

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: A22-12164
Date Received: 10/05/1988
Receipt No: E002927
Received By: SM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOX CREEK CANAL COMPANY 208-787-2759
Address: C/O DAWN STONE, SEC.
RT. 1, BOX 551
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1889

3. Source: FOX CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	29	SW	NW	NW		TETON

5. Description of diverting works:
HEADWORKS OF FOX CREEK PIPELINE/CANALS FROM OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	9.200		

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

8. Total consumptive use is 7500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	23	NE	NE		IRR	40.0
			NW	NE		IRR	38.0

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Date: 10/05/88

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10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	23	SW	NE		IRR	38.0
			SE	NE		IRR	40.0
			SE	SW		IRR	16.0
			NE	SE		IRR	40.0
			SW	SE		IRR	12.0
			SE	SE		IRR	39.0
			Section Acres				263.0
		24	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	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	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	39.0
			SE	SW		IRR	39.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.0
			Section Acres				636.0
		25	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			SW	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	38.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				478.0
		26	NE	NE		IRR	40.0
			NW	NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	26	SW		NE		IRR	38.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	38.0
			NW		SW		IRR	38.0
			SW		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	626.0
		27	SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	39.0
			SE		NW		IRR	39.0
			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
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	558.0
		34	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
							Section Acres	80.0
		36	NE		NE		IRR	38.0
			NW		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
							Section Acres	157.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	46E	19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	1	IRR	40.0
			NW		NW		IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	40.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	27.0
							Section Acres	620.0
		30	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	3.0
			NW		SW	3	IRR	39.0
			SW		SW	4	IRR	30.0
			SE		SW		IRR	40.0
							Section Acres	332.0
							Total Acres	3750.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEVERAL FOX CREEK IRR. RTS.

14. Remarks:
WATER DELIVERED TO SHARE HOLDERS THROUGH FOX CREEK PIPELINE
SYSTEM. THIS CLAIM COMBINES RTS. 22-00187,00361, 00445, 00540, 0
0562.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
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: 1

For Organizations:

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

Vernon Foster
Signature of Authorized Agent

Pres. Fox Creek Canal Co.
Title and Organization

10-5-88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of October 19 88

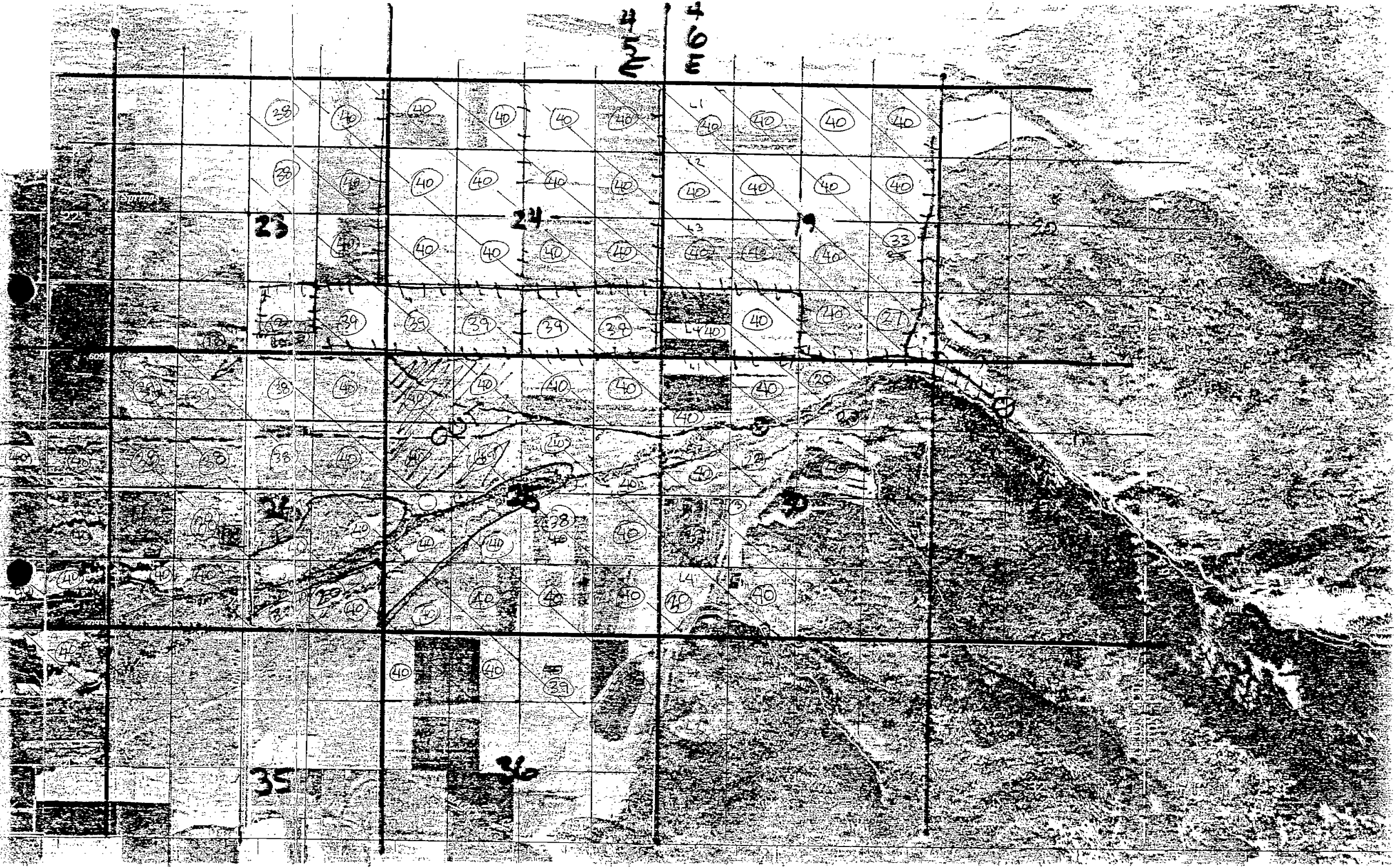
[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id.

My Commission Expires 22 Aug 1994
5 Date: 10/05/88

4
3
m64



MARCH 14, 1996

FOX CREEK CANAL COMPANY
C/O DAWN STONE SEC
RT 1 BOX 551
VICTOR ID 83455

RE: AMENDED NOTICES OF CLAIM A22-00188 AND A22-12164

Dear Ms. Stone:

After much research on these claims it is apparent that June 1, 1896 is incorrect for A22-00188 (documentation taken from the decree book is enclosed). The correct date for this particular claim is June 1, 1900 and a copy for your company to sign, have notarized and return to me is enclosed. The documentation for A22-12164 is also enclosed and the date on this notice is correct, so just sign it and have it notarized too.

The copies of the decrees that are enclosed are taken directly from the Rexburg Decree Book so there are no changes that can be made to the priority dates.

Please return the claims promptly.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosures

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NOV 06 1996

March 8, 1996

RECEIVED

MAR 12 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 Skyline Drive
Idaho Falls, Id. 83402-1718

Department of Water Resources
Eastern Region

RE: AMENDED NOTICES

Dear Ms. Thompson:

Thank you for your letter of February 5, 1996 concerning the above notices of claim. I apologize for taking so long to respond, however I needed some time to review our records.

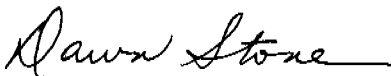
As I have reviewed the claim number, A22-00188, I have found that the dates you have on this claim do not correspond with our records.

Would you please send us a copy of any paperwork that you may have regarding these claims and changes, so we may compare our records with yours, and possibly find the errors?

Any information you have will be helpful, and I will try to respond as soon as possible to clarify any problems we may encounter. If you have any property description associated with the claim numbers, that would also be helpful.

Thank you for your assistance in this matter.

Sincerely,



Dawn Stone, Sec., FCCC
494 S. 50 West
Victor, Idaho 83455

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NOV 06 1996

FEBRUARY 5, 1996

FOX CREEK CANAL COMPANY
C/O DAWN STONE SEC
RT 1 BOX 551
VICTOR ID 83455

RE: AMENDED NOTICES OF CLAIM A22-00188 AND A22-12164

Dear Ms. Stone:

Enclosed please find two Notices of Claim the Department has modified to reflect the priority date shown on the decreed right. A22-00188 has been modified to June 1, 1890 (originally filed as 1889) and A22-12164 has been modified to June 1, 1896 (originally filed as 1889).

If you agree with our findings, please sign the Notices before a Notary Public in the "organizational" section and return the Notices to my attention. (The original Notices were signed by Vernal Foster, the president, but since your name is on the amended Notices, you should sign them).

Thank you for your prompt attention to this matter.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosures

7-29-96

Priority dates were wrong (according to Deed Book) & claims were mailed for signature on corrected PD. No response from claimants this date. Jo

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NOV 08 1996

Fox Creek Canal TIC 3-4-96
Dawn Stone Jo/E

Dent A22-00188 (6-1-1900, not 1896)
for signature/Notary
She already has
22-12164 to sign

Jo,
I'm not sure, but shouldn't
A22-00188 be 6-1-1900 for priority
date? That's what the Rexburg Deuce
says.

If she wants a copy of land
list, just make copies of original
claim and send it to her.

I made copies of Rexburg Deuce
and copy of WD of delivery book
to send to her.

as for 12164 - In remarks they
have water right listed and
they have 1896 per date. Send
her a copy of 12164 original also.

3-25 FOX CK. Person came in + discussed
w/EC the WR's A22-00188 + 12164/Jo.

1900
for
1896

Jo,
It looks like the last
claim in this stack (00188) was
highlighted where they are
supposed to sign, but may-
be it was never sent..?

I'd give them a call or
E. or I will and ask them
what the hell is going on.

MICROFILMED
NOV 06 1990

you can call them
The last letter says
12164 is correct + to sign
it. There is NO claim to
sign. Print small.

Fox Creek Canal TIC 3-14-96
Dawn Stone Jo/E
Dent A22-00188 (6-1-1900, not 1896)
for signature/Notary
She already has
22-12164 to sign

Jo,
I'm not sure, but shouldn't
A22-00188 be 6-1-1900 for priority
date? That's what the Resubing Decree
says.

If she wants a copy of land
list, just make copies of original
claim and send it to her.

I made copies of Resubing Decree
and copy of WD of delivery book
to send to her

as for 12164 - In remarks they
have water right listed and
they have 1896 pr date. Send
her a copy of 12164 original also.

3-25 FOX CK. Person came in & discussed
w/SC the WR's A22-00188 + 12164/Jo

1900
for
1896

Jo,
It looks like the last
claim in this stack (00188) was
highlighted where they are
supposed to sign, but may-
be it was never sent..?

I'd give them a call or
E. or I will and ask them
what the hell is going on.

MICROFILMED
NOV 06 2000

you call them
The last letter says
12164 is carried to to sign
it. There is NO claim to
sign. Print small?