

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: A21-02035
Date Received: 3/23/1989
Receipt No: E006437
Received By: _____

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CONANT CREEK CANAL CO., AN IDAHO CORP. 208-652-3538
Address: C/O ROGER BRATT, SECRETARY
630 NORTH 6TH WEST
ST. ANTHONY ID 83445

2. Date of Priority: FEB 15, 1909

3. Source: CONANT CREEK Trib. to: FALLS RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
08N	43E	15		SE	SW		FREMONT
		17		NE	SW		FREMONT
		18		SW	NE		FREMONT
	44E	28		SE	NW		FREMONT

5. Description of diverting works:
DAM, GATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	25.000		

7. Total Quantity Appropriated is:
25.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 9989.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	13	SE	SE		IRR	37.0

A2102035



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	37.0
		23	SE	NW	IRR	11.0
			NE	SE	IRR	38.0
			NW	SE	IRR	37.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	166.0
		24	NE	NE	IRR	40.0
			NW	NE	IRR	18.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
					Section Acres	138.0
		25	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			NE	SE	IRR	40.0
					Section Acres	240.0
		26	NE	NE	IRR	19.0
			NW	NE	IRR	19.0
			NE	NW	IRR	17.5
			NW	NW	IRR	17.5
					Section Acres	73.0
43E		15	SW	SW	IRR	12.0
			SE	SW	IRR	20.0
					Section Acres	32.0
		17	SW	NW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
					Section Acres	120.0
		18	SW	NE	IRR	20.0
			SE	NE	IRR	40.0
			NE	SW	IRR	20.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	43E	18	SW		SW		IRR	40.0
			SE		SW		IRR	35.0
			NE		SE		IRR	40.0
			NW		SE		IRR	30.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 305.0

19	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	38.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	38.0
	NE	SW	IRR	38.0
	NW	SW	IRR	35.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NW	SE	IRR	38.0
	SW	SE	IRR	38.0
	SE	SE	IRR	30.6

Section Acres 533.6

20	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	30.0
	SE	NE	IRR	40.0
	NE	NW	IRR	30.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	10.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 550.0

21	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	43E	21	NE		NW		IRR	27.0
			NW		NW		IRR	21.0
			SW		NW		IRR	40.0
			SE		NW		IRR	27.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	20.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	20.0
			Section Acres					555.0
		22	NW		NE		IRR	38.0
			SW		NE		IRR	40.0
			SE		NE		IRR	13.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	38.0
			NE		SW		IRR	37.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	38.0
			SE		SE		IRR	1.0
			Section Acres					523.0
		23	SW		NW		IRR	13.0
			SE		NW		IRR	4.0
			NE		SE		IRR	20.0
			NW		SE		IRR	20.0
			SE		SE		IRR	35.0
			Section Acres					92.0
		24	NW		NW		IRR	5.0
			SW		NW		IRR	5.0
			NW		SW		IRR	5.0
			SW		SW		IRR	5.0

10. Place of Use: Continued

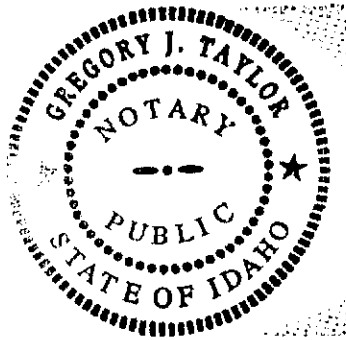
Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	20.0
		25	SW	NE	IRR	40.0
			SE	NE	IRR	28.0
			NE	NW	IRR	25.0
			SW	NW	IRR	35.0
			SE	NW	IRR	40.0
			NW	SW	IRR	30.0
			SW	SW	IRR	40.0
			NE	SE	IRR	32.0
			NW	SE	IRR	31.0
			SW	SE	IRR	35.0
					Section Acres	336.0
		27	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	38.0
			SE	NW	IRR	37.0
			NW	SE	IRR	20.0
					Section Acres	175.0
		29	NW	NE	IRR	40.0
			SW	NE	IRR	40.0
			NE	NW	IRR	40.0
			NW	NW	IRR	40.0
			SW	NW	IRR	40.0
			SE	NW	IRR	40.0
			NE	SW	IRR	20.0
					Section Acres	260.0
		30	NE	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SW	IRR	40.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	360.0
					Total Acres	4515.6

State of Idaho)
County of Bonnaville) SS.

Subscribed and sworn (or affirmed) before me this 14th day
of August 19 92

Gregory J. Taylor
Notary Public

Seal



Residing at Idaho Falls Id.
My Commission Expires 3/3/98

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
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ST. ANTHONY, ID 83445

2. Date of Priority: FEB 15, 1909

3. Source: CONANT CREEK Trib. to: FALLS RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
08N	43E	15		SE	SW		FREMONT
		17		NE	SW		FREMONT
		18		SW	NE		FREMONT
	44E	28		SE	NW		FREMONT

5. Description of diverting works:
DAM, GATE, DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	25.000		

7. Total Quantity Appropriated is:
25.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 9989.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	42E	13	SE	SE		IRR	37.0
			Section Acres				37.0
		23	SE	NW		IRR	11.0
			NE	SE		IRR	38.0
			NW	SE		IRR	37.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				166.0
		24	NE	NE		IRR	40.0
			NW	NE		IRR	18.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			Section Acres				138.0
		26	NE	NE		IRR	19.0
			NW	NE		IRR	19.0
			NE	NW		IRR	17.5
			NW	NW		IRR	17.5
			Section Acres				73.0
	43E	15	SW	SW		IRR	12.0
			SE	SW		IRR	20.0
			Section Acres				32.0
		17	SW	NW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			Section Acres				120.0
		18	SW	NE		IRR	20.0
			SE	NE		IRR	40.0
			NE	SW		IRR	20.0
			SW	SW		IRR	40.0
			SE	SW		IRR	35.0
			NE	SE		IRR	40.0
			NW	SE		IRR	30.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				305.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	43E	19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	38.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	38.0
			NE		SW		IRR	38.0
			NW		SW		IRR	35.0
			SW		SW		IRR	40.0
			SE		SW		IRR	38.0
			NW		SE		IRR	38.0
			SW		SE		IRR	38.0
			SE		SE		IRR	30.6

Section Acres 533.6

20	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	30.0
	SE	NE	IRR	40.0
	NE	NW	IRR	30.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	10.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 550.0

21	NE	NE	IRR	40.0
	NW	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	27.0
	NW	NW	IRR	21.0
	SW	NW	IRR	40.0
	SE	NW	IRR	27.0
	NE	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
08N	43E	21	NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	20.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	20.0

Section Acres 555.0

22	NW	NE	IRR	38.0
	SW	NE	IRR	40.0
	SE	NE	IRR	13.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	38.0
	NE	SW	IRR	37.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	38.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	38.0
	SE	SE	IRR	1.0

Section Acres 523.0

23	SW	NW	IRR	13.0
	SE	NW	IRR	4.0
	NE	SE	IRR	20.0
	NW	SE	IRR	20.0
	SE	SE	IRR	35.0

Section Acres 92.0

24	NW	NW	IRR	5.0
	SW	NW	IRR	5.0
	NW	SW	IRR	5.0
	SW	SW	IRR	5.0

Section Acres 20.0

25	SW	NE	IRR	40.0
	SE	NE	IRR	28.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	43E	25	NE		NW		IRR	25.0
			SW		NW		IRR	35.0
			SE		NW		IRR	40.0
			NW		SW		IRR	30.0
			SW		SW		IRR	40.0
			NE		SE		IRR	32.0
			NW		SE		IRR	31.0
			SW		SE		IRR	35.0
			Section Acres					336.0
		27	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	38.0
			SE		NW		IRR	37.0
			NW		SE		IRR	20.0
			Section Acres					175.0
		29	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	20.0
			Section Acres					260.0
		30	NE		NE		IRR	40.0
			SE		NE		IRR	40.0
			Section Acres					80.0
			Total Acres					3995.6

11. Place of use in counties: FREMONT

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

TR 21041, LICS. 21-02037, 5803 AND HAWKES CLAIM ATTACHED.

14. Remarks:

THIS RIGHT WAS INVOLVED IN A TRANSFER, AS REFERENCED ABOVE. THE

14. Remarks: Continued

LANDS TO BE IRRIGATED ARE OWNED BY APPLICANT'S STOCKHOLDERS.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRRIGATION CO.

Decree Plaintiff

vs

TETON IRRIGATION CANAL CO. ET

Decree Defendant

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 Organizations:

I do solemnly swear or affirm that I am _____ of
_____, that I have signed the foregoing
_____, that I have signed the foregoing
document in the space below as _____ of
_____, and that the statements contained in the
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) ss.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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 A21-02035
Date Received 3-23-89
Receipt Number E006437

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Conant Creek Canal Company, an
Idaho corporation Phone (208) 652-3538
Mailing Address c/o Roger Bratt, Secretary
630 North 6th West, St. Anthony, Idaho Zip 83445

2. Date of Priority (Only one (1) per claim) February 15, 1909

3. Source of water supply (a) Conant Creek
which is tributary to (b) Fall River, tributary to Henry's Fork - Snake River

4. a. Location of existing point of diversion is: Township 8N Range 44E Section 28,
1/4 of SE 1/4 of NW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: All the following points are in Twp. 8N, Rge. 43EBM:
SE1/4SW1/4, Sec. 15; SW1/4NE1/4, Sec. 18; and NE1/4SW1/4, Sec. 17.

b. If instream flow, beginning point of claimed instream flow is:

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. A diversion dam and gate at the head of the
Conant Creek Canal through a lateral ditch to the Shareholders who either take the water
through lateral ditches to their farms or pump with electrical pumps, except for one diesel
pump, from the canal itself or from the lateral ditches or from Conant Creek or from
Fall River.

MICROFILMED

OCT 20 1992

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 25 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 25 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 9,989 acre feet per annum, for all claims of the Claimant

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) _____

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic)

in the corresponding place of use below. See instructions for standard symbols.

SEE ATTACHED DESCRIPTION OF PLACE OF USE

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	

Total number of acres irrigated 3,995.6

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes _____ No X
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

TR 21041, Lics. 4357, TR 21-2037, Lics. 5803, Hawkes claim attached or None ()

Also Perry, McBain & Dunlop right (see attached)

14. Remarks:

This right was involved in a transfer, as referenced above. The lands to be irrigated
are owned by applicant's stockholders.

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OCT 20 1992

Last Name CONANT CREEK CANAL Ident No. _____

Copies: White-State, Yellow-Claimant

Scale: 2 inches equals 1 mile

A 16x16 grid of squares. Each square contains a crosshair pattern formed by two perpendicular dashed lines intersecting at the center. The grid is composed of 16 columns and 16 rows of these squares.

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number _____

Court 6th now 7th Judicial Dist Case Number _____ Decree Date 12-16-10

Plaintiff vs Defendant Rexburg Irrigation Company v. Teton Irrigation Canal Company

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President

_____ Title

of Conant Creek Canal Company _____, that I have signed the foregoing
Organization

document in the space below as _____ President of Conant Creek Canal Company
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent

Walter Jones
Walter Jones

Title and Organization

President

Date 3-22-89

State of Idaho/or _____)
County of Fremont) SS.

Subscribed and sworn (or affirmed) before me this 22nd day of March 1989

SEAL

Notary Public

Dale L. Swenson

Residing at

St. Anthony, ID

My Commission Expires

May 18, 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature

Ray W. Rigby

Address

25 N. 2 E., POB 250, Rexburg, ID 83440

Date

3-22-89

Last Name CONANT CREEK CANAL Ident. Number _____

MICROFILMED

OCT 20 1992

Copies White-State, Yellow-Claimant

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
8N	42E	13																	37
8N	42E	23							11						38	37	40	40	166
8N	42E	24	40	18	40	40													138
8N	42E	26	19	19			175	175											73
8N	43E	15									12	20							32
8N	43E	17						40			40	40							120
8N	43E	18			20	40				20		40	35	40	30	40	40		305
8N	43E	19	40	40	38		40	40	40	38	38	35	40	38		38	38	306	533.6
8N	43E	20	40	40	30	40	30	40	40	10	40	40		40	40	40	40		550
8N	43E	21	40	40	40	40	27	21	40	27	40	40	40	40	20	40	40	20	555
8N	43E	22		38	40	13	40	40	40	38	37	40	40	38	40	40	38	1	523
8N	43E	23						13	4						20	20		35	92
8N	43E	24					5	5			5	5							20
8N	43E	25			40	28	25		35	40		30	40		32	31	35		336
8N	43E	27		40	40		38			37						20			175
8N	43E	29		40	40		40	40	40	40	20								260
8N	43E	30	40			40													80

3795.6

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Page 43 E.

Rgc 42 E

[illegible]



RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho

Water District 1

900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

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Blackfoot

February 19, 1999

Joyce King
2382 Broderick Dr.
West Jordan, UT 84084

RE: Irrigation Pump located in Sec 23 Twp 8N Rge 42E

Dear Ms. King:

The pump described in your correspondence, dated February 10, 1999, is not the same Curtis Loosli pump I discussed with you over the telephone. The three pumps claimed by the Conant Creek Canal in Snake River Basin Adjudication (SRBA) claims A21-00083, A21-00141, A21-02035, and A21-02037, correspond with the locations for the Jay Hill pump, Dan Zundell pump, and Curtis Loosli pump. The Curtis Loosli pump identified on these SRBA claims and Water District #1 records is located on Conant Creek in Sec 17 Twp 8N Rge 42E.

The pump described in your correspondence in Sec 23 Twp 8N Rge 42E is also identified in Water District #1 records as a Curtis Loosli pump located on the Henrys Fork. Annual water diversions from this pump (13048440) have been recorded since 1978 when Water District #1 first inventoried the irrigation pumps on the Henrys Fork and its tributaries. It doesn't appear that a water right has ever been documented for this pump. Water District #1 records indicate only reservoir storage has been delivered to this pump since 1978.

If this pump replaced the ditches that conveyed Conant Creek Canal water to your property, then it appears you have three options that may secure a water right with a point of diversion for the pump:

- Request that Conant Creek Canal Company amend their SRBA claims to include a point of diversion for your pump along with your supporting documentation that evidences when the pump was added to the system;
- Request Conant Creek Canal Company file a *Transfer of Water Right* with the Idaho Department of Water Resources moving a portion of their water right from their canal headgate to your pump. (This procedure was done to secure a water right for the Jay Hill and Dan Zundell pumps);
- Or, file an SRBA claim for your pump in your name for the portion of the original Conant Creek Canal water right that should go to your pump.

Page -2-
Joyce King

Each of these options has its advantages and disadvantages as we discussed over the telephone. If Conant Creek Canal Company amends its claims adding your pump as an additional point of diversion, it may not be necessary to complete a *Transfer of Water Right*. However, if a *Transfer of Water Right* were filed and approved by the Department of Water Resources, the effect of securing a water right for the pump would be more immediate and certain. If Conant Creek Canal Company only amended their SRBA claims instead of filing a transfer, Water District #1 would continue delivering only reservoir storage to the pump until the SRBA claims are decreed several years from now.

If Conant Creek Canal company does not want to either amend their SRBA claims and/or file a *Transfer of Water Right* to add their water right to your pump, it appears your only option would be to file an SRBA claim in your name for the portion of the water right historically moved from the canal headgate to your pump. These options should be discussed with your attorney to determine the most appropriate procedure for your situation.

If you need any other assistance or have questions concerning the delivery of water in Water District #1, please give me a call.

Sincerely,



Tony Olenichak
Deputy Watermaster

cc: Gordon Thatcher Esq.

February 10, 1999

RECEIVED

FEB 18 1999

Department of Water Resources
Eastern Region

Tony Olenichak
150 Shoup
Idaho Falls, Idaho 83402

Dear Mr. Olenichak,

This letter is in regard to a conversation we had on February 10, 1999. To refresh your memory please Recall that I had left my nephew's telephone number with your secretary along with some information on Some copies of water right claims for Conant Creek Canal Company on Thursday February 4, 1999. I spoke with you today and as I understand from your conversation you had already done some research On this and provided me some information.

My understanding from you was that you had some records, which had shown delivery of Conant Creek Water through what I understood to be at a diversion point located at 8N range 44E Section 28. You mentioned two separate diversion sites, which Conant Creek Water was delivered under the names of Dan Zundell and Jay Hill. I asked you if you had records which would have shown other names in past Years and my understanding was that you had checked and had not found any evidence of this.

However, as I then understood you mentioned that Conant Creek Canal Company had listed some pumps Which received some Conant Creek water and my understanding was a pump with the name of Curtis Loosli at which point I said, "That's it." As I understood you this claim was filed in 1973 but I am Somewhat unclear about who actually filed it. My understanding is that Conant Creek Canal Company Did this for Curtis. Is this a correct understanding?

Because I specifically asked you if it was Conant Creek water I would assume that to accomplish this Feat that Conant Creek Canal Company would have to have some method of delivery to the pump of Curtis Loosli and I will seek out what that method was.

Nevertheless I find it prudent to obtain one more piece of information from you which would be a property Description of this said pump as shown on your records. It was my understanding that said description Existed but as I understood you did not have it available at that particular moment in time. As I understood You this description would be the land description to which the pump was attached. Please understand that As I mentioned to you Curtis Loosli was a former renter who rented our property. The reason the actual Description of the location of the pump becomes important is that there existed a situation which could have presented some possible misunderstanding and I want to ensure that this did not take place.

In our conversation I mentioned that an individual named Ray Crouch had property right next to my Property which was dry farm but he placed this property under water and to do this he rented my fathers Water resources which occurred for some time and Mr. Crouch eventually purchased some of my father's Property by the river bank in order to access the water for his own property next to my father. Mr. Crouch Had his own pump and eventually he sold his property and most likely his pump to our renter Curtis Loosli. It is my understanding that this purchase had been completed by the time Mr. Loosli became our renter Which was around 1972. My father did not have his own pump and therefore used Mr. Loosli's pump to Water our land. In other words my father KR Henry had the water right and the water resources but Ray Crouch had the dry farm and the pump and rented the water resources from my father later selling His pump and land to our renter Curtis Loosli who then used our water right and water resources for our Land.

I will list the land description of the land the pump should have been attached which you can check against

Your records. This land description would be Sec 23 TWP 8 RGE 42 lot seven Tax 1-2-3 however because I stated that Mr. Crouch purchased a small section of my property to water his dry farm property Above the river he would have his land description as follows. Sec 23 TWP 8 RGE 42 Tax 4 I do not Have his dry farm land description available but it would seem reasonable that the description the pump Was at would be the description used. My question would be, would Curtis Loosli or Conant Creek Canal Company use the land which had the right and which the storage water was attached or would They use the description where the pump was placed which more than likely would have been on Tax 4 because it was property actually owned by Curtis Loosli but Curtis may have placed his pump on our Portion of land?

I hope I have not confused you and you can well understand that the wrong description could result in Much confusion. May I ask you check this description and sent it to me or to my attorney. My address Would be Joyce King/ 2382 Broderick Dr./ West Jordan, Ut. 84084. My attorney's address would be Gordon Thatcher Esq./ 25 North Second East/ Rexburg, Id 83440.

In addition may I also request some documentation in regard to what you indicated to me, that is if my Understanding concerning what you said is correct. I feel I would require such documentation to Proceed with implementing changes needed in regard to my properties.

Thank you very much for your attention in this matter.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Joyce King".

cc: Gordon Thatcher Esq.

MEMORANDUM

TO: Files A21-00083, A21-00141, A21-02035, A21-02037
FROM: Tony Olenichak, Water District #1
DATE: February 8, 1999
SUBJECT: Conant Creek Canal Water Rights

Water rights 21-02035 (old #4357) and 21-02037 (old #5803) are described differently in the IDWR water right database than in the current Water District #1 and water right transfer records. Water rights 21-00083, 21-00141, 21-02035, and 21-02037 have also been claimed differently in the SRBA than the water district and transfer records indicate.

Transfer #1676 moved 1.75 cfs of 21-00141, 2.19 cfs of 21-02035, and 2.19 cfs of 21-02037 from the Conant Creek Canal headgate to the Dan Zundel pump located in T8N, R43E, Sec15 SESW. Transfer #2158 moved 0.24 cfs of 21-00141, 0.29 cfs of 21-02035, and 0.29 cfs of 21-02037 from the Conant Creek Canal headgate to the J. Hill pump located in T8N, R43E, Sec 18 SWNE. The remaining portions of 18.01 cfs (21-00141), 22.52 cfs (21-02035), and 22.52 cfs (21-02037) would still be delivered to the Conant Creek Canal headgate according to the transfer records. Water District #1 has been delivering the water rights according to these transfer records.

The Conant Creek Canal Company claimed that all water rights, 21-00083, 21-00141, 21-02035, and 21-02037, include the point of diversion in T8N, R43E, Sec 17 NESW. I couldn't find a water right transfer that included this point of diversion for these four water rights and Water District #1 hasn't delivered any portion of these water rights to this point of diversion.

Additionally, I couldn't find any water right transfer documenting a new place of use or point of diversion for water right 21-00083 different from the place of use (upstream from the Conant Creek Canal) described in the Rexburg Decree and IDWR water right database.

In light of what has been stated we cannot see why our request should be denied. If however, the Board feels that our request represents too much land. We would be willing to negotiate for adding only the 240 acres at N2N2; SE4NE4; NE4SE4; Sec 25 TWP 8 RGE 42.

Thankyou for your consideration in this matter.

Sincerely Yours,

Melita C. Henry

Aug 5, 1992.

To whom it may concern,

Let the board of the Grant Creek Canal Company
agree to amend the original application to include the parcels
of land that Mrs. Henry has indicated in this letter. If there
is anything we can do to help with this matter please call.
Dan Zundell (652-3734)

Sincerely

*Born - 4 last
May 3rd
Beverly
and wife
Delia Perry*

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OCT 20 1992

10/27/1988

SRBA CLAIMS RECEIVING CHECKLIST

CLAIMANT'S NAME CONANT CROOK CANAL CO. CLAIM ID# T. NO. AR1-02035DATE RECEIVED 3/23/89 CK # _____ AMOUNT \$ _____

- | | YES | NO |
|--|--|--------------------------|
| 1. Is the name and address complete with zip code? | ☒ | ☐ |
| 2. Is a priority date entered? | ☒ | ☐ |
| Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?
A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS. | | |
| 3. (a) Is a source entered? | ☒ | ☐ |
| (b) Is a tributary to entered? (if required) | N/A ☒ | ☐ |
| 4. Is the legal description of the p.d. sufficient? | ☒ | ☐ |
| 5. Is there a description of the diverting works? | ☒ | ☐ |
| 6. Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. | ☒ | ☐ |
| Is the period of use included? | ☒ | ☐ |
| Is a quantity claimed for each use? | ☒ | ☐ |
| 7. Is a total quantity claimed entered? | ☒ | ☐ |
| 8. If required is a consumptive use entered? | N/A ☒ | ☐ |
| Is the consumptive use correct? | N/A ☒ | ☐ |
| 9. Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. | N/A ☒ | ☐ |
| 10. Is (are) the place(s) of use entered? | ☒ | ☐ |
| 11. Is (are) the county(ies) entered? | ☒ | ☐ |
| 12. Is the ownership of p.u. checked? | ☒ | ☐ |
| 13. Are other water rights listed or "none" indicated? | ☒ | ☐ |
| 14. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) | N/A ☒ | ☐ |
| 15. Is the basis of the claim checked? | ☒ | ☐ |
| 16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) | ☒ | ☐ |
| Has the claim been signed, sealed, and dated by a notary? | ☒ | ☐ |
| Was this claim filed on time, or was an extension granted? | ☒ | ☐ |
| Is the fee enclosed correct? | Exempt ☒ | ☐ |
| If this claim is based on an existing water right, has the identification number been entered? | N/A ☒ | ☐ |
| Should this claim be receipted and data entered? | ☒ | ☐ |

Claim checked by: TO

Comments: _____

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E006437

CONANT Squirrel

MINOR TRIBUTARIES TO HENRYS FORK BELOW WARM RIVER

Listed in Downstream Order

80 U JAME: G	Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
	<u>CONANT CREEK</u>			
	<u>Nyborg</u> <u>T. C. Smith</u>	June 1, 1893	2.0	
	<u>Nyborg</u> (S. O. Peterson)	June 1, 1893	2.4	4.4
	<u>Nyborg</u> (S. O. Peterson)	June 1, 1899	0.8	5.2
	<u>Conant Creek Canal Co.</u> (TR 21041)	May 1, 1901	18.25	
	(TR 21041)	May 1, 1901	1.75*	25.2
	<u>Perry, McBain & Dunlop</u> ?	May 1, 1904	14.2	39.4
	<u>Conant Creek Canal Co.</u> (Lic. 4357)	Feb. 15, 1909	22.81	
	(TR 21-2037)	Feb. 15, 1909	2.19*	64.4
	(Lic. 5803)	Feb. 25, 1910	22.81	
	(TR 21-2037)	Feb. 25, 1910	2.19*	89.4
	Pump diversion		30	
	<u>Hawkes Claim</u> <i>attached</i>			
	<u>SQUIRREL CREEK</u>			
	<u>A. C. Langley</u>	Aug. 1, 1899	0.4	0.4
	<u>Squirrel Creek Irrig. & Canal Co.</u>	Sept 1, 1901	20.0	20.4
	<u>A. C. Langley</u>	June 24, 1902	2.5	22.9
	<u>Yellowstone Land & Cattle Co.</u>	June 24, 1902	3.0	25.9
		June 1, 1903	5.0	30.9
	<u>Merle Harshberger & Son</u> (Permit 21-7052)	Aug. 7, 1974	5.0	35.9
	<u>Don Harshberger & Gene Dickson</u> (Permit 21-7056) (Storage)	Oct. 7, 1974	20.0	55.9