

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Floyd J. Banks Phone 648-7856
Post office address Bancroft, Idaho 83217

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 29-0010
a. Decree to Julia Hibner (Name)
in case of Union Grain & Elavator Co. a Corp. vs McCammon Ditch Co., a Corp.
dated 8-06-1932 in 5th Judicial District county of Bannock
(Name of court)
b. License No. _____ issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant Applicant
acquired by purchase, a copy of warranty deed is attached.
3. Source of water Portneuf River tributary to Snake River
4. Date of priority 4/14/1883
5. Water is used for the following purposes:
amount 2.32 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. 2.32 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 19
Township 6S Range 39E, B.M., in Caribou County
Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6S	39E	19											X	X			X		
		30		X	X		X			X									

Total number of acres to be irrigated _____

APPROVED

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ County
Additional points _____

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

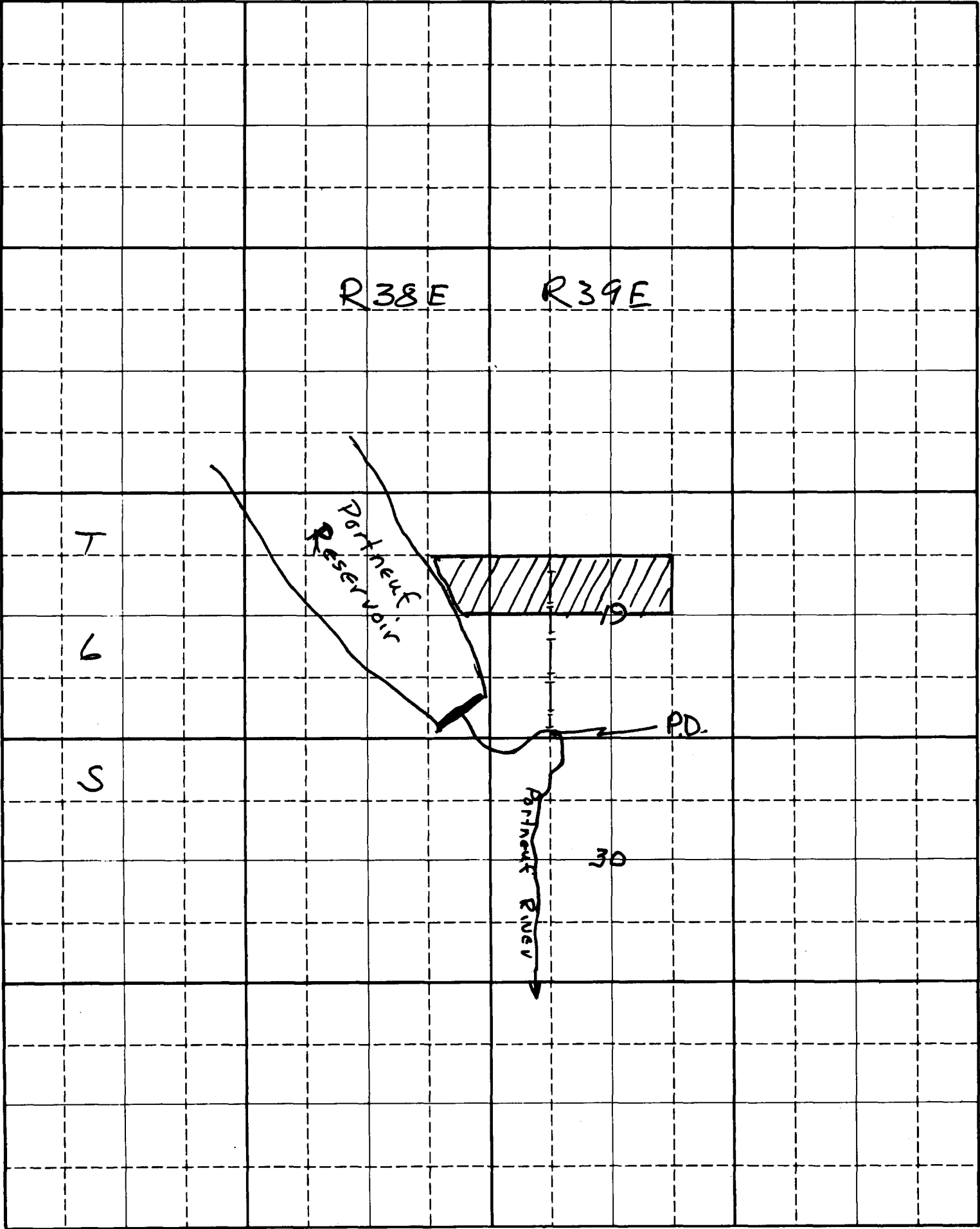
1. Change in point of diversion
- a. Amount of water to be diverted 2.32 c.f.s. &/or _____ acre feet
- b. Point(s) of diversion SE ¼ SW ¼, Section 19 Township 6S
Range 39E, B.M., Caribou County
Additional points _____
- c. Description of diverting works Pump and sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion To put on record
the accurate location for point of diversion

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6S	38E	24				24													24
6S	39E	19			22				30	40									92

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks _____

I hereby assert that no one will be injured by such change and 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.

Lloyd J. Banks
(Signature of applicant)

Subscribed and sworn to before me this 21 day of August, 19 79.

Christina Hatch
(Notary public)

My commission expires Life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 29-0010 and said application is hereby approved, subject to the following limitations and conditions:

(1) Use of water under this Right is subject to control by the watermaster of State Water District No. 29, Portneuf River. (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.

Witness my hand this 28TH day of September, 19 79.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by DH Date 8-23-79
Prelim. check by [Signature] Fee \$35.00
Receipted by DH Date 8-23-79 #13680
Published in Caribou County Sun
Pub. dates 8/30 & 9/6/79
Watermaster recommendation requested on 8/27/79
 rec'd. 9/4/79

Protest filed by _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by [Signature]

TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
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	~~Hibner, Julia~~			29-0010
2341	Banks, Floyd J.	2.32		29-0010 A

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RECEIVED

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

NO. 29-0010

Notice is hereby given that Floyd J. Banks, Bancroft, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Portneuf River tributary to the Snake River. The right sought to be changed is evidenced by decree to Julia Hibner in Case of Union Grain & Elevator Co., a Corp. vs. McCammon Ditch Co., a Corp., dated 8-06-1932 in Fifth Judicial District Court, Bannock County and is recorded as:

AMOUNT: 2.32 cfs

PRIORITY: 4-14-1883

DECREED DIVERSION

POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County

The water is used to irrigate 116 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ -SE $\frac{1}{4}$, Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ -NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge. 39E, B.M.

TO BE CHANGED
AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County for the irrigation of 116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 6S, Rge. 38E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

C. STEPHEN ALLRED

Director

Published Aug. 30 and Sept. 6, 1979 in the Caribou County Sun.

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

30th day of

August, 1979

The date of the last publication

being the 1st day of

September, 1979

Subscribed and sworn to before me this 1st day

of September, 1979

Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980.

SEP 10 1979
Dept. of Water Resources
Eastern District Office

Affidavit of Publication

County of Caribou } ss.
State of Idaho }

Mark Steele

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

30th day of

August, 1979

The date of the last publication

being the 6th day of

September, 1979

Subscribed and sworn to be-

fore me this 6th day

of Sept., 1979

Wendy D. Aule
Notary Public, residing
at Soda Springs, Idaho
(SEAL)

My Commission expires the

1st day of March

1980.

RECEIVED

SEP 10 1979

Department of Water Resources
Eastern District Office

NO. 29-0010

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PRIORITY: 4-14-1883

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The water is used to irrigate 116 acres within the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County.

THESE CHANGED

AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County to the irrigation of 6 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County.

Without the approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

STEPHEN ALLRED

Director

Published Aug. 30 and Sept. 6, 1979 in the Caribou County Sun.

ARK

September 28, 1979

Floyd J. Banks
Bancroft, Idaho 83217

Dear Mr. Banks,

RE: Transfer of Water Right No. 29-0010

Enclosed is a copy of your approved Application for Transfer of the above referenced water right (Transfer No. 2341). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SXTON
Chief, Operations Bureau

LGS:mr

Enclosure

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③
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT
OF THE STATE OF IDAHO IN AND FOR THE COUNTY OF
BANNOCK

UNION GRAIN & 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 Grima, 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. Fagnent, Nephi Hemmingway, F. V. Briscoe, Clarence Avery, John N. Avery, John Byington W. R. Godfrey, Alonso 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. F. Potter, Adrian Campbell, Ira Byington, Alfred Baker, Charley Bell, Ernest Byington, D. A. Monroe Martin, O. K. Exum, 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

MICROFILMED

-4-
said tributaries, such amount and amounts of water, continuously, during and throughout the irrigating season of each and every year and from the date of appropriation and priority, with the point of diversion and means of diversion as set forth in the following schedule, to-wit:

PORTNEUF RIVER

NAME OF CLAIMANT and DATE OF PRIORITY.	AMOUNT IN SEC. FEET.	POINT OF DIVERSION AND PLACE OF USE
29 0011 ✓ 1. HIBNER, Julia T. #2341 1883-April 14	2.32 c.f.s.	Said water to be diverted through Hibner Ditch Number 2, (Knollin-Toponce Ditch), which diverts from the Portneuf River in the Southwest quarter <u>if</u> the Southwest quarter, Section 19, Township 6 South, Range 39 East; and from the Southwest corner of Section 19, the point of diversion bears north 41 degrees 30 minutes East, 1285 feet, for the irrigation of 116 acres of land located in the South half of the Southwest quarter, the Southwest quarter of the Southeast Quarter, Section 19, Township 6 South, range 39 East; the Northeast quarter of the Northwest quarter, the Northwest quarter of the Northeast quarter; the Southwest quarter of the Northeast quarter; the Southeast quarter of the Northwest quarter, Section 30, Township 6 South Range 39 East.
29 0011 ✓ 2. SESSIONS, Keplar. 1903. Sept. 26	1.54 c.f.s.	Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch), last above described for the irrigation of 77 acres of land in the Southeast quarter of the Northeast quarter; the Northeast quarter of the Southeast quarter, Section 30, Township 6 South, Range 39 East; the Southwest quarter of the Northwest quarter; and the Northwest quarter of the Southwest quarter, Section 29, Township 6 South, Range thirty-nine (39) East.
29 0011 ✓ 3. KNOLLIN, A. J. 1913 Apr. 15.	3.99 c.f.s.	or Said water to be diverted through Hibner Ditch No. 2 (Knollin-Toponce Ditch) last above described, for the irrigation of 80 acres of land in the West half of the Southwest quarter, Section 9; 39.5 acres in the Southeast quarter of Southwest quarter, Section 9; 80 acres in the East half of the Southeast quarter, Section

transfer #602

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SEP 4 1979

Department of Water Resources
Eastern District Office

Identification No. _____

Transfer No. 29-0010

APPLICATION FOR TRANSFER OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Thomas Bloxham watermaster of Portneuf River,
of Water District No. 29, County of Bannock, State of Idaho,
whose address is P.O. Box 1, Pocatello, Idaho,
have read the attached copy of the application for transfer of water right for
Floyd J. Banks, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse Application for Transfer and recommend that the State
Reclamation Engineer approve the Transfer subject to the following conditions:

as those set forth in the application

OR

B. I do not endorse approval of this Application for Transfer as requested
for the following reasons: _____

Dated at Pocatello, Idaho, this 28 day of Aug, 19 79

Thomas Bloxham
(Signature)

RECEIVED

August 27, 1979

Thomas Bloxham, Watermaster
Water District # 29
Downey, Idaho 83234

Dear Sir:

Re: Application for Transfer 29-0010 BANKS

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 17, 1979.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Enclosures

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

AUGUST 24, 1979

Caribou County Sun
P. O. Box 815
Soda Springs, Idaho 83276

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billings to this office before SEPTEMBER 17, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 29-0010

Notice is hereby given that Floyd J. Banks, Bancroft, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of the Portneuf River tributary to the Snake River. The right sought to be changed is evidenced by decree to Julia Hibner in Case of Union Grain & Elevator Co., a Corp. -vs- McCammon Ditch Co., a Corp., dated 8-06-1932 in Fifth Judicial District Court, Bannock County and is recorded as:

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DECREED DIVERSION POINT: SW $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E,
B.M., Caribou County

The water is used to irrigate 116 acres within the S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 30, Twp. 6S, Rge. 39E, B.M.

TO BE CHANGED AS FOLLOWS

The water will be diverted from within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M., Caribou County for the irrigation of 116 acres within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 24, Twp. 6S, Rge. 38E, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, Sec. 19, Twp. 6S, Rge. 39E, B.M.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho 83401 on or before September 17, 1979.

C. STEPHEN ALLRED
Director

Published 8/30 and 9/6/79 in the Caribou County Sun, Soda Springs, Idaho

MICROFILM

August 23, 1979

Floyd J. Banks
Bancroft,
Idaho 83217

Dear Sir:

Re: Application for Transfer
Application for Amendment

Attached herewith is Departmental receipt No. 13680 in the amount of \$55.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ARK

1. Right number 29-0010 Applicant Floyd H. Banks
2. Type of right: ☒ Decree ☐ License ☐ Claim
3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Other _____
4. Check:
 - a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use
 - b. ☒ Description of original point of diversion.
 - c. ☒ Description of original place of use.
5. Amount of land &/or water transferred:
 - a. ☒ All of right.
 - b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).
 - c. ☒ Check description of point(s) of diversion.
 - d. ☒ Check description of place of use.
 - e. ☒ Check map (shows p.d. and p.u. after transfer).
 - f. ☒ Check for correct signature, notarization, and fee.
 - g. ☒ Check proof of ownership of right &/or land from which water is transferred. See copy of Warranty Deed.
 - h. ☒ Check for expansion in use of right. Comments none
 - i. ☒ Check for existing water rights from same source, on land water is being transferred to.
Right number(s) none
 - j. ☒ Is use within a Watermaster District? ☒ Yes ☐ No
☒ If yes, what district? Water District 29 - Portneuf River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8-27-79 Received on 9-4-79
2. Is transfer published correctly? ☒ Yes ☐ No
3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve
2. ☐ Deny
3. Conditions* Measuring device
use No. 1 & 2 of transfer conditions
(29. Portneuf River)
4. By RDC Date 9/17/79

* All uses within Watermaster Districts require special conditions.

RECEIVED
SEP 21 1979