

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00096
Date Received: 6/20/1989
Receipt No: E009163
Received By: Kaw

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHERRY GROVE CANAL CO 208-354-8020
Address: JOE NETHERCOTT
375 S 100 W
DRIGGS ID 83422

2. Date of Priority: JAN 22, 1916

3. Source: DARBY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	17	NW	NE		1	TETON
		18	SE	NE			TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	29.600		

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

8. Total consumptive use is 2622.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	80.0
		14	NE	SW	IRR	39.0
			NW	SW	IRR	40.0
			SW	SW	IRR	40.0
			SE	SW	IRR	40.0
			NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	319.0
		15	NE	SE	IRR	40.0
			NW	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	160.0
		22	NE	NE	IRR	40.0
			SW	NE	IRR	40.0
			SE	NE	IRR	40.0
			NE	SE	IRR	40.0
			SW	SE	IRR	40.0
			SE	SE	IRR	40.0
					Section Acres	240.0
		23	NW	SW	IRR	40.0
					Section Acres	40.0
		27	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
					Section Acres	80.0
46E		17	SW	NW	IRR	21.0
					Section Acres	21.0
		18	NE	SW	IRR	40.0
			NW	SW	3 IRR	40.0
			SW	SW	4 IRR	40.0
			SE	SW	IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	18	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	320.0
		23	NW	SW		IRR	40.0
						Section Acres	40.0
						Total Acres	1300.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

AMENDED CLAIM FILED TO CORRECT LAND LIST TO INCLUDE PROPERTY OWNED BY GENE LEWIS THAT RECIEVES WATER UNDER THIS RIGHT. MR. LEWIS PAID ACREAGE FEE UNDER RECEIPT NO. E009163. ORIGINAL CLAIM FEE PAID UNDER E009050 BY CHERRY GROVE CANAL CO. ADDITIONAL LAND ALSO ADDED FOR LAND OWNED BY BARRY SILVERSTEIN WHICH IS CLAIMED UNDER A22-00530/00531 AND PAID UNDER RECEIPT E009380.
***ADDITIONAL ACREAGE FEE PAID BY STEVEN H. & KENDRA J. SMITH ON RECEIPT #E024985

15. Basis of Claim: DECREED

Water Right Number: 0096

Case Number:

Court :

Decree date: / /

CHERRY GROVE CANAL CO.
Decree Plaintiff

LYNN CRANDALL, W.M.
vs Decree Defendant

RECEIVED

APR 29 1999

Department of Water Resources
Eastern Region

RECEIVED

APR 13 1999

Department of Water Resources
Eastern Region

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00096
Date Received: 6/20/1989
Receipt No: E009163
Received By:

— AMENDED — NOTICE OF CLAIM TO A WATER RIGHT — AMENDED —
ACQUIRED UNDER STATE LAW

1. Name: CHERRY GROVE CANAL CO 208-354-2298
Address: ~~REED CHRISTENSEN PRES~~ Joe Nethercott
~~BOX 503~~ 375 S 100 W
DRIGGS ID 83422

2. Date of Priority: JAN 22, 1916

3. Source: DARBY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	17	NW	NE		1	TETON
		18	SE	NE			TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	29.600		

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

8. Total consumptive use is 2622.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
----------	-------	---------	------------	-----	-----	-------

					Section Acres	80.0
--	--	--	--	--	---------------	------

14	NE	SW	IRR	39.0
	NW	SW	IRR	40.0
	SW	SW	IRR	40.0
	SE	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

					Section Acres	319.0
--	--	--	--	--	---------------	-------

15	NE	SE	IRR	40.0
	NW	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

					Section Acres	160.0
--	--	--	--	--	---------------	-------

22	NE	NE	IRR	40.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	SE	IRR	40.0
	SW	SE	IRR	40.0
	SE	SE	IRR	40.0

					Section Acres	240.0
--	--	--	--	--	---------------	-------

23	NW	SW	IRR	40.0
----	----	----	-----	------

					Section Acres	40.0
--	--	--	--	--	---------------	------

27	NE	NE	IRR	40.0
	NW	NE	IRR	40.0

					Section Acres	80.0
--	--	--	--	--	---------------	------

46E	17	SW	NW	IRR	21.0
-----	----	----	----	-----	------

					Section Acres	21.0
--	--	--	--	--	---------------	------

18	NE	SW	IRR	40.0
	NW	SW	IRR	40.0
	NE	SE	IRR	40.0
	NW	SE	IRR	40.0

SW 1/4 SW 1/4 (Lot 4)
(40 ac)
SE 1/4 SW 1/4
(40 ac)

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	46E	18	SW	SE	IRR	40.0
			SE	SE	IRR	40.0
Section Acres						240.0
		23	NW	SW	IRR	40.0
Section Acres						40.0

Total Acres 1220.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

AMENDED CLAIM FILED TO CORRECT LAND LIST TO INCLUDE PROPERTY OWNED BY GENE LEWIS THAT RECIEVES WATER UNDER THIS RIGHT. MR. LEWIS PAID ACREAGE FEE UNDER RECEIPT NO. E009163. ORIGINAL CLAIM FEE PAID UNDER E009050 BY CHERRY GROVE CANAL CO. ADDITIONAL LAND ALSO ADDED FOR LAND OWNED BY BARRY SILVERSTEIN WHICH IS CLAIMED UNDER A22-00530/00531 AND PAID UNDER RECEIPT E009380.

15. Basis of Claim: DECREED *AMENDMENT*
~~80~~ ACREAGE FEE PAID BY STEVEN H. SMITH & KENDRA SMITH WITH THIS

Water Right Number: 0096

Case Number:

Court :

Decree date: / /

CHERRY GROVE CANAL CO.
Decree Plaintiff

LYNN CRANDALL, W.M.
vs Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of
Cherry Grove Canal CO. that I have signed the foregoing
Organization
document in the space below as President of
Title
Cherry Grove Canal CO and that the statements contained in the
Organization
foregoing document are true and correct.

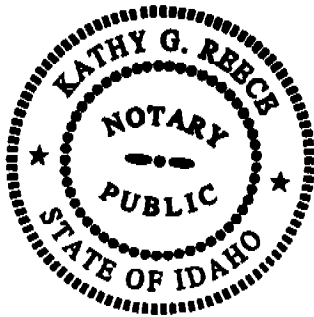
J. R. R. R.
Signature of Authorized Agent
President
Title and Organization
Cherry Grove Canal CO
Date

State of Idaho)
County of TETON) SS.

Subscribed and sworn (or affirmed) before me this 26th day
of APRIL 19 99

Kathy G. Reece
Notary Public

Seal



Residing at Driggs
My Commission Expires 5-28-99

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00096
Date Received: 6/20/1989
Receipt No: E009163/6009050
Received By: CB

AMENDED

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

AMENDED

1. Name: CHERRY GROVE CANAL CO.
Address: REED CHRISTENSEN, PRES.
BOX 503
DRIGGS, ID

208-354-2298

83422

2. Date of Priority: JAN 22, 1916

3. Source: DARBY CREEK

Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	17	NW	NE		1	TETON
		18	SE	NE			TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/15	10/15	29.600		

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

A.F.A.

8. Total consumptive use is 2622.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0

A22-00096

Page 1

Date: 07/03/89

NOV 04 1992

A2200096



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SE	SE		IRR	40.0
			Section Acres				80.0
		14	NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				319.0
		15	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				160.0
		22	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				240.0
		23	NW	SW		IRR	40.0
			Section Acres				40.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			Section Acres				80.0
46E		17	SW	NW		IRR	21.0
			Section Acres				21.0
		18	NE	SW		IRR	40.0

ENCLOSURE
NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	18	NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	240.0
		23	NW	SW		IRR	40.0
						Section Acres	40.0
						Total Acres	1220.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

AMENDED CLAIM FILED TO CORRECT LAND LIST TO INCLUDE PROPERTY OWNED BY GENE LEWIS THAT RECIEVES WATER UNDER THIS RIGHT. MR. LEWIS PAID ACREAGE FEE UNDER RECEIPT NO. E009163. ORIGINAL CLAIM FEE PAID UNDER E009050 BY CHERRY GROVE CANAL CO. ADDITIONAL LAND ALSO ADDED FOR LAND OWNED BY BARRY SILVERSTEIN WHICH IS CLAIMED UNDER A22-00530/00531 AND PAID UNDER RECEIPT E009380.

15. Basis of Claim: DECREED
Water Right Number: 0096
Case Number:
Court :
Decree date:

CHERRY GROVE CANAL CO.
Decree Plaintiff

vs

LYNN CRANDALL, W.M.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not _____ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Organizations:

I do solemnly swear or affirm that I am President of Cherry Grove Canal Co, that I have signed the foregoing document in the space below as President of Cherry Grove Canal Co and that the statements contained in the foregoing document are true and correct.

Reed Christen
Signature of Authorized Agent

President
Title and Organization

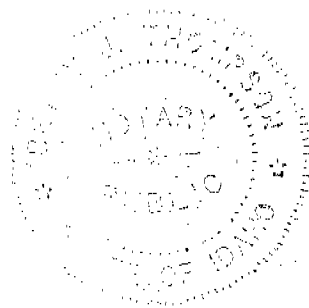
Cherry Grove Canal Co
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 11th day
of July 19 89

Betty J. Thompson
Notary Public

Seal



Residing at BETTY J. THOMPSON, NOTARY PUBLIC
My Commission Expires SEP 11, 1991
MY COMMISSION # 6-30-94

NOT RECORDED
NOV 04 1992

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A22-00096
Date Received: 9/07/1988
Receipt No: 609050/609163
Received By: ESV

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CHERRY GROVE CANAL CO. 208-354-2298
Address: REED CHRISTENSEN, PRES.
BOX 503
DRIGGS, ID 83422

2. Date of Priority: JAN 22, 1916

3. Source: DARBY CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	46E	17	NW	NE		1	TETON
		18	SE	NE			TETON

5. Description of diverting works:
HEADGATES/DITCHES

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/15	10/15	29.600		

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

8. Total consumptive use is 2622.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0

A22-00096

Page 1

Date: 06/12/89

NOV 04 1992

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	45E	13	SE	SE		IRR	40.0
			Section Acres				80.0
		14	NE	SW		IRR	39.0
			NW	SW		IRR	40.0
			SW	SW		IRR	40.0
			SE	SW		IRR	40.0
			Section Acres				159.0
		15	NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				160.0
		22	NE	NE		IRR	40.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
			Section Acres				240.0
		23	NW	SW		IRR	40.0
			Section Acres				40.0
		27	NE	NE		IRR	40.0
			NW	NE		IRR	40.0
			Section Acres				80.0
	46E	17	SW	NW		IRR	21.0
			Section Acres				21.0
		18	NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			NE	SE		IRR	40.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
04N	46E	18	SE	SE		IRR	40.0

Section Acres 240.0

Total Acres 1020.0

11. Place of use in counties: TETON

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

13. Other Water Rights Used:
NONE

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 0096
Case Number:
Court :
Decree date:

CHERRY GROVE CANAL CO.
Decree Plaintiff

vs

LYNN CRANDALL, W.M.
Decree Defendant

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do do not p wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of Cherry Grove Canal Co., that I have signed the foregoing President Title

document in the space below as President of Cherry Grove Canal Co. Title

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

Rud Christman
Signature of Authorized Agent

President of Cherry Grove Canal Co.
Title and Organization

June 12th 1989
Date

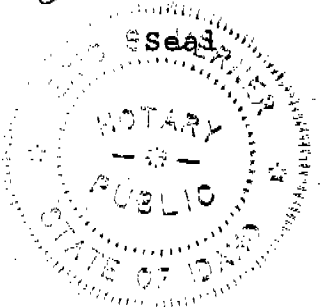
State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 12 day
of June 19 89

[Signature]
Notary Public

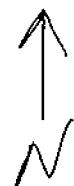
Residing at Idaho Falls, ID

My Commission Expires 22 Aug 1994



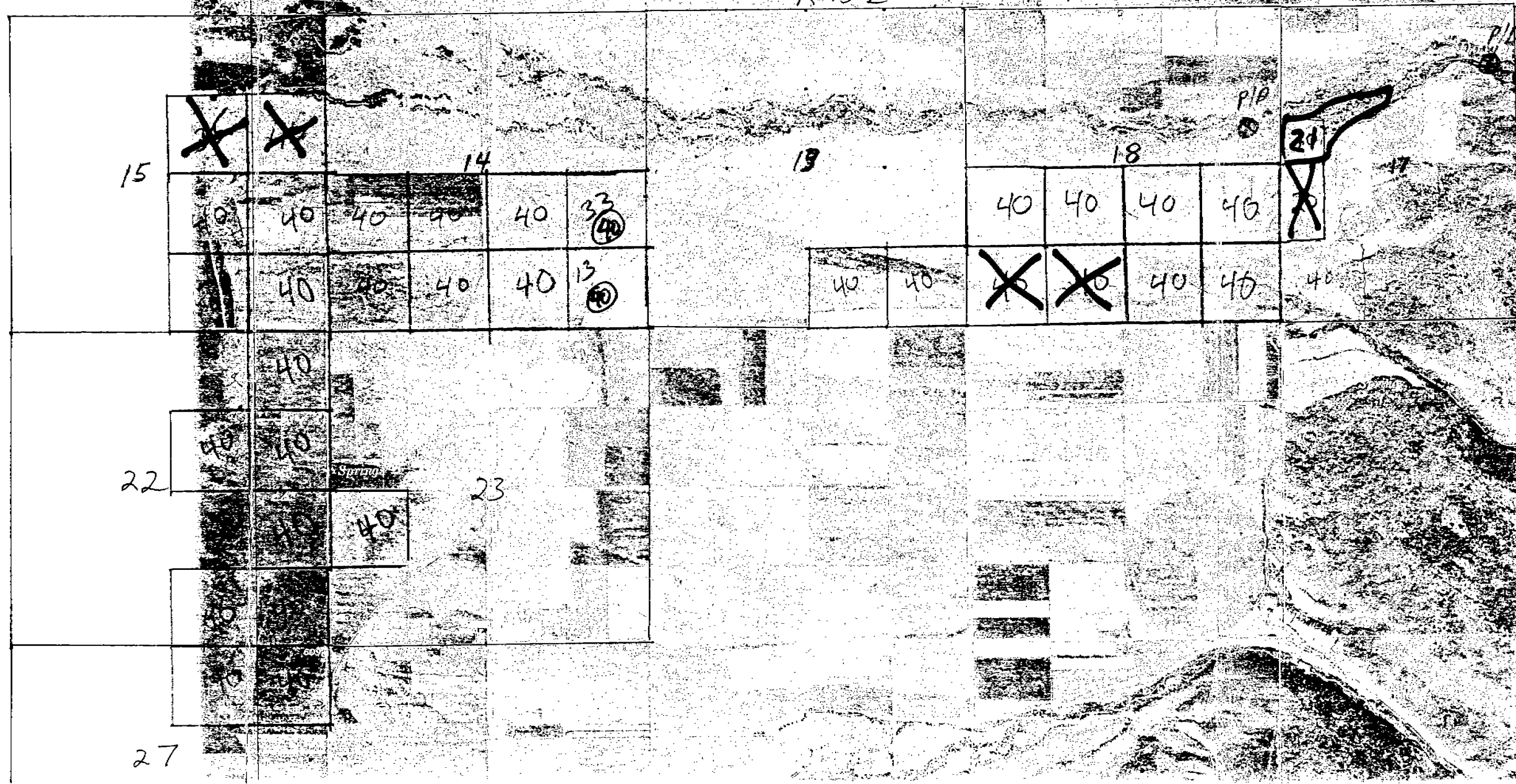
RECORDED
NOV 04 1992

522-0000



T4N

R45E — R46E



Keith,

For Cherry Grove
Canal 22-00096.

Thanks for all
your help.

RECEIVED

MAY 11 1999

Department of Water Resources
Eastern Region

STEVEN H. SMITH
KENDRA J. SMITH
P.O. BOX 510121
LIVONIA, MI 48151

74-7771/2724
7000203018794

3933

DATE 5-11-99

PAY TO THE ORDER OF Idaho Dept of Water R
Eighty and no/100
60 00
DOLLARS

DEARBORN
Federal Credit Union
400 Town Center Drive
Dearborn, Michigan 48126

MEMO This for 80 AC

272477717700020

3933

SW 1/4 (LOT 4)
SW 1/4
Steven H. Smith

Receipt No: E024985

5/11/1999
13:24:17

Received SMITH, STEVEN H & KENDRA
From:

Type of Payment	Program Acct	Amount
ADDITIONAL ACREAGE FEE A22-00096	41503 337	1155 80.00

CHECK

3933

Total

80.00

Region: EASTERN

Signature: Keith C Wilson

Smith
11391 9 mile
South Lyon
mi 48178



Idaho Dept. of Water
Resources

900 N. Skyline Dr.

Idaho Falls ID

83402

o/o K. Wilson

April 15, 1999

Cherry Grove Canal Co
C/O Joe Nethercott
375 S 100 N
Driggs, ID 83422

RE: Amendment of A22-00096 adding S1/2SW1/4 Sec 18, T04N, R46E, to the place of use

Dear Mr. Nethercott:

This letter is in response to your phone call and receipt of the amendment of A22-00096, adding the S1/2SW1/4 Sec 18, T04N, R46E (property of Steven H & Kendra Smith).

On March 15, 1999, I assisted Mr. Smith complete the enclosed amendment that you returned to this office. According to the decree that established 22-00096 for Cherry Grove Canal, the place of use listed the S1/2SW1/4 Sec 18, T04N, R46E (copy of decree, Attachment "A"). Based on the decree the S1/2SW1/4 Sec 18, T04N, R46E was included in the proposed amended adjudication claim. In order to amend the adjudication claim an official of the canal would be required to sign the proposed amendment and submit it to the department along with any additional fees.

The decree indicates that "... the sole objective ... is for the benefit of its several stockholders in the diversion and conveyance of ... waters for the irrigation of their lands ... the stockholders ... are entitled to the use of the quantity of water ... to the amount of capital stock or acreage of land owned by them ...". Therefore, Mr. Smith is required to own stock in Cherry Grove Canal Co. for his land to be included in the place of use of A22-00096, and the canal could require him to pay the additional acreage fee (\$80.00). The department has no way of determining if Mr. Smith has any shares in Cherry Grove Canal. Canal records, and any documentation that Mr. Smith can supply to Cherry Grove Canal must determine ownership of shares.

The following attachments are enclosed to assist in describing the S1/2SW1/4 Sec 18, T04N, R46E:

Attachment "B" (1987 NAAP aerial photo) the S1/2SW1/4 Sec 18, T04N, R46E, has been outlined, and appears to have been irrigated in 1987.

Attachment "C" (1974 Ortho-photo quad) the aerial photo of the S1/2SW1/4 Sec 18, T04N, R46E, appears to have been cultivated.

Hopefully the enclosed information will be of assistance to you.

Sincerely,

Keith C. Wilson
Senior Resource Agent

cc: Steven Smith

ATTACHMENT "A"

IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR THE COUNTY OF FREMONT.

o o o o o o o o o o o o o o o o

CHERRY GROVE CANAL COMPANY,
a corporation,

Plaintiff,

- vs -

Lynn Crandall, Watermaster,
District 36, Idaho,

Defendant,

J U D G M E N T.

o o o o o

This cause coming on to be heard and tried by the Court this 16th day of November, 1937, F. A. Miller, of St. Anthony, Idaho, appearing as counsel for the plaintiff, and it appearing to the satisfaction of the Court that the defendant was served with a copy of the Summons and a copy of the Complaint in this action, and that he failed to appear and plead to said complaint, and that the default of the said defendant has been entered, and, -

It further appearing that an order was made on the 14th day of September, 1937, directing the publication of a Notice, once a week for not less than three weeks successively in the Teton Valley News, a weekly newspaper published at Driggs, Teton County, Idaho, containing the title of the Court and Cause, the name of the stream in the waters of which the plaintiff claims an interest, the date of priority claimed by it, as is required, and the date and short title of the decree of this court heretofore entered, fixing the permanent rights in and to the waters that the said notice was published in accordance with said order and the of Snake River and its tributaries; that no person or persons proof of publication has been filed in this action, have appeared to defend against said action.

The plaintiff introduced oral and documentary proof in support of its Complaint and the court, after hearing the evidence and examining the proof submitted, finds as follows:

That the plaintiff is a corporation organized and existing under the laws of the State of Idaho, with its principal place

RECORDED
MAY 15 1996

of business in Teton County, Idaho; the sole object and purpose of its organization is for the benefit of its several stockholders in the diversion and conveyance of agricultural and domestic waters for the irrigation of their lands and domestic purposes, and that the stockholders of the said corporation are entitled to the use of the quantity of water diverted by the said corporation in proportion to the amount of capital stock or acreage of land owned by them.

That the stockholders of the plaintiff are the owners of, and the lands irrigated under the ditch or canal system of the plaintiff, are situate in Teton County, Idaho, and particularly described, to-wit:

The S $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ section 15;
The NW $\frac{1}{4}$ and the S $\frac{1}{2}$ of section 14;
NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ of section 22;
N $\frac{1}{2}$ NE $\frac{1}{4}$ of section 27, all in township
4 north, range 45 E.B.M.
The SW $\frac{1}{4}$ SW $\frac{1}{4}$ of section 17,
S $\frac{1}{2}$ of section 18, all in township 4
north, range 46, E.B.M.

That the lands are arid in character and require artificial application of water by irrigation to produce agricultural crops; that the plaintiff, through its stockholders and predecessors in interest, ever since the 22d day of January, 1916, have diverted 29.6 cubic feet per second, or 1,480 miner's inches of the unappropriated waters of Darby Creek; that the diversion works of this plaintiff are located in the following legal subdivisions, to-wit:

One of the said diversions in Lot 1, section 17, township 4 north, range 46 E.B.M.

One located in the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of section 18, township 4 north, range 46 E.B.M., and, -

One located in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of section 13, township 4 north, range 45 E.B.M. on Darby Creek, and ever since the said 22d day of January, 1916, have applied said quantity of water, during the irrigating seasons, to beneficial use in the irrigation of crops grown upon the above described lands, and which said quantity or stream flow has been in addition to any other rights fixed, decreed, or in any manner granted to the plaintiff through

RECORDED
MAY 15 1996

its stockholders and/or predecessors in interest.

From the above findings the Court concludes that the plaintiff is entitled, and, -

22 009 IT IS HEREBY ORDERED, ADJUDGED AND DECREED, That the plaintiff, for the use of its stockholders, and for the irrigation of the hereinbefore described lands, is awarded the use of 29.6 cubic feet per second of time, with a priority date of January 22, 1916, of the unappropriated waters of Darby Creek.

IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree," made and entered in this Court December 10, 1910, both as to dates of priority and the amounts of the rights awarded, are binding upon the plaintiff in this action.

Done in open court this 16th day of November, 1937.

C. J. Taylor
District Judge.

Filed for record Jan. 4, 1949
at 2:20 P.M.

L. Kingsford, Recorder

RECORDED
MAY 15 1996



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 3, 1989

Cherry Grove Canal Co.
C/O Reed Christensen, Pres.
Box 503
Driggs, Idaho 83422

RE: Amended Notice of Claim No. A22-00096

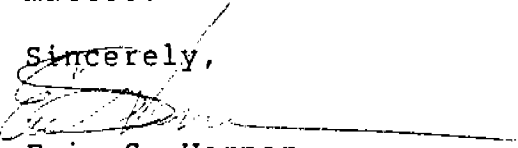
Dear Mr. Christensen:

Pursuant to our discussions, I have prepared and enclosed an amended notice of claim for the Canal Company's water right. The amended notice includes the land that Barry Silverstein and Francis Lewis own that was not included under your original notice. Mr. Silverstein and Mr. Francis have paid the variable fee for the acres claimed.

Please review the amended notice and when you are satisfied with it, sign it in the presence of a Notary Public and return it to my attention. There is no fee for filing the amended notice.

Please let me know if you have any questions regarding this matter.

Sincerely,


Eric S. Verner
Sr. Water Agent

NOV 04 1989



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 325-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KATH HIGGINSON
DIRECTOR

RECEIVED

JUN 19 1989

Department of Water Resources
Eastern District Office

January 25, 1989

Francis and Brenda Lewis
P.O. Box 257
Driggs, ID 83422

RE: Water Right Claim Returned

Dear Mr. and Mrs. Lewis:

As discussed in our telephone conversation 1/25/89, it appears that the water which is delivered to your property via the Cherry Grove Canal will be covered by the canal company's water right claim. There is no need for you to file a duplicate water right claim for this right.

I am returning your check #1435 (\$90.00) and the claim form previously submitted to this department. If you have any questions, or run into problems in the future, please give me a call at 1-725-7161.

Sincerely,

Tony Olenichak

Tony Olenichak
Water Right Agent, SR

Enclosure

DISPATCHED

NOV 04 1992

Tony,

*Enclosed is Our Check for \$40⁰⁰ Per
Our Phone Conversation earlier this week.
Would You Please send me a letter or anything
you see fit to give me something in writing
next time this guy tries to cut off our water.*

*Thank you,
Gene Lewis*

Date Received

State of Idaho
Department of Water Resources

REQUEST FOR EXTENSION OF TIME
TO FILE ADJUDICATION CLAIM(S)

RECEIVED

OCT 06 1988

The Idaho Department of Water Resources will consider this form as a request that the claimant be granted an additional period of time in which to file claim(s) beyond the 90 days allowed by Section 42-1409(10), Idaho Code.

Cherry Grove Canal Company
Name of Claimant

PO Box 503
Post Office Address

Driggs Idaho 83422
City, State, Zip Code

Leton County
County(s) where Place of Use is located

October 6, 1988
Date Claim Originally Due

Cherry Grove Canal Co. - filed Jan 22, 1916 - 29.6 sec.-ft.
Identify water right(s) for which extension is requested

State reason(s) why an extension of time is requested:

(see attached information)!

Claimant requests an extension to June 15, 1989

Reed Christensen
Signature

President Cherry Grove Canal Co.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

X granted denied,
and the filing deadline extended to 6/15, 1989.

Signed this 24 day of October, 1988.

DAVID B. SHAW
Director or his designated agent

OCT 04 1992