

12/13/2006

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

RIGHT NUMBER: 22-12164

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: 7.940 CFS

PRIORITY DATE: 06/01/1896

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	7.940 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.

This right is limited to the irrigation of 597 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 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:
Place of use is within the area served by Fox Creek Canal Company.

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.: 22-185, 22-187, 22-361, 22-445, 22-540, 22-562. See chart titled "Fox Creek C.C. Analysis" in file.

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 29 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:

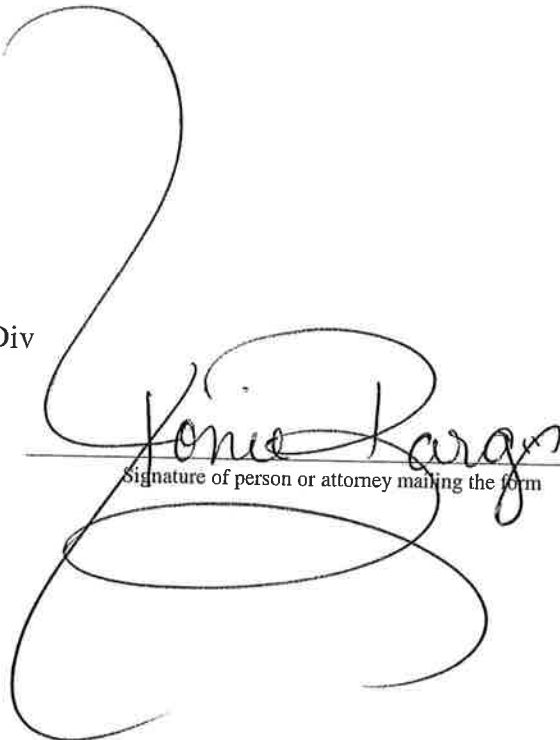
Each party in the subcase, or attorney of record

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: 22-12164

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: 7.940 CFS

PRIORITY DATE: 06/01/1896

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:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

7.940 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 597 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.

This right is a combination of portions of old Right Nos.: 22-185, 22-187, 22-361, 22-445, 22-540, 22-562. See chart titled "Fox Creek C.C. Analysis" in file.

SCANNED
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: 22-12164

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):

22-185 GW Bush 2 CFS Not included

1/2 of 22-540 H.S. Stone 1.6 CFS Not included

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

Correct above

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 L. Foster

Please print your name: Randall L. Foster

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

~~22-540 was claimed in full~~

Corrected 12.13.06

TE

Received Time Dec. 11. 11:20AM



Idaho Department of Water Resources

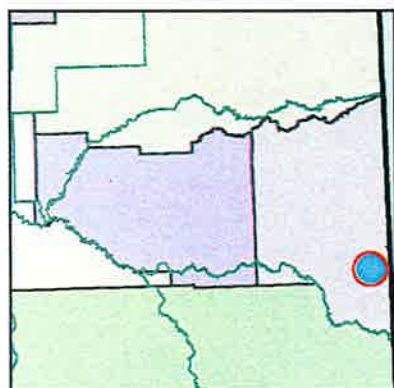
Fox Creek Canal Co

Service Area Boundary
Irrigated Acres = 3496.3

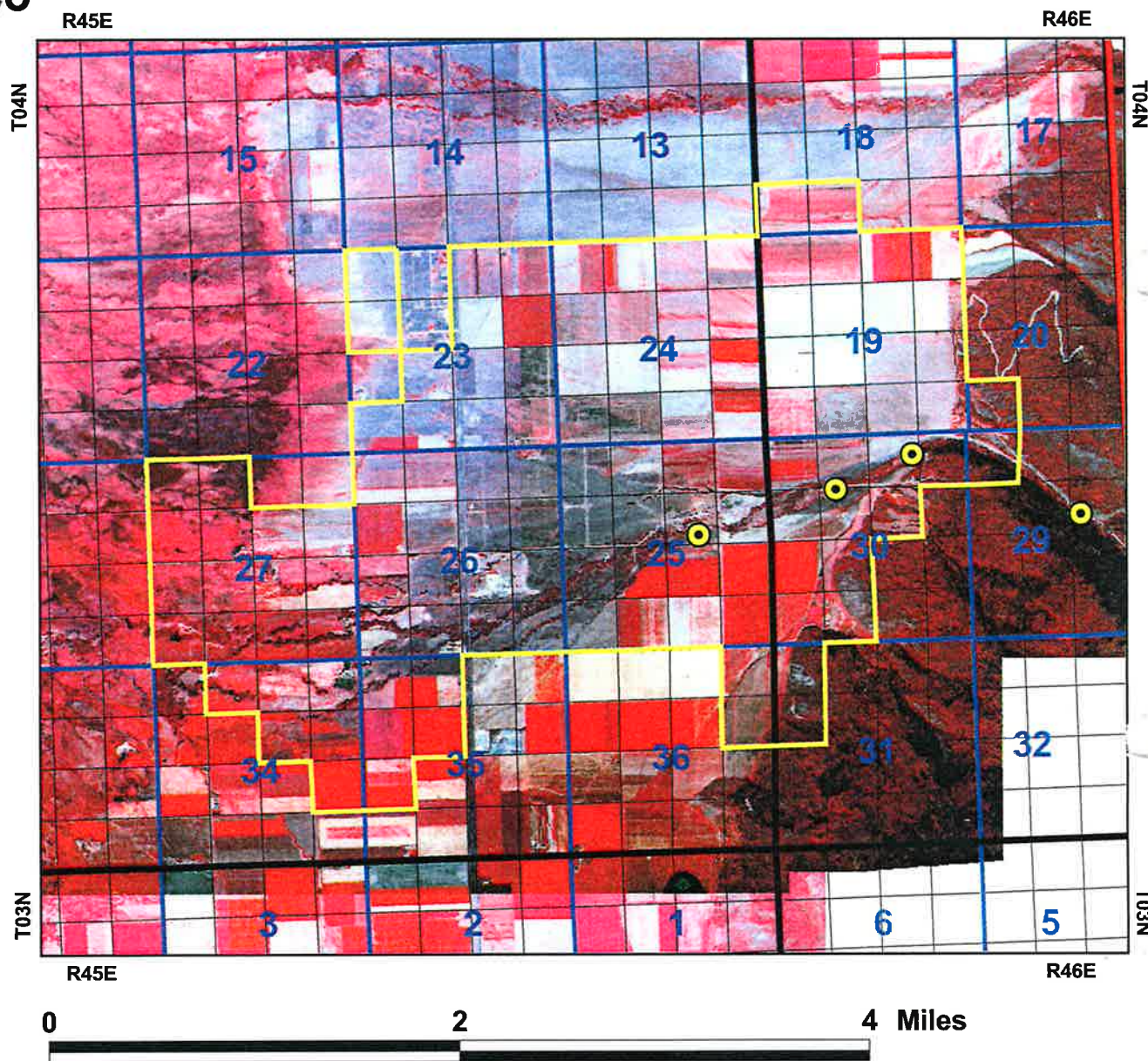
GIS Place of Use Illustration

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

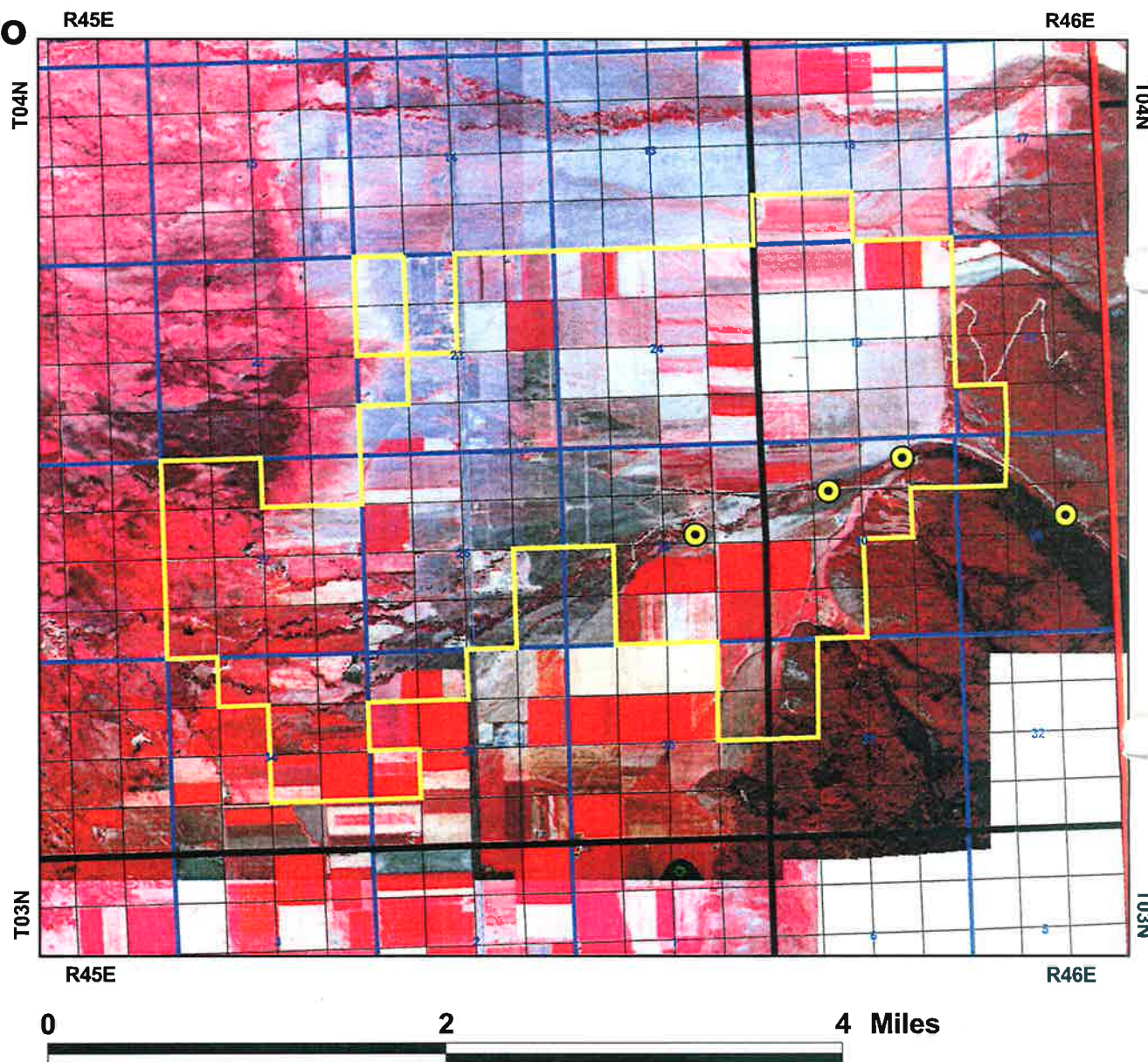
GIS Place of Use Illustration

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

Galbraith, Trent

From: Olenichak, Tony
Sent: Thursday, June 15, 2006 12:04 PM
To: Galbraith, Trent
Subject: Claim 22-12164

Trent,

I've found claim 22-12164 incorrectly lists the priority of 1889-06-01. It should be 1896-06-01 according to the original decreed rights.

Tony

Recommendation:

See Right No. 22-12159

For field exam and review notes.

CLAIM COMBINED:

22-187, 0.80 cts, Fox CK., 6/01/1896

22-361, 1.60 cts., Fox CK., 6/01/1896

22-445, 0.40 cts, Fox CK, 6/01/1896

22-540, 3.20 cts, Fox CK, 6/01/1896

22-562, 3.20 cts, Fox CK, 6/01/1896

9.2 cts Fox CK, 6/01/1896

Remark
P15

COMBINED USE REMARKS w/ 22-12159, 22-12161 AND 22-12165

MARCH 14, 1996

FOX CREEK CANAL COMPANY
C/O DAWN STONE SEC
RT 1 BOX 551
VICTOR ID 83455

RE: AMENDED NOTICES OF CLAIM A22-00188 AND A22-12164

Dear Ms. Stone:

After much research on these claims it is apparent that June 1, 1896 is incorrect for A22-00188 (documentation taken from the decree book is enclosed). The correct date for this particular claim is June 1, 1900 and a copy for your company to sign, have notarized and return to me is enclosed. The documentation for A22-12164 is also enclosed and the date on this notice is correct, so just sign it and have it notarized too.

The copies of the decrees that are enclosed are taken directly from the Rexburg Decree Book so there are no changes that can be made to the priority dates.

Please return the claims promptly.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosures

MICROFILMED

NOV 06 1990

March 8, 1996

RECEIVED

MAR 12 1996

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 Skyline Drive
Idaho Falls, Id. 83402-1718

Department of Water Resources
Eastern Region

RE: AMENDED NOTICES

Dear Ms. Thompson:

Thank you for your letter of February 5, 1996 concerning the above notices of claim. I apologize for taking so long to respond, however I needed some time to review our records.

As I have reviewed the claim number, A22-00188, I have found that the dates you have on this claim do not correspond with our records.

Would you please send us a copy of any paperwork that you may have regarding these claims and changes, so we may compare our records with yours, and possibly find the errors?

Any information you have will be helpful, and I will try to respond as soon as possible to clarify any problems we may encounter. If you have any property description associated with the claim numbers, that would also be helpful.

Thank you for your assistance in this matter.

Sincerely,



Dawn Stone, Sec., FCCC
494 S. 50 West
Victor, Idaho 83455

MICROFILMED

NOV 06 1996

FEBRUARY 5, 1996

FOX CREEK CANAL COMPANY
C/O DAWN STONE SEC
RT 1 BOX 551
VICTOR ID 83455

RE: AMENDED NOTICES OF CLAIM A22-00188 AND A22-12164

Dear Ms. Stone:

Enclosed please find two Notices of Claim the Department has modified to reflect the priority date shown on the decreed right. A22-00188 has been modified to June 1, 1890 (originally filed as 1889) and A22-12164 has been modified to June 1, 1896 (originally filed as 1889).

If you agree with our findings, please sign the Notices before a Notary Public in the "organizational" section and return the Notices to my attention. (The original Notices were signed by Vernal Foster, the president, but since your name is on the amended Notices, you should sign them).

Thank you for your prompt attention to this matter.

Sincerely,

Jo Thompson
Adjudication Secretary

Enclosures

7-29-96

Priority dates were wrong (according to Dead Book) & claims were mailed for signature on corrected PD. No response from claimant this date. Jo

MICROFILMED

NOV 06 1996

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water 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 9.2 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:

DIVERSION RATE SAME AS DECREE 9.2 CFS
IPWR. STD. POW. 4/15 - 10/31

Reviewer: _____

Date: _____

Fox Creek Canal TIC 3-14-96
Dawn Stone Jo/E

Dent A22-00188 (6-1-1900, NOT 1896)
for signature/Notary
She already has
22-1216 to sign

Jo,
I'm not sure, but shouldn't
A22-00188 be 6-1-1900 for priority
date? That's what the Rexburg Decree
says.

If she wants a copy of land
list, just make copies of original
claim and send it to her.

I made copies of Rexburg Decree
and copy of WD 01 delivery book
to send to her

as for 12164 → In remarks they
have water rights listed and
they have 1896 pr date. Send
her a copy of 12164 original also.

3-25 FOX CK. Person came in & discussed
w/SC the WR's A22-00188 + 12164 / Jo

1900
40-
1896

Jo,
It looks like the last
claim in this stack (00188) was
highlighted where they are
supposed to sign, but may-
be it was never sent..?

I'd give them a call or
E. or I will and ask them
what the hell is going on.

you can call them
The last letter says
12164 is barred to sign
it. There is NO claim for
Rexburg Print small...

MICROFILMED
NOV 6 1990

Company.

~~11195~~ 1 630✓

2560 Burgress Canal &
Irrigation
Company.

500 inches. June 10, 1887. Snake River, South Fork.

~~11196~~ 1 631✓

2560 Burgress Canal &
Irrigation
Company.

19,000 inches. June 10, 1888. Snake River, South Fork.

~~11197~~ 1 632✓

2560 Burgress Canal &
Irrigation
Company.

12,000 inches. June 10, 1890. Snake River, South Fork.

~~11198~~ 1 633✓

2560 Burgress Canal &
Irrigation
Company.

8,000 inches. June 1, 1895. Snake River, South Fork.

Burkenshaw,
Benjamin

The Farmers' Friend
Canal Company.

Burkenshaw,
Thomas

The Farmers' Friend
Canal Company.

~~11199~~ 23-0073✓
~~1 634~~

Burney, Peter

40 inches. June 1, 1901. Palisade Creek.

Burtenshaw,
William

Enterprise Canal
Company.

Burton, C., Jr.
and W. S., and
Robert Blemires.

(See Robert Blemires,
and C. Burton, Jr.,
and W. S. Burton.)

~~11200~~ 23-0061✓

Burton, Hannah

150 inches. May 20, 1889. Palisade Creek.⁵³⁶

~~11201~~ 23-0062✓

Burton, Hannah

210 inches. June 30, 1890. Palisade Creek.⁵³⁶

Bush Brothers

The Farmers' Friend
Canal Company.

~~11202~~ 22 0185✓

Bush, George W.

100 inches. June 1, 1896. Fox Creek.

~~11203~~ 22 0186✓

Bush, George W.

20 inches. June 1, 1897. Darby Creek.

~~11204~~ 22 0187✓

Bush, George W.

40 inches. June 1, 1896. Fox Creek.

~~11205~~ 22 0188✓

Bush, George W..

120 inches. June 1, 1900. Fox Creek.

#29

~~0422~~ 22-0361Kimball, R. C.
and A. L.

King, Daniel

80 inches. June 1, 1896.

Fox Creek.

(Sold to A. J.
Reese)~~0422~~ 22 0362

Kirsley, Edwin N.

60 inches.

July 15, 1898. Little Pine Creek. Teien Co.

~~0422~~ 22 0363

Kirsley, Edwin N.

60 inches.

June 1, 1902.

Spring Creek.

~~0422~~ 22-0602

Kirsley, Mary E.

80 inches.

Sept. 1, 1889.

Warm Creek, Spring
Creek, and Deep
Creek.

22-0603

~~0422~~ 22-0603

Kirsley, Mary E.

80 inches.

Apr. 1, 1890.

Warm Creek, Spring,
Creek, and Deep
Creek.~~0422~~ 22 0364

Kirsley, Richard

160 inches.

June 30, 1894.

Trail Creek.

~~0422~~ 1 090

Kooch, John W.

120 inches.

June 1, 1902.

Outlet of Henry's
Lake.~~0422~~ 1 091

Kooch, Maggie

250 inches.

June 1, 1902.

Outlet of Henry's
Lake.~~0422~~ 21-043

Keech, Maggie

50 inches.

June 1, 1902.

Meadow ^{brook} ~~are~~.~~0422~~ 1 092Kratzer
Elizabeth

80 inches.

June 1, 1886.

Watson Slough. -755-

~~0422~~ 22 0365

Kuhz, Samuel, Jr.

280 inches.

July 31, 1903.

Pine Creek Permit.

~~0422~~ 22 0368

Kruger, John D.

140 inches.

May 1, 1884.

Elkhorn Spring, and
2/5th of Hawley
Spring, up to 140
inches.L.~~0422~~ 1 093LaBelle
Irrigation
Company2,400 inches. June 1, 1885.
Trans # 502-577-South Fork of
Snake River.~~0422~~ 1 094LaBelle
Irrigation
Company.4,600 inches. June 1, 1888.
Trans # 577-624-625-South Fork of
Snake River.~~0422~~ 22 0366Lamoreaux
Francis A.
and Ann

25 inches. May 1, 1898.

South Leigh Creek.

~~0587~~ 22 0437✓ Pascoe, John	160 inches.	June 15, 1896.	Darby Creek.
~~0587~~ 22 0438✓ Paul, John	15 inches.	June 1, 1890.	Springs on land.
~~0587~~ 22 0439✓ Paul, William H.	60 inches.	June 1, 1890.	Little Springs, and Deep Creek.
~~0587~~ 35 0023✓ Payne, S. L.	480 inches.	Apr. 22, 1895.	Boone Creek.
~~0587~~ 22 0440✓ Pehrson, Nils	30 inches.	June 1, 1899.	South Leigh Creek.
~~0587~~ 22 0441✓ Pehrson, Nils	100 inches.	June 1, 1903.	South Leigh Creek.
~~0587~~ 22 0442✓ Pendleton, Abraham	80 inches.	June 1, 1897.	The Farmers' Friend Canal Company.
~~0587~~ 22 0443✓ Pendleton, Abraham	80 inches.	June 1, 1899.	North Leigh Creek.
~~0587~~ 22 0444✓ Penfold, Algeroy	100 inches.	June 1, 1897.	North Leigh Creek.
~~0587~~ 22 0445✓ Penfold, Farley	20 inches.	June 1, 1896.	Fox Creek.
~~0587~~ 22 0446✓ Penfold, Farley	100 inches.	June 1, 1897.	Fox Creek.
~~0587~~ 1 147✓ Peoples Canal & Irrigation Company, The	20,000 inches.	Aug. 18, 1894.	Fox Creek.
~~0587~~ 22 0447✓ Perry, Jeremiah C.	80 inches.	June 1, 1897.	Snake River.
~~0587~~ 21 0083✓ Perry, M. R. and R. V. Perry	710 inches.	May 1, 1904.	North Leigh Creek.
McBain and William H. Dunlap.			Conant Creek.
Peterson, Carl			The Sunnydell Irr- gation Canal Company.
~~0587~~ 22 0448✓ Peterson, Chris.	160 inches.	June 1, 1896.	Trail Creek.
Peterson, G. W.			Enterprise Canal Company.
~~0587~~ 22 0449✓ Peterson, L. P.	160 inches.	June 1, 1896.	Darby Creek. Trans #635
Peterson, Otto			The Farmers' Friend Canal Company
~~0587~~ 21 0084✓ Peterson, S. O.	120 inches.	June 1, 1893.	Conant Creek.

22-0538

TRANS. #2063

#51

Stewart, Samuel
deceased, Estate
of, by Mary H.
Birch, Admx., and
Mary H. Birch

250 inches. June 1, 1884. Teton River.

50 inches. June 1, 1899. Badger Creek.

160 inches. June 1, 1896. Fox Creek.

Storer, Sarah

The Farmers' Friend
Canal Company.

Streeper, C. A.

The Farmers' Friend
Canal Company.

Streeper, Howard

300 inches. June 2, 1889. South Fork of the
Snake River.

Trans #523

Trans #306

Sugar City
Townsite
Company.(See Hill Ditch Com-
pany and Willard
Ricks.)Sullivan, Thomas
F. and Mary A.640 inches. Nov. 25, 1902. North Fork of the
Snake River.Summers, Stephen J.,
and William and
Soren Nelson670 inches. June 10, 1885. South Fork of the
Snake River.

Sundberg, Z.

275 inches. June 1, 1890. Fall River. #911-933

Sundberg, Z.

60 inches. June 1, 1894. Black Spring Creek.

Sunny Dell

Irrigation Canal
Company, The1,000 inches. June 1, 1889. South Fork of the
Snake River.

Swanner, Samuel

40 inches. June 1, 1889. South Leigh Creek.

Swanner, Samuel

120 inches. June 1, 1891. South Leigh Creek.

Swanstrom, Albert

180 inches. Aug. 9, 1902. Sheridan Creek.

Swan Valley
Irrigation Com-
pany, Limited.

1,800 inches. June 1, 1900. Palisade Creek.

Swenson, L. P.

Trego Ditch Company

Sylvester, James.

(No right established)

#55

21 0127 ✓

Uden, Ernest W.

U.

75 inches. June 1, 1902. Southwest Fork of Elk Creek.

V.~~0811~~ 22 0562 ✓

Vail, J. R.

160 inches. June 1, 1896. Fox Creek.

~~0811~~ 22 0563 ✓

Vail, W. C.

120 inches. June 1, 1897. Fox Creek.

~~0811~~ 22 0564 ✓

Vail, W. C.

100 inches. June 1, 1897. Fox Creek.

~~0811~~ 22 0565 ✓

VanLeuven,

160 inches. June 15, 1897. South Leigh Creek.

~~0811~~ 22 0566 ✓

William

Victor Townsite.
(To Nahum Curtis,
Davis Cheney and
Edwin Rice,
Trustees.)

320 inches. June 1, 1896. Trail Creek.

~~0811~~ 22 0567 ✓

Waddell,

Mrs. L. E.

200 inches. Sept. 1, 1891. Teton Creek.

Wagstaff, A. J.

The Farmers' Friend
Canal Company.~~0811~~ 22 0568 ✓

Wait, F. A.

160 inches. May 25, 1898. Leigh Creek.

~~0811~~ 25-0229 ✓

Wakeman, Herman

240 inches. July 1, 1886. Myers Creek.

Walker, F. E.

Parsons Ditch Company.

~~0811~~ 21 0128 ✓

Wall, George L.

80 inches. Oct. 15, 1900. Wall Springs.

~~0826~~ 21 0129 ✓

Wall, George L.

40 inches. Aug. 20, 1901. Tom Creek.

~~0821~~ 22 0569 ✓

Wallace, H. A.

40 inches. Jan. 18, 1904. North Leigh Creek,
or Spring Creek.~~0821~~ 22 0570 ✓

Walters, William

332 inches. Apr. 1, 1898. Teton River (Stewart
& Walters ditch),
(Joint appropriation
with Mons H. Anderson)~~0821~~ 22 0571 ✓

Walters, William

168 inches. June 1, 1888. Teton River (Stewart
& Walters ditch),
(Joint appropriation
with Mons H. Anderson)~~0821~~ 22 0572 ✓

Walton, Dania

120 inches. June 1, 1896. Darby Creek

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLSIN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM

CIVIL CASE NUMBER: 39576

AmendedIdent. Number 22-12164
Date Received: 10/5/1988
Receipt No: E002927
Received By: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: 06/01/1889

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	04/15	10/15	11.2	

7. Total Quantity Appropriated is:
11.2 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	SW		IRRIGATION	40
			NE	SE		IRRIGATION	40
			NW	SE		IRRIGATION	40
			SW	SE		IRRIGATION	40
			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

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:

WATER DELIVERED TO SHARE HOLDERS THROUGH FOX CREEK PIPELINE SYSTEM. THIS CLAIM COMBINES RTS. 22-00185, 00187,00361, 00445, 00540, 0 0562.

15. Basis of Claim: Decreed

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: _____

For Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Fox Creek Canal Co. Organization, that I have signed the foregoing

document in the space below as President Title of _____

Fox Creek Canal Co. Organization and that the statements contained in the foregoing document are true and correct.

Karlott B. Foster
Signature of Authorized Agent

Pres. Fox Creek Canal Co
Title and Organization

12-12-06
Date

State of Idaho)

County of Teton) SS.

Subscribed and sworn (or affirmed) before me this 12th day of December 2006



Jennie Dalco

Notary Public

Residing at Driggs, Idaho

My commission Expires 3-15-08

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: A22-12164
Date Received: 10/05/1988
Receipt No: E002927
Received By: EM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: FOX CREEK CANAL COMPANY 208-787-2759
Address: C/O DAWN STONE, SEC.
RT. 1, BOX 551
VICTOR, ID 83455

2. Date of Priority: JUN 01, 1889

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	9.200		

7. Total Quantity Appropriated is:
9.200 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

A22-12164

Page 1

Date: 10/05/88

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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. 22-00187,00361, 00445, 00540, 00562.

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

Fox Creek Canal Co.
Organization

, that I have signed the foregoing document in the space below as President of

Title

Fox Creek Canal Co.
Organization

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

Vernon Foster
Signature of Authorized Agent

Pres. Fox Creek Canal Co.
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.

A22-12164

Page

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

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