>BANCROFT ID 83217<br>(208) 648-7856 | 04/14/1883       | IRRIGATION | 04-15 09-15           | 2.320 CFS         |                     |
| TOTAL DIVERSION: |                                                                      |                  |            |                       | 2.320 CFS         |                     |
| CONSUMPTIVE USE: |                                                                      |                  |            |                       |                   | 1312.50 AFA         |

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R39E S19

SWSESW

CARIBOU County

Place of use Legal Description for: IRRIGATION

|             |     |    |   | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       |       |
|-------------|-----|----|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R   | S  | : | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac    | SUM   |
| 06S         | 38E | 24 | : | 04 |    |    |    | 20 |    |    |    |    |    |    |    |    |    |    |       | 24.0  |
| 06S         | 39E | 19 | : |    |    |    |    |    | 05 | 05 | 40 | 40 |    |    | 40 | 26 | 04 | 40 |       | 294.0 |
| 06S         | 39E | 30 | : | 40 | 40 | 40 |    |    | 40 | 05 | 04 | 37 |    |    |    |    |    |    |       | 207.0 |
| TOTAL ACRES |     |    |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 525.0 |       |

POU County: CARIBOU

Other Rights: A29-10246, -00094A, -07391, 24 MILE CREEK CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):  
A29-07391 A29-10246

Other Water Rights Listing Overlapping Place(s) of Use:  
A29-00013 A29-00015 A29-00018 A29-00069 A29-00071 A29-00094 A29-00094B A29-02558 A29-07391 A29-10246

Remarks: GEN TRANS. 2341 CHANGED DECREED P/D & P/U.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:

Presumption Flag:

Audit: 01/25/90 BAUMHOFF 04/01/94 THOMPSON 03/29/95 POST-STD

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

To Change the Point of Diversion and/or the Place of Use

**APPROVED**

Name of applicant Floyd J. Banks Phone 648-7856  
Post office address Bancroft, Idaho 83217

**A. DESCRIPTION OF RIGHT AS RECORDED**

1. Right evidenced by: 29-0010
  - a. Decree to Julia Hibner (Name)  
in case of Union Grain & Elevator Co. a Corp. vs McCammon Ditch Co., a Corp.  
dated 8-06-1932 in 5th Judicial District county of Bannock (Name of court)
  - b. License No.                      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 Applicant  
acquired by purchase, a copy of warranty deed is attached.
3. Source of water Portneuf River tributary to Snake River
4. Date of priority 4/14/1883
5. Water is used for the following purposes:  
amount 2.32 cfs for Irrigation purposes from 4/1 to 11/1  
amount                      for                      purposes from                      to                       
amount                      for                      purposes from                      to                       
(month/day - both dates inclusive)
6. Total amount of water under right: a. 2.32 cubic feet per second  
b.                      &/or acre feet per annum
7. Location of original point of diversion is SW                      % of SW                      % of Section 19  
Township 6S Range 39E, B.M., in Caribou County  
Additional points of diversion, if any

**8. Lands irrigated or place of use:**

| TWP. | RANGE | 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 |        |
| 6S   | 39E   | 19   |        |        |        |        |        |        |        |        |        |        | X      | X      |        |        | X      |        |        |
|      |       | 30   |        | X      | X      |        | X      |        |        | X      |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |
|      |       |      |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |        |

Total number of acres to be irrigated 116

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, 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 2.32 c.f.s. &/or \_\_\_\_\_ acre feet
  - b. Point(s) of diversion SE ¼ SW ¼, Section 19 Township 6S  
Range 39E, B.M., Caribou County  
Additional points \_\_\_\_\_
  - c. Description of diverting works Pump and sprinkler system
  - d. Describe the reasons for applying for a change in the point(s) of diversion To put on record  
the accurate location for point of diversion

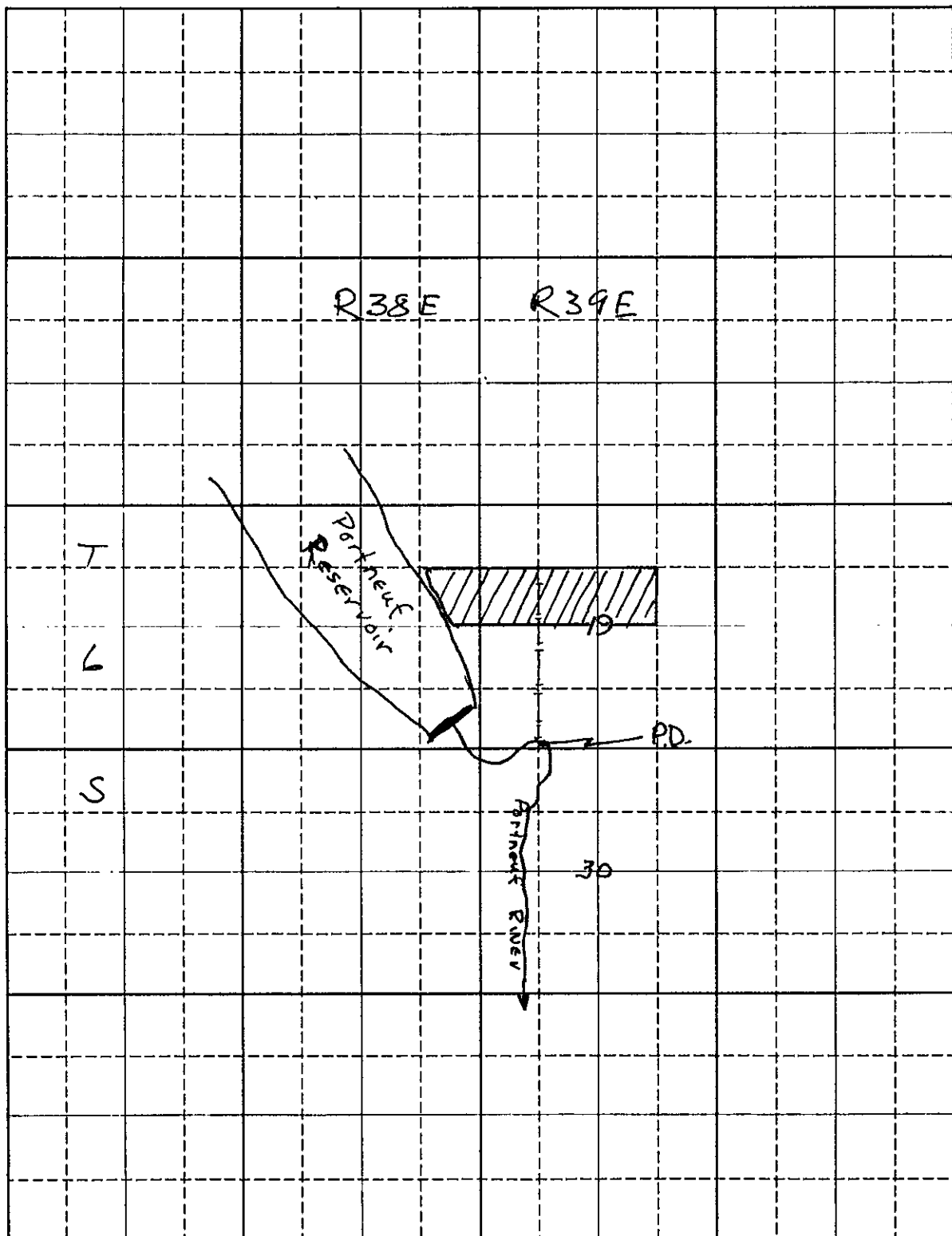
2. Change in place of use

- 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 |        |
| 6S   | 38E   | 24   |     |     |     | 24  |     |     |     |     |     |     |     |     |     |     |     |     | 24     |
| 6S   | 39E   | 19   |     |     | 22  |     |     |     | 30  | 40  |     |     |     |     |     |     |     |     | 92     |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |
|      |       |      |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |     |        |

Total number of acres to be irrigated 116

- b. 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.

3. Remarks \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

W. Lloyd J. Banks  
(Signature of applicant)

Subscribed and sworn to before me this 21 day of August, 19 79.

Christine Hatch  
(Notary public)

My commission expires Life

#### ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0010 and said application is hereby approved, subject to the following limitations and conditions:

(1) Use of water under this Right is subject to control by the watermaster of State  
Water District No. 29, Portneuf River. (2) A measuring device of a type approved by this  
Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 28<sup>TH</sup> day of September, 19 79.

Norman C. Young  
NORMAN C. YOUNG  
Administrator, Resources Admin. Div.

#### FOR DEPARTMENT USE ONLY

|                                                        |                                    |                                        |
|--------------------------------------------------------|------------------------------------|----------------------------------------|
| Received by <u>DH</u>                                  | Date <u>8-23-79</u>                | Protest filed by _____                 |
| Prelim. check by <u>[Signature]</u>                    | Fee <u>\$35.00</u>                 | _____                                  |
| Receipted by <u>DH</u>                                 | Date <u>8-23-79</u> # <u>13680</u> | _____                                  |
| Published in <u>Caribou County Sun</u>                 |                                    | Copies of protest forwarded by _____   |
| Pub. dates <u>8/30 &amp; 9/6/79</u>                    |                                    | Hearing held by _____ Date _____       |
| Watermaster recommendation requested on <u>8/27/79</u> |                                    | Recommended for <u>approval</u> denial |
| _____ rec'd. <u>7/1/81</u>                             |                                    | by <u>[Signature]</u>                  |

# Affidavit of Publication

County of Caribou } ss.  
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

That he is Publisher of the Caribou County Sun, a newspaper of general circulation in Caribou County, Idaho, published weekly at Soda Springs in said County that said newspaper has been published in said County uninterruptedly and continuously for over seventy-eight consecutive weeks, prior to the first publication of the annexed notice or advertisement;

That the annexed notice was published as per clipping attached in the regular and entire edition of said newspaper and not in any supplement thereof

for 2 successive weekly issues thereof, the date of the first publication being the

30th day of August, 1979

The date of the last publication being the 6th day of September, 1979

Subscribed and sworn to before me this 6th day

of Sept, 1979

Clayton D. Steele  
Notary Public, residing at Soda Springs, Idaho (SEAL)

My Commission expires the 1st day of March

1980

NO. 29-0010

Notice is hereby given that Floyd J. Banks, Bancroft, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Portneuf River tributary to the Snake River. The right sought to be changed is evidenced by decree to Julia Hihner in Case of Union Grain & Elevator Co., a Corp. vs. McCammon Ditch Co., a Corp., dated 8-06-1932 in Fifth Judicial District Court, Bannock County and is recorded as:

AMOUNT: 2.32 cfs  
PRIORITY: 4-14-1883  
DECREE DIVERSION POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County

The water is used to irrigate 116 acres within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County.

BE CHARGED AS FOLLOWS:

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County, for the irrigation of 116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County.

Approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

STEPHEN ALLRED  
Director

Published Aug. 30 and Sept. 6, 1979 in the Caribou County Sun.

RECEIVED

SEP 10 1979

Department of Water Resources  
Eastern District Office

ARK

...made, this led to...

...one hundred and fifty...

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The Northeast quarter of the Northwest quarter of the Northwest quarter of the Northwest quarter

The Southwest quarter of the No. 10  
THEREFROM, the Eastmost 3 rods  
FROM, the Southmost 2 rods there

The Southeast quarter of the No. 30: EXCEPTING THEREFROM the So also.

Lots 1 and 2 of Section 30, Town  
 14 N. of Twp. 10 N., Maricopa Co.,  
 following described tract:

All that portion of Lots 1 and South, Range 39 East of the foot of THE PORTLAND RIVER.

In Section 13 - Township 6 South, Range

Lots 2, 3, 4, 6, 7, 18, 19, 20,  
quarter of the Southwest quarter  
of the Southeast quarter of Sec.  
Range 38 East of the Boise Meridian.

In Section 14 - Township 6 South, Range

The Northeast quarter of the No. 14; and also,

Beginning at the Northeast corner  
of the Northeast quarter of Sec  
Range 38 East of the House Meri  
WEST 820 feet; thence South 11  
South 56° 37' East 900 feet to a  
thence North 590 feet to the po

In Section 24 - Township 6 South, Range

Lot 1 of Section 24; and also E  
Corner of Lot 2, Section 24, To  
East, Boise Meridian, and runni  
more or less, to the North 1/16  
Section; thence West at right a  
line a distance of 1025.9 feet;  
Straight line 1675.8 feet, more  
beginning.

In Section 32, Township 5 South, Range 1

The Southwest quarter of the So  
Southeast quarter of the Southw  
Township 5 South, Range 40 East

Together with all water and water right including 150 shares of the West Side Co the Chesterfield Reservoir and Canal Co

Together with all and singular, the ten-  
spourances thereunto belonging or in

the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs and assigns, warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Christian Call (SEAL)

Anna E. Call (SEAL)

STATE OF ILL. )  
COUNTY OF IANKNOT ) ss:

On this 17<sup>th</sup> day of April, 1959, before me the undersigned, a Notary Public in and for said County and State, personally appeared CHRISTIAN CALL and ANNA E. CALL, 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.

Paul J. Taylor  
Notary Public  
Anna E. Call  
Witness

SEAL

MICROFILME

August 27, 1979

Thomas Bloxham, Watermaster  
Water District # 29  
Downey, Idaho 83234

Dear Sir:

Re: Application for Transfer 29-0010 BANKS

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 17, 1979.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Enclosures

MICROFILMED

③

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

UNION GRAIN & ELEVATOR COMPANY, a corporation  
Plaintiff,

-vs-

McCammon Ditch Co., a corporation, defendants

McCammon Ditch Company, a corporation; Portland Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topal Irrigation Company, a corporation; Dowsley Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elizabeth Airport, administratrix of the estate of Harry B. Airport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Kouriell, Frank Farmer, John Symons, Joseph Simons, S. J. Palmer, W. A. Cooper, John Hall, Ross White, Willard Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Eldredge,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the statutes in such cases made and provided, afterwards brought in as parties defendant in order that a complete determination of the controversy, could be had, to-wit:

Roy Faulkner, Kepler Sessell, Thomas J. Nipper, Stephen Grimm, George John, Daniel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Neen Reese, Tom Hellman, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orsill, John Good, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Bryant Perkins, Percy Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Good, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckinsort, J. F. Corbett, Peter Larson, Joseph Smith, Carl Reed, E. J. Dolbeer, Juli City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. E. Hall, John Hall Estate, Thomas F. Terrall, Mrs. J. G. Bristol, Leslie Sharp, Lee White, Leslie Bowden, James Korbed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Harwick, Rebecca Warner, John Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnant, Nephi Hemmingsway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington E. R. Godfrey, Alonzo Avery, Jesse Avery, J. M. Jensen, E. Leo Jensen, Claus Jensen, Arthur Roswell, H. A. Toddell, May Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Kenneth Byington, D. A. Monroe Martin, O. K. Paul, A. A. Koford, Tom Harper, Henry Stiles, Spencer Stiles, A. B. Cassey, Bert Lish, Archie Lish, James Higgins, John A. Fairbanks, Edward Wilmore, Roger Seabe, James T. Benson, Arthur Fopant, Ray Kedley, James Roddy, George Chapman, D. K. Morrison, L. S. Night, Leo

RECORDED  
INDEXED

said tributaries, such amount as is required at any time, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTNEUF RIVER

| NAME OF CLAIMANT and<br>DATE OF PRIORITY.                            | AMOUNT IN C.F.S. | POINT OF DIVERSION AND PLACE<br>OF USE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 100 ✓ 1. HUBNER, Julia<br>1883-April 14<br>T. #2341                  | 2.32 c.f.s.      | said water to be diverted<br>through Higher Ditch Number 2,<br>(Knollin-Toponce Ditch), which<br>diverts from the Portneuf River<br>in the Southeast quarter of the<br>South east quarter, Section 19,<br>Township 6 South, Range 39 East;<br>and from the Southwest corner of<br>Section 19, the point of diver-<br>sion bears north 71 degrees 30<br>minutes East, 1215 feet, for the<br>irrigation of 116 acres of land<br>located in the South half of the<br>Southeast quarter, the Southwest<br>quarter of the Southeast Quarter,<br>Section 19, Township 6 South,<br>Range 39 East; the Northeast<br>quarter of the Northeast quarter,<br>the Northeast quarter of the<br>Northeast quarter; the Southwest<br>quarter of the Northeast quarter;<br>the Southeast quarter of the<br>Northwest quarter, Section 20,<br>Township 6 South Range 39 East. |
| 100 ✓ 2. SEEDINGS, Koplear.<br>1903. Sept. 26                        | 1.54 c.f.s.      | Said water to be diverted through<br>Higher Ditch No. 2 (Knol-<br>lin-Toponce Ditch), last above<br>described for the irrigation of<br>77 acres of land in the Southeast<br>quarter of the North east quarter;<br>the Northeast quarter of the<br>Southeast quarter, Section 30,<br>Township 6 South, Range 39 East;<br>the Southwest quarter of the<br>Northeast quarter; and the North-<br>east quarter of the Southeast<br>quarter, Section 29, Townshi. 6<br>South, Range thirty-nine (39)<br>East.                                                                                                                                                                                                                                                                                                                                                     |
| 100 ✓ 3. KNOLLIN, A. J.<br>1913 Apr. 15.<br><br><i>transfer #602</i> | 3.99 c.f.s.      | said water to be diverted through<br>Higher Ditch No. 2 (Knollin-To-<br>ponce Ditch) last above described,<br>for the irrigation of 100 acres of<br>land in the West half of the<br>Southeast quarter, Section 9;<br>39.5 acres in the Southeast quar-<br>ter of Southeast quarter, Section<br>9; 60 acres in the East half of<br>the Southeast quarter, Section                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

RECEIVED

SEP 4 1978

Department of Water Resources  
Boise, Idaho

Identification No. \_\_\_\_\_

Transfer No. 29-0010

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Thomas Blackman watermaster of Portland River,  
of Water District No. 29, County of Bannock, State of Idaho,  
whose address is P.O. Box 1, Lucky Idaho,  
have read the attached copy of the application for transfer of water right for  
Floyd F. Banks, and to the best of my knowledge believe the  
(name)  
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State  
Reclamation Engineer approve the Transfer subject to the following conditions:

as those set forth in the application

OR

B. I do not endorse approval of this Application for Transfer as requested  
for the following reasons: \_\_\_\_\_

Dated at Lucky, Idaho, this 28 day of Aug, 19 78

Thomas Blackman  
(Signature)

S T E O F I D A H O  
DEPARTMENT OF WATER RESOURCES  
Eastern Region

---

1515 Lincoln Road  
Idaho Falls, Idaho 83401  
(208) 523-7186

AUGUST 24, 1979

Caribou County Sun  
P. O. Box 815  
Soda Springs, Idaho 83276

Gentlemen:

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

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

Please send the affidavit of publication and publication billings to this office before SEPTEMBER 17, 1979.

Yours truly,

RONALD D. CARLSON  
Supervisor  
Eastern Region

Encl.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 29-0010

Notice is hereby given that Floyd J. Banks, Bancroft, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Portneuf River tributary to the Snake River. The right sought to be changed is evidenced by decree to Julia Hibner in Case of Union Grain & Elevator Co., a Corp. -vs- McCammon Ditch Co., a Corp., dated 8-06-1932 in Fifth Judicial District Court, Bannock County and is recorded as:

AMOUNT: 2.32 cfs      PRIORITY: 4-14-1883

DECREED DIVERSION POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E,  
B.M., Caribou County

The water is used to irrigate 116 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 30, Twp. 6S, Rge. 39E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County for the irrigation of 116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 24, Twp. 6S, Rge. 38E, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , Sec. 19, Twp. 6S, Rge. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

C. STEPHEN ALLRED  
Director

Published 8/30 and 9/6/79 in the Caribou County Sun, Soda Springs, Idaho

REC-2511

August 23, 1979

Floyd J. Banks  
Bancroft,  
Idaho 83217

Dear Sir:

Re: Application for Transfer  
Application for Amendment

Attached herewith is Departmental receipt No. 13680 in the amount of \$55.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON  
Supervisor  
Eastern Region

RDC:dh

Attachment

RECEIVED

September 28, 1979

Floyd J. Banks  
Bancroft, Idaho 83217

Dear Mr. Banks,

RE: Transfer of Water Right No. 29-0010

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2341). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON  
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES  
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ARK

1. Right number 29-0010 Applicant Floyd H. Banks
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. See copy of Warranty Deed.
  - h. ☒ Check for expansion in use of right. Comments none
  - i. ☒ Check for existing water rights from same source, on land water is being transferred to.  
Right number(s) none
  - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No  
☒ If yes, what district? Water District 29 - Portneuf River

FINAL PROCESSING REVIEW BY: \_\_\_\_\_

1. Watermaster recommendation requested on 8-27-79 Received on 9-4-79
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions\* Measuring device  
use No. 1 & 2 of transfer conditions  
(29. Portneuf River)
4. By RDC Date 9/17/79

\* All uses within Watermaster Districts require special conditions.