

02/20/2003

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

RIGHT NUMBER: 29-10

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

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 2.320 CFS

PRIORITY DATE: 04/14/1883

POINT OF DIVERSION:

T06S R39E S19 SWSESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	2.320 CFS

PLACE OF USE:

IRRIGATION Within CARIBOU County

T06S R38E S24 Lot 2 SENE	14.0	T06S R39E S19	SWNE	22.0
T06S R39E S19 Lot 2 SWNW	40.0	T06S R39E S19	SENE	40.0

116 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

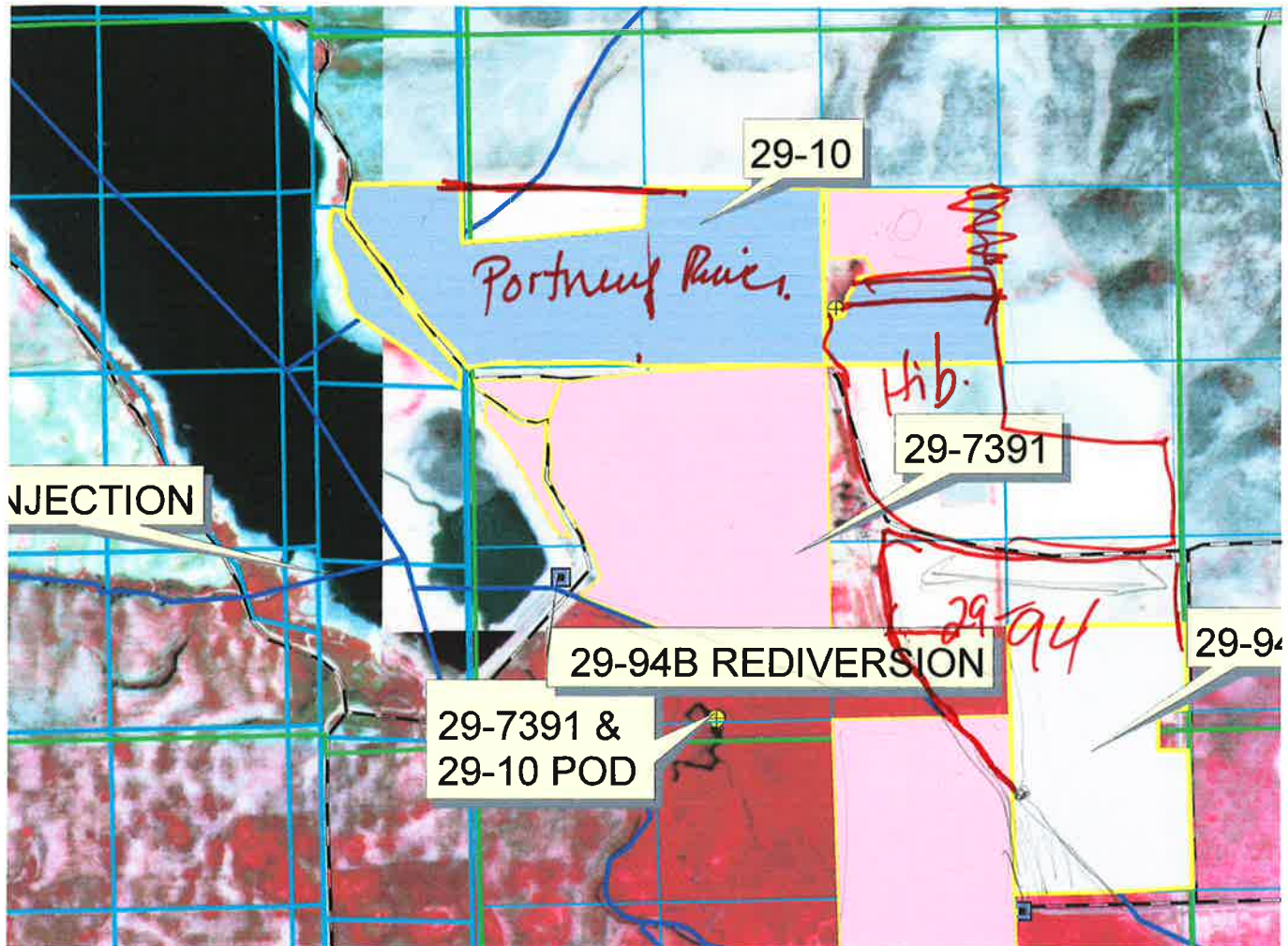
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Rights: 29-10



0.3 0 0.3 0.6 Miles

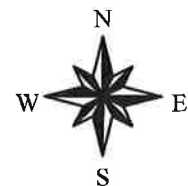
IRRIGATED ACRES 116

LEGEND

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

Place of Use: T6S, R38E,
(part of) Section 24 &
T6S, R39E Section 19.

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



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

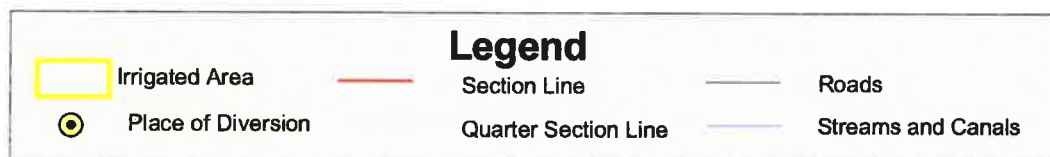
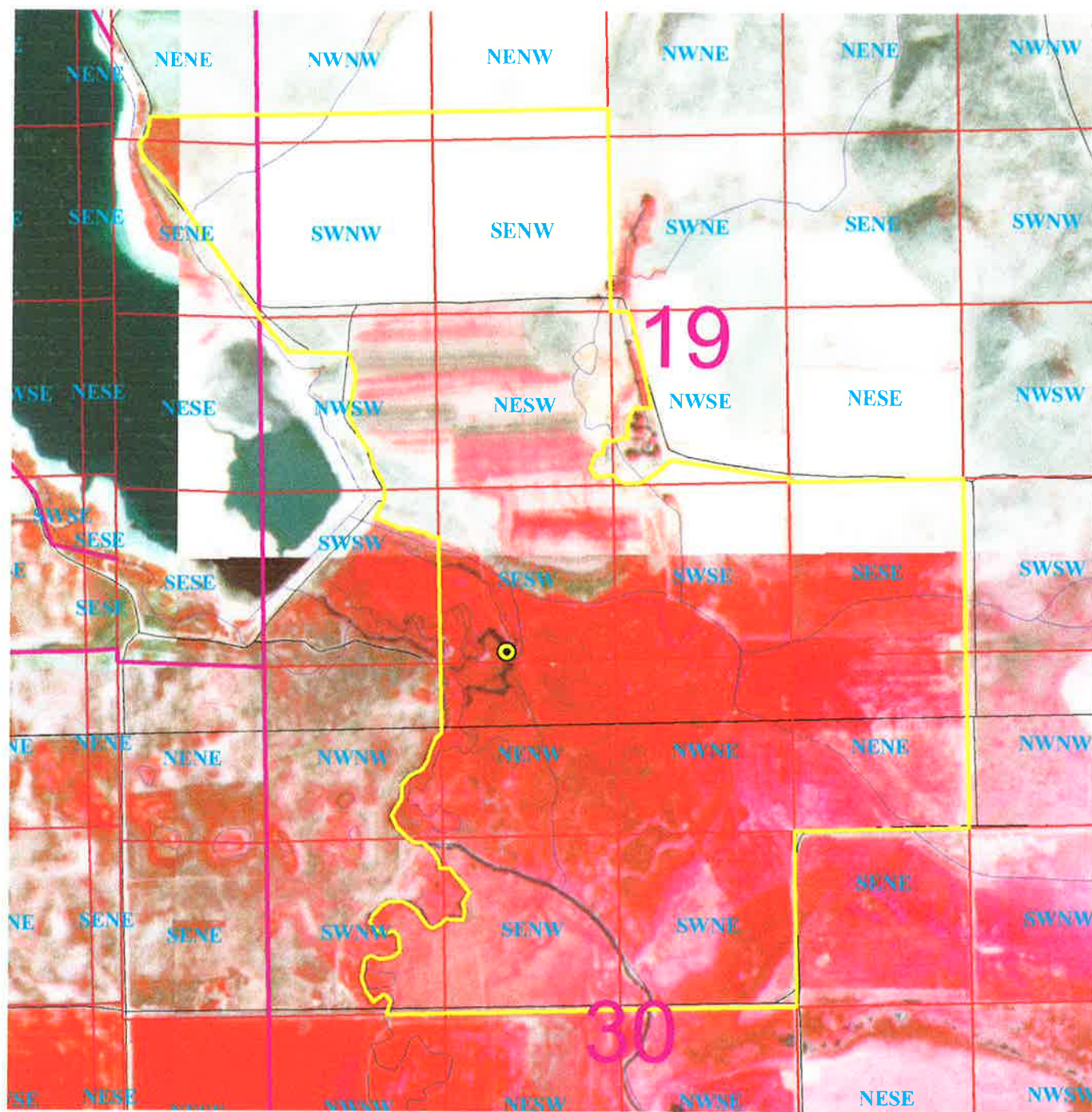
05/30/2000



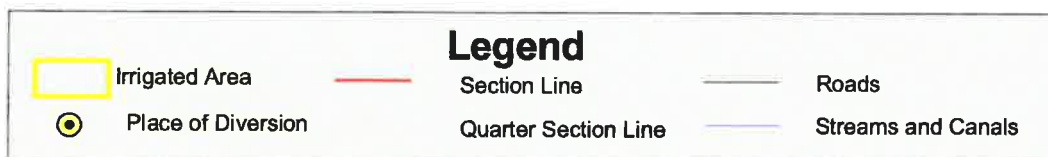
Water Right Claim Number A29-00010

05/30/2000

Townships , 6S39E, 6S38E



05/30/2000



1000 0 1000 2000 Feet



Summary Data Entry Form

Claim No.: 29-10

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

C18
COS

Split or Combined Right Analysis:

none

Attached Field Notes or Other Documents:

Claim No.: 29-10

Reviewer CB

Date 2/18/03

Notes

3/10/03 - if additional Portneuf River water is available then we need to add additional acreage in the meadow. Possible move any extra to the meadow, see photo 28-10246 for additional land irrigated by the right.

Priority Date Data Entry Form

Claim Number: 29-10

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒ 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:

T2341

_____Reviewer: CBDate: 2/18/03

Point of Diversion and Source Data Entry Form

Claim Number: 29-10

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
65	39E	19		SW SESW	Caribou	Portneuf River
GPS Coordinates: <u>42.8766966</u>					<u>-111.9369706</u>	

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? 29-10246, 29-7391

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

T2341 ; field exam.Transfers Changing POD T2341Reviewer: CBDate: 2/18/03

Place Of Use Data Entry Form

Claim Number: 29-10-☐ 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	38E	24	SENE		Caribou		24	Irrigation
	39E	19	SWNE		Caribou		22	"
			SWNW		Caribou		30	"
			SENE		Caribou		40	"

Total Acres 116

Document how the POU was verified:

T 2341

Transfers Changing POU _____

Reviewer: CBDate: 2/18/03

Purpose of Use Data Entry Form

Claim Number: _____

_____ 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
Irrigation	_____	_____	116	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Document how the Purpose of Use was verified:

UG & E T2341
field exam
FSA 1987 photo

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 2/12/03

Period of Use and Quantity Data Entry Form

Claim Number: 29-10☐ 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	4/1	11/1	2.32	

Overall Diversion Rate 2.32 Overall Diversion Volume _____

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

T2341

Reviewer: CBDate: 2/18/03

WR5809NP
No. 29-00010

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/01
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	FLOYD J. BANKS	04/14/1883	IRRIGATION	04/15 09/15	2.320 CFS	
TOTAL DIVERSION:					2.320 CFS	

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06S R39E S19

SESW

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	:																	:	24.0
06S	39E	19	:				22					30	40							:	92.0
																				TOTAL ACRES	116.0

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-07391

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

Remarks: GEN TRANS. 2341 CHANGED DECREED P/D & P/U.

Dates:	App. Received:	Priority Date:	04/14/1883
	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: 06/03/85 05/22/88 CONVERT 02/06/98 CLEARFLD

*Change in POU?
When did the change
occur?*

-4-
said tributaries, such amount and amounts of water, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTNEUF RIVER

NAME OF CLAIMANT and
DATE OF PRIORITY.

AMOUNT IN SEC. FEET.

POINT OF DIVERSION AND PLACE
OF USE

✓ 1. HIBNER, Julia -
29 0010 1883-April 14

T. #2341

Transfer approved 1979

Banks

2.32 c.f.s.

Said water to be diverted through Hibner Ditch Number 2, (Knollin-Toponce Ditch), which diverts from the Portneuf River in the Southwest quarter if the Southwest quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears north 41 degrees 30 minutes East, 1285 feet, for the irrigation of 116 acres of land located in the South half of the Southwest quarter, the Southwest quarter of the Southeast Quarter, Section 19, Township 6 South, Range 39 East; the Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 30, Township 6 South Range 39 East.

✓ 2. SESSIONS, Keplar.
29 0011 1903. Sept. 26

claimed
by Norman
Frank!

1.54 c.f.s.

Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch), last above described for the irrigation of 77 acres of land in the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter, Section 30, Township 6 South, Range 39 East; the Southwest quarter of the Northwest quarter; and the Northwest quarter of the Southwest quarter, Section 29, Township 6 South, Range thirty-nine (39) East.

✓ 3. KNOLLIN, A. J.
29 0011 1913 Apr. 15.

transfer #602
see Call v. Hogan

3.99 c.f.s.

Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch) last above described, for the irrigation of 80 acres of land in the West half of the Southwest quarter, Section 9; 39.5 acres in the Southeast quarter of Southwest quarter, Section 9; 80 acres in the East half of the Southeast quarter, Section

MAY 15 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 18, 2001

Erma Banks
3229 Banks Road
Bancroft, ID 83217

REF: Snake River Basin Adjudication Claims investigation
A29-94B, A29-10, A29-10246, A29-7391 & A29-69

Subject: field visit to the property

Dear Mrs. Banks,

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify the place of use and point of diversion needs to be conducted by Department personnel. I need to schedule an appointment as soon as possible to discuss your claims.

The Snake River Basin Adjudication claims once decreed will supercede any other water right to the property. So, it's important that we make sure your water rights are correct. Please contact me at my office in Soda as soon as possible. The office phone number is (208) 547-3993. I look forward to your call.

Sincerely;

Cindy E. Bird
Adjudication Bureau

SCANNED

MAY 4 2001

Log for claim A29-00010

Spatial Dynamics LTD

5/30/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	24	NENE	4	3.8	
06s38e	24	SENE	20	13	
06s39e	19	SESE	40	40	
06s39e	19	NESW	40	39	
06s39e	19	NWSE	14	7.1	
06s39e	19	SWNW	40	40	
06s39e	19	SENW	40	40	
06s39e	19	NWNW	5	6.6	
06s39e	19	NENW	5	6.6	
06s39e	19	SWSE	40	40	
06s39e	19	SWSW	4	3	
06s39e	19	NWSW	26	21	
06s39e	19	SESW	40	40	
06s39e	30	NENE	40	40	
06s39e	30	NWNE	40	40	
06s39e	30	NWNW	5	4.2	
06s39e	30	SWNE	40	40	
06s39e	30	SENW	37	39	
06s39e	30	SWNW	4	9.2	
06s39e	30	NENW	40	40	
Totals:			524	512.5	

AJ5809NP
No. A29-00010

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 1

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	04/14/1883	IRRIGATION	04-15 09-15	2.320 CFS	
TOTAL DIVERSION:					2.320 CFS	
CONSUMPTIVE USE:						1312.50 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

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																:	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, -00094A, -07391, 24 MILE CREEK CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-07391 A29-10246

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00013 A29-00015 A29-00018 A29-00069 A29-00071 A29-00094 A29-00094B A29-02558 A29-07391 A29-10246

Remarks: GEN TRANS. 2341 CHANGED DECREED P/D & P/U.

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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Floyd J. Banks Phone 648-7856
Post office address Bancroft, Idaho 83217

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 29-0010
- a. Decree to Julia Hibner (Name)
in case of Union Grain & Elevator Co. a Corp. vs McCammon Ditch Co., a Corp.
dated 8-06-1932 in 5th Judicial District county of Bannock
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant
acquired by purchase, a copy of warranty deed is attached.
3. Source of water Portneuf River tributary to Snake River
4. Date of priority 4/14/1883
5. Water is used for the following purposes:
amount 2.32 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 2.32 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19
Township 6S Range 39E, B.M., in Caribou County
Additional points of diversion, if any _____

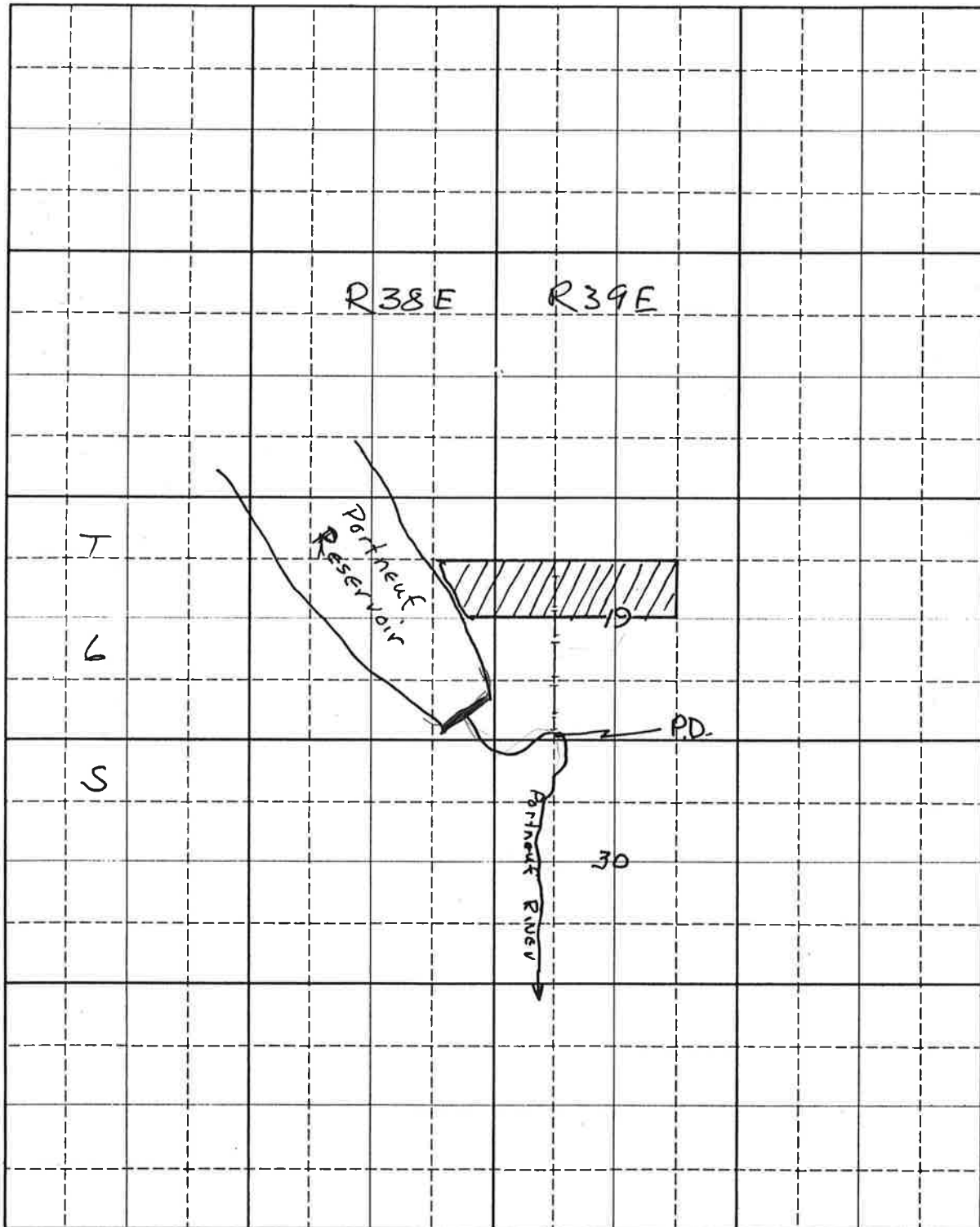
8. Lands irrigated or place of use:

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 $\frac{1}{4}$	
6S	39E	19									X	X					X		
		30		X	X		X		X										

Total number of acres to be irrigated

116

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his
oath, states:

That he is Publisher
of the Caribou County Sun, a
newspaper of general circula-
tion in Caribou County, Idaho,
published weekly at Soda
Springs in said County that said
newspaper has been published
in said County uninterruptedly
and continuously for over sev-
enty-eight consecutive weeks,
prior to the first publication of
the annexed notice or advertise-
ment;

That the annexed notice was
published as per clipping at-
tached in the regular and entire
edition of said newspaper and
not in any supplement thereof

for 2 successive weekly
issues thereof, the date of the
first publication being the

30th day of

August, 1979

The date of the last publication

being the 6th day of

September, 1979

Subscribed and sworn to be-

fore me this 6th day

of Sept., 1979

Clayton M. Aule
Notary Public, residing
at Soda Springs, Idaho

(SEAL)

My Commission expires the

1st day of March

1980.

NO. 29-0010

Notice is hereby given that
Floyd J. Banks, Bancroft, Idaho,
has applied to the Department of
Water Resources for a change in
the point of diversion and place of
use of the waters of the Portneuf
River tributary to the Snake
River. The right sought to be
changed is evidenced by decree to
Julia Hibner in Case of Union
Grain & Elevator Co., a Corp. vs.
McCammon Ditch Co., a Corp.,
dated 8-06-1932 in Fifth Judicial
District Court, Bannock County
and is recorded as:

AMOUNT: 2.32 cfs

PRIORITY: 4-14-1883

DECREE DIVERSION

POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19,
Twp. 6S, Rge. 39E, B.M., Cari-
bou County

The water is used to irrigate 116
acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ -
SE $\frac{1}{4}$, Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ -
NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge.
39E, B.M.

TO BE CHANGED

AS FOLLOWS

The water will be diverted from
within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19,
Twp. 6S, Rge. 39E, B.M., Cari-
bou County for the irrigation of
116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$,
Sec. 24, Twp. 6S, Rge. 38E,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19,
Twp. 6S, Rge. 39E, B.M.

Any protest against approval of
the above proposed change of
water right must be filed with the
Idaho Department of Water Re-
sources, 1515 Lincoln Road, Ida-
ho Falls, Idaho 83401 on or
before September 17, 1979.

C. STEPHEN ALLRED
Director

Published Aug. 30 and Sept. 6,
1979 in the Caribou County Sun.

RECEIVED

SEP 10 1979

Department of Water Resources
Eastern District Office

ARK

WARRANT
DEED

THISIndenture, made this 3rd day of April in the year of
One Thousand Nine Hundred and Fifty Nine, between

WILLIAM CALL and ANNIE E. CALL, husband and wife, of Chestonia,
Caribou, State of Idaho, the parties of the first part,
and ERMA BANKS and ERMA BANKS, husband and wife, of Bancroft,
Caribou, State of Idaho, the parties of the second part,

WITNESSETH: That the said parties of the first part, for
in consideration of the sum of ONE HUNDRED TWENTY FIVE THOUSAND
DOLLARS, (\$125,000.00), lawful money of the United States of America,
to them in hand paid by the said parties of the second part, the
receipt whereof is hereby acknowledged, do by these presents

grant, bargain, sell and convey and confirm unto said parties of
the second part, and to their heirs and assigns forever: All
that certain lots, pieces or parcels of land situate, lying and
being in the County of Caribou, State of Idaho, bounded and more
particularly described as follows, to-wit:

Section 19 - Township 6 South, Range 39 East of the Boise Meridian
the Northwest quarter, the South half of the Northeast quarter,
the Southeast quarter, and the following described
tract of land, to-wit:

Beginning at the South quarter corner of Section 19,
Township 6 South of Range 39 East of the Boise Meridian,
in Idaho, and running thence West, along the South section
line of said Section 19, 1795.8 feet, more or less, thence
North 38°58' West 679.5 feet, more or less, thence North
38°17' East 758 feet, more or less, thence S. 78°13' East
479 feet, more or less, thence S. 61°28' East 500 feet,
more or less, thence North 2°02' East 378 feet, more or less,
thence North 52°43' West 286 feet, more or less, thence
South 59°32' West 515 feet; thence North 38°17' West 1518
feet, more or less, to West quarter corner of said Section
19; thence East or Latitudinal center line 2540 feet, more
or less, to center quarter corner of said Section 19;
thence South along Meridional center line 2540 feet, more
or less, to place of beginning;

In Section 30 - Township 6 South, Range 39 East of the Boise Meridian

The Northeast quarter of the Northeast quarter, the Northwest quarter of the Northeast quarter, and the Northwest quarter of the Northwest quarter of Section 30; also,

The Southwest quarter of the Northeast quarter, EXCEPTING THEREFROM, the Eastmost 3 rods thereof, and EXCEPTING THEREFROM, the Southmost 2 rods thereof; of Section 30; also,

The Southeast quarter of the Northwest quarter of Section 30; EXCEPTING THEREFROM, the Southmost 2 rods thereof; also,

Lots 1 and 2 of Section 30, Township 6 South, Range 39 East of the Boise Meridian, excepting therefrom, the following described tract of land, to-wit:

All that portion of Lots 1 and 2 of Section 30, Township 6 South, Range 39 East of the Boise Meridian LYING WEST OF THE PORTNEUF RIVER.

In Section 13 - Township 6 South, Range 38 East of the Boise Meridian

Lots 2, 3, 4, 6, 7, 18, 19, 20, 22, 23, and the Northeast quarter of the Southwest quarter, and the Northwest quarter of the Southeast quarter of Section 13; Township 6 South, Range 38 East of the Boise Meridian.

In Section 14 - Township 6 South, Range 38 East of the Boise Meridian

The Northeast quarter of the Northeast quarter of Section 14; and also,

Beginning at the Northeast corner of the Northwest quarter of the Northeast quarter of Section 14, Township 6 South, Range 38 East of the Boise Meridian, and running thence WEST 820 feet; thence South $11^{\circ}08'$ East 220 feet; thence South $56^{\circ}37'$ East 900 feet to the quarter Section line; thence North 590 feet to the point of beginning.

In Section 24 - Township 6 South, Range 38 East of the Boise Meridian

Lot 1 of Section 24; and also Beginning at the Southeast Corner of Lot 2, Section 24, Township 6 South, Range 38 East, Boise Meridian, and running thence North $131^{\circ}08'$ East, more or less, to the North $1/16^{\text{th}}$ Section line of said Section; thence West at right angles to the last described line a distance of 1025.9 feet; thence SOUTHEASTERLY on a straight line 1675.8 feet, more or less, to the place of beginning.

In Section 32, Township 5 South, Range 40 East of the Boise Meridian

The Southwest quarter of the Southeast quarter, and the Southeast quarter of the Southwest quarter of Section 32, Township 5 South, Range 40 East of the Boise Meridian.

Together with all water and water rights appurtenant to said land, including 150 shares of the West Side Canal Company and 247 shares of the Chesterfield Reservoir and Canal Company.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident unto the said parties of the second part, and to their heirs and assigns forever and the said parties of the first part, and their heirs and assigns, warrant the said premises in the quiet and peaceable possession of the said parties of the second part, their heirs and assigns against the said parties of the first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals the day and year first above written.

Christian Call (SEAL)

Ann E. Call (SEAL)

STATE OF IOWA,

ss:

COUNTY OF LANNOC

On this 27th day of April, 1959, before me the undersigned, a Notary Public in and for said County and State, personally appeared CHRISTIAN CALL and ANN E. CALL, husband and wife, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public
John H. Hays
Notary Public

SEAL

MICROFILME

August 27, 1979

Thomas Bloxham, Watermaster
Water District # 29
Downey, Idaho 83234

Dear Sir:

Re: Application for Transfer 29-0010 BANKS

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 17, 1979.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosures

MICROFILMED

3

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

UNION GRAIN & ELEVATOR COMPANY, a corporation
Plaintiff,

-vs-

McCammon Ditch Co., a corporation, defendants

McCammon Ditch Company, a corporation; Portland Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Domesey Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portland-Marsh Valley Canal Company, Limited, a corporation; Portland 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, E. A. Hibner, Andrew Cutler, W. A. Barron, George Kouriell, Frank Turner, John Symons, Joseph Simons, S. J. Palmer, W. J. 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 C. 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 Grimm, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Nora Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orgill, John Geoch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Bryant Perkins, Percy Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Geoch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckinoff, J. F. Corbett, Peter Jackson, Joseph Smith, Earl Moss, E. J. Dolbear, Hali 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, Leslie Sharp, Lee White, Leslie Boston, James Koford, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Korrick, Rebecca Warner, John Potter, George Harrison, A. W. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnant, Nephi Hemmingsway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington W. R. Godfrey, Alonzo Avery, Jesse Avery, J. M. Jensen, E. Leo Jensen, Claus Jensen, Arthur Roswell, H. A. Teddell, Ray Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Camposil, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Egan, A. A. Koford, Tom Harper, Brady Stolpa, Spencer George, A. B. Canney, Bert Lish, Archie Lish, James Higgins, John A. Fairchild, Foster, Edward Wilmore, Roger Beebe, James T. Benson, Arthur Foprent, Ray Kedley, James Roddy, George Chapman, D. K. Serrick, L. S. Wight, Leo

RECORDED

said tributaries, such amount and amounts of water, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTENEUF RIVER

NAME OF CLAIMANT and DATE OF PRIORITY.	AMOUNT IN SEC. FEET.	POINT OF DIVERSION AND PLACE OF USE
✓ 1. HIBNER, Julia 1883-April 14 T. #2341	2.32 c.f.s.	Said water to be diverted through Hibner Ditch Number 2, (Knollin-Toponce Ditch), which diverts from the Porteneuf River in the Southeast quarter <u>if</u> the Southeast quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears north 41 degrees 30 minutes East, 1285 feet, for the irrigation of 116 acres of land located in the South half of the Southwest quarter, the Southwest quarter of the Southeast Quarter, Section 19, Township 6 South, Range 39 East; the Northeast quarter of the Northeast quarter, the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 30, Township 6 South Range 29 East.
✓ 2. SESSIONS, Kephlar. 1903. Sept. 26	1.54 c.f.s.	Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch), last above described for the irrigation of 77 acres of land in the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter, Section 30, Township 6 South, Range 39 East; the Southwest quarter of the Northwest quarter; and the Northwest quarter of the Southwest quarter, Section 29, Township 6 South, Range thirty-nine (39) East.
✓ 3. KNOLLIN, A. J. 1913 Apr. 15. <i>transfer #602</i>	3.77 c.f.s.	Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch) last above described, for the irrigation of 80 acres of land in the West half of the Southwest quarter, Section 9; 39.5 acres in the Southeast quarter of Southwest quarter, Section 9; 80 acres in the East half of the Southeast quarter, Section

RECEIVED

SEP 4 1979

Department of Water Resources
Boise, Idaho 83725

Identification No. _____

Transfer No. 29-0010

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Thomas Blochman watermaster of Portneuf River,
of Water District No. 29, County of Bannock, State of Idaho,
whose address is P.O. Box 1, Drury, Idaho,
have read the attached copy of the application for transfer of water right for
Glenn J. Banks, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

as those set forth in the application

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Drury, Idaho, this 28 day of Aug, 19 79

Thomas Blochman
(Signature)

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

AUGUST 24, 1979

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before SEPTEMBER 17, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 29-0010

Notice is hereby given that Floyd J. Banks, Bancroft, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Portneuf River tributary to the Snake River. The right sought to be changed is evidenced by decree to Julia Hibner in Case of Union Grain & Elevator Co., a Corp. -vs- McCammon Ditch Co., a Corp., dated 8-06-1932 in Fifth Judicial District Court, Bannock County and is recorded as:

AMOUNT: 2.32 cfs PRIORITY: 4-14-1883

DECREED DIVERSION POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E,
B.M., Caribou County

The water is used to irrigate 116 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge. 39E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County for the irrigation of 116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 6S, Rge. 38E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

C. STEPHEN ALLRED
Director

Published 8/30 and 9/6/79 in the Caribou County Sun, Soda Springs, Idaho

RECORDED

August 23, 1979

Floyd J. Banks
Bancroft,
Idaho 83217

Dear Sir:

Re: Application for Transfer
Application for Amendment

Attached herewith is Departmental receipt No. 13680 in the amount of \$55.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

RECEIVED
AUG 27 1979
FBI - BOISE

September 23, 1979

Floyd J. Banks
Bancroft, Idaho 83217

Dear Mr. Banks,

RE: Transfer of Water Right No. 29-0010

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2341). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ARK

1. Right number 29-0010 Applicant Floyd St. Banks
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____

4. Check:

- a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
- b. ☒ Description of original point of diversion.
- c. ☒ Description of original place of use.

5. Amount of land &/or water transferred:

- a. ☒ All of right.
- b. ☒ Part of right (NOTE: Part B should be filled in only if part of the right is owned by the applicant).
- c. ☒ Check description of point(s) of diversion.
- d. ☒ Check description of place of use.
- e. ☒ Check map (shows p.d. and p.u. after transfer).
- f. ☒ Check for correct signature, notarization, and fee.
- g. ☒ Check proof of ownership of right &/or land from which water is transferred. See copy of Warranty Deed.
- h. ☒ Check for expansion in use of right. Comments none

- i. ☒ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) none

- j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No

☒ If yes, what district? Water District 29 - Portneuf River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8-27-79 Received on 9-4-79
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* Measuring device

use No. 1 & 2 of transfer conditions
(29, Portneuf River)

4. By ROC

Date 9/17/79

* All uses within Watermaster Districts require special conditions.

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: A29-00010

Date Received: 1-25-90

Receipt No: 1005594

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERMA M. BANKS
Address: 3229 BANKS RD.
BANCROFT, ID

208-648-7856

83217

2. Date of Priority: APR 14, 1883

3. Source: PORTNEUF RIVER

Trib. to: SNAKE RIVER

4. Point of Diversion:

8th SW-SW Sec. 19

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

5. Description of diverting works:

150HP PUMP, MAINLINE, HAND & WHEEL LINES & FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	2.320		

7. Total Quantity Appropriated is:

2.320 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is 1312.5 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	24	NE	NE		IRR	4.0
			SE	NE		IRR	20.0
Section Acres							24.0

A29-00010

Page 1

Date: 01/25/90

A2900010



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NOV 13 1992

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, -00094A, -07391, 24 MILE CREEK CANAL CO.

14. Remarks:

TRANS. 2341 CHANGED DECREED P/D & P/U.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MC CAMMON DITCH CO., ET. AL.
Decree Defendant

A29-00010

Page 2

Date: 01/25/90

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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): *Ernie M. Banks* Date: 1-25-90
_____ Date: _____

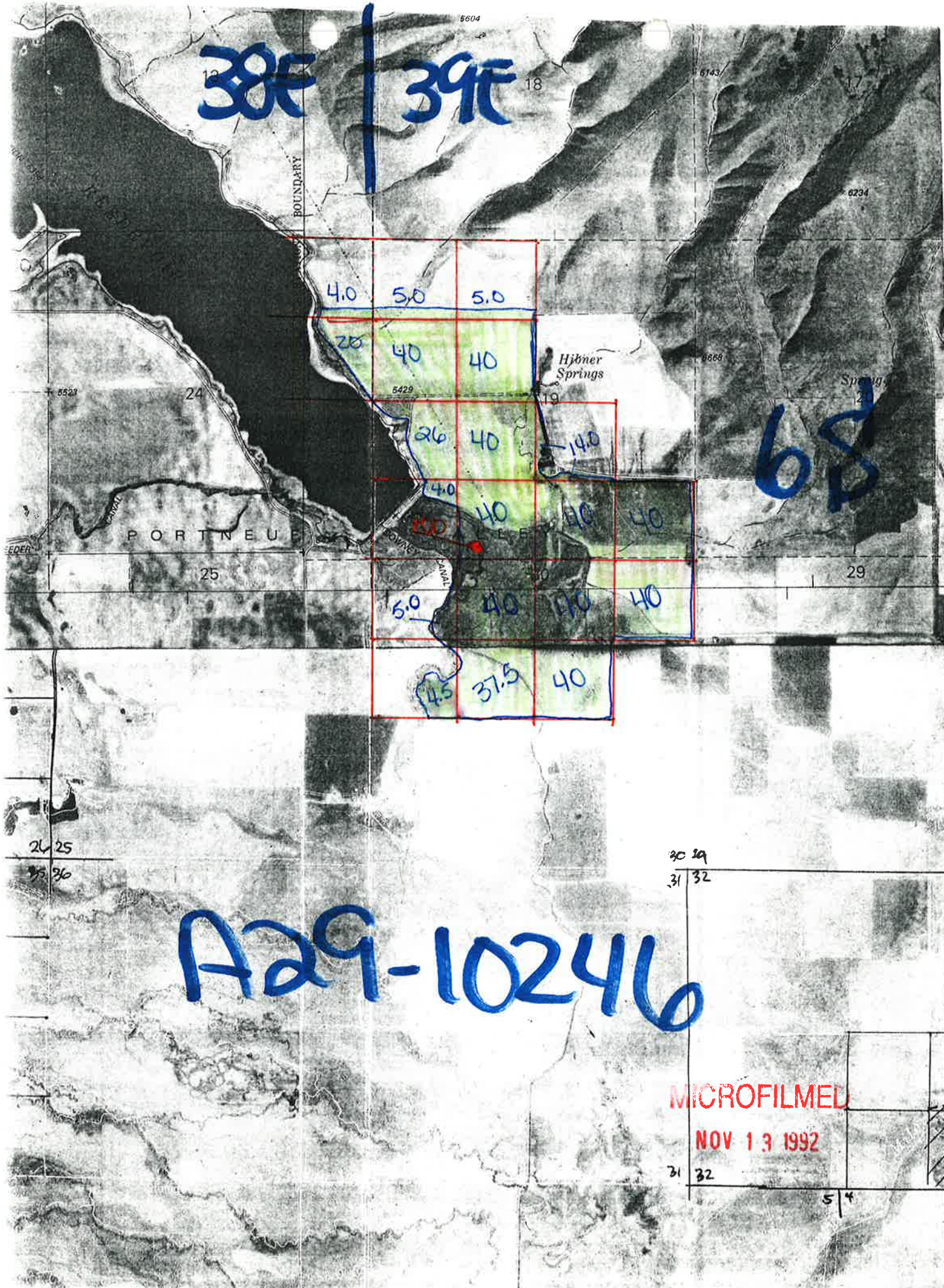
State of Idaho)
County of Caribou) SS.

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

Anna Baurnhoff
Notary Public

Seal

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



A29-10246

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NOV 13 1992

31 32

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