

05/06/2003

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

RIGHT NUMBER: 29-246B
NAME AND ADDRESS: DARWIN CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

ELOISE CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.300 CFS

This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S34 NWNESE Within CARIBOU County Source: TOPONCE CREEK
T06S R38E S34 NWNWE Within CARIBOU County Source: TOPONCE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.300 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S01	NESW	40.0	T07S R38E S01	NWSW	40.0
T07S R38E S01	SWSW	40.0	T07S R38E S01	SESW	40.0
T07S R38E S01	SWSE	40.0	T07S R38E S01 Lot 7	SESE	31.0
T07S R38E S02	SWSE	19.0	T07S R38E S11	NENE	38.0
T07S R38E S11	NWNE	36.0	T07S R38E S11	SENE	33.0
T07S R38E S12	NWNE	40.0	T07S R38E S12	NENW	40.0
T07S R38E S12	NWNW	40.0	T07S R38E S12	SWNW	40.0

517 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 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.

USE OF THIS RIGHT IS COMBINED WITH WATER FROM TOPONCE CANAL CO.

WATER IS DELIVERED THROUGH TOPONCE CANAL.

06/19/2002

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

RIGHT NUMBER: 29-246B

NAME AND ADDRESS: DARWIN CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

ELOISE CALDWELL
2844 KELLY TOPONCE ROAD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 1.30 CFS
PRIORITY DATE: 07/06/1868
POINT OF DIVERSION:

T06S R38E S34 NWNSE Within CARIBOU County
T06S R38E S34 NWNWE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	1.300 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S01	NESW	40.0		
T07S R38E S01	NWSW	40.0	T07S R38E S01	SWSW 40.0
T07S R38E S01	SESW	40.0	T07S R38E S01	SWSE 40.0
T07S R38E S01 Lot 7	SESE	31.0	T07S R38E S02	SWSE 13.0
T07S R38E S11	NENE	38.0	T07S R38E S11	NWNE 27.0
T07S R38E S12	NWNE	40.0	T07S R38E S12	NENW 40.0
T07S R38E S12	NWNW	40.0		

429 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.

This right when combined with all other rights shall provide no more than .02
cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

EXPLANATORY MATERIAL: Decreed

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

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

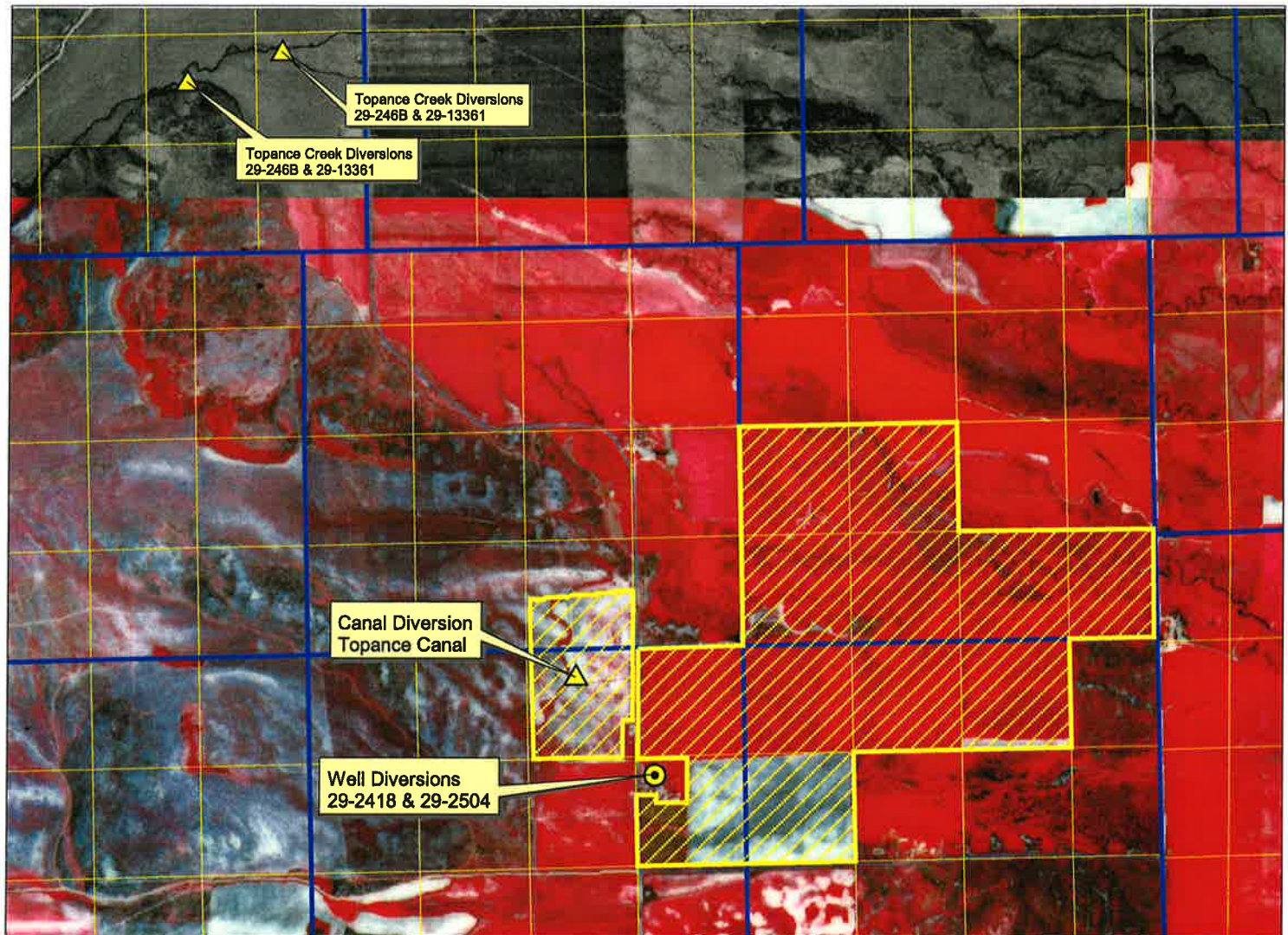
USE OF THIS RIGHT IS COMBINED WITH WATER FROM TOPONCE CANAL
CO.

WATER IS DELIVERED THROUGH TOPONCE CANAL.



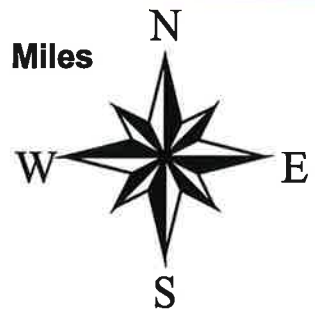
State of Idaho Department of Water Resources Eastern Region

**Claim No.: 29-246B, 29-2418,
29-2504, 29-13361**



0.6 0 0.6 1.2 Miles

Irrigated Acres = 516



-  29-246b diversions.shp
-  29-2418.shp
-  Well.shp
-  Sections
-  QQ

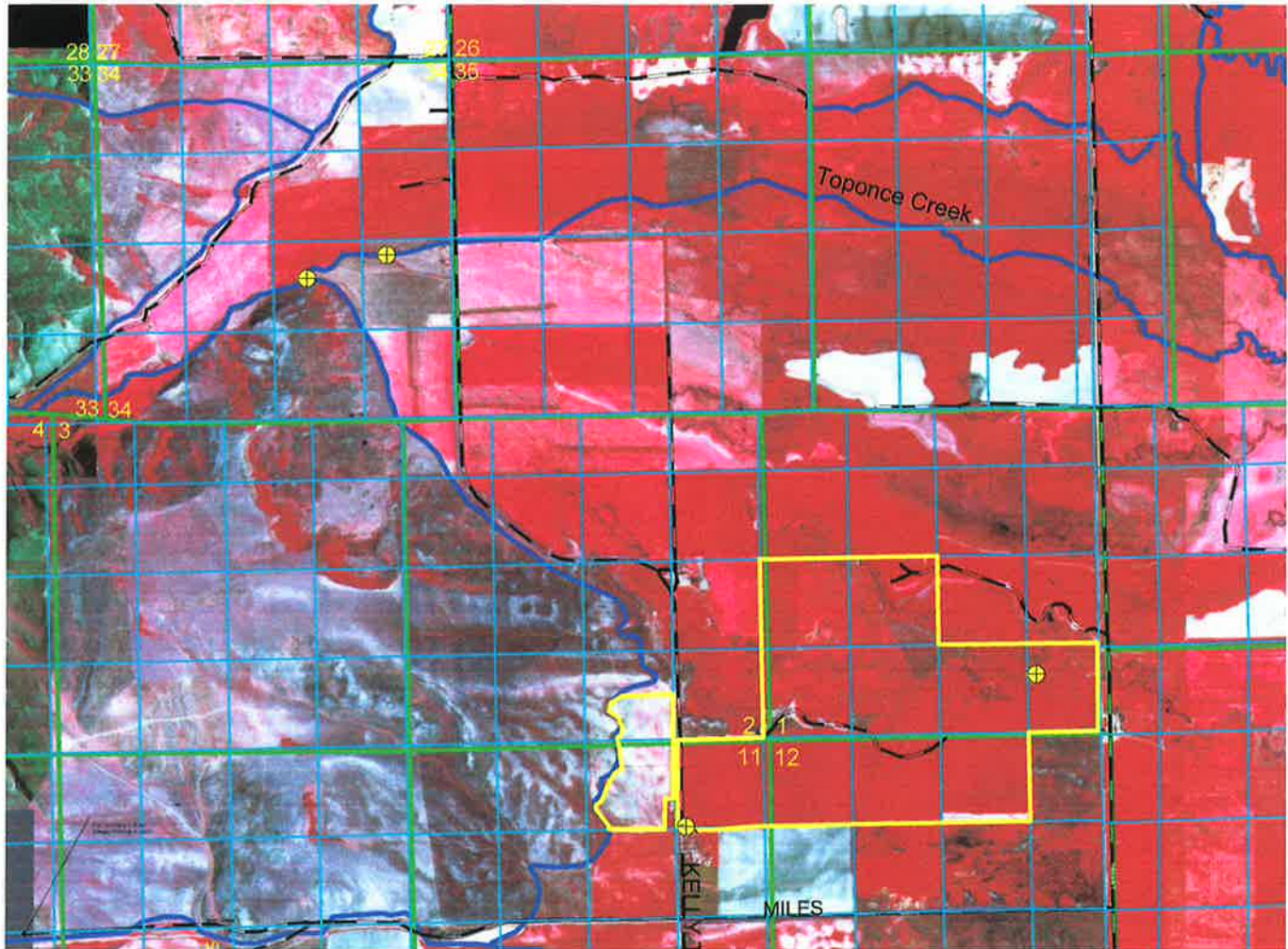
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: May, 2003



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Rights 29-246B, 29-2418 and 29-2504



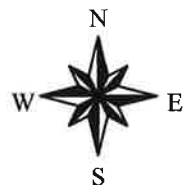
4000 0 4000 8000 Feet

LEGEND

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

Place of Use: T7S, R38E
(part of) Sections 1, 2, 11 and 12

Points of Diversion: T6S, R38E
Sec. 34 NESE and NWSE AND
T7S, R38E Sec. 11 SENE



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: June 2002



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A, Idaho Falls, ID 83402-1718 • Phone: (208) 525-7161 FAX: (208) 525-7177

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

April 28, 2003

DARWIN CALDWELL
ELOISE CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

Re: Notice of Error for Water Right nos. 29-246B, 29-2418, 29-2504, 29-13360, & 29-13361.

Dear Sir or Madam:

Thank you for returning the "Notice of Error" reply associated with the above referenced water right claims. For water right claim number 29-13361, you indicated that an additional diversion needed to be located on the layout relative to the Topance Canal. You also wished to add acres that were shown irrigated on an enclosed soil conservation map dated September of 1974.

You also expressed your concern for "non-recommendation" of water right 29-13360 and wished that we would recommend this water right, the source of which is a spring.

I have reviewed the information you have provided and submit the following:

1. For water right claim number 29-13360, there was no evidence provided that would justify the priority date of the well. Since, no evidence was submitted, our preliminary recommendation is for it to be disallowed or NOT to recommend it. Of course, if you are able to submit evidence that the well was operational prior to March 26, 1963, then we can re-evaluate the viability of the well.
2. For water right claim number 29-13361 and the associated water rights 29-246B, 29-2418, & 29-2504, I have revised the acres of these rights according to the boundaries that were shown on the enclosed soil conservation map. This resulted in a place of use of 516 acres.



If you require any assistance or have any further questions in this regard, please feel free to call me at 525-7161.

Sincerely,

W. Roger Warner
Adjudication Agent

Enclosure: Revised layout for water rights 29-246B, 29-2418, 29-2504, & 29-13361.
 Revised recommendation for Water Right 29-246B.
 Revised recommendation for Water Right 29-2418.
 Revised recommendation for Water Right 29-2504.
 Revised recommendation for Water Right 29-13361.

Cindy Bird
4-21-03

4-21-03 Mailed letter given sheet for 29-13360, 13361
to Roger in I.F. along with the 1974 map with the boundaries
outlined in green. Asked him to make the changes
and link the new shape to 29-2468, 29-2418, 29-2504,
then update PLS/Amalg. Reprint the layout with
29-2468, 29-2418, 29-2504, 29-13360 and send me
one copy of the layout. Also we need to add the pod
on the canal in the 1868 right.

5/7/03 11:52am Roger Warner, made changes to
the shape and will forward a new layout
New 517 area.

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: 29-246B

DARWIN CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023
Telephone Number: (602)942-0804

ELOISE CALDWELL
2844 KELLY TOPONCE RD
BANCROFT ID 83217
Telephone Number: (208)942-0804

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

No. of Irrigated Acres.

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

Include 70 acres. SENE Sec. 11, SWNW of Sec 12, & the piece above the Canal. within T17S, R38E.

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

Has been irrigated, See 1974 Map.

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

DATE: 4-18-03 SIGNATURE: *Darwin S. Caldwell*
Please print your name: DARWIN S CALDWELL

A29-2418, A29-2504 and A29-246B
Narrative by Cindy Bird
June 17, 2002



Photo 1. Looking east.

June 17, 2002 I conducted a field exam for Darwin and Eloise Caldwell. I visited the points of diversion and place of use under these licenses as well as the decreed water under the Union Grain and Elevator Decree. Photo 1 was taken looking east at the well. The acreage in the background is also part of the irrigated place of use.

The GPS site tag A0012009 was applied to the post next to the meter. The pump was a 100 hp Holloshaft Pump Motor, serial number 1304057. The motor was a Fairbanks Morse, serial number PN2105. These are the same serial numbers listed on the original field exam.

The place of use can be irrigated with Toponce 1868 water, Toponce Canal water or from the ground water pump. The buried mainline goes under the road to the canal banks where 2-30 hp pumps shown in photos 2 and 3. A collection box and screen is located in the canal to capture the water.



Photo 2. Looking southwest.



Photo 3. Looking west to canal.



Photo 4. Looking south at canal.

Photo 4 is a close-up of the canal and collection box. The canal appeared to have a berm across the canal. Photo 5 was taken looking back at Darwin Caldwell's pumps. There is a large culvert through the berm to allow Toponce Canal water through.



Photo 5. Looking Northeasterly at canal and pump.

Photos 6, 7 and 8 were taken at the lower 30 hp pump that rediverts the 1868 Toponce water into the mainline at the lower end of the property. The water continues to Ross Redford's place through the ditch and under Nipper Road in a culvert.



Photo 6. Looking northwesterly.



Photo 7. Looking south.



Photo 8. Close-up of the 30 hp pump for Toponce water.

I recommended that Darwin and Eloise claim water rights 29-246A and 29-245 in the adjudication because they were decreed to their property and haven't been claimed yet. I'm recommending the place of use as a permissible place of use because the system is now connected through a buried mainline. Darwin connected the system in the mid 70's when they purchased the property. I'm not recommending the land in the SENE section 11 and SWNW in section 12 because it doesn't appear to be irrigated and the 1987/88 NAPP photography doesn't indicate the land is irrigated.

6/17/02 10am Darwin? Glauco Colubres

NOON Pauline Bassett

7-6-1868 29-246A Poosbak 0.3 ofS

29-246B Whitworth (Caldwell)
Darwin

Darwin? Glauco Colubres purchased the property in May, 1974
Please license 7-6-1868 1.33 ofS 29-245

Current owner Thomas Kennedy

12:22pm G.W. Well 29-2504 & 2418
Site tag applied A05/2009

GPS file ~~Caldwell~~ well under 2 licensees
Caldwell

- Site tag applied ~~to~~ next to the Power meter

Holoshaft Pump Motor (U.S. Electrical Motor)
100 hp
S/L # 1304057

Fairbanks Morse
S/L # PN2105

1- Photo looking east at the G.W. Pump.

1868 water is pumped out of the Toponce
canal with 2 (30hp) pumps, also canal
slows.
Gould - Cent way.
North/South
pump (2) 30hp
Part 6-323052-01
Same part # X10. S/L.
RPM 1750
V01+5 230/460

Caldwell-
29-246B.

- 1- Photo looking S. west at pumps.
- 1- looking W @ pump to canal
- looking S @ Canal.
- looking NEly at Canal + pumps.

Crop on the west side of Kelly Toponce Rd in alfalfa.
grass east side of Kelly Toponce Rd.

General Electric - TOPONCE Water Pump
Model 5K1365XTW1 30hp lower pump.

1 photo looking NWly at pump in ditch

1 looking S. @ pipe going to Caldwell's place.

1- looking at pump in the ditch

1:34 GPS Point: Cald TO TOPONCE water. lower pump.

- Note: 29-246A & 29-245 hasn't been claimed by the Caldwell's yet. I'm recommending they make a claim for this 1868, Indian water decreed to their land.

Mainline from the G.W. system is now connected to the S. 20. 3-30hp pumps have been added.

6/11/02 Indian Irrigation water 1.3 cfs
 No. of acres that can be irrigated $\frac{0.02 \text{ cfs}}{\text{acre}} = \underline{\underline{65 \text{ acres}}}$
 with the 1868 water is 65 acres

EXAM INFORMATION

Exam Date 6/17/02

Exam Time 10am

CLAIM(S) 29-246B, 2418 & 2504

NAME Darwin Caldwell

ADDRESS _____

PHONE (602) 942-0804 HOME

_____ WORK

_____ CELL

DOMESTIC _____ STOCKWATER _____ IRRIGATION ☒ OTHER _____

OTHER RIGHTS _____

DIRECTIONS Caldwell place - Kelly Toponce
Rd.

DOGS _____

DATE 6/13/02 APPOINTMENT Elorise Caldwell

**SNAKE RIVER BASIN ADJUDICATION
CHANGE IN ADDRESS OF NOTICE OF CLAIM**

Claim Number(s):

A-29-246B, 429-2504, A29-2418

Summer
Previous Mailing Address:

Apr 1 - Oct 1

2844 Kelly Toponce Rd
Bancroft, Id
83217

New Mailing Address:

Oct 1 - Apr 1

15629 W. 16th Dr
Phx, Az 85023-

Telephone Number:

⁶⁰²
~~(248)~~ 942-0804 Phx Az Winter #
Summer Mo: to be gotten.

Signature of Claimant(s):

Eloise Caldwell

Please return this completed form to:

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

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

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

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





SEE PAGE 25

Caribou County, Idaho



785-6500

Highway 39 West - P.O. Box 905 - Blackfoot

TELEPHONE & VISITOR LOG

Date: 4-10-02

Time: 9:37

Call ☒ Visit ☐

Name: Eloise Caldwell.

Address: Rt. 1 Box 1460
Bancroft, ID

Phone No.: 648-7890

Claim No(s): A29-246B.

=====

RE: 3-27-02 Letter. POD chg, Polichg, address update.

Conversation: Eloise will be back in Bancroft
in the end of May and will call or come
into the office then. They disconnect the phone
when they go to Phoenix. Phone in Phoenix 602-942-
0804.

I explained to her that I will need to visit the
property when she returns to verify information.

=====

Action Required:

None at this time.



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

March 27, 2002

Darwin or Eloise Caldwell
Rt. 1 Box 1460
Bancroft, ID 83217

15629 North 16th Dr.
Phoenix, AZ 85023

REF: Snake River Basin Adjudication (SRBA)
Claim A29-246B

602-942-0804

SUBJECT: Point of Diversion and Place of Use Change.
Address Update

RESPONSE DATE: APRIL 21, 2002

Dear Claimants;

Idaho Department of Water Resource's (IDWR's) initial investigation of the claim listed above indicates that there have been several changes in the water right from the decree. I will address each item individually that needs to be clarified before this right can be recommended to the court for decree. The first item is that there has been a change in the point of diversion as described below:

Previous Point of Diversion: SESE section 1, township 7 south, range 38 east.

Claimed Point of Diversions: NESE AND NWSE section 34, township 6 south, range 38 east.

Secondly, a change in the place of use for the purpose of use claimed below. IDWR has so far been unable to verify the place of use for the purpose listed below.

Claimed purpose of use: Irrigation

Unverified place of use: SW of section 1, SWSE of section 2, E1/2NE and NWNE of section 11, N1/2NW and the SWNW of section 12 all within township 7 south and range 38 east.

The 65 irrigated acres was decreed and then transferred into the S1/2 of the SE in section 1 and NWNE of section 12, all within township 7 south, range 38 east of the Boise Meridian. You have claimed 479 acres under this right that hasn't been verified and cannot be recommended as such. Before we may recommend your claim, you must

provide IDWR with the date these changes were made and some evidence tending to support that date. If the change was made before November 19, 1987, then the date provided must include the month, day and year. If the change was made after November 19, 1987, then a specific date is not necessary, and the evidence need only support that the change occurred sometime after November 1987.

Lastly, the address shown on your adjudication claims is incorrect. Enclosed is a change in address form that must be filled out and return it to this office as soon as possible.

I attempted to contact you last fall to resolve some of these issues with no success. This office must receive your response by the date listed above. If no response is received, then your claim to water from Toponce Creek under this claim will not be recommended to the court to be decreed. If you have any questions please feel free to contact me at the office in Soda at (208) 547-3993.

Sincerely;

Cindy E. Bird
Adjudication Bureau

Enclosure: Change of Address Form

EXAM INFORMATION

Exam Date _____

Exam Time _____

CLAIM(S) _____

NAME Darwin Caldwell (Phoenix)ADDRESS Deroed. (son)PHONE (____) 648-7115. HOME

WORK

CELL

DOMESTIC____ STOCKWATER____ IRRIGATION____ OTHER____

OTHER RIGHTS _____

DIRECTIONS _____

Darwin Caldwell15629 N 16 Dr.Phoenix Aug. 850731-602-942-0804

3/21/02 No response has been received
from the Phoenix address so I've
sent this letter to the address listed
on the claim.

DOGS _____

DATE _____ APPOINTMENT _____

10/18/01 letters to Darwin Caldwell
29-246B 1.3 cfs 65 Acres.

Overlapping POH 29-129 & 2227?

~~the~~ W/R 29-129 was not claimed in the
SRBA unless it was renumbered.

it was decreed on. SENE Sect 11, 7S, 38E
20 acres. ~~This land appears to
be owned by Wayne Perkins~~

✓ ~~ownership~~

Smiths Creek. 7S, 38E

29-2227 1.6 cfs SENE sect 11, SWNW sect 12

29-129 4 cfs SENE.

Not filed on?

decreed stockwater / Domestic 0.06. 29-10099.

license 29-2418 & 2504 matches the
claims.

POH doesn't look irrigated on 1987
imagery?

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

1. ☐ No Change NAME:
☐ NEW OWNER: _____
☐ No Change ADDRESS: _____
☐ NEW ADDRESS: _____

2. ☐ No Change - DATE OF PRIORITY: Completed - No Field Verification Needed.
☐ Incomplete - Claim shows no priority date, claimant should be asked during the exam when was water first used.
Priority date, per claimant, is _____
(If the priority date, based on your exam, seems questionable, explain in remarks.)

3. ☐ No Change - SOURCE:
☐ Source is different than that claimed:
Source found: _____

4. ☐ No Change - POINT OF DIVERSION:
☐ Point of diversion is different than the claim
New P/D: Twp. _____, Rge. _____, Sec. _____, _____ 1/4 _____ 1/4 _____ 1/4.

Note: If the 10-acre tract is shown on the claim, then verification of the 10-acre parcel is needed. Otherwise the 10-acre tract is not required, unless the source is a spring.

5. ☐ No Change - DESCRIPTION OF DIVERTING WORKS:
☐ Incomplete description, complete items missing, IF KNOWN.
☐ Additional description in comments.
HP of pump _____ Static water level _____ Well depth _____
Casing size _____ Pumping water level _____ Gravity flow _____
Method of irrigation _____

6. ☐ No Change - WATER USES:
☐ Different uses, (list uses found).

Use _____ From _____ To _____ Amount _____ cfs _____ af
Use _____ From _____ To _____ Amount _____ cfs _____ af

7. ☐ No Change - TOTAL VOLUME:
☐ Change found, The new total is - _____ cfs _____ af

8. Not applicable

9. ☐ No Change - NON-IRRIGATION USES: Completed on claim
☐ Incomplete on claim - Exam found:

Domestic - No. of homes _____ Other: _____
Stockwater - No. of head and kind _____ (EXP Remark)

10. ☐ No Change - PLACE OF USE: (If changed, list below.)
☐ Place of use is different than the claim
 New P/U:

Tw. Rge. Sec. 1/4, 1/4 Use

Remarks: (Include type and code)

29-246B claimed same POD'S on TDponce Crk (FOS, FOG)

Comments pertinent to field examination:

Matches w/R license - on paper at least
as land in SE NE & SW NW irrigated?

ATTACHMENTS:

Attached to
This Form.

Attachments are
in Claim File.

PHOTOS

MAP

SYSTEM DIAGRAM

☐
☐
☐

☐
☐
☐

- ☐ Changes found during exam or additional information in the claim file, see claim file.

DATE EXAM CONDUCTED: _____

FIELD EXAMINER: _____

Signature _____



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 18, 2001

Darwin Caldwell
Eloise Caldwell
15629 N. 16th Dr.
Phoenix, AZ 85073

REF: Snake River Basin Adjudication Claims investigation
A29-246B, A29-2418 & A29-2504

Subject: field visit to the property

Dear Mr. and Mrs. Caldwell,

The Idaho Department of Water Resources has recently begun its water right review in Basin 29. It is our goal to recommend historical water rights within the Snake River Basin as accurately as possible. Field exams to verify the place of use and point of diversion needs to be conducted by Department personnel. I've met your son and I have been unsuccessful in my attempt to get him to call me. I need to schedule an appointment as soon as possible to discuss your claims. Is there someone here that could show me the system? I have to actually visit the property.

The Snake River Basin Adjudication claims once decreed will supercede any other water right to the property. So, it's important that we make sure your water rights are correct. Please contact me at my office in Soda as soon as possible. The office phone number is (208) 547-3993. I look forward to your call.

Sincerely;

Cindy E. Bird
Adjudication Bureau

remailed 11/16/01 regular mail.

No of Allotment	Name of Claimant	Date of Priority	Amount in Second	Point of Diversion and Place of Use
9 0240 73 T. 2397	Charlie Pizoka	July 6, 1868	.842	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 43.72 acres in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 36, Township 6 South, Range 38 E.B.M.
9 0241 74	Chaga	July 6, 1868	.913	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 40.67 acres in Lots 3 and 4, Section 1, Township 7 South, Range 38 E.B.M.
9 0242 75	Heehewar	July 6, 1868	.71	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 35.6 acres in Lots 1 and 2, Section 1, Township 7 South, Range 38 E.B.M.
29 002				
9 0243 76	Albert Kiwonen	July 6, 1868	1.398	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 69.12 acres in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
29 003				
9 0244 77	Hattie Kiwonen	July 6, 1868	1.439	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 71.96 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
9 0245 78	Thomas Kennedy	July 6, 1868	1.33	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 66.68 acres in the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
9 0246 79	Poomeah	July 6, 1868	1.6	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 80.24 acres in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.

C V cattle
owner's
property

Trans # 1052

29-2468: Darwin Caldwell

Mar 1868

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT
TRANSFERRED RIGHT NO. 1052

THIS IS TO CERTIFY, That F. M. Whitworth and E. L. Whitworth, dba Whitworth Brothers, of Bancroft, Idaho, are the owners of and using a certain water right bearing date of July 6, 1868, for 1.3 cubic feet per second of the waters of Toponce Creek, County of Caribou, decreed to Poosah, by decree of the Judge of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, in the case of

UNITED STATES OF AMERICA

Plaintiff

vs.

JULIA HEDNER

Defendant

said decree bearing date of April 6, 1929, and being appurtenant to the following described lands, to-wit:

S¹/₄ Sec. 1, Township 7 South,
Range 38 E. T. 4. N.,

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 5 of Decrees, at Page 367;

That said F. M. Whitworth and E. L. Whitworth have become the owners of said water right by purchases;

And that now upon the application of F. M. Whitworth and E. L. Whitworth for the transfer of 1.3 cubic feet per second of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.3 cubic feet per second of the waters of Toponce Creek upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this Certificate for irrigation purposes, are described as follows, to-wit:

S¹/₄ Sec. 1, Township 7 South,
Range 38 E. T. 4. N.,

S¹/₂ S¹/₂ SE Sect 1
NWNE S12 T7S R38E

That said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose and shall not exceed the following amount, to-wit:

1.3 cubic feet per second
bearing date of priority of
July 6, 1868;

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To	From	Co.	Phone #
Candy	Ar		
Dept.	Fax #		
776-5197	IF Probs		Can

That the water right hereby transferred has heretofore been conducted through an open ditch with point of diversion in the N¹/₂SE¹/₄ Section 1, Township 7 South, Range 30 E. R. M.,

SESE Sect 1

That the water right hereby transferred will hereafter be conducted to the land above described lands through open ditch with no change in point of diversion;

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 29th day of June, 1965.

(SEAL)

s/

CARL E. TAPPAN

CARL E. TAPPAN
State Reclamation Engineer

IN THE DISTRICT COURT OF THE UNITED STATES IN AND FOR THE
DISTRICT OF IDAHO, EASTERN DIVISION

United States of America,
upon the relation of H. E.
Ray, United States Attorney
for the District of Idaho.

Plaintiff,

v.

Julia Hibner, Kepler Sessions,
Merchants Trust Company, a corporation,
successor in interest to A. J. Knollin,
Continental National Bank of Salt Lake
City, a corporation, successor in
interest to Thomas J. Nipper, John W.
Symons, George A. Whitworth, George
John, Cordelia Warner, Dempsey Irriga-
ting Company, a corporation, Topas
Irrigation Company, a corporation,
Thomas Hillman, F. A. Reed, James H.
Byington, Noah Hesse, Lava Irrigation
Company, a corporation, Mrs. A. A.
Fairchild, Portneuf Irrigating Company,
a corporation, Portneuf Marsh Valley
Canal Company, a corporation, A. T.
Shumway, J. T. Gitten, J. J. Lewis,
McCannan Ditch Company, a corporation,
Amesiah Henson, Brigham R. Green, Orson
V. Robbins, Royal T. Hale, Samuel Orgill,
G. H. Romrell, William J. Lewis, Ed
Murphy, Thomas Orgill, George Goodenough,
Oregon Short Line Railroad Company, A. J.
Butterfield, Farley P. Jensen, Ben D.
Jensen, George Brangham, Westside Canal
Company, a corporation, Toponce Canal
Company, a corporation, First National
Bank of Pocatello, a corporation,
successors in interest of Joseph and
William F. Purvis, J. A. Eldridge, Union
Grain & Elevator Company, a corporation,
Michael Whiteorth, National Loan Company,
a corporation, O. H. Brangham, and
Village of McCannan, a municipal corpora-
tion.

Defendants

In Equity No. 478

D
E
C
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E

This cause came on to be further heard at this term, additional proofs
being submitted and the cause being further argued by counsel and thereupon,

-5-

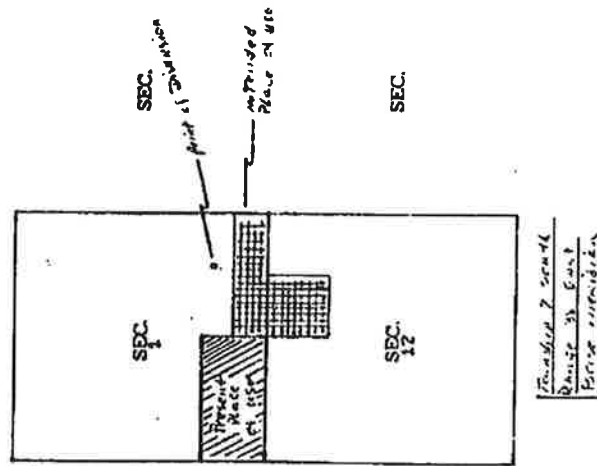
No. of Allotment	Name of Claimant	Date of Priority	Amount in Second	Point of Diversion and Place of Use
74	George	July 6, 1868	.913	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 45.67 acres in Lots 3 and 4, Section 1, Township 7 South, Range 38 E. B. M.
75	Mooheser	July 6, 1868	.71	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 35.5 acres in Lots 1 and 2, Section 1, Township 7 South, Range 38 E.B.M.
76	Albert Kiwonea	July 6, 1868	1.398	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 69.12 acres in the NE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
77	Hattie Kiwonea	July 6, 1868	1.439	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 71.96 acres in the NE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
78	Thomas Kennedy	July 6, 1868	1.33	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 66.68 acres in the NE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.
79	Footnash	July 6, 1868	1.6	Said water to be diverted from Toponce Creek at a point without the confines of the lands herein designated for the irrigation of 80.24 acres in the SE $\frac{1}{4}$ of Section 1, Township 7 South, Range 38 E.B.M.

111.

INDIAN RIGHTS OWNED BY OTHER THAN INDIANS

42	J. T. Gittins	July 6, 1868	1.58	Said water to be diverted through the Cutler Ditch
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Name of Applicant MILITWORTH BROTHERS, F.N. & L.



4 21

Scale: 2 Inches—1 Mile. Draw Map in Ink.

Copy of Toponce Water Decree, April 8, 1929

Indian Rights

Priority Date of July 6, 1868

MAY 24 1929

Department of the Interior

No. of Allt.	Name of Claimant	Ant in cfs	Place of use
73	Charles Pisoka	.362	Said water to be diverted from Toponce Creek at a point within the confines of the lands herein designated for the irrigation of 43.72 acres in the SW ¹ / ₄ SE ¹ / ₄ , and the SE ¹ / ₄ SW ¹ / ₄ , of Sec 36 S, Rng 38 E ¹ / ₂ .
74	Chage	.913	For the irrigation of 45.67 acres in Lots 3 and 4, Sec 1, Twp 7, Rng 38 E ¹ / ₂ .
75	Koobowar	.71	For the irrigation of 35.5 acres in lots 1 and 2, Sec. 1, Twp. 7 S, Rng. 33 E ¹ / ₂ .
76	Albert Kivones	1.398	For the irrigation of 69.12 acres in the SW ¹ / ₄ of Sec. 1, Twp. 7 S, Rng. 33 E ¹ / ₂ .
77	Hattie Kivones	1.439	For the irrigation of 71.96 acres in the NE ¹ / ₄ SE ¹ / ₄ of Sec. 1 Twp. 7 S, Rng. 33 E ¹ / ₂ .
78	Thomas Kennedy	1.33 655	For the irrigation of 65.63 acres in the NE ¹ / ₄ SW ¹ / ₄ of Sec. 1, Twp. 7 S, Rng. 33 E ¹ / ₂ .
79	Pooseah (Kennedy)	1.6 80 2.93	For the irrigation of 80.24 acres in the SE ¹ / ₄ SW ¹ / ₄ of Sec. 1, Twp. 7 S, Rng. 33 E ¹ / ₂ .

RECEIVED
MAY 6 1965

Department of Reclamation

APPLICATION TO CHANGE THE PLACE OF USE
OF DECREED WATER RIGHTS

TO: CARL TAPPAN, State Engineer, State of Idaho, Boise, Idaho

Comes now F. M. Whitworth and E. L. Whitworth, d/b/a Whitworth
Brothers and represents as follows:

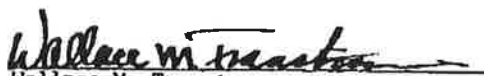
That by reason of the so-called "Toponce Decree" dated April 8,
1929 sixty-five (65) inches of water was awarded under allotment 79 to
Pooseah (Kennedy) with priority date of July 6, 1868 and by reason of subse-
quent purchase of such water by petitioners they now own the same.

That such water was decreed appurtenant to the $S\frac{1}{2}SW\frac{1}{4}$, Section 1,
Township 7 South, Range 38 East, B. M.

That petitioners desire to change the place of use aforesaid to be
appurtenant to the $S\frac{1}{2}SE\frac{1}{4}$, Section 1 and $NW\frac{1}{4}NE\frac{1}{4}$, Section 12, all in Township
7 South, Range 38 East, B. M., and being the same total acres.

That an additional amount of water is not asked for, and the rights
of others will not be adversely affected by such change.

Dated: May 3, 1965.


Wallace M. Transtrum
Attorney for Petitioners
Soda Springs, Idaho

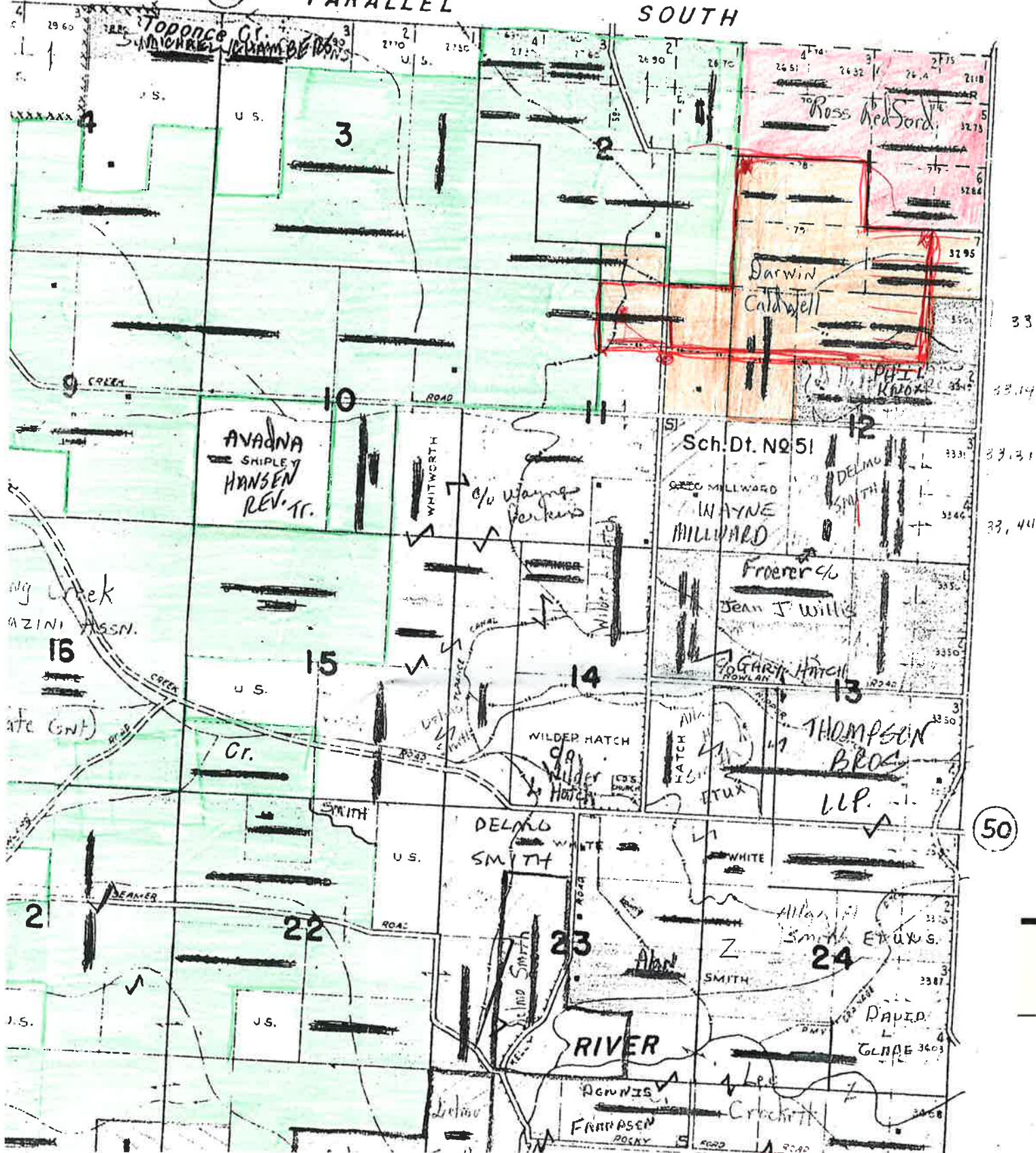
TOWNSHIP 7 S., RANGE 38 E. B. M.
CARIBOU COUNTY, IDAHO

STANDARD

(46)

PARALLEL

SOUTH



MAY 4 2001

529

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: A29-00246B

Date Received: 10/23/1989

Receipt No: 6011092

Received By: [Signature]

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Eloise
1648-9965

1. Name: DARWIN CALDWELL
Address: RT. 1 BOX 1460
BANCROFT, ID

208-648-7890

OR

83217

Name: ELOISE CALDWELL
Address: RT. 1 BOX 1460
BANCROFT, ID

208-648-7890

83217

2. Date of Priority: JUL 06, 1868

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	NE	SE		CARIBOU
			SW	NW	SE		CARIBOU

5. Description of diverting works:

HEADGATE IN STREAM TO PRIVATE DICH/HEADWORKS OF TOPONCE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15	1.300		

7. Total Quantity Appropriated is:

1.300 C.F.S. (and/or)

A.F.A.

8. Total consumptive use is

1197.5 Acre Feet Per Annum.

9. Non-irrigation uses:

INCIDENTAL STOCKWATERING

A29-00246B

Page

10/23/89

384
428 acres

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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	7	IRR	27.0

Section Acres 205.0

2 SW SE IRR 12.0 ✓

20 - 2504

Section Acres 12.0

11 NE NE IRR 39.0 ✓
NW NE IRR 31.0 ✓
SE NE IRR 36.0 ✓

39 - 2504

39 - 2504

Section Acres 106.0

12 NW NE IRR 40.0 ✓
NE NW IRR 39.0 ✓
NW NW IRR 40.0 ✓
SW NW IRR 37.0 ✓

40 - 2504

39 - 2504

Section Acres 156.0

Total Acres 479.0

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:

29-02504, 02418 & SHARES IN TOPONCE CANAL COMPANY

14. Remarks:

AC. IRR. = 65.

AS PER TRANS. 1052.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 4/08/1929

UNITED STATES OF AMERICA

Decree Plaintiff

vs

JULIA HIBNER, ET. AL.

Decree Defendant

A29-00246B

Page

10/23/89

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

Number of attachments: 2

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): *Barbara Caldwell* Date: 10-23-89

Date: _____

State of Idaho)
County of Sonneville) SS.

Subscribed and sworn (or affirmed) before me this 23 day
of October 19 89

E. J. [Signature]
Notary Public

Seal

Residing at *Idaho Falls, ID.*
My Commission Expires *22 Aug 1994*

NOV 13 1992
MICHOHLED

R39E

R38E

IR. WELL
A29-10099

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Reclamation

Reclamation

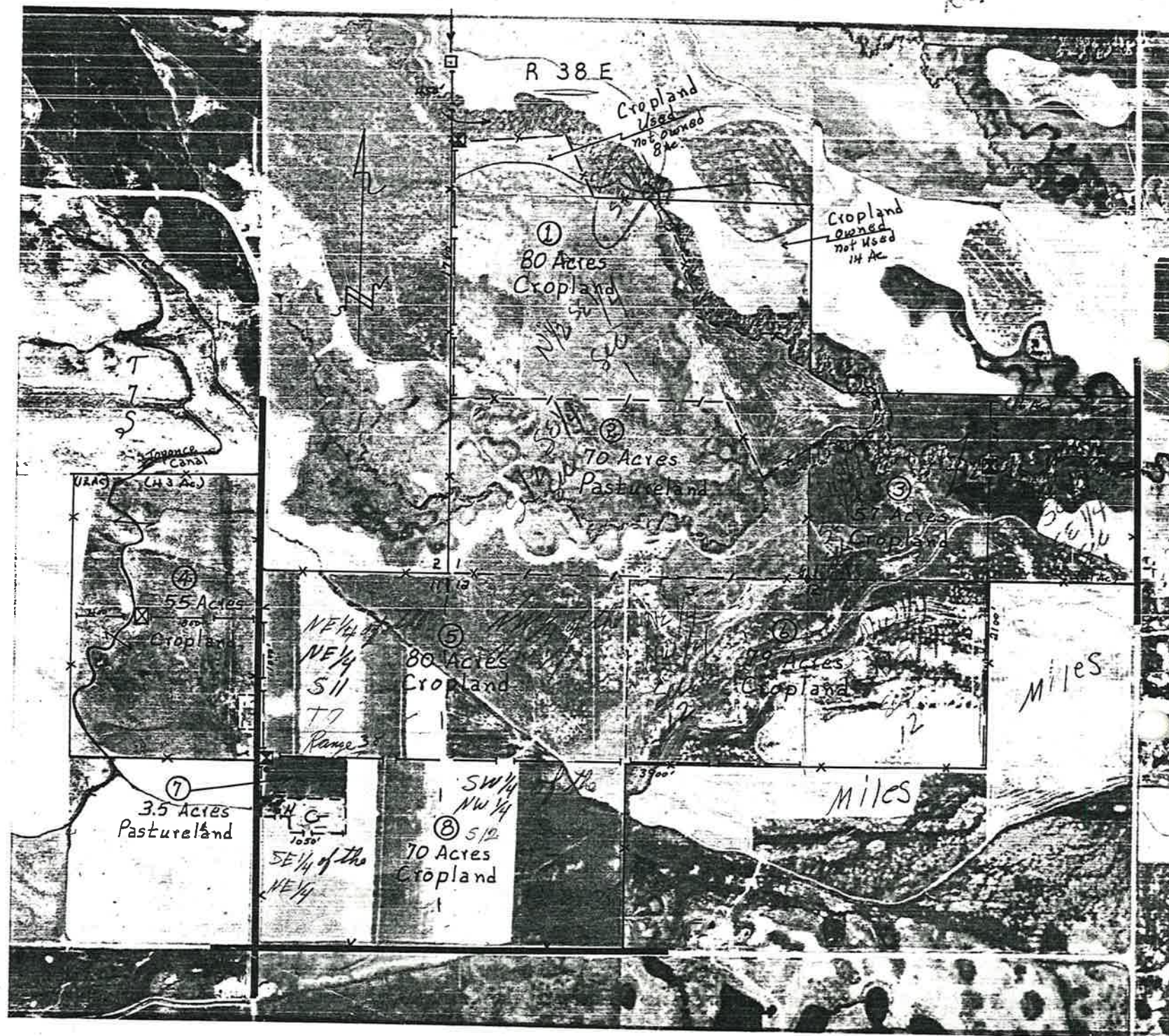
Channel

DITCH

PITCH HEADLOG
NW 1/4 Sec 34
T6S R38E

TERPICE CANAL HEADLOG
SW 1/4 NW 1/4 Sec 34
T6S R38E

S
6
T



NOV 13 1992

MICROFILMED