

IDAHO DEPARTMENT OF WATER RESOURCES 10/30/2001
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

NAME AND ADDRESS: HOWARD L ARMSTRONG
13244 W TRAIL CK
POCATELLO ID 83204

SOURCE: SPRINGS TRIBUTARY: TRAIL CREEK

QUANTITY: 0.26 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-04264 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 0.26 CFS.

PRIORITY DATE: 05/15/1914

POINT OF DIVERSION:

T06S R34E S32 NENESE Within BANNOCK County

T06S R34E S33 SWNENW Within BANNOCK County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.240 CFS
STOCKWATER	01/01 12/31	0.020 CFS

PLACE OF USE: IRRIGATION Within BANNOCK County

T06S R34E S28	SWNE	2.4	T06S R34E S28	SENE	8.5
T06S R34E S28	NESE	0.2	T06S R34E S28	NWSE	0.7

STOCKWATER same as IRRIGATION

11.8 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-04264 IS LIMITED TO THE IRRIGATION OF A
COMBINED TOTAL OF 11.8 ACRES IN A SINGLE IRRIGATION SEASON.

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

THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM
1982 TO 1987.

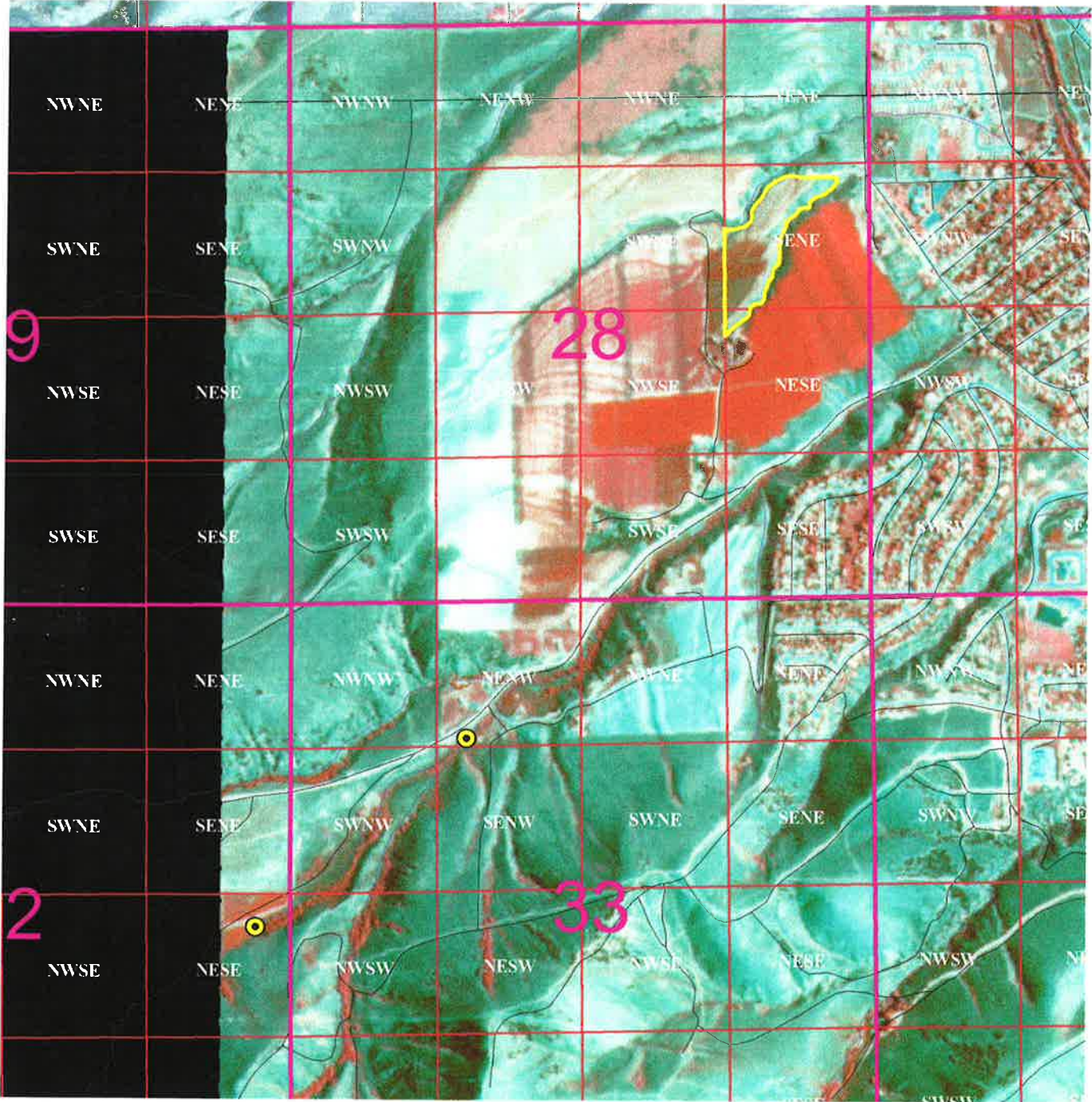
THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. SECTION 42-1412(6), IDAHO CODE.

EXPLANATORY MATERIAL: License

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

Water Right Claim Number A29-02182
Township , 6S34E

09/19/2000

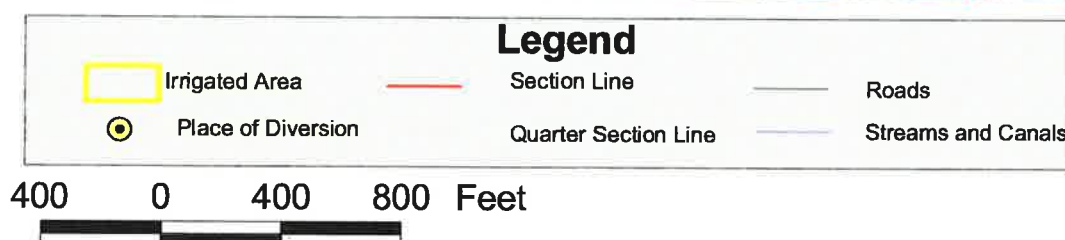
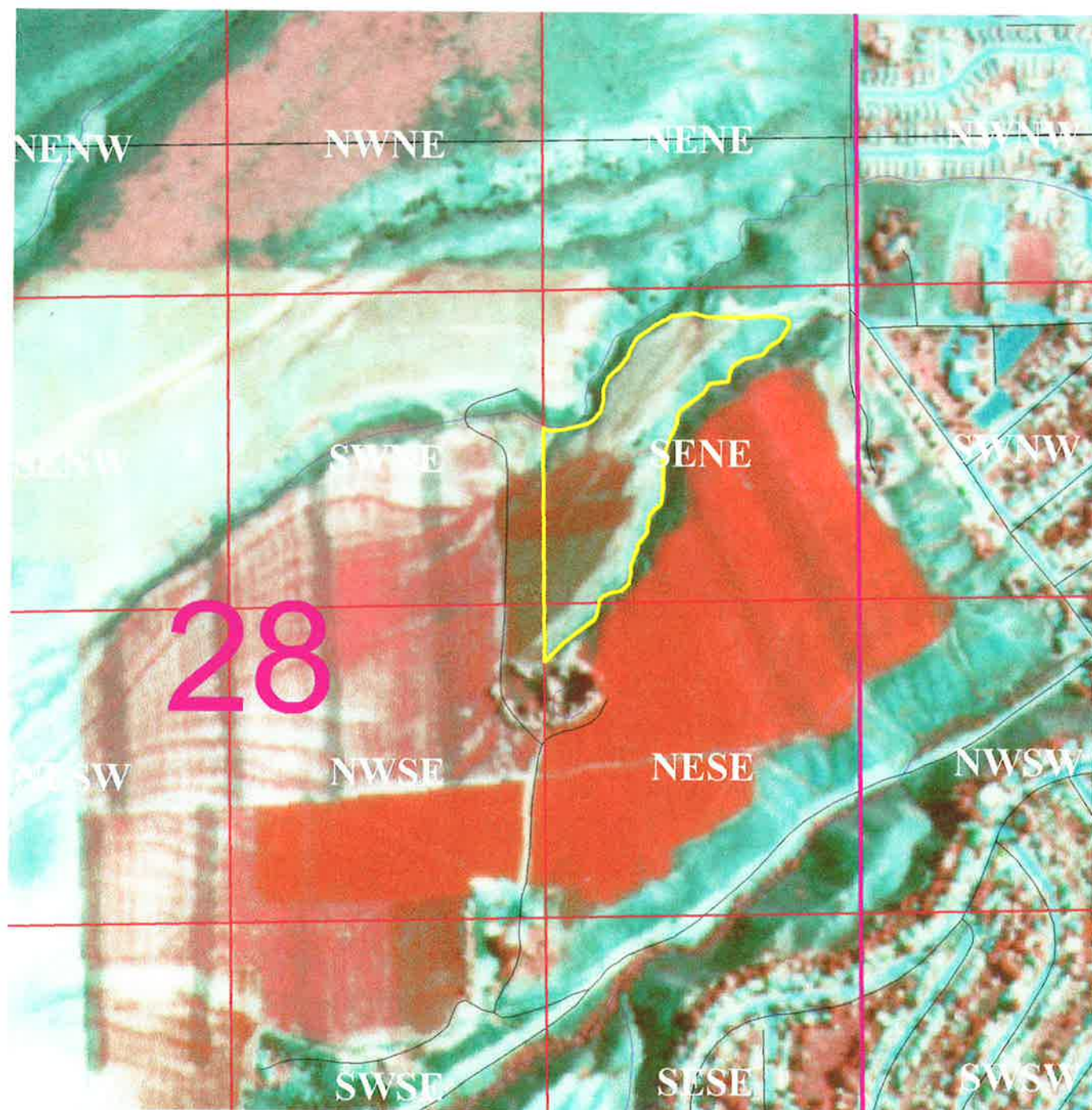


Legend

 Irrigated Area	 Section Line	 Roads
 Place of Diversion	 Quarter Section Line	 Streams and Canals

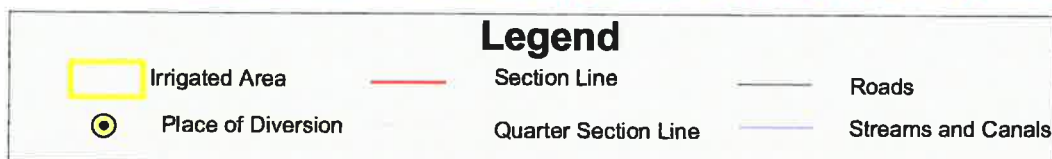
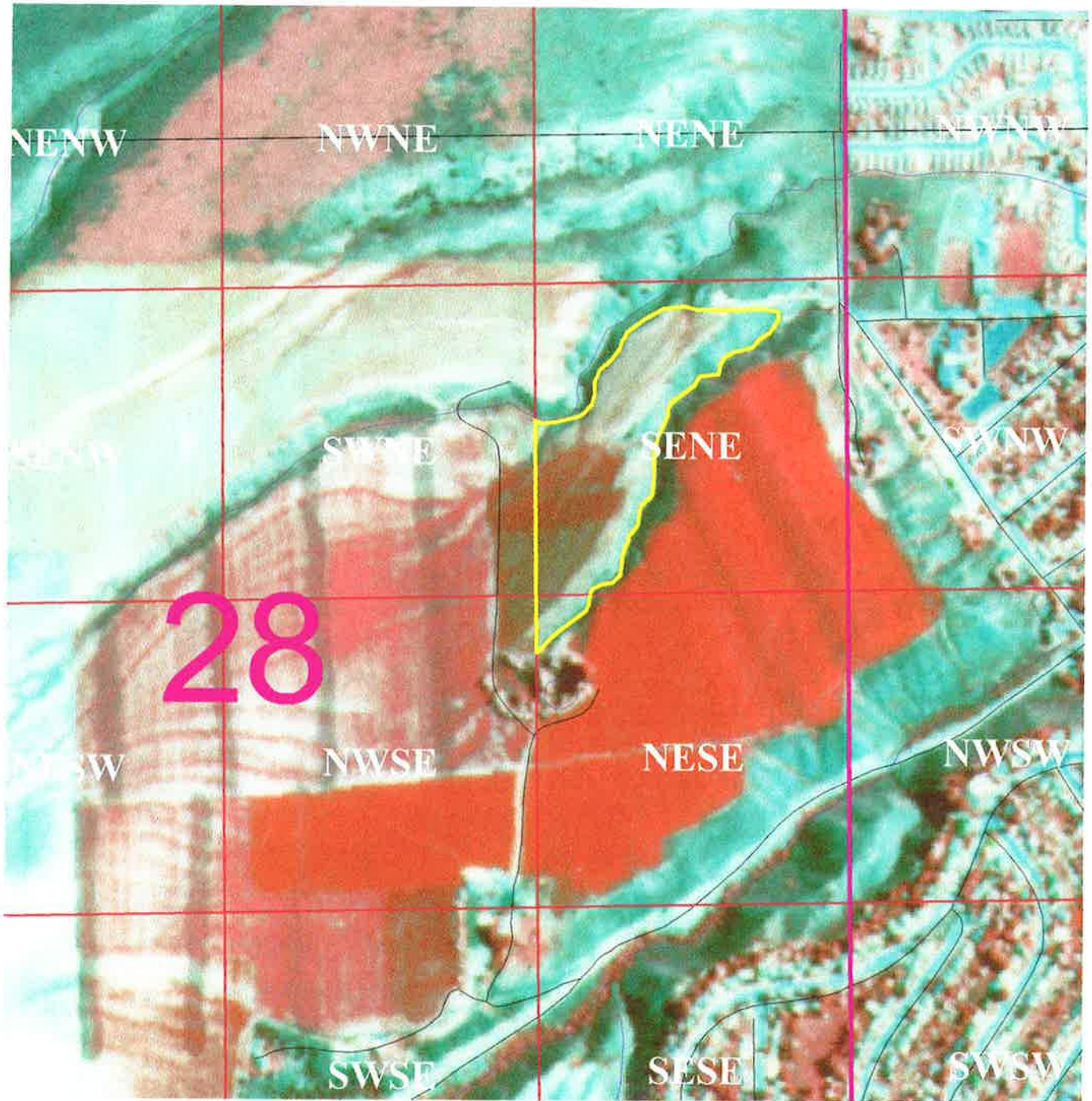


09/19/2000



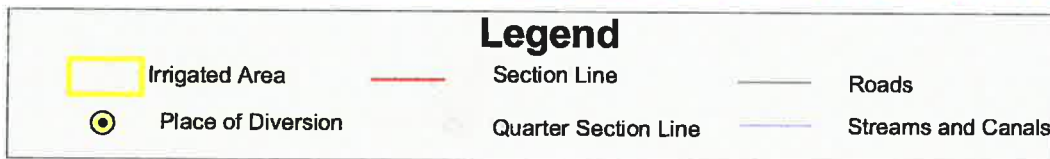
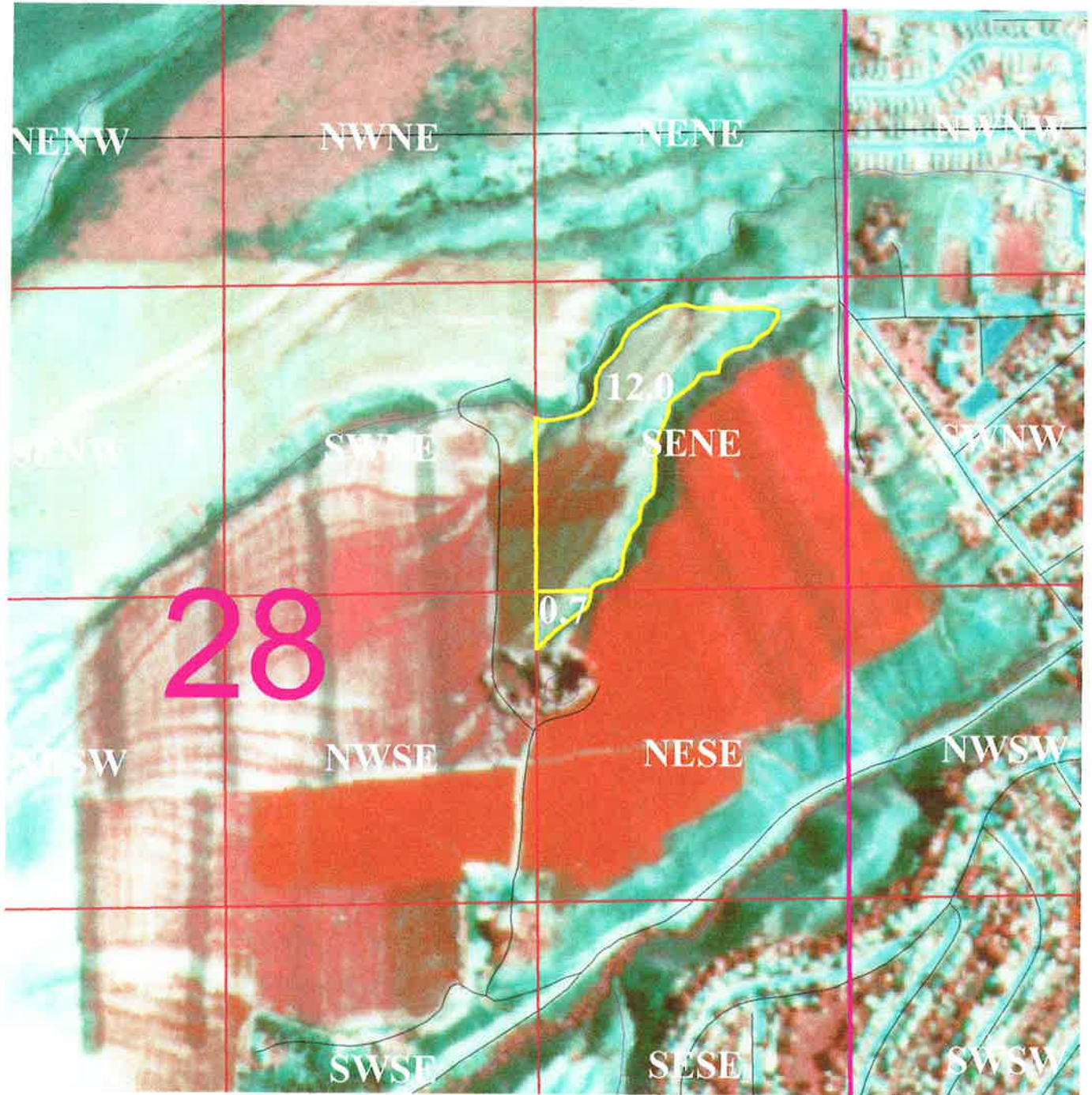
Water Right Claim Number A29-02182
Township , 6S34E

09/19/2000



Water Right Claim Number A29-02182
Township , 6S34E

09/19/2000



IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Recommendation Report 29-2182 V1

WATER RIGHT NUMBER: 29-2182 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	HOWARD L ARMSTRONG 13244 W TRAIL CK POCATELLO, ID 83204 (208)232-5812
Original Owner	FRED G CALDWELL POCATELLO, ID 83201

Priority Date: 05/15/1914

Basis: License

Status: Active

<u>Source</u>	<u>Tributary</u>
SPRINGS	TRAIL CREEK

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	0.240 CFS	
STOCKWATER	01/01 to 12/31	0.020 CFS	
	<u>Total Diversion:</u>	0.260 CFS	

Location of Point(s) of Diversion

SPRINGS BANNOCK County	SW1/4NE1/4NW1/4	Sec. 33, Twp 06S, Rge 34E, B.M.
SPRINGS BANNOCK County	NE1/4NE1/4SE1/4	Sec. 32, Twp 06S, Rge 34E, B.M.

Place of Use

IRRIGATION Within BANNOCK County

T06S R34E S28	SWNE	2.4	T06S R34E S28	SENE	8.5
T06S R34E S28	NESE	0.2	T06S R34E S28	NWSE	0.7
Total Acres: 11.8					

STOCKWATER same as IRRIGATION

Conditions of Approval:

1. C04 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PURPOSE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.
4. 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

Adjudication Recommendation Report 29-2182 V1

1. General THE REMAINDER OF THIS RIGHT WAS FORFEITED FOR NON-USE FROM 1982 TO 1987.
2. Quantity USE OF THIS RIGHT WITH RIGHT NO. 29-04264 IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 0.26 CFS.
3. Place of Use - Irrigation USE OF THIS RIGHT WITH RIGHT NO. 29-04264 IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 11.8 ACRES IN A SINGLE IRRIGATION SEASON.

Comments:

1. csaxton 7/3/2001 See Memo
Comment: See Memo in file dated 7/03/01.

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: C
 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	7/3/2001 2:10:57 PM	csaxton			Active
Priority Date	7/3/2001 2:11:14 PM	csaxton			Active
POD	7/3/2001 2:24:40 PM	csaxton			Active
Source	7/3/2001 2:36:08 PM	csaxton			Active
Use	7/3/2001 2:36:22 PM	csaxton			Active
POU	7/3/2001 2:42:03 PM	csaxton			Active
Season	7/3/2001 2:50:33 PM	csaxton			Active
Quantity	7/3/2001 2:54:50 PM	csaxton			Active
Summary	7/3/2001 3:12:54 PM	csaxton	7/3/2001 3:12:54 PM	csaxton	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
Contacts	7/3/2001 2:10:55 PM	csaxton	1. Appointment has not been scheduled. Comment for 1: Field exam 6/12/01
POD	7/3/2001 2:27:58 PM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2182 V1

Source	7/3/2001 2:36:06 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a source. 3. (YES) The claimed source can be verified using the water right file. 8. (YES) The source is surface water. 9. (YES) The source is a standard source. 10. (NO) Source remark was not required. 11. (NO) Source condition was not required.
Use	7/3/2001 2:36:20 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (YES) The parent right has a purpose of use. 3. (YES) The claimed purpose of Use can be verified using the water right file. 11. (NO) Purpose of Use remark was not required. 12. (NO) Purpose of Use condition was not required.
Priority Date	7/3/2001 2:11:12 PM	csaxton	1. (NO) There has not been a later court decree of the water right(s) from the water source. 4. (NO) The basis of claim is not beneficial use. 5. (NO) The basis of claim is not a posted notice. 6. (YES) Parent right has a priority date. 7. (NO) The basis of claim is not an application or permit. 12. (YES) The claim is recommended. 13. (YES) The claim is coded correctly. 14. (NO) Priority remark was not required. 15. (NO) Priority condition was not required.
POD	7/3/2001 2:24:37 PM	csaxton	1. (NO) The basis is not beneficial use. 2. (YES) Parent right has a Point of Diversion. 3. (NO) The claimed Point of Diversion can not be verified using the water right file. 4. (YES) There is evidence that there has been a change in the Point of Diversion. 5. (YES) The change can be verified as an accomplished transfer. Comment for 5: Two of the five original points of diversion are still in use. The other three original POD's just stopped being used. 6. (YES) The file contains all the necessary information to verify the POD. Comment for 6: Field Exam 8. (NO) Point of Diversion remark was not required. 9. (YES) Point of Diversion condition was required.
POD	7/3/2001 2:26:42 PM	csaxton	Edited point location

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-2182 V1

POU	7/3/2001 2:42:01 PM	csaxton	1. (YES) The POU is required. 2. (NO) The basis of claim is not beneficial use. 3. (YES) The Parent Right has a POU. 4. (NO) The claimed POU can not be verified using the water right file. 5. (YES) There is evidence that there has been a change in the POU. 6. (YES) The change can be verified as an accomplished transfer. Comment for 6: See Memo in File July 3, 2001. 9. (YES) The file contains all the necessary information to verify the POU. Comment for 9: Field Exam 12. (NO) POU remark was not required. 13. (YES) POU condition was required.
POU	7/3/2001 2:43:45 PM	csaxton	Edited shape boundary
POU	7/3/2001 2:44:14 PM	csaxton	Edited PLS
Season	7/3/2001 2:50:31 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The parent right does not have a period of use. 4. (NO) There is not evidence that there has been a change to the period of use. 9. (YES) The file contains all the necessary information to verify the period of use. 11. (NO) The basis of is not a decree, license, or a transferred beneficial use right that has had the period of use administratively determined. 13. (YES) Irrigation is the purposed use. 15. (NO) Period of Use remark was not required. 16. (NO) Period of Use condition was not required.
Quantity	7/3/2001 2:54:38 PM	csaxton	1. (NO) The basis of claim is not beneficial use. 2. (NO) The basis of claim is not a posted notice. 3. (YES) The parent right has a diversion rate and/or diversion volume. 4. (YES) The claimed diversion rate and/or volume can be verified using the water right file. 6. (NO) The source is not ground water and the purpose of use does not require a diversion volume limit. 7. (NO) The parent right does not have an annual diversion volume limit. 9. (NO) Quantity remark was not required. 10. (NO) Quantity condition was not required.
Summary	7/3/2001 3:12:51 PM	csaxton	1. (NO) The basis of the claim is not beneficial use. 3. (NO) There is no indication that there has been a five year period of continuous nonuse that could result in a recommendation of forfeiture or partial forfeiture. 5. (NO) General remark was not required. 6. (NO) Explanatory remark was not required. 7. (YES) Additional condition was required. 8. (YES) Wanted to view the recommended right. 9. (NO) This is not a split right. 10. (NO) This is not a combined right. 11. (NO) Documents were not linked or attached to this file. 12. (YES) Set the verification date.

02/08/2003

Craig

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: 29-2182

HOWARD L ARMSTRONG
13244 W TRAIL CREEK
POCATELLO ID 83204
Telephone Number: (208)232-5812

RECEIVED
APR 14 2003
Department of Water Resources
Eastern Region

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:

4-7-03

SIGNATURE:

Howard L. Armstrong Jr.

Please print your name:

Howard L. Armstrong Jr.

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

SCANNED

DEC 30 2005

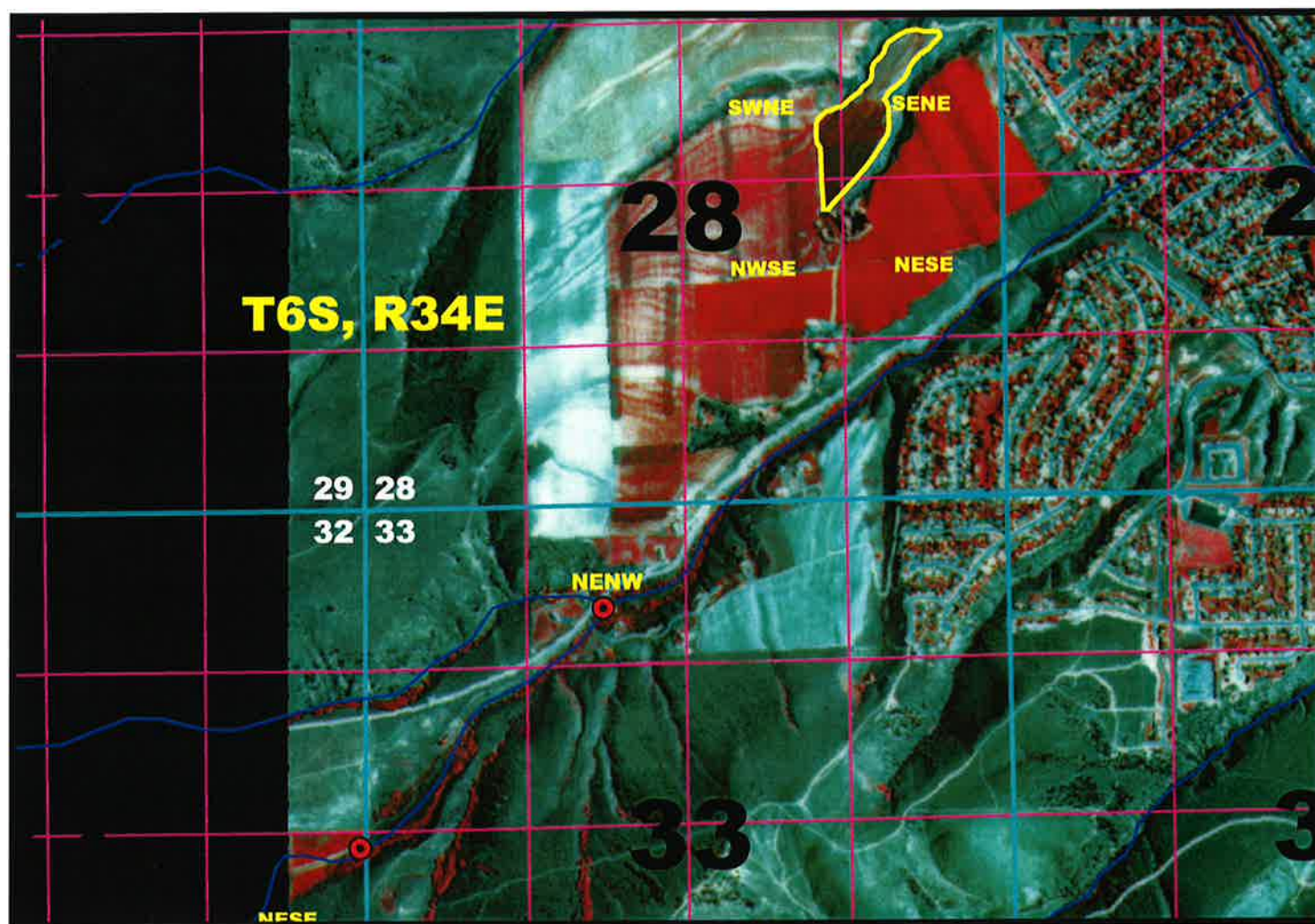
FILED



STATE OF IDAHO

Department of Water Resources
Eastern Region

Water Right(s): 29-02182



1320 0 1320 2640 3960 Feet

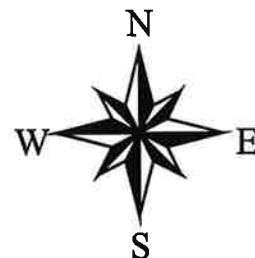
Total Irrigated Acres: 11.8

-  Point(s) of Diversion
-  Place of Use
-  Quarter Quarter Lines
-  Section Lines

PROFILE

SCANNED

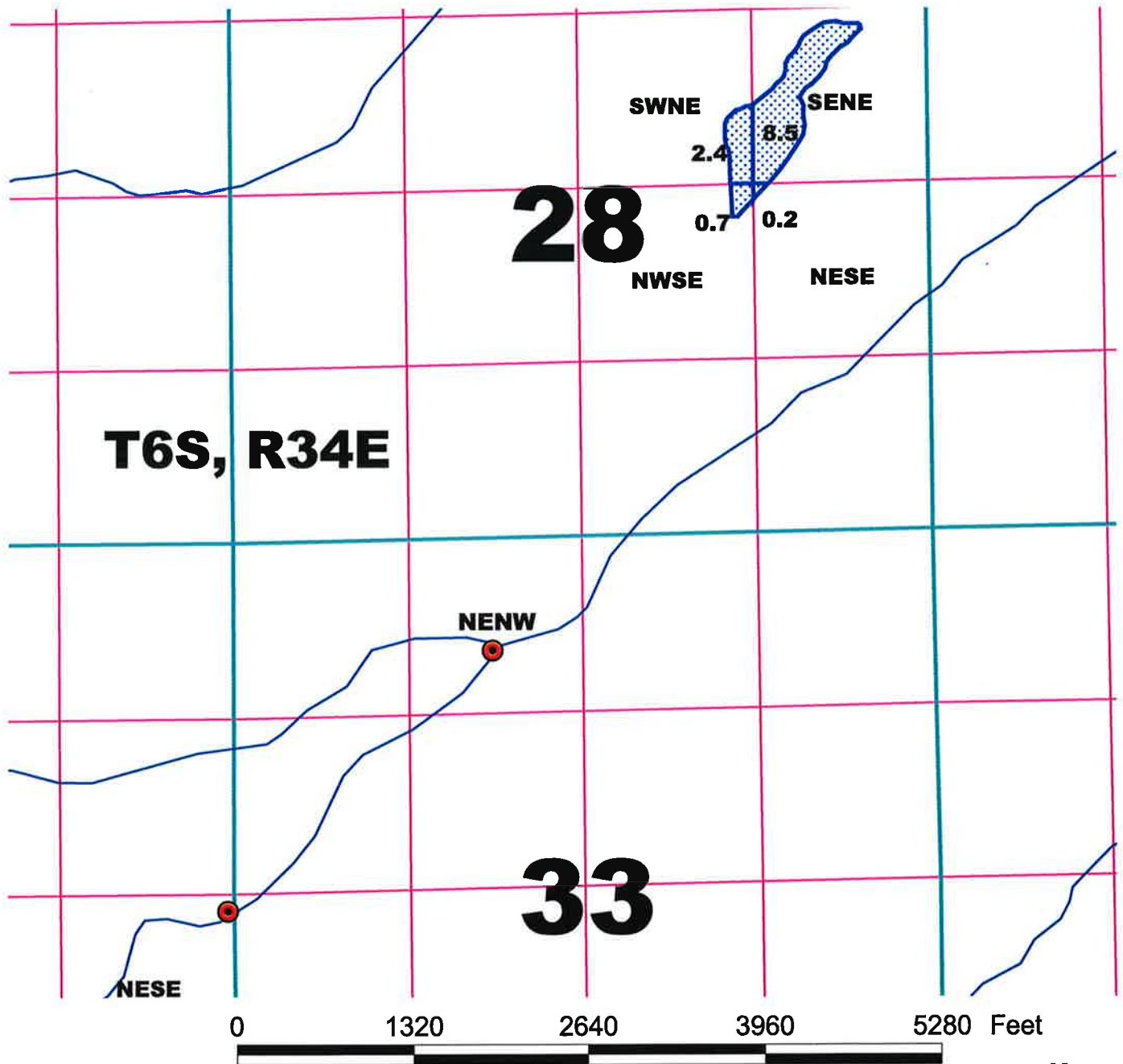
DEC 30 2005



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: C. Saxton
Date: July 2001

Howard L Armstrong

WR # (s): 29-02182



SCANNED

DEC 30 2005

Total Irrigated Acres: 11.8

PROFILED

Acreage Distribution

Prepared By: Craig Saxton
July 2001

Memorandum

Date: July 3, 2001

From: Craig Saxton

Subject: 29-02182

29-02182 is an historical license from a spring.

29-02182 was licensed for irrigation in June of 1925. Sometime in the Early 1950's the system changed and the claimant started dumping the spring water into a pond that is currently in use and thus ceased using the spring water for Domestic purposes. Up until 1974, the irrigated area from this pond was in a radial area around the pond. In 1974 when the well associated with 29-07243 was installed, the spring water was then used to just irrigate the gully where it is currently in use.

Results

POU - C05 – recommend current place of use as PPU with 29-04364. No amendment needed based on Claims Investigation Handbook Chapter 8, section IIB paragraph 3.

POD – C03: Two of the 5 original points of diversion are still in use. Highlighted on field examiners report.

Purpose of Use – C02 – Do not recommend Domestic use. Licensed purpose of use was domestic and irrigation for use in "townsite". Used on private land.

Partial Forfeiture – Right licensed at max acres of 280. 7 different 40 acre tracts. CFS licensed at 1CFS and needed to be reduced to 1 inch per acre.

SOU – Set at IDWR standard. Season of use not on original license.

Overlap – Right 29-04264 is a groundwater right and fills the pond and irrigates the same place of use as the spring.

SCANNED
DEC 30 2005

PROFILED

WR #: 29-02182

DATE: 6/12/01

GPS File:

OR

Northing:
Easting:



Looking West. Concrete catch box that collects spring water. This is the Southern most spring. CSAXTON

WR #: 29-02182

DATE: 6/12/01

GPS File:

Or

Northing:
Easting:



Looking W. Above picture taken just north of position this picture was taken. Concrete catch box that collects spring water before it enters pipe system. CSAXTON

SCANNED
DEC 30 2005

PROFILED

Log for claim A29-02182

Spatial Dynamics LTD

9/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s34e	28	SENE	11	12	
06s34e	28	NESE	4	0.7	
Totals:			15	12.7	

6/8/01 Pou ?

6/12/01 / - spring used for domestic an irrigation
 use changed ^{early} in 1950's - that is when
 Howard dammed up Gully to build Pond.
 Irrigated from Pond in radial area from
 Pond. When large well was put in
 Pond water used to irrigate Gully.

• No water from trail Creek - License speaks of
 trail Creek

AJ5809NP
No. A29-02182

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 05/24/00
PAGE: 39

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	HOWARD L ARMSTRONG PO BOX 4153 POCATELLO ID 83205 (208) 232-5812	05/15/1914	IRRIGATION STOCKWATER DOMESTIC	04-01 11-01 01-01 12-31 01-01 12-31	1.000 CFS 0.020 CFS 0.040 CFS	
TOTAL DIVERSION:					1.000 CFS	
CONSUMPTIVE USE:						37.50 AFA

Water Source: TRAIL CREEK
SPRINGS

Tributary to: PORTNEUF RIVER
TRAIL CREEK

Stage: LICENSE

Point(s) of Diversion: T06S R34E S32 NESE
S33 NENW BANNOCK County
BANNOCK County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE							
T	R	S	Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		Lt		Ac		SUM
06S	34E	28																									
11																											
04																											
TOTAL ACRES																										15.0	

Place of use location for STOCKWATER is the same location as described for: IRRIGATION

Place of use location for DOMESTIC is the same location as described for: IRRIGATION

POU County: BANNOCK

Non-Irrigation Uses: D/ PART-TIME DOM. S/ UP TO 20 HEAD CATTLE

Other Rights: NONE

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

29-04237	29-04380	29-07626	29-10717	29-11382	29-11536	29-12201	A29-02542	A29-04237	A29-04380
A29-07243	A29-07501A	A29-07501B	A29-07626	A29-10717	A29-11382	A29-11536	A29-12201		

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

A29-04264 A29-07243

Remarks: GEN SOURCE OF WATER IS SPRINGS, UNNAMED STREAMS & TRAIL CK.
LICENSE INCORRECTLY DESCRIBES SOURCE AS TRAIL CK. ONLY.

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

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

Audit: 02/16/90 DCARLSON 06/02/94 COX 03/29/95 POST-STD

State of Idaho

License and Certificate of Water Right

Water License No. 10366
 Water District No. 17-D

Amount 1.0 sec. ft.
 Priority 5-15-1914

THIS IS TO CERTIFY that Fred C. Caldwell
 of Pocatello, Idaho, made application for a permit to appropriate the
 public waters of the State of Idaho, dated May 15, 1914; that Permit No. 10366
 was issued under said application; that Certificate of Completion of works, with a carrying capacity of
 1.0 second feet, was issued thereunder on June 16, 1919, showing that said works
 were completed on the 27th day of May, 1919; and that on the 25th
 day of May, 1925,

Fred C. Caldwell
 of Pocatello, State of Idaho, made proof to the satisfaction of the
 Commissioner of Reclamation of Idaho, of the right to use the waters of Trail Creek
 , a tributary of , for the purpose of irrigation and
 domestic use, under Use Permit No. 10366 of the State Engineer
 and that said right to the use of said waters has been perfected in accordance with the laws of
 Idaho, and is hereby confirmed by the Commissioner of Reclamation of Idaho and entered of record in
 Volume 6 of Licenses, at page 3260, on the 5th day of June, 1925;

The right hereby confirmed dates from May 15, 1914;

The Points of Diversion ^{are} located as follows: SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32 and
 NW $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 33 Tp. 6 S., R. 34 E., B.M.
 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, Tp. 7 S., R. 34 E., B.M., Bannock County.

That the amount of water to which such right is entitled and hereby confirmed, for the purposes
 aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not
 exceed 1.0 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
6 S.	34 E.	27	SE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$	West Pocatello Townsite	
		28	SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$		

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

WITNESS the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho,
 this 5th day of June, 1925

W. C. SWENDSEN
 Commissioner of Reclamation.

(SEAL)

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Idaho

1. Name of applicant: Fred G. Caldwell

Postoffice address: Pocatello

County: Blaine

State: Idaho

I. If applicant is a corporation, give

(a) Date and place of incorporation;

(b) The amount of capital stock;

(c) The amount paid in;

(d) Names and addresses of directors;

II. The financial resources of the applicant are: (a) Cash on hand;

(b) Treasury stock;

(c) Bonds to be issued;

(d) Other resources;

2. The quantity of water claimed is Two

cubic feet per second.

3. Source of water supply: Trail Creek

4. Location of point of diversion: The Head Springs and Tributary Springs of the different forks of Trail Creek as described under # 1 in Remarks.

County of Blaine

5. To be used for: Domestic use in a Townsite.

I. Irrigation and domestic use: (a) Amount of land to be irrigated embraced in the townsite 200 acres.
(b) In the following legal subdivisions: S₄ NW₄ and 1/4 SW₄ Section 27 and SE₄ NE₄ and 1/4 SE₄ Section 28, S₁ T. 6 S., R. 34 E. of S.M.

II. Mining, milling, power, manufacturing, transportation or other purposes:

[a] At what point:

[b] Amount of power to be generated;

H. P. under

ft. head

[c] Is water to be returned to any stream?
return:

[d] If so, name stream and locate point of

6. Estimated cost of works: \$10,000.00

7. Description of works for diversion:

I. Kind of works: Intakes, Pipes, Reservoir.

II. Dimensions of works:

[a] Height of dam

feet, length of dam at top

feet,

length of dam at bottom

feet.

Material used in construction: of intake and reservoirs, earth and concrete.

[b] Capacity of reservoir two

acre feet. (c) Size of headgate, width

feet,

Height

feet.

(d) Conduit

pipes

width at bottom

feet,

width at water line

feet, depth of water

feet; diameter of pipe

7.4, 6 & 8 inches; average grade per mile is from 10 feet. Length of conduit is three miles, and it crosses the following quarter sections: NW₄, NE₄ and SE₄ Sec. 27, NW₄ and SW₄ Sec. 28; SW₄ and SE₄ Sec. 28, T. 6 S., R. 34 E.B.M.

8. The time required for the completion of the construction of such work is five

years.

9. Time required for the complete application of the water to the proposed use is additional years.

six

BE IT KNOWN That the undersigned hereby makes application for a permit to appropriate the public waters of the State of Idaho as herein set forth.

Fred G. Caldwell

Applicant.

By

Agent.

Date of first receipt at office of State Engineer 9.30 A. M. May 15, 1914.

Returned to applicant for correction May 15, 1914.

Corrected application received June 20, 1914.

APPROVAL OF STATE ENGINEER

The number of this permit is 10366

Recorded in Book 35 Page 10366 Approved July 8, 1914.

This is to certify that I have examined the within application for a permit to appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions.

Bond in the sum of _____ to be filed on or before _____

Work to begin on or before September 6, 1914 and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which permit holder has no control.

One-fifth of the work above specified to be completed on or before January 8, 1917.

The whole of said work to be completed on or before July 8, 1919.

Beneficial use of water appropriated in accordance herewith, to be made on or before July 8, 1925.

Witness my hand this 8th day of July, 1914.

F. P. KING,

State Engineer.

Remarks: # 1. Location of Points of Diversion.

Intakes will be constructed at:

1. Head Spring of Northfork: SE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 6 S., R. 34 E.
2. Head Spring of Southfork: SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 5, T. 7 S., R. 34 E.
3. Head Spring of East Branch of Southfork: NW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 33, T. 6 S., R. 34 E.
4. Big Spring in NE $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 32, T. 6 S., R. 34 E.
5. Tributary Spring in NE $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 32, T. 6 S., R. 34 E.

Capacity of Springs.

- No. 1 ---- $\frac{1}{2}$ second ft.
No. 2 ---- $\frac{1}{2}$ second ft.
No. 3 ---- $\frac{1}{2}$ second ft.
No. 4 ---- $2\frac{3}{4}$ second ft.
No. 5 ---- $\frac{1}{2}$ second ft.

Mr. Fred G. Caldwell bought the land tract designated as "Proposed townsite" on the accompanying map and a permit for the appropriation of all the waters in Trail Creek was issued in March 1911 by the State Engineer and verbal consent was given by the land owners to divert the waters from the springs; The Head Spring of the North fork # 1 is located on the Homestead claim of Frank A. Miller. The Big Spring #4 is located in the Homestead claim of Mr. Charles Spillman. Tributary spring # 5 is located in the Homestead Claim of Joseph Spillman. As the above quoted parties do not reside on their lands and could not be found, Mr. Caldwell will report as soon as their written consent has been obtained. Springs # 2 and #3 are located on unclaimed U. S. Gov. Land.

Fred G. Caldwell,
By Oscar Sonnenkalb, Agent.

May 14 - 1914

Written consent of Joseph and William Spillman to develop springs and divert water from their lands is now in my possession.

Fred G. Caldwell

June 10 - 1914

I have written permission from the owners of the land upon which the springs are located and such permission has been executed and acknowledged as required for the conveyance of real estate.

Fred G. Caldwell,
Applicant.

Permit No. 10366

CERTIFICATE OF COMPLETION OF WORKS

TO ALL WHOM IT MAY CONCERN:

This is to certify that Fred G. Caldwell of Pocatello, County of Bannock, and State of Idaho, the holder of Permit No. 10366, issued upon Application No. 15166, bearing date of priority of May 15th, 1914, authorizing the diversion of two second feet of the waters of Trail Creek, County of Bannock, State of Idaho, for domestic use in townsite, has fully complied with the provisions of the laws of the State of Idaho, relating to the proof of completion of the works of diversion set out and described in said Permit; that said works are adequate for diverting and conveying to the place of intended use one second feet of the waters of Trail Creek; that the point of diversion of said water is in the #1: SE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 32, T. 6 S.; #2: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 5, T. 7 S. R. 34 E. B. M. #3: NW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 33 T. 6 S. #4: NE $\frac{1}{4}$ Sec. 32, T. 6 S. #5: NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 33, T. 6 S., R. 34 E. B. M. said water to be used for domestic purposes on the following described land, to-wit: S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, Section 27; SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 28, Township 6 South, Range 34 East, B. M.

Witness my hand this 16th day of June, A. D. 1919.

W. G. Swendsen.
Commissioner of Reclamation.
By S. T. Baer.

Recorded by

Checked by

Amos, Record 10366 second time
Page 3260

Fred G. Caldwell
Poddavillo

Permit No.10366.....

Examination for Beneficial Use

County Bannock

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion, and accurately plat same.
 2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
 3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
 4. If any unusual conditions are discovered, make a plain statement of them under remarks.
 5. Always see the holder, if possible, and go over the whole ground with him, and make your report only upon actual existing facts and conditions.
-

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE

REPORT OF ENGINEER

PERMIT NO. _____

REPORT ON PROOF OF _____

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 29-2182
Date Received: 2/16/90
Receipt No: E012095
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

HOWARD L ARMSTRONG Phone: (208)232-5812

13244 W TRAIL CK
POCATELLO ID USA 83204

2. Date of Priority: 05/15/1914

3. Source: TRAIL CREEK , SPRINGS Trib. to: PORTNEUF RIVER , TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot		County	Type
06S	34E	33	NE	NW	BANNOCK	
06S	34E	32	NE	SE	BANNOCK	

5. Description of diverting works:

HEADGATE PIPELINE TO SPRINKLE IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/01	11/01	1	
STOCKWATER	1/01	12/31	0.02	
DOMESTIC	1/01	12/31	0.04	

7. Total Quantity Appropriated is:
1 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
06S	34E	28	SE	NE	IRRIGATION	11
			NE	SE	IRRIGATION	4
					Section Acres	15
					Total Acres	15

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:

14. Remarks:

SOURCE OF WATER IS SPRINGS, UNNAMED STREAMS & TRAIL CK
LICENSE INCORRECTLY DESCRIBES SOURCE AS TRAIL CK. ONLY

15. Basis of Claim: License

JUN 15 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: A29-02182
Date Received: 2/16/1990
Receipt No: 7012095
Received By: DC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: HOWARD L. ARMSTRONG 208-232-5812
Address: PO BOX 4153
POCATELLO, ID 83205

2. Date of Priority: MAY 15, 1914

3. Source: TRAIL CREEK SPRINGS Trib. to: PORTNEUF RIVER
TRAIL CREEK

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S	34E	32	NE	SE			BANNOCK
		33	NE	NW			BANNOCK

5. Description of diverting works:
HEADGATE PIPELINE TO SPRINKLE IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.000		
DOMESTIC <i>not used</i>	01/01	12/31	0.040		
STOCKWATER	01/01	12/31	0.020		

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

8. Total consumptive use is 37.5 Acre Feet Per Annum.

9. Non-irrigation uses:
D/ PART-TIME DOM. S/ UP TO 20 HEAD CATTLE

A29-02182

Page 1

Date: 02/16/90

MICROFILMED

NOV 13 1992

A2902182

10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
06S	34E	28	SE	NE	IRR	11.0
			NE	SE	IRR	4.0

Section Acres 15.0

Total Acres 15.0

11. Place of use in counties: BANNOCK

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

13. Other Water Rights Used:
NONE

14. Remarks:

SOURCE OF WATER IS SPRINGS, UNNAMED STREAMS & TRAIL CK.
LICENSE INCORRECTLY DESCRIBES SOURCE AS TRAIL CK. ONLY.

15. Basis of Claim: LICENSE
Water Right Number: 10366

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): *Howard L. Gustafson* Date: 2-16-90
_____ Date: _____

State of Idaho)
County of Branneville) SS.

Subscribed and sworn (or affirmed) before me this 16th day

of February 19 90

Seal

Anthony S. Olsen
Notary Public

Residing at *Shabo Falls*

My Commission Expires 9/12/1994

MICROFILMED
Howard Armstrong



