

02/24/2005

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

RIGHT NUMBER: 22-13321

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: 1.600 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: 06/01/1899

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	1.600 CFS

PLACE OF USE:

LARGE PLACE OF USE

4223.3 ACRES TOTAL

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.

This right is limited to the irrigation of 80.0 acres within the place of use
described above in a single irrigation season.

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

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

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

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

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

THIS RIGHT REPRESENTS OLD DECREE NOS. 22-529 A and B.

02/25/2005

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: 22-13321

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

Please print your name:

Boyd Bowles Pres.

IDWR Regional Office,

RECEIVED

JUL 01 2005

Department of Water Resources
Eastern Region

SCANNED

JUL 05 2005

PROFILED

KWJ
7/1

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 22-13321

Date Received: 9/29/2004

Receipt No:

Received By:

LEP 30359
ASR

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: 06/01/1899

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	1.6	

7. Total Quantity Appropriated is:
1.6 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
			NE NW 3	IRRIGATION	40
			NW NW 4	IRRIGATION	37

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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
			NW	NW	3	IRRIGATION	40
			SW	NW		IRRIGATION	40

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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
			NW	SW		IRRIGATION	40
			SW	SW		IRRIGATION	39

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			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:

14. Remarks:

THIS CLAIM REPRESENTS 22-529 (A/B).

PROFILED

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: _____

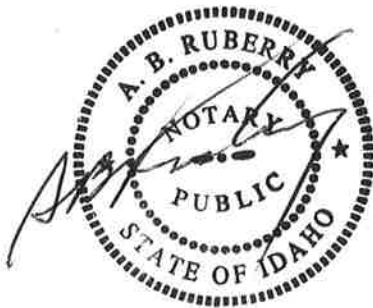
For Organizations:

I do solemnly swear or affirm that I am Boyd Bowles of
Title
Garden Water Co., that I have signed the foregoing
Organization
document in the space below as President of
Title
Garden Water Co. and that the statements contained in the
Organization
foregoing document are true and correct. [Signature]
Signature of Authorized Agent
Pres. Garden Water Co
Title and Organization

10-6-2004
Date

State of Idaho)
County of BONNEVILLE) SS.

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



Aaron B. Ruberry
Notary Public
Residing at PO Box 1000, Pocatello
My commission Expires 9/23/09

PROFILE

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APR 21 2005