

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 22-277
Date Received: 6/11/2003
Receipt No:
Received By:

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

GRAND TETON CANAL CO LTD Phone: (208)354-2534
PO BOX 1099
DRIGGS ID USA 83422

2. Date of Priority: 05/01/1892

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

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	46E	20	NW NE 1	TETON	

5. Description of diverting works:

Concrete diversoin headworks and headgate located on Teton Creek.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/01	11/01	109.97	

7. Total Quantity Appropriated is:
109.97 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	45E	10	NE NE	IRRIGATION	40
			NW NE	IRRIGATION	40
			SW NE	IRRIGATION	40
			SE NE	IRRIGATION	40

			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	320
05N	45E	11	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
05N	45E	12	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
05N	45E	13	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640

05N	45E	14	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
05N	45E	15	NE	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	400
05N	45E	22	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	560
05N	45E	23	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40

					Section Acres	560
05N	45E	24	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
05N	45E	25	NE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	280
05N	45E	26	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
					Section Acres	240
05N	45E	27	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	600
05N	45E	34	NE	NE	IRRIGATION	40
					Section Acres	40
05N	45E	35	NW	NW	IRRIGATION	40

					Section Acres	40
05N	46E	7	NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
					Section Acres	320
05N	46E	18	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
					Section Acres	160
05N	46E	19	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	640
05N	46E	20	SW	NW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	7440

11. Place of use in counties: TETON

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

13. Other Water Rights Used:

14. Remarks:

OTHER WATER RIGHTS USED: 22-144, 22-4140

POINT OF DIVERSION IS IN T44N, R118W, SEC 29, NW/NW, TETON COUNTY, WYOMING.

15. Basis of Claim: Decreed

RECEIVED
JUN 11 2003
Department of Water Resources
Eastern Region

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 22-277

Date Received 6-11-03

Receipt Number E028868

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Grand Teton Canal Company, Limited Phone (208)354-2534
Mailing Address P.O. Box 1099, Driggs, Idaho Zip 83422
2. Date of Priority (Only (1) per claim) May 1, 1892
3. Source of water supply (a) Teton Creek
which is tributary to (b) Teton River
- 4.a. Location of existing point of diversion is: **State of Wyoming**
Township 44N Range 118 W. Section 29, 1/4 of NW 1/4 of NW 1/4, Govt. Lot , County of Teton
Additional points of diversion if any: NONE
- 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. Concrete diversion headworks and headgate located on Teton Creek.
6. Water is claimed for the following purposes: (Both dates are inclusive) (cfs) (acre feet)
For Irrigation Purposes from April 1 to Nov. 1 amount 109.97 cfs or
7. Total quantity claimed (a) 109.97 (cfs) and/or (b) (acre feet)
8. Total consumptive use claimed is acre feet per annum.

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

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
✓ 5N	45E	10	40	40	40	40									40	40	40	40	320
		✓ 11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		✓ 12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		✓ 13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		✓ 14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		✓ 15	40			40					40	40	40	40	40	40	40	40	400
		✓ 22	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
		✓ 23	40	40	40	40	40	40	40			40	40	40	40	40	40	40	560
		✓ 24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		✓ 25	40				40	40	40	40	40	40							280
		✓ 26					40	40	40	40		40	40						240
		27	40	40	40	40	40		40	40	40	40	40	40	40	40	40	40	600
		34	40																40
		35						40											40
			NE 1/4				NW 1/4				SW 1/4				SE 1/4				TLS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
5N	46E	7					40	40	40	40	40	40	40	40					320
		18									40	40	40	40					160
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20							40			40							80

Total number of acres irrigated 7,440

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

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.

22-144 and 22-4140 or None ()

Last Name Grand Teton Canal Co. Ident. Number 22-277

14. Remarks:

All lands described above are lands of the stock holders of Grand Teton Canal Company.

15. Basis of Claim (Check one) Beneficial Use _____ Posted Notice _____ Permit _____ Decree X License _____
If applicable provide IDWR Water Right Number 22-277
Court Sixth District Court, Fremont County Case Number _____ Decree Date December 16, 1910
Plaintiff vs Defendant Rexburg Irrigation Company, et.al. v. Teton Irrigation Canal Company, et.al.

16. Signature(s)

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 of Grand Teton Canal Company, that I have signed the foregoing document in the space below as President of Grand Teton Canal Company and that the statements contained in the foregoing document are true and correct.

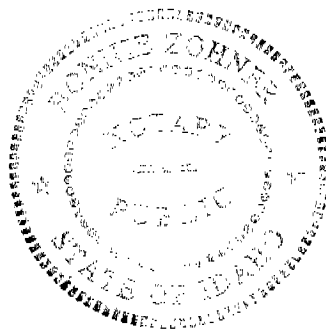
Signature of Authorized Agent David Johnson Pres.

Title and Organization Grand Teton Canal Co. Ltd Date May 23 - 03

State of Idaho)
) SS.
County of Teton)

Subscribed and sworn (or affirmed) before me this 23rd day of May, 2003.

Notary Public Bonnie Zornes
Residing at Driggs Idaho
My Commission Expires 10/01/2003



17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster 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 Kent W. Foster
Address: P.O. Box 50130, Idaho Falls, ID 83405
Date 6/10/03

BY 1-22-1989IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39356

Ident. Number A22-00277Date Received 10-6-88

Receipt Number _____

PROTECTIVE CLAIM

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

RECEIVED

OCT 6 1988

Department of Water Resources
Eastern District Office

Please type or print clearly

1. Name of Claimant (s) Gary Summers and Shannon Summers Phone (208) 356-7803Mailing Address 27 North 3000 East, Sugar City, ID Zip 834482. Date of Priority (Only one (1) per claim) (See Item 15)3. Source of water supply (a) Ditches/Delivery System of Grand Teton Canal Company
which is tributary to (b) _____4. a. Location of existing point of diversion is: Township 5N Range 45E Section 11 and 12
_____ 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot, _____ B.M., County of TetonAdditional points of diversion if any: Various Laterals off Grand Teton Canal

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. Ditches, Laterals, Earthen and Concrete
Headgates belonging to Grand Teton Canal Company.

A2200277

NOV 04 1988

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-15 to 10-15 amount 4.5 or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____
For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 4.5 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 900 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

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.

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	
5N	45E	11	40	20	40	40													140
		12	35	40	40	35	40	40	40	40									310

Total number of acres irrigated 450

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

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.

NOV 04 1992

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

There is an overlap of 235 acres based on claimant's rights under IDWR Water or None ()
Right 29838/22-2208 which has been filed on by separate notice of claim

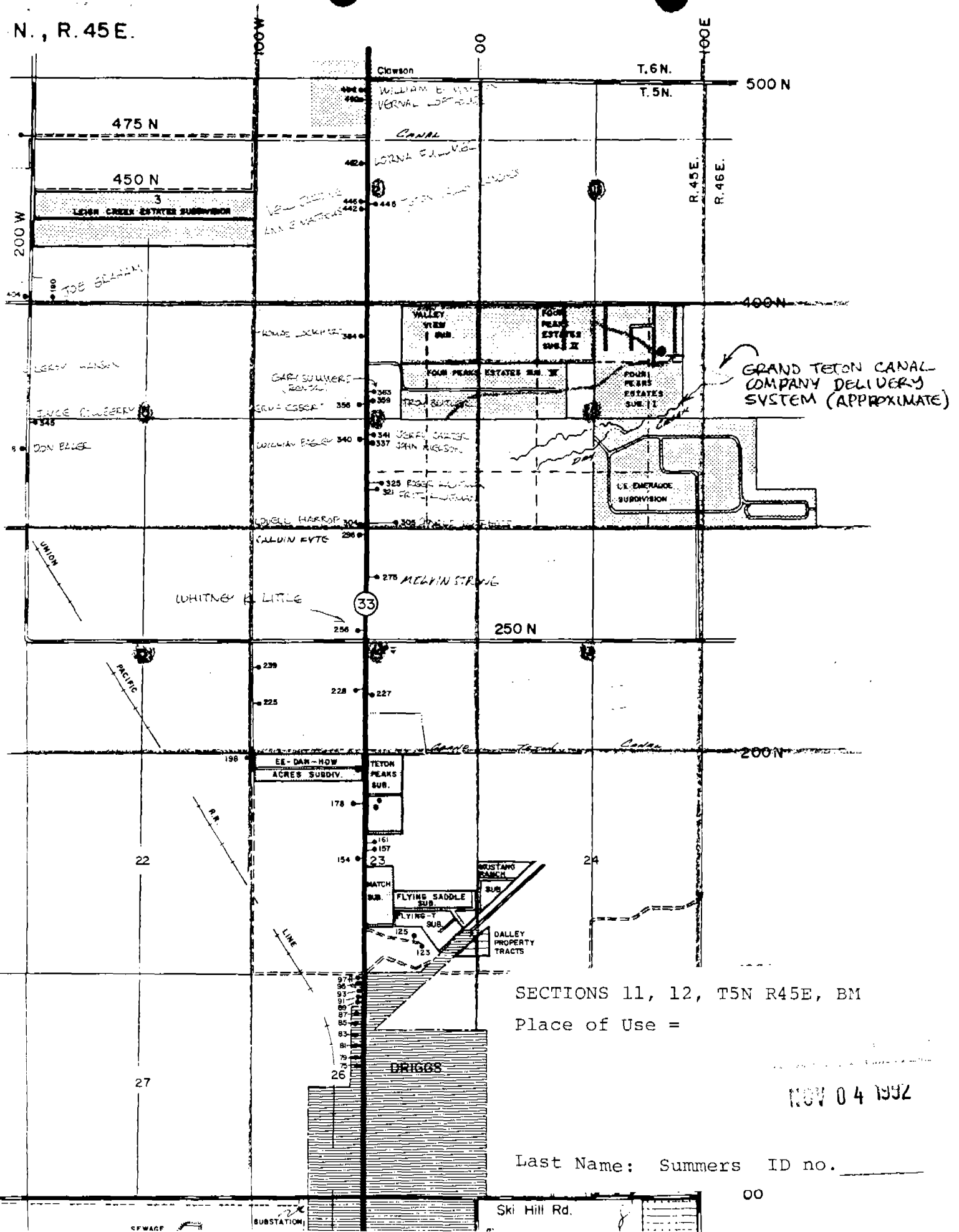
14. Remarks:
Item 15: Claimant owns 231 shares of the stock of the Grand Teton Canal Company and claims his allocated share of the water rights owned by the Canal Company or his allocated share of the water represented by those shares.

Item 12: Claimant still owns a substantial portion of the above acreage listed as place of use. A portion of this has been developed by claimant into Four Peaks Estates Subdivisions Divisions I, II and III. Some of these lots have been sold to various owners. Irrigation of lots and remaining acreage is available through Homeowners Associations presently being organized based on shares held in Grand Teton Canal Co.

Last Name SUMMERS Ident No. _____

Copies: White -State, Yellow-Claimant

N. , R. 45 E.



SECTIONS 11, 12, T5N R45E, BM
Place of Use =

NOV 04 1992

Last Name: Summers ID no.

00

Ski Hill Rd.

15. Basis of Claim (check one) Beneficial Use ☒ Posted Notice ☐ Lease ☐ Permit ☐

Decree ☒ 22-0277 (5/1/1892) ~~22-0114 (5/1/1892)~~

If applicable provide IDWR Water Right Number

Court _____ Case Number _____ Decree Date _____

Plaintiff vs Defendant * Grand Teton Canal Company has decreed rights under which claimant claims his beneficial use.

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

Signature of Claimant (s) Gary Summers by D. Gary Peterson Date October 6, 1988

Gary Summers by D. Gary Peterson, Attorney at Law

Shannon Summers by D. Gary Peterson Date October 6, 1988

Shannon Summers by D. Gary Peterson, Attorney at Law

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

of _____, that I have signed the foregoing
Organization

document in the space below as _____ of _____
Title Organization

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

Signature of Authorized Agent _____

Title and Organization _____ Date _____

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

Subscribed and sworn (or affirmed) before me this 6th day of OCTOBER 19 88

SEAL

Notary Public J Ann Arendts

Residing at IDAHO FALLS, IDAHO

My Commission Expires 9-7-92

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, D. Gary Peterson 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 D. Gary Peterson

Address Hansen, Beard, Martin & St. Clair, Chartered
P. O. Box 51718, Idaho Falls, ID 83404-1718

Date October 6, 1988

NOV 04 1992

Last Name SUMMERS Ident. Number _____

Copies White-State, Yellow-Claimant

From: DWR70::CARLSEN 23-JAN-1989 13:25
To: CARLSEN, DWR03::SHAW
Subj:

I have received a request from Gary Peterson, Esq., attorney for Gary and Shannon Summers, for the refund of the filing fee on Notice of Claim No. A22-00277. The refund would be for the \$265 as shown on receipt No. E002959. Justification for the request is that the notice is referencing a water right with the point of diversion in Wyoming. If you wish to send the refund through Mr. Peterson, his address is:
Hansen, Beard, Martin & St. Clair
P.O. Box 51718
Idaho Falls, Id. 83405-1718

A copy of the request was sent to Dave Shaw.
Let me know if you need more information. Also, if you would send us some type of documentation verifying that the refund has been made we will attach it to the notice.

Thanks
Ernest

NOV 04 1992

WHITE - State Auditor
 BLUE - Purchasing Copy
 GREEN - Office Distribution
 YELLOW - Remittance Advice
 PINK - State Auditor then Agency
 GOLDENROD - Agency Copy

EXPENDITURE VOUCHER

AUDITOR USE

STATE OF IDAHO
 Office of State Auditor

AGENCY USE

4715
Date 01/23/89
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.	

CHECK ONE:

PAY

TO

HANSEN, BEARD, MARTIN & ST CLAIR
 P.O. BOX 51718
 IDAHO FALLS, ID 83405.1718

(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		REFUND/GARY SUMMERS PER J. CARLSON 1/17/89 265.00	265.00	
TOTAL						265.00	

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

NOV 04 1986

LAW OFFICES OF

HANSEN, BEARD, MARTIN & ST. CLAIR

JOHN D. HANSEN
WINSTON V. BEARD
SIMON S. MARTIN
JOHN G. ST. CLAIR
D. GARY PETERSON
KEVIN T. SULLIVAN

CHARTERED
JUDICIAL CENTER BUILDING
683 NORTH CAPITAL AVENUE
POST OFFICE BOX 51718
IDAHO FALLS, IDAHO 83405-1718

AREA CODE 208
TELEPHONE 523-5171
FACSIMILE 529-9732

January 11, 1989

Mr. Ernest Carlsen
Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

*Sent Debbie Allen
MAIL - Requesting
refund of unused
Jan 17, 1989 EUC*

RECEIVED
JAN 12 1989
Department of Water Resources
Eastern District Office

RE: Snake River Basin Adjudication, Case No. 39356
Claimant: Gary Summers and Shannon Summers

Dear Mr. Carlsen:

I'm enclosing a copy of a protective claim to water right filed by the above claimant originally received by the Department of Water Resources on October 6, 1988. The appropriate fee of \$265 was filed at that time as evidenced by the enclosed receipt no. E002959. The fee is based on an overlap of 235 acres with a separate claim previously filed by this claimant (receipt no. E005233), leaving 215 acres covered by the enclosed application. The claim was later reviewed by Harold W. Jones and returned to me December 23, 1988, for certain deficiencies indicated in the enclosed letter from Mr. Jones.

I hand delivered this protective claim along with the other claim by Gary Summers on October 6, 1988, and had both claims reviewed for sufficiency at that time. As you are aware, there was at that time, and still is a question whether the Grand Teton Canal Company, which has its diversion point in Wyoming, is subject to the general adjudication of rights under the Snake River Basin adjudication. It was my understanding at the time of submitting this protective claim, that the lack of specific information identified by Mr. Jones was not necessary to otherwise make this a valid protective claim in light of the unresolved issues surrounding the Grand Teton Canal Company delivery system and differences between the company's and the claimant's points of diversion. Mr. Jones indicated he was not aware this claim was previously reviewed in my presence by another staff member.

After discussing the matter with Don Shaff and Dave Shaw at the Department of Water Resources in Boise, it is our understanding that a motion is being filed with the court to resolve the

NOV 04 1982

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CHARTERED

Mr. Ernest Carlsen
Page 2
1/11/89

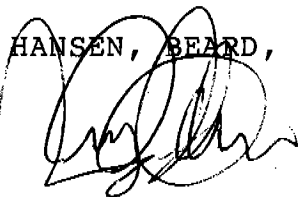
question of whether water rights having points of diversion outside of Idaho but places of use in Idaho are subject to this general Snake River Basin adjudication. Where there has been inconsistent advice given at different times to claimants falling in this category of claim, Mr. Shaw indicated that if the court determines that these claims are subject to the adjudication, a grace period will have to be extended in order to allow all potential claimants the right to file.

Rather than resubmitting the claim at this time, we choose to await the court's determination before filing. We, therefore, respectfully request that our client be refunded the \$265 previously paid at the time of the initial filing of this protective claim. I would appreciate you processing this claim for refund through the Boise office. I am sending a copy of this letter to Mr. Shaw for his reference.

This letter also constitutes our demand for notice of the outcome of the pending motion before the court regarding this jurisdictional question of out-of-state points of diversion. Such notice or other information disseminated by the director in this regard should be mailed to us at our address printed above. If you have any questions, please contact me.

Sincerely,

HANSEN, BEARD, MARTIN & ST. CLAIR, CHARTERED



D. Gary Peterson, Esq.

Summers:7768
DGP:km:89-011
7933h

cc: Mr. Dave Shaw
Gary Summers

NOV 04 1992



State of Idaho
DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

DATE: 12-21-1988

DEC 22 1988

CLAIMANT: Gary Summers
27 N. 3000 East
Sugar City, ID 83445

*For State
have 2 copies
12/21/88*

RE: Stockwater or domestic claim.

Dear Claimant:

Thank you for submitting the claim to your water uses. Before the Department can accept the claim, some additional information is required. We are returning your claim(s) and your check no. NO FEE SENT in the amount of \$.

Please refer to the comments from the reviewer and correct the items as indicated. If you need to make changes to the claim, please sign and notarize a new claim form since it is incorrect to change a notarized document. A blank form is enclosed for your convenience.

Please note the date stamp which indicates the dead-line for submitting your revised claim. You will not be assessed a late filing fee if the claim is returned to this office by 1-22-89. Please feel free to contact our office if you need assistance with this matter.

Sincerely;

Harold W. Jones

Need to complete - Line 2 - should read 5-1-1892 (as per right 22-0277)

Line 4 - should be the legal description of the Canal pd in Wyoming

Line 15 - should be; Rexburg Irrig Co US Teton Irrig. Canal Co.

Line 16 - Can only be signed by Gary Peterson if copy of Power of Attorney submitted with claim

Also - No Fee was received - a minimum of \$50 for the claim plus \$1/acre.

This claim has some problems in that the Canal Comp. may file on this same rt. I feel you should check with them also.

Lastly I find no evidence of a filing on 22-2208 as claimed on

line 14.

NOV 04 1988