

07/25/2006

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

RIGHT NUMBER: 1-42

NAME AND ADDRESS: CLARK & EDWARDS CANAL CO
275 N 4500 E
RIGBY ID 83442

SOURCE: SNAKE RIVER

TRIBUTARY: COLUMBIA RIVER

Water is delivered from the Dry Bed.

QUANTITY: 70.000 CFS

PRIORITY DATE: 02/27/1885

POINT OF DIVERSION:

T04N R40E S20 SESESW Within JEFFERSON County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/01 10/31

70.000 CFS

PLACE OF USE:

1559

1441 ACRES TOTAL

Place of use is within the area served by Clark & Edwards 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

Water is delivered through Clark & Edwards Canal.

12/01/2006

RECEIVED

DEC 26

DEPARTMENT OF
WATER RESOURCES

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS: November 30, 2006

Water right number: 1-42

OK
CLARK & EDWARDS CANAL CO
~~273 N 4500 E~~ 4485 E 250N
RIGBY ID 83442
Telephone Number: (208)538-7117

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):

2. Describe the changes you wish to make in the proposed recommendation:

3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation; no changes need to be made.

DATE: 12-21-2006 SIGNATURE: Dale Mortimer

Please print your name: DALE MORTIMER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

RECEIVED

DEC 29 2006

Department of Water Resources
Eastern Region

gc



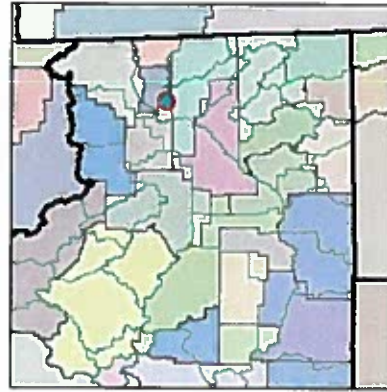
Clark & Edwards Canal Co

SRBA Recommendations: 1-42, 1-234, 1-303

Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Jefferson County
IDWR Basin 1



Prepared by C. Moore
On Monday, November 27, 2006
1987/88 Aerial Photography

SCANNED

AUG 17 2001

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: A01-00042
Date Received: 11/29/1988
Receipt No: E004599
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: CLARK & EDWARDS CANAL COMPANY 208-745-7567
Address: 4378 E. 300 N.
RIGBY, ID 83442

2. Date of Priority: FEB 27, 1885

3. Source: DRY BED Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
04N	40E	20	SW	SW	SW		JEFFERSON

5. Description of diverting works:
CHECK DAM TO DOUBLE HEADGATE TO DELIVERY CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	70.000		

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

8. Total consumptive use is 4337.5 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	39E	10	SW	SW		IRR	37.0
			SE	SW		IRR	39.0
			SW	SE		IRR	23.0

A01-00042

Page 1

Date: 01/16/89

MICROFILMED

OCT 16 1992

10. Place of Use: Continued

Township 04N	Range 39E	Section 10	1/4 SE	of 1/4 SE	Lot	Use IRR	Acres 6.0
Section Acres							105.0
		13	NE	SW		IRR	10.0
			SW	SW		IRR	39.0
			SE	SW		IRR	38.0
			SW	SE		IRR	9.0
			SE	SE		IRR	23.5
Section Acres							119.5
		14	NW	NW		IRR	6.0
			SW	NW		IRR	26.5
			SE	NW		IRR	20.5
			NE	SW		IRR	40.0
			NW	SW		IRR	39.0
			SW	SW		IRR	34.0
			SE	SW		IRR	37.0
			NE	SE		IRR	29.0
			NW	SE		IRR	35.0
			SW	SE		IRR	39.0
			SE	SE		IRR	39.5
Section Acres							345.5
		15	NE	NE		IRR	36.0
			NW	NE		IRR	35.5
			SW	NE		IRR	40.0
			SE	NE		IRR	39.5
			NE	NW		IRR	39.5
			NW	NW		IRR	39.0
			SW	NW		IRR	39.5
			SE	NW		IRR	40.0
			NE	SE		IRR	39.5
			NW	SE		IRR	40.0
			SW	SE		IRR	39.5
			SE	SE		IRR	39.0
Section Acres							467.0
		16	NE	NE		IRR	39.0
			NW	NE		IRR	39.5
			SW	NE		IRR	40.0
			SE	NE		IRR	39.5
Section Acres							158.0

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
04N	39E	23	NE		NE		IRR	38.5
			NW		NE		IRR	39.5
			NE		NW		IRR	3.0
			Section Acres					81.0
		24	NE		NE		IRR	38.5
			NW		NE		IRR	39.5
			SW		NE		IRR	39.0
			SE		NE		IRR	39.0
			NE		NW		IRR	39.0
			NW		NW		IRR	38.5
			SW		NW		IRR	39.0
			SE		NW		IRR	39.5
			NE		SW		IRR	9.0
			NW		SW		IRR	5.5
			NE		SE		IRR	38.5
			NW		SE		IRR	39.0
			Section Acres					404.0
	40E	19	NW		NW		IRR	5.0
			SW		NW		IRR	37.0
			SE		NW		IRR	13.5
			Section Acres					55.5
			Total Acres					1735.5

11. Place of use in counties: JEFFERSON

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

13. Other Water Rights Used:
A01-00303 AND A0100234

14. Remarks:

15. Basis of Claim: DECREED
Water Right Number: 010042
Case Number:
Court :
Decree date: 12/16/1910

REXBURG IRRIGATION
Decree Plaintiff
A01-00042

Page

vs
3

TETON IRRIGATION CANAL
Decree Defendant
Date: 01/16/89

MICROFILMED
OCT 16 1992

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 Individuals:

I/We 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 Secretary of
Clark + Edwards Canal Co., that I have signed the foregoing
Organization Title
document in the space below as Secretary of
Clark + Edwards Canal Co. and that the statements contained in the
Organization Title
foregoing document are true and correct.

Natley Chase
Signature of Authorized Agent
Secretary of C + E Canal
Title and Organization
1/17/89
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 17th day

of January 19 89

Seal

Betty J. Thompson
Notary Public

Residing at BETTY J. THOMPSON, NOTARY PUBLIC
RESIDING AT IDAHO FALLS, IDAHO
My Commission Expires MY COMMISSION EXPIRES: 6-30-91

0010

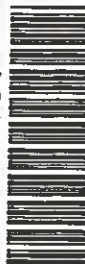
IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

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 A01-00042
Date Received 11-29-88
Receipt Number E004599

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

A0100042



Please type or print clearly

1. Name of Claimant (s) Clark + Edwards Canal Co. Phone (208) 745-7567

Mailing Address 4378 E. 300 N. Rigby, Idaho Zip 83442

2. Date of Priority (Only one (1) per claim) Feb. 27, 1885

3. Source of water supply (a) Drybed
which is tributary to (b) Snake River

4. a. Location of existing point of diversion is: Township 4N Range 39E Section 20,
1/4 of SW 1/4 of SW 1/4, Govt. Lot, _____ B.M., County of Jefferson

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

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. check to double

headgate set in concrete to delivery canal.

MICROFILMED

OCT 16 1992

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 70.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 70.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 4337.5 acre feet per annum.

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) See Attached.
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	

Total number of acres irrigated 1735

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

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.
A01-00303 & A01-00234 or None ()

14. Remarks:
Secretary for the canal co.
map is attached

MICROFILMED

OCT 16 1992

Last Name _____ Ident No. _____

Copies: White -State, Yellow-Claimant

Scale: 2 inches equals 1 mile

OCT 16 1992

Copies: White-State, Yellow-Claimant

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

Decree ☒

If applicable provide IDWR Water Right Number _____

Court _____ Case Number _____ Decree Date 12-16-1910

Plaintiff vs Defendant Rexburg IRRIGATION VS teton IRRIGATION Canal

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 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 Secretary

of Clark + Edward Canal Co. , that I have signed the foregoing

Organization

document in the space below as Secretary of Clark + Edwards Canal Co.

Title

Organization

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

Signature of Authorized Agent Nathan Chase

Title and Organization Secretary of Clark + Edwards Canal Co. Date 11/29/88

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

Subscribed and sworn (or affirmed) before me this 29th day of Nov. 19 88

SEAL

Notary Public William Gray

Residing at Idaho Falls

My Commission Expires 5/29/1991

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

Last Name _____ Ident. Number _____

MICROFILMED

OCT 16 1992

Copies White-State, Yellow-Claimant

Description and location of place of use: