

5 A.F. purchased from Commt Bank
apply to 13-8-42 or 23-8-42.

RECEIVED

SEP 13 1999

Department of Water Resources
Eastern Region

Dear Dale

I wish you guys would
straighten out my white
down there. These state
books tell me I have to
have three storage when
attached to the land by
end of 1950 or before 1981.
Right now I can't even
find all of the acres
alone attach it.

Now run I am going to
give you guys the 50 A of
that is attached to my state
property of around 600 A
and more to redeem
the dam along them its
worth. But that
water in canal & fall

Even sleep have to be
straightened out so I
can attach the righttal
water to the right land
has not as what I
think is quite close.

(A.)

Additional backup to
provide explanation for
confusion regarding

K.L. Henry's application
to water from falls
River in 1970's.
River was done with
problem because it was
moved to C with of water
credited to C with of water
Date of note approx 1979

Also water was all in
Section 30-8-43.

and I can't find any transfer
of the amount to Conant
Canal

Edt. Nelson - 27 ac
Woodland - 7 ac
Blount Blanchard - 9 ac
Home place - ~~80~~ 50 ac
sheep the 80 -
underd square - 43 ac
Place Conant owned - 4 ac
Total - 47 ac

Pay on 593.5
47.0

Total 640.5 ac.

another thing from what
the Conant Canal bears
tells me is, this 130
pound bucking around,
credited to Conant in
fall 1900, then in Con-
cree, then in Conant Ca-
nal mine, then sold fund
note on top of 1974 &
Nelson 60-70 plus no
more figures all to me,
Credit not to Conant or
Conant.
Here is what I think is
pretty damn close.
cc

200 of attacked or should be to
Section 23-8-42 from
Tree Run.

285 - of our Council Council
to sections 20-8-43

Sections 19-18-13-24

60 ay to Jackson 25-9-42

80 of to section 8-9-41

10 days to Section 9-44

65,5 attached to Diagram 13-8-72

OS 5. The old building
8-42. from full view

I think this is damn clear
after the journey you go
the 86 cent ft on the
home place)

276
 913
 77
 400

天

$$\begin{array}{r} 60 \\ 7 \overline{) 420} \\ \underline{42} \\ 0 \end{array}$$

W.T. Gibson 27 → 1940's early
Devere Blanchard 9 → 1941
Woodland 14 → before 1940

40

8

State of Idaho
Water District one
900 N. Skyline Dr. Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

SEP 13 1999

Department of Water Resources
Eastern Region

To: Tony Olenichak
Date: September 8, 1999

Re: Structure of KR Henry Water

Dear Tony,

What follows is my Father's structure
River in late seventies and the end
what occurred to change this allocation
the balance of my parent's water C
and the sealing off of the ditch which

*Explanation of
parent's water rights
structure.*

m Falls
es of
ited in
1996

This map shows my Father's system
which had this ditch built very early
other ditches which ran in front of t
first ran over the hill from the syste
when the canal was first built but as time passed the family had moved up on top of the
hill. In the late 1940's some portions of the structure was destroyed quite likely around
the time the laterals were destroyed to my properties since this ditch was to the East of
my properties.

ghts
d to
itch had
lls River

This destruction of the end portion of the system resulted in having this ditch be placed
at the end of a pond, which lay at the end of the system in Sec 19, Twp 8N Rge 43. The
ditch remained but was altered in its previous delivery from the ditches which had once
connected with it and the second homestead this family had settled. The ditch itself broke
off from its connecting lateral ditch in Sec 19 Twp 8N and passed down the side of the
hill in Sec 18 Twp 8N Rge 43. At one time the delivery of water was enough that it
formed a springs on the side of the hill and it hasn't been a great many years this springs
has been gone. The water coming from this ditch never did stop and continued to flow
out of the ditch clear up until 1996, it was the amount, which came through it tat was the
problem.

As indicated in previous correspondance my Father had wanted to save the water rights to
his Father's homestead. He had his resouces split between groups of lands and in one of
these groups included was the Ray Crouch dry farm later owned by Curtis Loosli.
Compare C's and X's. During the late 1970's my Father had his resouces split right down
the middle. His shares of CC water and his storage water.

Some explanation is in order in regard to eighty-acre ft. of storage water, which belonged to my Grandfather. It was not used but kept for the purpose of placing it back on top. It needed to be redeemed first. Such redemption would have given 279 acre ft. to the old lands and 279 acre ft. to lands in system.

This was matched acre's requiring water. In old lands group approx. 376 acre's, in other group 379 acres, and a split of shares of decreed water right down the middle this would have meant roughly about 0.02 an acre, which was assigned to the Van Sickle property. This also picked up some forty acre's of pasture in sec 18. The confusion, which took place during the time of the applications, was due to the fact that both Ray Crouch and Curtis Loosli rented the storage water and paid directly to Fremont Madison. Curtis Loosli had done this so many years that no doubt Fremont Madison thought there was not ample storage to water from Falls River.

In order to straighten out those records of denied applications and to clear up the rumors which have arisen in Ashton as regards my Father past activity, which amounts to lame excuses not to comply with transfer. I submit assessments from 1950 to 1992, which clearly show my Father was correct when he said he had that much water. Water resources requested those records but Fremont Madison overlooked them due to their being credited to Curtis Loosli.

However, those reading these assessments should keep in mind that in the early eighties some of the transfers made on a permanent attachment were already in Falls River at the time and was being used by Curtis Loosli. Suffice to say these assessments will show totals which include those being given credit to Curtis but really owned by KR Henry. My understanding was that this confusion was straightened out in the late 1970's while my Father was working with Dale Swenson. Although I am still missing twenty acre. ft. in my own research.

While I do not have the annual transfer's sheets of records it is difficult to know of those transfers made in early 1980's which amounts were in Falls River in those years people often transferred on optional basis. I do know that 130 acre ft. was credited to Curtis but belonged to my Father. If this amount included the 40 acre ft. attached to section 23, I don't know. What I do know is that the eighty acre ft. turned back to Fremont Madison, resulted a ratio of 200 acre Ft. in Falls river and 279 acre ft. In CC system. Therefore while I would require the annual transfer sheets to know just what ratio took place which did leave this 279 acre ft. In the system on a permanent basis it can be assumed that some form or allocation took place in the early 1980's which altered the structure evidenced by applications for permits and this resulted in a alteration of CC water rights assigned.

At the time of my Father's death, and some years after his death there would have been a ratio of division of CC water rights split into thirds. Around the time of my Fathers death Dan Reynolds would have been renting about one year and would not be as familiar with the structure as would have been the case had he been renting longer. My Father told him there was decreed water with the property he rented but did not tell him how much water. He had told me he had a match of stock to storage but I was uncertain as to whether he meant storage to all my lands or just the Van Sickle lands. I had the impression he spoke only of the Van Sickle place in which he allocated to. In addition, he had become so discouraged even getting his water from the system at the time of his death he was behind in his assessments, which my Mother and I paid to date.

At the time of my Father's death I had more irrigated acre's than those other two thirds allocated but no doubt due to the problems with delivery has slowly increased use whether documented or not. Rather my Father had, I have never had any water rights in my name as they had not been turned over at either parent's time of death. Therefore at the time of my Father's death, I would have had approx. 100 miners inches of water being delivered to those properties. The renter Dan Reynolds would have had 100 miners inches delivered to him and Dennis Warnke had 100 miner's inches delivered to him. My notes from this period in time and my research would indicate that this was 135 shares to Dan in Falls River. 135 shares to Dan in the system, and 135 shares to Dennis Warnke. Dan Reynolds would have had approx. 170 farmable acre's of the Markland family lands, Dennis Warnke having approx. 169 farmable acre's which was comprised of the Markland property and KC Henry property. In addition, my notes from this period would suggest those approx. 3 lines were given to each 135 shares. Ratio from notes is 1.35 per miner's one inch.

How this structure became confused and delivery lessened in Falls River:

Receiving water from the ditch was quite difficult during this time and if I can truly rule out that district one did not deliver it, which should be, checked one more time due to the confusion of the Ray Crouch/ Curtis Loosli pump being inventoried in Henry's fork. If I can rule this out then delivery of water under CC water right would have been 100 miners inches.

A structure of allocation stays in place as long as people keep up with that allocation. It is the canal companies responsibility to maintain records of where this allocation is directed, and this task should not fall upon my shoulders. However, narrowing down these components, I have also narrowed down who did what to cause what did happen.

I cannot from my limited knowledge of delivery in the system prior to 1996 tell you how this was done. CCC says the shares had been used in the end. This would a true statement on CCC part. The ditch, which watered my property, was also at the end. Each renter had pumps at specific points and those renters would be given their allocation of Henry water which would have been 100 miners inches to use in their pumps. At this point in discovery I could not tell you if 150 miners inches went to Dennis and because his allocation was 100 inches he was given three lines that the excess then went through to enable 50 inches of that to go through the ditch, and the same method in regard to Dan Reynolds pumps, or if 200 miners inches were sent to Dan Reynolds pumps one of which was by the pond. The ditch extended from the pond.

Recollection of comments made by my Father strongly suggests some action performed by the ditch rider who had to manually do something. This action was due to the changes which took place in its natural delivery. Without additional discovery it would be difficult to speculate on this process however feedback would suggest some kind of spilling to take place.

I am aware that at this time the system was in bad shape. There was a great deal of leakage to the system and much water wasted. Our waste bill alone was 1,500 a year. Then the drought had hit which really put matters into a crisis state for the family. I don't recall the precise years the drought lasted but do know that it was quite close to the time the project was being put into place or at least voted

upon and the book shares voted into the project.

I have vivid collections of this period in time and know that with all these complications in the system that some crops were being burnt due to addition of the drought factors. From recollections of annual stockholders meetings I recall CCC stating that during a time of shortage that water would be allocated or pro-rated to each shareholder not upon the shares they had but upon this pro-rated amount, which was pro-rated from the amount of, water being received. I do recall what seems like Dan having to give some of his water to Dennis. Suffice to say during this crisis period some alterations was made in regard to allocation which would protect the lands in the system.

There was never any actual transfers made by my Mother in fact these changes of allocation made caused her and renter Dan Reynolds to note that water was missing in Falls River, or rather lessened to such a degree that a combination of this missing water and the fact she thought we had more shares than book led her to the belief that Curtis was somehow being credited with this water, and this water he was being credited with, he was paying the assessments on. In my own discovery prior to her death I learned that she was confusing the situation with Curtis being credited with storage water and decreed water.

However, my Mother's confusion provided my niece and her then fiancée who had taken over the job of checking out the water stock to persuade my Mother to vote the book shares in, while after Mom had done this she continued to seek those shares from Curtis Loosli. If you will note map this conclusion on the part of my Mother is quite obvious. Although I do not know if IDWR will require some documentation we did have some of these exhibits for the hearing, which clearly show my niece and her fiancée activities in regard to the family water resources. I am aware that my Mother knew about the ditch itself, but not that it delivered to my properties. and this caused her the belief that there existed some other method of delivery. I have many exhibits which show my Mother believed Curtis had our water that she found missing. This is also common knowledge among many people that she sought this water from Curtis Loosli up to the time of her death. However to protect my interests my Mother had felt by putting all water resources into a trust that this would protect me should she not find the water. This can be evidenced through a codicil she had prepared but later revoked. In place of this she allowed my niece Terri Harigfeld to have power of attorney over the water resources. My Mother's preference was that Dan Reynolds have this power of attorney, however my niece caused such disturbance that my Mother relented and allow her this power. As indicated in a previous correspondence my Mother and I never made it to her attorney's after I became concerned regarding the activities of my niece. I mention these factors in explanation that there existed more than a simple mix-up of water allocation. While not relevant for this purpose should this Situation require legal issues, I understand the state does have a legal department, if legal factors come into play. My comments regarding these factors relate to my Mother's intent in regard to water resources and not those as promoted by my nieces.

It should be understood my mentioning these factors are not to promote legal action of any kind, only that the mentioning of them allows IDWR to understand some of the dynamics. I am sure my attorney could offer much assistance with this. There are so much discoveries I have had since the speaking with my attorney about

these issues. At this point in time I don't think he would be up to speed with my continuing work. It is a given that due to the mass confusion which has taken place, Mr. Foster's analysis which was completely wrong, and CCC not coming forth with information on the ditch, caused many misunderstanding to occur and these misunderstanding resulted in acknowledgement of what I would call acknowledge of only half a water right. There was of course the confusion for a time that when discovery was made that Curtis Loosli still watered my property, I was told he watered all of it. I have yet to understand why I was given this information but was, and as a result this constitutional water right having a basis from one pump is in error.

By the above comments I believe it can be understood how all these factors were brought together to produce the phenomena that it has. Naturally due to the fact I was dealing with all the confusion in the family, I did not have the opportunity nor need, to examine the other workings of the system and this has taken me a bit of time to finish out my Mother's task of finding the missing water. A task performed which I myself marvel at given nothing to go on but a photographic memory.

In summation the water allocated to my properties became distorted through confusion, environmental conditions, interference, and taking over of water resources by one branch of the family. The water allocation and changes made between renters to fight the crisis of the drought were not restored to its beginning allocation which covered my properties, that existing allocation voted into the project, resulting in the ditch being sealed over in 1996.

Both CCC and I have an obligation to the other water users in the state of Idaho. I suggest a modification of the transfer of request of water rights as evidenced by the claims filed by CCC. That this transfer be limited to 100 minors inches of water to be transferred from delivery to their headgate. This transfer would be in line with those actual allocations from my parents water rights for these portions of land. This would then allow me to document the developed water in Falls River by filing a claim on.

Removing this amount from the headgate would due to the circumstances be the most workable solution in regard to the new structure of the system and the present allocations in regard to shareholders. I will send to Roger Bratt a copy of this letter which will serve to modify the original request.

Thank you for your assistance in this matter.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Joyce King".

cc: Earnest Carlson

cc: Roger Bratt

August 31, 1999

Roger Bratt
630 North 6th West
St. Anthony Id. 83445

RECEIVED

Re: Transfer of water right

SEP 13 1999

Dear Roger,

Department of Water Resources
Eastern Region

Enclosed is copy of letter sent to two of the agents at IDWR and district one. This should be self explanatory and need no further explanation. I have noted however, and should document that the pump used to water from the pond is no longer in use within the system.

Having located that ditch which I did know about, and did at one time ask about, but was told delivery in CCC was not like this, it caused me some confusion. However, having found this ditch it has also brought me up to speed in regard to events, which caused the confusion.

I am not sure what to say about all of this, save to simply spell it out. I have tried extremely hard to keep giving CCC the benefit of the doubt. To be frank I do not understand others behaviors, this is all quite foreign to me. I was raised with values that dictated taking responsibility for something if I found I was wrong, and coupled with this the expectation of this from others.

Please discuss this transfer with the board of directors then contact either of these gentlemen to discuss any issues CCC might have in regard to this.

In regard to the offer concerning a pursuit of the 1896 water right. I believe the word that comes closest to definition in regard to this offer is "Astonishment." CCC has already filed on this 1896 water right. My Mother was president of CCC at the time it was filed. That claim already has some lands in that filing which include my lands and others. My particular property has a greater connection to the 1901 decreed right simply due to his being a member of the first CCC who filed on their own water. He did arrive in 1887 but did not officially join the company until 1900 although he did further develop the use of water from the water right filed by the stockmen

of both 1896 and 1901. Under the rules of priority he meets both natural flow rights.

Please contact the state and let's attempt to resolve this issue in a reasonable manner. In addition, may I request you return the folder I had sent with some exhibits. My address can be located on the return envelope.

Thank you for your assistance in this matter.

Sincerely Yours,

A handwritten signature in cursive script, reading "Jayu King". The signature is written in dark ink and is positioned below the "Sincerely Yours," text.

cc: Earnest Carlson
cc: Tony Olenichak

August 6, 1999

*Sent with Transfer
request you will be
receiving exhibits
referenced.*

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History of Water Rights:

For the board's understanding of the Henry family Canal Company, I refer to enclosed map taken from Tressa Garrett & Blaine Hawkes. I am sure some of you and may have copies of this yourselves. We all own individuals who have recorded this precious history.

Some of you may be aware that prior to the legal system existed another Canal Company, which was comprised of homesteaders who were proving their grounds in order to secure their homesteads under the Homestead Act of 1862. In addition you may be aware that there existed different agreements concerning water rights than we evidence at this time. These agreements were due to the priority of arrival but in addition these early arrivals performed the actual work of building the canal and they were paid in ditch stock.

For this particular purpose I do not want to elaborate upon any point concerning rights and who was to keep the rights. What I do want to convey is that the various arrival dates of homesteaders brought varying circumstances in the actual structure of the early Canal system. My parents had acquired a great deal of properties, which were from early arrivals. The ones who actually built the canal and who were connected to the CCC before the CCC of 1902.

This enclosed map referenced in the beginning paragraph begins at a chapter about Conant Creek Canal. A picture is worth a thousand words and I can use this map to explain the relationship between the Henry family and CCC of 1902. This map provides not only where the laterals and ditches ran in the early system but those early families. If you will look at the lowest western portion of this early system you can see the names of Murdoch and Van Sickle. Tom Murdoch and John Van Sickle were those associated with my properties in regard to the early structure. This is not to be confused with some later arrivals which changed the boundaries somewhat. By this I mean when the actual sections were developed which occurred around 1909 or 1910. I note a couple of missing homesteads from this early map, one of these was Hans Nielson who was an early arrival and settled by Falls River in 1896.

As some of you are aware, as the years passed and the system expanded some areas of this early structure ceased to have delivery of the CC water. No doubt in many cases this was due to abandonment by the farms themselves. If you will note across from Farnum school house this was my Grandfather's homestead purchased from the Brittons in 1917. By the late 1940's my parents had acquired a great deal of the early homesteads. For example further South of the Farnum school house was the Gibson homestead and early arrival and further South of the Britton homestead was the Alma Blanchard homestead.

Both Dan Gibson and Alma Blanchard were early arrivals. My parents had also purchased a couple of the Schofield homesteads.

Destruction of Laterals to early structures:

In the late 1940's CCC destroyed the laterals to some of this early structure built by the first arrivals. In my families case the laterals were destroyed on paid up stock. We did not abandon our ditches. At the time of this destruction my father did not turn in his water resources. I do believe some were turned in, at either this time or shortly after, as I am aware of one of my Grandfather's which was turned in and my Father kept for his signature. This certificate was marked void. There may have been others also however we as a family knew that certain lands were to be preserved.

My Father had always, years in advance discussed possible purchase of properties and this was so with the Van Sickle family. For these reasons my Father kept his water resources which were cut off from use. He stored them over on Sec 20 if recollection serves. The reason for this was because of regulations. At the time of the destruction of the laterals my Father did not own any of the properties in which I currently own. In 1953 he and his friend Dr. Kruger purchased some forty or so acre's from Cliff Watts then in 1956 he brought out Dr. Kruger's portion. He purchased the other forty acre's in 1965 which lies at the western end from the Blanchard family. It is unknown to me if shares of stock was purchased with these properties. Due to the fact that the Van Sickle farm was ran by Cliff Watts who was the son in law of John Van Sickle it may have been that Cliff transferred his stock along with that of his Father in law. This is only a possibility because this land lies directly behind the farm, which he managed. My smaller property has always been included with the Van Sickle homestead simply due to how it stretches across the entire portion of section 26. On the South side it drops into a gully. It is larger at the West End right behind Curtis Loosli property then narrows as it goes East. The other portion is at the base of the gully this portion is currently in CRP it was just renewed and had been since my Father's death. I understand when it is CRP it does not lose its right. At least this is what has been said to me.

In order to prevent confusion I want to isolate the Van Sickle property from my Fathers property which had its laterals destroyed and the properties which I currently own today which is the property directly behind the Van Sickle property and the property of Curtis Loosli.

To assist you I refer to my father's petition to Fremont Madison hand written in 1979 wherein he provides some history concerning the transfers. To provide some additional framework for your understanding. I also refer to history concerning John Van Sickle and as you can see he was one of the early arrivals. He served on the board of directors of CCC and was serving in this capacity at the time of his death in 1944. You will also note reference to Cliff Watts running the homestead after John Van Sickle had sold his own equipment and ceased to farm. The destruction of the laterals did take place only a few years after his death.

The Van Sickle family or Cliff Watts who ran the farm transferred their resources to Falls River. These folks were not the only family who was right by Falls River and began obtaining their water from Falls River. There was also Owen Jenson. The ditches to his properties would have also been destroyed. His property in terms of the very early homesteaders would have been tied to either Tom Murdoch or Brigham Murdoch. Again sections had not been put in place which seems to have moved these locations. I include a homestead map and I note on the map it has differing layouts than the very early map, which shows the early families. This reference has bearing in regard to the actual filing for water and the very early structures which were built which were added when these other individuals arrived. It was just around the early 1950 that pumps started to be used to pump from Falls River.

This transfer by the previous owners is evidenced by assessment sheet, which is enclosed and from study of it you can see that the owner of the property is Catherine Van Sickle in 1950 when the transfer was made. Keeping in mind she is only the owner. You will note that later on new owner of Pearle Watts who was wife to Cliff Watts. Mrs. Van Sickle passed away in 1956. Her estate gave her three daughters each one third of the land and gave control of the water rights to all pieces to the daughter who had the middle portion. I am very familiar with this story as I have heard it often from my Mother. My Father purchased the first piece of property in 1957 from one of the daughters this portion was the third which lay right next to the Ray Crouch dry farm to the west. He also had in this same year purchased some property from Cliff Watts who ran the Farm for the Van Sickle family which lie South and behind the Van Sickle property.

In reading my Father's petition it can be quite confusing unless one knows the history. He says he obtained a river right in 1950 but he never purchased the property until later so what is is saying is he obtained this river right through the previous owner who had already transferred to Falls River. My Father also states in his petition that he began transferring storage water on an optional basis beginning that year and he states that he thought it was permanent. What happened was my Father was to have purchased these lands all at once but an event happened which caused a delay and this was due to a misunderstanding which occurred. One day Pearl Watts was walking down one of the streets in Ashton where she passed a building. I don't know which one but my Father and some of his friends were in this building and were talking and Pearl Watts thought they were talking about her. Due to this fact she decided she was not going to sell her portion to my Father and her husband continued to run the middle portion although he had all ready sold his own lands. My Father had to get the water going to prevent loss of water right so he began transferring his own water from his old lands which had its laterals destroyed in the late 1940's. In 1958 he purchased the third portion of the property from the other sister. By 1959 Pearl Watts went to my Mother and said although she would not sell the property to my Father she would sell it to my Mother, so the deal was made and the final property purchased along with the water resources that went with it.

There was not very much stock and storage that went with the property but my Father had increased it coverage by adding his resources from the old lands. Therefore some of the

decreed water, which was delivered to my properties, was decreed water, which had been the decreed water from the Southland's, which lie right next to my properties.

Method of Delivery from system to old system.

For the boards understanding in regard to the history of what followed after the destruction of the laterals in what could be defined as CCC old system it needs to be understood that from the standpoint of the Henry family we still considered these lands which did have the laterals destroyed to have water rights. I believe what has caused the most confusion for everyone is the fact that my Father had not only transferred some water resources to my lands from the old lands but wanted to preserve the old lands as well. In order to do this he rented out some of this water resources to his neighbor Ray Crouch who also had a pump they shared. Further factors for confusion arose when Curtis Loosli purchased the land and pump from Ray Crouch around 1970 and became our renter of our lands. Curtis was the first to put the land under buried mainline. Prior to this Ray and my Father had watered from sprinkler method with pipes above ground. In 1959 I had changed sprinkler pipes for them. The date is vivid in my mind because I had to come home due to the earthquake in Yellowstone. Prior to the destruction of the laterals on all properties in the late 1940's the method of water was flood irrigation.

The method of delivery for my Father and Ray Crouch and other farmers Cliff Watts and Owen Jenson, the later, two of which had their laterals destroyed as well, began pumping from Falls River and had received their CC water from a ditch located at SW1/1 of Section 18 TWP 8N Rge 43E. In all of CCC claims filed for adjudication CCC refers to this ditch. My understanding is that this ditch would be considered as private but the CCC had right of way to deliver the CC water.

This ditch came into existence from homesteaders who had arrived and began building the ditches prior to the legal incorporation of CCC of 1902. See folder: The Brigham Murdoch family first settled down on Falls River then moved up on top the hill. The ditches ran in front of the home on top the hill also. It might be helpful for the board to look at the early map and note the small box then going western it can be understood how easy it was for those who did have their laterals destroyed later on to use this small ditch.

It can be said that this ditch served to connect the old and newer systems of Conant Creek. I would assume that the ditch and its method of delivery has changed a lot since its inception. i.e. reference to a springs is made by the homesteaders wife and the Henry family has recollection of these springs. The Springs existed in the late 1970's as evidenced by my Fathers allocation to my Van Sickle properties. See folder: He refers to the source of water being from an unnamed spring and the location of ditch at SW1/1 of sections 18 Twp 8N Rge 43. In addition, my nephew whom my parents raised has recollections of this springs still being in existence not that many years ago, however it seems to have disappeared.

On possible explanation for this may have been due to the addition of so many more

pumps which allowed new rights for lands in the system and more pumps. When the Canal Company issued more stock this was devastating to my family as we were trying to hang onto our water rights. Had we simply dropped those resources from the old system or transferred the right as I am requesting now, then the addition of those new lands to the system would not have caused such devastation to my family. Please refer to folder and you will note maps with my Father's signature on them, which are part of applications made. When that additional stock was placed, because we were on the end of the ditch it simply choked off our water supply. The system design was small to begin with and did not provide more land to be covered by this small system. I know and understand that those who made what was to be secondary stock into regular stock, that these individuals did not mean harm to the other shareholders. However, the fact remains that nice people do harm others and this action did harm the Henry family.

Anyone can see this was the case by a few moments of study. i.e. The fact that CCC had destroyed laterals to paid up stock for some farms had allowed those farms to continue watering their lands through this ditch, which stemmed from the end of the system. It is reasonable that this ditch and its delivery changed with the addition of more lands to water. With the smaller system everything was kept verily intact. It is reasonable that those who added more lands to the system at that time felt that since some lands had been eliminated from the old system that the system could embrace more land. However the Henry family was still attempting to hang on to lands water rights in the old system.

Reference is made to maps with the signature of KR Henry and you will see two groups of lands. One group is in what is defined as the system of CCC and the balance are in what CCC would define as their old system. From the Henry families point of view we were attempting to save all of our lands with water rights. This was long before adjudication took place. My family represents the very need for adjudication. Perhaps it would be helpful for the boards understanding to know that from our family's viewpoint we had two systems. The very reason my Father had rented resources to Ray and to Curtis is because he planned to put the old lands back under water. While it was true that he had transferred the decreed water to my properties the stock was only the portion which provided the right. My properties continued to be watered, it was his own properties which had not.

For the boards understanding those lands, which had not been watered, are the same lands my Mother and I had adjudicated in 1994 in which the current board members had signed upon. The board should understand that regardless of whether we got this right we were operating upon what had been said. Right off the bat I see that I was off the mark but only had my Mother's memories to go on. I refer to map with sections 23, 26, 25, 30. These were the lands, which was to have been adjudicated. The very lowest portion of Sec 26 was not in the system however I do not rule out and extension of ditches which were in existence earlier. There still exists remnants of the ditch which ran North and South and it lies either in Section 25 or Section 26. I can show you but cannot provide location. It would be simpler to simply say I do not claim this lower section as being in the CCC old system and don't think my Father did either. I believe that because this bordered the rest he was including it. Also please note the inclusion of the Curtis Loosli property. Neither

Ray or Curtis had water, they used our water. Again this request is strictly relating to my Properties but the properties my Mother and I adjudicated were always considered part of our irrigated properties simply because we wanted to put the water back. At a board meeting, Mr. Rigby had commented that if the transfers were made in the forties they could be included in adjudication. I don't know if I understand correctly but this is what I understood. These old lands were also in CRP at the time of adjudication and I understood this did not constitute a loss of right. Again I am speaking about the properties which lie South of my own and not those currently owned by me to day. What I am conveying is that my parents had two systems and the ditch from the current system of that time prior to 1996 delivered through the ditch to properties in the old system.

In my petition signed by Delilia Henry I tell the board that we do not have water and hope for a dam. I believe that even this has been misunderstood. Perhaps by examining this map it can be understood that when I made that petition I was conscious of the fact that we did not have enough storage water. My Father had to turn back eighty-acre ft. in 1979 in which he was going to redeem for my grandfathers homeplace. He did so due to the fact that when CCC issued the stock it was driving out our water rights. My Father attempted three times to save his lands. These attempts met in failure and no person can be held accountable. Be this my Father, or the State, or Fremont Madison. Who would think a family would struggle eighty years to preserve our water rights. This beginning with my Grandfather who hardly got water in the first place.

My Father had attempted to escape the problems, which were beginning in the system due to new lands being given water rights however, he did not convey the real problem and was denied his requests. In addition, Curtis Loosli had been paying directly on the water for so long Fremont Madison forgot who's it was. Therefore they did not think he had enough storage to back his project. He assigned storage water on a permanent basis in 1980 & 1981 but most of this storage water was already in Falls River having been transferred on an annual basis. See note written to Dale Swenson referring to lost water being credited to Curtis. The assessment sheets which transferred storage on a permanent basis is enclosed in folder.

I don't believe it takes a rocket scientist to understand that when there is a very small system to begin with that when more land is added to that system it will dilute the power of that system and those parties on the end pay the price of not getting the water. Such was our problem. In our case we had two layers of land affected. In these late 1970's we could not only get the water for the pasture. This ditch which delivered to my properties was the same ditch which watered the pasture now owned by the Markland family. My Father had to sacrifice that for his properties in the old system.

By the time the water got to the end it was so diluted it was hopeless and my Father had given up prior to his death. He was falling behind in his assessments which my Mother and I paid up to date. Nor does it take a rocket scientist to understand the stresses to both my water rights and to those of the system which occurred after my Father's death. The system was by now very old and badly in need of repairs. Roger Bratt no doubt can recall billing out to shareholders bills for waste. I recall our families waste bill was

some 1,500. My Father had told me about my properties prior to his death. He had told me he matched shares of stock to storage. My Father has also told Dan Reynolds we had decreed water and did use it years after Dan Reynolds replaced our renter Curtis Loosli. Curtis stopped farming for a couple of years after Dan took over and Brian Loosli began farming. I am not aware of the Loosli's new water source or how it was obtained. I am aware however that neither Ray nor Curtis had water from the time Ray began and Curtis ceased farming in 1988.

It would appear from my research that some years after my Father passed away that the water coming to my properties decreased. I do not know the amount of decrease but it was enough to have Dan Reynolds report it to my Mother and she looked for it the rest of her life. I am aware that when the pumps were turned off water came down and Dan Reynolds says he attempted to divert some onto the pastureland the Marklands own today. That property had not been able to receive water for some twenty five years that I know of. At least since the time the new lands in the system were given water rights.

I am going to give the benefit of the doubt to the board and assume the drought added to the worsening problems of the system due to its needed repairs, was the cause of the decrease. Unless the board wants to admit to simply stopping delivery that is. I am well aware my Mother did not because she looked for the water the rest of her life. My Mother was however looking in the wrong direction. I am aware that in regard to my parents water rights that the family water which did come through the system, that of this amount coming through, only about half this amount ever reached our properties. In this instance beneficial use can only be assigned to a mud hole. The new design and repairs greatly improved the conditions in the system. Only someone forgot to add the ditch.

For the board's understanding right after my Father's death my Mother had gathered up all the certificates she could find and had mistakenly located one which was turned in and had become mixed up with the valid ones. Also one for thirty shares was really only ten shares book value. When the water decreased my Mother then assumed that Curtis had shares of stock in which he was given credit for. That he was paying the assessments on. My Mother thought Curtis had our decreed water at the Ray Crouch property. In 1997 Roger Bratt and I worked together to determine which shares were valid and this eliminated some, the result was equal to the books. This had then eliminated the idea Curtis had actual shares of stock. However, the fact that my Mother did believe this and believed it at the time of the project, she allowed Terri and Tim to convince her to vote the book shares into the project, which was created in 1996.

I was not aware that the book shares were voted into the project at the time it was and did not know for a long time. I am aware that Terri and Tim Tremelling had my Mother so confused that my Mother and I thought we should have Mr. Rigby check out some of how CCC structured its stock assignments. Mr. Rigby had been busy going back and forth to Washington for such a long time that I was not able to receive the information until the spring of 1997.

It is unfortunate for both CCC and myself, that the actions of others have caused complications for both of us. My shares of stock stopped being delivered through ditch while I was assigned the shares, which did not exist.

This concludes the history behind my properties water use. The ditch which delivered to my property has only been sealed off for three years and therefore it is most likely still covered under the water rights claimed for the head gate.

cc: Earnest Carlson

cc: Tony Olenichak

July 27, 1999

Roger Bratt
630 North 6th West
St. Anthony Id. 83445

Re: Request for transfer of water right

Dear Ladies and Gentlemen of CCC board of directors,

I respectfully request you file a transfer of water right with IDWR to move the portion of water right from your headgate as evidenced by claims filed in adjudication for properties located in Sec 23 Twp 8N Rge 42E & Sec 26 Twp 8N Rge 42E. The basis for this request is that the ditch which delivered Conant Creek water to my properties has been sealed off in 1996 and can no longer deliver water to the property which is listed in the claims filed by CCC.

I would like to have the amount claimed for 45 acre's transferred to the Curtis Loosli pump located in Sec 23 Twp8N Rge 42E Tax 4 and the amount claimed for 193 acre's transferred to the pump of Dan Reynolds the address given me is 3550 E. 885 is located near the diversion point located in Sec 18 SW/1 Rge 43E. This diversion point located in Sec 18 Twp8N Rge 43E had delivered to both pumps during the past years and the addition of the Dan Reynolds pump was due to a change in renters for portions of the property.

The CCC diversion point which was the point of diversion and listed on all claims to water right filed by CCC located in Sec 18 SW1 of Twp 8N Rge 43E. This stated diversion point is actually a ditch, which begins at a point that, stems from what is defined as the CCC system or former system exiting prior to repairs of that system. This ditch went over the hill from the end of the system and down into Falls River. See supporting documents and enclosed aerial map of its origin. My understanding is that only the Henry family or their renters used this point of diversion. This ditch may be defined as a private ditch owned by the Henry family but the Canal Company having right of way. See enclosed historical account.

I have been advised by representatives of the State of Idaho that a transfer of right would be the most appropriate step. It is my understanding CCC will be required to file with IDWR to accomplish this transfer.

pump located in Sec 23 Twp8N Rge 42E. I am not in a position to have this ditch added. My understanding is that since the ditch has only been sealed off since 1996 that this does not constitute a lost of water right. There are no other accesses from Conant Creek Canal system which would provide delivery to my properties.

Please see enclosed documentation and history behind the delivery of water and its rights in regard to CCC.

Please provide response to this request.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Joyce King".

CC: Earnest Carlson

CC: Ron Carslon

CC: Tony Olenichak

CC: Gordon Thatcher Esq.