

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

RIGHT NUMBER: 22-218

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: 0.400 CFS

PRIORITY DATE: 06/01/1897

POINT OF  
DIVERSION:

T04N R46E S17 SWNWNE Lot 1 Within TETON County  
T04N R46E S18 NESENE Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.400 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.

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

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

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

CREATED BY

JUN 16 2008

J LARSEN

12/19/2006

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

RIGHT NUMBER: 22-218

**DISALLOWED**

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: 0.400 CFS

PRIORITY DATE: 06/01/1897

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  
0.400 CFS

PLACE OF USE:

992.3 ACRES TOTAL

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

**Change in use; insufficient evidence of date of change.**

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Change in use, insufficient evidence of date of change: This is included for a claim that is proposed to be disallowed because use of the water right was changed without prior IDWR approval and the claimant did not submit sufficient evidence from which the date of the change could be determined. The date of change is necessary to determine if the right may be claimed as changed without prior IDWR approval, and if the change will result in injury to other water right holders.

02/04/2005

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

RIGHT NUMBER: 22-281

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

Renumbered to 22-218.

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.400 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 5.82 CFS. COMBINED RIGHT NOS.: 22-00281,  
22-02005, 22-13331.

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: 06/01/1897

POINT OF DIVERSION:

T04N R46E S17 SWNWNE Lot 1 Within TETON County

T04N R46E S18 NESENE Within TETON County

PURPOSE AND  
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/31

0.400 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.

02/04/2005

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

RIGHT NUMBER: ~~22-281~~

*Renumbered to 22-218*

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: 0.400 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL  
COMBINED DIVERSION RATE OF 5.82 CFS. COMBINED RIGHT NOS.: 22-00281,  
22-02005, 22-13331.

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: 06/01/1897

POINT OF DIVERSION:

T04N R46E S17 SWNWNE Lot 1 Within TETON County  
T04N R46E S18 NESENE 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          | 0.400 CFS       |

PLACE OF USE: IRRIGATION Within TETON County

|                     |      |      |                     |      |      |
|---------------------|------|------|---------------------|------|------|
| T04N R45E S13       | SWSE | 38.0 | T04N R45E S13       | SESE | 28.0 |
| T04N R45E S14       | NESW | 39.0 | T04N R45E S14       | NWSW | 39.0 |
| T04N R45E S14       | SWSW | 37.0 | T04N R45E S14       | SESW | 35.0 |
| T04N R45E S14       | NESE | 39.0 | T04N R45E S14       | NWSE | 34.0 |
| T04N R45E S14       | SWSE | 32.0 | T04N R45E S14       | SESE | 37.0 |
| T04N R45E S15       | NESE | 38.0 | T04N R45E S15       | NWSE | 27.0 |
| T04N R45E S15       | SWSE | 16.0 | T04N R45E S15       | SESE | 37.0 |
| T04N R45E S22       | NENE | 38.0 | T04N R45E S22       | SWNE | 2.3  |
| T04N R45E S22       | SENE | 38.0 | T04N R45E S22       | NESE | 37.0 |
| T04N R45E S22       | SWSE | 6.0  | T04N R45E S22       | SESE | 39.0 |
| T04N R45E S23       | NWSW | 38.0 | T04N R45E S27       | NENE | 39.0 |
| T04N R45E S27       | NWNE | 25.0 | T04N R46E S17       | SWNW | 11.0 |
| T04N R46E S18       | NESW | 40.0 | T04N R46E S18 Lot 3 | NWSW | 40.0 |
| T04N R46E S18 Lot 4 | SWSW | 19.0 | T04N R46E S18       | SESW | 24.0 |
| T04N R46E S18       | NESE | 36.0 | T04N R46E S18       | NWSE | 36.0 |
| T04N R46E S18       | SWSE | 27.0 | T04N R46E S18       | SESE | 21.0 |

992.3 ACRES TOTAL

02/04/2005

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

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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.

## Ruberry, Allen

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**From:** Grindle, Dave  
**Sent:** Thursday, October 20, 2005 10:50 AM  
**To:** Carlsen, Ernie  
**Cc:** Shaff, Don; Ruberry, Allen  
**Subject:** RE: Change 22-281 to 22-218

The claim and recommendation for 22-281 have been renumbered to 22-218. This should keep all of the work intact that has been done. Please check it over carefully.

Dave

-----Original Message-----

**From:** Carlsen, Ernie  
**Sent:** Thursday, October 20, 2005 10:22 AM  
**To:** Grindle, Dave  
**Cc:** Shaff, Don; Ruberry, Allen  
**Subject:** Change 22-281 to 22-218

Dave, we have a miss numbered claim and wonder if you can help with correcting the problem. The issue is 22-281 should have been 22-218. As you can see from the attached spreadsheet there are a couple of water right claims for a portion of 22-281. These claims are good. There is no claim in the data base for 22-218. Can you some how generate a new claim and recommendation for 22-218 based on the data entry that has been done for the claim and recommendation under number 22-281? The is nothing in the pedigree table for 22-281 so it will not be effected by this change. Not sure if it matters but there is a large POU shape for the recommendation on 22-281. This shape should be linked to 22-218.

Let me know what you decide.  
Ernie

1  
PROFILED

SCANNED  
SEP 26 2005

# Receipt Details for ID E030482

| Status | Adjustment Type | Version |
|--------|-----------------|---------|
|        |                 | 1       |

**General Information:**

| Date Received         | Date Deposited        | Region         | Total Amount | Payment Type |
|-----------------------|-----------------------|----------------|--------------|--------------|
| 12/20/2004 2:40:56 PM | 12/22/2004 3:31:12 PM | EASTERN        | \$150.00     | Money Order  |
| Payer                 |                       | JOE NETHERCOTT |              |              |

**Account Information:**

| Check #              | Account #                 | Credit Card Name | Authorization # |
|----------------------|---------------------------|------------------|-----------------|
| 102857               |                           |                  |                 |
| Card Expiration Date | Credit Card Transaction # |                  |                 |
|                      |                           |                  |                 |

**Comment** 22-281... corrected to 22-218.  
22-2005  
22-13331

*DATA BASE WILL NOT ALLOW CORRECTIONS  
TO SAVE.*

**Fee Detail:**

| Amount   | Description             | PCA   | Fund | Fund Detail | Subsidiary | Object |
|----------|-------------------------|-------|------|-------------|------------|--------|
| \$150.00 | ADJUDICATION FILING FEE | 43503 | 0337 |             |            | 1155   |

**Refund(s):**

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

**Water Right Information:**

| Basin Number | Sequence Number | Split Suffix | Amount | Type |
|--------------|-----------------|--------------|--------|------|
|--------------|-----------------|--------------|--------|------|

[Print Report](#)

**PROFILED**

**SCANNED**  
**SEP 26 2005**

Vault

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: 22-281

CHERRY 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,

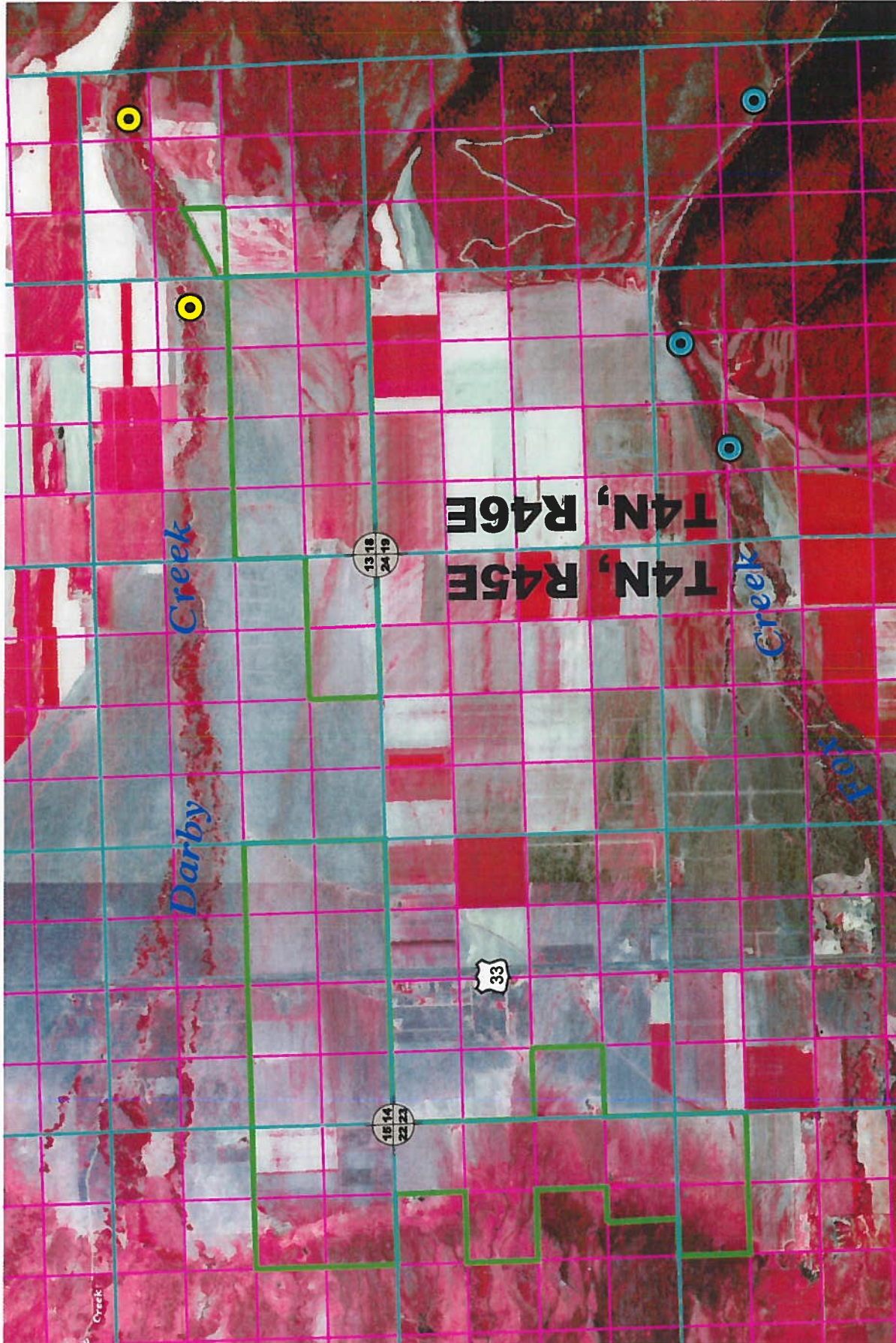
PROFILED

RECEIVED

SCANNED JUL 12 2005

JUL 13 2005  
Department of Water Resources  
Eastern Region

KMT  
7/12



# Cherry Grove Canal Company

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

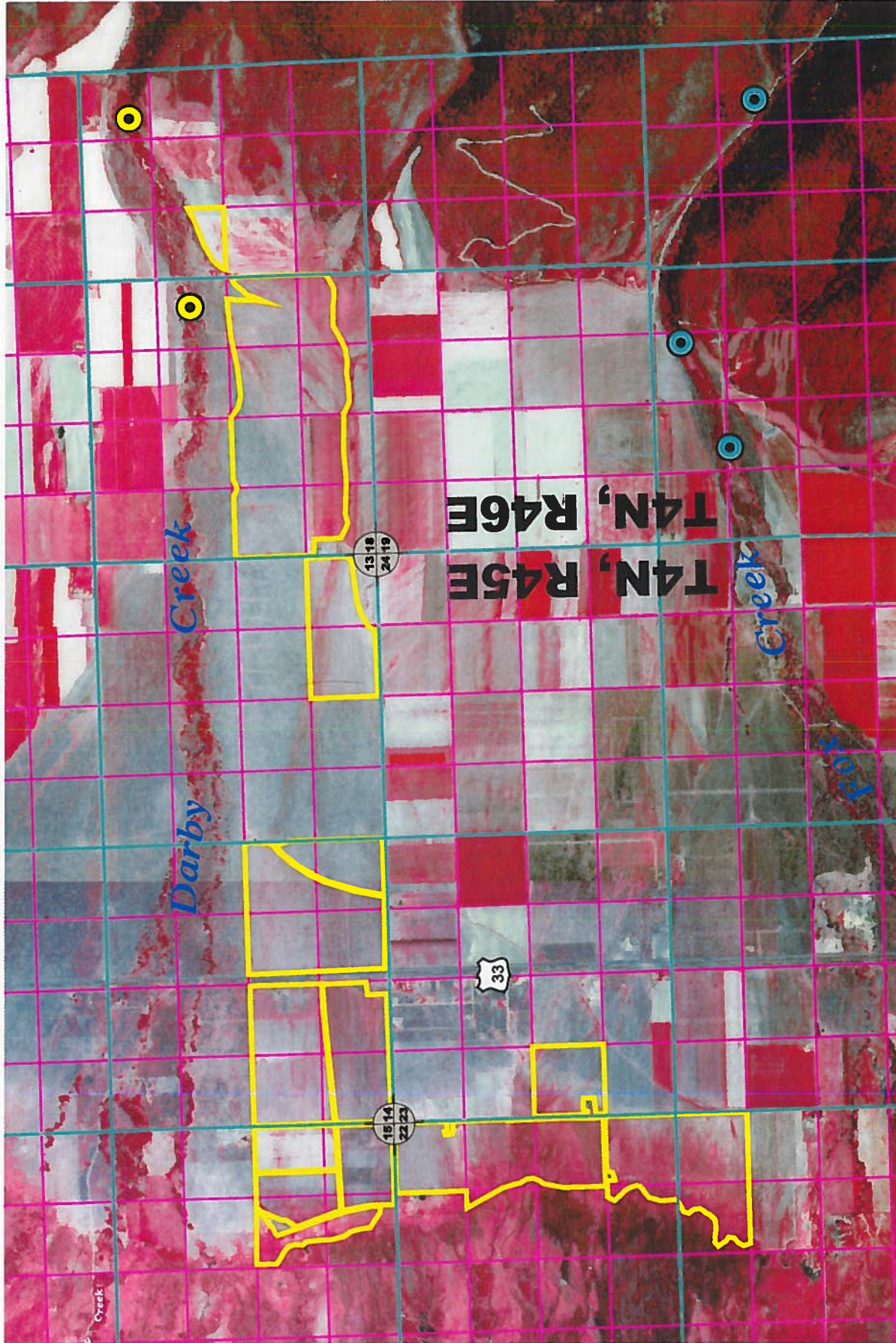
Place of Use Boundary

SCANNED  
SEP 6 2005

PROFIT

SCANNED

MAR 11 200



# Cherry Grove Canal Company

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

Irrigated Place of Use

COPY

SEP 26 2005  
SCHEIDT

45000

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 22-281  
Date Received: 11/5/2004  
Receipt No: E030482  
Received By:

Remuneration 22-218

NOTICE OF CLAIM TO A WATER RIGHT  
ACQUIRED UNDER STATE LAW

RECEIVED

DEC 20 2004

Department of Water Resources  
Eastern Region

1. Name of Claimant(s)

CHERRY GROVE CANAL CO Phone: (208) 354 2564  
C/O PAT OCONNOR  
127 W 400 S  
VICTOR ID USA 83455

2. Date of Priority: 06/01/1897

3. Source: DARBY CREEK , DARBY 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      | 46E   | 17      | SW     | NW     | NE 1    | TETON  |      |
| 04N      | 46E   | 18      | NE     | SE     | NE      | TETON  |      |

5. Description of diverting works:  
gated diversions off stream

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/31 | 0.4    |            |

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

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of | 1/4 of | Lot | Use           | Acres |
|----------|-------|---------|--------|--------|-----|---------------|-------|
| 04N      | 45E   | 13      | SW     | SE     |     | IRRIGATION    | 38    |
|          |       |         | SE     | SE     |     | IRRIGATION    | 28    |
|          |       |         |        |        |     | Section Acres | 66    |
| 04N      | 45E   | 14      | NE     | SW     |     | IRRIGATION    | 39    |
|          |       |         | NW     | SW     |     | IRRIGATION    | 39    |
|          |       |         | SW     | SW     |     | IRRIGATION    | 37    |
|          |       |         | SE     | SW     |     | IRRIGATION    | 35    |
|          |       |         | NE     | SE     |     | IRRIGATION    | 39    |
|          |       |         | NW     | SE     |     | IRRIGATION    | 34    |

PROFILE

SCANNED SCANNED

|     |     |    |    |    |               |       |
|-----|-----|----|----|----|---------------|-------|
|     |     |    | SW | SE | IRRIGATION    | 32    |
|     |     |    | SE | SE | IRRIGATION    | 37    |
|     |     |    |    |    | Section Acres | 292   |
| 04N | 45E | 15 | NE | SE | IRRIGATION    | 38    |
|     |     |    | NW | SE | IRRIGATION    | 27    |
|     |     |    | SW | SE | IRRIGATION    | 16    |
|     |     |    | SE | SE | IRRIGATION    | 37    |
|     |     |    |    |    | Section Acres | 118   |
| 04N | 45E | 22 | NE | NE | IRRIGATION    | 38    |
|     |     |    | SW | NE | IRRIGATION    | 2.3   |
|     |     |    | SE | NE | IRRIGATION    | 38    |
|     |     |    | NE | SE | IRRIGATION    | 37    |
|     |     |    | SW | SE | IRRIGATION    | 6     |
|     |     |    | SE | SE | IRRIGATION    | 39    |
|     |     |    |    |    | Section Acres | 160.3 |
| 04N | 45E | 23 | NW | SW | IRRIGATION    | 38    |
|     |     |    |    |    | Section Acres | 38    |
| 04N | 45E | 27 | NE | NE | IRRIGATION    | 39    |
|     |     |    | NW | NE | IRRIGATION    | 25    |
|     |     |    |    |    | Section Acres | 64    |
| 04N | 46E | 17 | SW | NW | IRRIGATION    | 11    |
|     |     |    |    |    | Section Acres | 11    |
| 04N | 46E | 18 | NE | SW | IRRIGATION    | 40    |
|     |     |    | NW | SW | IRRIGATION    | 40    |
|     |     |    | SW | SW | IRRIGATION    | 19    |
|     |     |    | SE | SW | IRRIGATION    | 24    |
|     |     |    | NE | SE | IRRIGATION    | 36    |
|     |     |    | NW | SE | IRRIGATION    | 36    |
|     |     |    | SW | SE | IRRIGATION    | 27    |
|     |     |    | SE | SE | IRRIGATION    | 21    |
|     |     |    |    |    | Section Acres | 243   |
|     |     |    |    |    | Total Acres   | 992.3 |

11. Place of use in counties: TETON

12. Do you own the property listed above as place of use? No

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

Number of attachments: \_\_\_\_\_

For Organizations:

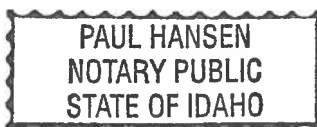
I do solemnly swear or affirm that I am Representative of  
Title  
Cherry Grove Canal Co., that I have signed the foregoing  
Organization  
document in the space below as Representative of  
Title  
Cherry Grove Canal Co. and that the statements contained in the  
Organization  
foregoing document are true and correct. Pat O'Connor  
Signature of Authorized Agent  
Rep. Cherry Grove Canal Co.  
Title and Organization  
11/19/04  
Date

State of Idaho )  
County of Teton ) SS.

Subscribed and sworn (or affirmed) before me this  
of 11/19/2004

Paul Hansen  
Notary Public

Residing at Teton County, ID  
My commission Expires 8/4/09



PROVIDED