

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

In Re SRBA	)	Subcase No. 22-13331
	)	<i>Previously Disallowed</i>
Case No. 39576	)	
	)	STANDARD FORM 5
	)	
	)	STIPULATED ELEMENTS OF A
	)	WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or one federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

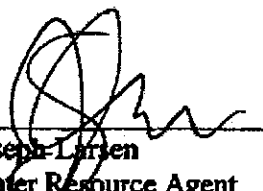
CLAIMANT/OBJECTOR:

Cherry Grove Canal Co.


Ray W. Rigby Date
Attorney for Claimant/Objector

STANDARD FORM 5 – 22-13331

IDWR Concurrence:



Joseph L. Litten 7/23/2006
Water Resource Agent Date



Andrea L. Courtney 7/24/08
Deputy Attorney General Date
Attorney for IDWR

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

RIGHT NUMBER: 22-13331

NAME AND ADDRESS: CHERRY GROVE CANAL CO
C/O PAT OCONNOR
127 W 400 S
VICTOR ID 83455

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 4.400 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T04N R46E S17 SWNWNE Lot 1 Within TETON County

T04N R46E S18 NESENE Within TETON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

4.400 CFS

PLACE OF USE:

992.3 ACRES TOTAL

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.

The rights listed below are limited to the irrigation of a combined total of 992.3 acres in a single irrigation season. Combined Right Nos.: 22-96, 22-218, 22-2005, and 22-13331.

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

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

This right is a combination of old Right Nos. 22-185 and 22-572.

The following rights are diverted through point(s) of diversion described above: 22-96, 22-218, 22-2005, and 22-13331.



*Are
SL
River*

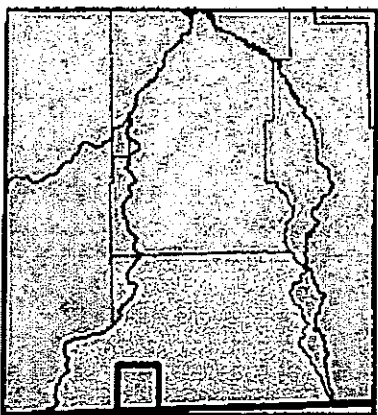
Cherry Grove Canal Co

SRBA Recommendations: 22-98, 22-218, 22-2005, 22-13331

Service Area Boundary
GIS Place of Use Illustration

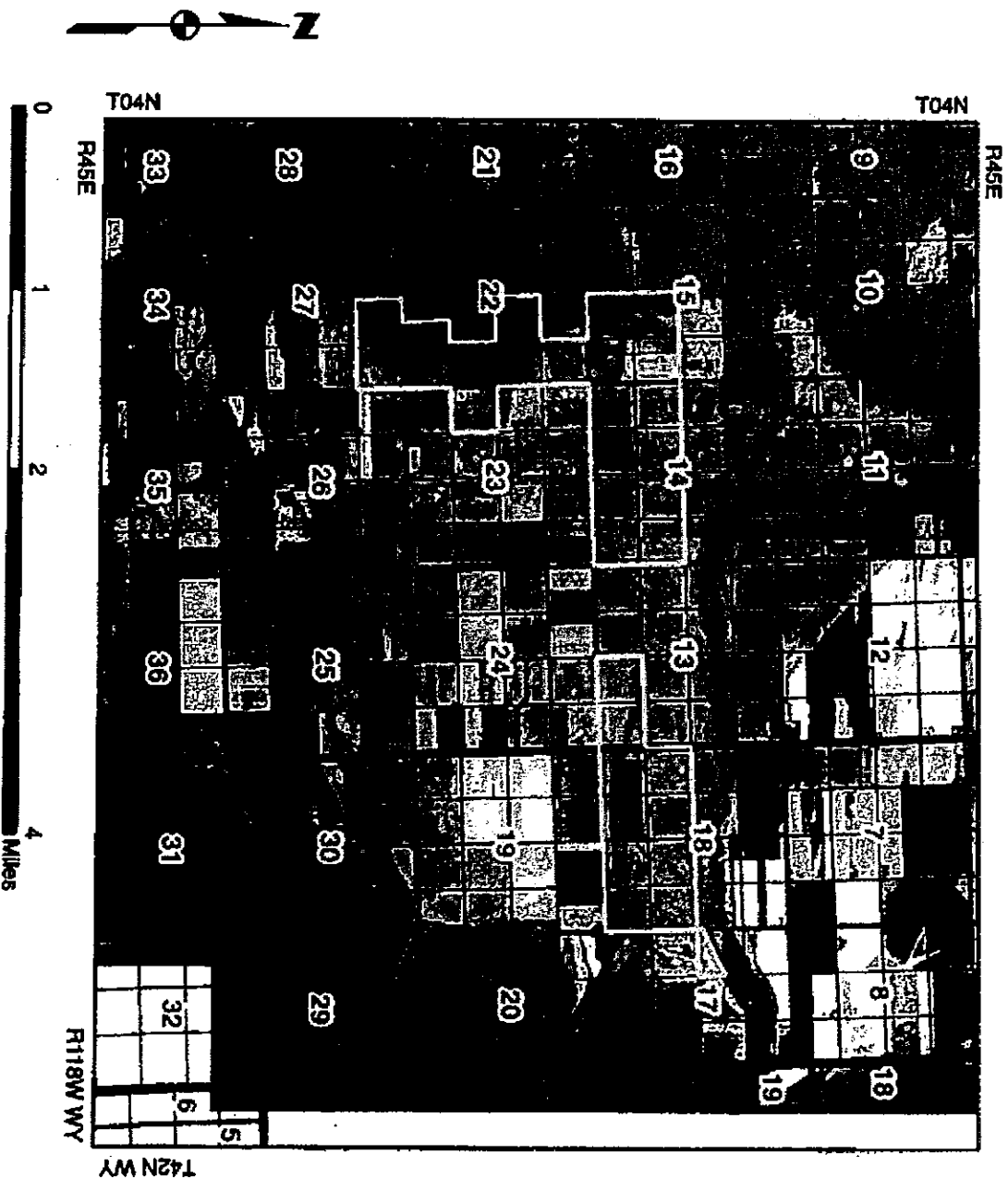
Legend

- Service Area
- State Outline
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by Danielle Favreau
On Thursday, July 17, 2008
1987/88 Aerial Photography



CERTIFICATE OF MAILING

I certify that on August 12, 2008, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

CLERK OF THE DISTRICT COURT
SNAKE RIVER BASIN ADJUDICATION
253 THIRD AVENUE NORTH
P. O. BOX 2707
TWIN FALLS, IDAHO 83303-2707

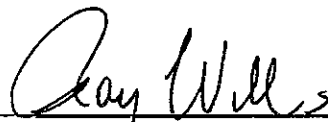
2. CHERRY GROVE CANAL CO

Represented by:

RAY W. RIGBY
25 N. 2nd E.
P.O. BOX 250
REXBURG, ID 83440-0250

CHERRY GROVE CANAL CO
C/O PAT O'CONNOR
127 W. 400 S.
VICTOR, ID 83455

IDWR REPOSITORY
P.O. BOX 83720
BOISE, ID 83720-0098



Signature of person or attorney mailing the form