

12/13/2006

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

RIGHT NUMBER: 22-107

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 86.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	86.400 CFS

PLACE OF USE:

3496.3 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 is within the area served by Fox Creek Canal Company.

The rights listed below are limited to the irrigation of a combined total of 3455.4 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-12165, 22-12166.

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

This right is renumbered from former right 22-12168.

Water is delivered through Fox Creek Canal.

12/08/2006

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

RIGHT NUMBER: 22-12159

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 1.880 CFS

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION:
T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	1.630 CFS

PLACE OF USE:

3455.4 ACRES TOTAL

Place of use is within the area served by Fox Creek Canal Company.

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.

The rights listed below are limited to the irrigation of a combined total of 3455.4 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-12165, 22-12166.

This right is limited to the irrigation of 165 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 Fox Creek Canal.

This right is a combination of portions of old Right Nos.: 22-166, 22-360, 22-674. See chart titled "Fox Creek C.C. Analysis" in file.

11/18/2006

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

RIGHT NUMBER: 22-107

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 86.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	01/15 10/31	86.400 CFS

PLACE OF USE:

3455.4 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 is within the area served by Fox Creek Canal Company.

The rights listed below are limited to the irrigation of a combined total of 3455.4 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-12165, 22-12166.

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

This right is renumbered from former right 22-12168 .

Water is delivered through Fox Creek Canal.

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

In Re SRBA)

Water Rights: 22-107, 22-188, 22-
202, 22-432, 22-2027, 22-2037, 22-
12156, 22-12159, 22-12161, 22-12164

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☐ Substitution of Party
- ☐ I.C. § 42-222 transfer
- | | |
|---|--|
| ☐ point of diversion | ☐ place of use |
| ☐ period of use | ☐ nature of use |
| ☐ split of water right | ☐ change in ownership |
- ☒ Other - REMARKS

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug. 12, 2008



Signature of IDWR Representative

SCANNED
AUG 20 2008

CERTIFICATE OF MAILING

I certify that on Aug 13, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:

Fox Creek Canal Co
C/O Dawn Stone Sec
494 S 50 W
Victor ID 83455

Fox Creek Canal Co
C/O Randall Foster Pres
402 S 200 E
Driggs ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

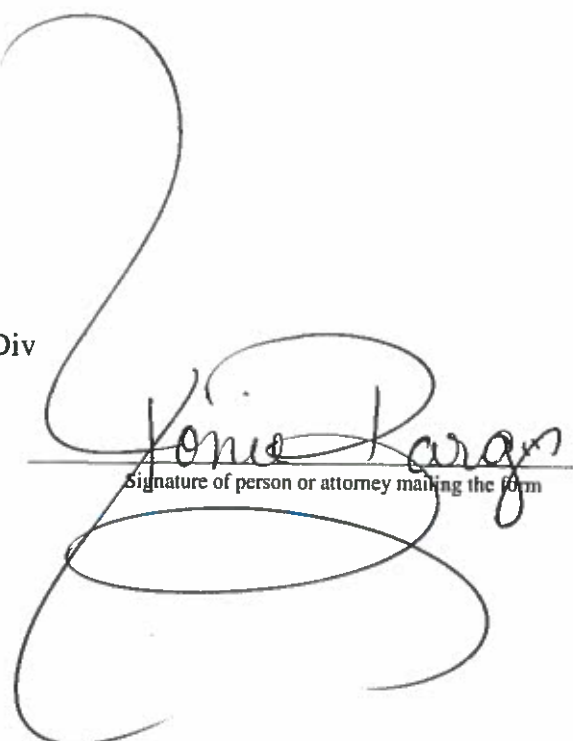
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

AUG 20 2008

08/12/2008

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

RIGHT NUMBER: 22-107

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 86.400 CFS

PRIORITY DATE: 01/22/1916

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSWNE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	86.400 CFS

PLACE OF USE:

3377.7 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 is within the area served by Fox Creek Canal Company.

The rights listed below are limited to the irrigation of a combined total of 3377.7 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-13872, 22-13874.

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.

SCANNED

AUG 20 2008

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

This right is renumbered from former right 22-12168.

Water is delivered through Fox Creek Canal.

SCANNED
AUG 20 2008

11/10/2006

NOTICE OF ERROR

REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-107

FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455
Telephone Number: (208)787-2759

FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422
Telephone Number: (208)354-8463

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: 12-9-06SIGNATURE: Randall J. FosterPlease print your name: Randall J. Foster

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

Received Time Dec. 11. 11:20AM



Idaho Department of Water Resources

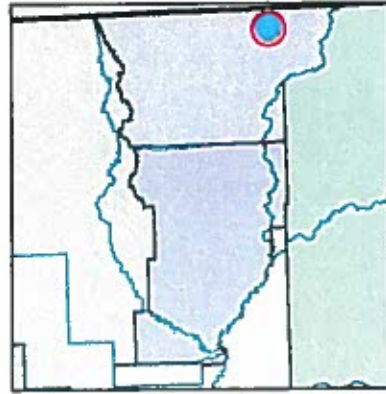
Fox Creek Canal Co

Service Area Boundary
Irrigated Acres = 3496.3

GIS Place of Use Illustration

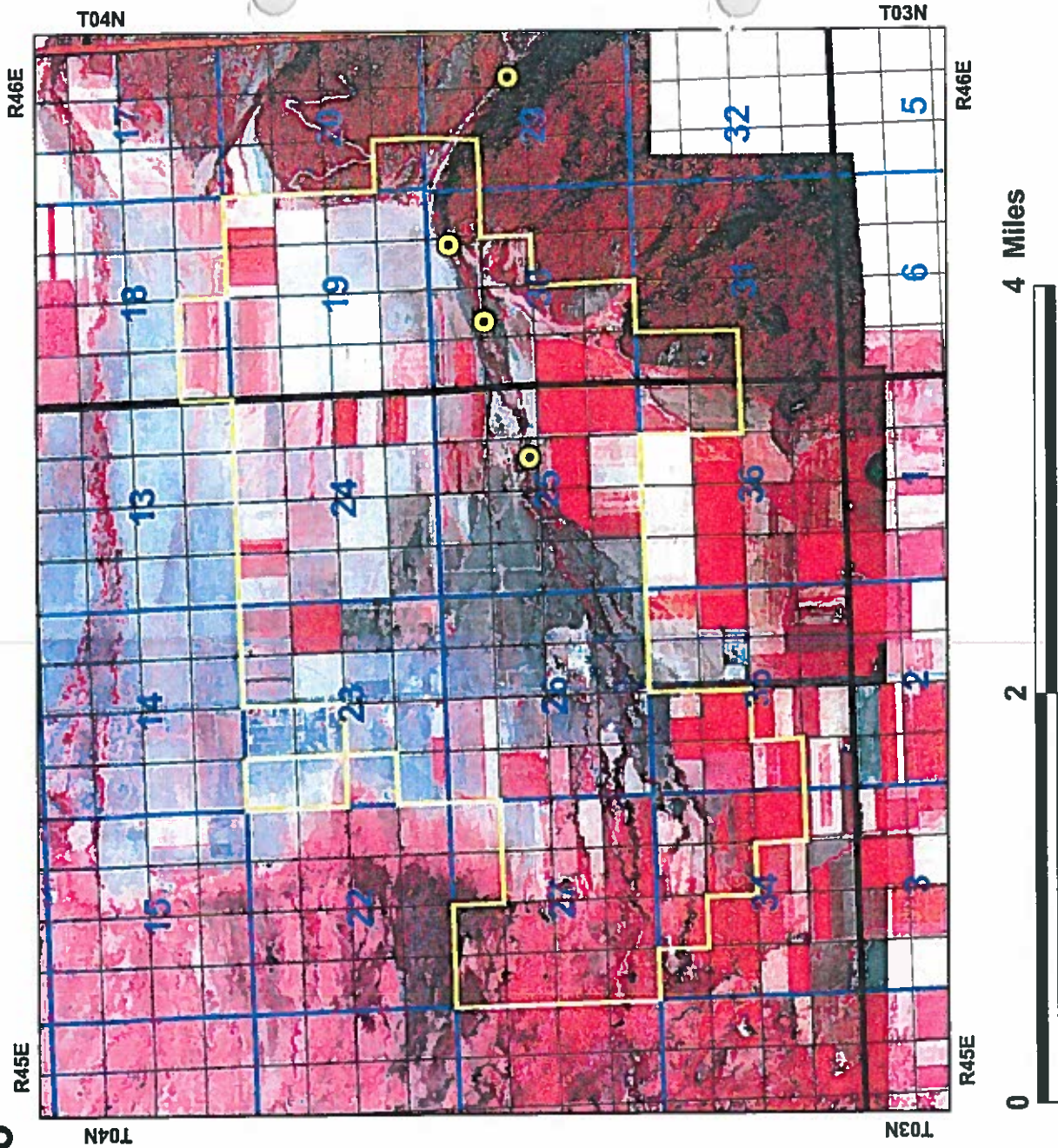
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Wednesday, December 13, 2006
1987/88 Aerial Photography



Idaho Department of Water Resources



Fox Creek Canal Co

Service Area Boundary
Irrigated Acres = 3455.4

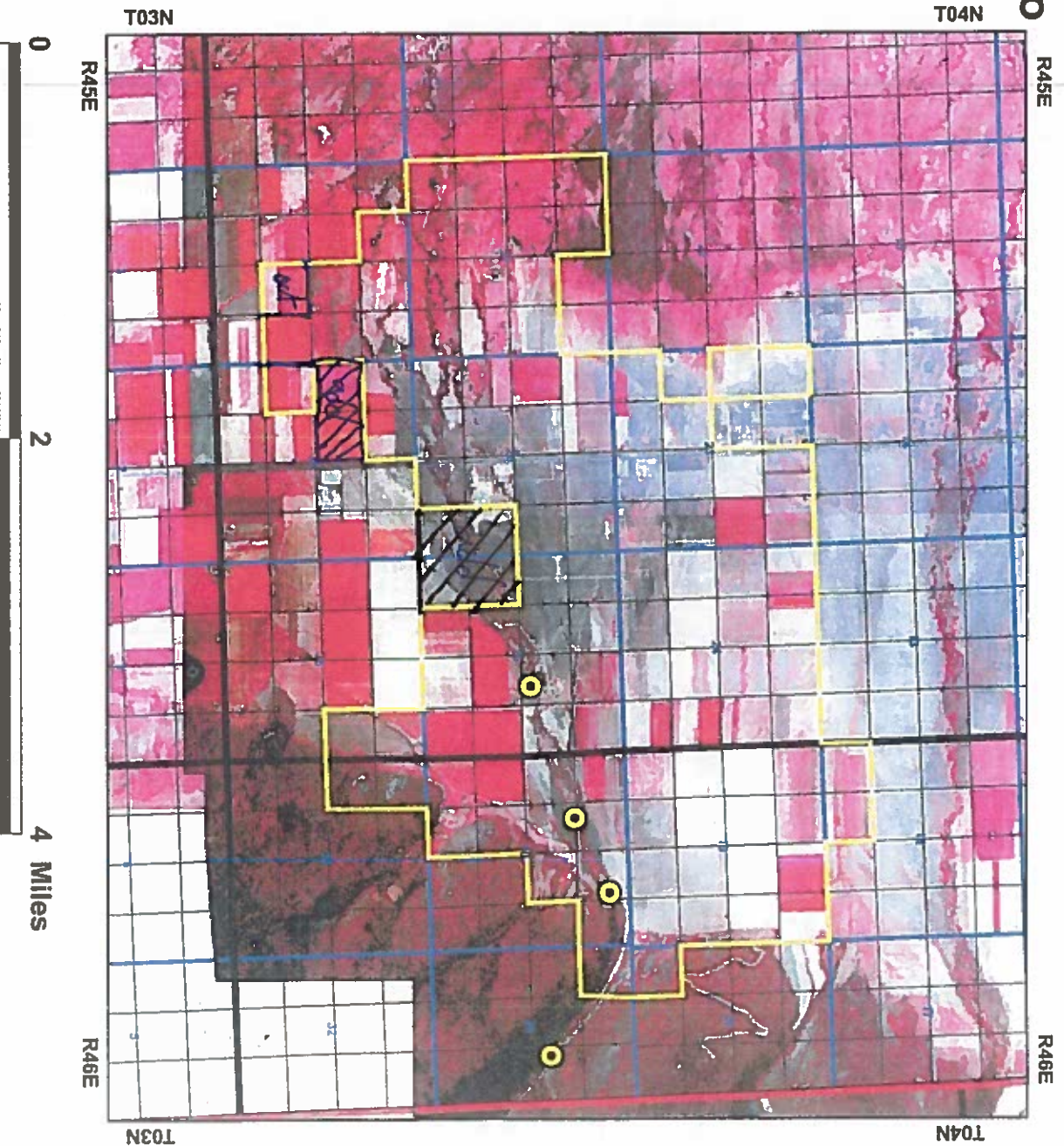
GIS Place of Use Illustration

Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



Prepared by T. Galbraith
On Saturday, November 18, 2006
1987/88 Aerial Photography

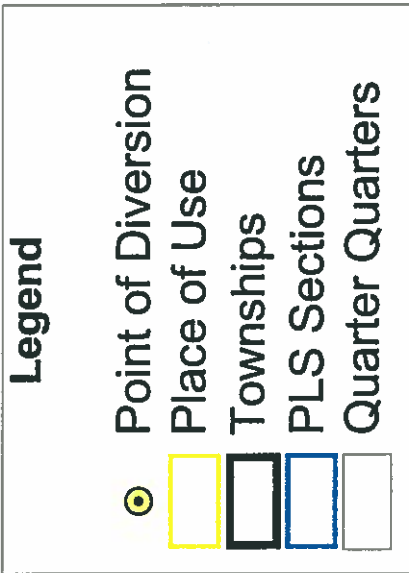


Idaho Department of Water Resources

Fox Creek Canal Co

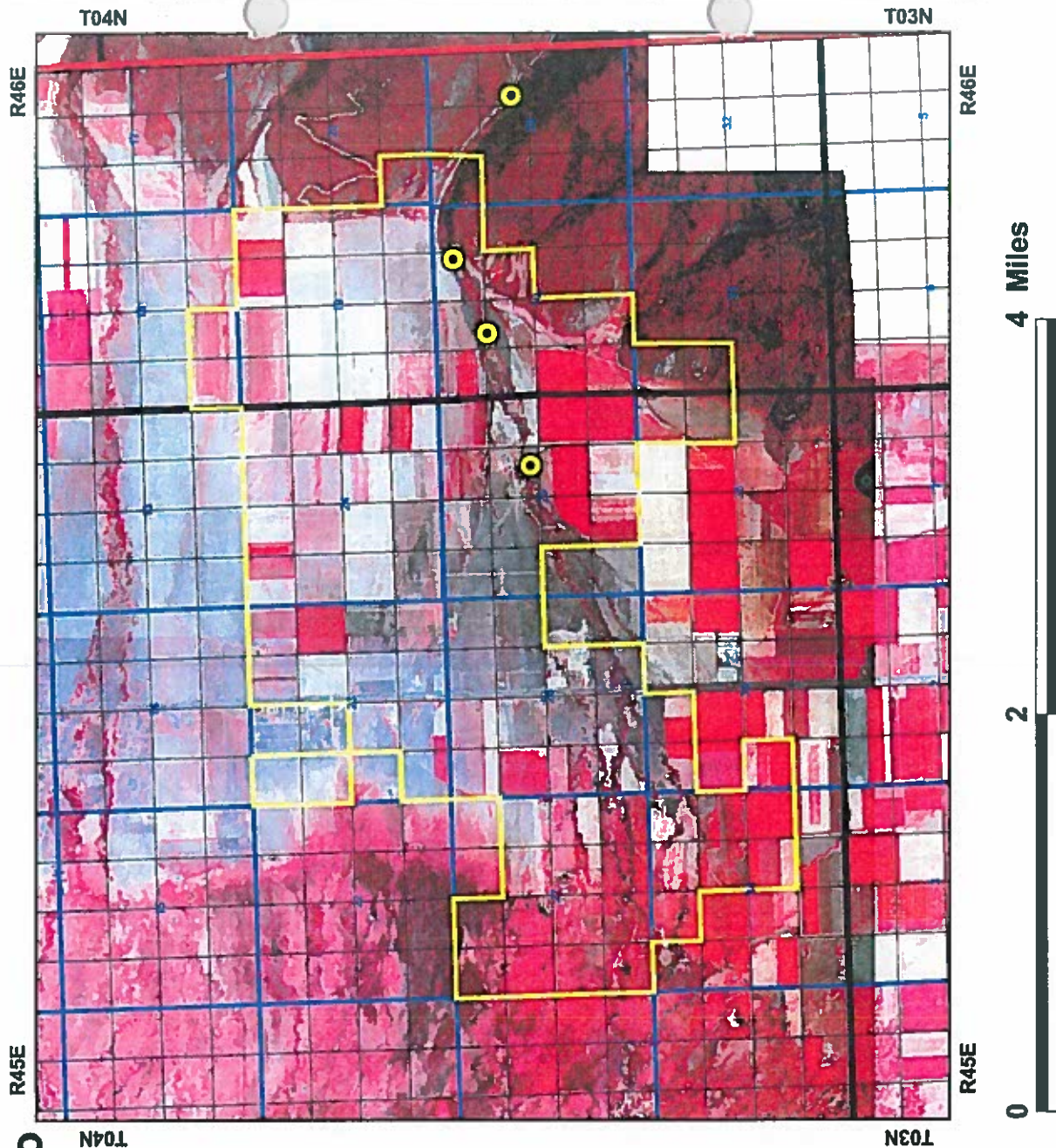
Service Area Boundary
Irrigated Acres = 3455.4

GIS Place of Use Illustration



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Saturday, November 18, 2006
1987/88 Aerial Photography



Fox Creek C.C. Analysis

Rights	CFS To Fox Creek CC	Decreed Cfs	Priority	Claim File	Decreed to:	Acres Decreed	Acres to Fox Creek
107	83.2	83.2	1/22/1916	107	Fox Creek	4160	4160
188	2.4	2.4	6/1/1900	188	George W. Bush	280	280
202	3.2	3.2	6/1/1894	202	Nels Christensen	160	160
432	0.3	0.3	6/1/1895	432	B. F. Parker	280	280
2027	2	2	10/11/1907	2027	William Nickell	120	120
2037	1.2	1.2	7/20/1908	2037	N. P. Hansen	80	80
165	0	1.6	6/1/1889	12156	Ebenezer and J. Beezley	160	80
558	1.1	1.1	7/15/1889	12156	George M. Tonks	320	320
Total	1.1		7/15/1889	12156			320
166	0.1	1.6	6/1/1890	12159	Ebenezer and J. Beezley	80	5
360	0.73	2.2	6/1/1890	12159	Kimbal	240	80
350	0	1.6	6/1/1890	12159	William Jenkins	80	0
674	0.8	1.6	6/1/1890	12159	Steven Crow	160	80
Total	1.63		6/1/1890	12159			165
108	1.6	1.6	5/15/1896	12161	Hal Rasmussen	80	80
417	2	2	5/15/1896	12161	Charles Moulton	160	160
418	1.88	2	5/15/1896	12161	George F. Moulton	160	150.4
Total	5.48		5/15/1896	12161			390.4
185	2	2	6/1/1896	12164	George W. Bush	280	280
187	0.8	0.8	6/1/1896	12164	George W. Bush	280	No Additional
361	0.4	1.6	6/1/1896	12164	R. C. Kimbal	240	60
445	0.4	0.4	6/1/1896	12164	Farley Penfold	120	120
540	1.6	3.2	6/1/1896	12164	Henry J. Stone	160	0
562	2.74	3.2	6/1/1896	12164	J. R. Vail	160	137

Total	7.94		6/1/1896	12164			597
211	0.2	0.2	6/1/1897	12165	Charles Cluff	160	160
433	2.4	2.4	6/1/1897	12165	B. F. Parker	280	280
444	1.84	2	6/1/1897	12165	Algeroy Penfold	160	147.2
446	2	2	6/1/1897	12165	Farley Penfold	120	120
563	2.4	2.4	6/1/1897	12165	W. C. Vail	160	160
564	2	2	6/1/1897	12165	W. C. Vail	160	160
Total	10.84		6/1/1897	12165			1027.2
149	0	1	6/1/1898	12166	Amos Allen	160	
212	3	3	6/1/1898	12166	Charles Cluff	160	160
434	1.5	1.5	6/1/1899	12166	B. F. Parker	280	280
Total	4.5		6/1/1899	12166			440
Grand Total	123.79						8019.6

Claims competing with Fox Creek C.C.

Right	Right CFS	Split	Split CFS	CFS to Fox Creek CC
149	1	149	1	0
165	1.6	165	1.6	0
166	1.6	13543	0.52	0.1
166		13614	0.23	
166		13615	0.74	
228	3.2	228	3.2	0
350	1.6	13540	1.56	0
350		13357	0.04	
360	2.2	13152	0.23	0.73
360		13151	0.31	
360		13606	0.29	
360		13607	Disallowed	
361	1.6	13154	0.17	0.4
361		13153	0.23	
361		13608	0.23	
361		13609	0.57	
418	2	418A	0.12	1.88
444	2	444A	0.16	1.84
540	3.2	1415	1.6	1.6
562	3.2	13411	0.04	0
562		562B	0.1	2.74
562		562A	0.32	
674	1.6	674E	0.2	0.8
674		674D	0.2	
674		674C	0.2	
674		674B	0.2	

8-6-06 or portion thereof

- Ernie said to recommend all uncompleted claims to Fox Creek and all individual claims to the individuals.
- We will deal with objections on an individual basis
- This will allow us to avoid another 200 or so claims being filed.

JB

A photograph of a river flowing through a lush green landscape. The river is the central focus, with its surface reflecting the sky and surrounding greenery. The banks are covered in dense vegetation, including tall grasses and various trees. In the foreground, a large, dark tree trunk is visible on the left, and a dense canopy of green leaves frames the top and right sides of the image. The overall scene is peaceful and natural.

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____

Water Right Basis: _____

DACEED

Claimed Priority Date: _____

Claimed Basis: _____

DACEED

Recommended Priority Date: _____

Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

SAME AS DACEED Jan 22 1916

Reviewer: _____

Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: 22-12168Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/15		

Overall Diversion Rate _____

Overall Diversion Volume 86.4 CFSRecommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15			

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SAME AS DECREE 22-0107 83.2 CFS
22-0093 3.2 CFS
TOTAL 86.4 CFS

Reviewer: _____

Date: _____

22d. Early in January, 1914, they have applied said quantity of water, for the County of Fremont, State of Idaho, do hereby certify that the attached is a true, and correct copy of a certain instrument No. 257444, filed for record in the District of Idaho, District No. 1, at Boise, Idaho, on the 1st day of January, 1914, and which said quantity or stream flow has been in addition to any other rights fixed, decreed or in any manner granted to the plaintiff, and now appears of record on file in my office, as instrument No. 257444, filed through the stockholders and/or predecessors in interest, and the seal of my office this

From the above findings the Court concludes that the plaintiff is entitled, and, -

22 0107 IT IS HEREBY ORDERED, ADJUDGED AND DECREED That the plaintiff, for the use of its stockholders, and for the irrigation of the hereinbefore described lands, is awarded the use of 83.2 cubic feet per second of time, with a priority date of January 22, 1916, of the unappropriated waters of Fox Creek.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree", made and entered in this Court December 16, 1910, both as to dates of priority and the amount of the rights awarded, are binding upon the plaintiff in this action.

Done in open Court this 16th day of November, 1937.

C. J. Taylor
District Judge

Filed for record Jan. 4, 1938
at 2:35 P.M.

L. Kimball, Recorder

of diversion and for the irrigation of the lands described in paragraph XVI of the Findings of Fact.

22 0091[✓]12. That the plaintiff, Mrs. Albert Murdock, be awarded the use of 3.2 cubic feet per second or 160 miners inches of the waters of Darby Creek, with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVII of the Findings of Fact.

22 0092[✓]13. That the plaintiff, Elmer Christensen, be awarded the use of .8 cubic feet or 40 miners inches of the waters of Darby Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XVIII of the Findings of Fact.

22 0093[✓]14. That the plaintiff, Byrne Woolstenhulme, be awarded 3.2 cubic feet per second or 160 miners inches of the waters of Fox Creek with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XIX of the Findings of Fact.

22 0094[✓]15. That the plaintiff, First Security Bank of Utah, a corporation, be awarded the use of 2.4 cubic feet per second or 120 miners inches of the waters of Tonks Springs with a priority date of January 22, 1916, with point of diversion and for the irrigation of the lands described in paragraph XX of the Findings of Fact.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree" made and entered in this Court December 16, 1910, both as to dates of priority and the amounts of the rights awarded,

22-417

Identification No. 22-417

Transfer No. 1677

Transd
1677

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPROVED

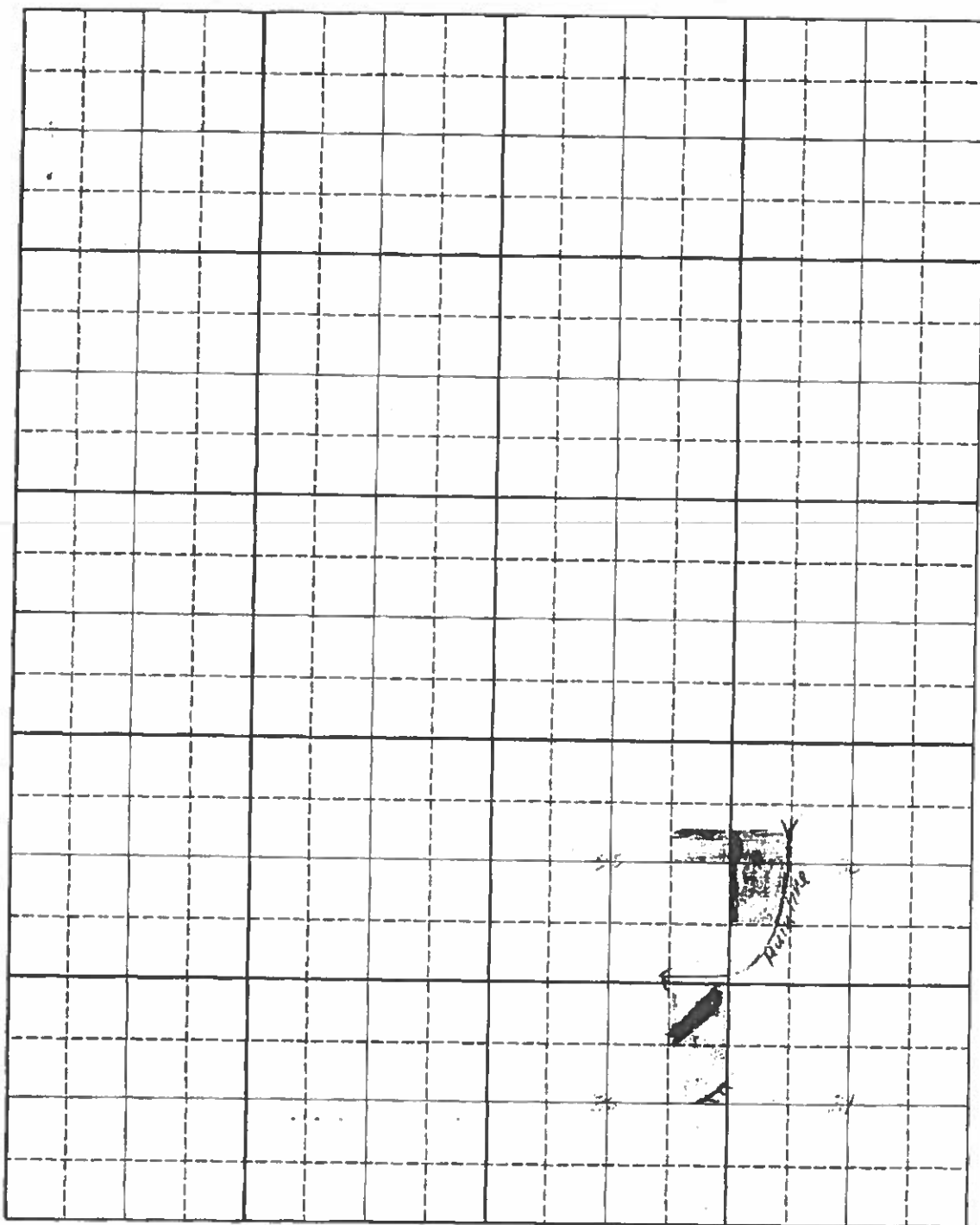
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder E. Hal Rasmussen
Post office address R.F.D. Victor, Idaho
2. Right obtained by:
- a. Decree to Chas. Moulton in Case of Rexburg Irrigation Company
(Name)
vs. Teton Irrigation Canal Company Dated 12-16-10 in Sixth Judicial District
Canal Company (Name of Court)
Court. County of Fremont Also Supplemental decree to Wanless Canal.
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Fox Creek tributary to Teton River
(Name of stream or source)
4. Date of Priority May 15, 1896
5. Amount of water a. 2.88 c.f.s. and/or (Allow 2.0 cfs pursuant to conditions of approval)
b. _____ acre feet/annum
6. Water is used for Irrigation from April 1 to October 31
(Month, Day) (Month, Day)
7. Original location of point of diversion is _____ 1/4 _____ 1/4 of Section _____,
Township _____, Range _____, B.M., in _____ County;
Additional points of diversion, if any _____
No change in point of diversion. Rock Road
Sprinkler Company puts water in pipe line. I
draw from the main line.

8. Lands presently irrigated or place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				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	
4N	45E	25				40													40
4N	46E	30						40	24		40								104

Total number of acres presently irrigated 144



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

RECEIVED

Application for Transfer of Water Right

STATE OF IDAHO,

County of Teton

} ss.

E. W. Tonks

, being first duly sworn, deposes and says:

That his name is E. W. Tonks; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Victor Idaho

That he is the owner and using a certain water right, bearing date of priority of July 15th 1889 for 1.1 cubic feet per second of the waters of Fox Creek Irrigation Company County of Teton, State of Idaho, decreed to George W. Tonks by decree of Judge, P. J. Gowan (Referee) of the sixth Judicial District of the State of Idaho, in and for the County of Prerant, in the case of Raxburg Irrigation Co. et al vs. Teton Irrigation Co. et al, said decree bearing date of Dec. 16th 1910 (or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho, dated _____, 19____, bearing date of priority of _____, 19____) for the purpose of irrigating the following described lands situate, lying and being in Water District No. 25-0 in the County of Teton and State of Idaho, to-wit: N 1/2 of NW 1/4 of Sec. 34 North Range Forty-five East Boise Meridian.

_____ and is the person (or representative of the corporation) to whom such right so issued, or has become the owner thereof in the following manner, i. e. by purchase from George W. Tonks as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the N 1/2 4th of Section 29, Township four North, Range Forty-six E, B. M., and conducted to the above described lands through Fox Creek Company Canals and laterals as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 1.1 cubic feet per second of said water upon the above described land, and to convey and use same upon the following tract, situate, lying and being in the County of Teton and State of Idaho, to-wit: NE 4th of SW 4th of Sec. 30 Tp. 4 North Range 46 East Boise Meridian and SE 4th of SE 4th of Sec. 24 Tp. Four North Range Forty-five East Boise Meridian

That his reasons for desiring to make such transfer are as follows: that it will supply water for the land, last above described, owned by Hans Christensen

MICROFILMED

That he intends to divert and convey said 1.1 second feet of water to the tract of land last above described in the following manner, to-wit: thru the Fox Creek canal and laterals

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFOR, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes.

Subscribed and sworn to before me this
A. D. 1924

E. R. Jones
Applicant.
6th day of Sept.

Shirley S. Hill
Notary Public

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fox Creek

Where is the diversion point located? In the Fox Creek Irrigation Company Canal

Through what ditch is it now conducted? Fox Creek Irrigation Company Canal

How much land is now irrigated by the water sought to be transferred? 80 acres

Give the description: N 1/2 of NW 4 Sec. 34 Tp 4 N of Range 45 E of Boise meridian

What is the total amount of water in inches, or second feet, dedicated to said land? 1 in" per acre

What kind of crops are being raised? wild or natural meadow grass

How much water per acre is now required to irrigate said land? 1 in" per acre

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

sub-water rises since land lying above has been irrigated

Give location of new point of diversion, if change is to be made no change made

Through what ditch will it be conducted after transfer?

How much water will be required per acre to irrigate the land to which this water is transferred?
one inch per acre

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source.

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source. not any

Signed E. R. Jones
Applicant.

Shirley S. Hill

STATE OF IDAHO,

County of TETON

} ss.

Geo. A. Dewey and A. T. Moulton
being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at _____
that he is a user of water from _____, in Water District No. _____
County of _____, State of Idaho; that he has read or heard read the foregoing affidavit and petition of _____ and is familiar with its allegations and with the water right and lands therein mentioned and described and is not in any way interested in either, nor in any way related to said petitioner; that the statements and allegations therein made are true of his own knowledge; and that no one will be injured by the granting of the certificate authorizing the transfer therein petitioned.

Geo. A. Dewey
A. T. Moulton
5th day of Sept.
J. M. Miller
Notary Public
Residing at Lida

Subscribed and sworn to before me this

A. D. 1924

STATE OF IDAHO,

County of TETON

} ss.

I, E. B. Edlerson, Watermaster of _____
Water District No. 36-G, County of Teton, State of Idaho, whose postoffice address is Driggs Idaho, have read or heard read the foregoing affidavit and petition of E. W. Tanks, and, of my own knowledge, believe the same to be true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of Reclamation issue the certificate of transfer as petitioned; ~~and do so because of the reasons set forth in the petition and because of the fact that the water is not being used for the purpose for which it was originally granted~~ for the following reasons: it will supply water for Hans Christensen, and will in no way harm E. W. Tanks the Present user

Watermaster, Dist. No. 36-G

E. B. Edlerson

Dated at Driggs, Idaho, this 5th day of September, 1924

RECORDED

20 Tanks T4 n. 46 E.

North

Conat

creek

28

ॐ

ETC.

SEC.

REC.

BTEC

STC

258

396C.

35

45

5100

SPEC.

ENC.

258

INC.

WBC.

SBC

T 4 n 45 8

~~1. checked to original by~~

FILED

Scale: 2 Inches--1 Mile. Draw Plan in Ink.

Contacts Data Entry Form

Claim Number: 22 12 168

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: Fox Creek Canal Co Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

22-93 is not owned by Fox Creek C.C.
recommend amt of water for 22-107 only.

Reviewer: _____ Date: _____

FAX COVER SHEET

Dawn Stone
494 S. 50th West
Victor, Id. 83455
208-787-2759
Fax(Same as above)

Send to: IDWR	From: Dawn Stone, Sec to Fox Creek Canal Co.
Attention: TRENT GALBRAITH	Date: 12-11-06
Office location: Id. Falls	Office location: Home 494 S. 50th W.
Fax number: 525-7177	Phone number: 787-2759

☒ Urgent ☐ Reply ASAP ☐ Please comment ☐ Please review ☐ For your information

Total pages, including cover: **13**

Comments:

Hi Trent - Here are our signed copies for our water rights for the Fox Creek Canal water.

If you would like me to send hard copies to you, please let me know via my e-mail (dbstone@onewest.net) and I will get them to you. We are faxing these to assure you receive them within the time limits.

Thanks for all your work and advice.

Regards,
Dawn Stone, Sec.
Fox Creek Canal Company

4114

INDEX

1. Original Articles of Incorporation of Rock Road Sprinkler Irrigation Company dated April 1, 1964.
2. Articles of Amendment to Articles of Incorporation dated May 9, 1964.
3. Original By-Laws dated April 9, 1964.
4. Articles of Amendment to By-Laws dated May 9, 1964..
5. Revised By-Laws

PROFILED

~~Rock Road Sprinkler Irrigation Corporation, and Henry Stanley Nelson, Secretary, 1964-1965 / 1966-1967~~

SCANNED

JUL 13 2003

ARTICLES OF INCORPORATION
of
ROCK ROAD SPRINKLER IRRIGATION COMPANY

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all citizens of the United States of America, of legal age, have this day voluntarily associated ourselves together for the purpose of forming a non-profit, mutual canal and irrigation corporation under the laws of the State of Idaho, and

WE HEREBY CERTIFY:

FIRST

The name of this corporation is ROCK ROAD SPRINKLER IRRIGATION COMPANY,

SECOND

This corporation is not formed for profit, but as a mutual canal and irrigation company.

THIRD

That the nature of the business and the objects and purposes for which this corporation is formed are:

1. To own, acquire, lease, hold, manage, control, operate and maintain an irrigation system for the purpose of more efficiently conducting any water owned or to be acquired by the corporation and/or the stockholders of this corporation, and particularly the water owned by the stockholders hereof as stockholders in the Fox Creek Canal Company, from a point or points of delivery to be established and more particularly from a point or points of delivery on the Fox Creek Canal Company system into a main pipeline and by gravity flow through said main pipeline to points of delivery into lateral pipelines provided by the stockholders hereof.
2. To own, acquire, lease, hold, manage, control, operate and maintain irrigation systems now existing, or to be constructed and established in the Northeast Chapin area of Teton County, Idaho, also for the purposes of acquiring water rights, water permits, water licenses and franchises now owned and held by other individuals or entities; also for the purpose of acquiring in the name of this corporation, water rights, water permits, water licenses and franchises; also, for the purpose of carrying water owned by the stockholders hereof to their respective lands, all for the purpose of the irrigation of lands under said irrigation system; to acquire

have, own, maintain and control irrigation wells and water therefrom, and to distribute the same; to fix, charge and collect from its stockholders assessments and maintenance charges based upon number of shares of stock held by each person, or in proportion to the amount of water used or owned, or by both the said methods, by assessment upon the capital stock, levied in accordance with laws of the State of Idaho, or by such other method as may be prescribed in the By-Laws of said corporation; to construct and own dams and reservoirs, and to construct, drill, operate and maintain wells for irrigation pumps, power lines, canals, ditches, and all other diversion works for the development and diversion of water for irrigation and domestic purposes, and generally to do and all things necessary or proper to be done in conducting the business of supplying its stockholders with water or carrying water for its stockholders for irrigation and domestic use, and other useful and beneficial purposes.

3. To take, own, hold, deal in, mortgage, lease, sell, exchange, transfer or in any manner dispose of real property, to hold, and any other interests, estates and rights in real property, to purchase or acquire in any lawful manner, and to hold, own, mortgage, pledge, lease, sell, assign, exchange, transfer, and in any manner dispose of, to deal and trade in and with any and every kind of personal property and/or mixed property, and any franchises, water rights, water permits, water licenses, or privileges necessary, convenient or appropriate for any of the purposes herein expressed.

4. To borrow money and to make and issue notes, bonds, debentures, obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise, without limit as to amount, and to secure same by mortgage, pledge or otherwise generally to make and perform agreements and contracts of every kind and nature.

5. To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or attainment of any of the objects or the furtherance of any of the powers hereinbefore set forth, either alone or in association with other corporations, firms, or other individuals, and to do every act, or acts, things, incidental or appurtenant to or growing out of or connected with the aforesaid business or powers, or any part thereof; provided the same be not inconsistent with the laws under which this corporation is organized.

FOURTH

The existence of this corporation is to be perpetual.

the second Monday of March, 2 o'clock p.m., in each year, and until the first election of directors to be held within three (3) months of the filing of these Articles, the directors of said corporation shall be Boyd Moulton, President and Director; Merle Kunz, Vice-President and Director; Stanley Nelson, Secretary-Treasurer and Director; and O. A. Power, Director.

IN WITNESS WHEREOF, We, the incorporators, have hereunto set our hands and seals this ____ day of April, 1964.

/s/ Boyd Moulton

/s/ Clarence I. Kunz

/s/ Merle L. Kunz

/s/ O. A. Power

/s/ Henry Stanley Nelson

/s/ Walter Atkinson

STATE OF IDAHO,)
 ss.
County of Teton.)

On this 1st day of April, 1964, before me, the undersigned, a Notary Public in and for said State, personally appeared Merle Kunz, Stanley Nelson, Walter Atkinson, Boyd Moulton, Clarence Kunz and O. A. Power, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

/s/ H. S. Forbush

Notary Public residing at Driggs, Idaho

(Seal)

My Commission expires December 21, 1965.

ARTICLES OF AMENDMENT OF THE ARTICLES OF INCORPORATION OF THE ROCK ROAD SPRINKLER
IRRIGATION CORPORATION

WHEREAS it appearing that essential changes are necessary in the Articles of Incorporation of the Rock Road Sprinkler Irrigation Corporation, to-wit: That Article Seven of said Articles of Incorporation be amended reducing the total number of shares of capital stock down to 411.08 and the number of subscribers reduced to four persons and reducing the amount to be borrowed from the U. S. Government—P.H.A. to \$12,000.00 for the installation of the Irrigation Sprinkling system, and

WHEREAS, said changes may be effectuated by amending Article Seven of the original Articles of Incorporation,

NOW THEREFORE, be it remembered on this 9th day of May, 1964, at 8:00 P. M. of which more than two-thirds of the stockholders of the Rock Road Sprinkler Irrigation Corporation met at Driggs, Idaho, in a special meeting duly assembled for that purpose and unanimously voted to amend Article Seven of the Articles of Incorporation of the Rock Road Sprinkler Irrigation Corporation to read as follows:

The total number of shares of the capital stock of this corporation which have been actually subscribed and paid for is the sum of 411.08, and following are the names of the persons or entities, their mailing addresses and the number of shares each has subscribed for, to-wit: Marie Kunz, Victor, Idaho — 80.08 shares
Henry Stanley Nelson, Victor, Idaho — 91.00 shares
Walter Atkinson, Victor, Idaho — 20.00 shares
Boyd Moulton, Victor, Idaho — 220.00 shares

Each of the above-named persons is also an incorporator hereof, and each one is advised and knows of the general plans of the corporation, and particularly consents that the corporation will immediately borrow from the U. S. of America, P.H.A. approximately \$12,000.00 to acquire and install the pipeline system and said loan, together with the ordinary expenses of maintenance and operation of the system shall be paid by assessments upon the capital stock of the corporation, to be levied and collected in a manner provided for in the By-Laws of this corporation.

Thereafter a motion was made to dismiss the meeting, it was seconded, and the meeting thereupon was adjourned.

Dated May 9th, 1964.

President

Secretary

Names of Stock-Holders present signing the Resolution:

Marie Kunz; Stanley Nelson; Walter Atkinson; Boyd Moulton

STATE OF IDAHO)

COUNTY OF TETON) ss.

On this 9th day of May, 1964, before me, H. S. Forbush, a Notary Public in and said County and State, personally appeared, Boyd Moulton, President of the Rock Road Sprinkler Irrigation Corporation, and Henry Stanley Nelson, Secretary thereof, who are the persons whose names are subscribed and sworn to the within instrument, and they acknowledged the same in their own presence and in the presence of each other as officers of said Irrigation Corporation.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of my office at Driggs, Idaho, this 9th day of May, 1964.

Notary Public, State of Idaho

Articles of Incorporation

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, all of whom are bona fide residents of the State of Idaho and citizens of the United States of America, have this day voluntarily associated ourselves together for the purpose of forming a non-profit corporation under Chapter 8, Title 30 of the Idaho Code, and we do hereby certify in writing the following:

1

That the name of this corporation is the Fox Creek Canal Company, Incorporated.

11

That the principal office and location of said corporation shall be Chapin, Idaho, with the registered mailing post-office address at Victor, Idaho.

111

That the duration and continued existence of this corporation shall be, and is hereby declared to be for fifty years.

1V

That the purposes for which the said corporation is formed are: to acquire, own, manage and control ditches, canals, laterals, diversion works with right-of-ways and all necessary appurtenances for the diversion and conveyance of water for all beneficial uses that may be made thereof by the stockholders of this corporation; to acquire, own and or lease water, either by direct flow or storage; to own, build or lease reservoirs therein for the storage or empounding of water, to provide and construct diversion works, canals and ditches, to divert and or convey any or all water, the right to the use of which is now or may hereafter be awarded to or acquired by each, any or all of the stockholders or that may hereafter be awarded to or acquired by the corporation for its several stockholders; to construct and maintain canals and ditches with necessary diversion works for the

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JUL 13 2003

PROFILED

efficient and economical delivery of water to the water-users; to construct by-passes or other water-courses for the saving of water, or to take any necessary and proper means to prevent seepage and waste thereof, to do any and all things necessary and proper for the accomplishment of any or all of the purposes and objects herein enumerated or which may or shall be necessary or expedient or conducive to the benefit of the several stockholders thereof, the object being to prevent waste and the saving of water.

V

That there shall be a board of directors composed of five members, whose names and addresses are: Cecil R. Mangum, Victor, Idaho; C. M. Allen, Driggs, Idaho; Frank Berger, Victor, Idaho; C. W. Nelson, Driggs, Idaho; James O. Kay, Victor, Idaho.

VI

That the total of said shares of stock in said corporation is three thousand and seven hundred and sixty-five, divided into like number of equal shares whose par value is one dollar each.

VII

That the amount of stock actually subscribed is three thousand and seven hundred and sixty-five dollars, with the following names, addresses and respective shares by whom the same has been subscribed:

		Shares:
C. M. Allen	Driggs, Idaho	174
Berger, Frank	Victor, Idaho	80
Ballard, Lynn	"	150
Burnside, LaVar	"	160
Brown, Deloy	"	60
Bangerter, F. L.	Woodscross, Utah	155
Christensen, Maud	Driggs, Idaho	116
Dowey, Joe	Victor	5
Foster, T. G.	Driggs,	220
Fenton, Harold	Victor	80
Gordon, Dan	"	160
Green, A. Y.	Driggs,	80
Hibbert, Ned	Victor	115
Kay, J. O.	"	80
Kay, Merlin	"	80
Kay, Lyle	"	80
Misner, Charles	"	40
Moulton, Ernest	"	144
Mangum, Cecil	"	160
Moulton, Floyd	"	180
Moulton, John A.	"	160
Nelson, Ellen	"	190
Nelson, C. W.	Driggs, Idaho	220
Nethercott, George	Victor	160

stockholders continued:

address:

Shares:

Oglesby, J. J.	Driggs, Idaho	80
Rasmussen, Hal	Victor, Idaho	170
Rasmussen, Jack	"	160
Stone, Dwight	"	26
Stone, Elmer	"	40
Thompson, Richard	"	80
Williams, Earl	"	80
Wanlass, Wm. J.	"	80

Total shares 3765

IN WITNESS WHEREOF, We have hereunto set our hands this

31 day of July, 1950.

Cecil R. Mangum

Frank Berger

C. M. Allen

C. W. Nelson

James O. Kay

ACKNOWLEDGEMENT

STATE OF IDAHO)
SS.
COUNTY OF TETON)

On this 31 day of July, 1950, before me, H. S. Forbush, a Notary Public, in and for the State of Idaho, personally appeared : Cecil R. Mangum, C. M. Allen, Frank Berger, C. W. Nelson and James O. Kay, known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in the certificate first above written.

H. S. Forbush

Notary Public residing at Driggs, Idaho

om.Expires Dec.28, 1953

25148

ARTICLES OF
INCORPORATION OF
FOX CREEK CANAL COMPANY,
INCORPORATED

Location Victor
Existence Fifty years.
Capital Stock \$3,765.

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

Approved, filed, and admitted to
the records of Articles of Incorpor-
ation of the State of Idaho and
certificate issued

this 4th day of
August, 19 50
at 9 o'clock A M

FEES PAID

Filing \$ 20.00

Recording

Certificate

License tax

TOTAL \$ 20.00

J. D. (CY) PRICE

SECRETARY OF STATE

BY

CORPORATION CLERK

AGREEMENT

This AGREEMENT, made and entered into this 3rd day of April 1963, by and between the Fox Creek Canal Company, Incorporated, a domestic irrigation company of the State of Idaho, of Victor, Idaho, hereinafter called the canal company; and Ed Moulton, Merle G. Kunz, Stanley Nelson, Clarence Kunz and Dick Womack, of Victor, Idaho, hereinafter called the pipeline users; ^{Walter Atkinson} WITNESSETH THAT:

Whereas, the Pipeline users, all of whom are water users and stockholders of the canal company are contemplating the creation of a sprinkler system to be known as Rock Road Sprinkler Irrigation Company; which system shall require the change diversion of their present water rights to a new point of diversion.

Now Therefore, for and in consideration of the mutual covenants and agreements hereinafter specified, the Canal Company, by and through its officers does authorize and consent that the Pipeline users change the present location of their point of diversion for the distribution of their water rights from the Fox Creek Company canal into said metal pipeline at a point approximately 20 feet east, 900 feet south of the Northeast corner of the Northwest quarter of the Northwest quarter of Section 29 Township four North, Range 46 E.B.M.

1. That the creation and operation of the proposed Pipeline Company will cause no damage or sacrifice in any way to the Canal Company or any other stockholder thereof.

Pipeline users will assume all responsibility and liability for any damage to the Canal Company or private property, and any and all effects or interference with canals, ditches, diversions works or water flow, whether company water or private decree distribution and service. The Pipeline users on their own initiative will negotiate contract for all necessary easements, rights-of-way and road crossings, whether same shall be public or private lands, and shall be wholly responsible therefor.

2. That the Pipeline users agree to continue to share all ditch, channel or stream damage and loss, which may fluctuate from time to time, down to the present existing points of diversions, the same to be determined periodically by the State Engineer Master or Deputy or some other competent person.

3. That the Pipeline users shall have delivered to and receive for the diversion through the system for irrigation, only those waters which now belong to each member of by virtue of Decree of Company stock, except, however, upon certain special conditions the Company may grant permission to use additional water.

4. That the pipeline users shall have only one point of diversion in the Canal Company, the location of which is hereinabove granted and consent given; provided

hat should that point of diversion through any act, fault, or cause be destroyed or become no longer feasible to maintain, the Pipeline users may resort to their former points of diversion.

5. That the Pipeline users shall continue to be stockholders in the Canal Company and shall remain subject to all the rules, regulations and control of the Fox Creek Canal Company, as provided by the by-laws of said company and all amendments thereof and all subsequent amendments thereto.

* 6. That the Pipeline users are entitled to have continuous representation on the Board of Directors of the Canal Company at all times, provided no more than two members of the Board of Directors of the Canal Company shall come from the Pipeline Company.

7. That the pending organization and operation of the Pipeline users into the Rock Road Sprinkler Irrigation Corporation will in no way affect existing water rights, whether by decree or canal company stock.

8. That the Pipeline users must receive the Canal Company's authorization before any water decreed to or belonging to certain described property may be used on other lands, even though the other lands may belong to the same party or individual.

IN WITNESS WHEREOF, the respective parties have subscribed their signature this --- day of April 1963.

Signed:

Boyd Moulton

Merle E. Kunz

Stanley Nelson

Walter Atkinson

Clarence Kunz

PIPELINE USERS

THE FOX CREEK CANAL COMPANY, INC.

By President Ray Gordon

By Secretary Bessie Gordon

MEMORANDUM DECISION

THE FOX CREEK CANAL COMPANY, acting through its duly elected and appointed officers, hereby gives consent and authorization for the necessary changing of points of diversion, from Company canals to pipelines systems, known as the Rock Road Sprinkler Irrigation, Corporation, as amended, and the Foster Oglesby pipeline sprinkling system, subject however, to the following rules and regulations, to wit:

- 1- That certain agreement entered into between the Rock Road Sprinkler Irrigation, Corporation, and the Fox Creek Canal Company, on April 3, 1963, is made applicable and completely binding.
- 2- That any surplus waters above the amount necessary to fill the pipelines according to users rights or decree, become subject to the supervision and regulation of the Fox Creek Canal Company, to be diverted to lands already claiming water rights, either by decree or company stock. Other or new lands may acquire and use said waters only by permits or licenses issued by the Bureau of Reclamation of the State of Idaho.

Dated this 12 day of October, 1966.

THE FOX CREEK CANAL COMPANY

Samuel B. Stone

L. J. Hays

D. Ray Anderson

E. Hal Rasmussen

SUPPLEMENT TO AGREEMENT

WHEREAS, on the 3rd day of April, 1963 an operative agreement was entered into between the Rock Road Sprinkler Irrigation, Corporation, and the Fox Creek Canal Company, and

WHEREAS, the Rock Road Sprinkler Irrigation, Corp., has been amended to include additional lands and share holders, and

WHEREAS, the said corporation, as amended will require a change in the point of diversion from the Company Canal, to the Pipeline, from the present location to a new location, which is described as a point near the Southwest Corner of Lot 2, Section 29, Township 4, North, Range 46, E. B. M., and

NOW THEREFORE, in consideration of the foregoing, permission and authorization are hereby granted for the necessary changing of points of diversion in keeping with the purposes of the Pipeline Irrigation system, and it is hereby mutually agreed between the Fox Creek Canal Company, and the Rock Road Sprinkler Irrigation Corporation, as amended, that that certain agreement herein above referred to, is made fully applicable, binding and in full force and effect, and, any further amendments or additions to the said Rock Road Sprinkler Irrigation Corporation, as amended, shall be held and bound by the same agreement.

Dated this 12 day of October, 1966

ROCK ROAD SPRINKLER CORPORATION
AS AMENDED

Boyd Moulton
Boyd Moulton, President

H. Stanley Nelson
H. Stanley Nelson, Sec.

FOX CREEK CANAL COMPANY

Dwight C. Stone
Dwight C. Stone, President

Amie Stone
Amie Stone, Sec.

AMENDMENT NO. ONE

ARTICLE TWELVE OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENDED TO READ AS FOLLOWS:

At the regular annual meeting of the stockholders, in 1966, five directors shall be elected by ballot, two for a term of one year and three for a term of two years, respectively. Thereafter, successors in office shall be elected annually, at the regular annual meeting. Each person so elected shall serve for a term of two years, and until such time as their successors in office are duly elected and qualify, by oath.

Dated this 4 day of April, 1966.

Merle G. Kung
E. Hal Rasmussen
Elmer Stone

AMENDMENT NO. TWO

ARTICLE FIFTEEN OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENIED TO READ AS FOLLOWS:

An eight percent interest will be added to water assessments after
they have become due and collectible. (after 15th July)

Dated this 17 day of April 1970

J. J. Day
President

Annice Stone
Secretary

FOX CREEK CANAL COMPANY

AMENDMENT NO. 3

1. Article No. 12 amended to read "The annual meeting of stockholders shall be held on or before the 1st day of May each year....."

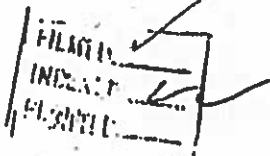
2. Article No. 1 to read: "The corporate powers of this corporation shall be vested in a board of five directors who shall be stockholders, holding one or more shares of stock or possess a legally executed power of authority from landowner so he can act in landowners behalf

3. Article No. 15 to read: General annual assessments must be made, levied and proper notice given to all company stockholders as soon as is feasible after annual meeting of stockholders. All unpaid assessments become delinquent after the 15th day of July .. (delete 90 days).. And a 2% penalty added immediately plus the 8% interest.....

Also added to Article 15: The minimum water assessment for any stockholder in the Company be \$5.00 regardless of the small amount of shares.

Dated this 2 day of May 1974

74137



Mark Stang
President

James H. Hines
Secretary

STATE of IDAHO }
COUNTY of TETON } ss
Filed for Record at the Request
Annus Stang
30 Minutes past 1
0 M. this 3
y of May 1974
id Microfilm or Recorded in
book _____
page _____
Records of Teton County
State of Idaho.
James H. Hines
Records
Bruce L. Stang
Deputy

*See Minutes to 26 April 1973
p. 2 "financially"*

BY-LAWS
OF THE FOX CREEK CANAL COMPANY

First.
Corporate Powers

The corporate powers of this corporation shall be vested in a board of five directors who shall be stock holders, holding one of more shares of stock in their own names on the books of the corporation, and three shall constitute a quorum for the transaction of business.

Second
Election of Directors

The directors shall be elected by ballot at the annual meeting of stockholders to serve for one year, and until their successors are elected. Their term of office shall begin immediately after the election.

Third
Vacancies

Vacancies in the board of directors shall be filled by the other directors in office, and such persons shall hold office until the first meeting of the stockholders thereafter.

Fourth
Power of Directors

The directors shall have power to call special meetings of the stockholders when they deem it necessary. They shall call a meeting at any time upon the written request of stockholders holding one-third of the capital stock; to appoint and remove at pleasure all officers, agents, and employees of the corporation, prescribe their duties, fix their compensations; to conduct, manage and control the affairs and business of the corporation, and to make rules and regulations not inconsistent with the laws of the State of Idaho or by-laws of the corporation, for the guidance of the officers and the management of the affairs of the corporation; to levy and make assessments when necessary for current expenses, for repairing canals or, for other expenses; and when such assessments become delinquent the stock may be ordered sold as provided by the Idaho Statutes; and to incur such indebtedness as may be necessary.

S.G.
copy

Fifth
Duties of the Directors

It shall be the duty of the directors, to provide and keep a complete record of all their minutes and acts, and of the proceedings of stockholders, and present a full statement at the annual meeting of the stockholders, showing in detail the general condition of its affairs. A similar statement shall be presented at any other meeting of the stockholders when thereto required by persons holding at least one-half of the capital stock of the corporation.

To supervise all officers, agents, and employees, and see that ^{their duties} they are properly performed.

Sixth
Water Master

The Board Of Directors, may call for sealed bids, and from such appoint a water master, and may reject any and all bids if not deemed right. The water master shall take charge of, manage and distribute the waters of the corporation, discontinue canal and water service to holder of delinquent assessments subject to the control and direction of the board of directors. In case of his absence, inability to act or neglect of duty, the directors may discharge him and appoint another.

Seventh
Officers

The officers shall be a President, Vice President, Secretary and Treasurer, which officers shall be elected by, and hold office, at the pleasure of the Board of Directors. The compensation of all the officers of the corporation (other than directors) shall be fixed and determined by the Board of Directors.

Eighth
President and Vice President

The Board of Directors shall at their first regular meeting, elect one of their number to act as President, and one as Vice President, and if, at any time, the President shall be unable to act, the Vice President shall take his place and perform his duties, and if the Vice President, from any cause, shall be unable to act, they shall appoint some other member of the board to do so, in whom shall be vested, for the time being, all the duties and functions of this office. The President, of Vice President, or member appointed to act shall,

1- Preside over all meetings of the stockholders and directors, and shall have a

casting vote.

2- He shall sign, as President, all certificates of stock, and all contracts or other instruments of writing that have been first approved by the Board of Directors,

2- He shall call the directors together whenever he deems it necessary, and shall have, subject to the advice of the directors, direction of the affairs of the corporation, and generally shall discharge such other duties as may be required by him by the by-laws of the corporation.

4- The President, or two of the Directors, may call special meetings of the directors at any time, and proper notice shall be given of such called meetings by mail or other contacts. Such service of notice shall be entered on the minutes of the corporation, and the said minutes, on being read and approved at the subsequent meeting of the board, shall be conclusively on the question of service.

Ninth Secretary and Treasurer

It shall be the duty of the Secretary and Treasurer to keep a record of the proceedings of the board of directors and of the stockholders.

2- He shall keep a proper transfer book, and a stock ledger in debit and credit form showing the number of shares issued to and transferred by any stockholder, and the date of such issuance, and transfer.

3- He shall keep the corporate seal of the corporation and the book of certificates of stock, fill up and countersign all certificates issued, and to make the corresponding entries in the margin of such book, upon such issuance; he shall affix said corporate seal to all papers requiring seal.

4- He shall keep proper account books, and discharge such other duties as pertain to his office as are prescribed by the Board of Directors.

5- The Secretary shall serve all notices required either by law or by the by-laws of the Company, and in case of his absence, inability, refusal, or neglect, so to do, when such notices may be served by any person thereunto directed by the President, or Vice President of the company.

The Treasurer shall receive and keep all the funds of the corporation, and pay them out as directed by the President.

The said secretary and treasurer shall be appointed by the board of directors of the corporation.

Tenth
Books and Papers

Certificates of stock shall be of such form and devise as the board of directors may direct, and each certificate shall be signed by the President and countersigned by the Secretary, and express on its face its number, date of issuance, the number of shares for which, and the person to whom it is issued. The certificate book shall contain a margin on which shall be entered the number, date, number of shares, and name of the person expressed in the corresponding certificate.

Eleventh.
Transfer of stock

Shares of the corporation may be transferred at any time by the holders thereof, or by attorney, legally constituted, or by their legal representatives, by endorsement on the certificate of stock, but no transfer shall be valid until the surrender of the certificate, and the acknowledgement of such transfer on the books of the company. No surrender certificates shall be cancelled by the Secretary before a new one is issued in lieu thereof, and the Secretary shall preserve the certificates so cancelled as a voucher. If however, the certificate shall be lost or destroyed, the board of directors may order a new certificate issued upon such guarantees by the parties claiming the same, as they may deem satisfactory.

Twelfth
Meetings

* The annual meeting of the stockholders shall be held *on or before the 1st day of* ~~in the early spring of~~ each year, at a definite time and place as designated by the Board of Directors, and shall be called by notifying the stockholders by mail or other contacts at least ten days preceeding the day of meeting.

* At such annual meetings of the stockholders directors for the ensuing year shall be elected by ballot to serve for one year, and until their successors are elected and qualified, if, however, for want of a quorum, or other cause, a stockholder meeting shall not be held when called, or should the stockholders fail to complete their election, or such other business as may be presented for their consideration, those present may adjourn from day to day until the same shall be accomplished.

Thirteenth
Amendments

The by-laws may be altered or amended at any meeting of the stockholders, by a majority of the stock represented at such meeting, or by a two-thirds vote of the whole number of the Board of Directors, to be ratified by the first meeting of the

stockholders thereafter.

Fourteenth
Seal

The Company shall have a common seal, consisting of a circle, having on its circumference the words, "The Fox Creek Canal Company, Incorporated August 4, 1950.

Know all men by these presents that we, the undersigned, being the holders and owners of the majority of the capital stock of the Fox Creek Canal Company, hereby assent to the foregoing by-laws, and adopt the same as the by-laws of the said corporation.

IN WITNESS WHEREOF we have hereunto subscribed our names this 16 day May 1957.

Reed N. Mangum
E. R. Moulton
James O. Kay^T
Harold Peyton
E. Hal Rasmussen
Smith C. Stone
Ed P. Williams
Mark T. Kray^T

L. N. Ballard
Floyd Moulton
Bruce Fadden
Deloy Brown
Ellen Moulton
Ray Moulton
Leslie Burdette
Tim Deane
Elmer Stone Verne Foster
Jack Ross Red Moulton

KNOW ALL MEN BY THESE PRESENTS That we, the undersigned, directors, and secretary of the corporation known as, and called the Fox Creek Canal Company, do hereby certify that the above and foregoing by-laws were duly adopted as the by-laws of said corporation on the 16 day of May 1957, and that the same do now constitute the by-laws of said corporation.

Stanley Nelson
Mark Kane
Paul Moulton
Marion Moulton
Verne Foster

GENERAL STATUTES

General annual assessments must be made, levied and proper notice given to all company stockholders, on or before the 15 day of April of each year. All unpaid assessments become delinquent 90 days after proper notice has been officially made and posted. All canal and water service must be discontinued to holders of delinquent assessments until payment is made to secretary, or agreeable arrangements made for prompt settlement of said delinquencies. Except however, in special cases of emergency delinquent assessments may be handled within the discretion of the Board of Directors, the decision must be unanimous.

In keeping with the principles of good water conservation and practice, and minimal company facilities and expense, each stockholder and user of irrigation water, shall have not more than one point of diversion from company or neighbor ~~canals~~ canals, as provided by the Idaho statutes, unless it is found necessary to have ~~one~~ more than one point of diversion in order to deliver water to all irrigable acres.

AMENDMENT NO. ONE

ARTICLE TWELVE OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENDED TO READ AS FOLLOWS:

* At the regular annual meeting of the stockholders, in 1966, five directors shall be elected by ballot, two for a term of one year and three for a term of two years, respectfully. Thereafter, successors in office shall be elected annually, at the regular annual meeting. Each person so elected shall serve for a term of two years, and until such time as their successors in office are duly elected and qualify by oath.

Dated this 4 day of April, 1966

Merle G. Kunz
E. Hal Rasmussen
Elmer Stone

AMMENDMENT NO. ONE

ARTICLE TWELVE OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY
IS HEREBY AMENDED TO READ AS FOLLOWS:

At the annual meetings of the stockholders, directors
for the ensuing year shall be elected by ballot to serve
two years, and until such time as their successors in
office are duly elected and qualify. Elections will alternate
with two directors elected one year and three the next.

Dated this 18 day of May, 1982

Ryan M. Long
President
Nancy Hanson
Secretary

Subscribed and sworn before me this 18 day of May 1982.

Dorothy C. Douglas
Notary Public for State of Idaho

My Commission Expires : 9-20-83

90307

STATE OF IDAHO
COUNTY OF TETON

Filed for Record at the Request

of _____

at 55 Minutes past 11

a M. this 18th

day of May 1982

and Microfilmed or Recorded in

Book _____

of _____ page _____

Records of Teton County

State of Idaho.

Bonnie Hatch
Recorder

Bonnie Hatch
Deputy



Ordered sold as provided by the Idaho Statutes; and to incur such indebtedness
as may be necessary.

AMENDMENT NO. TWO

ARTICLE FIFTEEN OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENDED TO READ AS FOLLOWS:

An eight percent interest will be added to water assessments after
they have become due and collectible. (after 15th July)

Dated this 13 day of April 1970

L. J. Hays
President

Annice Stone
Secretary

At the annual meeting of the stockholders, make motion to
amend paragraph two of the by-laws of the Fox Creek Canal
Company, to read as follows:

Amendment One

At the regular annual meeting of the stockholders, in 1966,
5 directors shall be elected by ballot. two for a term of one
year, add three for a term of two years, respectfully. Thereafter,
successors in office shall be elected annually, at the regular
annual meeting. Each person so elected shall serve for a term
of two years, and until such time as their successors in office
are duly elected and qualify, by oath.

Edna L. King
Elmer Stone
E. Hal Rasmussen

ordered sold as provided by the Idaho Statutes; and to incur such indebtedness

FOX CREEK CANAL COMPANY

AMENDMENT NO. 3

1. Article No. 12 amended to read "The annual meeting of stockholders shall be held on or before the 1st day of May each year....."

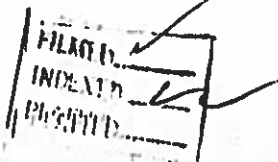
2. Article No. 1 to read: "The corporate powers of this corporation shall be vested in a board of five directors who shall be stockholders, holding one or more shares of stock or possess a legally executed power of authority from landowner so he can act in landowners behalf

3. Article No. 15 to read: General annual assessments must be made, levied and proper notice given to all company stockholders as soon as is feasible after annual meeting of stockholders. All unpaid assessments become delinquent after the 15th day of July .. (delete 90 days).. And a 2% penalty added immediately plus the 8% interest.....

Also added to Article 15: The minimum water assessment for any stockholder in the Company be \$5.00 regardless of the small amount of shares.

Dated this 2 day of May 1974

74137



Mark L. King
President
Annus Stone
Secretary

STATE of IDAHO }
COUNTY of TETON } ss

Filed for Record at the Request

of Annus Stone

at 30 Minutes past 1

9 M. this 3

day of May 1974

and Microfilm or Recorded in

Book _____

of _____ page _____

Records of Teton County

State of Idaho.

Annus Stone

BY Banner Litch

Deputy

20 minutes to 1:30 p.m. 1973
for 2% penalty

Articles of Incorporation

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned, all of whom are bona fide residents of the State of Idaho and citizens of the United States of America, have this day voluntarily associated ourselves together for the purpose of forming a non-profit corporation under Chapter 8, Title 30 of the Idaho Code, and we do hereby certify in writing the following:

I

That the name of this corporation is the Fox Creek Canal Company, Incorporated.

II

That the principal office and location of said corporation shall be Chapin, Idaho, with the registered mailing post-office address at Victor, Idaho.

III

That the duration and continued existence of this corporation shall be, and is hereby declared to be for fifty years.

IV

That the purposes for which the said corporation is formed are: to acquire, own, manage and control ditches, canals, laterals, diversion works with right-of-ways and all necessary appurtenances for the diversion and conveyance of water for all beneficial uses that may be made thereof by the stockholders of this corporation; to acquire, own and or lease water, either by direct flow or storage; to own, build or lease reservoirs therein for the storage or impounding of water, to provide and construct diversion works, canals and ditches, to divert and or convey any or all water, the right to the use of which is now or may hereafter be awarded to or acquired by each, any or all of the stockholders or that may hereafter be awarded to or acquired by the corporation for its several stockholders; to construct and maintain canals and ditches with necessary diversion works for the

efficient and economical delivery of water to the water-users; to construct by-passes or other water-courses for the saving of water, or to take any necessary and proper means to prevent seepage and waste thereof, to do any and all things necessary and proper for the accomplishment of any or all of the purposes and objects herein enumerated or which may or shall be necessary or expedient or conducive to the benefit of the several stockholders thereof, the object being to prevent waste and the saving of water.

V

That there shall be a board of directors composed of five members, whose names and addresses are: Cecil R. Mangum, Victor, Idaho; C. M. Allen, Driggs, Idaho; Frank Berger, Victor, Idaho; C. W. Nelson, Driggs, Idaho; James O. Kay, Victor, Idaho.

VI

That the total of said shares of stock in said corporation is three thousand and seven hundred and sixty-five, divided into like number of equal shares whose par value is one dollar each.

VII

That the amount of stock actually subscribed is three thousand and seven hundred and sixty-five dollars, with the following names, addresses and respective shares by whom the same has been subscribed:

		Shares:
C. M. Allen	Driggs, Idaho	174
Berger, Frank	Victor, Idaho	80
Ballard, Lynn	"	150
Burnside, LaVar	"	160
Brown, Deloy	"	60
Bangerter, F. L.	Woodscross, Utah	155
Christensen, Maud	Driggs, Idaho	116
Dowey, Joe	Victor	5
Foster, T. G.	Driggs,	220
Fenton, Harold	Victor	80
Gordon, Dan	"	160
Green, A. Y.	Driggs,	80
Hibbert, Ned	Victor.	115
Kay, J. O.	"	80
Kay, Merlin	"	80
Kay, Lyle	"	80
Misner, Charles	"	40
Moulton, Ernest	"	144
Mangum, Cecil	"	160
Moulton, Floyd	"	180
Moulton, John A.	"	160
Nelson, Ellen	"	190
Nelson, C. W.	Driggs, Idaho	220
Nethercott, George	Victor	160

stockholders continued:

address:

Shares:

Oglesby, J. J.
Rasmussen, Hal
Rasmussen, Jack
Stone, Dwight
Stone, Elmer
Thompson, Richard
Williams, Earl
Wanlass, Wm. J.

Driggs, Idaho
Victor, Idaho
"
"
"
"
"
"

80
170
160
26
40
80
80
80

Total shares 3765

IN WITNESS WHEREOF, We have hereunto set our hands this

31 day of July, 1950.

Cecil R. Mangum

Frank Berger

C. M. Allen

C. W. Nelson

James O. Kay

ACKNOWLEDGEMENT

STATE OF IDAHO)
SS.
COUNTY OF TETON)

On this 31 day of July, 1950, before me, H. S. Forbush,
a Notary Public, in and for the State of Idaho, personally
appeared : Cecil R. Mangum, C. M. Allen, Frank Berger,
C. W. Nelson and James O. Kay, known to me to be the
persons whose names are subscribed to the within
instrument and acknowledged to me that they executed the
same.

IN WITNESS WHEREOF, I have hereunto set my hand and
affixed my official seal the day and year in the certificate
first above written.

H. S. Forbush

Notary Public residing at Driggs, Idaho

om. Expires Dec. 28, 1953

25148

ARTICLES OF
INCORPORATION OF

FOX CREEK CANAL COMPANY,
INCORPORATED

Location Victor

Existence Fifty years.

Capital Stock \$3,765.

STATE OF IDAHO
DEPARTMENT OF STATE
Secretary's Office
Boise, Idaho

Approved, filed, and admitted to
the records of Articles of Incorpor-
ation of the State of Idaho and
certificate issued

this 4th day of

August, 19 50

at 9 o'clock A M

FEES PAID

Filing \$ 20.00

Recording

Certificate

License tax

TOTAL \$ 20.00

J. D. (CY) PRICE

SECRETARY OF STATE

BY

CORPORATION CLERK

AGREEMENT

This AGREEMENT, made and entered into this 3rd day of April 1963, by and between the Fox Creek Canal Company, Incorporated, a domestic irrigation company of the State of Idaho, of Victor, Idaho, hereinafter called the canal company; and Ed Moulton, Merle G. Kunz, Stanley Nelson, Clarence Kunz and Dick Womack, of Victor, Idaho, hereinafter called the pipeline users; ^{Walter Atkinson} WITNESSETH THAT:

Whereas, the Pipeline users, all of whom are water users and stockholders of the canal company are contemplating the creation of a sprinkler system to be known as Rock Road Sprinkler Irrigation Company; which system shall require the change diversion of their present water rights to a new point of diversion.

Now Therefore, for and in consideration of the mutual covenants and agreements hereinafter specified, the Canal Company, by and through its officers does authorize and consent that the Pipeline users change the present location of their point of diversion for the distribution of their water rights from the Fox Creek Company canal into said metal pipeline at a point approximately 20 feet east, 900 feet south of the Northeast corner of the Northwest quarter of the Northwest quarter of Section 29 Township four North, Range 46 E.B.M.

1. That the creation and operation of the proposed Pipeline Company will cause no loss or sacrifice in any way to the Canal Company or any other stockholder thereof.

Pipeline users will assume all responsibility and liability for any damage to the Canal Company or private property, and any and all effects or interference with canals, ditches, diversions works or water flow, whether company water or private decree distribution and service. The Pipeline users on their own initiative will negotiate contract for all necessary easements, rights-of-way and road crossings, whether same shall be public or private lands, and shall be wholly responsible therefor.

2. That the Pipeline users agree to continue to share all ditch, channel or stream shrinkage and loss, which may fluctuate from time to time, down to the present existing points of diversions, the same to be determined periodically by the State Water Master or Deputy or some other competent person.

3. That the Pipeline users shall have delivered to and receive for the diversion through the system for irrigation, only those waters which now belong to each member of by virtue of Decree of Company stock, except, however, upon certain special occasions the Company may grant permission to use additional water.

4. That the pipeline users shall have only one point of diversion in the Canal Company, the location of which is hereinabove granted and consent given; provided

hat should that point of diversion through any act, fault, or cause be destroyed or become no longer feasible to maintain, the Pipeline users may resort to their former points of diversion.

5. That the Pipeline users shall continue to be stockholders in the Canal Company and shall remain subject to all the rules, regulations and control of the Fox Creek Canal Company, as provided by the by-laws of said company and all amendments thereof and all subsequent amendments thereto.

* 6. That the Pipeline users are entitled to have continuous representation on the Board of Directors of the Canal Company at all times, provided no more than two members of the Board of Directors of the Canal Company shall come from the Pipeline Company.

7. That the pending organization and operation of the Pipeline users into the Rock Road Sprinkler Irrigation Corporation will in no way affect existing water rights, whether by decree or canal company stock.

8. That the Pipeline users must receive the Canal Company's authorization before any water decreed to or belonging to certain described property may be used on other lands even though the other lands may belong to the same party or individual.

IN WITNESS WHEREOF, the respective parties have subscribed their signature this --- day of April 1963.

Signed:

Boyd Moulton

Merle E. Kunz

Stanley Nelson

Walter Atkinson

Clarence Kunz

PIPELINE USERS

THE FOX CREEK CANAL COMPANY, INC.

By President Ray Gordon

By Secretary Bessie Gordon

MEMORANDUM DECISION

THE FOX CREEK CANAL COMPANY, acting through its duly elected and appointed officers, hereby gives consent and authorization for the necessary changing of points of diversion, from Company canals to pipeline systems, known as the Rock Road Sprinkler Irrigation, Corporation, as amended, and the Foster Oglesby pipeline sprinkling system, subject however, to the following rules and regulations, to wit:

- 1- That certain agreement entered into between the Rock Road Sprinkler Irrigation, Corporation, and the Fox Creek Canal Company, on April 3, 1963, is made applicable and completely binding.
- 2- That any surplus waters above the amount necessary to fill the pipelines according to users rights or decree, become subject to the supervision and regulation of the Fox Creek Canal Company, to be diverted to lands already claiming water rights, either by decree or company stock. Other or new lands may acquire and use said waters only by permits or licenses issued by the Bureau of Reclamation of the State of Idaho.

Dated this 12 day of October, 1966.

THE FOX CREEK CANAL COMPANY

George E. Stone

L. J. Koff

P. Ray Anderson

E. Hal Rasmussen

SUPPLEMENT TO AGREEMENT

WHEREAS, on the 3rd day of April, 1963 an operative agreement was entered into between the Rock Road Sprinkler Irrigation, Corporation, and the Fox Creek Canal Company, and

WHEREAS, the Rock Road Sprinkler Irrigation, Corp., has been amended to include additional lands and share holders, and

WHEREAS, the said corporation as amended will require a change in the point of diversion from the Company Canal, to the Pipeline, from the present location to a new location which is described as a point near the Southwest Corner of Lot 2, Section 29, Township 4, North, Range 46, E. B. M., and

NOW THEREFORE, in consideration of the foregoing, permission and authorization are hereby granted for the necessary changing of points of diversion, in keeping with the purposes of the Pipeline Irrigation system, and it is hereby mutually agreed between the Fox Creek Canal Company, and the Rock Road Sprinkler Irrigation Corporation, as amended, that that certain agreement herein above referred to, is made fully applicable, binding and in full force and effect, and, any further amendments or additions to the said Rock Road Sprinkler Irrigation Corporation, as amended, shall be held and bound by the same agreement.

Dated this 12 day of October, 1966

ROCK ROAD SPRINKLER CORPORATION
AS AMENDED

Boyd Moulton
Boyd Moulton, President

H. Stanley Nelson
H. Stanley Nelson, Sec.

FOX CREEK CANAL COMPANY

Dwight E. Stone
Dwight E. Stone, President

Archie Stone
Archie Stone, Sec.

ATTENDMENT NO. ONE

ARTICLE TWELVE OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENDED TO READ AS FOLLOWS:

At the regular annual meeting of the stockholders, in 1966, five directors shall be elected by ballot, two for a term of one year and three for a term of two years, respectively. Thereafter, successors in office shall be elected annually, at the regular annual meeting. Each person so elected shall serve for a term of two years, and until such time as their successors in office are duly elected and qualify, by oath.

Dated this 4 day of April, 1966.

Marle G. Kung
E. Hal Rasmussen
Elmer Stone

AMENDMENT NO. TWO

ARTICLE FIFTEEN OF THE BY-LAWS OF THE FOX CREEK CANAL COMPANY IS
HEREBY AMENDED TO READ AS FOLLOWS:

An eight percent interest will be added to water assessments after
they have become due and collectible. (after 15th July)

Dated this 13 day of April 1970

J. J. [Signature]
President

Annice Stone--o
Secretary

FOX CREEK CANAL COMPANY

AMENDMENT NO. 3

1. Article No. 12 amended to read "The annual meeting of stockholders shall be held on or before the 1st day of May each year....."

2. Article No. 1 to read: "The corporate powers of this corporation shall be vested in a board of five directors who shall be stockholders, holding one or more shares of stock or possess a legally executed power of authority from landowner so he can act in landowners behalf

3. Article No. 15 to read: General annual assessments must be made, levied and proper notice given to all company stockholders as soon as is feasible after annual meeting of stockholders. All unpaid assessments become delinquent after the 15th day of July .. (delete 90 days).. And a 2% penalty added immediately plus the 8% interest.....

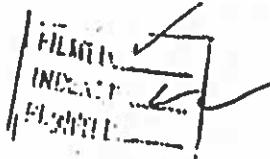
Also added to Article 15: The minimum water assessment for any stockholder in the Company be \$5.00 regardless of the small amount of shares.

Dated this 2 day of May 1974

Mark E. Hing
President

James H. Hing
Secretary

74137



STATE of IDAHO }
COUNTY of TETON } ss
Filed for Record at the Request
Anna Stone
30 Minutes past 1
P M. this 3
y of May 1974
and Microfilm or Recorded In
book

page

Records of Teton County

State of Idaho
James H. Hing
Recorder
Bonnie L. Hing
Deputy

*See minutes to 26 April 1973
p. 2 "penalty"*

ARTICLES OF INCORPORATION
of
NORTHWEST FOX CREEK SPRINKLE IRRIGATION
COMPANY, INC.

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned, all citizens of the United States of legal age, have this day voluntarily associated ourselves together for the purpose of forming a ~~mutual canal~~, mutual canal and irrigation corporation under the laws of the State of Idaho; and

WE HEREBY CERTIFY:

FIRST

The name of this corporation is NORTHWEST FOX CREEK SPRINKLE IRRIGATION CO. INC.

SECOND

This corporation is not formed for profit, but as a mutual canal and irrigation company.

THIRD

That the nature of the business and the objects and purposes for which this corporation is formed are:

1. To own, acquire, lease, hold, manage, control, operate and maintain an irrigation pipeline system for the purpose of more efficiently conducting any water owned or to be acquired by the corporation and/or the stockholders of this corporation, and particularly the water owned by the stockholders of this corporation, and particularly the water owned by the stockholders hereof as stockholders in the Fox Creek Canal Company, from a point or points of delivery to be established and more particularly from a point or points of delivery on the Fox Creek Canal Company system into a main pipeline and by gravity flow through said main pipeline to points of delivery into lateral pipelines provided by the stockholders hereof.

2. To own, acquire, hold, manage, control, operate and maintain irrigation systems now existing, or to be constructed

SCANNED

-1-

JUL 13 2003

PROFILED

and established in the Fortuna... of Teton County, Idaho; also for the purposes of acquiring water rights, water permits, water licenses and franchises now owned and held by other individuals or entities; also for the purpose of acquiring in the name of this corporation, water rights, water permits, water licenses and franchises; also for the purpose of carrying water owned by the stockholders hereof to their respective lands, all for the purpose of the irrigation of lands under said irrigation system; to acquire, have, own, maintain and control irrigation wells and water therefrom, and to distribute the same; to fix, charge and collect from its stockholders assessments and maintenance charges based upon the number of shares of stock held by each person, or in proportion to the amount of water used or owned, or by both the said methods, or by assessment upon the capital stock, levied in accordance with the laws of the State of Idaho, or by such other method as may be prescribed in the By-Laws of said corporation; to construct and own dams and reservoirs, and to construct, drill, operate and maintain wells for irrigation pumps, power lines, canals, ditches, and any and all other diversion works for the development and diversion of water for irrigation and domestic purposes, and generally to do any and all things necessary or proper to be done in conducting the business of supplying its stockholders with water or carrying water for its stockholders for irrigation and domestic use, and other useful and beneficial purposes.

3. To take, own, hold, deal in, mortgage, lease, sell, exchange, transfer or in any manner dispose of real property, lease holds and any other interests, estates and rights in real property, to purchase or acquire in any lawful manner, and to hold, own, mortgage, pledge, lease, sell, assign, exchange, transfer, and in any manner dispose of, to deal and trade in and with any and every class of personal property and/or mixed property, and any franchises, water rights, water permits, water licenses, or privileges necessary, convenient or appropriate for any of the purposes

herein expressed.

4. To borrow money and to make and issue notes, bonds debentures, obligations and evidences of indebtedness of all kinds, whether secured by mortgage, pledge or otherwise, without limit as to amount, and to secure same by mortgage, pledge or otherwise, and generally to make and perform agreements and contracts of every kind and nature.

5. To do all and everything necessary, suitable and proper for the accomplishment of any of the purposes or attainment of any of the objects or the furtherance of any of the powers hereinbefore set forth, either alone or in association with other corporations, firms, or other individuals, and to do every act, or acts, thing or things, incidental or appurtenant to or growing out of or connected with the aforesaid business or powers, or any part thereof; provided the same be not inconsistent with the laws under which this corporation is organized.

FOURTH

The existence of this corporation is to be perpetual.

FIFTH

The place where the principal business of this corporation is to be transacted shall be at Driggs, County of Teton, State of Idaho.

SIXTH

The total number of shares which may be issued by the corporation is 544.4 representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value. The ownership of said stock shall be limited and shall be held and transferred as provided for in the By-Laws. The land to be included within the corporation's system shall be specified also in the By-Laws. At all meetings of the Stockholders, each stockholder may vote by written proxy.

SEVENTH

The total number of shares of the capital stock of this corporation which have been actually subscribed and paid for is

the sum of \$26,300.00 and following are the names of the persons or entities, their mailing addresses and the number of shares each has subscribed for, to-wit:

Jack Rasmussen	Victor, Idaho	149.6 shares
Dwight C. Stone	Victor, Idaho	82.8 shares
Merle and Duane Kunz	Victor, Idaho	79.3 shares
Lyle Kay	Victor, Idaho	79.5 shares
Donald Beard	Victor, Idaho	153.2 shares

Each of the above named persons is also an incorporator hereof, and each one is advised and knows of the general plans of the corporation, and particularly consents that the corporation will immediately borrow from the United States of America, Farmers Home Administration enough money to acquire and install the pipeline system and said loan, together with the ordinary expenses of maintenance and operation of the system shall be paid by assessments upon the capital stock of the corporation, to be levied and collected in a manner provided for in the By-Laws of this corporation.

EIGHTH

The management of this corporation shall be vested in a board of not less than three (3) nor more than seven (7) directors, as may be fixed by the By-Laws. The directors shall be elected at the annual meeting of the stockholders, to be held at the general office of this corporation in the said City of Driggs, Idaho, on the first Monday of March, 2 o'clock P.M. in each year, and until the first election of directors to be held within three (3) months of the filing of these Articles, the directors of said corporation shall be Merle Kunz, President and Director; Lyle Kay, Vice-President and Director; Dwight C. Stone Secretary-Treasurer and Director; and Jack Rasmussen and Donald Beard Directors.

IN WITNESS WHEREOF, We, the incorporators have hereunto set our hands and seals this 23rd day of August, 1968.

Jack Rasmussen
Dwight C. Stone
Merle & Duane Kunz
Lyle Kay

Donald Beard
Merle & Duane Kunz



ARTICLES OF INCORPORATION (General Business)

To the Secretary of State of the State of Idaho
The undersigned, in order to form a Corporation under the
provisions of Title 30, Chapter 1, Idaho Code, submits
the following articles of incorporation:

SECRETARY OF STATE
STATE OF IDAHO
99 MAR 18 AM 9:05

Article 1: The name of the corporation shall be: Northwest Fox Creek Sprinkler Irrigation Co.,
Inc.

Article 2: The number of shares the corporation is authorized to issue 544.40

is:

Article 3: The street address of the registered office is: 494 S. 50th West, Victor, Id. 83455
_____ and the registered agent at such address is: Dawn Stone, Sec.

Article 4: The name and address of the incorporator are: Northwest Fox Creek Sprinkler
Irrigation Co., Inc. at 494 S. 50th West, Victor, Id. 83455

% Berkeley Stone, President

Article 5: The mailing address of the corporation shall be: 494 S. 50th West, Victor, Id. 83455

Optional articles:

Customer Acct #:

(If using pre-paid services)

SECRETARY OF STATE ONLY

Signature of an Incorporator:

Berkeley Stone

BY -LAWS

of

NORTHWEST FOX CREEK SPRINKLER IRRIGATION
COMPANY, INC.

Article 1 - Area Served

Section 1. The area included within the system of this corporation, hereinafter called "the system lands" is located in Teton County, Idaho, and more particularly described as follows, to-wit:

W $\frac{1}{2}$ of Section 24, and E $\frac{1}{2}$ of Section 23, Township 4 North, Range 45, E. B. M., excepting therefrom all County road rights-of-way and Highway #33 and the Railroad right-of-way, also excepting Tax No. 1105 in the corner of the SE $\frac{1}{4}$ of said Section 23, belonging to the Utah Idaho Sugar Company, containing approximately 544.4 acres, more or less;

The corporation system also includes the metal pipeline which shall receive this corporation's stockholders' water by virtue of their water rights as represented by stock in the Fox Creek Canal Company, Incorporated, and said water shall be discharged from the Fox Creek Company Canal into said metal pipeline at a point in the Southeast corner of the Northeast quarter of the Southwest quarter in Section 19, Township 4 North, Range 46, E. B. M.; and said pipeline then extends at a grade to provide for gravity flow and pressure through the system lands to points of delivery to the stockholders, which points of delivery shall be lateral pipelines attaching to the corporation's mainline.

✓ Section 2. There shall be no other lands included within the system; providing, however, new lands may be included within the system if by the consent of at least two-thirds of the stockholders present at a meeting called for that purpose at which there is a quorum present in person or by proxy.

ARTICLE 11 - Directors

Section 1. The corporate powers of this corporation shall be vested in a board of five directors, all of whom must be stockholders of Northwest Fox Creek Sprinkler Irrigation Company, Inc.

Section 2. The directors shall be elected by written, secret ballot at the annual meeting by a majority of the stock represented at said meeting either in person or by proxy. The term of office of the directors, after such organization, shall be one year each. At each and every annual meeting thereafter, new directors shall be elected to succeed those presently in office, to hold office for a term of one year, or until their successors are elected and qualified. Their term of office shall begin immediately after their election.

Section 3. Vacancies in the board shall be filled by the other members of the board in office, and such person so elected shall fill out the unexpired term of the person causing the vacancy.

Section 4. The directors shall have the power:

(a) To call meetings of the board of directors when they deem it necessary, by giving such notice as the exigency of the case and the importance of the business may require.

(b) To appoint and remove all officers, agents and employees of the company, prescribe their duties, fix their compensation and require from them security for faithful service.

(c) To make rules and regulations, not inconsistent with the laws of the State of Idaho, or the general laws of the United States and the By-Laws of this corporation, for the guidance of the officers and management of the affairs of the corporation.

(d) to levy assessments at such times and of such amounts as may be necessary for paying off the indebtedness of the corporation and for carrying on the business of the corporation, or for any other purpose that the said directors may believe to be to the better interest of the company, in conformity with the statutes of the State of Idaho.

(e) To give notice to the stockholders of the assessments so levied, and requiring each stockholder to pay to the Secretary-Treasurer the amount of said assessment in a manner provided for in these By-Laws.

(f) To cause to be kept a complete record of all their acts and proceedings and of the proceedings of the stockholders, and present a summary of all their acts and doings at the regular annual meeting of the stockholders, showing in detail the assets and liabilities of the corporation, and generally the condition of its affairs. A similar statement shall be presented at any other meeting of the stockholders when required to do so by persons holding at least one-third of the capital stock of the corporation.

(g) To supervise all of the officers of the corporation, and see that their duties are properly discharged; to require the Secretary-Treasurer to keep full and accurate books and to prescribe the form and mode of keeping said books.

(h) To cause to be issued to the stockholders, in proportion to their several interests, certificates of stock, not to exceed in the aggregate the amount of the capital stock of said corporation.

Section 5. The members of the Board of Directors shall receive no salary as such, but may be paid for their actual time and expenses at a rate to be determined from time to time by the board of directors.

ARTICLE 111 - Officers

Section 1. The officers of this corporation shall consist of a president, a vice-president and a secretary-treasurer. These officers shall be elected by written, secret ballot by the Board of Directors at a meeting of the directors, immediately following the annual meeting of the stockholders, and shall serve for a term of one year or until their successors have been elected and qualified. The board of directors shall have the power to fill

any vacancy that may occur by death or otherwise of any one or more of said officers; providing, however, all officers must be members of the board of directors and any officer so appointed shall hold office until the next regular meeting of the board of directors immediately following the annual meeting of the stockholders.

Section 2. The President shall preside at all meetings of the stockholders and directors. He shall sign instruments in writing which have first been approved by the board of directors; he shall call meetings of the board of directors whenever he deems it necessary, or when required to do so as hereinafter provided, and he shall have, subject to the advice and control of the board of directors, the general superintendency of the affairs of the corporation. In the absence of inability to act of the President, the Vice-President shall perform his duties. The president shall have the same vote as all other directors and stockholders.

Section 3. It shall be the duty of the Secretary:

(a) To keep a record of the proceedings of the board of directors and the stockholders.

(b) To keep a book of blank certificates of stock, fill up and countersign all certificates issued, and make the corresponding entries in the margin of such book on the issuance of the same.

(c) To keep a proper transfer book and a stock ledger in debit and credit form, showing the number of shares issued to and transferred by any stockholder, and the date of such issuance and transfer, and to whom transferred.

(d) To keep safely all money and evidences of debts and certificates of deposit belonging to the corporation, a list of all debts owing by the corporation, and to pay out and disburse the money on hand under and by direction of the board of directors and in conformity with the By-Laws of this corporation.

(e) At the annual meeting of the stockholders, to submit a statement of his accounts with proper vouchers and at any other meeting when required to do so by the directors, showing in detail the amount of money received by him, to whom paid, and the amount still remaining then in the treasury; also the securities for money, and showing generally the financial condition of the corporation.

(f) To countersign all checks drawn by the President, keep proper account books and discharge such other duties as pertain to his office, and as shall be prescribed by the directors.

Section 4. All officers of this corporation shall receive such salary and compensation for their services as may be fixed by the stockholders at the annual meeting of the corporation, and all such claims shall be audited and allowed under the By-Laws.

ARTICLE IV - Distribution of Water

Section 1. Since the stockholders of this corporation are also stockholders of Fox Creek Canal Company, Incorporated, and since this corporation's irrigation pipeline replaces irrigation canals which were under the jurisdiction and were regulated by said Fox Creek Canal Company's board of directors, and particularly its watermaster, said Fox Creek Company's watermaster shall regulate the distribution of this corporation's stockholders' water through the mainline into each stockholder's lateral pipeline; providing, however, the board of directors of this corporation shall be responsible to see that there is always a watermaster available to regulate the distribution of the water among the stockholders, according to their respective rights.

Section 2. The watermaster shall, annually and at all times when called upon by the directors, make a written report to such directors as to the services performed by him, the water distributed, and to whom, and in what quantities distributed, and of the general condition of the canal system and distribution works owned by the corporation, and what repairs, if any, may be necessary, as well as about such other matters as may pertain to the general welfare of the corporation and its property.

Section 3. The watermaster shall have authority to make any repairs that require immediate attention, not exceeding a cost of \$50.00. All other repairs, alterations or construction work shall be first authorized by the board of directors.

Section 4. The holders of certificates of stock in this corporation shall be entitled to a pro rata distribution of the water delivered into its system, in proportion to the amount that the stock so held by the stockholder bears to all of the stock issued by the corporation; and the holders of storage water, purchased or leased water, or other water conveyed through the facilities of the corporation shall make arrangements by specific agreement with the board of directors for the delivery of the water.

Section 5. This corporation shall only be required to convey its stockholders' water from the Fox Creek Canal system through the main pipeline to the lateral pipelines owned by the stockholders at which points the corporation shall install risers on said main pipeline and the stockholders shall, at their own expense, install lateral pipelines extending from an attachment to the risers upon the mainline to their respective lands, where they shall also install their own sprinkler heads and other means of

irrigation; providing, however, all lateral pipelines, nozzles, sprinkler heads and all other irrigation equipment shall be of a type and installed in a manner approved by the board of directors; and providing further, there shall be one lateral for each 40 acres of land, and there shall be no priorities among the stockholders to the use of the water. The board of directors, through the watermaster, shall regulate the flow of water to each of the stockholders by regulating the opening of the discharge nozzles according to the available water, and no stockholder shall interfere with such discharge nozzles to change the rate of flow without the knowledge and consent of the watermaster, and no water shall be delivered to a stockholder unless and until the lateral pipeline, sprinkler heads and all other parts of the irrigation equipment have been properly installed under the direction of the board of directors.

Section 6. Any person diverting water from the corporation's system in any other manner than the manner provided herein, and as provided by the statutes of the State of Idaho shall be punished in accordance with the law.

Section 7. If any stockholder wishes to use his water right on lands outside of the corporation's system, or if any stockholder wishes to use any other water right upon lands within the corporation's system, he may do so with the consent of the board of directors, in the following manner:

First: Application in writing must be made to the board of directors, giving in detail the plan of the applicant.

Second: The board, shall make an investigation of the facts and circumstances surrounding the proposal, and if it is found that no one is or will be injured by such transfer, a permit shall be granted by the board.

ARTICLE V - Capital Stock

Section 1. The total number of shares which may be issued by the corporation is 544.4 representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value.

Section 2. Each stockholder shall be entitled to receive certificates representing the shares of stock he owns in the company.

Section 3. Shares of stock shall be in such form and device as the board of directors may direct, and each certificate of share shall be signed by the President and countersigned by the Secretary-Treasurer, and express on its face its number, date of issuance, the number of shares and to whom issued; the same to be under seal.

Section 4. Such shares of stock may be transferred at any time when all assessments against said shares are fully paid up by the owner thereof; provided, that the Secretary-Treasurer shall be allowed a fee of fifty cents for each transfer. No transfer shall be valid until the original certificate has been surrendered and a record made of the transfer on the books of the corporation; and no certificates shall be issued for less than one-half share of stock.

Section 5. No new certificate shall be issued in lieu of any other certificate except such other certificate has been surrendered and canceled, except where a certificate of stock has been lost or destroyed, and a duplicate certificate is required in lieu thereof in which event a duplicate certificate may be issued upon the holder of said certificate presenting to the board of directors satisfactory evidence that the said certificate has been lost or destroyed, and filing an affidavit, setting forth the facts pertaining to such lost or destroyed certificate.

ARTICLE VI. Borrowing Money

Section 1. This corporation shall have the power to borrow money and to mortgage the facilities of the corporation and the corporation's system as security for the payment thereof, but no loans shall be obtained by the corporation except by the consent of two-thirds of the stockholders voting on such a proposal at a meeting called for that purpose at which time there is a quorum present in person or by proxy, and said meeting shall be called in accordance with Article IX of these By-Laws, providing, however, the stockholders have, by the Articles of Incorporation, and they do hereby consent to the borrowing by the corporation of approximately \$40,000.00 from the United States of America, Farmers Home Administration, and the President and Secretary are hereby authorized and directed to make, execute and deliver the required notes, mortgages and other documents necessary for the acquisition of said loan to obtain the proceeds necessary for the acquisition and installation of the corporation's irrigation facilities.

ARTICLE VII - Levy, Assessment and Collection of Assessments

Section 1. Each stockholder shall be required to pay annual assessments levied by the board of directors necessary to meet the loan repayment schedules of the corporation for the original construction of the system and any other additions, repairs and alterations thereto, and to pay the annual costs of maintaining and operating the system. No stockholder shall be entitled to the use of any water through the corporation's facilities until his assessments have been paid in full.

Section 2. Each stockholder shall be notified in writing of his assessment and said notice shall require the stockholder to make payment in full of said assessment within thirty days thereof. In the event said assessment is not paid in full within said 30 day period, it shall become delinquent and the stockholder whose delinquency occurs, should not be entitled to receive water until it is paid in full. The board of directors shall notify such delinquent stockholder of the delinquency by certified mail and shall charge such stockholder, in addition to the assessment, eight per cent interest per annum from the date of the delinquency until paid. In the event said delinquency and interest are not paid within 15 days after the delinquency notice has been deposited in the postoffice addressed to the delinquent stockholder, postage prepaid, then the board of directors shall advertise a notice of sale of the capital stock of said delinquent stockholder by publishing in a newspaper published and circulated within Teton County, Idaho. Said publication shall be made in two consecutive weekly issues and shall specify the date, time and place of sale of said stock, which shall not be less than 15 days nor more than 20 days from the date of the first publication of notice. At said sale, to be conducted by or at the direction of the board of directors in accordance with the published notice, the stock of the delinquent stockholder or so much thereof as is necessary to pay the delinquent assessment, together with the accrued interest therein, the costs of advertising and the costs of conducting of sale, shall be sold. Said delinquent stockholder shall have the right to redeem his stock from said sale at any time prior to the actual sale thereof by paying the amount of the delinquent assessment together with accrued interest and all advertising costs of said sale, and any other expenses incurred by the board of directors in connection with said sale. At said sale, any purchaser of stock thereat must qualify as a stockholder under the provisions of these By-Laws, and shall be issued a certificate of stock representing the shares purchased in the same manner as any other stockholder

ARTICLE VIII RIGHT-OF-WAYS

Section 1. Each stockholder of this corporation hereby grants, conveys and confirms unto the corporation and to every other stockholder hereof, such rights of way and easements over and across their lands as may be necessary to install and maintain the corporation's system and the respective laterals and irrigation systems of the stockholders.

ARTICLE IX MEETINGS OF STOCKHOLDERS

Section 1. There shall be an annual meeting of the stockholders of the corporation held on the first Monday in March of each year at the hour of 2 o'clock p.m. in Driggs, Teton County, Idaho. All meetings of stockholders shall be called by a notice mailed at least ten days before said meeting, giving the date, place and time of meeting, and shall be signed by the Secretary pursuant to the order of the board.

Section 2. (a) At all stockholders' meetings, each holder of stock shall be entitled to one vote regardless of the number of shares subscribed. Each stockholder may vote either in person or by proxy, providing, however, each proxy must be in writing and filed with the Secretary-Treasurer. (b) No business shall be transacted at any meeting of the stockholders without the presence of a quorum, and a quorum shall consist of a majority of outstanding capital stock. (c) Special meetings of the stockholders may be called at any time by the concurrence of at least five percent of the issued and outstanding shares of capital stock, or by the board of directors, or by at least three of said board of directors, or by one shareholder if the time has expired for the holding of the annual meeting, by giving notice in the manner and for the time prescribed for the annual meeting; providing, however, said notice shall state the object of the meeting, designating the items to be discussed and providing for the discussion of any other business that may properly come before the meeting.

ARTICLE X - Amendments

Section 1. These By-Laws may be amended at any annual meeting of the corporation or at any special meeting called for that purpose by a two-thirds vote of the allotted shares of the corporation present at such meeting either in person or by proxy.

These By-Laws adopted at a meeting of the stockholders of Northwest Fox Creek Sprinkler Irrigation Company, Inc. held this

Jack Rasmussen
Jack Rasmussen

Dwight C. Stone
Dwight C. Stone

Merle Kunz
Merle Kunz

Duane Kunz
Duane Kunz

Lyle Kay
Lyle Kay

Donald Beard
Donald Beard

STATE OF IDAHO)

ss.

COUNTY OF TETON)

On this 28th day of February, 1969, before me, the undersigned a Notary Public in and for said State, personally appeared Merle Kunz, Lyle Kay, Dwight C. Stone, Jack Rasmussen, Duane Kunz, and Donald Beard, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public residing at
Rexburg, Idaho

CERTIFICATION

STATE OF IDAHO)
COUNTY OF TETON)

ss.

I, Dwight C. Stone, certify that I am the Secretary-Treasurer of the Northwest Fox Creek Sprinkler Irrigation Company, Inc.; that I have custody of the records of said corporation, which include the Bylaws, that the foregoing is a true and correct copy of the original Bylaws of said Northwest Fox Creek Sprinkler Irrigation Company, Inc.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Corporation this 28th day of February, 1969.

(Corporation Seal)

Sec. Treasurer of the Northwest Fox
Creek Sprinkler Irrigation Co. Inc.

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

PAID IN FULL - F.H.A.

CONFORMED COPY
PROMISSORY NOTE

KIND OF LOAN:
☒ ASSOCIATION
☐ LH - ORGANIZATION
☐ RRH - ORGANIZATION

(INSURED LOAN TO NON-TAX EXEMPT
ASSOCIATION OR ORGANIZATION)

STATE	Idaho
COUNTY	Teton
CASE NO.	12-41-599196

Date February 28, 19 69

FOR VALUE RECEIVED, NORTHWEST FOX CREEK SPRINKLER IRRIGATION COMPANY, INC.
(herein called "Borrower") promises to pay to the order of the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, (herein called the "Government") at its office in _____

Rexburg, Idaho, or at such other place as the Government may hereafter designate

in writing, the principal sum of TWENTY SIX THOUSAND THREE HUNDRED AND NO/100 - - - - dollars

(\$ 26,300.00), plus interest on the unpaid principal balance at the rate of five percent

(5 %) per annum. The said principal and interest shall be paid in the following installments on the following

dates: \$ 2,110.00 January 1, 19 70, ~~January 1, 1971, \$2,110.00~~

~~January 1, 1972, \$2,110.00~~ and \$ 2,110.00 annually thereafter on January 1, except that the final installment shall

be paid at the end of twenty (20) years from the date of this note, and except that prepayments may be made as provided herein below. The consideration herefor shall support any agreement modifying the foregoing schedule of payments.

If the total amount of the loan is not advanced at the time of loan closing, the loan shall be advanced to Borrower in accordance with the schedule stated on the reverse side hereof, and interest will accrue on the amount of each advance from its actual date as shown on that schedule.

Every payment made on any indebtedness evidenced by this note shall be applied first to interest computed to the effective date of the payment and then to principal.

Prepayments of scheduled installments, or any portion thereof, may be made at any time at the option of Borrower. Refunds and extra payments, as defined in the regulations of the Farmers Home Administration according to the source of funds involved, shall, after payment of interest, be applied to the installments last to become due under this note and shall not affect the obligation of Borrower to pay the remaining installments as scheduled herein.

If the Government at any time assigns this note and insures the payment thereof, Borrower shall continue to make payments to the Government as collection agent for the holder.

While this note is held by an insured lender, prepayments as above authorized made by Borrower may, at the option of the Government, be remitted by the Government to the holder promptly or, except for final payment, be retained by the Government and remitted to the holder on either a calendar quarter basis or an annual installment due date basis. The effective date of every payment made by Borrower, except payments retained and remitted by the Government on an annual installment due date basis, shall be the date of the United States Treasury check by which the Government remits the payment to the holder. The effective date of any prepayment retained and remitted by the Government to the holder on an annual installment due date basis shall be the date of the prepayment by Borrower, and the Government will pay the interest to which the holder is entitled accruing between the effective date of any such prepayment and the date of the Treasury check to the holder.

Borrower hereby certifies that it is unable to obtain sufficient credit elsewhere to finance its actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in or near its community for loans for similar purposes and periods of time.

If at any time it shall appear to the Government that Borrower may be able to obtain a loan from a responsible cooperative or private credit source at reasonable rates and terms for loans for similar purposes and periods of time, Borrower will, at the Government's request, apply for and accept such loan in sufficient amount to repay the Government.

Default hereunder shall constitute default under any other instrument evidencing a debt or other obligation of Borrower to the Government or securing such a debt or other obligation and default under any such other instrument shall constitute default hereunder. Upon any such default, the Government at its option may declare all or any part of any such indebtedness immediately due and payable.

This note is given as evidence of a loan to Borrower made or insured by the Government pursuant to the Consolidated Farmers Home Administration Act of 1961 if the box opposite "Association" is checked under the heading "KIND OF LOAN", or pursuant to Title V of the Housing Act of 1949 if the box opposite "LH - Organization" or "RRH - Organization" is checked. This note shall be subject to the present regulations of the Farmers Home Administration and to its future regulations not inconsistent with the express provisions hereof.

Presentment, protest, and notice are hereby waived.

(CORPORATE SEAL)

ATTEST:

/S/ Dwight C. Stone
Dwight C. Stone (Signature of Attesting Official)
Secretary-Treasurer (Title of Attesting Official)

NORTHWEST FOX CREEK SPRINKLER IRRIG. CO., INC

(Name of Borrower)

/S/ Merle G. Kunz
Merle G. Kunz (Signature of Executive Official)

President
/S/ Dwight C. Stone (Title of Executive Official)

% Dwight C. Stone
(Post Office Box No. or Street Address)

Victor, Idaho 83455
(City, State, and ZIP Code)

SCHEDULE OF MULTIPLE ADVANCES

(1) PROPOSED DATE OF ADVANCES	(2) AMOUNT	(3) ACTUAL DATE OF ADVANCES

Pay to the order of _____

UNITED STATES OF AMERICA
FARMERS HOME ADMINISTRATION

BY _____

(Title)

SATISFACTION

KNOW ALL MEN BY THESE PRESENTS, That the United States of America, acting through the Administrator of the Farmers Home Administration, as owner and holder of the following-described lien instrument(s), made and executed by Northwest Fox Creek Sprinkler Irrigation Company, Inc.

and recorded or filed in County of Teton

State of Idaho, does hereby satisfy and discharge the said lien instrument(s).

LIEN INSTRUMENT	MORTGAGEE	DATE OF INSTRUMENT	DATE FILED	RECORD OR FILE NO.	BOOK NUMBER	PAGE NUMBER
Real Estate Mtge.	USA - Farmers Home Administration	2-28-1969		66699	107440	
				FILED		
				AT THE REQUEST OF		
				Duane Kung		
				AT 15 MINUTES PAST 3 P M		
				DATE Jan. 25, 1991		
				Ada J. Drake		
				CLERK OF RECORDER		
				BY Nora Hill		
				28th JULY		

IN WITNESS WHEREOF, the United States of America has caused these presents to be signed the 28th day of November, 19 90, pursuant to delegation of authority published in 7 CFR Part 1800 Subpart C.

WITNESSES:

UNITED STATES OF AMERICA
By R. Craig Thurgood
Title District Loan Specialist
Farmers Home Administration
United States Department of Agriculture

STATE OF IDAHO
COUNTY OF BINGHAM

ACKNOWLEDGMENT

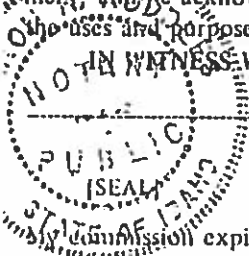
On this 28th day of November, 19 90, before me, the subscriber, a Notary Public, in and for the above county and State, appeared R. Craig Thurgood, known to me to be District Loan Specialist

Farmers Home Administration, United States Department of Agriculture, and the person who executed the foregoing instrument, and he acknowledged to me that he executed the same as the free act and deed of the United States of America, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Blackfoot, ID the day and year aforesaid.

SHARON R. RUDDLES (Signature)
Notary

(Title) ☆ U.S.GPO: 1977-0-765-006/1522



OPERATIVE AGREEMENT

THIS INDENTURE, made this 21st day of November, 1968, by and between the ROCK ROAD SPRINKLER IRRIGATION COMPANY and the NORTHWEST FOX CREEK SPRINKLER IRRIGATION COMPANY, hereinafter known as the Companies.

WITNESSETH: The Companies herein mentioned hereby mutually agree upon the following items relative to Pipe-line irrigation by sprinkling, to-wit:

1. Each Company shall share the waters of Fox Creek for irrigation on a per acre basis, covered under the syste
2. The Companies will cooperate in an effort to conserve and make beneficial use of water available, taking into consideration shrinkage and channel loss.
3. During time when canyon water flow recedes to lower points, and when the best interest of all concerned may be served better, and the main lines are sufficient and adequate, the water of both systems may be diverted at the main point of diversion of the Rock Road Sprinkler Irrigation Company, and continue through the lines of both Companies, to be shared on a per acre basis, thus eliminating unnecessary ditch or channel loss.
4. The waters of each Company may be diverted at the same place, namely: at the Rock Road Sprinkler Irrigation Company's point of diversion, at any other time upon the mutual consent of the parties.
5. When the waters of each system are diverted together, costs of regulation and maintenance shall be shared on a per acre basis.
6. The operative agreement shall have no effect or change any existing water right by decree, permit, license or otherwise.

ROCK ROAD SPRINKLER IRRIGATION CO.

Boyd Moulton
Boyd Moulton, President

Stanley Nelson
Stanley Nelson, Secretary

STATE OF IDAHO) SS.

COUNTY OF TETON)

On this _____ day of November, 1968, before me, the undersigned, a Notary Public in and for said State, personally appeared Boyd Moulton and Stanley Nelson, Pres. and Sec. of the Rock Road Sprinkler Irrigation Co.; and Merle G. Kunz and Dwight C. Stone, Pres. and Sec. of the Northwest Fox Creek Sprinkler Irrigation Co.; known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

My Commission expires Dec. 21, 1969. Notary Public residing at
Rexburg, Idaho

NORTHWEST FOX CREEK SPRINKLER IRRIGATION CO.

Merle G. Kunz
Merle G. Kunz, President

Dwight C. Stone
Dwight C. Stone, Secretary

UNITED STATES DEPARTMENT OF AGRICULTURE
FARMERS HOME ADMINISTRATION

PAID IN FULL-FmHA

REAL ESTATE MORTGAGE
(ASSOCIATION SOIL AND WATER CONSERVATION INSURED LOAN)

KNOW ALL MEN BY THESE PRESENTS, Dated February 28, 1969

1. WHEREAS, the NORTHWEST FOX CREEK SPRINKLER IRRIGATION COMPANY, INC., a corporation organized and existing under the laws of the State of Idaho, with principal place of business in Driggs, County of Teton, State of Idaho, hereinafter called the Mortgagor, is justly indebted to the United States of America, acting through the Farmers Home Administration, United States Department of Agriculture, hereinafter called the Mortgagee, as evidenced by one or more promissory note(s), hereinafter called "the note," executed by the Mortgagor and payable to the Mortgagee in installments, which note authorizes the acceleration of the entire indebtedness at the option of the Mortgagee upon any default by the Mortgagor, the said note being described as follows:

<u>Date of Instrument</u>	<u>Principal Amount</u>	<u>Annual Rate of Interest</u>	<u>Due Date of Final Installment</u>
February 28, 1969	\$26,300.00	5%	February 28, 1989

WHEREAS, the note evidences a loan to Mortgagor in the principal amount specified therein, made with the purpose and intention that the Mortgagee, at any time, may assign the note and insure the payment thereof pursuant to the Consolidated Farmers Home Administration Act of August 8, 1961, (75 Stat. 307; 7 U.S.C. 1921, et seq.), as amended; and

WHEREAS, when payment of the note is insured by the Mortgagee, it may be assigned from time to time and each holder of the insured note, in turn, will be the insured lender; and

WHEREAS, when payment of the note is insured by the Mortgagee, the Mortgagee will execute and deliver to the insured lender along with the note an insurance endorsement insuring the payment of the note fully as to principal and interest; and

WHEREAS, at all times when payment of the note is insured by the Mortgagee, the Mortgagee by agreement with the insured lender set forth in the insurance endorsement will be entitled to a specified portion of the interest payments on the note, to be designated the "annual charge"; and

WHEREAS, a condition of the insurance payment of the note will be that the holder will forego his rights and remedies against Mortgagor and any others in connection with said loan, as well as any benefit of this instrument, and will accept the benefits of such insurance in lieu thereof, and upon the Mortgagee's request will assign the note to the Mortgagee should Mortgagor violate any covenant or agreement contained herein, in the note, or in any supplementary agreement; and

WHEREAS, it is the purpose and intent of this instrument that, among other things, at all times when the note is held by the Mortgagee, or in the event the Mortgagee should assign this

TERM NBR 241	QPR ID 241	ACCOUNT INFORMATION		STDT 102690	ACDT 102690
CNUM 12-061-0000599196	NAME NORTHWEST FOX CREEK			CSDT	
FCOD 9630 LNUM 01 KCOD 00 DUED 00 FMCD 1 FLAG	DECL DFLA	DFCA			
DEFL DEXD	DSCD	DSLO			
DSED DSXD	DSCD				
DOLN 022869 AMED 000000 APDT	DCCA				
ZDLF 100490 ZDLR 102590 RGT2	LRDT 080489	FYLN 89	ICRC		
XADN	1	RGT1 02	CCCC 0		
PTC1	26,300.00 XACA		EPMT		
ICRT	26,300.00 PTC3		CICR		
SSTS	16,307.05 INCR		QNIC		
UNPN	68.99A SSC3		MICE		
UNIN	.00 UNPA		YICE		
DACN	.00 UNIA		YNIC		
UPAM	.0000 DACA		MOIN		
UIAM	.00 UPUN		QMTI		
STAM	.00 UIUN		QTMI		
XAIC	.00 ZADI		ZAAI		
XANI	3,110.00 ZDNI 010190 JTOI 2		AVIR		
STAN	.00 STAA		PNSR		
TPQF	.00 DFCD 7		ICDF		
			ICGR		
CASE NUMBER: 12 061 0000599196	STATUS TYPE: AI	LOAN: 01	ACDT:		

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Int.
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Total
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It's it will help.



United States
Department of
Agriculture

Farmers
Home
Administration

745 West Bridge, Suite C
Blackfoot, ID 83221

Duane Kunz
Box 600
Victor, ID 83455

November 28, 1990

Enclosed you will find the Real Estate Mortgage and Promissory Note for Northwest Fox Creek marked paid in full. Also enclosed is a satisfaction that will need to be recorded in the Court House to release the mortgage.

Lou Ann Borghevinck
LOU ANN BORGHEVINCK
District Loan Technician



Farmers Home Administration is an Equal Opportunity Lender.
Complaints of discrimination should be sent to:
Secretary of Agriculture, Washington, D.C. 20250

NORTHWEST FOX CREEK IRRIGATION COMPANY, INC.

PROJECT REPORT

1. SUMMARY

A. Project: Sprinkler Irrigation Association

B. Applicant:

1. Type of Organization - Non-profit Corporation
2. President of Board - Merle Kunz, Victor, Idaho
3. Association Counsel - Harold Forbush, Rexburg, Idaho
4. Association Engineer - Soil Conservation Service, Driggs, Idaho
5. Eligibility based on - Direct use by Association Farmers

C. Cost Estimates and Financing Plan Survey:

<u>Item</u>	<u>Borrowers Contribution</u>	<u>Other</u>	<u>Development Grant</u>	<u>FHA Loan</u>	<u>Total</u>
1. Development	0	0	*20,000.00	24,400.00	44,400.00
2. Land & Rights	0	0	0	0	0
3. Legal Service	0	0	0	350.00	350.00
4. Engineer Service	0	0	0	0	0
5. Interest	0	0	0	1,550.00	1,550.00
6. Contingencies	0	0	0	0	0
7. Equipment	0	0	0	0	0
8. Initial O & M	0	0	0	0	0
9. Initial Reserve	0	0	0	0	0
10. Refinancing	0	0	0	0	0
	<u>0</u>	<u>0</u>	20,000.00	26,300.00	46,300.00

*ASCS Cost Sharing

D. FHA Loans:

- | | | |
|---------------------|---|----------------|
| 1. Source of Funds | - | Insured |
| 2. Lender | - | Insurance fund |
| 3. Interest rate | - | 5 percent |
| 4. Repayment period | - | 20 years |

E. Facility Controls:

1. Easements are being obtained on all property on which the pipe line will pass through.

F. Land, Land Interest and Rights:

1. Members of Association own land that system will be located.

Dinsic

	Prin	Int		Total
Due Dec. 15-1976	696.22	103.66		799.88
Int @ 8% to 3-3-77		11.67		11.67
Pd. 3-3-77	-184.55	-115.33		299.88
Due 3-4-77	511.67	0		511.67
Int @ 8% to 12-15-77		32.07		32.07
Ann. Assessment for 1977	298.74			298.74
Int @ 8% to 12-1-78		64.83		64.83
Ann. Assessment for 1978	248.72			248.72
	1109.15	96.90		1206.05

BY - LAWS

of

ROCK ROAD SPRINKLER IRRIGATION CORPORATION

Article I - Area Served

Section 1. The area included within the system of this corporation, hereinafter called "the system lands" is located in Teton County, Idaho, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 19; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ of the SW $\frac{1}{4}$ in Sec. 19; N $\frac{1}{2}$ of the NW $\frac{1}{4}$ in Sec. 19; and the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ in Sec. 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 30; all in Township four North, Range 45, E.B.M.; E $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sec. 24; NW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ in Sec. 24; all in Township four North, Range 45, E.B.M.; N $\frac{1}{2}$ NE $\frac{1}{4}$ in Sec. 25; excepting therefrom approximately nine acres located in the SW corner thereof, known as Tax No. 693; S $\frac{1}{2}$ of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 24; Tax No. 693, described as follows: Beginning at the SW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 25; thence East 40 rods, North 36 rods, West 40 rods, thence South 36 rods to place of beginning; containing nine acres more or less; and approximately eleven acres in the north portion of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ in Sec. 25; all in Township four North, Range 45, E.B.M., containing approximately 732.89 acres, more or less;

The corporation system also includes the metal pipeline which shall receive this corporation's stockholders' water by virtue of their water rights as represented by stock in the Fox Creek Canal Company, Incorporated, and said water shall be discharged from the Fox Creek Company Canal into said metal pipeline at a point in the northwest corner of Sec. 29, Township four North, Range 46 E.B.M., and said pipeline then extends at a grade to provide for gravity flow and pressure through the system lands to points of delivery to the stockholders, which points of delivery shall be lateral pipelines attached to the corporation's mainline.

Section 2. There shall be no other lands included within the system; providing, however, new lands may be included within the system if by the consent of at least two-thirds of the stockholders present at a meeting called for that purpose at which there is a quorum present in person or by proxy.

Article II - Directors

Section 1. The corporate powers of this corporation shall be vested in a board of five directors, all of whom must be stockholders of Rock Road Sprinkler Irrigation Corp.

Section 2. The directors shall be elected by written, secret ballot at the annual meeting by a majority of the stock represented at said meeting either in person or by proxy. The term of office of the directors, after such organization, shall be one year each. At each and every annual meeting thereafter, new directors shall be elected to succeed those presently in office, to hold office for a term of one year, or until their successors are elected and qualified. Their term of office shall begin immediately after their election.

Section 3. Vacancies in the board shall be filled by the other members of the board in office, and such person so elected shall fill out the unexpired term of the person causing the vacancy.

Section 4. The directors shall have the power:

- (a) To call meetings of the board of directors when they deem it necessary, giving such notice as the exigency of the case and the importance of the business may require;
- (b) To appoint and remove all officers, agents and employees of the company, prescribe their duties, fix their compensation and require from them security for faithful service.
- (c) To make rules and regulations, not inconsistent with the laws of the State of Idaho, or the general laws of the United States and the By-Laws of this corporation, for the guidance of the officers and management of the affairs of the corporation.

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PROFILED

(d), to levy assessments at such times and of such amounts as may be necessary for paying off the indebtedness of the corporation and for carrying on the business of the corporation, or for any other purpose that the said directors may believe to be to the better interest of the company, in conformity with the statutes of the State of Idaho.

(e) To give notice to the stockholders of the assessments so levied, and require each stockholder to pay to the Secretary-Treasurer the amount of said assessment in a manner provided for in these By-Laws.

(f) To cause to be kept a complete record of all their acts and proceedings and of the proceedings of the stockholders, and present a summary of all their acts and doings at the regular annual meeting of the stockholders, showing in detail the assets and liabilities of the corporation, and generally the condition of its affairs. A similar statement shall be presented at any other meeting of the stockholders when required to do so by persons holding at least one-third of the capital stock of the corporation.

(g) To supervise all of the officers of the corporation, and see that their duties are properly discharged; to require the Secretary-Treasurer to keep full and accurate books and to prescribe the form and mode of keeping said books.

(h) To cause to be issued to the stockholders, in proportion to their several interests, certificates of stock, not to exceed in the aggregate the amount of the capital stock of said corporation.

Section 5. The members of the board of directors shall receive no salary as such, but may be paid for their actual time and expenses at a rate to be determined from time to time by the board of directors.

ARTICLE III - Officers

Section 1. The officers of this corporation shall consist of a president, a vice-president and a secretary-treasurer. These officers shall be elected by written, secret ballot by the board of directors at a meeting of the directors, immediately following the annual meeting of the stockholders, and shall serve for a term of one year or until their successors have been elected and qualified. The board of directors shall have the power to fill any vacancy that may occur by death or otherwise of any one or more of said officers; providing, however, all officers must be members of the board of directors, and any officer so appointed shall hold office until the next regular meeting of the board of directors immediately following the annual meeting of the stockholders.

Section 2. The President shall preside at all meetings of the stockholders and directors. He shall sign instruments in writing, which have first been approved by the board of directors; he shall call meetings of the board of directors whenever he deems it necessary, or when required to do so as hereinafter provided; and he shall have, subject to the advice and control of the board of directors, the general superintendency of the affairs of the corporation. In the absence of inability to act of the President, the Vice President shall perform his duties. The president shall have the same vote as all other directors and stockholders.

Section 3. It shall be the duty of the Secretary:

(a) To keep a record of the proceedings of the board of directors and the stockholders.

(b) To keep a book of blank certificates of stock, fill up and countersign all certificates issued, and make the corresponding entries in the margin of such book on the issuance of the same.

(c) To keep a proper transfer book and a stock ledger in debit and credit form, showing the number of shares issued to and transferred by any stockholder, and the date of such issuance and transfer, and to whom transferred.

(d) To keep safely all money and evidences of debts and certificates of deposit belonging to the corporation, a list of all debts owing by the corporation, and to pay and disburse the money on hand under and by direction of the board of directors, and in conformity with the By-Laws of this corporation.

(e) At the annual meeting of the stockholders, to submit a statement of his accounts with proper vouchers and at any other meeting when required to do so by the directors, showing in detail the amount of money received by him, to whom paid, and the

amount still remaining then in the treasury; also the securities for money, and showing generally the financial condition of the corporation.

(f) To countersign all check drawn by the President, keep proper account books, and discharge such other duties as pertain to his office, and as shall be prescribed by the directors.

Section 4. All officers of this corporation shall receive such salary and compensation for their services as may be fixed by the stockholders at the annual meeting of the corporation, and all such claims shall be audited and allowed under the By-Laws.

ARTICLE IV - Distribution of Water

Section 1. Since the stockholders of this corporation are also stockholders of Fox Creek Canal Company, Incorporated, and since this corporation's irrigation pipeline replaces irrigation canals which were under the jurisdiction and were regulated by said Fox Creek Canal Company's board of directors, and particularly its watermaster, said Fox Creek Company's watermaster shall regulate the distribution of this corporation's stockholders' water through the mainline into each stockholder's lateral pipeline; providing, however, the board of directors of this corporation shall be responsible to see that there is always a watermaster available to regulate the distribution of the water among the stockholders, according to their respective rights.

Section 2. The watermaster shall, annually and at all times when called upon by the directors, make a written report to such directors as to the services performed by him, the water distributed, and to whom, and in what quantities distributed, and of the general condition of the canal system and distribution works owned by the corporation, and what repairs, if any, may be necessary, as well as about such other matters as may pertain to the general welfare of the corporation and its property.

Section 3. The watermaster shall have authority to make any repairs that require immediate attention, not exceeding a cost of \$50.00. All other repairs, alterations or construction work shall be first authorized by the board of directors.

Section 4. The holders of certificates of stock in this corporation shall be entitled to a pro rata distribution of the water delivered into its system, in proportion to the amount that the stock so held by the stockholder bears to all of the stock issued by the corporation; and the holders of storage water, purchased or leased water, or other water conveyed through the facilities of the corporation shall make arrangements by specific agreement with the board of directors for the delivery of the water.

Section 5. This corporation shall only be required to convey its stockholders' water from the Fox Creek Canal system through the main pipeline to the lateral pipelines owned by the stockholders at which points the corporation shall install risers on said main pipeline and the stockholders shall, at their own expense, install lateral pipelines extending from an attachment to the risers upon the mainline to their respective lands, where they shall also install their own sprinkler heads and other means of irrigation; providing, however, all lateral pipelines, nozzles, sprinkler heads and all other irrigation equipment shall be of a type and installed in a manner approved by the board of directors; and providing further, there shall be one lateral for each 40 acres of land, and there shall be no priorities among the stockholders to the use of the water. The board of directors, through the watermaster, shall regulate the flow of water to each of the stockholders by regulating the opening of the discharge nozzles according to the available water, and no stockholder shall interfere with such discharge nozzles to change the rate of flow without the knowledge and consent of the watermaster, and no water shall be delivered to a stockholder or less and until the lateral pipeline, sprinkler heads and all other parts of the irrigation equipment have been properly installed under the direction of the board of directors.

Section 6. Any person diverting water from the corporation's system in any other manner than the manner provided herein, and as provided by the statutes of the State of Idaho shall be punished in accordance with the law.

Section 7. If any stockholder wishes to use his water right on lands outside of the corporation's system, or if any stockholder wishes to use any other water right upon lands within the corporation's system, he may do so with the consent of the board of directors, in the following manner:

First: Application in writing must be made to the board of directors, giving in detail the plan of the applicant.

Second: The board shall make an investigation of the facts and circumstances surrounding the proposal, and if it is found that no one is or will be injured by such transfer, a permit shall be granted by the board.

Article V - Capital Stock

Section 1. The total number of shares which may be issued by the corporation is 732.89 representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value.

Section 2. Each stockholder shall be entitled to receive certificates representing the shares of stock he owns in the company.

Section 3. Shares of stock shall be in such form and device as the board of directors may direct, and each certificate of share shall be signed by the President and countersigned by the Secretary-Treasurer, and express on its face its number, date of issuance, the number of shares and to whom issued; the same to be under seal.

Section 4. Such shares of stock may be transferred at any time when all assessment against said shares are fully paid up by the owner thereof; provided, that the Secretary-Treasurer shall be allowed a fee of fifty cents for each transfer. No transfer shall be valid until the original certificate has been surrendered and a record made of the transfer on the books of the corporation; and no certificates shall be issued for less than one-half share of stock.

Section 5. No new certificate shall be issued in lieu of any other certificate except such other certificate has been surrendered and canceled, except where a certificate of stock has been lost or destroyed, and a duplicate certificate is required in lieu thereof in which event a duplicate certificate may be issued upon the holder of said certificate presenting to the board of directors satisfactory evidence that the said certificate has been lost or destroyed, and filing an affidavit, setting forth the facts pertaining to such lost or destroyed certificate.

Article VI - Borrowing Money

Section 1. This corporation shall have the power to borrow money and to mortgage the facilities of the corporation and the corporation's system as security for the payment thereof, but no loans shall be obtained by the corporation except by the consent of two-thirds of the stockholders voting on such a proposal at a meeting called for that purpose at which time there is a quorum present in person or by proxy, and said meeting shall be called in accordance with Article IX of these By-Laws; providing, however, the stockholders have by the Articles of Incorporation, and they do hereby consent to the borrowing by the corporation of approximately \$76,000.00 from the United States of America, Farmers Home Administration, and the President and Secretary are hereby authorized and directed to execute and deliver the required notes, mortgages and other documents necessary for the acquisition of said loan to obtain the proceeds necessary for the acquisition and installation of the corporation's irrigation facilities.

Article VII - Levy, Assessment and Collection of Assessment

Section 1. Each stockholder shall be required to pay annual assessments levied by the board of directors necessary to meet the loan repayment schedules of the corporation for the original construction of the system and any other additions, repairs and alterations thereto, and to pay the annual costs of maintaining and operating the system. No stockholder shall be entitled to the use of any water through the corporation's facilities until his assessment has been paid in full.

Section 2. Each stockholder shall be notified in writing of his assessment and said notice shall require the stockholder to make payment in full of said assessment within thirty days thereof. In the event said assessment is not paid in full within said 30 days

period, it shall become delinquent and the stockholder whose delinquency occurs, shall not be entitled to receive water until it is paid in full. The board of directors shall notify such delinquent stockholder of the delinquency by certified mail and shall charge such stockholder, in addition to the assessment, eight per cent interest per annum from the date of the delinquency until paid. In the event said delinquency and interest are not paid within 15 days after the delinquency notice has been deposited in the postoffice addressed to the delinquent stockholder, postage prepaid, then the board of directors shall advertise a notice of sale of the capital stock of said delinquent stockholder by publishing in a newspaper published and circulated within Teton County, Idaho. Said publication shall be made in two consecutive weekly issues and shall specify the date, time and place of sale of said stock, which shall not be less than 15 days nor more than 20 days from the date of the first publication of notice. At said sale, to be conducted by or at the direction of the board of directors in accordance with the published notice, the stock of the delinquent stockholder or so much thereof as is necessary to pay the delinquent assessment, together with the accrued interest thereon, the costs of advertising and the costs of conducting of sale, shall be sold. Said delinquent stockholder shall have the right to redeem his stock from said sale at any time prior to the actual sale thereof by paying the amount of the delinquent assessment, together with accrued interest and all advertising costs of said sale, and any other expenses incurred by the board of directors in connection with said sale. At said sale, any purchaser of stock thereat must qualify as a stockholder under the provisions of these By-Laws, and shall be issued a certificate of stock representing the shares purchased in the same manner as any other stockholder.

Article VIII - Right-of-Ways

Section 1. Each stockholder of this corporation hereby grants, conveys and confirms unto the corporation and to every other stockholder hereof, such rights of way and easements over and across their lands as may be necessary to install and maintain the corporation's system and the respective laterals and irrigation systems of the stockholders.

Article IX Meetings of Stockholders

Section 1. There shall be an annual meeting of the stockholders of the corporation held on the second Monday in March of each year at the hour of 2 o'clock p.m. in Driggs, Teton County, Idaho. All meetings of stockholders shall be called by a notice mailed at least ten days before said meeting, giving the date, place and time of meeting, and shall be signed by the Secretary pursuant to the order of the board.

Section 2. (a) At all stockholders' meeting, each holder of stock shall be entitled to one vote, ~~for each share of stock held by him.~~ Each stockholder may vote either in person or by proxy, providing, however, each proxy must be in writing and filed with the Secretary-Treasurer. (b) No business shall be transacted at any meeting of the stockholders without the presence of a quorum, and a quorum shall consist of a majority of the outstanding capital stock. (c) Special meetings of the stockholders may be called at any time by the concurrence of at least five percent of the issued and outstanding shares of capital stock, or by the board of directors, or by at least three of said board of directors, or by one shareholder if the time has expired for the holding of the annual meeting, by giving notice in the manner and for the time prescribed for the annual meeting providing, however, said notice shall state the object of the meeting, designating the items to be discussed and providing for the discussion of any other business that may properly come before the meeting.

Article X - Amendments

Section 1. These By-Laws may be amended at any annual meeting of the corporation or at any special meeting called for that purpose by a two thirds vote of the allotted share of the corporation, ~~and~~ at such meeting either in person or by proxy.

These By-Laws adopted at a meeting of the stockholders of Hook Road Sprinkler Irrigation Corporation held this 9th day of April, 1964, whereat 732.89 shares of the allotted 732.89 shares were present either in person or by proxy.

O.A. Power

Boyd Moulton

Clarence Kunz

Merle G. Kunz

Stanley Nelson

Walter Atkinson

STATE OF IDAHO)
COUNTY OF TETON)) ss.

On this 9th day of April 1961, before me, the undersigned, a Notary Public in and for said State, personally appeared

Boyd Moulton, Pres., Merle G. Kunz, Vice Pres., Stanley Nelson, Sec. Treasurer, and Walter Atkinson, O. A. Power and Clarence Kunz known to me to be the persons whose names are subscribed upon the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this certificate first above written.

(Seal)
My Commission expires:
Dec. 21, 1965

H. S. Forbush
Notary Public for Idaho.
Residing at:
Driggs, Idaho

MINUTE ENTRY PERTAINING TO AMENDING THE BY-LAWS OF THE ROCK ROAD SPRINKLER
IRRIGATION CORPORATION

WHEREAS, due and legal notice has been given to the stock-holders and water-users of the ROCK ROAD SPRINKLER IRRIGATION CORPORATION; a domestic corporation of the State of Idaho, calling for a special meeting to consider necessary amendments to the By-Laws of the Rock Road Sprinkler Irrigation Corporation, and

WHEREAS, pursuant to said notice as aforesaid, the stock-holders and water-users of said corporation duly met on the 8th day of May, 1964, at the hour of 8:00 o'clock P. M. at Driggs, Idaho, there being more than two-thirds of the stock-holders and water-users of said corporation present, at which time, pursuant to said notice they duly considered five propositions for changing and amending the following Articles of the By-Laws of the Rock Road Sprinkler Irrigation Corporation, to-wit:

No. 1: In Article I: That the area served included within the system of the Corporation be changed from 732.89 acres to 411.03 acres.

No. 2: In Article II, Sec. 1: That the corporate powers of this corporation shall be vested in a Board of four directors, instead of five directors.

No. 3: In Article V, Sec. 1: That the number of share holders subscribing to the capital stock shall be changed from six to four subscribers, and the total number of shares held by the subscribers represented by one share for each acre be changed from 732.89 shares to 411.03 shares.

No. 4: In Article VI, Sec. 1: That the amount of money to be borrowed from the United States of America, Farmer's Home Administration, be changed from the amount of \$76,000.00 to \$42,000.00; and

No. 5: In Article IX, Sec. 2a: That at all stockholders' meetings, each holder of stock shall be entitled to one vote, regardless of the number of shares subscribed.

WHEREAS, after giving due consideration to the questions Walter Atkinson, one of the stockholders of said corporation made a resolution to the effect that the above changes be made in the By-Laws of the Rock Road Sprinkler Irrigation Corporation, which resolution was duly seconded by Merle Kunz, another stockholder of said corporation.

Thereafter a vote was taken and the stockholders and waterusers of said corporation unanimously voted in the affirmative approving said resolution, amending the By-Laws to read as follows: That Article I, Sec. 1, the area to be embraced in the Corporation shall be 411.03 acres; and that in Article II, Sec. 1, That the corporate powers of this corporation shall be vested in a Board of four directors; that in Article V, Sec. 1, that the number of share holders subscribing to the capital stock shall be four subscribers, and the total numbers of shares held shall be 411.03; and that Article VI, Sec. 1, authorized the Corporation to borrow money from the U. S. Government, F. H. A. in the amount of \$42,000.00 and that in Article IX, Sec. 2a, that at all stockholders' meetings, each holder of stock shall be entitled to one vote, regardless of the number of shares subscribed. It was further moved and seconded that the necessary legal work be done so as to effectuate the resolution proposed, and amending the By-Laws of the Corporation.

Dated this 9th day of May, 1964.

Boyd Moulton

President-ROCK ROAD SPRINKLER IRRIGATION C
Stanley Nelson

SECRETARY

BY - LAWS

of

ROCK ROAD SPRINKLER IRRIGATION CORPORATION

Article I - Area Covered

Section 1. The area included within the system of this corporation, hereinafter called "the system lands" is located in Teton County, Idaho, and more particularly described as follows, to-wit:

SW 1/4 Sec. 19, NE 1/4 Sec. 30, SW 1/4 Sec. 19, NW 1/4 Sec. 30, all in Township 24 North, Range 46, E.B.M.; also the NW 1/4 in Sec. 24, excepting therefrom approximately nine acres located in the SW corner thereof known as Tax No. 823; E 1/2 of the SW 1/4 Sec. 24, Tax No. 823, described as follows: Beginning at the SW corner of the NW 1/4 Sec. 25; thence East 40 rods, North 34 rods, West 40 rods, thence South 34 rods to place of beginning, containing nine acres more or less; and approximately eleven acres in the north portion of the NW 1/4 of the SW 1/4 in Sec. 25; E 1/2 of the E 1/2 of Sec. 24; NW 1/4 and E 1/2 of the NW 1/4 in Sec. 24; SW 1/4 NW 1/4 and NE 1/4 of the SW 1/4 in Sec. 19; NE 1/4 of the NW 1/4 in Sec. 19; and the E 1/2 of the SW 1/4 in Sec. 18; and approximately 13 acres of the NW 1/4 Sec. 30; all in Township four North, Range 46, E.B.M., containing approximately 823 acres, more or less.

The corporation system also includes the metal pipeline which shall receive this corporation's stockholders' water by virtue of their water rights as represented by stock in the Fox Creek Canal Company, Incorporated, and said water shall be discharged from the Fox Creek Company Canal into said metal pipeline at a point approximately 20 feet north, 200 feet south of the NE corner of the NW 1/4 Sec. 29, Township 3 North, Range 46, E.B.M., and said pipeline then extends at a grade to provide for gravity flow and pressure through the system lands to points of delivery to the stockholders, which points of delivery shall be lateral pipelines attaching to the corporation's mainline.

Section 2. There shall be no other lands included within the system, provided, however, new lands may be included within the system if by the vote of at least two-thirds of the stockholders present at a meeting called for that purpose at which there is a quorum present in person or by proxy.

Article II - Directors

Section 1. The corporate powers of this corporation shall be vested in a board of five directors, all of whom must be stockholders of Rock Road Sprinkler Irrigation Corporation.

Section 2. The directors shall be elected by written, secret ballot at the annual meeting by a majority of the stock represented at said meeting either in person or by proxy. The term of office of the directors, after such organization, shall be one year each. At each and every annual meeting thereafter, new directors shall be elected to succeed those presently in office, to hold office for a term of one year, or until their successors are elected and qualified. Their term of office shall begin immediately after their election.

Section 3. Vacancies in the board shall be filled by the other members of the board in-office, and such person so elected shall fill out the unexpired term of the person causing the vacancy.

Section 4. The directors shall have the power:

(a) To call meetings of the board of directors when they deem it necessary, by giving such notice as the exigency of the case and the importance of the business may require.

(b) To appoint and remove all officers, agents and employees of the company, prescribe their duties, fix their compensation and require from them security for faithful service.

(c) To make rules and regulations, not inconsistent with the laws of the State of Idaho, or the general laws of the United States and the Bylaws of this corporation, for the guidance of the officers and management of the affairs of the corporation.

(d), to levy assessments at such times and of such amounts as may be necessary for paying off the indebtedness of the corporation and for carrying on the business of the corporation, or for any other purpose that the said directors may believe to be to the better interest of the company, in conformity with the statutes of the State of Idaho.

(3) To give notice to the stockholders of the assessments so levied, and requiring each stockholder to pay to the Secretary-Treasurer the amount of said assessment in a manner provided for in these By-Laws.

To cause to be kept a complete record of all their acts and proceedings and of the proceedings of the stockholders, and present a summary of all their acts and doings at the regular annual meeting of the stockholders, showing in detail the assets and liabilities of the corporation, and generally the condition of its affairs. A similar statement shall be presented at any other meeting of the stockholders when required to do so by persons holding at least one-third of the capital stock of the corporation.

(g) To supervise all of the officers of the corporation, and see that their duties are properly discharged; to require the Secretary-Treasurer to keep full and accurate books and to prescribe the form and mode of keeping said books.

(h) To cause to be issued to the stockholders, in proportion to their several interests, certificates of stock, not to exceed in the aggregate the amount of the capital stock of said corporation.

Section 5. The members of the board of directors shall receive no salary as such, but may be paid for their actual time and expenses at a rate to be determined from time to time by the board of directors.

ARTICLE III - Officers

Section 1. The officers of this corporation shall consist of a president, a vice-president and a secretary-treasurer. These officers shall be elected by written, secret ballot by the board of directors at a meeting of the directors, immediately following the annual meeting of the stockholders, and shall serve on a term of one year or until their successors have been elected and qualified. The board of directors shall have the power to fill any vacancy that may occur by death or otherwise of any one or more of said officers; providing, however, all officers must be members of the board of directors, and any officer so appointed shall hold office until the next regular meeting of the board of directors immediately following the annual meeting of the stockholders.

Section 2. The President shall preside at all meetings of the stockholders and directors. He shall sign instruments in writing, which have first been approved by the board of directors; he shall call meetings of the board of directors whenever he deems it necessary, or when required to do so as hereinafter provided; and he shall have, subject to the advice and control of the board of directors, the general superintendency of the affairs of the corporation. In the absence or inability to act of the President, the Vice-President shall perform his duties. The president shall have the same vote as all other directors and stockholders.

Section 3. It shall be the duty of the Secretary:

(a) To keep a record of the proceedings of the board of directors and the stockholders.

(b) To keep a book of blank certificates of stock, fill up and countersign all certificates issued, and make the corresponding entries in the margin of such book on the issuance of the same.

(c) To keep a proper transfer book and a stock ledger in debit and credit form, showing the number of shares issued to and transferred by any stockholder, and the date of such issuance and transfer, and to whom transferred.

(d) To keep safely all money and evidences of debts and certificates of deposit belonging to the corporation, a list of all debts owing by the corporation, and to pay out and disburse the money on hand under and by direction of the board of directors, and in conformity with the By-Laws of this corporation.

(e) At the annual meeting of the stockholders, to submit a statement of his accounts with proper vouchers and at any other meeting when required to do so by the directors, showing in detail the amount of money received by him, to whom paid, and the

amount still remaining then in the treasury, also the securities for money, and showing generally the financial condition of the corporation.

(f) To countersign all check drawn by the President, keep proper account books, and discharge such other duties as pertain to his office, and as shall be prescribed by the directors.

Section 4. All officers of this corporation shall receive such salary and compensation for their services as may be fixed by the stockholders at the annual meeting of the corporation, and all such claims shall be audited and allowed under the By-Laws.

ARTICLE IV - Distribution of Water

Section 1. Since the stockholders of this corporation are also stockholders of Fox Creek Canal Company, Incorporated, and since this corporation's irrigation pipeline replaces irrigation canals which were under the jurisdiction and were regulated by said Fox Creek Canal Company's board of directors, and particularly its watermaster, said Fox Creek Company's watermaster shall regulate the distribution of this corporation's stockholders' water through the mainline into each stockholder's lateral pipeline, providing, however, the board of directors of this corporation shall be responsible to see that there is always a watermaster available to regulate the distribution of the water among the stockholders, according to their respective rights.

Section 2. The watermaster shall, annually and at all times when called upon by the directors, make a written report to such directors as to the services performed by him, the water distributed, and to whom, and in what quantities distributed, and of the general condition of the canal system and distribution works owned by the corporation, and what repairs, if any, may be necessary, as well as about such other matters as may pertain to the general welfare of the corporation and its property.

Section 3. The watermaster shall have authority to make any repairs that require immediate attention, not exceeding a cost of \$50.00. All other repairs, alterations, or construction work shall be first authorized by the board of directors.

Section 4. The holders of certificates of stock in this corporation shall be entitled to a pro rata distribution of the water delivered into its system, in proportion to the amount that the stock so held by the stockholder bears to all of the stock issued by the corporation; and the holders of storage water, purchased or leased water, or other water conveyed through the facilities of the corporation shall make arrangements by specific agreement with the board of directors for the delivery of the water.

Section 5. This corporation shall only be required to convey its stockholders' water from the Fox Creek Canal system through the main pipeline to the lateral pipelines owned by the stockholders at which points the corporation shall install risers on said main pipeline and the stockholders shall, at their own expense, install lateral pipelines extending from an attachment to the risers upon the mainline to their respective lands, where they shall also install their own sprinkler heads and other means of irrigation, providing, however, all lateral pipelines, nozzles, sprinkler heads and all other irrigation equipment shall be of a type and installed in a manner approved by the board of directors; and providing further, there shall be one lateral for each 40 acres of land, and there shall be no priorities among the stockholders to the use of the water. The board of directors, through the watermaster, shall regulate the flow of water to each of the stockholders by regulating the opening of the discharge nozzles according to the available water, and no stockholder shall interfere with such discharge nozzles to change the rate of flow without the knowledge and consent of the watermaster, and no water shall be delivered to a stockholder unless and until the lateral pipeline, sprinkler heads and all other parts of the irrigation equipment have been properly installed under the direction of the board of directors.

Section 6. Any person diverting water from the corporation's system in any other manner than the manner provided herein, and as provided by the statutes of the State of Idaho shall be punished in accordance with the law.

Section 7. If any stockholder wishes to use his water right on lands outside of the corporation's system, or if any stockholder wishes to use any other water right upon lands within the corporation's system, he may do so with the consent of the board of directors, in the following manner:

First: Application in writing must be made to the board of directors, giving in detail the plan of the applicant.

Second: The board shall make an investigation of the facts and circumstances surrounding the proposal, and if it is found that no one is or will be injured by such transfer, a permit shall be granted by the board.

Article V - Capital Stock

Section 1. The total number of shares which may be issued by the corporation is 82½ representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value.

Section 2. Each stockholder shall be entitled to receive certificates representing the shares of stock he owns in the company.

Section 3. Shares of stock shall be in such form and device as the board of directors may direct, and each certificate of share shall be signed by the President and countersigned by the Secretary-Treasurer, and express on its face its number, date of issuance, the number of shares and to whom issued, the same to be under seal.

Section 4. Such shares of stock may be transferred at any time when all assessments against said shares are fully paid up by the owner thereof, provided, that the Secretary-Treasurer shall be allowed a fee of fifty cents for each transfer. No transfer shall be valid until the original certificate has been surrendered and a record made of the transfer in the books of the corporation, and no certificates shall be issued for less than one-half share of stock.

Section 5. No new certificate shall be issued in lieu of any other certificate except such other certificate has been surrendered and canceled, except where a certificate of stock has been lost or destroyed, and a duplicate certificate is required in lieu thereof, in which event a duplicate certificate may be issued upon the holder of said certificate presenting to the board of directors satisfactory evidence that the said certificate has been lost or destroyed, and filing an affidavit, setting forth the facts pertaining to such lost or destroyed certificate.

Article VI - Borrowing Money

Section 1. This corporation shall have the power to borrow money and to mortgage the facilities of the corporation and the corporation's system as security for the payment thereof, but no loans shall be obtained by the corporation except by the consent of two-thirds of the stockholders voting on such a proposal at a meeting called for that purpose at which time there is a quorum present in person or by proxy, and said meeting shall be called in accordance with Article 3X of these By-Laws; providing, however, the stockholders have, by the Articles of Incorporation, and they do hereby consent to the borrowing by the corporation of approximately \$75,000.00 from the United States of America, Farmers Home Administration, and the President and Secretary are hereby authorized and directed to make, execute and deliver the required notes, mortgages and other documents necessary for the acquisition of said loan to obtain the proceeds necessary for the acquisition and installation of the corporation's irrigation facilities.

Article VII - Levy, Assessment and Collection of Assessments

Section 1. Each stockholder shall be required to pay annual assessments levied by the board of directors necessary to meet the loan repayment schedules of the corporation for the original construction of the system and any other additions, repairs and alterations thereto, and to pay the annual costs of maintaining and operating the system. No stockholder shall be entitled to the use of any water through the corporation's facilities until his assessments have been paid in full.

Section 2. Each stockholder shall be notified in writing of his assessment and said notice shall require the stockholder to make payment in full of said assessment within thirty days thereof. In the event said assessment is not paid in full within said 30 day

period, it shall become delinquent and the stockholder whose delinquency occurs, shall not be entitled to receive water until it is paid in full. The board of directors shall notify such delinquent stockholder of the delinquency by certified mail and shall charge such stockholder, in addition to the assessment, eight per cent interest per annum from the date of the delinquency until paid. In the event said delinquency and interest are not paid within 15 days after the delinquency notice has been deposited in the postoffice addressed to the delinquent stockholder, postage prepaid, then the board of directors shall advertise a notice of sale of the capital stock of said delinquent stockholder by publishing in a newspaper published and circulated within Teton County, Idaho. Said publication shall be made in two consecutive weekly issues and shall specify the date, time and place of sale of said stock, which shall not be less than 15 days nor more than 20 days from the date of the first publication of notice. At said sale, to be conducted by or at the direction of the board of directors in accordance with the published notice, the stock of the delinquent stockholder or so much thereof as is necessary to pay the delinquency assessment, together with the accrued interest thereon the costs of advertising and the costs of conducting of sale, shall be sold. Said delinquent stockholder shall have the right to redeem his stock from said sale at any time prior to the actual sale thereof by paying the amount of the delinquent assessment, together with accrued interest and all advertising costs of said sale, and any other expenses incurred by the board of directors in connection with said sale. At said sale, any purchaser of stock thereat must qualify as a stockholder under the provisions of these By-laws, and shall be issued a certificate of stock representing the shares purchased in the same manner as any other stockholder.

Article VIII - Right of Way

Section 1. Each stockholder of this corporation hereby grants, conveys and confirms unto the corporation and to every other stockholder hereof, such rights of way and easements over and across their lands as may be necessary to install and maintain the corporation's canals and the respective laterals and irrigation systems of the stockholders.

Article IX Meetings of Stockholders

Section 1. There shall be an annual meeting of the stockholders of the corporation held on the second Monday in March of each year at the hour of 2 o'clock p.m. in Driggs, Teton County, Idaho. All meetings of stockholders shall be called by a notice mailed at least ten days before said meeting, giving the date, place and time of meeting, and shall be signed by the Secretary pursuant to the order of the board.

Section 2. (a) At all stockholders' meeting, each holder of stock shall be entitled to one vote for each share of stock held by him. Each stockholder may vote either in person or by proxy, providing, however, each proxy must be in writing and filed with the Secretary-Treasurer. (b) No business shall be transacted at any meeting of the stockholders without the presence of a quorum, and a quorum shall consist of a majority of the outstanding capital stock. (c) Special meetings of the stockholders may be called at any time by the concurrence of at least five percent of the issued and outstanding shares of capital stock, or by the board of directors, or by at least three of said board of directors, or by one shareholder if the time has expired for the holding of the annual meeting, by giving notice in the manner and for the time prescribed for the annual meeting providing, however, said notice shall state the object of the meeting, designating the items to be discussed and providing for the discussion of any other business that may properly come before the meeting.

Article X - Amendments

Section 1. These By-Laws may be amended at any annual meeting of the corporation or at any special meeting called for that purpose by a two thirds vote of the allotted shares of the corporation present at such meeting either in person or by proxy.

These By-Laws adopted at a meeting of the stockholders of Hook Road Sprinkler Irrigation Corporation held this _____ day of _____, 1983, whereat 823 shares of the allotted 823 shares were present either in person or by proxy.

ARTICLES OF AMENDMENT TO BY-LAWS

of

ROCK ROAD SPRINKLER IRRIGATION CORPORATION

BE IT REMEMBERED:

That at a legally called special meeting of the shareholders of ROCK ROAD SPRINKLER IRRIGATION CORPORATION, held in Driggs, Teton County, Idaho, on the 20th day of July, 1966, which meeting as will hereinafter more particularly appear from the affidavit of the President and Secretary of the corporation hereto attached, was legally called for the specific purpose, among other things, of submitting to the shareholders of said corporation, the question of the adoption of amendments to the By-Laws of said corporation hereinafter specified, a resolution was passed and adopted, amending the By-Laws of said corporation as follows:

"Article I of said By-Laws is amended to read as follows:

'Section 1. The area included within the system of this corporation, hereinafter called "the system lands" is located in Teton County, Idaho, and more particularly described as follows, to-wit:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19; S $\frac{1}{2}$ of NW $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 19; N $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 19; S $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 18; NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30, all in Twp. 4 N., R. 46, E.B.M. E $\frac{1}{2}$ E $\frac{1}{2}$ of Sec. 24; NW $\frac{1}{4}$ SE $\frac{1}{4}$ and N $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24, all in Twp. 4 N., R. 45, E.B.M. N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 25, excepting therefrom approximately 9 acres located in the SW corner thereof, known as Tax No. 693; S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24; Tax No. 693, described as follows: Beginning at the SW corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, and running thence East 40 rods; thence North 36 rods; thence West 40 rods, and thence South 36 rods to the place of beginning, containing 9 acres, more or less; approximately 11 acres in the North portion of the W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, all in Twp. 4 N., R. 45, E.B.M. SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 19 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 30, all in Twp. 4 N.; R. 46, E.B.M. SE $\frac{1}{4}$ of Sec. 19, Twp. 4 N., R. 46, E.B.M. E $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 36, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and

SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 25, and NE $\frac{1}{4}$ of Sec. 26, all in Twp. 4 N., R. 45, E.B.M. W $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 31, Twp. 4 N., R. 46, E.B.M. SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 25, Twp. 4 N., R. 45, E.B.M. Lots 2 and 3 of Sec. 30 and beginning at a point 52 rods West of the SE corner of the NW $\frac{1}{4}$ of said Sec. 30, and running thence West 28 rods; thence North 80 rods; thence East 74 rods; thence Southwesterly 92 rods, more or less, to the point of beginning, all in Twp. 4 N., R. 46, E.B.M. W $\frac{1}{2}$ SW $\frac{1}{4}$ of Sec. 25, and S. 60 rods of the NE $\frac{1}{4}$ SW $\frac{1}{4}$ and the South 60 rods of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ in said Sec. 25, all in Twp. 4 N., R. 45, E.B.M. SE $\frac{1}{4}$ of Sec. 26, Twp. 4 N., R. 45, E.B.M., less therefrom: Beginning at the NE corner of the NW $\frac{1}{4}$ of said SE $\frac{1}{4}$, and running thence West 1107 feet, more or less, to the highway right-of-way; thence South along said right-of-way 550.25 feet; thence East 1107 feet, more or less, to the East line of said NW $\frac{1}{4}$ SE $\frac{1}{4}$, thence North 550.25 feet to the point of beginning. Beginning at a point 1353 feet West of the E. Quarter Corner of Sec. 2, Twp. 3 N., R. 45, E.B.M., and running thence West 1083.2 feet to the East line of the State Highway No. 33 right-of-way; thence South along said right-of-way 2089 feet; thence East 73 feet; thence South 293 feet; thence East 100 feet; thence North 1062 feet; thence East 960 feet; thence North 1320 feet to the point of beginning. E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 25, Twp. 4 N., R. 45, E.B.M. Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Sec. 30, all in Twp. 4 N., R. 46, E.B.M. W $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ E $\frac{1}{2}$ NW $\frac{1}{4}$ of Sec. 36, Twp. 4 N., R. 45, E.B.M.

'The corporation system also includes the metal pipeline which shall receive this corporation's stockholders' water by virtue of their water rights as represented by stock in the Fox Creek Canal Company, Incorporated, and said water shall be discharged from the Fox Creek Company Canal into said metal pipeline at a point in the NW corner of Sec. 29, Twp. 4 N., R. 46, E.B.M., and said pipeline then extends at a grade to provide for gravity flow and pressure through the system lands to points of delivery to the stockholders, which points of delivery shall be lateral pipelines attaching to the corporation's mainline.

'Section 2. There shall be no other lands included within the system; providing, however, new lands may be included within the system if by the consent of at

least two-thirds of the stockholders present at a meeting called for that purpose at which there is a quorum present in person or by proxy.'"

"Section 1 of Article V of said By-Laws is amended to read as follows:

X
'The total number of shares which may be issued by the corporation is 1313.08 representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value.'"

"Article VI of said By-Laws is amended to read as follows:

'Section 1. This corporation shall have the power to borrow money and to mortgage the facilities of the corporation and the corporation's system as security for the payment thereof, but no loans shall be obtained by the corporation except by the consent of two-thirds of the stockholders voting on such a proposal at a meeting called for that purpose at which there is a quorum present in person or by proxy, and said meeting shall be called in accordance with Article IX of these By-Laws; providing, however, the stockholders have, by the Articles of Incorporation, and they do hereby consent to the borrowing by the corporation of approximately \$92,500.00 from the United States of America, Farmers Home Administration, and the President and Secretary are hereby authorized and directed to make, execute and deliver the required notes, mortgages and other documents necessary for the acquisition of said loan to obtain the proceeds necessary for the acquisition and installation of the corporation's irrigation facilities.'"

"Section 2 of Article VII of said By-Laws is amended to read as follows:

'Each stockholder shall be notified in writing of his assessment and said notice shall require the stockholder to make payment in full of said assessment within 30 days thereof. In the event said assessment is not paid in full within said 30 day period, it shall become delinquent and the stockholder whose delinquency occurs, shall not be entitled to receive water until it is paid in full. The board of directors shall notify

such delinquent stockholder of the delinquency by certified mail and shall charge such stockholder, in addition to the assessment, eight per cent interest per annum from the date of the delinquency until paid. In the event said delinquency and interest are not paid within 15 days after the delinquency notice has been deposited in the post office addressed to the delinquent stockholder, postage prepaid, then the board of directors shall advertise a notice of sale of the capital stock of said delinquent stockholder by publishing in a newspaper published and circulated within Teton County, Idaho. Said publication shall be made in two consecutive weekly issues and shall specify the date, time and place of sale of said stock, which shall not be less than 15 days nor more than 20 days from the date of the first publication of notice. At said sale, to be conducted by or at the direction of the board of directors in accordance with the published notice, the stock of the delinquent stockholder or so much thereof as is necessary to pay the delinquency, together with the accrued interest thereon, the costs of advertising and the costs of conducting of sale, shall be sold. Said delinquent stockholder shall have the right to redeem his stock from said sale at any time prior to the actual sale thereof by paying the amount of the delinquent assessment, together with accrued interest and all advertising costs of said sale, and any other expenses incurred by the board of directors in connection with said sale. At said sale, any purchaser of stock thereat must qualify as a stockholder under the provisions of these By-Laws, and shall be issued a certificate of stock representing the shares purchased in the same manner as any other stockholder, and must, of course, have individual water rights that can be conveyed through the corporation's system. This corporation shall also have the right to collect any unpaid assessment by any other remedy allowed by law, including the right to collect the unpaid assessment as a debt and the stockholder shall be required to pay, in addition to the unpaid assessment, all costs of collection, including reasonable attorney's fees."

* * * * *

CERTIFICATION

STATE OF IDAHO,)
) SS.
COUNTY OF TETON.)

BOYD MOULTON and STANLEY NELSON, being each duly sworn,
depose and say:

1. That Boyd Moulton is the President and Stanley Nelson is the Secretary of ROCK ROAD SPRINKLER IRRIGATION CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Idaho.

2. That the foregoing amendments to the By-Laws of said Rock Road Sprinkler Irrigation Corporation were adopted by the affirmative vote of 411.08 shares out of a total of 411.08 shares of the outstanding stock of said corporation at a special meeting of the shareholders held at Driggs, Teton County, Idaho, at the hour of 8 o'clock p.m. on the 20th day of July, 1966; written notice of said special meeting, stating the purpose thereof having been given to all shareholders entitled to vote at said meeting at least 30 days prior to said meeting, lawfully and in accordance with the statutory and By-Law requirements.

Boyd Moulton

Stanley Nelson

SUBSCRIBED AND SWORN To before me this 20th day of

September, 1966.

Ray W. Lighy

Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: 1-26-67

STATE OF IDAHO,)

SS.

COUNTY OF TETON.)

MERLE KUNZ, STANLEY NELSON, WALTER ATKINSON, BOYD MOULTON, HAROLD FENTON, ARNOLD W. KUNZ, CLARENCE KUNZ, WILLIAM DENNIS, HAL RASMUSSEN and ALBERT URE, being severally duly sworn, each for himself, deposes and says:

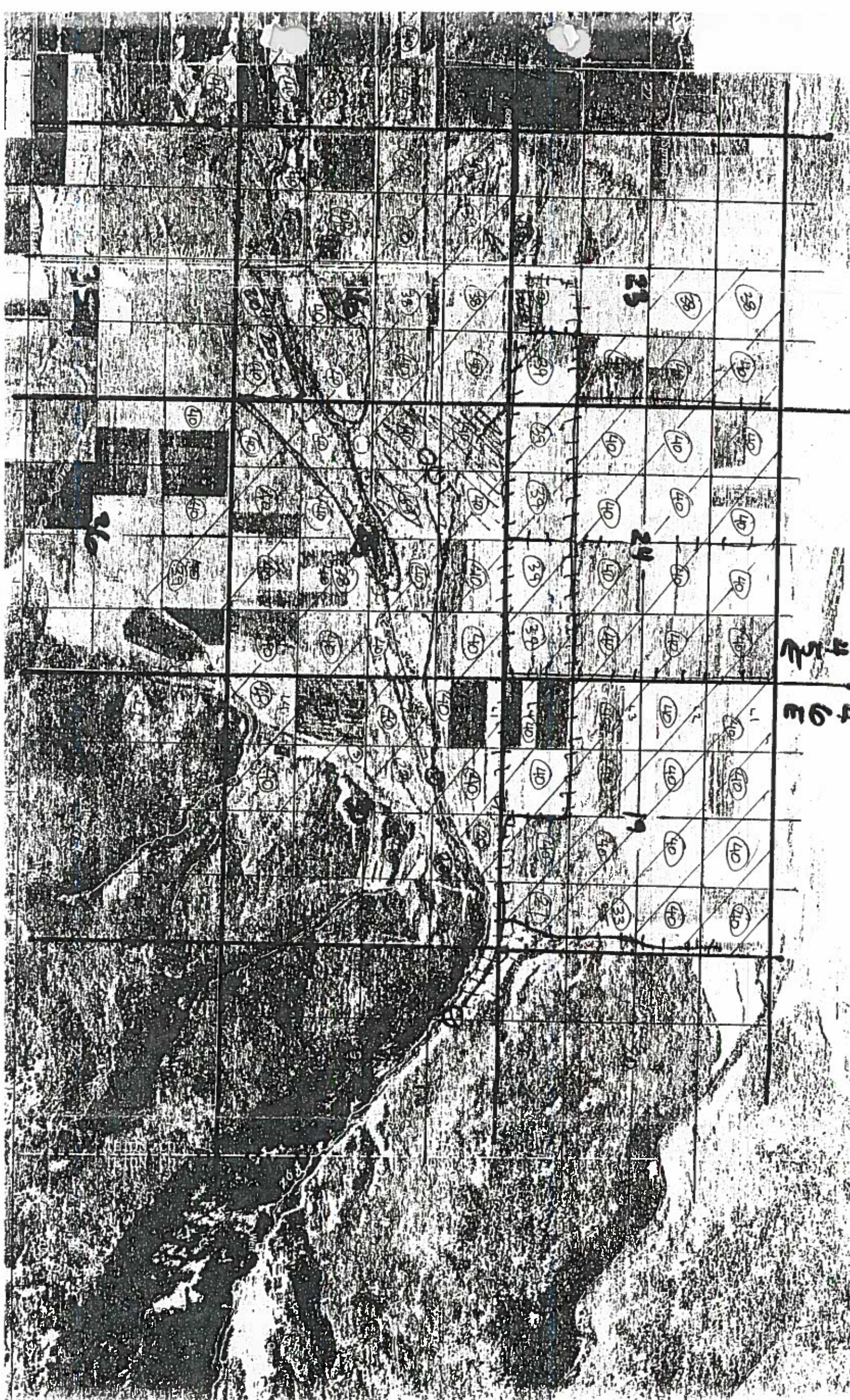
1. That your affiants constitute all of the stockholders of ROCK ROAD SPRINKLER IRRIGATION CORPORATION, both before and after the within amendments.

2. That each of your affiants consents to the amendments as herein stated, and agrees to be bound by the By-Laws and all amendments thereto.

Merle Kunz
Stanley Nelson
Walter Atkinson
Boyd Moulton
Harold L. Fenton
Arnold W. Kunz
Clarence Kunz
William A. Dennis
E. Hal Rasmussen
Albert W. Ure

SUBSCRIBED AND SWORN To before me this 2nd day of
September, 1966.

Lay W. Lighty
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: 1-26-67



ARTICLES OF AMENDMENT
TO ARTICLES OF INCORPORATION OF
ROCK ROAD SPRINKLER IRRIGATION CORPORATION

BE IT REMEMBERED, That at a legally called special meeting of the shareholders of ROCK ROAD SPRINKLER IRRIGATION CORPORATION held at the place of business of said corporation in Driggs, Teton County, Idaho, on the 20th day of July, 1966, which meeting, as will hereinafter more particularly appear from the affidavit of the President and Secretary of the corporation hereto attached, was legally called for the specific purpose among other things of submitting to the shareholders of said corporation the question of the adoption of amendments to the Articles of Incorporation of said corporation hereinafter specified, at which meeting a quorum of 411.08 shares of a total of 411.08 shares of the outstanding stock of said corporation were represented either in person or by proxy; and by the affirmative vote of 411.08 shares out of a total of 411.08 shares of stock there represented in person or by proxy, a resolution was passed and adopted, amending the Articles of Incorporation as follows:

"ARTICLE SIXTH of said Articles of Incorporation is amended to read as follows:

'The total number of shares which may be issued by the corporation is 1313.08, representing one share for each acre of land within the corporation's system, all of which stock is for no nominal or par value. The ownership of said stock shall be limited and shall be held and transferred as provided for in the By-Laws. The land to be included within the corporation's system shall be specified, also, in the By-Laws. At all meetings of the stockholders, each stockholder may vote by written proxy.'

"ARTICLE SEVENTH of said Articles of Incorporation is amended to read as follows:

'The total number of shares of the capital stock of this corporation which have been actually subscribed and paid for is the sum of 1313.08, and following are the names of the persons or entities, their mailing addresses and the number of shares each has subscribed for, to-wit;

SCANNED

JUL 13 2006

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<u>Name</u>	<u>Address</u>	<u>No. of Shares</u>
Merle Kunz	Victor, Idaho	80.08 shares
Stanley Nelson	Victor, Idaho	91. shares
Walter Atkinson	Victor, Idaho	20. shares
Boyd Moulton	Victor, Idaho	220. shares
Harold Fenton	Victor, Idaho	55. shares
Arnold W. Kunz	Victor, Idaho	160. shares
Clarence Kunz	Victor, Idaho	160. shares
William Dennis	Victor, Idaho	126. shares
Hal Rasmussen	Victor, Idaho	285. shares
Albert Ure	Victor, Idaho	116. shares

Each of the above named persons is also a stockholder hereof, and each one is advised and knows of the general plans of the corporation, and particularly consents that the corporation will immediately borrow from the United States of America, Farmers Home Administration sufficient monies to acquire and install the pipeline system, and all loans, together with the ordinary expenses of maintenance and operation of the system shall be paid by assessments upon the capital stock of the corporation, to be levied and collected in a manner provided for in the By-Laws of this corporation."

* * * * *

STATE OF IDAHO,)
) SS.
 COUNTY OF TETON.)

BOYD MOULTON and STANLEY NELSON, being severally duly sworn, each for himself deposes and says:

1. That Boyd Moulton is the President and Stanley Nelson is the Secretary of ROCK ROAD SPRINKLER IRRIGATION CORPORATION, a corporation organized and existing under and by virtue of the laws of the State of Idaho since April 6, 1964, the date of its incorporation; that the foregoing amendment to the Articles of Incorporation of said Rock Road Sprinkler Irrigation Corporation was adopted by the affirmative vote of 411.08 shares of the 411.08 shares of outstanding stock of said corporation at a special meeting of the shareholders held at the office of said corporation in Driggs, Teton County, Idaho, at the hour of 8 o'clock p.m. on the 20th day of July, 1966; written notice of said special meeting, stating the purpose thereof, was given to all shareholders

entitled to vote at said meeting at least 30 days prior to said meeting, lawfully and in accordance with the statutory requirement.

2. That the foregoing amendment also states the total number of shares, including those previously authorized, which the corporation will thenceforth be authorized to have, all of which have no par value; that all shares are of one class, with each share of the corporation having the same rights, voting power, preferences and restrictions; and that the only change in said amendment is in the amount of capital stock and the holders thereof.

Further affiants sayeth not.

Doyd Moulton

H. Stanley Nelson

SUBSCRIBED AND SWORN To before me this 2nd day of
September, 1966.

Lay W. Rigby
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: 1-26-67

STATE OF IDAHO,)

SS.

COUNTY OF TETON.)

MERLE KUNZ, STANLEY NELSON, WALTER ATKINSON, BOYD MOULTON, HAROLD FENTON, ARNOLD W. KUNZ, CLARENCE KUNZ, WILLIAM DENNIS, HAL RASMUSSEN and ALBERT URE, being severally duly sworn, each for himself deposes and says:

1. That your affiants are the same persons as are named in amended Article SEVENTH hereof, and constitute all of the stockholders of ROCK ROAD SPRINKLER IRRIGATION CORPORATION, both before and after the within amendment.

2. That each of your affiants consents to the amendments as herein stated, and agrees to be bound by the Articles of Incorporation and all amendments thereto.

Merle Kunz
Stanley Nelson
Walter B. Atkinson
Boyd Moulton
Harold L. Fenton
Arnold W. Kunz
Clarence C. Kunz
William A. Dennis
E. Hal Rasmussen
Albert W. Ure

SUBSCRIBED AND SWORN To before me this 2nd day of
September, 1966.

Lay W. Rigby
Notary Public for Idaho
Residing at: Rexburg, Idaho
My commission expires: 1-26-67

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
FREDERICK J. HAHN, III
KARL R. DECKER
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DeANNE CASPERSON**
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

**Also Licensed in Missouri & Kansas

July 5, 2006

Randall Foster, President
Fox Creek Canal Company
402 S. 200 E.
Driggs, ID 83422

SCANNED

JUL 13 2006

PROFILED

Dear Randall:

We received the draft letter you prepared to be sent to Stockholders claiming water rights that you desire to have conveyed to the company. We think the letter is a good letter just the way you have written it.

The correct method for such a shareholder to convey his claim to a water right to the canal company is for him to first sign a Quitclaim Deed for such right, deeding the right to the company. We are enclosing a form of a Quitclaim Deed that could be used. Each deed needs to be completed to show the names of the people claiming the right, as well as the number and description of the right. The deed needs to be signed by the parties conveying the right, in the presence of a notary public, and their signatures need to be notarized. Then the deed needs to be recorded in the County Recorder's office.

If a shareholder agrees to convey his interest in the water right to the company, and signs a Quitclaim Deed, after the deed is recorded, a Notice of Change of Ownership form needs to be prepared and filed with the Idaho Department of Water Resources.

If there is a mortgage holder on the shareholder's property where the water right is currently used, we will also need the formal written consent of the mortgage holder to the conveyance. That consent could be placed on the same deed document, but we have not attempted to add such language to the deed form because we do not know if anyone will agree, or if so, whether there is a mortgage holder, or if so, who the mortgage holder is, or whether the mortgage holder will agree to the conveyance.

Randall Foster, President
Fox Creek Canal Co.
July 5, 2006
Page 2 of 2

Once you get all the deeds you can, we will also need to examine whether the Idaho Department of Water Resources will require a transfer proceeding to adjust the place of use and/or the point of diversion.

You may want to consider sending the letter without a deed form. Although it seems that it could be helpful for the shareholder to have a form he could just sign and send in, the requirements are fairly strict for a valid deed, and each situation will be just enough different that you may need to customize each one. If someone responded positively to the letter, and contacted a board member, we could then obtain the necessary details and prepare the right deed form.

Please let us know how we might be of further assistance.

Yours very truly,



Kent W. Foster

Enclosure - QuitClaim Deed Form

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this ____ day of _____, 200____,
between _____, referred to herein as the "GRANTOR" and Fox Creek
Canal Company, Inc., whose principle place of business is 494 S. 50 W., Victor, Idaho
83455, referred to herein as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and
No/100 Dollars (\$10.00) lawful money of the United States of America and other good and
valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof
is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM
unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and
interest now owned or hereafter acquired by the Grantor in all the following described water
rights or portions thereof in the County of _____, State of Idaho, to-wit:

Water Right No.: _____
Priority Date: _____
Amount: _____

TOGETHER, with the tenements, hereditaments and appurtenances thereunto
belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and
profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to
GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular
includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

STATE OF IDAHO)
)ss.
County of Teton)

On the _____ day of _____, 200____, before me, the undersigned, a notary public in and for said State, personally appeared _____ known or identified to me to be the person(s) whose name(s) is(are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Notary Public for Idaho
Residing at: _____
My Commission Expires: _____

G:\WPDATA\K\WPKWF - Inactive\2110 Fox Creek Canal Co\QCD.wpd:cdv

Shareholders of FCCC

This letter is regarding the Adjudication of Water Rights belonging to FCCC and decreed water owned by some shareholders that has been delivered by FCCC.

As was explained by Nick Olson and Allen Rueberry at the General Shareholders meeting it is in the best interest of FCCC Shareholders to retain the current water we are receiving to put all decreed water under the name of FCCC. This is the way FCCC filed for water being delivered by the canal company for adjudication.

It has come to the attention of FCCC Board members that the only way FCCC can retain having all water put under the umbrella of FCCC is to have legal documentation showing ownership of these decrees.

To those of you not understanding these issues, here is a brief explanation: In order for **decreed water right** to be retained, the water must be used. If this water is not used for **five years**, it is **subject to loss** through forfeiture or abandonment. As property in FCCC service area is being developed, there are areas where older decreed water is not being used or the full amount of the decree is not being used. This water is subject to being lost. If lost, **IDWR will not deliver this water from Fox Creek** into our canal system. **During the drought experienced in recent years**, these **older decrees** are the only reason FCCC has had water to deliver.

If all personal decrees are deeded to FCCC, the water can be used anywhere in our **service area**. **To those of you who are afraid** of losing your decreed water, FCCC has **traditionally carried your decreed water**. **You will not lose** any of your water as long as it is **reaching your property under the guidelines** set forth by IDWR and being used for **beneficial used** mandated by the By-laws and Articles of Incorporation of FCCC/

It is imperative that those of you who own decrees respond to this letters immediately. If **you have any questions**, please **contact one of the Board Members** listed below or Trent Galbraith at IDWR.

ARTICLES OF INCORPORATION
of the Fox Creek Irrigation Co.

Know all men by these presents;-

That we, the undersigned, have this day voluntarily, associated ourselves together for the purpose of forming a cooperation under the laws of the state of Idaho, and we hereby certify;-

First,

That the name of said corporation is the FOX CREEK IRRIGATION COMPANY.

Second : That the purposes for which it is formed are ;-

For the construction and operating of a certain canal, or canals, or laterals, to be taken out of Fox creek, about on the Idaho and Wyoming State line, and intended to cover the land in sections twenty two, twenty three, twenty ~~four~~ four, twenty five, twenty six, and twenty seven, thirty four, and thirty five, in Township four Range forty five East Boise Meridian, Fremont

County, Idaho. For the purpose of using, disposing and otherwise utilizing said water for agricultural, milling, or domestic, or other useful purposes, and to claim, purchase, hold, and own ~~any~~ real estate in accordance with the needs of the corporation, not exceeding the amount allowed by law, and to sell and convey the same.

Third; That the place where its principal business shall be transacted shall be Chapin.

Fourth: That the term for which it is to exist is twenty years from and after the date of its incorporation.

Fifth; That the number of its directors shall be five, and that the names and residences of those that are appointed for the first year are; President, George A. Dewey; Michael Byrne; George Moulton; Ellington Smith and W W Jenkins.

Sixth : That the amount of the capital stock of this corporation shall be twenty five thousand dollars (25,000.) divided into five thousand shares of the par value of five dollars (\$5.00) each.

Seventh; That the amount of said capital stock which has been actually subscribed isDollars and the following are the names of the persons by whom the same has been subscribed.

W W Jenkins 160	Farley Penfold 80	A E Taylor 160
Charles A Moulton 160	C A Stelm 120	Geo Stone 80
Michael Byrne 160	Amas Allar 160	D Moulton 120
A Penfold 160	N P Hansen 80	E Smith 80
Geo. A. Dewey 160	Jacob Leick 320	E Beesley 160
A. F. Mikesell 120	Henry T Nelson 140	John Mikesel 80
W W Nickell 120	Henry Nelson 80	Lizzy Woolstenhulme 80
W H Woolstenhulme 80	EJ stone 80	Lorenzo Cox 80

In witness whereof, we have hereunto set our hands and seals thisday of1906.

SCANNED

JUL 13 1906

PROFILED

REPORT ON ASSOCIATION APPLICATION

ROCK ROAD SPRINKLER IRRIGATION CORPORATION Teton County, Idaho

I SUMMARY

The purpose of this loan is to provide funds to install a control structure and a buried steel pipeline to carry irrigation water under gravity pressure to operate the individual sprinkler systems on four farms near Driggs, Idaho. The estimated cash cost of the complete pipeline system is \$43,000. A loan in the amount of \$23,500. will be needed. The mailing address of the corporation is Driggs, Idaho.

II ELIGIBILITY

- A. The association is engaged primarily in extending services directly related to soil conservation, water development, conservation, and use of farm land. All members of the association are farmers.
- B. The association is unable to obtain the needed funds from banks or other commercial lending institutions on reasonable terms and conditions. They have contacted local banks, insurance companies and other private lending sources without success. They are unable to finance the proposed facilities by member contributions or assessments.
- C. The sprinkler corporation is organized as a non-profit mutual canal and irrigation corporation under the laws of the State of Idaho.

The association will obtain its income for conducting business from annual assessments levied against each share of stock held by the members.

They will use short term credit from local banks to cover costs of current expenditures, whenever it is found to be necessary. They plan to maintain a small cash reserve fund for emergency repairs or maintenance.

The stockholders receive due notice of annual assessments, which must be paid in full within thirty days or the water will be turned off. Delinquent accounts must be paid within twenty days from publication notice date or the shares of stock are subject to sale to other qualified stockholders of the corporation. The corporation has just recently been organized, therefore, has no history concerning the repayment of debts and accounts payable when due. They will use an annual budget for estimating expenditures and for setting charges to produce the necessary revenues.

- D. The corporation is managed by a board of directors of four members elected annually for terms of one year.

SCANNED

JUL 13 2003

PROFILED

The 1964 Board of Directors are:

Boyd Houlton	- President - Director
Stan Nelson	- Director
Merle Kunz	- Director
Walter Atkinson	- Director

They serve without compensation, however, the By-Laws of the corporation provide that they may receive compensation as may be fixed by the stockholders at the annual meeting.

An annual stockholder's meeting is held the second Monday of March of each year.

Special meetings of the stockholders may be called at any time by the concurrence of at least five percent (5%) of the outstanding shares of stock or by at least three members of the board of directors.

All of the stockholders believe that the services to be rendered by the corporation will be satisfactory and the cost of the service is reasonable and within their ability to pay. They are all in favor of obtaining the loan from the Farmers Home Administration to install the pipeline system.

III ABILITY OF ASSOCIATION TO PAY

"Exhibit A" of this report contains a summary of the operations of some typical farmers in the area for the 1964 crop year. The Feasibility Report, marked "Exhibit B", prepared by the Soil Conservation Service, reflects the advantages which will be gained by the installation of the new system. We concur in their opinion as to the feasibility of the project as outlined in their report.

The benefits expected from the new system appear to be very favorable and would indicate that the increased yields of better quality crops, elimination of soil erosion, water and soil nutrient conservation, weed control and more efficient farming operation will undoubtedly provide sufficient additional income to assure the ability of the association to repay the loan.

IV SECURITY

A first lien will be taken on all mortgageable property owned by the association, including the pipeline, control structures and real property owned by the association.

A first lien will also be taken on the association's interest in all easements and rights-of-ways necessary for the proper operation of the system. Also that portion of the annual assessments necessary for the repayment of the FHA loan, will be pledged for that particular purpose.

The estimated useful life of the new pipeline system is approximately thirty years, which is considerably in excess of the time scheduled for repayment of the loan.

V EXISTING FACILITIES

The present facilities consist of an open ditch canal system from the diversion point on Fox Creek to delivery points at or near to the individual farm properties. It is quite inadequate because of seepage and lack of control and measuring devices, resulting in its inability to deliver an adequate proportion of the available water to the farm locations.

The upper part of the existing facilities, and part of the present rights-of-ways will be used in the proposed new system.

VI PROPOSED FACILITIES

The new facility will include a new inlet structure of the pipeline system. The pipeline system will consist of a main line and laterals of twelve gage steel pipe with a total length of approximately 22,000 feet to reach the farm properties. The inlet structure of the pipeline is at an adequate elevation to produce the proper pressure (gravity) for operating the sprinkler systems on the individual farms.

The size of the pipeline varies from 16 inch diameter at the upper end of the mainline to 4 $\frac{1}{2}$ inch diameter pipe at the end of the several lateral pipelines of the system.

Adequate valves are installed in the pipeline to allow connections for individual sprinkler laterals for each forty acres of land irrigated. The estimated cost of the entire system is \$43,000.

The irrigation system is being installed under the supervision of the Soil Conservation Service engineers and appears to be quite satisfactory.

VII WATER SUPPLY

The water supply used by the Rock Road Sprinkler Irrigation Corporation is owned by the Fox Creek Canal Company. The water right consists of 215 inches of decreed water from Fox Creek with priorities from 1889 to 1898. In addition thereto, Fox Creek Canal Company filed for supplemental water for its users out of Fox Creek with priority of January 22, 1916, which water right decreed an appropriation of approximately one inch per acre for all real property under the Fox Creek Canal Company. The evidence of these water rights are recorded and filed in the office of the County Recorder of Teton County, Idaho.

The water supply is usually adequate for a full demand until about July 15th in years of normal precipitation conditions and a proportionately reduced amount of water delivered for the balance of the irrigation season when the stream flow diminishes. The installation of the new pipeline system will increase the amount of water actually delivered to the farm sites. The annual requirements for irrigation water in this area is about 2 $\frac{1}{2}$ acre feet per acre.

There is no indication that the water rights would be subject to legal action by other water users.

VIII PROPERTY RIGHTS

The necessary rights-of-ways will be obtained by easements.
(See VIII of Exhibit C)

IX COST ESTIMATE

Cost of system as per bid	\$41,090.00
Attorney fees	250.00
Contingencies	<u>1,660.00</u>
TOTAL COST	\$43,000.00
Deduct ASCS Contribution	<u>-19,500.00</u>
TOTAL AMOUNT OF LOAN NEEDED	\$23,500.00

X ANNUAL OPERATING COST

Estimated annual operating cost after the new facilities have been installed.

Annual Assessment to Fox Creek Canal Company	\$ 123.30
Estimated repairs and maintenance to the gravity flow system	100.00
Secretarial expenses - Stationary, Stamps, etc.	50.00
Annual Surety Bond of Treasurer	25.00
Repayment of loan to FHA on 20-year depreciation plus annual interest on said loan of 5%	<u>2,250.00</u>
TOTAL ANNUAL OPERATING COST	\$ 2,548.30

$\$2,548.00 \div 412 = \6.20 Annual Assessment per share of stock

XI MAP

The project maps marked "Exhibit D" were prepared by the Soil Conservation Service technicians and indicate the site of the proposed irrigation system and also the location of the farm land to be irrigated.

XII RECOMMENDATIONS

- A. A loan in the amount of \$23,500. is recommended. The loan funds will be made available in one advance at the time of loan closing.
- B. The loan will be scheduled for repayment in twenty-one annual installments. The first installment will be scheduled for the payment of interest only as the borrower will not receive full benefit of the system the first year of the loan. The due date for payment of the first installment will be June 1, 1965. The necessity of the change in date of payment from January 1 to June 1 is requested on account of the fact that annual assessments levied by the company are usually not received from the members until just prior to the beginning of the irrigation season.

The second and each succeeding installment will include payment of principal and interest due on the loan, and will be due and payable on June 1st. of each year until the total indebtedness, including both principal and interest have been repaid in full. Payment of principal amount amortized over a period of twenty years (.08024).

- C. A first lien will be taken on all mortgageable property owned by the corporation. In addition, a first lien will be taken on their interest in all easements, rights-of-ways and permits necessary for the installation and operation of the proposed irrigation system.

That portion of the annual assessments necessary for the repayment of the loan will be pledged to the government for that particular purpose.

- D. Adequate property and liability insurance to meet PHA requirements will be furnished to cover any real estate or equipment owned by the company.
- E. No changes in business or organization practices are anticipated at the present time.
- F. A fidelity bond in the amount of \$3,000. will be furnished to cover the position of the person or persons entrusted with the custody of company funds.

July 16, 1964

Elwood G. Thueson, County Supervisor

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

Ident. Number 22-107
Date Received: 10/5/1988
Receipt No:
Received By:

Renumbered from 22-12168

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

1. Name of Claimant(s)

FOX CREEK CANAL CO Phone: (208) 787-2759
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID USA 83455

FOX CREEK CANAL CO Phone: (208) 354-8463
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID USA 83422

2. Date of Priority: 01/22/1916

3. Source: FOX CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	46E	29	SW NW NW	TETON	

5. Description of diverting works:

HEADWORKS OF FOX CREEK PIPELINE/CANALS FROM OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	86.4	

7. Total Quantity Appropriated is:
86.4 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4	of 1/4	Lot	Use	Acres
04N	45E	23	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38
			SW	NE		IRRIGATION	38
			SE	NE		IRRIGATION	40
			SE	SW		IRRIGATION	16
			NE	SE		IRRIGATION	40
			SW	SE		IRRIGATION	12
			SE	SE		IRRIGATION	39
						Section Acres	263
04N	45E	24	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW		IRRIGATION	40
			SW	NW		IRRIGATION	40
			SE	NW		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	39
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	39
			SE	SE		IRRIGATION	39
						Section Acres	636
04N	45E	25	NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	40
			NE	SW		IRRIGATION	40
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	40
			SE	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	38
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	40
						Section Acres	478
04N	45E	26	SE	SE		IRRIGATION	40
			NE	NE		IRRIGATION	40
			NW	NE		IRRIGATION	38

			SW	NE	IRRIGATION	38
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	39
			NW	NW	IRRIGATION	39
			SW	NW	IRRIGATION	38
			SE	NW	IRRIGATION	38
			NE	SW	IRRIGATION	38
			NW	SW	IRRIGATION	38
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	626
04N	45E	27	SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	39
			SE	NW	IRRIGATION	39
			NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
			SE	SE	IRRIGATION	40
					Section Acres	558
04N	45E	34	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
					Section Acres	80
04N	45E	36	NE	NE	IRRIGATION	38
			NW	NE	IRRIGATION	39
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
					Section Acres	157
04N	46E	19	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			NE	NW	1 IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	2 IRRIGATION	40
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			NW	SW	3 IRRIGATION	40
			SW	SW	4 IRRIGATION	40
			SE	SW	IRRIGATION	40

			NE	SE		IRRIGATION	33
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			SE	SE		IRRIGATION	27
						Section Acres	620
04N	46E	30	NW	NE		IRRIGATION	40
			SW	NE		IRRIGATION	40
			NE	NW		IRRIGATION	40
			NW	NW	1	IRRIGATION	40
			SW	NW	2	IRRIGATION	40
			SE	NW		IRRIGATION	20
			NE	SW		IRRIGATION	3
			NW	SW	3	IRRIGATION	39
			SW	SW	4	IRRIGATION	30
			SE	SW		IRRIGATION	40
						Section Acres	332
						Total Acres	3750

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

13. Other Water Rights Used:

14. Remarks:

This right is renumbered from former right 22-12168 .

WATER DELIVERED TO SHARE HOLDERS THROUGH FOX CREEK PIPELINE SYSTEM. THIS CLAIM COMBINES RTS. 22-00093 & 00107.

15. Basis of Claim: Decreed

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

Ident. Number: A22-12168
Date Received: 10/05/1988
Receipt No: 6002927
Received By: SSA

Renumbered to 22-107

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOX CREEK CANAL COMPANY
Address: C/O DAWN STONE, SEC.
RT. 1, BOX 551
VICTOR, ID

208-787-2759

83455

2. Date of Priority: JAN 22, 1916

3. Source: FOX CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	29	SW	NW	NW		TETON

5. Description of diverting works:
HEADWORKS OF FOX CREEK PIPELINE/CANALS FROM OPEN DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	86.400		

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

8. Total consumptive use is 7500.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	23	NE	NE		IRR	40.0
			NW	NE		IRR	38.0

A22-12168

Page 1

Date: 10/05/88

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NOV 06 1992

A2212168



10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	23	SW		NE		IRR	38.0
			SE		NE		IRR	40.0
			SE		SW		IRR	16.0
			NE		SE		IRR	40.0
			SW		SE		IRR	12.0
			SE		SE		IRR	39.0
							Section Acres	263.0
		24	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW		IRR	40.0
			SW		NW		IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	39.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	636.0
		25	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	38.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
							Section Acres	478.0
		26	NE		NE		IRR	40.0
			NW		NE		IRR	38.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	45E	26	SW		NE		IRR	38.0
			SE		NE		IRR	40.0
			NE		NW		IRR	39.0
			NW		NW		IRR	39.0
			SW		NW		IRR	38.0
			SE		NW		IRR	38.0
			NE		SW		IRR	38.0
			NW		SW		IRR	38.0
			SW		SW		IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0

Section Acres 626.0

27	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	39.0
	SE	NW	IRR	39.0
	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

Section Acres 558.0

34	NE	NE	IRR	40.0
	NW	NE	IRR	40.0

Section Acres 80.0

36	NE	NE	IRR	38.0
	NW	NE	IRR	39.0
	NE	NW	IRR	40.0
	NW	NW	IRR	40.0

Section Acres 157.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	46E	19	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0
			NE		NW	1	IRR	40.0
			NW		NW		IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW	3	IRR	40.0
			SW		SW	4	IRR	40.0
			SE		SW		IRR	40.0
			NE		SE		IRR	33.0
			NW		SE		IRR	40.0
			SW		SE		IRR	40.0
			SE		SE		IRR	27.0
							Section Acres	620.0
		30	NW		NE		IRR	40.0
			SW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	40.0
			SW		NW	2	IRR	40.0
			SE		NW		IRR	20.0
			NE		SW		IRR	3.0
			NW		SW	3	IRR	39.0
			SW		SW	4	IRR	30.0
			SE		SW		IRR	40.0
							Section Acres	332.0
							Total Acres	3750.0

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:
SEVERAL FOX CREEK IRR. RTS.

14. Remarks:
WATER DELIVERED TO SHARE HOLDERS THROUGH FOX CREEK PIPELINE
SYSTEM. THIS CLAIM COMBINES RTS. 22-00093 & 00107.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

Decree Plaintiff

vs

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: 1

For Organizations:

I do solemnly swear or affirm that I am President of
Fox Creek Canal Co., that I have signed the foregoing
document in the space below as Pres. of
Fox Creek Canal Co. and that the statements contained in the
foregoing document are true and correct.

Pres. Normal Foster
Signature of Authorized Agent

Pres. Fox Creek Canal Co.
Title and Organization

10-5-88
Date

State of Idaho)
County of Benewille) SS.

Subscribed and sworn (or affirmed) before me this 5 day
of October 19 88

Eric [Signature]
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994

Date: 10/05/88

A22-12168

Page

5

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