

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: A29-00125
Date Received: 2/13/1990
Receipt No: C9/4654
Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 16 1990

Department of Water Resources
Eastern District Office

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

83217

2. Date of Priority: JUN 01, 1910

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	Lot	County
06S	38E	33	SE	SE	SE		CARIBOU

5. Description of diverting works:
FORMER FEEDER DITCH, RESERVOIR, PIPELINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.079		

7. Total Quantity Appropriated is:
1.079 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	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

A29-00125

Page 1

Date: 02/13/90

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 RIGHTS 29-00125A AND 29-00125B.

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

Decree Plaintiff

vs

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 _____ 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 _____
Title

C.V. CATTLE CO., INC., that I have signed the foregoing
Organization
document in the space below as PRESIDENT of
Title

C.V. CATTLE CO., INC. and that the statements contained in the
Organization
foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PRESIDENT C.V. CATTLE CO., INC.
Title and Organization

2/13/90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of February 19 90

[Signature]
Notary Public

Seal

Residing at Boise, ID
My Commission Expires June 10, 1994

Log for claim A29-00125

Spatial Dynamics LTD

6/8/00

TR	SEC	QQ	Acres Claimed	Acres 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	
Totals:			323	311	

AJ5809NP
No. A29-00125

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 29

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C V CATTLE INC RT 1 BOX 1360 BANCROFT ID 83217	06/01/1910	IRRIGATION	04-15 09-15	1.079 CFS	
TOTAL DIVERSION:					1.079 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 A29-00123 A29-00124 A29-10248
A29-10318 A29-10319 A29-10320

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

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

Remarks: GEN THIS CLAIM IS A RECOMBINATION OF WATER RIGHTS 29-00125A AND
29-00125B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 07/06/90 SHAFF 12/05/90 SMITH 04/04/94 THOMPSON 03/29/95 POST-STD

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	Knollin, A. J.	1.08		
525	First Trust Co. of St. Paul	1.02	0.06	29-0125A

TRANS

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

29-0125

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 525

That said decree has been entered in the records of the

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:

88.24 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 Creek, tributary to the Portneuf River, shall be appurtenant to ONLY that portion

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 (NE $\frac{1}{2}$ 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. Bringham, 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. 560.

It is ordered and decreed, that the said certain portion of the said waters, hereinafter, 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
8-2-32

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

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; Lempsey 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, W. A. Barron, George Romriell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, E. M. 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 G. 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 Grima, George John, Emmel Byington, Frank Reed, Skita Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Nosh Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Drutill, John Gosch, 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 Slope Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangman, Jas. A. Eldredge, John Gosch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckinsori, J. F. Corbett, Peter Larson, Joseph Smith, Earl Moss, E. J. Dolbeer, Hall 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, Leall Sharp, Lee White, Leslie Bowden, James Koford, Davis Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Varner, John Potter, George Harrison, A. A. Boyce, J. H. Maughn, G. H. Maughn, F. D. Papant, Nephew Henningsway, F. V. Briscoe, Clarence Avery, John N. Avery, John D. Ingham, E. H. Gentry, Emma Avery, Jesse Avery, J. M. Jensen, E. L. Jensen, Clara Jensen, Arthur Rossetti, H. A. Gendall, Roy Blount, Charles S. Hall, Joseph Bell, Harriet Byington, John Ramsey, H. A. Ward, C. M. Potter, Adrian Chappell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Lake, A. A. Koford, Tom Harper, Brady Stolpe, Spencer Godsey, A. B. Chesley, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Fopront, Ray Kedley, James Roddy, George Chapman, D. K. Merrick, L. S. Wight, Leo

1902 June 17 th	1.72 c.f.s.
1903 July 1 st	(36 inches)
1904 July 1 st	1.10 c.f.s.
1905 July 1 st	(57.24 inches)
1906 June 1 st	2.63 c.f.s.
1907 June 1 st	(137.10 inches)
1908 June 1 st	1.03 c.f.s.
1909 June 1 st	(54 inches)
Total	6.86 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 33 East. From the Northwest corner of Section 34, 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 Southeast quarter; 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 10 acres in the Southeast quarter of the Southeast quarter; 22 acres in Lot 4; all in Section 25, Township 6 South, Range 33 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 33 East; 40 acres in Lot 2; 57.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

93. NIPPER, THOMAS J.
1902 June 17 (noon) 1.0 c.f.s.

Soil 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 70 degrees East, 1630 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northeast 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 39 East.

94. WHITWORTH, WILLIAM
1902 June 18 .40 c.f.s.

Soil water to be diverted through the Horner 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 3 degrees 45 minutes East, 450 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 25; the South half of the Northeast quarter, Section 34, Township 7 South, Range 33 East.

95. KELLEY, J. W.
1902 June 18

Soil water to be diverted through the said Horner Ditch No. 1, which is described, for the irrigation of land in the South half of the Northeast quarter, section 25, and the Northeast quarter of the Southwest quarter, Section 34, Township 7 South, Range 33 East.