

01/08/2003

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

RIGHT NUMBER: 29-103

NAME AND ADDRESS: TOPONCE CANAL CO LTD
C/O W L HATCH PRES
2787 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 25.000 CFS

PRIORITY DATE: 06/17/1902

This priority date is more accurately described as 6/17/1902 1:00 p.m.

POINT OF DIVERSION:

T06S R38E S34 NWNWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	25.000 CFS

PLACE OF USE:

1996 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 1828.23 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-103 AND 29-10322

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

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

EXPLANATORY MATERIAL: Decreed

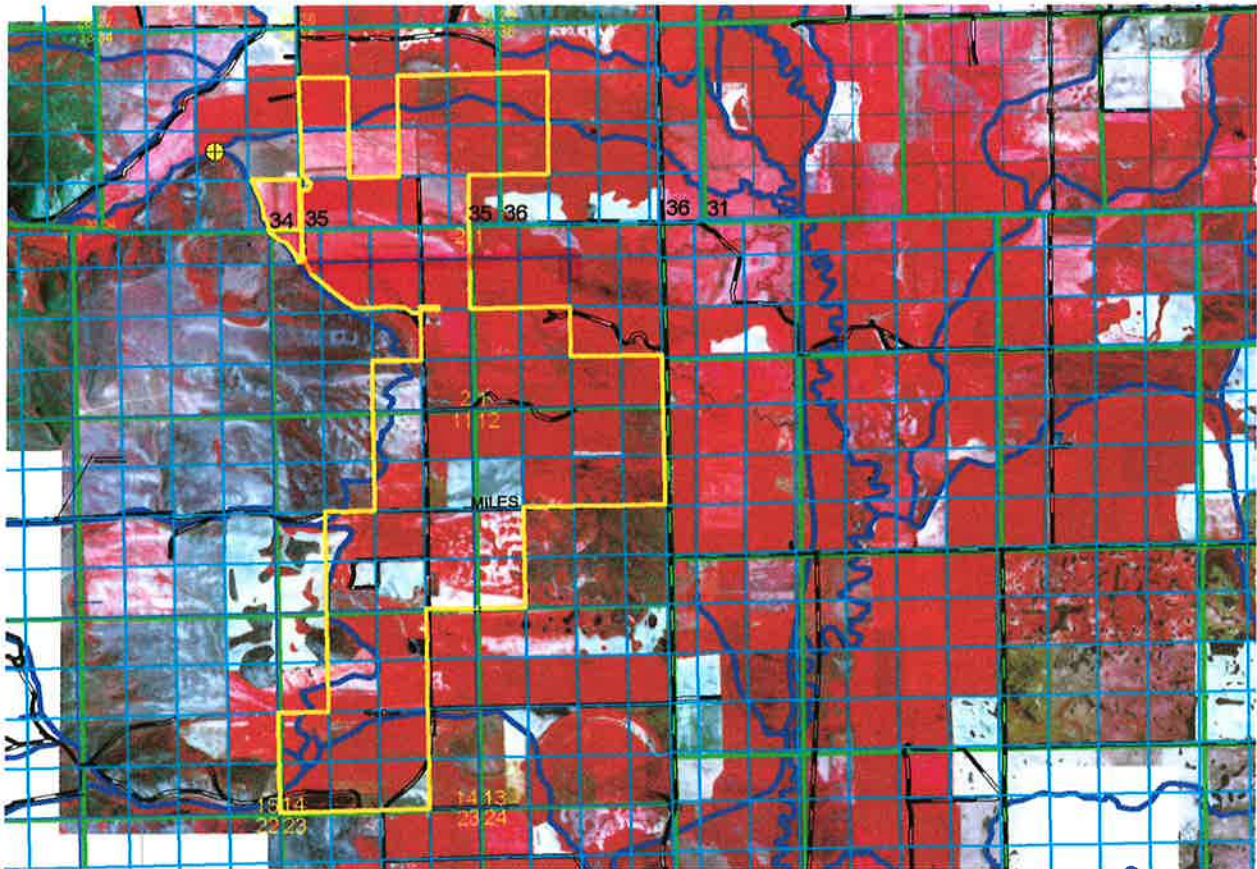
RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION
PURSUANT TO SECTION 42-1425, IDAHO CODE.



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s) 29-103 and 29-10322



IRRIGATED ACRES 1828.23

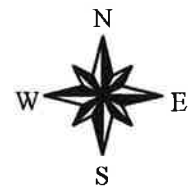
0.9 0 0.9 1.8 Miles

LEGEND

-  Point of Diversion
-  Place of Use
-  Sections
-  Quarter-Quarters

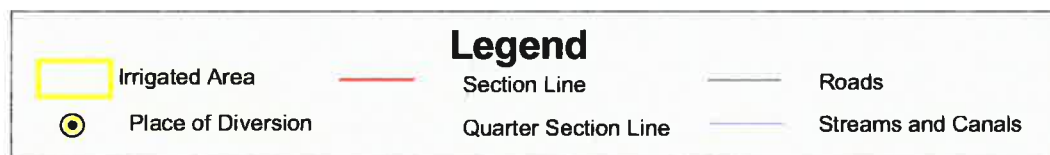
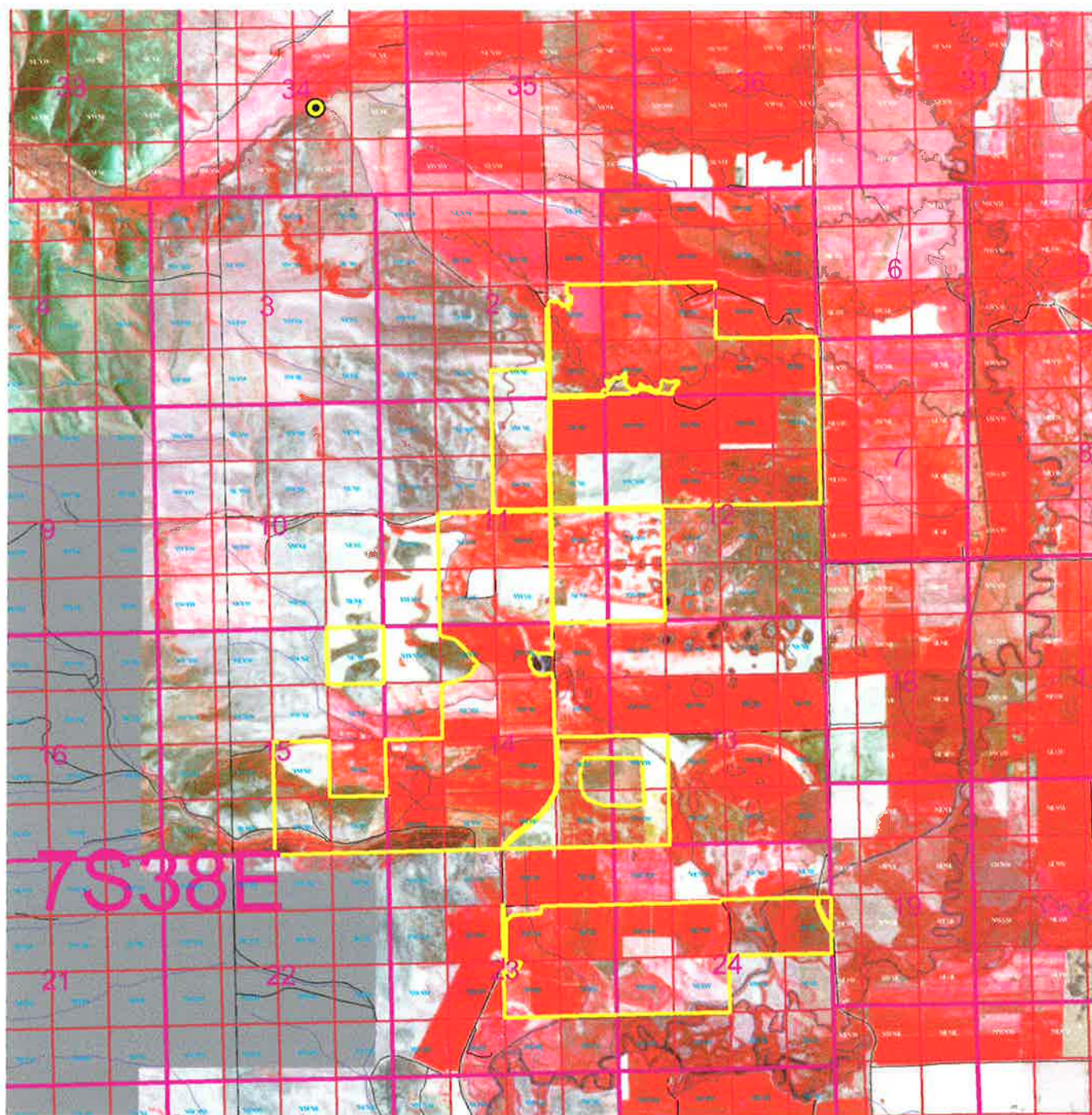
Place of Use: T7S, R38E
(part of) Secs. 1, 2, 11, 12, 13,
14, 15, 23 and 24. T6S, R38E,
(part of) Secs. 34, 35 and 36.

Point of Diversion: T6S, R38E
Sec. 34 NWNWSE



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

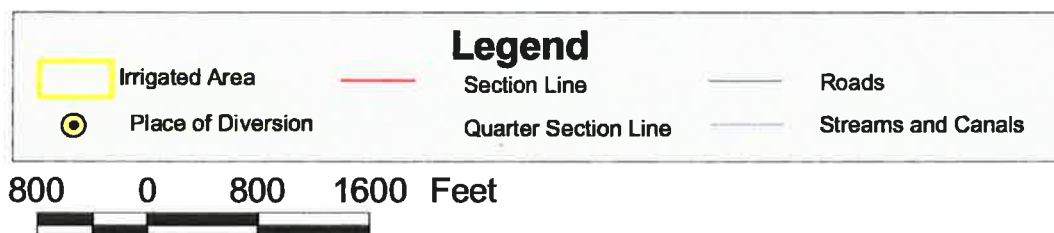
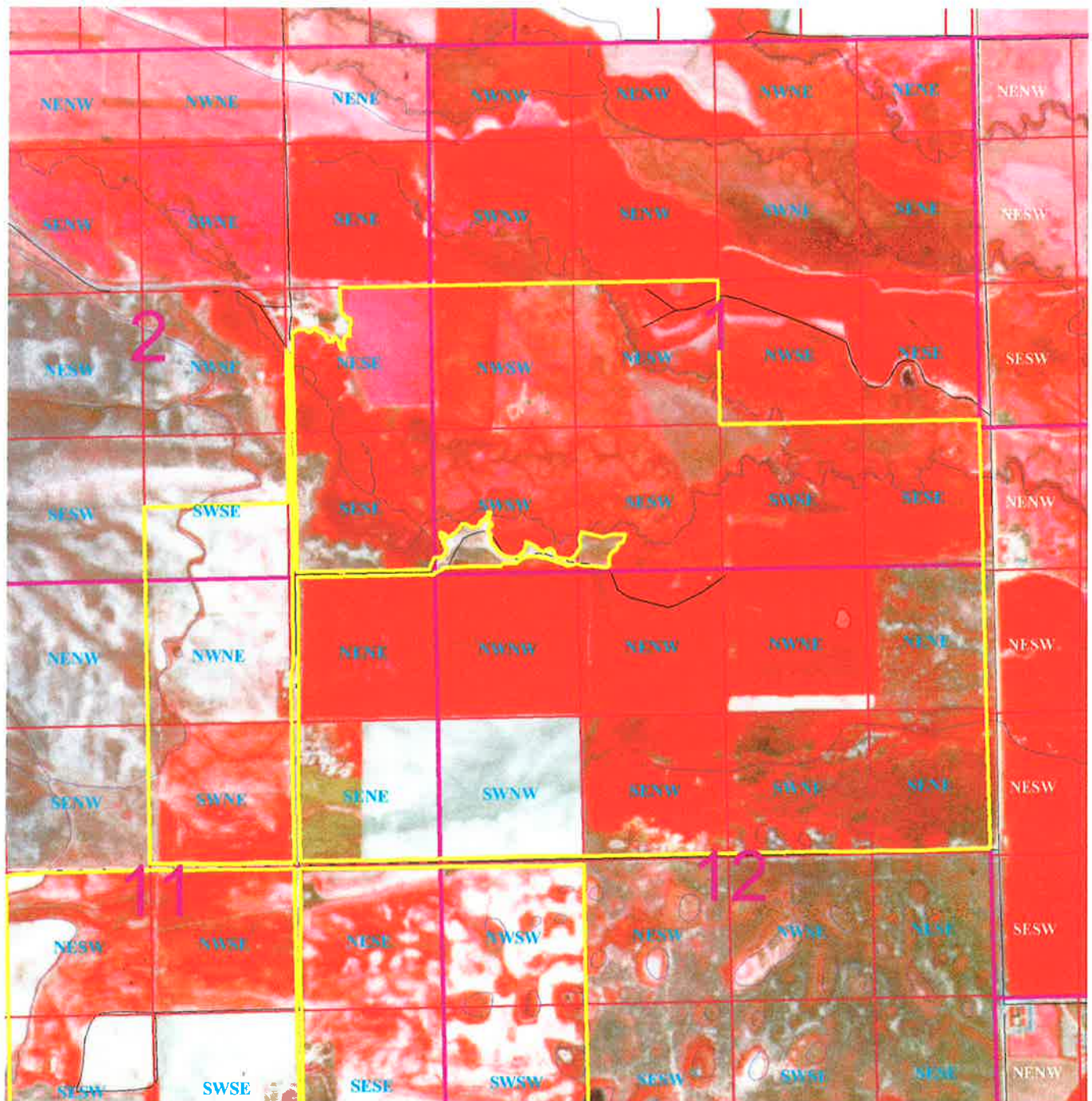
Township , 7S38E



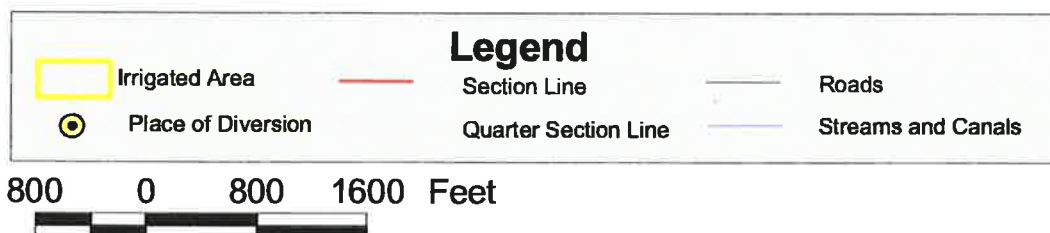
2000 0 2000 4000 Feet



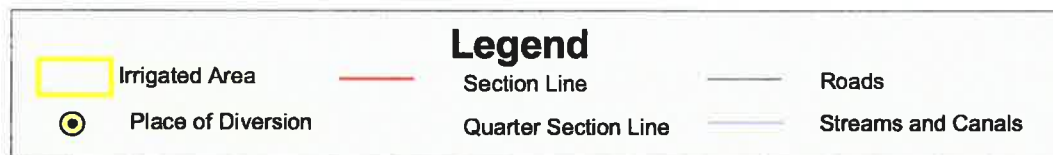
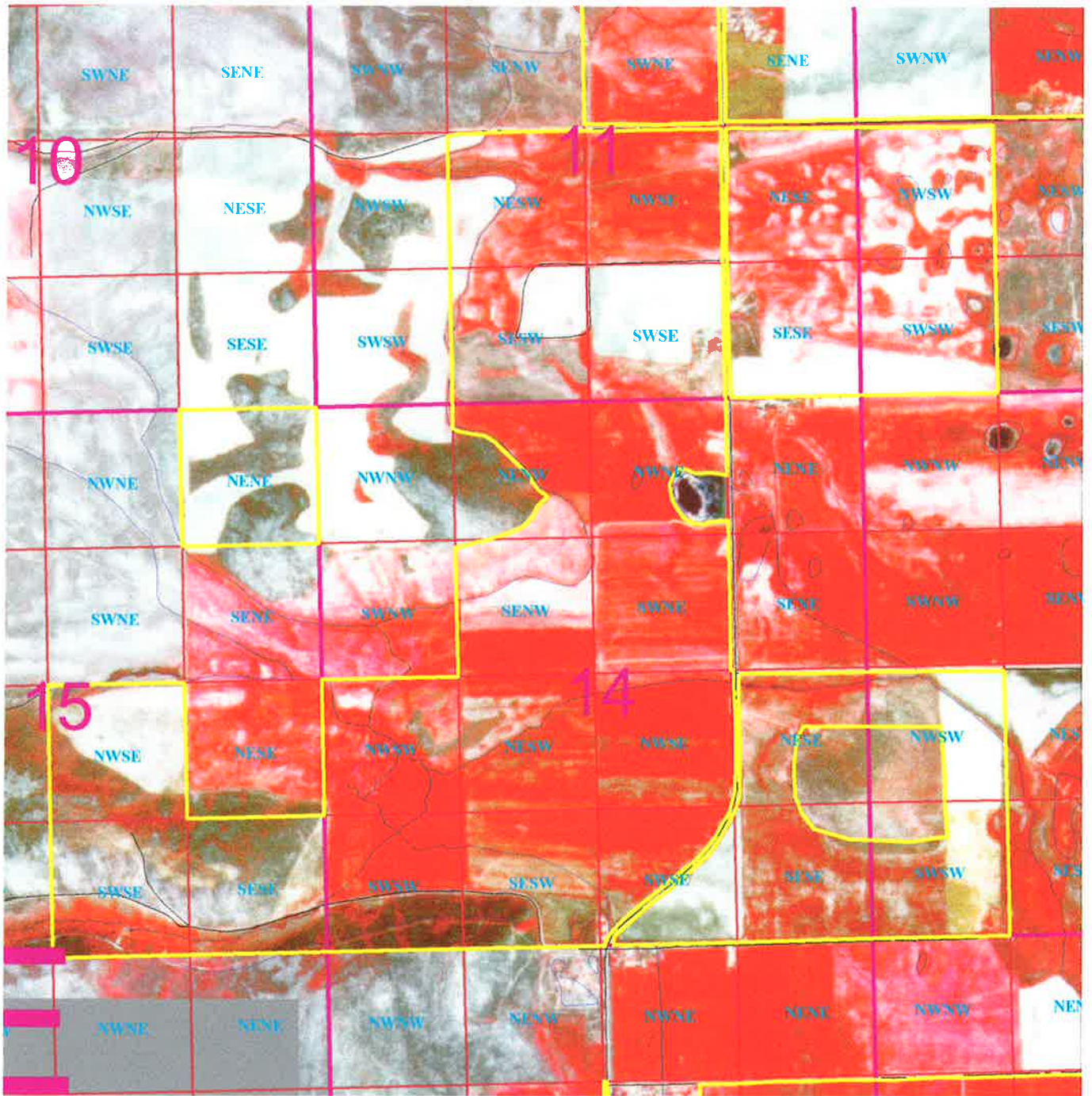
Township , 7S38E



Township , 7S38E



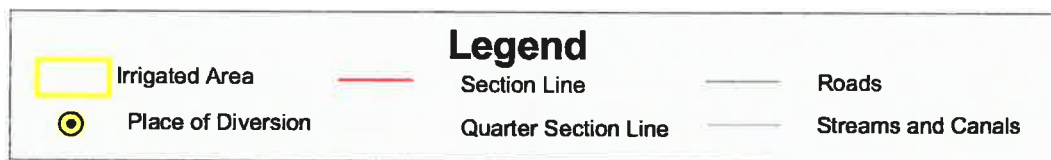
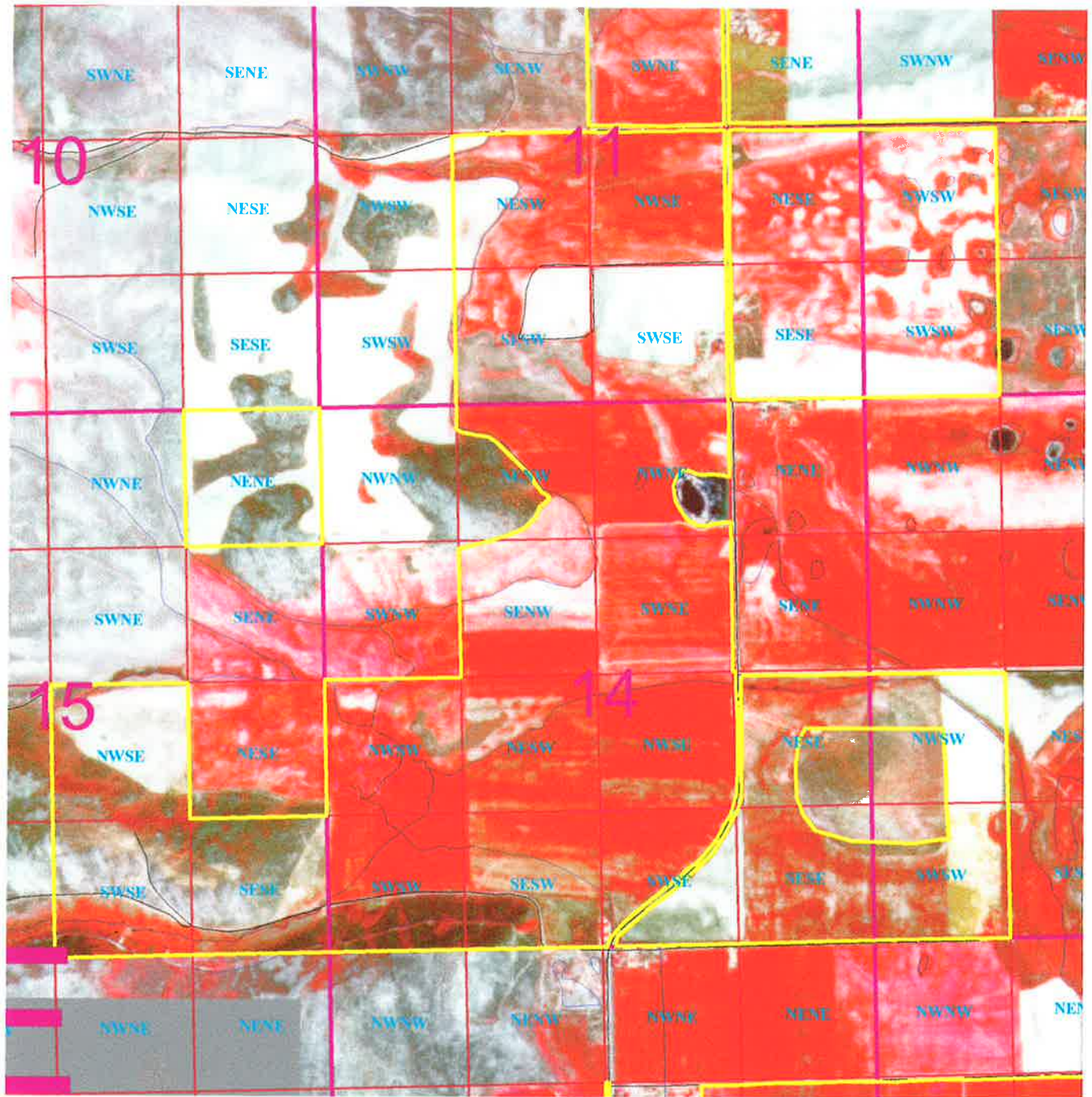
Township , 7S38E



800 0 800 1600 Feet



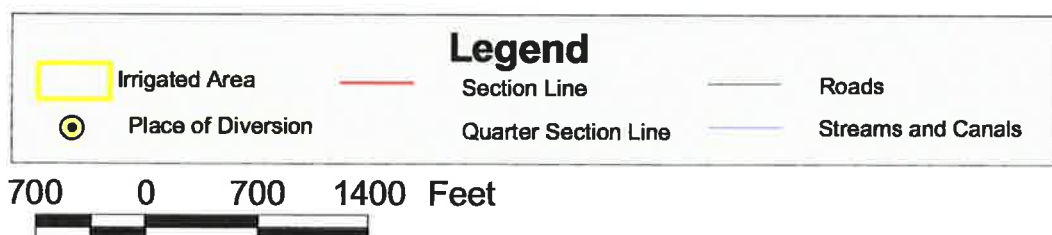
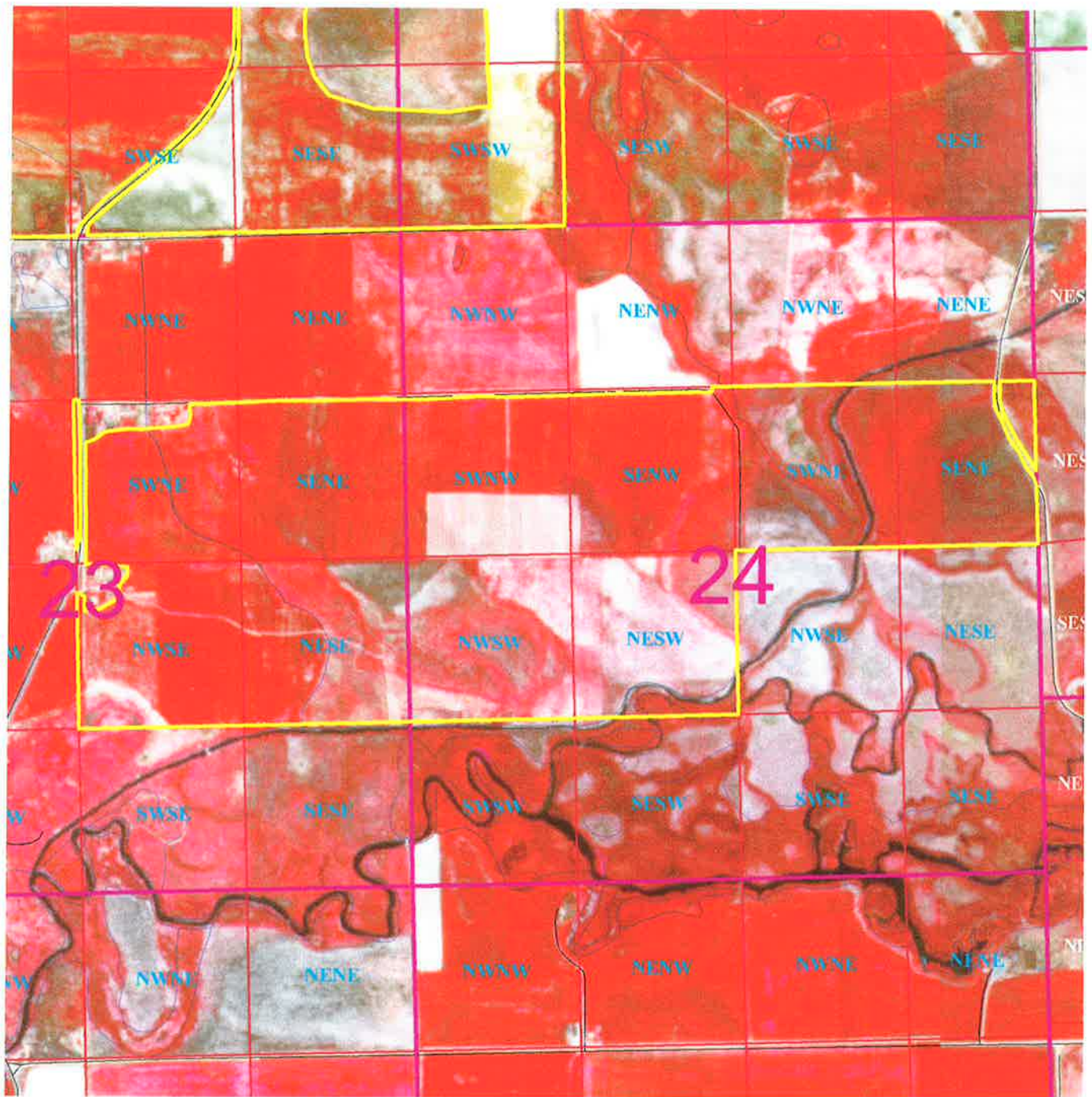
Township , 7S38E



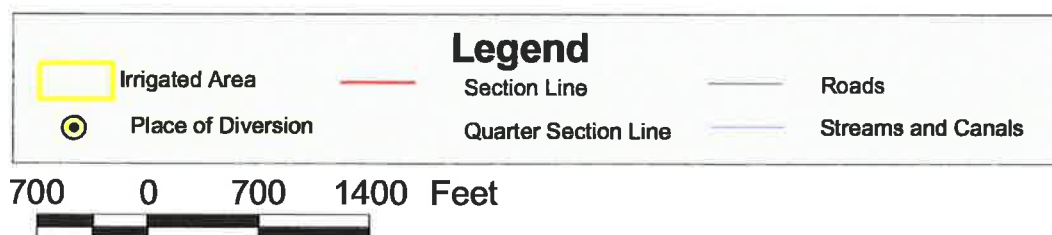
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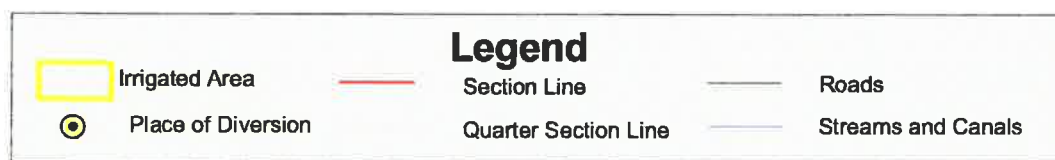
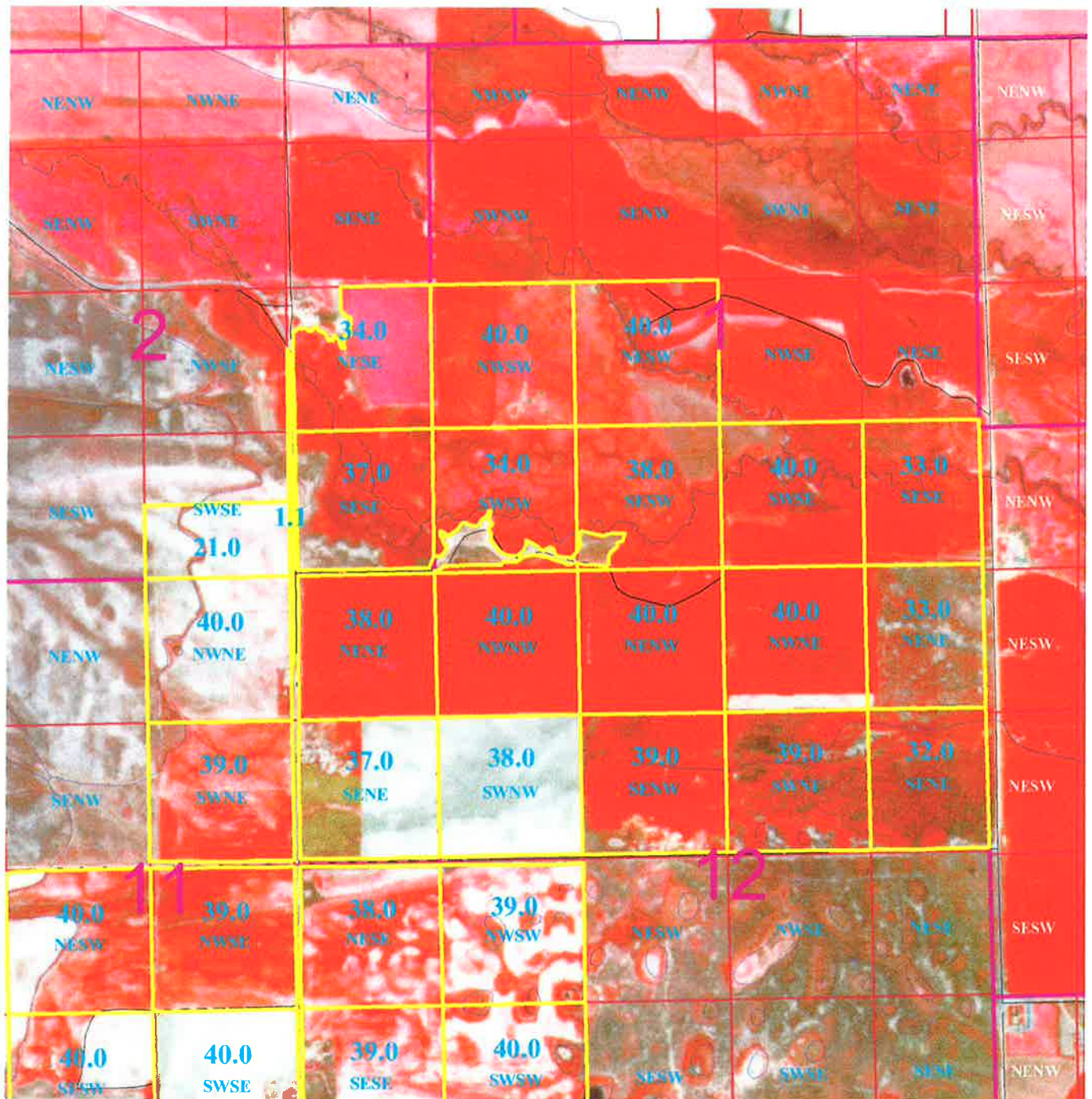
Township , 7S38E



06/20/2000



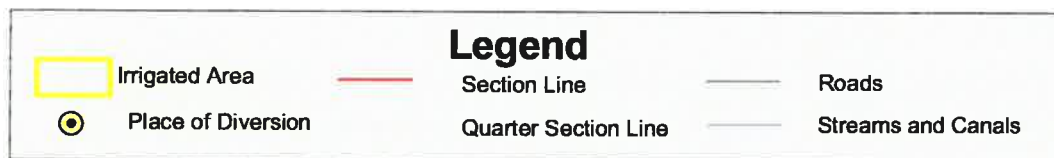
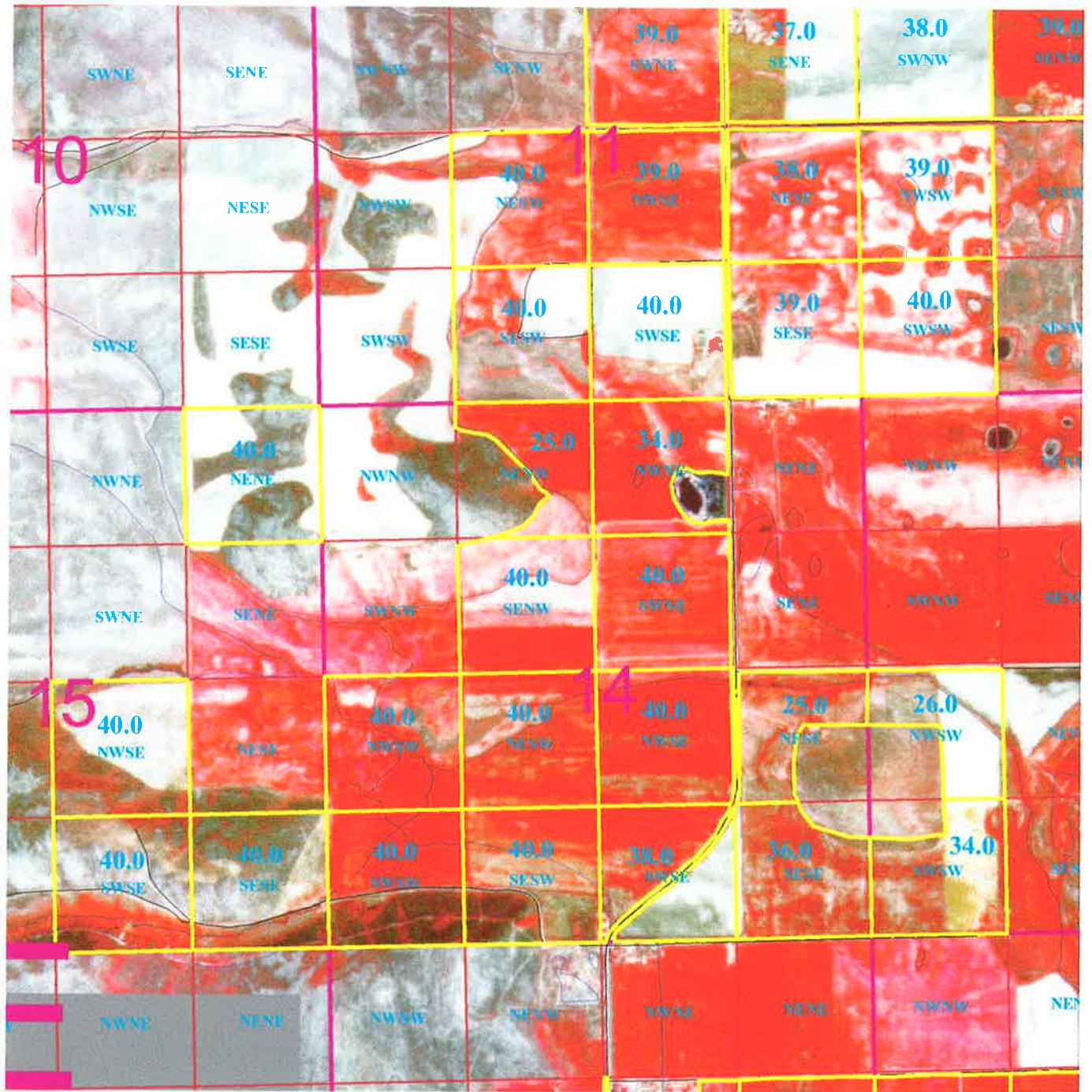
Township , 7S38E



800 0 800 1600 Feet



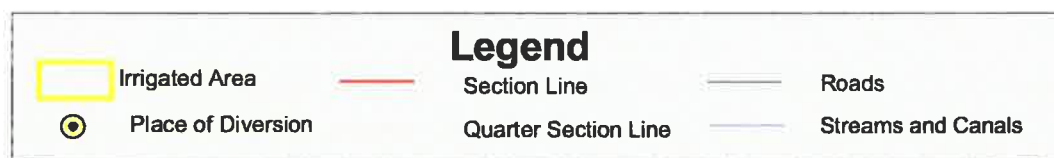
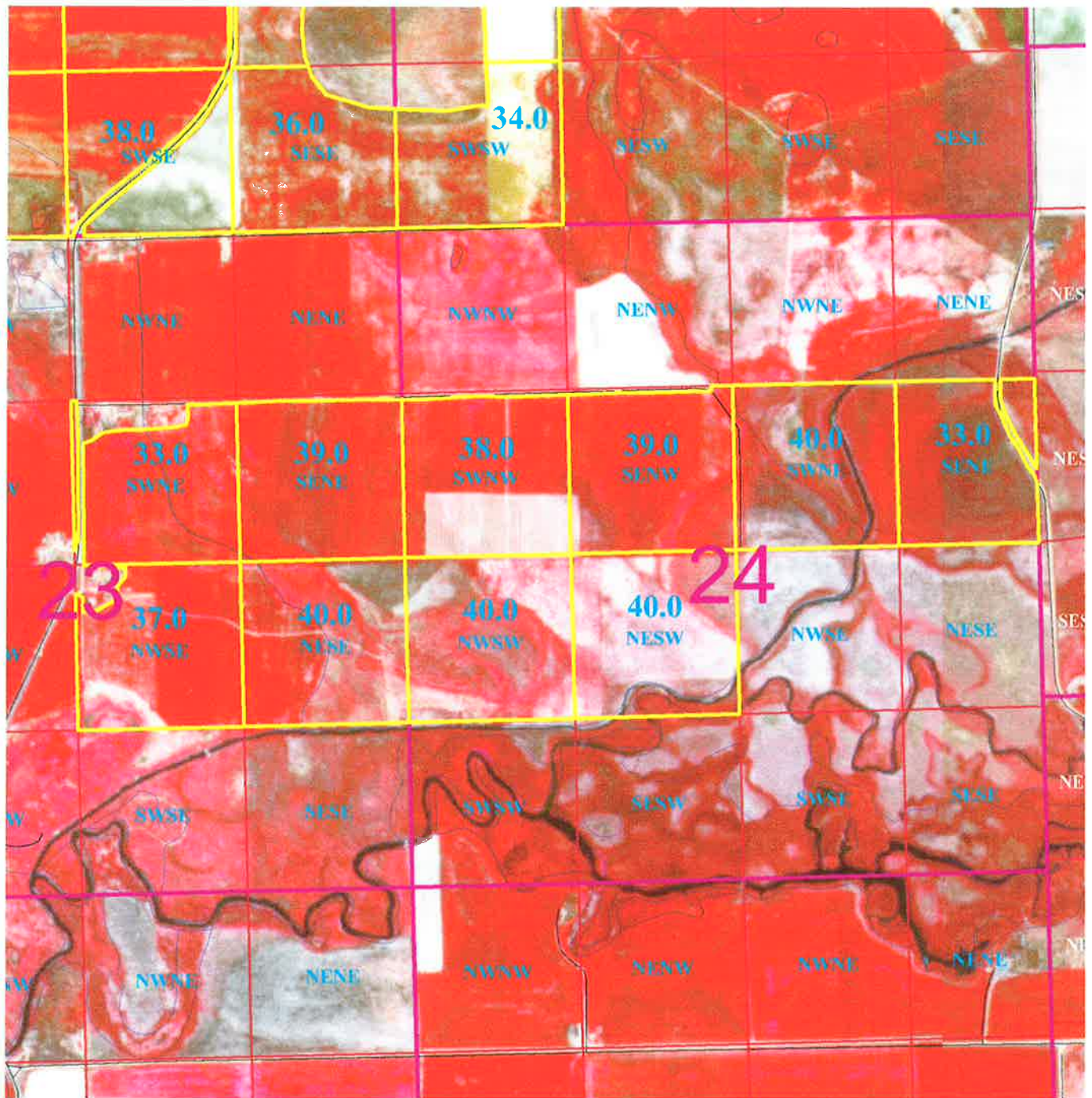
Township , 7S38E



800 0 800 1600 Feet



Township , 7S38E



700 0 700 1400 Feet





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 14, 2000

Toponce Canal Company
Wilder Hatch
2787 Kelly Toponce Rd.
Bancroft, ID 83217

Subject: Toponce Canal Company Service Area

Dear Sir;

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

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

Sincerely,

Mark Larson
GIS Specialist
Adjudication Technical Section

ewalt
CINDY BIRD

Cindy

02/18/2003

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: April 21, 2003

Water right number: 29-103

TOPONCE CANAL CO LTD
C/O W L HATCH PRES
2787 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208) 648-7758

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:

3/3/03

SIGNATURE:

Wilder L. Hatch

Please print your name:

WILDER L. HATCH

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

RECEIVED
MAR 10 2003
Department of Water Resources
Eastern Region

RECEIVED
MAR 17 2003

[illegible]

Name connector: and _____, or _____, and/or _____

Current Owner Barbara J. & Ed 8321

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

This image shows a single page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or printed text on the page.

Date: 11/12/02

Priority Date Data Entry Form

Claim Number: 29-163 1pm
Water Right Priority Date: 6-17-1902 Water Right Basis: Decree
Claimed Priority Date: 6-17-1902 Claimed Basis: Decree
Recommended Priority Date: _____ Recommended Basis: _____

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

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

D03 add priority date Remark to clarify
1pm

Reviewer: CBDate: 11/12/02

04/03/2002

Point of Diversion and Source Data Entry Form

Claim Number: 29-103
 Water Right Point of Diversion: T 6S, R 38E, Sec. 34, SW, SE, County: Caribou
 Source: Toponce Crk Tributary: Portneuf River
 Claimed Point of Diversion: T 6S, R 38E, Sec. 34, NW, NW, SE, County: Caribou
 Source: Toponce Crk Tributary: Portneuf River
 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
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						
_____	_____	_____	_____	_____	_____	_____
GPS Coordinates: _____						

Other rights from this POD? 29-10322, Caldwell as takes his
 Document how the POD and Source were verified and/or Pump and Motor data: 150 through Canal.

POD was moved priv to A70. - accomplished
Change add CO3 Remark.

- Use Claimed POD. Point Sor: recommended
POD Point.

Transfers Changing POD _____

Reviewer: CB

Date: 1/6/03

Place Of Use Data Entry Form

Claim Number: 29-103☐ 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:

use large POU. - link TO Ponce Canal slope.
if legal PLS is listed on the claim
DONOT UPDATE PLS/ACRES, it doesn't
matter if it is incorrect if a PLS is
described - Per Mark Larsen 1/7/03.

Transfers Changing POU _____

Reviewer: CBDate: 1/7/03

Purpose of Use Data Entry Form

Claim Number: 29-103☒ 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:

No extended season beyond UG + E duce.
add Ell remark to limit total acres
when combined with 29-10322.

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 1/7/03

Period of Use and Quantity Data Entry Form

Claim Number: 29-103☒ 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

Overall Diversion Rate _____

Overall Diversion Volume _____

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

NO 508 Remark

Reviewer: CBDate: 1/7/03

Claim No.: 29-103

Summary Data Entry Form

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

C03

C18

E11 This right when combined with 29-10322
may be used to irrigate 1828.23 acres
in a single irrigation season.

Split or Combined Right Analysis:

None

Attached Field Notes or Other Documents:

see file

Claim No.:

Reviewer

Cindy Bird

Date

1/2/03

Notes

- Decree acre limit for total rights
1828.23 acres. under UG+E decree.
- Concrete structure put in prior to 1970.
ultimately changing POP.
- link irrigation slope.
- Don't update PLS/acreage.
- No extended SOU.

print layout for 29-103 + 10322

Toponce Canal:

10/16/01

W.L. Hatch has been president since 1970.

Concrete structure for the POB has been located in the NWSE since before he has been president of Toponce Canal.

- Alan Smith - sect 23 & 24. - No Toponce Canal water since 1972. or land in 13 & 14. They irrigated the property with the well from 1966.
- NENE Section 15, has never had water on it.
- NWSE, SWSE, SESE Sect. 15 doesn't have a way to deliver the water.
- Wayne Perkins is delivered water through the canal system.
don't recommend 29-10243

Users:

- King Crk. Stock 10+ years.
- Caldwell
- Hatch
- Perkins

11/18/02. Updated service area is 2232 ac.
Claim filed on 1996 acres.
decreed water for 1828.23 acres.
0.0238 in/acre.

12:49pm Called Don shaft to see if I need to
do an amendment to the claim.

Mark Larsen didn't think so. He hasn't
been updating the PLS when
he changes the boundaries.
Don has not had Mark update the PLS.

Exam Date 10/16/01
Exam Time 9am

CLAIM(S) _____

NAME Toponce Canal Co. / W.C. Hatch.

ADDRESS _____

PHONE () _____ HOME _____

WORK

CELL

DOMESTIC___ STOCKWATER___ IRRIGATION___ OTHER___

OTHER RIGHTS _____

DIRECTIONS

DOGS

DATE 10/15/01 APPOINTMENT W.C. Hatcher

0.0238 cfs/acres

113.53

2176.50 cleared
1828.23A cleared

MAY 4 2001

Log for claim A29-00103

Spatial Dynamics LTD

6/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	1	NESW	38	40	
07s38e	1	NWSW	40	40	
07s38e	1	SWSW	35	34	
07s38e	1	SESW	35	38	
07s38e	1	SWSE	30	40	Indiscernible
07s38e	1	SESE	27	33	
07s38e	2	NESE	39	34	
07s38e	2	SWSE	12	21	
07s38e	2	SESE	39	37	
07s38e	11	NENE	39	38	
07s38e	11	NWNE	31	40	
07s38e	11	SWNE	39	39	29-10243 - Perkins
07s38e	11	SENE	36	37	
07s38e	11	NESW	32	40	Indiscernible
07s38e	11	SESW	37	40	
07s38e	11	NESE	39	38	
07s38e	11	NWSE	39	39	Wayne Perkins 29-10243
07s38e	11	SWSE	39	40	
07s38e	11	SESE	39	39	
07s38e	12	NENE	36	33	
07s38e	12	NWNE	40	40	
07s38e	12	SWNE	40	39	
07s38e	12	SENE	36	32	
07s38e	12	NENW	39	40	
07s38e	12	NWNW	40	40	
07s38e	12	SWNW	37	38	
07s38e	12	SENW	40	39	
07s38e	12	NWSW	40	39	
07s38e	12	SWSW	40	40	
07s38e	13	NWSW	20	26	Indiscernible
07s38e	13	SWSW	30	34	
07s38e	14	NWNE	36	34	
07s38e	14	SWNE	39	40	
07s38e	14	NENW	24	25	
07s38e	14	SENW	34	40	
07s38e	14	NESW	40	40	
07s38e	14	NWSW	38	40	
07s38e	14	SWSW	16	40	Indiscernible
07s38e	14	SESW	31	40	
07s38e	14	NESE	8	25	Indiscernible
07s38e	14	NWSE	40	40	
07s38e	14	SWSE	38	38	
07s38e	14	SESE	30	36	
07s38e	15	NENE	40	40	
07s38e	15	NWSE	40	40	
07s38e	15	SWSE	40	40	
07s38e	15	SESE	40	40	
07s38e	23	SWNE	32	33	

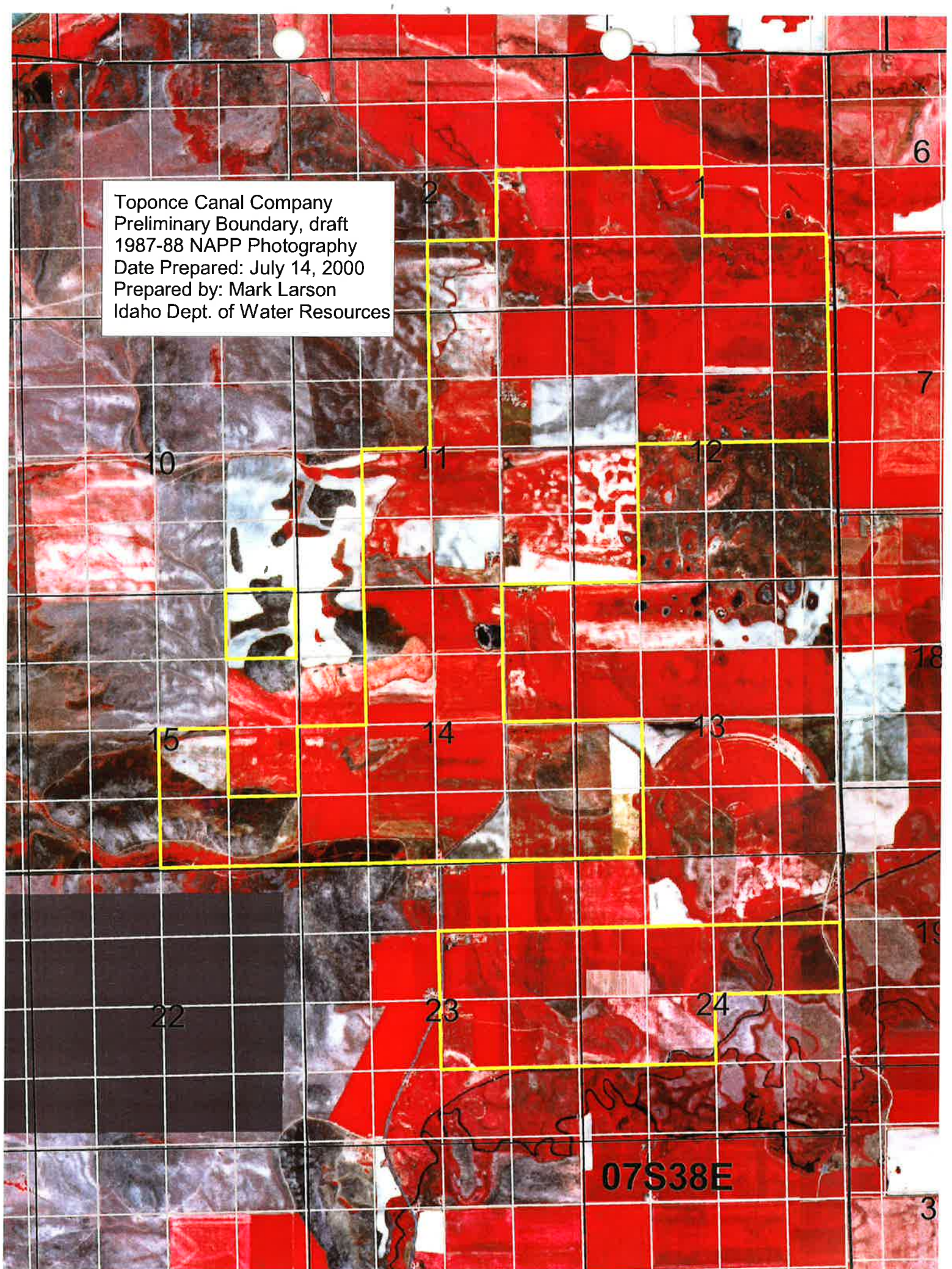
Log for claim A29-00103

Spatial Dynamics LTD

6/20/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	23	SENE	40	39	
07s38e	23	NESE	38	40	
07s38e	23	NWSE	40	37	
07s38e	24	SWNE	20	40	Indiscernible
07s38e	24	SENE	31	33	
07s38e	24	SWNW	40	38	
07s38e	24	SENE	40	39	
07s38e	24	NESW	38	40	
07s38e	24	NWSW	40	40	
Totals:			1996	2124	

Toponce Canal Company
Preliminary Boundary, draft
1987-88 NAPP Photography
Date Prepared: July 14, 2000
Prepared by: Mark Larson
Idaho Dept. of Water Resources



AJ5809NP
No. A29-00103

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 19

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TOPONCE CANAL COMPANY LTD C/O WILDER HATCH PRES 2387 KELLY RD BANCROFT ID 83217 (208) 648-7758	06/17/1902	IRRIGATION	04-15 09-15	25.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	25.000 CFS 4990.00 AFA

Water Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R38E S34

NWNWSE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																												
T	R	S	:	NENE Lt Ac	NWNE Lt Ac	SWNE Lt Ac	SENE Lt Ac	:	NENW Lt Ac	NWNW Lt Ac	SWNW Lt Ac	SENW Lt Ac	:	NESW Lt Ac	NWSW Lt Ac	SWSW Lt Ac	SESW Lt Ac	:	NESE Lt Ac	NWSE Lt Ac	SWSE Lt Ac	SESE Lt Ac	:	SUM																				
07S	38E	1	:					:					:	38	40	35	35	:			30	27	:	205.0																				
07S	38E	2	:					:					:					:	39		12	39	:	90.0																				
07S	38E	11	:	39	31	39	36	:					:	32		40	37	:	39	39	39	39	:	370.0																				
07S	38E	12	:	01-36	40	40	02-36	:	39	40	37	40	:		40	40		:					:	388.0																				
07S	38E	13	:					:					:		20	30		:					:	50.0																				
07S	38E	14	:		36	39		:	24			34	:	40	38	16	31	:	08	40	38	30	:	374.0																				
07S	38E	15	:	40				:					:					:		40	40	40	:	160.0																				
07S	38E	23	:			32	40	:					:					:	38	40			:	150.0																				
07S	38E	24	:			20	31	:			40	40	:	38	40			:					:	209.0																				
																							TOTAL ACRES																					1996.0

POU County: CARIBOU

Non-Irrigation Uses: INCIDENTAL STOCKWATERING FOR 1000 HEAD OF RANGE CATTLE.

Other Rights: 29-0104/0105/0106.

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

A29-00108 A29-00110B A29-10089 A29-10215 A29-10243 A29-10322 X29-10222

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

A29-00104 A29-00105 A29-00106 A29-00126 A29-00127 A29-00128 A29-00246B A29-02418 A29-02430 A29-02430A
A29-02431 A29-02431A A29-02504 A29-02524 A29-07028 A29-10222 A29-10243 A29-10244 A29-10260 A29-10322
X29-10222

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

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

Audit: 01/26/90 VERNER 02/14/90 VERNER 04/04/94 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: A29-00103
Date Received: 2/14/1990
Receipt No: 6012054
Received By: EW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TOPONCE CANAL COMPANY, LTD. 208-648-7758
Address: C/O WILDER HATCH, PRES.
2387 KELLY RD.
BANCROFT, ID 83217

~~Name: COMBINED RIGHT~~
~~Address: N/A, ID 00000~~

2. Date of Priority: JUN 17, 1902

3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	38E	34	NW	NW	SE		CARIBOU

5. Description of diverting works:
HEADWORKS OF THE TOPONCE CANAL. TOPONACE CANAL DELIVERY SYTSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	09/15	25.000		

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

8. Total consumptive use is 4990.0 Acre Feet Per Annum.

9. Non-irrigation uses:
INCIDENTAL STOCKWATERING FOR 1000 HEAD OF RANGE CATTLE.

A2900103



10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	38E	1	NE		SW		IRR	38.0
			NW		SW		IRR	40.0
			SW		SW		IRR	35.0
			SE		SW		IRR	35.0
			SW		SE		IRR	30.0
			SE		SE		IRR	27.0
			Section Acres					205.0
		2	NE		SE		IRR	39.0
			SW		SE		IRR	12.0
			SE		SE		IRR	39.0
			Section Acres					90.0
		11	NE		NE		IRR	39.0
			NW		NE		IRR	31.0
			SW		NE		IRR	39.0
			SE		NE		IRR	36.0
			NE		SW		IRR	32.0
			SE		SW		IRR	37.0
			NE		SE		IRR	39.0
			NW		SE		IRR	39.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
			Section Acres					370.0
		12	NE		NE	1	IRR	36.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE	2	IRR	36.0
			NE		NW		IRR	39.0
			NW		NW		IRR	40.0
			SW		NW		IRR	37.0
			SE		NW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			Section Acres					388.0
		13	NW		SW		IRR	20.0
			SW		SW		IRR	30.0
			Section Acres					50.0
		14	NW		NE		IRR	36.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
07S	38E	14	SW		NE		IRR	39.0
			NE		NW		IRR	24.0
			SE		NW		IRR	34.0
			NE		SW		IRR	40.0
			NW		SW		IRR	38.0
			SW		SW		IRR	16.0
			SE		SW		IRR	31.0
			NE		SE		IRR	8.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	30.0

Section Acres 374.0

15	NE	NE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 160.0

23	SW	NE	IRR	32.0
	SE	NE	IRR	40.0
	NE	SE	IRR	38.0
	NW	SE	IRR	40.0

Section Acres 150.0

24	SW	NE	IRR	20.0
	SE	NE	IRR	31.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NE	SW	IRR	38.0
	NW	SW	IRR	40.0

Section Acres 209.0

Total Acres 1996.0

11. Place of use in counties: CARIBOU

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

13. Other Water Rights Used:
29-0104/0105/0106.

14. Remarks:

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 7/01/1921

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.

Decree Defendant

16. Signature(s)

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

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am PRESIDENT of _____
Title

TOPONCE CANAL CO. LTD that I have signed the foregoing
Organization

document in the space below as PRESIDENT of _____
Title

TOPONCE CANAL CO. LTD and that the statements contained in the
Organization

foregoing document are true and correct.

Sheldon L. Fabel
Signature of Authorized Agent

PRES TOPONCE CANAL CO. LTD
Title and Organization

14 Feb 1990
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 14 day

of February 19 90

[Signature]
Notary Public

Residing at [Signature]

My Commission Expires 22 Aug 1994

Seal

TOPONCE CANAL CO.

WATER DIVERSION
POINT OF

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R38E

UNRECORDED
NOV 13 1992