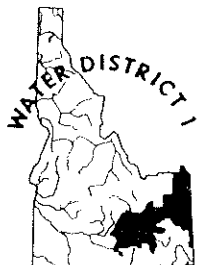


A22-00207



State of Idaho
Water District 1
900 N. Skyline Dr., Suite A
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July 6, 1996

Dale Swensen
Fremont-Madison Irrigation District
P.O. Box 15
St. Anthony, Idaho 83445

Dear Dale:

In response to your recent inquiry to Lyle Swank concerning the delivery of the May 15, 1898 water right of 1.6 cfs to the Gardner-Beddes diversion, I have completed the following research:

Rexburg Irrigation vs. Teton Irrigation decreed a May 15, 1898 water right of 3.2 cfs (22-0207) to H.J. Clark. This water right has always been delivered to the Pincock-Garner Canal by Water District #1. On April 6, 1954, *Gardner vs. Crandall* decreed that Lelan Anderson obtained the SWSW of Section 36, Twp. 7N, Rge. 40E, along with half of the H.J. Clark water right, however, the decree did not specify a change in point-of-diversion.

Previously you had sent correspondence, dated June 15, 1994, to Water District #1 requesting the addition of the May 15, 1898 (1.6 cfs) water right to the Gardner-Beddes Canal. However, there wasn't any Snake River Basin Adjudication (SRBA) Claim on file with the IDWR for the water right, except by the Pincock-Garner Canal (A22-00207). Therefore, there weren't any changes made to the Water District #1 delivery records.

Subsequently, Gary Beddes filed a SRBA claim for half (1.6 cfs) of the H.J. Clark water right on the SWSW of Section 36, Twp. 7N, Rge. 40E, as decreed in *Gardner vs. Crandall* (A22-00207B). Water District #1 was not notified of this adjudication filing, dated August 5, 1994.

Water District #1 has changed its delivery records for the 1996 irrigation season, moving half of the original H.J. Clark water right (22-0207) from the Pincock-Garner Canal to the Gardner-Beddes Canal as described in *Gardner vs. Crandall* and claimed in A22-00207B.

Sincerely,

Tony Olenichak
Deputy Watermaster

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