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AUG 18 2008

DEPARTMENT OF
WATER RESOURCES

DISTRICT COURT - SRBA Fifth Judicial District County of Twin Falls - State of Idaho	
AUG 14 2008	
By _____	Clerk
_____	Deputy Clerk

COPY

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

)

Water Rights: 22-12165

(Split into 22-13872 and 22-13873)

Case No. 39576

)

)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party FOX CREEK CANAL CO-CHERRY GROVE LLC
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Aug 11, 2008

Ernest Carlson

Signature of IDWR Representative

CERTIFICATE OF MAILING

I certify that on Aug 13, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:	
Fox Creek Canal Co	Fox Creek Canal Co
C/O Dawn Stone Sec	C/O Randall Foster Pres
494 S 50 W	402 S 200 E
Victor ID 83455	Driggs ID 834222

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:
Cherry Grove LLC
C/O Julie Bryan
PO Box 6834
Jackson WY 83002

4. One copy to:

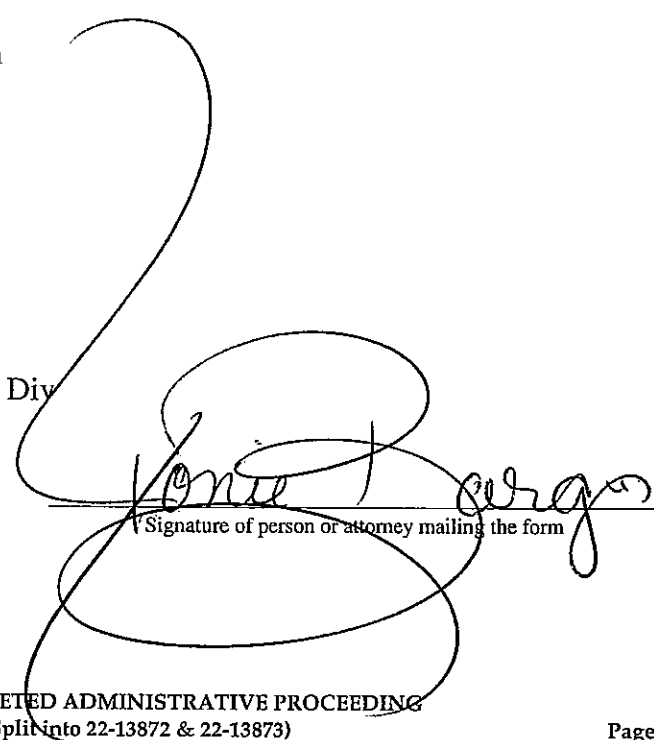
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724



Signature of person or attorney mailing the form

08/11/2008

IDAHO DEPARTMENT OF WATER RESOURCES
CLAIMS / RIGHTS NOT RECOMMENDED

<u>W.R. NUMBER</u>	<u>NAME AND ADDRESS</u>	<u>CLAIM DISPOSITION</u>	<u>REASON</u>
22-12165		Disallowed	
Split Into:		22-13872 & 22-13873	

08/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13872

NAME AND ADDRESS: FOX CREEK CANAL CO
C/O RANDALL FOSTER PRES
402 S 200 E
DRIGGS ID 83422

FOX CREEK CANAL CO
C/O DAWN STONE SEC
494 S 50 W
VICTOR ID 83455

SOURCE: FOX CREEK TRIBUTARY: TETON RIVER

QUANTITY: 9.730 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSNW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	9.730 CFS

PLACE OF USE:

3377.7 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.

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

This right is limited to the irrigation of 953.2 acres within the place of use described above in a single irrigation season.

The rights listed below are limited to the irrigation of a combined total of 3377.7 acres in a single irrigation season. Combined Right Nos.: 22-107, 22-188, 22-202, 22-432, 22-2027, 22-2037, 22-12156, 22-12159, 22-12161, 22-12164, 22-13872, 22-13874.

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 split from former right 22-12165 .

Water is delivered through Fox Creek Canal.

This right is a combination of portions of old Right Nos.: 22-211, 22-433, 22-444, 22-446, 22-563, 22-564. See chart titled "Fox Creek C.C. Analysis" in file.

08/12/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13873

NAME AND ADDRESS: CHERRY GROVE LLC
C/O JULIE BRYAN
PO BOX 6834
JACKSON WY 83002

SOURCE: FOX CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.110 CFS

PRIORITY DATE: 06/01/1897

POINT OF
DIVERSION:

T04N R45E S25 SESWNE Within TETON County
T04N R46E S29 SWSWNE Lot 4 Within TETON County
T04N R46E S30 NENWNE Lot 6 Within TETON County
T04N R46E S30 NWSENE Within TETON County

PURPOSE AND
PERIOD OF USE:

	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
	IRRIGATION	04/15 10/31	1.110 CFS
PLACE OF USE:	<u>IRRIGATION in TETON County</u>		
	T04N R46E S18 Lot 4 SWSW 38.60	T04N R46E S18 SESW	40.00
	T04N R46E S19 Lot 1 NWNW 40.00		

118.6 ACRES TOTAL

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

The rights listed below are limited to the irrigation of a combined total of 118.6 acres in a single irrigation season. Combined Right Nos.: 22-13873, 22-13875.

This right is limited to the irrigation of 74 acres within the place of use described above in a single irrigation season.

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 portion of old Right No.: 22-433.

Water is delivered through Fox Creek Canal.

This right is a split from former right 22-12165 .