

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: A29-02182
Date Received: 2/16/1990
Receipt No: 7012095
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD L. ARMSTRONG 208-232-5812
Address: PO BOX 4153
POCATELLO, ID 83205

2. Date of Priority: MAY 15, 1914

3. Source: TRAIL CREEK SPRINGS Trib. to: PORTNEUF RIVER
TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	34E	32	NE	SE			BANNOCK
		33	NE	NW			BANNOCK

5. Description of diverting works:
HEADGATE PIPELINE TO SPRINKLE IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
DOMESTIC <i>Not used</i>	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ PART-TIME DOM. S/ UP TO 20 HEAD CATTLE

A2902182



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	34E	28	SE	NE		IRR	11.0
			NE	SE		IRR	4.0
					Section Acres		15.0
					Total Acres		15.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:
SOURCE OF WATER IS SPRINGS, UNNAMED STREAMS & TRAIL CK.
LICENSE INCORRECTLY DESCRIBES SOURCE AS TRAIL CK. ONLY.

15. Basis of Claim: LICENSE
Water Right Number: 10366

16. Signature(s)

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

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): *Howard L. Anderson* Date: 2-16-90
Date: _____

State of Idaho)
County of Branerille) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of February 19 90

Seal

Anthony S. Olsen
Notary Public

Residing at *Idaho Falls*

My Commission Expires 9/12/1994

NOT TO SCALE

T571

H 245
Howard L. Armstrong
CRP: CN 437
26-96
F. 100
5010

HEL

MICROFILMED Howard Armstrong

NOV 13 1992

NOV 4 3 1982

Log for claim A29-02182

Spatial Dynamics LTD

9/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	28	SENE	11	12	
06s34e	28	NESE	4	0.7	
Totals:			15	12.7	

6/8/01 Pou ?

6/12/01 - spring used for domestic or irrigation

* use changed ^{early} in 1950's - that is when
Howard dammed up Gully to build Pond.
Irrigated from Pond in radial area from
Pond. When large well was put in
Pond water used to irrigate Gully.

• No water from Trail Creek - license speaks of
Trail Creek

AJ5809NP
No. A29-02182

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 39

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD L ARMSTRONG PO BOX 4153 POCATELLO ID 83205 (208) 232-5812	05/15/1914	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	1.000 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					1.000 CFS	
CONSUMPTIVE USE:						37.50 AFA

Water Source: TRAIL CREEK
SPRINGS

Tributary to: PORTNEUF RIVER
TRAIL CREEK

Stage: LICENSE

Point(s) of Diversion: T06S R34E S32 NESE
S33 NENW

BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

NE				NW				SW				SE														
T	R	S		NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM		
---	---	---		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	---
06S	34E	28	:				11	:					:					:	04					:	15.0	
TOTAL ACRES																								15.0		

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: D/ PART-TIME DOM. S/ UP TO 20 HEAD CATTLE

Other Rights: NONE

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

29-04237	29-04380	29-07626	29-10717	29-11382	29-11536	29-12201	A29-02542	A29-04237	A29-04380
A29-07243	A29-07501A	A29-07501B	A29-07626	A29-10717	A29-11382	A29-11536	A29-12201		

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

A29-04264 A29-07243

Remarks: GEN SOURCE OF WATER IS SPRINGS, UNNAMED STREAMS & TRAIL CK.
LICENSE INCORRECTLY DESCRIBES SOURCE AS TRAIL CK. ONLY.

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

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

Audit: 02/16/90 DCARLSON 06/02/94 COX 03/29/95 POST-STD

State of Idaho License and Certificate of Water Right

Water License No. 10366
 Water District No. 17-D

Amount 1.0 sec. ft.
 Priority 5-15-1914

THIS IS TO CERTIFY that Fred G. Caldwell ofocatello, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated May 15, 1914; that Permit No. 10366 was issued under said application; that Certificate of Completion of works, with a carrying capacity of 1.0 second feet, was issued thereunder on June 16, 1919, showing that said works were completed on the 27th day of May, 1919; and that on the 25th day of May, 1925,

Fred G. Caldwell ofocatello, State of Idaho, made proof to the satisfaction of the Commissioner of Reclamation of Idaho, of the right to use the waters of Trail Creek, a tributary of, for the purpose of irrigation and domestic use, under Use Permit No. 10366 of the State Engineer and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in Volume 6 of Licenses, at page 3260, on the 5th day of June, 1925;

The right hereby confirmed dates from May 15, 1914;

The Point of Diversion is located as follows: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 and NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33 Tp. 6 S., R. 34 E., B. M., Bannock County. in the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, Tp. 7 S., R. 34 E., B. M., Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	34 E.	27	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	Westocatello Townsite	
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$ ✓ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ✓ NW $\frac{1}{4}$ SE $\frac{1}{4}$ ✓		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 5th day of June, 1925

W. G. SWENDSEN
 Commissioner of Reclamation.

(SEAL)

APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Idaho

1. Name of applicant, Fred G. Caldwell

Postoffice address, Pocatello

County, Blaine

State, Idaho

- I. If applicant is a corporation, give
- Date and place of incorporation.
 - The amount of capital stock.
 - The amount paid in.
 - Names and addresses of directors.

- II. The financial resources of the applicant are: (a) Cash on hand;
(b) Treasury stock; (c) Bonds to be issued;
(d) Other resources:

2. The quantity of water claimed is Two cubic feet per second.

3. Source of water supply, Trail Creek

4. Location of point of diversion, The head Springs and Tributary Springs of the different forks of Trail Creek as described under # 1 in Remarks.

County of Blaine

5. To be used for, Domestic use in a Townsite.

- I. Irrigation and domestic use, (a) Amount of land to be irrigated embraced in the townsite 200 acres.
(b) In the following legal subdivisions, SE 1/4 and NE 1/4 Section 27 and SE 1/4, NE 1/4, and NE 1/4 Section 28, of T. 6 S., R. 34 E. of 3.N.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated:

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

[d] If so, name stream and locate point of

6. Estimated cost of works, \$10,000.00

7. Description of works for diversion:

I. Kind of works, Intakes, Pipes, Reservoir.

II. Dimensions of works:

[a] Height of dam feet, length of dam at top feet,

length of dam at bottom feet. Material used in construction, of intake and reservoirs, earth and concrete.

[b] Capacity of reservoir two acre feet. (c) Size of headgate, width feet,

Height feet. (d) Conduit pipes width at bottom feet,

width at water line feet, depth of water feet, diameter of pipe

7.4, 6 & 8 inches; average grade per mile is from 10 feet. Length of conduit is three miles, and it crosses the following quarter sections: NW 1/4, NE 1/4 and SE 1/4 Sec. 27, NW 1/4 and SE 1/4 Sec. 28, T. 6 S., R. 34 E. of 3.N.

8. The time required for the completion of the construction of such work is five years.

9. Time required for the complete application of the water to the proposed use is six additional years.

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Fred G. Caldwell

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.00 A. M. May 15, 1914.

Returned to applicant for correction May 15, 1914.

Corrected application received June 20, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10366

Recorded in Book 35 Page 10366 Approved July 8, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of to be filed on or before

Work to begin on or before September 6, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1917.

The whole of said work to be completed on or before July 8, 1919.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 8, 1925.

Witness my hand this 8th day of July, 1914.

F. P. KING,

State Engineer.

Remarks: # 1. Location of Points of Diversion.

Intakes will be constructed at:

1. Head Spring of Northfork: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 6 S., R. 34 E.
2. Head Spring of Southfork: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T. 7 S., R. 34 E.
3. Head Spring of East Branch of Southfork: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T. 6 S., R. 34 E.
4. Big Spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T. 6 S., R. 34 E.
5. Tributary Spring in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33, T. 6 S., R. 34 E.

Capacity of Springs.

- No. 1 ---- $\frac{1}{2}$ second ft.
No. 2 ---- $\frac{1}{2}$ second ft.
No. 3 ---- $\frac{1}{2}$ second ft.
No. 4 ---- $\frac{3}{4}$ second ft.
No. 5 ---- $\frac{1}{2}$ second ft.

Mr. Fred G. Caldwell bought the land tract designated as "Proposed townsite" on the accompanying map and a permit for the appropriation of all the waters in Trail Creek was issued in March 1911 by the State Engineer and verbal consent was given by the land owners to divert the waters from the springs. The Head Spring of the North Fork # 1 is located on the Homestead claim of Frank A. Miller. The Big Spring # 4 is located in the Homestead claim of Mr. Charles Spillman. Tributary spring # 5 is located in the Homestead claim of Joseph Spillman. The above named parties do not reside on their lands and could not be found, Mr. Caldwell will report as soon as their written consent has been obtained. Springs # 2 and 3 are located on unclaimed U. S. Gov. land.

Fred G. Caldwell,
By Oscar Sonnenkalb, Agent.

May 14 - 1914

Written consent of Joseph and William Spillman to develop springs and divert water from their lands is now in my possession.

Fred G. Caldwell

June 10 - 1914

I have written permission from the owners of the land upon which the springs are located and a certification has been executed and acknowledged as required for the conveyance of said estate.

Fred G. Caldwell,
Applicant.

Permit No. 10366

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Fred G. Caldwell of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 10366, issued upon Application No. 15166, bearing date of priority of May 15th, 1914, authorizing the diversion of two second feet of the waters of Trail Creek, County of Bannock, State of Idaho, for domestic use in townsite, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second feet of the waters of Trail Creek; that the point of diversion of said water is in the #1:SE $\frac{1}{4}$ NW $\frac{1}{4}$,Sec.32,T.6 S.; #2:SW $\frac{1}{4}$ NW $\frac{1}{4}$,Sec.5,T.7 S. R. 34 E.B.M. #3:NW $\frac{1}{4}$ SW $\frac{1}{4}$,Sec.33 T. 6 S. #4:NE $\frac{1}{4}$ Sec.32, T. 6 S. #5: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 6 S., R. 34 E.B. M. said water to be used for domestic purposes on the following described land, to-wit: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$: Section 27; SE $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, Township 6 South, Range 34 East, B. M.

Witness my hand this 16th day of June, A. D. 1919.

W. G. Swendsen.

Commissioner of Reclamation.

By S. T. Baer.

Recorded by

Checked by

Approved and recorded for the second time
Page 3260

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. 10366

This proof is for Beneficial Use

In Water District No. 17-D

1. Name of applicant: Fred G. Caldwell
2. Source of water supply: Trail Creek
SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, 68-34E; NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ -33-68, 34E;
3. Location of point of diversion: At in the of Section
SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, 78-34E.
T. _____ R. _____ County of Bannock

4. Describe works as they exist, giving dimensions and capacities of same: Works consist of being set in at spring to collect water, by with some device and pipe from source to bank material. Pipe is 4" laid underground and water is taken from this with small cement pipe and then in small pipes to various parts of the land.

5. Water is used for: Irrigation & domestic use
6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 27; SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 28, Tp. 68., R. 34 E., B.M.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach? None, small creek

Remarks: This water is used on land that has been platted and is now in addition to Beattie's ^{that is} land was formerly owned by Seidman and shows evidence of once having been in grain & hay. A half of the land is platted, most all of the springs being used, but as now homes are built and the necessity increases the other springs will be brought in. They are used now whenever they will run down naturally for irrigation.
Ownership of all lands and springs are in one.
We all, etc that comes from springs and creek

This examination was made on the 25 day of May 1925

(Signed)

R. F. Sutcliffe

Examiner.

10366

Fred G. Caldwell
Foshtello

Permit No. 10366

Examination for Beneficial Use

County Bannock

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

10366

T 6 S R 34 E

Porter R.
Mud Puddle

T 6 S R 34 E
T 6 S R 34 E

33

32

DRIVE WENT ON ROAD

WENT ON ROAD

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____