

06/19/2003

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

RIGHT NUMBER: 29-123

NAME AND ADDRESS: C V CATTLE INC
3124 NIPPER ROAD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.100 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 4.69 CFS. COMBINED RIGHT NOS.: 29-121,
29-122, 29-123, 29-125, 29-10320 AND 29-13499

PRIORITY DATE: 07/01/1903

POINT OF DIVERSION:

T06S R38E S33 SWSESE 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	1.100 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 R38E S25	NWNW	40.0	T06S R38E S25	SWNW	39.0
T06S R38E S25	NESW	36.0	T06S R38E S25	NWSW	37.0
T06S R38E S25	SWSW	33.0	T06S R38E S25	SESW	40.0
T06S R38E S25 Lot 19	NESE	6.5	T06S R38E S25	NWSE	39.0
T06S R38E S25	SWSE	35.0	T06S R38E S25 Lot 20	SESE	4.0
T06S R38E S26	NENE	40.0	T06S R38E S26	SENE	39.0
T06S R38E S26	NESE	37.0	T06S R38E S26	SESE	12.0

437.5 ACRES TOTAL

USE OF THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 437.5 ACRES IN A SINGLE IRRIGATION SEASON.
COMBINED RIGHT NOS.: 29-121, 29-122, 29-123, 29-125, 29-10320 AND
29-13499

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 55 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: Decreed

Water Right 29-123

06/19/2003

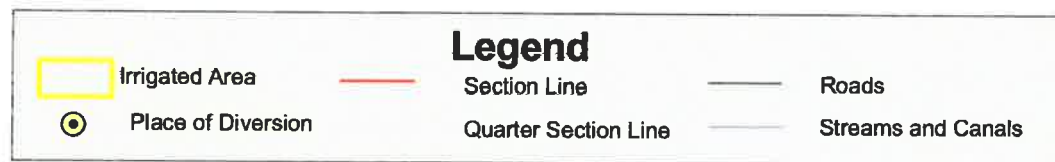
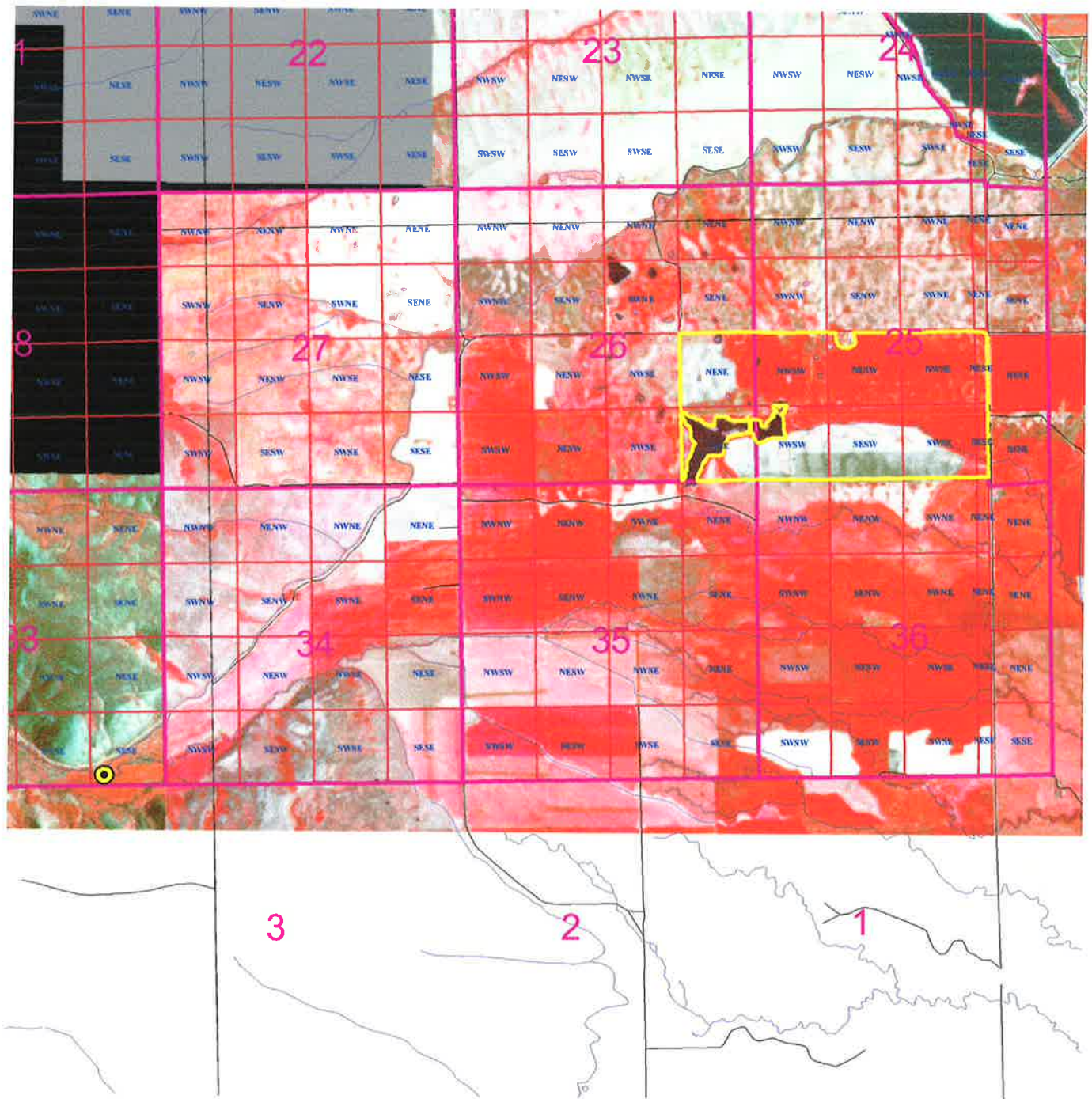
IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

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.

RIGHT NO. 29-13499 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

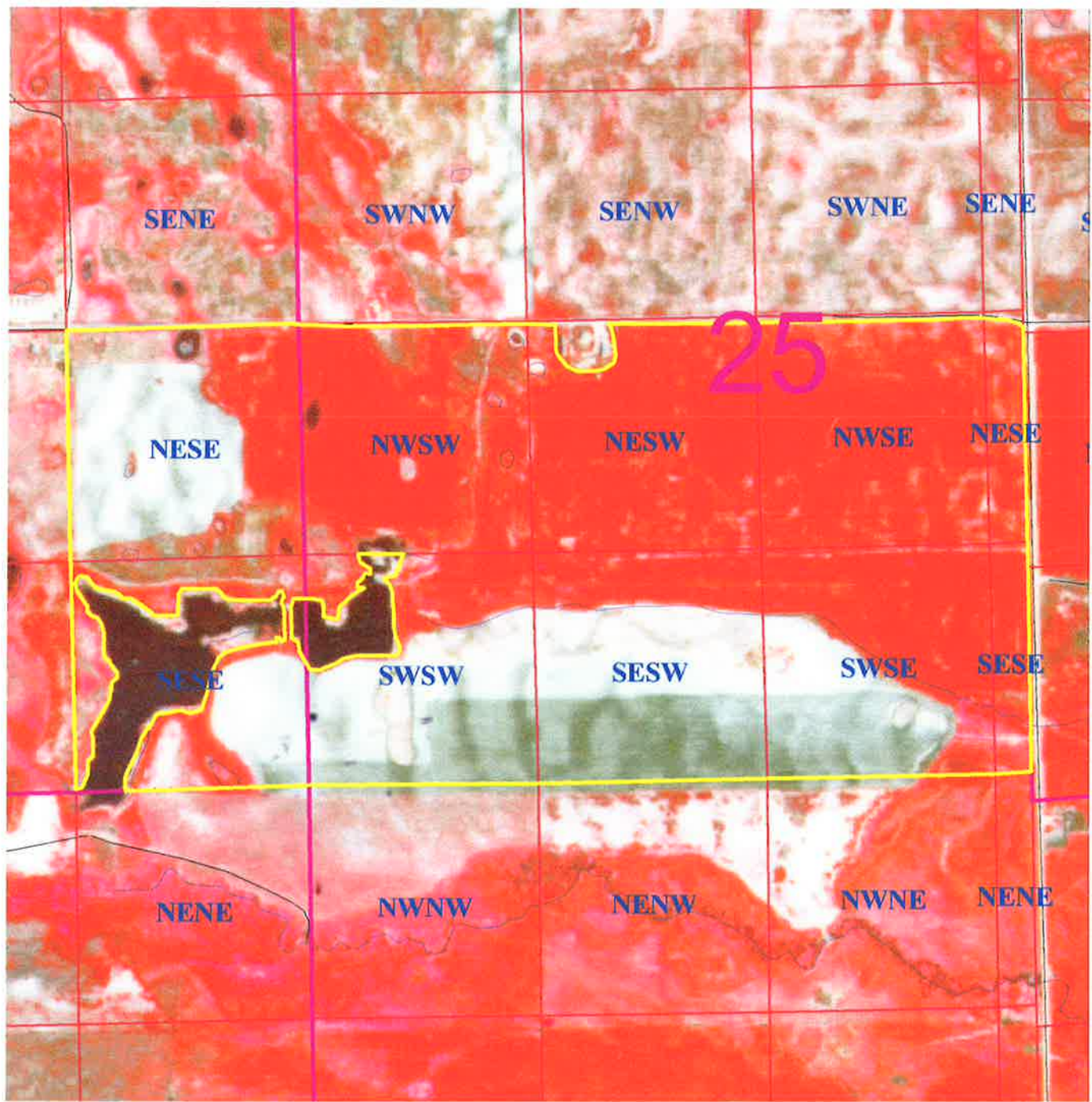
Township , 6S38E



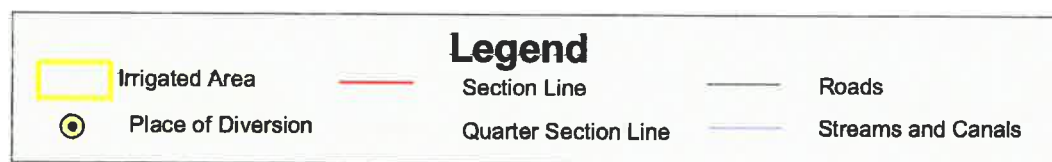
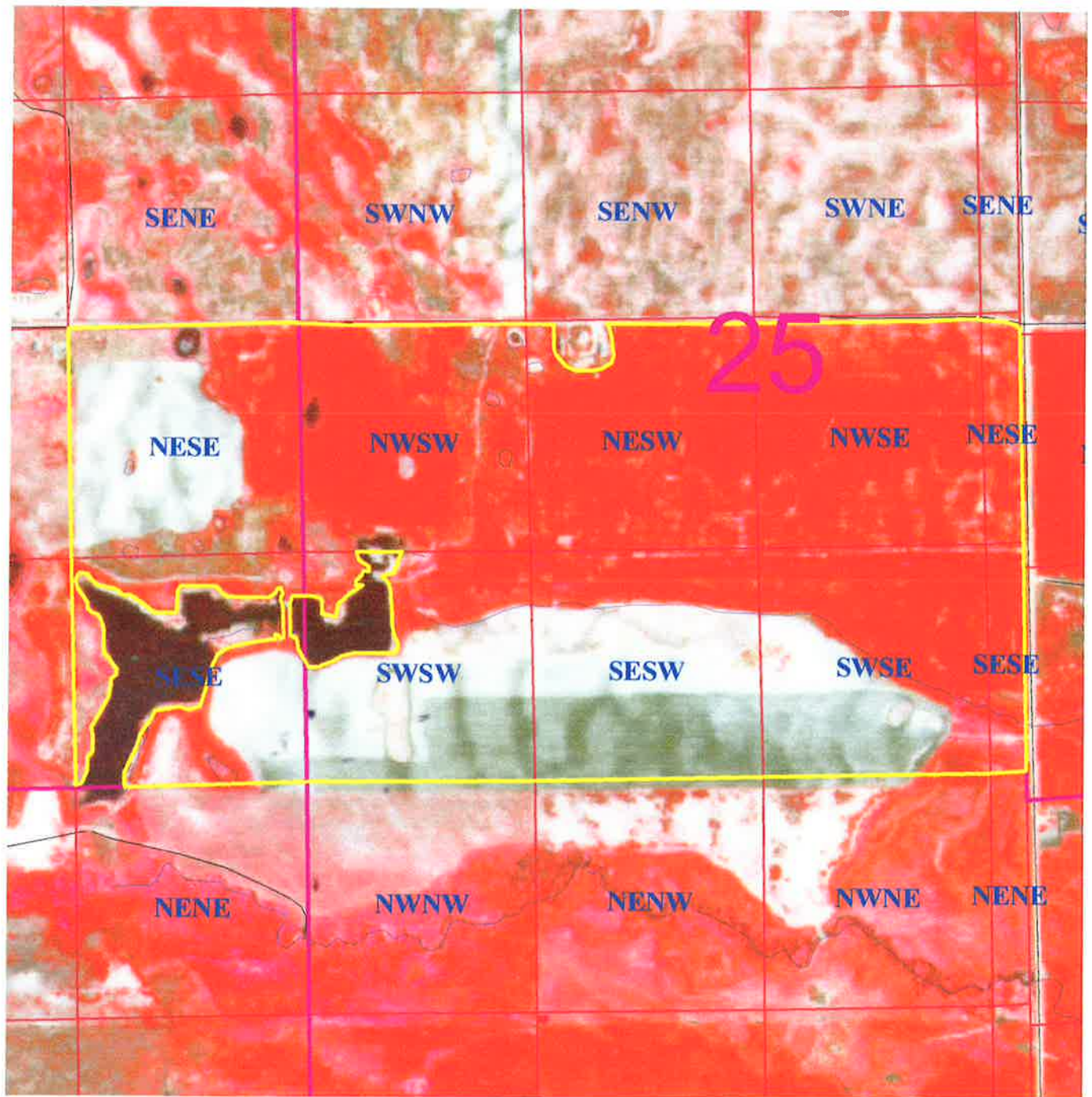
2000 0 2000 4000 Feet



Township , 6S38E



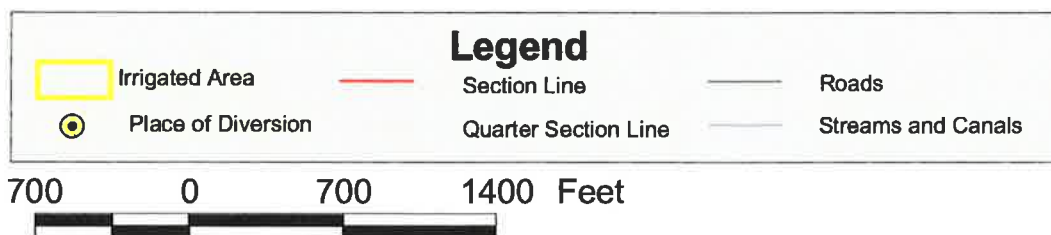
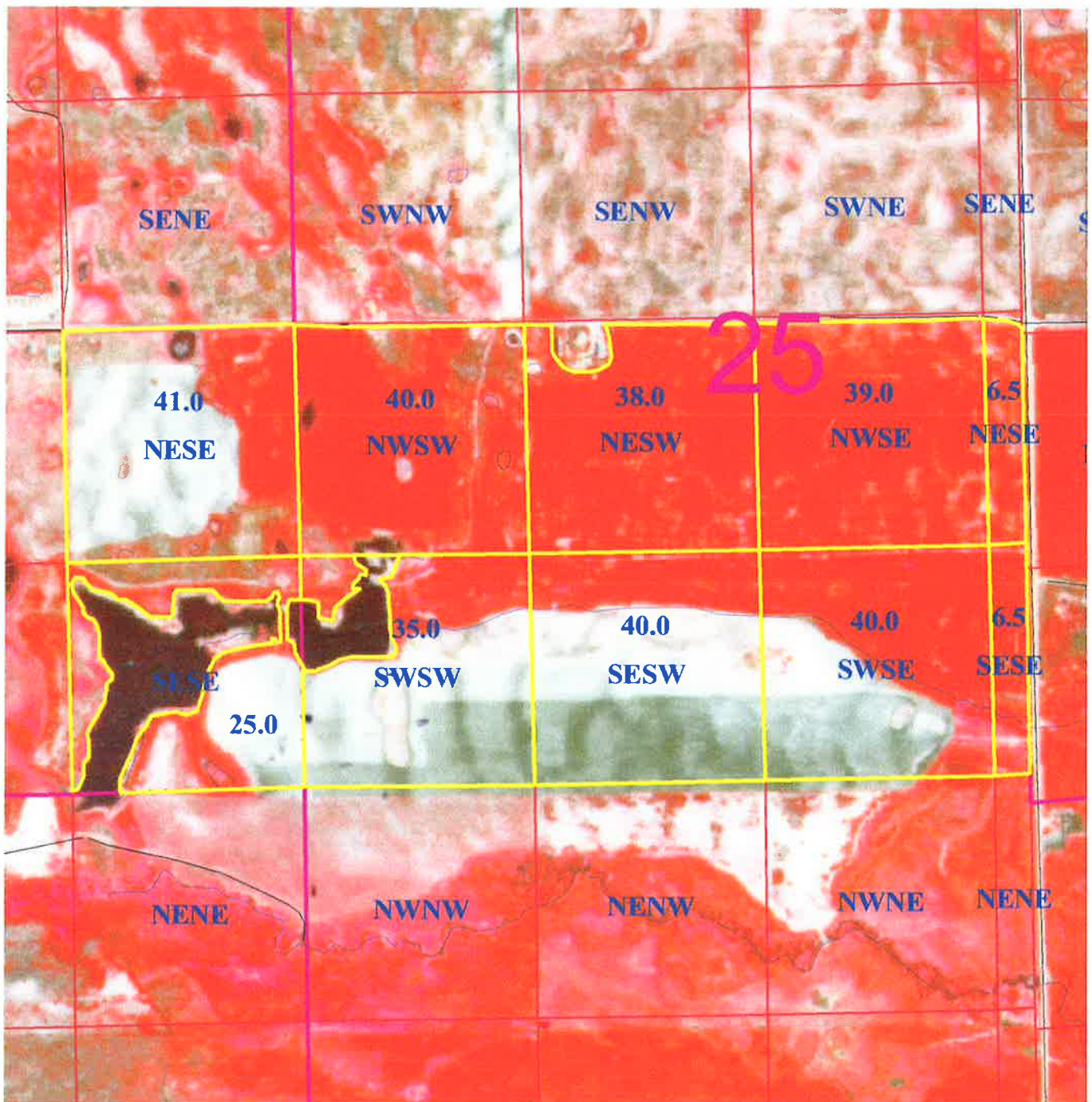
Township , 6S38E



700 0 700 1400 Feet



Township , 6S38E



AJ5809NP
No. A29-00123

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 27

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	C V CATTLE INC RT 1 BOX 1360 BANCROFT ID 83217	07/01/1903	IRRIGATION	04-15 09-15	1.104 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.104 CFS	1130.50 AFA

Water Source: TOPONCE CREEK, NORTH FORK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R38E S33

SESESE

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
06S	38E	25	:					:					:	40	40	35	40	:	19-10	40	40	20-10	:	255.0
06S	38E	26	:					:					:					:	40			28	:	68.0
																					TOTAL ACRES			323.0

POU County: CARIBOU

Other Rights: TOPONCE CREEK, NORTH FORK RIGHTS

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

A29-00090A A29-00091A A29-00092A A29-00093A A29-00094A A29-00121 A29-00122 A29-00124 A29-00125 A29-10248
A29-10318 A29-10319 A29-10320

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

A29-00121 A29-00122 A29-00123B A29-00124 A29-00125 A29-00125B A29-04346 A29-10318 A29-10319 A29-10320

Remarks: GEN THIS CLAIM IS A RECOMBINATION OF WATER RIGHT NUMBERS 29-00123A
AND 29-00123B.

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:

Presumption Flag: D

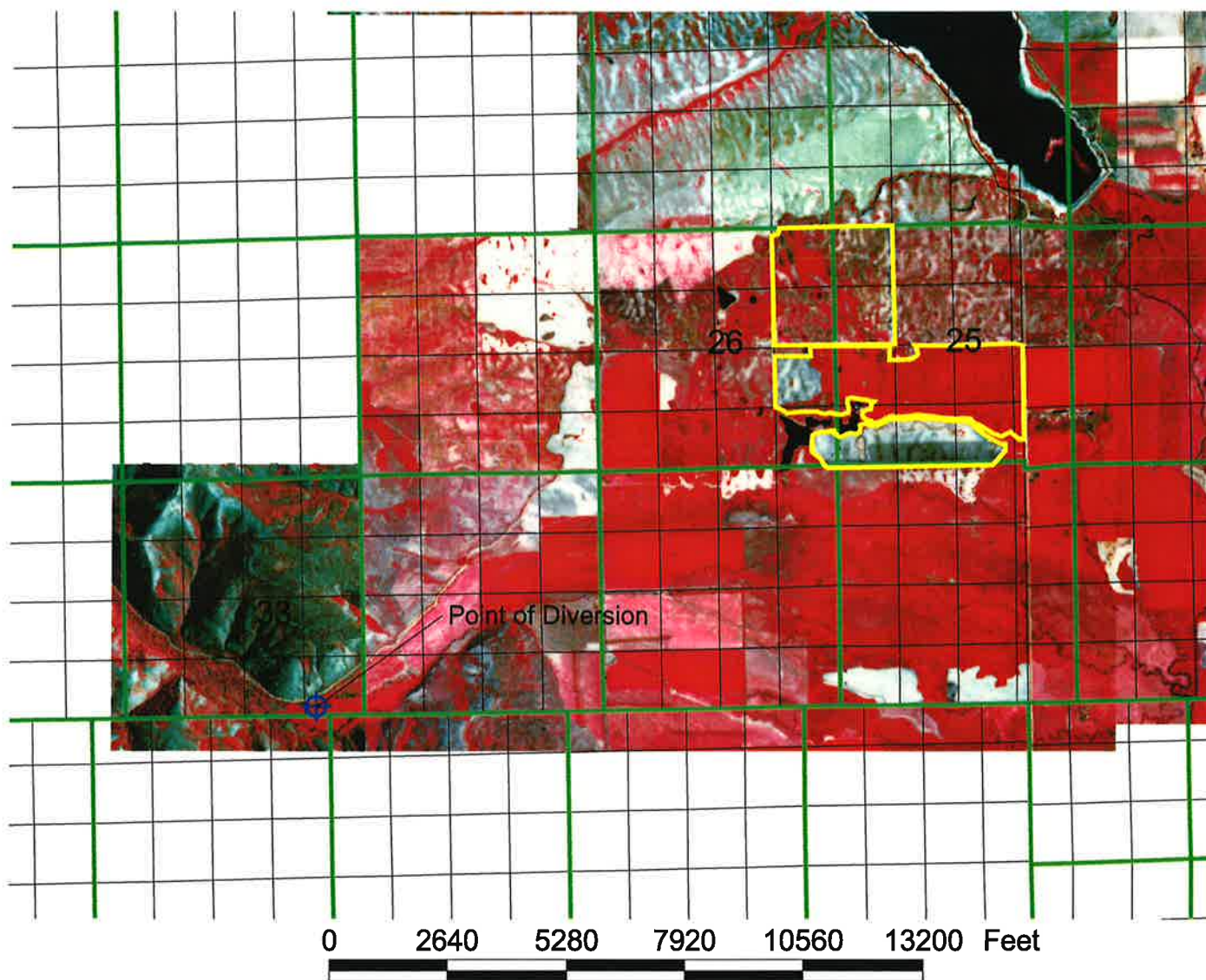
Audit: 07/06/90 SHAFF 11/08/90 SHAFF 04/04/94 THOMPSON 03/29/95 POST-STD



Department of Water Resources

Claim Nos: 29-121, 29-122, 29-123,
29-125, 29-10320, 29-13499

Twp 06S Rge 38E



Irrigated Acres = 437.5

-  Place of use.shp
-  Diversion.shp
-  Sections
-  QQ



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

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

RIGHT NUMBER: 29-123

NAME AND ADDRESS: C V CATTLE INC
3124 NIPPER ROAD
BANCROFT ID 83217

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TRIBUTARY: PORTNEUF RIVER

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PLACE OF USE: IRRIGATION Within CARIBOU County

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T06S R38E S25	SWSE	35.0	T06S R38E S25 Lot 20 SESE		4.0
T06S R38E S26	NENE	40.0	T06S R38E S26	SENE	39.0
T06S R38E S26	NESE	37.0	T06S R38E S26	SESE	12.0

437.5 ACRES TOTAL

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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
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RIGHT NO. 29-13499 IS AN ENLARGEMENT OF THIS RIGHT PURSUANT TO
SECTION 42-1426, IDAHO CODE.

1/24/03 Verified Contact, priority date,
(basis of claim).

1/30/03 Link POU & POD shape
done CB.

29-121-125 all claimed same POU.

29-7071 was licensed for storage
water for the same POU.

2525 irrigated acres under the decreed
right. Rondo needs to file an enlargement
claim if he irrigates more land.

PROFILE

SCANNED
JUN 24 2005

CLAIM NO. A29 - 123

**IDWR SUPPLEMENTAL CLAIM VERIFICATION REPORT
FOR DOCUMENTING CHANGES TO CVR**

1. ☒ NAME - No change C.V. cattle
☐ NEW OWNER: _____
(SUPPORTING DOCUMENTATION REQUIRED - ATTACH COPY)
☐ ADDRESS - No change
☒ NEW ADDRESS: 3124 Nipper Rd
Bancroft, ID 83217

2. ☒ SOURCE - No change N.F.K. TOPONCECRA
☐ CHANGE - New source and/or tributary is: _____

3. ☐ QUANTITY - No change
☒ CHANGE - New amounts: 0.60 CFS and/or _____ AFY
T525 (30 inches)

4. ☒ PRIORITY DATE - No change 7-1-1903
☐ CHANGE - Priority date to: _____
(EVIDENCE OF PRIORITY REQUIRED - ATTACH COPY)

5. ☐ POINT OF DIVERSION - No Change
☒ CHANGE - New point of diversion is: T 6S, R 38E, S 33, SE 1/4, SE 1/4, SE 1/4
Decree 1 T525. NENE Sect. 35
T6S, R38E
(LOCATION OF POD(S) SHOULD BE SHOWN ON MAP)

6. ☒ PURPOSE AND PERIOD OF USE - No change 4/15 - 9/15
☐ CHANGE New purpose of use _____ New period of use _____ New amount(s) _____
_____ from _____ to _____ cfs _____ af
_____ from _____ to _____ cfs _____ af
_____ from _____ to _____ cfs _____ af

7. ☐ PLACE OF USE - No change
☒ CHANGE New place(s) of use: (LOCATION(S) AND ACRES SHOULD ALSO BE SHOWN ON MAP)
Decreed 1 T525 117.3 Acres: increased to 323 Acres, under same.
(decree/T525 Pou)

T	R	S	N E				N W				S W				S E				TOTAL
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

REMARKS Limit to 117.3 acres

CONDITIONS

Reviewer Cindy & Buil Date 9/4/01

03/19/98

SCANNED

JUN 24 2005

PROFILE

7/31/01 10:05 AM Asked Sandy Egbert for a copy of
T525 and w/R profile reports of 29-123 +
29-123C

PROFILE

SCANNED

JUN 24 2005

29 0122 ✓
1902 June 17 ✓
29 0123 ✓
1903 July 1 ✓
29 0124 ✓
1908 July 1 ✓
29 0125 ✓
1910 June 1 ✓

.72 c.f.s.
(36 inches)
1.10 c.f.s.
(55.24 inches)
2.68 c.f.s.
(134.10 inches)
1.08 c.f.s.
(54 inches)

Total 6.06 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest coner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 38 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

93. NIPPER, THOMAS J.
1902 June 17 (noon) 1.0 c.f.s.

transfer
#1037

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1680 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

29 0122 ✓

94. WHITWORTH, MICHAEL
1902 June 18 .40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 480 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 34, Township 7 South, Range 38 East.

29 0122 ✓

95. KELLEY, E. F.
1902 June 18 .40 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the North half of the the Southeast quarter, Section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

FILED

MAP

SCANNED

JUN 24 2005

MAY 15 1996

SCANNED

MAY 4 2001

Log for claim A29-00123

Spatial Dynamics LTD

6/8/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	25	NESW	40	38	
06s38e	25	NWSW	40	40	
06s38e	25	SWSW	35	35	
06s38e	25	SESW	40	40	
06s38e	25	NESE	10	6.5	
06s38e	25	NWSE	40	39	
06s38e	25	SWSE	40	40	
06s38e	25	SESE	10	6.5	
06s38e	26	NESE	40	41	
06s38e	26	SESE	28	25	
Totals:			323	311	

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Knollin, A. J.	1.1		29-0123
525	First Trust Co. of St. Paul	0.6	0.5	29-0123A

T
RECORDED

A

N

S

F

E

R

See 29-0121 for
correspondence
relating to Denver
No. 535

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 525

THIS IS TO CERTIFY, That FIRST TRUST COMPANY OF ST. PAUL,
MINN., a corporation, is the owner of, and using, certain water rights
bearing dates of priority as follows:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
55.24 inches	-	July 1, 1903
134.10 inches	-	July 1, 1908
54.00 inches	-	June 1, 1910

totalling 303.34 inches of the waters of the North Fork of Toponce Creek, a
tributary of the Portneuf River, County of Bannock, State of Idaho,
obtained by virtue of a decree issued to A. J. Knollin, and known as
Right No. 92, issued by the Honorable O. R. Baum, Judge of the District
Court of the Fifth Judicial District of the State of Idaho, in and for
the County of Bannock, in the case of

Union Grain & Elevator Co. vs. McCammon Ditch Co., et al,
said decree bearing date of June 29, 1921, for the purpose of irrigating
the following described lands, situate, lying and being in Water District
No. 17, in the County of Bannock, State of Idaho, to-wit:

5 acres in the Northeast Quarter of the Southwest
Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$); 10 acres in the Northwest Quarter
of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$); 5 acres in Lot
Three (3); 2 acres in the Southeast Quarter of the
Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$); 30 acres in the Southwest
Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$); 38 acres
in Lot Four (4), all in Section Twenty-five (25),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian;

33.4 acres in Lot One (1); 33.4 acres in Lot Two (2),
Section Thirty-six (36), Township Six (6) South of Range
Thirty-eight (38) East, of the Boise Meridian;

49.0 acres in Lot Two (2); 55.44 acres in North Half of
the Northeast Quarter of the Lot 1, Section Thirty-one (31),
Township Six (6) South of Range Thirty-nine (39) East,
of the Boise Meridian.

100-1000

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees at page 292.

That the said First Trust Company of St. Paul has become the owner of said water right through foreclosure of mortgage.

That, now, upon the application of First Trust Company of St. Paul for a transfer of 140.76 inches of said water rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of the following water rights, to-wit:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
30.00 inches	-	July 1, 1903
50.76 inches	-	June 1, 1910

totalling 140.76 inches of the waters of the North Fork of Toponce Creek, a tributary of Portneuf River, upon the lands above described, is hereby ABANDONED, and the lands to be irrigated under such rights, and to which the water rights hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, is described as follows:

Lots Nineteen (19) and Twenty (20), the Southwest Quarter (SW $\frac{1}{4}$), the West Half of the Southeast Quarter (W $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-five (25); East Half of the Southeast Quarter (E $\frac{1}{2}$ SE $\frac{1}{4}$) of Section Twenty-six (26), all in Township Six (6) South of Range Thirty-eight (38) East, of the Boise Meridian,

situate, lying and being in the County of Blaine, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

24.00 inches,	as of July 1, 1882
36.00 inches,	as of June 17, 1902
30.00 inches,	as of July 1, 1903
50.76 inches,	as of June 1, 1910

and that the remaining portion of the aforesaid Right No. 92, to-wit:

25.24 inches	-	July 1, 1903
124.10 inches	-	July 1, 1908
3.24 inches	-	June 1, 1910

totalling 162.58 inches of the waters of the North Fork of Toponce Creek, tributary to the Portneuf River, shall be appurtenant to ONLY that portion

of the lands to which it was, by the aforementioned decree, made appurtenant, described as follows, to-wit:

Lots Three (3) and Four (4) of Section Twenty-five (25);
Lots One (1) and Two (2) of Section Thirty-six (36),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian; and Lot Two (2) and the North Half
of the Northwest Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-one
(31), Township Six (6) South of Range Thirty-nine (39)
East of the Boise Meridian.

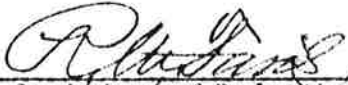
That all of the above water, i. e., Right No. 92, has heretofore
been diverted from said North Fork of Toponce Creek at a point in the

Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ NW $\frac{1}{4}$) of
Section Thirty-five (35), Township Six (6) South of
Range Thirty-eight (38) East of the Boise Meridian,

through a ditch known as the Knollin Ditch, and that no change shall be
made in this point of diversion due to this transfer, but that the total
amount of water shall still be diverted at the same point and through
the said Knollin Ditch.

That the right to the use of the water aforesaid, hereby
confirmed, is restricted to the lands or place of use described herein,
as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the
seal of the Department of Reclamation to be hereunto affixed at Boise,
Idaho, this 12th day of December, 1933.


Commissioner of Reclamation

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)
FIRST TRUST COMPANY OF ST. PAUL, MINN.,)
a corporation, for a transfer of water,)
Bannock County, Idaho.)

ORDER GRANTING TRANSFER

The FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, applicant, having heretofore applied to the undersigned, as Commissioner of Reclamation of the State of Idaho, for a Certificate authorizing it to transfer the use of 140.76 inches of water of the waters of the Portneuf River and its tributaries, all as decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, vs. McGammon Ditch Company, et al, defendants," from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}\ SW\frac{1}{4}$);
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}\ SE\frac{1}{4}$);
Lot Three (3); Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}\ SW\frac{1}{4}$); Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}\ SE\frac{1}{4}$);
Lot Four (4), all in Section Twenty-five (25), Township Six (6) South of Range Thirty-eight (38) East, B. M.;
Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South of Range Thirty-eight (38) East, B. M.;
Lot Two (2) and the North Half of Northwest Quarter ($N\frac{1}{2}\ NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South of Range Thirty-nine (39) East, B. M.,

to the following described lands, to-wit:

Lots Nineteen (19) and Twenty (20), and the Southwest Quarter ($SW\frac{1}{4}$), and the West Half of Southeast Quarter ($W\frac{1}{2}\ SE\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) South of Range Thirty-eight (38) East, B. M., and East Half of Southeast Quarter ($E\frac{1}{2}\ SE\frac{1}{4}$) of Section Twenty-six (26), Township Six (6) South of Range Thirty-eight (38) East, B. M.,

such lands being a part or portion of the first described lands; and that there shall be transferred from such lands first herein described the use

of a portion of said waters to the said lands herein described, such water being more particularly described as follows, to-wit:

24 inches	(.48 c. f. s.)	of water right--July 1, 1882
36 "	(.72 c. f. s.)	of water right dated June 17, 1902
30 "		of water right dated July 1, 1903
50.76 "		of water right of June 1, 1910

all as referred to in said certain Decree aforementioned, thereby making appurtenant to the said lands last herein described the said 140.76 inches of such waters and that the said lands last herein described shall be entitled to the use of such waters and after such application was filed, a notice was issued, based upon such application and due publication made of such notice, and thereafter, a remonstrance having been filed signed by Jasper W. Perkins, Parley P. Jensen, I. R. Bowler, O. R. Brangham, Thomas E. Reese, Lester Smith, J. C. Evans, and thereafter, a hearing having been had before the undersigned as Commissioner of Reclamation of the State of Idaho, and all of the Statutory requirements as provided by said Section 41-216, Idaho Code, Annotated, having been complied with, and the Watermaster of the said Portneuf River having given his non-approval of such transfer and the undersigned, as Commissioner of Reclamation, being fully advised in the premises, and it appearing to the undersigned, the Commissioner of Reclamation, that no one shall be injured by the transfer of the use of such water as applied for, and that the evidence does not disclose that the change of place of the use of waters as provided for in Section 41-216, Idaho Code, Annotated, would, in any way, injure the persons remonstrating within the contemplation of the provisions of said section as amended, and that the right to transfer the use of such water comes within the purview of the rule announced in the case of Crockett, et al, vs. Jones, et al, 47 Idaho 497, 277 Pac. 550.

IT IS THEREFORE ORDERED, That the said FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, a corporation, is hereby authorized to transfer and there is hereby transferred 140.76 inches of water and the right to the use of such water, to-wit: The right of the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that particular decree made and entered by that certain

566 8-6-32

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF
BANNOCK

ELEVATOR COMPANY, a corporation
Plaintiff,

-VS-

McCammon Ditch Co., a corporation, Defendants

McCammon Ditch Company, a corporation; Portneuf Irrigating Company, a corporation; Sunnyside Ditch Company, a corporation; Topaz Irrigation Company, a corporation; Dempsey Irrigation Company, a corporation; Toponce Canal Company, Limited, a corporation; Portneuf-Marsh Valley Canal Company, Limited, a corporation; Portneuf Marsh Valley Irrigation Company, a corporation; Oregon Short Line Railroad Company, a corporation; Elizabeth Kinport, Administratrix of the estate of Harry B. Kinport, deceased; George Goodenough, William Lewis, Edward Murphy, C. C. Peoples, Charles West, A. J. Knollin, W. A. Hibner, Andrew Cutler, W. A. Barron, George Romrell, Frank Warner, John Symons, Joseph Simons, S. J. Palmer, W. S. Cooper, John Hall, Roe White, Willard Bell, Patrick Bell, J. F. Dunn, Charles J. McGuinn, Leslie Gillett, and Fish Creek Irrigating Company, a co-partnership composed of John Hall, Charles J. McGuinn, Frank C. Potter, J. F. Dunn and J. A. Eldredge,

Defendants.

The following parties were upon application of the attorneys for the plaintiff, by reason of the statute in such cases made and provided, after being brought in as parties defendant in order that a complete determination of the controversy could be had, to-wit:

Roy Faulkner, Kepler Sessions, Thomas J. Nipper, Stephen Grims, George John, Samuel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Drifill, John Gooch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Oswald Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Byron Perkins, Parley Jensen, Forest Cornelison, Kent Blue Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Gooch, Robert Redford, Alma Hogan, Joseph Purvis, Lave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckindorf, J. E. Corbett, Peter Andron, Joseph Smith, Earl Moss, E. J. Dalbeer, Salt City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Bell Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Leslie Sharp, Lee White, Louie Beaman, James Kofoed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. E. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagant, Nephi Hemmingsway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington, E. L. Godfrey, James Avery, Jesse Avery, J. E. Jensen, E. Leo Jensen, Claus Jensen, Arthur Roswell, H. A. Wendell, Ray Blazum, Charles Clark, Joseph Bell, Herbert Byington, John Ramsey, H. A. Ward, C. E. Potter, Arthur Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Egan, A. A. Kofoed, Tom Harper, Brady Stolpe, Spencer Godfrey, A. B. Cheney, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Foprent, Ray Kenley, James Keady, George Campson, D. K. Merrick, L. S. Wight, Lee

1902 June 17	.72 c.f.s.
(11 noon)	(25 inches)
1903 July 17	1.13 c.f.s.
(11 noon)	(51.24 inches)
1903 July 17	2.63 c.f.s.
(11 noon)	(134.11 inches)
1910 June 17	1.03 c.f.s.
	(54 inches)
Total	6.06 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 19 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 28 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 23.4 acres in Lot 1; 35.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIBUTARY TO THE PORTNEUF RIVER.

93. HIPPER, THOMAS J.
1902 June 17 (noon) 1.0 c.f.s.

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1600 feet, for the irrigation of 30 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

94. WHITWORTH, MICHAEL
1902 June 18 .40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 430 feet, for the irrigation of 25 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 24, Township 7 South, Range 38 East.

95. KIMLEY, T. B.
1902 June 18 .40 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, east of and described, for the irrigation of 20 acres of land in the South half of the Northeast quarter, Section 23, and the North half of the Southeast quarter, Section 24, Township 7 South, Range 38 East.

RECORDED

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: A29-00123

Date Received: 2/13/1990

Receipt No: 0014654

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

JUL 16 1990

Department of Water Resources
Eastern District Office

1. Name: C V CATTLE INC.
Address: RT 1, BOX 1360
BANCROFT, ID

83217

2. Date of Priority: JUL 01, 1903

3. Source: TOPONCE CREEK, NORTH FORK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
06S	38E	33	SE	SE	CARIBOU

A2900123



5. Description of diverting works:
DIVERSION DAM, FORMER FEEDER DITCH, RESERVOIR, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S. (or)	A.F.A.
IRRIGATION	04/15	09/15	1.104	

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

A.F.A.

8. Total consumptive use is 1130.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	38E	25	NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	35.0
			SE	SW	IRR	40.0

A29-00123

Page 1

Date: 02/13/90

MICROFILMED

NOV 13 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres	
06S	38E	25	NE	SE	19	IRR	10.0	
			NW	SE		IRR	40.0	
			SW	SE	IRR	40.0		
			SE	SE	20	IRR	10.0	
		Section Acres						255.0
		26	NE	SE	IRR	40.0		
			SE	SE	IRR	28.0		
		Section Acres						68.0
Total Acres						323.0		

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:
TOPONCE CREEK, NORTH FORK RIGHTS

14. Remarks:
THIS CLAIM IS A RECOMBINATION OF WATER RIGHT NUMBERS 29-00123A
AND 29-00123B.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date:

Decree Plaintiff

vs

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 _____ 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
C.V. CATTLE CO., INC. _____, that I have signed the foregoing
Organization _____ document in the space below as PRESIDENT of
C.V. CATTLE CO., INC. _____ and that the statements contained in the
Organization _____ foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

PRESIDENT C.V. CATTLE CO., INC.
Title and Organization

2/13/90

Date

State of Idaho)
County of Ada) SS.

Subscribed and sworn (or affirmed) before me this 13 day
of February 19 90

[Signature]
Notary Public

Seal

Residing at Boise, ID

My Commission Expires June 10, 1994