

TO: IDAHO DEPARTMENT OF WATER RESOURCES
ADJUDICATION DIVISION

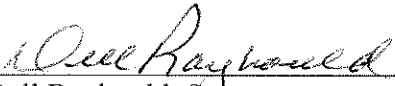
HAND DELIVERED BY Dell Raybould, Sec. Consolidated Farmers Canal Co

The following affidavits or transcriptions of interviews of individuals pertaining to the operations of the Consolidated Farmers Canal Co. during the winter months are hereby submitted to the Department as evidence that the Consolidated Farmers Canal Co.'s claim for water during the period of November 1st through March 31st is a legitimate and lawful claim as granted to said canal by the Rexburg Decree, and evidenced by historical use, and should be granted as claimed in the ongoing Snake River Basin Adjudication.

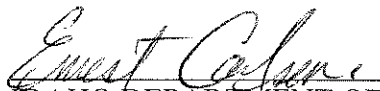
Attached hereto:

Affidavit of Reed Oldham
Affidavit of Ray W. Rigby and Harold L. Rigby
Affidavit of Dell Raybould
Affidavit of Blair Calaway
Transcription of interview with Artella Ward Schwendiman
Transcription of interview with Austin Price
Affidavit of R. Gene Peterson
Affidavit of Ross K. Clements
Affidavit of Ray Price

Consolidated Farmers Canal Co.


Dell Raybould, Sec.

RECEIVED THIS 22 DAY OF SEPTEMBER, 2005


IDAHO DEPARTMENT OF WATER RESOURCES

Affidavit of Reed Oldham

Re: Winter water use from the Consolidated Farmers Canal.

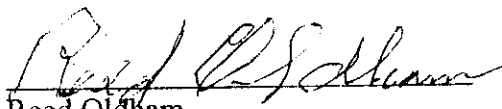
My name is Reed Oldham. I am a retired farmer, former President of the Consolidated Farmers Canal, former member of the Committee of Nine, and have been involved in water management all of my life. I reside at 1670 West 3000 North Rexburg, Idaho 83440. I have lived within one-half mile of my present residence all of my life. I was born in 1914 across the street from my present home, in my grandfather Phost's home. My grandfather homesteaded his farm, and was instrumental in the construction of the canal on the south side of the Teton River to his property. My mother was born on this farm in 1891, so I am confident that the canal water was used in the winter prior to that date.

Before the Consolidated Farmers Canal (CFC) was constructed, my grandfather watered his stock from the slough south of his barn fed from the Teton river. After the construction of the CFC the slough was fed during the entire year from the canal and provided water for livestock and kept the water table high enough for everyone in the area to get their culinary water from shallow wells using sandpoints and hand pumps. Without the water in the canal and ditches, these shallow wells would dry up.

In addition to the sloughs, the lateral ditches were fed from the canal to supply water to those living in the western and southern part of our community. I remember as a small boy, ice skating on the large ditch behind our house that ran from the CFC to the Saurey property and the Rigby property two miles west of our farm. They used this water for cattle and to recharge the shallow water table. Many times the headgate would freeze up and we would have to chop ice or plug the gate with straw to stop flooding in our field.

Having been involved in the management of the CFC, I believe that it will take in excess of 80 cfs to get water to the end of the canal, considering small diversions for stock water and transmittion loss in the canal.

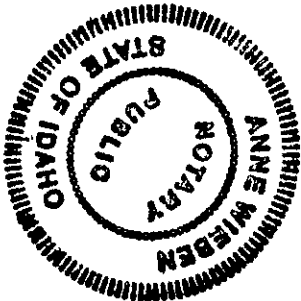
It is my testimony that water from the Consolidated Farmers Canal was used during the winter months for purposes of stock water and groundwater recharge from the time the canal was constructed and a decree was issued in 1890.


Reed Oldham

STATE OF IDAHO)
)
 County of Madison)

ON THIS 22nd day of July, 2004 before me, the undersigned, a Notary Public in and for the said state, personally appeared Reed Oldham, known to me to be the person whose name is subscribed to the within and foregoing instrument, and acknowledge to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, this 22nd day of July, 2004



Anne Wieben
 Notary Public for Idaho
 Residing at Reynolds
 My Commission Expires 7/27/07

AFFIDAVIT

STATE OF IDAHO,)

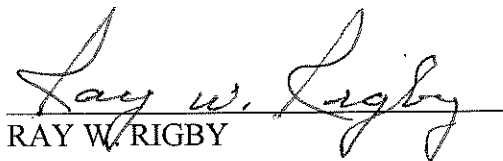
ss.

County of Madison.)

RAY W. RIGBY and HAROLD L. RIGBY, brothers, each for himself being
first duly sworn deposes and says:

1. That each has resided on a farm in the Hibbard area of Madison county all his life and within the service area of the Consolidated Canal Co.
2. That your affiants' family raised sheep, cattle, horses, pigs, chickens, dairy cattle, and farm crops consisting of potatoes, sugar beets, grains, hay, and pasture
3. That each of your affiants knows of his own knowledge that the family owned several shares of the capital stock of the Consolidated Canal Co., from which they got the water for all farming purposes and stock watering
4. That said practice continues at this time and has at all times, during the lifetimes of both of your affiants, each of whom still resides on those family farms and participate in their operation, even though your affiant, Ray W. Rigby, also practices law in Rexburg
5. That your affiants also know that their said family used water from said Consolidated Canal throughout the entire year, except for those periods of time when, because of freezing, the water did not continue running, but the

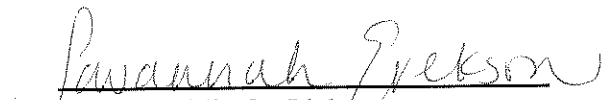
water was used to irrigate and saturate the farm land and pastures, so that by driving a "sandpoint" into the ground, said family would draw water from the subsurface (beneath the frost) for the needs of the dairy barns and livestock watering and the other needs in the total farming operation; the water was beneficially used for all purposes virtually throughout the entire year except when interrupted by hard freezing.


RAY W. RIGBY


HAROLD L. RIGBY

SUBSCRIBED AND SWORN To before me this 9th day of September, 2005.




Notary Public for Idaho
Residing at Rexburg
My Commission Expires: 6-24-2011

Affidavit of Dell Raybould

Re: Winter water use from the Consolidated Farmers Canal

My name is Dell Raybould. I farm at 3215 N 2000 W. Rexburg, Idaho. I have farmed here and lived here since 1952. Before that time the land I am farming was owned by my grandmother and I had knowledge of the irrigation from the Consolidated farmers Canal prior to the time I bought the land. I have been a director of the Consolidated Farmers Canal Co. since 1955. I have served as secretary/treasure since 1962, and have a through knowledge of the operation of the canal since that time.

The Consolidated Farmers Canal provided irrigation water for our crops and ground water recharge for the domestic wells in this area. These wells were sand points driven into the ground, some as shallow as 15 feet. The water in the canal kept the water table up high enough during the winter months so that when the canal would freeze there would be enough water to supply these wells until water could be diverted into the canal late in the winter or early spring. In addition to the shallow wells, most livestock was watered in the ditches and sloughs that were fed from the canal throughout the year.

I personally watered my cattle from the sloughs and ditches as long as water was available into winter and as soon as we could get water from the canal in the late winter and early spring. At that time I had about 270 head of beef cattle that I wintered here on this farm. Prior to the time I owned this farm it was rented to Alvin Lusk who also followed the same practice of watering his livestock from the sloughs and ditches.

It was of great importance that the water table be kept as high as possible in the winter so that the community would have water in their domestic wells. After the decision was made by the department to charge winter water use against the next season's storage allotments, many of the wells had to be re-drilled deeper. Every year the directors of the canal company receive many complaints from shareholders that they do not have water for their cattle and have to pump water. The water right under the Rexburg decree anticipated that water would be used throughout the entire year for irrigation and "other purposes". These "other purposes" included stock water and ground water recharge as evidenced by the historical uses acknowledged by this affidavit and the affidavits of others being submitted.

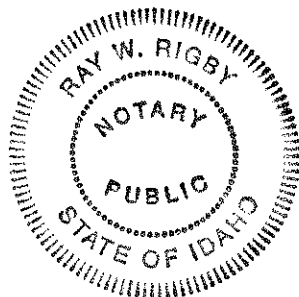
The 80 cfs of water claimed by the Consolidated Farmers Canal Co for winter use is the amount needed for the purposes stated above. Transmission losses in the canal, for the length of the canal, require at least this amount of water to get water to the end of the system. These transmission losses are beneficial to provide recharge in the area served by the canal. Only due to the threat, by the Department, of a loss of storage allotment for the following year, has water been denied to our shareholders during the winter months. It is my testimony that this right must be restored, without reservation, for the beneficial use of our shareholders and the aquifer in general.

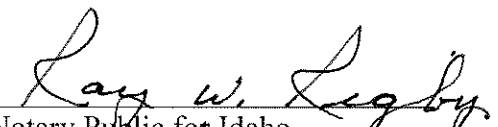

Dell Raybould

STATE OF IDAHO)
)
County of Madison)

ON THIS 19th day of September, 2005, before me, the undersigned, a Notary Public in and for the said state, personally appeared Dell Raybould, known to be the person whose name is subscribed to the within and foregoing instrument, and acknowledge to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the 19th day of September, 2005




Notary Public for Idaho
Residing at Lesburg, Idaho
My Commission Expires 3-12-11

1-

To Whom it may Concern,

My name is Blair Calaway

I was born on Feb. 1931

I have lived in the Seem area North of Leburg my entire life. My parents always had livestock. The neighbors did also. Our farm never had electricity until around 1934. There is a slough behind our house that my parents ran water out of the Consolidated Canal all winter to water our stock. Our farm never had access to the river. A few years ago some one ordered the Canal Co. to not run water in the winter. The results of this is every well in my neighbor hood had to be

2-

deepened they would all go dry in the winter.

If the Canal did not run water year around these wells would have had to be deepened long ago.

The person that gave the order to not run water in the winter in my opinion. accomplished two things. they gave the well drillers a lot of business and worked a hardship on a lot of families that had to deepen their wells that had been sufficient for years. the water that the Canal runs in the winter is not lost. It either end up back in the river or in the aquifer.

If this isn't so no wells would have to be deepened when the Canal is shut out in the winter.

Witnessed by
Reel Rayhould 9/9/05 Blair Calaway

Blair Calaway is a lifelong shareholder of the Consolidated Farmers Canal Co.

He wrote this statement concerning winter water use and hand delivered it to me and affirmed that it was a true and accurate statement of facts.

A handwritten signature in cursive script, reading "Dell Raybould", written over a horizontal line.

Dell Raybould, Sec
Consolidated Farmers Canal Co.

Interview of Artella Ward Schoendlin
by her daughter Norma Nelson

1- You were born?

1904 Oct 5 2005 she will be 101

How old are you now? 100

2- Where were you born?

In Salem ^{2nd} was baptized in
this Canal.

3- Have you ever lived
in Salem? yes lived there
young on 10 years.

4- Did you spend your
early youth in Salem?

yes moved to Newdale in 1913
House was burned After Tetad Ben Hoo

5- Where did you go to
school in your early yrs?
North Salem - walked Along the Canal

6- Did any of your
Cattle or livestock drink
out of the Consolidated Canal?

yes. Wilford Ward her old ~~helped~~
build this Canal. When he was a
young MAN.

7- Do you know if the Canal
had water in during winter
months? Yes.

Witnessed by - Dean Crain
Guy Crain

8. Did you ever play on the consolidated canal in the winter? Yes. I skated on canal and got on it sometimes going coming from school.

9. Did you ever walk to school on this canal in the winter? Yes.

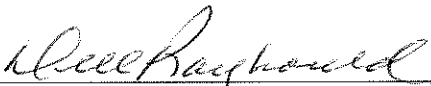
10. Did you ever fall through the ice on this canal in the winter? Yes.

11. Do you remember how old you were or what grade you were in when you fell through the ice? Think 7 or 8.

Artella Ward Schwendiman is a former resident of the North Salem area served by the Consolidated Farmers Canal Co. She is 101 years old and was interviewed by her daughter Dorma Nelson concerning her recollections of the winter use of water in the canal during her younger years.

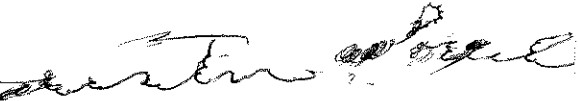
This testimony was witnessed by her daughter LuDean Crain and her grandson Guy Craine.

This interview was hand delivered to me by her daughter, Velma Calaway.


Dell Raybould, Sec
Consolidated Farmers Canal Co.

Interviewing, Austin Price
Conducted by Kelma
Calaway. I was born
Aug 15-1915. In the
Salem Area I have lived
here all my life. I
watered my livestock
in the Consolidated Canal
in the winter as well
as summer. To my
knowledge ^{canal} had water
in year around except
for cleaning. When the
water was ordered shut
out a few years ago all
the wells in the
neighborhood had to
be deepened. Some of
these wells were the first
that was drilled in the
Area.

Witnessed By

Bydine  
Kelma Calaway 9/19/05

Austin Price is a resident of the North Salem area served by the Consolidated Farmers Canal Co. He is a shareholder and former member of the Board of Directors of the company. He is 90 years old and was interviewed by Velma Calaway. His statement was witnessed by Blair Calaway and Boyd Price.

This statement was hand delivered to me by Velma Calaway.


Dell Raybould, Sec.
Consolidated Farmers Canal Co.

September 12, 2005

To IDWR

Re: Ground water recharge claims in the Upper Snake River Valley

I have lived in the area served by the Consolidated Farmers Canal company since 1946. The canal always had water in it during the winter up until we were told we would have the water taken out of our storage for the irrigation season if we ran winter water and American Falls Reservoir didn't fill.

When we first moved here, the older people that had lived here all their lives said if we didn't run water through the canal in the winter, all the wells would go dry. They were right. I don't know anybody in this area that hasn't had to drill a deeper well since we quit doing it.

We have some river bottom pasture and there is a pond down there that I had never seen the bottom of until 3 or 4 years ago. Since then it goes dry every spring. This year we were about half way through the irrigation season before it had water in it again. When it fills, it drains to the river.

It appears from all that I've heard from others and from my own experience in moving here in 1946, that the water was run through this canal year round from the time it was put in use.

Consolidated Farmer's Canal President

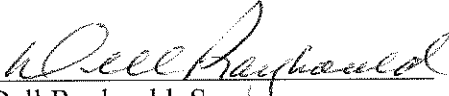
Gene Peterson

Gene Peterson

Witness:

A. Lee Raymond

Gene Peterson is a resident of the North Salem area served by the Consolidated Farmers Canal Co. He is a shareholder, member of the Board of Directors, and President of the company. His statement was witnessed by Dell Raybould, upon being hand delivered to me September 21, 2005.

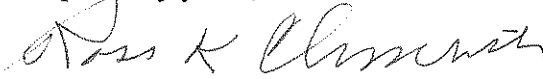

Dell Raybould, Sec.
Consolidated Farmers Canal Co.

Rexburg, Idaho
September 9, 2005

TO WHOM IT MAY CONCERN;

I was born in 1924 and grew up on a farm in Hibbard, Idaho. My father was the watermaster and I assisted him in many capacities, both in summer and in winter, with the water. In my adult life, I have served as watermaster on the Island Ward Canal and Consolidated Farmer's Canal for many, many years. The only years that we have not run water in the winter is when we have been advised by the Water District that, if the reservoirs did not fill, we would be charged for storage on the water that we diverted during the winter.

Respectfully yours,

A handwritten signature in cursive script, appearing to read "Ross Clements".

Ross Clements

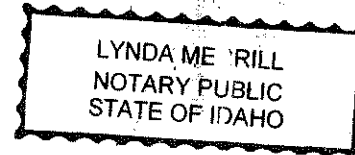
STATE OF IDAHO)

)ss.

COUNTY OF MADISON)

On this 21st day of September, in the year of 2005, before me the undersigned, personally appeared Ross Clements, known or identified to me (or proved to me on the oath of), to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she executed the same.

Lynda Merrill
Notary Public of Idaho
Residing at: Parker
Commission Expires: 4-4-2008



Ross Clements is a resident of the Hibbard area served by the Consolidated Farmers Canal Co. He is a shareholder, member of the Board of Directors, and Watermaster of the company.

This statement was hand delivered to me September 21, 2005


Dell Raybould, Sec.
Consolidated Farmers Canal Co.

Sept. 12, 2005

Water problem in the upper valley,

I've lived here in Salem next to the Farmers Consolidated Canal for seventy-nine and one half years, nearly all of this time except for last few years we have had water running in the canal the year around. In the winter it has not been full but there has been enough to keep the under ground water table up which keeps the wells in this area from going dry and supplies water for so many farmers and cattle men who have always depended on this source to get them through the winter.

I have noticed through the summer the ditches around me where I live, are carrying hardly half the water in them they use to carry, by giving us more water we are able to put water back into the river almost more than we used. All the springs that drained of into sloughs and would drain back into the river have all dried up. By letting the farmers use the water and keeping the water table up you will find it will help keep the rivers fuller for the people down the river, you might say this area is like a hidden reservoir. For some of us it is known as sub water and taking the water away and lowering the water table in winter and giving it back to us in summer defeats the purpose. In studying the under ground lava beds through this area will prove what I'm saying.

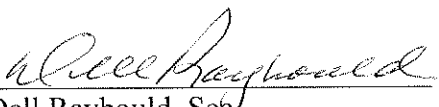
We need to work hard to get things back the way it used to be, and you will find it will help the people down in the lower part of the valley, as well as us in this part of the valley.

Ray Price

A handwritten signature in cursive script that reads "Ray Price". The signature is written in dark ink and includes a long horizontal flourish extending to the right.

Ray Price is a resident of the North Salem area served by the Consolidated Farmers Canal Co. He has been a shareholder of the canal company most of his life and has knowledge of the operation of the canal as he lives right next to the canal.

This statement was hand delivered to me September 21, 2005


Dell Raybould, Sec.
Consolidated Farmers Canal Co.