

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: A29-00123

Date Received: 2/13/1990

Receipt No: 0014654

Received By: [Signature]

**RECEIVED**

JUL 16 1990

Department of Water Resources  
Eastern District Office

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: C V CATTLE INC.  
Address: RT 1, BOX 1360  
BANCROFT, ID

83217

2. Date of Priority: JUL 01, 1903

3. Source: TOPONCE CREEK, NORTH FORK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 of | Lot | County  |
|----------|-------|---------|--------|--------|--------|-----|---------|
| 06S      | 38E   | 33      | SE     | SE     | SE     |     | CARIBOU |

5. Description of diverting works:  
DIVERSION DAM, FORMER FEEDER DITCH, RESERVOIR, PIPELINES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 09/15 | 1.104  |      |        |

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

8. Total consumptive use is 1130.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use | Acres |
|----------|-------|---------|--------|--------|-----|-----|-------|
| 06S      | 38E   | 25      | NE     | SW     |     | IRR | 40.0  |
|          |       |         | NW     | SW     |     | IRR | 40.0  |
|          |       |         | SW     | SW     |     | IRR | 35.0  |
|          |       |         | SE     | SW     |     | IRR | 40.0  |

A29-00123

Page 1

Date: 02/13/90

A2900123



MICROFILMED

NOV 13 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 38E   | 25      | NE     | SE  | 19  | IRR           | 10.0  |
|          |       |         | NW     | SE  |     | IRR           | 40.0  |
|          |       |         | SW     | SE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  | 20  | IRR           | 10.0  |
|          |       |         |        |     |     | Section Acres | 255.0 |
|          |       | 26      | NE     | SE  |     | IRR           | 40.0  |
|          |       |         | SE     | SE  |     | IRR           | 28.0  |
|          |       |         |        |     |     | Section Acres | 68.0  |
|          |       |         |        |     |     | Total Acres   | 323.0 |

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:  
TOPONCE CREEK, NORTH FORK RIGHTS

14. Remarks:  
THIS CLAIM IS A RECOMBINATION OF WATER RIGHT NUMBERS 29-00123A  
AND 29-00123B.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

Decree Plaintiff

vs

Decree Defendant

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do            do not            wish to receive and pay a small annual fee for monthly copies of the docket sheet.

NOV 13 1992

Log for claim A29-00123

Spatial Dynamics BTD

6/8/00

| TR             | SEC | QQ   | Acres<br>Claimed | Acres<br>Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 06s38e         | 25  | NESW | 40               | 38             |         |
| 06s38e         | 25  | NWSW | 40               | 40             |         |
| 06s38e         | 25  | SWSW | 35               | 35             |         |
| 06s38e         | 25  | SESW | 40               | 40             |         |
| 06s38e         | 25  | NESE | 10               | 6.5            |         |
| 06s38e         | 25  | NWSE | 40               | 39             |         |
| 06s38e         | 25  | SWSE | 40               | 40             |         |
| 06s38e         | 25  | SESE | 10               | 6.5            |         |
| 06s38e         | 26  | NESE | 40               | 41             |         |
| 06s38e         | 26  | SESE | 28               | 25             |         |
| <b>Totals:</b> |     |      | 323              | 311            |         |

AJ5809NP  
No. A29-00123

IDAHO DEPARTMENT OF WATER RESOURCES  
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00  
PAGE: 27

| OWNER<br>CODE    | NAME & ADDRESS                                       | PRIORITY<br>DATE | WATER USE  | USE PERIOD<br>FROM TO | DIVERSION<br>RATE | DIVERSION<br>VOLUME |
|------------------|------------------------------------------------------|------------------|------------|-----------------------|-------------------|---------------------|
| C                | C V CATTLE INC<br>RT 1 BOX 1360<br>BANCROFT ID 83217 | 07/01/1903       | IRRIGATION | 04-15 09-15           | 1.104 CFS         |                     |
| TOTAL DIVERSION: |                                                      |                  |            |                       | 1.104 CFS         |                     |
| CONSUMPTIVE USE: |                                                      |                  |            |                       |                   | 1130.50 AFA         |

Water Source: TOPONCE CREEK, NORTH FORK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R38E S33

SESESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

|             |        | NE |    |    |    | NW |    |    |    | SW |    |    |    | SE |    |    |       |       |
|-------------|--------|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-------|-------|
| T           | R S    | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac | Lt | Ac    | SUM   |
| 06S         | 38E 25 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |       | 255.0 |
| 06S         | 38E 26 | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |    | :  |       | 68.0  |
| TOTAL ACRES |        |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    | 323.0 |       |

POU County: CARIBOU

Other Rights: TOPONCE CREEK, NORTH FORK RIGHTS

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

A29-00090A A29-00091A A29-00092A A29-00093A A29-00094A A29-00121 A29-00122 A29-00124 A29-00125 A29-10248  
A29-10318 A29-10319 A29-10320

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

A29-00121 A29-00122 A29-00123B A29-00124 A29-00125 A29-00125B A29-04346 A29-10318 A29-10319 A29-10320

Remarks: GEN THIS CLAIM IS A RECOMBINATION OF WATER RIGHT NUMBERS 29-00123A  
AND 29-00123B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:  
Presumption Flag: D

Audit: 07/06/90 SHAFF 11/08/90 SHAFF 04/04/94 THOMPSON 03/29/95 POST-STD

| TRANSFER NO. | NAME                        | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO.                                                                        |
|--------------|-----------------------------|------------------|-------------------|-------------------------------------------------------------------------------------|
|              | Knollin, A. J.              | 1.1              |                   |  |
| 525          | First Trust Co. of St. Paul | 0.6              | 0.5               | 29-0123A                                                                            |

R  
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See 29-0121 for  
correspondence  
relating to Transfer  
No. 525P

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 Toponce 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. McCammon 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;

23.4 acres in Lot One (1); 23.4 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); 25.44 acres in North Half of  
the Southeast Quarter (N $\frac{1}{2}$  SE $\frac{1}{4}$ ); Section Thirty-one (31),  
Township Six (6) South of Range Thirty-nine (39) East,  
of the Boise Meridian.

MADE

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:

|              |   |               |
|--------------|---|---------------|
| 34.00 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:

|               |                     |
|---------------|---------------------|
| 34.00 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 |
| 124.10 inches | - | July 1, 1908 |
| 3.24 inches   | - | June 1, 1910 |

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

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. McCammon 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), Township 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, 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     |

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 wintmaster 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 reasonatrating 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

566  
8-1-37

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

ELEVATOR COMPANY, a corporation  
Plaintiff,

-vs-

McCammon Ditch Co., a corporation, co-defendants

McCammon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Besssey 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 Kimpert, Administratrix of the estate of Harry B. Kimpert, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Enollin, W. A. Hinson, Andrew Cutler, W. A. Barron, George Romrell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, E. W. Cooper, John Hall, Roe White, Wilford 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, after writs 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 Grimm, George John, Samuel Byington, Frank Reed, Saita 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. Driggs, John Gooch, 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 Haylor, Byrant Perkins, Parley Jensen, Forest Cornelison, Kent Side Canal Co., a corporation, L. E. Thompson, Ben D. Jensen, George Bringham, Jas. A. Kluedge, John Goben, Robert Pedersen, Alvin Hoban, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckinford, J. E. Corbett, Peter Jensen, Joseph Smith, Earl Moss, E. J. Dalbeier, Mill City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Leath Sharp, Lee Waite, Leslie Beaman, James Koford, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. S. Boyce, J. H. Maughn, G. H. Maughn, E. B. Eganent, Nephi Hockingway, E. V. Briscoe, Clarence Avery, John H. Avery, John Byington, A. J. Gentry, John A. Avery, James Avery, J. L. Johnson, C. Lee Jensen, Clara Jensen, Arthur Koppeli, H. A. Tappell, Ray Wilson, Charles Thomas, Joseph Bell, deceased Byington, John Hammy, H. A. Gorn, C. E. Palmer, Arthur Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. A. Egan, A. A. Koford, Tom Harper, Brady Stolpe, Spencer Gentry, A. S. Gentry, Bert Lish, Archie Lish, James Hoppins, John M. Fairchild, Porter, Edward Wilson, Edgar Beebe, James T. Benson, Arthur Popmont, Ray Keeley, James Koford, George Campbell, H. K. Merrick, L. B. Wright, Lee

|                |             |
|----------------|-------------|
| 1902 June 17   | .772 c.f.s. |
| (12 inches)    |             |
| 1903 June 17   | 1.11 c.f.s. |
| (5 1/4 inches) |             |
| 1903 July 17   | 2.63 c.f.s. |
| (14.13 inches) |             |
| 1913 June 17   | 1.93 c.f.s. |
| (54 inches)    |             |
| Total          | 6.36 c.f.s. |

the of the Northwest quarter, Section 35, Township 6 South, Range 33 East. From the Northwest corner of Section 31, 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 Northeast quarter of the Southwest quarter; 5 acres Lot 2; 2 acres in the Southeast quarter of the Southwest quarter; 5 acres in the South east quarter of the Southeast quarter; 28 acres in Lot 4; all in Section 25, Township 6 South, Range 33 East; 25.4 acres in Lot 1; 25.4 acres in Lot 2; Section 26, Township 6 South, Range 33 East 40 acres in Lot 2; 51.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 33 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

23. HISSER, THOMAS J.  
1902 June 17 (noon) 1.0 c.f.s.

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 33 East. From the West quarter corner of Section 14, Township 7 South, Range 33 East, the point of diversion bears South 20 degrees East, 1600 feet, for the irrigation of 10 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the South east quarter, Section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 33 East.

24. SHUTBOUGH, MICHAEL  
1902 June 17 1.40 c.f.s.

Said water to be diverted through the Horvath Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 33 East. From the South quarter corner of Section 14, Township 7 South, Range 33 East, the point of diversion bears North 5 degrees 45 minutes East, 1400 feet, for the irrigation of 5 acres of land in the South half of the Northeast quarter, Section 23; the South half of the Northwest quarter, Section 24, Township 7 South, Range 33 East.

25. KIRBY, J. J.  
1902 June 17 1.7 c.f.s.

Said water to be diverted through the said Nipper Ditch, No. 1, in the Southwest quarter, Section 14, Township 7 South, Range 33 East, the point of diversion bears North 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 Northeast quarter of the Southwest quarter; 5 acres Lot 2; 2 acres in the Southeast quarter of the Southwest quarter; 5 acres in the South east quarter of the Southeast quarter; 28 acres in Lot 4; all in Section 25, Township 6 South, Range 33 East; 25.4 acres in Lot 1; 25.4 acres in Lot 2; Section 26, Township 6 South, Range 33 East 40 acres in Lot 2; 51.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 33 East.

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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: A29-00123C  
Date Received: 2/15/1990  
Receipt No: EO12066  
Received By: RRA

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

1. Name: JIM ANDRUS 208-776-5380  
Address: 6948 EAST OLD OREGON TRAIL RD  
LAVA HOT SPRINGS, ID 83246  
AND/OR  
Name: KENNETH D. ANDRUS 208-776-5380  
Address: 6948 EAST OLD OREGON TRAIL RD.  
LAVA HOT SPRINGS, ID 83246  
AND/OR  
Name: COLLEEN LLOYD ANDRUS 208-776-5380  
Address: 6948 EAST OLD OREGON TRAIL RD.  
LAVA HOT SPRINGS, ID 83246

A2900123C



2. Date of Priority: JUL 01, 1903

3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

| Township | Range | Section | 1/4 of | 1/4 of | 1/4 | Lot | County  |
|----------|-------|---------|--------|--------|-----|-----|---------|
| 06S      | 38E   | 35      | SW     | SE     | NW  |     | CARIBOU |

5. Description of diverting works:  
DITCHES

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|--------|------|--------|
| IRRIGATION | 04/15 | 09/15 | 0.059  |      |        |

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

8. Total consumptive use is 1125.0 Acre Feet Per Annum.

9. Non-irrigation uses:

A29-00123C

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Date: 02/15/90

MICROFILMED

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10. Place of Use:

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use           | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 06S      | 38E   | 26      | SW     | NW  |     | IRR           | 40.0  |
|          |       |         | SE     | NW  |     | IRR           | 40.0  |
|          |       |         | NE     | SW  |     | IRR           | 20.0  |
|          |       |         | NW     | SW  |     | IRR           | 40.0  |
|          |       |         | SW     | SW  |     | IRR           | 40.0  |
|          |       |         |        |     |     | Section Acres | 180.0 |
|          |       | 35      | NE     | NE  |     | IRR           | 30.0  |
|          | NW    |         | NE     |     | IRR | 30.0          |       |
|          | NE    |         | NW     |     | IRR | 30.0          |       |
|          | NW    |         | NW     |     | IRR | 30.0          |       |
|          |       |         |        |     |     | Section Acres | 120.0 |
|          |       | 36      | NE     | NE  |     | IRR           | 30.0  |
|          | NW    |         | NE     |     | IRR | 40.0          |       |
|          | NE    |         | NW     |     | IRR | 40.0          |       |
|          | NW    |         | NW     |     | IRR | 40.0          |       |
|          |       |         |        |     |     | Section Acres | 150.0 |
|          |       |         |        |     |     | Total Acres   | 450.0 |

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:  
A29-00107B,00091,10327-10332

14. Remarks:  
THIS CLAIM IS FOR A PORTION OF DECREED RIGHT 29-00123A. ACTUAL  
AMOUNT CLAIMED IS .05997 CFS.

15. Basis of Claim: DECREED  
Case Number:  
Court :  
Decree date:

UNION GRAIN & ELEVATOR CO.  
Decree Plaintiff

vs

MCCAMMON 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: 1

**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): Kenneth Anderson Date: 15 Feb - 1990  
\_\_\_\_\_  
Date: \_\_\_\_\_

State of Idaho )  
County of Bonnerille ) SS.

Subscribed and sworn (or affirmed) before me this 15<sup>th</sup> day  
of February 19 90  
Seal Helen Harrington  
Notary Public

Residing at Helen Harrington, Notary Public  
My Commission Expires Residing at Boise, Idaho  
December 1, 1994

WATER RESOURCES

A29-00123C

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

00' 41900m. E.

R38E R3

