

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-110A V1

WATER RIGHT NUMBER: 29-110A V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	WILLIAM F PURVIS
	, ID
Original Owner	JOSEPH PURVIS
	, ID
Current Owner	DEAN SMITH 826 WOOD RD BANCROFT, ID 83217 (208)648-7330

Priority Date: 06/01/1886

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TOPONCE CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/01	2.600 CFS	
	<u>Total Diversion:</u>	2.600 CFS	

Location of Point(s) of Diversion

TOPONCE CREEK	NW1/4NW1/4NW1/4	Sec. 5,	Twp 07S,	Rge 39E, B.M.
CARIBOU County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	39E	17					25.0	40.0	40.0	25.0									130.0

Total Acres: 130

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C18 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.

Remarks:

IDAHO DEPARTMENT OF WATER RESOURCES

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1. Place of Use USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED
 - Irrigation TOTAL OF 427 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:
 29-110A & 29-2373.

Comments:Dates and Other Information:

Decreed Date:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 Defendant:
 Plaintiff:
 Civil Case Number:
 Judicial District:
 Notice of Error Flag:
 State or Federal: S
 Owner Name Connector:
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/10/2003 3:39:02 PM	rwarner			Active
Priority Date	1/10/2003 3:39:40 PM	rwarner			Active
POD	1/10/2003 3:43:07 PM	rwarner			Active
POU	1/10/2003 3:55:32 PM	rwarner			Active
Use	1/10/2003 3:55:45 PM	rwarner			Active
Season	1/10/2003 3:56:42 PM	rwarner			Active
Quantity	1/10/2003 3:58:19 PM	rwarner			Active
Summary			01/10/2003	rwarner	Active
Source	1/10/2003 4:09:33 PM	rwarner			Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POU	1/15/2003 11:32:57 AM	rwarner	Edited shape boundary
POD	1/15/2003 11:33:50 AM	rwarner	Edited point location
Contacts	1/10/2003 3:39:02 PM	rwarner	(No) 1. Do you want to schedule an appointment?
			Comment for 1: desktop review

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Priority Date	1/10/2003 3:39:40 PM	rwarnar	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/10/2003 3:51:18 PM	rwarnar	Edited point location
POD	1/10/2003 3:43:07 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required? Description for Question 6 - Review of Union Grain and Elevator Decree and claim
POU	1/10/2003 3:51:55 PM	rwarnar	Edited shape boundary
POU	1/10/2003 3:55:32 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (No) 6. Can the claimed POU be verified using the water right file? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - GIS review Description for Question 13 - same
Use	1/10/2003 3:55:44 PM	rwarnar	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (No) 13. Is a Purpose of Use remark and/or condition required?

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Season	1/10/2003 3:56:41 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (Yes) 5. Can the claimed Period of Use be verified using the water right file? (Yes) 14. Is irrigation claimed as a Purpose of Use? (No) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/10/2003 3:58:19 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (No) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required? Description for Question 7 - 130 acres x .02 cfs/acre = 2.6 cfs
Summary	1/10/2003 4:08:54 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?
Source	1/10/2003 4:09:33 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

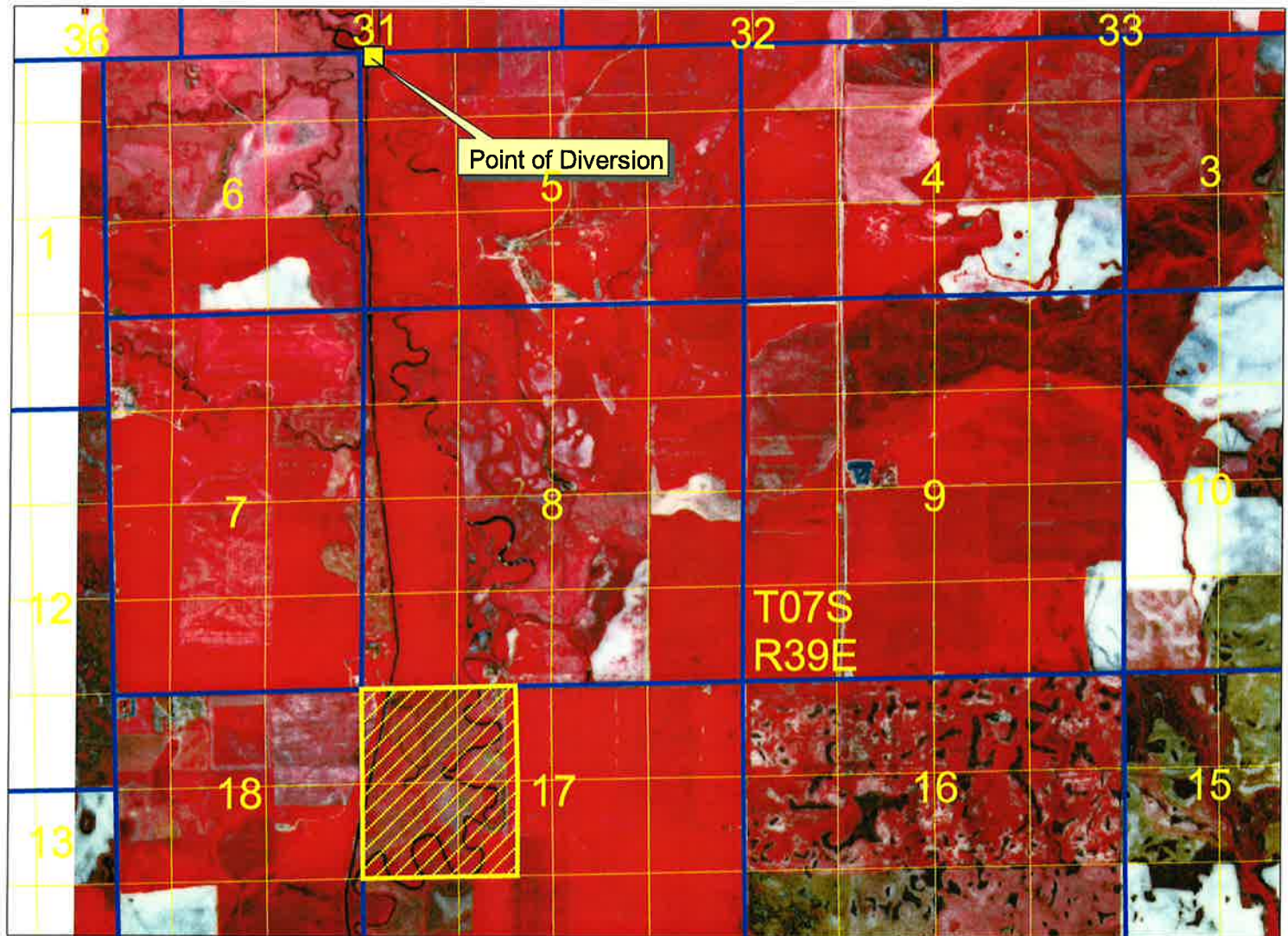


State of Idaho

Department of Water Resources

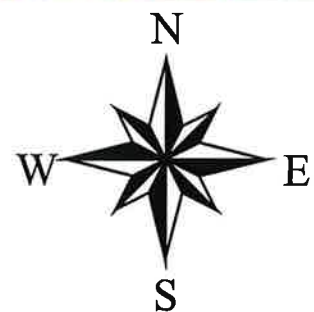
Eastern Region

Claim No.: 29-110A



0.5 0 0.5 1 Miles

Irrigated Acres = 130



- Diversion.shp
- ▨ Working place of use.shp
- Sections
- QQ

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GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: January, 2003

NOTICE OF ERROR
REPLY

02/18/2003

RECEIVED
APR 21 2003
Department of Water Resources
Eastern Region

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

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

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

Water right number: 29-110A

DEAN SMITH
826 WOOD RD
BANCROFT ID 83217
Telephone Number: (208) 648-7330

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: 4-11-2003

SIGNATURE:

Dean Smith

Please print your name:

Dean Smith

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

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Contacts Data Entry Form

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	Dean Smith	826 Wood Rd	Bancroft		83217	
Name connector: and _____, or _____, and/or _____						
Current Owner					648-7330	
Current Owner						

Representing Attorney: _____ Phone Number: _____

Accompanied By: Dean Smith Phone Number: 648-7330

Relationship to Claimant: Claimant

Date of Field Exam: 10-9-01 Time: 8:30 Am.

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

Reviewer: _____

Date: _____

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Notes

29-110 decreed at 210 acres.

- Paul Hatch gr. claimed 48 ac.
- Gary Hatch has some ground decreed but hasn't filed a claim.
- Dean Smith has 4-QQ'S listed under the decree. (160 ac. possible).

No transfer was filed to split the W/R. Split in A.J.

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TELEPHONE & VISITOR LOG

Date: 9/10/02

Time: 2:30pm

Call X Visit

Name: Skip Jones
Eastern Region

Address:

Phone No.: 525-71161

Claim No(s): 29-110A

=====

RE: transfer w/R

Conversation: Because this is a stacked right
it must be transferred to ground that is under
irrigation. It should be irrigated with G.W. but they
would probably still approve the transfer from S.W.
They wouldn't allow the transfer if it was going to
new grounds, or Dean Smith would have to dry up acres.

=====

Action Required:

- Need to ask Jeff Peppersack what he would
be willing to do.
emailed Jeff 9-10-02

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State of Idaho

DEPARTMENT OF WATER RESOURCES

15 West Center Street, Soda Springs, ID 83276

Phone: (208) 547-3993 Fax: (208) 547-3939 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 2, 2001

DEAN SMITH
826 WOOD ROAD
BANCROFT, ID 83217

REF: SNAKE RIVER BASIN ADJUDICATION CLAIMS

SUBJECT: FIELD VISIT

Dear Dean,

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. I've been assigned to this area and need to visit with you on your claims. I will be in the area and would like to visit with you on your claims OCTOBER 9, 2001 AT 8:00 AM. If this time is not convenient for you please give me a call as soon as possible at 547-3993 and we can reschedule the appointment.

Respectfully,

Cindy E. Bird
Adjudication Bureau

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WR5809NP
No. 29-00110

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 07/27/01
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	JOSEPH PURVIS	06/01/1886	IRRIGATION	04/15 07/01	4.200 CFS	
C	WILLIAM F. PURVIS					
TOTAL DIVERSION:					4.200 CFS	

Water Source: TOPONCE CREEK, SOUTH FORK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T07S R39E S08

SWNW

CARIBOU County

Place of use Legal Description for: IRRIGATION

T	R	S	NE				NW				SW				SE				SUM	
			NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE		
			Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac
07S	39E	7				I														
07S	39E	8								I					I	I				
07S	39E	17						I	I	I	I									

Pou County: CARIBOU

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-00111

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

29-00026 29-00029 29-00108 29-00115 29-00116 29-00596 29-02373 29-02481 29-07457

Remarks: GEN P/U INCOMPLETE - AC IRRIG. 210.

Dates:	App. Received:	Priority Date:	06/01/1886
	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: 12/09/85 05/22/88 CONVERT

Bird, Cindy

From: Bird, Cindy
Sent: Tuesday, September 10, 2002 3:20 PM
To: Peppersack, Jeff
Subject: FW: Dean Smith water transfer

hi Jeff,
Your input on this would be helpful for my recommendation on these claims.
Cindy

-----Original Message-----

From: Jones, Harold (Skip)
Sent: Tuesday, September 10, 2002 2:23 PM
To: Bird, Cindy
Subject: RE: Dean Smith water transfer

Mr Smith should talk to Jeff Peppersack about this and
we will do what Jeff says.

Skip

-----Original Message-----

From: Bird, Cindy
Sent: Tuesday, September 10, 2002 2:02 PM
To: Jones, Harold (Skip)
Subject: Dean Smith water transfer

hi skip,
The water is being transferred to ground that is irrigated with Kelly Toponce Water which has a 1902 priority date and this water has a 1886 priority date. So would Dean need to dry up the acreage claimed under the surface water claim?

Thanks,
Cindy

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1
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- Both pieces have Kelly Canal water on it but they need to have the early water.

9/10/02 Skip,

If the water is being transferred to ground that has never been irrigated then Dean would have to dry up acres because they are stacked rights, or they wouldn't allow the transfer at all.

They may allow the transfer with it going to

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3:58pm

Wouldn't necessarily need to dry up
acres.
doesn't

C

- draft transfer memo
- unstacking - 1 mne.
except for
selling promo.
Supplemental (G.W) right
- Unless the appropriate can demonstrate
the use
2 ac-ft / acre.

primarily: $\frac{\text{Acres}}{3} =$

who ever purchased the right
is it an-enlargement.

how many acres are irrigate
before -
after -

head / horse power.

More volume?

(flow-measurement) pumping records - $\leftarrow$ PCC
Power records / document acres / use of water -
past 5 years -

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PROFILE

29-110A.

3:58pm 9/10/02 Jeff Peppersack

He wouldn't necessarily need to dig up acres because it wasn't a condition of the license to use S.W. first (primary right) G.W. supplemental right.

pg 18

The question that must be answered is this an enlargement?

how many acres are irrigated?
before
after

Volume?

pumping records - PCC. for the past 5 years.

head, hp., power records.

flow measurement?

document acres / use of water.

Water master records.

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Volume calc going from supplemental to primary isn't 1-1.

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They may be a decrease in acres
if it was at 2 ac-ft/acre $\Rightarrow \frac{\text{primary}}{3} = \frac{\text{acre}}{3 (\text{current std})} =$

- Copy of draft memo!

8/29/02 W.L. Hatch. Office visit.
Transfer water on 29-110A.

Amending claim to 160 acres under the decree.

decree at 210 acres.

- Paul Hatch Jr. Claimed 48 acres.
- Gary Hatch has some ground decreed but hasn't filed a claim.
- Dean Smith amending claim to 160 acres.
- Need a copy of Dean Smith's Warranty deed to make sure he owns the property.

CB

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4/23/02

W/R 29-110 is undclaimed.

W.L. Hatch & Wayne Perkins purchased this water right
and need to transfer it to the Toponce Canal POD.
The claim will be split 50/50 between W.L. Hatch,
Wayne Perkins,
W.L. Hatch will get me the new POD.

40	SENE S7	Paul Hatch.	
80	W 1/2 SW S8	Gary Hatch.	} well.
40	SWNW S8	" "	
160	NW Sec. 17.	- 80 acres.	Dear Smith.
		80 "	Paul Hatch

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

RIGHT NUMBER: 29-110A

NAME AND ADDRESS:

DEAN SMITH
826 WOOD RD
BANCROFT ID 83217

SOURCE: Source: Tributary:
TOPONCE CREEK PORTNEUF RIVER

QUANTITY: 2.600 CFS
0.000 AFY

PRIORITY DATE: 06/01/1886

POINT OF DIVERSION:

T07S R39E S5 NWNWNW Within CARIBOU County

SUNW

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/15 07/01	2.600 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
T07S R39E S17 NENW 25.0
T07S R39E S17 NWNW 40.0
T07S R39E S17 SWNW 40.0
T07S R39E S17 SENW 25.0

130 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 427 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED
RIGHT NOS.: 29-110A & 29-2373.

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

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

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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

Amended Director's Report: 29-110A

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Warranty Deed

THIS INDENTURE, Made this 25th day of February
in the year of our Lord One Thousand Nine Hundred and Eighty-five, between
DOYLE J. ARGYLE and JOYCE J. ARGYLE, husband and wife,
of Bancroft, County of Caribou, State of Idaho
the parties of the first part, and
KAY DEAN SMITH and SHERRY LYN SMITH, husband and wife,
of Bancroft, County of Caribou, State of Idaho
the parties of the second part:

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of
TWO HUNDRED TEN THOUSAND THREE HUNDRED AND NO/100ths - - - - - DOLLARS,
lawful money of the United States of America, to them in hand paid by the said parties of the second part, the receipt
whereof is hereby acknowledged

, do by these presents, Grant, Bargain, Sell and Convey and Confirm unto said parties
of the second part, and to their heirs and assigns forever: All that certain lot
piece or parcel of land situate, lying and being in the County of Caribou State of Idaho, bounded
and more particularly described as follows, to-wit:

Township 7 South, Range 39 East of the Boise Meridian:

Section 17: NW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$.

EXCEPT THEREFROM beginning at a point on the North boundary of said
Section 17, 3385.5 feet West of the Northeast corner of said Section
17, and running
thence West along the North boundary of said Section 17, 525 feet;
thence South at right angles 415 feet;
thence East at right angles 525 feet;
thence North at right angles 415 feet,
to the point of beginning.

SUBJECT TO a County Road right of way along the North side approximately 40 feet wide.

SUBJECT TO that certain Mortgage executed by Doyle J. Argyle and Joyce J. Argyle,
husband and wife, to The Federal Land Bank of Spokane, a Washington Corporation, to
secure the payment of \$162,000.00 together with interest and any other obligations
secured thereby; dated December 7, 1977, recorded December 12, 1977, under recorder's
instrument No. 94260; and reamortized by Mortgage Reamortization Agreement, dated
September 19, 1980, recorded October 1, 1980, under recorder's instrument No. 106299.
In the microfilm records of Caribou County, Idaho; which Mortgage parties of the
second part hereby assume and agree to pay according to the terms thereof, as part of
the purchase price hereunder.

Together with all and singular, the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and
the rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereunto incident
unto the said parties of the second part, and to their heirs and assigns forever. And the said
parties of the first part, and their heirs the said premises in the quiet and peaceable possession
of the said parties of the second part their heirs and assigns against the said parties of the
first part, and their heirs and against all and every person or persons whomsoever, lawfully claiming
or to claim the same, shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hand and
seal the day and year first above written.
Signed, Sealed and Delivered in the Presence of

PROFILE

JUL 07 2005

DOYLE J. ARGYLE

JOYCE J. ARGYLE

[Seal]

[Seal]

[Seal]

STATE OF IDAHO,
County of Caribou

ss.

On this 6th
the undersigned

day of March in the year 1985, before me
a Notary Public in and for said County and State, personally appeared

DOYLE J. ARGYLE and JOYCE J. ARGYLE, husband and wife,

known to me to

be the person s whose name s are subscribed to the within instrument, and acknowledged to me that t he y executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first
above written.

William B. Wright

Notary Public.

Residence and P. O. Address Soda Springs, Idaho

Commission expires: 6-1-87

153717

WARRANTY DEED

DOYLE J. ARGYLE and JOYCE J.

ARGYLE, husband and wife,

TO

KAY DEAN SMITH and SHERRY LYN

SMITH, husband and wife,

Dated February 25, 1985

STATE OF IDAHO,

County of Caribou

ss.

I hereby certify that this instrument was filed for
record at the request of

Caribou Title Company

at 50 minutes past 3:00
o'clock P M., this 6th day
of March, A. D. 1985

the microfilm
in my office and duly recorded in ~~the~~
records of Caribou County, Idaho.

~~NOTARY PUBLIC~~

Ex-Officio Notary.

By *James Hansen*

Deputy.

Fee, \$ 4.00

SEE FR WISBSONE INC. POCATELLO, IDAHO

SCANNED

JUL 07 2005

PROFILE

✓
86. NIPPER, THOMAS J.
29 0107 1902 June 17 (noon)
2.5 c.f.s.

Trans # 1036

Trans # 2402

29-107 A - Chambers
29-107 B.

✓
87. PURVIS & WILLIAM F.
29 0108 1902 June 17 (noon)
3.5 c.f.s.
29-0596 1902 June 17 (noon) ✓
up to July 1 each
year. 1.4 c.f.s.

✓
88. ELDREDGE, J. A.
29 0109 1902 June 17 (noon) 2.0 c.f.s.

✓
89. PURVIS, JOSEPH
29 0110 & William F. 4.2 c.f.s.
1886 June 1.
up to July 1 of each
irrigation season

Dean Smith 110 A - 2.6 cfs
Paul Hatch Jr.

quarter of the Southeast quarter, Section 23; 16 acres in the southwest quarter of the Southwest quarter, Section 14; 2.6 acres in the North half of the Northeast quarter, the Suthwest quarter of the Northeast quarter, the Northeast quarter of the Northwest quarter, Section 24; all in Township 7 South, Range 38 East, 135.16 acres in Lot 4, the Southwest quarter of the Sutheast quarter the Southeast quarter of the Southeast quarter, Section 18; Lots 1 and 2, the Northwest quarter of the North-est quarter, the Northeast quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

Said water to be diverted through Gooch Ditch, which diverts from Toponce Creek in the Northwest quarter of the Southeast quarter, Section 34, Township 6 South, Range 38 East. From the South quarter corner of Section 34, the point of diversion bears North, 14 degrees and 45 minutes East, 2137 feet for the irrigation of 170 acres of land described as follows: 29 acres in Lot 2; 40 acres in the Southwest quarter of the Northeast quarter; 28 acres in Lot 3; 40 acres in the Northwest quarter of the Southeast quarter; 33 acres in the Northeast quarter of the Southeast quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 245 acres of land in the Suth-east quarter, and part of the Southeast quarter of the Northeast quarter, Section 7; and part of the East half of the North-east quarter, Section 18, Township 7 South, Range 39 East.

Said water to be diverted through the said Gooch Ditch, last above described, for the irrigation of 50 acres of land (tracts K & L), Lots 3 and 4, Section 7; 50 acres in part of Lots 1 and 2, and tract in the Southwest quarter of the Northeast quarter, Section 7, Township 7 South, Range 39 East.

TOPONCE CREEK, SOUTH FORK, A DAM. The point of diversion is located in the Southwest quarter of the Northwest quarter, Section 8, Township 7 South, Range 39 East. From the Northeast corner of Section 17, Township 7 South, Range 39 East, said dam bears south 1920 feet, for the irrigation of 210 acres of land in the legal subdivisions described as follows:
A tract in the Southeast quarter of the Notheast quarter, Section 7; the West half of the Southwest quarter, the Suthwest quarter of the Northwest quarter, Section 8; a tract in the Northwest quarter, Section 17.

POD: SW NW S8
T7S, R39E.

210 ACRES
SENE S7
W/ASW Sect. 8
SW NW
NW Sect 17

Dean Smith
owns.

SCANNED

JUL 07 2005

SENE sec 7.

PROFILED
MAY 15 1996

Township 7 Suth, Range 39 East.

✓
29 0111 90. ELDREDGE, J. A. .80 c.f.s.
1886 June 1
UP to JULY 1st of each
irrigation season

Said water to be diverted by means of the dam last above described, diverting water from the South fork of Toponce Creek, for the irrigation of 40 acres of land in the East half of the Southwest quarter, Section 8, Township 7 South, Range 39 East.

✓
29 0112 91. ELDREDGE, J. A.
Up to July 1st of each
Ir. Sn.
1883 April 15. .80 c.f.s.

Said water to be diverted by means of a dam located at a point West 1980 feet, from the center of Section 31, Township 6 South, Range 39 East, B. M., and by means of another dam located at a point which bears South 22 degrees 30 minutes West 1370 feet, from the center of Section 1, Township 6 South, Range 39 East, B. M., for the irrigation of 40 acres of land located in Lot 3, and the East half of the Southwest quarter of Section 31, Township 6, Range 39 East.

✓
29 0113 ELDREDGE, J. A.
1885 Apr. 15. 2.10 c.f.s.
Up to July 1 of each
irrigation season.

Said water to be diverted by means of 5 dams, numbered from 1 to 5 inclusive. No. 1 is located in Lot 3, Section 36, Township 6 South, Range 38 East. From the Center of Section 31, the point of Diversion bears South 75 degrees and 45 minutes West, 3520 feet. No. 2 has its point of diversion South, 78 degrees and 30 minutes West, 3710 feet from the Center of Section 31. No. 3 has its point of diversion South 80 degrees West 2690 feet, from the Center of Section 31, No. 4 is located in Lot 3, Section 31, and from the center of Section 31, the point of diversion bears Suth, 71 degrees and 30 minutes West, 2710 feet. No. 5 is located in the South east quarter of the Southwest quarter, Section 31, and from the center of Section 31, the point of diversion bears South, 27 degrees and 30 minutes West, 2300 feet, for the irrigation of 105 acres of land in Lots 3 and 4 of Section 36, Township 6 South, Range 38 East; Lots 3 and 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East; and Lot 1, Section 6, Township 7 South, Range 39 East,

✓
29 0114 ELDREDGE, J. A. .60 c.f.s.
1886 April 15.
Up to July 1 of each
irrigation season

Said water to be diverted by means of a dam located at a point which bears South 34 degrees West 840 feet from the Northeast corner of Section 6, Township 7, Suth, Range 39 East, B.M., for the irrigation of 30 acres of land in Lot 1, and the East half of the Southeast quarter of Section 6, Township 7 South, Range 39 East B.M.

✓
29 0115 ELDREDGE, J. A. .90 c. f.s.
1885 April 15
Up to July 1st of
each irrigation season.

Said water to be diverted by means of a dam located at a point which bears North 43 degrees 15 minutes West 1150 feet from the Southeast corner of Section 6, Township 7 South, Range 39 East, B.M., for the irriga-

SCANNED

JUL 07 2005

RECORDED

MAY 15 1996

PROFILE

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 29-110A
Date Received: 1/18/1990
Receipt No: E011778
Received By:

AMENDED CLAIM
NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

DEAN SMITH Phone: (208) 648-7330

826 WOOD RD
BANCROFT ID USA 83217

2. Date of Priority: 06/01/1886

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	Type
07S	39E	5	NW	NW	NW	CARIBOU	

5. Description of diverting works:

CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	07/01	3.2	

7. Total Quantity Appropriated is:
3.2 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	39E	17	NW	NW ✓	IRRIGATION	40
			SW	NW ✓	IRRIGATION	40
			NE	NW ✓	IRRIGATION	40
			SE	NW ✓	IRRIGATION	40
Section Acres						160
Total Acres						160

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:

14. Remarks:

CLAIMED FLOW RATE IS BASED ON 0.02 CFS PER ACRE.

15. Basis of Claim: Decreed

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.

PROFILED

SCANNED
JUL 07 2005

Number of attachments: _____

For Individuals:

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

Signature of Claimant(s): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this

of _____ 20__

Notary Public

Residing at _____

My commission Expires _____

PROFILED

**SCANNED
JUL 07 2005**

[Close](#)IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report

09/09/2002

WATER RIGHT NO. 29-2373

Owner Type	Name and Address
Current Owner	DELBERT K ARGYLE
Current Owner	DORA B ARGYLE
	BANCROFT, ID 83217

Priority Date: 01/30/1956

Basis: License

Status: Active

Source	Tributary
GROUND WATER	

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	/	/	4.8 CFS	
Total Diversion			4.8 CFS	

Location of Point(s) of Diversion:

GROUND WATER	NENE	Sec. 17	Township 07S	Range 39E	CARIBOU County
GROUND WATER	SENE	Sec. 17	Township 07S	Range 39E	CARIBOU County

Place(s) of use:

Place of Use Legal Description: IRRIGATION CARIBOU County

SCANNED

JUL 07 2005

Township	Range	Section	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres	Lot	Tract	Acres
07S	39E	17		NENE	40		NWNE	40		SWNE	40		SENE	40
				NENW	40		NWNW	40		SWNW	40		SENW	40
				NESW	40									
				NESE	40		NWSE	40						

Total Acres: 440

Remarks:

1. General P/D E1/2NE1/4, S17, T7S, R39E.

Dates:

Licensed Date: 08/14/1979

Decreed Date:

Permit Proof Due Date:

Permit Proof Made Date:

Permit Approved Date:

Permit Moratorium Expiration Date:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number:

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

Close

PROFILED

SCANNED
JUL 07 2005

MAY 4 2001

650 +
(ACREAGE PAID ON
A29-02373)

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: A29-00110A
Date Received: 1/18/1990
Receipt No: E011778
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: DEAN SMITH 208-648-7330
Address: WOOD RD.
BANCROFT, ID 83217

2. Date of Priority: JUN 01, 1886

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
07S	39E	5	NW	NW	NW		CARIBOU

5. Description of diverting works:
CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	07/01	2.600		

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

8. Total consumptive use is 325.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	39E	17	NE	NW		IRR	25.0
			NW	NW		IRR	40.0 ³²
			SW	NW		IRR	40.0
			SE	NW		IRR	25.0

Section Acres 130.0

A29-00110A

Page 1

Date: 01/18/90

MICROFILMED

NOV 13 1992



10. Place of Use: Continued

Total Acres 130.0

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:
A29-02373.

14. Remarks:

CLAIMED FLOW RATE IS BASED ON 0.02 CFS PER ACRE.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET AL.
Decree Defendant

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29.01.10
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POUNCEY CANYON

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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 _____ 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): Alan Smith Date: 1-18-90

Date: _____

State of Idaho)
County of Boonville) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of January 19 90

Seal

Anthony T. Oberholser
Notary Public

Residing at 2 Lake Falls

My Commission Expires 9/12/1994