

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4415 V1

WATER RIGHT NUMBER: 29-4415 V1

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	A PAUL HATCH JR 1009 STALKER RD BANCROFT, ID 83217 (208)648-7853
Current Owner	AUDREY H HATCH 1009 STALKER RD BANCROFT, ID 83217 (208)648-7853

Priority Date: 04/10/1899

Basis: Statutory Claim

Status: Active

<u>Source</u>	<u>Tributary</u>
TOLMAN CANYON CREEK	SINKS

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 11/01	1.080 CFS	
	<u>Total Diversion:</u>	1.080 CFS	

Location of Point(s) of Diversion

TOLMAN CANYON CREEK	NW1/4SW1/4SW1/4	Sec. 2,	Twp 07S,	Rge 39E, B.M.
CARIBOU County				
TOLMAN CANYON CREEK	NE1/4NE1/4SW1/4	Sec. 2,	Twp 07S,	Rge 39E, B.M.
CARIBOU County				
TOLMAN CANYON CREEK	SW1/4NE1/4SW1/4	Sec. 2,	Twp 07S,	Rge 39E, B.M.
CARIBOU County				

Place of Use

IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07S	39E	2									6.9	3.1	22.0	1.8					33.8
07S	39E	3															20.0		20.0

Total Acres: 53.8

Conditions of Approval:

1. C05 RIGHT INCLUDES ACCOMPLISHED CHANGE IN PLACE OF USE PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4415 V1

2. C18 This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

Remarks:Comments:Dates and Other Information:

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

Element Reviewed/Verified Dates:

<u>Element</u>	<u>Last Reviewed Date</u>	<u>Reviewer</u>	<u>Last Verified Date</u>	<u>Verifier</u>	<u>Status</u>
Contacts	1/24/2003 1:06:01 PM	rwarnar			Active
Priority Date	1/24/2003 1:31:04 PM	rwarnar			Active
POD	1/24/2003 1:31:43 PM	rwarnar			Active
Source	1/24/2003 1:49:01 PM	rwarnar			Active
POU	1/24/2003 1:50:53 PM	rwarnar			Active
Use	1/24/2003 1:51:14 PM	rwarnar			Active
Season	1/24/2003 1:52:39 PM	rwarnar			Active
Quantity	1/24/2003 1:53:39 PM	rwarnar			Active
Summary			01/24/2003	rwarnar	Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
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IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-4415 V1

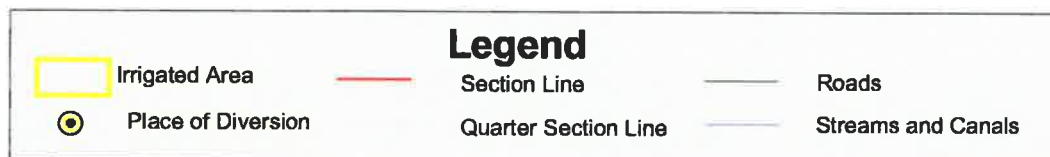
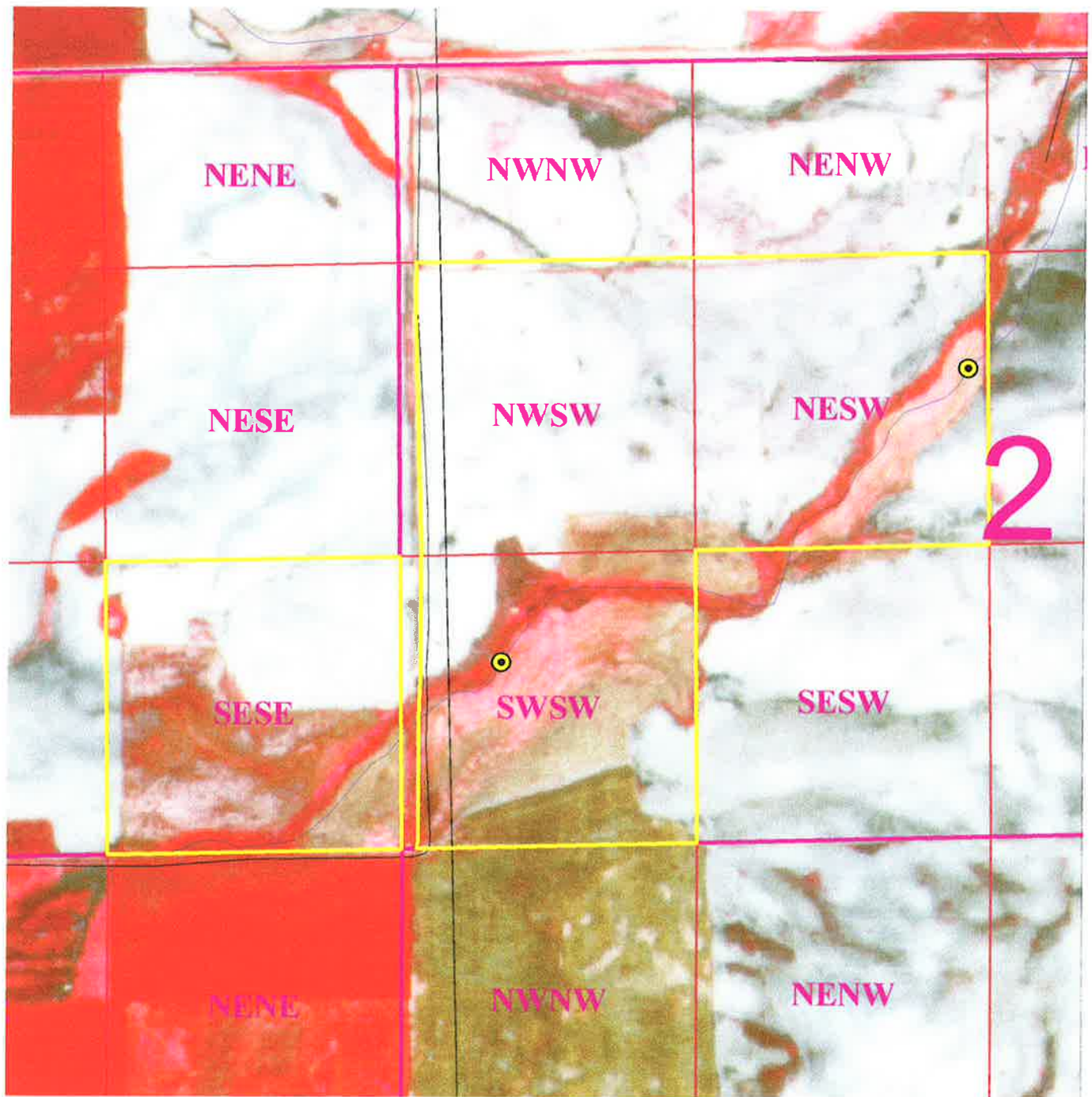
Source	1/24/2003 1:49:01 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim an Application or Permit? (Yes) 6. Is the basis of claim a Posted Notice? (No) 7. Is there evidence that there has been a change in the source? (Yes) 10. Does the file contain all the necessary information to verify the source? (No) 11. Is a Source remark and/or condition required? Description for Question 10 - GIS analysis
Contacts	1/24/2003 1:06:01 PM	rwarner	(No) 1. Do you want to schedule an appointment? Comment for 1: desktop review
Priority Date	1/24/2003 1:31:04 PM	rwarner	(No) 1. Should this water use have been included in a later court decree of the water rights from this source? (No) 4. Is the basis of claim decree or license? (No) 7. Is the basis of claim a Application or Permit? (Yes) 8. Is the basis of claim a posted notice? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	1/24/2003 1:31:43 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the POD? (Yes) 9. Does the file contain all the necessary information to verify the POD? (No) 10. Is a POD remark and/or condition required?
POD	1/24/2003 1:47:45 PM	rwarner	Edited point location
POD	1/24/2003 1:48:07 PM	rwarner	Edited point location
POD	1/24/2003 1:48:20 PM	rwarner	Edited point location
POU	1/24/2003 1:49:21 PM	rwarner	Edited shape boundary
POU	1/24/2003 1:49:52 PM	rwarner	Edited PLS
POU	1/24/2003 1:50:53 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (Yes) 2b. Is the POU required? (No) 3. Is the basis of claim a Application or Permit? (Yes) 7. Is there evidence that there has been a change in the POU? (Yes) 8. Can the claim be verified as an accomplished transfer? (Yes) 13. Does the file contain all the necessary information to verify the POU? (Yes) 14. Is a POU remark and/or condition required? Description for Question 8 - GIS analysis

IDAHO DEPARTMENT OF WATER RESOURCES

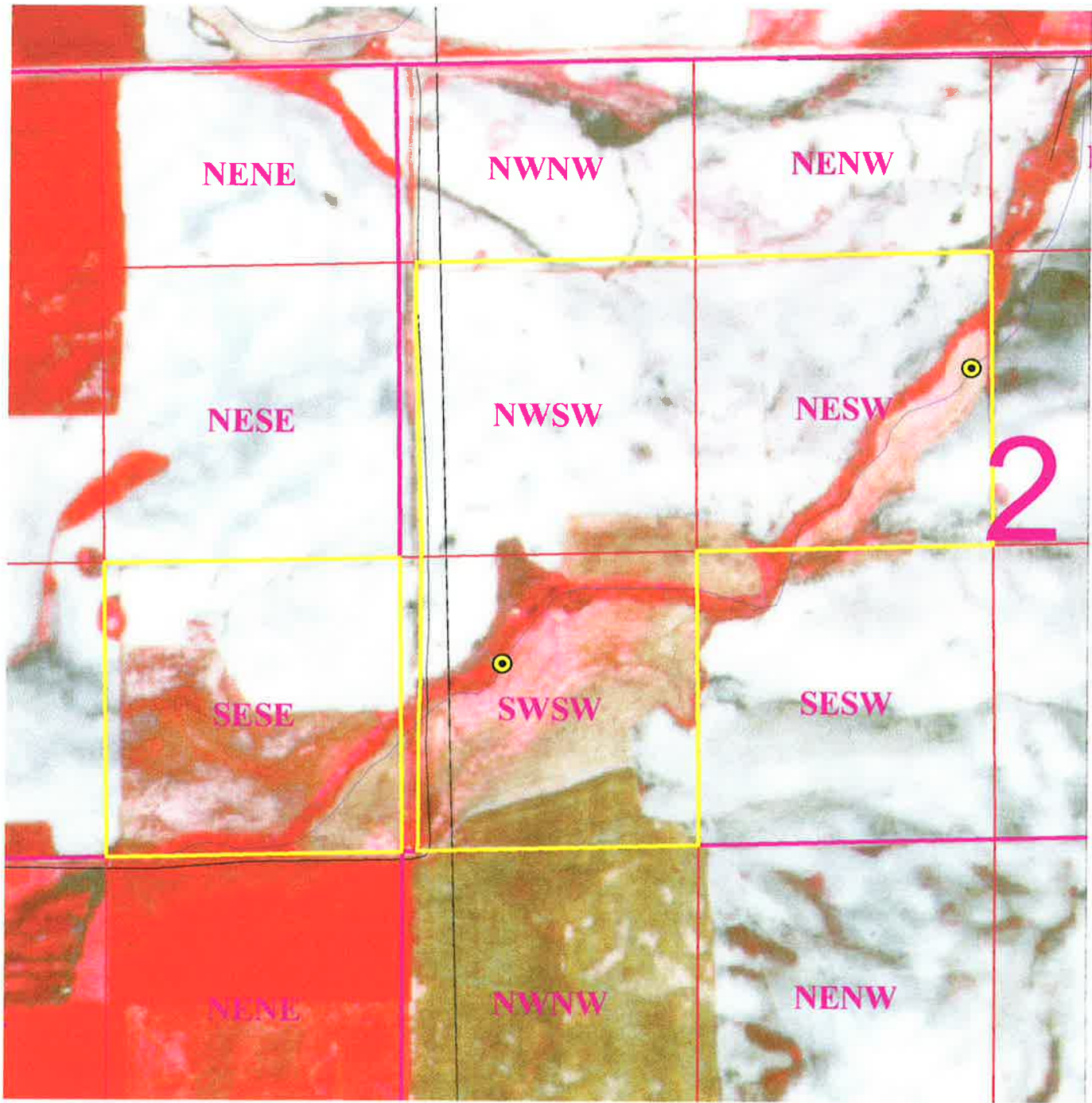
Adjudication Recommendation Report 29-4415 V1

Use	1/24/2003 1:51:14 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Purpose of Use? (Yes) 11. Does the file contain all the necessary information to verify the Water Use? (No) 13. Is a Purpose of Use remark and/or condition required?
Season	1/24/2003 1:52:39 PM	rwarner	(No) 1. Is the basis of claim Decree or License? (No) 2. Is the basis of claim a Application or Permit? (No) 6. Is there evidence that there has been a change in the Period of Use? (No) 12. Does the file contain all the necessary information to verify the Period of Use? (No) 13. Is the basis of claim a decree, license, or a transferred beneficial use right that has had the Period of Use administratively determined? (Yes) 15. Is irrigation claimed as a Purpose of Use? (No) 18. Is a Period of Use remark and/or condition required?
Quantity	1/24/2003 1:53:40 PM	rwarner	(No) 1. Is the basis of this claim a Decree or License? (No) 2. Is the basis of this claim a Application or Permit? (Yes) 6. Is the basis of claim a posted notice? (No) 7. Is a flow measurement required? (No) 9. Is the source Groundwater and does the purpose of use require a diversion volume limit? (No) 11. Has a diversion volume limit been established by a decree, license or transfer for this water use? (No) 12. Is a Quantity remark or condition required?
Summary	1/24/2003 1:54:34 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree, License, Permit, Application or Posted Notice? (No) 2. Does any evidence indicate a five year period of continuous nonuse occurred that could result in recommending forfeiture or partial forfeiture? (No) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (No) 7. Is this a split or combined right? (No) 8. Do you have documents you would like to attach or link to the file? (Yes) 9. Would you like to set the verification date?

Township , 7S39E



Township , 7S39E



 Irrigated Area

 Place of Diversion

Legend

 Section Line

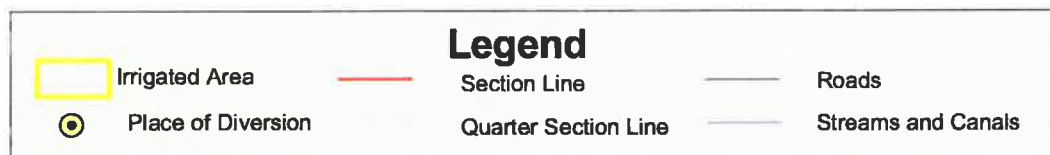
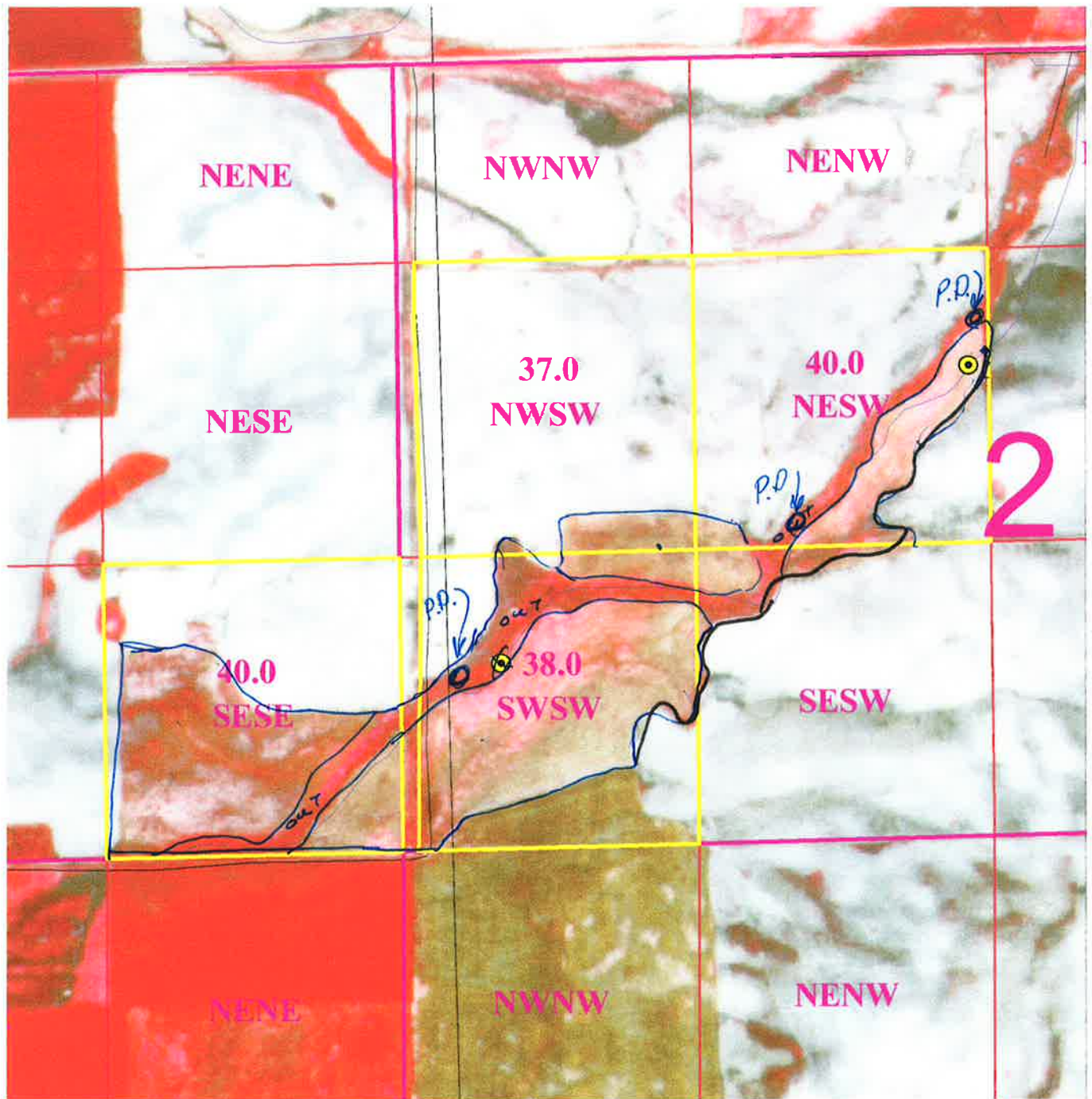
 Quarter Section Line

 Roads

 Streams and Canals



Township , 7S39E

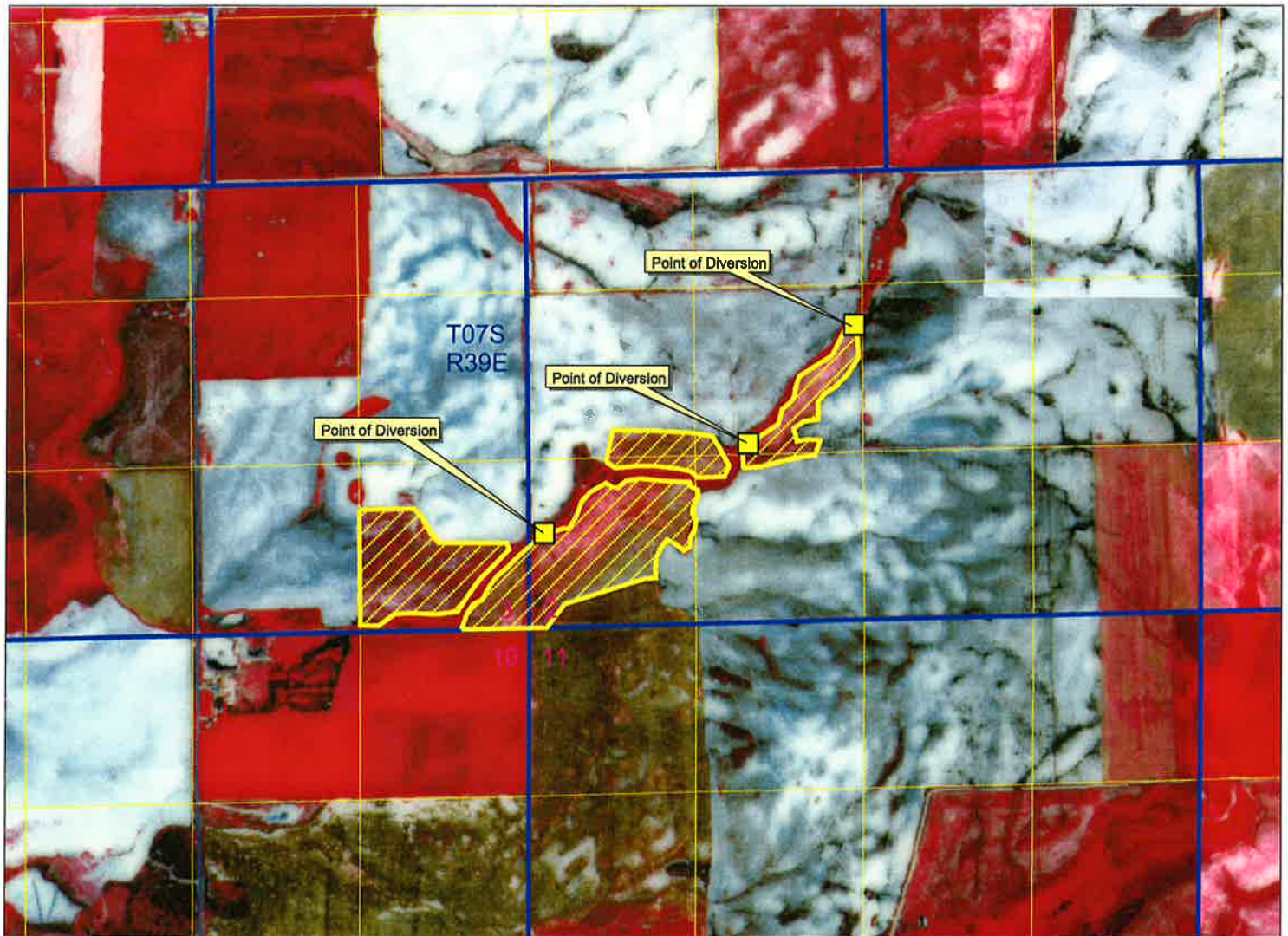


300 0 300 600 Feet





State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-4415



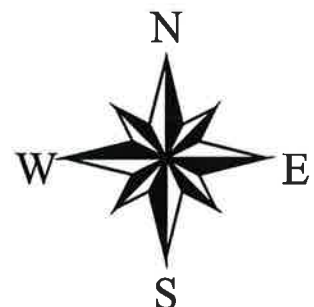
0.3 0 0.3 0.6 Miles

Irrigated Acres = 54

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

PROFILED
SCANNED

MAR 30 2006



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

A. Paul Hatch



IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID

POD ID

Quad

Claim Type

Easting

Northing

GPSID

Diversion Description

HEADGATE, DAM, DITCHES. No visible sign of head gate. Old homestead with evidence of an old flattened gully about 30' across. Small 2' wide by 2' deep stream in center of flattened gully (water depth is approximately 0.25 feet . . . weed and grass clogged). Placed GPS ID tag on SW corner post @ old homestead. Corner post visible in photo.

Assumptions

Assume diversion used for seasonal irrigation/stock water. Assume water depth during irrigation season is 0.5 feet (average). Assume a slope of

Invoice #

Phase-0 (No Attention)
 Phase-I (Ready to Go to Field)
 Phase-II (Site Visit - Data Missin
 Phase-III (Complete w/issues)
 Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter Depth
☒ Rectangular Channel
Width Depth

Flow Calculation

☐ Continuity
Velocity
☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)
Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP Pressure Head (psi) Elevation Head (ft) Motor Mfg Motor Serial # Pump Type Pump Mfg Pump Serial#

New Contact Information

New Contact Comments

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IDAHO DEPARTMENT OF WATER RESOURCES

SNAKE RIVER BASIN ADJUDICATION - BASIN 29



RIGHT ID
POD ID
Quad
Claim Type
Easting
Northing
GPSID

Diversion Description

HEADGATE, DAM, DITCHES. No visible signs of a head gate. A single 2' wide by 2' deep ditch/stream (weed and grass clogged) runs through old homestead. Old out buildings exist about 1000' Northeast of POD. Placed GPS ID tag on steel fence post as shown in photo. Post is adjacent to POD.

Assumptions

Assume diversion is used for seasonal irrigation/stock water. Assume depth of water during irrigation season is 0.5 feet (average). Assume

Invoice #

Phase-0 (No Attention)
Phase-I (Ready to Go to Field)
Phase-II (Site Visit - Data Missin
Phase-III (Complete w/issues)
Phase-IV (Total Complete)

Linked

Photos

EPE (ft)

Date (M/D/Y)

Time

Flow Rate (CFS)

Open Channel Flow

☒ Complete one box from both Area and Calculation sections

Cross Sectional Area

☐ Circular Channel

- ☐ Less than half full
☐ Half full
☐ More than half full
☐ Full

Diameter

Depth

☒ Rectangular Channel

Width

Depth

Flow Calculation

☐ Continuity

Velocity

☐ Orifice

(Use only for head over a pipe flowing full with free discharge)

Depth of Water above orifice centerline

☐ Weir

(Use only for water flowing freely over weir)

Height of water above nappe

Width of weir

☒ Manning (If used, include photo of representative channel section)

Channel Slope

Channel Description	
Concrete lined	.016
Smooth earth	.025
Earth	.033
Rough bed, weeds on sides	.04
Smooth natural stream	.033
Rough natural stream	.1

Pumped System

HP

Pressure Head (psi)

Elevation Head (ft)

Motor Mfg

Motor Serial #

Pump Type

Pump Mfg

Pump Serial#

New Contact Information

New Contact Comments

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SCANNED

MAY 7 2001

Log for claim A29-04415

Spatial Dynamics LTD

6/14/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s39e	2	NESW	35	40	Indiscernible
07s39e	2	NWSW	13	37	Indiscernible
07s39e	2	SWSW	19	38	Indiscernible
07s39e	3	SESE	18	40	Indiscernible
Totals:			85	155	

AJ5809NP
No. A29-04415

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 102

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AUDREY H HATCH	04/01/1896	IRRIGATION	04-01 11-01	1.700 CFS	
C	A PAUL HATCH JR					
	1009 STALKER RD					
	BANCROFT ID 83217					
	(208) 648-7853					
				TOTAL DIVERSION:	1.700 CFS	

Water Source: TOLMAN CANYON

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion:

T07S R39E S02

NESW

SWSW

CARIBOU 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	Lt	Ac	Lt	Ac	:	SUM
07S	39E	2	:											35	13	19				:	67.0
07S	39E	3	:																	:	18.0
																			TOTAL ACRES		85.0

POU County: CARIBOU

Dates: Exam Made Date:

Verified Date:

Objection Filed Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

Audit: 01/23/90 MOBILE2 07/22/94 THOMPSON 03/29/95 POST-STD

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CLAIM TO A WATER RIGHT



Under the provisions of Section 42-243, Idaho Code, any person using or claiming rights to the public waters of Idaho established by diversion and application to a beneficial use must file a claim with the Department of Water Resources on or before June 30, 1983. Exempted from this filing are single family domestic uses as defined in Section 42-230(d), Idaho Code. Also exempted are rights represented by a permit, license, decree, adjudicated right, or a previously filed claim.

The filing of this claim does not confirm the water right claimed but failure to file may result in forfeiture of a water right.

Notice is hereby given that A. Paul Hatch, Jr.
Rt. #1, Box 1090, Bancroft, ID 83217 (Name of Claimant)
(Mailing Address) (Zip Code) Telephone No. 648-7853

claims a right to the diversion and beneficial use of the surface or ground water. The extent and nature of said claim is as follows:

- (1) Date of priority: (When was the water first applied to a beneficial use) April 1, 1896

A claim is not acceptable on a ground water source with a priority later than March 25, 1963 or on a surface water source with a priority later than May 20, 1971. An exception is that a claim may be filed on single family domestic use from a ground water source.

- (2) Describe the source of water: (Name of stream, lake, spring, etc., or ground water) Tolman Canyon
tributary to sink

- (3) Describe the purpose for which the water has been used and the time during the year when you have used the right claimed:

Quantity	(cfs, af)	Use	(Domestic, Irrigation, Stock, Etc.)	(Both dates inclusive)	
				(Mo., Day)	(Mo., Day)
Quantity	<u>1.70 cfs</u>	Use	<u>irrigation</u>	Period of Use From <u>4/1</u>	To <u>11/1</u>
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity		Use		Period of Use From	To
Quantity	<u>1.70 cfs</u>	Use		Period of Use From	To

- (4) 1.70 cfs TOTAL QUANTITY USED.

- (5) A) Point of diversion: (Location of point where water is diverted from its source)
NE 1/4 SW 1/4, Sec. 2 Twp. 7S Rge. 39E B.M., County of Caribou
Additional points of diversion: SW 1/4 SW 1/4, Sec. 2, T. 7S, R. 39E

B) Describe means of diversion of water: (Pump and pipeline, well, diversion dam, reservoir, length of ditch and field, etc.). Give sizes and capacities: be as specific as possible. Describe any changes in the system and give the date of the change. headgate, ditches, dams

- (6) A) Describe location of use by listing number of irrigated acres within each 40-acre tract in appropriate box. If use is not for irrigation, place an "X" in appropriate box to show location.

T	R	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTAL
			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	
7S	39E	2									35	13	19						67
		3															18		18

No. of acres 85

- B) If water is used for other than irrigation, fully describe that use, being as specific as possible:

NOTE: Include here the type and number of stock watered:

- (7) If you are claiming water as a member of an organization, list name of organization:

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	AUDREY H HATCH	04/01/1896	IRRIGATION	04-01 11-01	1.70 CFS	
C	A PAUL HATCH JR 1009 STALKER RD BANCROFT ID 83217 (208) 648-7853					
TOTAL DIVERSION:					1.70 CFS	

Water Source: TOLMAN CANYON

Tributary to: SINKS

Stage: STATUTORY CLAIM

Point(s) of Diversion: T07S R39E S02 NESW SWSW

CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE																											
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:																				
			:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:																		
07S	39E	2	:					:					:	35	13	19		:						:																			
07S	39E	3	:					:					:					:						:																			
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POU County: CARIBOU

Dates: Exam Made Date:

Verified Date:

Misc: Water District Number:

Field Inspection Flag:
Presumption Flag:

T. 7 S. - R. 39 E.

On the 1984 Rockford Map of Caribou County Id. on page 36
the creek shown as Moses CR. in Tolman Canyon water. Moses Creek
is in Sec 12, and it is Stalker Rd not Stocker Rd

these papers show it was posted

Tolman canyon + now Eighteen miles are
part of the Portneuf River as they go into
Sinks this is in the back part of the
Portneuf water book

Department of Water Resources
Eastern District Office

MAR 15 1995

RECEIVED

MICROFILMED
NOV 13 1995

(SEAL)

Filed for record at the request of Lola Thompson Aug 18 1937 at 50 minutes past 3 o'clock PM.,
in Record of Deeds, Book 75, page 403.

Anna Keefe, Recorder

Fee 60¢

INSTRUMENT NO. 192950

WARRANTY DEED

I, Frederick A. Johnson, Grantor, of Chesterfield, County of Bannock State of Idaho hereby convey and warrant to Belle Wilmont Johnson Grantee of Chesterfield County of Bannock State of Idaho for the sum of One and No/100 DOLLARS, the following described tract of land in Bannock County, State of Idaho

Southwest Quarter of the Southeast Quarter and the Southwest Quarter of Section Two, Township Seven South Range Thirty-Nine, East of Boise Meridian in Idaho, including all water rights-ditches, canals, and laterals thereunto appertaining, particularly but not limited to 104 hours every week out of the Tolman Canyon and one continuous stream from a spring rising in George W. Powers field, and \$422.26 in water stock in Chesterfield Canal & Reservoir Company.

This deed is given subject to one certain mortgage, favor the Federal Land Bank of Spokane in the sum of \$3200.00 dated May 6, 1926.

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

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

WITNESS the hand of the Grantor this 10th day of August, 1937
Signed in the presence of

STATE OF IDAHO
Bannock COUNTY

Frederick A. Johnson

ss.

On the 16 day of August A. D. 1937, personally appeared before me Frederick A. Johnson the signor of the above instrument, who duly acknowledged to me that he executed the same.
My Commission Expires Dec 1939

(SEAL)

Charles W. Shanklin
Notary Public.

Filed for record and recorded Aug 19 A. D. 1937 at 9:10 o'clock A M., and recorded in Book 75 of Deeds page 404. At Request of Frederick A. Johnson.

Anna Keefe, Recorder

Fee \$1.00

INSTRUMENT NO. 192955

IN THE PROBATE COURT OF BANNOCK COUNTY, STATE OF IDAHO.

IN THE MATTER OF THE ESTATE
OF
AMY HUBBARD, Deceased.

DECREE OF DISTRIBUTION.

Now comes H. G. Hubbard, the Administrator of the estate of Amy Hubbard, deceased, and proves to the satisfaction of the Court that his petition for distribution and final re-

RECEIVED

MAR 15 1995

Department of Water Resources
Eastern District Office

B. M. in District Court of Idaho. The said water is to
be used in the desert lands of the undersigned for and in
22. And have been used by me for the past 10 years.

Dated June 27th 1874

Wm. H. Hume

Recorded at Recorder's Office W. Hume June 27th 1874 at 12:00
The Recorder

Refused

See 20

Recorded

Notice of Water Right.

A29-04415

State of Idaho

County of Blaine

To all concerned. Notice is hereby given.

1st. That Jonathan Holbrook and Ed. Grant of the largest
Canyon of Blaine County of Idaho. having been the
owners of the same for the purpose of the water of the
said water right for the purpose of the water of the

2nd. It is intended to divert said water at the point where
this notice is posted, and more definitely described
as follows. At a point in Canyon Canyon about 1/2 mile
in a North-westerly direction from the main head of
said Jonathan Holbrook and Ed. Grant Canyon. The
said water right is hereby described.

3rd. The purpose of said water is for agricultural and domestic
and intended to be used, as to agricultural and domestic
purpose.

The place intended use are the lands hereinafter described
4th. It is intended to divert said water by means of a ditch
three feet wide and one foot deep, starting at said point of
diversion and running in a North-westerly direction to the
lands hereinafter described.

The length of the proposed ditch is about four miles.

The general course of the proposed ditch is North-westerly.
It is intended to use said water for irrigating the following
described lands:

1st. South-east quarter of Section 2, in Township 7 North,

[illegible]

223659

87 1R 42

Belle Wilmont Johnson to Annie Estella Johnson

WD Aug 27 1942 Dec 8 1942 11:43 AM \$
2W S

Cnv and warrant flwg desd RE Lnd sitd in
B Co S of I

SW $\frac{1}{4}$ of SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of Sec 2 Tp 7 S R 39
E of BM in I

Incldg all WRs dchs cnls and laterals
thunto aprtng ptrly but not lmtd to 104-
hours every wk out of the Tolman Canyon and
one continuous stream from a spring rising
in George W Bowers field and \$422.26 in wtr
stock in Chesterfield Canal & Reservoir Co

Cl-AE

Cache Co Utah Aug 27 1942 Margaret C Hickman
NP #in and for sd Co in S afsd# Rsdg at Logan
City Utah NS MCE Jan- 12 1943

RECEIVED

MAR 15 1995

MICROFILM

NOV 14

Department of Water Resources
Bureau Office

Jonathan Holbrook and C.
A. Grant.

NOTICE OF WATER RIGHT

Dated: June 16, 1896

Filed: June 19, 1896

at 9:10 A. M.

Recorded: Book 1 Water Location
Record Page 548

Notice given:

First, That Jonathan Holbrook and C. A. Grant claim waters of Tohman Canon Creek here flowing to extent of twenty cubic feet per second.

Second, It is intended to divert said water at or near point where this notice is posted and more definitely described as follows:

At point in Tohman Canon about four miles in Northeasterly direction from Homestead entry of said Jonathan Holbrook in said Bannock County.

Said entry being hereinafter more fully described.

Third, Purpose or purposes for which said water is claimed and intended to be used is for agricultural and domestic purposes.

Place of intended use are lands hereinafter described.

Fourth, It is intended to divert said water by means of ditch three feet wide and one foot deep starting at said point of diversion and running in Southwesterly direction to lands hereinafter described.

Length of proposed ditch is about four miles. General course of proposed ditch is Southwesterly. It is intended to use said waters for irrigating the following described lands:

Southwest quarter of Section 2 in Township 7 South, Range 39 E.B.M., same being Homestead entry of Jonathan Holbrook.

Lots 1, 2, 3 & 4, and

Northeast quarter of Southeast quarter of Section 2 Township 7 South, Range 39 E.B.M.,

same being Homestead entry of said C. A. Grant.

Fifth, It is intended to have works for diversion and use of said water as aforesaid completed within two years.

Jonathan Holbrook
C. A. Grant,
Claimants

Therefore
4/1/1896 priority
is invalid

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NOV 13 1950

BANNOCK TITLE-ABSTRACT COMPANY

PAGE NUMBER

Jonathan Holbrook

EVIDENCE

Bannock County, Idaho.

That he is one of claimants of water right mentioned in the foregoing notice and whose name is subscribed thereto.

That statements in said notice are true and that original notice of which the foregoing is a true copy was posted in conspicuous place at or near place of intended diversion (as provided by law) on June 16, 1896 at half past three o'clock P. M.

Jonathan Holbrook

Subscribed and sworn to before me this June 16, 1896.

Moses Muir, J.P.

United States of America

PATENT

to

Jonathan Holbrook

Dated: April 10, 1899
Filed: May 18, 1899
at 3:30 P. M.
Recorded: Book 1 Patent
Record Page 132

*use for
priority date*

Recites deposited in General Land Office of United States Certificate of Register of Land Office at Blackfoot, Idaho, whereby it appears that, pursuant to Act of Congress, approved May 20, 1862, "To Secure Homesteads to Actual Settlers on Public Domain," and acts supplemental thereto, claim of Jonathan Holbrook has been established and duly consummated in conformity to law, for

Southwest quarter of Section two in Township seven South of Range thirty-nine East of Boise Meridian in Idaho, containing one hundred sixty acres, according to Official Plat of Survey of said land returned to General Land Office by Surveyor General.

Granted unto said Jonathan Holbrook tract of land above described.

Subject to any vested and accrued water rights for mining, agricultural, manufacturing, or other purposes, and rights to ditches and reservoirs used in connection with such water rights, as may be recognized and acknowledged by local customs, laws and decisions of courts, and also subject to right of proprietor of vein or lode to extract or remove his ore therefrom, should same be found to penetrate or intersect premises hereby granted, as provided by law; and there is reserved from lands hereby granted, right of way thereon for ditches or canals constructed by authority of United States.

(Seal)

By President William McKinley
By F. M. McKean, Secretary

Recorded: Vol. 29 Page 446

C. H. Brush, Recorder of
General Land Office

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NOV 13 1930

BANNOCK TITLE-ABSTRACT COMPANY
PAGE NUMBER

Fred Joanson and Stella
Johnson, husband and wife,

to

The Federal Land Bank of
Spokane, corporation organized
and existing under Federal Farm
Loan Act, approved July 17, 1916.

MORTGAGE

Dated: February 8, 1926

Filed: February 23, 1926

at 2:30 P. M.

Instrument No.: 121978

Recorded: Book 32 Mortgage

Record Page 151

Grant, bargain, sell, convey and warrant real estate in Bannock
County, Idaho:

The Southwest quarter of the Southeast quarter and
the Southwest quarter of Section two, Township seven,
South of Range thirty-nine East of the Boise Meridian.

This instrument is intended as mortgage to secure performance of
covenants and agreements hereinafter contained, and payment of debt re-
presented by one promissory note made by mortgagors to order of mortgagee
of even date herewith, for principal sum of \$3200.00, with interest thereon
from date until maturity at rate of 5½ per cent per annum, payable semi-
annually, on whole of said principal sum from time to time remaining unpaid,
both principal and interest being payable to said mortgagee at its office
in City of Spokane, State of Washington, on amortization plan in install-
ments as in said promissory note provided.

Said note matures in 34½ years from date hereof, unless matured sooner
by extra payments on account of principal; and provides also for reasonable
attorney's fee in addition to other costs in case of suit thereon.

Loan secured by this instrument having been made by second party in
reliance upon fact that portion of land herein described is irrigable and
for irrigation of which first parties have made proper provision, both as
to water supply and drainage, it is expressly stipulated and agreed that
if at any time after five years from date hereof directors of said bank
shall deem such provision for water supply or drainage no longer adequate
and shall so declare by appropriate action entered on their minute book,
bank shall be entitled to call upon first parties to, at their option either
reduce balance due on loan to fifty per cent of then value of security as
determined by federal appraiser, or to give such additional security as
shall upon valuation of federal appraiser provide security in double amount
of balance due on loan; and in event first parties shall, within sixty
days after receiving such written notice, fail or refuse to meet such re-
quirements, bank may at its option, and after four months notice in writing
to first parties, declare note hereby secured due and payable and be
entitled to foreclose this mortgage.

BANNOCK TITLE-ABSTRACT COMPANY

PAGE NUMBER

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NOV 13 1950

Mortgagors, in order to qualify as borrowers from mortgagee, have become, or are about to become, owners of stock in National Farm Loan Association, and hereby covenant and agree for themselves, their heirs and assigns, that any transfer by operation of law of lands herein mortgaged shall operate to successor in title to mortgaged land.

Fred Johnson
Stella Johnson

Acknowledged: Bannock County, Idaho, February 15, 1936, by Fred Johnson and Stella Johnson, husband and wife, before Henry Van Slooten, Notary Public, in and for the State of Idaho. Residing at Bancroft, Idaho. (Notarial Seal) My commission expires 2/13/27.

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: A29-04415
Date Received: 1/23/1990
Receipt No: M005575
Received By: RAJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: A. PAUL HATCH, JR. 208-648-7853
Address: 1009 STALKER ROAD
BANCROFT, ID 83217

OR

Name: AUDREY H. HATCH 208-648-7853
Address: 1009 STALKER ROAD
BANCROFT, ID 83217

2. Date of Priority: APR 01, 1896

3. Source: TOLMAN CANYON Trib. to: SINKS

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
07S	39E	2	NE	SW			CARIBOU
			SW	SW			CARIBOU

5. Description of diverting works:
HEADGATE, DAM, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.700		

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

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:

A29-04415

Page 1

Date: 01/23/90

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NOV 13 1992

A2904415



10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07S	39E	2	NE	SW		IRR	35.0
			NW	SW		IRR	13.0
			SW	SW		IRR	19.0
						Section Acres	67.0
		3	SE	SE		IRR	18.0
						Section Acres	18.0
						Total Acres	85.0

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:

14. Remarks:

15. Basis of Claim: STATUTORY CLAIM

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): *a Paul Hatch 2* Date: *1/23/90*

Date: _____

State of Idaho)
County of *Caribou*) SS.

Subscribed and sworn (or affirmed) before me this *23rd* day

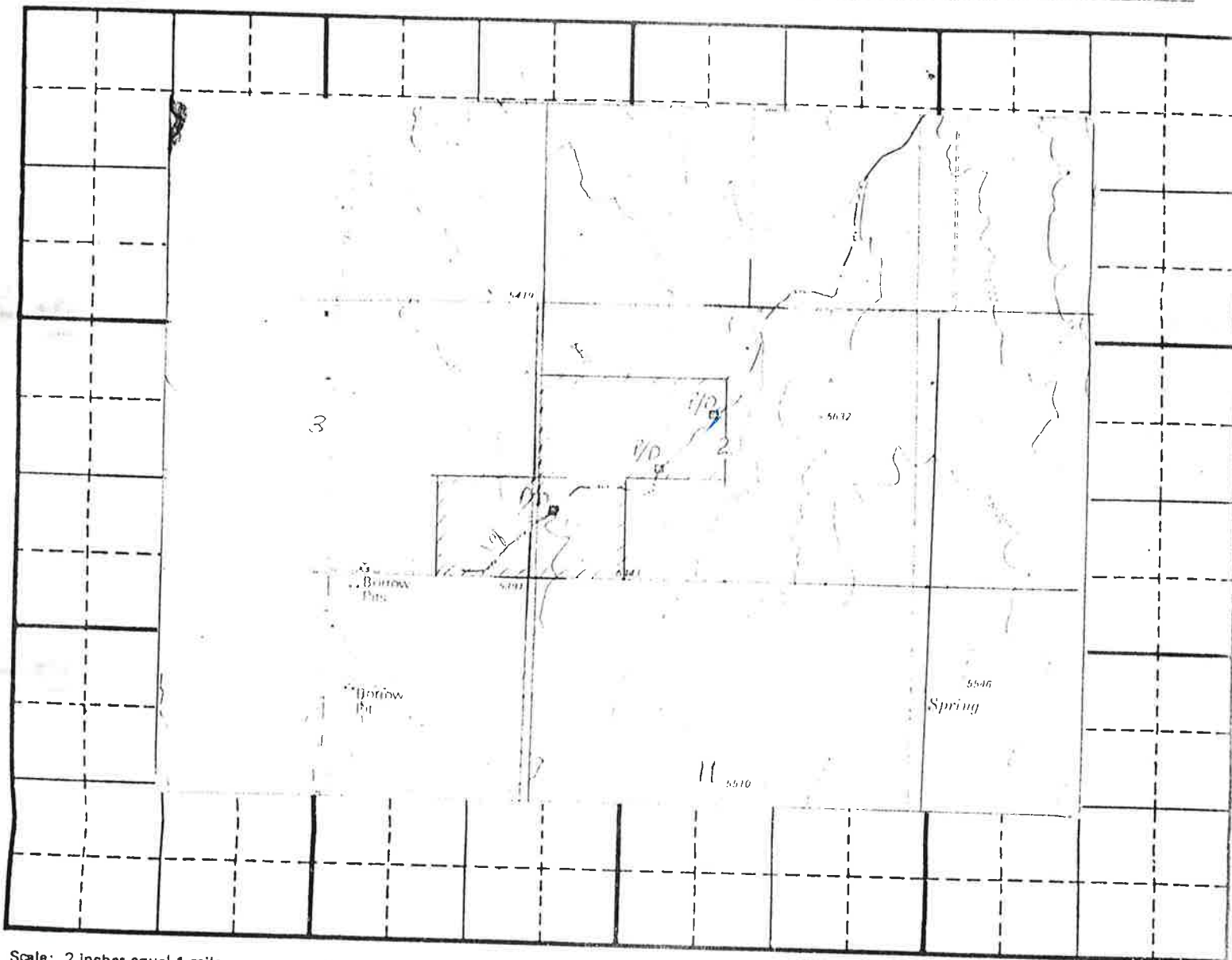
of *January* 19 *90*

Seal

Helen Harrington
Notary Public

Helen Harrington, Notary Public
Residing at _____ Residing at Boise, Idaho
My Commission Expires December 1, 1994
My Commission Expires _____

Ref
(8) Remarks Historically claimant has used Tolman Creek for 104 hours
every week when on rotation with the other water users.



Scale: 2 inches equal 1 mile.

Map should show the location of the point of diversion and the place of use of the water by 40-acre subdivisions, section, township and range of the public land survey system.

State of Idaho)

County of Bonneville) ss.

Be it known that the undersigned, being duly sworn, deposes and says that he, she, they subscribed the foregoing claim to a water right, together with all attached information, and that the matters and facts therein are true to the best of the affiant's knowledge.

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NOV 13 1992

Sworn to before me this 24th day of June

Paul Hatt
(Claimant)

19 88