

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: A29-07391
Date Received: 1-25-90
Receipt No: 11005594
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERMA M. BANKS 208-648-7856
Address: 3229 BANKS RD.
BANCROFT, ID 83217

2. Date of Priority: MAY 05, 1977

3. Source: UNNAMED DRAIN Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	39E	19	SW	SE	SW		CARIBOU

5. Description of diverting works:
DRAIN, WIER AND 150HP PUMP, MAINLINE TO HAND & WHEEL LINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.820		

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

8. Total consumptive use is 477.5 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	24	NE	NE		IRR	4.0
			SE	NE		IRR	20.0
						Section Acres	24.0

A29-07391

Page 1

Date: 01/25/90

UNRECORDED

NOV 13 1992

A2907391



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres			
06S	39E	19	NE		NW		IRR	5.0			
			NW		NW		IRR	5.0			
			SW		NW		IRR	40.0			
			SE		NW		IRR	40.0			
			NE		SW		IRR	40.0			
			NW		SW		IRR	26.0			
			SW		SW		IRR	4.0			
			SE		SW		IRR	40.0			
			NW		SE		IRR	14.0			
			SW		SE		IRR	40.0			
			SE		SE		IRR	40.0			
										Section Acres	294.0
			30	NE		NE			IRR	40.0	
NW		NE				IRR	40.0				
SW		NE				IRR	40.0				
NE		NW				IRR	40.0				
NW		NW				IRR	5.0				
SW		NW				IRR	4.5				
SE		NW				IRR	37.5				
							Section Acres	207.0			
							Total Acres	525.0			

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:

A29-10246, -00010, -00094A, 24 MILE CREEK CANAL CO.

14. Remarks:

THE APPLICANT MUST INSTALL AND MAINTAIN ADEQUATE MEASURING DEVICES AT LOCATIONS ACCEPTABLE TO THE DEPT. IN THE OLD EXISTING DRAIN, THE DRAIN HE RECENTLY CONSTRUCTED AND ANY FUTURE DRAINS THAT MAY BE INSTALLED.

ANY WATER DIVERTED UNDER THIS RT. MUST BE DEVELOPED THROUGH A DRAINAGE SYSTEM CONSTRUCTED BETWEEN MAY 20, 1971 AND DECEMBER 1, 1982.

ANY PUMP INSTALLED UNDER THIS RIGHT MUST BE SO LOCATED AS TO ASSURE NO WATER WILL BE DIVERTED FROM ANY DRAIN EXISTING PRIOR TO MAY 20, 1971, OR FROM THE PORTNEUF RIVER.

14. Remarks: Continued

THIS RIGHT UTILIZES THE SAME DISTRIBUTION SYSTEM AS OTHER RIGHTS USED FOR THE SAME IRRIGATED ACRES. THE DRAIN FLOWS INTO AN OLD DITCH AND JUST BEFORE ENTERING THE RIVER CHANNEL THE MAIN PUMP FOR THE IRRIGATION SYSTEM PICKS UP BOTH WATERS FROM THE RIVER AND THIS DRAIN.

BECAUSE OF THIS SYSTEM THE WATERS LICENSED BY THIS RIGHT WILL BE APPLIED IN A GIVEN IRRIGATION SEASON ON 191 ACRES WITHIN THE PLACE OF USE LISTED IN ITEM #10.

15. Basis of Claim: PERMIT

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): Erma M. Banks Date: 1-25-90
_____ Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 25th day

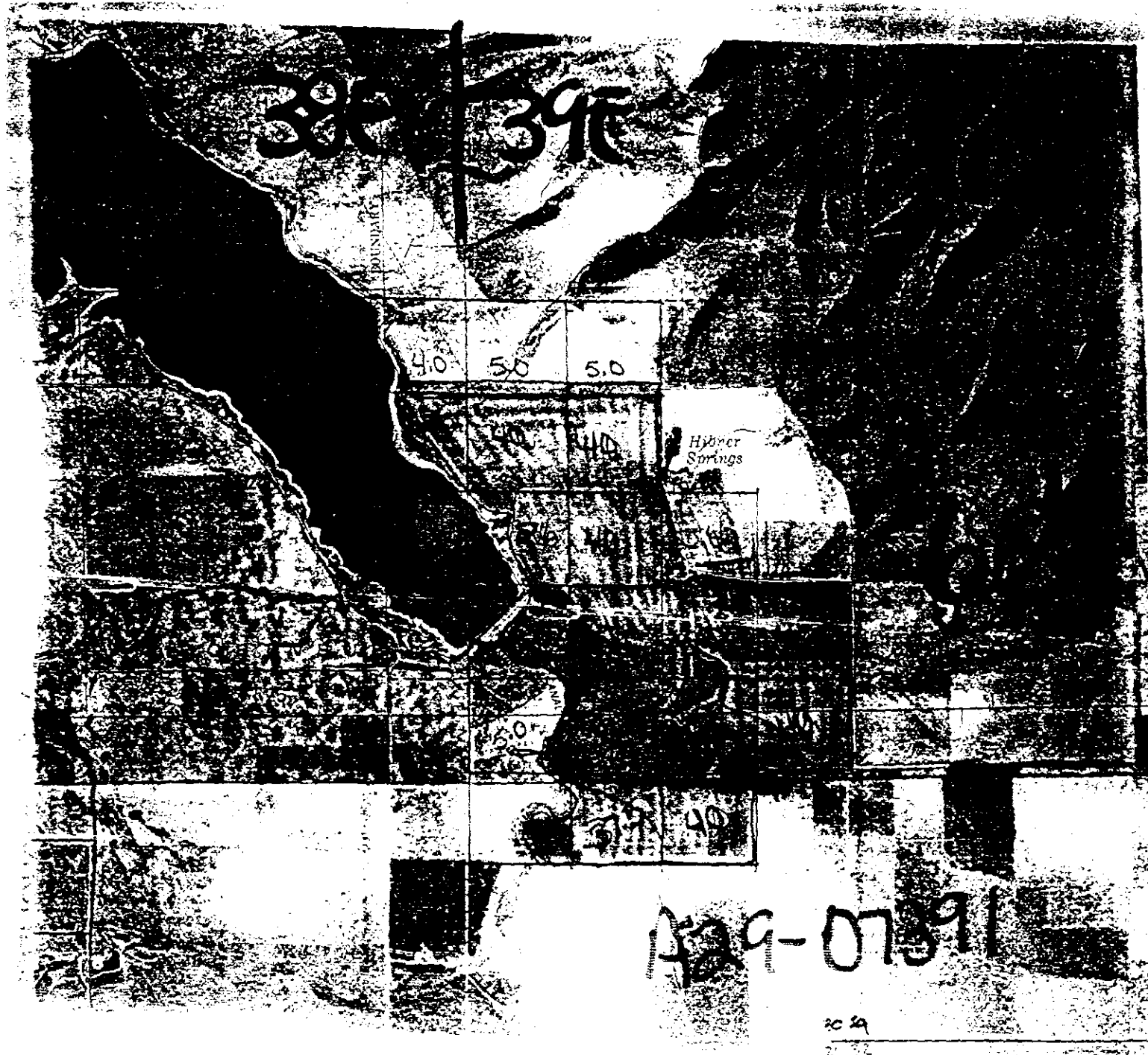
of January 1990

Seal

Anna Baumhoff
Notary Public

Anna Baumhoff, Notary Public
Residing at _____
My Commission Expires December 7, 1994
My Commission Expires _____

NOV 13 1967



Log for claim A29-07391

Spatial Dynamics BTD

6/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	24	NENE	4	3.8	
06s38e	24	SENE	20	13	
06s39e	19	NENW	5	6.6	
06s39e	19	NWNW	5	6.6	
06s39e	19	SWNW	40	40	
06s39e	19	SENW	40	40	
06s39e	19	NESW	40	39	
06s39e	19	NWSW	26	23	
06s39e	19	SWSW	4	3	
06s39e	19	SESW	40	40	
06s39e	19	NWSE	14	7.1	
06s39e	19	SWSE	40	40	
06s39e	19	SESE	40	40	
06s39e	30	NENE	40	40	
06s39e	30	NWNE	40	40	
06s39e	30	SWNE	40	40	
06s39e	30	NENW	40	40	
06s39e	30	NWNW	5	4.1	
06s39e	30	SWNW	4	9.2	
06s39e	30	SENW	37	39	
Totals:			524	514.4	

AJ5809NP
No. A29-07391

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 109

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERMA M BANKS 3229 BANKS RD BANCROFT ID 83217 (208) 648-7856	05/05/1977	IRRIGATION	04-01 11-01	3.820 CFS	
					TOTAL DIVERSION:	3.820 CFS
					CONSUMPTIVE USE:	477.50 AFA

Water Source: UNNAMED DRAIN

Tributary to: PORTNEUF RIVER

Stage: PERMIT

Point(s) of Diversion:

T06S R39E S19

SWSSEW

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	24	:	04				20													24.0
06S	39E	19	:							05	05	40	40			40	26	04	40		294.0
06S	39E	30	:	40	40	40				40	05	04	37								207.0
																				TOTAL ACRES	525.0

POU County: CARIBOU

Other Rights: A29-10246, -00010, -00094A, 24 MILE CREEK CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00010 A29-10246

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

A29-00010 A29-00013 A29-00015 A29-00018 A29-00069 A29-00071 A29-00094 A29-00094B A29-02558 A29-10246

Conditions of Approval:

- 005 - Use of water under this right is subject to control by the watermaster of State Water District No. 29.
- 016 - See remarks for additional conditions of approval.

Remarks: GEN THE APPLICANT MUST INSTALL AND MAINTAIN ADEQUATE MEASURING DEVICES AT LOCATIONS ACCEPTABLE TO THE DEPT. IN THE OLD EXISTING DRAIN, THE DRAIN HE RECENTLY CONSTRUCTED AND ANY FUTURE DRAINS THAT MAY BE INSTALLED.
ANY WATER DIVERTED UNDER THIS RT. MUST BE DEVELOPED THROUGH A DRAINAGE SYSTEM CONSTRUCTED BETWEEN MAY 20, 1971 AND DECEMBER 1, 1982.
ANY PUMP INSTALLED UNDER THIS RIGHT MUST BE SO LOCATED AS TO ASSURE NO WATER WILL BE DIVERTED FROM ANY DRAIN EXISTING PRIOR TO MAY 20, 1971, OR FROM THE PORTNEUF RIVER.
THIS RIGHT UTILIZES THE SAME DISTRIBUTION SYSTEM AS OTHER RIGHTS USED FOR THE SAME IRRIGATED ACRES. THE DRAIN FLOWS INTO AN OLD DITCH AND JUST BEFORE ENTERING THE RIVER CHANNEL THE MAIN PUMP

AJ5809NP
No. A29-07391

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 110

Remarks: FOR THE IRRIGATION SYSTEM PICKS UP BOTH WATERS FROM THE RIVER AND
THIS DRAIN.
BECAUSE OF THIS SYSTEM THE WATERS LICENSED BY THIS RIGHT WILL
BE APPLIED IN A GIVEN IRRIGATION SEASON ON 191 ACRES WITHIN THE
PLACE OF USE LISTED IN ITEM #10.

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

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

Audit: 01/25/90 BAUMHOFF 07/27/94 THOMPSON 03/29/95 POST-STD

Identification No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT **APPROVED**

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Floyd J. Banks Phone: 648-7856
post office address Bancroft, ID 83217
2. Source of water supply drain ditch which is a tributary of Portneuf River
3. a. Location of point of diversion is SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19 Township 6S
Range 39E B.M. Caribou County; additional points of diversion if any: _____

b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$
of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 3.82 for irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 3.82 cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. drain ditch, pump and sprinkler
system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir
capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ to _____ inclusive.
(Mo. Day) (Mo. Day)
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use
is 5 years.
b. Estimated construction cost is \$45,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered: _____

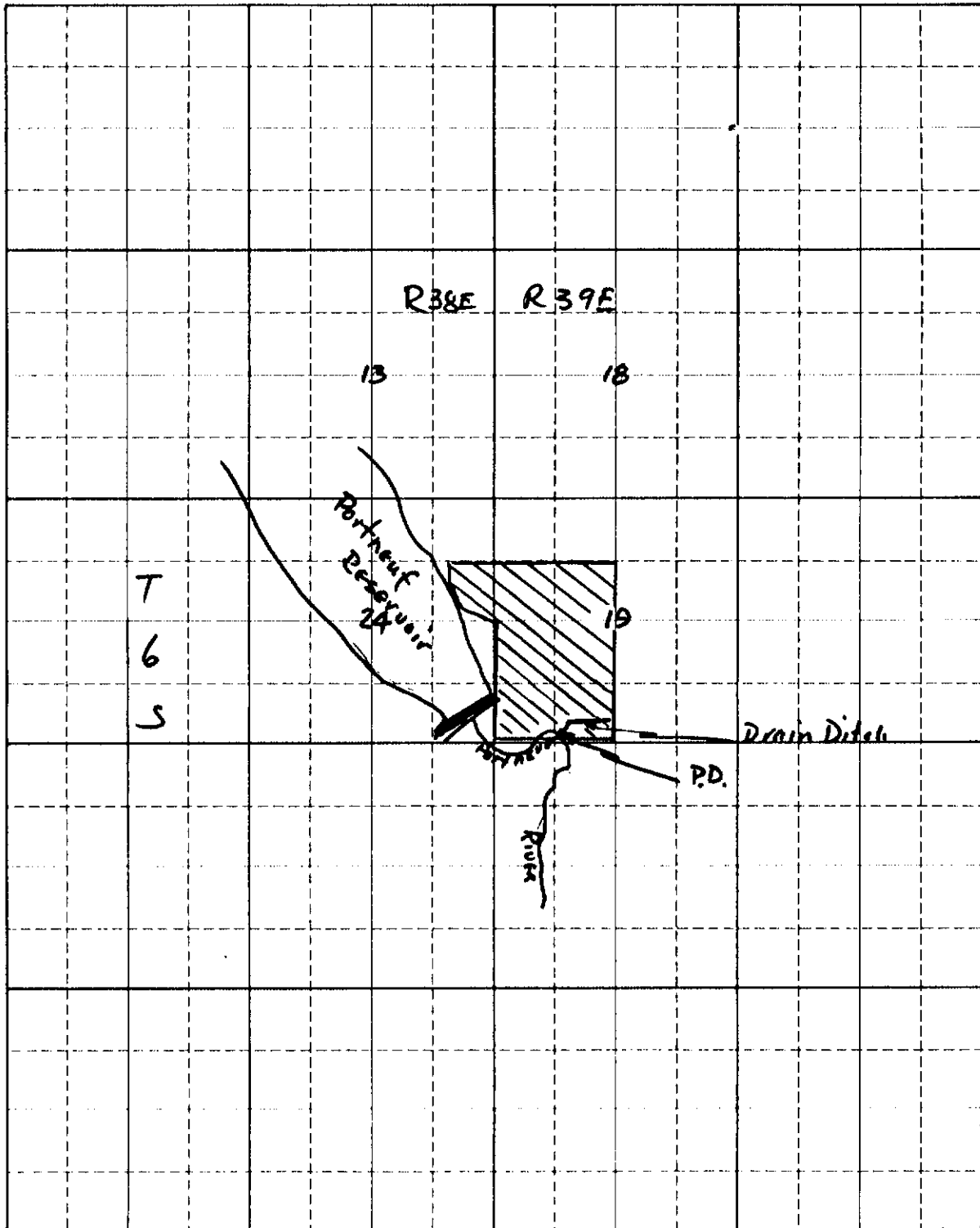
(4) Name of municipality to be served _____, or number of families to be
supplied with domestic water: _____
(5) If water is to be used for other purposes describe: _____

[illegible]

c. Describe any other water rights used for the same purposes as described above. None

- ## 10. Remarks

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile

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.

W. J. Banks
(Applicant)

May 5, 1977

Received by me Date 5-5-77 Time 12:50 p.

Preliminary check by JM Fee \$

Receipted by me Date 5-5-77 # 7210

Publication prepared by me Date 5-16-77

Published in The Caribou County Sun

Publication dates May 19 & 26, 1977

Publication approved me Date 6-2-77

Priority reduced to Reason

Protests filed by Lee O. Hansen,

Ralph Olson, E. V. Hansen,

Ronda W. Perkins

Copies of protests forwarded by CU

Hearing held by Date

Recommended for approval denial by RBC WTH

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 29-7391, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

b. Proof of construction of works and application of water to beneficial use shall be submitted on or before December 1, 1982.

c. Other: PURSUANT TO MEMORANDUM DECISION AND ORDER DATED THIS DATE.

2. Denial of said application is for the following reasons:

Witness my hand this 19 day of December 1977.

A. Kenneth Hansen
Director

AUG 23 1979

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR AMENDMENT OF A PERMIT

To change the point of diversion and/or the place of use.

Comes now Floyd J. Banks
of (address) Bancroft, Idaho 83217, and represents to the
Director of the Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho
No. 29-7391, and requests that the permit and permit map be changed as follows:

1. Point of diversion: SE 1/4 SW 1/4, Section 19, Township 6S, Range 39E, B.M.,
County of Caribou. Other points of diversion:

2. Period and nature of use: (irrigation, domestic, stockwatering, industrial, etc.)

Amount 3.82 for Irrigation purposes from April 1 to Nov. 1 (both dates inclusive)
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

Amount for purposes from to (both dates inclusive)
(cfs or acre feet per annum)

3. Place of use or land to be irrigated:

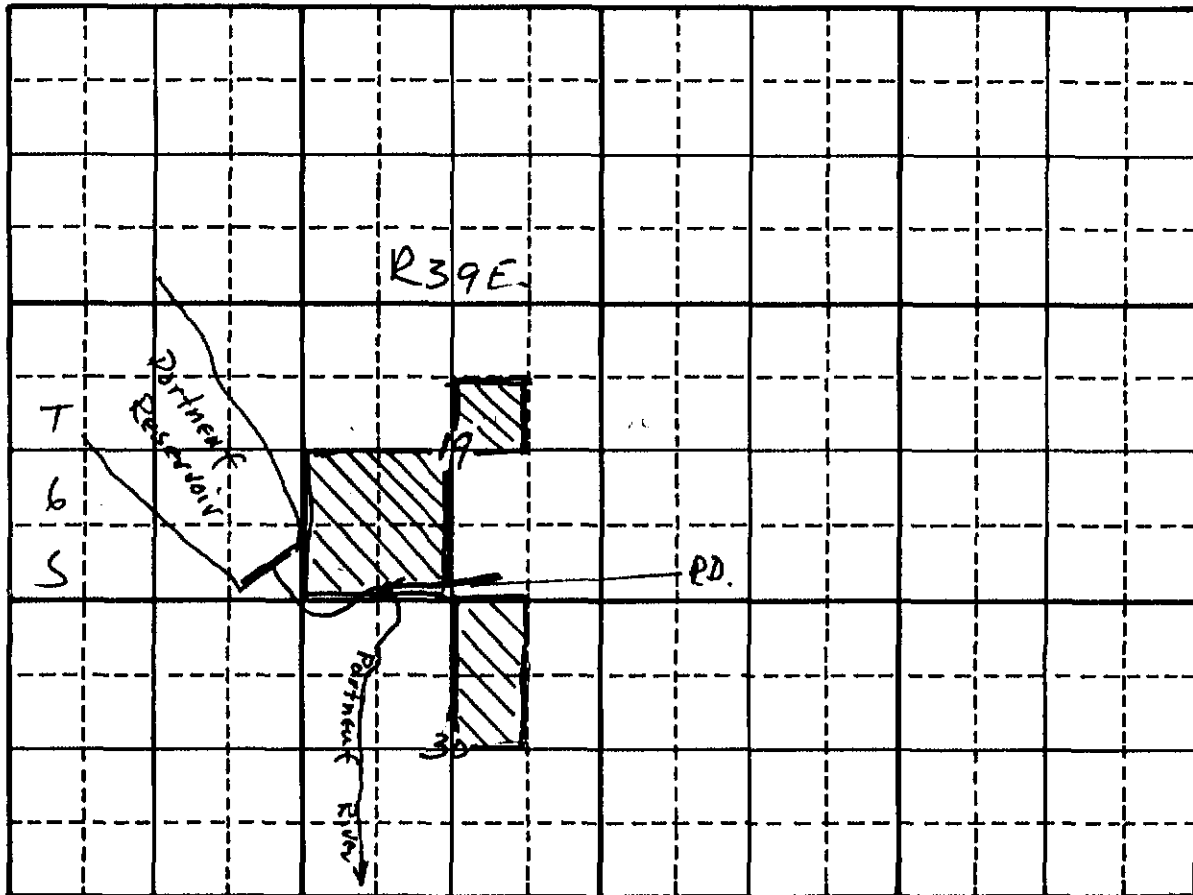
TWP	RGE	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6S	39E	19			14						40	26	5	26					111
		30		40	40														80

Total number of acres to be irrigated = 191

4. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or the place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing:

MICROFILMED

Complete the following map by showing land and point of diversion as proposed by this amendment.
Show 40-acre subdivisions, townships, ranges and ditches.



Scale: 2 inches equal 1 mile.

That no one will be injured by such change, and that such change will be made at permit holder's own risk.

Signed at Idaho Falls, Id, this 15 day of Aug, 1979.

Lloyd J. Banks
(Signature)

FOR DEPARTMENT USE ONLY

Preliminary check by LJB Fee = \$20.00 Received by dh Date 8-23-79 #13680

Publication prepared by N/A Date _____ Published in N/A

Publication dates N/A

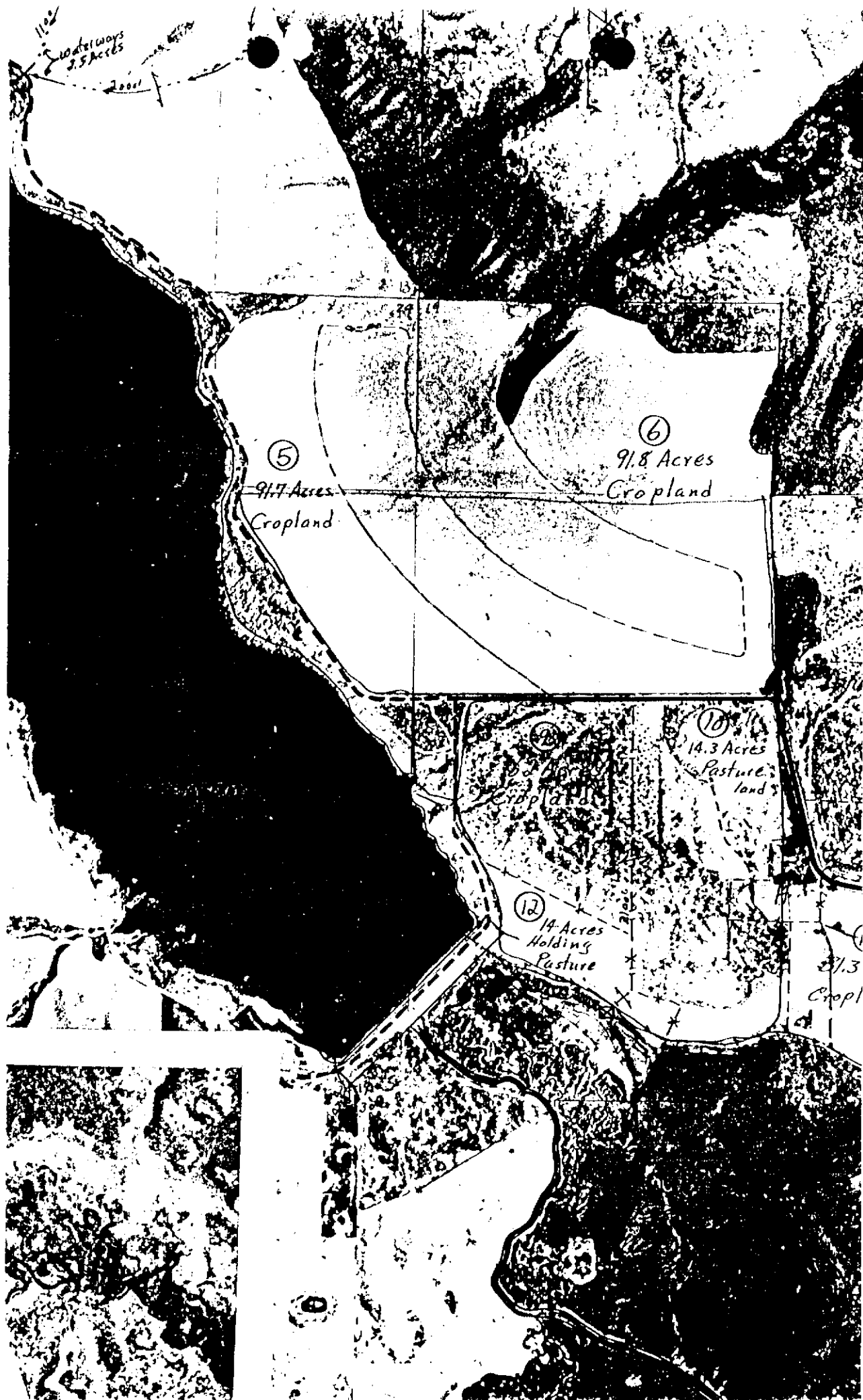
ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I, David R. Tuthill, Acting Chief, Operations Bureau of the Department of Water Resources hereby
APPROVE this Application for Amendment on Permit No. 29-7391.

OK
JG

Witness my hand this 31 day of October, 19 79.

David R. Tuthill
Acting Chief, Operations Bureau



6/92

MAR 22 1999

Department of Water Resources

RE-EXAM

Permit No. 29-67371

1. Owner: FLOYD J RANKS & ERMA M. RANKS

202
Phone No. 648 - 7856

Current Address: 3229 Banks Rd. Concord, IA 52617

2. Accompanied by: NO ONE

EXAM DATE: 8-26-1992

Address:

Phone No.

Relationship to Permit Holder:

3. Source: Unnamed Drain tributary to Portneuf River

1. Other water rights with the same place of use:

2. Other water rights with the same point of diversion:

1. Point(s) of Diversion:

2. Place(s) of Use:

Indicate Method of Determination

[illegible]

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.d. as applicable.

Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4. SEE ORIGINAL EXAM 7-18-1984

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1. SEE ORIGINAL EXAM

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements: _____

E. NARRATIVE/REMARKS/COMMENTS

Water from drainage ditch from base of Crested Butte Reservoir is co-mingled with water from permitted drainage ditch, and collected at a sump pond. Water is held in the sump pond by what appears to be a diversion dam. Water in sump pond appears to be 4" to 6" above water in old river channel (appears to be a slough)

There is no weir on permitted drainage ditch to determine how much water ditch contributes for licensing.

Have conditions of permit approval been met? ☐ yes ☒ no

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS**1. Volume Calculations for Irrigation:** $V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$ _____ $V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 =$ _____ $V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$ _____**2. Volume Calculations for Other Uses:****H. RECOMMENDATIONS****1. Recommended Amounts**

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
IRRIGATION				
Totals:				

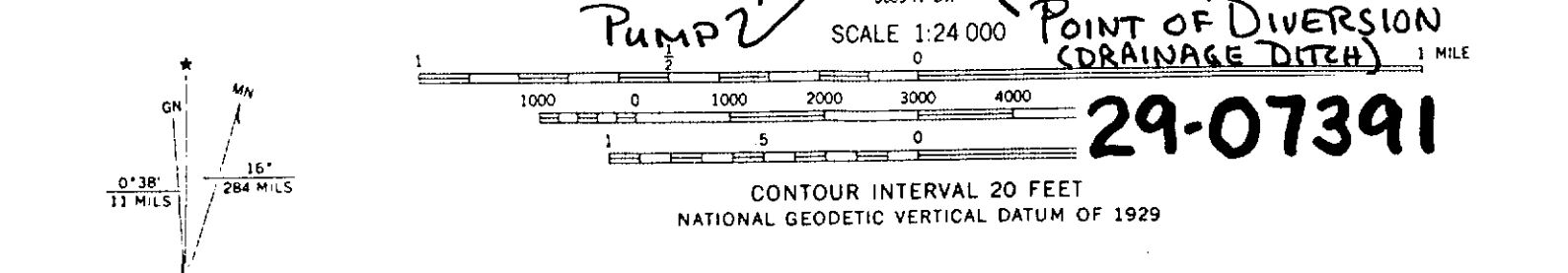
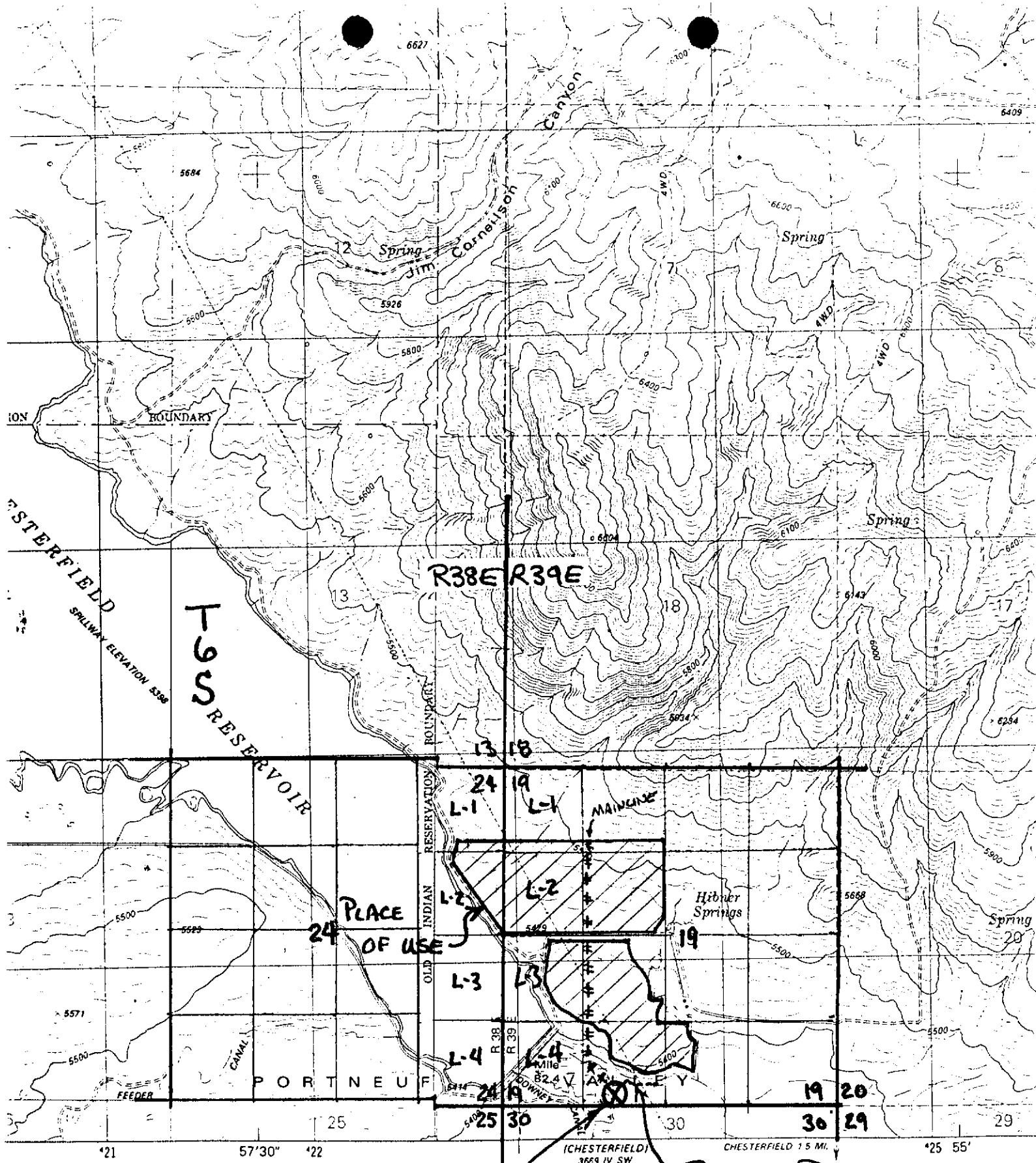
2. Recommended Amendments☐ Change P.D. as reflected above☐ Add P.D. as reflected above☐ None☒ Change P.U. as reflected above☐ Add P.U. as reflected above☒ Other SEE ORIGINAL

EXAM ON 7-18-1984

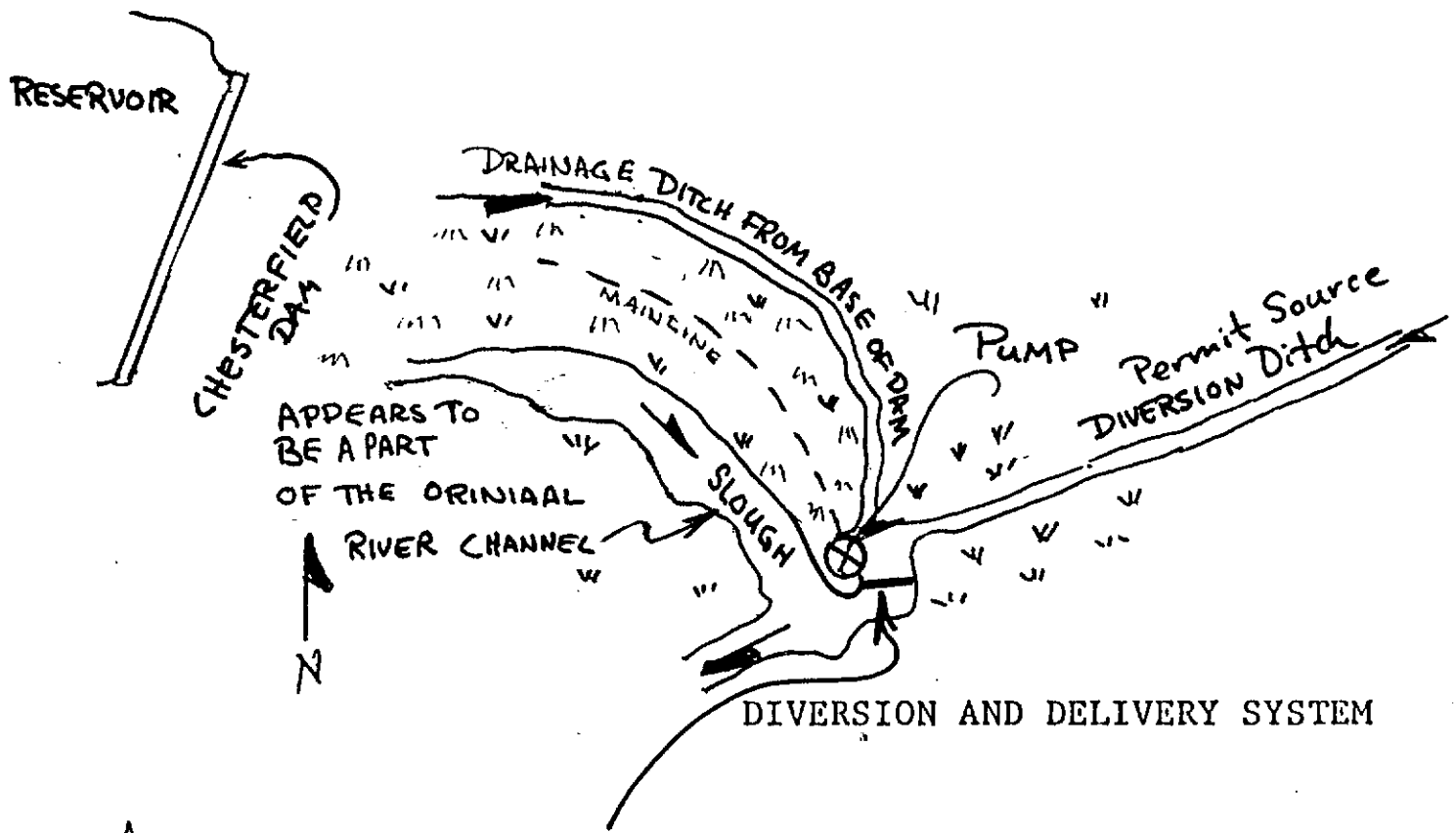
I. AUTHENTICATIONField Examiner's Name KEITH C. WILSON Date 8-26-1998

Reviewer _____ Date _____

SEAL



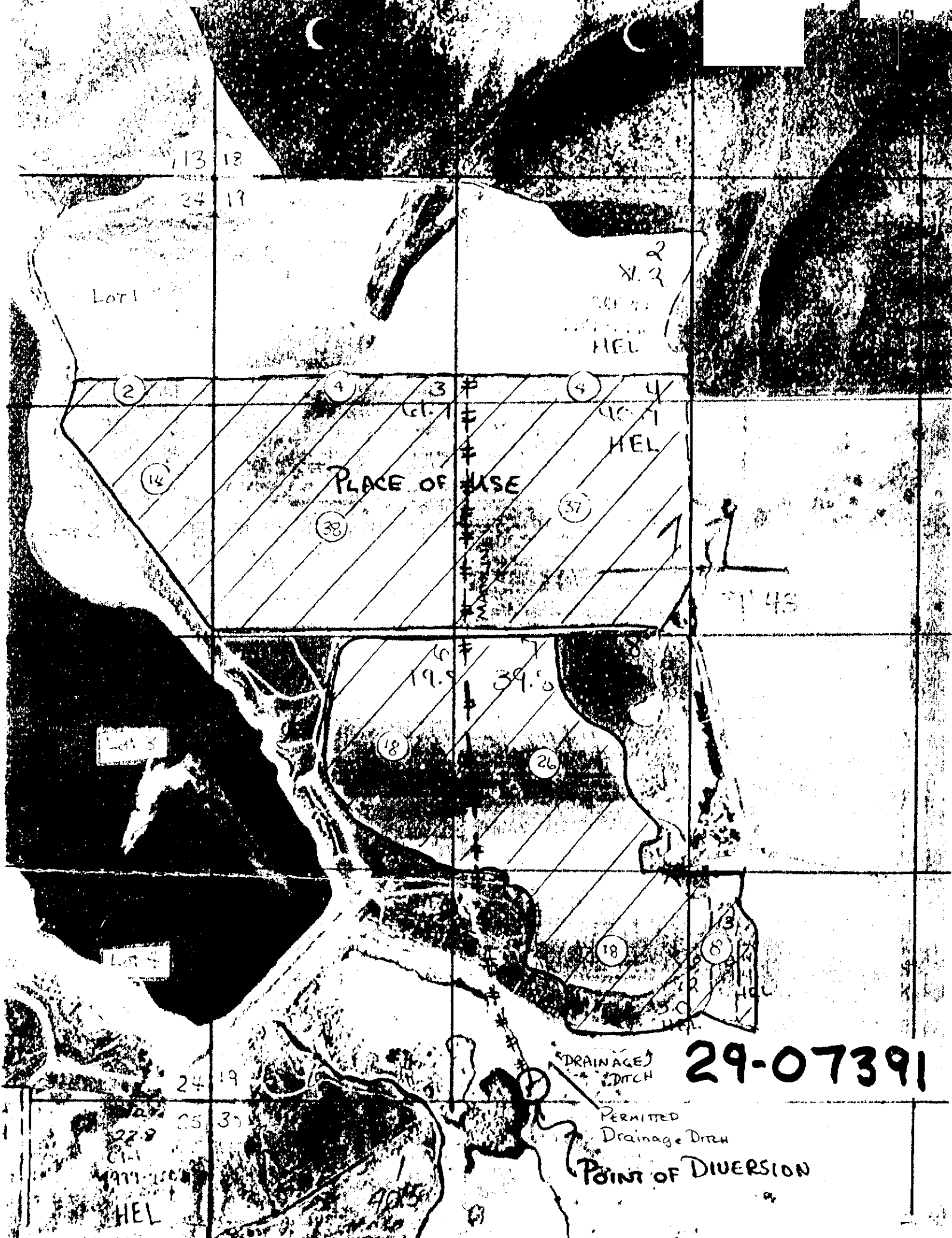
29-07391



APPEARS TO BE A DIVERSION DAM. KEEPS WATER ELEVATION IN Sump Pond 4" to 6" above water elevation in Slough (old River Channel)

29-07391

8-26-1998 Keith C Wilson



Lot 1

HEL

PLACE OF USE

Lot 3

Lot 4

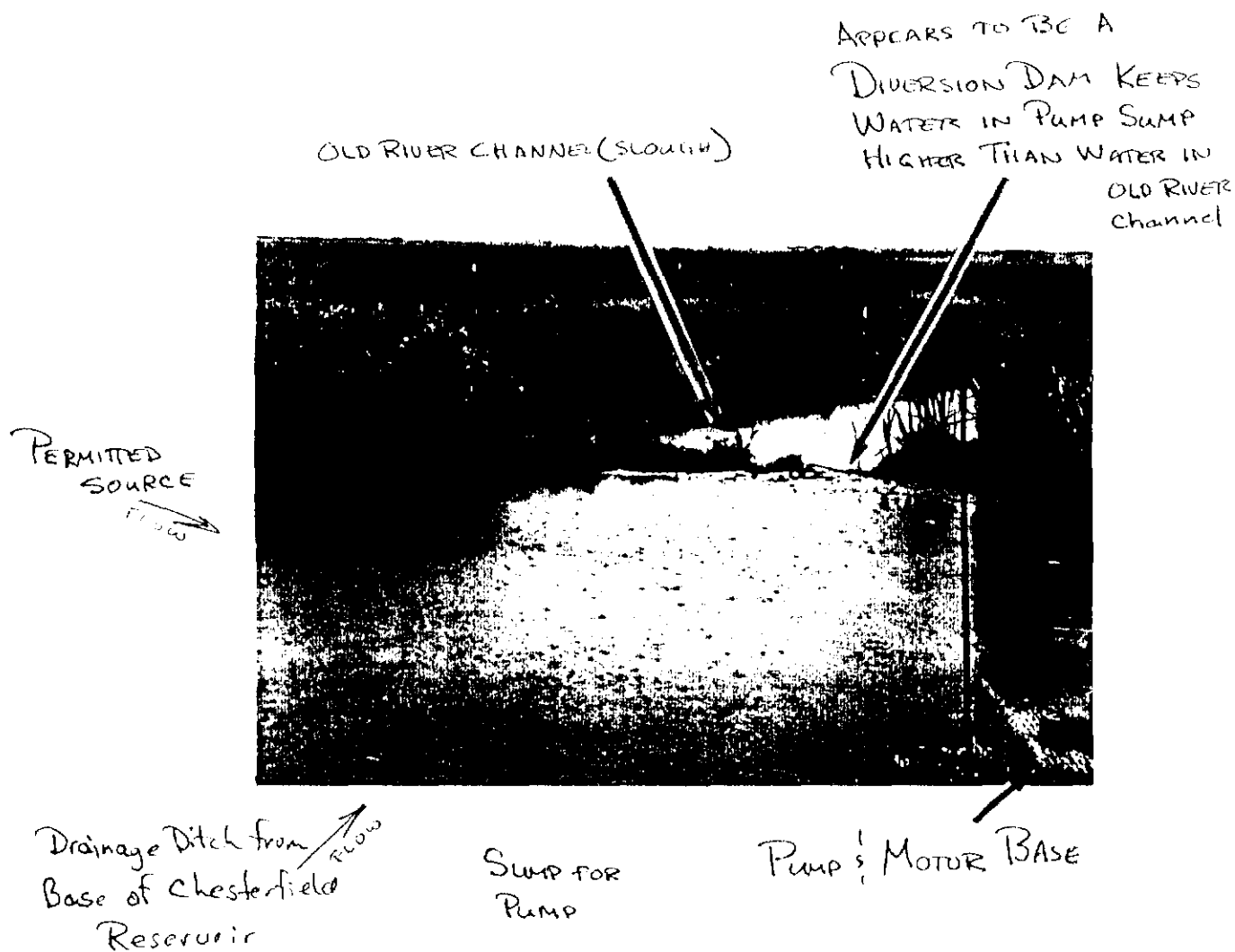
29-07391

DRAINAGE DITCH

PERMITTED
Drainage Ditch

POINT OF DIVERSION

HEL



29-07391

POINT OF
DIVERSION

Drainage Ditch from
Base of Chesterfield
Reservoir



Photo is view from Chesterfield Reservoir

POINT OF DIVERSION

Permitted
Source
Ditch



Old River Channel
NOW A
Slough

MAINLINE

Drainage Ditch from
Base of
Chesterfield Reservoir

29-07391

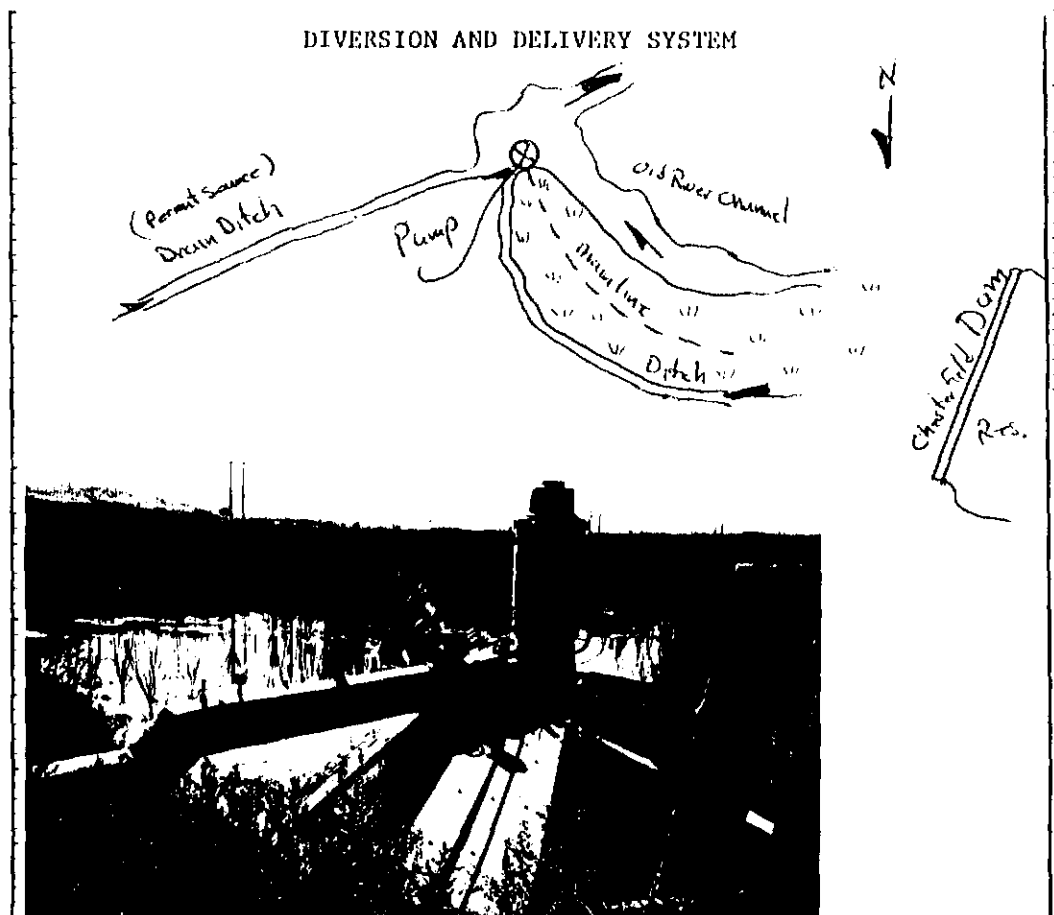
Department of Water Resources

Phone No. 648-7856

- | Place(s) of Use: | | | | Indicate Method of Determination | | | | | | | | | | | | | | | | |
|------------------|------|------|-------------|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-----|
| Twp. | Rge. | 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 | | |
| 6S | 39E | 19 | | | | | 4 | 4 | 38 | 37 | 26 | 18 | | | 18 | | | 8 | | 153 |
| 6S | 38E | 24 | 2 | | | 14 | | | | | | | | | | | | | | 16 |
| | | | | | | | | | | | | | | | | | | | | |
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| | | | | | | | | | | | | | | | | | | | | |
| | | | Total Acres | | | | | | | | | | | | | | | | 169 | |

10. Other water rights on these lands Tr. 2341 / 29-0010 For 2.32 cfs
 11. Other water right diverted from same p.d. Tr. 2341 / 29-0010

12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

- ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks All water is committed at pending area of pump. There is a meter on mainline but no weir on drain ditch to determine how much water this source contributes for licensing of this permit. I feel this violates the memorandum agreement & does not qualify for licensing of the permit.

15. Recommended Amendments

- ☒ Change P.D. as reflected above
☒ Change P.U. as reflected above

- ☐ Add P.D. as reflected above
☐ Add P.U. as reflected above

- ☐ None
☐ Other

16. Examiner's/Consultant's Signature [Signature]

Date 5-12-86

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date _____

CONSULTANT SEAL