

11/17/2006

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

RIGHT NUMBER: 22-13312

NAME AND ADDRESS: GARDEN WATER CO LTD
C/O BOYD BOWLES PRESIDENT
261 E 200 S
DRIGGS ID 83422

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 3.400 CFS

USE OF THIS RIGHT WITH RIGHTS LISTED BELOW IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 84.47 CFS. COMBINED RIGHT NOS.:
22-13309 THROUGH 22-13323 AND 22-13325.

THIS RIGHT WHEN COMBINED WITH RIGHT NOS. 22-13309 THROUGH
22-13323 AND 22-13325 SHALL PROVIDE NO MORE THAN .02 CFS PER
ACRE.

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION: T04N R46E S8 NENWNE Lot 1 Within TETON County
T04N R46E S8 NENWSE Lot 3 Within TETON County
T04N R46E S8 SESWSE Lot 4 Within TETON County

The points of diversion for this water right are in Wyoming, T43N, R118W,
Sec. 20 SWSWNW, NENESW, NWNESE, 6PM.

The recommended points of diversion shown above are where the
conveyance systems enter Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	3.400 CFS

PLACE OF USE:

LARGE PLACE OF USE

4223.3 ACRES TOTAL

This right is limited to the irrigation of 170.0 acres within the place of use
described above in a single irrigation season.

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 4223.3 ACRES IN A SINGLE
IRRIGATION SEASON. COMBINED RIGHT NOS.: 22-13309 THROUGH
22-13325.

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

11/17/2006

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

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. 22-216A, 22-369A, 22-373A, 22-375A, 22-436A, 22-449A. .

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

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

THE FOLLOWING RIGHTS ARE ALSO DIVERTED THROUGH POINTS OF DIVERSION DESCRIBED ABOVE: 22-13309 THROUGH 22-13325.

- It appears to us that the Garden Water CO. that was referenced in tx 635 is not the same as present day Garden water CO.
- The 9.4 cfs that was transferred ~~to~~ has been recommended to individuals under cherry Grove canal where it was transferred.
- Our records show that 3.4 cfs ~~was~~ was delivered to Garden irrigation CO. in 1976.
- It appears that Garden irrigation CO. on our records has been replaced by present day Garden water CO.

1-22-07



Notes

11/17/06 after further and finding 22-11829 also had that this was a combination of the "B" portion under Transfer 635, I found this right according to Allen Ruberry's recommendation. is actually the "A" portion. This coincides with the 170 acres recommended and the 3.4 cts in Allen's notes.

22-11829 comments were that it was a portion "1/3" of 9.40 "B" portion which I think is correct.

So, I corrected the remark in this right to reflect that this is part of the "A" portion.
NOT "B".

02/24/2005

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: 22-13312

GARDEN WATER CO LTD
C/O BOYD BOWLES PRESIDENT
261 E 200 S
DRIGGS ID 83422

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:

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

DATE: 6-10-05

SIGNATURE: [Signature]

Please print your name: Boyd Bowles

Pres

IDWR Regional Office,

RECEIVED
JUL 01 2005
Department of Water Resources
Eastern Region

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JUL 05 2005

PROFILED

KW
7/1

Water Right Number 22-13312

Recommended as Claimed

☐ Claimed as Beneficial Use, ☐ Claimed as Licensed, ☒ Claimed as Decreed

NOTES:

1. See 22-13309 FOR FIBRO Exam NOTES, Maps & Photos
2. This CLAIM COMBINES 22-216B, 369B, 373B, 375B, 436B & 449B (Per TX #635).
3. Wyoming Divisions _____

SUMMIT
APR 20 2005

PROFILE

STATE OF IDAHO
DEPARTMENT OF MINISTRATION
CERTIFICATE OF WATER RIGHTS
TRANSFERRED RIGHT NO. 695

22-216B 1.47
22-369B 0.29
22-373B 0.59
22-375B 2.35
22-436B 2.35
22-449B 2.35
9.40

THIS IS TO CERTIFY THAT THE GARDNER WATER COMPANY, LTD., OF BRIGGS, 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 DAKOTA CREEK, COUNTY OF TETON, STATE OF IDAHO, DEPOSED TO THE GRANT, I. P. JOHNSON, PETER JOHNSON, K. M. JOHNSON, A. O. JOHNSON, BY DECREE OF JUDGE STEVENSON, OF THE SIXTH JUDICIAL DISTRICT, STATE OF IDAHO, COUNTY OF TETON, IN THE CASE OF

PLAINTIFFS

VS.

DEFENDANTS

SAID DECREE BEARING DATE OF DECEMBER 16, 1910, FOR THE PURPOSE OF LISTING THE FOLLOWING DESCRIBED LANDS:

ALL OF SECTION 1, T4N, R4E, SECTION 19, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

SECTION 31, ALL IN TOWNSHIP 5 NORTH, RANGE 46 N.E.M.

ALL OF SECTION 5, ALL OF SECTION 6, ALL OF SECTION 7, ALL OF SECTION 8, ALL OF SECTION 17, T4N, R4E, SECTION 18, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

THAT THE SAID DROWER HAS BEEN ENTERED IN THE RECORDS OF THE DEPARTMENT OF MINISTRATION OF THE STATE OF IDAHO, IN BOOK 5, OF DECEMBER AT PAGE 450;

THAT THE APPLICANT HAS BECOME THE OWNER OF THE LAND AND WATER RIGHTS BY DEED FROM ORIGINAL PERSONS TO WHOM DECEASED;

THAT NOW UPON THE APPLICATION OF THE GARDNER WATER COMPANY, LTD., OF BRIGGS, IDAHO, FOR A CERTIFICATE OF TRANSFER OF WATER RIGHT, MADE BEFORE THE COMMISSIONER OF MINISTRATION 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 DAKOTA CREEK UPON THE LANDS ABOVE DESCRIBED IS HEREBY AUTHORIZED, AND THE LANDS TO BE IRRIGATED UNDER SUCH RIGHTS AND TO WHICH THE WATER RIGHT HEREBY GRANTED SHALL BE APPLICABLE, BY THIS CERTIFICATE, FOR IRRIGATION AND DOMESTIC PURPOSES, ARE DESCRIBED AS FOLLOWS:

SECTION 15, T4N, R4E, SECTION 22, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

SECTION 22, T4N, R4E, SECTION 27, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

SECTION 22, T4N, R4E, SECTION 27, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

SECTION 15, T4N, R4E, SECTION 22, ALL IN TOWNSHIP 4 NORTH, RANGE 45 N.E.M.

T4N R4E

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22-0216

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 NW¹/₄NE¹/₄, 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, 1948.

E. V. BERG
Commissioner of Reclamation


By: R. E. POWELL
Supervisor of Water Distribution

*Cherry Grove Canal 800
Through Cherry Grove Canal*

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Rights on Upper Teton River and Tributaries (continued)
Listed in Downstream Order

Old Book

Party or Canal	Orig. Canal	Date	Decreed Amount in Sec.-ft.	Accumulated Total
<u>DARBY CREEK</u>				
<u>Garden Irrigation Co.</u>				
22-573 (D.O. Walton) TR 631		✓ June 1, 1889-13316	0.4	0.4
22-525 (C.M. Smith) TR 631	Deeded June 1, 1890	✓ 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 & Crandall 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)	OWNERSHIP BY GWC	✓ 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 & 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 -

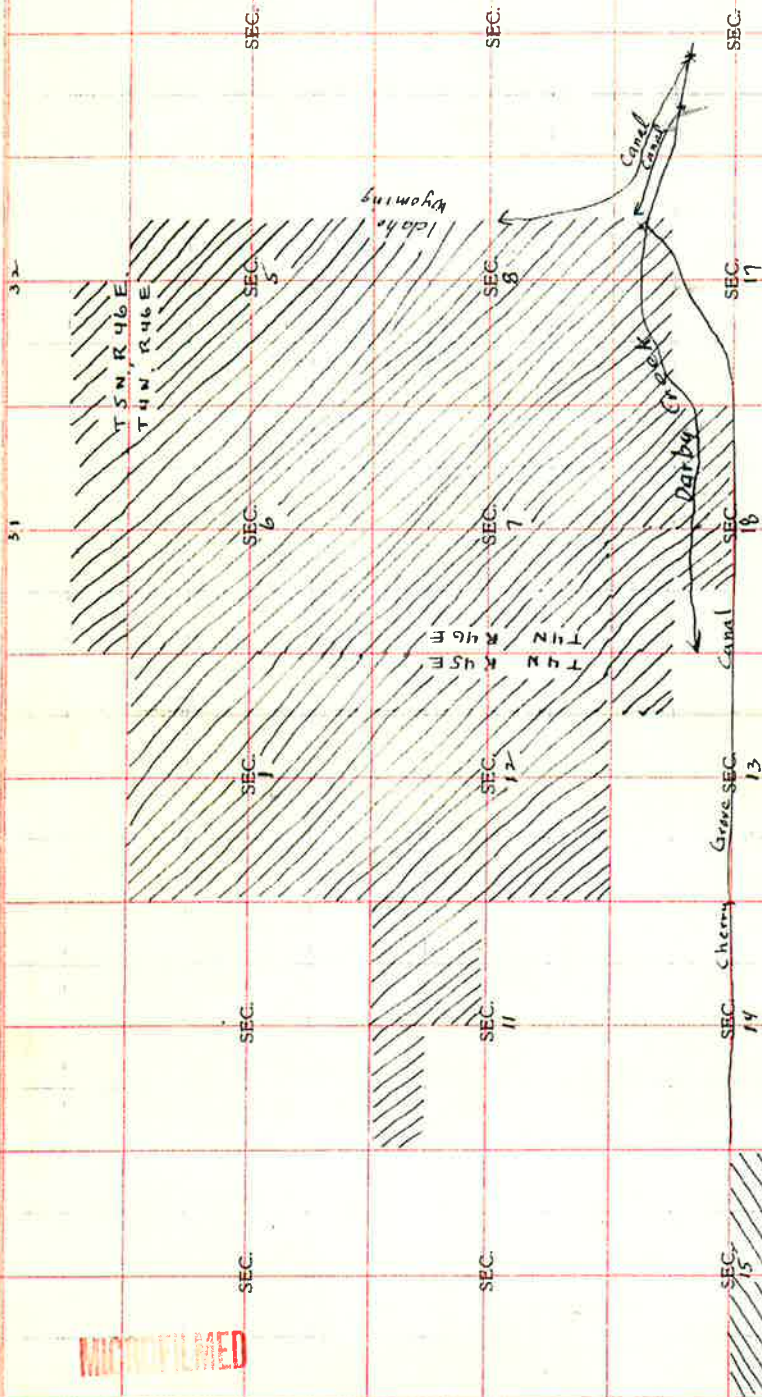
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Name of Applicant.....

Gardner Water Co.



MICROFILMED

PROFILE

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APR 20 2005

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 22-13312
Date Received: 9/29/2004
Receipt No:
Received By: *BP30359*
DM

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GARDEN WATER CO LTD Phone:
C/O BOYD BOWLES PRESIDENT
261 E 200 S
DRIGGS ID USA 83422

2. Date of Priority: 06/01/1896

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	46E	8	NW	NE	1	TETON	
04N	46E	8	NW	SE	3	TETON	
04N	46E	8	SE	SE	4	TETON	

5. Description of diverting works:

PODS ARE STATELINE LOCATIONS OF PIPELINES. ACTUAL PODS ARE WYOMING DIVERSIONS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	9.4	

7. Total Quantity Appropriated is:

9.4 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	1	NE	NE	1	IRRIGATION	39
			NW	NE	2	IRRIGATION	40
			SW	NE		IRRIGATION	40
			SE	NE		IRRIGATION	38

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APR 20 2005

NE	NW	3	IRRIGATION	40
NW	NW	4	IRRIGATION	37
SW	NW		IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40
NW	SW		IRRIGATION	40
SW	SW		IRRIGATION	39
SE	SW		IRRIGATION	39
NE	SE		IRRIGATION	39
NW	SE		IRRIGATION	40
SW	SE		IRRIGATION	39
SE	SE		IRRIGATION	36

Section Acres 626

04N	45E	2	SW	NE	IRRIGATION	24
			SE	NE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	35
			SW	SE	IRRIGATION	34
			SE	SE	IRRIGATION	39

Section Acres 212

04N	45E	11	NE	NE	IRRIGATION	39
			NW	NE	IRRIGATION	33
			SE	NE	IRRIGATION	40
			NE	NW	IRRIGATION	38
			NW	NW	IRRIGATION	7.2

Section Acres 157.2

04N	45E	12	NE	NE	IRRIGATION	34
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	39
			NE	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			SW	NW	IRRIGATION	36
			SE	NW	IRRIGATION	40
			NE	SW	IRRIGATION	33
			NW	SW	IRRIGATION	3.8
			SE	SW	IRRIGATION	1.4
			NE	SE	IRRIGATION	38
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	31
			SE	SE	IRRIGATION	35

Section Acres 491.2

04N	45E	13	NE	NE	IRRIGATION	15
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Section Acres 15

04N	46E	5	NW	NE	1	IRRIGATION	36
			SW	NE	4	IRRIGATION	36
			NE	NW	2	IRRIGATION	41

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NW	NW	3	IRRIGATION	40
SW	NW		IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40
NW	SW		IRRIGATION	40
SW	SW		IRRIGATION	40
SE	SW		IRRIGATION	39
NW	SE	5	IRRIGATION	33
SW	SE	6	IRRIGATION	37

Section Acres 462

04N 46E 6

NE	NE	1	IRRIGATION	39
NW	NE	2	IRRIGATION	41
SW	NE		IRRIGATION	40
SE	NE		IRRIGATION	39
NE	NW	3	IRRIGATION	41
NW	NW	4	IRRIGATION	40
SW	NW	5	IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40
NW	SW	6	IRRIGATION	37
SW	SW	7	IRRIGATION	37
SE	SW		IRRIGATION	36
NE	SE		IRRIGATION	39
NW	SE		IRRIGATION	39
SW	SE		IRRIGATION	21
SE	SE		IRRIGATION	37

Section Acres 606

04N 46E 7

NE	NE		IRRIGATION	33
NW	NE		IRRIGATION	39
SW	NE		IRRIGATION	38
SE	NE		IRRIGATION	39
NE	NW		IRRIGATION	40
NW	NW	1	IRRIGATION	36
SW	NW	2	IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40
NW	SW	3	IRRIGATION	40
SW	SW	4	IRRIGATION	37
SE	SW		IRRIGATION	38
NE	SE		IRRIGATION	39
NW	SE		IRRIGATION	37
SW	SE		IRRIGATION	38
SE	SE		IRRIGATION	38

Section Acres 612

04N 46E 8

NW	NE	1	IRRIGATION	31
SW	NE	2	IRRIGATION	36
NE	NW		IRRIGATION	38
NW	NW		IRRIGATION	39
SW	NW		IRRIGATION	40
SE	NW		IRRIGATION	40
NE	SW		IRRIGATION	40

PROFILE

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APR 20 2005

			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	39
			SE	SW		IRRIGATION	39
			NW	SE	3	IRRIGATION	36
			SW	SE	4	IRRIGATION	37
						Section Acres	455
04N	46E	17	NW	NE	1	IRRIGATION	7.8
			NE	NW		IRRIGATION	14
			NW	NW		IRRIGATION	35
						Section Acres	56.8
04N	46E	18	NE	NE		IRRIGATION	37
			NW	NE		IRRIGATION	39
			SW	NE		IRRIGATION	13
			SE	NE		IRRIGATION	11
			NE	NW		IRRIGATION	38
			NW	NW	1	IRRIGATION	38
			SE	NW		IRRIGATION	6.9
						Section Acres	182.9
05N	45E	36	SW	SW		IRRIGATION	4.2
			SE	SW		IRRIGATION	36
			SW	SE		IRRIGATION	39
						Section Acres	79.2
05N	46E	31	SW	SW		IRRIGATION	37
			SE	SW		IRRIGATION	39
			SW	SE		IRRIGATION	38
			SE	SE		IRRIGATION	32
						Section Acres	146
05N	46E	32	SW	SW		IRRIGATION	34
			SE	SW		IRRIGATION	29
			NW	SE	3	IRRIGATION	26
			SW	SE	4	IRRIGATION	33
						Section Acres	122
						Total Acres	4223.3

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:

PROFILED

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APR 20 2005

14. Remarks:

THIS CLAIM COMBINES 22-216B, 22-369B, 22-373B, 22-375B, 22-436B, 22-449B (PER TRANSFER #635, 01-17-194_).

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 Boyd Bowles Pres of
Title
Garden Water Company that I have signed the foregoing
Organization
document in the space below as President of
Title
Garden Water Company and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

President Garden Water Company
Title and Organization

10/6/04
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 6th
of Oct 2004

Aaron B Ruberry
Notary Public

Residing at PO Box 1000

My commission Expires 9/23/09



FILED

SEARCHED
APR 20 2005