

11/30/2006

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

RIGHT NUMBER: 22-12784

NAME AND ADDRESS: MARK HARRINGTON
PO BOX 300
DRIGGS ID 83422

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 0.940 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T04N R46E S17 SWNWNE Lot 1 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	0.940 CFS

PLACE OF USE: IRRIGATION in TETON County

T04N R45E S15	NESW	16.00	T04N R45E S15	NWSW	31.00
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47 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

Water is delivered through Cherry Grove Canal Co. ditch.

The following rights are also diverted through point of diversion described above: 22-11414, 22-11417, 22-11418, and 22-11829.

Right includes accomplished change in point of diversion pursuant to Section 42-1425, Idaho Code.

This right is a combination of old Right Nos. 22-216B, 22-369B, 22-373B, 22-375B, 22-436B, and 22-449B.

11/30/2006

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: 22-12784

MARK HARRINGTON
PO BOX 300
DRIGGS ID 83422
Telephone Number: (208)354-2900

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:

Dec 5th 06

SIGNATURE:

Mark Harrington

Please print your name:

MARK HARRINGTON

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

RECEIVED

DEC 05 2006

Department of Water Resources
Eastern Region

KMT
12/06

Claim no. 22-12784

Claimant Contact Log

Date	Remarks	Agent initials
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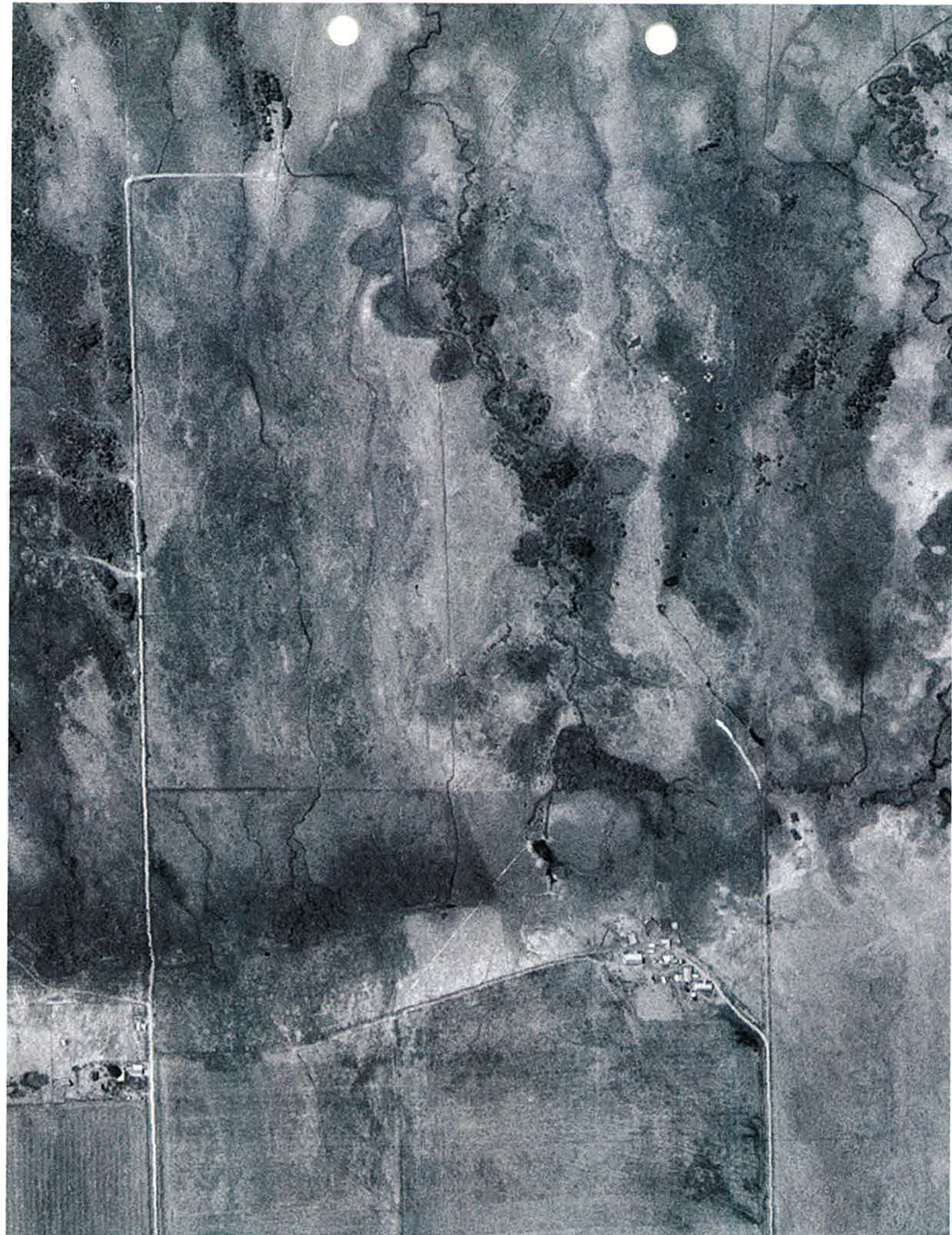
11-29-06	I contacted Mark Hamington on-site on 11-29-2006. He showed me the ditch that came down 350 South from the Cherry Grove Canal to his p.u. The N 1/2 + west 1/3 of his property had ditches that delined canal water. The South 2/3 of his property used to get water from a Spring but the headworks + ditch were eliminated in 1996.	
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	The P.O.D should be the grading of the Cherry Grove canal as they would function as a carrier for this group of rights (in part) from transfer 635.	
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[Signature]

11-30-2006









Idaho Department of Water Resources

SRBA Recommendation:

22-12784

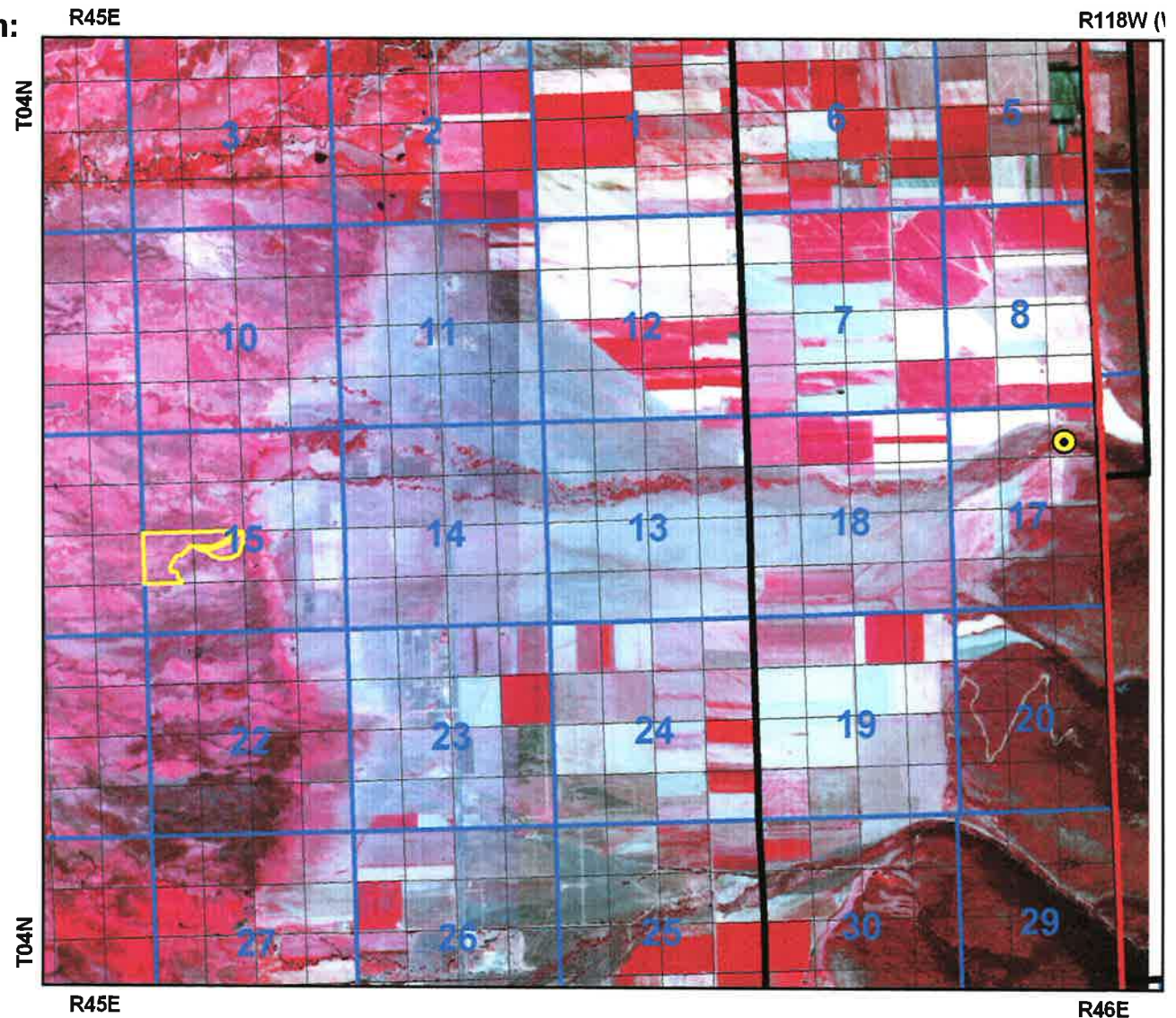
(Irrigation)

Legend

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



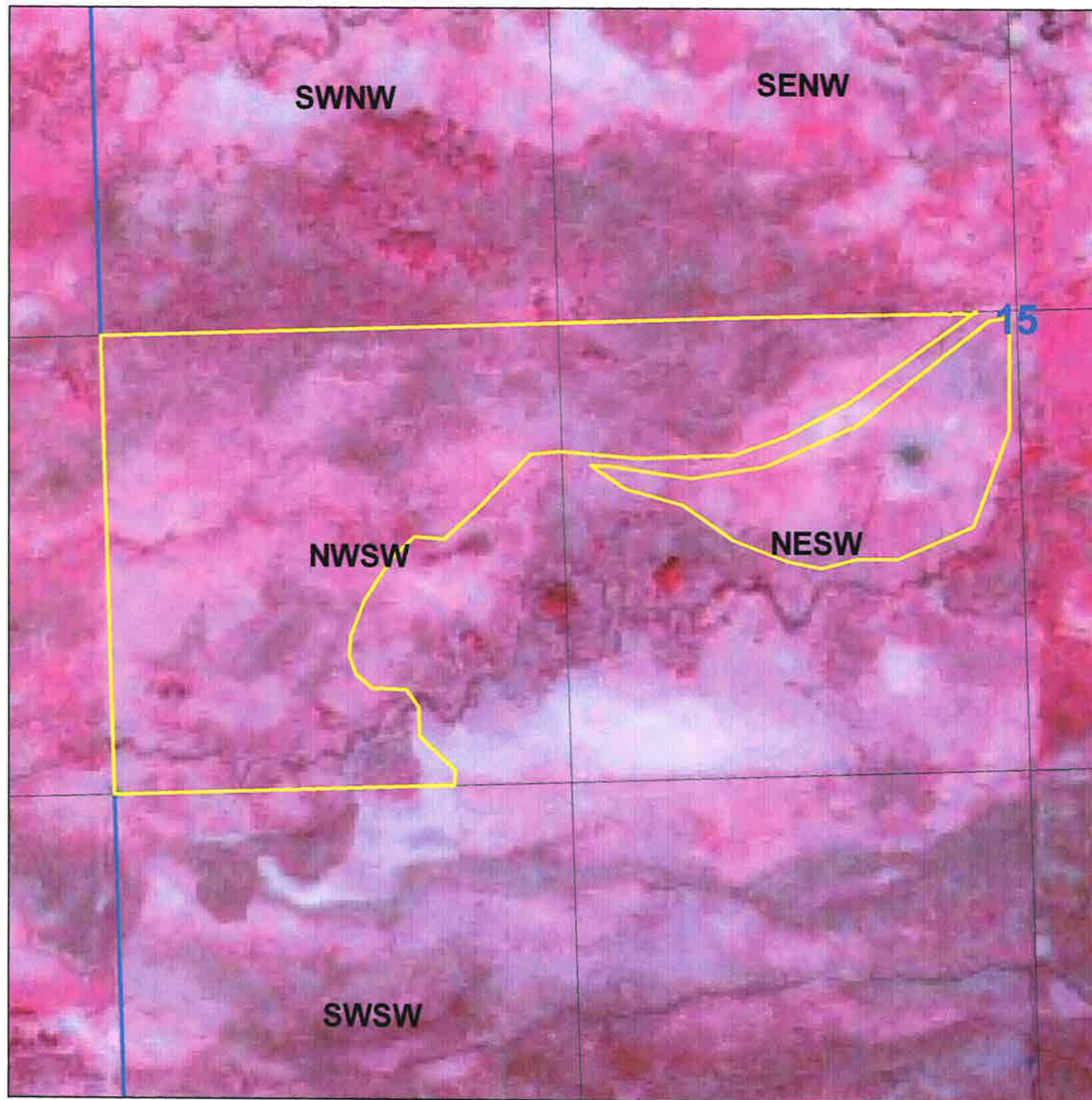
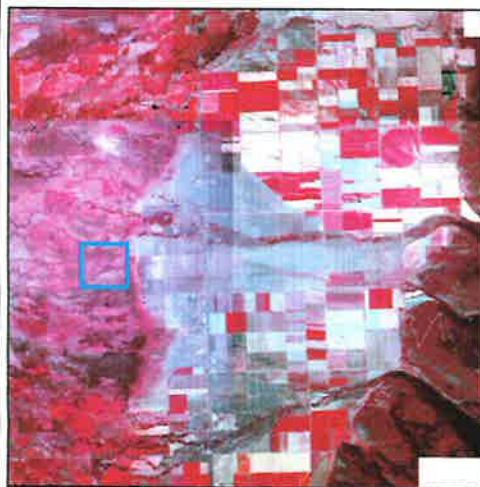
Teton County
IDWR Basin 22



0 2 4 Miles

Prepared by C. Bird
On Thursday, November 30, 2006
1987/88 Aerial Photography

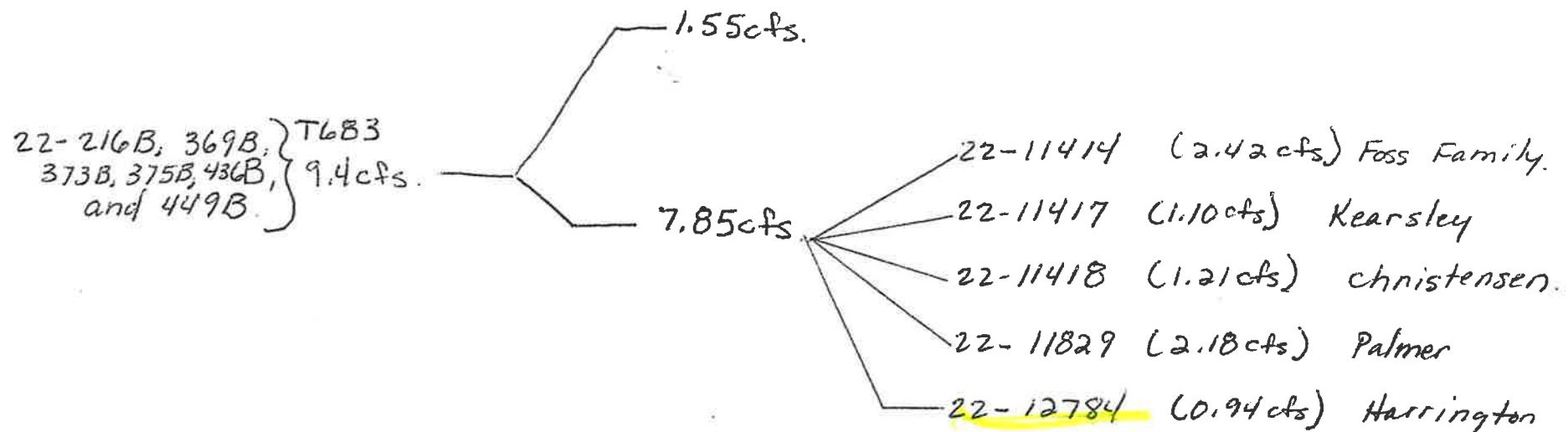
22-12784



11/30/86 Conversation with Skip, James.
 M. Flamington: Field exam 11/29/86.
 N of the road, west: small of
 fence. Also a ditch about half
 way down. The road to merge
 the pasture S. of the road but north
 of the trees.

$$117 \text{ MVA} * 0.02 = .94 \text{ cfs}$$

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



11/30/06 Prepared by:
CBird

Bird, Cindy

From: Bird, Cindy
Sent: Saturday, November 18, 2006 3:30 PM
To: Jones, Skip
Subject: Field work

hi guy,

I need you to go out and check on some things for me off Darby Creek. I have 2. First on was filed on by Cherry Grove Canal Company. It's the only 40 acres track that doesn't have an individual claim from the Cherry Grove Canal Co. It also doesn't show that it ever had a water right for the pou. It's in the NWSW of section 23, T4N, R45E. According to the Teton Co Assessor's office it's owned by Francis E. Lewis in Driggs with a physical address of 477 S 100 W. No phone number. What I need to know is if they are irrigating? What they are irrigating? From what are they irrigating with? And to see if they will file an individual claim to claim there irrigation.

Second thing: Is a temporary claim 22-12784 that the guy is going to sign the claim and pay the fee to activate the claim. This was part of the land under transfer 635, B portion for 9.4 cfs. Which combined a bunch of decreed rights on to this land. Is Mark Harrington irrigating the ground. The topo map shows all of the ground as swamp land. So was it historically irrigated? Does he have ditches? Where is his POD? The POU that I need to you check out is the N1/2SW of Section 15, T4N, R45E. Mr. Harrington's phone number is 354-2900. The other rights that I have that are being recommended under the B portion of the transfer are 22-11414, 22-11418, 22-11417 and 22-11829. They were included in the Cherry Grove Boundaries. However, this guys property was not and I'm not sure why. Allen recommended the B portion completely to the 4 claims listed above and I'm not sure why he excluded the SW of section 15 which was included in the transfers pou. So could you check it out for me?

thanks,
cindy

3:35 pm 11-18-06 Conversation w/ Ann

Garden Water Co.

N 1/2 Sec 34 T44 R12E

Divides the

X1's half
from

Imagery: 1994 Foster Family Trust
ditch comes from the
pre American ground east of the
ground under this claim
22-12784 then splits
and goes N-S.

Notes

11/24/06 I asked Katy Jackson to send Mark Harrington a letter about the meeting. Because his PDR won't be ready to send out on Monday (11-27-06). Skip will be going out next week on this claim to investigate. CB

CINDY: Enclosed you will
find a notarized copy of the water
claim and a check for \$260.00.

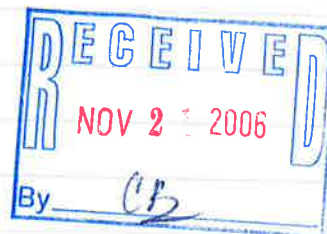
Thanks for your help

MARK HARRINGTON

Box 300

DRUGS ID.

208-354-2900





State of Idaho

DEPARTMENT OF WATER RESOURCES

15 W. Center St. Soda Springs, Idaho 83276

Phone: (208) 547-3993 FAX: (208) 547-3939 www.idwr.idaho.gov

JAMES E. RISCH
Governor

KARL J. DREHER
Director

November 21, 2006

FILE

**MARK HARRINGTON
P.O. BOX 300
DRIGGS, ID USA 83422**

REF: SNAKE RIVER BASIN ADJUDICATION (SRBA) CLAIM A22-12784

Subject: RECEIPT B000030

Dear Mark,

I've enclosed your receipt for check #1814 for the SRBA filing fee on A22-12784. I have asked Harold (Skip) Jones to contact you in reference to doing a field examination of your ground irrigated under the above referenced claim number. If you have any questions please don't hesitate to give me a call at 547-3993.

Respectfully,

Cindy E. Bird
Adjudication Bureau

Enclosure(s): Receipt B000030

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 22-12784
Date Received: 11/20/1989
Receipt No: B000030
Received By: CEB

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

MARK HARRINGTON Phone: (208)354-2900

PO BOX 300
DRIGGS ID USA 83422

2. Date of Priority: 06/01/1896

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	Type
04N	46E	17	NE NE	TETON	

5. Description of diverting works:

CHERRY GROVE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1.175	

7. Total Quantity Appropriated is:
1.175 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	15	NE	SW	IRRIGATION	40
			NW	SW	IRRIGATION	40
					Section Acres	80
					Total Acres	80

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:

THIS CLAIM IS FOR 1/8 OF THE 9.4 CFS OF DECREED RIGHTS DESCRIBED IN TRANSFER NO. 635.

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 Individuals:

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

Signature of Claimant(s): _____

Date: 11/18/0611/18/06

Date:

State of Idaho)

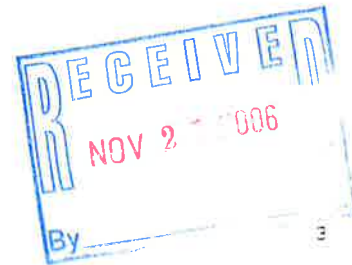
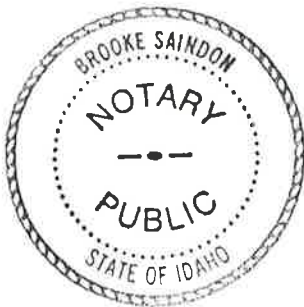
County of Secon)

SS.

Subscribed and sworn (or affirmed) before me this

of 11/18 2006

Notary Public

Residing at Diary, Idaho 83422My commission Expires 10/16/08

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

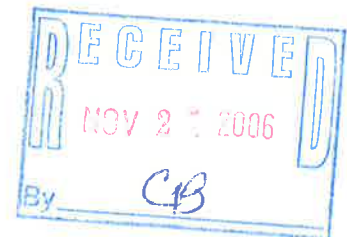
CIVIL CASE NUMBER: 39576

Ident. Number 22-12784
Date Received: 11/20/1989
Receipt No:
Received By:

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

1. Name of Claimant(s)

MARK HARRINGTON Phone: (208)354-2900
PO BOX 300
DRIGGS ID USA 83422



2. Date of Priority: 06/01/1836

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	Type
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04N	46E	17	NE NE	TETON	
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5. Description of diverting works:

CHERRY GROVE CANAL

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	4/15	10/15	1.175	

7. Total Quantity Appropriated is:
1.175 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	15	NE SW	IRRIGATION	4C
			NW SW	IRRIGATION	4C

Section Acres 80

Total Acres 80

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:

THIS CLAIM IS FOR 1/8 OF THE 9.4 CFS OF DECREED RIGHTS DESCRIBED IN TRANSFER NO. 635.

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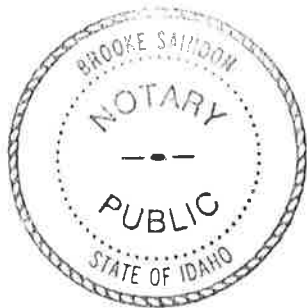
Signature of Claimant(s): *Mark King* Date: 11/18/06
11/18/06 Date: _____

State of Idaho)
County of 2nd Con) SS.

Subscribed and sworn (or affirmed) before me this
of 11/18 2006

Brooke S. Simon

Notary Public

Residing at *Priggo, Idaho 83422*My commission Expires 10/16/08

22-12784

11/17/2006

