

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: A22-00549
Date Received: 3/03/1989
Receipt No: E006120
Received By: EMC

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TETON IRRIGATION AND MANUFACTURING CO. 208-458-4149
Address: 3381 N. 5000 E.
SUGAR CITY, ID 83448

2. Date of Priority: OCT 02, 1889

3. Source: TETON RIVER Trib. to: HENRYS FORK

4. Point of Diversion:

Township	Range	Section	1/4	of	1/4	of	1/4	Lot	County
07N	41E	28	SW		SW		NW		FREMONT

5. Description of diverting works:
CEMENT DAM 240' LONG. CEMENT HEADING WITH TWO GATES (10'X6').

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	10.000		

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

8. Total consumptive use is 6229.0 Acre Feet Per Annum.

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	1	NE		NE		IRR	40.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	40.0

A22-00549

Page 1

Date: 03/06/89

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OCT 28 1982

10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	1	NE		NW		IRR	30.0
			NW		NW		IRR	10.0
			SW		NW		IRR	5.0
			SE		NW		IRR	40.0
			NE		SW		IRR	40.0
			NW		SW		IRR	40.0
			SW		SW		IRR	39.0
			SE		SW		IRR	40.0
			NE		SE		IRR	39.0
			NW		SE		IRR	40.0
			SW		SE		IRR	39.0
			SE		SE		IRR	39.0
							Section Acres	560.0
		2	NE		SE		IRR	40.0
			SE		SE		IRR	23.0
							Section Acres	63.0
		11	NE		NE		IRR	15.0
			SW		NE		IRR	5.0
			SE		NE		IRR	40.0
							Section Acres	60.0
		12	NE		NE		IRR	39.0
			NW		NE		IRR	39.0
			SW		NE		IRR	40.0
			SE		NE		IRR	39.0
			NE		NW		IRR	40.0
			NW		NW		IRR	38.0
			SW		NW		IRR	37.0
			SE		NW		IRR	38.0
			NE		SW		IRR	40.0
			NW		SW		IRR	36.0
			SW		SW		IRR	38.0
			SE		SW		IRR	37.0
			NE		SE		IRR	40.0
			NW		SE		IRR	40.0
			SW		SE		IRR	2.0
			SE		SE		IRR	2.0
							Section Acres	545.0
		13	NW		NE		IRR	7.0

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10. Place of Use: Continued

Township	Range	Section	1/4	of	1/4	Lot	Use	Acres
06N	40E	13	NE		NW		IRR	38.0
			NW		NW		IRR	38.0
			SW		NW		IRR	20.0
			SE		NW		IRR	14.0

Section Acres 117.0

14	NE	NE	IRR	40.0
	NW	NE	IRR	14.0
	SW	NE	IRR	40.0
	SE	NE	IRR	40.0
	NE	SE	IRR	24.0
	NW	SE	IRR	13.5

Section Acres 171.5

41E	6	NE	NE	IRR	4.0
		NW	NE	IRR	38.0
		SW	NE	IRR	40.0
		SE	NE	IRR	40.0
		NE	NW	IRR	40.0
		NW	NW	IRR	40.0
		SW	NW	IRR	40.0
		SE	NW	IRR	40.0
		NE	SW	IRR	40.0
		NW	SW	IRR	40.0
		SW	SW	IRR	40.0
		SE	SW	IRR	40.0
		NW	SE	IRR	38.0
		SW	SE	IRR	29.0

Section Acres 509.0

7	NE	NW	IRR	40.0
	NW	NW	IRR	40.0
	SW	NW	IRR	40.0
	SE	NW	IRR	40.0
	NW	SW	IRR	40.0
	SW	SW	IRR	20.0

Section Acres 220.0

07N	40E	36	NE	SE	IRR	37.0
			NW	SE	IRR	30.0
			SW	SE	IRR	30.0

10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	40E	36	SE	SE		IRR	36.0
			Section Acres				133.0
	41E	29	NE	SW		IRR	11.0
			NW	SW		IRR	26.0
			SW	SW		IRR	36.0
			SE	SW		IRR	20.0
			NW	SE		IRR	31.0
			SW	SE		IRR	12.0
			Section Acres				136.0
		30	SE	SE		IRR	14.0
			Section Acres				14.0
		31	NE	NE		IRR	38.0
			NW	NE		IRR	32.0
			SW	NE		IRR	40.0
			SE	NE		IRR	40.0
			NE	NW		IRR	14.0
			SW	NW		IRR	27.0
			SE	NW		IRR	36.0
			NE	SW		IRR	27.5
			NW	SW		IRR	26.0
			SW	SW		IRR	26.0
			SE	SW		IRR	26.5
			NE	SE		IRR	23.8
			NW	SE		IRR	23.7
			SW	SE		IRR	23.0
			SE	SE		IRR	24.5
			Section Acres				428.0
		32	NW	NW		IRR	5.0
			SW	NW		IRR	13.0
			NE	SW		IRR	40.0
			NW	SW		IRR	40.0
			SW	SW		IRR	30.0
			SE	SW		IRR	30.0
			Section Acres				158.0
			Total Acres				3114.5

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11. Place of use in counties: MADISON, FREMONT

12. Do you own the property listed above as place of use? NO

13. Other Water Rights Used:

A22-00548/00513/00514/00580/00635/00672.

14. Remarks:

TETON IRRIGATION AND MANUFACTURING CO. OWNS THE WATER RIGHTS. THE LAND IS OWNED BY THE 174 SHAREHOLDER.

IN 1975 THE TETON IRRIGATION AND MANUFACTURING CO. COMBINED WITH SIDDOWAY IRRIGATION AND MANUFACTURING CO. WITH TETON BECOMING THE SURVIVING CO.

SEE NOTICE OF CLAIM A22-00548 FOR MAP OF SERVICE AREA.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: 10/02/1889

REXBURG IRRI. CO.

Decree Plaintiff

vs

TETON IRRI. CANAL CO.

Decree Defendant

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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 x 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 PRESIDENT of _____ Title

Teton IRRIGATION and Mfg. Co. Organization, that I have signed the foregoing document in the space below as PRESIDENT of _____ Title

Teton IRRIGATION & Mfg. Co. Organization and that the statements contained in the foregoing document are true and correct. W. Dean Graham President Signature of Authorized Agent

Teton Irrig & Mfg. Co. and Co. Title and Organization

3-13-1989 Date

State of Idaho)
County of MADISON) SS.

Subscribed and sworn (or affirmed) before me this 13th day of March 19 89

Deana A. Rickman Notary Public

Seal

Residing at Rt 1 Sugar City, Idaho 83448
My Commission Expires 1-31-93

APPROVED

Name of applicant Kyle Carter Phone 356-5342
Post office address Rt. #1, Sugar City, ID 83448

1. Right evidenced by:

- a. Decree to Teton Irrigating & Manufacturing Co.
(Name)
in case of Rexburg Irrigation Co. vs Teton Irrigation Canal Co.
dated 12-16-1910 in Sixth Judicial Dist. county of Fremont
(Name of court)
- b. License No. issued by the Idaho Department of Water Resources
- c. Claim No. on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant.

Lease Contract Attached

3. Source of water Teton River tributary to Snake

4. Date of priority 22-0548: 6-1-1884 22-0549: 10-2-1889

- | | | | | | | | |
|---------|--------|---|----------------|---------------|-------------|----|-------------------------|
| 22-0548 | 5 | Water is used for the following purposes: | | | | | |
| | amount | 44.04 | for irrigation | purposes from | Apr. 1 | to | Nov. 1 |
| 22-0549 | amount | 10.00 | for " | purposes from | " | to | " |
| | amount | | for " | purposes from | | to | |
| | | | | | (month day) | | (month day) (inclusive) |

- | | | | |
|---|--------------------------------------|-------|----------------------|
| G | Total percent of water and nutrients | 54.04 | calculated from feed |
| | | | for |
| | | | percentage |

- | | | | | | | |
|----|---|----|----------|-----|---------------|----------------|
| 2. | Location of proposed point of diversion | SW | 11 of 36 | NW | 34 of Section | 28 |
| | Township | 7N | Range | 41E | B 24, in | Fremont County |
| | Additional results of the report, if any: point of diversion not decreed. Water is diverted at the head of the Teton Canal. | | | | | |

7. Lands in best of crop place. LANDS OF THE STOCKHOLDERS

[illegible]

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 4.03 cubic feet per second &/or 22-0548 - 2.8 cfs
b. acre feet per annum 22-0549 - 1.23 cfs
2. Point of diversion SW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 28 Township 7N
Range 41E, B.M., Fremont County
Additional points
3. Place of use:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	41E	29									10	15	15	15		30	8		93
																			93

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
 - a. Amount of water to be diverted 4.03 c.f.s. &/or acre feet
 - b. Point(s) of diversion NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 3 Township 6N
Range 44E, B.M., Teton County
Additional points SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M.
 - c. Description of diverting works pumps, pipelines and sprinkler systems
 - d. Describe the reasons for applying for a change in the point(s) of diversion
Applicant has leased 28 shares of water from Teton Irrigation & Manufacturing Company

2. Change in place of use

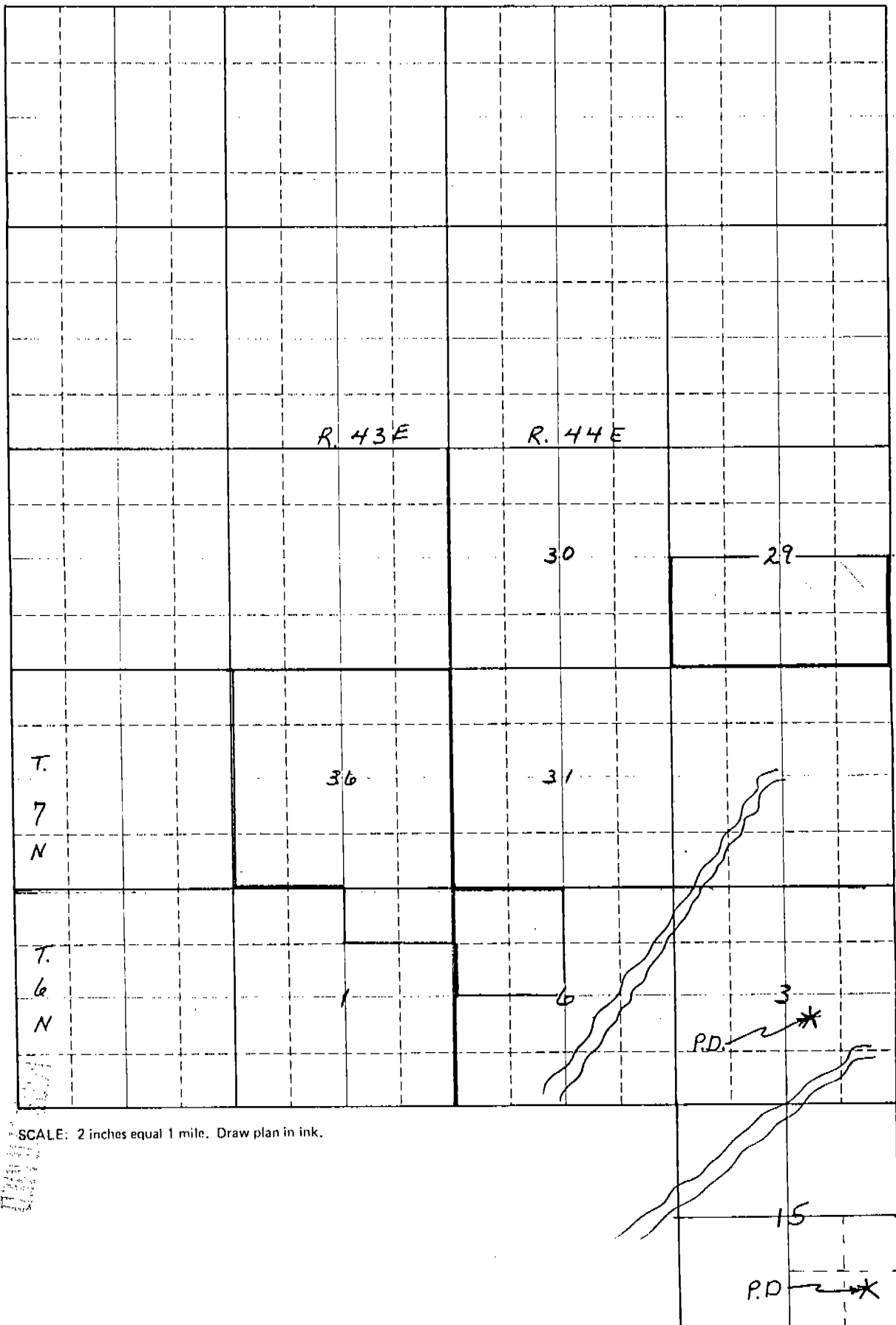
- a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				TOTALS
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
7N	43E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
6N	43E	1	35	35															70
6N	44E	6					40	40	40	40									160
7N	44E	29									40	40	40	40	40	40	40	40	320

No more than 186 AF will be diverted in a given year Total number of acres to be irrigated 1190

nor more than 500 acres irrigated in a given year.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



3. Remarks

I hereby assert that no one will be injured by such change and the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge.

Ryhl Carter
(Signature of applicant)

Subscribed and sworn to before me this 10TH day of AUGUST, 19 77

Gail O. Burt
(Notary public)

My commission expires 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____

1. Approval of said application is subject to the following limitations and conditions:

- A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works for the duration of the lease.
- Use of water under this Transfer is subject to the control of the watermaster of State Water District No. 01, Snake River.
- No more than 186 acre feet will be diverted in any one year.
- The point of diversion and place of use will revert back to the original locations in April 1980, unless the Department is otherwise notified in writing by Teton Irrigation and Manufacturing.

Witness my hand this 22 day of August, 1977

[Signature]

FOR DEPARTMENT USE ONLY

Received by me Date 8-15-77
Prelim. check by LH Fee 30.00
Received by me Date 4-19-77 # 6550
Published in Idaho Mining Review
Pub. dates April 28, May 5, 12, 1977
Watermaster recommendation requested on 4-19-77
rec'd. 5-1-77

Protest filed by _____
Copies of protest forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial
by BC JS