RECEIVED

JUN 3 1983

Department of Water Resources
Eastern District Office

THE CHRONICLE-NEWS

ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Carol R. Nash,

being first duly sworn, depose and say, that I am the printer of THE CHRONICLE-NEWS, a weekly newspaper printed and published weekly at St. Anthony, Fremont County, Idaho; and I do solemnly swear that the

Notice of Application
For Exchange of Water

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on May 19, 1983 and the last publication having been made on May 26, 1983.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Carol R Nash

Subscribed to and sworn to before me this May 27, 1983

Jeri Garner
Notary Public.

(SEAL)

My commission expires lifetime

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that ECHO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40/.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 8N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN
Director

Publ. May 19 and 26, 1983.CN

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No specific right - Exchange with Fall River
   Post office address _____

10. Source of water Conant Creek (Name of stream or source) tributary to Fall River tributary to Henry's Fork

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
    b. _____ acre feet/annum

13. Right obtained by: N.A.
    a. Decree to _____ (Name) in Case of _____
    vs. _____, Dated _____ in _____ (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

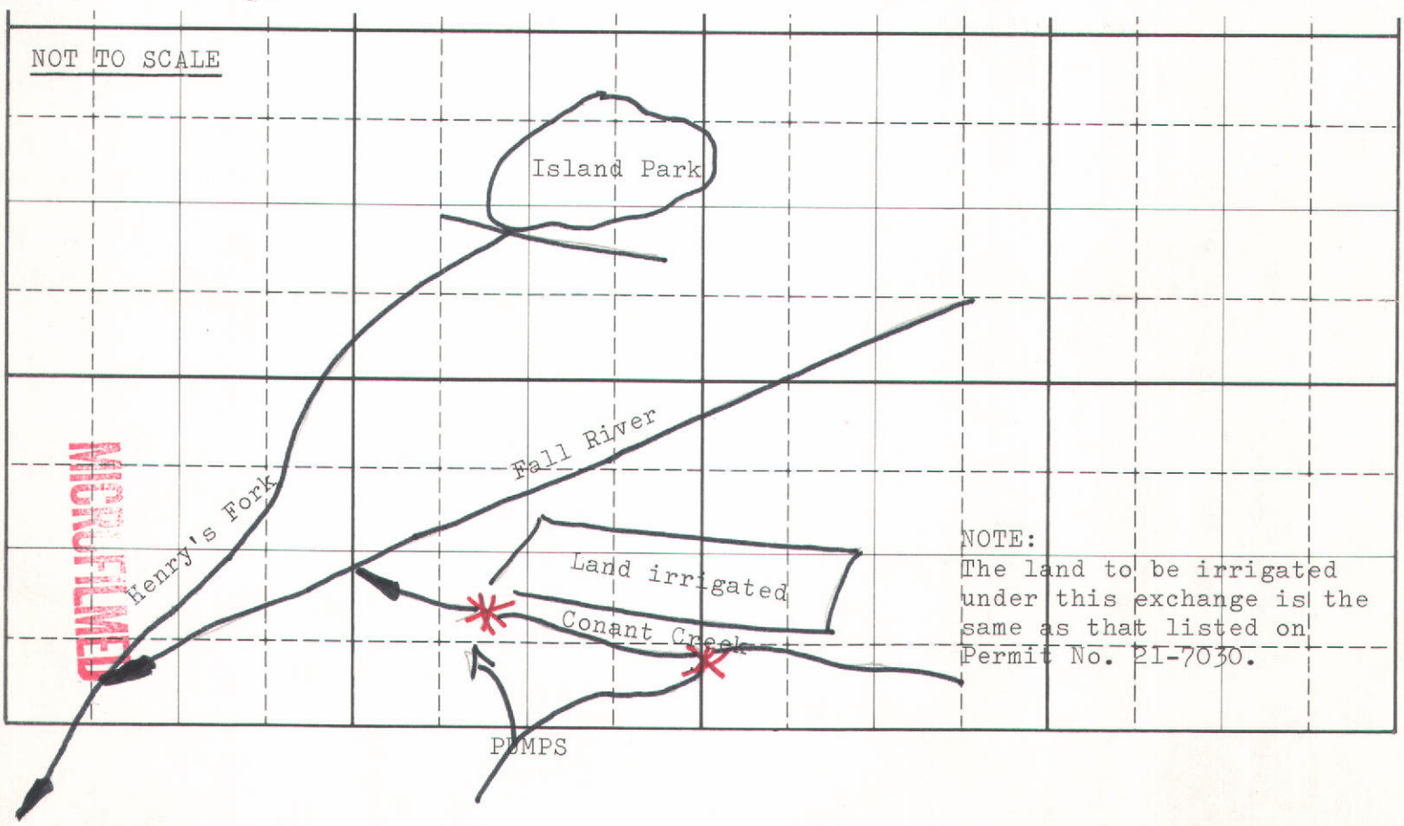
EXCHANGE

14. ~~8.0~~ ALLOW: 4.0 c.f.s and/or ~~248~~ ALLOW: 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in Lot 3 of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____

15. In lieu thereof ~~8.0~~ 4.0 c.f.s. and/or ~~248~~ 100 acre feet per annum will be diverted from Conant Creek at a point within the SW SE ¼ SW SE ¼ of Section 17 16, Township 8N, Range 43E, B.M., in Fremont County.

16. Explanation The ~~248~~ 100 a/f of Island Park Storage water held by the applicant will be released into the Henry's Fork for use by down stream users in exchange for ~~248~~ 100 a/f of Conant Creek water to be taken at the applicant's pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No specific right - Exchange with Fall River
   Post office address _____

10. Source of water Fall River tributary to Henry's Fork
    (Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
    b. _____ acre feet/annum

13. Right obtained by: N.A.
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

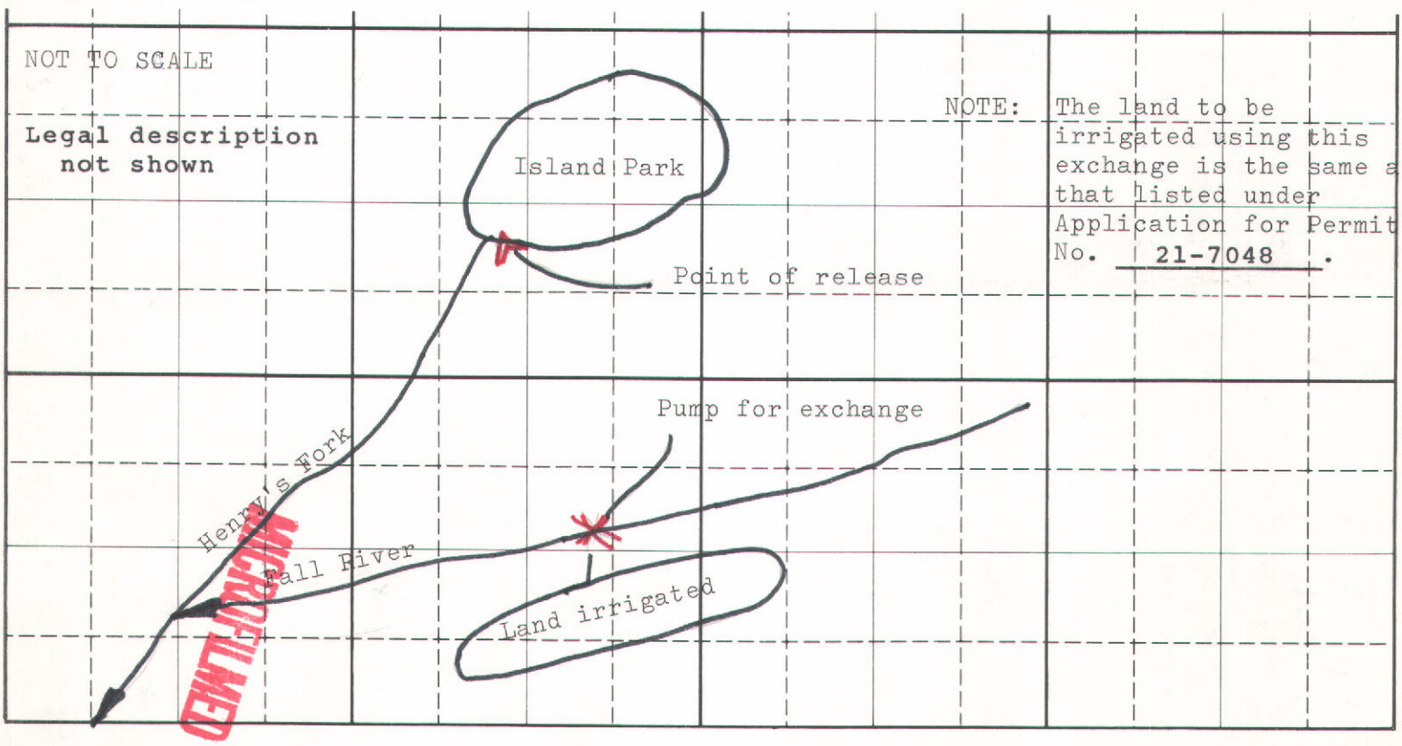
EXCHANGE (Allow 0.46 cfs for a total of 23 AFA per stipulation dated May 6, 1975.)

14. 0.46 c.f.s and/or 23 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in Lot 3 _____ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____

15. In lieu thereof 0.46 c.f.s. and/or 23 acre feet per annum will be diverted from Fall River at a point within the SW ¼ NE ¼ of Section 8, Township 8N, Range 43E, B.M., in Fremont County.

16. Explanation The 23 a/f of Island Park storage held by the applicants will be released into the Henry's Fork in exchange for 23 a/f of Fall River water at the applicant's pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



AFFIDAVIT OF
PUBLICATION

- - - -

State of Idaho
County of Fremont } ss.

Carol Bessey being first duly sworn, upon her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper published at Ashton, Idaho, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Exchange of Water Right - Curtis Loosli + Wayne Oberhansley

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2

consecutive issues thereof; first publication having been made on the 25 day of July, 19 74,

and the last publication on the 1 day of August 19 74.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least four columns each, printed from type matter, of at least fifteen inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 5th day of August, 19 74.

Notary Public for the State of Idaho, residence and post office address: Ashton, Idaho.

(SEAL)

COMPARED

NOTICE OF EXCHANGE
OF WATER RIGHT

Notice is hereby given that Curtis Loosli and Wayne Oberhansley as holders of storage shares in Fremont-Madison Irrigation District have applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicants propose to release 4.0 c.f.s. and/or 100 a.f. per annum of Island Park Storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28 T. 13N, R. 43E, B.M., Fremont County; in exchange for 4.0 c.f.s. and/or 100 a.f. per annum of the waters of Fall River to be diverted within the SW1/4NE1/4, Sec. 8, T. 8N, R. 43E, B.M., Fremont County.

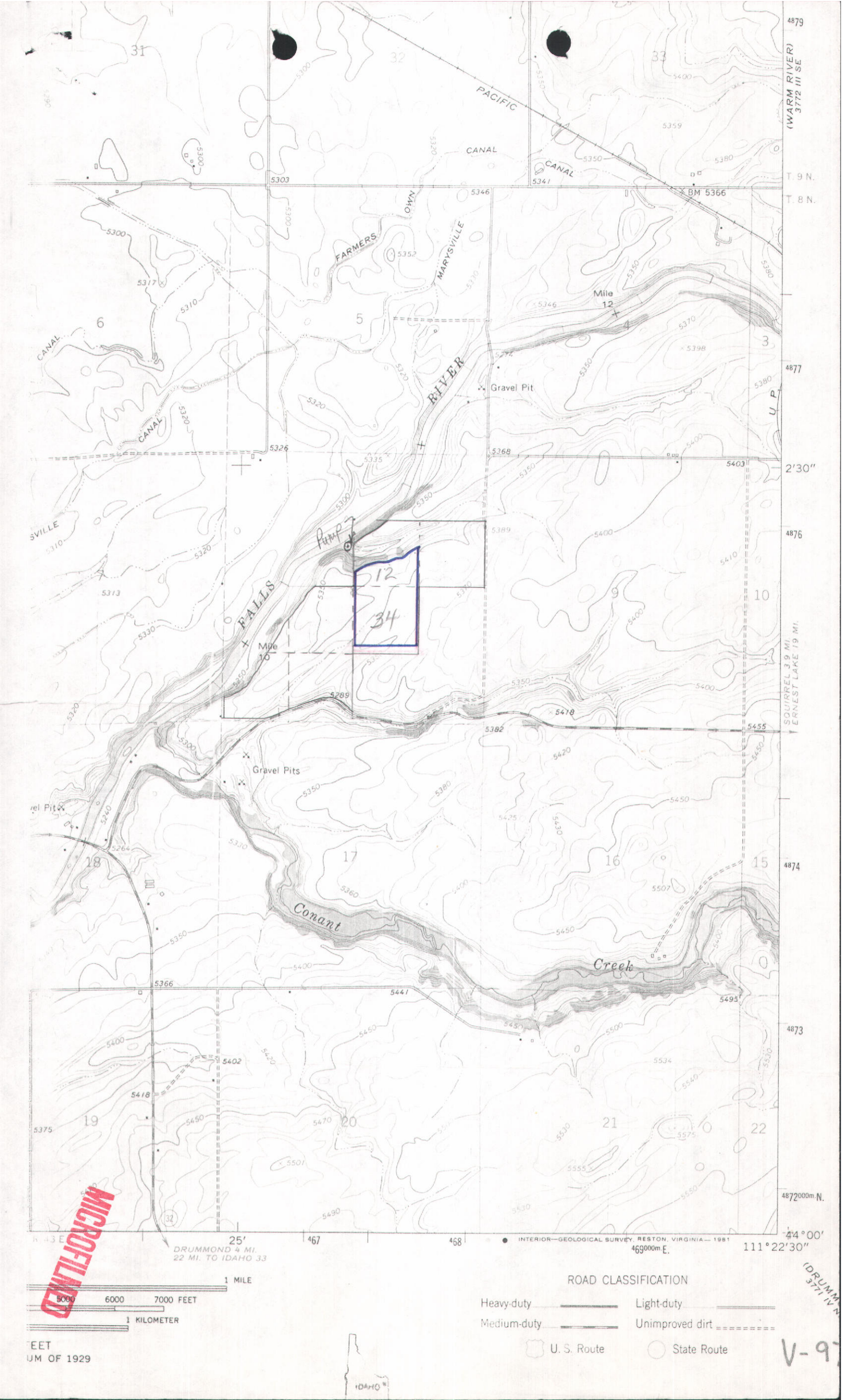
Any protest against approval of the above proposed exchange of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON
Director

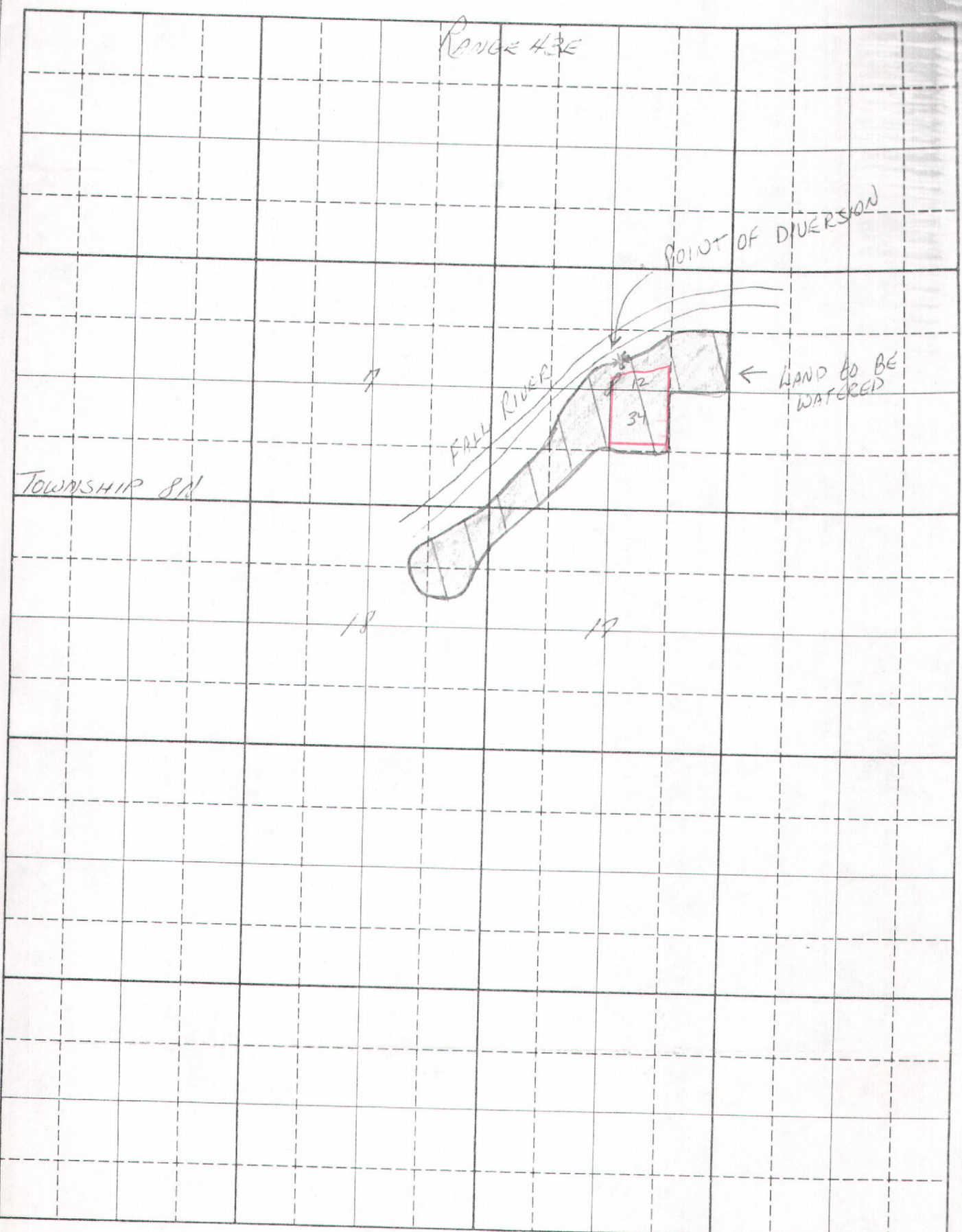
Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

RECEIVED
AUG 6 1974
Department of Water Resources
Eastern District Office

13.76


PACIFIC
CANAL
FARMERS
OWN
MARYSVILLE
CANAL
RIVER
Gravel Pit
Mile 12
Mile 10
Pump
12
34
FALLS
Gravel Pits
Conant
Creek
BM 5366
(WARM RIVER) 3772 III SE
SQUIRREL 3.9 MI.
ERNEST LAKE 19 MI.
(DRUMM 3771 IV N
T. 9 N.
T. 8 N.
2'30"
4879
4877
4876
4874
4873
4872000m N.
469000m E.
44°00'
111°22'30"
25'
DRUMMOND 4 MI.
22 MI. TO IDAHO 33
1 MILE
5000 6000 7000 FEET
1 KILOMETER
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1981
ROAD CLASSIFICATION
Heavy-duty
Medium-duty
Light-duty
Unimproved dirt
U. S. Route
State Route
IDAHO
MICROFILMED
V-9

11. Map of proposed project: show clearly the proposed point of diversion, place or use, section number, township and range number.



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

MICROFILMED

PS Form 3811, Nov. 1973

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● SENDER: Complete items 1 and 2.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

- [x] Show to whom and date delivered..... 15¢
- [ ] Show to whom, date, & address of delivery.. 35¢
- [ ] DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
- [ ] DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery ..... 85¢

2. ARTICLE ADDRESSED TO:

Wayne Graham
Ryan Graham

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	541	

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE

4. DATE OF DELIVERY 1-11-75

POSTMARK

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

☆ GPO : 1974 O - 527-803

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered

☐ Deliver ONLY to addressee

RECEIPT

Received the numbered article described below

REGISTERED NO.

CERTIFIED NO. 519

INSURED NO.

1 SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

Curtis Loosli

2 SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Carolyn Loosli

DATE DELIVERED

11-16-74

3 SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Curtis Loosli

Post office address _____

10. Source of water Fall River tributary to Snake River
(Name of stream or source)

11. Name of canal or ditch Marysville Irrigation

12. Amount of water a. _____ c.f.s. and/or
b. 100 acre feet/annum

13. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

_____

_____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. _____ c.f.s and/or 200 acre feet per annum of water diverted at the point described in line 7 and will be delivered into _____ at a point in _____ ¼ _____ ¼ of Section _____, Township _____, Range _____, B.M., in _____ County; Additional points, if any _____

_____

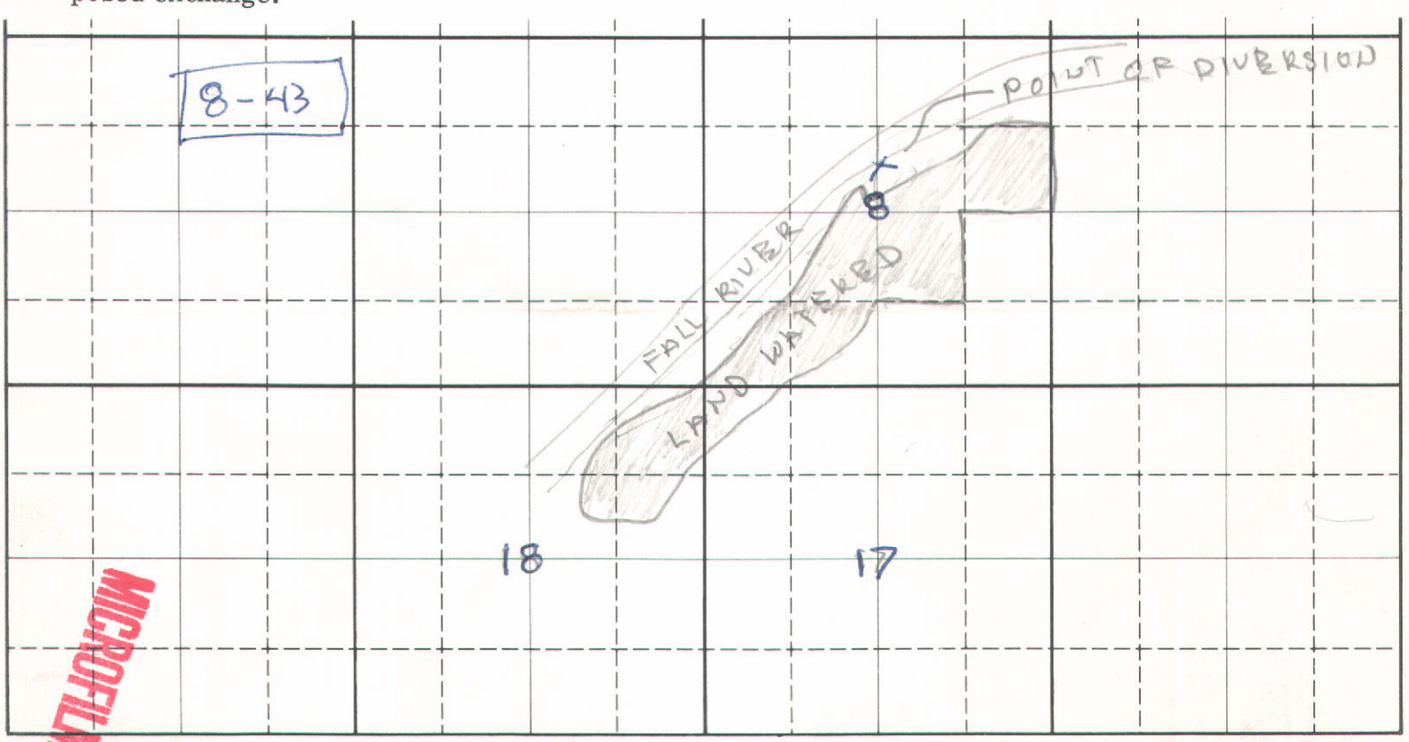
15. In lieu thereof _____ c.f.s. and/or _____ acre feet per annum will be diverted from _____ at a point within the _____ ¼ _____ ¼ of Section _____, Township _____, Range _____, B.M., in _____ County.

16. Explanation _____

_____

_____

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

CONVERSATION MEMORANDU

DATE August 2, 1974

FILE 21-7048, 21-2156, and 21-2156

NAME OF PARTY W. Homer Jones, Ashton

EMPLOYEE Norm NCY

RE: We are accepting this protest, but advised that it would better for him to supply more details on his reasons for protesting. I will advise him of the time and place of any hearing held on the Boom Creek Canal application.

To Norm

Date 8/01/74 Time 2:50 P

WHILE YOU WERE OUT

M W Homer Jones

of Ashton (Route 2)

Phone 652-3535
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
	RETURNED YOUR CALL		

Message If you feel it necessary Call him on this matter He has said he would

DW Operator

MICROFILMED

XXXXXXXXXXXXXXXXXXXXXXX RESOURCES

July 19, 1974

Re: Application for Exchange No. 21-2156 Curtis Loosli & Wayne Oberhansley
" " No. 21-2156 Lynn Loosli

Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 8-12-74 by MB

Not certified

NCY:MB

Enc: Legal Notices (2)

MICROFILMED

Standard Form No. 1034a—Rev.
Form approved by
Comptroller General, U.S.
May 26, 1938
(Amended August 15, 1941)

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

D. O. Vou. No. 107
Bu. Vou. No. 31183

GENERAL ACCOUNTING OFFICE PREAUDIT

Certified for payment in the sum of $_____

Comptroller General of the United States

By _____

U. S. Interior - Bureau of Reclamation
(Department, bureau, or establishment)

Voucher prepared at Boise, Idaho June 12, 1950
(Give place and date)

THE UNITED STATES, Dr.,

To State of Idaho
~~Department of Reclamation~~
(Payee)
Boise, Idaho

Address _____

Payee's Account No. _____

PAID BY

(For use of Paying Office)

No. and Date of Order	Date of Delivery or Service	Articles or Services (Enter description, item number of contract or general supply schedule, and other information deemed necessary) Terms _____% Discount Cash _____ days	Quantity	UNIT PRICE Cost	UNIT PRICE Per	AMOUNT Dollars	AMOUNT Cts.
		Brought forward from continuation sheet(s)					
		Fee for Publication of Notice of Proof of Application of water to beneficial use. Published in issues of Fremont County News of April 6, 13, 20, & 27, 1950, Permits Nos. R-590 & R-666.				19 25	
						19 25	
		Total					

Shipped from _____ to _____ Weight _____ Government B/L No. _____

(Payee must NOT use this space)

Differences _____

Account verified; correct for _____

(Signature or initials) _____

State of Idaho, Dept. Of Reclamation

Contract No. _____ Date _____ Req. No. _____ Date _____ Invoice Rec'd _____

5

19.25

MEMORANDUM

M. D. Stewart
Administrative Officer
Authorized Certifying Officer

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

Appropriation, limitation, or project symbol	Appropriation title	Limit'n or Proj't Amount	Appropriation Amount
14X5070.14	Reclamation Trust Fund Minidoka Project, O&M	19.25	19.25

Allotment symbol	Amount	Obligations liquidated	COST ACCOUNT Symbol	COST ACCOUNT Amount	OBJECTIVE CLASSIFICATION Symbol	OBJECTIVE CLASSIFICATION Amount
				19.25		

Paid by { Check No. _____ dated _____, 19___, for $_____ } on Treasurer of the United States in favor of payee named above.
{ Cash, $_____, on _____, 19___, Payee _____ }
(Sign original only)

* When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.
† If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the blank space below "Approved for $_____", and over his official title.

Per _____

Title _____

U. S. GOVERNMENT PRINTING OFFICE 16—22900a-1

R-590

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Fremont)

R. H. Hancock, being first duly sworn, upon his oath, deposes and says:

That he is the publisher of The Fremont County News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of Notice for publication, Notice of proof application of water to beneficial use.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 4 consecutive issues thereof; first publication having been made on the 6 day of April 19 50, and last publication on the 27th day of April 19 50

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

R. H. Hancock

Subscribed in my presence and sworn to before me this 8th day of June, 1950

J. E. Hulet

Notary Public for the State of Idaho, residence and post office address: St. Anthony, Idaho

(Seal)

THONY, IDAHO

issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, for 114,000 acre feet under permit No. R-590, and June 12, 1940, for 21,000 acre feet under Permit No. R-686.

MARK R. KULP
State Reclamation Engineer

Pub. April 6, 13, 20, 27, 1950

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the application to beneficial use of 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore

R-590

R 590

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permits Nos. R-590 & R-686 Date: **March 31, 1950**

Fremont County News

St. Anthony, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 5, 1950**, the date set for proof, the expense of the publication to be paid by the applicant, **U.S.Bureau of Reclamation, C/oHarold T. Nelson, Regional Director, P. O. Box 937, Boise, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

R-590

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the application to beneficial use of 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

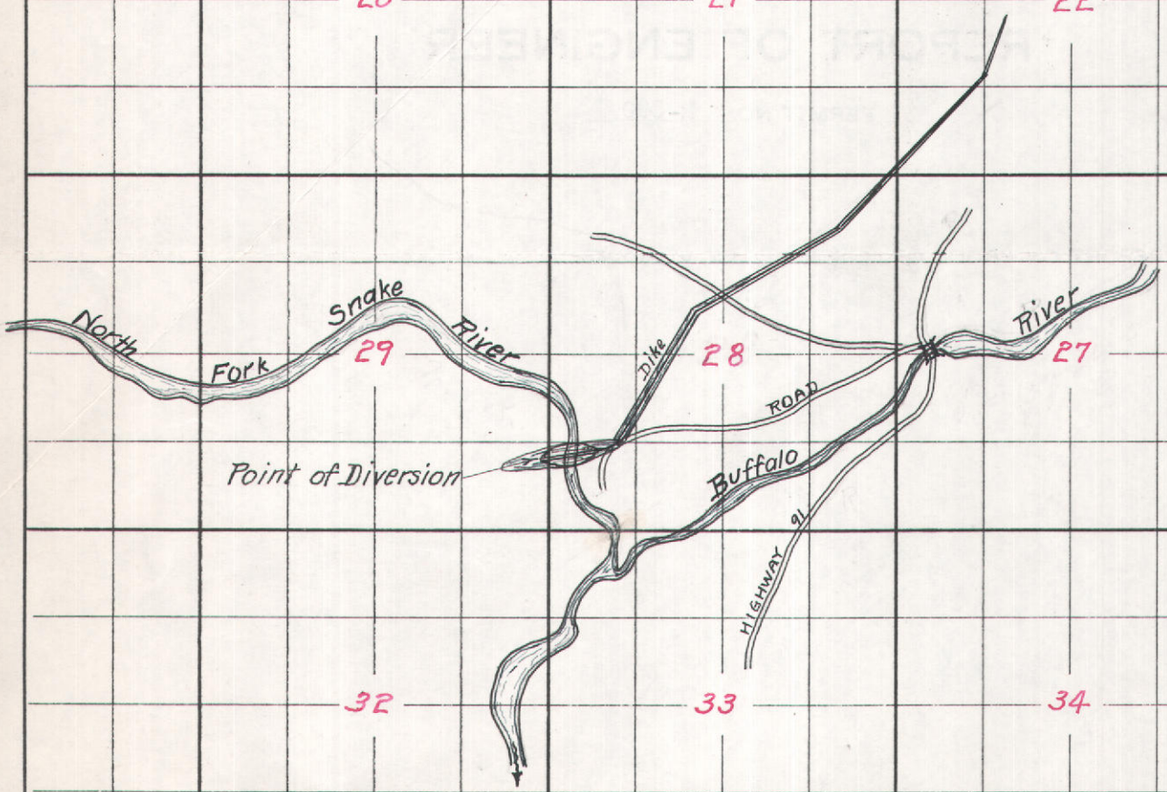
The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, FOR 114,000 ACRE FEET UNDER Permit No. R-590 , and June 12, 1940, for 21,000 acre feet under Permit No. R-686

MARK R. KULP

State Reclamation Engineer

R-590



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

July 13, 1939

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel, U.S.R.S.
603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:-

In compliance with your request of July 12th, we are enclosing half a dozen of each of the two forms of deposition- deposition of holder and deposition of witness- used in making proof of completion of works.

A set of these depositions has previously been sent to the Ashton office, and ten days before the date set for proof of July 18th, we shall send a set to the Notary Public before whom the proof is to be made.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

R-590

July 14, 1939

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel, U.S.R.S.,
603 Post Office Building,
Portland, Oregon.

Dear Sir:-

We are in receipt of a copy of a letter addressed to you by Mr. Frank G. Ensign, about the termination of the bond under Permit No. R-590.

It has always been the policy of the Department in the past to have the bonds remain in force and effect until the proof of Completion of Works has been submitted, and Certificate issued.

This policy has evidently been formulated through interpretations of Sections 41-204, 41-208 and 41-209, Idaho Code Annotated.

Section 41-204, as you know, states that the bond "is conditioned upon faithfully carrying to completion the works of diversion as specified in said permit".

Section 41-208 specifies the steps necessary to make the proof of satisfactory completion, and Section 41-209 is the Department's authority for the issuance of a Certificate of Completion of Works.

We believe that the only way that we would have authority to terminate bonds under Section 41-204 would be to comply with all the steps set out in Sections 41-208 and 41-209.

In the case of your Permit No. R-590, which is in the process of publication, I believe that the engineer will be able to make his examination this summer, and submit his report, so that we can issue the Certificate of Completion of Works. As soon as this certificate is issued, we shall notify you, so that your bond may be terminated.

I trust that this will meet with your approval. We shall welcome any suggestions that you may make in this regard.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Deputy Commissioner

D:A

C.C. to Frank G. Ensign.

R-590

COPY

RECEIVED
JUL 10 1939
Department of Reclamation

July 8, 1939

Mr. B. E. Stoutemyer
603 Post Office Building
Portland, Oregon

Re-Bond on Water Permit R-590

My dear Ben:

I am glad to have the opportunity of writing you personally, in reply to your letter of July 6.

Of course, the bill for the premium on the bond for Permit R-590 should have been made to the United States. I am sorry that there was a mistake in this office, although our records show the bill should have been made to the United States, attention of B. E. Stoutemyer, District Counsel.

I am satisfied that the National Surety Corporation will accept as notice of termination of the liability under the bond, your letter stating that the Reservoir is now completed, but the Bureau of Reclamation of the State of Idaho advises me that Proof of Completion is required under Section 41208, and I am asking Mr. Spofford to write you directly on this matter.

With very cordial regards, I am

Very respectfully yours,

Frank

FRANK G. ENSIGN

FGE:BH
cc: James H. Spofford

R-590

July 12, 1939

Re: Permit No. R-590

Construction Engineer,
U. S. Bureau of Reclamation,
Ashton, Idaho.

Dear Sir:-

In reply to letter of July 8th, from Mr. I. Donald Jerman, Acting Construction Engineer, by E. V. Hillius, Chief Clerk, we are returning Form No. 11- in order that the Engineer's certificate may be executed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

R-590

June 13, 1939

Re: Permit No. R-590

Mr. H. A. Parker,
Construction Engineer,
U. S. Bureau of Reclamation,
Ashton, Idaho.

Dear Mr. Parker:-

Mr. W. A. Lansberry, of the Ashton Herald, called in our office yesterday afternoon, in regard to notice for publication sent him from the U. S. Department of Interior, Bureau of Reclamation, at Washington, D.C.

This notice was in connection with completion of works proof under Permit No. R-590, but was incomplete, in that it did not name a time or place for making the proof, nor the name of the Notary Public before whom the depositions were to be taken.

In order that our records may be complete in this matter, we are enclosing our official forms of notice (in duplicate), which we will ask you to fill out and return to this office; also your authorization to have same published in the Ashton Herald.

This publication must be made for four consecutive weeks prior to the date set for making proof; and inasmuch as it is now too late for this week's issue of the paper, the earliest date that can be set will be July 15th; and you may designate either this date, or any date thereafter, that is convenient for you.

On the date designated a representative of the holder- together with two disinterested witnesses, must appear at the place designated in order to execute the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

CC Mr. W. A. Lansberry

R-590

R-590

March 29, 1935

Re: Application for Permit
U. S. A., Bureau of Reclamation

MR. H. F. BAHMEIER, Associate Engineer
203 Federal Building,
Idaho Falls, Idaho

Dear Sir:

Under date of March 14th we received the above application for permit to construct a reservoir and store and appropriate 114,000 acre feet of water per annum from the North Fork of Snake River in Fremont County, Idaho. We are also in receipt of the tracing and blueprint you prepared in connection with this application.

Under paragraph 4, you have given the point of outlet as being 4500' distant from the SW corner of Section 28, T. 13 N., R. 43 E., and being in the NW¼ SW¼ of Section 28, T. 13 N., R. 43 E., B. M. Since you failed to give the course, it is not possible for us to determine the forty acre subdivision in which the point of outlet will be located. However, if your distance is correct it clearly cannot be in the NW¼ SW¼.

Under paragraph 16, will you kindly give the length of the new canal, from its point of diversion to the point where it enters Teton River.

As you know, the list which you submitted contains the courses and distances of 41 points of diversion, where the stored water will be diverted to be distributed over the project. In checking these bearings, I find that 18 of them are in error. In other words, the descriptions do not agree with the platting on the maps. In several cases the points, as shown on the map, are off as much as a quarter of a mile. I realize, of course, that one cannot hope to check any closer than two or three degrees, with a protractor, nor have I attempted to do so, but those diversions which are marked with a question mark are off so far that they do not hit in the forty which they should.

We are, therefore, returning the application and the maps for correction. Your land list checks the map so we shall hold that pending receipt of the corrected application.

There is a filing fee of $118.75 due in connection with this application and we have advised Mr. Stoutemyer, District Counsel, of such fee so that, no doubt,

R-590

232 Federal Building
Idaho Falls, Idaho

March 9, 1935

From Associate Engineer H. F. Bahmeier

To District Counsel, Portland, Oregon

Subject: Application for Permit to Construct Reservoir, etc.
Upper Snake River Storage Project - Idaho

1. The original and one carbon copy of Application for Permit to Construct the Island Park Reservoir and other works is enclosed herewith. The original copy should be signed and then forwarded to the Commissioner of Reclamation, Boise, Idaho, together with the lists of canals and lands, two copies of each being attached.

2. Duplicate copies of the maps required by the Idaho Commissioner's office, consisting of tracing and blue print of each, are being forwarded direct to Boise. One set of maps is being sent your office under separate cover.

3. Copies of all enclosures and maps are also being furnished the Commissioner, Washington, and the Chief Engineer, Denver.

4. Request should be made of the Idaho Commissioner to either advise you the amount of the filing fees or send statement direct to the Chief Engineer.

Encls.

- - -

H. F. Bahmeier

cc. Washington
cc. Denver
cc. Boise

RECEIVED
MAR 11 1935
Department of Reclamation

R-390

June 21, 1935

Re: Application No. 25162 & Permits Nos. R-561 and R-590

MR. W. G. BISSELL,
Lawyer,
Gooding, Idaho

Dear Sir:

We are enclosing herewith our office receipt in the amount of $13.50 which is in payment of the fee due in connection with certified copies of the above numbered permits and application, furnished you under date of June 14th.

Thanking you for this prompt remittance, we are

Very truly yours,

R. W. FARIS
Comissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

R-590

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. R-590

Boise, Idaho, May 16, 1935

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

U.S. of AMERICA, Acting through
B. E. Stoutemyer, District Counsel,
Bureau of Reclamation,
Idaho Falls, Idaho
c/o H. A. Parker, Construction Engineer

R. W. FARIS
Commissioner of Reclamation.

R-590

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Beasley (her)

being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of application for exchange of water (Farmers)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 19 80, and the last publication on the ~~24~~ day of April 19 80

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Beasley

Subscribed in my presence and sworn to before me this 29 day of April, 19 80

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho. Ashton

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the ~~Fremont~~ Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 8,165 AF of Island Park storage water held by Farmers Own Ditch Co. of Ashton, Idaho, with a priority (exchange) of June, 1938, for 8,165 AF of Falls River water diverted within the NE¼SE¼, Sec. 35, T. 9N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

80 D

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of notice of application for exchange of water (Griffel)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

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APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 200 AF of Island Park storage water held by Fred and Lloyd Griffel, Ashton, Idaho, with a priority (exchange) of June 1950 (100AF) and June 1963 (100AF), for 200 AF of Falls River water diverted within the NE¼NW¼, Sec. 33, T. 9N, R. 44E, B.M. Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of notice of application for exchange of water (Blanchard)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Ashton Idaho.

MICROFILMED

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 5 AF of Island Park storage water held by Gail Blanchard of Chester, Idaho, with a priority (exchange) of June, 1938, for 5 AF of Falls River water diverted within the SE¼NE¼, Sec. 13, T. 8N, R. 41E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice Application for exchange of water (Orme)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~ Ashton, Idaho.

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114.00 AF
PRIORITY: 3/14/35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 100 AF of Island Park storage water held by Larry Orme, Ashton, Idaho, with a priority (exchange) of June 1953, for 100 AF of Squirrel Creek water diverted within the SW¼NW¼, Sec. 17, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald on 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of notice of application for exchange of water (Marysville)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Holcomb

Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho. Ashton

[SEAL]

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APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the water of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located with Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 19,126 AF of Island Park storage water held by Marysville Canal Co., Ashton, Idaho, with a priority (exchange) of June 1938, for 19,126 AF of Falls River water diverted within the NE¼NW¼, Sec. 35, T. 9N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of notice of application for exchange of water (Squirrel Creek)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony, Idaho.~~ Ashton

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the ~~Fremont~~ Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 240 Af of Island Park storage water held by Squirrel Creek Canal, Ashton, Idaho, with a priority (exchange) of June 1956 (140 AF) and June 1938 (100AF), for 240 Squirrel Creek water diverted within the SE¼SE¼, Sec. 3, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of application for exchange of water (Potter)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 19 80, and the last publication on the 24 day of April 19 80.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 19 80

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 50 AF of Island Park storage water held by Donald Potter, Chester, Idaho, with a priority (exchange) of June, 1957, for 50 AF of Falls River water diverted within the NE¼SE¼, Sec. 21, T. 8N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

80-D

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

notice of Application for Exchange of Water (Laird + Sons)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 1979, and the last publication on the 25 day of October 1979

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of October, 1979.

William Hansen

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Laird and Sons, Dubois, Idaho, proposes to exchange 50 AF of their Island Park storage water with a priority (exchange) of June 1, 1953 for 50 AF of Twin Creek water diverted within the NE¼NE¼, Sec. 36, T. 15N, R. 43E, B.M., Fremont County, to be used within the NW¼, Sec. 36, T. 15N, R. 43E, B.M.

Any protest to the above proposed exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

80

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Application for Exchange of Water (Boom Cr. Canal)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 1979, and the last publication on the 25 day of October 1979.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of October, 1979.

Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

[SEAL]

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

The Boom Creek Canal Co., Ashton, Idaho, proposes to exchange 860 AF of their Island Park storage water with priorities (exchange) of June 1, 1956 for 60 AF and June 1, 1975 for 800 AF, in lieu of 860 AF of Boom Creek water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 45E, B.M., Fremont County.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

-A

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey, her

being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for Exchange of Water (Reinke)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 19 79, and the last publication on the 25 day of October 1979.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of October, 19 79

Adam M. Hosner

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~ Ashton, Idaho.

MICROFILMED

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont-Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by license No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

David P. Reinke, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a (exchange) priority of June 1, 1975, in lieu of 100 AF of Falls River water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 43E, B.M., Fremont County, to be used for the irrigation of 72 acres within the S½NE¼, NE¼SE¼, SW¼NW¼, Sec. 3, T. 8N, R. 43E, B.M.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

80

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey, her being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for exchange of water

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for One consecutive issues thereof; ~~first~~ publication having been made on the 18 day of October, 1979,

~~and the last publication on the day of 19~~

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey
Subscribed in my presence and sworn to before me this 23 day of October, 1979.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho. Ashton

MICROFILMED

RECEIVED
OCT 24 1979
Department of Water Resources
Eastern District Office

CW

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:
21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used to irrigate lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Keith Nyborg, Ashton, Idaho, proposes to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 ~~and 25,~~ 1979AH

Cancelled after first advertising

80-D

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name Edward Howell

Post office address Box 216 Ashton Id. 83420

10. Source of water Strong Creek tributary to North Fork Snake River
(Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
b. 100 acre feet/annum

13. Right obtained by: No specific Right

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

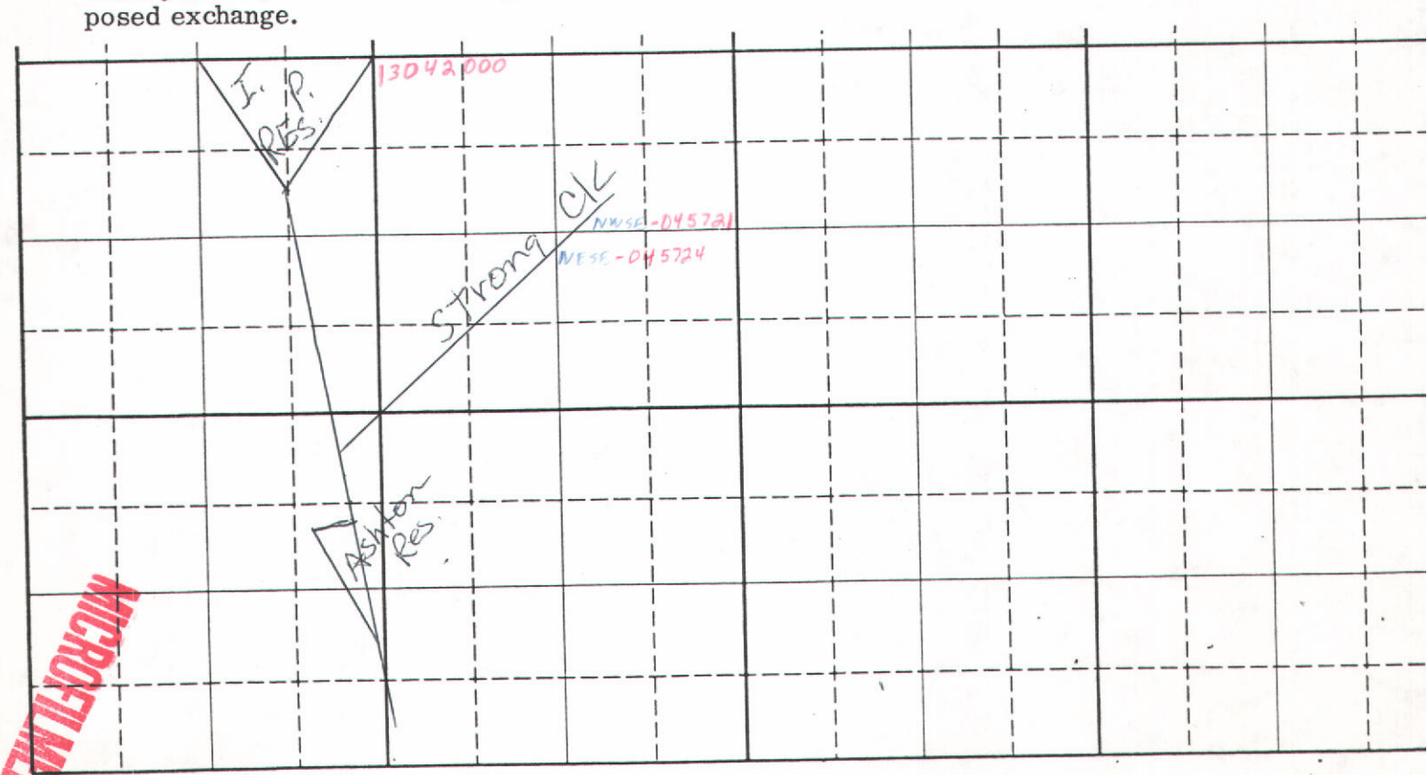
EXCHANGE (Allow 84.4 AF for 21-2156E and 15.6 AF for 21-2157A) DRT 3-4-83

14. _____ c.f.s and/or 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork Snake River at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

15. In lieu thereof _____ c.f.s. and/or 100 acre feet per annum will be diverted from Strong Creek at a point within the NE ¼ SE & NWSE ¼ of Section 17, Township 9N, Range 43E, B.M., in Fremont County.

16. Explanation Priority of exchange 100 AF purchased June 1, 1956 100 AF I.P. storage exchanges for 100 AF Strong Creek taken by pump for Edward Howell in all of Sec. 17, T. 9N, R. 43E. *

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

* Place of use within lands of Freemont-Madison Irrigation District

DRT 12/27/79

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for Exchange of Water (Howell).

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 1979 and the last publication on the 25 day of October 1979.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of October, 1979.

[SEAL]

Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:
21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Edward Howell, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a priority (exchange) of June 1, 1956 for 100 AF of Strong Creek water diverted within the NE¼SE¼, NW¼SE¼, Sec. 17, T. 9N, R. 43E, B.M., Fremont County to be used within Sec. 17, T. 9N, R. 43E, B.M.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

80

MICROFILMED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of THE REXBURG Journal, a newspaper printed and published weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice of application

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on March 11, 1976 and the last publication having been made on March 18, 1976.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Terry T Weatherston

Subscribed to and sworn to before me this March 19, 1976.

Notary Public.

(SEAL)

My commission expires August 5, 1977

DISAPPROVED

RECEIVED
MAR 23 1976
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(d)

Notice is hereby given that Steveco, Inc., Teton, Idaho, has applied to the Department of Water Resources on 3-01-76 to exchange 300 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within the SE¼SE¼ (2 points), Sec. 13, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 10.0 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho; on March 11 and March 18, 1976.

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of THE REXBURG Journal, a newspaper printed and published weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Exchange of water No.21-2156(c)
a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on March 11, 1976 and the last publication having been made on March 18, 1976.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Terry T. Weatherston

Subscribed to and sworn to before me this March 19, 1976.

Roy A. Porter
Notary Public.

(SEAL)

My commission expires August 5, 1977

MICROFILMED

RECEIVED
MAR 23 1976
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(c)

Notice is hereby given that O. J. Neeley Ranch, Inc., Rexburg, Idaho, has applied to the Department of Water Resources on 2-23-76 to exchange 55 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within Sec. 19, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 4.00 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

21-2156(c) O. J. NEELEY RANCH INC.
21-2156(d) STEVECO INC.
COURT ROOM, ST. ANTHONY, IDAHO
MAY 27, 1976 — 10:00 A.M.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Owen J Neeley	Star Route Newdale,	O. J Neeley Ranch
Blair Grover	Box 36, Rigby	"
Lc Tanderson	F M. Irr.	
Wayne Stevens	Newdale Idaho	
Gordon S Thatcher of Rigby, Thatcher & Andrus, PA P.O. Box 250 Rexburg, Idaho 83440		Steveco, Inc.
Art Larson	Box 1099 Idaho Falls	WD 01
Reuell Walker	Fremont-Madison Irr.	
Reg Child	" "	
J. D. Hancock of Smith & Hancock	Rexburg, Id.	F-M Irr. Dist.

MICROFILMED

105

Preliminary Matter by Roger Hoopes

Motions in writing

Dismiss the protest of Fremont Madison / Motion ➤ take under consideration

1. Conflict of interest

2. F M I D does meet statutory 43-304 powers – By-laws must be printed – Rules of Procedure

~~By~~

Motion to dismiss protest of Teton River Protective Assoc. Inc.

1. Not a legal entity at present – Corp. charter forfeited Nov. 1982

2. Not entitled to enter a protest – 42-203.

No water rights, no property, no water use, no distribution.

– Writen responses within 15 days.

–Direct

Earl Hoopes – Major Stockholder of ECHO Ranch

Land dry until about 1970 or 71

Water obtained thru application for permit

Has obtained supplemental water – leased water short term and purchased water shares for long term.

Purchased water from Whittson under Rexburg Canal Co. the Canal Co refused the transfer.

~~Purchase~~

His understanding is that for a transfer to be acceptable to the F.M.I.D. it had to be allotted to the Teton side of the X-cut canal

His has transfered water from the Grand Teton Canal previously.

Has leased this water for several years –

Applicants Exhibit A – lease agreement ➤

Do you have an ample supply of water? No! most of the water is leased. Leases are from year to year.

The water used to irrigate this land has been diverted thru the X-cut every year for the last several years.

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

21-21561-57

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. ARTICLE ADDRESSED TO:
Enal Johnson
Rt. 1 Box 75
St. Anthony, Id. 83445

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13088

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Myatie Johnson

5. DATE OF DELIVERY
7-8-83

POSTMARK
ST. ANTHONY, ID
JUL 8 1983
POST OFFICE

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

MICROFILMED

22-7304 21-2156/57

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

21-2315-16

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
FREMONT MADISON IRR. DIST.
P.O. BOX 5
ST. ANTHONY, ID. 83445

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13073

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Dale L. Swenson

DATE OF DELIVERY
07-08-83

POSTMARK
SAINT ANTHONY JUL 8 1983 IDAHO USPO

6. ADDRESSEE'S ADDRESS *(Only if requested)*

MICROFILMED

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
R.K.

PS Form 3877, Sept. 1979 — ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☑ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

No.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	13071	Idco Ranch P.O Box 97 Atomic Jct.	20	75				60			21-2156/57
2	13072	Diana Lickman Rt #1 Sugar City									
3	13073	Clermont Madison P.O Box 5 St Anthony									22-7304 21-7315-16
4	13074	Mary Smith 33 So 2nd W Rexburg									22-7304 21-7315-16 21-2134
5	13075	Lisle Dickson Rt #4 Box 192 Rexburg									
6	13076	Lyle Ashcroft Rt #2 St Anthony									
7	13077	Boyd Zollist Rt #2 St Anthony									
8	13078	Norval Eicks 236 S Main St Anthony				1983					
9	13079	Lloyd Glen Teton Id									
10	13080	Glen Glen Teton Id Box 27									
11	13081	Dean Geisinger Rt #2 Rexburg									
12	13082	Ed Lindbladers Rt 2 Box 72 Rexburg									
13	13083	Robert Orme Rt #2 Box 14C Rexburg									
14	13084	Linda Larsen Box 326 Sugar City									
15	13085	Bill Palmer, Sugar City									

MICROFILMED

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
~~15~~ 15	15	J Ritter

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN ☆ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

June 2, 1983

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

To: Water Resource Board
Idaho Falls, Idaho 83448

Gentlemen:

The W.J.R.M. DITCH CO. objects to the transfer of 106 acre feet of Island Park storage that Earl Hoopes has applied for; The reason being that it would be a detremental situation for the W.J.R.M. Ditch co during the irrigation season. The Fremont-Madison indicates that they cannot handle the extra amount of water during the peak irrigation time.

Sincerely

Woodmansee- Johnson Rexburg Mill Ditch Co.

Dell Palmer
Dell Palmer Chairman

Rondo Barrus
Rondo Barrus Secretary

NOTICE OF APPLICATION
FOR EXCHANGE OF WATER

Notice is hereby given that ECHO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 8N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN
Director

Publ. May 19 and 26, 1983 CN

MICROFILMED

MICROFILMED

OPERATION OF CROSS CUT DURING 1977

24 hour Second-Feet

PLATE NO. 23-A

MAY

LOCATION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
Diverted at Head	195	200	198	202	191	192	195	188	188	193	208	201	200	310	316	309	312	304	312	265	240	244	244	242	182	140	138	114	134	135	132	6,624
Inflow from Fall River Canal	5	8	30	30	28	23	22	23	22	24	23	22	23	23	23	24	24	23	22	24	24	22	22	22	23	23	23	23	22	22	21	693
North Branch Diversion	91	94	95	95	96	97	97	95	96	96	98	97	97	91	93	95	97	95	94	89	87	85	86	84	77	78	78	73	76	77	77	2,776
Middle Branch Diversion	79	79	86	84	81	79	79	80	78	79	88	87	87	94	94	93	75	75	75	68	66	67	66	67	56	49	48	42	48	48	46	2,243
Below Fall River Canal Divers.	30	35	47	53	42	39	41	36	36	42	45	39	39	148	152	145	164	157	165	132	111	114	114	113	72	36	35	22	32	32	30	2,298
Cross Cut at End	40	40	40	40	44	36	36	36	36	36	36	36	36	36	80	125	125	131	131	141	89	98	106	106	106	31	37	31	28	25	22	1,940

JUNE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
Diverted at Head	207	213	314	317	316	326	330	329	325	348	244	232	223	225	218	216	302	308	314	386	401	398	501	494	487	116	486	512	510	544		10,142
Inflow from Fall River Canal	24	25	27	28	29	25	21	14	14	18	22	16	16	16	14	16	16	16	14	14	16	16	13	12	12	10	10	8	11	10		503
North Branch Diversion	86	86	96	96	101	96	96	95	95	97	86	85	83	85	83	85	92	95	95	95	98	96	87	86	94	69	97	99	100	86		2,740
Middle Branch Diversion	59	79	94	96	100	108	108	114	114	122	81	0	0	80	79	77	109	112	112	133	131	118	116	116	84	35	84	86	86	86		2,719
Below Fall River Canal Divers.	86	73	151	153	144	147	147	134	130	147	99	163	156	76	70	70	117	117	121	172	188	200	311	304	321	22	315	335	335	382		5,186
Cross Cut at End	62	62	133	136	130	125	119	112	108	112	84	139	130	130	55	55	55	113	110	141	157	157	157	239	239	40	287	287	315	315		4,304

JULY

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	548	274	535	565	576	277	176	582	585	604	579	596	591	410	484	438	440	447	442	441	138	494	494	527	338	322	330	320	319	319	314	13,505
Inflow from Fall River Canal	10	12	7	11	9	7	7	7	6	6	6	6	6	3	3	3	3	3	2	2	2	2	2	2	0	5	5	8	8	6	5	164
North Branch Diversion	86	27	95	87	88	91	81	91	90	91	90	88	88	81	34	28	30	30	28	27	27	24	24	32	10	51	51	52	52	52	0	1,726
Middle Branch Diversion	76	14	122	105	103	103	80	104	107	107	83	102	97	84	48	42	42	49	49	49	49	52	52	54	35	68	92	86	85	85	11	2,235
Below Fall River Canal Divers.	396	245	325	384	394	90	22	394	394	412	412	422	412	248	405	371	371	371	367	367	64	420	420	443	293	208	192	190	190	188	308	9,705
Cross Cut at End	371	313	334	334	353	185	65	362	362	364	388	393	395	411	373	353	353	353	353	353	258	287	380	247	359	242	215	204	204	204	311	9,679

AUGUST

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	319	321	317	321	327	335	333	273	260	312	312	313	316	319	316	322	317	316	309	244	240	240	236	235	240	248	245	246	247	246	251	8,876
Inflow from Fall River Canal	1	1	2	2	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1	1	2	2	1	1	8	8	53
North Branch Diversion	0	28	29	30	30	2	2	46	45	60	60	61	28	32	34	1	1	1	1	1	1	1	32	32	32	34	34	34	34	35	43	804
Middle Branch Diversion	12	61	61	58	60	15	26	24	24	78	78	78	53	52	52	18	19	18	18	16	23	23	43	43	45	43	40	40	37	35	65	1,258
Below Fall River Canal Divers.	308	233	229	235	240	320	306	204	192	175	175	175	236	236	231	304	298	298	291	228	217	217	163	161	164	173	173	173	177	184	151	6,867
Cross Cut at End	302	228	245	239	239	262	289	289	214	191	185	190	228	215	250	234	250	268	268	218	218	207	163	149	149	157	157	157	157	157	157	6,632

SEPTEMBER

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	252	249	246	247	249	247	247	247	245	284	322	290	259	252	30	163	295	288	280	283	286	217	149	134	119	114	109	109	111	111		6,334
Inflow from Fall River Canal	8	8	9	9	8	8	8	8	8	8	8	6	4	4	5	5	4	4	4	4	4	4	4	5	6	6	5	5	5	5		179
North Branch Diversion	43	50	57	57	57	57	57	57	57	57	57	32	8	7	1	4	7	22	36	36	37	34	32	32	32	28	25	25	26	26		1,056
Middle Branch Diversion	62	64	67	67	66	66	67	67	66	75	84	55	26	25	14	16	17	34	50	51	52	44	36	35	34	34	33	33	34	34		1,405
Below Fall River Canal Divers.	155	143	131	132	134	132	131	131	130	160	189	209	229	124	20	148	275	236	198	200	201	143	85	72	59	58	56	56	56	56		4,049
Cross Cut at End	151	128	106	106	107	107	107	110	112	133	154	164	174	148	122	181	140	101	164	160	158	120	82	66	51	48	46	44	41	41		3,573

Season loss = 1980 ÷ 28,108 = 7.04%

Total into Teton River for Season = 26,128 cfs = 51,825 ac-ft.

Plate No. 23A

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

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2	13067	John Hepworth, P.O. Box 54, D7	20	75				60			"
3	13068	Glen Kunau P.O. Box 97 Ditmar	20	75				60			21-21-56/57
4	13069	Wm. Smith, 33 Locust Parkway	20	75				60			"
5	13070	Vincent Mad Project St. Anthony	20	75				60			"
6											
7				3 / 75							
8											
9											
10											
11											
12											
13											
14											
15											

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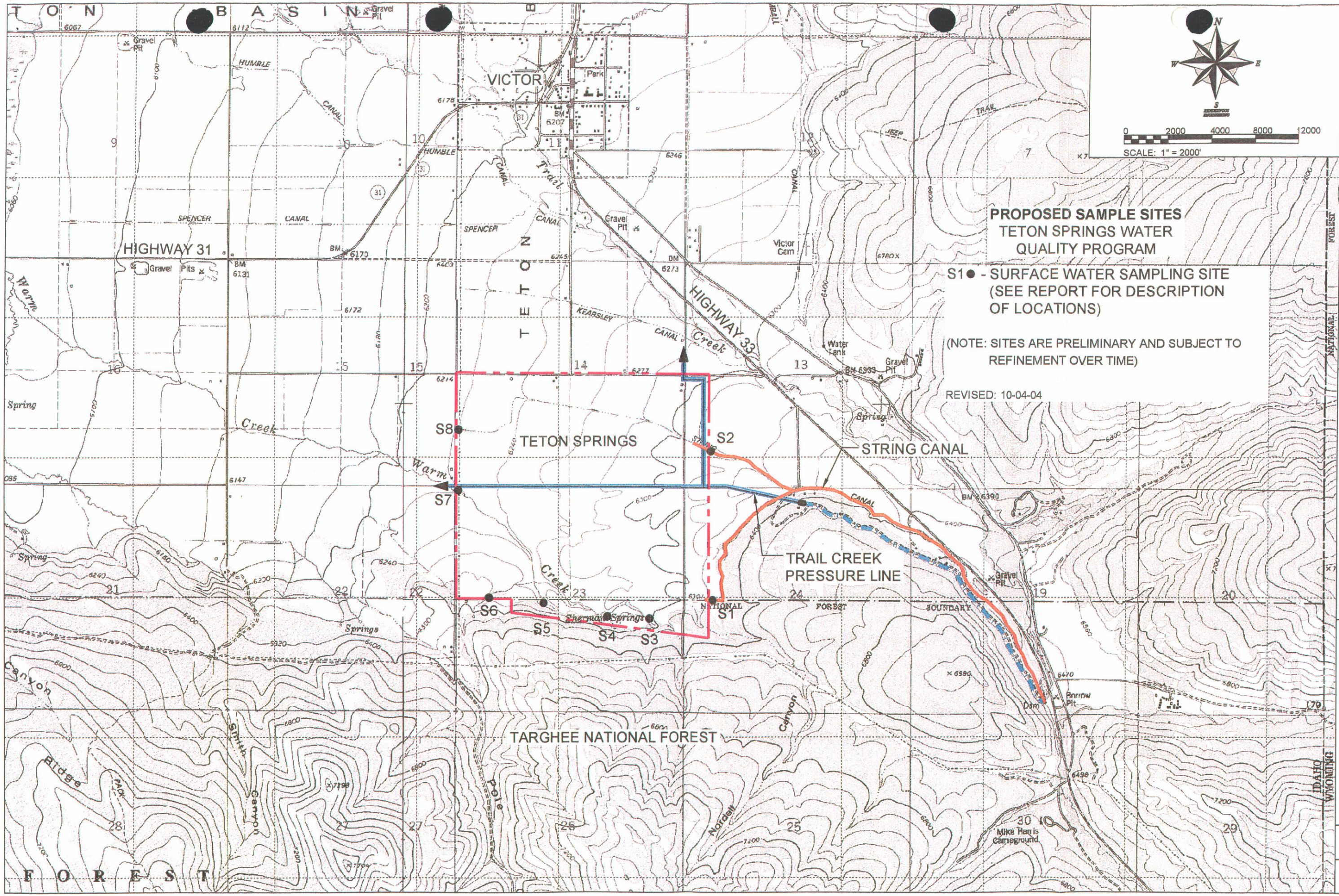
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RENDEZVOUS ENGINEERING, P.C.
P.O. BOX 4858 JACKSON, WYOMING 83001
25 SOUTH GROS VENTRE STREET
PHONE - 307.733.5352 FAX - 307.733.2334

Prepared By: JKC
Date: 10/04/04
Rev. Date:
Plot Info:
Data:
Path:

DRAWING TITLE:
SURFACE WATER
SAMPLE PLAN
FIGURE 1

PROJECT TITLE:
TETON SPRINGS
GOLF & CASTING CLUB, LLC
VICTOR, ID

PROJECT NUMBER:
04-002

DRAWING NUMBER:
EXHIBIT

MEASURING SITES:

1. INLET FROM SHERMAN SPRINGS (PARTIAL FLUME)
2. OUTLET TO WARM CREEK (WEIR)
3. WARM CREEK AT POLE CANYON
- S1 WATER QUALITY SAMPLE SITE (SEE FIGURE 1 FOR COMPLET MAP OF SITE)

LEGEND:

- FLOW FROM STRING CANAL/TRAIL CREEK
- FLOW FROM WARM SPRINGS
- FLOW FROM COLD SPRINGS
- COMBINED FLOW
- COMBINED STRING CANAL & COLD SPRINGS
- FLOW MEASURING SITE
- BIOTA FLOW MEASURING SITE
- WATER QUALITY SAMPLE SITE
- FLOW DIRECTION
- (P) IRRIGATION INTAKE

N W E S

0 300 600 900 200

SCALE: 1" = 300'

JOHN WINGER PROPERTY

COUNTY ROAD 100 WEST

TRIANGLE G PROPERTY

JOHN WINGER PROPERTY

CARIBOU-TARGHEE NATIONAL FOREST

OPEN SPACE 5

OPEN SPACE 7

OPEN SPACE 3

SELF CONTAINED RECYCLED WATER FROM TRAIL CREEK

BLOCK 16

BLOCK 14

BLOCK 17

BLOCK 18

BLOCK 19

BLOCK 7

BLOCK 6

UPPER MEADOWS

TRACT 10 FUTURE

TRACT 11 FUTURE

TRACT 12 FUTURE

SPRING

S1 S2 S3 S4 S5 S6 S7

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Prepared By: JEC
Date: 10/04/04
Rev. Date:
Plot Info:
Data:
Path:

DRAWING TITLE: SURFACE WATER MEASUREMENT SITES FIGURE 2

PROJECT TITLE: TETON SPRINGS GOLF & CASTING CLUB, LLC VICTOR, ID

PROJECT NUMBER: 04-002

DRAWING NUMBER: EXHIBIT

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 21-2156 AND 21-2157 IN THE NAME OF EHCO RANCH	ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, A. Kenneth Dunn, Director of the Department of Water Resources having issued and served a copy to the parties on March 27, 1984, a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, exceptions must be received by the Director on or before the 15th day it was served on the parties; and,

WHEREAS, exceptions were received from Fremont Madison Irrigation District on April 12, 1984, which is the 16th day after it was served to the parties; and,

WHEREAS, a response to the exceptions was received from Ehco Ranch on April 25, 1984; and,

WHEREAS, even though the exceptions were not received timely, the Director feels in the interest of reaching the best decision possible, the exceptions must be considered and responded to as follows:

1) Exceptions No. 1 and 2. The Director purposely did not make a finding that the water was sold "as available" since that is true of all storage water transported across the Crosscut Canal. To make a finding that this storage water is inferior to other storage water transported through the Crosscut Canal is not reasonable. The amount of water sold, 106 acre feet, is a volume; and if that amount was sold by the district knowing that it would not deliver that amount, then the sale smacks of fraud. Under this arrangement, storage could be sold "as available" with the district knowing it would be delivered only part of the time thus allowing the district to sell that same storage water twice. We don't feel this was ever the intent of the district. Therefore, the storage water must have been sold "as available" meaning when the reservoirs have water stored to satisfy the water rights and when the capacity of the Crosscut Canal is adequate to carry the water. There was no evidence presented that this 106 acre feet of storage delivered though the Crosscut Canal is inferior to any other water stored in the same reservoir under the same water

right and delivered through the Crosscut Canal.

2) Exception No. 3. The May 10, 1983 conference and agreement signed at the conference is not viewed as the consent of the district to the exchange, but as an agreement that the Department has the jurisdiction to decide the matter. If the district had taken the position, as it appears they desire to now, that the Department had no jurisdiction to decide, then the advertising of the exchange and the hearing process would be meaningless.

3) Exception No. 4. The Director disagrees that Finding No. 13 is contrary to the testimony. The testimony of the district and the President of the Grand Teton Canal Company was that when no water was taken from the Teton Creek under the exchange, then no water is needed to be released from storage and conveyed through the Crosscut Canal to satisfy downstream users. This, of course, is logical but it does not mean a restriction was placed on the original exchange. See the previous answer to Exception Nos. 1 and 2.

4) Exception No. 5. The Director disagrees. See the answer to Exception No. 3.

5) Exception No. 6. No conclusion can be reached other than no enlargement has occurred since the same amount, 106 acre feet of storage is requested to be delivered to the same number of acres, 120, as was originally irrigated.

WHEREAS, after considering the exceptions of the protestant, Fremont Madison Irrigation District and the response of the applicant, Ehco Ranch, the Director finds that no change in the Proposed Memorandum Decision and Order is warranted;

THEREFORE, IT IS HEREBY ORDERED that the Proposed Memorandum Decision and Order dated March 23, 1984 is adopted and issued as the Final Decision and Order.

Dated this 19th day of June, 1984.

A. KENNETH DUNN
Director

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156 AND 21-2157 IN THE NAME OF EHCO RANCH	PROPOSED MEMORANDUM DECISION AND ORDER

On April 6, 1983, Earl Hoopes, President of Ehco Ranch, Inc. applied to the Department of Water Resources (IDWR) to exchange 106 acre-feet of water represented by storage shares in the Fremont Madison Irrigation District for natural flow on the Teton River. This water, stored in Island Park Reservoir under right Nos. 21-2156 and 21-2157, would be released for rediversion through the Crosscut Canal to replace water used by the applicant on the upper Teton River. The subject shares were purchased from Dale E. Sykes and have been traditionally used through the Grand Teton Canal which is a tributary to the Teton River located upstream from the Crosscut Canal. While this exchange of natural flow for stored water apparently had been allowed for many years, no application for exchange had ever been made to, or approved by the Director of the IDWR.

The applicant is now seeking the Director's approval pursuant to Idaho Code, Sec. 42-240, to make 106 acre-feet of stored water appurtenant to 120 acres in the SW1/4SW1/4, Sec. 4; NE1/4NE1/4, Sec. 8; NW1/4NW1/4, Sec. 9; Twp. 6N, Rge. 44E, B.M. The application indicates that this water will be exchanged for water delivered into the Teton River through the Crosscut Canal at a rate not to exceed 2.40 cubic feet per second from a point on the Teton River within the SE1/4NW1/4, Sec. 10, Twp. 6N, Rge. 44E, B.M.

Because the Department's records indicate rights 21-2156 and 21-2157 are held by Fremont Madison Irrigation District, the Department held a conference on May 10, 1983 to determine if Ehco Ranch, Inc. had the authority to apply for the exchange. Earl Hoopes and Roger Hoopes, Attorney at Law, represented the applicant at the conference. The Fremont Madison Irrigation District was represented by Max Mortensen, Chairman of the Board of Directors, and Mary Smith and Brent Moss of the law firm Smith, Hancock, and Moss. At the conclusion of the conference, the representatives of the Fremont Madison Irrigation District requested the application be processed in the normal manner.

Notice of the application was published in the Teton Valley News,

Driggs, Idaho and the Chronicle News, St. Anthony, Idaho on May 19 and 26, 1983. Protests subsequently were received from the Teton Irrigation and Manufacturing Company, Rexburg Irrigation Company, Fremont Madison Irrigation District, Teton Island Canal Company, Wilford Canal Company, The Teton River Protective Association, Pincock-Byington Canal Company, Woodmansee-Johnson Ditch, Roxana Canal, Pioneer Canal Company, and Stewart Ditch. The reasons given for objecting to the proposed exchange are summarzied as follows:

1) The proposed use by the applicant will reduce the quantity of water under existing water rights.

2) Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigation season to furnish storage rights in addition to natural flow rights. Therefore, this transfer if granted, at least without some restrictions would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural rights.

3) If there is insufficient water in the Teton River to furnish natural flow and storage rights, the watermaster uses what is known as the Crosscut Canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the Crosscut Canal to the Teton River. The Crosscut Canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4) The change will constitute an enlargement in the use of the original right.

5) By applicant's own declarations before the Board of Directors of the Fremont Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6) To grant this transfer will pose a tremendous policing problem to the Department of Water Resources because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage down river on applicant's land even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

The requisite administrative hearing was held on July 20, 1983 at the Fremont County Courthouse. The applicant was represented by Earl Hoopes and

Roger Hoopes, Attorney at Law. Representing the protestant, Fremont Madison Irrigation District, was Dale Swensen, Secretary; Max Mortensen, Chairman, Brent Moss and Mary Smith, Attorneys at Law. The protestants, Teton Irrigation and Manufacturing Company, Rexburg Irrigation Company, Teton Island Canal Company, Wilford Canal Company, Teton River Protective Association, Roxana Canal, Pioneer Canal Company and Stewart Ditch were also represented. The protestants, Pincock-Byington Canal Company and Woodmansee-Johnson Ditch, were not represented. The Department has considered the following information, testimony, and evidence; and based upon the Director's understanding of the law, makes the following Findings of Fact, Conclusions of Law, and Order.

REVIEW OF EVIDENCE

1) Application for exchange file No. 21-2156 and 21-2157 in the name of Ehco Ranch Inc.

2) Water right license 21-2156 and 21-2157 in the files of the IDWR.

3) Hearing tapes numbered one through eight.

4) Applicant's motion to dismiss the protest of the Teton River Protective Association.

5) Applicant's motion to dismiss the protest of the Fremont Madison Irrigation District.

6) Fremont Madison's reply to the applicant's motion to dismiss protest.

7) Applicant's Exhibit A - lease agreement between Grand Teton Canal and Earl Hoopes for the years 1977 through 1981.

8) Applicant's Exhibit B - letter authorizing transfer of stored water from the Grand Teton Canal.

9) Applicant's Exhibit C - Bill of Sale between Dale E. Skyes and Earl Hoopes for 106 acre-feet of stored water.

10) Applicant's Exhibit D - request of applicant to Fremont Madison Irrigation District for the transfer of 106 acre-feet of stored water.

11) Applicant's Exhibit E - letter dated March 21, 1983 from Fremont Madison Irrigation District - Re: Bylaws and minutes of March 16, 1983 board meeting.

12) Protestant's Exhibit A - Minutes of March 16, 1983 Board of Director's Meeting, Fremont Madison Irrigation District.

13) Protestant's Exhibit B - Minutes of April 5, 1983 Board of Director's Meeting, Fremont Madison Irrigation District.

14) Protestant's Exhibit C-1 - flow records for Crosscut Canal middle and end for November 1, 1980 through October 31, 1981.

15) Protestant's Exhibit C-2 - daily flow records for the Crosscut Canal from November 1, 1979 through October 31, 1980; daily flow records for Teton River near St. Anthony, and Henry's Fork near Rexburg from March 1 through October 30, 1978; daily flows at various points on the Crosscut Canal between May 1 and September 30, 1977.

FINDINGS OF FACT

1) Between 1979 and 1983, the amount of ground irrigated by the applicant from the Teton River had increased from 160 acres to 2,600 acres. Water used on this land was obtained through a combination of surface water permits granted by the IDWR, leasing Fremont Madison storage, purchases of water from individuals and companies, and through the exchange of surface water for ground water.

2) The Fremont Madison Irrigation District was organized to contract with the federal government to provide federal storage water from Island Park and Grassy Lake Reservoirs to district lands and to operate and maintain the Crosscut Canal. The only lands within the district boundaries that are assessed by the district are those to which stored water is appurtenant. Lands within the district to which stored water has not been made appurtenant are not assessed by Fremont Madison Irrigation. Several canal companies exist within Fremont Madison Irrigation District. Stored water was sold by the district to the individuals within these companies rather than to the company as a whole.

3) During the time period between January 1, 1977 and December 31, 1981, the applicant leased 200 acre-feet of stored water from users within the Grand Teton Canal for use on lands he owns above the Crosscut Canal. During this time, he was credited with having this water in the records of the Fremont Madison irrigation District.

4) Ehco Ranch, Inc. requested Fremont Madison's approval to change the point of diversion and place of use of these storage shares at a Board of Director's meeting on March 8, 1983. The request was tabled by the directors. On March 16, 1983, the Board of Directors again considered the Ehco Ranch request at which time it was denied.

5) On March 28, 1983, Ehco Ranch, Inc. paid $3,890.20 to DESA Corporation for 106 acre-feet of storage water it owned in Island Park Reservoir. This water had previously been appurtenant to lands served by the

Grand Teton Canal, which diverts water from Teton Creek in Teton County.

6) On April 1, 1983, Ehco Ranch, Inc. submitted a written request to Fremont Madison Irrigation District asking that 106 acre-feet of Fremont Madison storage be removed from the W1/2SW1/4, SW1/4SW1/4, Sec. 12, Twp. 5N, Rge. 45E, B.M.; and made appurtenant to the SW1/4SW1/4, Sec. 4, NE1/4NE1/4, Sec. 8, NW1/4NW1/4, Sec. 9 all in Twp. 6N, Rge. 44E B.M., Teton County.

7) The Board of Directors of the Fremont Madison Irrigation District reaffirmed their decision to deny the change requested by Ehco Ranch Inc. on April 5, 1983.

8) On April 6, 1983, Ehco Ranch, Inc. applied to the IDWR to exchange 106 acre-feet of Island Park storage for an equal amount of water from the Teton River.

9) A conference between Fremont Madison and the applicant was held on May 10, 1983 at which time the representatives of the irrigation district signed an authorization for the Ehco Ranch application for exchange to be processed by the IDWR thus removing the question of applicant's right to file as an issue.

10) All diversions of water from the Teton River are under the control of the Watermaster of Snake River Water District No. 1.

11) Fremont Madison has traditionally maintained only limited and inconsistent control over secondary sales of stored water within the district. All evidence indicates that sales of stored water by the district were intended to transfer the ownership of space in Island Park or Grassy Lake Reservoirs to the purchaser. In this context, Fremont Madison is a proper protestant to proposed changes that may affect the operation of their system, i.e. the Crosscut Canal.

12) The expansion of an irrigation water right can happen if more water is used than specified in the water right or the amount of land irrigated under the right is increased.

13) Fremont Madison Irrigation District previously agreed to deliver 106 acre-feet of storage through the Crosscut Canal in exchange for the water diverted through the Grand Teton Canal. There were no restrictions placed on this sale which would limit the use to exchanges on Teton Creek.

14) The capacity of the Crosscut Canal has, at times been insufficient to carry all of the stored water needed on the Teton River when Fremont Madison Irrigation District's annual rental of stored water to users on the Teton are included.

15) Because of irrigation development which has taken place above the Crosscut Canal during the past ten years, regulation of the Teton River has become much more critical.

16) The Teton River Protective Association, Inc. was organized to represent the collective interests of the canals diverting below the Crosscut Canal. The association was incorporated until November, 1982 but as an entity holds no water rights, owns no land and operates no system and is, therefore, not subject to injury by the Department's action in this matter.

CONCLUSIONS OF LAW

1) Ehco Ranch is the owner of 106 acre-feet of space in Island Park Reservoir which was originally sold by the Fremont Madison Irrigation District to replace natural flow diverted above the Crosscut Canal.

2) When Fremont Madison Irrigation District instructed the IDWR to process Ehco Ranch's application for exchange, the question of who the proper applicant for storage exchange within the district boundaries became moot.

3) Decisions relative to the operation of the Crosscut Canal are the responsibility of the Fremont Madison Irrigation District. However, the district may not authorize the exchanges which would require recognition by the watermaster unless the exchange has been approved by the Director of the IDWR.

4) The proposed exchange will not result in an enlargement in the use of the original right, or necessarily cause injury to other water rights on the Teton River.

5) The approval of an exchange application does not necessarily compel the Fremont Madison Irrigation District to carry the subject storage through the Crosscut Canal. However, to the extent that excess water is available on the Teton River the exchange potentially can be made without use of the Crosscut Canal.

6) The protest of the Teton River Protective Association should be dismissed since it duplicates the protests of the canal companies that comprise the association.

7) Ehco Ranch Inc. is entitled to approval of its application for exchange subject to certain conditions.

ORDER

IT IS, THEREFORE, ORDERED and Application for Exchange of Water Right Nos. 21-2156 and 21-2157 in the name of Ehco Ranch Inc. is hereby APPROVED subject to the following conditions:

1) A measuring device of a type approved by the IDWR shall be permanently installed and maintained as part of the diverting works.

2) The exchange is under the control of the Watermaster of Water District No. 1.

3) During those times when the Crosscut Canal does not have sufficient capacity to carry all storage supplies needed on the Teton River, the watermaster shall distribute available storage supplies pursuant to the instructions of the Fremont Madision Irrigation District. If stored water is to be delivered to replace water used by upstream users, then the watermaster shall first recognize those exchanges which have been approved by the Director of the Department of Water Resources.

IT IS FURTHER ORDERED that the protests of the Pincock-Byington Canal Company and the Woodmansee-Johnson Ditch be dismissed for failure to appear at the hearing and the protest of the Teton River Protective Association be dismissed as being redundant.

Dated this 23 day of March, 1984.

Bobby D. Fleenor

BOBBY D. FLEENOR
Hearing Officer

Identification No. _____

Exchange No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder EHCO Ranch
   Post office address P.O. Box 97, Tetonia, Idaho 83452

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree Purchase of shares in Fremont Madison Irrigation District
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation. Island Park storage right held by Fremont Madison Irrigation District.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40

5. Amount of water a. _____ c.f.s. and/or b. A. 114,000 B. 21,000 acre feet/annum
   *Applicant owns 106 af of space

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ____ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN APPLICANT'S FREMONT IRRIGATION DISTRICT																
6N	44E	4											40						40
		8	40																40
		9						40											40

Total number of acres to be irrigated 120

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder _____

Post office address _____

10. Source of water _____ tributary to _____
(Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
b. _____ acre feet/annum

13. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

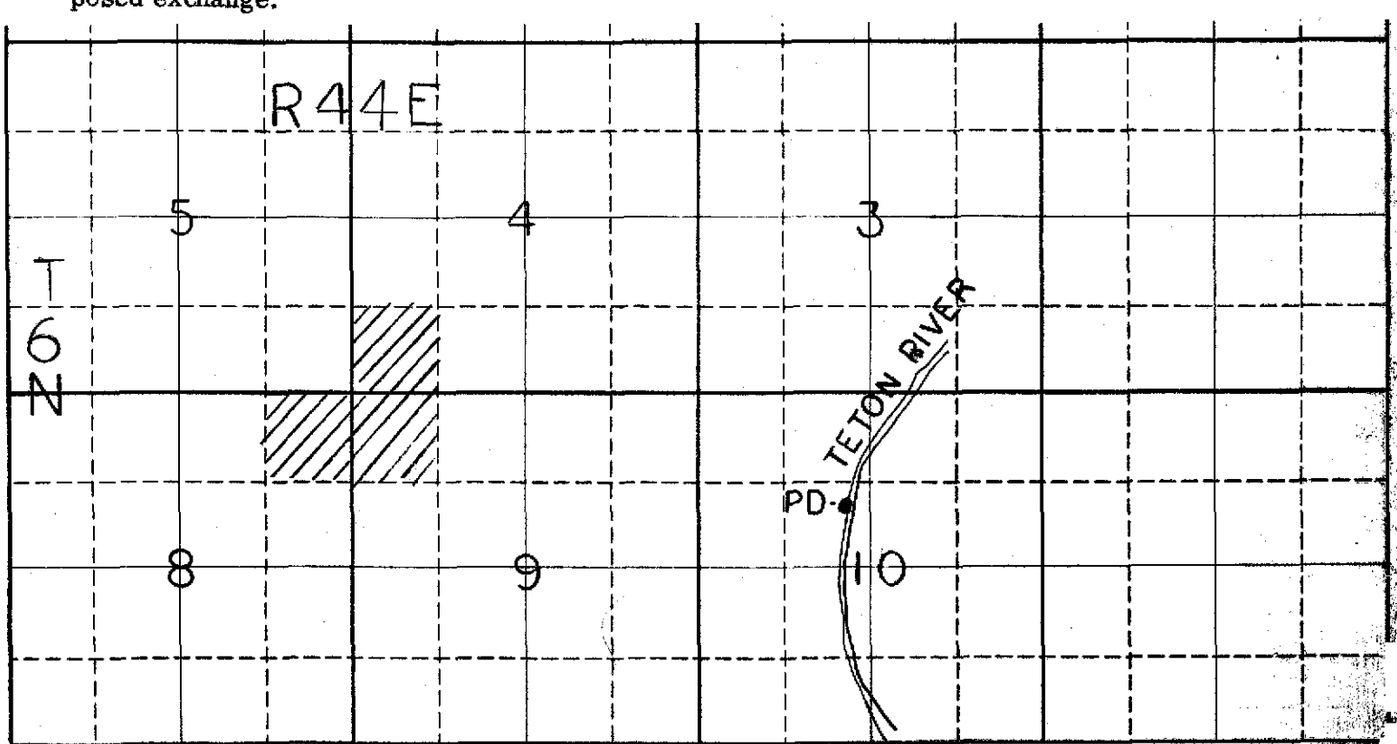
EXCHANGE

14. 2.4 c.f.s and/or 106 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork Snake River at a point in SW ¼ SW ¼ of Section 28, Township 13N, Range 43E, B.M., in _____ County; ~~Additional points, if any~~ Water will then be diverted from the Henrys Fork at a point within NW¼SE¼ 14, T, 8N, R. 41E.

15. In lieu thereof 2.4 c.f.s. ~~and~~/or 106 acre feet per annum will be diverted from Teton River at a point within the SW ¼ NW ¼ of Section 10, Township 6N, Range 44E, B.M., in Teton County.

16. Explanation Stored water originally owned by Dale E. Sykes was exchanged at a different point on the Teton River. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Enco Ranch, Inc.
By Eric Cooper (President)
(Signature of Applicant)

Subscribed and sworn to before me this 6th day of April, 1983.

Ronald D Carlson
(Notary Public)

My commission expires 2/14/84

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 21-2156 21-2157 and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions: PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER AND ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER.

2. Denial of said application is for the following reasons:

Witness my hand this 19th day of June, 1984.

Director

VVA

FOR DEPARTMENT USE ONLY

Received by _____ Date _____ Time _____ Preliminary check by _____

Fee $ 50.00 Receipted by BP Date 4-6-83 #26008 Publication prepared by BP

Date _____ Published in Fremont County Chronicle (Teton Valley News) Dates 5/19+5/26/83

Affidavit of Publication received 5/25+6/3/83 Publication approved by CW

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
Fremont Madison, etc (list included)			CW	6-10-83	

Agreement needed _____ Agreement received _____

Hearings held at _____ Date _____

Recommended for approval denial by _____

(Title)

MICROFILMED

AGREEMENT FOR THE LEASE OF STORAGE WATER
BETWEEN
THE GRAND TETON CANAL CO
AND
EARL HOOPES

WE, THE GRAND TETON CANAL CO., HEREBY AGREE TO LEASE TO EARL HOOPES TWO HUNDRED (200) ACRE FEET OF ISLAND PARK STORAGE WATER FOR A PERIOD OF FIVE YEARS. IN RETURN FOR THIS WATER EARL HOOPES AGREES TO PAY THE SUM OF $2.00 PER ACRE FOOT ($400.00) ON OR BEFORE THE FIRST OF SEPTEMBER OF EACH YEAR. SHOULD THE COST PER ACRE FOOT OF WATER IN THE MADISON-FREMONT IRRIGATION CO. INCREASE TO MORE THAN $2.00 PER ACRE FOOT TO THE STOCKHOLDERS OF THE GRAND TETON CANAL CO. EARL HOOPES AGREES TO PAY THE INCREASED PRICE.

IT IS FURTHER STIPULATED THAT IN THE EVENT OF A WATER SHORTAGE AND THAT THE GRAND TETON CANAL CO. HAS NEED OF SAID WATER THAT THIS AGREEMENT WILL BE NULL AND VOID FOR THAT YEAR.
TERM OF THE AGREEMENT** JANUARY 1, 1977 TO DECEMBER 31, 1981

IN WITNESS WHEREOF, WE, THE AFORESAID PARTIES, HAVE AFFIXED OUR SIGNATURES.

THE GRAND TETON CANAL CO.

Lowell Johnson PRESIDENT

Dan Kellogg SECRETARY

WITNESSES

Earl Hoopes EARL HOOPES

_____

_____

MICROFILMED

BILL OF SALE

DESA, INC., Seller herein, of Driggs, Teton County, Idaho, in consideration of Three Thousand Eight Hundred Ninety Dollars and Twenty Cents ($3,890.20), paid me by EHCO RANCH, INC., an Idaho Corporation with its principal address at P. O. Box 97, Tetonia, Teton County, Idaho, Purchaser herein, receipt of which is hereby acknowledged, does grant, sell, transfer, and deliver to Purchaser One Hundred Six acre feet of storage water stored by the Fremont-Madison Irrigation District in the Island Park Reservoir. Said water in the past has been appurtuant to Seller's property described as follows:

W1/2SE1/4, SW1/4SW1/4 Sec. 12-5-45

Buyer shall have all rights and title to the storage water in itself and its executors, administrators, and assigns.

Seller is the lawful owner of the storage water and the storage water is free from all encumbrances. Seller has good right to sell the storage water and will warrant and defend the right against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, Buyer and Seller have executed this Agreement on the date affixed adacent to their respective signatures.

EHCO RANCH, INC.

BY: _____
EARL N. HOOPES
President

Date 3-23-83

DESA, INC.

BY: _____
DALE E. SYKES
President

Date 3-28-83

ACCEPTANCE AND APPROVAL

The transfer of storage water evidenced by the above Bill of Sale is hereby accepted and approved by Fremont-Madison Irrigation District.

FREMONT-MADISON
IRRIGATION DISTRICT

BY: _____
Date

MICROFILMED

REQUEST FOR TRANSFER COPY

To: Fremont-Madison Irregation District

The undersigned, EHCO RANCH INC., respectfully requests Fremont-Madison Irregation District to approve the transfer of 106 acre feet of storage water previously used on the following described real property:

W1/2 SW1/4, SW1/4 SW1/4 Sec. 12 Twp. 5N R 45 E.B.M.

To the following described real property:

SW1/4 SW1/4 Sec. 4 NE1/4 NE1/4 Sec. 8, NW1/4 NW1/4 Sec. 9, all in Twp 6N, R.44 E.B.M. Teton County Idaho.

Said storage water has been previously purchased from Dale E. Sykes doing business as DESA Inc. Copies of the Bill of Sale and Authorization of Grand Teton Canal Company are attached.

Dated this 1st day of April 1983.

EHCO RANCH INC.

By: _____
Earl N. Hoopes, President

MICROFILMED

AMERICAN REALTY WEST

20 SOUTH MAIN STREET, DRIGGS, IDAHO 83422
TELEPHONE (208) 354-2348

JOHN A. McKELLAR, BROKER
RICHARD T. KNIGHT, SALES ASSOCIATE
MITCHEL C. NEIBAUR, SALES ASSOCIATE

February 23, 1983

Mr. Dan Letham, Secretary
Grand Teton Canal Co.
Driggs, ID. 83422

RE: Sykes - Transfer of Fremont-Madison Storage Water

Dear Dan:

Mr. Sykes is seeking authorization for the transfer of 106 acre feet of Fremont-Madison Storage Water that has been appurtant to Mr. Sykes property described as follows:

W½SE¼, SW¼SW¼ of Section 12, 5-45. To complete the transfer an authorization of the Canal Company is needed. Would you please review this and have the necessary signature placed below.

Thank you for your assistance.

Sincerely,

John A. McKellar

Authorization is hereby granted:
Grand Teton Canal Co.

Darrell H Jackson (name) President (office)

Dan D Letham (name) Secretary (office)

MICROFILMED

EXPLANATION OF EXCHANGE

EARL HOOPES, President of EHCO Ranch Inc. has purchased shares of stock in Island Park Reservoir. The purpose of this exchange is only to change the point of rediversion on the Teton and coincidentally the lands within the Fremont Madison Irrigation District.

This exchange has been prepared showing EHCO Ranch as applicant because only those shares owned by EHCO Ranch Inc. are involved and the original exchange approved by Fremont Madison will not be affected. Fremont Madison has arbitrarily rejected the change proposed and EHCO Ranch Inc. questions their authority to prevent use of stored water within the district without proper cause and therefore, is seeking to exchange storage it has purchased pursuant to 42-240 Idaho Code.

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE)
OF WATER RIGHT NOS. 21-2156 AND 21-2157) CERTIFICATE OF MAILING
IN THE NAME OF EHCO RANCH)

I HEREBY CERTIFY That on this the 27th day of March, 1984, true and correct copies of the foregoing ORDER ISSUING PROPOSED DECISION and PROPOSED MEMORANDUM DECISION AND ORDER were mailed, postage prepaid to:

Earl Hoopes, President
Ehco Ranch
P. O. Box 97
Tetonia, ID 83452

Fremont Madison Irrigation District
P. O. Box 5
St. Anthony, ID 83445

Darrell C. Neville
Teton Island Canal Co.
Rt. 1, Box 26
Rexburg, ID 83440

Reed Oldham
Teton River Protective Association
Rt. 2, Box 297
Rexburg, ID 83440

Dean Crain, President
Pincock Byington Canal Co.
HC 60, Box 1199
Teton, ID 83451

Dell Palmer
Woodmansee-Johnson Ditch
Sugar City, ID 83448

Robert Orme
Roxana Canal
Rt. 2, Box 144
Rexburg, ID 83440

Elmer Klein
Pioneer Canal Co.
Box 27
Teton, ID 83451

Norval W. Birch
Stewart Ditch
236 E. Main
St. Anthony, ID 83445

Diana S. Richman
Teton Irrigation & Manufacturing Co.
Rt. 1
Sugar City, ID 83448

Keith Erikson
Rexburg Irrigation Co.
Rt. 4, Box 192
Rexburg, ID 83440

Wilford Canal Co.
J. T. Beech, Pres.
Rt. 1
St. Anthony, ID 83445

Mary Smith, Attorney
30 S. 2nd W.
Rexburg, ID 83440

Rita I. Fleck

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 21-2156 AND 21-2157 IN THE NAME OF EHCO RANCH

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on this the 20th day of June, 1984, a true and correct copy of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER was mailed, postage prepaid to:

Earl Hoopes, President
Ehco Ranch
P. O. Box 97
Tetonia, ID 83452

Fremont Madision Irrigation District
P. O. Box 5
St. Anthony, ID 83445

Darrell C. Neville
Teton Island Canal Co.
Rt. 1, Box 26
Rexburg, ID 83440

Reed Oldham
Teton River Protective Association
Rt. 2, Box 297
Rexburg, ID 83440

Dean Crain, President
Pincock Byington Canal Co.
HC 60, Box 1199
Teton, ID 83451

Dell Palmer
Woodmansee-Johnson Ditch
Sugar City, ID 83448

Robert Orme
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Sugar City, ID 83448

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Rt. 4, Box 192
Rexburg, ID 83440

Wilford Canal Co.
J. T. Beech, President
Rt. 1
St. Anthony, ID 83445

Mary Smith, Attorney
30 S. 2nd W.
Rexburg, ID 83440

RITA I. FLECK
Secretary/Records Manager
Idaho Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 21-2156 AND 21-2157 IN THE NAME OF EHCO RANCH	ORDER ISSUING PROPOSED DECISION

A. Kenneth Dunn, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, BOBBY D. FLEENOR, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, § 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on May 10, 1984, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code §§ 42-1701A and 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral agruments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral agruments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the propose decision.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

MICROFILMED

III.
ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral agruments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral arguments in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposal for decision shall be heard at the discretion of the Director, pursuant to Idaho Code, § 42-1701A. After all exceptions, briefs and requests for oral arguments have been received, the Director will decide whether to hear oral agruments. If oral arguments are to be heard, the Director will, within a reasonable time, set the case for oral agruments and notify each party of the place, date and hour the oral agruments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral agruments shall be heard in Boise, Idaho.

IV.
CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.
FINAL DECISION

A. Following the submission of all exceptions and briefs and oral agruments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 26th day of March, 1984.

A. KENNETH DUNN
Director
Department of Water Resources

MICROFILMED

THE CHRONICLE-NEWS
ST. ANTHONY, IDAHO

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Fremont } ss

I, Carol R. Nash
being first duly sworn, depose and say, that I am the printer of THE CHRONICLE-NEWS, a weekly newspaper printed and published weekly at St. Anthony, Fremont County, Idaho; and I do solemnly swear that the
Notice of Application
For Exchange of Water

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on May 19, 1983 and the last publication having been made May 26, 1983 on .

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Carol R. Nash

Subscribed to and sworn to before me this May 27, 1983

Notary Public.

(SEAL)

My commission expires lifetime

RECEIVED
JUN 3 1983
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that ECHO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40/.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28. T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 8N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN
Director

Publ. May 19 and 26, 1983.CN

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Janet Holgers
being first duly sworn depose and say that I am the Bookkeeper
of the Teton Valley News, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more that 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of

Notice of Application for Exchange of Water

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issure thereof, for 2 consecutive issues thereof; first publication having been made on the 19 day of May, 1983 and last publication on the 26 day of May, 1983

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from type matter, of at least sixteen inches deep.

Janet Holgers

Subscribed in my presence and sworn to before me this 27th day of May, 1983

(SEAL) Notary Public for the state of Idaho, residence and postoffice address, Driggs, Idaho.

Freda D. Rich

My Commission expires

12/2, 1986

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that EHCO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont-Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156
Amount: 114,000 AF
Priority: 3-14-35

21-2157
Amount: 21,000 AF
Priority: 6-12-40

The water is used to irrigate the applicant's lands within the Fremont Irrigation District. They are 120 acres within the

SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henry's Fork at a point within the NW¼SE¼ Sec. 14, T. 8N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83401 on or before June 6, 1983.

A. Kenneth Dunn
Director

Published in the Teton Valley News May 19 and 26, 1983.

Identification No. 21 2156B
Exchange No. 2677

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Lynn Loosli as holder of storage shares in Madison-
   Post office address Fremont Irrigation District, Ashton, Idaho

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. 21-2156 in the records of the Department of Reclamation.

3. Source of water Henry's Fork (Name of stream or source) tributary to Snake River

4. Date of Priority of Right 3/14/1935

5. Amount of water a. _____ c.f.s. and/or
   b. 114,000 acre feet/annum

6. Water is used for irrigation (Purpose) from Apr. 1 (Month-Day) to Nov. 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 _____ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
					LANDS OF FREMONT-MADISON IRRIGATION DISTRICT														

Total number of acres to be irrigated ~~112,000~~ 500

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No specific right - Exchange with Fall River
   Post office address _____

10. Source of water Conant Creek (Name of stream or source) tributary to Fall River tributary to Henry's Fork

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
    b. _____ acre feet/annum

13. Right obtained by: N.A.
    a. Decree to _____ (Name) in Case of _____
    vs. _____, Dated _____ in _____ (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

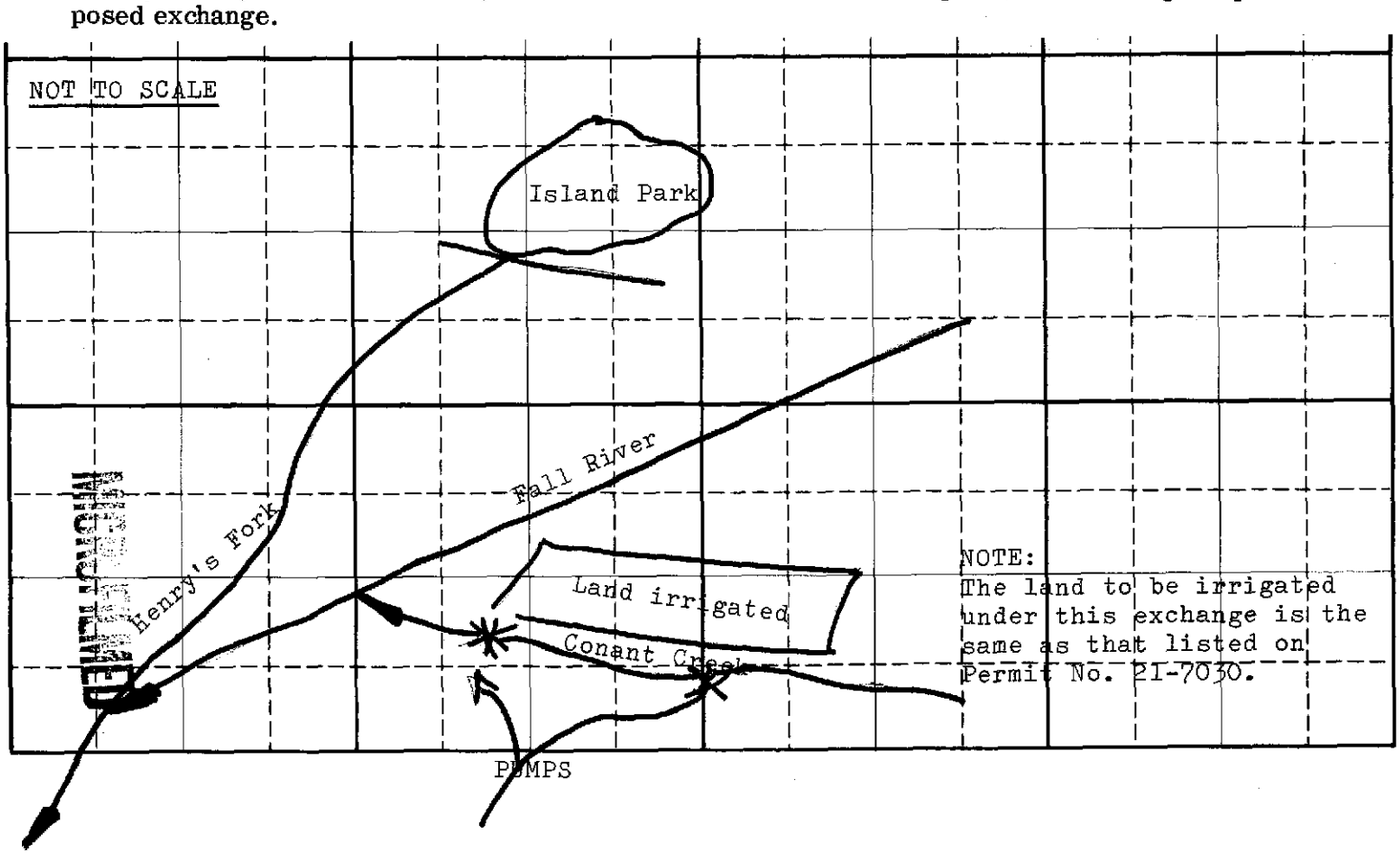
EXCHANGE

14. ~~8.0~~ ALLOW: 4.0 c.f.s and/or ~~248~~ ALLOW: 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in Lot 3 of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____

15. In lieu thereof ~~8.0~~ 4.0 c.f.s. and/or ~~248~~ 100 acre feet per annum will be diverted from Conant Creek at a point within the SW SE ¼ SE SW ¼ of Section 16, Township 8N, Range 43E, B.M., in Fremont County.

16. Explanation The ~~248~~ 100 a/f of Island Park Storage water held by the applicant will be released into the Henry's Fork for use by down stream users in exchange for ~~248~~ 100 a/f of Conant Creek water to be taken at the applicant's pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Lynn Loosli
(Signature of Applicant)

Subscribed and sworn to before me this 11th day of July, 1974.

Glen M. Rosener
(Notary Public)

My commission expires 4-1-76

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 21-2156B and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:
Subject to prior water rights.

2. Denial of said application is for the following reasons:

Witness my hand this 2 day of December, 1975.

DIRECTOR, Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by MB Date 7-12-74 Time 11:35 A Preliminary check by
Fee $30.00 Receipted by MB Date 7-16-74 Receipt # 12962 Publication prepared by CB
Date 7-19-74 Published in Preston Herald Dates July 25 & Aug. 1, 1974
Affidavit of Publication received 8-6-74 Publication approved by CB 8/06/74
Republished Dates N.A.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
Conant Creek Canal Co.	Preston, Id.	8-1-74	MB		
Fremont Madison Irrig. Dist., St. Anthony		8-5-74	MB		

Agreement needed Agreement received
Hearings held at Valley Bank, St. Anthony, Idaho Date January 16, 1975
Recommended for approval denial by
(Title)

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED
JUN 26 1975
Department of Water Resources
Eastern District Office

In the Matter of Protest Against Approval)
)
of Application for Exchange of Water Right)
) STIPULATION
No. 21-2156B in the name of LYNN LOOSLI)
)
)

Fremont-Madison Irrigation District has reviewed the proposal presented in Application for Exchange of Water Right No. 21-2156B which has been filed with the Department of Water Resources by Lynn Loosli. If Mr. Loosli will amend his application for exchange accordingly, Fremont-Madison Irrigation District will:

(1) Remove 170 ~~200~~ acres of land from the district and include in the district 200 acres of land to be irrigated by Lynn Loosli under this proposed exchange. Further,

(2) Fremont-Madison Irrigation District will release from storage into Falls River 100 acre feet of water at a rate not to exceed 4.0 cubic feet per second of water in exchange for a like amount of water which Mr. Loosli will pump from Conant Creek, a tributary of Falls River.

It is further stipulated that:

(3) Use of such water under this exchange will be subject to all prior water rights on Conant Creek.

(4) A totalizing measuring device of a type approved by the Department of Water Resources will be permanently installed and maintained.

(5) Upon amendment of Application for Exchange of Water Right No. 21-2156B, as specified above, the Department of Water Resources may consider this stipulated agreement to be a withdrawal of the protest filed against the application by Fremont-Madison Irrigation District.

Dated this 6th of May, 1975.

Neville Walker Chairman of the Board
PROTESTANT, Fremont-Madison Irrigation Di

Lynn Loosli
APPLICANT

AFFIDAVIT OF
PUBLICATION

State of Idaho
County of Fremont } ss.

Carol Bessey being first duly sworn, upon her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper published at Ashton, Idaho, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Exchange of Water Right - Lynn Loosli

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 25 day of July, 19 74, and the last publication on the 1 day of August 19 74.

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least four columns each, printed from type matter, of at least fifteen inches deep.

Carol Bessey.

Subscribed in my presence and sworn to before me this 5 day of August, 19 74

Notary Public for the State of Idaho, residence and post office address: Ashton, Idaho.

(SEAL)

NOTICE OF EXHANGE OF WATER RIGHT

Notice is hereby given that Lynn Loosli as a holder of storage shares in Fremont-Madison Irrigation District, has applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicant proposes to release 8.0 c.f.s. and/or 248 a.f. per annum of Island Park storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County; in exchange for 8.0 c.f.s. and/or 248 a.f. per annum of the waters of Conant Creek tributary to Fall River tributary to Henry's Fork.

The water is to be pumped from Conant Creek within the SW1/4SE1/4, Sec. 17, T. 8N, R. 43E and within SE1/4SW1/4, Sec. 16, T. 8N, R. 43E, B.M., Fremont County.

Any protests against the approval of the above proposed exchange of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

Identification No. 21 2156A
Exchange No. 2676

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Curtis Loosli & Wayne Oberhansley as holders of storage
   Post office address shares in Madison-Fremont Irrigation District, Ashton, Idaho

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. ~~Permit~~, License, or ~~Claim No.~~ 21-2156 in the records of the Department of Reclamation.

3. Source of water Henry's Fork (Name of stream or source) tributary to Snake River

4. Date of Priority of Right 3/14/1935 ✓

5. Amount of water a. _____ c.f.s. and/or
   b. 114,000 acre feet/annum

6. Water is used for irrigation (Purpose) from Apr. 1 (Month-Day) to Nov. 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 _____ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
					LANDS OF THE FREMONT-MADISON IRRIGATION DISTRICT														

Total number of acres to be irrigated 112,000

MICROFILMED

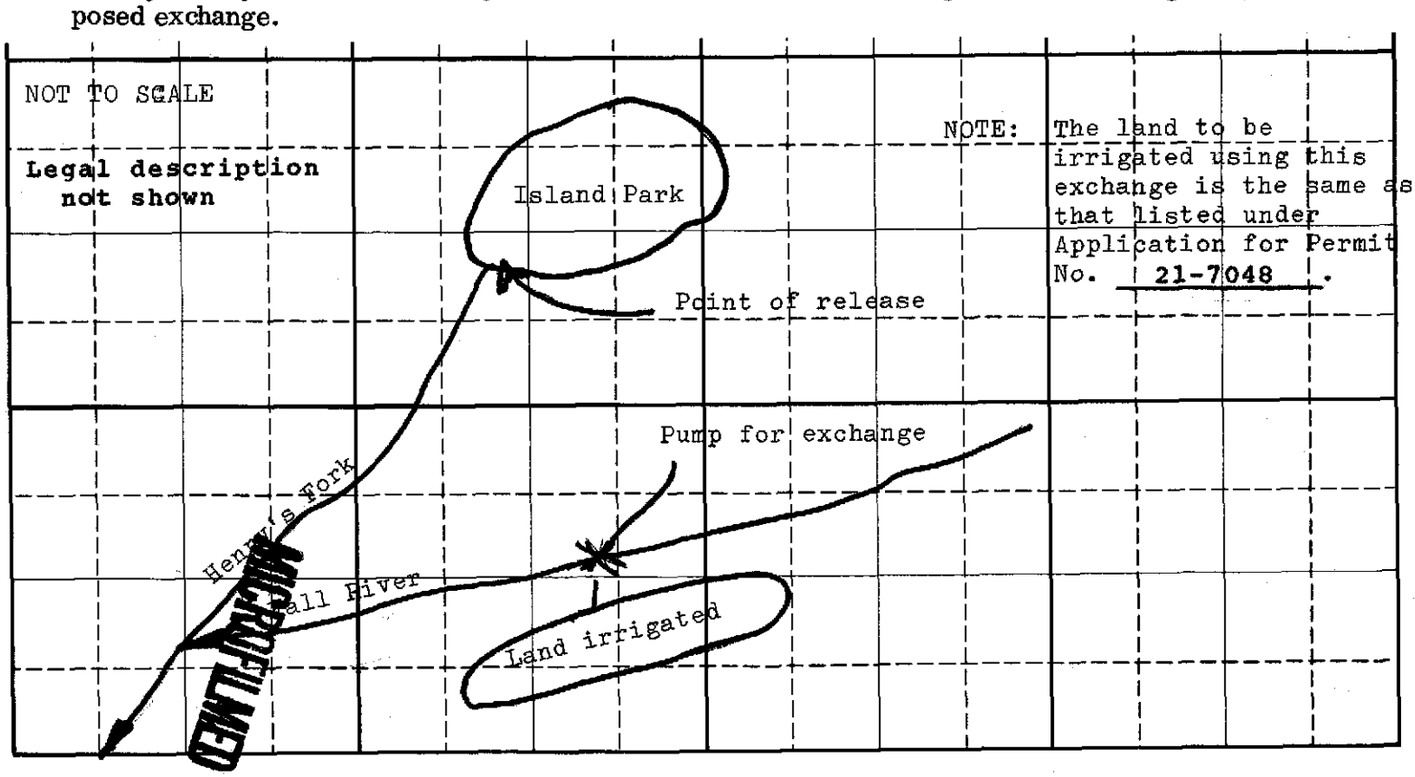
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No specific right - Exchange with Fall River
   Post office address _____
10. Source of water Fall River (Name of stream or source) tributary to Henry's Fork
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
    b. _____ acre feet/annum
13. Right obtained by: N.A.
    a. Decree to _____ (Name) in Case of _____
    vs. _____, Dated _____ in _____ (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 0.46 cfs for a total of 23 AFA per stipulation dated May 6, 1975.)

14. 0.46 c.f.s and/or 23 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in Lot 3 _____ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof 0.46 c.f.s. and/or 23 acre feet per annum will be diverted from Fall River at a point within the SW ¼ NE ¼ of Section 8, Township 8N, Range 43E, B.M., in Fremont County.
16. Explanation The 23 a/f of Island Park storage held by the applicants will be released into the Henry's Fork in exchange for 23 a/f of Fall River water at the applicant's pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Curtis Ford
(Signature of Applicant)

Subscribed and sworn to before me this 25th day of June, 1974.

Ina Harrell
(Notary Public)

My commission expires 7/31/77

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156A and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions: (1) A measuring device and lockable controlling works of a type approved by the Department shall be permanently installed and maintained as part of the diverting works for the points of diversion specified in Items 14 and 15 of the exchange. (2) The use of storage water under this exchange is subject to control by the watermaster of State Water District No. 1. (3) Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Fall River. (4) Storage water under this exchange shall be limited to 23 AF/annum with the maximum rate of diversion not to exceed 0.46 cfs. (5) Lands irrigated under this exchange shall be limited to 12 acres in the SW¼NE¼, and 34 acres in the NW¼SE¼, Sec. 8, T. 8N, R. 43E, B.M.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. GLEN SAXTON
Chief, Operations Bureau

Receipt #12957

FOR DEPARTMENT USE ONLY

Received by MB Date 7-11-74 Time 10:40 A Preliminary check by BDC
Fee $ 30.00 Receipted by MB Date 7-11-74 Publication prepared by MB
Date 7-12-74 Published in Fremont County Chronicle News Dates July 18 & 25, 1974
Affidavit of Publication received 8-6-74 Publication approved by CB 8/06/74
Republished Dates N.A.
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
Grant Creek Canal Co.	Ashton, Idaho	8-1-74	MB	8-8-74	
Fremont Madison Irrig. Dist., St. Anthony, Id.		8-5-74	MB	8-8-74	

Agreement needed Agreement received
Hearing held at Community Room, Valley Bank, St. Anthony, Id. Date Jan. 16, 1975
Recommended for approval denial by DRT
(Title)

MICROFILMED

Copy

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

RECEIVED
JUN 26 1975
Department of Water
Eastern District Office

In the Matter of Protest Against Approval of Application for Exchange of Water Right No. 21-2156A in the name of CURTIS LOOSLI and WAYNE OBERHANSLEY

STIPULATION

Fremont-Madison Irrigation District has reviewed the proposal presented in Application for Exchange of Water Right No. 21-2156A which has been filed with the Department of Water Resources by Curtis Loosli and Wayne Oberhansley. If the applicants will amend their application for exchange accordingly, Fremont-Madison Irrigation District will:

(1) Remove ~~46~~ 22 acres of land from the district and include in the district 46 acres of land to be irrigated by the applicants under this proposed exchange. Further,

(2) Fremont-Madison Irrigation District will release from storage into Henry's Fork of the Snake River 23 acre feet of water at a rate not to exceed 0.46 cubic feet per second of water in exchange for a like amount of water to be pumped from Fall River, a tributary of Henry's Fork.

It is further stipulated that:

(3) Use of such water under this exchange will be subject to all prior water rights.

(4) A totalizing measuring device of a type approved by the Department of Water Resources will be permanently installed and maintained.

(5) Upon amendment of Application for Exchange of Water Right No. 21-2156A, as specified above, the Department of Water Resources may consider this stipulated agreement to be a withdrawal of the protest filed against the application by Fremont-Madison Irrigation District.

Dated this 6th day of May, 1975.

MICROFILMED

Curtis Loosli
APPLICANT

APPLICANT

R. Willis Walker, Chairman of the Board
PROTESTANT, Fremont-Madison Irrigation Dist.

AFFIDAVIT OF
PUBLICATION

- - - -

State of Idaho
County of Fremont } **ss.**

. Carol. Bessey
being first duly sworn, upon her oath, deposes and says:

That she is the editor . . of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper published at Ashton, Idaho, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of . Notice of . . . . . Exchange of Water . Right . Curtis Loosli + Wayne Oberhansley

And affiant further says that said notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for . . . 2 . . . . . consecutive issues thereof; first publication having been made on the . . . 25 . . . . . day of . . . July . . , 19. 74 . . ., and the last publication on the . . . 1 . . . day of August 19. 74 . .

And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least four columns each, printed from type matter, of at least fifteen inches deep.

. . . Carol. Bessey

Subscribed in my presence and sworn to before me this 5th day of August, 19. 74.

. . . . Allen M. Hansen

Notary Public for the State
(SEAL) of Idaho, residence and
post office address:
Ashton, Idaho.

NOTICE OF EXCHANGE
OF WATER RIGHT

No?

Notice is hereby given that Curtis Loosli and Wayne Oberhansley as holders of storage shares in Fremont-Madison Irrigation District have applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicants propose to release 4.0 c.f.s. and/or 100 a.f. per annum of Island Park Storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28 T. 13N, R. 43E, B.M., Fremont County; in exchange for 4.0 c.f.s. and/or 100 a.f. per annum of the waters of Fall River to be diverted within the SW1/4NE1/4, Sec. 8, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed exchange of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

Island Park Reservoir

State of Idaho

License and Certificate of Water Right

Water License No. R-590 Amount 114,000 acre feet

Water District No. Priority March 14, 1935

THIS IS TO CERTIFY that U. S. A. BUREAU OF RECLAMATION of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 14, 19 35; that Permit No. R-590 was issued under said application; that Certificate of Completion of works, with a storage capacity of 114,000 acre feet, was issued thereunder on April 12, 1940, showing that said works were completed on the 28th day of July, 19 39; and that on the 5th day of May, 19 50,

U. S. A. BUREAU OF RECLAMATION of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of North Fork (Henry's fork), a tributary of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. R-590 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4856, on the 24th day of November, 19 51;

The right hereby confirmed dates from March 14, 19 35;

The Point of outlet is located in Lot 3, Section 28, in the ¼ of ¼ Sec. , Tp. 13 N. , R. 43 E. , B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 114,000 acre feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			Supplemental use on approximately 112,000 acres of land within the Fremont-Madison Irrigation District.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 24th day of November, 19 51.

MARK R. KULP
State Reclamation Engineer

(SEAL)

21 2156

4855

State of Idaho

License and Certificate of Water Right

Water License No. 21975 Amount 0.25 second foot

Water District No. Priority February 26, 1951

THIS IS TO CERTIFY that WALLACE MEAT COMPANY

of Wallace, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated February 26, 1951; that Permit No. 21975 was issued under said application; that Certificate of Completion of works, with a carrying capacity of one second foot, was issued thereunder on April 9, 1951, showing that said works were completed on the 14th day of May, 1951; and that on the 10th day of May, 1951,

WALLACE MEAT COMPANY

of Wallace, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of an un-named creek, a tributary of Nine Mile Creek, and thence South fork Coeur d'Alene River, for the purpose of manufacturing and domestic uses, under Use Permit No. 21975 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4855, on the 20th day of November, 1951;

The right hereby confirmed dates from February 26, 1951;

The Point of Diversion is located

in the SE ¼ NW ¼, Sec. 23, Tp. 48 N., R. 4 E, B. M. Shoshone County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 0.25 cubic feet per second.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
			SW¼ NE¼ Section 23, Township 48 North, Range 4 East, B.M.		

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 20th day of November, 1951.

MARK R. KULP
State Reclamation Engineer

(SEAL)

APPLICATION FOR PERMIT

21-2156

To Construct a Reservoir and Store and Appropriate
The Public Waters of the State of Idaho

Application No. R 25304
Permit No. R 590

1. Name of Applicant: UNITED STATES OF AMERICA, Acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation
Postoffice address: Bureau of Reclamation, 603 Post Office Bldg., Portland, Oregon
(County) (State)

I. If applicant is a corporation, give:

(a) Date and place of incorporation:

(b) Amount of Capital Stock: $

(c) Amount paid in: $

(d) Names and addresses of directors:

II. The financial resources of the corporation are: Receipts from sale of public land, repayments into the Reclamation Fund under Reclamation Act and funds allocated under the provisions of the National Industrial Recovery Act (Act as of June 16, 1933-48 Stat. 195)

(c) Bonds to be issued: $

(d) Other resources:

2. Quantity of water to be stored: One Hundred fourteen thousand (114,000) acre feet per annum.

3. Source of water supply is North Fork (Henry's Fork) of Snake River, a tributary of Snake River.

4. The outlet of the proposed reservoir is located N.12°30'E./ (bearing) 1300 feet, distant from the SW corner of Section 28, Township 13 N., Range 43 E., B. M. and is in the Lot 3 ¼ of Section 28, Township 13 N., Range 43 E., B. M. County of Fremont.

5. Fill out either (a) or (b).

(a) The reservoir is located in the channel of North (Henry's) Fork of Snake River

(b) The reservoir is to be filled through a feeder canal, the point of diversion for which is located (bearing) feet distant from the corner of Section, Township, Range, B. M., and is in the ¼ of ¼ of Section, Township, Range, B. M.; width at bottom feet, width at top feet, depth of water feet; average grade per mile feet; Capacity cubic feet per second.

6. (a) The area of the high water line of the reservoir is 6,900 acres.

(b) The reservoir capacity is 114,000 acre feet.

7. Height of reservoir dam 83 feet, length at top 9,525 feet, length at bottom 200 feet, size of outlet 13 feet in diameter; tunnel 80 ft. long feet. The dam is to be constructed of materials as follows: Concrete, rock, and earth, with an earth fill dike in Sections 22, 27 and 28, Township 13 North of Range 43 East, Boise Meridian.

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

8. (a) Will water stored in reservoir be diverted to canal or acqueduct, thence to land to be irrigated without commingling with natural flow of North Fork of Snake (Creek) (River) ? No.

(b) Water stored in reservoir will be carried in the channel of North Fork of Snake (River,) a distance of (See Remarks) miles to point of diversion located (bearing) feet, distant from the corner of Section, Township, Range, B. M., and in the ¼ of ¼ of Section, Township, Range, B. M.

9. Amount of water claimed from (Creek) (River) (Spring) in addition to that stored in reservoir cubic feet per second.

10. Water is to be used for Irrigation and domestic purposes.

11. If for mining, milling, power or manufacturing purposes give:

(a) Point of use of water (bearing) feet, distant from Corner of Section, Township, Range, B. M. and is in the ¼ of ¼ of Section, Township, Range, B. M.

(b) Amount of power generated: H. P., under feet head.

(c) Water is to be returned to (Creek) (River) (Spring) at a point (bearing) feet distant from the corner of Section, Township, Range, B. M., in the ¼ of ¼ of Section, Township, Range B. M.

12. Water stored in accordance with this Permit will be carried to place of use through a canal heretofore constructed under the terms of Permit No. , which is hereby referred to and made a part hereof.

590

13. Kind of diversion works: Already constructed and to be constructed. (See Remarks)
(Dam, canal, flume, pipe, etc.)
(a) Attached hereto is a list of canals for which such storage is intended and the place of their respective diversions.
14. Height of diversion dam: feet, length at top feet, length at bottom feet. The dam is to be constructed

of materials as follows:

(If height will exceed 10 feet, plans must be approved by Department of Reclamation, before beginning construction.)

15. Size of headgate: Width feet, Height feet.

16/ Diversion Canal: New Width at bottom 24 feet, width at water line 42 feet, depth of water 6 feet, Dimensions of Flume

Diameter of Pipe inches; Length of Conduit 6.6 miles. Average grade per mile 1.58 feet.

17. Estimated cost of Works: Storage Works: $ 1,300,000.00 Diversion Works and canal/ $ 115,000.00

18. Time required for completion of work 5 years.

19. Time required for complete application of water to proposed beneficial use is 10 years.

20. The land to be irrigated is described in the following tabulation: See land list tabulated on following pages.

(Give Irrigable acreage in each 40-acre subdivision.)

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Totals
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	

Total Number of Acres to be Irrigated

Remarks: 8 (b) Water stored in reservoir will be carried both in channel of North Fork of Snake River to headworks already constructed therein and in a new canal from said stream by diversion works to be constructed at a point immediately below the mouth of Fall River, the new canal to connect with the South Branch of Fall River canal and, through an extension of said last named canal, to Teton River (See District map).

BE IT KNOWN That the undersigned hereby makes application for permit to construct a reservoir and store and appropriate the public waters of Idaho as herein set forth, and that the enclosed map is hereby made a part of this application.

UNITED STATES OF AMERICA Applicant.

By B. E. Stoutemyer, District Counsel, Bureau of Reclamation, Portland, Oregon. Agent.

Date of first receipt at office of Commissioner of Reclamation 9:00 A. M. March 14, 1935

Returned to applicant for correction March 29, 1935

Corrected application received May 1, 1935.

APPROVAL OF COMMISSIONER OF RECLAMATION

The number of this permit is R 590

Recorded in book R 2, page 590 Approved May 7, 1935

This is to certify that I have examined the within application for a permit to construct a reservoir and store and appropriate the public waters of the State of Idaho, and hereby approve the same, subject to the following limitations and conditions:

Bond in the sum of $ 1,000.00, to be filed on or before July 6, 1935

Work to begin on or before and to continue diligently and uninterruptedly to completion, unless temporarily interrupted by circumstances over which the permit holder has no control.

One fifth of the work above specified to be completed on or before November 7, 1937

The whole of said work to be completed on or before May 7, 1940

Beneficial use of water stored in accordance herewith, to be made on or before May 7, 1950.

Witness my hand this 7th day of May, 19 35.

R. W. FARIS
Commissioner of Reclamation.

REMARKS: (Continued) It is the plan of the United States to construct a reservoir of 114,000 acre-feet capacity by an earth fill dam across the North Fork of Snake River approximately one half mile above its confluence with Buffalo River, together with one or more small reservoirs on tributaries of Fall River, and a canal from the North Fork of Snake River to connect with the south branch of Fall River canal, and an enlargement, if necessary, and an extension of Fall River canal to Teton River. It is proposed to use existing canals as follows, for the distribution and use of water so stored or water for which the same may be exchanged. The water thus proposed to be stored is for use on lands, under said canals, now unirrigated and to supplement the water supply of lands already irrigated. Accompanying this application are maps in duplicate showing the works proposed under the above mentioned plans and the area and location of the lands proposed to be irrigated.

POINTS OF DIVERSION
LIST OF CANALS
INCLUDED IN PROPOSED FREMONT-MADISON RESERVOIR DISTRICT

Name of Canal	Source	T.N.	R.E.	Sec.	40 acres	Course and Distance		County
1 Dewey	North Fork Snake (Henry's Fork)	8	41	12	SW¼NE¼	S42°30'W,2267'	from NE cor.Sec.12	Fremont
2 Last Chance	" "	8	41	14	NW¼SE¼	S58°30'W,2470'	" ¼ " bet.13 & 14	"
3 St. Anthony	" "	8	41	33	NE¼NW¼	S45°47'W,880'	" ¼ " " 28 & 33	"
4 Farmers Friend	" "	8	41	33	SW¼NE¼	S58°15'W,2950'	" NE " Sec. 33	"
5 Twin Groves @	" "	8	41	32	NE¼SE¼	N 4°19'W,1622'	" SE " Sec. 32	"
6 Salem Union	" "	8	41	32	NW¼SE¼	N31°50'E,2410'	" ¼ " bet. 5 & 32	"
7 Egin	" "	7	40	1	SW¼NE¼	S58°01'E,3530'	" NW " Sec. 1	"
8 Union	" "	7	40	1	SE¼NW¼	N84°02'E,1674'	" ¼ " bet. 1 & 2	"
9 Independent	" "	7	40	2	NE¼SE¼	S23°22'W,1286'	" ¼ " bet. 1 & 2	"
10 Consolidated	" "	7	40	10	NE¼SE¼	N16°27'W,2623'	" SE " Sec. 10	"
11 Yellowstone P & I	Fall River	9	45	32	SW¼SW¼	N 5°00'E,1250'	" SW " Sec. 32	"
12 Harringfeldt	" "	9	45	31	SE¼SW¼	N84°00'E,2604'	" SW " Sec. 31	"
13 Marysville	" "	9	44	35	SE¼NW¼	S42°30'E,2100'	" NW " Sec. 35	"
14 Farmers Own	" "	9	43	35	NE¼SE¼	S38°50'W, 630'	" ¼ " bet. 35 & 36	"
15 Enterprise	" "	8	42	22	NE¼SW¼	N50°00'E,2200'	" SW " Sec. 22	"
16 Fall River	" "	8	42	29	NE¼NE¼	S82°00'W, 760'	" NE " Sec. 29	"
17 Chester	" "	8	42	20	SE¼SW¼	N78°45'E,2250'	" SW " Sec. 20	"
18 Kerr	" "	8	42	20	NW¼SW¼	N 9°00'E,1660'	" SW " Sec. 20	"
19 Wilford	Teton River	7	41	28	NW¼NE¼	S76°30'W,1850'	" NE " Sec. 28	"
20 Siddoway	" "	7	41	28	NE¼NE¼	S58°00'W, 950'	" NE " Sec. 28	"
21 Good Luck	" "	7	41	29	SE¼NE¼	S 6°46'W,2085'	" NE " Sec. 29	"
22 Teton Irrig. & Mfg. Co.	" "	7	41	28	SW¼NW¼	N32°00'E, 740'	" ¼ " bet. 28 & 29	"
23 Pioneer	" "	7	41	29	NW¼SW¼	S80°30'E,343'	" ¼ " bet. 29 & 30	"
24 Stewart	" "	7	41	30	SE¼SE¼	N45°00'W,600'	" SE " Sec. 30	"
25 Pincock-Byington	" "	7	40	36	NW¼NE¼	S72°14'W,1435'	" NE " Sec. 36	"
26 Teton Island Feeder	" "	7	40	36	SE¼NW¼	S44°25'E,2059'	" NW " Sec. 36	"
27 Salem Irrig.	Teton Island Feeder	7	40	34	SE¼SW¼	N 1°27'W, 590'	" S½ " Sec. 34	Madison
28 Roxana	North Fork, Teton R.	6	40	6	NE¼NE¼	S80°00'W,1200'	" NE " Sec. 6	"
29 Island Ward	" " "	6	40	6	NW¼NE¼	N44°00'W,2100'	" ¼ " bet. 5 & 6	"
30 Pincock-Garner	South Fork, Teton R.	7	40	36	SW¼NE¼	S45°00'W,2480'	" NE " Sec. 36	Fremont
31 Woodmansee	" " "	6	40	1	NE¼NW¼	S71°16'E,1869'	" NW " Sec. 1	Madison
32 Rexburg City	" " "	6	40	10	SE¼SE¼	N28°40'W,1334'	" SE " Sec. 10	"
33 Rexburg Irrig.	" " "	6	40	20	NE¼NE¼	S37°00'W,1000'	" NE " Sec. 20	"
34 Westfield	" " "	6	40	19	SE¼NW¼	N89°00'E,2550'	" ¼ " bet. 24 & 19	"
35 Squirrel Creek	Squirrel Creek	8	44	3	SW¼SE¼	N61°00'W,2350'	" SE " Sec. 3	Fremont
36 Yellowstone	" "	8	44	8	SE¼NE¼	S23°00'W,1750'	" NE " Sec. 8	"
37 Conant Creek	Conant Creek	8	44	27	SW¼NW¼	N10°20'E,2790'	" SW " Sec. 27	Teton
38 N.Salem Agr. & Milling	North Fork, Teton R.	7	40	33	SE¼NW¼	N 1°30'W,3040'	" S½ " Sec. 33	Fremont
39 Cross Cut Canal	North Fork, Snake R.	8	41	14	NW¼SE¼	N41°13'W,2150'	" SE " Sec. 14	"

@ Diversion now from Farmers Friend Canal.

DESCRIPTION OF DISTRICT LANDS
To Accompany Application for Permit to Construct a Reservoir
on North Fork (Henry's Fork) Snake River

MADISON COUNTY:

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	38 E	25	40			40					40		40	40	40	40	40	40	360
		26												40			40	40	120
6 N	39 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40	40	40	40	19.50 Lot3	45.08 Lot7	27.22 Lot6	33.70 Lot4	40	31.42 Lot5	40	40	40	40	40	40	596.92
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		6	40	40	40	40									40	40	40	40	320
		7	40	40	40	40									40	40	40	40	320
		8	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
		9	Lot8	54.47	40	40	47.10 Lot 1	40	50 Lot 2	18 Lot 7	36.80 Lot6	31.90 Lot3	19.40 Lot4	41.94 Lot 5	40	40	40	40	579.31
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6 N	39 E	11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		16	40	40	40	40	40	32.57 Lot 2	40	40	40	40	40	40	40	40	40	40	632.57
		17	23.50 lot 1	50.40 lot 2	12.43 lot 8	34.80 lot 9									40	37.60 lot 7	41.95 lot 6	40	280.68
		18	40	40	40	40									40	40	40	40	320
		19	40	40	40	38.88 lot 7									23.30 lot 6	40	36.25 lot 5	39.02 lot 8	297.45
		20	40	40	40	40					40	37.55 Lot 3	40	40	40	40	40	40	477.55
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40			40													80
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	40 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		4	40	40	40	40	40	40	40	40		40	40		40		40	40	520
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40	40	40	40									320
		14	40	40	40	40	40	40	40	40									320
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19				40													40
		20	40	40	40	40	40	40	40	40									320
		21					40	40	40	40									160
	41 E	5		40	20		40	40	40	40	40	40	40	40			40	40	460
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	20	40	20		40	40	40	40	40	40	40	40		20	20		440
		18					20	40	40			20							120
	39 E	19													40	40	40	40	160
		20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27					40	40	40	40									160
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	40		40	40	40	40	40	600
		31		40	40		40			40					40	40			240
		32	40	40	40	40	40	40	40	40	40	40	40	40		40	40		560
		33	40	40	40	40													160
		34				48.50 Lot 7									40	33.30 Lot 6	48.60 Lot 5	40	210.40
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	40 E	31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
FREMONT COUNTY		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	39 E	1				40					40			40	40	40	40	40	280
		8									40		40	40	40	40	40	40	280
		9	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560
		10							40	40	40	40	40	40	40	40	40	40	400
		11	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

Twp.	Range	Sec.	NE¼ NE¼	NE¼ NW¼	NE¼ SW¼	NE¼ SE¼	NW¼ NE¼	NW¼ NW¼	NW¼ SW¼	NW¼ SE¼	SW¼ NE¼	SW¼ NW¼	SW¼ SW¼	SW¼ SE¼	SE¼ NE¼	SE¼ NW¼	SE¼ SW¼	SE¼ SE¼	Total Acres
7 N	39 E	14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40					40			40	40	40	40	40	400
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40									320
		25	40		40	40			36.65 Lot 2	40	40	40	40	40	40	40	40	40	516.65
		26			45.00 Lot 2	17.17 Pt. of Lot 1			40	40	24.00 Lot 3	54.10 Lot 4	62.12 Lot 5		51.05 Lot 7	26.10 Lot 6			439.54
7 N	40 E	2								40	40		40	40					160
		5		40							40	40	40	40		40			240
		6													40	40	40	40	160
		7	40	40	40	40		40	40		40	40	40	40	40	40			480
		8		40	40	40			40	40	40	40		40	40	40	40	40	480
		9			40	40	40				40	40	40	40					280
		10	40	40			40	40	40	40	40	40	39.88 Lot 4	30.50 Lot 3			25.20 Lot 5	59.60 Lot 6	475.18
		11									40	40	40	40	40	40	40	40	320
		12			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		13	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		15	40	40	40	40	38.24 Lot 3		40	40	40	40	40	40	40	40	40	40	598.24
		16			31.90 Lot 6	43.00 Lot 7					49.50 Lot 5	33.90 Lot 4	40	40	40	40	40	40	398.30
		17	40	40	40	39.69 Lot 1	40	40	40	40									319.69
		18	40	40	40	40	40	40	40	40	40	40	40	40					480
		19			40	40	32.00 Lot 2	40	33.67 Lot 3	22.20 Lot 6	40	32.53 Lot 4	40	40	40	40	40	40	520.4
		20	40	37.03 Lot 1	40	40	33.20 Lot 2	36.13 Lot 3	40	40	40	40	40	40	40	40	40	40	626.36
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		22	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		23	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		24	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
7 N	41 E	4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		5	40	40	40	40	40		40	40	40	40	40	40	40	40	40	40	600
		6									40	40	40	40	40	40	40	40	320
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		9						40	40			40	40	40	40	40	40	40	360
		10						40	40										80
		15						40	40			40							120
		16	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		17	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		18	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		19	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		20	40	40	40	40	40	40	40	40	40	40			40	40			480
		21	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		28		40	40		40	40	40	40	40	40	40	40					400
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33						40											40
8 N	40 E	28												40			40		80
		29													40	40	40		120
		31	40	40	20	20													120
		32	40	40	40	40									40	40			240
		33	40	40															80
		34			40	40	40	40							40	40			240
		35							40	40	40	40	40	40					240
		36		40															40
8 N	41 E	12													40	40	40	40	160
		13	40	40	40	40	32.00 Lot 1		34.20 Lot 3	40	23.90 Lot 5	22.25 Lot 4		39.85 Lot 10					381.25
		14									40	40	40	40					160
		15															40	40	80
		21	40	40	40	40	40	40	40	40	40	40	40	40			40	40	560
		22	40	40	40	40	40	40	40	40	40	40		40	28.50 Lot 3	40	34.45 Lot 2		542.95
		23					36.35 Lot 6	40	40.10 Lot 5					40	40	40	40	40	316.45

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	Acres
		24	40	40			40			40			40	40			40	40	320
8 N	41 E	25	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	11.45 Lot 7	39.65 Lot 1	40	40	40	40	29.20 Lot 6	22.00 Lot 2	43.10 Lot5	15.05 Lot 4	39.15 Lot 3	40	40	40	40	559.60
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	30.60 Lot 1	630.60
		29	40			40								40	40	40	40	40	280
		31	40	40	40	40									40	40	40	40	320
		32	40	40	40	35.15 Lot 6	40	40	40	40		40	40.28 Lot 3				40	40	475.43
		33	26.56 Lot 1	23.85 Lot 2	33.70 Lot 3	40	26.15 Lot 4	40	13.30 Lot 6	23.00 Lot 4	40	40	34.85 Lot 5	40	40	40	40	40	541.41
		34	40	40	&8 40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40		40	40	40	40	40	40				40			400
8 N	42 E	1	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		4	40	40	40	40			40	40	40	40	40	40	40	40	40	40	560
		5				40					40	40		40	40	40	40	40	320
		8	40	40	40	40									40	40	40	40	320
		9	40	40	40	40	40	40	40	40	40	40			40	40	40	40	560
		10	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		11	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		12	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		13	40	40	40	40		40	40			40			40	40			360
		14	40	40	40	40	40	40	40	40	40	40	40	40	40	40	20	20	600
		15	40	40	40	40	40	40	40	40	40	40	40	40	40	40			560
		16				40									40				80
		19											40	40		40	40	40	200
		20		40	40											40			120
		21			40					40	40					40			160
		23									40	40	40	40	40				200
		24			40	40					40	40							160
		30		40	40		40	40	40	40									240
8 N	43 E	1	40	40	40	40	40	40	40	40	40	40	40	40					480
		3					40	40	40	40									160
		4	40	40			40	40	40				40	40					280
		5	40	40	40	40	40	40	40	40	40	40	40	40					480
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40	40	40	40	40	40	40	40	40	10				490
		9					40	40									40	40	160
		10	40		40	40					40	40	40	40	40	40	40	40	440
		11	40	40	40	40	40	40	40	40									320
		12													40	40	40	40	160
		15	40	40	40	40	40	40	40	40									320
		16			40	40				40	40	40			40	40			280
		17							40			40	40						120
		18			40	40	40	40	40	40	40	40	40	40	40	40	40	40	560
		19	40	40	40	40	40	40	40	40	40	40	40	40					440
		20						40	40										80
		21	40	40		40	40		40	40			40						280
		22					40	40	40	40	40	20	40	40					300
		27					40	40	40			40	40			20	40	40	300
		28													40			40	80
		29			40		40	40	40	40									200
		30								40	40								80
		31	40	40	40	40													160
		33	40	20	20	40									40				160
		34						40	40	40									120
8 N	44 E	5					40	40	40	40	40	40							240
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8	40	40	40	40			40	40	40	40	40	40					400
		17						40											40
		18	40	40	40	40	40	40	40	40									320
9 N	42 E	13			40						40	40	40	40	40	40	40	40	360
		22	40	40		40	40		40			40	40	40	40		40	40	440
		23	40	40					40	40	40	40	40	40	40	40	40	40	480
		24	40	40	40	40					40	40						40	280
		25			40	40			40	40					40	40		40	240
		26	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		27	40	40	40	40	40			40	40	40	40	40	40	40	40	40	560
		28			40	40				40					40	40	40	40	280
		33															40	40	80
		34	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36	40		40	40			40	40	40	40	40	40	40	40	40	40	520
9 N	43 E	13														40	40		80
		18											40						40
		19			40	40	40	40	40	40	40		40	40	40	40	40	40	520
		20									40	40	40	40			40	40	240
		21													40			40	80
		22												40					40

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼				Total Acres
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
9 N	43 E	23	40			40				40	40			40	40	40	40		320
		24			40	40		40	40		40	40	40	40	40	40	40	40	480
		25	40			40					40	40			40			40	240
		27		40	40		40		40	40	40	40	40	40		40	40		440
		28	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		29	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		30	40	40	40	40	40	40	40	40	40	40	30	40	40	40	40	40	630
		31	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		32	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		33	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		34					40	40	40	40	40	40	40	40				40	360
		35		40	40				40	40	40	40					40	40	320
		36	40	40				40	40		20	20	40	40				40	320
9 N	44 E	18											40	40	40	40	40	40	240
		19	40	40	40	40	40	40	40	40	40	40	40	40					480
		20									40	40	40	40	40	40	40	40	320
		21					40	40			40	40	40	40			40	40	320
		22					40			40	40	40	40	40					240
		29					40	40	40	40	40	40	40	40	40	40	40	40	480
		30					40	40	40	40	40	40	40	40	40	40	40	40	480
		31					40	40					40	40		40	40		240
		32			40	40					40	40	40	40	40	40	40	40	400
		33							40	40									80

VILLAGE OF ASHTON, IDAHO			GRAY'S ADDITION TO THE TOWN OF ST. ANTHONY, IDAHO		
Lot	Block	Acres	Lot	Block	Acres
E and G			The West 80 feet of		
4, 5 and 6	9		Lots 5 and 6	5	.25
3 and 4	39				
11 and 12	42				
13	44				
12	57				
5 and 6	60				
5 and 6	63				
5 and 6	65				
1 and 2	75				

Total Acreage Madison County	42,374.88
Total Acreage Fremont County	74,302.30
TOTAL	116,677.18

PERMIT NO. R-590

CERTIFICATE OF COMPLETION OF RESERVOIR AND RIGHT TO STORE WATER

Amount 114,000 Acre feet — Priority March 14,1935

This is to certify that UNITED STATES OF AMERICA, Acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation, of Portland, County of Multnomah, and State of Oregon, the holder of Permit No. R-590, issued upon Application No. R-25304, bearing date of priority of March 14, 1935, authorizing the construction of a reservoir and the right to store the waters of North Fork (Henry's Fork) of Snake River, a tributary of Snake River, County of Fremont, State of Idaho, for irrigation and domestic purposes, has fully complied with the provisions of the laws of the State of Idaho relating to the proof of completion of the works as set out and described in said Permit; that said works are adequate for the storage of 114,000 acre feet of water annually; that the location of the outlet of said reservoir is in Lot 3 of Section 28, Township 13 North, Range 43 East, Boise Meridian; that a right to store the said waters has been perfected in accordance with the laws of Idaho and is hereby confirmed by the Commissioner of Reclamation and entered of record in Volume R-2, of Permits, at page 590, records of the Department of Reclamation on the 12th day of April, 1940; that the right hereby confirmed dates from March 14, 1935; and that the amount of water to which said right is, by this certificate, entitled to store annually shall not exceed 114,000 acre feet.

Witness the seal and signature of the Commissioner of Reclamation, affixed at Boise, Idaho, this 12th day of April, A. D. 1940.

JAMES SPOFFORD
Commissioner of Reclamation

(SEAL)

Proof of completion of works made July 28, 1939
Certificate of Completion of Works issued April 12, 1940.

LICENSE ISSUED FOR 114,000 acre SEC. FT.
Page 4856

Property #1

Water Usage History

RECEIVED
JUN 28 1985
Department of Water Resources

January 19, 1984

To Whom It May Concern,

I, William Arthur Blanchard and my Wife, Clara Blanchard of Chester, Idaho declare in this written statement that upon purchasing a portion of the property of Gail and Jacqueline Blanchard of Chester, Idaho on the 19th day of September 1963 that they Gail and Jacqueline Blanchard did retain for irrigation purposes on Lots 5, South of the County Road, 6 and 7 located in Section 13, Township 8 N., Range 41 E.B.M. the following water rights:

.50 c.f.s. (25 Miner Inches) A.S. Farnsworth (Priority of June 1 21-0051 1890)

.57 c.f.s. (28½ Miner Inches) H. Smith (Priority of July 16, 19(21-0106

(Claim) → 1.50 c.f.s. (75 Miner Inches) A.S. Anderson (Priority of Oct. 16, needing Adjudication Slough/Spring Water 21-4028 1888)

5 A.F. Fremont-Madison Irrigation Storage Water (Priority March A21-2156 and B21-2157 " 14, 1935)

20 Shares Marysville Irrigation Company #200 Certificate (Priority W. A. Winters 1895 and August 20, 1940)

Notorization Certification

Subscribed and sworn to before me this 23rd day of January, 1984.

Alice L. Richards
Notary Public

Signed,

William Arthur Blanchard
William Arthur Blanchard

Clara Blanchard
Clara Blanchard

Gail Blanchard
Gail Blanchard

Jacqueline Blanchard
Jacqueline Blanchard

Thanks,
Gail Blanchard

MICROFILMED

Conditions of Approval Exc

RE: Application for Exchange of Water No. 21-2156A

1. A measuring device and lockable controlling works of a type approved by the Department shall be permanently installed and maintained as part of the diverting works for the points of diversion specified in Items 14 and 15 of the exchange.

2. The use of storage water under this exchange is subject to control by the watermaster of State Water District No. 1.

3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Fall River.

4. When considered among other storage users on Fall River, storage water under this exchange shall have a priority of June, 1938.

5. Storage water under this exchange shall be limited to 23 AF/annum with the maximum rate of diversion not to exceed 0.46 c.f.s.

6. Lands irrigated under this exchange shall be limited to ~~46~~ 12 acres in the SW¼NE¼, NW¼SE¼, Section 8, T. 8N, R. 43E, B.M. and 34 acres in the

Modified by DET
3/3/83

MICROFILMED

RECEIVED
APR 05 1982
Department of Water Resources

CONVERSATION MEMORANDUM

DATE March 12, 1982

FILE Exchange 21-2156 A

NAME OF PARTY Ernie Carlsen

EMPLOYEE Curtis Loosli

RE: Application for Exchange No. 21-2156A

Standard conditions on storage water exchanged within Fremont Madison Irrigation District require designating a priority for the storage water based on the date of purchase. Since the application and subsequent agreement did not address this matter I found it necessary to contact Mr. Curtis Loosli.

Mr. Loosli stated he wished to have the 23 AF taken from the 180 AF which is appurtenant to the old Ray Crouch Ranch. At present this water is in Conant Creek. He did not designate which land the water came off of so I suggested we simply take 23 AF with the earliest priority. He commented that approach would be satisfactory.

MICROFILMED

CONVERSATION MEMORANDUM

DATE March 12, 1982

FILE 21-2156A

NAME OF PARTY Ernie Carlsen

EMPLOYEE Dale Swensen, Secretary, Fremont Madison

RE: Application for Exchange No. 21-2156 A

I advised Mr. Swensen of which storage water Mr. Loosli wanted to exchange and the legal description for the lands it will be appurtenant to once the exchange is approved. Mr. Swensen indicated he would review the records and notify me of the original date of purchase on the storage water.

March 15, 1982

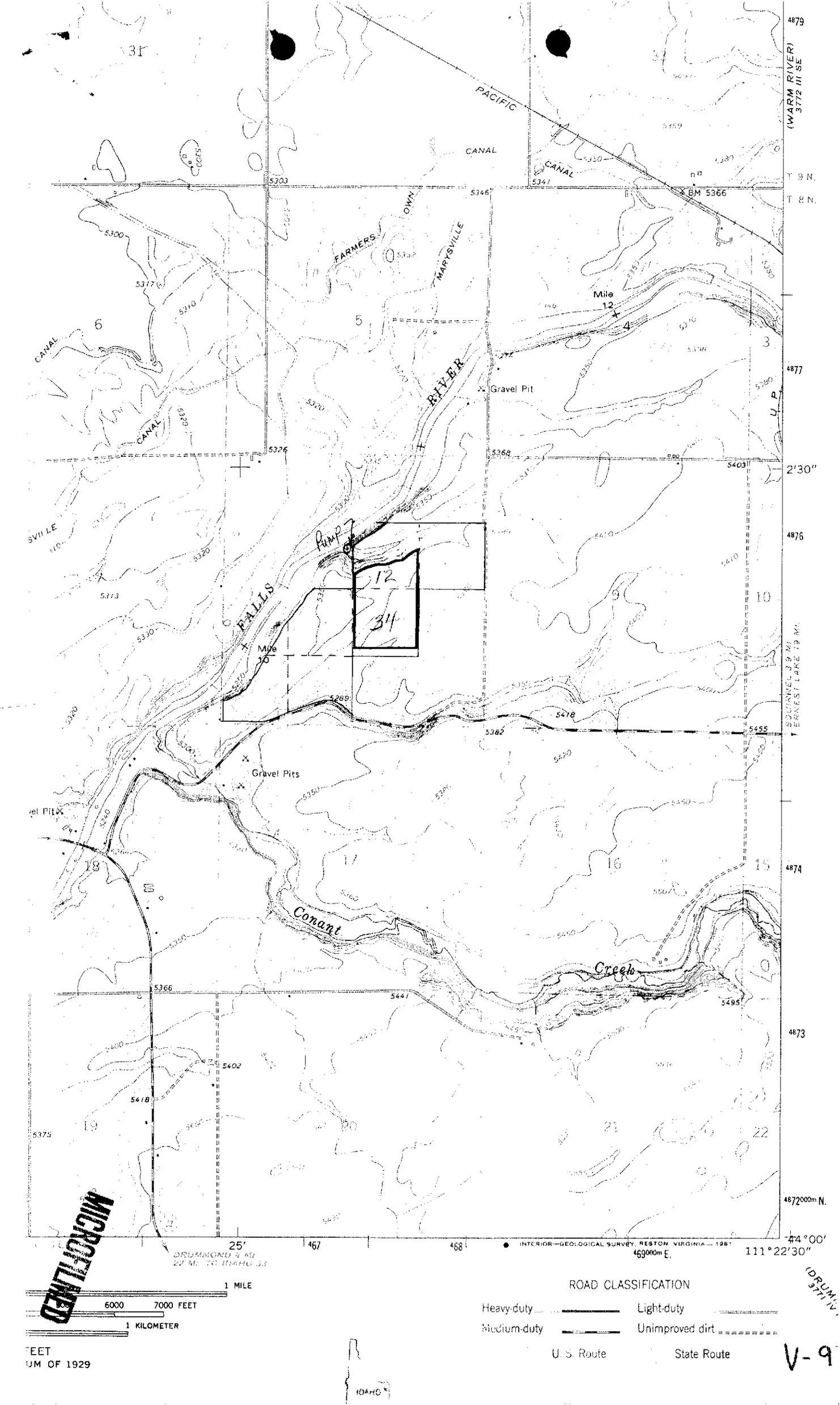
Dale Swensen called and stated: Initial 60 AF of storage water for Crouch Ranch was purchased in 1938.

MICROFILMED

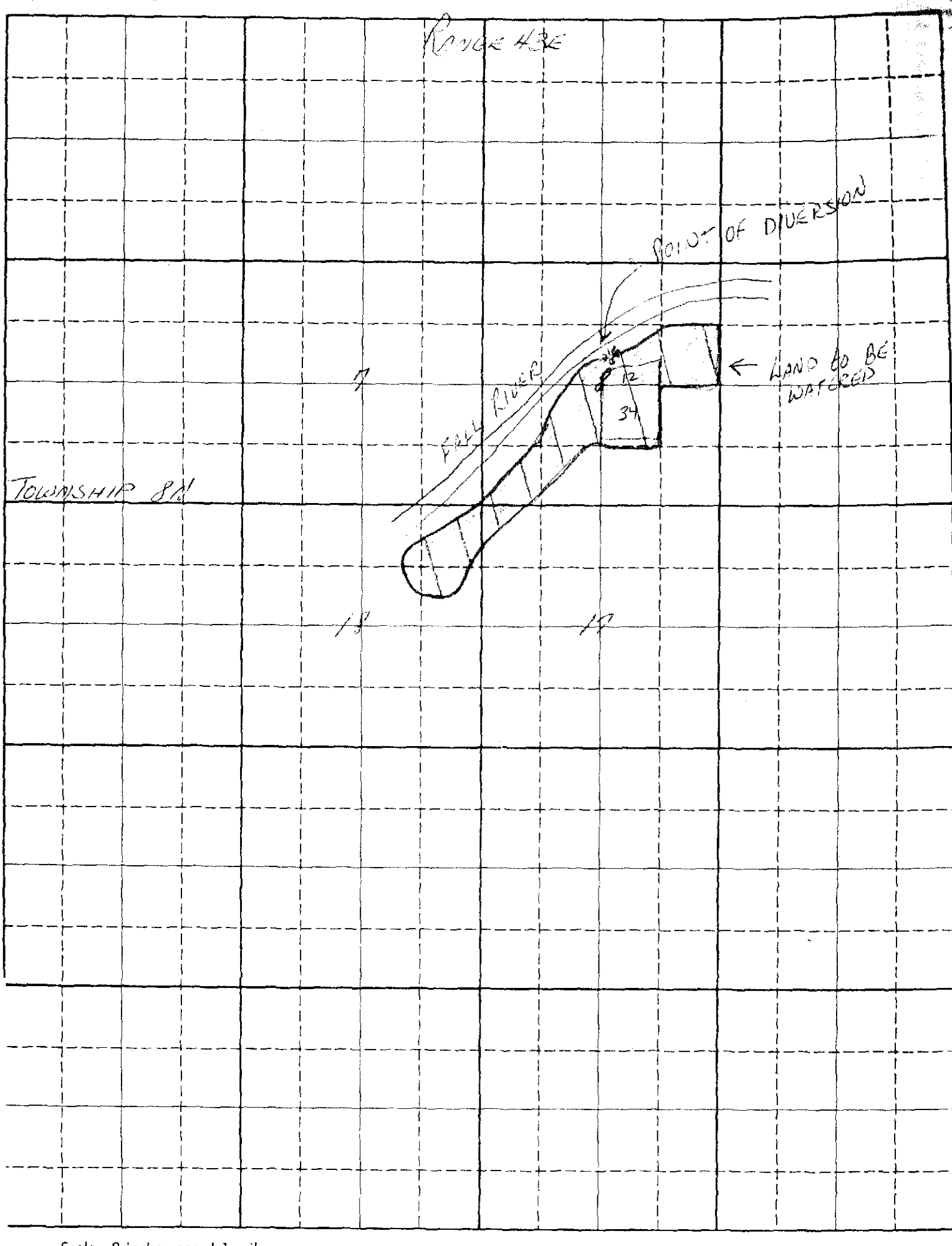
Ernest,

Mr Loosli brought this in indicating the 46 acres he is designating to transf. water right on to

HWJ 2-24-82


PACIFIC
CANAL
FARMERS
OWN
MARYSVILLE
CANAL
CANAL
CANAL
RIVER
PALLS
Pump
Mile 12
Mile 10
Gravel Pit
Gravel Pits
Conant
Creek
BM 5366
(WARM RIVER) 3772 III SE
T 9 N.
T 8 N.
SQUARE 3.9 MI
ERNEST LAKE 19 MI
DRUMMOND 5 MI
22 MI TO IDAHO 33
INTERIOR—GEOLOGICAL SURVEY, RESTON, VIRGINIA—1981
4879
4877
4876
4874
4873
4872000m N.
469000m E.
44°00'
111°22'30"
2'30"
25'
1 MILE
6000 7000 FEET
1 KILOMETER
ROAD CLASSIFICATION
Heavy-duty
Medium-duty
Light-duty
Unimproved dirt
U.S. Route
State Route
IDAHO
MICROFILMED
V-9

11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number and range number.



Scale: 2 inches equal 1 mile

MICROFILMED

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

(Applicant)

NAME AND ADDRESS OF SENDER

DEPA[illegible]
EA[illegible] SERVICE
[illegible] AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
- ☐ Registered
- ☐ Insured
- ☐ COD
- ☒ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

ACCEPTANCE OF REGISTERED, INSURED, C.O.D. AND CERTIFIED MAIL

LINE	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE / REMARKS
1	12875	Curtis Laasko, Ashton Id	20	75				60			21-204
2	12876	Wayne Overhansley, Ashton Id	20	75				60			21-215 61
3	12877	O'Neil Fee, Box 6, Island Park, Id	20	75				60			39-745
4	12878	Lynnett Andrus, Parker Welfare Farm, Parker	20	75				60			"
5	12879	Lowell V. & Alice Bastian, Ashton	20	75				60			15-704
6											
7					$	7.75	total				
8											
9											
10											
11											
12											
13		Sent by Certified Mail	1/25/82	CW							
14											
15											

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	*POSTMASTER, PER (Name of receiving employee)*
5	5	R Dow

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

PS Form 3877, Sept. 1979

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN ☆ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-99

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO. 21-7048 AND APPLICATION FOR EXCHANGE NO. 21-2156A IN THE NAME OF CURTIS LOOSLI AND WAYNE OBERHANSLEY

SHOW CAUSE ORDER

WHEREAS, on July 9, 1974, Curtis Loosli and Wayne Oberhansley submitted application No. 21-7048 for a permit to appropriate 4.00 cubic feet per second of water from Fall River for the irrigation of 200 acres. On July 11, 1974, they also submitted an application to exchange 100 acre-feet of water right 21-2156A for diversion of natural flow from Fall River to irrigate the same 200 acres listed on application for permit No. 21-7048.

WHEREAS, notice of these applications was published in the Ashton Herald, Ashton, Idaho, on July 25 and August 1, 1974, and subsequently protested by Fremont Madison Irrigation District and Conant Creek Canal Company.

WHEREAS, a conference conducted by the Department on January 28, 1975, resulted in a Stipulation between the applicants and Fremont Madison Irrigation District reducing the irrigated acres under the two applications to 46 acres which had to be identified by the applicants. Also at the conference, Conant Creek Canal Company withdrew their protest.

WHEREAS, the applicants have failed to respond to letters from the Department dated October 31, 1975, and December 21, 1981, asking for the legal description of the 46 acres to be irrigated.

THEREFORE, IT IS HEREBY ORDERED that the applicants show cause on or before February 25, 1982, why their application for permit NO. 21-7048 and application for exchange No. 21-2156A should not be voided from the Department's records for failure to supply the information necessary for proceeding with final administrative action on the applications.

Dated this 25th day of January, 1982.

Ronald D. Carlson

RONALD D. CARLSON
Eastern Regional Supervisor

MICROFILMED

December 21, 1981

RE: Application for Exchange No. 21-2156A
Application for Permit No. 21-7048

Curtis Loosli
Ashton,
Idaho 83420

Dear Mr. Loosli:

Pursuant to your request received December 18th, enclosed please find a map illustrating the proposed place of use under the above captioned applications. The legal description for this property is as follows:

NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SW¼SW¼, SE¼SW¼, Sec. 5, T. 7N, R. 42E; SW¼SW¼, SE¼SW¼, SW¼SE¼, SE¼SE¼, Sec. 32, T. 8N, R. 42E, B.M.

Following your review of the map, please advise us of which 46 acres you wish to have covered under your applications.

We will postpone administrative action on these application until January 18, 1982. If we have not received your response by then, we will initiate procedures to finalize processing of the applications.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

Enclosure

DEAR MR CARLSEN

PLEASE SEND A MAP OR SOMETHING TO LET ME KNOW WHICH 46 ACRES THIS REFERS TO. THALK YOU AS WE ARE STILL VERY INTERSTED IN HAVING THIS INCLUEDED IN THE IRRIGATION DISTRICT.

SINCERELY

Pat Lood.

MICROFILMED

RECEIVED
DEC 18 1981
Department of Water Resources
Eastern District Office

7N 42E 05 $\omega_{\frac{1}{2}}$ - 320

8N 42E 32 $S_{\frac{1}{2}}$ $S_{\frac{1}{2}}$ 160

November 25, 1981

RE: Application for Exchange 21-2156A
Application for Permit No. 21-7048

Curtis Loosli
Wayne Oberhansley
Ashton, Idaho 83420

Gentlemen:

To allow compliance with the stipulation between Fremont Madison Irrigation District and yourselves, the Department has postponed a recommendation on the above captioned applications since June of 1975, waiting for you to submit a legal description of the 46 acres to be irrigated under the applications. Although there has been sufficient opportunity to provide the needed information we will continue to delay action on the applications until December 14, 1981.

Failure to respond by then will signify you are no longer interested in pursuing the matter. In response the Department will initiate procedures for finalizing administrative action on both applications.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

October 31, 1975

Re: Exchange App. No. 21-2156A
Permit No. 21-7048

Mr. Curtis Loosli & Wayne Oberhansley
Ashton,
Idaho 83420

Gentlemen:

Your application for exchange no. 21-2156A and application for permit no. 21-7048 have been forwarded from our Idaho Falls Office for final action.

According to your agreement with Fremont-Madison Irrigation District, the extend of your storage right is for the irrigation of 46 acres. Your application for exchange and permit describe 200 acres proposed to be irrigated. We need to know which 46 acres you wish to irrigate under the exchange and application for permit.

Please let us know which 46 acres you wish to irrigate as soon as possible, so that final action can be taken on these documents.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

COPY

MICROFILMED

MEMORANDUM

FROM: Ron Carlson

DATE: October 9, 1975

TO: The File

SUBJECT: Application for Permit No. 21-7048
Application for Exchange No. 21-2156A
Curtis Loosli &/or Wayne Oberhansley

On July 9, 1974, Curtis Loosli and Wayne Oberhansley submitted the above referenced application for permit. On July 11 they submitted their application for exchange. Since there is no water available for appropriation in Fall River, except in the very early spring months, these two applications must be viewed as being complimentary. The application for permit requests 4.0 cfs for the irrigation of 200 acres of land. The application for exchange requests the exchange of 4.0 cfs or 100 AF or Fremont-Madison storage. It was found, however, that the applicant did not have 100 AF of Fremont-Madison storage but rather had 23 AF of storage water, and, therefore, in a stipulated agreement it was agreed by the applicant and Fremont-Madison that 46 acres of his land would be included in Fremont-Madison Irrigation District and 23 AF of water would be released into Henry's Fork in exchange for a like amount of water from Fall River.

I believe that the application for exchange should be modified pursuant to the stipulated agreement after these amendments are made. There appear to be no further reasons why this application should not be approved, since application for permit No. 21-7048 is complimentary and dependent upon the exchange to mature a crop. I believe it also should be reduced accordingly with the amount allowed being .46 cfs for the irrigation of 23 acres of land.

MICROFILMED

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

June 25, 1975

RECEIVED
JUN 26 1975
Department of Water Resources
Eastern Region Office

Mr. Ronald D. Carlson, District Manager
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I am enclosing herewith Stipulation Agreement pertaining to the Protest of Fremont Madison Irrigation District for Exchange of Water Right No. 21-2156a, Curtis Loosli and Wayne Oberhansley. This Stipulation has been signed by Mr. Loosli and Mr. Walker, Chairman of the Board of Directors of the Fremont Madison Irrigation District.

I am also enclosing Stipulation pertaining to Application No. 21-2156b in the name of Lynn Loosli which has been signed by Mr. Loosli and Mr. Walker as Chairman of the Fremont Madison Irrigation District Board.

Yours very truly,

Mary Smith

Mary Smith

rs

Enclosures

MICROFILMED

RECEIVED
AUG 5 1974
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF CURTIS LOOSLI and WAYNE OBERHANSLEY TO EXCHANGE THE WATERS OF FALL RIVER FOR ISLAND PARK STORAGE WATERS. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

PROTEST OF FREMONT-MADISON IRRIGATION DISTRICT.

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Curtis Loosli and Wayne Oberhansley made application to release 4.0 c.f.s. and/or 100 a.f. per annum of Island Park storage water into Henry's Fork at Island Park Dam in exchange for 4.0 c.f.s. and/or 100 a.f. per annum of the waters of Fall River, and makes the following protest against the approval of such application:

1. That the supply of water in Fall River is not sufficient to warrant an exchange of storage water from the Island Park Reservoir through the Henry's Fork of Snake River.

2. That the anticipation of the applicant to exchange Island Park Storage waters through the Henry's Fork of Snake River with the waters of Fall River is speculative because of the lack of water in Fall River, and any such attempt will reduce the quantity of water under existing water rights.

3. That the property for which the storage water exchange is being proposed is not within the boundaries of the Fremont-Madison Irrigation District.

R. Willis Walker

R. Willis Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District.

MICROFILMED

STATE OF IDAHO,)
(SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 5th day of August, 1974.

Mary Smith
Notary Public, residing at Rexburg, Idaho. My commission expires June 25, 1975.

(Seal)

MICROFILMED

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF)

The Application for Exchange of Water Right of Curtis Loosli and Wayne Oberhansley, Ashton, Idaho) P R O T E S T

License No. 21-2156.)

COMES NOW CONANT CREEK CANAL COMPANY, an Idaho Corporation, and protests the exchange of the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork, evidenced by License No. 21-2156, because it will materially affect the water rights of the protestant for reasons that will be shown at the hearing on this protest.

WHEREFORE Protestant prays that the Application for Exchange of Water Right be denied.

DATED At Rexburg, Idaho, this 1st day of August, 1974.

CONANT CREEK CANAL COMPANY

By Homer Jones
Homer Jones, President

Gordon S. Thatcher
of RIGBY, THATCHER & ANDRUS, P.A.
Attorneys for Protestant
25 North Second East
Rexburg, Idaho 83440

cc Curtis Loosli and Wayne Oberhansley

April 9, 1975

RE: Application for Permit No. 21-7048, Application for Exchange No. 21-2156 A
No. 21-2156 B

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

In February of this year, I mailed a copy of a proposed Stipulation that would resolve the problems associated with the above referenced applications for exchange. To date, the Stipulations have not been returned to this office, and we, therefore, assume that additional problems have developed. Please keep us advised of the actions you are taking in this matter so we can keep our records current.

Also, we are still waiting for Fremont-Madison to formally withdraw their protest against the above referenced application for permit. It was our understanding from the conference that was held in this matter that Fremont-Madison's objections had been resolved and that a withdrawal of the protest would be forthcoming.

If the Department can be of any assistance in expediting action on these applications, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

February 25, 1975

RECEIVED
FEB 27 1975
Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson
Acting District Engineer
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

Re: Application for Exchange of Water
Right No. 21-2156 A

Application for Exchange of Water
Right No. 21-2156 B

As soon as we have another Fremont-Madison Irrigation District Board meeting, I will submit to them the Stipulations which you sent to me in the above matters. I appreciate receiving them.

Yours very truly,

Mary Smith

Mary Smith

rs

MICROFILMED

February 11, 1975

RE: Application for Exchange of Water Right No. 21-2156 A
" " " " " " No. 21-2156 B

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

Please find enclosed a copy of each of the stipulated agreements in the matter of protests against the above referenced applications. These stipulations were prepared from the information submitted for the record at the hearing held on January 28, 1975. If they are agreeable, please have both the applicants and protestant sign them and return them to this office.

If you have any questions concerning this, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Exchange of Water Right No. 21-2156A in the name of CURTIS LOOSLI and WAYNE OBERHANSLEY	STIPULATION

Fremont-Madison Irrigation District has reviewed the proposal presented in Application for Exchange of Water Right No. 21-2156A which has been filed with the Department of Water Resources by Curtis Loosli and Wayne Oberhansley. If the applicants will amend their application for exchange accordingly, Fremont-Madison Irrigation District will:

(1) Remove 46 acres of land from the district and include in the district 46 acres of land to be irrigated by the applicants under this proposed exchange. Further,

(2) Fremont-Madison Irrigation District will release from storage into Henry's Fork of the Snake River 23 acre feet of water at a rate not to exceed 0.46 cubic feet per second of water in exchange for a like amount of water to be pumped from Fall River, a tributary of Henry's Fork.

It is further stipulated that:

(3) Use of such water under this exchange will be subject to all prior water rights.

(4) A totalizing measuring device of a type approved by the Department of Water Resources will be permanently installed and maintained.

(5) Upon amendment of Application for Exchange of Water Right No. 21-2156A, as specified above, the Department of Water Resources may consider this stipulated agreement to be a withdrawal of the protest filed against the application by Fremont-Madison Irrigation District.

Dated this_____day of _____, 1975.

_____
APPLICANT

_____
APPLICANT

_____
PROTESTANT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

Returned Receipts

PS Form 3811, Nov. 1973

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- ☐ DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery..... 85¢

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EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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[redacted]

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REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	543	

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Women Jones

4. DATE OF DELIVERY: 1-14-75

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6. UNABLE TO DELIVER BECAUSE:

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EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
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Eastern District Office

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1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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Eastern District Office

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- ☐ DELIVER ONLY TO ADDRESSEE and show to whom and date delivered..... 65¢
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X Lynn Cook

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1515 LINCOLN ROAD
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Eastern District Office

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EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

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JAN 14 1975
Department of Water Resources
Eastern District Office

AIRMAIL
SAINT ANTHONY, IDAHO
JAN 13 1975
USPO

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REGISTERED NO.	CERTIFIED NO.	INSURED NO.
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SIGNATURE

Frances Oldham

4. DATE OF DELIVERY

JAN 13 1975

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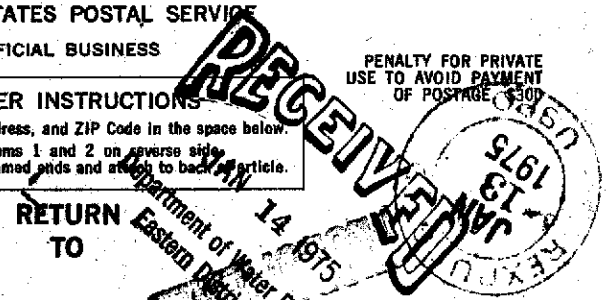
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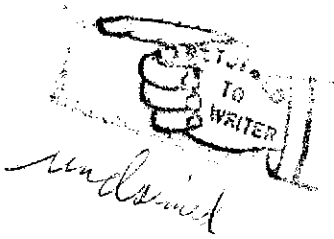
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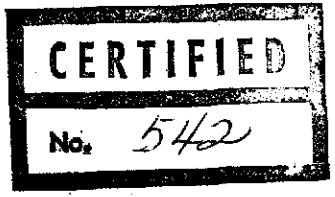


DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401





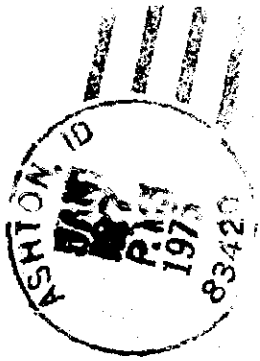


RETURN RECEIPT REQUESTED

Ltr Noted 1-15-75

Mr. Curtis Loosli
Ashton
Idaho 83420

MICROFILMED



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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

CERTIFIED
No. 538

RETURN RECEIPT REQUESTED

MICROFILMED



RECEIVED
JAN 21 1975
Department of Water Resources
Eastern District Office

Mr. Curtis Loosli
Ashton
Idaho 83420

Applicant is out of town.

#1 Notice

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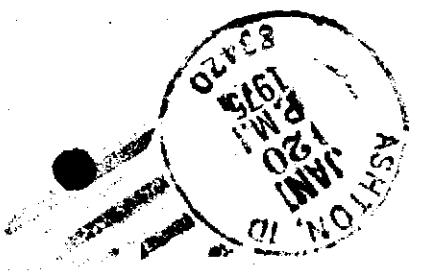
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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 21-7048 and Application for Exchange No. 21-2156A in the name of CURTIS LOOSLI AND/OR WAYNE OBERHANSLEY and Application for Exchange No. 21-2156B in the name of LYNN LOOSLI	NOTICE OF HEARING DATE CHANGE

Notice is hereby given that the Department of Water Resources has delayed the hearing concerning the above applications.

The Department has rescheduled the continuation of the hearing for January 28, 1975, at 9:00 a.m., in the Community Room of the Valley Bank, St. Anthony, Idaho. This hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated January 3, 1975.

Dated this 10th day of January, 1975.

Ronald D. Carlson

RONALD D. CARLSON

Acting District Engineer

MICROFILMED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

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☐ REGISTERED ☐ REGISTERED C.O.D.
☒ CERTIFIED

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1	✓ 541	Wayne Hutchinson, Ashton, Idaho	10	30	15				21-7641 21-2156A+B
2	542	Curtis Lesshi	10	30	15				"
3	✓ 543	Hayes Logan Conant Creek Canal Co	10	30	15				"
4	✓ 544	Ricky Hutchens + Sisters, 25 E. 2nd S. Rigby	10	30	15				22-7118
5	✓ 545	Lynn Lesshi Ashton, Idaho	10	30	15				"
6	✓ 546	R. Billy Hatch - Fremont-Madison, Rt. Rigby	10	30	15				22-7119 A
7	✓ 547	Ray Smith, 308 Second Ave	10	30	15				22-7118
8	548	Wayne Stevens	10	30	15				22-7118 + 7119
9	✓ 549	U.S. Reclamation Box 425, Rigby	10	30	15				"
10	✓ 550	Vern Kirkham, Conant Creek Canal Co. Hamer	10	30	15				"
11									
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*Show under "Remarks" class postage paid if other than 1st or if international

POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered

c48—16—8702-15 U.S. GOVERNMENT PRINTING OFFICE

MICROFILMED

January 14, 1975

Valley Bank
30 West Main
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Tuesday, January 28, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 21-7048 and Application for Exchange No. 21-2156A in the name of CURTIS LOOSLI AND/OR WAYNE OBERHANSLEY and Application for Exchange No. 21-2156B in the name of LYNN LOOSLI	NOTICE OF HEARING

Notice is hereby given that the Department of Water Resources has rescheduled for hearing the matter of protests against approval of the above referenced applications for Thursday, January 16, 1975, at 9:00 a.m. in the Community Room of the Valley Bank, St. Anthony, Idaho. This hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated November 8, 1974. The hearings for these applications will be combined because of the similarity of the issues involved.

Dated this 3rd day of January, 1975.

RONALD D. CARLSON
Acting District Engineer

RDC:mb

MICROFILMED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	528	Byrd + Blair Covington, P.O. Box 132, Rigburg, Idaho	10	30	15	✓			22-7115
2	529	Lyman L. Leatham, 113 N. 1st E., Rigburg, Idaho	10	30	15	✓			4
3	Mist. Certified	Pat Lyman							22-7115 21-7049 22-7118 21-2156A+B 22-7118 [redacted]
4	530	Canyon Creek Canal Co. Rexburg, Id.	10	30	15	✓			22-7118
5	531	O.J. Neeley, Box 425, Rigburg, Idaho	10	30	15	✓			22-7114
6	532	Gregory Stewart, Box 158, Teton, Idaho	10	30	15	✓			22-7118 22-7114 22-7118
7	533	Merle Smith, Atty, 308 220 E. Rigburg, Id.	10	30	15	✓			21-7049 21-2156A+B 22-7118
8	534	R. Miller, Rel Dir, Fremont-Madison Irrig Dist, Rexburg	10	30	15	✓			21-7049 21-2156A+B 21-7049
9	535	Lyman Leavitt, Ashton, Id.	10	30	15	✓			21-2156A 21-2156B 4
10	536	Rigby, Hatch + Andrus, Atty. 25 N 2nd E. Rigburg	10	30	15	✓			4
11	537	Hymer Jones, Consent Ch. Canal Co. Ashton, Idaho	10	30	15	✓			4
12	538	Curtis Leavitt, Ashton, Idaho	10	30	15	✓			4.
13	539	Hayes Oberlandly, Ashton, Idaho	10	30	15	✓			
14					$6.60				
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IDAHO FALLS, IDAHO 1975 U.S. POSTAGE

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APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international re[illegible])

c48—16—6792-15 U.S. GOVERNMENT PRINTING OFFICE

MICROFILMED

January 2, 1975

Valley Bank
30 West Main
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, January 16, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF

APPLICATION FOR EXCHANGE NO. 21-2156A IN THE NAME OF CURTIS LOOSLIE & WAYNE OBERHANSLEY; APPLICATION FOR EXCHANGE NO. 21-2156B IN THE NAME OF LYNN LOOSLI; APPLICATION FOR PERMIT NO. 21-7048 IN THE NAME OF CURTIS LOOSLI &/OR WAYNE OBERHANSLEY.	NOTICE OF CONTINUATION

A. Kenneth Dunn, Administrator of the Operations Division of the Department of Water Resources stating:

We are here for the purpose of holding a formal hearing on an Application for Exchange in the name of Mr. Lynn Loosli, Application No. 21-2156B. The hearing was set for November 22, 1974 at 9:00 a.m. in the Community Room of the Valley Bank in St. Anthony, Idaho. It is agreed by all parties, applicant and protestants, that the hearing be continued and that the Department of Water Resources reset the hearing no later than 60 days from this date.

IN ADDITION the hearing scheduled for 1:00 p.m., Friday, November 22, 1974, A MATTER of an Exchange of Water Right in the name of Curtis Loosli and Wayne Oberhansley, No. 21-2156A, and an Application for Permit to appropriate water in the name of Curtis Loosli and/or Wayne Oberhansley, No. 21-7048, has been convened and all parties are present, and agreed that the hearing will be continued at a new date set for the hearing in no more than 60 days. The date will be set by the Department of Water Resources and all parties notified.

If there are no further comments, these hearings are hereby closed.

s/ A. KENNETH DUNN
Administrator, Operations Division

RONALD D. CARLSON
Acting District Engineer

CW

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

RETURNED CERTIFIED RECEIPTS

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519

INSURED NO.

DATE DELIVERED
11-16-74

① SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Curtis Loesch

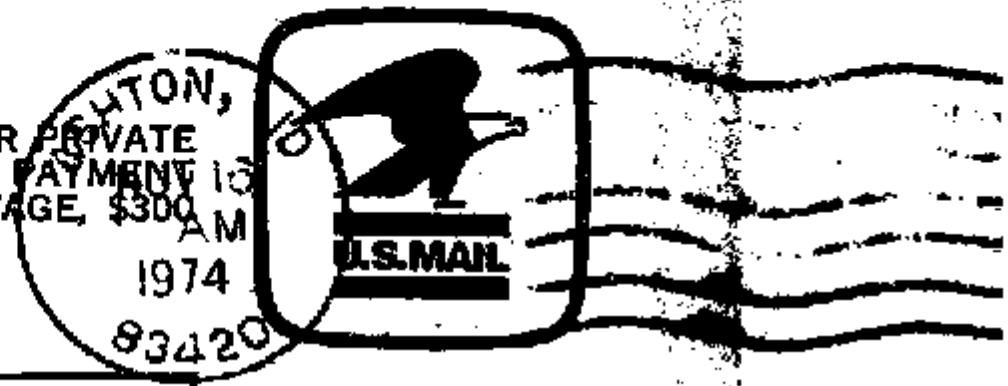
② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

③ SHOW WHERE DELIVERED (Only if requested, and includes ZIP Code)

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

PS Form 3811
June 1973

21-2156A

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CERTIFIED NO. 518

INSURED NO.

DATE DELIVERED 11-11-74

1. SIGNATURE OR NAME OF ADDRESSEE (Must always be filled in)
Wayne Oberhauser

2. SIGNATURE OF ADDRESSEE'S AGENT, IF ANY
Wayne Oberhauser

3. SHOW WHERE DELIVERED (Only if requested, and include ZIP Code)

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DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Department of Water Resources
Eastern District Office

PS Form 3811
June 1973

21-2156-A

SENDER: Be sure to follow instructions on other side

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520

INSURED NO.

DATE DELIVERED
11-11-74

1 **SIGNATURE OR NAME OF ADDRESSEE** *(Must always be filled in)*

2 **SIGNATURE OF ADDRESSEE'S AGENT, IF ANY**
Thomas Jones

3 **SHOW WHERE DELIVERED** *(Only if requested, and include ZIP Code)*

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OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



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RETURN TO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

PS Form 3811
June 1973

21-2156 A

SENDER: Be sure to follow instructions on other side

PLEASE FURNISH SERVICE(S) INDICATED BY CHECKED BLOCK(S)
(Additional charges required for these services)

☐ Show address where delivered

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RECEIPT
Received the numbered article described below

REGISTERED

CERTIFIED 521

INSURED NO.

DATE DELIVERED NOV 8/ 1975

SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*

1 Rigby, Thatcher & Andrus PA

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

2 G T Thatcher

SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

3

MICROFILMED

U.S. POSTAL SERVICE
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE $300

POSTMASTER

Postmark of Delivering Office

NOV 1974

RETURN TO

Department of Water Resources
Eastern District Office

SENDER INSTRUCTIONS

Print in the space below your name, address, including ZIP Code.

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- Moisten gummed ends and attach to back of article.

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

PS Form 3811
June 1973

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Exchange No. 21-2156A in the name of CURTIS LOOSLI AND WAYNE OBERHANSLEY	NOTICE OF CONFERENCE AND/OR HEARING

On July 11, 1974, Curtis Loosli and Wayne Oberhansley filed with the Department of Water Resources an application to exchange the waters of Henry's Fork tributary to Snake River for the waters of Fall River tributary of Henry's Fork. On August 1, 1974, the Department received a protest against approval of said application from the firm Rigby, Thatcher & Andrus, P.A. on behalf of Conant Creek Canal Company. On August 5, 1974. the Department received an additional protest from Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Friday, November 22, 1974, at 1:00 p.m., in the Community Room, Valley Bank, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved. Because of the similarity of the issues involved in the protests to Application No. 21-7048 and Exchange No. 21-2156A - Curtis Loosli and/or Wayne Oberhansley, the Department proposes to consolidate the conferences and hearings as provided in rule 9.7 of the Department's Rules of Practice and Procedure.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 8th day of November, 1974.

Loren O. Holmes

LOREN O. HOLMES
Assistant to the District Engineer

MICROFILMED

21-2156A - Curtis Loosli and/or Wayne Oberhansley

Community Room, Valley Bank, St. Anthony, Idaho

November 22, 1974 - 1:00 p.m.

ROSTER OF ATTENDANCE

Name	Address	Representing

MICROFILMED

MICROFILMED

DEPARTMENT OF WATER R...
EASTERN DISTRICT O...
1515 LINCOLN ...
IDAHO FALLS, IDAHO ...

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☒ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT: IDAHO FALLS, IDAHO 10 8 1974 USPO

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	510	W. J. Bergman, Squirrel Creek Spring & Canal, Ashton	10	30	15				21-7052 21-0148
2	511	Mary Smith, Atty. 30 South 2nd East, Rexburg	10	30	15				21-7052 21-2156A 22-7100 21-2156B
3									21-7048 22-7102 22-0610B
4	512	R. Willis Ashlee, Fremont-Madison Irrig. Dist., St. Anthony	20	30	15				22-7100 21-2156A 21-7052 21-2156B
5									22-7102 21-7048
6	[illegible]	Art Larsen, R.D. #1, P.O. Box 1049,							21-7052 21-0148
7	513	Mark Hardbarger & Son, Squirrel, Idaho	10	30	15				21-7052
8	514	Kurt Kendler, Boone Creek Canal Co, Squirrel, Idaho	10	30	15				21-0148
9	515	Earl Hooper, Elco Ranch, Inc Box 68, Rexburg, Idaho	10	30	15				22-7100
10	516	Mr & Mrs D. Lynn Kidd, Route #2, St Anthony, Idaho	10	30	15				22-7102
11	517	A.K. Stott, Dist, Idaho	10	30	15				22-7102
12	518	Logan Overbaugh, Ashton, Idaho	10	30	15				21-2156A 21-7048
13	519	Orten Leslie, Ashton, Idaho	10	30	15				21-2156A 21-7048
14	520	Vernon Jones, Consent Irrig Canal Co, Ashton, Idaho	10	30	15				21-2156A 21-7048 21-2156B
15	521	Rigby, Thatcher & Andrus P.A. Attys. 25 N 2 E., Rexburg	10	30	15				21-2156A 21-7048 21-2156B
16	522	Lynn Leslie, Ashton, Idaho	10	30	15				21-2156B
17	523	J. Hayes Stirrat, Box 176, Teton	10	30	15				22-0610B
18	524	Brent Tomes Atty. 39 Professional Plaza Rexburg	10	30	15				22-0610B
19	525	Owen J. Nerdy, O.J. Nerdy Ranch, Inc Box 425, Rexburg	10	30	15	$	9.04		22-0610B
20									

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APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

648—16—8792-16 U.S. GOVERNMENT PRINTING OFFICE

October 30, 1974

Valley Bank
30 West Main
St. Anthony, ID 83445

Attention Evelyn

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, November 21, 1974, starting at 9:00 a.m. and on Friday, November 22, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

VALLEY BANK
ST. ANTHONY, IDAHO 83445 • TELEPHONE (208) 642-3479

October 16, 1974

Dept. of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sirs:

This letter is to confirm the use of our Community Room for the hearings you have scheduled for November 7th and 8th.

Thank you.

Sincerely,

Evelyn

Valley Bank

VB/er

MICROFILMED

CONVERSATION MEMORANDU

DATE 10-10-74

FILE

NAME OF PARTY Fremont County Clerk's Office

EMPLOYEE Mechelle Butte

RE: Today the clerk of Fremont County Courthouse called to inform us that the courtroom was no longer available for the 6th and 7th of November. She suggested we choose another date. I thanked her for letting us know.

MICROFILMED

XXXXXXXXXXXXXXXXXXXX RESOURCES

October 9, 1974

Fremont County Courthouse
Clerk of the District Court
St. Anthony, Idaho 83445

Dear Sir:

This is to confirm the use of the Courtroom for conferences and/or hearings to be held by this office on Wednesday, November 6, 1974, starting at 9:00 a.m., and on Thursday, November 7, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

August 20, 1974

Re: Application for Exchange of Water Right No. 21-2156A & 21-2156B
Application for Permit No. 21-7048

Mr. George Marotz
Ashton
Idaho 83420

Dear Mr. Marotz:

This office is in receipt of your letter of July 31, 1974, indicating your objections to granting the above referenced applications. Section 42-203 of the Idaho Code requires that a protest must clearly set forth the objections to the approval of the application. We, therefore, cannot consider your letter to be a formal protest against the application, but we will consider it to be an indication of your intent to protest and will give you 10 days from the date of this letter to clarify your objections.

The following are the principle items we can consider at a conference and/or hearing to either approving or denying an application for permit or an application for exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit or an exchange issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

Please provide this office with further details concerning the reasons for your protest within the time limit previously stated, or we will consider that you no longer wish to continue it. If you have any questions, do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

cc: Wayne Oberhansley
Curtis Loosli
Lynn Loosli
bc: Bob Fleenor - State Office

Ashton,Idaho July 31,1974

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls,Idaho

Dear Sirs:

Concerning water applications No 21-2156 to exchange water from the Snake River flow to the Fall River Flow and application No 21-7048 for new water from Fall River; I would like to comment. (reference to notice in Ashton Herald)

I have seen in some years in the past that we have had a small snow fall and Grassy Lake never filled.
This exchange of water could put a hardship on the smaller farmers who do not have the money for large installations and who are not as aggressive as some of the larger farmers and who are not out for all they can get.

Sincerely,
George Marotz
George Marotz

RECEIVED
AUG 2
Department of Water Resources
Eastern Region Office

CONVERSATION MEMORANDUM

DATE August 12, 1974

FILE #21-2156A & B, 21-7048

NAME OF PARTY Lynn Loosli

EMPLOYEE Norman C. Young

RE: Mr. Loosli called this date requesting that the hearing be held on the above referenced applications prior to September 20, 1974, to avoid the potato harvest.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 8, 1974

Re: Application for Exchange of Water Right No. 21-2156A LOOSLI & OBERHANSLEY

Mr. Ray W. Rigby
Attorney at Law
P.O. Box 437
Rexburg, ID 83440

Dear Mr. Rigby:

This is to acknowledge receipt of the protest submitted in behalf of Conant Creek Canal Company against issuance of an exchange of water pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for an exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of an exchange of water, partially approve the exchange, approve the exchange for a quantity of water less than applied for, or approve the exchange subject to special conditions.

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

cc: Conant Creek Canal Co.
Gordon S. Thatcher

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 7, 1974

Re: Application for Exchange of Water Right No. 21-2156A LOOSLI & OBERHANSLEY

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, Idaho 83440

Dear Ms. Smith:

This is to acknowledge receipt of the protest submitted in behalf of Fremont-Madison Irrigation District against issuance of an exchange of water pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for an exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of an exchange of water, partially approve the exchange, approve the exchange for a quantity of water less than applied for, or approve the exchange subject to special conditions.

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB
cc: Fremont-Madison Irrig. Dist.

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 7, 1974

Re: Application for Exchange of Water Right No. 21-2156A

Mr. Wayne Oberhansley
Ashton
Idaho 83420

Dear Mr. Oberhansley:

We have enclosed copies of the protests filed against the issuance of the exchange pursuant to your shares of License No. 21-2156. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying the application for exchange of water (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow an exchange for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 7, 1974

Re: Application for Exchange of Water Right No. 21-2156A

Mr. Curtis Loosli
Ashton
Idaho 83420

Dear Mr. Loosli:

We have enclosed copies of the protests filed against the issuance of the exchange pursuant to your shares of License No. 21-2156. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying the application for exchange of water (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

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If we may be of any assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer
RDC:MB

LAW OFFICES
RIGBY, THATCHER & ANDRUS, P. A.

26 NORTH SECOND EAST - P. O. BOX 487 - REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS
TELEPHONE (208) 356-3633

RECEIVED
AUG 1 1974
Department of Water Resources
Eastern District Office

August 1, 1974

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protests of Conant Creek Canal Company

Gentlemen:

We have enclosed the following Protests for Conant Creek Canal Company:

Application for Change of Water Permit by Squirrel Creek Irrigation & Canal Company, Squirrel, Idaho, Permit No. 21-0109

Application for Exchange of Water Right of Lynn Loosli, Ashton, Idaho License No. 21-2156.

Application for Exchange of Water Right of Curtis Loosli and Wayne Oberhansley, Ashton, Idaho License No. 21-2156.

Application for Water Right of Curtis Loosli and/or Wayne Oberhansley, Ashton, Idaho, Application No. 21-7048

Yours very truly,

Ray W. Rigby

Ray W. Rigby

RWR/bw

Enclosures

To Norm

Date 8/01/74 Time 2:50 P

WHILE YOU WERE OUT

M W. Homer Jones

of Ashton (Route 2)

Phone 652-3535

Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
CALLED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
	RETURNED YOUR CALL		

Message If you feel it's necessary Call him on this matter. He also said he would

over

Operator

I have liked to explain
a few things to you.

OB

CONVERSATION MEMORANDUM

DATE August 2, 1974

FILE 21-7048, 21-2156, and 21-2156

NAME OF PARTY W. Homer Jones, Ashton

EMPLOYEE Norm NCY

RE: We are accepting this protest, but advised that it would better for him to supply more details on his reasons for protesting. I will advise him of the time and place of any hearing held on the Boom Creek Canal application.

MICROFILMED

XXXXXXXXXXXXXXXXXXXX RESOURCES

July 19, 1974

Re: Application for Exchange No. 21-2156A Curtis Loosli & Wayne Oberhansley
" " No. 21-2156B Lynn Loosli

Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 8-12-74 by MB
Not certified

MCY:MB

Enc: Legal Notices (2)

MICROFILMED

NOTICE OF EXCHANGE
OF WATER RIGHT

Notice is hereby given that Curtis Loosli and Wayne Oberhansley as holders of storage shares in Fremont-Madison Irrigation District have applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicants propose to release 4.0 c.f.s. and/or 100 a.f. per annum of Island Park Storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28 T. 13N, R. 43E, B.M., Fremont County; in exchange for 4.0 c.f.s. and/or 100 a.f. per annum of the waters of Fall River to be diverted within the SW1/4NE1/4, Sec. 8, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed exchange of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

NOTICE OF EXCHANGE OF WATER RIGHT

Notice is hereby given that Curtis Loosli and Wayne Oberhansley as holders of storage shares in Fremont-Madison Irrigation District have applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicants propose to release 4.0 c.f.s. and/or 100 a.f. per annum of Island Park Storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County; in exchange for 4.0 c.f.s. and/or 100 a.f. per annum of the waters of Fall River to be diverted within the SW¼NE¼, Sec. 8, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed exchange of water right (may MUST) be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON

Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

July 12, 1974

Re: Application for Transfer No. 21-2156 C. Loosli & W. Oberhansley

Fremont County Chronicle News
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted_____ by_____

NCY:MB

Enc: Legal Notice (1)

MICROFILMED

Called and cancelled publication 7-15-74 MB

NOTICE OF PROPOSED EXCHANGE OF WATER RIGHT

NO. 21-2156

Notice is hereby given that Curtis Loosli & Wayne Oberhansley as holders of storage shares in Madison-Fremont Irrigation District, Ashton, Idaho, has applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork tributary to Snake River. The right sought to be exchanged is evidenced by License No. 21-2156 and is recorded as follows:

Amount: 114,000 acre feet per annum Priority: March 14, 1935

Source: Henry's Fork tributary to Snake River

Point of diversion: Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County;

The water is used for the irrigation of 112,000 acres within the lands of the Fremont-Madison Irrigation District.

TO BE EXCHANGED AS FOLLOWS

The applicants propose to release 4.0 c.f.s. and/or 100 acre feet per annum of Island Park Storage water into the Henry's Fork within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County, in exchange for 4.0 c.f.s. and/or 100 acre feet per annum of the waters of Fall River to be diverted within the SW¼NE¼, Sec. 8, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed exchange of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before August 5, 1974.

R. KEITH HIGGINSON

Director

Published in the Fremont County Chronicle News, St. Anthony, Idaho, on July 18 and July 25, 1974.

MICROFILMED

XXXXXXXXXXXXXXXXXXXXX RESOURCES

July 11, 1974

Re: Application for Exchange of Water Right No. 21-2156

Mr. Curtis Loosli
Ashton
Idaho 83420

Dear Mr. Loosli:

Attached herewith is departmental receipt No. 12957 in the amount of $30.00 for the above referenced application which was received in this office this date.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:MB

Attachment

July 5, 1974

Mr. Curtis Loosli
Ashton,
Idaho 83420

Dear Mr. Loosli:

We are returning the application for exchange form received in this office last week as the required filing fee did not accompany the application. I have taken the liberty of having typed on a fresh form the needed information from our water right records. Based upon my understanding, I have included details of the proposed exchange. If it is your wish to file the exchange, carefully review the application to be sure it accurately describes your project, sign it before a notary public, and return it to this office with the $30.00 filing fee.

Upon receipt of the application in proper form this office will prepare a notice to be run for two consecutive Thursdays in the county newspaper (Ashton Herald.) It will be necessary to hold a hearing to consider this matter if protests are received as a result of the publication. The Director will evaluate the effect of the exchange on the rights of the other water users before approving or denying the application.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cb

Enclosure

MICROFILMED

Identification No._____

Exchange No._____

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder CURTIS LOOSLI & WAYNE OBERHANSLEY
   Post office address RENTON IDAHO

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs._____, Dated_____ in_____ (Name of Court)
   Court, County of _____. Fully describe decree_____.
   _____
   _____
   b. Permit, License, or Claim No._____ in the records of the Department of Reclamation.

3. Source of water Fall River (Name of stream or source) tributary to_____

4. Date of Priority of Right_____

5. Amount of water a._____c.f.s. and/or
   b. 100 acre feet/annum

6. Water is used for Irrigation (Purpose) from 1 May (Month-Day) to 1 Nov (Month-Day)
   _____ (Purpose) from_____ (Month-Day) to_____ (Month-Day)

7. Location of point of diversion is ~~W~~ SW ¼ ~~N~~ E ¼ of Section 8,
   Township 8, Range 43, B.M., in_____County;
   Additional points of diversion, if any_____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
~~8~~	~~43~~	~~8~~							~~20~~ 40	~~35~~ 40	~~35~~ 40	~~40~~	~~10~~	~~30~~	~~40~~				
~~8~~	~~43~~	~~18~~	~~20~~																
8	43	8							25	35	35		10	30	40				175
8	43	18	20																20

Total number of acres to be irrigated 195

MICROFILMED

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Curtis Loosli

Post office address _____

10. Source of water Fall River tributary to Snake River
(Name of stream or source)

11. Name of canal or ditch Marysville Irrigation

12. Amount of water a. _____ c.f.s. and/or
b. 100 acre feet/annum

13. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

_____

_____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. _____ c.f.s and/or 200 acre feet per annum of water diverted at the point described in line 7 and will be delivered into _____ at a point in _____ ¼ _____ ¼ of Section _____, Township _____, Range _____, B.M., in _____ County; Additional points, if any _____

_____

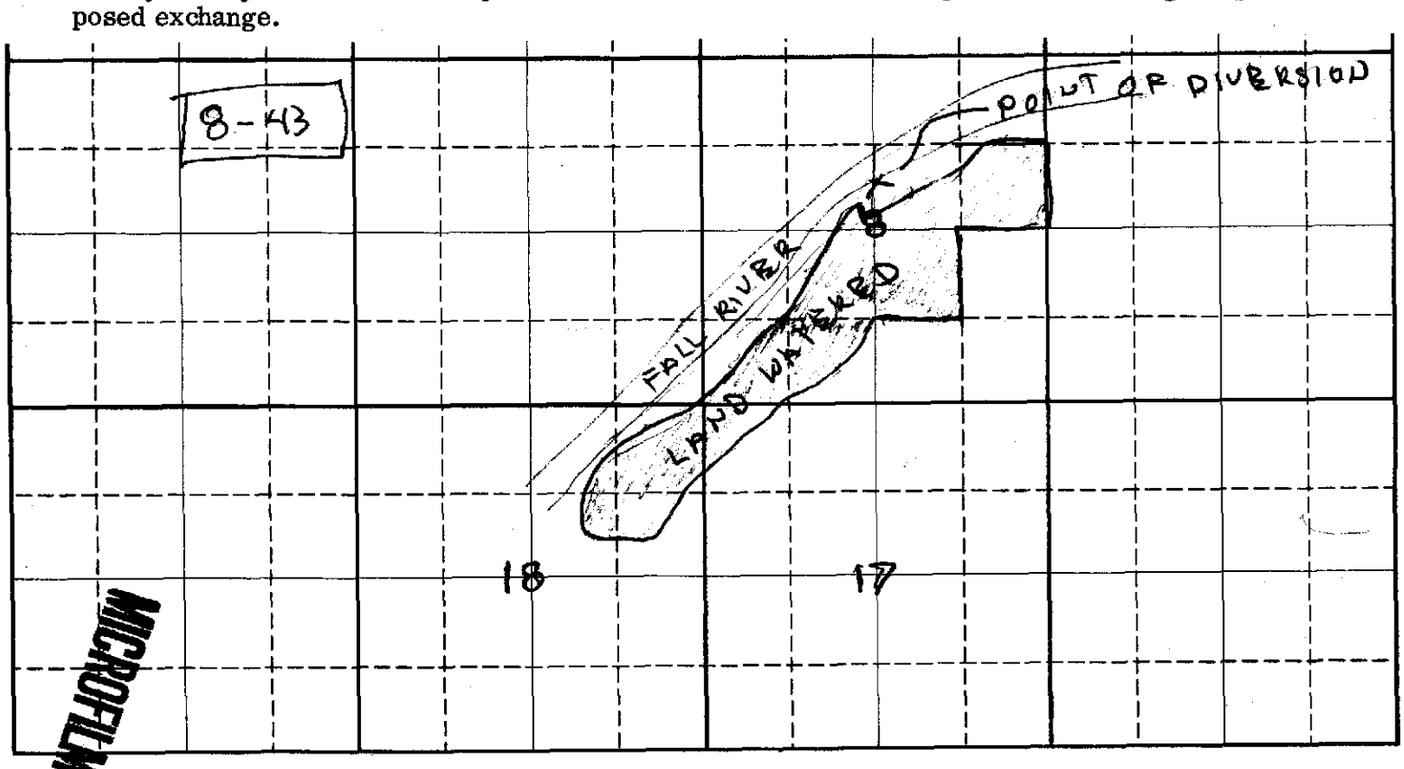
15. In lieu thereof _____ c.f.s. and/or _____ acre feet per annum will be diverted from _____ at a point within the _____ ¼ _____ ¼ of Section _____, Township _____, Range _____, B.M., in _____ County.

16. Explanation _____

_____

_____

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

_____
(Signature of Applicant)

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

_____
(Notary Public)

My commission expires_____

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No._____ and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions: _____

_____

_____

_____

_____

2. Denial of said application is for the following reasons:_____

_____

_____

_____

Witness my hand this _____ day of _____, 19_____.

_____
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by _____Date_____Time_____Preliminary check by_____

Fee $_____ Receipted by _____ Date _____ Publication prepared by_____

Date _____Published in_____Dates_____

Affidavit of Publication received _____ Publication approved by _____

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____Agreement received_____

Hearing held at _____Date_____

Recommended for approval denial by _____

(Title)

MICROFILMED

United States Department of the Interior
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
FEDERAL BUILDING & U.S. COURTHOUSE
BOX 043-550 WEST FORT STREET
BOISE, IDAHO 83724

RECEIVED
AUG 18 1981
Department of Water Resourc

IN REPLY REFER TO: PN 460
602.

Date
AUG 17 1981

file
X 21-2156
21-7212

Fall River Rural Electric Cooperative, Inc.
Attn: Mr. Chuck Dawsey
P.O. Box E
Ashton, Idaho 83420

Ladies and Gentlemen:

This letter will confirm the information given Mr. Dawsey by telephone on August 12, 1981, that the Bureau of Reclamation is aware that Fall River is investigating the installation of a powerplant at Island Park Dam of our Minidoka Project; and that we have no objection to such a development provided that Fall River obtains an acceptable license from the Federal Energy Regulatory Commission for this proposed development.

Sincerely yours,

L. W. Lloyd

Regional Director

Enclosure

cc: Mr. David R. Tuthill, Supervisor, Water Allocations Section, State of Idaho, Department of Water Resources, 450 W. State St., Boise, ID 83702

MICROFILMED

STATE OF IDAHO)
:ss
County of Ada)

On this _____ day of _____ 19__, personally appeared before me _____, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

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

_____
Notary Public in and for the
State of Idaho
Residing at Boise, Idaho
My commission expires:

(SEAL)

MICROFILMED

October 31, 1975

Re: Exchange No. 21-2156B

Mr. Lynn Loosli:
Ashton,
Idaho 83420

Dear Mr. Loosli:

Your application for Exchange No. 21-2156B has been forwarded from our Idaho Falls Office for final action.

According to your agreement with Fremont-Madison Irrigation District, the extent of your storage right is 100 acre feet for the irrigation of 200 acres.

Please let us know as soon as possible which 200 acres will be irrigated so that final action can be taken on this exchange.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

MICROFILMED

December 2, 1975

Re: Application for Exchange of Water No. 21-2156B

Mr. Lynn Loosli
Ashton,
Idaho 83420

Dear Mr. Loosli:

Enclosed is a copy of your approved Application for Exchange of Water No. 21-2156B.

If you have any further questions concerning this matter, please contact us.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:rb

Enc.

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

STATE HOUSE BOISE, IDAHO 83720

RECEIVED
NOV 25 1975
Department of Water Resources

October 31, 1975

Re: Exchange No. 21-2156B

Mr. Lynn Loosli
Ashton,
Idaho 83420

Dear Mr. Loosli:

Your application for Exchange No. 21-2156B has been forwarded from our Idaho Falls Office for final action.

According to your agreement with Fremont-Madison Irrigation District, the extent of your storage right is 100 acre feet for the irrigation of 200 acres.

Please let us know as soon as possible which 200 acres will be irrigated so that final action can be taken on this exchange.

Sincerely,

Bobby D. Fleenor

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

NE 1/4 16T 8R 43

E 1/2 NW1/4 16T 8R 43

BDF

Sincerely

Lynn Loosli

MICROFILMED

Lynn Loosli
Ashton, Idaho 83420

MICROFILMED

ASHTON, ID
NOV 24
PM
1975
83420

U.S.Postage 10c

State of Idaho
Dept of Water Resources
Statehouse
Boise Idaho
83720

October 31, 1975

Re: Exchange No. 21-2156B

Mr. Lynn Loosli:
Ashton,
Idaho 83420

Dear Mr. Loosli:

Your application for Exchange No. 21-2156B has been forwarded from our Idaho Falls Office for final action.

According to your agreement with Fremont-Madison Irrigation District, the extent of your storage right is 100 acre feet for the irrigation of 200 acres.

Please let us know as soon as possible which 200 acres will be irrigated so that final action can be taken on this exchange.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:jfr

MEMORANDUM

FROM: Ron Carlson

DATE: October 9, 1975

TO: The File

SUBJECT: Application for Exchange No. 21-2156B - Loosli

In the application for exchange as originally filed, the applicant proposes to pump 248 AF of water at the rate of 8.0 cfs from Conant Creek in exchange for an equal amount of water to be released from Island Park Reservoir. During the hearing held in this matter it was found that the applicant did not have 248 AF of water. In a stipulated agreement between the applicant and Fremont-Madison Irrigation District, is is agreed that 170 acres of land will be removed from the district, and 200 acres of land included, and 100 AF of water will be released from storage to be pumped at a rate of 4.0 cfs.

It would appear, therefore, that before this application is approved the quantity sought to be exchanged should be reduced to reflect that shown in the stipulation. It appears at this time that if the conditions shown in the stipulated agreement are imposed upon the exchange as conditions of approval, it should be allowed.

SMITH & HANCOCK

Attorneys at Law

MARY SMITH
J. D. HANCOCK
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2ND WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

June 25, 1975

RECEIVED
JUN 26 1975
Department of Water Resources
Eastern District Office

Mr. Ronald D. Carlson, District Manager
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

I am enclosing herewith Stipulation Agreement pertaining to the Protest of Fremont Madison Irrigation District for Exchange of Water Right No. 21-2156a, Curtis Loosli and Wayne Oberhansley. This Stipulation has been signed by Mr. Loosli and Mr. Walker, Chairman of the Board of Directors of the Fremont Madison Irrigation District.

I am also enclosing Stipulation pertaining to Application No. 21-2156b in the name of Lynn Loosli which has been signed by Mr. Loosli and Mr. Walker as Chairman of the Fremont Madison Irrigation District Board.

Yours very truly,

Mary Smith

Mary Smith

rs

Enclosures

RECEIVED
AUG 5 1974
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF LYNN LOOSLI TO EXCHANGE THE WATERS OF CONANT CREEK FOR ISLAND PARK STORAGE WATERS. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.	PROTEST OF FREMONT-MADISON IRRIGATION DISTRICT.

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to notice given that Lynn Loosli made application to release 8.0 c.f.s. and/or 248 a.f. per annum of Island Park storage water into Henry's Fork at Island Park Dam in exchange for 8.0 c.f.s. and/or 248 a.f. per annum of the waters of Conant Creek, and makes the following protest against the approval of such application:

1. That the supply of water in Conant Creek is not sufficient to warrant an exchange of storage water from the Island Park Reservoir through the Henry's Fork of Snake River.

2. That the anticipation of the applicant to exchange Island Park Storage waters through the Henry's Fork of Snake River with the waters of Conant Creek is speculative because of the lack of water in Conant Creek, and any such attempt will reduce the quantity of water under existing water rights.

3. That the property for which the storage water exchange is being proposed is not within the boundaries of the Fremont-Madison Irrigation District.

R. Willis Walker

R. Willis Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District.

STATE OF IDAHO,)
(SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R Willis Walker

Subscribed and sworn to before me this 5th day of August, 1974.

Mary Smith
Notary Public, residing at Rexburg, Idaho. My commission expires June 25, 1975.

(Seal)

RECEIVED
AUG 1 1974
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF)

The Application for Exchange) P R O T E S T
of Water Right of Lynn Loosli,
Ashton, Idaho)
License No. 21-2156.

COMES NOW CONANT CREEK CANAL COMPANY, an Idaho Corporation, and protests the exchange of waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork, evidenced by License No. 21-2156, because it will materially affect the water rights of the protestant for reasons that will be shown at the hearing on this protest.

WHEREFORE, Protestant prays that the Application for Exchange of Water Right be denied.

DATED At Rexburg, Idaho, this 1st day of August, 1974.

CONANT CREEK CANAL COMPANY

By Homer Jones
Homer Jones - President

John S. Thatcher

Gordon S. Thatcher
RIGBY, THATCHER & ANDRUS, P.A.
Attorneys for Protestant
25 North Second East
Rexburg, Idaho 83440

cc Lynn Loosli

MICROFILMED

April 9, 1975

RE: Application for Permit No. 21-7048, Application for Exchange No. 21-2156 A
No. 21-2156 B

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

In February of this year, I mailed a copy of a proposed Stipulation that would resolve the problems associated with the above referenced applications for exchange. To date, the Stipulations have not been returned to this office, and we, therefore, assume that additional problems have developed. Please keep us advised of the actions you are taking in this matter so we can keep our records current.

Also, we are still waiting for Fremont-Madison to formally withdraw their protest against the above referenced application for permit. It was our understanding from the conference that was held in this matter that Fremont-Madison's objections had been resolved and that a withdrawal of the protest would be forthcoming.

If the Department can be of any assistance in expediting action on these applications, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
District Engineer

RDC:cw

February 11, 1975

RE: Application for Exchange of Water Right No. 21-2156 A
" " " " " " No. 21-2156 B

Ms. Mary Smith
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Ms. Smith:

Please find enclosed a copy of each of the stipulated agreements in the matter of protests against the above referenced applications. These stipulations were prepared from the information submitted for the record at the hearing held on January 28, 1975. If they are agreeable, please have both the applicants and protestant sign them and return them to this office.

If you have any questions concerning this, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:mb

Enclosures

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Exchange of Water Right No. 21-2156B in the name of LYNN LOOSLI	STIPULATION

Fremont-Madison Irrigation District has reviewed the proposal presented in Application for Exchange of Water Right No. 21-2156B which has been filed with the Department of Water Resources by Lynn Loosli. If Mr. Loosli will amend his application for exchange accordingly, Fremont-Madison Irrigation District will:

(1) Remove 200 acres of land from the district and include in the district 200 acres of land to be irrigated by Lynn Loosli under this proposed exchange. Further,

(2) Fremont-Madison Irrigation District will release from storage into Falls River 100 acre feet of water at a rate not to exceed 4.0 cubic feet per second of water in exchange for a like amount of water which Mr. Loosli will pump from Conant Creek, a tributary of Falls River.

It is further stipulated that:

(3) Use of such water under this exchange will be subject to all prior water rights on Conant Creek.

(4) A totalizing measuring device of a type approved by the Department of Water Resources will be permanently installed and maintained.

(5) Upon amendment of Application for Exchange of Water Right No. 21-2156B, as specified above, the Department of Water Resources may consider this stipulated agreement to be a withdrawal of the protest filed against the application by Fremont-Madison Irrigation District.

Dated this _____ of _____, 1975.

_____
PROTESTANT

_____
APPLICANT

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 21-7048 and Application for Exchange No. 21-2156A in the name of CURTIS LOOSLI AND/OR WAYNE OBERHANSLEY and Application for Exchange No. 21-2156B in the name of LYNN LOOSLI	NOTICE OF HEARING DATE CHANGE

Notice is hereby given that the Department of Water Resources has delayed the hearing concerning the above applications.

The Department has rescheduled the continuation of the hearing for January 28, 1975, at 9:00 a.m., in the Community Room of the Valley Bank, St. Anthony, Idaho. This hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated January 3, 1975.

Dated this 10th day of January, 1975.

Ronald D. Carlson

RONALD D. CARLSON

Acting District Engineer

RECEIVED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☑ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	✓541	Wayne Underwood, Ashton, Idaho	10	30	15				21-7048 21-2156A&B
2	542	Carter Lorski	10	30	15				"
3	✓543	Upper Teton Consol Ditch Co & Co	10	30	15				"
4	✓544	Rigby & Hatches & Others, 25 N. 2nd E. Rigby	10	30	15				22-7048 "
5	✓545	Lynn Lorski, Ashton, Idaho	10	30	15				"
6	✓546	R. Reilly Rollins Fremont-Madison, St Anthony	10	30	15				22-7048 "
7	✓547	Mary Smith, 308 Second East	10	30	15				22-7048 "
8	548	Wayne Stevens	10	30	15				22-7048 & 7049
9	✓549	U.S. Forest Dep 425, Rigby	10	30	15				"
10	✓550	Van Kirkham, Teton Creek Ditch Co Hamer	10	30	15				"
11									
12					8	4.50			
13									
14									
15									
16									
17									
18									
19									
20									

TOTAL NO. OF PIECES LISTED BY SENDER 10

TOTAL NO. OF PIECES REC'D AT P. O.

POSTMASTER, PER (Name of receiving employee)

*Show under "Remarks" class postage paid if other than first or if international

POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

c48—16—8792-15 U.S. GOVERNMENT

MICROFILMED

January 14, 1975

Valley Bank
30 West Main
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Tuesday, January 28, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Permit No. 21-7048 and Application for Exchange No. 21-2156A in the name of CURTIS LOOSLI AND/OR WAYNE OBERHANSLEY and Application for Exchange No. 21-2156B in the name of LYNN LOOSLI	NOTICE OF HEARING

Notice is hereby given that the Department of Water Resources has rescheduled for hearing the matter of protests against approval of the above referenced applications for Thursday, January 16, 1975, at 9:00 a.m. in the Community Room of the Valley Bank, St. Anthony, Idaho. This hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources as previously indicated in the hearing notice dated November 8, 1974. The hearings for these applications will be combined because of the similarity of the issues involved.

Dated this 3rd day of January, 1975.

RONALD D. CARLSON
Acting District Engineer

RDC:mb

MICROFILMED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

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☐ REGISTERED ☐ REGISTERED C.O.D.
☒ CERTIFIED

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	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	528	Bryant + Blaine Covington, P.O. Box 132, Rigburg, Idaho	10	30	15	✓			22-7115
2	529	Spencer K. Leatham, 113 N. 1st E., Rigburg, Idaho	10	30	15	✓			4
3	Mist. Certified	Art Lepson							22-7115 21-7049 22-7118 21-21564+B 22-7118
4	530	Canyon Creek Canal Co. Rigdale, Id.	10	30	15	✓			[redacted]
5	531	O. J. Neeley, Box 425, Rigburg, Idaho	10	30	15	✓			22-7118 22-7114
6	532	Ivan Haynes, Steward, Box 158, Sutton, Idaho	10	30	15	✓			22-7118 22-7114
7	533	Wyatt Smith, Atty, 308 2nd N. Rigburg, Id.	10	30	15	✓			22-7118 21-7049 21-21564+B
8	534	E. Ellis Keller, Fremont-Madison Irrig Dist, Ucon	10	30	15	✓			22-7118 21-7049 21-21564+B 21-7049
9	535	Lyman Leavitt, Ashton, Id	10	30	15	✓			21-21564 21-21564
10	536	Rigby, Hatch + Andrus, Atty. 25 N 2nd E. Rigburg	10	30	15	✓			4
11	537	James Jones, Conant Ck. Canal Co. Ashton, Idaho	10	30	15	✓			4
12	538	Curtis Leavitt, Ashton, Idaho	10	30	15	✓			4
13	539	Hayes Oberlansky, Ashton, Idaho	10	30	15	✓			4
14					$4.60				
15									
16									
17									
18									
19									
20									

U.S. POSTAGE PAID IDAHO FALLS, IDAHO 1975 US 30

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POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

(Surcharges are not required on international registered mail)

e48—16 U.S. GOVERNMENT PRINTING OFFICE

MICROFILMED

January 2, 1975

Valley Bank
30 West Main
St. Anthony, ID 83445

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, January 16, 1975, at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

COPY

DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO

IN THE MATTER OF

APPLICATION FOR EXCHANGE NO. 21-2156A IN THE NAME OF CURTIS LOOSLIE & WAYNE OBERHANSLEY; APPLICATION FOR EXCHANGE NO. 21-2156B IN THE NAME OF LYNN LOOSLI; APPLICATION FOR PERMIT NO. 21-7048 IN THE NAME OF CURTIS LOOSLI &/OR WAYNE OBERHANSLEY.	NOTICE OF CONTINUATION

A. Kenneth Dunn, Administrator of the Operations Division of the Department of Water Resources stating:

We are here for the purpose of holding a formal hearing on an Application for Exchange in the name of Mr. Lynn Loosli, Application No. 21-2156B. The hearing was set for November 22, 1974 at 9:00 a.m. in the Community Room of the Valley Bank in St. Anthony, Idaho. It is agreed by all parties, applicant and protestants, that the hearing be continued and that the Department of Water Resources reset the hearing no later than 60 days from this date.

IN ADDITION the hearing scheduled for 1:00 p.m., Friday, November 22, 1974, A MATTER of an Exchange of Water Right in the name of Curtis Loosli and Wayne Oberhansley, No. 21-2156A, and an Application for Permit to appropriate water in the name of Curtis Loosli and/or Wayne Oberhansley, No. 21-7048, has been convened and all parties are present, and agreed that the hearing will be continued at a new date set for the hearing in no more than 60 days. The date will be set by the Department of Water Resources and all parties notified.

If there are no further comments, these hearings are hereby closed.

s/ A. KENNETH DUNN
Administrator, Operations Division

RONALD D. CARLSON
Acting District Engineer

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
1515 Lincoln Road • Idaho Falls, Idaho
83401

RETURNED CERTIFIED RECEIPTS

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U.S. MAIL

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- If special services are desired, check block(s) on other side.
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RETURN TO

Department of Water Resources
Eastern District Office

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

PS Form 3811
June 1973

31-21568

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(Additional charges required for these services)

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☐ Deliver ONLY to addressee

RECEIPT
received the numbered article described below

REGISTERED NO.

CERTIFIED NO.
522

INSURED NO.

DATE DELIVERED
11-11-74

① SIGNATURE OR NAME OF ADDRESSEE *(Must always be filled in)*
Lynn Lagoli

② SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

③ SHOW WHERE DELIVERED *(Only if requested, and include ZIP Code)*

UNCLASSIFIED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Exchange No. 21-2156B in the name of Lynn Loosli	NOTICE OF CONFERENCE AND/OR HEARING

On July 12, 1974, Lynn Loosli filed with the Department of Water Resources an application to exchange the waters of Henry's Fork tributary of Snake River for the waters of Conant Creek tributary to Fall River tributary of Henry's Fork. On August 1, 1974, the Department received a protest against approval of said application from the firm Rigby, Thatcher & Andrus, P.A. on behalf of Conant Creek Canal Company. On August 5, 1974, the Department received an additional protest from Mary Smith, Attorney at Law, on behalf of Fremont-Madison Irrigation District.

The Department has set the matter of protests for conference and/or hearing for Friday, November 22, 1974, at 9:00 a.m., in the Community Room, Valley Bank, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestants may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 6th day of November, 1974.

Loren O. Holmes

LOREN O. HOLMES

Assistant to the District Engineer

21-2156B - Lynn Loosli

Community Room, Valley Bank, St. Anthony, Idaho

November 22, 1974 - 9:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing

MICROFILMED

DEPARTMENT OF WATER R[illegible]
EASTERN DISTRICT [illegible]
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

NAME AND ADDRESS OF SENDER

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IDAHO FALLS, IDAHO
MAY 8 1974
U.S.P.O.

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST OFFICE ADDRESS	POSTAGE	FEE	R. R. FEE	REST. DEL. FEE	ACTUAL VALUE	SURCHARGE	REMARKS*
1	510	M. J. Bergman, Squirrel Creek Irrig. Canal, Ashton	10	30	15				21-7052 21-0148
2	511	Mary Smith, Atty. 30 South 2nd East, Rexburg	20	30	15				21-7052 21-2156A 22-7100 21-2156B
3									21-7049 22-7102 22-0610B
4	512	R. Millis Hobbs, Fremont-Madison Irrig. Dist., St. Anthony	20	30	15				22-7100 21-2156A 21-7052 21-2156B
5									22-7102 21-7049
6	[illegible]	Art Larson R.D. #1, P.O. Box 1099,							21-7052 21-0148
7	513	Merle Hardcastle & Son, Squirrel, Idaho	10	30	15				21-7052
8	514	Kurt Kandler, Bone Creek Canal Co, Squirrel, Idaho	10	30	15				21-0148
9	515	Earl Hooper, Ideco Ranch, Inc Box 688, Rexburg, Idaho	10	30	15				22-7100
10	516	Mr. & Mrs. D. Lynn Ladd, Rt. #2, St Anthony, Idaho	10	30	15				22-7102
11	517	P.L. Stott, Dell, Idaho	10	30	15				22-7102
12	518	Hugo Overbaugh, Ashton, Idaho	10	30	15				21-2156A 21-7049
13	519	Curtis Loosli, Ashton, Idaho	10	30	15				21-2156A 21-7049
14	520	Vernie Jones, Vermont Irr. Canal Co, Ashton, Idaho	10	30	15				21-2156A 21-7049 21-2156A
15	521	Rigby, Hatch & Andrus, P.A. Atty. 25N 2E, Rexburg	10	30	15				21-2156A 21-7049 21-2156B
16	522	Lynn Loosli, Ashton, Idaho	10	30	15				21-2156B
17	523	J. Hayes Stewart, Box 176, Tetonia	10	30	15				22-0610B
18	524	Bert Lewis Atty. 39 Professional Plaza Rexburg	10	30	15				22-0610B
19	525	Owen J. Neeley, O.J. Neeley Ranch, Inc Box 435, Rexburg	10	30	15	$0.[illegible]			22-0610B
20									

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POD Form 3877, Nov. 1968

APPLICATION FOR REGISTRATION OR CERTIFICATION

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648—16—8702-15 U.S. GOVERNMENT PRINTING OFFICE

October 30, 1974

Valley Bank
30 West Main
St. Anthony, ID 83445

Attention Evelyn

Gentlemen:

This is to confirm the use of your Community Room for conferences and/or hearings to be held by this office on Thursday, November 21, 1974, starting at 9:00 a.m. and on Friday, November 22, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

VALLEY BANK
ST. ANTHONY, IDAHO 83445 • TELEPHONE (208) 642-3479

October 16, 1974

Dept. of Water Administration
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sirs:

This letter is to confirm the use of our Community Room for the hearings you have scheduled for November 7th and 8th.

Thank you.

Sincerely,

Evelyn

Valley Bank

VB/er

MICROFILMED

CONVERSATION MEMORANDUM

DATE 10-10-74

FILE

NAME OF PARTY Fremont County Clerk's Office

EMPLOYEE Mechelle Butte

RE: Today the clerk of Fremont County Courthouse called to inform us that the courtroom was no longer available for the 6th and 7th of November. She suggested we choose another date. I thanked her for letting us know.

MICROFILMED

XXXXXXXXXXXXXXXXXXXX RESOURCES

October 9, 1974

Fremont County Courthouse
Clerk of the District Court
St. Anthony, Idaho 83445

Dear Sir:

This is to confirm the use of the Courtroom for conferences and/or hearings to be held by this office on Wednesday, November 6, 1974, starting at 9:00 a.m., and on Thursday, November 7, 1974, starting at 9:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Acting District Engineer

RDC:MB

MICROFILMED

XXXXXXXXXXXXXXXXXXXX RESOURCES

August 20, 1974

Re: Application for Exchange of Water Right No. 21-2156A & 21-2156B
Application for Permit No. 21-7048

Mr. George Marotz
Ashton
Idaho 83420

Dear Mr. Marotz:

This office is in receipt of your letter of July 31, 1974, indicating your objections to granting the above referenced applications. Section 42-203 of the Idaho Code requires that a protest must clearly set forth the objections to the approval of the application. We, therefore, cannot consider your letter to be a formal protest against the application, but we will consider it to be an indication of your intent to protest and will give you 10 days from the date of this letter to clarify your objections.

The following are the principle items we can consider at a conference and/or hearing to either approving or denying an application for permit or an application for exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

A permit or an exchange issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

Please provide this office with further details concerning the reasons for your protest within the time limit previously stated, or we will consider that you no longer wish to continue it. If you have any questions, do not hesitate to contact this office.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

cc: Wayne Oberhansley
Curtis Loosli
Lynn Loosli
bc: Bob Fleenor - State Office

Ashton, Idaho July 31, 1974

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho

Dear Sirs:

Concerning water applications No 21-2156 to exchange water from the Snake River flow to the Fall River Flow and application No 21-7048 for new water from Fall River; I would like to comment. (reference to notice in Ashton Herald)

I have seen in some years in the past that we have had a small snow fall and Grassy Lake never filled.
This exchange of water could put a hardship on the smaller farmers who do not have the money for large installations and who are not as aggressive as some of the larger farmers and who are not out for all they can get.

Sincerely,

George Marotz

George Marotz

RECEIVED
AUG
Department of Water Resources
Eastern Region Office

CONVERSATION MEMORANDUM

DATE August 12, 1974

FILE #21-2156A & B, 21-7048

NAME OF PARTY Lynn Loosli

EMPLOYEE Norman C. Young

RE: Mr. Loosli called this date requesting that the hearing be held on the above referenced applications prior to September 20, 1974, to avoid the potato harvest.

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 8, 1974

Re: Application for Exchange of Water Right No. 21-2156B

Mr. Lynn Loosli
Ashton
Idaho 83420

Dear Mr. Loosli:

We have enclosed copies of protests filed against the issuance of the exchange pursuant to your shares of License No. 21-2156. You should be aware that the following are the principle items we can consider at a conference and/or hearing in either approving or denying the application for exchange of water (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow an exchange for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required. (Section 42-202, Idaho Code)

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 8, 1974

Re: Application for Exchange of Water Right No. 21-2156B LYNN LOOSLI

Mr. Ray W. Rigby
Mr. Gordon S. Thatcher
Attorneys at Law
P.O. Box 437
Rexburg, Idaho 83440

Gentlemen:

This is to acknowledge receipt of the protest you submitted in behalf of Conant Creek Canal Company against issuance of the exchange of water pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for an exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of an exchange of water, partially approve the exchange, approve the exchange for a quantity of water less than applied for, or approve the exchange subject to special conditions.

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Ronald D. Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB
cc: Conant Creek Canal Co.

STATE OF IDAHO
DEPARTMENT OF WATER ~~ADMINISTRATION~~ RESOURCES
EASTERN DISTRICT OFFICE

Cecil D. Andrus
Governor
R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Water Rights Administration
Water Resource Investigations
Dam and Reservoir Safety
Water Well Drilling
Waste Disposal Wells
Stream Channel Protection
Geothermal Resources

August 8, 1974

Re: Application for Exchange of Water Right No. 21-2156B LYNN LOOSLI

Ms. Mary Smith
Attorney at Law
30 South 2nd West
Rexburg, ID 83440

Dear Ms. Smith:

This is to acknowledge receipt of the protest you submitted in behalf of Fremont-Madison Irrigation District against issuance of the exchange of water pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for an exchange (Section 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purposes intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of an exchange of water, partially approve the exchange, approve the exchange for a quantity of water less than applied for, or approve the exchange subject to special conditions.

An application for exchange of water issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

Ronald D Carlson

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

cc: Fremont-Madison Irrig. Dist.

LAW OFFICES
RIGBY, THATCHER & ANDRUS, P. A.

25 NORTH SECOND EAST - P. O. BOX 487 - REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS
TELEPHONE (208) 356-3633

RECEIVED
AUG 1 1974
Department of Water Resources
Eastern District Office

August 1, 1974

Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Re: Protests of Conant Creek Canal Company

Gentlemen:

We have enclosed the following Protests for Conant Creek Canal Company:

Application for Change of Water Permit by Squirrel Creek Irrigation & Canal Company, Squirrel, Idaho, Permit No. 21-0109

Application for Exchange of Water Right of Lynn Loosli, Ashton, Idaho License No. 21-2156.

Application for Exchange of Water Right of Curtis Loosli and Wayne Oberhansley, Ashton, Idaho License No. 21-2156.

Application for Water Right of Curtis Loosli and/or Wayne Oberhansley, Ashton, Idaho, Application No. 21-7048

Yours very truly,

Ray W. Rigby

RWR/bw

Enclosures

CONVERSATION MEMORANDU

DATE August 2, 1974

FILE 21-7048, 21-2156, and 21-2156

NAME OF PARTY W. Homer Jones, Ashton

EMPLOYEE Norm NCY

RE: We are accepting this protest, but advised that it would better for him to supply more details on his reasons for protesting. I will advise him of the time and place of any hearing held on the Boom Creek Canal application.

To Norm

Date 7/24 Time 3.50 P

WHILE YOU WERE OUT

M W Homer Jones

of Ashton (Route 2)

Phone 652-2535
Area Code Number Extension

TELEPHONED	✓	PLEASE CALL	
WANTED TO SEE YOU		WILL CALL AGAIN	
WANTS TO SEE YOU		URGENT	
RETURNED YOUR CALL			

Message Homer Jones is protesting Boom Creek Canal application. He will talk to you.

NCY Operator

XXXXXXXXXXXXXXXXXXXXXXX RESOURCES

July 19, 1974

Re: Application for Exchange No. 21-2156 Curtis Loosli & Wayne Oberhansley
" " No. 21-2156 Lynn Loosli

Ashton Herald
Box 258
Ashton, ID 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

NORMAN C. YOUNG
District Engineer

Bill submitted 8-12-74 by MB

Not entered

NCY:MB

Enc: Legal Notices (2)

NOTICE OF EXHANGE OF WATER RIGHT

Notice is hereby given that Lynn Loosli as a holder of storage shares in Fremont-Madison Irrigation District, has applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicant proposes to release 8.0 c.f.s. and/or 248 a.f. per annum of Island Park storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County; in exchange for 8.0 c.f.s. and/or 248 a.f. per annum of the waters of Conant Creek tributary to Fall River tributary to Henry's Fork.

The water is to be pumped from Conant Creek within the SW1/4SE1/4, Sec. 17, T. 8N, R. 43E and within SE1/4SW1/4, Sec. 16, T. 8N, R. 43E, B.M., Fremont County.

Any protests against the approval of the above proposed exchange of water right may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON
Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

MICROFILMED

NOTICE OF EXCHANGE OF WATER RIGHT

Notice is hereby given that Lynn Loosli as a holder of storage shares in Fremont-Madison Irrigation District, has applied to the Idaho Department of Water Resources to exchange the waters of Henry's Fork for the waters of Fall River tributary to Henry's Fork. The right sought to be exchanged is a portion of that evidenced by License No. 21-2156.

The applicant proposes to release 8.0 c.f.s. and/or 248 a.f. per annum of Island Park storage water into Henry's Fork at Island Park Dam, which is located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County; in exchange for 8.0 c.f.s. and/or 248 a.f. per annum of the waters of Conant Creek tributary to Fall River tributary to Henry's Fork.

The water is to be pumped from Conant Creek within the SW¼SE¼, Sec. 17, T. 8N, R. 43E and within SE¼SW¼, Sec. 16, T. 8N, R. 43E, B.M., Fremont County.

Any protests against the approval of the above proposed exchange of water right (MUST) may be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before August 12, 1974.

R. KEITH HIGGINSON

Director

Published in the Ashton Herald, Ashton, Idaho on July 25 and August 1, 1974.

FILED

CB-A CB-A

XXXXXXXXXXXXXXXXXXX RESOURCES

July 16, 1974

Re: Exchange of Water Right No. 21-2156

Mr. Lynn Loosli
Ashton
Idaho 83420

Dear Mr. Loosli:

Attached herewith is departmental receipt No. 12966 in the amount of $30.00 for the above referenced application.

Very truly yours,

RONALD D. CARLSON
Asst. to District Engineer

RDC:MB

Enclosure

July 5, 1974

Mr. Lynn Loosli
Ashton,
Idaho 83420

Dear Mr. Loosli:

Enclosed is the Application for Exchange form that you requested last week. To assist you in filling out this form, I have had typed in the needed information from our water right records, and based upon my understanding from previous discussions concerning your project, I have included details of the proposed exchange on Page 2 of the form. If it is your wish to file the exchange, carefully review the application to be sure it accurately describes your project, sign it before a notary public, and return it to this office with the $30.00 filing fee.

Upon receipt of the application in proper form this office will prepare a notice to be run for two consecutive Thursdays in the county newspaper (Ashton Herald.) It will be necessary to hold a hearing to consider this matter if protests are received as a result of the publication. The Director will evaluate the effect of the exchange on the rights of the other water users before approving or denying the application.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cb

Enclosure

RECEIVED

Re:

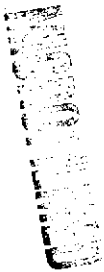
P.d. of pages from
cmt ch should
agree with 21-7030
I see they don't. Please
change.

The map or plat
on both of these exchanges
is not to scale &
does not show legal
descrip. I guess that
was what bothered Jerry.

Norm

This may reflect
docent a gree with the
legal description for the
exchange P.d.

JH



Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

REPORT OF ENGINEER

PERMIT NO. R-590

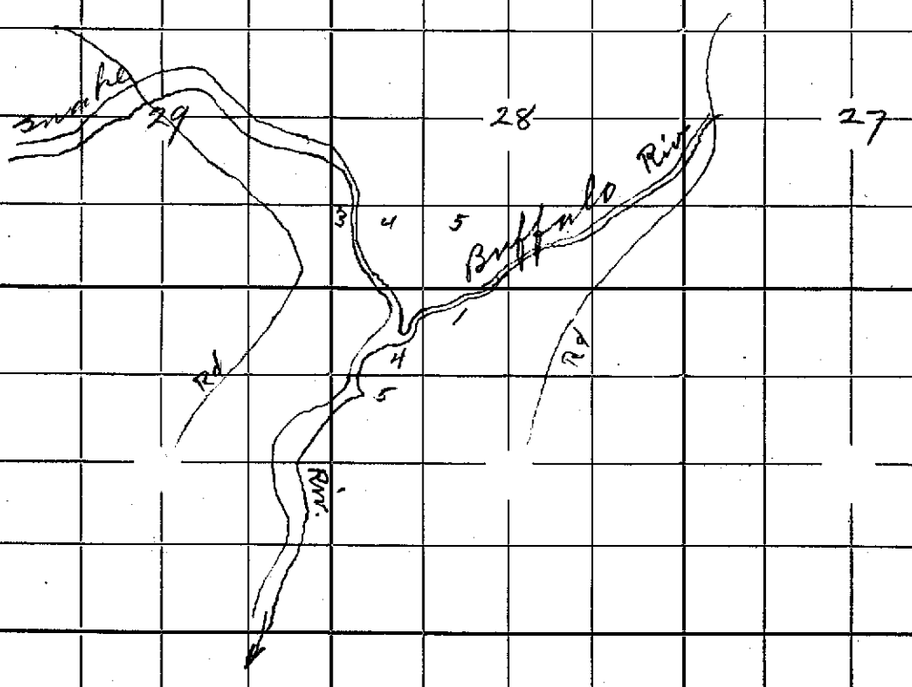
REPORT ON PROOF OF Beneficial use

app. 114,000 a.f.

114,000 a.f.
DNRK

no Inspection charge
all supplemental to
existing rights
42-221 I.C.

R-590



Scale: 2 Inches Equals 1 Mile. Draw Map In Ink.

See Al[illegible] Permit No. R-686

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-590

This proof is for Beneficial use In Water District No.

1. Name of applicant U.S.A., Bureau of Reclamation (See James Spofford, Burley, Idaho)
2. Source of water supply: North Fork (Henry's Fork) Snake River (Island Park Reservoir)
3. Location of point of ~~diversion~~ putlet: Is in the Lot 3 of Section 28
   T. 13 N. R. 43 E. County of Fremont
4. Describe works as they exist, giving dimensions and capacities of same:
5. Water is used for: Irrigation and domestic purposes.
6. State whether or not water has been turned into works of diversion:
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if other than irrigation):

   Lands within the Fremont Madison Irrigation District, in the counties of Teton, Fremont and Madison. Approximately 112,000 acres- supplemental use.

(Submit map on attached plat, showing location and details of above description.)

8. What large stream would the water here appropriated finally reach?

Remarks:

The Burley office was asked to make a recheck on the land lists. They took considerable time to do it and submitted a statement on Apr. 20-5; See letter

This examination was made on the 21 day of Nov., 19 V.F.

(Signed) E. N. Humphreys Examiner.

R-590

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.
2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.
3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.
4. If any unusual conditions are discovered, make plain statement of them under remarks.
5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.
6. Give general characteristics of soils, topography, and crops raised.

U.S.A. Bureau of Reclamation
Boise, Idaho

Permit No. R-590

Examination for Beneficial use

County Fremont

28
13 N – 43 E

Q = 114,000 acre feet

S = N. Fk. - Henry's Fk Snake R.

P.O.D. = N. 12°30'E 1300' fr.
S.W. Cor S. 28 T13N. R43E.
in Lot 3 S28

Area of Reserv. = 6900 acres.

Capy = 114,000 acre feet.

H = 83 feet.

RECEIVED
NOV 21 1951
Department of Reclamation

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Minidoka Project Office
Burley, Idaho

April 20, 1951

RECEIVED
APR 21 1951
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
Capitol Building
Boise, Idaho

Dear Mr. Kulp:

As requested by Mr. Humphries of your office some time ago, the lists of lands to be irrigated under Application for Permit Nos. R-590 and R-686 (Island Park Reservoir) have been checked against other records in this office, including the original "List of Assessment of Benefits and Apportionment of Costs". One error was found in the lists attached to the Applications for Permit, this being the omission of Lot 6 in Section 13, Township 8 North, Range 41 East, Boise Meridian, containing a total of 22.05 acres. This tract of land was shown on the map which accompanied the Applications for Permit.

Very truly yours,

James Spofford
Superintendent

R-590

April 26, 1952

Re: Permit No. R-590

Mr. James Spofford, Superintendent,
Minidoka Project,
Burley, Idaho

Dear Mr. Spofford:

On my return to Boise I have checked the files in connection with Permit No. R-590-Island Park Reservoir, and find that the license issued thereunder was sent to the Regional Office of the Bureau, at Boise, on November 26, 1951.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

E. N. Humphrey
Deputy Reclamation Engineer

R-590

November 26, 1951

RE: Permit Nos. R-590 and R-686

U. S. Bureau of Reclamation
Box 937
Boise, Idaho

Gentlemen:

We enclose license and certificate of water right issued under Permit No. R-590, confirming your right to the storage of 114,000 acre feet of water from the North fork (Henry's fork) of Snake River, with priority of March 14, 1935, for supplemental use on land within the Fremont-Madison Irrigation District.

We also enclose license and certificate of water right issued under Permit No. R-686, for the storage of an additional 21,000 acre feet of water from the North fork (Henry's fork) of Snake River, with priority of June 12, 1940, for supplemental use on the same land.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:fg
Enc.

R-590

September 12, 1950

Re: Permits Nos. R-590 and R-686

Mr. F. M. Clinton
Acting Regional Director
Bureau of Reclamation
Box 937
Boise, Idaho

Dear Mr. Clinton:

We acknowledge receipt of your letter of September 11, 1950, enclosing Affidavits of Publication in connection with Beneficial Use Proof under the above numbered Permits.

Before final action is taken, the law requires that an examination be made by an Engineer from this Department.

We can not say just when this examination will be made but we will try and contact Mr. Spofford at the time for making the examination so arrangements may be made to show our Engineer over the project.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

R-590

IN REPLY REFER TO:

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION I
BOX 937, BOISE, IDAHO

150

RECEIVED
SEP 12 1950
Department of Reclamation

SEP 11

Mr. Mark R. Kulp
State Reclamation Engineer
State Capitol Building
Boise, Idaho

Dear Mr. Kulp:

There are enclosed, in duplicate, affidavits by the publisher of the Fremont County News, St. Anthony, Idaho, covering the publication of the necessary notice preceding the hearing of May 5, 1950, to furnish proof of application of water to beneficial use under reservoir permits R-590 and R-686, relating to the waters of Island Park Reservoir constructed by the United States in connection with the Upper Snake Division of the Minidoka Project, Idaho.

It is my understanding that the furnishing of the enclosed affidavits will complete the material necessary to furnish proof of application of water to beneficial use under the above permits, and it is requested that you issue water certificates at your earliest convenience.

Sincerely yours,

F. M. Clinton

Acting Regional Director

Enclosure 639

R-590

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Fremont)

Ruth Hamanlt being first duly sworn, upon his oath, deposes and says:

That he is the publisher of The Fremont County News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of Notice - Water to Beneficial Use

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 4 consecutive issues thereof; first publication having been made on the 6 day of April 19 50, and last publication on the 27 day of April 19 50

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Ruth Hamanlt

Subscribed in my presence and sworn to before me this 24th day of April 19 50

(Seal)

Notary Public for the State of Idaho, residence and post office address: St. Anthony, Idaho

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the *application to beneficial use of* 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, for 114,000 acre feet under permit No. R-590, and June 12, 1940, for 21,000 acre feet under Permit No. R-686.

MARK R. KULP

State Reclamation Engineer

Pub. April 6, 13, 20, 27, 1950

R-590

July 13, 1950

R-590

The Fremont County News
St. Anthony, Idaho

Gentlemen:

We enclose herewith U. S. Treasurer's check No. 11,417,576 endorsed to your order, in the amount of $19.25, in payment of the enclosed statement for publication of notice of Beneficial Use Proof under Permits Nos. R-590 and R-686 of the Bureau of Reclamation.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

CC: Mr. F. M. Clinton

R-590

PHONE 18 ST. ANTHONY, IDAHO May 22, 1950 195

The Fremont County News

T. E. & R. M. Hanawalt, Publishers

Advertising —:— Commercial Printing

~~Bureau of Reclamation~~ Engineer

~~Minidoka Project Office~~
~~Burley, Idaho~~

" I hereby certify that the above account is correct and just, that the supplies were actually furnished and/or the services were actually rendered as charged, and that we have not received payment therefor."

Fremont County News
By Ruth Hanawalt

Notice for publication, Notice of Proof application of Water ~~Rexkmmtixmx~~ to Beneficial Use.
Issues of April, 6, 13, 20, 27, 1950
77 lines each. issue $ 19. 25

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
MINIDOKA PROJECT
BURLEY, IDAHO

July 6 1950

State of Idaho
Department of Reclamation
Boise, Idaho

RECEIVED
JUL 7 1950
Department of Reclamation

Gentlemen:

Voucher in payment of our account has been processed and forwarded to the Regional Disbursing Office, Treasury Department Division of Disbursement, Portland, Oregon.

Treasury Check will be mailed you direct by the Treasury Department within the next few days, unaccompanied by any supporting papers.

The attached copy of our payment voucher and/or other supporting papers are furnished for the purpose of assisting you in crediting our account by identifying the Treasury Check in payment thereof. The Check will indicate in the lower left hand corner, the name and address of this office and your account number, if available.

Any inquiries concerning the voucher or check in payment thereof should be addressed to this office.

Very truly yours,

M. D. Stewart,
Administrative Officer

L-590

Standard Form No. 1034a—Rev.
Form approved by Comptroller General, U.S.
May 26, 1938
(Amended August 15, 1941)

PUBLIC VOUCHER FOR PURCHASES AND SERVICES OTHER THAN PERSONAL

D. O. Vou. No. 107
Bu. Vou. No. [illegible]

GENERAL ACCOUNTING OFFICE PREAUDIT	PAID BY
Certified for payment in the sum of $_____	
Comptroller General of the United States	
By _____	(For use of Paying Office)

U. S. Interior - Bureau of Reclamation
(Department, bureau, or establishment)

Voucher prepared at Boise, Idaho June 12, 1950
(Give place and date)

THE UNITED STATES, Dr.,

To State of Idaho
Department of Reclamation
(Payee)
Boise, Idaho

Address _____

Payee's Account No. _____

No. and Date of Order	Date of Delivery or Service	Articles or Services (Enter description, item number of contract or general supply schedule, and other information deemed necessary) Terms _____% Discount Cash _____ days	Quantity	UNIT PRICE Cost	UNIT PRICE Per	AMOUNT Dollars	AMOUNT Cts.
		Brought forward from continuation sheet(s)					
		Fee for Publication of Notice of Proof of application of water to beneficial use. Published in issues of Fremont County News of April 6, 13, 20, & 27, 1950, Permits Nos. R-590 & R-586.				19 25	
						19 25	

Shipped from _____ to _____ Weight _____ Government B/L No. _____ Total _____

(Payee must NOT use this space)

Differences _____

19 25

Account verified; correct for _____

(Signature or initials) _____

State of Idaho, Dept. of Reclamation

Contract No. _____ Date _____ Req. No. _____ Date _____ Invoice Rec'd _____

5

19.25

MEMORANDUM

H. F. Stewart
Administrative Officer
Authorized Certifying Officer

ACCOUNTING CLASSIFICATION (for completion by Administrative Office)

Appropriation, limitation, or project symbol	Appropriation title	Limit'n or Proj't [illegible]	Appropriation [illegible]
14X5070.115	Reclamation Trust Fund Minidoka Project, O&M	19[illegible]	19[illegible]

Allotment symbol	Amount	Obligations liquidated	COST ACCOUNT Symbol	COST ACCOUNT Amount	OBJECTIVE CLASSIFICATION Symbol	OBJECTIVE CLASSIFICATION Amount
				19.25		

Paid by { Check No. _____ dated _____, 19____, for $_____ } on Treasurer of the United States in favor of payee named above.
{ Cash, $_____, on _____, 19____. Payee _____ }
(Sign original only)

* When a voucher is signed or receipted in the name of a company or corporation, the name of the person writing the company or corporate name, as well as the capacity in which he signs, must appear. For example: "John Doe Company, per John Smith, Secretary", or "Treasurer", as the case may be.
† If the ability to certify and authority to approve are combined in one person, one signature only is necessary; otherwise the approving officer will sign in the blank space below "Approved for $_____", and over his official title.

Per _____

Title _____

U. S. GOVERNMENT PRINTING OFFICE 16—22900a-1

R-590

METHOD OF OR ABSENCE OF ADVERTISING

(Section 3709 of the Revised Statutes)

1. After advertising in newspapers.

2. (*a*) After advertising by circular letters sent to _____ dealers.

(*b*) And by notices posted in public places.

(If notices were not posted in addition to advertising by circular letters sent to dealers, explanation of such omission must be made. The notation on the certificate on the face of the voucher must be "2(*a*) (*b*)" or "2(*a*)", depending on whether or not notices were posted.)

3. Without advertising under an exigency of the service which existed prior to the order and would not admit of the delay incident to advertising.

4. Without advertising in accordance with _____

5. Without advertising, it being impracticable to secure competition because of fed. statutes [illegible] & state statutes (sec. 41-[illegible] Idaho Code Annotated).

(Here state in detail the nature of the exigency or circumstances under which the securing of competition was impracticable under 3 and 4)

NOTE.—The above form "Method of or Absence of Advertising" is to be used when purchases are made or services secured under proper authority without written agreement in any form. In case of a written agreement (formal contract, proposal, and acceptance, or less formal agreement) Standard Form No. 1036—Revised should be used for abstracting the method of or absence of advertising and award of contract. (See General Regulations No. 51, Supplement No. 6, General Accounting Office, Aug. 20, 1930.)

16—22900-1

C. A. ROBINS
GOVERNOR

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
MARK R. KULP, STATE RECLAMATION ENGINEER
BOISE

June 5, 1950

The Fremont County News
St. Anthony, Idaho

Gentlemen:

We acknowledge receipt of statement in triplicate in the amount of $19.25, for publication of Beneficial Use Proof on Permits Nos. R-590 and R:686, appearing in your issue of April 6 to April 27, inclusive.

However, we have not received the duplicate Affidavits of Publication which we requested in our letter of May 31, 1950.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By Jeanne L. Anderson
Chief Clerk

A:bh

Miss Anderson;
Enclosed are affidavits of publication , the same has been sent to Burley as requested by that office who state that the original would be sent to you, however the enclosed is a duplicate of the ones sent to Burley.
Thank You

R. M. Hamilton

R-909

R-590 & R686

June 5, 1950

Regional Director
Bureau of Reclamation
Box 937
Boise, Idaho

ATT: Mr. F. M. Clinton

Dear Mr. Clinton:

We have received from the Fremont County News a statement of publication costs for publication of Notice of Beneficial Use Proof under Permits Nos. R-590 and R-686, in the amount of $19.25, copy of which is enclosed herewith.

If you will have the proper vouchers made out for this amount, we shall have them signed and returned to you for payment, and when check is received, we shall forward it to the Fremont County News in payment of this account.

This is in line with similar arrangements heretofore made with Mr. Newell in connection with similar publications and is in accordance with telephone conversation with Mr. Stoeve.

Very truly yours,

MARY R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-590

R-590

April 25, 1950

Mr. James Spofford
C/o U. S. Bureau of Reclamation
Burley, Idaho

Dear Mr. Spofford:

At the request of the Regional Office, we enclose the necessary forms for making Proof of Beneficial Use under Permits Nos. R-590 and R-686.

As you of course know, these proofs are to be made on May 5, 1950, before Lex H. Kunau, Notary Public.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-590

May 31, 1950

Re: Permits No. R-590 and R-686

Mr. F. H. Clinton
Regional Director
Bureau of Reclamation
Box 931
Boise, Idaho

Dear Mr. Clinton:

We acknowledge receipt of your letter of May 17, 1950, enclosing depositions in Proof of Beneficial Use under the above numbered Permits.

In accordance with our arrangement per Mr. Stoeve, we are writing the Fremont County News, as per copy of letter enclosed.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-590

IN REPLY REFER TO:

150

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION I
BOX 937, BOISE, IDAHO

RECEIVED
MAY 18 1950
Department of Reclamation

MAY 17 1950

Mr. Mark R. Kulp
State Reclamation Engineer
State Capitol Building
Boise, Idaho

My dear Mr. Kulp:

Enclosed please find depositions of holders and witnesses in connection with hearings held in Burley, Idaho, on May 5, 1950, to furnish proof of application of water to beneficial use under reservoir permits R-590 and R-686, relating to the waters of Island Park Reservoir constructed by the United States in connection with the Upper Snake Division of the Minidoka Project, Idaho.

The publisher of the Fremont County News, St. Anthony, Idaho, has not as yet furnished to us his affidavit covering the publication of the necessary notice preceding the May 5 hearing. As soon as that is received, we will forward it to your office. Upon receiving the affidavit, it is requested that you issue water certificates for these permits.

Sincerely yours,

F. M. Clinton

Assistant Regional Director

Enclosure 189

R-590

Form 16.

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Permit No. R-590

Proof of Application of Water to Beneficial Use

Deposition of Holder

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. James Spofford - 1359 Hansen Avenue, Burley, Idaho
Superintendent, Minidoka Project, Idaho

Ques. 2. If acting in behalf of corporation, state its name, principal place of business (if a foreign corporation, give name of postoffice of statutory agent), your position with reference to same, and your authority for appearing in its behalf.

Ans. Unites States of America. I am the duly authorized officer in charge of the Minidoka Project, including this reservoir.

Ques. 3. State number and date of permit, and date of priority you propose to establish under the permit.

Ans. R-590 - May 7, 1935 - March 14, 1935.

Ques. 4. State source of water supply and give exact location of point of diversion.

Ans. North (Henry's) Fork on Snake River in Lot 3, Section 28, Township 13 North, Range 43, E. B. M., Fremont County, Idaho.

Ques. 5. Describe your works of diversion, and state amount of water they are capable of conveying from point of diversion to place of use, and give name of canal or ditch or other works by which water is conducted to such place of use.

Ans. The description of works is as set forth in Permit R-590, except that the reservoir was constructed to the larger capacity of 135,000 acre-feet. The names of the canals or ditches or other works by which said water is conducted to such place of use are listed on the attached sheet.

Ques. 6. State for what purpose water is used and describe place of use. (If for irrigation, name each subdivision in which used, and number of acres in each subdivision that have actually been irrigated with said water.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. For irrigation and domestic purposes for 112,000 acres, more or less (supplemental use), located in the Fremont-Madison Irrigation District, Fremont, Teton, and Madison Counties, Idaho.

Ques. 7. If for other than irrigation purposes; state how applied, amount of horse power generated, etc.

Ans.

R-590

Ques. 8. What is the minimum amount of water required for the purpose specified above?

Ans. 135,000 acre-feet, including the 21,000 acre-feet under Permit R-686

Ques. 9. If you are not the person or representative of the corporation to whom above mentioned permit was originally issued, please state how ownership was acquired by present holder.

Ans. --

Ques. 10. State when, how, in what amount and to what extent the water diverted under above mentioned permit has been used.

Ans. Since 1939 by gravity diversion in amount of 114,000 acre feet for irrigation and domestic purposes on 112,000 acres, more or less (supplemental use)

Ques. 11. State when, how, in what amount and to what extent waters other than those diverted under the above mentioned permit have been diverted and applied to beneficial use upon the lands herein described. Give full particulars regarding such other appropriations and rights claimed thereunder.

Ans. Since 1939 by gravity diversion in amount of 21,000 acre feet under permit R-686 for irrigation and domestic purposes on 112,000 acres more or less (supplemental use) in addition to old rights on Henry's Fork, Fall River and Teton River ranging in priority from 1879 to 1916, Henry's Lake 80,000 acre feet, priority of May 15, 1917, and Grassy Lake storage of 15,182 acre feet under Wyoming Permit No. 4631.

United States of America

(Sign) by James Sheppard Superintendent

I hereby certify that the foregoing testimony was read to the above subscribed before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Burley, County of Cassia, State of Idaho, on this 5 day of May, A. D. 1950

Ley H. Kunau

My commission expires 11-20-50

Names of canals or ditches or other works by which said water is conducted to such place of use: (See ques. 5)

Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R-590

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. Melvin Luke, 66 years, Rexburg, Idaho, farmer, Manager of Fremont-Madison Irrigation District and Deputy Water Master

Ques. 2. Are you acquainted with The United States of America, the holder of Permit No. R-590? How long have you known him and where does he reside?

Ans. Yes, many years. Principal place of business, Washington, D. C.

Ques. 3. Have you read or heard read said Permit No. R-590, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Henry's Fork of Snake River, outlet of Island Park Reservoir, located in Section 28, T. 13 N., R. 43 E., B. M.. Water is conveyed from outlet of reservoir to lands within Fremont-Madison Irrigation District by natural channels of Henry's Fork and Cross Cut Canal

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. Said works will safely conduct 1,200 second feet, and I have seen this amount used.

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Irrigation for 112,000 acres, more or less, located within Fremont-Madison Irrigation District in Fremont, Madison and Teton Counties, Idaho.

The names of the canals or ditches or other works by which said water is conducted to such place of use are listed on the attached sheet.

R-590

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Volcanic ash and clay soils, water used varies from 2½ to 15 acre feet per acre.

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. Yes. I own 90 acres of irrigable land within the project.

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have been Deputy Water Master on this portion of Snake River and have observed its use on 112,000 acres.

(Signed) Melvin Luke

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 5 day of May, A. D. 1950.

Lyle H Kunau
Notary Public.

My commission expires 1-20-50.

Names of canals or ditches or other works by which said water is conducted to such place of use: (See ques. 5)

Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

A-592

Form 17

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

PERMIT NO. R- 590

Proof of Application of Water to Beneficial Use

Deposition of Witness

The deposition of two witnesses, on this form, taken separately, required in each case.

Ques. 1. State your name, age, residence, occupation and postoffice address.

Ans. R. Willis Walker, 54 years, Rexburg, Idaho. Dairy farmer

Ques. 2. Are you acquainted with The United States of America, the holder of Permit No. R-590? How long have you known him and where does he reside?

Ans. Many years. Resides in Washington, D. C.

Ques. 3. Have you read or heard read said Permit No. R-590, and are you familiar with its provisions and conditions?

Ans. Yes

Ques. 4. State source of water supply, place of diversion, and describe works for conveying water from point of diversion to place of use.

Ans. Henry's Fork of Snake River, water is directed from outlet of Island Park Reservoir and conveyed by natural stream bed of Henry's Fork, Teton River and Cross Cut Canal to place of use.

Ques. 5. How many second feet of water do you estimate said works will safely conduct to place of use, and how much water have you seen being so conveyed?

Ans. 1,200 second feet. Same amount

Ques. 6. State for what purpose water is used and at what place. (If for irrigation, give each subdivision in which water has been used and number of acres irrigated in each subdivision.) State whether cultivated or natural meadow land and the nature of all improvements which have been made as a direct result of said use.

Ans. Fremont, Madison and Teton Counties, Idaho, or Fremont-Madison Irrigation. Irrigation for 112,000 acres.
The names of the canals or ditches or other works by which said water is conducted to such place of use are listed on the attached sheet.

R-590

Ques. 7. If for power or other purposes than irrigation, state how water has been applied and to what extent.

Ans. None

Ques. 8. (If for irrigation) state character of land that has been reclaimed, and give your estimate of the amount of water required for its profitable cultivation.

Ans. Cultivated, volcanic ash and clay soil.

2.5 feet to 15 acre feet per acre

Ques. 9. Have you any interest in the works, water or lands above mentioned? If so, in what way and to what extent?

Ans. I own 478 acres under the Project, about 312 under cultivation, the balance pasture

Ques. 10. State when, how, in what amount and to what extent you have witnessed the application to beneficial use of water diverted under said permit.

Ans. I have seen 112,000 feet used on these lands, under the district.

(Signed) R. Willis Walker

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me in Burley, County of Cassia, State of Idaho, on this 5 day of May, A. D. 19 50.

Lyx H Kunau
Notary Public.

My commission expires 11-20-50.

Names of canals or ditches or other works by which said water is conducted to such place of use: (See ques. 5)

Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Fremont)

Ruth Hanawalt
being first duly sworn, upon his oath, deposes and says:

That he is the publisher of The Fremont County News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of Notice for publication, ~~Notice of proof~~ application of water to beneficial use.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 4 consecutive issues thereof; first publication having been made on the 6 day of April 19 50, and last publication on the 27th day of April 19 50

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Ruth Hanawalt

Subscribed in my presence and sworn to before me this 8th day of June 1950

(Seal)

Notary Public for the State of Idaho, residence and post office address: St. Anthony, Idaho

ITHONY, IDAHO

issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, for 114,000 acre feet under permit No. R-590, and June 12, 1940, for 21,000 acre feet under Permit No. R-686.

MARK R. KULP
State Reclamation Engineer
Pub. April 6, 13, 20, 27, 1950

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the application to beneficial use of 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore

R-590

4-6-50

issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent Consolidated, Yellowstone P[illegible] I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pi[illegible]ck-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg [illegible]gation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, for 114,000 acre feet under permit No. R-590, and June 12, 1940, for 21,000 acre feet under Permit No. R-[illegible]

R-590

MARK R. [illegible]LP
State Reclamation Engineer

Pub. April 6, 13, 20, 27, 1950

NOTICE FOR PUBLICATION NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

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AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Fremont)

..... being first duly sworn, upon his oath, deposes and says:

That he is the publisher of The Fremont County News, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county, for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication

of Notice for publication, Notice of proof application of water to beneficial use.

And affiant further says that said attached notice, advertisement or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof,

for 4 consecutive issues thereof; first publication having been made on the 6 day of April 19 50, and last publication on the 27th day of April 19 50

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

....

Subscribed in my presence and sworn to before me this 8th day of June, 19 50

....

(Seal) Notary Public for the State of Idaho, residence and post office address: St. Anthony, Idaho

ITHONY, IDAHO

issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pincock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pincock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, for 114,000 acre feet under permit No. R-590, and June 12, 1940, for 21,000 acre feet under Permit No. R-686.

MARK R. KULP
State Reclamation Engineer

Pub. April 6, 13, 20, 27, 1950

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the application to beneficial use of 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore

R-590

PHONE 18 ST. ANTHONY, IDAHO March 31 195 0

The Fremont County News

T. E. & R. M. Hanawalt, Publishers

Advertising —:— Commercial Printing

Mark Kulp
State Reclamation Engineer
Boise, Ida

I am acknowledging receipt of permit Nos. 2-5%-2686 for Harold T Nelson which will appear in issues April 6, 13, 20, 27

Thank you

T. E. Hanawalt R-590

R 590

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE, IDAHO

Re: Permits Nos. R-590 & R-686 Date: **March 31, 1950**

Fremont County News

St. Anthony, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to **May 5, 1950**, the date set for proof, the expense of the publication to be paid by the applicant, **U.S.Bureau of Reclamation, C/oHarold T. Nelson, Regional Director, P. O. Box 937, Boise, Idaho**, to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP

State Reclamation Engineer

By

Chief Clerk

R-590

NOTICE FOR PUBLICATION
NOTICE OF PROOF APPLICATION OF WATER
TO BENEFICIAL USE

Notice is hereby given that at 10:00 a.m., on the 5th day of May, 1950, at Burley, County of Cassia, State of Idaho, before Lex H. Kunau, Notary Public, proof will be submitted of the application to beneficial use of 135,000 acre-feet annually of the waters of the North Fork (Henry's Fork) of the Snake River, in accordance with the terms and conditions of Permit Nos. R-590 and R-686, heretofore issued by the State Reclamation Engineer of the State of Idaho.

The name and postoffice address of the person or corporation holding said permit are: The United States of America, acting through Harold T. Nelson, Regional Director, Region 1, Bureau of Reclamation, P. O. Box 937, Boise, Idaho.

The use to which said water has been applied is for irrigation and domestic purposes.

The amount applied to beneficial use is 135,000 acre-feet of water annually.

The place where said water is used (if for irrigation, give full and accurate description of the lands irrigated) is on the lands within the Fremont-Madison Irrigation District in the Counties of Fremont and Madison.

The name of the canals or ditches or other works by which said water is conducted to such place of use are: Dewey, Last Chance, St. Anthony, Farmers Friend, Twin Groves, Salem Union, Egin, Union, Independent, Consolidated, Yellowstone P & I, Harringfeldt, Marysville, Farmers Own, Enterprise, Fall River, Chester, Kerr, Wilford, Siddoway, Good Luck, Teton Irrigation & Manufacturing Company, Pioneer, Stewart, Pinecock-Byington, Teton Island Feeder, Salem Irrigation, Roxana, Island Ward, Pinecock-Garner, Woodmansee, Rexburg City, Rexburg Irrigation, Westfield, Squirrel Creek, Yellowstone, Conant Creek, N. Salem Agr. & Milling, and Cross Cut Canal.

The right to take water from such works is based upon Permit Nos. R-590 and R-686.

The source of supply from which such water is diverted is the North Fork (Henry's Fork) of the Snake River.

The date of priority which said user is prepared to establish is March 14, 1935, FOR 114,000 ACRE FEET UNDER Permit No. R-590 , and June 12, 1940, for 21,000 acre feet under Permit No. R-686

MARK R. KULP

State Reclamation Engineer

R-590

IN REPLY REFER TO:
150

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
REGIONAL OFFICE, REGION I
BOX 937, BOISE, IDAHO

MAR 27 1950

RECEIVED
MAR 28 1950
Department of Reclamation

Mr. Mark R. Kulp
State Reclamation Engineer
State Capitol Building
Boise, Idaho

My dear Mr. Kulp:

You are hereby authorized to have the attached notice published at the expense of the United States of America, in the Fremont County News of St. Anthony, Fremont County, Idaho.

Fremont County is the county in which the majority of the landsbeing served under the provisions of Permits R-590 and R-686 are situated.

I hereby certify that the facts set forth in the attached notice are true.

Sincerely yours,

F. M. Clinton

Assistant Regional Director

Attachment 138

R-590

March 31, 1950

Re: Permits Nos. R-590 and R-686

Mr. Robert E. Stoeve
C/o Bureau of Reclamation
Box 937
Boise, Idaho

Dear Mr. Stoeve:

As per your telephone conversation, we enclose a copy of the Notice for Publication for Proof of Beneficial Use under Reservoir Permits Nos. R-590 and R-686, with the amendment to the last paragraph, referred to in our letter addressed to Mr. F. M. Clinton on March 30, 1950.

We enclose for your use, two sets of forms required in making this proof, consisting of one for the Permit Holder and one for each of two disinterested witnesses.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh
Enc.

R-590

March 30, 1950

Re: Permits Nos. R-590 and R-686

Mr. F. M. Clinton
Assistant Regional Director
Bureau of Reclamation
Box 937
Boise, Idaho

Dear Mr. Clinton:

We acknowledge receipt of your letter of March 27, 1950, enclosing Notice of Beneficial Use Proof to be made under the above numbered Permits on May 5, 1950, at Burley, Idaho, before Lex H. Kunau, Notary Public.

We have had to change this notice in one particular as the priority to be established under Permit No. R-590 is March 14, 1935 for 114,000 acre feet, but the priority for the 21,000 acre feet under Permit No. R-686 is June 12, 1940.

A copy of the notice will be sent to the Fremont County News with instructions to publish it once a week for four consecutive weeks prior to May 5, 1950, and to send the Affidavit of Publication, together with statement of costs, to you.

We shall send Mr. Kunau the necessary forms of deposition to be used in making these proofs, and at the time set, a representative of the Bureau of Reclamation, together with two disinterested witnesses, should appear before Mr. Kunau for the purpose of executing the depositions.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Chief Clerk

A:bh

R-590

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise, Idaho **March 1, 1950**

U. S. Bureau of Reclamation
Box 937
Boise, Idaho

Dear Sir:

We enclose herewith blank notice for proof of application of water to beneficial use under your Permit No. **R-590**. This notice should be filled out in duplicate and returned to this office at least 40 days before the date upon which you wish to make this proof, in order to allow time for the four weeks' publication required by law.

This proof must be submitted before a Notary Public or other officer authorized by law to administer oaths.

The date for proof, as set out in your permit, is not later than **May 7, 1950**, and if proof is submitted later than said date, your priority will be brought down a length of time equal to the time elapsing between the date the proof is due and the date proof is actually made.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

R-590

May 15, 1941

Re: R-590

Mr. Lynn Crandall
Watermaster Dist. 36
Idaho Falls, Idaho

Dear Mr. Crandall:

We wish to acknowledge receipt of your letter requesting amount of water stated and date of priority of the Island Park Reservoir permit of the U. S. Bureau of Reclamation. The information is as follows:

Permit No. R-686
Date of Priority, June 12, 1940.
Location of Reservoir, North Fork (Henry's Fork) of Snake.
Amount of Water, 21,000 acre feet in addition to 114,00 acre feet filed under Permit No. R-590.

Permit No. R-590.
Priority date, March 14, 1935.
Amount, 114,00 Acre Ft.

Very truly yours,

E. V. BERG.
Commissioner of Reclamation

By: ROY W. THOMPSON
Deputy Commissioner.

RWT:ml.

R

R-590

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

LYNN GRANDALL, WATERMASTER

IDAHO FALLS, IDAHO

WATER DISTRICT NO. 36

Chase A. Clark
~~C. BEN ROSS~~, GOVERNOR
~~R. W. FARIS~~, COMMISSIONER
E. V. Berg

May 13, 1941

RECEIVED
MAY 15 1941
Department of Reclamation

Mr. E. V. Berg
Commissioner of Reclamation
Boise, Idaho.

Dear Mr. Berg:

Will you advise me what amount of water is stated and date of priority of the Island Park Reservoir permit of U. S. Bureau of Reclamation.

Yours truly,
Lynn Crandall
Watermaster.

R-59

Permit R-590

April 15, 1940

Mr. B. E. Stoutemyer,
District Counsel,
U. D. Bureau of Reclamation,
No. 603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:

We are enclosing herewith Certificate of Completion of Reservoir and Right to Store Water, issued under the above numbered permit, confirming the right of the United States of America to store 114,000 acre feet of water annually from the North Fork (Henry's Fork) of Snake River, in Lot 3, Section 28, Township 13 North, Range 43 East, B. M., for irrigation and domestic purposes, with date of priority of March 14, 1935.

The Departmental Receipt No. 17369 for the $138.80 fee paid in connection with this completion of works proof is also enclosed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

R-590

April 1, 1940

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel,
Bureau of Reclamation,
No. 603 Post Office Bldg.
Portland, Oregon.

Dear Mr. Stoutemyer:-

In reply to your letter of March 30th, we have signed and return herewith Voucher for the $138.80 fee in connection with completion of works proof under Permit No. R-590, Island Park Reservoir.

We are sending you, under separate cover, twenty forms of application for Reservoir Permit, as requested.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation
By

JLA
Encs.

Chief Clerk

E-539

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
March 30, 1940

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Reference is made to your letter of February 23, 1940 concerning Permit No. R-590.

Please find enclosed voucher for $138.80 covering the fee for the examination for completion of works proof under Permit No. R-590, Island Park Reservoir. When the voucher has been signed, where indicated, please return it to this office and it will be placed in line for payment.

We would greatly appreciate it if you would send us 20 copies of your form for Application for Permit to construct reservoir.

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

encl.

R-590

March 20, 1940

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel,
Bureau of Reclamation,
603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:-

In reply to your letter of March 16th, we beg to advise that the permit issued to the Grand Teton Reservoir Company was cancelled March 8, 1940, for failure to make proof of completion of works.

We do not believe that there are any conflicting rights on Snake River, but are enclosing a list of filings, so that you may determine the status of the rights.

Any additional information will be sent upon request.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Deputy Commissioner

F:A
Enc.

MAIN SNAKE RIVER POWER FILINGS

Application Number	Permit Number	License Number	Applicant	Amount	Date of filing or priority on License	Point of Diversion
25221	Pending		Utah Power & Light Co.	1,000 s. f.	9-24-34	SE¼NW¼ 15-1 N.37 E.
25299	18107	18107	Idaho Power Co.	250 s. f.	3-20-35	Lot 7- 2-7 S.13 E.
25513	18271	18271	City of Idaho Falls	1,500 s. f.	2-14-36	Lot 7-36-3 N.37 E.
25526	18397(Indefinite extension)		City of Buhl	800 s. f.	4- 4-36	Lot 3-24-9 S.16 E.
R26214	R-670		Lynn Crandall	1,400,000 A. F.	7-28-39	NW¼NE¼ 17-1 S.45 E.
			NORTH FORK			
R25304	R-590		U.S.Bureau of Reclamation	114,000 A. F.	3-14-35	Lot 3-28-13 N.43 E.
25907	Pending		City of St. Anthony	1,000 s. f.	1- 8-38	Lot 4-14- 8 N.41 E.
			TETON RIVER			
R25236	R-561	(Cancelled)	Grand Teton Reservoir Co.	100,000 A.F. (Irrigation)	10-29-34	NE¼SW¼ 15-6 N.44 E
25659	18400		Teton Valley Power & Milling Co.	150 s. f. (Power)	11-17-36	NW¼NE¼ 29-7 N.44 E.

MAR 19 1940

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

603 Post Office Building,
Portland, Oregon,
March 16, 1940

Mr. James Spofford,
Commissioner of Reclamation,
State of Idaho,
Boise, Idaho.

Dear Mr. Spofford:

Please refer to your letter of February 23, 1940, "Re: Permit No. R-590" covering storage of the Island Park reservoir of the United States.

Also, please refer to my letter to you dated August 4, 1939. Will you please advise if there are any filings which would affect the Island Park storage made between March 14, 1935 and May, 1939 and furnish me with a list of the same.

Also, please advise me if the filing made on October 29, 1934, by the Grand Teton Reservoir Company is still in good standing and has not been allowed to lapse.

Cancelled Mar 8, 1940

Very truly yours,

B. E. Stoutemyer,
District Counsel.

R-590

February 23, 1940

Re: Permit No. R-590

Mr. E. E. Stoutemyer,
District Counsel,
U. S. Bureau of Reclamation,
No. 603 Post Office Building,
Portland, Oregon

Dear Mr. Stoutemyer:-

We have on file the report of our Field Engineer on examination for completion of works proof under the above numbered Permit.

The statutory fee in connection with this proof is $5.00 for the first ten second feet (or 2500 acre feet), and 30 cents for each additional second foot (or 250 acre feet.

On the 114,000 acre feet covered by this permit, the fee would, therefore, amount to $138.80- upon receipt of which Certificate of Completion of Works will be issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA

By

Chief Clerk

K-1 F-30

Form 23

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

BOISE

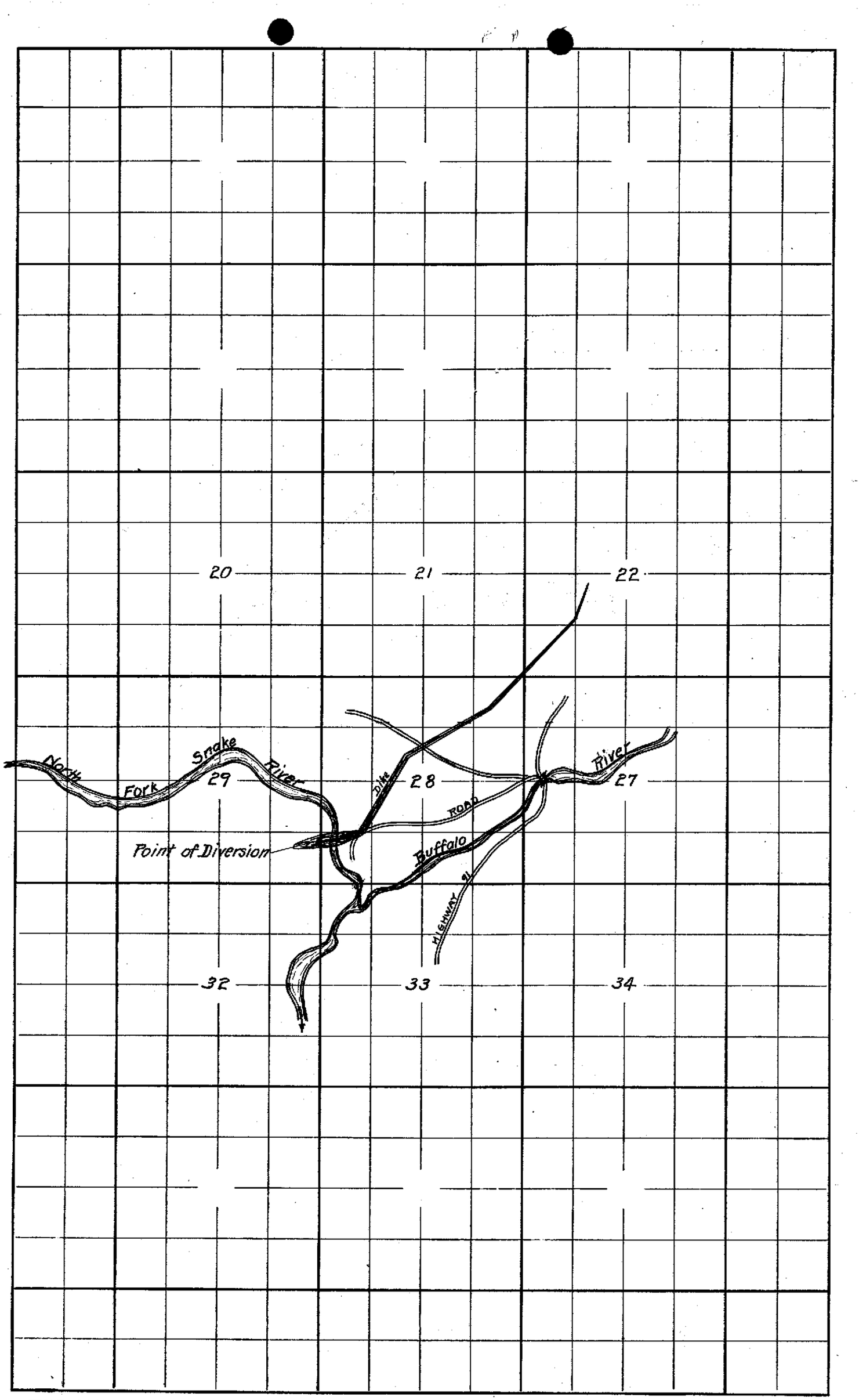
REPORT OF ENGINEER

PERMIT NO. R-590

REPORT ON PROOF OF Completion of works

C of W - 119,000 A.F.
Fee $138.80
p 490

HD 2-23-40



SCALE: 2 INCHES EQUALS 1 MILE. DRAW MAP IN INK.

Form 23

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

REPORT OF ENGINEER

Permit No. R-590

This proof is for Completion of works In Water District No.

1. Name of applicant United States of America through B.E.Stoutemyer,District Counsel Bureau of Reclamation
2. Source of water supply: North Fork (Henry's Fork) Snake River
3. Location of point of diversion: Is in the Lot 3 of Section 28
   T. 13 N. R. 43 E. County of Fremont
4. Describe works as they exist, giving dimensions and capacities of same: Storage dam 1132nd/ dike extension 7392 ft. long. Max. height 65 ft. top width 35 ft. length of base 300 ft. Earthfill, two concrete cut off walls and one higher ampliary wall. Four 4x6 outlet gates. Spillway capacity 5000 Sec. Ft. Outlet tunnel 13 ft diameter. Capacity of reservoir 128,000. acre feet
5. Water is used for: Irrigation and domestic purposes
6. State whether or not water has been turned into works of diversion: yes
7. List legal subdivisions of lands to be irrigated. If proof is for beneficial use, give exact number of acres under cultivation in each forty-acre tract. (Describe manner and place of use if for other than irrigation): 116,877.18 acres, more particularly described as the irrigable lands within the boundaries of the Fremont-Madison Irrigation District in the Counties of Fremont and Madison, Idaho

(Submit map on attached plat, showing location and details of above description.

8. What large stream would the water here appropriated finally reach? Columbia River via Snake

Remarks:

This examination was made on the 4th day of October, 1939

(Signed) Fred H. Dolman
Examiner.

70

U. S. Bureau Reclamation
Ashton, Idaho

Permit No. R-590

Examination for Completion of works

County Fremont

INSTRUCTIONS TO EXAMINERS

1. Always carefully note the location of the point of diversion and accurately plat same.

2. When proof is for beneficial use, carefully check up the number of acres actually irrigated in each forty and accurately plat same.

3. Make a map showing the correct location of streams and ditches, and the irrigated lands, and any adjacent permanent landmarks, such as towns, lakes, large streams and public roads.

4. If any unusual conditions are discovered, make a plain statement of them under remarks.

5. Always see the holder, if possible, and go over the whole ground with him and make your report only upon actual existing facts and conditions.

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

603 Post Office Building
Portland, Oregon
August 4, 1939

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:

Replying to your letter of August 2, in regard to proof of completion of works under Permit R-590 for the Island Park reservoir, I am enclosing the proof of publication of notice.

I knew that the original permit was issued for 114,000 acre-feet and have assumed that the license would be limited to that amount. But the reservoir was actually constructed to a capacity of 135,000 acre-feet and was filled to that capacity this year and the water is being applied to beneficial use, so I assume that we will have a constitutional water right for the additional 21,000 acre-feet under priority of 1939. If there are no important filings between March 14, 1935 and May, 1939, it would not make a great deal of difference whether the additional 21,000 acre-feet of capacity comes under the one date or the other. Anyway, I am much obliged to you for calling our attention to this matter.

Very truly yours,

B. E. Stoutemyer
District Counsel

encl

R-590

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO, }
County of Fremont, } ss.

.....

.....

I, W. A. Lansberry, do solemnly swear that I am the printer and publisher of THE ASHTON HERALD, a weekly newspaper of general circulation, published once a week at Ashton, Fremont County, State of Idaho; that said newspaper has been continuously and uninterruptedly published in said County and City, during a period of seventy-eight consecutive weeks prior to the first publication of the.....
.....Notice for Publication.....
in the above entitled action; that the notice attached hereto, and which is a part of this affidavit and a part of the proof of publication, was published in said newspaper.....four.....
consecutive weeks; first publication having been made on the 29 day of June, 193 9, and last publication on the 27 day of July, 193 9; that said notice was published in the regular and entire issue of every number of the paper during the period and time of publication, and that the notice was published in the newspaper and not in a supplement.

W. A. Lansberry
Printer and Publisher.

Subscribed and sworn to before me this 27th day of July, A. D., 1939.

Susan G. Fuller
Notary Public.

My commission expires Mar 16, 1940

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M., on the 28th day of July, 1939, at Ashton, County of Fremont, State of Idaho, before Paul P. Stone, a notary public, proof will be submitted of the completion of works for the storage and diversion of 127,865 acre feet per annum of the waters of North Fork (Henry's Fork) of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation.

2. The postoffice address of such person or principal place of business of such corporation is 603 Post Office Building, County of Multnomah, Portland, State of Oregon.

3. The number of such permit is R-590, and the date set for the completion of such work is March 7, 1940.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion are fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 127,865 acre feet per annum.

6. The amount of lands for which said water is available is 116,677.18 acres, particularly described as follows: Irrigable lands within the boundaries of the Fremont-Madison Irrigation District in the Counties of Fremont and Madison, Idaho.

11-14. JAMES SPOFFORD,
Commissioner of Reclamation.

R-590

August 2, 1939

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel,
U. S. Bureau of Reclamation,
603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:-

We are in receipt of the depositions in connection with completion of works proof for the Island Park reservoir, and in reply to your inquiry will state that it is necessary for an affidavit of publication to be filed in this office in order to complete the proof.

We note in the depositions that a capacity of 135,000 acre feet is given, while the original permit calls for only 114,000 acre feet.

After the engineer's examination, when we issue the certificate of completion of works, we would only be allowed to issue the certificate up to the amount asked for in the original permit, which would leave 21,000 acre feet that are not now covered by any filing.

I merely mention this to call it to your attention, in case it may have been overlooked.

Very truly yours,

JAMES CLIFFORD
Commissioner of Reclamation

D:A

By

Deputy Commissioner

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
July 31,1939

Mr. James Spofford,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:

Please find enclosed our proof of completion of works under Permit R-590, for the Island Park Reservoir, including the affidavits of I. Donald Jerman, H. G. Fuller, and George Harrigfeld. All of these affidavits were taken before Paul P. Stone, Notary Public, Ashton, Idaho, on July 28, 1939, as provided in the published notice.

We also have on hand the affidavit of publication signed and sworn to by the publisher in connection with this proof. We are not sure whether you will need the affidavit of publication in your office or not. If you do, please advise and we will forward it to you. But in that case we will probably have to secure a duplicate affidavit of publication, as I think that such proof of publication will be required in connection with the payment of the voucher for publishing the notice.

If anything more is needed in this connection, please advise and we will attempt to secure the same.

Very truly yours,

B. E. Stoutemyer
District Counsel

3 encls

135000
114,000
21,000

RECEIVED
AUG 1 1939

R-590

Form 15

PERMIT NO. R-590

Proof of Completion of Works

DEPOSITION OF HOLDER

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. I. Donald Jerman, Acting Construction Engineer of the U. S. Bureau of Reclamation, acting as agent for the United States, the holder of the permit.

Ques. 2. If acting in behalf of a corporation, state its name, principal place of business, your position with reference to same, and your authority for appearing in its behalf.

Ans. The United States of America, acting under the provisions of the Federal Reclamation Act of June 17, 1902, 32 Stat. 388. Principal place of business, Washington D.C.(address correspondence concerning this permit to District Counsel, Bureau of Reclamation, Portland, Oregon). My authority is that I am the duly authorized officer of the United States in charge of the Upper Snake River Storage project which includes the Island Park Resv.

Ques. 3. State number and date of permit, amount of water you are authorized to divert, source, and point of diversion.

Ans. R-590, dated May 7, 1935 (priority date received Mar. 14, 1935) 127,865 acre feet per annum at Island Park Reservoir on Henry's Fork of Snake River, with reservoir outlet located in Lot 3, Sec. 28, Twp 13 N, Rge 43 E.B.M. in Fremont County, Idaho.

Ques 4. State purpose for which water is to be used, and, if for irrigation, state the number of acres and give description of the land you intend to reclaim.

Ans. For irrigation and domestic purposes, for the irrigation of 116,677.18 acres located in the Fremont Madison Irrigation District in Fremont and Madison counties, Idaho

Ques. 5. State whether or not the water has been turned into your works of diversion, and, if so, when and to what extent.

Ans. The water was turned into the reservoir to the full capacity thereof in the spring of 1939. The maximum storage water in the reservoir, 135,000 acre feet, was reached in May, 1939.

Ques. 6. State whether or not the works of diversion are fully completed, and whether or not they comply in all respects with the terms of the permit.

Ans. The works of diversion are fully completed, and comply in all respects with the terms of the permit, and more than comply therewith.

Ques. 7. If the works of diversion do not comply with all the terms of your permit, state fully those particulars in which there is any variance.

Ans. The reservoir was constructed to a slightly larger capacity than described in permit, and has a maximum capacity of about 135,000 acre feet at high water stage of the river.

Ques. 8. Give description of works, state dimensions and capacity of each part, and give cost of same.

Ans. The description of works is as set out in permit, except for the slightly larger capacity of the reservoir. The cost of the Island Park reservoir was approximately $1,650,000. The cost of the diversion dam and cross cut canal is approximately $320,000.

(Sign here.) I. Donald Jerman

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, in Ashton, County of Fremont, State of Idaho, on this 28th day of July A. D. 19 39.

Paul R. Stone
Notary Public.

My Commission expires 7-16-41

114,000 A.F. OK HD

R-590

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-590

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. H. G. Fuller, Ashton, Idaho - Real Estate Dealer - Ashton, Idaho.

Ques. 2. Are you acquainted with The United States of America, the holder of Permit No. R-590, authorizing the diversion of 127,865 ~~second~~ acre-feet of the waters of Henry's Fork of Snake River, at Island Park Reservoir for irrigation and domestic purposes? How long have you known him, and where does he reside?

Ans. Yes. For many years. Principal place of business at Washington, D. C.

Ques. 3. Have you read or heard read said Permit No. R-590, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 116,677 acres of various types of soil, including some sandy and gravelly land. It requires from 2 to 6 acre feet of water per acre at the land for profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Island Park Reservoir, as described in the permit, except that the capacity is about 135,000 acre feet. Diversion dam and Cross Cut canal as described in the permit.

(Sign here.) H. G. Fuller

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Ashton, County of Fremont, State of Idaho, on this 28th day of July, A. D. 19 39.

Paul R. Stone

Notary Public for Idaho, residing at Ashton, Idaho. My commission expires: 7-16-41

OK HD

Form 14

The Depositions of two Witnesses, in this form, taken separately, required in each case.

Permit No. R-590

Proof of Completion of Works

DEPOSITION OF WITNESS

Ques. 1. State your name, residence, occupation and postoffice address.

Ans. George Harrigfeld - Ashton, Idaho - Farmer - Ashton, Idaho

Ques. 2. Are you acquainted with The United States of America, the holder of Permit No. R-590, authorizing the diversion of 127,865 ~~second~~ acre feet of the waters of Henry's Fork of Snake River, at Island Park Reservoir for irrigation and domestic purposes? How long have you known him, and where does he reside?

Ans. Yes. For many years. Principal place of business at Washington, D. C.

Ques. 3. Have you read or heard read said Permit No. R-590, and are you familiar with its terms and conditions?

Ans. Yes.

Ques. 4. (If for irrigation purposes). Are you acquainted with the land proposed to be irrigated under said permit? If so, describe same, state its character, and give your estimate of the amount of water required for its profitable cultivation.

Ans. 116,677 acres of various types of soil, including some sandy and gravelly land. It requires from 2 to 6 acre feet of water per acre at the land for profitable cultivation.

Ques. 5. Are the works of diversion fully completed and of sufficient capacity to convey the entire amount of water set out in the permit from point of diversion to place of use?

Ans. Yes.

Ques. 6. Describe the works of diversion as they now exist, and give your estimate of their capacity.

Ans. Island Park Reservoir, as described in the permit, except that the capacity is about 135,000 acre feet. Diversion dam and Cross Cut canal as described in the permit.

(Sign here.) George Harrigfeld

I hereby certify that the foregoing testimony was read to the above subscriber before its signing, that I believe him to be the person he represents himself to be, and that said testimony was subscribed and sworn to before me, at my office in Ashton County of Fremont, State of Idaho, on this 28th day of July, A. D. 19 39.

Paul A. Stone

Notary Public for Idaho, residing at Ashton, Idaho. My commission expires: 7-16-41

OK HD R-590 R-590

Permit R590

Ashton, Idaho

July 28, 1939

From Acting Construction Engineer

To District Counsel

Subject: Proof of completion of Island Park dam and reservoir - Under Permit R-590 - Upper Snake River Storage Project, Idaho

1. Reference is made to your letters of May 20 and July 6, 1939, directing that this office proceed with the matter of making final proof of the construction of the Island Park reservoir.

2. As previously advised, the date set for hearing was July 28, 1939, in the city of Ashton, Idaho, which said hearing was held at 10 a.m. today and the following proof papers were executed. I am therefore enclosing the original and one copy of the following papers:

Deposition of holder - I. Donald Jerman
Deposition of witness - Geo. Harrigfeld
Deposition of witness - H. G. Fuller
Affidavit of Publication.

3. It is, of course, assumed that when the papers have received your approval that the originals will be forwarded to the Commissioner of Reclamation of Idaho at Boise, Idaho.

- - -

I. Donald Jerman

Encls
cc: Commissioner
Chief Engineer
State Commissioner, Boise

July 13, 1939

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel, U.S.R.S.
603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:-

In compliance with your request of July 12th, we are enclosing half a dozen of each of the two forms of deposition- deposition of holder and deposition of witness- used in making proof of completion of works.

A set of these depositions has previously been sent to the Ashton office, and ten days before the date set for proof of July 18th, we shall send a set to the Notary Public before whom the proof is to be made.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

BY

Chief Clerk

JLA
Enc.

R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION
603 Post Office Building
Portland, Oregon
July 12,1939

Mr. James Spofford,
State Commissioner of Reclamation,
Boise, Idaho.

My dear Mr. Spofford:

I see that a notice is being published to the effect that the proof of completion of works on the Island Park reservoir under permit R-590 is to be made on July 28.

I am not sure whether printed forms for this purpose are available in our Ashton office, but find that we have no forms in this office and that we will need some extra copies of the forms anyway in order to make copies to be sent to the commissioner and chief engineer of this bureau. So I will be much obliged if you will send us half a dozen copies of each of the printed forms used for making such proof of completion of works.

Very truly yours,

B. E. Stoutemyer
District Counsel

RECEIVED
JUL 13 1939
Department of Reclamation

R-590

July 14, 1939

Re: Permit No. R-590

Mr. S. E. Stoutemyer,
District Counsel, U.S.R.S.,
603 Post Office Building,
Portland, Oregon.

Dear Sir:-

We are in receipt of a copy of a letter addressed to you by Mr. Frank G. Ensign, about the termination of the bond under Permit No. R-590.

It has always been the policy of the Department in the past to have the bonds remain in force and effect until the proof of Completion of Works has been submitted, and Certificate issued.

This policy has evidently been formulated through interpretations of Sections 41-204, 41-208 and 41-209, Idaho Code Annotated.

Section 41-204, as you know, states that the bond "is conditioned upon faithfully carrying to completion the works of diversion as specified in said permit".

Section 41-208 specifies the steps necessary to make the proof of satisfactory completion, and Section 41-209 is the Department's authority for the issuance of a Certificate of Completion of Works.

We believe that the only way that we would have authority to terminate bonds under Section 41-204 would be to comply with all the steps set out in Sections 41-208 and 41-209.

In the case of your Permit No. R-590, which is in the process of publication, I believe that the engineer will be able to make his examination this summer, and submit his report, so that we can issue the Certificate of Completion of Works. As soon as this certificate is issued, we shall notify you, so that your bond may be terminated.

I trust that this will meet with your approval. We shall welcome any suggestions that you may make in this regard.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Deputy Commissioner

E:A

C.C. To Frank G. Ensign.

R-590

COPY

RECEIVED
JUL 10 1939
Department of Reclamation

July 8, 1939

Mr. B. E. Stoutemyer
603 Post Office Building
Portland, Oregon

Re-Bond on Water Permit R-590

My dear Ben:

I am glad to have the opportunity of writing you personally, in reply to your letter of July 6.

Of course, the bill for the premium on the bond for Permit R-590 should have been made to the United States. I am sorry that there was a mistake in this office, although our records show the bill should have been made to the United States, attention of B. E. Stoutemyer, District Counsel.

I am satisfied that the National Surety Corporation will accept as notice of termination of the liability under the bond, your letter stating that the Reservoir is now completed, but the Bureau of Reclamation of the State of Idaho advises me that Proof of Completion is required under Section 4120E, and I am asking Mr. Spofford to write you directly on this matter.

With very cordial regards, I am

Very respectfully yours,

FRANK G. ENSIGN

FGE:BH
cc: James W. Spofford

R-590

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Ashton, Idaho, July 11, 1939

Registered Mail

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho

Dear Sir:

Receipt is acknowledged of your letter of July 12, 1939, returning to this office original form 11 - Notice to Accompany this Letter must be made in Duplicate - dated June 23, 1938 for completion. The certificate at the bottom of this form has been signed by me and the original is enclosed herewith.

In this connection, permit me to extend my sincere appreciation and thanks for returning this original so promptly.

Very truly yours,

I. Donald Jerman

I. Donald Jerman
Acting Construction Engineer

Encl. form 11

RECEIVED
JUL 13 1939
Department of Reclamation

R-590

Form No. 11

NOTICE TO ACCOMPANY THIS LETTER MUST BE MADE IN DUPLICATE

(Date) June 23, 1939

(P. O.) Ashton, Idaho

TO THE COMMISSIONER OF RECLAMATION:

Boise, Idaho.

Dear Sir:

You are hereby authorized to have the attached notice published at my expense in the Ashton Herald of Ashton, Idaho, published in the county in which the works are situated.

United States of America- Bureau of Reflamation

By I. Donald Jorman

Acting Construction Engineer

(In case of canals or other works designed to divert and carry more than 50 cubic feet of water per second, the following certificate must be signed by a well-known and competent engineer)

I hereby certify that the facts set forth in the attached notice are true.

I. Donald Jorman

Acting Construction Engineer.

RECEIVED
JUL 13 1939
Department of Reclamation

R-590

July 12, 1939

Re: Permit No. R-590

Construction Engineer,
U. S. Bureau of Reclamation,
Ashton, Idaho.

Dear Sir:-

In reply to letter of July 8th, from Mr. I. Donald Jerman, Acting Construction Engineer, by E. V. Hillins, Chief Clerk, we are returning Form No. 11- in order that the Engineer's certificate may be executed.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

JLA
Enc.

By

Chief Clerk

R-590

NOTICE FOR PUBLICATION

Notice is hereby given that at 10:00 A. M., on the 28th day of July 1939, at Ashton, County of Fremont, State of Idaho, before Paul P. Stone a notary public, proof will be submitted of the completion of works for the storage and diversion of 127,865 acre feet per annum of the waters of North Fork (Henry's Fork) of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation.

2. The postoffice address of such person or principal place of business of such corporation is 603 Post Office Building, County of Multnomah, State of Oregon.

3. The number of such permit is R-590, and the date set for the completion of such work is March 7, 1940.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion are fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 127,865 acre feet per annum.

6. The amount of lands for which said water is available is 116,677.18 acres, particularly described as follows: Irrigable lands within the boundaries of the Fremont-Madison Irrigation District in the Counties of Fremont and Madison, Idaho.

11-14. JAMES SPOFFORD,
Commissioner of Reclamation.

Permit # R 590

Ashton Herald

June 29-1939

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Ashton, Idaho, July 8, 1939

Mr. James Spofford,
Commissioner of Reclamation,
Boise, Idaho

Re. Permit No. R-590

Dear Mr. Spofford:

With my letter of June 23, 1939, among others, there was forwarded form 11 for filing in connection with the publication of a notice in the Ashton Herald in connetion with the matter of offering final proof of completion of the Island Park dam, Idaho.

I understand that I should likewise have executed the certificate above the word "Engineer" and in case it is permissible, would appreciate your returning this form to me for completion, signature and prompt return to your office.

Very truly yours,

I. Donald Jerman
Acting Construction Engineer

By E. V. Hillius,
Chief Clerk

RECEIVED
JUL 10 1939
Department of Reclamation

R-590

FORM NO. TI-A

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
BOISE, IDAHO

Re: Permit No. R-590 Date June 27, 1939

Mr. W. A. Lansberry,
Publisher Ashton Herald,
Ashton, Idaho

DEAR SIR:

Enclosed you will find notice for publication once a week for four consecutive weeks prior to July 28, 1939, the date set for proof, the expense of the publication to be paid by the applicant, United States of merica (Bureau of Reclamation)

to whom you should furnish proof of publication on or prior to the date set for proof.

Please acknowledge receipt of this notice and furnish this office with a copy of the first publication.

Very truly yours,

JAMES SPOFFORD

Commissioner of Reclamation

Dear Mr. Lansberry:

This is the notice about which you called to see us on June 13th. In addition to our form letter of transmittal, we are returning the letter which you received from the U. S. Department of the Interior, Bureau of Reclamation, transmitting the original copy, which was incomplete. We understand that you retained the voucher forms sent you at that time.

Very truly yours,
JAMES SPOFFORD
Commissioner of Reclamation
By

Chief Clerk

R-590

FORM 8

Notice for Publication

Notice is hereby given that at 10:00 A.M., on the 28th day of July 19 39, at Ashton, County of Fremont, State of Idaho, before Paul P. Stone, A Notary Public proof will be submitted of the completion of works for the storage and diversion of 127,865 acre ~~cubic~~ feet per ~~second~~ annum of the waters of North Fork (Henry's Fork) of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the person or corporation holding said permit is United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation,

2. The postoffice address of such person or principal place of business of such corporation is 603 Post Office Building, County of Multnomah, State of ~~Idaho~~ Oregon.

3. The number of such permit is R-590, and the date set for the completion of such work is March 7, 1940

4. Said water is to be used for Irrigation purposes purposes.

5. Said works of diversion ~~will be~~ are fully completed on the date set for such completion, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 127,865 acre ~~cubic~~ feet per ~~second~~ annum.

6. The amount of lands for which said water is available is 116,677.18 acres, particularly described as follows: Irrigable lands within the boundaries of the Fremont-Madison Irrigation District in the Counties of Fremont and Madison, Idaho.

JAMES SPOFFORD

Commissioner of Reclamation.

R-590

Form No. 22-A

State of Idaho

ENGINEERING DEPARTMENT

BOISE

INSTRUCTIONS

Re: Permit No. R-590
U. S. R. S.

PROOF OF COMPLETION OF WORKS

Mr. Paul P. Stone,
Notary Public,
Ashton, Idaho

Boise, Idaho, July 18, 1939

Dear Sir:

I enclose herewith the following forms to be used in connection with proof of completion of works under Permit No. R-590

Deposition of Permit Holder,
Depositions of Two Witnesses.

In submitting this proof the following instructions should be CAREFULLY followed out, since failure to do so may result in the loss of the permit holder's rights:

1. On July 28, 1939, the date set for proof of completion of works, the enclosed deposition forms (one for permit holder and one eachfor two witnesses) should be filled out and sworn to, at Ashton, Idaho, before Paul P. Stone, Notary Public

2. When the depositions have been taken they should be mailed to this office, together with affidavit of publication of notice.

When these have been received, together with report of the examining engineer, if everything is properly executed, you will be further advised as to fees due, etc., before certificate is issued.

Yours truly,

JAMES SPOFFORD
Commissioner of Reclamation

R-590

June 27, 1939

Re: Permit No. R-590

Construction Engineer,
Ashton, Idaho.

Attention- Mr. I. Donald Jerman
Acting Construction Engineer.

Dear Sir:

We acknowledge receipt of your letter of June 23rd, which reached us this morning, enclosing notice in duplicate for publication in connection with proof of completion of works, and also your authorization to have the notice published in the Ashton Herald, of Ashton, Idaho, all in connection with Permit No. R-590.

A copy of the notice has been sent to the Ashton Herald, with instructions to publish it once a week for four consecutive weeks prior to July 28th.

About ten days prior to this date, depositions, consisting of one for the holder and one for each of two witnesses, will be mailed to the Notary Public, Mr. Paul P. Stone, at Ashton, Idaho, so that he will have them in ample time for the proof. Meanwhile, as you request, we are enclosing a set of these depositions, for your information.

On the date designated a representative of the holder- U. S. Bureau of Reclamation- should appear at Mr. Stone's office, together with two disinterested witnesses who are familiar with the terms of the permit, and the works constructed thereunder, for the purpose of executing the depositions.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Enc.

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
Ashton, Idaho

June 23, 1939

Mr. James Spofford
Commissioner Of Reclamation
Boise, Idaho

Dear Mr. Spofford:

Re: Permit No. R-590

I am this morning in receipt of your letter of June 13, 1939, forwarding forms No. 8 and 11, for completion by me. These forms refer to notice in connection with completion of works proof of Permit R-590.

You will notice that the hearing has been set for 10 a.m. July 28, 1939, at Ashton, Idaho, before Paul P. Stone, Notary Public. The Ashton Herald is being authorized to publish the notice, the first notice to appear June 29, 1939.

If your office has a regular form of deposition which is to be completed by the two witnesses, I would be glad to receive a few copies for use at the time the hearing is held.

Forms No. ~~8 and~~ 11, signed by the Acting Construction Engineer are enclosed herewith for your record.

There has been some delay in receiving your letter in view of the fact that it was addressed to Mr. H. A. Parker, and in turn forwarded from Ashton to Mr. Parker's present address at Ephrata, Washington. In the future it will be appreciated if you will address all communications to this office to the "Construction Engineer, Ashton, Idaho."

Very truly yours,

I. Donald Jerman
Acting Construction Engineer

2 encls

RECEIVED
JUN 27 1939
Department of Reclamation

R-590

June 13, 1939

Re: Permit No. R-590

Mr. H. A. Parker,
Construction Engineer,
U. S. Bureau of Reclamation,
Ashton, Idaho.

Dear Mr. Parker:-

Mr. W. A. Lansberry, of the Ashton Herald, called in our office yesterday afternoon, in regard to notice for publication sent him from the U. S. Department of Interior, Bureau of Reclamation, at Washington, D.C.

This notice was in connection with completion of works proof under Permit No. R-590, but was incomplete, in that it did not name a time or place for making the proof, nor the name of the Notary Public before whom the depositions were to be taken.

In order that our records may be complete in this matter, we are enclosing our official forms of notice (in duplicate), which we will ask you to fill out and return to this office; also your authorization to have same published in the Ashton Herald.

This publication must be made for four consecutive weeks prior to the date set for making proof; and inasmuch as it is now too late for this week's issue of the paper, the earliest date that can be set will be July 15th; and you may designate either this date, or any date thereafter, that is convenient for you.

On the date designated a representative of the holder- together with two disinterested witnesses, must appear at the place designated in order to execute the depositions.

Very truly yours,

JAMES CROFFORD
Commissioner of Reclamation

By

Chief Clerk

JLA
Encs.

CC Mr. W. A. Lansberry

R-590

NOTICE FOR PUBLICATION

Notice is hereby given that at _____ M, on the _____day of _____, 193 __, at _____County of _____, State of Idaho, before me _____ proof will be submitted of the completion of works for the storage and diversion of 127,865 acre feet per annum of the waters of North Fork (Henry's Fork) of Snake River in accordance with the terms and conditions of a certain permit heretofore issued by the Commissioner of Reclamation of the State of Idaho.

1. The name of the holder of said permit is: United States of America, acting through B. E. Stoutemyer, District Counsel, Bureau of Reclamation.

2. The postoffice address of such holder of said permit is: 603 Post Office Building, Portland, County of Multnomah, State of Oregon.

3. The number of such permit is R-590, and the date set for the completion of such work is March 7, 1940.

4. Said water is to be used for irrigation purposes.

5. Said works of diversion are completed, and the amount of water which said works are capable of conducting to the place of intended use, in accordance with the plans accompanying the application for such permit, is 127,865 acre feet per annum.

6. The amount of lands for which said water is available is 116,677.18 acres, particularly described as follows: Irrigable lands within the boundaries of the Fremont-Madison Irrigation District in the Counties of Fremont and Madison, Idaho.

_____
Commissioner of Reclamation.

R-590

May 15, 1939

Re: Permit No. R-590

Mr. B. E. Stoutemyer,
District Counsel,
Bureau of Reclamation,
No. 603 Post Office Building,
Portland, Oregon.

Dear Mr. Stoutemyer:-

We are in receipt of your letter of May 13th, in regard to Reservoir Permit No. R-590 in connection with the Island Park Reservoir.

We are enclosing herewith the necessary forms in connection with making Completion of Works proof, in order that you maybe in a position to be released from the bond.

The proof is not due until March 7, 1940, but if it is made at this time we can release you from liability under the bond as soon as Certificate of Completion of Works is issued.

Very truly yours,

JAMES SPOFFORD
Commissioner of Reclamation

By

Deputy Commissioner

D:A
Enc.

R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

603 Post Office Building
Portland, Oregon
May 13, 1939

Mr. James Spofford,
State Commissioner of Reclamation,
Boise, Idaho.

Dear Mr. Spofford:

We are in receipt of a ntice from the National Surety Company that another year's premium of $12 will be due June 6 in connection with Bond No. 4165479 on Water Permit R-590.

Permit R-590 is in connection with the Island Park Reservoir. As the reservoir is now completed, we see no reason why this bond should be continued any longer or any additional expense incurred in paying premiums thereon. All expenses in connection with this project will have to be collected from the water users of the Fremont-Madison Irrigation District and naturally we do not want to incur any unnecessary expense. If you know of any reason why it is necessary to continue the bond any longer or pay any more premiums on it, please advise.

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

RECEIVED
MAY 13 1939
Department of Reclamation

R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

232 Federal Building
Idaho Falls, Idaho

R-590

April 4, 1935

Mr. R. W. Faris, Commissioner
Dept. of Reclamation
Boise, Idaho

Dear Sir:

Your letter of March 29, 1935, received requesting certain corrections in the application for permit to construct a reservoir and store water on the North Fork of Snake River.

At the time of forwarding the application and maps from this office, the field books were snowed in at Island Park and it was impossible to forward the correct data regarding the tie from the point of outlet to the SW corner of Section 28, T. 13 N., R. 43 E. as referred to in paragraph two of your letter. This data was received today and will be forwarded when maps and application are returned.

The list showing courses and distances of the 40 points of diversions, with the exception of numbers 27, 39 and 40 shown on list, was copied from map furnished by Mr. F. A. Miller, the attorney for the proposed irrigation district. This map is a blue print of map which accompanied the Fremont-Madison Reservoir Company's application No. 20249. According to the Engineer's certificate on map signed by J. M. Burkett under date of October 29, 1919, the location of the canal headings was determined from data obtained in the field and from maps of the Snake River hydrographic survey made by the State Engineer during years 1903-1904. Since this map was evidently filed in your office about October, 1919, the data contained thereon was assumed to be correct.

A transit and chain party will immediately check the location of the several points of diversion which were indicated by your office to be in error and corrected list and maps will be forwarded promptly.

Very truly yours,

H. F. Bahmeier

Associate Engineer

cc. District Counsel, Portland
cc. Chief Engineer, Denver
cc. Commissioner, Washington
cc. Mr. F. A. Miller, St. Anthony

with copy of Mr. Faris' letter
to each

R-590

RECEIVED
APR 5 1935
Department of Reclamation

R-590

March 29, 1935

Re: Application for Permit
U. S. A., Bureau of Reclamation

MR. B. E. STOUTEMYER, District Counsel
503 Postoffice Bldg.,
Portland, Oregon

Dear Sir:

Under date of March 14th we received the above application to store and appropriate the waters of the North Fork of Snake River. We also received the maps to accompany the application, from Mr. Bahmeier, several days ago.

We failed to check the maps with the application and are, therefore, returning them to Mr. Bahmeier today with a request that they be corrected accordingly. However, this will not in any way impair the priority of March 14th, 1935, providing, of course, that they are returned within the 60 days allowed in fully correct form.

The filing fee, due in connection with this application, amounts to $118.75 and is determined at the following rate: $5.00 for the first 250 acre feet or less and 25¢ for each additional 250 acre feet or fraction thereof.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:RG

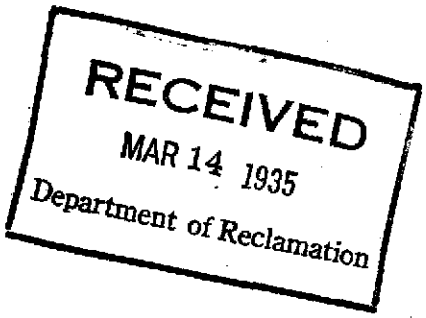
R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

603 Postoffice Building
Portland, Oregon
March 12, 1935



Mr. R. W. Faris,
Commissioner of Reclamation,
Boise, Idaho.

Dear Sir:

Reference is made to Mr. Bahmeier's letter of March 9 to you, forwarding duplicate copies of maps of the Island Park Reservoir and district lands.

Enclosed is application for permit to construct the reservoir, together with a list of canals and lands in the proposed district.

It is requested that you file the application and supporting data and advise this office of the amount of the filing fees.

Very truly yours,

B. E. Stoutemyer

B. E. Stoutemyer
District Counsel

encls

PS: Please attach the maps which were forwarded direct to you by Mr. Bahmeier as the maps are required in connection with this application.

R-590

March 29, 1935

Re: Application for Permit
U. S. A., Bureau of Reclamation

MR. H. F. BAHMEIER, Associate Engineer
203 Federal Building,
Idaho Falls, Idaho

Dear Sir:

Under date of March 14th we received the above application for permit to construct a reservoir and store and appropriate 114,000 acre feet of water per annum from the North Fork of Snake River in Fremont County, Idaho. We are also in receipt of the tracing and blueprint you prepared in connection with this application.

Under paragraph 4, you have given the point of outlet as being 4500' distant from the SW corner of Section 28, T. 13 N., R. 43 E., and being in the NW¼ SW¼ of Section 28, T. 13 N., R. 43 E., B. M. Since you failed to give the course, it is not possible for us to determine the forty acre subdivision in which the point of outlet will be located. However, if your distance is correct it clearly cannot be in the NW¼ SW¼.

Under paragraph 16, will you kindly give the length of the new canal, from its point of diversion to the point where it enters Teton River.

As you know, the list which you submitted contains the courses and distances of 41 points of diversion, where the stored water will be diverted to be distributed over the project. In checking these bearings, I find that 18 of them are in error. In other words, the descriptions do not agree with the platting on the maps. In several cases the points, as shown on the map, are off as much as a quarter of a mile. I realize, of course, that one cannot hope to check any closer than two or three degrees, with a protractor, nor have I attempted to do so, but those diversions which are marked with a question mark are off so far that they do not hit in the forty which they should.

We are, therefore, returning the application and the maps for correction. Your land list checks the map so we shall hold that pending receipt of the corrected application.

There is a filing fee of $118.75 due in connection with this application and we have advised Mr. Stoutemyer, District Counsel, of such fee so that, no doubt,

R-590

#2 Mr. H. F. Bahmeier, Idaho Falls, Idaho 3/29/35

it will be received in due time.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH:G
Encl. Application for Permit

R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

232 Federal Building
Idaho Falls, Idaho

March 9, 1935

Mr. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Sir:

There is being forwarded under separate cover maps in duplicate of the Island Park Reservoir and district lands.

Application for permit to construct the reservoir, together with a list of canals and lands in the proposed district, has been sent to the District Counsel at Portland for his signature, with instructions to forward same to your office when completed.

Should there be any additional information required, please advise accordingly.

Very truly yours,

K. F. Bahmeier

Associate Engineer

cc. Washington
cc. District Counsel
cc. Chief Engineer

RECEIVED
MAR 11 1935
Department of Reclamation

R-590

252 Federal Building
Idaho Falls, Idaho

March 9, 1935

From Associate Engineer H. F. Bahmeier

To District Counsel, Portland, Oregon

Subject: Application for Permit to Construct Reservoir, etc.
Upper Snake River Storage Project - Idaho

1. The original and one carbon copy of Application for Permit to Construct the Island Park Reservoir and other works is enclosed herewith. The original copy should be signed and then forwarded to the Commissioner of Reclamation, Boise, Idaho, together with the lists of canals and lands, two copies of each being attached.

2. Duplicate copies of the maps required by the Idaho Commissioner's office, consisting of tracing and blue print of each, are being forwarded direct to Boise. One set of maps is being sent your office under separate cover.

3. Copies of all enclosures and maps are also being furnished the Commissioner, Washington, and the Chief Engineer, Denver.

4. Request should be made of the Idaho Commissioner to either advise you the amount of the filing fees or send statement direct to the Chief Engineer.

Encls.

- - -

H. F. Bahmeier

cc. Washington
cc. Denver
cc. Boise

RECEIVED
MAR 11 1935
Department of Reclamation

E-0590

R-590

May 2, 1935

Re: Application No. R-25304

MR. GEORGE C. PATTERSON, Chief Clerk
U. S. Bureau of Reclamation,
Burley, Idaho

Dear Sir:

We are herewith returning your voucher in the amount of $118.75, which is the filing fee in connection with the Government's application to store and appropriate 114,000 acre feet of water per annum of the waters of the North Fork of Snake River in what is known as Island Park Reservoir. This form has been properly signed and we presume that, immediately, upon its receipt the Special Fiscal Agent will draw a check for the amount of the fee.

The corrected application, together with the tracing and blueprint, was returned to this office yesterday and while neither the application nor the map has yet been checked, they are likely in proper form. Therefore, immediately upon receipt of the filing fee, assuming, of course, that the application and map are in order, a permit will be issued.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

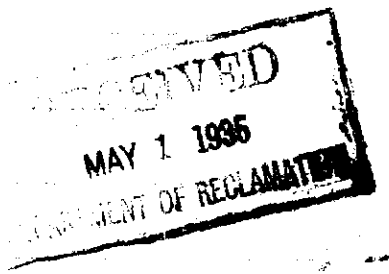
PLH/rg
Encl.

R-590

Please sign voucher as claimant and return to Bureau of Reclamation, Burley, Idaho for payment.

- - -

GCO



R-590

June 14, 1935

Re: Permits Nos. R-561 & R-590 & Application No. 25162

MR. W. G. BISSELL,
Lawyer,
Gooding, Idaho

Dear Sir:

In accordance with your verbal request of recent date, we are enclosing herewith certified copies of Permits Nos. R-561 and R-590 and Application for Permit No. 25162.

The charge for preparing these copies is $13.50.

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

C
Encl.

R-590

June 21, 1935

Re: Application No. 25162 & Permits Nos. R-561 and R-590

MR. W. C. BIGELL,
Lawyer,
Gooding, Idaho

Dear Sir:

We are enclosing herewith our office receipt in the amount of $13.50 which is in payment of the fee due in connection with certified copies of the above numbered permits and application, furnished you under date of June 14th.

Thanking you for this prompt remittance, we are

Very truly yours,

R. W. FARIS
Commissioner of Reclamation

By_____
Assistant Chief Clerk

G
Encl.

R-590

June 20, 1935

Re: Permit No. R-590
United States of America

MR. B. E. STOUTEMYER, District Counsel
U. S. Bureau of Reclamation,
603 Postoffice Bldg.,
Portland, Oregon

Dear Sir:

In reply to your letter of June 17th, we wish to advise you that Ensign and Ensign of Boise, Idaho, filed a bond in the amount of $1,000.00 in this department under date of June 14th, as required under the terms of the above permit.

This bond was in satisfactory form and was approved on June 14th and filed in the usual manner.

Very truly yours,

H. W. FARIS
Commissioner of Reclamation

By_____
Chief Clerk & Office Engr.

PLH/rg
cc - Ensign & Ensign, Boise, Idaho

R-590

UNITED STATES

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

RECEIVED
JUN 19 1935
DEPARTMENT OF RECLAMATION

603 Postoffice Building,
Portland, Oregon, June 17, 1935.

Mr. R. W. Faris,
Commissioner of Reclamation
State House,
Boise, Idaho.

Dear Mr. Faris:

In connection with the Permit for the Island Park reservoir, No. R-590, a bond in the amount of $1000 is required to be filed in your office.

We have filed application for a surety company bond in the required amount with Messrs. Ensign & Ensign, General Agent of the National Surecy Company, at Boise, and Mr. Ensign advises me:

> "We have executed and filed the bond in this case. * * * We are asking the Department to acknowledge receipt of this bond direct to you, as requested".

Please advise if the bond has been filed and if the same is satisfactory.

Very truly yours

R. E. Stoutemyer

R E S C U M E R

District Counsel

R-590

NATIONAL SURETY CORPORATION

NEW YORK, N.Y.

VINCENT CULLEN
PRESIDENT

ENSIGN & ENSIGN
GENERAL AGENTS
301-303 EASTMAN BLDG
BOISE, IDAHO

June 13,1935

Department of Reclamation
State House
Boise,Idaho

Re-United States of America
Bond on Water Permit
#R-590

Gentlemen:

We enclose the above mentioned bond. Will you kindly file it and advise Mr. B.E.Stoutemyer, District Counsel, United States Bureau of Reclamation, 603 Post Office Bldg., Portland?

Thanking you, we are

Yours very truly,

ENSIGN & ENSIGN
General Agents

By
The Bond Man

HB
Enc.

RECEIVED
JUN 14 1935
Department of Reclamation

R-590

October 28, 1937

Re: Permit R-590.

D. G. Tyree, Acting District Counsel
U. S. Bureau of Reclamation
603 Post Office Building
Portland, Oregon

Dear Sir:

I have your letter of October 25th with regard to the one-fifth requirement under the above permit, and in response thereto, please be advised that the Department does not require any proof of the completion of one-fifth of the work.

That requirement is put in the permit merely to give any subsequent appropriator a chance to contest a prior claim when the prior appropriator has failed to go ahead with the works as outlined in the permit. In other words, this phase of the question never comes before the Department unless some subsequent appropriator does file a contest on the grounds that the person holding the prior right has failed to comply with the provisions of the permit.

Very truly yours,

Deputy Commissioner of Reclamation

PLH:jl

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

603 Postoffice Building
Portland, Oregon, October 25, 1937

RECEIVED
OCT 27 1937
Department of Reclamation

Mr. R. W. Faris,
State Commissioner of Reclamation
State House,
Boise, Idaho

Dear Mr. Faris:

Under permit R-590, recorded in Book R2, page 590 and approved by you on May 7, 1935, covering the storage of 114,000 acre-feet in North Fork (Henry's Fork) of Snake River, it is noted that the permit requires one-fifth of the works to be completed on or before November 7, 1937.

Please advise if you have any special form of proof of completion of one-fifth of said works, and if so please send us about 6 copies of the same.

Very truly yours

Acting District Counsel

R-590

November 10, 1937

Re: Permit No. R-590

H. A. PARKER, Construction Engineer
U. S. Bureau of Reclamation
Ashton, Idaho

Dear Mr. Parker:

I have your letter of November 4 in connection with the above permit and calling to our attention the fact that this permit specifies that one-fifth of the work should have been completed by November 7. I am certain from the work which you have outlined that no one could ever question the government's having complied with the completion of one-fifth of the work within the time required.

It will not be necessary to submit any further proof of this requirement.

Thanking you for your letter, I am

Yours very truly,

PAUL L. HENRY,
Deputy Commissioner

PLH/ci

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Ashton, Idaho

November 4, 1937

Mr. L. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

Reference is made to application No. R-25304 and permit No. R-590, covering the construction of the Island Park reservoir and appurtenant works, Upper Snake River project, Idaho.

Your approval of this permit specifies that one-fifth of the work shall be completed on or before November 7, 1937.

We submit the following as evidence that the required amount of work has been performed:

The contract for construction of the Island Park dam amounted to $478,838, and additional work by reason of unforseen conditions in the tunnel and excessive grouting requirements in the foundation will increase the contract to approximately $600,000. To the end of October, 1937, there had been earned $490,325, or 82% of the estimated total.

From a physical standpoint, the outlet tunnel, trashrack, control gates, operating machinery and spillway are practically completed. The stripping for the foundation is completed, as are the concrete cutoff walls under the dam. Foundation grouting is 95% completed. The dike line is finished, and the main dam between stations 8 and 16+32 is in place.

Very truly yours,

H. A. Parker
Construction Engineer

RECEIVED
NOV 5 1937

R-590

Bond.

KNOW ALL MEN BY THESE PRESENTS, That United States ~~Bureau of Reclamation~~ of America, as principal, and NATIONAL SURETY CORPORATION, a New York Corporation, as surety, are held and firmly bound unto the State of Idaho in the full and just sum of ONE THOUSAND AND NO/100 ($1000.00) Dollars, lawful money of the United States, to the payment of which sum, well and truly to be made, said principal and surety bind themselves, their heirs, administrators, executors and assigns, jointly and severally, under the terms and conditions hereinafter set forth.

The terms of this obligation are such that, whereas the above named principal on the 14th day of March, 1935, filed in the office of the Commissioner of Reclamation in Boise, Idaho, a certain application for permit to appropriate the public waters of the State of Idaho, the said application being thereupon numbered No. R25304, in accordance with which said application the Commissioner of Reclamation granted and issued to the said principal herein a certain permit numbered No. R-590, a full, true and complete copy of which application No. R25304 and permit No. R-590, is of record in the office of the Commissioner of Reclamation in Book 2 of Permits, at Page R-590

Now, if the ~~above~~ bounden principal shall faithfully carry to completion the said works of diversion as specified in said application No. R25304 and permit No. R-590, in the manner and form prescribed therein and within the time therein allowed, then the above obligation to be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, The said principal and surety have hereunto set their hands and seals, this 6th day of June, 1935

UNITED STATES ~~BUREAU OF RECLAMATION~~

WITNESSES: APPROVED JUN 14 1935 Commissioner of Reclamation

By R. G. Routemyer (SEAL)

NATIONAL SURETY CORPORATION (SEAL)

By W. W. Wiggins (SEAL)
Its Attorney in Fact

Countersigned
By W. W. Wiggins
~~or~~ Resident Agent

STATE OF IDAHO, } ss:
County of

and of whose names are subscribed to the within and foregoing obligation as sureties thereto, each being duly sworn, upon oath for himself deposes and says:

That he is a resident and freeholder of the State of Idaho, and that he is worth the sum named in said obligation, to wit, $, over and above all his debts and liabilities, exclusive of property exempt from execution.

Subscribed and sworn to before me this day of , 19

R-590

710918

BOND

GIVEN BY

United States of America

IN FAVOR OF

State of Idaho

NATIONAL SURETY CORPORATION

HOME OFFICE: 4 ALBANY STREET

NEW YORK

ENSIGN & ENSIGN

GENERAL AGENTS

BOISE, IDAHO

APPROVED AS TO FORM AND SUFFICIENCY

_____

State of Idaho
DEPARTMENT OF RECLAMATION
BOISE

Permit No. R-590

Boise, Idaho, May 16, 1935

Dear Sir:

I enclose herewith above numbered permit. BE SURE AND NOTE LIMITATIONS AND CONDITIONS OF SAME as given under approval of the Commissioner of Reclamation on the third page.

U.S. of AMERICA, Acting through
B. E. Stoutemyer, District Counsel,
Bureau of Reclamation,
Idaho Falls, Idaho
c/o H. A. Parker, Construction Engineer

R. F. FAHIS
Commissioner of Reclamation.

R-590

Form No 18-B

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

Boise

Permit No. R-590 May 16, 1935

NOTICE

You are advised that in order to keep this permit in force a bond in the sum of $1,000.00 must be filed in the office of the Commissioner of Reclamation on or before July 6 1935 conditioned upon faithfully carrying to completion the works of diversion as specified in said permit and in the application therefor.

R. W. FARIS

Commissioner of Reclamation

R-590

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION
232 Federal Building
Idaho Falls, Idaho

RECEIVED
MAY 1 1935
DEPARTMENT OF RECLAMATION

April 30, 1935

Mr. R. W. Faris
Commissioner of Reclamation
Boise, Idaho

Dear Mr. Faris:

Reference is made to your letter of March 29, 1935, addressed to Mr. H. F. Bahmeier, Associate Engineer, in connection with the application for permit by the United States of America for the right to construct the Island Park reservoir and store water therein.

The original application which you returned with your letter has been corrected by showing the exact location of the outlet of the proposed reservoir (par. 4) and the description of the diversion canal to be constructed by the United States (par. 16). Field surveys have also been made to determine the exact points of diversion of the 41 canals now in existence and the revised list is attached to the application which is being returned herewith.

There are being forwarded under separate cover tracing and one print of the Irrigation District Lands (drawings Nos. 42-D-192 and 42-D-193) and tracing and one print of the Island Park Reservoir (drawing No. 42-D-194).

Recommendation has been made for the payment of the filing fee of $118.75 and doubtless this will be made in due time.

Very-truly yours,

H. A. Parker
Construction Engineer

Encls.
cc. Chief Engr., Denver
cc. District Counsel, with maps
cc. F.A.Miller, with maps

R-590

TRANSFER SUMMARY SHEET
21-2156

EXCHANGE NO. TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	~~U.S. Bur. of Reclamation~~	~~114,000 AF~~		~~21-2156~~
2676 (Exc.)	Curtis Loosli & Wayne Oberhansley	23 AF		21-2156A
2677 (Exc.)	Lynn Loosli	100 AF		21-2156B
2783 (Exc.)	Owen J. Neeley	Exc. Denied		21-2156C
2784 (Exc.)	Steveco, Inc.	Exc. Denied		21-2156D
2370 (Exc.)	Freemont Madison Irr. Dist. (FMID) (Edward Howell)	84.4 AF		21-2156E
2371 (Exc.)	FMID (Keith Nyborg)	194.2 AF		21-2156F
2372 (Exc.)	FMID (David P. Reinke)	84.4 AF		21-2156G
2373 (Exc.)	FMID (Boom Creek Canal Co.)	726.2 AF		21-2156H
2374 (Exc.)	FMID (Laird & Sons)	42.2 AF		21-2156J
2666 (Exc.)	FMID (Donald Potter)	42.2 AF		21-2156K
2667 (Exc.)	FMID (Enterprise Irr. Dist.)	8665.7 AF		21-2156L
2668 (Exc.)	FMID (Squirrel Creek Canal Company)	202.7 AF		21-2156M
2669 (Exc.)	FMID (Maud Lyon)	50.7 AF		21-2156N
2670 (Exc.)	FMID (Marysville Canal Company)	16150.8 AF		21-2156P
2671 (Exc.)	FMID (Henry Griffel)	29.6 AF		21-2156Q
2672 (Exc.)	FMID (Larry Orme)	84.4 AF		21-2156R
2673 (Exc.)	FMID (Gail Blanchard)	4.2 AF		21-2156S
2674 (Exc.)	FMID (Lloyd Griffel)	168.9 AF		21-2156T
2675 (Exc.)	FMID (Farmers Own Ditch Company)	6894.9 AF		21-2156U
	U.S. Bur. of Reclamation	80,451.5 AF		21-2156V

Identification No. _____

Exchange No. 2675

21-2156

21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER **APPROVED**

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir tributary to Henry's Fork Snake River (Name of stream or source)

4. Date of Priority of Right ~~A. 3/14/35~~ B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~1/4~~ x _____ 1/4 of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

MICROFILMED

Total number of acres to be irrigated _____

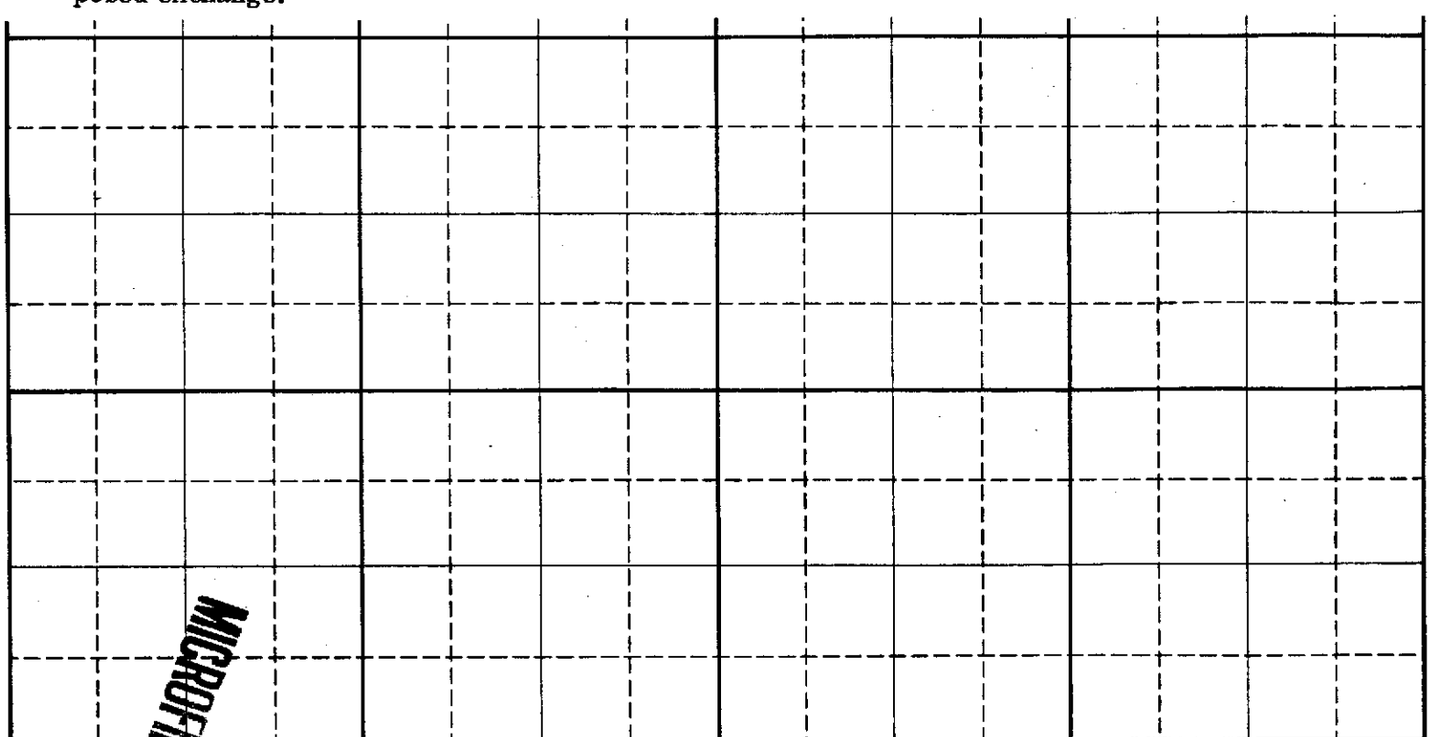
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Farmers Own Ditch Co.
   Post office address Ashton, Idaho 83420
10. Source of water Falls River tributary to Henry's Fork
    (Name of stream or source)
11. Name of canal or ditch Farmers Own Ditch
12. Amount of water a. _____ c.f.s. and/or
    b. 8,165 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known)_____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 6894.9 AF for 21-2156U and 1270.1 AF for 21-2157Q) DRT 3-3-83

14. _____ c.f.s and/or 8,165 acre feet per annum of water diverted at the point described in line 7 and will be delivered into N.F. Snake River at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 8,165 acre feet per annum will be diverted from Falls River at a point within the NE ¼ SE ¼ of Section 35, Township 9N, Range 43E, B.M., in Fremont County.
16. Explanation Priority of Exchange - June 1938
    Taken by Diversion Dam & Headgates & Canal
    Place of Use - Lands under irrigation by the Ditch Co.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mayo Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156U/2157Q and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:
1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Falls River.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/10/80 Time 12:00 Preliminary check by
Fee $ 35.00 Receipted by kw Date 4/1/80 #13902 Publication prepared by kw
Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80
Affidavit of Publication received 4-30-1980 Publication approved by gp
Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received
Hearing held at Date
Recommended for approval denial by Engr Dir
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey (her)

being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of application for exchange of water (Farmers)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the ~~Fremont-~~Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 8,165 AF of Island Park storage water held by Farmers Own Ditch Co. of Ashton, Idaho, with a priority (exchange) of June, 1938, for 8,165 AF of Falls River water diverted within the NE¼SE¼, Sec. 35, T. 9N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

80 D

Identification No. _____

Exchange No. 2674

21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir tributary to Henry's Fork Snake River (Name of stream or source)

4. Date of Priority of Right ~~A. 3/14/35~~ B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~NW~~ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

MICROFILMED

Total number of acres to be irrigated _____

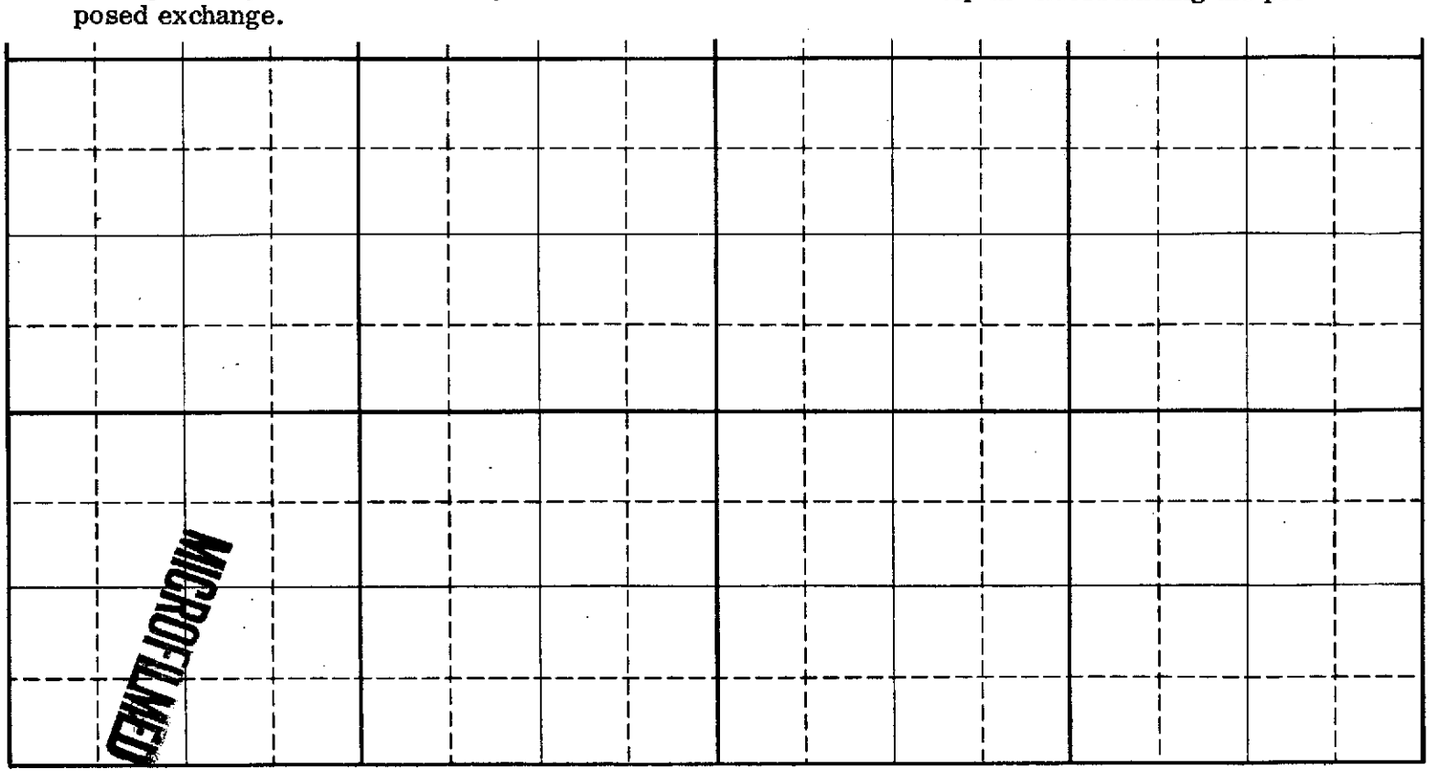
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Fred & Lloyd Griffel
   Post office address Ashton, Idaho 83420
10. Source of water Falls River (Name of stream or source) tributary to Henrys Fork
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
    b. 200 acre feet/annum
13. Right obtained by:
    a. Decree to _____ (Name) in Case of _____
    vs. _____, Dated _____ in _____ (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 168.9 AF for 21-2156T and 31.1 AF for 21-2157P) Dec 3-3-83

14. _____ c.f.s and/or 200 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork at a point in Lot3¼ x¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 200 acre feet per annum will be diverted from Falls River at a point within the NE ¼ NW ¼ of Section 33, Township 9N, Range 44E, B.M., in Fremont County.
16. Explanation Priority of Exchange - 100 A.F. June 1950
    Taken by Pump 100 A.F. June 1963
    Place of Use - E½SE¼; S½NE¼ 32-9-44; E½NW¼; N½SW¼ 33-9-44

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mayo Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swensen
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156T/2157P and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions: 1.A measuring device of a type approved bythe Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Falls River .

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by
Fee $ 35.00 Receipted by kw Date 4/1/80 #13904 #13905 Publication prepared by kw
Date 4/10/80 Published in Ashton Herald Dates 4/17/80 & 4/24/80
Affidavit of Publication received 4-30-1980 Publication approved by JP
Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received
Hearings held at Date
Recommended for approval denial by Ernest Carlson. DAG
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of application for exchange of water (Griffel)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ~~no~~ consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 200 AF of Island Park storage water held by Fred and Lloyd Griffel, Ashton, Idaho, with a priority (exchange) of June 1950 (100AF) and June 1963 (100AF), for 200 AF of Falls River water diverted within the NE¼NW¼, Sec. 33, T. 9N, R. 44E, B.M. Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

Identification No. _____

Exchange No. 2673

21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER **APPROVED**

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir tributary to Henry's Fork Snake River (Name of stream or source)

4. Date of Priority of Right A. 3/14/35 B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~1/4~~ x ~~1/4~~ of Section 28, Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

Total number of acres to be irrigated _____

MICROFILMED

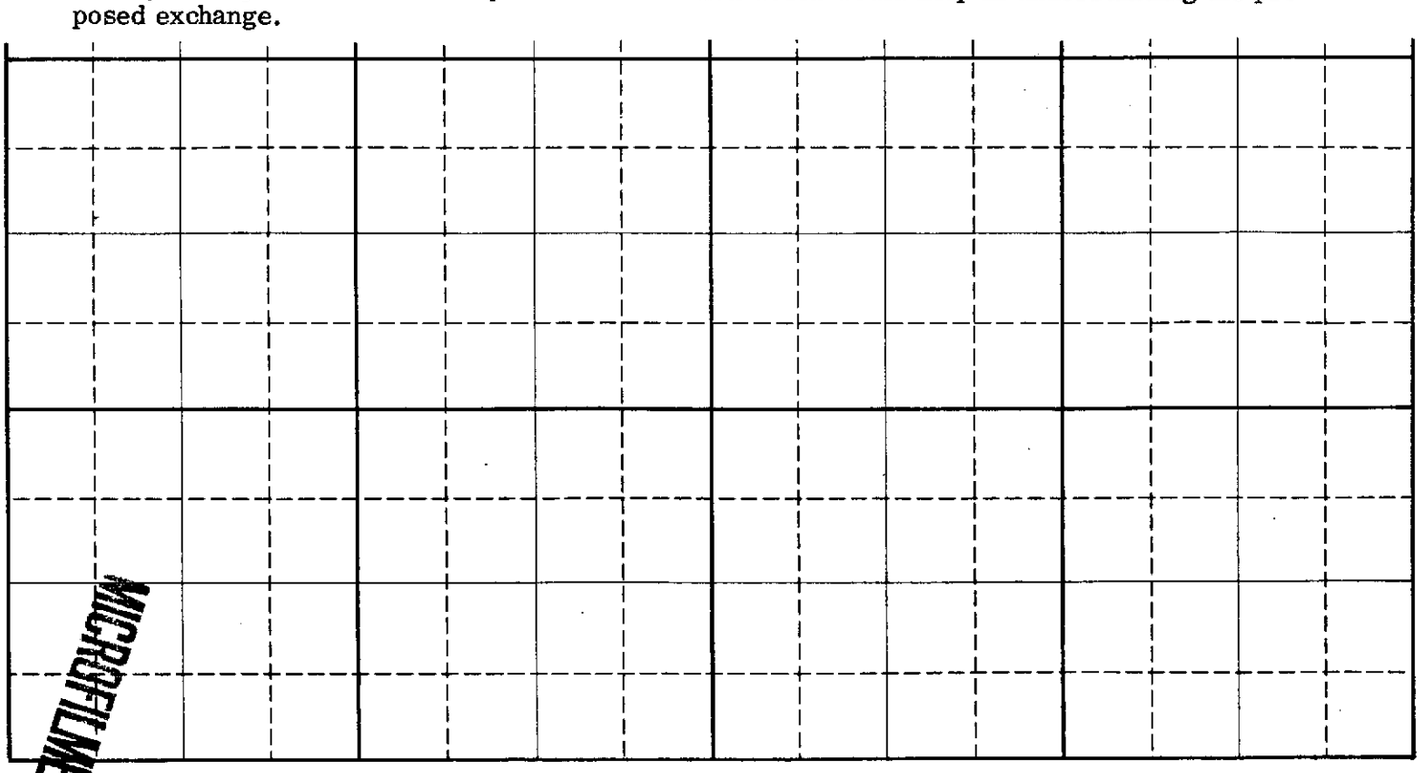
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Gail Blanchard
   Post office address Chester, Idaho 83421
10. Source of water Falls River tributary to Henry's Fork Snake River
    (Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
    b. 5 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 4.2 AF for 21-2156S and .8 AF for 21-2157N) DRT 3-4-83

14. _____ c.f.s and/or 5 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork Snake River at point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 5 acre feet per annum will be diverted from Falls River at a point within the SE ¼ NE ¼ of Section 13, Township 8, Range 41E, B.M., in Fremont County.
16. Explanation Priority of Exchange - June [illegible] 1938
    Place of Use - Lot 5 South of Road & Lots 6 & 7 Section 13,
    T. 8N, R. 41E, Fremont County. Taken by Pump.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mayo Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swensen
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156S/2157N and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the point of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Falls River.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by _____

Fee $ 35.00 Receipted by kw Date 4/1/80 #3902 Publication prepared by kw

Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80

Affidavit of Publication received 4-30-1980 Publication approved by _____

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____

Hearing held at _____ Date _____

Recommended for approval denial by _____
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bassey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the Advertising of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of application for exchange of water (Blanchard)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 19 80 and the last publication on the 24 day of April 19 80.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bassey

Subscribed in my presence and sworn to before me this 29 day of April, 19 80.

James E. Holland

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho. Ashton

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 5 AF of Island Park storage water held by Gail Blanchard of Chester, Idaho, with a priority (exchange) of June, 1938, for 5 AF of Falls River water diverted within the SE¼NE¼, Sec. 13, T. 8N, R. 41E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

Identification No. _____

Exchange No. 2672
21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right ~~A. 3/14/35~~ B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~xx~~ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

Total number of acres to be irrigated _____

MICROFILMED

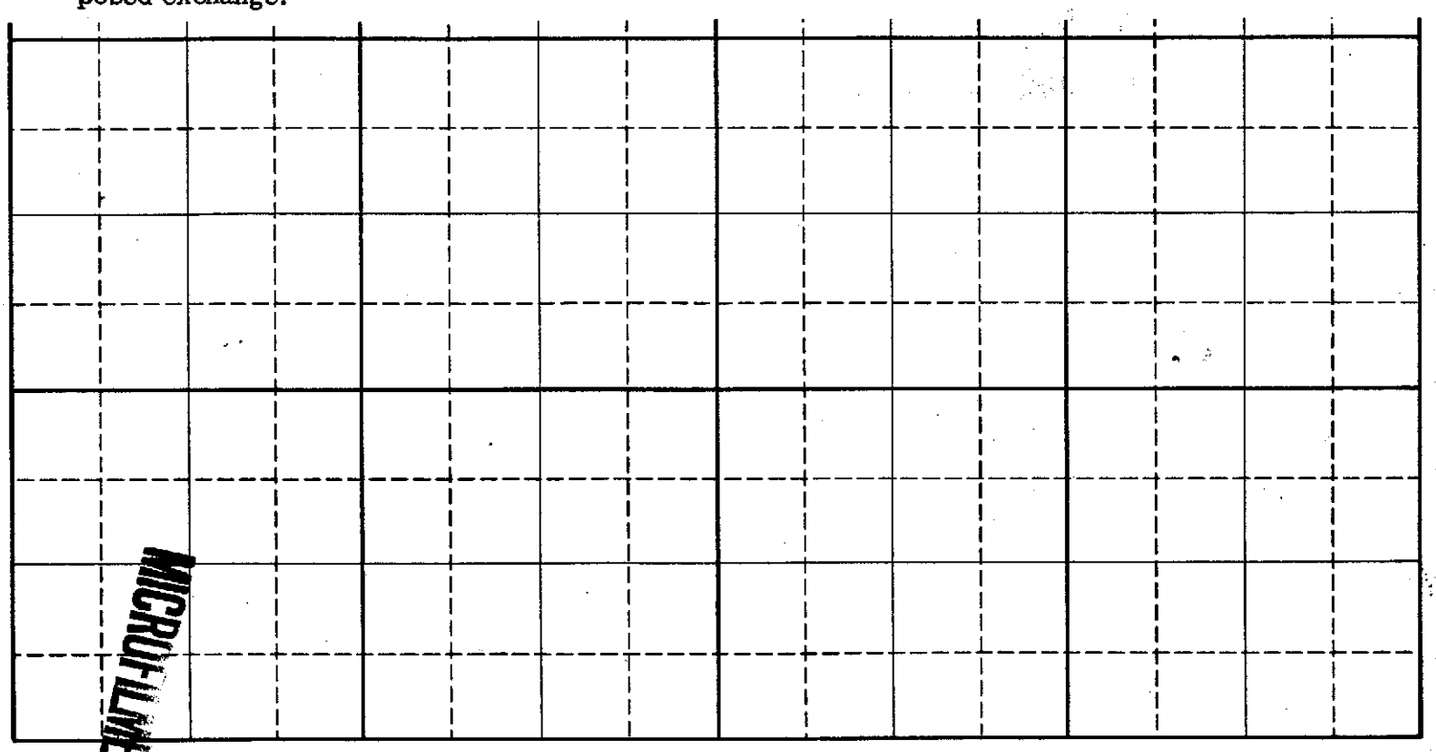
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Larry Orme
   Post office address Ashton, Idaho 83420
10. Source of water Squirrel Creek tributary to Falls River
    (Name of stream or source)
11. Name of canal or ditch Orme Ditch
12. Amount of water a. _____ c.f.s. and/or
    b. 100 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 84.4 AF for 21-2156R and 15.6 AF for 21-2157M) Dar 3-4-83

14. _____ c.f.s and/or 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork at a point in Lot 3 ¼ x ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
15. In lieu thereof _____ c.f.s. and/or 100 acre feet per annum will be diverted from Squirrel Creek at a point within the SW ¼ NW ¼ of Section 17, Township 8N, Range 44E, B.M., in Fremont County.
16. Explanation Priority of Exchange - 100 A.F. June 1953
    Place of Use - NW¼; W½NE¼; N½S½ 17-8-44

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Max Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swensen
(Notary Public)

My commission expires life.

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156R/2157M and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Squirrel Creek.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by _____

Fee $35.00 Receipted by kw 4/1/80 Date #13903 Publication prepared by kw

Date 4/10/80 Published in Ashton Herald Dates 4/17/80 & 4/24/80

Affidavit of Publication received 4-30-1980. Publication approved by _____

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____

Hearings held at _____ Date _____

Recommended for approval denial by EMC Dir

(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bracey, her being first duly sworn, upon ~~his~~ oath, deposes and says:

That ~~he~~ she is the Advertising of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice Application for exchange/water (Orme)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bracey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

Notary Public for the
[SEAL] State of Idaho, residence and post office address:
~~St. Anthony~~, Idaho.
Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114.00 AF
PRIORITY: 3/14/35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the ~~Fremont~~ Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 100 AF of Island Park storage water held by Larry Orme, Ashton, Idaho, with a priority (exchange) of June 1953, for 100 AF of Squirrel Creek water diverted within the SW¼NW¼, Sec. 17, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald on 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. _____

Exchange No. 2671

21-2156

21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER **APPROVED**

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right ~~A. 3/14/35~~ B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~xx~~ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

Total number of acres to be irrigated _____

MICROFILMED

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Henry Griffel

   Post office address Ashton, Idaho 83420

10. Source of water Falls River tributary to Henrys Fork
    (Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or

    b. 35 acre feet/annum

13. Right obtained by:

    a. Decree to _____ in Case of _____
    (Name)

    vs. _____, Dated _____ in _____
    (Name of Court)

    Court, County of _____. Fully describe decree (if known)_____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 29.6AF for 21-2156Q and 5.4 AF for 21-2157L) DWR 3-4-83

14. _____ c.f.s and/or 35 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork at a point in Lot 3 ¼ xx¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

    _____

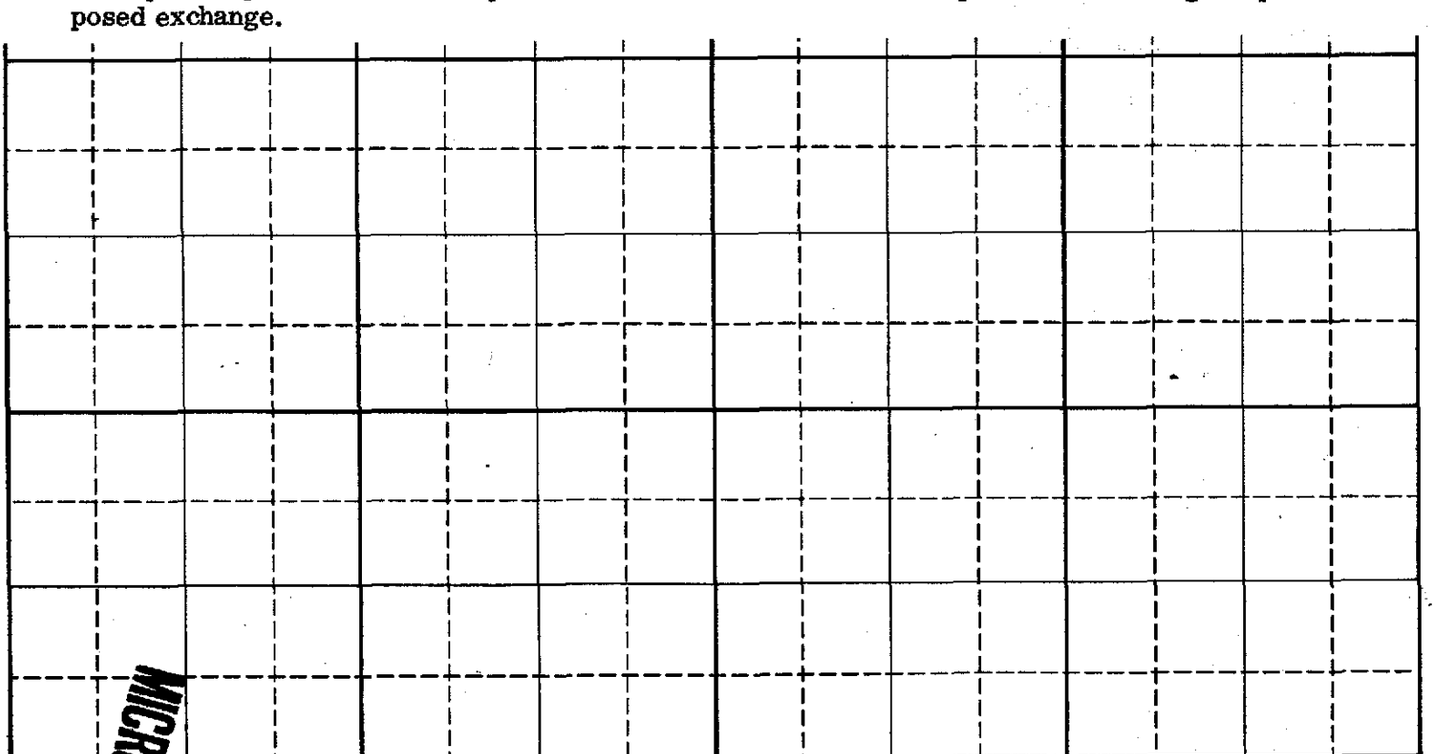
15. In lieu thereof _____ c.f.s. and/or 35 acre feet per annum will be diverted from Falls River at a point within the NE ¼ SE ¼ of Section 35, Township 9N, Range 43E, B.M., in Fremont County.

16. Explanation Priority of Exchange - June 1938

    Taken by Pump

    Place of Use - N½SE¼ 35-9-43

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mayo Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-21560/21571 and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:
1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Falls River.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by _____
Fee $ 35.00 Receipted by kw Date 4/1/80 #13902 Publication prepared by kw
Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80
Affidavit of Publication received 4/30/1980 Publication approved by JP
Republished Dates _____.
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____
Hearing held at _____ Date _____
Recommended for approval denial by ERC DNR
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....

notice of application for exchange of water (Griffel)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980 and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 35 AF of Island Park storage water held by Henry Griffel, Ashton, Idaho, with a priority (exchange) of June, 1938, for 35 AF of Falls River water diverted within the NE¼SE¼, Sec. 35, T. 9N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. _____

Exchange No. 2670

21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER **APPROVED**

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35
   B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼x ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

MICROFILMED

Total number of acres to be irrigated _____

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Marysville Canal Co.

   Post office address Ashton, Idaho 83420

10. Source of water Falls River (Name of stream or source) tributary to Henry's Fork Snake River

11. Name of canal or ditch Marysville Canal

12. Amount of water a. _____ c.f.s. and/or

    b. 19,126 acre feet/annum

13. Right obtained by:

    a. Decree to _____ (Name) in Case of _____

    vs. _____, Dated _____ in _____ (Name of Court)

    Court, County of _____. Fully describe decree (if known) _____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 16150.8 AF for 21-2156P and 2975.2 AF for 21-2157K) DEC 3-4-83

14. _____ c.f.s and/or 19,126 acre feet per annum of water diverted at the point described in line 7 and will be delivered into N.F. Snake River at a point in Lot 3 ~~1/4~~ x ~~1/4~~ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

    _____

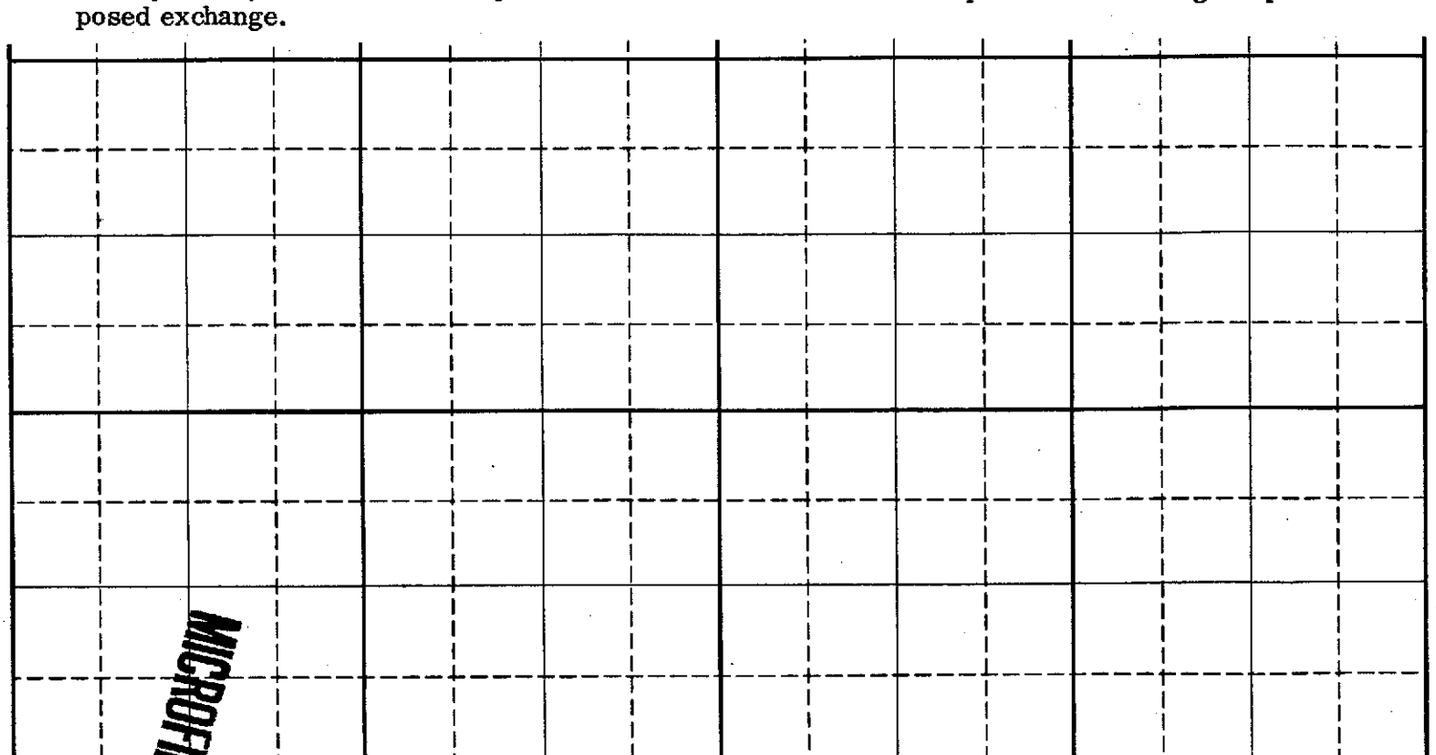
15. In lieu thereof _____ c.f.s. and/or 19,126 acre feet per annum will be diverted from Falls River at a point within the NE ¼ NW ¼ of Section 35, Township 9N, Range 44E, B.M., in Fremont County.

16. Explanation Priority of Exchange - [redacted] June 1938.

    Taken by Diversion Dam & Headgates & Canal

    Place of Use - Lands under irrigation by Canal Co.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Max Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swensen
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156P/2157K and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Fall River.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by _____
Fee $ 35.00 Receipted by kw Date 4/1/80 #13902 Publication prepared by kw
Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80
Affidavit of Publication received 4-3-1980 Publication approved by JO
Republished Dates _____.
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by Ernest Carlson, Dir
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That he is the Publisher of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of application for exchange of water (Marysville)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 24 day of April, 1980.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the water of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located with Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 19,126 AF of Island Park storage water held by Marysville Canal Co., Ashton, Idaho, with a priority (exchange) of June 1938, for 19,126 AF of Falls River water diverted within the NE¼NW¼, Sec. 35, T. 9N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and

Identification No. _____

Exchange No. 2669

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison ~~County~~ Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:

   a. Decree to _____ (Name) in Case of _____

   vs. _____, Dated _____ in _____ (Name of Court)

   Court, County of _____. Fully describe decree _____

   _____

   _____

   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40

5. Amount of water a. _____ c.f.s. and/or
   b. A. 114,000 ~~B. 21,000~~ acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)

   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ _____ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points of diversion, if any _____

   _____

   _____

   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

Total number of acres to be irrigated _____

MICROFILMED

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name MRS. MAUD LYON
Post office address Rt #4 Box 10 IDAHO FALLS 83401

10. Source of water So. Fork Duck & Rock tributary to North Fork Snake River
(Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
b. 60 acre feet/annum

13. Right obtained by:

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

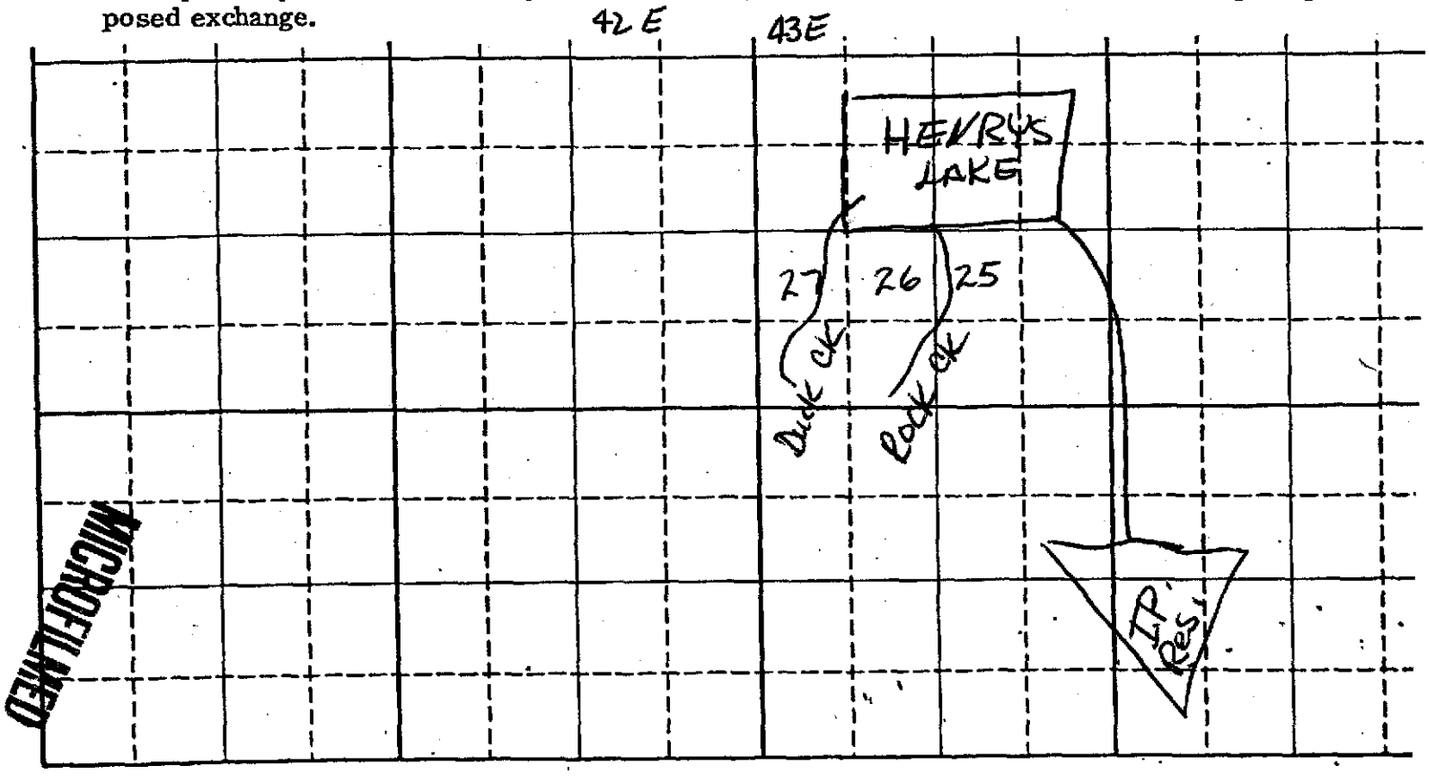
EXCHANGE (Allow 50.7 AF for 21-2156N and 9.3 AF for 21-2157J)

14. _____ c.f.s and/or 60 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork S.R. at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M. in FREEMONT County; Additional points, if any _____

15. In lieu thereof _____ c.f.s. and/or 60 acre feet per annum will be diverted from S.F. Duck & Rock at a point within the NW ¼ NW ¼ of Section 25, Township 15N, Range 42E, B.M., in Freemont County.

16. Explanation Priority of Exchange → JUNE 1956 Add P.d NWSW Place of USE → NW¼ Sec 26 T15N R42E Sec 27 T15N R42E

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Maude C. Lyon
(Signature of Applicant)

Subscribed and sworn to before me this 11 day of March, 1980.

Kathlyn A. Walker
(Notary Public)

My commission expires 2/15/1983

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156N/2157J and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions: 1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River.

3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on S. Fork Duck Creek & Rock Creek.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by BR Date 3/11/80 Time 3:10 Preliminary check by _____

Fee $ 35.00 Receipted by EW Date 3/11/80 #13849 Publication prepared by kw

Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80

Affidavit of Publication received _____ Publication approved by _____

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____

Hearings held at _____ Date _____

Recommended for approval denial by EMC DRT

(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....

notice of application for exchange of water (Copy)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3/14/35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 60 AF of Island Park storage water held by Mrs. Maud Lyon, Idaho Falls, Idaho, with a priority (exchange) of June 1956, for 60 AF of South Fork Duck Creek and Rock Creek water diverted within the NW¼NW¼, Sec. 25; NW¼SW¼, Sec. 27; T. 15N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. 21-2156, 21-2157

Exchange No. 2668

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~xx~~ _____ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

Total number of acres to be irrigated _____

MICROFILMED

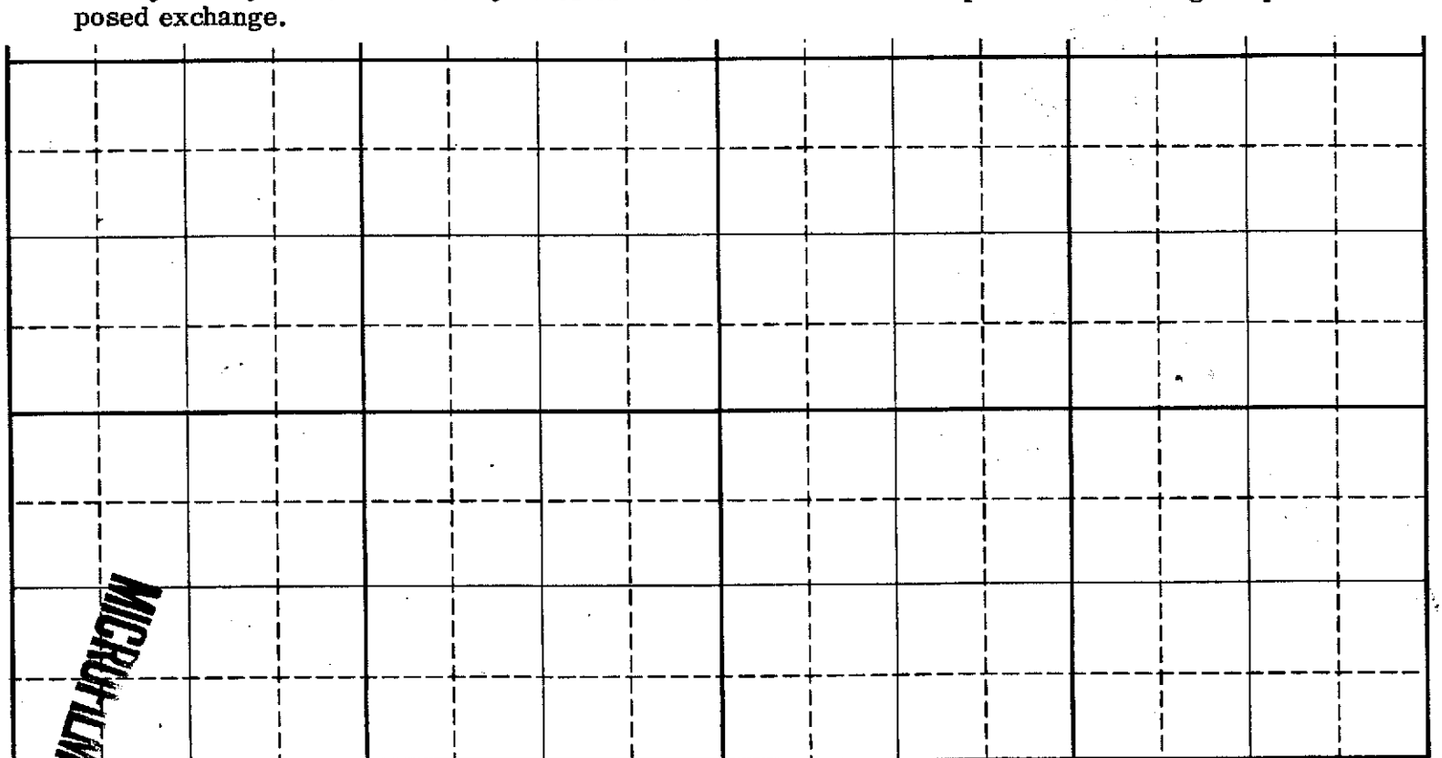
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Squirrel Creek Canal
   Post office address Ashton, Idaho 83420
10. Source of water Squirrel Creek tributary to Conant Creek
    (Name of stream or source)
11. Name of canal or ditch Squirrel Creek Canal
12. Amount of water a. _____ c.f.s. and/or
    b. 240 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known)_____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 202.7 AF for 21-2156Mand 37.3 AF for 21-2157H) DRT 3-9-83

14. _____ c.f.s and/or 240 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork at a point in Lot 3 ~~x~~ ~~x~~ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 240 acre feet per annum will be diverted from Squirrel Creek at a point within the SE ¼ SE ¼ of Section 3, Township 8N, Range 44E, B.M., in Fremont County.
16. Explanation Priority of Exchange - 140 Acre Feet June 1956
    100 Acre Feet June 1938.
    _____
    Place of Use: Lands watered under the Squirrel Creek Canal (Legal attatched)

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



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I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mays Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156M/2157H and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:

1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Conant Creek & Tributaries.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by

Fee $ 35.00 Receipted by kw Date 4/1/80 #13906 Publication prepared by kw

Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80

Affidavit of Publication received 4-30-1980 Publication approved by JD

Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received

Hearings held at Date

Recommended for approval denial by GMC DRT
(Title)

MICROFILMED

AFFIDAVIT OF
PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Brassey
her
being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of application for exchange of water (Squirrel Creek)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980, and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Brassey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

Notary Public for the
[SEAL] State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho.
Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the ~~Fremont~~ Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E. B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 240 Af of Island Park storage water held by Squirrel Creek Canal, Ashton, Idaho, with a priority (exchange) of June 1956 (140 AF) and June 1938 (100AF), for 240 Squirrel Creek water diverted within the SE¼SE¼, Sec. 3, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. _____

Exchange No. 2667

21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir tributary to Henry's Fork Snake River (Name of stream or source)

4. Date of Priority of Right A. 3/14/35 B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼x ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT-MADISON IRRIGATION DISTRICT																

MICROFILMED

Total number of acres to be irrigated _____

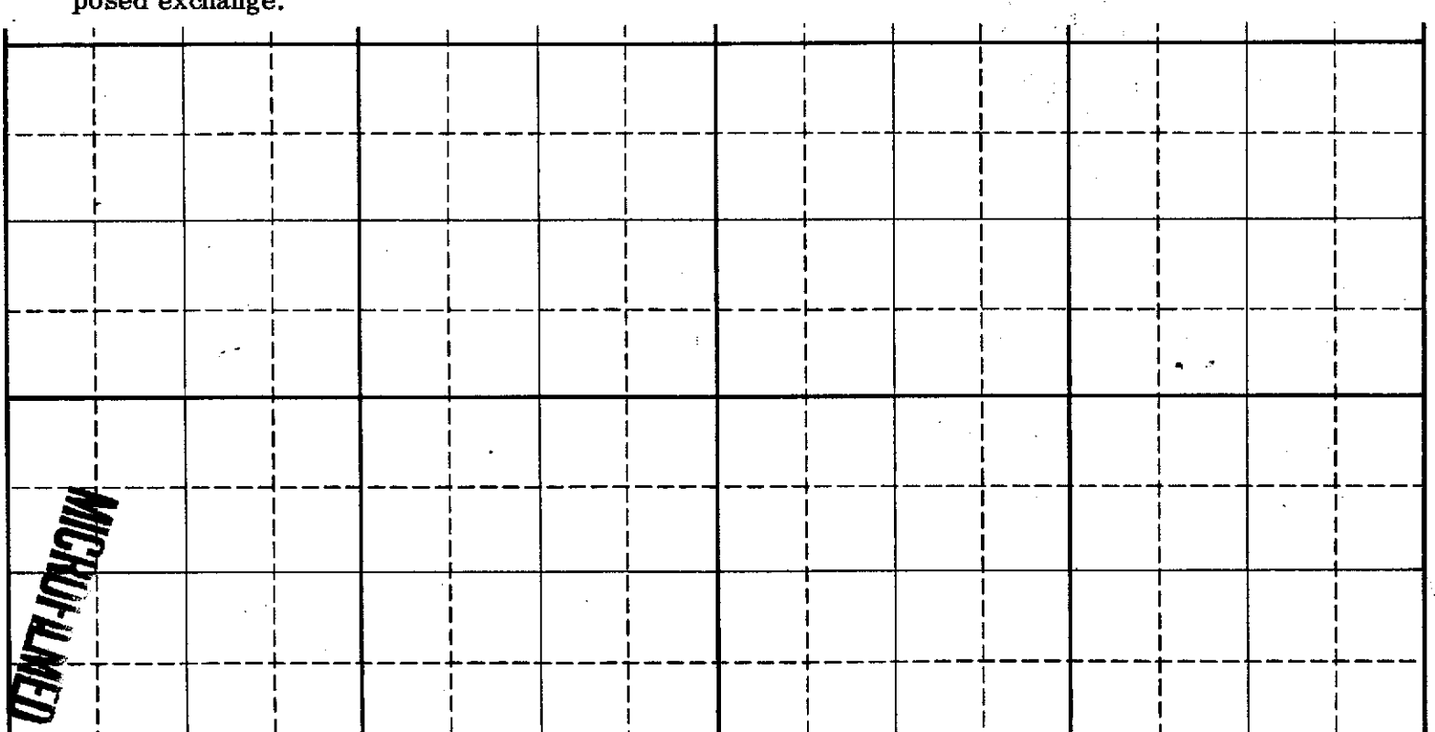
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Enterprise Irrigation District
   Post office address Teton, Idaho 83451
10. Source of water Falls River tributary to Henrys Fork
    (Name of stream or source)
11. Name of canal or ditch Enterprise Canal
12. Amount of water a. _____ c.f.s. and/or
    b. 10,262 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 8665.7 AF for 21-2156L and 1596.3 AF for 21-2157G) DET 3-4-83

14. _____ c.f.s and/or 10,262 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henrys Fork at a point in Lot 3x~~4~~ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 10,262 acre feet per annum will be diverted from Falls River at a point within the NW ¼ SW ¼ of Section 22, Township 8N, Range 42E, B.M., in Fremont County.
16. Explanation Priority of Exchange - 10,262 A.F. June 1938
    Taken by Diversion Dam and Headgates.
    Place of Use: Lands irrigated under the Canal Co.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Max Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156L/2157G and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions: 1. A measuring device of a type approved by the Dept. shall bepermanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Falls River.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by kw Date 3/11/80 Time 12:00 Preliminary check by _____

Fee $ 35.00 Receipted by kw Date 4/1/80 #13902 Publication prepared by kw

Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80

Affidavit of Publication received 4-30-1980 Publication approved by _____

Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____

Hearings held at _____ Date _____

Recommended for approval denial by _____
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....

Notice of application for exchange of water (Enterprise)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 17 day of April, 1980 and the last publication on the 24 day of April 1980.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 29 day of April, 1980.

James E. Adams

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho.

Affix

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 9N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 10,262 AF of Island Park storage water held by Enterprise Irrigation District, Teton, Idaho, with a priority (exchange) of June 1938, for 10,262 AF of Fall River water diverted within the NW¼SW¼, Sec. 22, T. 8N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. _____

Exchange No. 2666

21-2156
21-2157

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

APPLICATION FOR EXCHANGE OF WATER **APPROVED**

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison Irrigation District
   Post office address P.O. Box 5, St. Anthony, Idaho 83445

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. ~~A. 21-2156~~ B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right ~~A.~~ B. 3/14/35 - Palisades contracts provide that 21-2157 shall be considered same as 2156.

5. Amount of water a. ~~A. 114,000~~ c.f.s. and/or
   b. B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from Jan. 1 (Month-Day) to Dec. 31 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ~~xx~~ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS	WITHIN	FREMONT-MADISON	IRRIGATION	DISTRICT												

Total number of acres to be irrigated _____

MICROFILMED

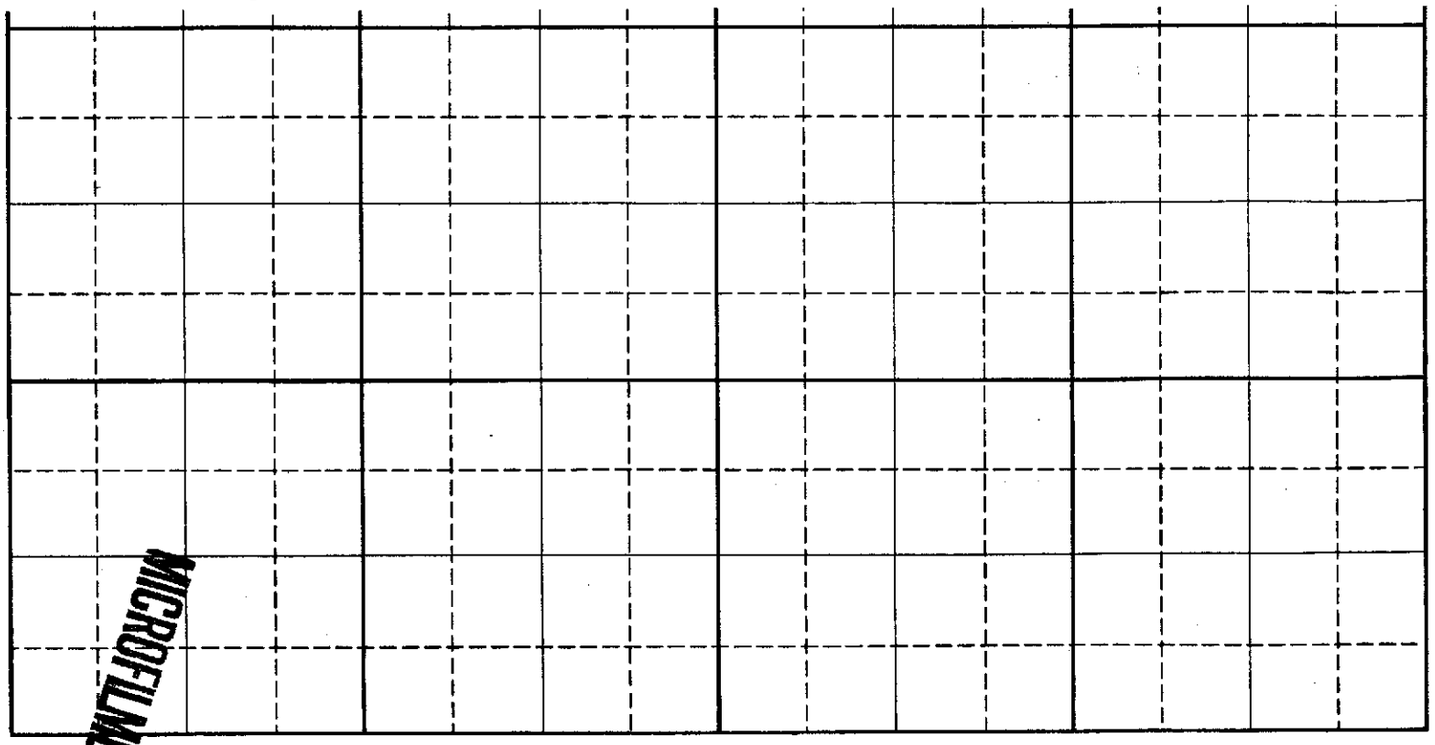
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder Donald Potter
   Post office address Chester, Idaho 83421
10. Source of water Falls River tributary to Henry's Fork Snake River
    (Name of stream or source)
11. Name of canal or ditch _____
12. Amount of water a. _____ c.f.s. and/or
    b. 50 acre feet/annum
13. Right obtained by:
    a. Decree to _____ in Case of _____
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known) _____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 42.2 AF for 21-2156K and 7.8 AF for 21-2157F) Dec 3-4-83

14. _____ c.f.s and/or 50 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork Snake River at point in Lot 3 ~~x~~ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof _____ c.f.s. and/or 50 acre feet per annum will be diverted from Falls River at a point within the NE ¼ SE ¼ of Section 21, Township 8N, Range 42E, B.M., in Fremont County.
16. Explanation Priority of June [illegible] 1957
    Place of Use - NE¼ Sec. 29, T.8N., R.42E., Fremont County.
    Taken by pump

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Mae Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 7th day of March, 1980.

Dale Z. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156K/2157F and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:
1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items in 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Fall River.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by CW Date 3/11/80 Time 12:00 Preliminary check by
Fee $ 35.00 Receipted by CW Date 4/1/80 #3902 Publication prepared by kw
Date 4/10/80 Published in Ashton Herald Dates 4/17 & 4/24/80
Affidavit of Publication received 4-30-1980 Publication approved by JO
Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received
Hearing held at Date
Recommended for approval denial by EMC Dmr
(Title)

MICROFILMED

J. MAX MORTENSEN, CHAIRMAN J. LEIGH CHANTRILL, SECRETARY DALE L. SWENSEN, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

P. O. BOX 5
ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
G. EMERY DAVIS

Lorin B. Kauer
Leland E. Clark

BOARD MEMBERS
J. LEIGH CHANTRILL
~~R. WILLIS WALKER~~
NORMAN HILLAM
~~KYLE HOSKINS~~

March 10, 1980

Idaho Department of Water Resources
Ronald Carlson
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron:

Enclosed you will find applications for exchange for Donald Potter, Gail Blanchard, Squirrel Creek Canal, Farmers Own Ditch Co., Fred & Lloyd Griffel, Henry Griffel, Enterprise Irrigation District, Larry Orme, and Marysville Canal Co.

Also Enclosed are checks for filing fees to the Department for Larry Orme, Fred Griffel, Lloyd Griffel, and Squirrel Creek Canal Co. along with a check from Fremont-Madison for the balance of the applications.

Hopefully these applications are filled out properly and will be satisfactory for filing. If you have any questions feel free to call.

We should have some more applications ready for filing during the month of April.

Kindest Regards,

Dale L. Swensen
Treasurer, Assist. Sec.

MICROFILMED

RECEIVED
MAR 11 1980
Department of Water Resources
Eastern District Office

The Enterprise has:

10,024 A.F. in American Falls with a priority of 1927

4,337 A.F. in Jackson Lake with a priority of 1960.

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bowers, her being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of ..... Notice of application for exchange of water (Potter)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ...2..... consecutive issues thereof; first publication having been made on the ..17..... day of April....., 19.80, and the last publication on the 24 day of April..... 19.80.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bowers
Subscribed in my presence and sworn to before me this 29 day of April....., 1980.

James E. Holcomb
Notary Public for the
[SEAL] State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho.
Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 50 AF of Island Park storage water held by Donald Potter, Chester, Idaho, with a pribrity (exchange) of June, 1957, for 50 AF of Falls River water diverted within the NE¼SE¼, Sec. 21, T. 8N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald 4/17 and 4/24/80.

RECEIVED
APR 30 1980
Department of Water Resources
Eastern District Office

Identification No. 21-2156/ 21-2157

Exchange No. 2374

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40

5. Amount of water a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 * acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

MICROFILMED

* Palisades contracts provide that 21-2157 priority shall be considered same as 21-2156

Total number of acres to be irrigated _____

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name Laird & Sons

Post office address % J. A. Laird, Dubois, Idaho 83423

10. Source of water Twin Creek tributary to North Fork Snake River
(Name of stream or source)

11. Name of canal or ditch

12. Amount of water a. _____ c.f.s. and/or
b. 50 acre feet/annum

13. Right obtained by: No Specific Right
a. Decree to _____ in Case of _____
(Name)
vs. _____, Dated _____ in _____
(Name of Court)
Court, County of _____. Fully describe decree (if known)_____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 42.2 AF for 21-2156J and 7.8 AF for 21-2157E) DRT 3-4-83

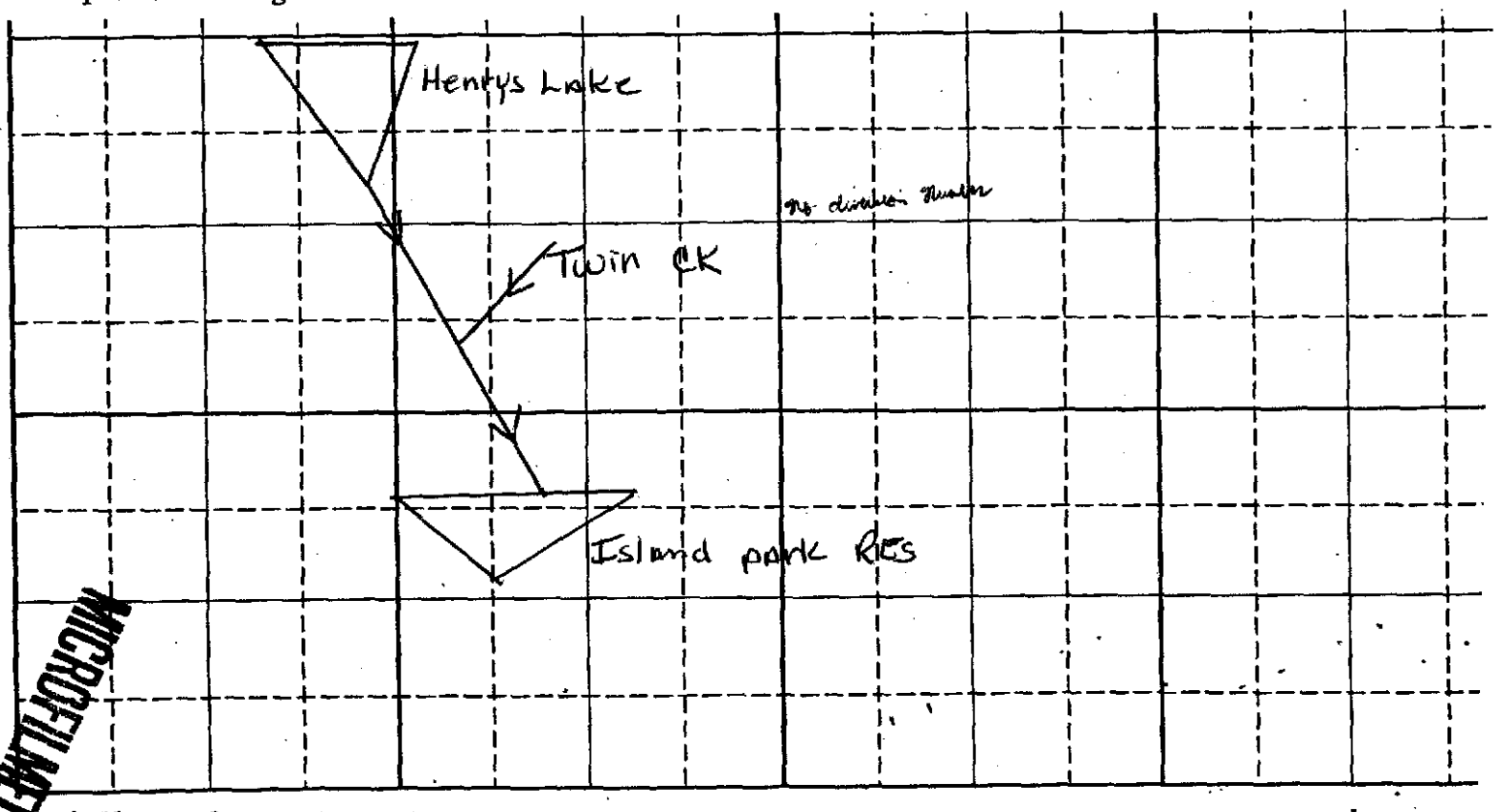
14. _____ c.f.s and/or 50 acre feet per annum of water diverted at the point described in line 7 and will be delivered into _____ at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M. in Fremont County; Additional points, if any

15. In lieu thereof _____ c.f.s. and/or 50 acre feet per annum will be diverte from Twin Creek at a point within the NE ¼ NE ¼ of Section 36, Township 15N, Range 43E, B.M., in Fremont County.

16. Explanation Priority of exchange purchased June 1, 1953

Place of Use: NW¼, Sec. 36, T. 15N, R. 43E *

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

* Place of use within lands of Freemont-Madison Irrigation District
DRT 12/27/79

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Chairman of the Board, J. Mays Anderson
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of September, 1979.

Dale T. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156J/2157E and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

(1) The storage water used through this exchange shall be delivered after all natural flow rights on Twin Creek in effect at the time. (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works on Twin Creek. (3) Use of water under this exchange is subject to control by the watermaster of State Water District No. 1, Snake River.

Witness my hand this 8th day of March, 1983.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 10-02-79 Time 11:30 a.m. Preliminary check by ARK

Fee $ 35.00 Receipted by dh Date 10-02-79 #13733 Publication prepared by CW

Date 10-11-79 Published in Ashton Herald Dates 10/18 & 10/25/79

Affidavit of Publication received 10-31-79 Publication approved by

Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received

Hearings held at Date

Recommended for (approval) denial by DRT
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho)
ss.
County of Fremont)

Carol Bessen

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for Exchange of Water (Laird & Sons)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 1979, and the last publication on the 25 day of October 1979

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessen

Subscribed in my presence and sworn to before me this [illegible] day of [illegible], 19[illegible]

[illegible]

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Ashton Idaho.

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Laird and Sons, Dubois, Idaho, proposes to exchange 50 AF of their Island Park storage water with a priority (exchange) of June 1, 1953 for 50 AF of Twin Creek water diverted within the NE¼NE¼, Sec. 36, T. 15N, R. 43E, B.M., Fremont County, to be used within the NW¼, Sec. 36, T. 15N, R. 43E, B.M.

Any protest to the above proposed exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

[illegible] Resources
[illegible] District Office

80

Identification No. 21-2156/ 21-2157

Exchange No. 2373

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

APPROVED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40*

5. Amount of water
   a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

MICROFILMED

* Palisades contracts provide that 21-2157 priority shall be considered same as 21-2156.

Total number of acres to be irrigated _____

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name Boom Creek Canal Co.

   Post office address P.O. Box 86, Ashton Id. 83420

10. Source of water Boon Creek tributary to Falls River
    (Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or

    b. 860 acre feet/annum

13. Right obtained by: No specific Right

    a. Decree to _____ in Case of _____
    (Name)

    vs. _____, Dated _____ in _____
    (Name of Court)

    Court, County of _____. Fully describe decree (if known) _____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 726.2 AF for 21-2156H and 133.8 AF for 21-2157D) 3-4-83

14. _____ c.f.s and/or 860 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Snake River, North Fork at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

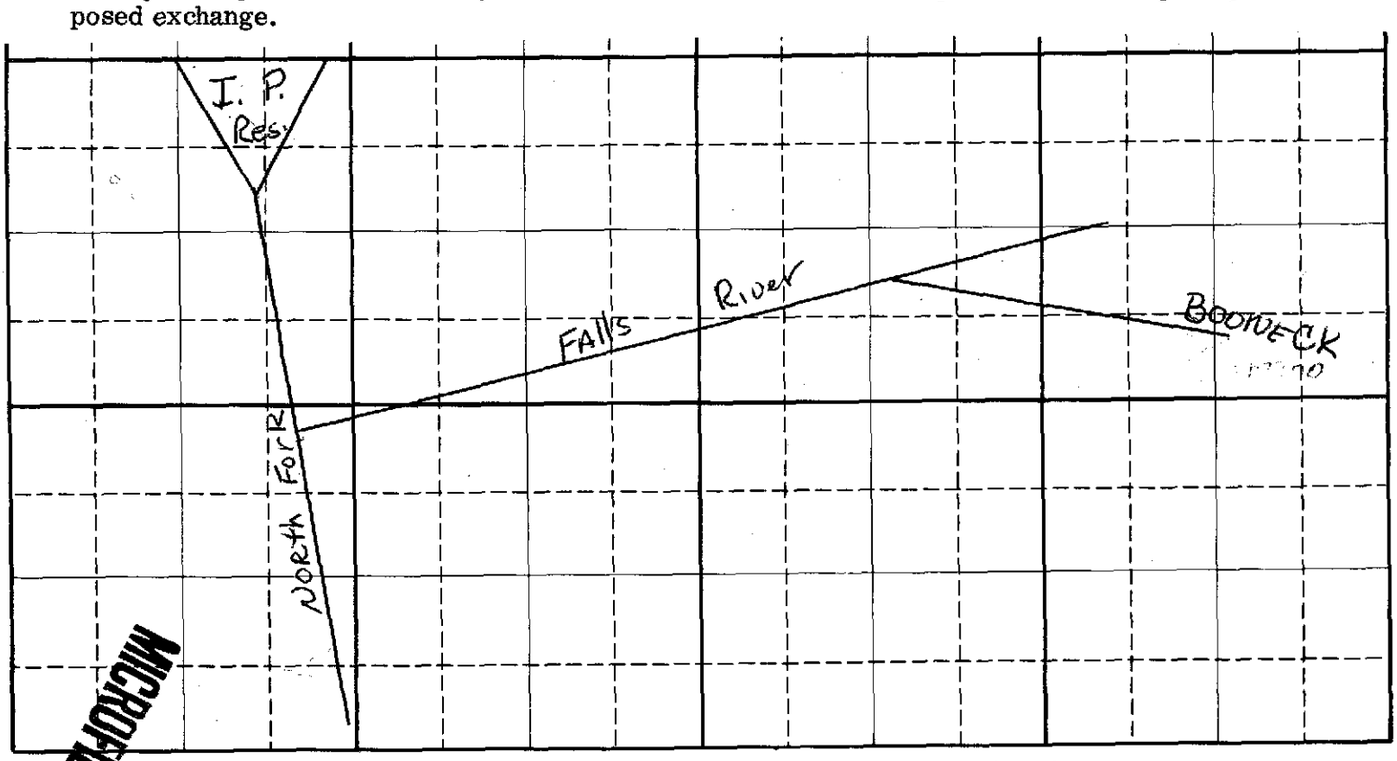
    _____

15. In lieu thereof _____ c.f.s. and/or 860 acre feet per annum will be diverted from Boom Creek at a point within the SE ¼ NE ¼ of Section 4, Township 8N, Range 45E, B.M., in Fremont County.

16. Explanation Priority of exchange - 60 acre feet - purchased June 1, 1956.
    800 acre feet - purchased June 1, 1975 *

    _____

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



* Place of use within lands of Freemont-Madison Irrigation District

DRT 12/27/79

MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Chairman of the Board, J. Mayo Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of September, 1979.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156H/2157D and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

(1) The storage water used through exchange shall be delivered after all natural flow rights in effect at the time. (2) A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works for Boom Creek Canal Co. (3) Use of water under this exchange is subject to control by the watermaster of State Water District No. 1, Snake River.

Witness my hand this 9th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 10-01-79 Time 11:30 a.m. Preliminary check by ARK
Fee $ 35.00 Receipted by dh Date 10-02-79 Publication prepared by cw
Date 10-11-79 Published in Ashton Herald Dates 10/18 & 10/25/79
Affidavit of Publication received 10-31-79 Publication approved by
Republished Dates .
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received
Hearings held Date
Recommend for (approval) denial by J.J. DRT
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont }

Carol Bessey
her

being first duly sworn, upon his oath, deposes and says:

That she is the ~~editor~~ of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Application for Exchange of Water (Boom Cr. Canal)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ..2..... consecutive issues thereof; first publication having been made on the ..18..... day of ..October..., 19..79..., and the last publication on the 25..day of..October..... 19..79...

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 31st day of October, 19..79.....

Notary Public for the
[SEAL] State of Idaho, residence and post office address:
~~St. Anthony,~~ Idaho.
Ashton

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

The Boom Creek Canal Co., Ashton, Idaho, proposes to exchange 860 AF of their Island Park storage water with priorities (exchange) of June 1, 1956 for 60 AF and June 1, 1975 for 800 AF, in lieu of 860 AF of Boom Creek water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 45E, B.M., Fremont County.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

JP-A

Identification No. 21-2156/ 21-2157

Exchange No. 2372

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40*

5. Amount of water
   a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

MICROFILMED

* Palisades contracts provide that 21-2157 priority shall be considered same as 21-2156.

Total number of acres to be irrigated _____

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name David P. Reinke

   Post office address P.O. Box 41 Ashton, ID 83420

10. Source of water Falls River tributary to North Fork of the Snake River
    (Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or
    b. 100 acre feet/annum

13. Right obtained by:

    a. Decree to _____ in Case of _____
    (Name)

    vs. _____, Dated _____ in _____
    (Name of Court)

    Court, County of _____. Fully describe decree (if known) _____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE (Allow 84.4 AF for 21-2156G and 15.6 AF for 21-2157C)

14. _____ c.f.s and/or 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork Snake at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M. in Fremont County; Additional points, if any _____

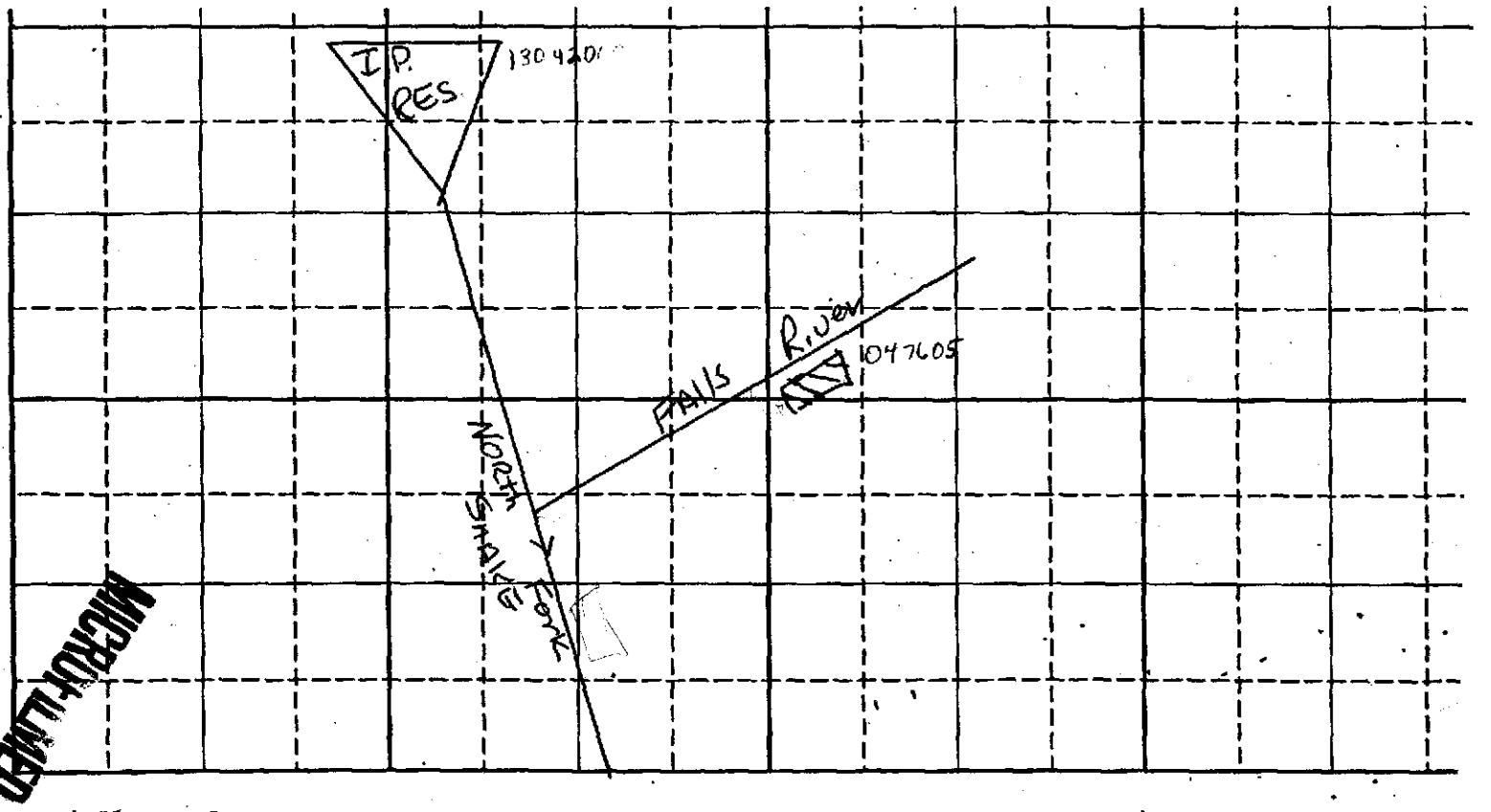
    _____

15. In lieu thereof _____ c.f.s. and/or 100 acre feet per annum will be diverted from Falls River at a point within the SE ¼ NE ¼ of Section 4, Township 8N, Range 43E, B.M., in Fremont County.

16. Explanation Priority of exchange June 1, 1975

    Place of Use S½NE¼, 29 AC. NE¼SE¼, 40 AC. SW¼NW¼ 3AC. Sec. 3 T. 8N, R. 43E/ *

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

* Place of use within lands of Freemont-Madison Irrigation District

DRT 12/27/79

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Chairman of the Board, J. Max Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of September, 1979.

Dale T. Swensen
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156G/2157C and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

(1) The storage water used through exchange shall be delivered after all natural flow rights in effect at the time. (2) A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained in the SE¼NE¼, Sec. 4, Twp. 8N, Rge. 43E, as part of the diverting works. (3) The use of water under this exchange is subject to control of the watermaster of State Water District No. 1, Snake River.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton

L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 10-01-79 Time 11:30 a.m. Preliminary check by ARK

Fee $ 35.00 Receipted by DH Date 10-02-79 Publication prepared by CW

Date 10-11-79 Published in Ashton Herald Dates 10/18 & 10/25/79

Affidavit of Publication received 10-31-79 Publication approved by JS

Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received

Hearing held at Date

Recommended for approval denial by Jim DRT
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont

...Carol Bessey...

being first duly sworn, upon ~~his~~ her oath, deposes and says:

Thatshe is the ...Publisher..... of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of .....
Notice of Application for Exchange of Water (Reinke)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for ...2..... consecutive issues thereof; first publication having been made on the ..18..... day of ..October..., 19..79, and the last publication on the ..25...day of...October..... 19..79.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

...Carol Bessey...

Subscribed in my presence and sworn to before me this ...31st... day of ...October..., 19...79...

...Linda M. Nielsen...

Notary Public for the [SEAL] State of Idaho, residence and post office address: ~~St. Anthony~~ Ashton, Idaho.

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont-Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by license No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

David P. Reinke, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a (exchange) priority of June 1, 1975, in lieu of 100 AF of Falls River water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 43E, B.M., Fremont County, to be used for the irrigation of 72 acres within the S½NE¼, NE¼SE¼, SW¼NW¼, Sec. 3, T. 8N, R. 43E, B.M.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

80

21-2156/
21-2157
Identification No. _____

Exchange No. 2371

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

AMENDED

APPLICATION FOR EXCHANGE OF WATER

AMENDED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40 *

5. Amount of water a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

MICROFILMED

*Palisades contract provide that 21-2157 priority shall be considered same as 21-2156.

Total number of acres to be irrigated _____

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name KEITH NYBORG

Post office address Rt. #2, Ashton, Idaho 83420

10. Source of water Conant Creek tributary to North Fork Snake River
(Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or

b. 230 acre feet/annum

13. Right obtained by: No specific right

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

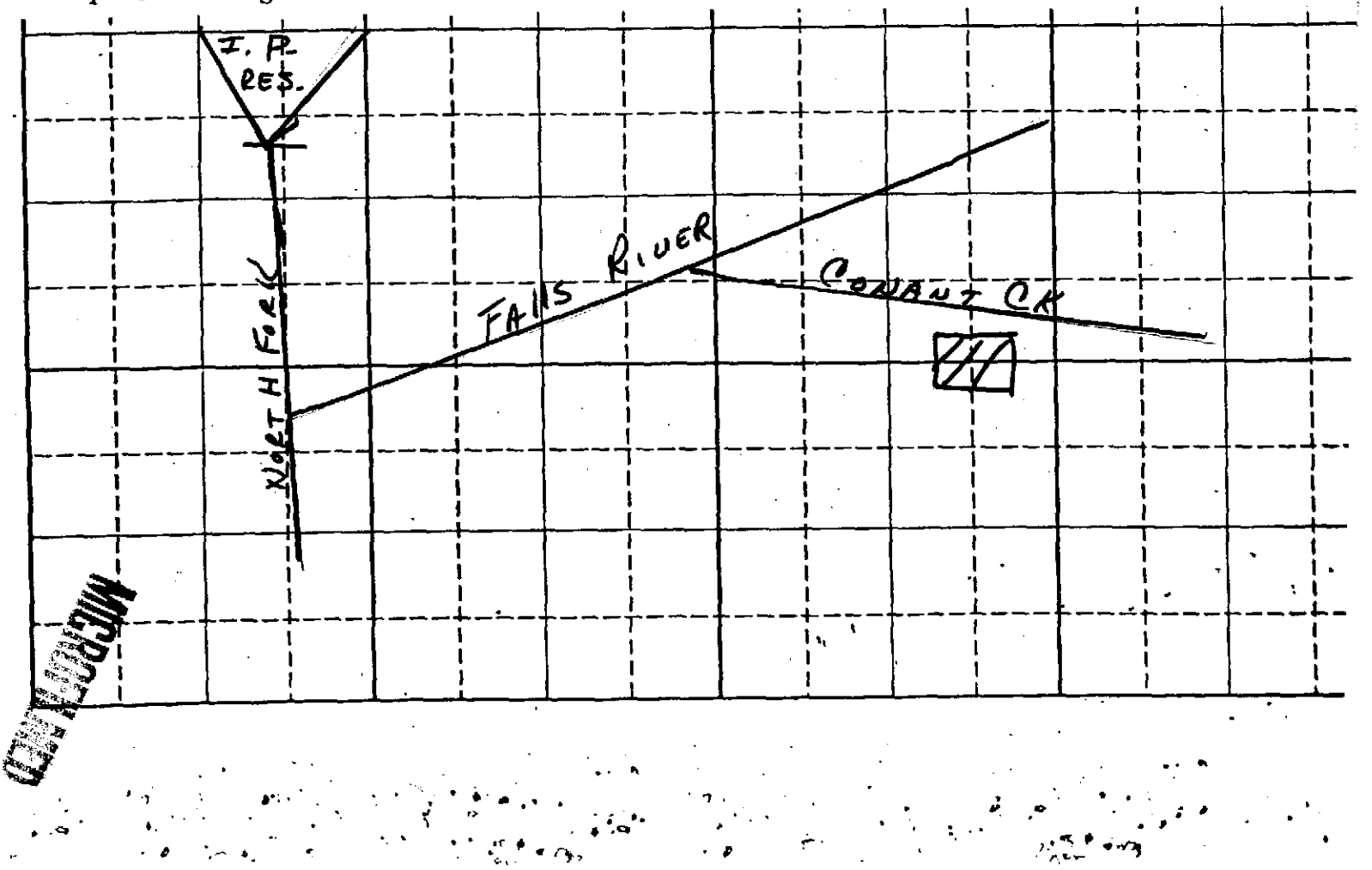
EXCHANGE (Allow 194.2 AF for 21-2156F and 35.8 AF for 21-2157B) DRT 3-4-83

14. _____ c.f.s and/or 230 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork Snake at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

15. In lieu thereof _____ c.f.s. and/or 230 acre feet per annum will be diverted from Conant Creek at a point within the NW ¼ NE ¼ of Section 29, Township 8N, Range 44E, B.M., in Fremont County.

16. Explanation 230 AF storage exchanged for 230 AF Conant Creek taken by pump for Keith Nyborg. Priority of Exchange 200 AF - 6-01-1975; 30 AF - 3-14-35.

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Max Mortensen
(Signature of Applicant)

Subscribed and sworn to before me this 14th day of November, 1979.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156F/2157B and said application is hereby Approved.

1. Approval of said application is subject to the following limitations and conditions:
1. A measuring device of a type approved by the Dept. shall be permanently installed & maintained as part of the diverting works for the points of diversion specified in items 14 & 15 of the exchange. 2. The use of storage water under this exchange is subject to control by the watermaster of State Water District 01, Snake River. 3. Storage water under this exchange shall be delivered after all other natural flow rights in effect at that time on Conant Creek.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by cw Date 11-15-79 Time 11:10A Preliminary check by BR
Fee $20.00 Receipted by cw Date 11-15-79 Publication prepared by cw
Date 11-15-79 Published in Ashton Herald Dates Nov 22 & 29-1979
Affidavit of Publication received _____ Publication approved by _____
Republished Dates _____.
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by DWR
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho }
County of Fremont } ss.

Carol Beasley

being first duly sworn, upon ~~his~~ her oath, deposes and says:

Thatshe is the Editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks *prior to* the first publication of the attached notice, advertisement or publication of .....
notice of amended application for exchange of water (Nyborg)

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 22 day of November 19 79,

and the last publication on the 29 day of November 19 79

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Beasley

Subscribed in my presence and sworn to before me this ..... day of December, 19 79

James E. Holmes

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~ Ashton, Idaho.

RECEIVED
DEC 6 1979
Department of Water Resources
Eastern District Office

NOTICE OF AMENDED APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho filed Exchange No. 21-2156/21-2157 under a proposed exchange for Keith Nyborg, Ashton, Idaho to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

The applicant is now proposing to amend the exchange correcting the amount and priorities as follows:

200AF of water with a priority of June 1, 1975, and

30 AF of water with a March 14, 1935 priority.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 10, 1979.

C. STEPHEN ALLRED
Director

Publ. Nov. 22 and 29, 1979AH

Identification No. 21-2156/ 21-2157

Exchange No. _____

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40 *

5. Amount of water
   a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ____ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

MICROFILMED

* Palisades contracts provide that 21-2157 priority shall be considered same as 21-2156

Total number of acres to be irrigated _____

USER WITH WHOM YOU WISH TO EXCHANGE WATER

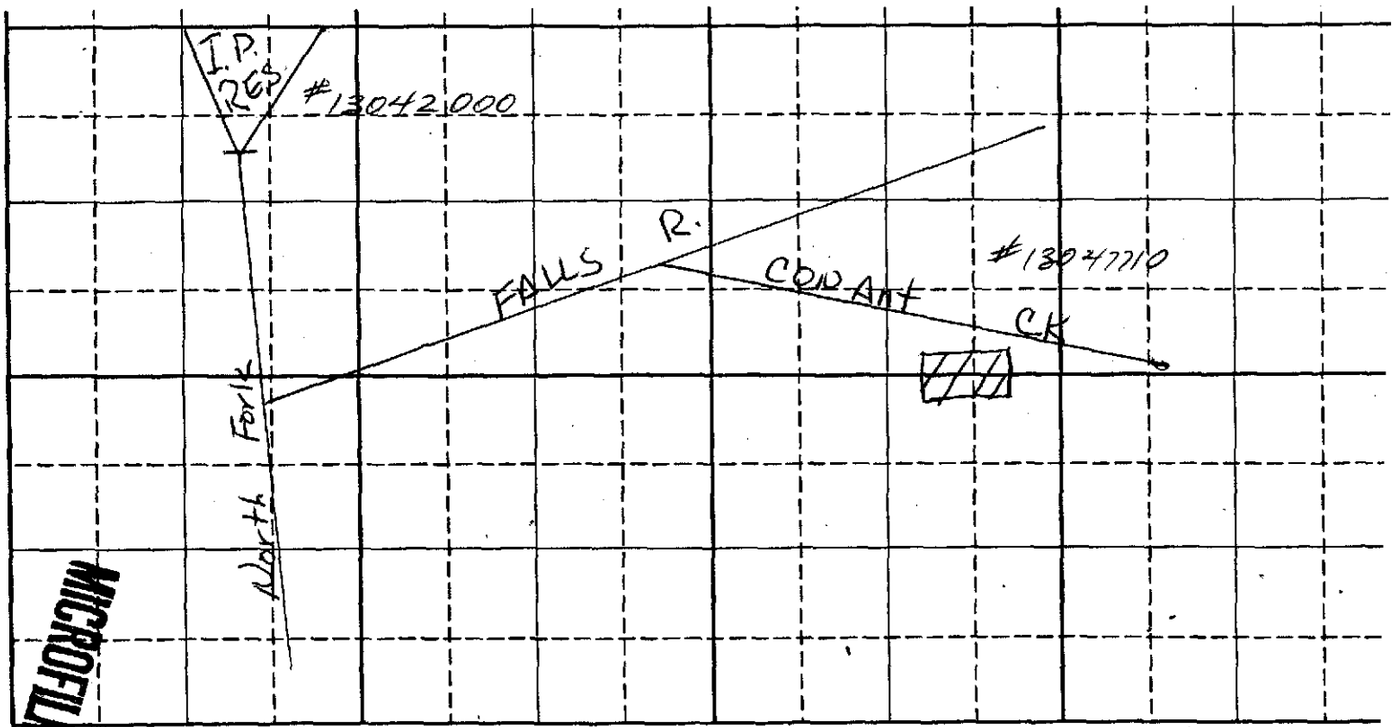
9. Name Keith Nyborg
   Post office address Route #2 Ashton Id. 83420
10. Source of water Conant Creek tributary to North Fork of the Snake River
    (Name of stream or source)
11. Name of canal or ditch
12. Amount of water a. _____ c.f.s. and/or
    b. 230 acre feet/annum
13. Right obtained by:
    a. Decree to No Specific Right in Case of
    (Name)
    vs. _____, Dated _____ in _____
    (Name of Court)
    Court, County of _____. Fully describe decree (if known)_____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. _____ c.f.s and/or 230 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork Snake at a point in lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any
15. In lieu thereof _____ c.f.s. and/or 230 acre feet per annum will be diverted from Conant Creek at a point within the NW ¼ NE ¼ of Section 29, Township 8N, Range 44E, B.M., in Fremont County.
16. Explanation Priority of Exchange 230 A.F. purchased June 1, 1975
    30AF " 3/14/35

230 AF I.P. storage exchanged for 230 A.F. Conant creek taken by pump for Keith Nyborg

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

J. Ray Thurtenson
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of September, 1979.

Dale L. Swenson
(Notary Public)

My commission expires Life

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. _____ and said application is hereby _____.

1. Approval of said application is subject to the following limitations and conditions: _____

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19_____.

_____
State Reclamation Engineer

FOR DEPARTMENT USE ONLY

Received by dh Date 10-01-79 Time 11:30 a.m. Preliminary check by ARK
Fee $ 35.00 Receipted by dh Date 10-03-79 #13733 Publication prepared by cw
Date 10-11-79 Published in Ashton Herald Dates 10/18 & 10/25/79
Affidavit of Publication received cw Publication approved by _____
Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by _____
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho } ss.
County of Fremont

Carol Bessey, her being first duly sworn, upon ~~his~~ oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for exchange of Water

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for one consecutive issues thereof; ~~first~~ publication having been made on the 18 day of October, 1979, ~~and the last publication on the~~ ~~.....day of.....~~ ~~19.....~~

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 25 day of October, 1979.

James E. Holcomb

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony,~~ Idaho.
Ashton

RECEIVED
OCT 24 1979
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:
21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used to irrigate lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Keith Nyborg, Ashton, Idaho, proposes to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 ~~and 25~~, 1979AH

Received after first advertising

80-D

Identification No. 21-2156/ 21-2157

Exchange No. 2370

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Fremont-Madison County Irrigation District
   Post office address Box 5, St. Anthony, ID

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. Permit, License, or Claim No. A. 21-2156 B. 21-2157 in the records of the Department of Reclamation.

3. Source of water Island Park Reservoir (Name of stream or source) tributary to Henry's Fork Snake River

4. Date of Priority of Right A. 3/14/35 B. 6/12/40 *

5. Amount of water
   a. _____ c.f.s. and/or
   b. A. 114,000 B. 21,000 acre feet/annum

6. Water is used for Irrigation (Purpose) from April 1 (Month-Day) to Nov 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			LANDS WITHIN FREMONT IRRIGATION DISTRICT																

* Palisades contracts provide that 21-2157 priority shall be considered same as 21-2156.

Total number of acres to be irrigated _____

MICROFILMED

USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name Edward Howell

Post office address Box 216 Ashton Id. 83420

10. Source of water Strong Creek tributary to North Fork Snake River
(Name of stream or source)

11. Name of canal or ditch _____

12. Amount of water a. _____ c.f.s. and/or

b. 100 acre feet/annum

13. Right obtained by: No specific Right

a. Decree to _____ in Case of _____
(Name)

vs. _____, Dated _____ in _____
(Name of Court)

Court, County of _____. Fully describe decree (if known) _____

b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

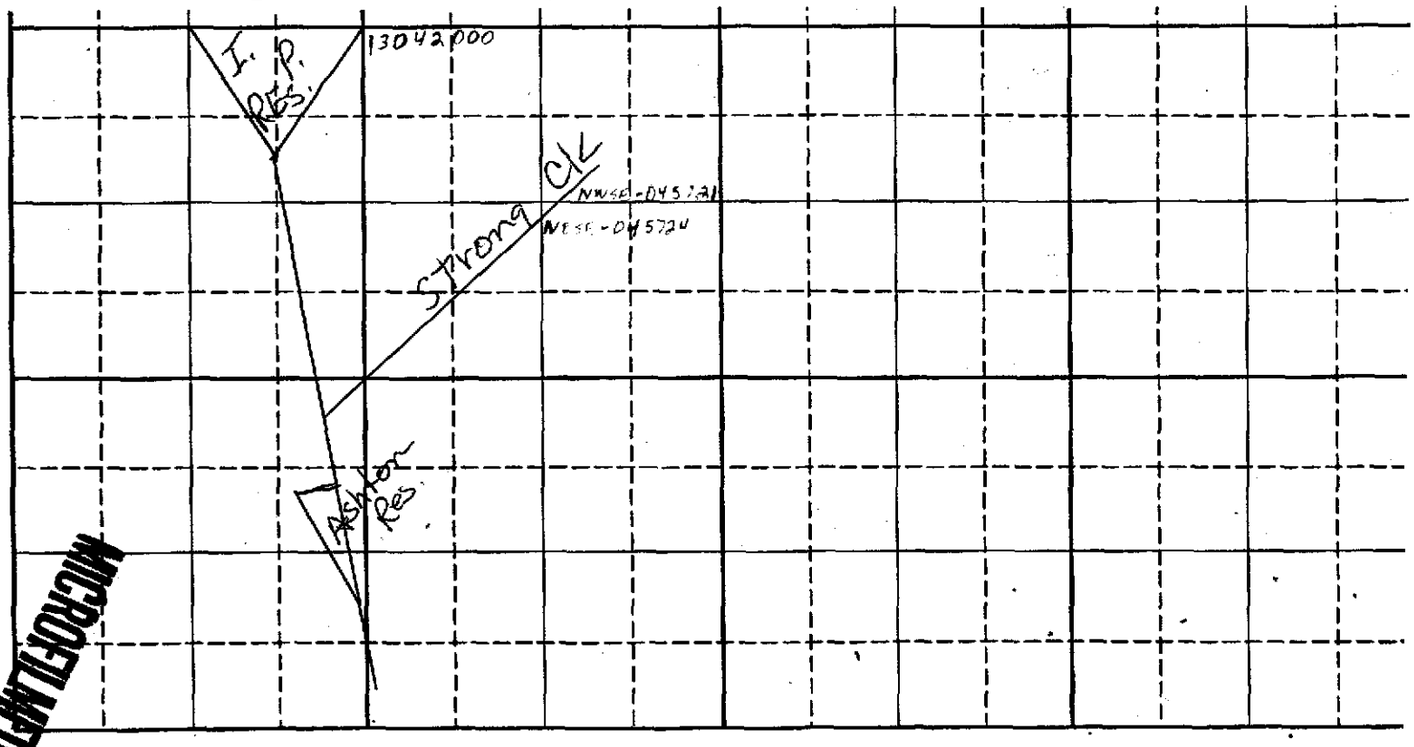
EXCHANGE (Allow 84.4 AF for 21-2156E and 15.6 AF for 21-2157A) DCR 3-4-83

14. _____ c.f.s and/or 100 acre feet per annum of water diverted at the point described in line 7 and will be delivered into North Fork Snake River at a point in Lot 3 ¼ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

15. In lieu thereof _____ c.f.s. and/or 100 acre feet per annum will be diverted from Strong Creek at a point within the NE ¼ SE & NWSE ¼ of Section 17, Township 9N, Range 43E, B.M., in Fremont County.

16. Explanation Priority of exchange 100 AF purchased June 1, 1956 100 AF I.P. storage exchanges for 100 AF Strong Creek taken by pump for Edward Howell in all of Sec. 17, T. 9N, R. 43E. *

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



* Place of use within lands of Freemont-Madison Irrigation District

DRT 12/27/79

MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Chairman of the Board, J. Max Jorgensen
(Signature of Applicant)

Subscribed and sworn to before me this 18 day of September, 1979.

Dale L. Swenson
(Notary Public)

My commission expires life

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

I have examined Application for Exchange of Water No. 21-2156E/2157A and said application is hereby approved.

1. Approval of said application is subject to the following limitations and conditions:

(1) The storage water used through this exchange shall be delivered after all natural flow rights on Strong Creek in effect at the time. (2) A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained in the NE¼SE¼, and NW¼SE¼, Sec. 17, Twp. 9N, Rge. 43E, as part of the diverting works. (3) Use of water under this exchange is subject to control by the watermaster of State Water District No. 1, Snake River.

Witness my hand this 8th day of March, 19 83.

L. Glen Saxton
L. Glen Saxton
Chief Operations Bureau

FOR DEPARTMENT USE ONLY

Received by dh Date 10-01-79 Time 11:30 a.m. Preliminary check by ARK #13733
Fee $ 35.00 Receipted by dh Date 10-02-79 Publication prepared by ow
Date 10-11-79 Published in Ashton Herald Dates 10/18 & 10/25/79
Affidavit of Publication received 10-31-79 Publication approved by
Republished Dates .

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken

Agreement needed Agreement received
Hearings held at Date
Recommended for approval denial by
(Title)

MICROFILMED

AFFIDAVIT OF PUBLICATION

State of Idaho }
} ss.
County of Fremont }

Carol Bessey

being first duly sworn, upon ~~his~~ her oath, deposes and says:

That she is the editor of The Ashton Herald, a newspaper as defined by Idaho Codes Annotated, section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at St. Anthony, in Fremont County, Idaho, having a general circulation in said county, and that said newspaper has been printed and published as a weekly newspaper in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement or publication of Notice of Application for Exchange of Water (Howell).

And affiant further says that said notice, advertisement of publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 18 day of October, 1979 and the last publication on the 25 day of October 1979.

And affiant further says that at the times herein mentioned said newspaper was made up of at least four pages of at least five columns each, printed from type matter, of at least seventeen and three-fourths inches deep.

Carol Bessey

Subscribed in my presence and sworn to before me this 30th day of October, 1979

[illegible]

[SEAL] Notary Public for the State of Idaho, residence and post office address: ~~St. Anthony~~, Idaho. Ashton

MICROFILMED

RECEIVED
OCT 31 1979
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156 AMOUNT: 114,000 AF
PRIORITY: 3-14-35
21-2157 AMOUNT: 21,000 AF
PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Edward Howell, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a priority (exchange) of June 1, 1956 for 100 AF of Strong Creek water diverted within the NE¼SE¼, NW¼SE¼, Sec. 17, T. 9N, R. 43E, B.M., Fremont County to be used within Sec. 17, T. 9N, R. 43E, B.M.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Publ. Oct. 18 and 25, 1979AH

80

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156D IN THE NAME OF STEVECO, INC.	ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, C. Stephen Allred, Director of the Department of Water Resources, having issued and served a copy on the parties thereto on March 20, 1980, a Proposed Memorandum Decision and Order in the above-referenced matter, pursuant to Idaho Code, Section 67-5211; and,

WHEREAS, more than 15 days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to the Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Memorandum Decision and Order.

Dated this 30 day of July, 1980.

C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. 2784

Exchange No. 21-2156(d)

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

DENIED

APPLICATION FOR EXCHANGE OF WATER

DENIED

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder Steveco, Inc., as holder of storage shares in SWS.
   Post office address Fremont-Madison, Box 147, Teton, Idaho

2. Right obtained by:
   a. Decree to _____ in Case of _____
   (Name)
   vs. _____, Dated _____ in _____
   (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. ~~Permit~~, License, or ~~Claim~~ No. 21-2156(d) in the records of the Department of Reclamation.

3. Source of water Henry's Fork tributary to Snake River
   (Name of stream or source)

4. Date of Priority of Right March 14, 1935

5. Amount of water a. ✓ 10.0 c.f.s. and/or
   b. ✓ 300 acre feet/annum

6. Water is used for Irrigation from Apr. 1 to Nov. 1
   (Purpose) (Month-Day) (Month-Day)
   _____ from _____ to _____
   (Purpose) (Month-Day) (Month-Day)

7. Location of point of diversion is Lot 3 ~~NW¼~~ ~~NW¼~~ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			(LANDS OF FREMONT-MADISON IRRIGATION DISTRICT)																

Total number of acres to be irrigated _____

MISCELLANEOUS

DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No other right holder involved.

   Post office address _____

10. Source of water Canyon Creek (Name of stream or source) tributary to Teton R. trib. to Henry's Fork

11. Name of canal or ditch _____

12. Amount of water a. X _____ c.f.s. and/or

    b. X _____ acre feet/annum

13. Right obtained by:

    a. Decree to _____ (Name) in Case of _____

    vs. _____, Dated _____ in _____ (Name of Court)

    Court, County of _____. Fully describe decree (if known)_____

    _____

    _____

    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. _____ c.f.s and/or _____ acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in _____ ¼ _____ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____

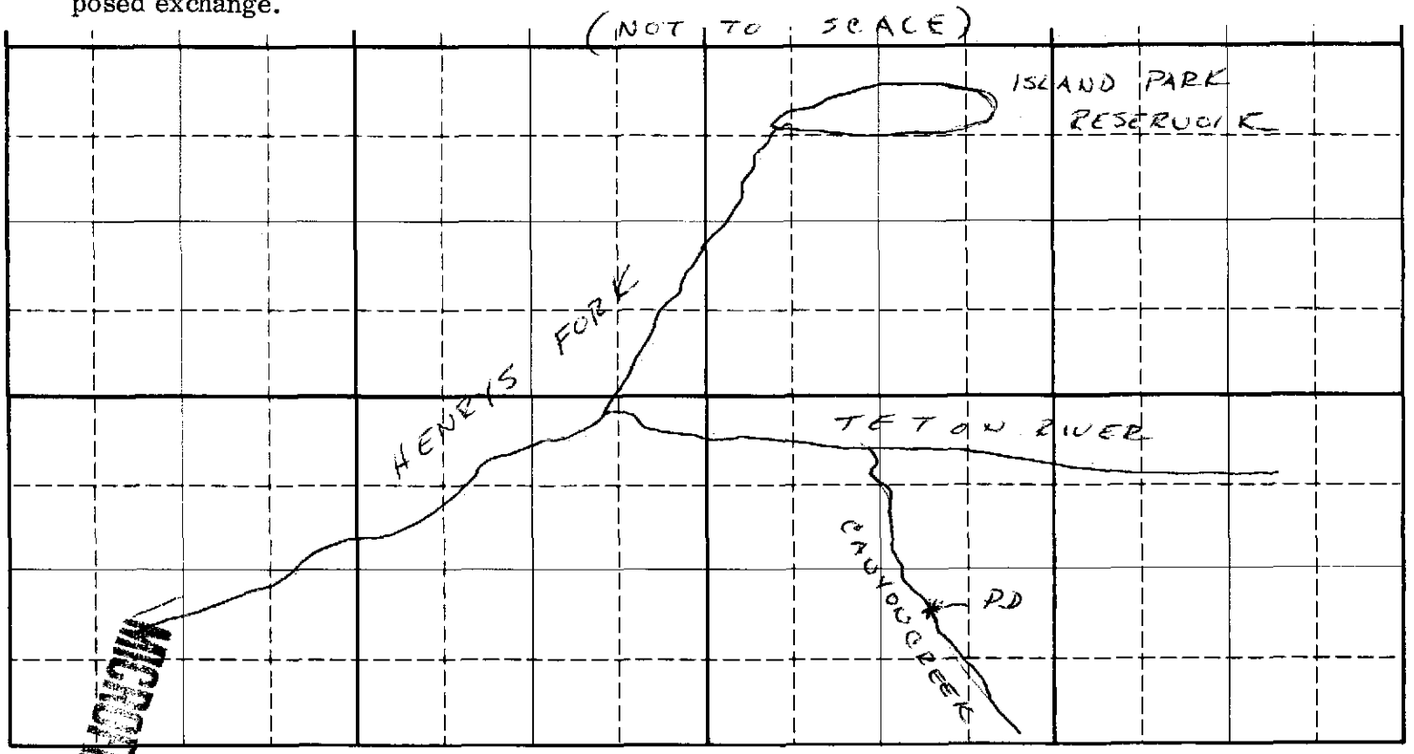
    _____

15. In lieu thereof _____ c.f.s. and/or ~~(2points)~~ acre feet per annum will be diverted from Canyon Creek at a point within the SE ¼ SE ¼ of Section 13, Township 6N, Range 43E, B.M., in Madison County.

16. Explanation The applicant wishes to exchange 300 A.F. of Island Park storage water for the right to pump an equal amount from Canyon Creek

    _____

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

Stevco Inc.
J. Wayne Stevens Pres.
(Signature of Applicant)

Subscribed and sworn to before me this 1st day of MARCH, 1976.

Ronald D Carter
(Notary Public)

My commission expires 2/14/78

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 21-2156D and said application is hereby DENIED.

1. Approval of said application is subject to the following limitations and conditions: _____

2. Denial of said application is for the following reasons:
PURSUANT TO MEMORANDUM DECISION AND ORDER.

Witness my hand this 30 day of July, 19 80.

C. STEPHEN ALLRED, Director

FOR DEPARTMENT USE ONLY

Received by cw Date 3-01-76 Time 2:25 P. Preliminary check by RDC
Fee $ 30.00 Receipted by cw Date 3-01-76 # 15649 Publication prepared by cw
Date 3-05-76 Published in Kepburg Journal Dates March 11 18, 1976
Affidavit of Publication received 3-23-76 Publication approved by pre. 3-23-76
Republished Dates _____.
Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
Vernest Madsen	St. Anthony	3-29-76	cw	4-01-76	

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by _____
(Title)

MISCELLANEOUS

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156D IN THE NAME OF STEVECO, INC.	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 4th day of August, 1980, true and correct copies of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

J. Wayne Stevens
STEVECO, INC.
Box 147
Teton, ID 83451

Gordon S. Thatcher
RIGBY, THATCHER, & ANDRUS
25 N. Second E.
Rexburg, ID 83440

Fremont-Madison Irrigation District
R. Willis Walker, Chairman
St. Anthony, ID 83445

Jay Hancock
SMITH & HANCOCK
P. O. Box 427
Rexburg, ID 83440

Rita I. Fleck

RITA I. FLECK

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156D IN THE NAME OF STEVECO, INC.	ORDER ISSUING PROPOSAL FOR DECISION I.C. SECTION 67-5211

C. Stephen Allred, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Ronald D. Carlson, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, Section 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on May 27, 1976, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code Section 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.

EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and

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2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.

BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.

ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party shall have the right to present oral arguments in response to the exceptions filed, provided that party files a request with the Director on or before the 15th day following the day the last exceptions by any other party were served upon that party.

C. After all exceptions, briefs and requests for oral arguments have been received by the Director and if oral arguments have been properly requested, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place,

UNOFFICIAL DOCUMENT

date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 17 day of March, 1980.

C. STEPHEN ALLRED
Director
Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156D IN THE NAME OF STEVECO, INC.	PROPOSED MEMORANDUM DECISION AND ORDER

On March 1, 1976, J. Wayne Stevens applied in the name of Steveco, Inc. to exchange three hundred (300) acre-feet of storage from Island Park Reservoir for an equal amount to be diverted from Canyon Creek at his point of diversion within Sec. 13, Twp. 6N, Rge. 43E B.M., Madison County.

Notice of this application was advertised in the Rexburg Journal on March 11 and 18, 1976 and subsequently was protested by Fremont-Madison Irrigation District. A hearing in the matter was held on May 27, 1976. The applicant was present and was represented by Gordon S. Thatcher, Attorney at Law. The protestant, Fremont-Madison Irrigation District, was present and represented by R. Willis Walker and Jay Hancock of the firm SMITH AND HANCOCK.

Two main issues were raised at the hearing that the Department needs to consider before taking action on this application. The first issue was the applicant's right to apply for the exchange and the second was interference with other water rights on Canyon Creek. Because of the failure of the Teton Dam shortly after this hearing was held and the uncertainty of future action by Fremont-Madison Irrigation District that would be pertinent to the Director's decision in this matter, the final action was delayed on this exchange request.

The Director of the Department of Water Resources has now reviewed this matter and based upon the information provided at the hearing and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1) Fremont-Madison Irrigation District is the owner of the water rights for the storage and use of water in Island Park Reservoir.

2) The lands of the applicant are not within the boundaries of the Fremont-Madison Irrigation District.

3) The applicant does not have the permission of the Fremont-Madison Irrigation District, the owner of this water right, to make this exchange.

4) The exchange of three hundred (300) acre-feet of stored water would

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interfere with natural flow rights on Canyon Creek.

CONCLUSIONS OF LAW

1) Any person wishing to exchange a water right must possess ownership of that right or have the permission of the owner to initiate the exchange.

2) Fremont-Madison Irrigation District may make application for exchange to provide stored water to those lands within the district which cannot be provided water directly from the Henry's Fork of the Snake River. However, the Fremont-Madison Irrigation District cannot agree to exchange water to supply lands outside their district unless the exchange involves two water rights of equal stature.

3) There would be interference with water rights on Canyon Creek if stored water is exchanged for natural flow. However, in view of Conclusions of Law 1 and 2 above, no determination of the extent of the interference is made.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Exchange No. 21-2156D is DENIED.

Dated this 14th day of March, 1980.

RONALD D. CARLSON
Hearing Officer

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR EXCHANGE OF WATER RIGHT)
NO. 21-2156D IN THE NAME OF STEVECO, INC.)
)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 20th day of March, 1980, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ISSUING PROPOSAL FOR DECISION, were mailed, postage prepaid to:

J. Wayne Stevens
STEVECO, INC.
Box 147
Teton, ID 83451

Gordon S. Thatcher
RIGBY, THATCHER, & ANDRUS, P.A.
25 North Second East
Rexburg, ID 83440

Fremont-Madison Irrigation District
R. Willis Walker, Chairman
St. Anthony, ID 83445

Jay Hancock
SMITH & HANCOCK
P. O. Box 427
Rexburg, ID 83440

Rita I. Fleck

RITA I. FLECK

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RECEIVED
MAR 29 1976
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF STEVECO, INC. TO EXCHANGE 300 A.F. PER ANNUM OF ISLAND PARK STORAGE WATER.	PROTEST OF FREMONT-MADISON IRRIGATION DISTRICT

Comes now Fremont Madison Irrigation District, a quasi municipal corporation of the State of Idaho with its office and post office address at St. Anthony, Idaho, and in response to notice given by Steveco, Inc., Teton, Idaho, to exchange 300 A.F. per annum of Island Park Storage Water for an equal amount of water to be pumped from Canyon Creek within the SE¼SE¼ (2 points) Section 13, Township 6 North, Range 43 E.B.M., Madison County, at a rate not to exceed 10 cfs, makes the following protest against the approval of such application:

1. That the applicant has not excluded from the Fremont Madison Irrigation District the lands to which the 300 A.F. per annum of Island Park Storage Water is appurtenant and dedicated, nor has the applicant made application to the Fremont Madison Irrigation District to transfer such storage rights from any lands to other lands within the District; that the applicant has never received the consent of the Fremont Madison Irrigation District to removal of the benefit from the lands to which it is appurtenant and dedicated to other lands within the Fremont Madison Irrigation District.

2. That the anticipation of the applicant to exchange 300 A.F. per annum of Island Park Storage Water for an equal amount of water to be pumped from Canyon Creek is speculative because of the lack of water in Canyon Creek, and any such attempt will reduce the quantity of water under existing water rights.

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3. That the supply of water in Canyon Creek is not sufficient to warrant an exchange of storage water from the Island Park Reservoir for the waters of Canyon Creek.

R. Willis Walker

R. Willis Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District.

STATE OF IDAHO,)
(SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 29th day of March, 1976.

R Lee Fullmer

Notary Public, residing at Rexburg, Idaho. My commission expires: Life.

(Seal)

MICROFILMED

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO }
County of Madison } ss.

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of THE REXBURG Journal, a newspaper printed and published weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Notice of application

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on March 11, 1976 and the last publication having been made on March 18, 1976.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Subscribed to and sworn to before me this March 19, 1976.

Notary Public.

(SEAL)

My commission expires August 5, 1977

RECEIVED
MAR 22 1976
Department of Water Resources
Eastern District Office

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(d)

Notice is hereby given that Steveco, Inc., Teton, Idaho, has applied to the Department of Water Resources on 3-01-76 to exchange 300 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within the SE¼SE¼ (2 points), Sec. 13, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 10.0 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho; on March 11 and March 18, 1976.

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156C IN THE NAME OF OWEN J. NEELEY	ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER

WHEREAS, C. Stephen Allred, Director of the Department of Water Resources, having issued and served a copy of on the parties thereto on March 20, 1980 a Proposed Memorandum Decision and Order in the above-captioned matter, pursuant to Idaho Code, 67-5211; and,

WHEREAS, more than 15 days have passed since the service of the Proposed Memorandum Decision and Order; and,

WHEREAS, no exceptions to the Proposed Memorandum Decision and Order have been received;

IT IS, THEREFORE, HEREBY ORDERED that said Proposed Memorandum Decision and Order be adopted and issued as the Final Memorandum Decision and Order.

Dated this 30 day of July, 1980.

C. STEPHEN ALLRED
Director

MICROFILMED

Identification No. 2783

Exchange No. 21-2156(c)

DENIED

DENIED

STATE OF IDAHO

DEPARTMENT OF RECLAMATION RESOURCES

APPLICATION FOR EXCHANGE OF WATER

APPLICANT'S RIGHT - Describe the water right under which you wish to exchange water

1. Name of Right Holder O. J. Neeley Ranch, Inc., as holder of storage shares in
   Post office address Fremont-Madison; Box 425, Rexburg, Idaho 83440

2. Right obtained by:
   a. Decree to _____ (Name) in Case of _____
   vs. _____, Dated _____ in _____ (Name of Court)
   Court, County of _____. Fully describe decree _____
   _____
   _____
   b. ~~Permit~~, License, ~~or Claim~~ No. 21-2156 in the records of the Department of Reclamation.

3. Source of water Henry's Fork (Name of stream or source) tributary to Snake River

4. Date of Priority of Right March 14, 1935

5. Amount of water a. _____ c.f.s. and/or
   b. 114,000 acre feet/annum

6. Water is used for irrigation (Purpose) from Apr. 1 (Month-Day) to Nov. 1 (Month-Day)
   _____ (Purpose) from _____ (Month-Day) to _____ (Month-Day)

7. Location of point of diversion is Lot 3 ¼ ¼ of Section 28,
   Township 13N, Range 43E, B.M., in Fremont County;
   Additional points of diversion, if any _____
   _____
   _____
   _____

8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
			(LANDS OF FREMONT-MADISON IRRIGATION DISTRICT)																

MICROFILMED

Total number of acres to be irrigated _____

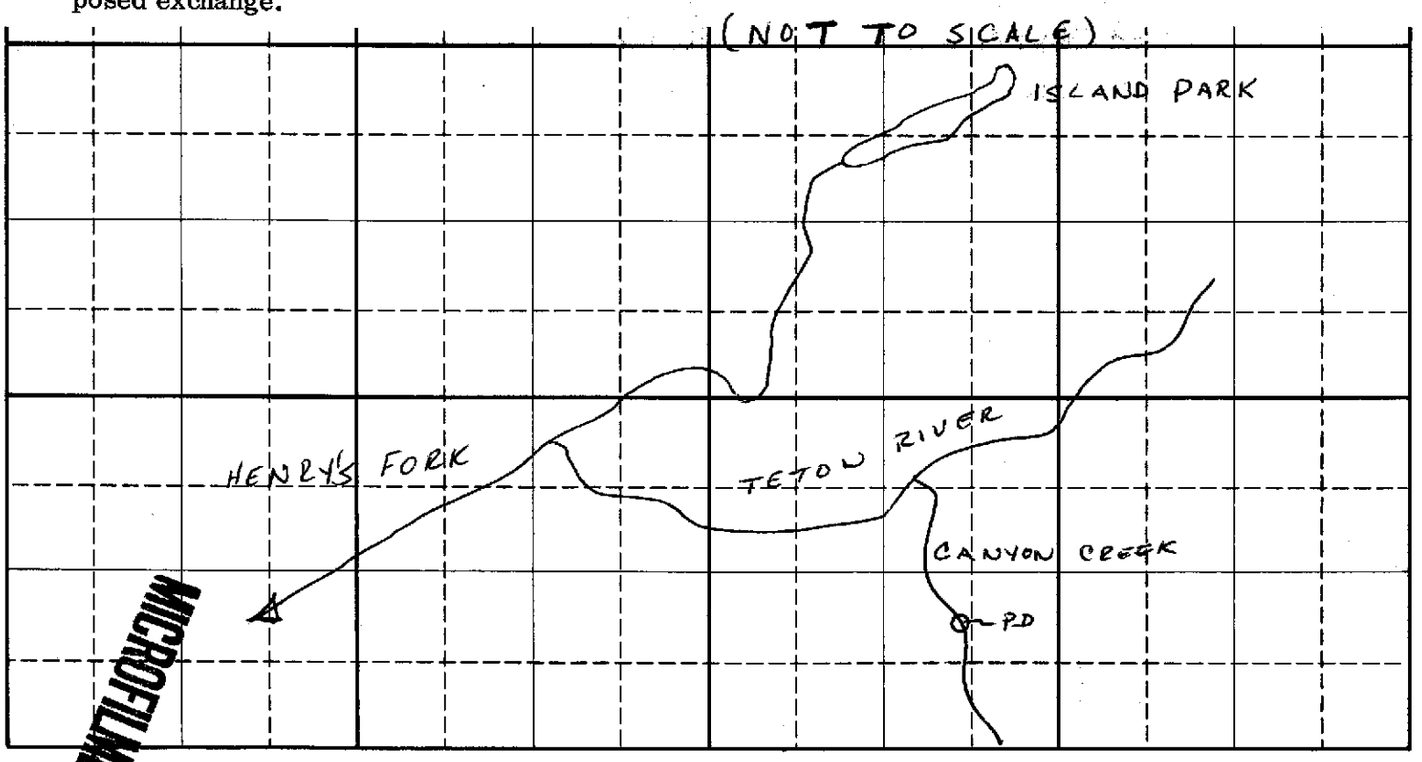
DESCRIBE RIGHT HELD BY USER WITH WHOM YOU WISH TO EXCHANGE WATER

9. Name of Right Holder No other right holder involved.
   Post office address _____
10. Source of water Canyon Creek (Name of stream or source) tributary to Teton R. tributary to Henry's Fork
11. Name of canal or ditch _____
12. Amount of water a. 4.00 c.f.s. and/or
    b. _____ acre feet/annum
13. Right obtained by:
    a. Decree to _____ (Name) in Case of _____
    vs. _____, Dated _____ in _____ (Name of Court)
    Court, County of _____. Fully describe decree (if known)_____
    _____
    _____
    b. Permit, License, or Claim No. _____ in the records of the Department of Reclamation.

EXCHANGE

14. 4.00 c.f.s and/or 55 acre feet per annum of water diverted at the point described in line 7 and will be delivered into Henry's Fork at a point in _____ ¼ _____ ¼ of Section 28, Township 13N, Range 43E, B.M., in Fremont County; Additional points, if any _____
    _____
15. In lieu thereof 4.00 c.f.s. and/or 55 acre feet per annum will be diverted from Canyon Creek at a point within the _____ ¼ _____ ¼ of Section 19, Township 6N, Range 43E, B.M., in Madison County.
16. Explanation The applicant wishes to exchange 55 AF of Island Park storage water for the right to pump an equal amount from Canyon Creek.
    _____

In the space below draw a sketch map showing your point of diversion under the exchange, where you will return the replacement water, land irrigated, and the general location of your conveyance system. Include any other information which would help in understanding the proposed exchange.



MICROFILMED

I hereby assert that no one will be injured by such exchange and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

O. J Neely Ranch Inc
by Owen J Neely Pres.
(Signature of Applicant)

Subscribed and sworn to before me this 24th day of FEB., 1976.

Ronald D Carlson
(Notary Public)

My commission expires 2/14/78

ACTION OF THE STATE RECLAMATION ENGINEER

I have examined Application for Exchange of Water No. 21-2156C and said application is hereby DENIED.

1. Approval of said application is subject to the following limitations and conditions: _____

2. Denial of said application is for the following reasons:
PURSUANT TO PROPOSED MEMORANDUM DECISION AND ORDER.

Witness my hand this 30 day of July, 19 80.

Director, Idaho Department of Water Resources

FOR DEPARTMENT USE ONLY

Received by CW Date 2-23-76 Time 12:10 p. Preliminary check by RDC
Fee $ 30.00 #15632 Receipted by CW Date 2-23-76 Publication prepared by CW
Date 3-05-76 Published in Rupert Journal Dates March 11 + 18, 1976
Affidavit of Publication received 3-23-76 Publication approved by RDC - 3-23-76
Republished Dates _____.

Protests Filed By:

Protestant	Address	Date Filed	Copies Forwarded by	Date	Action Taken
J. Wayne Stevens	Box 147, Iuton	3-25-76	CW	4-01-76	
Fremont-Madison	St. Anthony	3-29-76	CW	4-01-76	

Agreement needed _____ Agreement received _____
Hearings held at _____ Date _____
Recommended for approval denial by _____
(Title)

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156C IN THE NAME OF OWEN J. NEELEY	CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 4th day of August, 1980, true and correct copies of the foregoing ORDER ADOPTING PROPOSED MEMORANDUM DECISION AND ORDER, were mailed, postage prepaid to:

Owen J. Neeley Ranch, Inc.
Box 425
Rexburg, ID 83440

J. Wayne Stevens
Steveco, Inc.
Box 147
Teton, ID 83451

Blair Grover
Box 36
Rigby, ID

Fremont-Madison Irrigation District
R. Willis Walker, Chairman
St. Anthony, ID 83445

Ray W. Rigby
RIGBY, THATCHER, & ANDRUS, P.A.
25 North Second East
Rexburg, ID 83440

Jay Hancock
SMITH & HANCOCK
P. O. Box 427
Rexburg, ID 83440

Rita I. Fleck

RITA I. FLECK

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF)
APPLICATION FOR EXCHANGE)
OF WATER RIGHT NO. 21-)
2156C IN THE NAME OF)
OWEN J. NEELEY)

ORDER ISSUING
PROPOSAL FOR DECISION
I.C. SECTION 67-5211

C. Stephen Allred, Director of the Department of Water Resources, having reviewed the attached proposed decision prepared by his appointee, Ronald D. Carlson, who conducted the hearing or who has read the record in this case, hereby approves the same as a proposal for decision pursuant to Idaho Code, Section 67-5211 and orders that said proposed decision and a copy of this order be served upon each of the parties to these proceedings who appeared at the hearing on May 27, 1976, of this matter or upon their attorneys in accordance with Rule 7.3 of the Rules of Practice and Procedure of this Department.

Each party to these proceedings who appeared at the hearing is hereby afforded the opportunity, pursuant to Idaho Code Section 67-5211, to file exceptions to the attached proposed decision and to present briefs and oral arguments in accordance with the provisions of this order. Exceptions may not be filed and briefs and oral arguments may not be presented by parties who did not appear at the hearing of this case. If no timely and proper exceptions are received, an order by the Director will be entered adopting and issuing the proposed decision as his final decision.

I.

EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision, and

EXHIBIT

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions.

B. Exceptions not in compliance with the above stated requirements will not be considered and will be deemed an acceptance of the proposed decision.

II.

BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. Any party desiring to file a brief in response to any exceptions filed by any other party may do so by filing such brief with the Director on or before the 15th day following the last day any exceptions by any other party were served upon that party desiring to respond.

III.

ORAL ARGUMENTS

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exceptions.

B. If oral arguments have been properly requested by a party filing exceptions, any other party shall have the right to present oral arguments in response to the exceptions filed, provided that party files a request with the Director on or before the 15th day following the day the last exceptions by any other party were served upon that party.

C. After all exceptions, briefs and requests for oral arguments have been received by the Director and if oral arguments have been properly requested, the Director will, within a reasonable time, set the case for oral arguments and notify each party of the place,

date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATION OF SERVICE

A. All exceptions, briefs, requests for oral arguments and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

A. Following the submission of all exceptions and briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

DATED this 17 day of March, 1980.

C. STEPHEN ALLRED
Director
Department of Water Resources

MICROFILMED

BEFORE THE DIRECTOR OF THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL OF APPLICATION FOR EXCHANGE OF WATER RIGHT NO. 21-2156C IN THE NAME OF OWEN J. NEELEY	PROPOSED MEMORANDUM DECISION AND ORDER

On February 23, 1976, Owen J. Neeley applied in the name of Owen J. Neeley Ranch, Inc. to exchange fifty-five (55) acre-feet of storage from Island Park Reservoir for an equal amount to be diverted from Canyon Creek at his point of diversion within Sec. 19, Twp. 6N, Rge. 43E, B.M., Madison County.

Notice of this application was advertised in the Rexburg Journal on March 11 and 18, 1976 and subsequently was protested by J. Wayne Stevens and Fremont-Madison Irrigation District. A hearing in the matter was held on May 27, 1976. The applicant was present and represented by Blair Grover, Attorney at Law. The protestant, J. Wayne Stevens was present and was represented by Gordon S. Thatcher of the firm RIGBY, THATCHER AND ANDRUS and Fremont-Madison Irrigation District was represented by R. Willis Walker and Jay Hancock of the firm SMITH AND HANCOCK.

Two main issues were raised at the hearing that the Department needs to consider before taking action on this application. The first issue was the applicant's right to apply for the exchange and the second was interference with other rights on Canyon Creek. Because of the failure of the Teton Dam shortly after this hearing was held and uncertainty of future action of Fremont-Madison Irrigation District that would be pertinent to the Director's decision in this matter, the decision was made to postpone final action.

However, the Director of the Department of Water Resources has now reviewed this matter and based upon the information provided at the hearing and the Director's understanding of the law, the Director of the Department of Water Resources makes the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1) Fremont-Madison Irrigation District is the owner of the water rights for storage of water in Island Park Reservoir.

2) The lands of the applicant are not within the boundaries of the Fremont-Madison Irrigation District.

3) The applicant does not have the permission of the Fremont-Madison Irrigation District, the owner of this water right, to make this exchange.

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4) The exchange of fifty-five (55) acre feet of stored water would interfere with natural flow rights on Canyon Creek.

CONCLUSIONS OF LAW

1) Any person wishing to exchange a water right must possess ownership of that right or have the permission of the owner to initiate the exchange.

2) Fremont-Madison Irrigation District may make application for exchange to provide stored water to those lands within the district which cannot be provided water directly from the Henry's Fork of the Snake River. However, the Fremont-Madison Irrigation District cannot agree to exchange water to supply lands outside their district unless the exchange involves two water rights of equal stature.

3) There would be interference with water rights on Canyon Creek if stored water is exchanged for natural flow. However, in view of Conclusions 1 and 2 above, no determination of the extent of the interference is made.

ORDER

IT IS, THEREFORE, HEREBY ORDERED and Application for Exchange No. 21-2156C is DENIED.

Dated this 15th day of March, 1980.

RONALD D. CARLSON
Hearing Officer

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF PROTESTS AGAINST APPROVAL)
OF APPLICATION FOR EXCHANGE OF WATER RIGHT)
NO. 21-2156C IN THE NAME OF OWEN J. NEELEY)
)

CERTIFICATE OF MAILING

I HEREBY CERTIFY That on the 20th day of March, 1980, true and correct copies of the foregoing PROPOSED MEMORANDUM DECISION AND ORDER and ORDER ISSUING PROPOSAL FOR DECISION, were mailed, postage prepaid to:

Owen J. Neeley Ranch, Inc.
Box 425
Rexburg, ID 83440

J. Wayne Stevens
Steveco, Inc.
Box 147
Teton, ID 83451

Blair Grover
Box 36
Rigby, ID 83442

Fremont-Madison Irrigation District
R. Willis Walker, Chairman
St. Anthony, ID 83445

Ray W. Rigby
RIGBY, THATCHER, & ANDRUS, P.A.
25 North Second East
Rexburg, ID 83440

Jay Hancock
SMITH & HANCOCK
P. O. Box 427
Rexburg, ID 83440

Rita I. Fleck

RITA I. FLECK

MICROFILMED

RECEIVED
MAR 22 1976
Department of Water Resources
Eastern District Office

The REXBURG STANDARD and
The REXBURG JOURNAL
REXBURG, IDAHO

Affidavit of Publication

STATE OF IDAHO
County of Madison } ss.

I, Terry T. Weatherston, being first duly sworn, depose and say, that I am the printer of THE REXBURG Journal, a newspaper printed and published weekly at Rexburg, Madison County, Idaho; and I do solemnly swear that the

Exchange of water No.21-2156(c)

a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue thereof for two consecutive issues, the first publication having been made on March 11, 1976 and the last publication having been made on March 18, 1976.

Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninteruptedly published in said county dur a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

Subscribed to and sworn to before me this March 19, 1976.

Kay O. Porter
Notary Public.

(SEAL)

My commission expires August 5, 1977

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(c)

Notice is hereby given that O. J. Neeley Ranch, Inc., Rexburg, Idaho, has applied to the Department of Water Resources on 2-23-76 to exchange 55 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within Sec. 19, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 4.00 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

State of Idaho

License and Certificate of Water Right

Water License No. R-590 Amount 114,000 acre fee

Water District No. Priority March 14, 1935

THIS IS TO CERTIFY that U. S. A. BUREAU OF RECLAMATION

of Boise, Idaho, made application for a permit to appropriate the public waters of the State of Idaho, dated March 14, 19 35; that Permit No. R-590 was issued under said application; that Certificate of Completion of works, with a ~~carrying~~ storage capacity of 114,000 ~~second feet~~ acre feet, was issued thereunder on April 12, 1940, showing that said works were completed on the 28th day of July, 19 39; and that on the 5th day of May, 19 50,

U. S. A. BUREAU OF RECLAMATION

of Boise, State of Idaho, made proof to the satisfaction of the State Reclamation Engineer of Idaho, of the right to use the waters of North Fork (Henry's fork), ~~a tributary of~~ of Snake River, for the purpose of irrigation and domestic use, under Use Permit No. R-590 of the Department of Reclamation and that said right to the use of said waters has been perfected in accordance with the laws of Idaho, and is hereby confirmed by the State Reclamation Engineer of Idaho and entered of record in Volume 8 of Licenses at page 4856, on the 24th day of November, 19 51;

The right hereby confirmed dates from March 14, 19 35;

The Point of ~~Diversion~~ outlet is located in Lot 3, Section 28,

in the ~~¼x¼ Sec.~~, Tp. 13 N., R. 43 E., B. M. Fremont County

That the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually needed and beneficially used for said purposes, and shall not exceed 114,000 acre ~~cubic feet per second~~ feet per annum.

Description and location of use:

Twp.	Range	Sec.	Forty-acre Tract	No. Acres Described in Permit	No. Acres Actually Irrigated
	Supplemental use on approximately 112,000 acres of land within the Fremont-Madison Irrigation District.				

The right to the use of the water aforesaid hereby confirmed is restricted to the lands or place of use herein described, as provided by the laws of Idaho.

WITNESS the seal and signature of the State Reclamation Engineer, affixed at Boise, Idaho, this 24th day of November, 19 51.

MARK R. KULP

State Reclamation Engineer

(SEAL)

COPYLAND

Liz -
this is a transfer
copy of the transfer
summary in "Part A".
do not film again.
Thanks -
Kay

Bill Text

H0704

LEGISLATURE OF THE STATE OF IDAHO
Fifty-third Legislature Second Regular Session - 1996

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 704

BY RESOURCES AND CONSERVATION COMMITTEE

AN ACT

RELATING TO INTERIM AUTHORITY FOR RENTAL OF WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON; AMENDING CHAPTER 17, TITLE 42, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 42-1763B, IDAHO CODE, TO STATE LEGISLATIVE FINDINGS AND INTENT, TO PROVIDE WATER RENTALS, TO PROVIDE CONDITIONS ON WATER RENTALS, TO PROVIDE APPLICATION TO CERTAIN CONTRACTUAL OBLIGATIONS, TO PROVIDE EFFECTIVENESS CONTINGENT ON CERTAIN CONDITIONS OCCURRING AND TO PROVIDE A SUNSET CLAUSE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 17, Title 42, Idaho Code, be, and the same is hereby amended by the addition thereto of a **NEW SECTION** , to be known and designated as Section 42-1763B, Idaho Code, and to read as follows:

42-1763B. INTERIM AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON. (1) Legislative findings and intent regarding rental of storage water from U.S. bureau of reclamation projects in the Snake River basin within Idaho to augment lower Snake River flows during the migration of Snake River salmon.

(a) The legislature finds that the U.S. bureau of reclamation requested the release of four hundred twenty-seven thousand (427,000) acre feet of water to augment salmon flows in order to satisfy the conditions of the biological opinion issued by the national marine fisheries service on March 2, 1995. The legislature authorizes the U.S. bureau of reclamation to release water from its projects under the limited conditions of this section in 1996, 1997, 1998 and 1999.

(b) It is the intent of the legislature to promptly consider the repeal of subsections (2) and (3) of this section in the event that the provisions of the biological opinion issued by the national marine fisheries service on March 2, 1995, related to the provision of flows for salmon from the Snake River basin above Brownlee Reservoir are modified or declared arbitrary, capricious or otherwise unlawful, or are set aside by any federal court.

(2) Rental of storage water from U.S. bureau of reclamation storage.

(a) Notwithstanding the legislative approval required in section 42-108, Idaho Code, any storage water release from U.S. bureau of reclamation reservoirs within the state of Idaho for

use to augment river flows during the migration of Snake River salmon pursuant to this section must be rented through the water bank operated by the Idaho water resource board pursuant to sections 42-1761 through 42-1764, Idaho Code, or through local water rental committees, created pursuant to section 42-1765, Idaho Code, under their respective water bank rules; provided however, that the agricultural preference provisions of local rental pool rules shall not apply to any uncontracted space rented by the U.S. bureau of reclamation pursuant to this section.

(b) For any rental of water pursuant to this section, the director shall not be required to determine under section 42-1763, Idaho Code, whether the water supply is sufficient for the purpose for which it is sought, whether the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, whether such use is in the public interest, or whether such use is consistent with the factors enumerated under subsection (3) of section 42-401, Idaho Code.

(3) Conditions on storage water rentals.

(a) Any storage water made available under this section shall be obtained only from willing lessors. Any water rented under this section from reservoirs located within a basin having a local rental pool committee established pursuant to section 42-1765, Idaho Code, shall be rented pursuant to this section only through the local rental pool committee.

(b) Storage water made available under this section shall be limited to four hundred twenty-seven thousand (427,000) acre feet annually. These releases from storage shall be reduced by other water the U.S. bureau of reclamation provides for augmentation of salmon flows from the Snake River and its tributaries.

(c) In no event shall the release of water under this section cause the water surface of Cascade Reservoir to be below the elevation required to maintain a storage volume of three hundred

thousand (300,000) acre feet, fifty thousand (50,000) acre feet of which is dead space, which is currently estimated to be at an elevation of four thousand eight hundred nine and two-tenths (4,809.2) feet.

(d) The U.S. bureau of reclamation shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

(e) All storage water rented from U.S. bureau of reclamation reservoirs under this section must be used for power production purposes within the state of Idaho.

(f) Nothing herein shall entitle the U.S. bureau of reclamation to rent storage water upon termination or expiration of the permission given in this section.

(4) Nothing in this section shall be construed to alter in any way the existing contractual obligations of the U.S. bureau of reclamation or to constitute a finding by the legislature that the rental or use of storage water for augmentation of flows for salmon migration is a beneficial use of water, that it is in the public interest, or whether such use injures existing water rights.

(5) This section shall not become effective until the

director certifies to the governor that the U.S. bureau of reclamation's applications to transfer water right numbers 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 will be held in abeyance until July 1, 1999.

(6) On and after January 1, 2000, this act shall be null, void and of no force and effect.

State of Idaho
DEPARTMENT OF WATER RESOURCES
1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 5, 1996

F. Y. I.

The Honorable Philip E. Batt
Governor, State of Idaho
State Capitol
Boise, ID 83720-0034

RE: CERTIFICATION REQUIRED BY H.B. 704

Dear Governor Batt:

This letter certifies that the Department of Water Resources will hold the U.S. Bureau of Reclamation's Applications for Transfer Numbers 4616, 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636 and Applications to Amend Permit Numbers 25-07004 and 63-03618 in abeyance until July 1, 1999. This certification is required under subsection 5 of Section 42-1763B, Idaho Code, as a condition for the effectiveness of House Bill 704 approved by the 1996 Legislature which will become effective July 1, 1996.

The department will hold in abeyance all actions associated with the applications including action on requests for discovery or other matters relating to the applications. If you have questions about this matter or if I can provide additional information, I am available at your convenience.

Sincerely,

KARL J. DREHER
Director

c: The Honorable Pete T. Cenarrusa
John W. Keys, III
IDWR service list for BOR transfers
IDWR - Western Region
IDWR - Southern Region
IDWR - Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR TRANSFER NOS. 4616, 4617, 4618, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633, 4636, AND FOR THE AMENDMENT OF WATER RIGHT PERMIT NOS. 25-07004 AND 63-03618 IN THE NAME OF THE UNITED STATES BUREAU OF RECLAMATION	)	ORDER STAYING PROCEEDINGS

On May 15, 1995, the United States Bureau of Reclamation (Bureau) filed fifteen applications for transfer of water rights and two applications for amendment of water right permits with the Idaho Department of Water Resources (Department). The applications seek approval to use a combined total of up to 427,000 acre feet of water per year from Bureau reservoirs for flow augmentation purposes as a proposed contribution to salmon recovery efforts. The applications seek authorization to release water for the requested purposes beginning in the Spring of 1996.

Pursuant to the consent of the parties, the director entered an order on September 19, 1995, providing among other things that the Bureau's pending applications would be held without further action until April 1, 1996. In accordance with the stipulation of the parties, the order also directed the parties to address the issues and concerns raised by the Bureau's applications through draft legislation or other alternative means.

Legislation prepared in response to the issues and concerns identified as a result of this proceeding was introduced before the 1996 Idaho Legislature as House Bill No. 704. The legislation was approved on March 15, 1996, as Session Laws Ch. 282 to be codified as section 42-1763B, Idaho Code, with an effective date of July 1, 1996. Subsection 5 of section 42-1763B provides that the section shall not become effective until the director certifies to the Governor that the U.S. Bureau of Reclamation's applications at issue in this proceeding will be held in abeyance until July 1, 1999. Section 42-1763B, Idaho Code, as added by H.B. 704 provides as follows:

> 42-1763B. INTERIM AUTHORITY FOR RENTAL OF STORAGE WATER TO AUGMENT FLOWS DURING THE MIGRATION OF SNAKE RIVER SALMON. (1) Legislative findings and intent regarding rental of storage water from U.S. bureau of reclamation projects in the Snake River basin within Idaho to augment lower Snake River flows during the migration of Snake River salmon.
>
> (a) The legislature finds that the U.S. bureau of reclamation requested the release of four hundred twenty-seven thousand (427,000) acre feet of water to augment salmon flows in order to satisfy the conditions of the biological opinion issued by the national marine fisheries service on March 2, 1995. The legislature authorizes the U.S. bureau of reclamation to release water from its projects under the limited conditions of this section in 1996, 1997, 1998 and 1999.
>
> (b) It is the intent of the legislature to promptly consider the repeal of subsections (2) and (3) of this section in the event that the provisions of the biological opinion issued by the national marine fisheries service on March 2, 1995, related to the provision of flows for salmon from the Snake River basin above Brownlee Reservoir are modified or declared arbitrary, capricious or otherwise unlawful, or are set aside by any federal court.
>
> (2) Rental of storage water from U.S. bureau of reclamation storage.
>
> (a) Notwithstanding the legislative approval required in section 42-108, Idaho Code, any storage water release from U.S. bureau of reclamation reservoirs within the state of Idaho for use to augment river flows during the migration of Snake River salmon pursuant to this section must be

rented through the water bank operated by the Idaho water resource board pursuant to sections 42-1761 through 42-1764, Idaho Code, or through local water rental committees, created pursuant to section 42-1765, Idaho Code, under their respective water bank rules; provided however, that the agricultural preference provisions of local rental pool rules shall not apply to any uncontracted space rented by the U.S. bureau of reclamation pursuant to this section.

(b) For any rental of water pursuant to this section, the director shall not be required to determine under section 42-1763, Idaho Code, whether the water supply is sufficient for the purpose for which it is sought, whether the rental would cause the use of water to be enlarged beyond that authorized under the water right to be rented, whether such use is in the public interest, or whether such use is consistent with the factors enumerated under subsection (3) of section 42-401, Idaho Code.

(3) Conditions on storage water rentals.

(a) Any storage water made available under this section shall be obtained only from willing lessors. Any water rented under this section from reservoirs located within a basin having a local rental pool committee established pursuant to section 42-1765, Idaho Code, shall be rented pursuant to this section only through the local rental pool committee.

(b) Storage water made available under this section shall be limited to four hundred twenty-seven thousand (427,000) acre feet annually. These releases from storage shall be reduced by other water the U.S. bureau of reclamation provides for augmentation of salmon flows from the Snake River and its tributaries.

(c) In no event shall the release of water under this section cause the water surface of Cascade Reservoir to be below the elevation required to maintain a storage volume of three hundred thousand (300,000) acre feet, fifty thousand (50,000) acre feet of which is dead space, which is currently estimated to be at an elevation of four thousand eight hundred nine and two-tenths (4,809.2) feet.

(d) The U.S. bureau of reclamation shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

(e) All storage water rented from U.S. bureau of reclamation reservoirs under this section must be used for power production purposes within the state of Idaho.

(f) Nothing herein shall entitle the U.S. bureau of reclamation to rent storage water upon termination or expiration of the permission given in this section.

(4) Nothing in this section shall be construed to alter in any way the existing contractual obligations of the U.S. bureau of reclamation or to constitute a finding by the legislature that the rental or use of storage water for augmentation of flows for salmon migration is a beneficial use of water, that it is in the public interest, or whether such use injures existing water rights.

(5) This section shall not become effective until the director certifies to the governor that the U.S. bureau of reclamation's applications to transfer water right numbers 4616, 4617, 4618, 4623, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 will be held in abeyance until July 1, 1999.

(6) On and after January 1, 2000, this act shall be null, void and of no force and effect.

Having reviewed the prior stipulation of the parties in this proceeding and the provisions of House Bill 704, to be codified as section 42-1763B, Idaho Code, the director orders as follows:

ORDER

IT IS HEREBY ORDERED that, in accordance with the provisions of House Bill 704, to be codified as section 42-1763B(5), Idaho Code, effective July 1, 1996, the U.S. Bureau of Reclamation's Applications to transfer water right numbers 4616, 4617, 4618, 4623, 4624, 4625, 4626, 4627, 4628, 4629, 4630, 4631, 4632, 4633 and 4636, and to amend water right permit numbers 25-07004 and 63-3618 shall be held in abeyance until July 1, 1999.

IT IS FURTHER ORDER that:

1. All matters associated with this proceeding, including issues regarding the scope and nature of potential discovery and the holding of any hearing, shall be held in abeyance

until July 1, 1999, and the existing rights of the parties to raise issues regarding these matters shall not be diminished as a result of the issuance of this order.

2. The U.S. Bureau of Reclamation shall be authorized to release water to augment Snake River flows for salmon migration purposes during 1996, 1997, 1998 and 1999 in accordance with the provisions of section 42-1763B, Idaho Code.

3. Pursuant to section 42-1763B(3)(d), Idaho Code, the Bureau shall submit a report to the director by January 15 of each year describing the time, volume, and purpose of storage water released for salmon purposes during the past year and shall report on the plan for releases for the spring and summer chinook by April 1 and on the plan for releases for the fall chinook by July 15 of each year.

4. The Bureau, in addition, shall provide at least seven-days prior notice to the director of the actual amount, source and timing of water releases as they are made under section 42-1763B, Idaho Code, or if impracticable, as soon as feasible under the circumstances.

5. This is an interlocutory order issued pursuant to Rule 710 of the Department's Rules of Procedure, IDAPA 37.01.010710.

DATED this 5th day of June 1996.

KARL J. DREHER
Director

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have, this 7th day of June, 1996, served the foregoing upon all parties of record in this proceeding, according to the Department of Water Resource's most current service list, by mailing a copy thereof to each party.

Deborah Drew-Ellis
Legal Secretary

WARNING

The pending transfer on this right is being held in abeyance until 7/1/1999 per Idaho Code, 42-1763B (effective 7/1/96) and Order Staying Proceedings dated 6/96.

NO FURTHER ACTION WILL BE TAKEN ON THIS RIGHT UNTIL 7/99!

MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Water Right Transfer No.s 3883, 3884 & 3885

DATE: 2-20-92

The Bureau of Reclamation filed water right transfers on all all Bureau reservoirs within Idaho. The transfers were submitted in November, 1991. Numerous protests have been received. This water right is included in one of the above transfers. The transfers have been filed in order to recognize release of storage water for fish enhancement purposes (i.e.; to benefit salmon fish migrations).

Since the transfer applications are lengthy and involve numerous rights, a copy of the appropriate transfers are not included in this file. Please refer to the transfer application file for information concerning the transfers.

COPY

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Fremont-Madison Irrigation District
P.O. Box 5
St. Anthony, ID 83445

Gentlemen:

Enclosed are copies of your approved applications for exchange of the abovee referenced water rights (Exchange 2371-Nyborg; Exchange 2370-Howell; Exchange 2372-Reinke; Exchange 2373-Boom Creek Canal Co.; Exchange 2374-Laird & Sons; Exchange 2666-Potter; Exchange 2667-Enterprise Irrigation District; Exchange 2668-Squirrel Creek Danal; Exchange 2669-Lyon; Exchange 2670-Marysville Canal Co.; Exchange 2671-Griffel; Exchange 2672-Orme; Exchange 2673-Blanchard; Exchange 2674-Griffel; Exchange 2675-Farmers Own Ditch Co.; and Exchange 2676-Loosli & Oberhansley). Be sure to note the conditions of approval as listed on the third page of each exchange.

If you have any questions regarding these exchanges, please feel free to contact our office.

Sincerely,

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosures

Note: Copies of the exchanges have been sent to each party associated with the exchange.

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Keith Nyborg
Route #2
Ashton, ID 83420

Dear Mr. Nyborg:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Edward Howell
Box 216
Ashton, ID 83420

Dear Mr. Howell:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

David P. Reinke
P.O. Box 41
Ashton, ID 83420

Dear Mr. Reinke:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Boom Creek Canal Co.
P.O. Box 86
Ashton, ID 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Laird & Sons
c/o J. A. Laird
Dubois, ID 83423

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Donald Potter
Chester,
Idaho 83421

Dear Mr. Potter:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Enterprise Irrigation District
Teton,
Idaho 83451

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Squirrel Creek Canal
Ashton,
Idaho 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Mrs. Maud Lyon
Route #4, Box 10
Idaho Falls, ID 83401

Dear Mrs. Lyon:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Marysville Canal Co.
Ashton,
Idaho 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Henry Griffel
Ashton,
Idaho 83420

Dear Mr. Griffel:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Larry Orme
Ashton,
Idaho 83420

Dear Mr. Orme:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Gail Blanchard
Chester,
Idaho 83421

Dear Mr. Blanchard:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Fred & Lloyd Griffel
Ashton,
Idaho 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right Nos. 21-2156 and 21-2157

Farmers Own Ditch Co.
Ashton,
Idaho 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

March 8, 1983

RE: Water Right No. 21-2156

Curtis Loosli & Wayne Oberhansley
Ashton,
Idaho 83420

Gentlemen:

Enclosed you will find a copy of Fremont-Madison's approved application for exchange of water involving your water right.

Please contact this office if you have any questions.

Sincerely,

David R. Tuthill Jr

DAVID R. TUTHILL, JR., P.E.
Supervisor, Water Allocation Section

DRT:kw
Enclosure

MICROFILMED

I. P. R. storage right 13042000

Diversion 1/13047575

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson watermaster of Snake River, of Water District No. 1, County of Bonneville State of Idaho, whose address is 1515 Lincoln Rd. Idaho Falls, have read the enclosed copy of the application for exchange of water right for Farmers Own (name), and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980

Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 8,165 AF of Island Park storage water held by Farmers Own Ditch Co. of Ashton, Idaho, with a priority (exchange) of June, 1938, for 8,165 AF of Falls River water diverted within the NE¼SE¼, Sec. 35, T. 9N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

I.P.A.S.A. 13042000

Lieu of 13047515

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson watermaster of Snake River,
of Water District No. 1, County of Bonneville State of Idaho,
whose address is 1515 Lincoln Rd Idaho Falls,
have read the enclosed copy of the application for exchange of water right for
Fred & Lloyd Griffel (name), and to the best of my knowledge believe the
application to be correct.

A I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980

Ronald D Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 200 AF of Island Park storage water held by Fred and Lloyd Griffel, Ashton, Idaho, with a priority (exchange) of June 1950 (100 AF) and June 1963 (100 AF), for 200 AF of Falls River water diverted within the NE¼NW¼, Sec. 33, T. 9N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

April 16, 1980

Fred Griffel
Rt. 2, Box 56E
Ashton, ID 83420

Dear Mr. Griffel:

Attached herewith is Departmental Receipt No. 13905 in the amount of $17.50 for the exchange of water right that was filed with our office.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

April 16, 1980

Lloyd Griffel
Box 114
Ashton, ID 83420

Dear Mr. Griffel:

Attached herewith is Departmental Receipt No. 13904 in the amount of $17.50 for the exchange of water right that was filed with our office.

Sincerely,

KAY WALKER
Secretary

MICROFILMED

should be NWSE 13
Lieu of 13049495

Island Park Reservoir Storage right
13042000

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River,
of Water District No. 1, County of Bonneville, State of Idaho,
whose address is 1515 Lincoln Rd, Idaho Falls,
have read the enclosed copy of the application for exchange of water right for
Gail Blanchard (name), and to the best of my knowledge believe the
application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980.

R Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 5 AF of Island Park storage water held by Gail Blanchard of Chester, Idaho, with a priority (exchange) of June, 1938, for 5 AF of Falls River water diverted within the SE¼NE¼, Sec. 13, T. 8N, R. 41E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

I.R.A.S.A. 13042000

Lieu of 13048050

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson watermaster of Snake River,

of Water District No. 1, County of Bonneville State of Idaho,

whose address is 1515 Lincoln Rd,

have read the enclosed copy of the application for exchange of water right for

Larry Orme (name), and to the best of my knowledge believe the

application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 14th day of May, 1980

Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 100 AF of Island Park storage water held by Larry Orme, Ashton, Idaho, with a priority (exchange) of June 1953, for 100 AF of Squirrel Creek water diverted within the SW¼NW¼, Sec. 17, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald on 4/17 & 4/24/80.

MICROFILMED

April 16, 1980

Larry Orme
Box 61
Highland Ranch
Squirrel, ID

Dear Mr. Orme:

Attached herewith is Departmental Receipt No. 13903 in the amountoof $35.00 for the Exchange of Water Right filed in our office.

Sincerely,

KAY WALKER
Secretary

Islands P.A's
13042000

Lieu of
130475 70

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River,
of Water District No. 1, County of Bonneville State of Idaho,
whose address is 1515 Lincoln Rd Idaho Falls,
have read the enclosed copy of the application for exchange of water right for
Henry Griffel, and to the best of my knowledge believe the
(name)
application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980.

_____
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 35 AF of Island Park storage water held by Henry Griffel, Ashton, Idaho, with a priority (exchange) of June, 1938, for 35 AF of Falls River water diverted within the NE¼SE¼, Sec. 35, T. 9N, R. 43E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

IRRSR. 13042000

Lieu of 13047475

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River, of Water District No. 1, County of Bonneville, State of Idaho, whose address is 1515 Lincoln Rd, have read the enclosed copy of the application for exchange of water right for Marysville Canal (name), and to the best of my knowledge believe the application to be correct.

(A.) I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980

Ronald Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located with Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 19,126 AF of Island Park storage water held by Marysville Canal Co., Ashton, Idaho, with a priority (exchange) of June 1938, for 19,126 AF of Falls River water diverted within the NE¼NW¼, Sec. 35, T. 9N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

I.P.R.S.A.
1304[redacted]0 No number

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald D Carlson, watermaster of Snake River,
of Water District No. 1, County of Bonneville, State of Idaho,
whose address is 1515 Lincoln Rd,
have read the enclosed copy of the application for exchange of water right for
Mrs Maud Lyon (name), and to the best of my knowledge believe the
application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

Normal Conditions Placed on exchanges

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 8th day of Aug, 1980

Ronald D Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 60 AF of Island Park storage water held by Mrs. Maud Lyon, Idaho Falls, Idaho, with a priority (exchange) of June 1956, for 60 AF of South Fork Duck Creek and Rock Creek water diverted within the NW¼NW¼, Sec. 25; NW¼SW¼, Sec. 27; T. 15N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

J. MAX MORTENSEN, CHAIRMAN J. LEIGH CHANTRILL, SECRETARY DALE L. SWENSEN, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

P. O. BOX 5
ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
G. EMERY DAVIS

BOARD MEMBERS
J. LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LYLE HOSSNER

August 6, 1980

Ernest Carlsen
Idaho Dept. of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ernest:

Below is the description of lands for the Squirrel Creek Canal Co. to be added to their Application for Exchange.

S½; S½NE¼; SE¼NW¼ less R.R. & E. of R.R.; NE½NE¼ Section 10, T.8N., R.43E.

N½; N½N½SW¼; N½SE¼ Sec.15, T.8N, R.43E.

W½SW¼; S½NW¼; SE¼SW¼ Sec.8, T.8N., R.44E.

If you need any additional information I will be happy to help if I can.

Kindest Regards,

Dale L. Swensen

Dale L. Swensen
Treasurer-Assistant Secretary

RECEIVED
AUG 8
Department of Water Resources
Eastern District Office

MICROFILMED

IP.B.S.R. 13042000 Line 4 13048025

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald D Carlson, watermaster of Snake River, of Water District No. 1, County of Bonneville State of Idaho, whose address is 1515 Lincoln Rd Idaho Falls have read the enclosed copy of the application for exchange of water right for Squirrel Ck Canal (name), and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The exchange will have second priority to any natural flow right in effect at the time the exchange takes place

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls Idaho, this 1st day of May, 1980

Ronald D Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont-Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 240 AF of Island Park storage water held by Squirrel Creek Canal, Ashton, Idaho, with a priority (exchange) of June 1956 (140 AF) and June 1938 (100 AF), for 240 AF of Squirrel Creek water diverted within the SE¼SE¼, Sec. 3, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in Ashton Herald, 4/17 & 4/24/80.

MICROFILMED

April 16, 1980

Squirrel Creek Canal
Ashton,
Idaho 83420

Gentlemen:

Attached herewith is Departmental Receipt No. 13906 in the amount of $35.00 for the water right exchange that Fremont Madison filed with our office.

Sincerely,

KAYWWALKER
Secretary

JPR.SR. 13042060

Lien of 13048 475

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River, of Water District No. 1, County of Bonneville, State of Idaho, whose address is 1515 Lincoln Rd Idaho Falls, have read the enclosed copy of the application for exchange of water right for Enterprise Irr. Dist. (name) and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980

Ronald D Carlson
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 9N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 10,262 AF of Island Park storage water held by Enterprise Irrigation District, Teton, Idaho, with a priority (exchange) of June 1938, for 10,262 AF of Falls River water diverted within the NW¼SW¼, Sec. 22, T. 8N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

IRBSR
13048000 No number

Identification No. _____

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson, watermaster of Snake River,
of Water District No. 1, County of Bonneville, State of Idaho,
whose address is 1515 Lincoln Rd,
have read the enclosed copy of the application for exchange of water right for
Donald Potter (name), and to the best of my knowledge believe the
application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

_____

_____

_____

_____

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

_____

_____

_____

Dated at Idaho Falls, Idaho, this 1st day of May, 1980

_____
Watermaster

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henry's Fork Snake River, evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 3/14/35

The water is used to irrigate lands within the Fremont Madison Irrigation District from April 1 to Nov. 1 with the point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

To exchange 50 AF of Island Park storage water held by Donald Potter, Chester, Idaho, with a priority (exchange) of June, 1957, for 50 AF of Falls River water diverted within the NE¼SE¼, Sec. 21, T. 8N, R. 42E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 5, 1980.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald 4/17 & 4/24/80.

MICROFILMED

April 16, 1980

Fremont-Madison Irrigation District
P. O. Box 5
St. Anthony, ID 83445

Gentlemen:

Attached herewith is Departmental Receipt No. 13902 in the amount of $210.00 for the Exchanges of Water Rights that you filed with our office on March 11, 1980.

Sincerely,

KAY WALKER
Secretary

RECEIVED
OCT 19 1979
Department of Water Resources
Eastern District Office

Identification No. 21-2156/ 21-2157

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, RONALD D. CARLSON, watermaster of SNAKE RIVER,

of Water District No. 1, County of BONNEVILLE, State of Idaho,

whose address is 1515 Lincoln Road, Idaho Falls, Idaho 83401,

have read the enclosed copy of the application for exchange of water right for Fremont Madison (Laird & Sons, Inc), and to the best of my knowledge believe the application to be correct.

A. ~~I~~ hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The storage water used through exchange will be delivered after all natural flow rights in effect and shall bear a priority of June 1 1953 among storage users on Twin Creek OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 18th day of Oct, 1979.

Ronald D Carlson
Watermaster

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

OCTOBER 11, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billins to this office before NOVEMBER 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156	AMOUNT:	114,000 AF	PRIORITY:	3-14-35
21-2157	AMOUNT:	21,000 AF	PRIORITY:	6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Laird and Sons, Dubois, Idaho, proposes to exchange 50 AF of their Island Park storage water with a priority (exchange) of June 1, 1953 for 50 AF of Twin Creek water diverted within the NE¼NE¼, Sec. 36, T. 15N, R. 43E, B.M., Fremont County, to be used within the NW¼, Sec. 36, T. 15N, R. 43E, B.M.

Any protest to the above proposed exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on October 18 and 25, 1979.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 2, 1979

Fremont-Madison Irrigation District
Box 5
St. Anthony, Idaho 83445

Gentlemen:

Re: (5) Applications for Exchange of Water

Attached herewith is Departmental receipt No. 13733 in the amount of $175.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

RECEIVED
OCT 19 1979
Department of Water Resources
Eastern District Office

Identification No. 21-2156/ 21-2157

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, RONALD D. CARLSON, watermaster of SNAKE RIVER,

of Water District No. 1, County of BONNEVILLE, State of Idaho,

whose address is 1515 Lincoln Road, Idaho Falls, Idaho, 83401,

have read the enclosed copy of the application for exchange of water right for Fremont Madison (Boom Creek Canal Co) (name), and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The storage water used through exchange shall be delivered after all natural flow rights in effect at the time & shall bear a Priority of June 1, 1956 for the first 60 AF and a Priority of June 1, 1975 for the remaining 800 AF when considered among other storage users on Boom Ck

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 18th day of Oct, 1979

Ronald D. Carlson
Watermaster

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

OCTOBER 11, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156	AMOUNT:	114,000 AF	PRIORITY: 3-14-35
21-2157	AMOUNT:	21,000 AF	PRIORITY: 6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

The Boom Creek Canal Co., Ashton, Idaho, proposes to exchange 860 AF of their Island Park storage water with priorities (exchange) of June 1, 1956 for 60 AF and June 1, 1975 for 800 AF, in lieu of 860 AF of Boom Creek water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 45E, B.M., Fremont County.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho on October 18 and 25, 1979

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 2, 1979

Fremont-Madison Irrigation District
Box 5
St. Anthony, Idaho 83445

Gentlemen:

Re: (5) Applications for Exchange of Water

Attached herewith is Departmental receipt No. 13733 in the amount of $175.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

RECEIVED
OCT 19 1979
Department of Water Resources
Eastern District Office

Identification No. 21-2156/ 21-2157

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, RONALD D. CARLSON, watermaster of SNAKE RIVER,

of Water District No. 1, County of BONNEVILLE, State of Idaho,

whose address is 1515 Lincoln Road, Idaho Falls, Idaho 83401,

have read the enclosed copy of the application for exchange of water right for Fremont Madison (David P. Reinke) (name), and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The storage water used through exchange shall be delivered after all natural flow rights in effect at the time of Shall bear a priority of June 1, 1975 when considered among other storage users on Falls River

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 18th day of Oct, 1979.

Watermaster

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

OCTOBER 11, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont-Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by license No. 21-2156 and 21-2157 and is recorded as follows:

21-2156	AMOUNT:	114,000 AF	PRIORITY:	3-14-35
21-2157	AMOUNT:	21,000 AF	PRIORITY:	6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

David P. Reinke, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a (exchange) priority of June 1, 1975, in lieu of 100 AF of Falls River water diverted within the SE¼NE¼, Sec. 4, T. 8N, R. 43E, B.M., Fremont County, to be used for the irrigation of 72 acres within the S½NE¼, NE¼SE¼, SW¼NW¼, Sec. 3, T. 8N, R. 43E, B.M.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on October 18 and 25, 1979

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 2, 1979

Fremont-Madison Irrigation District
Box 5
St. Anthony, Idaho 83445

Gentlemen:

Re: (5) Applications for Exchange of Water

Attached herewith is Departmental receipt No. 13733 in the amount of $175.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

Identification No. 21-2566 & 21-2557

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, Ronald Carlson watermaster of Snake river,
of Water District No. 1, County of Bonneville, State of Idaho,
whose address is 1515 Lincoln Rd,
have read the enclosed copy of the application for exchange of water right for
Keith Nyberg (name), and to the best of my knowledge believe the
application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:
Subject to a delivery priority of 6/1/75 for 200 AF and 3/14/35 for 30 AF.

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 21 day of Nov, 1979.

Ronald Carlson
Watermaster

MICROFILMED

RECEIVED
NOV 21 1979
Department of Water Resources
Eastern District Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

November 19, 1979

RE: Amended Application for Exchange No. 21-2156/57 KEITH NYBORG

Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, Idaho 83445

Gentlemen:

Attached herewith is departmental receipt No. 13798 in the amount of $20.00 for the above referenced application.

Very truly yours,

COLLEEN WRAY
Sr. Secretary

Attachment

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7166

November 15, 1979

RE: Amended Exchange of Water Right No. 21-2156/57

Ashton Herald
P.O. Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CW

Enc: Legal Notice (1

MICROFILMED

NOTICE OF AMENDED APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho filed Exchange No. 21-2156/21-2157 under a proposed exchange for Keith Nyborg, Ashton, Idaho to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

The applicant is now proposing to amend the exchange correcting the amount and priorities as follows:

200AF of water with a priority of June 1, 1975, and

30 AF of water with a March 14, 1935 priority.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 10, 1979.

C. STEPHEN ALLRED
Director

Publ. Nov. 22 and 29, 1979AH

RECEIVED
NOV 21 1979
Department of Water Resources
Eastern District Office

NOTICE OF AMENDED APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho filed Exchange No. 21-2156/21-2157 under a proposed exchange for Keith Nyborg, Ashton, Idaho to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

The applicant is now proposing to amend the exchange correcting the amount and priorities as follows:

200 AF of water with a priority of June 1, 1975, and

30 AF of water with a March 14, 1935 priority.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before December 10, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on November 22 & 29, 1979.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 22, 1979

RE: Amended Application for Exchange No. 21-2156/57 (KEITH NYBORG)

Mr. Dale Swensen
Fremont Madison Irrigation District
PO Box 5
St. Anthony, Idaho 83445

Dear Dale:

Pursuant to our telephone conversation on October 19, 1979, concerning the errors on the priorities and amount of water on the above referenced exchange, I have completed an amended exchange reflecting these as they should be.

Please have the amended exchange signed in the presence of a notary and return to this office with the statutory amending fee of $20.00 for further processing.

Very truly yours,

BILL RHOADS
Resource Analyst

BR:cw

Enclosure

MICROFILMED

CONVERSATION MEMORANDUM

DATE October 19, 1979

FILE 21-2156/57 Exchange
KEITH NYBORG

NAME OF PARTY Dale Swensen

EMPLOYEE Bill Rhoads

RE: Error on Above Referenced Exchange

Dale Swensen called this morning; Keith Nyborg has notified him of an error in the Fremont-Madison records.

That is: 30 AF with 3/14/1935 priority and 200 AF with a 6/01/1975 priority.

It will be necessary to draft an amended exchange and readvertise it.

MICROFILMED

RECEIVED
OCT 19 1979
Department of Water Resources
Eastern District Office

Identification No. 21-2156/21-2157

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, RONALD D. CARLSON, watermaster of SNAKE RIVER,

of Water District No. 1, County of BONNEVILLE, State of Idaho,

whose address is 1515 Lincoln Road, Idaho Falls, Idaho 83401,

have read the enclosed copy of the application for exchange of water right for Fremont Madison (Keith Nyborg) (name), and to the best of my knowledge believe the application to be correct.

A. I hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The storage water used through exchange shall be delivered after all natural flow rights in effect at the time & shall bear a priority of June 1, 1975 when considered among other storage users on Camas Creek

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 18th day of Oct, 1979.

Ronald D. Carlson
Watermaster

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

OCTOBER 11, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

Gentlemen:

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An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156	AMOUNT:	114,000 AF	PRIORITY:	3-14-35
21-2157	AMOUNT:	21,000 AF	PRIORITY:	6-12-40

The water is used to irrigate lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Keith Nyborg, Ashton, Idaho, proposes to exchange 230 AF of his Island Park storage water with a priority (exchange) of June 1, 1975, for 230 AF of Conant Creek water diverted within the NW¼NE¼, Sec. 29, T. 8N, R. 44E, B.M., Fremont County.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on October 18 and 25, 1979.

MICROFILMED

Cancelled advertising fees 10/25/79 CW 10-22-79

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 2, 1979

Fremont-Madison Irrigation District
Box 5
St. Anthony, Idaho 83445

Gentlemen:

Re: (5) Applications for Exchange of Water

Attached herewith is Departmental receipt No. 13733 in the amount of $175.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

J. MAX MORTENSEN, CHAIRMAN J. LEIGH CHANTRILL, SECRETARY DALE L. SWENSEN, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

P. O. BOX 5
ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
G. EMERY DAVIS
Leland E. Clark
Lorin B. Kauer

June 10, 1981

BOARD MEMBERS
J. LEIGH CHANTRILL
[redacted]
NORMAN HILLAM
[redacted]

Idaho Dept. of Water Resources
Atten: Dave Tuthill Dear
Statehouse
Boise, Idaho 83720

Dear Mr. Tuthill:

At the last Board of Directors meeting held on June 2, 1981, the Directors discussed the Applications for Exchange that have been filed with the Dept of Water Resources and the priority the exchange storage water shall bear.

The Directors unanimously passed a motion that all storage water that is owned shall have the same priority and that any storage that is rented by the District shall have a lesser priority. This is the way the Directors would like to have the applications approved.

If you have any questions regarding this matter please feel free to give me a call.

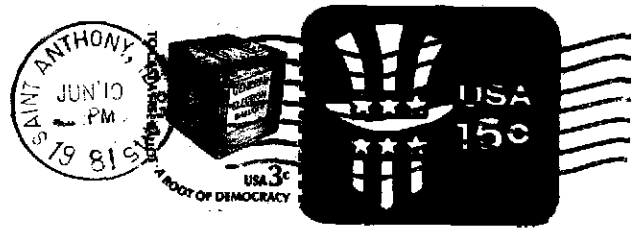
Kindest Regards,

Dale L. Swensen

Dale L. Swensen
Assist. Sec.-Treas.

MICROFILMED

Fremont-Madison Irrigation District
P. O. Box 5
354 North 6th West
Saint Anthony, Idaho 83445



Idaho Dept. of Water Resources
Atten: Dave Tuthill
Statehouse
Boise, Idaho 83720

MICROFILMED

CONVERSATION MEMORANDUM

DATE 6/3/81

FILE

NAME OF PARTY Dale Swendson

EMPLOYEE Dave Tuthill

RE: Applications for Exchange

Mr. Swendson called to report that at the meeting of the Board of Directors of Freemont-Madison Irrigation District last night, the Board decided to consider all of the "owned" storage rights for which applications for exchange have been made as having one date of priority only. All of the exchange apps filed by Freemont-Madison to date have been for "owned" water.

The Board also agreed to consider all users of "rental" storage water as having a later date of priority than for the "owned" water. Apps for exchange for the rental water will be forthcoming.

Mr. Swendson indicated he would follow up this telephone call with a letter. I indicated we would begin further processing of the apps considering this new information.

MICROFILMED

CONVERSATION MEMORAND

DATE 8/18/81

FILE 21-2156

NAME OF PARTY Dale Swendsen / Freemont-Madison Irr Dist 624-3381

EMPLOYEE Dave Tuthill

RE: Exchanges filed on 21-2156 & 21-2157

In response to a conversation with Phil Rassier I called Mr. Swendson to obtain a copy of the contract used by Freemont-Madison in the sale of storage water from Island Park Reservoir. Mr. Swendson said that no contract is used - however, the sale of storage water is recorded in their books.

W. I asked about the desires of the Irrigation District with regard to a "secondary priority system" for the storage system, Mr. Swendsen was not sure. ~~about~~ He will bring up the matter at the next meeting of the Irrigation District - April 7.

Per telecon on May 13, Mr. Swenson said the Board was not able to talk about this matter at the April 17 meeting but that he would for sure discuss it at the May 26 special meeting or the June 2 regular meeting.

DRT

MICROFILMED

IDAHO DROUGHT COMMITTEE
STATEHOUSE, BOISE, IDAHO 83720
DIAL DROUGHT (376-8448)
JOHN V. EVANS —*Governor, State of Idaho*

To Jo

From Norm

SUBJECT Exchange conditions

MESSAGE

Date 12/31/71

I would appreciate some thoughts on the legality of the proposed priority conditions on the attached exchanges. Let's discuss after you or Phil or Mike have looked at it.

REPLY

Date

MICROFILMED

INTER-DEPARTMENT MEMO — 1

FROM DAVE T.

DATE 12-27-79

TO NORM

SUBJECT ATTACHED

I was concerned about the following items:

1. Date of priority of the storage rt's. Ron indicated that this date is necessitated by the possibility of multiple storage exchange users on one tributary creek. The storage water is delivered on a priority basis in this case, starting with the first wateruser to purchase the storage water.
2. Place of use. Ron indicated that all lands receiving exchange water are within the irr. dist. This fact has been added to the apps.

SIGNATURE

DET

INTER-DEPARTMENT MEMO — 1

FROM Jim J.

DATE 12/5/79

TO Norm Y.

SUBJECT Applications for Exchange

I have reviewed these Applications for exchange and w/the conditions they appear to satisfy Idaho Code Exchange requirements and will accomplish what is intended by the Fremont Irrigation District.

Everything, however, is not a bowl of peaches w/this exchange. In short, it will cause another screw-up in the computer accounting program for water right delivery. This is caused mainly because of the necessity to have two sets of priorities for a given source. 1. priority based upon natural flow rights 2. priority based upon exchange of stored water for natural flow diversion. The computer program as it is now designed will not account for water delivery in this manner. No one yet has a solution. I mentioned this only so that you're aware that these problems are occurring w/our attempts to computerize Q/ Basin water rights. (Second date of Priority will be placed in remarks).

SIGNATURE

CONDITIONS OF APPROVAL

1. When considered among other storage users on Strong Creek, storage water under this exchange shall ~~bear~~ have a priority of June 1, 1956.

2. The storage water used through this exchange shall be delivered after all natural flow rights on Strong Creek in effect at the time.

3. A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained in the NE¼SE¼ and NW¼SE¼, Sec. 17, T. 9N, R. 43E, as part of the diverting works.

4. Use of water under this exchange is subject to control by the watermaster of State Water District No. 1, Snake River.

MICROFILMED

RECEIVED

OCT 19 1979

Department of Water Resources
Eastern District Office

Identification No. 21-2156/21-2157

Exchange No. _____

APPLICATION FOR EXCHANGE OF WATER RIGHT

RECOMMENDATION OF WATERMASTER

I, RONALD D. CARLSON, watermaster of SNAKE RIVER,

of Water District No. 1, County of BONNEVILLE, State of Idaho,

whose address is 1515 Lincoln Road, Idaho Falls, Idaho 83401,

have read the enclosed copy of the application for exchange of water right for Fremont Madison (Edward Howell), and to the best of my knowledge believe the application to be correct.

(name)

A. ~~I~~ hereby endorse application for exchange and recommend that the State Water Resource Director approve the exchange subject to the following conditions:

The storage water used through exchange shall be delivered after all natural flow rights in effect on Strong creek have been filled, & shall bear a priority of June 1, 1956 when considered among other storage uses on Strong creek

OR

B. I do not endorse approval of this application for exchange as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 18th day of Oct 1979.

Ronald D. Carlson
Watermaster

MICROFILMED

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

OCTOBER 11, 1979

The Ashton Herald
P. O. Box 258
Ashton, Idaho 83420

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before NOVEMBER 5, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor
Eastern Region

Encl.

MICROFILMED

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that Fremont Madison Irrigation District, St. Anthony, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park Reservoir tributary to Henrys Fork Snake River, evidenced by License No. 21-2156 and 21-2157 and is recorded as follows:

21-2156	AMOUNT:	114,000 AF	PRIORITY:	3-14-35
21-2157	AMOUNT:	21,000 AF	PRIORITY:	6-12-40

The water is used for irrigation of lands within the Fremont-Madison Irrigation District from Apr. 1 to Nov. 1 with point of diversion located within Lot 3, Sec. 28, T. 13N, R. 43E, B.M., Fremont County.

PROPOSED EXCHANGE

Edward Howell, Ashton, Idaho, proposes to exchange 100 AF of his Island Park storage water with a priority (exchange) of June 1, 1956 for 100 AF of Strong Creek water diverted within the NE¼SE¼, NW¼SE¼, Sec. 17, T. 9N, R. 43E, B.M., Fremont County to be used within Sec. 17, T. 9N, R. 43E, B.M.

Any protest to the above proposed change of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before November 5, 1979.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on October 18 and 25, 1979.

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

October 2, 1979

Fremont-Madison Irrigation District
Box 5
St. Anthony, Idaho 83445

Gentlemen:

Re: (5) Applications for Exchange of Water

Attached herewith is Departmental receipt No. 13733 in the amount of $175.00 for the above referenced applications.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:dh

Attachment

MICROFILMED

August 4, 1980

Steveco, Inc.
Box 147
Teton, ID 83451

Gentlemen:

Re: Exchange No. 2122156D

Enclosed is a copy of the denied application for exchange and a copy of the order adopting the department's decision as set forth in the proposed memorandum decision and order dated March 15, 1980.

Any person who does not agree with the decision of the department may request a rehearing before the director within twenty (20) days or may appeal directly to the district court within sixty (60) days of the date the decision was mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

DEPARTMENT COPY

INTER-DEPARTMENT MEMO — 1

FROM Jim J

DATE 12/15/79

RECEIVED

DEC 6 1979

Department of Water Resources
Eastern District Office

TO ERNIE

SUBJECT Exchange on Lic. No. 21-2156

IN processing the recent exchange applications I discovered two previous exchange app which are not yet approved. It appears they were sent to Boise for additional information which was thought to be in the hearing records. I checked around and could not find any more information than ~~that~~ ~~which~~ what is already in these files. Therefore I am returning these to you for further action which I understand per our phone conversation will probably be to deny them.

Good Luck.

SIGNATURE

[redacted]

R. WILLIS WALKER, CHAIRMAN | LARUE FRANSEN, SECRETARY | L. C. ANDERSON, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
EMERY DAVIS

BOARD MEMBERS
LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LARUE FRANSEN

16 Sept 1977

RECEIVED
SEP 19 1977
Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
ATTN: Mr. Ronald D. Carlson
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron;

As you requested, I brought the matter of renting storage to Mary Griffel on years of high water before the Board of Directors of the Fremont-Madison Irrigation District. The decision of the Board was that at the present time, they would rather not make any committments of this kind.

Sincerely,

Keith M. Bean
Treasurer, Asst. Secretary

MICROFILMED

R. WILLIS WALKER, CHAIRMAN LARUE FRANSEN, SECRETARY L. C. ANDERSON, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
EMERY DAVIS

RECEIVED
SEP 6 1977
Department of Water Resources
Eastern District Office

BOARD MEMBERS
LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LARUE FRANSEN

27 August 1977

Mr. Ronald D. Carlson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron;

As you are aware, Mary Smith has referred your letter of August 19, 1977 to me, requesting that I supply you with the information needed concerning supplemental storage for J. Wayne Stevens (application No. 22-7177) and Mary C. Griffel (application No. 21-7128).

At the present time, there is no storage attached to the properties described in either of the above mentioned applications. Had the Teton Dam remained intact, I am sure that both of the applicants would have plenty of stored water for the described properties, As it is, however, neither has any water attached to these properties.

Sincerely,

Keith M. Bean

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 12, 1977

RE: Applications for Exchange Nos. 21-2156 (c) and (d)

Ms. Mary Smith
Attorney at Law
30 South 2nd West
Rexburg, ID 83440

Dear Ms. Smith:

As you will recall, in 1976 J. Wayne Stevens and Owen J. Neeley applied to exchange storage water from Island Park for an equal amount in Canyon Creek. The Department conducted a conference in this matter on May 27, 1976, and it appeared that the Department could take no further action on these applications until we knew if the lands of Stevens and Neeley would be included in the Fremont-Madison Irrigation District, and if Fremont-Madison would approve these exchanges.

Could you let me know what action Fremont-Madison has taken in this matter as soon as possible?

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

MICROFILMED

RECEIVED
MAY 13 1977
Department of Water Resources
Eastern District Office

EXCHANGE
APPLICATION FOR ~~TRANSFER~~ OF WATER RIGHT
NO. 21-2156(d)

RECOMMENDATION OF WATERMASTER

I, Arthur L. Larson, watermaster of Snake River, of Water District No. 01, County of Bonneville, Madison, etc, State of Idaho, whose address is P.O. Box 1095, Idaho Falls, Ida. have read the attached copy of the application for transfer of water right for Stevens, Inc. (name), and to the best of my knowledge believe the application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend that the Director of the Department of Water Resources approve the transfer subject to the following conditions: Subject to the limitations of Canyon Creek natural flow to yield water over & above decreed rights

OR

B. I do not endorse approval of the above numbered Application for Transfer as requested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 12th day of May 1977.

Arthur L Larson
(signature)

MICROFILMED

Please use reverse side if needed.

FROM Jan G.

TO File

INTER-DEPARTMENT MEMO

DATE

SUBJECT

I called Ron Carlson 3/.177 & he said he would check w/ Fremont Madison Irrig. Dist. to see if they will expand their boundaries.

SIGNATURE

MICROFILMED

MEMORANDUM

TO: Bob Fleenor

FROM: Ron Carlson RDC

RE: Application for Exchange No. 21-2156(c) and 21-2156(d)

DATE: February 14, 1977

We are still holding in our files, application for exchange No. 21-2156(c) and 21-2156(d). These applications were filed by J. Wayne Stevens and Owen J. Neeley in an attempt to exchange Island Park storage water for the waters of Canyon Creek. Both applications were protested by Fremont-Madison Irrigation District and Keith conducted a hearing on May 27, 1976. As I recall, it was Keith's impression that without the approval of Fremont-Madison and the inclusion of the lands to be irrigated under each application within the boundaries of Fremont-Madison Irrigation District, these applications could not be approved. I believe that Keith also expressed some doubt that with the consent of Fremont-Madison Irrigation District and necessary changes in Fremont-Madison boundaries, these exchanges may not be necessary. Unfortunately, all of the notes or records of the hearing must be in the files in Boise because ours don't even contain the roster of attendance for the hearing. When you have time you might check your files and see what information they contained and perhaps give me an opinion on what action we should take.

Jan

See what you can do with this

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

Statehouse
Boise, Idaho 83720
(208) 384-2215

RECEIVED
JUN 10 1976
Department of Water Resources
Eastern District Office

--MEMORANDUM--

TO: FILE

FROM: R. KEITH HIGGINSON, Director RKH/slg

DATE: June 8, 1976

RE: APPLICATIONS FOR EXCHANGE NO. 21-2156(c) & 21-2156(d)

A conference concerning the above applications for exchange was held at St. Anthony, Idaho on May 27, 1976. Following a lengthly discussion, it became apparent that the applicants may still need to make arrangements with the Fremont-Madison Irrigation District for the annexation and disannexation of land from that district. The water proposed to be exchanged is water held under a water right in the name of the U.S. Bureau of Reclamation used by contract with that district. As long as the lands are within the exterior boundary of the district, they would be covered by the license issued to the U.S. Bureau of Reclamation. It would, therefore, probably not be necessary to process the exchange.

The question, however, would still remain as to who had the first right to make such an exchange on Canyon Creek because the water supply is insufficient to satisfy both uses. The applicants and the district would prefer that this decision be made by the department, but the matter of the exchanges was continued until approximately July 15, 1976 to allow them sufficient time to work out whatever arrangements are necessary with the district. At the same time that it is rescheduled, we should probably consider a hearing on the application of the Canyon Creek Canal Company for change of point of diversion nos. 22-0195 and 22-0196.

In any event, a decision needs to be made which is clear and concise with regard to who has the prior rights to use waters of Canyon Creek by direct diversion and by exchange.

RKH/slg

MICROFILMED

May 28, 1976

RE: Applications for Exchange No. 21-2156(c) and 21-2156(d)

Mr. Blair Grover
Attorney at Law
Lee, Ririe & Grover
P.O. Box 36
Rigby, Idaho 83442

Dear Blair:

Please find enclosed the copies of the applications for exchange that have been filed by O. J. Neeley and J. Wayne Stevens.

I failed to mention to Judd Neeley at the conference that one of the conditions of approval on his transfer was a measuring device must be installed near the mouth of Pony Creek, in addition to the totalizing measuring device on his pumping system. I feel your client should be advised that unless a measuring device at the mouth of Pony Creek is installed, the watermaster should not allow Neeley to pump any water under his 1900 Pony Creek right.

I have included a copy of the application for transfer filed by Canyon Creek Canal Company for your information. Notice of this application for transfer was published in the Rexburg Journal, May 13 and 20, 1976, with a final protest date of June 1, 1976.

I hope you have sufficiently recovered from your cold to do some serious fishing over the Memorial Day weekend.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosures (3)

MICROFILMED

21-2156(c) & 21-2156(d)
O. J. NEELEY RANCH INC &
STEVECO, INC COURTROOM
ST. ANTHONY, IDAHO

STEVECO INC - 300 AF EX. CANYON CK
O. J. NEELEY 55 AF " "

42-208
42-240

NEELEY'S LANDS HAVE BEEN INCLUDED
STEVECO HAS AGREEMENT W/ CANYON
CREEK CANAL. LANDS HAVE BEEN
INCLUDED IN FREMONT MADISON.

STEVECO DOES NOT HAVE 300 AF
ISLAND PARK STORAGE. - J.D. HANCOCK

STEVENS HAS 90 AF ISLAND PARK

APRIL 19, 1973 — STEVENS EARLIEST

ALL DATA AVAILABLE ON CANYON CREEK
G.S. GAGE 1975 WATER YEAR

CANYON CREEK ±1500 AF ISLAND PARK.
DELIVERED THRU EXCHANGE

HEARING CONTINUED UNTIL
JULY 15

MICROFILMED

21-2156(c) O. J. NEELEY RANCH INC.
21-2156(d) STEVECO INC.
COURT ROOM, ST. ANTHONY, IDAHO
MAY 27, 1976 — 10:00 A.M.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Owen J Neeley	Star Route Newdale,	O. J Neeley Ranch
Blair Grover	Box 36, Rigby	"
Lc Tuckett	F M. Irr.	
Wayne Stevens	Newdale Ida.	
Gordon S Thatcher of Rigby, Thatcher & Andrus, PA P.O. Box 250 Rexburg, Idaho 83440		Steveco, Inc.
Art Larson Robert Erickson Reg Child	[illegible]	[illegible]
J. D. Hancock of Smith & Hancock	Rexburg, Ida.	F-M Irr. Dist.

MICROFILMED

21-2156 (c) O. J. Noble Land, Etc.
21-2156 (d) Steele, Etc.

Noble - Prepared by Fremont Mapping
Steele - Prepared by Fremont Mapping

O. J. Noble - Lands under base
Steele - Assignees FM has to obtain
Has only 50 AF in Island Park

We need intervenor on FM Lands
Dist Lands

MICROFILMED

Canyon Creek Water Rights

Priority	Owner	Quantity
1902	Canyon Cr. Cattle Co.	16
1902		54
22-7069 4/18/23	J. Wayne Stevens	2.00
22-0610A (3/22/1920) 3/22/74	Owner J. Neeley (Perry Cr.)	Withdrawn & Removed
22-7103 9/3/74	Stevens	8.00
(6/5/1902) 22-0610A 9/26/74	Owner J. Neeley (Perry Cr.)	7.35
22-7114 11/20/74	Stevens	20.00
22-7118 12/5/74	Neeley	8.00
Exch 2/23/76	Neeley	55 AF Island Park
Exch 3/1/76	Stevens	(10) = 300 AF Island Park
22-0195 5/04/76	Canyon Cr. Cattle Co.	16
22-0196		54

MICROFILMED

Name and Address of Sender

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	RESTR. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	97	Lowell M. Wagner 154 Lewiston, Ida. Trees	15	40					31-7074
2	98	Mayflower Orval C. Montour, Ida.							"
3	99	Lucile Mayville, Parma, Ida							"
4	100	Agnes H. Eagleson, Montour, Id.							"
5	101	Donald Carlson, Sunnyton, Ida							"
6	102	Kenneth A. Hudson, Montour, Ida							"
7	103	LaMoyne Bunce, Holly Water Users, Jerome Id							"
8	104	Reid + Jones, Inc. Box 165 Hudson, Ida							"
9	105	Willard B Bell, P.O. Box 102, Arco, Ida							31-7074
10	106	Lester Bragwell, Arco, Ida							"
11	107	William J Knight, Gen. Bldg. Boise, Ida							"
12	108	Arthur W. Quist, Arco, Ida.							"
13	109	Jack W. Mapp							"
14	110	O. J Kirby Ranch, Box 425, Kilgore, Id.							31-2156 C
15	111	D. Wayne Stevens, Box 167 Teton, Id.							31-2156 C+D
16	112	Kay W. Kirby, 25 N. 2nd E Kilgore, Ida.							31-2156 C
17	113	Willis Weber, Fremont-Madison, Rt 1 Rexburg, Ida							31-2156 C+D
18		Copy sent to Art Hanson Not Certified							"
19		" Andy Andregg Not Certified							"
20		Copy sent to Elmer Hatch Not Certified							31-7074

OCT 30 1976 MAY 2 U.S. POSTAL SERVICE

TOTAL NO. OF PIECES LISTED BY SENDER	TOTAL NO. OF PIECES REC'D AT P.O.	POSTMASTER, Per (Name of receiving employee)
17	20	

*Show under "Remarks" class... (other than first or if international.

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on internati... ed mail)

★ U. S. GOVERNMENT PRINTING ... 0-523-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

MICROFILMED

May 5, 1976

Ms. Darlene Kalonge
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Ms. Kalonge:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, May 27, 1976, beginning at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protests Against Approval of Application for Exchange No. 21-2156(d) in the Name of STEVECO, INC.	NOTICE OF CONFERENCE AND/OR HEARING

On March 1, 1976, Steveco, Inc., filed with the Department of Water Resources an application to exchange the public waters of the State of Idaho. On March 29, 1976, the Department received a protest against approval of said exchange from Fremont-Madison Irrigation District.

The Department has set the matter of protest for conference and/or hearing for Thursday, May 27, 1976, at 10:00 a.m., in the Courtroom of the Fremont County Courthouse, St. Anthony, Idaho. Because of the similarity of the issues involved this hearing has been combined with Application for Exchange No. 21-2156(c), O. J. Neeley Ranch, Inc. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the place and time set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 5th day of May, 1976.

Ronald D Carlson

RONALD D. CARLSON

Supervisor, Eastern Region

May 5, 1976

Ms. Darlene Kalonge
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Ms. Kalonge:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, May 27, 1976, beginning at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

M E M O R A N D U M

TO: Keith

FROM: Ron

RE: Owen J. Neeley & J. Wayne Stevens

DATE: April 27, 1976

I have tentatively scheduled Applications for Exchange 21-2156(c) and (d) for hearing on May 27, 1976, at 10:00 a.m., in St. Anthony. These two exchanges represent a continuation of an on-going problem which started in August of 1974. This memo is to brief you on the background of the problems on Canyon Creek.

J. Wayne Stevens is a stockholder in the Canyon Creek Canal. Canyon Creek Canal has a decreed right for 70.0 c.f.s. of natural flow and uses Island Park storage through exchange with Henrys Fork. As a stockholder in the canal company, Stevens made an agreement with the canal company to irrigate land below the Canyon Creek Canal diversion from the water that passed their diversion works. In 1973, Stevens installed a pump in Canyon Creek and commenced irrigating about 80 acres of land. He did apply to the Department and received Permit No. 22-7069 for 2.00 c.f.s. On March 22, 1974, Owen J. Neeley applied to transfer his decreed right No. 22-0610A on Pony Creek to a new point of diversion on the Teton River for the irrigation of new lands not listed in the decree. On August 26, 1974, I was contacted by Andy Anderson, who told me that Owen J. Neeley had applied to the power company for power for two 300 Hp. pumps he was proposing to install in Canyon Creek. On September 3, 1974, J. Wayne Stevens came into our office and made application for an additional 8.00 second feet of water from Canyon Creek under Application for Permit No. 22-7103. On September 26, Owen J. Neeley withdrew application for transfer 22-0610A and reapplied for a transfer by the same number requesting a point of diversion change from Pony Creek to Canyon Creek. On October 9, we received protest against the granting of Owen J. Neeley's transfer from J. Wayne Stevens, and on October we received protest from the Fremont-Madison Irrigation District. On November 20, 1974

MICROFILMED

J. Wayne Stevens made Application No. 22-7114 for 20.0 c.f.s. from Canyon Creek.

A protest hearing on Owen J. Neeley's transfer was held on November 22, 1974, in St. Anthony. On December 5, 1974, Owen J. Neeley filed application for Permit No. 22-7118 for 8.00 c.f.s. from Canyon Creek. The transfer and all of the permits were approved and apparently caused something of a development race between Neeley and Stevens. At this time they have three circles a piece supplied from Canyon Creek.

During late July of 1975, Owen J. Neeley's right was cutoff by the watermaster and in an attempt to extend his pumping period in 1975 Owen J. Neeley, on February 23, 1976, applied to the Department to exchange 55 AF of Island Park storage for the waters of Canyon Creek. On March 1, J. Wayne Stevens applied to the Department to exchange 300 AF of Island Park storage for the waters of Canyon Creek. I have attached a copy of the watermaster records for 1975 to give an indication of the amount of water reaching the GS Gage on Canyon Creek.

It appears to be the feeling of most people in the valley that Neeley has no right to be diverting water from Canyon Creek and that Stevens was there first and because he is a stockholder in Canyon Creek Canal, water leaking by the Canyon Creek Canal diversion is his by agreement with the Canyon Creek Canal Company.

On March 16, Art Larson contacted me and indicated we needed to prepare some kind of an agreement by which Neeley and Stevens would pump during 1976, assuming the exchange of storage water can be approved. It was decided that since the storage water has the same priority and since there is not sufficient water available in Canyon Creek to supply the amount of exchange water requested by either applicant, the most equitable method of administration for the coming season would be to divide the available water equally. Owen J. Neeley was satisfied with the agreement but Wayne Stevens was not at all happy with the proposal. He, therefore, has contacted Ray Rigby, who is preparing an application for transfer for the Canyon Creek Canal Company. This transfer is proposing to add several additional points of diversion downstream from diversion for

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Canal Creek Canal to pump back water for use on lands within the Canyon Creek Canal system. Wayne Stevens feels that this way he will be able to have his lands listed as being within the boundaries of the Canyon Creek system and will be able to pump under the priority of the Canyon Creek right and use exchange storage water from Island Park.

The right decreed to Canyon Creek has no specific land list but only indicates that approximately 10,000 acres of the lands of the stockholders are to be irrigated from the Canyon Creek Canal. I have told Stevens and Ray Rigby that because the decree does not specify specific lands, the lands that have traditionally been irrigated from the Canyon Creek Canal must be specified on their application for transfer. If they are now proposing to irrigate lands that have not traditionally be supplied by Canyon Creek Canal, these must be indicated as part of the requested change.

Last Thursday evening Art Larson and I meet with the Board of Directors of Fremont-Madison Irrigation District. It appeared from this meeting that none of the lands that Neeley and Stevens are proposing to irrigate are within the district and probably will not be included. Further, Fremont-Madison will not agree to remove the storage water from the lands to which it is now appurtenant within the district. It, therefore, appears very unlikely that either exchange can be approved, which probably makes further hearing in this matter unnecessary. However, considering the size to which this problem has grown, it might be beneficial for you to meet with the parties involved at a hearing to clarify the legal rights and responsibilities that are involved.

I believe there has been a benefit to this whole matter in that it has shown some of the people on the Upper Snake the necessity for going through the Department of Water Resources to keep there water rights in order rather than making in-house agreements with the water district or the irrigation district.

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1796

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

WATER DISTRICT NO. 1

Cecil D. Andrus
Governor

R. Keith Higginson
Director

P.O. Box [illegible]
Idaho Falls, Idaho 83401
([illegible]) 522-[illegible]04

March 16, 1976

Mr. L. C. Anderson, Deputy Watermaster
Fremont-Madison Irrigation District
St. Anthony, Idaho 83445

Mr. O. J. Neeley
P.O. Box 425
Rexburg, Idaho 83440

Mr. J. Wayne Stevens
P.O. Box 147
Teton, Idaho 83451

Mr. Ronald Carlson, District Engineer
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

[illegible]
MAR 17 1976
[illegible] Water Resources
[illegible] Field Office

Gentlemen:

As you know, a situation exists on Canyon Creek regarding an involved series of water rights, permits, and storage rights. The rights to be considered are as follows:

American Falls Storage right	1921	
Teton Reservoir	1960	
Canyon Creek Canal Co.	June 1, 1900	16 cfs
	June 1, 1902	54
J. Wayne Stevens	April 9, 1973	0.4 cfs
	April 19, 1973	2
	Sept. 3, 1974	8
	Nov. 20, 1974	20
O. J. Neeley (Pony Creek)	June 15, 1900	8.7
	Dec. 5, 1974	8

The rights to be resolved are those of Mr. Stevens and Mr. Neeley. Both have applied for inclusion in the Fremont-Madison Irrigation District and have been assured they will be included before the coming irrigation season. This is essential before Fremont-Madison stored water can be used on their lands.

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The allocation of Teton Reservoir storage has not yet been finalized; therefore, the following plan of operation is for the 1976 season only:

1. An adequate measuring device, stilling well, and instrument shelter is to be installed on Pony Creek by Mr. Neeley. Water District No. 01 will furnish a weekly recorder and will rate the measuring section.

2. Mr. Neeley can pump as long as Pony Creek water reaches Canyon Creek in sufficient quantity to supply his demand while the June 15, 1900, decrees are in effect.

3. When 1974 rights are cut, Neeley and Stevens will have equal priority on available storage water under exchange privileges (provided they are included in Fremont-Madison District). When natural flow recedes to a point insufficient for both pumps to operate simultaneously, use will then be on a rotational basis with equal time for each user, the schedule to be determined by mutual consent or by the Watermaster of District No. 01 or his authorized deputy.

4. It is recommended that serious consideration be given before planting late maturing crops that will be dependent upon Canyon Creek water.

Very truly yours

Arthur L. Larson

Arthur L. Larson, Watermaster
Water District No. 01

MICROFILMED

PROCESS DATE IS 01-30-76

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

STATION NUMBER 13054600 CANYON CR AT RR BR NR NEWDALE ID STREAM SOURCE AGENCY USGS
LATITUDE 435044 LONGITUDE 1112641 DRAINAGE AREA 0.00 DATUM 9999.99 STATE 16 COUNTY 065

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1974 TO SEPTEMBER 1975
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1.3	6.2	5.5	10	17	12	10	15	230	223	2.7	1.1
2	1.3	6.2	7.3	10	18	12	9.7	16	256	205	.70	.90
3	1.3	5.9	8.5	11	18	12	10	22	328	191	1.5	1.1
4	1.3	5.5	8.6	14	18	12	10	28	375	179	1.0	.80
5	1.3	5.1	13	17	15	12	10	23	368	157	.30	.90
6	1.3	5.5	17	18	13	13	11	20	468	135	.70	1.0
7	1.3	5.5	16	18	14	13	11	19	622	117	.70	1.2
8	1.3	5.8	16	17	14	12	10	20	644	104	.50	.80
9	1.3	6.2	16	15	15	12	9.8	20	482	86	.90	.90
10	1.3	6.6	16	12	15	11	9.7	20	358	73	.80	1.3
11	1.3	5.9	16	11	16	11	9.4	31	322	50	.70	1.5
12	1.3	5.5	16	11	16	11	10	43	339	45	.70	1.3
13	1.3	6.6	16	12	18	11	12	49	407	37	1.0	.80
14	1.5	6.3	15	12	17	10	13	71	446	32	1.0	1.3
15	1.5	5.9	15	13	16	10	15	113	512	28	1.5	1.0
16	1.5	5.9	15	15	14	12	15	154	521	26	1.0	1.2
17	1.5	5.2	15	17	12	11	15	192	446	16	1.0	1.4
18	1.6	6.1	15	18	12	11	15	205	444	5.7	1.1	1.6
19	1.5	6.2	14	19	14	12	15	215	374	3.2	1.0	1.8
20	8.2	6.3	14	20	16	13	16	150	323	3.0	1.3	1.8
21	13	6.7	14	18	13	11	15	109	359	5.1	.90	1.8
22	13	6.6	14	15	10	12	19	89	407	1.8	.90	2.3
23	13	6.0	12	15	10	10	19	76	388	1.1	.80	2.5
24	3.9	5.9	10	16	11	10	19	72	392	1.0	1.3	2.0
25	1.5	6.2	11	18	12	11	21	69	404	1.0	1.0	2.0
26	4.4	5.4	13	20	12	10	18	67	292	1.1	2.0	2.0
27	4.8	5.3	15	17	12	9.0	16	74	233	.90	.90	2.0
28	4.8	5.0	16	16	12	8.0	15	89	213	.00	1.3	2.0
29	4.8	5.0	12	15	---	10	15	100	214	.70	2.3	2.1
30	5.1	5.0	10	14	---	11	14	139	225	2.3	.70	2.3
31	6.2	---	10	15	---	10	---	177	---	7.8	1.2	---
TOTAL	108	175	411	469	400	345	407	2487	11422	1747	33	44
MEAN	3.51	5.84	13.3	15.1	14.3	11.1	13.6	80.2	381	56.4	1.08	1.49
MAX	13	6.7	17	20	18	13	21	215	644	223	2.7	2.5
MIN	1.3	5.0	5.5	10	10	8.0	9.4	15	213	.70	.30	.80
AC-FT	216	348	817	930	793	684	808	4930	22660	3470	66	89

WTR YR 1975 TOTAL 18052.00 MEAN 49.5 MAX 644 MIN .30 AC-FT 35810

MICROFILMED

M E M O

TO: File

FROM: Ron Carlson

RE: Application for Exchange No. 21-2156(d)

DATE: April 6, 1976

J. Wayne Stevens has indicated that he has 90 A.F. of Island Park Storage that is now diverted through the Canyon Creek Canal. He is now proposing to remove the water from lands to which it is now appurtenant and release the water into the main channel of Canyon Creek for diversion at a new point of diversion for different lands. This will require:

1. Agreement with Canyon Creek Canal to release the storage through their canal into Canyon Creek.
2. An agreement with Fremont-Madison to remove the water from the lands to which it is now appurtenant and to include the lands to which it is being transferred in their district.
3. It will be necessary for application for exchange No. 21-2156(d) to be amended or if the right being exchanged is different from the one referenced by the original application for exchange, it may be necessary to withdraw this application and refile.

In talking with Mr. Stevens, I suggested that he get all of the necessary agreements before making any changes in his application to avoid any possibility of a second filing error.

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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 1, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Steveco, Inc.
Box 147
Teton, Idaho 83451

Dear Mr. Stevens:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 21-2156d. You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

(1) Will the proposed use reduce the quantity of water under existing water rights?

(2) Is the proposed water supply insufficient for the purposes intended?

(3) Is the application made in good faith or for delay or speculative purposes?

(4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

MICROFILMED

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME:CW

cc: IDWR - State Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 1, 1976

RE: Application for Exchange No. 21-2156(d)
Steveco, Inc.

Mr. Willis Walker, Chairman
Fremont-Madison Irrigation District
St. Anthony, Idaho 83445

Gentlemen:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

(1) Will the proposed use reduce the quantity of water under existing water rights?

(2) Is the proposed water supply insufficient for the purposes intended?

(3) Is the application made in good faith or for delay or speculative purposes?

(4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

MICROFILMED

March 5, 1976

RE: Application for Exchange No. 21-2156(c) NEELEY RANCH
" " " No. 21-2156(d) STEVECO, INC.

Rexburg Journal
23 South First East
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-23-76 by CW

RDC:CW

Enc: Legal Notice (2)

MICROFILMED

March 9, 1976

RE: Application for Exchange No. 21-2156(d)

Mr. Arthur L. Larson, Watermaster
Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before March 29, 1976.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(d)

Notice is hereby given that Steveco, Inc., Teton, Idaho, has applied to the Department of Water Resources on 3-01-76 to exchange 300 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within the SE¼SE¼ (2 points), Sec. 13, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 10.0 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

NO. 21-2156(d)

Notice is hereby given that Steveco, Inc., Teton, Idaho, has applied to the Department of Water Resources on 3-01-76 to exchange 300 A. F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within the SE¼SE¼ (2points), Sec. 13, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 10.0 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH BIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

MICROFILMED

August 4, 1980

O. J. Neeley Ranch, Inc.
Box 425
Rexburg, ID 83440

Gentlemen:

Re: Exchange No. 21-2156C

Enclosed is a copy of the denied application for exchange and a copy of the order adopting the department's decision as set forth in the proposed memorandum decision and order dated March 15, 1980.

Any person who does not agree with the decision of the department may request a rehearing before the director within twenty (20) days or may appeal directly to the district court within sixty (60) days of the date the decision was mailed.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

Enclosures

MICROFILMED

INTER-DEPARTMENT MEMO — 1

DATE 12/5/79

FROM Jim J

TO ERNIE

SUBJECT Exchange on Lic. No. 21-2156

RECEIVED
DEC 6 1979
Department of Water Resources
Eastern District Office

In processing the recent exchange applications I discovered two previous exchange app which are not yet approved. It appears they were sent to Boise for additional information which was thought to be in the hearing records. I checked around and could not find any more information than that which is already in these files.

Therefore I am returning these to you for further action which I understand per our phone conversation will probably be to deny them.

Good Luck.

SIGNATURE

R. WILLIS WALKER, CHAIRMAN | LARUE FRANSEN, SECRETARY | L. C. ANDERSON, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
EMERY DAVIS

BOARD MEMBERS
LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LARUE FRANSEN

16 Sept 1977

RECEIVED
SEP 19 1977
Department of Water Resources
Eastern District Office

Idaho Department of Water Resources
ATTN: Mr. Ronald D. Carlson
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron;

As you requested, I brought the matter of renting storage to Mary Griffel on years of high water before the Board of Directors of the Fremont-Madison Irrigation District. The decision of the Board was that at the present time, they would rather not make any committments of this kind.

Sincerely,

Keith M. Bean
Treasurer, Asst. Secretary

MICROFILMED

R. WILLIS WALKER, CHAIRMAN LARUE FRANSEN, SECRETARY L. C. ANDERSON, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
EMERY DAVIS

RECEIVED
SEP 6 1977
Department of Water Resources
Eastern District Office

BOARD MEMBERS
LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LARUE FRANSEN

27 August 1977

Mr. Ronald D. Carlson
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

Dear Ron;

As you are aware, Mary Smith has referred your letter of August 19, 1977 to me, requesting that I supply you with the information needed concerning supplemental storage for J. Wayne Stevens (application No. 22-7177) and Mary C. Griffel (application No. 21-7128).

At the present time, there is no storage attached to the properties described in either of the above mentioned applications. Had the Teton Dam remained intact, I am sure that both of the applicants would have plenty of stored water for the described properties, As it is, however, neither has any water attached to these properties.

Sincerely,

Keith M. Bean

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

August 12, 1977

RE: Applications for Exchange Nos. 21-2156 (c) and (d)

Ms. Mary Smith
Attorney at Law
30 South 2nd West
Rexburg, ID 83440

Dear Ms. Smith:

As you will recall, in 1976 J. Wayne Stevens and Owen J. Neeley applied to exchange storage water from Island Park for an equal amount in Canyon Creek. The Department conducted a conference in this matter on May 27, 1976, and it appeared that the Department could take no further action on these applications until we knew if the lands of Stevens and Neeley would be included in the Fremont-Madison Irrigation District, and if Fremont-Madison would approve these exchanges.

Could you let me know what action Fremont-Madison has taken in this matter as soon as possible?

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

MICROFILMED

EXCHANGE

APPLICATION FOR ~~TRANSFER~~ OF WATER RIGHT

NO. 21-2156(c)

RECEIVED
MAY 18 1977
Department of Water Resources
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Arthur L. Larson, watermaster of Snake River, of Water District No. 01, County of Bonneville, Madison, Teton, etc., State of Idaho, whose address is Box 1099, Idaho Falls, Ida. have read the attached copy of the application for transfer of water right for O. J. Neeley Ranch, Inc. (name), and to the best of my knowledge believe the application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend that the Director of the Department of Water Resources approve the transfer subject to the following conditions: Adequate measuring devices; Subject to availability of water over & above natural flow needed to fill prior decreed rights.

OR

B. I do not endorse approval of the above numbered Application for Transfer as requested for the following reasons: _____

Dated at ~~Idaho~~ Idaho Falls, Idaho, this _____ day of May 12 19 77.

Arthur L Larson
(signature)

MICROFILMED

Please use reverse side if needed.

INTER-DEPARTMENT MEMO — 1

FROM Jan G.

DATE

TO file

SUBJECT

I called Ron Carlson 3/.177 & he said he would check w/ Fremont Madison Irrig. Dist. to see if they will expand their boundaries.

MICROFILMED

SIGNATURE

M E M O R A N D U M

TO: Bob Fleenor

FROM: Ron Carlson

RE: Application for Exchange No. 21-2156(c) and 21-2156(d)

DATE: February 14, 1977

We are still holding in our files, application for exchange No. 21-2156(c) and 21-2156(d). These applications were filed by J. Wayne Stevens and Owen J. Neeley in an attempt to exchange Island Park storage water for the waters of Canyon Creek. Both applications were protested by Fremont-Madison Irrigation District and Keith conducted a hearing on May 27, 1976. As I recall, it was Keith's impression that without the approval of Fremont-Madison and the inclusion of the lands to be irrigated under each application within the boundaries of Fremont-Madison Irrigation District, these applications could not be approved. I believe that Keith also expressed some doubt that with the consent of Fremont-Madison Irrigation District and necessary changes in Fremont-Madison boundaries, these exchanges may not be necessary. Unfortunately, all of the notes or records of the hearing must be in the files in Boise because ours don't even contain the roster of attendance for the hearing. When you have time you might check your files and see what information they contained and perhaps give me an opinion on what action we should take.

Routing Slip

DEPARTMENT OF WATER RESOURCES

Date 6/9/76

From SHARON 

To RON

( ) For your information
( ) For necessary action
( ) For reply
( ) As requested
(X) File

Attached are a couple of memos that Keith wrote to the files. Darlene told me that you have the original files, so I kept a copy here, and am sending you the originals.
Did you follow that??????????????????

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Cecil D. Andrus
Governor

R. Keith Higginson
Director

RECEIVED
JUN 10 1976
Department of Water Resources
Eastern District Office

Statehouse
Boise, Idaho 83720
(208) 384-2215

--MEMORANDUM--

TO: FILE

FROM: R. KEITH HIGGINSON, Director RKH/slg

DATE: June 8, 1976

RE: APPLICATIONS FOR EXCHANGE NO. 21-2156(c) & 21-2156(d)

A conference concerning the above applications for exchange was held at St. Anthony, Idaho on May 27, 1976. Following a lengthly discussion, it became apparent that the applicants may still need to make arrangements with the Fremont-Madison Irrigation District for the annexation and disannexation of land from that district. The water proposed to be exchanged is water held under a water right in the name of the U.S. Bureau of Reclamation used by contract with that district. As long as the lands are within the exterior boundary of the district, they would be covered by the license issued to the U.S. Bureau of Reclamation. It would, therefore, probably not be necessary to process the exchange.

The question, however, would still remain as to who had the first right to make such an exchange on Canyon Creek because the water supply is insufficient to satisfy both uses. The applicants and the district would prefer that this decision be made by the department, but the matter of the exchanges was continued until approximately July 15, 1976 to allow them sufficient time to work out whatever arrangements are necessary with the district. At the same time that it is rescheduled, we should probably consider a hearing on the application of the Canyon Creek Canal Company for change of point of diversion nos. 22-0195 and 22-0196.

In any event, a decision needs to be made which is clear and concise with regard to who has the prior rights to use waters of Canyon Creek by direct diversion and by exchange.

RKH/slg

MICROFILMED

May 28, 1976

RE: Applications for Exchange No. 21-2156(c) and 21-2156(d)

Mr. Blair Grover
Attorney at Law
Lee, Ririe & Grover
P.O. Box 36
Rigby, Idaho 83442

Dear Blair:

Please find enclosed the copies of the applications for exchange that have been filed by O. J. Neeley and J. Wayne Stevens.

I failed to mention to Judd Neeley at the conference that one of the conditions of approval on his transfer was a measuring device must be installed near the mouth of Pony Creek, in addition to the totalizing measuring device on his pumping system. I feel your client should be advised that unless a measuring device at the mouth of Pony Creek is installed, the watermaster should not allow Neeley to pump any water under his 1900 Pony Creek right.

I have included a copy of the application for transfer filed by Canyon Creek Canal Company for your information. Notice of this application for transfer was published in the Rexburg Journal, May 13 and 20, 1976, with a final protest date of June 1, 1976.

I hope you have sufficiently recovered from your cold to do some serious fishing over the Memorial Day weekend.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:cw

Enclosures (3)

21-2156(c) & 21-2156(d)
O. J. NEELEY RANCH INC &
STEVECO, INC COURTROOM
ST. ANTHONY, IDAHO

STEVECO INC - 300 AF EX. CANYON CK
O. J. NEELEY 55 AF " "

42-208
42-240

NEELEY'S LANDS HAVE BEEN INCLUDED
STEVECO HAS AGREEMENT W/ CANYON
CREEK CANAL. LANDS HAVE BEEN
INCLUDED IN FREMONT MADISON.

STEVECO DOES NOT HAVE 300 AF
ISLAND PARK STORAGE. - J.D. HANCOCK

STEVENS HAS 90 AF ISLAND PARK

APRIL 19, 1973 - STEVENS EARLIEST

ALL DATA AVAILABLE ON CANYON CREEK
G.S. GAGE 1975 WATER YEAR

CANYON CREEK ±1500 AF ISLAND PARK.
DELIVERED THRU EXCHANGE

HEARING CONTINUED UNTIL
JULY 15

MICROFILMED

21-2156(c) O.J. NEELEY RANCH INC.
21-2156(d) STEVECO INC.
COURT ROOM, ST. ANTHONY, IDAHO
MAY 27, 1976 — 10:00 A.M.

ROSTER OF ATTENDANCE

NAME	ADDRESS	REPRESENTING
Owen J Neeley	Star Route Newdale,	O.J Neeley Ranch
Blair Brown	Box 36, Rigby	"
Lc Anderson	F M. Irr.	
Wayne Stevens	Newdale Ida.	
Gordon S Thatcher of Rigby, Thatcher & Andrus, PA P.O. Box 250 Rexburg, Idaho 83440		Steveco, Inc.
Art Larson	Box 1099 Idaho Falls	WD 01
Russell Walker	Fremont-Madi...	
Reg Child	" "	
J. D. Hancock of Smith & Hancock	Rexburg, Id.	F-M Irr. Dist.

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21-2156 (c) O. J. Neeley Ranch, Inc.

21-2156 (d) Sireco, Inc.

Neeley - Protested by Fremont Madison Sireco

Sireco - Protested by Fremont Madison

O. J. Neeley - Lands have been

Sireco - / Assurances FM has no objection

Has only 90 AF in Island Park

We need information on FM Irrig Dist Lands

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Canyon Creek Water Rights

Priority	Owner	Quantity
1900 1902	Canyon Cr. Canal Co.	~~16~~ 54
22-7069 4/19/73	J. Wayne Stevens	2.00
(22-0610A (3/22/74 1900)	Owen J. Neeley (Poppy Cr.)	(Withdrawn & Refiled)
22-7103 9/3/74	Stevens	8.00
22-0610A (6/15/1900) 9/26/74	Owen J. Neeley (Poppy Cr.)	7.35
22-7114 11/20/74	Stevens	20.00
22-7118 12/5/74	Neeley	8.00
Exch 2/23/76	Neeley	55 AF Island Park
Exch 3/1/76	Stevens	(90) = 300 AF Island Park
22-0195 22-0196 5/04/76	Canyon Cr. Canal Co.	16 54

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21-2156(c) - O. J. Neeley Ranch, Inc.

21-2156(d) - Steveco, Inc.

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

May 27, 1976 - 10:00 a.m.

ROSTER OF ATTENDANCE

Name	Address	Representing

MICROFILMED

Name and Address of Sender

Indicate type of mail:
☐ REGISTERED ☐ REGISTERED C.O.D.
☐ CERTIFIED

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	R.R. FEE	REST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS*
1	97	Lenore M. Wagoner 154 Cassopolis, Ida. Falls	15	60					31-7025/52-7017
2	98	Mapleview Stock Co. Montevideo, Ida.							"
3	99	Lloyd Measels Dania, Ida.							"
4	100	Alyce H. Eagleson, Montevideo, Ida.							"
5	101	Ronald Carlson, Jerome, Ida.							"
6	102	Kenneth H. Hudson, Montevideo, Ida.							"
7	103	LaMayne Bennett, Valley Water Users, Jerome, Ida.							"
8	104	Laird + Jones, Inc. Box 145, Dubois, Ida.							"
9	105	Willard B. Bell, P.O. Box 102, Arco, Ida.							31-7074
10	106	Lester Braswell, Arco, Ida.							"
11	107	William J. Knight, Ida. Bldg. Boise, Ida.							"
12	108	Arthur W. Quist Arco, Ida.							"
13	109	Jack W. Mays							"
14	110	O. J. Neely Ranch, Box 425, Rexburg, Id.							21-2156 C
15	111	J. Wayne Stevens, Box 147, Jerome, Id.							21-2156 C+D
16	112	Ray W. Rigby, 258 W. 2nd E, Rexburg, Ida.							21-2156 C
17	113	Willis Weber, Fremont-Madison, St. Anthony, Id.							21-2156 C+D
18		Copy sent to Art Larson Not Certified							"
19		" Andy Anderson Not Certified							"
20		Copy sent to Edgar Hart Not Certified							31-7074

MAY 2 1976 U.S. POSTAGE CHARGES

TOTAL NO. OF PIECES LISTED BY SENDER	17	TOTAL NO. OF PIECES REC'D AT P.O.	20	POSTMASTER, REC'D (Name of receiving employee)	*Show under "Remarks" class of mail if other than first or if international

PS Form 3877, Dec. 1973

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

★ U. S. GOVERNMENT PRINTING OFFICE: 1973 O-726

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

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BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

In the Matter of Protest Against Approval of Application for Exchange No. 21-2156(c) in the Name of O. J. NEELEY RANCH, INC.	NOTICE OF CONFERENCE AND/OR HEARING

On February 23, 1976, O. J. Neeley Ranch, Inc., filed with the Department of Water Resources an application to exchange the public waters of the State of Idaho. On March 25, 1976, the Department received a protest against approval of said exchange from Steveco, Inc. On March 29, 1976, the Department received an additional protest from Fremont-Madison Irrigation District.

The Department has set the matter of protest for conference and/or hearing for Thursday, May 27, 1976, at 10:00 a.m., in the Courtroom of the Fremont County Courthouse, St. Anthony, Idaho. Because of the similarity of the issues involved this hearing has been combined with Application for Exchange No. 21-2156(d), Steveco, Inc. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 5th day of May, 1976.

Ronald D Carlson

RONALD D. CARLSON

Supervisor, Eastern Region

MICROFILMED

May 5, 1976

Ms. Darlene Kalonge
Fremont County Courthouse
St. Anthony, Idaho 83445

Dear Ms. Kalonge:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Thursday, May 27, 1976, beginning at 10:00 a.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

M E M O R A N D U M

TO: Keith

FROM: Ron

RE: Owen J. Neeley & J. Wayne Stevens

DATE: April 27, 1976

I have tentatively scheduled Applications for Exchange 21-2156(c) and (d) for hearing on May 27, 1976, at 10:00 a.m., in St. Anthony. These two exchanges represent a continuation of an on-going problem which started in August of 1974. This memo is to brief you on the background of the problems on Canyon Creek.

J. Wayne Stevens is a stockholder in the Canyon Creek Canal. Canyon Creek Canal has a decreed right for 70.0 c.f.s. of natural flow and uses Island Park storage through exchange with Henrys Fork. As a stockholder in the canal company, Stevens made an agreement with the canal company to irrigate land below the Canyon Creek Canal diversion from the water that passed their diversion works. In 1973, Stevens installed a pump in Canyon Creek and commenced irrigating about 80 acres of land. He did apply to the Department and received Permit No. 22-7069 for 2.00 c.f.s. On March 22, 1974, Owen J. Neeley applied to transfer his decreed right No. 22-0610A on Pony Creek to a new point of diversion on the Teton River for the irrigation of new lands not listed in the decree. On August 26, 1974, I was contacted by Andy Anderson, who told me that Owen J. Neeley had applied to the power company for power for two 300 Hp. pumps he was proposing to install in Canyon Creek. On September 3, 1974, J. Wayne Stevens came into our office and made application for an additional 8.00 second feet of water from Canyon Creek under Application for Permit No. 22-7103. On September 26, Owen J. Neeley withdrew application for transfer 22-0610A and reapplied for a transfer by the same number requesting a point of diversion change from Pony Creek to Canyon Creek. On October 9, we received protest against the granting of Owen J. Neeley's transfer from J. Wayne Stevens, and on October [illegible] we received protest from the Fremont-Madison Irrigation District. On November 20, 1974

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J. Wayne Stevens made Application No. 22-7114 for 20.0 c.f.s. from Canyon Creek.

A protest hearing on Owen J. Neeley's transfer was held on November 22, 1974, in St. Anthony. On December 5, 1974, Owen J. Neeley filed application for Permit No. 22-7118 for 8.00 c.f.s. from Canyon Creek. The transfer and all of the permits were approved and apparently caused something of a development race between Neeley and Stevens. At this time they have three circles a piece supplied from Canyon Creek.

During late July of 1975, Owen J. Neeley's right was cutoff by the watermaster and in an attempt to extend his pumping period in 1975 Owen J. Neeley, on February 23, 1976, applied to the Department to exchange 55 AF of Island Park storage for the waters of Canyon Creek. On March 1, J. Wayne Stevens applied to the Department to exchange 300 AF of Island Park storage for the waters of Canyon Creek. I have attached a copy of the watermaster records for 1975 to give an indication of the amount of water reaching the GS Gage on Canyon Creek.

It appears to be the feeling of most people in the valley that Neeley has no right to be diverting water from Canyon Creek and that Stevens was there first and because he is a stockholder in Canyon Creek Canal, water leaking by the Canyon Creek Canal diversion is his by agreement with the Canyon Creek Canal Company.

On March 16, Art Larson contacted me and indicated we needed to prepare some kind of an agreement by which Neeley and Stevens would pump during 1976, assuming the exchange of storage water can be approved. It was decided that since the storage water has the same priority and since there is not sufficient water available in Canyon Creek to supply the amount of exchange water requested by either applicant, the most equitable method of administration for the coming season would be to divide the available water equally. Owen J. Neeley was satisfied with the agreement but Wayne Stevens was not at all happy with the proposal. He, therefore, has contacted Ray Rigby, who is preparing an application for transfer for the Canyon Creek Canal Company. This transfer is proposed to add several additional points of diversion downstream from diversion for

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Canal Creek Canal to pump back water for use on lands within the Canyon Creek Canal system. Wayne Stevens feels that this way he will be able to have his lands listed as being within the boundaries of the Canyon Creek system and will be able to pump under the priority of the Canyon Creek right and use exchange storage water from Island Park.

The right decreed to Canyon Creek has no specific land list but only indicates that approximately 10,000 acres of the lands of the stockholders are to be irrigated from the Canyon Creek Canal. I have told Stevens and Ray Rigby that because the decree does not specify specific lands, the lands that have traditionally been irrigated from the Canyon Creek Canal must be specified on their application for transfer. If they are now proposing to irrigate lands that have not traditionally be supplied by Canyon Creek Canal, these must be indicated as part of the requested change.

Last Thursday evening Art Larson and I meet with the Board of Directors of Fremont-Madison Irrigation District. It appeared from this meeting that none of the lands that Neeley and Stevens are proposing to irrigate are within the district and probably will not be included. Further, Fremont-Madison will not agree to remove the storage water from the lands to which it is now appurtenant within the district. It, therefore, appears very unlikely that either exchange can be approved, which probably makes further hearing in this matter unnecessary. However, considering the size to which this problem has grown, it might be beneficial for you to meet with the parties involved at a hearing to clarify the legal rights and responsibilities that are involved.

I believe there has been a benefit to this whole matter in that it has shown some of the people on the Upper Snake the necessity for going through the Department of Water Resources to keep there water rights in order rather than making in-house agreements with the water district or the irrigation district.

MICROFILMED

W.D. 01
1976

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
WATER DISTRICT NO. 1

Cecil D. Andrus
Governor

R. Keith Higginson
Director

P. O. Box 1039
Idaho Falls, Idaho 83401
(208) 522-5404

March 16, 1976

Mr. L. C. Anderson, Deputy Watermaster
Fremont-Madison Irrigation District
St. Anthony, Idaho 83445

Mr. O. J. Neeley
P.O. Box 425
Rexburg, Idaho 83440

Mr. J. Wayne Stevens
P.O. Box 147
Teton, Idaho 83451

Mr. Ronald Carlson, District Engineer
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

RECEIVED
MAR 17 1976
Department of Water Resources
Eastern District Office

Gentlemen:

As you know, a situation exists on Canyon Creek regarding an involved series of water rights, permits, and storage rights. The rights to be considered are as follows:

American Falls Storage right	1921	
Teton Reservoir	1960	
Canyon Creek Canal Co.	June 1, 1900	16 cfs
	June 1, 1902	54
J. Wayne Stevens	April 9, 1973	0.4 cfs
	April 19, 1973	2
	Sept. 3, 1974	8
	Nov. 20, 1974	20
O. J. Neeley (Pony Creek)	June 15, 1900	8.7
	Dec. 5, 1974	8

The rights to be resolved are those of Mr. Stevens and Mr. Neeley. Both have applied for inclusion in the Fremont-Madison Irrigation District and have been assured they will be included before the coming irrigation season. This is essential before Fremont-Madison stored water can be used on their lands.

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The allocation of Teton Reservoir storage has not yet been finalized; therefore, the following plan of operation is for the 1976 season only:

1. An adequate measuring device, stilling well, and instrument shelter is to be installed on Pony Creek by Mr. Neeley. Water District No. 01 will furnish a weekly recorder and will rate the measuring section.

2. Mr. Neeley can pump as long as Pony Creek water reaches Canyon Creek in sufficient quantity to supply his demand while the June 15, 1900, decrees are in effect.

3. When 1974 rights are cut, Neeley and Stevens will have equal priority on available storage water under exchange privileges (provided they are included in Fremont-Madison District). When natural flow recedes to a point insufficient for both pumps to operate simultaneously, use will then be on a rotational basis with equal time for each user, the schedule to be determined by mutual consent or by the Watermaster of District No. 01 or his authorized deputy.

4. It is recommended that serious consideration be given before planting late maturing crops that will be dependent upon Canyon Creek water.

Very truly yours

Arthur L. Larson

Arthur L. Larson, Watermaster
Water District No. 01

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PROCESS DATE IS 01-30-76

UNITED STATES DEPARTMENT OF INTERIOR - GEOLOGICAL SURVEY

STATION NUMBER 13054600 CANYON CR AT HW 33 NR NEWDALE ID STREAM SOURCE AGENCY USGS
LATITUDE 435044 LONGITUDE 1112641 DRAINAGE AREA 0.00 DATUM 9999.99 STATE 16 COUNTY 065

DISCHARGE, IN CUBIC FEET PER SECOND, WATER YEAR OCTOBER 1974 TO SEPTEMBER 1975
MEAN VALUES

DAY	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
1	1.3	6.2	5.5	10	17	12	10	15	230	223	2.7	1.1
2	1.3	6.2	7.3	10	18	12	9.7	16	256	205	.70	.90
3	1.3	5.9	8.5	11	18	12	10	22	328	191	1.5	1.1
4	1.3	5.5	8.6	14	18	12	10	28	375	179	1.0	.80
5	1.3	5.1	13	17	15	12	10	23	368	157	.30	.90
6	1.3	5.5	17	18	13	13	11	20	468	135	.70	1.0
7	1.3	5.5	16	18	14	13	11	19	622	117	.70	1.2
8	1.3	5.5	16	17	14	12	10	20	644	104	.50	.80
9	1.3	6.2	16	15	15	12	9.8	20	482	86	.90	.90
10	1.3	6.6	16	12	15	11	9.7	20	358	73	.80	1.3
11	1.3	5.9	16	11	16	11	9.4	31	322	58	.70	1.5
12	1.3	5.5	16	11	16	11	10	43	339	45	.70	1.3
13	1.3	6.6	16	12	18	11	12	49	407	37	1.0	.80
14	1.5	6.3	15	12	17	10	13	71	446	32	1.0	1.3
15	1.5	5.9	15	13	16	10	15	113	512	28	1.5	1.0
16	1.5	5.9	15	15	14	12	15	154	521	26	1.0	1.2
17	1.5	5.2	15	17	12	11	15	192	446	16	1.0	1.4
18	1.6	6.1	15	18	12	11	15	205	444	5.7	1.1	1.6
19	1.5	6.2	14	19	14	12	15	215	374	3.2	1.0	1.8
20	8.2	6.3	14	20	16	13	16	150	323	3.0	1.3	1.8
21	13	6.7	14	18	13	11	15	109	389	5.1	.90	1.8
22	13	6.6	14	15	10	12	19	89	407	1.8	.90	2.3
23	13	6.0	12	15	10	10	19	76	388	1.1	.80	2.5
24	3.9	5.9	10	16	11	10	19	72	392	1.0	1.3	2.0
25	1.5	6.2	11	18	12	11	21	69	404	1.0	1.0	2.0
26	4.4	5.4	13	20	12	10	18	67	292	1.1	2.0	2.0
27	4.8	5.3	15	17	12	9.0	16	74	233	.90	.90	2.0
28	4.8	5.0	16	16	12	8.0	15	89	213	.80	1.3	2.0
29	4.8	5.0	12	15	---	10	15	100	214	.70	2.3	2.1
30	5.1	5.0	10	14	---	11	14	139	225	2.3	.70	2.3
31	6.2	---	10	15	---	10	---	177	---	7.8	1.2	---
TOTAL	108	175	411	469	400	345	407	2487	11422	1747	33	44
MEAN	3.51	5.84	13.3	15.1	14.3	11.1	13.6	80.2	381	56.4	1.08	1.49
MAX	13	6.7	17	20	18	13	21	215	644	223	2.7	2.5
MIN	1.3	5.0	5.5	10	10	8.0	9.4	15	213	.70	.30	.80
AC-FT	216	348	817	930	793	684	808	4930	22660	3470	66	89

WTR YR 1975 TOTAL 18052.00 MEAN 49.5 MAX 644 MIN .30 AC-FT 35810

PLATE NO. 48

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 1, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

Mr. J. Wayne Stevens
Steveco, Inc.
Box 147
Teton, Idaho 83451

RE: Application for Exchange No. 21-2156(c)

Dear Mr. Stevens:

This is to acknowledge receipt of your protest to issuance of a permit pursuant to the above referenced application. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

(1) Will the proposed use reduce the quantity of water under existing water rights?

(2) Is the proposed water supply insufficient for the purposes intended?

(3) Is the application made in good faith or for delay or speculative purposes?

(4) Has the applicant sufficient financial resources with which to complete the project?

The Department may reject an application and refuse issuance of a permit, partially approve the permit, approve the permit for a quantity of water less than applied for, or approve the permit subject to special conditions.

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the individuals concerned through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW
cc: Ray Rigby, Attorney
cc: IDWR - State Office

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 1, 1976

O. J. Neeley Ranch, Inc.
Box 425
Rexburg, Idaho 83440

Dear Mr. Neeley:

We have enclosed a copy of the protest filed against the issuance of a permit pursuant to your Application No. 21-2156G You should be aware that the following are the principal items we can consider at a conference and/or hearing in either approving or denying an application for permit (Section 42-203, Idaho Code):

(1) Will the proposed use reduce the quantity of water under existing water rights?

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(3) Is the application made in good faith or for delay or speculative purposes?

(4) Has the applicant sufficient financial resources with which to complete the project?

The Department cannot allow a permit for irrigation purposes which would entail the use of more than a continuous flow of 0.02 cubic feet per second of water for each acre of land, or an annual amount of 5 acre feet for each acre of land, unless the applicant can show that more is required (Section 41-202, Idaho Code).

A permit issued by this office is subject to all prior water rights and does not in any way convey or establish a right-of-way over private or governmental lands. Any right-of-way or easement must be obtained by the applicant through action outside of the water right proceedings.

You will be notified at a later date as to the time and place set for a conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME:CW

cc: IDWR - State Office

MICROFILMED

RECEIVED
MAR 25 1976
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER ADMINISTRATION

OF THE

STATE OF IDAHO

IN THE MATTER OF)

The Application for Exchange)
of Water of O. J. Neeley Ranch,
Inc., Application No. 21-2156(c))

P R O T E S T

COMES NOW STEVECO, INC., an Idaho corporation of Teton, Idaho, and protests the granting of the Application for Exchange of Water by O. J. Neeley Ranch, Inc., because it will materially and adversely affect the water rights of the protestant for reasons that will be shown at the hearing on this protest.

WHEREFORE Protestant prays that the application be denied.

DATED at Rexburg, Idaho, this 25th day of March, 1976.

STEVECO, INC.

By J. Wayne Stevens
Wayne Stevens
President

Ray W. Rigby
Ray W. Rigby
of RIGBY, THATCHER & ANDRUS, P.A.
Attorneys for Protestant
25 North Second East
Rexburg, Idaho 83440

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

April 1, 1976

Mr. Willis Walker, Chairman
Fremont-Madison Irrigation District
St. Anthony, Idaho 83445

RE: Application for Exchange No. 21-2156(c)
O. J. Neeley Ranch, Inc.

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Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC: CW

cc: IDWR - State Office

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT

Cecil D. Andrus
Governor

R. Keith Higginson
Director

April 1, 1976

1515 Lincoln Road
Idaho Falls, Idaho 83401
(208) 523-7186

O. J. Neeley Ranch, Inc.
Box 425
Rexburg, Idaho 83440

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If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:ME:CW

cc: IDWR - State Office

RECEIVED
MAR 29 1976
Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION OF O. J. NEELEY RANCH, INC. TO EXCHANGE 55 A.F. PER ANNUM OF ISLAND PARK STORAGE WATER.	PROTEST OF FREMONT-MADISON IRRIGATION DISTRICT

Comes now Fremont Madison Irrigation District, a quasi municipal corporation of the State of Idaho with its office and post office address at St. Anthony, Idaho, and in response to notice given that O. J. Neeley Ranch, Inc. made application to exchange 55 A.F. per annum of Island Park Storage Water for an equal amount of water to be pumped from Canyon Creek within Section 19, Township 6 North, Range 43 E.B.M., Madison County, at a rate not to exceed 4.00 cfs, makes the following protest against the approval of such application:

1. That the applicant has not excluded from the Fremont Madison Irrigation District the lands to which the 55 A.F. per annum of Island Park Storage Water is appurtenant and dedicated, nor has the applicant made application to the Fremont Madison Irrigation District to transfer such storage rights from any lands to other lands within the District; that the applicant has never received the consent of the Fremont Madison Irrigation District to removal of the benefit from the lands to which it is appurtenant and dedicated to other lands within the Fremont Madison Irrigation District.

2. That the anticipation of the applicant to exchange 55 A.F. per annum of Island Park Storage Water for an equal amount of water to be pumped from Canyon Creek is speculative because of the lack of water in Canyon Creek, and any such attempt will reduce the quantity of water under existing water rights.

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3. That the supply of water in Canyon Creek is not sufficient to warrant an exchange of storage water from the Island Park Reservoir for the waters of Canyon Creek.

4. That the applicant has failed to designate a proposed point of diversion within Section 19, Township 6 North, Range 43 E.B.M.

R. Willis Walker

R. Willis Walker, Chairman of the Board of Directors of the Fremont-Madison Irrigation District.

STATE OF IDAHO,)
(SS
County of Madison.)

R. WILLIS WALKER, being first duly sworn, says that he is Chairman of the Board of Directors of Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

R. Willis Walker

Subscribed and sworn to before me this 29th day of March, 1976.

Notary Public, residing at Rexburg, Idaho. My commission expires: Life.

(Seal)

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March 9, 1976

RE: Application for Exchange No. 21-2156(c) NEELEY RANCH, INC.

Mr. Arthur L. Larson, Watermaster
Water District No. 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

We are enclosing a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before March 29, 1976.

Thank you for your cooperation in this matter.

Very truly yours,



RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

MICROFILMED

th
legal

NOTICE OF APPLICATION FOR EXCHANGE OF WATER NO. 21-2156(c)

Notice is hereby given that O. J. Neeley Ranch, Inc., Rexburg, Idaho, has applied to the Department of Water Resources on 2-23-76 to exchange 55 A.F. per annum of Island Park storage water for an equal amount of water to be pumped from Canyon Creek within Sec. 19, T. 6N, R. 43E, B.M., Madison County, at a rate not to exceed 4.00 c.f.s.

Any protest to the above exchange of water must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before March 29, 1976.

R. KEITH HIGGINSON
Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

March 5, 1976

RE: Application for Exchange No. 21-2156(c) NEELEY RANCH
" " " No. 21-2156(d) STEVECO, INC.

Rexburg Journal
23 South First East
Rexburg, Idaho 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 3-23-76 by CW

RDC:CW

Encl Legal Notice (2)

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NOTICE OF APPLICATION FOR EXCHANGE OF WATER

NO. 21-2156(c)

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R. KEITH HIGGINSON

Director

Published in the Rexburg Journal, Rexburg, Idaho, on March 11 and March 18, 1976.

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MEMORANDUM

TO: FILE

FROM: TIM LUKE

RE: Water Right Transfer No.s 3883, 3884 & 3885

DATE: 2-20-92

The Bureau of Reclamation filed water right transfers on all all Bureau reservoirs within Idaho. The transfers were submitted in November, 1991. Numerous protests have been received. This water right is included in one of the above transfers. The transfers have been filed in order to recognize release of storage water for fish enhancement purposes (i.e.; to benefit salmon fish migrations).

Since the transfer applications are lengthy and involve numerous rights, a copy of the appropriate transfers are not included in this file. Please refer to the transfer application file for information concerning the transfers.

COPY

Department of Water Administration
PROTESTANT'S
Exhibit A
Date Admitted 7/20/83 BDF

MINUTES
BOARD OF DIRECTORS MEETING
FREMONT-MADISON IRRIGATION DISTRICT
MARCH 16, 1983

This special meeting of the Board of Directors was called to order at 1:00 p.m. on March 16, 1983, by J. Max Mortensen, Chairman. Those directors present were: Mr. Mortensen, Lorin Young, Lorin Kauer, and Ronnie Ard. Attorney Mary Smith and Treasurer Dale Swensen were present as well as the following: Earl Hoopes; Mike Richman of Teton Irrigation Canal Co.; Dell Palmer of Woodmansee-Johnson Canal Co.; Keith Erickson of Rexburg Irrigation Canal ; and Darrell Neville, Keith Walker, and McKenzie Mackay of the Teton Island Canal Co.

The meeting was called to discuss the action of the Board of Directors at their meeting on March 8, 1983, during which a request by Earl Hoopes to transfer 106 acre feet of storage water from the Grand Teton Canal to the Teton Pipeline on the Teton River was tabled.

Mr. Hoopes first explained his feelings on the action. He said that he had followed all of the procedures outlined by the District to have a transfer application properly considered. He felt his transfer should have been approved just as two or three similar applications were approved prior to this one. He said his water supply is sufficient without the 106 acre feet but is needed to use in lieu of more expensive exchange well water.

During the discussion some of the points for tabling the transfer that were brought out were: The storage water is being transferred from an area where the storage is used only on dry years before Teton Creek quits reaching the Teton River. The storage is being transferred to an area where the water will be used every year. The board felt this would put an additional water delivery burden on the Cross-cut Canal which, particularly during dry years, would not be able to handle. Because the Cross-cut is of limited capacity the Board felt the transfer could cause possible injury to canals located below the Cross-cut Canal.

After the discussion Mr. Kauer motioned that the transfer of 106 acre feet from Grand Teton Canal to the Teton Pipeline be denied. Mr. Young seconded the motion which passed with Mr. Young and Mr. Kauer voting yes and Mr. Ard voting no.

Mr. Kauer also motioned that the Board allow no more transfers to pipelines above the Cross-cut Canal. Mr. Young seconded the motion. Mr. Kauer and Mr. Young voted yes on the motion and Mr. Ard voted no. After more discussion and possible ammendments to this motion Mr. Kauer asked that the motion be withdrawn and Mr. Young asked that his second also be withdrawn. The requests were granted and the motion died.

see attached ammendment

* Mr. Ard, in opposing the the motions, felt that the decision to deny transfers on the Teton River should have been made before applications were submitted and effected people should have been notified of the the decision.

Mr. Neville made a statement which he requested be entered in the record: "The Teton Island Canal Co. is opposed to transferring any storage water that has to be delivered across the Cross-cut Canal". The other represented canal companies unanimously endorsed Mr. Neville's statement.

There being no other business to discuss the meeting was adjourned at 3:30 p.m.

_____ _____

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change to read;

I don't feel we can sell water one
go way for years - then when someone wants
to buy water, and follows all previous
rules we decide as a board - that this
method is wrong and deny the transfer)

I am not saying that maybe sometimes
should not be done, ~~with~~ differently
I am saying we if something needs
done differently we should give notice
to all parties concerned that a change
is being made then make it. The
way we did seemed extremely
prejudicial to me

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OPERATION OF CROSS CUT DURING 1977

24 hour Second-Feet

PLATE NO. 23-A

MAY

LOCATION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
Diverted at Head	195	200	198	202	191	192	195	188	188	193	208	201	200	310	316	309	312	304	312	265	240	244	244	242	182	140	138	114	134	135	132	6,624
Inflow from Fall River Canal	5	8	30	30	28	23	22	23	22	24	23	22	23	23	23	24	24	23	22	24	24	22	22	22	23	23	23	23	22	22	21	693
North Branch Diversion	91	94	95	95	96	97	97	95	96	96	98	97	97	91	93	95	97	95	94	89	87	85	86	84	77	78	78	73	76	77	77	2,776
Middle Branch Diversion	79	79	86	84	81	79	79	80	78	79	88	87	87	94	94	93	75	75	75	68	66	67	66	67	56	49	48	42	48	48	46	2,243
Below Fall River Canal Divers.	30	35	47	53	42	39	41	36	36	42	45	39	39	148	152	145	164	157	165	132	111	114	114	113	72	36	35	22	32	32	30	2,298
Cross Cut at End	40	40	40	40	44	36	36	36	36	36	36	36	36	80	125	125	131	131	141	89	98	106	106	106	31	37	31	28	25	22		1,940

JUNE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
Diverted at Head	207	213	314	317	316	326	330	329	325	348	244	232	223	223	218	216	302	308	314	386	401	398	501	494	487	116	486	512	510	544		10,142
Inflow from Fall River Canal	24	25	27	28	29	25	21	14	14	18	22	16	16	16	14	16	16	16	14	14	16	16	13	12	12	10	10	8	11	10		503
North Branch Diversion	86	86	96	96	101	96	96	95	95	97	86	85	83	85	83	85	92	95	95	95	98	96	87	86	94	69	97	99	100	86		2,740
Middle Branch Diversion	59	79	94	96	100	108	108	114	114	122	81	0	0	80	79	77	109	112	112	133	131	118	116	116	84	35	84	86	86	86		2,719
Below Fall River Canal Divers.	86	73	151	153	144	147	147	134	130	147	99	163	156	76	70	70	117	117	121	172	188	200	311	304	321	22	315	335	335	382		5,186
Cross Cut at End	62	62	133	136	130	125	119	112	108	112	84	139	130	130	55	55	55	113	110	141	157	157	157	157	239	239	40	287	287	315	315	4,304

JULY

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	548	274	535	565	576	277	176	582	585	604	579	596	591	410	484	438	440	447	442	441	138	494	494	527	338	322	330	320	319	319	314	13,505
Inflow from Fall River Canal	10	12	7	11	9	7	7	7	6	6	6	6	6	3	3	3	3	3	2	2	2	2	2	2	0	5	5	8	8	6	5	164
North Branch Diversion	86	27	95	87	88	91	81	91	90	91	90	88	88	81	34	28	30	30	28	27	27	24	24	32	10	51	51	52	52	52	0	1,726
Middle Branch Diversion	76	14	122	105	103	103	80	104	107	107	83	102	97	84	48	42	42	49	49	49	49	52	52	54	35	68	92	86	85	85	11	2,235
Below Fall River Canal Divers.	396	245	325	384	394	90	22	394	394	412	412	412	412	248	405	371	371	371	367	367	64	420	420	443	293	208	192	190	190	188	308	9,708
Cross Cut at End	371	313	334	334	353	185	65	362	362	364	388	393	395	411	373	353	353	353	353	353	258	287	380	247	359	242	215	204	204	204	311	9,679

AUGUST

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	319	321	317	321	327	335	333	273	260	312	312	313	316	319	316	322	317	316	309	244	240	240	236	235	240	248	245	246	247	246	251	8,876
Inflow from Fall River Canal	1	1	2	2	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1	1	2	2	1	1	8	8	53
North Branch Diversion	0	28	29	30	30	2	2	46	45	60	60	61	28	32	34	1	1	1	1	1	1	1	32	32	32	34	34	34	34	35	43	804
Middle Branch Diversion	12	61	61	58	60	15	26	24	24	78	78	78	53	52	52	18	19	18	18	16	23	23	43	43	45	43	40	40	37	35	65	1,258
Below Fall River Canal Divers.	308	233	229	235	240	320	306	204	192	175	175	175	236	236	231	304	298	298	291	228	217	217	163	161	164	173	173	173	177	184	151	6,867
Cross Cut at End	302	228	245	239	239	262	289	289	214	191	185	190	228	215	250	234	250	268	268	218	218	207	163	149	149	157	157	157	157	157	157	6,632

SEPTEMBER

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	252	249	246	247	249	247	247	247	245	284	322	290	259	252	30	163	295	288	280	283	286	217	149	134	119	114	109	109	111	111		6,334
Inflow from Fall River Canal	8	8	9	9	8	8	8	8	8	8	8	6	4	4	5	5	4	4	4	4	4	4	4	5	6	6	5	5	5	5		179
North Branch Diversion	43	50	57	57	57	57	57	57	57	57	57	32	8	7	1	4	7	22	36	36	37	34	32	32	32	28	25	25	26	26		1,056
Middle Branch Diversion	62	64	67	67	66	66	67	67	66	75	84	55	26	25	14	16	17	34	50	51	52	44	36	35	34	34	33	33	34	34		1,408
Below Fall River Canal Divers.	155	143	131	132	134	132	131	131	130	160	189	209	229	124	20	148	275	236	195	200	201	143	85	72	59	58	56	56	56	56		4,049
Cross Cut at End	151	128	106	106	107	107	107	110	112	133	154	164	174	148	122	181	140	101	164	160	158	120	82	66	51	48	46	44	41	41		3,573

Season loss = 1980 ÷ 28,108 = 7.04%

Total into Teton River for Season = 26,128 cfs = 51,825 ac-ft.

Plate No. 23A

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MISCEL. RECORDS
CROSS-CUT AT ST. ANTH.
HENRY'S FORK

TABLE 16

MONTH OF OCTOBER 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MIDNIGHT TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	629	627	620	610	600	913	916	898	898	898	898	898	898	898	875	875	875	875
	OBSERVED	665	663	656	650	635	950	950	932	932	932	932	932	932	932	914	914	914	914
	REM NAT	626	626	619	608	598	913	916	898	898	898	898	898	898	898	875	875	875	875
	STORED	37	37	37	42	37	37	34	34	34	34	34	34	34	34	39	39	39	39
HENRYS FORK NR REXBURG	NATURAL	3381	3375	3332	3328	3255	3482	3346	3215	3152	3168	3023	2916	2921	2918	2990	2909	2807	2741
	OBSERVED	1730	1710	1700	1690	1595	1595	1556	1680	1670	1670	1660	1660	1650	1650	1640	1640	1630	1630
	REM NAT	1997	2046	2009	2007	1978	2159	2074	2043	1991	2017	1872	1765	1770	1763	2056	1975	1873	1807
	STORED	-267	-336	-309	-317	-383	-564	-518	-363	-321	-347	-212	-105	-120	-113	-416	-335	-243	-177
WILLOW CR NR RIRIE	NATURAL	37	36	35	45	47	51	52	42	40	36	66	66	84	84	54	54	36	47
	OBSERVED	186	187	187	187	201	201	201	201	201	201	201	201	201	201	201	201	201	201
	REM NAT	37	36	35	45	47	51	52	42	40	36	66	66	84	84	54	54	36	47
	STORED	151	152	152	143	154	150	149	159	161	165	135	135	117	117	147	147	165	154
SNAKE R. NR SHELLEY	NATURAL	9557	9503	9488	9390	9249	9386	9084	8827	8663	8583	8376	8255	8272	8264	8361	8236	8174	8187
	OBSERVED	2730	2490	2460	2400	2440	2370	2165	2165	2404	2404	2404	2290	2274	2090	2338	2354	2421	2421
	REM NAT	2089	1939	1782	1710	1699	1692	1401	1249	1281	1403	1171	861	855	807	1139	1062	1077	1109
	STORED	-859	-949	-822	-810	-759	-822	-736	-584	-377	-499	-267	-71	-81	-217	-301	-208	-156	-188
SNAKE R. NR BLACKFOOT	NATURAL	9805	9793	9834	9800	9698	9830	9573	9368	9177	9095	8822	8629	8656	8685	8826	8763	8763	8794
	OBSERVED	972	811	830	810	876	689	739	893	893	893	868	689	667	612	894	1039	1039	860
	REM NAT	1745	1648	1559	1570	1594	1570	1341	1353	1402	1524	1222	760	708	720	1129	1150	1114	1049
	STORED	-773	-837	-729	-760	-718	-881	-602	-460	-509	-631	-354	-71	-41	-108	-235	-111	-75	-189
SNAKE R. AT NEELEY	NATURAL	12913	12959	12999	12986	12864	13075	12787	12586	12316	12221	11977	11706	11748	11738	11860	11871	12030	11909
	OBSERVED	4600	4763	4796	4796	4796	4796	4796	4796	4796	4796	4796	4796	4796	4796	4796	4829	4829	4829
	REM NAT	220	50	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	-220	-50	72	40	37	0	242	224	254	145	419	959	996	1024	612	571	447	665
SNAKE R. NR MINIDOKA	NATURAL	12734	12612	12602	12509	12302	12586	12347	12097	11744	11696	11338	11009	10978	11119	11288	11357	11623	11234
	OBSERVED	4020	3751	3772	3520	3400	3476	3650	3096	3251	3260	3260	3287	3314	3287	3251	3224	3197	3197
	REM NAT	999	775	650	506	447	556	368	336	227	385	0	0	0	0	0	9	245	0
	STORED	321	276	422	314	253	220	582	60	325	175	562	1185	1322	1167	695	515	252	790
SNAKE R. AT MILNER	NATURAL	12210	12103	12194	12395	12462	13094	13022	12924	12594	12455	12192	11474	11645	11954	12261	12800	13025	13090
	OBSERVED	345	355	383	860	850	1590	1065	1065	825	990	1970	480	2520	2465	2390	2320	2230	2130
	REM NAT	32	0	0	0	190	684	660	784	689	746	1383	271	393	634	1238	1880	2071	0
	STORED	313	355	383	860	660	906	406	281	136	244	587	210	2127	1831	1152	440	159	2130

SOME DATA AFFECTED BY ROUNDING

TABLE 16 (continued)

MONTH OF OCTOBER — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R. NR	NATURAL	875	875	875	860	844	844	844	844	844	844	674	674	0	12076	12522	48790
ST ANTHONY	OBSERVED	914	914	914	896	878	878	878	878	878	878	701	701	0	12607	13050	50890
	REM NAT	875	875	875	860	844	844	844	844	844	844	674	674	0	12069	12522	48776
	STORED	39	39	39	36	34	34	34	34	34	34	27	27	0	538	528	2114
HENRYS FORK	NATURAL	2741	2755	2807	2757	2773	2781	2721	2742	2640	2598	2499	2503	0	47802	40774	175690
NR REXBURG	OBSERVED	1620	1610	1610	1480	1890	1500	1510	1520	1530	1540	1540	1540	0	24856	23790	96489
	REM NAT	1807	1822	1791	1757	1850	1845	1800	1810	1723	1749	1660	1677	0	29547	26946	112053
	STORED	-187	-212	-181	-277	40	-345	-290	-290	-193	-209	-120	-137	0	-4691	-3156	-15564
WILLOW CR	NATURAL	49	57	72	61	60	52	38	38	43	43	43	43	0	775	736	2997
NR RIRIE	OBSERVED	201	201	400	150	160	160	250	250	250	79	10	10	0	2960	2724	11274
	REM NAT	49	57	72	61	60	52	38	38	43	43	43	43	0	775	736	2997
	STORED	152	144	328	89	100	108	212	212	207	36	-33	-33	0	2187	1988	8281
SNAKE R. NR	NATURAL	8140	8331	8395	8214	8254	8115	7987	8102	7991	7884	7703	7657	0	133258	121374	505062
SHELLEY	OBSERVED	2338	2608	2455	2150	2047	2047	2110	2150	2135	2105	2120	2180	0	35424	33641	136990
	REM NAT	1065	1080	1325	1337	1539	1393	1311	1413	1293	1258	1094	1078	0	21078	18434	78372
	STORED	-227	28	-370	-687	-992	-846	-701	-763	-658	-653	-474	-398	0	-8154	-7293	-30639
SNAKE R. NR	NATURAL	8787	8978	8971	8841	8935	8810	8740	8854	8705	8669	8508	8424	0	139591	131542	537792
BLACKFOOT	OBSERVED	877	1165	1111	1440	1440	1210	1250	1470	1420	1887	1996	1946	0	12136	20195	64128
	REM NAT	1064	1159	1669	1946	2210	2082	2071	2179	2041	2370	2562	2507	0	19845	27173	93260
	STORED	-187	6	-558	-506	-770	-672	-821	-709	-621	-488	-566	-511	0	-7709	-6978	-29131
SNAKE R. AT	NATURAL	12126	12205	12137	11960	12042	11919	11765	11996	11763	11730	11700	11401	0	186755	178554	724590
NEELEY	OBSERVED	4829	4829	4705	4631	4631	4631	4631	4631	4631	4631	4368	3920	0	71711	69555	280201
	REM NAT	0	0	130	434	686	560	465	691	467	801	1386	1564	0	270	7184	14785
	STORED	426	443	-130	-434	-686	-560	-465	-691	-467	-801	-1386	-1564	0	4754	-4632	241
SNAKE R. NR	NATURAL	11485	11542	11337	11266	11249	11173	11107	11251	11092	11030	10965	10540	0	178961	168251	688695
MINIDOKA	OBSERVED	3197	3197	3188	3188	3197	3206	3404	3610	3600	3610	3600	3610	0	51595	50225	201959
	REM NAT	0	218	736	947	1098	1019	1014	1158	1054	1358	2319	1924	0	5249	13099	36393
	STORED	516	279	-248	-459	-601	-513	-310	-248	-154	-448	-1419	-1014	0	7879	-3062	9554
SNAKE R. AT	NATURAL	13266	13279	13025	12268	11979	11811	11601	11779	11776	11719	11832	11496	0	184979	184766	733389
MILNER	OBSERVED	2150	2140	2080	1530	1045	1700	1670	2060	2080	2100	3740	3570	0	18153	32545	100559
	REM NAT	2226	2488	2902	2413	2256	2114	1936	2119	2172	2481	4775	4469	0	7704	36302	87285
	STORED	-76	-348	-822	-883	-1211	-414	-266	-59	-92	-381	-1035	-899	0	10451	-3757	13277

TABLE 14

MONTH OF SEPTEMBER 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	645	655	642	643	649	647	651	629	627	645	664	703	761	718	690	723	831	872
	OBSERVED	860	872	848	849	859	866	865	853	850	868	887	926	914	855	831	866	958	1000
	REM NAT	645	655	640	641	647	645	649	629	627	645	664	703	748	705	677	710	810	852
	STORED	215	217	208	208	212	221	216	224	223	223	223	223	166	150	154	156	148	148
HENRYS FORK NR REXBURG	NATURAL	3529	3722	3595	3481	3461	3422	3398	3486	3404	3445	3538	3644	3810	3806	3761	3961	4252	4124
	OBSERVED	1400	1360	1310	1320	1300	1240	1220	1240	1190	1340	1630	1750	1770	1790	1820	2110	2240	2200
	REM NAT	1381	1561	1632	1676	1660	1634	1595	1747	1660	1680	1990	1815	1774	1693	1818	2066	2324	2318
	STORED	20	-201	-322	-356	-360	-394	-375	-507	-470	-340	-360	-65	-4	97	2	45	-84	-118
WILLOW CR NR RIRIE	NATURAL	38	37	37	36	36	35	34	33	31	30	30	31	32	32	34	53	59	64
	OBSERVED	192	192	190	191	192	191	191	191	192	193	192	191	192	191	191	188	186	188
	REM NAT	38	36	35	34	35	34	33	32	29	28	29	29	30	32	34	53	59	64
	STORED	156	156	155	157	157	157	158	160	163	165	163	162	162	159	157	135	127	124
SNAKE R. NR SHELLEY	NATURAL	11198	11201	10998	10710	10845	10699	10636	10773	10365	10475	10636	10843	11381	11516	11526	11850	12059	11925
	OBSERVED	3060	2860	2720	2810	2730	2660	2700	2530	2560	2920	3300	3600	3730	4150	4580	4900	4980	4630
	REM NAT	2702	2681	2624	2623	2642	2592	2508	2614	2257	2349	2576	2608	2558	2647	1580	2477	3552	3934
	STORED	358	179	96	187	88	68	192	-84	303	571	724	992	1172	1503	1500	523	-72	-804
SNAKE R. NR BLACKFOOT	NATURAL	11839	11821	11573	11249	11359	11217	11159	11328	10966	11106	11324	11594	12238	12509	12579	12948	13036	12695
	OBSERVED	910	725	653	653	552	577	577	485	584	1020	1450	1790	2240	2980	3530	3740	3740	3240
	REM NAT	641	620	576	539	514	518	521	525	555	584	643	734	858	1257	2028	3290	4197	4408
	STORED	269	105	78	114	38	59	56	-40	29	436	807	1056	1383	1723	1502	450	-457	-1168
SNAKE R. AT NEELEY	NATURAL	14434	14482	14149	13703	13886	14104	13704	13749	13294	13447	13595	13731	14284	14743	14861	15231	15217	15053
	OBSERVED	9910	9760	9570	9380	9010	8740	8040	7360	7160	6960	6760	6180	5180	4530	4400	4500	4530	4510
	REM NAT	3236	3281	3151	2994	3040	3406	3067	2946	2883	2925	2914	2871	2903	3491	0	1039	1823	2232
	STORED	6674	6479	6419	6386	5970	5335	4974	4415	4277	4035	3846	3309	2277	1039	90	-1039	-1823	-2232
SNAKE R. NR MINIDOKA	NATURAL	14515	14512	14237	13710	14018	14249	13851	13846	13237	13443	13361	13372	14024	14512	14739	15035	14777	14550
	OBSERVED	7710	7640	7630	7560	7440	7240	6680	6030	5570	5630	5310	5150	4310	3850	3890	3720	3830	3790
	REM NAT	3316	3311	3239	3000	3173	3180	2750	2730	2790	2610	2400	2100	2044	2656	885	2040	2609	2935
	STORED	4394	4329	4391	4560	4267	4060	3930	3300	2780	3020	2910	3050	2267	1194	305	-1020	-1479	-1845
SNAKE R. AT MILNER	NATURAL	14515	14512	14237	13710	14018	14249	13851	13846	13237	13443	13361	13372	14024	14667	15031	15580	15356	14931
	OBSERVED	523	523	504	519	504	769	1140	624	629	624	564	543	818	968	875	543	510	509
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	207	1616	2213	2711
	STORED	523	523	504	519	504	769	1140	624	629	624	564	543	818	968	668	-1073	-1703	-2202

SOME DATA AFFECTED BY ROUNDING

TABLE 12

MONTH OF AUGUST 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MIDNIGHT TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R, NR ST ANTHONY	NATURAL	1119	1119	1263	1240	1067	955	923	884	858	817	801	811	774	750	739	659	673	691
	OBSERVED	1190	1200	1330	1400	1330	1210	1100	1050	1010	1010	1040	1050	1010	972	983	906	917	944
	REM NAT	1080	1077	1229	1210	1043	937	905	859	825	790	793	806	774	747	734	654	667	686
	STORED	110	123	101	190	287	274	196	191	185	220	248	244	236	226	249	252	250	258
HENRYS FORK NR REXBURG	NATURAL	4256	4286	4664	4666	4487	4332	4252	4087	3982	3877	3836	3776	3707	3706	3639	3637	3747	3897
	OBSERVED	1110	1520	1710	1800	1650	1490	1370	1290	1210	1210	1200	1120	1030	1010	1020	1030	1180	1480
	REM NAT	858	930	1168	1212	1223	1177	1096	897	823	766	821	1039	991	1131	1168	1172	981	960
	STORED	253	590	542	588	427	313	274	393	387	444	379	81	39	-121	-148	-142	199	520
WILLOW CK NR RIRIE	NATURAL	51	51	51	50	55	53	51	50	44	42	40	38	37	36	36	35	35	40
	OBSERVED	18	19	18	28	80	183	209	207	206	207	206	206	206	205	204	204	204	202
	REM NAT	50	49	49	48	53	52	50	49	42	40	38	36	35	35	34	34	34	38
	STORED	-32	-30	-31	-20	27	132	159	159	164	167	168	170	171	170	170	170	170	164
SNAKE R, NR SHELLEY	NATURAL	17206	17426	18029	17987	17484	16652	15964	15336	14625	14298	13900	13524	13357	12907	12701	12694	13014	13605
	OBSERVED	4870	5620	5900	5470	5070	4750	4310	4210	4160	4290	4030	3910	3860	4090	4210	4640	5360	5610
	REM NAT	5643	5929	6415	6406	6110	5803	4901	4339	3577	3412	3190	3168	3148	3141	3097	3057	2892	2993
	STORED	-773	-309	-515	-936	-1040	-1053	-591	-129	583	879	840	742	712	949	1113	1583	2468	2617
SNAKE R, NR BLACKFOOT	NATURAL	17624	18053	18668	18608	17927	16923	16257	15656	15054	14823	14460	14122	13959	13561	13475	13692	14126	14710
	OBSERVED	2230	2860	2560	2190	1850	1470	1320	1250	1540	1510	1290	1220	1370	1680	2040	2920	3550	3580
	REM NAT	2588	3071	3598	3608	3166	2684	1894	1371	737	644	560	598	602	654	775	998	1112	1360
	STORED	-358	-211	-1038	-1418	-1316	-1214	-574	-121	803	866	730	622	769	1026	1265	1922	2438	2220
SNAKE R, AT NEELEY	NATURAL	19989	20303	21010	21017	20373	19467	19043	18419	18065	17890	17549	17413	17108	16593	16225	16278	17010	17463
	OBSERVED	12200	12000	11900	12100	12000	11800	11800	11800	11900	12000	12000	12100	12200	12300	12300	12200	11700	11300
	REM NAT	4953	5320	5940	6017	5612	5228	4680	4134	3748	3712	3650	3890	3751	3686	3524	3584	3995	4114
	STORED	7247	6980	5960	6083	6389	6572	7120	7666	8152	8288	8351	8210	8449	8614	8776	8616	7705	7186
SNAKE R, NR MINIDOKA	NATURAL	19787	20109	20813	20784	20171	19200	18694	18139	17717	17579	17284	17178	16921	16385	15984	16009	16926	17476
	OBSERVED	9150	9240	9250	9260	9240	9160	9140	9210	9220	9200	9300	9500	9510	9480	9490	9210	9140	9180
	REM NAT	3400	3400	4017	4057	3683	3400	3400	3400	3400	3400	3384	3400	3400	3479	3284	3316	3544	3507
	STORED	5750	5840	5233	5203	5557	5760	5740	5810	5820	5800	5916	6100	6110	6001	6206	5894	5597	5674
SNAKE R, AT MILNER	NATURAL	19787	20109	20813	20784	20171	19200	18694	18139	17717	17579	17284	17178	16921	16303	15829	15843	16783	17369
	OBSERVED	296	292	282	279	278	279	279	282	281	286	285	287	287	291	408	319	507	743
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	296	292	282	279	278	279	279	282	281	286	285	287	287	291	408	319	507	743

SOME DATA AFFECTED BY ROUNDING

TABLE 14 (continued)

MONTH OF SEPTEMBER — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R. NR	NATURAL	857	802	728	704	699	721	740	721	678	660	637	633	0	9969	11006	41603
ST ANTHONY	OBSERVED	985	892	761	740	736	754	768	753	715	699	678	672	0	13003	11977	49547
	REM NAT	837	782	709	688	685	707	726	711	673	657	636	632	0	9920	10815	41127
	STORED	148	110	52	52	51	47	42	42	42	42	42	40	0	3083	1162	8419
HENRYS FORK	NATURAL	4011	3847	3753	3801	3873	3918	3818	3681	3615	3513	3459	3423	0	53502	57049	219277
NR REXBURG	OBSERVED	2100	1950	2030	2140	2080	1960	1930	1880	1870	1880	1840	1820	0	21680	30050	102606
	REM NAT	2273	2223	2202	2285	2455	2499	2416	2286	2223	2133	2098	2068	0	25316	33869	117393
	STORED	-173	-273	-172	-145	-375	-519	-486	-406	-353	-253	-258	-248	0	-3635	-3818	-14783
WILLOW CR	NATURAL	66	49	45	41	40	41	44	45	44	42	39	38	0	506	710	2411
NR RIRIE	OBSERVED	187	186	184	185	185	187	189	186	185	190	191	189	0	2872	2806	11262
	REM NAT	66	49	45	41	40	41	44	45	44	42	39	38	0	486	710	2372
	STORED	121	137	140	144	145	146	145	141	141	148	152	151	0	2387	2097	8894
SNAKE R. NR	NATURAL	11571	11196	10754	10634	10873	10818	10608	10410	10046	9819	9699	9650	0	163802	161912	646053
SHELLEY	OBSERVED	4090	3880	3920	4050	3850	3810	3810	3730	3660	3500	3220	3000	0	46910	59030	210131
	REM NAT	4157	3982	3518	3466	3875	3891	3794	3696	3355	2943	2584	2301	0	37561	51925	177495
	STORED	-1567	-1602	-1098	-916	-1525	-1581	-1484	-1466	-1195	-943	-864	-801	0	7849	-15395	-14967
SNAKE R. NR	NATURAL	12207	11740	11368	11315	11585	11538	11230	10972	10542	10202	10016	9910	0	173861	171304	684634
BLACKFOOT	OBSERVED	2840	2690	2920	2870	2730	2720	2520	2330	2220	1900	1600	1230	0	18726	39290	115074
	REM NAT	4520	4182	3758	3795	4315	4339	4144	3926	3524	2993	2563	2089	0	11113	56043	133203
	STORED	-1680	-1492	-838	-925	-1585	-1619	-1624	-1596	-1304	-1093	-963	-859	0	7615	-16753	-18125
SNAKE R. AT	NATURAL	14696	14286	13527	13765	14305	14479	14181	13984	13746	13472	13119	13011	0	210166	212072	837509
NEELEY	OBSERVED	4490	4510	4500	4500	4590	4550	4630	4620	4630	4610	4640	4620	0	112940	68430	359747
	REM NAT	2494	2192	1391	1719	2419	2704	2434	2287	2066	1616	986	531	0	43108	27933	140909
	STORED	-2494	-2192	-1391	-1719	-2419	-2704	-2434	-2287	-2066	-1616	-986	-531	0	65525	-27933	74563
SNAKE R. NR	NATURAL	13966	13921	13352	13456	14178	14111	13795	13605	13442	13214	12877	12837	0	209626	207116	826607
MINIDOKA	OBSERVED	3880	3720	3720	3640	3570	3540	3530	3480	3480	3480	3780	4010	0	91640	55170	291197
	REM NAT	2945	3032	2411	2602	3568	3559	3349	3162	2938	2433	1777	1319	0	40184	40679	160391
	STORED	-1765	-2012	-1391	-1662	-2698	-2719	-2519	-2382	-2158	-1653	-697	-9	0	48757	-26009	45120
SNAKE R. AT	NATURAL	14279	14350	13981	14367	15284	15256	14891	14534	14088	13516	12797	12452	0	210073	215662	844445
MILNER	OBSERVED	1040	1750	2080	2270	2250	2180	1980	1450	843	422	305	319	0	10127	18451	56684
	REM NAT	2735	3238	2943	3691	4895	4931	4636	4274	3622	2639	1494	673	0	207	46311	92268
	STORED	-1695	-1488	-863	-1421	-2645	-2751	-2656	-2824	-2779	-2217	-1189	-354	0	9920	-27860	-35583

SOME DATA AFFECTED BY ROUNDING

TABLE 12 (continued)

MONTH OF AUGUST — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R. NR	NATURAL	934	934	802	899	994	910	853	806	781	782	769	705	660	14125	12852	53508
ST ANTHONY	OBSERVED	1220	1160	1010	1120	1200	1110	1060	1020	990	993	985	916	871	16885	16422	66064
	REM NAT	916	918	786	883	978	894	837	791	764	782	767	689	660	13809	12672	52525
	STORED	305	242	424	237	222	216	223	229	227	211	218	227	211	3080	3752	13551
HENRYS FORK	NATURAL	4332	4052	4059	4337	4226	4213	3961	3888	3828	3797	3586	3535	3545	61553	62640	246336
NR REXBURG	OBSERVED	1730	1700	2050	2310	2170	2040	1950	1880	1770	1720	1540	1410	1380	19740	27340	93383
	REM NAT	1168	1152	1170	1796	1812	1679	1528	1490	1519	1695	1349	1302	1425	15300	22198	74377
	STORED	562	549	880	514	358	361	422	390	251	25	191	108	-45	4441	5143	19009
WILLOW CR	NATURAL	45	50	55	57	55	55	51	46	44	42	41	40	39	685	730	2806
NR RIRIE	OBSERVED	200	200	199	198	197	197	196	195	194	194	193	194	192	2202	3159	10633
	REM NAT	43	48	53	55	54	53	50	44	42	40	39	38	37	660	702	2701
	STORED	157	152	146	143	143	144	147	151	152	154	154	156	155	1544	2458	7937
SNAKE R. NR	NATURAL	14555	14299	14150	14589	14001	14543	13258	12196	12166	11228	11610	11748	11289	231398	208945	873420
SHELLEY	OBSERVED	5330	5140	5620	5500	5130	4630	3920	3730	3770	3560	3340	3270	3240	68750	71790	278761
	REM NAT	3861	4192	4280	5120	4752	5435	4468	3499	3363	2561	2715	2805	2734	68279	58727	251916
	STORED	1469	948	1340	380	378	-805	-548	231	407	999	625	465	506	472	13063	26846
SNAKE R. NR	NATURAL	15596	15244	14991	15375	14742	15093	13723	12675	12649	11747	12185	12354	11900	239170	220802	912354
BLACKFOOT	OBSERVED	3420	3600	3900	3680	3360	2560	1910	1810	1780	1430	1250	1270	1110	26380	41130	133906
	REM NAT	2286	2581	2683	3557	3179	3650	2537	1456	1280	519	575	678	611	26550	29062	110306
	STORED	1134	1019	1217	123	181	-1090	-627	354	500	911	675	592	499	-169	12068	23601
SNAKE R. AT	NATURAL	18328	17938	17471	17756	17260	17300	15815	14793	14646	13930	14524	14766	14610	280464	259868	1071788
HEELEY	OBSERVED	10700	10400	10100	10200	10300	10400	10300	10400	10400	10400	10300	10300	9910	180400	169310	693649
	REM NAT	5018	5274	5163	5938	5697	5857	4629	3575	3276	2703	2915	3090	3321	67845	68149	269744
	STORED	5682	5126	4937	4262	4603	4543	5672	6825	7124	7697	7385	7211	6589	112557	101163	423913
SNAKE R. NR	NATURAL	18602	18323	17823	18136	17489	17431	15889	14785	14590	13879	14503	14799	14747	276745	261407	1067424
MINIDOKA	OBSERVED	8940	8630	8510	8490	8460	8430	8370	8330	8290	8350	8140	8070	7920	139350	136460	547069
	REM NAT	3566	3933	3789	4597	4200	4262	3400	3400	3221	2651	2893	3123	3416	52504	56813	216830
	STORED	5374	4697	4721	3899	4260	4169	4970	4930	5069	5699	5247	4947	4504	86846	79651	330246
SNAKE R. AT	NATURAL	18525	18307	17823	18136	17489	17431	15889	14785	14590	13879	14502	14781	14711	276508	260843	1065835
MILNER	OBSERVED	592	497	519	519	519	498	499	499	498	502	504	523	501	4392	8239	25053
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	592	497	519	519	519	498	499	499	498	502	504	523	501	4392	8239	25053

SOME DATA AFFECTED BY ROUNDING

TABLE 10

MONTH OF JULY 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	2587	2161	1993	2177	2515	2711	2697	2608	2516	2381	2144	2104	2138	2136	2123	2139	2159	2146
	OBSERVED	2510	2090	1920	2110	2450	2640	2640	2550	2460	2320	2080	2020	2070	2070	2070	2060	2090	2080
	REM NAT	2474	2058	1885	2069	2407	2598	2584	2490	2418	2283	2043	1983	2031	2048	2042	2056	2086	2078
	STORED	37	33	36	42	44	43	57	61	43	38	37	37	39	22	28	4	4	2
HENRYS FORK NR REXBURG	NATURAL	7599	6687	6449	6834	7214	7327	7224	6970	6825	6470	6050	5897	6122	6229	6109	6057	5745	5803
	OBSERVED	3060	2520	2290	2480	2710	2860	2840	2720	2750	2470	2200	2080	2180	2210	2010	1860	1800	1700
	REM NAT	3251	2562	2339	2493	2797	2980	2944	2739	2789	2512	2163	2030	2175	2420	2352	2281	1919	1963
	STORED	-191	-42	-49	-13	-87	-120	-104	-19	-39	-42	38	50	5	-210	-342	-421	-119	-263
WILLOW CK NR RIRIE	NATURAL	131	129	126	122	117	112	108	105	103	101	101	99	96	93	90	87	85	82
	OBSERVED	29	29	29	28	28	28	25	25	24	23	22	22	22	21	21	26	25	25
	REM NAT	130	128	125	121	115	110	107	104	102	100	99	98	94	92	88	85	83	80
	STORED	-101	-99	-96	-93	-87	-82	-82	-79	-78	-77	-77	-76	-72	-71	-67	-59	-58	-55
SNAKE R. NR SHELLEY	NATURAL	38152	35113	33425	33375	34634	35670	35628	34570	33192	31547	29786	28897	28222	27945	27833	27586	26840	26503
	OBSERVED	12200	11600	11300	11500	11500	10700	9770	9540	9240	8560	7550	6900	6440	5780	5290	5190	5900	6090
	REM NAT	22110	19378	17612	17209	18425	19776	19905	18715	17342	15729	14006	13169	12427	12176	12032	11754	11361	10985
	STORED	-11410	-9278	-7812	-7209	-8425	-10576	-11635	-10675	-9602	-8669	-7956	-7769	-7487	-7896	-8242	-8064	-6961	-6395
SNAKE R. NR BLACKFOOT	NATURAL	38606	35296	33587	33552	34826	35773	35722	34597	33214	31562	29721	28824	28138	27967	27925	27871	27249	26976
	OBSERVED	8930	8360	8240	8360	7930	6850	6540	6110	5610	4610	3930	3450	2770	2220	1890	2350	2610	2730
	REM NAT	20909	17784	15874	15382	16605	17849	17961	16711	15309	13641	11836	11080	10292	10063	9966	9910	9727	9386
	STORED	-11979	-9424	-7634	-7022	-8675	-10999	-11421	-10601	-9699	-9031	-7906	-7630	-7522	-7843	-8076	-7560	-7117	-6656
SNAKE R. AT NEELEY	NATURAL	40749	37400	35865	35639	36942	37900	37706	36575	35282	33474	32187	31100	30247	29697	29745	29540	28914	28581
	OBSERVED	11900	12500	13000	13300	13200	13200	12500	11500	11800	12100	12100	12000	12000	11800	11500	11300	11600	11600
	REM NAT	16928	13763	12026	11345	12596	13851	13820	12564	11252	9428	8177	7231	6276	5675	5666	5531	5393	4991
	STORED	-11028	-7263	-5026	-4045	-5396	-6651	-7320	-7064	-5452	-3328	-2077	-1231	-276	125	-166	-231	207	609
SNAKE R. NR MINIDOKA	NATURAL	40565	37050	35800	35734	36939	38098	38124	37141	35912	34116	32844	31575	30842	30245	30220	30156	29339	28846
	OBSERVED	8990	9170	9360	9470	9730	9160	9030	8050	8430	8940	9450	9190	9330	9270	9150	9020	9200	9430
	REM NAT	16964	13613	12152	11630	12833	14319	14519	13410	12192	10409	9174	8037	7161	6493	6402	6557	6391	5830
	STORED	-10674	-7143	-5492	-4860	-6303	-7859	-8189	-8060	-6462	-4169	-2424	-1547	-531	78	48	-237	109	900
SNAKE R. AT MILNER	NATURAL	40754	37184	35736	35530	36755	38019	38097	37233	36083	34353	33189	31984	31262	30635	30677	30156	29339	28846
	OBSERVED	55	56	222	330	182	535	603	69	207	100	120	67	64	63	63	62	62	63
	REM NAT	10985	7482	6038	5208	6285	8036	8944	7968	6511	3959	2639	1514	641	0	0	31	0	0
	STORED	-10930	-7426	-5816	-4878	-6103	-7501	-8341	-7899	-6304	-3859	-2519	-1447	-577	63	63	31	62	63

SOME DATA AFFECTED BY ROUNDING

TABLE 10 (continued)

MONTH OF JULY — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R. NR	NATURAL	2083	2043	2073	2090	2019	1821	1647	1572	1478	1346	1270	1196	1151	34991	28224	125386
ST ANTHONY	OBSERVED	2010	1970	2000	2020	1940	1750	1590	1500	1400	1290	1230	1180	1220	34000	27330	121648
	REM NAT	2018	1981	2013	2032	1952	1763	1600	1517	1422	1298	1226	1176	1109	33413	27327	120477
	STORED	-8	-11	-13	-12	-12	-13	-10	-17	-22	-8	4	4	111	597	3	1190
HENRYS FORK	NATURAL	5571	5442	5643	5605	5473	5296	5007	4466	4765	4602	4621	4520	4393	100006	83409	363803
NR REXBURG	OBSERVED	1550	1510	1530	1460	1410	1370	1410	1330	1200	1270	1300	1150	1090	37380	22940	119644
	REM NAT	1754	1498	1674	1606	1433	1247	1135	1142	1146	1102	1042	992	1009	38546	22943	121963
	STORED	-204	12	-144	-146	-23	123	275	188	54	168	258	159	81	-1165	-2	-2314
WILLOW CR	NATURAL	76	75	71	69	67	65	63	62	59	58	56	54	53	1633	1084	5389
NR RIRIE	OBSERVED	25	25	24	24	22	22	21	21	20	20	19	19	18	376	356	1451
	REM NAT	76	73	71	68	65	63	62	61	59	56	54	52	51	1613	1059	5299
	STORED	-51	-48	-47	-44	-43	-41	-41	-40	-39	-36	-35	-33	-33	-1237	-703	-3847
SNAKE R. NR	NATURAL	26001	25116	25041	24640	23689	22688	21853	20960	20224	19549	18793	17967	17367	487989	364817	1691540
SHELLEY	OBSERVED	6720	7790	8130	8130	8260	8360	7960	7190	6120	5350	4930	4370	4390	137870	104880	481494
	REM NAT	10527	9647	9485	9116	9562	8721	8106	7521	8512	7823	6974	6265	5804	250011	142163	777877
	STORED	-5307	-3357	-2855	-2486	-2802	-1861	-1846	-1831	-2392	-2473	-2044	-1895	-1414	-134641	-53783	-373739
SNAKE R. NR	NATURAL	26667	25769	25607	25128	23953	22719	21851	20930	20126	19520	18802	18058	17576	489310	368802	1702065
BLACKFOOT	OBSERVED	3840	4800	4670	4510	4750	4530	4150	3470	2410	1980	1440	1050	1240	85800	50530	270410
	REM NAT	8973	8199	8287	7633	7774	6695	6077	5492	4924	4397	3568	2944	2640	221262	106626	650365
	STORED	-5133	-3399	-3617	-3123	-3024	-2165	-1927	-2022	-2514	-2417	-2128	-1894	-1400	-135462	-56096	-379955
SNAKE R. AT	NATURAL	28314	27625	27469	27070	25781	24616	23702	22795	22212	21601	21009	20197	19972	520508	399398	1824633
NEELEY	OBSERVED	11500	11800	12400	12500	12400	12200	12200	12200	12300	12100	12300	12000	12000	184400	192400	747382
	REM NAT	4620	4055	4149	8176	8202	7192	7928	7358	7009	6478	5775	5084	5036	160598	96977	510900
	STORED	880	1746	2251	2925	2798	3608	4272	4842	5291	5622	6525	6916	6964	-66198	55225	-21764
SNAKE R. NR	NATURAL	28661	27787	27614	27225	25769	24760	23978	23098	22436	21917	21182	20329	20062	525205	403159	1841409
MINIDOKA	OBSERVED	9600	9610	9600	9550	9450	9440	9420	9420	9450	9410	9490	9490	9280	136220	150860	569423
	REM NAT	5541	4791	4867	4305	4200	3456	6000	5934	5507	5068	4222	3490	3400	169308	79559	493627
	STORED	1359	2120	2033	2545	2550	3284	3420	3486	3943	4342	5268	6000	5880	-73587	47002	-52731
SNAKE R. AT	NATURAL	28661	27787	27614	27225	25769	24760	23978	23098	22436	21917	21182	20329	20062	527491	403159	1845944
MILNER	OBSERVED	288	293	294	295	295	296	296	296	294	295	298	302	300	2736	4029	13418
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	76210	31	151224
	STORED	288	293	294	295	295	296	296	296	294	295	298	302	300	-73474	-3998	-137805

SOME DATA AFFECTED BY ROUNDING

TABLE 8

MONTH OF JUNE 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	1643	1563	1682	1912	1880	1619	1473	1481	1702	1864	2196	2366	2388	2948	3368	3375	2775	2195
	OBSERVED	1690	1610	1730	1960	1930	1670	1510	1560	1770	1920	2250	2440	2460	3020	3420	3420	2820	2240
	REM NAT	1643	1563	1682	1912	1880	1619	1473	1475	1689	1851	2183	2368	2388	2948	3348	3348	2748	2168
	STORED	47	47	48	48	50	51	37	86	82	70	68	72	72	72	72	72	72	72
HENRYS FORK NR REXBURG	NATURAL	6472	6508	6986	7122	6926	6474	6181	6545	6822	7095	7732	7989	7949	8630	9183	9192	8132	7416
	OBSERVED	3410	3130	3130	3130	2860	2500	2400	2550	2630	2750	3100	3290	3320	3590	4050	4330	3840	3240
	REM NAT	3182	3187	3765	3805	3529	3042	2781	3004	3189	3441	3934	4199	4097	4546	4992	4968	4073	3337
	STORED	228	-57	-635	-675	-669	-542	-381	-454	-559	-691	-839	-909	-777	-956	-942	-638	-233	-97
WILLOW CR NR RIRIE	NATURAL	411	396	382	370	370	358	348	338	333	330	319	302	273	266	257	249	241	220
	OBSERVED	32	30	28	28	28	31	36	36	34	30	31	31	30	32	32	32	30	26
	REM NAT	411	396	382	370	368	357	347	336	331	328	317	301	271	264	256	248	240	218
	STORED	-379	-366	-354	-342	-340	-326	-311	-300	-297	-298	-286	-270	-241	-232	-224	-216	-210	-192
SNAKE R. NR SHELLEY	NATURAL	29311	29194	30094	30873	30315	28640	27703	27452	28376	30261	32781	36007	38976	43044	45739	45888	43000	39997
	OBSERVED	10600	9770	9190	9260	8810	9390	10500	10900	11500	11700	11900	12100	12500	13500	13500	13100	12300	11600
	REM NAT	9478	9736	10050	10181	9812	8893	8710	8672	8792	9431	9853	10033	9878	10218	10123	10202	10236	10068
	STORED	-378	-1466	-2360	-2421	-2502	-1003	290	728	1208	769	547	567	1123	1782	1877	1399	564	32
SNAKE R. NR BLACKFOOT	NATURAL	28900	28873	29981	30793	30374	29000	28191	28156	29087	30771	33139	36193	39253	43335	45983	46056	42914	39876
	OBSERVED	7310	6290	5990	5570	5520	6790	7550	7970	8180	8240	8390	8500	9520	10000	9650	9070	8240	7960
	REM NAT	7541	7644	8020	8112	7834	7196	7046	7276	7415	7841	8129	8141	8042	8283	8107	8133	7949	7732
	STORED	-231	-1354	-2030	-2542	-2314	-406	504	694	765	399	261	359	1478	1718	1543	937	291	229
SNAKE R. AT NEELEY	NATURAL	30905	31109	31989	32502	32195	30589	29913	30035	31089	32872	35045	37769	40968	45139	47812	47929	44741	41534
	OBSERVED	9910	9060	9380	9380	9380	7740	8740	10200	10400	10300	10300	10100	10300	10600	10500	10200	9670	8700
	REM NAT	3476	3810	3958	3729	3587	2717	2684	3071	3333	3859	3941	3623	3663	3988	3834	3892	3661	3275
	STORED	434	-750	-578	-349	-207	-977	56	1129	1067	442	359	477	637	612	666	309	9	-575
SNAKE R. NR MINIDOKA	NATURAL	32420	32528	33083	33447	32745	31601	30815	30597	31625	33115	35424	38565	41794	45595	48432	48434	45356	42456
	OBSERVED	9920	8850	7980	7840	7870	7930	7700	7700	7810	8070	8280	8250	8190	7980	8130	8220	8130	7750
	REM NAT	6053	6120	5872	5563	5197	4930	4885	4920	5069	5142	5270	5359	5419	5365	5374	5357	5337	5257
	STORED	1167	31	-592	-423	-27	300	115	80	41	228	310	191	71	-85	56	163	93	-207
SNAKE R. AT MILNER	NATURAL	31811	31649	32633	33301	32859	31889	31125	30887	31923	33411	35608	38653	41800	45611	48477	48474	45400	42551
	OBSERVED	1020	152	151	151	152	151	186	136	70	60	61	65	65	65	64	65	66	65
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	1020	152	151	151	152	151	186	136	70	60	61	65	65	65	64	65	66	65

SOME DATA AFFECTED BY ROUNDING

TABLE 8 (continued)

TABLE 8 (continued)

MONTH OF JUNE — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R, NR ST ANTHONY	NATURAL	2257	2701	2875	2658	2239	2071	2094	2060	2410	2675	2743	2717	0	30087	37845	134743
	OBSERVED	2270	2700	2860	2600	2190	1980	1990	1960	2310	2580	2660	2640	0	30940	37220	135195
	REM NAT	2214	2653	2822	2566	2153	1961	1973	1943	2293	2558	2630	2604	0	30022	36634	132212
	STORED	57	46	39	35	37	19	17	17	17	22	31	37	0	922	592	3003
HENRYS FORK NR REXBURG	NATURAL	7979	8669	8674	7900	7061	7022	6945	6954	7450	7895	7929	7817	0	108614	117035	447574
	OBSERVED	3360	3700	3710	3260	2930	2780	2560	2550	2850	3070	3240	3360	0	45840	46780	187678
	REM NAT	3774	4189	4037	3489	2745	2762	2573	2609	2938	3262	3380	3367	0	54698	51503	210649
	STORED	-414	-489	-327	-279	185	18	-13	-59	-88	-192	-140	-7	0	-8858	-2723	-22970
WILLOW CR NR HINIE	NATURAL	205	190	177	165	158	154	149	146	142	138	134	132	0	5053	2600	15179
	OBSERVED	27	27	32	33	31	32	30	29	29	28	28	29	0	469	443	1808
	REM NAT	204	189	176	164	157	153	148	145	141	137	133	131	0	5035	2584	15112
	STORED	-177	-162	-144	-131	-126	-121	-118	-116	-112	-109	-105	-102	0	-4566	-2141	-13303
SNAKE R, NR SHELLEY	NATURAL	39577	40812	42024	41170	38692	36535	35007	34682	36158	38074	39308	39699	0	488766	590623	2140968
	OBSERVED	11500	11900	12100	11600	11100	10900	10600	10900	12000	12600	13000	12700	0	165120	177900	680380
	REM NAT	9782	13948	25099	24652	22281	20198	18559	18300	19674	21665	23105	23564	0	143860	271333	823535
	STORED	219	-3548	-14499	-14552	-12681	-10798	-9459	-8900	-9174	-10565	-11605	-12364	0	-1239	-115931	-232406
SNAKE R, NR BLACKFOOT	NATURAL	39607	41120	42544	41758	39285	37038	35544	35451	37013	39088	40267	40408	0	492029	597969	2162011
	OBSERVED	8260	8990	9050	8490	8270	8050	7910	8460	9570	10400	10200	9840	0	115470	133160	493157
	REM NAT	7574	12045	23588	23278	20988	18871	17255	17212	18690	20852	22334	22605	0	116627	249106	725431
	STORED	686	-3055	-14536	-14788	-12718	-10821	-9345	-8352	-9120	-10452	-12134	-12765	0	-1156	-115945	-232269
SNAKE R, AT NEELEY	NATURAL	41336	42662	44239	43401	40930	38516	37222	36769	38634	40682	42179	42391	0	519931	623165	2267330
	OBSERVED	8610	8610	8520	9060	9870	10200	10900	11200	10900	10100	11300	12000	0	146290	149840	587373
	REM NAT	3209	7494	19158	18796	16508	14223	12808	12404	14186	16320	18121	18463	0	53273	182518	467691
	STORED	-599	-4884	-16638	-15736	-12638	-10023	-7908	-7204	-9286	-12220	-12821	-12463	0	3018	-122677	-237343
SNAKE R, NR MINIDOKA	NATURAL	42201	43376	44838	43677	41087	38705	37157	36567	38616	40755	42019	42297	0	531786	627541	2299525
	OBSERVED	7560	7450	7360	7390	7680	8180	8630	8840	8420	8420	8190	8440	0	122500	120660	482307
	REM NAT	5144	9317	20867	20153	17516	15033	13242	12643	14518	16694	18261	18629	0	80538	197968	552416
	STORED	-284	-4567	-16207	-15463	-12536	-9553	-7312	-6503	-8798	-10974	-12771	-12889	0	1463	-117808	-230770
SNAKE R, AT MILNER	NATURAL	42425	43786	45431	44370	41771	39244	37469	36597	38534	40665	42070	42523	0	531837	631310	2307102
	OBSERVED	63	63	62	60	59	59	61	61	57	56	55	55	0	2549	907	6854
	REM NAT	0	4354	16116	15450	12741	10047	7843	6957	8686	10864	12470	12834	0	0	118366	234778
	STORED	63	-4291	-16054	-15390	-12682	-9988	-7782	-6896	-8629	-10817	-12415	-12779	0	2549	-117459	-227923

SOME DATA AFFECTED BY ROUNDING

TABLE 6

MONTH OF MAY 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	640	788	979	939	908	956	1040	1150	1300	1300	1160	987	883	841	900	1221	1618	1498
	OBSERVED	640	788	979	939	908	956	1040	1150	1300	1300	1160	987	883	841	906	1230	1630	1510
	REM NAT	640	788	979	939	908	956	1040	1150	1300	1300	1160	987	883	841	900	1221	1618	1498
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6	9	12	12
HENRYS FORK NR REXBURG	NATURAL	2877	3483	4005	4071	4168	4696	5704	6808	7321	7214	6938	6594	6300	6339	6956	7772	8280	8268
	OBSERVED	3040	3690	4180	4210	4260	4470	5080	6020	5740	5190	4830	4680	4680	4870	5470	6440	6680	6150
	REM NAT	2877	3483	3885	3675	3585	2882	3632	4461	4731	4448	4135	4066	4014	4141	4629	5217	5467	5311
	STORED	163	207	295	535	676	1589	1449	1560	1009	742	695	614	666	729	841	1224	1214	840
WILLOW CR NR RIRIE	NATURAL	563	654	710	710	728	768	763	797	753	673	631	576	529	507	518	528	542	537
	OBSERVED	53	53	53	54	54	54	56	56	57	57	44	43	59	63	43	19	31	31
	REM NAT	563	654	710	710	728	768	763	797	753	673	631	576	529	507	518	528	542	537
	STORED	-510	-601	-657	-656	-674	-714	-707	-741	-696	-616	-587	-533	-470	-444	-475	-509	-511	-506
SNAKE R. NR SHELLEY	NATURAL	10724	11478	14164	14853	15390	16722	18891	20905	21898	21450	20283	19051	17915	18347	20261	22369	23963	24749
	OBSERVED	10900	11400	11800	12000	11900	12100	12800	13500	13200	12600	12100	11700	12300	12800	13600	14000	14800	14800
	REM NAT	8494	9135	7495	3531	3943	3954	3549	3193	3429	4342	5439	6000	6115	5860	6239	6711	7489	7806
	STORED	906	765	2805	6969	6457	6646	7751	8807	8271	6758	5161	4200	4685	5440	5861	5790	5811	5494
SNAKE R. NR BLACKFOOT	NATURAL	10366	11183	13792	14372	14787	16166	18571	20767	21876	21378	20007	18753	17668	18205	20307	22567	24213	24964
	OBSERVED	10200	10700	10900	10800	10600	11000	11800	12100	11500	10900	10300	10200	10700	11300	11800	12200	12400	12200
	REM NAT	9262	9971	8249	4093	4352	3943	3313	3170	3551	4416	5264	5803	5909	5641	5641	6108	6780	6990
	STORED	939	729	2651	6707	6248	7057	8487	8931	7949	6484	5036	4397	4791	5659	6159	6092	5620	5211
SNAKE R. AT NEELEY	NATURAL	13718	14473	16994	17626	17938	19193	21648	23878	24986	24310	22895	21633	20349	20989	23196	25481	26802	27473
	OBSERVED	11000	11400	11600	11900	12300	12500	12500	12400	12400	12400	12400	12500	12400	12400	12400	11500	9910	10400
	REM NAT	0	0	492	1347	1485	945	365	263	662	1329	2117	2650	2556	2392	2470	2961	3308	3437
	STORED	5000	5400	5108	4553	4815	5555	6135	6137	5739	5071	4283	3850	3844	4009	3930	2539	602	963
SNAKE R. NR MINIDOKA	NATURAL	13837	14448	17076	17716	18173	19610	22227	24699	25775	25040	23683	22214	21005	21681	23949	26385	27689	28183
	OBSERVED	10200	10200	10300	10700	10900	11200	11300	11500	11600	11400	11300	11400	11300	11200	11200	10500	9280	9100
	REM NAT	2425	2163	2588	3326	3387	2968	2595	2788	3177	3719	4299	4537	4518	4394	4516	5028	5193	5217
	STORED	5076	5337	5012	4674	4814	5532	6005	6012	5724	4981	4301	4163	4082	4106	3984	2772	1387	1184
SNAKE R. AT MILNER	NATURAL	14047	14575	16960	17391	17973	19550	22444	25125	26027	25099	23631	22067	20899	21695	23804	26078	27413	27932
	OBSERVED	6370	5470	4310	4410	5710	6060	6080	6120	5470	4620	4200	4180	4350	4270	3340	2300	1950	1710
	REM NAT	1307	349	0	0	0	0	0	286	0	0	0	0	0	0	0	0	0	0
	STORED	5064	5121	4310	4410	5710	6060	6080	5834	5470	4620	4200	4180	4350	4270	3340	2300	1950	1710

SOME DATA AFFECTED BY ROUNDING

TABLE 6 (continued)

MONTH OF MAY — DISCHARGE IN CUBIC FEET PER

TABLE 6 (continued)

MONTH OF MAY — DISCHARGE IN CUBIC FEET PER SECOND

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15
TETON R. NR ST ANTHONY	NATURAL	1510	2160	2850	2550	1991	1942	1782	1682	1912	2192	2328	2215	1865	14771
	OBSERVED	1520	2170	2860	2560	2000	1950	1790	1690	1920	2200	2360	2270	1920	14777
	REM NAT	1510	2160	2850	2550	1991	1942	1782	1682	1912	2192	2328	2215	1865	14771
	STORED	10	10	10	10	9	8	8	8	8	8	32	55	55	6
HENRYS FORK NR REXBURG	NATURAL	8511	9980	11161	9704	8673	8301	7941	7663	7946	7983	7970	7455	6753	83476
	OBSERVED	6610	7940	9320	7880	6480	5770	5440	5370	5560	5470	5230	4630	3940	70410
	REM NAT	5569	6835	7959	6438	5358	5161	5122	4967	5076	5298	5325	4522	3714	58644
	STORED	1042	1106	1361	1442	1122	609	318	403	484	172	-95	108	226	11770
WILLOW CR NR RIRIE	NATURAL	555	535	537	558	572	577	624	599	543	523	456	436	425	9880
	OBSERVED	30	30	29	30	30	31	32	32	32	33	32	32	32	799
	REM NAT	555	535	537	558	572	577	624	599	543	523	456	436	425	9880
	STORED	-525	-505	-508	-528	-542	-546	-592	-567	-511	-490	-424	-404	-393	-9081
SNAKE R. NR SHELLEY	NATURAL	26150	29956	33498	33559	32393	30452	29034	28443	29213	30857	31845	31547	30420	262332
	OBSERVED	15200	16400	16700	16400	15300	15200	15000	14600	15200	15200	14600	13200	11800	184700
	REM NAT	7420	6565	6456	6136	6301	6508	6959	7017	7112	6961	7278	8357	9115	80718
	STORED	6280	8335	8744	8764	7499	7192	6542	6083	6588	6739	5822	3343	1185	81482
SNAKE R. NR BLACKFOOT	NATURAL	26497	30373	34046	34141	32924	30910	29395	28970	29709	31217	32016	31387	30058	258198
	OBSERVED	13400	14400	14400	13700	13300	13200	12700	12800	13200	12600	11500	9970	8600	164800
	REM NAT	6597	5702	5622	5451	5665	5969	6318	6509	6556	6270	6403	7057	7328	82576
	STORED	6803	8698	8778	8249	7635	7231	6382	6291	6644	6330	5097	2913	1272	82224
SNAKE R. AT NEELEY	NATURAL	28957	33135	36866	37035	35687	33637	31933	31377	32037	33693	34381	33492	32100	303826
	OBSERVED	11000	13000	14000	13800	13800	13800	13800	13800	13700	13700	13700	13400	12100	182500
	REM NAT	3006	2419	2441	2346	2428	2660	2814	2875	2832	2694	2716	3110	3317	19073
	STORED	1995	4581	5559	5454	5372	5140	4986	4925	4868	5006	4984	4290	2783	73429
SNAKE R. NR MINIDOKA	NATURAL	29503	33476	37165	37687	36456	34576	32903	32392	33167	34882	35579	34657	33332	311133
	OBSERVED	9160	10500	12200	12300	12400	12600	12800	12700	12800	12900	12800	12500	11300	165700
	REM NAT	4804	4139	4140	4403	4602	4942	5057	5152	5222	5170	5250	5508	5705	51400
	STORED	1656	3662	5361	5197	5098	4958	5043	4848	4878	4930	4850	4292	2895	73803
SNAKE R. AT MILNER	NATURAL	29588	34153	37898	38469	37169	34914	33117	32526	33245	34983	35606	34490	32954	311287
	OBSERVED	2130	4570	5140	4880	4660	4700	4840	4860	4850	5000	4540	3830	2480	74960
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	1942
	STORED	2130	4570	5140	4880	4660	4700	4840	4860	4850	5000	4540	3830	2480	73019

SOME DATA AFFECTED BY ROUNDING

TABLE 2

MONTH OF MARCH 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	333	347	340	340	338	333	338	330	335	357	362	373	370	366	379	385	379	384
	OBSERVED	333	347	340	340	338	333	338	330	335	357	362	373	370	366	379	385	379	384
	REM NAT	333	347	340	340	338	333	338	330	335	357	362	373	370	366	379	385	379	384
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENRYS FORK NR REXBURG	NATURAL	1433	1489	1503	1553	1604	1581	1536	1494	1491	1570	1624	1650	1632	1610	1634	1620	1594	1609
	OBSERVED	1300	1310	1290	1320	1360	1340	1320	1360	1410	1460	1440	1420	1420	1460	1460	1430	1440	1420
	REM NAT	1364	1419	1433	1483	1535	1512	1467	1425	1429	1500	1555	1580	1563	1540	1564	1538	1502	1527
	STORED	-64	-109	-143	-163	-115	-172	-147	-65	-19	-40	-115	-160	-143	-80	-104	-108	-62	-107
WILLOW CR NR RIRIE	NATURAL	50	46	45	43	43	44	40	43	45	46	48	49	49	49	53	55	65	63
	OBSERVED	101	100	100	99	100	100	100	99	98	99	98	97	86	49	36	35	33	33
	REM NAT	50	46	45	43	43	44	40	43	45	46	48	49	49	49	53	55	65	63
	STORED	51	54	55	56	58	56	60	56	53	53	50	48	37	0	-17	-20	-32	-30
SNAKE R. NR SHELLEY	NATURAL	3387	3602	4035	4108	4085	3840	3276	3136	3195	3368	3508	3536	3457	3354	3288	3192	3112	3170
	OBSERVED	2610	2590	2580	2830	3070	3080	3070	3150	3200	3240	3190	3180	3190	3250	3270	3210	3400	3460
	REM NAT	1295	1401	1451	1440	1416	1334	1218	1212	1306	1415	1517	1549	1498	1398	1361	1283	1235	1310
	STORED	-185	-311	-371	-110	154	247	352	438	394	325	173	131	192	352	409	427	665	650
SNAKE R. NR BLACKFOOT	NATURAL	3095	3319	3767	3866	3830	3575	3001	2819	2890	3061	3193	3236	3159	3076	3021	2937	2870	2930
	OBSERVED	2330	2310	2350	2650	2740	2760	2800	2800	2920	2910	2890	2890	2920	3000	3010	2970	3180	3220
	REM NAT	2503	2619	2684	2698	2661	2569	2443	2394	2501	2608	2702	2749	2701	2620	2594	2528	2493	2570
	STORED	-173	-309	-334	-48	79	192	357	406	419	302	188	141	219	380	416	442	687	650
SNAKE R. AT NEELEY	NATURAL	5556	6051	6456	6580	6421	6208	5517	5216	5311	5659	5978	6052	6003	5950	5898	5801	5693	5697
	OBSERVED	2410	5100	5340	2410	2390	2390	2390	2410	2410	2440	2640	2750	2750	2840	2810	2780	2810	2830
	REM NAT	0	0	0	1082	1005	376	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	0	0	0	-1082	-1005	-376	0	0	0	0	0	0	0	0	0	0	0	0
SNAKE R. NR MINIDOKA	NATURAL	5783	5558	5324	5338	5266	5693	5604	5481	5548	5877	6102	6144	6084	6009	6036	5989	5878	5985
	OBSERVED	2130	2130	2210	2250	2240	2250	2270	2250	2260	2120	2300	2300	2340	2370	2740	2500	2380	2380
	REM NAT	507	2477	1998	0	0	0	207	425	387	538	464	542	491	529	250	468	615	737
	STORED	-507	-2477	-1998	0	0	0	-207	-425	-387	-538	-464	-542	-491	-529	-210	-468	-615	-737
SNAKE R. AT MILNER	NATURAL	5960	5755	5512	5486	5388	5765	5682	5573	5645	6015	6224	6244	6169	6069	6091	6084	6023	6180
	OBSERVED	2310	2360	2310	2330	2320	2280	2390	2390	2360	2310	2360	2350	2380	2460	2770	2720	2620	2670
	REM NAT	2814	4805	4396	2398	2363	2323	2554	2767	2744	2796	2867	2942	2916	2959	3003	3063	3140	3312
	STORED	-504	-2445	-2086	-68	-43	-43	-164	-377	-384	-486	-527	-592	-536	-499	-233	-343	-520	-642

SOME DATA AFFECTED BY ROUNDING

TABLE 2 (continued)

MONTH OF MARCH — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MILNER TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R, NR ST ANTHONY	NATURAL	372	359	344	342	351	363	400	451	474	502	541	608	594	5241	6849	23980
	OBSERVED	372	359	344	342	351	363	400	451	474	502	541	608	594	5241	6849	23980
	REM NAT	372	359	344	342	351	363	400	451	474	502	541	608	594	5241	6849	23980
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENRYS FORK NR REXBURG	NATURAL	1585	1558	1556	1519	1511	1514	1562	1636	1671	1728	1818	1858	1854	23404	26183	98355
	OBSERVED	1390	1370	1360	1320	1330	1370	1420	1500	1570	1650	1700	1690	1670	20670	23630	87869
	REM NAT	1503	1476	1474	1437	1416	1432	1480	1542	1589	1646	1728	1776	1771	22369	24837	93633
	STORED	-113	-106	-114	-117	-86	-62	-60	-42	-19	5	-28	-86	-101	-1699	-1206	-5762
WILLOW CR NR RIRIE	NATURAL	60	56	46	48	55	66	76	91	96	112	127	132	144	693	1292	3937
	OBSERVED	33	33	33	33	33	33	32	32	28	24	26	26	62	1362	529	3750
	REM NAT	60	56	46	48	55	66	76	91	96	112	127	132	144	693	1292	3937
	STORED	-27	-23	-13	-15	-22	-33	-44	-59	-68	-88	-101	-106	-82	670	-763	-184
SNAKE R, NR SHELLEY	NATURAL	3493	3497	3475	3416	3121	3237	3398	3630	3841	4044	4322	4440	4446	53175	57834	220186
	OBSERVED	3440	3400	3390	3370	3380	3430	3490	3590	3650	3740	3720	3700	4210	45500	56560	202475
	REM NAT	1600	1599	1570	1517	1268	1395	1557	1777	1972	2176	2364	2489	2467	20811	27579	95981
	STORED	340	301	320	353	612	535	434	313	178	64	-144	-289	243	2190	5002	14265
SNAKE R, NR BLACKFOOT	NATURAL	3255	3265	3238	3186	2909	3037	3225	3472	3703	3911	4189	4350	4441	48907	54918	205936
	OBSERVED	3190	3180	3150	3160	3200	3260	3360	3440	3550	3590	3590	3720	4450	41280	54210	189404
	REM NAT	2862	2866	2832	2787	2555	2695	2884	3120	3335	3543	3731	3899	3962	39046	48662	173968
	STORED	328	314	318	373	645	565	476	321	216	47	-141	-179	488	2235	5550	15441
SNAKE R, AT NEELEY	NATURAL	6020	6037	6019	5979	5713	6023	6058	6132	6505	6885	7201	7402	7682	88856	100847	376275
	OBSERVED	2830	2870	2870	2850	2900	2910	2930	2930	2960	3440	3910	4030	4980	43480	50830	187063
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	2463	0	4885
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	-2463	0	-4885
SNAKE R, NR MINIDOKA	NATURAL	6254	6127	6030	5993	5787	6049	6070	6195	6527	6830	7051	7079	7133	85849	100977	370569
	OBSERVED	2380	2400	2400	2410	2580	2690	2740	2690	2690	2910	3000	2970	3010	34160	42130	151321
	REM NAT	684	560	481	454	394	246	243	304	292	685	1060	1007	1731	8815	9961	37242
	STORED	-694	-560	-481	-454	-394	-246	-203	-304	-292	-475	-760	-737	-1421	-8775	-8831	-34921
SNAKE R, AT MILNER	NATURAL	6494	6337	6218	6146	5897	6126	6110	6203	6442	6562	6576	6421	6333	87578	100152	372362
	OBSERVED	2590	2500	2550	2560	2620	2660	2740	2710	2360	2150	2170	2260	2110	35680	39990	150091
	REM NAT	3304	3169	3069	3016	3084	3013	2983	3001	2897	3117	3265	3049	3631	44667	50133	188035
	STORED	-714	-669	-519	-456	-464	-353	-243	-291	-537	-967	-1115	-784	-1521	-8987	-10143	-37944

SOME DATA AFFECTED BY ROUNDING

TABLE 4

MONTH OF APRIL 1978 — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MIDNIGHT TIME) 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
TETON R. NR ST ANTHONY	NATURAL	640	718	789	984	1270	1790	1620	1070	789	815	687	711	919	884	802	768	802	768
	OBSERVED	640	718	789	984	1270	1790	1620	1070	789	815	687	711	919	884	802	768	802	768
	REM NAT	640	718	789	984	1270	1790	1620	1070	789	815	687	711	919	884	802	768	802	768
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENRYS FORK NR REXBURG	NATURAL	1936	2052	2187	2458	2853	3467	3321	2684	2386	2512	2488	2698	3003	3118	3090	3076	3144	3051
	OBSERVED	1770	1870	2010	2280	2680	3120	2950	2520	2330	2320	2300	2630	2840	2910	2910	3000	3000	2920
	REM NAT	1848	1961	2096	2368	2763	3467	3321	2684	2386	2512	2488	2698	3003	3118	3090	3076	3144	3051
	STORED	-78	-91	-86	-88	-83	-347	-371	-164	-56	-192	-188	-68	-163	-208	-180	-76	-144	-131
WILLOW CR NR RIRIE	NATURAL	193	208	235	275	297	385	471	503	508	446	386	408	433	574	647	696	747	707
	OBSERVED	75	64	78	87	88	90	91	91	80	59	52	43	43	43	43	44	46	46
	REM NAT	193	208	235	275	297	385	471	503	508	446	386	408	433	574	647	696	747	707
	STORED	-118	-144	-157	-188	-209	-295	-380	-412	-428	-387	-334	-365	-390	-531	-604	-652	-701	-661
SNAKE R. NR SHELLEY	NATURAL	4620	4735	5192	6114	7464	9249	9772	9232	8669	8281	8109	8717	9652	10499	11033	11427	11486	11225
	OBSERVED	5080	6590	7340	7860	8390	8010	7580	7240	7120	7230	7460	7760	7910	7960	8630	8940	8900	8820
	REM NAT	2605	2770	3196	4115	5464	7254	7668	7156	6511	6098	5981	6535	7414	8341	8874	9212	9326	9010
	STORED	975	2320	2644	2245	1426	-744	-1588	-1416	-891	-368	-21	-275	-1004	-1881	-1744	-1772	-1926	-1690
SNAKE R. NR BLACKFOOT	NATURAL	4740	4880	5297	6162	7346	8999	9427	8780	8222	7948	7907	8572	9497	10359	10861	11212	11261	10913
	OBSERVED	5430	6560	7200	7870	8080	7450	7060	6820	6830	7130	7460	7570	7580	7920	8500	8580	8530	8430
	REM NAT	4225	4415	4801	5662	6847	8504	8823	8204	7564	7265	7279	7890	8759	9701	10202	10497	10601	10198
	STORED	1205	2145	2399	2208	1233	-1054	-1763	-1384	-734	-135	181	-320	-1179	-1781	-1702	-1917	-2071	-1768
SNAKE R. AT HEELEY	NATURAL	7848	7912	8387	9240	10570	12064	12804	12032	11382	10967	11075	11470	12665	13725	13908	14147	14411	14002
	OBSERVED	4420	5100	5340	4960	4920	4920	5120	4920	4890	4890	5640	6520	6840	6560	6680	6760	6800	8080
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	0	0	0	0	0	0	0	0	0	0	0	520	840	560	680	760	800	2080
SNAKE R. NR MINIDOKA	NATURAL	7604	7483	7937	9004	10422	12079	12957	12153	11223	10898	10766	11096	12231	13387	13690	14120	14463	13564
	OBSERVED	3010	3050	3110	2760	4200	5200	5440	5470	5450	5410	5360	5630	5460	5470	5550	5690	5850	6010
	REM NAT	1477	1971	2190	2024	2072	2235	2574	2341	2031	2120	2631	2926	2866	2962	3049	3185	3264	2730
	STORED	-1167	-1621	-1780	-1964	-572	265	166	429	719	590	29	4	-106	-192	-199	-195	-114	580
SNAKE R. AT MILNER	NATURAL	6884	6840	7338	8608	10024	11914	12984	12303	11591	11274	11147	11403	12498	13584	13876	14234	14389	13718
	OBSERVED	1930	1860	1880	1940	2980	5140	5210	5410	5400	5340	4860	4680	4570	4330	4150	3890	3650	5270
	REM NAT	2819	3356	3593	3601	3603	4295	4836	4731	4629	4677	4958	4878	4681	4552	4324	4385	4179	3764
	STORED	-889	-1496	-1713	-1661	-623	845	374	679	771	663	-98	-198	-111	-222	-174	-495	-529	1506

SOME DATA AFFECTED BY ROUNDING

TABLE 4 (continued)

MONTH OF APRIL — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

TABLE 4 (continued)

MONTH OF APRIL — DISCHARGE IN CUBIC FEET PER SECOND — RUN DATE 02/23/79

STATION		DAY (MIDNIGHT TIME) 19	20	21	22	23	24	25	26	27	28	29	30	31	CFS DAYS 1-15	CFS DAYS 16-31	TOTALS AC FT
TETON R, NR	NATURAL	729	690	673	674	654	633	616	627	625	611	591	578	0	14488	10039	48649
ST ANTHONY	OBSERVED	729	690	673	674	654	633	616	627	625	611	591	578	0	14488	10039	48649
	REM NAT	729	690	673	674	654	633	616	627	625	611	591	578	0	14488	10039	48649
	STORED	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
HENRYS FORK	NATURAL	2859	2740	2798	2868	2792	2729	2700	2734	2658	2559	2487	2545	0	40253	41740	162633
NR REXBURG	OBSERVED	2740	2780	2850	2740	2540	2460	2600	2690	2560	2390	2350	2540	0	37440	40160	153919
	REM NAT	2859	2740	2798	2868	2792	2729	2700	2734	2658	2559	2487	2545	0	39803	41740	161740
	STORED	-119	40	52	-128	-252	-269	-100	-44	-98	-169	-137	-5	0	-2363	-1580	-7820
WILLOW CR	NATURAL	700	679	678	651	614	578	537	533	552	531	504	511	0	5969	9218	30123
NR RIRIE	OBSERVED	46	47	48	49	50	50	50	50	51	52	53	53	0	1027	735	3494
	REM NAT	700	679	678	651	614	578	537	533	552	531	504	511	0	5969	9218	30123
	STORED	-654	-632	-630	-602	-564	-528	-487	-483	-501	-479	-451	-458	0	-4942	-8483	-26628
SNAKE R, NR	NATURAL	10863	10430	10238	10039	9558	9141	9141	9130	9083	10007	8538	9164	0	121338	149470	537147
SHELLEY	OBSERVED	8700	9150	9360	9240	9650	9860	10000	10100	9910	9730	9720	10300	0	112160	142380	504880
	REM NAT	8621	8187	7994	7741	7230	6811	6727	6741	6720	7644	6255	6936	0	89982	115155	406889
	STORED	-1421	-537	-134	-1	920	1549	1773	1859	1690	586	1965	1864	0	-322	4725	8733
SNAKE R, NR	NATURAL	10548	10142	9898	9669	9109	8676	8738	8708	8611	9467	8027	8723	0	118997	143702	521063
BLACKFOOT	OBSERVED	8560	8900	8780	8730	9040	9240	9360	9190	8910	8800	9130	9620	0	109460	133800	482506
	REM NAT	9806	9400	9154	8871	8127	7539	7518	7497	7403	8258	6870	7622	0	110141	129361	475052
	STORED	-1246	-500	-374	-141	913	1701	1842	1693	1507	542	2260	1999	0	-681	4440	7455
SNAKE R, AT	NATURAL	13896	13438	13344	12785	12232	11853	12370	12087	12196	12815	11148	12025	0	166049	192749	711675
NEELEY	OBSERVED	9570	10600	11100	11200	11100	11000	10900	10900	10900	10800	11000	11000	0	81720	151710	463008
	REM NAT	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	STORED	3570	4600	5100	5200	5100	5000	4900	4900	4900	4800	5000	5000	0	2600	61710	127558
SNAKE R, NR	NATURAL	13915	13484	13159	12738	12224	11725	12583	12559	12168	12913	10967	11991	0	162930	192573	705140
MINIDOKA	OBSERVED	8340	10300	10900	10800	10900	10900	10900	10500	10400	10300	10300	10200	0	70570	142290	422207
	REM NAT	3085	3018	2633	2782	2900	2791	3026	3110	2641	2534	2196	2286	0	35469	62161	154018
	STORED	2555	4582	5567	5318	5300	5409	5174	4690	5059	5066	5404	5214	0	-5399	59609	107525
SNAKE R, AT	NATURAL	14403	14257	14092	13492	12686	11975	12773	12663	12214	12995	11110	12191	0	162268	197192	712988
MILNER	OBSERVED	8070	9450	9180	9080	8770	8420	8110	7360	6990	6950	6780	6710	0	59680	108680	333942
	REM NAT	4455	4689	4396	4153	3548	3160	3214	2757	1817	1725	1365	1452	0	63533	49059	223326
	STORED	3615	4762	4784	4927	5222	5260	4896	4603	5173	5225	5415	5258	0	-3853	59622	110617

SOME DATA AFFECTED BY ROUNDING

STATION NUMBER 13050016F CROSSCUT BLW DIVF RUN DATE 02/29/80

DISCHARGE, IN CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1978 TO OCTOBER 1979

MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	30	0	0	0	0	0	10	69	38	134	152	32
2	30	0	0	0	0	0	9	68	37	183	151	32
3	30	0	0	0	0	0	8	66	72	256	150	32
4	30	0	0	0	0	0	9	66	57	264	150	32
5	30	0	0	0	0	0	10	65	55	262	149	32
6	30	0	0	0	0	0	10	64	53	259	147	32
7	30	0	0	0	0	0	6	64	55	275	150	32
8	30	0	0	0	0	0	6	67	48	280	150	32
9	30	0	0	0	0	0	6	67	42	283	146	32
10	30	0	0	0	0	0	5	67	42	275	143	32
11	30	0	0	0	0	0	12	70	61	269	142	22
12	30	0	0	0	0	0	20	72	180	278	127	20
13	28	0	0	0	0	0	20	72	296	287	112	14
14	28	0	0	0	0	0	20	72	296	195	108	14
15	28	0	0	0	0	0	20	75	294	186	113	13
16	0	0	0	0	0	0	22	75	292	181	112	13
17	0	0	0	0	0	0	25	75	286	181	111	13
18	0	0	0	0	0	0	26	72	263	197	111	13
19	0	0	0	0	0	0	28	72	290	197	105	13
20	0	0	0	0	0	0	28	53	315	197	153	13
21	0	0	0	0	0	0	44	56	311	198	152	13
22	0	0	0	0	0	0	60	64	300	194	152	12
23	0	0	0	0	0	0	60	62	290	188	150	12
24	0	0	0	0	0	0	59	60	229	194	149	12
25	0	0	0	0	0	0	58	57	219	195	147	11
26	0	0	0	0	0	0	57	62	216	194	148	10
27	0	0	0	0	0	0	57	59	161	193	33	10
28	0	0	0	0	0	0	66	53	153	223	34	4
29	0	0	0	---	0	0	66	56	150	159	34	4
30	0	0	0	---	0	0	68	40	147	154	34	4
31	---	0	0	---	0	---	69	---	135	155	---	4
TOTAL	444	0	0	0	0	0	964	1940	5383	6686	3715	564
MEAN	14.8	.0	.0	.0	.0	.0	31.0	64.6	173.6	215.6	123.8	18.1
MAX	30	0	0	0	0	0	69	75	315	287	153	32
MIN	28	0	0	0	0	0	5	40	37	134	33	4
AC-FT	880	0	0	0	0	0	1912	3847	10677	13261	7368	1118

IRR YR 1979 TOTAL 19696 MEAN 1641.3 MAX 315 MIN 4 AC-FT 39067

STATION NUMBER 13050018F CROSSCUT AT END RUN DATE 02/29/80

DISCHARGE, IN CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1978 TO OCTOBER 1979

MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	30	0	0	0	0	15	5	77	32	142	140	30
2	30	0	0	0	0	15	5	77	32	180	142	30
3	30	0	0	0	0	15	5	78	46	273	145	28
4	30	0	0	0	0	15	5	80	34	273	143	26
5	30	0	0	0	0	15	5	80	41	275	154	25
6	30	0	0	0	0	15	5	84	37	277	142	25
7	20	0	0	0	0	15	5	89	38	280	138	30
8	10	0	0	0	0	15	4	89	34	277	136	30
9	10	0	0	0	0	15	4	84	30	275	134	30
10	10	0	0	0	0	15	7	80	31	268	132	30
11	10	0	0	0	0	15	10	80	164	263	136	22
12	10	0	0	0	0	15	10	80	172	270	0	15
13	10	0	0	0	0	15	10	86	263	278	96	15
14	15	0	0	0	0	15	10	86	267	180	96	10
15	15	0	0	0	0	15	12	86	266	172	96	10
16	15	0	0	0	0	15	15	90	265	172	96	10
17	0	0	0	0	0	15	18	95	248	174	96	9
18	0	0	0	0	0	15	20	95	231	196	96	9
19	0	0	0	0	0	15	20	95	248	200	96	7
20	0	0	0	0	0	15	40	98	277	204	96	7
21	0	0	0	0	0	15	40	98	233	199	95	6
22	0	0	0	0	0	15	40	65	250	188	95	4
23	0	0	0	0	0	15	40	65	268	186	132	4
24	0	0	0	0	0	15	38	80	202	185	132	6
25	0	0	0	0	0	15	35	80	202	183	133	6
26	0	0	0	0	0	15	35	80	186	182	134	6
27	0	0	0	0	0	15	40	80	153	182	84	6
28	0	0	0	0	0	15	40	66	153	151	33	6
29	0	0	0	---	0	15	42	52	150	148	33	5
30	0	0	0	---	0	15	45	52	146	146	31	5
31	---	0	0	---	0	---	61	---	146	142	---	5
TOTAL	305	0	0	0	0	450	671	2427	4845	6521	3212	457
MEAN	10.1	.0	.0	.0	.0	15.0	21.6	80.9	156.2	210.3	107.0	14.7
MAX	30	0	0	0	0	15	61	98	277	280	154	30
MIN	10	0	0	0	0	15	4	52	30	142	31	4
AC-FT	604	0	0	0	0	892	1330	4813	9610	12934	6371	906

IRR YR 1979 TOTAL 18888 MEAN 1574.0 MAX 280 MIN 4 AC-FT 37464

Department of Water Administration
PROTESTANT'S
Exhibit C-2
Date Admitted BDF 7/29/83

04/13/81

13050016 CROSSCUT CANAL NEW DIVERSIONS
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1979 TO OCTOBER 1980
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	5	0	8	6	3	3	25	0	64	379	20	3
2	5	0	8	6	2	10	25	0	157	359	18	3
3	5	0	8	6	2	10	20	0	186	330	24	3
4	5	0	8	6	2	10	20	0	107	302	20	3
5	5	0	8	6	2	10	20	0	103	302	28	3
6	5	0	8	6	2	10	21	0	97	302	18	4
7	5	0	8	6	2	10	22	0	91	296	15	4
8	0	0	8	6	2	10	24	0	91	296	13	3
9	0	0	8	6	2	10	26	0	83	293	11	145
10	0	0	8	6	2	11	26	0	72	286	15	45
11	0	0	8	6	2	10	23	0	70	279	22	4
12	0	0	8	6	2	10	20	0	112	397	35	4
13	0	0	6	6	3	10	18	0	155	284	19	3
14	0	0	6	6	3	11	15	0	204	281	19	3
15	0	0	6	6	3	11	15	18	247	0	5	3
16	0	0	6	6	3	11	15	18	335	0	4	3
17	0	15	6	-0	3	11	15	16	370	0	4	3
18	0	15	6	-0	3	11	18	15	410	0	4	3
19	0	15	6	-0	3	11	18	12	388	0	4	3
20	0	15	6	-0	3	11	18	12	387	0	4	3
21	0	15	6	3	3	12	20	12	386	0	4	3
22	0	15	6	3	3	12	20	5	386	0	4	3
23	0	15	6	3	3	12	20	5	371	0	4	3
24	0	15	6	3	3	13	20	5	370	0	4	3
25	0	15	6	3	3	13	15	5	384	0	3	3
26	0	15	6	3	3	25	15	15	267	34	3	3
27	0	10	6	3	3	25	18	15	265	32	3	3
28	0	10	6	3	3	23	18	67	263	32	3	3
29	0	10	6	3	4	24	12	62	257	19	3	3
30	0	8	6	---	3	24	12	65	254	20	3	3
31	---	8	6	---	3	---	12	---	362	20	---	3
TOTAL	35	196	210	121	82	384	586	347	7294	4543	344	281
MEAN	1	6	7	4	3	13	19	12	235	147	11	9
MAX	5	15	8	6	3	25	26	67	410	397	35	145
MIN	0	0	6	-0	2	3	12	0	64	0	3	3
AC-FT	69	389	417	241	163	762	1200	688	14500	9000	682	557

[illegible] YEAR [illegible] TOTAL [illegible] MEAN 39 AC-FT 28000

04/13/81

13050018 CROSSCUT CANAL ABV TETON RIVER
[illegible] IRRIGATION YEAR [illegible] 1979 [illegible] 1980

13050010 CROSSCUT CANAL ABV TETON RIVER
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1979 TO OCTOBER 1980
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	5	0	6	3	4	2	30	10	53	368	10	13
2	5	0	6	3	4	0	28	10	59	338	12	12
3	5	0	6	3	2	0	26	0	160	319	25	11
4	5	0	6	3	2	0	26	0	91	299	34	10
5	4	0	6	3	2	0	25	0	86	297	36	12
6	4	0	6	3	2	0	25	0	84	289	30	14
7	4	0	6	3	2	0	20	0	82	294	19	12
8	4	0	6	3	2	0	15	0	83	285	9	10
9	4	0	6	3	2	0	12	0	72	283	9	10
10	4	0	6	3	2	0	10	0	65	278	18	10
11	2	0	6	3	2	0	10	0	60	273	18	10
12	2	4	6	3	2	0	10	0	102	354	45	6
13	2	4	5	3	2	0	8	0	108	276	40	2
14	2	4	5	3	2	0	9	6	114	270	40	2
15	2	4	5	3	2	0	10	7	241	295	38	2
16	2	6	5	3	2	0	9	8	307	293	35	3
17	2	6	5	3	2	0	8	10	335	273	35	3
18	2	6	5	4	2	0	11	10	350	253	33	3
19	3	6	5	4	2	0	14	10	370	251	28	3
20	3	6	5	4	2	0	16	11	369	188	23	3
21	3	6	5	4	2	0	18	12	369	196	22	3
22	3	6	7	4	2	1	18	12	362	145	21	4
23	3	6	7	4	2	1	18	12	352	54	20	2
24	0	6	7	4	2	1	12	10	351	27	16	0
25	0	6	7	4	2	1	11	5	355	1	16	0
26	0	6	7	4	2	3	10	5	251	28	10	0
27	0	6	7	4	2	3	10	7	266	29	12	0
28	0	6	7	4	2	5	10	55	281	31	14	0
29	0	7	7	4	2	5	9	52	271	6	14	0
30	0	7	7	---	2	5	8	55	271	8	14	0
31	---	7	7	---	2	---	8	---	267	9	---	0
TOTAL	75	185	187	99	66	27	454	307	6593	6310	696	160
MEAN	3	4	6	3	2	1	15	10	213	204	23	5
MAX	5	7	7	4	4	5	30	55	370	368	45	14
MIN	0	0	5	3	2	0	8	0	53	1	9	0
AC-FT	149	228	371	196	131	54	901	609	13100	12500	1400	317

IRRIG YEAR 1980 TOTAL 15100 MEAN 41 AC-FT 29900

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
EHCO RANCH, INC.,) MOTION TO DISMISS
) PROTEST

COMES NOW the Applicant in the above-stated matter, EHCO RANCH, INC. by and through its attorney of record, R. J. HOOPES, ESQ., of the firm HOOPES & SMITH, of Rexburg, Madison County, Idaho and moves for a dismissal of the Protest heretofore filed by the FREMONT MADISON IRRIGATION DISTRICT.

Said Motion is made for the following reasons:

1. Protestant has a conflict of interest in that Applicant is a member of the Fremont-Madison Irrigation District, the ~~proper~~ proposed change in point of diversion deals with water within the District and by this Protest Protestant is showing preference toward some members of the District over other members of the District. All Members of the District should receive equal treatment from Protestant beacause the law requires no distinction between the rights of Shareholders within an irrigation district;

2. Protestant has failed to meet the statutory requirements for irrigation districts with respect to guidelines, rules of procedure, and bylaws and until such guidelines, rules of procedure, and bylaws are establshed published, and made available to the members of the, District, it is unconscionable to allow the District to protest action of this nature;

3. Protestant is without standing because Protestant is not a water user which could possibly be injured by the proposed changes ~~and~~ IN point of diversion.

R. J. Hoopes, Esq.
HOOPES & SMITH
Attorneys for Applicant

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
EHCO RANCH, INC.,) MOTION TO DISMISS
) PROTEST

COMES NOW the Applicant in the above-stated matter, EHCO RANCH, INC., by and through its attorney of record, R. J. HOOPES, ESQ. of the firm HOOPES & SMITH, of Rexburg, Madison County, Idaho and moves for a dismissal of the Protest heretofore filed by the TETON RIVER PROTECTIVE ASSOCIATION, INC.

Said Motion is made for the reason that the Protestant does not have standing to enter a protest in this matter for the following reasons:

1. TETON RIVER PROTECTIVE ASSOCIATION, INC., is not a legal entity recognized by the State of Idaho for the reason that their corporate charter was forfeited in November of 1982 for failure to file their annual reports.

2. Assuming for purposes of argument only that the TETON RIVER PROTECTIVE ASSOCIATION, INC., is a legal entity, they are not a person, firm, association, or corporation concerned in this Application as defined by Idaho Code Section 42-203 because that entity, assuming for argumentative purposes that it is an entity, does not:

   a. Own water rights;

   b. Own property upon which water is used;

   c. Make beneficial use of water; or

   d. Distribute water to people who do make beneficial use of it.

3. The original Articles of Incorporation which establish the Corporation that has now been forfeited indicates that the purpose is to represent, protect, and advance the interests of all persons and entities using the waters of the Teton River. If indeed that is the purpose the Protestant has a conflict of interest because the Applicant is a user of the waters of the Teton River.

DATED this 19th day of July, 1983.

R. J. Hoopes, Esq.
HOOPES & SMITH
Attorneys for Applicant

07/15/83

13050018 CROSSCUT CANAL AT END
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1980 TO OCTOBER 1981
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0.0	0.0	4.0	5.0	7.0	5.0	6.0	3.0	33	305	309	28
2	0.0	1.0	4.0	5.0	7.0	5.0	6.0	3.0	35	305	320	28
3	0.0	1.0	4.0	5.0	7.0	5.0	10	3.0	161	304	327	28
4	0.0	1.0	3.0	5.0	7.0	0.0	10	3.0	222	304	328	31
5	0.0	1.0	3.0	5.0	7.0	0.0	12	3.0	217	303	328	34
6	0.0	1.0	3.0	5.0	7.0	0.0	15	3.0	212	303	329	27
7	0.0	1.0	3.0	5.0	7.0	0.0	18	4.0	259	303	329	27
8	0.0	1.0	3.0	6.0	7.0	0.0	20	5.0	276	302	330	0.0
9	0.0	1.0	3.0	6.0	7.0	0.0	20	0.0	277	298	331	0.0
10	0.0	1.0	3.0	6.0	8.0	0.0	25	0.0	269	295	331	0.0
11	0.0	1.0	4.0	6.0	8.0	0.0	25	0.0	270	301	329	0.0
12	0.0	1.0	4.0	6.0	8.0	0.0	28	0.0	269	301	323	0.0
13	0.0	1.0	4.0	6.0	8.0	0.0	30	12	267	300	320	0.0
14	0.0	1.0	4.0	6.0	8.0	2.0	30	12	282	300	318	0.0
15	0.0	1.0	4.0	6.0	8.0	3.0	30	15	308	300	315	0.0
16	0.0	3.0	4.0	6.0	7.0	3.0	30	10	335	299	302	0.0
17	0.0	3.0	4.0	5.0	6.0	3.0	34	11	347	299	300	0.0
18	0.0	3.0	4.0	5.0	6.0	3.0	34	11	352	299	297	0.0
19	0.0	3.0	5.0	5.0	6.0	3.0	32	3.0	356	292	223	0.0
20	0.0	3.0	5.0	5.0	6.0	3.0	30	3.0	359	298	228	0.0
21	0.0	3.0	5.0	5.0	6.0	5.0	32	3.0	350	312	232	0.0
22	0.0	3.0	5.0	5.0	6.0	5.0	35	3.0	338	305	96	0.0
23	0.0	3.0	5.0	5.0	6.0	5.0	35	1.0	330	305	98	0.0
24	0.0	3.0	5.0	5.0	6.0	5.0	35	1.0	335	304	96	0.0
25	0.0	3.0	5.0	5.0	6.0	5.0	35	1.0	334	311	42	0.0
26	0.0	3.0	5.0	5.0	6.0	6.0	18	41	335	311	42	0.0
27	0.0	3.0	5.0	5.0	6.0	6.0	0.0	44	337	310	42	0.0
28	0.0	3.0	5.0	6.0	6.0	6.0	0.0	36	322	310	42	0.0
29	0.0	4.0	5.0	---	5.0	6.0	0.0	28	320	307	35	0.0
30	0.0	4.0	5.0	---	5.0	6.0	0.0	31	315	308	35	0.0
31	---	4.0	5.0	---	5.0	---	0.0	---	313	308	---	0.0
TOTAL	0	65	130	150	205	90	635	293	8735	9402	6977	203
MEAN	0	2	4	5	7	3	20	10	282	303	233	7
MAX	0	4	5	6	8	6	35	44	359	312	331	34
MIN	0	0	3	5	5	0	0	0	33	292	35	0
AC-FT	0	129	258	298	407	179	1300	581	17300	18600	13800	403

WATER YEAR 1981 TOTAL 26885 MEAN 74 AC-FT 53300

~~>HVE:OXBYNZGUG>ORPL~~

Department of Water Administration
PROTESTANT'S
Exhibit C-1
Date Admitted 7-20-83 DDE

T-850016

Cross-cut at Middle

DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1980 TO OCTOBER 1981
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	2.0	4.0	4.0	4.0	6.0	5.0	7.0	15	39	345	326	43
2	2.0	4.0	4.0	4.0	6.0	5.0	7.0	14	39	344	343	37
3	2.0	4.0	4.0	4.0	6.0	3.0	7.0	14	187	343	343	37
4	2.0	4.0	4.0	4.0	6.0	3.0	8.0	14	264	342	345	36
5	2.0	4.0	4.0	4.0	6.0	3.0	8.0	14	262	338	342	34
6	2.0	4.0	4.0	4.0	6.0	3.0	14	13	260	337	342	34
7	2.0	4.0	4.0	4.0	6.0	3.0	20	13	265	336	342	33
8	3.0	4.0	4.0	4.0	6.0	2.0	22	12	317	335	342	0.0
9	3.0	4.0	4.0	4.0	6.0	0.0	25	0.0	316	334	339	0.0
10	3.0	4.0	4.0	5.0	5.0	0.0	25	0.0	309	330	339	0.0
11	3.0	4.0	4.0	5.0	5.0	0.0	26	0.0	292	329	334	0.0
12	3.0	4.0	5.0	5.0	5.0	0.0	26	0.0	295	336	335	0.0
13	3.0	4.0	5.0	5.0	5.0	2.0	27	31	298	327	336	0.0
14	2.0	4.0	5.0	5.0	5.0	4.0	28	31	339	326	337	1.0
15	2.0	2.0	5.0	5.0	6.0	4.0	28	29	390	325	332	1.0
16	2.0	2.0	5.0	5.0	6.0	4.0	28	19	400	323	333	1.0
17	2.0	2.0	5.0	5.0	6.0	4.0	28	13	396	321	348	1.0
18	2.0	2.0	5.0	6.0	6.0	4.0	25	12	392	320	251	1.0
19	2.0	2.0	5.0	6.0	6.0	4.0	25	11	394	314	252	0.0
20	2.0	2.0	5.0	6.0	6.0	3.0	26	15	396	330	257	0.0
21	2.0	2.0	5.0	6.0	6.0	3.0	28	15	390	343	262	0.0
22	3.0	3.0	5.0	6.0	6.0	3.0	27	15	376	337	207	0.0
23	3.0	3.0	4.0	6.0	6.0	3.0	26	24	381	340	102	0.0
24	3.0	3.0	3.0	6.0	6.0	3.0	26	56	387	343	103	0.0
25	3.0	3.0	3.0	6.0	6.0	3.0	28	52	381	337	72	0.0
26	3.0	3.0	3.0	6.0	6.0	3.0	28	51	385	339	47	0.0
27	3.0	4.0	3.0	6.0	6.0	4.0	19	50	389	338	47	0.0
28	3.0	4.0	3.0	6.0	5.0	6.0	10	44	354	338	47	0.0
29	3.0	4.0	4.0	---	5.0	6.0	9.0	39	348	332	42	0.0
30	3.0	4.0	4.0	---	5.0	6.0	8.0	36	348	330	43	0.0
31	---	4.0	4.0	---	5.0	---	8.0	---	345	329	---	0.0
TOTAL	75	105	130	142	177	96	627	652	9934	10341	7490	259
MEAN	3	3	4	5	6	3	20	22	320	334	250	8
MAX	3	4	5	6	6	6	28	56	400	345	348	43
MIN	2	2	3	4	5	0	7	0	39	314	42	0
AC-FT	149	208	258	282	351	190	1200	1300	19700	20500	14900	514

WATER YEAR 1981 TOTAL 30028 MEAN 82 AC-FT 59600

Department of Water Administration
PROTESTANT'S
Exhibit B
Date Admitted 7/20-83 BDE

MINUTES
BOARD OF DIRECTORS MEETING
FREMONT-MADISON IRRIGATION DISTRICT
APRIL 5, 1983

This regular meeting of the Board of Directors was called to order at 7:30 p.m. on April 5, 1983, by J. Max Mortensen, Chairman. Those directors present were: Mr. Mortensen, Norman Hillam, Lorin Young, Emery Davis, Ed Clark, Lorin Kauer, and Ronnie Ard. Attorney Mary Smith and Treasurer Dale Swensen were also present. Others present were: Earl, Brent, and Roger Hoopes; Ken Mackay, Elmer Womack, Darrell C. Neville, and Reed Oldham of the Teton Island Canal Co.; Ray Pocock, James Siddoway, and Dean Graham of Teton Irrigation Co.; Keith Erikson of Rexburg Irrigation Co.; Jeff Carter of Pincock Garner Canal Co.; Edward Rindlishbacher of Roxana Canal Co.; Norval Birch and Elmer Klein of the Pioneer and Stewart Canal Co.'s; Dean Crain of Pincock Byington Canal Co.; Frank Ives and Alfred Klein of the Wilford Canal Co.; Dell Palmer of Woodmansee-Johnson Canal Co.;Ross K. Clements of Island Ward Canal Co.; Dave Rydalch of the Committee of Nine; and River Watermaster, Ron Carlson.

The first item of discussion was a transfer application of 106 acre feet by Earl Hoopes which the directors denied approval. Mr. Carlson expressed concerns about the transfer and made some of the following points: Most of the time the Cross-cut has enough available space to carry another 106 acre feet. During the last 30 years there have only been 100 days at which the canal was at full capacity. When creeks in Teton Basin quit reaching the river the Island Park spaceholder on those creeks has no more storage water, only space in the reservoir. He would rather see the Cross-cut run at full capacity instead of pumping the exchange wells. He believes the lower canals would get more benefits by this operation. The District can prioritize the storage on the Teton River that is delivered on an exchange. During dry years this would allow the Watermaster to deliver storage on a priority basis just like natural flow.

Some present in the audience expressed concern about the ability of the Cross-cut to carry additional storage and felt their water rights will be injured if the transfer is approved.

After a lengthy discussion Mr. Clark motioned that the discussion end and allow the Board of Directors to make a decision on the matter. Mr. Davis seconded the motion which passed unanimously.

MICROFILMED

The minutes of the March 8, 1983, Board of Director's meeting were read. Mr. Clark motioned the minutes be approved as read, Mr. Young seconded and motion passed unanimously.

The minutes of March 16, 1983, were read. Mr. Kauer motioned they be subject to further approval at the next regular meeting. Mr. Clark seconded and motion passed.

After presenting the March Financial Report Mr. Davis motioned it be approved, Mr. Clark seconded, and motion passed.

Further discussion by the board about the Hoopes transfer. A letter from Teton Island Canal Co. was read which stated the Canal Co. protests any expansion of the use of the Cross-cut Canal to any entities above the mouth of the Cross-cut and they oppose the sale and transfer of any storage water above the Cross-cut.

Mr. Davis, Clark and Hillam who were absent from the March 16th directors meeting made a resolution that they approve of the action taken by the board in denying the Earl Hoopes transfer on March 16, 1983.

Discussed prioritizing storage water within the District. Mr. Davis motioned that the board prioritize all transfers with the priority established according to the date of the transfer. The motion died for lack of a second. Attorney Smith will check on the matter further.

The Bureau of Reclamation has notified Mr. Swensen that monies have been provided for Stage Two Safety of Dams work at Island Park Dam but the Office of Management and Budget will not release the money. Don Tracy recommended the District ask Senator McClure to work on the matter.

Mr. Tracy also suggested that when the right abutement of the dam is excavated during the summer of 1984 that the District install a penstock for future power generation. Attorney Smith will check with REA to see if they are still serious about power generation at Island Park Dam.

Attorney Smith presented two water right applications for power production by North Fork Power. Because of a possibility the projects could interfere with the operation of Island Park Dam particularly in a flood control situation Mr. Ard motioned the applications be protested. Mr. Kauer seconded the unanimously passed motion.

The board decided by a motion from Mr. Young that the District sell 800 acre feet of storage water to Farmer's Friend Canal Co. The unanimously passed motion was seconded by Mr. Ard.

MICROFILMED

The following bills were presented for payment:

Intermountain Gas Co.	$72.07	Furnace Gas
Mountain Bell	91.92	Telephones
Utah Power & Light Co.	43.21	Office Power
City of St. Anthony	14.18	Water Bill
Mason's Office Center	122.11	Office Supplies
St. Anthony Rotary Club	74.25	Dues to July 1st
Robert Fisher Insurance	30.00	Bond for Treasurer
Robert Fisher Insurance	30.00	Bond for Notary
Chronicle-News	11.00	Subscription Renewal
Leigh Chantrill	120.00	Mileage to Boise
Fall River REA	90.00	Prepayment on Cross-cut Pump

Mr. Kauer motioned that all of the above bills be paid except for the $90.00 for Fall River REA and that Tom Angell be notified that the Cross-cut pump will not be hooked to power unless he pays his share of the power bill. Mr. Ard seconded the unanimously passed motion.

With no further business to discuss the meeting was adjourned at 11:00 p.m.

_____ _____

MICROFILMED

J. MAX MORTENSEN, CHAIRMAN LORIN C. YOUNG, SECRETARY DALE L. SWENSEN, TREAS.-ASST. SEC.

FREMONT-MADISON IRRIGATION DISTRICT

P. O. BOX 5
ST. ANTHONY, IDAHO 83445

BOARD MEMBERS
LORIN C. YOUNG
JAMES MAX MORTENSEN
G. EMERY DAVIS

BOARD MEMBERS
NORMAN HILLAM
LELAND E. CLARK
RONNIE ARD
LORIN KAUER

March 21, 1983

Department of Water Administration
APPLICANT'S
Exhibit E
Date Admitted 7-20-83 DDF

Roger Hoopes, Attorney at Law
P.O. Box 70
Rexburg, Idaho 83440

Dear Mr. Hoopes:

As you requested in your letter dated March 15, 1983, concerning "Echo Ranch Water Purchase", I have enclosed a copy of the "Contract Between United States and Fremont-Madison Irrigation District for Island Park Reservoir and Related Works", as well as a copy of the assessment and transfer record of the 106 acre feet of storage water that is of concern.

As far as I know the District has no By-laws but operates under statutes as provided in the Idaho Code.

As for your request in your letter dated March 17, 1983, for Minutes of our regular meeting held March 8, 1983, and the special meeting held March 16, 1983, I cannot give you those Minutes until they are approved at our next regular meeting coming up on April 5, 1983. I hope this delay won't inconvenience you.

If you have any questions on the information I am sending feel free to call me again.

Sincerely,

Dale L. Swensen

Dale L. Swensen
Manager

Enclosures

Department of Water Administration
APPLICANT'S
Exhibit D
Date Admitted 7/20/83

REQUEST FOR TRANSFER

COPY

To: Fremont-Madison Irregation District

The undersigned, EHCO RANCH INC., respectfully requests Fremont-Madison Irregation District to approve the transfer of 106 acre feet of storage water previously used on the following described real property:

W1/2 SW1/4, SW1/4 SW1/4 Sec. 12 Twp. 5N R 45 E.B.M.

To the following described real property:

SW1/4 SW1/4 Sec. 4 NE1/4 NE1/4 Sec. 8, NW1/4 NW1/4 Sec. 9, all in Twp 6N, R.44 E.B.M. Teton County Idaho.

Said storage water has been previously purchased from Dale E. Sykes doing business as DESA Inc. Copies of the Bill of Sale and Authorization of Grand Teton Canal Company are attached.

Dated this 1st day of April 1983.

EHCO RANCH INC.

By: Earl N. Hoopes, President

MICROFILMED

Exhibit C
original replaced by Copy
admitted 7/20/83 BDF
not objection by other parties

BILL OF SALE

DESA, INC., Seller herein, of Driggs, Teton County, Idaho, in consideration of Three Thousand Eight Hundred Ninety Dollars and Twenty Cents ($3,890.20), paid me by EHCO RANCH, INC., an Idaho Corporation with its principal address at P. O. Box 97, Tetonia, Teton County, Idaho, Purchaser herein, receipt of which is hereby acknowledged, does grant, sell, transfer, and deliver to Purchaser One Hundred Six acre feet of storage water stored by the Fremont-Madison Irrigation District in the Island Park Reservoir. Said water in the past has been appurtuant to Seller's property described as follows:

W1/2SE1/4, SW1/4SW1/4 Sec. 12-5-45

Buyer shall have all rights and title to the storage water in itself and its executors, administrators, and assigns.

Seller is the lawful owner of the storage water and the storage water is free from all encumbrances. Seller has good right to sell the storage water and will warrant and defend the right against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, Buyer and Seller have executed this Agreement on the date affixed adacent to their respective signatures.

EHCO RANCH, INC.

BY: Earl N. Hoopes
EARL N. HOOPES
President

Date 3-23-83

DESA, INC.

BY: Dale E. Sykes
DALE E. SYKES
President

Date 3-28-83

ACCEPTANCE AND APPROVAL

The transfer of storage water evidenced by the above Bill of Sale is hereby accepted and approved by Fremont-Madison Irrigation District.

FREMONT-MADISON
IRRIGATION DISTRICT

BY: _____

Date

MICROFILMED

AMERICAN REALTY WEST

20 SOUTH MAIN STREET, DRIGGS, IDAHO 83422
TELEPHONE: (208) 354-2348

JOHN A. McKELLAR, BROKER
RICHARD T. KNIGHT, SALES ASSOCIATE
MITCHEL C. NEIBAUR, SALES ASSOCIATE

February 23, 1983

Department of Water Administration
APPLICANT'S
Exhibit B
Date Admitted 7-20-83 BDF

Mr. Dan Letham, Secretary
Grand Teton Canal Co.
Driggs, ID. 83422

RE: Sykes - Transfer of Fremont-Madison Storage Water

Dear Dan:

Mr. Sykes is seeking authorization for the transfer of 106 acre feet of Fremont-Madison Storage Water that has been appurtant to Mr. Sykes property described as follows:

W½SE¼, SW¼SW¼ of Section 12, 5-45. To complete the transfer an authorization of the Canal Company is needed. Would you please review this and have the necessary signature placed below.

Thank you for your assistance.

Sincerely,

John A. McKellar

Authorization is hereby granted:
Grand Teton Canal Co.

Lavell H Johnson (name) President (office)

Dan L Letham (name) Secretary (office)

/

Exhibit A
Date Admitted 7-20-83 TSDF

AGREEMENT FOR THE LEASE OF STORAGE WATER
BETWEEN
THE GRAND TETON CANAL CO
AND
EARL HOOPES

WE, THE GRAND TETON CANAL CO., HEREBY AGREE TO LEASE TO EARL HOOPES TWO HUNDRED (200) ACRE FEET OF ISLAND PARK STORAGE WATER FOR A PERIOD OF FIVE YEARS. IN RETURN FOR THIS WATER EARL HOOPES AGREES TO PAY THE SUM OF $2.00 PER ACRE FOOT ($400.00) ON OR BEFORE THE FIRST OF SEPTEMBER OF EACH YEAR. SHOULD THE COST PER ACRE FOOT OF WATER IN THE MADISON-FREMONT IRRIGATION CO. INCREASE TO MORE THAN $2.00 PER ACRE FOOT TO THE STOCKHOLDERS OF THE GRAND TETON CANAL CO. EARL HOOPES AGREES TO PAY THE INCREASED PRICE.

IT IS FURTHER STIPULATED THAT IN THE EVENT OF A WATER SHORTAGE AND THAT THE GRAND TETON CANAL CO. HAS NEED OF SAID WATER THAT THIS AGREEMENT WILL BE NULL AND VOID FOR THAT YEAR.

TERM OF THE AGREEMENT** JANUARY 1, 1977 TO DECEMBER 31, 1981

IN WITNESS WHEREOF, WE, THE AFORESAID PARTIES, HAVE AFFIXED OUR SIGNATURES.

THE GRAND TETON CANAL CO.

Karl Johnson PRESIDENT

Dan Lethaby SECRETARY

WITNESSES

_____

_____

Earl Hoopes EARL HOOPES

State of Idaho
DEPARTMENT OF WATER RESOURCES
STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 19, 1984

Earl Hoopes
Ehco Ranch
P. O. Box 97
Tetonia, ID 83452

Dear Mr. Hoopes:

Re: Application for Exchange of Water Right Nos. 21-2156 and 21-2157

Enclosed is a copy of the approved Application for Exchange of Water Right Nos. 21-2156 and 21-2157 along with a copy of the Proposed Memorandum Decision and Order and a copy of the Order Adopting Proposed Memorandum Decision and Order. Please direct your attention to the conditions of approval as set forth in the proposed memorandum.

Be sure to note the special condition requiring you to install and maintain a measuring device as part of your diversion works. Enclosed is a sheet listing the different types of measuring devices accepted by this office.

Any person who does not agree with the deicison of the Department may request a rehearing before the Director within twenty (20) days or may appeal directly to the district court within thirty (30) days of the date the decision is mailed.

Sincerely,

David R. Tuthill Jr.

for L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

cc: See Certificate of Mailing

Enclosures

R. J. Hoopes, Esq.
HOOPES, SMITH & PACKER
P.O. Box 70
Rexburg, Idaho 83440
(208) 356-9000

RECEIVED
APR 25 1984
Department of Water Resources

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE NO. 21-2156 and 21-2157 IN THE NAME OF EHCO RANCH.	APPLICANT'S RESPONSE TO FREMONT-MADISON IRRIGATION DISTRICT'S EXCEPTIONS TO PROPOSED DECISION OF 3/23/84

COMES NOW the above named applicant, EHCO RANCH, INC. by and through its attorney of record R. J. HOOPES, ESQ. of the firm HOOPES, SMITH & PACKER of Rexburg, Madison County, Idaho and responds to Fremont-Madison Irrigation District's Exceptions to the Proposed Decision of the Department of Water Resources.

GENERAL STATEMENT

Before addressing one by one the Exceptions of the Irrigation District, applicant wishes to point out that the Exceptions set forth by Fremont-Madison Irrigation District are not well founded because the Irrigation District fails to recognize the basic water law and basic propositions applicable to this application as they are set forth in the Findings of the Department. Those basic points of law and propositions applicable to this case which the Exceptions of Fremont-Madison Irrigation District tend to ignore are as follows:

1. Paragraph 2 of the Findings of Fact points out that stored water was sold by Fremont-Madison Irrigation District to individuals and not to companies organized by those individuals.

2. Paragraph 11 of the Findings of Fact indicates that the sale of stored water by Fremont-Madison Irrigation District

was intended to transfer ownership of space in Island Park or Grassy Lake Reservoirs to the purchaser.

3. Paragraph 13 of the Findings of Fact indicates that Fremont-Madison had agreed, prior to the purchase of this water by Ehco Ranch, to deliver 106 acre feet of storage water through the Crosscut Canal. There were no restrictions placed on this sale which would limit the use to exchanges on Teton Creek.

4. Paragraph 10 of the Findings of Fact correctly states that "all diversions of water from the Teton River are under the control of the Water Master of Snake River Water District No. 1."

5. Paragraph 3 of the Conclusions of Law indicates that Fremont-Madison Irrigation District may not authorize exchanges which would require recognition by the Water Master unless the exchange has been approved by the Director of the Idaho Department of Water Resources.

RESPONSE TO EXCEPTIONS

Applicant will now address one by one the exceptions to the proposed decision set forth by Fremont-Madison Irrigation District.

1. Exception No. 1 is that the Director failed to make findings consist with the testimony that "stored water on Teton Creek was sold" as available "without any guarantee of delivery."

It should first be pointed out that there was no reliable testimony to the effect that there was a limitation on the sale. No documentation was presented and no one testified who was a party to the original sale. Furthermore, it should be pointed out that such a proposition is simply illogical. No one would purchase stored water for a certain price knowing that he may never use it while another purchaser would pay the same price knowing full well that he would have unrestricted use of the water. Finally, Fremont-Madison Irrigation District sold storage space in the Island Park Reservoir. To now state in the Exceptions that they sold "stored water on Teton Creek" is inaccurate. Fremont-Madison Irrigation District owns no water

stored on Teton Creek and has no right to sell stored water on Teton Creek. Finding No. 11 indicates that the sale was a transfer of ownership of space in Island Park Reservoir.

2. Exception No. 2 is that the Director failed to find that when Teton Creek failed to reach the river there was no longer any storage water available for delivery. By selling the storage water Fremont-Madison Irrigation District agreed to deliver 106 acre feet of storage water to the mouth of the Crosscut Canal. Whether or not Teton Creek reaches the river at any particular time is irrelevant.

3. Exception No. 3 is an objection to Finding No. 9 dealing with the consent of Fremont-Madison Irrigation District. In reading the exception one would believe that the Department of Water Resources found that Fremont Irrigation District had consented to the transfer. Applicant does not feel that the Director has ever indicated that Fremont-Madison Irrigation District consented to the transfer. The applicant understands Finding No. 9 as a finding that Fremont-Madison Irrigation District, by giving its consent, has recognized the fact that the Idaho Department of Water Resources is the proper entity to approve or reject the transfer; that Fremont-Madison Irrigation District is not the proper entity to approve or reject the transfer; and that Fremont-Madison Irrigation District has simply consented to let the Idaho Department of Water Resources carry out its statutory responsibilty. Such a finding is consistent with Finding No. 10 which indicates that all diversions of water from the Teton River are under the control of the Water Master of Snake River Water District No.1.

4. Exception No. 4 is an objection to Finding No. 13, simply stating that the finding is contrary to the testimony. Applicant believes the finding is not only consistent with the testimony but is also consistent with the law in this matter.

5. Exception No. 5 deals with the statutory authority of the Idaho Department of Water Resources and sights Idaho Code Section 42-422. Applicant would first point out that such a

Section (42-422) does not exist. Furthermore, applicant would point out that the consent of Fremont-Madison Irrigation District is not required and is simply irrelevant in this matter. As is consistent with the law and the findings, Fremont-Madison Irrigation District has agreed to deliver 106 acre feet of storage water to the mouth of the Crosscut Canal. That water is there comingled with waters of the Teton River. At that point, Fremont-Madison Irrigation District has fulfilled its contractual obligations and no longer has any further obligations, control, or authority concerning that water. Once the water is comingled with waters of the Teton River, disposition or the use of the water is under the direction and control of the Water Master of Snake Water District No. 1.

6. Paragraph No. 6 deals with an expansion. In refuting this one needs only to examine Findings No. 6, 8, & 12. As is correctly pointed out in Finding No. 12, an expansion occurs when there is (1) more water used, or (2) the same amount of water used on more acres. Ehco Ranch purchased 106 acre feet of storage water that was appurtuant to 120 acres of real property. Ehco Ranch proposed to use that same amount of water (106 acre feet) on the same amount of land (120 acres). There is indeed no expansion.

CONCLUSION

When the Exceptions proposed by Fremont-Madison Irrigation District are reviewed carefully in light of the very well defined Findings of Fact in the proposed decision as well as the law in this matter, one quickly realizes that the Exceptions are without merit. Simply stated, Fremont-Madison Irrigation District has sold storage space in Island Park Reservoir for 106 acre feet of storage water which has been purchased by Ehco Ranch, Inc., the applicant herein. As part of that original sale, Fremont-Madison Irrigation District has agreed to deliver that amount of stored water through the Cross Cut Canal to there be comingled with the waters of the Teton River. Once that has been done the Water

Master for the Snake River Irrigation District No. 1 assumes the responsibility and control for the water. The Water Master is the proper person to approve or disapprove diversions or changes in points of diversion of that water. Fremont-Madison Irrigation District is not the proper entity to approve or disapprove such changes in points of diversion.

Respectfully submitted this 24th day of April, 1984.

R. J. Hoopes, Esq.
HOOPES, SMITH & PACKER
Attorney for Applicant

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was on this date served upon the person named below, at the address set out below his name, by mailing to him a true and correct copy of said document in a properly addressed envelope in the United States mail, postage prepaid.

DATED this 24th day of April, 1984.

Veta Bailey
Secretary
HOOPES, SMITH & PACKER

Mary Smith
SMITH, HANCOCK, MOSS & DALLING
30 South 2nd West
Rexburg, Idaho 83440

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APR 12 1984
Department of Water Resources

Mary Smith
Brent J. Moss
SMITH, HANCOCK, MOSS & DALLING
30 South Second West
Rexburg, ID 83440

BEFORE THE DIRECTOR OF THE DEPARTMENT

OF WATER RESOURCES OF THE

STATE OF IDAHO

IN THE MATTER OF THE APPLICATION FOR EXCHANGE OF WATER RIGHT NOS. 21-2156 and 21-2157 IN THE NAME OF EHCO RANCH	EXCEPTIONS TO PROPOSED DECISION OF 3-23-84

Fremont-Madison Irrigation District objects to the proposed Decision as follows:

1. Failure of Director to make findings consistent with testimony that stored water on Teton Creek was sold "as available" without any guaranty of delivery.

2. Failure to find from testimony that when Teton Creek failed to reach the river there was no longer any storage water available for delivery even though records may reflect there is still storage in the reservoir.

3. Pursuant to Finding Number 9, it appears the Director has announced that because Fremont-Madison agreed to allow the matter to be published, it had therefore, consented to the transfer. However, there has never been any consent from the District to transfer the water as required by Idaho Code, Section 42-108. The only purpose in consenting to allow I.D.W.R. to file notice was so that any and all objections would be presented. To this date the I.D.W.R. has still not received consent of the District to do any more than hold a hearing to consider the application.

4. In response to Finding Number 13, the District suggests such finding is contrary to all testimony presented by the District or canal companies, including the President of the Grand Teton Canal Company.

5. The Order approving the exchange is beyond the statutory authority of I.D.W.R. for the reason that no "consent" for the exchange of water has ever been given by the District, Idaho Code, Section 42-422. The District's understanding of the May stipulations was that a hearing could be held for the purpose of allowing affected water users to voice their concern, however, as far as the District was concerned, there was never any consent to the exchange. The file in this matter is consistent in that regard.

6. Paragraph 4 of "Conclusions of Law" finds no enlargement of the right. However, testimony at the hearing indicated that there was no guarantee all the storage water could be used at any time since when Teton Creek failed to reach the Teton River the right to use storage water ceased. The transfer herein without restricting it to the creek reaching the river, will allow full use of the right whether or not the storage is or would have been actually available on Teton Creek where it originated.

Fremont-Madison therefore objects to the entry of the proposed decision. Further, the District resubmits its brief filed subsequent to the hearing in this matter where its concerns are set out in more detail.

DATED this 10th day of April, 1984.

Mary Smith

Mary Smith

Brent J. Moss

Brent J. Moss

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 10th day of April, 1984, I mailed a true copy of the foregoing Exceptions to Proposed Decision of 3-23-84 to:

Earl Hoopes, President
Ehco Ranch
P. O. Box 97
Tetonia, ID 83452

Fremont Madison Irrigation
District
P. O. Box 5
St. Anthony, ID 83445

Darrell C. Neville
Teton Island Canal Co.
Route 1, Box 26
Rexburg, ID 83440

Reed Oldham
Teton River Protective
Association
Route 2, Box 297
Rexburg, ID 83440

Dell Palmer
Woodmansee-Johnson Ditch
Sugar City, ID 83448

Robert Orme
Roxana Canal
Route 2, Box 144
Rexburg, ID 83440

Norval W. Birch
Stewart Ditch
236 East Main
St. Anthony, ID 83440

Diana S. Richman
Teton Irrigation &
Manufacturing Co.
Route 1
Sugar City, ID 83448

Keith Erikson
Rexburg Irrigation Co.
Route 4, Box 192
Rexburg, ID 83440

Wilford Canal Co.
J. T. Beech, Pres.
Route 1
St. Anthony, ID 83445

Mary Smith, Attorney
30 South Second West
Rexburg, ID 83440

Dean Crain, President
Pincock Byington Canal Co.
HC 60, Box 1199
Teton, ID 83451

Elmer Klein
Pioneer Canal Co.
Box 27
Teton, ID 83451

Nancy Garrus
Secretary

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH
J. D. HANCOCK
BRENT J. MOSS
VAL DEAN DALLING, JR.
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5498

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SEP 7 1983
Department of Water Resources

September 2, 1983

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SEP 08 1983
Department of Water Resources
Eastern District Office

Mr. Bobby D. Fleenor
Hearing Officer
Department of Water Resources
450 West State
Boise, Idaho 83720

Re: Application of Ehco Ranch

Dear Mr. Fleenor:

Enclosed please find Reply to Applicant's Motion to Dismiss Protest in the above matter.

Yours very truly,

Mary Smith

Mary Smith

slb

Enclosure

Mary Smith
Brent J. Moss
SMITH, HANCOCK & MOSS
Attorneys at Law
30 South 2nd West
Rexburg, Idaho 83440
356-5493

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE NO. 21-2156 and 21-2157 IN THE NAME OF EHCO RANCH.	REPLY TO APPLICANT'S MOTION TO DISMISS PROTEST

The above captioned matter came on regularly for hearing before the Department of Water Resources on July 20, 1983 at Fremont County Courthouse in Fremont County, Idaho. The Fremont-Madison Irrigation District filed a protest relative to the exchange requested by applicant and that protest is, of course, on file. However, in responding to Applicant's Motion to Dismiss Protest, Fremont-Madison would make the following observations:

1. Applicant alleges that Fremont-Madison

Irrigation District has a conflict of interest in filing this protest for the reason that, "... by this protest protestant is showing preference towards some members of the district over other members of the district. All members of the district should receive equal treatment from protestant because the law requires notice between the rights of shareholders within an irrigation district."

Fremont-Madison Irrigation District received the application for transfer some time ago and had hearings on it. The minutes of those hearings were introduced at the hearing before the director. The concerns of Fremont-Madison Irrigation District were expressed in those minutes and basically were to the effect that if applicant's requests were granted the water right would be enlarged and would thus injure other water users.

The enlargement of the right would come about as a result of applicant's well which is located in the upper reaches of the Teton River and thus makes water accessible on a year round basis. The water right that applicant seeks to transfer is for storage water presently being diverted on Teton Creek in the Teton Basin. When Teton Creek does not reach the Teton River there is no longer any storage water available as explained by the various witnesses that testified at the hearing. There are times when the storage water is not capable of being delivered because Teton Creek no longer reaches the

river. However, in this case with applicant's pump in the Teton River itself, the entire amount of storage water could be pumped out whether or not Teton Creek in fact spilles into the river.

As far as a conflict of interest question, the logical conclusion to that argument would be that Fremont-Madison Irrigation District could never deny or protest any application for change in point of diversion for the reason that those seeking it are members of the district and to protest would be a conflict of interest. Such position completely negates any ability of the board to make the necessary decisions it needs to make in the administration of stored water within the district and therefore, is completely untenable.

2. As to the applicant's allegation that the district fails to meet statutory requirements in its organization, et cetera, the protestant submits that such a decision is beyond the jurisdiction of the Department of Water Resources. Additionally, Idaho Code Section 43-301 et. seq. does not mandate by-laws, et cetera. The department's concern on any application for transfer or exchange would be limited to whether or not the irrigation district's consent has been obtained for the exchange or transfer and then would the use of the water would be enlargement or would other users be injured by the proposed exchange of transfer, Idaho Code Section 42-222.

3. The applicant's final motion to dismiss rests on

the allegation that the district has no standing to object to a proposed change in point of diversion because it is not a water user. In fact, the district is not a water user, but is responsible for all stored water within the district and for proper administration of the same. To say that the district, therefore, does not have standing regarding a change in the use of that water or point of diversion of that water seems ludicrous.

Having thus discussed the arguments raised on applicant's motion to dismiss, the district's position is that the department has no standing whatsoever, even to review the application as filed. Idaho Code Section 42-108 provides in part:

> "The person entitled to the use of water or owning any land to which water has been made appertenant either by a decree of the court or under the provisions of the constitution and statutes of this state, may change the point of diversion, period of use, or nature of use,..., if the water rights of others are not injured by such change in point of diversion, placed of use, period of use, or nature of use, provided: If the right to the use of such water, ... is represented by shares of stock in a corporation, or if such works or system is owned and/or managed by an irrigation district, no change in the point of diversion, place of use, period of use, or nature of use shall be made or allowed without the consent of such corporation or irrigation district;...."

In addition to the foregoing, Idaho Code Section 42-222 provides in part:

> "(1) Any person, ... who shall desire to

> change the point of diversion, place of use, period of use or nature of use of all or part of the water, ... shall first make application to the Department of Water Resources for approval of such change.... Upon receipt of such application it shall be the duty of the Director of the Department of Water Resources to examine same, obtain any consent required by Section 42-108, Idaho Code, and if otherwise proper cause the notice of the proposed change to be published..."

Fremont-Madison Irrigation District submits that it is clear from the statutes quoted above that the consent of Fremont-Madison Irrigation District is required before any change in place of use can be authorized and until that consent has been obtained the Department of Water Resources has no jurisdiction to proceed in the matter.

The position of Fremont-Madison Irrigation District has thus remained consistent since the filing of this application and the district maintains the testimony presented at the hearing supports their contention that to allow this particular transfer would be an enlargement or an enhancement of the water right as it now exists on Teton Creek.

In this particular case the water can not be physically delivered from the Island Park Dam to the point of use, and as Mr. Johnson, the President of the Grand Teton Canal Company, testified, when Teton Creek no longer reaches the Teton River the storage water is gone. Mr. Hoopes, however, has his pump sitting directly in the Teton River for waters available at all times. Under those circumstances he does not desire to be limited to the use of his storage water only until Teton Creek

no longer reaches the river. He states that the water can be delivered on an exchange basis through the cross cut canal at a point substantially below his pumps. The testimony and the exhibits at the hearing indicated there are various times during the year when the cross-cut canal is simply at its full capacity and no delivery of that water would be available. At other times perhaps water could be delivered, however, the district's position is that to allow
Mr. Hoopes the full use of his 120 acre feet whether or not Teton Creek reaches the river is an enhancement of the right that he is seeking to transfer. That enhancement is to the detriment of other water users along the Teton River that depend upon that water for irrigation.

In addition, Mr. Hoopes himself testified that he does not need the water, but would like to have it as a backup source. His testimony further indicated that in the past seven to eight years his irrigation of ground has increased from 160 acres to well over 2,000 acres. All of this ground is being irrigated with water acquired since approximately 1970. The district submits that to allow the exchanges proposed without any limitations on the availability of water from Teton Creek is therefore, an enhancement and an enlargement of the water right sought to be transferred and that it should not be transferred because other water users with priority dates substantially ahead of any water owned by Mr. Hoopes would be injured. The

district has refused to give its consent and in view of those circumstances the Department of Water Resources is without jurisdiction to act further in the matter.

DATED this 2nd day of September, 1983.

Respectfully submitted,

Mary Smith
Mary Smith

Brent J. Moss
Brent J. Moss

CERTIFICATE OF MAILING

I HEREBY CERTIFY that on this 2nd day of September, 1983, I mailed a true copy of the foregoing Reply to Applicant's Motion to Dismiss Protest to Roger Hoopes, attorney for applicant at P. O. Box 70, Rexburg, Idaho 83440

Sharon L. Brown
Secretary

September 1, 1983

RE: Application for Exchange No. 21-2156/21-2157

Brent Moss
Attorney at Law
30 South Second West
Rexburg, ID 83440

Dear Mr. Moss:

At the conclusion of the Department's hearing on July 20, 1983, concerning the above captioned application, you stated a summary brief would be furnished responding to your motion for dismissal on the grounds the Department lacked jurisdiction in the matter. Subsequent to the hearing, administrative action has been postponed pending arrival of your brief. Since the Department is obligated to render a decision in a timely manner, your brief needs to be submitted for consideration. If you intend for the brief to be part of the record, it must be in this office by September 19, 1983.

Respectfully submitted,

ERNEST CARLSEN
Assistant Regional Supervisor

EC:cw

R. J. Hoopes, Esq.
HOOPES & SMITH
Attorneys at Law
P. O. Box 70
Rexburg, Idaho 83440
(208) 356-9335

RECEIVED
AUG 15 1983
Department of Water Resources

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
EHCO RANCH, INC.,) EXPLANATION OF
) TESTIMONY

COMES NOW, EARL N. HOOPES President of the within Applicant EHCO RANCH INC. and enters this Explanation of his Testimony given before the Hearing Officer on the 20th day of July, 1983. Said Explanation is made for the following reasons:

1. After the Hearing held on the 20th day of July, 1983, and having had an opportunity to reflect on the testimony given, Mr. Hoopes feels that one particular statement in his testimony may have led to some confusion and

2. So that there will be no confusion, Mr. Hoopes wishes to further explain his position.

On cross-examination by the attorney for Protestant, Fremont-Madison Irrigation District, Mr. Hoopes was asked the purchase price of the storage water which he had purchased. Mr. Hoopes recalls that reference was made to the Bill of Sale which had previously been introduced into, and admitted into evidence indicating that the amount paid was Three Thousand Eight Hundred Ninety Dollars and Twenty Cents ($3,890.20). That statement was correct and that is the amount of money that had been paid for the storage water. However, the record should also reflect that Mr. Hoopes had agreed to pay an additional amount of money for the storage water should the Application to Transfer be granted. The additional amounts of monies to be paid, if any, cannot be determined at this time because it is contingent upon the amount of money which Applicant has to spend in an effort to complete

the transfer. However, in no event shall the total purchase price for the 106 acre feet of storage water exceed Five Thousand Three Hundred Dollars ($5,300.00).

DATED this _____ day of July, 1983.

Earl N. Hoopes, President
EHCO RANCH, INC

CERTIFICATE OF MAILING

I HEREBY CERTIFY that a true and correct copy of the foregoing was on this date served upon the person named below, at the address set out below his name, by mailing to him a true and correct copy of said document in a properly addressed envelope in the United States mail postage prepaid.

DATED this 25th day of July, 1983.

Barbara A. Nelson
Secretary
HOOPES & SMITH

J. T. Beech, President
Wilford Canal Company
Route 1
St. Anthony, ID 83445

Keith Erikson, President
Rexburg Irrigation Company
South of Rexburg
Rexburg, ID 83440

Darrell C. Neville, President
Teton Island Canal Company
Hibbard
Rexburg, ID 83440

Mary Smith, Attorney for
Fremont Madison Irrigation District
P. O. Box 427
Rexburg, ID 83440

Norval Birch
Steward Ditch Canal Company
236 East Main
St. Anthony, ID 83445

Elmer Klein, President
Pioneer Canal Company
113 East Main
Teton, ID 83451

Reed Oldham, President
Teton River Protective Association, Inc.
Hibbard
Rexburg, ID 83440

MICROFILMED

21-2156 & 2157 an exchange July 20, 1983

Applicant

ECHO Ranch - Roger Hoopes -

Protestants

Fremont Madison ID - Brent Moss -

Several Canal Co's

Hearing →

R

Preliminary Motion by Brent Moss

No authority — when exchange has been denied —

Response by Roger Hoopes Fremont Madison agreed

① , ② preliminary hearing, ③ minutes reflect matter was tabled

All meetg when denial was made no majority

— Mr. R. Hoopes

Water Purchased from Sykes

Move the water about 10 miles downstream — from -

Direct - Max Mortensen — Chairman Fremont Madison Irrigation

Owns 300 AF

Member of Board of Directors about 15 years -

Chairman for last 5 years -

Function - meet 1st tuesday of month — water exchanges or transfers

maintenance of system facilities.

Feels the Board acts on each application for exchanges —

What factors are considered, Q no, place of use, yes

Are there standards — No By-laws except state statutes

DEMATERIALIZED

- Fremont Madison is contracting agency with Feds with Island Park -
- Statutes require by-laws be written.
- None are available -
- Each application handled on a case by case basis -
- Personal Opinion

  Deny application from use to non-use

  From non-use to use > would be a factor for the change -
- Where its used - ? whether applicant has enough >
- How its used - whether a full water right is being made out of a partial water right

  What is a partial water right from storage - ? [redacted] not using the storage every year.

→ I don't understand the objection to the exchange -
- The evidance of ownership is simply on ID records -

End of Tape #1 →

IC- 42-601 - Requires certificates -
- Who will be injured is a question looked at by the board
- Who is transferring makes no difference -
- This application rejected because water is taken from a stream where water could no always be used -

[redacted] - if change is allowed then
- Minutes - Jan 6, 1976 - similar dicision application was granted -
- 180° change in decision -
- Concern that ECHO Ranch would take the entire 106 AF

My Quess. → Where does 106 AF come from Island Park thru X-cut -

- Application.
- Fremont Madison has committed to deliver water to the Teton Basin through the Cross-cut canal -

MICROFILMED

Is there any documentation that indicates the limitation on the right —

. How will lower users be injured if 106 AF is delivered thru X-cut

— If water is delivered thru X-cut there will be no injury

— This will be an expansion is the feeling of the board —

— (Description of the two rights are identical)

- Mr. Sykes only used the water once or twice a years —
- Expansion - no expansion if used on 120 acree and divert only 106 AF.
- Not in local public interest if river no regulated properly —
- No personal Knowledge of whether Teton Creek reached the river —
- Problem will occur in dry years —
- Injury will occur to users on the lower end of Teton River —

—X-cut has 3 day delay to get water across ~~the X-cut~~ — the canal — Timing of replacement —

— How is the objection of enhancement of water right with more beneficial use be reconciled —.

— Where does the water go if it is not used — it simply stays in the reservoir.

— The overiding concern seems to be whether the stream reachs the river —

=

MICROFILMED

X-exam -
Water can't be delivered to Teton Canal from X-cut
Capacity X-cut is presently too small —
Doesn't re Rapplinger

Re-direct -

Out of Order Witness
Direct
Lavell H. Johnson president of Grand Teton Canal Co
-Divert most water from Teton Creek —
- Water has been applied to 120 it is decreed to.
- Concerns of Mr Johnson

Question by Canal
—

Question by Loren —

X-exam - by Mr Hoopes —
-Each individual purchased his own storage water —
-This water was leased in prior years to ECHO Ranch -
(-Is storage becoming a better right that decreed right)

R-Direct —
Sale can't be stopped -

MICROFILMED

IDS

Preliminary Matter by Roger Hoopes

Motions in writing

Dismiss the protest of Fremont Madison / Motion → take under consideration

1. Conflict of interest

2. FMID does meet statutory powers (43-304) – By-laws must be printed – Rules of Procedure

by

Motion to dismiss protest of Teton River Protective Assoc. Inc.

1. Not a legal entity at present – Corp. charter forfeited Nov 1982

2. Not entitled to enter a protest – 42-203.

No water rights, no property, no water use, no distribution

– Written responses within 15 days.

Direct

Earl Hoopes – Major Stockholder of ECHO Ranch

Land dry until about 1970 or 71

Water obtained thru application for permit

Has obtained supplemental water – leased water short term and purchased water shares for long term.

Purchased water from Whittson under Rexburg Canal Co. the Canal Co refused the transfer.

His understanding is that for a transfer to be acceptable to the F.M.I.D. it had to be allotted to the Teton side of the X-cut canal

His has transfered water from the Grand Teton Canal previously.

Has leased this water for several years –

Applicants Exhibit A – lease agreement →

Do you have an ample supply of water? No! most of the water is leased. Leases are from year to year.

The water used to irrigate this land has been diverted thru the X-cut every year for the last several years.

MICHAUD LIMITED

→ Chart showing flow thru X-cut canal —
Shows water rented by Fremont Madison I.D. →
Chart shows that the problems with the capacity of X-cut is caused by FMMID renting policy —

Exhibit B → - Agreement to remove

Exhibit C - Bill of Sale

Exhibit D - Request for Tranfer

→ Fremont Madison Offered to Buy the Water (hearsay)

Water will be used on 120 acres of land will use 106 acres —
~~Application~~
His Permit requires supplemental water for permitted land —

Exhibit A, B, C, D admitted.
Public Interest —
Both areas are totally agriculture ≡

X-exam —
1970 had 160 acres —
1983 has 600 acres —
Was this particular transfer discussed with Fremont Madison prior to the request - No because of previous transfer approvals (3)
Foolish questions on exchange ≡

RECKUT ILMED

X-exam
Price for purchasing water $3,890.20
The figures on the chart are close to capacity —

Quas be Reed Oldham —

—Direct -
Dee O'brien — Deputy Water Master
Distribute water on Teton River & Tributaries
Distributes water to Teton Creek and Teton River both —
1981 was a dry year — 1437 5/8 not exact
Teton Pipeline Co. used ~~4,180~~ AF storage in 1981
106 AF is 6 or 7% of the total used by Teton Pipeline
Only in 1981 has the stream been dry —
Agreement between Idaho & Wyoming users —
July 16th was day storage began —

X-exam by Moss -
50 cfs at Wyoming, Idaho line would not reach Teton River —

Re-Direct by Hoopes -

→ Keith Ericksen — Rexburg Irrigation — Beginning of tape Dec.
1. Injury caused by distribution —
2.
3. Look at average diversion — .
~~Hoopes~~

X- exam by Hoopes

MICROFILMED

X-exam of Keith Erickson by Hoopes
→ Some land has been taken out of production—
— If time lag is resolved there

Dale Swensen ≡
Take notice of Wilford Canal Co Protest

—Direct Brent Mads
Dale Swensen — Office Manager of Fremont Madison

Exhibit A — Minutes of March 16, 1983 Admitted —
Question—
Objection — 1. Mr. Hoopes statements not reviewed by him—
2 No majority of Board was present

Exhibit B Minutes — April 5, 1983

X-cut canal—
Middle Q ≈ 400 cfs —
On a dry year 400 cfs of would be necessary to fill the demand
Q at the middle
Exhibit C-1 Computer Sheet Admitted
C-2 Records
X-cut losses 20% to 30% of amount —
X cut is at capacity on a dry year—
Substantial effort has been expended to stop the loss

MICROFILMED

X-exam by Hoopes

- Loss comes from seepage -
- No certificates have been issued

→ Owned Storage has the first priority

- The 106 AF has been committed.

-

Re-direct -

16th X-Cut at capacity

→

Statement by Canal Companies

→ Darrel ~~Neville~~ Neville — Director of Teton Island Canal -

X-exam by Mr. Hoopes — Glen Ball is a water master

-

~~Reed Oldham~~

→ Reed Oldham — Director of - Teton Island Feeder Canal

1. State lacks jurisdiction - Board is responsible for transfer within District
2. Priority pattern has been established by use -

~~3.~~

X-exam

Lorin Kaves — V.P. Rexburg Irr. Co. and Fremont Madison Board -

- X-cut is to capacity
- Object to continued expansion -
- Tried to get water and it took nine days -
- ~~Extra~~ extra expense caused by additional pumps -

MICROFILMED

Direct - Lorin -

X-exam - by Moss

by Reed Oldham

X-exam - Lorin

Keith Walker - 50 Vice Chairman Teton Island Canal -

Farms 500 acres

No water available during 1981 -

X-exam - Lorin

Rebuttal witness - Earl Hoopes -

→ Applicant's Exhibits E -

X-exam -

Summary →

listen to tape

- Department will take the matter under consideration

-

Exchange 21-2156/21-2157. hearing. 7-20-1983.

Applicant-
Roger Hoopes - Attorney -

Protestant -
Mary Smith, Brent Moss - Attorneys.

- Moss - Water Resources does not have authority under 42-222 & 42-108. to consider exchange after Irrigation District has denied exchange.

Hoopes - 3 points supporting need to hold hearing.
43-303 - majority of board of directors not present to vote Denial, Denial not valid.

- Answer question of jurisdiction by Dept. of Water Resources.

Hoopes - Storage purchased from Sykes
Move water approximately 10 miles downstream.

Direct - Max Moritzson - Member of the board of directors since ≈ 1968.
Chairman of the Board since 1978.
- Function - make administrative decisions concerning exchange of water within district.
Factors for consideration in boards review, -
quantity not a factor, place from which its transferred, -

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(standards)

NOTE: Mr. Mortensen not certain of items for consideration in reviewing applications for exchange.

- Law requires by-laws yet F.M.I.P. has none. Each application handled on a case by case basis.

- Is beneficial use a consideration? Yes.

Where, how & who might be hurt, also enhancement.

- Storage water - water impounded behind dam and held in reserve for later use.
- Partial use related to frequency. - Storage water is quantified (volume). partial use means it's not used every year.
- Each holder is entitled to use storage based on percentage of fill.
- Evidence of ownership - 42-601

Tape 2.
10:07.

Once all the factors are considered what role does beneficial use play. Water must be beneficially used.

- Personal (opinion) objection - Right previously used on partial basis (not relied on annually) and may not have been available annually because of limited supply. Proposal would allow full use of right each irrigation season.

- Jack - Board approved exchange from upstream to Horseshoe Creek on the basis that it dries up.

- Delivery of storage in Teton Basin dependent upon water being available to Teton River. That is a board policy not based on written documentation.

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Injury -
- Lower users will be injured if water can not be delivered thru Cross Cut Canal.

Expansion - (106 AF or 120 acres) volume & acreage not changed.
- exchange will transfer storage water to a more reliable source. If Echo Ranch only uses 106 ac feet that would not be an expansion.

Personal opinion is that exchange is in detriment to the local public interest. If storage is diverted during these periods when the creek doesn't feed into the Teton River.

- Concerned with time lag for delivery of storage through Cross-Cut. & enhancement of water right.

Question - does Mr. Sykes storage physically exist both when the creek is tributary and non tributary.

- Can use of a storage right be enlarged by transferring it a more reliable source from an intermittent stream when diversion of storage was dependent on the stream being tributary.

X-exam -
- Can not deliver storage from Island Park to Teton Creek.
- Boards function is to manage storage water within district to supplement natural flow.
- Cross cut can not transport all the storage presently committed for delivery in the Teton River.

Redirect -
Does the delivery of storage water or tributaries above the Teton River above the Cross Cut require conveyance of this water through the Cross Cut.

Out of Order Witness.

- LaVell Johnson - ~~Engineer~~ President of Leton Canal Co.
  ~~Storage water has been used on Mr. Sykes property.~~
  - Concerned that their natural flow rights are adversed because Cross Cut can not transport all ~~the~~ allocated storage.

X-exam - Grand Leton Canal Co. authorized transfer of storage ~~te~~ in question to ECHO Ranch.

- ~~Storage~~ is individually owned, and not all individuals ~~own~~ in the Canal own storage.
- Owners of storage in canal have leased storage to users at side canal co. ECHO Ranch leased this same water when Floyd Buggly owned property.

-

Re-Iterated concern about delivery of storage & natural flow.

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Direct- Earl Hoopes.

- Other members ~~of~~ of the association (Teton Pipeline Assn.) have been granted transfers of water from the upper valley.

Applicants exhibit A - 5 year lease ~~with~~ for same water with Grand Teton Canal Co.
- ECHO Ranch has arable water but it is to expensive & undependable. Leased water does not apply to 1984 irrigation season.
- Operation of cross cut should not be different under exchange than has historically taken place when water was released.
- Two most critical years were 1977 & 1981. 1977 was not good representation because of 1976 flood.
- In 1981, July 16th - 22th when the flows were highest in the X-Cut between 19.49% & 24.49% of the water transported in the X-Cut was rented water, not purchased storage.
- Chart ~~indicates~~ showing flow thru X-Cut indicates problem with capacity of X-cut is caused by F.M.I.D. renting policy.

Applicants exhibit B Agreement to remove.
" " C Bill of Sale
" " D Request for transfer

- F.M.I.D. offered to purchase water from Mr. Sykes.
- Exchange water will be identified with a specific 120 acres.
- which is covered by an approved permit requiring the applicant to obtain ~~a~~ supplemental source of water.

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X-Exam - Moss.

- 1971 - 160 ac irrigated 1983 2600 ac. irrigated.
- Had not talked w/ FMID about purchasing this specific water because of previous discussions & preceding transfers.
- Relied on information from Dept. of Water Resources or mechanics for delivery & storage water.
- Sale is not contingent on stipulation that storage will not be available when Teton Creek is no longer a tributary of the T. River.

X-Exam - Oldham.

Direct - Dee Obrien - ~~Hydrologist~~ Deputy Watermaster.
Distributes water to the Grand Teton Canal & ECID Canal.
Was employed in 1981 (dry year).
1981 - FMID sent 1,437± ACFT to individuals in the Teton Pipeline Association.
- Teton Creek is considered a dead stream when less than 50 c/s reach the Idaho border. In last 5 years of record, 1981 was only year when flows fell below this rate. The low flows were caused by upstream diversions so Grand Teton Canal would not have go in storage.

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Direct.
Dale Swensen - Secretary - Fremont Madison.

-

X-exam -
- Geological structure of land underlying C.-Cat is responsible for 20-30% loss.
- No certificates issued to holders of storage water.
- Owned storage has 1st priority to be transported thru X-Cat.
- The 106 AF is committed water.
7-16-81 cross-cut at capacity.
-

Direct
Darrell Neville - Director of Teton Island Irrigation Manufacturing Co.
435 stockholders -
Deeds 1882 thru 1886.

Direct - Reed Oldham - President of Teton Watermen Protective Association, Director of Teton-Island Irrigation.

- State lacks jurisdiction.
- All the lands are in the boundaries of F.N.L.P.

Direct - Loran Carver - Vice President of Rapture Lodge.
Island Park was built to supply supplemented storage to existing canals.
- Were short of water 9 days during July.
- Extra expense for placing diversion - Not in interest of general public.

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X-Exam-

Kieth Walker - Director of Tolar-Bluebond Canal.
1981 the 1st year in 30 years when water was not sufficient to meet needs.

Rebuttal Earl Hoopes -

-Exchange does not change the amount of water typically diverted by ECHO Ranch but would secure a water right that has been previously diverted.

Summary - Hoopes.

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Subjects to be addressed in Proposed Decision

- Dept. jurisdiction
- Enhancement of a storage right.
- Criteria for evaluating ~~ex~~ transfer of exchange storage.

~~- Explain in the analysis that the applicant's motion~~ s

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RECEIVED
JAN 13 1984
Department of Water Resources

21-2156/2157 - Ehco Ranch

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

Wednesday, July 20, 1983 (9:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleener

Name	Address	Representing
T J Hoopes	Rexburg Idaho	Ehco Ranch
Brent Hoopes	Tetonia, Ida.	EHCO Ranch
Earl N. Hoopes	Tetonia Ida	Ehco Ranch
Dale L. Swensen	St. Anthony	Fremont-Madison Irrig. Dist.
- Brent J Hoopes		
- Mary Smith	Rexburg ID	"
[illegible]	Rexburg RT2 Box 87	"
Ronnie Ord	Tetonia Ida.	Fremont Madison Irr. Dst
Norman Williams	Ashton Idaho	" " "
Reed Oldham	Rexburg Idaho	Teton protective association; Teton Island Feeder canal; Salem irrigation Canal
Lorin B. Kaneo	Rexburg, Idaho	Rexburg Irr. & Fremont Mad.
Keith Erikson	Rexburg Idaho	Rexburg Irrigation
Jack H. Smith	Rexburg Idaho	Rexburg Irrigation
J Leigh Chantrill	Newdale "	Idaho Water Users Cooperative
James Galloway	Teton, Ida	Teton irrig. & Mfg. canal
Ross Clements	Rexburg Ida	Island ward Canal co.
Vivan Bagley	Rexburg Ida	North Salem Irrigation
George A Briggs	Teton Idaho	Teton irrig. & Mfg. Co.
Frank E. Ives	Rt #1 Box 30 St. Anthony	Wilford Irrigation & Mfg
Ed Rindlisbacher	R 2 Box 72 Rexburg	Roxana canal co.
Lavell Johnson	Driggs Idaho	Grand Teton canal.
Dean W Gallinger	Rt 2 Rexburg	Roxana canal
Callien Hoopes	Tetonia, Idaho	Ehco Ranch
Marie Hoopes	Tetonia, Idaho	Ehco Ranch
Ken Mackey	Rexburg Idaho	Teton Island Canal
Elwyn Johnson	St. Anthony Idaho	Wilford canal co.
Lee O'Brien	Driggs Idaho	Deputy watermaster Dist #1
E. V. Beech	St. Anthony Idaho	Wilford Canal co.
Elfred Klein	St. Anthony Idaho	Wilford Canal co
		Pioneer Canal Co.

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Mike Birch	St. Anthony Idaho	Anna-Thompson Canal
Darrell Neville	Rexburg	Stewart Canal
Keith Walker	Rexburg	Teton Island Canal
Kiyoshi Saketa	Rexburg	Teton Island Canal
A. Emery Davis	St. Anthony	Teton Island Canal
		Fremont Irrg. Dist.

July 15, 1983

Fremont County Clerk
Fremont County Courthouse
St. Anthony, Idaho 83455

ATTN: Betty Hill

Dear Ms. Hill:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, July 20, 1983 for the complete day and on Thursday, July 21, 1983 from 9:00 a.m. until 4:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Secretary

[illegible]

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PS Form 3811, Dec. 1980

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Rt. 1 Box 75
St. Anthony Id. 83445

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   - ☐ REGISTERED ☐ INSURED
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ARTICLE NUMBER
13088

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SIGNATURE ☐ Addressee ☑ Authorized agent

5. Myatis Johnson

DATE OF DELIVERY
7-8-83

ST ANTHONY, ID
JUL 8 1983
POST OFFICE

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**
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7a. **EMPLOYEE'S INITIALS**

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RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Desk B
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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3. **ARTICLE ADDRESSED TO:**
Rondo Barrus
Box 326
Sugar City, Id. 83448

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13084

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SIGNATURE ☐ Addressee ☑ Authorized agent

5. Janet Barrus
DATE OF DELIVERY 9-8-83

POSTMARK

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

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JUL 8 1983

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3. **ARTICLE ADDRESSED TO:**
Elmer Klein
Box 27
Teton, Id. 83451

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13080

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5. Karen Klein

DATE OF DELIVERY
7/8/83

POSTMARK
TETON IDAHO
JUL 8 1983

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

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3. ARTICLE ADDRESSED TO: MARY S. RICHMAN
RR 1
SUGAR CITY, ID. 83448

4. TYPE OF SERVICE:
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   - ☑ CERTIFIED ☐ COD
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ARTICLE NUMBER: P 13072

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5. Diana S Richman

DATE OF DELIVERY 7-8-83

POSTMARK JUL 8 1983 U.S.P.O.

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS** BP

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SUGAR CITY 8 AM 1983

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EASTERN DISTRICT OFFICE Suite 13
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(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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TOTAL $

3. ARTICLE ADDRESSED TO:
Boyd Hollist
Rt. 2
St. Anthony, Id. 83445

4. TYPE OF SERVICE:
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   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13077

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. X Ray Hollist

DATE OF DELIVERY
7-8-83 P.C.

POSTMARK
JUL 8 1983 U.S.P.O.

6. ADDRESSEE'S ADDRESS *(Only if requested)*

7. UNABLE TO DELIVER BECAUSE:
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7a. EMPLOYEE'S INITIALS

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2. ☐ **RESTRICTED DELIVERY** ¢
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TOTAL $

3. **ARTICLE ADDRESSED TO:**
ECHO RANCH
P.O. BOX 97
TETONIA, ID. 83452

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13071

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. Brent Hoopes

DATE OF DELIVERY
7-8-83

POSTMARK
TETONIA, ID
JUL
8
19[illegible]

6. **ADDRESSEE'S ADDRESS** (*Only if requested*)

7. **UNABLE TO DELIVER BECAUSE:**

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83452

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TETONIA, ID. 83452
JUL AM
1983

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(City, State, and ZIP Code)

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TOTAL $

3. **ARTICLE ADDRESSED TO:**
Harrell Deville
Jetons Island Canal
R Box 26
Rexburg, Id. 83440

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13090

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
Darrell Deville

5. **DATE OF DELIVERY**
11 JUL

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

8a. **EMPLOYEE'S INITIALS**

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CLERK 11 JUL ID

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EASTERN DISTRICT OFFICE Suite B
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TOTAL $

3. **ARTICLE ADDRESSED TO:**
Robert Orme
Rt. 2 Box 149
Kellogg, Id. 83840

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13083

(Always obtain signature of addressee or agent)

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. Kay Orme

DATE OF DELIVERY
7-8-83

POSTMARK
JUL 8 1983
RECEIVED

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**
MACKAY [illegible]

7a. **EMPLOYEE'S INITIALS**
K.A.

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RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

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   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Mr. Reed Oldham
Rt. 2 Box 297
Rexburg, Id. 83440

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13089

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SIGNATURE ☐ Addressee ☐ Authorized agent

5. Mrs. Reed Oldham

DATE OF DELIVERY
7-8-83

POSTMARK
JUL 8 1983
REXBURG, ID

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS
K-A

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OFFICIAL BUSINESS

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 13
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. ARTICLE ADDRESSED TO:
G.J. Beech, Mrs.
Rt. 1
St. Anthony, Id. 83445

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13099

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Marilyn Beech

DATE OF DELIVERY
7-8-83

POSTMARK
ANTHONY, ID
JUL 8 1983
USPO

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
FREMONT MADISON IRR. DIST.
P.O. BOX 5
ST. ANTHONY, ID. 83445

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13073

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Dale L. Swenson

DATE OF DELIVERY
07-08-83

POSTMARK
SAINT ANTHONY JUL 8 1983 USPO

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **RESTRICTED DELIVERY CHARGE:**

7a. **EMPLOYEE'S INITIALS**

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite B
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ **RESTRICTED DELIVERY** ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Reed W. Ashcraft
Rt. 2
St. Anthony, Id. 83445

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13076

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☑ Authorized agent

5. Cindy Ashcraft

DATE OF DELIVERY
28-83 OK.

POSTMARK
ST. ANTHONY, ID
JUL 28 1983

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

TYPE OF SERVICE:

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. ARTICLE ADDRESSED TO:
Keith Erikson
Rt. 4 Box 192
Kellogg, Id. 83440

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13075

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

X K. Erikson

5. DATE OF DELIVERY
7-8-83

POSTMARK
JUL 8 10 30 AM '83
U.S. POSTAGE PAID
REXBURG, IDAHO

6. ADDRESSEE'S ADDRESS *(Only if requested)*

MICROFILMED

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite B
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... —¢
   - ☐ Show to whom, date, and address of delivery .. —¢
2. ☐ **RESTRICTED DELIVERY** —¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
MARY SMITH
30 So. 2nd. W.
Rexburg, Id. 83440

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13074

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent
Mary Smith

5. **DATE OF DELIVERY**

POSTMARK
JUL 88

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

CANCELLED

DELIVER BECAUSE:

7a. **EMPLOYEE'S INITIALS**

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S.

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

ENDORSED

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery .. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $ ___

3. **ARTICLE ADDRESSED TO:**
Ed. Rindlisbacher
Rt 2 Box 72
Rupert Idd. 83440

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13082

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Jennie Rindlisbacher

DATE OF DELIVERY
7-8-83

POSTMARK
JUL 8 1983
REXBURG, ID

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNRESTRICTED DELIVERY:**

MICROFILMED

7a. **EMPLOYEE'S INITIALS**

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete Items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

MICROFILMED

(Street or P.O. Box)

(City, State, and ZIP Code)

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery.. ___¢
2. ☐ RESTRICTED DELIVERY ___¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $___

3. ARTICLE ADDRESSED TO:
Dean Zollinger
Rt. 2
Rexburg, Id. 83440

4. TYPE OF SERVICE:
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13081

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. Glenna Zollinger

6. DATE OF DELIVERY
7-8-83

POSTMARK
JUL 8 '83
REXBURG, IDA.

7. ADDRESSEE'S ADDRESS *(Only if requested)*

MICROFILMED

7a. EMPLOYEE'S INITIALS

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite B
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Alfred Klein
Teton, Id. 83451

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13079

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☑ Authorized agent
Alfred Klein

5. **DATE OF DELIVERY**
7-9-83

POSTMARK
SAINT ANTHONY IDAHO
9
1-83
USPO

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite B
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☐ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $

3. ARTICLE ADDRESSED TO:
Norval Birch
236 E. Main
St. Anthony Id. 83445

4. TYPE OF SERVICE:
☐ REGISTERED ☐ INSURED
☐ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13078

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

5. DATE OF DELIVERY

POSTMARK
ST ANTHONY ID 83445 JUL 11

6. ADDRESSEE'S ADDRESS (*Only if requested*)

7. UNABLE TO DELIVER BECAUSE:

7a. EMPLOYEE'S INITIALS

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 13
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Dell Palmer
Woodmansee-Johnson
Sugar City, Id. 83448

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13085

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. X Dell Palmer

DATE OF DELIVERY
2-9-83

SUGAR CITY, IDAHO
JUN 9 1983
U.S.

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

POSTMASTER'S SIGNATURE:

7a. **EMPLOYEE'S INITIALS**

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Suite 15
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Dean Crain Ens.
H.C. 60. Box 1199
Teton, Id. 83451

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER
13086

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☒ Addressee ☐ Authorized agent
Dean Crain E.C

5. **DATE OF DELIVERY**
7/8/83

POSTMARK
TETON IDAHO
JUL 8 10 PM

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

7a. **EMPLOYEE'S INITIALS**
EB

MICROFILMED

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300



RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE Dentals
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☑ Certified

I certify that we have
☐ Commercial Insurance
☐ A deductible clause of
$

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
POSTMARK AND DATE OF RECEIPT

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (If Registered)	DUE SENDER IF C.O.D.	R. R. FEE	S.D. FEE	S. H. FEE	REST. DEL. FEE REMARKS
1	13071 Idaho Ranch PO Box 97 Ashton, Id	20	75				60			21-2156157
2	13072 Diana Lickman Rt #1 Sugar City									
3	13073 Fremont Madison Co Box 5 St. Anthony									22-7304 21-7315-16
4	13074 Mary Smith 33 Board W Rexburg									22-7304 21-7315-16 21-7321
5	13075 Dixie Dickson Rt #4 Box 192 Rexburg									
6	13076 Kyle Lickcraft Rt #2 St Anthony									
7	13077 Lloyd Tullis Rt #2 St Anthony									
8	13078 Orval Eicks 236 E Main St Anthony									
9	13079 Dept of Water Resources Idaho Falls									
10	13080 Dept of Water Resources Idaho Falls									
11	13081 Dean Jennings Rt #2 Rexburg									
12	13082 Id Cattlemens Co-op Rexburg									
13	13083 Robert Orme Rt #2 Box 14C Rexburg									
14	13084 Linda Farnes Box 326 Sugar City									
15	13085 Bill Palmer Sugar City									

MICROFILMED

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
~~15~~ 15	15	J Rich

The full declaration of value is required on all domestic and international registered mail. Commercial Insurance—Payment of the full registry fee is required on articles valued up to $1,000 or the full amount of the deductible if the deductible exceeds $1,000. The maximum indemnity payable is $25,000 for registered mail, $400 for COD and $400 for insured mail. Special handling charges apply only to third- and fourth-class parcels. Special delivery service also includes special handling service.

PS Form 3877, Sept. 1979 ACCEPTANCE OF REGISTERED, INSURED, COD AND CERTIFIED MAIL

FORM MUST BE COMPLETED BY TYPEWRITER, INK OR BALL POINT PEN ☆ U.S. GOVERNMENT PRINTING OFFICE: 1979-301-994

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE NO. 21-2146 AND 21-2157 IN THE NAME OF EHCO RANCH	NOTICE OF HEARING AND/OR CONFERENCE

On April 6, 1983, Ehco Ranch filed with the Department of Water Resources an application to exchange the public waters of the State of Idaho. On May 6, 1983, the Department received a protest against approval of said application from Fremont Madison Irrigation District. Additional protests were received by the Department from Teton Irrigation & Mfg. Company, Rexburg Irrigation Company, Teton Island Canal Company, Wilford Canal Company, Teton River Protective Association, Pincock Byington Canal Company, Woodmansee-Johnson Ditch, Roxana Canal, Pioneer Canal Company and Stewart Ditch.

The Department has set the matter of protest for hearing for Wednesday, July 20, 1983, at 9:00 a.m. in the Courtroom Fremont County Courthouse, St. Anthony, Idaho. The hearing will be held in accordance with provisions of Chapter 2, Title 42, of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 7th day of July, 1983.

Ronald D Carlson

RONALD D. CARLSON

Eastern Regional Supervisor

PROTESTANTS - 21-2156/2157 Ehco Ranch

6-6-83 Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, ID 83445

Mary Smith, Attorney
30 South 2nd West
Rexburg, ID 83440

6-2-83 Diana S. Richman
Teton Irrigation & Mfg. Co.
Rt. #1
Sugar City, Idaho 83448

6-2-83 Keith Erikson
Rexburg Irrigation Co.
Rt. #4, Box 192
Rexburg, ID 83440

6-6-83 Darrell C. Neville
Teton Island Canal Company
Rt. No. 1, Box 26
Rexburg, ID 83440

6-6-83 Wilford Canal Company
J. T. Beech, Pres.
Rt. #1
St. Anthony, ID 83445

Errol Johnson
Rt. #1, Box 75
St. Anthony, ID 83445

6-6-83 Mr. Reed Oldham
Teton River Protective Association
Rt. #2, Box 297
Rexburg, ID 83440

6-6-83 Dean Crain, President
Pincock Byington Canal Co.
H.C. 60, Box 1199
Teton, ID 83451

6-6-83 Woodmansee-Johnson Ditch
Dell Palmer
Sugar City, ID 83448

Rondo Barrus
Box 326
Sugar City, ID 83448

6-6-83 Roxana Canal
Robert Orme
Rt. #2, Box 144
Rexburg, ID 83440

Ed Rindlisbacher
Rt. #2, Box 72
Rexburg, ID 83440

Dean W. Zollinger
Rt. #2
Rexburg, ID 83440

6-6-83 Pioneer Canal Company
Elmer Klein
Box 27
Teton, ID 83451

Alfred Klein
Teton, ID 83451

WITHDRAWN

6-6-83 Stewart Ditch
Norval W. Birch
236 E. Main
St. Anthony, ID 83445

Boyd Hollist
Rt. #2
St. Anthony, ID

Reed W. Ashcraft
Rt. #2
St. Anthony, ID

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, ID 83445

Gentlemen:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Mary Smith, Attorney

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Diana S. Richman
Teton Irrigation & Mfg. Co.
Rt. #1
Sugar City, ID 83448

Dear Ms. Richman:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Keith Erickson
Rexburg,Irrigation Co.
Rt. #4, Box 192
Rexburg, ID 83440

Dear Mr. Erikson:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Darrell C. Neville
Teton Island Canal Co.
Rt. No. 1, Box 26
Rexburg, ID 83440

Dear Mr. Neville:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Mr. J. T. Beech, President
Wolford Canal Company
Rt. #1
St. Anthony, ID 83445

Dear Mr. Beech:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Errol Johnson

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Mr. Reed Oldham
Teton River Protective Association
Rt. #2, Box 207
Rexburg, ID 83440

Dear Mr. Oldham:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Dean Crain, President
Pincock Byington Canal Co.
H.C. 60 Box 1199
Teton City, ID 83451

Dear Mr. Crain:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Dell Palmer
Woodmansee-Johnson Ditch
Sugar City, ID 83448

Dear Mr. Palmer:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Rondo Barrus

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Robert Orme
Roxana Canal Company
Rt. #2, Box 144
Rexburg, ID 83440

Dear Mr. Orme:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Edward Rindlisbacher
Dean W. Zollinger

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Elmer Klein
Pioneer Canal Company
Box 27
Teton, ID 83451

Dear Mr. Klein:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Alfred Klein

June 10, 1983

RE: Application for Exchange No. 21-2156/2157 EHCO RANCH

Stewart Ditch
Norval W. Birch
236 E. Main
St. Anthony, ID 83445

Dear Mr. Birch:

This is to acknowledge receipt of the protest filed against the above referenced application for exchange. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:cw

cc: IDWR - State Office
Boyd K. Hollist
Reed W. Ashcraft

June 10, 1983

RE: Application for Transfer No. 21-2156/2157

Ehco Ranch
P.O. Box 97
Tetonia, ID 83452

Dear Mr. Hoopes:

Enclosed please find a copy of the protests filed against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for exchange:

1. Are other water rights injured by the exchange?

2. Does the change constitute an enlargement in the use of the original right?

3. Will the proposed use under this exchange conflict with the local public interest?

You will be notified at a later date as to the time and place set for conference and/or hearing. Legal counsel is not mandatory at a proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:CW

Enclosure

cc: IDW[illegible] S[illegible] - D[illegible]

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that EHCO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows:

21-2156 AMOUNT: 114,000 AF PRIORITY: 3/14/35

21-2157 AMOUNT: 21,000 AF PRIORITY: 6/12/40

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henrys Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 8N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN

Director

Published in the Fremont County Chronicle and the Teton Valley News on 5/19 & 5/26/83.

SMITH, HANCOCK & MOSS

Attorneys at Law

MARY SMITH
J. D. HANCOCK
BRENT J. MOSS
VAL DEAN DALLING, JR.
W. LLOYD ADAMS (1885-1969)

30 SOUTH 2nd WEST
REXBURG, IDAHO 83440
PHONE: 208-356-5493

June 3, 1983

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

Department of Water Resources
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83401

Gentlemen:

I am enclosing herewith Protest of the Fremont-Madison Irrigation District pertaining to the Ehco Ranch exchange and change of point of diversion of 2.4 cfs Island Park storage water.

Yours very truly,

Mary Smith

Mary Smith

slb

Enclosure

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern Division

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF EHCO RANCH TO EXCHANGE AND CHANGE POINT OF DIVERSION OF 2.4 cfs ISLAND PARK STORAGE WATER.	PROTEST OF THE FREMONT-MADISON IRRIGATION DISTRICT

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to the following Notice of Application for Exchange of Water:

NOTICE OF APPLICATION
FOR EXCHANGE OF WATER

Notice is hereby given that ECHO RANCH, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont-Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8, and NW¼NW¼ Sec. 9, T. 6 N., R. 44 E.B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13 N., R. 43 E.B.M. and then be diverted from the Henry's Fork at a point within the NW¼SE¼ Sec. 14, T. 8 N., R. 41 E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6 N., R. 44 E.B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83401 on or before June 6, 1983.

A. Kenneth Dunn
Director

Publ. May 19 and 26, 1983.CN

makes the following protest against the approval of such application.

1. 106af of Island Park storage rights are appurtenant to the W½SE¼, SW¼SW¼ of Section 12, Township 5 North, Range 45 East, Boise Meridian, in Teton County, Idaho, which is designated herein as the Dale E. Sykes property. That the storage water for this property comes from the Grand Teton Canal through Teton Creek in Teton County, Idaho. The history of the water flow from Teton Creek shows that in nearly all years the flow will not reach the river after July 15, and there is not a sufficient flow in Teton Creek to fill natural flow rights and storage rights.

2. Ehco Ranch, applicant, claims to have acquired the above storage rights which are to be diverted from the Teton River at a point within the SW¼NW¼, Section 10, Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho, to irrigate 120 acres within the SW¼SW¼, Section 4, NE¼NE¼, Section 8, and NW¼NW¼, Section 9, Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho.

3. There is a distance of approximately 15 miles from the original point of diversion from Teton Creek and applicant's proposed point of diversion, and there is no canal or other means of conveying the 106af of storage water directly to applicant's property. Applicant proposes to pump 2.4 cfs of water from the Teton River at a point in the SW¼NW¼, Section 10, Township 6 North, Range 44 E.B.M., and in exchange therefor, transfer 2.4 cfs of Island Park storage water from the Island Park Reservoir through the Cross Cut Canal, which is a canal constructed to deliver Island Park storage water from the North or Henry's Fork of Snake River to the Teton River in order to fill Island Park storage rights from the Teton River.

4. The Cross Cut Canal does not have the capacity to deliver an additional 2.4 cfs of storage water to the Teton River in exchange, as proposed by applicant. Because of the inability of the Cross Cut Canal to carry the 2.4 cfs of storage water proposed to be exchanged by applicant, the canal

companies and individuals who have storage rights carried in the Teton River would be deprived of their water and their water rights would be injured by such exchange and the change in the point of diversion. The Fremont-Madison Irrigation District therefor refused to give its consent for applicant to make such exchange and change the point of diversion.

5. The exchange or change in point of diversion would constitute an enlargement in the use of the original right. The proposed exchange or change in point of diversion would give applicant a full natural flow water right.

6. The water supply itself is not sufficient to warrant a change of the point of diversion and/or exchange of Island Park stored water for natural flow of the Teton River. It will reduce the quantity of water under existing rights.

7. It will conflict with local public interest.

8. The Board of Directors of Fremont-Madison Irrigation District were informed by applicant that it had sufficient water for its lands, but that this 106af would be cheaper to use.

WHEREFORE, the Fremont-Madison Irrigation District respectfully requests that the application of Ehco Ranch for change of point of diversion and exchange of Island Park storage water for natural flow of the Teton River be denied.

Norman Hillam

Norman Hillam, Chairman of the Board of Directors of the Fremont-Madison Irrigation District

STATE OF IDAHO)
: ss.
County of Madison)

NORMAN HILLAM, being first duly sworn, says that he is the Vice-Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant

has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

Norman Hillam

Subscribed and sworn to before me this 3rd day of June, 1983.

Mary Smith
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: Life

(SEAL)

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, TETON ISLAND CANAL COMPANY and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Teton Island Canal Company and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 3rd day of June, 1983.

TETON ISLAND CANAL COMPANY

By: Darrell C. Neville

Darrell Neville, President

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, TETON RIVER PROTECTIVE ASSOCIATION, INC. and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Teton River Protective Association and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 6th day of June, 1983.

TETON RIVER PROTECTIVE ASSOCIATION, INC.

By: Reed Oldham

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, WILFORD CANAL COMPANY and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Wilford Canal Company and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 2nd day of June, 1983.

WILFORD CANAL COMPANY

By: J. T. Beech
President

Errol Johnson
Secy
#1 Box 75
St. Anthony
Idaho

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

June 2, 1983

Department of Water Resources
150 shoup Ave. Suite 15
Idaho Falls, Idaho 83401

Dear Sirs:

The Pincock Byington Canal Company protests the 106 acre feet of Island Park storage water that Earl Hoopes has applied for.

The Fremont Madison denied the request. For reson of over burdening of the Cross Cut Canal, also for the reson the creek from which this water comes, goes dry in the summer.

We believe these facts to be true.

Sincerely yours,

Dean Crain

Dean Crain
President of the Pincock Byington
Canal Company

MICROFILMED

June 2, 1983

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

To: Water Resource Board
Idaho Falls, Idaho 83448

Gentlemen:

The W.J.R.M. DITCH CO. objects to the transfer of 106 acre feet of Island Park storage that Earl Hoopes has applied for; The reason being that it would be a detremental situation for the W.J.R.M. Ditch co during the irrigation season. The Fremont-Madison indicates that they cannot handle the extra amount of water during the peak irrigation time.

Sincerely

Woodmansee- Johnson Rexburg Mill Ditch Co.

Dell Palmer

Dell Palmer Chairman

Rondo Barrus

Rondo Barrus Secretary

NOTICE OF APPLICATION
FOR EXCHANGE OF WATER

Notice is hereby given that ECHO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 6N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN
Director

Publ. May 19 and 26, 1983.CN

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

June 3, 1983

Roxana Canal Company

Robert Orme, sec.
Route 2 Box 144
Rexburg, Idaho
83440

To whom it may concern;

The Roxana Canal Company wishes to protest the application applied for by The ECHO Ranch, of Tetonia, Idaho, for transfer of water with license Nos. 21-2156 and 21-2157.

The reason for this protest is we feel like the crosscut Canal runs full capacity when needed at the present time.

Sincerely,

Edward Rindlisbacher
Dean W Gollinger
Robert Orme

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is hereby given that ECHO Ranch, Tetonia, Idaho, has applied to the Department of Water Resources for an exchange of the waters of Island Park storage right held by Fremont Madison Irrigation District evidenced by License Nos. 21-2156 and 21-2157 and are recorded as follows: 21-2156 AMOUNT: 114,000 AF; PRIORITY: 3/14/35; 21-2157 AMOUNT: 21,000 AF; PRIORITY: 6/12/40/.

The water is used to irrigate the applicants lands within the Fremont Irrigation District. They are 120 acres within the SW¼SW¼ Sec. 4, NE¼NE¼ Sec. 8 and NW¼NW¼ Sec. 9, T. 6N, R. 44E, B.M.

PROPOSED EXCHANGE

2.4 cfs of water will be delivered into Henry's Fork, Snake River at a point in the SW¼SW¼ Sec. 28, T. 13N, R. 43E, B.M. and then be diverted from the Henrys Fork at a point within the NW¼SE¼ Sec. 14, T. 6N, R. 41E. In lieu thereof the water will be diverted from the Teton River at a point within the SW¼NW¼ Sec. 10, T. 6N, R. 44E, B.M. Teton County. This exchange will only change the point of diversion on the Teton and will not effect the manner in which the exchange originally took place.

Any protest to the above proposed change of water must be filed with the Department of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho, 83401 on or before June 6, 1983.

A. KENNETH DUNN
Director

Publ. May 19 and 26, 1983.CN

MICROFILMED

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, PIONEER CANAL COMPANY and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Pioneer Canal Company and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 2nd day of June, 1983.

PIONEER CANAL COMPANY

By: Elmer Klein
President

Alfred Klein

RECEIVED
JUN 6 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, STEWART DITCH CANAL COMPANY and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Stewart Ditch Canal Company and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 2nd day of June, 1983.

STEWART DITCH CANAL COMPANY

By: Howard Birch

By: Boyd R. Hallisd

By: Rudeen Draft

By: _____

By: _____

By: _____

By: _____

By: _____

RECEIVED
JUN 2 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF THE APPLICATION OF)
ECHO RANCH, INC.,) PROTEST
)

COMES NOW, REXBURG IRRIGATION COMPANY and protests the granting of the above referred to application on the following grounds:

1. The proposed use by the applicant will reduce the quantity of water under existing water rights.

2. Applicant obtained storage rights which had heretofore been appurtenant to land which had been irrigated from Teton Creek in Teton County, Idaho. This creek doesn't always have water during the irrigating season to furnish storage rights in addition to natural flow rights. Therefore, this transfer, if granted, at least without some restrictions, would result in an enlargement of the right to the storage water, because historically the water users on Teton Creek cannot avail themselves of storage rights unless there is water in the creek in excess of the natural flow rights.

3. If there is insufficient water in the Teton River to furnish natural flow rights and storage rights, the watermaster uses what is known as the cross-cut canal to transfer storage water from Island Park Reservoir through the North Fork of the Snake River and through the cross-cut to the Teton River. That cross-cut canal is already overtaxed and it would be impossible to transfer any more storage water into the Teton River system.

4. The change will constitute an enlargement in the use of the original right.

5. By applicant's own declarations before the Board of Directors of the Fremont-Madison Irrigation District, applicant has adequate water for the irrigation of its property, but is seeking a cheaper water supply.

6. To grant this transfer will pose a tremendous policing problem to the Department of Water Resources, because appropriators on Teton Creek will continue to use that water, and applicant will insist on using the storage downriver on applicant's lands even during those times when, if said storage right remained on Teton Creek, there would be no water in the creek to fill the storage rights.

7. Water rights of the Rexburg Irrigation Company and its shareholders will be injured.

WHEREFORE, Protestant asks that the Department not grant said application.

DATED this 27th day of May, 1983.

REXBURG IRRIGATION CANAL COMPANY

By: _____
President

May 31, 1983

Department of Water Resources
Shoup Ave. 150 , Suite 15,
Idaho Falls, Idaho 83401

Dear Sirs:

The Board of Directors of the Teton Irrigation and Manufacturing Co. Route #1, Sugar City, Idaho 83448 wants to register a protest for the application for Exchange of water that was advertized for the Echo Ranch, Tetonia Idaho. We aggree with the denial of transfer made by the Fremont-Madison Irrigation Dist.

Sincerely,
Teton Irrigation & Mfg. Co.
Biana S. Richman, Sec.

Biana S Richman

MICROFILMED

RECEIVED
JUN 2 1983
Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

FROM RON

DATE 5/16/83

TO FILE

SUBJECT CONFERENCE

NOTE: THE CONFERENCE HELD MAY 10, 1983 WAS SIMPLY TO DETERMINE APPLICANT'S RIGHT TO FILE [redacted]

SIGNATURE

IN THE MATTER OF)
APPLICATION FOR)
EXCHANGE 21-2156/57) Agreement
IN THE NAME OF)
ECHO RANCH)

We agree that the Dept of Water resources should process this application in the normal way, and proceed immediately with the advertising as required by law

Signed at Idaho Falls Idaho this 10th day of May 1983.

J. Mac Mortensen
Earl Cr. Hooper

MICROFILMED

EXCHANGE 21-2156/57
EHCO RANCH May 10, 1983

106 AF at 2.4 cfs Island Park to Teton

Fremont Madison Protestant – Mary Smith
Brent Moss Atty
Applicant – Roger Hoopes Atty

ISSUES
who has right to initiate application

Applicant tried to initiate exchange thru Fremont Madison before filing exchange w/ dept.
About ½ water into pipeline is storage
Hastings, → Bagley, → Sykes, → Hoopes.
Hoopes has leased the water for several years before purchase.

Fremont madison objects
Because of Capacity of crosscut.
Roger Hoopos.
Fremont Madison – has no contracts of sale for water sold.

WHAT CONTROL DOES FREMONT MADISON HAVE OF STORAGE CHANGES WITHIN DISTRICT?
WHO CAN INITIATE EXCHANGE?

UNCLASSIFIED

ISSUE

WHAT CONTROL DOES FREMONT MADISON HAVE OVER DELIVERY OF STORAGE SOLD WITH IN DISTRICT WHERE THEY OPERATE OR MAINTAIN NO SYSTEM OF CANALS?

WHAT CONTROL DOES FREMONT MADISON HAVE OVER EXCHANGES OF STORAGE DIVERTED THROUGH THE CROSS CUT?

DOES A STOCK HOLDER HAVE A RIGHT TO INITIATE AN EXCHANGE WITHIN THE DISTRICT WITHOUT DISTRICT APPROVAL? WHERE DISTRICT F IS THE OWNER OF RECORD WITH THE DEPT?

Rec'd [illegible]

21-2156 & 2157

May 10, 1983

Earl Hoopes

1. Would water be demanded thru the crosscut for this right at more times than the existing users —

Water was

- Rex Ord and Ron Ord — both were approved —

- This exchange has been denied by Fremont Madison —
- Does he have a right to exchange the water without the permission of Fremont Madison —

Water has been leased for use on this land — from Grand Tetan Canal Co. - Tetan Creek

The decreed rights — are concerned that on dry years the crosscut canals would not have sufficent capacity —

Originally sold to Mr Hastings by Fremont Madison →

Is Hoopes entitled to initiate an application —

42-108 —

RECEIVED

MICROFILMED

OPERATION OF CROSS CUT DURING 1977

24 hour Second-Feet

PLATE NO. 23-A

MAY

LOCATION	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	TOTAL
Diverted at Head	195	200	198	202	191	192	195	188	188	193	208	201	200	310	316	309	312	304	312	265	240	244	244	242	182	140	138	114	134	135	132	6,624
Inflow from Fall River Canal	5	8	30	30	28	23	22	23	22	24	23	22	23	23	23	24	24	23	22	24	24	22	22	22	23	23	23	23	22	22	21	693
North Branch Diversion	91	94	95	95	96	97	97	95	96	96	98	97	97	91	93	95	97	95	94	89	87	85	86	84	77	78	78	73	76	77	77	2,776
Middle Branch Diversion	79	79	86	84	81	79	79	80	78	79	88	87	87	94	94	93	75	75	75	65	66	67	66	67	56	49	48	42	48	48	46	2,243
Below Fall River Canal Divers.	30	35	47	53	42	39	41	36	36	42	45	39	39	148	152	145	164	157	165	132	111	114	114	113	72	36	35	22	32	32	30	2,298
Cross Cut at End	40	40	40	40	44	36	36	36	36	36	36	36	36	80	125	125	131	131	141	89	95	106	106	106	31	37	31	28	25	22		1,940

JUNE

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30		
Diverted at Head	207	213	314	317	316	326	330	329	325	348	244	232	223	225	218	216	302	308	314	386	401	398	501	494	487	116	486	512	510	544		10,142
Inflow from Fall River Canal	24	25	27	28	29	25	21	14	14	18	22	16	16	16	14	16	16	16	14	14	16	16	13	12	12	10	10	8	11	10		503
North Branch Diversion	86	86	96	96	101	96	96	95	95	97	86	85	83	85	83	85	92	95	95	95	98	96	87	86	94	69	97	99	100	86		2,740
Middle Branch Diversion	59	79	94	96	100	105	108	114	114	122	81	0	0	80	79	77	109	112	112	133	131	115	116	116	84	35	84	86	86	86		2,719
Below Fall River Canal Divers.	86	73	151	153	244	147	147	134	130	147	99	163	156	76	70	70	117	117	121	172	188	200	311	304	321	22	315	335	335	382		5,186
Cross Cut at End	62	62	133	136	230	125	119	112	108	112	84	129	130	130	55	55	55	113	110	141	157	157	157	239	239	40	287	287	315	315		4,304

JULY

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	548	274	535	565	576	277	176	582	585	604	579	596	591	410	484	488	440	447	442	441	138	494	494	527	338	322	330	320	319	319	314	13,505
Inflow from Fall River Canal	10	12	7	11	9	7	7	7	6	6	6	6	6	3	3	3	3	3	2	2	2	2	2	2	0	5	5	8	5	6	5	164
North Branch Diversion	86	27	95	87	88	91	81	91	90	91	90	88	88	81	34	28	30	30	28	27	27	24	24	32	10	51	51	52	52	52	0	1,726
Middle Branch Diversion	76	14	122	105	103	103	80	104	107	107	83	102	97	84	48	42	42	49	49	49	49	52	52	54	35	68	92	86	85	85	11	2,235
Below Fall River Canal Divers.	396	245	325	384	394	90	22	394	394	412	412	412	412	246	405	371	371	371	367	367	64	420	420	443	293	205	192	190	190	188	309	9,705
Cross Cut at End	371	313	334	384	353	165	65	362	362	384	388	393	395	411	379	353	353	353	353	353	258	287	380	247	359	242	215	204	204	204	311	9,679

AUGUST

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	319	321	317	321	327	335	333	273	260	312	312	313	316	319	316	322	317	316	309	244	240	240	236	235	240	248	245	246	247	246	251	8,876
Inflow from Fall River Canal	1	1	2	2	3	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	2	1	1	2	2	1	1	8	8	53
North Branch Diversion	0	28	29	30	30	2	2	46	45	60	60	61	28	32	34	1	1	1	1	1	1	1	32	32	32	34	34	34	34	35	43	804
Middle Branch Diversion	12	61	61	56	60	15	26	24	24	78	78	76	53	52	52	18	19	18	18	16	23	23	43	43	43	43	40	40	37	35	65	1,258
Below Fall River Canal Divers.	308	233	229	235	240	320	306	204	192	175	175	175	236	236	231	304	298	298	291	228	217	217	163	161	164	173	173	173	177	184	151	6,867
Cross Cut at End	302	226	245	239	239	262	289	289	214	191	185	190	228	215	250	234	250	268	268	218	218	207	163	149	149	157	157	157	157	157	157	6,632

SEPTEMBER

	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Diverted at Head	252	249	246	247	249	247	247	247	245	284	322	290	259	252	30	163	295	288	280	283	256	217	149	134	119	114	109	109	111	111		6,334
Inflow from Fall River Canal	8	8	9	9	8	8	8	8	8	8	8	6	4	4	5	5	4	4	4	4	4	4	4	5	6	6	5	5	5	5		179
North Branch Diversion	43	50	57	57	57	57	57	57	57	57	57	32	8	7	1	4	7	22	36	36	37	34	32	32	32	28	25	25	26	26		1,056
Middle Branch Diversion	62	64	67	67	66	66	67	67	66	75	84	55	26	25	14	16	17	34	50	51	52	44	36	35	34	34	33	33	34	34		1,408
Below Fall River Canal Divers.	155	143	131	132	134	132	131	131	130	160	189	209	229	124	20	148	275	236	195	200	201	143	85	72	59	58	56	56	56	56		4,049
Cross Cut at End	151	128	106	106	107	107	107	110	112	133	154	164	174	148	122	181	140	101	164	160	158	120	82	66	51	48	46	44	41	41		3,573

Season loss = 1980 ÷ 28,108 = 7.04%

Total into Teton River for Season = 26,128 cfs = 51,825 ac-ft.

Plate No. 23A

1781
END

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0	0	4	5	7	5	6	3	20	323	---	---
2	0	1	4	5	7	5	6	3	20	323	---	---
3	0	1	4	5	7	5	10	3	141	323	---	---
4	0	1	3	5	7	0	10	3	199	323	---	---
5	0	1	3	5	7	0	12	3	191	323	---	---
6	0	1	3	5	7	0	15	3	183	323	---	---
7	0	1	3	5	7	0	18	4	225	323	---	---
8	0	1	3	6	7	0	20	5	238	306	---	---
9	0	1	3	6	7	0	20	0	238	302	---	---
10	0	1	3	6	8	0	25	0	264	---	---	---
11	0	1	4	6	8	0	25	0	264	---	---	---
12	0	1	4	6	8	0	28	0	261	---	---	---
13	0	1	4	6	8	0	30	12	258	---	---	---
14	0	1	4	6	8	2	30	12	272	---	---	---
15	0	1	4	6	8	3	30	15	295	---	---	---
16	0	3	4	6	7	3	30	10	319	---	---	---
17	0	3	4	5	6	3	34	11	330	---	---	---
18	0	3	4	5	6	3	34	11	332	---	---	---
19	0	3	5	5	6	3	32	3	334	---	---	---
20	0	3	5	5	6	3	30	3	336	---	---	---
21	0	3	5	5	6	5	32	3	351	---	---	---
22	0	3	5	5	6	5	35	3	341	---	---	---
23	0	3	5	5	6	5	35	15	332	---	---	---
24	0	3	5	5	6	5	35	15	341	---	---	---
25	0	3	5	5	6	5	35	15	341	---	---	---
26	0	3	5	5	6	6	18	39	344	---	---	---
27	0	3	5	5	6	6	0	39	348	---	---	---
28	0	3	5	6	6	6	0	30	332	---	---	---
29	0	4	5	---	5	6	0	20	332	---	---	---
30	0	4	5	---	5	6	0	20	329	---	---	---
31	---	4	5	---	5	---	0	---	329	---	---	---
TOTAL	0	65	130	150	205	90	635	303	8440	2869		
MEAN	0	2	4	5	7	3	20	10	272	319		
MAX	0	4	5	6	8	6	35	39	351	323		
MIN	0	0	3	5	5	0	0	0	20	302		
AC-FT	0	129	258	298	407	179	1260	601	16741	5691		

IRRIGATION YEAR 1981 TOTAL 12887 MEAN 35 AC-FT 25561

04/07/81

TOTAL OF DIVERSIONS, TETON RIVER, SOUTH LEIGH CREEK TO ST ANTHONY
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1979 TO OCTOBER 1980
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	6	---	---	---	---	0	0	0	153	84	38	9
2	6	---	---	---	---	0	4	0	155	90	38	10
3	6	---	---	---	---	0	4	0	145	88	51	10
4	6	---	---	---	---	0	4	0	136	60	52	8
5	6	---	---	---	---	0	4	0	141	92	52	6
6	6	---	---	---	---	0	4	0	121	88	43	12
7	6	---	---	---	---	0	4	0	127	77	34	19
8	6	---	---	---	---	0	4	0	134	69	35	8
9	6	---	---	---	---	0	4	0	141	60	23	10
10	6	---	---	---	---	0	0	0	136	60	16	10
11	6	---	---	---	---	0	0	9	151	54	20	6
12	6	---	---	---	---	0	0	9	153	83	16	0
13	6	---	---	---	---	0	0	11	152	100	16	0
14	6	---	---	---	---	0	0	11	153	97	16	0
15	0	---	---	---	---	0	0	15	155	83	16	0
16	0	---	---	---	---	0	0	2	159	53	16	0
17	0	---	---	---	---	0	0	17	139	44	7	0
18	0	---	---	---	---	0	0	21	141	18	7	0
19	0	---	---	---	---	0	0	36	137	19	10	0
20	0	---	---	---	---	0	0	44	139	36	9	0
21	0	---	---	---	---	0	0	44	132	35	10	0
22	0	---	---	---	---	0	0	37	121	34	9	0
23	0	---	---	---	---	0	0	60	131	34	9	0
24	0	---	---	---	---	0	0	69	132	29	9	0
25	0	---	---	---	---	0	0	80	124	11	9	0
26	0	---	---	---	---	0	0	87	96	19	6	0
27	0	---	---	---	---	0	0	117	80	37	6	0
28	0	---	---	---	---	0	0	113	89	37	9	0
29	0	---	---	---	---	0	0	114	130	57	9	0
30	0	---	---	---	---	0	0	147	128	62	9	0
31	---	---	---	---	---	---	0	---	117	57	---	0
TOTAL	84	0	0	0	0	0	30	1043	4150	1768	599	110
MEAN	3	0	0	0	0	0	1	35	134	57	20	4
MAX	6					0	4	147	159	100	52	19
MIN	0					0	0	0	80	11	6	0
AC-FT	167	0	0	0	0	0	60	2100	8200	3500	1200	218

WATER YEAR 1980 TOTAL 7785 MEAN 21 AC-FT 15400

04/07/81

TOTAL OF DIVERSIONS, TETON RIVER, BELOW ST ANTHONY
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1979 TO OCTOBER 1980
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	200	---	---	---	---	100	423	538	1217	845	423	374
2	200	---	---	---	---	93	490	488	1205	799	393	414
3	200	---	---	---	---	93	565	487	998	776	392	411
4	200	---	---	---	---	117	565	519	922	765	402	409
5	130	---	---	---	---	117	710	517	996	768	412	438
6	129	---	---	---	---	117	711	527	894	780	466	467
7	129	---	---	---	---	118	684	558	920	778	463	460
8	129	---	---	---	---	118	661	554	956	780	458	458
9	129	---	---	---	---	118	678	557	998	744	461	458
10	129	---	---	---	---	118	704	566	1098	756	475	457
11	129	---	---	---	---	118	695	640	1052	770	467	396
12	128	---	---	---	---	133	597	706	1087	763	530	432
13	128	---	---	---	---	133	573	750	1051	693	567	435
14	128	---	---	---	---	133	567	815	1014	720	569	377
15	125	---	---	---	---	133	561	854	1089	687	481	333
16	125	---	---	---	---	133	578	873	1130	716	483	270
17	125	---	---	---	---	133	577	943	1115	645	486	260
18	127	---	---	---	---	173	633	940	1106	583	433	210
19	126	---	---	---	---	173	662	1018	1049	569	429	208
20	126	---	---	---	---	174	671	1015	1026	506	416	223
21	126	---	---	---	---	183	682	1066	1011	513	433	221
22	126	---	---	---	---	183	683	1106	971	497	417	221
23	126	---	---	---	---	206	645	1204	900	458	416	223
24	140	---	---	---	---	207	643	1178	862	455	360	229
25	140	---	---	---	---	261	601	1104	877	453	351	230
26	140	---	---	---	---	260	561	1161	788	401	358	230
27	140	---	---	---	---	396	564	1257	795	410	346	228
28	126	---	---	---	---	395	558	1247	803	422	341	228
29	112	---	---	---	---	417	541	1210	764	421	341	228
30	112	---	---	---	---	418	526	1198	783	419	340	314
31	---	---	---	---	---	---	522	---	775	403	---	328
TOTAL	4130	0	0	0	0	5471	18831	25598	30256	19292	12909	10160
MEAN	138	0	0	0	0	182	607	853	976	622	430	328
MAX	200					418	711	1257	1217	845	569	467
MIN	112					93	423	487	764	401	340	208
AC-FT	8200	0	0	0	0	10900	37400	50800	60000	38300	25600	20200

WATER YEAR 1980 TOTAL 126600 MEAN 346 AC-FT 251200

STATION NUMBER 13050016F CROSSCUT MLN DIVE RUN DATE 02/29/80

DISCHARGE, IN CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1978 TO OCTOBER 1979

MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	30	0	0	0	0	0	10	69	38	134	352	32
2	30	0	0	0	0	0	9	68	37	183	151	32
3	30	0	0	0	0	0	8	66	72	256	150	32
4	30	0	0	0	0	0	9	66	57	264	150	32
5	30	0	0	0	0	0	10	65	55	262	149	32
6	30	0	0	0	0	0	10	64	53	259	147	32
7	30	0	0	0	0	0	6	64	55	275	150	32
8	30	0	0	0	0	0	6	67	49	280	150	32
9	30	0	0	0	0	0	6	67	42	283	146	32
10	30	0	0	0	0	0	5	67	42	275	143	32
11	30	0	0	0	0	0	12	70	61	269	142	22
12	30	0	0	0	0	0	20	72	180	278	127	20
13	28	0	0	0	0	0	20	72	296	287	112	14
14	28	0	0	0	0	0	20	72	298	195	108	14
15	28	0	0	0	0	0	20	75	294	186	113	13
16	0	0	0	0	0	0	22	75	292	181	112	13
17	0	0	0	0	0	0	25	75	286	181	111	13
18	0	0	0	0	0	0	26	72	263	197	111	13
19	0	0	0	0	0	0	28	72	290	197	105	13
20	0	0	0	0	0	0	28	53	315	197	153	13
21	0	0	0	0	0	0	44	56	311	198	152	13
22	0	0	0	0	0	0	60	64	300	194	152	12
23	0	0	0	0	0	0	60	62	290	188	150	12
24	0	0	0	0	0	0	59	60	229	194	149	12
25	0	0	0	0	0	0	58	57	219	195	147	11
26	0	0	0	0	0	0	57	62	216	194	148	10
27	0	0	0	0	0	0	57	59	161	193	33	10
28	0	0	0	0	0	0	66	53	153	223	34	4
29	0	0	0	---	0	0	66	56	150	159	34	4
30	0	0	0	---	0	0	68	40	147	154	34	4
31	---	0	0	---	0	---	69	---	135	155	---	4
TOTAL	444	0	0	0	0	0	964	1940	5383	6686	3715	564
MEAN	14.8	.0	.0	.0	.0	.0	31.0	64.6	173.6	215.6	123.8	18.1
MAX	30	0	0	0	0	0	69	75	315	287	153	32
MIN	28	0	0	0	0	0	5	40	37	134	33	4
AC-FT	880	0	0	0	0	0	1912	3847	10677	13261	7368	1118

IRR YR 1979 TOTAL 19696 MEAN 1641.3 MAX 315 MIN 4 AC-FT 39067

STATION NUMBER 13050010 CROSSCUT AT END RUN DATE 02/29/80

DISCHARGE, IN CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1978 TO OCTOBER 1979

MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	30	0	0	0	0	15	5	77	32	142	140	30
2	30	0	0	0	0	15	5	77	32	180	142	30
3	30	0	0	0	0	15	5	78	46	273	145	28
4	30	0	0	0	0	15	5	80	34	273	143	26
5	30	0	0	0	0	15	5	80	41	275	154	25
6	30	0	0	0	0	15	5	84	37	277	142	25
7	20	0	0	0	0	15	5	89	38	280	138	30
8	10	0	0	0	0	15	4	89	34	277	136	30
9	10	0	0	0	0	15	4	84	30	275	134	30
10	10	0	0	0	0	15	7	80	31	268	132	30
11	10	0	0	0	0	15	10	80	164	263	136	22
12	10	0	0	0	0	15	10	80	172	270	0	15
13	10	0	0	0	0	15	10	86	253	278	96	15
14	15	0	0	0	0	15	10	86	267	180	96	10
15	15	0	0	0	0	15	12	86	266	172	96	10
16	15	0	0	0	0	15	15	90	265	172	96	10
17	0	0	0	0	0	15	18	95	246	174	96	9
18	0	0	0	0	0	15	20	95	231	196	96	9
19	0	0	0	0	0	15	20	95	248	200	96	7
20	0	0	0	0	0	15	40	98	277	204	96	7
21	0	0	0	0	0	15	40	98	233	199	95	6
22	0	0	0	0	0	15	40	65	250	198	95	4
23	0	0	0	0	0	15	40	65	268	186	132	4
24	0	0	0	0	0	15	38	80	202	185	132	6
25	0	0	0	0	0	15	35	80	202	183	133	6
26	0	0	0	0	0	15	35	80	186	182	134	6
27	0	0	0	0	0	15	40	80	153	182	84	6
28	0	0	0	0	0	15	40	66	153	151	33	6
29	0	0	0	---	0	15	42	52	150	148	33	5
30	0	0	0	---	0	15	45	52	146	146	31	5
31	---	0	0	---	0	---	61	---	146	142	---	5
TOTAL	305	0	0	0	0	450	671	2427	4845	6521	3212	457
MEAN	10.1	.0	.0	.0	.0	15.0	21.6	80.9	156.2	210.3	107.0	14.7
MAX	30	0	0	0	0	15	61	98	277	280	154	30
MIN	10	0	0	0	0	15	4	52	30	142	31	4
AC-FT	604	0	0	0	0	892	1330	4813	9610	12934	6371	906

IRR YR 1979 TOTAL 13488 MEAN 1574.0 MAX 280 MIN 4 AC-FT 37464

13049560 CROSSCUT CANAL
DISCHARGE, CUBIC FEET PER SECOND, IRRIGATION YEAR NOVEMBER 1979 TO OCTOBER 1980
MEAN VALUES

DAY	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT
1	0	0	---	---	---	0	84	60	192	192	102	50
2	0	---	---	---	---	0	86	55	228	170	104	51
3	0	---	---	---	---	0	88	65	223	151	95	52
4	0	---	---	---	---	0	76	55	188	132	92	53
5	0	---	---	---	---	0	82	52	161	135	92	53
6	0	---	---	---	---	0	84	49	154	135	96	53
7	0	---	---	---	---	0	95	49	147	135	100	48
8	0	---	---	---	---	0	100	48	155	135	105	50
9	0	---	---	---	---	0	104	47	162	129	105	73
10	0	---	---	---	---	0	106	45	158	132	84	96
11	0	---	---	---	---	0	84	52	161	136	95	40
12	0	---	---	---	---	0	86	116	164	182	95	38
13	0	---	---	---	---	0	82	127	212	142	78	36
14	0	---	---	---	---	0	74	122	261	103	61	44
15	0	---	---	---	---	0	74	144	189	149	44	44
16	0	---	---	---	---	0	77	165	234	124	41	42
17	0	---	---	---	---	0	78	158	249	124	41	42
18	0	---	---	---	---	0	63	150	249	124	49	42
19	0	---	---	---	---	0	60	127	194	121	48	42
20	0	---	---	---	---	0	59	147	198	105	46	42
21	0	---	---	---	---	0	61	145	202	90	46	38
22	0	---	---	---	---	0	63	156	200	87	46	36
23	0	---	---	---	---	0	72	166	213	66	46	34
24	0	---	---	---	---	0	67	178	213	76	46	34
25	0	---	---	---	---	0	58	154	223	87	46	33
26	0	---	---	---	---	0	47	152	176	87	53	33
27	0	---	---	---	---	0	41	150	162	87	50	33
28	0	---	---	---	---	0	40	152	149	87	50	33
29	0	---	---	---	---	0	41	170	154	102	50	33
30	0	---	---	---	---	0	44	188	160	104	51	33
31	---	---	---	---	---	---	45	---	176	103	---	33
TOTAL	0	0	0	0	0	0	2221	3444	5907	3732	2057	1364
MEAN	0	0	0	0	0	0	72	115	191	120	69	44
MAX	0	0				0	106	188	261	192	105	96
MIN	0	0				0	40	45	147	66	41	33
AC-FT	0	0	0	0	0	0	4400	6800	11700	7400	4100	2700

WATER YEAR 1980 TOTAL 18700 MEAN 51 AC-FT 37100

Storage Allocated To The Cross-cut Canal

I. Below Mouth of Cross-cut:

A: Lower Teton Canals	25,947 A.F.
B: Miscellaneous (Pumpers)	521 A.F.
Total	26,468 A.F.

II. Above Mouth of Cross-cut:

A: Teton Basin Canals	6,728 A.F.
B: miscellaneous (Pumpers)	898 A.F.
Total	7,626 A.F.

III Total Storage on Teton River 34,094 A.F.

78% on lower Teton
22% on Upper Teton

MICROFILMED

THIS APPLICATION HAS NOT BEEN ADUERTISED.
WE NEED TO DETERMINE IF HOOPES HAS RIGHT
TO INITIATE APPLICATION.

MICROFILMED

21-2156/57 - Ehco Ranch

Idaho Falls Public Library, Room 1, Idaho Falls, Idaho

Tuesday, May 10, 1983, (11:00 a.m.)

ROSTER OF ATTENDANCE

Hearing Officer Bob Fleenor & Ron Carlson

Name	Address	Representing
Byron J. Moss	Rexburg Idaho	Fremont Madison
J. Ray Mortensen	Ririe Box 87	" "
Mary Smith	"	" "
John B. Kaner	Rte #4, Rexburg, Ida	" "
R. J. Hogan	P.O. Box 70 Rigby	Ehco Ranch
Earl Hoopes	Tetonia	Ehco Ranch
Norman Hillam	Ashton	Fremon Madison
Dale L. Sorenson	St. Anthony	" "

MICROFILMED

RECEIVED
MAY 0 1 1983
Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE NO. 21-2156 and 21-2157 IN THE NAME OF EHCO RANCH.	PROTEST OF THE FREMONT-MADISON IRRIGATION DISTRICT

Comes now the Fremont-Madison Irrigation District and protests the point of change of diversion in the above matter and/or the exchange of Island Park stored water for natural flow water of the Teton River as follows:

1. No change in the point of diversion should be made or allowed without the consent of the irrigation district. That the Fremont-Madison Irrigation District refused to consent to a change in the point of diversion.

2. Water rights of others will be injured by such change of point of diversion.

3. The change will constitute an enlargement in the use of the original right.

4. It will reduce the quantity of water under existing water rights.

5. The water supply itself is not sufficient to warrant a change of the point of diversion and/or exchange of Island Park stored water for natural flow of the Teton River.

6. It will conflict with local public interest.

7. Approval would result in the diversion and use of more water than originally used and the rights of others will adversely be affected thereby.

8. Enlarged use of the amount of water which has been used under this right will increase the burden on the Teton River and decrease the volume of water therein, to the injury of other appropriators on the stream.

MICROFILMED

WHEREFORE, the Fremont-Madison Irrigation District respectfully requests that the application of Ehco Ranch for change of point of diversion and/or exchange of Island Park storage water for natural flow of the Teton River be denied.

James Max Mortensen, Chairman of the Board of Directors of the Fremont-Madison Irrigation District

STATE OF IDAHO)
: ss.
County of Madison)

JAMES MAX MORTENSEN, being first duly sworn, says that he is the Chairman of the Board of Directors of the Fremont-Madison Irrigation District and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

Subscribed and sworn to before me this 6th day of May, 1983.

Notary Public
Residing at Rexburg, Idaho
My Commission Expires: Life

(SEAL)

CERTIFICATE

I hereby certify that I hand delivered a true and correct copy of the foregoing Protest to Roger J. Hoopes, Attorney for Ehco Ranch, at 110 East Main, Rexburg, Idaho, this 6th day of May, 1983.

Secretary

RECEIVED

APR 18 1983

Department of Water Resources
Eastern District Office

INTER-DEPARTMENT MEMO — 1

DATE April 8, 1983

FROM H. Jones & Ron Carlson

TO Bob Fleenor

SUBJECT EHCO RANCH Exchange

Fremont-Madison Irrigation District has turned down EHCO RANCH's request for a transfer of place of use of stored water shares they purchased. Ron is curious to see if the enclosed application for exchange was anywhere near feasible. Ron would appreciate your opinion, comments or questions.

H.W. Jones
SIGNATURE

* copy sent to Norm Young

To: Ron & Harold

Notify F.M.I.D. so they can object in writing. We will hold a protest hearing with one issue being whether EHCO [redacted] is the proper applicant on the exchange.

Eventually the exchange will need to be advertised unless it is withdrawn or denied.

Bob

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "**RETURN** TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ___¢
   - ☐ Show to whom, date, and address of delivery.. ___¢
2. ☐ **RESTRICTED DELIVERY** ___¢
   (*The restricted delivery fee is charged in addition to the return receipt fee.*)

TOTAL $___

3. **ARTICLE ADDRESSED TO:**

Ehco Ranch, Inc.
P.O. Box 97
Tetonia, ID 83452

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER

13068

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

5. [signature]

DATE OF DELIVERY 4-22-83

POSTMARK

TETONIA, ID
APR
22
1983

6. **ADDRESSEE'S ADDRESS** (*Only if requested*)

7. **UNABLE TO DELIVER BECAUSE:**

7a. EMPLOYEE'S INITIALS

MICRON LABELED 83452

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SENDER INSTRUCTIONS

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- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S. MAIL

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. Suite 15
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1980

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

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   - ☐ Show to whom, date, and address of delivery.. ¢
2. ☐ RESTRICTED DELIVERY ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**
Fremont Madison Irrig. Dist.
P.O. Box 5
ST. Anthony, ID 83445

4. **TYPE OF SERVICE:**
☐ REGISTERED ☐ INSURED
☑ CERTIFIED ☐ COD
☐ EXPRESS MAIL

ARTICLE NUMBER
13078

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5. D. L. Jensen

DATE OF DELIVERY
04-21-83

POSTMARK
ST. ANTHONY, IDA
APR 21 83

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**
MICROFILMED

7a. **EMPLOYEE'S INITIALS**
C.L.

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

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- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S.MAIL

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. Suite 15
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

(City, State, and ZIP Code)

MICROFILMED

PS Form 3811, Dec. 1990

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

● **SENDER:** Complete items 1, 2, 3, and 4.
Add your address in the "RETURN TO" space on reverse.

(CONSULT POSTMASTER FOR FEES)

1. The following service is requested (check one).
   - ☑ Show to whom and date delivered ..... ¢
   - ☐ Show to whom, date, and address of delivery .. ¢
2. ☐ **RESTRICTED DELIVERY** ¢
   (The restricted delivery fee is charged in addition to the return receipt fee.)

TOTAL $

3. **ARTICLE ADDRESSED TO:**

Mary Smith, Attorney
30 South 2nd West
Rexburg, ID 83440

4. **TYPE OF SERVICE:**
   - ☐ REGISTERED ☐ INSURED
   - ☑ CERTIFIED ☐ COD
   - ☐ EXPRESS MAIL

ARTICLE NUMBER

P 306 9

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

Mary Smith

5. **DATE OF DELIVERY**

APR 21

POSTMARK

APR 21 1993 REXBURG ID

6. **ADDRESSEE'S ADDRESS** *(Only if requested)*

7. **UNABLE TO DELIVER BECAUSE:**

MICROFILMED

7a. **EMPLOYEE'S INITIALS**

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

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- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.

PENALTY FOR PRIVATE USE TO AVOID PAYMENT OF POSTAGE, $300

U.S.MAIL

RETURN TO

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE. Suite 15
IDAHO FALLS, IDAHO 83401

(Name of Sender)

(Street or P.O. Box)

MICROFILMED

(City, State, and ZIP Code)

NAME AND ADDRESS OF SENDER

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUP AVE.
IDAHO FALLS, IDAHO 83401

Indicate type of mail
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- ☐ COD
- ☒ Certified

I certify that we have
- ☐ Commercial Insurance
- ☐ A deductible clause of $

Affix stamp here if issued as certificate of mailing or for additional copies of this bill.
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No.	NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET, AND POST-OFFICE ADDRESS	POSTAGE	FEE	Handling Charge	Actual Value (if Registered)	INSURED VALUE (if C.O.D.)	R.R. FEE	S.D. FEE	S.H. FEE	REST. DEL. FEE REMARKS
1	13066	Roger Mecklenburg Rt 2 Box 182, D7.	20	75				60			23-3089
2	13067	Jack Hopkins, Rexburg, 97	60	75				60			"
3	13068	Glen Leach, RR 3 Box 197 Ditamay	20	75				60			21-21.56/37
4	13063	Glen Leach, 20 Lands Ferdinand	20	75				60			"
5	13070	Bonneville Irr. Dist. Rigby St. Anthony	20	75				60			"
6											
7				$1.75							
8											
9											
10											
11											
12											
13											
14											
15											

ACCEPTANCE OF REGISTERED, C.O.D. AND INSURED ARTICLES

PS Form 3877, Sept. 1979

TOTAL NUMBER OF PIECES LISTED BY SENDER	TOTAL NUMBER OF PIECES RECEIVED AT POST OFFICE	POSTMASTER, PER (Name of receiving employee)
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MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE NO. 21-2156 AND 21-2157 IN THE NAME OF EHCO RANCH	NOTICE OF CONFERENCE

On April 6, 1983, Ehco Ranch Inc. of Tetonia, Idaho filed with the Department of Water Resources an application to exchange Island Park stored water for the natural flow of the Teton River. The Department notified the Fremont-Madison Irrigation District, the water right holder of record, who has objected to the proposed exchange.

The Department has, therefore, scheduled the matter for conference on Tuesday, May 10, 1983, at 11:00 a.m. in Meeting Room I, Idaho Falls Public Library, 457 Broadway, Idaho Falls, Idaho. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Dated this 20th day of April, 1983.

Ronald D. Carlson

RONALD D. CARLSON

Eastern Regional Supervisor

MICROFILMED

April 13, 1983

Dale Swensen
Fremont Madison Irrigation District
P.O. Box 5
St. Anthony, ID 83445

Dear Dale:

Enclosed, for your review, please find a copy of an exchange filed by Ehco Ranch.

Very truly yours,

RONALD D. CARLSON
Eastern Regional Supervisor

RDC:CW

Enclosure

MICROFILMED

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER IN THE NAME OF TETON SPRINGS GOLF & CASTING CLUB AND FREMONT-MADISON IRRIGATION DISTRICT	))))))	**PRELIMINARY ORDER AUTHORIZING EXCHANGE**

WHEREAS, Idaho Code § 42-240 provides that the Director of the Department of Water Resources ("Director" or "Department") is authorized to allow exchanges of surface water authorized under a water right with the same or a different source or with water authorized to be diverted under one or more other rights from the same source or another surface water source when the Director determines that such changes can be accomplished in accordance with the provisions of Idaho Code § 42-240; and

WHEREAS, on April 7, 2004, Teton Springs Golf & Casting Club and Fremont-Madison Irrigation District ("Applicants") requested that the Director approve the attached Application for Exchange of Water and Exchange Agreement ("Application"). Fremont-Madison Irrigation District holds rights under contract for storage water space with the United States, Bureau of Reclamation under water right license nos. 21-2156 and 21-2157, also claimed in the Snake River Basin Adjudication under claim nos. 21-2156 and 21-10560; and

WHEREAS, the Director has reviewed the Application and has determined the Application can be approved with certain conditions.

ORDER

IT IS HEREBY ORDERED that the Application is **APPROVED** subject to the following conditions:

1. The agreement to exchange water under the contract right held or controlled by the Applicants as described in the Application is authorized at the locations described in the Application.

2. Diversion and use of water under the exchange is only authorized:
    a. When water is not available in priority to fill right 22-12981; and,
    b. After all natural flow rights with priority dates earlier than the priority date of right 22-12981, that would otherwise be deliverable, have been filled on Warm Creek; and,
    c. When the Teton River and Warm Creek are being regulated together as connected streams.

3. Diversion and use of water under the exchange is limited to:
    a. The extent that storage water is available, up to 154 afa, for delivery through the Crosscut Canal under the contract space of Teton Springs Golf & Casting Club from Fremont-Madison Irrigation District; and,
    b. A maximum diversion rate of 0.76 cfs and a maximum volume of 154 afa.

4. Prior to diversion of water from Sherman Springs under this exchange, the right holder shall install and maintain a totalizing measuring device and lockable controlling works of a type acceptable to the Department as part of the diverting works.

5. Prior to diversion of water under this exchange, the right holder shall provide a means acceptable to the Department to measure the amount of water entering the pond downstream of Sherman Springs and the amount discharging from the pond into Warm Creek. When this exchange is in effect, or when water is being delivered in priority to fill right 22-12981, the difference in measured flow shall not exceed 0.76 cfs. Otherwise, the flow entering the pond must equal the flow discharging from the pond into Warm Creek.

6. By diversion and use of water under this exchange, the Applicants acknowledge and agree that the Director may terminate diversion of water under this exchange if the Director determines there is interference with or injury to other water rights.

7. The watermaster of Water District No. 01 is authorized to administer the exchange as approved. The watermaster shall regulate and keep a record of the amount of water diverted and accumulated as described in the Application under the exchange of the contract right held or controlled by the Applicants.

8. The diversion and use of water described in this exchange may be subject to additional conditions and limitations agreed to by the protestant(s) and the right holder under separate agreement to which the Department is not a party and which may be enforceable by a court of law.

9. Failure to comply with the conditions of this exchange is cause for the Director to rescind approval of the exchange.

DATED this 17th day of November, 2005.

Gary Spackman

Gary Spackman, Chief
Water Allocation Bureau

RECEIVED
MAY 19 2005
DEPARTMENT OF
WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 07 2004
Department of Water Resources
Eastern Region

APPLICATION FOR EXCHANGE OF WATER

Under the provisions os Section 42-240, *Idaho Code*, any person holding a surface water right may apply to exchange such water for the use of water from the same source or a different surface water source. Surface water right holders may also apply to exchange for the use of water authorized for diversion under one or more other valid water rights from the same source or a different surface water source.

1. INFORMATION ABOUT THE APPLICANT

Applicant Teton Springs Golf & Casting Club, LLC, c/o Holden, Kidwell, Hahn & Crapo, PLLC
(Name of Applicant)

PO Box 50130, Idaho Falls, ID 83405-0130 Telephone No.: 208-523-0620
(Mailing Address) (Zip Code)

Applicant's Water Right(s) to be exchanged Contract right to 154 acre feet of storage space.
Attach a photocopy of the License, Permit, Transfer, Decree, or Claim evidencing the right(s) or attach a printout obtained from IDWR.

2. INFORMATION ABOUT THE CO-APPLICANT

Complete this portion if the applicant proposes to exchange for water diverted under a water right held by another party. The co-applicant is the holder of the right to be exchanged for the applicant's right. If more space is needed, please attach another sheet containing the information about each co-applicant.

Co-Applicant Fremont-Madison Irrigation District
(Name of Co-Applicant)

350 N. 6th W., St. Anthony, ID 83445 Telephone No.: 208-624-3381
(Mailing Address) (Zip Code)

Co-applicant's Water Right(s) to be exchanged 154 acre feet of storage space.
Attach a photocopy of the License, Permit, Transfer, Decree or Claim evidencing the right(s) or attach a printout obtained from IDWR.

3. EXCHANGE AGREEMENT – Attach a copy of the written agreement between the applicant and the co-applicant(s).

4. EXCHANGE INFORMATION – Complete **Part A** *or* **Part B** to explain how the proposed exchange will operate.

Part A – For an exchange involving two or more water right holders.

The applicant proposes to divert _____ cfs and/or _____ Acre feet per year of water authorized to be diverted under the co-applicant's water right(s) listed above at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
Additional points of diversion, if any: _____
In exchange for authorization to divert water as described above, _____ cfs and/or _____ acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (complete 1 or 2 below):

1. Made available to the co-applicant for diversion at _____ 1/4 of _____ 1/4, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.
   Additional points of diversion, if any: _____

OR

2. Released from storage by the co-applicant into _____ at _____ 1/4 of _____ 14/, Govt. Lot _____ Sec. _____ Township _____ Range _____ B.M., _____ County.

Part B – For an exchange involving only the applicant's water right(s).

The applicant proposes to divert 1.0 cfs and/or 154 acre feet per year of water at NE 1/4 of SE 1/4, Govt. Lot _____ Sec. 23 Township 3N Range 45E B.M., Teton County. Additional points of diversion, if any NW 1/4 SE 1/4 Sec. 23, T. 3N. R. 45E. (Both points are known as "Sherman Springs".
In exchange for authorization to divert water as described above, 1.0 cfs and/or 154 Acre feet per year of water authorized for diversion under the applicant's water right(s) listed above will be (*complete 1 or 2 below*):

1. Diverted from Sherman Springs at NE 1/4 of SE 1/4, AND NWSE Sec. 23 Township 3N Range 45E B.M., Teton County and injected into Pond System at SE 1/4 of NW 1/4, Govt. Lot _____ Sec. 23 Township 3N Range 45E B.M. Teton County.

AND

2. Released from storage by Fremont-Madison Irrigation District into Teton River at NW 1/4 of SW 1/4, Govt. Lot _____ Sec. 15 Township 7N Range 41E B.M., _____ Fremont County through the crosscut canal.

Additional Explanation – Attach additional sheets if necessary.
This is a formalization of an exchange that has existed for many years between applicant's predecessors in interest and Fremont-Madison Irrigation District.

If this exchange is not intended to be a permanent arrangement, please describe the circumstances under which the proposed exchange will terminate. Will be permanent

5. Maps – Attach two maps, one showing the water right(s) as it is (they are) now used, and another showing how the water right(s) will be used under the proposed exchange. Each map should be on an 8 ½"x11" sheet and should clearly identify the locations of the point(s) of diversion, injection, an d re-diversion of water and the place(s) of use by 40-acre subdivisions, section, township and range of the public land survey. Photocopies of USGS 7 ½-minute topographic quadrangles are preferred as base maps.

SIGNATURE

Applicant hereby asserts that no one will be injured by such exchange of water and acknowledges that the applicant and/or the co-applicant will be responsible for all actions taken pursuant to this exchange. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Applicant's Signature (and title if application is for an organization) — Date: 3/16/04

FOR DEPARTMENT USE ONLY

This exchange application contains _____ Pages, including attachments
Received by DC Date 7/8/2004 Fee 250 — E029693
Receipt by _____ Date _____ Fee _____
Preliminary review by _____
Published in HERALD Chronicle
Publication dates 5-12 and 5-19-2004
Protests filed by F&G Fish and Game, Friends of the Teton River, Teton Regional Land Trust
Copies of protests forwarded by SE
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval RDC **Denial** _____ **By** _____

EXCHANGE AGREEMENT

This agreement is made and entered into this 6 day of ~~September~~ November, 2003, by and between Fremont-Madison Irrigation District, an irrigation district organized and existing under and by virtue of the provisions of Title 42, Chapter 43, Idaho Code, which district has its principal place of business in Fremont, Madison and Teton Counties, Idaho, with its office in the City of St. Anthony, Fremont County, Idaho, herein referred to as "DISTRICT" and Teton Springs Golf and Casting Club, LLC, an Idaho limited liability company, which owns land near the town of Victor, in Teton County, Idaho, hereafter referred to as "TETON SPRINGS",

WITNESSETH:

That for and in consideration of the mutual covenants and agreements set forth herein, and other good and sufficient consideration, receipt whereof is hereby acknowledged by the parties hereto, said parties hereby agree as follows:

1. DISTRICT is the holder of the rights to the storage water space in the Island Park and Grassy Lake reservoirs, both Federal Reclamation projects, by virtue of contracts with the United States of America. Lands located with the boundaries of DISTRICT are entitled to the benefit of water accruing to such storage space in amounts allocated by DISTRICT to supplement natural flow rights for irrigation purposes as needed during each irrigation season.

2. TETON SPRINGS is the owner of the following described real property situate in the County of Teton, State of Idaho, all of which is located within the boundaries of DISTRICT:

> Beginning at the west quarter corner of Section 23, T.3N., R.45E.; thence N0°0'17" E. 2643.34 feet; thence N0°0'7"E. 2642.79 feet; thence S89°39'34"E. 2637.41 feet; thence S89°39'34E. 2640 feet; thence S89°43'54"E. 572.23 feet; thence S0°1'9"E. 6180.11feet; thence N82°37'50"W. 4623.31 feet; thence N0°33'27"E. 329.27 feet; thence N89 °43'39"W. 1270.02 feet to the point of beginning.

and is entitled to the benefit and use each irrigation season of the storage water accruing to 154 acre feet of storage space of DISTRICT for the supplemental irrigation of such land. TETON SPRINGS' above described land is also located within the service area of the Trail Creek Sprinkler Irrigation Company and receives its normal supply of water through the diversion and delivery system of that company by virtue of the ownership of shares of stock of said company by TETON SPRINGS.

3. Storage water released from the referenced Federal Reclamation reservoirs cannot be physically delivered to the lands of TETON SPRINGS, but can only be used on an exchange basis. The parties hereby agree, that to the extent storage water is available in any irrigation season because of the 154 acre feet of storage space allocated by DISTRICT to TETON SPRINGS, DISTRICT will cause the same, in such amounts and at such times as requested by TETON SPRINGS and approved by the Water Master of Water District 01 of the State of Idaho, to be conveyed through the Crosscut Canal from the Henry's Fork River to the Teton River for the replacement of the downstream flows of the Teton River with storage water in exchange for the diversion by Teton Springs of a like amount of the natural flow of Trail Creek and/or Sherman Springs for use for the irrigation of its above described lands.

4. The purpose of this agreement is to establish a written agreement documenting the historical practice of exchanging storage water of DISTRICT allocated to TETON SPRINGS for the diversion by TETON SPRINGS of natural flow water, in order to comply with the provisions of Idaho Code §42-240(1). A formal application for the right to so exchange water, pursuant to said statute, shall be prepared, filed and prosecuted to its completion by TETON SPRINGS, at the sole cost and expense of TETON SPRINGS. This agreement constitutes the consent and agreement of the DISTRICT thereto. The parties agree to cooperate in every appropriate way to secure the formal approval of the Idaho Department of Water Resources of said application for exchange.

5. This agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

FREMONT-MADISON IRRIGATION DISTRICT

By: _____

Its: Chairman

STATE OF IDAHO)
) ss:
County of _____)

On this 6 day of ~~September~~ November, in the year 2003, before me a notary public in and for said state, personally appeared Jeff Kaufield, known or identified to me (or proved to me on the oath of _____) to be the Chairman of the Fremont-Madison Irrigation District that executed the said instrument, and acknowledged to me that such Fremont-Madison Irrigation District executed the same.

LaDonna Henman

Notary Public for Idaho
Residing at Rigby ID
My commission expires: 6-1-05

(seal) LaDonna Henman NOTARY PUBLIC STATE OF IDAHO

TETON SPRINGS GOLF & CASTING CLUB, LLC

By: Anthony J. West
Its: Managing Member

STATE OF IDAHO)
)ss.
County of Teton)

On this 16 day of ~~September, in the year 2003~~ January 2004, before me a notary public in and for said State, personally appeared Anthony West known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

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

SHANNON R. HERNDON
NOTARY PUBLIC
STATE OF IDAHO
(seal)

Shannon R. Herndon

Notary Public for Idaho
Residing at Tetonia, ID
My commission expires: 11/16/2009

RECEIVED
MAY 19 2005
DEPARTMENT OF WATER RESOURCES

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
APR 07 2004
Department of Water Resources
Eastern Region

APPLICATION FOR EXCHANGE OF WATER

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Applicant's Signature (and title if application is for an organization) — Date: 3/16/04

FOR DEPARTMENT USE ONLY

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Receipt by _____ Date _____ Fee _____
Preliminary review by _____
Published in Herald Chronicle
Publication dates 5-6 and 5-13-2004
Protests filed by F Fish and Game, Friends of the Teton River, Teton Regional Land Trust
Copies of protests forwarded by SE
Watermaster recommendation requested on _____
Watermaster recommendation received on _____
Hearing held by _____ Date _____

Recommended for Approval RDC **Denial** _____ **By** _____

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5. This agreement shall be binding upon and shall inure to the benefit of the successors and assigns of the parties hereto.

FREMONT-MADISON IRRIGATION DISTRICT

By: _____

Its: Chairman

STATE OF IDAHO)
) ss:
County of _____)

On this 6 day of ~~September~~ November, in the year 2003, before me a notary public in and for said state, personally appeared Jeff Kaufman, known or identified to me (or proved to me on the oath of _____) to be the Chairman of the Fremont-Madison Irrigation District that executed the said instrument, and acknowledged to me that such Fremont-Madison Irrigation District executed the same.

(seal)

LaDonna Herman
NOTARY PUBLIC
STATE OF IDAHO

LaDonna Herman
Notary Public for Idaho
Residing at Ashton ID
My commission expires: 6-1-05

TETON SPRINGS GOLF & CASTING CLUB, LLC

By: Anthony J. West
Its: Managing Member

STATE OF IDAHO)
)ss.
County of Teton)

On this 16 day of ~~September, in the year 2003~~ January 2004, before me a notary public in and for said State, personally appeared Anthony West known or identified to me (or proved to me on the oath of _____) to be the manager or a member of the limited liability company that executed the instrument or the person who executed the instrument on behalf of said limited liability company and acknowledged to me that such limited liability company executed the same.

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

(seal)

SHANNON R. HERNDON
NOTARY PUBLIC
STATE OF IDAHO

Shannon R. Herndon
Notary Public for Idaho
Residing at Tetonia, ID
My commission expires: 11/16/2009

G:\WPDATA\KWF\10495 TETON SPRINGS\W.R. Documents\Exchange Agreement wpd.cdv

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED
NOV 25 2005
Department of Water Resources

DEPT. OF WATER RESOURCES
322 E. FRONT ST.
P. O. BOX 83720
BOISE, ID 83720-0098

KLT # 21-2156

83720+0098

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

TETON SPRINGS GOLF & CASTING CLUB LLC
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* B. Date of Delivery

NOV 2 3

C. Signature

X ☐ Agent ☐ Addressee

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Copy from service label)* 7003 0500 0003 1969 5509

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

November 18, 2005

TETON SPRINGS GOLF & CASTING CLUB LLC
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

RE: Preliminary Order in the Matter of Application for Exchange of Water

Dear Permit Holder(s):

The accompanying order is a **"preliminary order"** issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the department unless a party petitions for reconsideration within fourteen (14) days after issuance as described in the enclosed information sheet.

If you have any questions regarding this matter, please call me at 208-287-4948.

Sincerely,

for Jeff Peppersack, Manager
Water Right Permits Section

JP:klt

Enclosures

cc: FREMONT-MADISON IRRIGATION DISTRICT

CERTIFICATE OF SERVICE

I hereby certify that on **November 18, 2005** I mailed a true and correct copy, certified, postage prepaid, of the foregoing **PRELIMINARY ORDER** to the person(s) listed below:

RE: Preliminary Order in the Matter of Application for Exchange of Water

TETON SPRINGS GOLF & CASTING CLUB LLC
C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

The mail for the following names was sent by regular mail (<u>not certified</u>).

FREMONT-MADISON IRRIGATION DISTRICT
350 N 6TH W
ST ANTHONY ID 83445

Kari Lynn Townsend
Secretary

EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER

(To be used in connection with actions when a hearing was not held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below.

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

> Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:
>
> (a) the petition for reconsideration is disposed of; or
>
> (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

i. A hearing was held,
ii. The final agency action was taken,
iii. The party seeking review of the order resides, or
iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

7003 0500 0003 1969 5509

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MAILED ON 11.18.05 (P.M.)

Sent To TETON SPRINGS GOLF & CASTING CLUB LLC

Street, Apt. or PO Box C/O HOLDEN KIDWELL HAHN & CRAPO PLLC
PO BOX 50130

City, State IDAHO FALLS ID 83405-0130

PS Form 3800, June 2002 — See Reverse for Instructions

Peppersack, Jeff

From: Spackman, Gary
Sent: Tuesday, October 11, 2005 11:34 AM
To: Peppersack, Jeff
Cc: Warner, Roger
Subject: FW: Teton Springs Golf & Casting Exchange

Jeff,

I sent the following message to Kent Foster about a month ago and haven't heard anything from him. I think I'll forward the previous message to Kent and tell him if I don't hear from him within a week, IDWR will issue as proposed.

Gary

-----Original Message-----
From: Spackman, Gary
Sent: Thursday, September 15, 2005 10:41 AM
To: 'kfoster@holdenlegal.com'
Cc: Carlson, Ron; Warner, Roger
Subject: Teton Springs Golf & Casting Exchange

Kent,

Attached is a document proposing approval of the application to exchange Sherman Springs water with Island Park storage delivered through the X-Cut Canal. I am also sending a copy to Ron Carlson and Roger Warner for their review.

Because of the references to water right no. 22-21981 in the application for exchange and the agreement, and the limitation to diversion in the agreement of 0.76 cfs, the draft order assumes that the exchange was filed for the purpose of delivering water described by right 22-21981 when it would normally be curtailed. Other interpretations of the application for exchange are possible, however. Please review this draft, suggest changes if we have misinterpreted the intent of the application for exchange, or if the proposed language needs to be changed. Thanks.

Gary Spackman



Fremont-Madison Exchange Order...

State of Idaho
DEPARTMENT OF WATER RESOURCES
322 East Front Street, P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 287-4800 Fax: (208) 287-6700 Web Site: www.idwr.idaho.gov.

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 11, 2005

J WILLIAM MCDONALD
BUREAU OF RECLAMATION
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS RD SUITE 100
BOISE ID 83706-1234

RE: Application for Transfer Nos. 4616 (right 67-2389), 4617 (right 67-2386), 4618 (right 63-3613), 4623 (right 1-2064), 4624 (right 63-3614), 4625 (right 65-2927B), 4626 (right 65-2927A), 4627 (right 65-2917), 4628 (65-9483), 4629 (right 21-2156), 4630 (right 37-2783), 4631 (right 1-2068), 4632 (right 85-2146), and 4633 (right 1-10034).

Application for Amendment of Permit Nos. 63-3618 and 25-7004

Withdrawal of Applications

Dear Mr. McDonald:

The Department of Water Resources acknowledges receipt of your withdrawal of the applications referenced above. The withdrawal removes your applications from any further consideration or action by the Department.

Please note that Transfer 4636 (right 63-303) was not included in your letter for withdrawal and will continue to be held in abeyance per the Department order dated June 11, 1999. Please submit a written withdrawal to the Department if you would like to withdraw the transfer.

By copy of this letter, the protestant(s) have been informed of this action.

Please feel free to contact this office if you have any questions regarding this matter.

Sincerely,

Jeff Peppersack, Manager
Water Right Permits Section

SUPPORT DATA
FILE # 1-2068

JP:klt

cc: Protestants (per list in file)

KARL
RECEIVED
SEP 0 1 2005
Department of Water Resources

United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Region
1150 North Curtis Road, Suite 100
Boise, Idaho 83706-1234

IN REPLY
REFER TO:
PN-1080
WTR-4.10

AUG 31 2005

Mr. Karl Dreher, Director
Idaho Department of Water Resources
P.O. Box 83720
Boise, Idaho 83720-0098

Subject: Water Right Transfer Applications for Flow Augmentation

Dear Mr. Dreher:

On May 15, 1995, Reclamation filed water right transfer applications to include flow augmentation as a use of water stored in Reclamation project reservoirs for water rights:

63-3618, 63-03614, 63-03613, 65-09483, 65-02917, 65-02927A, 65-02927B, 67-02389, 67-02386, 85-02146, 01-02064, 01-02068, 01-10034, 21-02156, 25-07004, 37-02783

The applications generated numerous protests and requests for intervention and the issue was ultimately resolved by enactment of I.C. 42-1763B. It authorized flow augmentation under Idaho law on the condition that Reclamation agree to hold in abeyance the transfer applications. The Nez Perce settlement provides that flow augmentation will follow state law and I.C. 42-1763B now provides that the applications will be held in abeyance or withdrawn.

Representatives of the Department have approached Reclamation about the viability of simply withdrawing the applications. Given the anticipated 30-year term of the settlement and the fact that Reclamation has the option at any time to file new transfer applications, it is suggested that holding the applications in abeyance is not particularly efficient and may in fact create unintended confusion.

Reclamation concurs. I hereby withdraw the applications and request the Department to cancel all actions related thereto.

Sincerely,

J. William McDonald

J. William McDonald
Regional Director

MEMORANDUM

DATE: June 17, 2005

TO: Exchange File/ Teton Springs Golf & Casting

From: Ron Carlson

Many years ago I became concerned about the exchanges of storage that were being made on tributary streams in Water District 1. In many cases these streams, which were otherwise protected by the priority system, could though storage exchanges be completely dewatered. I notified Fremont Madison Irrigation District that I believed exchanges either were required or could be required for the watermaster to allow storage water to be exchanged on any tributary streams. Although many of these exchanges had been taking place for many years, Fremont-Madison responded by filing a number of exchange applications, all of which, to my knowledge, were ultimately approved. Then the Swan Falls issues came along and in drafting the implementing language for the Swan Falls settlement the Nelson – Rosholt law firm drafted language to repealing §42-240. The legislation was passed and from 1986 until reenacted in 1998 we had approved exchanges with no statutory basis. Storage exchanges were allowed as in the past. However, the issue of having a mechanism for providing public notice when a new exchange was to take place remained unresolved until the reenactment of §42-240 and the corresponding amendments of §42-105 & §42-222. Because of Fremont-Madison Irrigation District's (FMID'S) long history of providing storage water on any tributary within the district the presence of absence of an approved exchange has been of little consequence. The owners of the Teton Springs Golf & Casting Club LLC (TSGCC) want all of the legal protections possible for their development and the water uses that sustain it. This included the filing of the subject exchange application. Since their property is part of the place of use for Trail Creek Pipeline Company, where the exchange of FMID storage is on-going the independent filing of this application may not have much value. However, the TSGCC wishes to receive storage water through exchange and have their Island Park storage delivered to the Teton River through the

Crosscut Canal. I believe they are entitled to have this request approved by the department.

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

June 20, 2005

RECEIVED
JUN 21 2005
Department of Water Resources
Eastern Region

Dave Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Re: Teton Springs - Water Quality/Quantity Monitoring Plan

Dear Dave:

Pursuant to our telephone conversation, we are enclosing a copy of the referenced Water Quality/Quantity Monitoring Plan. Thanks for your continued assistance.

Yours very truly,

Kent W. Foster

Enclosure

G:\WPDATA\KWF\10495 TETON SPRINGS\2005 Correspondence\Dave Carlson ltr 062005.wpd:edv

COPY

TETON SPRINGS

WATER QUALITY / QUANTITY MONITORING PLAN

RECEIVED
JUN 2 1 2005
Department of Water Resources
Eastern Region

NOVEMBER 1, 2004

RENDEZVOUS ENGINEERING, PC
P.O. BOX 4858
JACKSON, WYOMING 83001

WATER QUALITY / QUANTITY MONITORING PLAN
TETON SPRINGS RESORT
Revised: November 1, 2004

INTRODUCTION: A continuing water monitoring program is proposed that will include the measurement of nutrients along with the measurement of flow at key locations. The nutrients (N) would include ammonia and nitrate-nitrite nitrogen and total phosphorous. The monitoring will also include general water quality parameters (G) including field temperature, suspended solids and turbidity. Samples for herbicides (H) will also be taken at the two points where surface water leaves the property and at the two points it enters the property. Because of the costs involved and wide range of chemicals available, herbicide sampling will be based upon the chemicals being used or likely to be used on the project[1]. Base sampling and flow measurements will take place on a quarterly basis to provide data that corresponds to the changing seasons and levels of flow. Additional measurements will also be taken during the months of June, July, August and September for a total of seven (7) sample times per year. Sampling will start in the 4th quarter of 2004 following the installation of the flow measuring devices.

The primary purpose of the water quality monitoring is to assess the water quality from all sources upstream and downstream of the Teton Springs development and to monitor impacts caused by the project. The water quality data will also help document to downstream users the quality of the water leaving the project. The data will also provide a guideline to determine if changes are necessary in the overall management practices taking place at the development.

The primary purpose of the flow measuring is to monitor water use relative to the Sherman Springs water right (0.76 cfs). Two flow measuring points have been established to monitor the combined flow from the cold springs entering the pond system and the total flow discharged to Warm Creek. In accordance with the current water right, at any given time during the historic irrigation season, Teton Springs will be allowed to use water from the combined cold springs so long as the water being discharged to Warm Creek equals the measured spring flow minus the allowed water right.

A flow measuring site will also be established on Warm Creek to monitor the total surface water flow leaving Teton Springs in this drainage. The measuring site will be located downstream of the last irrigation return point and upstream of Pole Canyon Road.

All sampling and measuring sites have been chosen to be in proximity to existing bridges or creek crossings to insure access under most all weather conditions and provide distinct reference points for future sampling.

SURFACE WATER QUALITY: Surface water sampling focuses on nutrients related to the use of fertilizers as they affect the potential for eutrophication in downstream rivers and streams. Samples will initially be taken at all six points where water enters the Teton

[1] A summary of the fertilizer and herbicide chemicals used by the Teton Springs golf operations appears in Appendix A.

Springs property above the development (including four spring sites and two surface water canal sites) and at the two points where the surface water leaves the property as suggested in the following table. A map (Figure 1) showing the preliminary sample site locations is attached.

TABLE 1. SURFACE WATER QUALITY MONITORING SITES

LOCATION	TEMP, Field	TURB.	SS	NH3 -N	NO3-N	TOTAL P	PESTICIDES HERBICIDES
S1. String Canal, south lateral at entrance to property upstream of Targhee Trail	X	X	X	X	X	X	Specific to Actual Use
S2. String Canal, North lateral at entrance to property, upstream of Targhee Trail	X	X	X	X	X	X	Specific to Actual Use
S3. East Cold Spring upstream of Rendezvous Trail bridge crossing	X	X	X	X	X	X	n/a
S4. West Cold Spring, upstream of Rendezvous Trail bridge crossing	X	X	X	X	X	X	n/a
S5. East Warm Spring, upstream of golf cart bridge crossing	X	X	X	X	X	X	n/a
S6. West Warm Spring, upstream of access road bridge crossing	X	X	X	X	X	X	n/a
S7. Warm Creek near pathway bridge at Pole Canyon Rd.	X	X	X	X	X	X	Specific to Actual Use
S8. Outlet from North Lateral of the String Canal	X	X	X	X	X	X	Specific to Actual Use

WATER QUANTITY: Flow measuring sites will focus on the Sherman Springs and Warm Creek. The primary purpose is to determine the difference between the water entering the

ponds from the cold springs versus the water leaving the ponds to Warm Creek. The following table summarizes the three measurement sites which are also shown on Figure 2. A new Warm Creek site is proposed above Pole Canyon road near the west boundary to include the flow from a return flow from the north lateral of the String Canal as shown on Figure 2. This location will also utilize a flume to allow for more accurate measurements. This data will be used as a comparison with other flow measuring sites on Warm Creek.

TABLE 2. FLOW MEASURING SITES

LOCATION	TYPE OF MEASURING DEVICE	ANTICIPATED FLOW RANGE	REMARKS
F1. Combined East and West Cold Springs at Entrance to Pond 9a	Parshall Flume, Staff Gauge	3 ½ -6 cfs	Downstream of cart bridge, minimal head available. Based upon estimates of combined flow from the two cold springs. See Table 3 for measured flows.
F2. Outlet from Pond 9a into Warm Creek	Rectangular Weir, Staff Gauge	3 ½ -20 cfs	Drop into Warm Creek allows adequate head for a weir plate.
F3. Warm Creek above Pole Canyon Road	Parshall Flume, Staff Gauge	5-25 cfs	Location selected to pick up flow from the north lateral of the String Canal. See Figure 3 for historic flow data at a previously used site upstream.

Table 3 presents flow measurements made on the combined Cold springs in 2003 and 2004 upstream of the ponds at a point where no changes have been made to the natural channel. It also states the minimum flow to be returned to Warm Creek from Pond 9a based upon the allowed water right on Sherman Springs. As shown in the table, the minimum return flow will vary seasonally with the change in flow conditions at the springs.

TABLE 3. COMPARISON OF FLOW MEASURED IN THE COMBINED COLD SPRINGS (SHERMAN SPRINGS) TO ALLOWED WATER RIGHT

DATE	MEASURED[2] FLOW, cfs	WATER RIGHT[3], cfs	MINIMUM FLOW TO BE RETURNED TO WARM CREEK, cfs
6-10-03	4.28	0.76	3.52
8-28-03	4.34	0.76	3.58
7-9-04	3.84	0.76	3.08

[2] Measurements by Biota
[3] Water Right No. 22-12981, priority date April 1, 1890

Figure 3 presents flow data from a Warm Creek site just upstream of the proposed measuring site. This data provides an idea of the quantity of flow in Warm Creek, but does not include the return flow from the north lateral of String Canal. This figure also includes a stage discharge relation graph for this specific site monitored by Biota.

CONCLUSION: The attached Table 4 summarizes the proposed sample frequency for the various parameters and measuring sites through the course of a calendar year. Sample parameters and frequencies will be reviewed annually and may be adjusted following the collection of additional data, particularly with the herbicides which are expensive to analyze. Also, sample sites may in the future be combined or eliminated to focus on key areas of interest.

Copies of the quality and quantity data will be kept on file at Teton Springs and will be made available to Teton County, Idaho in accordance with the provisions of the original project development plan. This data will be used to both monitor and document activities at Teton Springs and the affects on water quality and quantity in Warm Creek.

Robert T. Ablondi, Idaho P.E. 5994

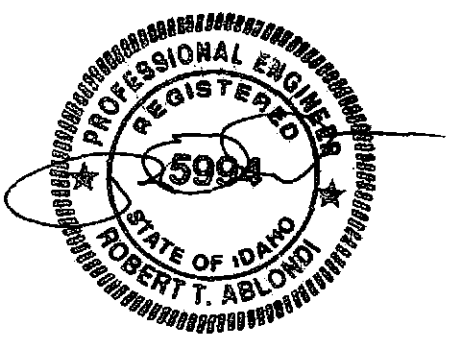


TABLE 4. SUMMARY OF SAMPLE AND MEASUREMENT FREQUENCY

PERIOD	LOCATION[4]										
	S1	S2	S3	S4	S5	S6	S7	S8	F1	F2	F3
JAN - MAR	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
APR-MAY	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
JUN	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
JUL	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
AUG	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
SEP	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F
OCT-DEC	G,N,H	G,N,H	G,N	G,N	G,N	G,N	G,N,H	G,N,H	F	F	F

Notes:
G = General water quality parameters: temperature, turbidity and suspended solids.
N = Nutrients: Ammonia-nitrogen, Nitrate/Nitrite-Nitrogen, Total Phosphorous.
H = Herbicides: specific list to be based upon actual chemicals used. See Appendix A.
F= Flow in cubic feet per second, (cfs)
Sample parameters and frequency subject to change as additional data is collected.

[4] See Figures 1 and 2 for site locations and Tables 1 and 2 for site descriptions of the sample site. S = water quality sample sites; F = flow measuring sites.

PROPOSED SAMPLE SITES
TETON SPRINGS WATER
QUALITY PROGRAM

S1● - SURFACE WATER SAMPLING SITE
(SEE REPORT FOR DESCRIPTION
OF LOCATIONS)

(NOTE: SITES ARE PRELIMINARY AND SUBJECT TO
REFINEMENT OVER TIME)

REVISED: 10-04-04

SCALE: 1" = 2000'

S1 S2 S3 S4 S5 S6 S7 S8

TETON SPRINGS

STRING CANAL

TRAIL CREEK
PRESSURE LINE

TARGHEE NATIONAL FOREST

VICTOR

HIGHWAY 31

HIGHWAY 33

TETON BASIN

IDAHO
WYOMING

RENDEZVOUS ENGINEERING, P.C.
P.O. BOX 8558 JACKSON, WYOMING 83001
25 SOUTH GROS VENTRE STREET
PHONE - 307.733.2292 FAX - 307.733.2234

Prepared By: JWC
Date: 10/04/04
Rev. Date:
Plot Info:
Data Path:

DRAWING TITLE:
SURFACE WATER
SAMPLE PLAN
FIGURE 1

PROJECT TITLE:
TETON SPRINGS
GOLF & CASTING CLUB, LLC
VICTOR, ID

PROJECT NUMBER:
04-002

DRAWING NUMBER:
EXHIBIT

MEASURING SITES:

1. INLET FROM SHERMAN SPRINGS (PARTIAL FLUME)
2. OUTLET TO WARM CREEK (WEIR)
3. WARM CREEK AT POLE CANYON

S1 WATER QUALITY SAMPLE SITE (SEE FIGURE 1 FOR COMPLETE MAP OF SITE)

LEGEND:

- FLOW FROM STRING CANAL/TRAIL CREEK
- FLOW FROM WARM SPRINGS
- FLOW FROM COLD SPRINGS
- COMBINED FLOW
- COMBINED STRING CANAL & COLD SPRINGS
- FLOW MEASURING SITE
- BIOTA FLOW MEASURING SITE
- WATER QUALITY SAMPLE SITE
- FLOW DIRECTION
- (P) IRRIGATION INTAKE

N

0 300 600 900 1200

SCALE: 1" = 300'

JOHN WINGER PROPERTY

COUNTY ROAD 100 WEST

TRIANGLE G PROPERTY

JOHN WINGER PROPERTY

OPEN SPACE 5

OPEN SPACE 7

OPEN SPACE 3

SELF CONTAINED RECYCLED WATER FROM TRAIL CREEK

TRACT 10 FUTURE

TRACT 11 FUTURE

TRACT 12 FUTURE

SPRING

S1 S2 S3 S4 S5 S6 S7

BLOCK 14 BLOCK 16 BLOCK 17 BLOCK 18 BLOCK 19 BLOCK 7 BLOCK 6

UPPER MEADOWS

BASSETT ROAD

JACKSON STREET

FLINT RIDGE STREET

WINGER CIRCLE

REVISED LAKE 2(6) W.L. 6236

REVISED LAKE 3(6)

LAKE 7(6) W.L. 6234

LAKE 3(6) W.L. 6234

LAKE 4(6) W.L. 6234

LAKE 5(6) W.L. 6234

LAKE 6(6) W.L. 6234

LAKE 8(6) W.L. 6234

LAKE 9(6) W.L. 6234

LAKE 10(6) W.L. 6234

LAKE 11(6) W.L. 6234

LAKE 12(6) W.L. 6234

LAKE 13(6) W.L. 6234

TARGHEE NATIONAL FOREST

RENDEZVOUS ENGINEERING, P.C.
P.O. BOX 4658 JACKSON, WYOMING 83001
25 SOUTH GROS VENTRE STREET
PHONE - 307.733.2292 FAX - 307.733.2294

Prepared By: JKC
Date: 10/04/04
Rev. Date:
Plot Info:
Data
Path:

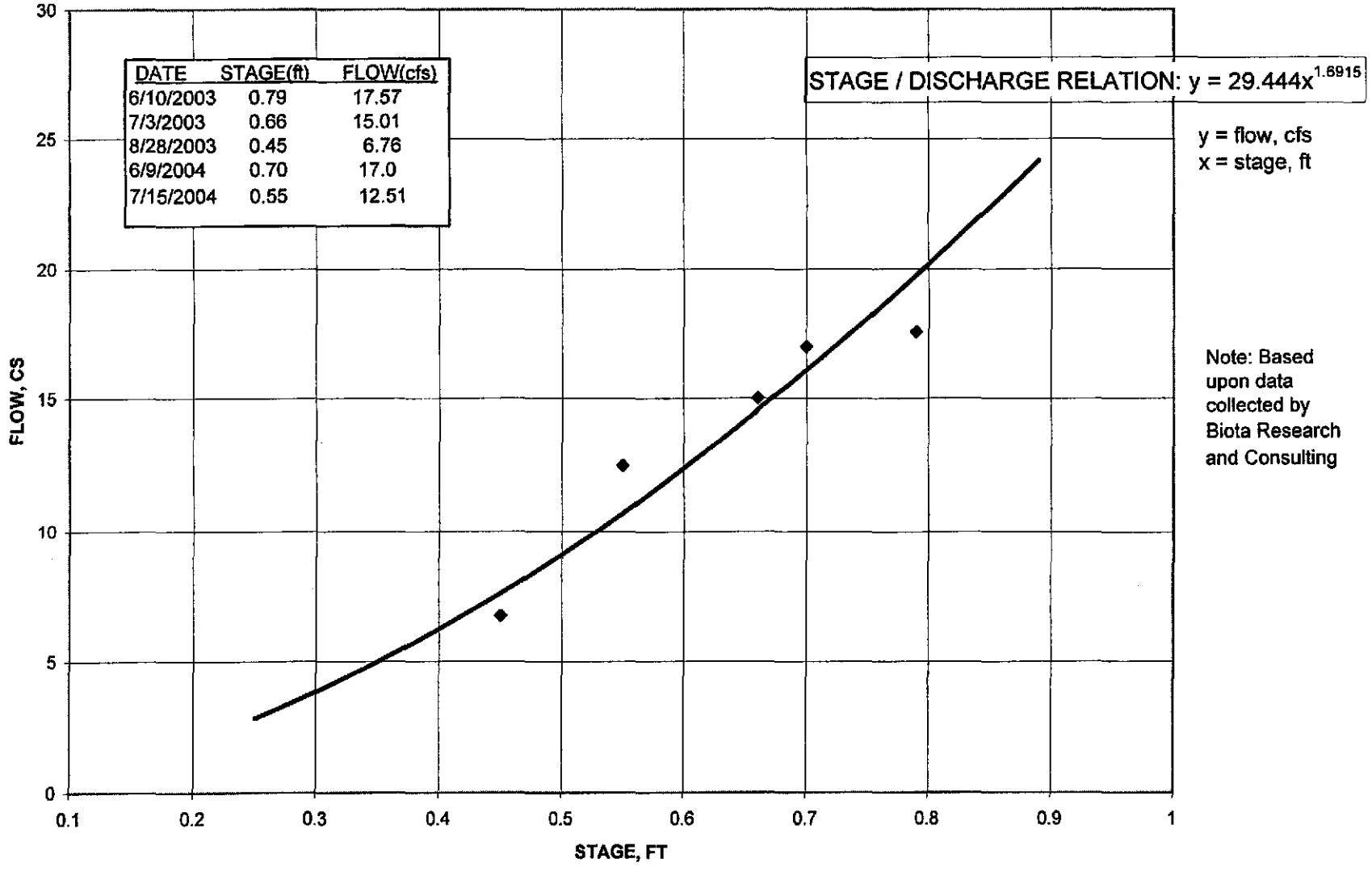
DRAWING TITLE: SURFACE WATER MEASUREMENT SITES FIGURE 2

PROJECT TITLE: TETON SPRINGS GOLF & CASTING CLUB, LLC VICTOR, ID

PROJECT NUMBER: 04-002

DRAWING NUMBER: EXHIBIT

FIGURE 3 -- WARM CREEK / STAGE - DISCHARGE - BIOTA MEASURING SITE



APPENDIX A: TE . ON SPRINGS / CURRENT LIST OF FERTIL.ERS / HERBICIDES [1] 10-15-04

NO.	COMPANY NAME	COMPANY LOCATION	PRODUCT NAME	TYPE [2]
1	Scotts	Marysville, OH	Scotts ProTurf Fluid Fungicide	H
2	Wilbur Ellis	Fresno, CA	In-Place	H
3	Wilbur Ellis	Fresno, CA	R-11	H
4	Scotts	Marysville, OH	Scotts ProTurf Fungicide IX	H
5	Scotts	Marysville, OH	Scotts ProTurf Fungicide V	H
6	The Andersons / Helena Chemical Corporation	Cordele, GA	ProTurf FFI 14-3-3 AGC8566	F
7	Bayer Environment Science	Montvale, NJ	PROSTAR 70 WP FUNGICIDE	H
8	Simplot Professional Products	Lathrop, CA	BEST Ammonium Sulfate 21-0-0	F
9	United Horticultural Supply	Fremont, NE	MEC AMIN - D TURF HERBICIDE	H
10	Syngenta Crop Protection, Inc.	Greensboro, NC	HERITAGE FUNGICIDE	H
11	PBI/Gordon Corporation	Kansas City, MO	Gordon's TRIMEC 899 Broadleaf Herbicide	H
12	The Andersons	Plymouth, MI	The Andersons Golf Products Water Soluble Fertilizer 20-20-20	F
13	Scotts	Marysville, OH	Turf Nitrogen 38-0-0	F
14	Scotts	Marysville, OH	Scotts Pro Turf Contec Controlled Release Fertilizer 31-3-10+Minors	F
15	Scotts	Marysville, OH	Scotts Pro Turf Contec Controlled Release Fertilizer 19-25-5 Starter	F

[1] The current list includes chemicals in use or being considered for use at Teton Springs, and is subject to change.

[2] H=Herbicide, F=Fertilizer

NO.	COMPANY NAME	COMPANY LOCATION	PRODUCT NAME	TYPE [2]
16	The Andersons	Maummee, OH	The Andersons Golf Products Turf Fertilizer 10-20-20	F
17	Scotts	Marysville, OH	Scotts ProTurf HP Starter Fertilizer + Ca & Mg 9-18-18	F
18	Syngenta Crop Protection, Inc.	Greensboro, NC	BANNER MAXX	H
19	Scotts	Marysville, OH	Scotts Penstar Flo Flowable Turf Fungicide	H
20	Crompton, Uniroyal Chemical	Middlebury, CT	TURFCIDE 400	H
21	J.R. Simplot Company	Boise, ID	Ammonium Phosphate, 11-55-0	F
22	J.R. Simplot Company	Boise, ID	Potassium Sulfate, 0-0-50	F
23	Wilbur Ellis	Fresno, CA	Autumn Elite With 7% Sulfur	F

[1] The current list includes chemicals in use or being considered for use at Teton Springs, and is subject to change.

[2] H=Herbicide, F=Fertilizer

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

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**Also Licensed in Missouri & Kansas

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(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
JUN 0 3 2005
Department of Water Resources
Eastern Region

June 2, 2005

Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Mr. Warner:

I think on May 12, I sent you a letter with a signature page signed by the Department of Fish and Game and I thought that was all of them, but had occasion to look at the document the last few days and realized we did not have the signature of the applicant. With this letter we are enclosing a more complex document; that is the first page which is the typed stipulation for withdrawal of protests and four signature pages appending the signatures of the applicant and each of the protestants. The signature page was signed by Lynn Benjamin on behalf of Friends of the Teton River on January 7, 2005. The second page was signed by Michael Whitfield on behalf of the Teton Regional Land Trust on February 16, 2005, the third page contains the signature of the Director of the Idaho Department of Fish and Game dated May 6, 2005, and finally, we have Mr. Potter's signature on behalf of Teton Springs Golf and Casting Club, dated May 26, 2005. Would you please let us know what else we need to do to have this matter completed. Thank you for your kind attention.

Yours very truly,

Kent W. Foster

Enclosure

G:\WPDATA\KWF\10495 TETON SPRINGS\2005 Correspondence\Roger Warner ltr 060205.wpd:cdv

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

RECEIVED
JUN 0 3 2005
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER IN THE NAME OF TETON SPRINGS GOLF & CASTING CLUB, LLC	**STIPULATION FOR WITHDRAWAL OF PROTESTS**

Applicant, Teton Springs Golf & Casting Club, LLC, and each of the protestants, Friends of the Teton River, Teton Regional Land Trust, and Idaho Department of Fish and Game, hereby stipulate in the above entitled matter and agree as follows:

1. The applicant herein hereby adopts and agrees to fully comply with the attached "Water Quality/Quantity Monitoring Plan" in connection with the operation of its Teton Springs Resort project.
2. Each of the named protestants herein, hereby withdraws its protest to the pending "Application for Exchange of Water" and requests the Idaho Department of Water Resources to grant said application.
3. The parties further hereby agree that Idaho Department of Water Resources may make compliance with said "Water Quality/Quantity Monitoring Plan" by applicant a condition of its approval of said "Application for Exchange of Water". In the event however that the Idaho Department of Water Resources does not make such compliance a condition of its approval, applicant nevertheless agrees to comply with said plan.
4. The provisions of this stipulation and agreement shall be a continuing obligation of the applicant herein and binding upon applicant's successors in interest and assigns.

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: _____

Dated this 7 day of ~~November~~ January, 2005.

FRIENDS OF THE TETON RIVER

_____

By: [signature]

Its: Executive Director

Dated this _____ day of November, 2004.

TETON REGIONAL LAND TRUST

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

FRIENDS OF THE TETON RIVER

_____

By: _____

Its: _____

Dated this 14th day of ~~November, 2004.~~ February, 2005

TETON REGIONAL LAND TRUST

_____

By: Michael S. Whitfield

Its: Executive Director

G:\WPDATA\KWF\10495 TETON SPRINGS\Stipulation wpd cdv

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this 6TH day of ~~November~~ May, 2005.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: Director

Dated this _____ day of November, 2004.

FRIENDS OF THE TETON RIVER

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

TETON REGIONAL LAND TRUST

_____

By: _____

Its: _____

G:\WPDATA\KWF\10495 TETON SPRINGS\Stipulation wpd cdv

Dated this 26th day of ~~November, 2004~~ May 2005.

TETON SPRINGS GOLF & CASTING CLUB, LLC

By: MICHAEL S POTTER
Its: AUTHORIZED REPRESENTATIVE

Dated this ___ day of November, 2004.

IDAHO DEPARTMENT OF FISH & GAME

By: _____
Its: _____

Dated this 7 day of ~~November~~ January, 2005.

FRIENDS OF THE TETON RIVER

By: [illegible]
Its: EXECUTIVE DIRECTOR

Dated this ___ day of November, 2004.

TETON REGIONAL LAND TRUST

By: _____
Its: _____

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

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William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
MAY 1 9 2005
DEPARTMENT OF
WATER RESOURCES

May 12, 2005

RECEIVED
MAY 1 3 2005
Department of Water Resources
Eastern Region

Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Teton Springs Golf & Casting Club Application for Exchange

Dear Mr. Warner:

We have finally received the signature page to the stipulation we prepared last November signed by the Department of Fish and Game. I think this now includes everyone who agreed to withdraw their protests so would you please let us know what else needs to be done so that we can move this matter forward to completion.

Yours very truly,

Kent W. Foster

Enclosure

G:\WPDATA\KWF\10495 TETON SPRINGS\2005 Correspondence\Roger Warner ltr 051205.wpd:cdv

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this 6TH day of ~~November~~ May, 2005.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: Director

Dated this _____ day of November, 2004.

FRIENDS OF THE TETON RIVER

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

TETON REGIONAL LAND TRUST

_____

By: _____

Its: _____

G:\WPDATA\KWF\10495 TETON SPRINGS\Stipulation.wpd:cdv

RECEIVED
MAY 13 2005
Department of Water Resources
Eastern Region

November 26, 1999

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

RECEIVED
MAY 24 2004
Department of Water Resources
Eastern Region

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224, Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested APPLICATION FOR EXCHANGE OF WATER (TETON SPRINGS GOLF & CASTA and F.M.I.D.)
2. Name of protestant FRIENDS OF THE TETON RIVER
3. Protestant's Representative for service (If different than protestant)

   LYN BENJAMIN, EXECUTIVE DIRECTOR FTR
4. Service mailing address PO BOX 768, DRIGGS ID 83422
5. Service telephone no. 208-354-3871
6. Basis of protest (including statement of facts and law upon which the protest is based)

   See attached sheets

   (additional pages may be attached to describe nature of the protest)
7. What would resolve your protest? See attached sheets

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled conference or hearing in the matter of which I have been notified at the address above, the department may issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served a copy of this protest upon the applicant.

Signed this 21st day of May, 2004.

Friends of the Teton River
Protestant

L. Benjamin, Executive Director FTR
Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department. In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."

2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.

3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.

4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.

5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.

6. Specifically describe the nature of the protest.

7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by DC Date 5/24/200 Time 9:00 AM

$25.00 fee Receipted by DC # E029868 Date 5/24/2004

Protest of Proposed Exchange of Water, Teton Springs Golf and Casting, LLC and Fremont-Madison Irrigation District.

Protestant: Friends of the Teton River, Driggs Idaho

#6 – Basis of Protest:

Friends of the Teton River, Inc. (FTR) is an Idaho non-profit corporation engaged in research, restoration, and stewardship efforts for the water resources in the Teton River watershed. FTR considers itself to be a non-advocacy organization, and our comments on the subject application are being submitted in the form of a "protest" only because that appears to be the only available mechanism for presenting our information and views on the potential water resource impacts of the proposal.

It is important to note that our concern is directly focused on application language that allows for the optional diversion of water from Sherman Springs, specifically the wording "...the diversion by Teton Springs of a like amount of the natural flow of Trail Creek and/or Sherman Springs...". We would like to see the application only allow for irrigation water to be obtained from the Trail Creek system. Historically (approximately since 1940), Fremont-Madison Irrigation District has allocated the Island Park storage rights to Trail Creek, not Sherman Springs. Sherman Springs provides a significant portion of the flow of Warm Creek, and our research indicates that Warm Creek has great importance to the fishery resource of the Teton River.

FTR maintains a staff gauge on upper Warm Creek, installed in 2002 with assistance from the U.S. Geological Survey. Gauging data collected by FTR indicates that the 2002 baseflow in upper Warm Creek ranged from approximately 7.5 – 8.8 cfs, the 2003 baseflow was less than 8.5 cfs, and the 2004 baseflow (to date) has been in the 8.0 cfs range. Measured peak flows in 2002 and 2003 were approximately 15 and 13 cfs, respectively. The proposed withdrawal from Sherman Springs (1 cfs) therefore represents approximately 10% or more of the baseflow of upper Warm Creek, which is a substantial portion of the stream's flow, and could lead to significant impacts to the aquatic health of the stream. Such a reduction in flow results in a reduction in the amount of available spawning habitat through a reduction in wetted area. Reduced flows also make such streams more vulnerable to the negative effects of high temperatures, particularly during periods of naturally reduced flows and high air temperatures during the summer.

An ongoing study of the fisheries in the entire upper Teton River system indicates that Warm Creek is particularly important trout spawning habitat. FTR's fisheries biologist has recently counted numerous spawning beds (redds) in upper Warm Creek (on April 11th 2004 46 spawning redds were counted and 7 fish seen on those redds). Idaho Fish and Game biologists have also reported recently observing numerous redds in Warm Creek. Fish studies focused on the recent sharp decline in Yellowstone Cutthroat Trout in the Teton River system indicate that a critical factor in the decline involves the recruitment of young fish into the population. The protection of high quality spawning

habitat in the system is therefore of utmost importance. Low flows are also a concern in critical Teton River tributaries, and the proposed exchange would produce a significant flow reduction in Warm Creek.

The construction of the golf course and associated housing and infrastructure has included the installation of several culverts and stream alterations. A withdrawal of a substantial portion of the stream's flow will produce an additional hydrologic disruption at a time when the stream is attempting to repair itself and adjust to the recent alteration in land use in a significant portion of its upper watershed.

#7 – What would resolve your protest?

FTR enjoys a good relationship with the Teton Springs Foundation, and we want to emphasize that we would welcome the opportunity to meet with the applicant and other stakeholders to discuss their needs and our concerns in an open and cooperative manner.

Our protest would be resolved by modifying the application to allow the proposed withdrawal to occur only from the adjacent Trail Creek canal system. Our goal is the protection of flows in Warm Creek.

DC 5/24/2004 Rec $25 E029871

IDAHO FISH & GAME
Upper Snake Region
4279 Commerce Circle
Idaho Falls, Idaho 83401)8

May 21, 2004

Dirk Kempthorne / Governor
Steven Huffaker / Director

Mr. Ronald D. Carlson,
Manager
Idaho Department of Water Resources,
Eastern Region
900 N. Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RECEIVED
MAY 2 4 2004
Department of Water Resources
Eastern Region

Re: Protest to the Approval of Application for Exchange of Water, Transfer No. 1153, in the Name of Teton Springs Golf & Casting, LLC.

Dear Mr. Carlson:

The Idaho Department of Fish and Game, hereinafter the "IDF&G," has reviewed the above referenced application for exchange of water, Transfer no. 1153 of Teton Springs Golf & Casting, LLC. Transfer no. 1153 proposes the transfer of 1 cubic foot per second (cfs) or 154 acre feet from Sherman Springs for irrigation purposes. The exchange water would be discharged into the Teton River from the Cross Cut Canal. Based on our present understanding of the proposed project, the IDF&G believes that it would have an adverse effect on Yellowstone Cutthroat trout (*Oncorhynchus clarki bouvieri*), hereinafter "YCT", a state recognized species of special concern. For these reasons the IDF&G files this protest to the approval of this application for exchange, transfer no. 1153. The protest fee in the amount of twenty-five dollars ($25) is enclosed.

IDF&G's concern is with the optional diversion of water from Sherman Springs. We would not protest the transfer to the Trail Creek system, but do protest the Sherman Springs transfer. Sherman Springs and Warm Creek provide spawning and rearing habitat for YCT. It is one spawning tributary of the Teton River, which is one of four waterways still harboring thriving populations of Yellowstone Cutthroat trout in Idaho. Reductions in available water in the upper reaches of Warm Creek would likely reduce spawning habitat and habitat suitability for this species. Due to reductions in the species' numbers and range, the YCT is a candidate species for listing under the Endangered Species Act of December 28, 1973, Pub. L. 93-205, 87 Stat. 884, as amended.

The Idaho Department of Water Resources, hereinafter the "IDWR," should reject this application for exchange, transfer no. 1153, under the provisions of Idaho Code 42-203A(5)(e) because the application conflicts with the local public interest. Three primary adverse effects might occur if the Sherman Springs flows in the vicinity of Warm Creek were reduced due to the proposed irrigation:

- Trout successfully create nests (redds), and spawn in Warm Creek. Observations of trout and trout redds are frequently made by IDF&G fisheries biologists. Current research on trout reproduction in the headwater streams of the Teton River has revealed active spawning by trout occurring in Warm Creek (actual observations occurring this month, May 2004).

- A minimum volume of water is necessary to inundate gravels used for redd-construction and spawning by trout. Measurements of water flows in Warm Creek taken between 2002 and 2004 (inclusive) have shown high flows during run-off of approximately 13 cfs. Flow measurements taken nearer to YCT spawning times have been 7.5-8.8 cfs, averaging approximately 8.0 cfs. A water right that allows withdrawal of 1 cfs out of 8 cfs (12.5%) would reduce the wetted area of the streambed, therefore diminishing the potential spawning habitat for trout.
- Warm Springs is important because it is documented spawning habitat for YCT. Recent analyses have shown that YCT occupy only 43% of their historical range (May et al. 2003). YCT are now a candidate for listing under the federal Endangered Species Act. IDF&G is working diligently to be proactive and protect against further loss of YCT numbers or their habitat. The IDFG 2001-2006 Fisheries Management Plan (IDFG 2001) directs us to "Increase Emphasis on Habitat Protection" for fisheries. The IDF&G's involvement in protecting existing flows, habitat conditions, and maintaining the availability of Warm Creek for YCT is a proactive measure in this effort.

Our protest is based on our present understanding of the proposed project. It is the Sherman Springs portion of the transfer request that we oppose, not the Trail Creek portion. If further investigation discloses additional factual bases for our protest, the IDF&G will move to amend its protest in this matter.

Thank you for the opportunity to provide comment. We welcome the opportunity to discuss our concerns and recommendations with the applicant and IDWR at your convenience. If you have further questions, please contact Mr. Gary Vecellio, Environmental Staff Biologist, at this office.

Sincerely,

R. J. Saban

R. J. Saban
Upper Snake Region,
Regional Supervisor

RJS:gmv:db

CC: Natural Resources Policy Bureau (Boise)
Troy Saffle, DEQ-Idaho Falls
Deb Mignogno, USFWS-Pocatello

Literature Cited

May, Bruce, W. Urie, and B. Shepard. 2003. Range-Wide Status of Yellowstone Cutthroat Trout (*Oncorhynchus clarki bouvieri*): 2001. 201pp.

IDFG. 2001. Fisheries Management Plan 2001-2006. Idaho Department of Fish and Game, Boise.

Rec 25
E029872



RECEIVED
MAY 24 2004
Department of Water Resources
Eastern Region

Mr. Roger Warner
Idaho Department of Water Resources, Eastern Region
900 North Skyline Drive
Idaho Falls, Idaho 83402

May 24, 2004

Re: Letter of Objection to proposed diversion, Sherman Springs, Teton County, Idaho

Dear Mr. Warner;

Please accept this letter of objection to the proposed optional diversion of Sherman Springs by Teton Springs All Season Resort Community in Teton County, Idaho. We object to the planned "...diversion by Teton Springs of a like amount of the natural flow of Trail Creek and/or Sherman Springs..." We are filing this objection to ensure our standing in further consideration of the impact of this change in point of diversion upon conservation easement lands downstream of Sherman Springs on Warm Creek.

Historically (since 1940), Fremont-Madison Irrigation District has allocated the Island Park storage rights to Trail Creek, not Sherman Springs. We request that subject irrigation water continue to be obtained only from the Trail Creek system. Sherman Springs provides a significant portion of the flow of Warm Creek, which is an outstanding natural resource in Teton Valley, an important tributary of the Teton River and a critical source of water for agriculture and wildlife on several properties protected by conservation easement agreement through the Teton Regional Land Trust.

The purpose of the conservation easements protecting private lands along Warm Creek and along the Upper Teton River is to "assure that the Property will be retained forever in its natural, scenic, agricultural and wetlands habitat condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property." Proposed diversion from Sherman Springs potentially threatens water rights, agricultural operations and wildlife habitat values of the Warm Creek (Cooke Family) Ranch and the Watters Warm Creek Property. Furthermore, due to the importance of Warm Creek as a tributary of the Teton River, thousands of acres of protected lands are potentially impacted by the proposed diversion from Sherman Springs.

Sincerely,

Michael Whitfield, Executive Director
Teton Regional Land Trust

THE TETON REGIONAL LAND TRUST INC.
P.O. BOX 947 · DRIGGS, IDAHO 83422 · 208-354-8939

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

NOTICE OF PROTEST

This form may be used to file a protest with the department under sections 42-108B, 42-203A, 42-203C, 42-211, 42-222 and 42-224,
Idaho Code. The department will also accept a timely protest not completed on this form if it contains the same information.

1. Matter being protested_ Proposed optional diversion of Sherman Springs by Teton Springs All Season Resort Community in Teton County, Idaho.

2. Name of protestant___Teton Regional Land Trust

3. Protestant's Representative for service (If different than protestant)

4. Service mailing address Box 247 Driggs, Idaho 83422

5. Service telephone no._____(208) 354-8939

6. Basis of protest (including statement of facts and law upon which the protest is based)
____ We are filing this objection to ensure our standing in further consideration of the impact of this change in point of diversion upon conservation easement lands downstream of Sherman Springs on Warm Creek.

7. What would resolve your protest? ____ We request that subject irrigation water continue to be obtained only from the Trail Creek system.

I hereby, acknowledge that if I, or my designated representative, fails to appear at any regularly scheduled
conference or hearing in the matter of which I have been notified at the address above, the department may
issue a notice of proposed default against me in this matter for failure to appear. I also verify that I have served
a copy of this protest upon the applicant.
Signed this ____24____ day of _____, 2004.

Protestant: Michael B. Whitfield, Executive Director, Teton Regional Land Trust

Protestant's Representative

NOTE:

A protestant is required to timely file a protest with the department together with a $25.00 protest fee for each application being protested in order for the protestant to be considered a full party by the department.

In addition, the department's Rule of Procedure, IDAPA 37.01.01203, requires a protestant to send a copy of a protest to the applicant.

INSTRUCTIONS

1. The matter being protested must be clearly identified. A typical matter is identified by the application number such as "Application for Permit No. _____ in the name of _____" or "Application for Transfer No. _____ in the name of _____."
2. Show the name of the protestant. Only one (1) protestant may be shown per protest form. If this protest form is signed by more than one person, the hearing officer will consider the first signer as the official protestant and the representative for service of documents.
3. If the protestant is represented by an attorney or other authorized representative, show the representative's name. The department then will serve documents on the representative and upon the protestant if specifically requested.
4. Show the address where the department is to serve the documents. This should be the address of the authorized representative unless the protestant does not designate a representative.
5. Show the telephone number of the authorized representative unless the protestant does not designate a service representative.
6. Specifically describe the nature of the protest.
7. Describe the relief being sought by the protestant.

FOR DEPARTMENT USE ONLY

Received by JC Date 5-24-04 Time 4:06 pm

$25.00 fee Receipted by JC # E 029872 Date 5-24-04

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

RECEIVED
FEB 23 2005
Department of Water Resources
Eastern Region

February 22, 2005

Roger Warner
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RE: Teton Springs Golf & Casting Club, LLC - Application for Exhange

Dear Roger:

Friends of the Teton and Teton Regional Land Trust have finally signed the Stipulation for Withdrawal of their protests to the above referenced application for exchange. As you can see, a copy of the Stipulation was also sent to Idaho Fish and Game Department, but David Barber of the Attorney General's office called sometime ago and indicated he wanted to redraft the Stipulation for Department of Fish and Game. He then contacted Dallas Burkhalter at Department of Fish and Game and they came up with an idea for a conservation easement. I have told them that I do not think Teton Springs will be too interested in a conservation easement, but Burkhalter assures me it is very innocuous and so he has promised to prepare it and send it to me for review . We have never yet received it and will continue to try to follow up with Fish and Game because we really think Fish and Game is prepared to withdraw its protest as well. In any event, I thought you should have the documents that have been signed by the land Trust and by Friends of the Teton River so you will know that we are making some progress although very slow.

Yours very truly,

Kent W. Foster

Enclosure

G:\WPDATA\KWF\10495 TETON SPRINGS\2005 Correspondence\Roger Warner ltr 022205.wpd:cdv

Kent W. Foster, Esq.
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.
P.O. Box 50130
330 Shoup Avenue, Third Floor
Idaho Falls, Idaho 83405
Telephone: (208) 523-0620
Facsimile: (208) 523-9518
Idaho State Bar Number 1198

RECEIVED
FEB 2 3 2005
Department of Water Resources
Eastern Region

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR EXCHANGE OF WATER IN THE NAME OF TETON SPRINGS GOLF & CASTING CLUB, LLC	**STIPULATION FOR WITHDRAWAL OF PROTESTS**

Applicant, Teton Springs Golf & Casting Club, LLC, and each of the protestants, Friends of the Teton River, Teton Regional Land Trust, and Idaho Department of Fish and Game, hereby stipulate in the above entitled matter and agree as follows:

1. The applicant herein hereby adopts and agrees to fully comply with the attached "Water Quality/Quantity Monitoring Plan" in connection with the operation of its Teton Springs Resort project.
2. Each of the named protestants herein, hereby withdraws its protest to the pending "Application for Exchange of Water" and requests the Idaho Department of Water Resources to grant said application.
3. The parties further hereby agree that Idaho Department of Water Resources may make compliance with said "Water Quality/Quantity Monitoring Plan" by applicant a condition of its approval of said "Application for Exchange of Water". In the event however that the Idaho Department of Water Resources does not make such compliance a condition of its approval, applicant nevertheless agrees to comply with said plan.
4. The provisions of this stipulation and agreement shall be a continuing obligation of the applicant herein and binding upon applicant's successors in interest and assigns.

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: _____

Dated this 7 day of ~~November~~ January, 2005.

FRIENDS OF THE TETON RIVER

_____

By: [signature]

Its: Executive Director

Dated this _____ day of November, 2004.

TETON REGIONAL LAND TRUST

_____

By: _____

Its: _____

G:\WPDATA\KWF\10495 TETON SPRINGS\Stipulation.wpd.cdv

RECEIVED

FEB 2 3 2005

Department of Water Resources
Eastern Region

RECEIVED
FEB 2 3 2005
Department of Water Resources
Eastern Region

Dated this _____ day of November, 2004.

TETON SPRINGS GOLF & CASTING CLUB, LLC

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

IDAHO DEPARTMENT OF FISH & GAME

_____

By: _____

Its: _____

Dated this _____ day of November, 2004.

FRIENDS OF THE TETON RIVER

_____

By: _____

Its: _____

Dated this 16th day of ~~November, 2004.~~ February, 2005

TETON REGIONAL LAND TRUST

Michael B. Whitfield

By: Michael B. Whitfield

Its: Executive Director

G:\WPDATA\KWF\10495 TETON SPRINGS\Stipulation.wpd:cdv

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
July 14, 2004

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

Holden Kidwell Hahn & Crapo PLLC
Kent Foster
PO Box 50130
Idaho Falls ID 83405-0130

Dear Kent Foster:

RE: Teton Springs Golf & Casting – Application for Exchange of Water

Per the telephone conversation, Kent Foster has requested that the pre-hearing conference, scheduled for Friday, July 16, 2004, be re-scheduled.

We will contact you in the near future with the date of a rescheduled pre-hearing conference.

If you have any questions or concerns, please feel free to contact us at our office.

Sincerely,

Ronald D Carlson
Eastern Regional Manager

CC: Friends of the Teton River
Lyn Benjamin
PO Box 768
Driggs ID 83422

Idaho Fish & Game
RJ Saban
Gary Vecellio
4279 Commerce Circle
Idaho Falls ID 83401

The Teton Regional Land Trust Inc
Michael Whitfield
PO Box 247
Driggs ID 83422

UNITED STATES POSTAL SERVICE

POCATELLO ID 832
PM
28 JUN
2004

GREETINGS
FROM
Har Far Away

First Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED
JUN 29 2004
Department of Water Resources
Eastern Region

ATTN: TETON SPRINGS GOLF & CASTING

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

THE TETON REGIONAL
LAND TRUST INC
MICHAEL WHITFIELD
PO BOX 247
DRIGGS ID 83422

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Tracy Delamater ☐ Agent ☐ Addressee

B. Received by (Printed Name) TRACY DELAMATER
C. Date of Delivery 6-28-4

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 7001 2510 0007 6760 3173

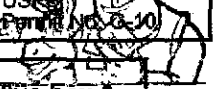
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE

POCATELLO ID 832
PM
25 JUN
200^

GREETINGS
FROM USPS
Far Far Away

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USPS
Permit No. G-10



• Sender: Please print your name, address, and ZIP+4 in this box •

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

RECEIVED
JUN 28 200
Department of Water Resources
Eastern Region

ATTN: TETON SPRINGS GOLF & CASTING

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

HOLDEN KIDWELL HAHN & CRAPO PLLC
KENT FOSTER
PO BOX 50130
IDAHO FALLS ID 83405-0130

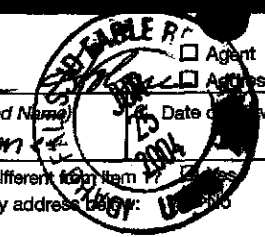
COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Linda ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* Linda Holmes C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No



3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number - *(Transfer from service label)* 7001 2510 0007 6760 3197

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE

POCATELLO ID 832
PM
25 JUN
2004

GREETINGS
FROM
Far Far Away

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED
JUN 28 2004
Department of Water Resources
Eastern Region

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: TETON SPRINGS GOLF & CASTING

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

IDAHO FISH & GAME
RJ SABAN
GARY VECELLIO
4279 COMMERCE CIRCLE
IDAHO FALLS ID 83401

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X Jennifer Pans ☐ Agent ☐ Addressee

B. Received by (Printed Name) Jennifer Pans
C. Date of Delivery 6/25/04

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
XX Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 7001 2510 0007 6760 3180

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

UNITED STATES POSTAL SERVICE

POCATELLO ID 832
PM
25 JUN
20

GREETINGS FROM Far Far Away

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

RECEIVED
JUN 2 8 2004
Department of Water Resources
Eastern Region

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N. SKYLINE DR.
IDAHO FALLS, IDAHO 83402

ATTN: TETON SPRINGS GOLF & CASTING

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

FRIENDS OF THE TETON RIVER
EYN BENJAMIN
PO BOX 768
DRIGGS ID 83422

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X LBenj ☐ Agent ☐ Addressee

B. Received by (*Printed Name*) LBENJAMIN
C. Date of Delivery June 25

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 7001 2510 0007 6760 3203

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

BEFORE THE DEPARTMENT OF WATER RESOURCES

OF THE

STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
EXCHANGE OF WATER IN THE NAME OF) NOTICE OF
TETON SPRINGS GOLF & CASTING) PRE-HEARING CONFERENCE

The Department has scheduled this matter for a pre-hearing conference at 9:30 a.m. on July 16, 2004, at the Idaho Department of Water Resources, 900 N Skyline Dr Ste A, Idaho Falls, ID, in accordance with the provisions of the adopted Rules of Procedure of the Department of Water Resources.

Agenda items for this pre-hearing conference will include:

1. **Identify spokesman and/or counsel representing the protestant.**
2. **Review of the application.**
3. **Identify issues of protest.**
4. **Designate date for identifying witnesses.**
5. **Designate target date for conducting administrative hearing if resolution is not possible during the pre-hearing conference.**

The pre-hearing conference will be conducted in a facility, which meets the accessibility requirements of the Americans with Disabilities Act. If you require special accommodations in order to attend, participate in or understand the pre-hearing conference, please advise the Department within ten (10) days prior to the pre-hearing conference.

Dated this 24th day of June, 2004.

RONALD D. CARLSON
Eastern Regional Manager

I hereby certify that on the 24th day of June 2004, I mailed a true and correct copy, postage prepaid, of this document to the applicant(s) and protestant(s) listed below:

SHARLA COX
Administrative Assistant

MAIL

Friends of the Teton River
Lyn Benjamin
PO Box 768
Driggs ID 83422

Holden Kidwell Hahn & Crapo PLLC
Kent Foster
PO Box 50130
Idaho Falls ID 83405-0130

Idaho Fish & Game
RJ Saban
Gary Vecellio
4279 Commerce Circle
Idaho Falls ID 83401

The Teton Regional Land Trust Inc
Michael Whitfield
PO Box 247
Driggs ID 83422+

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

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
AMELIA A. SHEETS
DeANNE CASPERSON**

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

June 9, 2004

RECEIVED
JUN 10 2004
Department of Water Resources
Eastern Region

Ronald D. Carlson
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Mr. Carlson:

We are in receipt of your letter of June 3, 2004, attached to which were copies of protests filed by the Friends of the Teton River, Teton Regional Land Trust and Idaho Department of Fish and Game. We request that this matter be scheduled for hearing at your earliest possible convenience. Thank you for your attention to this matter.

Yours very truly,

Kent W. Foster

C:\WPDATA\KWP\10495 TETON SPRINGS\2004 Correspondence\Ron Carlson ltr 060904.wpd:cdv

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
June 3, 2004

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

Teton Springs Golf & Casting LLC
C/O Holden Kidwell Hahn & Crapo PLLC
PO Box 50130
Idaho Falls ID 83405-0130

RE: Application for Exchange of Water

Dear Applicant:

Enclosed please find a copy of the protests filed against the above-referenced application for exchange of water. You should be aware that the following are the criteria we consider when either approving or denying an application for exchange of water:

1. Is the exchange proposed valid?

2. Will other water rights be injured by approval of the exchange?

3. Will the exchange constitute an enlargement in the use of the water?

4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?

5. Is the exchange in the local public interest?

6 After receiving input from the watermaster, can the water be properly administered and regulated?

On March 24, 2004, Idaho Fish & Game, The Teton Regional Land Trust Inc, and Friends of the Teton River protested the exchange.

The department suggests you contact the protestants directly in an effort to determine the nature of the protests and attempt to resolve the protests. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Respectfully Submitted,

Ronald D Carlson
Eastern Region Manager

Enclosure: Copy of Protests

RDC:sc

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2004

Friends of the Teton River
C/O Lyn Benjamin, Executive Director
PO Box 768
Driggs, ID 83422

RE: Application for Exchange of Water

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for exchange of water. The following is the criteria we consider when either approving or denying an application for exchange:

1. Is the exchange proposed valid?

2. Will other water rights be injured by approval of the exchange?

3. Will the exchange constitute an enlargement in the use of the water?

4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?

5. Is the exchange in the local public interest?

6 After receiving input from the watermaster, can the water be properly administered and regulated?

The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Respectfully Submitted,

Ronald D Carlson
Eastern Region Manager

RDC:sc

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2004

The Teton Regional Land Trust Inc
PO Box 247
Driggs ID 83422

RE: Application for Exchange of Water

Dear Protestant:

This office acknowledges receipt of your protest opposing the above-referenced application for exchange of water. The following is the criteria we consider when either approving or denying an application for exchange:

1. Is the exchange proposed valid?

2. Will other water rights be injured by approval of the exchange?

3. Will the exchange constitute an enlargement in the use of the water?

4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?

5. Is the exchange in the local public interest?

6 After receiving input from the watermaster, can the water be properly administered and regulated?

The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Respectfully Submitted,

Ronald D Carlson
Eastern Region Manager

RDC:sc

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

June 3, 2004

Idaho Fish & Game
4270 Commerce Circle
Idaho Falls ID 83401

RE: Application for Exchange of Water

Dear R.J. Saban:

This office acknowledges receipt of your protest opposing the above-referenced application for exchange of water. The following is the criteria we consider when either approving or denying an application for exchange:

1. Is the exchange proposed valid?

2. Will other water rights be injured by approval of the exchange?

3. Will the exchange constitute an enlargement in the use of the water?

4. Is the proposed exchange consistent with conservation of the waters of the State of Idaho?

5. Is the exchange in the local public interest?

6 After receiving input from the watermaster, can the water be properly administered and regulated?

The department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest. Direct, sincere conversation between the parties prior to initiation of formal proceedings can often resolve a protest.

If we may be of assistance, please contact us.

Respectfully Submitted,

Ronald D Carlson
Eastern Region Manager

RDC:sc

STANDARD JOURNAL
Rexburg, Idaho
St. Anthony, Idaho
Ashton, Idaho

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
Madison and Fremont Counties

I, Jeff Rydalch, being first duly sworn, depose and say, that I am the business manager of the STANDARD JOURNAL, a 5 times a week newspaper published 5 times a week in Madison and Fremont Counties, Idaho; and I do solemnly swear that the Application for Exchange of water, a copy of which notice appears attached hereto, was published in the regular and entire issue of said newspaper, and not in any supplement issue, once each week thereof for two successive issues, the first publication having been made on May 5, 2004 and the last publication having been made on May 12, 2004.
Further, that said newspaper is one of general circulation in said county; that it is a legal newspaper, conforming to legal specifications under the Idaho Statutes; that it has at least two hundred bona fide subscribers living within the county of publication; and that it has been continuously and uninterruptedly published in said county during a period of seventy-eight consecutive weeks prior to the first publication of the said notice.

STATE OF IDAHO)
)
COUNTY OF MADISON)

On this 13th day of May in the year of 2004 before me, a Notary Public, personally appeared Jeff Rydalch, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statement therein are true, and acknowledged to me that he executed the same.

Shirley J. Murray
Notary Public for Idaho
Residing at Rexburg, Idaho
My commission expires: April 29, 2005

SHIRLEY J. MURRAY NOTARY PUBLIC STATE OF IDAHO

RECEIVED
JUN 07 2004
Department of Water Resources
Eastern Region

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is given that the Teton Springs Golf & Casting LLC, c/o Holden, Kidwell Hahn & Crapo, PLLC, P.O. Box 50130, Idaho Falls, ID 83405 and Fremont Madison Irrigation District, 350 N 6th W, St. Anthony, ID 83445, are applying for an exchange of water. Teton Springs Golf and Casting LLC wants exchange Fremont Madison Irrigation District storage water in the amount of 154 acre feet for the use water out of Sherman Springs.

Point of Diversion for Sherman Springs: NESE SEC 23 T03N R45E, TETON COUNTY. The water is used for irrigation within SEC 13, 14, 23 and 24 T03N R45E, B.M. Application proposes to divert 1 cfs and/or 154 acre feet.

Points of Diversion(s): Released from storage by Fremont Madison Irrigation District into Teton River at NWSW SEC 15 T07N R41E, FREMONT COUNTY, through the Cross Cut Canal.

The application will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Eastern Region, 900 N. Skyline Dr., Ste. A, Idaho Falls, ID 83402 together with a protest fee of $25 for each application on or before May 24, 2004. The protestant must also send a copy of the protest to the application.

KARL J. DREHER,
Director

Publ. May 5 and 12, 2004.

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

RECEIVED
JUN 0 4 2004
Department of Water Resources
Eastern Region

I, Hope Strong, being first duly sworn, depose and say that I am the Editor of the *Teton Valley News*, a newspaper as defined by Idaho Codes Annotated, Section 58-106, as amended, and that said newspaper is a weekly newspaper printed and published at Driggs, in Teton County, Idaho, having a general circulation in said county, and that said newspaper has been printed in said county for more than 78 consecutive weeks prior to the first publication of the attached notice, advertisement, or publication of Exchange of Water.

And affiant further says that said attached notice, advertisement, or publication, as per clipping attached, was published in said newspaper, in the regular and entire issue thereof, and not in any supplement issue thereof, for 2 consecutive issues thereof; first publication having been made on the 6 day of May, 2004 And affiant further says that at the times herein mentioned said newspaper was made up of at least eight pages of at least five columns each, printed from typed matter, of at least sixteen inches deep.

Signature

State of Idaho)
)
County of Teton)

On this 28th day of may, 2004, Hope Strong known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements there-in are true, and acknowledged to me that he/she executed the same.

Bonnie Zolen

Notary of the Public for

Idaho

Residing at Dr. 995

My commission expires 10/01/2004

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is given that the Teton Springs Golf & Casting LLC, c/o Holden, Kidwell Hahn & Crapo, PLLC, PO Box 50130 Idaho Falls ID 83405 and Fremont Madison Irrigation District, 350 N 6th W, St Anthony ID 83445 are applying for an exchange of water. Teton Springs Golf and Casting LLC wants to exchange Fremont Madison Irrigation District storage water in the amount of 154 acre feet for the use water out of Sherman Springs.

Point of Diversion for Sherman Springs: NESE SEC 23 T03N R45E, TETON COUNTY. The water is used for irrigation within SEC 13, 14, 23 and 24 T03N R45E, B.M. Applicant proposes to divert 1 cfs and / or 154 acre feet.

Point of Diversion(s): Released from storage by Fremont Madison Irrigation District into Teton River at NWSW SEC 15 T07N R41E, FREMONT COUNTY, through the Cross Cut Canal.

The application will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with a protest fee of $25.00 for each application on or before May 24, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director
Published in the Teton Valley News on May 6 and 13, 2004
#1153

State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION
April 27, 2004

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

Legal Notice Department
Herald Chronicle
PO Box 10
Rexburg ID 83440

RE: Notice of Application for Exchange of Water

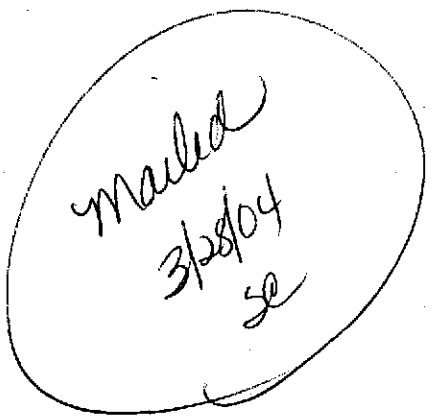
Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 24, 2004. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant



State of Idaho
DEPARTMENT OF WATER RESOURCES
900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718
PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us
EASTERN REGION

DIRK KEMPTHORNE
Governor
KARL J. DREHER
Director

April 27, 2004

Legal Notice Department
TETON VALLEY NEWS
80 E LITTLE AVE
DRIGGS ID 83422

RE: Legal Ad for your Paper

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Please send the affidavit and bill to this office before May 24, 2004. Your cooperation is appreciated.

Sincerely

Sharla Cox
Administrative Assistant
Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161 – phone
208-525-7177 – fax
scox@idwr.state.id.us

e-mailed
4/28/04
SC

NOTICE OF APPLICATION FOR EXCHANGE OF WATER

Notice is given that the Teton Springs Golf & Casting LLC, c/o Holden, Kidwell Hahn & Crapo, PLLC, PO Box 50130 Idaho Falls ID 83405 and Fremont Madison Irrigation District, 350 N 6th W, St Anthony ID 83445 are applying for an exchange of water. Teton Springs Golf and Casting LLC wants exchange Fremont Madison Irrigation District storage water in the amount of 154 acre feet for the use water out of Sherman Springs.

Point of Diversion for Sherman Springs: NESE SEC 23 T03N R45E, TETON COUNTY. The water is used for irrigation within SEC 13, 14, 23 and 24 T03N R45E, B.M. Applicant proposes to divert 1 cfs and / or 154 acre feet.

Point of Diversion(s): Released from storage by Fremont Madison Irrigation District into Teton River at NWSW SEC 15 T07N R41E, FREMONT COUNTY, through the Cross Cut Canal.

The application will be subject to all prior water rights. Any protest against approval of the proposed amendment must be filed with the Department of Water Resources, Eastern Region, 900 N Skyline Dr, Ste A, Idaho Falls ID 83402 together with a protest fee of $25.00 for each application on or before May 24, 2004. The protestant must also send a copy of the protest to the applicant.

Karl J. Dreher
Director

Published in the Teton Valley News on May 6 and 13, 2004
Published in Herald Chronicle on May 5 and 12, 2004.

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Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

April 6, 2004

RECEIVED
APR 0 7 2004
Department of Water Resources
Eastern Region

Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

Dear Ladies and Gentlemen:

We are enclosing with this letter an Application for Exchange of Water, with a copy of the Exchange Agreement, to be filed on behalf of Teton Springs Golf and Casting Club, LLC. Idaho Code § 42-240 indicates that we are to also enclose the statutory filing fee provided under § 42-221. A review of § 42-221 indicates that Applications for Exchange appear to have been overlooked. We have enclosed a filing fee in the amount of $250.00 in hopes that that will be a satisfactory amount.

With respect to the maps mentioned in Section 5 of the application, we did not quite comply. We have enclosed a map which is larger than 8 ½ x 11 because it provides the detail that we think will be very helpful for the Department to have. Also, as we understand it, Fremont-Madison Irrigation District conveys water through the crosscut canal from Henry's Fork to the Teton River and releases the water into the Teton River for the exchange. We have not enclosed a map showing those features because, as we understand it, they are well known to department personnel. Of course if we need to provide anything else or if we can be of further assistance in this matter we will be happy to write or respond.

Yours very truly,

Kent W. Foster

Enclosure

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