

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

RIGHT NUMBER: 22-13331

NAME AND ADDRESS: CHERRY GROVE CANAL CO
C/O PAT OCONNOR
127 W 400 S
VICTOR ID 83455

SOURCE: DARBY CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 4.400 CFS

PRIORITY DATE: 06/01/1896

POINT OF DIVERSION:

T04N R46E S17 SWNWNE Lot 1 Within TETON County

T04N R46E S18 NESENE Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	4.400 CFS

PLACE OF USE:

992.3 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.

The rights listed below are limited to the irrigation of a combined total of 992.3 acres in a single irrigation season. Combined Right Nos.: 22-96, 22-218, 22-2005, and 22-13331.

Place of use is within the area served by Cherry Grove Canal Company.

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. 22-185 and 22-572.

The following rights are diverted through point(s) of diversion described above: 22-96, 22-218, 22-2005, and 22-13331.

CREATED BY

JUN 18 2008

J LARSEN

Notes

11/22/06 This was not deemed to change Grove Canal Co.
How did they acquire this right?
- Ray Rigby, attorney is trying to get this
reinstated.

SCANNED

JUN 13 2007

E-Clerk

02/04/2005

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: 22-13331
CHERRY GROVE CANAL CO
C/O PAT OCONNOR
127 W 400 S
VICTOR ID 83455
Telephone Number: (208) 354 2564

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: 06.26.05 SIGNATURE: Pat O'Connor
Please print your name: Pat O'Connor

IDWR Regional Office,

RECEIVED

JUL 12 2005

Department of Water Resources
Eastern Region

SCANNED

PROFILE

JUL 13 2005

KWS
7/12

~~1-0811~~ 21 0127 ✓
Uden, Ernest W.

U.

75 inches. June 1, 1902. Southwest Fork of Elk Creek.

~~1-0811~~ 22 0562 ✓
Vail, J. R.
~~1-0811~~ 22 0563 ✓
Vail, W. C.
~~1-0811~~ 22 0564 ✓
Vail, W. C.
~~1-0811~~ 22 0565 ✓
VanLeuven, William
~~1-0811~~ 22 0566 ✓
Victor Townsite.
(To Mahum Curtis,
Davis Cheney and
Edwin Rice
Trustees.)

V.

160 inches. June 1, 1896. Fox Creek.
120 inches. June 1, 1897. Fox Creek.
100 inches. June 1, 1897. Fox Creek.
160 inches. June 15, 1897. South Leigh Creek.
320 inches. June 1, 1896. Trail Creek.

~~1-0811~~ 22 0567 ✓
Waddell,
Mrs. L. E.

W.

200 inches. Sept. 1, 1891. Teton Creek.
The Farmers' Friend
Canal Company.

~~1-0811~~ 22 0568 ✓
Wait, F. A.
~~1-0811~~ 25-0229 ✓
Wakeman, Herman

160 inches. May 25, 1898. Leigh Creek.
240 inches. July 1, 1886. Myers Creek.
Parsons Ditch Company.

~~1-0811~~ 21 0128 ✓
Walker, F. E.
~~1-0826~~ 21 0129 ✓
Wall, George L.
~~1-0821~~ 22 0569 ✓
Wall, George L.
Wallace, H. A.

80 inches. Oct. 15, 1900. Wall Springs.
40 inches. Aug. 20, 1901. Tom Creek.
40 inches. Jan. 18, 1904. North Leigh Creek,
or Spring Creek.
332 inches. Apr. 1, 1898. Teton River (Stewart
& Walters ditch).
(Joint appropriation
with Mons H. Anderson.

~~1-0822~~ 22 0570 ✓
Walters, William

~~1-0822~~ 22 0571 ✓
Walters, William

168 inches. June 1, 1888. Teton River (Stewart
& Walters ditch).
(Joint appropriation
with Mons H. Anderson.

~~1-0821~~ 22 0572 ✓
Walton, Dania

120 inches. June 1, 1896. Darby Creek.

~~1-0821~~ 22 0573 ✓
Walton, D. O.

20 inches. June 1, 1889. Darby Creek. *491

~~1-0826~~ 22 0574 ✓
Walton, George

140 inches. June 1, 1890. Darby Creek. *491

~~1-0821~~ 22 0575 ✓
Walton, George

100 inches. June 1, 1892. Paradise Springs.

~~1-0821~~ 35 0030 ✓
Ward, Sarah A.

140 inches. May 1, 1888. Boone Creek.

Ward, C. G.

Roxana Canal
Company.

Victor Townsite

$\frac{W}{2}$ of $NE\frac{1}{4}$ and $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 11, T.
3 N. R., 45 E., B. M.

W.

Waddell, Mrs. L. E.

$SE\frac{1}{4}$ of $SW\frac{1}{4}$ and Lot 4 of Sec. 20, the
 $NW\frac{1}{4}$, and $E\frac{1}{2}$ of $SW\frac{1}{4}$, $SW\frac{1}{4}$ of $SW\frac{1}{4}$
and Lots 1, 2 and 3 of Sec. 29, T. 5
N., R., 46 E., B. M., containing
458.61 acres.

Wadsworth, A.

$SE\frac{1}{4}$ of Sec. 29, and $S\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 30,
T. 1 N., R., 38 E., B. M., containing
240 acres.

Wadsworth, Ed.

$R\frac{1}{2}$ of $NW\frac{1}{4}$ and Lots 1 and 2 of Sec. 30, T.
1 N. R., 38 E., B. M., containing
160 acres.

Wait, F. A.

$NE\frac{1}{4}$ of Sec. 5, T. 5 N. R., 45 E., B. M.
containing 160 acres.

Wakeman, Herman

$SE\frac{1}{4}$ of $SE\frac{1}{4}$ of Sec. 20, $SW\frac{1}{4}$ of $SW\frac{1}{4}$ of
Sec. 21, $E\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 29, and
 $W\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec. 28, T. 3 S., R.
43 E., B. M., containing 240 acres.

Walker, F. E.

$W\frac{1}{2}$ of $NW\frac{1}{4}$, $NW\frac{1}{4}$ of $SW\frac{1}{4}$, and Lot 2 of
Sec. 2, T. 3 S. R., 34 E., B. M.

Walker F. E.
and Lucille

$W\frac{1}{2}$ of $NW\frac{1}{4}$, $NW\frac{1}{4}$ of $SW\frac{1}{4}$, and Lot 3 of
Sec. 11, T. 3 S., R., 34 E., B. M.,
containing 164 acres.

Wall, George L.

$SE\frac{1}{4}$ of $SE\frac{1}{4}$, and $W\frac{1}{2}$ of $SE\frac{1}{4}$ of Sec. 25, T.
13 N. R., 43 E., and $S\frac{1}{2}$ of $NW\frac{1}{4}$ of Sec.
24, T. 13, N., R., 43 E., B. M.,
containing 200 acres.

Walters, William

$N\frac{1}{2}$ of $NE\frac{1}{4}$ of Sec. 19, T. 6 N., R., 40
E. B. M., containing 80 acres.

Walton, Dania

$S\frac{1}{2}$ of $SW\frac{1}{4}$, $NE\frac{1}{4}$ of $SW\frac{1}{4}$, and $SE\frac{1}{4}$ of $NW\frac{1}{4}$
of Sec. 13, T. 4 N., R., 45 E., B. M.

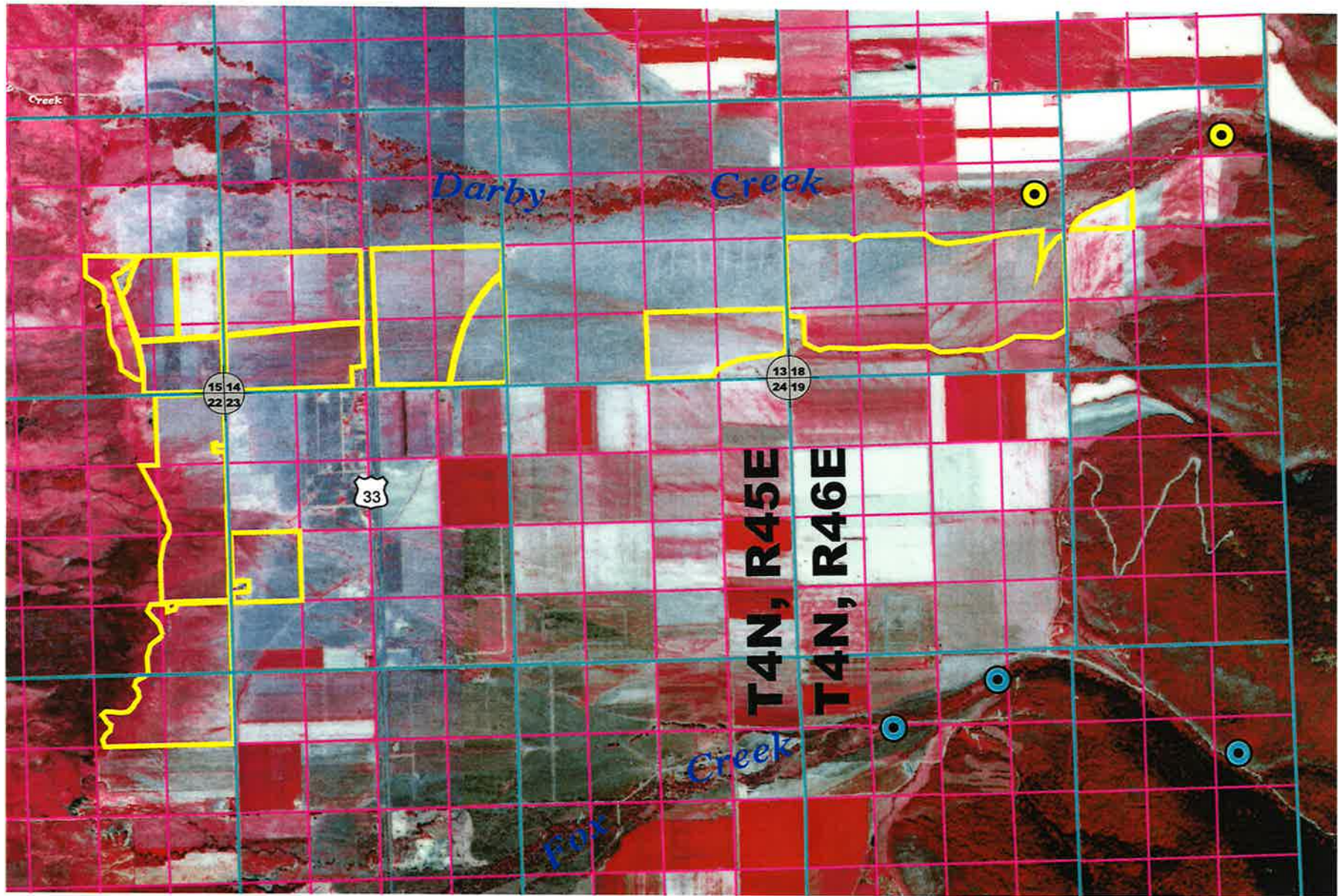


Cherry Grove Canal Company

Water Right(s): **22-00096, 22-00281, 22-02005, 22-13331**

Place of Use Boundary

SCANNED
APR 21 2005



Cherry Grove Canal Company

Water Right(s): **22-00096, 22-00281, 22-02005, 22-13331**

Irrigated Place of Use

PROTECTED
APR 21 2005
SCANNED

T4N, R45E
T4N, R46E

33

Darby

Creek

#5000

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 22-13331
Date Received: 11/5/2004
Receipt No: 2030482
Received By:

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

CHERRY GROVE CANAL CO Phone: (208) 354 2564
C/O PAT OCONNOR
127 W 400 S
VICTOR ID USA 83455

2. Date of Priority: 06/01/1896

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

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 Lot	County	Type
04N	46E	18	NE	SE	NE	TETON	
04N	46E	17	SW	NW	NE 1	TETON	

5. Description of diverting works:
GATED DIVERSIONS OFF CREEK.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	10/31	4.4	

7. Total Quantity Appropriated is:
4.4 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	13	SW	SE	IRRIGATION	38
			SE	SE	IRRIGATION	28
			Section Acres			66
04N	45E	14	NE	SE	IRRIGATION	39
			SE	SW	IRRIGATION	35
			NW	SE	IRRIGATION	34
			NW	SW	IRRIGATION	39
			NE	SW	IRRIGATION	39
			SW	SW	IRRIGATION	37

PROFILED

			SE	SE	IRRIGATION	37	
			SW	SE	IRRIGATION	32	
					Section Acres	292	
04N	45E	15	NE	SE	IRRIGATION	38	
			NW	SE	IRRIGATION	27	
			SE	SE	IRRIGATION	37	
			SW	SE	IRRIGATION	16	
					Section Acres	118	
04N	45E	22	NE	NE	IRRIGATION	38	
			NE	SE	IRRIGATION	37	
			SE	NE	IRRIGATION	38	
			SW	NE	IRRIGATION	2.3	
			SE	SE	IRRIGATION	39	
			SW	SE	IRRIGATION	6	
					Section Acres	160.3	
04N	45E	23	NW	SW	IRRIGATION	38	
					Section Acres	38	
04N	45E	27	NW	NE	IRRIGATION	25	
			NE	NE	IRRIGATION	39	
					Section Acres	64	
04N	46E	17	SW	NW	IRRIGATION	11	
					Section Acres	11	
04N	46E	18	SW	SE	IRRIGATION	27	
			NE	SE	IRRIGATION	36	
			NW	SE	IRRIGATION	36	
			SE	SE	IRRIGATION	21	
			NE	SW	IRRIGATION	40	
			NW	SW	3	IRRIGATION	40
			SE	SW		IRRIGATION	24
			SW	SW	4	IRRIGATION	19
						Section Acres	243
					Total Acres	992.3	

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 combines 22-185 and 22-572.

15. Basis of Claim: Decreed

PROFILE

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APR 21 2005

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 Representative of
Cherry Grove Canal Co., Title
Organization that I have signed the foregoing
document in the space below as Representative of
Cherry Grove Canal Co. Title
Organization and that the statements contained in the
foregoing document are true and correct. Pat O'Connor
Signature of Authorized Agent

Rep. Cherry Grove Canal Co
Title and Organization

11/19/04
Date

State of Idaho)
County of Teton) SS.

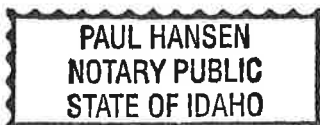
Subscribed and sworn (or affirmed) before me this

of 11/19 2004

Paul Hansen
Notary Public

Residing at Teton County, Idaho

My commission Expires 8/4/09



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SCANNED

APR 21 2005