

05/06/2003

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

RIGHT NUMBER: 29-2504
NAME AND ADDRESS: DARWIN CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

ELOISE CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

SOURCE: GROUND WATER
QUANTITY: 2.000 CFS

TRIBUTARY:

USE OF THIS RIGHT WITH RIGHT NO. 29-2418 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 3.75 CFS AND TO A TOTAL COMBINED
ANNUAL DIVERSION VOLUME OF 896 AF.

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: 04/27/1965

POINT OF DIVERSION:

T07S R38E S11 NWSENE Within CARIBOU County Source: GROUND WATER

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.000 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: License

05/06/2003

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

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.

RIGHT NO. 29-2418 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

06/20/2002

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

RIGHT NUMBER: 29-2504

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

ELOISE CALDWELL
2844 KELLY TOPONCE ROAD
BANCROFT ID 83217

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 2.00 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-2418 IS LIMITED TO A TOTAL COMBINED
DIVERSION RATE OF 3.75 CFS AND TO A TOTAL COMBINED ANNUAL DIVERSION
VOLUME OF 896 AF.

PRIORITY DATE: 04/27/1965

POINT OF DIVERSION:

T07S R38E S11 NWSENE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/01 11/01	2.000 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	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.

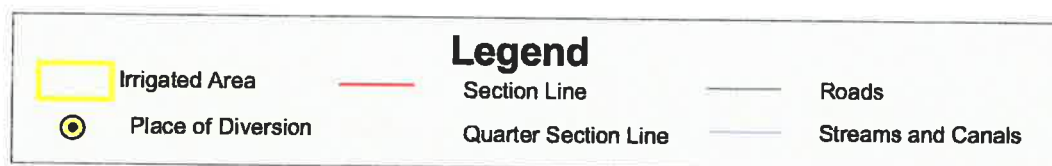
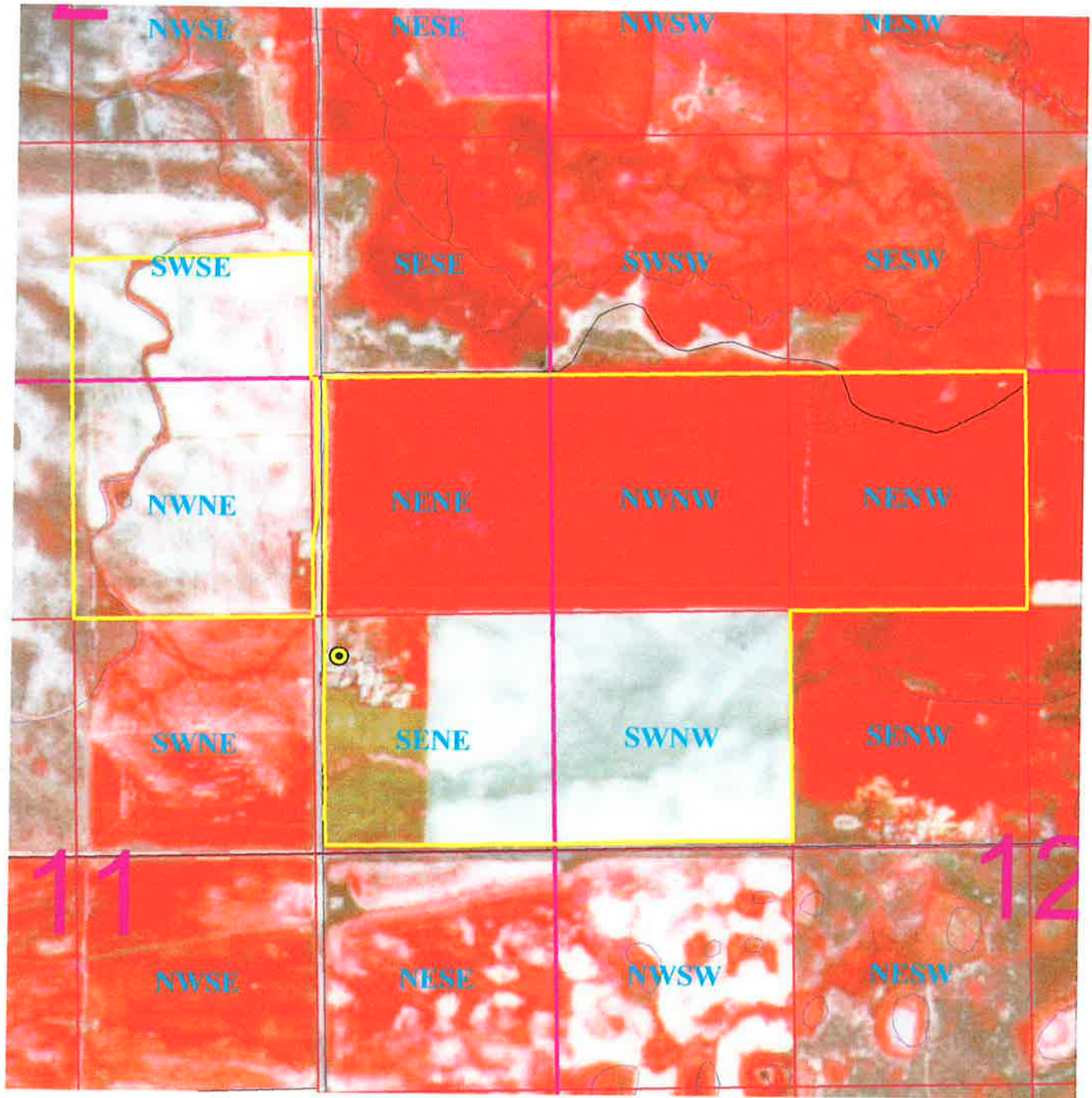
EXPLANATORY MATERIAL: License

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

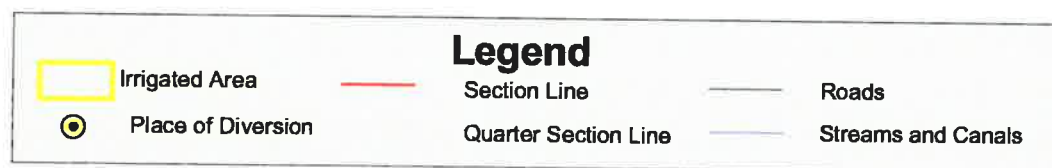
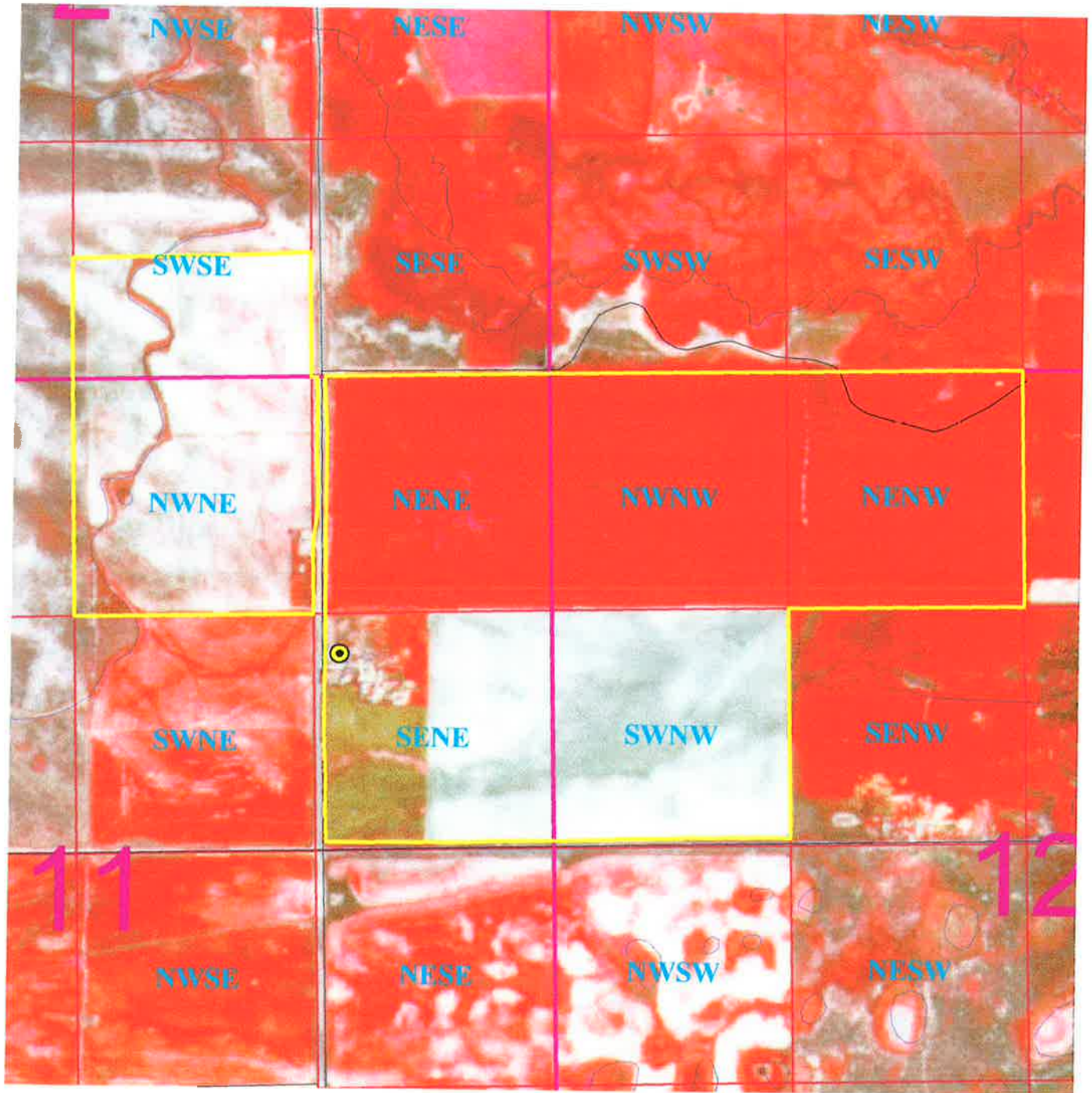
USE OF THIS RIGHT IS COMBINED WITH WATER FROM TOPONCE CANAL
CO.

RIGHT NO. 29-2418 IS ALSO DIVERTED THROUGH POINT OF DIVERSION
DESCRIBED ABOVE.

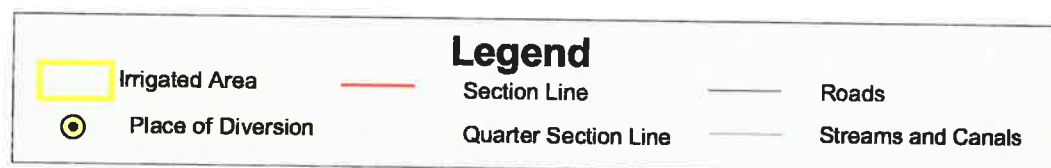
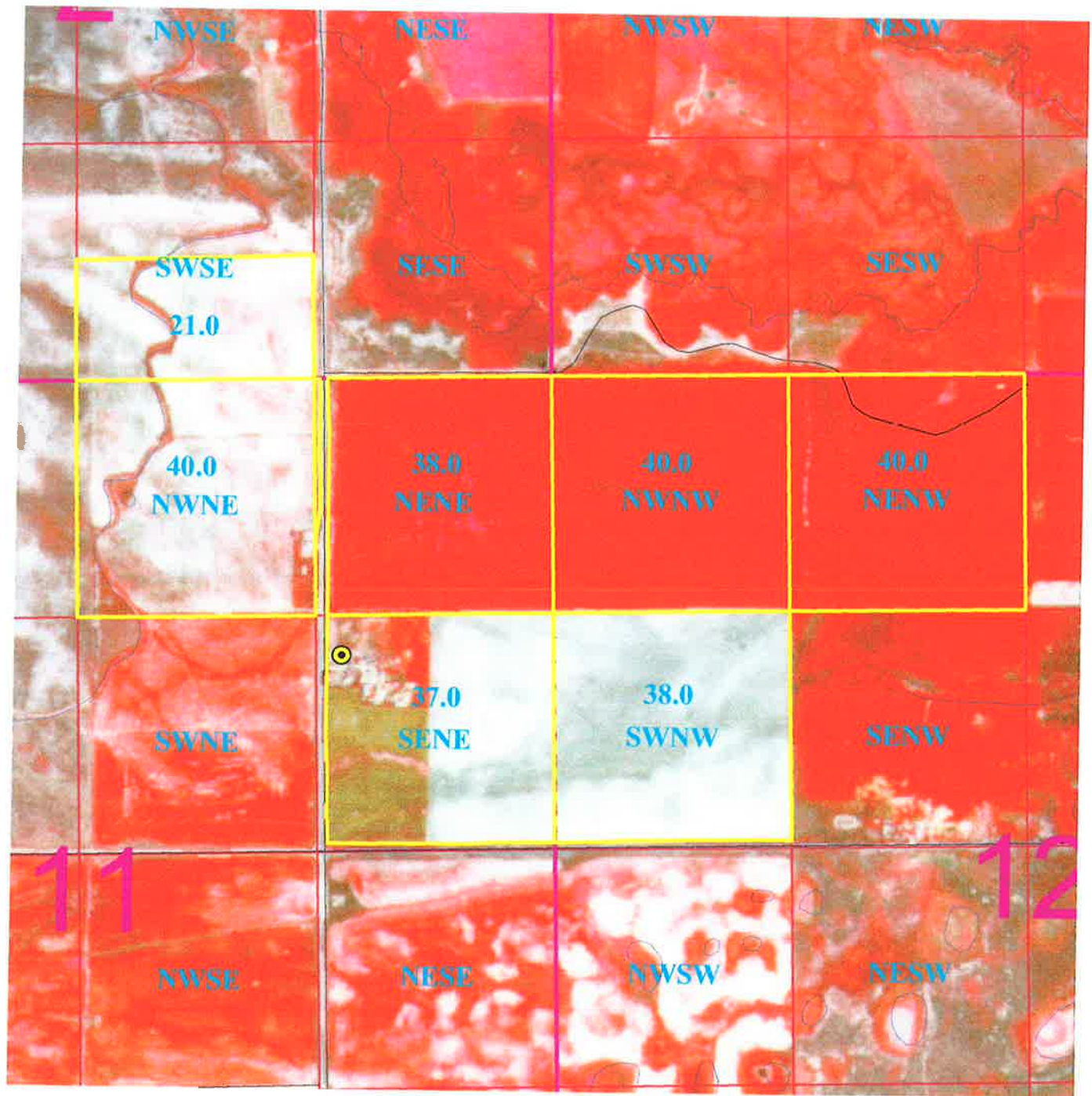
Township , 7S38E



Township , 7S38E



Township , 7S38E



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: 29-2504

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):

9-29-1959 from that date forward was use of Ground Water

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

We wish to have this added to recommendation as it should have been included for SE. of N.E. Sec 11 SW. of NW. Sec 12 T9S R38E and the piece about the Perigation Canal

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

Because not included in irrigation on map

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

DATE: *3-15-03*

SIGNATURE:

Darwin S Caldwell

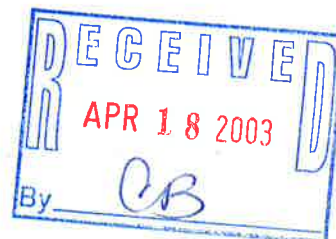
Please print your name:

DARWIN S CALDWELL

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

See file 29-246B for 1974 map

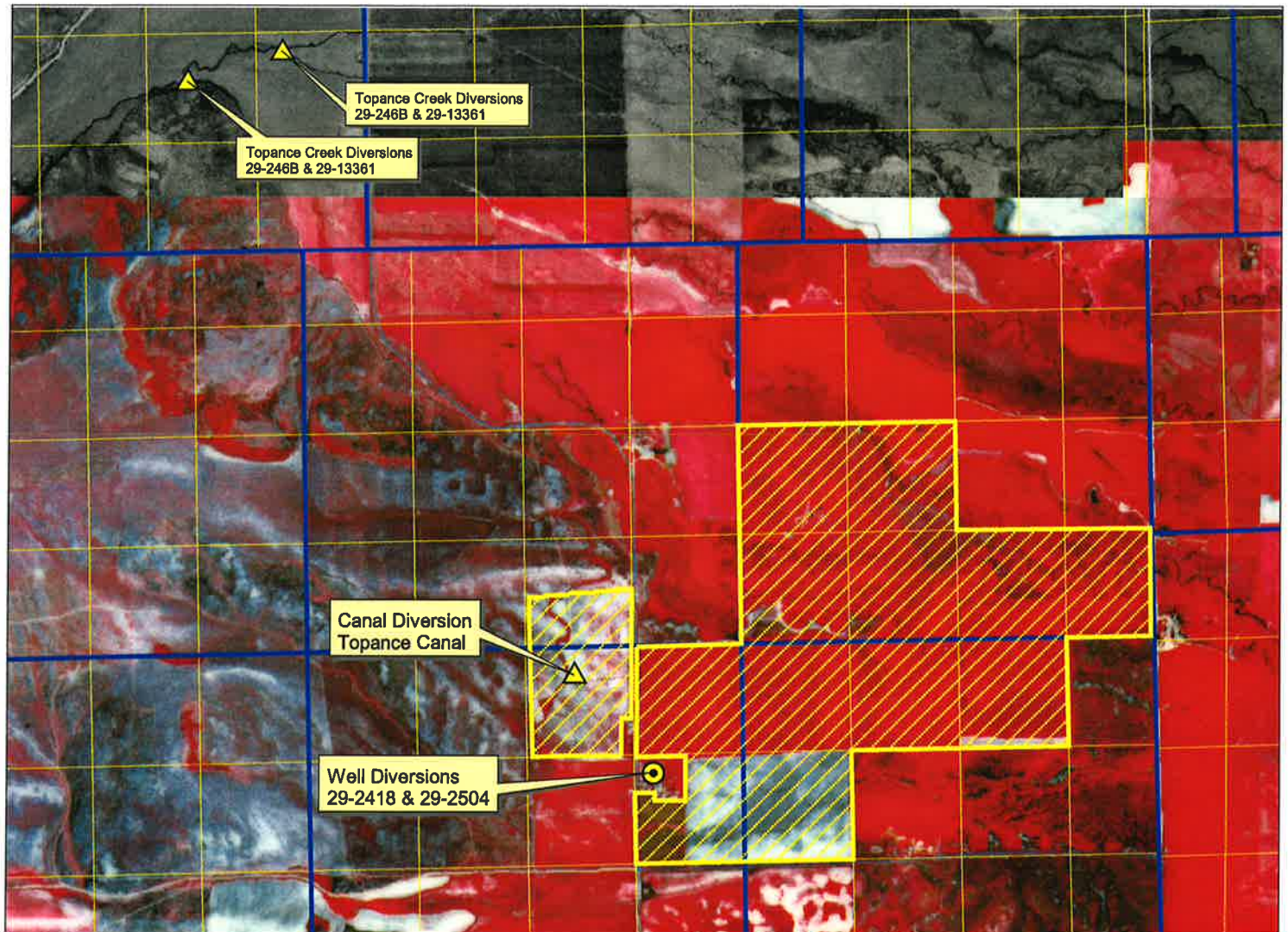
PROFILED
SEARCHED
FEB 22 2006





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



PROFILED

SCANNED

FEB 22 2006

- △ 29-246b diversions.shp
- ▨ 29-2418.shp
- ⊙ Well.shp
- ▭ Sections
- QQ

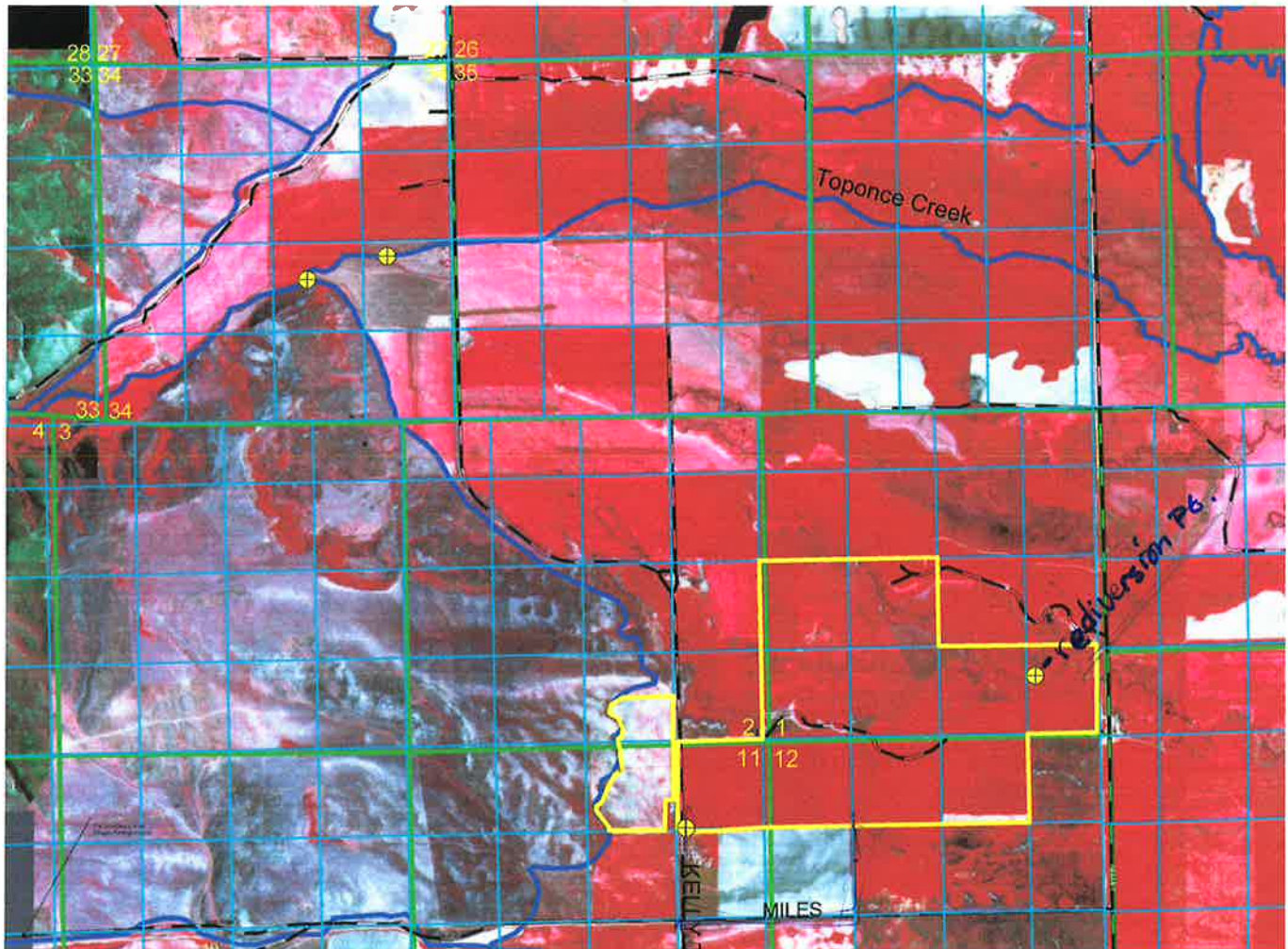
GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by R. Warner
Date: May, 2003



STATE OF IDAHO

Department of Water Resources
Eastern Region

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



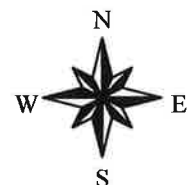
4000 0 4000 8000 Feet

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

PROFILED

SCANNED

FEB 22 2000

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.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
CLAIM VERIFICATION EXAM SHEET

1. ☐ No Change NAME:
☐ NEW OWNER:
☐ No Change ADDRESS:
☒ NEW ADDRESS: Darwin 15629 N 16th Dr. Phoenix 85023
Elrose 2844 Kelly Toponce Rd Banner
2. ☒ No Change - DATE OF PRIORITY: Completed - No Field Verification 83217.
☐ 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 the mainline is now hooked to the canal water and the 1968 Toponce water.
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)

Claim No. 29-2504

10. ☐ No Change - PLACE OF USE: (If changed, list below.)

☒ Place of use is different than the claim

New P/U:

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

Since the mainline has now connects the
Toponce Canal Water and the 1868 Indian water
into the system.

Remarks: (Include type and code)

29-2504; 2418 Same POD (F05, F06) 3-30hp boosters
have been added.

Max drier 3.75 cts in 894 AFA when combined with license
29-2418 (187.5 acres)

Ownes approx 580 acres.

Comments pertinent to field examination:

Same POD - Same well? yes it's the same well.
100 Hp Holloshaft Pump s/c # 1304057. Same pump
as listed on original field exam. Motor is also the
Same.

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:

6-17-02

FIELD EXAMINER:

Cindy Bird

Signature

Cindy Bird

Water Right Number - 29-02504

Prefix Translation: WATER RIGHT

Old (D) Number - 32338

+ - - - - Last Name - - - - + + - First Name - - + + - - - - - Address - - - - - +

*** C - CURRENT OWNER ***

MOREHEAD

ROBERT C.

1 -

2 -

3 -

City- BANCROFT

State- ID Zip- 83217

Phone -

*** O - ORIGINAL OWNER ***

WHITWORTH

F. M.

1 -

2 -

3 -

City-

State- Zip-

Phone -

WHITWORTH

E. L.

1 -

2 -

3 -

City-

State- Zip-

Phone -

WHITWORTH BROTHERS

1 -

2 -

3 -

City-

State- Zip-

Phone -

+ - - Priority Date - - +
04/27/1965 /+ - - Region - - - +
15 EASTERN+ - - Stage - - - +
L - LICENSE /

+ - - Status - - - - +

+ - - - - Source - - - - - +
GROUNDWATER /

+ - - - - Tributary - - - - - +

Tw	Rng	Sec	Tract	Lot	RFlg	County	Point of Diversion	Diversion Name	Diversion Rate	Diversion No.
07S	38E	11 /	SE NE /			(29) CARIBOU /				

Code	Description	Period From	Period To	Water Use	Diversion Rate	Diversion Volume
01 - IRRIGATION /		04/01	11/01 /		2.000 /	896.00

Total Div. Rate - +	Total Div. Volume - +	Total Div. Capacity - +	Total Consumptive Use - +	KW Usage - +
2.000	896.00		0.0	

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	38E	2	SW SE		20.0 /	01	IRRIGATION	(29) CARIBOU
07S	38E	11	NE NE		39.0 /	01	IRRIGATION	(29) CARIBOU
07S	38E	11	NW NE		39.0 /	01	IRRIGATION	(29) CARIBOU
07S	38E	11	SW NE		39.0 /	01	IRRIGATION	(29) CARIBOU
07S	38E	12	NE NW		40.0 /	01	IRRIGATION	(29) CARIBOU

Water right number - 29-02504

Prefix Translation: WATER RIGHT

Tw	Rng	Sec	Tract	Lot	Acres	Code	Description	County
07S	38E	12	NW NW		40.0 ✓	01	IRRIGATION	(29) CARIBOU
07S	38E	12	SW NW		39.0 ✓	01	IRRIGATION	(29) CARIBOU
Total Acres:					256.0 ✓			

+ - - Diversion Means -

+ - - Non-Irrigation Use -

+ - - Other Rights for Same Use -

+ - - - - - Remarks - - - - -

GEN THE MAXIMUM RATE OF DIVERSION AND VOLUME PER SEASON SHALL NOT
EXCEED 3.75 CFS OR 896 ACRE FEET WHEN COMBINED WITH LICENSE
29-2418.

+ - - - - - Old Water Right Numbers - - - - -

No Old Water Right Numbers found.

+ - - - - - Conditions of Approval - - - - -

016 - See remarks for additional conditions of approval.

+ - - - - Decree Plaintiff - - - +

+ - - - - Decree Defendant - - - +

+ - Decree Date - +

00/00/0000

+ - - - - - Comments - - - - -

No Comments Found

+ - - Audit Fields - 02/26/85 05/22/88 CONVERT 02/06/98 CLEARFLD

+ - - - - - Water Rights Dates and Flags Area - - - - -

Proof Due Date - 00/00/0000	Field Exam Made - 00/00/0000	Field Exam Fee -
Approved/Denied - 00/00/0000	Protested Date - 00/00/0000	Swan Falls -
Proof Made Date - 00/00/0000	Hearing Date - 00/00/0000	Temporary Right - P
Exam to S.O. Date - 00/00/0000	Verified Date - 02/26/1985	DLE/Carey Act -
Order Show Cause - 00/00/0000	Receipt Number -	Water District -
Licensed Date - 08/21/1979	Appl Received - 00/00/0000	Transfer/Amended -
Presumption Flag -	Name Connector -	POU Ownership Flag-
SRBA Decreed Flag -		

SCANNED

MAY 7 2001

Log for claim A29-02504

Spatial Dynamics LTD

6/13/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s38e	2	SWSE	20	21	
07s38e	11	NENE	39	38	
07s38e	11	NWNE	39	40	
07s38e	11	SENE	39	37	
07s38e	12	NENW	40	40	
07s38e	12	NWNW	40	40	
07s38e	12	SWNW	39	38	
Totals:			256	254	

IDaho DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 86

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DARWIN CALDWELL	04/27/1965	IRRIGATION	04-01 11-01	2.000 CFS	
C	ELOISE CALDWELL					
	RT 1 BOX 1460					
	BANCROFT ID 83217			TOTAL DIVERSION:	2.000 CFS	
	(208) 548-7890			CONSUMPTIVE USE:		640.00 AFA

Water Source:	GROUNDWATER	Tributary to:	Stage:	LICENSE
Point(s) of Diversion:	T07S R38E S11	NWSENE	CARIBOU	County

Place of use Legal Description for: IRRIGATION

			NE				NW				SW				SE																					
			NENE		NWNE		SWNE		SENE		NENW		NWNW		SWNW		SENW		NESW		NWSW		SWSW		SESW		NESE		NWSE		SWSE		SESE			
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM			
07S	38E	2																																		
07S	38E	11		39		39			39																									20	20.0	
07S	38E	12									40		40		39																			117.0		
																																			119.0	
																																			TOTAL ACRES	256.0

POU County: CARIBOU

Non-Irrigation Uses: NONE

Other Rights: 29-02418, 29-00246B AND SHARES IN TOPONCE CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
29-10099 A29-02418 A29-10099

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00103 A29-00104 A29-00105 A29-00106 A29-00246B A29-02418 A29-10322

Conditions of Approval:
016 - See remarks for additional conditions of approval.

Remarks: GEN THE MAXIMUM RATE OF DIVERSION AND VOLUME PER SEASON SHALL NOT EXCEED 3.75 CFS OR 896 ACRE FEET WHEN COMBINED WITH LICENSE 29-2418.

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

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

Audit: 10/23/89 VERNER 07/13/94 COX 03/29/95 POST-STD

State of Idaho
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 32338/29-2504 Priority April 27, 1965 Amount 2.0 cfs

THIS IS TO CERTIFY, that ROBERT C. MOREHEAD
of Bancroft, Idaho, has complied with the terms and conditions of Permit
No. 32338/29-2504 issued pursuant to Application for Permit dated April 27, 1965,
and has submitted proof to the Department of Water Administration on March 11, 1970,
that he has applied water to a beneficial use; an examination by the Department indicates that the
works have a capacity of 4.15 cfs, and that the water has in fact been applied to a
beneficial use; a right to the use of water from a ground water source
tributary of _____, is hereby confirmed in the following amounts:
Amount 2.0 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Amount _____ for _____ from _____ to _____ (both dates inclusive)
Subject, however, to the condition that no more than 2.0 cfs of water be diverted at
any one time, said waters to be diverted within the _____

SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 11, Twp. 7 S, Rge. 38 E, B. M.

in the county of Caribou; and that the amount of water so diverted and to which such
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can
actually be beneficially used and shall not exceed 896 * acre feet per year or _____
3.5 acre feet per acre.

Description and location of place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7 S	38 E	2																20	20
		11	39	39	39														117
		12					40	40	39										119

Total number of acres irrigated 256

→ * Subject to the condition that the maximum rate of diversion and volume per season
shall not exceed 3.75 cfs or 896 acre feet when combined with License 29-2418.

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

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 11 day of

February, 19 72.


Director

29 2504

Affidavit of Publication

County of Caribou }
State of Idaho } ss.

V. E. Lansberry.....

being first duly sworn on his
oath, states:

That he is publisher
of the Caribou County Sun, a
newspaper of general circulation
in Caribou County, Idaho, pub-
lished weekly at Soda Springs in
said County, that said newspaper
has been published in said Coun-
ty uninterruptedly and continu-
ously for over seventy-eight con-
secutive weeks, prior to the first
publication of the annexed notice
or advertisement;

That the annexed notice was
published as per clipping attached
in the regular and entire edition
of said newspaper and not in any

supplement thereof for two...
successive weekly issues thereof,
the date of the first publication

being the 26th day

of March, 1970.

The date of the last publication

being the 2nd day of

April, 1970.

V. E. Lansberry
Subscribed and sworn to be-

fore me this 2nd day

of April, 1970.

Roxie J. Lansberry
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

27 day of Oct.,

1970.

NOTICE OF EXISTING WATER PERMIT

Notice is hereby given that
Whitworth Brothers, F. M. and

E. L., Bancroft, Idaho, have re-
ceived an approved permit No.
G-32338/29-2504 issued by the
Idaho State Reclamation Depart-
ment authorizing the diversion of
2.0 cubic feet per second of wa-
ter from a ground-water source
subject to all prior rights. The
priority to be established under
this permit is April 27, 1965 and
the permit was approved April
30, 1965. Water is to be diverted
by well and sprinkler from a
point within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec.
11, T. 7 S, R. 38 E, B. M., Caribou
County to be used for irrigation
in the SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 2; NE $\frac{1}{4}$,
Sec. 11; and the N $\frac{1}{2}$ NW $\frac{1}{4}$,
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 12, T. 7 S, R.
38 E, B. M.

Proof of the application of the
water to beneficial use is to be
submitted to the department on
or before April 30, 1970. Any pro-
tests against the issuance of a
license for the above referenced
permit should be filed with the
Department of Reclamation with-
in ten (10) days of the last date
of publication of this notice or
prior to the licensing of the per-
mit. Licensing may commence
prior to the date beneficial use
proof is due without further no-
tice.

R. KEITH HIGGINSON,
State Reclamation Engineer
Published in the Caribou County
Sun, Soda Springs, Idaho, on
March 26 and April 2, 1970.

29-2504
32338

A S S I G N M E N T

For value received, I hereby assign all of my right, title and interest in and to Permit to Appropriate the Public Waters of the State of Idaho, No. G-32338/29-2504 to Robert C. Morehead
Address: Bancroft, Idaho

*

F. M. Whitworth
Permit Holder

Whitworth Brothers, F. M. and E. L.
E. L. Whitworth
Permit Holder

Wanda Whitworth
Wife of Permit Holder

Lucina Whitworth
Wife of Permit Holder

STATE OF IDAHO)
 : ss
County of Bannock)

On this 20th day of March, 1970, before me, a Notary Public for the State of Idaho, residing at Pocatello, Idaho
F. M. Whitworth and Wanda Whitworth, husband and wife
personally appeared E. L. Whitworth and Lucina Whitworth, husband and wife
known to me to be the person s whose name are is subscribed to the
within instrument and duly acknowledged to me that they executed the
same.

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

Barth S. Owens
Notary Public
Residing at Pocatello, Idaho

My commission expires: 5-1-71

Note:

* If fractional part of permit is to be assigned, the fractional part of the land to which the assigned fraction is appurtenant should be described by legal subdivisions.

29-3504
32338

29-11-11

APPLICATION FOR PERMIT

To appropriate the Subterranean Waters of The State of Idaho

Application No. G- 40488
Permit No. G- 32338
District No.

Assigned to Robert C. Morehead
Bancroft, Idaho

1. Name of Applicant: Whitworth Brothers, F. M. & E. L.
Postoffice address: Bancroft County: Caribou State: Idaho
2. Quantity of water claimed: 2 cubic feet per second
 - (a) Rate of withdrawal in cubic feet per second or Idaho
Miners' inches or gallons per minute
 - (b) Annual withdrawal in acre feet per annum
3. Source of water supply: Subterranean
4. Location of point of diversion or well is in the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11
Twp. 7 S. , Rge. 38 E. , B.M., County of Caribou
5. Water is to be used for: Irrigation
6. If for municipal, industrial or recreational purposes, give:
 - (a) Point of use of water is in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp.
Rge. , B.M.
 - (b) Waste water or sewage effluent is to be returned to
at a point in the $\frac{1}{4}$ of the $\frac{1}{4}$ of Section , Twp. , Rge. , B.M.
7. Kind of works: Well and sprinkler system
8. Estimated cost of works: \$15,000
9. (a) Is reservoir to be used? no
(b) Capacity of reservoir:
10. The time required for the completion of such work and complete application of the water to the proposed use is 5
years.
11. If applicant is a corporation, give:
 - I. (a) Date and place of incorporation:
(b) Amount of capital stock: \$ (c) Amount paid in: \$
(d) Names and addresses of directors:
 - II. The financial resources of the applicant are (a) Cash onhand: \$
(b) Treasury stock: (c) Bonds to be issued:
(d) Other resources:
12. The land to be irrigated is described in the following tabulation: *
13. Existing water rights and/or valid permits appurtenant to the lands to be irrigated are: Water from Tonpons
Canal (Tonpons Creek) and Permit G-28194
 - (a) 2 (cubic feet per second, inches or gallons per minute) of the water herein applied for is to be supplied
mental to the existing water rights.
 - (b) (cubic feet per second, inches or gallons per minute) is for new lands.

Remarks:

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

s/ Whitworth Bros. Applicant.

By Wallace M. Transtrum Agent.
Attorney at Law

Date of first receipt at Department of Reclamation: 8:00 A.M. April 27, 1965

Returned to applicant for correction:

Corrected application received:

Approval of State Reclamation Engineer

The number of this permit is G— 32338

Recorded in Book 113 Page 32338 Approved April 30, 1965

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

and to continue diligently and uninterruptedly to completion, unless

temporarily interrupted by circumstances over which the permit holder has no control.

One-fifth of the work above specified to be completed on or before October 30, 1967

The whole of said work to be completed and beneficial use of water appropriated in accordance herewith, to be made and proofs offered on or before April 30, 1970

Witness my hand this 30th day of April, 1965

s/ CARL E. LAPPAN
STATE RECLAMATION ENGINEER.

IN TESTIMONY WHEREOF, We, ROBERT E. SMYLLIE, Governor of the State of Idaho, and ARNOLD WILLIAMS, Secretary of State of the State of Idaho, have caused this instrument to be executed in the name of the State of Idaho, and caused the Great Seal of the State of Idaho to be hereunto affixed, this 30th day of April, 1965.

Countersigned:

STATE OF IDAHO

(SEAL)

By s/ ARNOLD WILLIAMS
Secretary of State.

By s/ ROBERT E. SMYLLIE
Governor

12.

Twp.	Range	Sec.	NE ¹ / ₄				NW ¹ / ₄				SW ¹ / ₄				SE ¹ / ₄				Totals
			NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	NE ¹ / ₄	NW ¹ / ₄	SW ¹ / ₄	SE ¹ / ₄	
7 So.	38 E.	2																	20
		11	40	40	40	40													160
		12					40	40	40										120
																			300

LICENSE ISSUED FOR 2.0 SEC. FT.
LICENSE PAGE NO.

BEFORE THE STATE RECLAMATION ENGINEER

OF THE

STATE OF IDAHO

IN THE MATTER OF PERMIT NO. G-32338)

in the name of Whitworth Brothers, F. M.)

and E. L., Bancroft, Idaho)

ORDER MODIFYING REQUIREMENTS
FOR COMPLETION OF PERMIT TO
APPROPRIATE WATER

WHEREAS, the 39th Idaho Legislature made certain amendments to the Idaho Water Law;
and,

WHEREAS, these changes raised questions as to the procedures to be followed by
holders of permits issued prior to the effective date of the amendments, May 31, 1967;
and,

WHEREAS, on August 1, 1968, the Department of Reclamation adopted Rules of Practice
and Procedures for the processing of such permits issued prior to May 31, 1967; and,

WHEREAS, Permit No. G-32338 was issued previous to that date;

NOW THEREFORE, the requirements for completion of the above-numbered permit are
hereby modified to conform to the adopted Rules of Practice and Procedures as follows:

1. The above-numbered permit will be completed under the terms of Title 42,
Chapter 2, Idaho Code, as amended by the 39th Idaho Legislature.
2. The conditions of the above-numbered permit are modified as follows:
 - a. Notice of the issuance of the permit will be published at the permit
holders expense for two weekly issues in the official newspaper of
the county in which the point of diversion lies.

Dated this 21ST day of NOVEMBER, 1969.


R. KEITH HIGGINSON
State Reclamation Engineer

32338
27-3504

WATER RIGHT NUMBER 29-2504 ✓

OWNER LAST NAME - WHITWORTH
OWNER LAST NAME - WHITWORTH
OWNER LAST NAME - WHITWORTH BROTHERS
OWNER LAST NAME - MOREHEAD

FIRST NAME - F. M.
FIRST NAME - E. L.
FIRST NAME -
FIRST NAME - ROBERT C.

ORIG OWNER - 0
ORIG OWNER - 0
ORIG OWNER - 0
ORIG OWNER -

ADDRESS LINE 1 -

ADDRESS LINE 2 -

ADDRESS LINE 3 -

CITY - BANCROFT

STATE - ID ZIP CODE - 83217

SOURCE - GROUNDWATER

TRIBUTARY OF -

STAGE - LICENSE

STATUS -

PRIORITY - 04-27-1965 COUNTY - CARIBOU

TOTAL DIV. RATE - 2.0000 -CFS

TOTAL DIV. VOLUME - 896.00 AFA TRFR/AMEND -

WATER DIST. -

DLE/CAREY ACT -

RIGHT BASIS -

DIVERSION POINT - SENE 11 07S 38E LOT REDIV -

0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0

FROM - 04-01 TO - 11-01 USE - IRRIGATION

USE DIV. RATE -

2.0000 CFS

USE DIV. VOLUME -

896.00 AFA

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 12

TRACT NENW LOT

AC 40 TRACT NWNW LOT

AC 40

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 11

TRACT NENE LOT

AC 39 TRACT NWNW LOT

AC 39

USE - IRRIGATION

PLACE OF USE - TWN 07S RNG 38E SEC 02

TRACT SWNE LOT

AC 20

DECREE NAME -

DATE -

TOTAL ACRES 256

REMARKS - THE MAXIMUM RATE OF DIVERSION AND VOLUME PER SEASON SHALL NOT

EXCEED 3.75 CFS OR 896 ACRE FEET WHEN COMBINED WITH LICENSE ✓

29-2419.

NON IRRIG USE -

OTHER RIGHTS FOR SAME USE - LIC. 29-2418.

PROOF DUE -

PERMIT/DENIED -

PROTESTED -

HEARING -

OLD NO. - 32338

PROOF MADE - FLD EXAM - COND. OF APPROVAL - 16

DIVERSION MEANS -

WATER RIGHT ANALYSIS FORM

- DATA ENTRY -

Identification No. 32338 / 29-2504
 Old No. New No.

Record

1. Original Owner: F.M. & E.L. Whitworth DBA
Whitworth Brothers
 Present Owner: Robert C. Morehead
2. Address:
3. City: Bancroft State: Id Zip: 83217
4. A. Source of Water: gw
 B. Tributary of:
5. A. Stage (A,P,L,D,S,J): L
 B. Status (D,L,R,C,A,I,F - leave blank if valid):
 C. Priority Date: 4-27-1965
 D. County: 29
 E. Total Diversion Rate: 2
 F. Total Diversion Volume: 896
 G. Transfer/Amendment (P,T of A or blank):
 H. Water District:
 I. DLE/Carey Act (D,C or blank):
 J. Right Basis (for adjudication claims A,B,C only):

	Tract	Sec.	Twp.	Rge.	Gov't Lot	Rediv.
6. A. Point of Diversion	<u>SENE</u>	<u>11</u>	<u>7S</u>	<u>38E</u>		

7. Period of Use, Use, Diversion Rate/Volume:

from 4-1 to 11-1 for A purposes. Amount 2-1896
 (cfs or AC-FT/yr)

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

from _____ to _____ for _____ purposes. Amount _____

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO
REPORT OF EXAMINER

Permit No. G-32338/29-2504

This proof is for b/u In Water District No.

1. Name of applicant Robert C. Morehead, Bancroft, Idaho

2. Source of water supply: groundwater

3. Location of point of diversion: Is in the SE 1/4 of Section 11

T. 7 S. R. 38 E. County of Caribou

4. Describe works as they exist, giving dimensions and capacities of same: 100 HP motor, 18"

well casing, 250' deep 45 Motors 100 HP Hollow shaft
440 Volt, 1800 RPM Ser # 1304057
Fairbanks Morse Pump Ser # PN2105
8' discharge into buried mainline
typical pump

5. Water is used for: irrigation

6. State whether or not water has been turned into works of diversion: Yes

7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

T. 7 S, R. 38 E, Sec. 2	SW 1/4 SE 1/4	20 acres	20
11	NE 1/4 - 160	160 X	157
12	N 1/2 NW 1/4, SW 1/4 NW 1/4	120	119
Some Adding		300 TOTAL	156

6 lines 7/32 40 psi 35 in
(6)(35)(887)/450 = Q = 4.15 cfs
Q = 4.14 CFS Max allowable = 5.12 (256 acres)

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?.....

Remarks: contact Wallace M. Transtrum, 35 West Center, Soda Springs, Idaho
ph. no. 547-3944 Mr. Morehead states that this application
is for the additional water from a previous
permit - The well produces more than
was expected. The land is planted in
alfalfa & Grain - Soil is very porous and
accepts the high application rates with no
puddling. There are 6 laterals with 35- 7/32
rainbird heads on each, operating at 40 psi

This examination was made on the 14th day of July, 1970

(Signed) James Bookes Examiner

MAY - 7 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: A29-02504

Date Received: 10/23/1989

Receipt No: 6011052

Received By: SGN

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

83217

208-548-7890

OR

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

83217

208-548-7890

A2902504

2. Date of Priority: APR 27, 1965

3. Source: GROUNDWATER

Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4	Lot	County
07S	38E	11	NW SE NE		CARIBOU

5. Description of diverting works:

180' WELL W/ 100HP PUMP INTO MAINLINE AND SPRINKLER SYSTEM

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	2.000		

7. Total Quantity Appropriated is:

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

A.F.A.

8. Total consumptive use is

640.0 Acre Feet Per Annum.

9. Non-irrigation uses:

NONE

A29-02504

Page

10/23/89

MICROFILMED

NOV 13 1992

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	38E	2	SW	SE		IRR	20.0
						Section Acres	20.0
		11	NE	NE		IRR	39.0
			NW	NE		IRR	39.0
			SE	NE		IRR	39.0
						Section Acres	117.0
		12	NE	NW		IRR	40.0
			NW	NW		IRR	40.0
			SW	NW		IRR	39.0
						Section Acres	119.0
						Total Acres	256.0

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:

29-02418, 29-00246B AND SHARES IN TOPONCE CANAL CO.

14. Remarks:

THE MAXIMUM RATE OF DIVERSION AND VOLUME PER SEASON SHALL NOT EXCEED 3.75 CFS OR 896 ACRE FEET WHEN COMBINED WITH LICENSE 29-2418.

15. Basis of Claim: LICENSE

Water Right Number: 32338

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

Date: _____

State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Seal

Residing at *Halofall, ID*
My Commission Expires 22 Aug 1994

TORONCE CANAL HEADING
SW¹/₄ NW¹/₄ SE¹/₄ SEC. 34
T6S R38E

PITCH HEADING
NW¹/₄ NE¹/₄ SE¹/₄ SEC. 34
T6S R38E

DITCH

T
6
S

REVERSION

T
7
S



IRR. WELL
A29-10099

R38E

R39E

MICROFILMED

NOV 13 1992

