

11/24/2006

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

RIGHT NUMBER: 22-11829

NAME AND ADDRESS: MAX S PALMER
1496 N 7TH E
SUGAR CITY ID 83448

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.180 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	2.180 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S22	SWSE	6.00	T04N R45E S22	SESE	39.00
T04N R45E S27	NENE	39.00	T04N R45E S27	NWNE	25.00

109 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

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

WATER IS DELIVERED THROUGH DITCH FROM CHERRY GROVE CANAL.

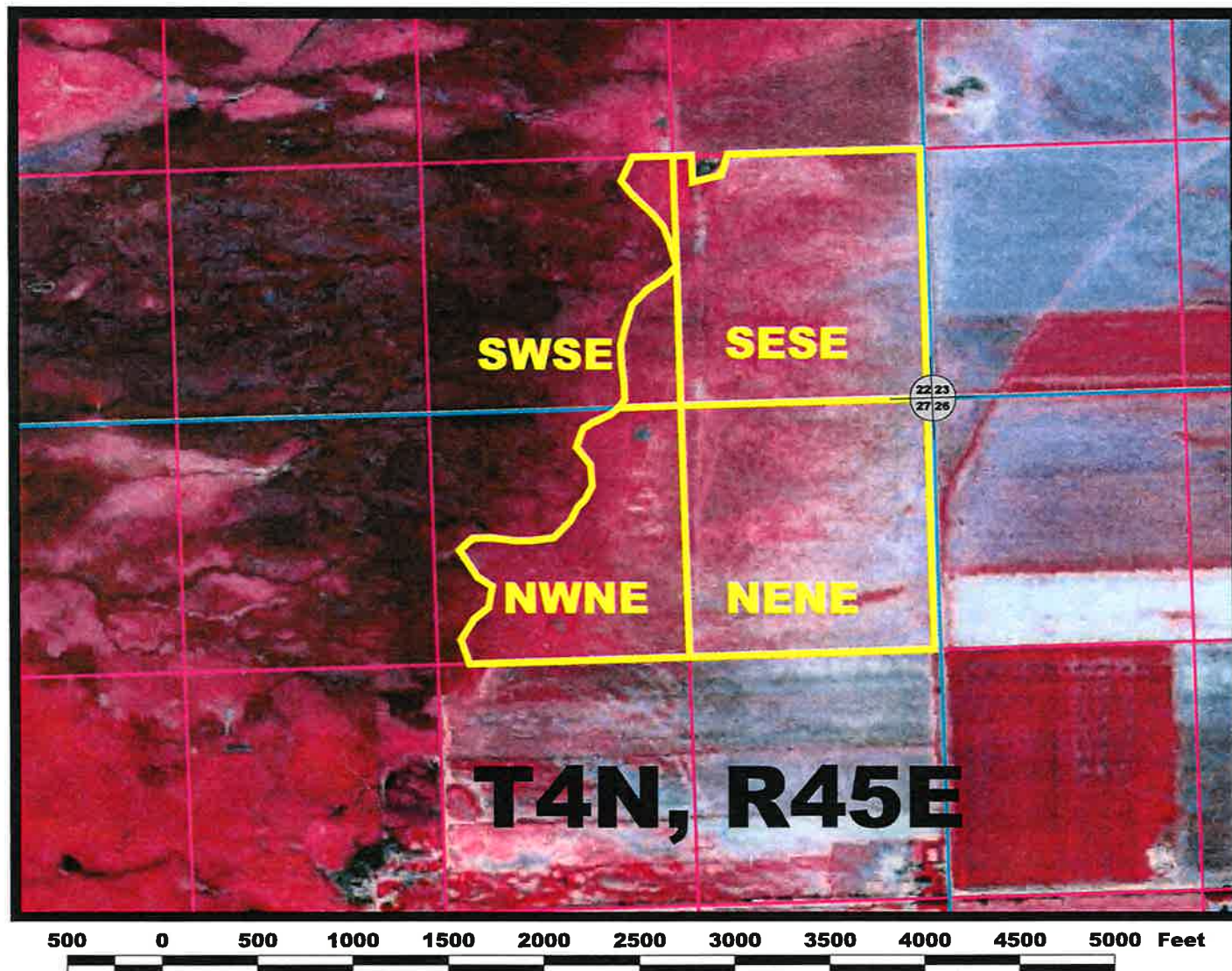
THIS RIGHT IS A COMBINATION OF OLD RIGHT NOS. 22-216B, 22-369B, 22-373B, 22-375B, 22-436B, 22-449B.



State of Idaho

Department of Water Resources

Eastern Region



Water Right(s):
22-11829

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

Place of Use: (parts of)
T4N, R45E
Sec. 22 S2SE,
Sec. 27 N2NE

Delivery by Cherry Grove Canal

LEGEND



Point of Diversion

SESE

Place of Use



Section

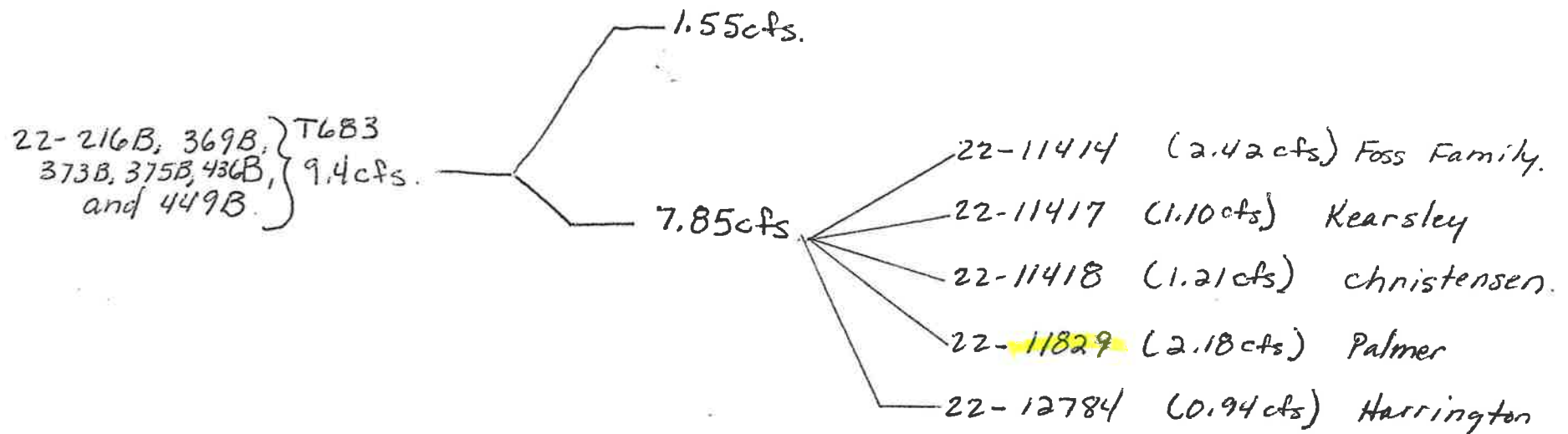


Quarter-Quarter



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

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



11/30/06 Prepared by:
CBird

Notes

11/17/06 Teton Assessor's office as of:

1-18-06 lists:

River Meadows LLC

PO Box 408

Victor, ID 83455. as the current owner.



Bear Country
←

T4N R46E SEC. 17 SWNWNE GPS TAG # A0012257



PROFILED

SCANNED
MAY 06 2005

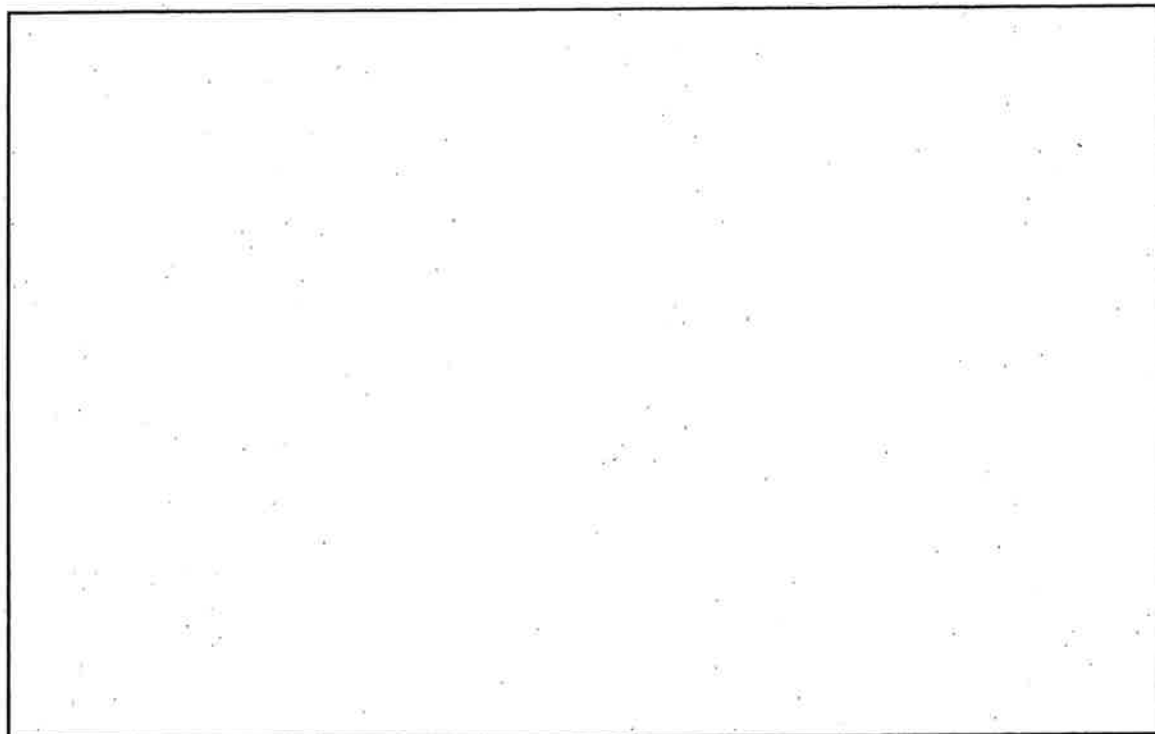
T4N R46E SEC. 18 NESENE

GPS TAG # A0012269

PROFILED

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MAR 10 2005

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

PROFILED

SCANNED
MAY 06 2005

Old Book

Decreed
Amount in Accumulated
Sec.-ft. Total

Party or Canal

Orig. Canal

Date

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	3.2			
22-419	(G.M. Murphy) TR 631	✓ June 1, 1890	3.0			
22-574	(D.O. Walton) TR 631	✓ June 1, 1890	2.8		9.4	
22-528	(E. Smith) (Includes Spring, Darby & Grandall Springs)	✓ June 1, 1891-13317	2.0		11.4	
22-269	(C. Gjettrup)	✓ June 1, 1892	3.2			
22-557	(J. Todd)	✓ June 1, 1892	3.2			
22-556	(H.M. Todd)	✓ June 1, 1892	4.0		21.8	
22-227	(L.S. Davidson)	✓ July 26, 1892-13325	3.1		24.9	
22-177	(R. Blattner)	✓ June 1, 1894	3.2			
22-244	(A.J. Ellis)	✓ June 1, 1894	3.2		31.3	
22-346	(T.H. Ingram)	✓ June 1, 1895-13318	3.2		34.5	
22-273A	(Kim Larsen) (TR 635)	✓ June 1, 1896	0.21			
22-369A	(A. C. Larsen) (TR 635)	✓ June 1, 1896	0.11			
22-216A	(Ira Crandall) (TR 635)	✓ June 1, 1896	0.53			
22-375A	(P. Larson) (TR 635)	✓ June 1, 1896	0.85			
22-436A	(E. Pascoe) (TR 635)	✓ June 1, 1896	0.85			
22-449A	(L. P. Peterson) (TR 635)	✓ June 1, 1896	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	0.4			
22-599	(Wyo. & Darby Bench Canal)	✓ June 1, 1897	27.6			
22-194	(H. L. Cannon)	✓ June 1, 1897	2.0		71.10	
22-331	(E. H. Holden)	✓ June 1, 1898	3.2			
22-371	(A. C. Larsen)	✓ June 1, 1898	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	3.2			
22-544	(W. Tarbet)	✓ July 7, 1898	3.2		84.70	
22-529A/B	(E. Smith) (Incl. Spring, Darby & Grandall 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 -

PROFILED

PROFITED

SCANNED
MAY 06 2005

22-0216

12.8
640

TWIN RIVER

160

480

SEC. 15 32
SEC. 22 32
SEC. 21 32

SEC. 22, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

SEC. 15, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

IT IS HEREBY ORDERED that the application of the GARDEN WATER COMPANY, LTD., of PRIGGS, IDAHO, for a Certificate of Registration of Water Right, made before the Commission of Registration 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 DAWNY CREEK upon the lands above described to HENRY ALABOND, and the lands to be irrigated under such right and to which the water right hereby granted shall be appurtenant, by this Certificate, for irrigation and domestic purposes, are described as follows:

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

THAT THE SAID DEED has been entered in the records of the Department of Registration of the State of Idaho, in Book 3, of Deeds at Page 459;

ALL of Section 5, all of Section 6, all of Section 7, all of Section 8, 1st 1/2 of Section 17, 1/2 NW 1/4, 1/2 NE 1/4, 1/2 SE 1/4, 1/2 SW 1/4, 1/2 T1N R46E, Range 46 N.M., Section 18, all in Township 4 North,

ALL of Section 1, NW 1/4, Section 11, all in Township 4 North, Range 46 N.M., 1/2 of Section 12, NW 1/4, Section 13, all in Township 4 North, Range 45 N.M., 1/2 of Section 14, NW 1/4, Section 15, all in Township 4 North, Range 45 N.M.

and deeded bearing date of December 16, 1910, for the purpose of irrigating the following described lands:

Defendants
TWIN RIVER IRRIGATION COMPANY ET AL

Plaintiffs
REXBURG IRRIGATION COMPANY ET AL

THIS IS TO CERTIFY THAT the GARDEN WATER COMPANY, LTD., of PRIGGS, IDAHO, is the owner of and using a certain water right bearing date of January 1, 1896, for 9.4 cubic feet per second of the waters of DAWNY CREEK, County of Teton, State of Idaho, deeded to Rex Granda, L. P. Peterson, Peter Larson, K. N. Larson, A. O. Larson and K. Larson, by decree of Judge Stevens, of the Sixth Judicial District, State of Idaho, County of Teton, in the case of

STATE OF IDAHO
DEPARTMENT OF REGISTRATION
Certificate of Water Right
Transferred Right No. 695

940

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

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 Darcy 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 Garden Water Company Canal, having its point of diversion opposite the Cherry Grove Canal, having its point of diversion in the NW¹/₄ Sec. 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 NW¹/₄ Sec. 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, 1944.

E. V. BERG
Commissioner of Reclamation


By: R. E. POWELL
Supervisor of Water Distribution

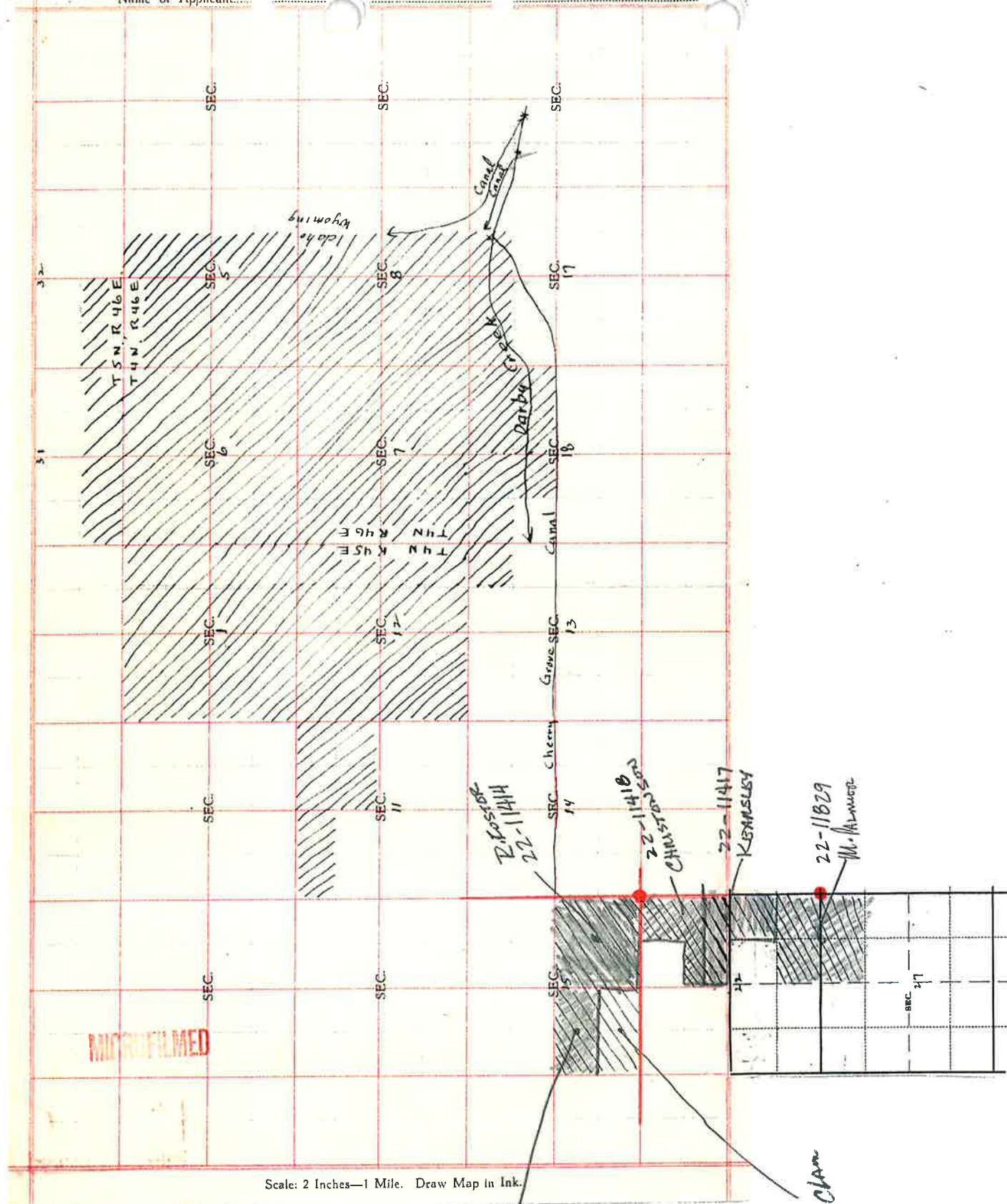
Cherry Grove Canal 100
Through Cherry Grove Canal

PROFILED

SCANNED

MAY 06 2005

INDEXED



PROFILED

22-12784-
TEMP STATUS
NOT VALID

SCANNED
MAY 06 2005

No class

Claims per TX #635: 9th cts

- Foster A. 22-11414 ($\frac{1}{3}$ OF 9th cts) = 3¹³ cts ON 160° AC pen OK
- ✓ Kearsley B. 22-11417 ($\frac{1}{6}$ OF 9th cts) = 1⁵⁷ cts ON 80° AC pen OK
- ✓ CHRISTENSEN C. 22-11418 ($\frac{1}{6}$ OF 9th cts) = 1⁵⁷ cts ON 80° AC pen OK
- ✓ M. Palmer D. 22-11829 ($\frac{1}{3}$ OF 9th cts) = 3¹³ cts ON 160° AC pen OK
- Temporary HARRINGTON E. 22-12784 ($\frac{1}{8}$ OF 9th cts) = 1¹⁷⁵ cts ON 80° AC * pen OK

According to TX #635 THE NEW POLI 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.

PROFILED

CLARK

MAY 06 2005

200216 IRA CRANDALL

50" (2.0 CFS) 1 JUNE 1896.
DARBY CREEK. SW $\frac{1}{4}$ SW $\frac{1}{4}$ SEC 2
E $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 3 N $\frac{1}{2}$ NW $\frac{1}{4}$ SEC 11
 $\frac{1}{2}$ SE $\frac{1}{4}$ SEC 15 280 AC. T4N 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 T4N R. 46E
30 AC. DARBY CREEK TETON RIVER

200373 KIM LARSEN.

10" .80 CFS 1 JUNE 1896
LOTS # 7 SEC 6 T4N 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 T4N 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 T4N R. 46E.
DARBY CREEK, TETON RIVER

200449 L.P. PETERSON

160" 3.20 CFS. 1 JUNE 1892
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

22-12784 M. HARRINGTON

1/8 OF TX 635

STATUS: TEMPORARILY - 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 T4N 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 T4N R 46E.
TOTAL 80 AC.

22-11829 M. PALMETZ

3 $\frac{1}{2}$ cts ON 160 $\frac{1}{2}$ AC 6/01/1896
S $\frac{1}{2}$ SE SEC. 22, N $\frac{1}{2}$ NE 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.

EQ = 9 $\frac{1}{2}$ cts claimed in-FULL

SCANNED

MAY 06 2005

PROFILED

Contacts Data Entry Form

Claim Number: _____

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

Current Owner: MAX Palmer Phone No.: 356 - 3985

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: _____

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

This claim is 1/3 OF THE ORIGINAL RIGHT TRANS-
FRR # 635 For 7.4 CFS.

Reviewer: _____ Date: _____

Priority Date Data Entry Form

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Claimed Priority Date: June 1 1896 Claimed Basis: DACREED

Recommended Priority Date: _____ Recommended Basis: _____

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

P. D. matches DACREED

Reviewer: _____

Date: _____

Water Right No(s). _____

GPS DATA:

Tag # upper AOP 12257 upper frame Location: wing wall
lower AOP 12269

Diversion Data: Cherry Grove Canal out of
Source: Darby Creek Trib to: Teton River

MOTOR

Make: _____ Model: _____ Hp: _____
SN: _____

PUMP

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

NOTES:

Please refer to other Cherry Grove claims
for photos

Field Exam Date: 6/16/05 Agent: DD

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

Other rights from this POD? C.P. 5 Tag #

Transfers Pending or approved: _____

Document how the POD and Source were verified:6/16/05
DO

There are 2 diversion pts for this claim. They are both out of Darby Creek. The upper diversion is out of the south side of the creek at the mouth of Darby Canyon in Sec. 17.

The lower diversion is also on the south side of Darby Creek and is located in Sec. 18.

These 2 diversions were GPS'd and tagged by Allen Rubery.

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

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

Total acres _____

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

6/16/05
 00 Field exam showed ditches along the east, north and south borders were full of water. The ground is relatively flat and slopes gently from east to west and north to south except for the south end where the ditch along that side can be used to irrigate.
 A county road borders on the east and there is a small corral and barn, but the acreage claimed is all irrigated.
 Plastic dams are used to force water out of the 3 main ditches to irrigate the whole place.

Reviewer: _____ Date: _____

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
Irrigation	4/15	10/15	3.13 cfs	

Overall Diversion Rate 3.13 cfs

Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____

Overall Diversion Volume _____

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

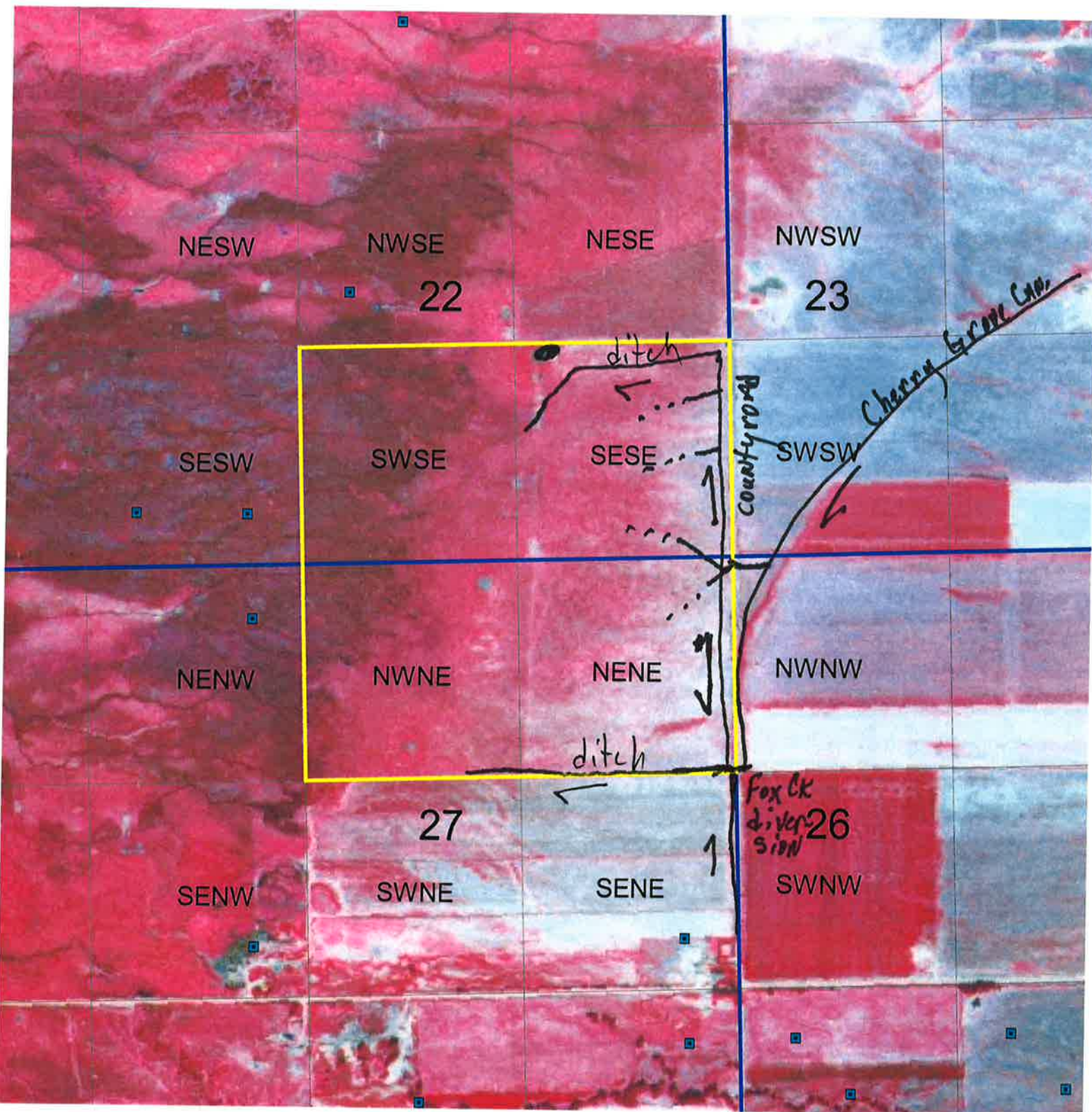
IDWR STD SOU 4/15 - 10/31 Irrigation

Reviewer: _____

Date: _____

22-11829

6/16/05
20



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Peterson, L. P.	3.2		22-0449
635	Garden Water Co.	~~2.2~~ 2.35	8	22-0449A

T
R
A
N
S

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

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 DARBY CREEK, County of Teton, State of Idaho, decreed to Ira Crandall, L. P. Peterson, Peter Larsen, K. M. Larsen, A. O. Larsen and E. Pascoe, by decree of Judge Stevens, of the Sixth Judicial District, State of Idaho, County of Fremont, in the case of

REXBURG 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; NE $\frac{1}{4}$, NW $\frac{1}{4}$, Section 11; all of Section 12; NE $\frac{1}{4}$, Section 13, all in Township 4 North, Range 45 E.B.M.

S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 32, S $\frac{1}{2}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 31, all in Township 5 North, Range 46 E.B.M.

All of Section 5; all of Section 6; all of Section 7; all of Section 8; Lot 1, NW $\frac{1}{4}$, Section 17, NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$, Section 18, all in Township 4 North, Range 46 E.B.M.

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 450;

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 DARBY 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:

S $\frac{1}{2}$, Section 15, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 22, all in Township 4 North, Range 45 E.B.M.

S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 22, NW $\frac{1}{4}$ NE $\frac{1}{4}$, Section 27, all in Township 4 North, Range 45 E.B.M.

T4N R45E.

all sec. 1

Sec. 11 NE, N $\frac{1}{2}$ NW

all Sec. 12.

Sec. 13 NENE

6N 46E

sec. 32 S $\frac{1}{2}$ SW

SWSE

Sec. 31 S $\frac{1}{2}$ SW
S $\frac{1}{2}$ SE

4N 46E

Sec. 5 all

Sec. 6 all

Sec. 7 all

Sec. 8 all

Sec. 17 E $\frac{1}{2}$, N $\frac{1}{2}$ NW

Sec. 18 N $\frac{1}{2}$ NW

SWNW

S $\frac{1}{2}$ SE

T4N 45E

Sec. 15 S $\frac{1}{2}$
22 E $\frac{1}{2}$ NE, SWSE
NESE

4N R45E
Sec. 22 S $\frac{1}{2}$ SE
Sec. 27 N $\frac{1}{2}$ NE

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

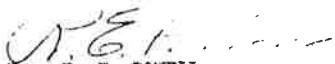
THAT THE WATER RIGHT HEREBY TRANSFERRED, has been conducted to the first above described land through the Garden Water Company Canal, having its point of diversion opposite the Cherry Grove Canal, having its point of diversion in the NW¹/₄ NE¹/₄, Section 17, Township 4 North, Range 46 E.B.M.

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 NW¹/₄ NE¹/₄, 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 & 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

STATE OF IDAHO

DEPARTMENT OF RECLAMATION

In the matter of the application of)
)
GARDEN WATER COMPANY, LTD.)
Driggs, Idaho)
)
For a transfer of Water Right, in Water)
District No. 36, County of Teton)

ORDER GRANTING TRANSFER

WHEREAS, On the 22nd day of December, 1941, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of a transfer of Water Right came on regularly for hearing, pursuant to the published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the application, with the application shows that the water will be put to more economical and greater beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued the applicant herein, 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 hereunto affixed, at Boise, Idaho, this 17th day of January, 1942.

E. V. BERG
Commissioner of Reclamation

R. E. Powell
By: R. E. POWELL
Supervisor of Water Distribution

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT

Rexburg Irrigation Company, et al,

PLAINTIFF,

-VS-

Teton Irrigation Canal Company, et al,

DEFENDANT.

DECREEE

22 0437 Payne, John	160 inches. June 15, 1896.	Barby Creek.
22 138 Payne, John	15 inches. June 1, 1890.	Spring on land.
22 139 Payne, John	60 inches. June 1, 1890.	Big 18. Spring, and Deep Creek.
35 0023 Payne, John	480 inches. Apr. 22, 1895.	Same Creek.
22 110 Payne, John	30 inches. June 1, 1899.	North High Creek.
22 111 Payne, John	100 inches. June 1, 1893.	South High Creek.
22 112 Payne, John		The Farmers' Friend Pen. Co. Company.
22 113 Payne, John	90 inches. June 1, 1897.	North High Creek.
22 114 Payne, John	80 inches. June 1, 1891.	North High Creek.
22 115 Payne, John	100 inches. June 1, 1897.	For Creek.
22 116 Payne, John	20 inches. June 1, 1896.	For Creek.
22 117 Payne, John	100 inches. June 1, 1897.	For Creek.
22 0147 Payne, John	20,000 inches. Aug. 16, 1894.	For Creek.
21 0083 Payne, John	90 inches. June 1, 1897.	North High Creek.
22 118 Payne, John	710 inches. May 1, 1890.	For Creek.
22 119 Payne, John	160 inches. June 1, 1890.	For Creek.
22 120 Payne, John	100 inches. June 1, 1896.	For Creek.
21 0081 Payne, John	120 inches. June 1, 1896.	For Creek.
21 0085 Payne, John	40 inches. June 1, 1890.	For Creek.
22 0150 Payne, John	80 inches. Sept. 1, 1901.	For Creek.
22 0151 Payne, John	80 inches. June 1, 1894.	For Creek.
22 0152 Payne, John	100 inches. June 1, 1890.	For Creek.

Barby Creek

See 22-0216 for
correspondence
relating to
Transfer No 635

~~059~~ 22 0442	Pehrson, Nils	100 inches.		The Farmers' Friend Canal Company.
~~059~~ 22 0443	Pendleton, Abraham	80 inches.	June 1, 1897.	North Leigh Creek.
~~059~~ 22 0444	Pendleton, Abraham	80 inches.	June 1, 1899.	North Leigh Creek.
~~059~~ 22 0445	Penfold, Algeroy	100 inches.	June 1, 1897.	Fox Creek.
~~059~~ 22 0446	Penfold, Farley	20 inches.	June 1, 1896.	Fox Creek.
~~059~~ 1 147	Penfold, Farley	100 inches.	June 1, 1897.	Fox Creek.
~~059~~ 22 0447	Peoples Canal & Irrigation Company, The	20,000 inches.	Aug. 18, 1894.	Snake River.
~~059~~ 21 0083	Perry, Jeremiah C.	80 inches.	June 1, 1897.	North Leigh Creek.
~~059~~ 21 0083	Perry, M. R. and R. V. ~~Perry~~	710 inches.	May 1, 1904.	Conant Creek.
	McBain and William H. Dunlap.			The Sunnydell Irrigation Canal Company
	Peterson, Carl	160 inches.	June 1, 1896.	Trail Creek.
~~060~~ 22 0448	Peterson, Chris.			Enterprise Canal Company.
~~060~~ 22 0449	Peterson, G. W.	160 inches.	June 1, 1896.	Darby Creek. Trans #43
~~060~~ 21 0084	Peterson, L. P.			The Farmers' Friend Canal Company
~~060~~ 21 0085	Peterson, Otto	120 inches.	June 1, 1893.	Conant Creek.
~~060~~ 22 0450	Peterson, S. O. #2157	40 inches.	June 1, 1899.	Conant Creek.
~~060~~ 22 0451	Phillips, L. A.	20 inches.	Sept. 1, 1901.	Spring Creek.
~~060~~ 22 0452	Phillips, L. A.	80 inches.	June 1, 1904.	Badger Creek.
	Phillips, Thomas A.	160 inches.	June 1, 1902.	Badger Creek.

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: A22-11829
Date Received: 9/22/1988
Receipt No: M001400
Received By: TO

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: MAX S. PALMER 208-356-3985
Address: RT. 1
SUGAR CITY, ID 83448

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	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	3.130		

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

8. Total consumptive use is 320.0 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	22	SW	SE		IRR	40.0
			SE	SE		IRR	40.0

Section Acres 80.0

A22-11829

Page 1

Date: 09/22/88

A2211829



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10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
04N	45E	27	NE	NE	IRR	40.0
			NW	NE	IRR	40.0
Section Acres						80.0
Total Acres						160.0

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 1/3 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. CO. ET AL
Decree Defendant

↑ CFS (T635)

22-0216B	1.47
22-0369B	.29
22-0373B	.59
22-0375B	2.35
22-0436B	2.35
22-0449B	2.35
	<u>9.46</u>

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: 2

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): Map Palmer Date: Sept. 22-88
_____ Date: _____

State of Idaho)
County of Bonneville) SS.

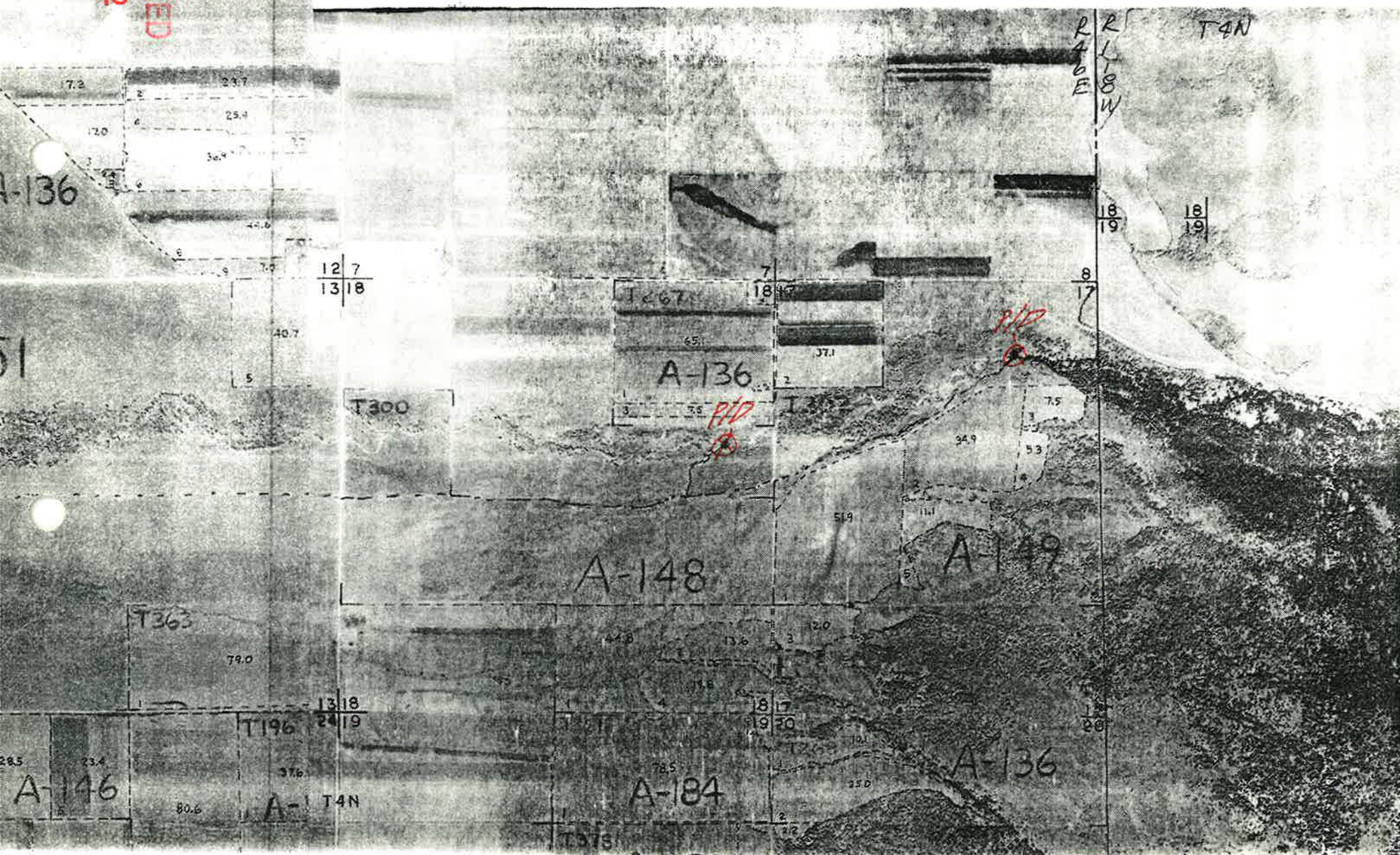
Subscribed and sworn (or affirmed) before me this 22nd day
of September 19 88

Anthony S. Olechala
Notary Public

Seal

Residing at Idaho Falls
My Commission Expires 9/12/1994

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NOT TO SCALE

