

02/14/2003

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

RIGHT NUMBER: 29-69

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

SOURCE: HIBNER SPRINGS

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.970 CFS

PRIORITY DATE: 11/28/1882

POINT OF DIVERSION:

T06S R39E S19 SWSWNE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/15 09/15

QUANTITY
0.970 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

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

48.3 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

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



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-69



0.06 0 0.06 0.12 Miles



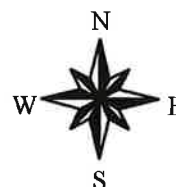
61.22 IRRIGATED ACRES

LEGEND

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

Place of Use: T6S, R39E,
(part of) Sections 19 SWNE, NESE
AND NWSE

Points of Diversion: T6S, R39E
Sec. 19 SWSWNE



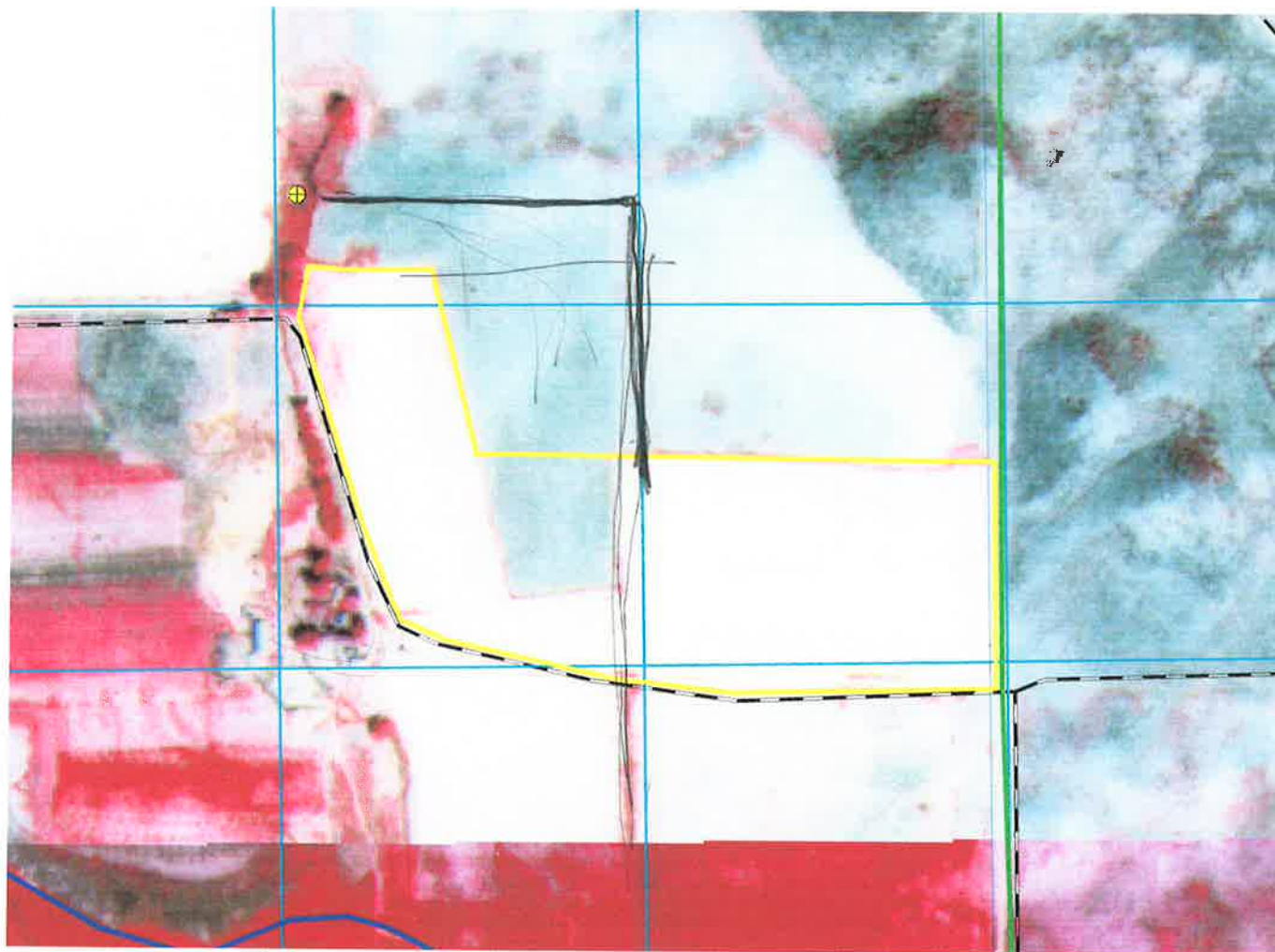
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
AMENDED Date: APRIL, 2004



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Rights: 29-69



0.1 0 0.1 0.2 Miles

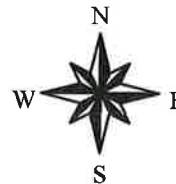
LEGEND

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

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

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

IRRIGATED ACRES 49



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



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right 29-69



0.06 0 0.06 0.12 Miles

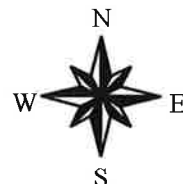
61.22 IRRIGATED ACRES

LEGEND

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

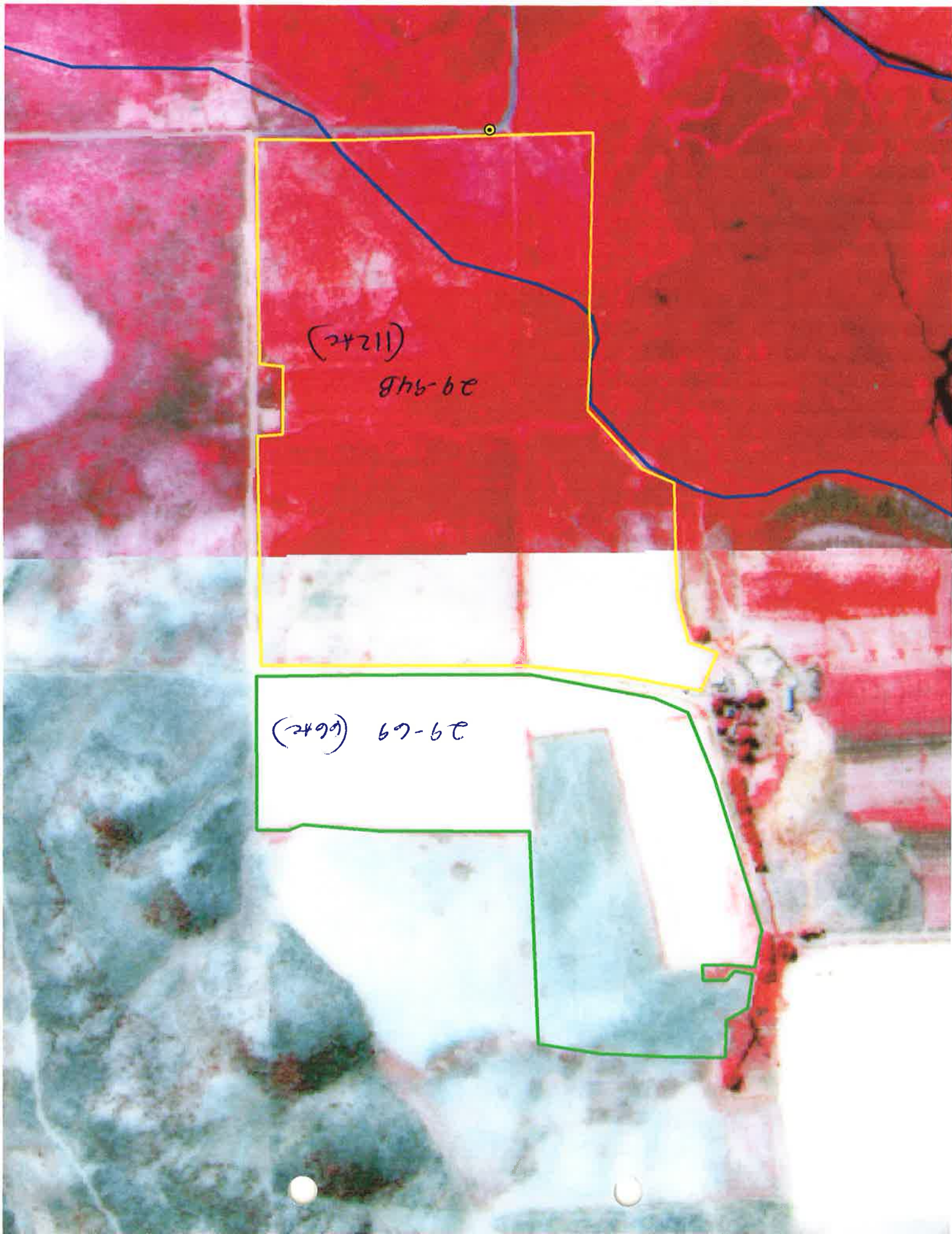
Place of Use: T6S, R39E,
(part of) Sections 19 SWNE, NESE
AND NWSE

Points of Diversion: T6S, R39E
Sec. 19 SWSWNE

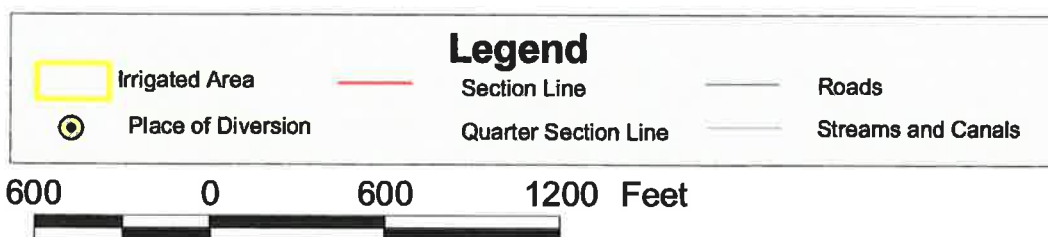
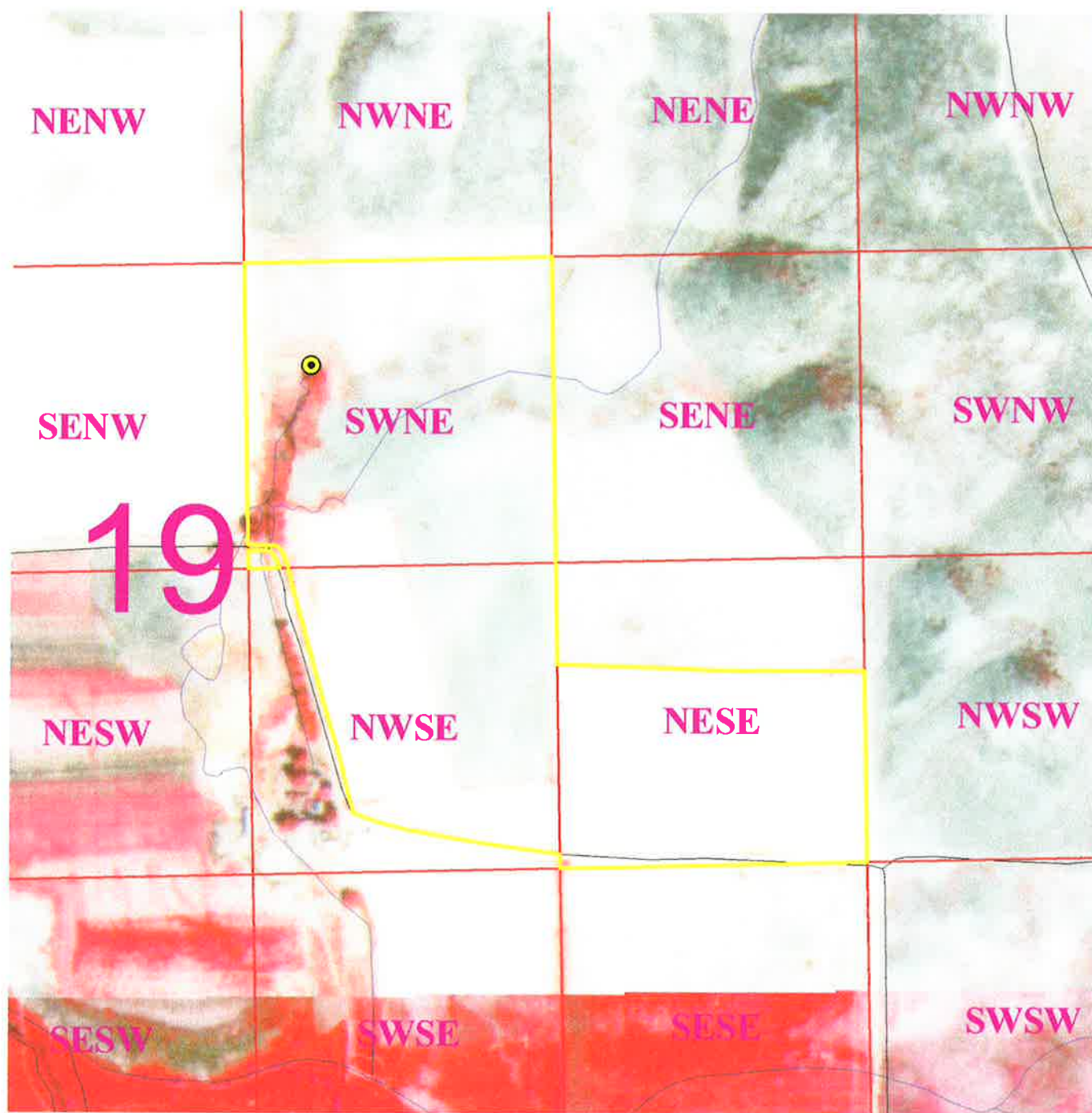


GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
AMENDED Date: APRIL, 2004

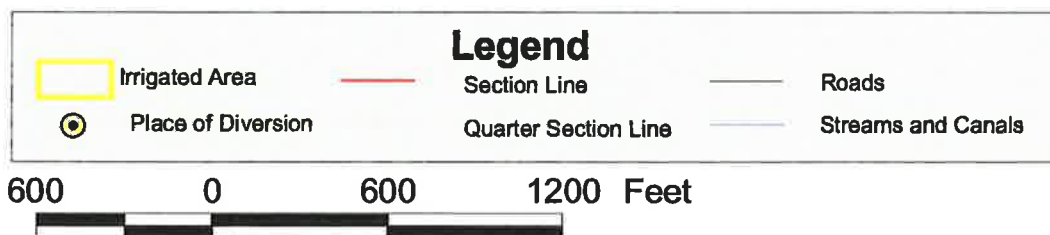
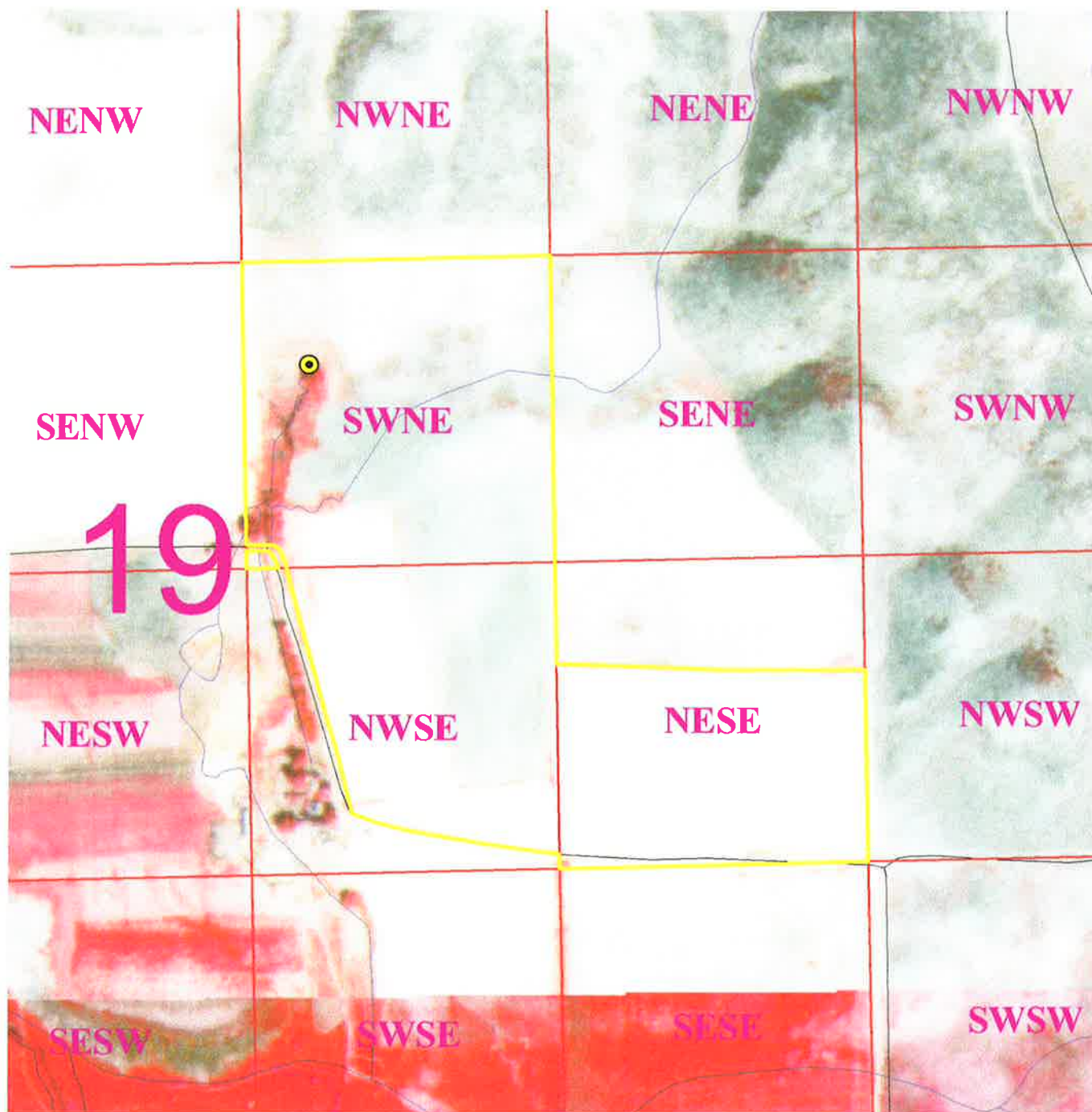
1987 Napp photography.



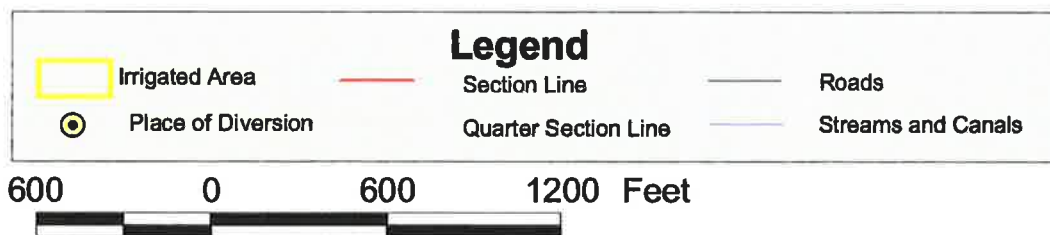
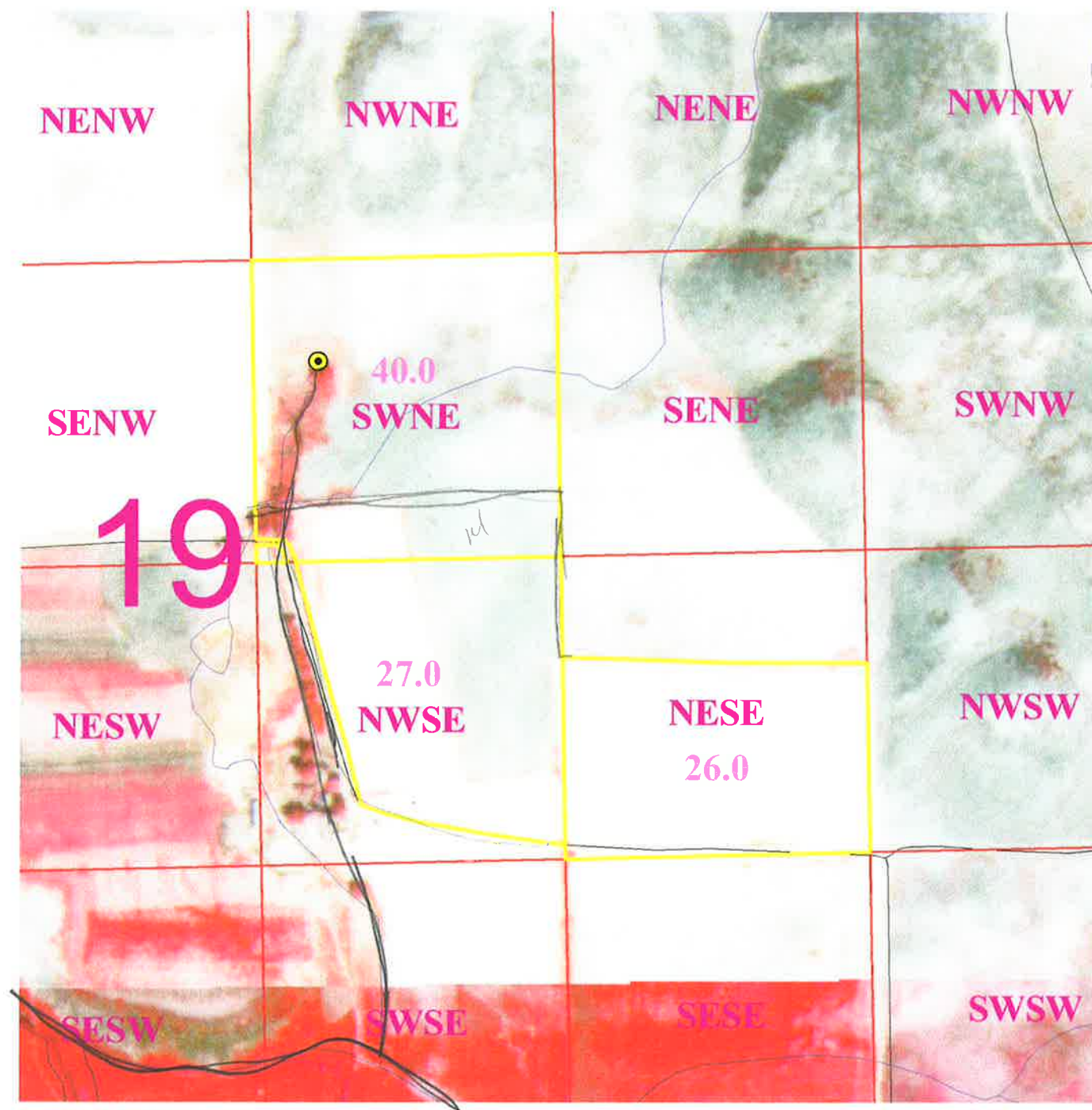
Township , 6S39E



Township , 6S39E



Township , 6S39E



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

RIGHT NUMBER: 29-69

NAME AND ADDRESS:

ERMA M BANKS
3229 BANKS RD
BANCROFT ID 83217

SOURCE:

Source:
HIBNER SPRINGS

Tributary:

PORTNEUF RIVER

QUANTITY:

1.220 CFS
0.000 AFY

~~0.970 CFS~~

PRIORITY DATE:

11/28/1882

POINT OF DIVERSION:

T06S R39E S19 SWSNE
Within CARIBOU County

COPY

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

1.220 CFS

~~0.970 CFS~~

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

PLACE OF USE:

IRRIGATION

within CARIBOU County

T06S R39E S19 SWNE 16.0

~~T06S R39E S19 SWNE 2.8~~

T06S R39E S19 NESE 24.0

~~T06S R39E S19 NESE 25.0~~

T06S R39E S19 NWSE 26.0

~~T06S R39E S19 NWSE 20.0~~

~~T06S R39E S19 SESE 0.1~~

66.0 ACRES TOTAL

48.3 ACRES TOTAL

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

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 61.22 ACRES WITHIN THE PLACE
OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

COPY

4/29/04

Basic 29 claims objected. Mary

Saxton's

29-13296 Retin Saxton.
29-285H Barbara Morrison.
29-448F Diane Williams

Saxton 29-13296 - No evidence of priority (unmarked stream)
- Support to provide, so no field work was done.

June 29, 2004. Scheduled conference.
May 7th, 2004. Claimant dealing to provide additional info. to (Department?)
Time doesn't know if it's Canadian Region?

29-285H. Rapid Creek. disallowed.
We use from 1976-1990.
- Portable pump - not linked to claimant contends they use the water

29-448E - Pocatello Creek. disallowed.
M. Williams We thought property was not part of original
Poll.

Spring was to be south
land is now subdivided
449 - Spring?

Pressure owner of this land said he
did not irrigate the 3 acres because it
was uphilled. But claimant no pump on the

water uphill to irrigate.

Dead is silent on water.

Ernie feels that he may be entitled to some irrigation on the northern portion.

Ernie Ortho quad doesn't show irrigation. If he can demonstrate that the water was able to get to his property then we can change the recommendation but Ernie was not able to confirm that.

priority:

- No measuring device on spring.
- He needs to show that his piece of property was originally irrigated.
- He can't get the spring to his property. Has no right to the spring.

No evidence that it was previously irrigated but irrigates now.

Clair had conflicting testimony from individuals on what was irrigated.

**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

SUBCASE NO: 29-69

Case No. 39576

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; and they have been served with sufficient process, according to the law; and that they have appeared, prosecuted and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT/ OBJECTOR:

Erma M. Banks 4-22-04
Erma M. Banks Date

IDWR CONCURRENCE:

Cindy Bird 4/22/04 Candice M. McHugh 4/22/04
Cindy Bird Date Candice M. McHugh
Water Resource Agent, IDWR Attorney for IDWR

Post-it® Fax Note	7671	Date	6/29/04	# of pages	4
To	Cindy Bird	From	Candice McHugh		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

875 - 29-61

DANNED

R 2 6 2004

CERTIFICATE OF MAILING

I certify that on 4-22, 2004 I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

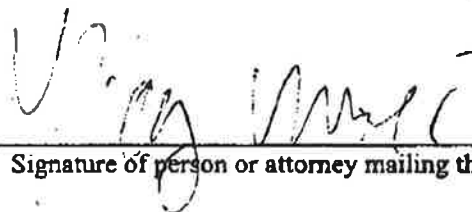
Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0098

IDWR Document Repository
P.O. Box 83720
Boise, ID 83720-0098

Erma M. Banks
3229 Banks. Rd.
Bancroft, ID 83217



Signature of person or attorney mailing the form

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

RIGHT NUMBER: 29-69

NAME AND ADDRESS:

ERMA M BANKS
3229 BANKS RD
BANCROFT ID 83217

SOURCE: Source:
HIBNER SPRINGS

Tributary:

~~FORTWELL RIVER~~SINKS

EMB

CB

QUANTITY: 1.220 CFS
0.000 AFY

~~0.070 CFS~~

CB

PRIORITY DATE: 11/28/1882

POINT OF DIVERSION:

T06S R39E S19 SWSWNE
Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

Purpose of use

Period of use:

Quantity:

IRRIGATION

04/15 09/15

1.220 CFS~~0.070 CFS~~

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EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31,
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OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS
REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO
SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE
EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE:

IRRIGATION

within CARIBOU County

T06S R39E S19 SWNE 16.0T06S R39E S19 NESE 24.0T06S R39E S19 NWSE 26.0~~T06S R39E S19 SWNE 2.0~~~~T06S R39E S19 N66E 25.0~~~~T06S R39E S19 NWSE 20.0~~~~T06S R39E S19 SESE 0.1~~66.0 ACRES TOTAL~~40.3 ACRES TOTAL~~

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

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EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

EMB
CB
CB

Notes

4/16/04 Settlement Conference:

Hibner Springs: decreed at 1.22 cfs, measured at 1.04 cfs. Changed recommendation to 1.22 cfs because as a decreed right just because the water is not there doesn't mean the claimant should be punished.

Recommending 1.22 cfs. on 66 acres.

RECEIVED
OCT 24 2003
Department of Water Resources



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

Case No. 39576

A. Subcase 29 - 69

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: ERMA M BANKS

Address: 3229 BANKS Rd

BANCROFT ID 83217

Daytime Phone: 208-648-7856

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: ERMA BANKS

Address: 3229 BANKS Rd

BANCROFT ID 83217

D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: IS NOT TRIBUTARY TO FORTNEUF, DESCRIBE AS SIN.

3. ☒ **Quantity**

Should be: 1.22 CFS

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☒ **Place of Use**

Should be: 1 ACRE SHOULD BE 108; SEE ATTACHED MAP.

11. I object because:

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S): SEE ENCLOSED MAP TO

SEE TERRIGATED ACRE

F.

VERIFICATION (Must be Completed)

State of Idaho)
County of Bonneville)ss.

Erma M Banks, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Erma M. Banks
(Signature of person filing objection)

(Attorney signing in representative capacity)

Subscribed and sworn to before me on: Oct 20, 2003



Ernest M Carlsen
Notary Public for LDWR
Residing at: Idaho Falls ID
My Commission Expires: 8/21/2009

29-69

SWNE
16 ac

27 ac

NWSE

NESE

25 ac

X:\basins\B29\claims\29-00069

Notes

7/23/03 Sent Eunice a C.D. with updated
shapes for 29-69 & 29-94B to
link, CB.

1964 Imagery



To: kforsgren@idwr.state.id.us;vmusic@idwr.state.id.us

Cc: cbird@idwr.state.id.us

Subject: Files 29-69 & 29-94B

Hi Kris,

Cindy gave your request to me to process concerning the above referenced claims. Hope I understand your directions correctly. I made a copy of the original signed claim form; sent the original to Vicky and retained the copy for our files. I made copies of all of the other documents in the file and sent them to Vicky and kept the originals in our file. I put them in separate file folders to make it easier to utilize. I will put them in the snail mail. Don't know if they will go out today or Tuesday. By the time I get to the post office, they may already be closed.

Barbara :-}

Bird, Cindy

From: Forsgren, Kristen
Sent: Monday, October 27, 2003 11:44 AM
To: Bird, Cindy
Subject: 29-69 & 29-94B

Cindy,

We have received notice that objections have been filed on 29-69 and 29-94B. Could you please send the original claim with signatures to Vicky Music in Boise. Make a copy of the original claim with signatures for the file. Then make a copy of the file and send it to Vicky Music. The only thing that she needs to original of is the original claim with signatures, everything else can be a copy. Let me know if you have any questions.

Thanks,

Kristen

*Barbara,
Please take care of this.*

*Thanks,
Cindy*

Notes

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

TO: County FSA Office

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

Banks Bros by James Banks 7/22/03
Name Date

Claim No.: 29-69

Summary Data Entry Form

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

C18

C05

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

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

Claim No.:

29-69

Reviewer

Cindy Bird

Date

2/14/03

Notes

10-30-01 GPS PT HEBSPG

Used FSA 1987 Photo. for Irrigated land.
POL shape: 29-69.shp.

Decree.

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

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

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

OK as claimed

Current Owner

Current Owner

Representing Attorney: _____ Phone Number: _____

Accompanied By: David & Jon Banks Phone Number: _____

Relationship to Claimant:

Date of Field Exam: 10-30-01 Time: _____

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

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears slightly aged or off-white. There is no handwriting or other markings on the page.

Reviewer:

CPB

Date:

2/13/03

Priority Date Data Entry Form

Claim Number: 29-69

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

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

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

UG & EReviewer: CBDate: 2/13/03

Point of Diversion and Source Data Entry Form

Claim Number: 29-69

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

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

Source:_____ Tributary:_____

☒ Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
65	39E	19		SWNE	Caribou	Hibner spgs
GPS Coordinates: <u>42.8849847</u>					<u>-111.9334086</u>	
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						
GPS Coordinates: _____						

Other rights from this POD? _____

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

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

10-30-01

Transfers Changing POD _____

Reviewer: CBDate: 2/13/03

Place Of Use Data Entry Form

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

Claimed Place of Use

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

Total Acres _____

Recommended Place of Use

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

Total Acres 48.5

Document how the POU was verified:

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

Transfers Changing POU _____

Reviewer: CBDate: 2/14/83

Purpose of Use Data Entry Form

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

Water Right Purpose of Use

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

Claimed Purpose of Use

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

Recommended Purpose of Use

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

Document how the Purpose of Use was verified:

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 2/14/03

Period of Use and Quantity Data Entry Form

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

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

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

Overall Diversion Rate 0.97Overall Diversion Volume 0

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

field exam

FSA Photo 1997

Reviewer: CBDate: 2/14/03

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



Photo 1. Hibner Springs



Photo 2. POU for Hibner Springs

ID: Data

Banks / A29-69.doc

6/6/02.

Noon - Bank remeasure
Steve Hobdon & Cindy Bird
Hibner Springs.

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

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

6/4/02 1pm Bahks - 29-69

10cm = 0.78 cfs

Measured below the culvert.

remeasure 6/6/02 w/Steve Heddon after the ditch is cleaned.

15" Broadcrested weir.

1960's E. of the road

1976 - N of the road (Reservoir side)

$$\frac{50 \text{ in}}{\text{cfs}} \times .78 \text{ cfs} = 39 \text{ inches.}$$

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

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

When did Pou change occur?

Bird, Cindy

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

Good Morning,

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

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

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

Thanks
Cindy

EXAM INFORMATION

Exam Date 10/30/07

Exam Time 2pm.

CLAIM(S) _____

NAME Erma Banks (David Banks)

ADDRESS _____

PHONE () 648-7856 HOME

WORK

CELL

DOMESTIC___ STOCKWATER___ IRRIGATION X OTHER___

OTHER RIGHTS _____

DIRECTIONS _____

DOGS

DATE _____ APPOINTMENT _____

WR5809NP
No. 29-00069

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/24/01
PAGE: 10

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

Water Source: HIBNER SPRINGS

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion: T06S R39E S19

SWNE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
06S	39E	19	:																	
			:																	

Pou County: CARIBOU

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

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

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

Misc: Water District Number: 29 Field Exam Fee:

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

53. MURPHY, ED.
29 00651902 July 1

1.0 c.f.s.

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

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

54. ORGILL, THOMAS
29 00661902 July 1

.14 c.f.s.

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

55. GOODENOUGH, GEORGE
29 00671902 July 1

1.72 c.f.s.

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

56. O.S.L.R.R. COMPANY
29 00681882 July 1

.40 c.f.s.

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

SPRINGS AND UNNAMED STREAMS, TRIBUTARY
TO PORTNEUF RIVER.

57. HIBNER, JULIA
29 00691882, Nov. 28

1.22 c.f.s.
(61.22) inches

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

Portneuf?
NESW
NW SW
NWSE
SW SW
SE SW

Portneuf claimed

58. WILLIAMS CORNELIUS
29 00701904. April 19.

.29 c.f.s.

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

MAY 15 1996

MAY 4 2001

Log for claim A29-00069

Spatial Dynamics LTD

6/1/00

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

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 7

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

[illegible]

Other Rights: NONE

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

Misc: Water District Number: 29 Field Inspection Flag:
Presumption Flag:

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

MAY 4 2001

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A29-00069 ✓
Date Received: 1-25-90
Receipt No: 1205594
Received By: AB

COPY

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-648-7856

83217

2. Date of Priority: NOV 28, 1882 ✓

3. Source: HIBNER SPRINGS ✓

Trib. to: PORTNEUF RIVER ✓

4. Point of Diversion:

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

5. Description of diverting works:

GRAVITY FLOW TO 20HP PUMP, MAINLINE TO HANDLINES & 1 WHEELLINE

6. Water is used for the following purposes:

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

7. Total Quantity Appropriated is:

0.97 1,220 C.F.S. (and/or)

A.F.A. 47.5 * 0.02

8. Total consumptive use is

181.2 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

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

diagram

A29-00069

Page

1

Date: 01/25/90

MICROFILMED

NOV 13 1992

A2900069



10. Place of Use: Continued

Total Acres 72.5

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
NONE

14. Remarks:

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

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

MICROFILMED
NOV 13 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): X Erma M. Banks Date: 1-25-90
_____ Date: _____

State of Idaho)
County of Caribou) SS.

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

Anna Baumhoff
Notary Public

Seal

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

MICROFILMED
NOV 13 1992

38E/39E



A29-00069

72.5
acres

MICROFILMED
NOV 5 1992