

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

RIGHT NUMBER: 21-114C

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: 3.500 CFS 0.00 AFY

The rights listed below are limited to a total combined diversion rate of 3.5 cfs. Combined Right Nos. :21-114C, 21-12985.

~~The rights listed below are limited to a total combined diversion rate of 3.5 cfs. Combined Right Nos. :21-114C, 21-115A, 21-12991.~~

PRIORITY DATE: 06/01/1890

POINT OF DIVERSION: T09N R43E S35 NWNESE Within FREMONT County
~~T09N R43E S35 SENWSE Within FREMONT County~~

PURPOSE AND PERIOD OF USE:	Purpose of use	Period of use:	Quantity:
	IRRIGATION	04/01 10/31	3.500 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~~

OK 9/3/08

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~~

This right is limited to the irrigation of 57 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

Right No. 21-12985 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

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

Water is delivered through North Fremont Canal System (Farmers Own Canal).

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

Water Right Analysis

Water Right Number: 21-114C

Total Diversion Rate: 0.90

Total Acres 480.0

Twp	Rng	Sec	QQ	Lot	Water Right	Correct	RLF LLC PROPERTY
					Objection	W.R.	
					21-114C	21-114C	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		
08N	42E	7	SWSW	4	30.0		30.0
							30.0
					480.0	420.0	60.0

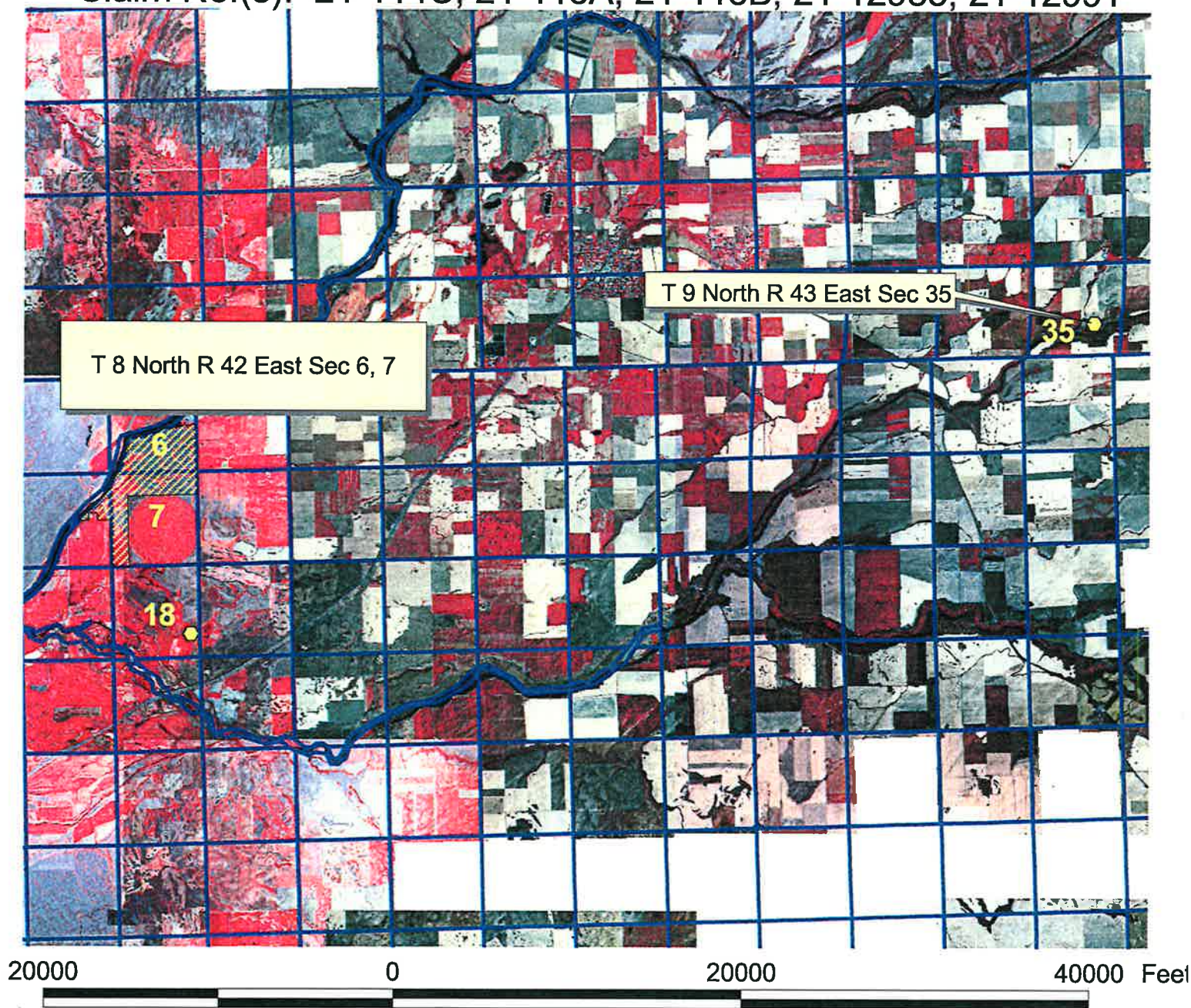
Water Right To Be Corrected		CFS	Acres		
21-114C		0.90	480.0		CFS per ACRE
Corrected Water Rights					0.0019
21-114C		0.90	420.0		
Combined Total		0.90	420.0		0.0019
New Recommendation					
21-114C		0.90	420.0		



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

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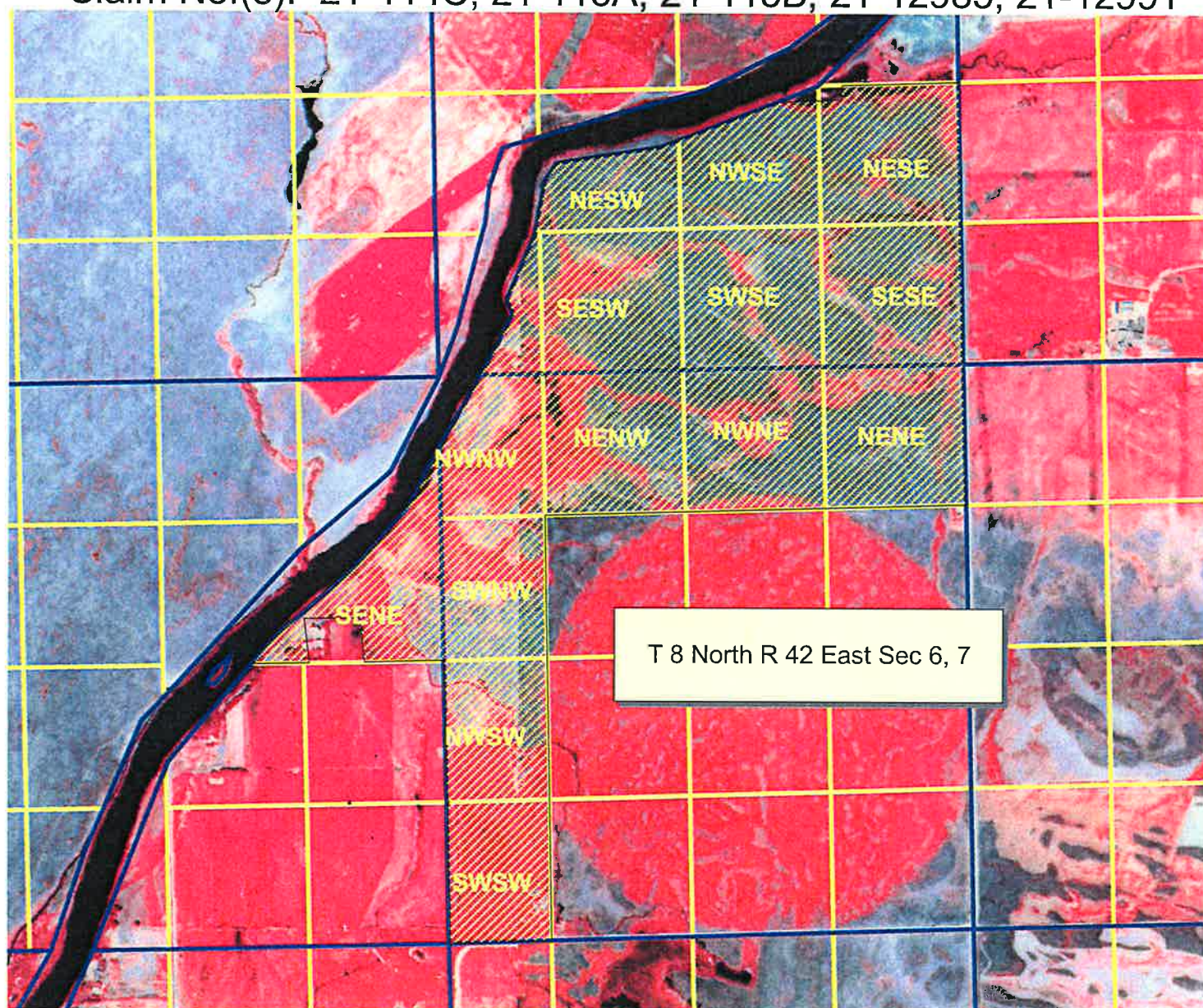




State of Idaho
Department of Water Resources
Eastern Region



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



3000 0 3000 6000 Feet

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

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JUN 15 2006

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



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: 21-114C

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

DONNA T 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 lands irrigated by this water right within Fremont County.

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: *10/12/05* 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 21-12985 to address place of use.

PROFILED

**SCANNED
OCT 20 2005**

*KMJ
10/18*



Idaho Department of Water Resources

MEMORANDUM

Date: July 23, 2008, August 27, 2008
Water Right: 21-00114C- Fuchs
Subject: 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).

I was asked to remove the 60 acres and resubmit SF5's for their approval. Becky asked if the cfs would be reduced along with the acres. At the time, I said I was unsure because I had previously worked on a WR that the cfs remained the same. After researching the history and talking to Michael Holliday, it was determined that the cfs would be reduced. After discussing this with Ernie, there will be no reduction of cfs. (8/27/08)

From my research:

21-114 Decreed at 5.5 cfs	149.85 acres	0.0367 cfs/acre
RLF 13013	.04 cfs	~~48~~ 0.40
<i>recommended as 21-10557</i> Nedrow 114B	1.6 cfs	
Fuchs 114C	3.5 cfs	~~57~~
Total	5.5 cfs	

For 21-114C, the acres will be reduce from 480 to 420 (60 acres) when lots 3 & 4 are removed from their recommendation.

For WR #'s 21-115A, 21-115B, 21-12991 and 21-12985, the 60 acres will be removed from the POU.

E56- Needed to change to reflect reduction of acreage.

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

Changed the POD to what was claimed and actual location.

At this time, I feel fairly confident that these changes can be processed in a timely manner. If new requests or information is obtained from the Fuchs attorney, the process could be delayed.

From the desk of Denise Kidman

Kidman, Denise

From: Ridgeway, Renea
Sent: Monday, June 02, 2008 2:08 PM
To: Kidman, Denise
Cc: Spencer, Nick
Subject: FW: Fuchs/Nedrow Dispute and 21-41G et al

Hi Denise,

Below is Scott Smith's response regarding his client's SF5s. Is there anything we can do here to work this out? Please advise. Thanks!

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
 Paralegal
 Office of the Attorney General
 Natural Resources Division
 Idaho Department of Water Resources
 (208) 287-4814 office
 (208) 287-6700 fax

From: Scott Smith [mailto:sjs@racinelaw.net]
Sent: Monday, June 02, 2008 11:32 AM
To: Ridgeway, Renea
Subject: RE: Fuchs/Nedrow Dispute and 21-41G et al

Renea,

Thanks for your prompt reply. The Fuchs have five water rights: 21-114C, 21-12985, 21-115A, 21-12991, and 21-115B. The inconsistencies arise in the "Conditions of Approval" found in a couple of these water rights. Water rights 21-114C and 21-12985 state in comment #4: "The rights listed below are limited to a total combined diversion rate of 3.5 cfs. Combined Right Nos.: 21-114C, 21-115A, 21-12991." The inconsistency lies in the fact that this cfs-combination language is not found in any of the other water rights. The reason that it is not contained in the other water rights is because the other water rights should not be part of this cfs-combination. The other water rights are only part of the acreage-combination which is noted in those water rights. Therefore, comment #4 in 21-114C and 21-12985 should only state: "The rights listed below are limited to a total combined diversion rate of 3.5 cfs. Combined Right Nos.: 21-114C and 21-12985."

If we can get that fixed, I believe that the Fuchs would be ready to sign SF-5's for 21-114C, 21-115A, 21-12991, and 21-115B.

The only thing preventing them from signing an SF-5 for 21-12985 after the combination language is fixed is their concern that the priority date is incorrect. They believe that they were given incorrect advice by IDWR when filing their claim and were pressured by IDWR into asking for a 1949 priority date in their claim. They believe it should be the same priority date given to 21-114C which is 1890. The Fuchs are now considering their options with regard to 21-12985.

Nevertheless, if we can get the comments corrected as mentioned above, we should be able to get SF-5's in on

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the other water rights. If you have any questions or need any additional information, don't hesitate to call or email.

-Scott

Contact Information:

Scott J Smith
 RACINE OLSON NYE BUDGE
 & BAILEY, CHARTERED
 P.O. Box 1391
 201 E. Center St.
 Pocatello, Idaho 83201
 Tel: 208-232-6101
 Fax: 208-232-6109
 sjs@racinelaw.net

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From: Ridgeway, Renea [mailto:Renea.Ridgeway@idwr.idaho.gov]
Sent: Thursday, May 22, 2008 7:42 AM
To: Scott Smith
Subject: FW: Fuchs/Nedrow Dispute and 21-41G et al

Hi Scott,

I'm just following up on the hearing that was held yesterday morning for the above referenced cases. You stated that there were five water rights that were still at issue because of the inconsistency of the language included in the recommendations. If you could let me know what those inconsistencies are and which direction you are headed as far as the language that is desired, I can give that information to our water agent, Denise Kidman in the Eastern office, for her review to see if we can get things worked out. If she sees no problem with the language, etc. and can get the proper recommendations drafted, I would be more than happy to draft the SF5s necessary and get them to you for your client's signature.

Let me know if you have any questions. Thanks!

Renea

Life's a journey. Roll down the window and enjoy the breeze!

Renea Ridgeway
 Paralegal
 Office of the Attorney General
 Natural Resources Division
 Idaho Department of Water Resources
 (208) 287-4814 office
 (208) 287-6700 fax

21-114

114A	2.8	← 114C
114B	1.2	← 114D
114C	3.5	
114D	2.8	Disallowed Recom @ 114C

6/2/2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Interim Director

March 23, 2007

Ray Rigby
25 North Second East
Rexburg, ID 83440

Re: Donna T. Fuchs – Water Right 21-13043 and 21-114C

Dear Ray,

After our meeting with Bill Fuchs on March 22, 2007, I have once again reviewed the documents I have in my possession. I would like to portray my thoughts on the subject. I would first like to talk about water right 21-114 and 21-102. Water right 21-114 was decreed to Z. Sundberg for 275 inches (5.5 CFS) to the following lands:

"Lots 1, 2, 3, and 4 in Sec. 7, T. 8 N. R.,
42 B.M. containing 149.85"

Water right 21-102 was decreed to J. R. Silkey for 400 inches (8 CFS) to the following lands:

"S ½ of SE ¼, NE ¼ OF SE ¼, AND Lot 2
of Sec. 12, T. 8 N., R. 41 E. B. M. containing
152.35 acres"

Attachment 1 is an excerpt from the Rexburg Decree describing lands decreed to Z. Sundburg and Attachment 2 is an excerpt for the Rexburg Decree describing lands decreed to J. R. Silkey. Attachment 3 is a map of the land decreed to 21-114 and Attachment 4 is a map of land decreed to 21-102.

21-114 (Z. Sundberg)

On October 7, 1903 Samuel Cantwell sold Lots 1, 2, 3, and 4 of Sec. 7 T. 8 N. R. 42 E. and lot 1 Sec 12 T. 8 N. R. 41 E. to Zach Sundberg. Sundberg was decreed 5.5 CFS of water for all that land except that in section 12. Sundberg then on September 9, 1910 sold that same land to Joseph Seeley. Since the water was not withheld in the deed it was transferred to Seeley when he purchased the land. Seeley sold that land to Edgar Barney on October 18, 1927 except about 4 acres on lot 3 section 12 which was sold to J.R. Silkey. Again that water was not withheld. So at this point Edgar Barney owns about 11

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acres of lot 3 section 12 and all of lots 1, 2, 3, and 4 of section 7 and water in the amount of 5.5 CFS decreed to Z. Sundberg in the Rexburg Decree.

On April 10, 1947 Edgar Barney sold Lots 3 and 4 of section 7 with 2 CFS of Sundberg water to Earl Barney. Now Earl has 2 CFS and Edgar has 3.5 CFS of the Sundberg right (21-114) for total of 5.5 CFS as decreed.

On April 14, 1950 transfer # 204 was approved by Edgar Barney to move 4 CFS of Sundberg water to the Farmers Own Canal because there was too much upkeep on the ditch he was using. Earl Barney must have used the same ditch at the time and so also had to maintain it. I believe that Edgar and Earl agreed to the transfer together but the transfer only listed Edgar Barney maybe because the Department of Reclamation still had the full right in the name of Edgar so it was just easier for Edgar to file the transfer rather than going through the change of ownership process.

On April 20, 1956 Lillie Barney Edgar's widow sold lots 1 and 2 of section 7 to W.S. Tanner along with her share of the Sundberg water taking into account Earl was sold 2 CFS when he bought lots 3 and 4. At this point W.S. Tanner has 3.5 CFS on lots 1 and 2 and Earl Barney has 2 CFS on Lots 3 and 4. Earl Barney then sells his portion of the Sundberg water right (2 CFS) as well as lots 3 and 4 to George Nedrow. W.S. Tanner still has his 3.5 and now George Nedrow has the rest of the Sundberg water right, 2 CFS.

On August 20, 1958 George Nedrow was approved transfer # 911 to move 1.2 CFS off of lots 3 and 4 of T. 8 N. R. 42 E. Section 7 to the following: X

“parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, West 13 rods of Lot 2, and S $\frac{1}{2}$ SW $\frac{1}{4}$ section 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, all in Township 9 North, Range 42 East, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 8 North, Range 42 East, B.M.”

In Mr. Nedrow's application he states he is leaving 40 inches (.8 CFS) in the Silkey Ditch. After this transfer W.S. Tanner still has 3.5 CFS of the Sundberg right (21-114), and Nedrow has 1.2 CFS in Henry's Fork used on the above stated lands and .8 CFS still in Silkey Ditch and still on lots 3 and 4. This is a total of 5.5 CFS as decreed.

On September 22, 1959 George Nedrow was approved transfer # 933 and moved another 20 inches (.4 CFS) to the same lands as did transfer # 911. Mr. Nedrow states in his application that he is leaving 20 inches (.4 CFS) on lots 3 and 4 coming from the Silkey Ditch and now 1.6 CFS coming directly from the Henry's Fork.

After transfer # 933 W.S. Tanner has 3.5 CFS on lots 1 and 2 of Township 8 North Range 42 East Section 7, and George Nedrow has 1.6 CFS coming from Henry's Fork and put upon the lands stated in transfer # 911. Mr. Nedrow also has .4 CFS left on Lots 3 and 4 Township 8 North Range 42 East Section 7 and coming from the Silkey Ditch.

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The Water District 01 accounting book for 1976 (**Attachment 5**) shows that in the Farmers Own Canal there is 2.8 CFS of water right 21-114(Sundberg) delivered to W.S.Tanner. In Transfers # 911 and # 933 Mr. Nedrow states in his application that the water being transferred is coming from the Silkey Ditch, and not the Farmers Own Canal. From the information in these transfers and applications it appears that transfer # 204 occurred but that Mr. Nedrow wrote the wrong source on his application when filing transfer # 911. Mr. Nedrow owned water in the Farmers Own Canal and the Silkey Ditch. It is my opinion that transfer # 911 transferred 1.2 CFS from the Farmers Own Canal and transfer # 933 transferred .4 CFS from the Silkey Ditch. That would leave the 2.8 in the Farmers Own Canal as shown in the accounting book.

Lots 3 and 4 of section 7 now have .4 CFS of the water originally decreed to Z. Sundberg (21-114). That land is now owned by RLF LLC.

Recommendations for 21-114 (Z. Sundberg)

21-114C	3.5 CFS	Donna Fuchs
21-10557	1.2 CFS	George Nedrow
21-13013	0.4 CFS	RLF LLC
Un-Reccomended	0.4 CFS	George Nedrow

Total 5.5 CFS

21-102 (J. R. Silkey)

Water right 21-102 was decreed to J. R. Silkey for 400 inches (8 CFS) to the following lands:

“S $\frac{1}{2}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ OF SE $\frac{1}{4}$, AND Lot 2
of Sec. 12, T. 8 N., R. 41 E. B. M. containing
152.35 acres” **Attachment 2.**

On September 22, 1961 George Nedrow was approved transfer # 967. This transfer moved 30 inches (.6 CFS) of water off of the SE $\frac{1}{4}$ and moving it out of the Silkey Ditch to a diversion directly on the Henry's Fork to irrigate the following lands:

“S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, of Section 20;
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 19; SW $\frac{1}{4}$ NW $\frac{1}{4}$,
N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$, SE $\frac{1}{4}$, Lot 4, in Section 21;
N $\frac{1}{2}$ NE $\frac{1}{4}$, of Section 28; W $\frac{1}{2}$ N $\frac{1}{2}$ Section 29;
All in Township 9 North, Range 42 E. B. M.”

After transfer # 967 there is 7.4 CFS left on the SE $\frac{1}{4}$ of Section 12, and .6 CFS is owned by George Nedrow and transferred to the above listed land.

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On November 29, 1961 John McCulloch was approved transfer # 973. This transfer moved 1 CFS off of the SE ¼ of Section 12 and moved it to the following lands:

“W ½ E ½ NE ¼, W ½ NE ¼, W1/2 of Lot 1;
NE ¼ NW ¼, of Section 32 Township 9
North, Range 42 E. B. M.”

After Transfer # 973 George Nedrow has .6 CFS and John McCulloch has 1 CFS. That leaves 6.4 CFS on the decreed land (SE ¼ of Section 12, Township 8 North Range 41 East).

Larry Simmons now owns the land decreed to J. R. Silkey. Simmons bought the land from John Seely who sold him an acreage-based portion of the J.R. Silkey right (21-102). His portion based on the amount of acres he bought is 5.8 CFS.

Recommendations for 21-102 (J. R. Silkey)

21-102D	1.0 CFS	John McCulloch
21-10557	0.6 CFS	George Nedrow
21-12865	5.8 CFS	Larry Simmons
21-12864	0.6 CFS	John Seely

Total 8.0 CFS

Conclusions for 21-114 and 21-102

Based on the information in my possession, it is my opinion that the rights as they are recommended are correct (see the above recommendation breakdown), but if Mrs. Fuchs can get a written statement from George Nedrow stating he is not entitled to the “un-recommended” portion of 21-114 (Sundberg) then I will recommend that additional 0.4 CFS for 21-114C. This would bring his total up to 3.9 CFS as claimed under 21-114C.

McBee Water

I would now like to address the late claim filed by Donna Fuchs (21-13043) for water referred to as “McBee Water”. In the Silkey Ditch accounting book, it is stated that there is 28.2 CFS and that the Fuchs Ranch has a total of 5.6 of that water. We have no other information to support there is any other personal water delivered to this ranch.

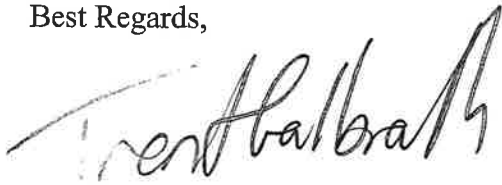
If one was to research who owned the land described in the water location notice filed by S. R. McBee and David Feighner, it is my opinion that you would find that the people that owned the land at the time of the Rexburg Decree were included in the Rexburg Decree and therefore the water would be decreed under their name not McBee. However I have no evidence of this. The only thing I do know is we have no record of this right and if it was not superceded by the Rexburg Decree it seems to be forfeited do to non-use and therefore will be disallowed.

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Though these are my conclusions I would be glad to look at any addition documentation you might have. My decision is not set in stone however this will be my recommendation barring any evidence that may change my mind. I look forward to working with you to resolve this issue.

Best Regards,



Trent Galbraith
Water Agent
Idaho Department of Water Resources
900 N. Skyline Rd. Ste A,
Idaho Falls ID 83402
(208)525-7161

Enclosed: Attachments 1-5

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Stumbaugh, John

4 N., R., 40 E., B. M., containing 160 acres
The SE $\frac{1}{4}$, the NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of
Sec. 13, and E $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 24, T. 15, N. R., 42 E.,
B. M., containing 520 acres.

Sullivan, Thomas F.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 4, T. 2 N., R., 38 E.,
B. M., and NE $\frac{1}{4}$ of Sec. 4, T. 2 N., R.,
38 E., B. M., containing 240 acres.

Sullivan, Thomas F.
and Mary A.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 7, and NW $\frac{1}{4}$, and the W $\frac{1}{2}$
of NE $\frac{1}{4}$ of Sec. 18, T. 14, N. R., 44
E. B. M., containing 320 acres, and the
E $\frac{1}{2}$ of Sec. 13, T. 14, N. R., 43 E., B.
M., containing 320 acres.

Summers, S. J.

Part of NW $\frac{1}{4}$ of Sec. 30, T. 4 N., R., 40
E. B. M., containing 148.39 acres.
Also, 6-1/3 acres in SW $\frac{1}{4}$ of Sec. 19, T.
4 N., R., 40 E. B. M.,

Summers, William

NE $\frac{1}{4}$ of Sec. 25, T. 4 N., R., 38 E., B. M.,
containing 160 acres.

Sundberg, Z.

Lots 1, 2, 3 and 4 in Sec. 7, T. 8 N. R., 42
B. M., containing 149.85 acres.

The Sunny Dell Irrigation Canal Company.

(1) Beckstrom, Niels

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 7, T. 4 N., R., 40 E., B.
M., containing 80 acres.

(2) Carlson, Frans E.

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T.
4 N. R., 40 E. B. M., containing 120 acres.

(3) Christensen,
Niels

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, T. 4 N., R. 40
E., B. M., containing 20 acres.

(4) Christensen
Niels C.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 8, T. 4 N. R., 40 E., B. M.

containing 60 acres.

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Sheser, William

SE $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of SEC. 23,
and SW $\frac{1}{4}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of
Sec. 24, T. 6 N., R., 44 E.B.M.,
Lot 3, and SE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 4, T. 3 N.,
R. 45 E., B. M.

Shirts, William

Shurtliff, William

E $\frac{1}{2}$ of SW $\frac{1}{4}$ and Lots 1 and 2 of Sec. 31, t
2 N. R., 44 E., B. M., Also, Lot 4 of
Sec. 5, and Lots 1, 2 and 3 of Sec.
6, T. 1 N. R., 44 E., B. M.,
containing 156 acres.

Siddoway, James,
and James
Briggs

(Sec Briggs, James. and James Siddoway.)

Siddoway-Briggs
& Co.,

(a partnership composed of James Siddoway
and James Briggs. (See Briggs, James. and
James Siddoway.)

Siddoway
Irrigation &
Manufacturing
Company.

Lands of stockholders of said company, the
description of said lands and the
names of said stockholders not being
given in the pleadings of said company.

Silkey, J. R.

S $\frac{1}{2}$ of SE $\frac{1}{4}$, NE $\frac{1}{4}$ of SE $\frac{1}{4}$, and Lot 2 of Sec.
12, T. 8 N., R., 41 E. B. M.,
containing 152.25 acres.

Simmons, A. H.

NE $\frac{1}{4}$ of Sec. 26, T. 13, N. R., 43 E. B.
M., containing 160 acres.

Simmons,
Charles C.

SE $\frac{1}{4}$ of Sec. 26, T. 13, N., R. 43 E. B.
M., containing 160 acres.

Simmons, Inez
and A. H.

N $\frac{1}{2}$ of NE $\frac{1}{4}$, and N $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 35, T
13 N., R., 43 E., B. M., containing
160 acres.

Simmons, John

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and S $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 25, T.
6 N., R., 45 E., B. M., containing
160 acres.



**Land Decreed to Z.
Sundberg in the
Rexburg Decree**

T 8 North R 41 East
Section 12

T 8 North R 42 East
Section 7

1000 0 1000 2000 3000 Feet



Naip Photography 2004
Created By Trent Galbraith
3-23-2007

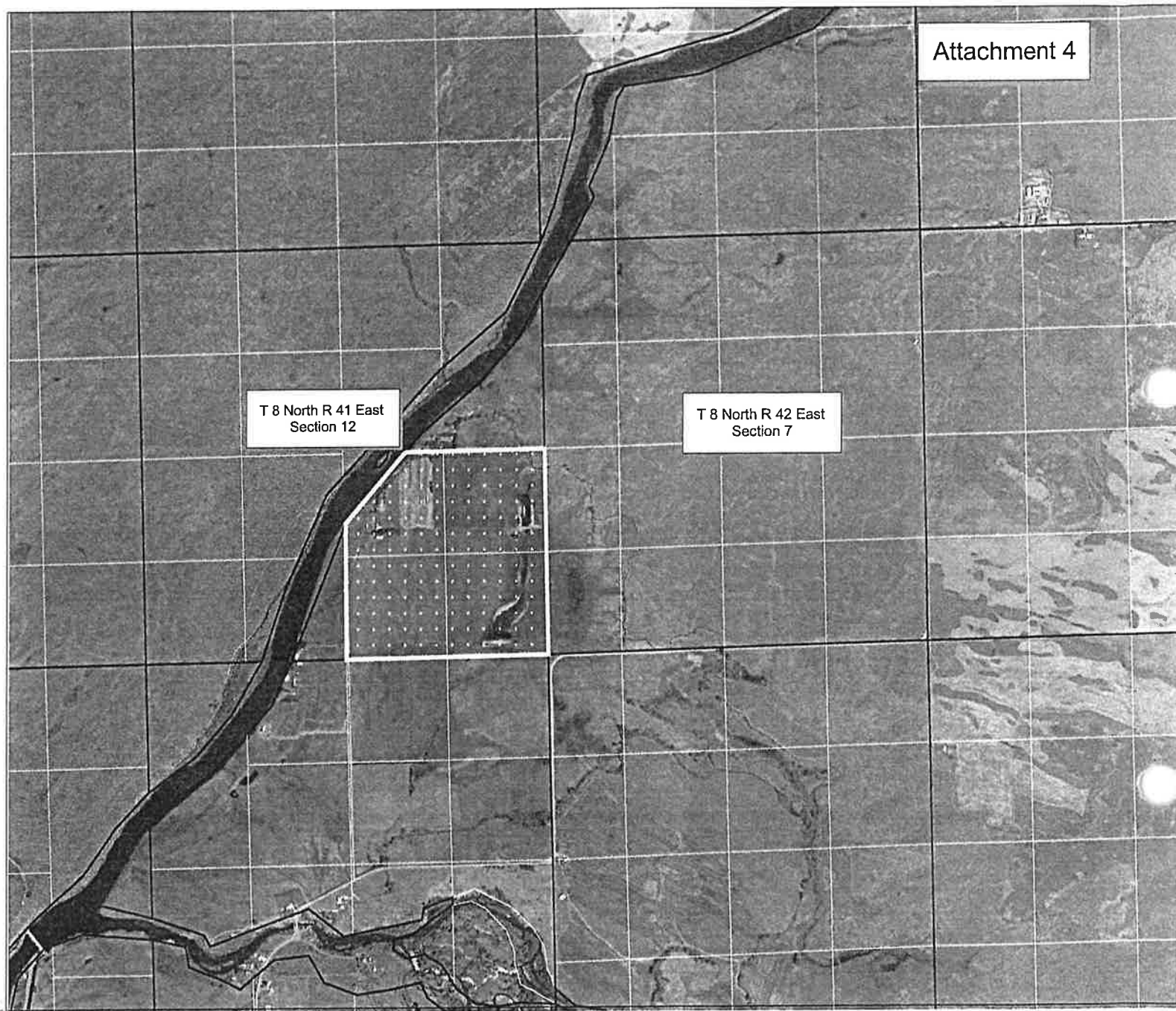
SCANNED
NOV 29 2007



**Land Decreed to
J. R. Silkey in the
Rexburg Decree**

SCANNED
NOV 23 2007

Naip Photography 2004
Created By Trent Galbraith
3-23-2007



Attachment 4

1000 0 1000 2000 3000 Feet



PRINCIPAL WATER RIGHTS HENRYS FORK AND FALLS RIVER

(Listed in downstream order)

Party or Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
<u>DIVERSIONS FROM FALLS RIVER</u>			
21-0012 <u>Yellowstone</u> (TR from Marysville)	Nov. 5, 1895	25.0	25.0
21-0140	May 1, 1906	100	125.00
<u>Harrigfeld</u>	21-0057 Aug. 4, 1900	60	60
21-0058	May 1, 1906	80	140
<u>Marysville</u> (Orig. decree less			
21-0017 TR to Yellowstone)	Nov. 5, 1895	305	*305 (260)
(Less 8.0 cfs to be pumped from Falls Ri. by Potter & Martindale re TR's			
<u>Farmers Own</u>			
21-0114/1933 W.S. Tanner et al (CPD 240, TR 911, 933)	June 1, 1890	2.8	* 2.8(47.8)
(Sundberg)			
21-0014 Lynn Loosli (L. J. Maurer)	June 1, 1892	0.5	
(Black Springs)			
21-0038 Lynn Loosli (A. P. Crabb)	June 1, 1892	1.40	4.7
(Black Springs)			
21-0015 Lynn Loosli (L. J. Maurer)	June 1, 1894	3.00	
(Black Springs)			
21-0115/1924 W.S. Tanner et al (Sundberg) (Black	June 1, 1894	0.3	* 8.0(53.0)
Springs CPD 204, 242)			
21-0048 Farmers Own	April 1, 1896	34.0	*42.0(87.0)
21-0049 Farmers Own	May 1, 1904	12.00	54.0
21-0050 Farmers Own	May 1, 1905	40.00	94.0
01-0338 Farmers Own	April 1, 1939	12.00	106.00
*Marysville has authorized temporary transfer of 45 sec.-ft. to Farmers Own			
61-0073 until further notice.			
21-0019/1941 <u>Almy</u> (Earl Potter)	Sept 24, 1900	3.00	3.00
<u>Enterprise Irrigation District</u>			
(Supp)	21-2000 June 12, 1903	140.2	140.2
	01-0267 Jan. 22, 1916	30.0	170.2
	01-0335 April 1, 1939	29.0	199.2
<u>Bell Pump</u>	Sept 26, 1889	5.2	5.2
21-0022	01-0342 April 1, 1939	6	11.2
<u>Fall River</u> (360 cfs after July 1)	June 1, 1889	460.0	460.0
21-0046		(until July 1)	
21-0047	01-0336 Apr. 1, 1939	32.0	492.0

Diversion from Falls River continued next page -

Claim no. 21-00114C

Claimant Contact Log

Date	Remarks	Agent initials
------	---------	----------------

12-27-04 MET W/ BILL FUCHS AT HIS HOME SHM

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2007

Water Right No(s). 21-00114C

P.O.D - FARMERS OWN CANAL HEADGATE

GPS -
Photos .

GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: _____ Trib to: _____

MOTOR

Make: _____ Model: _____ Hp: _____

SN: _____

PUMP

Make: _____ Model: _____ Disch: _____

SN: _____

NOTES:

Field Exam Date: _____ Agent: _____

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Place Of Use Data Entry Form

Claim Number: 21-00114C

Claimed Place Of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						
SW	42E	6	NE SW		Fremont	9		IRR
			SW SW			8		
			SE SW					
			NE SE					
			NW SE			14		
			SW SE					
			SE SE					
		7	NE NE					
			NW NE					
			NE NW			1		
			NW NW					
			SW NW			2		

Total acres _____

Recommended Place of Use			QQ	Q	County	Lot Num	Acres	Purpose of Use
Twp	Rge	Sec						

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

P.O.U. VERIFIED BY INSPECTION

Reviewer: _____ Date: _____

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NOV 29 2007

Claim No. 21-114C

Document Checklist

☒ Copy License/Decree

Hexbury VT

☒ Copy Transfer

204, 911, 933

☐ Copy Licensing Field Exam

☐ Check if Ownership/Address Change is Required

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

☒ Generate Arcview Map

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Andrews, Heber, and Robert, the Farmers' Friend Canal Company.

Andrus, Robert, The Farmers' Friend Canal Company.

Ashmead, Charles, 100 inches, June 1, 1895, Teton Creek.

Asbury, G. C. (Disclaim any interest.)

Avery, Mrs. J. (See Talitha C. Avery.)

Avery, Talitha C., 160 inches, June 1, 1896, Trail Creek.

B.

Bagshaw, Ellen, 30 inches, Aug. 15, 1900, Pine Creek.

Baker & Dixon Ditch Company, 1,150 inches, Aug. 15, 1893, Palisade Creek.

Baker, Joseph D., 120 inches, June 1, 1903, Sheridan Creek.

Baker, Richard L., 100 inches, June 1, 1903, Sheridan Creek and Bishop Slough.

Ballantyne, Martha J. (See Z. Ballantyne.)

Ballantyne, Z., 160 inches, June 1, 1884, Spring Creek, near Menan.

Ballantyne, Z., 120 inches, Nov. 14, 1899, Spring Creek, near Menan.

Barnes, Charles W., The Farmers' Friend Canal Company.

Barnes, Thomas H., The Farmers' Friend Canal Company.

Barney, Walter, 160 inches, June 1, 1891, South Leigh Creek.

Barney, Walter W., 120 inches, June 1, 1896, South Leigh Creek.

Barrett, C. H., The Farmers' Friend Canal Company.

Barrett, E. C., The Farmers' Friend Canal Company.

Barrett, Nathan A., 160 inches, May 11, 1900, Driggs Springs and waters from swamp.

Barrus, John N., 160 inches, May 20, 1889, Palisade Creek.

Barrus, John N., 140 inches, June 30, 1890, Palisade Creek.

Barrus, R. N., Watson Slough Irrigation Company.

Bates, Thomas, 140 inches, May 3, 1889, Mahogany Creek.

Bean, Charles, 120 inches, June 1, 1895, Rainey Creek.

Beam, Frank, 40 inches, June 1, 1898, Rainey Creek.

Beam, Herbert L., 150 inches, June 1, 1891, Rainey Creek.

Beam, Matilda E., 80 inches, Sept. 19, 1897, Rainey Creek.

Beam, Nellie M., 80 inches, June 1, 1893, Rainey Creek.

Beard, James T., 200 inches, Apr. 1, 1896, Teton River.

Beasley, Joseph, 70 inches, June 1, 1899, Teton River. Also springs on ranch.

Beckstrand, Charley, Enterprise Canal Company.

Beckstrom, Niels, The Sunnyside Irrigation Company.

Beczley, Ebenezer, and J., 80 inches, June 1, 1889, Fox Creek.

Beczley, Ebenezer, and J., 80 inches, June 1, 1890, Fox Creek.

Bell, Joseph, 260 inches, Sept. 26, 1889, Fall River.

Belnap, A. W., North Salem Agricultural & Milling Canal Company.

Bernard, Alfred Joseph, 160 inches, Apr. 15, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, June 20, 1889, Rainey Creek.

Bernard, Alfred Joseph, 80 inches, Apr. 9, 1889, Rainey Creek.

Bernston, Richard, 160 inches, June 1, 1899, Badger Creek.

Bess, O. C., The Farmers' Friend Canal Company.

Bettis, Alice, and Joseph, 80 inches, May 1, 1893, Trail Creek.

Bevan, Maria, 80 inches, Apr. 6, 1901, Swamp Creek.

Bigler, Jesse E., 320 inches, May 1, 1893, Moody Creek; to be reduced to 160 inches after June 20th in each year.

Bigler, Mark S., Good Luck Canal Company and Pioneer Ditch Company.

Birch, Mary H., Admx. Estate of Thomas Birch, deceased, Pioneer Ditch Company.

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

Birch, Mary H. (See Stewart, Samuel deceased, Mary H. Birch, Admx.)

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 444 inches, March 1,

1884, Pincock-Garner Ditch.

Bird, Martin L., F. W. Garner and Geo. A. Pincock, 800 inches, April 1,

1898, Pincock-Garner Ditch.

Bishop, J. B., 300 inches, May 10, 1889, Sheridan Creek.

Bishop, Jennie, 300 inches, May 10, 1889, Sheridan Creek.

Bishop, Mary M., 150 inches, May 10, 1889, Sheridan Creek.

Bishop, R. L., 150 inches, May 10, 1889, Sheridan Creek.

Bishop, T. J., 150 inches, May 10, 1889, Sheridan Creek.

Bithell, Alice. (Dismissed.)

Bithell, Heber, The Sunny Dell Irrigation Canal Company.

Bitton, W. S., 300 inches, June 1, 1890, Spring Creek, near Menan.

Black, Joseph A., 150 inches, June 1, 1898, South Leigh Creek.

Blackburn, Thomas, Trego Ditch Company.

Blackfoot Irrigation Company, 20,000 inches, July 10, 1889, Snake River.

Blair, Ed F., 160 inches, June 1, 1896, Trail Creek.

Blair, J. J., 120 inches, May 1, 1896, Spring Creek.

Blamires, Robert, and C. J. Burton, W. S. Burton and Thomas H. Phillips

640 inches, June 1, 1891, Badger Creek and springs on land of T. A

Phillips.

Blanchard, Alma, 120 inches, June 1, 1890, Fall River.

Blanchard, Alma, 120 inches, June 1, 1892, Fall River.

Blanchard, John, 40 inches, June 1, 1889, Warm Creek.

Blanchard, John, 120 inches, April 1, 1890, Trail Creek.

Blattner, Rudolph, 160 inches, June 1, 1894, Darby Creek.

Bond, Harry A., 320 inches, Sept. 15, 1898, Willow Creek.

Bond, Marry A., 320 inches, Aug. 23, 1899, Cottonwood Creek.

Bonner, Arthur. (See Charles H. Woodmansee.)

Boom Creek Canal Company, 5,000 inches, Sept. 15, 1901, Boom Creek.

Borrowman, John, 60 inches, June 1, 1887, Wood Creek and Springs.

Borrowman, John, 80 inches, June 1, 1899, Wood Creek and Springs.

Bowles, H. C., 140 inches, June 1, 1889, Spring Creek.

Bowles, Sarah, 100 inches, June 1, 1891, Spring Creek.

Bowles, William, 160 inches, June 1, 1897, Trail Creek.

Breeding, Thomas C., 90 inches, June 2, 1902, Rainey Creek.

Breckenridge, David, 260 inches, June 1, 1887, North Leigh Creek; al

Swamp Creek for a late right.

Brennan, D. J., and Evan Williams, 320 inches, Feb. 21, 1890, Snake Riv

(Smith & Maxwell Ditch).

Briggs, B. J., The Farmers' Friend Canal Company.

Brodhead, Jabus, Watson Slough Irrigation Company.

Brown, Albert W., and Edward, The Farmers' Friend Canal Compa

and Enterprise Canal Company.

Brown, Edward H., Enterprise Canal Company.

Brown, F. L., Enterprise Canal Company.

Brown, Hyrum, 120 inches, June 1, 1888, Fall River.

Brown, J. J., 240 inches, June 1, 1891, Fall River.

Bruce, Daniel C., 160 inches, June 1, 1898, Teton Creek.

Buck, James, The Farmers' Friend Canal Company.

Buck, John H., The Farmers' Friend Canal Company.

Burgess Ditch Company. (See C. J. Almy and Simington Nedrow.)

Burgess Canal & Irrigation Company, 500 inches, June 10, 1886, Sn

River, South Fork.

Burgess, Canal & Irrigation Company, 500 inches, June 10, 1887, Sn

River, South Fork.

Burgess Canal & Irrigation Company, 19,000 inches, June 10, 1888, Sn

River, South Fork.

Burgess Canal & Irrigation Company, 12,000 inches, June 10, 1890, Sn

River, South Fork.

Burgess Canal & Irrigation Company, 8,000 inches, June 1, 1895, Sn

River, South Fork.

Burkenshaw, Benjamin, The Farmers' Friend Canal Company.

Burkenshaw, Thomas, The Farmers' Friend Canal Company.

Burney, Peter, 40 inches, June 1, 1901, Palisade Creek.

Burtenshaw, William, Enterprise Canal Company.

Chims for 21-114 will
receive following amounts based
on the review of Tony O.

114 - .3 cbs

(B) sec 21-10557 - 1.2 cbs

C - 1.2

D - 2.8

Rm

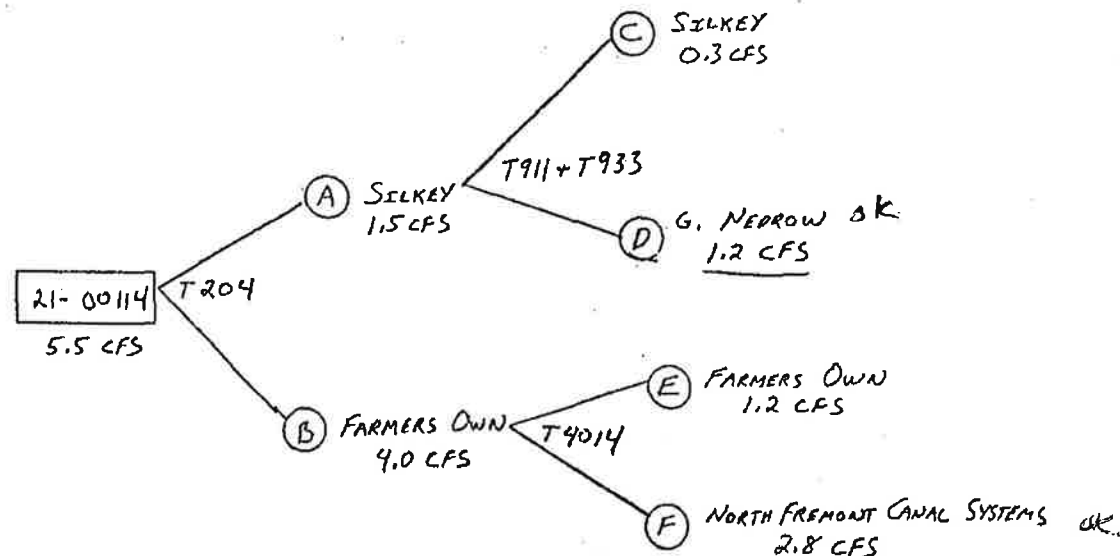
4/7/2005

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NOV 15 2007

7/11/95

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NOV 29 2007



ADJUDICATION FILES
WITH WATER RIGHT
21-00114
(INC. A21-10557)

YSIS OF SPLITS TO WATER RIGHT # 21-00114.

TRANSFERS #911 + #933 APPEAR TO BE FOR SAME 1.2 CFS.

GEORGE NEADOW CLAIMED 1.2 CFS IN SRBA (A21-10557)

ARLO DEE BLANCHARD CLAIMED 0.3 CFS THRU SILKEY IN SRBA (A21-00114)

NORTH FREMONT CANAL SYSTEM CLAIMED 2.8 CFS IN SRBA (A21-00114A)

ROBERT FUCHS CLAIMED 3.9 CFS THRU FARMERS OWN IN SRBA (A21-00114C)

IDWR CODING OF WATER RIGHT SPLITS IS DIFFERENT.

TRANSFER #4014 ONLY INCLUDED 2.8 CFS PROBABLY BECAUSE IT WAS ASSUMED THAT G. NEADOW OWNED 2.4 CFS,

T. OLENICHAK
WATER DISTRICT #1

Rexburg Decree 21-114

Z. Sunberg 275 in 6-1-1890

Decreed Land
8N 42E sec 7 Lots 1, 2, 3, 4

149.85 acres total

PROFILED

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JUN 15 2006

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NOV 23 2007

~~1-0755~~ 22-0538 ^{TRANS. #2063}

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

250 inches. June 1, 1884. Teton River.

#51

~~1-0755~~ 22-0539

Stewart, Thompson

50 inches. June 1, 1899. Badger Creek.

~~1-0755~~ 22-0540

Stones, Henry J.

160 inches. June 1, 1896. Fox Creek.

Storer, Sarah

The Farmers' Friend
Canal Company.

Streeper, C. A.

The Farmers' Friend
Canal Company.

~~1-0755~~ 1-177

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.)

~~1-0755~~ 1-178

Sullivan, Thomas
F. and Mary A.

640 inches. Nov. 25, 1902. North Fork of the
Snake River.

~~1-0755~~ 1-179

Summers, Stephen J.,
and William and
Soren Nelson

670 inches. June 10, 1885. South Fork of the
Snake River.

~~1-0755~~ 21-0114

Sundberg, Z.

275 inches. June 1, 1890. Fall River.

~~1-0755~~ 21-0115

Sundberg, Z.

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

~~1-0755~~ 1-180

Sunny Dell
Irrigation Canal
Company, The

1,000 inches. June 1, 1889. South Fork of the
Snake River.

~~1-0755~~ 22-0541

Swanner, Samuel

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

~~1-0755~~ 22-0542

Swanner, Samuel

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

~~1-0755~~ 21-0116

Swanstrom, Albert

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

~~1-0755~~ 23-0050

Swan Valley
Irrigation Com-
pany, Limited.

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

Swenson, L. P.

Trego Ditch Company

Sylvester, James.

(No right establishi

T.

Tanner, A. B.

(I. M. Fisher
substituted for.)

~~1-0755~~ 23-0051

Tanner, James W.

120 inches. May 1, 1902. Palisade Creek.

~~1-0755~~ 34-0962

Tanner, B., Jr.

25 inches. Sept. 1, 1895. Springs on land.
Also waste water
from S. W.
Gibbs, ranch.

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Stumbaugh, John

4 N., R., 40 E., B. M., containing 160 acres
The SE $\frac{1}{4}$, the NE $\frac{1}{4}$, and the E $\frac{1}{2}$ of SW $\frac{1}{4}$ of
Sec. 13, and E $\frac{1}{2}$ of NW $\frac{1}{4}$, and SW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 24, T. 15, N. R., 42 E.,
B. M., containing 520 acres.

Sullivan, Thomas F.

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 4, T. 2 N., R., 38 E.,
B. M., and NE $\frac{1}{4}$ of Sec. 4, T. 2 N., R.
38 E., B. M., containing 240 acres.

Sullivan, Thomas F.
and Mary A.

S $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 7, and NW $\frac{1}{4}$, and the W $\frac{1}{2}$
of NE $\frac{1}{4}$ of Sec. 18, T. 14, N. R., 44
E. B. M., containing 320 acres, and the
E $\frac{1}{2}$ of Sec. 13, T. 14, N. R., 43 E., B.
M., containing 320 acres.

Summers, S. J.

Part of NW $\frac{1}{4}$ of Sec. 30, T. 4 N., R., 40
E. B. M., containing 148.39 acres.
Also, 6-1/3 acres in SW $\frac{1}{4}$ of Sec. 19, T.
4 N., R., 40 E. B. M.,

Summers, William

NE $\frac{1}{4}$ of Sec. 25, T. 4 N., R., 39 E., B. M.,
containing 160 acres.

Sundberg, Z.

Lots 1, 2, 3 and 4 in Sec. 7, T. 8 N. R., 42
B. M., containing 149.85 acres.

The Sunny Dell Irrigation Canal Company.

① Beckstrom, Niels

N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 7, T. 4 N., R., 40 E., B.
M., containing 80 acres.

② Carlson, Frans E.

S $\frac{1}{2}$ of SE $\frac{1}{4}$, and SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 6, T.
4 N. R., 40 E. B. M., containing 120 acres.

③ Christensen,
Niels

W $\frac{1}{2}$ of NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, T. 4 N., R. 40
E., B. M., containing 20 acres.

④ Christensen
Niels C.

NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 8, and S $\frac{1}{2}$ of NW $\frac{1}{4}$ of
NW $\frac{1}{4}$ of Sec. 8, T. 4 N. R., 40 E., B. M.
containing 60 acres.

SCANNED
NOV 29 2007



IDWR DIRECTOR
KARL J. DREHER

RONALD CARLSON
WATERMASTER

(208) 525-7172
Fax (208) 525-7177

State of Idaho
Water District 1
900 N. Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

COMMITTEE OF NINE December 10, 2004

CHAIRMAN
Albert Lockwood
Eden

VICE CHAIRMAN
Larry Kerbs
St. Anthony

Leonard Beck
Burley

Charles Coiner
Hansen

Claude Storer
Idaho Falls

Paul Berggren
Blackfoot

Dale Rockwood
Idaho Falls

Don Hale
Blackfoot

Leland Clark
Ashton

Ray Rigby
Law Offices of Rigby, Thatcher, Andrus, Rigby, Moeller, Chartered
P.O. Box 250
25 North Second East
Rexburg, ID 83440

RE: Water Right #21-0114
Robert and Donna Fuchs and William Fuchs

Dear Ray,

I've reviewed the documentation you sent concerning Water Right #21-114 including the claim by the Fuchs that the computations made by the department and others leaves out 0.4 CFS of water that belongs to them. There is no doubt the department (IDWR) did not make clear how the water right had been split over time as it processed Transfers #204, #911, #933, and #4014. Several analyses have been made concerning what might have happened. The IDWR, water district, and adjudication claims, all differ as to how the original 5.5 cfs originally decreed to Z. Sunberg has been split.

Here is what's known and is of record:

- 5.5 cfs of 6/1/1890 priority from Fall River was decreed to Z. Sundberg in the Rexburg Decree, dated 12/16/1910, for Lots 1, 2, 3, and 4 in Sec. 7, T. 8 N, R. 42 E.B.M., containing 149.85 acres.
- Change of Point of Diversion #204, dated April 14, 1950, certified Edgar Barney as the owner of 4.0 cfs of the original Sundberg right and changed the point-of-diversion of 4.0 cfs from the Silkey Canal to the Farmers Own Canal. The Change of Point of Diversion does not describe the land owned by Edgar Barney, however, states "said change in point of diversion shall not modify in effect said decreed water right, or place of use." The amount of the original decreed right conveyed to these lands remaining in the Silkey Canal was 1.5 cfs after the change was implemented.

SCANNED
NOV 29 2007

- **Transfer #911**, dated August 10, 1958, certified George W. Nedrow as owner of 1.2 cfs of Fall River waters, bearing the 6/1/1890 priority date, originally decreed to Z. Sundberg for Lots 3 and 4 of Sec. 7, T. 8 N, R. 42 E.B.M. The 1.2 cfs on the lands hereby described have been abandoned and the water moved to parts of SWSW, N2SW, SWSE, Lot 4, NWSE, West 13 rods of Lot 2, and S2SW Section 21; N2NE Section 28, all in T. 9 N, R. 42 E.B.M. and SESE Section 6, T. 8 N, R. 42 E.B.M., according to the transfer. The point of diversion for the 1.2 cfs was changed from the Silkey Ditch to pumping from the Henrys Fork.
- **Transfer #933**, dated September 22, 1959, certified George W. Nedrow as owner of 1.2 cfs of Fall River waters, bearing the 6/1/1890 priority date, originally decreed to Z. Sundberg for Lots 3 and 4 of Sec. 7, T. 8 N, R. 42 E.B.M. The 1.2 cfs on the lands hereby described have been abandoned and the water moved to parts of SWNW, N2SW, SWSE, Lot 4, NWSE, West 13 rods of Lot 2, and S2SW Section 21; N2NE Section 28, all in T. 9 N, R. 42 E.B.M. and SESE Section 6, T. 8 N, R. 42 E.B.M., according to the transfer. The point of diversion for the 1.2 cfs was changed from the Silkey Ditch to pumping from the Henrys Fork.

At this point, theories as to what took place differ. Dave Tuthill in his memorandum to Lyle Swank, dated April 2, 1979, suggests the possibility that Transfer #204 was never effected and was unknown to Mr. Nedrow. Historical Water District #36 Decreed Water Rights books indicate that 1.5 cfs of the Sundberg right owned by E. Barney was delivered to the Silkey Canal up until 1958 when it was reduced to 0.3 cfs after moving 1.2 cfs to the George Nedrow pump as documented in Transfer #911. Sometime between the compilation of the January 1, 1956 and the April 1, 1961 Decreed Water Rights books, 4.0 cfs of the Sundberg right previously delivered to the Farmers Own Canal was reduced to 2.8 cfs, apparently as a result of Transfer #933. A total of 2.4 cfs of the original Sundberg right was then assigned to the George Nedrow pump.

The Decreed Water Rights book (corrected April 1, 1961) indicates 2.8 cfs of the Sundberg right was being delivered to E. Barney through the Farmers Own Canal, 0.3 cfs delivered to E. Barney through the Silkey Canal, and 2.4 cfs delivered to George Nedrow on the Henrys Fork. This was supported by the attached letter from H.C. Eagle, Watermaster, dated February 24, 1960. Subsequent correspondence from L.C. Anderson (Fremont-Madison Irrigation District), dated February 23, 1961, indicates Mary Blanchard was the current owner of the 0.3 cfs previously owned by E. Barney delivered to the Silkey Canal.

Water District #1 Decreed Water Rights book (August 1976) indicates the original 5.5 cfs of the Sundberg right was assigned as follows: 2.8 cfs to W. S. Tanner et al through the Farmers Own Canal; 0.3 cfs to W. S. Tanner through the Silkey Canal; and 2.4 cfs to the George W. Nedrow pump on the Henrys Fork.

In 1978, when Bob Sutter was compiling the first version of the computer water-right accounting program for Water District #1 he apparently changed the cfs amounts previously delivered for the Sundberg right. His uncertainty concerning the right probably triggered his discussion with Dave Tuthill and Dave's subsequent memorandum to Lyle Swank. The 5.5 cfs Sundberg right was portioned and assigned to only the Farmers Own Canal (3.9 cfs) and George Nedrow Pump (1.6 cfs) in the water-right accounting from 1978 through 1994. There wasn't any portion assigned to the Silkey Canal during this period.

As requested during the 1995 irrigation season by Dee Blanchard and the Silky Irrigation District Water Users Association, I researched the history and transfer progression of the 5.5 cfs Sundberg water right #21-114. According to the current water right, adjudication, and water district records, I recommended to Sheryl Howe to change the portions of the Sundberg right currently listed in the water right accounting from 3.9 cfs (Farmers Own) and 1.6 cfs (George Nedrow) to the following portions: 4.0 cfs to Farmers Own Canal; 1.2 cfs to the George Nedrow pump; and 0.3 cfs to the Silkey Canal.

I based my recommended changes to the 1995 accounting on the following assumptions:

- The 1.2 cfs described in Transfers #911 and #933 were the same 1.2 cfs, as theorized in Dave Tuthill's memorandum. Also, George Nedrow had filed an adjudication claim (A21-10557) for only 1.2 cfs of right #21-114. However, it should be noted that Water District #1 assigned George Nedrow 2.4 cfs of the right from 1960 through 1977 as shown in its Decreed Water Rights books, and then assigned him 1.6 cfs of the right from 1978 through 1994 in the computer accounting.
- Prior to 1978 there had always been at least a portion of the Sundberg right delivered to the Silkey Canal. I was unable to determine why Water District #1 ceased delivering the 0.3 cfs portion to the Silkey Canal beginning in 1978, so the 0.3 cfs was reassigned to the Silkey Canal in the 1995 water right accounting. It should also be noted that Arlo Dee Blanchard has filed an adjudication claim (A21-00114) for 0.4 cfs of the original Sundberg right to be delivered through the Silkey Canal.
- Finally, after assigning 1.2 cfs to George Nedrow and 0.3 cfs to the Silkey Canal, 4.0 cfs of the right was left remaining to be delivered to the Farmers Own Canal, the maximum amount ever delivered to that diversion. There are two adjudication claims filed for the Sundberg right diverted through the Farmers Own Canal. North Fremont Canal Systems has an adjudication claim (A21-00114D) for 2.8 cfs and Robert & Donna Fuchs have a claim (A21-00114C) for 3.9 cfs of the original Sundberg right to be delivered through the Farmers Own diversion.

To further complicate matters, the IDWR approved Transfer #4014, dated October 2, 1995, which combined the Yellowstone, Marysville, and Farmers Own Canals into one entity, the North Fremont Canal Systems, Inc. The portion of the Sundberg water right #21-114 described in the approved transfer as being owned by North Fremont Canal Systems is 2.8 cfs. The IDWR computer database has been updated since the transfer and shows the original 5.5 cfs Sundberg right portioned as follows: 1.2 cfs to George Nedrow (21-114B); 1.5 cfs to Z. Sundberg (21-114C); and 2.8 cfs to North Fremont Canal Systems (21-114D).

To be honest, I don't know for sure how the original 5.5 cfs Sundberg right should be portioned, and I don't think anyone in IDWR knows for sure at this point in time, either. I can't assure the Fuchs with any certainty that the water rights they have claimed in the adjudication will be decreed to them. The IDWR examiner and the adjudication courts will determine that. However, I will make sure copies of this correspondence and the correspondence you sent to me will appear in the Fuchs' adjudication claim file to insure these problems get addressed during the IDWR adjudication review.

It's expected IDWR will be examining these claims over this next year. Obviously, the adjudication examiner will have to determine the appropriate owners and the portions they own with the understanding that the combined amounts cannot add up to more than the original 5.5 cfs. The Fuchs will be given an opportunity to protest any IDWR recommendations made to their claims and any other entity's claims to be listed in the Basin-21 Director's Report before they are decreed by the courts. Until that time, I think it's appropriate for Water District #1 to continue portioning the original 5.5 cfs Sundberg right to the Silkey Canal (0.3 cfs), Farmers Own Canal (4.0 cfs), and George Nedrow Pump (1.2 cfs), as it has for the last ten years.

Over the next year or two, the IDWR adjudication review will have to determine:

- Is George Nedrow entitled to more (or less) than the 1.2 cfs of the Sundberg right (#21-114) he claimed?
- How much of the original right (if any) still remains in the Silkey Canal?
- How much of the original right should be assigned to the Farmers Own diversion, and should all, or a portion of it, be owned by either North Fremont Canal Systems or the Fuchs?

It doesn't appear to me there is anything more the Fuchs, IDWR, or the water district can do at this point in time to further insure the Fuchs' claim. The IDWR and water courts will sort out the conflicting claims and information concerning the delivery of right #21-114 over the next couple years. The Fuchs will be able to participate in the process and will be contacted if the IDWR adjudication staff has questions concerning their claim or when the IDWR has finished preparing the preliminary Director's Report for Basin 21.

Sincerely,



Tony Olenichak
Deputy Watermaster

Cc: Ron Carlson, Watermaster
Lyle Swank, Assistant Watermaster
Adjudication Claim File A21-00114C
Bill Fuchs; 3857 E. 500 N., Rigby, ID 83442



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

TO: Lyle Swank

FROM: Dave Tuthill *DT*

DATE: April 2, 1979

SUBJ: File 21-0114

Pursuant to our telephone conversation, this memorandum outlines a problem found with transfers on right 21-0114. The solution to the problem will require solicitation of a new transfer at the regional level. The problem therefore is given to you as a low priority project.

We were first made aware of a discrepancy in the water right by Bob Sutter. He found a delivery incongruity while working on the Basin 01 water rights program, dealing with the Farmer's Own Ditch and The Silkey Ditch. A subsequent investigation has yielded the following:

Water Right 21-0114 was originally decreed to a Mr. Z. Sundberg, for 5.5 cfs from Fall River, 6-1-1890. Transfer No. 204 changed the point of diversion for 4 cfs of this right from the Silkey Ditch to the Farmer's Own Ditch, in 1950, leaving (5-4 =1.5) cfs with the point of diversion from the Silkey Ditch.

In 1958 Transfer No. 911, filed by George W. Nedrow, changed the point of

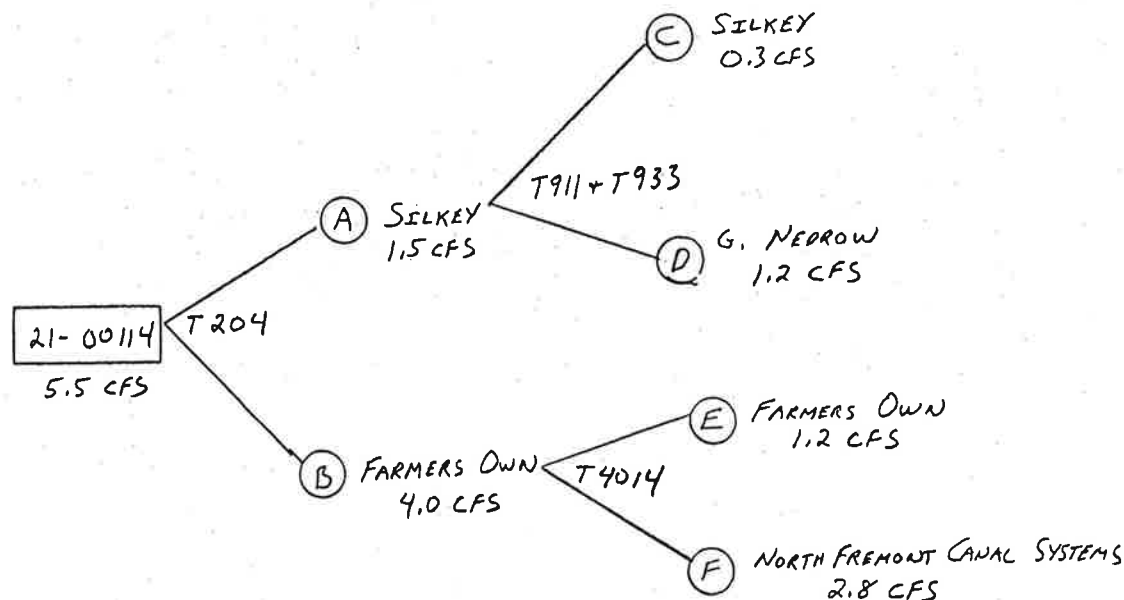
diversion and place of use of 1.2 cfs, from the Silkey Ditch. Since only 1.5 was available with the point of diversion at the Silkey Ditch, this leaves .3 cfs in the Silkey.

In 1959 Transfer No. 933, filed by George W. Nedrow, changed the point of diversion and place of use of 1.2 cfs, again from the Silkey! At this point it is obvious that there is a problem, since only .3 cfs remained in the Silkey. In discussing this transfer, H.S. Eagle in a letter of June 9, 1959 stated that Transfers Nos. 911 and 933 were probably both taken from the 4.0 cfs in Transfer 204! This is contrary to the statements in Transfers nos. 911 and 933 that the water ^{was} previously diverted from the Silkey. Transfer 933 was evidently approved with this understanding.

After a thorough review of the application for transfer filed by Mr. Nedrow it appears that all information would fit together if transfer No. 204 was never effected and was unknown to Mr. Nedrow. A telephone conversation with the current property owners of the land under Transfer No. 204 revealed that the Silkey Ditch is currently the means of water delivery -- the land owners had never heard of the Farmer's Own Ditch.

The conclusion is that some lands irrigated per water right 21-0114 have the wrong official point of diversion. In a technical sense the water right may have been lost; however, we can probably recognize that an error was made in the initial transfer, and a correction transfer should be solicited from the current land owners in an effort to correctly describe this water right.

7/11/95



ADJUDICATION FILES
 WITH WATER RIGHT
 # 21-00114
 (INC. A21-10557)

YSIS OF SPLITS TO WATER RIGHT # 21-00114.

TRANSFERS #911 & #933 APPEAR TO BE FOR SAME 1.2 CFS.

GEORGE NEOROW CLAIMED 1.2 CFS IN SRBA (A21-10557)

ARLO DEE BLANCHARD CLAIMED 0.3 CFS THRU SILKEY IN SRBA (A21-00114)

NORTH FREMONT CANAL SYSTEM CLAIMED 2.8 CFS IN SRBA (A21-00114A)

ROBERT FUCHS CLAIMED 3.9 CFS THRU FARMERS OWN IN SRBA (A21-00114C)

IDWR CODING OF WATER RIGHT SPLITS IS DIFFERENT.

TRANSFER #4014 ONLY INCLUDED 2.8 CFS PROBABLY BECAUSE IT WAS ASSUMED THAT G. NEOROW OWNED 2.4 CFS.

T. OLENICHAK
WATER DISTRICT #1

From: DWR70::TOLENICH 11-JUL-1995 15:51:14.58
To: DWR01::SHOWE, TOLENICH
CC:
Subj: WD #1 WATER RIGHT ACCOUNTING

Sheryl,

Here's a water right problem you and Bob may be able to help me with:

How are rights 21-00114 (Sundberg, 5.5 cfs, Jun 1, 1890) and 21-00115 (Sundberg, 1.2 cfs, Jun 1, 1894) entered in the WD #1 accounting program?

It appears to me that 3.9 cfs of 21-00114 is in the Farmers Own Canal (13047575) and the remaining 1.6 cfs is in George Nedrow (1305940). Of the 1.2 cfs in 21-00115, 0.3 cfs is in the Farmers Own Canal and the remaining 0.9 cfs isn't in the program.

Am I right so far? If so, then I would propose the following changes:

0.3 cfs of 21-00115 should be in Farmer's Own and the remaining 0.9 cfs in the Silkey Canal (13049010). Transfer #204 changed the point of diversion for the entire 1.2 cfs to the Farmers Own and Transfer #242 moved 0.9 cfs from the Farmers Own to the Silkey. The adjudication claims filed by Robert & Donna Fuchs (A21-00115A and A21-00115B) reflect this same situation.

21-00114 is much more confusing. After reviewing Transfers #204, #911, and #933, along with the corresponding memos, and the adjudication claims, I've come to the following conclusions. Transfer #204 moved 4.0 cfs of the total 5.5 cfs to the Farmers Own Canal, leaving 1.5 cfs in the Silkey Canal. George Nedrow moved 1.2 cfs in each of his transfers #911 and #933 from the Silkey to his pump on the Henry's Fork. He also claimed only 1.2 cfs of this right in his adjudication claim, A21-10557. This leads me to believe that transfers #911 and #933 were for the same 1.2 cfs, leaving 0.3 cfs in the Silkey canal which was claimed in the adjudication by Arlo Dee Blanchard (A21-00114). North Fremont Canal System (A21-00114A) claimed 2.8 cfs, and Robert Fuchs (A21-00114C) claimed 3.9 cfs of water right 21-00114. Both claimed the Farmers Own Canal as the diversion works.

If my assumptions are correct, I would propose that the water right accounting program reflect that 21-00114 (5.5 cfs) be divided as follows: 4.0 cfs to Farmers Friend (the greatest amount they would be entitled to), 1.2 cfs to George Nedrow (as he claimed in the adjudication), and 0.3 cfs to the Silkey Canal (as claimed by Arlo Dee Blanchard).

What do you think?

Tony O.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

GEORGE W. NEDROW)

of)

Ashton, Idaho)

ORDER NO. 933

GRANTING TRANSFER

For a Transfer of Water Right and)
Change in Point of Diversion in)
Water District No. 36, County of)
Fremont, Idaho,)

WHEREAS, On the 30th day of July, 1959, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, this matter of the application of George W. Nedrow, of Ashton, Idaho, for a transfer of water right and change in point of diversion came on regularly for hearing, pursuant to the 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 the water will be put to a higher and more efficient beneficial use and that no one will be injured thereby.

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

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 22nd day of September, 1959.

Geo. N. Carter

GEO. N. CARTER
State Reclamation Engineer

MICROFILMED

SCANNED

NOV 29 2007

21-0114

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT

TRANSFERRED RIGHT NO. 933

THIS IS TO CERTIFY, That George W. Nedrow of Ashton, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1890, for 1.2 cubic feet per second (60 miner's inches) of the waters of Fall River, County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont in the case of

REXBURG IRRIGATION COMPANY, et al

vs.

TETON IRRIGATION CANAL CO., et al

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

Lots 3 and 4 of 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 No. 3 of Decrees, at Page No. 450;

That said George W. Nedrow has become the owner of said water right by purchase;

And that now upon the application of George W. Nedrow of Ashton, Idaho, for the transfer of 1.2 cubic feet per second (sixty (60) miner's inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.2 cubic feet per second (sixty (60) miner's inches) of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this Certificate, for irrigation purposes, are described as follows, to-wit:

1.2 cubic feet per second (60 miner's inches) to parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4, NW $\frac{1}{4}$ SE $\frac{1}{4}$, West 13 rods of Lot 2, and S $\frac{1}{2}$ SW $\frac{1}{4}$ Section 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, all in Township 9 North, Range 42 East, B.M., and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 6, Township 8 North, Range 42 East, B.M.

SCANNED

NOV 29 2007

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

60 miner's inches bearing date of priority of June 1, 1890.

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkie (Silkey) Ditch with point of diversion in the SW $\frac{1}{4}$ of Section 18, Township 8 North, Range 42 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system with various points of diversion along Henry's Fork more accessible to the said lands.

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

That the right of change in point of diversion and place of use as granted and evidenced by this certificate shall be effective as long as the pump or pumps used with the sprinkler system shall have a total capacity of not over 60 miner's inches of water, but if a pump or pumps are used with a greater capacity, then this certificate of transfer shall be of no further force or effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 22nd day of September, 1959.



GEO. N. CARTER
State Reclamation Engineer

Application For Transfer of Water Right

STATE OF IDAHO

County of Madison

JUN 1 1959

Department of Reclamation

GEORGE W. NEDROW,

being first duly sworn, deposes and says:

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

Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890, for 60 miner's inches of the waters of Fall River County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the county of Fremont, in the case of Rexburg Irrigation Co., et al. vs. Teton Irrigation Canal Co., et al., said decree bearing date of Dec. 16, 1910,

~~for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Fremont and State of Idaho, to-wit: Lots 3 and 4, Sec. 7, Twp. 8 N., R. 42, E.B.M.~~

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Fremont and State of Idaho, to-wit: Lots 3 and 4, Sec. 7, Twp. 8 N., R. 42, E.B.M.

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 Earl Barney and Eula Barney, who purchased the same from Edgar Barney, who purchased the same from Z. Sundberg. 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 SW $\frac{1}{4}$ of Section 18, Township 8, Range 42 E., B. M., and conducted to the above described lands through the Silkie Ditch, as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to change the place of use of 60 miner's inches 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 Fremont and State of Idaho, to-wit: Parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 4; NW $\frac{1}{4}$ SE $\frac{1}{4}$; W. 13 rods of Lot 2; and S $\frac{1}{2}$ SW $\frac{1}{4}$, all in Sec. 21, Twp. 9 N., R. 42, E.B.M. Also, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, Twp. 9 N., R. 42, E.B.M.; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, Twp. 8 N., R. 42, E.B.M.

That reasons for desiring to make such transfer are as follows: The water can be put to a much more satisfactory, beneficial use with more lands irrigated with the same amount of water. Much of the above described land is hilly and rocky and, therefore, cannot all be irrigated, but by the use of a sprinkling system, many of the low lands and hillsides can be irrigated that have not been irrigated heretofore. The land presently irrigated by said water was purchased by me in 1956. It is low and requires very little irrigation, and I find after three seasons, that 1/4th in. per acre is adequate to properly irrigate it. Additional water is necessary on the lands described in the preceding paragraph.

That he intends to divert and convey said ~~20 miner's inches~~^{of water} ~~xxxxxxx~~ to the tract

of land last above described in the following manner and as per map accompanying this application:
That the water shall be diverted to the use of said lands by the use of pumps from Henry's Fork through a sprinkling system. Said pump will be a portable pump which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. The Petitioner is retaining 20 miner's inches of water in the Silkie ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in $\frac{1}{4}$ of $\frac{1}{4}$ of Section _____, Township _____, Range _____, and thereafter conduct same to the above described land through the _____ ditch, as per map appended. **The point of diversion shall be at any point on said Henry's Fork more accessible to the lands described above to be irrigated thereby.**

That his reasons for desiring to make such change are as follows: _____

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

George W. Hedrow
Applicant.

Subscribed and sworn to before me this 25th day of May, 1959.

Lay W. Rigby
Notary Public.
Rehburg, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River
Where is the diversion point located? SW $\frac{1}{4}$ of Sec. 18, Twp. 8 N., R. 42, E.B.M.
Through what ditch is it now conducted? Silkie Ditch
How much land is now irrigated by the water sought to be transferred? 80 acres with 40 inches.
Give the description: Lots 3 and 4 of Sec. 7, Twp. 8 N., R. 42, E.B.M.

SCANNED

NOV 29 2007

What is the total amount of water in inches, or second feet, dedicated to said land? Originally 100 in.,
60 in. of same being transferred in 1958, leaving 40 in. to said land till this
What kind of crops are being raised? grain, hay and pasture application.

How much water per acre is now required to irrigate said land? 1/4 in. per acre.

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

Give location of new point of diversion, if change is to be made. At accessible points along
Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred? It will
irrigate as much land as the water will permit. The land is very uneven
and only parts of same can be irrigated.

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. No, other than the Fremont-Madison Irrigation
District water right.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount,
date and source.

Signed George W. Hedrow
Applicant.

Please refer to application for transfer of water right filed by this
applicant in May of 1958, wherein the change in point of diversion and
use of 60 miner's inches of this same water was made and approved by the
Department.

STATE OF IDAHO,

County of Bonneville } ss.

I, H. B. Eagle, Watermaster of Idaho

Water District No. 36, County of Bonneville et al., State of Idaho, whose postoffice address
is P.O. Box 697, Idaho Falls, Idaho, have read or heard read the foregoing affidavit and petition

of George W. Hedrow, 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 State Reclamation Engineer
issue the certificate of transfer as petitioned; or ~~(do not approve of the issuance of the certificate of~~
~~transfer prayed for)~~ for the following reasons:

Watermaster, District No. 36

H. B. Eagle

Dated at Idaho Falls, Idaho, this 8th day of June, 19 59.

SCANNED

NOV 29 2007

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

CERTIFICATE OF DECREED WATER RIGHT

TRANSFERRED RIGHT NO. 911

81-115
↓
THIS IS TO CERTIFY, That George W. Nedrow of Ashton, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1890, for 1.2 cubic feet per second (60 miner's inches) of the waters of Fall River, County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge J. M. Stevens of the sixth Judicial District of the State of Idaho, in and for the County of Fremont in the case of

Rexburg Irrigation Company, et al

vs

Teton Irrigation Canal Co., et al

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

Lots 3 and 4 of 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 No. 3 of Decrees, at Page No. 450.

That said George W. Nedrow has become the owner of said water right by purchase;

And, that now upon the application of George W. Nedrow of Ashton, Idaho, for the transfer of 1.2 cubic feet per second (sixty (60) miner's inches) of said water, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 1.2 cubic feet per second (sixty (60) miner's inches) of the waters of Fall River upon the above described lands is hereby abandoned, and the lands under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant, by this certificate, for irrigation purposes, are described as follows, to-wit:

1.2 cubic feet per second (60 miner's inches)
to parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Lot 4,
NW $\frac{1}{4}$ SE $\frac{1}{4}$, West 13 rods of Lot 2, and S $\frac{1}{2}$ SW $\frac{1}{4}$ Sec-
tion 21; N $\frac{1}{2}$ NE $\frac{1}{4}$ Section 28, all in Township 9
North, Range 42 East, B.M. and SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section
6, Township 8 North, Range 42 East, B.M.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purpose, and shall not exceed the following amount, to-wit:

60 miner's inches bearing date of priority
of June 1, 1890

That the water right hereby transferred has heretofore been conducted from Fall River to the first above described lands through the Silkie (Silkey) Ditch with point of diversion in the SW $\frac{1}{4}$ of Section 18, Township 8 North, Range 42 East, B.M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through a sprinkler system with various points of diversion along Henry's Fork more accessible to the said lands.

That the right to the use of the waters aforesaid, hereby confirmed, is restricted to the lands last above described, as provided by the laws of the State of Idaho.

That the right of change in point of diversion and place of use as granted and evidenced by this certificate shall be effective as long as the pump or pumps used with the sprinkler system shall have a total capacity of not over 60 miner's inches of water, but if a pump or pumps are used with a greater capacity, then this certificate of transfer shall be of no further force or effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed at Boise, Idaho, this 20th day of August, 1958.


GEO. N. CARTER
State Reclamation Engineer

21-0114
Tall
RECEIVED

APR 12 1978

Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of)

MR. GEORGE W. NEDROW
Ashton, Idaho)

For a Transfer of Water Right
and Change in Point of Diver-
sion--in Water District No.36
County of Fremont, Idaho)

ORDER NO. 911

GRANTING TRANSFER

WHEREAS, On the 12th day of June, 1958, at the Department of Reclamation, of the State of Idaho, at Boise, Idaho, this matter of the application of George W. Nedrow, of Ashton, Idaho, for a transfer of water right and change in point of diversion came on regularly for hearing, pursuant to the 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 the water will be put to a higher and more efficient beneficial use and that no one will be injured thereby.

NOW, THEREFORE, It is ORDERED, That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of August, 1958.

Geo. N. Carter
GEO. N. CARTER
State Reclamation Engineer

RECEIVED

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NOV 29 2007

TR 911

Application For Transfer of Water Right

RECEIVED
MAY 8 1958
Department of ReclamationRECEIVED
MAY 9 1958
Department of Reclamation

STATE OF IDAHO

County of Madison } ss.GEORGE W. NEDROW

being first duly sworn, deposes and says:

That his name is George W. Nedrow; that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Ashton, Idaho

That he is the owner and using a certain water right, bearing date of priority of June 1, 1890, for 60 miner's inches of the waters of Fall River County of Fremont, State of Idaho, decreed to Z. Sundberg by decree of Judge J. M. Stevens of the Sixth Judicial District of the State of Idaho, in and for the county of Fremont in the case of Rexburg Irrigation Company, et al. vs. Teton Irrigation Canal Co., et al., said decree bearing date of Dec. 16, 1910,

~~the water right of license No. xxxxxxxxxx issued by the State Department of Reclamation to the State of Idaho, bearing date of xxxxxxxxxx, bearing date of xxxxxxxxxx, to xxxxx~~

for the purpose of irrigating the following described lands situate, lying and being in Water District No. 36 in the County of Fremont and State of Idaho, to-wit: Lots 3 and 4 of Sec. 7 Twp. 8 N., R. 42, E.B.M.

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 Earl Barney and Eula Barney, who purchased the same from Edgar Barney, who purchased the same from Z. Sundberg. 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 SW $\frac{1}{4}$ of Section 18, Township 8, Range 42 E. B. M., and conducted to the above described lands through the Silkie Ditch, as per map herewith and of this affidavit made a part.

CHANGE IN PLACE OF USE

That affiant and petitioner desires to change the place of use of 60 miner's inches 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 Fremont and State of Idaho, to-wit: Parts of SW $\frac{1}{4}$ NW $\frac{1}{4}$; N $\frac{1}{2}$ SW $\frac{1}{4}$; SW $\frac{1}{4}$ SE $\frac{1}{4}$; Lot 4; NW $\frac{1}{4}$ SE $\frac{1}{4}$; W. 13 rods of Lot 2; and S $\frac{1}{2}$ SW $\frac{1}{4}$, all in Sec. 21, Twp. 9 N., R. 42, E.B.M. Also, N $\frac{1}{2}$ NE $\frac{1}{4}$ of Sec. 28, Twp. 9 N., R. 42, E.B.M.; and SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 6, Twp. 8 N., R. 42, E.B.M.

That reasons for desiring to make such transfer are as follows: The Water can be put to a much more satisfactory, beneficial use with more lands irrigated with the same amount of water. Much of the above described land is hilly and rocky and, therefore, cannot all be irrigated, but by the use of a sprinkling system, many acres of low lands and hill sides can be irrigated that have not been irrigated heretofore.

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That he intends to divert and convey said 60 miner's in. ~~sixty feet~~ of water to the tract

of land last above described in the following manner and as per map accompanying this application: That the water shall be diverted to the use of said lands by the use of pumps from Henry's Fork through a sprinkling system. Said pump will be a portable pump which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. That petitioner is retaining 40 miner's inches of water in the Silkie ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

This is a private community ditch.

Note—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said waters from the point above described to a point located in 1/4 of 1/4 of Section , Township , Range , and thereafter conduct same to the above described land through the ditch, as per map appended. The point of diversion shall be at any point on said Henry's Fork more accessible to the lands described above to be irrigated thereby.

That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer, or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner prays that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and/or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Geo. W. Medrow
Applicant.

Subscribed and sworn to before me this 7th day of May, 19 58.

Gay W. Sigby
Notary Public.
Leiburg, Idaho

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Fall River
Where is the diversion point located? SW 1/4 of Sec. 18, Twp. 8 N., R. 42, E.B.M.
Through what ditch is it now conducted? Silkie Ditch
How much land is now irrigated by the water sought to be transferred? 80 acres with 100 inches.
Give the description: Lots 3 and 4 of Sec. 7, Twp. 8 N., R. 42, E.B.M.

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NOV 29 2007

What is the total amount of water in inches, or second feet, dedicated to said land? 100 inches.

What kind of crops are being raised? grain, hay and pasture

How much water per acre is now required to irrigate said land? 1/2 in. per acre.

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

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred? It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

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. No, other than the Fremont-Madison Irrigation District water right.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source

Signed Geo W. Nedrow
Applicant.

STATE OF IDAHO,

County of Banewille } ss.

I, Lynn Randall, Watermaster of Snake River

Water District No. 36, County of _____, State of Idaho, whose postoffice address is Idaho Falls,

have read or heard read the foregoing affidavit and petition of Geo W. Nedrow, 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 State Reclamation Engineer issue the certificate of transfer as petitioned; or (do not approve of the issuance of the certificate of transfer prayed for) for the following reasons:

Better Use of the water

Watermaster, District No. 36

Lynn Randall

Dated at Idaho Falls, Idaho, this 8 day of May, 19 58.

SCANNED
NOV 29 2007

In my first ...

That his name is George W. Hedrow that he is of lawful age, a citizen of the United States and of the State of Idaho, and that his postoffice address is Ashton, Idaho

That he is the owner and using a certain water right bearing date of priority of **June 1, 1890**
for **60** miner's **inches** ~~under the waters of~~ of the waters of **Fall River**
County of **Fremont** State of Idaho decreed to **Z. Sundberg**
by decree of Judge **J. N. Stevens** of the **Sixth** Judicial District of the State of
Idaho in and for the county of **Fremont** at **11.** in the case of **Rexburg Irrigation Company,**
et al. vs Teton Irrigation Canal Co., said decree bearing date of **Dec. 16, 1910.**

[illegible]

No. 36 in the County of Fremont and State of Idaho, to-wit Lots 3 and 4 of Sec. 7 Twp. 8 N., R. 42, E.8.M.

and in the process, ~~the~~

to whom such right so issued, or has become the owner thereof in the following manner: By purchase from Earl Barney and Eula Barney, who purchased the same from Edgar Barney, who purchased the same from Z. Sundberg.
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 SW¹/₄ of
Section 18 Township 8 Range 42 E. B. M., and con-
ducted to the above described lands through the Silkis Ditch,
as per map herewith and of this affidavit made a part.

DATE: 11/11/2011

That affiant and petitioner desire to ~~change the place of use of~~ ^{change the place of use of} 60 ~~acres of~~ ^{acres of} surface
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 Fremont and State of Idaho, to-wit: Parts of
SW1/4 of NE1/4 of SW1/4 of Lot 4; NW1/4 of W. 13 rods of Lot 2; and SW1/4 all in
Sec. 21, Twp. 9 N., R. 42, E.8.M. Also, NW1/4 of Sec. 28, Twp. 9 N., R. 42,
E.8.M.; and SW1/4 of Sec. 31, Twp. 9 N., R. 42, E.8.M.

SCANNED

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That the water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and the

Note: If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and the

That the water shall be diverted to the use of said lands by the use of a portable pump which will pump the water from said Henry's Fork at the nearest point accessible to the above described lands. That petitioner is retaining 40 inches of water in the said ditch, and, therefore, will remain jointly responsible for the maintenance of said ditch.

CHANGE IN POINT OF DIVERSION

That affiant desires to change the point of diversion of said water from the point above described

to a point located in _____ of _____ Township _____ Range _____

and thereafter conduct same to the above described land through the Fork more accessible to the lands described above to be irrigated thereby. That his reasons for desiring to make such change are as follows:

Petitioner asserts that no one will be injured by such transfer or change in point of diversion, and that the change will be made at petitioner's own risk.

WHEREFORE, Affiant and Petitioner pray that the State Reclamation Engineer of the State of Idaho issue to him the proper certificate authorizing such change in point of diversion and or place of use, in accordance with the provisions of Sections 42-108 and 42-222 of the Idaho Code.

Dec. W. Madison
Applicant

Subscribed and sworn to before me this _____ day of _____ 19____

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

Full River

SITE OF DITCH, 10, TWP. 8 N., R. 42, E. 10, S.

221416 Ditch

through which it is now carried

That the water right is now carried by the _____

That the water right is now carried by the _____

What is the total amount of water in inches, or second feet, dedicated to said land? 100 inches.

What kind of crops are being raised? grain, hay and pasture

How much water per acre is now required to irrigate said land? 1/2 in. per acre.

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

Give location of new point of diversion, if change is to be made. At accessible points along Henry's Fork.

Through what ditch will it be conducted after transfer? Henry's Fork.

How much water will be required per acre to irrigate the land to which this water is transferred? It will irrigate as much land as the water will permit. The land is very uneven and only parts of same can be irrigated.

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. No, other than the Fremont-Madison Irrigation District water right.

Is there any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.

Signed

Geo. W. Nedrow
Applicant.

STATE OF IDAHO,

County of

Camille

ss.

I,

Lynn Randall

, Watermaster of

Snake River

Water District No.

36

County of

State of Idaho, whose postoffice address

is

Idaho Falls

, have read or heard read the foregoing affidavit and petition

of

Geo. W. Nedrow

, 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 State Registration Board issue the certificate of transfer as petitioned, or the not approve of the same.

Transfer made for

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.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 14th day of April, 1950.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

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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 8th 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 been granted, the right to change such point of diversion is HEREBY GRANTED.

That said change of point of diversion shall not modify in effect said decreed water right, or place of use. Said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

4 cubic feet per second from Fall River with Priority
of June 1, 1890.

1.2 cubic feet per second from Black Spring Creek with
priority of June 1, 1894.

That the water rights above described have heretofore been diverted from Fall River and Black Spring Creek with point of diversion in the SW $\frac{1}{4}$ Section 18, Township 8 North, Range 42 East, B.M.

That the water rights above described will hereafter be diverted from said streams with point of diversion in the SE $\frac{1}{4}$ Section 35, Township 9 North, Range 43 East, B.M.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho, to be hereunto affixed at Boise, Idaho, this 14th day of April, 1950.

Mark R. Kulp
SCANNED

MARK R. KULP
State Reclamation Engineer

Affidavit for Change of Point of Diversion of Decreed Water Right

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

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. 19. 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 Rexburg L.

vs. Teton L. 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 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 1/4 of 1/4 Sec. 35, Twp. 9N, Range 43E,

and thereafter conduct same to the above described land through the Farmers Own ditch,

as per map above referred to:

That his reasons for desiring to make such change are as follows: Too much upkeep on present ditch

That no one will be injured by such change and that such change will be made at affiant's own risk.

Edgar Barney Affiant.

Subscribed and sworn to before me this 10th day of December, 1949

Walter P. Alvord
Notary Public for Idaho, Residing
at Shoshone Falls, Idaho

NOTE:—If this water right has heretofore been carried jointly in a ditch with other water, affiant should secure written consent of other owners or users to removal from its original carrier and file such consent with this affidavit.

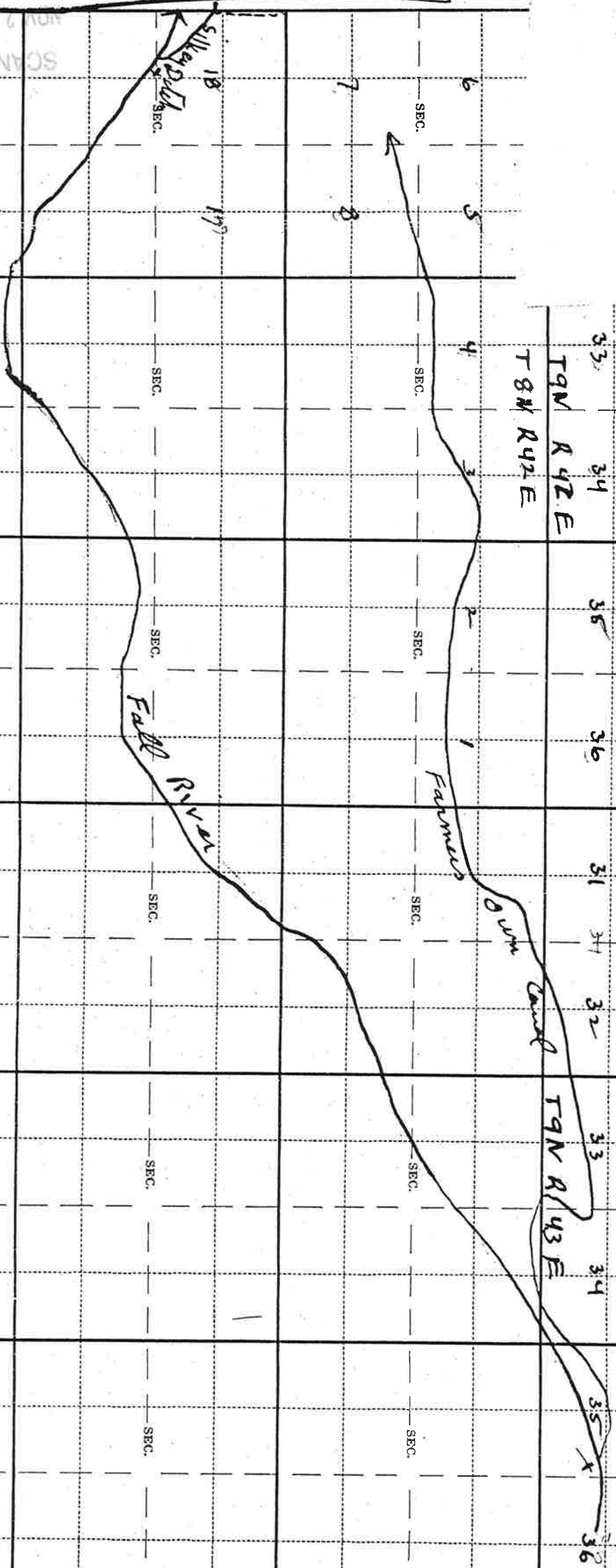
Approved
Lynn Randall

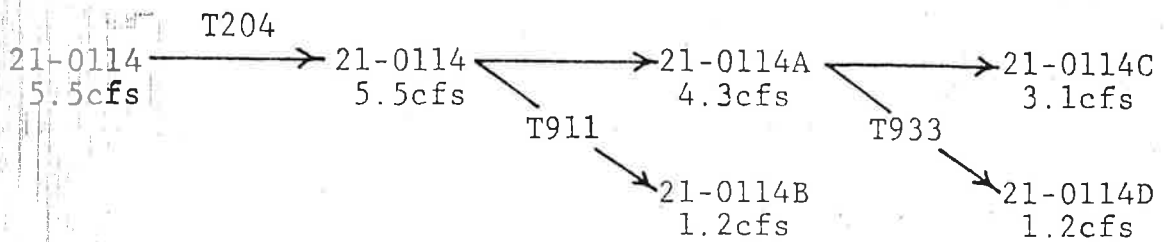
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I. Analysis of water right 21-0114 BEFORE Trans 204, 911 & 933

Name: Z. Sundberg
 Amt.: 5.5 cfs
 Priority: 6-1-1890
 Source: Falls River
 P/D: Silkey Ditch
 Acres: 149.85 ac.
 P/U: Lot 1(NWNW), Lot 2(SWNW)
 Lot 3(NWSW), Lot 4(SWSW)
 Sec. 7, T. 8N, R. 42E.

- II. Note: 1) Trans. 204 specified 4.0cfs with P/D Farmers Own
 remainder 1.5cfs with P/D Silkey Ditch
 2) Water District 01 records indicate (after T204, 911, 933)
 2.8cfs with P/D Farmers Own
 0.3cfs with P/D Silkey Ditch

III. Analysis Assumptions:

- (1) Acres under right = 150 ac.
- (2) Lots 1,2,3 & 4, Sec. 7, T. 8N, R. 42E are of equal size =
 $150 \text{ ac.} \div 4 \text{ lots} = 37.5 \text{ ac/lot}$
- (3) Trans. 911 transferred 1.2cfs of 1.5cfs from Silkey leaving
 0.3cfs remaining in the Silkey
- (4) Transfer 933 transferred 1.2cfs of 4.0cfs from Farmers Own
 leaving 2.8cfs remaining in the Farmers Own
- (5) Trans. 911 & 933 transferred the same 75 acres of Lot 3 &
 Lot 4. Sec. 7, T. 8N, R. 42E
 $(2 \text{ lots} @ 37.5 \text{ ac/lot} = 75 \text{ ac.})$
- (6) Trans. 911 & 933 removed all of water right from Lot 3 &
 4, Sec. 7, T. 8N, R. 42E

IV. Analysis of water right 21-0114 AFTER Trans. 204, 911 & 933

21-0114C	21-0114B	21-0114D
Z. Sundberg	George W. Nedrow	George W. Nedrow
Edgar Barney	1.2cfs	1.2cfs
3.10cfs	06-01-1890	06-01-1890
06-01-1890	Henrys Fork	Henrys Fork
Falls River	Snake River	Snake River
	Various Points	Various Points
Silkey Ditch (0.3cfs)	on River	on River
Farmers Own (2.8cfs)		
75 acres	75 acres	
W/in	W/in	
Lot 1(NWNW)	SWNW, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, Lot 2(NESE), Lot 4(SESE)	
Lot 2(SWNW)	Sec. 21, N $\frac{1}{2}$, NE $\frac{1}{4}$, Sec. 28, T. 9N, R. 42E	
Sec. 7, T. 8N,	SESE, Sec. 6, T. 8N, R. 42E	
R. 42E		

NOTE: The above information was used in coding the water right 21-0114.

Prepared by: KEITH C. WILSON
 24 Jan. 1985



State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS
Governor

C. STEPHEN ALLRED
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 384-2215

MEMORANDUM

TO: Lyle Swank
FROM: Dave Tuthill *DT*
DATE: April 2, 1979
SUBJ: File 21-0114

RECEIVED
APR 5 1979
Department of Water Resources
Eastern District Office

Pursuant to our telephone conversation, this memorandum outlines a problem found with transfers on right 21-0114. The solution to the problem will require solicitation of a new transfer at the regional level. The problem therefore is given to you as a low priority project.

We were first made aware of a discrepancy in the water right by Bob Sutter. He found a delivery incongruity while working on the Basin 01 water rights program, dealing with the Farmer's Own Ditch and The Silkey Ditch. A subsequent investigation has yielded the following:

Water Right 21-0114 was originally decreed to a Mr. Z. Sundberg, for 5.5 cfs from Fall River, 6-1-1890. Transfer No. 204 changed the point of diversion for 4 cfs of this right from the Silkey Ditch to the Farmer's Own Ditch, in 1950, leaving (5-4 =1.5) cfs with the point of diversion from the Silkey Ditch.

In 1958 Transfer No. 911, filed by George W. Nedrow, changed the point of

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diversion and place of use of 1.2 cfs, from the Silkey Ditch. Since only 1.5 was available with the point of diversion at the Silkey Ditch, this leaves .3 cfs in the Silkey.

In 1959 Transfer No. 933, filed by George W. Nedrow, changed the point of diversion and place of use of 1.2 cfs, again from the Silkey! At this point it is obvious that there is a problem, since only .3 cfs remained in the Silkey. In discussing this transfer, H.S. Eagle in a letter of June 9, 1959 stated that Transfers Nos. 911 and 933 were probably both taken from the 4.0 cfs in Transfer 204! This is contrary to the statements in Transfers nos. 911 and 933 that the water^{was} previously diverted from the Silkey. Transfer 933 was evidently approved with this understanding.

After a thorough review of the application for transfer filed by Mr. Nedrow it appears that all information would fit together if transfer No. 204 was never effected and was unknown to Mr. Nedrow. A telephone conversation with the current property owners of the land under Transfer No. 204 revealed that the Silkey Ditch is currently the means of water delivery -- the land owners had never heard of the Farmer's Own Ditch.

The conclusion is that some lands irrigated per water right 21-0114 have the wrong official point of diversion. In a technical sense the water right may have been lost; however, we can probably recognize that an error was made in the initial transfer, and a correction transfer should be solicited from the current land owners in an effort to correctly describe this water right.

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NOV 29 2007

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

H. C. EAGLE, WATERMASTER

BOX 697

IDAHO FALLS, IDAHO

WATER DISTRICT N

ROBERT E. SMYLLIE GOVERNOR

GEO. N. CARTER

STATE RECLAMATION ENGINEER

June 9, 1959

JUN 10 1959

Department of Reclamation

Mr. Geo. N. Carter
State Reclamation Engineer
State House
Boise, Idaho

Dear Mr. Carter:

The changes in point of diversion plus the transfers have made this application most confusing. Tabulated below is my summary of what I think has taken place. Please check it closely with your records as I am still confused.

Change in Point of Diversion #204

21-0114 Changed point of diversion of 4.0 cfs June 1, 1890 (Fall River)
21-0115 and 1.2 cfs June 1, 1894 (Black Springs) *YBds*
from Sec. 18 T. 8 N., R. 42 E.
to Sec. 35 T. 8 N., R. 43 E.

21-0115 Change in Point of Diversion #242

Changed point of diversion of 0.9 cfs of the June 1, 1894 Black Springs water
from Sec. 35 T. 8 N., R. 43 E.
to Sec. 18 T. 8 N., R. 42.

21-0114 Transfer #911

Transferred 1.2 cfs of the above 4.0 cfs of June 1, 1890 water from Fall River
from Sec. 7, T. 8 N., R. 42 E.
to Secs. 21, 28, T. 9 N., R. 42 E.
and Sec. 6, T. 8 N., R. 42 E.

T933 It appears to me that the present transfer proposes to transfer another 1.2 cfs from the original 4.0 cfs of June 1, 1890 water, leaving 1.6 cfs on the original land.

If this is incorrect to you please return the application to me with your corrections.

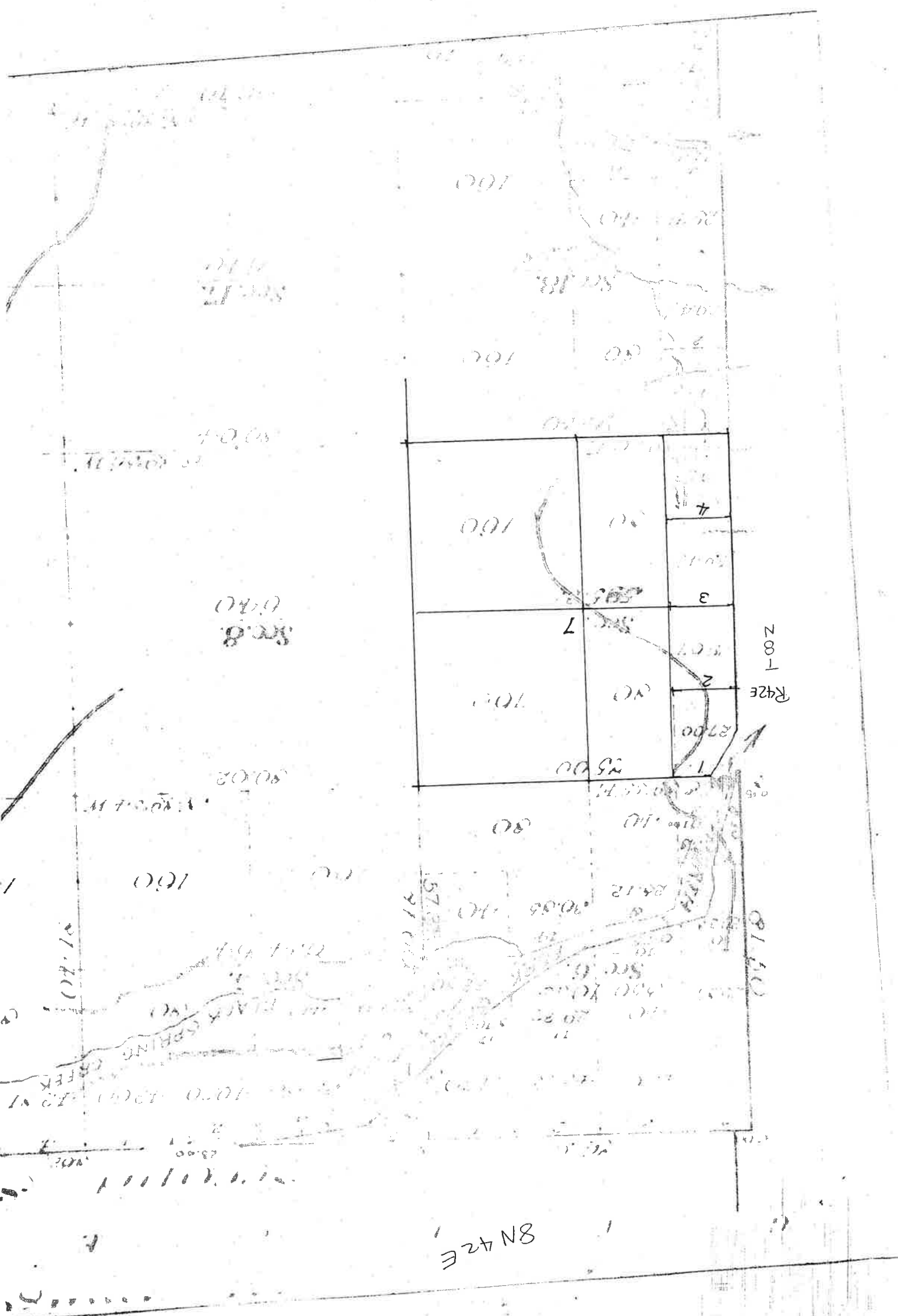
Very truly yours,

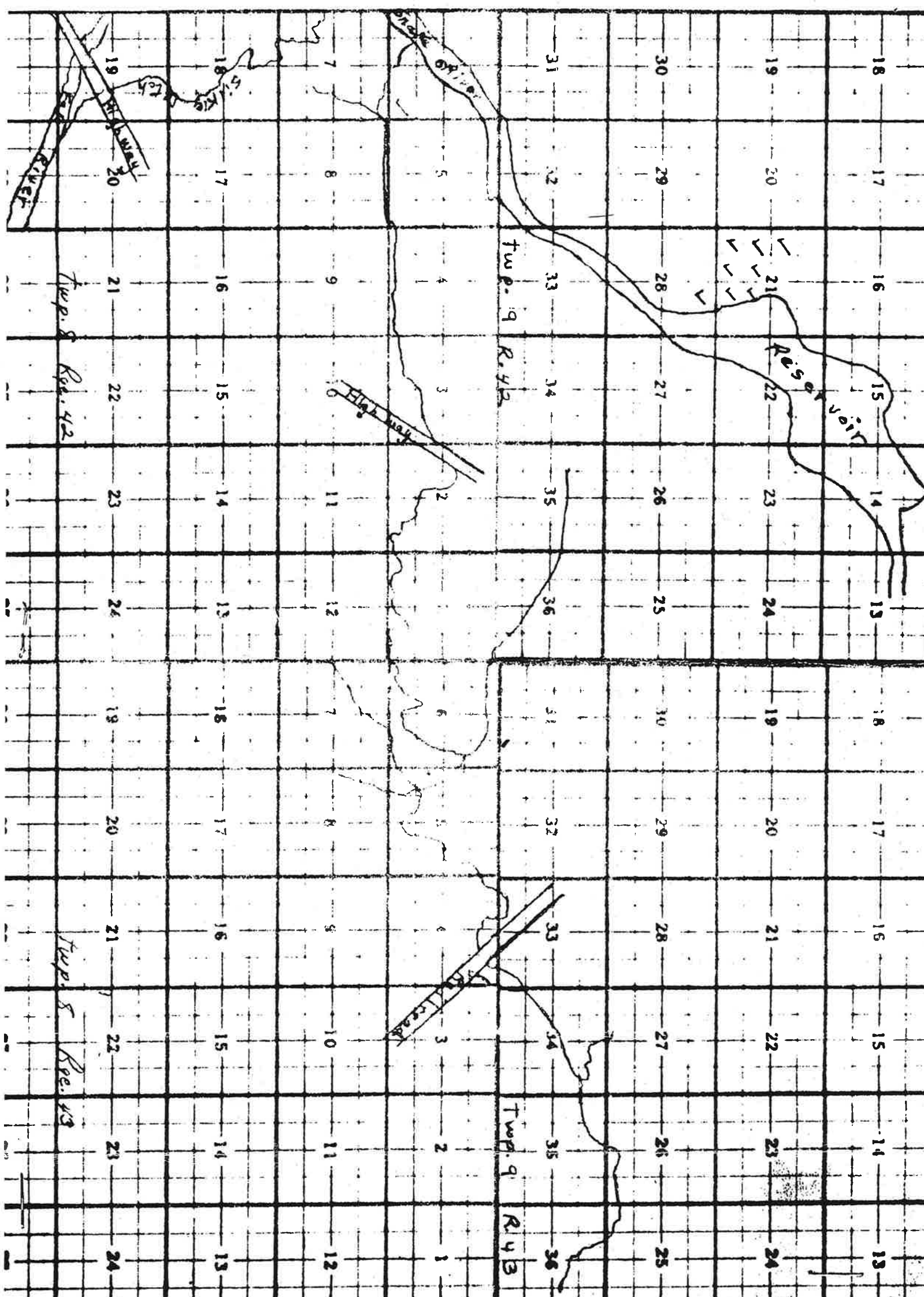
H. C. Eagle

H. C. Eagle
Watermaster

SCANNED

NOV 29 2007





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Scale: 2 Inches—1 Mile. Draw Map in Ink.

21-0114



From the desk of

LYLE SWANK

Dave Tuthill called
Tr. 21-0114, 911, 923, ~~92~~ 204

Silkey to Farmer Own Transfer
never made.

21-0114

INTER-DEPARTMENT MEMO — 1

FROM KEITH C. WILSON

DATE January 31, 1985

TO Dave Tuthill

SUBJECT File 21-0114

The following analysis was compiled after discussion with WD 01 Watermaster Ronald D. Carlson and review of pages 23 & 24 of Decree Water Rights District No. 01 handbook.

A transfer of 21-0114C will be solicited from current land owners of Lot 1 & 2 Sec. 7, T. 8N, R. 42E to amend the point of diversion to the Silkey Ditch.

(Please Microfische attached copies for water right 21-0114.)

Keith C. Wilson

SIGNATURE

Transferred to SEC 21 & 28 + 6

2.40 cts for 75 ACRES

Leaving 3.10 on the

$W\frac{1}{2}$ NW $\frac{1}{4}$ SEC 7

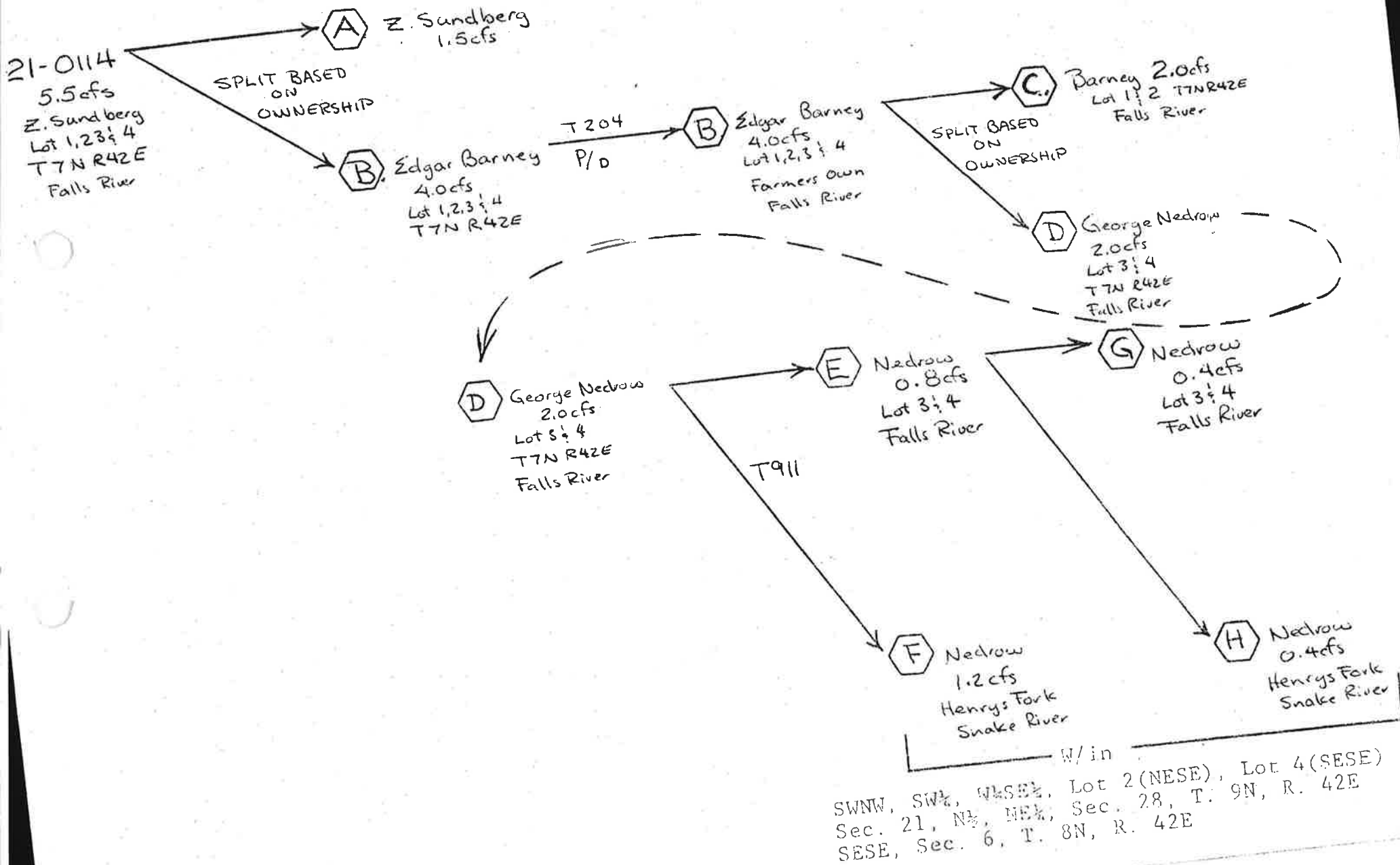
PD for 2.4 cts — River

PD for 3.10 is 2.8 from

Farmers own & 0.3 from

Silkey

REMARK — Water for the
75 acres of original lands
has been diverted exclusively
from the Silkey ditch.



DECREE NO. 21-0114

Amount: 5.5 cfs

Section 7:

Lots, 1, 2, 3, and 4, T. 7N, R. 42E for 149.85 acres.

Plat Map: Sec. 7, T. 7N, R. 42E

Lot 1 (NWNW) Total acres 115.35
Lot 2 (SWNW)
Lot 3 (NWSW)
Lot 4 (SWSW)

Application for:

T 204 Barney claimed ownership of 4.00 cfs out of 5.5 for
Lots 1, 2, 3, and 4.
Transfers 4.00 cfs into Farmers Own Ditch.

Note: Decree for 149.85; plat map for 115.35 acres.

Decree may have deleted a portion of land description.
Sunberg may have transferred 1.5 cfs prior to Barney
land purchase.

Application for:

T 911 Nedrow owns Lots 3 and 4 and 2.00 cfs.
Transfer 1.20 cfs off of Lot 3 and 4 and changes
source to Henrys Fork Snake River.
Leaves 0.80 cfs on Lots 3 & 4 and in Silkey Ditch.
Appears T 204 into Farmers Own never made or Mr. Nedrow
unaware of transfer to Farmers Own from Silkey.

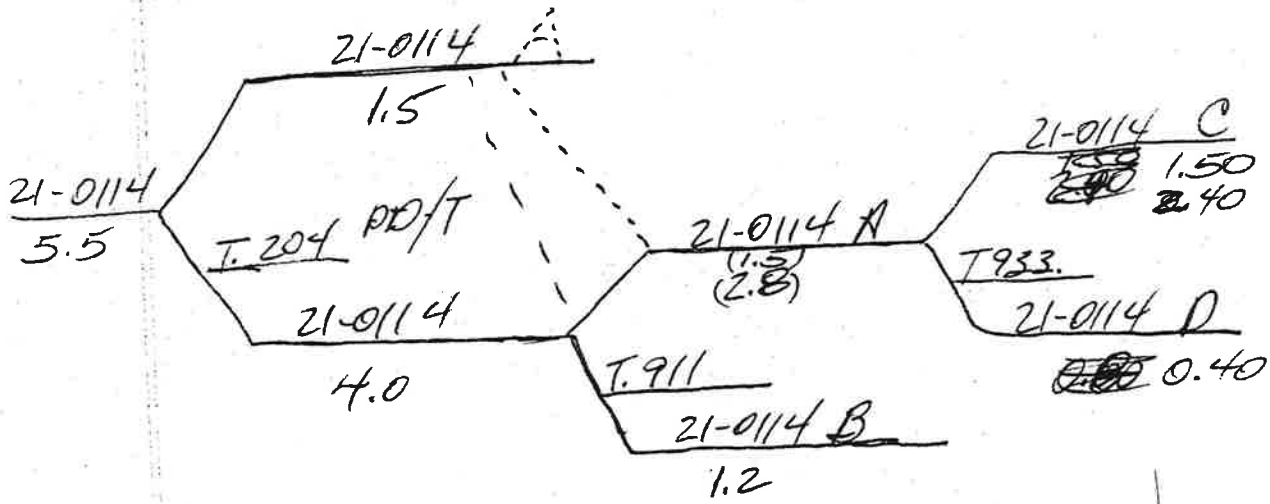
Application for:

T 933 Mr. Nedrow states that 1/4 inch per acre is adequate
for irrigation of Lots 3 and 4.
Transfer 0.4 cfs off of Lots 3 and 4 also changes
source to Henrys Fork Snake River.
Leaves 0.40 cfs on Lot 3 and 4 in Silkey Ditch.

NOTE: (1) All of the above information taken from the
application for transfer.

(2) Transfer No. 204 even though approved may not have
been physically accomplished.

Keith - I have tried to explain below why 21-00140 should only be for 0.40 cfs. This should be thoroughly reviewed before entering 21-0114 C & D.



- T.204 clearly shows that Barney had 4.0 cfs
for Lots 1 2 3 & 4.

1911 states Nedrow bought ~~20 c/s~~ Lots 3 & 4 from Barney and received 2.0 c/s with land. 1.2 c/s was subsequently transferred; 0.8 c/s was left in Silky Ditch.

T933 Nedra transfers $\frac{1}{2}$ of 0.80 cfs to same
P/a as T911. Leaving 0.40 in Silky ditch.
This Transfer should only have granted 0.40 cfs
to be moved.

I am not sure how to ~~code~~ graph but Redrow should not have been granted transfers for 2.4 cfs when he only had 2.0 cfs to begin with. Confirm with Burt and pursue record change. I don't know what happened to 1.5 cfs of origin ~~insight that Barrow did not transfer.~~

AUG 11 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: A21-00114C

Date Received: 3/09/1989

Receipt No: 6006157

Received By: ES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

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

A2100114C



2. Date of Priority: JUN 01, 1890

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

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	3.900		

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

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

9. Non-irrigation uses:
NONE

A21-00114C

Page 1

Date: 03/16/89

MICROFILMED

OCT 20 1992

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:
21-00115A

14. Remarks:
SEE TRANSFERS 204, 911 & 933. THIS IS FILED AS CLAIMANTS
BEST KNOWLEDGE OF USE OF WATER UNDER THIS RIGHT.

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 X 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. Fuchs 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 Snake Falls, ID

My Commission Expires 22 Aug 1994

A21 - 00114c

R41E R42E

FARMER'S
OWN
CANAL

BY FARMERS
OWN
CANAL

**SILKEY
DITCH**

**DRUGS
ID TECH**

Pod

08N 42E 20
NW SW →

CROFILMED

OCT 20 1992

SCALE 1:24 000