

11/24/2006

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

RIGHT NUMBER: 22-11417

NAME AND ADDRESS: STEVENS N KEARSLEY
PO BOX 100
PHILOMATH OR 97370

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.100 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T04N R46E S17 SWNE Within TETON County

T04N R46E S18 SESENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/15	1.100 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S22	SENE	18.00	T04N R45E S22	NESE	37.00
---------------	------	-------	---------------	------	-------

55 ACRES TOTAL

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

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 22-216B, 22-369B, 22-373B, 22-375B, 22-436B, 22-449B.

WATER IS DELIVERED THROUGH DITCH FROM CHERRY GROVE CANAL.

THE FOLLOWING RIGHTS ARE ALL DIVERTED THROUGH POINT OF DIVERSION DESCRIBED ABOVE: 22-11417, 22-11418, 22-11829, 22-11414 AND 22-12784.

NOTICE OF ERROR
REPLY

11/27/2006

RECEIVED

DEC 21 2006

DEPARTMENT OF
WATER RESOURCES

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: 22-11417

STEVENS N KEARSLEY

PO BOX 100

PHILOMATH OR 97370

Telephone Number: (541)602-1492

RECEIVED

DEC 26 2006

Department of Water Resources
Eastern Region

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

*I disagree with the quantity. Past records show 1.57 CFS
vs 1.10 CFS. The period of use is 04/15 - 10/31 - vs
04/15 - 10/15 shown.*

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

See above -

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

See 1 above

☐ I AGREE with this proposed recommendation: no changes need to be made.

DATE:

12/11/06

SIGNATURE:

Steven N. Kearsley

Please print your name:

Steven N. Kearsley

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

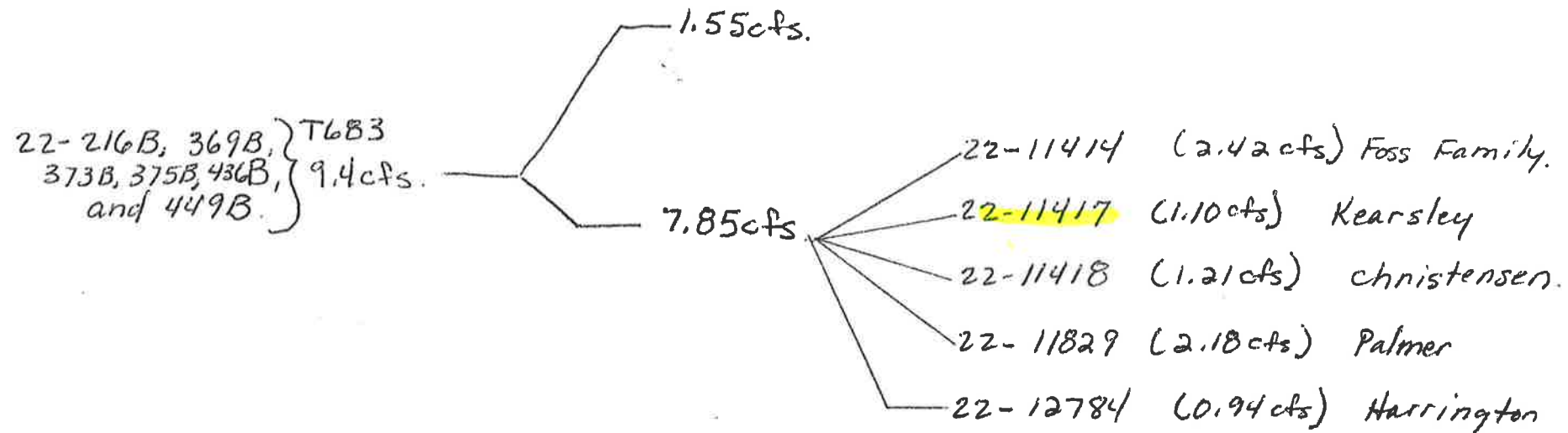
Phone - 541-602-1492.

deadline:

12-11-06

DC

SPLIT ANALYSIS FOR: 22-216B, 369B, 373B, 375B, 436B,
and 22-449B.



11/30/06 Prepared by:
C Bird

07/01/2005

NOTICE OF ERROR
REPLY

RECEIVED
JUL 18 2005

Department of Water Resources
Eastern Region

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: 22-11417

STEVENS N KEARSLEY

2112 SEA VIEW DR

FULLERTON CA 92833

Telephone Number: (714)870-6271

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:

7/13/05

SIGNATURE:

[Signature]

Please print your name:

STEVEN N. KEARSLEY

IDWR Regional Office,

PROFILED

SCANNED

JUL 22 2005

KMJ
7/18



Old Peak Tree Farm

Steven & Norma Jean Kearsley
23785 Old Peak Road
P.O. Box 215
Philomath, Oregon 97370
(541) 929-5358
Email: oldpeak@proaxis.com

RECEIVED
JUL 18 2005
Department of Water Resources
Eastern Region

July 13, 2005

*Christmas Trees * Douglas Fir * Noble Fir * Grand Fir*

Mr. Allen B. Ruberry
Sr. Water Resource Agent
Idaho Dept. Of Water Resources
900 North Skyline Dr., Suite A
Idaho Falls ID 83402-1718

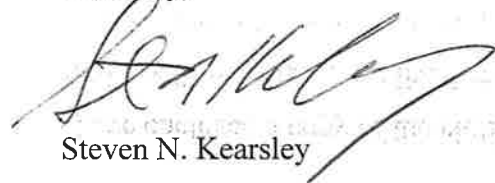
RE: Water Right Numbers 22-11417

Dear Sir:

I have enclosed a copy of the Notice Of Error Reply, signed and dated and a Change of Address form. I have not lived at the Seaview address for over eleven years so I have not received any of the notices sent to me. Per my brother-in-law, Blair C. Christensen, see letter enclosed, I assume there is nothing else I need to do at this time. If that is not the case I would appreciate an immediate response so that I may take care of any outstanding issues.

Thank you for your help in this matter. My cell phone is the most efficient manner in which to reach me. That number is 541-602-1492.

Sincerely,


Steven N. Kearsley

Blair C. Christensen

8412 Desert Quail Dr.
Las Vegas, Nevada 89128

Home: (702) 341-8274
Cell: (702) 283-6684
Work: (702) 562-1237
FAX: (702) 562-1238
Email: firstsource1@cs.com

March 16, 2005

Allen B. Ruberry
Sr. Water Resource Agent
Idaho Dept. Of Water Resources
900 North Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED
JUL 18 2005
Department of Water Resources
Eastern Region

**RE: Water Right Numbers: 22-11417 (Steven Kearsley)
22-11418 (Blair & Allen Christensen)**

Dear Sir:

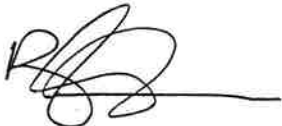
The purpose of this letter is to follow up on the conversation we had in your office in Idaho Falls on March 8, 2005.

It is my understanding that the preliminary Director's Report that I received for the property owned by Blair and Allen Christensen contained errors and you were going to readjudicate (see attached water rights and property location). As you will recall, our family had only received the preliminary Director's Report for the property associated with water right number 22-11418. However, you also indicated that you were going to pull the file for my brother-in-law, Steven Kearsley, and make sure both claims were adjudicated together. The source of these water rights are from Darby Creek with point of diversion being the Cherry Grove Canal.

At the present time I am assuming I don't need to do anything else and you will let me know the status of these water rights claims after you have completed the readjudication process.

If you have any questions, please feel free to call me at one of the telephone numbers shown above.

Sincerely,



Blair C. Christensen,

SD 0605-2 Township: 04N Range: 46E Section: 18 Tract: SENE Lot: SENE
 STATE O S Max # Records 17
 L R Water Name W T Priority
 O D Right No. Last, First N G Date Source Total
 L Tract T V Right No. Last, First N G Date Source Total
 SENE A22-00420B NETHERCOTT, JO C D 06/01/1896 GROUNDWATER 0.800
 SENE A22-00096 CHERRY GROVE C C D 01/22/1916 DARBY CREEK 29.600
 SENE A22-12370 HICKS 3RD., ED C J 07/03/1971 GROUNDWATER 0.060
 SWSENE R A22-00186 BUSH, GEORGE W O D 06/01/1897 DARBY CREEK 0.400
 SILVERSTEIN, B C
 COOK, CHARLEY R
 SESENE A22-11829 PALMER, MAX S. C D 06/01/1896 DARBY CREEK 3.130
 SESENE R A22-00186 BUSH, GEORGE W O D 06/01/1897 DARBY CREEK 0.400
 SILVERSTEIN, B C
 COOK, CHARLEY R
 SESENE A22-11414 FOSTER, ROSS L C D 06/01/1896 DARBY CREEK 3.130
 SESENE A22-11417 KEARSLEY, STEV C D 06/01/1896 DARBY CREEK 1.570
 SESENE A22-11418 CHRISTENSEN, B C D 06/01/1896 DARBY CREEK 1.570
 CHRISTENSEN, A C
 SESENE A22-00531 SILVERSTEIN, B C D 06/01/1906 DARBY CREEK 2.000
 SOULCEY, C. V. O

(Enter=Continue)

(GOLD7=This Query)

(Menu _____)

FYI...

These are the water rights and
 re-filed for in 1988.

RECEIVED

JUL 18 2005

Department of Water Resources
Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

IDAHO DEPT OF WATER RESOURCES
EASTERN REGION
900 N SKYLINE DR STE A
IDAHO FALLS ID 83402

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): 22-11417 *changed
JUL
7/19/05*

[] Name(s): Stevens W. Keersley

[] Old Mailing Address: ~~221~~ 2112 Seaview Dr.
Fallerton CA 92833

[] New Mailing Address: P.O. Box 100
Philomath OR 97320

Telephone Number: (541) 602-1492

[] Signature(s) of Owner(s) *Stevens W. Keersley*

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

SCANNED
JUL 22 2005

Date: 7/13/05

PROFILED

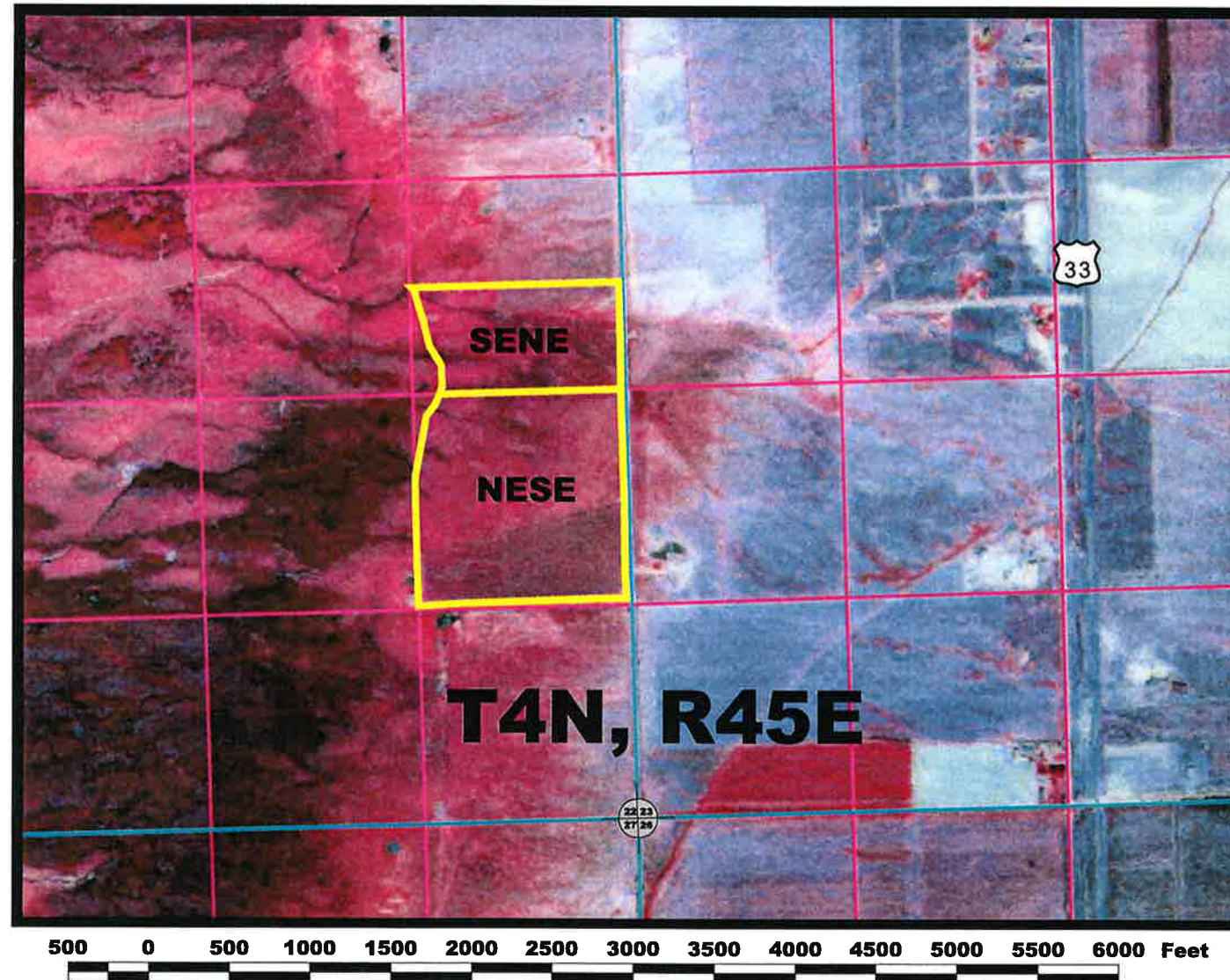


SCANNED
MAY 05 2005

State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-11417

Point(s) of Diversion:
T04N, R46E
Sec. 17 SWNWNE (L1)
Sec. 18 NESENE

Place of Use: (parts of)
T4N, R45E
Sec. 22 SENE, NESE

Delivery by Cherry Grove Canal

LEGEND

-  Point of Diversion
-  SESE Place of Use
-  Section
-  Quarter-Quarter



GIS Place of Use Illustration
1987/1988 NAPP Photography
Prepared by: A. Ruberry
Date: March 2005

Blair C. Christensen

8412 Desert Quail Dr.
Las Vegas, Nevada 89128

Phone: (702) 341-8274
Cell: (702) 283-6684
Work: (702) 562-1237
FAX: (702) 562-1238
Email: firstsource1@cs.com

March 16, 2005

Allen B. Ruberry
Sr. Water Resource Agent
Idaho Dept. Of Water Resources
900 North Skyline Dr., Suite A
Idaho Falls, Idaho 83402-1718

RECEIVED

MAR 21 2005

Department of Water Resources
Eastern Region

**RE: Water Right Numbers: 22-11417 (Steven Kearsley)
22-11418 (Blair & Allen Christensen)**

Dear Sir:

The purpose of this letter is to follow up on the conversation we had in your office in Idaho Falls on March 8, 2005.

It is my understanding that the preliminary Director's Report that I received for the property owned by Blair and Allen Christensen contained errors and you were going to readjudicate (see attached water rights and property location). As you will recall, our family had only received the preliminary Director's Report for the property associated with water right number 22-11418. However, you also indicated that you were going to pull the file for my brother-in-law, Steven Kearsley, and make sure both claims were adjudicated together. The source of these water rights are from Darby Creek with point of diversion being the Cherry Grove Canal.

At the present time I am assuming I don't need to do anything else and you will let me know the status of these water rights claims after you have completed the readjudication process.

If you have any questions, please feel free to call me at one of the telephone numbers shown above.

Sincerely,



Blair C. Christensen,

SCANNED

MAY 05 2005

FILED



CHERRY GROVE CANAL
DARBY CK
UPPER DIVERSION

APR 10/5/04

GPS TAG

BEAR COUNTRY

T4N R46E SEC. 17 SWNWNE GPS TAG # A0012251



CHERRY GROVE CANAL
LOWER DIVERSION
DARBY CREEK

APR 10/05/04

GPS TAG

PROFILED

T4N R46E SEC. 18 NESENE

GPS TAG # A0012269

PROFILED

MAY 05 2005

MAR 10 2005

SCANNED

Contacts Data Entry Form

Water Right No. 2211417

Owner Type	Full Name	Address	City	State	Zip	Phone
Current Owner	<u>STEVEN N KEARSLEY</u>					
Name connector: and _____, or _____, and/or _____						
Current Owner	_____					
Current Owner	_____					
Representing Attorney:		Phone Number: _____				
Accompanied By:		Phone Number: _____				
Relationship to Claimant: _____						
Date of Field Exam:		Time: _____				

Directions to Property (if different from above) and/or update owner information:

DACREED. Rexburg Irrigation vs Teton Irrigation 16-12-1910
DACREED. To A 2200216, 369, 373, 395, 436, 449 P.D
1 JUNE 1896 370" (9.4 CFS)

THESE DACREEDS put Together with TRANSFER # 635
with part of it going to This Claim.

FE pod/pau Conveyance/System.

Reviewer: _____

Date: _____

PROFIT

SCANNED

MAY 05 2005

Priority Date Data Entry Form

Claim Number: 2211417

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: 1 JUNE 1896 Claimed Basis: PACREED

Recommended Priority Date: 1 JUNE 1896 Recommended Basis: PACREED

____ Use Claimed Priority Date and Basis as Recommended Priority Date and Basis

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

Matches PACREED

Reviewer: _____

Date: _____

PROFILE

SCANNED
MAY 05 2005

Point of Diversion and Source Data Entry Form

Claim Number: 22114171

Water Right Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

Claimed Point of Diversion: T 4N, R 46E, Sec. 17, SW, NE, NE. County: TetonSource: Darby Creek Tributary: Teton River

Recommended Point of Diversion: T____, R____, Sec.____,____,____,____. County:_____

Source:_____ Tributary:_____

____ Use Claimed POD and Source as Recommended POD and Source

Claimed
pod { Twp Rge Sec Gov Lot QQQ of QQ of Q County Source
T4N 46E 18 | SE SE NE | Teton | Darby Creek

GPS Coordinates: _____

GPS Coordinates: _____

T4N 46E 17 | SW NE NE | Teton | Darby Creek

GPS Coordinates: _____

11 11 18 | SE SE NE | 11 | 11

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

GPS Coordinates: _____

Other rights from this POD? GPS Tag #

Document how the POD and Source were verified and/or Pump and Motor data:

Transfers Changing POD _____

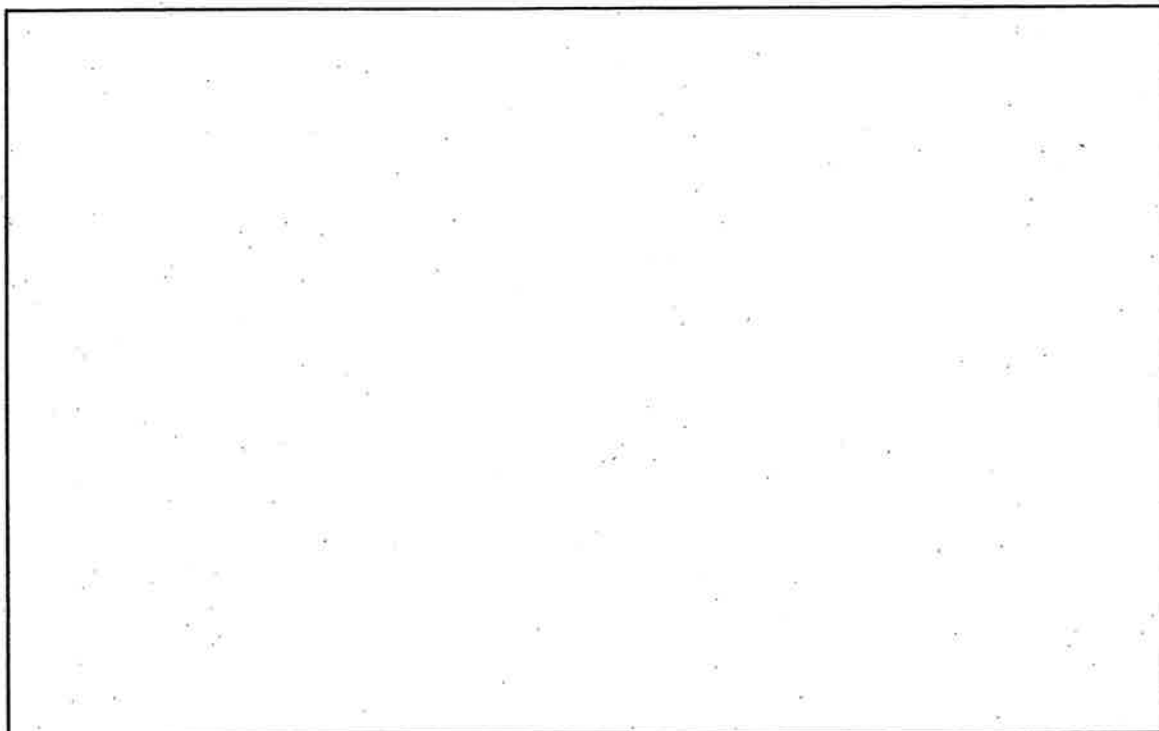
Reviewer: _____

Date: SCANNED

MAY 05 2005

PROFIT

Water Right No(s). 2211414



GPS DATA:

Tag # _____ Location: _____

Diversion Data:

Source: Darby Creek Trib to: Teton River

MOTOR

Make: General Electric Model: 5K6238XH1B Hp: 30
SN: BLJ205380

PUMP

Make: Johnston Model: _____ Disch: _____
SN: _____

NOTES:

Ditches out of Cherry Grove Canal are used to
irrigate or can be used to deliver water to
a pond to be pumped through sprinklers.
Both ditches or pipe can be used to
irrigate this claim.

Field Exam Date: 9/30/04 Agent: DD

SCANNED

MAY 05 2005

PROF

2200216 IRA CRANDALL
180" (2.0 CFS) 1 JUNE 1896.
DARBY CREEK. SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 2
SE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 3 N $\frac{1}{2}$ NW $\frac{1}{4}$ SEC 11
SW $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 18 280 AC. T4N R. 46E.
DARBY CREEK, TETON RIVER

2200369 A.C. LARSEN.
20" .40 CFS. 1 JUNE 1896
SW $\frac{1}{4}$ NW $\frac{1}{4}$ LOT 3+4 SEC. 1 T4N R. 46E
80 AC. DARBY CREEK TETON RIVER

2200373 KIM LARSEN
40" 180 CFS 1 JUNE 1896
LOTS # 7 SEC 6 T4N R. 46E.
40 AC. DARBY CREEK, TETON RIVER

22 375 PETER LARSEN
160" 3.20 CFS 1 JUNE 1896
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, LOTS 3+4
SEC. 6 T4N R. 46E DARBY CREEK
TETON RIVER

2200436 E. PASCOE.
160" 3.20 CFS. 1 JUNE 1896
LOT 3+4 SEC. 7 LOT 1 SEC 18
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 13 T4N R. 46E.
DARBY CREEK, TETON RIVER

2200449 L.P. PETERSON
160" 3.20 CFS. 1 JUNE 1896
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 6 40 AC. W $\frac{1}{2}$
NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SEC. 18 T4N
R. 46E. 160 A. DARBY CREEK
TETON RIVER

A2211417 STEVEN N. KERRSLEY
78.5" (1.57 CFS) 1 JUNE 1896
SW NE 20 AC SE NW 20 AC
NE SE 40 AC SEC. 22 T4N R. 46E.
80 AC.

TRANSFER # 635.

A2211414 ROSS L. FOSTER
156.5" 3.13 CFS. 1 JUNE 1896
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 AC. NW SE 40 AC
SW SE 40 SE SE 40 A.C.
160 AC TOTAL.

SCANNED

MAY 05 2005

PROF.

Place Of Use Data Entry Form

Claim Number: 2211417☐ Use Claimed POU as Recommended POU

Claimed Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
4N	45E	22	SWNE		Teton		20	Irrigation
"	"	"	SENE		"		20	"
"	"	"	NESE		"		40	"

Total Acres 80

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use
04N	45E	22	SE NE		Teton		18.0	Irrigation
"	"	"	NE SE		"		37.0	"

Total Acres 55 Ac

Document how the POU was verified:

POU verified via GIS.

Transfers Changing POU _____

Reviewer: _____

Date: _____

MAY 05 2005

PROFILE

Period of Use and Quantity Data Entry Form

Claim Number: 2211417

☐ Use Claimed Period of Use and Quantity as Recommended Period of Use and Quantity

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
Irrigation	4/15	10/15	1.57 cfs	

Overall Diversion Rate 1.57 cfs Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
Irrigation	4/15	10/31	1.57 cfs	

Overall Diversion Rate 1.57 cfs Overall Diversion Volume _____

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

IDWR STD. SOU. 4/15 - 10/31 Irrigation

Though a POU of 55 Acres is recommended, an amount
of 1.57 cfs will be recommended for conveyance loss.

Reviewer: _____

Date: _____

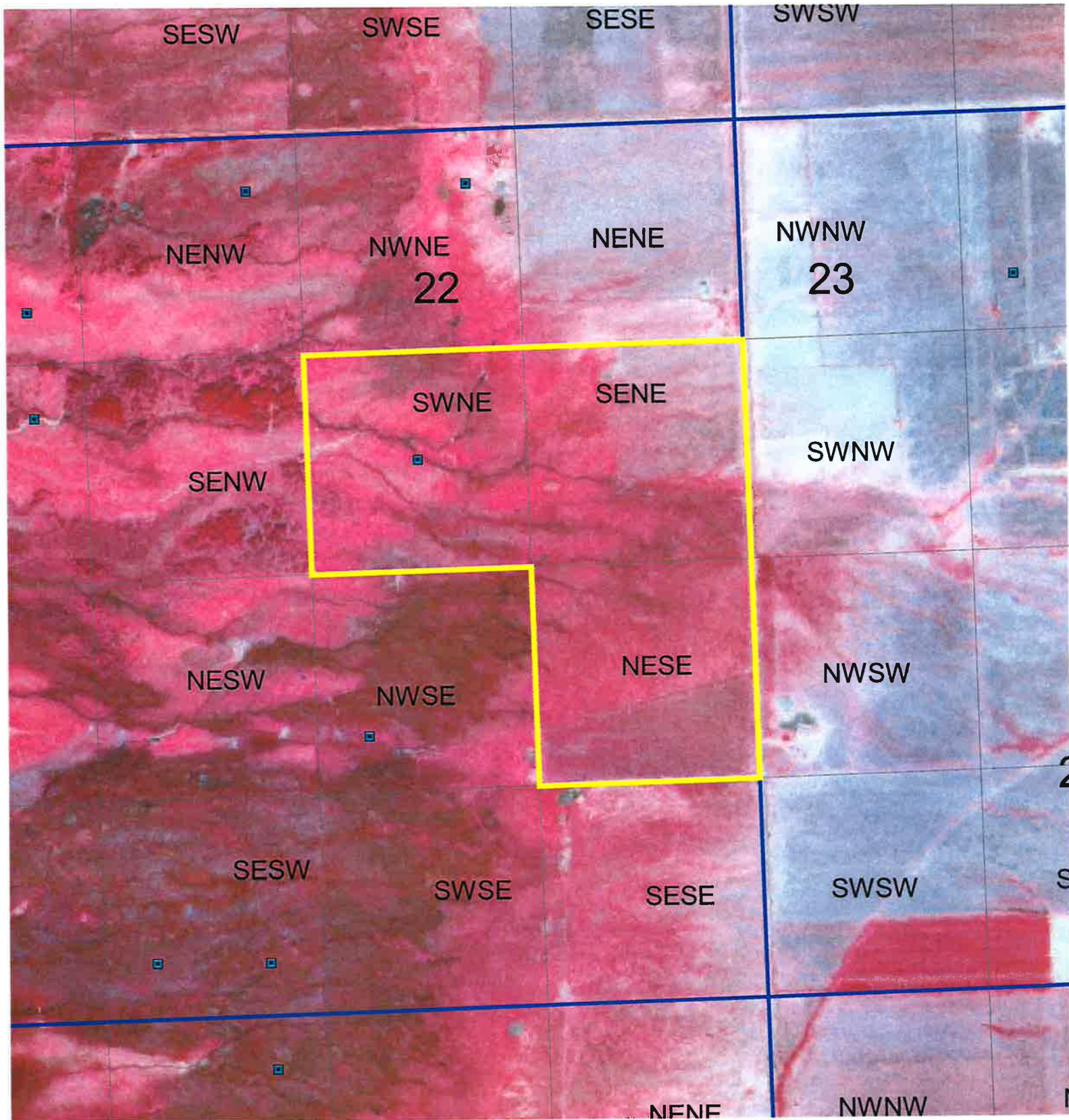
PROFILE

MAY 05 2005

22-11417

PRC

STAMPED
MAY 6 2005



Old Book

Party or Canal	Orig. Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
----------------	-------------	------	----------------------------	-------------------

DARBY CREEK

Garden Irrigation Co.

Alt No.						
22-573	(D.O. Walton) TR 631	✓ June 1, 1889	13316	0.4	0.4	
22-525	(C.M. Smith) TR 631	✓ Jan. 1, 1890	13309	3.2		
22-419	(G.M. Murphy) TR 631	✓ June 1, 1890	13309	3.0		
22-574	(D.O. Walton) TR 631	✓ June 1, 1890	13317	2.8	9.4	
22-528	(E. Smith) (Includes Spring, Darby & Crandall Springs)	✓ June 1, 1891	13317	2.0	11.4	
22-269	(C. Gjettrup)	✓ June 1, 1892	13310	3.2		
22-557	(J. Todd)	✓ June 1, 1892	13310	3.2		
22-556	(H.M. Todd)	✓ June 1, 1892	13325	4.0	21.8	
22-227	(L.S. Davidson)	✓ July 26, 1892	13325	3.1	24.9	
22-177	(R. Blattner)	✓ June 1, 1894	13311	3.2		
22-244	(A.J. Ellis)	✓ June 1, 1894	13318	3.2	31.3	
22-346	(T.H. Ingram)	✓ June 1, 1895	13318	3.2	34.5	
22-373A	(Kim Larsen) (TR 635)	✓ June 1, 1896	13312	0.21		
22-369A	(A. C. Larsen) (TR 635)	✓ June 1, 1896	13312	0.11		
22-216A	(Ira Crandall) (TR 635)	✓ June 1, 1896	13312	0.53		
22-375A	(P. Larson) (TR 635)	✓ June 1, 1896	13313	0.85		
22-436A	(E. Pascoe) (TR 635)	✓ June 1, 1896	13313	0.85		
22-449A	(L. P. Peterson) (TR 635)	✓ June 1, 1896	13319	0.85	37.9	
22-437	(W.R. Pascoe)	✓ June 15, 1896	13319	3.2	41.10	
22-370	(A.C. Larsen)	✓ June 1, 1897	13313	0.4		
22-599	(Wyo. & Darby Bench Canal)	✓ June 1, 1897	13313	27.6		
22-194	(H. L. Cannon)	✓ June 1, 1897	13314	2.0	71.10	
22-331	(E. H. Holden)	✓ June 1, 1898	13314	3.2		
22-371	(A. C. Larsen)	✓ June 1, 1898	13320	0.8	75.10	
22-652	(D.B. Hill) (Wyo. & Darby Bench Canal)	✓ June 2, 1898	13320	3.2	78.30	
22-543	(Albert Tarbet)	✓ July 7, 1898	13315	3.2		
22-544	(W. Tarbet)	✓ July 7, 1898	13321	3.2	84.70	
22-529A/B	(E. Smith) (Incl. Spring, Darby & Crandall Spg)	✓ June 1, 1899	13321	1.6	86.30	
22-316	(W. K. Herendeen)	✓ June 1, 1900	13322	1.6	87.90	
22-372	(A. C. Larson)	✓ June 1, 1902	13323	1.6	89.50	
22-95	Garden Water Co.	✓ Jan. 22, 1916	13324	90.8	180.30	

Garden Irrigation Co. Summary

Winger Pipe Lines (4)	720 Shares
South Darby Sprinkling System	920 Shares
Middle Darby Sprinkling System	1,545 Shares
North Darby Sprinkling	1,056 Shares

4,241 Shares

Darby Creek Continued
 next page -

MAY 05 2005

PROFILED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION
Certificate of Water Right
Transferred Right No. 635

22-216B 1.47
22-369B 0.29
22-373B 0.59
22-375B 2.35
22-436B 2.85
22-449B 2.35

9.40

THIS IS TO CERTIFY THAT the GARDEN WATER COMPANY, LTD., of DRIGGS, IDAHO, is the owner of and using a certain water right bearing date of priority of June 1, 1896, for 9.4 cubic feet per second of the waters of DAWY CREEK, County of Teton, State of Idaho, decreed to Ira Grandall, L. P. Petersen, Peter Larsen, K. M. Larsen, A. C. Larsen and E. Pastee, by decree of Judge Stevens, of the Sixth Judicial District, State of Idaho, County of Fremont, in the case of

REKIBUD IRRIGATION COMPANY ET AL

Plaintiffs

VS.

TETON IRRIGATION COMPANY ET AL

Defendants

said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands:

All of Section 1; NE¹/₄, NE¹/₄, Section 11; all of Section 12; NE¹/₄, Section 13, all in Township 4 North, Range 45 E.B.M.

SEC. 1 ALL SEC. 13 NENE
SEC. 11 NE, N²/₄NW
SEC. 12 ALL T4N R45E

E¹/₄SW¹/₄, SW¹/₄SE¹/₄, Section 32, S¹/₄SW¹/₄, S¹/₄SE¹/₄, Section 31, all in Township 5 North, Range 46 E.B.M.

SEC. 32 S²/₄SW, SWSE
SEC. 31 S²/₄SW, S²/₄SE T5N R46E

All of Section 5; all of Section 6; all of Section 7; all of Section 8; Lot 1, NE¹/₄, Section 17, NE¹/₄, SE¹/₄NW¹/₄, S¹/₄SE¹/₄, Section 18, all in Township 4 North, Range 45 E.B.M.

SEC. 5 ALL SEC. 6 ALL
SEC. 7 ALL SEC. 8 ALL
SEC. 17 NE, N²/₄NW, SEC. 18 NW²/₄, SE¹/₄NW, S²/₄NE
T4N R45E.

THAT THE SAID DECREE has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 3, of Decrees at Page 430;

THAT THE APPLICANT has become the owner of the land and water right by deed from original persons to whom decreed;

THAT NOW UPON THE application of the GARDEN WATER COMPANY, LTD., of DRIGGS, IDAHO, for a Certificate of Transfer of Water Right, made before the Commissioner of Reclamation of the State of Idaho, and the said application having been granted the right to the use of 9.4 cubic feet per second of the waters of DAWY CREEK upon the lands above described is HEREBY ABANDONED, and the lands to be irrigated under such right and to which the water right hereby confirmed shall be appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

S¹/₄, Section 15, NE¹/₄, SW¹/₄NE¹/₄, NE¹/₄SE¹/₄, Section 22, all in Township 4 North, Range 45 E.B.M.

SEC. 15 S²/₄
SEC. 22 ENE, SWNE, NENE

S¹/₄SE¹/₄, Section 22, NE¹/₄SE¹/₄, Section 27, all in Township 4 North, Range 45 E.B.M.

SEC. 22 S²/₄SE
SEC. 27 NENE

T4N R45E

PROFILE

SCANNED
MAY 05 2005

22-0216

g. H. H. H.
Darby Ch

situate, lying and being in the County of Teton, State of Idaho, and said water to be limited at any time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

9.4 cubic feet per second of the water of Darby Creek, with date of priority of June 1, 1896

THAT THE WATER RIGHT HEREBY TRANSFERRED, has been conducted to the first above described land through the Gardan Water Company Canal, having its point of diversion opposite the Cherry Grove Canal, having its point of diversion in the NW¹/₄NE¹/₄, Section 17, Township 4 North, Range 46 E.B.M.

THAT THE WATER RIGHT HEREBY TRANSFERRED, will hereafter be conducted to the new place of use through the Cherry Grove Canal, having its point of diversion in the NW¹/₄NE¹/₄, Section 17, Township 4 North, Range 46 E.B.M.

THAT THE RIGHT to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be affixed at Boise, Idaho, this 17th day of January, 1942.

E. V. BERG
Commissioner of Reclamation


By: R. E. POWELL
Supervisor of Water Distribution

Cherry Grove Canal P00
Through Cherry Grove Canal

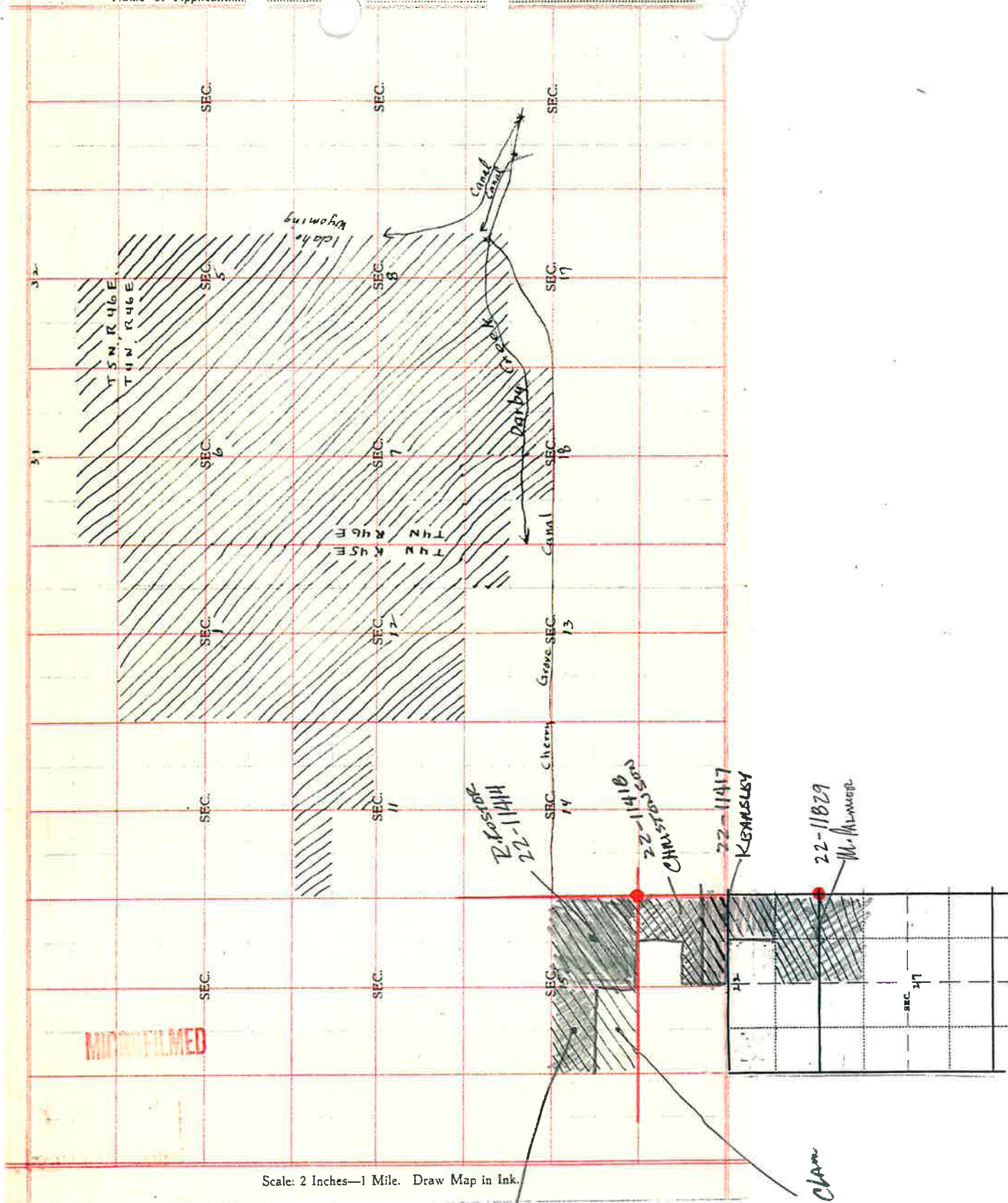
PROFILED

INDEXED

SCANNED
MAY 05 2005

Name of Applicant.....

Garde Water Co.



22-12784
TEMP STATUS
NOT VALID

SCANNED
MAY 05

Claims per TX #635: 9th cts

- Foster A. 22-11414 ($\frac{1}{3}$ of 9th cts) = 3¹³ cts on 160° Ac per OK
- Kearney B. 22-11417 ($\frac{1}{6}$ of 9th cts) = 1⁵⁷ cts on 80° Ac per OK
- CHRISTENSEN C. 22-11418 ($\frac{1}{6}$ of 9th cts) = 1⁵⁷ cts on 80° Ac per OK
- M. Palmer D. 22-11829 ($\frac{1}{3}$ of 9th cts) = 3¹³ cts on 160° Ac per OK
- Temporary HARRINGTON E. 22-12784 ($\frac{1}{6}$ of 9th cts) = 1¹⁷⁵ cts on 80° Ac * per OK

According to TX #635 THE NEW POU IS AS FOLLOWS:

T. 4N., R4SE SEC. 15 S²,

SEC. 22 E²NE, SWNE, E²SE, SWSE

SEC. 27 N²NE

Claim Status:

- 1.) 22-12784 IS FILED ON N²SW SEC. 15 - Temp Status - NOT VALID
- 2.) S²SW SEC. 15: NO SRBA CLAIM
- 3.) CLAIMS A-D ABOVE COLLECTIVELY CLAIM ALL OF 9th cts
ADDRESSOD BY TX #635.

PRINTED

SCANNED
MAY 05 2011

200216 IRA CRANDALL

90" (2.0 CFS) 1 JUNE 1896

DARBY CREEK. SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 2

NE $\frac{1}{4}$ SE $\frac{1}{4}$ SEC 3 N $\frac{1}{2}$ NW $\frac{1}{4}$ SEC 11

$\frac{1}{2}$ SE $\frac{1}{4}$ SEC 18 280 AC. T $\frac{1}{4}$ N R. 46E.

DARBY CREEK, TETON RIVER

200369 A.C. LARSEN

10" .40 CFS. 1 JUNE 1896

$\frac{1}{2}$ NW $\frac{1}{4}$ LOT 3+4 SEC. 1 T $\frac{1}{4}$ N R. 46E

30 AC. DARBY CREEK TETON RIVER

200373 KIM LARSEN

10" .80 CFS 1 JUNE 1896

LOTS # 7 SEC 6 T $\frac{1}{4}$ N R. 46E.

40 AC. DARBY CREEK, TETON RIVER

200375 PETER LARSEN

160" 3.20 CFS 1 JUNE 1896

SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, LOTS 3+4

EC. 6 T $\frac{1}{4}$ N R. 46E DARBY CREEK

TETON RIVER

200436 E. PASCOE

160" 3.20 CFS. 1 JUNE 1896

LOT 3+4 SEC. 7 LOT 1 SEC 18

NE $\frac{1}{4}$ NE $\frac{1}{4}$ SEC 13 T $\frac{1}{4}$ N R. 46E.

DARBY CREEK, TETON RIVER

200449 L.P. PETERSON

160" 3.20 CFS. 1 JUNE 1896

SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 6 40 AC. W $\frac{1}{2}$

NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ SEC. 18 T $\frac{1}{4}$ N

R. 46E. 160 A. DARBY CREEK

TETON RIVER

22-12784 M. HARRINGTON

$\frac{1}{8}$ OF TX 635

STATUS: TEMPORARY - APPARENTLY FEES UNPAID

A2211417 STEVEN N KEARSLEY

78.5" (1.57 CFS) 1 JUNE 1896

SW NE 20 AC SE NW 20 AC

NE SE 40 AC SEC. 22 T $\frac{1}{4}$ N R. 46E.

80 AC.

A2211418 BLAIR OR ALLEN CHRISTENSEN

78.5" (1.57 CFS) 1 JUNE 1896

NE NE 40 AC SW NE 20 AC SE NE 20

SEC. 22 T $\frac{1}{4}$ N R. 46E.

TOTAL 80 AC.

22-11829 M. PALMISTO

3 $\frac{1}{2}$ CTS ON 160 $\pm$ AC 6/01/1896

S $\frac{2}{2}$ SEC. 22, N $\frac{2}{2}$ SEC. 27

A2211414 ROSS L FOSTER

156.5" 3.13 CFS. 1 JUNE 1896

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 40 AC. NW SE 40 AC

SW SE 40 SE SE 40 A.C.

160 AC TOTAL.

$\Sigma Q = 9^4$ cts claimed in FULL

SCANNED

MAY 05 2005

FILED

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: A22-11417
Date Received: 8/29/1988
Receipt No: E002478
Received By: _____

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: STEVENS N. KEARSLEY 714-870-6271
Address: 2112 SEA VIEW DR.
FULLERTON, CA 92633

2. Date of Priority: JUN 01, 1896

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	SW	NE	NE		TETON
		18	SE	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	1.570		

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

8. Total consumptive use is 160.0 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	22	SW	NE		IRR	20.0
			SE	NE		IRR	20.0

A22-11417

Page 1

Date: 08/30/88

PROCESSED

SCANNED
MAY 05 2008

MICROFILMED
NOV 06 1992

A2211417



10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	22	NE SE		IRR	40.0
Section Acres						80.0
Total Acres						80.0

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:
CHERRY GROVE CANAL CO.

14. Remarks:
CLAIM IS FOR 1/6 OF 9.4 CFS DESCRIBED IN TRANSFER #635.

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

REXBURG IRR. CO ET AL
Decree Plaintiff

vs TETON IRR. CANAL CO.
Decree Defendant

#	CFS
22-0216B	1.47
22-0369B	.29
22-0373B	.59
22-0375B	2.35
22-0436B	2.35
22-0449B	2.35
	9.4

TR #635

Parts

PRODUCED

SCANNED
MAY 05 2005

MICROFILMED
NOV 06 1992

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not ☒ wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: _____

For Individuals:

I/We do solemnly swear or affirm that the statements contained in the foregoing document are true and correct.

Signature of Claimant(s): *[Signature]* Date: 9/7/88
_____ Date: _____

State of ~~Idaho~~ ^{CALIFORNIA})
County of Orange) SS.

Subscribed and sworn (or affirmed) before me this 7th day
of September 19 88

Marguerite R. Warren
Notary Public

Seal

Residing at 135 S. STATE COLLEGE BLVD, BREA

My Commission Expires Feb. 19, 1991



PROFILED

A22-11417

Page 3

Date: 08/30/88

SCANNED

MAY 05 2005

MICROFILMED
NOV 06 1992

