

02/19/2003

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

RIGHT NUMBER: 29-51
NAME AND ADDRESS: PORTNEUF IRRIGATION CO
C/O CONNIE MARIE JONS
PO BOX 157
ARIMO ID 83214
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 55.000 CFS
PRIORITY DATE: 03/27/1889
POINT OF DIVERSION:
T09S R37E S22 NESW Lot 3 Within BANNOCK 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	55.000 CFS

PLACE OF USE:

Large Place of Use

2399.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-11277 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2399.8 ACRES 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

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

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

WATER IS DELIVERED THROUGH MAIN HEADING OFF PORTNEUF RIVER
AND REDIVERTED FROM THE CANAL SYSTEM AT SWNWNE SECTION 30
T.9S R37E.

RIGHT NO. 29-11277 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

02/10/2003

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

RIGHT NUMBER: 29-51

NAME AND ADDRESS: PORTNEUF IRRIGATION CO
C/O CONNIE MARIE JONS
PO BOX 157
ARIMO ID 83214

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 55.000 CFS

PRIORITY DATE: 03/27/1889

POINT OF DIVERSION:

T09S R37E S22 NESW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 09/15

QUANTITY
55.000 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T09S R36E S24	NESE	26.0	T09S R36E S24	SESE	25.0
T09S R36E S25	NENE	24.0	T09S R36E S25	NWNE	4.4
T09S R36E S25	SWNE	13.0	T09S R36E S25	SENE	35.0
T09S R36E S25	NESW	8.4	T09S R36E S25	NESE	40.0
T09S R36E S25	NWSE	31.0	T09S R36E S25	SWSE	14.0
T09S R36E S25	SESE	39.0	T09S R36E S36	NENE	41.0
T09S R36E S36	NWNE	15.0	T09S R36E S36	SWNE	3.0
T09S R36E S36	SENE	38.0	T09S R36E S36	NESE	16.0
T09S R36E S36	SESE	13.0	T09S R37E S19 Lot 3	SENE	8.0
T09S R37E S19	NESW	33.0	T09S R37E S19 Lot 10	NWSW	36.0
T09S R37E S19 Lot 11	SWSW	39.0	T09S R37E S19	SESW	39.0
T09S R37E S19 Lot 8	NESE	6.7	T09S R37E S19 Lot 9	NWSE	13.0
T09S R37E S19	SWSE	38.0	T09S R37E S19	SESE	39.0
T09S R37E S20 Lot 5	SENE	2.9	T09S R37E S20 Lot 7	SWNW	12.0
T09S R37E S20 Lot 8	NWSW	16.0	T09S R37E S20	SWSW	38.0
T09S R37E S20	SESW	33.0	T09S R37E S20	NESE	27.0
T09S R37E S20 Lot 6	NWSE	12.0	T09S R37E S21 Lot 5	NWNE	13.0
T09S R37E S21 Lot 6	SWNW	24.0	T09S R37E S21	SENW	13.0
T09S R37E S29	NWNW	4.2	T09S R37E S30	NENE	11.0
T09S R37E S30	NWNE	23.0	T09S R37E S30	NENW	31.0
T09S R37E S30 Lot 1	NWNW	34.0	T09S R37E S30 Lot 2	SWNW	32.0
T09S R37E S30	NESW	6.1	T09S R37E S30 Lot 3	NWSW	38.0
T09S R37E S30 Lot 4	SWSW	34.0	T09S R37E S30	SESW	0.1
T09S R37E S31	NENW	4.1	T09S R37E S31 Lot 1	NWNW	28.0
T09S R37E S31 Lot 2	SWNW	35.0	T09S R37E S31	SENW	6.4
T09S R37E S31	NESW	11.0	T09S R37E S31 Lot 3	NWSW	28.0
T09S R37E S31 Lot 4	SWSW	29.0	T09S R37E S31	SESW	20.0
T09S R37E S31	SWSE	9.4	T10S R36E S01 Lot 2	NWNE	2.0
T10S R36E S01	SWNE	17.0	T10S R36E S01	SENE	12.0

Water Right 29-51

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

T10S R36E S01 Lot 3	NENW	0.1	T10S R36E S01	SENE	1.2
T10S R36E S01	NESE	12.0	T10S R37E S05	NESW	3.2
T10S R37E S05	NWSW	1.5	T10S R37E S05	SWSW	11.0
T10S R37E S05	SESW	9.4	T10S R37E S06 Lot 1	NENE	12.0
T10S R37E S06 Lot 2	NWNE	13.0	T10S R37E S06	SWNE	32.0
T10S R37E S06	SENE	28.0	T10S R37E S06 Lot 3	NENW	8.7
T10S R37E S06 Lot 4	NWNW	3.0	T10S R37E S06 Lot 5	NWNW	2.8
T10S R37E S06 Lot 6	SWNW	21.0	T10S R37E S06 Lot 8	SWNW	12.0
T10S R37E S06	SENE	26.0	T10S R37E S06	NESW	15.0
T10S R37E S06 Lot 7	NWSW	21.0	T10S R37E S06 Lot 9	NWSW	4.8
T10S R37E S06 Lot 10	SWSW	21.0	T10S R37E S06	SESW	19.0
T10S R37E S06	NESE	35.0	T10S R37E S06	NWSE	3.7
T10S R37E S06	SWSE	33.0	T10S R37E S06	SESE	20.0
T10S R37E S07	NENE	9.9	T10S R37E S07	NWNE	21.0
T10S R37E S07	NENW	26.0	T10S R37E S07 Lot 1	NWNW	36.0
T10S R37E S07 Lot 3	NWNW	7.2	T10S R37E S07 Lot 4	SWNW	33.0
T10S R37E S07 Lot 6	SWNW	8.6	T10S R37E S07	SENE	13.0
T10S R37E S07	NESW	5.0	T10S R37E S07 Lot 5	NWSW	19.0
T10S R37E S07 Lot 7	NWSW	0.3	T10S R37E S07 Lot 2	SWSW	0.3
T10S R37E S07 Lot 8	SWSW	8.3	T10S R37E S07	SESW	0.3
T10S R37E S07	SWSE	0.1	T10S R37E S07	SESE	0.2
T10S R37E S08	NESW	0.4	T10S R37E S08	SWSW	39.0
T10S R37E S08	SESW	21.0	T10S R37E S17	SWNE	2.9
T10S R37E S17	NENW	25.0	T10S R37E S17	NWNW	36.0
T10S R37E S17	SWNW	19.0	T10S R37E S17	SENE	18.0
T10S R37E S17	NESW	19.0	T10S R37E S17	NWSW	18.0
T10S R37E S17	SWSW	8.3	T10S R37E S17	SESW	22.0
T10S R37E S17	NWSE	2.4	T10S R37E S17	SWSE	22.0
T10S R37E S18	NENE	0.9	T10S R37E S18	NWNE	5.1
T10S R37E S18	SWNE	11.0	T10S R37E S18	NENW	38.0
T10S R37E S18 Lot 1	NWNW	22.0	T10S R37E S18 Lot 4	SWNW	23.0
T10S R37E S18	SENE	36.0	T10S R37E S18	NESW	30.0
T10S R37E S18 Lot 5	NWSW	13.0	T10S R37E S18 Lot 8	SWSW	3.0
T10S R37E S18	SESW	7.4	T10S R37E S18	NESE	4.6
T10S R37E S18	NWSE	27.0	T10S R37E S18	SWSE	20.0
T10S R37E S18	SESE	21.0	T10S R37E S19	NENE	5.8
T10S R37E S19	SENE	3.8	T10S R37E S19	NESE	3.4
T10S R37E S20	NWNW	13.0	T10S R37E S20	NESW	4.0
T10S R37E S20	NWSW	15.0	T10S R37E S20	SESW	22.0
T10S R37E S20	NWSE	0.5	T10S R37E S20	SWSE	16.0

2399.8 ACRES TOTAL

02/10/2003

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

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 POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.

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

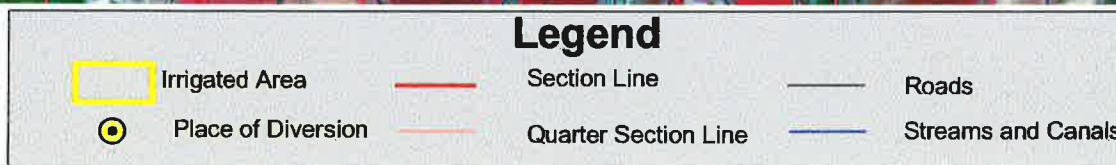
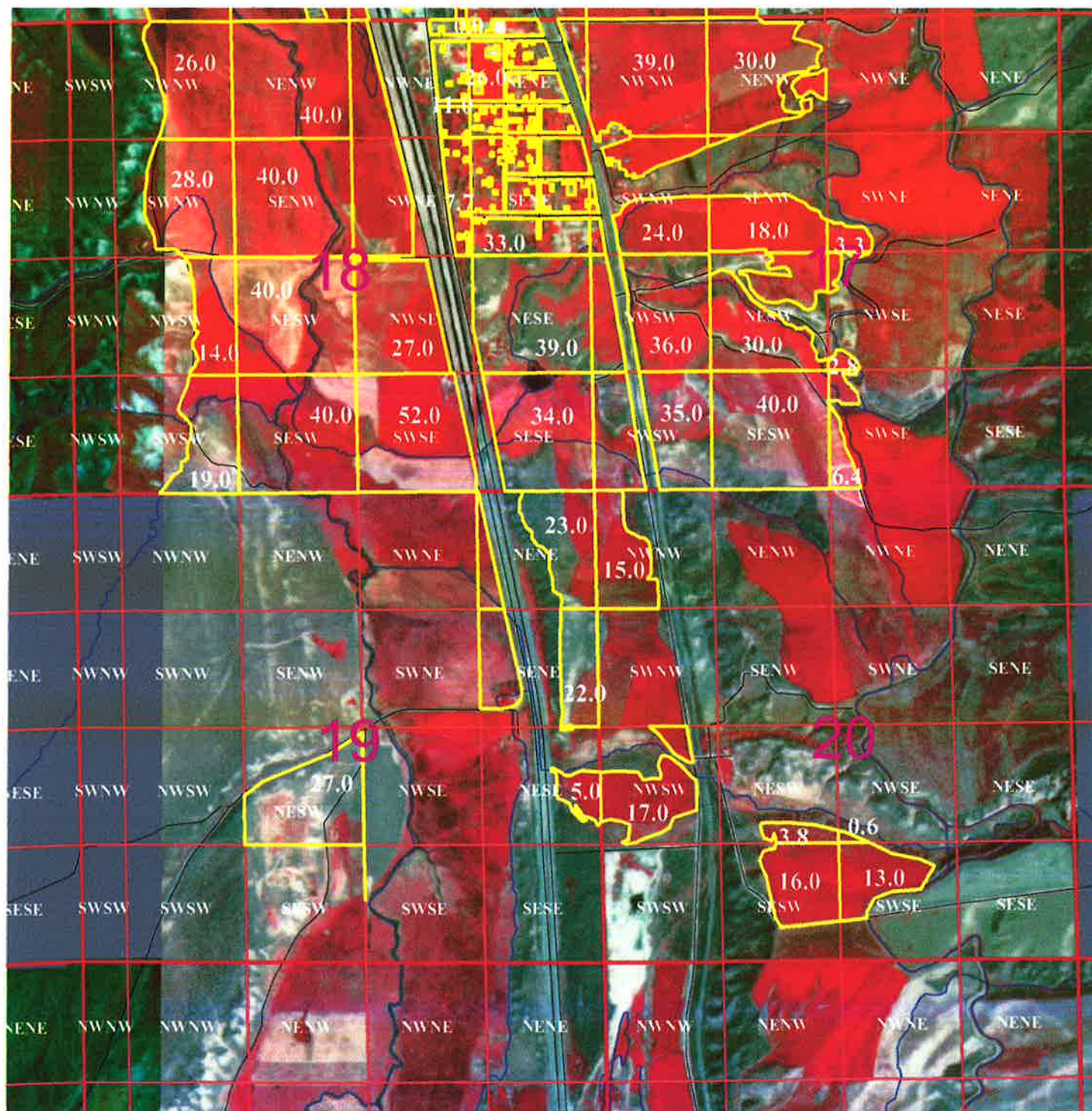
WATER IS DELIVERED THROUGH MAIN HEADING OFF PORTNEUF RIVER
AND REDIVERTED FROM THE CANAL SYSTEM AT SWNWNE SECTION 30
T.9S R37E.

RIGHT NO. 29-11277 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Water Right Claim Number A29-00051

Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000

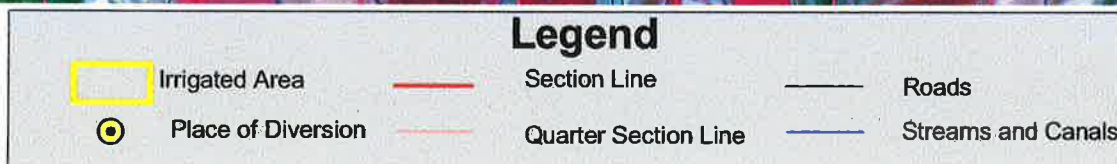
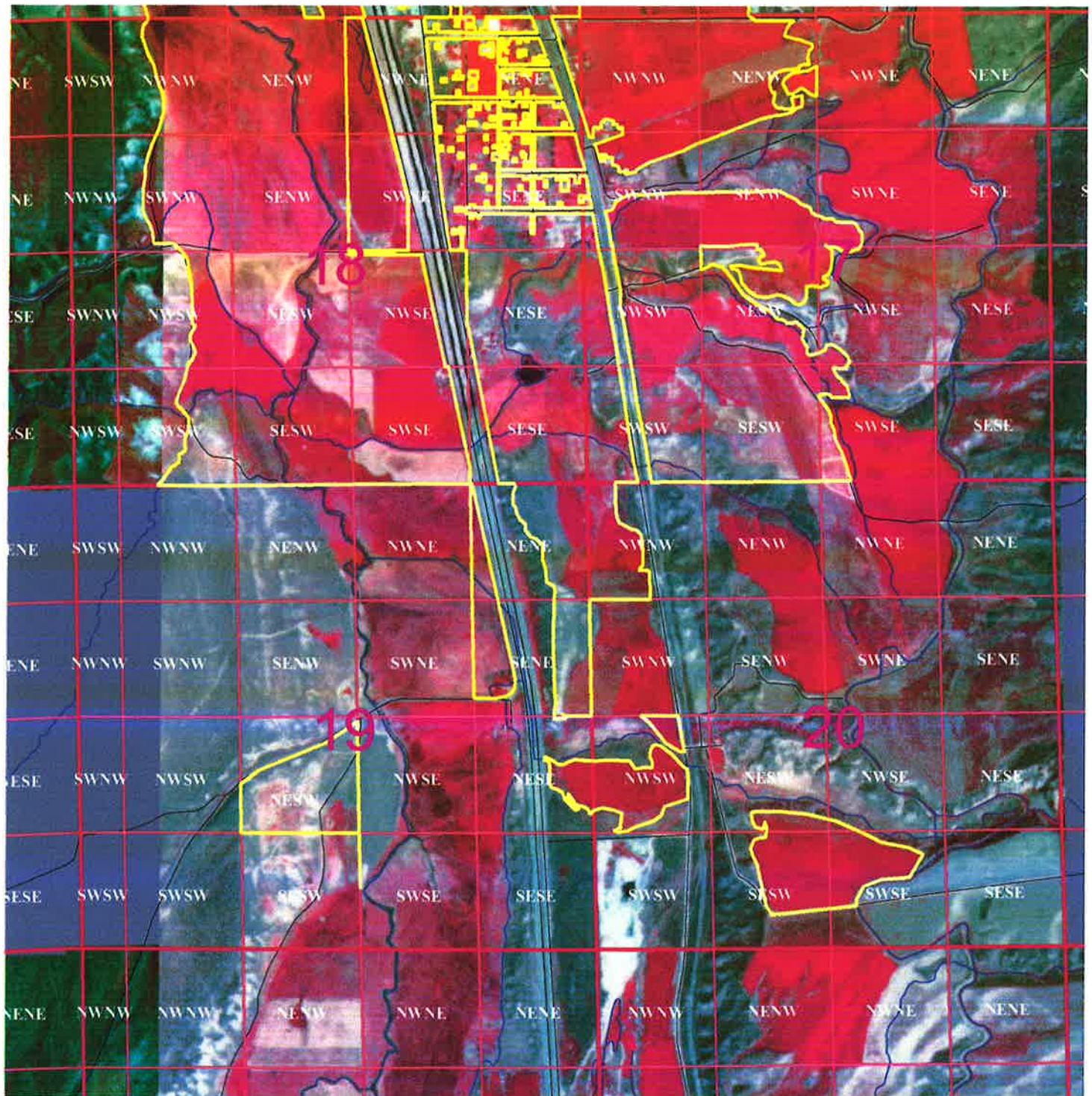


1000 0 1000 2000 3000 Feet



Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000



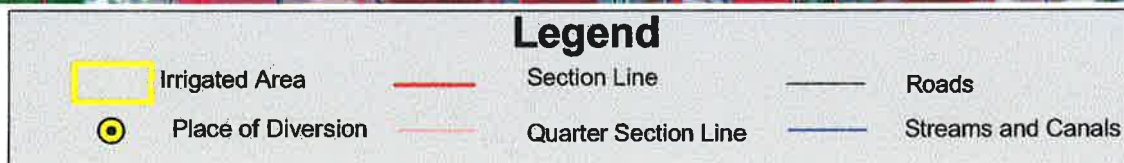
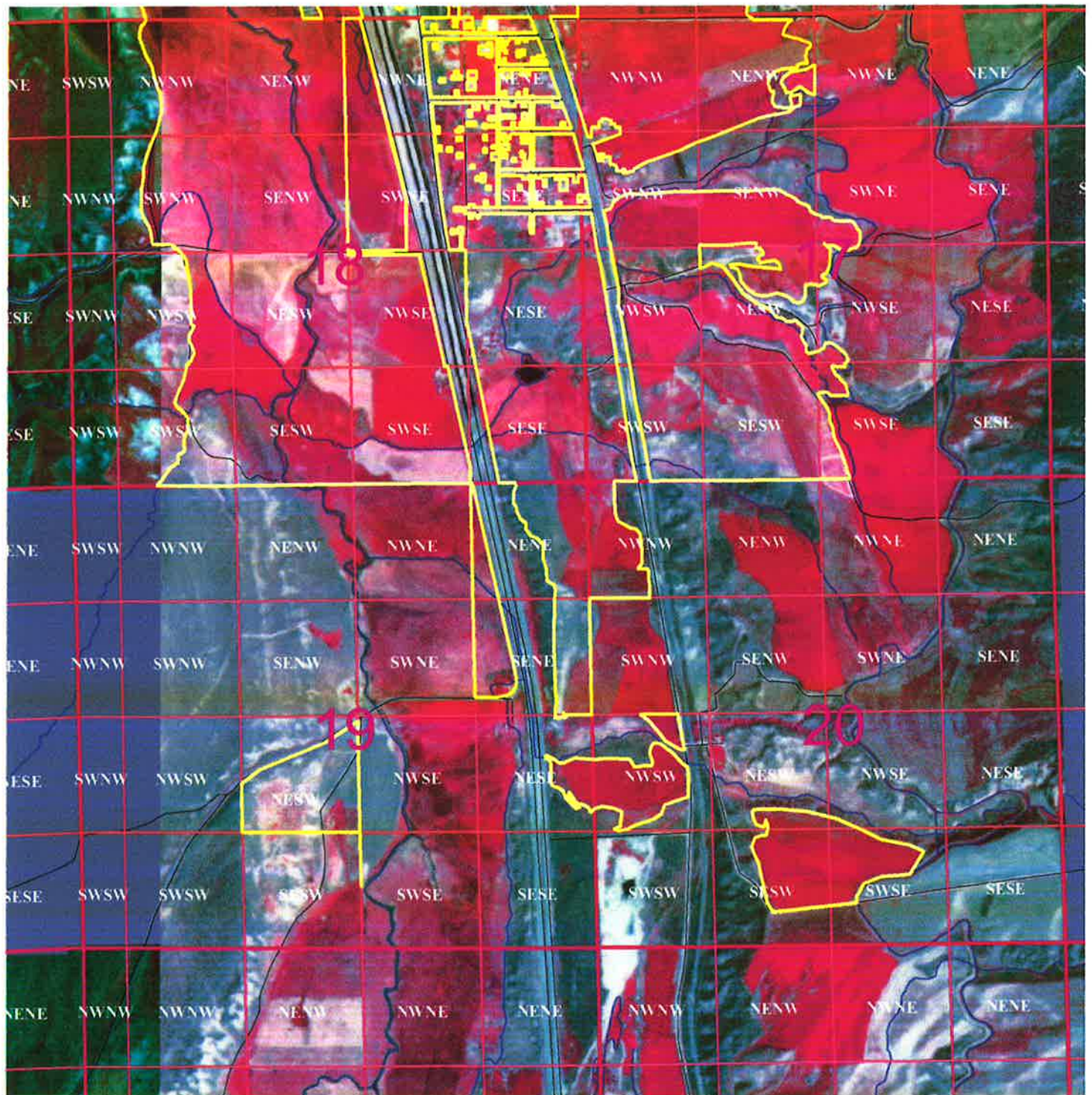
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Water Right Claim Number A29-00051

09/08/2000

Townships , 9S37E, 9S36E, 10S37E, 10S36E



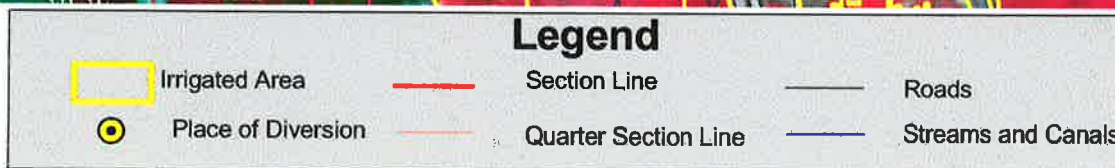
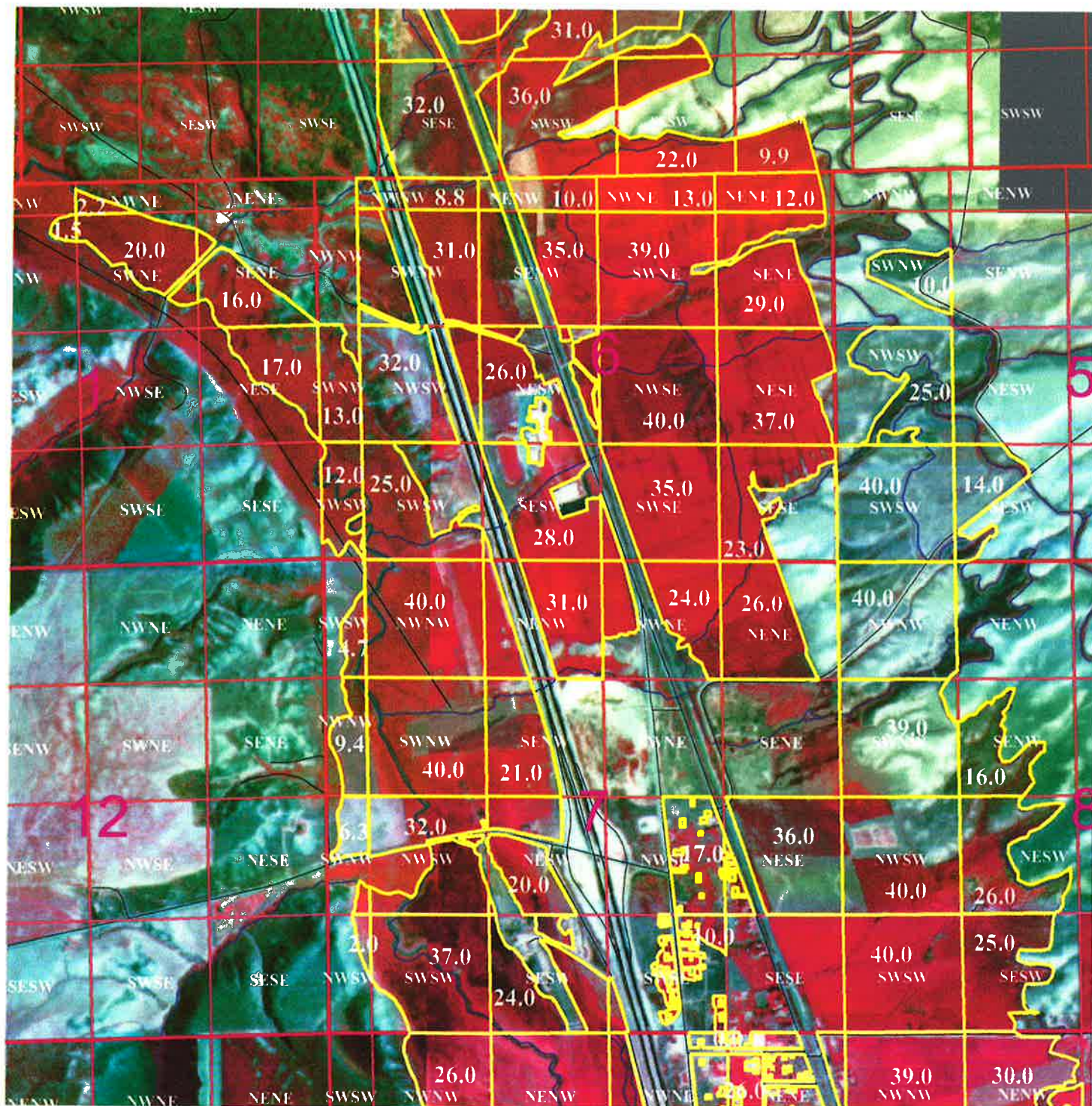
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Water Right Claim Number A29-00051

Townships , 9S37E, 9S36E, 10S37E, 10S36E

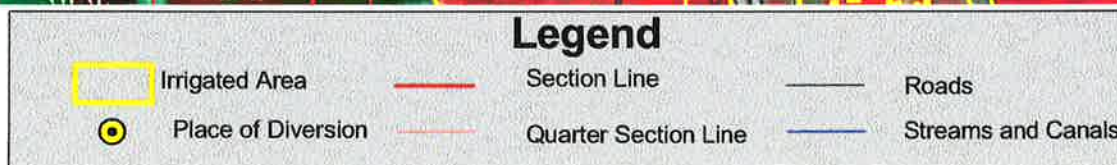
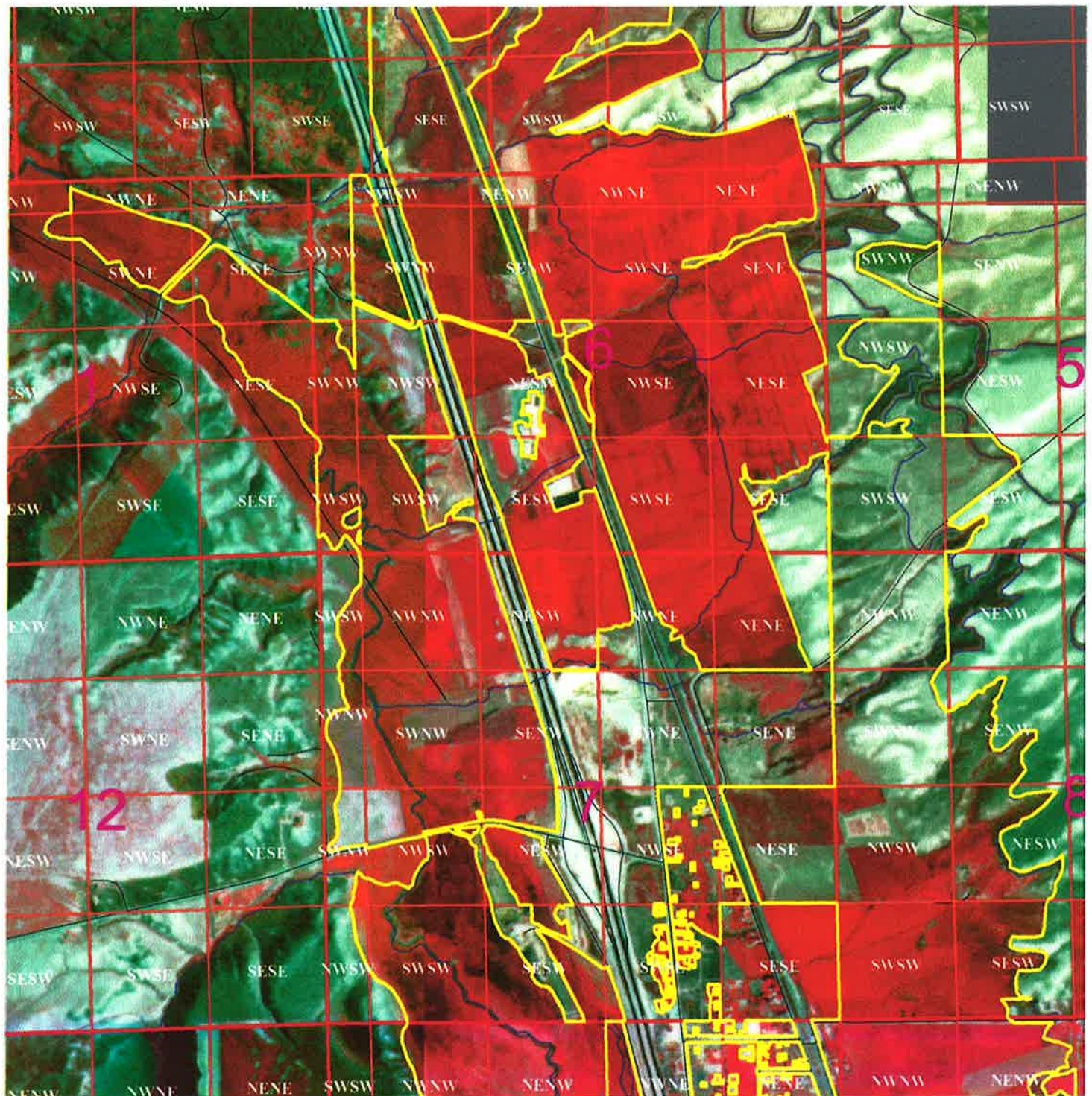
09/08/2000



1000 0 1000 2000 3000 Feet

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Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000

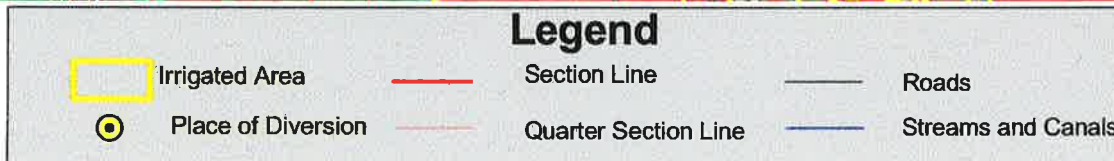
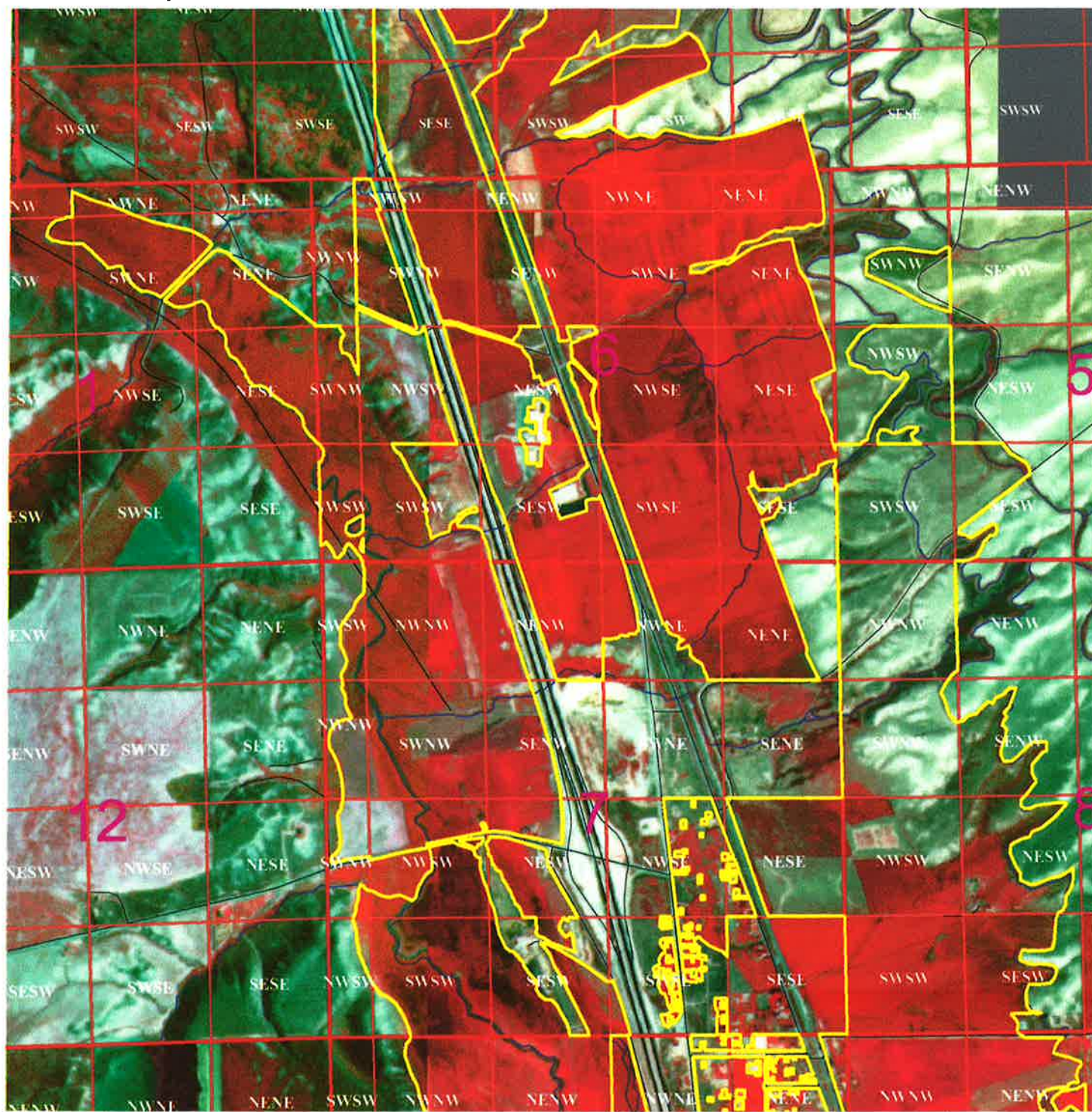


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Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000

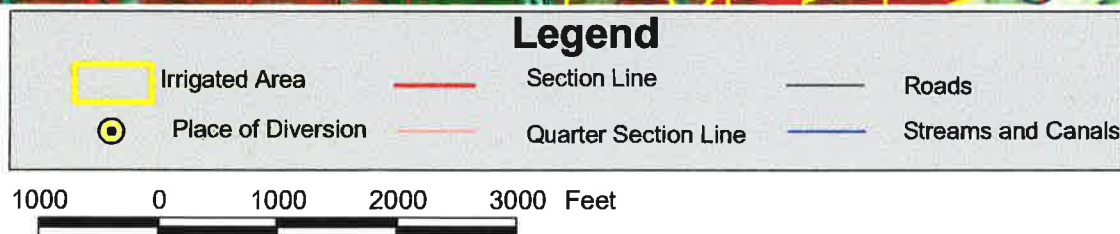
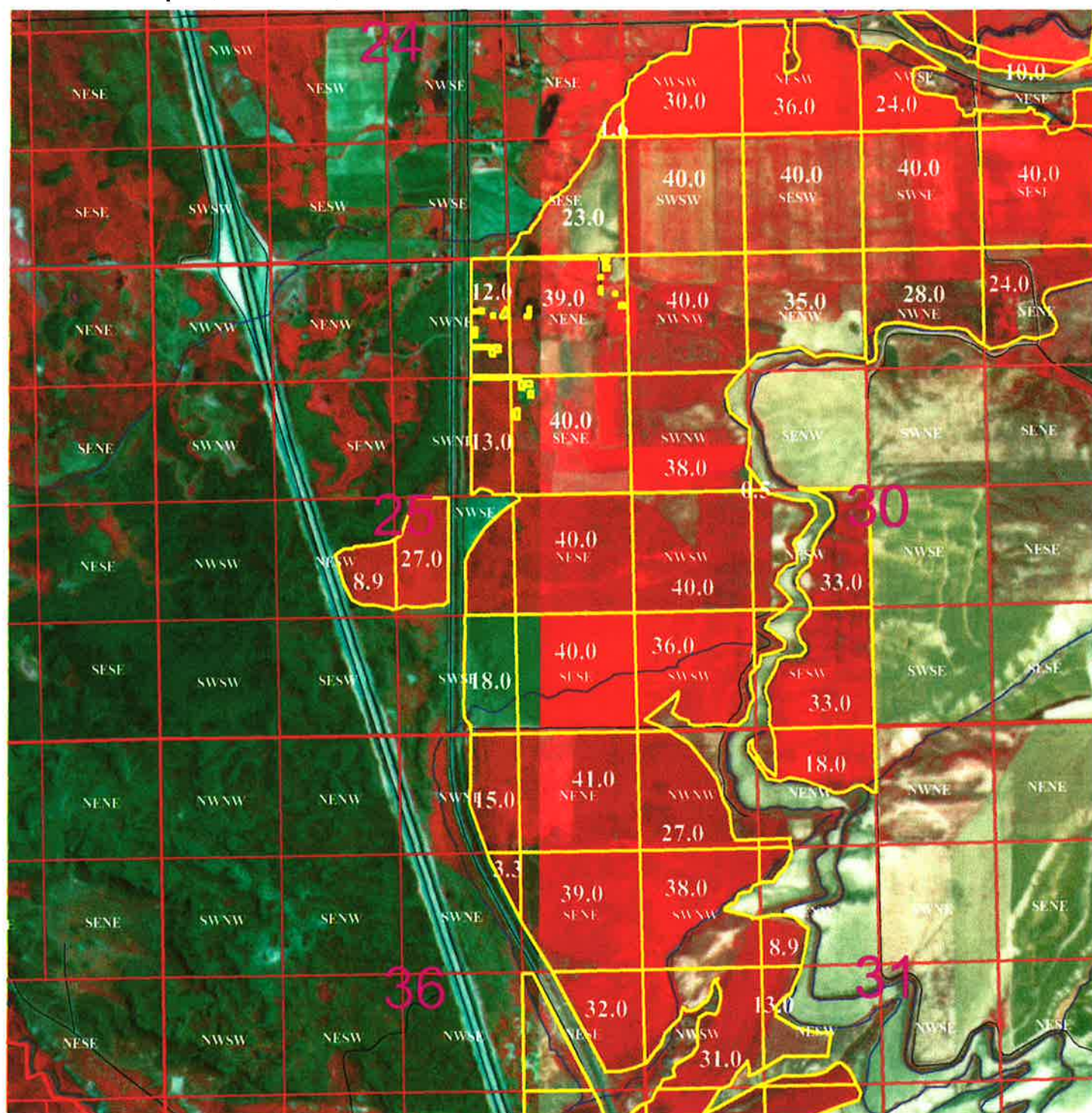


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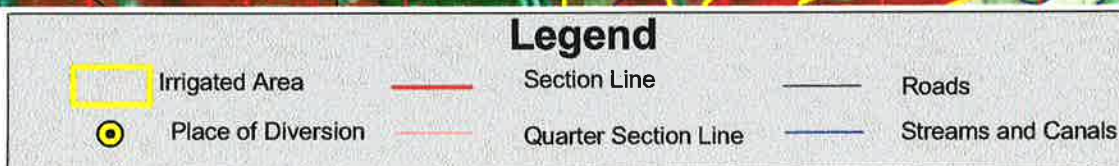
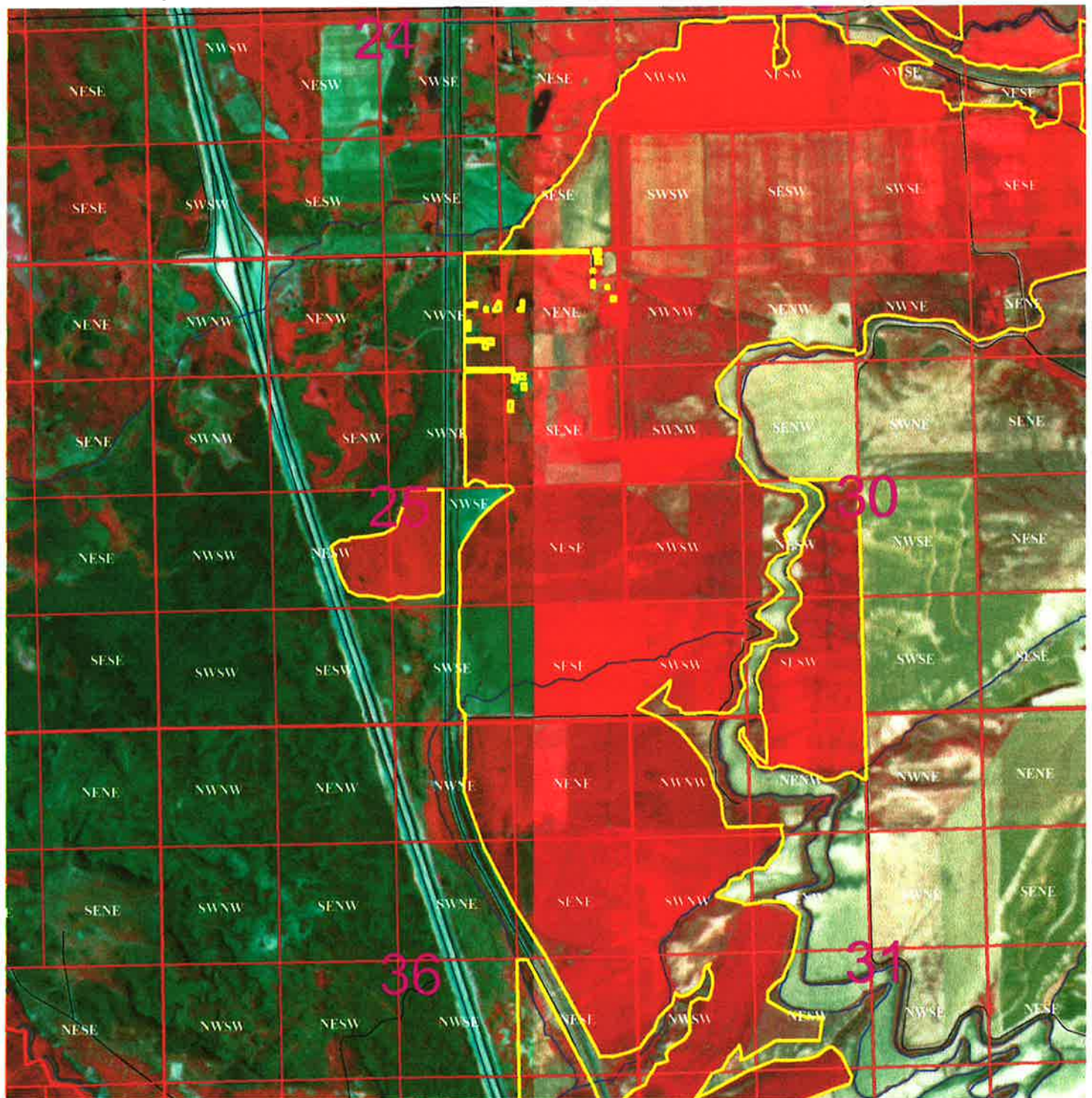
09/08/2000

Townships , 9S37E, 9S36E, 10S37E, 10S36E



Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000

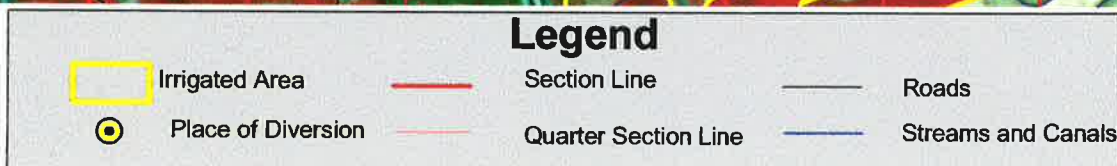
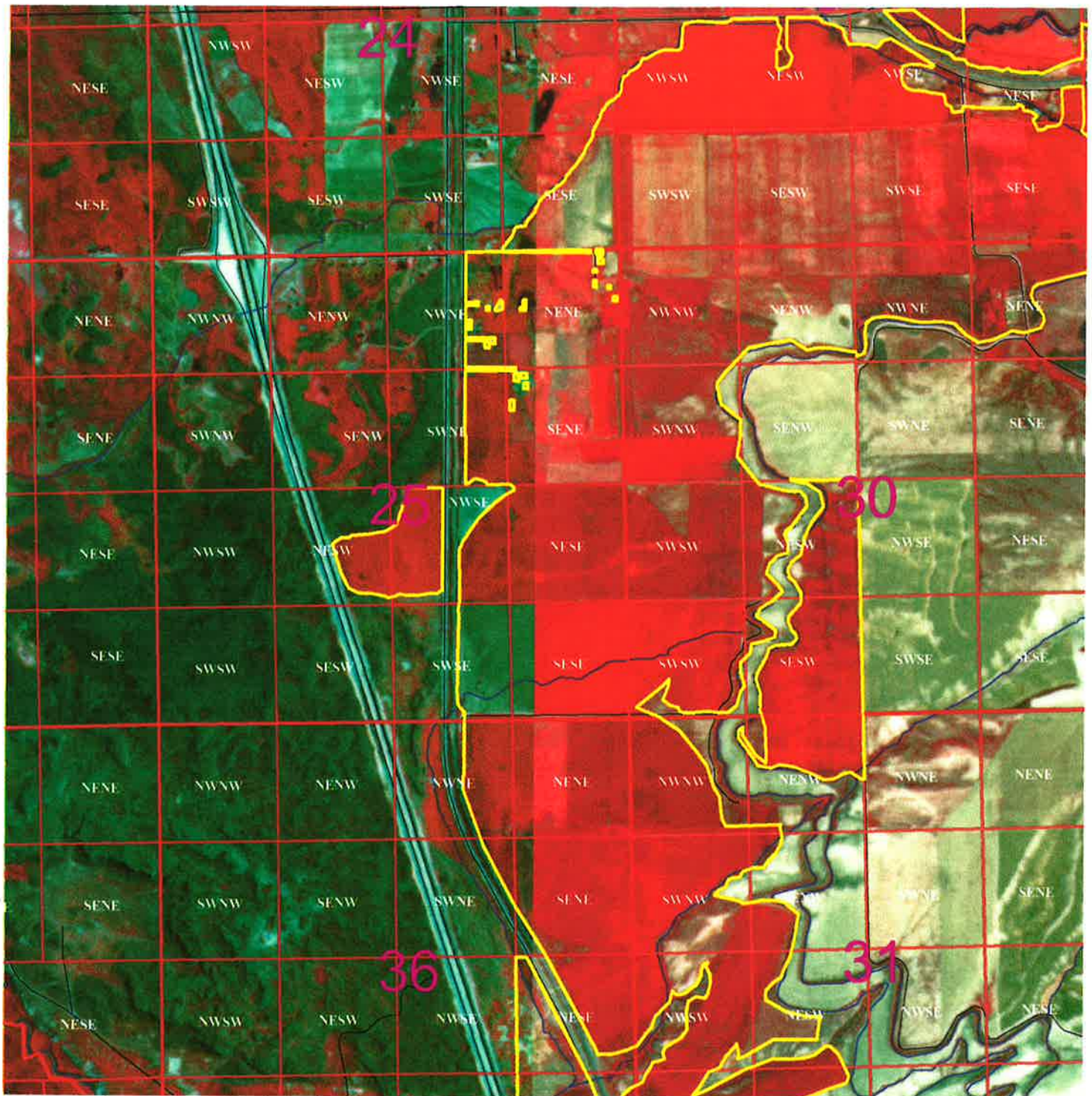


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Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000



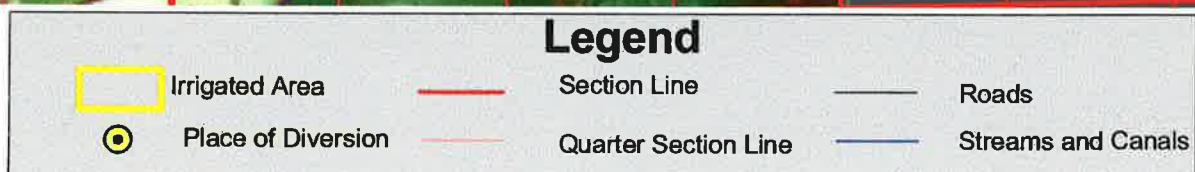
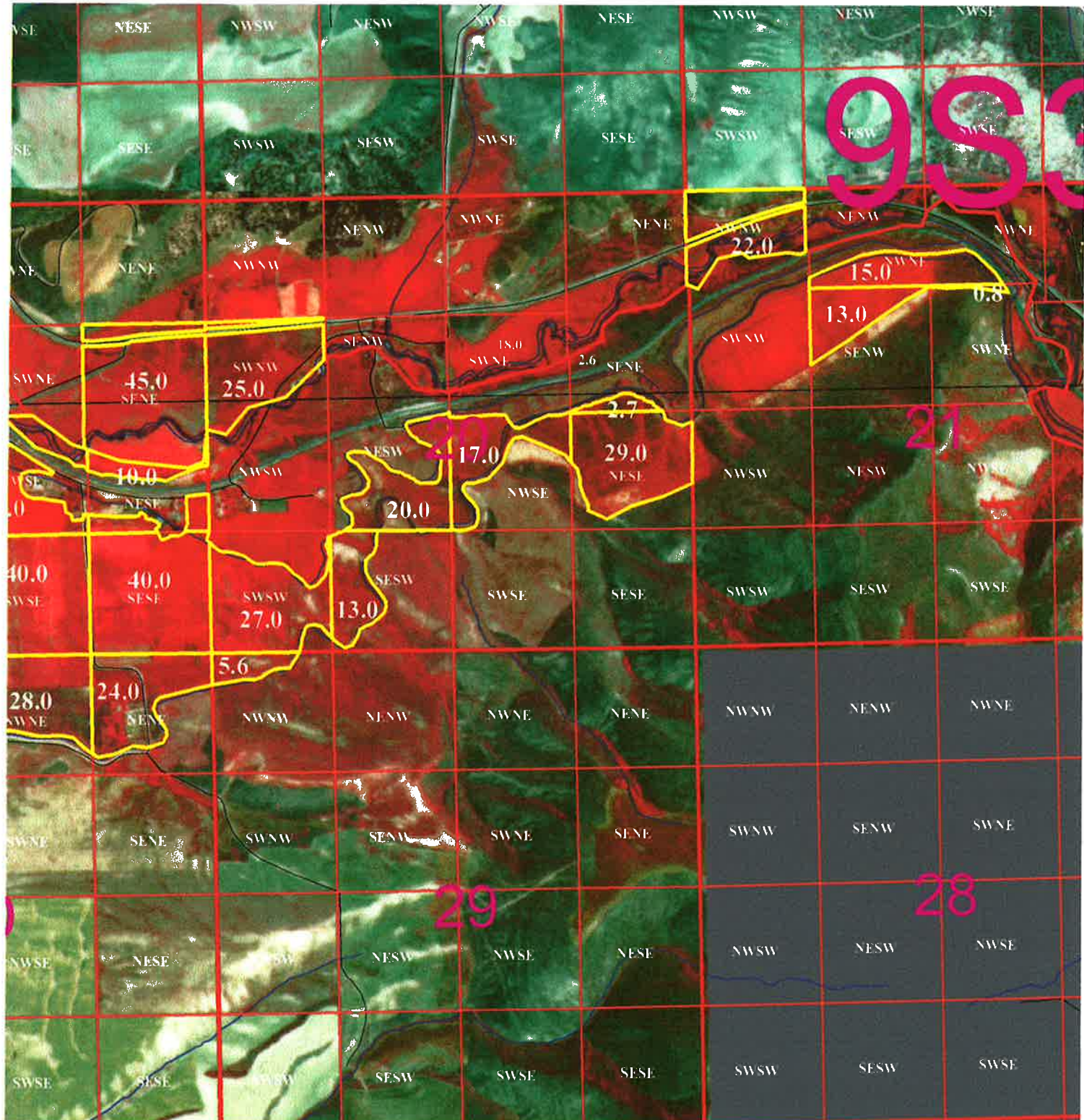
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Water Right Claim Number A29-00051

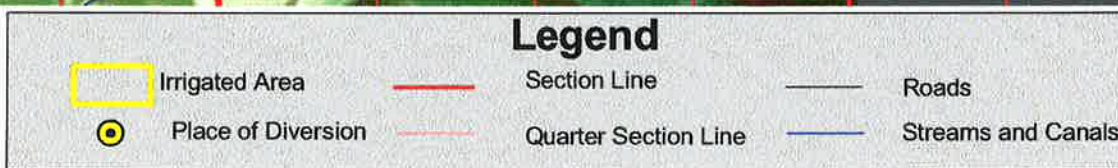
09/08/2000

Townships , 9S37E, 9S36E, 10S37E, 10S36E



Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

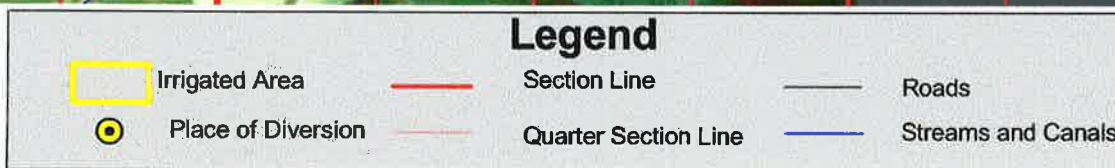
09/08/2000



Water Right Claim Number A29-00051

Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000



1000 0 1000 2000 3000 Feet



01/16/2004

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 29-51
NAME AND ADDRESS: PORTNEUF IRRIGATION CO
C/O CONNIE MARIE JONS
PO BOX 194
ARIMO ID 83214

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 55.000 CFS

PRIORITY DATE: 03/27/1889

POINT OF
DIVERSION: T09S R37E S22 NESW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	55.000 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:

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

Place of use is within the area served by the Portneuf Irrigation Co.

USE OF THIS RIGHT WITH RIGHT NO. 29-11277 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 2399.8 ACRES 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: BASIS OF CLAIM - Decreed

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

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

WATER IS DELIVERED THROUGH MAIN HEADING OFF PORTNEUF RIVER
AND REDIVERTED FROM THE CANAL SYSTEM AT SWNWNE SECTION 30
T.9S R37E.

RIGHT NO. 29-11277 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

Portneuf Irrigating Co
Service Area Boundary

- Boundary
- Township/Range
- Sections

Idaho Department of Water Resources
1987-88 NAPP Photography
Prepared by: Ernest Carlsen
Date Prepared: July 2004

Claim No.:

29-51

29-11277

0 0.5 1 1.5 2 Miles

T09S R36E

T09S R37E

T10S R36E

T10S R37E

PROFILED

SCANNED
MAY 27 2005



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. Box 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

July 12, 2000

Portneuf Irrigation Company
Lane Schumann, President
C/O Connie Jons
P O BOX 293
Armo, ID 83214

Subject: Portneuf Irrigation Company Service Area

Dear Lane;

I have enclosed a map that, according to our records, meets the extent of your company's service area. If this map is correct, give me a call and let me know. If I need to make changes, indicate them on the map and mail the map back to me. I will make the changes and send you a final copy of the map. Thanks again for all your cooperation.

If you have any questions, please don't hesitate to call me at (208) 327-7998.

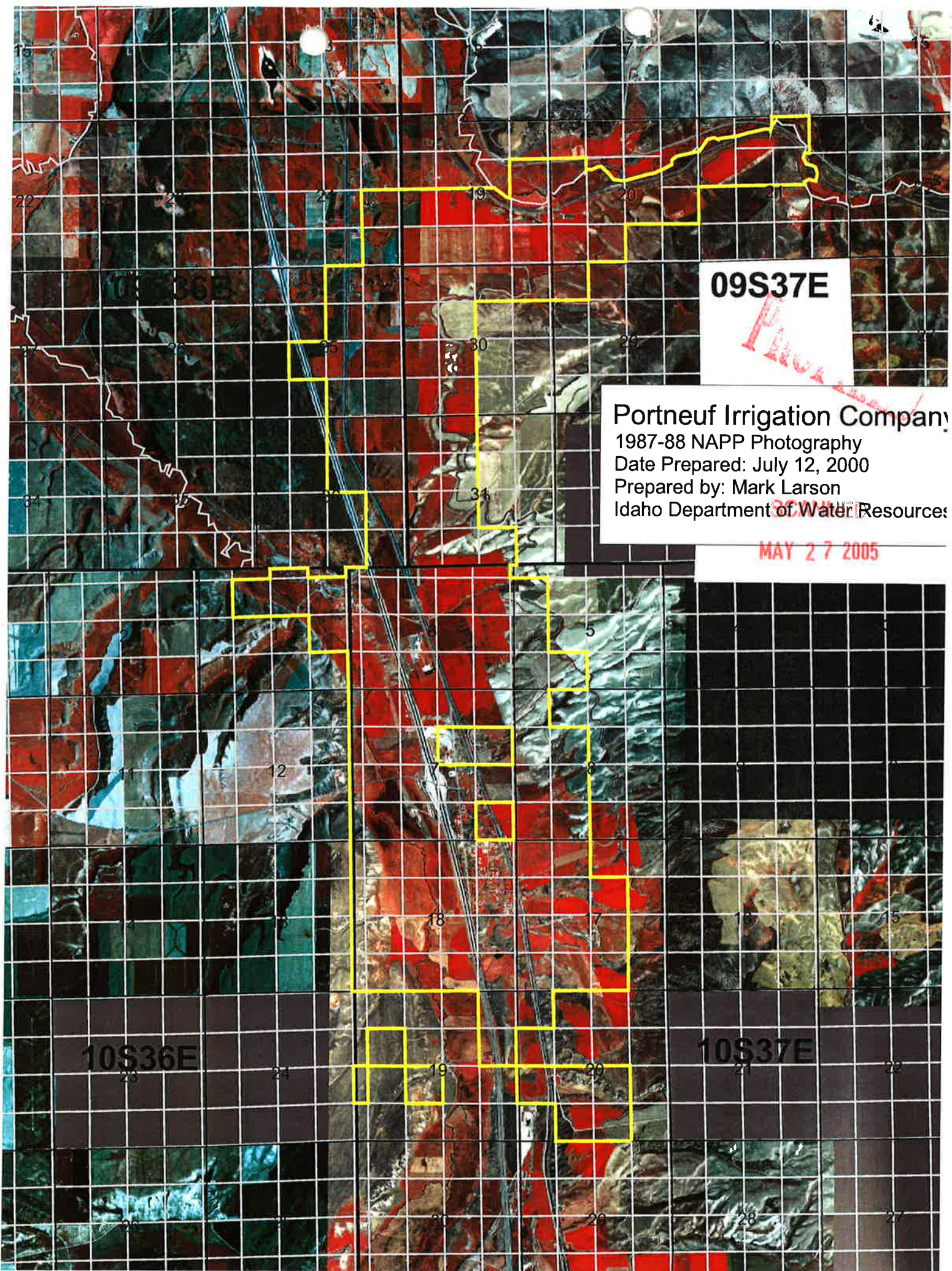
Sincerely,

Mark Larson
GIS Specialist
Adjudication Technical Section

PROFILED

SCANNED

MAY 27 2005



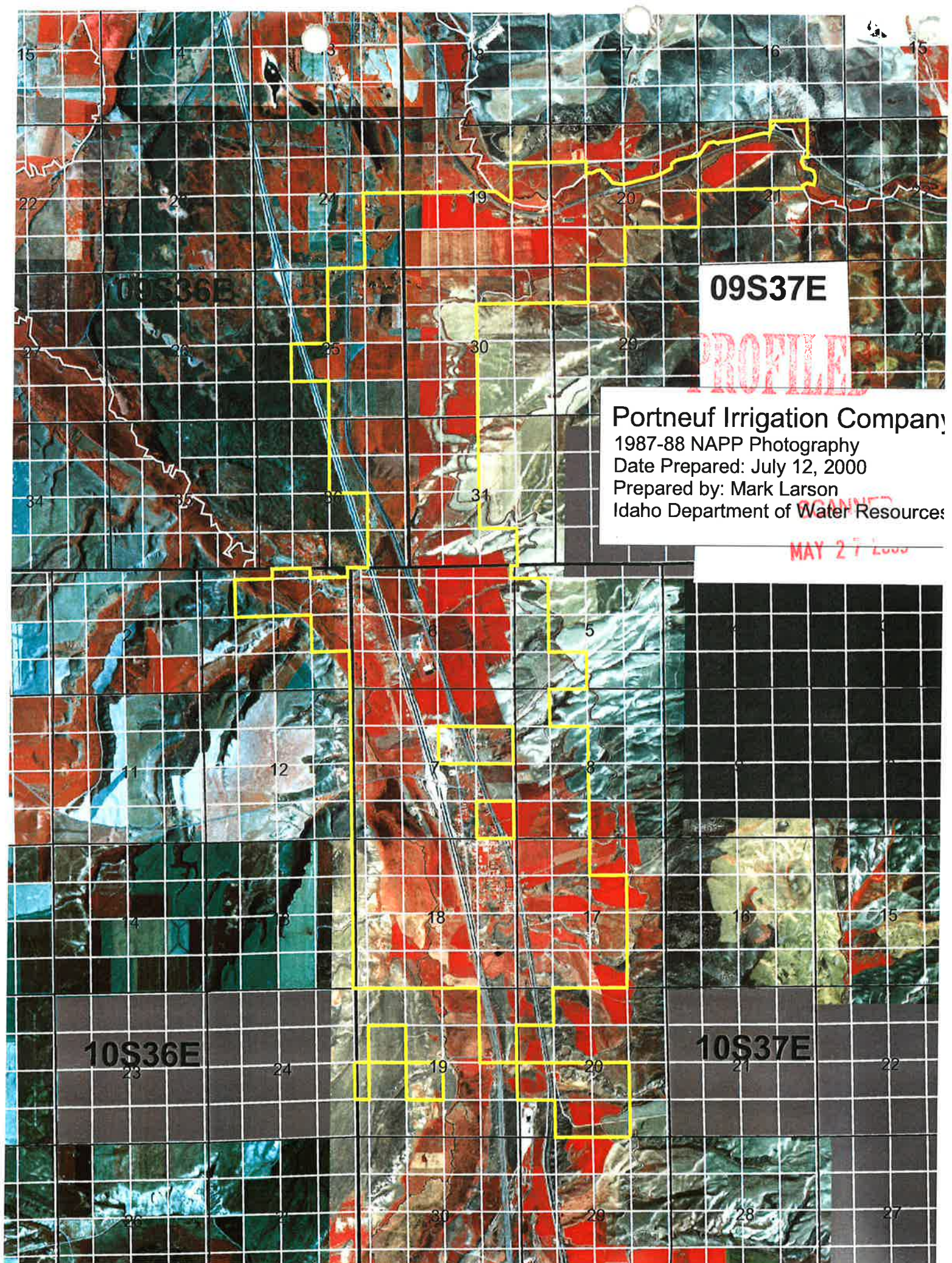
09S37E

Portneuf Irrigation Company
1987-88 NAPP Photography
Date Prepared: July 12, 2000
Prepared by: Mark Larson
Idaho Department of Water Resources

MAY 27 2005

10S36E

10S37E



09S37E

PROFILE

Portneuf Irrigation Company

1987-88 NAPP Photography

Date Prepared: July 12, 2000

Prepared by: Mark Larson

Idaho Department of Water Resources

MAY 27 2000

10S36E

10S37E

April 26, 2004

Portneuf Irrigation Company
PO Box 194
Arimo ID 83214

RE: Claim to water right in the Snake River Basin Adjudication

Gentlemen:

I have reviewed the documentation submitted for 29-51 and 29-11277 and also discussed the matter with Allen Ruberry who did the initial fieldwork and prepared the recommendations. The conclusion of this work is reflected in the attached reports and illustrated on the attached maps.

The maps show 3117.6 acres you have identified as irrigated in 1987 and prior by Portneuf Irrigation Co. These are the lands you asked to have included as the irrigated place of use with two acceptations. I did not include the Hardcastle property north of the Portneuf River and small acreage between the railroad and the Portneuf River, which I believe is owned by Avery. Since I do not have the benefit of having done the fieldwork I am deferring to Allen Ruberry on the disposition of these two properties. Though the acreage is not included the service area boundary does include the property. Therefore, provided the company is agreeable these lands can be irrigated. The map also shows some 237 acres that are being claimed by both Portneuf Irrigation and McCammon Ditch. I elected to leave the overlap rather than asking the two companies to identify which acres are being irrigated by each company. This allows for more acres as a concession to the unresolved issue of Hardcastle and Avery discussed above.

I have included three reports. The report entitled Preliminary Recommendation for 29-51 lists the number of irrigated acres by QQ and totals the 3117.6 acres. The other two reports are in underline/overstrike format to show the changes between the initial Director's Report and the newer version for both 29-51 and 29-11277.

After you have reviewed these reports please contact Candice McHugh at (208) 327-5404. If you agree with these changes she will have a Stipulation prepared to show that IDWR and Portneuf Irrigation have reached an agreement resolving the objection of Portneuf Irrigation Co. If you disagree the matter will likely be turned over to Allen Ruberry for further discussion.

Respectfully yours,

Ernest Carlsen
Water Rights Supervisor
Enclosures (4)
cc: Candice McHugh

SCANNED
MAY 27 2005

PROFILED

29-51

4-24-2004

To: IDWR (Ernie Carlson)**From: Portneuf Irrigating Company (Jim Burnham, Secretary/Treasurer)****Subject: Supporting statements of lands that were being irrigated 1987, prior to, or just prior to then.**

Please find attached 7 statements or affidavits. I am not sure if these will be needed but if they are 1) Andrus, statement on the Johnson/Hardcastle place, dated 4-18-2001 2) Avery Farms, Russell Avery for the Johnson/Hardcastle farm dated 4-15-2001. 3) Russell Avery for the Hardcastle Farm, dated 4-15-2004. 4) Gordon Avery and Roger Johnson for the Hardcastle farm dated 4-17-2004) 5) Dale Hatch affidavit for the Erickson farm, dated 4-19-2004. 6) Alton Smith affidavit for the Burnham farm, dated 4-19-2004. 7) Bruce Call affidavit for the Craney farm dated 4-15-2004. Thank you.

James L Burnham**Secretary/Treasurer Portneuf Irrigating Company**

SCANNED

MAY 24 2004

During the years 1975 thru 1980 we (Jim Andrus and Kenneth Andrus, partners) pumped irrigation water from the Portneuf River to irrigate farm ground we were leasing from Roger Johnson of McCammon, Idaho. We were irrigating between the Portneuf river and Highway 30 just east of Price Road and west of Roger Johnsons house.

Kenneth Andrus 18 April 2001
Jim Andrus

SCANNED

MAY 24 2004

April 15-01

To Whom it may concern,

Avery farms run the Leon
Hendcastle farm known then as the
Johnson farm from 1983 thru 1992.

Randy Morris ran the same
farm from 1980 to 1982.

Roger Johnson ran the farm
himself before these dates.

During these dates mentioned water
was taken from the Arimo ditch
company using the water shares that
the farm possessed.

The far east 55 acre field was
sprinkled during the same dates mentioned.
The middle 45 acre field was also
sprinkled. The smaller field before
the Arimo bridge also was sprinkled.

The pasture before the McCammon
bridge acres not known was irrigated
also. All of this acreage was irrigated
from the Arimo ditch company.

The 45 acre river bottom along
the highway was irrigated with the
Portneuf river canal system.

Sincerely,

Avery Farms

SCANNED

MAY 24 2004

April 15-01

Dear Leon,

I hope this letter helps.
If you need anything different please
let me know.

You may note that when
Ken Andrus sprinkled the river
bottom he used the Arino water
using gravity for several years.
When we had it we pumped water
using the portneuf water system.

I am still very interested
in leasing or farming your ground
for you. If you decide to run
the ground yourself I will also
help you out.

Thank-You
Russell Avery

SCANNED

MAY 24 2004

3

Mc Cammon, Idaho
April 17, 2004

Dear Water Resource Board,

We started leasing Roger Johnson
ground (now Low Hardcastle's) in 1983. We
bought a sprinkler system from Rody Morris
which we sprinkled all the ground above the
Pomeroy Marsh Valley Canal except a 50 or 55
acre piece of dry farm. We continued
watering this ground until 1992 when our
lease expired.

Yours truly,

Robert Avery

The above statement is
true and correct.

Roger Johnson

SCANNED

MAY 24 2004

4

GENERAL AFFIDAVIT

State of Idaho
County of BANNOCK

BEFORE ME, the undersigned Notary,

BARBARA S. YOUNG [name of Notary]
before whom affidavit is sworn, on this 19TH [day of month] day of
APRIL [month], 2004, personally appeared

DALE S. HATCH [name of affiant],
known to me to be a credible person and of lawful age, who being by me first duly
sworn, on 415 [his or her] oath, deposes and says:

I Dale Hatch witnessed the property directly west of the Arima canal located on East Sublette Road being watered in the year of 1987; at that time the property was owned by Burnett and June Evans, deceased. Dale also watered the same piece of property in years to follow. At the present time I have seen the new main line put in by the current owners, the Ericksons with the intent to water in the future

[set forth affiant's statement of facts]

Dale S. Hatch
[signature of affiant]

Dale S. Hatch
[typed name of affiant]

P.O. Box 132
[address of affiant, line 1]

Arimo, Idaho 83214
[address of affiant, line 2]

Subscribed and sworn to before me, this 19th [day of month] day of
APRIL [month], 2004.

[Notary Seal]

Barbara S. Young
[signature of Notary]

BARBARA S. YOUNG
[typed name of Notary]

BARBARA S. YOUNG
NOTARY PUBLIC
STATE OF IDAHO

NOTARY PUBLIC

My commission expires: OCTOBER 16, 2004

SCANNED

MAY 24 2004

GENERAL AFFIDAVIT

STATE OF IDAHO

County of BANNECK

BEFORE ME the undersigned Notary

(name of Notary)

(month) 20 (personally appeared)

(name of affiant)

Known to me to be a credible person and of lawful age. Who being by me first duly

Sworn, on (his or her) oath. Deposes and says;

My name is Alton Smith. Born Dec. 1, 1930.I Lived on this farm where Jim & Arlene Burnham lives Since I was born.I was married in 1950 & I ran this farm which I had a dairy Farm and cash crops.I leased this out some of the time. I did this till I sold it in 1987 During this time it was always irrigated either flood or sprinklers and stock water was always available for people who needed it.

(set forth affiant's statement of facts)

Alton C Smith

(signature of affiant)

Alton C Smith

(typed name of affiant)

S 10 E 2nd N

(address of affiant, line 1)

Soda Springs

(address of affiant, line 2)

Subscribed and sworn to for me, this 19th (day of month) day of April (month), 2004.

Notary Seal :)

Heidi Kelley

(signature of Notary)

Heidi Kelley

(typed name of Notary)

Notary Public

My commission expires: 7-25, 2009

SCANNED

MAY 24 2004

6

04-15-2004 06:57PM
APR 15 2004 06:57PM

RANEY ENTERPRISES

1 847 2800

P.01

GENERAL AFFIDAVIT

State of Idaho
County of Bannock

BEFORE ME, the undersigned Notary,

DERBY J. MINOR (Name of Notary)
 before whom affidavit is sworn, on this 15th (day of month) day of
APRIL (month), 2004, personally appeared
BRUCE L. CALL (name of affiant),
 known to me to be a credible person and of lawful age, who being by me first duly
 sworn, on his (his or her) oath, depose and says:

I Bruce Call moved to 13700 Old Highway 91 Arimo, Idaho in May of 1987. I used the irrigation water from the day I moved in until I moved out in July of 2001. I watered pasture grass on approximately 15 acres every year as well as raised wheat and alfalfa on the back 25 acres over the years. I moved hand lines on the back 25 acres in 1991 to start a new crop of alfalfa. I observed Burnett Evans watering the 80 acres directly in front of my place in the late 80's and observed Dale Hatch water that same piece of property with hand lines throughout most of the 90's. Water has been an essential part of making these properties useful for crops and livestock. To withhold water would greatly limit the usefulness of this land.

(Set forth affiant's statement of facts.)

[Signature]
 (Signature of affiant)
BRUCE L. CALL

(Typed name of affiant)
1419 NW 44th Ave.
 (Address of affiant, line 1)
CAMAS, WA 98607
 (Address of affiant, line 2)

Subscribed and sworn to before me, this 15th (day of month) day of
APRIL (month), 2004.

(Notary Seal)

Derby J. Minor
 (Signature of Notary)
DERBY J. MINOR
 (Typed name of Notary)



NOTARY PUBLIC

My commission expires: MAY 31, 2006.TOTAL P.02
TOTAL P.01SCANNED
MAY 24 2004

7

4-12-04

To: Ernie Carlson
From: Portneuf Irrigating Company (Jim Burnham)
Subject: Acreages on Hardcastle, Evans and Hall.

Ernie, I have spoke to Tina Hall and Roger Johnson now and the pipe under the RR was probably not used before 1987.

Tina Hall said the water from MDC does not go past her place and there is only 3 Ac. in the corner where it is used.

The Hardcastle's acreage was 47 and 26.8 of that is being condemned by the State for wet lands so this can be left as you had it. The total of 3007 Ac is likely very close if that is ok as we first had it after we met. Let me know. Thankyou.

254 9022 or 251 3951

SCANNED

MAY 27 2005

PROTECTED

4-07-04

To: Ernie Carlson
From: Portneuf Irrigating Company (Jim Burnham)
Reference: Case No 39576 Subcase No 29 11277

Jim Andrus just called back and is not sure of a date when the pipe was installed. Roger Johnson did that. I was not able to contact Roger by cell. He is working out of state. Andrus said it was definitely more than 5 years ago. Andrus was leasing the place when Roger Johnson still owned it and water was pumped from the river.

I called Leon Hardcastle and he purchased the place in about 2000 and is concerned about losing his 2 shares from PIC. Hardcastle did say 27 Ac is being condemned for wetlands. He did not say what Dept is doing that but it is in process. Would they want to keep water on that area?

Tina Hall was out milking and farming and is to call when she comes in.
Call me at 254 9022 or 251 3951

SCANNED

MAY 27 2005

PROHIBITED

4-06-04

To: Ernie Carlson

From: Portneuf Irrigating Company (Jim Burnham)

Reference: Case No 39576 Subcase No 29 11277

This morning I personally went to verify and photo the pipe lines to irrigate Averys, and Hardcastle on the north side of the RR. Both parties have their own head gate in the PIC canal.

The photos will show Avery's have a 6" line crossing under the RR and turns West to the acreages they are claiming. The photos will show Hardcastle has an 8" pipe passes under the RR then reduces to a 6" and crosses the Portneuf River on an old Highway bridge then continues over to Hardcastle's acreages claimed.

We are still working on support for 10 cfs for stock water and hopefully will have well drawn maps and other support for the 10 cfs maximum use for stock water.

Please call 254 9022 or 251 3951 if there are any questions.

PROTECTED

SCANNED
MAY 27 2005

4-5-04

To: Ernie Carlson

Subject: Re SRBA Case No. 39576 Subcase 29-11277

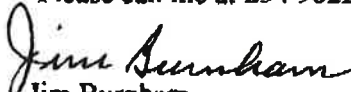
From: Portneuf Irrigating Company (PIC) Jim Burnham

I am attaching copies of parts of the work product from our meeting with you on 4-02-04 and the copy of changes to our 32" map in Sect 19. There is 35 Ac. added for Dale Evans' in Sect 24 not shown on copy of the 32" color photo. There is 70 Ac should be subtracted that is part of McCammon Ditch Company (MDC). There is 70 Ac should be added for the Hardcastles' farm, 22 Ac to the Averys' farm and 35 Ac to Dale Evans'. I have drawn arrows and lines to show where this applies. Russ Avery verified there is water pumped from the River to the North of Price road as Allen Ruberry indicated, and is not a PIC water right.

Russ Avery has verified his place below or to the North of the RR is fed from an 8" mainline with headgate in the PIC canal near the place shown by an arrow and passes under the RR near the place marked by a dotted line. The same is shown for the Hardcastle farm.

We are not aware of a transfer of water use from the Andrus' place through the PIC canal to the Hardcastle farm and don't know why this would be. If you could mail a copy of this transfer to Portneuf Irrigating Company PO Box 194 Arimo, ID 83214 we will look into this. Thank you.

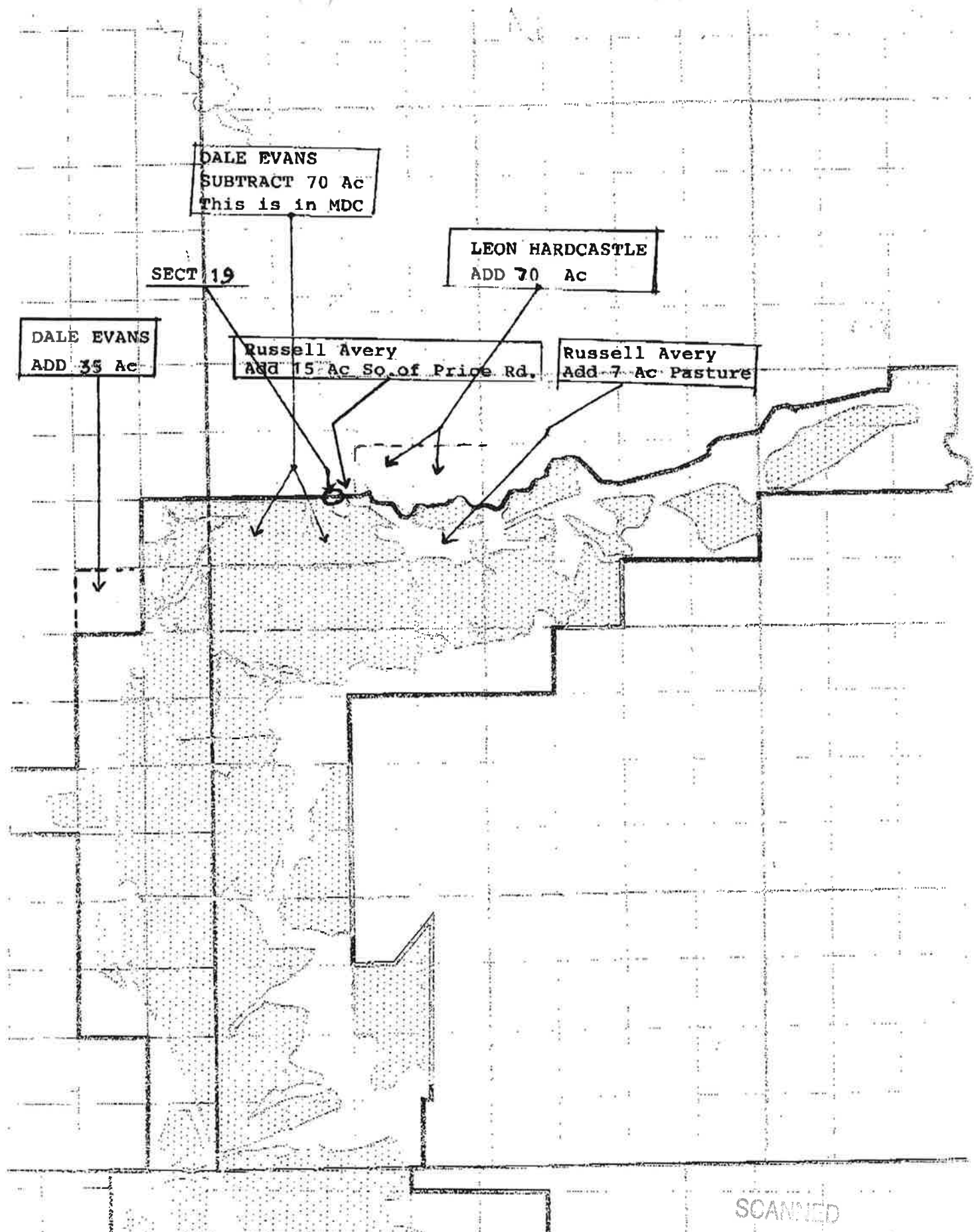
Please call me at 254 9022 or 251 3951 if there are any questions.


Jim Burnham
Secretary/Treasurer

PROFILED

SCANNED

MAY 27 2005



SCANNED

MAY 27 2005

PROJECT 4



PROFIT ID

MAY 27 2005

LOUIS F. RACINE, JR.
WILLIAM D. OLSON
W. MARCUS W. NYE
RANDALL C. BUDGE
JOHN A. BAILEY, JR.
JOHN R. GOODELL*
JOHN B. INGELSTROM
DANIEL C. GREEN
BRENT O. ROCHE
KIRK B. HADLEY
FRED J. LEWIS
MITCHELL W. BROWN
ERIC S. HUNN
DAVID E. ALEXANDER**
JAMES P. PRICE***
LISA M. CHRISTON****
RICHARD A. HEARN, M.D.*****
ERIC L. OLSEN

*ALSO MEMBER IL & WY BARS
**ALSO MEMBER MO BAR
***ALSO MEMBER CO BAR
****ALSO MEMBER IL BAR
*****ALSO MEMBER D.C. BAR

LAW OFFICES OF
RACINE, OLSON, NYE, BUDGE & BAILEY
CHARTERED
CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391
TELEPHONE (208) 232-6101
FAX (208) 232-6109

ASSOCIATED WITH
McGRATH, SMITH
& ASSOCIATES
414 SHOUP
P. O. BOX 50731
IDAHO FALLS, ID 83405
TEL (208) 524-0731
FAX (208) 529-4166

STEPHEN J. McGRATH
BRYAN D. SMITH†
NEAL S. RANDALL
†ALSO ADMITTED IN CA

February 9, 1999

Tim Luke
Water Allocations
State of Idaho, Dept. of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

*Rec'd EDWR
3/4/04*

RE: Portneuf River Diversions

Dear Tim:

In your October 23, 1998, letter to Portneuf Irrigating Company ("PIC") the Department requested that written comments be submitted explaining how and when the Gordon Avery shares were used and delivered. Gordon Avery has turned over the farm to his son, Russ, and his wife, Teresa. I have met with all of them to review their water rights and respond on their behalf. The Averys own two shares (90") in PIC and 3 ½ shares (24 ½") in McCammon Ditch Company ("MCD"). The water is delivered by Portneuf Marsh Valley Canal Company ("PMV"). The Averys' home place is located in Sections 19 and 20, T9S, R37E, B.M. Bannock County. They irrigate approximately 75 acres there in the south half of the southeast quarter of Section 19 and in the southwest quarter of southwest quarter of Section 20. This property was flood irrigated until about 1975 when they converted to sprinklers.

The Averys also own 160 acres located in Section 31, T9S, R37E, B.M. Beginning in about 1987, and continuing to date, in most years but not every year, they have also sprinkler irrigated with the same water rights approximately 75 acres located in the southwest southeast and northwest southeast of Section 31. The water was rotated between the two parcels based upon need and water availability. The Averys advise that this was done with the knowledge and approval of the Portneuf River Water Master, Arlin Olson, the President of PIC, Roger Johnson, and also from Ervin Gilbert, President of PMV. Gordon Avery obtained permission from Ervin Gilbert to install the headgate in the PMV canal. At the time Gordon Avery was also on the Board of Directors of PIC. Accordingly, the Averys contend they have a right to use their water at either location. The Averys advise that none of the canal companies have objected to their diversions or use practices.

Tim Luke
Water Allocations
February 9, 1999
Page 2

I am enclosing for your convenient reference a copy of Pages 19 through 23 of the *Union Grain v. McCammon Ditch* decree entered in Case No. 2203 on December 4, 1922, reflecting PIC's waterright number 40 together with PIC's February 8, 1990, SRBA Claim No. A29-00051. The decree reflects 226.9 acres in Section 31, while the SRBA claim reflects 241.4 acres. Neither includes in the place of use the Avery property (note the decree reflects 3236.7 irrigated acres and they claim 3345.7 irrigated acres).

The foregoing is intended to clarify and correct the information reported to IDWR concerning the points of diversion and places of use of the Averys' shares in PIC and MCD. It further appears that the SRBA claim of PIC's should be amended to include in the place of use the property in Section 31 that the Averys have irrigated since 1987, being 40 acres in the southwest northeast and 25 acres in the northwest southeast of Section 31, T9S, R37E. The Averys believe that neither PIC or PMV would have any objection to the proposed amendment and will be discussing the matter with members of their respective boards at their upcoming annual meetings. By copy of this letter, I am advising PMV President Ervin Gilbert and PIC secretary Delores Smith of the foregoing, and would ask that they notify you and me if they have any questions or concerns.

Please contact me if you have any questions or would like to discuss this matter further. We look forward to your response and a prompt resolution of any misunderstandings.

Sincerely,

RANDALL C. BUDGE

RCB:cr

Enclosures

cc: Harold Jones, IDWR
Ervin Gilbert, Pres PMV
Delores Smith, Sec, PIC
Russ and Teresa Avery

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

RECEIVED

APR 02 2004

Department of Water Resources
Eastern Region

[] Water Right Number(s): 29-11277
29-51

[] Name(s): Portneuf Irrigating Company

[] Old Mailing Address: Portneuf Irrigating Company,
c/o Connie Marie Jones
P.O. Box 157 Arimo ID 83211

[] New Mailing Address: Portneuf Irrigating Company
PO BOX 194
Arimo ID, 83214

Telephone Number: (208) 254-9022
cell 208 251 3951

[] Signature(s) of Owner(s) James L Burnham
Secretary/Treasurer
(Include your title if on behalf of company or organization)

Date: 4-2-04



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

January 22, 2004

PORTNEUF IRRIGATING CO
PO BOX 194
ARIMO ID 83214

RE: Notice of Change of Address for 29-51 & 29-11277 and Notice of
Completed Administrative Proceeding (NCAP)

Dear Claimant:

On January 13, 2004, the Idaho Department of Water Resources (IDWR) received a change of address for the above referenced water right(s). Based on this change, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

A handwritten signature in cursive script that reads "Kristen Forsgren".

Kristen Forsgren
Office Specialist 1

Enclosure

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

In Re SRBA

Water Rights: 29-51 & 29-11277

Case No. 39576

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☒ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Jan 16, 2004

Eriq F. Carlson
Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on January 23, 2004, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
PORTNEUF IRRIGATION CO
PO BOX 194
ARIMO ID 83214

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
N/A

4. One copy to:

Each party in the subcase, or attorney of record
JERRY RIGBY
RIGBY, THATCHER, ANDRUS, RIGBY, KAM, & MOELLER
PO BOX 250
REXBURG ID 83440

RANDOLPH CALVIN STONE
137 W 13TH ST
PO BOX 910
BURLEY ID 83318

MARSH VALLEY DEVELOPMENT INC
5203 S 11TH E
IDAHO FALLS ID 83404

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

RECEIVED

JAN 13 2004

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

29-51
29-11277

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): _____

[] Name(s): Portneuf Irrigating Co.

[] Old Mailing Address: Portneuf Irrigating Co.
c/o Connie Marie Jons
P.O. Box 157
Arimo, Id. 83214

[] New Mailing Address: Portneuf Irrigating Co.
P.O. Box 194
Arimo, Id. 83214

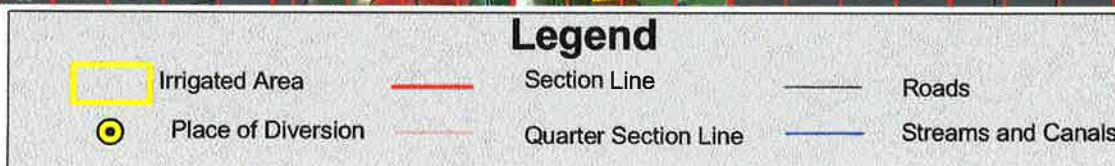
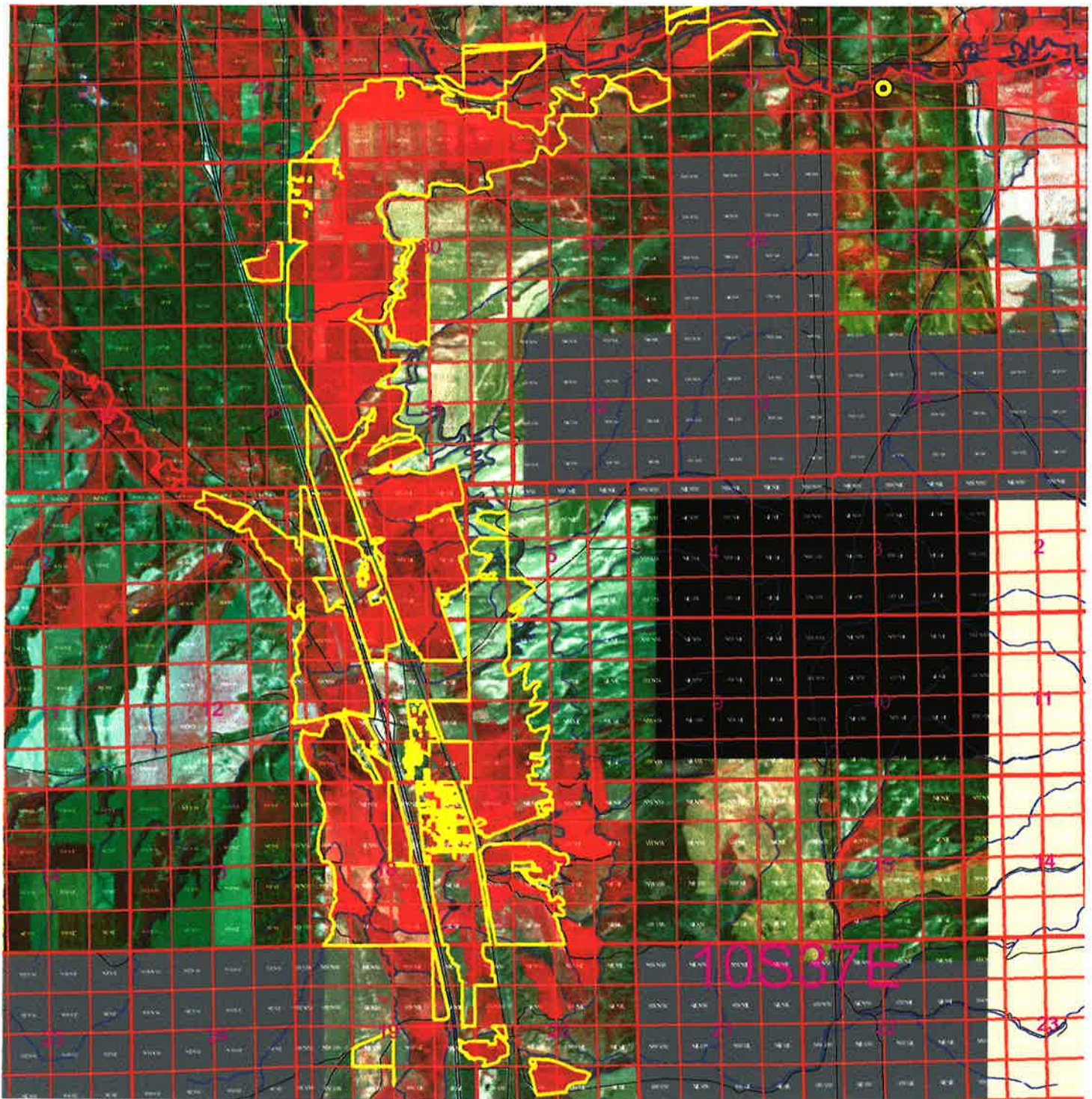
Telephone Number: (208) 254-9022 James Burnham
208 254-3655 Dale Evans

[] Signature(s) of Owner(s) for Portneuf Irrig. James R. Burnham
acting President for Portneuf Irrigation
(Include your title if on behalf of company or organization)

Date: 1-12-04

Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000



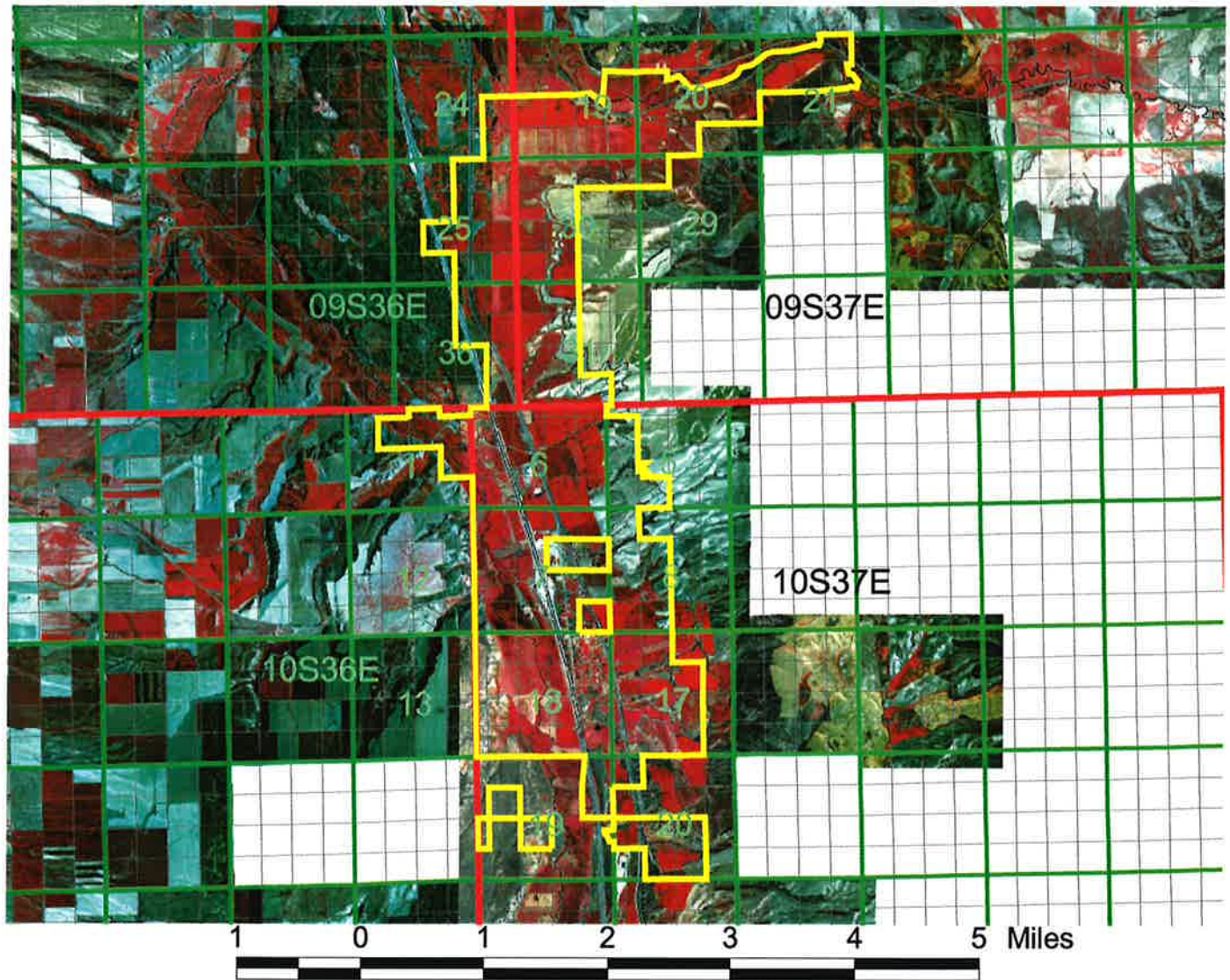
5280 0 5280 10560 Feet





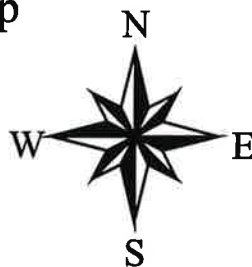
Department of Water Resources

Claim No,: 29-51, 29-11277



Irrigated Acres = 2399.8

-  Company boundary.shp
-  Townships
-  Sections
-  QQ



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

02/25/2003

NOTICE OF ERROR
REPLY

allen
RECEIVED
MAY 19 2003
Department of Water Resources
Eastern Region

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: April 21, 2003

Water right number: 29-51

PORTNEUF IRRIGATION CO
C/O CONNIE MARIE JONS
PO BOX 157
ARIMO ID 83214
Telephone Number: (208)254-3681

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 5/1/03 SIGNATURE: Portneuf Irrigating Co. by Lane Schumann President
Please print your name: Portneuf Irrigating Co. by Lane Schumann President

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

MAY 11, 2001

DEAR SIR OR MADAM:

WATER RIGHT NUMBERS A29-00051 AND A29-11277 HAVE BEEN CHANGED
TO REFLECT THE ADDRESS ON THE FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



PORTNEUF IRRIGATION CO
C/O CONNIE MARIE JONS
PO BOX 157
ARIMO ID 83214

RECEIVED
MAY 10 2001

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim. Department of Water Resources
Eastern Region

[] Water Right Number(s): A29-00051
A29-11277

[] Old Mailing Address: Portneuf Irrigation Co.
6868 S. Old Hwy 91
McCammon, Idaho 83250

☒ New Mailing Address: Portneuf Irrigation Co.
P.O. Box 157
Arimo, Idaho 83214

Note - I have given my
resignation - there should
be another new address
as of 1-1-2002, or sooner.

[] Telephone Number: 1-208-254-3681

[] Signature of Claimant: Connie Marie Jones, Secretary

[] Date: 5/8/2001

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: By:

Further Action Needed:

Further Action Taken

Date: By:

Final Review and Data-Entry

Date: By:



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, Idaho 83402-1718 - (208) 525-7161- Fax (208) 525-7177

EASTERN REGION

May 7, 2001

DIRK KEMPTHORNE
GOVERNOR

KARL J. DREHER
DIRECTOR

PORTNEUF IRRIGATION CO
PORTNEUF IRRIGATING CO
PO BOX 157
ARIMO ID 83214-0157

RE: CHANGE OF ADDRESS FOR A29-00051 AND A29-11277

Dear Sir or Madam:

It has come to our attention that your address may have recently changed. The address currently recorded on the above referenced water right(s) is as follows:

Portneuf Irrigation Co	&	Portneuf Irrigating Co
6868 S Old Hwy 91		6868 S Old Hwy 91
McCammon ID 83250		McCammon ID 83250

We recommend if, in fact, the address in question has been changed, you file a "Change in Address" with this department in order that we may send all further correspondence to the appropriate address.

Enclosed is a Change in Address form. Please fill out the form completely, sign and date it and return it to my attention.

If you have any questions regarding this matter, please call 525-7161.

Respectfully submitted,

Cheri Vandermeulen
Records Clerk

Enclosure(s)

March 18, 2003

TO: Alan Ruberry
Sr. Water Resource Agent
900 North Skyline Drive
Idaho Falls, Idaho 83402

FROM: Portneuf Irrigating Company
P. O. Box 194
Arimo, Idaho 83214

OFFICERS OF PORTNEUF IRRIGATING COMPANY
Lane Schumann - President
Board Members -
Dale Evans
Glade Tippetts
Russell Avery
Jim Burnham

Mr. Ruberry:

Attached is our earlier letter of 3/11/02 drawing attention to errors on the U. S. Geological Survey maps.

The board of Portneuf Irrigation feels this should be corrected to show Portneuf Irrigation Canal to match the legal description given on instrument 21341 where the conveyance was given to M.V. to widen and deepen enough to carry their water in the Portneuf Irrigation Canal.

The way this Geological Survey Map is now shown there is no Portneuf Irrigating Company canal at all; it goes from Portneuf Marsh Valley Canal to the Arimo Ditch.

This should be corrected before the adjudication as it is engraved in granite.

Thank you!

*I CAN'T DO ANYTHING
ABOUT THIS - ADVISOR (Lane Schumann)
CAN USGS - They do
MAPPING 3/20/03
HSC*

MARCH 11, 2002

TO: IDAHO DEPARTMENT OF WATER RESOURCES .
ATTN: CINDY BIRD & ALAN RUBERRY
SUBJECT: ERRORS ON NAME OF PORTNEUF IRRIGATION COMPANY'S CANAL
FROM: LANE SHUMAN & JIM BURNHAM FOR PORTNEUF IRRIGATION COMPANY Ltd.

THE PROBLEM: Many maps ie topographic found on www.topozone.com and US Geological Survey photos found on <http://terraserver.homeadvisor.ms> have erroneously shown the Portneuf Irrigation Canal Comany's canal as Portneuf Marsh Valley Canal Co. There are other records and documents with related errors.

Map errors are found where the Portneuf Irrigation Company's canal diverts from the Portneuf River to the diversion of Portneuf Marsh Valley Canal and the Portneuf Irrigation Company.

I am enclosing maps and parts of Marsh Valley Hydros agreement as examples of these errors.

Portneuf Irrigating Company Ltd's filing and Portneuf Marsh Valley Canal Co.'s use agreement are enclosed. Instrument No. 21341. It clearly shows Portneuf Irrigation Company owns the canal right of way and agreed to Portneuf Marsh Valley Canal Co's useage of the canal. The two canals diversion is a mile or two below the diversion to the Marsh Valley Hydroelectric Project

This useage agreement was done in exchange for maintenance etc. as described in instrument No. 21341.

We don't know how, when or who made up these maps but feel they should be corrected along with any other related documents as part of Basin 29's adjudication and corrections. Thank you.

Lane Shuman 254 3731
Jim Burnham 254 9022

cal

251-3731

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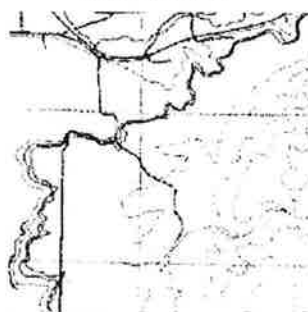
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Style	Scale
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Topo	
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USGS Aerial Photograph
28 Aug 1993

6 km NE of Arimo, Idaho, United States 01 Jul 1991

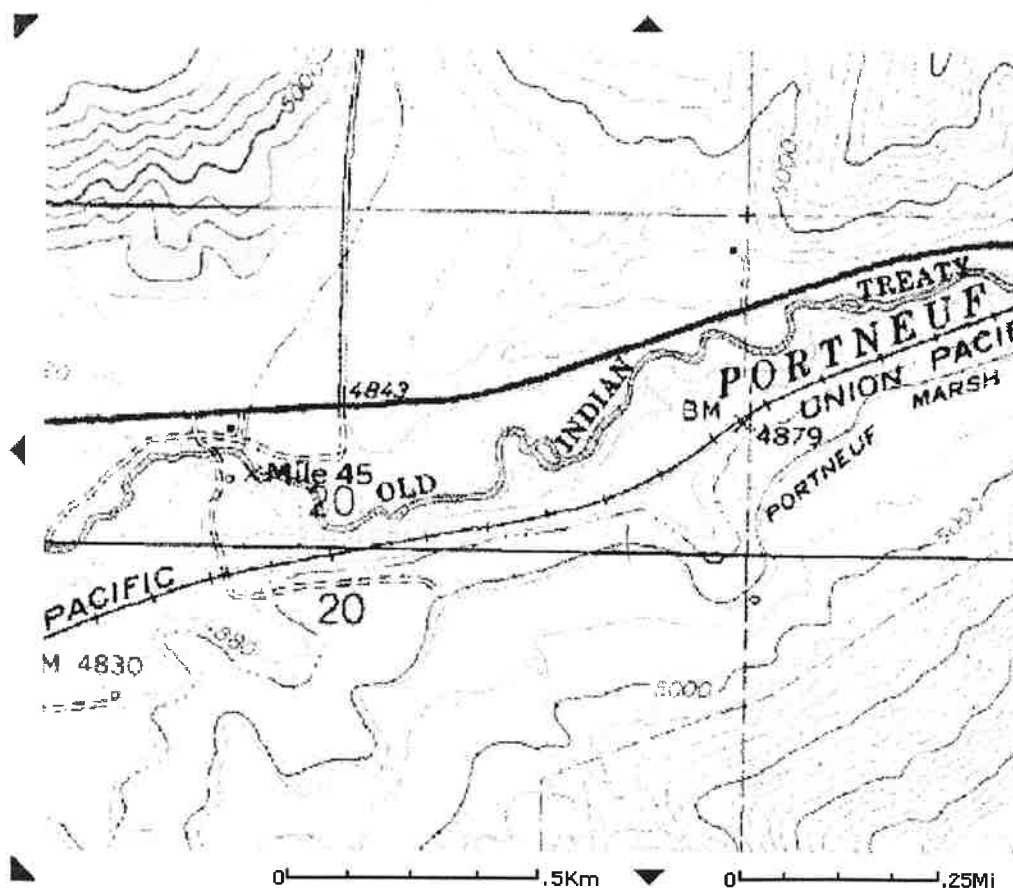


Photo courtesy of the US Geological Survey.

OrigMetaTag = 'o42112f2' Center Lon,Lat= -112.14627,42.62311 Running Time 46 ms Time 5/19/00 9:41:50 PM



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<http://terraserver.microsoft.com/image.asp?5-12&1-2&X-30/4>

5/19/00

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28 Jun 1998

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7 km NE of Arimo, Idaho, United States 01 Jul 1991

Zoom 4m

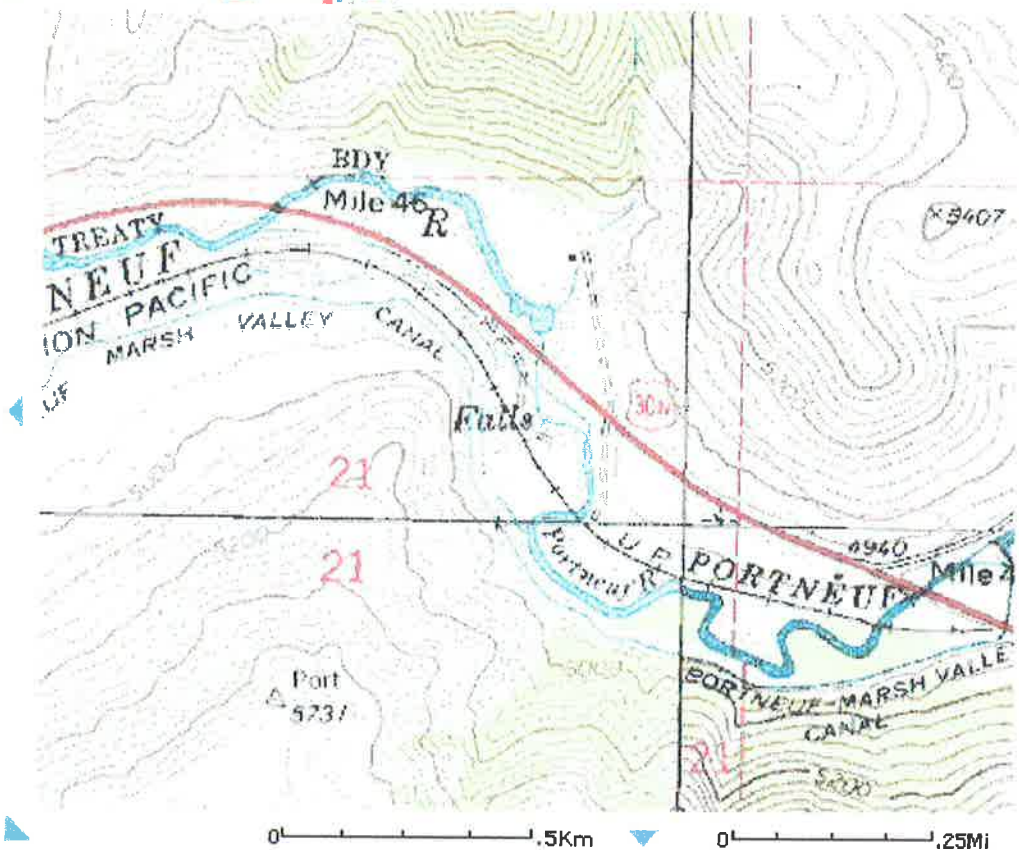


Image courtesy of the US Geological Survey.

OrigMetaTag = 'c42112f2' Center Lon, Lat = -112.12676, 42.62330 Running Time 13 ms Time 3/1
3/10/2002 9:42:11 AM

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Image Size: Small Medium Large

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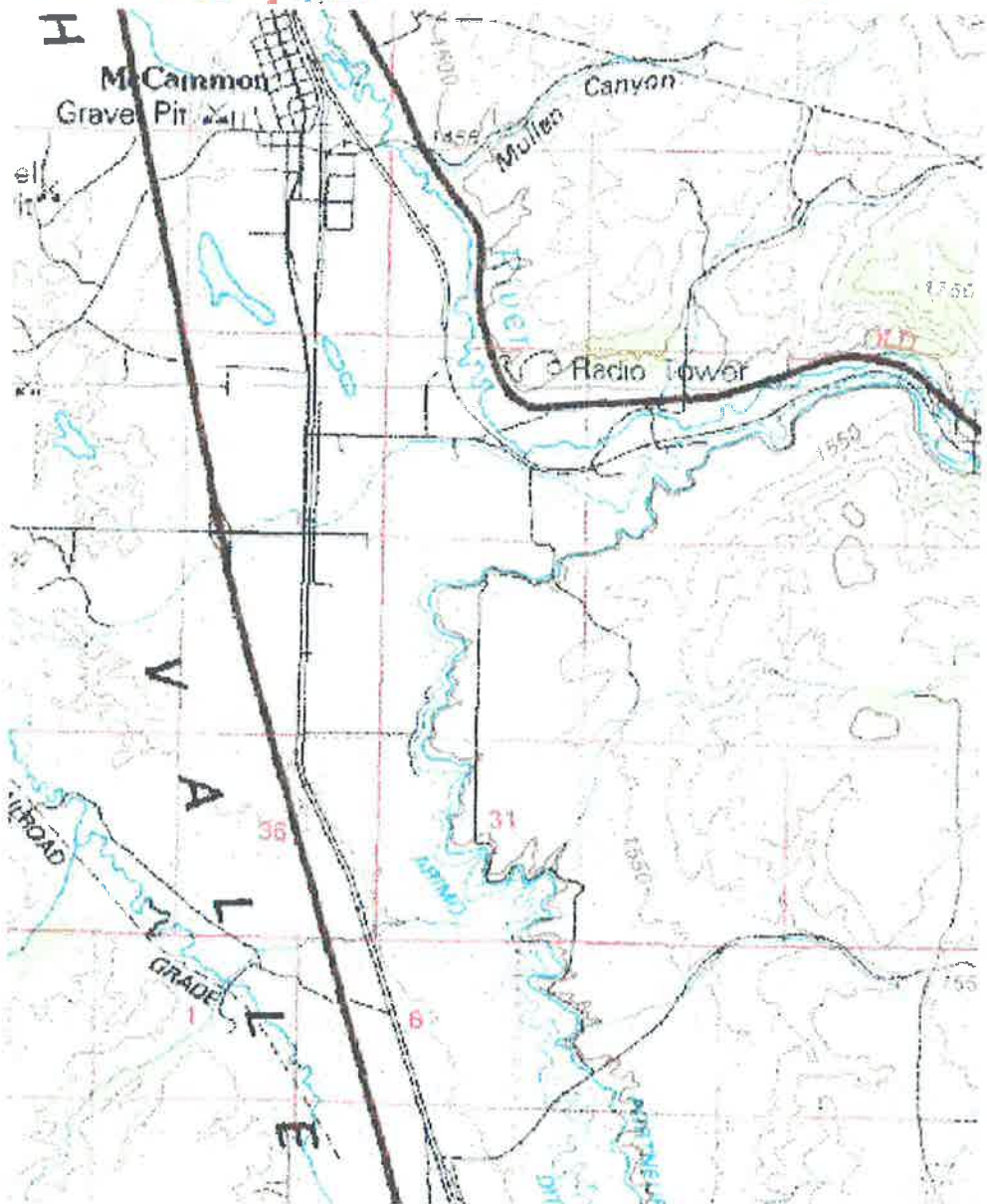
Style: Relief Topo Imag

Locator



6 km NE of Arimo, Idaho, United States 01 Jul 1980

Zoom 16m



Other Imagery:

[USGS Aerial Photograph](#)

28 Aug 1993

HomeAdvisor Links:

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RECEIVED

MAY - 9 2002

Department of Water Resources

May 5, 2002

Portneuf Marsh Valley Canal Company, Ltd.
Attn. Ellis Gilbert
% Deryl Parris
18746 S Washington Av
Virginia Id. 83234

RECEIVED

MAY 16 2002

Department of Water Resources
Eastern Region

From:
Portneuf Irrigation Co
P.O. Box 194
Arimo, Id. 83214

Ellis;

Enclosed is a copy of Portneuf Irrigation Co, Ltd's Conveyance and Contract agreement (Instrument No. 21341) which permitted Portneuf M.V. Canal to carry water in the Portneuf Irrigation Co's ditch from the diversion out of the Portneuf River to the diversion to Arimo Ditch. The locations given by section and quarter sections.

We have no records showing ownership transferred to Portneuf - Marsh Valley Canal Company, Ltd. as you emphasized on our recent tour with the Idaho Water Representatives and our board members.

Do you have documentation that supports your opinion?

We would like copies of what you have for our records. Thank you.



Lane Schuman, President of Portneuf Irrigation Co. Ltd



Jim Burnham, President of Arimo Ditch Company, Inc.

c.c. Tim Luke, Idaho Water Resources Representative

P.S. Tim, do you know the correct answer to this question?

WR5808NP
(OD-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/03/01 13:22:33
Page 1

Water Right Number - 29-00051

Prefix Translation: WATER RIGHT

Old (D) Number -

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***
PORTNEUF IRRIGATING CO.

1 -
2 -
3 -
City- State- Zip-
Phone -

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - - +
03/27/1889 15 EASTERN D - DECREED

+ - - - - Source - - - - - + + - - - - Tributary - - - - - +
PORTNEUF RIVER SNAKE RIVER

+ - - - - Point of Diversion - - - - - +									
Twn	Rng	Sec	Tract	Lot	RFlg	County	Diversion Name	Diversion Rate	Diversion No.
09S	37E	22	SE NW	7	(5)	BANNOCK			

+ - - - - Water Use - - - - - +					
Code	Description	Period From	Period To	Diversion Rate	Diversion Volume
01 -	IRRIGATION	04/15	09/15	55.000	

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
55.000 0.0

+ - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09S	36E	25	NE NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NW NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	SW NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	SE NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NE NW			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NW NW			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NE SW			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	SE SW			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NE SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	NW SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	SW SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	25	SE SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NE NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NW NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	SW NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	SE NE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NE NW			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NW NW			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NE SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	NW SE			01	IRRIGATION	(5) BANNOCK	
09S	36E	35	SW SE			01	IRRIGATION	(5) BANNOCK	

SCANNED
JUN 08 2001

Water right number - 29-00051

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
09S	36E	35	SE SE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	NE NE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	NW NE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	SW NE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	SE NE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	SW SW			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	NE SE			01	IRRIGATION	(5)	BANNOCK
09S	36E	36	SE SE			01	IRRIGATION	(5)	BANNOCK
09S	37E	19	SW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	19	SE SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	19	NE SE	8		01	IRRIGATION	(5)	BANNOCK
09S	37E	19	NW SE	9		01	IRRIGATION	(5)	BANNOCK
09S	37E	19	SW SE			01	IRRIGATION	(5)	BANNOCK
09S	37E	19	SE SE			01	IRRIGATION	(5)	BANNOCK
09S	37E	20	NW NE	6		01	IRRIGATION	(5)	BANNOCK
09S	37E	20	SE NE	5		01	IRRIGATION	(5)	BANNOCK
09S	37E	20	NE SW	7		01	IRRIGATION	(5)	BANNOCK
09S	37E	20	NW SW	8		01	IRRIGATION	(5)	BANNOCK
09S	37E	20	SW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	20	SE SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	21	NW NE	5		01	IRRIGATION	(5)	BANNOCK
09S	37E	21	NW NW	6		01	IRRIGATION	(5)	BANNOCK
09S	37E	25	NE NE			01	IRRIGATION	(5)	BANNOCK
09S	37E	25	SE NE			01	IRRIGATION	(5)	BANNOCK
09S	37E	29	NW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	29	SW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NE NE			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NW NE			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NE NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	SW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	SE NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NE SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	NW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	SW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	30	SE SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	NE NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	NW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	SW NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	SE NW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	NE SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	NW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	SW SW			01	IRRIGATION	(5)	BANNOCK
09S	37E	31	SE SW			01	IRRIGATION	(5)	BANNOCK
09S	38E	26	SW NE			01	IRRIGATION	(5)	BANNOCK
09S	38E	26	NE SW			01	IRRIGATION	(5)	BANNOCK
09S	38E	26	NW SE			01	IRRIGATION	(5)	BANNOCK
10S	36E	1				01	IRRIGATION	(5)	BANNOCK

Water right number - 29-00051

Prefix Translation: WATER RIGHT

+ - - - - - Place of Use - - - - - +									
Twn	Rng	Sec	Tract	Lot	Acres	Code	Description	County	
10S	36E	7	SW NE			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	SE NE			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	NE NW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	NW NW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	SW NW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	SE NW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	NE SW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	SE SW			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	NE SE			01	IRRIGATION	(5)	BANNOCK
10S	36E	7	NW SE			01	IRRIGATION	(5)	BANNOCK
10S	36E	8	NW SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	5	NW SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	5	SW SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	6				01	IRRIGATION	(5)	BANNOCK
10S	37E	7	NE NE			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	NW NE			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	SW NE			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	SE NE			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	NE NW			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	NW NW	2		01	IRRIGATION	(5)	BANNOCK
10S	37E	7	SW NW	3		01	IRRIGATION	(5)	BANNOCK
10S	37E	7	SE NW			01	IRRIGATION	(5)	BANNOCK
10S	37E	7	SE SE			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	NW NW			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	SW NW			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	SE NW			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	NE SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	SW SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	8	SE SW			01	IRRIGATION	(5)	BANNOCK
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10S	37E	17	NE SW			01	IRRIGATION	(5)	BANNOCK
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10S	37E	18	NE SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	18	SE SW			01	IRRIGATION	(5)	BANNOCK
10S	37E	18	NE SE			01	IRRIGATION	(5)	BANNOCK
10S	37E	18	NW SE			01	IRRIGATION	(5)	BANNOCK
10S	37E	18	SW SE			01	IRRIGATION	(5)	BANNOCK
10S	37E	18	SE SE			01	IRRIGATION	(5)	BANNOCK
10S	37E	19	NE NE			01	IRRIGATION	(5)	BANNOCK

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

Prefix Translation: WATER RIGHT

Proof Due Date	- 00/00/0000	Field Exam Made	- 00/00/0000	Field Exam Fee	-
Approved/Denied	- 00/00/0000	Protested Date	- 00/00/0000	Swan Falls	-
Proof Made Date	- 00/00/0000	Hearing Date	- 00/00/0000	Temporary Right	- P
Exam to S.O. Date	- 00/00/0000	Verified Date	- 12/09/1985	DLE/Carey Act	-
Order Show Cause	- 00/00/0000	Receipt Number	-	Water District	- 29
Licensed Date	- 00/00/0000	Appl Received	- 00/00/0000	Transfer/Amended	-
Presumption Flag	-	Name Connector	-	POU Ownership Flag	-
SRBA Decreed Flag	-				

Log for claim A29-00051

Spatial Dynamics PJM

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s36e	24	NESE	2	1.6	
09s36e	24	SESE	25	23	
09s36e	25	NENE	32	39	
09s36e	25	NWNE	4	12	Indiscernible
09s36e	25	SWNE	16	13	
09s36e	25	SENE	31	40	
09s36e	25	NESW	10	8.9	
09s36e	25	NESE	40	40	
09s36e	25	NWSE	33	27	
09s36e	25	SWSE	24	18	
09s36e	25	SESE	40	40	
09s36e	36	NENE	40	41	
09s36e	36	NWNE	18	15	
09s36e	36	SWNE	4	3.3	
09s36e	36	SENE	38	39	
09s36e	36	NESE	21	32	Indiscernible
09s36e	36	SESE	23	32	Indiscernible
09s37e	19	SENE	23	45	
09s37e	19	NESW	38	36	
09s37e	19	NWSW	32	30	
09s37e	19	SWSW	40	40	
09s37e	19	SESW	40	40	
09s37e	19	NESE	6	10	
09s37e	19	NWSE	14	24	
09s37e	19	SWSE	40	40	
09s37e	19	SESE	39	40	
09s37e	20	SENE	5	2.7	
09s37e	20	SWNW	20	25	Indiscernible
09s37e	20	SWNW	0	20	DELETE ME
09s37e	20	SWSW	26	27	
09s37e	20	SESW	14	13	
09s37e	20	NESE	33	29	
09s37e	20	NWSE	25	17	
09s37e	21	NWNE	12	15	
09s37e	21	SWNE	1	0.8	
09s37e	21	NWNW	35	22	
09s37e	21	SENW	21	13	
09s37e	29	NWNW	4	5.6	
09s37e	30	NENE	32	24	
09s37e	30	NWNE	25	28	
09s37e	30	NENW	33	35	
09s37e	30	NWNW	40	40	
09s37e	30	SWNW	36	38	
09s37e	30	SENW	1	0.5	
09s37e	30	NESW	32	33	
09s37e	30	NWSW	40	40	
09s37e	30	SWSW	37	36	
09s37e	30	SESW	30	33	

Log for claim A29-00051

Spatial Dynamics PJM

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
09s37e	31	NENW	24	18	
09s37e	31	NWNW	32	27	
09s37e	31	SWNW	37	38	
09s37e	31	SENW	16	8.9	
09s37e	31	NESW	18	13	
09s37e	31	NWSW	34	31	
09s37e	31	SWSW	32	36	
09s37e	31	SESW	33	22	
09s37e	31	SWSE	11	9.9	
10s36e	1	NWNE	2	2.2	
10s36e	1	SWNE	22	20	
10s36e	1	SENE	16	16	
10s36e	1	SENW	2	1.5	
10s36e	1	NESE	19	17	
10s37e	5	SWNW	4	10	
10s37e	5	NWSW	18	25	Indiscernible
10s37e	5	SWSW	38	40	
10s37e	5	SESW	9	14	
10s37e	6	NENE	12	12	
10s37e	6	NWNE	12	13	
10s37e	6	SWNE	37	39	
10s37e	6	SENE	32	29	
10s37e	6	NENW	9	10	
10s37e	6	NWNW	5	8.8	
10s37e	6	SWNW	29	31	
10s37e	6	SWNW	2	13	GDCB/lot number error?
10s37e	6	SENW	34	35	
10s37e	6	NESW	23	26	
10s37e	6	NWSW	20	32	
10s37e	6	NWSW	16	12	
10s37e	6	SWSW	4	25	Indiscernible
10s37e	6	SESW	30	28	
10s37e	6	NESE	40	37	
10s37e	6	NWSE	40	40	
10s37e	6	SWSE	34	35	
10s37e	6	SESE	24	23	
10s37e	7	NENE	28	26	
10s37e	7	NWNE	28	24	
10s37e	7	NENW	31	31	
10s37e	7	NWNW	29	40	Indiscernible
10s37e	7	NWNW	29	9.4	
10s37e	7	SWNW	22	40	
10s37e	7	SWNW	22	6.3	
10s37e	7	SENW	19	21	
10s37e	7	NESW	19	20	
10s37e	7	NWSW	23	32	
10s37e	7	NWSW	23	2	
10s37e	7	SWSW	16	4.7	Indiscernible

Log for claim A29-00051

Spatial Dynamics PJM

9/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	7	SWSW	16	37	GCDB/lot number error?
10s37e	7	SESW	25	24	
10s37e	7	NESE	36	36	
10s37e	7	NWSE	28	17	Indiscernible
10s37e	7	SWSE	16	10	
10s37e	8	NWNW	31	40	
10s37e	8	SWNW	35	39	
10s37e	8	SENW	15	16	
10s37e	8	NESW	25	26	
10s37e	8	NWSW	40	40	
10s37e	8	SWSW	40	40	
10s37e	8	SESW	38	25	
10s37e	17	SWNE	7	3.3	
10s37e	17	NENW	35	30	
10s37e	17	NWNW	39	39	
10s37e	17	SWNW	36	24	
10s37e	17	SENW	39	18	
10s37e	17	NESW	40	30	
10s37e	17	NWSW	35	36	
10s37e	17	SWSW	36	35	
10s37e	17	SESW	40	40	
10s37e	17	NWSE	8	2.8	
10s37e	17	SWSE	8	6.4	
10s37e	18	NENE	13	26	Indiscernible
10s37e	18	NWNE	16	11	Indiscernible
10s37e	18	SWNE	6	7.7	Indiscernible
10s37e	18	SENE	20	33	Indiscernible
10s37e	18	NENW	11	40	Indiscernible
10s37e	18	NWNW	13	26	Indiscernible
10s37e	18	SWNW	10	28	Indiscernible
10s37e	18	SENW	13	40	Indiscernible
10s37e	18	NESW	38	40	
10s37e	18	NWSW	12	14	
10s37e	18	SWSW	4	19	Indiscernible
10s37e	18	SESW	33	40	
10s37e	18	NESE	40	39	
10s37e	18	NWSE	30	27	
10s37e	18	SWSE	36	52	
10s37e	18	SESE	35	34	
10s37e	19	NENE	8	23	Indiscernible
10s37e	19	SENE	4	22	Indiscernible
10s37e	19	NESW	8	27	Indiscernible
10s37e	20	NWNW	10	15	
10s37e	20	SWNW	36	0	No Irrigation/wrong tract?
10s37e	20	NESW	4	3.8	
10s37e	20	NWSW	26	17	
10s37e	20	SESW	26	16	
10s37e	20	NWSE	1	0.6	

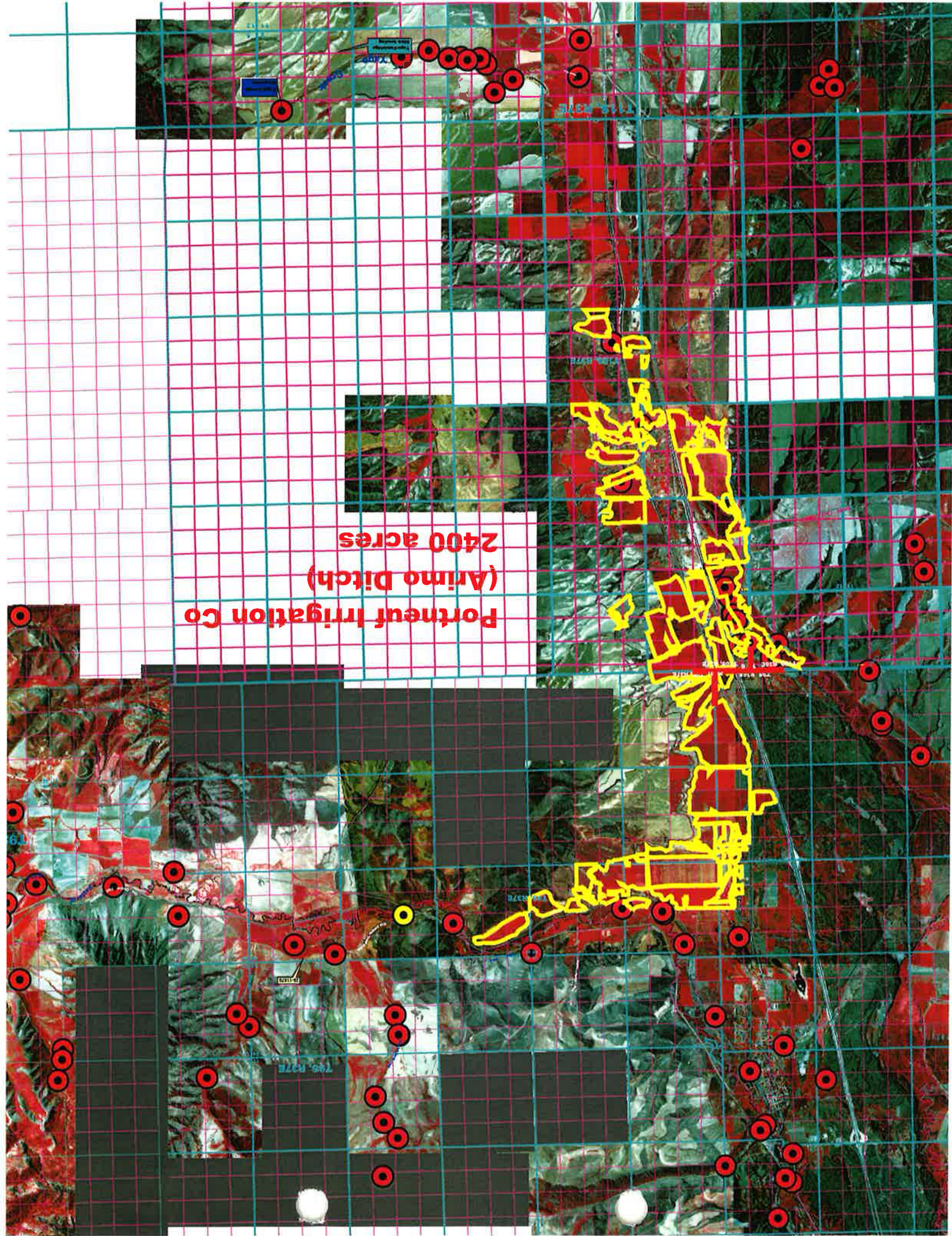
Log for claim A29-00051

Spatial Dynamics PJM

9/8/00

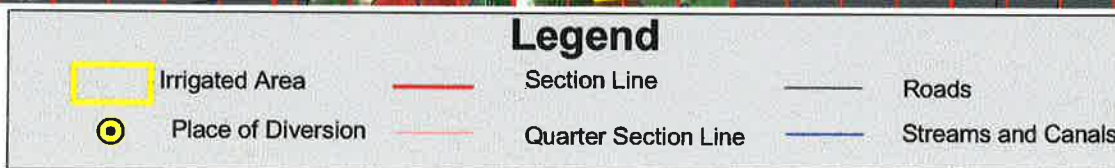
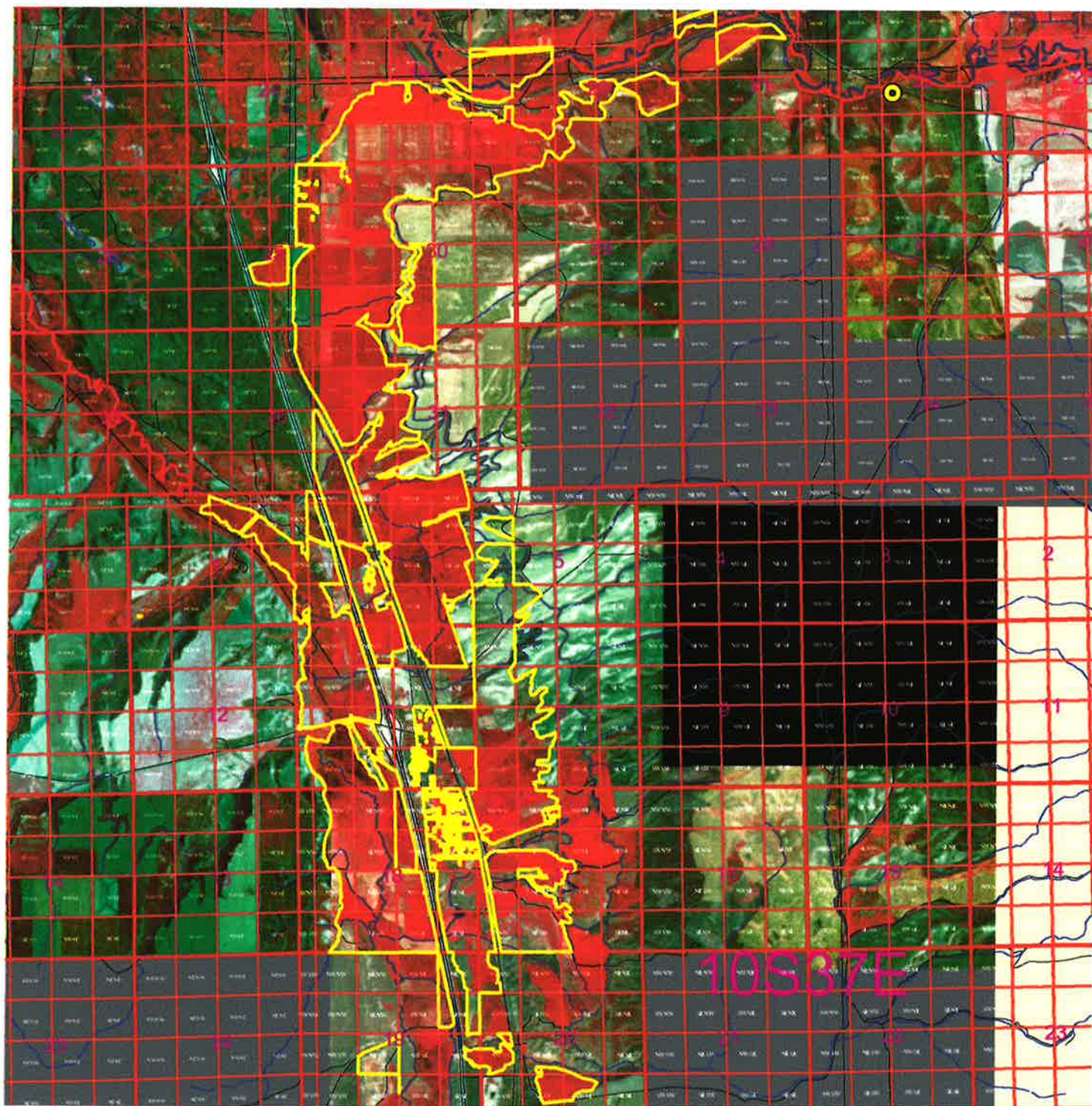
TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	20	SWSE	18	13	
Totals:			3373	3510.7	

**Portneuf Irrigation Co
(Armo Ditch)
2400 acres**



Water Right Claim Number A29-00051
Townships , 9S37E, 9S36E, 10S37E, 10S36E

09/08/2000



5280 0 5280 10560 Feet



OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	PORTNEUF IRRIGATING CO C/O DELORIS SMITH 6868 S OLD HWY 91 MC CAMMON ID 83250 (208) 254-3140	03/27/1889	IRRIGATION	04-15 09-15	55.000 CFS	
					TOTAL DIVERSION:	55.000 CFS
					CONSUMPTIVE USE:	8115.00 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion:

T09S R37E S22 Lot07(NESW)

BANNOCK 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							
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM							
09S	36E	24	:																																27.6						
09S	36E	25	:	32	✓	04	✓	16	✓	31	✓					10	✓							02	✓					25	✓			233.6							
09S	36E	36	:	40	✓	18	✓	04	✓	38	✓													40	✓	33	✓	24	✓	40	✓			146.4							
09S	37E	19	:							03-23	✓					38	✓	32	✓	40	✓	40	✓	21	✓	08-06	✓	09-14	✓	40	✓	39	✓		273.6						
09S	37E	20	:							05-05	✓					07-23	✓	26	✓	14	✓			33	✓	06-25	✓							147.6							
09S	37E	21	:			05-12	✓	07-01	✓					06-35	✓	04-20	✓																	69.8							
09S	37E	29	:											04	✓																			4.0							
09S	37E	30	:	32	✓	25	✓					33	✓	01-40	✓	02-36	✓	01	✓	32	✓	03-40	✓	04-37	✓	30	✓							308.2							
09S	37E	31	:									24	✓	01-32	✓	02-37	✓	16	✓	18	✓	03-34	✓	04-32	✓	33	✓			11	✓			241.4							
10S	36E	1	:			02-02	✓	22	✓	16	✓																							63.2							
10S	37E	5	:																					19	✓									70.8							
10S	37E	6	:	01-12	02-12	✓	37	✓	32	✓	03-09	04-05	05-02	✓	34	✓	23	✓	07-20	✓	10-04	✓	30	✓	40	✓	40	✓	34	✓	24	✓			407.7						
10S	37E	6	:																																						
10S	37E	7	:	28	✓	28	✓					28	✓	02-29	✓	03-22	✓	19	✓	19	✓	23	✓	16	✓	25	✓	36	✓	28	✓	16	✓		321.8						
10S	37E	8	:											31	✓	35	✓	15	✓															224.4							
10S	37E	17	:									35	✓	39	✓	36	✓	39	✓	40	✓	35	✓	36	✓	40	✓			08	✓	08	✓		325.7						
10S	37E	18	:	13	✓	16	✓	06	✓	20	✓	11	✓	13	✓	10	✓	13	✓	38	✓	12	✓	04	✓	33	✓	40	✓	30	✓	36	✓	35	✓	335.9					
10S	37E	19	:	08	✓					04	✓					36	✓			08	✓													58.0							
10S	37E	20	:									10	✓							04	✓	26	✓							01	✓	18	✓		86.0						
																																					TOTAL ACRES				3345.7

POU County: BANNOCK

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

A29-00052 A29-11277

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

A29-00052	A29-00053	A29-00054	A29-00057	A29-00058	A29-00589	A29-02416	A29-02456	A29-04030	A29-04036
A29-04041	A29-04052	A29-04053	A29-04060	A29-04157	A29-04200	A29-04201	A29-04202	A29-04203	A29-04406
A29-04407	A29-04408	A29-04411	A29-04423	A29-04424	A29-04434	A29-07331	A29-07536	A29-11089	A29-11253
A29-11277	A29-11524	A29-12053	A29-12557	A29-13085	A29-13087				

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number: 29

Field Inspection Flag:
Presumption Flag:

AJ5809NP
No. A29-00051

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 18

Audit: 04/11/90 CARLSEN 03/29/93 FRAZEE 03/29/95 POST-STD

CONVEYANCE AND CONTRACT.

The Portneuf Irrigating Company, Ltd., a corporation organized and existing under and by virtue of the laws of the State of Idaho, party of the first part on the conditions, and for and in consideration of the promises and covenants hereinafter contained by these presents does grant, bargain, sell and convey to the Portneuf-Marsh Valley Irrigation Company, Ltd., and the Portneuf-Marsh Valley Canal Company, Ltd., corporations, organized and existing under and by virtue of the laws of the State of Idaho, parties of the second part the right to enlarge the ditch of the said party of the first part hereinafter described to make the same of the following dimensions, to-wit: Twenty (20) feet wide on the bottom with approximately two to one slopes on the banks and having a depth of five (5) feet, or of such other dimensions as may be approved by the State Engineer. Said ditch is particularly described as follows, to-wit:

Commencing at a point about five hundred (500) feet east and about six hundred (600) feet south of the Southwest corner of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 22, Township Nine South Range 37 East of Boise Meridian, running thence generally in a westerly and southwesterly direction through said section 22 and sections 21, 20, 29, and 30 in Township Nine South, Range 37 East of Boise Meridian to a point in the Northeast Quarter (NE 1/4) of said section 30 about five hundred (500) feet north of the southwest corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of Section 30; said canal being commonly known as the ditch of the Portneuf Irrigating company from Portneuf river.

Together with the perpetual right to convey and conduct through said canal when so enlarged the waters to which the said parties of the second part, their successors and assigns, are or may become entitled.

The following are the conditions upon which said grant and conveyance is made and which are hereby expressly understood to be the consideration therefor, to-wit:

I.

The said party of the first part shall have the perpetual right to turn into said enlarged canal all waters to which it is or may be entitled as an appropriator of the waters of the Portneuf River and does hereby expressly reserve unto itself its title to such proportionate interest in said enlarged ditch as the quantity of water to which it is or shall be entitled to use and flow through the same, shall bear to the entire quantity of water which shall flow through said enlarged ditch under the appropriations of the parties to this contract.

II.

The said parties of the second part hereby agree and covenant that they will perpetually maintain said ditch as enlarged entirely at their own expense, and that they will at their own expense perpetually keep the same in repair and at all times save the said party of the first part harmless of and from all claims, demands, suits, actions or causes of action, which may arise by reason of the construction or operation of said enlarged canal, and that they will assume controlover the same and of the distribution of water therefrom as herein provided.

III.

It is agreed that when said parties of the second part shall clean out said ditch the work shall begin at the easterly end thereof, and said enlarged ditch shall be first cleaned to the point of diversion of the party of the first part at the west end of said enlargement.

IV.

That said parties of the second part agree that they will deliver to the party of the first part at the lower end of said enlarged canal, which is or near the point heretofore described, all waters to which the party of the first part is or may be entitled, and which said party of the first part will turn into said enlarged canal through its headgate on the Portneuf River. Provided, however, that upon request of the watermaster or other agent of the party of the first part said parties of the second part will, at such times as said watermaster or agent may designate, divert from said enlarged canal

t the places to be designated as hereinafter specified, for the use of those stockholders of the party of the first part who take water from the present canal where the same is to be enlarged, such quantities of the waters of the said party of the first part as said water master or agent shall direct.

V.

Said parties of the second part agree that for the purpose of distributing from said enlarged canal to the party of the first part the waters to which it shall be entitled, they will construct and install at the lower end of said enlarged canal a concrete headgate of sufficient size and dimensions to permit all the waters of the said party of the first part to flow from said enlarged canal into the present canal of said party of the first part; and said parties of the second part further agree that they will construct and install at such places as may be designated by the party of the first part, along the course of said enlarged canal, concrete headgates of sufficient size (not to exceed ten in number) to permit the distribution of water to those stockholders of the party of the first part referred to in paragraph IV hereof, who are to receive water directly from said enlarged canal. Said parties of the second part further agree that they will perpetually maintain and keep in good repair all of said headgates above referred to at their own expense and that they will at each of said headgates install and perpetually maintain and keep in good repair measuring devices for the distribution of the water of the said party of the first part from said enlarged canal as herein provided.

VI.

The parties of the second part agree that in low water season or at any time when the natural flow of the Portneuf River exclusive of the flow from the reservoir of the party of the second part is 5000 miner's inches (100 seconds and feet) or less, they will close down their headgate so as to permit only the waters from their said reservoir to flow through the same, and that they will deliver to said party of the first part, as heretofore provided, from said enlarged canal, all of said natural flow which said party of the first part shall divert into said enlarged canal through its headgate. Provided, however, that the party of the first part does not by the foregoing provision admit, concede or acknowledge that its right to claim upon the waters of Portneuf River is limited, during said season, or at any time, to 5000 inches. Neither does said provision in anywise limit said party of the first part as to the quantity of water it shall divert when the water in Portneuf River is not low, but it is intended simply as an agreement by the parties of the second part that when the natural flow of the stream is 5000 inches or less they will not divert any part thereof and that the party of the first part may if it so elects divert and use said natural flow up to 5000 inches until such time as a court of competent jurisdiction shall adjudicate the rights of all appropriations from said stream. Provided further that if such a decree shall be entered the parties of the second part will thereafter distribute as heretofore provided all waters which may be decreed to said party of the first part. It is further agreed that this agreement shall in no wise affect the right of the parties of the second part to divert from the said Portneuf River all waters stored by them in their reservoir near Chesterfield, which shall flow from said reservoir through the Portneuf River to their headgate.

VII.

Said parties of the second part agree that the foregoing provisions with reference to the handling and distribution of the waters to which party of the first part shall be entitled shall be binding and obligatory, not only during irrigating seasons but at all seasons of the year, that is to say, said parties of the second part will deliver and distribute from said enlarged canal as above provided during all seasons, all waters to which said party of the first part is or shall be entitled.

VIII.

It is further agreed that as a part of the consideration for the foregoing conveyance by the party of the first part, the party of the second shall pay to said party of the first part the sum of Three Hundred (\$300.00) dollars and that upon said payment being made, said party of the second part may immediately proceed with the work of enlargement and enter into possession

of said canal as herein provided.

IX.

This instrument and all the provisions thereof shall be binding upon the successors in interest, assignees or transferees of the parties hereto.

In witness whereof the parties hereto have hereto set their hands and seals this 26th day of September, 1911.

Portneuf Irrigating Co.

By Meyers Cohn, President.

Attest: D.H. Evans, Secretary

Portneuf Marsh Valley Irrigation Co. Ltd.

by W. Rodman Peabody, Secretary

(SEAL)

Attest:

Secretary.

Portneuf Marsh Valley Canal Company Ltd.

By Geo. T. Hyde, President.

(SEAL)

Attest: T.M. Edwards, Secretary.

State of Idaho.) ss

County of

On this 26th day of September in the year 1911 before me Wm. H. Jackson, a Notary Public in and for said county and state appeared Meyers Cohn, known to me to be the President of the Portneuf Irrigating Company, Ltd. that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

(SEAL) Wm. H. Jackson, Jr., Notary Public.

On this 26th day of September in the year 1911 before me Wm. H. Jackson, Jr. a Notary Public in and for said county and state appeared W. Rodman Peabody, known to me to be the Secretary of the Portneuf-Marsh Valley Irrigation Company, Ltd. That executed the foregoing instrument and acknowledged to me that such corporation executed the same.

(SEAL)

Wm. H. Jackson, Jr. Notary Public.

On this 26th day of September in the year 1911 before me S.F. Johnson a Notary Public in and for said county and state appeared George T. Hyde, known to me to be the President of the Portneuf-Marsh Valley Canal Company, Ltd. that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

(SEAL)

Sven F. Johnson, Notary Public

My commission expires Apr. 28th, 1915.

Recorded at the request of John Ware, Sept. 26th, 1911 at 3:11 P.M.

By C.W. Pomeroy, Deputy. Fee \$3.60

E.G. Gallet, Recorder.

OCT: 5, 2000
Downey, Ilhlo

RECEIVED
OCT 10 2000
Department of Water Resources

Dear Mr. Larson,

I Am returning you map- I cannot
find anything by comparison of our old
map with yours. If There is an
error it would be a small one.

Thanks for your patience.

Daryl Parris
18746 So. Washington
Downey, Ilhlo 83234

JUN 08 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: A29-00051
Date Received: 2/08/1990
Receipt No: 8013087
Received By: ENC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PORTNEUF IRRIGATING CO. 208-254-3140
Address: C/O TINA HALL
10192 S. HALL RD.
MC CAMMON, ID 83250

2. Date of Priority: MAR 27, 1889

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
09S	37E	22	NE	SW	7		BANNOCK

5. Description of diverting works:
HEADING FOR PORTNEUF IRRIGATING CO.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	55.000		

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

8. Total consumptive use is 8115.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	36E	24	NE	SE		IRR	2.0
			SE	SE		IRR	25.6
Section Acres							27.6

A29-00051

Page 1

Date: 04/11/90

MICROFILMED

NOV 13 1992

A2900051



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
09S	36E	25	NE		NE		IRR	32.4
			NW		NE		IRR	4.8
			SW		NE		IRR	16.0
			SE		NE		IRR	31.6
			NE		SW		IRR	10.4
			NE		SE		IRR	40.0
			NW		SE		IRR	33.6
			SW		SE		IRR	24.8
			SE		SE		IRR	40.0
			Section Acres 233.6					
		36	NE		NE		IRR	40.0
			NW		NE		IRR	18.8
			SW		NE		IRR	4.8
			SE		NE		IRR	38.0
			NE		SE		IRR	21.6
			SE		SE		IRR	23.2
			Section Acres 146.4					
37E		19	SE		NE	3	IRR	23.4
			NE		SW		IRR	38.0
			NW		SW		IRR	32.4
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE	8	IRR	6.8
			NW		SE	9	IRR	14.0
			SW		SE		IRR	40.0
			SE		SE		IRR	39.0
			Section Acres 273.6					
		20	SE		NE	5	IRR	5.6
			SW		NW	4	IRR	20.2
			NE		SW	7	IRR	23.4
			SW		SW		IRR	26.0
			SE		SW		IRR	14.0
			NE		SE		IRR	33.2
			NW		SE	6	IRR	25.2
			Section Acres 147.6					
		21	NW		NE	5	IRR	12.4

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
09S	37E	21	SW	NE	7	IRR	1.0
			NW	NW	6	IRR	35.4
			SE	NW		IRR	21.0
					Section Acres		69.8
		29	NW	NW		IRR	4.0
			Section Acres		4.0		
		30	NE	NE		IRR	32.4
			NW	NE		IRR	25.2
			NE	NW		IRR	33.2
			NW	NW	1	IRR	40.0
SW	NW		2	IRR	36.4		
SE	NW			IRR	1.0		
NE	SW			IRR	32.8		
NW	SW		3	IRR	40.0		
SW	SW		4	IRR	37.2		
SE	SW			IRR	30.0		
Section Acres			308.2				
31	NE		NW		IRR	24.8	
	NW	NW	1	IRR	32.0		
	SW	NW	2	IRR	37.0		
	SE	NW		IRR	16.0		
	NE	SW		IRR	18.8		
	NW	SW	3	IRR	34.8		
	SW	SW	4	IRR	32.8		
	SE	SW		IRR	33.6		
	SW	SE		IRR	11.6		
	Section Acres		241.4				
10S	36E	1	NW	NE	2	IRR	2.4
			SW	NE		IRR	22.4
			SE	NE		IRR	16.8
			SE	NW		IRR	2.0
			NE	SE		IRR	19.6
	Section Acres		63.2				
	37E	5	SW	NW		IRR	4.8
			NW	SW		IRR	18.4
			SW	SW		IRR	38.0
			SE	SW		IRR	9.6
Section Acres		70.8					
6	NE	NE	1	IRR	12.0		

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	6	NW	NE	2	IRR	12.0
			SW	NE		IRR	37.2
			SE	NE		IRR	32.8
			NE	NW	3	IRR	9.9
			NW	NW	4	IRR	5.6
			SW	NW	5	IRR	2.4
			SW	NW	6	IRR	29.6
			SE	NW		IRR	34.0
			NE	SW		IRR	23.6
			NW	SW	7	IRR	20.0
			NW	SW	8	IRR	16.0
			SW	SW	10	IRR	4.0
			SE	SW		IRR	30.4
			NE	SE		IRR	40.0
			NW	SE		IRR	40.2
			SW	SE		IRR	34.0
			SE	SE		IRR	24.0

Section Acres 407.7

7	NE	NE		IRR	28.0
	NW	NE		IRR	28.4
	NE	NW		IRR	28.4
	NW	NW	2	IRR	29.6
	SW	NW	3	IRR	22.4
	SE	NW		IRR	19.6
	NE	SW		IRR	19.4
	NW	SW		IRR	23.2
	SW	SW		IRR	16.0
	SE	SW		IRR	25.6
	NE	SE		IRR	36.0
	NW	SE		IRR	28.4
	SW	SE		IRR	16.8

Section Acres 321.8

8	NW	NW		IRR	31.0
	SW	NW		IRR	35.0
	SE	NW		IRR	15.4
	NE	SW		IRR	25.0
	NW	SW		IRR	40.0
	SW	SW		IRR	40.0
	SE	SW		IRR	38.0

Section Acres 224.4

17	SW	NE		IRR	7.6
	NE	NW		IRR	35.0
	NW	NW		IRR	39.0
	SW	NW		IRR	36.0
	SE	NW		IRR	39.4

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
10S	37E	17		NE	SW	IRR	40.0
				NW	SW	IRR	35.5
				SW	SW	IRR	36.0
				SE	SW	IRR	40.0
				NW	SE	IRR	8.4
				SW	SE	IRR	8.8

Section Acres 325.7

18	NE	NE	IRR	13.0
	NW	NE	IRR	16.8
	SW	NE	IRR	6.3
	SE	NE	IRR	20.0
	NE	NW	IRR	11.6
	NW	NW	IRR	13.0
	SW	NW	IRR	10.8
	SE	NW	IRR	13.8
	NE	SW	IRR	38.0
	NW	SW	IRR	12.8
	SW	SW	IRR	4.8
	SE	SW	IRR	33.2
	NE	SE	IRR	40.0
	NW	SE	IRR	30.0
	SW	SE	IRR	36.8
	SE	SE	IRR	35.0

Section Acres 335.9

19	NE	NE	IRR	8.1
	SE	NE	IRR	4.4
	SW	NW	IRR	36.8
	NE	SW	IRR	8.7

Section Acres 58.0

20	NW	NW	IRR	10.0
	NE	SW	IRR	4.0
	NW	SW	IRR	26.2
	SE	SW	IRR	26.0
	NW	SE	IRR	1.0
	SW	SE	IRR	18.8

Section Acres 86.0

Total Acres 3345.7

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

Decree date:

VS

Decree Defendant

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R36E

R37E

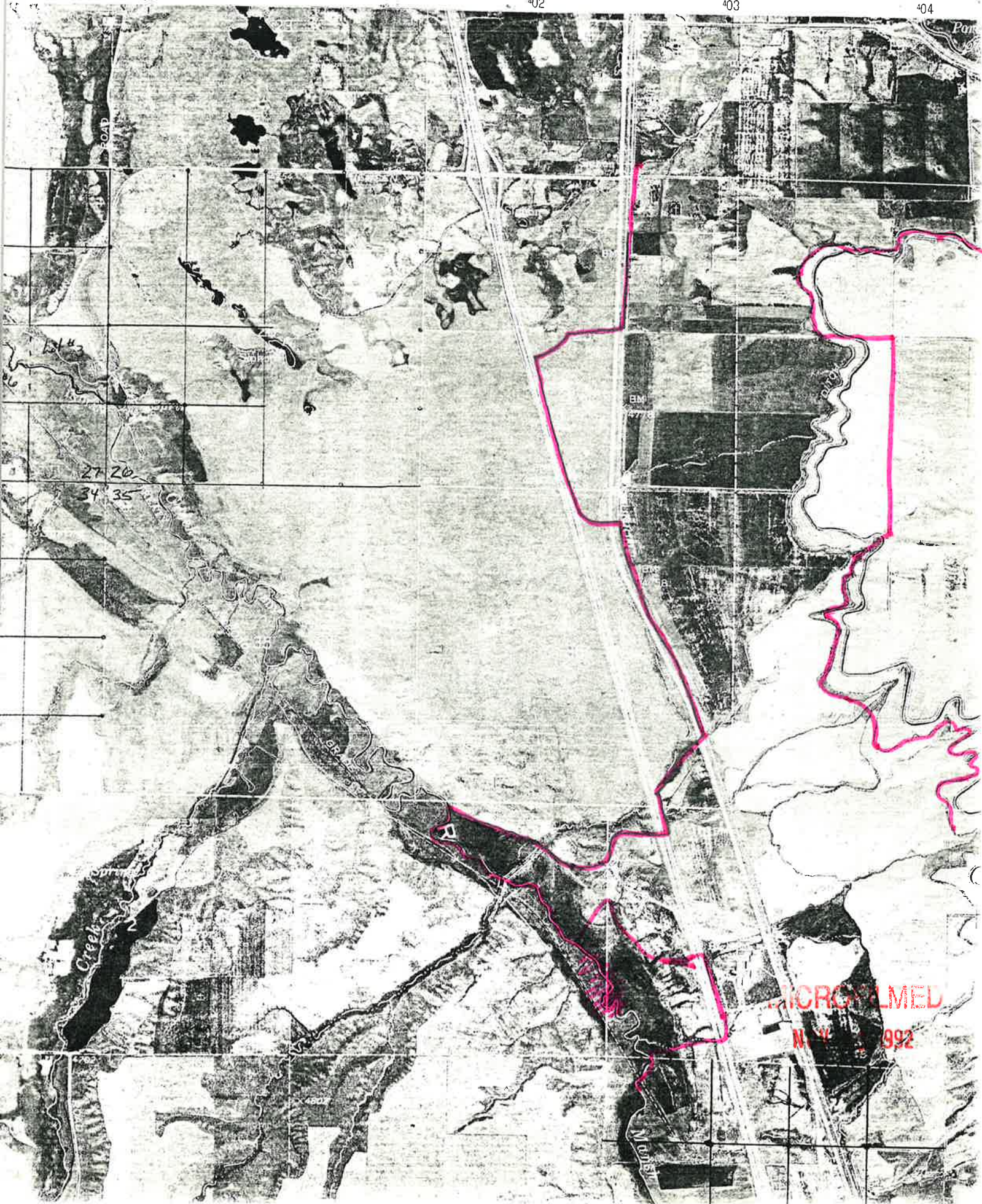
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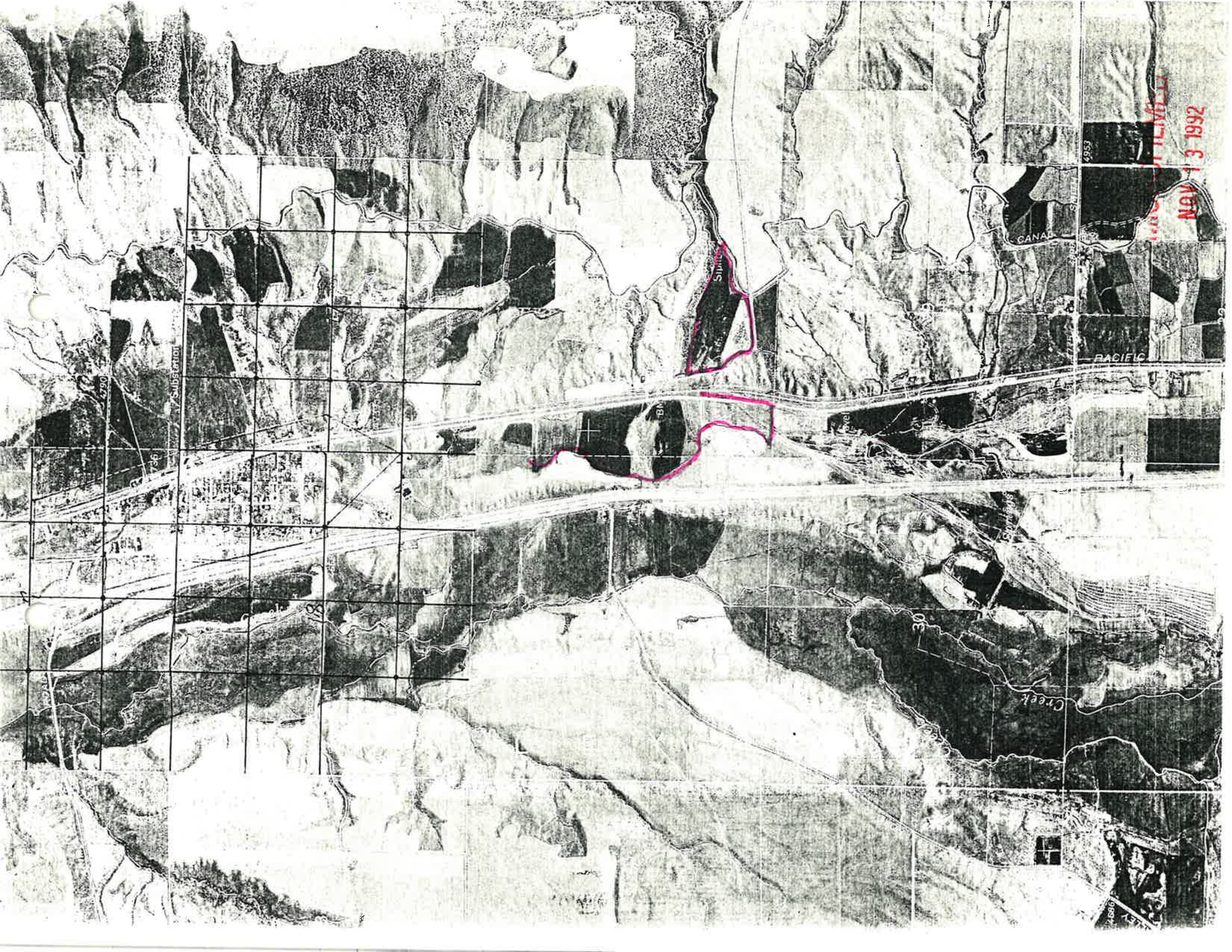
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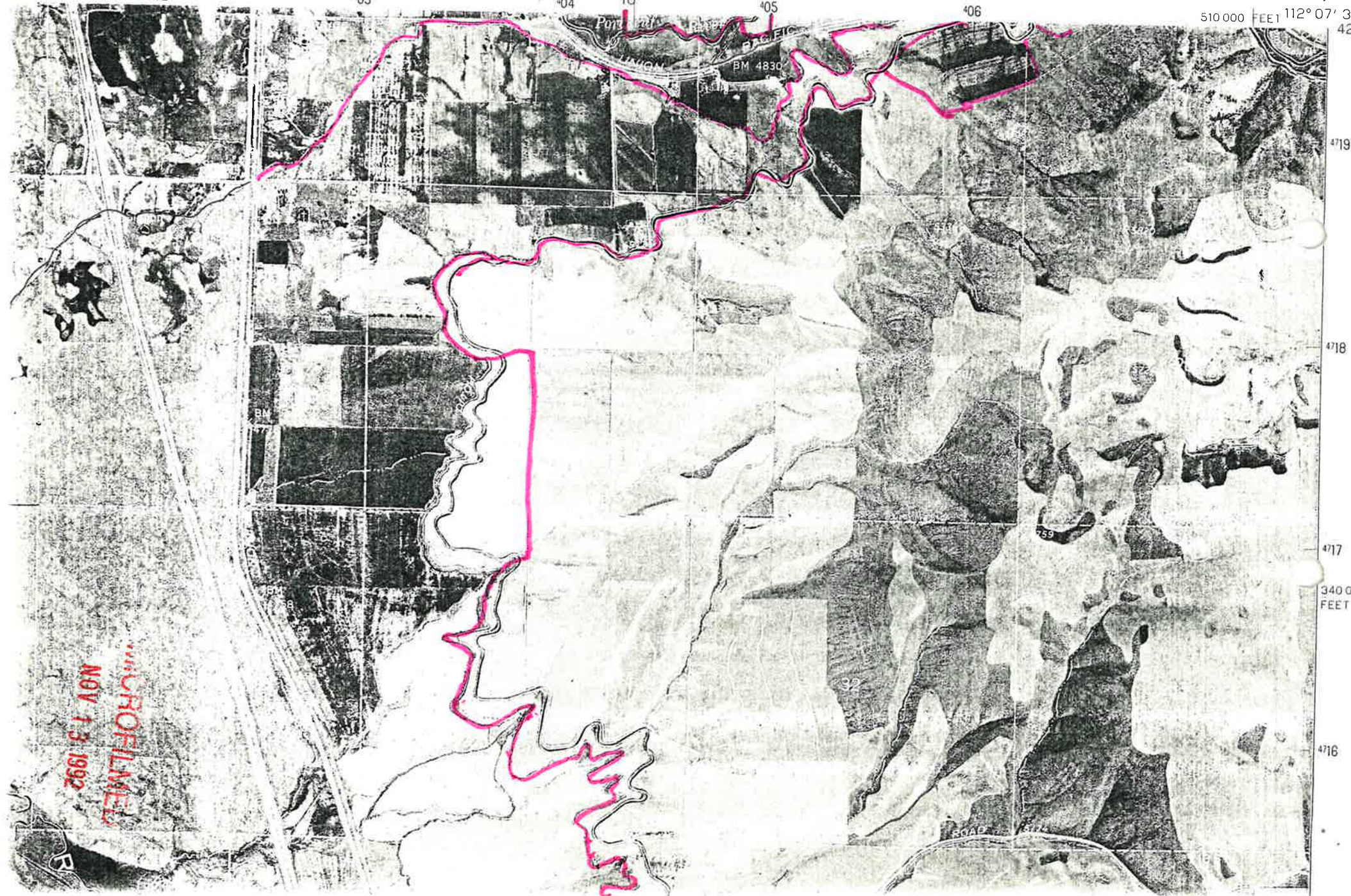
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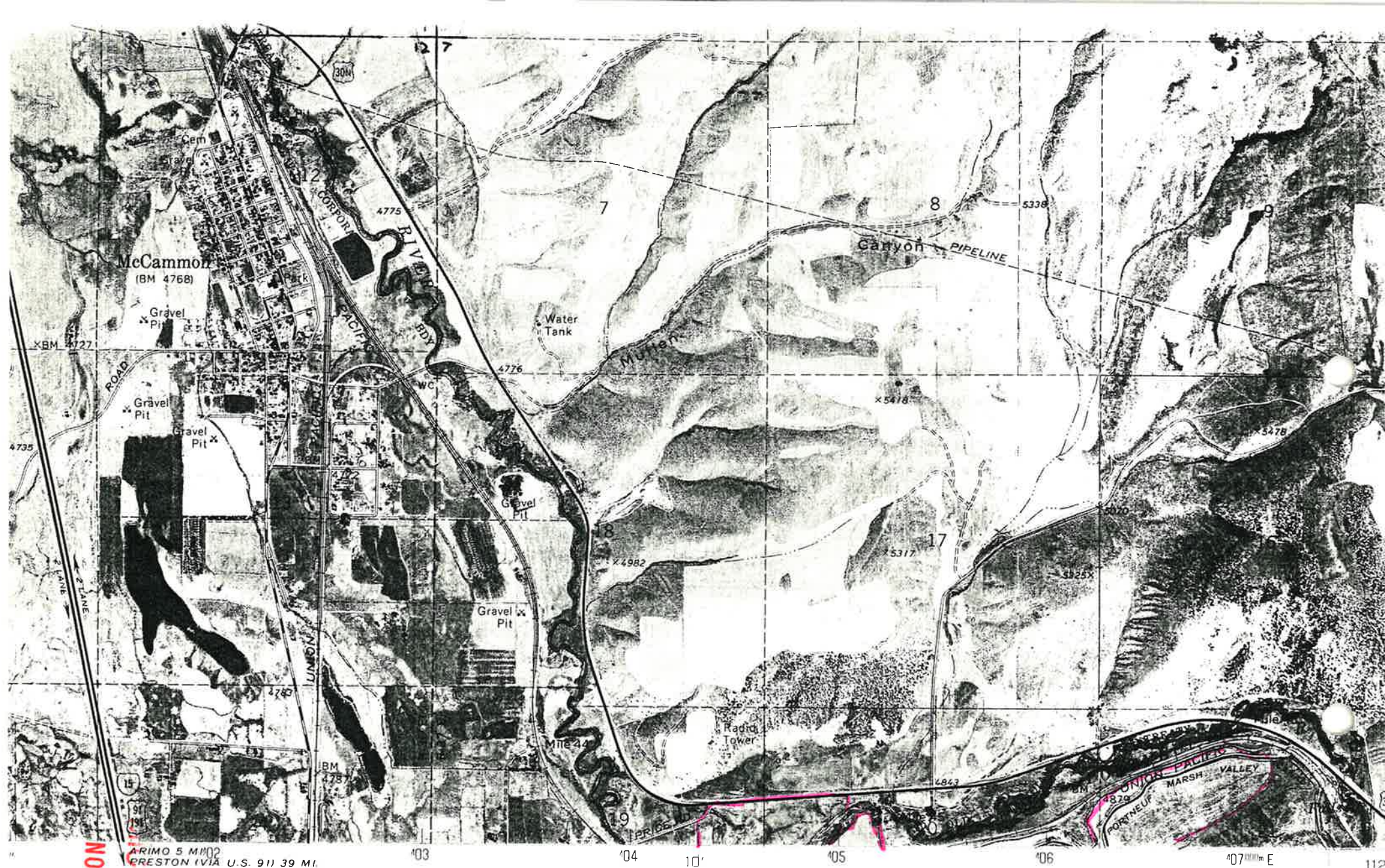


R36E

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ARIMO QUADRANGLE
IDAHO
7.5 MINUTE SERIES (ORTHOPHOTOQUAD)





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