

03/26/2003

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

RIGHT NUMBER: 29-12B

NAME AND ADDRESS: JOSEPH & BETH HOLBROOK TRUST
21 N 4TH E
SODA SPRINGS ID 83276

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.990 CFS

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 5.93 CFS. COMBINED RIGHT NOS.: 29-12B, 29-94C AND
29-2435

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 29-94C AND 29-2435 SHALL
PROVIDE NO MORE THAN .02 CFS PER ACRE.

PRIORITY DATE: 04/15/1913

POINT OF DIVERSION:

T06S R39E S19 NESWSW Lot 4 Within CARIBOU County Source: PORTNEUF RIVER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	1.990 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS
EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE
USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER
THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY
DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR
THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R39E S29	SWNE	37.0	T06S R39E S29	SENW	38.0
T06S R39E S29	NESW	40.0	T06S R39E S29	SWSW	38.0
T06S R39E S29	SESW	34.0	T06S R39E S29	NWSE	39.0
T06S R39E S29	SWSE	11.0	T06S R39E S30	SESE	9.1

246.1 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 246.1 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-12B, 29-94C AND 29-2435

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 99.5 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

Water Right 29-12B

03/26/2003

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

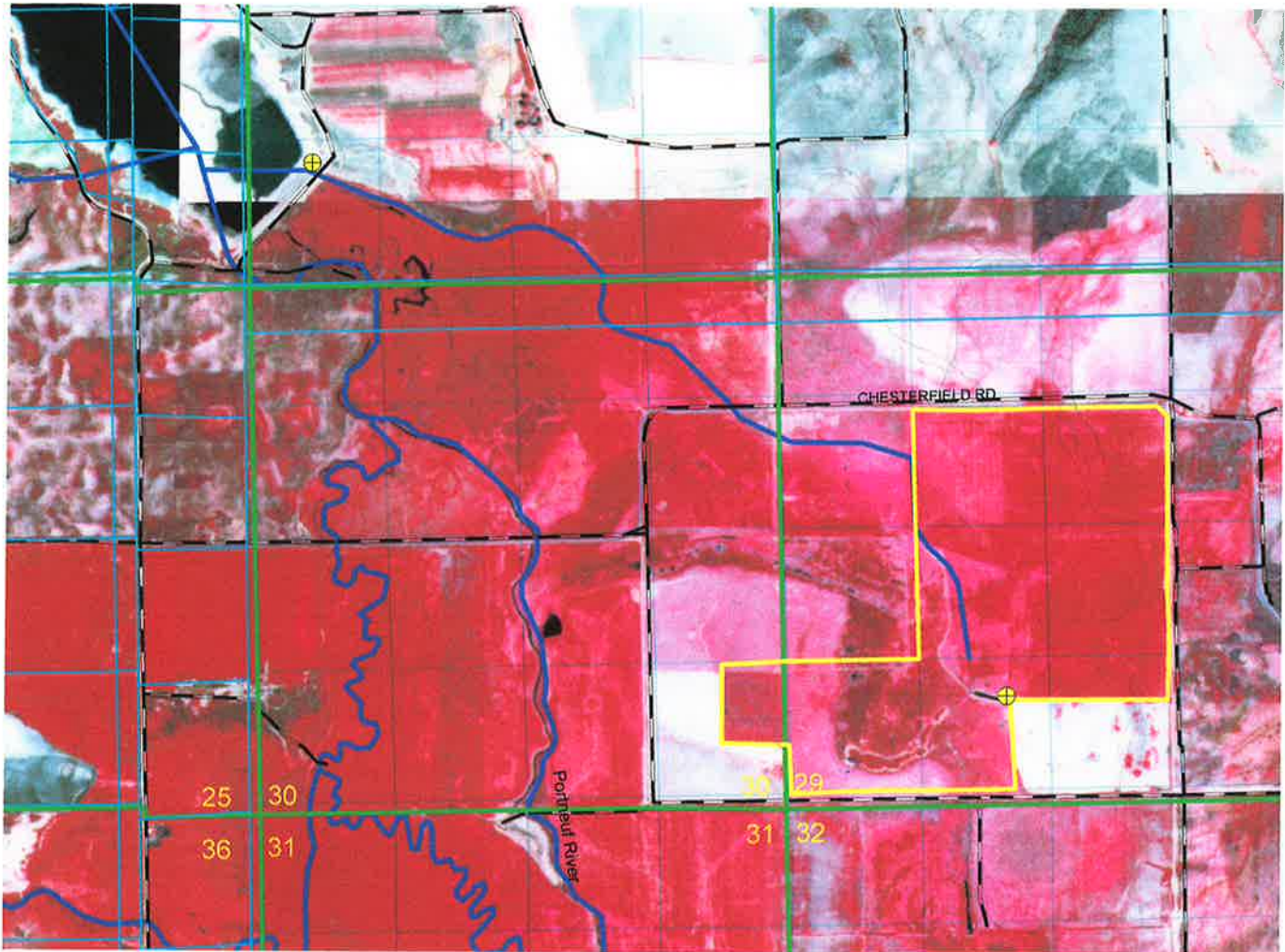
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT
TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-12B AND 29-2435



0.000001 Miles



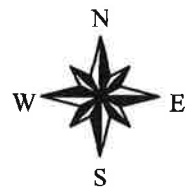
IRRIGATED ACRES 241

LEGEND

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

Place of Use: T6S, R39E,
(part of) Sections 29 and 30

Points of Diversion: T6S, R39E,
Sec. 29, NESESW and
Sec. 19, NWSWSW



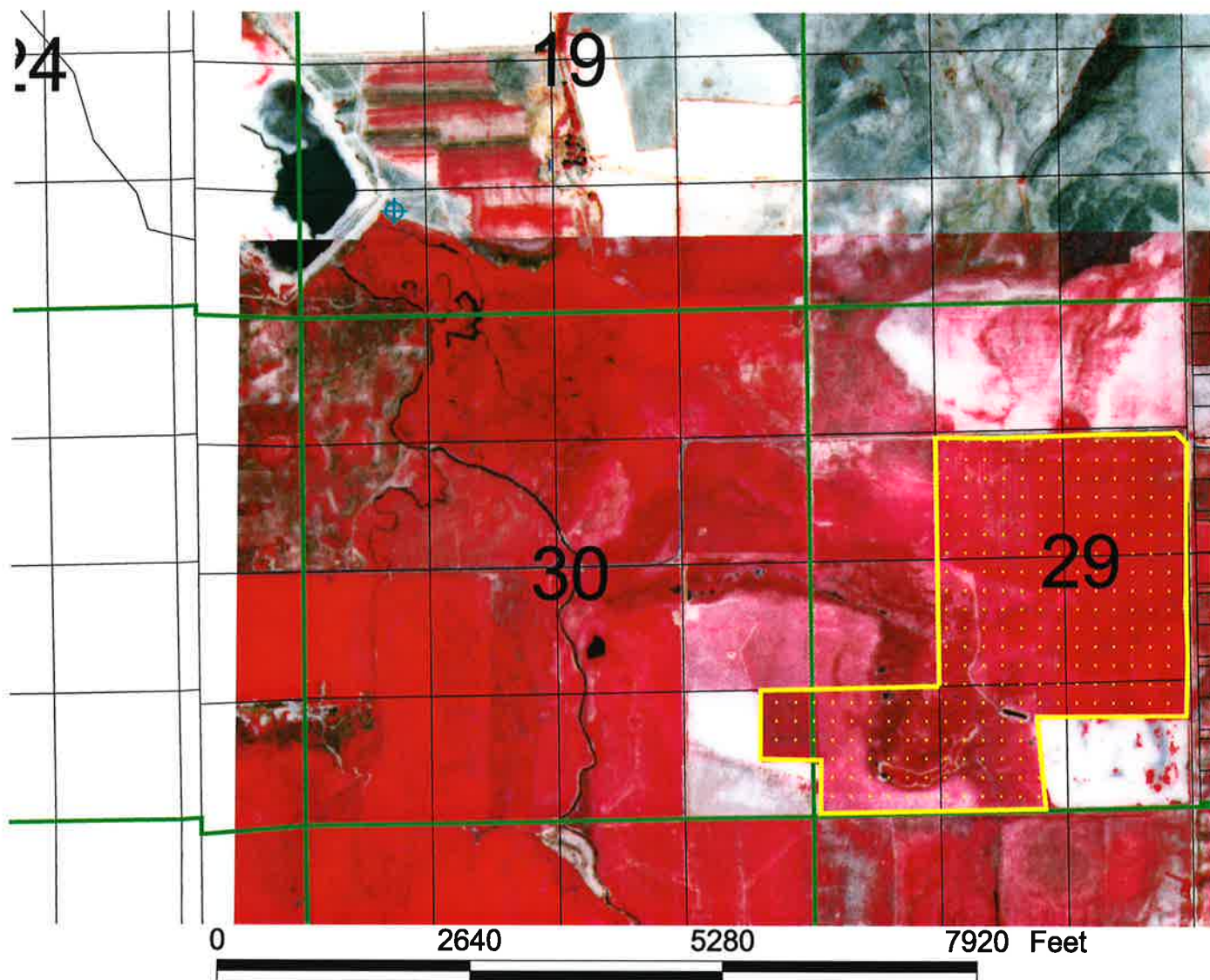
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: November, 2002



Department of Water Resources

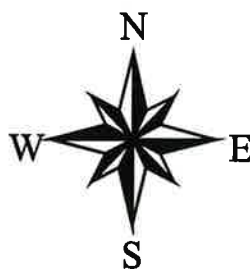
Claim No: 29-12B

Twps 06S Rge 39E



Irrigated Acres = 246.1

- Place of use.shp
- Diversion.shp
- Sections
- QQ



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: March 2003

202. Holbrook.

7

Priority Date Data Entry FormClaim Number: 29-12DWater Right Priority Date: 4-15-1913Water Right Basis: DecreeClaimed Priority Date: 4-15-1913Claimed Basis: Decree

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:

Decree (UG + E Decree)

Reviewer: CBDate: 11/19/02

Point of Diversion and Source Data Entry Form

Claim Number: 29-12B.Water Right Point of Diversion: T 6S, R 39E, Sec. 19, SW, SW, County: Caribou.Source: Portneuf Tributary: SnakeClaimed Point of Diversion: T 6S, R 39E, Sec. 24, SE, SE, County: CaribouSource: Portneuf ^{6S 39E Sec. 19 SW SW} Tributary: SnakeRecommended Point of Diversion: T 6S, R 39E, Sec. 19, SW, SW, County: Caribou.Source: Portneuf River Tributary: Snake☐ 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		NWSWSW	Caribou	Portneuf River
GPS Coordinates: <u>42.8796471</u>					<u>-111.9411868</u>	

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:

field exam
1 degree (UG + E)

Transfers Changing POD _____

Reviewer: CBDate: 11/19/02

Place Of Use Data Entry Form

Claim Number: 29-12B☐ 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	29			Caribou		229	Irrigation
		30			Caribou		12	Irrigation

Total Acres 241

Document how the POU was verified:

deed
T609
1987/88 NAPP Photography
field exam

Transfers Changing POU _____

Reviewer: CBDate: 11/19/02

Purpose of Use Data Entry Form

Claim Number: 29-12B 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
Irrigation			199.5	
domestic	1			

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			313	

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other
Irrigation			99.5	

Document how the Purpose of Use was verified:

deed
w/ profile report
1987/88 NAPP PHOTOGRAPHY
field exam.

add acre limit remark K06

Transfers Changing Purpose of Use Reviewer: CBDate: 11/19/02

Period of Use and Quantity Data Entry Form

Claim Number: 29-12B☐ 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
Irrigation	4/15	9/15	1.99	

Overall Diversion Rate 1.99 Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/1	10/1	1.99	

Overall Diversion Rate 1.99 Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15	1.99	

Overall Diversion Rate 1.99 Overall Diversion Volume _____

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

add SO8 Remark
field exam
diurnal (116+E)

Reviewer: CBDate: 11/13/02

Claim No.: _____

Summary Data Entry Form

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

018
808 4/1 - 10/31
K06 POU Remark 99.5 acc limit

Split or Combined Right Analysis:

29-12 / 399 cts.
A Crandall (2.0 cts)
B Holbrook (1.99 cts)

Attached Field Notes or Other Documents:

Claim No.:

29-12B

Reviewer

CB

Date

11/19/02

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

8-26-03

Dear: D of WR

My water decree doesn't show
a point of diversion or the
name of the ditch I get my
water thru. This is on both
29-12B and 29-94C water rights.
I would like to fill out some
papers to have these two
items added to my two decrees.
I don't stay home much but
you can usually get me at
1-208-250-9080 cell phone.

Sincerely

Joe Holbrook



RECEIVED

AUG 27 2003

IDAHO DEPARTMENT OF
ENVIRONMENTAL QUALITY

Joe Holbrook - Port Huron. - Snake River.
A29-0012B - Ground water
A29-2435 -

Joe has a diversion at Chesterfield
Reservoir. He puts the water into
a pond. Then injects the water
into the ground water and pumps
it out in sprinklers.

10/18/01 Dennis Dunn -

- Had to look at what the transfer
did to change the system (P&H).

11/8/02 - Pauline - didn't find where the bond
in S05E in Section 29, T10S, R39E is
in CRP. Will check again with the
FSA office.

- When was the migration changed under
29-2435?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-12B

WATER RIGHT NUMBER: 29-12B

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	A J KNOLLIN ID
Current Owner	JOSEPH & BETH HOLBROOK TRUST C/O JOSEPH HOLBROOK TRUSTEE 21 N 4TH E SODA SPRINGS, ID 83276 (208)547-3450
Original Owner	CHRISTIAN CALL ID

Priority Date: 04/15/1913

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
PORTNEUF RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	1.990 CFS	
	<u>Total Diversion:</u>	1.990 CFS	

Location of Point(s) of Diversion

PORTNEUF RIVER	SE1/4SE1/4	Sec. 24, Twp 06S, Rge 38E, B.M.
CARIBOU County		
PORTNEUF RIVER	SW1/4SW1/4	Sec. 19, Twp 06S, Rge 39E, B.M.
CARIBOU County		

Place of UseIRRIGATION Within CARIBOU County

T06S R39E S29	SWNE	39.0	T06S R39E S29	SENE	39.0
T06S R39E S29	NESW	40.0	T06S R39E S29	SWSW	39.0
T06S R39E S29	SESW	39.0	T06S R39E S29	NWSE	40.0
T06S R39E S29	SWSE	39.0	T06S R39E S30	SESE	38.0

Total Acres: 313

Conditions of Approval:

1. R04 Use of water under this water right will be regulated by the watermaster of State Water District No. & DISTRICT.

Remarks:

1. General P/D IS BY SIPHON TUBE FROM CHESTERFIELD RESERVOIR TO A DITCH THEN TO A PUMP MAINLINE TO LATERALS WITH SPRINKLERS.
CLAIM AMENDED 8-21-1991 TO REFLECT THE DAM AS THE P.O.D..



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

May 28, 2002

JOSEPH & BETH HOLBROOK TRUST
C/O JOSEPH HOLBROOK TRUSTEE
21 N 4TH E
SODA SPRINGS ID 83276

RE: NOTICE(S) OF CHANGE OF WATER RIGHT OWNERSHIP
NOTICE(S) OF CLAIM TO A WATER RIGHT 29-12B

Dear Mr. Holbrook:

The request for Change of Water Right Ownership concerning the above-referenced Notice(s) of Claim has been processed and the Department's records updated to reflect you as the new claimant.

The enclosed report shows this change along with listing the elements of the water right being claimed. Please review this report and contact this office if there are corrections or questions.

Respectfully yours,

Jennifer Crabtree
Technical Records Specialist

Enclosure

OK JC 5/25/02

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
NOTICE OF CHANGE IN WATER RIGHT OWNERSHIP

RECEIVED

MAY 06 2002

Department of Water Resources
Eastern Region

Please print or type. Attach pages with additional information. Instructions are included at the end of this form.
 Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided, if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	29-123				

2. The following **REQUIRED** information must be submitted with this form:

- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water right(s) or claim(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use of your water right(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county).

OR

If your water right(s) and/or adjudication claim(s) are for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant(s) Joseph + Beth Holbrook
4. New Owner/Claimant(s) Joseph + Beth Holbrook Trust, Joseph Holbrook Trustee
 Name Connector (Check one): ☐ and, ☐ or, ☐ and/or
- New Mailing Address 21 N. 4th E
- City, State and ZIP Code Soda Springs, ID 83276
- New Telephone Number (208) 547-3450
5. Date you acquired the property _____

The Joseph & Beth Holbrook Trust

{ THERE IS AN ERROR ON THIS DEED. A LATTER DEED OF
CORRECTION IS CONTAINED IN ENVELOPE OF PAPPERS. }

*Note by
J.L.H*

WARRANTY DEED
(GIFT)

For love and affection, JOSEPH L. HOLBROOK and BETH H. HOLBROOK, husband and wife, ("Grantors"), do hereby grant, give and convey unto JOSEPH L. HOLBROOK and BETH H. HOLBROOK, as Trustees of THE JOSEPH AND BETH HOLBROOK TRUST, ("Grantees"), whose address is 21 North 4th East, Soda Springs, Idaho 83276, the following-described real property located in Caribou County, Idaho, to-wit:

1. Real property located in Caribou County, Idaho, described as follows:

- A. T6S R39E SEC 30, SE1/4SE1/4, 40 acres; and
SEC 29, W1/2E1/2, E1/2W1/2SW1/4SW1/4,
360 acres, less 7.6 acres HW; SEC 20,
SW1/4SE1/4, 40 acres;
- B. TR 90 X 181 Lots 1-8, Block 46, City of
Soda Springs.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto said Grantees, their heirs and assigns forever. Said Grantors do hereby covenant to and with the said Grantees that they are the owner in fee simple of said premises, that they are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

DATED this 5 day of Dec., 1995.

Joseph L. Holbrook
JOSEPH L. HOLBROOK

STATE OF IDAHO } ss. **151727**
County of Caribou }

I hereby certify that this instrument was filed at the request
of Joseph L. Holbrook
at 2:30 o'clock P m this 6th day of
March, 1996 in my office and duly
recorded in Microfilm Records _____
Recorder: Edie Izatt
Denise Hawley
Ex-Officio Recorder Deputy 600

Beth H. Holbrook
BETH H. HOLBROOK

151727

STATE OF IDAHO)
 : ss
County of Caribou)

On this 5th day of December 1995, before me, the undersigned, a notary public in and for said State, personally appeared JOSEPH L. HOLBROOK and BETH H. HOLBROOK, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Ruth Hansen
NOTARY PUBLIC FOR IDAHO

Residing at: Soda Springs

My Commission Expires: 12-10-98

THE JOSEPH AND BETH HOLBROOK TRUST

THIS TRUST AGREEMENT, dated this 5 day of Dec., 1995, is between JOSEPH L. HOLBROOK and BETH H. HOLBROOK, husband and wife, of Soda Springs, Caribou County, Idaho (hereinafter "Grantors"), and JOSEPH L. HOLBROOK and BETH H. HOLBROOK, husband and wife, of Soda Springs, Caribou County, Idaho (hereinafter "Trustee").

ARTICLE 1: CREATION OF TRUST

1.01 Initial Trust Estate. By this Agreement, Grantors assign, convey, transfer and deliver to the Trustee the property described in Schedule "A" attached hereto and the Trustee accepts such property as the initial trust estate. Such property shall be held IN TRUST and shall be administered and distributed upon the terms and conditions herein set forth.

1.02 Character of Property. The property described in Schedule "A" is the community property of Grantors and shall retain its character as such in the trust estate.

1.03 Additions to Trust. Grantors, or either of them, or any other person may from time to time transfer or devise additional property to the Trustee upon the terms of this Trust Agreement.

1.04 Name of Trust. While either Grantor is living, the trust hereby created shall be known as THE JOSEPH AND BETH HOLBROOK TRUST.

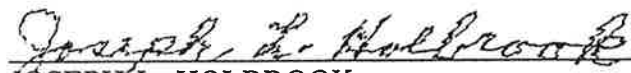
8.07 Trustee. Unless a contrary meaning or reference shall be expressly indicated or clearly implied from the context, the term "trustee" and the pronoun "it" in reference to trustee always refer interchangeably to the male or female person or persons or to the institution or any combination of them then acting as trustee of any trust established hereunder.

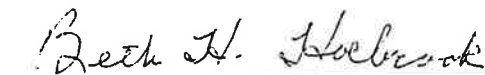
8.08 Governing Law. The laws of the State of Idaho shall govern all questions as to the validity and construction of this instrument and of all trusts created by this instrument.

8.09 Other Principles of Construction. Words in any gender shall be deemed to include the other genders; the singular shall be deemed to include the plural and vice versa; the words "pay" and "distribute" shall also mean assign and convey; and the table of contents, headings and paragraph titles are for guidance only and shall have no significance in the interpretation of this instrument.

IN WITNESS WHEREOF, the parties have executed this instrument on the day and year first above written.

GRANTORS:


JOSEPH L. HOLBROOK


BETH H. HOLBROOK

TRUSTEES:

Joseph L. Holbrook
JOSEPH L. HOLBROOK

Beth H. Holbrook
BETH H. HOLBROOK

STATE OF IDAHO)
 : ss
County of Caribou)

On this 5th day of December, 1998, before me, the undersigned, a Notary Public in and for said State, personally appeared JOSEPH L. HOLBROOK and BETH H. HOLBROOK, husband and wife, known to me to be the persons whose names are subscribed to the foregoing and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.

(SEAL)

Daph Norman
NOTARY PUBLIC FOR IDAHO
Residing at: Soda Springs
My Commission expires: 12-10-98

CERTIFICATION OF VITAL RECORD

STATE OF IDAHO

IDAHO DEPARTMENT OF HEALTH AND WELFARE
COOPERATIVE CENTER FOR HEALTH STATISTICS

CERTIFICATE OF DEATH

DATE FILED: DECEMBER 26, 1995

STATE FILE NUMBER: 95-07872

DECEDENT: BETH HANSEN HOLBROOK

DATE OF DEATH: DEC. 19, 1995 PLACE OF DEATH: SODA SPRINGS, IDAHO

DATE OF BIRTH: OCT. 17, 1922 PLACE OF BIRTH: IDAHO

AGE: 73 YEARS SEX: FEMALE VETERAN? NO

MARITAL STATUS: MARRIED SURVIVING SPOUSE: JOSEPH L. HOLBROOK

SOCIAL SECURITY NUMBER: 519-10-0721 RESIDENCE: SODA SPRINGS, IDAHO

FATHER: CHARLES GLENN HANSEN

FATHERS BIRTHPLACE: UTAH

MOTHER (MAIDEN): RACHEL HIGGINSON

MOTHERS BIRTHPLACE: IDAHO

MORTUARY: ALLEN-SIMS FUNERAL HOME

MORTICIAN: F. DUAYNE SIMS

SODA SPRINGS, IDAHO

DISPOSITION: BURIAL

CERTIFYING PHYSICIAN: JOHN W. OBRAY, MD

AUTOPSY: NO

1. CAUSE OF DEATH, UNDERLYING CAUSE LAST:

INTERVAL

SMALL BOWEL OBSTRUCTION

BURKITT'S LYMPHOMA OF ABDOMEN

5 DAYS

8 MONTHS

2. OTHER CONDITIONS CONTRIBUTING TO DEATH BUT UNRELATED TO ABOVE CAUSES:

NONE LISTED

MANNER OF DEATH: NATURAL

I certify that this is a true and correct reproduction or abstract of an official record filed with the IDAHO COOPERATIVE CENTER FOR HEALTH STATISTICS.

DATE ISSUED: DECEMBER 27, 1995

Jane S. Smith

JANE S. SMITH
State Registrar

413/47
J.L.C.



WR5809NP
No. 29-00012B

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/01
PAGE: 4

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	CHRISTIAN CALL	04/15/1913	IRRIGATION	04/15 09/15	1.990 CFS	
TOTAL DIVERSION:					1.990 CFS	

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

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	
06S	39E 29			I				I		I		I	I		I	I		
06S	39E 30																I	

Pou County: CARIBOU

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

29-00071 29-00094 29-00095 29-02027 29-02435 29-02558

Remarks: GEN P/D & P/U INCOMPLETE.

Dates:	App. Received:	Priority Date:	04/15/1913
	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

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION
IDAHO FALLS, ID
ph. (208) 525-7161

FAX NO. (208) 525-7177

TRANSMITTAL COVER SHEET

OMNIFAX

TO: C/NDY

FROM: AL

DOCUMENT DESCRIPTION: YOUNG #602 ; 29-12

TOTAL NUMBER OF PAGES (Including this page): 6

*
* BILLING ADDRESS: _____ *
* _____ *
* _____ *
* NO. OF PAGES _____ COST/PAGE _____ TOTAL CHARGE _____ *
* _____ *

HON. NOW DON'T EVER BOTHER
ME AGAIN! BYE-THE-WAY - NICE JOKE

Jones, Pomeroy & Jones

Lawyers

Pocatello, Idaho

T. D. JONES
C. W. POMEROY
RALPH H. JONES

June 7, 1941

RECEIVED

JUN 9 1941

Department of Reclamation

Commissioner of Reclamation
Boise, Idaho

Dear Sir:

On December 4, 1922, in the District Court of the Fifth Judicial District of the State of Idaho, in and for Bannock County, in the case of Union Grain and Elevator Company, plaintiff, vs. McCammon Ditch Company, et al, defendants, a Decree was entered by the terms of which certain waters were decreed to A. J. Knollin, being as follows:

"Said water to be diverted through Hibner Ditch Number 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 the Southwest Quarter, Section 9; 80 acres in the East Half of the Southeast Quarter, Section 8; all in Township 7 South, Range 39 East. This Canal, the Hibner No. 2, or the Knollin-Toponce Ditch, may be used for carrying water of Toponce Creek in addition to the River water, subject to the rights of Julia Hibner, and Kepler Sessions. The water for this ditch is delivered through a syphon of the Portneuf-Marsh Valley Irrigation Company's dam to the point of diversion described above."

We understand that during the year 1939 an application was made by A. Nelson Hogan to change the point of use, said application being made in your office.

We wish you would kindly let us know what your records show in regard to this matter.

Very truly yours,

JONES, POMEROY & JONES

By

RHJ:MMH

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the matter of the application
of

A.N.HOGAN, of
Chesterfield, Idaho

ORDER GRANTING TRANSFER

For a transfer of Water Right, in
Water District No. 17, County of
Bannock

WHEREAS, On the 10th day of June, 1940, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of A.N.HOGAN, of Chesterfield, Idaho, for a transfer of Water Right came on regularly for hearing, pursuant to the published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to more economical and greater beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY Ordered that the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 14th day of June, 1940.

JAMES SPOFFORD
Commissioner of Reclamation

O.D. Becker

By O.D. BECKER
Supervisor of Water Distribution

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 609.

THIS IS TO CERTIFY That A.N.HOGAN, of Chesterfield, Idaho, is the owner of and using a certain water right bearing date of priority of April 15, 1913 for 3.99 cubic feet per second of the waters of Portneuf River, in the County of Bannock, State of Idaho, said water being decreed to A.J.KNOLLIN, by decree of Judge O.R.Baum of the Fifth Judicial District of the State of Idaho, in the case of

UNION GRAIN AND ELEVATOR COMPANY,

a corporation, Plaintiff,

-vs-

MCCAMMON DITCH COMPANY, et al,

Defendants,

said decree bearing date of December 4, 1922, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 17, in the County of Bannock, State of Idaho, to-wit:

NW $\frac{1}{4}$ of Section 9, SE $\frac{1}{4}$ of Section 9,
E $\frac{1}{2}$ of Section 6, all in Township 7 South,
Range 39 East Boise Meridian;

THAT THE SAID Decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees at page 202;

That the said Applicant has become the owner of the land and water right by purchase;

THAT NOW, UPON THE Application of A.N.HOGAN, of Chesterfield, Idaho, for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of 3.99 cubic feet per second of the waters of Portneuf River upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right and to which the water right hereby confirmed shall become appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

NW $\frac{1}{4}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Lots 1 and 2 and the SW $\frac{1}{4}$ SE $\frac{1}{4}$
of Section 5, Township 7 South, Range 39 East
Boise Meridian,

situate, lying and being in the County of Bannock, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

3.99 cubic feet per second of the waters of
Portneuf River, with date of priority of
April 15, 1913;

THAT THE WATER RIGHT, Hereby transferred has been conducted to the first above described lands through the Hibner Ditch No. 2

having its point of diversion in the SW $\frac{1}{4}$ of Section 19, Township 6 South, Range 39 East, Boise Meridian;

THAT THE WATER RIGHT, Hereby transferred will hereafter be conducted to the new place of use through the Gooch-Johnson Ditch No. 1, having its point of diversion in the

NW $\frac{1}{4}$ of Section 31, Township 6 South, Range 39 East, Boise Meridian;

THAT THE LAST Above described lands have appurtenant to them 3.77 cubic feet per second with date of priority of April 15, 1880 and 1.0 cubic foot per second with date of priority of April 15, 1880 of the waters of Portneuf River; such water being conducted to the place of use through the Gooch-Johnson Ditch No. 1;

THAT THE RIGHT to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho, to be affixed at Boise, Idaho, this 14th day of June, 1940.

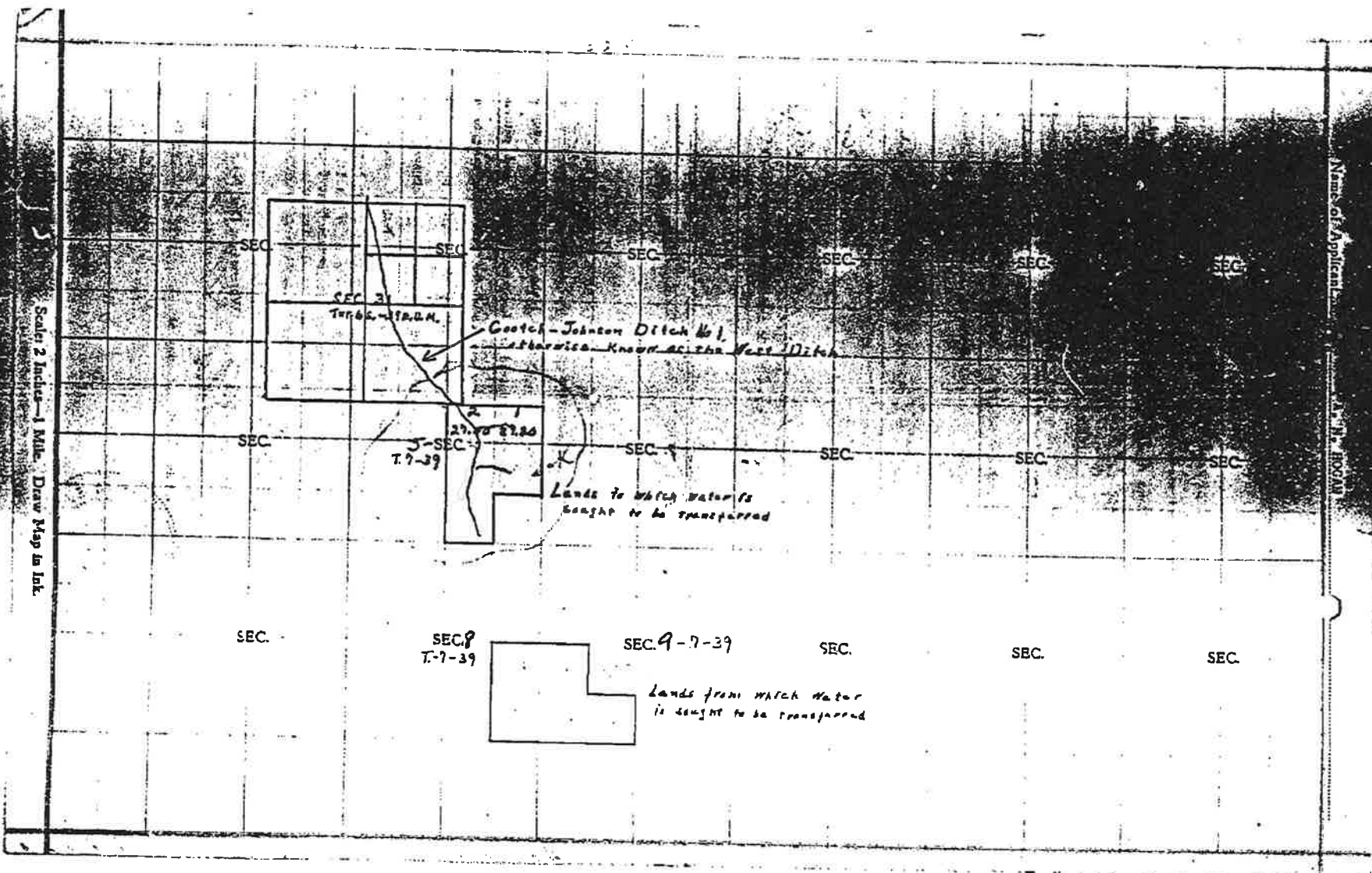
JAMES SPOFFORD
Commissioner of Reclamation

O.D. Becker

By O.D. BECKER
Supervisor of Water Distribution

Name of Applicant

J. M. Hogan





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

December 27, 2001

A29-12B, A29-2435
Beth Holbrook
21 North 4th East
Soda Springs, ID 83276

REF: Snake River Basin Adjudication (SRBA)

SUBJECT: CRP Contract

Dear Claimant(s);

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. The Notice(s) of Claim identified with the number shown above in the "address" label has been filed in the Snake River Basin Adjudication (SRBA).

It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. A field examination to verify items in the Notice will be conducted by Department personnel as soon as the weather permits. I was able to visit some of you this year before the snow arrived. While waiting for the weather to cooperate again I would like to collect some of the necessary documentation needed to recommend your claim to the SRBA court. The statute (42-104) requires the water be put to beneficial use to have a valid water right. One exception to the statute is if the land has been put into CRP. But evidence must be submitted to the Department of Water Resources to retain the water right otherwise the water right will not be recommended to the SRBA court.

If you have previously irrigated land that has been put into CRP, I would appreciate it if you could send me a copy of the contract when the land was put into CRP for my records, **by March 1, 2002. If you do not have any land in CRP please disregard this notice.** With no response from you, we will assume that you do not have any land in CRP. You may contact either the Farm Service Agency (FSA) or Natural Resource Conservation Service (NRCS) in Soda Springs at 547-4396 for a copy of the contract.

Please feel free to contact me in Soda at (208) 547-3993 if you have any additional questions. Have a safe and happy holiday.

Sincerely;

A handwritten signature in cursive script that reads "Cindy E. Bird".

Cindy E. Bird
Adjudication Bureau

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: A29-00012B
Date Received: 1/15/1990
Receipt No: E011699
Received By: Kaw

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: JOSEPH L. HOLBROOK 208-547-3450
Address: 21 NORTH 4TH EAST
SODA SPRINGS, ID 83276

OR

Name: BETH HOLBROOK 208-547-3450
Address: 21 NORTH 4TH EAST
SODA SPRINGS, ID 83276

2. Date of Priority: APR 15, 1913

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
61D	39E	19	NE SW SW		CARIBOU

5. Description of diverting works:
PORTNEUF R. SIPHON TUBE/CHESTERFIELD RESERVOIR DITCHES TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.990		

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

8. Total consumptive use is 782.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A29-00012B

Page 1

Date: 01/15/90

A2900012B



MICROFILMED

NOV 13 1992

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: A29-00012B

Date Received: 1/15/1990

Receipt No: E011699

Received By: 4/1 8-21-91

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: JOSEPH L. HOLBROOK 208-547-3450
Address: 21 NORTH 4TH EAST
SODA SPRINGS, ID 83276
OR
Name: BETH HOLBROOK 208-547-3450
Address: 21 NORTH 4TH EAST
SODA SPRINGS, ID 83276

2. Date of Priority: APR 15, 1913

3. Source: PORTNEUF RIVER Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	38E	24	SE	SE			CARIBOU
	39E	19	SW	SW			CARIBOU

5. Description of diverting works:

PORTNEUF R. SIPHON TUBE/CHESTERFIELD RESERVOIR DITCHES TO PUMP

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.990		

7. Total Quantity Appropriated is:

1.990 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 782.5 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

MICROFILMED

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	39E	29	SW NE		IRR	~~39.0~~ 33
			SE NW		IRR	~~39.0~~ 35
			NE SW		IRR	40.0
			SW SW		IRR	~~39.0~~ 40
			SE SW		IRR	~~39.0~~ 32
			NW SE		IRR	~~40.0~~ 37
			SW SE		IRR	~~39.0~~ 12
					Section Acres	~~275.0~~ 229
		30	SE SE		IRR	~~38.0~~ 12
					Section Acres	~~38.0~~ 12
					Total Acres	~~313.0~~ 241

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:
29-02435

14. Remarks:

P/D IS BY SIPHON TUBE FROM CHESTERFIELD RESERVOIR TO A DITCH THEN TO A PUMP MAINLINE TO LATERALS WITH SPRINKLERS.

15. Basis of Claim: DECREED

Case Number:
Court :
Decree date:

CHRISTIAN CALL

Decree Plaintiff

vs

A. N. HOGAN

Decree Defendant

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): Joseph L. Holbrook Date: 1-15-90

Date: _____

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 15th day
of Jan 19 90 Betty J. Thompson
Notary Public

Seal

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-94

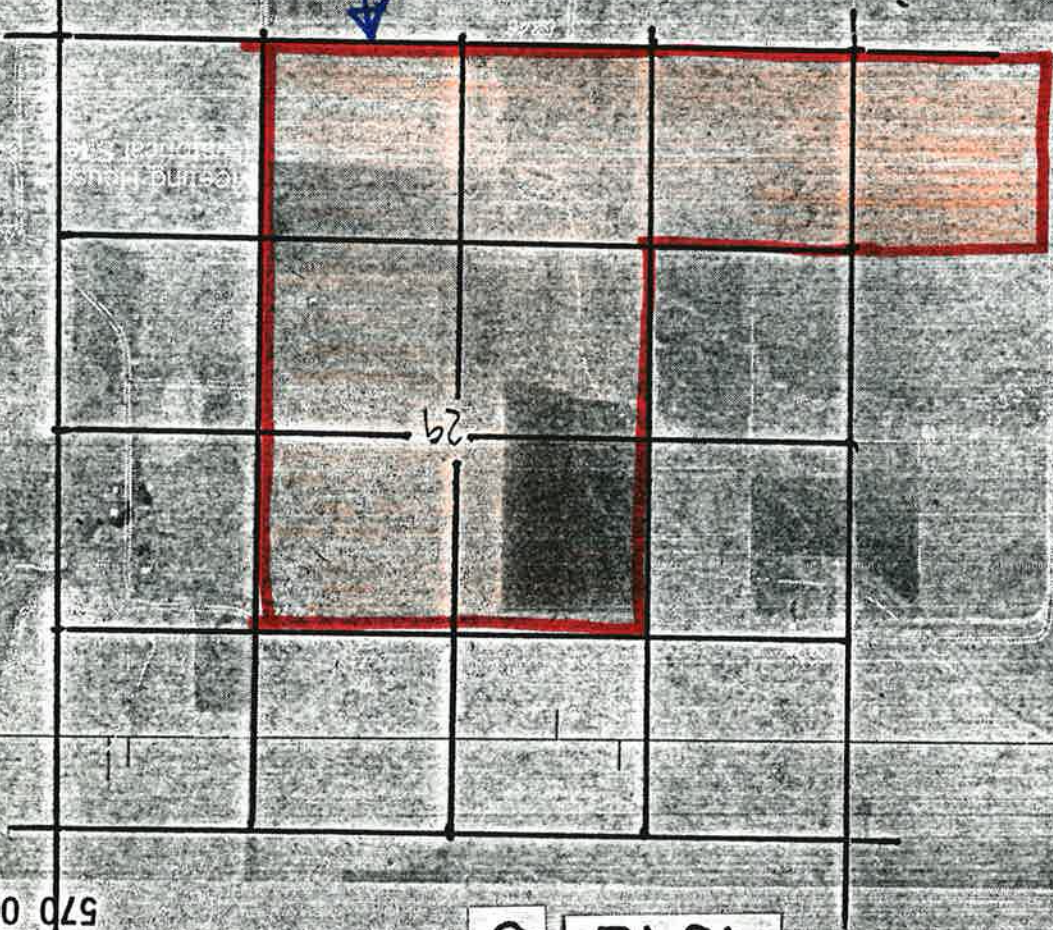
Chesterfield
Cem
5404

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A29-000128

32

Place of use
↓

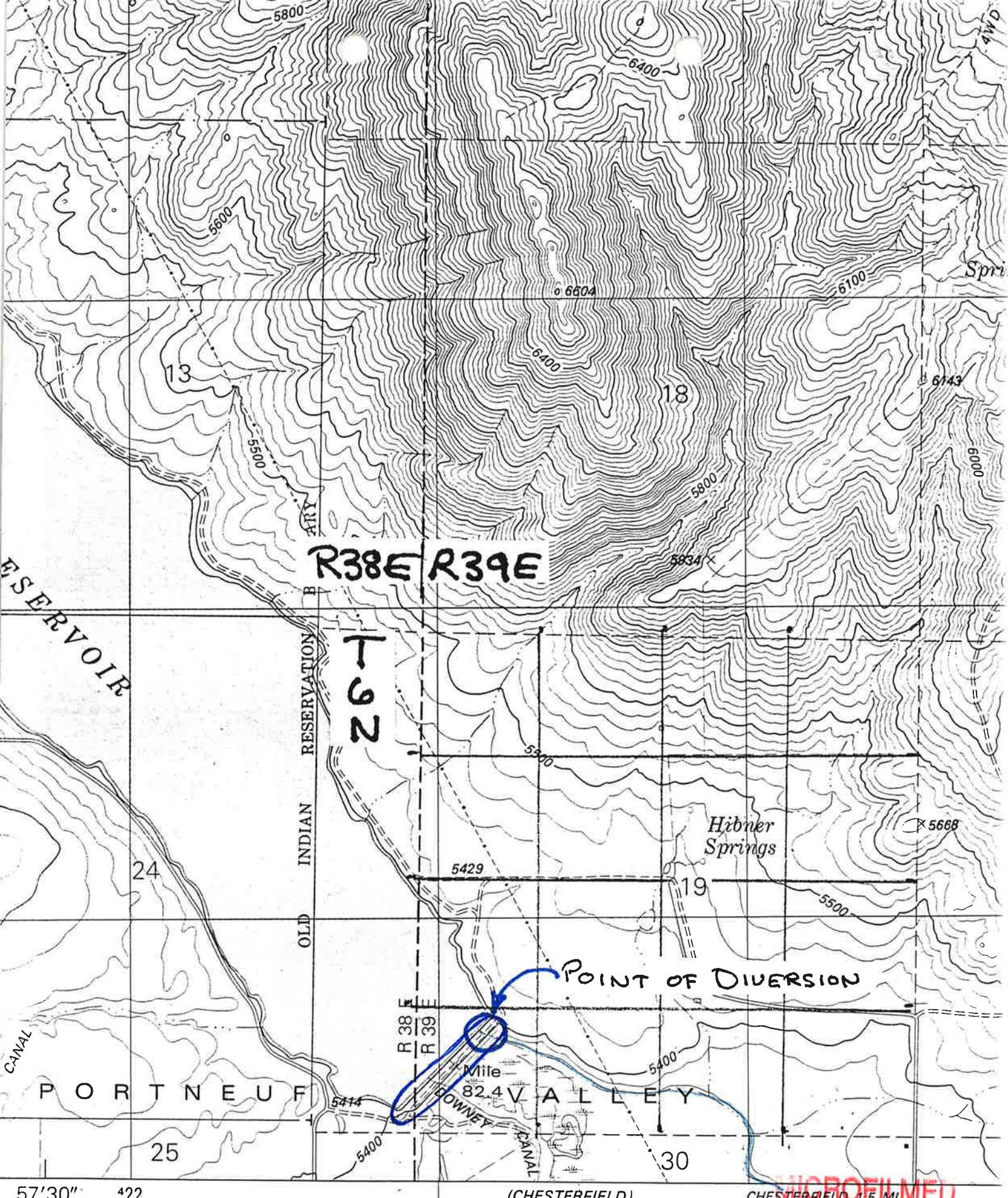


30

570 000 FEET

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S6T

39E

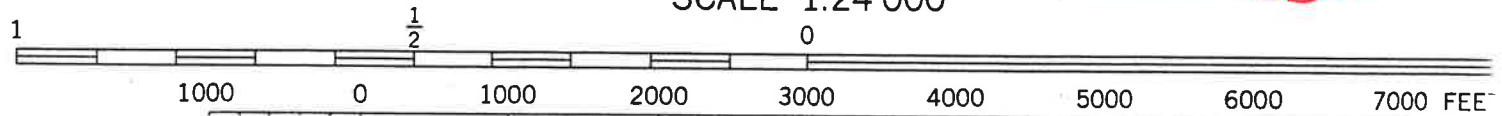


57'30" 422

(CHESTERFIELD)
3669 IV SW
CHESTERFIELD 115 MI

SCALE 1:24 000

A29-00001231992



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06S	39E	29	SW		NE		IRR	39.0
			SE		NW		IRR	39.0
			NE		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
							Section Acres	275.0
		30	SE		SE		IRR	38.0
							Section Acres	38.0
							Total Acres	313.0

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:
29-02435

14. Remarks:

P/D IS BY SIPHON TUBE FROM CHESTERFIELD RESERVOIR TO A DITCH THEN
TO A PUMP MAINLINE TO LATERALS WITH SPRINKLERS.
CLAIM AMENDED 8-21-1991 TO REFLECT THE DAM AS THE P.O.D..

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

CHRISTIAN CALL

Decree Plaintiff

A. N. HOGAN

vs

Decree Defendant

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): Joseph L. Holbrook Date: _____
_____ Date: _____

State of Idaho)
County of Donnerville) SS.

Subscribed and sworn (or affirmed) before me this 21st day
of Aug 19 91
Seal Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

MICROFILMED
NOV 13 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

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9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	29	SW	NE		IRR	39.0
			SE	NW		IRR	39.0
			NE	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
						Section Acres	275.0
		30	SE	SE		IRR	38.0
						Section Acres	38.0
						Total Acres	313.0

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Court :

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CHRISTIAN CALL

Decree Plaintiff

vs

A. N. HOGAN

Decree Defendant

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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): _____ Date: _____
_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____
Notary Public

Seal

Residing at _____
My Commission Expires _____

MICROFILMED
NOV 13 1992