

11/28/2005

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

RIGHT NUMBER: 21-115A
NAME AND ADDRESS: DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442

ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

SOURCE: FALL RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 0.300 CFS

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION:
T09n R43e S35 NWNESE Within FREMONT County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION Within FREMONT County

T08N R41E S12 Lot 1 SENE	31.0	T08N R42E S06 Lot 9 NESW	21.0
T08N R42E S06 Lot 8 SWSW	9.0	T08N R42E S06 SESW	40.0
T08N R42E S06 NESE	39.0	T08N R42E S06 Lot 14 NWSE	32.0
T08N R42E S06 SWSE	40.0	T08N R42E S06 SESE	40.0
T08N R42E S07 NENE	40.0	T08N R42E S07 NWNW	40.0
T08N R42E S07 NENW	40.0	T08N R42E S07 Lot 1 NWNW	27.0
T08N R42E S07 Lot 2 SWNW	30.0	T08N R42E S07 Lot 3 NWSW	30.0
T08N R42E S07 Lot 4 SWSW	30.0		

489 ACRES TOTAL

This right is limited to the irrigation of 37.5 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 489 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991

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

Use of this right is combined with water from Farmers Own Canal.

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

RIGHT NUMBER: 21-115A

NAME AND ADDRESS: DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442
ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442

SOURCE: Source: FALL RIVER
Tributary: HENRYS FORK

QUANTITY: 0.300 CFS 0.000 AFY

PRIORITY DATE: 06/01/1894

POINT OF DIVERSION: T09N R43E S35 NWNESE Within FREMONT County

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	0.300 CFS

PLACE OF USE: IRRIGATION within FREMONT County

T08N R41E S12 Lot 1 SENE 31.0
T08N R42E S06 Lot 9 NESW 21.0
T08N R42E S06 SESW 40.0
T08N R42E S06 NESE 39.0
T08N R42E S06 Lot 14 NWSE 32.0
T08N R42E S06 SWSE 40.0
T08N R42E S06 SESE 40.0
T08N R42E S07 NENE 40.0
T08N R42E S07 NWNE 40.0
T08N R42E S07 NENW 40.0
T08N R42E S07 Lot 1 NWNW 27.0
T08N R42E S07 Lot 2 SWNW 30.0
~~T08N R42E S07 Lot 3 NWSW 30.0~~
~~T08N R42E S07 Lot 4 SWSW 30.0~~

420 ACRES TOTAL ~~480 ACRES TOTAL~~

This right is limited to the irrigation of 37.5 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 420 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991

~~The rights listed below are limited to the irrigation of a combined total of 480 acres in a single irrigation season. Combined Right Nos.: 21-114C, 21-115A, 21-115B, 21-12985, 21-12991~~

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 North Fremont Canal System (Farmers Own Canal).

~~Use of this right is combined with water from Farmers Own Canal.~~

OK
SS

08/30/2005

**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: 21-115A

DONNA T FUCHS
3857 E 500 N
RIGBY ID 83442
Telephone Number: (208)745-6268

ROBERT E FUCHS
3857 E 500 N
RIGBY ID 83442
Telephone Number: (208)745-6268

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

Place of use

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

See attachment for Land irrigated within Fremont county designated for this water right

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

Land is irrigated and place of use is wrong and needs to be corrected

☐ I AGREE with this proposed recommendation; no changes need to be made.

DATE: *10/2/05*

SIGNATURE:

Donna T. Fuchs

Please print your name:

Donna T. Fuchs

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

Have filed claim 21-12985 to resolve place of use issues.

SCANNED

OCT 20 2005

PROFILED

*KMT
10/18*

Claim No. 21-115A

Document Checklist

☒ Copy License/Decree

hexley v teton

☒ Copy Transfer

201, 242 ← not signed

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

☐ Generate, mail and file "Evidence of Priority" letter

☒ Generate Arcview Map

PROFILED

SCANNED
JUN 15 2006

Rexburg Decree

21-115

Z. Sunberg 60 in 6-1-1894

Decreed land

8N42E

Sec 7 lots 1234

149.85

Contacts Data Entry Form

Claim Number: 21-00115A

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

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

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

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

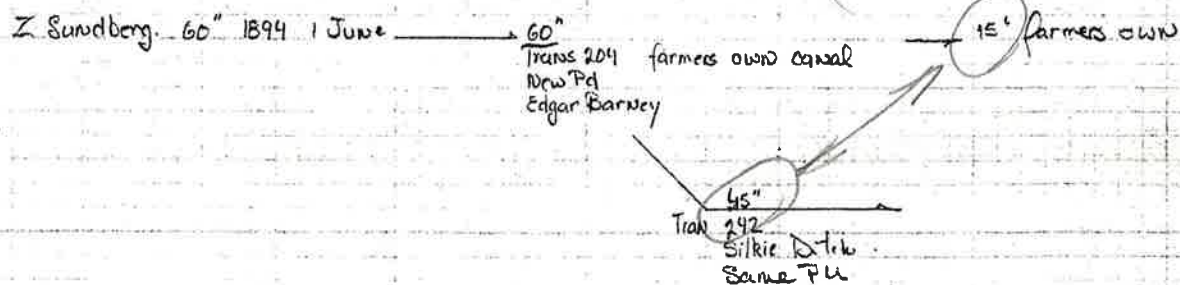
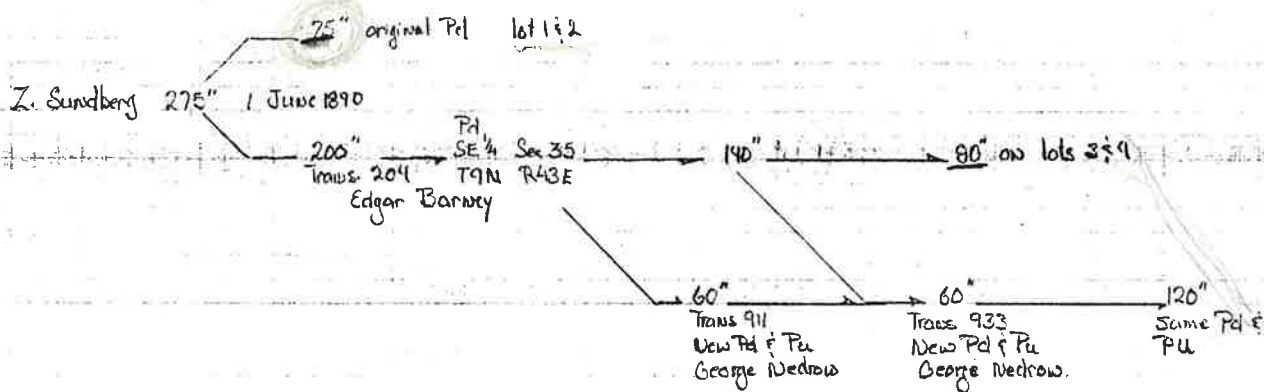
Relationship to Claimant: _____ Date of Field Exam: _____

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

500 FUCHS, ROBERT E. & DONNA T
3857 E 500N
RICBY 83442

FOP - Good

Reviewer: _____ Date: _____



MICROFILMED
 OCT 20 1992

W., and William Johnson and Samuel Weeks, Jr., 160 inches, 1898, Palisade Creek.
 Elizabeth, 160 inches, June 1, 1887, Howard Creek.
 Elizabeth, 300 inches, June 1, 1900, Targee Creek.
 Elias, 65 inches, June 1, 1900, Howard Creek and Targee Creek.
 Gilbert, 40 inches, May 1, 1903, Trail Creek.
 H. Abner, 160 inches, June 10, 1889, North Leigh Creek.
 A., 155 inches, May 15, 1896, Rainey Creek.
 Hing Company. (See Long Island Irrigation Company.)
 Joseph, 40 inches, May 1, 1904, springs on land.
 Sam J., 160 inches, June 1, 1898, Leigh Creek.
 Peter, 140 inches, June 1, 1901, South Leigh Creek.
 Peter, 20 inches, June 1, 1903, Swamps.
 H. L., The Farmers' Friend Canal Company.
 J., 100 inches, June 1, 1904, Paradise Springs.
 Margaret, The Farmers' Friend Canal Company.
 Mary, The Farmers' Friend Canal Company.
 Ober, The Farmers' Friend Canal Company.
 L. K., Enterprise Canal Company.
Edward L., 150 inches, June 1, 1894, Fall River.
 Andrew, 20 inches, June 1, 1895, South Leigh Creek and Swamp.
 Andrew, 140 inches, June 1, 1897, South Leigh Creek and Swamp.
 John P., 40 inches, June 1, 1894, Swamps.
 John P., 50 inches, June 1, 1896, Swamps.
 John P., 70 inches, June 1, 1894, Swamps.
 Mary, 80 inches, June 1, 1895, Leigh Creek.
 Mary, 80 inches, June 15, 1897, Leigh Creek.
 Charles F. (Conveyed to Elizabeth Kratzer.)
 Ariso H., 250 inches, May 10, 1895, Fall River.
 Villard, Enterprise Canal Company.
 Edward, Enterprise Canal Company.
 James, Enterprise Canal Company.
 J. F., and Joseph. (See J. H. Riley.)
 Joshua B., 100 inches, May 1, 1886, South Fork of Snake River.
 Joshua B., 50 inches, May 1, 1888, South Fork of Snake River.
 Samuel, 30 inches, June 1, 1902, Trail Creek.
 William L., 110 inches, June 1, 1900, Garner Creek and Trail Creek.
 en, Christian, 218 inches, Apr. 1, 1898, Teton River, through the on-Jacobs Ditch.
 en, Christian, 112 inches, May 1, 1889, Teton River, through the on-Jacobs Ditch.
 en, es P., North Salem Agricultural & Milling Canal Company.
 E., wder Canal Company.
 T., Lowder Canal Company.
 Charles, 100 inches, May 15, 1896, Fox Creek.
 George F., 100 inches, May 15, 1896, Fox Creek.
 mes, The Sunndell Irrigation Canal Company.
 G. M., 150 inches, June 1, 1890, Darby Creek.
 James, The Farmers' Friend Canal Company.
 Patrick, Wearyrick Ditch Company.
 Thomas E., 160 inches, June 1, 1896, Darby Creek.
N.
 Robert H., Wolf Ditch Company.
 Martin L., 50 inches, June 1, 1886, Moody Creek. (To be reduced to inches after June 20th of each year.)
 Martin L., 25 inches, June 1, 1886, Teton River.
 Simington, 75 inches, June 19, 1893, Springs on land.
 Andrew, 160 inches, June 20, 1891, Hulls Slough-Boone Creek, son Dam.

Nelson, Anton, 180 inches, May 20, 1889, Palisade Creek.
 Nelson, Brigham W., 160 inches, June 1, 1899, Willow Creek.
 Nelson, Chris, The Sunndell Irrigation Canal Company.
 Nelson, David, 434 inches, Apr. 1, 1898, Teton River, through Nelson-Jacobs Ditch.
 Nelson, David, 216 inches, May 1, 1885, Teton River, through Nelson-Jacobs Ditch.
 Nelson, Fritz E., 120 inches, April 15, 1898, Spring Creek.
 Nelson, James D., The Sunndell Irrigation Canal Company.
 Nelson, James D., 300 inches, June 1, 1887, Bannock Jim Slough.
 Nelson, J. O., The Farmers' Friend Canal Company.
 Nelson, John, 160 inches, June 20, 1891, Hulls Slough, Boone Creek, John-son Dam.
 Nelson, Joseph, The Farmers' Friend Canal Company.
 Nelson, N. F., 120 inches, May 1, 1903, McTuckers Springs.
 Nelson, Peter J., The Farmers' Friend Canal Company.
 Nelson, Soren, and Stephen J., and William Summers, 670 inches, June 10, 1885, Dry Bed Channel of South Fork of Snake River.
 New Lavaside Ditch Company, 1,000 inches, June 1, 1884, Snake River.
 New Lavaside Ditch Company, 3,000 inches, Mar. 1, 1889, Snake River.
 New Lavaside Ditch Company, 3,600 inches, Nov. 24, 1890, Snake River.
 Newman, A. W., The Farmers' Friend Canal Company.
 Newman, John H., The Farmers' Friend Canal Company.
 Newman, Mrs. John, The Farmers' Friend Canal Company.
 New Sweden Irrigation District, 6,000 inches, Jan. 7, 1886, Snake River.
 New Sweden Irrigation District, 20,000 inches, Jan. 24, 1891, Snake River.
 Nickerson, E. F., 100 inches, June 30, 1903, Big Elk Creek.
 Niederer, Emil, The Sunndell Irrigation Canal Company.
 Nielson, H. B., 1,000 inches, June 1, 1883, Snake River.
 Nolan, Carrie, widow of A. D. Nolan, deceased, North Salem Agricultural & Milling Canal Company.
 Nord, James O., 240 inches, June 1, 1890, Snake River.
 Nordval, C., 50 inches, June 1, 1895, Darby Creek.
 Nordval, C., 110 inches, May 26, 1899, Darby Creek.
 North Rigby Irrigation Company, 2,500 inches, June 10, 1883, South Fork of Snake River.
 North Salem Agricultural & Milling Canal Company, 1,325 inches, June 1, 1888, Teton River, as a high water right until July 1st of each year.
 Nowlin, Jabez, Sr., The Farmers' Friend Canal Company.
 Nugent, L. A., 80 inches, May 1, 1903, McTucker Springs.
O.
 Oakden, Robert, 160 inches, June 1, 1893, Rainey Creek.
 O'Brien, James A., 100 inches, June 1, 1891, North Leigh Creek.
 Olsen, James, North Salem Agricultural & Milling Canal Company.
 Olive, O. H., 600 inches, June 1, 1889, Bannock Jim Slough.
 Olive, O. H., 160 inches, May 1, 1905, Bannock Jim Slough.
 Olmstead, Henry M., Wyoming & Darby Bench Canal Company.
 Orme, Samuel W., Pioneer Ditch Company.
 Orr, Robert, Watson Slough Irrigation Company.
 Osborn, R. A., 120 inches, June 1, 1895, Monet Springs, Guy Springs, Middle Springs, and East Springs.
 Osborn, R. A., 120 inches, June 1, 1902, Monet Springs, Guy Springs, Middle Springs, and East Springs.
 Ossman, Oscar, North Salem Agricultural & Milling Canal Company.
P.
 Pack Saddle Reservoir Company, 1,250 inches, Jan. 15, 1904, North Fork of Pack Saddle Creek.
 Pack Saddle Reservoir Company, 900 inches, South Fork of Pack Saddle Creek.
 Palmer, Henry, Watson Slough Irrigation Company.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of

Edgar Barney
of St. Anthony, Idaho

For a Change of Point of Diversion from Fall
River and Black Spring Creek in Water District
No. 36, Fremont County, Idaho

ORDER GRANTING CHANGE
OF POINT OF DIVERSION

No. 204

WHEREAS, On the 5th day of January, 1950, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, the application of Edgar Barney of St. Anthony, Idaho, for a change of point of diversion on Fall River and Black Spring Creek, came on regularly for hearing, pursuant to published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that more economical use of the water will be obtained by such change, and that no other water user will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is hereby granted, and that a Certificate of Change of Point of Diversion be issued to the applicant herein, as provided by the laws of the State of Idaho.

WITNESSED my hand and caused the of-

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF CHANGE OF POINT OF DIVERSION OF DECREED WATER RIGHTS

No. 204

THIS IS TO CERTIFY THAT EDGAR BARNEY, of St. Anthony, Idaho, is the owner of and using a certain water right for four (4) cubic feet per second of the waters of Fall River with priority of June 1, 1890 and for one and two tenths (1.2) cubic feet per second of the waters of Black Spring Creek with priority of June 1, 1894, said water being decreed to Z. Sundberg by Judge J. M. Stevens of the District Court of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

REXBURG IRRIGATION COMPANY, et al
Plaintiffs,

vs.

TETON IRRIGATION CANAL COMPANY, et al
Defendants.

said decree bearing date of December 16, 1910 and being appurtenant to the following described lands, to-wit:

Lots 1, 2, 3, and 4, Section 7,
Township 8 North, Range 42 East, B.M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, beginning at Page 450.

And that now, upon the application of Edgar Barney, of St. Anthony, Idaho, for a Certificate of Change of Point of Diversion for 5.2 cubic feet per second of the waters of Fall River and Black Spring Creek, made before the State Reclamation Engineer of the State of Idaho, and said application having

Affidavit for Change of Point of Diversion of Decreed Water Right

RECEIVED
Sumner, Idaho

STATE OF IDAHO,
County of Fremont } ss.

Edgar Barney, being first duly sworn, deposes and says: That his postoffice address is St. Anthony, Box 205, Idaho. That he is the owner of and using a certain water right, bearing date of priority of June 1, 1890 4.0 Sec. 7T. from Fall River June 1, 1894 1.2 Sec. 7T. from Black Spring cubic feet per second of the waters of

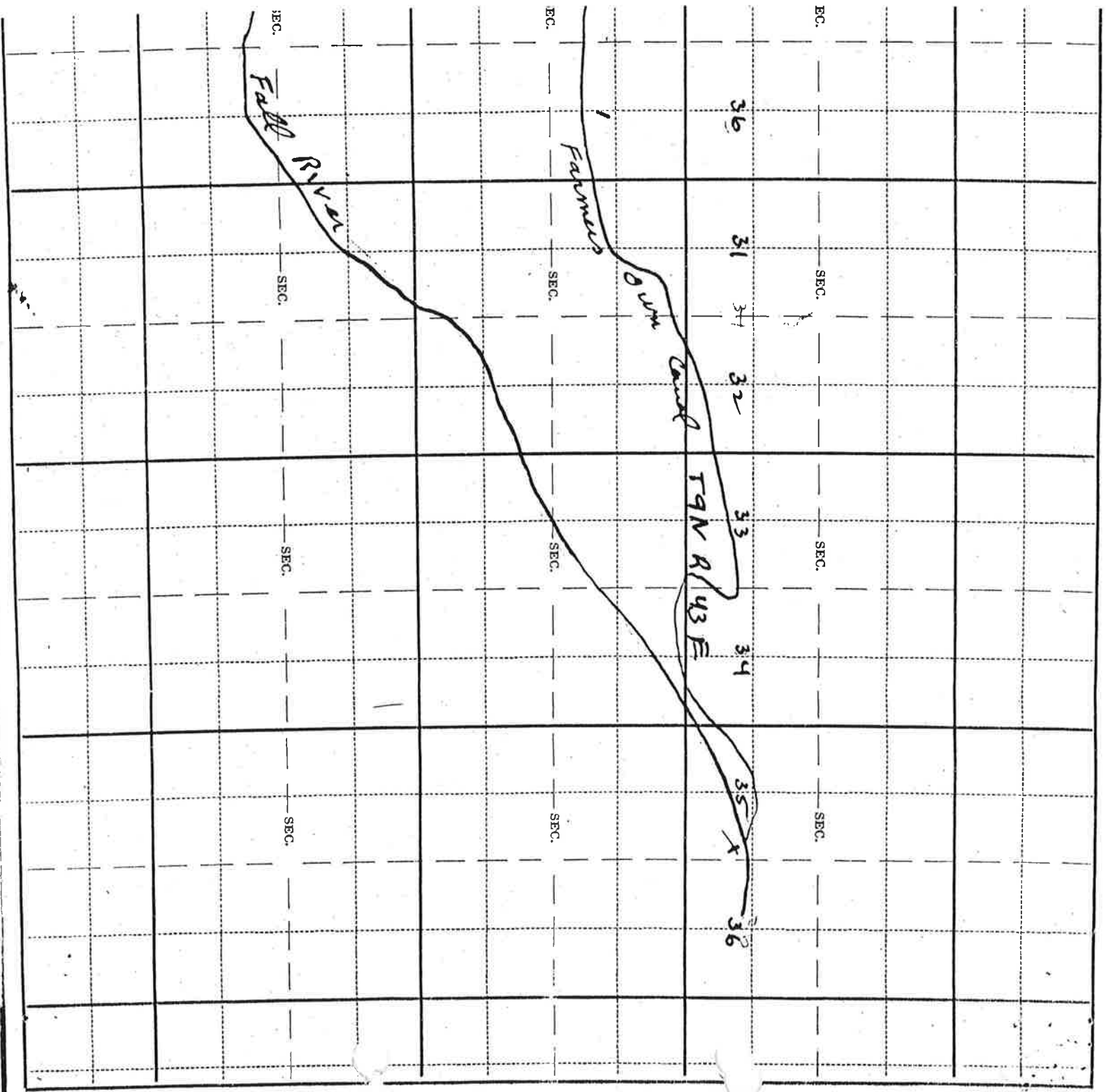
County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge Stevens, of the 6th Judicial District of the State of Idaho, in and for the County of Fremont, in the case of Roxbury Ln. vs. Teton Ln. Canal Co. said decree bearing date of

Dec 16, 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water Dist. No. 36, in the County of Fremont, and State of Idaho, to-wit: Lots 1, 2, 3 and 4 in Sec 7, T8N. R42E B.M.

That he is the person (or representative of the corporation) to whom such right was issued, (or has become the owner thereof in the following manner:

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of Sec. 18, Twp. 8N, Range 42E, and conducted to the above described lands through the Siekey ditch, as per map filed herewith and of this affidavit made a part;

That affiant desires to change the point of diversion of said water from the point above described to a point located in SE $\frac{1}{4}$ of 14 Sec. 35, Twp. 9N, Range 43E, and thereafter conduct same to the above described land through the Farmers Own ditch,



EC.

SEC.

SEC.

SEC.

36

31

34

32

33

34

35

X

36

EC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

SEC.

Fall River

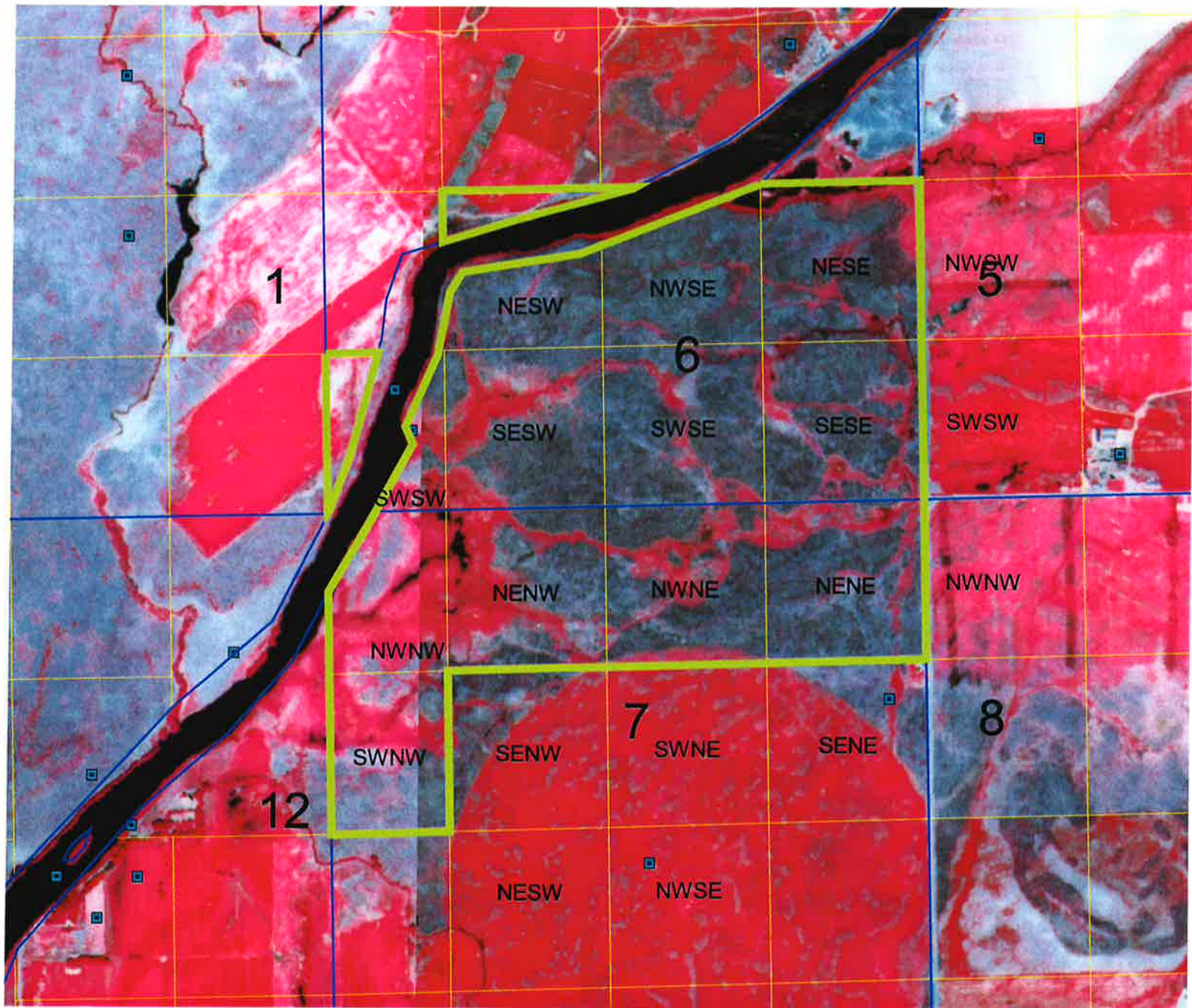
Farmers

Canal

T9N R/43E

21-114C, 115A

8N 42E





Idaho Department of Water Resources

MEMORANDUM

File: 21-115A & 115 B Fuchs
Date: 8-28-2008
Subject: SF5 and Lot 3 & 4 property

On July 22, 2003, I received a phone call from Becky Harvey informing me that there is still a problem on the SF5's. Fuchs claimed acreage in T8N R42E SEC 7 NWSW Lot 3 and T8N R42E SEC 7 SWSW Lot 4 in which they do not own. Those acres are owned and claimed by RLF (21-13013).

E56- Needed to change to reflect reduction of acreage.

E01 was removed and F01 added to reflect the new name of the canal.

Galbraith, Trent

From: Spencer, Nick
Sent: Friday, February 02, 2007 12:18 PM
To: Galbraith, Trent
Cc: Harvey, Becky
Subject: 21-13043 (Fuchs late claim)

To follow up on our phone conversation of this morning, I have looked at the material Ray Rigby submitted in support of this late claim, particularly the engineer's summary, and I have the following questions and concerns:

(1) It appears that some of the water used on the place of use is delivered out of the Silkey Ditch. At least one other right out of the Silkey Ditch has been objected to, and therefore the Court is holding back from partial decree all the other--unobjected to--rights from that ditch, to make sure that if an adjustment in quantity affects the quantities of the other users, and additional adjustments have to be made, those rights will not have been already decreed. To resolve the Silkey Ditch issues it is likely that all the users will have to be brought together at some point. Since there apparently is Silkey Ditch water on this place of use, such fact casts a cloud of uncertainty over all the other rights on the POU, insofar as we can't finally determine the total quantity on the property until we determine the quantity coming from the Silkey Ditch. This is unlikely to happen anytime soon, so it will hold up resolution of this particular late claim.

(2) I am concerned about the total per acre diversion rate on the place of use. Have we recommended enough to make irrigation even feasible? If not, since the land apparently has always been farmed, there must be additional water coming from somewhere, even if it is not water under the McBee posted notice, so perhaps we could look at a beneficial use right with a priority date junior to the Rexburg Decree. Might that be a possible avenue for resolution?

(3) The key issue is the McBee water. Why was it not decreed in the Rexburg Decree, if the landowner at the time (Sundberg) was a party to the Rexburg litigation and his other rights were decreed in the Rexburg Decree? I don't think it is sufficient for Ray Rigby simply to respond to that question with "It just wasn't." We need from him a credible explanation as to WHY it wasn't, seeing as how the Rexburg litigation was a major attempt to join all the water users and decree all of their rights. One cannot simply presume that the plaintiffs would go to all the trouble to join a water user, and then adjudicate only some--but not all--of his irrigation rights. That simply makes no sense.

I hope this helps. If we need to talk further before your meeting, give me a call. Thanks. NBS

IDWR Concurrence:

Denise Kidman 11-4-08
Denise Kidman _____ Date
Agent, IDWR

Nick Spencer _____ Date
Deputy Attorney General

CERTIFICATE OF MAILING

I certify that on _____, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

DONNA T & ROBERT E FUCHS
DONNA T FUCHS
ROBERT E FUCHS
Represented by:
RANDALL C BUDGE
201 E CENTER, STE A2
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

DONNA T FUCHS
Represented by:
SCOTT J SMITH
201 E CENTER
PO BOX 1391
POCATELLO, ID 83204-1391
Phone: 208-232-6101

Water Right Analysis

Water Right Number: 21-115A

Total Diversion Rate: 0.30

Total Acres 480.0

Twp	Rng	Sec	QQ	Lot	Water Right	Correct	RLF LLC PROPERTY
					Objection	W.R.	
					21-115A	21-115A	21-13013
08N	41E	12	SENE	1	31.0	31.0	
08N	42E	6	NESW	9	21.0	21.0	
08N	42E	6	SESW		40.0	40.0	
08N	42E	6	NESE		39.0	39.0	
08N	42E	6	NWSE	14	32.0	32.0	
08N	42E	6	SWSE		40.0	40.0	
08N	42E	6	SESE		40.0	40.0	
08N	42E	7	NENE		40.0	40.0	
08N	42E	7	NWNE		40.0	40.0	
08N	42E	7	NENW		40.0	40.0	
08N	42E	7	NWNW	1	27.0	27.0	
08N	42E	7	SWNW	2	30.0	30.0	
08N	42E	7	NWSW	3	30.0		30.0
08N	42E	7	SWSW	4	30.0		30.0
					480.0	420.0	60.0

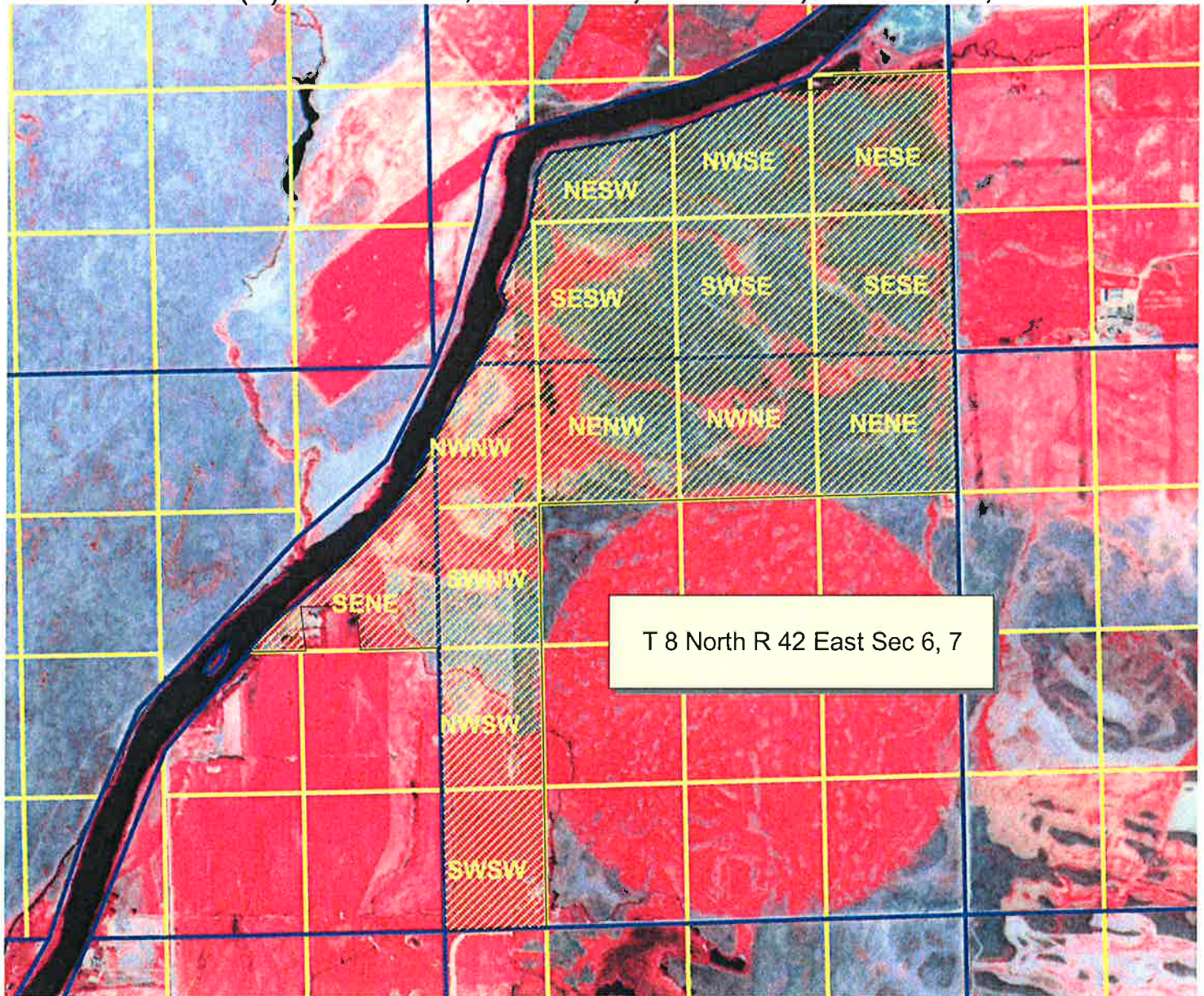
Water Right To Be Corrected		CFS	Acres	CFS per ACRE	
	21-115A	0.30	480.0		0.0006
Corrected Water Rights					
	21-115A	0.30	420.0		0.0006
Combined Totals		0.30	420.0		
New Recommendation					
	21-115A	0.30	420.0		



State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-114C, 21-115A, 21-115B, 21-12985, 21-12991



3000 0 3000 6000 Feet

SCANNED
JUN 15 2006

PROFILED

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Nov. 2005

- Place of Use
- Sections
- Quarter Quarter
- Points Of Diversion

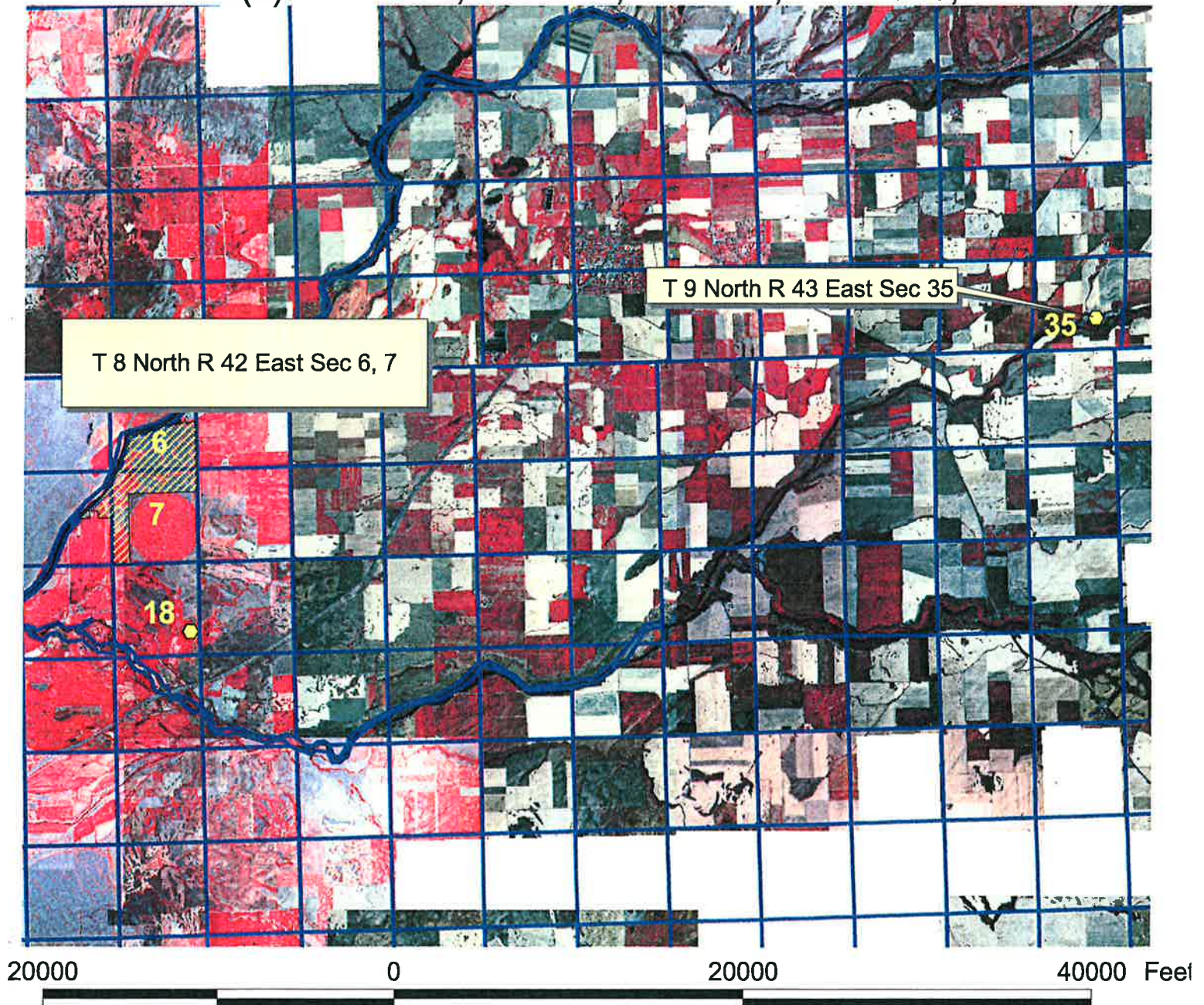




State of Idaho
Department of Water Resources
Eastern Region



Claim No.(s): 21-114C, 21-115A, 21-115B, 21-12985, 21-12991



Place of Use
Sections
Points Of Diversion

GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by T. Galbraith
Date: Nov. 2005



AUG 16 2001

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: A21-00115A
Date Received: 3/09/1989
Receipt No: 6006159
Received By: zv

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ROBERT E. FUCHS 208-745-6268
Address: 3857 E. 500 N.
RIGBY, ID 83442
OR
Name: DONNA T. FUCHS 208-745-6268
Address: 3857 E. 500 N.
RIGBY, ID 83442

A2100115A



2. Date of Priority: JUN 01, 1894

3. Source: FALLS RIVER Trib. to: HENRYS FORK, SNAKE

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
09N	43E	35	NW	NE	SE		FREMONT

5. Description of diverting works:
HEADWORKS OF FARMERS OWN CANAL. CONCRETE DIVERSION STRUCTURE

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	0.300		

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

8. Total consumptive use is 1032.5 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
08N	42E	6	NE		SW	9	IRR	22.0
			SW		SW	8	IRR	13.0
			SE		SW		IRR	40.0
			NE		SE		IRR	38.0
			NW		SE	14	IRR	33.0
			SW		SE		IRR	40.0
			SE		SE		IRR	40.0
Section Acres								226.0
		7	NE		NE		IRR	40.0
			NW		NE		IRR	40.0
			NE		NW		IRR	40.0
			NW		NW	1	IRR	27.0
			SW		NW	2	IRR	40.0
Section Acres								187.0
Total Acres								413.0

11. Place of use in counties: FREMONT

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

13. Other Water Rights Used:
21-0114.

14. Remarks:
TRANS. 204 & TRANS. 242.
SPLIT INTO 21-0115A & 21-0115B BY TRANS. 242.
DECREE SOURCE BLACK SPRING CREEK.
APPEARS ORIGINAL TRANSFERS TRANSPOSED LAND LISTS FOR A & B
PORTIONS OF RIGHT. THIS RECORDS ACTUAL USE OF WATER ON THIS
PROPERTY. CLAIMANT HAS CARRYING AGREEMENT WITH FARMER OWN
CANAL CO.

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

REXBURG IRR. CO.
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 ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Individuals:

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

Signature of Claimant(s): Robert E. French Date: 16 March 1989

Date: _____

State of Idaho)

County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 16 day
of March 19 89

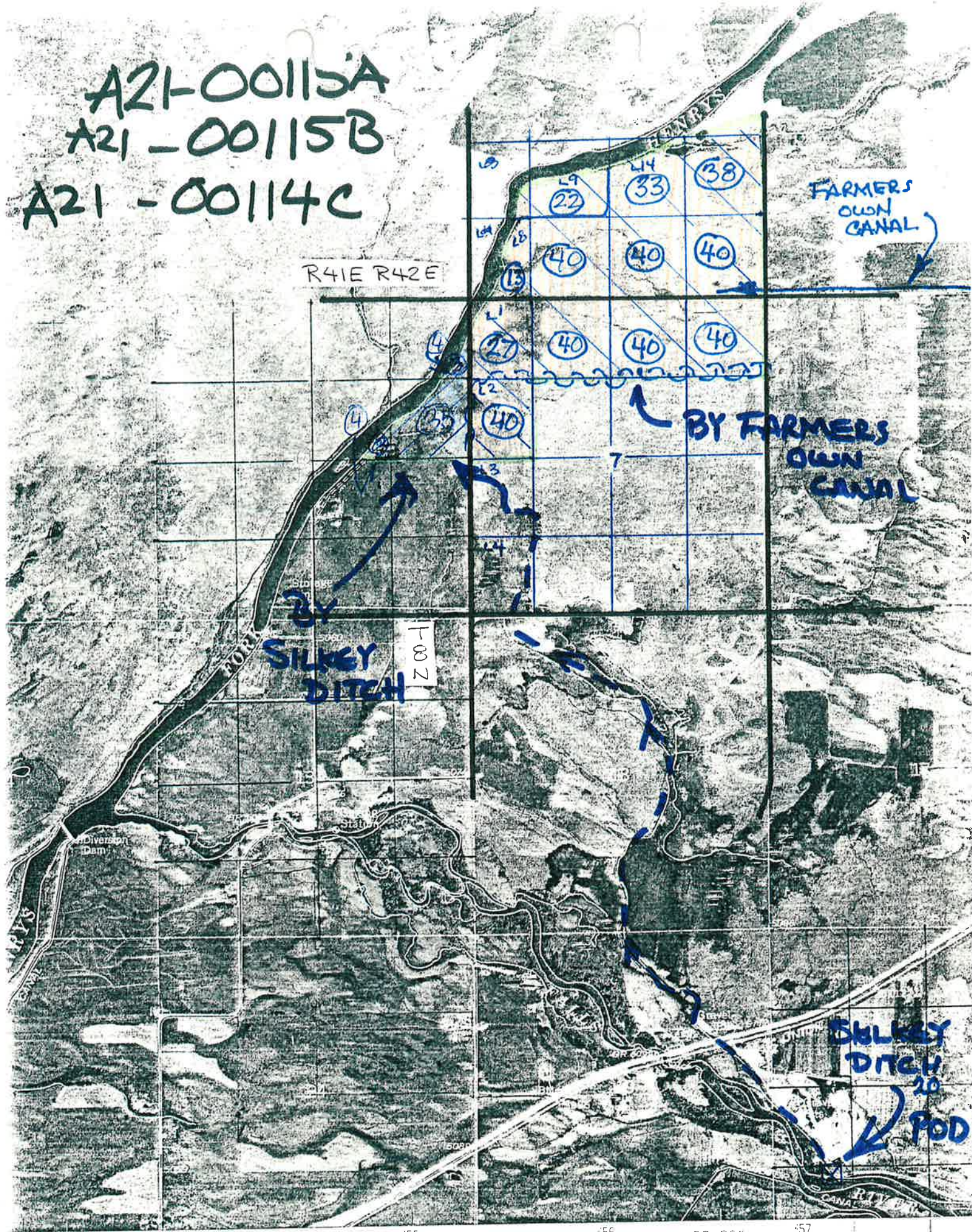
[Signature]
Notary Public

Seal

Residing at Idaho Falls, Id

My Commission Expires 22 Aug 1994

A21-00115A
A21-00115B
A21-00114C



R41E R42E

FARMERS
OWN
CANAL

BY FARMERS
OWN
CANAL

SILKEY
DITCH

1-002

SILKEY
DITCH
20

POD

53 35'

54

55

56

32 30"

57

SCALE 1:24 000

1 MILE MICROFILMED