

09/19/2006

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

RIGHT NUMBER: 22-196
NAME AND ADDRESS: CANYON CREEK CANAL CO INC
13289 E HWY 33
NEWDALE ID 83436
SOURCE: CANYON CREEK TRIBUTARY: TETON RIVER
QUANTITY: 54.000 CFS
PRIORITY DATE: 06/01/1902
POINT OF DIVERSION:
T05N R43E S6 Lot 4 Within MADISON County
PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/31	54.000 CFS

PLACE OF USE:

10615 ACRES TOTAL

Right Nos. 22-195 and 22-196 are limited to the irrigation of a combined total of 10615 acres in a single irrigation season.

Place of use is within the area served by Canyon Canal Company.

The boundary encompassing the place of use for this water right is described with a digital boundary as defined by I.C. Section 42-202B(2) and authorized pursuant to I.C. Section 42-1411(2)(h). The data comprising the digital boundary are incorporated herein by reference and are stored on a CD-ROM disk issued in duplicate originals on file with the SRBA District Court and the Idaho Department of Water Resources. A map depicting the place of use is attached hereto to illustrate the place of use described by the digital boundary.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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: A22-00196
Date Received: 8/22/1988
Receipt No: E101519
Received By: TDW

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CANYON CREEK CANAL CO., INC. 208-458-4231
Address: AN IDAHO CORPORATION
-O. BOX 215
NEWDALE, ID 83436

2. Date of Priority: JUN 01, 1902

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
05N	43E	6				4	MADISON
06N	42E	13	NW	SE			MADISON
		24	NE	NE			MADISON
	43E	19	NW	SW			MADISON
07N	42E	30	SE	NE			MADISON

5. Description of diverting works:
A DAM WITH CANAL AND DITCHES FOR IRRIGATION.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	54.000		

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

8. Total consumptive use is 26537.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

A22-00196

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Date: 02/01/89

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A2200196



10. Place of Use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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11. Place of use in counties:

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

13. Other Water Rights Used:

A22-00195, SEVERAL PRIVATE CLAIMS FILED BY SHAREHOLDERS.

14. Remarks:

TRANS. #1985.

A DAM ON CANYON CREEK DIVERTS WATER INTO THE COMPANY'S CANAL, WHICH TRAVERSES THE SERVICE AREA WHERE WATER IS TAKEN INTO LATERAL DITCHES OF THE STOCKHOLDERS, OR PUMPED FROM THE CANAL OR DITCHES; OR WATER WILL BE PUMPED FROM CANYON CREEK ITSELF OR TETON RIVER INTO PIPELINES LEADING TO THE STOCKHOLDERS' LANDS. SEE DETAILED DESCRIPTIONS OF THE MAJOR PUMPING SYSTEMS IN CLAIMS OF STEVECO FARMS, INC., AND CANYON CREEK LATERAL DITCH WATER ASSOCIATION, ALSO FILED IN THE ADJUDICATION.

*** SEE A22-00195 FOR COMPLETE PLACE OF USE LISTING.--PRM

*** ALSO PAID FOR UNDER RECEIPTS E001520, E001521, E001522.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 12/16/1910

REXBURG IRR. CO. ET AL.

Decree Plaintiff

vs

TETON IRR. CANAL CO.

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 _____ of
_____, that I have signed the foregoing
_____,
Organization document in the space below as _____ of
_____,
Title and that the statements contained in the
_____,
Organization foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

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: 39356

Ident. Number 22-0196

Date Received 8-22-88

Receipt Number E001519, E001520
E001521, E001522

**NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW**

Please type or print clearly

1. Name of Claimant (s) Canyon Creek Canal Co., Inc., an Idaho
corporation, with its principal office at Phone (208) 458-4231

Mailing Address Newdale, Idaho Zip 83436

2. Date of Priority (Only one (1) per claim) June 1, 1902

3. Source of water supply (a) Canyon Creek
which is tributary to (b) Teton River

4. a. Location of existing point of diversion is: Township 5N Range 43E Section 6,
1/4 of 1/4 of 1/4, Govt. Lot, 4 B.M., County of Madison

Additional points of diversion if any: NW1/4 SW1/4, Sec. 19, T. 6N, R. 43 E.B.M.; NE1/4 NE1/4, Sec. 24,
T. 6N, R. 42 E.B.M.; NW1/4 SE1/4, Sec. 13, T. 6N, R. 42 E.B.M.; SE1/4 NE1/4, Sec. 30, T. 7N,
b. If instream flow, beginning point of claimed instream flow is: R. 42 E.B.M.

Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of _____ 1/4,

Govt. Lot _____ B.M., County of _____

ending point is: Township _____ Range _____ Section _____, _____ 1/4 of _____ 1/4 of

_____ 1/4, Govt. Lot _____ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc),
including the dates of any changes or enlargements in use, the dimensions of the diversion works as
constructed and as enlarged and the depth of each well. A dam on Canyon Creek diverts the water
into the company's canal, which canal traverses the service area where water is taken
therefrom into lateral ditches of the stockholders, or pumped from the canal or ditches;
or water will be pumped from Canyon Creek itself or Teton River into pipelines leading
to the stockholders' lands. See detailed descriptions of the major pumping systems in
claims of Steveco Farms, Inc., and Canyon Creek lateral ditch water association,
also filed in the adjudication.

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Copies: White-State, Yellow-Claimant

6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Irrigation purposes from 4-1 to 11-1 amount 54.0 or 31,845*

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

*Which includes the water claimed on #22-0195

7. Total quantity claimed (a) 54.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 26,537** acre feet per annum.

**Which includes the water claimed on #22-0195

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) None

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
			SEE ATTACHMENT NO. 1																

Total number of acres irrigated _____

11. In which county (ies) are lands listed above as place of use located? Madison

12. Do you own the property listed above as place of use? Yes _____ No X

If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.

Most of the stockholders have other rights held in their individual names, or None ()
and are filing their individual claims. Also see #22-0195.

14. Remarks:

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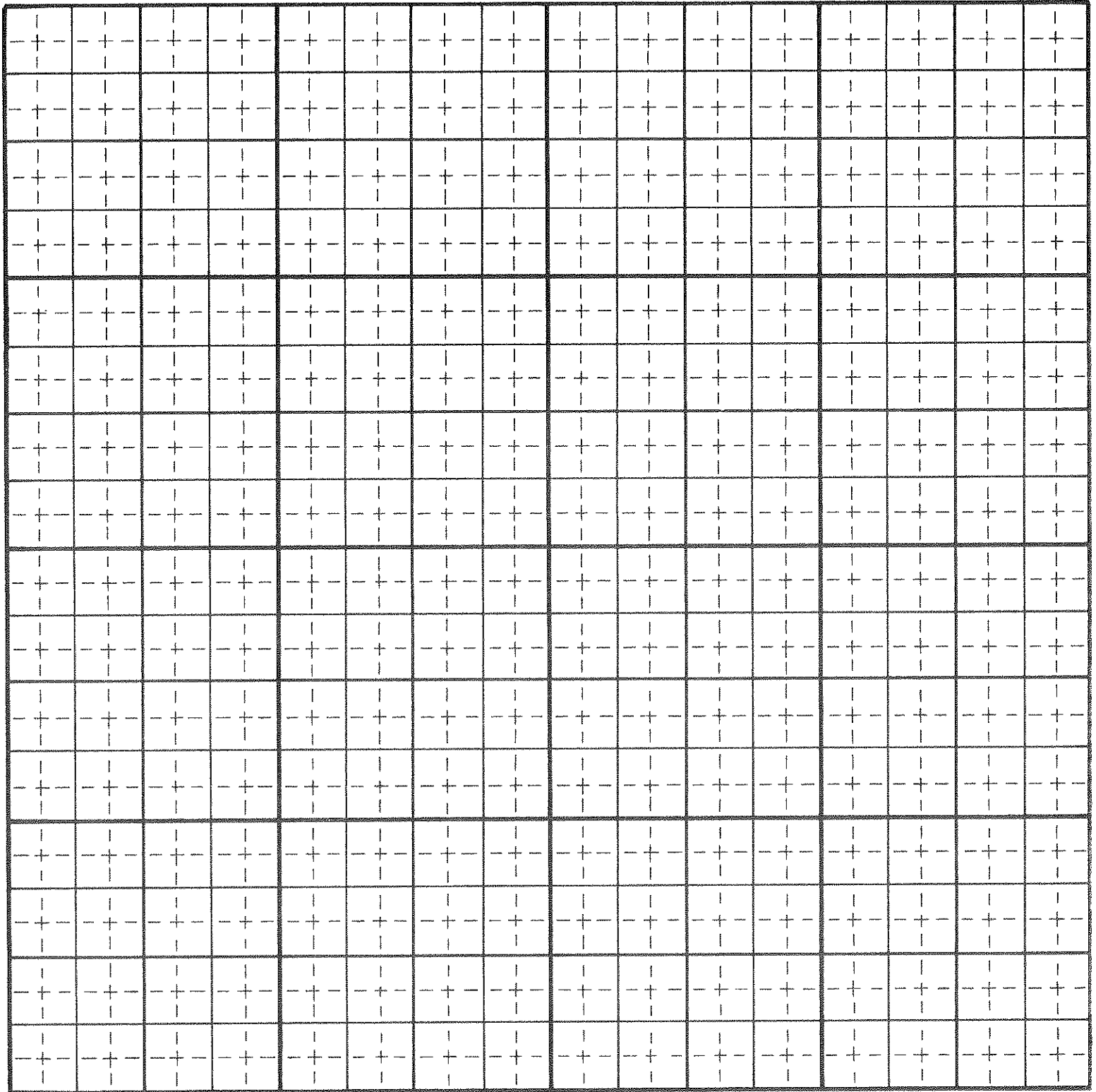
Last Name Canyon Creek Canal Co. Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile

See Attachment No. 2



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Last Name Canyon Creek Canal Co. Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____

Decree X

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date _____

Plaintiff vs 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 2

For Individuals: I do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____

_____ Date _____

For Organizations: I do solemnly swear or affirm that I am _____ President _____ Title _____

of Canyon Creek Canal Co., Inc. _____, that I have signed the foregoing
Organization
document in the space below as _____ President _____ of Canyon Creek Canal Co., Inc.
Title Organization

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

Signature of Authorized Agent _____

_____ Canyon Creek Canal Co., Inc.
Title and Organization By: Its President Date 8/19/88

State of Idaho/or _____)
County of Madison) SS.

Subscribed and sworn (or affirmed) before me this 19th day of August 19 88

SEAL

Notary Public Ray W. Rigby

Residing at Rexburg, Idaho

My Commission Expires 3-12-93

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, Ray W. Rigby will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Ray W. Rigby

Address P.O. Box 250, Rexburg, ID 83440

Date 8/19/88

NOT RECORDED
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Last Name Canyon Creek Canal Co. Ident. Number _____

Copies White-State, Yellow-Claimant

10. Description of place of use:

- a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

Attachment 1

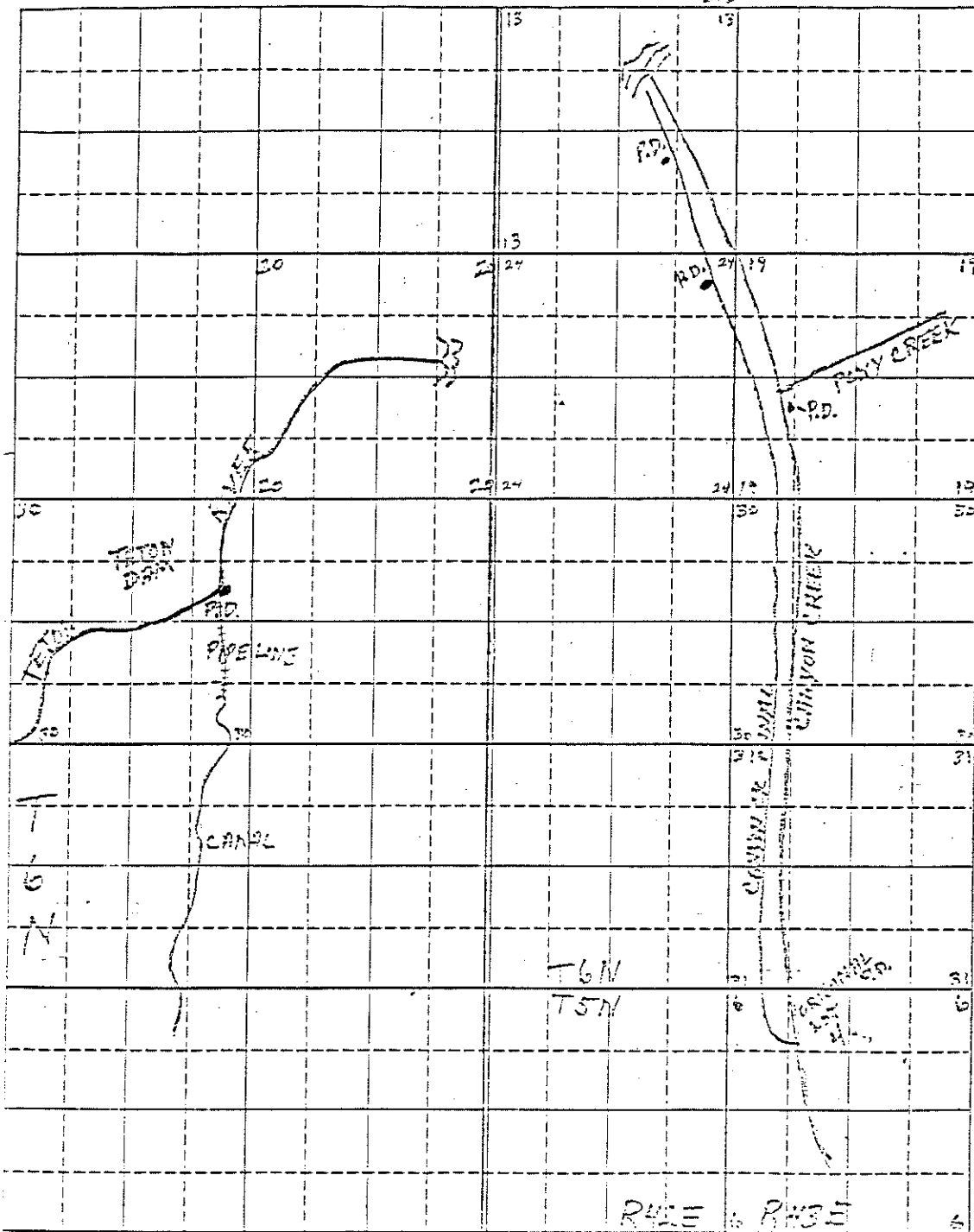
TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
7N	41E	26	0	0	0	0	0	0	0	0	40	0	0	40	0	0	0	0	80
		34	0	0	0	40	0	0	0	0	0	0	0	0	40	0	0	40	120
		35	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		36	40	40	40	40	40	40	40	40	40	40	0	0	40	40	40	40	560
7N	42E	30	0	0	0	0	0	0	0	0	9	0	40	40	21	12	40	40	202
		31	0	0	40	40	0	0	40	40	40	40	40	40	40	40	40	40	480
		32	0	0	0	40	0	0	0	0	40	40	40	40	40	40	40	40	360
		33	0	0	0	0	40	0	40	40	40	40	40	40	40	40	40	40	440
		34	0	0	0	0	0	0	0	0	40	40	40	40	0	0	0	0	160
		26	0	0	0	0	0	40	40	40	40	40	40	40	0	0	0	0	280
		35	0	30	40	21	40	40	40	40	40	40	40	40	40	40	40	40	571
		36	0	0	0	0	0	0	0	0	0	13	40	0	0	0	0	0	53
6N	41E	1	40	40	0	0	0	0	0	0	0	0	0	0	0	0	40	40	160
		3	0	27	27	0	0	0	0	0	0	0	0	0	0	26	0	0	80
		12	40	40	40	40	0	0	0	0	0	0	0	0	40	0	0	40	240
6N	42E	1	0	0	0	0	0	0	0	0	40	40	40	40	0	0	0	0	160
		2	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		3	0	0	0	0	0	0	0	0	0	0	0	0	25	0	0	40	65
		4	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		5	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		6	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		7	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
		8	0	40	10	0	40	40	40	40	40	40	40	40	0	10	10	0	390
		9	40	40	40	40	40	40	40	40	0	0	0	0	0	0	0	0	320
		10	40	40	40	40	0	0	0	25	40	40	40	40	40	40	40	40	505
		11	40	40	40	40	40	40	40	40	40	40	10	35	40	0	30	40	555
		12	0	0	0	0	40	40	40	30	10	40	35	5	30	30	30	30	360
		13	30	12	10	30	0	0	0	0	10	0	0	10	30	10	10	0	152
		14	25	15	40	40	30	30	30	30	0	0	0	0	30	30	30	0	330
		15	30	30	30	30	0	0	0	0	0	0	0	0	30	30	30	30	240
		24	12	39	40	32	39	0	0	40	0	0	0	0	0	0	0	0	202
6N	43E	7	0	0	0	0	0	0	0	0	30	30	30	30	0	0	35	35	190
		18	30	30	0	0	30	30	0	0	0	0	0	0	0	0	0	0	120

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Total number of acres irrigated 11,215*

*After deducting for highways, etc., the total irrigated acres does not exceed 10,615 acres.

- 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.

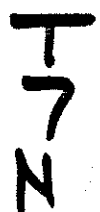


Attachment 2

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

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NOT TO SCALE