

12/19/2006

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

RIGHT NUMBER: 22-96

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: 29.600 CFS

PRIORITY DATE: 01/22/1916

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
IRRIGATION

PERIOD OF USE
04/15 10/31

QUANTITY
29.600 CFS

PLACE OF USE:

992.3 ACRES TOTAL

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

02/04/2005

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

RIGHT NUMBER: 22-96

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: 29.600 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 29.60 CFS. COMBINED RIGHT NOS.:
22-00096, 22-00281, 22-02005, 22-13331.

PRIORITY DATE: 01/22/1916

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
IRRIGATION

PERIOD OF USE
4/15 10/15

QUANTITY
29.600 CFS

PLACE OF USE:

LARGE PLACE OF USE

992.3 ACRES TOTAL

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

USE OF THIS RIGHT WITH THE RIGHTS LISTED BELOW IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 992.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-00096, 22-00281,
22-02005, 22-13331.

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: Decreed

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF
DIVERSION DESCRIBED ABOVE: 22-00096, 22-00281, 22-02005, 22-13331.

No. C 170738	Due no later than January 31, 2008 Annual Report Form		2. Registered Agent and Office NO PO BOX FRANCIS EUGEN LEWIS 477 S 100 W VICTOR, ID 83455
Return to: SECRETARY OF STATE 450 NORTH FOURTH STREET PO BOX 83720 BOISE, ID 83720-0080		1. Mailing Address - Correct in this box if applicable CHERRY GROVE CANAL COMPANY, LIMITED PO BOX 257 DRIGGS, ID 83422	
NO FILING FEE IF RECEIVED BY DUE DATE		3. New Registered Agent Signature	
4. Corporations: Enter Names and Business Addresses of President, Secretary and Directors.			
Office held	Name	Street or P.O. Address	City
PRESIDENT	FRANCIS EUGENE LEWIS, SR.	PO BOX 257	DRIGGS ID.
SECRETARY	PAT O'CONNOR	127 W 400 S	VICTOR ID
DIRECTOR	RONALD BOWMAN, JR.	1842 1ST ST.	IDAHO FALLS ID
DIRECTOR	JAMES A. JENKINS	454 S 200 E.	VICTOR ID
5. Organized Under the Laws of: IDAHO C 170738		6. Signature <i>Francis Eugene Lewis Sr</i> Date 01-22-08 Name FRANCIS EUGENE LEWIS SR Title PRESIDENT	

Issued 11/01/2007 Do Not Tape or Staple
 200801004911

Cherry Grove

Claim no. _____

Claimant Contact Log

Date 11-29-06 Remarks _____ Agent initials _____

I contacted Francis Eugene Lewis on 11-29-06
& went on-site at his farm in the NW 1/4 Sec 23
T4N, R45E. (See attached map)

He gave me the recent article of incorporation
that Ray Rigby is submitting to register the
Cherry Grove Canal as a company.

Mr. Lewis said he is the owner of the
Etta Court ground who had 40 shares in
Cherry Grove Canal. This ground was sold to
Silven Murdock & then to Mr. Lewis in 1984.

The Cherry Grove Canal comes within 100 yards of
Mr. Lewis's NE corner of his 40 acres & a ditch
comes off the canal to his P.O. Also
the neighbor's ground south of the road is irrigated
by Cherry Grove Canal.

Copies of documents were provided by Mr. Lewis.
His phone # is 208-787-2707 and his
mailing address is P.O. Box 257, Dugger, ID
83422.

JLW/jmc
11-30-06



Ditch

OK

Ditch

OK

Ditch

Ditch heading

Heavy Grass Gang

Gar Lewis
P.O.U.

N

ARTICLES OF INCORPORATION

of

CHERRY GROVE CANAL COMPANY, LIMITED

KNOW ALL MEN BY THESE PRESENTS:

That we, the undersigned citizens of the United States of America, of the age of twenty-one years or more, by these presents voluntarily associate ourselves together in behalf of ourselves and all of the present stock holders of said Cherry Grove Canal Company, Ltd., which has operated as a de facto corporation since November 30, 1967, when said corporation's charter was forfeited for failure to file its annual statement, but which said corporation has continued to function in all respects as a legally constituted corporation, and this set of articles of incorporation are being filed with the Secretary of State, State of Idaho, for the purpose of converting said de facto corporation into a de jure corporation, by forming a non-profit corporation, pursuant to the provisions of Chapter 3 of Title 30 of the Idaho Code, and receiving all of the assets and assuming all of the liabilities and responsibilities of said de facto corporation, and we do hereby certify:

ARTICLE I

NAME

The name of this corporation is CHERRY GROVE CANAL COMPANY, LIMITED, and is formed as a non-profit corporation.

ARTICLE II

PURPOSES AND POWERS

A. The purposes for which the corporation is formed are to own, acquire, lease, hold, manage, control, operate and maintain an irrigation system, and water and water rights, all for the benefit of the corporation and its stockholders, upon certain lands lying along and in the vicinity of Darby Creek, which is a tributary of the Teton River, in the County of Teton, State of Idaho, for irrigation, domestic use, watering livestock, and all other beneficial uses of water, and to conduct any business, and to do all and every thing necessary, suitable, and proper for the accomplishment of any of the purposes or the attainment of any benefits for the corporation and its stockholders, not inconsistent with the laws under which the corporation is organized.

B. This corporation existed heretofore under the name of Cherry Grove Canal Company, Limited; its original Articles of Incorporation having been filed for record with the Secretary of State of the State of Idaho on the 7th day of January, 1901. On December 1, 1913, the charter of said company was forfeited by the Secretary of State of the State of Idaho for failure to file its annual statement. On May 25, 1950, said company was reinstated as a corporation by said Secretary of State, with the filing of new Articles of Incorporation. On November 30, 1967, said corporation's charter was forfeited for failure to file its annual statement. No annual report has been filed by the corporation with the said Secretary of State since that date. Nevertheless, the company continued as a de facto corporation under and by virtue of the laws of the State of Idaho, continuing to elect directors and officers and operate

for all intents and purposes as if its charter had never been forfeited. The purpose, therefore, of executing and filing these Articles of Incorporation with the Secretary of State of the State of Idaho is to re-instate said corporation as a legal corporate entity, recognizing the stockholders of the de facto corporation exactly as they existed on the date of the execution of these Articles of Incorporation on May 25, 1950, and for the purpose of acquiring from the de facto corporation all water rights and other rights and properties and assuming the liabilities, if any exist, as of date hereof, to continue and perpetuate the canal company entity.

ARTICLE III

REGISTERED OFFICE AND REGISTERED AGENT

The address of the initial registered office of Leigh Creek Canal Company is at 127 West 400 South, Victor, ID 83455, and the name of its initial registered agent at such address is Pat O'Connor.

ARTICLE IV

DURATION

The term for which the corporation is to exist shall be perpetual from and after the date of its incorporation, unless sooner dissolved or disincorporated pursuant to law.

ARTICLE V

INITIAL BOARD OF DIRECTORS AND OFFICERS

There shall be a board of directors composed of five (5) members and the following officers: President, Vice-President, Secretary, and Treasurer. Their qualifications, duties, terms of office, manner of election, and other matters pertaining to the corporation shall be set forth in the By-Laws of the corporation.

ARTICLE VI

CAPITAL STOCK

A. The total authorized capital of this corporation shall be fifteen hundred dollars (\$1,500.00), divided into fifteen hundred shares (1,500), each with the par value of one dollar (\$1.00).

B. Fourteen hundred and forty-eight (1,448) of said shares have been subscribed for and fully paid and issued by Cherry Grove Canal Company, Limited, which corporation's charter has been forfeited, but for which this corporation is organized, and this corporation adopts those outstanding shares of stock as its outstanding capital stock and which stockholders shall, without any further action on their part, become stockholders of this corporation.

C. The following named persons and their addresses and the numbers of shares each owned at the time this corporation was last reorganized, May 25, 1950, are the following:

James G. Oglesby, Driggs, Idaho, 160 shares; Vernal J. Foster, Driggs, Idaho, 80 shares; Clifton E. Yearsley, Driggs, Idaho, 120 shares; Thomas G. Foster, Driggs, Idaho 16 shares; Ariel Nelson, Driggs, Idaho 20 shares; Charles Allen, Driggs, Idaho, 160 shares; Richard Jackson, Driggs, Idaho 160 shares; Mrs. Etta Cover, Driggs, Idaho, 40 shares; Mrs. Willis Buxton, Challis, Idaho 160 shares; Austin Child, Driggs, Idaho, 152 shares; Lynn W. Casper, Driggs, Idaho, 160 shares; Glenn Woolstenhulme, Driggs, Idaho, 160 shares; Earl D. Stringfellow, Driggs, Idaho, 60 shares.

The owners of said shares of stock on the date of this incorporation are the above named persons or their heirs and assigns.

D. All stock shall be common stock and when fully paid shall not be subject to call. Each share of stock shall be entitled to one vote and all stock shall have equal rights.

E. The capital stock of the corporation may not be transferred except in connection with a transaction involving title to the real property to which that proportion of the water and conveyance rights of the corporation represented by such stock is appurtenant, or as otherwise provided for in the By-Laws of the corporation, as the same may from time to time be amended.

F. The ownership of said stock shall be further limited and shall be held and transferred as provided for in the By-Laws. No share shall have pre-emptive rights, and each stockholder may vote by written proxy pursuant to any limitations contained in the By-Laws. All stock shall be subject to assessment for use in paying all of the expenses of the corporation, including the expenses of maintenance and operation of the irrigation system.

G. The names of the persons or entities, their mailing addresses, and the number of shares this corporation recognizes and acknowledges as being owned in this corporation shall be set forth in the minutes of the initial meetings of the stockholders of this corporation.

ARTICLE VII

SUPPLEMENTAL POWERS AND PURPOSES

A. In carrying out the purposes of this Corporation to furnish for its stockholders water for irrigation, domestic use, watering livestock, and all other beneficial uses of water, the Corporation will issue stock to its stockholders in unequal numbers of shares, issuing to each stockholder the number of shares deemed sufficient for that stockholder's needs in the manner set forth in the bylaws. The funds necessary for the accomplishment of said purposes can be raised by assessments on those shares.

B. This Corporation shall at all times be operated on a non-profit basis for the benefit of its stockholders. No interest or dividends shall be paid or payable to the stockholders by the Corporation.

C. In the payment of assessments, which shall be uniform on each share of stock, the business of the Corporation shall be so conducted that only sufficient funds shall be levied and collected from the stockholders as are necessary for the payment of its reasonable and necessary expenses in carrying out the purposes of the Corporation. Should an excess of funds be collected, by said assessments or by the rental or sale of surplus water in times of plenty, which shall exceed a reasonable sum to be retained in a reserve fund for the

ARTICLE X

INCORPORATORS

The name and address of each incorporator is:

Pat O'Conner

Ronald Zohner

DATED This ____ day of _____, 2006.

Pat O'Conner

Ronald Zohner

STATE OF IDAHO,)

ss.

County of Madison.)

On this ____ day of _____, 2006, before me, the undersigned a Notary Public in and for said State, personally appeared PAT O'CONNER, RONALDZOHNER, and _____ known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at Rexburg, Idaho

My Commission Expires: 03-12-2011

acquisition of water by lease, purchase or otherwise, in times of shortage, and after taking into account the Corporation's reasonable needs for normal business purposes, retiring indebtedness, expansion, or maintaining reserves for other necessary purposes, the same shall, at the discretion of the board of directors of the Corporation, be returned to the stockholders on a per share basis, or the Corporation shall reduce the amount of the next assessment on said stock, or both. The books and records of the Corporation shall be set up and kept in such a manner that at the end of each fiscal year, a record of the amount of surplus funds collected by the Corporation shall be made.

D. All such amounts received by the Corporation from its operations in excess of costs and expenses shall, insofar as permitted by law, be used to offset any losses incurred during the current or any prior fiscal year.

E. In the event of dissolution or liquidation of the Corporation, after all outstanding taxes and indebtedness of the Corporation shall have been paid, together with all costs of dissolution or liquidation, all gains from the sale of an appreciated asset, as well as all other assets, including funds of the Corporation, shall be returned to the stockholders on a per share basis.

ARTICLE VIII

LIMITATIONS OF LIABILITY

All present or past directors, officers, employees or agents of the corporation and the heirs or personal representatives of such person, shall be indemnified and may be advanced expenses by the corporation if said person was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than action by or in the right of the corporation) by reason of the fact that he is or was a director, officer, employee, or agent of the corporation or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interests of the corporation, and, with respect to any criminal action proceeding, had no reasonable cause to believe his conduct was unlawful and is so determined in accordance with Idaho Code § 30-1-5(d), and if so determined such person shall be entitled to all the other benefits as set out in Idaho Code § 30-1-5 and shall have no personal liability to the corporation or its stockholders for monetary damages for breach of fiduciary duty as a director, officer, employee or agent; provided that this provision shall not eliminate or limit the liability of such person (i) for any breach of the duty of loyalty to the corporation or its stockholders, (ii) for acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, (iii) under Section 30-1-48, Idaho Code, or (iv) for any transaction from which such person derived an improper personal benefit. This section shall not eliminate or limit the liability of such person for any act or omission occurring prior to the date when this section becomes effective.

ARTICLE IX

BY-LAWS

The initial By-Laws shall be adopted by the Board of Directors. The power to amend or repeal the By-Laws of the corporation shall thereafter be pursuant to the By-Laws.

RECEIVED

DEC 15 1993

114664

35-8129-R

American Land Title Co.
P.O. Box 644
Driggs, ID 83422

TETON COUNTY
Clerk's Office

WARRANTY DEED

For Value Received

Silvon Murdock and Fay Murdock, husband and wife

the grantor s, do hereby grant, bargain, sell and convey unto

Francis E. Lewis and Brenda C. Lewis, husband and wife

whose current address is

475 South 100 West
Victor, Idaho 83455

the grantees, the following described premises, in Teton County Idaho, to wit:

Beginning at the Southwest corner of the Northwest Quarter Southwest Quarter of Section 23, Township 4 North, Range 45 East, Boise Meridian, Teton County, Idaho, thence running North along County Road 170 feet; thence East 512.47 feet; thence South 170 feet; thence West 512.47 feet to the point of beginning.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantees, their heirs and assigns forever. And the said Grantor s do hereby covenant to and with the said Grantees, that they are the owners in fee simple of said premises; that they are free from all incumbrances except: Subject to all existing patent reservations, easements, rights of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations.

and that they will warrant and defend the same from all lawful claims whatsoever.

Dated: December 10, 1993

Silvon Murdock

Silvon Murdock

Fay W. Murdock

Fay Murdock

STATE OF IDAHO, COUNTY OF Teton
On this 15th day of Dec., 1993,
before me, a notary public in and for said State, personally
appeared

Silvon Murdock and Fay Murdock
Husband and Wife

known to me to be the person s whose name s are
subscribed to the within instrument, and acknowledged to
me that they executed the same.

Residing at 475 S. 100 W. Victor, Idaho
Comm. Expires 12/29/98

Notary Public
Idaho

114664

FILED

AT THE REQUEST OF

American Land

AT 12 MINUTES PAST 12 P.M.

DATE December 15, 1993

Donna J. Drake

CLERK OF RECORD

BY *Donna J. Drake*

DEPUTY

Submitted by the AMERICAN LAND TITLE CO., Pocatello, Idaho

Instrument # 152202

DRIGGS, TETON, IDAHO

2002-12-31 03:44:11 No. of Pages: 1

Recorded for: FIRST AMERICAN

NOLAN G. BOYLE

Ex-Officio Recorder Deputy

Index to: DEED, WARRANTY

152202

RECEIVED

DEC 31 2002

TETON CO., ID
CLERK RECORDER

WARRANTY DEED

Warranty deed made this 31st day of December, 2002 between SILVON MURDOCK and
FAY W. MURDOCK, husband and wife, of Driggs, Idaho 83422, referred to as grantor, and FRANCIS E. LEWIS and
BRENDA C. LEWIS, husband and wife, of P.O. Box 257, Driggs, Idaho 83422, referred to as grantee.

Grantor in consideration of the sum of Ten Dollars (\$10.00) the receipt whereof is hereby acknowledged, has
granted, bargained, and sold, and does hereby grant, bargain, sell, convey, and confirm unto grantee and his heirs and
assigns forever, all the following described real estate situated in Teton County, Idaho:

NW 1/4 of the SW 1/4 of Section 23, Township 4 North, Range 45 E., Boise Meridian.

Together with all and singular the tenements, hereditaments, and appurtenances thereunto belonging or in
anywise appertaining, the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all
estate, right, title, and interest in and to the property, as well in law as in equity.

To have and to hold, all and singular the above-described premises together with the appurtenances unto
grantee and his heirs and assigns forever.

And grantor and his heirs shall and will warrant and by these presents forever defend the premises in the quiet
and peaceable possession of grantee, his heirs, and assigns against grantor and his heirs and against all and every
person and persons whomsoever, lawfully claiming the same.

Grantor has hereunto set his hand on the day and year first above written.

Silvon A. Murdock
SILVON MURDOCK

Fay W. Murdock
FAY W. MURDOCK

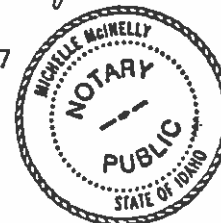
STATE OF IDAHO)

:ss

County of Teton)

On this 31st day of December, 2002 before me, a Notary Public in and for said State, personally
appeared SILVON MURDOCK and FAY W. MURDOCK, husband and wife, known to me to be the persons whose
names are subscribed to the foregoing instrument and acknowledged to me to me that they executed the same.

Michelle McInelly
Notary Public
Residing at: Driggs
Commission expires: 10-11-07



152202

NOTICE OF CONTRACT OF SALE

Please take notice that SILVON MURDOCK and FAY W. MURDOCK, husband and wife, of Driggs, Idaho 83422, herein referred to as Seller, agreed in writing to convey under that certain Contract of Sale dated May 30th, 1984, to FRANCIS E. LEWIS and BRENDA C. LEWIS, husband and wife, of P.O. Box 257, Driggs, Idaho 83422, hereinafter referred to as Buyer, all of the following described real property situated in Teton County, Idaho:

NW 1/4 of the SW 1/4 of Section 23, Township 4 North, Range 45 E., Boise Meridian.

Such contract is in full force and effect.

You are further notified and advised that any and all interest, right or title you may acquire in the same real property by virtue of subsequent transactions with Seller will be wholly subject to the right, interest, and equity of the undersigned Buyers in such real property, arising by virtue of this Contract of Sale.

DATED: May 30th, 1984.

SELLER

BUYER

Silvon Murdock
SILVON MURDOCK

Francis E. Lewis
FRANCIS E. LEWIS

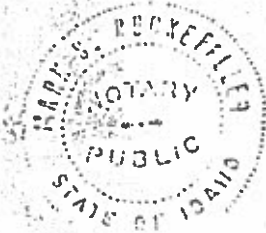
Fay W. Murdock
FAY W. MURDOCK

Brenda C. Lewis
BRENDA C. LEWIS

STATE OF IDAHO)
 : ss
County of Teton)

On this 30th day of May, 1984, before me, a Notary Public in and for said State, personally appeared SILVON MURDOCK and FAY W. MURDOCK, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged

to me that they executed the same.



W.S. Rockefeller
Notary Public
Residing at:
Commission expires:

STATE OF IDAHO)
 : ss
County of Teton)

On this 30 day of May, 1984, before me, a Notary Public in and for said State, personally appeared FRANCIS E. LEWIS and BRENDA C. LEWIS, husband and wife, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same.



W.S. Rockefeller
Notary Public
Residing at: Driggs
Commission expires: Life

94973

FILMED	_____
INDEXED	____/____
PLATTED	_____

STATE of IDAHO }
COUNTY of TETON }
Filed for Record at the Request
of W.S. Rockefeller
at 55 Minutes past 2
M. this 4
Day of June 1984
and Microfilmed or Recorded in
Book _____
of _____ page _____
Records of Teton County
State of Idaho.
W. Wayne Adams Recorder
James Hatch Deputy

11-30-06 Skip. Field exam 11/29/06.
Mr. Lewis

-provided Skip with documents.

-1901 Sharehold ;

40 shares: Eda cover - Mr. Lewis's property.

Irrigates his property.

1950 - Corp.

1967 forfeited

deed from Silvon to Lewis is silent.

Ray Rigby, attorney for Cherry Grove
Canal. They are submitting
it as it speak.



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]

CHERRY GROVE CANAL COMPANY, LIMITED

Type of Business: CORPORATION, WATER USERS ASSOCIATION

Status: FORFEITED 30 Nov 1967

State of Origin: IDAHO

Date of 25 May 1950

Origination/Authorization:

Registered Agent:

Organizational ID / Filing C25021

Number:

**Number of Authorized Stock
Shares:**

Date of Last Annual Report:

Amendments:

Amendment filed 25 May 1950 INCORPORATION

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Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov



IDAHO SECRETARY OF STATE Viewing Business Entity

Ben Ysursa, Secretary of State

[[New Search](#)] [[Back to Summary](#)]

CHERRY GROVE CANAL COMPANY, LIMITED

Type of Business: CORPORATION, WATER USERS ASSOCIATION

Status: FORFEITED 01 Dec 1913

State of Origin: IDAHO

Date of 07 Jan 1901

Origination/Authorization:

Registered Agent:

Organizational ID / Filing C839

Number:

**Number of Authorized Stock
Shares:**

Date of Last Annual Report:

Amendments:

Amendment filed 07 Jan 1901 INCORPORATION

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[Download \(TIFF format\)](#)

[Idaho Secretary of State's Main Page](#)

[State of Idaho Home Page](#)

Comments, questions or suggestions can be emailed to: sosinfo@sos.idaho.gov

MEMO TO THE FILE

DATE: 11-24-06.

TO FILE NUMBER(S): 22-96

FROM: Cindy Bird

CONVERSATION WITH: F. Eugene Lewis.

787-2707 email mompop-lewis@hotmail.com.

SUBJECT: purchased property from Silvon
Murdock. Reed Murdock destroyed the
original certificates.

When was the last time you filed Cherry
Grove.

Each party paid a portion of the filing
fee on the Cherry Grove Canal Co.

Mr. Lewis was conveyed water in his
deed by Silvon Murdock

- Mr. Lewis is going to get me a copy of his
warranty deed so I can see what was
conveyed.

- I found receipt E009163, Lewis, Gene.
fol. #40 for additional acres on 22-96.

- Also found receipt E004480. Lewis, Gene
Domestic, Stock but the w/R 22-12301
is in the wrong township.

Receipt Details for ID E009163

Status	Adjustment Type	Version
	Adjusted Receipt	1

General Information:

Date Received	Date Deposited	Region	Total Amount	Payment Type
6/20/1989 10:41:58 AM	6/20/1989	Eastern	\$40.00	Check
Payer		LEWIS, GENE		

Account Information:

Check #	Account #	Credit Card Name	Authorization #
1826			
Card Expiration Date	Credit Card Transaction #		

Comment ADJUDICATION FEE (ADDITIONAL ACRES)

Fee Detail:

Amount	Description	PCA	Fund	Fund Detail	Subsidiary	Object
\$40.00	ADJUDICATION FEE (ADDITIONAL ACRES)	410162	9337	00		6490

Refund(s):

Amount	Payee	Date	Document Number
--------	-------	------	-----------------

Water Right Information:

Basin Number	Sequence Number	Split Suffix	Amount	Type
22	96		\$40.00	Claim

Print Report

2- VULT

02/04/2005

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:

Water right number: 22-96

CHEKRY GROVE CANAL CO

C/O PAT OCONNOR

127 W 400 S

VICTOR ID 83455

Telephone Number: (208) 354 2564

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: 06.26.05

SIGNATURE: Pat O'Connor

Please print your name: Pat O'Connor

IDWR Regional Office,

SCANNED

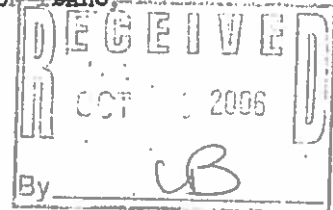
JUL 13 2005

PROFILED

RECEIVED
JUL 12 2005
Department of Water Resources
Eastern Region

WMT
7/12

22-551F
IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT OF IDAHO,
IN AND FOR THE COUNTY OF FREMONT.



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 ser-
ved 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 com-
plaint, and that the default of the said defendant has been en-
tered, 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 hereto-
fore 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
port 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

RECEIVED
MAY 15 1936

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 $\frac{1}{2}$ 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

T4N R45E,

Doesn't
include
NWSW of section
23

MAY 15 1936

its stockholders and/or predecessors in interest.

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

22 0096 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.

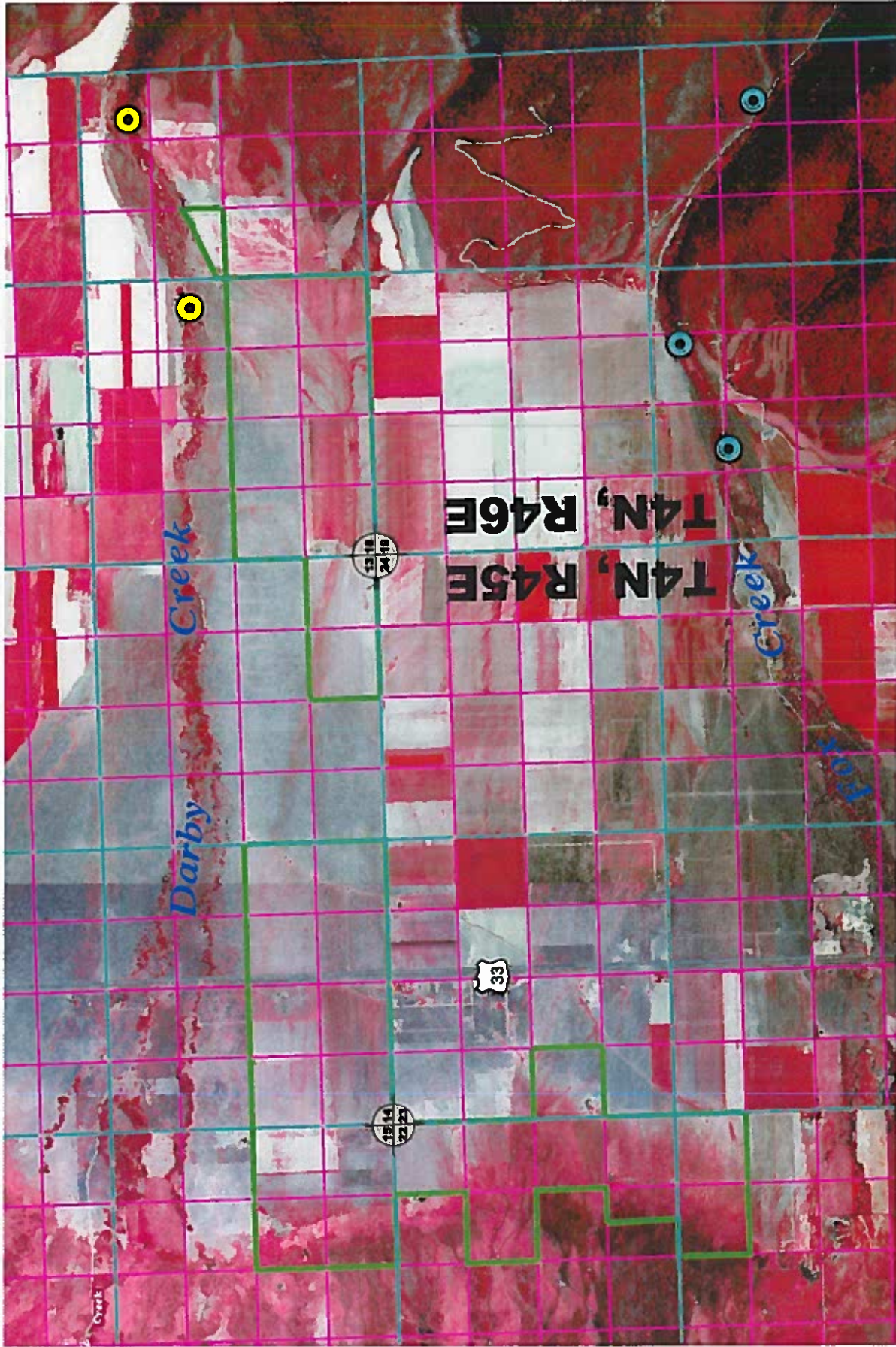
IT IS FURTHER ORDERED, That the rights awarded and decreed in that certain decree commonly known as the "Rexburg or Snake River Decree," made and entered in this Court December 10, 1910, both as to dates of priority and the amounts of the rights awarded, are binding upon the plaintiff in this action.

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

Filed for record Jan. 3, 1949
at 2:20 P.M.

C. J. Taylor
District Judge.
L. Kingsford, Recorder

RECORDED
MAY 15 1996



Cherry Grove Canal Company

SCAN# Water Right(s): 22-00096, 22-00281, 22-02005, 22-13331

Place of Use Boundary

MAR 10 2005

FILE

Claim no. _____

Claimant Contact Log

Date Remarks Agent initials

CHERRY GROVE CANAL CO.

ABR

On Nov. 4, 2004, I met with Pat O'Connor and several other members of Cherry Grove Canal Co. I advised them that I had found four (4) water rights dating back to 1896 that have not been claimed in the SRBA. The only claim filed to date is 22-00096 which is a 1916 flood water right. Further, that Mr. Joe Nettercott, the individual who filed on 22-96 on behalf of Cherry Grove as President had sent me a letter of resignation.

I discussed with the group the necessity of re-organizing since I understood from Mr. Nettercott that the organization was now dormant and users of the system are not known (partly due to frequent sales of property and/or large subdivisions). I further advised they contact the Secretary of State to obtain docs. of the previous charter and re-organization.

We reviewed the PDM map and dike systems to verify mapping was accurate. Only a few minor changes to PDM. Discussed with them the consequences of giving up acres - advised they find another place for them.

They expressed that they did want to file the omitted claims back to 1896. I will do that next court day. Further advised I will combine 22-155 and 22-572 since they are both 6/1/1896 - I will save them \$500. Their total costs will be \$1500 - I will send claims - They can sign w/ Notary and mail back with check.

Also filed change of address to Pat O'Connor since Joe Nettercott resigned. See Change Address Attached

11/5/04

SCANNED

MAR 10 2005

PROTECTED

Contacts Data Entry Form

Claim Number: _____

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: CHERRY GROVE CANAL CO. Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

PRES. JOE NETHURCOTT - RESIGNED 7/17/04
PH: 354-7427

Discussion of right origin and split history. Questions and problems.

X NEED C/A & PHONE # -
CONTACT PAT O'CONNOR - 354-2564

9/27/04 FE PD11 & PD's. Met up w/ RANDELL FOSTER who TALKED
ME AROUND TO PD0's AND PD1's. SHOWED DITCHES, etc.

CHERRY GROVE CANAL NEEDS TO FILE CLAIMS TO:

22-185, 6/01/1896, 2nd cts, CONCRETE

22-572, 6/01/1896, 2nd cts

22-218, 6/01/1897, 0th cts

22-2075, 12/03/1904, 1st cts

Reviewer: _____ Date: _____

PROFILED

SCANNED

MAR 10 2005

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 01/22/1916 Claimed Basis: DERIVED

Recommended Priority Date: _____ Recommended Basis: _____

Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

Matchos Derived

Reviewer: _____

Date: _____

PROFILED

SCANNED
MAR 10 2005

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____ County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to	
4N	46E	17	1	SWNWNB	Teton	DARBY CK	TETON RIVER	UPPER POD
4N	46E	18		NESNB	Teton	DARBY CK	TETON RIVER	LOWER POD

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

UPPER Div. GPS TAG # AOD 12257 on RH Wholen Farms

LOWER Div. GPS TAG # AOD 12269 on RH Wholen Farms

Reviewer: _____ Date: _____

PROFILED

APPROVED

MAR 10 2005

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

Large Pool

Reviewer: _____ Date: _____

PROFILED

SCANNED
MAR 10 2005

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Permit	4/15	10/31	296	

Overall Diversion Rate _____

Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

This is a 1916 FLOOD RIGHT - No Limiting Remarks

Reviewer: _____

Date: _____

PROFILED

MAR 10 2005



CHERRY GROVE CANAL
DARBY CK
UPPER DIVERSION

APR 10/5/04

Bear Country
←

T4N R46E Sec. 17 SWNWNE GPS TAG # A0012257



CHERRY GROVE CANAL
LOWER DIVERSION
DARBY CREEK

APR 10/5/04

T4N R46E Sec. 18 NESENE

GPS TAG # A0012258

PROFILED

MAR 10 2005

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

CHANGE IN ADDRESS

This form can be used to notify the Department of a change in
address of the owners of record for the listed water rights.
(Please print or type)

[] Water Right Number(s): 22-96

[] Name(s): Cherry Grove Canal Co.
Joe Rothercott

[] Old Mailing Address: 3255 100 W
Driggs ID 83422

[] New Mailing Address: Cherry Grove Canal Co.
Pat O'Conner REPRESENTATIVE
127 W 400 S
Victor ID 83455

Telephone Number: (208) 354-2564 home
313 7256 cell

[] Signature(s) of Owner(s) Pat O'Conner
Representative

(Include your title if on behalf of company or organization)

SCANNED

MAILED
PROFILED

Date:

11/24/04

SCANNED

MAR 10 2005

22-96

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern District Office
900 N. Skyline Dr., Suite A
Idaho Falls, ID 83402-1718

RETURN SERVICE REQUESTED

- ☒ Not Deliverable As Addressed
☒ Unable to Forward
☒ Insufficient Address
☒ Mover Left No
☒ Inclined to Refuse
☒ Attempted - No Return
☒ No Such Street
☒ Vacant
☒ No Mail Hereby
☒ Box Closed
☒ Returned For Better Address
☒ Postage Due
- CHERRY GROVE CANAL CO
C/O JOE NETHERCOTT
375 S 100 W
DRUGS ID 83422

No Assessment Assessors There

To whom it m

I am writing in
Canal Compar

Any further co
secretary.

Yours truly,

Joe Nethercott
Joe Nethercott

What Ac

Grove

O'Connor,

354-2564

313-7256-622

1880 U.S. POSTAGE P83523907
8986 \$00.370 MAR 02 2004
0934 MAILED FROM ZIP CODE 83402

PROFILED

SCANNED

10 2005

ANNED

10 2005

OFILED

STEVEN H. SMITH 85
 KENDRA J. SMITH
 P.O. BOX 510121
 LIVONIA, MI 48151

74-7771/2724
 7000203018794

3933

DATE 5-7

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

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

MEMO This for 80 AC

Sec. SW 1/4 (LOT 4)
 SW 1/4

Steven H. Smith

Receipt No: E024985

5/11/1999
 13:24:17

Received WITH. 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: *Kath C Wilson*

Smith
 11391 9 mile
 South Lyon
 MI 48178



PROFILED

SCANNED

MAR 10 2005

Idaho Dept. of Water
 Resources

900 N. Skyline Dr.

Idaho Falls ID

83402

% 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

SCANNED
MAR 10 2005

PROPERTY

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

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

PROHIBITED

RECEIVED
MAY 15 1996
CANNED
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 1,490 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 15, 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

RECEIVED

MAY 15 1936

SCANNED
MAR 10 2000

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.

L. Kingsford, Recorder

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

PROFILED

MAY 15 1996

SCANNED
MAR 10 2003

T 4 N

Place of
use

R45E

R46E



18

ATTACHMENT 'B'

PROFIT TO

N →

SCANNED
MAR 10 2005



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

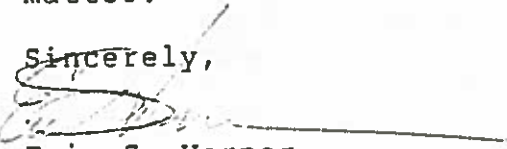
Dear Mr. Christensen:

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

PROFILE

SCANNED
MAR 10 2005

MICROFILMED
NOV 04 1992



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

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 Olepnichak

Tony Olepnichak
Water Right Agent, SR

Enclosure

SCANNED

MAR 10 2005

MICROFILMED

NOV 04 1992

PROFILED

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 Christman
Signature

President Cherry Grove Canal Co.
Title

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

The above request for extension of time is hereby

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

Signed this 24 day of October, 1988.

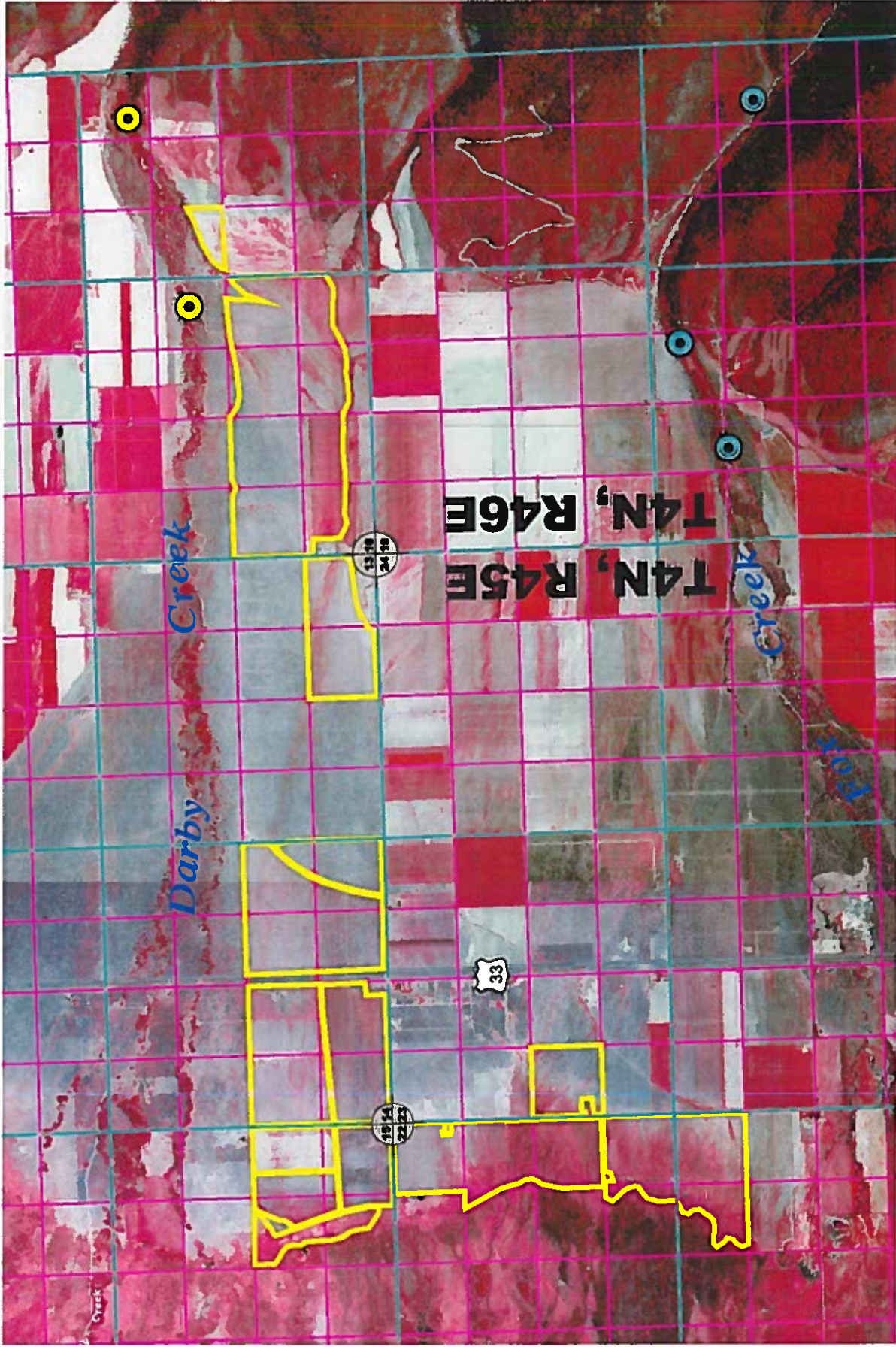
MICROFILMED

NOV 04 1992

FILED

APR 10 2005

Director or his designated agent
DAVID B. SHAW



Cherry Grove Canal Company

Water Right(s): 22-00096, 22-00281, 22-02005, 22-13331

Irrigated Place of Use

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 of	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 of	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

A22-00096

SCANNED

MAR 10 2005

Page

1

Date: 05/11/99

PROFILED

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
Address: ~~REED CHRISTENSEN PRES~~ Joe Nethercott
~~BOX 503~~ 375 S 100 W
DRIGGS ID 83422 208-354-2298

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 of	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 of	Lot	Use	Acres
04N	45E	13	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

SCANNED

A22-00096

MAR 10 2005 Page 1

PROFILED Date: 03/15/99

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
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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
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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 (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.

80% ACREAGE FEE PAID BY STEVEN H. SMITH & KENDRA SMITH WITH THIS

15. Basis of Claim: DECREED

AMENDMENT

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 Chavez Stone Canal CO. that I have signed the foregoing document in the space below as President of Chavez Stone Canal CO and that the statements contained in the foregoing document are true and correct.

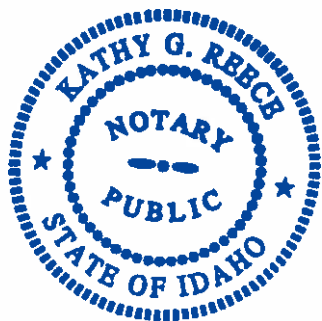
J. R. Rethford
Signature of Authorized Agent
President
Title and Organization
Chavez Stone Canal CO
Date

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: E009163/609050
Received By: ESJ

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

PROFIT

SCANNED
MAR 10 2005

MICROFILMED
NOV 04 1994

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

PROFIT

SCANNED
MAR 10 2005
MICROFILMED
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					
		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

LYNN CRANDALL, W.M.
Decree Defendant

PROFILED
PROFILED

MAR 1 U 2005

MICROFILMED

NOV 04 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 Organizations:

I do solemnly swear or affirm that I am President of _____ Title

Cherry Grove Canal Co Organization, that I have signed the foregoing document in the space below as President of _____ Title

Cherry Grove Canal Co Organization 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 RESIDING AT IDAHO FALLS, IDAHO
MY COMMISSION EXPIRES: 6-30-94

PROVIDED

SCANNED
MAR 10 2005

MICROFILMED
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: EC09050/EC09163
Received By: ESJ

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

PROFILE

SCANNED
MAR 10 2005

MICROFILMED
NOV 04 1992

10. Place of Use: Continued

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

SCANNED

MAR 10 2005

PROFILED

MICROFILMED

NOV 04 1992

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

PROCEED

SCANNED
MAR 10 2025

MICROFILMED
NOV 04 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: 1

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.

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

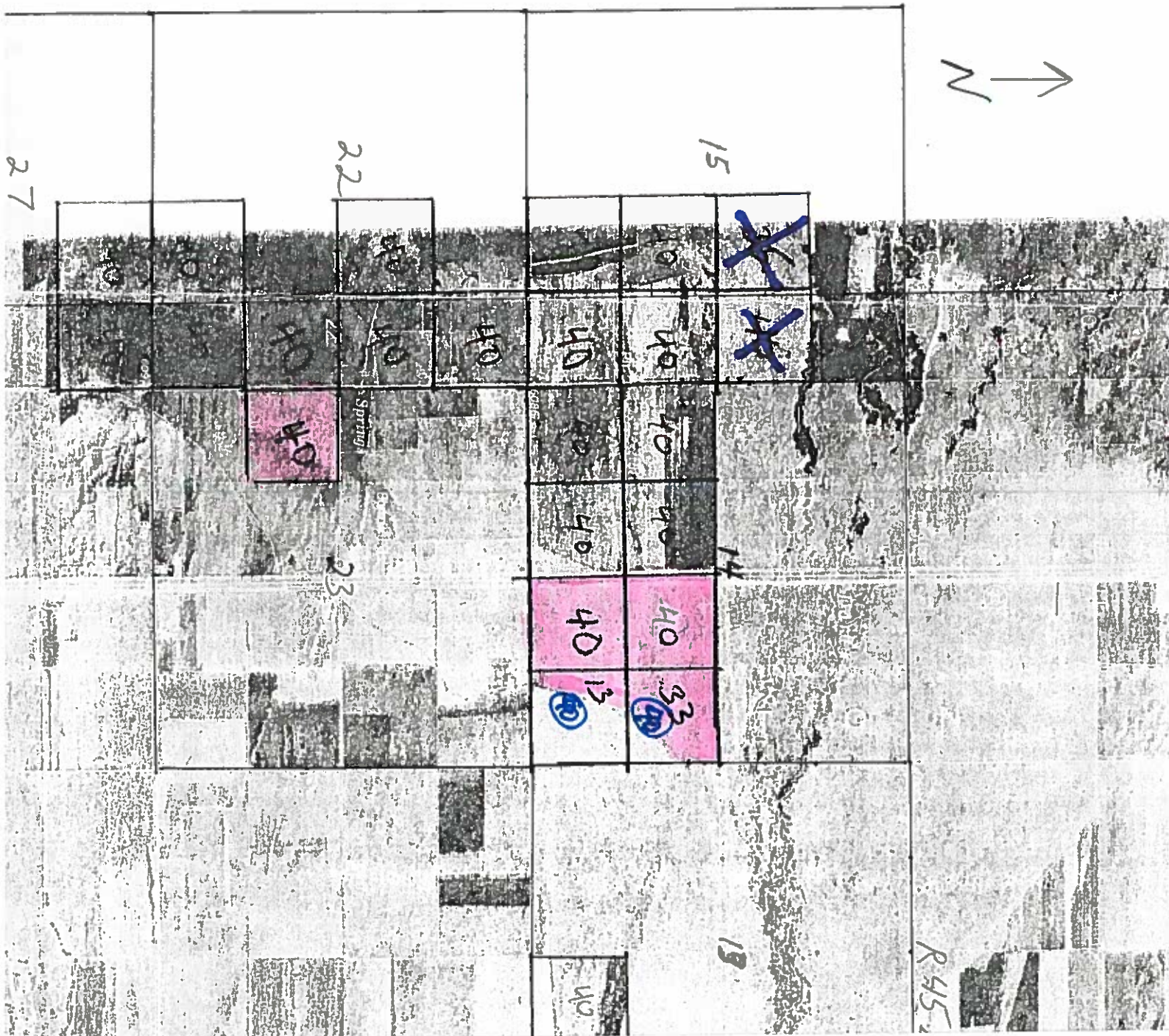
PROFIT

SCANNED
MAR 10 2005

MICROFILMED
NOV 04 1992

A22-00096

T4N



SCANNED
MAR 10 2005



MICROFILMED
NOV 04 1992