

01/31/2003

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

RIGHT NUMBER: 29-13361

NAME AND ADDRESS: DARWIN CALDWELL
2844 KELLY TOPONCE RD
BANCROFT ID 83217

ELOISE CALDWELL
2844 KELLY TOPONCE RD
BANCROFT ID 83217

SOURCE: TOPONCE CREEK

TRIBUTARY: PORTNEUF RIVER

QUANTITY: 1.630 CFS

PRIORITY DATE: 07/06/1868

POINT OF DIVERSION:

T06S R38E S34 NWNESE Within CARIBOU County

T06S R38E S34 NWNWSE Within CARIBOU County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 09/15	1.630 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S01	NESW	40.0	T07S R38E S01	NWSW	40.0
T07S R38E S01	SWSW	40.0	T07S R38E S01	SESW	40.0
T07S R38E S01	SWSE	40.0	T07S R38E S01 Lot 7	SESE	31.0
T07S R38E S02	SWSE	13.0	T07S R38E S11	NENE	38.0
T07S R38E S11	NWNE	27.0	T07S R38E S12	NWNE	40.0
T07S R38E S12	NENW	40.0	T07S R38E S12	NWNW	40.0

429 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 82 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.

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

05/06/2003

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

RIGHT NUMBER: 29-13361
NAME AND ADDRESS: DARWIN CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

ELOISE CALDWELL
15629 N 16TH DR
PHOENIX AZ 85023

SOURCE: TOPONCE CREEK TRIBUTARY: PORTNEUF RIVER
QUANTITY: 1.630 CFS
PRIORITY DATE: 07/06/1868
POINT OF DIVERSION:

T06S R38E S34 NWNSE Within CARIBOU County Source: TOPONCE CREEK
T06S R38E S34 NWNWSE 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	04/15 09/15	1.630 CFS

PLACE OF USE: IRRIGATION Within CARIBOU County

T07S R38E S01	NESW	40.0	T07S R38E S01	NWSW	40.0
T07S R38E S01	SWSW	40.0	T07S R38E S01	SESW	40.0
T07S R38E S01	SWSE	40.0	T07S R38E S01 Lot 7	SESE	31.0
T07S R38E S02	SWSE	19.0	T07S R38E S11	NENE	38.0
T07S R38E S11	NWNE	36.0	T07S R38E S11	SENE	33.0
T07S R38E S12	NWNE	40.0	T07S R38E S12	NENW	40.0
T07S R38E S12	NWNW	40.0	T07S R38E S12	SWNW	40.0

517 ACRES TOTAL

THIS RIGHT IS LIMITED TO THE IRRIGATION OF 82 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
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Code.

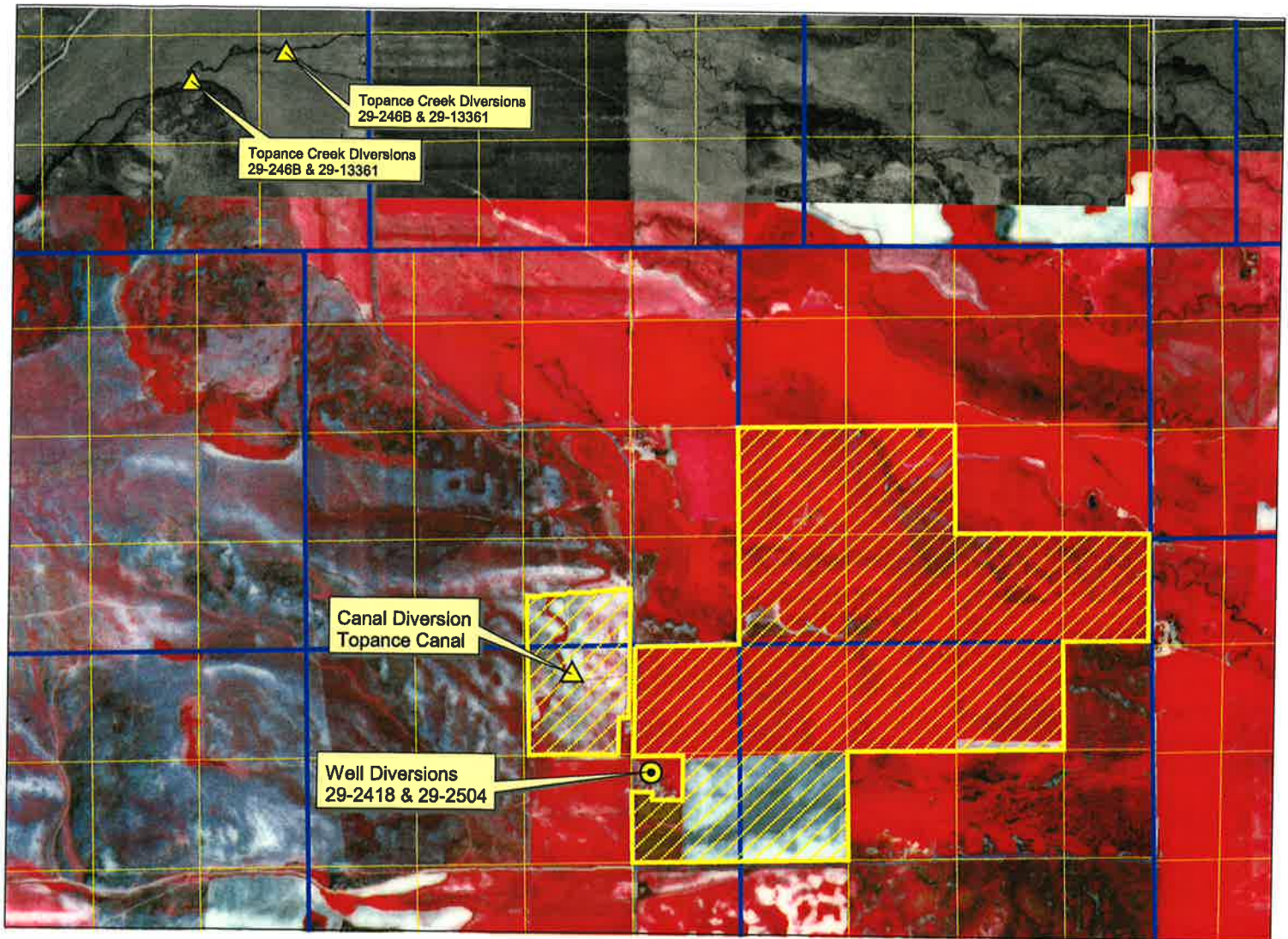
EXPLANATORY MATERIAL: Decreed

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.



**State of Idaho
Department of Water Resources
Eastern Region
Claim No.: 29-246B, 29-2418,
29-2504, 29-13361**



0.6 0 0.6 1.2 Miles

Irrigated Acres = 516

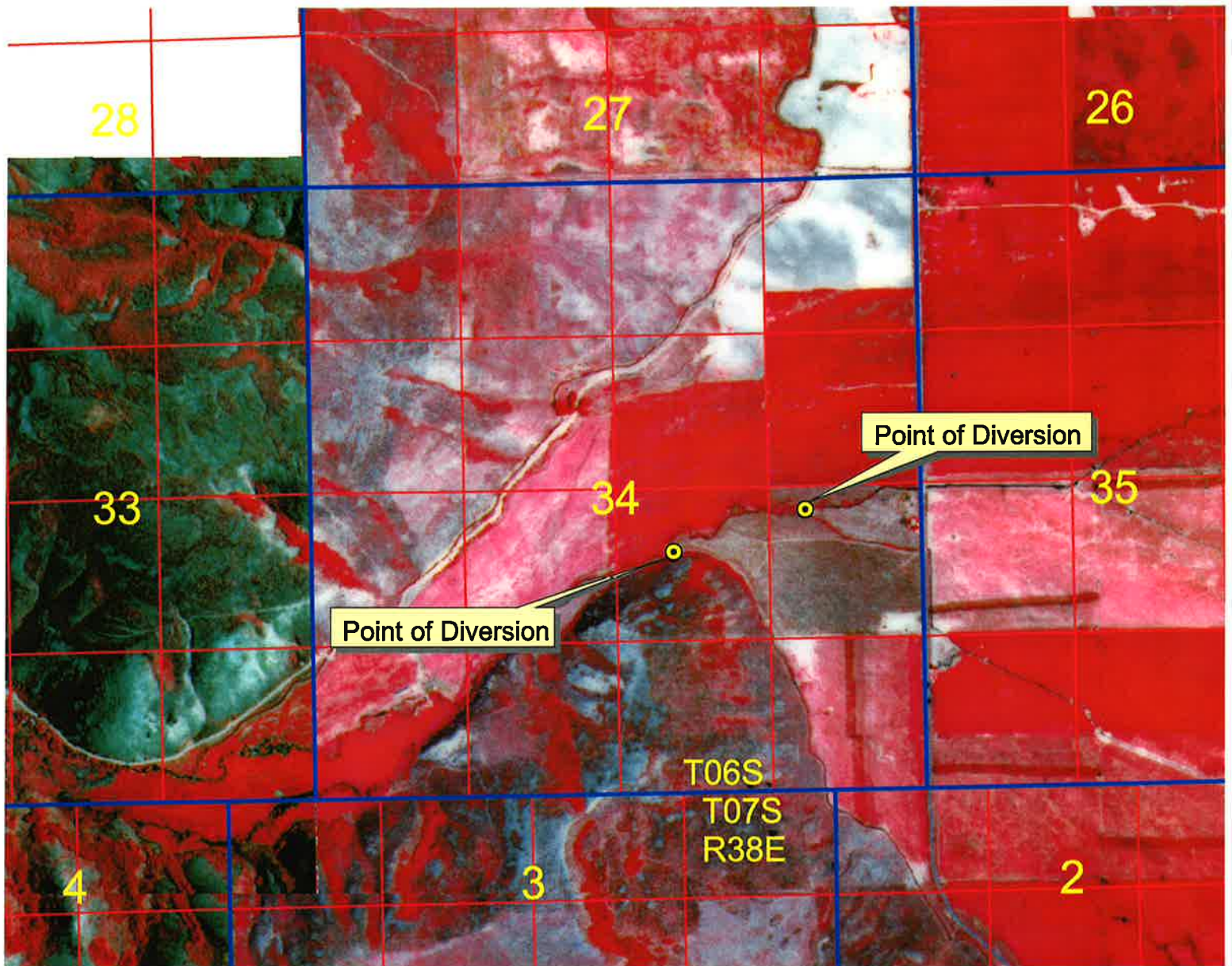


- 29-246b diversions.shp
- 29-2418.shp
- Well.shp
- Sections
- QQ

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



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-13361



0.5 0 0.5 1 Miles

1:16000

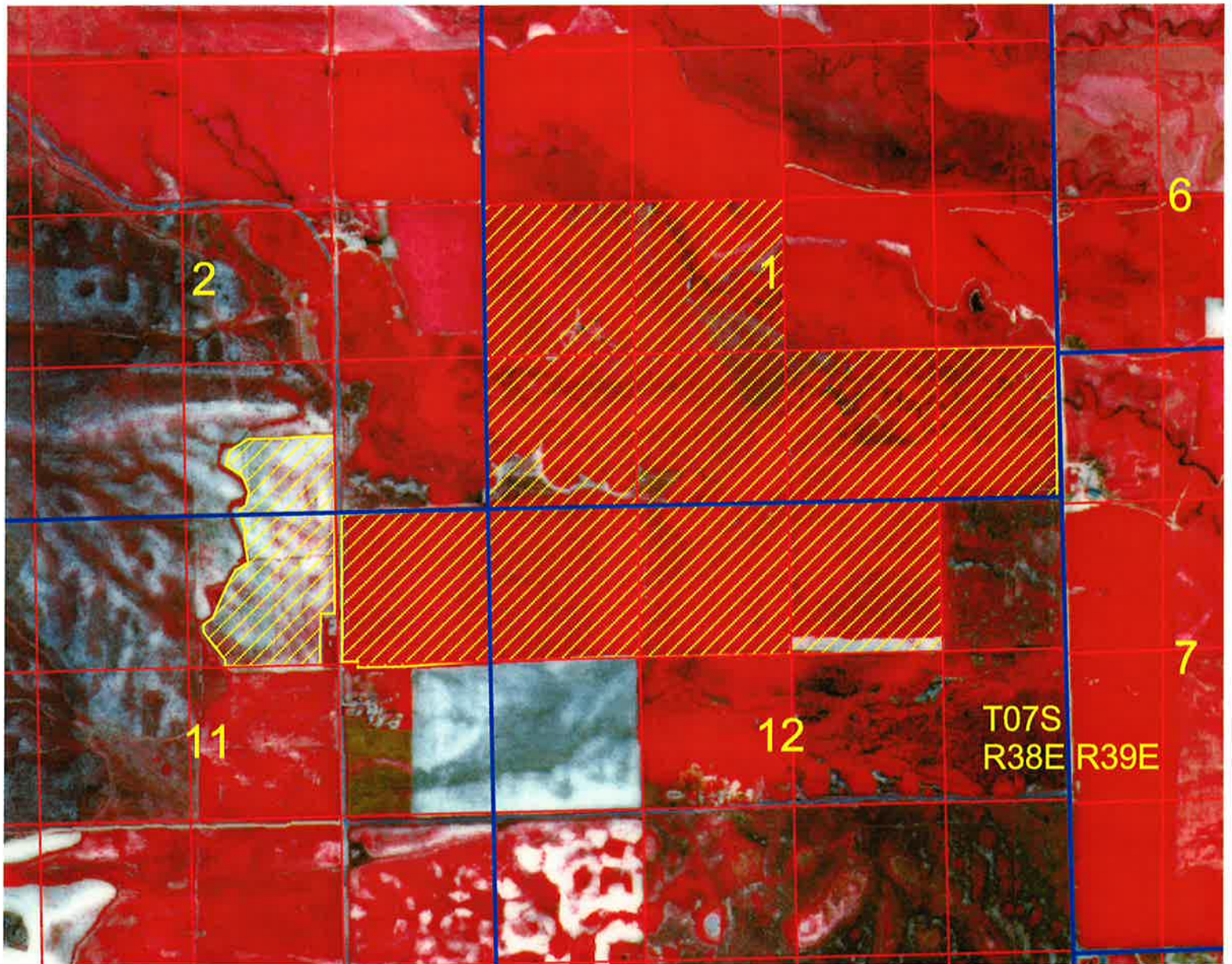


- ⊙ Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: January 2003



State of Idaho
Department of Water Resources
Eastern Region
Water Right 29-13361



0.5 0 0.5 1 Miles

1:16000



- ⊙ Point(s) of Diversion
- ▨ Place of Use
- ▭ Section Lines
- ▭ Quarter Quarter Lines

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: P. Meyer
Date: January 2003

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 29-13361
Date Received: 6/20/2002
Receipt No:
Received By:

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

1. Name of Claimant(s)

DARWIN CALDWELL Phone: (208)942-0804

2844 KELLY TOPONCE RD
BANCROFT ID USA 83217

ELOISE CALDWELL Phone: (208)942-0804

2844 KELLY TOPONCE RD
BANCROFT ID USA 83217

2913361



2. Date of Priority: 07/06/1868

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	34	NW	NE	SE	CARIBOU	
06S	38E	34	SW	NW	SE	CARIBOU	

5. Description of diverting works:

DITCH FROM TOPONCE, HEADGATE AND PUMPS, PIPELINES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	10/31	1.63	
STOCKWATER	05/30	11/01	0.05	

7. Total Quantity Appropriated is:
1.63 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
07S	38E	1	NE	SW		IRRIGATION	38
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	35
			SE	SW		IRRIGATION	35
			SW	SE		IRRIGATION	30
			SE	SE		IRRIGATION	27
07S	38E	2	SW	SE	IRRIGATION	12	
						Section Acres	12
07S	38E	11	NE	NE		IRRIGATION	39
			NW	NE		IRRIGATION	31
			SE	NE		IRRIGATION	36
						Section Acres	106
07S	38E	12	NW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	39
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	37
						Section Acres	156
					Total Acres	479	

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:

COMBINES WATER RIGHTS 29-245 & 29-246A

STOCKWATER, 200 CATTLE, HORSES

OTHER WATER RIGHTS USED: 29-246B, 29-2418, 29-2504 & TOPONCE CANAL CO.

15. Basis of Claim: Decreed

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): _____ Date: _____

_____ Date:

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this
of _____ 20____

Notary Public

Residing at _____

My commission Expires _____