

07/08/2003

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

RIGHT NUMBER: 29-52
NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 176.850 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.
PRIORITY DATE: 12/18/1907
POINT OF DIVERSION:
T09S R37E S22 NWNESW 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	176.850 CFS

PLACE OF USE:

LARGE PLACE OF USE

5103.2 ACRES TOTAL

Place of use is within the area served by the Portneuf Marsh Valley Canal Co. LTD.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318, 29-13319.

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC. 22 NWNESW (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL COMPANYS CANAL THROUGH SAID COMPANYS DRAINAGE CANAL AND THE PORTNEUF RIVER CHANNEL.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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 PORTNEUF MARSH VALLEY CANAL.

07/08/2003

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

RIGHT NUMBER: 29-52
NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234
SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER
QUANTITY: 176.850 CFS
USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.
PRIORITY DATE: 12/18/1907
POINT OF DIVERSION:
T09S R37E S22 NWNESEW 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	176.850 CFS

PLACE OF USE:

LARGE PLACE OF USE

5103.2 ACRES TOTAL

Place of use is within the area served by the Portneuf Marsh Valley Canal Co. LTD.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,
29-4060, 29-13318, 29-13319.

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT
CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF
DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC. 22
NWNESEW (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL
COMPANYS CANAL THROUGH SAID COMPANYS DRAINAGE CANAL
AND THE PORTNEUF RIVER CHANNEL.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
WATER DISTRICT #29.

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 PORTNEUF MARSH VALLEY CANAL.

06/19/2003

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234

SOURCE: PORTNEUF RIVER TRIBUTARY: SNAKE RIVER

QUANTITY: 176.850 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE: 12/18/1907

POINT OF DIVERSION:
T09S R37E S22 NWNESEW 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	176.850 CFS

PLACE OF USE: Large Place of Use

5103.2 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589,
29-4060, 29-13318, 29-13319.

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THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF
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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 PORTNEUF MARSH VALLEY CANAL.

02/11/2003

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 176.850 CFS

PRIORITY DATE: 12/18/1907

POINT OF DIVERSION:

T09S R37E S22 NWNESE Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 09/15

QUANTITY
176.850 CFS

PLACE OF USE:

Large Place of Use

4136 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4136 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318, 29-13319.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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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 PORTNEUF MARSH VALLEY CANAL.

02/06/2003

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 176.850 CFS

PRIORITY DATE: 12/18/1907

POINT OF DIVERSION:

T09S R37E S22 NWNESW Lot 3 Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 09/15

QUANTITY
176.850 CFS

PLACE OF USE:

IRRIGATION Within BANNOCK County

T10S R37E S08	SWSE	30.0	T10S R37E S08	SESE	8.3
T10S R37E S17	NENE	11.0	T10S R37E S17	NWNE	30.0
T10S R37E S17	SWNE	30.0	T10S R37E S17	SENE	31.0
T10S R37E S17	NESE	30.0	T10S R37E S17	NWSE	30.0
T10S R37E S17	SWSE	36.0	T10S R37E S17	SESE	3.0
T10S R37E S20	NENE	3.3	T10S R37E S20	NWNE	38.0
T10S R37E S20	SWNE	22.0	T10S R37E S20	NENW	17.0
T10S R37E S20	SWNW	24.0	T10S R37E S20	SENW	13.0
T10S R37E S20	NESW	3.3	T10S R37E S20	SWSW	0.1
T10S R37E S20	SESW	23.0	T10S R37E S20	NWSE	0.5
T10S R37E S20	SWSE	16.0	T10S R37E S28	SWSW	38.0
T10S R37E S28	SESW	40.0	T10S R37E S29	NWNE	15.0
T10S R37E S29	SWNE	0.1	T10S R37E S29	NENW	20.0
T10S R37E S29	NWNW	11.0	T10S R37E S29	SWNW	21.0
T10S R37E S29	SENW	29.0	T10S R37E S29	NESW	24.0
T10S R37E S29	NWSW	15.0	T10S R37E S29	SESW	26.0
T10S R37E S29	NESE	0.9	T10S R37E S29	NWSE	2.8
T10S R37E S29	SWSE	32.0	T10S R37E S29	SESE	38.0
T10S R37E S31	NENE	0.1	T10S R37E S31	SENE	3.1
T10S R37E S32	NENE	38.0	T10S R37E S32	NWNE	32.0
T10S R37E S32	SWNE	39.0	T10S R37E S32	SENE	33.0
T10S R37E S32	NENW	22.0	T10S R37E S32	NWNW	0.1
T10S R37E S32	SWNW	35.0	T10S R37E S32	SENW	30.0
T10S R37E S32	NESW	36.0	T10S R37E S32	NWSW	6.0
T10S R37E S32	SWSW	4.4	T10S R37E S32	SESW	32.0
T10S R37E S32	NESE	33.0	T10S R37E S32	NWSE	40.0
T10S R37E S32	SWSE	39.0	T10S R37E S32	SESE	32.0
T10S R37E S33	NENW	11.0	T10S R37E S33	NWNW	39.0
T10S R37E S33	SWNW	0.1	T10S R37E S33	SWSW	0.3

Water Right 29-52

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

T11S R37E S04 Lot 3	NENW	39.0	T11S R37E S04 Lot 4	NWNW	34.0
T11S R37E S04	SWNW	22.0	T11S R37E S04	SENW	34.0
T11S R37E S04	NESW	35.0	T11S R37E S04	NWSW	28.0
T11S R37E S04	SWSW	29.0	T11S R37E S04	SESW	33.0
T11S R37E S04	SWSE	0.2	T11S R37E S05 Lot 1	NENE	37.0
T11S R37E S05 Lot 2	NWNE	39.0	T11S R37E S05	SWNE	33.0
T11S R37E S05	SENE	34.0	T11S R37E S05 Lot 3	NENW	33.0
T11S R37E S05 Lot 4	NWNW	26.0	T11S R37E S05	SWNW	17.0
T11S R37E S05	SENW	11.0	T11S R37E S05	NESW	15.0
T11S R37E S05	SESW	15.0	T11S R37E S05	NESE	39.0
T11S R37E S05	NWSE	37.0	T11S R37E S05	SWSE	28.0
T11S R37E S05	SESE	30.0	T11S R37E S07	SWSE	35.0
T11S R37E S07	SESE	28.0	T11S R37E S08	NENE	36.0
T11S R37E S08	NWNE	36.0	T11S R37E S08	SWNE	35.0
T11S R37E S08	SENE	36.0	T11S R37E S08	NENW	0.1
T11S R37E S08	SENW	2.0	T11S R37E S08	NESE	30.0
T11S R37E S08	NWSE	21.0	T11S R37E S08	SWSE	4.8
T11S R37E S08	SESE	33.0	T11S R37E S09	NWNE	0.2
T11S R37E S09	NENW	40.0	T11S R37E S09	NWNW	35.0
T11S R37E S09	SWNW	32.0	T11S R37E S09	SENW	36.0
T11S R37E S09	NESW	14.0	T11S R37E S09	NWSW	36.0
T11S R37E S09	SWSW	37.0	T11S R37E S09	SESW	34.0
T11S R37E S15	NESW	0.7	T11S R37E S15	NWSW	0.3
T11S R37E S15	SWSW	36.0	T11S R37E S15	SESW	39.0
T11S R37E S15	NWSE	0.1	T11S R37E S15	SWSE	5.9
T11S R37E S16	NWNE	37.0	T11S R37E S16	SWNE	22.0
T11S R37E S16	SENE	14.0	T11S R37E S16	NENW	36.0
T11S R37E S16	NWNW	40.0	T11S R37E S16	SWNW	40.0
T11S R37E S16	SENW	39.0	T11S R37E S16	NESW	37.0
T11S R37E S16	NWSW	33.0	T11S R37E S16	SWSW	0.2
T11S R37E S16	SESW	26.0	T11S R37E S16	NESE	6.7
T11S R37E S16	NWSE	28.0	T11S R37E S16	SWSE	35.0
T11S R37E S16	SESE	30.0	T11S R37E S17	NENE	28.0
T11S R37E S17	SENE	11.0	T11S R37E S17	NESE	0.1
T11S R37E S18	NENE	34.0	T11S R37E S20	NWNE	19.0
T11S R37E S21	NENE	39.0	T11S R37E S21	NWNE	33.0
T11S R37E S21	SWNE	36.0	T11S R37E S21	SENE	38.0
T11S R37E S21	NENW	30.0	T11S R37E S21	SENW	20.0
T11S R37E S21	NESW	5.4	T11S R37E S21	NESE	28.0
T11S R37E S21	NWSE	39.0	T11S R37E S21	SWSE	27.0
T11S R37E S21	SESE	36.0	T11S R37E S22	NENW	24.0
T11S R37E S22	NWNW	33.0	T11S R37E S22	SWNW	40.0

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

T11S R37E S22	SENW	14.0	T11S R37E S22	NESW	20.0
T11S R37E S22	NWSW	39.0	T11S R37E S22	SWSW	33.0
T11S R37E S22	SESW	35.0	T11S R37E S22	SWSE	5.1
T11S R37E S27	NWNE	29.0	T11S R37E S27	SWNE	29.0
T11S R37E S27	NENW	38.0	T11S R37E S27	NWNW	40.0
T11S R37E S27	SWNW	37.0	T11S R37E S27	SENW	32.0
T11S R37E S27	NESW	23.0	T11S R37E S27	NWSW	39.0
T11S R37E S27	SWSW	11.0	T11S R37E S27	SESW	4.5
T11S R37E S27	NWSE	26.0	T11S R37E S27	SWSE	2.2
T11S R37E S28	NENE	35.0	T11S R37E S28	NWNE	8.6
T11S R37E S28	SWNE	0.1	T11S R37E S28	SENE	32.0
T11S R37E S28	SESW	37.0	T11S R37E S28	NESE	15.0
T11S R37E S28	SESE	24.0	T11S R37E S33	NENE	19.0
T11S R37E S33	NWNE	26.0	T11S R37E S33	NENW	11.0
T11S R37E S34	SENW	0.2	T11S R37E S34	NESW	18.0
T11S R37E S34	NWSW	0.2			

4136 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 4136 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318, 29-13319.

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

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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.

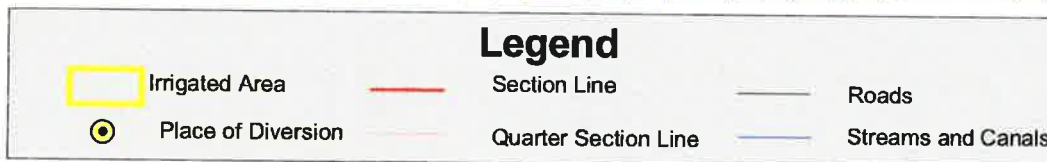
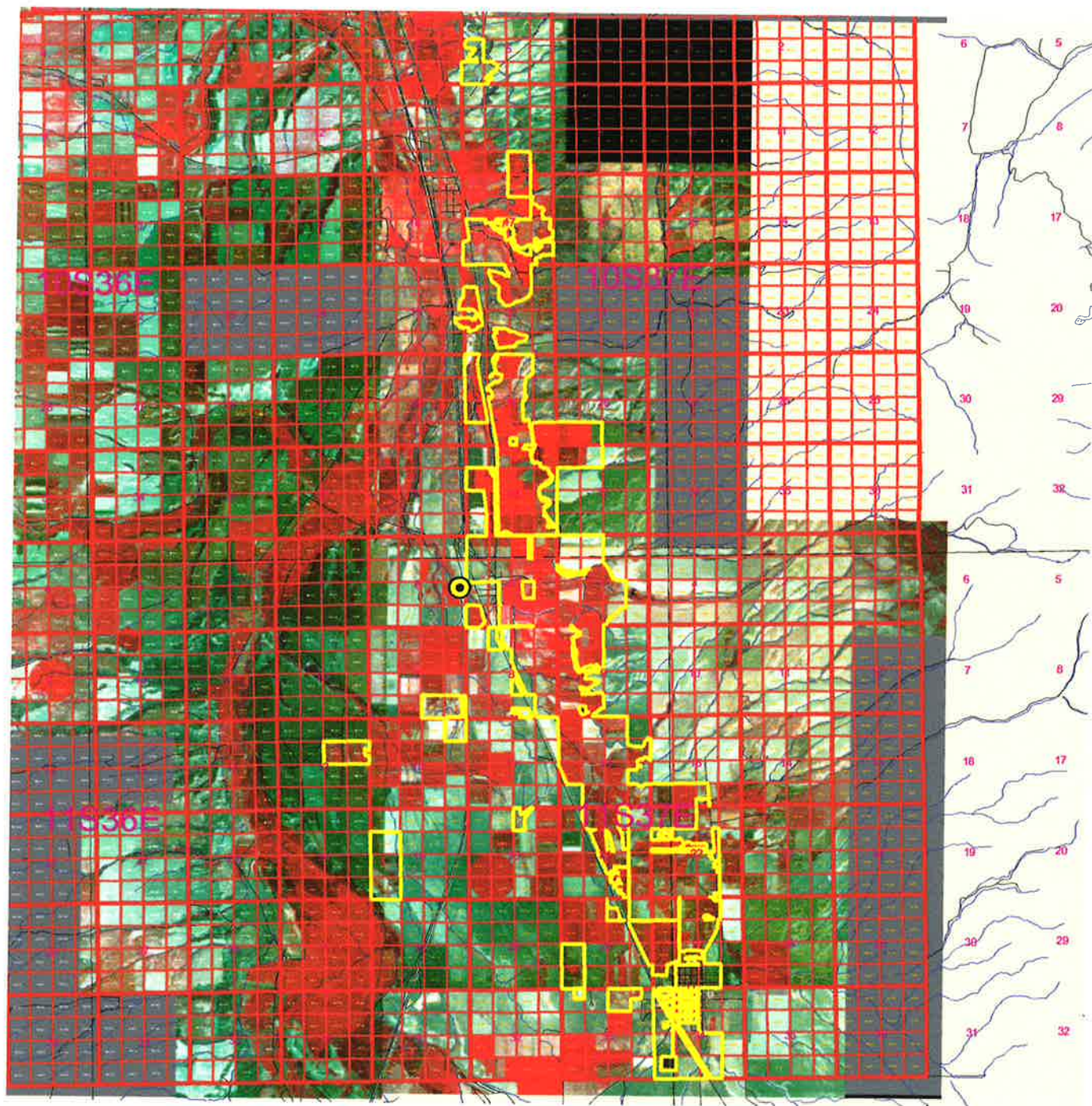
RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

WATER IS DELIVERED THROUGH PORTNEUF MARSH VALLEY CANAL.

Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



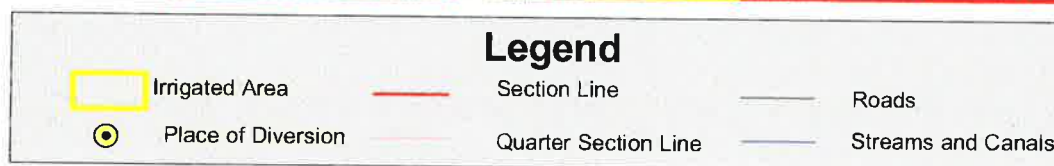
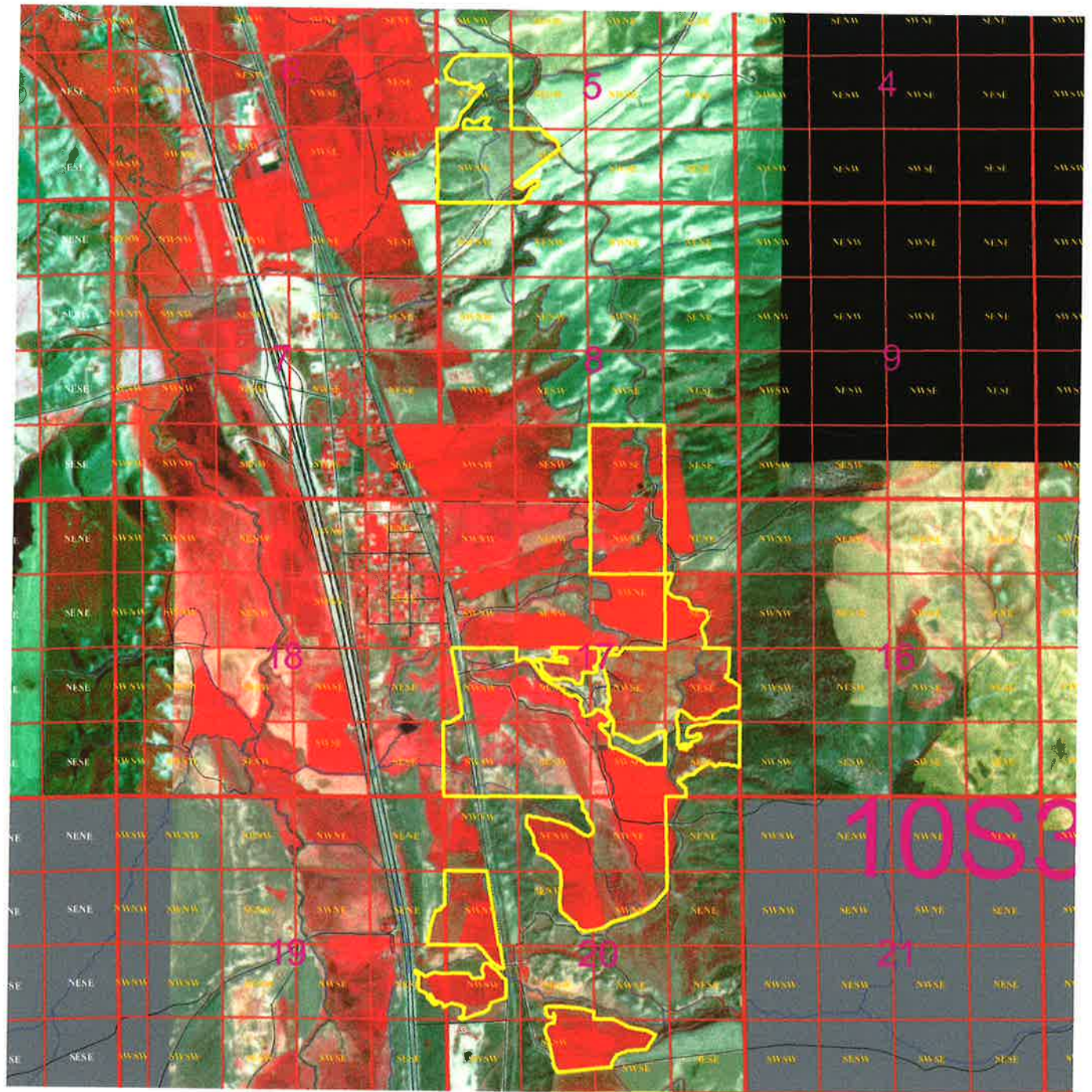
5000 0 5000 10000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



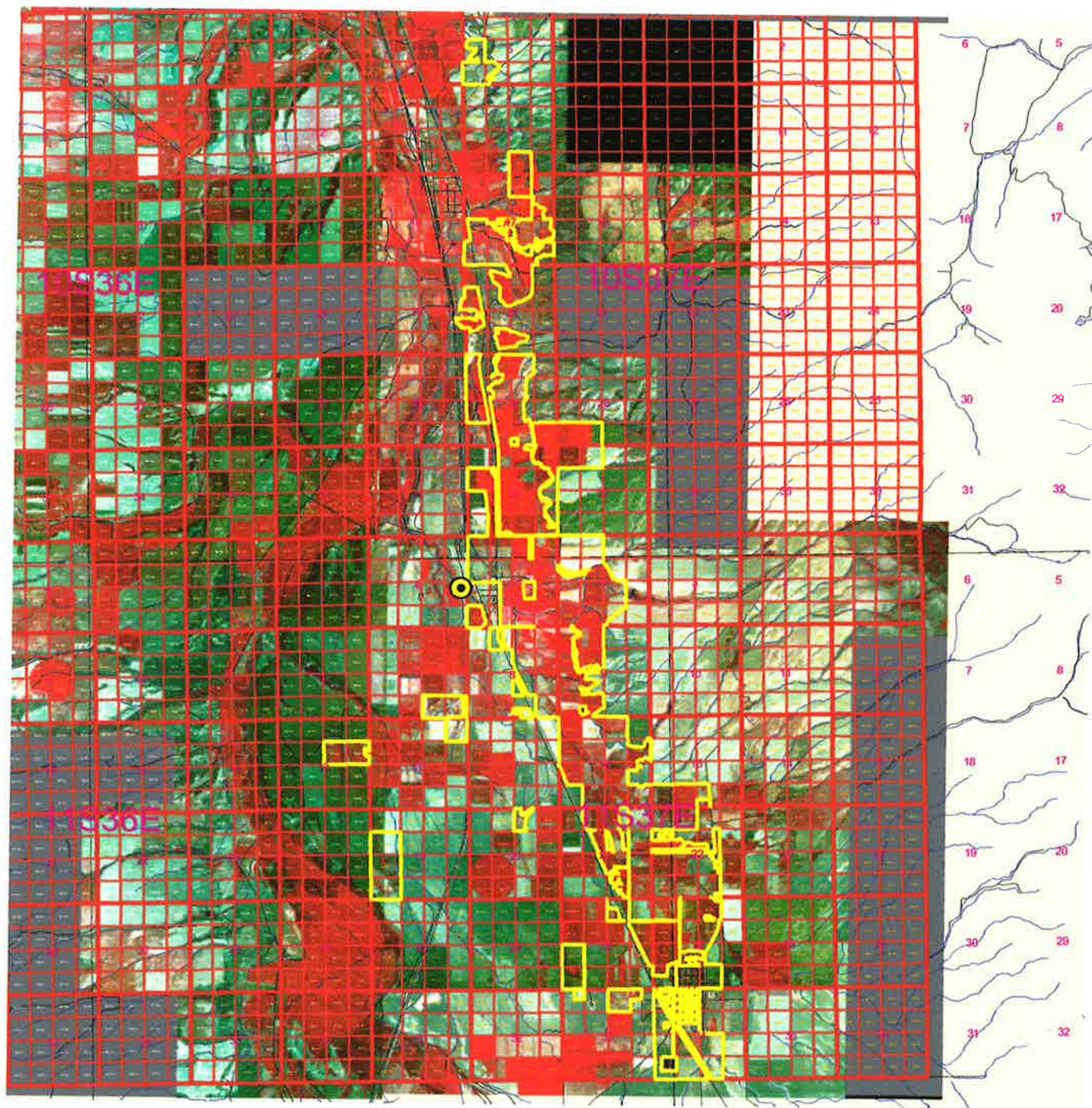
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



Legend

 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

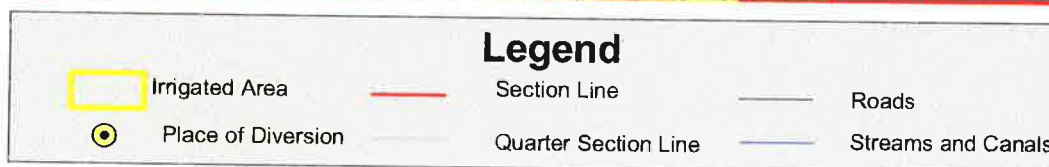
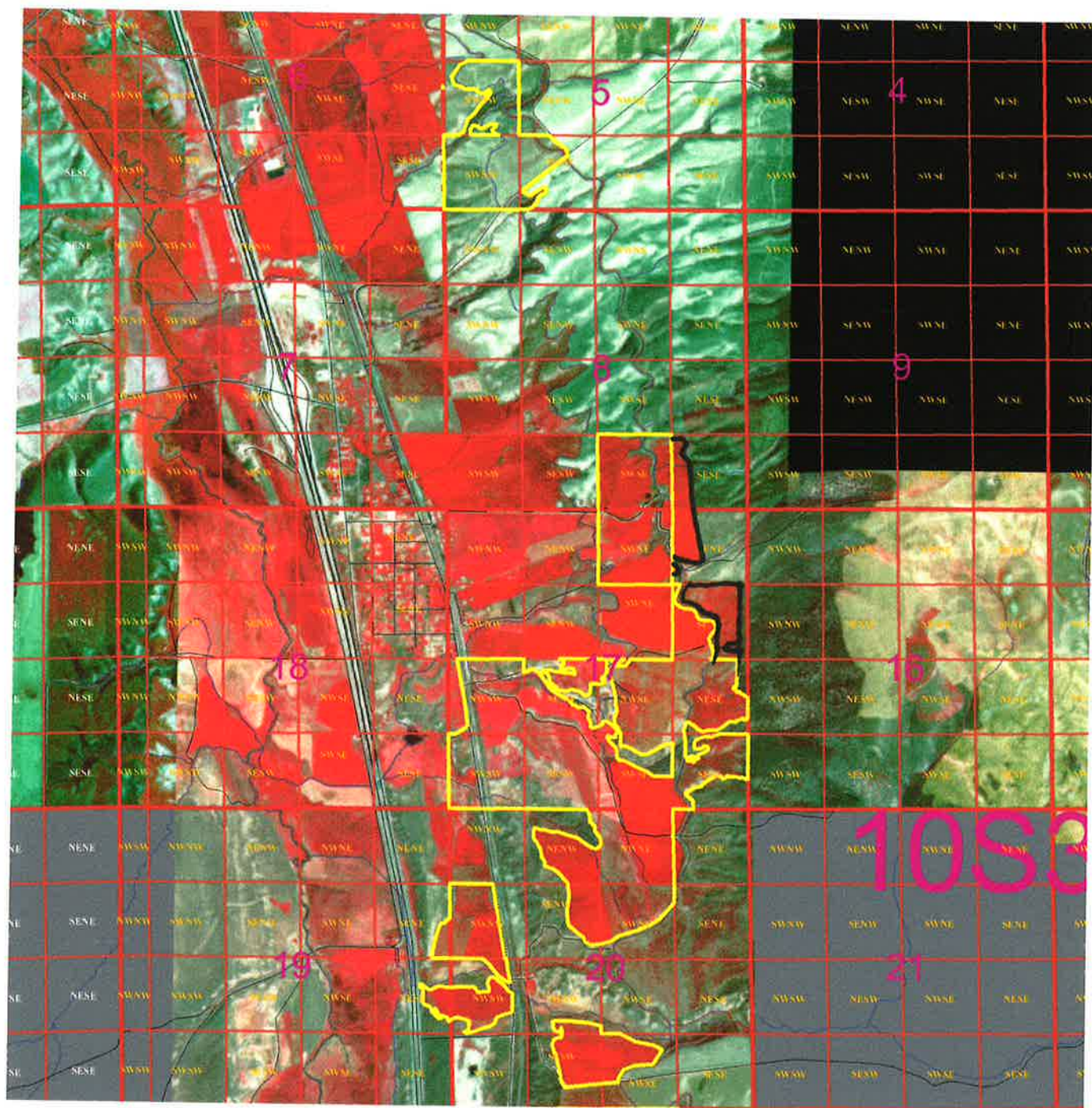
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



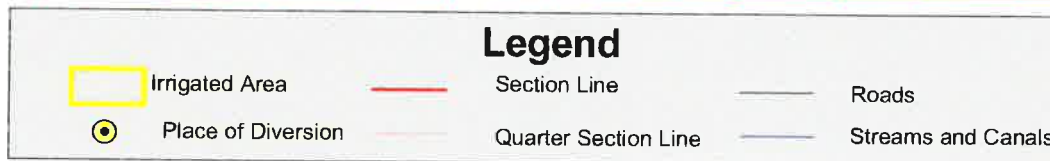
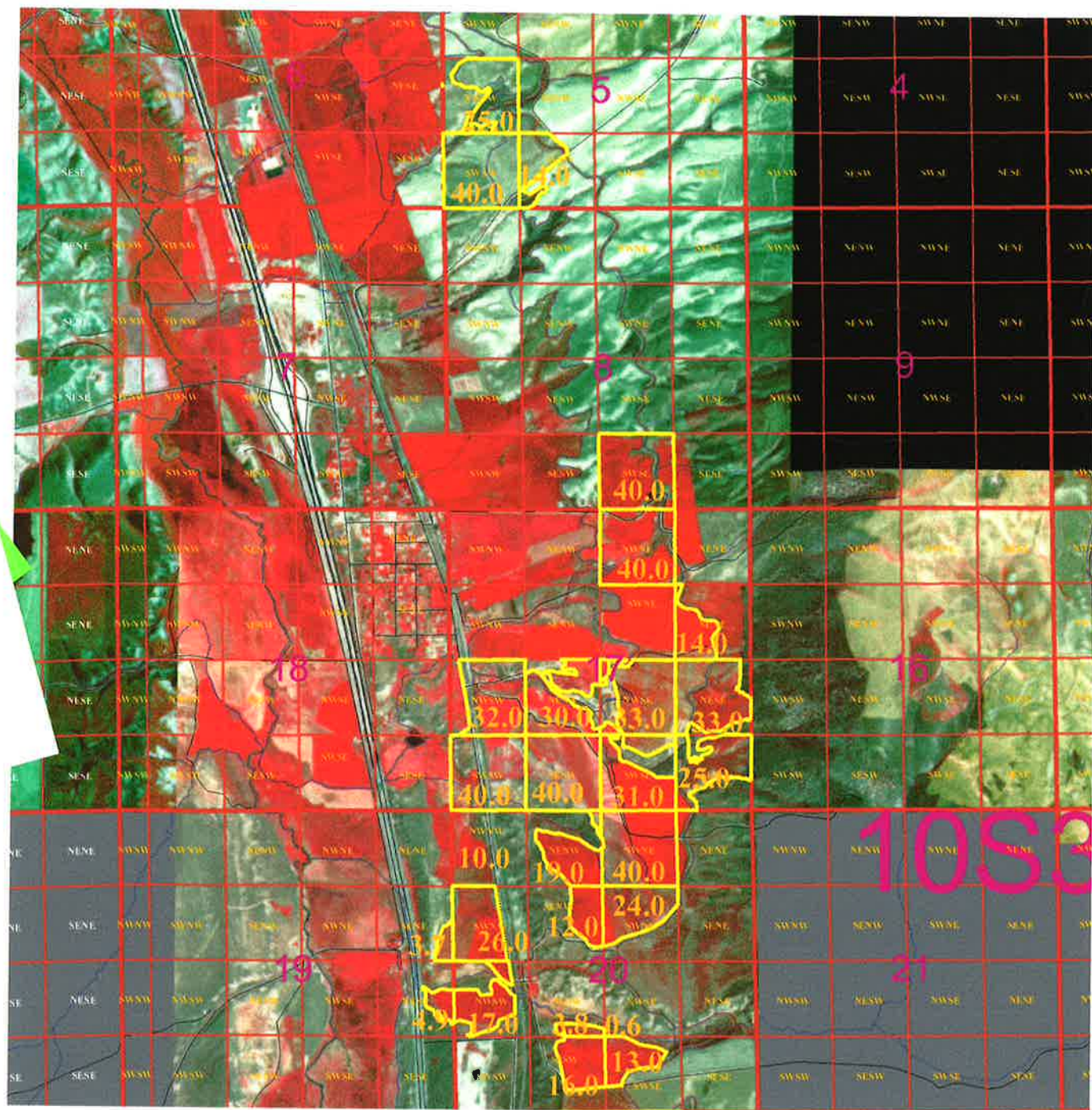
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



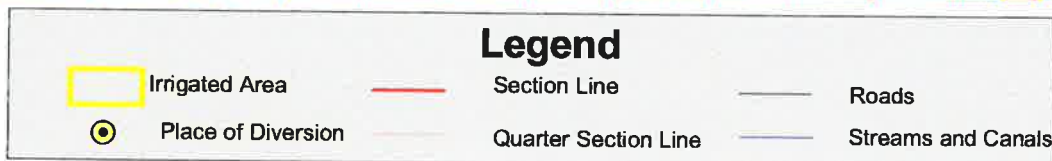
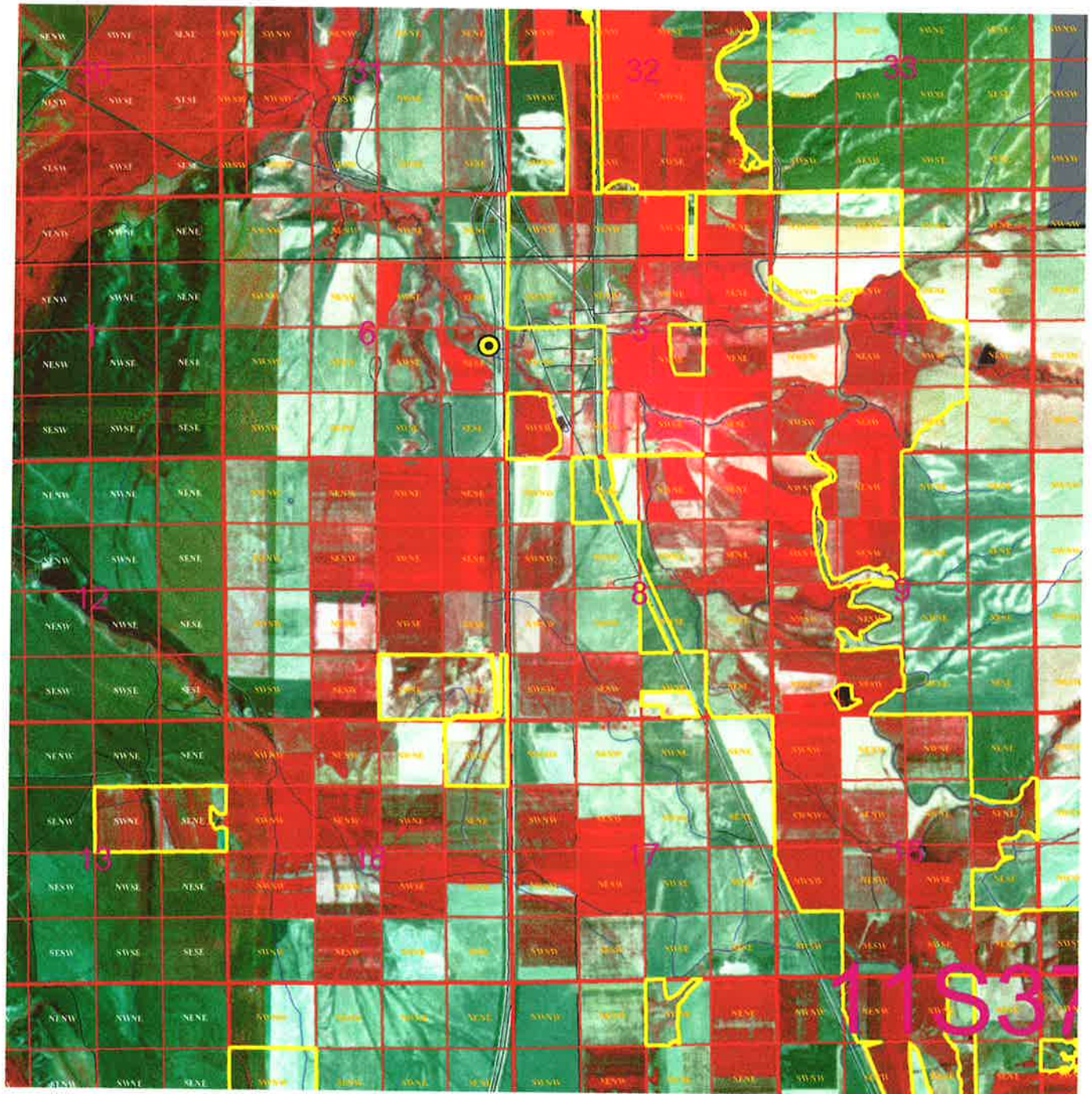
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



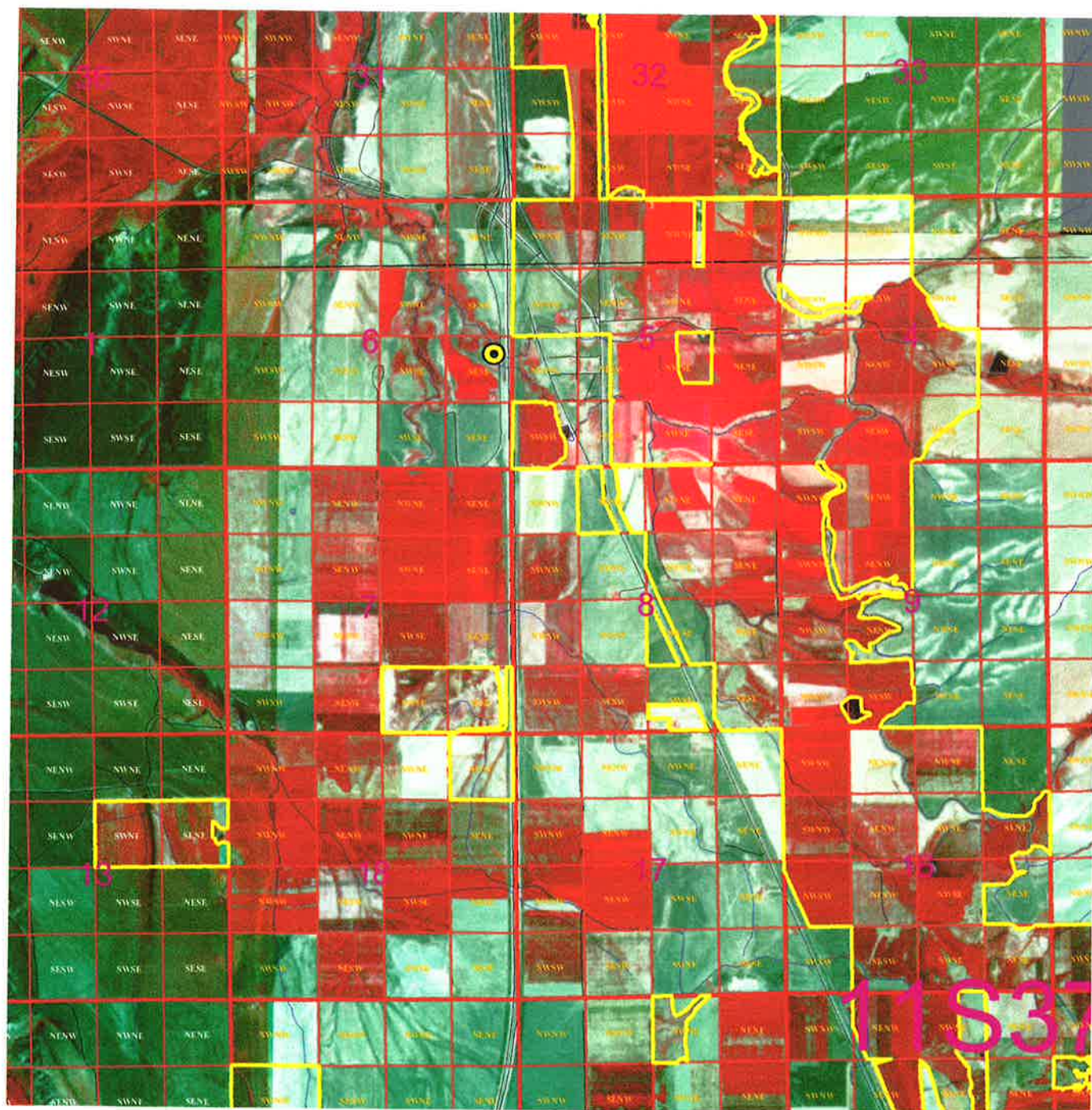
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



Legend

 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals

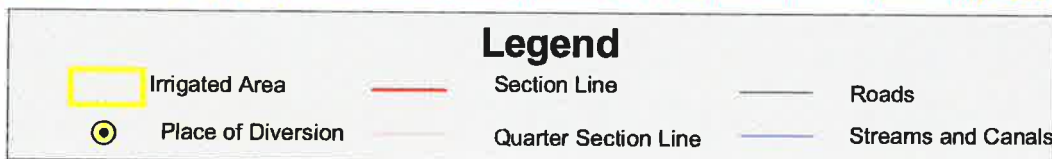
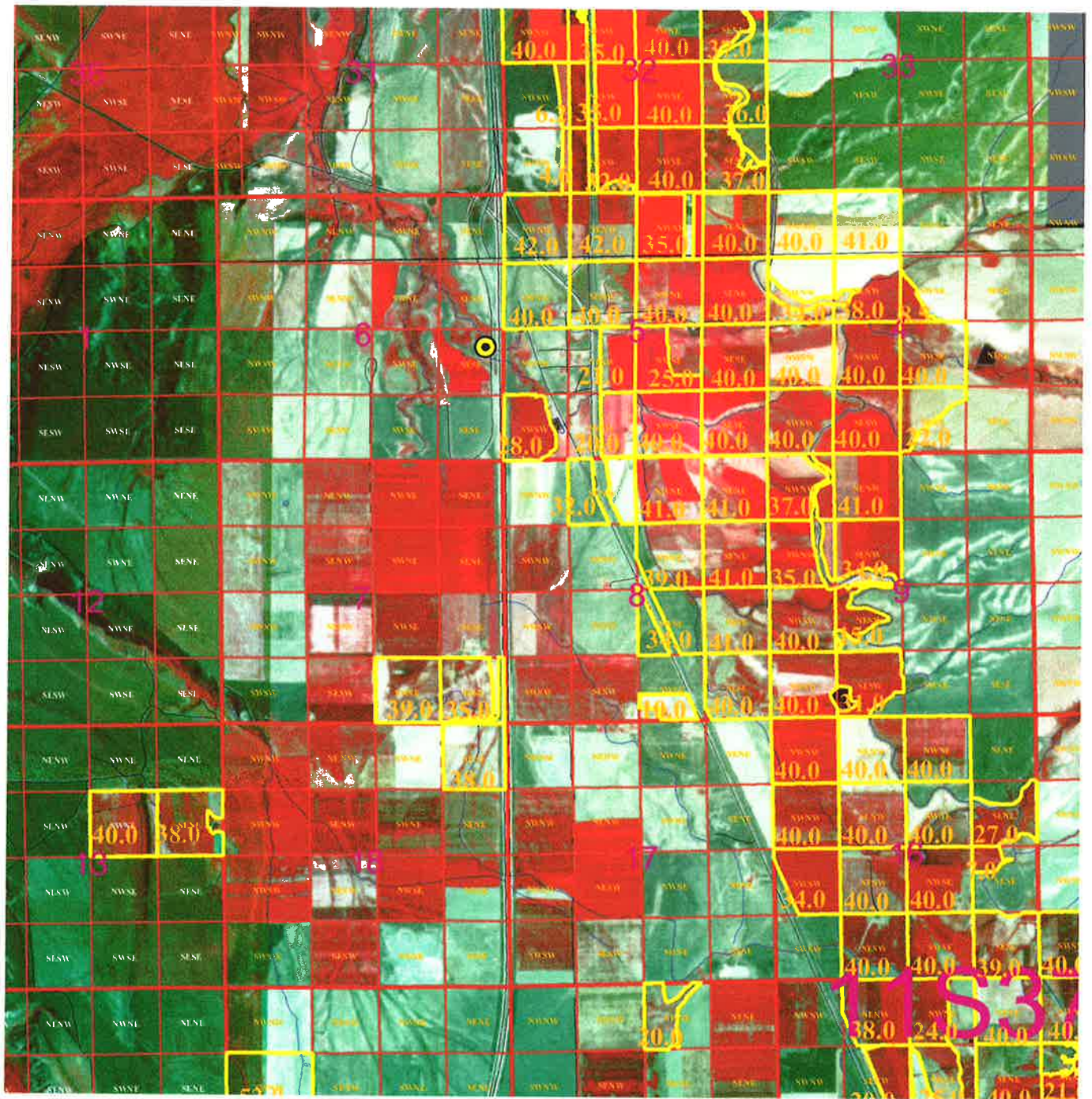
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



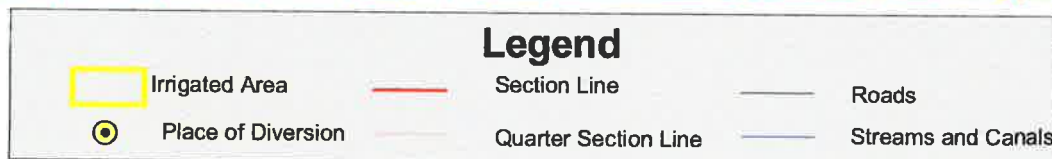
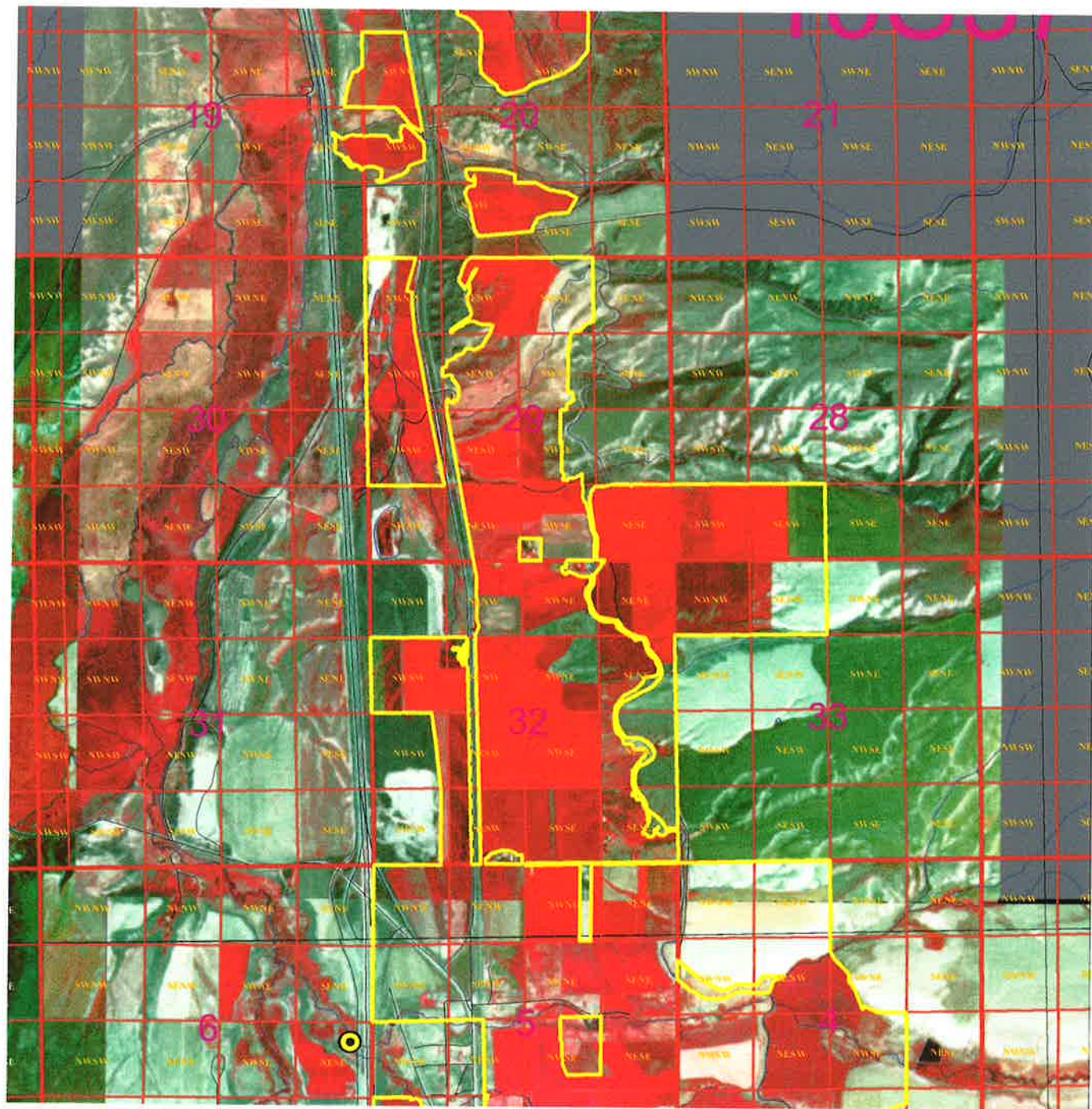
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Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



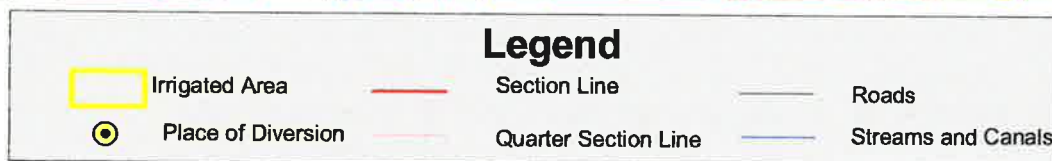
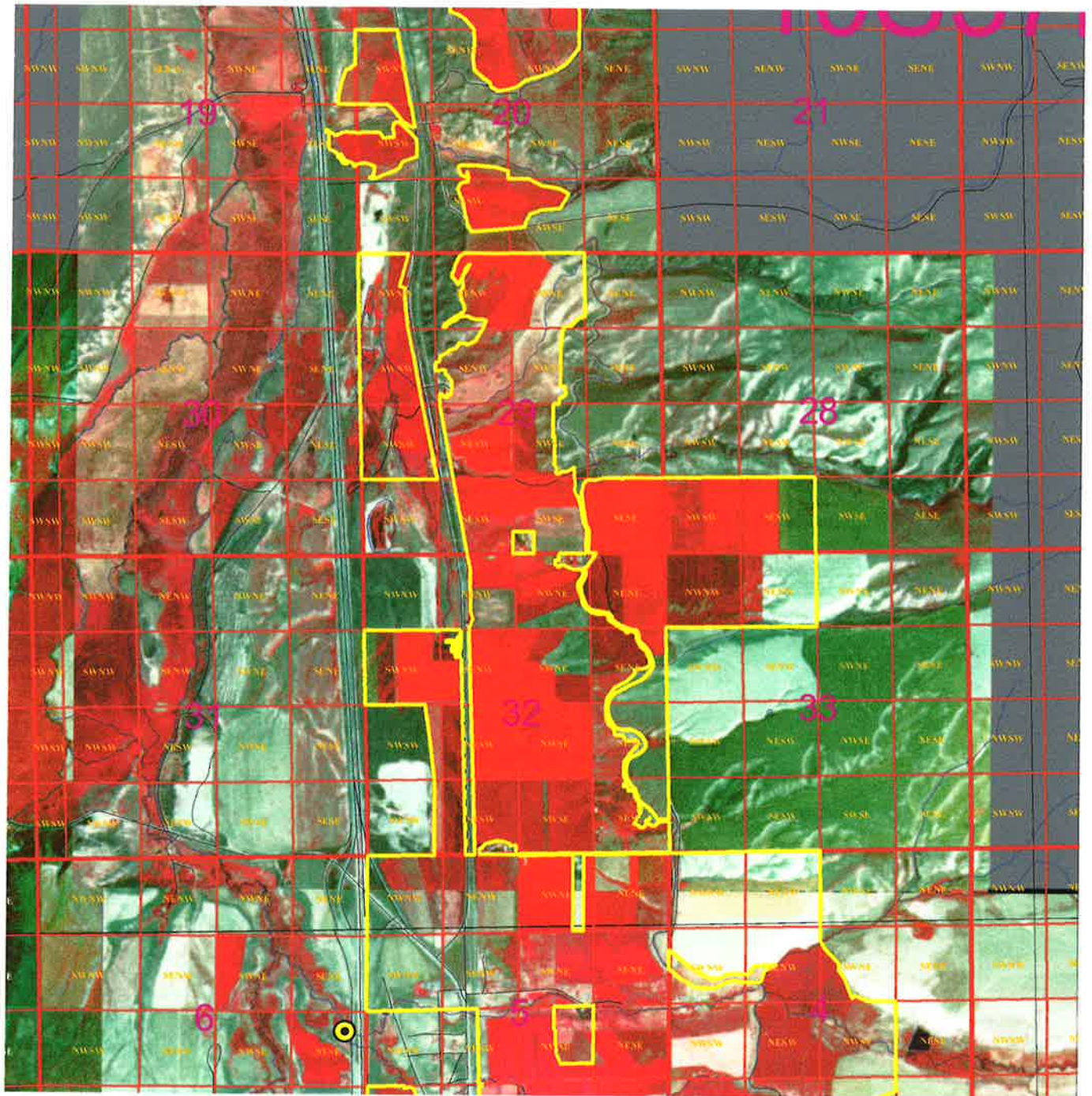
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



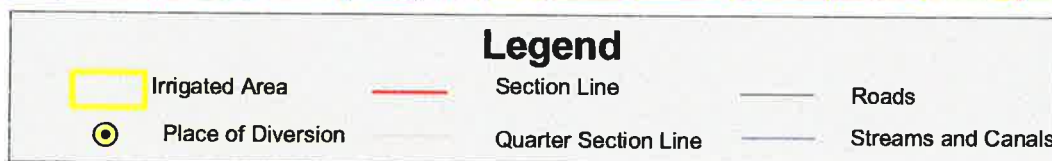
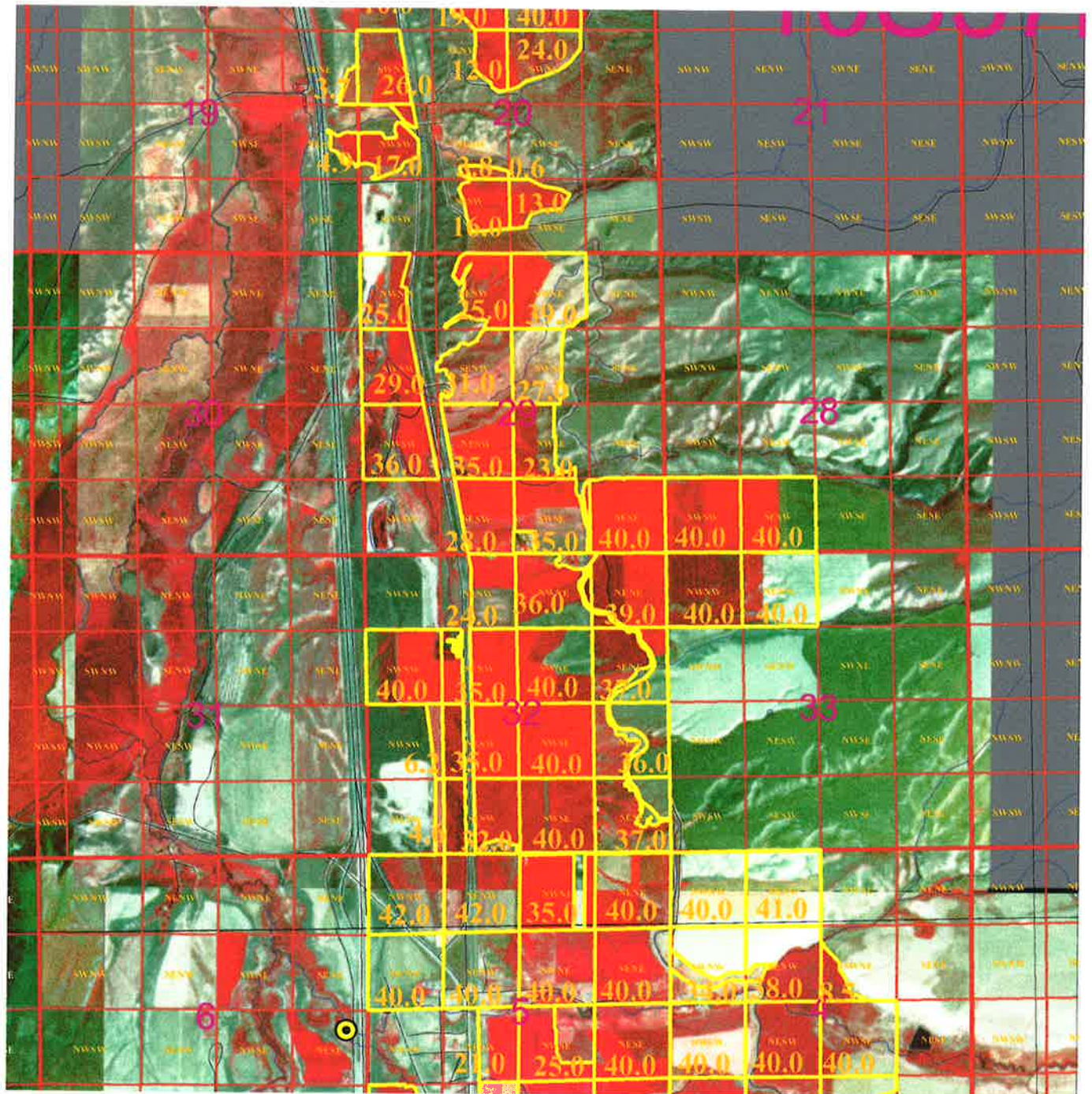
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



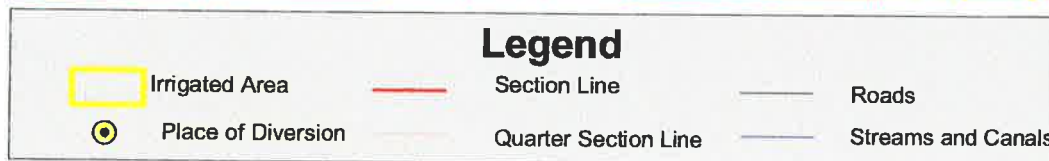
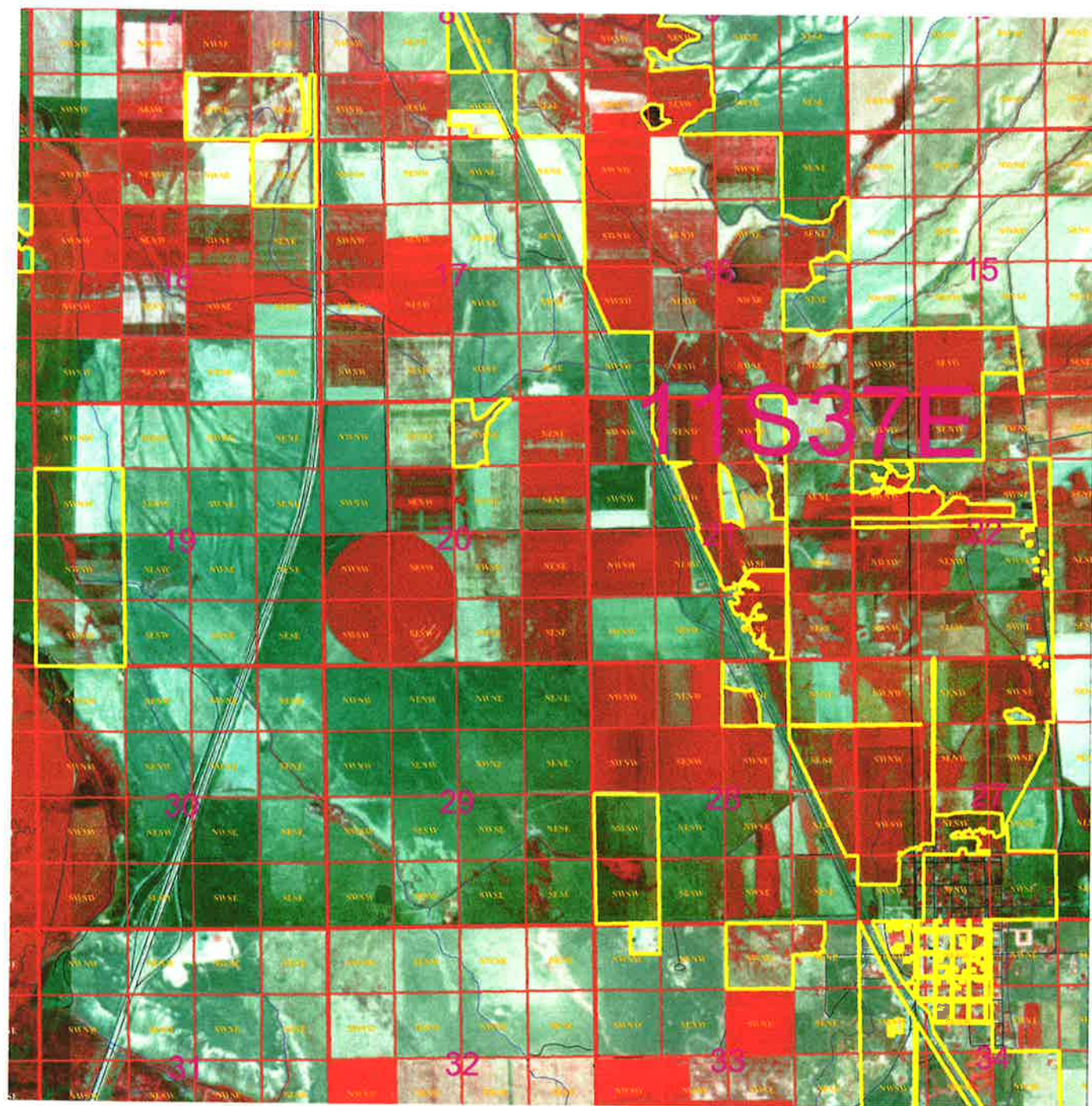
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



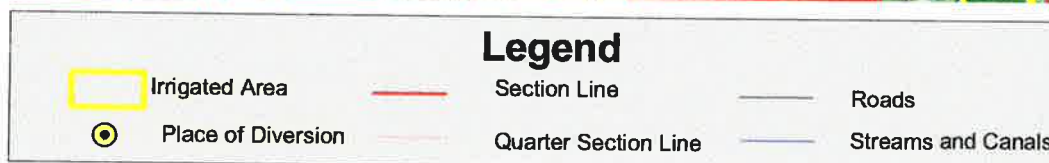
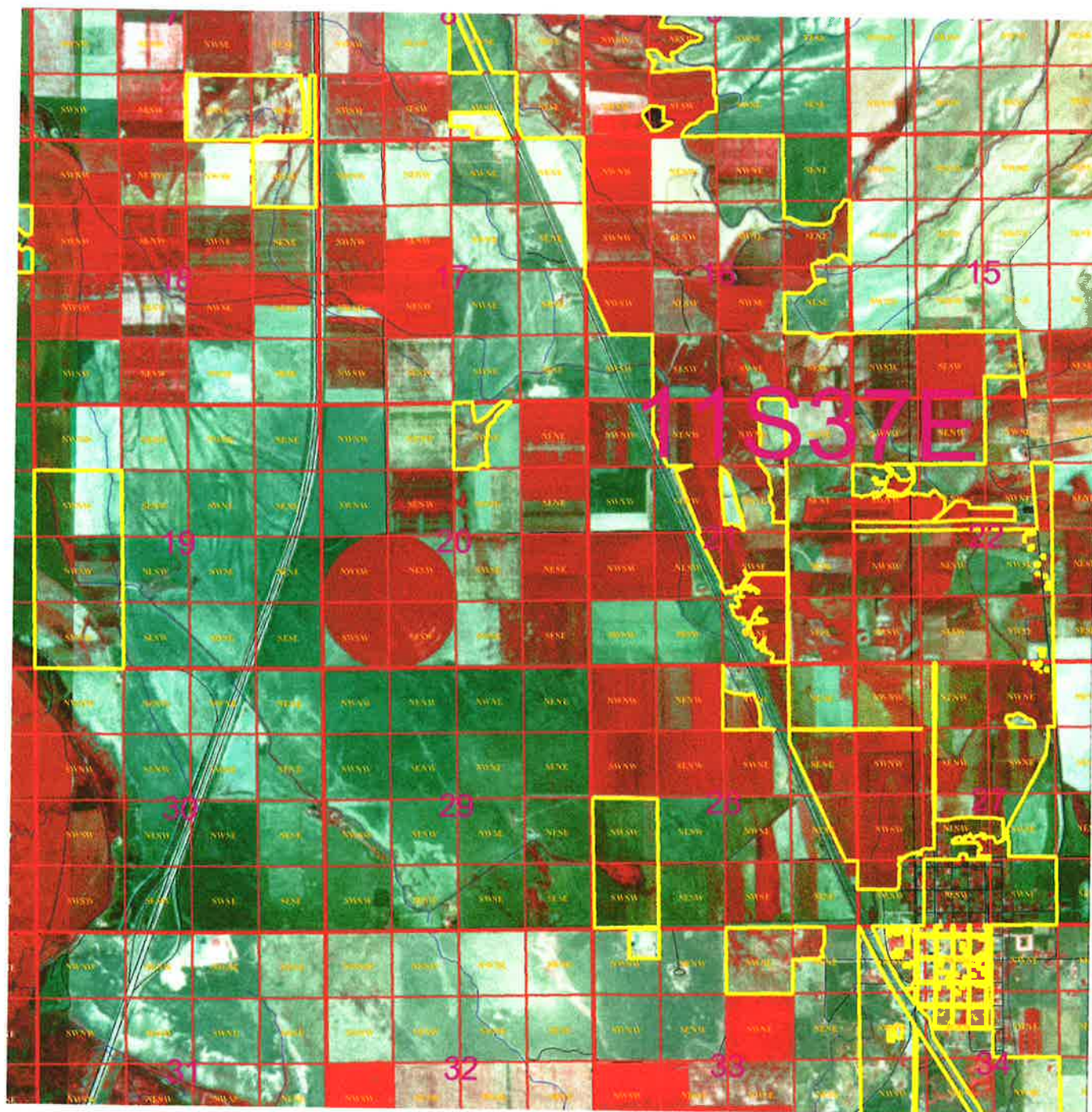
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



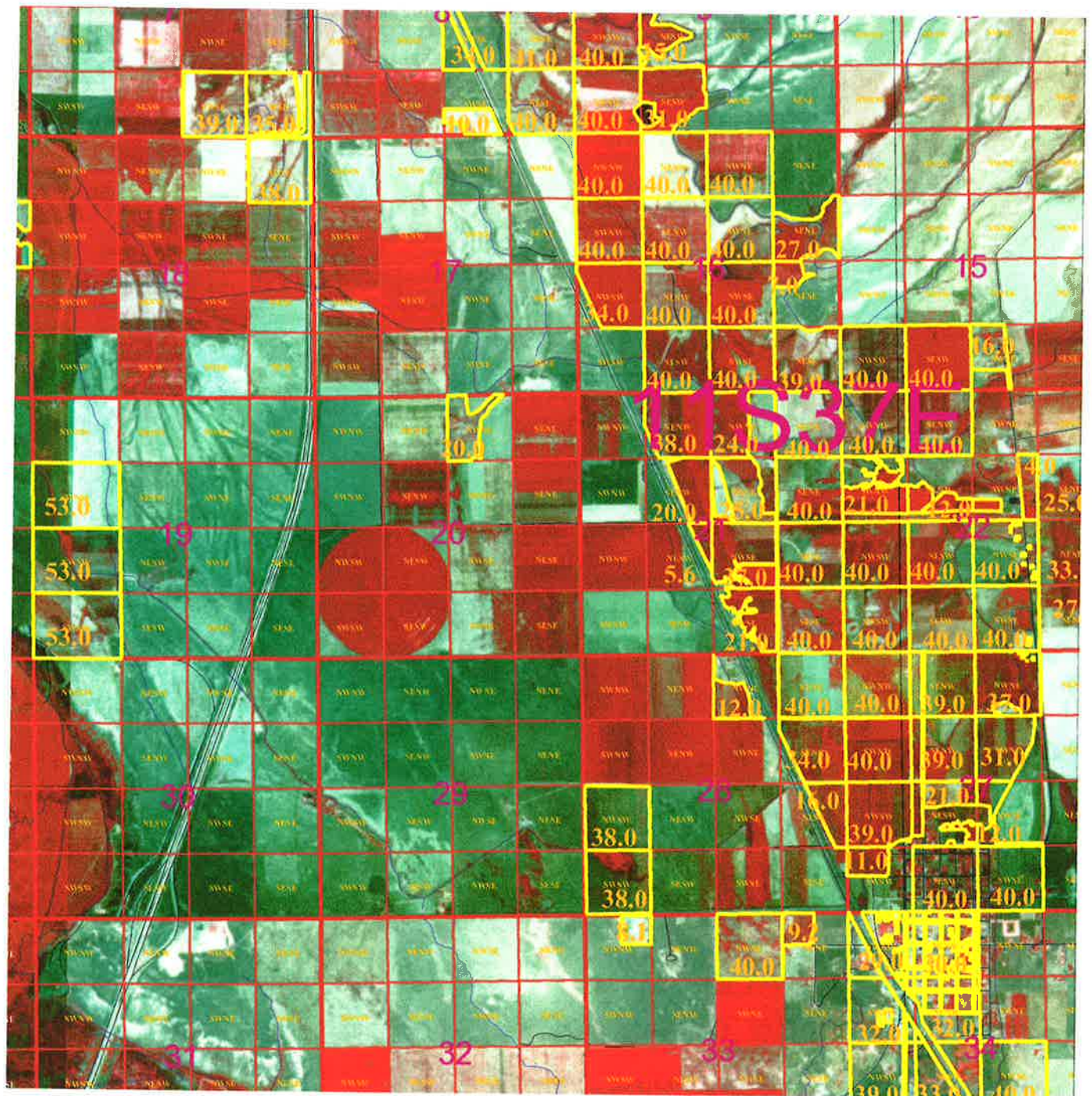
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



Legend

 Irrigated Area

 Place of Diversion

 Section Line

 Quarter Section Line

 Roads

 Streams and Canals



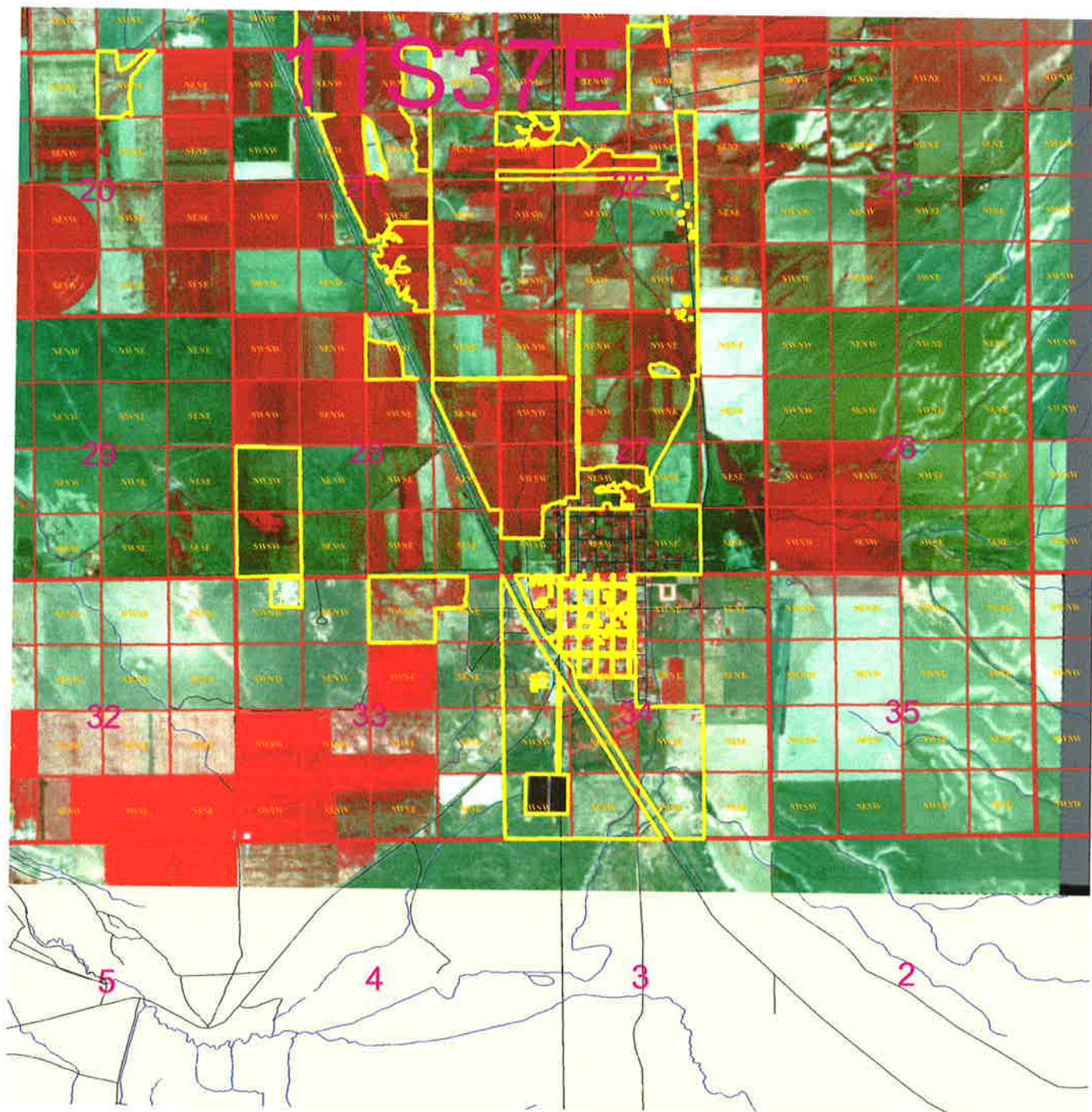
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



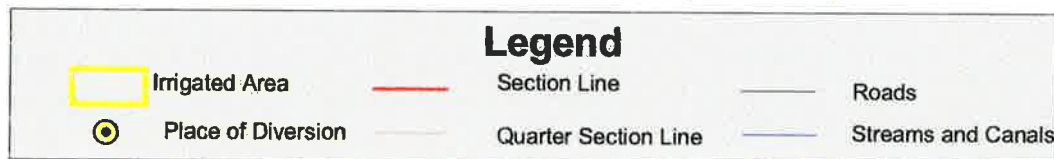
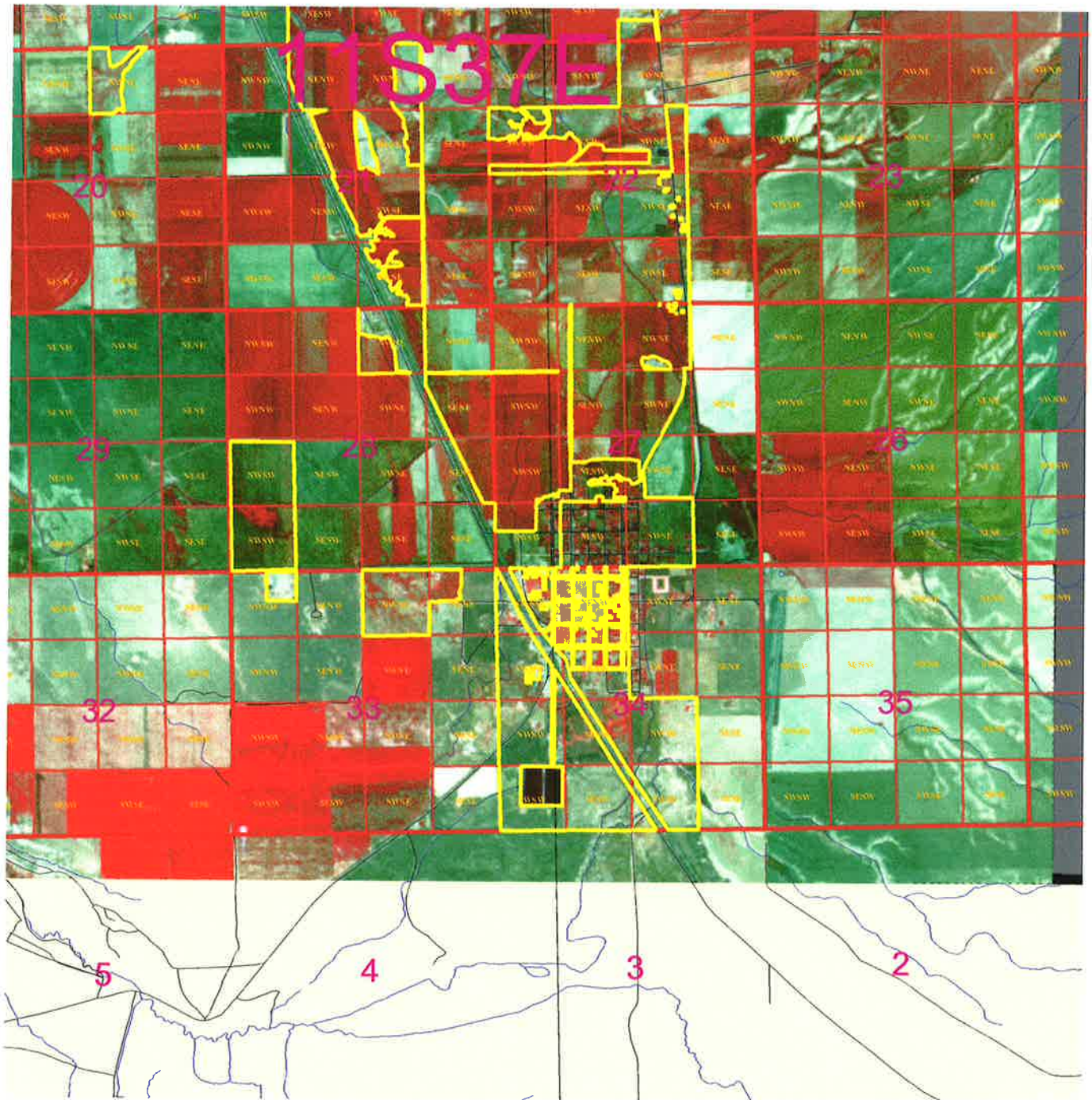
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



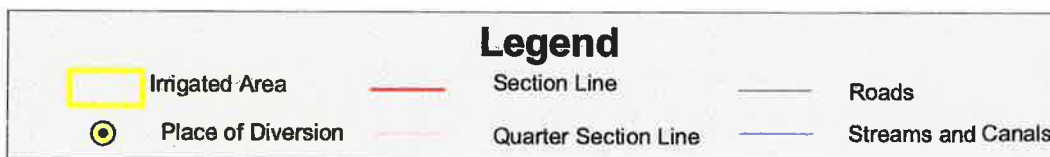
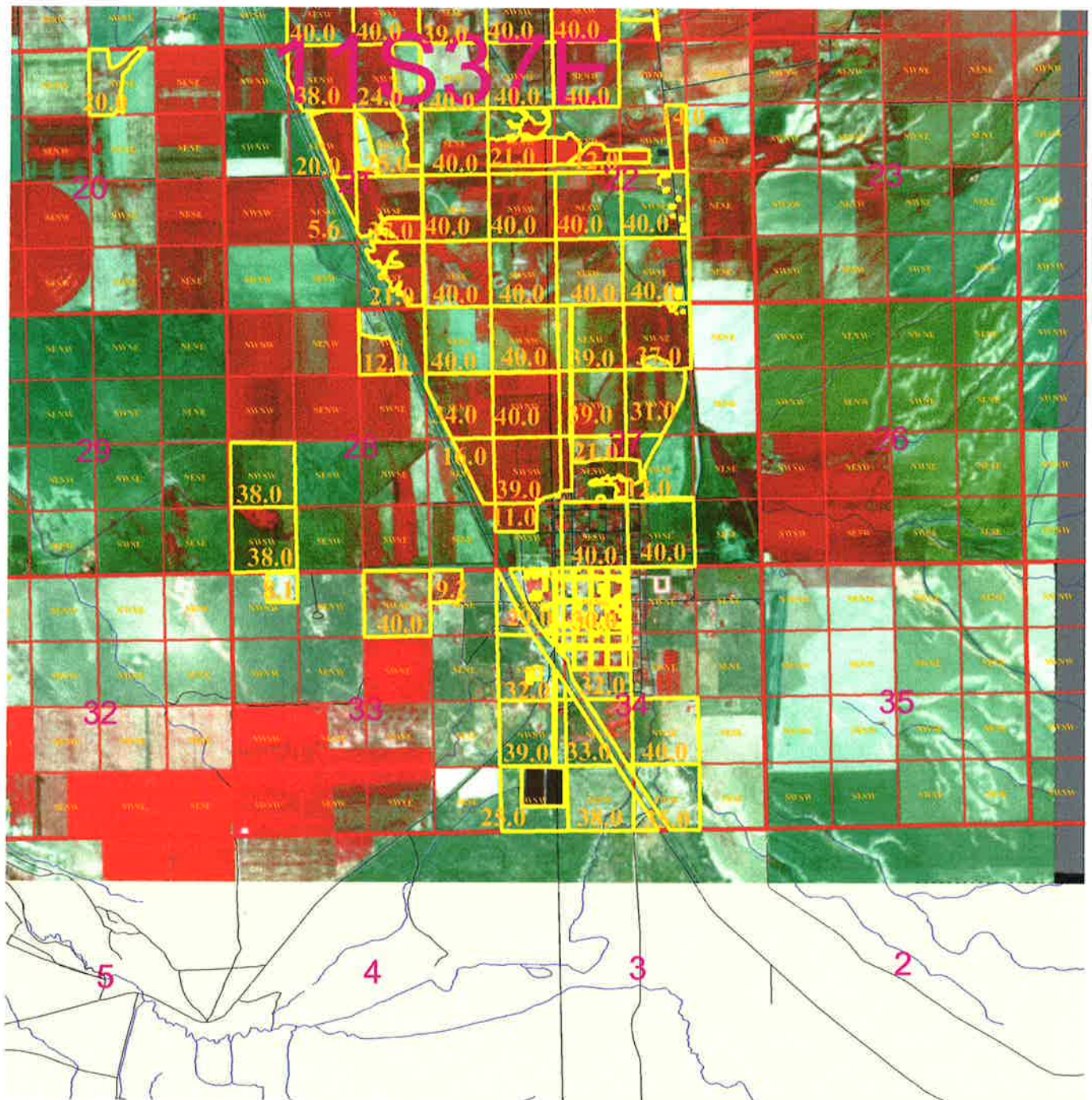
2000 0 2000 4000 Feet



Water Right Claim Number A29-00052

08/02/2000

Townships , 10S37E, 11S37E, 11S36E, 12S37E



2000 0 2000 4000 Feet



07/18/2003

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS: PORTNEUF MARSH VALLEY CANAL CO LTD
C/O ELLIS GILBERT
2777 E HAWKINS RD
DOWNEY ID 83234

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 176.850 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE: 12/18/1907

POINT OF
DIVERSION: T09S R37E S22 NWNESW 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	176.850 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 Marsh Valley Canal Co. LTD.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318, 29-13319.

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC. 22 NWNESEW (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL COMPANY'S CANAL THROUGH SAID COMPANY'S DRAINAGE CANAL AND THE PORTNEUF RIVER CHANNEL.

THIS RIGHT IS SUBJECT TO REGULATION BY THE WATERMASTER OF WATER DISTRICT #29.

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 PORTNEUF MARSH VALLEY CANAL.

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

RIGHT NUMBER: 29-52

NAME AND ADDRESS:

PORTNEUF MARSH VALLEY CANAL CO
LTD
C/O ELLIS GILBERT
2777 E HAWKINS RD
DOWNEY ID 83234

SOURCE:

Source:
PORTNEUF RIVER

Tributary:

SNAKE RIVER

QUANTITY:

176.850 CFS 0.000 AFY

USE OF THIS RIGHT WITH RIGHT NO. 29-13318 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 176.85 CFS.

PRIORITY DATE:

12/18/1907

POINT OF DIVERSION:

T09S R37E S22 SWSNW Lot 3 Within BANNOCK County
~~T09S R37E S22 NWNESW Lot 3~~ Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

Purpose of use	Period of use:	Quantity:
IRRIGATION	04/15 09/15	176.850 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:

5103.2 ACRES TOTAL

Place of use is within the area served by the Portneuf Marsh Valley Canal Co. LTD.
The boundary encompassing the place of use for this water right is described with a
digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C.
Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein
by reference and are stored on a CD-ROM disk issued in duplicate originals on file with
the SRBA District Court and the Idaho Department of Water Resources. A map depicting
the place of use is attached hereto to illustrate the place of use described by the digital
boundary.

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 5103.2 ACRES IN A SINGLE IRRIGATION
SEASON. COMBINED RIGHT NOS.: 29-52, 29-53, 29-589, 29-4060, 29-13318,
29-13319

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

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

THIS STORAGE WATER RIGHT IS TO BE DELIVERED WITHOUT
CONVEYANCE LOSS FROM THE RESERVOIR TO THE POINT OF
DIVERSION LOCATED ON THE PORTNEUF RIVER AT T9S R37E SEC. 22
NWNE SW (LOT 3) FOR THE PORTNEUF-MARSH VALLEY CANAL
COMPANYS CANAL THROUGH SAID COMPANYS DRAINAGE CANAL
AND THE PORTNEUF RIVER CHANNEL.

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.

~~THIS RIGHT IS SUBJECT TO REGULATION BY THE
WATERMASTER OF WATER DISTRICT #29.~~

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 PORTNEUF MARSH VALLEY CANAL.~~

29-52
29-53
29-589
29-4060
29-13318
29-13319

Portneuf Marsh Valley
Canal Co

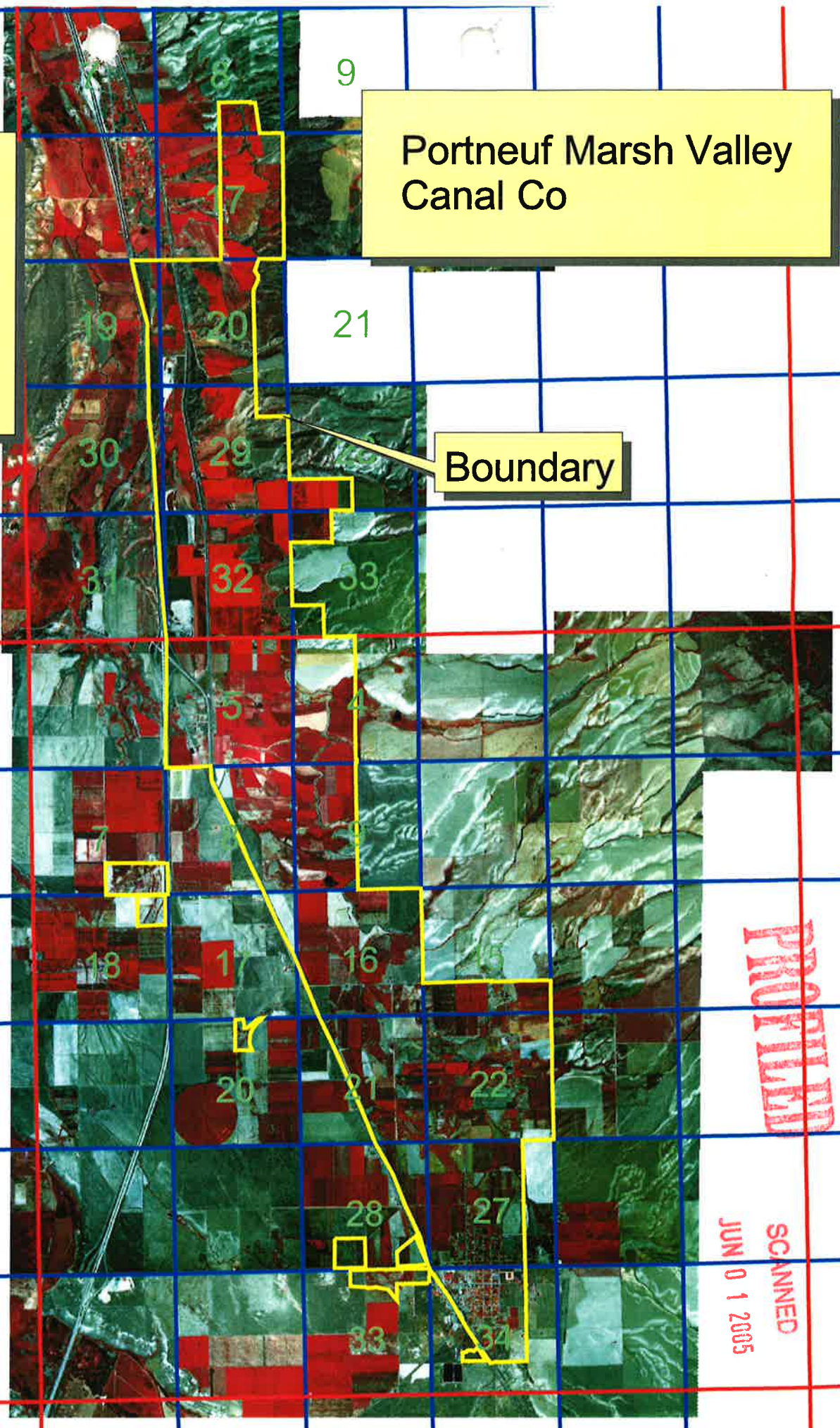
Boundary

T10S R37E

T11S R37E

PROTECTED

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JUN 01 2005



Portneuf Marsh Valley Canal Co LTD

- Boundary
- Township/Range
- Sections



0 0.5 1 1.5 2 Miles

Prepared by: Ernie Carlsen June 2004

10S37E

11S37E

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11/12/03

To: Todd Sanderson

FAX: 522-8223

From: A Ruberry

This is the best search results I'm able to find

Let me know if there is something more



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<u>Basin</u>	<u>Seque</u>	<u>Basis</u>	<u>Priority Da</u>	<u>Rate(cf</u>	<u>Volum</u>	<u>Source</u>	<u>Water Use(s)</u>	<u>Owner(s)</u>	<u>Source Table</u>
29	4060	Beneficial l	8/7/1932		7285	PORTNEUF RIVEF IRRIGATION FROM ST	PORTNEUF MARSH VALLEY	wrAdjudicationRecom	
29	4364	Beneficial l	8/7/1932	0.26		WEST CREEK IRRIGATION, STOCKW	PERKINS, I GLENN (Current);	wrAdjudicationRecom	
29	4467	Beneficial l	8/7/1932	20.5		PORTNEUF RIVEF IRRIGATION, STOCKW	LAVA IRRIGATION CO INC (C	wrAdjudicationRecom	
29	10816	Beneficial l	8/7/1932	2.26		PORTNEUF RIVEF IRRIGATION, STOCKW	LAVA IRRIGATION CO INC (C	wrAdjudicationRecom	
29	11277	Beneficial l	8/7/1932	55		PORTNEUF RIVEF IRRIGATION, STOCKW	PORTNEUF IRRIGATION CO	wrAdjudicationRecom	
29	11681	Beneficial l	8/7/1932	6.55		EAST BOB SMITH IRRIGATION	ANDRUS, COLLEEN L (Curre	wrAdjudicationRecom	
29	11773	Beneficial l	8/7/1932	32		PORTNEUF RIVEF IRRIGATION	DEMPSEY IRRIGATING CO (C	wrAdjudicationRecom	
29	11774	Beneficial l	8/7/1932	6		FISH CREEK IRRIGATION	FISH CREEK IRRIGATING CO	wrAdjudicationRecom	
29	11775	Beneficial l	8/7/1932	1.61		WEST BOB SMITH IRRIGATION, STOCKW	CARROLL AND IONE WILLMC	wrAdjudicationRecom	
29	13213	Beneficial l	8/7/1932	0.05		PORTNEUF RIVEF IRRIGATION	KEVAN, BARBARA W (Current	wrAdjudicationRecom	
29	13272	Beneficial l	8/7/1932	0.16		SPRING IRRIGATION, STOCKW	ESTATE OF WALTER J AND f	wrAdjudicationRecom	
29	13279	Beneficial l	8/7/1932	0.3		PORTNEUF RIVEF IRRIGATION	SYMONS, CANDICE (Current);	wrAdjudicationRecom	
29	13289	Beneficial l	8/7/1932	0.06		DEMPSEY CREEK IRRIGATION, STOCKW	LOSEE, DAVID LEE (Current)	wrAdjudicationRecom	
29	13295	Beneficial l	8/7/1932	0.02		PORTNEUF RIVEF STOCKWATER	CHRISTIENSEN, ELLIS M (Cu	wrAdjudicationRecom	
29	13299	Beneficial l	8/7/1932	0.1		WEST BOB SMITH IRRIGATION, STOCKW	STEWART, LYNN W (Current)	wrAdjudicationRecom	
29	13310	Beneficial l	8/7/1932	1.2		DEMPSEY CREEK IRRIGATION	FAGNANT & OLSON RANCH I	wrAdjudicationRecom	
29	13311	Beneficial l	8/7/1932	50		PORTNEUF RIVEF IRRIGATION, STOCKW	MC CAMMON DITCH CO LTD	wrAdjudicationRecom	
29	13317	Beneficial l	8/7/1932	18.95		PORTNEUF RIVEF IRRIGATION	MC CAMMON DITCH CO LTD	wrAdjudicationRecom	
29	13318	Beneficial l	8/7/1932	176.85		PORTNEUF RIVEF IRRIGATION	PORTNEUF MARSH VALLEY	wrAdjudicationRecom	
29	13319	Beneficial l	8/7/1932		16410	PORTNEUF RIVEF IRRIGATION FROM ST	PORTNEUF MARSH VALLEY	wrAdjudicationRecom	
29	13320	Beneficial l	8/8/1932	3.84		PORTNEUF RIVEF IRRIGATION	PHILLIPS, CARL L (Current);	F wrAdjudicationRecom	
29	13321	Beneficial l	8/8/1932	3.43		PORTNEUF RIVEF IRRIGATION, STOCKW	PHILLIPS, CARL L (Current);	F wrAdjudicationRecom	
29	13334	Beneficial l	8/7/1932	2.94		EAST CREEK IRRIGATION	TILLOTSON, RONNIE D (Cur	wrAdjudicationRecom	
29	13363	Beneficial l	8/7/1932	2.88		PORTNEUF RIVEF IRRIGATION	INDIAN FALLS PROPERTY AS	wrAdjudicationRecom	
29	13407	Beneficial l	8/7/1932	1.2		DEMPSEY CREEK IRRIGATION, STOCKW	CASPERSON, BRETT (Curre	wrAdjudicationRecom	
29	13439	Beneficial l	8/7/1932	0.04		PORTNEUF RIVEF STOCKWATER	CRANDALL FARMS INC (Cur	wrAdjudicationRecom	
29	13440	Beneficial l	8/7/1932	0.02		TOPONCE CREEK STOCKWATER	CRANDALL FARMS INC (Cur	wrAdjudicationRecom	
29	13441	Beneficial l	8/7/1932	0.04		TWENTYFOUR MI STOCKWATER	CRANDALL FARMS INC (Cur	wrAdjudicationRecom	
29	13521	Beneficial l	8/7/1932	0.1		WEST BOB SMITH IRRIGATION, STOCKW	RUSH, EVELEE HILL (Current)	wrAdjudicationRecom	
29	13535	Beneficial l	8/7/1932	0.06		WEST BOB SMITH IRRIGATION, STOCKW	HALL, AMBER (Current);	HALL wrAdjudicationRecom	
29	13536	Beneficial l	8/7/1932	0.06		WEST BOB SMITH IRRIGATION, STOCKW	GUNTER, NATALIE (Current);	wrAdjudicationRecom	
29	13580	Beneficial l	8/7/1932	2.67		WEST BOB SMITH IRRIGATION, STOCKW	HALL, MAX W (Current)	wrAdjudicationRecom	
29	13581	Beneficial l	8/7/1932	0.1		WEST BOB SMITH IRRIGATION, STOCKW	HARRIS, JEFFERY F (Current)	wrAdjudicationRecom	
29	13582	Beneficial l	8/7/1932	0.1		WEST BOB SMITH IRRIGATION, STOCKW	HARRIS, JEFFERY F (Current)	wrAdjudicationRecom	
29	13583	Beneficial l	8/7/1932	0.11		WEST BOB SMITH IRRIGATION, STOCKW	HARRIS, JEFFERY F (Current)	wrAdjudicationRecom	
29	13584	Beneficial l	8/7/1932	0.08		WEST BOB SMITH IRRIGATION, STOCKW	NAEF, LANA (Current);	NAEF, wrAdjudicationRecom	

PROMPT

JUN 01 2005

29 13586 Beneficial l 8/7/1932

0.1

WEST BOB SMITH-IRRIGATION, STOCKW HULL, ROBIN (Current)

wrAdjudicationRecom

PROVED

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JUN 01 2005

OBJECTION ISSUES: 29-00053

#143 SOL - Pring Storage 9/16 - 4/14

Recommended AS:

Deversion to Storage 9/16 - 4/14

Pring Storage 1/1 - 12/31

Pring from Stor 4/15 - 9/15

Appears Atty is padding the Books - This claim
DOES WHATS OBJECTED TO!

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JUN 01 2005



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

July 25, 2003

PORTNEUF MARSH VALLEY CANAL CO
C/O ELLIS GILBERT
2777 E HAWKINS RD
DOWNEY ID 83234

RE: Notice of Change of Address for 29-52, 29-53, 29-589, 29-4060,
29-13318, 29-13319
Notice of Completed Administrative Proceeding (NCAP)

Dear Mr. Gilbert:

On July 15, 2003, 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,

Jennifer Crabtree
Technical Records Specialist

Enclosure

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JUN 01 2005

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: 29-52, 29-53, 29-589,
29-4060, 29-13318, 29-13319

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: July 28, 2003.

Ernest Calver

Signature of IDWR Representative

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JUN 01 2005

CERTIFICATE OF MAILING

I certify that on July 25, 2003, 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 MARSH VALLEY CANAL CO LTD
C/O ELLIS GILBERT
2777 E HAWKINS RD
DOWNEY ID 83234

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
N/A

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

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JUN 01 2005

06/27/2003

**NOTICE OF ERROR
REPLY**

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:

Water right number: 29-52

PORTNEUF MARSH VALLEY CANAL CO LTD
C/O DERYL PARRIS
18746 S WASHINGTON AVE
DOWNEY ID 83234
Telephone Number: (208) 897-5928

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:

7/14/2003

SIGNATURE:

Ellis Gilbert

Please print your name:

Ellis Gilbert

IDWR Regional Office,

RECEIVED

JUL 15 2003

Department of Water Resources
Eastern Region

SCANNED
JUN 01 2005

PROFILED

LAW OFFICES OF

**RACINE, OLSON, NYE, BUDGE &
BAILEY
CHARTERED**

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 L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

CENTER PLAZA-CORNER FIRST & CENTER
POST OFFICE BOX 1391
POCATELLO, IDAHO 83204-1391

TELEPHONE (208) 232-6101
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

June 26, 2003

*Done 6/27/03
rcb*

Idaho Department of Water Resources
Eastern Division
Attn: Alan Ruberry
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402

Re: *Portneuf-Marsh Valley Canal Company (PMVCC)*

Dear Alan:

To confirm our telephone conversation, the recently revised Service Area Boundary map of the Portneuf-Marsh Valley Canal Company System has been reviewed and approved by the Board as accurately reflecting the boundary and place of use of the canal company's water rights. Please revise and update the Water Right Recommendations accordingly and send them to me and President Ellis Gilbert for final review and approval.

Thanks for your cooperation and assistance.

Sincerely,

Randy Budge
RANDALL C. BUDGE

RCB:rr

cc: Ellis Gilbert, President
Portneuf-Marsh Valley Canal Company

RECEIVED

JUN 27 2003

Department of Water Resources
Eastern Region

PROFILED

SCANNED

JUN 01 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records
(Please print or type)

Name(s): Portneuf- MARSH VALLEY CANAL COMPANY
% Ellis Gilbert

[] Old Mailing Address: _____

[] New Mailing Address: 2777 E HAWKINS Rd
Downey Idaho
83234

Telephone Number: (208) 897 - 5917
208 681 - 5917

[] Signature(s) Ellis Gilbert
(must be signed by all
individuals listed unless
you have authority to sign
on their behalf) Chairman of Board
(include your title if on behalf of company or organization)

Date: 7/14/2003

RECEIVED

When complete, please mail or FAX this form to the IDWR office nearest you: JUL 15 2003

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348
Department of Water Resources
Eastern Region

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

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JUN 01 2005

Idaho Department of Water Resources Receipt

Receipt ID E028844

Payment Amount Date Received Region Status
 Payment Type Check Number

Payer

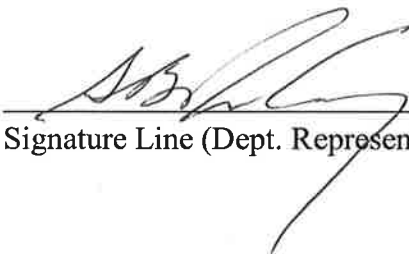
Comment

36⁰⁰ Acres

*29-52
53
589
4060
13318
13319*

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$36.00	ADJUDICATION FILING FEE	0337	43503	1155	


Signature Line (Dept. Representative)

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JUN 01 2005

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department
of a change in address for Department records

(Please print or type)

RE: 29-52
29-53
29-589
29-4060
29-13318
29-13319

[]

MAILED 6/04/03
Main To: → PORTNEUF MARSH VALLEY CANAL CO LTD
% ELLIS GILBERT
2777 EAST HAWKINS ROAD
DOWNNEY ID 83234

[]

Old Mailing Address:

% DERYL PARRIS
18746 S WASHINGTON AVE
DOWNNEY ID 83234

[]

New Mailing Address:

SEE ABOVE - ELLIS GILBERT

Telephone Number:

() -

[]

Signature(s)

(must be signed by all
individuals listed unless
you have authority to sign
on their behalf)

(include your title if on behalf of company or organization)

Date:

When complete, please mail or FAX this form to the IDWR office nearest you:

IDWR Northern Region
1910 Northwest Blvd., Suite 210
Coeur d'Alene, ID 83814-2615
FAX: (208) 769-1454

IDWR Western Region
2735 Airport Way
Boise, ID 83705-5082
FAX: (208) 334-2348

IDWR Eastern Region
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718
FAX: (208) 525-7177

IDWR Southern Region
1341 Fillmore St., Suite 200
Twin Falls, ID 83301-3380
FAX: (208) 736-3037

Att: A. Ruberry

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JUN 01 2005

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
FACSIMILE (208) 232-6109

SENDER'S E-MAIL ADDRESS: rcb@racinelaw.net

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 L. OLSEN
DAVID E. ALEXANDER
LISA M. CHRISTON
RICHARD A. HEARN, M.D.
LANE V. ERICKSON
PATRICK N. GEORGE
SCOTT J. SMITH
LISA A. WOOD, CPA
STEPHEN J. MUHONEN

BOISE OFFICE

CONRAD J. AIKEN
THEODORE C. PETERS
DEBORAH L. LEHOSIT

101 SOUTH CAPITOL
BOULEVARD
U.S. BANK PLAZA, SUITE 202
BOISE, IDAHO 83702
TELEPHONE: (208) 395-0011
FACSIMILE: (208) 433-0167

April 21, 2003

Idaho Department of Water Resources
Eastern Division
Attn: Alan Ruberry
900 N. Skyline Drive, Suite A
Idaho Falls, Idaho 83402



Re: *Portneuf-Marsh Valley Canal Company (PMVCC)*

Dear Mr. Ruberry:

Enclosed please find a Notice of Error Reply we are submitting on behalf of Claimant Portneuf-Marsh Valley Canal Company, Ltd., for each of the following Water Right numbers:

29-52
29-53
29-589
29-4060
29-11318 - 13318
29-11319 - 13319

Each asserts the same error pertaining to the use. After carefully reviewing the IDWR maps provided, PMVCC believes that the 5066.8 acres originally claimed is correct. The lesser 4136 acres recommended by IDWR do not include several different areas of property that have been historically irrigated and are currently irrigated. The correct irrigated acres are being identified on an enlarged IDWR map which PMVCC will have completed and available shortly.

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**SCANNED
JUN 01 2005**

April 21, 2003
Page 2

Additionally, while not identified on the Preliminary Recommendation for these rights, the map provided by IDWR purports to identify in green the boundary of the PMVCC system. This boundary is incorrect and is in the process of being corrected and identified on an enlarged IDWR map, which will be provided.

PMVCC requests an opportunity to meet with IDWR representatives to review the proposed changes and go over the maps being prepared to depict the same.

The IDWR Preliminary Recommendation for each of these water rights identifies a total number of acres but does not provide a complete legal description of the included areas.

Sincerely,



RANDALL C. BUDGE

RCB:rr

Enclosures

cc: Portneuf-Marsh Valley Canal Company

SCANNED

JUN 01 2005

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**NOTICE OF ERROR
REPLY**

RECEIVED
APR 23 2003
Department of Water Resources
Eastern District Office

Water Right No.: 29-52

Portneuf Marsh Valley Canal Co Ltd.
c/o Ellis Gilbert, President
2777 East Hawkins Road
Downey, Idaho 83234

Claimant returns this Notice of Error Reply form to IDWR to request IDWR change its Preliminary Recommendation or to let IDWR know that Claimant agrees with its recommendation as indicated below.

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

Place of use.

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

Increase the number of irrigated acres to 5066.8 acres as claimed. Additionally, the irrigated acres should be located within the boundaries of Claimant's Irrigation System. This boundary is described in the December 4, 1922 Decree entered in *Union Grain & Elevator Co. v. McCammon Ditch Company, et al*, Case No. 2205, Right No. 42, page 24. Claimant is in the process of reviewing IDWR maps to identify more accurately a legal description for the current boundary and place of use, and will supply this information to IDWR.

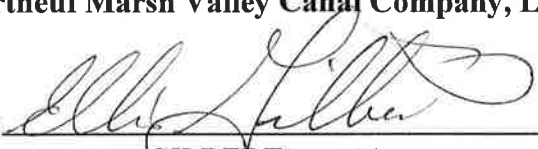
3. Give a brief explanation as to why you disagree with these portions:

The recommended 4136 acres omitted certain acres that have been historically irrigated by Claimant.

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

Portneuf Marsh Valley Canal Company, Ltd.

Date: April 21, 2003

By: 
ELLIS GILBERT, President

Print: _____

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JUN 01 2005

Mailed to: IDWR Regional Office, 900 N. Skyline Drive, Ste A, Idaho Falls, Idaho 83402, 208-525-7161

Please direct any questions and send a copy of all Notices and other communications to Claimant's attorney:

Randall C. Budge
Racine, Olson, Nye, Budge & Bailey,
Chartered
P.O. Box 1391
Pocatello, Idaho 83204-1391
Telephone: 208-232-6101
Fax: 208-232-6109
E-mail: rcb@racinelaw.net

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SCANNED
JUN 01 2005

Snake River Basin Adjudication
Change in Address of Notice of Claim

RECEIVED

MAR 11 2002

Department of Water Resources
Eastern Region

Claim Number(s):

A29-52, A29-53, A29-589, A29-400.

Previous Mailing Address:

Portneut Marsh Valley Canal Co. LTD.
% Thayne Thompson
18526 S. Olson Rd.
Downey, ID.

New Mailing Address:

Portneut Marsh Valley Canal Co. LTD.
% Deryl Parris
18746 S Washington Ave
Downey Idaho 83234

Telephone Number:

(208) 897-5928

Signature of Claimant(s):

Ellis Liller
Board of Director PMUC

Please return this completed form to:

Adjudication Bureau
Idaho Dept. of Water Resources
1301 N. Orchard St.
Boise, ID 83706-2237
Ph. 1/800/451-4129 or
FAX 208/327-5400

Adjudication Bureau
Idaho Dept. of Water Resources
2735 Airport Way
Boise, ID 83705-5082
Ph. 208/334-2190 or
FAX 208/334-2348

correct
contact id
67937

Adjudication Bureau
Idaho Dept. of Water Resources
1341 Fillmore St., Ste. 200
Twin Falls, ID 83301-3380 or
FAX 208/736-3037

Adjudication Bureau
Idaho Dept. of Water Resources
900 N. Skyline, Ste. A
Idaho Falls, ID 83402-3653 or
FAX 208/525-7177

SS
ADDRESS FM
Revised 12/13/1999

IDWR Use Only:
Data Entry: _____

Date: _____

SCANNED
JUN 01 2005

PROFILED

Place Of Use Data Entry Form

Claim Number: _____

_____ 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

Total Acres _____

Document how the POU was verified:

SEE GPS ILLUSTRATION OF POU AND
TABULAR INDEX OF RECOMMENDED POU AC.

CLAIMING 5066

LIMITED TO 4136 AC BY GPS w/ ALL RTS

PERMISSIBLE POU ALL RTS. 52, 53, 589, 4060

13318, 13319.

Transfers Changing POU _____

Reviewer: _____

Date: _____

PROFILED

SCANNED

JUN 01 2005

Contacts Data Entry Form

29-52

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	PORTLAND MARSH VALLEY CANAL CO.					
Name connector: and _____, or _____, and/or _____	To Ellis Gilbert					
Current Owner						
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: _____ Phone Number: _____

Relationship to Claimant: _____

Date of Field Exam: _____ Time: _____

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

DECREED IN UNION GRAIN & ELEVATOR CO. (McCammon)
Ditch Co., 1932

Reviewer: _____

Date: _____

PROFILED

SCANNED
JUN 01 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ " _____ Water Right Basis: _____

Claimed Priority Date: _____ " _____ Claimed Basis: _____

Recommended Priority Date: 12/7/1907 Recommended Basis DOENBOD

____ 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:

MATCHES DECEASED DATE.

Reviewer: _____

Date: _____

SCANNED

JUN 01 2005

PROFILED

Point of Diversion and Source Data Entry Form

Claim Number: _____

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

Source: _____ Tributary: _____

Claimed Point of Diversion: T 9S, R 37E, Sec. 22, 47,____,____. County: BannSource: Portway Riv. Tributary: _____

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

Source: _____ Tributary: _____

____ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
<u>9S</u>	<u>37E</u>	<u>22</u>	<u>3</u>	<u>NWNE SW</u>	<u>Bann</u>	<u>Portway Riv.</u>
GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

GPS Coordinates: _____						

TruB
Snake Riv

Other rights from this POD? _____

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

29-52 IS A Natural Flow Right.Claims Lot 7 WHICH IS ON South BANK OF RIVER

Transfers Changing POD _____

Reviewer: _____

Date: SCANNED
JUN 01 2005

PROFILED

Period of Use and Quantity Data Entry Form

Claim Number: _____

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity**Water Right Period of Use and Diversion Rate**

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
<i>Travis</i>	<i>04/15</i>	<i>9/15</i>	<i>176⁸⁵</i>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Overall Diversion Rate _____

Overall Diversion Volume _____

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

See 29-13318 - EXT See for this RENT.

Reviewer: _____

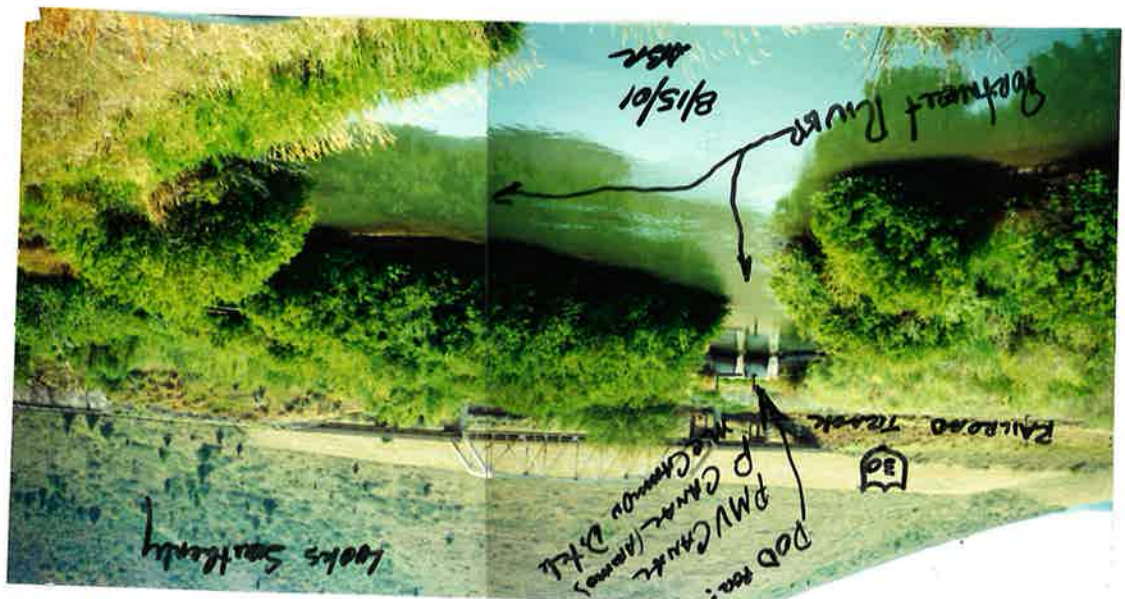
Date **SCANNED****JUN 01 2005****PROTECTED**

PROTECTED

JUN 01 2005

SCANNED

Photo shows main DIVISION OF Portneuse
River for: Portneuse Marsh Water Canal, Portneuse
Irrig. Co, and McCann Ditch Co.
LOCATION AT: 95 398 Sec. 22 Lot 3 NW NE SW



City of Arimo

City of Virginia

City of Downey

PROFILED

SCANNED
JUN 01 2005

Black Creek redvisions to
Black Creek Canal (ditch)

MAY 14, 2001

DEAR SIR OR MADAM:

WATER RIGHT NUMBERS A29-00052, A29-00053, A29-00589 AND
A29-04060 HAVE BEEN CHANGED TO REFLECT THE ADDRESS ON THE
FRONT OF THIS CARD.

IF YOU HAVE ANY QUESTIONS FEEL FREE TO CONTACT THIS OFFICE
AT 208-525-7161.

RESPECTFULLY SUBMITTED,

Cheri Vandermeulen

CHERI VANDERMEULEN
RECORDS CLERK



PORTNEUF MARSH VALLEY CANAL CO LTD
C/O THAYNE THOMPSON
71 HAMPTON PL
LOGAN UT 84341-1748

PROFILED

SCANNED
JUN 01 2005

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): 129-0052, -53, -389 and -4060

(I don't know if the above are the numbers you asked for, but I don't know of any others.)

[] Old Mailing Address: _____

[] New Mailing Address: _____

71 Hampton Pl
Logan UT 84341-1748

18526 S Olson Rd

Downey Id 83234

[] Telephone Number: 1-435-753-7782

[] Signature of Claimant: Betty M. Thompson

[] Date: 9 May 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: _____

I goofed. The Downey address is the old one and the Logan one is the new. I think I already have the new one though because today's letter came to my Logan address. I'm enclosing the address from it.

SCANNED

JUN 01 2005

RECEIVED

MAY 14 2001

Department of Water Resources
Eastern Region

PORTNEUF MARSH VALLEY CANAL CO LTD
C/O THAYNE THOMPSON
71 HAMPTON PL
LOGAN UT 84341-1748

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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 MARSH VALLEY CANAL CO LTD
C/O THAYNE THOMPSON
71 HAMPTON PL
LOGAN UT 84341-1748

RE: CHANGE OF ADDRESS FOR A29-00052, A29-00053, A29-00589 AND A29-04060

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 Marsh Valley Canal Co LTD
C/O Thayne Thompson
18526 S Olson Rd
Downey ID 83234

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
Cheri Vandermeulen
Records Clerk

Enclosure(s)

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JUN 01 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 10, 2000

Portneup Marsh-Valley Canal Company
Deryl Parris
18746 So. Washington
Downey, ID 83234

Subject: Portneuf Marsh-Valley Canal Company Service Area

Dear Deryl;

Thank you for sending the wonderful map. I tried to follow the shaded area as close as possible. 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
JUN 01 2005

RECEIVED

JUN 28 2000

Department of Water Resources

June 25, 2000

Mark Larson
Department of Water Resources
1301 North Orchard
Boise, Idaho 83706-2337

Dear Mark,

Enclosed within is the map you requested. The dark area was made to indicate the areas that we Irrigate with the water we transport from the Chesterfield Reservoir. I am sorry it took me so long to put this together. We had to go through all the Stockholders land Descriptions. We came up with approximatley 5097 Acres, but I think this is quite accurate. If you need anything else, please let me know.


Deryl G. Parris

Portneuf Marsh-Valley Canal Co. LTD.
18746 So. Washington
Downey, Idaho 83234

SCANNED
JUN 01 2005

PROFILED

JUN 08 2001

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
10s37e	5	NWSW	2	25	Indiscernible
10s37e	5	SWSW	12	40	Indiscernible
10s37e	5	SESW	8	14	Indiscernible
10s37e	8	SWSE	38	40	
10s37e	17	NWNE	38	40	
10s37e	17	SENE	15	14	
10s37e	17	NESW	7	30	
10s37e	17	NWSW	16	32	
10s37e	17	SWSW	37	40	
10s37e	17	SESW	40	40	
10s37e	17	NESE	30	33	
10s37e	17	NWSE	25	33	
10s37e	17	SWSE	35	31	
10s37e	17	SESE	30	25	
10s37e	19	SENE	5	3.7	
10s37e	19	NESE	5	4.9	
10s37e	20	NWNE	40	40	
10s37e	20	SWNE	23	24	
10s37e	20	NENW	20	19	
10s37e	20	SWNW	15	26	Indiscernible
10s37e	20	SENW	21	12	
10s37e	20	NESW	2	3.8	
10s37e	20	NWSW	25	17	
10s37e	20	SESW	14	16	
10s37e	20	SWSE	27	13	Indiscernible
10s37e	28	SWSW	30	40	
10s37e	28	SESW	40	40	
10s37e	29	NWNE	26	39	
10s37e	29	SWNE	25	27	
10s37e	29	NENW	30	25	
10s37e	29	NWNW	8	25	
10s37e	29	SWNW	11	29	
10s37e	29	SENW	24	31	
10s37e	29	NESW	40	35	
10s37e	29	NWSW	16	36	Indiscernible
10s37e	29	SESW	30	28	
10s37e	29	NWSE	24	23	
10s37e	29	SWSE	38	35	
10s37e	29	SESE	40	40	
10s37e	32	NENE	40	39	
10s37e	32	NWNE	35	36	
10s37e	32	SWNE	37	40	
10s37e	32	SENE	40	37	
10s37e	32	NENW	25	24	
10s37e	32	SWNW	40	40	
10s37e	32	SENW	37	35	
10s37e	32	NESW	34	35	
10s37e	32	NWSW	4	6.2	

WR5808NP
(00-26)

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROOF READING REPORT

04/03/01 13:22:58
Page 1

Water Right Number - 29-00052

Prefix Translation: WATER RIGHT

Old (D) Number -

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

*** C - CURRENT OWNER ***

PORTNEUF MARSH VALLEY CANAL CO.

1 -
2 -
3 -

City-

Phone - 208-000-0000

State- ID Zip-

+ - - Priority Date - - + + - - Region - - - + + - - Stage - - - + + - - Status - - - +
12/18/1907 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

176.850

+ - Total Div. Rate - + + - Total Div. Volume - + + - Total Div. Capacity - + + - Total Consumptive Use - + + - KW Usage - +
176.850 0.0

+ - - - - - - - - - - - - - - - Place of Use - - - - - +
TwN Rng Sec Tract Lot Acres Code Description County

| | | | | | | | | |
|-----|-----|----|--|--|--|----|------------|--------------|
| 10S | 37E | 5 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 10S | 37E | 17 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 10S | 37E | 20 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 10S | 37E | 29 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 10S | 37E | 31 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 10S | 37E | 32 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 36E | 1 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 36E | 13 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 36E | 24 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 4 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 5 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 6 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 7 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 8 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 9 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 16 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 17 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 18 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 19 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 20 | | | | 01 | IRRIGATION | (5) BANNOCK |
| 11S | 37E | 21 | | | | 01 | IRRIGATION | (5) BANNOCK |

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 | - | 07/15/1985 | 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 A29-00052

Spatial Dynamics AMH

8/2/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|--------|-----|------|------------------|----------------|---------------|
| 10s37e | 32 | SWSW | 4 | 4.6 | |
| 10s37e | 32 | SESW | 34 | 32 | |
| 10s37e | 32 | NESE | 40 | 36 | |
| 10s37e | 32 | NWSE | 40 | 40 | |
| 10s37e | 32 | SWSE | 40 | 40 | |
| 10s37e | 32 | SESE | 30 | 37 | |
| 10s37e | 33 | NENW | 40 | 40 | |
| 10s37e | 33 | NWNW | 40 | 40 | |
| 11s36e | 13 | SWNE | 40 | 40 | |
| 11s36e | 13 | SENE | 40 | 38 | |
| 11s37e | 4 | SWNE | 10 | 8.5 | |
| 11s37e | 4 | NENW | 40 | 41 | |
| 11s37e | 4 | NWNW | 38 | 40 | |
| 11s37e | 4 | SWNW | 25 | 34 | |
| 11s37e | 4 | SENW | 38 | 38 | |
| 11s37e | 4 | NESW | 40 | 40 | |
| 11s37e | 4 | NWSW | 38 | 40 | |
| 11s37e | 4 | SWSW | 38 | 40 | |
| 11s37e | 4 | SESW | 38 | 40 | |
| 11s37e | 4 | NWSE | 10 | 40 | Indiscernible |
| 11s37e | 4 | SWSE | 5 | 22 | Indiscernible |
| 11s37e | 5 | NENE | 38 | 40 | |
| 11s37e | 5 | NWNE | 40 | 35 | |
| 11s37e | 5 | SWNE | 36 | 40 | |
| 11s37e | 5 | SENE | 40 | 40 | |
| 11s37e | 5 | NENW | 30 | 42 | |
| 11s37e | 5 | NWNW | 15 | 42 | |
| 11s37e | 5 | SWNW | 30 | 40 | |
| 11s37e | 5 | SENW | 15 | 40 | Indiscernible |
| 11s37e | 5 | NESW | 20 | 21 | |
| 11s37e | 5 | SWSW | 27 | 28 | |
| 11s37e | 5 | SESW | 27 | 20 | Indiscernible |
| 11s37e | 5 | NESE | 40 | 40 | |
| 11s37e | 5 | NWSE | 30 | 25 | |
| 11s37e | 5 | SWSE | 40 | 40 | |
| 11s37e | 5 | SESE | 40 | 40 | |
| 11s37e | 7 | SWSE | 40 | 39 | |
| 11s37e | 7 | SESE | 32 | 35 | |
| 11s37e | 8 | NENE | 40 | 41 | |
| 11s37e | 8 | NWNE | 40 | 41 | |
| 11s37e | 8 | SWNE | 35 | 39 | |
| 11s37e | 8 | SENE | 40 | 41 | |
| 11s37e | 8 | NENW | 40 | 32 | |
| 11s37e | 8 | NESE | 40 | 41 | |
| 11s37e | 8 | NWSE | 24 | 34 | Indiscernible |
| 11s37e | 8 | SWSE | 21 | 10 | Indiscernible |
| 11s37e | 8 | SESE | 40 | 40 | |
| 11s37e | 9 | NENW | 40 | 41 | |

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|--------|-----|------|------------------|----------------|---------------|
| 11s37e | 9 | NWNW | 40 | 37 | |
| 11s37e | 9 | SWNW | 40 | 35 | |
| 11s37e | 9 | SENW | 40 | 34 | |
| 11s37e | 9 | NESW | 26 | 15 | Indiscernible |
| 11s37e | 9 | NWSW | 39 | 40 | |
| 11s37e | 9 | SWSW | 34 | 40 | |
| 11s37e | 9 | SESW | 30 | 31 | |
| 11s37e | 15 | SWSW | 40 | 40 | |
| 11s37e | 15 | SESW | 40 | 40 | |
| 11s37e | 15 | SWSE | 10 | 16 | |
| 11s37e | 16 | NWNE | 40 | 40 | |
| 11s37e | 16 | SWNE | 20 | 40 | Indiscernible |
| 11s37e | 16 | SENE | 20 | 27 | |
| 11s37e | 16 | NENW | 38 | 40 | |
| 11s37e | 16 | NWNW | 40 | 40 | |
| 11s37e | 16 | SWNW | 40 | 40 | |
| 11s37e | 16 | SENW | 40 | 40 | |
| 11s37e | 16 | NESW | 40 | 40 | |
| 11s37e | 16 | NWSW | 33 | 34 | |
| 11s37e | 16 | SESW | 28 | 40 | Indiscernible |
| 11s37e | 16 | NESE | 10 | 7 | |
| 11s37e | 16 | NWSE | 30 | 40 | |
| 11s37e | 16 | SWSE | 40 | 40 | |
| 11s37e | 16 | SESE | 40 | 39 | |
| 11s37e | 18 | NENE | 33 | 38 | |
| 11s37e | 19 | SWNW | 40 | 53 | |
| 11s37e | 19 | NWSW | 32 | 53 | Indiscernible |
| 11s37e | 19 | SWSW | 32 | 53 | Indiscernible |
| 11s37e | 20 | NWNE | 18 | 20 | |
| 11s37e | 21 | NENE | 40 | 40 | |
| 11s37e | 21 | NWNE | 40 | 24 | |
| 11s37e | 21 | SWNE | 40 | 25 | |
| 11s37e | 21 | SENE | 41 | 40 | |
| 11s37e | 21 | NENW | 38 | 38 | |
| 11s37e | 21 | SENW | 22 | 20 | |
| 11s37e | 21 | NESW | 5 | 5.6 | |
| 11s37e | 21 | NESE | 40 | 40 | |
| 11s37e | 21 | NWSE | 40 | 37 | |
| 11s37e | 21 | SWSE | 35 | 21 | |
| 11s37e | 21 | SESE | 38 | 40 | |
| 11s37e | 22 | SWNE | 16 | 14 | |
| 11s37e | 22 | NENW | 40 | 40 | |
| 11s37e | 22 | NWNW | 39 | 40 | |
| 11s37e | 22 | SWNW | 10 | 21 | |
| 11s37e | 22 | SENW | 20 | 12 | |
| 11s37e | 22 | NESW | 40 | 40 | |
| 11s37e | 22 | NWSW | 40 | 40 | |
| 11s37e | 22 | SWSW | 40 | 40 | |

Log for claim A29-00052

Spatial Dynamics AMH

8/2/00

| TR | SEC | QQ | Acres
Claimed | Acres
Found | COMMENT |
|----------------|-----|------|------------------|----------------|---------|
| 11s37e | 22 | SESW | 40 | 40 | |
| 11s37e | 22 | NWSE | 15 | 40 | |
| 11s37e | 22 | SWSE | 8 | 40 | |
| 11s37e | 27 | NWNE | 26 | 37 | |
| 11s37e | 27 | SWNE | 28 | 31 | |
| 11s37e | 27 | NENW | 40 | 39 | |
| 11s37e | 27 | NWNW | 40 | 40 | |
| 11s37e | 27 | SWNW | 40 | 40 | |
| 11s37e | 27 | SENW | 40 | 39 | |
| 11s37e | 27 | NESW | 28 | 21 | |
| 11s37e | 27 | NWSW | 39 | 39 | |
| 11s37e | 27 | SWSW | 10 | 11 | |
| 11s37e | 27 | SESW | 10 | 40 | |
| 11s37e | 27 | NWSE | 7 | 12 | |
| 11s37e | 27 | SWSE | 17 | 40 | |
| 11s37e | 28 | NENE | 40 | 40 | |
| 11s37e | 28 | NWNE | 15 | 12 | |
| 11s37e | 28 | SENE | 35 | 34 | |
| 11s37e | 28 | NWSW | 20 | 38 | |
| 11s37e | 28 | SWSW | 20 | 38 | |
| 11s37e | 28 | NESE | 20 | 16 | |
| 11s37e | 33 | NENE | 13 | 9.2 | |
| 11s37e | 33 | NWNE | 30 | 40 | |
| 11s37e | 33 | NWNW | 10 | 8.1 | |
| 11s37e | 34 | NENW | 10 | 30 | |
| 11s37e | 34 | NWNW | 10 | 29 | |
| 11s37e | 34 | SWNW | 10 | 32 | |
| 11s37e | 34 | SENW | 10 | 32 | |
| 11s37e | 34 | NESW | 31 | 33 | |
| 11s37e | 34 | NWSW | 10 | 39 | |
| 11s37e | 34 | SWSW | 10 | 25 | |
| 11s37e | 34 | SESW | 10 | 38 | |
| 11s37e | 34 | NWSE | 8 | 40 | |
| 11s37e | 34 | SWSE | 10 | 35 | |
| Totals: | | | 5059 | 5766.6 | |

AJ5809NP
No. A29-00052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 19

| OWNER
CODE | NAME & ADDRESS | PRIORITY
DATE | WATER USE | USE PERIOD
FROM TO | DIVERSION
RATE | DIVERSION
VOLUME |
|--------------------------------------|--|------------------|------------|-----------------------|-------------------|---------------------|
| C | PORTNEUF MARSH VALLEY CANAL CO LTD
C/O THAYNE THOMPSON
18526 S OLSON RD
DOWNEY ID 83234
(208) 897-5206 | 12/18/1907 | IRRIGATION | 05-01 09-15 | 176.850 CFS | |
| TOTAL DIVERSION:
CONSUMPTIVE USE: | | | | | 176.850 CFS | 12667.00 AFA |

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T09S R37E S22 Lot07()

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 | | |
| 10S | 37E | 5 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 22.4 | | |
| 10S | 37E | 8 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 38.0 | | |
| 10S | 37E | 17 | | | | 38 | | | | 15 | | | | | | | | | | | | | | | | | | | | | | | 273.0 | | |
| 10S | 37E | 19 | | | | | | | | 05 | | | | | | | | | | | | | | | | | | | | | | | 11.0 | | |
| 10S | 37E | 20 | | | | 40 | | | 23 | | | 20 | | | | 15 | | 21 | | | | | | | | | | | | | | | 187.8 | | |
| 10S | 37E | 28 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 70.0 | | |
| 10S | 37E | 29 | | | | 26 | | | 25 | | | 30 | | 08 | | 11 | | 24 | | | | | | | | | | | | | | | 312.0 | | |
| 10S | 37E | 32 | | 40 | | 35 | | | 37 | | 40 | | 25 | | 40 | | 37 | | | | | | | | | | | | | | | | 481.4 | | |
| 10S | 37E | 33 | | | | | | | | | | 40 | | 40 | | | | | | | | | | | | | | | | | | | 80.0 | | |
| 11S | 36E | 13 | | | | | | | 40 | | 40 | | | | | | | | | | | | | | | | | | | | | | 80.0 | | |
| 11S | 37E | 4 | | | | | | | 10 | | | 40 | | 38 | | 25 | | 38 | | | | | | | | | | | | | | | 320.0 | | |
| 11S | 37E | 5 | | 38 | | 40 | | | 36 | | 40 | | 30 | | 15 | | 30 | | 15 | | | | | | | | | | | | | | 468.0 | | |
| 11S | 37E | 7 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 72.0 | | |
| 11S | 37E | 8 | | 40 | | 40 | | | 35 | | 40 | | 40 | | 40 | | 40 | | | | | | | | | | | | | | | | 320.8 | | |
| 11S | 37E | 9 | | | | | | | | | 40 | | 40 | | 40 | | 40 | | | | | | | | | | | | | | | | 289.0 | | |
| 11S | 37E | 15 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 90.0 | | |
| 11S | 37E | 16 | | | 40 | | 20 | | 20 | | 38 | | 40 | | 40 | | 40 | | | | | | | | | | | | | | | | 459.0 | | |
| 11S | 37E | 18 | | 33 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 33.0 | | |
| 11S | 37E | 19 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 105.0 | | |
| 11S | 37E | 20 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 18.0 | | |
| 11S | 37E | 21 | | 40 | | 18 | | | | | | 38 | | | | | | | | | | | | | | | | | | | | | 380.8 | | |
| 11S | 37E | 22 | | | | 40 | | | 16 | | | 40 | | 39 | | 10 | | 20 | | | | | | | | | | | | | | | 308.0 | | |
| 11S | 37E | 27 | | | | 26 | | | 28 | | | 40 | | 40 | | 40 | | 40 | | | | | | | | | | | | | | | 325.6 | | |
| 11S | 37E | 28 | | 40 | | 15 | | | | 35 | | | | | | | | | | | | | | | | | | | | | | | 150.0 | | |
| 11S | 37E | 33 | | 13 | | 30 | | | | | | | | 10 | | | | | | | | | | | | | | | | | | | 53.0 | | |
| 11S | 37E | 34 | | | | | | | | | 10 | | 10 | | 10 | | 10 | | | | | | | | | | | | | | | | 119.0 | | |
| | | | TOTAL ACRES | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | 5066.8 | |

POU County: BANNOCK

Other Rights: A29-00589/00053/04060

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

AJ5809NP
No. A29-00052

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/22/00
PAGE: 20

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

| | | | | | | | | | |
|-----------|-----------|------------|------------|------------|-----------|-----------|------------|------------|-----------|
| A29-00051 | A29-00053 | A29-00339A | A29-00339D | A29-00340A | A29-00589 | A29-02319 | A29-02332 | A29-02351 | A29-02358 |
| A29-02434 | A29-02446 | A29-02448B | A29-02456 | A29-02500 | A29-02506 | A29-02563 | A29-04030 | A29-04036 | A29-04052 |
| A29-04053 | A29-04060 | A29-04143 | A29-04144 | A29-04147 | A29-04280 | A29-04321 | A29-04322 | A29-04323 | A29-04328 |
| A29-04384 | A29-04434 | A29-07056 | A29-07095 | A29-07135 | A29-07190 | A29-07341 | A29-07489 | A29-07489B | A29-07584 |
| A29-10082 | A29-10419 | A29-10420 | A29-10553 | A29-11277 | A29-11419 | A29-11804 | R29-02448B | | |

Remarks: GEN PLACE OF USE IS OWNED BY THE SHARE HOLDERS OF THE PORTNEUF MARSH
VALLEY CANAL CO.

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

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

Audit: 02/14/90 CARLSEN 04/01/94 THOMPSON 03/29/95 POST-STD

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: A29-00052

Date Received: 2/14/1990

Receipt No: ED12060Received By: EMC

DANAHU PARRIS 897-5928

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: PORTNEUF MARSH VALLEY CANAL CO., LTD. 208-897-5206
Address: C/O THAYNE THOMPSON - ~~DIED~~
18526 S. OLSON RD.
DOWNEY, ID 83234

2. Date of Priority: DEC 18, 1907

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 | NW 1/4 SW | 1
3 | BANNOCK |

5. Description of diverting works:
HEADING FOR THE PROTNEUF MARSH VALLEY CANAL.

6. Water is used for the following purposes:

| Purpose | From | To | C.F.S. | (or) | A.F.A. |
|------------|-------|-------|---------|------|--------|
| IRRIGATION | 05/01 | 09/15 | 176.850 | | |

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

8. Total consumptive use is 12667.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

| Township | Range | Section | 1/4 of 1/4 | Lot | Use | Acres |
|----------|-------|---------|------------|-----|-----|-------|
| 10S | 37E | 5 | NW SW | | IRR | 2.0 |
| | | | SW SW | | IRR | 12.4 |
| | | | SE SW | | IRR | 8.0 |

Section Acres 22.4

A29-00052

Page 1

Date: 02/14/90

MICROFILMED

NOV 13 1992

A2900052

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 10S | 37E | 8 | SW | SE | | IRR | 38.0 |
| | | | | | | Section Acres | 38.0 |
| | | 17 | NW | NE | | IRR | 38.0 |
| | | | SE | NE | | IRR | 15.0 |
| | | | NE | SW | | IRR | 7.0 |
| | | | NW | SW | | IRR | 16.0 |
| | | | SW | SW | | IRR | 37.0 |
| | | | SE | SW | | IRR | 40.0 |
| | | | NE | SE | | IRR | 30.0 |
| | | | NW | SE | | IRR | 25.0 |
| | | | SW | SE | | IRR | 35.0 |
| | | | SE | SE | | IRR | 30.0 |
| | | | | | | Section Acres | 273.0 |
| | | 19 | SE | NE | | IRR | 5.5 |
| | | | NE | SE | | IRR | 5.5 |
| | | | | | | Section Acres | 11.0 |
| | | 20 | NW | NE | | IRR | 40.0 |
| | | | SW | NE | | IRR | 23.0 |
| | | | NE | NW | | IRR | 20.0 |
| | | | SW | NW | | IRR | 15.0 |
| | | | SE | NW | | IRR | 21.0 |
| | | | NE | SW | | IRR | 2.0 |
| | | | NW | SW | | IRR | 25.0 |
| | | | SE | SW | | IRR | 14.3 |
| | | | SW | SE | | IRR | 27.5 |
| | | | | | | Section Acres | 187.8 |
| | | 28 | SW | SW | | IRR | 30.0 |
| | | | SE | SW | | IRR | 40.0 |
| | | | | | | Section Acres | 70.0 |
| | | 29 | NW | NE | | IRR | 26.0 |
| | | | SW | NE | | IRR | 25.0 |
| | | | NE | NW | | IRR | 30.0 |
| | | | NW | NW | | IRR | 8.0 |
| | | | SW | NW | | IRR | 11.0 |

MICROFILMED
NOV 13 1992

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------|-----|-----|-------|-------|
| 10S | 37E | 29 | SE | NW | | IRR | 24.0 |
| | | | NE | SW | | IRR | 40.0 |
| | | | NW | SW | | IRR | 16.0 |
| | | | SE | SW | | IRR | 30.0 |
| | | | NW | SE | | IRR | 24.0 |
| | | | SW | SE | | IRR | 38.0 |
| | | | SE | SE | | IRR | 40.0 |
| | | | Section Acres | | | 312.0 | |
| | | 32 | NE | NE | | IRR | 40.0 |
| | | | NW | NE | | IRR | 35.0 |
| | | | SW | NE | | IRR | 37.5 |
| | | | SE | NE | | IRR | 40.0 |
| | | | NE | NW | | IRR | 25.0 |
| | | | SW | NW | | IRR | 40.0 |
| | | | SE | NW | | IRR | 37.5 |
| | | | NE | SW | | IRR | 34.2 |
| | | | NW | SW | | IRR | 4.0 |
| | | | SW | SW | | IRR | 4.0 |
| | | | SE | SW | | IRR | 34.2 |
| | | | NE | SE | | IRR | 40.0 |
| | | | NW | SE | | IRR | 40.0 |
| | | | SW | SE | | IRR | 40.0 |
| | | | SE | SE | | IRR | 30.0 |
| | | | Section Acres | | | 481.4 | |
| | | 33 | NE | NW | | IRR | 40.0 |
| | | | NW | NW | | IRR | 40.0 |
| | | | Section Acres | | | 80.0 | |
| 11S | 36E | 13 | SW | NE | | IRR | 40.0 |
| | | | SE | NE | | IRR | 40.0 |
| | | | Section Acres | | | 80.0 | |
| | 37E | 4 | SW | NE | | IRR | 10.0 |
| NE | | | NW | | IRR | 40.0 | |
| NW | | | NW | | IRR | 38.0 | |
| SW | | | NW | | IRR | 25.0 | |
| SE | | | NW | | IRR | 38.0 | |
| NE | | | SW | | IRR | 40.0 | |
| NW | | | SW | | IRR | 38.0 | |

10. Place of Use: Continued

| Township | Range | Section | 1/4 | of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|---------------------|----|-----|-----|-----|-------|
| 11S | 37E | 4 | SW | | SW | | IRR | 38.0 |
| | | | SE | | SW | | IRR | 38.0 |
| | | | NW | | SE | | IRR | 10.0 |
| | | | SW | | SE | | IRR | 5.0 |
| | | | Section Acres 320.0 | | | | | |
| | | 5 | NE | | NE | | IRR | 38.0 |
| | | | NW | | NE | | IRR | 40.0 |
| | | | SW | | NE | | IRR | 36.0 |
| | | | SE | | NE | | IRR | 40.0 |
| | | | NE | | NW | | IRR | 30.0 |
| | | | NW | | NW | | IRR | 15.0 |
| | | | SW | | NW | | IRR | 30.0 |
| | | | SE | | NW | | IRR | 15.0 |
| | | | NE | | SW | | IRR | 20.0 |
| | | | SW | | SW | | IRR | 27.0 |
| | | | SE | | SW | | IRR | 27.0 |
| | | | NE | | SE | | IRR | 40.0 |
| | | | NW | | SE | | IRR | 30.0 |
| | | | SW | | SE | | IRR | 40.0 |
| | | | SE | | SE | | IRR | 40.0 |
| | | | Section Acres 468.0 | | | | | |
| | | 7 | SW | | SE | | IRR | 40.0 |
| | | | SE | | SE | | IRR | 32.0 |
| | | | Section Acres 72.0 | | | | | |
| | | 8 | NE | | NE | | IRR | 40.0 |
| | | | NW | | NE | | IRR | 40.0 |
| | | | SW | | NE | | IRR | 35.8 |
| | | | SE | | NE | | IRR | 40.0 |
| | | | NE | | NW | | IRR | 40.0 |
| | | | NE | | SE | | IRR | 40.0 |
| | | | NW | | SE | | IRR | 24.0 |
| | | | SW | | SE | | IRR | 21.0 |
| | | | SE | | SE | | IRR | 40.0 |
| | | | Section Acres 320.8 | | | | | |
| | | 9 | NE | | NW | | IRR | 40.0 |
| | | | NW | | NW | | IRR | 40.0 |
| | | | SW | | NW | | IRR | 40.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres | |
|----------|-------|---------|---------------|-----|-----|-----|-------|-------|
| 11S | 37E | 9 | SE | NW | | IRR | 40.0 | |
| | | | NE | SW | | IRR | 26.0 | |
| | | | NW | SW | | IRR | 39.0 | |
| | | | SW | SW | | IRR | 34.0 | |
| | | | SE | SW | | IRR | 30.0 | |
| | | | Section Acres | | | | | 289.0 |
| | | 15 | SW | SW | | IRR | 40.0 | |
| | | | SE | SW | | IRR | 40.0 | |
| | | | SW | SE | | IRR | 10.0 | |
| | | | Section Acres | | | | | 90.0 |
| | | 16 | NW | NE | | IRR | 40.0 | |
| | | | SW | NE | | IRR | 20.0 | |
| | | | SE | NE | | IRR | 20.0 | |
| | | | NE | NW | | IRR | 38.0 | |
| | | | NW | NW | | IRR | 40.0 | |
| | | | SW | NW | | IRR | 40.0 | |
| | | | SE | NW | | IRR | 40.0 | |
| | | | NE | SW | | IRR | 40.0 | |
| | | | NW | SW | | IRR | 33.0 | |
| | | | SE | SW | | IRR | 28.0 | |
| | | | NE | SE | | IRR | 10.0 | |
| | | | NW | SE | | IRR | 30.0 | |
| | | | SW | SE | | IRR | 40.0 | |
| | | | SE | SE | | IRR | 40.0 | |
| | | | Section Acres | | | | | 459.0 |
| | | 18 | NE | NE | | IRR | 33.0 | |
| | | | Section Acres | | | | | 33.0 |
| | | 19 | SW | NW | | IRR | 40.0 | |
| | | | NW | SW | | IRR | 32.5 | |
| | | | SW | SW | | IRR | 32.5 | |
| | | | Section Acres | | | | | 105.0 |
| | | 20 | NW | NE | | IRR | 18.0 | |
| | | | Section Acres | | | | | 18.0 |
| | | 21 | NE | NE | | IRR | 40.0 | |

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10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres |
|----------|-------|---------|--------|-----|-----|---------------|-------|
| 11S | 37E | 21 | NW | NE | | IRR | 40.0 |
| | | | SW | NE | | IRR | 40.0 |
| | | | SE | NE | | IRR | 41.5 |
| | | | NE | NW | | IRR | 38.0 |
| | | | SE | NW | | IRR | 22.6 |
| | | | NE | SW | | IRR | 5.7 |
| | | | NE | SE | | IRR | 40.0 |
| | | | NW | SE | | IRR | 40.0 |
| | | | SW | SE | | IRR | 35.0 |
| | | | SE | SE | | IRR | 38.0 |
| | | | | | | Section Acres | 380.8 |
| | | 22 | SW | NE | | IRR | 16.0 |
| | | | NE | NW | | IRR | 40.0 |
| | | | NW | NW | | IRR | 39.0 |
| | | | SW | NW | | IRR | 10.0 |
| | | | SE | NW | | IRR | 20.0 |
| | | | NE | SW | | IRR | 40.0 |
| | | | NW | SW | | IRR | 40.0 |
| | | | SW | SW | | IRR | 40.0 |
| | | | SE | SW | | IRR | 40.0 |
| | | | NW | SE | | IRR | 15.0 |
| | | | SW | SE | | IRR | 8.0 |
| | | | | | | Section Acres | 308.0 |
| | | 27 | NW | NE | | IRR | 26.0 |
| | | | SW | NE | | IRR | 28.0 |
| | | | NE | NW | | IRR | 40.0 |
| | | | NW | NW | | IRR | 40.0 |
| | | | SW | NW | | IRR | 40.0 |
| | | | SE | NW | | IRR | 40.0 |
| | | | NE | SW | | IRR | 28.6 |
| | | | NW | SW | | IRR | 39.0 |
| | | | SW | SW | | IRR | 10.0 |
| | | | SE | SW | | IRR | 10.0 |
| | | | NW | SE | | IRR | 7.0 |
| | | | SW | SE | | IRR | 17.0 |
| | | | | | | Section Acres | 325.6 |
| | | 28 | NE | NE | | IRR | 40.0 |
| | | | NW | NE | | IRR | 15.0 |
| | | | SE | NE | | IRR | 35.0 |

10. Place of Use: Continued

| Township | Range | Section | 1/4 of | 1/4 | Lot | Use | Acres | |
|----------|-------|---------|---------------|-----|---------------|--------|-------|-------|
| 11S | 37E | 28 | NW | SW | | IRR | 20.0 | |
| | | | SW | SW | | IRR | 20.0 | |
| | | | NE | SE | | IRR | 20.0 | |
| | | | | | Section Acres | | | 150.0 |
| | | 33 | NE | NE | | IRR | 13.0 | |
| | | | NW | NE | | IRR | 30.0 | |
| | | | NW | NW | | IRR | 10.0 | |
| | | | | | Section Acres | | | 53.0 |
| | | 34 | NE | NW | | IRR | 10.0 | |
| | | | NW | NW | | IRR | 10.0 | |
| | | | SW | NW | | IRR | 10.0 | |
| | | | SE | NW | | IRR | 10.0 | |
| NE | SW | | | IRR | 31.0 | | | |
| NW | SW | | | IRR | 10.0 | | | |
| SW | SW | | | IRR | 10.0 | | | |
| SE | SW | | | IRR | 10.0 | | | |
| NW | SE | | | IRR | 8.0 | | | |
| SW | SE | | | IRR | 10.0 | | | |
| | | | Section Acres | | | 119.0 | | |
| | | | Total Acres | | | 5066.8 | | |

11. Place of use in counties: BANNOCK

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
A29-00589/00053/04060

14. Remarks:

PLACE OF USE IS OWNED BY THE SHARE HOLDERS OF THE PORTNEUF MARSH VALLEY CANAL CO.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/04/1922

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MC CAMMON DITCH CO., ET AL

Decree Defendant

A29-00052

Page

7

Date: 02/14/90

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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 OT wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Portneuf Marsh Valley Canal Co. that I have signed the foregoing document in the space below as President of Portneuf Marsh Valley Canal Co. and that the statements contained in the foregoing document are true and correct.

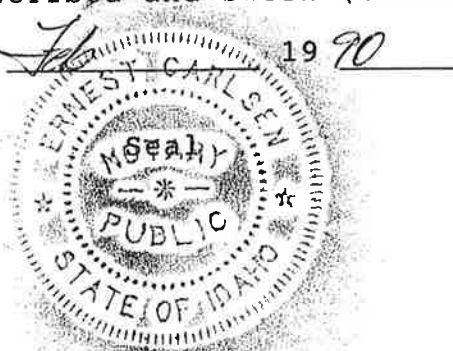
W. Thomas Thompson
Signature of Authorized Agent
Pres. Portneuf Marsh Valley Canal Co.
Title and Organization
Feb. 14, 1990
Date

State of Idaho)
County of Bannock) SS.

Subscribed and sworn (or affirmed) before me this 14 day
of Feb 19 90

Ernest Carlsen
Notary Public

Residing at McPherson, ID
My Commission Expires 6-14-1994



TOPONCE FEEDER CANAL, of the Portneuf-Marsh Valley Canal Company, diverts water from Toponce Creek to supply storage water in the reservation hereinafter described. This canal diverts water from Toponce Creek in the Southeast quarter of the Southeast quarter of Section 33, Township 6 South, Range 38 East. From the Northwest corner of Section 3, Township 7 South, Range 38 East, the point of diversion bears North 58 degrees and 40 minutes West, 393 feet.

THE PORTNEUF-MARSH VALLEY CANAL COMPANY RESERVOIR AND DAM is located in the following legal subdivisions: The dam proper is located in Lot 4, Section 19, Township 6 South, Range 39 East, and covers lands in Sections 11, 13, 14 and 24, Township 6 South, Range 38 East. The point of diversion of this dam, which is located across the channel of the Portneuf River, is in Lot 4, Section 19, Township 6 South, Range 39 East. From the Southwest corner of Section 19, the point of diversion bears North 41 degrees and 30 minutes East, 1285 feet.

The Drainage canal of said company begins at the outlet of impounding dam above described or in the Southwest quarter of the Southwest quarter, Section 19, and enters the Portneuf River at or about the North quarter corner of Section 26, Township 7 South, Range 38 East.

41. PORTNEUF-MARSH VALLEY
CANAL COMPANY
Normal Flow.

19-0052 1907 Dec. 18 176.85 c.f.s.
29-0589 1912 July 6

Storage water 16,410 Acre Feet.

This being the capacity of the storage reservoir above described.

This storage water to be delivered free from loss, from the reservoir to the point of diversion on the Portneuf River above described, for the Portneuf-Marsh Valley Canal Company's canal, through said Company's drainage canal, and the River channel.

42. PORTNEUF-MARSH VALLEY
CANAL COMPANY FEEDER
CANAL FROM TOPONCE

19-0053 1912 July 6 164.43 c.f.s.

(Suitable measuring devices shall be installed on the Portneuf River above the flow line of the Portneuf-Marsh Valley Irrigating Company reservoir, and immediately below the dam of said reservoir, at which point the water comes into the reservoir, that the water released may be more accurately determined, in order that the normal flow of the Portneuf River may not be obstructed by the reservoir, with reference to the amount of water delivered through same during the irrigating season. No charge shall be made against

During the non-irrigating season, that amount being the maximum capacity of said feeder canal, to supply storage water above listed.

For the irrigation of 8842.4 acres of land located in the following legal subdivisions: The East half of the Southwest quarter, Section 5; the Northeast quarter of the Southeast quarter, the Northwest quarter of the Northeast quarter, the East half of the Northeast quarter, Section 17; the Northwest quarter of the Northeast quarter, the Southeast quarter of the Northwest quarter, the Southwest quarter of the Northeast quarter, the Northwest quarter of the Southeast quarter, Section 20; The East half of the Northwest quarter, the West half of the Northeast quarter, the East half of the Southwest quarter, the Southwest quarter of the Southwest quarter, Section 29; the Northwest quarter of Northwest quarter, the West half of the Southeast quarter, the East half of the Southwest quarter, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Southeast quarter



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 14, 1983

Mrs. Golden Avery
P.O. Box 264
Lava Hot Springs, ID 83246

Dear Mrs. Avery:

We have been forwarded your letter dated April 18, 1983, and addressed to the U. S. Bureau of Reclamation, in which you raised various questions about the water rights of the Portneuf-Marsh Valley Canal Company. I will attempt to answer your questions based on research conducted by Mrs. Roberta Garrett of this office.

The court case to which you have referred is entitled the Union Grain and Elevator Co., vs. McCammon Ditch Co., et al., finalized August 6, 1932. Two rights, 29-0052 and 29-0053, were decreed to Portneuf-Marsh Valley Canal Co., with priorities dating from December 18, 1907, and July 6, 1912. The capacity of the Portneuf River reservoir storage was 16,410 acre-feet with the maximum capacity of the feeder canal from Toponce Creek being 164.43 cfs.

Under decreed right No. 29-0053, the feeder canal diverts 164.43 cfs during the non-irrigating season from Toponce Creek in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6S., R. 38E. to storage. The storage water is delivered from the outlet of the reservoir (Lot 4(SW $\frac{1}{4}$ SW $\frac{1}{4}$), Sec. 19, T. 6S., R. 39E.) through the drainage canal entering the Portneuf River in Sec. 26, T. 7S., R. 38E. to the point where the canal rediverts from the river in Lot 7, Sec. 22, T. 9S., R. 37E. The 8,842.4 acres irrigated are identified by legal descriptions in the decree. To demonstrate further, the water right is outlined below:

29-0053

Portneuf-Marsh Valley Canal Co., feeder canal
Toponce Creek, 1912 July 6

| <u>Amount</u> | <u>Purpose(point of diversion)</u> | <u>Period of Use</u> |
|---------------|---|----------------------|
| 164.43 cfs | Diversion to storage
(SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 33, T. 6S., R. 38E) | 9-15 to 4-15 |

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Mrs. Golden Avery
June 14, 1983
Page 2

The decree also allowed for an additional amount over 176.85 cfs up to 244.4 cfs conditioned upon the compliance with the terms of Portneuf-Marsh Valley Irrigation Co.'s permit, numbered in the decree as 8378. Permit No. 8378 (29-2141) was originally filed for 225.0 cfs. However, the permit was cancelled November 19, 1975, for failure of the Portneuf-Marsh Valley Irrigation Co., to submit proof of beneficial use of water on or before July 6, 1921, or show cause on or before November 10, 1975, why said permit should not be cancelled.

Under decreed right No. 29-0052, a direct flow of 176.85 cfs is appropriated from the Portneuf River, in addition to a storage quantity of 16,410 acre-feet. This decreed right, which supercedes an earlier licensed right numbered 3317 (29-2065), is outlined as follows:

29-0052

Portneuf-Marsh Valley Canal Co.
Portneuf River
normal flow

1907 December 18 (direct flow); 1912 July 6 (storage)

| <u>Amount</u> | <u>Purpose (point of diversion)</u> | <u>Period of Use</u> |
|---------------|---|----------------------|
| 176.85 cfs | Irrigation
(Lot 7, Sec. 22, T. 9S, R. 37E) (irr. season) | 4-15 to 9-15 |
| 16,410 AF | Storage for irrigation

For irrigation of 8,842.4 acres
described in the decree. | 1-1 to 12-31 |

In response to your inquiry of the raising of Portneuf Reservoir, Mr. Dave LePard of our department in the Dam Safety Section found that drawings were submitted to Mark Kulp, State Reclamation Engineer, in November of 1944 by a Dwight L. Simpson, engineer. The completed dam safety applications are not in the file but are assumed to have been submitted since the dam was raised by July of 1951. The additional storage is 7,285 AF thus providing for a current recorded storage total of 23,695 AF in the reservoir.

An application for a storage permit, no. R-27114 was filed by the Portneuf-Marsh Valley Canal Co. on February 23, 1945, for 7,285 acre-feet. The point of diversion was described in Lot 4, Sec. 19, T. 6S, R. 39E. The application was withdrawn by the applicant so the water right is not currently recorded. This water right should be claimed as soon as possible to maintain its validity.

RECORDED

MAY 15 1996

Mrs. Golden Avery
June 14, 1983
Page 3

Claim No. 29-4060 filed January 20, 1976, in the name of the Portneuf-Marsh Valley Canal Co., reflects additional storage water from Toponce Creek. The claim shows 21,834 acre-feet for/from storage for irrigation of 6,800 acres which is an increase from the original 16,410 acre-feet but below that of the current storage capacity of 23,695 acre-feet. Lacking on the claim is the location of the point where 115.0 cfs is being diverted from Toponce Creek to storage. The SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, T. 6S, R. 39E identifies the point of diversion from storage at the outlet of the reservoir. In addition, the priority date claimed of March 7, 1912, is too early a priority date. Any increase in storage water and acres irrigated through beneficial use could only occur after the date of signing of the 1932 decree. A comparison of the 6,800 acres described on the claim with the 8,842.4 acres described in the decree would have to be made to determine if the claim reflects an increase in irrigated acres as well.

If the Portneuf-Marsh Valley Canal Co. feels it has erred in presenting the information on the claim, it may be corrected by the company filing an amended claim at no additional filing fee. Indications are that the claim was meant to replace that of the lapsed permit No. 8378/29-2141 originally filed March 7, 1912, since decreed, and to reflect additional water being used.

With regard to your inquiry of agreements between parties awarded decreed rights on the Portneuf River and the canal company, this is considered a private matter between the company and the contracting parties. One such referral to an agreement made between Kepler Sessions and the canal company is found in a letter dated January 4, 1932, to R.W. Farris, Commissioner of Reclamation. A copy of the letter and response found in our microfilm copies of the lapsed permit is enclosed.

We do have an abstract of the Portneuf River decree listed in most part by order of priority dates. The summary consists of approximately 32 pages. We can provide you with a copy of the abstract at 25¢ per page. However, if you are in possession of the decree, the priority dates of the various parties awarded rights on the Portneuf River are shown. Please let us know if you are interested in receiving a copy of the abstract.

Although the original license and permit included domestic purposes, the decree did not identify domestic purposes as a use under the rights awarded to the Portneuf-Marsh Valley Canal Co. Domestic purposes as defined by statute is water for household use or livestock and water used for all other purposes including irrigation of up to one-half ($\frac{1}{2}$) acre of land in connection with said household where total use is not in excess of thirteen thousand (13,000) gallons per day.

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Mrs. Golden Avery
June 14, 1983
Page 4

Enclosed is our packet containing our leaflet entitled "Keep Your Water" for your additional information. The packet also includes a claim form and an application for permit with instructions for filing. Also, as requested, enclosed are copies of the Portneuf-Marsh Valley Canal Co.'s rights described herein, and that portion of the decree containing pertinent information and specifying conditions on the rights awarded in the decree.

Please remit \$8.25 to this office for the enclosed copies per our invoice. If you have any questions or need further assistance, please do not hesitate to contact us here at State Office in Boise or our regional office in Idaho Falls.

Sincerely,



DAVID R. TUTHILL, JR., W.E.
Supervisor, Water Allocation Section

DRT:RG:sc

Enclosures

cc: Eastern Region
Portneuf-Marsh Valley Canal Co.

RECORDED
MAY 15 1983

May 27, 1983

Mr. Dave R. Gallafent
Merrill & Merrill
Counselors and Attorneys at Law
P.O. Box 991
Pocatello, ID 83204

Dear Mr. Gallafent:

In reply to your letter of March 2, 1983, I researched our records for water rights appurtenant to the lands identified in Exhibit "A" of your attachment. Enclosed are copies of Claim 29-4277, Licenses 29-2433, 29-2461, 29-2065, decreed rights 29-0052, 29-0053 and Permit 29-7214. Included are copies of correspondence regarding Permit 29-7214.

In the case of Union Grain and Elevator Co., vs. McCammon Ditch Co., 176.85 cfs was decreed to Portneuf-Marsh Valley Canal Co. with a priority date of December 18, 1907, right No. 29-0052. The decree referenced Permit 8378 filed December 18, 1907 for 244.4 cfs and allowed an additional amount over 176.85 cfs, awarded in the decree, up to the 244.4 cfs conditioned upon the compliance with the terms of the permit. However, our records shows that Permit 8378/29-2141 (since cancelled) was filed March 7, 1912 for 225 cfs. It would appear that an error was made in the decree listing the permit as 8378 instead of 3317 which was filed December 18, 1907 for 244.4 cfs. Since permit No. 3317/29-2065 was not licensed in excess of the 176.85 cfs awarded in the decree, the water right license is considered to be super-ceded by the decree. The lands outlined for research and identified in decreed rights 29-0052 and 29-0053 are underlined in pencil in the attached copy of the decree. AG

I am returning your copy of Certificate of Sale and Exhibit "A." Enclosed is a billing for the copies.

If you have any questions or need further assistance, please feel free to contact us.

Sincerely,

ROBERTA GARRETT
Records Supervisor
RG:sc
Enclosures

MAY 15 1996

INTER-DEPARTMENT MEMO — 1

FROM Roberta THRU Dave Tuthill

DATE 12-13-82

TO Decree File 29-A, Union Grain and Elevator Co. v. McCammon Ditch co.
and Eastern Region, Keith Wilson

SUBJECT Decree No. 29-0012

Decreed right No. 29-0012 for a total of 3.99 cfs in the name of A. J. Knollin was transferred to A. N. Hogan by Dept. Transfer No. 609 June 14, 1940.

In the case of Christian Call v. A. N. Hogan dated June 2, 1947, decreed right No. 29-0012, in the name of A. N. Hogan for 3.99 cfs was transferred by decree of the court to Christian Call for 1.99 cfs to lands specified in decree, Call v. Hogan, decree No. 29-0012B. It also decreed 2 cfs to lands identified in Transfer No. 609, decree No. 29-0012A to A. N. Hogan.

SIGNATURE

RECEIVED

MAY 15 1986



STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

EASTERN REGION

John V. Evans
Governor

A. Kenneth Dunn
Director

150 Shoup — Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

September 16, 1985

Portneuf-Marsh Valley Canal Co.
c/o Keith Bennett
Box 59
Downey, ID 83234

Dear Mr. Bennett:

Over the past several years we have received a number of complaints about the distribution of water within Water District No. 29 (Portneuf River). Personnel from the Department's regional office have been working with the Portneuf watermaster to identify and correct distribution problems. One of the major impediments to proper distribution of Portneuf River water results from the inability to measure the inflow into Chesterfield Reservoir. In the case of Union Grain and Elevator -vs- McCammon Ditch Company, the court determined the rights on the upper Portneuf River and required as a condition of reservoir right 29-0589 that "suitable measuring devices shall be installed on the Portneuf River above the flow line of the Portneuf-Marsh Valley Irrigating Company reservoir...in order that the normal flow of the Portneuf River may not be obtained by the reservoir...." Because Portneuf-Marsh Valley Canal Company has never installed the requisite device to measure reservoir inflow, accurate distribution of natural flow is impossible. I am, therefore, instructing the watermaster, until an adequate measuring device is installed above Chesterfield Reservoir, to fill all requests for natural flow rights up to, but not including December 18, 1907, before any storage is distributed. Any water that remains will be delivered as measured storage and to natural flow rights after December 18, 1907. While this change may, at times, result in the delivery of storage as natural flow, it will better protect the integrity of the priority system than do the present distribution procedures.

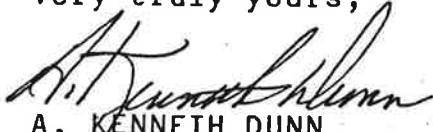
RECEIVED

MAY 15 1996

Mr. Keith Bennett
September 16, 1985
Page 2

If you have any questions concerning the changes we are instructing the watermaster to make, please feel free to contact me or the staff of the Eastern Regional Office in Idaho Falls.

Very truly yours,



A. KENNETH DUNN
Director

AKD:RDC:cw

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MAY 15 1988

