

12/14/2006

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

RIGHT NUMBER: 22-197B

NAME AND ADDRESS: CUSHMAN FAMILY TRUST
601 S FIGUEROA ST 47TH FLOOR
LOS ANGELES CA 90017

SOURCE: MAHOGANY CREEK TRIBUTARY: TETON RIVER
Point of injection into and point of redirection from Teton River

QUANTITY: 1.060 CFS

PRIORITY DATE: 05/26/1900

POINT OF DIVERSION:

T04N R44E S1 NESWSE Within TETON County
T05N R45E S31 NENW Injection Within TETON County
T05N R45E S32 SESWSW Rediversion 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	1.060 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S05 Lot 3 NENW	3.10	T04N R45E S05 Lot 4 NWNW	37.00
T05N R45E S32	NWSW 11.00	T05N R45E S32	SWSW 23.00

74.1 ACRES TOTAL

Right Nos. 22-197B and 22-13616 are limited to the irrigation of a combined total of 114.1 acres 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

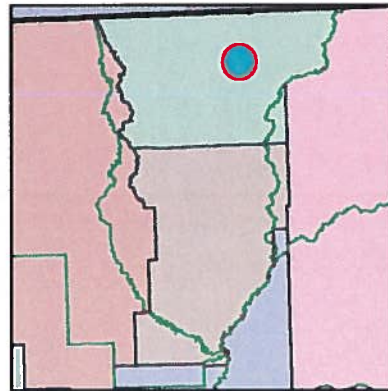


Idaho Department of Water Resources

SRBA Claim:
22-197B
(Irrigation)

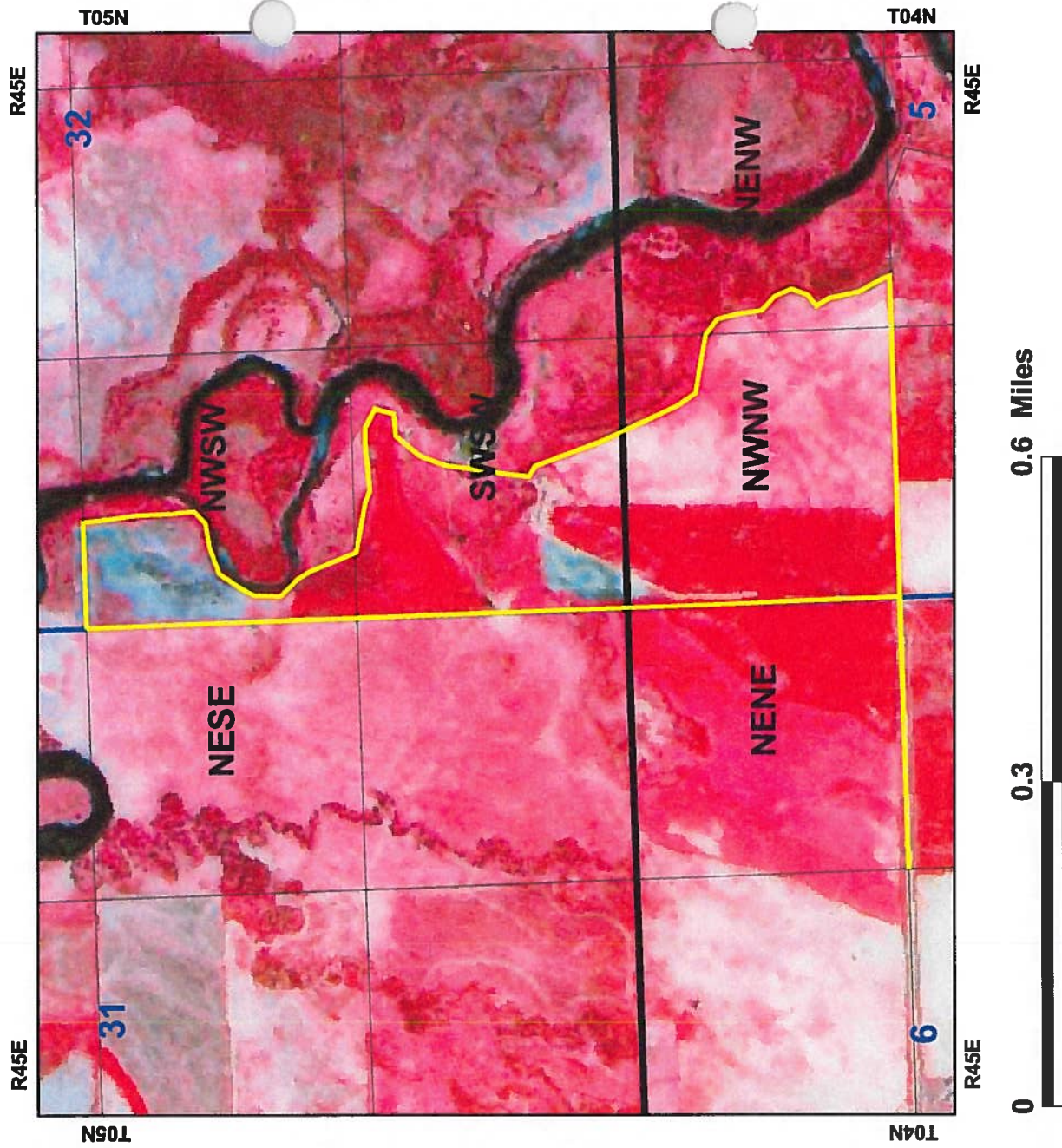
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Thursday, December 14, 2006
1987/88 Aerial Photography



12-12-06

- Indeterminant decree
- ~~Claimant owns 160 a~~
Decree states 160 acres but in 1987 only 114 acres was irrigated.
- Claimant gets credit for 160 acres which is 1.5 cts for 22-13616 and 1.06 for 22-147B

VB



Idaho Department of Water Resources

SRBA Recommendation:

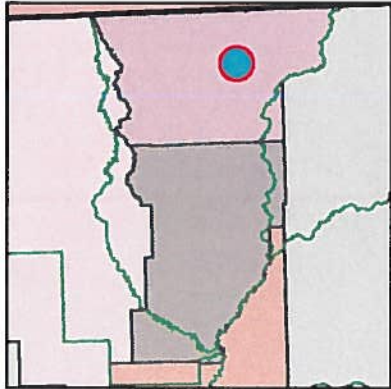
22-197B

22-13616

(Irrigation)

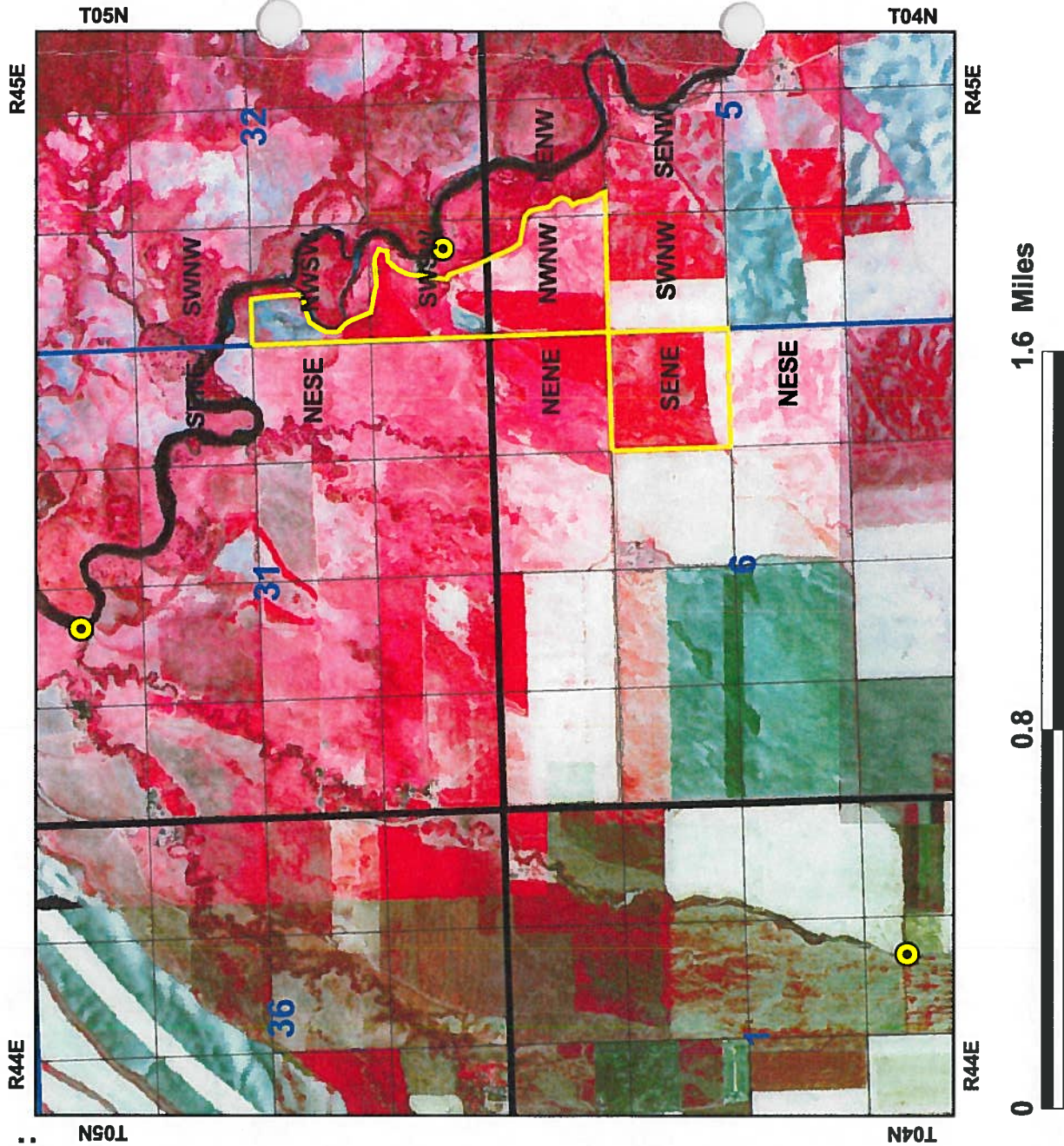
Legend

- Point of Diversion
- Place of Use
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22

Prepared by T. Galbraith
On Tuesday, November 14, 2006
1987/88 Aerial Photography



~~1-11-11~~ 01-037	Carlson, Peter O.	240 inches.	June 1, 1891.	Bannock Jim Slough.
	Carlyle, Claude			The Farmers' Friend Canal Company.
~~1-11-11~~ 22 0197	Garrington, Enoch	160 inches.	May 26, 1900.	Nahogany Creek.
	Cedar Hollow & Foot Hills Canal Company			(Part of system of Idaho Canal & Improvement Company)
~~1-11-11~~ 1 038	Cedar Point Water Company	10,000 inches.	Apr. 6, 1889.	Snake River. T 16 72
~~1-11-11~~ 1 039	Cedar Point Water Company	2,500 inches.	Sept. 1, 1903.	Snake River. 716 72
~~1-11-11~~ 22 0198	Central Teton Canal Company	1,680 inches.	Oct. 31, 1903.	Teton Creek.
	Chase, Isaac			Enterprise Canal Company.
~~1-11-11~~ 22 0199	Chelsey, John P.	200 inches.	June 1, 1890.	Paul Spring Creek, Grove Creek, Deep Creek, and Little Spring Creek.
~~1-11-11~~ 22 0200	Cherry, Thomas	80 inches.	July 30, 1896.	Trail Creek.
~~1-11-11~~ 22 0201	Cherry, Thomas	80 inches.	June 1, 1898.	Trail Creek.
~~1-11-11~~ 21 0034	Chester Canal & Irrigation Company Limited.	5,600 inches.	Apr. 1, 1896.	Fall River, This includes appropriation to the Twin Falls Irrigation Company.
	Christensen, J. P.			Lowder Canal Company.
~~1-11-11~~ 22 0202	Christensen, Nels C.	160 inches.	June 1, 1894.	Fox Creek.
	Christensen, Nels			The Sunny Dell Irrigation Canal Company.
	Christensen, Niels, C.			The Sunny Dell Irrigation Canal Company.
	Christensen, Peter			The Sunny Dell Irrigation Canal Company.
	Christiansen, Lena, Admx.			Trego Ditch Company.
~~1-11-11~~ 1 040	City of Idaho Falls.	7,000 inches.	Apr. 20, 1900	Snake River. (For power and municipal purposes)

Campbell, C. C.,
Trustee, and
Great Western
Canal & Improve-
ment Company.

(Description of lands not given.)

Campbell, U. F.

NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of Lot 2, Sec. 2 T.
3 S., R 34 E., B. M. containing 160 acres.

Cannon, Harry

SW $\frac{1}{4}$ of Sec. 1. T. 4 N., R., 45 E., B. M.,
containing 160 acres.

Canyon Creek
Canal & Irriga-
tion Company.

Lands of stockholders of said company,
situated in Township 5 North, Range 43
E., B. M., T. 6, N., R. 41 E., B. M.,
T. 6 N., R. 42 E. B. M., and in T. 7 N. R.
41 E., B. M., aggregating over 10,000 acres.

Carlson, Carl T.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$. Sec. 34, SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 27. T. 5 N., R. 39 E.B.M.

Carlson, Carl T.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, NW $\frac{1}{4}$ of NE $\frac{1}{4}$. Sec. 34, SE $\frac{1}{4}$
of SE $\frac{1}{4}$ of Sec. 27, T. 5 N., R. 39E.B.M.

Carlson, Charles

Lots 2, 3 and 4, of Sec. 18, and Lot 1 of
Sec. 19, T. 15 N., R. 42 E., B. M. containing
160 acres.

Carlson, Peter O.

E $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of
SE $\frac{1}{4}$ of Sec. 27. T. 5 N., R. 39 E.,B. M.
containing 160 acres.

Carrier, Annie E.

S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 25, and Lot 4, less 13
acres sold, in T., 2 N. R., 37 E.,B. M.
containing 110 acres.

Carrington, Enoch

NW $\frac{1}{4}$ of Sec. 5, and NE $\frac{1}{4}$ of Sec. 6, T. 4 N.,
R. 45 E., B. M., W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 32,
and E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 31, T. 5 N. R.,
45 E. B., M., containing 480 acres.

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 22-197B
Date Received: 10/12/2006
Receipt No: EQ32401
Received By: TG

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

1. Name of Claimant(s)

CUSHMAN FAMILY TRUST Phone: (213)629-6575
601 S FIGUEROA ST 47TH FLOOR
LOS ANGELES CA USA 90017

RECEIVED

NOV 13 2006

Department of Water Resources
Eastern Region

2. Date of Priority: 05/26/1900

3. Source: MAHOGANY CREEK , MAHOGANY CREEK Trib. to: TETON RIVER , TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
04N	45E	5	SW NE NW	TETON	
04N	45E	1	NE SW SW	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	2.28	

7. Total Quantity Appropriated is:
2.28 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres	
04N	45E	5	NW	NW	4	IRRIGATION	37
			NE	NW	3	IRRIGATION	3.1
Section Acres						40.1	

05N

45E

32

NW
SW

SW
SW

IRRIGATION
IRRIGATION

11
23

Section Acres

34

Total Acres

74.1

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:

14. Remarks:

15. Basis of Claim: Decreed

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 X wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 0

For Organizations:

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

THE CUSHMAN FAMILY TRUST, that I have signed the foregoing Organization document in the space below as TRUSTEE of _____ Title

THE CUSHMAN FAMILY TRUST and that the statements contained in the Organization foregoing document are true and correct.

Signature of Authorized Agent

TRUSTEE, CUSHMAN FAMILY TRUST
Title and Organization

11/6/06
Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day of _____ 20__

see attached

Notary Public

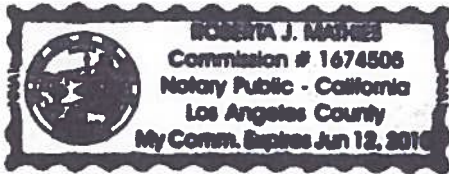
Residing at _____

My commission Expires _____

State of California)
) ss.
County of Los Angeles)

Subscribed and sworn to (or affirmed) before me on this 16TH day of NOVEMBER, 2006,

By JOHN C. CUSHMAN, III personally know to me or proved to
me on the basis of satisfactory evidence to be the person who appeared before me.



Roberta J. Mathies
Roberta J. Mathies