

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: A29-00052
Date Received: 2/14/1990
Receipt No: ED12060
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PORTNEUF MARSH VALLEY CANAL CO., LTD. 208-897-5206
Address: C/O THAYNE THOMPSON
18526 S. OLSON RD.
DOWNEY, ID 83234

2. Date of Priority: DEC 18, 1907

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
09S	37E	22		7	BANNOCK

5. Description of diverting works:
HEADING FOR THE PROTNEUF MARSH VALLEY CANAL.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	05/01	09/15	176.850		

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

8. Total consumptive use is 12667.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
10S	37E	5	NW	SW	IRR	2.0
			SW	SW	IRR	12.4
			SE	SW	IRR	8.0

Section Acres 22.4

A29-00052

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Date: 02/14/90

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NOV 13 1992



IMPORTANT MESSAGE

FOR Dave C.

DATE 5/9/01 TIME 3:12 ^{A.M.}~~P.M.~~

M Ellie Gilbert

OF Portney Marsh Valley Coal Co.

PHONE 897-5917-home
AREA CODE NUMBER EXTENSION

☐ FAX

☒ MOBILE 681-5917-cell
AREA CODE NUMBER TIME TO CALL

TELEPHONED	☒	PLEASE CALL	☒
CAME TO SEE YOU	☐	WILL CALL AGAIN	☐
WANTS TO SEE YOU	☐	RUSH	☐
RETURNED YOUR CALL	☐	SPECIAL ATTENTION	☐

MESSAGE _____

Please contact them
before you do your
field exam - They want
to show you their system

SIGNED JC

10. Place of Use: Continued

Township 10S	Range 37E	Section 8	1/4 SW	of 1/4 SE	Lot	Use IRR	Acres 38.0
						Section Acres	38.0
		17	NW	NE		IRR	38.0
			SE	NE		IRR	15.0
			NE	SW		IRR	7.0
			NW	SW		IRR	16.0
			SW	SW		IRR	37.0
			SE	SW		IRR	40.0
			NE	SE		IRR	30.0
			NW	SE		IRR	25.0
			SW	SE		IRR	35.0
			SE	SE		IRR	30.0
						Section Acres	273.0
		19	SE	NE		IRR	5.5
			NE	SE		IRR	5.5
						Section Acres	11.0
		20	NW	NE		IRR	40.0
			SW	NE		IRR	23.0
			NE	NW		IRR	20.0
			SW	NW		IRR	15.0
			SE	NW		IRR	21.0
			NE	SW		IRR	2.0
			NW	SW		IRR	25.0
			SE	SW		IRR	14.3
			SW	SE		IRR	27.5
						Section Acres	187.8
		28	SW	SW		IRR	30.0
			SE	SW		IRR	40.0
						Section Acres	70.0
		29	NW	NE		IRR	26.0
			SW	NE		IRR	25.0
			NE	NW		IRR	30.0
			NW	NW		IRR	8.0
			SW	NW		IRR	11.0

10. Place of Use: Continued

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
10S	37E	29	SE	NW		IRR	24.0
			NE	SW		IRR	40.0
			NW	SW		IRR	16.0
			SE	SW		IRR	30.0
			NW	SE		IRR	24.0
			SW	SE		IRR	38.0
			SE	SE		IRR	40.0
						Section Acres	312.0
		32	NE	NE		IRR	40.0
			NW	NE		IRR	35.0
			SW	NE		IRR	37.5
			SE	NE		IRR	40.0
			NE	NW		IRR	25.0
			SW	NW		IRR	40.0
			SE	NW		IRR	37.5
			NE	SW		IRR	34.2
			NW	SW		IRR	4.0
			SW	SW		IRR	4.0
			SE	SW		IRR	34.2
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	30.0
						Section Acres	481.4
		33	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
						Section Acres	80.0
11S	36E	13	SW	NE		IRR	40.0
			SE	NE		IRR	40.0
						Section Acres	80.0
	37E	4	SW	NE		IRR	10.0
			NE	NW		IRR	40.0
			NW	NW		IRR	38.0
			SW	NW		IRR	25.0
			SE	NW		IRR	38.0
			NE	SW		IRR	40.0
			NW	SW		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	4	SW		SW		IRR	38.0
			SE		SW		IRR	38.0
			NW		SE		IRR	10.0
			SW		SE		IRR	5.0
							Section Acres	320.0
		5	NE		NE		IRR	38.0
			NW		NE		IRR	40.0
			SW		NE		IRR	36.0
			SE		NE		IRR	40.0
			NE		NW		IRR	30.0
			NW		NW		IRR	15.0
			SW		NW		IRR	30.0
			SE		NW		IRR	15.0
			NE		SW		IRR	20.0
			SW		SW		IRR	27.0
			SE		SW		IRR	27.0
			NE		SE		IRR	40.0
			NW		SE		IRR	30.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	468.0
		7	SW		SE		IRR	40.0
			SE		SE		IRR	32.0
							Section Acres	72.0
		8	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	35.8
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	24.0
			SW		SE		IRR	21.0
			SE		SE		IRR	40.0
							Section Acres	320.8
		9	NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	9	SE		NW		IRR	40.0
			NE		SW		IRR	26.0
			NW		SW		IRR	39.0
			SW		SW		IRR	34.0
			SE		SW		IRR	30.0
							Section Acres	289.0
		15	SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			SW		SE		IRR	10.0
							Section Acres	90.0
		16	NW		NE		IRR	40.0
			SW		NE		IRR	20.0
			SE		NE		IRR	20.0
			NE		NW		IRR	38.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	33.0
			SE		SW		IRR	28.0
			NE		SE		IRR	10.0
			NW		SE		IRR	30.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	459.0
		18	NE		NE		IRR	33.0
							Section Acres	33.0
		19	SW		NW		IRR	40.0
			NW		SW		IRR	32.5
			SW		SW		IRR	32.5
							Section Acres	105.0
		20	NW		NE		IRR	18.0
							Section Acres	18.0
		21	NE		NE		IRR	40.0

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
11S	37E	21	NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	41.5
			NE	NW		IRR	38.0
			SE	NW		IRR	22.6
			NE	SW		IRR	5.7
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	35.0
			SE	SE		IRR	38.0
						Section Acres	380.8
		22	SW	NE		IRR	16.0
			NE	NW		IRR	40.0
			NW	NW		IRR	39.0
			SW	NW		IRR	10.0
			SE	NW		IRR	20.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NW	SE		IRR	15.0
			SW	SE		IRR	8.0
						Section Acres	308.0
		27	NW	NE		IRR	26.0
			SW	NE		IRR	28.0
			NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	28.6
			NW	SW		IRR	39.0
			SW	SW		IRR	10.0
			SE	SW		IRR	10.0
			NW	SE		IRR	7.0
			SW	SE		IRR	17.0
						Section Acres	325.6
		28	NE	NE		IRR	40.0
			NW	NE		IRR	15.0
			SE	NE		IRR	35.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
11S	37E	28	NW		SW		IRR	20.0
			SW		SW		IRR	20.0
			NE		SE		IRR	20.0
							Section Acres	150.0
		33	NE		NE		IRR	13.0
			NW		NE		IRR	30.0
			NW		NW		IRR	10.0
							Section Acres	53.0
		34	NE		NW		IRR	10.0
			NW		NW		IRR	10.0
			SW		NW		IRR	10.0
			SE		NW		IRR	10.0
			NE		SW		IRR	31.0
			NW		SW		IRR	10.0
			SW		SW		IRR	10.0
			SE		SW		IRR	10.0
			NW		SE		IRR	8.0
			SW		SE		IRR	10.0
							Section Acres	119.0
							Total Acres	5066.8

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A29-00589/00053/04060

14. Remarks:

PLACE OF USE IS OWNED BY THE SHARE HOLDERS OF THE PORTNEUF MARSH VALLEY CANAL CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/04/1922

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MC CAMMON DITCH CO., ET AL

Decree Defendant

A29-00052

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Date: 02/14/90

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

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Portneuf Marsh Valley Canal Co. that I have signed the foregoing document in the space below as President of Portneuf Marsh Valley Canal Co. and that the statements contained in the foregoing document are true and correct.

W. Wayne Thompson
Signature of Authorized Agent

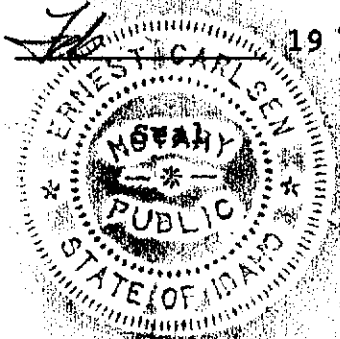
Pres. Portneuf Marsh Valley Canal Co.
Title and Organization

Feb. 14, 1990
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Feb 19 90

Ernest Carlson
Notary Public



Residing at McLellan, ID
My Commission Expires 6-14-1994

TOPONCE FEEDER CANAL, of the Portneuf-Marsh Valley Canal Company, diverts water from Toponce Creek to supply storage water in the reservation hereinafter described. This canal diverts water from Toponce Creek in the Southeast quarter of the Southeast quarter of Section 33, Township 6 South, Range 38 East. From the northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 58 degrees and 40 minutes West, 393 feet.

THE PORTNEUF-MARSH VALLEY CANAL COMPANY RESERVOIR AND DAM is located in the following legal subdivisions: The dam proper is located in Lot 4, Section 19, Township 6 South, Range 39 East, and covers lands in Sections 11, 13, 14 and 24, Township 6 South, Range 38 East. The point of diversion of this dam, which is located across the channel of the Portneuf River, is in Lot 4, Section 19, Township 6 South, Range 39 East. From the Southwest corner of Section 19, the point of diversion bears North 41 degrees and 30 minutes East, 1285 feet.

The Drainage canal of said company begins at the outlet of impounding dam above described or in the Southwest quarter of the Southwest quarter, Section 19, and enters the Portneuf River at or about the North quarter corner of Section 26, Township 7 South, Range 38 East.

41. PORTNEUF-MARSH VALLEY
CANAL COMPANY
Normal Flow.

19-0052 1907 Dec. 18 176.85 c.f.s.
19-0589 1912 July 6

Storage water 16,410 Acre Feet.

This being the capacity of the storage reservoir above described.

This storage water to be delivered free from loss, from the reservoir to the point of diversion on the Portneuf River above described, for the Portneuf-Marsh Valley Canal Company's canal, through said Company's drainage canal, and the River channel.

42. PORTNEUF-MARSH VALLEY
CANAL COMPANY FEEDER
CANAL FROM TOPONCE

1912 July 6 164.43 c.f.s.
19-0053

(Suitable measuring devices shall be installed on the Portneuf River above the flow line of the Portneuf-Marsh Valley Irrigating Company reservoir, and immediately below the dam of said reservoir, at which point the water comes into the reservoir, that the water released may be more accurately determined, in order that the normal flow of the Portneuf River may not be obstructed by the reservoir, with reference to the amount of water delivered through same during the irrigating season. No charge shall be made against

During the non-irrigating season, that amount being the maximum capacity of said feeder canal, to supply storage water above listed.

For the irrigation of 8842.4 acres of land located in the following legal subdivisions: The East half of the Southwest quarter, Section 5; the Northeast quarter of the Southeast quarter, the Northwest quarter of the Northeast quarter, the East half of the Northeast quarter, Section 17; the Northwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, Section 20; The East half of the Northwest quarter, the West half of the Northeast quarter, the East half of the Southwest quarter, the Southwest quarter of the Southwest quarter, Section 29; the Northwest quarter of Northwest quarter, the West half of the Southeast quarter, the East half of the Southwest quarter, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter

May 27, 1983

Mr. Dave R. Gallafent
Merrill & Merrill
Counselors and Attorneys at Law
P.O. Box 991
Pocatello, ID 83204

Dear Mr. Gallafent:

In reply to your letter of March 2, 1983, I researched our records for water rights appurtenant to the lands identified in Exhibit "A" of your attachment. Enclosed are copies of Claim 29-4277, Licenses 29-2433, 29-2461, 29-2065, decreed rights 29-0052, 29-0053 and Permit 29-7214. Included are copies of correspondence regarding Permit 29-7214.

In the case of Union Grain and Elevator Co., vs. McCammon Ditch Co., 176.85 cfs was decreed to Portneuf-Marsh Valley Canal Co. with a priority date of December 18, 1907, right No. 29-0052. The decree referenced Permit 8378 filed December 18, 1907 for 244.4 cfs and allowed an additional amount over 176.85 cfs, awarded in the decree, up to the 244.4 cfs conditioned upon the compliance with the terms of the permit. However, our records shows that Permit 8378/29-2141 (since cancelled) was filed March 7, 1912 for 225 cfs. It would appear that an error was made in the decree listing the permit as 8378 instead of 3317 which was filed December 18, 1907 for 244.4 cfs. Since permit No. 3317/29-2065 was not licensed in excess of the 176.85 cfs awarded in the decree, the water right license is considered to be superseded by the decree. The lands outlined for research and identified in decreed rights 29-0052 and 29-0053 are underlined in pencil in the attached copy of the decree. AG

I am returning your copy of Certificate of Sale and Exhibit "A." Enclosed is a billing for the copies.

If you have any questions or need further assistance, please feel free to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor
RG:sc
Enclosures

MAY 15 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS

Governor

A. KENNETH DUNN

Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 14, 1983

Mrs. Golden Avery
P.O. Box 264
Lava Hot Springs, ID 83246

Dear Mrs. Avery:

We have been forwarded your letter dated April 18, 1983, and addressed to the U. S. Bureau of Reclamation, in which you raised various questions about the water rights of the Portneuf-Marsh Valley Canal Company. I will attempt to answer your questions based on research conducted by Mrs. Roberta Garrett of this office.

The court case to which you have referred is entitled the Union Grain and Elevator Co., vs. McCammon Ditch Co., et al., finalized August 6, 1932. Two rights, 29-0052 and 29-0053, were decreed to Portneuf-Marsh Valley Canal Co., with priorities dating from December 18, 1907, and July 6, 1912. The capacity of the Portneuf River reservoir storage was 16,410 acre-feet with the maximum capacity of the feeder canal from Toponce Creek being 164.43 cfs.

Under decreed right No. 29-0053, the feeder canal diverts 164.43 cfs during the non-irrigating season from Toponce Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6S., R. 38E. to storage. The storage water is delivered from the outlet of the reservoir (Lot 4 (SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 19, T. 6S., R. 39E.) through the drainage canal entering the Portneuf River in Sec. 26, T. 7S., R. 38E. to the point where the canal rediverts from the river in Lot 7, Sec. 22, T. 9S., R. 37E. The 8,842.4 acres irrigated are identified by legal descriptions in the decree. To demonstrate further, the water right is outlined below:

29-0053

Portneuf-Marsh Valley Canal Co., feeder canal
Toponce Creek, 1912 July 6

<u>Amount</u>	<u>Purpose(point of diversion)</u>	<u>Period of Use</u>
164.43 cfs	Diversion to storage (SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6S., R. 38E.)	9-15 to 4-15

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June 14, 1983
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The decree also allowed for an additional amount over 176.85 cfs up to 244.4 cfs conditioned upon the compliance with the terms of Portneuf-Marsh Valley Irrigation Co.'s permit, numbered in the decree as 8378. Permit No. 8378 (29-2141) was originally filed for 225.0 cfs. However, the permit was cancelled November 19, 1975, for failure of the Portneuf-Marsh Valley Irrigation Co., to submit proof of beneficial use of water on or before July 6, 1921, or show cause on or before November 10, 1975, why said permit should not be cancelled.

Under decreed right No. 29-0052, a direct flow of 176.85 cfs is appropriated from the Portneuf River, in addition to a storage quantity of 16,410 acre-feet. This decreed right, which supercedes an earlier licensed right numbered 3317 (29-2065), is outlined as follows:

29-0052

Portneuf-Marsh Valley Canal Co.
Portneuf River
normal flow
1907 December 18 (direct flow); 1912 July 6 (storage)

<u>Amount</u>	<u>Purpose (point of diversion)</u>	<u>Period of Use</u>
176.85 cfs	Irrigation (Lot 7, Sec. 22, T. 9S, R. 37E)	4-15 to 9-15 (irr. season)
16,410 AF	Storage for irrigation	1-1 to 12-31

For irrigation of 8,842.4 acres
described in the decree.

In response to your inquiry of the raising of Portneuf Reservoir, Mr. Dave LePard of our department in the Dam Safety Section found that drawings were submitted to Mark Kulp, State Reclamation Engineer, in November of 1944 by a Dwight L. Simpson, engineer. The completed dam safety applications are not in the file but are assumed to have been submitted since the dam was raised by July of 1951. The additional storage is 7,285 AF thus providing for a current recorded storage total of 23,695 AF in the reservoir.

An application for a storage permit, no. R-27114 was filed by the Portneuf-Marsh Valley Canal Co. on February 23, 1945, for 7,285 acre-feet. The point of diversion was described in Lot 4, Sec. 19, T. 6S, R. 39E. The application was withdrawn by the applicant so the water right is not currently recorded. This water right should be claimed as soon as possible to maintain its validity.

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Mrs. Golden Avery
June 14, 1983
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Claim No. 29-4060 filed January 20, 1976, in the name of the Portneuf-Marsh Valley Canal Co., reflects additional storage water from Toponce Creek. The claim shows 21,834 acre-feet for/from storage for irrigation of 6,800 acres which is an increase from the original 16,410 acre-feet but below that of the current storage capacity of 23,695 acre-feet. Lacking on the claim is the location of the point where 115.0 cfs is being diverted from Toponce Creek to storage. The SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 6S, R. 39E identifies the point of diversion from storage at the outlet of the reservoir. In addition, the priority date claimed of March 7, 1912, is too early a priority date. Any increase in storage water and acres irrigated through beneficial use could only occur after the date of signing of the 1932 decree. A comparison of the 6,800 acres described on the claim with the 8,842.4 acres described in the decree would have to be made to determine if the claim reflects an increase in irrigated acres as well.

If the Portneuf-Marsh Valley Canal Co. feels it has erred in presenting the information on the claim, it may be corrected by the company filing an amended claim at no additional filing fee. Indications are that the claim was meant to replace that of the lapsed permit No. 8378/29-2141 originally filed March 7, 1912, since decreed, and to reflect additional water being used.

With regard to your inquiry of agreements between parties awarded decreed rights on the Portneuf River and the canal company, this is considered a private matter between the company and the contracting parties. One such referral to an agreement made between Kepler Sessions and the canal company is found in a letter dated January 4, 1932, to R.W. Farris, Commissioner of Reclamation. A copy of the letter and response found in our microfilm copies of the lapsed permit is enclosed.

We do have an abstract of the Portneuf River decree listed in most part by order of priority dates. The summary consists of approximately 32 pages. We can provide you with a copy of the abstract at 25¢ per page. However, if you are in possession of the decree, the priority dates of the various parties awarded rights on the Portneuf River are shown. Please let us know if you are interested in receiving a copy of the abstract.

Although the original license and permit included domestic purposes, the decree did not identify domestic purposes as a use under the rights awarded to the Portneuf-Marsh Valley Canal Co. Domestic purposes as defined by statute is water for household use or livestock and water used for all other purposes including irrigation of up to one-half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day.

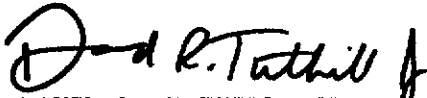
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Mrs. Golden Avery
June 14, 1983
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Enclosed is our packet containing our leaflet entitled "Keep Your Water" for your additional information. The packet also includes a claim form and an application for permit with instructions for filing. Also, as requested, enclosed are copies of the Portneuf-Marsh Valley Canal Co.'s rights described herein, and that portion of the decree containing pertinent information and specifying conditions on the rights awarded in the decree.

Please remit \$8.25 to this office for the enclosed copies per our invoice. If you have any questions or need further assistance, please do not hesitate to contact us here at State Office in Boise or our regional office in Idaho Falls.

Sincerely,



DAVID R. TUTHILL, JR., D.E.
Supervisor, Water Allocation Section

DRT:RG:sc

Enclosures

cc: Eastern Region
Portneuf-Marsh Valley Canal Co.

RECORDED
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MAY 15 1986

INTER-DEPARTMENT MEMO — 1

FROM Roberta THRU Dave Tuthill

DATE 12-13-82

TO Decree File 29-A, Union Grain and Elevator Co. v. McCammon Ditch co.
and Eastern Region, Keith Wilson

SUBJECT Decree No. 29-0012

Decreed right No. 29-0012 for a total of 3.99 cfs in the name of A. J. Knollin was transferred to A. N. Hogan by Dept. Transfer No. 609 June 14, 1940.

In the case of Christian Call v. A. N. Hogan dated June 2, 1947, decreed right No. 29-0012, in the name of A. N. Hogan for 3.99 cfs was transferred by decree of the court to Christian Call for 1.99 cfs to lands specified in decree, Call v. Hogan, decree No. 29-0012B. It also decreed 2 cfs to lands identified in Transfer No. 609, decree No. 29-0012A to A. N. Hogan.

SIGNATURE

RECEIVED

MAY 15 1983



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

September 16, 1985

Portneuf-Marsh Valley Canal Co.
c/o Keith Bennett
Box 59
Downey, ID 83234

Dear Mr. Bennett:

Over the past several years we have received a number of complaints about the distribution of water within Water District No. 29 (Portneuf River). Personnel from the Department's regional office have been working with the Portneuf watermaster to identify and correct distribution problems. One of the major impediments to proper distribution of Portneuf River water results from the inability to measure the inflow into Chesterfield Reservoir. In the case of Union Grain and Elevator -vs- McCammon Ditch Company, the court determined the rights on the upper Portneuf River and required as a condition of reservoir right 29-0589 that "suitable measuring devices shall be installed on the Portneuf River above the flow line of the Portneuf-Marsh Valley Irrigating Company reservoir...in order that the normal flow of the Portneuf River may not be obtained by the reservoir...." Because Portneuf-Marsh Valley Canal Company has never installed the requisite device to measure reservoir inflow, accurate distribution of natural flow is impossible. I am, therefore, instructing the watermaster, until an adequate measuring device is installed above Chesterfield Reservoir, to fill all requests for natural flow rights up to, but not including December 18, 1907, before any storage is distributed. Any water that remains will be delivered as measured storage and to natural flow rights after December 18, 1907. While this change may, at times, result in the delivery of storage as natural flow, it will better protect the integrity of the priority system than do the present distribution procedures.

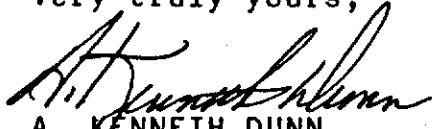
RECORDED

MAY 15 1986

Mr. Keith Bennett
September 16, 1985
Page 2

If you have any questions concerning the changes we are instructing the watermaster to make, please feel free to contact me or the staff of the Eastern Regional Office in Idaho Falls.

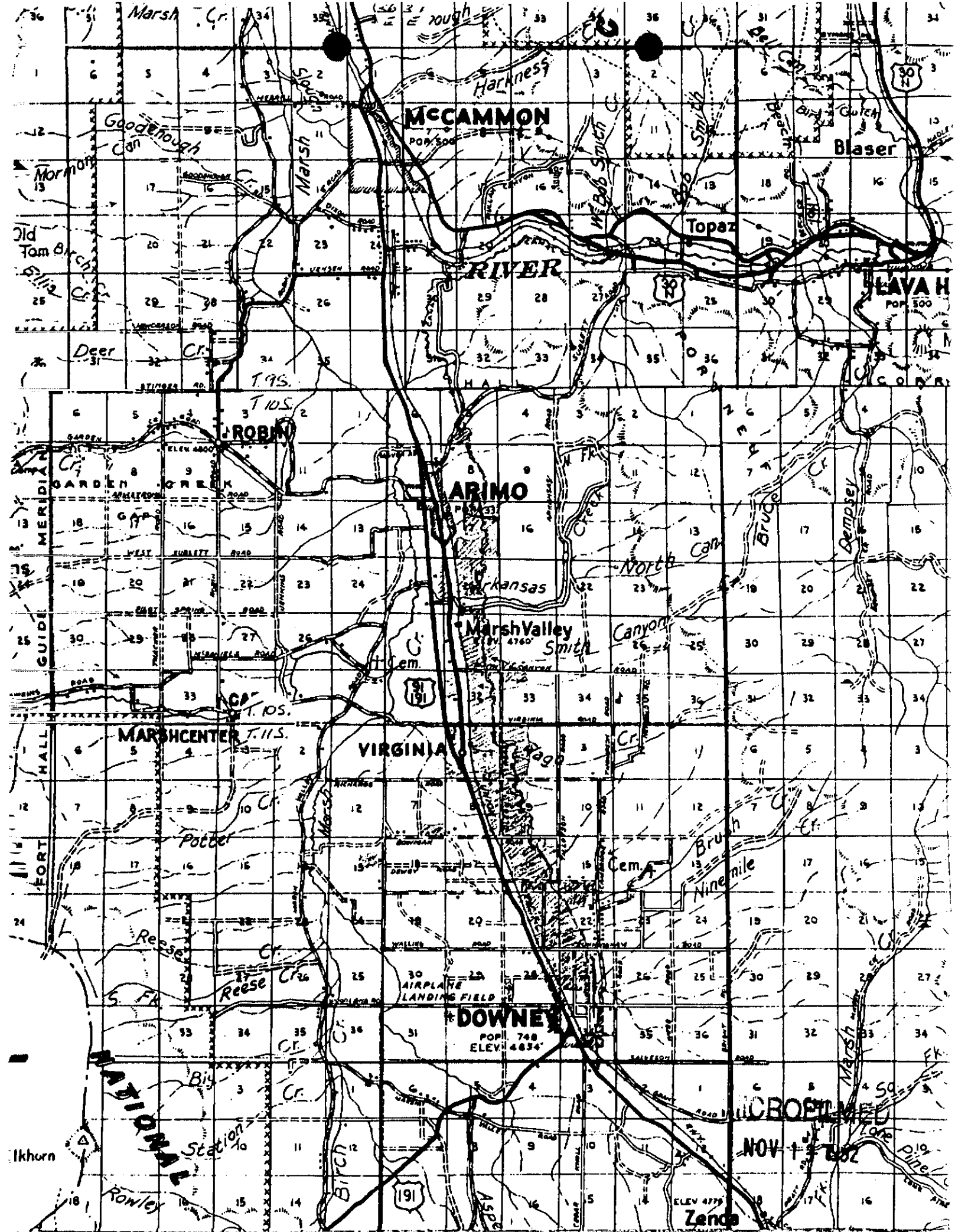
Very truly yours,


A. KENNETH DUNN
Director

AKD:RDC:cw

RECEIVED

MAY 15 1986



Water Right Number - 29-00052

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

PORTNEUF MARSH VALLEY CANAL CO.

1 -
2 -
3 -

City-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - - Region - - - + + - - - Stage - - - + + - - - Status - - - +
12/18/1907 15 EASTERN D - DECREED+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER+ - - - - Point of Diversion - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot RFlg County Diversion Name Diversion Rate Diversion No.
09S 37E 22 SE NW 7 (5) BANNOCK+ - - - - Water Use - - - - - +
+ - - - - +
Code Description Period From Period To Diversion Rate Diversion Volume
01 - IRRIGATION 04/15 09/15 176.850+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
176.850 0.0+ - - - - Place of Use - - - - - +
+ - - - - +
Twn Rng Sec Tract Lot Acres Code Description County
10S 37E 5 01 IRRIGATION (5) BANNOCK
10S 37E 17 01 IRRIGATION (5) BANNOCK
10S 37E 20 01 IRRIGATION (5) BANNOCK
10S 37E 29 01 IRRIGATION (5) BANNOCK
10S 37E 31 01 IRRIGATION (5) BANNOCK
10S 37E 32 01 IRRIGATION (5) BANNOCK
11S 36E 1 01 IRRIGATION (5) BANNOCK
11S 36E 13 01 IRRIGATION (5) BANNOCK
11S 36E 24 01 IRRIGATION (5) BANNOCK
11S 37E 4 01 IRRIGATION (5) BANNOCK
11S 37E 5 01 IRRIGATION (5) BANNOCK
11S 37E 6 01 IRRIGATION (5) BANNOCK
11S 37E 7 01 IRRIGATION (5) BANNOCK
11S 37E 8 01 IRRIGATION (5) BANNOCK
11S 37E 9 01 IRRIGATION (5) BANNOCK
11S 37E 16 01 IRRIGATION (5) BANNOCK
11S 37E 17 01 IRRIGATION (5) BANNOCK
11S 37E 18 01 IRRIGATION (5) BANNOCK
11S 37E 19 01 IRRIGATION (5) BANNOCK
11S 37E 20 01 IRRIGATION (5) BANNOCK
11S 37E 21 01 IRRIGATION (5) BANNOCK

Water right number - 29-00052

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Place of Use Code	Description	County
11S	37E	22				01	IRRIGATION	(5) BANNOCK
11S	37E	27				01	IRRIGATION	(5) BANNOCK
11S	37E	28				01	IRRIGATION	(5) BANNOCK
11S	37E	29				01	IRRIGATION	(5) BANNOCK
11S	37E	30				01	IRRIGATION	(5) BANNOCK
11S	37E	31				01	IRRIGATION	(5) BANNOCK
11S	37E	32				01	IRRIGATION	(5) BANNOCK
11S	37E	33				01	IRRIGATION	(5) BANNOCK
11S	37E	34				01	IRRIGATION	(5) BANNOCK
12S	37E	3				01	IRRIGATION	(5) BANNOCK
12S	37E	4				01	IRRIGATION	(5) BANNOCK
12S	37E	5				01	IRRIGATION	(5) BANNOCK

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

Remarks	
GEN	P/D IS SAME AS RIGHT 29-0051. P/U INCOMPLETE - SEE DECREE. C/AC. IRR. = 8842.4.

Old Water Right Numbers
No Old Water Right Numbers found.

Conditions of Approval
No Conditions of Approval found.

Decree Plaintiff	Decree Defendant	Decree Date
UNION GRAIN & ELEVATOR CO.	MCCAMMON DITCH CO. ET. AL.	08/06/1932

Comments
No Comments Found

+ - - Audit Fields - 08/18/86 05/22/88 CONVERT 07/20/89 CURTIS

Water Rights Dates and Flags Area		
Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 07/15/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District - 29
Licensed Date - 00/00/0000	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	5	NWSW	2	25	Indiscernible
10s37e	5	SWSW	12	40	Indiscernible
10s37e	5	SESW	8	14	Indiscernible
10s37e	8	SWSE	38	40	
10s37e	17	NWNE	38	40	
10s37e	17	SENE	15	14	
10s37e	17	NESW	7	30	
10s37e	17	NWSW	16	32	
10s37e	17	SWSW	37	40	
10s37e	17	SESW	40	40	
10s37e	17	NESE	30	33	
10s37e	17	NWSE	25	33	
10s37e	17	SWSE	35	31	
10s37e	17	SESE	30	25	
10s37e	19	SENE	5	3.7	
10s37e	19	NESE	5	4.9	
10s37e	20	NWNE	40	40	
10s37e	20	SWNE	23	24	
10s37e	20	NENW	20	19	
10s37e	20	SWNW	15	26	Indiscernible
10s37e	20	SENW	21	12	
10s37e	20	NESW	2	3.8	
10s37e	20	NWSW	25	17	
10s37e	20	SESW	14	16	
10s37e	20	SWSE	27	13	Indiscernible
10s37e	28	SWSW	30	40	
10s37e	28	SESW	40	40	
10s37e	29	NWNE	26	39	
10s37e	29	SWNE	25	27	
10s37e	29	NENW	30	25	
10s37e	29	NWNW	8	25	
10s37e	29	SWNW	11	29	
10s37e	29	SENW	24	31	
10s37e	29	NESW	40	35	
10s37e	29	NWSW	16	36	Indiscernible
10s37e	29	SESW	30	28	
10s37e	29	NWSE	24	23	
10s37e	29	SWSE	38	35	
10s37e	29	SESE	40	40	
10s37e	32	NENE	40	39	
10s37e	32	NWNE	35	36	
10s37e	32	SWNE	37	40	
10s37e	32	SENE	40	37	
10s37e	32	NENW	25	24	
10s37e	32	SWNW	40	40	
10s37e	32	SENW	37	35	
10s37e	32	NESW	34	35	
10s37e	32	NWSW	4	6.2	

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	32	SWSW	4	4.6	
10s37e	32	SESW	34	32	
10s37e	32	NESE	40	36	
10s37e	32	NWSE	40	40	
10s37e	32	SWSE	40	40	
10s37e	32	SESE	30	37	
10s37e	33	NENW	40	40	
10s37e	33	NWNW	40	40	
11s36e	13	SWNE	40	40	
11s36e	13	SENE	40	38	
11s37e	4	SWNE	10	8.5	
11s37e	4	NENW	40	41	
11s37e	4	NWNW	38	40	
11s37e	4	SWNW	25	34	
11s37e	4	SENW	38	38	
11s37e	4	NESW	40	40	
11s37e	4	NWSW	38	40	
11s37e	4	SWSW	38	40	
11s37e	4	SESW	38	40	
11s37e	4	NWSE	10	40	Indiscernible
11s37e	4	SWSE	5	22	Indiscernible
11s37e	5	NENE	38	40	
11s37e	5	NWNE	40	35	
11s37e	5	SWNE	36	40	
11s37e	5	SENE	40	40	
11s37e	5	NENW	30	42	
11s37e	5	NWNW	15	42	
11s37e	5	SWNW	30	40	
11s37e	5	SENW	15	40	Indiscernible
11s37e	5	NESW	20	21	
11s37e	5	SWSW	27	28	
11s37e	5	SESW	27	20	Indiscernible
11s37e	5	NESE	40	40	
11s37e	5	NWSE	30	25	
11s37e	5	SWSE	40	40	
11s37e	5	SESE	40	40	
11s37e	7	SWSE	40	39	
11s37e	7	SESE	32	35	
11s37e	8	NENE	40	41	
11s37e	8	NWNE	40	41	
11s37e	8	SWNE	35	39	
11s37e	8	SENE	40	41	
11s37e	8	NENW	40	32	
11s37e	8	NESE	40	41	
11s37e	8	NWSE	24	34	Indiscernible
11s37e	8	SWSE	21	10	Indiscernible
11s37e	8	SESE	40	40	
11s37e	9	NENW	40	41	

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	9	NWNW	40	37	
11s37e	9	SWNW	40	35	
11s37e	9	SENW	40	34	
11s37e	9	NESW	26	15	Indiscernible
11s37e	9	NWSW	39	40	
11s37e	9	SWSW	34	40	
11s37e	9	SESW	30	31	
11s37e	15	SWSW	40	40	
11s37e	15	SESW	40	40	
11s37e	15	SWSE	10	16	
11s37e	16	NWNE	40	40	
11s37e	16	SWNE	20	40	Indiscernible
11s37e	16	SENE	20	27	
11s37e	16	NENW	38	40	
11s37e	16	NWNW	40	40	
11s37e	16	SWNW	40	40	
11s37e	16	SENW	40	40	
11s37e	16	NESW	40	40	
11s37e	16	NWSW	33	34	
11s37e	16	SESW	28	40	Indiscernible
11s37e	16	NESE	10	7	
11s37e	16	NWSE	30	40	
11s37e	16	SWSE	40	40	
11s37e	16	SESE	40	39	
11s37e	18	NENE	33	38	
11s37e	19	SWNW	40	53	
11s37e	19	NWSW	32	53	Indiscernible
11s37e	19	SWSW	32	53	Indiscernible
11s37e	20	NWNE	18	20	
11s37e	21	NENE	40	40	
11s37e	21	NWNE	40	24	
11s37e	21	SWNE	40	25	
11s37e	21	SENE	41	40	
11s37e	21	NENW	38	38	
11s37e	21	SENW	22	20	
11s37e	21	NESW	5	5.6	
11s37e	21	NESE	40	40	
11s37e	21	NWSE	40	37	
11s37e	21	SWSE	35	21	
11s37e	21	SESE	38	40	
11s37e	22	SWNE	16	14	
11s37e	22	NENW	40	40	
11s37e	22	NWNW	39	40	
11s37e	22	SWNW	10	21	
11s37e	22	SENW	20	12	
11s37e	22	NESW	40	40	
11s37e	22	NWSW	40	40	
11s37e	22	SWSW	40	40	

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
11s37e	22	SESW	40	40	
11s37e	22	NWSE	15	40	
11s37e	22	SWSE	8	40	
11s37e	27	NWNE	26	37	
11s37e	27	SWNE	28	31	
11s37e	27	NENW	40	39	
11s37e	27	NWNW	40	40	
11s37e	27	SWNW	40	40	
11s37e	27	SENW	40	39	
11s37e	27	NESW	28	21	
11s37e	27	NWSW	39	39	
11s37e	27	SWSW	10	11	
11s37e	27	SESW	10	40	
11s37e	27	NWSE	7	12	
11s37e	27	SWSE	17	40	
11s37e	28	NENE	40	40	
11s37e	28	NWNE	15	12	
11s37e	28	SENE	35	34	
11s37e	28	NWSW	20	38	
11s37e	28	SWSW	20	38	
11s37e	28	NESE	20	16	
11s37e	33	NENE	13	9.2	
11s37e	33	NWNE	30	40	
11s37e	33	NWNW	10	8.1	
11s37e	34	NENW	10	30	
11s37e	34	NWNW	10	29	
11s37e	34	SWNW	10	32	
11s37e	34	SENW	10	32	
11s37e	34	NESW	31	33	
11s37e	34	NWSW	10	39	
11s37e	34	SWSW	10	25	
11s37e	34	SESW	10	38	
11s37e	34	NWSE	8	40	
11s37e	34	SWSE	10	35	
Totals:			5059	5766.6	

AJ5809NP
No. A29-00052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PORTNEUF MARSH VALLEY CANAL CO LTD C/O THAYNE THOMPSON 18526 S OLSON RD DOWNEY ID 83234 (208) 897-5206	12/18/1907	IRRIGATION	05-01 09-15	176.850 CFS	
TOTAL DIVERSION:					176.850 CFS	
CONSUMPTIVE USE:						12667.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T09S R37E S22 Lot07()

BANNOCK County

Place of use Legal Description for: IRRIGATION

		NE				NW				SW				SE				
		NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	SUM
T	R S	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	Lt Ac	
10S	37E 5 :										02	12	08					22.4
10S	37E 8 :															38		38.0
10S	37E 17 :		38		15					07	16	37	40	30	25	35	30	273.0
10S	37E 19 :				05									05				11.0
10S	37E 20 :		40	23		20		15	21	02	25		14			27		187.8
10S	37E 28 :											30	40					70.0
10S	37E 29 :		26	25		30	08	11	24	40	16		30		24	38	40	312.0
10S	37E 32 :	40	35	37	40	25		40	37	34	04	04	34	40	40	40	30	481.4
10S	37E 33 :					40	40											80.0
11S	36E 13 :			40	40													80.0
11S	37E 4 :			10		40	38	25	38	40	38	38	38		10	05		320.0
11S	37E 5 :	38	40	36	40	30	15	30	15	20		27	27	40	30	40	40	468.0
11S	37E 7 :															40	32	72.0
11S	37E 8 :	40	40	35	40	40								40	24	21	40	320.8
11S	37E 9 :					40	40	40	40	26	39	34	30					289.0
11S	37E 15 :											40	40			10		90.0
11S	37E 16 :		40	20	20	38	40	40	40	40	33		28	10	30	40	40	459.0
11S	37E 18 :	33																33.0
11S	37E 19 :							40			32	32						105.0
11S	37E 20 :		18															18.0
11S	37E 21 :	40	40	40	41	38			22	05				40	40	35	38	380.8
11S	37E 22 :			16		40	39	10	20	40	40	40	40		15	08	0	308.0
11S	37E 27 :		26	28		40	40	40	40	28	39	10	10		07	17		325.6
11S	37E 28 :	40	15		35						20	20		20				150.0
11S	37E 33 :	13	30				10											53.0
11S	37E 34 :					10	10	10	10	31	10	10	10		08	10		119.0
TOTAL ACRES																	5066.8	

POU County: BANNOCK

Other Rights: A29-00589/00053/04060

Other Water Rights Listing Overlapping Place(s) of Use:

AJ5809NP
No. A29-00052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 20

=====

Other Water Rights Listing Overlapping Place(s) of Use:

A29-00051	A29-00053	A29-00339A	A29-00339D	A29-00340A	A29-00589	A29-02319	A29-02332	A29-02351	A29-02358
A29-02434	A29-02446	A29-02448B	A29-02456	A29-02500	A29-02506	A29-02563	A29-04030	A29-04036	A29-04052
A29-04053	A29-04060	A29-04143	A29-04144	A29-04147	A29-04280	A29-04321	A29-04322	A29-04323	A29-04328
A29-04384	A29-04434	A29-07056	A29-07095	A29-07135	A29-07190	A29-07341	A29-07489	A29-07489B	A29-07584
A29-10082	A29-10419	A29-10420	A29-10553	A29-11277	A29-11419	A29-11804	R29-02448B		

Remarks: GEN PLACE OF USE IS OWNED BY THE SHARE HOLDERS OF THE PORTNEUF MARSH
VALLEY CANAL CO.

Dates: Exam Made Date: Verified Date: Objection Filed Date:

Misc: Water District Number: Field Inspection Flag:
Presumption Flag:

Audit: 02/14/90 CARLSEN 04/01/94 THOMPSON 03/29/95 POST-STD