

MEMORANDUM

Date: January 20, 2002

From: Craig Saxton

Subject: Administration of Right 29-02034 (SRBA claims 29-02034A and 29-02034B)

Findings of Fact:

29-02034 was licensed on June 12, 1906 for use of Indian Creek water for Irrigation and Domestic purposes.

A statement from Narcisse Sorrell sworn on July 2, 1920 states that what is currently known as Jackson Creek was historically known as Indian Creek and was historically tributary to the Portneuf river and not Rapid Creek.

Rapid Creek Decree 29-F - Stewart vs. Damron was signed on June 22, 1906. This decree included Rapid creek and all its tributaries.

Decree 29-F did not include irrigation of the POU licensed under right 29-02034. Nor did it specifically state Jackson or Indian creek as a source included in this decree.

Jackson Creek (Indian Creek) is currently tributary to Rapid creek.

Conclusion:

Based on the above information, available evidence indicates that Jackson Creek was not historically tributary to Rapid Creek.

Since Jackson Creek is currently tributary to Rapid Creek, but at the time of licensing, apparently was not, recommend source for SRBA claims 29-02034A and 29-02034B as:

Jackson Creek tributary to Rapid Creek

Add remark:

PURSUANT TO A CALL IN TIMES OF SCARCITY, THIS RIGHT IS SENIOR TO WATER RIGHTS DIVERTED FROM RAPID CREEK AND TRIBUTARIES.