

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: **A22-00188**
Date Received: 10/ 5/1988
Receipt No: _____
Received By: _____

**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 1, 1900

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	2.400		

7. Total Quantity Appropriated is:
2.400 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
			SW	NE		IRR	38.0

MICROFILMED

NOV 07 1988

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	23	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
	SW	NE	IRR	38.0
	SE	NE	IRR	40.0
	NE	NW	IRR	39.0

MICROFILMED
NOV 07 1996

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres		
04N	45E	26	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			
46E	19	NE		NE			IRR	40.0		
		NW		NE			IRR	40.0		
		SW		NE			IRR	40.0		
		SE		NE			IRR	40.0		

MICROFILMED
NOV 07 1996

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	19	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.

PRIORITY DATE CHANGED TO REFLECT DECREED PD 2/1/96/EC/JT

15. Basis of Claim: DECREED

Case Number:

MICROFILMED
NOV 07 1996

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL

Decree Plaintiff

TETON IRR. CANAL CO. ET AL

vs

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
_____ Title

_____, that I have signed the foregoing
Organization
document in the space below as _____ of

_____ Title
_____ and that the statements contained in the
Organization
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 _____

MICROFILMED
Notary Public NOV 19 1996

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: A22-00188
Date Received: 10/05/1988
Receipt No: 6002927
Received By: SEA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

208-787-2759

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	2.400		

7. Total Quantity Appropriated is:

2.400 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

A22-00188

Page

1

Date: 10/05/88

A2200188



NOV 04 1992

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.

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

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
Organization
document in the space below as President of
Fox Creek Canal Co. and that the statements contained in the
Organization
foregoing document are true and correct.

Bess N. 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

Residing at Idaho Falls, ID

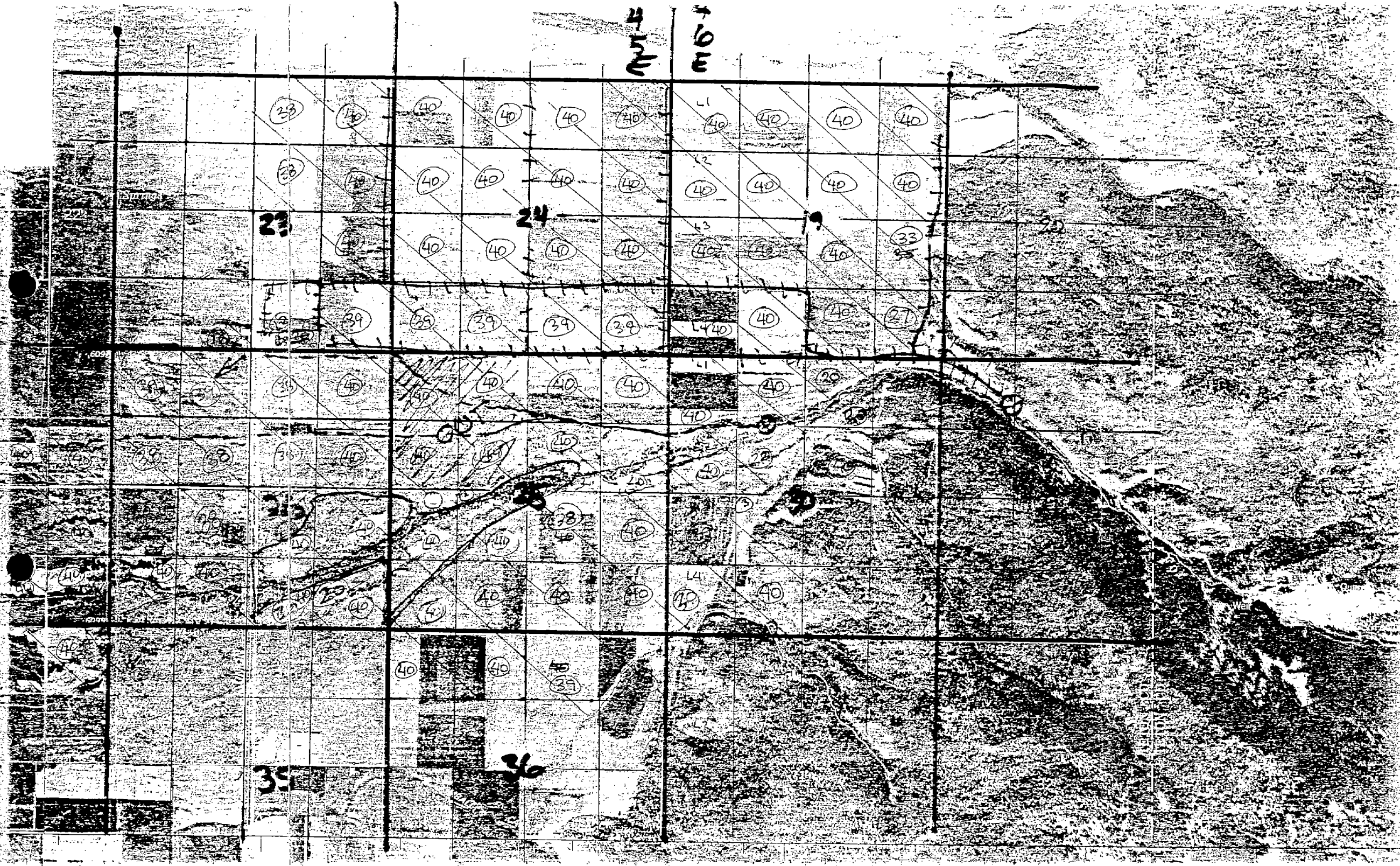
My Commission Expires 22 Aug 1994
Date: 10/05/88

A22-00188

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NOV 04 1992



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

44-20-10000
11-1-1996

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.

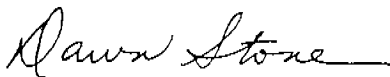
As I have reviewed the claim number, A22-00188, I have found that the dates you have on this claim do not correspond with our records.

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

APR 11 1996
FCCC

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 date was wrong (according to Dead Book)
and claims were mailed for signature on
corrected P.D.s. No response from claimant
this date. Jo*

FOX Creek Canal 115 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

1900
dwn
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.C. or I will and ask them
what the hell is going on.

you can call them.
The last letter says
12164 is correct & to sign
it. There is no claim to
sign. Print small..?

Jo,
I'm not sure, but shouldn't
A22-00188 be 6-1-1900 for priority
date? That's what the Rexburg Deed
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 Deed
and copy of WD or delivery book
to send to her.

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

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

EXPENDITURE VOUCHER

AUDITOR USE

EC005220

STATE OF IDAHO
Office of State Auditor

AGENCY USE

6201
Date
07/31/89
Code
193002

VENDOR: If you require additional information regarding this payment, please contact the State agency listed below.

AGENCY NAME: DEPT. OF WATER RESOURCES

Document No.	
Pre-Audit	Date
Warrant No.	

PAY
TO

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

CHECK ONE:

(1) MISCELLANEOUS EXPENDITURE
() STATE CONTRACT

() PURCHASE ORDER

() MISCELLANEOUS
ENCUMBRANCE REQUISITION

PAYMENT: () PARTIAL () FINAL

Encumbrance Reference No.

LINE No.	PROGRAM	FUND	ACCT.		DESCRIPTION	LINE AMOUNT	AGENCY USE
			Maj	Min			
1	04 10 162	9337	8831		REF. E005220 PER DON SHAFF 7/13/89 4.06	4.06	
A22-12156 plus several others. See attached. -af							
TOTAL						4.06	

NOTE: Final payment must be accompanied by a receiving copy

TO STATE AUDITOR

Request is hereby made that a warrant be authorized and drawn in payment of the item or items described above. I hereby certify that the items described were ordered by proper authority; that they are necessary in the public service, that the items have been received and accounted for, and that the account as stated is correct and just.

AUDITOR'S CERTIFICATE

I hereby certify that the above account is in proper form; that totals carried hereon are correct; that receipts when required by law or regulation of the State Board of Examiners covering items for which reimbursement is asked are submitted herewith; and that there are funds in the state treasury and balances in appropriation accounts out of which the same may be lawfully paid.

Date

Head of Agency or Institution

State Auditor

RECEIPT
For Monies Paid
to the
Idaho Department of Water Resource

Receipt No. 005220

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

Date: 12/14/88
Time: 15:15:36

*Done
7/13/89*

12/30 6002927 / 12/30/88 - Paid \$6500⁰⁰ of \$7300⁰⁰ Bill (11 claims @ \$500⁰⁰
plus \$3750⁰⁰ average fee. 22⁰⁰ at \$10.00 claim.

12/30 6005220 / 12/30/88 - Paid balance of account - \$500 - \$3500 = \$3000⁰⁰ plus
\$15⁰⁰ interest charges. They sent me OK on 2/18/89 in the amount of
\$320⁰⁰ leaving \$4⁰⁰ as an overpayment.

Received
From: FOX CREEK CANAL COMPANY

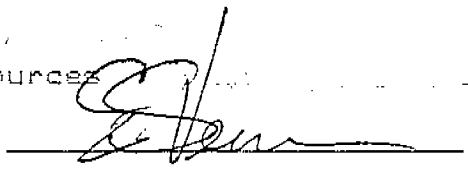
Type of Payment	Program A cct	Amount
ADJUDICATION CLAIM	0410162 9337 7190	\$800.00
INTEREST	0410162 9337 6890	\$15.94
OVER PAYMENT	0410162 9337 7190	\$4.06
Total		\$820.00

AR/NO E000010 Total Claim Fee \$4,300.00 Current Bal. ~~\$796.02~~
CHECK 0243 000

WR/NO: A22-12156⁰⁰ A22-12159⁰⁰ A22-00202⁰⁰ A22-00432⁰⁰ A22-12161⁰⁰
A22-12164⁰⁰ A22-12165⁰⁰ A22-12166⁰⁰ A22-00188⁰⁰ A22-02027⁰⁰
A22-12168⁰⁰

Idaho Department of Water Resources

Region: Eastern

Signature: 

FOX CREEK CANAL Co.
C/O DAWN STONE, SEC.
494 S. 50 W.
VICTOR, ID. 83455

STRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

All other claims use same land

Ident. Number: A22-12156 *list*

Date Received: 10/05/1988

Receipt No: 6002927