

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Knollin, A. J.	0.72		29-0122
525	First Trust Co.of St. Paul	0.72	0	29-0122A

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STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF WATER RIGHT
Transferred Right No. 525

THIS IS TO CERTIFY, That FIRST TRUST COMPANY OF ST. PAUL,
MINN., a corporation, is the owner of, and using, certain water rights
bearing dates of priority as follows:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
55.24 inches	-	July 1, 1903
134.10 inches	-	July 1, 1908
54.00 inches	-	June 1, 1910

totalling 303.34 inches of the waters of the North Fork of Toponce Creek, a
tributary of the Portneuf River, County of Bannock, State of Idaho,
obtained by virtue of a decree issued to A. J. Knollin, and known as
Right No. 92, issued by the Honorable O. R. Baum, Judge of the District
Court of the Fifth Judicial District of the State of Idaho, in and for
the County of Bannock, in the case of

Union Grain & Elevator Co. vs. McCammon Ditch Co., et al,
said decree bearing date of June 29, 1921, for the purpose of irrigating
the following described lands, situate, lying and being in Water District
No. 17, in the County of Bannock, State of Idaho, to-wit:

5 acres in the Northeast Quarter of the Southwest
Quarter ($NE\frac{1}{4}SW\frac{1}{4}$); 10 acres in the Northwest Quarter
of the Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$); 5 acres in Lot
Three (3); 2 acres in the Southeast Quarter of the
Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$); 30 acres in the Southwest
Quarter of the Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$); 38 acres
in Lot Four (4), all in Section Twenty-five (25),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian;

33.4 acres in Lot One (1); 33.4 acres in Lot Two (2),
Section Thirty-six (36), Township Six (6) South of Range
Thirty-eight (38) East, of the Boise Meridian;

40.0 acres in Lot Two (2); 55.44 acres in North Half of
the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$), Section Thirty-one (31),
Township Six (6) South of Range Thirty-nine (39) East,
of the Boise Meridian.

RECORDED
JUN 29 1921
IDAHO DEPT. OF RECLAMATION

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 4 of Decrees at page 292.

That the said First Trust Company of St. Paul has become the owner of said water right through foreclosure of mortgage.

That, now, upon the application of First Trust Company of St. Paul for a transfer of 140.76 inches of said water rights, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted, the right to the use of the following water rights, to-wit:

24.00 inches	-	July 1, 1882
36.00 inches	-	June 17, 1902
30.00 inches	-	July 1, 1903
50.76 inches	-	June 1, 1910
	-	

totalling 140.76 inches of the waters of the North Fork of Toponce Creek, a tributary of Portneuf River, upon the lands above described, is hereby ABANDONED, and the lands to be irrigated under such rights, and to which the water rights hereby confirmed shall become appurtenant, by this certificate, for irrigation and domestic purposes, is described as follows:

Lots Nineteen (19) and Twenty (20), the Southwest Quarter ($SW\frac{1}{4}$), the West Half of the Southeast Quarter ($W\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-five (25); East Half of the Southeast Quarter ($E\frac{1}{2} SE\frac{1}{4}$) of Section Twenty-six (26), all in Township Six (6) South of Range Thirty-eight (38) East, of the Boise Meridian,

situate, lying and being in the County of Bannock, State of Idaho, said water to be limited at any given time to an amount actually needed and beneficially used for such purposes and shall not exceed the following amount, to-wit:

24.00 inches,	as of July 1, 1882
36.00 inches,	as of June 17, 1902
30.00 inches,	as of July 1, 1903
50.76 inches,	as of June 1, 1910

and that the remaining portion of the aforesaid Right No. 92, to-wit:

25.24 inches	-	July 1, 1903
134.10 inches	-	July 1, 1908
3.24 inches	-	June 1, 1910

totalling 162.58 inches of the waters of the North Fork of Toponce Creek, tributary to the Portneuf River, shall be appurtenant to ONLY that portion

of the lands to which it was, by the aforementioned decree, made appurtenant, described as follows, to-wit:

Lots Three (3) and Four (4) of Section Twenty-five (25);
Lots One (1) and Two (2) of Section Thirty-six (36),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian; and Lot Two (2) and the North Half
of the Northwest Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-one
(31), Township Six (6) South of Range Thirty-nine (39)
East of the Boise Meridian.

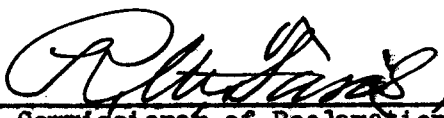
That all of the above water, i. e., Right No. 92, has heretofore
been diverted from said North Fork of Toponce Creek at a point in the

Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ NW $\frac{1}{4}$) of
Section Thirty-five (35), Township Six (6) South of
Range Thirty-eight (38) East of the Boise Meridian,

through a ditch known as the Knollin Ditch, and that no change shall be
made in this point of diversion due to this transfer, but that the total
amount of water shall still be diverted at the same point and through
the said Knollin Ditch.

That the right to the use of the water aforesaid, hereby
confirmed, is restricted to the lands or place of use described herein,
as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the
seal of the Department of Reclamation to be hereunto affixed at Boise,
Idaho, this 12th day of December, 1933.



Commissioner of Reclamation

MICROFILMED

S T A T E O F I D A H O
D E P A R T M E N T O F R E C L A M A T I O N

In the Matter of the Application of	)	
	)	
FIRST TRUST COMPANY OF ST. PAUL, MINN.,	)	
	)	<u>ORDER GRANTING TRANSFER</u>
a corporation, for a transfer of water,	)	
	)	
Bannock County, Idaho.	)	

The FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, applicant, having heretofore applied to the undersigned, as Commissioner of Reclamation of the State of Idaho, for a Certificate authorizing it to transfer the use of 140.76 inches of water of the waters of the Portneuf River and its tributaries, all as decreed in that certain decree made and entered by the District Court of the Fifth Judicial District of the State of Idaho in and for the County of Bannock in that certain action entitled: "Union Grain and Elevator Company, a corporation, plaintiff, vs. McCammon Ditch Company, et al, defendants," from the lands to which it was decreed, namely:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$);
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$);
Lot Three (3); Southeast Quarter of Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$); Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$);
Lot Four (4), all in Section Twenty-five (25), Township Six (6) South of Range Thirty-eight (38) East, B. M.;
Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South of Range Thirty-eight (38) East, B. M.;
Lot Two (2) and the North Half of Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South of Range Thirty-nine (39) East, B. M.,

to the following described lands, to-wit:

Lots Nineteen (19) and Twenty (20), and the Southwest Quarter ($SW\frac{1}{4}$), and the West Half of Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) South of Range Thirty-eight (38) East, B. M., and East Half of Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Twenty-six (26), Township Six (6) South of Range Thirty-eight (38) East, B. M.,

such lands being a part or portion of the first described lands; and that there shall be transferred from such lands first herein described the use

RECORDED
JUN 23 1913
BANKERS TRUST CO.

of a portion of said waters to the said lands herein described, such water being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right--July 1, 1882
36 " (.72 c. f. s.)	of water right dated June 17, 1902
30 "	of water right dated July 1, 1903
50.76 "	of water right of June 1, 1910

all as referred to in said certain Decree aforementioned, thereby making appurtenant to the said lands last herein described the said 140.76 inches of such waters and that the said lands last herein described shall be entitled to the use of such waters and after such application was filed, a notice was issued, based upon such application and due publication made of such notice, and thereafter, a remonstrance having been filed signed by Jasper W. Perkins, Parley P. Jensen, I. R. Bowler, O. R. Brangham, Thomas E. Reese, Lester Smith, J. C. Evans, and thereafter, a hearing having been had before the undersigned as Commissioner of Reclamation of the State of Idaho, and all of the Statutory requirements as provided by said Section 41-216, Idaho Code, Annotated, having been complied with, and the Watermaster of the said Portneuf River having given his non-approval of such transfer and the undersigned, as Commissioner of Reclamation, being fully advised in the premises, and it appearing to the undersigned, the Commissioner of Reclamation, that no one shall be injured by the transfer of the use of such water as applied for, and that the evidence does not disclose that the change of place of the use of waters as provided for in Section 41-216, Idaho Code, Annotated, would, in any way, injure the persons remonstrating within the contemplation of the provisions of said section as amended, and that the right to transfer the use of such water comes within the purview of the rule announced in the case of *Crockett, et al, vs. Jones, et al*, 47 Idaho 497, 277 Pac. 550.

IT IS THEREFORE ORDERED, That the said FIRST TRUST COMPANY OF ST. PAUL, MINNESOTA, a corporation, is hereby authorized to transfer and there is hereby transferred 140.76 inches of water and the right to the use of such water, to-wit: The right of the use of 140.76 inches of water of the waters of the Portneuf River, and its tributaries, all as is decreed in that particular decree made and entered by that certain

Decree in the District Court of the Fifth Judicial District of the State of Idaho, in and for the County of Bannock, entitled: "Union Grain and Elevator Company vs. McCammon Ditch Co., et al," from the said land so referred to in such Decree, the same being described as follows, to-wit:

Northeast Quarter of Southwest Quarter ($NE\frac{1}{4}SW\frac{1}{4}$);
Northwest Quarter of Southeast Quarter ($NW\frac{1}{4}SE\frac{1}{4}$);
Lot Three (3); Southeast Quarter of the Southwest Quarter ($SE\frac{1}{4}SW\frac{1}{4}$); Southwest Quarter of Southeast Quarter ($SW\frac{1}{4}SE\frac{1}{4}$);
Lot Four (4), all in Section twenty-five (25), Township Six (6) South, Range Thirty-eight (38) East, B. M.; Lot One (1), Lot Two (2), Section Thirty-six (36), Township Six (6) South, Range Thirty-eight (38) East, B. M., Lot Two (2) and the North Half of the Northwest Quarter ($N\frac{1}{2}NW\frac{1}{4}$) Section Thirty-one (31), Township Six (6) South, Range Thirty-nine (39) East, B. M.,

to the following described lands, to-wit:

Lots Nineteen (19) and Twenty (20), and Southwest Quarter ($SW\frac{1}{4}$), and West Half of Southeast Quarter ($W\frac{1}{2}SE\frac{1}{4}$) of Section Twenty-five (25), Township Six (6) South, Range Thirty-eight (38) East, B. M., and East Half of Southeast Quarter ($E\frac{1}{2}SE\frac{1}{4}$) of Section Twenty-six (26), Township Six (6) South, Range Thirty-eight (38) East, B. M.,

such waters that have been ordered transferred being more particularly described as follows, to-wit:

24 inches (.48 c. f. s.)	of water right--July 1, 1882
36 " (.72 c. f. s.)	of water right dated June 17, 1902
30 "	of water right dated July 1, 1903
50.76 "	of water right of June 1, 1910

and,

IT IS FURTHER ORDERED that the said last mentioned water, to-wit: 140.76 inches, be and the same is hereby made appurtenant to the said last described lands aforementioned and that the remaining waters mentioned in such decree be made appurtenant to the remaining lands mentioned in such decree.

IN WITNESS WHEREOF, the said undersigned, as Commissioner of Reclamation of the State of Idaho has caused this order to be issued in the name of the State of Idaho, and the seal of his office attached on this, the 12th day of December, 1933.



Commissioner of Reclamation

568
8-6-32
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF
BANNOCK

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 Kofoed, David Aslett, James C. Allen, Mrs. Anna Norton, Lee Merrick, Rebecca Warner, John Potter, George Harrison, A. M. Boyce, J. H. Maughn, G. H. Maughn, F. D. Fagnant, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington W. R. Godfrey, Alonzo 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. E. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Exam, A. A. Kofoed, 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

1902 June 17 ✓	.72 c.f.s.
at noon.	(36 inches)
1903 July 1 ✓	1.19 c.f.s.
	(55.24 inches)
1904 July 1 ✓	2.63 c.f.s.
	(134.13 inches)
1910 June 1 ✓	1.08 c.f.s.
	(54 inches)
Total	6.36 c.f.s.

ter of the Northwest quarter, Section 35, Township 6 South, Range 38 East. From the Northwest corner of Section 35, said Township and Range, the point of diversion bears South 71 degrees and 10 minutes East 1748 feet, for the irrigation of land described as follows: 5 acres in the Northeast quarter of the Southwest quarter; 10 acres in the Northwest quarter of the Southeast quarter, 5 acres Lot 3; 2 acres in the Southeast quarter of the Southwest quarter; 30 acres in the Southwest quarter of the Southeast quarter; 38 acres in Lot 4; all in Section 25, Township 6 South, Range 38 East; 33.4 acres in Lot 1; 33.4 acres in Lot 2; Section 36, Township 6 South, Range 38 East; 40 acres in Lot 2; 55.44 acres in the North half of the Northwest quarter, Section 31, Township 6 South, Range 39 East.

KING CREEK, TRIUTARY TO THE PORTNEUF RIVER.

93. NIPPER, THOMAS J.
1902 June 17 (noon) 1.0 c.f.s.

Said water to be diverted through the Nipper Ditch which diverts from King Creek in the Southwest quarter of the Southwest quarter, Section 14, Township 7 South, Range 38 East. From the West quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears South 20 degrees East, 1630 feet, for the irrigation of 50 acres of land in the legal subdivision hereinafter described: Lot 4, the Southwest quarter of the Southeast quarter, the Southeast quarter of the Southeast quarter, section 18; Lots 1 and 2, the Northwest quarter of the Northeast quarter, the Northeast quarter of the Northeast quarter, the Southwest quarter of the Northeast quarter, Section 19, Township 7 South, Range 39 East.

94. WHITWORTH, MICHAEL
1902 June 18 .40 c.f.s.

Said water to be diverted through the Howarth Ditch No. 1, which diverts from King Creek in the Southwest quarter of the Southeast quarter, Section 14, Township 7 South, Range 38 East. From the South quarter corner of Section 14, Township 7 South, Range 38 East, the point of diversion bears North 3 degrees 45 minutes East, 430 feet, for the irrigation of 30 acres of land in the South half of the Northeast quarter, section 23; the South half of the Northwest quarter, Section 34, Township 7 South, Range 38 East.

95. KELLEY, J. F.
1902 June 18 .15 c.f.s.

Said water to be diverted through the said Howarth Ditch No. 1, last above described, for the irrigation of 20 acres of land in the South half of the Northeast quarter, section 23, and the North half of the Southwest quarter, Section 24, Township 7 South, Range 38 East.

of the lands to which it was, by the aforementioned decree, made appurtenant, described as follows, to-wit:

Lots Three (3) and Four (4) of Section Twenty-five (25);
Lots One (1) and Two (2) of Section Thirty-six (36),
Township Six (6) South of Range Thirty-eight (38) East,
of the Boise Meridian; and Lot Two (2) and the North Half
of the Northwest Quarter ($N\frac{1}{2}$ NW $\frac{1}{4}$) of Section Thirty-one
(31), Township Six (6) South of Range Thirty-nine (39)
East of the Boise Meridian.

That all of the above water, i. e., Right No. 92, has heretofore
been diverted from said North Fork of Toponce Creek at a point in the

Northeast Quarter of the Northwest Quarter ($NE\frac{1}{4}$ NW $\frac{1}{4}$) of
Section Thirty-five (35), Township Six (6) South of
Range Thirty-eight (38) East of the Boise Meridian,

through a ditch known as the Knollin Ditch, and that no change shall be
made in this point of diversion due to this transfer, but that the total
amount of water shall still be diverted at the same point and through
the said Knollin Ditch.

That the right to the use of the water aforesaid, hereby
confirmed, is restricted to the lands or place of use described herein,
as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the
seal of the Department of Reclamation to be hereunto affixed at Boise,
Idaho, this 12th day of December, 1933.


Commissioner of Reclamation

See 29-0121 for
correspondence relating
to Transfer No. 525

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