

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: A29-00011
Date Received: 5/15/1989
Receipt No: E007446
Received By: S.M.

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: NORMAN W. FRANK 208-684-3877
Address: 835 W 100 S
BLACKFOOT, ID 83221

AND/OR

Name: WANDA J. FRANK 208-684-3877
Address: 835 W 100 S
BLACKFOOT, ID 83221

2. Date of Priority: SEP 26, 1903

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

4. Point of Diversion:

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

5. Description of diverting works:
HEADGATE & DITCH TO FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.180		
STOCKWATER	04/01	11/01	0.050		

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

8. Total consumptive use is 340.0 Acre Feet Per Annum.

9. Non-irrigation uses:
STOCKWATER - 150 CATTLE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres	
06S	39E	29	SW		NW		IRR	30.0	
			SW		NW		STOCK		
			NW		SW		IRR	40.0	
			NW		SW		STOCK		
					Section Acres				70.0
		30	SE		NE		IRR	36.0	
			SE		NE		STOCK		
			NE		SE		IRR	30.0	
			NE		SE		STOCK		
					Section Acres				66.0
					Total Acres				136.0

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:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 1/29/1921

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO., ET. AL.
Decree Defendant

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

Number of attachments: 2

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): Norman W. Frank Date: May 15, 1989

Date: _____

State of Idaho)
County of Bonanza) SS.

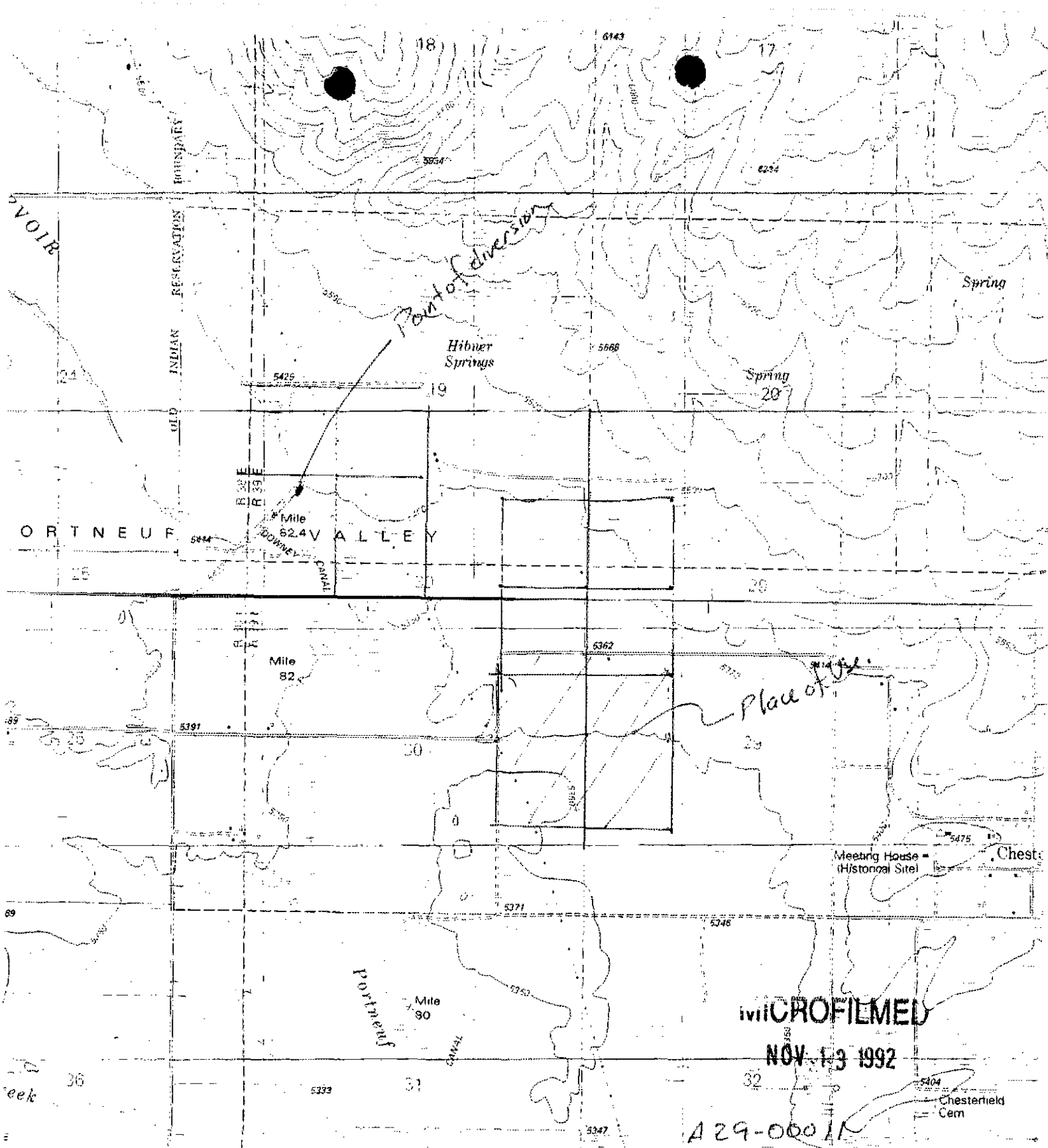
Subscribed and sworn (or affirmed) before me this 15th day
of May 19 89

Betty J. Thompson
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires
BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94



25.3

107

144

15

16
69.9

73.5

38

16.1

167

17
15.5

36.1

27.7

MAP 06A R 38E

T 6 S Sec. 20-29-30

PLM # 147

TRC # 352

NORMAN FRANK

135.9 acres
avg.

971

3

16.5

W

4
31.2

HEL

CRP

WORME

NOV 13 1992

CA/M #

A29-0001

Log for claim A29-00011

Spatial Dynamics BTD

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s39e	29	SWNW	30	28	
06s39e	29	NWSW	40	40	
06s39e	30	SENE	36	37	
06s39e	30	NESE	30	26	
Totals:			136	131	

DATE: 03/21/00
PAGE: 2

Stage: DECREED

CARIBOU County

Audit: 05/15/89 MCC 04/01/94 THOMPSON 03/29/95 POST-STD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Knollin, A. J.	0.48		
525	First Trust Co. of St. Paul	0.48	0	29-0121A

RECEIVED

R

A

N

S

F

E

R

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 525

THIS IS TO CERTIFY, That FIRST TRUST COMPANY OF ST. PAUL,
MINN., a corporation, is the owner of, and using, certain water rights
bearing dates of priority as follows:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
55.24 inches	-	July 1, 1903
134.10 inches	-	July 1, 1908
54.00 inches	-	June 1, 1910

totalling 303.34 inches of the waters of the North Fork of Toiyabe Creek, a
tributary of the Portneuf River, County of Bannock, State of Idaho,
obtained by virtue of a decree issued to A. J. Knollin, and known as
Right No. 92, issued by the Honorable O. R. Baum, Judge of the District
Court of the Fifth Judicial District of the State of Idaho, in and for
the County of Bannock, in the case of

Union Grain & Elevator Co. vs. McCommon Ditch Co., et al,
said decree bearing date of June 29, 1921, for the purpose of irrigating
the following described lands, situate, lying and being in Water District
No. 17, in the County of Bannock, State of Idaho, to-wit:

5 acres in the Northeast Quarter of the Southwest
Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); 10 acres in the Northwest Quarter
of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); 5 acres in Lot
Three (3); 2 acres in the Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); 30 acres in the Southwest
Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); 38 acres
in Lot Four (4), all in Section Twenty-five (25),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian;

33.4 acres in Lot One (1); 33.4 acres in Lot Two (2),
Section Thirty-six (36), Township Six (6) South of Range
Thirty-eight (38) East, of the Boise Meridian;

40.0 acres in Lot Two (2); 55.44 acres in North Half of
the Northwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$), Section Thirty-one (31),
Township Six (6) South of Range Thirty-nine (39) East,
of the Boise Meridian.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees at page 292.

That the said First Trust Company of St. Paul has become the owner of said water right through foreclosure of mortgage.

That, now, upon the application of First Trust Company of St. Paul for a transfer of 140.76 inches of said water rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of the following water rights, to-wit:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
30.00 inches	-	July 1, 1903
50.76 inches	-	June 1, 1910

totalling 140.76 inches of the waters of the North Fork of Toponce Creek, a tributary of Portneuf River, upon the lands above described, is hereby ABANDONED, and the lands to be irrigated under such rights, and to which the water rights hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, is described as follows:

Lots Nineteen (19) and Twenty (20), the Southwest Quarter ($SW\frac{1}{4}$), the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-five (25); East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-six (26), all in Township Six (6) South of Range Thirty-eight (38) East, of the Boise Meridian,

situate, lying and being in the County of Bannock, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

24.00 inches,	as of July 1, 1882
36.00 inches,	as of June 17, 1902
30.00 inches,	as of July 1, 1903
50.76 inches,	as of June 1, 1910

and that the remaining portion of the aforesaid Right No. 92, to-wit:

25.24 inches	-	July 1, 1903
134.10 inches	-	July 1, 1908
3.24 inches	-	June 1, 1910

totalling 162.58 inches of the waters of the North Fork of Toponce tributary to the Portneuf River, shall be appurtenant to ONLY

of the lands to which it was, by the aforementioned decree, made appurtenant,
described as follows, to-wit:

Lots Three (3) and Four (4) of Section Twenty-five (25);
Lots One (1) and Two (2) of Section Thirty-six (36),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian; and Lot Two (2) and the North Half
of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of Section Thirty-one
(31), Township Six (6) South of Range Thirty-nine (39)
East of the Boise Meridian.

That all of the above water, i. e., Right No. 92, has heretofore
been diverted from said North Fork of Toponce Creek at a point in the

Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4} NW\frac{1}{4}$) of
Section Thirty-five (35), Township Six (6) South of
Range Thirty-eight (38) East of the Boise Meridian,

through a ditch known as the Knollin Ditch, and that no change shall be
made in this point of diversion due to this transfer, but that the total
amount of water shall still be diverted at the same point and through
the said Knollin Ditch.

That the right to the use of the water aforesaid, hereby
confirmed, is restricted to the lands or place of use described herein,
as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the
seal of the Department of Reclamation to be hereunto affixed at Boise,
Idaho, this 12th day of December, 1933.

Commissioner of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
FIRST TRUST COMPANY OF ST. PAUL, MINN.,)
a corporation, for a transfer of water,) ORDER GRANTING TRANSFER
Bannock County, Idaho.)

The FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, applicant, having heretofore applied to the undersigned, as Commissioner of Reclamation of the State of Idaho, for a Certificate authorizing it to transfer the use of 140.76 inches of water of the waters of the Portneuf River and its tributaries, all as decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, vs. McGammon Ditch Company, et al, defendants," from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$);
Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$);
Lot Three (3); Southeast Quarter of Southwest Quarter
(SE $\frac{1}{4}$ SW $\frac{1}{4}$); Southwest Quarter of Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$);
Lot Four (4), all in Section Twenty-five (25), Township
Six (6) South of Range Thirty-eight (38) East, B. M.;
Lot One (1), Lot Two (2), Section Thirty-six (36), Town-
ship Six (6) South of Range Thirty-eight (38) East, B.
M.; Lot Two (2) and the North Half of Northwest Quarter
(N $\frac{1}{2}$ NW $\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South
of Range Thirty-nine (39) East, B. M.,

to the following described lands, to-wit:

Lots Nineteen (19) and Twenty (20), and the Southwest
Quarter (SW $\frac{1}{4}$), and the West Half of Southeast Quarter
(W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-five (25), Township Six (6)
South of Range Thirty-eight (38) East, B. M., and East
Half of Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-six
(26), Township Six (6) South of Range Thirty-eight (38)
East, B. M.,

such lands being a part or portion of the first described lands; and that
there shall be transferred from such lands first herein described the use

of a portion of said waters to the said lands herein described, such water being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right--July 1, 1888
36 " (.72 c. f. s.)	of water right dated June 17, 1902
30 "	of water right dated July 1, 1903
50.76 "	of water right of June 1, 1910

all as referred to in said certain Decree aforementioned, thereby making appurtenant to the said lands last herein described the said 140.76 inches of such waters and that the said lands last herein described shall be entitled to the use of such waters and after such application was filed, a notice was issued, based upon such application and due publication made of such notice, and thereafter, a remonstrance having been filed signed by Jasper W. Perkins, Parley P. Jensen, I. R. Bowler, O. R. Brangham, Thomas E. Reese, Lester Smith, J. C. Evans, and thereafter, a hearing having been had before the undersigned as Commissioner of Reclamation of the State of Idaho, and all of the Statutory requirements as provided by said Section 41-216, Idaho Code, Annotated, having been complied with, and the Watermaster of the said Portneuf River having given his non-approval of such transfer and the undersigned, as Commissioner of Reclamation, being fully advised in the premises, and it appearing to the undersigned, the Commissioner of Reclamation, that no one shall be injured by the transfer of the use of such water as applied for, and that the evidence does not disclose that the change of place of the use of waters as provided for in Section 41-216, Idaho Code, Annotated, would, in any way, injure the persons remonstrating within the contemplation of the provisions of said section as amended, and that the right to transfer the use of such water comes within the purview of the rule announced in the case of Crockett, et al, vs. Jones, et al, 47 Idaho 497, 277 Pac. 550.

IT IS THEREFORE ORDERED, That the said FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, a corporation, is hereby authorized to transfer and there is hereby transferred 140.76 inches of water and the right to the use of such water, to-wit: The right of the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that particular decree made and entered by that certain

Decree in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, entitled: "Union Grain and Elevator Company vs. McCammon Ditch Co., et al," from the said land so referred to in such Decree, the same being described as follows, to-wit:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4} SW\frac{1}{4}$);
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4} SE\frac{1}{4}$);
Lot Three (3); Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4} SW\frac{1}{4}$); Southwest Quarter of Southeast Quarter ($SW\frac{1}{4} SE\frac{1}{4}$);
Lot Four (4), all in Section twenty-five (25), Township Six (6) South, Range Thirty-eight (38) East, B. M.; Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South, Range Thirty-eight (38) East, B. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2} NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) East, B. M.,

to the following described lands, to-wit:

Lots Nineteen (19) and Twenty (20), and Southwest Quarter ($SW\frac{1}{4}$), and West Half of Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) South, Range Thirty-eight (38) East, B. M., and East Half of Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-six (26), Township Six (6) South, Range Thirty-eight (38) East, B. M.,

such waters that have been ordered transferred being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right--July 1, 1882
36 " (.72 c. f. s.)	of water right dated June 17, 1902
30 "	of water right dated July 1, 1903
50.76 "	of water right of June 1, 1910

and,

IT IS FURTHER ORDERED that the said last mentioned water, to-wit: 140.76 inches, be and the same is hereby made appurtenant to the said last described lands aforementioned and that the remaining waters mentioned in such decree be made appurtenant to the remaining lands mentioned in such decree.

IN WITNESS WHEREOF, the said undersigned, as Commissioner of Reclamation of the State of Idaho has caused this order to be issued in the name of the State of Idaho, and the seal of his office attached on this, the 12th day of December, 1933.

Commissioner of Reclamation

CERTIFICATE OF TRANSFER OF THE PLACE OF USE OF WATER PURSUANT
TO THE PROVISIONS OF SECTION 41-216, IDAHO CODE,
ANNOTATED

=====

STATE OF IDAHO)
) SS.:
COUNTY OF ADA)

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, do hereby certify that the FIRST TRUST COMPANY OF ST. PAUL, MINN., a corporation, has heretofore filed in the office of the Commissioner of Reclamation of the State of Idaho, an application wherein and whereby it sought to transfer the use of 140.76 inches of the waters of the Portneuf River and its tributaries, all as decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, -vs- McCammon Ditch Company, et al, defendants", such Water Right being described as Right No. 92, "TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER", said Right being described as follows:

"TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER

92. Knollin, A. J.:		
1882--July 1	.48 c.f.s. (24 inches)	Said water to be diverted through Knollin Ditch, which diverts water from the North Fork of Toponce Creek, in the Northeast Quarter of the Northwest Quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East, 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast Quarter, 5 acres in Lot 3; 2 acres in the
1902--June 17 at noon.	.72 c.f.s. (36 inches)	
1903--July 1	1.10 c.f.s. (55.24 inches)	
1908--July 1	2.68 c.f.s. (134.10 inches)	
1910--June 1	1.08 c.f.s. (54 inches)	
TOTAL	6.06 c.f.s.	

(2)

Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 38 acres in Lot 4, all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North Half of the Northwest quarter, Section 31, Township 6 South, Range 38 East. "

from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Lot Four (4) All in Section Twenty-five (25) Township Six (6) South Range Thirty-eight (38) E. B. M., Lot One (1), Lot Two (2), Section Thirty-six (36) Township Six (6) South, Range Thirty-eight (38) E. B. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25, Township 6 South, Range 38 E. B. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. B. M.

such lands being a part or portion of the first described lands and that there shall be transferred from such lands first herein described the use of a portion of said waters to the said lands described herein, such water being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right—July 1, 1882
36 " (.72 c.f.s.)	of water right dated June 17, 1902
30 "	of water right dated July 1, 1903
50.76 inches	of water right of June 1, 1910

and that on the _____ day of December, 1883, an order was issued authorizing such transfer wherein and whereby there was transferred the use of 140.76 inches of the waters of the Portneuf River and its tributaries, to the following described lands, to-wit:

Lots 19 and 20, and Southwest Quarter, and the West Half of Southeast Quarter of Section 25, Township 6 South, Range 38 E. B. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. B. M.

such water being transferred being more particularly described as follows,
to-wit:

(3)

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 inches (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1903
50.70" of water right of June 1, 1910

and such water being made appurtenant to the land last hereinabove described,
and the same having been transferred from the following described lands, to-
wit:

Northeast Quarter of Southwest Quarter (NE $\frac{1}{4}$ of SW $\frac{1}{4}$)
Northwest Quarter of Southeast Quarter (NW $\frac{1}{4}$ of SE $\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter
(SE $\frac{1}{4}$ of SW $\frac{1}{4}$), Southwest Quarter of the Southeast Quarter
(SW $\frac{1}{4}$ of SE $\frac{1}{4}$), Lot Four (4) All in Section Twenty-five
(25) Township Six (6) South Range Thirty-eight (38) E. R. M.
Lot One (1), Lot Two (2), Section Thirty-six (36), Town-
ship Six (6), South, Range Thirty-eight (38) E. R. M.
Lot Two (2) and the North Half of the Northwest Quarter
(N $\frac{1}{2}$ of NW $\frac{1}{4}$) Section Thirty-one (31) Township Six (6)
South, Range Thirty-nine (39) E. R. M.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal of my office this _____ day of December, 1933.

COMMISSIONER OF RECLAMATION
STATE OF IDAHO

CERTIFICATE OF TRANSFER OF THE PLACE OF USE OF WATER PURSUANT
TO THE PROVISIONS OF SECTION 41-216, IDAHO CODE,
ANNOTATED

STATE OF IDAHO)
COUNTY OF ADA) SS.:

I, R. W. FARIS, Commissioner of Reclamation of the State of Idaho, do hereby certify that the FIRST TRUST COMPANY OF ST. PAUL, MINN., a corporation, has heretofore filed in the office of the Commissioner of Reclamation of the State of Idaho, an application wherein and whereby it sought to transfer the use of 140.76 inches of the waters of the Portneuf River and its tributaries, all as decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, -vs- McCammon Ditch Company, et al, defendants", such Water Right being described as Right No. 32, "TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER", said Right being described as follows:

"TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER

32. Knollin, A. J.:		
1882--July 1	.48 c.f.s. (24 inches)	Said water to be diverted through Knollin Ditch, which diverts water from the North Fork of Toponce Creek, in the Northeast Quarter of the Northwest Quarter, Section 35, Township 6 South, Range 58 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East, 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast Quarter, 5 acres in Lot 3; 2 acres in the
1902--June 17 at noon.	.72 c.f.s. (36 inches)	
1905--July 1	1.10 c.f.s. (55.24 inches)	
1908--July 1	2.68 c.f.s. (134.10 inches)	
1910--June 1	1.08 c.f.s. (54 inches)	
TOTAL	6.06 c.f.s.	

(2)

Southeast quarter of the Southwest quarter; 50 acres in the Southwest quarter of the Southeast quarter; 58 acres in Lot 4, all in Section 25, Township 6 South, Range 38 East; 55.4 acres in Lot 1; 55.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North Half of the Northwest quarter, Section 31, Township 6 South, Range 38 East. *

from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Lot Four (4) All in Section Twenty-five (25) Township Six (6) South Range Thirty-eight (38) E. R. M., Lot One (1), Lot Two (2), Section Thirty-six (36) Township Six (6) South, Range Thirty-eight (38) E. R. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) E. R. M.

to the following described lands, to-wit:

Lots 19 and 20, and the Southwest Quarter, and the West Half of the Southeast Quarter of Section 25, Township 6 South, Range 38 E. R. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. R. M.

such lands being a part or portion of the first described lands and that there shall be transferred from such lands first herein described the use of a portion of said waters to the said lands described herein, such water being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right—July 1, 1882
38 " (.72 c.f.s.)	of water right dated June 17, 1902
50 "	of water right dated July 1, 1905
50.76 inches	of water right of June 1, 1910

and that on the _____ day of December, 1935, an order was issued authorizing such transfer wherein and whereby there was transferred the use of 140.76 inches of the waters of the Portneuf River and its tributaries, to the following described lands, to-wit:

Lots 19 and 20, and Southwest Quarter, and the West Half of Southeast Quarter of Section 25, Township 6 South, Range 38 E. B. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. B. M.

such water being transferred being more particularly described as follows, to-wit:

(3)

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 inches (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1903
50.76" of water right of June 1, 1910

and such water being made appurtenant to the land last hereinabove described,
and the same having been transferred from the following described lands, to-
wit:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter
($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of the Southeast Quarter
($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Lot Four (4) All in Section Twenty-five
(25) Township Six (6) South Range Thirty-eight (38) E. B. M.
Lot One (1), Lot Two (2), Section Thirty-six (36), Town-
ship Six (6), South, Range Thirty-eight (38) E. B. M.
Lot Two (2) and the North Half of the Northwest Quarter
($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31) Township Six (6)
South, Range Thirty-nine (39) E. B. M.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my
official seal of my office this 2 _____ day of December, 1933.

R. W. FARIS

COMMISSIONER OF RECLAMATION

STATE OF IDAHO

RECORDED
DEC 11 1933

ORDER PERMITTING TRANSFER OF THE USE OF 140.76 inches OF THE WATER
OF THE PORTNEUF RIVER AND ITS TRIBUTARIES.

OFFICE OF COMMISSIONER OF RECLAMATION,)
STATE OF IDAHO) SS.:
COUNTY OF ADA)

The FIRST TRUST COMPANY OF SAINT PAUL, MINN., applicant,
having heretofore applied to the undersigned, As Commissioner of
Reclamation of the State of Idaho for a certificate authorizing it
to transfer the use of 140.76 inches of water of the waters of the
Portneuf River and its tributaries, all as decreed in that certain
decree made and entered by the District Court of the Fifth Judicial
District of the State of Idaho in and for the County of Bannock in
that certain action entitled: "Union Grain and Elevator Company, a
corporation, plaintiff -vs- McCammon Ditch Company, et al, defendants,"
from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter
($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$
of $SE\frac{1}{4}$), Lot Four (4) all in Section Twenty-five (25) Town-
ship Six (6) South Range Thirty-eight (38) E. B. M., Lot
One (1), Lot Two (2), Section Thirty-six (36), Township Six
(6) South, Range Thirty-eight (38) E. B. M., Lot Two (2)
and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$)
Section Thirty-one (31) Township Six (6) South, Range Thirty-
nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and the Southwest Quarter, and the West Half
of Southeast Quarter of Section 25, Township 6 South,
Range 38 E. B. M. and East Half of Southeast Quarter of
Section 26, Township 6 South, Range 38 E. B. M.

such lands being a part or portion of the first described lands and
that there shall be transferred from such lands first herein described
the use of a portion of said waters to the said lands described herein
described, such water being more particularly described as follows, to-
wit:

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 " (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1903

(2)

50.76 inches of water right of June 1, 1910 all as referred to in said certain Decree aforementioned, thereby making appurtenant to the said lands last herein described the said 140.76 inches of such waters and that the said lands last herein described shall be entitled to the use of such waters and after such application was filed, a notice was issued, based upon such application and due publication made of such notice, and thereafter, a remonstrance having been filed signed by Jasper W. Perkins, Parley P. Jensen, I. R. Bowler, O. R. Brangham, Thomas F. Reese, Lester Smith, J. C. Evans, and thereafter, a hearing having been had before the undersigned as Commissioner of Reclamation of the State of Idaho, and all of the statutory requirements as provided by said Section 41-216, IDAHO CODE, ANNOTATED, having been complied with, and the Water Master of the said Portneuf River, having given his non-approval of such transfer and the undersigned, as Commissioner of Reclamation being fully advised in the premises, and it appearing to the undersigned, the Commissioner of Reclamation, that no one shall be injured by the transfer of the use of such waters as applied for, and that the evidence does not disclose that the change of place of the use of waters as provided for in Section 41-216, IDAHO CODE, ANNOTATED, would, in any way, injure the persons remonstrating within the contemplation of the provisions of said section as amended, and that the right to transfer the use of such water comes within the purview of the rule announced in the case of CROCKETT, et al v. JONES, et al, 47 Idaho 497, 277 Pac. 550.

IT IS, THEREFORE, ORDERED that the said First Trust Company of St. Paul, Minn., a corporation, is hereby authorized to transfer and there is hereby transferred 140.76 inches of water and the right to the use of such water, to-wit: the right of the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that particular decree made and entered by that certain Decree in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, entitled:

"Union Grain and Elevator Company vs. McCammon Ditch Co., et al,"
from the said land so referred to in such Decree, the same being
described as follows, to-wit:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter
($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$
of $SE\frac{1}{4}$), Lot Four (4) all in Section twenty-five (25)
Township Six (6) South Range Thirty-eight (38) E. B. M.
Lot One (1), Lot Two (2), Section Thirty-six (36),
Township Six (6) South, Range Thirty-eight (38) E. B. M.,
Lot Two (2) and the North Half of the Northwest Quarter
($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31) Township Six (6)
South, Range Thirty-nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and Southwest Quarter, and West Half of
Southeast Quarter of Section 25, Township 6 South, Range
38 E. B. M. and East Half of Southeast Quarter of Section
26, Township 6 South, Range 38 E. B. M.

such waters that have been ordered transferred being more particularly
described as follows, to-wit:

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 " (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1903
50.76" of water right of June 1, 1910

and,

IT IS FURTHER ORDERED that the said last mentioned water
to-wit: 140.76 be and the same is hereby made appurtenant to the said
last described lands aforementioned and that the remaining waters
mentioned in such decree be made appurtenant to the remaining lands
mentioned in such Decree.

IN WITNESS WHEREOF, the said undersigned, as Commissioner
of Reclamation of the State of Idaho has caused this order to be
issued in the name of the State of Idaho, and the seal of his office
attached on this, the ____ day of December, 1933.

COMMISSIONER OF RECLAMATION

ORDER PERMITTING TRANSFER OF THE USE OF 140.76 inches OF THE WATER
OF THE PORTNEUF RIVER AND ITS TRIBUTARIES.

OFFICE OF COMMISSIONER OF RECLAMATION,
STATE OF IDAHO
COUNTY OF ADA

} SS.:

The FIRST TRUST COMPANY OF SAINT PAUL, MINN., applicant,
having heretofore applied to the undersigned, As Commissioner of
Reclamation of the State of Idaho for a certificate authorizing it
to transfer the use of 140.76 inches of water of the waters of the
Portneuf River and its tributaries, all as decreed in that certain
decree made and entered by the District Court of the Fifth Judicial
District of the State of Idaho in and for the County of Bannock in
that certain action entitled: "Union Grain and Elevator Company, a
corporation, plaintiff -vs- McCammon Ditch Company, et al, defendant,"
from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter
($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of the Southeast Quarter ($SW\frac{1}{4}$
of $SE\frac{1}{4}$), Lot Four (4) all in Section Twenty-five (25) Town-
ship Six (6) South Range Thirty-eight (38) E. B. M., Lot
One (1), Lot Two (2), Section Thirty-six (36), Township Six
(6) South, Range Thirty-eight (38) E. B. M., Lot Two (2)
and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$)
Section Thirty-one (31) Township Six (6) South, Range Thirty-
nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and the Southwest Quarter, and the West Half
of Southeast Quarter of Section 25, Township 6 South,
Range 38 E. B. M. and East Half of Southeast Quarter of
Section 28, Township 6 South, Range 38 E. B. M.

such lands being a part or portion of the first described lands and
that there shall be transferred from such lands first herein described
the use of a portion of said waters to the said lands described herein
described, such water being more particularly described as follows, to-
wit:

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 " (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1905

50.76 inches of water right of June 1, 1910 all as referred to in said certain Decree aforementioned, thereby making appurtenant to the said lands last herein described the said 140.76 inches of such waters and that the said lands last herein described shall be entitled to the use of such waters and after such application was filed, a notice was issued, based upon such application and due publication made of such notice, and thereafter, a remonstrance having been filed signed by Jasper W. Perkins, Parley P. Jensen, I. R. Bowler, O. R. Brangham, Thomas E. Reese, Lester Smith, J. C. Evans, and thereafter, a hearing having been had before the undersigned as Commissioner of Reclamation of the State of Idaho, and all of the statutory requirements as provided by said Section 41-216, IDAHO CODE, ANNOTATED, having been complied with, and the Water Master of the said Portneuf River, having given his non-approval of such transfer and the undersigned, as Commissioner of Reclamation being fully advised in the premises, and it appearing to the undersigned, the Commissioner of Reclamation, that no one shall be injured by the transfer of the use of such water as applied for, and that the evidence does not disclose that the change of place of the use of waters as provided for in Section 41-216, IDAHO CODE, ANNOTATED, would, in any way, injure the persons remonstrating within the contemplation of the provisions of said section as amended, and that the right to transfer the use of such water comes within the purview of the rule announced in the case of CROCKETT, et al v. JONES, et al, 47 Idaho 497, 277 Pac. 550.

IT IS, THEREFORE, ORDERED that the said First Trust Company of St. Paul, Minn., a corporation, is hereby authorized to transfer and there is hereby transferred 140.76 inches of water and the right to the use of such water, to-wit: the right of the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that particular decree made and entered by that certain Decree in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, entitled:

"Union Grain and Elevator Company vs. McCammon Ditch Co., et al,"

from the said land so referred to in such Decree, the same being described as follows, to-wit:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
 Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
 Lot Three (3), Southeast Quarter of the Southwest Quarter
 ($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$
 of $SE\frac{1}{4}$), Lot Four (4) all in Section twenty-five (25)
 Township Six (6) South Range Thirty-eight (38) E. B. M.
 Lot One (1), Lot Two (2), Section Thirty-six (36),
 Township Six (6) South, Range Thirty-eight (38) E. B. M.,
 Lot Two (2) and the North Half of the Northwest Quarter
 ($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31) Township Six (6)
 South, Range Thirty-nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and Southwest Quarter, and West Half of
 Southeast Quarter of Section 25, Township 6 South, Range
 38 E. B. M. and East Half of Southeast Quarter of Section
 26, Township 6 South, Range 38 E. B. M.

such waters that have been ordered transferred being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right—July 1, 1882
36 " (.72 c. f. s.)	of water right dated June 17, 1902
50 "	of water right dated July 1, 1905
50.76"	of water right of June 1, 1910

and,

IT IS FURTHER ORDERED that the said last mentioned water to-wit: 140.76 be and the same is hereby made appurtenant to the said last described lands aforementioned and that the remaining waters mentioned in such decree be made appurtenant to the remaining lands mentioned in such Decree.

IN WITNESS WHEREOF, the said undersigned, as Commissioner of Reclamation of the State of Idaho has caused this order to be issued in the name of the State of Idaho, and the seal of his office attached on this, the _____ day of December, 1933.

COMMISSIONER OF RECLAMATION

566
8-6-32

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

ELEVATOR COMPANY, a corporation
Plaintiff,

-vs-

McCammon Ditch Co., a corporation, defendants

McCammon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Dampsey 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 Kinport, Administratrix of the estate of Harry B. Kinport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, F. A. Barron, George Romrell, Frank Warner, John Symons, Joseph Simons, E. J. Palmer, W. A. Cooper, John Hall, Roe 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 statute 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 Sessions, Thomas J. Nipper, Stephen Grimes, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orill, John Good, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Oswald Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Bryant Perkins, Parley Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Good, Robert Kenford, Alvin Hogan, Joseph Purvis, David Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckinghorst, J. F. Corbett, Peter Anderson, Joseph Smith, Earl Woods, E. J. Dalbeor, Hall City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. E. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Leslie Sharp, Lee White, Leslie Borden, James Koiced, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. A. Boyce, J. H. Maughn, G. H. Maughn, F. D. Eganent, Nechi Horsingway, F. V. Briscoe, Clarence Avery, John H. Avery, John Byington, L. L. Godfrey, Alvin Avery, Jesse Avery, J. E. Jensen, F. Lee Jensen, Cleon Jensen, Arthur Russell, H. A. Young, Ray Dixon, Charles Strick, Joseph Bell, Herbert Byington, John Hamer, H. K. Ward, C. E. Potter, Adrian Campbell, Ira Byington, Alfred Haack, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Lamm, A. A. Koford, Tom Heiler, Bruce Stolpo, Spencer Godfrey, A. B. Cheney, Bert Lish, Archie Lish, James H. Lish, John G. Fairchild, Foster, Edward Simons, Edgar Beebe, James T. Benson, Arthur Foxmont, Ray Keiley, James Roddy, George Chapman, D. K. Merrick, L. S. Wight, Leo

ELDWIDGE, L. A. ✓
1902 June 17. (12 o'clock M.)
.70 c.f.s.
Up to July 1st of each irrigation season.

ELDWIDGE, J. A. ✓
1902 June 17 .60 c.f.s.
(12 o'clock M.)
Up to July 1st of each irrigation season.

ELDWIDGE, J. A. 1.70 c.f.s.
1902 June 17
(12 o'clock M.)
Up to July 1st of each irrigation season.

ELDWIDGE, J. A. 1.1 c.f.s.
1902 June 17
At 12 o'clock M.
for the entire irrigation season of each and every year.

ELDWIDGE, L. A. 1.1 c.f.s.
1902 June 17
(12 o'clock Noon)
Up to July 1st of each irrigation season.

TOPANCE CREEK, NORTH FORK, TRIBUTARY TO THE FORTNECK RIVER

KNOLLIN, J. J.
1902 July 1 .43 c.f.s.
(12 o'clock)

tion of 45 acres within the South half of the Southeast quarter of Section 6, and the Northeast quarter of Section 7, Township 7 South, Range 39 East, R. M.

Said water to be diverted by means of a ditch located at a point which bears South 20 degrees 45 minutes West, 3110 feet, from the Northeast corner of Section 7, Township 7 South, Range 39 East, for the irrigation of 25 acres of land lying within Lot 1, and the Northeast quarter of Section 7, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake at a point which bears North 25 degrees 30 minutes West, 2660 feet, from the Southwest corner of Lot 4, Section 36, Township 6 South, Range 39 East, R. M., for the irrigation of 30 acres of land lying within Lot 3, Section 36, Township 6 South, Range 39 East, Lot 3, and the East half of the Southwest quarter of Section 31, Township 6 South, Range 39 East R. M.

Said water to be diverted by means of a ditch having its intake at a point which bears North 49 degrees 15 minutes West, 1640 feet, from the South quarter corner of Section 36, Township 6 South, Range 38 East, for the irrigation of 85 acres of land lying within Lots 3 and 4, Section 36, Township 6 South, Range 38 East; Lot 4, and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East, and Lots 1, 2, and 3, Section 6, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake at a point which bears South 1000 feet from the South quarter corner of Section 36, Township 7 South, Range 39 East; for the irrigation of 105 acres of land lying within Lots 1, 2, 3, 4, and 5, and the Southeast quarter of Section 6, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake in Lot 1, Section 1, Township 7 South, Range 38 East, for the irrigation of 105 acres of land lying within Lots 4 and 5; and the South half of the South-east quarter of Section 6, and Lot 1, and the North half of the Northeast quarter of Section 7, Township 7 South, Range 39 East.

Said water to be diverted through Knollin ditch which diverts water from the North Fork of Topance Creek, in the Northeast quarter

RECORDED

Name of Applicant.

6-38

July 6-38

6-39

Wm. G. 92
Ref. 95

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

5 acres NW 1/4 SW

10 " NW 1/4 E

5 " Set. 3

2 " S.E. 1/4

30 " SW 1/4 E

38 " Set 4 6-5

33.4 acres SW

33.4 acres Set 2 6-5

10 acres Set 2

15 acres NW 1/4 NW 31-

1.2. Acres per acre of water

Legend. Int. figures show amt. Original area.

 Land ^{Call} ~~being~~ purchasing from the Trust.

 Int. Trust Lands.

Water Applicant to Call Land. 44-56.4

Desire to transfer. 98.76
84.36

Fort. T. ...

36

Name of Applicant.....

6-36

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SEC.

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44
24

SEC.

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SEC.

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SEC.

SEC.

SEC.

SEC.

71 - 67

SEC.

SEC.

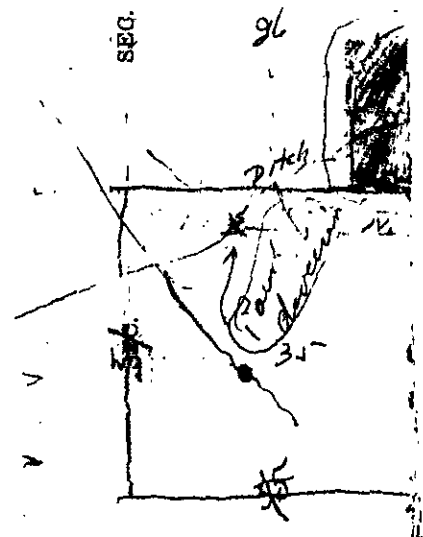
SEC.

96

SEC.

SEC.

SEC.



APPLICATION FOR CHANGE OF PLACE OF USE OF WATER IN
PURSUANCE TO PROVISIONS OF SECTION 41-216, IDAHO
CODES. ANNOTATED

TO: R. W. FARIS, COMMISSIONER OF RECLAMATION OF THE STATE OF IDAHO:

Your applicant, First Trust Company of Saint Paul, a corporation, of St. Paul, Minnesota, is the owner of and in possession of the following described lands, to-wit: situated in Bannock County, Idaho:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (5), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Lot Four (4) all in Section Twenty-five (25) Township Six (6) South Range Thirty-eight (38) E. B. M., Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South, Range Thirty-eight (38) E. B. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31) Township Six (6) South, Range Thirty-nine (39) E. B. M.

and that, in accordance with the terms of that certain decree made and entered in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock in that certain action entitled "Union Grain and Elevator Company, a corporation, plaintiff, versus McCammon Ditch Company, et al, defendants, there was decreed to, and made appurtenant to the above described lands the following described water rights:

1882—July 1	.48 c. f. s. (24 inches)
1902—June 17 (at noon)	.72 c. f. s. (36 inches)
1903—July 1	1.10 c. f. s. (55.24 inches)
1908—July 1	2.68 c. f. s. (134.10 inches)
1910—June 1	1.08 c. f. s. (54 inches)
TOTAL 6.06 c. f. s.	

and that such waters were to be diverted through a ditch known as the "Knollin Ditch" described as follows:

"Which diverts water from the North Fork of Toponce Creek, in the Northeast quarter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East, 1748 feet, for the irrigation of land described * * *

(2)

and of such waters, no particular water of any priority date was made appurtenant to any particular described land but that the said waters were to be used upon the above described premises in the following manner:

5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres in Lot 5; 2 acres in the Southeast quarter of the Southwest quarter; 50 acres in the Southwest quarter of the Southeast quarter; 58 acres in Lot 4, all in Section 25, Township 6 South, Range 38 East; 55.4 acres in Lot 1; 55.4 acres in Lot 2; Section 38, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 51, Township 6 South, Range 39 East

that is to say, that the water bearing date of July 1, 1882 was not made appurtenant to any particular described subdivision but that all of the said water so decreed to A. J. Knollin and as described hereinbefore was made appurtenant to all of the said lands, or any portion of said lands that was irrigable.

That your applicant herein succeeded to the rights of the said A. J. Knollin, the same known as "Right No. 92" in the said decree, aforementioned, and now desires to have certain of the said waters so decreed to the said lands made appurtenant to certain particular lands, in this, to-wit:

To Lots 19 and 20, and Southwest Quarter, and West Half of Southeast Quarter of Section 25, Township 6 South, Range 38 E. B. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. B. M.

the following described waters, to-wit:

24 inches (.48 c. f. s.)	of water right—July 1, 1882
36 " (.72 c. f. s.)	of water right dated June 17, 1902
50 "	of water right dated July 1, 1903
50.76 "	of water right of June 1, 1910

such lands having enough irrigable acreage thereon to utilize the water so sought to be transferred, thereby leaving as appurtenant to the remaining tract of land the following described water rights:

25.24 inches	of the right of July 1, 190 ³
154.10 inches	of the water right of July 1, 1908 ✓
3.24 inches	of the water right of June 1, 1910

and all of the said waters so sought to be transferred, at certain times, having been used upon the irrigable portions of the said premises to which it is now sought to be made particularly appurtenant;

(3)

That, by the making of such change of the use of said water as hereinbefore petitioned, will not require a new or different point of diversion and that it will permit your said petitioner herein to better utilize the said lands and that no other appropriator of the waters of the said Portneuf River, or its tributaries, will be injured by such transfer, the permission sought being that merely of having waters of the particular priority made appurtenant to particular described lands, all of which such water being a part of the water that was decreed and all of the lands being a part of the lands to which the said water was decreed, so that the said particular lands to which your applicant desires the water made appurtenant will have a saleable and marketable value.

DATED: SEPTEMBER 19, 1933.

FIRST TRUST COMPANY OF ST. PAUL, MINN.,
A corporation,

BY: O. T. Baum
Its Attorney,

STATE OF IDAHO
County of BANNOCK

I, F. O. NELSON, Watermaster of the PORTNEUF RIVER, Water District No. 17, County of Bannock, State of Idaho, whose postoffice address is LAVA HOT SPRINGS, IDAHO, have read or heard read the foregoing affidavit and petition of the FIRST TRUST COMPANY OF ST. PAUL, and, of my own knowledge, believe the same to be true as to all matters therein alleged and that no one will be injured by the transfer prayed to be authorized: and I hereby endorse my approval of said petition, and request that the COMMISSIONER of RECLAMATION issue the certificate of transfer as petitioned: or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons: *I do not approve the issuance of this certificate of transfer for the following reasons: The early decrees have supplied water for the lower lands ever since the date of their granting. It will injure the lower lands. The uplands to which it is proposed to transfer the water will require much more water for power and this will deprive the riparian to all other users of water from Toponas Creek.* F. O. Nelson

Watermaster, District No. 17.

Dated at Brian Idaho, this 6th day of December 1933.

(4)

STATE OF IDAHO)
)
COUNTY OF BANNOCK) SS.:

O. R. BAUM, being first duly sworn, on his oath, states:

That he is in the employ of the FIRST TRUST COMPANY OF ST. PAUL, MINN., a corporation, and that said corporation is the owner of the premises described in the above and foregoing Petition and that it desires to transfer the use of certain of the said waters to the lands as therein described and that he has been authorized by said applicant to make this application and to present the same to the Commissioner of Reclamation of the State of Idaho and that he has read the above and foregoing petition and that the facts therein stated, he verily believes to be true.



Subscribed and sworn to before me this _____ day of September,
1933.

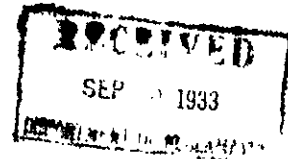


NOTARY PUBLIC IN AND FOR IDAHO,
Residence: Pocatello, Idaho
*
*

(S E A L)

1933
SEP 11 1933

NOTICE OF APPLICATION FOR CHANGE OF PLACE
OF USE OF WATER IN PURSUANCE TO PROVISIONS
OF SECTION 41-216, IDAHO CODES, ANNOTATED



NOTICE IS HEREBY GIVEN that the First Trust Company of St. Paul, Minnesota, a corporation, has applied to the Commissioner of Reclamation of the State of Idaho for a certificate authorizing it to transfer the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, versus McCammon Ditch Company, et al, defendants" from the land upon which it is now being used, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}$ of $SW\frac{1}{4}$)
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}$ of $SE\frac{1}{4}$)
Lot Three (3), Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}$ of $SW\frac{1}{4}$), Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}$ of $SE\frac{1}{4}$), Lot Four (4) all in Section Twenty-five (25) Township Six (6) South Range Thirty-eight (38) E. B. M., Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South, Range Thirty-eight (38) E. B. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2}$ of $NW\frac{1}{4}$) Section Thirty-one (31) Township Six (6) South, Range Thirty-nine (39) E. B. M.

to the following described lands, to-wit:

Lots 19 and 20, and Southwest Quarter, and West Half of Southeast Quarter of Section 25, Township 6 South, Range 38 E. B. M. and East Half of Southeast Quarter of Section 26, Township 6 South, Range 38 E. B. M.

that is to say, of the waters so decreed to the lands first herein described, there shall be transferred from such lands the use of a portion of said waters, the same being particularly described as follows:

24 inches (.48 c. f. s.) of water right—July 1, 1882
36 " (.72 c. f. s.) of water right dated June 17, 1902
30 " of water right dated July 1, 1903
50.76 " of water right of June 1, 1910

so that of the said waters so decreed to the said lands first herein described, such waters as last herein described shall be appurtenant to

RECORDED

(2)

and the right of the said lands last herein described, and the said lands last herein described shall be entitled to the use of the said waters last herein mentioned and that, on the 11th day of October, 1933, at the hour of 10:00, A.M. in the forenoon of said day, at Boise, Idaho, before the Commissioner of Reclamation, or his authorized agent, the opportunity will be given to any and all persons to appear and present for consideration any reason or reasons why a certificate should not be issued, authorizing such transfer.

DATED: SEPTEMBER 27, 1933.

R. W. FARIS

COMMISSIONER OF RECLAMATION,

Residence: State House, Boise, Idaho

RECORDED

T6S.R38E

T6S.R39E

MAP
OF
KNOLLIN LANDS
IN
BANNOCK COUNTY
IDAHO.

(First Trust Co., St. Paul, Minn.
Successor in interest)

26

25

30

KNOLLIN

LAND

5A

10A

5A

2A

30A

38A

LOT 19

LOT 3

LOT 20

LOT 4

LOT 1

33.4A

55.4AA

LOT 2

33.4A

40A

A X POINT OF DIVERSION
(DECTO 2)

North Fork TORONCE CREEK

Present Point of Diversion

35

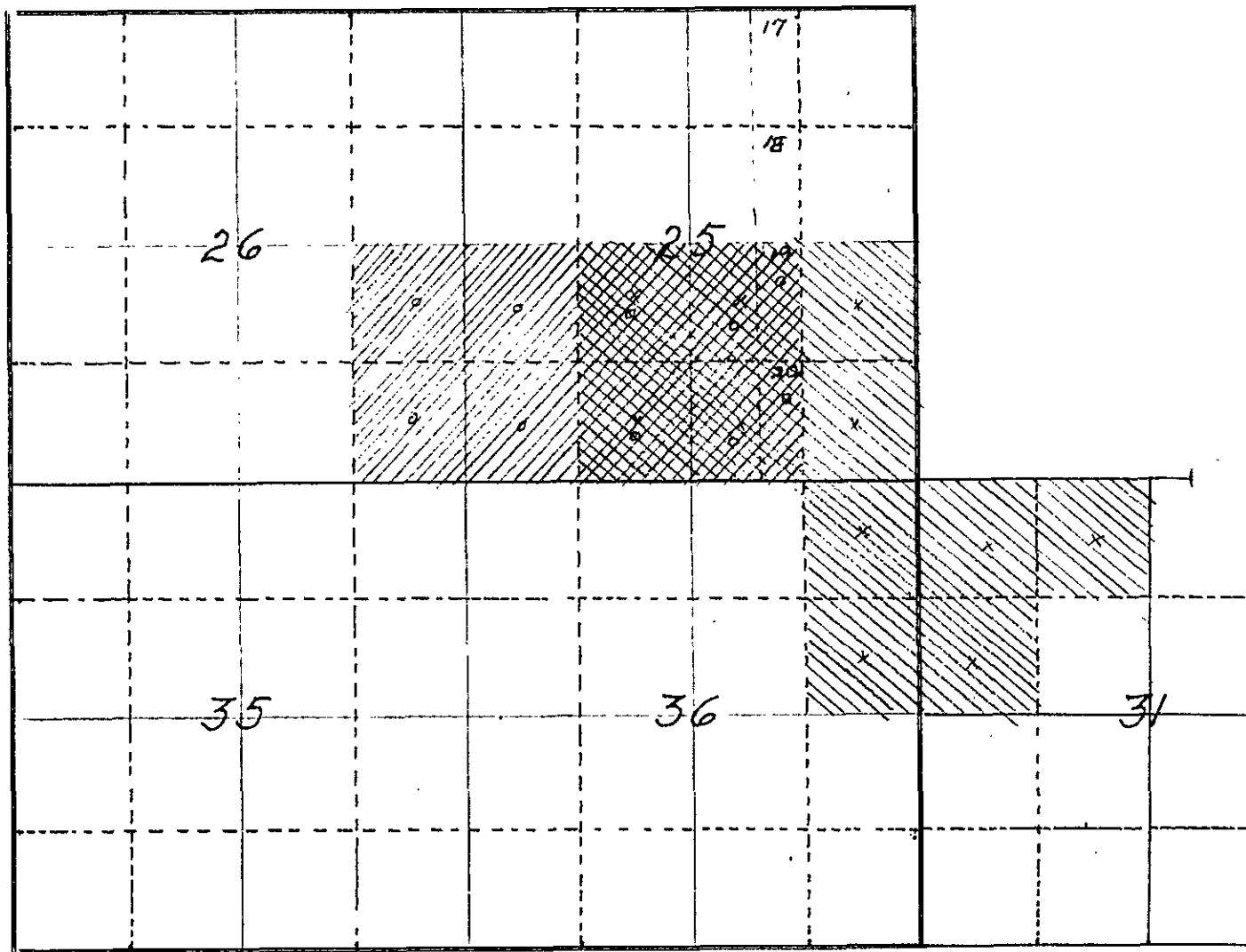
36

Booth

Booth

I. Name First Trust Co. of St. Paul

II. T. 6 S. R. 38 E. Section



Remarks:

 Lands to which 303.34 inches was decreed, and to which 162.58 is still appertenant.

 Lands to which 140.76 is hereby transferred.

 Lands that have some portion of the 162.58 inches not transferred, and also a portion of the 140.76 that is transferred.

MICROFILMED

OF THE BOISE MERIDIAN, IDAHO.

AT

VATION

Township N. 6 South R.

SEC. 3

SEC. 2

SEC. 10

SEC. 11

SEC. 15

SEC. 14

SEC. 22

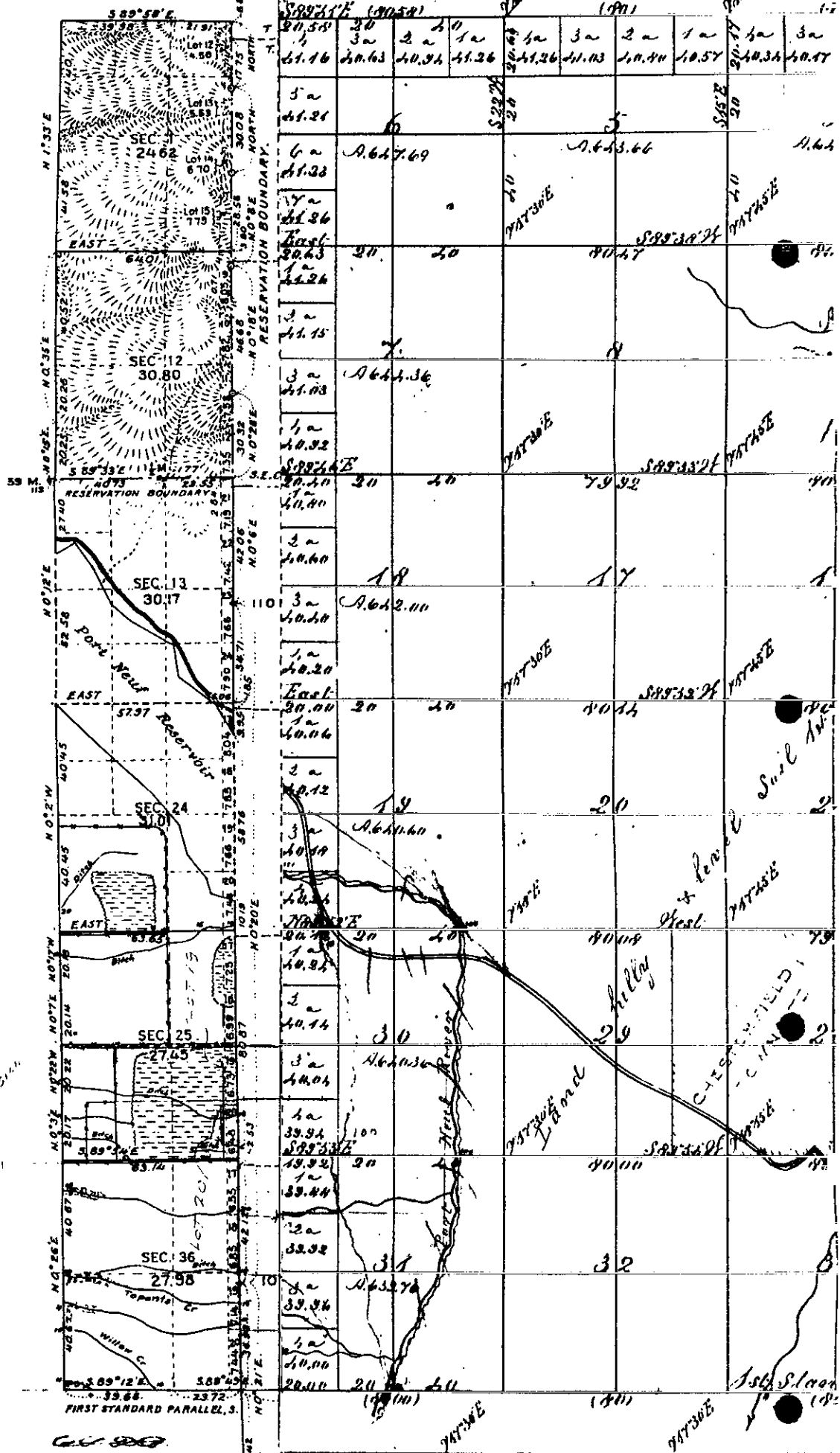
SEC. 23

SEC. 27

SEC. 26

SEC. 34

SEC. 35



Range No. 39 East Boise Meridian.

