

04/08/2005

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JUN 14 2005

Department of Water Resources

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 21-110

NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG ID 83440

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

The Flow or Rate of Diversion in the Rexburg Decree is 1 cfs
The Place of use should be the Land of the Stockholder
since the original place of use was flooded by Henrys Lake

3. Give a brief explanation as to why you disagree with these portions: ^{TRANSFERRED}
The Right was not forfeited but ~~transferred~~ before
~~these~~ were statutes in place.

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE: _____ SIGNATURE: _____

Please print your name: _____

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

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Department of Water Resources
Eastern Region

10/15
6/20

04/08/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 21-110

NAME AND ADDRESS: NORTH FORK RESERVOIR CO
C/O RAY W RIGBY SEC
PO BOX 250
REXBURG ID 83440

Disallowed

SOURCE: TIMBER CREEK

TRIBUTARY: HENRYS LAKE

QUANTITY: 1 CFS

PRIORITY DATE: 06/01/1887

POINT OF DIVERSION:

T15N R43E S26 SWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

4/01 10/31

CFS

PLACE OF USE: IRRIGATION Within FREMONT County

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Forfeited/abandoned due to non-use from 1978 to 1987.

EXPLANATORY MATERIAL: Decreed

Forfeited/abandoned: This is included for a claim based on a decree or license that is proposed to be disallowed on the basis that the water right no longer exists because forfeiture of the right by nonuse was confirmed and a defense to forfeiture was not confirmed, or because abandonment of the right was confirmed.

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Department of Water Resources

North Fork Reservoir Company
P.O. Box 250
Rexburg, Idaho 83440

June 10, 2005

Ryan Mickesell
Water Agent Adjudication Bureau
900 North Skyline Drive
Idaho Falls, Idaho 83402

Dear Mike;

Enclosed are the Notice of Errors that I have found in the Preliminary Directors report that were sent to me. I also have enclosed a summary of those findings. I hope that it is self explanatory. Our legal council has been out of the office and I did what I could using the I.D.W.R. home page for my research.

If you have any questions feel free to contact me at 624-3102 or 351-1237.

Yours truly

Dave Rydalch



President
North Fork Reservoir Company

JUN 14 2005

Department of Water Resources

SRBA Claims for the N.F.R.Co. May 2005

Water right numbers 21-110, 21-111, and 21-112 were adjudicated rights in the Rexburg Decree to ranches that were acquired by the N.F.R.Co. Their place of use was flooded by the Henrys Lake Dam when it was constructed in 1923. The place of use since the original place of use was flooded has been the lands of the stockholders of the N.F.R.Co. (Company). In the 21-110 recommendation there was a mistake because there was no rate of diversion given by the department. The Rexburg decree book listed the Timber Creek diversion at 1 cfs. There is a legal question that exists because there were no laws in use at that time that allowed for a change in place of use. The place of use since the time those lands were flooded have been the lands of the stockholders of the Company.

Water right number 21-12946 is the first water right obtained by the company in 05/15/1917 to store 79,350 acre feet of water. Water right 21-2154 was a right that was acquired by the company to divert the entire waters of Dry Creek up to 4,000 acre feet in 09/04/1923. Both these rights were decreed in United States District Court in the Woodville versus Clark and Edwards case.

Water right number 21-2161 is the license that was acquired under State law to store 10,650 acre feet when the dam was reconstructed in 07/29/1965. There was no mention of the Dewey Canal Company anywhere in the application for the license.

Water right number 21-4100 is a bank storage right that was applied for in 1983 by the company to store 24,105 acre feet of water in the banks of the reservoir with a priority date of 05/15/1915 the same as 21-12946. If there is a bank storage right in the largest reservoir in the system then there should be bank storage rights in all the reservoirs in the system.

Water right number 21-4101 is a bank storage right that was applied for by the company in 1983 to store 3,195 acre feet in the banks of the reservoir with a priority date of 06/29/1965 the same as 21-2161. If there is a bank storage right in American Falls Reservoir then there should be bank storage right in all the reservoirs in the system.

Water right number 21-4102 is a bank storage right that was applied for by the company to store 1,200 acre feet of water in the banks of the reservoir with a priority of 09/04/1923 the same as 21-2154. If I.D.W.R. issues a bank Storage license in American Falls Reservoir they should issue Bank Storage Licenses to all the reservoirs in the system.

The place of use for all of the above is the lands of the Stockholders of the company in Fremont and Madison Counties. The stockholders of the company are the Egin Bench Canal Company, the Consolidated Farmers Canal Company and the Salem Union Canal Company.

For the record there are no lands being irrigated in Jefferson County. There is no record of the Dewey Canal Company ever owning any stock in the North Fork Reservoir

Company and since the formation of the Egin Bench Canal Company, the Last Chance Canal Company, the St. Anthony Canal Company, the Egin Canal Company and the Independent Canal Company no longer exist.