

02/27/2003

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

RIGHT NUMBER: 29-10246

NAME AND ADDRESS: ERMA M BANKS
3229 BANKS RD
BANCROFT ID 83217

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

QUANTITY: 1.310 CFS

PRIORITY DATE: 05/01/1881

POINT OF DIVERSION:

T06S R39E S19 SWSESW Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	4/15 9/15	1.310 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R39E S19 Lot 4 SWSW	4.4	T06S R39E S19	SESW	8.0
T06S R39E S19	SWSE	7.7	T06S R39E S30	NENW 16.0
T06S R39E S30 Lot 2 SNNW	4.5	T06S R39E S30	SESW	25.0

65.6 ACRES TOTAL

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

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

EXPLANATORY MATERIAL: Decreed

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

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

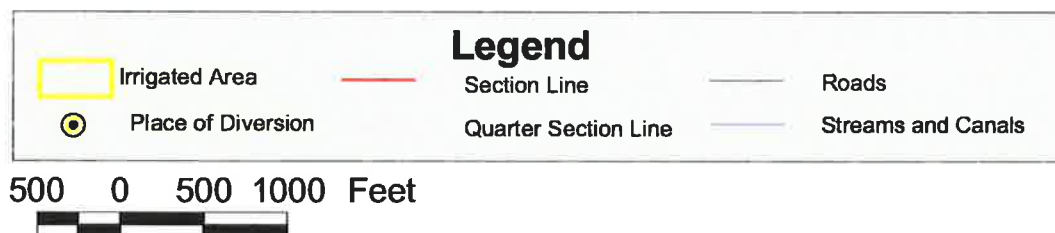
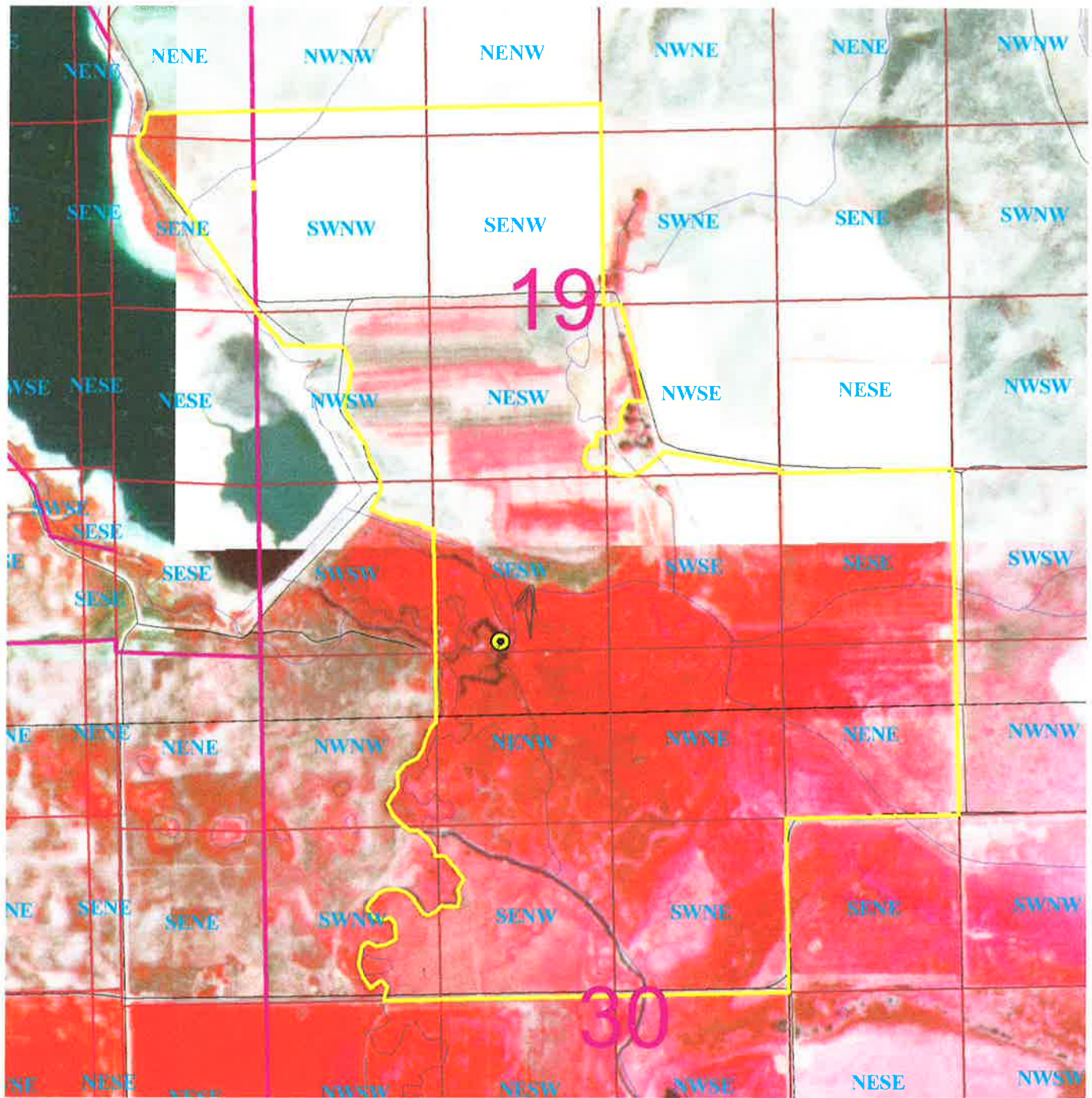
THE RIGHTS LISTED BELOW ARE ALL DIVERTED THROUGH THE POINT OF
DIVERSION DESCRIBED ABOVE: 29-10, 29-7391 AND 29-10246.

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-13, 29-15 AND
29-18.

Water Right Claim Number A29-10246

06/19/2000

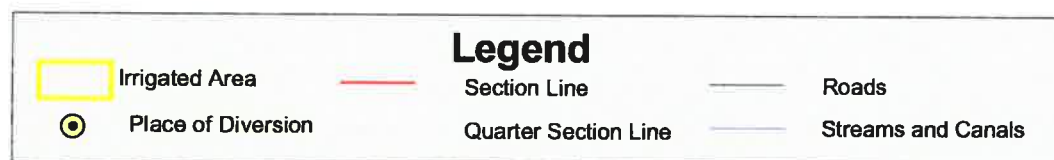
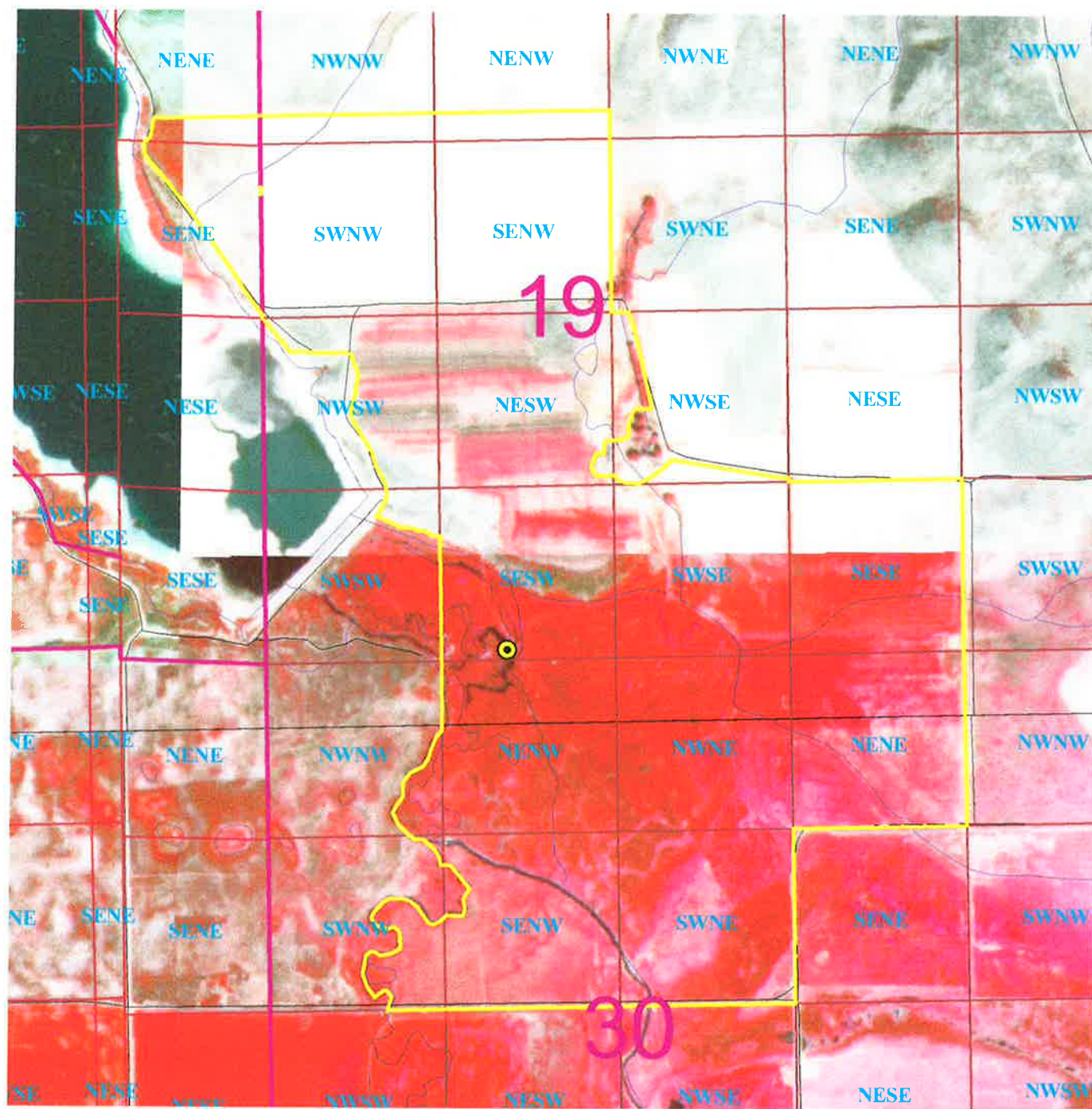
Townships , 6S39E, 6S38E



Water Right Claim Number A29-10246

06/19/2000

Townships , 6S39E, 6S38E



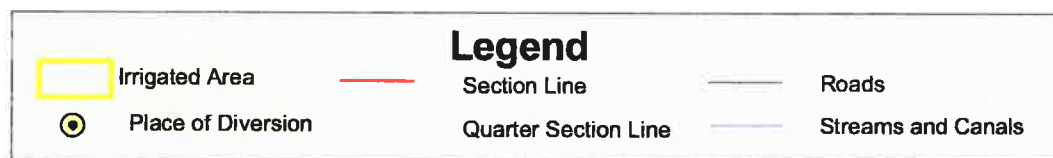
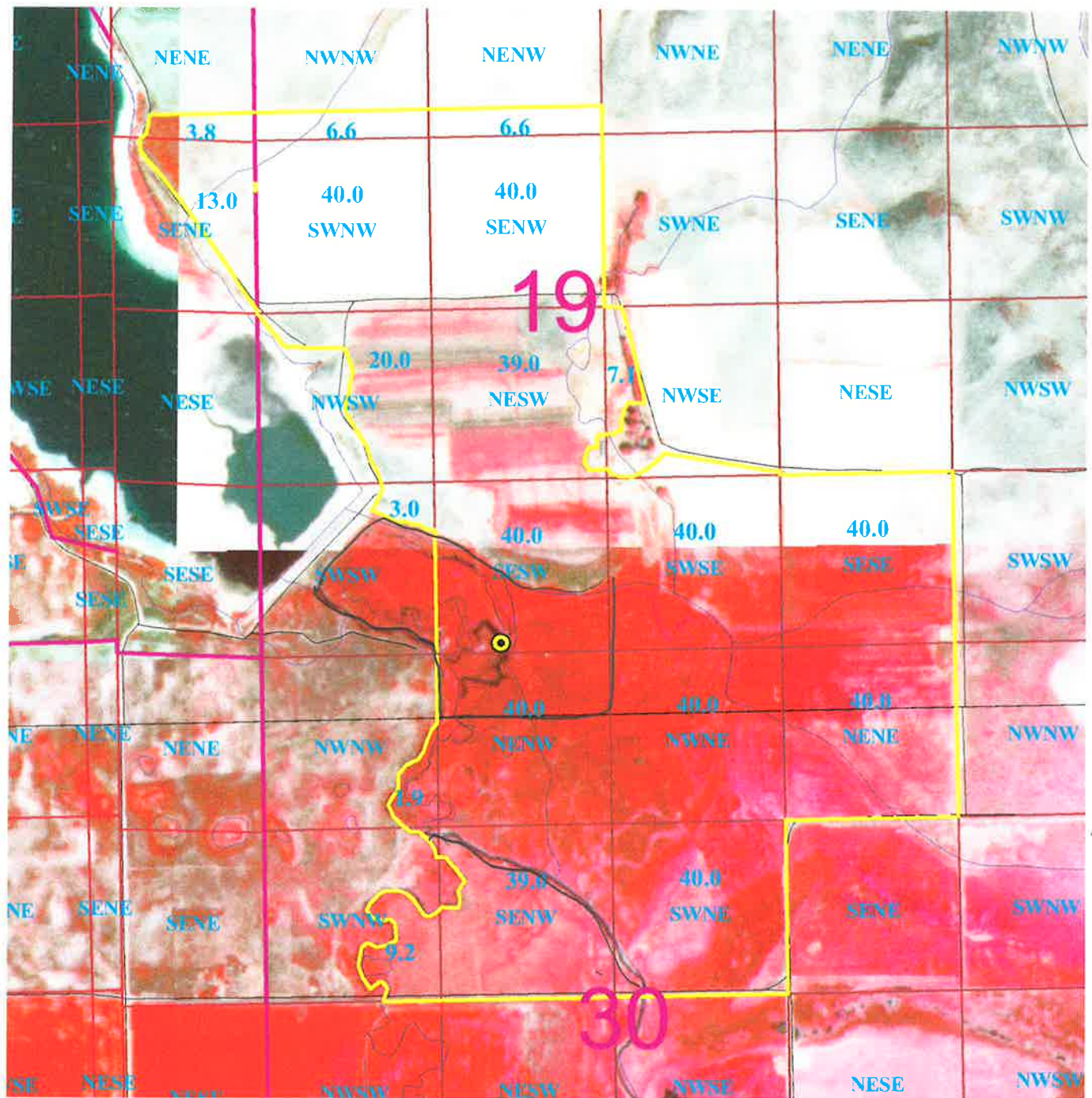
500 0 500 1000 Feet



Water Right Claim Number A29-10246

06/19/2000

Townships , 6S39E, 6S38E



500 0 500 1000 Feet



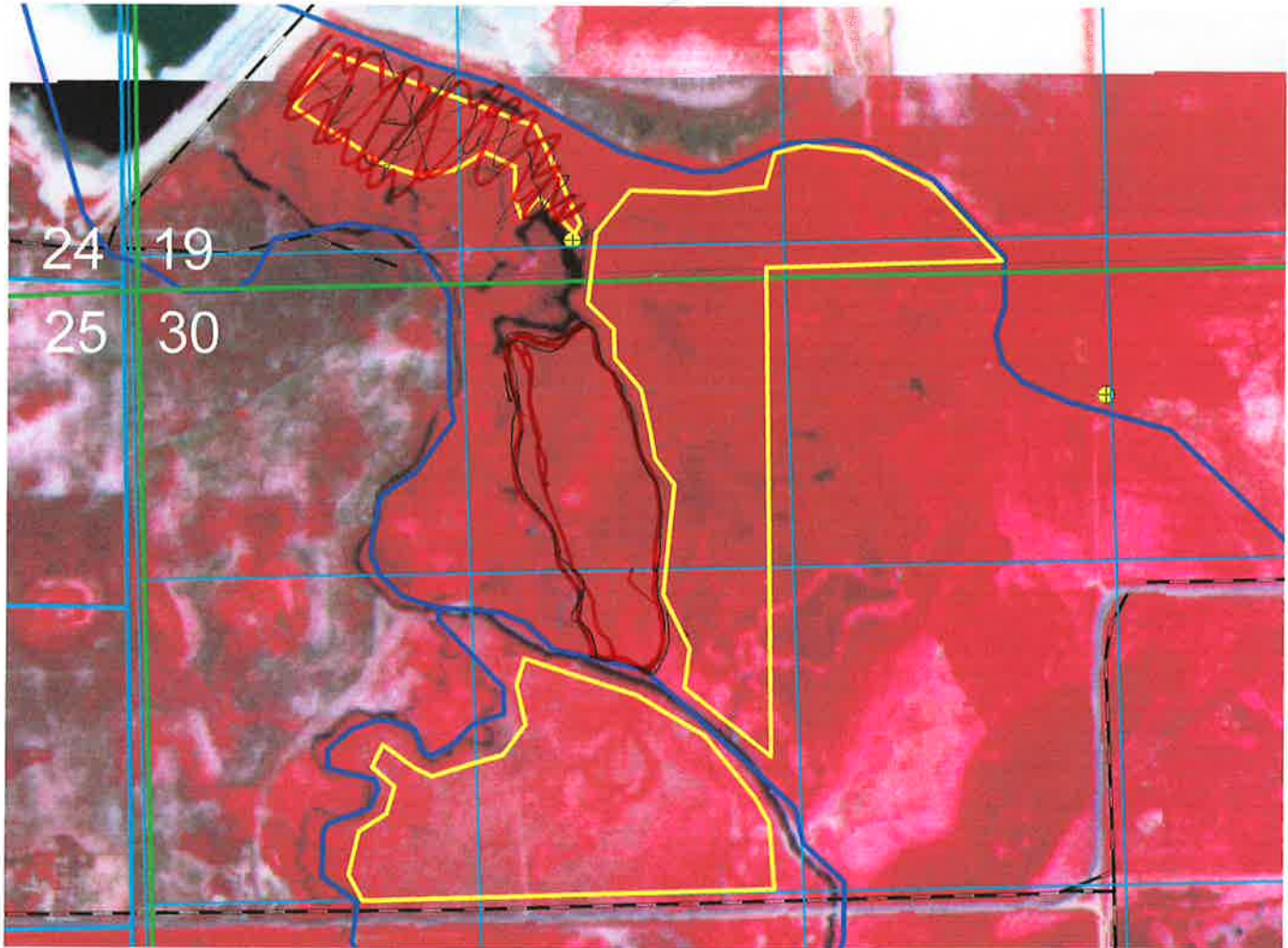


STATE OF IDAHO

Department of Water Resources
Eastern Region

take out.

Water Right: 29-10246



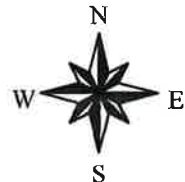
LEGEND

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

IRRIGATED ACRES 65.6

Place of Use: T6S, R39E,
(part of) Sections 19 & 30.

Points of Diversion: T6S, R39E,
Sec. 19 SWSESW



GIS Place of Use Illustration
1987/88 NAPP PHOTOGRAPHY
Prepared by C. Bird
Date: FEBRUARY 2003

Summary Data Entry Form

Remarks and Conditions (Include Type, Category and Code if applicable):

C03 -
C18
P15 29-13, 29-15, 29-18
C05
F06 29-10, 29-7391 & 29-10246

Split or Combined Right Analysis:

29-13	5-1-1881	0.36 cfs	18 ac.
29-15	5-1-1881	0.31 cfs	15.4 ac.
29-18	5-1-1881	0.64	32.28 ac.
			65.68

Attached Field Notes or Other Documents:

2/27/63. Priority date, Source, purpose of use,
804, and quantity were all claimed as
decreed in UG; E decree.
Recommended as claimed, no charged.

Claims put a slot pipe on the pump to irrigate
south of the pump.

Notes

2/18/03 POD Claimed under this right is the 150 hp pump. According to the examiner's report the mainline goes north. So irrigation from the pump would be difficult from this pod.

→ Claimants may need to add additional POD for the property South of the 150 hp pump.

How is the land South of the pump irrigated if the pipe (mainline) runs North?

2/20/03 2:05pm Tried to call David Banks and the line was busy.

Called again 3:35pm - left a message.

See file 29-10 for 1987 FSA Photo, and 1964 imagery.

Valve north of the pump on the main - across the ditch. Handline to the ditch, flood irrigate. Before the pump they put a dam in to divert it south.

[illegible]

Name connector: and _____, or _____, and/or _____

Current Owner _____

Current Owner _____

Representing Attorney: _____ Phone Number: _____

Accompanied By: David Banks Phone Number: 648-7856

Relationship to Claimant: Sons. John Banks 648-7334.

Date of Field Exam: 10-30-01 Time: _____

Directions to Property (if different from above) and/or update owner information:

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.

Reviewer: CB

Date: 2/18/83

Priority Date Data Entry Form

Claim Number: 29-10246

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: _____ Claimed Basis: _____

Recommended Priority Date: _____ Recommended Basis: _____

☒

Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

UG § 2 decreeReviewer: CBDate: 2/12/03

Point of Diversion and Source Data Entry Form

Claim Number: 29-10246

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____



Use Claimed POD and Source as Recommended POD and Source

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						
GPS Coordinates:						

Other rights from this POD? 29-10 29-7391

Document how the POD and Source were verified and/or Pump and Motor data:

field examChange to the pump.Deeded POD SWSW Sec. 19 T6S, R39E.Moved to the pump 1977.

Transfers Changing POD _____

Reviewer: CSDate: 2/12/03

Place Of Use Data Entry Form

Claim Number: 29-10246☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total Acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
65	39E	19	SESW		Caribou		8	Irrigation
			SWSE				7.7	"
			SWSW			4	4.4	
		30	NENW				16	
		30	SENE				25	
		30	SWNW			2	4.5	

Total Acres 65.6

Document how the POU was verified:

recommending at this time the land North of the pump because the field exam for the pump indicates the mainline runs North of the pump. (field exam 29-7391 file)

How is the land South of the pump irrigated?
A short pipe goes from the pump to a ditch to flood irrigate the
1/4 E 1/4 E. land south.

Transfers Changing POU _____

Reviewer: CBDate: 2/20/03

Purpose of Use Data Entry Form

Claim Number: 29-10246☐ Use Claimed Purpose of Use as Recommended Purpose of Use

Water Right Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Claimed Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Recommended Purpose of Use

Water Use	Number of Homes	Number of Stock	Acre Limit	Number of Other

Document how the Purpose of Use was verified:

1987/88 NAPP Photography
Examiners report 29-7391

Transfers Changing Purpose of Use _____

Reviewer: CBDate: 2/20/03

Period of Use and Quantity Data Entry Form

Claim Number: 29-10246☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	9/15		

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

UG & E direct

Reviewer: CBDate: 2/20/03

29 0017 8. KNOLLIN, A. J. .75 c.f.s.
1881. May 1.

ship 6 South, RANGE 39 East, for the irrigation of 12 acres in Lot 3, and the Northeast quarter of the Southwest quarter, Section 30, Township 6 South, Range 39 East.

Said water to be diverted through Knollin Ditch No. 1, which diverts from the Portneuf Marsh Valley Irrigation Company's drainage Canal in the Northwest quarter of the Northeast quarter, Section 31, Township 6 South, Range 39 East. From the North quarter corner of Section 31, the point of diversion bears South 30 degrees thirty (30) minutes East, 560 feet, for the irrigation of 37.36 acres in the West half of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

Sub-irrigated land lying between the Portneuf River and the Portneuf Marsh Valley Irrigation Company's drainage canal.

29 0018 9. HIBNER, Julia .64 c.f.s.
1881. May 1.

For the irrigation of 9.28 acres in the North half of the Northwest quarter; and 23 acres in the Southeast quarter of the Northwest quarter, Section 30, Township 6 South, Range 39 East.

N $\frac{1}{2}$ NW
SE NW

29 0019 10. KNOLLIN, A. J. 1.03 c.f.s.
1881. May 1.

For the irrigation of 18 acres in the Northeast quarter of the Southwest quarter, Section 30, Township 6 South, Range 39 East, and 33.3 acres in the Southeast quarter of the Southwest quarter, same Section, Township and Range.

These lands were formerly irrigated by ditch having same location as the Portneuf-Marsh Valley Irrigation Company's drainage canal. Should these lands cease to sub, due to change of location of above described canal, or for any other reason, the owner may divert the water to the said lands, from the canal or the river from such point or points as the land may be advantageously watered, from date of priority, May 1st, 1881.

29 0020 11. GOOCH, John O. 3.77 c.f.s.
Jr. 1880. Apr. 15

Said water to be diverted through the Gooch-Johnson Ditch No. 1, otherwise known as West Ditch, from the Portneuf Marsh Valley Irrigation Company's drainage canal, which diverts in the Northwest quarter of the Northeast quarter Section 31, Township 6 South, Range 39 East. From the South quarter corner of Section 30, Township 6 South, Range 39 East, the point of diversion bears South 36 degrees East 1245 feet, for the irrigation of 8.48 acres in the South half of the North half of the Southeast quarter Section 31, Township 6 South, Range 39 East; 36.6 acres in the Southeast quarter of the Southeast quarter, section 31, Township 6 South, Range 39 East; 40 acres in Lots 1 and 2, Section 5, Township

65.5 Acres

MAY 15 1896

29-0013 ✓
4. HIBNER, Julia
1881. May 1.

. 36 c.f.s.

8; all in Township 7 South, Range 39 East. This Canal, the Hibner No. 2, or the Knollin-Toponce Ditch, may be used for carrying water of Toponce Creek in addition to the River water, subject to the rights of Julia Hibner, and Kepler Sessions. The water for this ditch is delivered through a syphon of the Portneuf-Marsh Valley Irrigation Company's dam to the point of diversion described above.

Said water to be diverted through Hibner Ditch No. 3, which diverts from the Portneuf River in the Southwest quarter of the Southwest quarter of Section 19, Township 6 South, Range 39 East. From the Southwest corner of Section 19, the point of diversion bears North, 48 degrees 45 minutes East, 732 feet, for the irrigation of 18 acres of land in the South half of the Southwest quarter, Section 19, Township 6 South, Range 39 East.

29-0014 ✓
5. KNOLLIN, A. J.
1881, May 1.

1.13 c.f.s.

Said water to be diverted through Hibner Ditch No. 4, which diverts from the Portneuf-Marsh Valley Irrigation Company's drainage canal, in the Northwest quarter of the Southeast quarter of Section 30; from the East quarter corner of Section 30, the point of diversion bears West, 3410 feet. Point of diversion is a dam across the Portneuf-Marsh Valley Irrigation Company's canal; for the irrigation of 56.76 acres of land, located as follows: the Northeast quarter of the Southwest quarter, Section 30, 17 acres; the South half of the Southwest quarter, Section 30, 15.2 acres; the North half of the Northwest quarter, Section 31, 24.56 acres, all in Township 6 South, Range 39 East.

29-0015 ✓
6. HIBNER, Julia.
1881. May 1.

.31 c.f.s.

Said water to be diverted through Hibner Ditch No. 5, which diverts from the Portneuf River, in the Southwest quarter of the Northwest quarter of Section 30, Township 6 South, Range 39 East. From the Northwest corner of Section 30, the point of diversion bears south 40 degrees, 5 minutes EAST, 1755 feet, for the irrigation of 15.4 acres in the South half of the Northwest quarter, Section 30, Township 6 South, Range 39 East.

29-0016 ✓
7. KNOLLIN, A. J.
1881. May 1.

.24 c.f.s.
(12 inches)

Said water to be diverted by means of a dam across the Portneuf River, which diverts in Lot 3, Section 30, Township 6 South, Range 39 East. The point of diversion bears East 370 feet from the West quarter corner of Section 30, Town-

MICROFILMED

MAY 15 1996

MAY - 7 2001

Log for claim A29-10246

Spatial Dynamics BTD

6/19/00

TR	SEC	QQ	Acres Claimed	Acres Found	COMMENT
06s38e	24	NENE	4	3.8	
06s38e	24	SENE	20	13	
06s39e	19	NENW	5	6.6	
06s39e	19	NWNW	5	6.6	
06s39e	19	SWNW	40	40	
06s39e	19	SENW	40	40	
06s39e	19	NESW	40	39	
06s39e	19	NWSW	26	21	
06s39e	19	SWSW	4	3	
06s39e	19	SESW	40	40	
06s39e	19	NWSE	14	7.1	
06s39e	19	SWSE	40	40	
06s39e	19	SESE	40	40	
06s39e	30	NENE	40	40	
06s39e	30	NWNE	40	40	
06s39e	30	SWNE	40	40	
06s39e	30	NENW	40	40	
06s39e	30	NWNW	5	4.2	
06s39e	30	SWNW	4	9.2	
06s39e	30	SENW	37	39	
Totals:			524	512.5	

AJ5809NP
No. A29-10246

IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION CLAIM PROFILE REPORT

DATE: 03/21/00
PAGE: 148

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	ERMA M BANKS 3229 BANKS RD BANCROFT ID 83217 (208) 648-7856	05/01/1881	IRRIGATION	04-15 09-15	1.310 CFS	
TOTAL DIVERSION: CONSUMPTIVE USE:					1.310 CFS	1312.50 AFA

Water Source: PORTNEUF RIVER

Tributary to: SNAKE RIVER

Stage: DECREED

Point(s) of Diversion: T06S R39E S19

SWSESW

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				
06S	38E	24	:	04				20												24.0				
06S	39E	19	:							05	05	40	40			40	26	04	40	14	40	40	:	294.0
06S	39E	30	:	40		40		40				40	05	04	37								:	207.0
TOTAL ACRES																				525.0				

POU County: CARIBOU

Other Rights: A29-00010, -00094A, -07391, 24 MILE CREEK CANAL CO.

Other Water Rights with Same Point(s) of Diversion with Stage (Includes All Sources):
A29-00010 A29-07391

Other Water Rights Listing Overlapping Place(s) of Use:
A29-00010 A29-00013 A29-00015 A29-00018 A29-00069 A29-00071 A29-00094 A29-00094B A29-02558 A29-07391

Remarks: GEN THIS CLAIM COMBINES DECREED RIGHTS 29-00013, 29-00015 & 29-00018
AS THEY NOW HAVE A COMMON POINT OF DIVERSION, AND DISTRIBUTION
SYSTEM.

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

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

Audit: 01/25/90 BAUMHOFF 08/01/94 THOMPSON 03/29/95 POST-STD

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: A29-10246

Date Received: 1-25-90

Receipt No: M005594

Received By: AB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ERMA M. BANKS 208-648-7856
Address: 3229 BANKS RD.
BANCROFT, ID 83217

2. Date of Priority: MAY 01, 1881 ✓

3. Source: PORTNEUF RIVER ✓ Trib. to: SNAKE RIVER ✓

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06S ✓	39E ✓	19 ✓	SW	SE	SW		CARIBOU

5. Description of diverting works:
150HP PUMP, MAINLINE HAND & WHEEL LINES AND FLOOD IRRIGATION

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	09/15 ✓	1.310		

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

8. Total consumptive use is 1312.5 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	38E	24	NE	NE		IRR	4.0
			SE	NE		IRR	20.0
Section Acres							24.0

A29-10246

Page 1

Date: 01/25/90

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NOV 16 1992

A2910246



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06S	39E	19	NE	NW		IRR	5.0
			NW	NW		IRR	5.0
			SW	NW		IRR	40.0
			SE	NW		IRR	40.0
			NE	SW		IRR	40.0
			NW	SW		IRR	26.0
			SW	SW		IRR	4.0
			SE	SW		IRR	40.0
			NW	SE		IRR	14.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 294.0

30	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
9.28	NE	NW	IRR	40.0
	NW	NW	IRR	5.0
	SW	NW	IRR	4.5
15.4 AC	SE	NW	IRR	37.5

Section Acres 207.0

Total Acres 525.0

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:

A29-00010, -00094A, -07391, 24 MULE CREEK CANAL CO.

14. Remarks:

THIS CLAIM COMBINES DECREED RIGHTS 29-00013, 29-00015 & 29-00018 AS THEY NOW HAVE A COMMON POINT OF DIVERSION, AND DISTRIBUTION SYSTEM.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

UNION GRAIN & ELEVATOR CO.

Decree Plaintiff

MC CAMMON DITCH CO., ET. AL.

Decree Defendant

A29-10246

Page

Date: 01/25/90

MICROFILMED

NOV 16 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ 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 Erma M. Banks Date: 1-25-90
_____ Date: _____

State of Idaho)
County of Caribou) SS.

Subscribed and sworn (or affirmed) before me this 25th day
of January 1990

Anna Baumhoff
Notary Public

Seal

Residing at Anna Baumhoff, Notary Public
Residing at Boise, Idaho
My Commission Expires December 7, 1994

१००-१२५

38f 39f