

04/02/2004

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

RIGHT NUMBER: 29-10124

NAME AND ADDRESS: THE THELMA REDFORD SPOUSAL TRUST
2882 NIPPER RD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.900 CFS

~~USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS. COMBINED RIGHT NOS.: 29-10123, 29-10125, 29-10124, 29-13483, & 29-10122.~~

PRIORITY DATE: 04/15/1885

POINT OF DIVERSION:

T06S R38E S34 NWNESE Within CARIBOU County
T06S R38E S35 SWSENE Within CARIBOU County
T06S R38E S35 NWSESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 07/01	0.900 CFS

THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER SEPTEMBER 15 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R39E S06 Lot 5 NWSW	28.0	T07S R39E S06	SWSE	40.0	
T07S R39E S06	SESE	35.0	T07S R39E S07	NENE	40.0
T07S R39E S07	NWNE	40.0	T07S R39E S07	SWNE	40.0
T07S R39E S07 Lot 1 NENW	24.0	T07S R39E S07 Lot 2 SENW		25.0	
T07S R39E S07 Lot 3 NESW	25.0	T07S R39E S07 Lot 4 SESW		24.0	

321 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10123, 29-10125, 29-10124, 29-13483, & 29-10122.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

04/02/2004

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

EXPLANATORY MATERIAL: Decreed

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

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-113 AND 29-115.

06/05/2003

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

RIGHT NUMBER: 29-10124

NAME AND ADDRESS: THE THELMA REDFORD SPOUSAL TRUST
2882 NIPPER RD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.900 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 5.24 CFS. COMBINED RIGHT NOS.: 29-10123,
29-10125, 29-10124, 29-13483, & 29-10122.

PRIORITY DATE: 04/15/1885

POINT OF DIVERSION:

T06S R38E S34 NWNESE Within CARIBOU County

T06S R38E S35 SWSNW Within CARIBOU County

T06S R38E S35 NWNESE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 07/01

0.900 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R39E S06 Lot 5 NWSW	28.0	T07S R39E S06	SWSE	40.0
T07S R39E S06 SESE	35.0	T07S R39E S07	NENE	40.0
T07S R39E S07 NWNE	40.0	T07S R39E S07	SWNE	40.0
T07S R39E S07 Lot 1 NENW	24.0	T07S R39E S07 Lot 2 SENW		25.0
T07S R39E S07 Lot 3 NESW	25.0	T07S R39E S07 Lot 4 SESW		24.0

321 ACRES TOTAL

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 321 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10123, 29-10125,
29-10124, 29-13483, & 29-10122.

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE
PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.

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

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

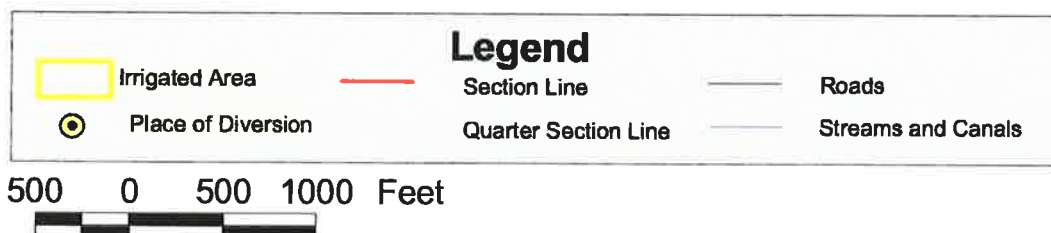
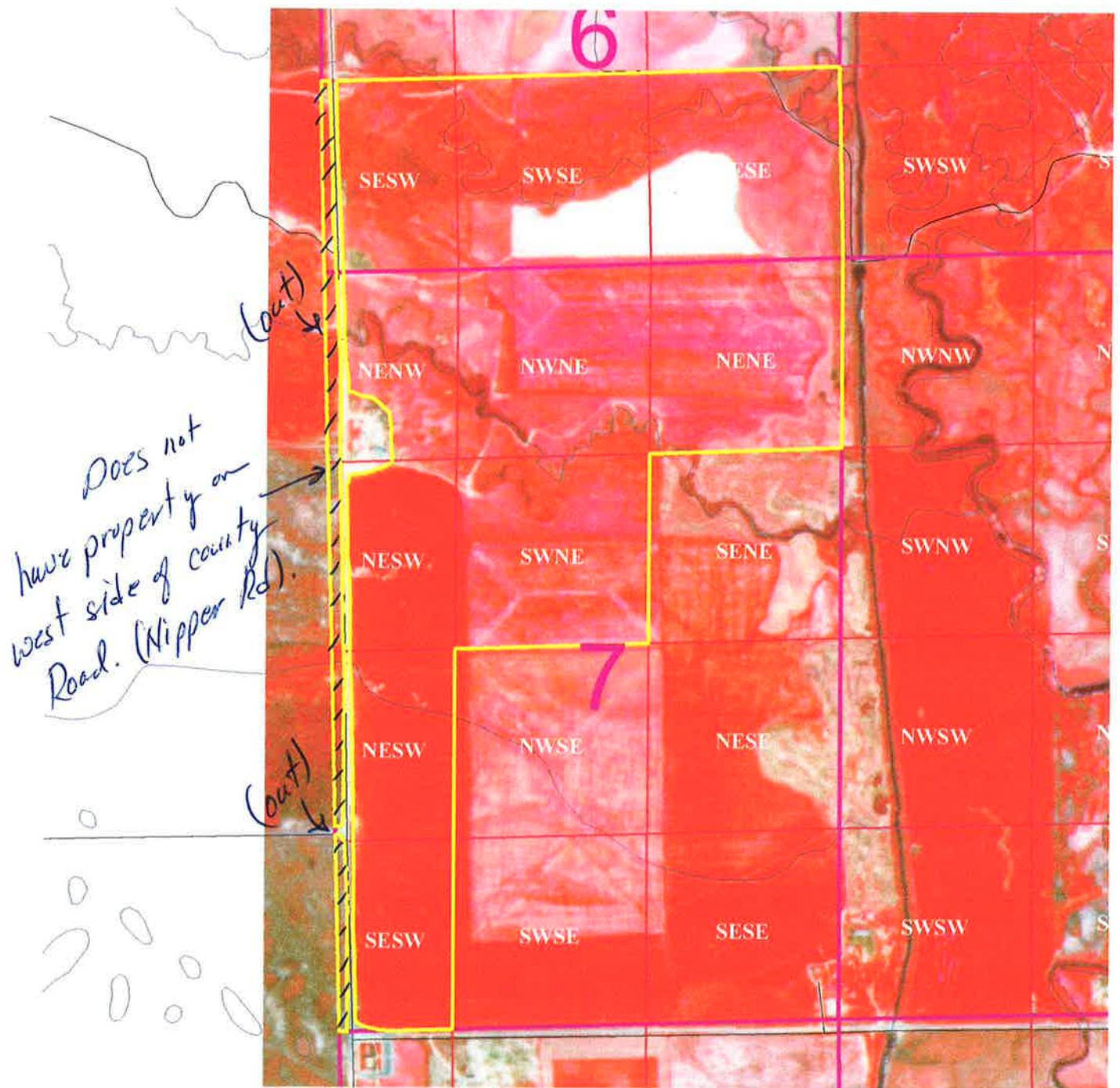
EXPLANATORY MATERIAL: Decreed

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

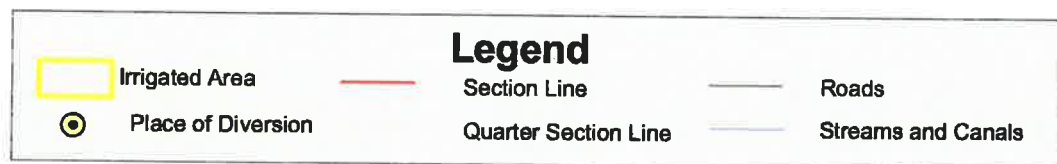
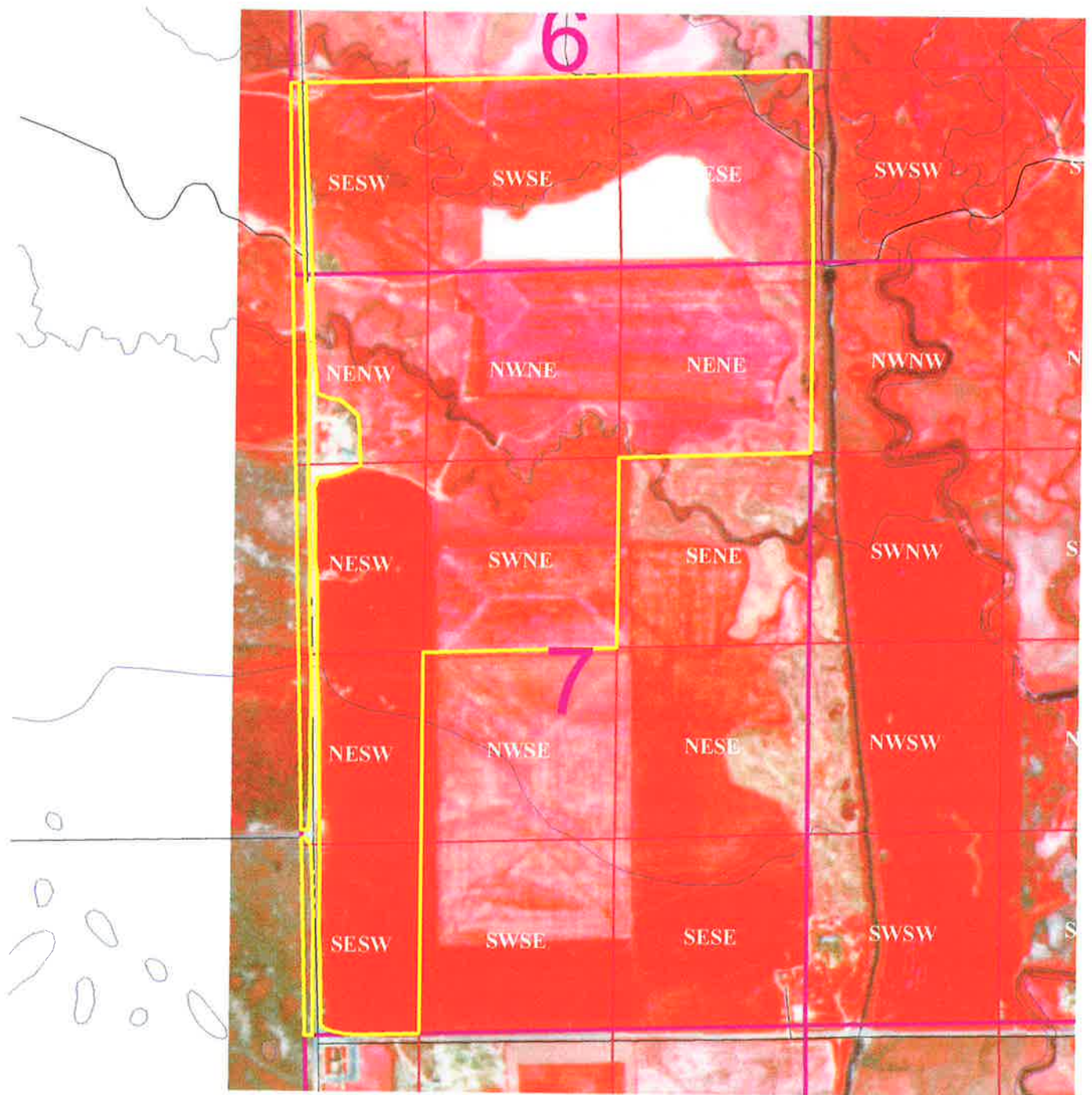
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-113 AND 29-115.

Water Right 29-10124

Townships , 7S39E, 7S38E



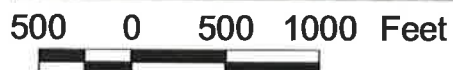
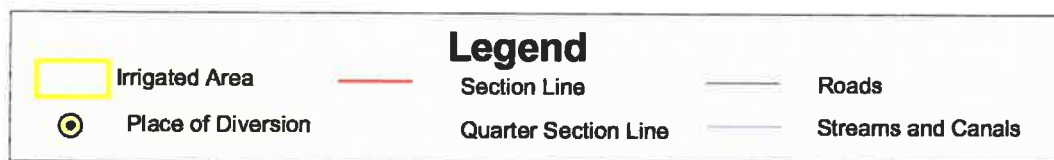
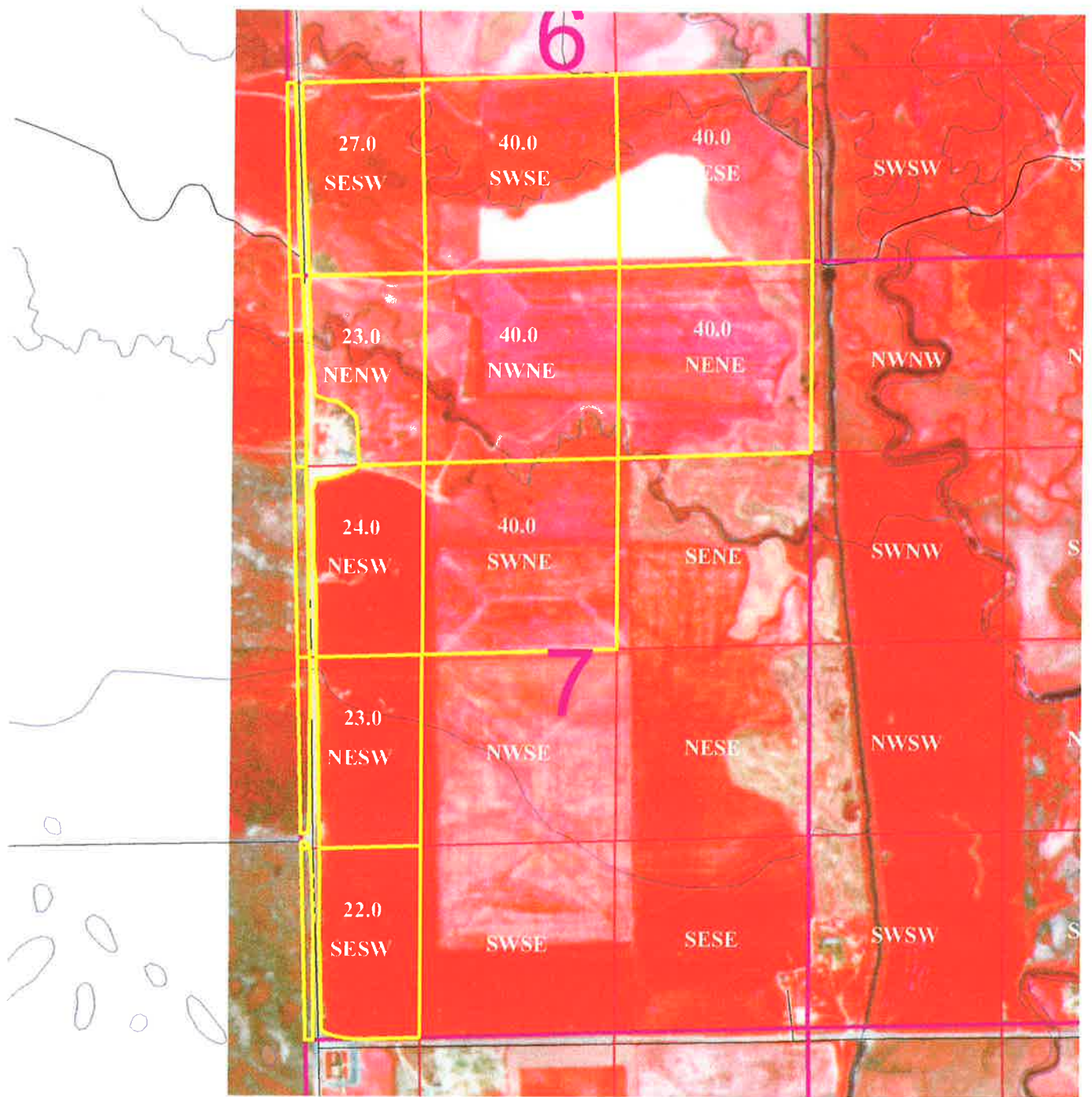
Townships , 7S39E, 7S38E



500 0 500 1000 Feet



Townships , 7S39E, 7S38E



IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10124 V1

WATER RIGHT NUMBER: 29-10124 V1

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	J A ELDREDGE
	, ID
Current Owner	ROSS D REDFORD
	2882 NIPPER RD
	BANCROFT, ID 83217
	(208)648-7762

Priority Date: 04/15/1885

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TOPONCE CREEK	PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/15 to 07/01	0.900 CFS	
	<u>Total Diversion:</u>	0.900 CFS	

Location of Point(s) of Diversion

TOPONCE CREEK	NW1/4NE1/4SW1/4	Sec. 35, Twp 06S, Rge 38E, B.M.
CARIBOU County		
TOPONCE CREEK	NW1/4NE1/4SE1/4	Sec. 34, Twp 06S, Rge 38E, B.M.
CARIBOU County		
TOPONCE CREEK	SW1/4SE1/4NW1/4	Sec. 35, Twp 06S, Rge 38E, 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	6									18.0						25.0	30.0	73.0
											L 5								
07S	39E	7	39.0	33.0	34.0		9.0				25.0	25.0		24.0					189.0
							L 1				L 2	L 3		L 4					

Total Acres: 262

Conditions of Approval:

1. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10124 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:

1. Quantity USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL COMBINED DIVERSION RATE OF 5.24 CFS. COMBINED RIGHT NOS.:29-10123, 29-10125, 29-10124, 29-13483, & 29-10122.
2. Place of Use - Irrigation USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE IRRIGATION OF A COMBINED TOTAL OF 262 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.:29-10123, 29-10125, 29-10124, 29-13483, & 29-10122.
3. Place of Use - Irrigation THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. Purpose of Use THE USE OF WATER FOR IRRIGATION UNDER THIS RIGHT MAY BEGIN AS EARLY AS APRIL 1 AND MAY CONTINUE TO AS LATE AS OCTOBER 31, PROVIDED OTHER ELEMENTS OF THE RIGHT ARE NOT EXCEEDED. THE USE OF WATER BEFORE APRIL 15 AND AFTER JULY 1 UNDER THIS REMARK IS SUBORDINATE TO ALL WATER RIGHTS HAVING NO SUBORDINATED EARLY OR LATE IRRIGATION USE AND A PRIORITY DATE EARLIER THAN THE DATE A PARTIAL DECREE IS ENTERED FOR THIS RIGHT.

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:
 Water District Number: 29
 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	2/7/2003 2:23:04 PM	rwarnar			Active
Priority Date	2/7/2003 2:24:10 PM	rwarnar			Active
POD	2/7/2003 2:24:30 PM	rwarnar			Active
Source	2/7/2003 2:27:50 PM	rwarnar			Active
POU	2/7/2003 2:28:51 PM	rwarnar			Active
Use	2/7/2003 2:51:54 PM	rwarnar			Active
Season	2/7/2003 2:52:58 PM	rwarnar			Active
Quantity	2/7/2003 2:53:16 PM	rwarnar			Active

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10124 V1

Summary

02/07/2003

rwarner

Active

Verification Log:

<u>Element</u>	<u>Date Time Stamp</u>	<u>Reviewer</u>	<u>Log text</u>
POD	2/7/2003 2:24:31 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a POD? (No) 5. Can the claimed POD be verified using the water right file? (Yes) 6. Is there evidence that there has been a change in the POD? (Yes) 7. Can the change be verified as an accomplished transfer? (Yes) 9. Does the file contain all the necessary information to verify the POD? (Yes) 10. Is a POD remark and/or condition required?
POD	2/7/2003 2:26:31 PM	rwarner	Edited point location
POU	2/7/2003 2:29:27 PM	rwarner	Edited shape boundary
POU	2/7/2003 2:29:53 PM	rwarner	Edited PLS
Use	2/7/2003 2:51:54 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a Purpose of Use? (Yes) 5. Can the claimed Purpose of Use be verified using the water right file? (Yes) 13. Is a Purpose of Use remark and/or condition required?
Season	2/7/2003 2:52:59 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a Period of Use? (No) 5. Can the claimed Period of Use be verified using the water right file? (No) 6. Is there evidence that there has been a change in the Period of Use? (Yes) 12. Does the file contain all the necessary information to verify the Period of Use? (Yes) 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) 14. Is irrigation claimed as a Purpose of Use? (Yes) 16. Is the Period of Use on the decree, license or transfer shorter on either the start date or end date than allowable under current IDWR standards? (No) 17. Was the Period of Use shortened by a Transfer to a standard Period of Use that is shorter than the current standard Period of Use? (Yes) 18. Is a Period of Use remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-10124 V1

Quantity	2/7/2003 2:53:17 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 4. Does the Decree or License have a diversion rate and/or volume? (Yes) 5. Can the claimed diversion rate and/or volume be verified using the water right file? (No) 8. Does the parent right have an annual diversion volume limit? (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? (Yes) 12. Is a Quantity remark or condition required?
Summary	2/7/2003 2:53:55 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? (Yes) 5. Is an additional remark and/or condition required? (Yes) 6. Would you like to view the recommended right? (Yes) 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?
Contacts	2/7/2003 2:23:04 PM	rwarner	(No) 1. Do you want to schedule an appointment?
Priority Date	2/7/2003 2:24:09 PM	rwarner	Comment for 1: desktop review (No) 1. Should this water use have been included in a later court decree of the water rights from this source? (Yes) 4. Is the basis of claim decree or license? (Yes) 5. Does the decree or license have a Priority Date? (Yes) 6. Did the Claimant claim the decreed or licensed Priority Date ? (Yes) 15. Is the basis of claim coded correctly? (No) 16. Is a Priority Date remark and/or condition required?
POD	2/7/2003 2:25:44 PM	rwarner	Edited point location
POD	2/7/2003 2:27:31 PM	rwarner	Edited point location
Source	2/7/2003 2:27:51 PM	rwarner	(Yes) 1. Is the basis of claim Decree or License? (Yes) 4. Does the Decree or License have a source? (Yes) 5. Can the claimed source be verified using the water right file? (No) 11. Is a Source remark and/or condition required?

IDAHO DEPARTMENT OF WATER RESOURCES

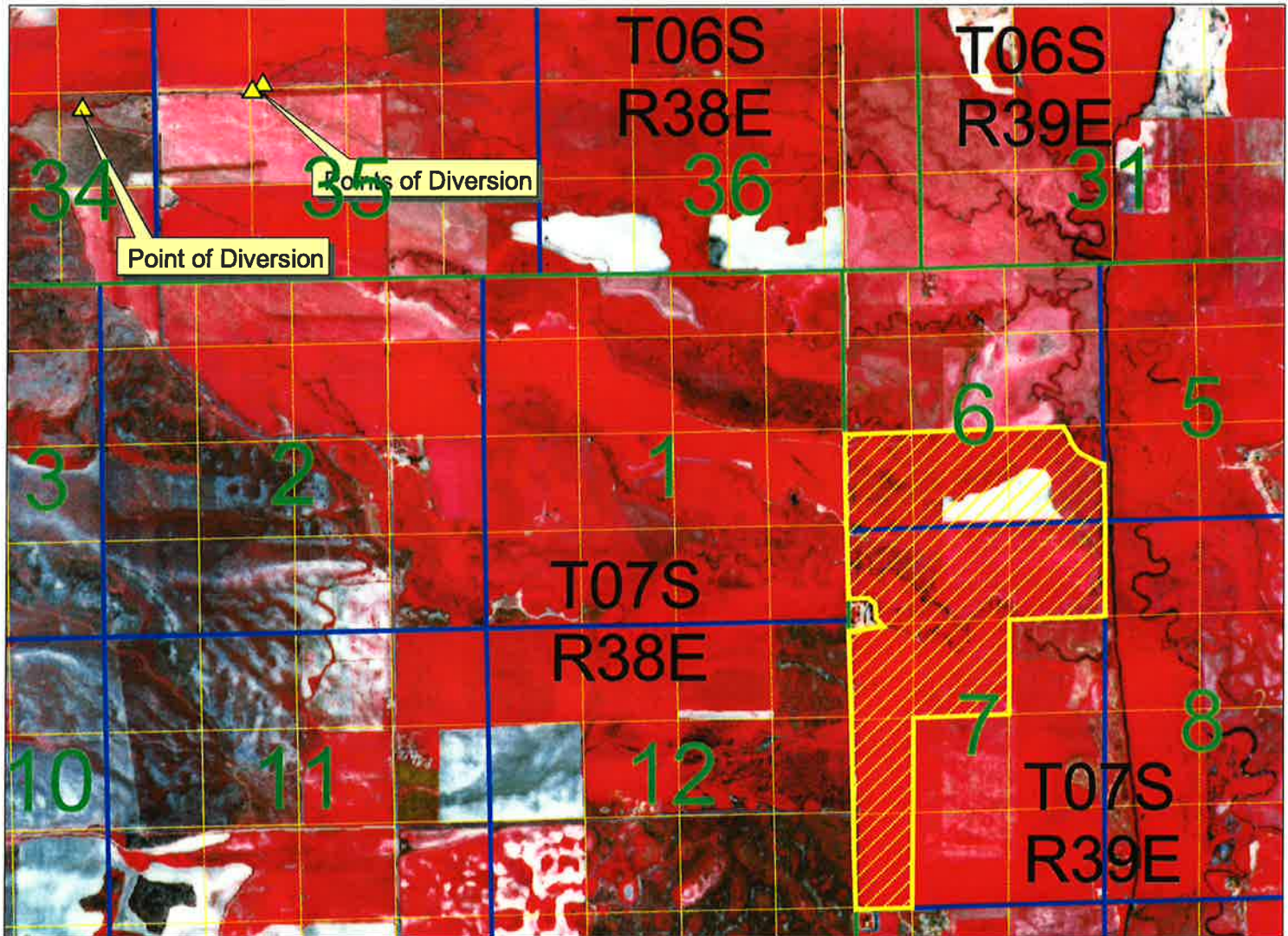
Adjudication Recommendation Report 29-10124 V1

POU	2/7/2003 2:28:51 PM	rwarner	(Yes) 1. Is the basis of this claim a Decree or License? (Yes) 2a. Is the POU required? (Yes) 5. Does the Decree or License have a POU? (Yes) 6. Can the claimed POU be verified using the water right file? (Yes) 14. Is a POU remark and/or condition required?
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State of Idaho Department of Water Resources Eastern Region

Claim No.: 29-10122, 29-10123,
29-10124, 29-10125, & 29-13483.



0.5 0 0.5 1 Miles

Irrigated Acres = 321



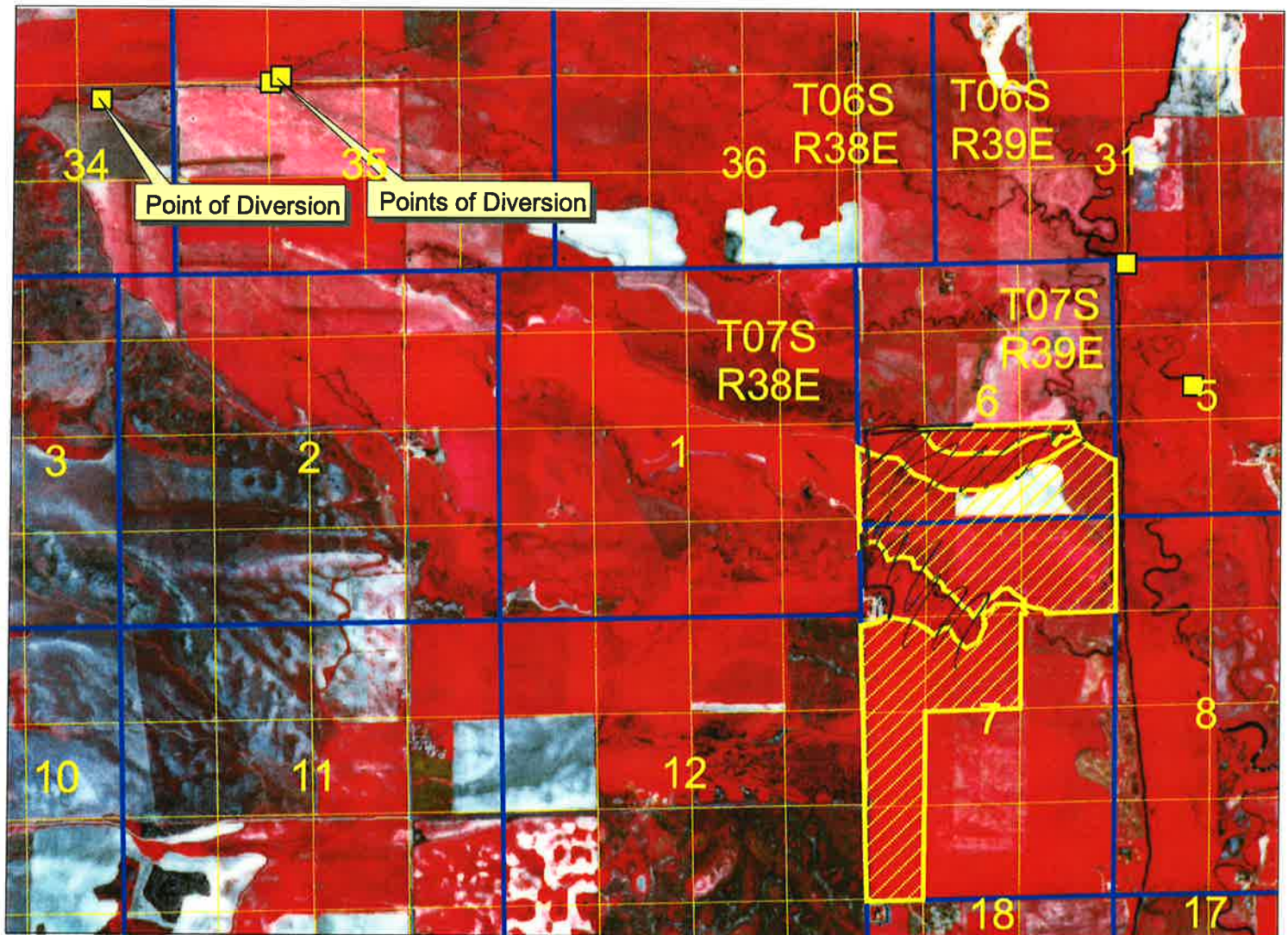
- △ Points of Diversion
- Place of use.shp
- Townships
- Sections
- QQ

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



**State of Idaho
Department of Water Resources
Eastern Region**

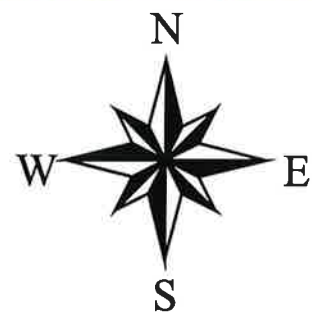
**Claim No.: 29-10122, 29-10123,
29-10124, 29-10125, & 29-13483.**



0.5 0 0.5 1 Miles

Irrigated Acres = 262

-  29-10123.shp
-  Diversion.shp
-  Sections
-  QQ



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

Notes

4/22/04 Did an SF5 and submitted it to the
Court. Included Combined Limit remark. CB
Ownership change. King Creek Grazing.

see notes in 29-10122 file. CB

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Case No. 39576)

A. Subcase 29-10124

(Insert water right number)

STANDARD FORM 1
OBJECTION

Please fill in the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: Thelma Redford

Address: 2882 Nipper Road
Bancroft, Idaho 83217

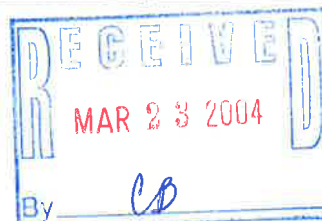
Daytime Phone: 208-648-7162

Name & Address of Attorney, if any:

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: The Thelma Redford Spousal Trust

Address: 2882 Nipper Road
Bancroft, Idaho 83217



D. I object to the following elements as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**

Should be: _____

2. ☒ **Source**

Should be: _____

3. ☒ **Quantity**

Should be: limited to a total combined diversion rate of 7.20 CFS.

4. ☐ **Priority Date**

Should be: _____

5. ☐ **Point(s) of Diversion**

Should be: _____

6. ☐ **Instream Flow Description**

Should be: _____

7. ☐ **Purpose(s) of Use**

Should be: _____

8. ☐ **Period of Year**

Should be: _____

9. ☐ **Place of Use**

Should be: _____

11. **I object because:**

☐ This water right should not exist.

☒ This water right was not recommended, but should be recommended with the elements described above.

E. **REASONS SUPPORTING OBJECTION(S):** When diversion rates are combined,

they equal 7.20 CFS. Combined rights Nos. 29-10123 (1.800 CFS),
29-10125 (2.280 CFS), 29-10124 (0.900), 29-13483 (0.220) and
29-10122 (2.00 CFS) equal 7.20 CFS. Used on 321 ACRES (6.42 CFS),
the other .78 CFS would be lost in delivery coming down the ditch,

F.

VERIFICATION (Must be Completed)

State of Idaho)
)ss.
County of Bannock)

Thelma V. REDFORD, duly sworn, upon oath, deposes and says:
(Name of person filing objection)

That I am the party/claimant filing this objection, as defined by I.C. §§ 42-1401A(1) and (6) or that I am the attorney for the party/claimant objecting and that I have read this objection, know its contents and believe that the statements are true to the best of my knowledge.

Thelma V. Redford
(Signature of person filing objection)

(Attorney signing in representative capacity)

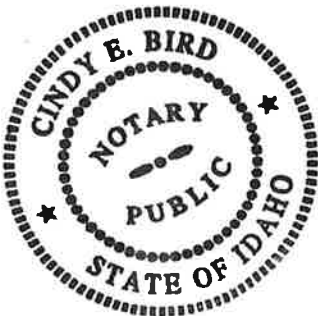
Subscribed and sworn to before me on: 10th day of Sept., 2003

Cindy E. Bird

Notary Public for Cindy E. Bird

Residing at: Lava Hot Springs

My Commission Expires: 5-1-2007



INSTRUCTIONS FOR MAILING

You must mail the objection, to the Clerk of the Court. **FAX filings will not be accepted.** You must also send a copy to all the parties listed below in the Certificate of Mailing.

G. CERTIFICATE OF MAILING

I certify that on Sept. 10, ²⁰⁰³~~1997~~, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
PO Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

Name: Thelma Redford
Address: 2882 Nipper Rd.
Bancroft, ID 83217

3. Copies to:

IDWR Document Depository
PO Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
PO Box 44449
Boise, ID 83711-4449

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, MSC 033
Boise, ID 83724

Thelma V Redford
Signature of Objector or attorney
mailing on Objector's behalf

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: 29-10124

ROSS D REDFORD
2882 NIPPER RD
BANCROFT ID 83217
Telephone Number: (208) 648-7762

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

PLACE of USE.

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

320.7 Acres - Total ACRAGE in Sections 6+7 AS PLACE of USE.

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

Right of 45 Acres within the place of use should be total
ACRAGE in Section 06 and Section 07 (320.7) (see claim to Water Right #10)

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

DATE: 4/17/03

SIGNATURE:

Thelma Redford

Please print your name:

Thelma Redford

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

RECEIVED

APR 24 2003

Department of Water Resources
Eastern Region

12-17-2002

Ernie Carlson

29-10124.

29-113 - was recommended to Sundall Farms.

Redford is only entitled to 29-115 - for 0.90 ac.

check the Surveyed T.O.U. - Right might need to be limited to 45 ac (106).

2.1 29-113 (29-10124). In 1968, Ross Redford
165 ac. Moved the water from the land in section
36 and 31. because they couldn't get
the water up on section 6 & 7 through
8" → 6" pipe. Pipe is 30 hp. & 40 hp.
Pipe runs N & S.

1 1/64" (3/16") Nozzles 13/16" recommended.
NEW → 2002.

pressure less than 40 psi.
recommends 43 psi

4 lines max gravity

3- 18 ^{heads} section (w.c.) by church.

29-115 (29-10124)

.9 cts

decreed. to S 1/2 SE Sect 6 & NE Sec. 7.

45 acre

SENE belongs to Paul Hatch.

Has Paul claimed?

? 150 ac. total

+ 30

180 [100] 29-114- 30 acres - lot 1 & NESE Chandler
SESE Redford.

100

29-109

105

29-119

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

UNION GRAIN & ELEVATOR COMPANY, a corporation
Plaintiff,

-vs-

McCammon Ditch Co., a corporation, defendants

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

Defendants.

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

Roy Faulkner, Kepler Sessions, Thomas J. Nipper, Stephen Grimm, George John, Emmel Byington, Frank Reed, Smith Ranch (Donald Monson and R. Monson), Charles Byington, James Byington, Noah Reese, Tom Hallinan, George A. Whitworth, J. T. Gittens, George Lewis, Joseph Cutler, Thomas E. Orgill, John Gooch, Fred Johnson, Ira Call, C. V. Call, Chris Call, Carl Loveland, Josiah Loveland, David Butterfield, Andrew Butterfield, Osmond Call, Earl Holbrook, Chester Call Estate (Sarah Call, Administratrix), Arthur Naylor, Byrant Perkins, Parley Jensen, Forest Cornelison, West Side Canal Co., a corporation, I. E. Thompson, Ben D. Jensen, George Brangham, Jas. A. Eldredge, John Gooch, Robert Redford, Alma Hogan, Joseph Purvis, Dave Butterfield, Thomas J. Nipper, Thomas J. Nipper, M. Whitworth, John Whitworth, Neal Williams, J. Buckindorf, J. F. Corbett, Peter Zadron, Joseph Smith, Earl Moss, E. J. Dolbeer, Hall City Ditch, a co-partnership composed of C. J. McGuinn, Rebecca Warner, A. W. Hall, John Hall Estate, Thomas F. Terrell, Mrs. J. G. Bristol, Lesli Sharp, Lew White, Leslie Bowden, James Kofod, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. W. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnent, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington W. R. Godfrey, Alonso Avery, Jesse Avery, J. M. Jensen, W. Leo Jensen, Claud Jensen, Arthur Roswell, H. A. Weddell, Ray Bloxum, Charles Strom, Joseph Bell, Herbert Byington, John Ramsey, H. K. Ward, C. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Exum, A. A. Kofod, Tom Harper, Brady Stolpe, Spencer ~~Godfrey~~, A. B. Cheney, Bert Lish, Archie Lish, James Higgins, John M. Fairchilds, Foster, Edward Wilmore, Edgar Beebe, James T. Benson, Arthur Fopront, Ray Kedley, James Roddy, George Chapman, D. K. Merrick, L. S. Wight, Leo

MAY 15 1906

Township 7 Suth, Range 39 East.

29 0111 ✓
90. ELDREDGE, J. A. .80 c.f.s.
1886 June 1
UP to JULY 1st of each
irrigation season

Said water to be diverted by means of the dam last above described, diverting water from the South fork of Toponce Creek, for the irrigation of 40 acres of land in the East half of the Southwest quarter, Section 8, Township 7 South, Range 39 East.

29 0112 ✓
91. ELDREDGE, J. A.
Up to July 1st of each
Ir. Sn.
1883 April 15. .80 c.f.s.

Said water to be diverted by means of a dam located at a point West 1980 feet, from the center of Section 31, Township 6 South, Range 39 East, B. M., and by means of another dam located at a point which bears South 22 degrees 30 minutes West 1370 feet, from the center of Section 1, Township 6 South, Range 39 East, B. M., for the irrigation of 40 acres of land located in Lot 3, and the East half of the Southwest quarter of Section 31, Township 6, Range 39 East.

29 0113 ✓
H 2
ELDREDGE, J. A.
1885 Apr. 15. 2.10 c.f.s.
Up to July 1 of each
irrigation season.

Ross Redford

Said water to be diverted by means of 5 dams, numbered from 1 to 5 inclusive. No. 1 is located in Lot 3, Section 36, Township 6 South, Range 38 East. From the Center of Section 31, the point of Diversion bears South 75 degrees and 45 minutes West, 3520 feet. No. 2 has its point of diversion South, 78 degrees and 30 minutes West, 3710 feet from the Center of Section 31. No. 3 has its point of diversion South 80 degrees West 2690 feet, from the Center of Section 31, No. 4 is located in Lot 3, Section 31, and from the center of Section 31, the point of diversion bears Suth, 71 degrees and 30 minutes West, 2710 feet. No. 5 is located in the South east quarter of the Southwest quarter, Section 31, and from the center of Section 31, the point of diversion bears South, 27 degrees and 30 minutes West, 2300 feet, for the irrigation of 105 acres of land in Lots 3 and 4 of Section 36, Township 6 South, Range 38 East; Lots 3 and 4 and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East; and Lot 1, Section 6, Township 7 South, Range 39 East,

Caandall farms

29 0114 ✓
H 3
ELDREDGE, J. A. .60 c.f.s.
1886 April 15.
Up to July 1 of each
irrigation season

Ross Redford

Said water to be diverted by means of a dam located at a point which bears South 34 degrees West 840 feet from the Northeast corner of Section 6, Township 7, Suth, Range 39 East, B.M., for the irrigation of 30 acres of land in Lot 1, and the East half of the Southeast quarter of Section 6, Township 7 South, Range 39 East B.M.

29 0115 ✓
H 1
ELDREDGE, J. A. .90 c. f.s.
1885 April 15
Up to July 1st of
each irrigation season.

Ross Redford

Said water to be diverted by means of a dam located at a point which bears North 43 degrees 15 minutes West 1150 feet from the Southeast corner of Section 6, Township 7 South, Range 39 East, B.M., for the irriga-

RECORDED

MAY 15 1906

29 0116 ✓
ELDREDGE, J. A.
1902 June 17. (12 o'clock M)
.70 c.f.s.
Up to July 1st of each irrigation season.

Ross Redford

29 0117 ✓
ELDREDGE, J. A.
1902 June 17 (12 o'clock M.)
.60 c.f.s.
Up to July 1st of each irrigation season.

Ross Redford

29 0118 ✓
ELDREDGE, J. A. 1.70 c.f.s.
1902 June 17
(12 o'clock M)
Up to July 1st of each irrigation season.

Ross Redford

29 0119 ✓
ELDREDGE, J. A. 2.1 c.f.s.
1902 June 17
At 12 o'clock M.
for the entire irrigation season of each and every year.

Ross Redford

29 0120 ✓
ELDREDGE, J. A. 2.1 c.f.s.
1902 June 17
(12 o'clock Noon)
Up to July 1st of each irrigation season.

Ross Redford

29 0121 ✓
92. KNOLLIN A. J. TOPONCE CREEK, NORTH FORK, TRIBUTARY TO THE PORTNEUF RIVER
1882 July 1 .48 c.f.s.
(24 inches)

trans. # 525

tion of 45 acres within the South half of the Sutheast quarter of Section 6, and the Northeast quarter of Section 7, Township 7 South, Range 39 East, B. M.

Said water to be diverted by means of a dam located at a point which bears South 80 degrees 45 minutes West, 3110 feet, from the Northeast corner of Section 7, Township 7 South, Range 39 East, for the irrigation of 35 acres of land lying within Lot 1, and the Northeast quarter of Section 7, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake at a point which bears North 25 degrees 30 minutes West, 2660 feet, from the Southwest corner of Lot 4, Section 36, Township 6 South, Range 38 East, B. M., for the irrigation of 30 acres of land lying within Lot 3, Section 36, Township 6 South, Range 38 East, Lot 3, and the East half of the Southwest quarter of Section 31, Township 6 South, Range 39 East B. M.

Said water to be diverted by means of a ditch having its intake at a point which bears North 49 degrees 15 minutes West, 1600 feet, from the South quarter corner of Section 36, Township 6 South, Range 38 East, for the irrigation of 85 acres of land lying within Lots 3 and 4, Section 36, Township 6 South, Range 38 East; Lot 4, and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East, and Lots 1, 2, and 3, Section 6, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake at a point which bears South 1000 feet from the South quarter corner of Section 36, Township 7 South, Range 38 East; for the irrigation of 105 acres of land lying within Lots 1, 2, 3, 4, and 5, and the Southeast quarter of Section 6, Township 7 South, Range 39 East.

Said water to be diverted by means of a ditch having its intake in Lots 4, Section 1, Township 7 South, Range 38 East, for the irrigation of 105 acres of land lying within Lots 4 and 5; and the South half of the South-east quarter of Section 6, and Lot 1, and the North half of the Northeast quarter of Section 7, Township 7 South, Range 39 East.

Said water to be diverted through Knollin ditch which diverts water from the North Fork of Toponce Creek, in the Northeast quar-

Redford.
SENE Paul
ditch?

RECORDED

MAY 15 1996

MAY 17 2001

Log for claim A29-10124

Spatial Dynamics LTD

6/15/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
07s39e	6	SESW	28	27	
07s39e	6	SWSE	40	40	
07s39e	6	SESE	40	40	
07s39e	7	NENE	40	40	
07s39e	7	NWNE	40	40	
07s39e	7	SWNE	40	40	
07s39e	7	NENW	22.8	23	
07s39e	7	NESW	23.1	24	
07s39e	7	NESW	23.3	23	
07s39e	7	SESW	23.5	22	
Totals:			320.7	319	

AJ5809NP
No. A29-10124

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 122

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ROSS D REDFORD 2882 NIPPER RD BANCROFT ID 83217 (208) 648-7762	04/15/1885	IRRIGATION	04-15 11-01	3.000 CFS	
					TOTAL DIVERSION: CONSUMPTIVE USE:	3.000 CFS 776.80 AFA

Water Source: TOPONCE CREEK

Tributary to: PORTNEUF RIVER

Stage: DECREED

Point(s) of Diversion:

T06S R38E S34
S35

NWNESE
NWNESW NENWSW

CARIBOU County
CARIBOU County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE								
T	R	S	:	NENE	NWNE	SWNE	SENE	:	NENW	NWNW	SWNW	SENW	:	NESW	NWSW	SWSW	SESW	:	NESE	NWSE	SWSE	SESE	:	SUM
				Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		Lt	Ac	Lt	Ac		
07S	39E	6	:					:					:					:					:	80.0
07S	39E	7	:			30		:		40		40	:					:			40	40	:	110.0
																							TOTAL ACRES	310.7

POU County: CARIBOU

Other Rights: A29-00114, A29-10122, A29-10123, A29-10125.

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

A29-00114 A29-00246B A29-10121 A29-10122 A29-10123 A29-10125 A29-10222 X29-10222

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

A29-00114 A29-00115 A29-10122 A29-10123 A29-10125

Remarks: GEN THIS CLAIM COMBINES DECREED RIGHTS 29-0113 AND 29-0115.
THE ORIGINAL DECREE STATES TIME OF USE AS 04/15 TO 07/01

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

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

Audit: 12/26/89 JONES 01/24/90 MEYER 07/29/94 THOMPSON 03/29/95 POST-STD

12

SOUTH FORK OF TOPONCE CREEK; PRIVATE DITCHES AND DAMS OF
JAMES A. ELDRIDGE

NAME OF CLAIMANT and DATE OF PRIORITY	AMOUNT IN SECOND FEET	POINT OF DIVERSION AND PLACE OF USE
91. Eldredge, J. A.: <i>Redford</i> Up to July 1st of <i>Hogan</i> 1893—April 15 each irrigation season. <i>North East corner of Hansen field (Hogans)</i>	.80 c. f. s.	Said water to be diverted by means of a dam located at a point west 1980 feet from the center of Section 31, Township 6 South, Range 39 East, B. M., and by means of another dam located at a point which bears South 22 degrees 30 minutes West 1370 feet from the Center of Section 1, Township 6 South, Range 39 East, B. M., for the irrigation of 40 acres of land located in Lot 3 and the East half of the Southwest quarter of Section 31, Township 6 South, Range 39 E. B. M.

29-0113 * Eldredge, J. A.: *Redford*
1885—April 15 2.10 c. f. s.
Up to July 1st of
each irrigation season.

July 15

Said water to be diverted by means of 5 dams, numbered from 1 to 5 inclusive. No. 1 is located in Lot 3, Section 36, Township 6 South, Range 38 East. From the center of Section 31, the point of diversion bears South 75 degrees and 45 minutes West, 3520 feet. No. 2 has its point of diversion South 78 degrees and 30 minutes West, 3710 feet from the center of Section 31. No. 3 has its point of diversion South 80 degrees West, 2690 feet from the center of Section 31. No. 4 is located in Lot 3, Section 31, and from the center of Section 31, the point of diversion bears South 71 degrees and 30 minutes West, 2710 feet. No. 5 is located in the Southeast quarter of the Southwest quarter, Section 31, and from the center of Section 31, the point of diversion bears South 27 degrees and 30 minutes West, 2300 feet, for the irrigation of 105 acres of land in Lots 3 and 4 of Section 36, Township 6 South, Range 33 East; Lots 3 and 4, and the Southeast quarter of the Southwest quarter of Section 31, Township 6 South, Range 39 East; and Lot 1, Section 6, Township 7 South, Range 39 East.

29-0114 * Eldredge, J. A.: *Redford*
1886—April 15 .60 c. f. s.
Up to July 1st of *1/2 30 minutes*
each irrigation season.

North field by Hogans

*Hansen Dam East of
Sheep Sheds (Hogans)*

Said water to be diverted by means of a dam located at a point which bears South 34 degrees West 840 feet from the North-east corner of Section 6, Township 7

NAME OF CLAIMANT and
DATE OF PRIORITY

AMOUNT IN
SECOND FEET

POINT OF DIVERSION AND
PLACE OF USE

29-0115 * All
Eldredge, J. A.:
1885—April 15 .90 c. f. s.
Up to July 1st of each irrigation season.

South, Range 39 East, B. M., for the irrigation of 30 acres of land in Lot 1, and the East half of the Southeast quarter of Section 6, Township 7 South, Range 39 East, B. M.

Said water to be diverted by means of a dam located at a point which bears North 43 degrees fifteen minutes West 1150 feet from the Southeast corner of Section 6, Township 7 South, Range 39 East, B. M., for the irrigation of forty-five (45) acres within the South half of the Southeast quarter of Section 6, and the Northeast quarter of Section 7, Township 7 South, Range 39 East, B. M.

29-0116 * All
Eldredge, J. A.
1902—June 17 .70 c. f. s.
(12 o'clock M.)
Up to July 1st of each irrigation season.

Said water to be diverted by means of a dam located at a point which bears South Eighty degrees forty-five minutes West, 3110 feet from the Northeast corner of Section 7, Township 7 South, Range 39 East, for the irrigation of thirty-five (35) acres of land lying within Lot one (1), and the Northeast quarter of Section 7, Township 7 South, Range 39 East, B. M.

29-0117 *
Eldredge, J. A.:
1902—June 17 .60 c. f. s.
(12 o'clock M.)
Up to July 1st of each irrigation season.

Said water to be diverted by means of a ditch having its intake at a point which bears North twenty-five degrees thirty minutes West 2660 feet from the Southwest corner of Lot 4, Section 36, Township 6 South, Range 38 East, B. M., for the irrigation of 30 acres of land lying within Lot 3, Section 36, Township 6 South, Range 38 East, B. M., Lot 3 and the East half of the Southwest quarter of Section 31 Township 6 South, Range 39 East, B. M.

29-0118 *
Eldredge, J. A.:
1902—June 17 1.70 c. f. s.
(12 o'clock M.)
Up to July 1st of each irrigation season.

Said water to be diverted by means of a ditch having its intake at a point which bears North forty-nine degrees fifteen minutes West, 1600 feet from the South quarter corner of Section 36, Township 6 South, Range 38 East, for the irrigation of 85 acres of land lying within Lots 3 and 4, Section 36, Township 6 South,

DO NOT FILM

MAY 7 2001

450
(average fee paid on A29-00114)

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: A29-10124
Date Received: 12/26/89
Receipt No: E011391
Received By: HWT

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROSS D. REDFORD 208-648-7762
Address: 2882 NIPPER RD.
BANCROFT, ID 83217

2. Date of Priority: APR 15, 1885

3. Source: TOPONCE CREEK Trib. to: PORTNEUF RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06S	38E	34	NW	NE	SE		CARIBOI
		35	NW	NE	SW		CARIBOL
			NE	NW	SW		CARIBOU

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	07/01	3.000	-	

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

8. Total consumptive use is 776.8 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
07S	39E	6		SW	5	IRR	28.0
			SW	SE		IRR	40.0

A29-10124

Page 1

Date: 12/15/89

MICROFILMED

NOV 13 1992

A2910124



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
07S	39E	6	SE	SE	IRR	40.0
					Section Acres	108.0
		7	NW	NE	IRR	~~30.0~~ 40.0
				NW	1	IRR 22.8
				NW	2	IRR 23.1
			NE	NW		IRR 40.0
			SE	NW		IRR 40.0
				SW	3	IRR 23.3
				SW	4	IRR 23.5
					Section Acres	202.7
					Total Acres	~~310.7~~ 320.7

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:

A29-00114, A29-10122, A29-10123, A29-10125.

14. Remarks:

THIS CLAIM COMBINES DECREED RIGHTS 29-0113 AND 29-0115.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.
Decree Plaintiff

vs

MCCAMMON DITCH CO. ET. AL.
Decree Defendant

L

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): x Ross W. Redford Date: 12-26-89
_____ Date: _____

State of Idaho

County of Bonneville } SS.

Subscribed and sworn (or affirmed) before me this 26th day

of December 19 89

Anthony L. Olenchak
Notary Public

Seal

Residing at Moab Falls

My Commission Expires 9/12/1994

4745

T 6 S

T 7 S

4743

50'

4742

NOV 13 1992

MICROFILMED

