

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: A29-02418
Date Received: 10/23/1989
Receipt No: 604052
Received By: ED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DARWIN CALDWELL 208-648-7890
Address: RT. 1 BOX 1460
BANCROFT, ID 83217
OR
Name: ELOISE CALDWELL 208-648-7890
Address: RT. 1 BOX 1460
BANCROFT, ID 83217

A2902418

2. Date of Priority: SEP 29, 1959

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
07S	38E	11	NW	SE	NE		CARIBOU

5. Description of diverting works:
180' WELL W/ 100HP PUMP INTO MAINLINE/SPRINKLER IRRIGATION SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	10/31	1.750		

7. Total Quantity Appropriated is:
1.750 C.F.S. (and/or) 585.00 A.F.A.

8. Total consumptive use is 487.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	2	SW	SE		IRR	12.0
						Section Acres	12.0
		11	NE	NE		IRR	39.0
			NW	NE		IRR	31.0
			SE	NE		IRR	36.0
						Section Acres	106.0
		12	NW	NW		IRR	40.0
			SW	NW		IRR	37.0
						Section Acres	77.0
						Total Acres	195.0

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:

29-02504, 29-00246B AND SHARES IN TOPONCE CK. CANAL

14. Remarks:

15. Basis of Claim: LICENSE

Water Right Number: 28194

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: 2

For Individuals:

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

Signature of Claimant(s): *Kevin C. [unclear]* Date: 10-23-89

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of October 19 89

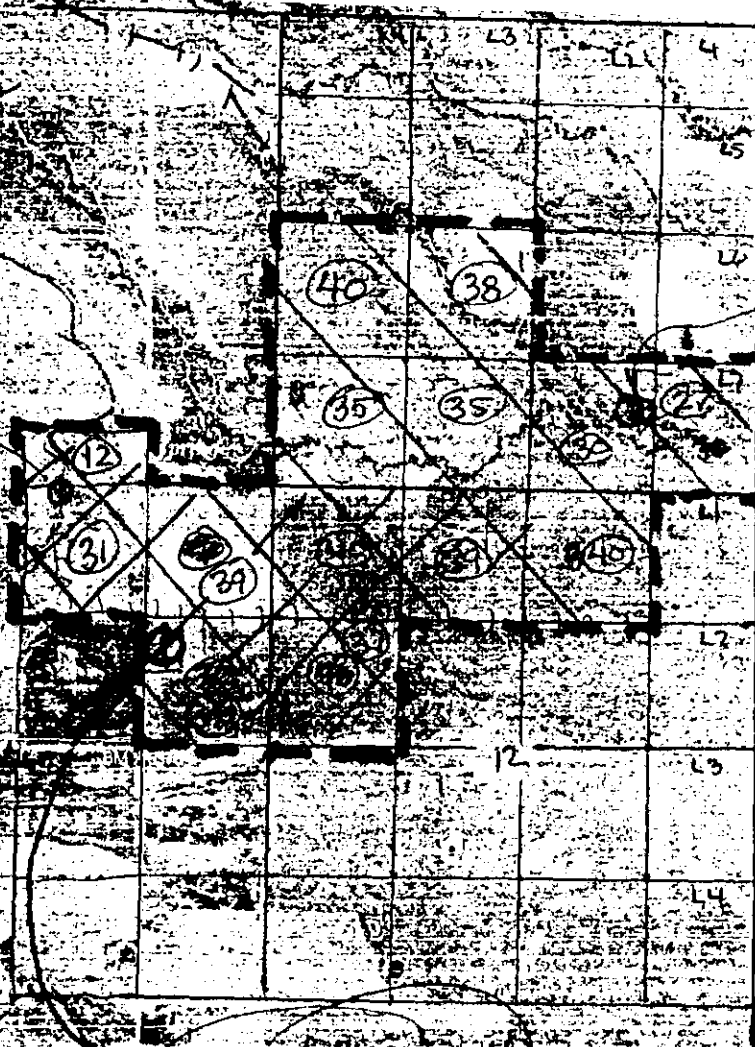
[Signature]
Notary Public

Seal

Residing at *Salto Falls, ID*
My Commission Expires 22 Aug 1994

TOPOGRAPHIC CADAstral HEADING
SW 1/4 NW 1/4 SE 1/4 SEC. 34
T6S R38E

PITCH HEADING
NW 1/4 NE 1/4 SE 1/4 SEC. 34
T6S R38E



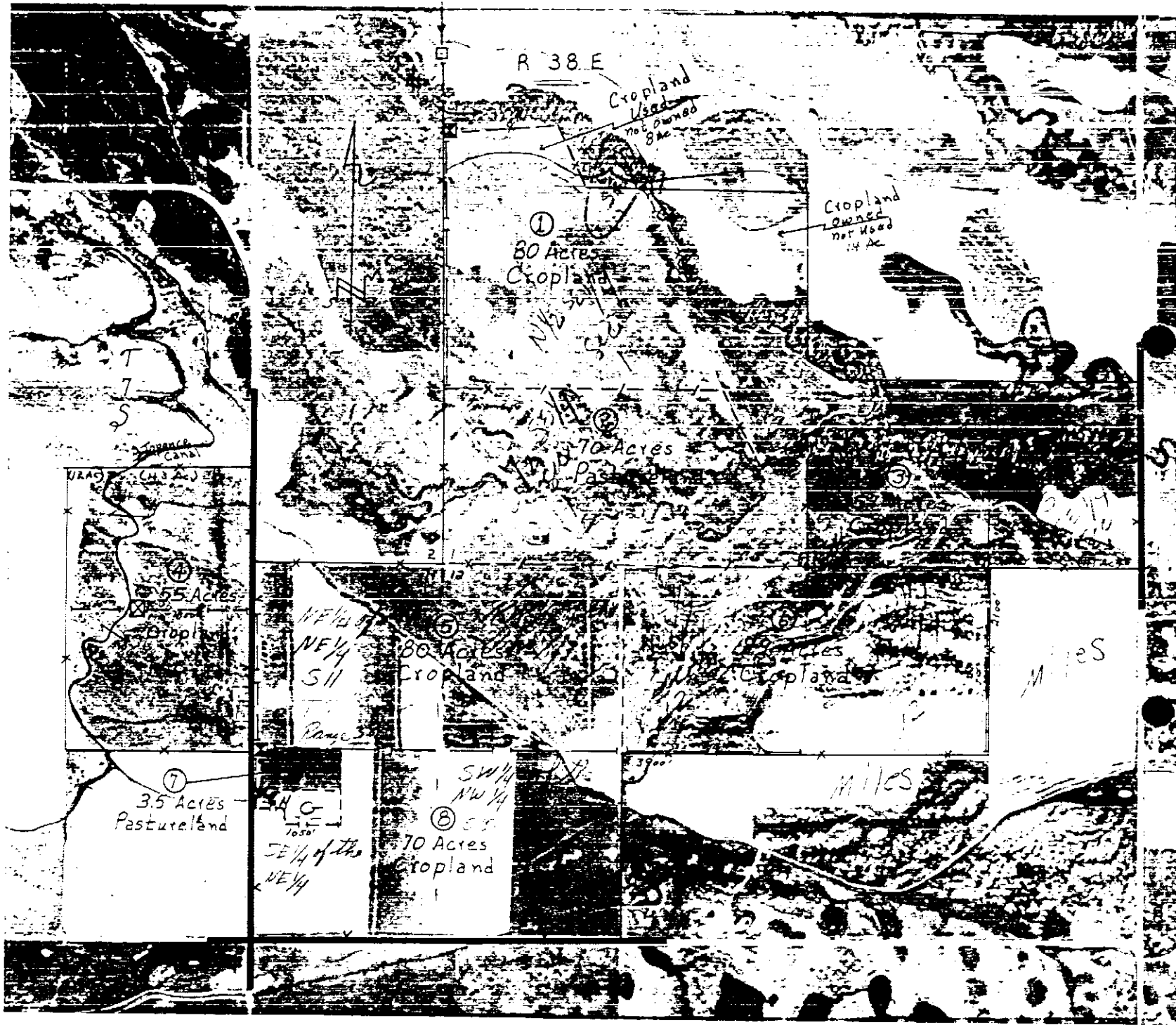
INR. WELL
A29-10099

R38E

R39E

MICROFILMED

NOV 19 1982



MICROFILMED
NOV 19 1997

Log for claim A29-02418

Spatial Dynamics LTD

6/12/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	2	SWSE	12	21	
07s38e	11	NENE	39	38	
07s38e	11	NWNE	31	40	
07s38e	11	SENE	36	37	
07s38e	12	NWNW	40	40	
07s38e	12	SWNW	37	38	
Totals:			195	214	

AJ5809NP
No. A29-02418

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 71

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ELOISE CALDWELL	09/29/1959	IRRIGATION	04-01 10-31	1.750 CFS	
C	DARWIN CALDWELL					
	RT 1 BOX 1460					
	BANCROFT ID 83217			TOTAL DIVERSION:	1.750 CFS	585.00 AFA
	(208) 648-7890			CONSUMPTIVE USE:		487.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion:

T07S R38E S11

NWSENE

CARIBOU 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	
07S	38E 2	:		:		:		:		:		:		:		:		12.0
07S	38E 11	:	39	:	31	:		:		:		:		:		:		106.0
07S	38E 12	:		:		:	40	:	37	:		:		:		:		77.0
																	TOTAL ACRES	195.0

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-02504, 29-00246B AND SHARES IN TOPONCE CK. CANAL

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10099 A29-02504 A29-10099

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00103 A29-00104 A29-00105 A29-00106 A29-00246B A29-02504 A29-10322

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

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

Audit: 10/23/89 VERNER 06/30/94 COX 03/29/95 POST-STD

WATER LICENSE

Water License No. G-28194 Priority September 29, 1959 Amount 1.75 c.f.s.

THIS IS TO CERTIFY, that WHITWORTH BROTHERS, F. M. & E. L.
 of Soda Springs, Idaho, made application for a permit to appropriate the public waters of
 the State of Idaho, dated September 29, 1959; that Permit G-28194 was issued pursuant
 to said application; that the proposed works were completed on or about September 12, 1959,
 with a storage or carrying capacity of 3.95 c.f.s., said works consisting of
well, pump, motor, and steel underground mainline; and that on October 15, 1964,
 proof was made to the satisfaction of the State Reclamation Engineer, of the beneficial use of 585
 acre feet per season, with a maximum rate of diversion of 1.75 cubic feet per second of the waters
 of ground water, tributary of _____,
 for the purpose of Irrigation from April 1 to October 31;
 and for _____ from _____ to _____; and for
 _____ from _____ to _____; and that the use
 of said waters has been made in accordance with the laws of Idaho, and is hereby confirmed by the State Recla-
 mation Engineer and entered in the records of the Idaho Department of Reclamation: the point of diversion is
 located in SE 1/4 NE 1/4, Sec. 11, T. 7 S, R. 38 E, B.M., and
 other additional points _____, in the County of
Caribou; and that the amount of water to which such right is
 entitled and which is hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially
 used for said purposes and shall not exceed 585 acre feet per year.

Description and location of place of use:

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
<u>7 S</u>	<u>38 E</u>	<u>2</u>															<u>12</u>		<u>12</u>
		<u>11</u>	<u>39</u>	<u>31</u>		<u>36</u>													<u>106</u>
		<u>12</u>						<u>40</u>	<u>37</u>										<u>77</u>

Total number of acres irrigated 195

The right to the use of the water 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 State Reclamation Engineer, affixed at Boise, Idaho, this

4th day of August, 19 69.

[Signature]
 State Reclamation Engineer

28194
29-2-18

[Handwritten mark]

APPLICATION FOR TENURE

Application No. G- 361146
Permit No. G- 28194
District No.

1. **Name of Applicant:** Whitworth Brothers, F. M. & E. L.
Postoffice address: Bancroft **County:** Caribou **State:** Idaho

2. Quantity of water claimed:

(a) Rate of withdrawal in cubic feet per second 1.75 or Idaho
Miners' inches or gallons per minute 788

(b) Annual withdrawal in acre feet per annum

3. Source of water supply: Well

4. Location of point of diversion or well is in the SE ¼ of the NE ¼ of Section 11
Twp. 7 So. , Rge. 38 E. , B.M., County of Caribou

5. Water is to be used for: Irrigation

6. If for municipal, industrial or recreational purposes, give:

(a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section _____, Twp. _____, Rge. _____, B. M. _____

(b) Waste water or sewage effluent is to be returned to _____
at a point in the _____ ¼ of the _____ ¼ of Section _____, Twp. _____, Rge. _____, B. M. _____

7. Kind of works: Well and sprinklers - diesel power to start

8. Estimated cost of works: \$ 15,000.00

9. (a) Is reservoir to be used? No
(b) Capacity of reservoir:

10. The time required for the completion of such work and complete application of the water to the proposed use is 5 years.

11. If applicant is a corporation, give:

- I. (a) Date and place of incorporation:

(b) Amount of capital stock: \$ _____ (c) Amount paid in: \$ _____

(d) **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:

12. The land to be irrigated is described in the following tabulation:

13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: We have a water right in Topans Canal Company, and their right is from Topans Creeks

(a) 1.75 (cubic feet per second, ~~in excess of one acre-foot~~) of the water herein applied for is to be supplemental to the existing water rights.

(b) (cubic feet per second, inches or gallons per minute) is for new lands.

[illegible]

Remarks: This well is for supplemental water, nearly every year we are out of water around July 1st. When the creeks go the water goes to Indian rights.

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

s/ WHITWORTH BROTHERS

Applicant.

By s/ F. M. Whitworth

Agent.

Date of first receipt at Department of Reclamation: 8:00 A.M. September 29, 1959

Returned to applicant for correction: September 29, 1959

Corrected application received: October 5, 1959

Approval of State Reclamation Engineer

The number of this permit is G— 28194

Recorded in Book 99

Page 28194

Approved October 15, 1959

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

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before April 15, 1962

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before October 15, 1964

Witness my hand this

15th

day of

October, 1959

s/ GEO. N. CARTER

STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLER, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 15th day of October, 1959.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS

Secretary of State.

By s/ ROBERT E. SMYLER

Governor

12.

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	38 E	2																	
		11	40	40			40	40											20
		12																	120
																			80
																		Total	220

WILLIAMSON FOR 1.25 SEC. 11.
LICENSE PAGE NO.

WATER RIGHT NUMBER 29-2413 ✓

OWNER LAST NAME - WHITWORTH
OWNER LAST NAME - WHITWORTH
ADDRESS LINE 1 - DBA WHITWORTH BROTHERS
ADDRESS LINE 3 -
SOURCE - GROUNDWATER

FIRST NAME - F. M.
FIRST NAME - E. L.
ADDRESS LINE 2 -
CITY - BANCROFT ✓

ORIG OWNER -
ORIG OWNER -

STATE - ID ✓ ZIP CODE - 83217 ✓

STAGE - LICENSE STATUS -
TOTAL DIV. VOLUME - 585.00 ~~AF~~ TRFR/AMEND -
DIVERSION POINT - SENE 11 07S 38E LOT REDIV -
FROM - 04-01 ~~TO~~ - 10-31 ~~USE~~ - IRRIGATION ✓
USE - IRRIGATION
USE - IRRIGATION
USE - IRRIGATION
DEGREE NAME -
REMARKS -
NON IRRIG USE -
OTHER RIGHTS FOR SAME USE -
PROOF DUE -
PROOF MADE -
DIVERSION MEANS -

TRIBUTARY OF -
PRIORITY - 09-29-1959 COUNTY - CARIBOU
WATER DIST. -
0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0
USE DIV. RATE - 1.7500 ~~CFS~~ USE DIV. VOLUME - 585.00 ~~AF~~
PLACE OF USE - TWN 07S RNG 38E SEC 12 TRACT NWNW LOT AC 40 TRACT SWNW LOT AC 37
PLACE OF USE - TWN 07S RNG 38E SEC 11 TRACT NENE LOT AC 39 TRACT NWNE LOT AC 31
TRACT SENE LOT AC 36
PLACE OF USE - TWN 07S RNG 38E SEC 02 TRACT SWSE LOT AC 12
DATE -
TOTAL ACRES 195

PROTESTED -
HEARING -
CLD NO. - 28194

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 23194 / 29-2418
 Old No. New No.

Record

1. Original Owner: J. M. + E. L. Whitworth, dka
Whitworth Brothers
 Present Owner: _____
2. Address: _____
3. City: Indio Springs State: SC Zip: _____
4. A. Source of Water: GW
 B. Tributary of: _____
5. A. Stage (A,P,L,D,S,J): L
 B. Status (D,L,R,C,A,I,F - leave blank if valid): _____
 C. Priority Date: 9-29-1959
 D. County: 29
 E. Total Diversion Rate: 1.75
 F. Total Diversion Volume: _____
 G. Transfer/Amendment (P,T of A or blank): _____
 H. Water District: _____
 I. DLE/Carey Act (D,C or blank): _____
 J. Right Basis (for adjudication claims A,B,C only): _____

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SE NE</u>	<u>11</u>	<u>7S</u>	<u>38E</u>		
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____
	_____	_____	_____	_____	_____	_____

7. Period of Use, Use, Diversion Rate/Volume:

from _____ to _____ for ft purposes. Amount 1.75
 (cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

8. Use Code: A

8-13-79
A

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7 S	38 E	2															12		12
		11	29	31		36													106
		12						40	37										77
																			195

9. A. Decree Name:

B. Decree Date:

10. Remarks: A.
B.
C.
D.
E.

11. Other Uses (Non-irrigation explanatory information):

12. Other Rights for Same Use:

13. A. Proof Due Date:

B. Date Permit Approved or Denied:

C. Protested Date:

D. Hearing Date:

E. Old Number: 28194

F. Proof Made (P or blank):

G. Field Exam Made (P,R,F or blank):

H. Conditions of Approval: _____

14. Diversion Means (brief narrative):

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF ENGINEER

Permit NoG-28194

This proof is for Completion of Works & Beneficial Use In Water District No.

1. Name of applicant..... Whitworth Brothers
2. Source of water supply:..... Subterranean
3. Location of point of diversion: Is in the..... SE 1/4..... of Section..... 11
T. 7 S..... R. 38 E.B.M. County of Caribou
4. Describe works as they exist, giving dimensions and capacities of same:
100 HP US HOUSE/ACT #1304057
F & M V.T.P. # PN 2105
8" DISCHARGE INTO STEEL UNDERGROUND
MAIN LINE - 60 lbs - WEST 1/4 EAST 1/2
5. Water is used for:..... irrigation
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 other than irrigation):

SW 1/4 Sec. 2., N 1/2, SE 1/4, Sec. 11., W 1/4 Sec. 12., Twp. 7 S., Rge. 38 E.B.M.
(220 acres)

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

8. What large stream would the water here appropriated finally reach?.....

Remarks:.....

Mr. Whitworth CONTRACTED6'12" - 4" LINE LAT 7/32" TRAINING 20" @ 35 lbs

$$Q = (6.4 \text{ lat}) (3.3 \text{ mae}) + 16 \text{ mae} (8.26 \text{ gpm}) = 3.95 \text{ cfs}$$

118.8 gpm
IRRIGATION REQUIREMENT = 30 A - 17 / 1000 / 5000This examination was made on the 25th day of JULY, 1958(Signed) John Reynolds

Examiner.

28194/
29-2418GRR
Pent
L.H.

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 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.
6. Give general characteristics of soils, topography, and crops raised.

Whitworth Brothers
Bancroft, Idaho

Permit No. G-28194

Examination for Completion of Works & Beneficial Use

County.....Caribou

Sec. 11 T. 7S R. 38 EBM

Quantity: 1.75

Source: Well

P.D.: SENE - 11

Use: Irrigation

Filed: 29 September - 59

Due: 15 October 60

Extension: _____

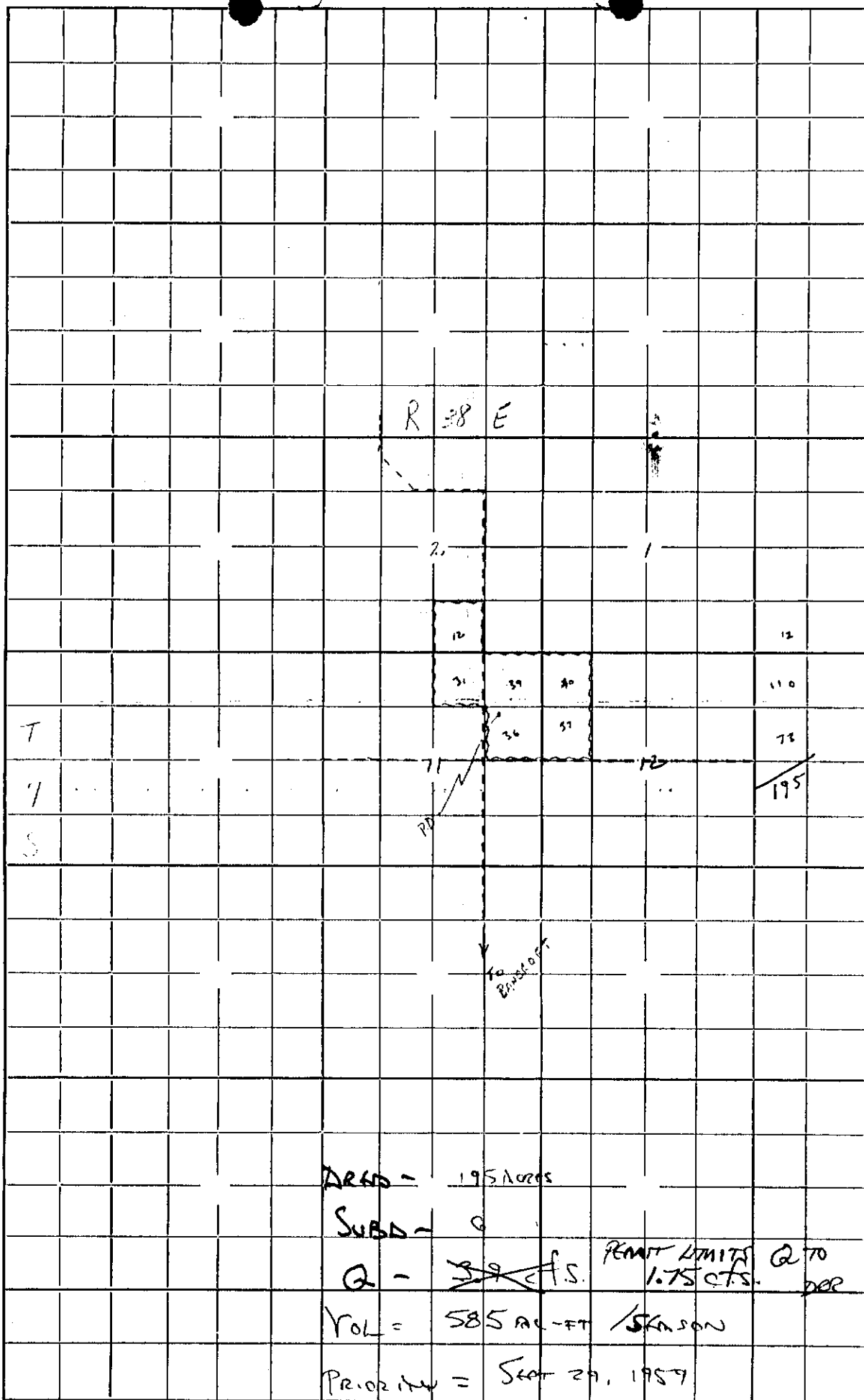
Protest: _____

Completion of Works: _____

Other Rights: Sogans Canal
Co. _____

Made: Oct 13, 1964

Prior. Tol. = 547 29. 1959



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. G-28194

REPORT ON PROOF OF Completion of Works & Beneficial Use

Whitworth Brothers, Bancroft, Idaho