

04/29/2003

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

RIGHT NUMBER: 29-13556

NAME AND ADDRESS: C V CATTLE INC
3124 NIPPER ROAD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 0.700 CFS

USE OF THIS RIGHT WITH RIGHT NO. 29-124 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 2.68 CFS.

PRIORITY DATE: 04/01/1970

THIS WATER RIGHT IS SUBORDINATE TO ALL WATER RIGHTS WITH A PRIORITY
DATE EARLIER THAN APRIL 12, 1994, THAT ARE NOT DECREED AS
ENLARGEMENTS PURSUANT TO SECTION 42-1426, IDAHO CODE. AS BETWEEN
WATER RIGHTS DECREED AS ENLARGEMENTS PURSUANT TO SECTION 42-1426,
IDAHO CODE, THE EARLIER PRIORITY RIGHT IS THE SUPERIOR RIGHT.

POINT OF DIVERSION:

T06S R38E S35 NWNESE Within CARIBOU County Source: TOPONCE CREEK

T06S R38E S36 SESW Within CARIBOU County Source: TOPONCE CREEK

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.700 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T06S R38E S35	NESE	7.0	T06S R38E S35	SESE	22.0
T06S R38E S36	NESW	0.1	T06S R38E S36	NWSW	13.0
T06S R38E S36	SWSW	40.0	T06S R38E S36	SESW	40.0
T06S R38E S36	SWSE	40.0	T06S R38E S36 Lot 20 SESE		7.4

169.5 ACRES TOTAL

USE OF THIS RIGHT WITH RIGHT NO. 29-124 IS LIMITED TO THE IRRIGATION
OF A COMBINED TOTAL OF 169.5 ACRES 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.

THIS RIGHT IS BASED UPON AN ENLARGEMENT OF RIGHT NO. 29-124
PURSUANT TO SECTION 42-1426, IDAHO CODE.

EXPLANATORY MATERIAL: Beneficial Use

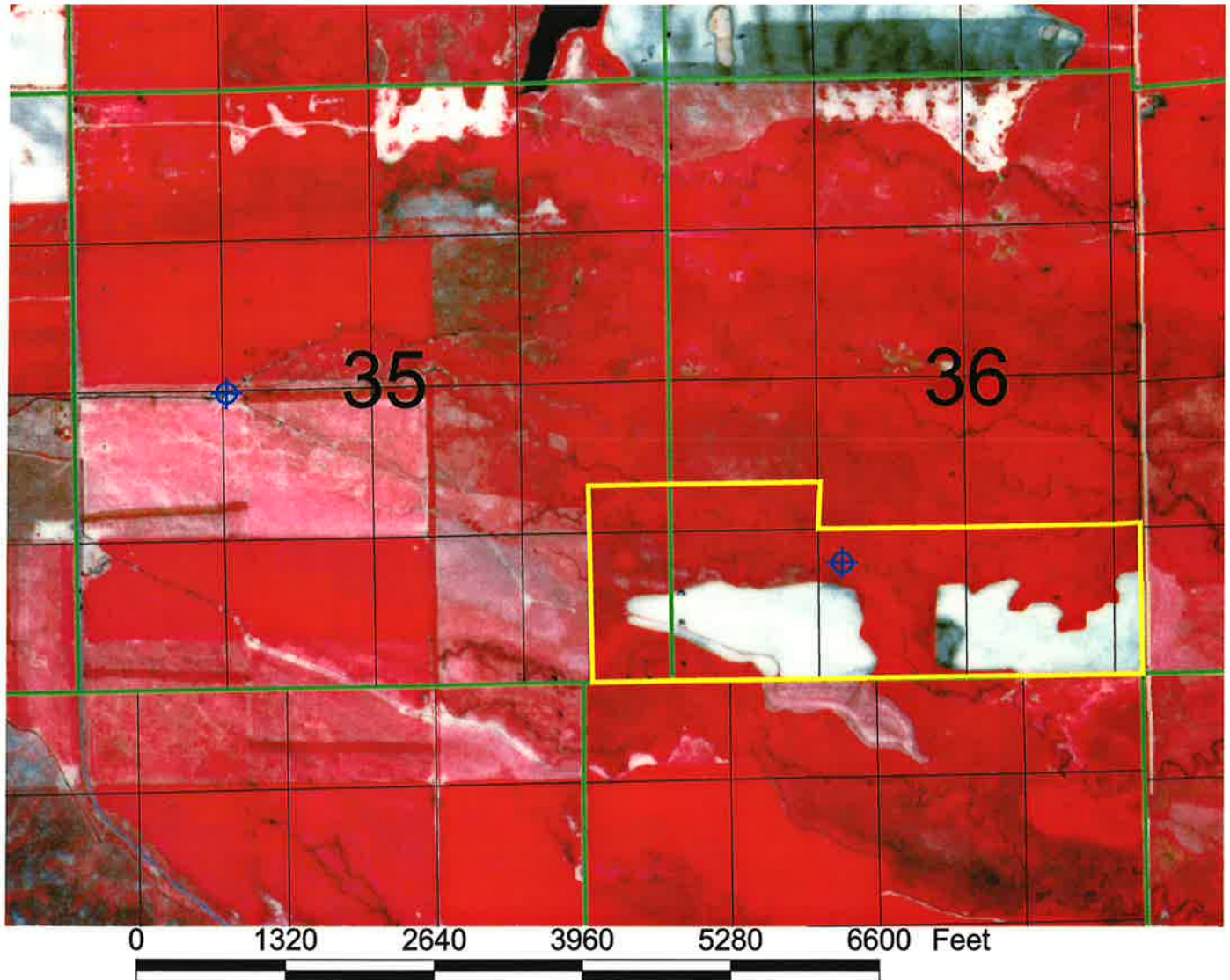
THIS RIGHT IS FOR AN ENLARGEMENT OF 35.5 ACRES WITHIN THE PLACE
OF USE DESCRIBED FOR THIS RIGHT.



Department of Water Resources

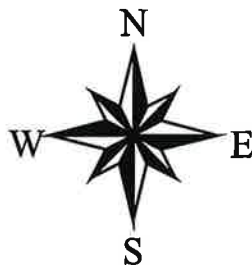
Claim Nos: 29-124
29-13556

Twp 06S Rge 38E



Irrigated Acres = 169.5

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



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepare by: E. Carlsen
Date: April 2003

PUBLIC NOTICE

First Time Published

**NOTICE OF
ENLARGEMENT OF
WATER RIGHT**

The following claims to water rights have been filed in the Snake River Basin Adjudication as enlargements to existing water rights under Idaho Code §42-1426. Note that the places of use in Caribou County are shown to the nearest section--more specific locations are available upon request.

Water Right 29-10065

NAME & ADDRESS: NORMAN W. & WANDA J. FRANK,
835 West 100 South, Blackfoot, ID 83221

SOURCE: PORTNEUF RIVER
TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 04/01/1974
POINT OF DIVERSION: T06S,
R39E, S19, SWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T06S, R39E,
S29, SWNW, NWSW, S30, SENE,
NESE

This right is for an enlargement of 56.0 acres within the total 133.0 acres recommended.

Water Right: 29-10171

NAME & ADDRESS: DON C & VIRGINIA E. RIGBY, P.O. BOX 187, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T08S,
R40E, S16, SENWSE, S21,
NENESE

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E,
S27, SWNW, NWSW, SWSW,
S28, NENE, SENE, NESE, SESE

This right is for an enlargement of 280.0 acres within the total 280.0 acres recommended.

Water Right: 29-10176

NAME & ADDRESS: DEAN SMITH, 826 WOOD ROAD, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T07S,
R39E, S09, SESWSW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T07S, R39E,
S09, SWNE, SENE, SENW

This right is for an enlargement of 100.0 acres within the total 100.0 acres recommended.

Water Right: 29-10247

NAME & ADDRESS: MAX D. & BONNIE K. RIGBY, P.O. BOX 12, BANCROFT, ID 83217

SOURCE: GROUNDWATER
PRIORITY DATE: 04-01-1987
POINT OF DIVERSION: T08S, R39E, 16, SENESW

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R39E,
16, NWNW, SWNW, SENW,
NESW, NWSW

This right is for an enlargement of 12.0 acres within the total 107.0 acres recommended.

Water Right: 29-10310

NAME & ADDRESS: JON L. JONSSON, 2040 IVINS ROAD, BANCROFT, ID 83217

SOURCE: TEN MILE SPRING
TRIBUTARY: SINKS
PRIORITY DATE: 04/01/1980
POINT OF DIVERSION: T08S,
R40E, S22

PURPOSE OF USE: IRRIGATION

PLACE OF USE: T08S, R40E,
S22, NESW, NWSW, SWSW,
SESW, NWSE, SWSE

This right is for an enlargement of 200.0 acres within the total 240.0 acres recommended.

**Affidavit of
Publication**

County of Caribou } ss.
State of Idaho }

Mark Steele

being first duly sworn on his oath, states:

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

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

two

successive weekly issues thereof, the date of the first publication being the

18th day of

December, 2003

The date of the last publication

being the 25th day of

December, 2003

On this 30th day of December

in the year of 2003, before me, a Notary Public, personally appeared

[Signature]

known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

[Signature]

Notary Public for Idaho
Residing at Soda Springs, Idaho
My commission expires:

March 11, 2006



Water Right: 29-13396

NAME & ADDRESS:
WILLIAM JEAN & MARY
ARLENE TREASURE, 2888
CHESTERFIELD ROAD, BANCROFT, ID 83217

SOURCE: TWENTY FOUR
MILE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/15/1975

POINT OF DIVERSION:
T06S, R39E, S33, NWNWSE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R39E,
S33, NWNW, SWNW, NESW,
NWSW, SESW

This right is for an enlargement
of 91.0 acres within the total 131.0
acres recommended.

Water Right: 29-13408

NAME & ADDRESS: ALAN
& ADA K. SMITH, 2620 KELLY
TOPONCE ROAD, BANCROFT,
ID 83217

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION: T07S,

R38E, S24, SWSWNE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T07S, R38E,
S23, SWNE, SENE, NESE,
NWSE, S24, SWNW, SENW,
NESW, NWSW

This right is for an enlargement
of 145.0 acres within the total
297.0 acres recommended.

Water Right: 29-13421

NAME & ADDRESS: STOD-
DARD FARMS OF GRACE, 2004
TWO MILE ROAD, GRACE, ID
83241

SOURCE: GROUNDWATER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION: T09S,
R39E, S14, NENE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T09S, R39E,
S11, NENW, NWNW, SWNW,
SESW, SWSW, SESE, SWSE,
SESE, S14, NENE, NWNE,
NENW, NWNW

This right is for an enlargement
of 23.0 acres within the total 330.0
acres recommended.

Water Right: 29-13428

NAME & ADDRESS: CRAN-
DALL FARMS, INC., 2919
HANSEN ROAD, BANCROFT,
ID 83217

SOURCE: TWENTY FOUR
MILE CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1987

POINT OF DIVERSION:
T06S, R39E, S33, SWSW, T07S,
R39E, S04, LOT 4(SWNW), S05,
SESWSE, S08, NESWNE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R39E,
S33, SWSW, T07S, R39E, S03,
NWSW, S04, LOT 2(SWNE), LOT
2(SENE), LOT 3(SENW), NESW,
NWSW, NESE, NWSE, S05,
NESE, NWSE, SWSE, S08,
NWNE, SWNE, NENW, SENW

This right is for an enlargement
of 223.5 acres within the total
572.0 acres recommended.

Water Right: 29-13429

NAME & ADDRESS: CRAN-
DALL FARMS, INC., 2919
HANSEN ROAD, BANCROFT,
ID 83217

SOURCE: PORTNEUF RIVER

TRIBUTARY: SNAKE RIVER

PRIORITY DATE: 04/01/1974

POINT OF DIVERSION:
T06S, R39E, S31, NWSE, T07S,
R39E, S05, LOT 4(NWNW)

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R39E,
S31, NESE, NWSE, SWSE, SESE,
S32, NWNE, SWNE, NWSE,

SWSE, NENW, NWNW, SWNW,
SESW, NESW, NWSW, SWSW,
SESW, S33, SWSW, T07S, R39E,
S03, NWSW, S04, LOT 2(SWNE),
LOT 1(SENE), LOT 4(SWNW),
LOT 3(SENW), NESW, NWSW,
NESE, NWSE, S05, LOT
2(SWNE), LOT 1(SENE), LOT
4(SWNW), LOT 3(SENW),
NESW, NWSW, SWSW, SESW,
NESE, NWSE, SWSE, S08,
NENW, NWNW, SENW

This right is for an enlargement
of 373.0 acres within the total
1400.7 acres recommended.

Water Right: 29-13482

NAME & ADDRESS: WAYNE
C. PERKINS, 13825 NORTH 7TH
STREET, STE. M, PHOENIX, AZ
85022

SOURCE: TOPONCE CREEK
TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/15/1946

POINT OF DIVERSION:
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R38E,
S26, NESW, SESW

This right is for an enlargement
of 9.0 acres within the total 60.0
acres recommended.

Water Right: 29-13499

NAME & ADDRESS: C V
CATTLE INC., 3124 NIPPER
ROAD, BANCROFT, ID 83217

SOURCE: TOPONCE CREEK
TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1975

POINT OF DIVERSION:
T06S, R38E, S33, SWSESE

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R38E,
S25, NWNW, SWNW, NESW,
NWSW, SWSW, SESW, LOT
19(NESE), NWSE, SWSE, LOT
20(SESE), S26, NENE, SENE,
NESE, SESE

This right is for an enlargement
of 202.5 acres within the total
437.5 acres recommended.

Water Right: 29-13532

NAME & ADDRESS: C V
RANCHES, 3124 NIPPER ROAD,

BANCROFT, ID 83217

SOURCE: PORTNEUF RIVER
TRIBUTARY: SNAKE RIVER
PRIORITY DATE: 04/01/1975
POINT OF DIVERSION: T06S,
R39E, S30, LOT 2(NESWNW)
PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R38E,
S25, LOT 3(NESE), NWSE, LOT
4(SESE), S36, LOT 1(NENE),
LOT 2(SENE), R39E, S30, NESW,
LOT 3(NWSW), LOT 4(SWSW),
SESW, NWSE, SWSE, S31,
NENE, NWNE, SWNE, SENE,
NENW, LOT 1(NWNW), LOT
2(SWNW), SENW, NESW, LOT
3(NWSW), NESE, NWSE

This right is for an enlargement
of 545.3 acres within the total
759.7 acres recommended.

Water Right: 29-13556

NAME & ADDRESS: C V
CATTLE, INC., 3124 NIPPER
ROAD, BANCROFT, ID 83217
SOURCE: TOPONCE CREEK
TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 04/01/1970
POINT OF DIVERSION: T06S,
R38E, S35, NWNESW, S36,
SESW

PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T06S, R38E,
S35, NESE, SESE, S36, NESW,
NWSW, SWSW, SESW, SWSE,
LOT 20(SESE)

This right is for an enlargement
of 35.5 acres within the total 169.5
acres recommended.

Water Right: 29-13621

NAME & ADDRESS: LARRY
& LANA NAEF, 5513 EAST OLD
OREGON TRAIL ROAD, LAVA
HOT SPRINGS, ID 83246

SOURCE: WEST BOB SMITH
CREEK

TRIBUTARY: PORTNEUF
RIVER

PRIORITY DATE: 07/15/1976
POINT OF DIVERSION: T09S,
R37E, S15, SENENW, SESENW
PURPOSE OF USE: IRRIGA-
TION

PLACE OF USE: T09S, R37E,
S22, NENE, NENW

This right is for an enlargement
of 2.0 acres within the total 6.2
acres recommended.

The water rights will be subject
to all prior water rights. Those
asserting injury from the enlarge-
ments may file petitions with the
Director, Idaho Department of
Water Resources, Eastern Region,
900 North Skyline Drive, Ste. A,
Idaho Falls, ID 83402-3653 on or
before March 25, 2004.

Published Dec. 18 and 25, 2003
in the Caribou County Sun.

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

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

Ident. Number 29-13556
Date Received: 4/28/2003
Receipt No:
Received By:

A2913556



**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

C V CATTLE INC Phone:

3124 NIPPER ROAD
BANCROFT ID USA 83217

2. Date of Priority: 04/01/1970

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
06S	38E	36	NW SE SW	CARIBOU	
06S	38E	35	NW NE SW	CARIBOU	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	0.7	

7. Total Quantity Appropriated is:
0.7 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
06S	38E	35	NE SE	IRRIGATION	7
			SE SE	IRRIGATION	22

					Section Acres	29
06S	38E	36	NE	SW	IRRIGATION	0.1
			NW	SW	IRRIGATION	13
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	7.4
				20		
					Section Acres	140.5
					Total Acres	169.5

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:

THIS CLAIM IS AN ENLARGEMENT OF 29-124.

15. Basis of Claim: Beneficial Use

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.

