

2005

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 29-10121, 29-10122)
29-10123, 29-10124, 29-10125)
and 29-13483)

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-29-12

WHEREAS, a drought emergency has been declared for CARIBOU County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on May 25, 2005, KING CREEK GRAZING ASSOC. submitted the attached Temporary Change Application TC-29- to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 29-13483
29-10121, 29-10122, 29-10123, 29-10124, 29-10125 is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

ORDER AUTHORIZING
TEMPORARY CHANGE

TC-29-12

5. Right(s) 29-10121/10122/10123/10124/10125/13483 are limited to the irrigation of a total of 648 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant is subject to all conditions and limitations listed on the application under the section titled "ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES"
10. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
11. The Water master of Water District No. 29 is authorized to administer the temporary change approval.
12. This Temporary change approval expires on October 31, 2005 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval.

DATED this 27th day of May, 2005.


Ronald D. Carlson
Eastern Regional Manager

Form 42-222A
12/99

Ident. No.

TC-29-12

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

435-279-4420
1-435-872-8292 = Tim

Name of Applicant

King Creek Grazing Assn.

Phone

208-648-0861 = Randy

Post Office Address

2924 Kelly Toponce Road Bancroft ID 83217

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☐ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof

Use Existing Gravity
flow Pipe line for increased efficiency of water**B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE**

Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
29-10121	7-06-1868	3.54 cfs	Irr.	04-01-05 to 10-31-05
29-10122	7-06-1868	2.00 cfs	Irr.	04-01-05 to 10-31-05
29-10124	4-15-1885	.90 cfs	Irr.	4-15-05 to 07-01-05
29-10125	6-17-1902	2.28 cfs	Irr.	4-15-05 to 07-15-05
29-13483	4-15-1886	.22 cfs	Irr.	04-15-05 to 07-01-05
29-10123	6-17-1902	1.80	IRR	4/15 to 7/1

2. Total amount of water being transferred 8.94 10.14 cubic feet per second and/or — acre-feet per annum.

3. Source of water Toponce Creek tributary to Portneuf River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
		SW	SE	NW	35	06S	38E	CARIBOU	King Creek Pipe
		NW	NE	SE	34	06S	38E	"	" " "
		NW	NE	SW	35	06S	38E	"	" " "
		SW	SE	SE	33	06S	38E	"	King Creek Pipe

5. Lands irrigated or place of use:

Twp Rge Sec	NE				NW				SW				SE				Totals
07S 38E 1	21.0	26.0	40.0	32.0	26.0	27.0	40.0	40.0					32.0	40.0			324.0
	L1	L2		L5		L3	L4						L6				
07S 39E 6									28.0					40.0	35.0		103.0
									L5								
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0			24.0					218.0
					L1			L2	L3			L4					

Total Acres: 648

TC-29-12

6. General Information:

- a. Who owns the water right to be changed? King Creek Grazing Ass.
- b. Describe the arrangement allowing use of the right Purchased farm and water right, need to put water in existing pipe line
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
Produce crops, grow grass for cattle
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. Down a open ditch
- e. Absent the changes, how would the right be used for the remainder of the year? In a ditch which, loss of water occurs due to absorption and evaporation then pumped
- f. Describe other water rights used for the same purpose. no other rights
- g. Remarks: Will need to get water on grass & crops soon as possible

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Jim D. Munoz - President
(Signature of applicant)
435-872-8292 or 435-279-4420

FOR DEPARTMENT USE ONLY

Received by KCW Date 5/19/05 Fee 50⁰⁰

Received KCW 5/26/04 # E030917 Recommend: approve deny

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-29-12

And said application is hereby Approved subject to the following limitations and conditions:

Witness my hand this 27th day of May, 2005:

[Signature]
For the Director

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10121

WATER RIGHT NUMBER: 29-10121

Owner Type Name and Address
 Current Owner KING CREEK GRAZING ASSN
 C/O WILDER HATCH, PRESIDENT
 2787 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 07/06/1868

Basis: Decreed

Status: Active

Source Tributary
 TOPONCE CREEK PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	3.536 CFS	619.50 AF
	<u>Total Diversion:</u>	3.536 CFS	619.50 AF

Location of Point(s) of Diversion

TOPONCE CREEK	SW1/4SE1/4NW1/4	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	NW1/4NE1/4SW1/4	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 38E 1	21.0	26.0	40.0	32.0	26.0	27.0	40.0	40.0					32.0	40.0			324.0
	L 1	L 2		L 5	L 3	L 4							L 6				

Total Acres: 324

Conditions of Approval:

1. P29 THIS RIGHT IS A COMBINATION OF PART OF THE OLD RIGHT NOS.29-1, 29-2 AND 29-3; AND ALL OF RIGHTS 29-241 AND 29-242.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 177 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. 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.

Comments:

1. cfritsch 4/14/2004 Data Entry Added div. volume as required by T1560 at 3.5 AF/ac for total of 619.5 AF. Updated explanatory material.
2. cfritsch 4/14/2004 Update Shapes from Version 1 updated in SDE for PODs and POU.

Dates and Other Information:

Decreed Date: 7/30/2004
 State or Federal: S
 Water District Number: 29
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10122

WATER RIGHT NUMBER: 29-10122

Owner Type Name and Address
 Current Owner KING CREEK GRAZING ASSN
 C/O WILDER HATCH, PRESIDENT
 2787 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 07/06/1868

Basis: Decreed

Status: Active

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	04/01 to 10/31	2.000 CFS	350.00 AF
	<u>Total Diversion:</u>	2.000 CFS	350.00 AF

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									28.0						40.0	35.0	103.0
									L 5								
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0			24.0					218.0
					L 1			L 2	L 3			L 4					

Total Acres: 321

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 100 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. P29 THIS RIGHT IS A COMBINATION OF A PORTION OF OLD RIGHT NOS. 29-1, 29-2 AND 29-3 RESULTING FROM TRANSFER NO. 1560.
3. 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.
4. E56 USE OF 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.
5. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.

Comments:

1. cfritsch 4/14/2004 Updated Shapes from Version 1 updated in SDE for PODs and POU.
2. cfritsch 4/14/2004 Updated Data Entry Added div. Vol. by T1560 at 3.5 AF/ac for a total of 350 AF. Updated or deleted various remarks to be consistent with draft SF5s.

Dates and Other Information:

Decreed Date: 7/30/2004
 State or Federal: S
 Owner Name Connector:
 Water District Number: 29
 Civil Case Number: 39576
 Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10123

WATER RIGHT NUMBER: 29-10123

Owner Type Name and Address
 Current Owner KING CREEK GRAZING ASSN
 C/O WILDER HATCH, PRESIDENT
 2787 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

Source Tributary
 TOPONCE CREEK PORTNEUF RIVER

Beneficial Use From To Diversion Rate Annual Volume
 IRRIGATION 04/15 to 07/01 1.800 CFS

Total Diversion: 1.800 CFS

Location of Point(s) of Diversion

TOPONCE CREEK SW1/4SE1/4NW1/4 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 NW1/4NE1/4SW1/4 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									28.0						40.0	35.0	103.0
									L 5								
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0			24.0					218.0
					L 1			L 2	L 3			L 4					

Total Acres: 321

Conditions of Approval:

1. E56 USE OF 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.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 90 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
4. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-116, 29-117, 29-118 AND 29-120.

Comments:

1. cfritsch 4/14/2004 Updated Data Entry
 Comment: Updated or deleted various remarks to be consistent with draft SF5s.
2. cfritsch 4/14/2004 Updated SDE
 Comment: Shapes from Version 1 updated in SDE for PODs and POU.

Dates and Other Information:

Decreed Date: 7/30/2004
 State or Federal: S
 Water District Number: 29

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10124

WATER RIGHT NUMBER: 29-10124

<u>Owner Type</u>	<u>Name and Address</u>
Directors Report Owner	THE THELMA REDFORD SPOUSAL TRUST 2882 NIPPER RD BANCROFT, ID 83217 (208)648-7762

Priority Date: 04/15/1885

Basis: Decreed

Status: Active

Source

TOPONCE CREEK

Tributary

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	

Total Diversion: 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									28.0						40.0	35.0	103.0
									L 5								
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0				24.0				218.0
					L 1			L 2	L 3				L 4				

Total Acres: 321

Conditions of Approval:

1. E56 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.
2. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 45 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
3. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-113 AND 29-115.

Comments:

1. cfritsch 4/14/2004 Updated SDE
Comment: Shapes from Version 1 updated in SDE for PODs and POU.
2. cfritsch 4/14/2004 Updated Data Entry
Comment: Updated or deleted various remarks to be consistent with draft SF5s.

Dates and Other Information:

Decreed Date: 7/30/2004
State or Federal: S
Water District Number: 29
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-10125

WATER RIGHT NUMBER: 29-10125

Owner Type

Current Owner

Name and Address

KING CREEK GRAZING ASSN
C/O WILDER HATCH, PRESIDENT
2787 KELLY TOPONCE RD
BANCROFT, ID 83217

Priority Date: 06/17/1902

Basis: Decreed

Status: Active

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

2.280 CFS

Annual VolumeTotal Diversion: 2.280 CFSLocation of Point(s) of Diversion

TOPONCE CREEK	SW1/4SE1/4NW1/4	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	NW1/4NE1/4SW1/4	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									28.0				40.0	35.0			103.0
									L 5								
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0				24.0				218.0
					L 1			L 2	L 3				L 4				

Total Acres: 321

Conditions of Approval:

1. E56 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.
2. P29 THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 29-109 AND 29-119.
4. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 114 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
7. D03 This priority date is more accurately described as 6/17/1902 NOON

Comments:

1. cfritsch 4/14/2004 Updated SDE
Comment: Shapes from Version 1 updated in SDE for PODs and POU.
2. cfritsch 4/14/2004 Updated Data Entry
Comment: Updated or deleted various remarks to be consistent with draft SF5s.

Dates and Other Information:

Decreed Date: 7/30/2004
State or Federal: S
Water District Number: 29
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-13483

WATER RIGHT NUMBER: 29-13483

Owner Type Name and Address
 Current Owner KING CREEK GRAZING ASSN
 C/O WILDER HATCH, PRESIDENT
 2787 KELLY TOPONCE RD
 BANCROFT, ID 83217

Priority Date: 04/15/1886

Basis: Decreed

Status: Active

SourceTributary

TOPONCE CREEK

PORTNEUF RIVER

Beneficial UseFrom ToDiversion RateAnnual Volume

IRRIGATION

04/15 to 07/01

0.220 CFS

Total Diversion: 0.220 CFSLocation of Point(s) of Diversion

TOPONCE CREEK NW1/4NE1/4SE1/4 Sec. 34,Twp 06S,Rge 38E, B.M. CARIBOU County

TOPONCE CREEK NW1/4NE1/4SW1/4 Sec. 35,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										28.0					40.0	35.0	103.0
										L 5							
07S 39E 7	40.0	40.0	40.0		24.0			25.0	25.0				24.0				218.0
					L 1			L 2	L 3				L 4				

Total Acres: 321

Conditions of Approval:

1. K06 THIS RIGHT IS LIMITED TO THE IRRIGATION OF 11 ACRES WITHIN THE PLACE OF USE DESCRIBED ABOVE IN A SINGLE IRRIGATION SEASON.
2. P21 THIS RIGHT IS A SPLIT FROM FORMER RIGHT 29-114.
3. USE OF THE RIGHTS LISTED BELOW IS LIMITED TO TE IRRIGATION OF A COMBINED TOTAL OF 321 ACRES IN A SINGLE IRRIGATION SEASON. COMBINED RIGHT NOS.: 29-10122, 29-10123, 29-10124, 29-10125 AND 29-13483.

Comments:

1. cfritsch 4/14/2004 Updated Data Entry
Comment: Updated or deleted various remarks to be consistent with draft SF5s.
2. cfritsch 4/14/2004 Updated SDE
Comment: Shapes from Version 1 updated in SDE for PODs and POU

Dates and Other Information:

Decreed Date: 7/30/2004

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:Water Supply Bank:

intended only for the use of the individual(s) to whom it is addressed.

Tim Munns.
Box 670
Snowville, UT
~~84336~~
84336

3 pages including cover

TO: Roger Warner

1-208-525-7177

From: King Creek Grazing

% Tim Munns - 435-872-8292 : 279-4420

FAX 435-872-8413

Taxed copy of 42-222A with fee
created. Kew

Roger,

Thanks for your help, I know we are behind.
(late)
Tim

? please call

P.S. Did you get the paper on the transfer?

Called Friday
5-20-05
Got some sort of communication
system telling me to dial
the number. I could not get
through.
Kew

2-22-05

MIKE & EILEEN CHAMBERS
705 E. Toponce Canyon Road
Bancroft, Idaho
83217

IDAHO DEPT. OF WATER RESOURCES
900 N. Skyline Dr.
Suite A
Idaho Falls, Idaho
83402-1713

Attn: Ron Carlson

Re: 1868 Toponce Water
Specific Water Rights
Jim Andrus #2910331 (combines)
Thelma Redford Spousal Trust
#10121 and 10122 (split) W. of and
E. of Nipper Road

Dear Mr. Carlson,

We again are following up on our Formal Complaints dated 10-22-2003 and our neighbors Mr. Hatch dated 11-26-03 in reference to the above water rights which are being taken illegally through King Creeks Pipe.

We did a follow up in June of 2004 which we had certified with returns receipts and as to date have not heard anything other than they were allowed to use the water due to the drought situation.

We would appreciate hearing from you.

Sincerely


Mike Chambers

RECEIVED

FEB 25 2005

Department of Water Resources
Eastern District Office

SCANNED
MAY 26 2005

1-27-04

RECEIVED

DEC - 5 2003

Department of Water Resources

Jerry W. Hatch
850 West Elva
Idaho Falls, Idaho 83402

Department of Water Resources
1301 North Orchard Street
Box 83720
Boise, Idaho 83720-0098
Attn: Tim Luke

RECEIVED

FEB 25 2004

Department of Water Resources
Eastern Region

Dear Mr. Luke,

It is my understanding that the Redford and Andrus points of diversion on the Toponce Creek drainage has been changed from their authorized point to the pipeline that is used by King Creek Grazing.

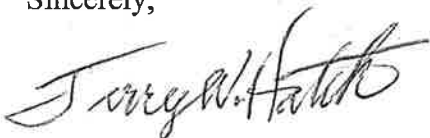
Please accept this letter as my objection to this change of point of diversion.

When I visited with the folks at the office here in Idaho Falls about this issue, they gave me the impression that it should not be a matter of great concern to me since if these points of diversion were to request a change it would be granted because my rights are junior to both of them.

The change in point of diversion could mean that even when the time comes that there is sufficient water for me to accept my right there will not be water in the creek because it will have been lost in the dry bed that is left since they have changed their point of diversion to the King Creek pipe. Since the pile line has been put in for King Creek Cattle there has been very little water in the creek at our point of diversion. Since Redford and Andrus have been renting the pipe from King Creek there has not been any water in the creek. The pipeline starts one half to three quarters of a mile upstream from my point of diversion. When there is water it will have to fill the dry bed before it will ever get to me. Because of this, it will certainly harm me when there is enough water for me to use if they are allowed to change their point of diversion..

Please also accept this letter in objection to allowing them to change the point of diversion legally at a later date.

Sincerely,



Jerry W. Hatch

SCANNED

DEC 20 2004

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Claim Report 29-10278

WATER RIGHT NUMBER: 29-10278

Owner Type Name and Address
 Current Owner MICHAEL E or EILEEN M CHAMBERS
 705 E TOPONCE CANYON RD
 BANCROFT, ID 83217
 (208)648-7347

Priority Date: 07/06/1868

Basis: Decreed

Status: Active

SourceTributary

TOPONCE CREEK

PORTNEUF RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/01 to 11/01	3.000 CFS	

Total Diversion: 3.000 CFSLocation of Point(s) of Diversion

TOPONCE CREEK SW1/4SE1/4 Sec. 33,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	
06S	38E	34	16.0		26.0	38.0											21.0		101.0

Total Acres: 101

Conditions of Approval:

1. SEE CLAIM A29-00107A FOR MAP. THIS CLAIM IS FOR A PORTION OF THE DECREED INDIAN WATER (29-00234, 29-00238, 29-00239, 29-00240). CHANGE IN OWNERSHIP 8-10-94 GJT REQUEST/JH/3-3-98 REQUEST/JH/12-22-98 REQUEST/JH/1-12-99

Dates and Other Information:

Claim Received Date: 1/31/1990
 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

Combined Use Limits:Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 29-12864

WATER RIGHT NUMBER: 29-12864

Owner Type Name and Address
 Current Owner MICHAEL E or EILEEN M CHAMBERS
 705 E TOPONCE CANYON RD
 BANCROFT, ID 83217
 (208)648-7347

Priority Date: 07/15/1907

Basis: Decreed

Status: Active

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

IRRIGATION

From To

04/15 to 09/15

Diversion Rate

0.280 CFS

Annual VolumeTotal Diversion: 0.280 CFSLocation of Point(s) of Diversion

TOPONCE CREEK SW1/4SE1/4

Sec. 33,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	
06S 38E 33															10.0	18.0	28.0
06S 38E 34	38.0	7.0	37.0	40.0				10.0	30.0	8.0	32.0	3.0	14.0				219.0
07S 38E 3						10.0											10.0
07S 38E 4	10.0	1.0				L 4											11.0
	L 1	L 1															

Total Acres: 268

Dates and Other Information:

Decreed Date: 3/22/2004

State or Federal: S

Owner Name Connector: OR

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:RateVolumeAcres

268

Combined Water Rights: 29-8047 , 29-12864 , 29-12863 , 29-86 , 29-107A ,
 29-13249

Water Supply Bank:

Water Right Report 29-12863

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL E or EILEEN M CHAMBERS 705 E TOPONCE CANYON RD BANCROFT, ID 83217 (208)648-7347

Status: Active

PORTNEUF RIVER

Total Diversion: 1.530 CFS

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	
06S	38E	33															10.0	18.0	28.0
06S	38E	34	38.0	7.0	37.0	40.0				10.0	30.0	8.0	32.0	3.0			14.0		219.0
07S	38E	3						10.0											10.0
								L 4											
07S	38E	4	10.0	1.0															11.0
			L 1	L 2															

Total Acres: 268

Conditions of Approval:

1. S35 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.

Dates and Other Information:

Decreed Date: 3/22/2004
State or Federal: S
Owner Name Connector: OR
Civil Case Number: 39576
Judicial District: FIFTH

Combined Use Limits:

<u>Rate</u>	<u>Volume</u>	<u>Acres</u>
		268

Combined Water Rights: 29-8047 , 29-12864 , 29-12863 , 29-86 , 29-107A , 29-13249

Water Supply Bank:

Water Right Report 29-86

MICHAEL E or EILEEN M CHAMBERS
705 E TOPONCE CANYON RD
BANCROFT, ID 83217
(208)648-7347

Status: Active

PORTNEUF RIVER

0.070 CFS

CARIBOU County

[illegible]

Conditions of Approval:

1. S35 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.
2. C03 RIGHT INCLUDES ACCOMPLISHED CHANGE IN POINT OF DIVERSION PURSUANT TO SECTION 42-1425, IDAHO CODE.
3. 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.

Judicial District: FIFTH

Combined Water Rights: 29-8047 , 29-12864 , 29-12863 , 29-86 , 29-107A , 29-13249

Water Supply Bank:

Water Right Report 29-13249

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	MICHAEL E or EILEEN M CHAMBERS 705 E TOPONCE CANYON RD BANCROFT, ID 83217 (208)648-7347

Status: Active

PORTNEUF RIVER

Total Diversion: 2.480 CFS

TOPONCE CREEK NW1/4SW1/4SE1/4 Sec. 33, Twp 06S, Rge 38E, B.M. CARIBOU County

[illegible]

Water Supply Bank:

IDAHO DEPARTMENT OF WATER RESOURCES

Adjudication Recommendation Report 29-13316 V1

WATER RIGHT NUMBER: 29-13316 V1

Owner Type Name and Address
 Current Owner MICHAEL E or EILEEN M CHAMBERS
 705 E TOPONCE CANYON RD
 BANCROFT, ID 83217
 (208)648-7347

Priority Date: 10/21/1944

Basis: Beneficial Use

Status: Active

Source

TOPONCE CREEK

Tributary

PORTNEUF RIVER

Beneficial Use

STOCKWATER

From To

01/01 to 12/31

Diversion Rate

0.040 CFS

Annual VolumeTotal Diversion: 0.040 CFSLocation of Point(s) of Diversion

TOPONCE CREEK SW1/4SE1/4 Sec. 33, Twp 06S, Rge 38E, B.M. CARIBOU County (Beginning of Reach)

TOPONCE CREEK SE1/4SE1/4 Sec. 33, Twp 06S, Rge 38E, B.M. CARIBOU County (Ending of Reach)

Place of Use

STOCKWATER

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
06S	38E	33															X	X	

Conditions of Approval:

1. N11 THE QUANTITY OF WATER DECREED FOR THIS WATER RIGHT IS NOT A DETERMINATION OF HISTORICAL BENEFICIAL USE.
2. N13 THE QUANTITY OF WATER UNDER THIS RIGHT SHALL NOT EXCEED 13,000 GALLONS PER DAY.
3. 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.

Dates and Other Information:

Decreed Date:

Civil Case Number:

Judicial District:

Notice of Error Flag:

Generic Max Volume Per Acre:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:Water Supply Bank:

Water Right Report 29-107A

Owner Type

Name and Address

MICHAEL E or EILEEN M CHAMBERS
705 E TOPONCE CANYON RD
BANCROFT, ID 83217
(208)648-7347

Basis: Decreed

Status: Active

Source

Tributary

PORTNEUF RIVER

Beneficial Use

From	To
------	----

Diversion Rate

Annual Volume

04/15 to 09/15

1.000 CFS

Total Diversion: 1,000 CFS

Location of Point(s) of Diversion

TOPONCE CREEK SW1/4SE1/4 Sec. 33, Twp 06S, Rge 38E, B.M. CARIBOU County

Place of Use	IRRIGATION
--------------	------------

[illegible]

Total Acres: 268

Conditions of Approval:

1. S35 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.

3. 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.

4. D03 This priority date is more accurately described as 6/17/1902, NOON.

Dates and Other Information:

Decreed Date: 3/30/2004

State or Federal: S

Owner Name Connector: OR

Civil Case Number: 39576

Judicial District: FIFTH

Combined Use Limits:

Rate

Volume

Acres

268

Combined Water Rights: 29-8047 , 29-12864 , 29-12863 , 29-86 , 29-107A , 29-13249

Water Supply Bank: