

08/12/2008

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

RIGHT NUMBER: 22-432

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: 0.300 CFS

PRIORITY DATE: 06/01/1895

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 NWSENW 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	0.300 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.

This right is limited to the irrigation of 280 acres within the place of use described above in a single irrigation season.

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.

SCANNED

AUG 20 2008

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.

SCANNED

AUG 20 2008

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

Ernest Carlson
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:

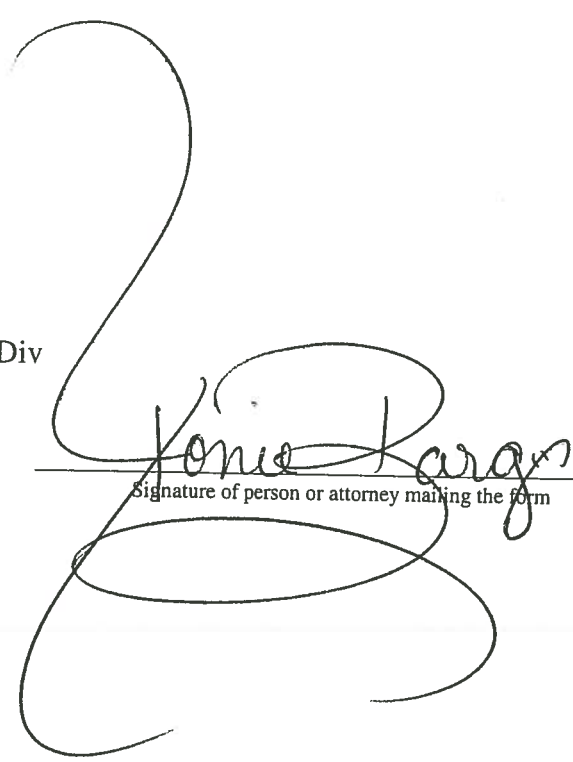
Each party in the subcase, or attorney of record

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

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AUG 20 2008

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	11415	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	

11/18/2006

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: 22-432

FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455
Telephone Number: (200) 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: 12-9-06

SIGNATURE: Randall J. Foster

Please 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

Kato
12/13



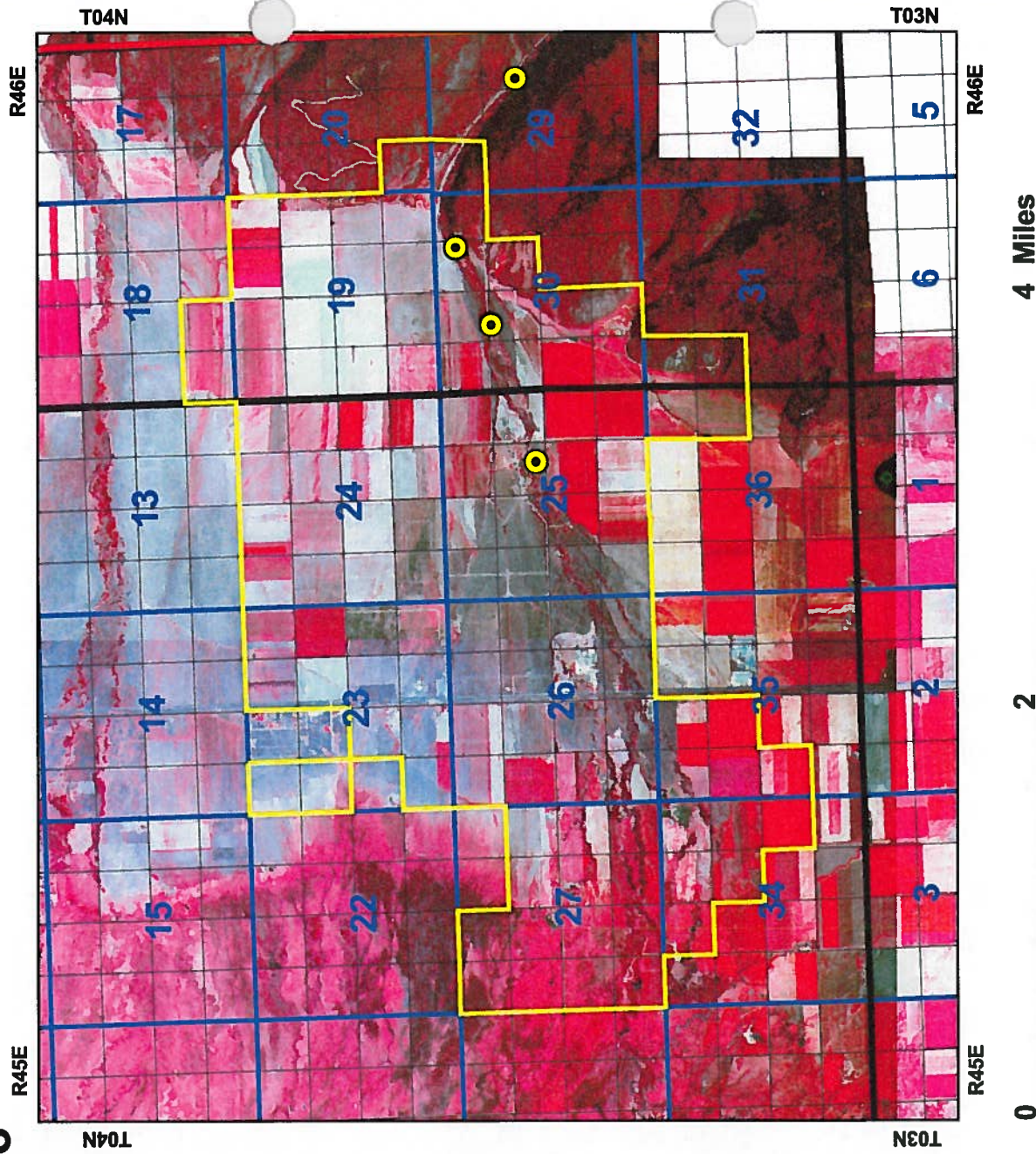
Service Area Boundary
Irrigated Acres = 3496.3

Legend

-



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





Idaho Department of Water Resources

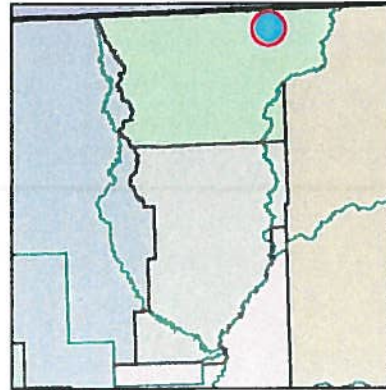
Fox Creek Canal Co

Service Area Boundary
Irrigated Acres = 3455.4

GIS Place of Use Illustration

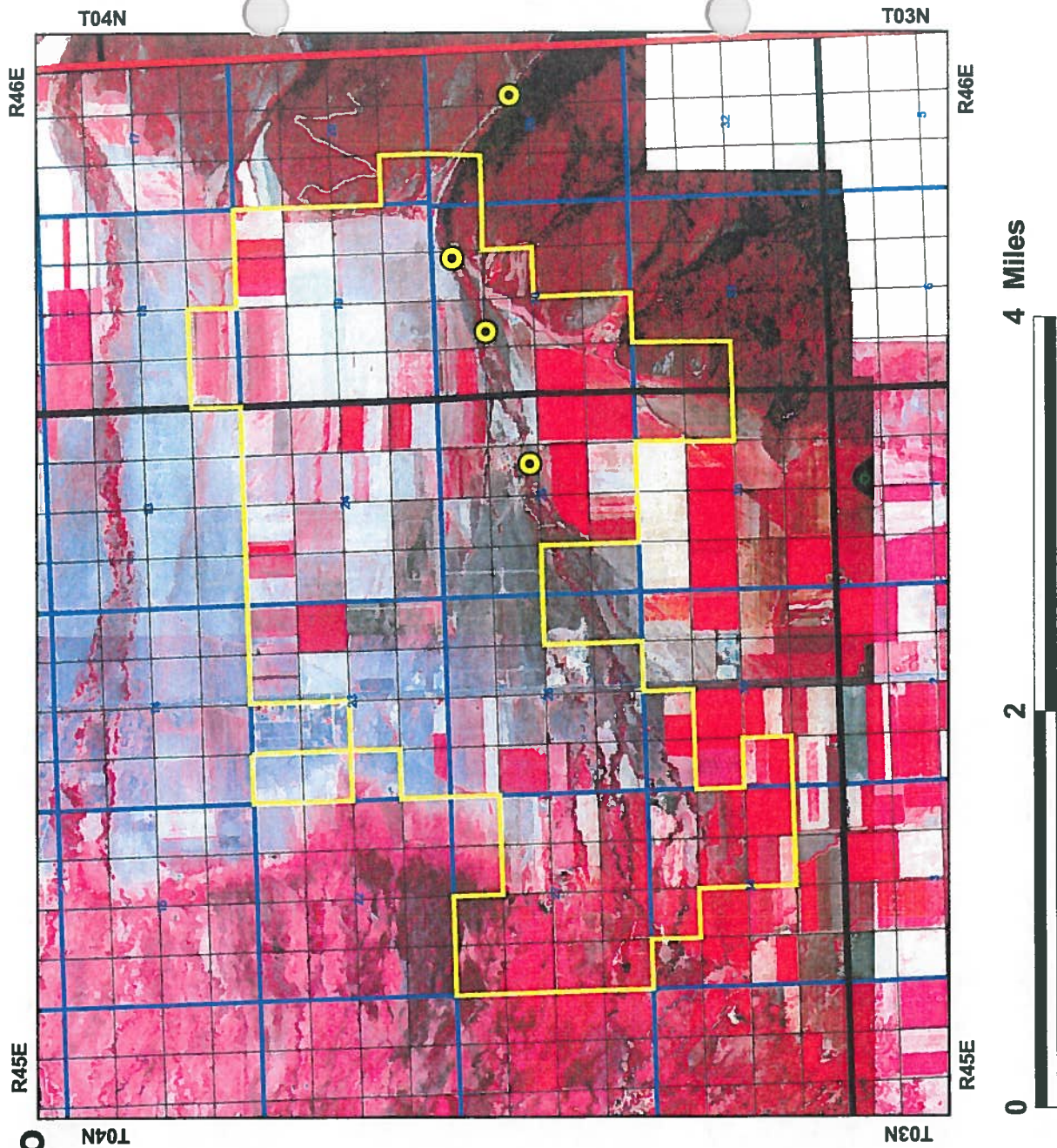
Legend

- 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



Basin	Sequence	Suffix	Office	Location	Region	Type	Business Area	Archive Flag	Date	Call Up Date
22	432		Eastern Shelves	Vault Shelves	Eastern	Initial Entry	AJ	No	12/11/1992 5:26	

This was the Barcode for the original claim as of June 05, 2006. I printed the microfiche of the claim and barcoded the copy as of June 05, 2006. KMJ 6/5/6

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: A22-00432

Date Received: 10/5/88

Receipt No: E002927

Received By: EE

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: JUN 01, 1895

3. Source: FOX CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	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	0.300		

7. Total Quantity Appropriated is:
0.300 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 of	Lot	Use	Acres
04N	45E	23	NE	NE		IRR	40.0
			NW	NE		IRR	38.0

A22-00432

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1

Date: 10/05/88

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NOV 08 2005

MICROFILMED

NOV 04 1992

PROFILED

A2200432



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

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NOV 08 2005

MICROFILMED
NOV 04 1992

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.

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NOV 04 1992

15. Basis of Claim: DECREED
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRR. CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not X 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
Title
For Creek Canal Co., that I have signed the foregoing
Organization
document in the space below as President of
Title
For Creek Canal Co. and that the statements contained in the
Organization
foregoing document are true and correct.

N. S. Foster
Signature of Authorized Agent

Pres. of For Creek Canal Company
Title and Organization

10-5-88
Date

State of Idaho)
County of Bonneville) SS.

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

[Signature]
Notary Public

Seal

Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994
5 Date: 10/05/88

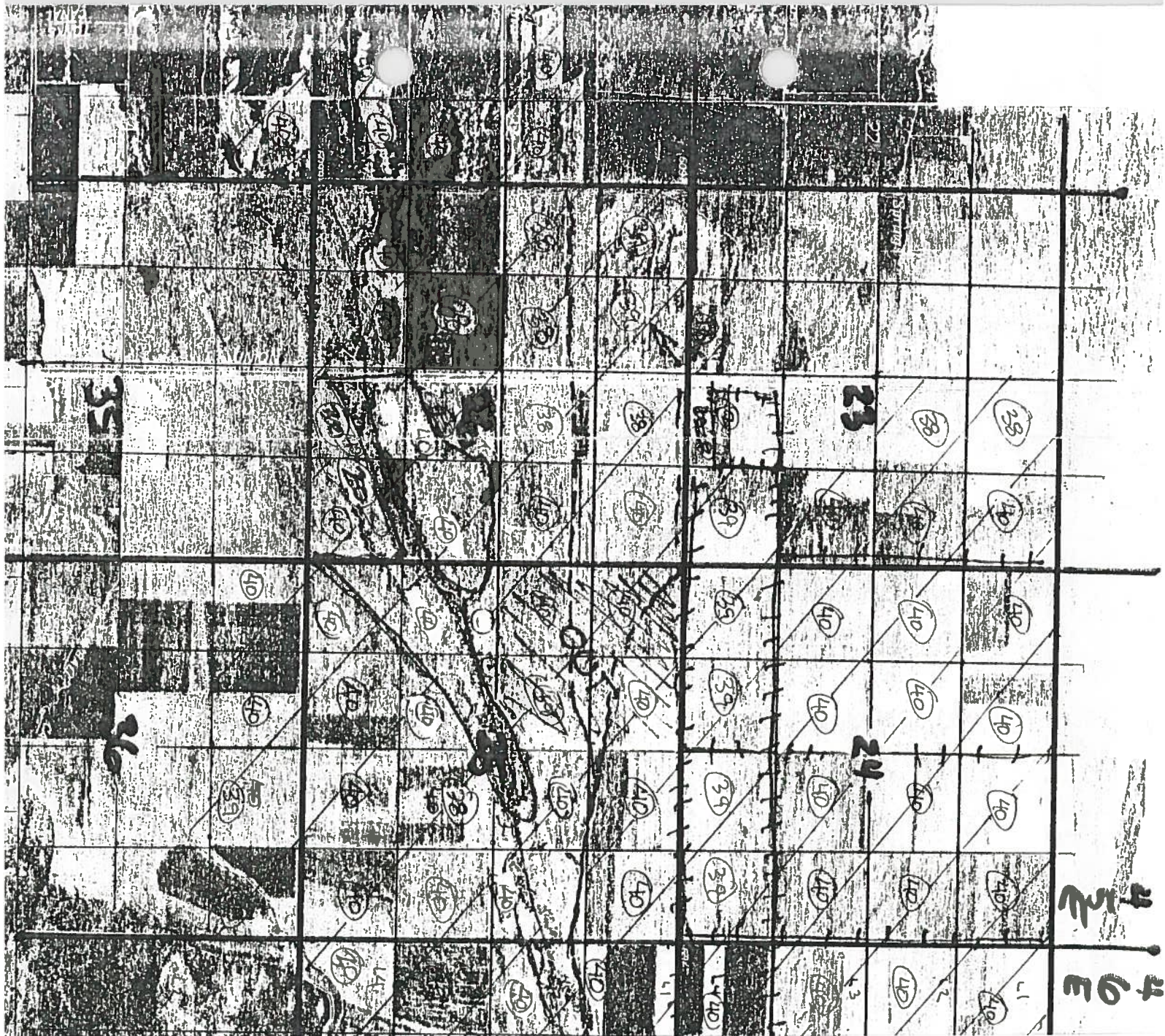
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