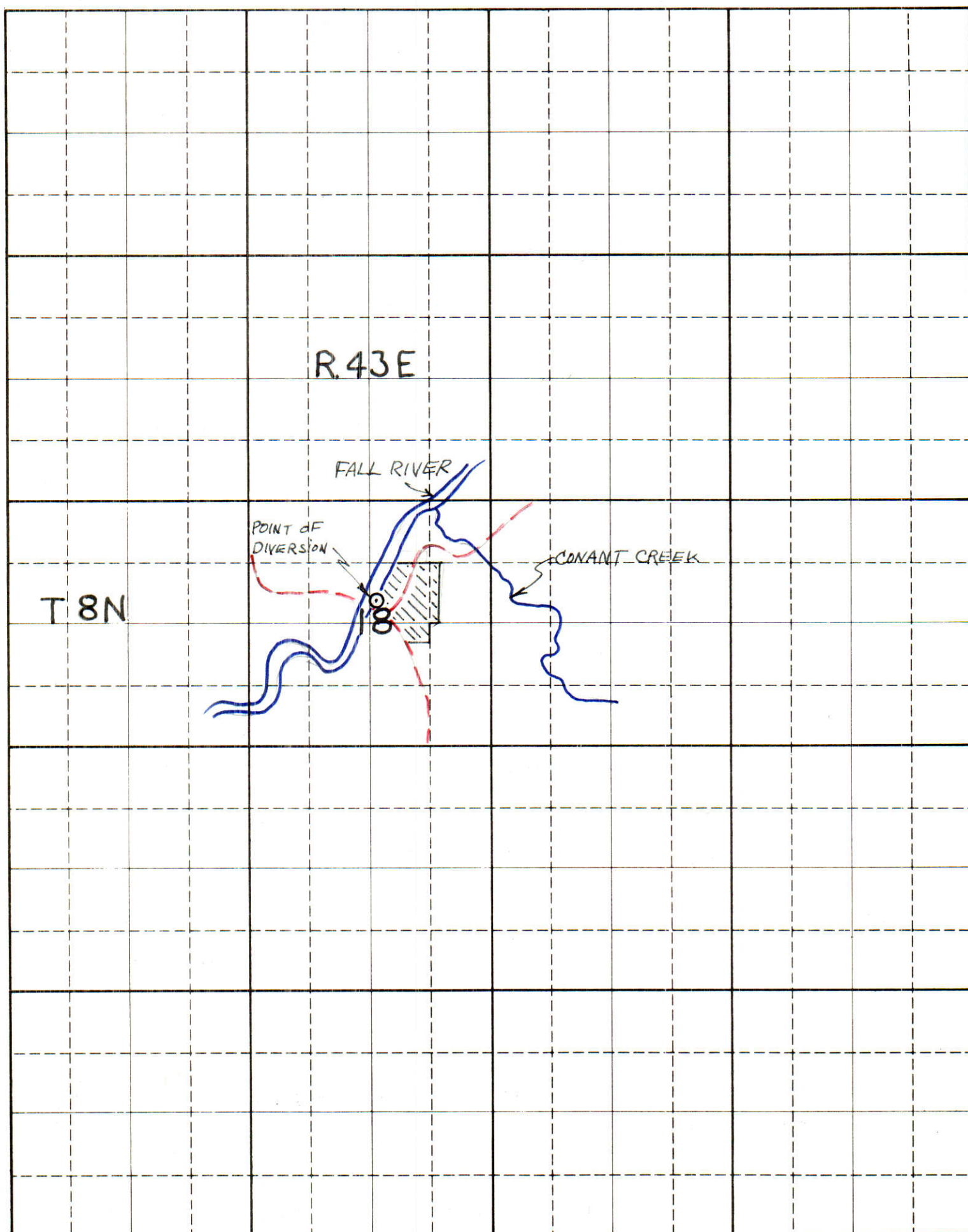
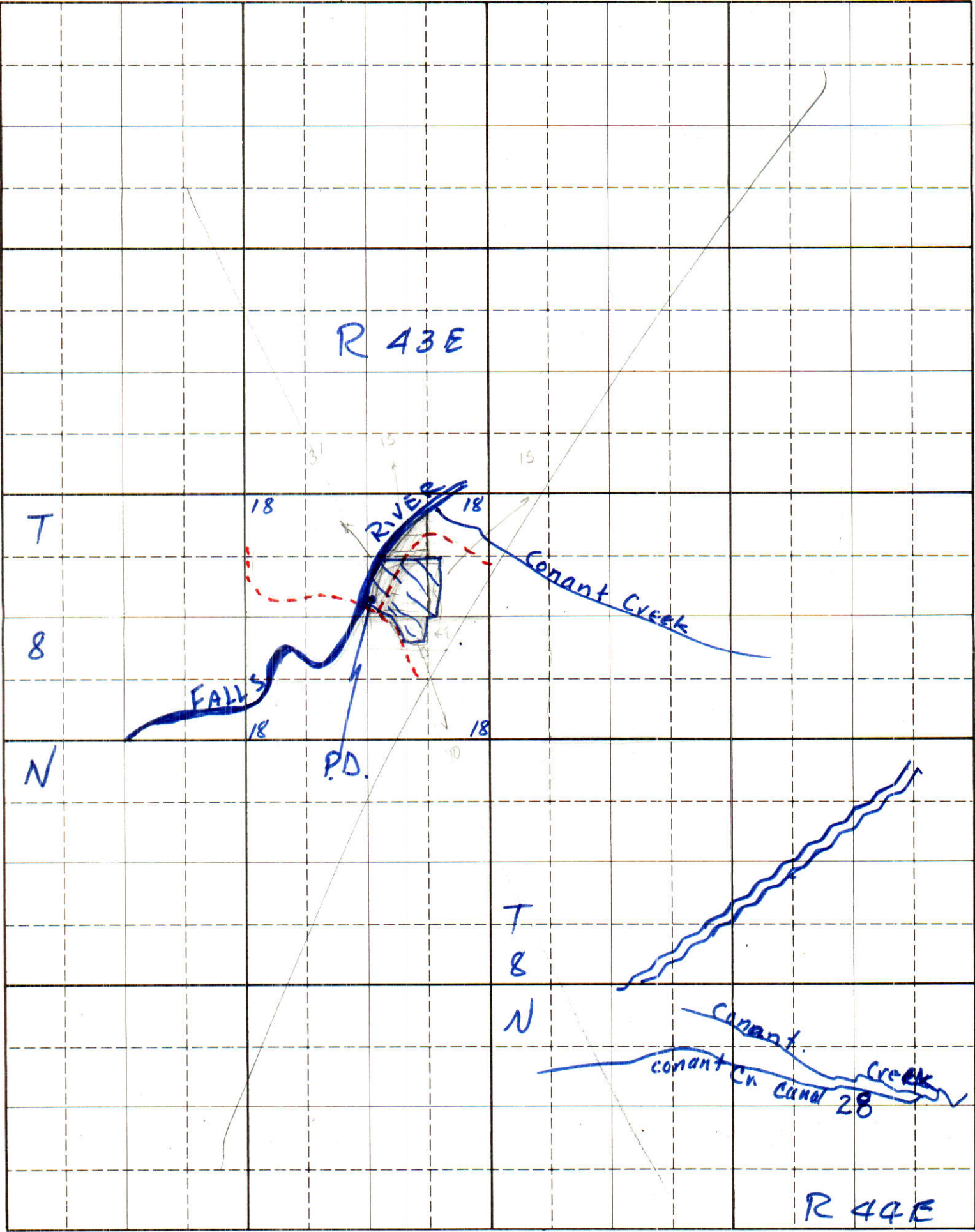


3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AFFIDAVIT OF
PUBLICATION

State of Idaho

County of Fremont

ss.

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 Anno-
tated, section 58-106, as amended,
and that said newspaper is a
weekly newspaper printed and
published at St. Anthony, in Fre-
mont 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 publica-
tion of Notice of

Proposed Change
of Water Rights
(Conant Creek Canal)

And affiant further says that said
notice, advertisement of publica-
tion, 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 1

day of September, 1977,

and the last publication on the

8 day of September

1977.

And affiant further says that at the
times herein mentioned said news-
paper 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 Berry
Subscribed in my presence and

sworn to before me this 13

day of September,

1977.

James E. Holcomb

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

RECEIVED

SEP 14 1977

Department of Water Resources
Eastern District Office

NOTICE OF PROPOSED
CHANGE OF WATER RIGHT

Notice is hereby given that Conant
Creek Canal Company, Drummond,
Idaho, has applied to the Department of
Water Resources for a change in the
point of diversion of the waters of
Conant Creek tributary to Falls River.
The rights sought to be changed are
evidenced by decree to Conant Creek
Canal Company in case of Rexburg
Irrigation Co. et al -vs- Teton Canal,
dated 12-16-1910 in Sixth District,
County of Fremont and are recorded as
follows:

21-0141 AMOUNT: 20.0 cf-
s PRIORITY: 5-01-01

21-2035 AMOUNT: 25.0 cf-
s PRIORITY: 2-15-09

21-2037 AMOUNT:
25.0 PRIORITY: 2-25-10

The point of diversion is within the
SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 44E,
B.M., Fremont County and used to
irrigate the lands of the stockholders.

TO BE CHANGED
as follows

Only 0.82 c.f.s. of water will be
diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18,
T. 8N, R. 43E, B.M., Fremont County.

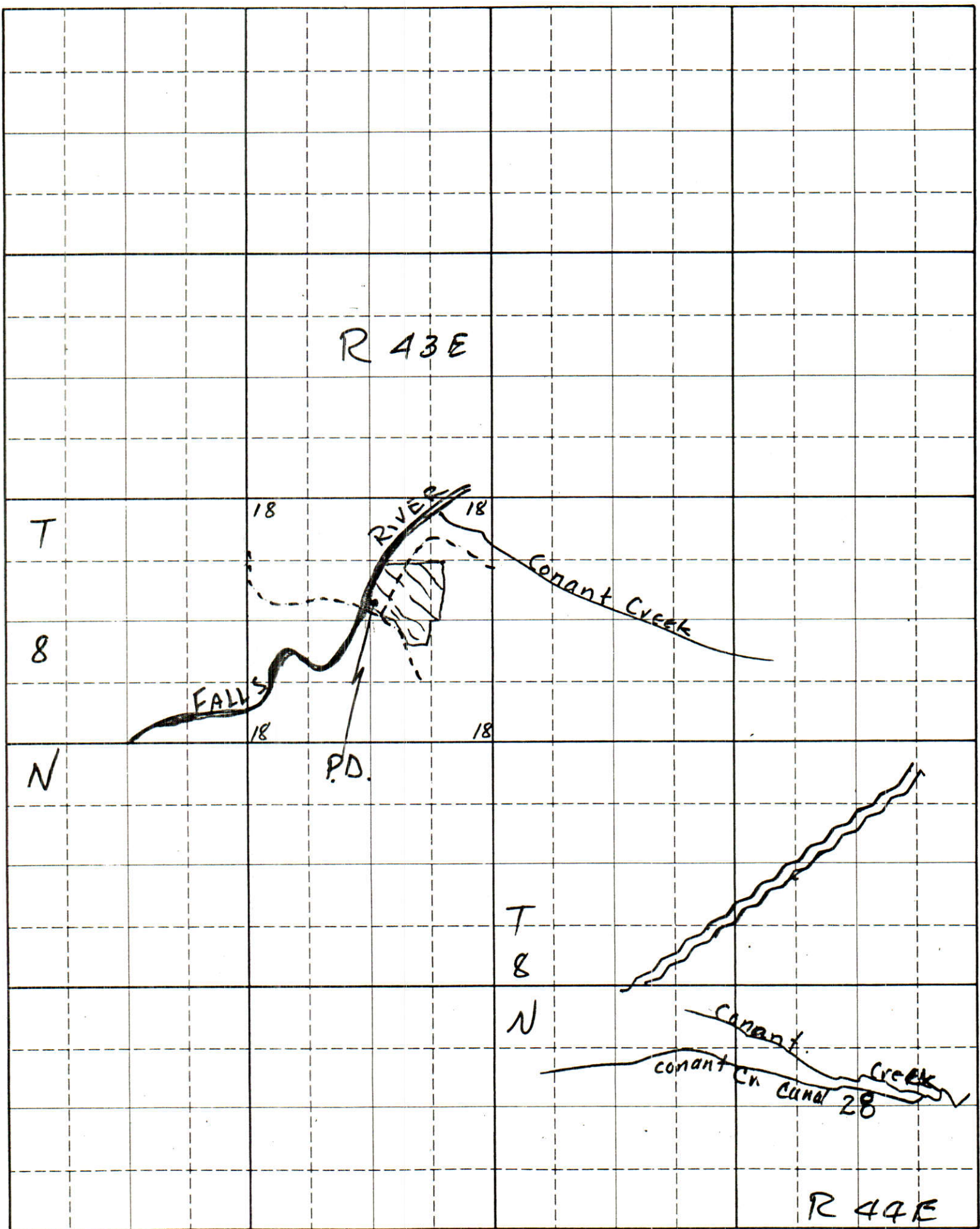
Any protest against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or before
September 19, 1977.

C. STEPHEN ALLRED
Director

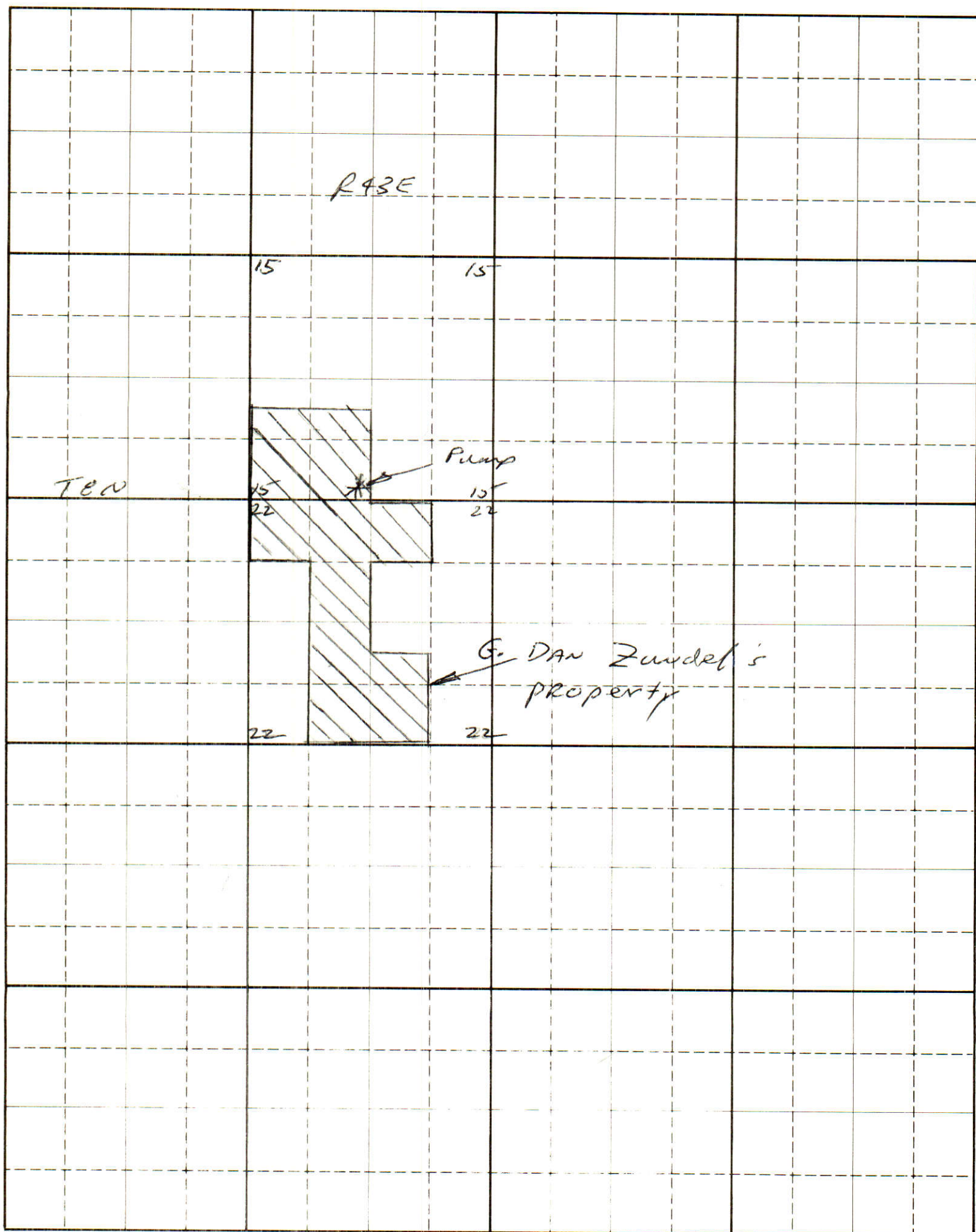
Published in the Ashton Herald, Ashton,
Idaho, on September 1 and September
8, 1977.

MICROFILMED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

NOTE: This instrument transfers part of G. Dan Zundel's shares in Conant Creek Canal to a pump. The amount of each right to be transferred was determined as the rates of 150 shares over the combined total Canal Co. shares of 1710.

MICROFILMED

**AFFIDAVIT OF
PUBLICATION**

State of Idaho }
County of Fremont }

ss.

Dorothy D. Hunsaker

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

That he is the Owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT # 21-0141, 21-2035,
21-2037**

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 two consecutive is-
sues thereof; first publication

having been made on the 23rd

day of August, 1973,

and the last publication on the

30th day of August

19 73

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 seven-
teen and three-fourths inches
deep.

Dorothy D. Hunsaker
Subscribed in my presence and

sworn to before me this 11

day of September,

19 73

Lyndell R. ...
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

SEP 12 1973

Department of Water Administration
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO 21-0141, 21-2035, 21-2037**

Notice is hereby given that Conant Creek
Canal Co., c/o G. Dan Zundel, Pres. of Rt.
2, Ashton, Idaho has applied to the Depart-
ment of Water Administration for a change
of the point of diversion of the waters of
Conant Creek tributary to Fall River. The
right sought to be changed is evidenced by
Decree to Conant Creek Canal Co. in Case
of Rexburg Irrigation Co., et al. -vs- Teton
Canal Co. et al, Dated 12/16/1910 in Sixth
District Court, County of Fremont and is
recorded as follows.

Amount: 21-0141 20.0 cfs
21-2035 25.0 cfs
21-2037 25.0 cfs

Priority: 21-0141 5/01/1901
21-2035 2/15/1909
21-2037 2/25/1910 Point of
Diversion: SE1/4NE1/4, Sec. 28, T. 8N, R.
44E, B.M., Fremont County. The water is
used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

Amount: 21-0141 1.75 cfs
21-2035 2.19 cfs
21-2037 2.19 cfs Point of Di-
version: SE1/4SW1/4, Sec. 15, T. 8N, R.
43E, B.M. The remainder of each right will
be diverted at the original point of diversion.

Any protests against approval of the pro-
posed change of water right application must
be filed with the Department of Water Ad-
ministration, 1515 Lincoln Road, Idaho Falls,
Idaho on or before September 10, 1973.

R. KEITH HIGGINSON
Director

Published in the Fremont County Chronicle-
News, St. Anthony, Idaho on August 23 and
August 30, 1973.

MICROFILMED

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

ss.

Dorothy D. Hunsaker

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

That she is the Owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT #21-0141, 21-2035,
21, 2037**

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 two consecutive is-
sues thereof; first publication

having been made on the 23rd

day of August, 1973,

and the last publication on the
30th day of August

1973.

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 seven-
teen and three-fourths inches
deep.

Subscribed in my presence and

sworn to before me this 11

day of September,

1973

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

SEP 12 1973

Department of Water Administration
Eastern District Office

Duplicate

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 21-0141, 21-2035, 21-2037**

Notice is hereby given that Conant Creek
Canal Co., c/o G. Dan Zundel, Pres. of Rt.
2, Ashton, Idaho has applied to the Depart-
ment of Water Administration for a change
of the point of diversion of the waters of
Conant Creek tributary to Fall River. The
right sought to be changed is evidenced by
Decree to Conant Creek Canal Co. in Case
of Rexburg Irrigation Co., et al. -vs- Teton
Canal Co. et al, Dated 12/16/1910 in Sixth
District Court, County of Fremont and is
recorded as follows.

Amount: 21-0141 20.0 cfs
21-2035 25.0 cfs
21-2037 25.0 cfs

Priority: 21-0141 5/01/1901
21-2035 2/15/1909
21-2037 2/25/1910 Point of
Diversion: SE1/4NE1/4, Sec. 28, T. 8N, R.
44E, B.M., Fremont County. The water is
used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

Amount: 21-0141 1.75 cfs
21-2035 2.19 cfs
21-2037 2.19 cfs Point of Di-
version: SE1/4SW1/4, Sec. 15, T. 8N, R.
43E, B.M. The remainder of each right will
be diverted at the original point of diversion.

Any protests against approval of the pro-
posed change of water right application must
be filed with the Department of Water Ad-
ministration, 1515 Lincoln Road, Idaho Falls,
Idaho on or before September 10, 1973.

R. KEITH HIGGINSON
Director

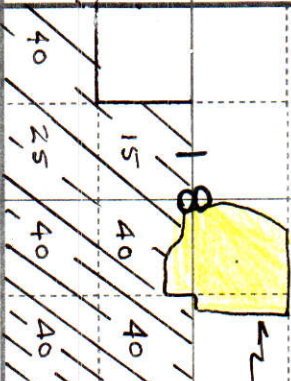
Published in the Fremont County Chronicle-
News, St. Anthony, Idaho on August 23 and
August 30, 1973.

MICROFILMED

R 43 E

1 8 2

STAFF REVIEW 9/11/79 J.I.



Place of use shown in application

Place of use APPURTENANT to Sec 18.

for
LIC. 21-2037
LIC 21-2035

Place of use of 21-0141 NOT identified in decree.

RECEIVED

NAME OF APPLICANT

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

Notice is hereby given that Conant Creek Canal Company, Drummond, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Conant Creek tributary to Falls River. The rights sought to be changed are evidenced by decree to Conant Creek Canal Company in case of Rexburg Irrigation Co. et al -vs- Teton Canal, dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

21-0141 **AMOUNT:** 20.0 cf-
s **PRIORITY:** 5-01-01

21-2035 **AMOUNT:** 25.0 cf-
s **PRIORITY:** 2-15-09

21-2037 **AMOUNT:**
25.0 **PRIORITY:** 2-25-10

The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 44E, B.M., Fremont County and used to irrigate the lands of the stockholders.

**TO BE CHANGED
as follows**

Only 0.82 c.f.s. of water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on September 1 and September 8, 1977.

RECEIVED
FEB 27 1911
OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Exburg Irrigation Company, et al.,

PLAINTIFFS,

-VS-

Ston Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 10th day of Dec
10, upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
to Findings of Fact, Conclusions of Law and Decree, to be entered
therein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact,
Conclusions of Law, which have heretofore been adopted, and the
respective plaintiffs and defendants and cross-complainants appearing
therein by their respective counsel, and the Court being fully informed
and advised in the premises, and having ordered that judgment be
rendered in accordance with the report and recommendations of the said
Referee, for the reason of the law and the Report and Findings
of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
the right to use, for irrigation and other purposes, the following
number of inches of water, each fifty inches thereof to be equivalent
to a flow of one cubic foot per second, as prescribed by the law

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

APPROVED

Name of applicant Conant Creek Canal Company Phone 652-3535

Post office address % Homer Jones, President, Route #2, Ashton, Idaho 83420

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by: 21-0141
- a. Decree to Conant Creek Canal Company
(Name)
in case of Rexburg Irrigation Co. et al vs Teton Canal
dated 12-16-1910 in Sixth District Court county of Fremont
(Name of court)
- b. License No. _____ issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Conant Creek tributary to Falls River
4. Date of priority May 1, 1901
5. Water is used for the following purposes:
amount 20.0 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day — both dates inclusive)
6. Total amount of water under right: a. 20.0 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 8N Range 44E, B.M., in Fremont County
Additional points of diversion, if any SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 8N, R. 43E
8. Lands irrigated or place of use:

[illegible]

Total number of acres to be irrigated

9. Describe any other water rights used for the same purposes as described above 21-2035 & 21-2037

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (if the entire right is owned by the

applicant, omit part B).

- | | | | | | | |
|----|------------------|----|------|-------------------------------|----|---------------------|
| 1. | Amount of water: | a. | 0.24 | cubic feet per second
&/or | b. | acre feet per annum |
|----|------------------|----|------|-------------------------------|----|---------------------|

9

acre feet per annum

- | 2. | Point of diversion | SE | % | NE | % | Section | 18 | Township | 8N |
|----|--------------------|--|---|----|--------|---------|----|----------|----|
| | Range 44E | B.M., Fremont | | | County | | | | |
| | Additional points | SBL&SW ¹ , Sec. 15, T. 8N, R. 43E | | | | | | | |

3. Place of use:

[illegible]

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to _____
in case of _____ (Name)
dated _____ in _____ county of _____ (Name of court)
b. License No. 4357 (21-2035) issued by the Idaho Department of Water Resources
c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Conant Creek tributary to Fall River
4. Date of priority February 15, 1909
5. Water is used for the following purposes:

amount 25.0 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)
6. Total amount of water under right: a. 25.0 cubic feet per second
b. _____ &/or
acre feet per annum
7. Location of original point of diversion is SE ¼ of NE ¼ of Section 28
Township 8N Range 44E, B.M., in Fremont County
Additional points of diversion, if any SE ¼ SW ¼, Sec. 15, T. 8N, R. 43E
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	
			SEE ATTACHED LAND LIST																

Total number of acres to be irrigated 4281

9. Describe any other water rights used for the same purposes as described above 21-0141, 21-2037

*Although the license indicates 4291 acres, the land list adds up to 4281 acres

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (if the entire right is owned by the applicant, omit part B).

applicant, omit part B).

1. Amount of water: a. 0.29 cubic feet per second
b. _____ acre feet per annum &/or

9.

acre feet per annum

2. Point of diversion	SE	%	NE	%, Section	28	Township	8N
-----------------------	----	---	----	------------	----	----------	----

Range 44E, B.M., Fremont County

Additional points SE $\frac{1}{2}$ SW $\frac{1}{4}$, Sec. 15, T. 8N, R. 43E

3. Place of use:

[illegible]

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to _____ (Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. 5803 (21-2037) issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

3. Source of water Conant Creek tributary to Fall River

4. Date of priority February 25, 1910

5. Water is used for the following purposes:
amount 25.0 cfs for Irrigation purposes from 4/1 to 11/1
amount _____ for _____ purposes from _____ to _____
amount _____ for _____ purposes from _____ to _____
(month/day – both dates inclusive)

6. Total amount of water under right: a. 25.0 cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is SE ¼ of NE ¼ of Section 28
Township 8N Range 44E, B.M., in Fremont County
Additional points of diversion, if any SE ¼ SW ¼, Sec. 15, T. 8N, R. 43E

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	

Total number of acres to be irrigated *4381

9. Describe any other water rights used for the same purposes as described above 21-0141, 21-2035

*. Although the license indicates 4291 acres, the land list adds up to 4281 acres

B. DESCRIPTION OF PORTION OF RIGHT OWNED BY APPLICANT (if the entire right is owned by _____)

applicant, omit part B).

1. Amount of water: a. $\frac{0.29}{8/0.01}$ cubic feet per second

9.

acre feet per annum

- | 2. Point of diversion | SE | % | NE | %, Section | Township. | 8N |
|-----------------------|----|---|----|------------|-----------|----|
| | | | | 28 | | |

Range 44E, B.M., Fremont County

Additional points SE₁SW₁, Sec. 15, T. 8N, R. 43E

3. Place of use:

[illegible]

LAND LIST ATTACHMENT

Description and location of place of use:

[illegible]

Total number of acres irrigated 4281

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion (see below)
- a. Amount of water to be diverted 0.82 c.f.s. &/or acre feet

b. Point(s) of diversion SW ¼ NE ¼, Section 18 Township 8N Range 43E, B.M., Fremont County

Additional points
- c. Description of diverting works Pump, mainline and sprinkler system
- d. Describe the reasons for applying for a change in the point(s) of diversion Lower end of the canal has high seepage loss and water will not reach the land.

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
8N	43E	18			29	4										8			41

Total number of acres to be irrigated 41

Breakdown of total amount of water to be diverted according to rights:

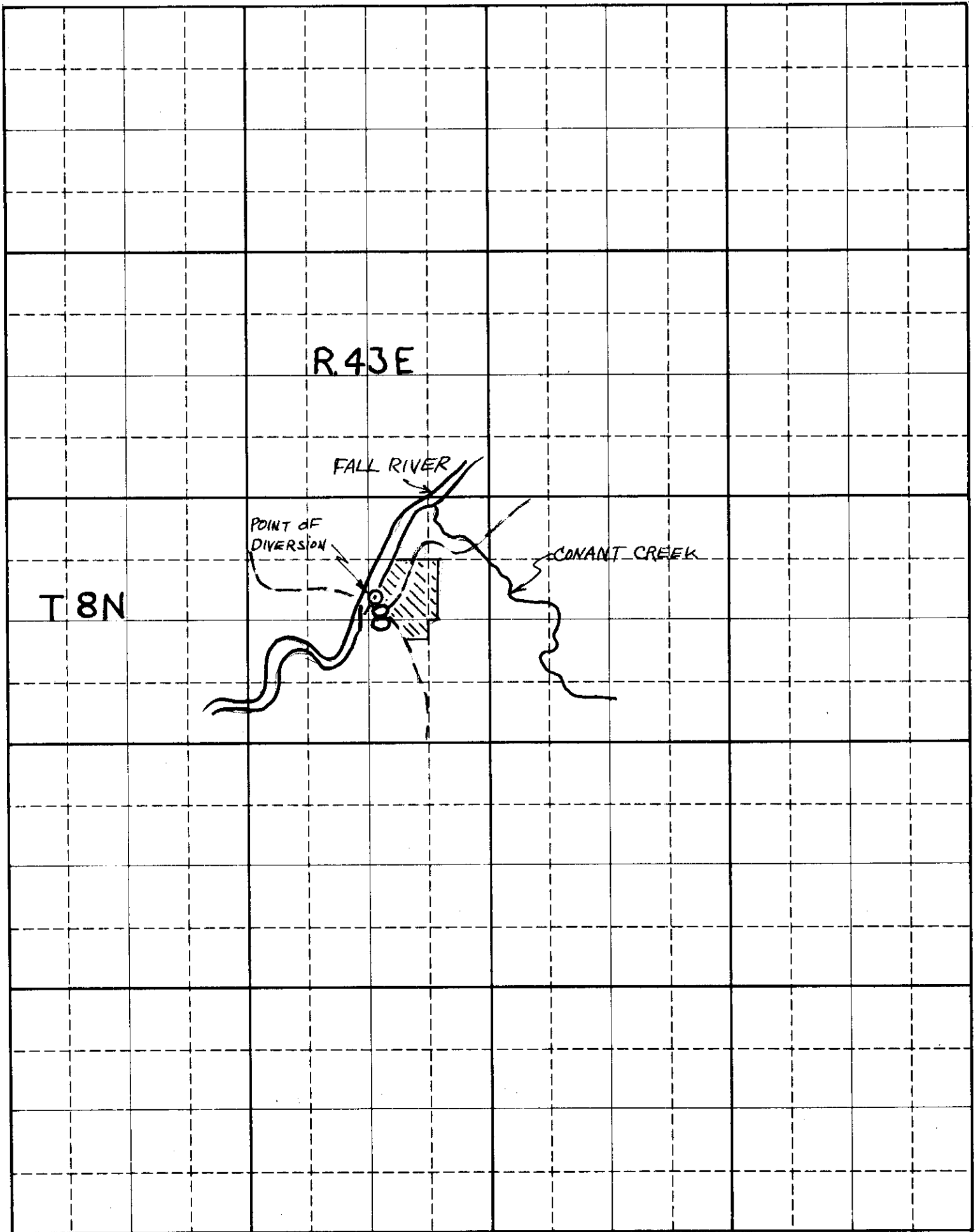
21-01410.245/01/1901

21-20350.292/15/1909

21-20370.292/25/1910

APPROVED

3. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 8th day of August, 19 72.
Ol Thomas Jones (Signature of applicant)
William Wiley (Notary public)
My commission expires 6-15-81

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. 21-0141/2035/2037 and said application is hereby approved, subject to the following limitations and conditions:

- (1) A measuring device of a type approved by the Department shall be permanently installed and maintained as part of the diverting works. (2) Use of water under this transfer is subject to control by the watermaster of State Water District # 01 Snake River. (3) When water is being delivered to the priorities listed below, the amount indicated for each priority is to be released past the point of diversion for Conant Creek Canal Company and allowed to flow into Falls River to be diverted at the applicants point of diversion. 5-01-01 - 0.24 cfs, 2-15-09 - 0.29 cfs, 2-25-10 - 0.29 cfs

Witness my hand this 13th day of September, 19 79.

Norman C. Young
NORMAN C. YOUNG
Administrator, Resources Admin. Div.

FOR DEPARTMENT USE ONLY

Received by dh Date 8-07-79 Prelim. check by BMC Fee \$30.00 #8367
Received by cw Date 8-25-77
Published in Ashlem Herald
Pub. dates Sept 18 - 1977
Watermaster recommendation requested on 8/25/77 rec'd. 9/20/77
Recommended for approval by Gnost Collier, Jr. denial
Hearing held by _____ Date _____
Copies of protest forwarded by _____
Protest filed by _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant Conant Creek Canal Co. Phone 652-3535
Post office address c/o Homer Jones, President, Drummond, Idaho

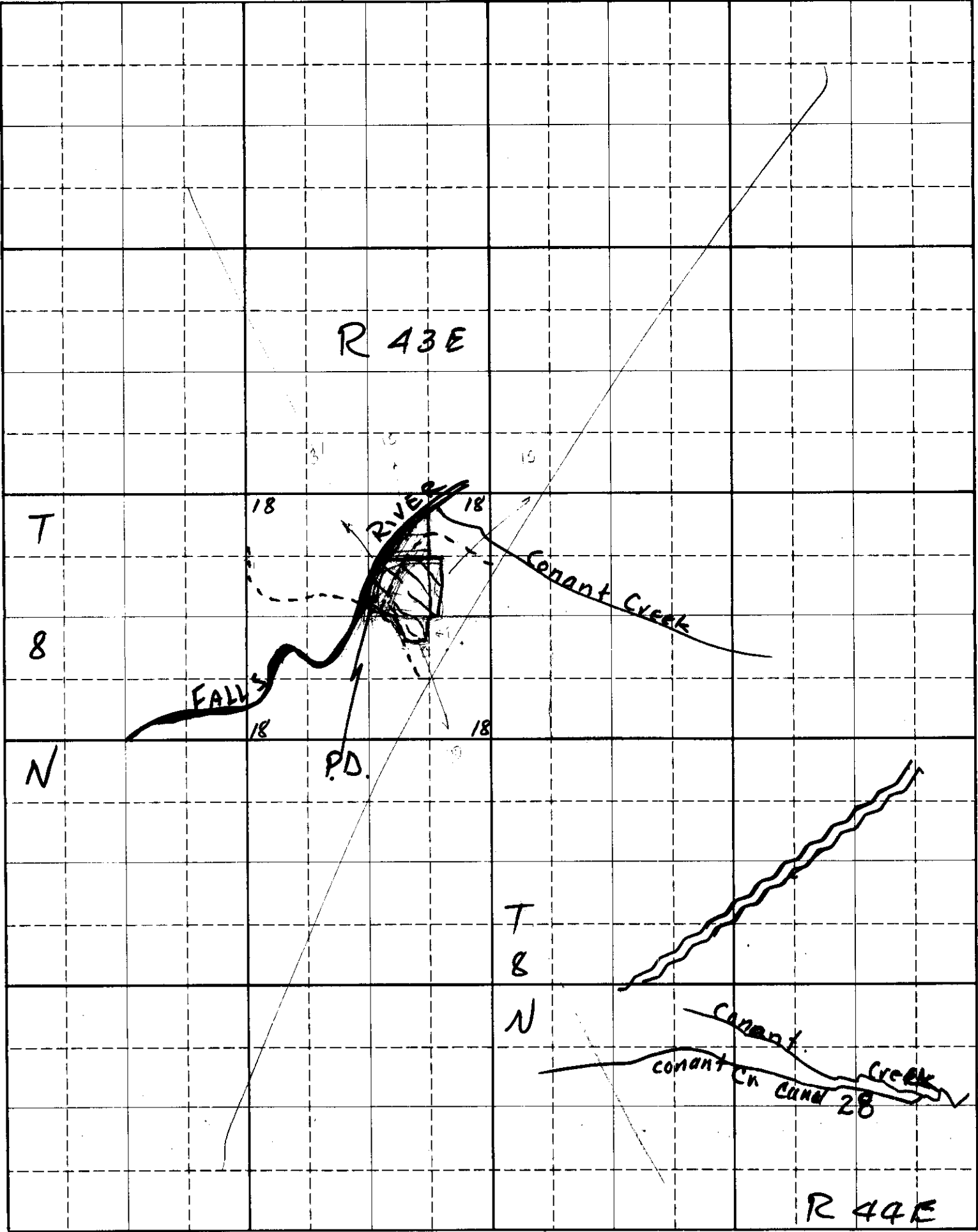
A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:
- a. Decree to Conant Creek Canal Co. (21-0141)
(Name)
in case of Rexburg Irrig. Co. et al. vs Teton Canal
dated 12-16-1910 in 6th District county of Fremont
21-2035 (Name of court)
- b. License No. 21-2037 issued by the Idaho Department of Water Resources
- c. Claim No. _____ on file with the Idaho Department of Water Resources
2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
3. Source of water Conant Creek tributary to Falls River
4. Date of priority 21-0141 - 5-01-01; 21-2035 - 2/15/09; 21-2037 - 2/25/10
5. Water is used for the following purposes:
- | | | | |
|----------------|--------------------|-----------------------|--|
| <u>21-0141</u> | amount <u>20.0</u> | for <u>Irrigation</u> | purposes from <u>Apr. 1</u> to <u>Nov. 1</u> |
| <u>21-2035</u> | amount <u>25.0</u> | for <u>"</u> | purposes from <u>"</u> to <u>"</u> |
| <u>21-2037</u> | amount <u>25.0</u> | for <u>"</u> | purposes from <u>"</u> to <u>"</u> |
- (month/day - both dates inclusive)
6. Total amount of water under right: a. 70.0 cubic feet per second
&/or
b. _____ acre feet per annum
7. Location of original point of diversion is SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Section 28
Township 8N Range 44E, B.M., in Fremont County
Additional points of diversion, if any _____
8. Lands irrigated or place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	

Total number of acres to be irrigated

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

1000
1000

3. Remarks This instrument transfers Mr. Jay N. Hill 111 shares of Conant Creek

Canal down through Conant Creek and comingles with Falls River and is pumped

onto lands that was originally served by the canal, determined as the rate of 20

shares over the combined total Conant Creek Canal shares of 1710 total shares

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Conant Creek Canal

Sgt. Henry Jones

(Signature of applicant)

Subscribed and sworn to before me this 22 day of August, 1977

James E. Holcomb

(Notary public)

My commission expires 5/8/79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights 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

FOR DEPARTMENT USE ONLY

Received by Date 8-24-77

Prelim. check by Fee \$30.00

Received by Date 8-25-77

Published in Ashland Herald

Pub. dates Sept 1 + 8-1977

Watermaster recommendation requested on 8-25-77

At Forum rec'd. 9-20-77

#01

Recommended for approval denial

Hearing held by Date

Copies of protest forwarded by

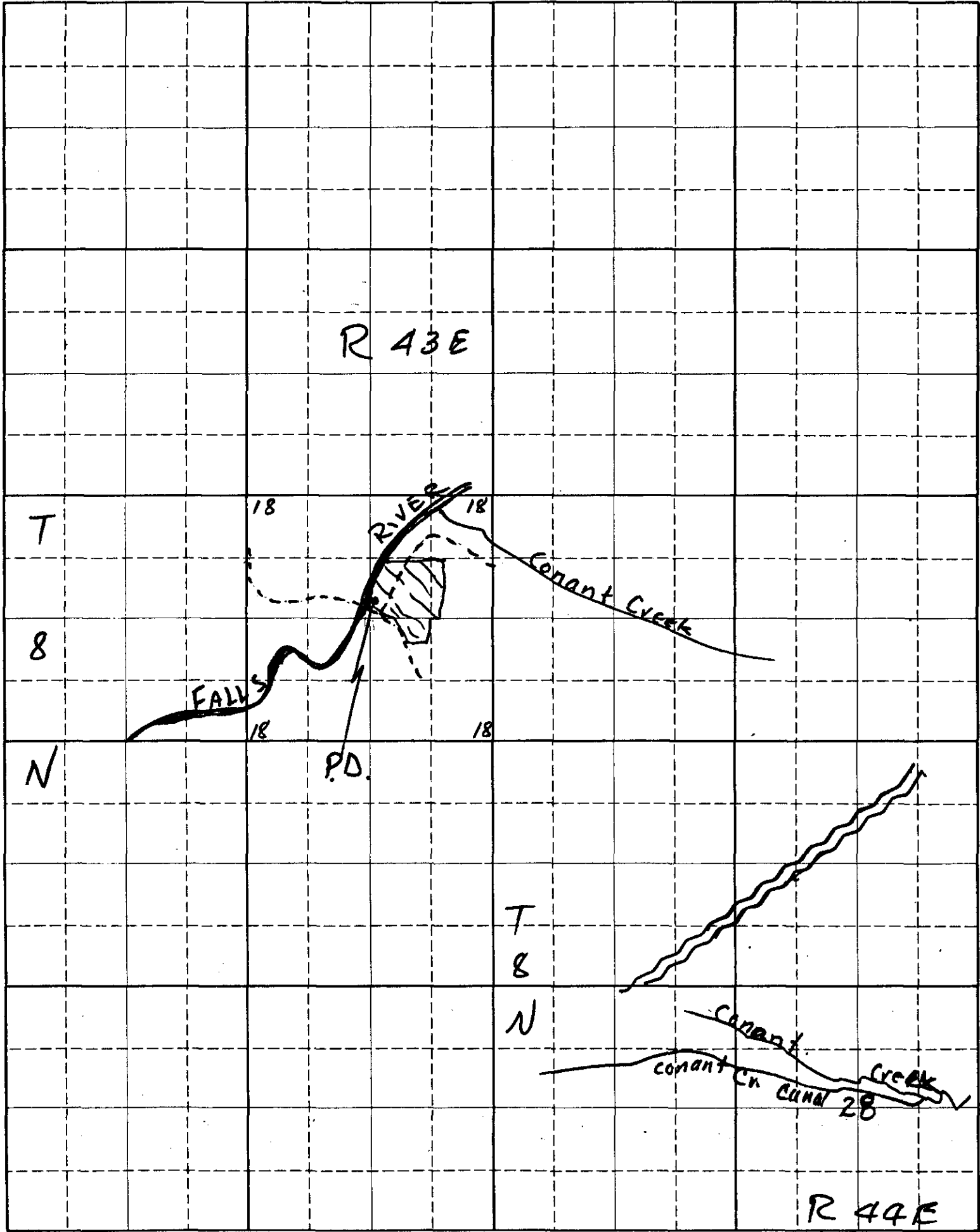
Protest filed by

MEMORANDUM

Application No. 21-0141/21-2035/
21-2037

MICROFILMED

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

-3. Remarks This instrument transfers Mr. Jay N. Hill shares of Conant Creek
Canal down through Conant Creek and comingles with Falls River and is pumped
onto lands that was originally served by the canal, determined as the rate of 20
shares over the combined total Conant Creek Canal shares of 1710 total shares

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Subscribed and sworn to before me this 22 day of August, 19 77
Conant Creek Canal Co
By: Homer J. Hill (Signature of applicant)

James E. Holcomb
(Notary public)

My commission expires 5/8/79

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights 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 _____

FOR DEPARTMENT USE ONLY

Received by OW Date 8-24-77

Prelim. check by EMC Fee \$30.00

Receipted by OW Date 8-25-77

Published in Ashtone Herald

Pub. dates Sept 1 + 8-1977

Watermaster recommendation requested on 8-25-77

Art Larson rec'd. _____

#01

Protest filed by _____

Copies of protest forwarded by _____

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____

by _____

#1676

Trans 1676

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

1. Name of Right Holder Conant Creek Canal Company
Post office address c/o G. Dan Zundel, President, Rt. #2, Ashton, Idaho 83420
2. Right obtained by:
a. Decree to Conant Creek Canal Co. in Case of Rexburg Irrigation Co., et al.
vs. ^(Name) Teton Canal Co. et al, Dated 12/16/1910 in Sixth District
(Name of Court)
Court. County of Fremont.
- b. License No. _____ issued by the State of Idaho, Department of Reclamation.
3. Source of water Conant Creek tributary to Fall River
(Name of stream or source)
4. Date of Priority _____ 21-0141 5/1/1901 - 20.0 cfs
21-2035 2/15/1909 - 25.0 cfs
5. Amount of water a. _____ c.f.s. and/or 21-2037 2/25/1910 - 25.0 cfs
b. _____ acre feet/annum
6. Water is used for IRRIGATION from Apr. 1 to Nov. 1
(Month, Day) (Month, Day)
7. Original location of point of diversion is SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 28,
Township 8N, Range 44E, B.M., in Fremont County;
- Additional points of diversion, if any _____

8. Lands presently irrigated or place of use:

[illegible]

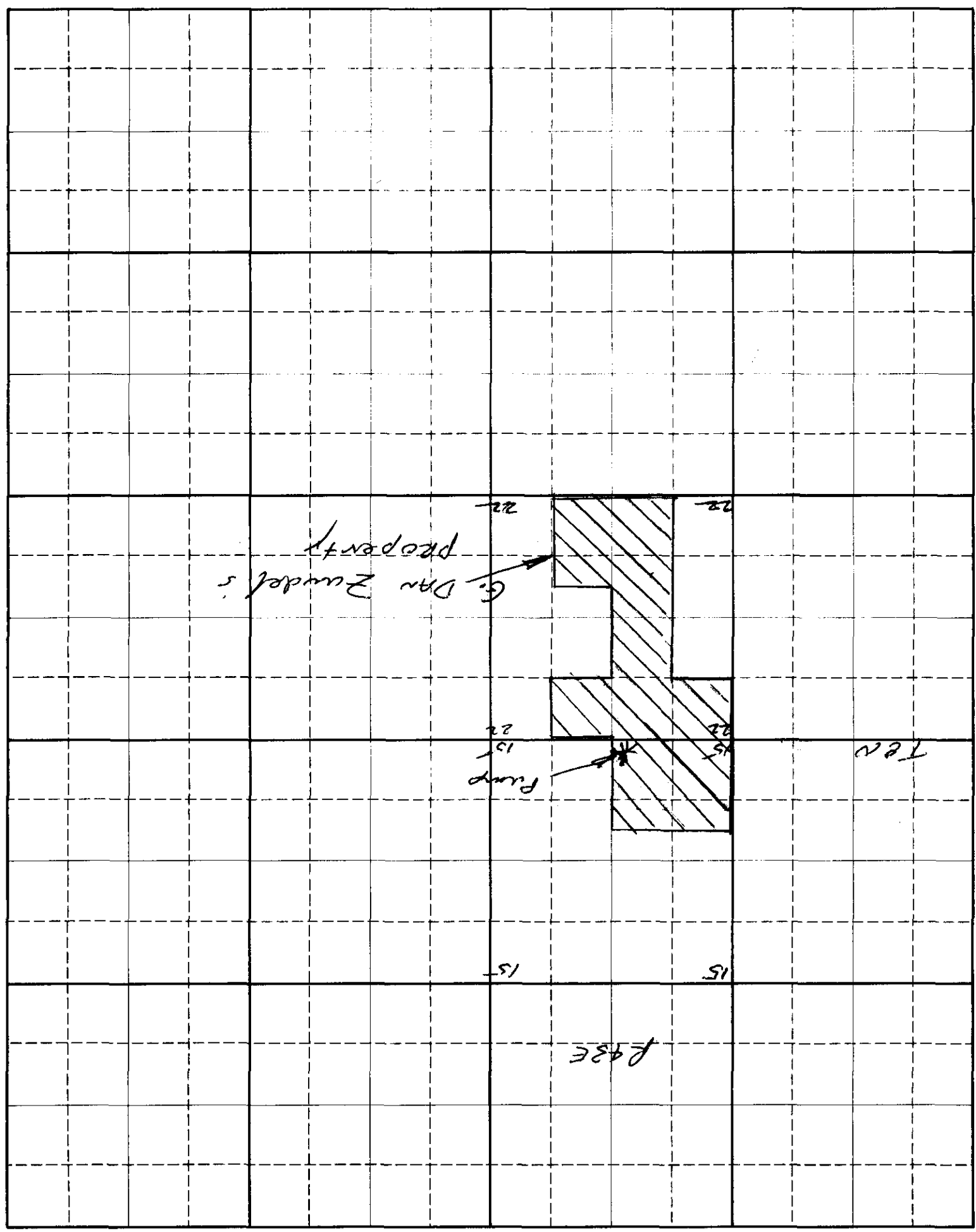
Total number of acres presently irrigated_____

RECEIVED

RECORDED

NOTE: This instrument transfers part of G. Dan Zundel's shares in Conant Creek Canal to a pump. The amount of each right to be transferred was determined as the rates of 150 shares over the combined total Canal Co. shares of 1710.

SCALE: 2 inches Equal 1 Mile. Draw Plan in Ink.



9. If applicant was not the original holder of this right explain how it was acquired:_____

10. CHANGE IN POINT OF DIVERSION

21-0141 = 1.75 cfs
21-2035 = 2.19 cfs
21-2037 = 2.19 cfs
TOTAL 6.13 cfs

a. Quantity to be diverted at new point: ~~XXXXX~~ _____ acre feet

b. New point of diversion: SE ¼ SW ¼, Section 15, Township 8N
_____, Range 43E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: pumps,
pipeline, and sprinklers

d. Is water to be conveyed to the lands previously irrigated? Yes ☒ No _____

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:

Canal cannot be opened early enough in spring at the upper point of
diversion due to snow and ice. This transfer helps relieve a canal flow
problem. It should be considered that this is only adding a point of diversion
to the canal company system.

f. Do you intend to make the transfer permanent? Yes _____

g. Do you intend to abandon completely the old point of diversion? No, the canal company will
continue to divert water into the canal at the old point of diversion.

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE NO CHANGE

a. Describe the new lands on which you wish to use your right.

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 _____

UNRECORDED

- b. Do you intend to make the transfer permanent? _____
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right: _____

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer 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.

Conant Creek Land Co
 by *Edna Zundel* President
 (signature of applicant)

Subscribed and sworn to before me this 26th day of July, 1973

Norman C. Young
 (notary public)

My commission expires 6/10/75

ACTION OF STATE RECLAMATION ENGINEER AND CERTIFICATE OF TRANSFER

21-2037

This is to certify that I have examined Application for Transfer of Water Rights No. 21-0141, 21-2035,

and said application is hereby APPROVED

1. Approval of said application is subject to the following limitations and conditions:

A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

Witness my hand this 19th day of September, 1973

Richard Higin
 Director

FOR DEPARTMENT USE ONLY

Received by <u>mb</u>	Date <u>8-14-73</u>	Protest filed by:	Date
Prelim. check by <u>NCY</u>	Date <u>8/14/73</u>		
Fee received by <u>mb</u>	Date <u>8-14-73</u> Fee \$ <u>30.00</u>		
	<u>#10305</u>		
Approved for publication by <u>CW</u>	Date <u>8/17/73</u>		
Published in <u>Triennial Reg News</u>	Dates <u>Aug. 23 + 30, 1973</u>		
Hearing held			
Watermaster Recommendation sent <u>mb 9/10/73 Ant Leary</u>			
Pub. App'd <u>9/14/73 JG</u>			

MICROFILMED

ACKNOWLEDGEMENT

Date: 8-14-73

TRANSFER 21-0141
21-2035
Re: ~~Application~~ No. 21-2037

I hereby acknowledge that, even though I was assisted by employees of the
Idaho State Department of ^{WATER ADMIN.} ~~Reclamation~~ in the preparation of Application No.

_____, all responsibility with regard to the accuracy and completeness
of the information contained therein rests with me.

Signed:


Applicant

MICROFILMED

**AFFIDAVIT OF
PUBLICATION**

State of Idaho
County of Fremont

ss.

Dorothy D. Hunsaker

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

That he is the Owner
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

**NOTICE OF PROPOSED
CHANGE OF WATER
RIGHT # 21-0141, 21-2035,
21-2037**

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 two consecutive is-
sues thereof; first publication

having been made on the 23rd

day of August, 1973,

and the last publication on the

30th day of August

19 73

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 seven-
teen and three-fourths inches
deep.

Dorothy D. Hunsaker
Subscribed in my presence and

sworn to before me this 11

day of September,

19 73.

Myrtle Rose

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

RECEIVED

SEP 12 1973

Department of Water Administration
Office

**CHANGE OF WATER RIGHT
NO. 21-0141, 21-2035, 21-2037**

Notice is hereby given that Conant Creek
Canal Co., c/o R. Keith Hedgson, Pres. of R.
& Ashton, Idaho, has applied to the Depart-
ment of Water Administration for a change
of the point of diversion of the waters of
Conant Creek tributary to Fall River. The
right sought to be changed is evidenced by
decrees to Conant Creek Canal Co. in Case
of Hedgson Irrigation Co., et al. -vs- Teton
Canal Co. et al. Dated 12/16/1910 in Sixth
District Court, County of Fremont and is
described as follows:

Amount: 21-0141 30.0 cfs
21-2035 25.0 cfs
21-2037 25.0 cfs

21-0141 5/31/1901
21-2035 2/15/1901
21-2037 2/15/1901 Point of
Diversion: Hedgson 1/4 Sec. 36, T. 3N, R.
36E, E.M., Fremont County. The water is
used for irrigation purposes.

TO BE CHANGED AS FOLLOWS

21-0141 1.75 cfs
Amount: 21-2035 2.10 cfs
21-2037 2.10 cfs Point of Di-
version: Hedgson 1/4 Sec. 36, T. 3N, R.
36E, E.M. The remainder of each right will
be reserved for the Hedgson Irrigation Co.
The purpose of this change is to re-
establish the water right of the Hedgson
Irrigation Co. as it existed in 1910. It
is requested that the Department of Water
Administration cause the same to be
recorded in the proper office.

R. KEITH HEDGSON
Director

Published in The Chronicle-News, St. Anthony, Idaho on August 23 and

RECORDED

RESTRICTED

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Conant Ck.

Name Conant Ck.

2. Right Being Transferred

Right No. _____

a. ☒ Decree

Transfer No. _____

☒ License

☒ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P.D.

f. ☐ " - New P.U.

g. ☒ Amount

☐ All

☒ Part

3. ☒ Proof of Ownership of Right

Comment Applicant is original owner

4. No Expansion of Right

Comment adding point of diversion

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by Ernest M. Carlson

Date 8-24-77

11. Recommended Action

☒ Approve

☐ Deny

☒ Conditions # 2, 6 & 18 See supplemental sheets

By Ernest Carlson

Date 7/03/78

RECEIVED

JUL 7 1978

Department of Water Resources

Copy sent

September 17, 1979

Conant Creek Canal Company
% Homer Jones, President
Route 2
Ashton, Idaho 83420

Dear Mr. Jones,

RE: Transfer of Water Right No.'s 21-0141/2035/2037

Enclosed is a copy of your approved Application for Transfer of the above referenced water rights (Transfer No. 2158). Be sure to note the conditions of approval as listed on the fourth page.

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:mr

Enclosure

MICROFILMED

file 21-0141

July 11, 1979

Mr. Lloyd Bratt
Route 1
Ashton, ID 83420

Dear Mr. Bratt:

In researching our records I located three water rights of Conant Creek Canal Co.

Decreed Right No. 21-0141 with a priority date of 5-01-1901 for 20 cfs of waters of Conant Creek does not describe the lands of the stockholders.

License No. 21-2035 with a priority date of 2-15-1909 for 25 cfs of the waters of Conant Creek is for use upon 4291 acres along with License No. 21-2037 with a priority date of 2-25-1910 for 25 cfs. A listing of the lands is enclosed.

A change in the point of diversion was effected by Transfer No. 1676 of rights 21-0141, 21-2035, and 21-2037 in the amount 6.13 cfs from the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8 N., R. 44E. to the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 15, T. 8 N., R. 43 E.

Transfer No. 2158 proposes to change the point of diversion of the above mentioned rights in the amount of .82 cfs from the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8 N., R. 44 E. to the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 8 N., R. 43 E.

With regard to Black Springs Creek for water rights appurtenant to Lots 2 and 3 in the NW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 3, T. 8 N., R. 42 E., I did not locate any decreed rights describing the above lands with a priority date of 1895. Decreed Right No. 21-0038 in the name of A. P. Crab for 1.4 cfs with a priority date of 6-01-1892 did not give a land description. License No. 21-2099 in the name of ID Dept. of Fish and Game with priority date of 1-26-1948 in the amount of 10 cfs of the waters of Black Springs Creek for the purpose of fish culture does show the place of use in the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 34, T. 9 N., R. 42 E. and the NW $\frac{1}{4}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ SW $\frac{1}{4}$, Sec. 3, T. 8 N., R. 42 E.

MAILED 1979

In reviewing our government plats for Sec. 3, T. 8 N., R. 42 E., it appears Lot 1 (43.19 acres) is located in the NE¹/₄NE¹/₄, and Lot 2 (43.13 acres) in the NW¹/₄NE¹/₄.

If you need further assistance, please do not hesitate to contact us.

Sincerely,

Roberta Garrett
Records Supervisor

RG:ab

Enclosures

10/1/80

Robert

RECEIVED

Ashton Ida

6/21/79

JUN 22 1979

Department of Water Resources

Dear Sir:

There seems to be a large problem as to the water rights of land serviced by the Leonant Creek Canal Co., in fact a law suit is now in progress. Could I obtain a list of land originally watered and also any land added later? Any information as to land descriptions and rights would really be appreciated.

Also in 1895, on Black Springs, water was applied for, for lot 2, 3 in the NW 1/4 NE 1/4 Sec. 3 Township 8N Range 42 E. Is any of this water still on this land?

Sincerely

Lloyd Bhatt

Ashton Ida 83420

RECOMMENDED

CONDITIONS OF APPROVAL

1. For licensing purposes a scientific measurement of the diversion rate of the system as it is normally operated shall be provided by either properly installing an approved type of measuring device or by having a professional engineer certify the rate of diversion to the Department prior to submitting proof of beneficial use of water.

01/ ② A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
(TO BE USED WITH THE WATERMASTER CONDITION ONLY)

3. Measuring devices of a type approved by this Department shall be permanently installed and maintained at the point of diversion and the point of effluent discharge.

4. The rate of diversion of water for irrigation under this permit and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

5. The issuance of this permit in no way grants any right-of-way or easement across the land of another.

05/ ⑥ Use of water under this ^{transfer} permit is subject to control by the watermaster of State Water District No. 01, Snake River River.

7. The maximum rate of diversion shall not exceed ____ cubic feet per second.

8. The permit shall not be assigned or sold without first securing the written approval of the Department of Water Resources.

9. This permit cannot be assigned, mortgaged, or conveyed without complying with Section 42-208, Idaho Code.

10. Return water shall be treated to insure that the effluent meets (interstate) (intrastate) stream water quality standards.

11. Settling ponds shall be installed which are capable of reducing the silt load in the return water to such a level that the quality of the waters of _____ Creek will not be impaired for other beneficial users.

12. Use of water under this permit is supplemental to all existing water rights with the same purpose and place of use.

13. The proposed well shall not be drilled within ____ feet of another well.

14. The permit holder must obtain adequate supplemental water for the irrigation season that natural flow is not available.

15. Water shall not be diverted under this permit unless the flow of the Snake River at the U. S. Geological Survey stream gaging station at Murphy exceeds 3,300 c.f.s. and at Weiser exceed 4,750 c.f.s.

16. That should the use of the water on this permit reduce the quality of water available to prior water rights and make it unusable to satisfy the prior appropriations, then the diversion under this permit must cease.

17. There is not sufficient water available in the _____ River and tributaries that is not appropriated by prior water rights.

16/ ⑱ OTHER When water is being delivered to the priorities listed below, the amount indicated for each priority is to be released past the point of diversion for Conant Creek Canal Company and allowed to flow into Falls River to be diverted at the applicants point of diversion.

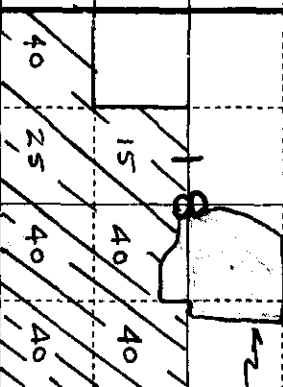
5-01-01	0.24 cfs
2-15-09	0.29 "
2-25-10	0.29 "

MICROFILMED

R 43 E

T 8 N

STAFF REVIEW 9/11/72 J.S.



Place of use shown in application

Place of use of 21-0191 not identified in decree...
for
LIC. 21-2037
LIC. 21-2035

NAME OF APPLICANT

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Review By J.J. ~~7/11/78~~ 7/11/78
TRANSFER ANALYSIS SHEET

INITIAL REVIEW BY: ERINE CARLSEN

1. Right number 21/-0141/-2035/-2³⁰⁷ Applicant Conant Creek Canal Co.

2. Type of right: ☒ Decree ☒ License ☐ Claim

3. Purpose of transfer: ☒ Change point of diversion ☐ Add diversion point(s) ☐ Change place of use
☐ Other _____

4. Check:

a. ☒ Source ☒ Priority ☒ Amount ☒ Purpose ☒ Period of use

b. ☒ Description of original point of diversion.

c. ☐ Description of original place of use. → Not described

5. Amount of land &/or water transferred:

a. ☐ All of right.

b. ☒ Part of right (NOTE! Part B should be filled in only if part of the right is owned by the applicant).

c. ☒ Check description of point(s) of diversion.

d. ☒ Check description of place of use. ~~No change~~

Note! - P.U. does not match
LIC. 21-2035 & 21-2037

e. ☒ Check map (shows p.d. and p.u. after transfer).

P.U. - corrected by Region
J.J. 9/10/79

f. ☒ Check for correct signature, notarization, and fee.

g. ☐ Check proof of ownership of right &/or land from which water is transferred.

h. ☒ Check for expansion in use of right. Comments Yes - This application has been corrected and there does not appear to be an expansion.

i. ☐ Check for existing water rights from same source, on land water is being transferred to.

Right number(s) None plotted

j. ☐ Is use within a Watermaster District? ☒ Yes ☐ No

If yes, what district? 01 - Snake River

FINAL PROCESSING REVIEW BY: _____

1. Watermaster recommendation requested on 8/25/77 Received on 9/20/77

2. Is transfer published correctly? ☒ Yes ☐ No

3. Protest received? ☐ Yes ☒ No

RECOMMENDED ACTION

1. ☒ Approve

2. ☐ Deny

3. Conditions* See attached Sheet.

4. By Juni Date 9/10/79

WATERMASTER
MED

M E M O

June 21, 1978

RE: Prepermit Exam for Transfer No. 21-0141 CONANT CREEK CANAL

TO: File

From: Ernie Carlsen *emc*

On April 5, 1978 a field exam was conducted to physically examine the changes proposed by application for transfer No. 21-0141.

Located ^{at} the proposed point of diversion on Falls River was a 25 H.P. electric motor with a centrifical pump and a 6 inch steel mainline. There was no in-line meter adjacent to the pump. This pump is the first diversion structure below the mouth of Conant Creek which is approximately one-fourth mile upstream. Between the mouth of Conant Creek and the Conant Creek Canal diversion there are 5 pumping stations. Three of these pumps divert only Fremont-Madison storage water. One pump station has decreed rights transferred out of Conant Creek Canal Company totaling 3.94 cfs. The remaining pump diverts storage water from private reservoirs located at the head of Conant Creek drainage.

According to the application the place of use was originally irrigated using Conant Creek Canal water. In conversations with Val Richards, hydrographer for OI Water District, and Homer Jones, President of Conant Creek Canal Company, both individuals stated irrigation water was provided by the Canal Company but none of the ditches used to deliver this water are intact. The pump in question was installed approximately 10 years ago, and since then the Company lost its easement for ditch maintenance.

Physically water released from Conant Creek Canal can reach the new point of diversion provided the pumps on the Creek are closely regulated. The transfer will not injure existing rights with points of diversion below the

RECEIVED
JUN 21 1978
FBI - BUTTE

Page 2

June 21, 1978

Canal and the place of use has historically been irrigated by Conant Creek
Canal water.

EC:bp

MICROFILMED

M E M O

TO: File
FROM: Ron Carlson
RE: Application for Transfer No. 21-0141/etc. CONANT CREEK CANAL
DATE: March 9, 1978

Conant Creek Canal Company through Homer Jones has applied to transfer 0.82 cfs from their point of diversion on Conant Creek to Fall River for J. N. Hill. This application raises several questions in my mind that we need to answer before taking final action on this application. In reviewing the request, it would appear that the amount of water diverted into the Conant Creek Canal would be reduced by 0.82 cfs whenever water was available to supply a 1901 or later water right. When water is not available to fill one of these rights, then the company would be delivering storage/^{water}through an exchange with Fall River. Since there is no way to actually transport storage water into Conant Creek, this raises several questions which must be answered since there are several users below Conant Creek Canal's point of diversion who have various water rights which must be respected. If water is released past Conant Creek's point of diversion, there probably would be no problem in allowing the 0.82 cfs to be pumped downstream on Fall River. However, traditionally, Conant Creek Canal has shut Conant Creek off completely and all of the water available below their point of diversion has been that gained by the reach below Conant Creek Canal and Fall River. If this transfer were approved, Conant Creek Canal could continue to close their diversion completely and then draw an additional 0.82 cfs of storage water, thus effectively reducing the water available to downstream users by 0.82 cfs.

Since we are charged under Section 42-222 of the Idaho Code to examine evidence and available information prior to approving a change to determine if the transfer will injure other water rights or constitute an enlargement of the original right it appears to me that approval of this transfer may present a problem in both areas. I believe we need to take a look at what is proposed in the field and determine if it can be accomplished within the limitations of the statutes.

MICROFILMED

RECEIVED

SEP 20 1977

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 21-0141/21-2035/21-2037

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, Fremont, Teton, State of Idaho,
whose address is P.O. Box 1099, Idaho Falls, Ida
have read the attached copy of the application for transfer of water right for _____
Conant Creek Canal Co, and to the best of my knowledge believe the
(name)
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: Prescribed measuring device be installed on
pump line.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: Applicant could encroach on Fall
River rights as he ^{may} be diverting water not available
to him in the past. However, the later use of this right
would not be too significant as they are near "flood" rights.

Dated at Idaho Falls, Idaho, this 19th day of Sept. 1977.

Arthur L. Larson
(signature)

Please use reverse side if needed.

MICROFILMED

August 26, 1977

RE: Application for Transfer No. 21-0107/etc. NYBORG
21-0141/etc. CONANT CREEK CANAL

Ashton Herald
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

Bill submitted 9-14-77 by Cul

RDC:CW

Enc: Legal Notice (2)

County of Fremont and
follows:

21-0141 AMOUNT: 20.0 cf-
PRIORITY: 5-01-01

21-2035 AMOUNT: 25.0 cf-
PRIORITY: 2-15-09

21-2037 AMOUNT:
25.0 PRIORITY: 2-25-10

The point of diversion is within the
SE 1/4 NE 1/4, Sec. 28, T. 8N, R. 43E,
B.M., Fremont County and used to
irrigate the lands of the stockholders.

TO BE CHANGED
as follows

Only 0.82 c.f.s. of water will be
diverted within the SW 1/4 NE 1/4, Sec. 18,
T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resources, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or
September 19, 1977.

CHANGE OF WATER RIGHT

Notice is hereby given that Conant Creek Canal Company, Drummond, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Conant Creek tributary to Falls River. The rights sought to be changed are evidenced by decree in Conant Creek Canal Company in case of Rebury Irrigation Co. et al vs Teton Canal, dated 12-16-1913 in Sixth District, County of Fremont and are recorded as follows:

21-0141 AMOUNT: 20.0 c.f.s.
PRIORITY: 5-01-01

21-2035 AMOUNT: 25.0 c.f.s.
PRIORITY: 2-15-09

21-2037 AMOUNT: 25.0
PRIORITY: 2-25-10

The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 43E, B.M., Fremont County and used to irrigate the lands of the stockholders.

TO BE CHANGED as follows

Only 0.82 c.f.s. of water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. STEPHEN ALLRED
Director

Published in the Ashton Herald, Ashton, Idaho, on September 1 and September 8, 1977.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

Notice is hereby given that Conant Creek Canal Company, Drummond, Idaho, has applied to the Department of Water Resources for a change in the point of diversion of the waters of Conant Creek tributary to Falls River. The rights sought to be changed are evidenced by decree to Conant Creek Canal Company in case of Rexburg Irrigation Co. et al -vs- Teton Canal, dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

21-0141	AMOUNT: 20.0 cfs	PRIORITY: 5-01-01
21-2035	AMOUNT: 25.0 cfs	PRIORITY: 2-15-09
21-2037	AMOUNT: 25.0	PRIORITY: 2-25-10

The point of diversion is within the SE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 28, T. 8N, R. 44E, B.M., Fremont County and used to irrigate the lands of the stockholders.

TO BE CHANGED AS FOLLOWS

Only 0.82 c.f.s. of water will be diverted within the SW $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 18, T. 8N, R. 43E, B.M., Fremont County.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before September 19, 1977.

C. STEPHEN ALLRED

Director

Published in the Ashton Herald, Ashton, Idaho, on September 1 and September 8, 1977.

RECEIVED
SEP 11 1977
WATER RESOURCES
DIVISION
IDAHO DEPT. OF WATER RESOURCES
IDAHO FALLS, IDAHO

August 25, 1977

RE: Transfer of Water Right No. 21-0141/21-2035/21-2037
CONANT CREEK CANAL CO.

Mr. Arthur L. Larson, Watermaster
Water District No. 01
P.O. Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application for transfer and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before September 19, 1977.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Enclosures (2)

UNRECORDED

August 25, 1977

RE: Transfer of Water Right No. 21-0141/21-2035/21-2037
CONANT CREEK CANAL CO.

Mr. Jay N. Hill
Ashton,
Idaho 83420

Dear Mr. Hill:

Attached herewith is Departmental receipt No. 8367 in the amount of \$30.00 for the above referenced transfer of water right.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

Attachment

RECEIVED
AUG 27 1977

September 24, 1973

Re: Transfer Nos. 21-0141, 21-2035
21-2037

Conant Creek Canal Company
c/o G. Dan Zundel, President
Route 2
Ashton, ID 83420

Dear Mr. Zundel:

Enclosed is a copy of your approved Application for Transfer of Water Right Nos. 21-0141, 21-2035 and 21-2037. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your point of diversion has been placed upon your permit. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Assistant Director

BDF:cd

Enclosures

RECEIVED

TO: File

FROM: Norman C. Young

DATE: September 14, 1973

RE: Application for Transfer of Water Right
No. 21-0141, 21-2035, 21-2037

I recommend that the above referenced application for transfer be approved. I have not made a field inspection, but it is my understanding that this transfer was physically made prior to 1969 and there have been no complaints as a result of it. I do not recommend that a loss be charged as a result of this transfer.

The approval be conditioned by the following:

1. A measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works.
2. Use of water under this permit is subject to control by the watermaster of State Water District No. 01, Snake River.
3. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

NCY

NORMAN C. YOUNG
District Engineer

RECORDED

STATE OF IDAHO
DEPARTMENT OF WATER ADMINISTRATION

WATER DISTRICT NO. 36 01

P. O. Box 697
Idaho Falls, Idaho 83401
522-5404

RECEIVED

SEP 13 1973

aw
Department of Water Administration
Eastern District Office



ARTHUR L. LARSON
Watermaster

September 12, 1973

Mr. Norman C. Young, District Engineer
Idaho Dept. of Water Administration
Eastern District Office
1515 Lincoln Road
Idaho Falls, Idaho 88401

Dear Norm:

Enclosed is application for transfer of water right numbers 21-0141, 21-2035,
and 21-2037, for Conant Creek Canal Co. which I have completed per your
recent request.

Very truly yours,

Arthur L. Larson

Enclosure

MICROFILMED

RECEIVED

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 21-0141, 21-2035, 21-2037

SEP 13 1973
CW

Department of Water Administration
Eastern District Office

RECOMMENDATION OF WATERMASTER

I, Arthur L. Larson, watermaster of _____,
of Water District No. 01, County of Fremont, Jefferson, Blaine, State of Idaho,
whose address is P.O. Box 697, Idaho Falls, Idaho,
have read the attached copy of the application for transfer of water right for _____
Conant Creek Canal Co, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Administration approve the transfer subject
to the following conditions: An adequate measuring device
be provided.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 12th day of Sept, 1973.

Arthur L. Larson
(signature)

XXXXXXXXXXXXXXXXXXXX

1515 Lincoln Road

September 10, 1973

Re: Application for Transfer of Water Right No. 21-0141, 21-2035 & 21-2037
Conant Creek Canal Company

Fremont County Chronicle News
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Would you please submit an affidavit of publication and certified bill in connection with the above referenced application. The legal notice was to have been published in your paper on August 23 and August 30, 1973.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:mb

MICROFILMED

CONVERSATION MEMORANDUM

DATE August 21, 1973FILE TRANSFER

NAME OF PARTY

Bonnie Turner, Fremont City21-0141

EMPLOYEE

MichelleNews21-203521-2037

RE:

On second paragraph inserting this
sentence after the point of diversion
description. "The remainder of each page
will be diverted at the original point
of diversion."

UNRECORDED

1515 Lincoln Road

August 17, 1973

RE: Application for Transfer No. 21-0141, 21-2035, 21-2037
Conant Creek Canal Co.

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 ample 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. In order to receive payment, the following certification must appear on the bill:

"I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid."

(signature of claimant)

Very truly yours,

NORMAN C. YOUNG
District Engineer

NCY:cw

Enc: Legal Notice

Bill submitted 9-12-73 by mb

MICROFILMED

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 21-0141, 21-2035, 21-2037

Notice is hereby given that Conant Creek Canal Co., c/o G. Dan Zundel, Pres.
of Rt. 2, Ashton, Idaho has applied to the Department of Water
Administration for a change of the point of diversion of the waters of Conant Creek
tributary to Fall River. The right sought to be changed is evidenced by Decree to Conant
Creek Canal Co. in Case of Rexburg Irrigation Co., et al. -vs- Teton Canal Co. et al, Dated
12/16/1910 in Sixth District Court, County of Fremont and is recorded as follows.

Amount:	<u>21-0141 20.0 cfs</u>	Priority:	<u>21-0141 5/01/1901</u>	Point of
	<u>21-2035 25.0 cfs</u>		<u>21-2035 2/15/1909</u>	
	<u>21-2037 25.0 cfs</u>		<u>21-2037 2/25/1910</u>	
Diversion:	<u>SE 1/4, Sec. 28, T. 8N, R. 44E, B.M., Fremont County.</u>			

The water is used for irrigation purposes _____

TO BE CHANGED AS FOLLOWS

	<u>21-0141 1.75 cfs</u>	
	<u>21-2035 2.19 cfs</u>	
Amount:	<u>21-2037 2.19 cfs</u>	Point of Diversion: <u>SE 1/4, Sec. 15, T. 8N, R. 43E, B.M.</u>

The remainder of each right will be diverted at the original point of diversion.

Any protests against approval of the proposed change of water right application
must be filed with the Department of Water Administration, 1515 Lincoln Road, Idaho
Falls, Idaho on or before September 10, 1973.

R. KEITH HIGGINSON
Director

Published in the Fremont County Chronicle News, St. Anthony, Idaho on
August 23 and August 30, 1973.

MICROFILMED

OWS
W.H.

Oppress

RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE

STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

file 205-a

Liberty Irrigation Company, et al.,

PLAINTIFFS.

DECREED.

-VS-

Liberty Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 10th day of

10, upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
as to Findings of Fact, Conclusions of Law and Decree, to be entered
therein, and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact,
Conclusions of Law, which have heretofore been adopted, and the
plaintiffs and defendants and cross-complainants appearing
in person by their respective counsel, and the Court being full informed
and advised in the premises, and having ordered that judgment be
entered in accordance with the report and recommendations of the said
Referee, on the reason of the law and the Report and Findings
of Fact and Conclusions of Law aforesaid,

It is ordered, Adjudged and Decreed, that the several parties
plaintiffs and defendants herein named, do have judgment respectively
the right to use, for irrigation and other purposes, the following
number of inches of water, each fifty inches thereof to be equivalent
to a flow of one cubic foot per second, as prescribed by the law

~~0147~~ 22-02/2
Cibiff, Charles

150 inches. June 1, 1898. ✓ Fox Creek.

Cole, Charles

Enterprise Canal
Company.

Coles, Alvin

The Farmers' Friend
Canal Company.

Coles, & Dodge

The Farmers' Friend
Canal Company.

Coles, Henry

The Farmers' Friend
Canal Company.

Coles, Reuben

The Farmers' Friend
Canal Company.

Coles, Thomas

The Farmers' Friend
Canal Company.

~~0144~~ 21 0035

Collins, J. A.

120 inches. Oct. 15, 1900. ✓ Tom Creek.

~~0146~~ 21-0141

Conant Creek

Canal Company. 1,000 inches. May 1, 1901. ✓ Conant Creek.

~~0147~~ 1 043

Consolidated

Farmers Canal

Company, Limited. 4,000 inches June 1, 1890 ✓ North ~~1418~~ Fork of
Snake River.

~~0148~~ 1 044

Consolidated

Farmers Canal

Company, Limited. 6,000 inches. June 1, 1892. ✓ North Fork of Snake
River.

~~0149~~ 1 045

Consolidated

Farmers Canal

Company, Limited. 2,750 inches. June 1, 1895. ✓ North Fork of Snake
River.

~~0150~~ 1 046

Consolidated

Feeder Canal

Company.

7,000 inches. Apr. 14, 1902. ✓ South Fork of Snake
River.

Cook, T. S.

The Farmers' Friend
Canal Company.

Cooper, I. D.

Enterprise Canal
Company.

Cooper, I. L.

Enterprise Canal
Company.

Cooper, John

Watson Slough
Irrigation Company.

~~1 0151~~ 0000 ~~980~~ 35-0003

Cooper, Samuel

320 inches. May 1, 1896. ✓ Hull's Springs.

~~1 0152~~ 35 0004

Cooper, Samuel

160 inches. May 1, 1896. ✓ Bohner Creek proper.

~~1 0153~~ 23 0022

Corbett, Harlan

100 inches. July 6, 1892. ✓ Rainey Creek.

~~1 0154~~ 23 0023

Corbett, Ira A.

160 inches. June 1, 1897. ✓ Rainey Creek.-438

~~1 0155~~ 23 0024

Corbett, J. N.

155 inches. May 7, 1896. ✓ Rainey Creek.

FILED