

38E 39E



19/20
30/29

A29-00069

72.5
acres

MICROFILMED
NOV 5 1992

305.5

16029-305

HEL

58 R 20

13 18
24 19

2
81.2
CRP 44
1987-1996
HEL

3 4
61.7 40.7
HEL

190

21.43

6 7 8
19.8 39.8





Notes

7/23/03 Mail a cd to Ernie to determine
the acreage under rights 29-69 & 94A.
Send Ernie an email ~~to~~ with instructions
on what I needed from the CD. for these
claims

TO: County FSA Office

I, BANKS BROTHERS authorize any personnel of the Idaho Department of Water Resources full access to any and all aerial photos (maps) of ground that I own or lease.

Banks, Randy Andrew & Linda

Name

7/22/03

Date

Claim No.: 29-69

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C18

C05

7/22/03 mail new shape to I.F.

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

Claim No.:

29-69

Reviewer

Cindy Bird

Date

2/14/03

Notes

10-30-01 GPS PT HEB SPG

Used FSA 1987 Photo. for Irrigated land.
POW Shape: 29-69.shp.

Decece

See 29-10 file for FSA 1987
Photo of irrigated lands and
1964 imagery.

3/10/03 See new shape for irrigated
acres done in the early 1970's.

Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
------------	-----------	---------	------	-------	-----	-------

Current Owner

Name connector: and _____, or _____, and/or _____

Current Owner

Current Owner:

Representing Attorney:

Phone Number:

Accompanied By:

Phone Number:

Relationship to Claimant:

Date of Field Exam:

Time:

Directions to Property (if different from above) and/or update owner information:

Reviewer:

Date:

Priority Date Data Entry Form

Claim Number: 29-69

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

X

Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

UG & EReviewer: CBDate: 2/13/03

Point of Diversion and Source Data Entry Form

Claim Number: 29-69

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____, County:_____

Source:_____ Tributary:_____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
6S	39E	19		SWNE	Caribou	Hibner spgs
GPS Coordinates: 42.8849847					-111.9334086	

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? _____

Document how the POD and Source were verified and/or Pump and Motor data:

no change in decreed PODUG & E decreed
field examGPS PT: HEBSPG 42.8849847 - 111.9334086

10-30-01

Transfers Changing POD _____

Reviewer: CBDate: 2/13/03

Place Of Use Data Entry Form

Claim Number: 29-69☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
6S	39E	19	SWNE		Caribou		1.5	Irrigation
			NWSE		Caribou		22	Irrigation
			NESE		Caribou		22	
			SWSE		Caribou		0.2	
			SESE		Caribou		2.8	

Total Acres 48.5

Document how the POU was verified:

FSA - 1987 MAP.
1987/88 NAPP Photography
Field Exam 10-30-01

Transfers Changing POU _____

Reviewer: CBDate: 2/14/83

Purpose of Use Data Entry Form

Claim Number: 29-69☒ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 2/14/03

Period of Use and Quantity Data Entry Form

Claim Number: 29-69☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	0.97	

Overall Diversion Rate 0.97 Overall Diversion Volume 0

Document how the Period of Use and/or Diversion Rate were verified:

field exam
FSA Photo 1997

Reviewer: CBDate: 2/14/03

A29-00069
ERMA BANKS
MAY 31, 2002
NARRATIVE BY CINDY E. BIRD



Photo 1. Hibner Springs



Photo 2. POU for Hibner Springs

6/6/02

Notes:

Bo. C. 21, 11, 11, 11, 11, 11

Low Hydro. of Cordy Bed

Flower Sprouts

$$12 \text{ cm} \times 120 \text{ mm} = 1.04 \text{ cfs.}$$

$$50 \frac{\text{in}}{\text{cfs}} * 1.04 \text{ cfs} = 52 \text{ inches.}$$

6/4/02 1pm Banks 2169

10cm = 2.97

Measured 2000/10 1000/10

10h 10m 4/10/02 water level after the
flood is cleared

15" Breadth of river

1960's E. H. 1000/10

1700 = N of the road (Reservoir side)

$$\frac{50 \text{ in}}{\text{cts}} * .78 \text{ cts} = 39 \text{ inches}$$

5/31/02 No other claims on Hebner Springs.

Decree allows for maintaining a reservoir to
impound all the water from Hebner Springs.

When did POU change occur?

Bird, Cindy

From: Bird, Cindy
Sent: Wednesday, October 31, 2001 9:18 AM
To: Carlsen, Ernie
Cc: McHugh, Candice
Subject: Erma Banks

Good Morning,
I have a couple questions after visiting with David Banks yesterday on his mom's claims.

In the Union Grain and Elevator decree West Side Canal has decreed water under 29-94 & 29-95. West Side Canal is no longer in business. They haven't been since the early fifties. The Banks purchased some property in the Bancroft area in 1959. Sometime between the canal company going out of business and Chesterfield Reservoir there was a siphon tube put into the dam. My original understanding is that siphon was installed to deliver the Portneuf River rights. Today Joe Holbrook (29-12, Portneuf River right 1913 priority date), Norman Frank (29-11, Portneuf River with a 1903 priority date) and Erma Banks (29-94, Toponce Creek with a 1905 priority date) are delivered water from the Chesterfield Reservoir siphon. Toponce Creek is delivered to the reservoir through the feeder canal. Can we recommend Erma Banks claim under the West side canal decree? Or is the reservoir Portneuf Water? Banks also have some Portneuf River rights that they pump out of the Portneuf River. Where would the POD for the Toponce water be at the head of the feeder canal or were it comes out of the Reservoir?

Also, the Banks have another right under the Union Grain and elevator decree on Hedner Springs (29-69) It was decreed for 1.22 cfs, the springs flows more than the 1.22 cfs and the Banks wanted to know if they need to claim more water. The decree does say under this right "That the said Julia Hibner do also have the right to maintain the reservoir large enough to impound all the waters of said Hibner springs for the uses aforesaid in addition to the constant flow of said springs." Does the claim need to be amended to include storage? Or how do we handle this additional flow? They apply all the water the spring will produce which is more than the 61.22 acres decreed. They had asked me about putting in a pond to get better control of the water but I hadn't caught the part about the reservoir until this morning. Also the other reason they asked about the pond is because they are considering purchasing pivots and the pond would give them better control of the water.

Thanks
Cindy

EXAM INFORMATION

Exam Date 10/30/07

Exam Time 2pm.

CLAIM(S) _____

NAME Erina Banks (David Banks)

ADDRESS _____

PHONE () 648-7856 HOME

WORK

CELL

DOMESTIC___ STOCKWATER___ IRRIGATION X OTHER___

OTHER RIGHTS

DIRECTIONS

[illegible]

DOGS

DATE _____ APPOINTMENT _____

IDAH0 DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

WR5809NP
No. 29-00069

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C JULIA HIBNER		11/28/1882	IRRIGATION	04/15 09/15	1.220 CFS	
				TOTAL DIVERSION:		1.220 CFS

Water Source: HIBNER SPRINGS Tributary to: PORTNEUF RIVER Stage: DECREED
Point(s) of Diversion: T06S R39E S19 SWNE CARIBOU County

Place of use Legal Description for: IRRIGATION

		NE		NW		SW		SE	
NENE NWNE SWNE SENE : NENW NWNW SWNW SENW : NESW NWSW SWSW SESW : NESE NWSE SWSE SESE :		Lt Ac		Lt Ac		Lt Ac		Lt Ac	
T R S : Lt Ac		Lt Ac		Lt Ac		Lt Ac		Lt Ac	
06S 39E 19 :		:		:		:		:	

Pou County: CARIBOU

Other Water Rights Listing Overlapping Place(s) of use:
29-00013 29-00071 29-07391

Remarks: GEN P/U INCOMPLETE, ACRES IRR. 61.22.

Dates: App. Received: Priority Date: 11/28/1882
Proof Due Date: Proof Made Date:
Exam Made Date: Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 29 Field Exam Fee:

Audit: 06/18/85 05/22/88 CONVERT

53. MURPHY, ED.
29 0065 1902 July 1

1.0 c.f.s.

1, Section 12, Township 9 South, Range 36 East, for the irrigation of lands in Lots 5 and 6, Section 1, Township 9 South, Range 36 East.

Said water to be diverted through the Lewis-Goodenough Ditch last above described, for the irrigation of lands in Lot 4, Section 1, Township 9 South, Range 36 East, and the Southwest quarter of the Southwest quarter, Section 36, Township 8 South, Range 36 East.

54. ORGILL, THOMAS
29 0066 1902 July 1

.14 c.f.s.

Said water to be diverted through the Lewis-Goodenough Ditch, last above described, for the irrigation of land in Lot 7, Section 1, Township 9 South, Range 36 East.

55. GOODENOUGH, GEORGE
29 0067 1902 July 1

1.72 c.f.s.

Said water to be diverted through the said Lewis-Goodenough Ditch, last above described, for the irrigation of land in the Southeast quarter of the Northeast quarter, and the East half of the Southeast quarter, Section 35, Township 8 South, Range 36 East.

56. O.S.L.R.R. COMPANY
29 0068 1882 July 1

.40 c.f.s.

O.S.L.R.R. Tank Water Supply. The point of diversion from the Portneuf River is located in Lot 7, Section 21, Township 9 South, Range 37 East. From the Northeast corner of Section 21, same Township and Range, the point of diversion bears Southwest 2100 feet, for culinary and domestic use.

SPRINGS AND UNNAMED STREAMS, TRIBUTARY
TO PORTNEUF RIVER.

57. HIBNER, JULIA,
29 0069 1882, Nov. 28

1.22 c.f.s.
(61.22) inches

HIBNER SPRINGS. The location of the point of diversion from Hibner Springs, is in the Southwest quarter of the Northeast quarter, Section 19, Township 6 South, Range 39 East. From the East quarter corner of Section 19, the point of diversion bears North 81 degrees and 45 minutes West, 2520 feet, for domestic uses and the irrigation of 61.22 acres of land, located in the Northeast quarter of the Southwest quarter, the Northwest quarter of the Southwest quarter, the Northwest quarter of the Southeast quarter, the southwest quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, Section 19, Township 6 South, Range 39 East. That the said Julia Hibner do also have the right to maintain the reservoir large enough to impound all the waters of said Hibner Springs for the uses aforesaid in addition to the constant flow of said springs.

Portneuf claimed

Portneuf

NESW
NW SW
NWSE
SW SW
SE SW

58. WILLIAMS CORNELIUS
29 0070 1904. April 19.

.29 c.f.s.

UNNAMED STREAM. The point of diversion is in the Southeast quarter of the Southeast quarter, Section 11, Township 7 South,

Microfilm

MAY 15 1996

SCANNED

MAY 4 2001

Log for claim A29-00069

Spatial Dynamics LTD

6/1/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s39e	19	NWSE	21	27	
06s39e	19	SWNE	26	40	Indiscernible
06s39e	19	NESE	25	26	Indiscernible
Totals:			72	93	

Township , 6S39E



AJ5809NP
No. A29-00069

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 7

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	11/28/1882	IRRIGATION	04-15 09-15	1.220 CFS	181.20 AFA
TOTAL DIVERSION:					1.220 CFS	
CONSUMPTIVE USE:						

Water Source: HIBNER SPRINGS

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R39E S19

NWSME

CARIBOU County

Place of use Legal Description for: IRRIGATION

	NE	NW	SE	SW	SUM
T R S	: Lt Ac	: Lt Ac	: Lt Ac	: Lt Ac	: SUM
06S 39E 19	: 26	:	:	:	: 21
TOTAL ACRES					72.5

POU County: CARIBOU

Other Rights: NONE

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00010 A29-00071 A29-00094B A29-02558 A29-07391 A29-10246

Remarks: GEN THE FIELDS NORTH AND EAST OF THE ROAD ARE IRRIGATED BY THIS
SYSTEM AND WATER IS PIPED ACROSS THE ROAD TO WATER THE AREA
AROUND THE FARM STEAD.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

Audit: 01/25/90 BAUMHOFF 04/01/94 THOMPSON 03/29/95 POST-STD

MAY 4 2001

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: A29-00069

Date Received: 1-25-90

Receipt No: 1025594Received By: [Signature]

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: NOV 28, 1882 ✓

3. Source: HIBNER SPRINGS ✓ Trib. to: PORTNEUF RIVER ✓

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY FLOW TO 20HP PUMP, MAINLINE TO HANDLINES & 1 WHEELLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ^{0.97} (or)	A.F.A.
IRRIGATION ✓	04/15	09/15	1.220	

7. Total Quantity Appropriated is:

0.60 1.220 C.F.S. (and/or)

A.F.A. 47.5 * 0.02

8. Total consumptive use is 181.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	19	SW	NE		IRR	26.2
			NE	SE		IRR	25.3
			NW	SE		IRR	21.0

Section Acres 72.5

A29-00069

Page 1

Date: 01/25/90

MICROFILMED

NOV 13 1992

A2900069



10. Place of Use: Continued

Total Acres 72.5

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:
NONE

14. Remarks:

THE FIELDS NORTH AND EAST OF THE ROAD ARE IRRIGATED BY THIS
SYSTEM AND WATER IS PIPED ACROSS THE ROAD TO WATER THE AREA
AROUND THE FARM STEAD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

MICROFILMED
NOV 13 1992

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): X 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 19 90

Anna Baumhoff
Notary Public

Seal

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



STATE OF IDAHO

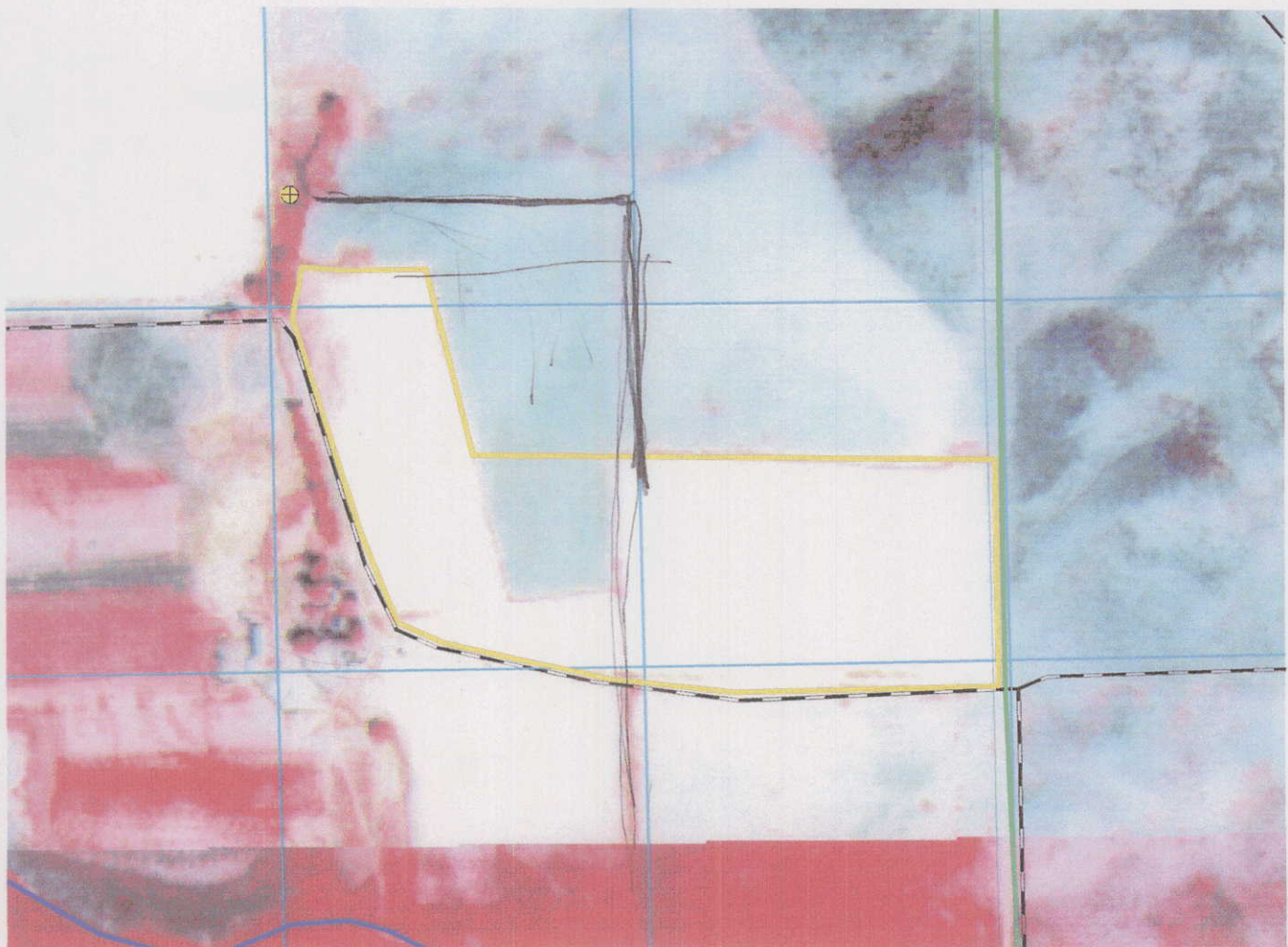
Department of Water Resources
Eastern Region

RECEIVED

NOV - 6 2003

Department of Water Resources

Water Rights: 29-69



0.1 0 0.1 0.2 Miles

LEGEND

- Point of Diversion
- Place of Use
- STREETS
- SECTIONS
- QUATER-QUATERS
- STREAMS

Place of Use: T6S, R39E,
(part of) Section 19

Points of Diversion: T6S, R39E,
Sec. 19 SWSWNE

IRRIGATED ACRES 49



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003

02/14/2003

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-69

NAME AND ADDRESS: ERMA M BANKS
3229 BANKS RD
BANCROFT ID 83217

SOURCE: HIBNER SPRINGS

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.970 CFS

PRIORITY DATE: 11/28/1882

POINT OF DIVERSION:

T06S R39E S19 SWSWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/15 09/15	0.970 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R39E S19	SWNE	2.8	T06S R39E S19	NESE	25.0
T06S R39E S19	NWSE	20.0	T06S R39E S19	SESE	0.1
T06S R39E S20	NWSW	0.4			

48.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: Decreed

RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.

MAY 4 2001

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: A29-00069 ✓
Date Received: 1-25-90
Receipt No: MOUSS94
Received By: AB

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ACQUIRED UNDER STATE LAW

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

2. Date of Priority: NOV 28, 1882 ✓

3. Source: HIBNER SPRINGS ✓ Trib. to: PORTNEUF RIVER ✓

4. Point of Diversion:

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

5. Description of diverting works:
GRAVITY FLOW TO 20HP PUMP, MAINLINE TO HANDLINES & 1 WHEELLINE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. ^{0.97} (or)	A.F.A.
IRRIGATION ✓	04/15	09/15 ✓	1,220	

7. Total Quantity Appropriated is:
0.97 1,220 C.F.S. (and/or) A.F.A. 41.5 * 0.02

8. Total consumptive use is 181.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	19	SW	NE		IRR	26.2
			NE	SE		IRR	25.3
			NW	SE		IRR	21.0
Section Acres							72.5

discussed

A29-00069

Page 1

Date: 01/25/90

MICROFILMED

NOV 13 1992

A2900069



10. Place of Use: Continued

Total Acres 72.5

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:
NONE

14. Remarks:

THE FIELDS NORTH AND EAST OF THE ROAD ARE IRRIGATED BY THIS
SYSTEM AND WATER IS PIPED ACROSS THE ROAD TO WATER THE AREA
AROUND THE FARM STEAD.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.

Decree Defendant

MICROFILMED
NOV 13 1992

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): X Emma M. Bank Date: 1-25-90
_____ Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of January 19 90

Seal

Anna Baumhoff
Notary Public

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