

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-140

NAME AND ADDRESS: BANNOCK JIM SLOUGH CANAL CO
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/01/1905

POINT OF
DIVERSION:

T05N R39E S35 SENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

3.200 CFS

PLACE OF USE:

494 ACRES TOTAL

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

Place of use does not include federal public lands.

Place of use is within the area served by Bannock Jim Slough Canal Company.

The rights listed below are limited to the irrigation of a combined total of 494 acres in a single irrigation season. Combined Right Nos.: 1-139, 1-140, and 1-10545.

This right is limited to the irrigation of 152.33 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Water is delivered through Bannock Jim Canal.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is old Right No. 22-655.

11/14/2006

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 1-140

NAME AND ADDRESS: BANNOCK JIM SLOUGH
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID 83440

Disallowed

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	3.200 CFS

PLACE OF USE: IRRIGATION in MADISON County

T05N R38E S13	NENE	35.00	T05N R38E S13	NWNE	39.00
T05N R38E S13 Lot 5	SWNE	5.90	T05N R38E S13 Lot 4	NESE	4.50
T05N R39E S17	SWSW	15.00	T05N R39E S17	SESW	20.00
T05N R39E S18	NWNE	0.40	T05N R39E S18	NENW	34.00
T05N R39E S18 Lot 1	NWNW	39.00	T05N R39E S18 Lot 2	SWNW	35.00
T05N R39E S18	SENW	33.00	T05N R39E S18 Lot 4	NESW	14.00
T05N R39E S18 Lot 3	NWSW	4.40	T05N R39E S18	NESE	32.00
T05N R39E S18	NWSE	17.00	T05N R39E S18	SESE	1.10
T05N R39E S20	SENE	37.00	T05N R39E S20	NENW	23.00
T05N R39E S20	NESE	31.00	T05N R39E S20 Lot 6	SESE	0.30
T05N R39E S21	NWSW	29.00	T05N R39E S21 Lot 1	SWSW	1.80
T05N R39E S21	SESW	25.00			

476.4 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

No lawful appropriation shown.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

No lawful appropriation shown: There are a number of circumstances in which a claim is proposed to be disallowed on this basis. This is most commonly included for a claim based on beneficial use or posted notice that is proposed to be disallowed because the right claimed is not within an exception to the mandatory permit statute, and beneficial use of water prior to the mandatory permit statute was not confirmed. This is also included where a claim is proposed to be disallowed because the claim is to water that is not public water subject to appropriation. This is also included where a right was determined not to exist in a prior adjudication.

10/03/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-655

NAME AND ADDRESS: BANNOCK JIM SLOUGH
C/O TIM MC GARRY
6505 W 3800 S
REXBURG ID 83440

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

QUANTITY: 3.200 CFS

Right Nos. 22-654 and 22-655 are limited to a total combined diversion rate of 12.0 cfs.

PRIORITY DATE: 05/01/1905

POINT OF DIVERSION:

T05N R39E S35 SESENW Within MADISON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE
IRRIGATION

PERIOD OF USE
04/01 10/31

QUANTITY
3.200 CFS

PLACE OF USE: IRRIGATION Within MADISON County

T05N R38E S13	NENE	35.0	T05N R38E S13	NWNE	39.0
T05N R38E S13 Lot 5	SWNE	5.9	T05N R38E S13 Lot 4	NESE	4.5
T05N R39E S17	SWSW	15.0	T05N R39E S17	SESW	20.0
T05N R39E S18	NWNE	0.4	T05N R39E S18	NENW	34.0
T05N R39E S18 Lot 1	NWNW	39.0	T05N R39E S18 Lot 2	SWNW	35.0
T05N R39E S18	SENW	33.0	T05N R39E S18 Lot 4	NESW	14.0
T05N R39E S18 Lot 3	NWSW	4.4	T05N R39E S18	NESE	32.0
T05N R39E S18	NWSE	17.0	T05N R39E S18	SESE	1.1
T05N R39E S20	SENE	37.0	T05N R39E S20	NENW	23.0
T05N R39E S20	NESE	31.0	T05N R39E S20 Lot 6	SESE	0.3
T05N R39E S21	NWSW	29.0	T05N R39E S21 Lot 1	SWSW	1.8
T05N R39E S21	SESW	25.0			

476.4 ACRES TOTAL

Right Nos. 22-654 and 22-655 are limited to the irrigation of a combined total of 476.4 acres in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

10/03/2005

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

Water is delivered to Bannock Jim Slough

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

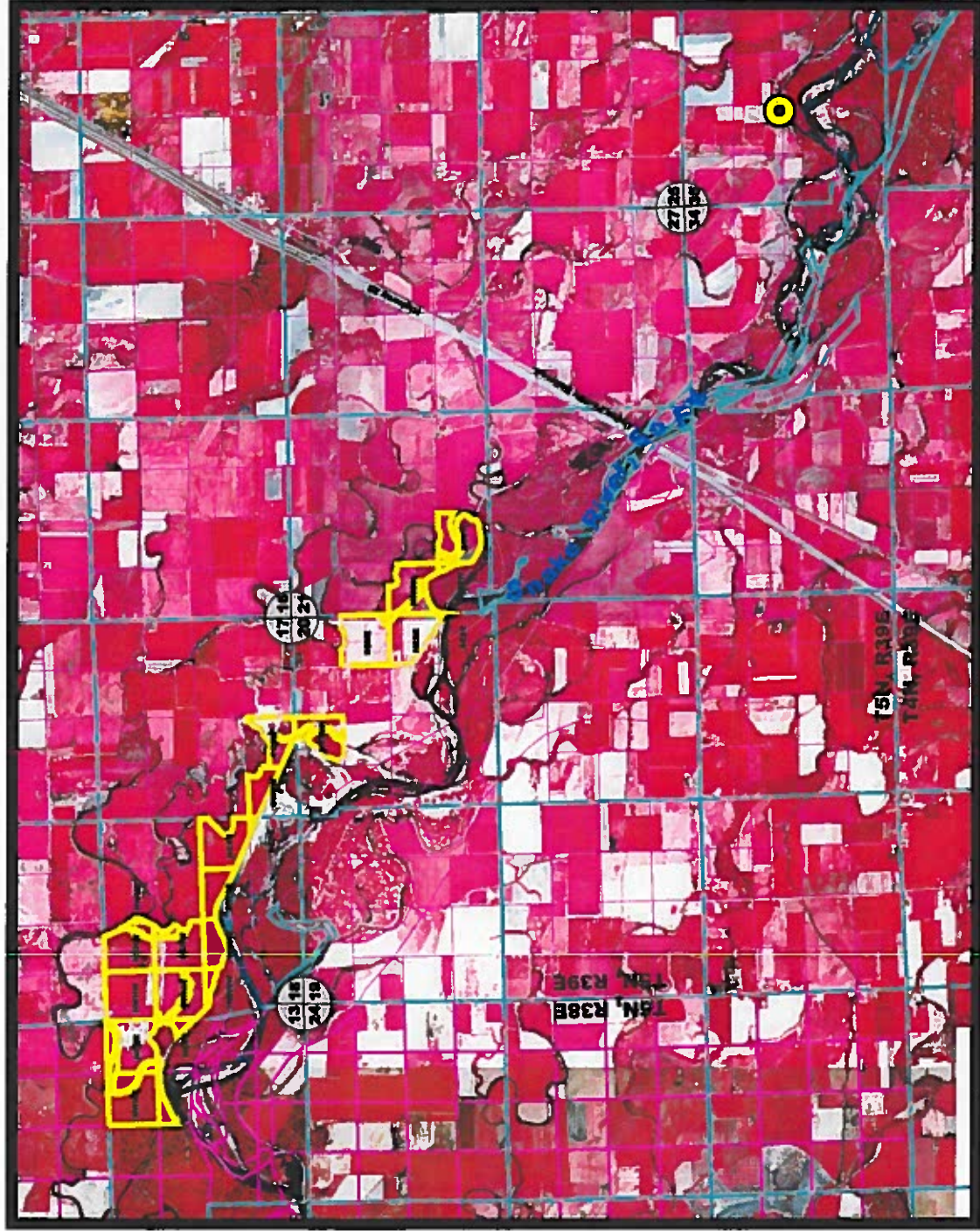
Right No. 22-654 is also diverted through point of diversion described above.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-654,
22-655

Point(s) of Diversion:
T5N, R39E
Sec. 35 SESENW

Place of Use: (parts of)
T5N, R38E Sec. 13 NE,
T5N, R39E
Sec. 13 NW, N2S2, Sec. 17 S2SW,
Sec. 20 NENW, E2E2, Sec. 21 SW

LEGEND

- Point of Diversion
- SESE
- Place of Use
- Section
- Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: October 2005

2000 0 2000 4000 6000 8000 10000 12000 14000 16000 18000 20000 22000 24000 Feet

Claim no. A22-655

Claimant Contact Log

Date _____

Remarks

Agent initials

8/27/04 Met w/ Tim McGary. See notes
in A22-654 BAC

Please see A22-0654 file

rom: DWR70::CARLSEN 23-JAN-1989 13:27
o: CARLSEN, DWR03::SHA
ubj:

UBJECT: Notice of Claim numbers on Receipt E001741 need to be change
rom A01-00140 and A01-00139 to A22-00655 and A22-00654.

ROBLEM: On August 25,1988, Bannock Jim Slough filed two notices on long
orms. The company had identified right numbers 01-0140 and 01-0139 for
ach of its rights. Receipt E001741 was prepared listing the water
ights as A01-00140 and A01-00139. During staff review of the notices
t was discovered that the Department had renumbered the rights as
ollows: 01-00139 to,22-00654
01-00140 to 22-00655

he notices for Bannock Jim Slough were data entered with the newer
umbers. However, since those numbers are not on Receipt E001741, the
otices will not update to the Master Host.

OLUTION: Changes the right numbers on Receipt E001741 will allow
otices A22-00654 and A22-00655 to update to Master Host.

OLLOWUP: A copy of corrected receipt E001741 should be sent to:
Bannock Jim Slough
c/o Tim McGarry
6505 W. 3800 S.
Rexburg, ID 83440

MICROFILMED

OCT 28 1992

rom: DWR70::CARLSEN 23-JAN-1989 13:25
o: CARLSEN, DWR03::S 'F
ubj:

UBJECT: Notice of Claim numbers on Receipt E001741 need to be change
rom A01-00140 and A01-00139 to A22-00655 and A22-00654.

ROBLEM: On August 25, 1988, Bannock Jim Slough filed two notices on long
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OLUTION: Changes the right numbers on Receipt E001741 will allow
otices A22-00654 and A22-00655 to update to Master Host.

OLLOWUP: A copy of corrected receipt E001741 should be sent to:

Bannock Jim Slough
c/o Tim McGarry
6505 W. 3800 S.
Rexburg, ID 83440

8-25-88

MICROFILMED

NOV 06 1990

RECEIPT
For Monies Paid
to the
IDAHO DEPARTMENT OF WATER RESOURCES

Receipt No: 8001741

Date: 08/25/88
Time: 10:29:32

Received
From: MCGARRY, TIM R.

Type of Payment	Program Acct Class	Amount
ADJUDICATION FEE	0410162 9337 6490	\$704.83
	Total	\$704.83

CHECK: 6125 *A22-00655* *A22-00654*
WR/NO: ~~A01-00110~~ ~~A01-00137~~

Idaho Department of Water Resources

Region: EASTERN

Signature: _____

MICROFILMED
OCT 28 1992

07/1988

SRBA CLAIMS RECEIVING CHECKLIST

A22-00655
A01-00140CLAIMANT'S NAME BANNOCK JIM SLOUGHCLAIM ID NO. NO.DATE RECEIVED 8/25/88CK # AMOUNT \$

YES

NO

Is the name and address complete with zip code? ✓Is a priority date entered? ✓

Is the water use exempt from the Permit requirements, or if it is not exempt, has a Permit been approved or a License issued?

A Permit is required: (1) for groundwater developed after March 25, 1963 (except single family domestic and stockwater wells using less than 13,000 gpd), or (2) for surface water developed after May 20, 1971 (except for instream stockwater). USE CARE IF CLAIM IS RETURNED. REFER TO ADJUDICATION MEMOS # 1 (ADJ. CLAIMS/APPLICATIONS) AND # 9 (REJECTION OF CLAIMS). EXPLAIN IN COMMENTS.

(a) Is a source entered? ✓(b) Is a tributary to entered? (if required) N/AIs the legal description of the p.d. sufficient? ✓Is there a description of the diverting works? ✓Are the water uses appropriate for the form? The short form is limited to domestic and stockwater uses with direct diversion. All claims that include storage or instream stockwater must use long form. ✓Is the period of use included? ✓Is a quantity claimed for each use? ✓Is a total quantity claimed entered? ✓If required is a consumptive use entered? N/AIs the consumptive use correct? N/A

Are the non-irrigation uses listed properly? If this claim is on the short form, and more than one domestic use is listed, single ownership must be stated. If not under single ownership, see Adjudication Memo # 4. N/A

0. Is (are) the place(s) of use and purpose(s) indicated? ✓1. Is (are) the county(ies) entered? ✓2. Is the ownership of p.u. checked? ✓3. Are other water rights listed or "none" indicated? ✓

4. If required, are remarks correct? (If the claimant does not own the place of use, authority for filing the claim must be explained in the remarks.) N/A

15. Is the basis of the claim indicated? ✓

16. Is the claim signed by the claimant, and is the signature appropriate? (If an individual is the claimant, has that individual signed the claim, or if an organization is the claimant, is the organization signature block complete?) ✓

Has the claim been signed, sealed, and dated by a notary? ✓Was this claim filed on time, or was an extension granted? ✓Is the fee enclosed correct? Exempt

Is this claim based on an existing water right, has the identification number been entered? N/A

Should this claim be receipted and data entered? ✓Claim checked by: TOComments: ITEM #3: CODE SOURCE AS "SNAKE RIVER, SOUTH FORK" TRIB. TO SNAKE RIVER,ITEM #4: CODE P/D AS T5N, R 39E, SEC 35 SWSE NW.TRIBUTARY: (CODE DIRECTION) WADSWORTH AS HEADGATE TO BANNOCK JIM SLOUGH

E001741

MICROFILMED
OCT 28 1992

QUITCLAIM DEED TO A WATER RIGHT

THIS INDENTURE, Made this 29th day of June, 1983, by and between PUMICE, INC., an Idaho corporation, with the mailing address of its principal place of business in care of William R. Hoopes, P. O. Box H, Twin Falls, Idaho 83301, the party of the first part, and TIM R. MCGARRY; ROBERT M. KOON; FRANK D. KOON, WILLIAM N. KOON and JACK E. KOON, dba KOON BROTHERS; THERON R. MCGARRY; LARRY M. KOON; LEEROY WILCOX; G. HAROLD WARD and BOYD SMITH, all of Route 1, Rexburg, Idaho 83440, the parties of the second part,

WITNESSETH:

WHEREAS, The party of the first part owns the East Half Northeast Quarter of Section 13, Township 1 North, Range 38 East, Boise Meridian, in Bonneville County, Idaho, to which was decreed a portion of 600 miners inches of the waters of Bannock Jim Slough, a tributary of Snake River, with a priority date of June 1, 1889, and 160 miners inches of the waters of Bannock Jim Slough, a tributary of Snake River, with a priority date of May 1, 1905, as decreed in the case of Rexburg Irrigation Company et al, Plaintiffs, vs. Teton Irrigation Canal Company, et al, Defendants, dated December 16, 1910, and said decree was partially in error and the portion decreed to Sec-

The right to 600 miners inches of the waters of Bannock Jim Slough, tributary to the Snake River, with a priority date of June 1, 1889, and the right to 160 miners inches of the waters of Bannock Jim Slough, tributary to the Snake River, with a priority date of May 1, 1905, as decreed to O. H. Olive in the case of Rexburg Irrigation Company et al, Plaintiffs, vs. Teton Irrigation Canal Company, et al, Defendants, dated December 16, 1910.

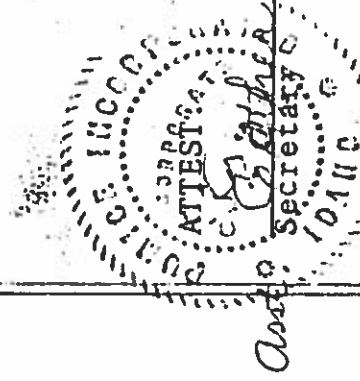
TO HAVE AND TO HOLD, The same unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, The party of the first part has caused its corporate name to be hereunto subscribed by its President and the corporate seal to be affixed by its Secretary the day and year first above written.

PUMICE, INC., an Idaho
corporation,

By:

William R. Hoopes



STATE OF IDAHO,)
County of Twin Falls.) ss.

On this 29th day of June, 1983, before me, the undersigned, a Notary Public in and for said State, personally appeared WILLIAM R. HOOPES and William R. Hoopes, known to

me to be the

QUITCLAIM DEED TO A WATER RIGHT

THIS INDENTURE, Made this 8th day of September, 1983, between STATE OF IDAHO DEPARTMENT OF FISH & GAME, an executive department of the State of Idaho, with its mailing address at POB 25, Boise, Idaho 83707, the party of the first part, and TIM R. MCGARRY: ROBERT M. KOON; FRANK D. KOON, WILLIAM N. KOON and JACK E. KOON, dba KOON BROTHERS: THERON R. MCGARRY; LARRY M. KOON; LEEROY WILCOX; G. HAROLD WARD and BOYD SMITH, all of Route 1, Rexburg, Idaho 83440, the parties of the second part,

WITNESSETH:

WHEREAS, The party of the first part owns the Southeast Quarter Northeast Quarter and Northeast Quarter Southeast Quarter of Section 20, and the Northwest Quarter Southwest Quarter and Lot 1 of Section 21, all in Township 5 North, Range 37 East, Boise Meridian in Jefferson County, Idaho, to which was decreed a portion of 600 miners inches of the waters of Bannock Jim Slough, a tributary of Snake River, with a priority date of May 1, 1905, as decreed in the case of Rexburg, Irrigation Company et al., Plaintiffs, v. Teton Irrigation Canal Company, et al., Defendants, dated December 16, 1910, and said decree was partially in error, and the portion decreed to

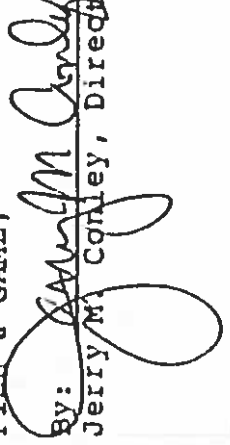
remise and quitclaim unto the said parties of the second part, and to their heirs and assigns, forever, the following water rights, to-wit:

The right to 600 miners inches of the waters of Bannock Jim Slough, tributary to the Snake River, with a priority date of June 1, 1889, and the right to 160 miners inches of the waters of Bannock Jim Slough, tributary to the Snake River, with a priority date of May 1, 1905 as decreed to O. H. Olive in the case of Rexburg, Irrigation Company et al., Plaintiffs, vs. Teton Irrigation Canal Company, et al., Defendants, dated December 16, 1910, insofar as these rights are appurtenant to these lands in Sections 20 and 21, Township 5 North, Range 39 East, Boise Meridian, Madison County, Idaho, now owned by some of the parties of the second part.

TO HAVE AND TO HOLD, The same unto the said parties of the second part, their heirs and assigns forever.

IN WITNESS WHEREOF, The party of the first part has caused its departmental name to be hereunto subscribed by its Director the day and year first above written.

STATE OF IDAHO DEPARTMENT OF
FISH & GAME,

By: 
Jerry M. Conley, Director

STATE OF IDAHO,
County of Ada.

)
ss.
)

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Renumbered: 01-140
Ident. Number: ~~A22-00655~~
Date Received: 8/25/1988
Receipt No: E001741
Received By: *AK*

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: BANNOCK JIM SLOUGH (AN UNINCORPORATED 208-356-7721
Address: COMPANY-SEE NAMES AND LAND
LIST ATT.) C/O TIM MC GARRY
6505 W. 3800 S.
REXBURG, ID 83440

2. Date of Priority: MAY 01, 1905

3. Source: SNAKE RIVER, SOUTH FORK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
05N	39E	35	SW	SE	NW		MADISON

5. Description of diverting works:
HEADGATE TO BANNOCK JIM SLOUGH

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	3.200		

7. Total Quantity Appropriated is:
3.200 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1512.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
05N	39E	13	NE	NE		IRR	33.0

A22-00655

Page 1

Date: 01/19/89

MICROFILMED
OCT 28 1992

A2200655



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	39E	13	NW	NE		IRR	33.0
			SW	NE		IRR	5.0
			SE	NE		IRR	5.0
					Section Acres		76.0
		17	SW	SW		IRR	38.0
			SE	SW		IRR	35.0
					Section Acres		73.0
		18	NW	NE		IRR	4.0
			NE	NW		IRR	31.9
			NW	NW		IRR	35.1
			SW	NW		IRR	35.0
			SE	NW		IRR	32.0
			NE	SW		IRR	5.0
			NW	SW		IRR	7.5
			NE	SE		IRR	38.0
			NW	SE		IRR	38.0
			SW	SE		IRR	5.0
			SE	SE		IRR	20.0
					Section Acres		251.5
		20	SE	NE		IRR	40.0
			NE	NW		IRR	36.0
			NW	NW		IRR	16.0
			NE	SE		IRR	38.0
					Section Acres		130.0
		21	NW	SW		IRR	37.3
			SW	SW		IRR	7.0
			SE	SW		IRR	30.0
					Section Acres		74.3
					Total Acres		604.8

11. Place of use in counties: MADISON

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

12 CFS, PRIORITY DATE OF JUNE 1, 1889 (ID. #01-0139)

14. Remarks:

THE REXBURG DECREE ERRED IN THE DESCRIPTION OF SOME OF THE LANDS WATERED. ATTACHED HERETO ARE COPIES OF TWO DEEDS, ONE FROM THE STATE OF IDAHO DEPT. OF FISH & GAME, AND ONE FROM PUMICE, INC., THE TWO OWNERS OF THE PROPERTY MISTAKENLY INCLUDED WITHIN THE LANDS IRRIGATED BY BANNOCK JIM SLOUGH.

15. Basis of Claim: DECREED

Water Right Number: 010140

Case Number:

Court : 6TH

Decree date: 12/16/1910

REXBURG IRRIG. CO., ET AL
Decree Plaintiff

vs

TETON IRRIG. CANAL CO., ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): _____ Date: _____

_____ Date: _____

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER:

Ident. Number

Date Received

Receipt Number

01-0140

8/25/88

E001741

39356

A22-00655

A22-00190

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Bannock Jim Slough (an unincorporated company-see names and land list att.)
c/o Tim McGarry Phone (208) 356-7721

Mailing Address 6505 W. 3800 S., Rexburg, Idaho Zip 83440

2. Date of Priority (Only one (1) per claim) May 1, 1905

3. Source of water supply (a) Bannock Jim Slough
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 5N Range 39E Section 18,

1/4 of NW 1/4 of NE 1/4 Govt Lot 1 B.M. County of Madison
2 pts. in NE1/4SE1/4 of S18, T5N, R39E; 1 pt. in NE1/4NW1/4 of S18, T5N, R39E; 1 pt. in
NW1/4NW1/4 of S18, T5N, R39E; 1 pt. in SE1/4SW1/4 of S17, T5N, R39E; 1 pt. in SE1/4NE1/4 of
Additional points of diversion if any: S20, T5N, R39E; 1 pt. in NE1/4SE1/4 of S20, T5N, R39E; 1 pt. in
SE1/4SW1/4 of S21, T5N, R39E; 1 pt. in NW1/4SW1/4 of S21, T5N, R39E; 1 pt. in NW1/4SW1/4 of
S17, T5N, R39E; 2 pts. in SW1/4NW1/4 of S21, T5N, R39E; 1 pt. in SW1/4SE1/4 of S21, T5N,
b. If instream flow, beginning point of claimed instream flow is: R39E; 1 pt. in NE1/4NW1/4 of S20, T5N, R39E;
& 1 pt. in NE1/4NE1/4 of S13, T5N, R38E

Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, 1/4 of _____ 1/4 of _____

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well. The Bannock Jim Slough Water Users have their water turned into the Bannock Jim Slough, which mingles with subwaters. The users have installed a series of dams and spillways through the course of the slough as it traverses the Bannock Jim Slough Water users' lands. The water is impounded for diversionary purposes, with each water user maintaining, either singly or with others, diversionary gates or pumps to take the water from the ponds created by the dams to their respective lands. Down stream users, in succession, impound the water that comes over the spillways of the upstream dams, and, with the water raising in the slough from the sub, make their own ponds by means of their own dams, to raise the water high enough that it will run out their lateral ditches to their places of use.

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6. Water is claimed for the following purposes:

(both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 3.2 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 3.2 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 1,512 acre feet per annum, including that used by Claimant pursuant to a second claim, filed herewith, with a different priority date.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
5N	39E	20				40	36	16							38				130
5N	39E	21										37.38	7	30					74.33
5N	39E	17											38	35					73
5N	39E	18		4			31.9	35.1	35	32	5	7.5			38	38	5	20	251.5
5N	38E	13	33	33	5	5													76

Total number of acres irrigated 604.83

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes X* No _____

If your answer is No, describe in Remarks below the authority you have to claim this water right.

*Since this is an unincorporated company, a list of the names of the owners of the land and the lands they own is attached.

13. Describe any other water rights used at the same place and for the same purposes as described above.

12 c.f.s., priority date of June 1, 1889 (Ident. #01-0139) or None ()

14. Remarks:

The Rexburg Decree erred in the description of some of the lands watered. Attached hereto are copies of two deeds, one from the State of Idaho Department of Fish & Game, and one from Pumice, Inc., the two owners of the property mistakenly included within the lands irrigated by Bannock Jim Slough.

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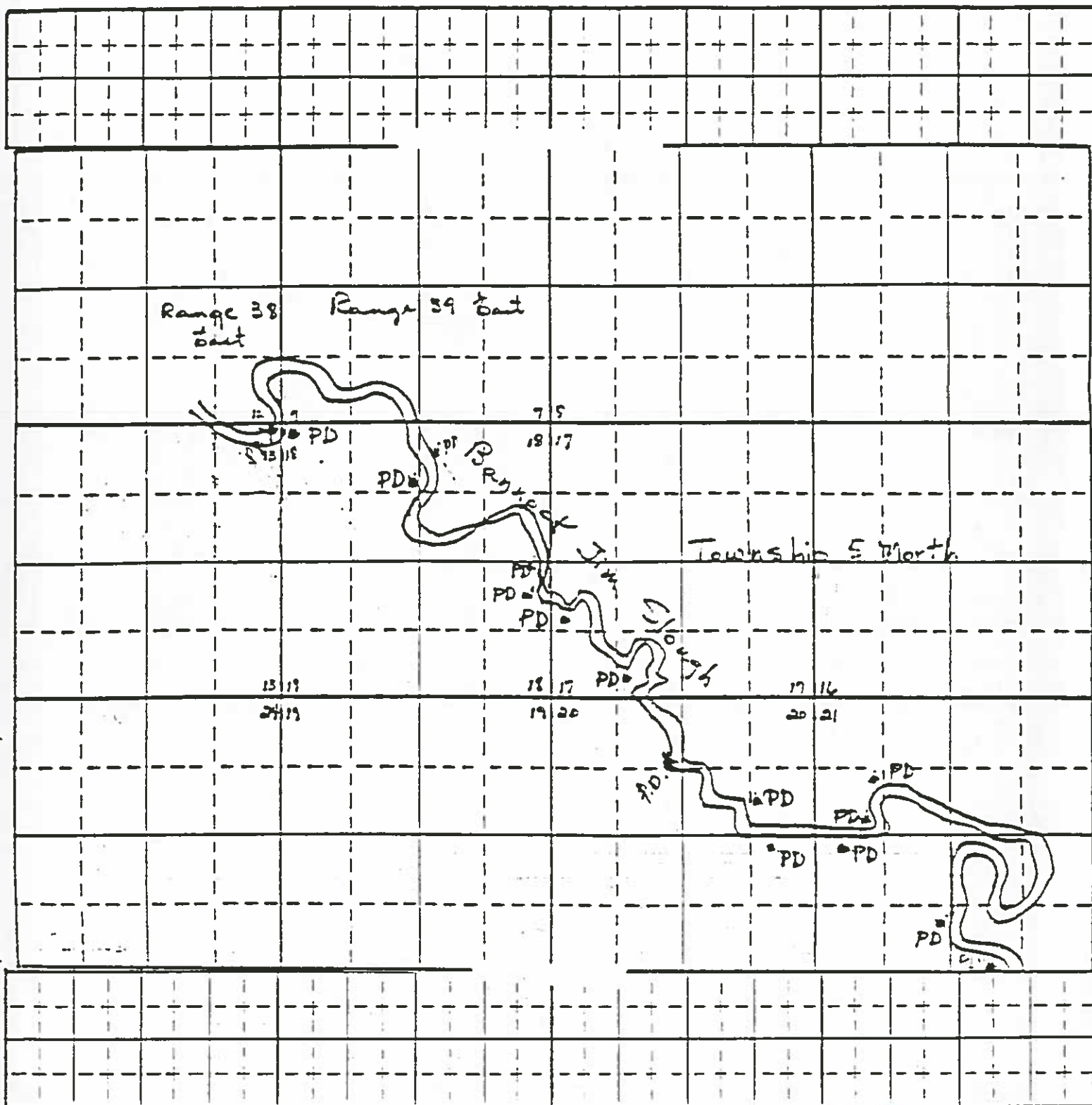
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Last Name Bannock Jim Slough Ident No. 01-0140

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Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



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Last Name Bannock, Jim Slough

Ident No. 01-0140

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree X

If applicable provide IDWR Water Right Number 01-0140

Court 6th Judicial Dist. (now 7th) Case Number _____ Decree Date 12-16-1910

Plaintiff vs Defendant Rexburg Irrigation Co., et al. v. Teton Irrigation Canal Co., et al.

16. Signature (s)

(a.) By signing below, I/We acknowledge that I/We have received, read, and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments 3

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am Tim McGarry, President
Title

of Bannock Jim Slough, that I have signed the foregoing
Organization

document in the space below as President of Bannock Jim Slough
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent Tim McGarry

Title and Organization President of Bannock Jim Slough Date 8/24/88

ATTEST: Frank D. Koon
Frank Koon, Secretary

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 24th day of August 19 88

SEAL

Notary Public Debra A. Keller

Residing at Rexburg, Idaho

My Commission Expires 11-15-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Ray W. Rigby

Address P.O. Box 250, Rexburg, ID 83440

Date 8-24-88

Last Name Bannock Jim Slough Ident. Number 01-0140

Copies White-State, Yellow-Claimant

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Attachment to Notice of Claim to a Water Right
 Bannock Jim Slough
 August 24, 1988

<u>Name</u>	<u>Acres</u>	<u>Within the Following Described Property</u>	<u>Right 01-0139 (miners inches)</u>	<u>Right 01-0140 (miners inches)</u>
Tim R. McGarry	33.0	NW1/4NE1/4, within S13, T5N, R38EBM	71.22	20.39
	28.0	NE1/4NE1/4, within S13, T5N, R38EBM		
	$\frac{4.0}{65.0}$	NW1/4NW1/4, within S18, T5N, R39EBM		
Robert M. Koon	1.0	NE1/4NE1/4, within S18, T5N, R39EBM	3.30	.60
	$\frac{4.0}{5.0}$	NW1/4NW1/4, within S18, T5N, R39EBM		
Frank D. Koon, William N. Koon and Jack E. Koon, dba Koon Bros.	5.0	SW1/4NE1/4, within S13, T5N, R38EBM	159.62	40.83
	5.0	SE1/4NE1/4, within S13, T5N, R38EBM		
	26.0	NW1/4NW1/4, within S18, T5N, R39EBM		
	30.9	NE1/4NW1/4, within S18, T5N, R39EBM		
	35.0	SW1/4NW1/4, within S18, T5N, R39EBM		
	32.0	SE1/4NW1/4, within S18, T5N, R39EBM		

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<u>Name</u>	<u>Acres</u>	<u>Within the Following Described Property</u>	<u>Right 01-0139 (miners inches)</u>	<u>Right 01-0140 (miners inches)</u>
	7.5	NW1/4SW1/4, within S18, T5N, R39EBM		
	$\frac{5.0}{146.4}$	NE1/4SW1/4, within S18, T5N, R39EBM		
Theron R. McGarry	38.0	SW1/4SW1/4, within S17, T5N, R39EBM	234.42	60.05
	32.0	SE1/4SW1/4, within S17, T5N, R39EBM		
	38.0	NW1/4SE1/4, within S18, T5N, R39EBM		
	38.0	NE1/4SE1/4, within S18, T5N, R39EBM		
	5.0	SW1/4SE1/4, within S18, T5N, R39EBM		
	20.0	SE1/4SE1/4, within S18, T5N, R39EBM		
	16.0	NW1/4NW1/4, within S20, T5N, R39EBM		
	$\frac{30.0}{217.0}$	NE1/4NW1/4, within S20, T5N, R39EBM		
Larry M. Koon	3.0	SE1/4SW1/4, within S17, T5N, R39EBM	6.18	3.92
	6.0	NE1/4NW1/4, within S20, T5N, R39EBM		
	$\frac{1.7}{10.7}$	NW1/4NW1/4, within S18, T5N, R39EBM		

<u>Name</u>	<u>Acres</u>	<u>Within the Following Described Property</u>	<u>Right 01-0139 (miners inches)</u>	<u>Right 01-0140 (miners inches)</u>
LeeRoy Wilcox	10.0	NE1/4SE1/4, within S20, T5N, R39EBM	64.74	17.26
	35.0	NW1/4SW1/4, within S21, T5N, R39EBM		
	7.0	SW1/4SW1/4, within S21, T5N, R39EBM		
	<u>30.0</u> 82.0	SE1/4SW1/4, within S21, T5N, R39EBM		
G. Harold Ward	40.0	SE1/4NE1/4, within S20, T5N, R39EBM	31.58	8.42
Boyd Smith	28.0	NE1/4SE1/4, within S20, T5N, R39EBM	23.94	6.39
	<u>2.33</u> 30.33	NW1/4SW1/4, within S21, T5N, R39EBM		
Anita Koon	5.0	NE1/4NE1/4, within S13, T5N, R38EBM	3.00	2.00
Gordon Koon	1.7	NW1/4NW1/4, within S18, T5N, R39EBM	1.00	.07
Kathy Koon	<u>1.7</u>	NW1/4NW1/4, within S18, T5N, R39EBM	<u>1.00</u>	<u>.07</u>
GRAND TOTAL	604.83		600.00	160.00

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