

will have to meet to prove their claims, I am not sure that it will help them much. It is evidence of a historic practice of diverting large quantities of high water as early as February in order to undertake a peculiar IRRIGATION practice. I am not sure that it is particularly useful in proving that the appropriators diverted high quantities during the non-irrigation season simply to maintain the local water table in order to keep their wells from going dry. It seems to me that the finding may be evidence of an intent to appropriate for irrigation, but not proof of an intent to divert during the non-irrigation season for ground water recharge.

I think the finding also is evidence that the canals listed in it historically have large conveyance losses, but we already knew that anyway.

Maybe, too, some creative claimant will be able to make a case for reading the finding's description of how filling the soil profile with high water results in its delayed release for downstream use later in the irrigation season as evidence of a historic general intent to "recharge" the groundwater table so that downstream users could make beneficial use of spring discharge later in the season. But let's see what creative arguments they make before we decide whether we're going to go there.

The canals listed in the finding are broken into three groups:

#### EGIN BENCH

Egin Canal  
St. Anthony Union Canal  
Independent Canal  
Last Chance Canal

#### ACROSS THE RIVER FROM THE EGIN BENCH

Farmers' Friend Canal  
Fall River Canal  
Salem Union Canal  
North Salem Agricultural and Milling Company Canal

#### LOWER TETON RIVER

Rexburg Irrigation Company Canal  
Teton Irrigation and Manufacturing Company Canal  
Rexburg City Canal  
Salem Irrigation Company Canal  
Teton Island Canal Company Canal  
Siddoway Irrigation and Manufacturing Company Canal  
Woodmansee-Johnston Ditch  
Stewart and Walters Ditch  
Eckersell Canal  
Hill Ditch  
Stewart Ditch  
Pincock-Byington Ditch  
Nelson-Jacobs Ditch  
McCormick and Howe (?) Ditch

*get the rest of this  
Email from Enrie*