

12/04/2006

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

RIGHT NUMBER: 22-225

NAME AND ADDRESS: TETON WEST IRRIGATION CO INC
C/O LAUREN SOMPAYRAC
PO BOX 132
DRIGGS ID 83422

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 1.600 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Wyoming and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 06/01/1897

POINT OF DIVERSION:

T06N R46E S32 NENWSE Lot 3 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 5, Lt 4 (SENWNWN), 6PM.

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

IRRIGATION

04/15 10/15

1.600 CFS

PLACE OF USE:

1467 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 1467 acres in a single irrigation season. Combined Right Nos.: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A, 22-618, 22-7042, 22-7206, 22-7261A, 22-13395, 22-13389.

The rights listed below are limited to the irrigation of a combined total of 672 acres in a single irrigation season. Combined Right Nos.: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A.

Right Nos. 22-225 and 22-226 are limited to the irrigation of a combined total of 80 acres in a single irrigation season.

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

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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 the Hog Canal.



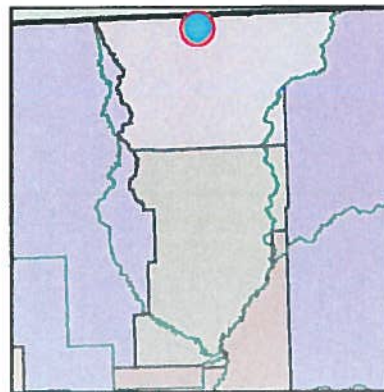
Teton West Irrigation Co Inc

SRBA Recommendations: 22-225, 22-226, 22-307A, 22-308, 22-347A, 22-348A, 22-349A, 22-382A, 22-582A, 22-583A, 22-618, 22-7042, 22-7206, 22-7261A, 22-13389, 22-13395

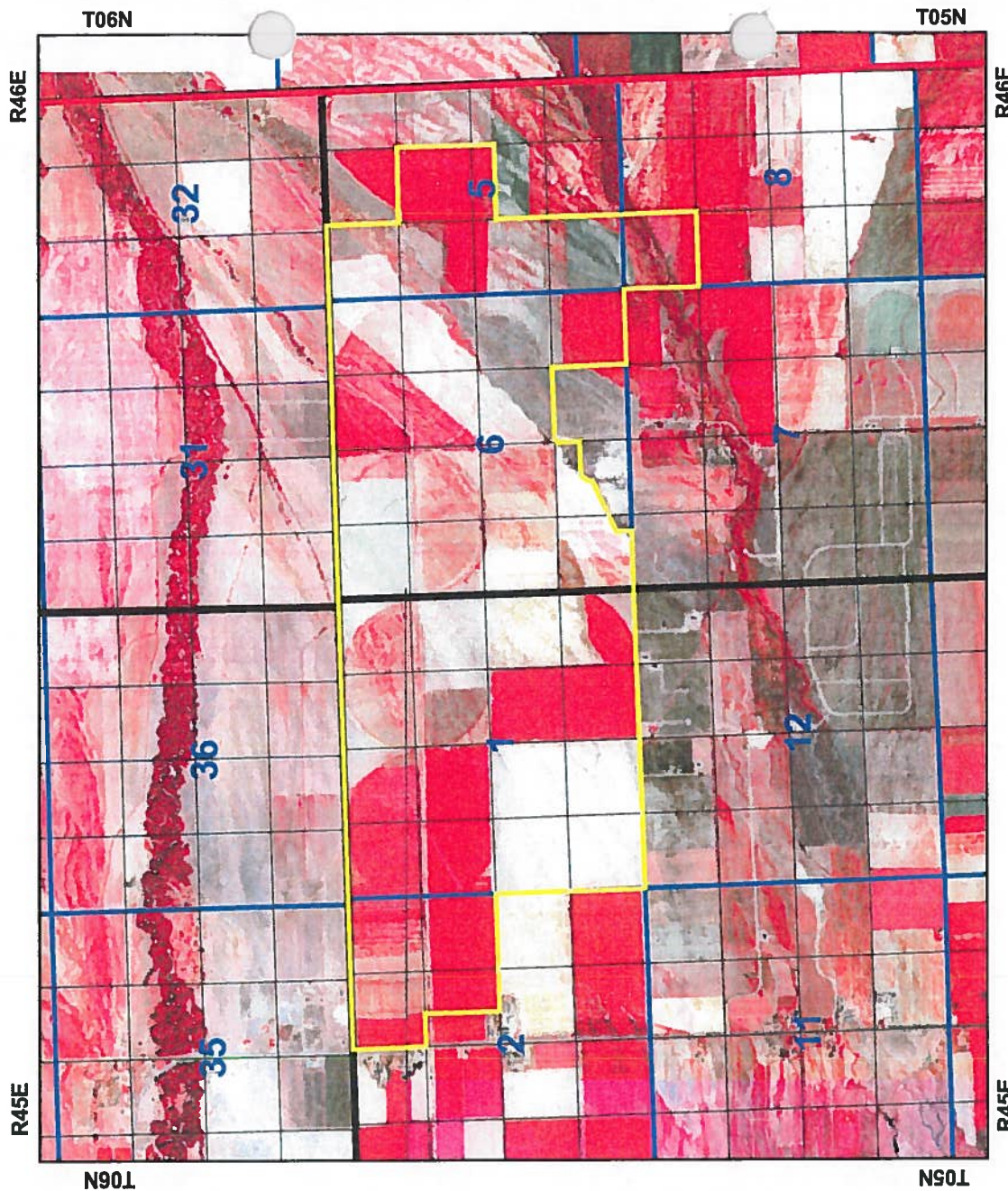
Service Area Boundary
GIS Place of Use Illustration

Legend

- Service Area
- Townships
- PLS Sections
- Quarter Quarters



Teton County
IDWR Basin 22



0 1 2 Miles

Prepared by K. Moore
On Monday, December 4, 2006
1987/88 Aerial Photography

Ruberry, Allen

From: McHugh, Candice
Sent: Tuesday, August 02, 2005 10:09 AM
To: Ruberry, Allen
Subject: RE: Teton West

Technically, yes, but since the transfer didn't treat it as such, we aren't going to either.

-----Original Message-----

From: Ruberry, Allen
Sent: Tuesday, August 02, 2005 9:36 AM
To: McHugh, Candice
Subject: RE: Teton West

So is well #8 a redirection?

-----Original Message-----

From: McHugh, Candice
Sent: Tuesday, August 02, 2005 9:26 AM
To: Ruberry, Allen
Cc: Carlsen, Ernie
Subject: Teton West

Al,

What about this for an explanatory condition? Then just mirror the transfer. Let me know about your POU question, if any.

Surface water is diverted to pool around well no. 8 and well no. 8 is used as part of the surface water conveyance system.

Candice

Confidentiality Notice: This e-mail may contain confidential and privileged information exempt from disclosure under applicable law. This message is intended only for the use of the individual or individuals identified above. If you have received this message by mistake, please notify the sender immediately by replying to this message. Please delete the message from your system and do not review, disclose, copy, or distribute any information contained or attached to the message. Thank You

Ruberry, Allen

To: McHugh, Candice
Subject: FW: Your take, Part II

In addition to all this, there is the matter as to how these rights are delivered and used, which is as follows:

The rights are delivered through Leigh Creek Canal system and then just inside Idaho they are dumped (delivered is the wrong term) into a natural channel which flows to the area of Teton West Irrigation Co (TWIC) well #8 where the waters pool and sink thus recharging the groundwater for the well. According to Lauren Sompayrac, Secy/Treas of the TWIC, the well will not operate if the surface waters are not allowed to sink or to be delivered (availability).

Now the irrigation system is all sprinkler from mainlines that tie all the wells together, but aside from the 'sinking' of the surface water there is no connection of the surface waters to the groundwater... no pumps, no gravity, no connection conduit. Tx #4750, caused all the Licenses to be served from all the wells and permissible place of use of all the acres. Basically the Tx #4751 did the same thing, SW overlap with GW and permissible place of use of acres.

even more perplexed.....

-----Original Message-----

From: Ruberry, Allen
Sent: Friday, May 06, 2005 10:30 AM
To: McHugh, Candice
Subject: Your take

OK Brainchild, here's one for ya.....

Tx #4751, 16 January 1997, approved 22-225 and several other surface water rights, to be moved from the Desert Ditch heading off So. Leigh Creek (an Idaho diversion) to the Leigh Creek Canal heading, a Wyoming diversion. OK, so the rights did not originally fall under the Roxanna decree (and no doubt don't now), but how are they to be administered giving respect to the conditions of the Roxanna decree, citing the stream flows for those rights that are subject to the Roxanna Decree and diverted at the same POD, ie; Leigh Creek Canal rights and L. Fullmer's rights.

Further, do they now need a Wyoming certificate to divert in Wyoming?

perplexed..... al

Contacts Data Entry Form

Claim Number: 22-225

Owner Type	Full Name	Address	City	State	Zip
------------	-----------	---------	------	-------	-----

Current Owner: TETON WEST PR Phone No.: _____

Current Owner: _____ Phone No.: _____

Current Owner: _____ Phone No.: _____

Name connector: and _____, or _____, and/or _____.

Representing Attorney: _____ Phone No.: _____

Accompanied By: _____ Phone No.: _____

Relationship to Claimant: _____ Date of Field Exam: _____

Discussion of right origin and split history. Questions and problems.

DECREED UNDER ROUBERG vs TETON DECREE, 1910 AS:
#154, TO J.H. DAVIDSON, BO, 6/01/1897. SO LOAN CK.

NO KNOWN SPLITS: % TO TETON WEST PRING Co., 9/07/04.

TX 4251, APPROVED 16 JAN 1997, CAUSED THIS RIGHT AND
SEVERAL OTHER SW RIGHTS TO BE MOVED TO THE LEIGH CK
CANAL HEADING OFF SO. LOAN CK (A WYOMING DIVERSION - SUBJECT
TO THE ROUBERG DECREE). ALSO RECOGNIZED PERMISSIBLE PLACE
OF USE ACROSS AND THIS OVERLAP WITH GW RIGHTS.

THE PROBLEM:

THERE IS NO DELIVERY SYSTEM TO PUT SW UPON THE ACRES
EXCEPT THAT WHEN AVAILABLE THE SW 'SINKS' AROUND WELL #8
AND THIS ALLOWS WELL #8 TO BE USABLE BY RECHARGE - WELL #8
IS TIED TO ALL OTHER WELLS BY MAINLINE AND TX #4250, APPROVED
14 JANUARY 1997 ALLOWS PERMISSIBLE PLACE OF USE OF ALL G.W. LICENSES
FROM ALL WELLS UPON ALL ACRES.

Reviewer: _____ Date: _____

h, Mary E.; July 15, 1896; Trail Creek
 ry, Thomas; July 30, 1896; Trail Creek
 lair, Jesse; Aug. 13, 1896; Trail Creek
 isay, William; Apr. 1, 1897; South Leigh Creek
 iams, Charles; May 15, 1897; South Leigh Creek
 ter, B. F.; June 1, 1897; Fox Creek
 lleton, Abraham; June 1, 1897; North Leigh Creek
 old, Algeroy; June 1, 1897; Fox Creek
 old, Farley; June 1, 1897; Fox Creek
 en, A. C.; June 1, 1897; Darby Creek
 mpson & Egbert; June 1, 1897; North Leigh Creek
 h, D. G. S.; June 1, 1897; South Leigh Creek
 W. C.; June 1, 1897; Fox Creek
 W. C.; June 1, 1897; Fox Creek
 erman, L. C.; June 1, 1897; South Leigh Creek
 kins, D. H.; June 1, 1897; South Leigh Creek
 mining & Darby Bench Canal Co., Ltd.; June 1, 1897;
 rby Creek
 merman, Zuel; June 1, 1897; South Leigh Creek
 e, George A.; June 1, 1897; North Leigh Creek
 e, George E.; June 1, 1897; South Leigh Creek
 fat, Andrew; June 1, 1897; South Leigh Creek and
 Swamps
 y, Jeremiah C.; June 1, 1897; North Leigh
 eche, Jacob; June 1, 1897; North Leigh Creek
 ric, John; June 1, 1897; North Leigh Creek
 rie, Joseph O.; June 1, 1897; South Leigh Creek
 , Albert; June 1, 1897; Darby Creek
 , Joseph; June 1, 1897; South Leigh and Swamps
 f, Charles; June 1, 1897; Fox Creek
 idson, J. H.; June 1, 1897; South Leigh Creek
 idall, H. L.; June 1, 1897; Darby Creek
 non, Harry L.; June 1, 1897; Darby Creek
 Geo. W.; June 1, 1897; Darby Creek
 les, William; June 1, 1897; Trail Creek
 vards, Andrew; June 1, 1897; Trail Creek
 n, Isaac T.; June 1, 1897; Cherry Creek; all of the
 water of Cherry Creek Springs
 man, Edward; June 10, 1897; South Leigh Creek
 ter, John; June 15, 1897; Trail Creek
 racken, John; June 15, 1897; Leigh Creek
 racken, John; June 15, 1897; South Leigh Creek
 racken, James; June 15, 1897; South Leigh Creek
 Leuven, William; June 15, 1897; South Leigh Creek
 rie, James D.; June 20, 1897; Leigh Creek
 ner, Willard G.; June 24, 1897; South Leigh Creek
 es, Joshua; Oct. 28, 1897; Trail Creek
 k & Houghton; Apr. 1, 1898; Teton River
 d Luck Canal Co.; Apr. 1, 1898; Teton River
 Ditch Co.; Apr. 1, 1898; Teton River
 ve, Reuben H., and Morris McCormick; Apr. 1, 1898;
 Teton River. (Through McCormick & Rowe Ditch)
 ks, Wallace; Apr. 1, 1898; North Leigh Creek
 burg Irrigation Co.; Apr. 1, 1898; Teton River
 near Ditch Co.; Apr. 1, 1898; Teton River
 cock Byington Ditch Co.; Apr. 1, 1898; Teton River
 admill, Richard, and Richard Withers and Oscar B.
 Young; Apr. 1, 1898; Teton River. (Eckersell
 Canal)
 ford Irrigation & Manufacturing Co.; Apr. 1, 1898;

40
80
160
160
60
120
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100
100
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70
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100
120
60
1,380
20
20
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140
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90
150
120
75
40
40
80
20
100
160
50
50
120
75
80
160
156
160
130
160
100
200
1,300
600
430
40
8,500
900
700
434

Teton River
 163 Stewart, Samuel (deceased), Estate of, by Mary H.
 Birch, Adminx., and Mary H. Birch; Apr. 1, 1898;
 Teton River
 163 Walters, William; Apr. 1, 1898; Teton River. (Stewart
 & Walters Ditch.) (Joint appropriation with Mons
 H. Anderson)
 163 Siddoway Irrigation and Manufacturing Co.; Apr. 1,
 1898; Teton River
 163 Teton Island Canal Co.; Apr. 1, 1898; Teton River
 163 Bird, Martin L., F. W. Garner and George A. Pincock;
 Apr. 1, 1898; Pincock-Garner Ditch
 163 Eames, John S.; Apr. 1, 1898; Teton River
 163 Nelson, David; Apr. 1, 1898; Teton River. (Through
 Nelson-Jacobs Ditch.)
 163 Mortensen, Christian; Apr. 1, 1898; Teton River.
 (Through the Nelson-Jacobs Ditch.)
 163 Woodmansee-Johnson Ditch; Apr. 1, 1898; Teton River
 163 City of Rexburg; Apr. 1, 1898; Teton River. (For
 power and municipal purposes.)
 163 Huskinson, William J.; Apr. 1, 1898; Teton River
 164 Nelson, Fritz E.; Apr. 15, 1898; Spring Creek
 165 Lamoreaux, Francis A., and Ann.; May 1, 1898; South
 Leigh Creek
 166 Hendrickson, Frank; May 1, 1898; Badger Creek
 167 Clark, H. J.; May 15, 1898; Teton River
 168 Wait, F. A.; May 25, 1898; Leigh Creek
 169 Edwards, Andrew; June 1, 1898; Trail Creek
 169 Edwards, Andrew; June 1, 1898; Trail Creek
 169 Felt, Clara V.; June 1, 1898; Badger Creek
 169 Bruce, Daniel C.; June 1, 1898; Teton Creek
 169 Black, Joseph A.; June 1, 1898; South Leigh Creek
 169 Allen, Amos; June 1, 1898; Fox Creek
 169 Cherry, Thomas; June 1, 1898; Trail Creek
 169 Crandall, H. L.; June 1, 1898; Darby Creek
 169 Crandall, Ira.; June 1, 1898; Darby Creek
 169 Davidson, J. H.; June 1, 1898; South Leigh Creek
 169 Cluff, Charles; June 1, 1898; Fox Creek
 169 Hamilton, Robert; June 1, 1898; Badger Creek
 169 Guzman, Edward; June 1, 1898; South Leigh Creek
 169 Fullmer, H. D.; June 1, 1898; North Leigh Creek
 169 Fullmer, Almond L.; June 1, 1898; North Leigh Creek
 160 Hendrickson, Alvira E.; June 1, 1898; South Leigh
 Creek
 169 Hendrickson, Alfred; June 1, 1898; Badger Creek
 169 Hearst, H. T.; June 1, 1898; Leigh Creek
 169 Hanson, Alfred; June 1, 1898; North Leigh Creek
 169 Poulson, J. C.; June 1, 1898; North Leigh Creek
 169 Rammell, George; June 1, 1898; Badger Creek
 169 Merrill, Sam J.; June 1, 1898; Leigh Creek
 169 Ramell, C. H.; June 1, 1898; Badger Creek
 169 Little, George E.; June 1, 1898; North Leigh Creek
 169 Hopkins, Ezekiel; June 1, 1898; North Leigh Creek
 169 Zimmerman, Zuel; June 1, 1898; South Leigh Creek
 169 Hopkins, D. H.; June 1, 1898; South Leigh Creek
 169 Hoozler, John L.; June 1, 1898; Spring Creek
 169 Homer, Benjamin P.; June 1, 1898; Mahogany Creek
 169 Holden, E. H.; June 1, 1898; Darby Creek
 169 Hochstrasser, R. H.; June 1, 1898; Spring Creek
 169 Hochstrasser, N. W.; June 1, 1898; Spring Creek

6,608
500
332
766
7,982
800
50
434
218
1,380
1,650
50
120
25
160
160
160
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160
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130
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15
160
40
50

Claim Number: _____

Water Right Priority Date: _____ Water Right Basis: _____

Water Right Priority Date: _____
 Claimed Priority Date: 6/01/1897 Claimed Basis: DEGREE

Recommended Priority Date: _____ Recommended Basis: _____

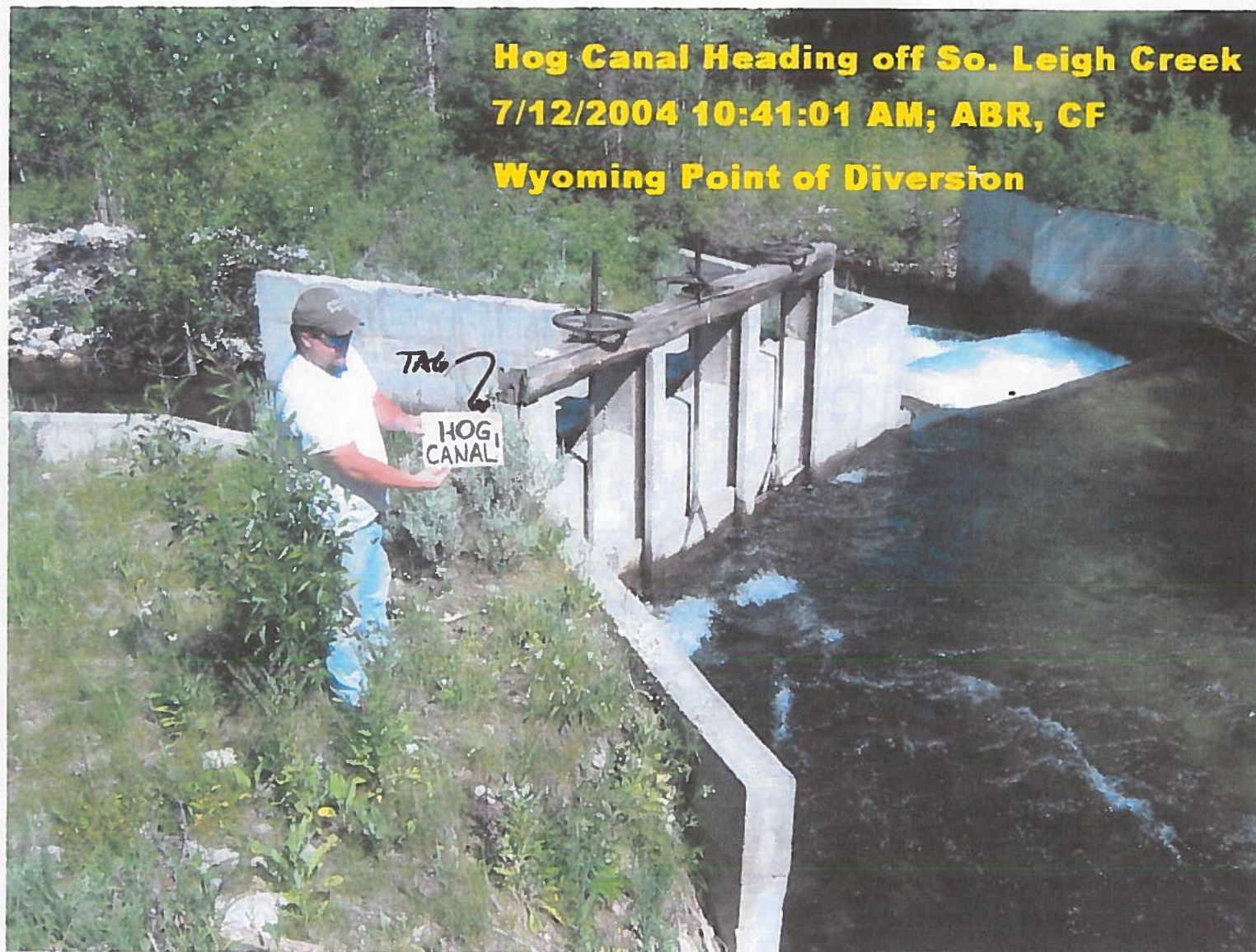
Document the evidence submitted/reviewed for the priority date claimed, include your analysis of the evidence:

MATCHES DROPPED

Reviewer: _____

Date: _____

**Hog Canal Heading off So. Leigh Creek
7/12/2004 10:41:01 AM; ABR, CF
Wyoming Point of Diversion**



LEIGH CREEK CANAL (AKA HOG CANAL)

GPS TAG # A0014205

WYOMING DIVERSION: T44N, R11BW SEC. 5 SWNWNW(24), 6 PM



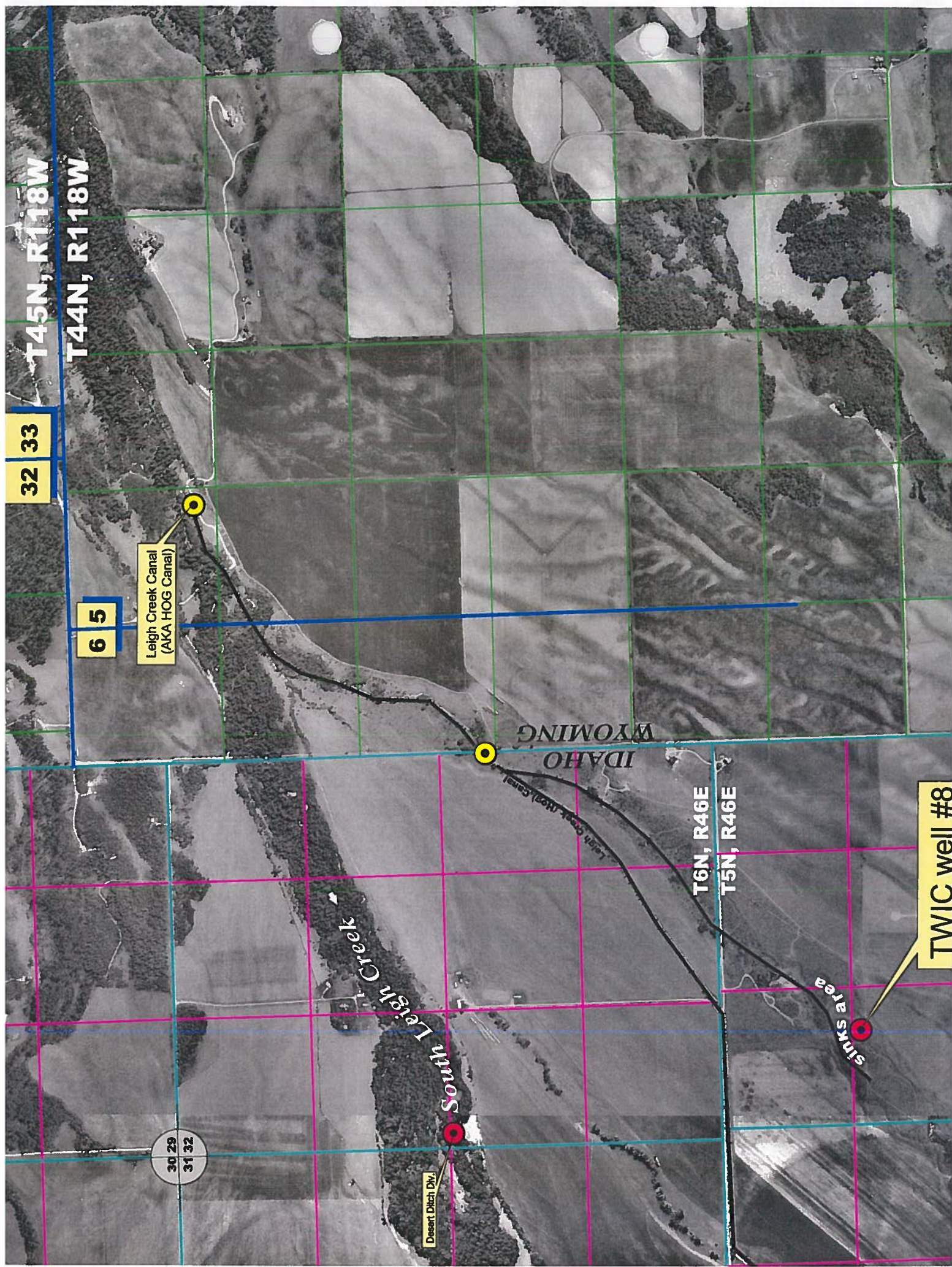
**Hog Canal at state line - Idaho side.
7/12/2004 10:55:54 AM; ABR, CF**

WYOMING DIVERSION

LEIGH CROSS CANAL (AKA HOGG CANAL)

GPS TAG # A0013700

IDAHO/WYOMING STATE LINE: T6N, R46E, SEC. 32 NE1/4 (L3)



T45N, R118W
T44N, R118W

32 33

6 5

Leigh Creek Canal
(AKA HOG Canal)

IDAHO
WYOMING

T6N, R46E
T5N, R46E

TWIC well #8

Sinks area

Desert Ditch Div.

30 29
31 32

Point of Diversion and Source Data Entry Form

Claim Number: _____

Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Water Right Point of Diversion: T _____, R _____, Sec. _____, _____, _____, _____, County: _____

Source: _____ Tributary to: _____

Claimed Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to

Recommended Point(s) of Diversion and Source.

Twp	Rge	Sec	Gov Lot	QQQ of QQ of Q	County	Source	Tributary to
					TETON	SO. LARSEN CR.	TETON RIVER

Other rights from this POD? _____

Transfers Pending or approved: _____

Document how the POD and Source were verified:

POD CLAIMED IN (NW) NWSW SEC. 32 6N/4E
 IS THE DESERT DITCH - DELIVERY TO CLAIMED POD CANNOT COME
 FROM DESERT DITCH - RATHER FROM LARSEN CR. CANAL WHICH
 HAS THE FOLLOWING DIVERSIONS:

IDAHO STATE LINE: T6N. R46E SEC. 32 (NE) NWSW (13)
 WYOMING DIVERSION: T. 44N. R. 10W SEC. 5 SE NWNW (4), 6 PM
 TX 4751 ALLOWS THIS

Roman

Reviewer: _____ Date: _____

Place Of Use Data Entry Form

Claim Number: _____

Claimed Place Of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Recommended Place of Use

Twp	Rge	Sec	QQ	Q	County	Lot Num	Acres	Purpose of Use

Total acres _____

Pending or approved Transfers: TX #4750 (GW), #4751 (SW)

Overlapping rights: _____

Document how the POU was verified:

TX #4751 PPU ACRES: 22-225, 22-226, 307A, 308, 347, 348, 349, 382A, 582A, 583 & 618. Remarks

OVERLAPS w/ GW LICONSUB (TX #4750) 22-2267 (TO BE SPLIT), 7042, 7206, 7255 (TO BE SPLIT), 7261. Remarks

SEE TX #4751 FOR ADDITIONAL CONDITIONS / Remarks.

Reviewer: _____ Date: _____

Season of Use and Quantity Data Entry Form

Claim Number: _____

Water Right Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Claimed Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume

Overall Diversion Rate _____ Overall Diversion Volume _____

Recommended Period of Use and Diversion Rate

Water Use	Start	End	Rate	Volume
IRR	4/15	10/31	1.6	

Overall Diversion Rate _____ Overall Diversion Volume _____

Document how the Period of Use and/or Diversion Rate were verified:

SOU NOT ADDRESSED BY DECREE - USE IDWR STD 4/15-10/31.

RIGHT LIMITED TO BORE w/ 1400+ AC PDM.

Reviewer: _____

Date: _____

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
DONALD L. HARRIS
DALE W. STORER
MARIE T. TYLER
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AMELIA A. SHEETS
DeANNE CASPERSON**
ROBERT L. HARRIS

1000 RIVERWALK DRIVE, SUITE 200
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL KFOSTER@HOLDENLEGAL.COM

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

March 30, 2005

Mr. Allen Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED

APR 04 2005

Department of Water Resources
Eastern Region

RE: Proof of Priority for Claim No. 22-11523

Dear Mr. Ruberry:

Pursuant to our telephone conversation, we are enclosing another copy of our letter to you of September 7, 2004, regarding the water rights of the Teton West Irrigation Company, Inc. with all of the attachments.

You are correct, it appears that 22-11523 was an enlargement claim claiming an additional 30 acres under license number 22-2267. I am not sure whether there is any remaining value in 22-11523. Did the transfer, number 4750, take care of this issue?

In any event, 22-11523 was not deeded to the Teton West Irrigation Company and is not one of the rights it has relied on for the irrigation of its service area. It appears to us that if 22-11523 were disallowed, it would have no impact on anyone who has a continuing interest in the place of use or the water rights appurtenant thereto.

I will try to have Mr. Lauren Sompayrac, the Secretary of Teton West Irrigation Company contact you on April 19, pursuant to your request.

Yours very truly,



Kent W. Foster

Enclosures

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
CHARLES A. HOMER
GARY L. MEIKLE
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Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

Of Counsel
Fred J. Hahn

*Also Licensed in Utah and Arizona
**Also Licensed in Missouri & Kansas

September 7, 2004

COPY

Allen Ruberry
Idaho Department of Water Resources
900 N. Skyline Dr., Ste. A
Idaho Falls, ID 83402

RECEIVED

APR 04 2005

Department of Water Resources
Eastern Region

RE: Water Rights of Teton West Irrigation Company, Inc.

Dear Mr. Ruberry:

We hope this letter and the enclosures will help with the SRBA processing of the water rights for Teton West Irrigation Company, Inc., and maybe indirectly, even some of the former entities created by Mr. George Hatch which once owned land in Teton Basin, such as "Teton Valley Ranches Corp.", and "Teton West Corp."

About 11 or 12 years ago, Mr. Hatch found himself in increasingly difficult financial circumstances. At that time, he or his companies owned a fairly sizeable tract of land in Teton Basin, north of Driggs, and east of the highway which had been operated as a farm for several years. He conceived the idea of subdividing some 1,600 plus acres into ranchettes. He had previously appropriated or was in the process of appropriating some ground water rights diverted from six wells (at one time eight wells), on the property which were interconnected with buried mainline and used for irrigation of the farm land. In the process of subdividing the land, he decided to and did organize an irrigation company (Teton West Irrigation Company, Inc.) to hold title to the water rights and diversion and delivery system. As each ranchette was sold, the new owner was issued shares of stock in the new irrigation company.

On June 13, 1994, the corporations of Mr. Hatch that owned the land quitclaimed both surface and groundwater rights to the new irrigation company. A copy of the Deed is enclosed. Then, on behalf of the new company, we filed two (2) Applications for Transfer to make the water rights fit the project. They were assigned numbers 4750 and 4751. The first, 4750,

Allen Ruberry
Idaho Department of Water Resources
September 7, 2004
Page 2 of 2

covered the five groundwater rights, numbers 22-2267, 22-7042, 22-7026, 22-7055 and 22-7261. The second, number 4751, covered the 11 surface water rights, numbers 22-225, 22-226, 22-307, 22-308, 22-347, 22-348, 22-349, 22-382, 22-582, 22-583 and 22-618. Number 4750 was approved on January 14, 1997. (A copy is enclosed) The second, number 4751, was protested, and then Pam Skaggs became bogged down in her analysis and the gathering of requested information became more expensive than the surface rights were really worth. Enclosed is a copy of our last letter to Ms. Skaggs, dated December 16, 1996. We never received a response, and to our knowledge, nothing further has ever been done with Application for Transfer number 4751.

In connection with the filing of the Applications for Transfer, we also filed SRBA claims for surface rights numbers 22-225, 22-226 and 22-582. At that time as I recall, IDWR was not insisting on Notices of Change of Ownership, and I assumed the Deed and Applications for Transfer, including the three SRBA claims, took care of the notice to IDWR of Teton West Irrigation Company, Inc.'s ownership interest in the rights and claims. In any event, we are enclosing two Notices of Change of Ownership, one for the groundwater rights, and one for the surface water rights. As we have said before, the surface water rights are not as important in the operation of Teton West Irrigation Company, Inc. as the groundwater rights.

When Jennifer Crabtree wrote her letter of January 15, 2004, to Mr. Ken Atkin, she enclosed some change of ownership forms which listed the five groundwater rights and the 11 surface water rights we have already discussed above. But in addition, she referenced eight other water rights, seven of which show the owner as Teton West Corp., and one of which lists Teton Valley Ranches Corp. as the owner. From our review, we do not believe any of these rights affect the irrigation company. The seven rights that appear in the name of Teton West Corp. are 22-129E, 22-297A, 22-608A, 22-2029B, 22-11523, 22-11999 and 22-12000. The right which shows in the name of Teton Valley Ranches Corp. is 22-11966.

Neither of the two business entities, Teton West Corp. and Teton Valley Ranches Corp. are licensed to do business in the State of Idaho anymore. These corporations divested themselves of any land ownership in Idaho many years ago and neither Mr. Hatch or Mr. Atkin have any present knowledge of the current ownership of such lands or the use of water thereon.

If we may provide any assistance, please feel free to call upon us at your convenience.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

119240

FEB 27 1995

TETON Co. Id.
Clark RecorderQUITCLAIM DEED
FOR
WATER RIGHTSFiled _____
Indexed _____
Platted _____FILED
AT THE REQUEST OFFirst America
57 MINUTES PAST 2
February 27, 1995
BY *Shylee Dussan*
CLERK OF RECORDER
DEPUT

THIS INDENTURE is made this 13th day of June, 1994, between TETON WEST CORPORATION, a Nevada Corporation, successor to TETON VALLEY RANCHES, INC., a/k/a TETON VALLEY RANCHES CORPORATION, and COMMUNICATIONS INVESTMENT CORPORATION, a Delaware Corporation, collectively referred to herein as the "GRANTOR" and TETON WEST IRRIGATION COMPANY, INC., an Idaho Corporation, whose principal place of business is near Driggs, Idaho, and whose mailing address is 2185 S. 3600 W., West Valley City, Utah 84119, the "GRANTEE",

WITNESSETH, that the GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE'S successors and assigns forever, all right, title and interest now owned or hereafter acquired by the GRANTOR in all the following described water rights or portions thereof in the County of Teton, State of Idaho, to-wit:

WATER RIGHT

<u>I.D. NO.</u>	<u>SOURCE</u>	<u>AMOUNT IN CFS</u>	<u>PRIORITY</u>
22-00225	South Leigh Creek	1.6	06-01-1897
22-00226	South Leigh Creek	1.6	06-01-1898
22-00307	South Leigh Creek	2.0	05-15-1899
22-00308	South Leigh Creek	1.2	06-01-1901

RECEIVED

APR 04 2005

Department of Water Resources
Eastern Region

22-00347	South Leigh Creek	.2	06-01-1901
22-00348	South Leigh Creek	.6	06-01-1902
22-00349	South Leigh Creek	.4	06-01-1903
22-00382	South Leigh Creek	1.6	01-18-1905
22-00582	South Leigh Creek	.6	05-15-1897
22-00583	South Leigh Creek	1.0	06-01-1899
22-00618	South Leigh Creek	.8	01-22-1916
22-02267	Groundwater	2.95	03-14-1966
22-07042	Groundwater	2.89	12-04-1971
22-07206	Groundwater	6.13	02-02-1977
22-07255	Groundwater	4.27	08-22-1077
22-07261	Groundwater	18.0	09-16-1977

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

TETON WEST CORPORATION

By: George C. Walsh
Its President

ATTEST: [Signature]
Assistant Secretary

TETON VALLEY RANCHES, INC.
a/k/a TETON VALLEY RANCHES CORPORATION

By: George C. Hatch
Its President

ATTEST: Diane G. Orr
Its: Assistant Secretary

COMMUNICATIONS INVESTMENT CORPORATION

By: George C. Hatch
Its President

ATTEST: Diane G. Orr
Its: Assistant Secretary

STATE OF UTAH)
)ss.
County of Salt Lake)

On this 13th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared George C. Hatch and Diane G. Orr, known or identified to me to be the President and Assistant Secretary, respectively, of Teton West Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)



Nancy Elver
Notary Public for Utah
Residing at SLC, Utah
My Commission Expires: 2/1/95

STATE OF Idaho)
County of Blaine)ss.

On this 17th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared David S. Owen and Debra S. Owen, known or identified to me to be the President and Chief Executive Officer, respectively, of Teton Valley Ranches, Inc., a/k/a Teton Valley Ranches Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Nancy Oliver
Notary Public for Idaho
Residing at S. E. C. 16th
My Commission Expires: 2/1/95

STATE OF Idaho)
County of Blaine)ss.

On this 13th day of June, in the year 1994, before me, the undersigned, a notary public in and for said state, personally appeared David S. Owen and Debra S. Owen, known or identified to me to be the President and Chief Executive Officer, respectively, of Communications Investment Corporation, and the persons who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

(seal)

Nancy Oliver
Notary Public for Idaho
Residing at S. E. C. 16th
My Commission Expires: 2/1/95

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4750
WATER RIGHT NO(S). 22-02267B/22-07042/22-07206
22-07255B/22-07261

This is to certify that: **TETON WEST IRRIGATION CO**
C/O HOLDEN KIDWELL HAHN CRAPO
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
Right No. 22-02267B : IRRIGATION Priority: 03/14/1966	04/15 to 10/15	2.93 CFS	1062.0 AF
Right No. 22-07042 : IRRIGATION Priority: 02/04/1971	04/15 to 10/15	2.89 CFS	815.5 AF
Right No. 22-07206 : IRRIGATION Priority: 02/02/1977	04/15 to 10/15	6.13 CFS	1085.0 AF
Right No. 22-07255B : IRRIGATION Priority: 08/22/1977	04/15 to 10/15	4.28 CFS	1473.5 AF
Right No. 22-07261 : IRRIGATION Priority: 09/16/1977	04/15 to 10/15	8.94 CFS	2101.0 AF
TOTAL:		* 25.07 CFS	* 5134.5 AF

SOURCE

GROUNDWATER

LOCATION OF POINT(S) OF DIVERSION:

SWNE , Sec. 1, Township 05N, Range 45E
SWSE , Sec. 1, Township 05N, Range 45E
SENE , Sec. 2, Township 05N, Range 45E
SWNW , Sec. 5, Township 05N, Range 46E
SENW , Sec. 6, Township 05N, Range 46E
SESW , Sec. 6, Township 05N, Range 46E
TETON County

TRANSFER NO. 4750
WATER RIGHT NO(S). 22-02267B/22-07042/22-07206
22-07255B/22-07261

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N	45E	1	NENE 38	NWNE 38	SWNE 40	
			SENE 40	NENW 38	NWNW 38	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 39	SESW 39	
			NESE 40	NWSE 40	SWSE 39	
			SESE 39			628
		2	NENE 38	NWNE 38	SWNE 26	
			SENE 40			142
46E		5	NENW 20	NWNW 38	SWNW 40	
			SENW 40	NESW 10	NWSW 40	
			SWSW 40			228
		6	NENE 38	NWNE 38	SWNE 40	
			SENE 40	NENW 38	NWNW 38	
			SWNW 40	SENW 40	NESW 40	
			NWSW 40	SWSW 38	SESW 20	
			NESE 40	NWSE 40	SWSE 40	
			SESE 40			610
		8	NWNW 5			5
Total number of acres irrigated:						** 1613

CONDITIONS OF APPROVAL AND REMARKS

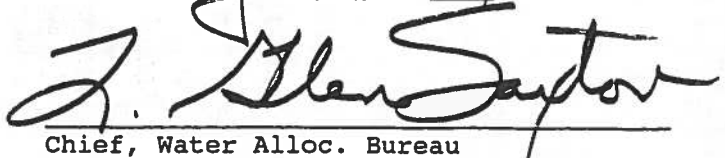
1. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for the lands above.
2. After specific notification by the department, the right holder shall annually report the amount of water diverted to the department.
3. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
4. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
5. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
6. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
7. Prior to diversion of water under this approval, the right holder shall provide a means of measurement acceptable to the Department from all authorized points of diversion which will allow determination of the total rate of diversion.

TRANSFER NO. 4750
WATER RIGHT NO(S). 22-02267B/22-07042/22-07206
22-07255B/22-07261

CONDITIONS OF APPROVAL AND REMARKS

- ** * 8. The total instantaneous diversion of water from all points of diversion under Transfer No. 4750 shall not exceed 25.07 cfs, a total combined annual diversion volume of 5134.5 af, nor the total combined irrigation of 1467 acres.
9. The right holder shall use the full allotment of appurtenant surface water rights in conjunction with groundwater diverted under this right and shall only divert groundwater under this right when water from the appurtenant surface water rights cannot be delivered to the right holder.
10. This right shall not be used if the surface water right(s) appurtenant to the place of use is sold, transferred, leased, or used on any other place of use.
- * 11. Right Nos. 22-07261 and 22-07042 when combined shall not exceed total combined diversion rate of 11.73 cfs, a total combined annual diversion volume of 2779 af, nor the total combined irrigation of 794 acres.
- * 12. Right Nos. 22-02267B and 22-07255B when combined shall not exceed a total combined diversion volume of 1473.5, nor the total combined irrigation of 421 acres.
- ** 13. Right No. 22-07042 is limited to the irrigation of 233 acres in the place of use described above in a single irrigation season.
- ** 14. Right No. 22-07206 is limited to the irrigation of 310 acres in the place of use described above in a single irrigation season.

Dated this 14th day of January, 1997.


Chief, Water Alloc. Bureau

Law Offices
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

FRED J. HAHN
KENT W. FOSTER
ROBERT E. FARNAM
WILLIAM D. FALER
STEPHEN E. MARTIN
CHARLES A. HOMER
GARY L. MEIKLE
GAYLE A. SORENSON, P.A.
DONALD L. HARRIS, P.A.
DALE W. STORER
MARIE T. TYLER
JOHN G. SIMMONS
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
SHAN B. PERRY

U.S. BANK OF IDAHO BUILDING
330 SHOUP AVENUE, THIRD FLOOR
P.O. BOX 50130
IDAHO FALLS, IDAHO 83405

TELEPHONE (208) 523-0620
FACSIMILE (208) 523-9518
E-MAIL HOLDNLAW@SRV.NET

Arthur W. Holden
(1877-1967)
Robert B. Holden
(1911-1971)
Terry L. Crapo
(1939-1982)
William S. Holden
(1907-1988)

December 16, 1996

COPY

Pamela Skaggs, Sr. Water Resource Agent
IDAHO DEPARTMENT OF
WATER RESOURCES
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720

Re: Transfer No. 4751
Water Right Nos. 22-00225/226/307/308/347A/348A/349A/382/582A/583A
& 618

Dear Ms. Skaggs:

We have been asked by our client to respond to your letter of December 5, 1996. We realize that Transfer No. 4751 is problematical and somewhat difficult to understand. From our viewpoint, the "water rights" are of quite limited importance to our client; they are certainly not worth the time or trouble you have already gone to regarding them. The water rights that are crucial to Teton West Irrigation Company are the groundwater rights which are the subject of Transfer No. 4750.

We will try to explain as much as we have been able to learn and what we understand to be the facts. You are more than welcome to go see for yourself. We are not certain, but IDWR representatives may already have visited the area and examined the situation. As you pointed out, all of these rights (except for No. 22-00618) were decreed in the Rexburg decree which was entered in 1910. Unfortunately, we have not been able to find anyone whose memory is of much use, and the decree itself, as well as the existing records, are not very helpful either.

What we do know is the following:

1. All of the rights are so late in priority that they are among those referred to locally as "high water" rights. This fact tends to control what has been done and what can be done, and probably accounts for the lack of good records. When the water is high, it is everywhere. Flood conditions prevail and the object has traditionally been to disperse the water through all available ditches and channels. High water isn't available every year. For example, it was seldom available during the 1987 to 1994 drouth period. Even when it is available, it seldom continues for more than two to four weeks. It is almost always gone by July 1.
2. Teton West Irrigation Company was formed to provide irrigation water to about 1,500 acres of land formerly owned by George Hatch or one of his companies. Mr. Hatch acquired the property, in pieces, over a few years, and in order to make the land productive as farmland, applied for groundwater rights, drilled wells and developed an interconnected sprinkling system. The farmland contained old ditches, but couldn't be properly irrigated with the surface water rights.
3. By the late '60s or early '70s, when Mr. Hatch began to acquire the farmland, the only surface water that ever reached the land came from South Leigh Creek through the Hog Canal. The Hog Canal diverts water from South Leigh Creek in Wyoming, then flows southwest into Idaho, to the land which is the subject of this transfer, thence westerly across this land and on to serve primarily other farms to the west of this land. Even in normal and better water years, the Hog Canal is usually dry by July 1. By the time Hatch began acquiring the property, the Hog Canal had the appearance of having been in place forever. The Hog Canal is the subject of some sort of organizational structure which operates, so far as we can tell, as a carrying company which carries water diverted under the various rights of its individual shareholders. Hatch obtained Hog Canal Company stock when he acquired his farmlands and has always paid the assessments levied by the company, but the only time he has ever received water is when there was too much for the Hog Canal.
4. When Hatch acquired the lands in Section 5, Township 5 North, Range 46 East, there was a ditch, which headed on the Hog Canal approximately in the Northwest quarter of the Southeast quarter of Section 32, Township 6 North, Range 46 East, and then proceeded in a Southwesterly direction to and across the Hatch property and on into land owned by Jerry Peacock, in Section 7, Township 5 North, Range 46 East. The ditch only carried water

Pamela Skaggs, Sr. Water Resource Agent
December 16, 1996
Page 3

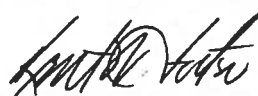
for a few weeks in the spring, when there was too much water for the Hog Canal. In about 1973, Hatch agreed to provide groundwater to Peacock through a pipeline and then eliminated most of the ditch through Section 5. Hatch's well No. 8 was drilled near the ditch in the Southwest quarter of the Northwest quarter of said Section 5. After the ditch was closed, and from that time on, any water which came down the ditch ponded in a low spot at the well and sank. When that happens, the water level in the well rises dramatically and the well produces abundantly. Although there is a low spot at the well and to some extent the water ponds, to describe it as a pond probably stretches the definition. The only other use made of water from Hog Canal on these lands is the initial filling, when excess water is available in the spring, of some lined ponds in Sections 1 and 2 of Township 5 North, Range 45 East.

5. Because we were unable to locate any good delivery records, we just listed all the portions of all surface water decreed rights which were appurtenant of record to the Hatch lands and presumed that any surface water diverted from South Leigh Creek through the Hog Canal and which ultimately came to the land of Hatch (now the Teton West Irrigation Company Service Area) could only have been diverted and applied to use under one or more of the 11 decreed surface water rights or the portions of such rights which were shown of record to be appurtenant to such lands.

Now you have as much as we know about these rights. As we say, it is not terribly important to our client whether the transfer of the surface water rights is finally approved or not; it will not change the facts. When there is too much water for the Hog Canal, it will go where it goes. You will be in the best situation to decide whether it is better to document what has been happening and will probably continue to happen in the foreseeable future, or to ignore the matter.

If we can be of any assistance, please feel free to call upon us at your convenience.

Very truly yours,



Kent W. Foster

pc. Ken Atkin

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type. Attach pages with additional information. Instructions are on the back of this page.
Incomplete forms will be returned.

1. Please list the water right number(s) and/or adjudication claim number(s) (if any) for each water right to be changed. List just the adjudication claim number if there is no corresponding water right record on file with the department. Indicate, by checking in the space provided (under the "split" heading), if the change in ownership is limited to a portion of a water right in which case division of the existing water right or adjudication claim record will be required.

Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-225			22-349	
	22-226			22-382 A	
	22-307 A			22-582 A	
	22-308			22-583 A	
	22-347 A			22-618	
	22-348				

2. The following **REQUIRED** information must be submitted with this form:

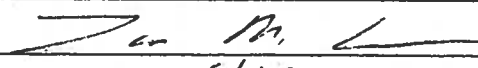
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Teton Valley Ranches Corp.
4. New Owner/Claimant(s) c/o George Hatch, 2185 S. 3600 W., Salt Lake City, UT 84119
Teton West Irrigation Company, Inc.
 Name connector (check one): ☐ and ☐ or, ☐ and/or
- New Mailing Address PO Box 132
- City, State and ZIP Code Driggs, ID 83422
- New Telephone Number _____
5. Date you acquired the property _____

6. **If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7.** If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number _____		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) 
(include title if applicable) CHAIR
Lauren Sompayrac, President, Teton West Irrigation Company, Inc.

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

STATE OF IDAHO

IDAHO DEPARTMENT OF WATER RESOURCES

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Incomplete forms will be returned.

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Water Right No(s).	Adjudication Claim No(s).	Split	Water Right No(s).	Adjudication Claim No(s).	Split
	22-2267				
	22-7042				
	22-7206				
	22-7255				
	22-7261				

2. The following **REQUIRED** information must be submitted with this form:

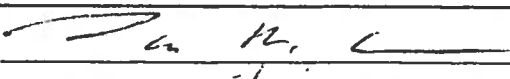
- A. The appropriate **FILING FEE**. See instructions for fee amounts.
- B. A copy of the most recent **DEED, TITLE POLICY, CONTRACT OF SALE** or other legal document indicating your ownership of the property and water rights(s) or claims(s) in question, **WITH ATTACHED LEGAL DESCRIPTION**.
- C. Either of the following (if necessary to clarify division of water rights or other complex property descriptions):
PLAT OF PROPERTY or **SURVEY MAP** clearly showing the location of the point(s) of diversion and place of use your water rights(s) and/or adjudication claim(s) (these are usually attached to your deed or on file with the county.)
OR
 If your water right(s) and/or adjudication claim(s) is for ten or more acres of irrigation, you must submit a USDA Farm Service Agency **AERIAL PHOTO** with the irrigated acres outlined and point(s) of diversion clearly marked. The **AERIAL PHOTO** should be submitted in place of the **PLAT OF PROPERTY** or **SURVEY MAP**.

3. Name and Address of Former Owner/Claimant Teton Valley Ranches Corp.
c/o George Hatch, 2185 S. 3600 W., Salt Lake City, UT 84119
4. New Owner/Claimant(s) Teton West Irrigation Company, Inc.
 Name connector (check one): [] and [] or, [] and/or
 New Mailing Address PO Box 132
 City, State and ZIP Code Driggs, ID 83422
 New Telephone Number _____
5. Date you acquired the property _____

6. If the change in ownership affects the entire water right for each water right or adjudication claim number listed in item 1, THEN SKIP THIS ITEM AND GO TO ITEM 7. If the change in ownership divides the water right(s) among multiple owners, you must describe, in detail, your portion of each water right after the change. Fill in the appropriate spaces in the box(es) below to describe your water right(s) after the change (one water right per box, you may copy this page as necessary). If your quantity of water is greater than a proportionate split, you must attach documentation to show justification for a larger amount. If you are not sure how to identify your portion of the original water right or adjudication claim records, please contact the nearest IDWR office for assistance.

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

DESCRIPTION OF YOUR PORTION OF WATER RIGHT (If the right(s) will not be split, skip this area and proceed to item 7)		
Water Right and/or Adjudication Claim Number		
Water Use	Diversion Rate or Volume (cubic feet per second or acre-feet per annum)	Description (acres, number and type of stock, homes, etc.)
Irrigation	_____	_____
Stock	_____	_____
Domestic	_____	_____
Other _____	_____	_____
TOTAL	_____	_____

7. Signature of New Owner(s) Or Claimant(s) 
(include title if applicable) Chair
Lauren Sompayrac, President, Teton West Irrigation Company, Inc.

For Snake River Basin Adjudication Claims: Please attached a Notice of Appearance completed by your attorney, if you wish IDWR to correspond with him or her for all matters related to your claims.

For Office Use Only

Received by _____ Date _____ Fee _____
 Receipted by _____ Date _____ Receipt No. _____
 Processed by _____ Date _____ WR _____ Date _____

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: **A22-00225**
Date Received: 12/20/1995
Receipt No: E021758
Received By: _____

COPY FOR
YOUR FILES

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

COPY FOR
YOUR FILES

1. Name: TETON WEST IRRIGATION COMPANY INC
Address: C/O HOLDEN KIDWELL HAHN & CRAP
PO BOX 50130
IDAHO FALLS ID 83405

208-523-0620

2. Date of Priority: JUN 1, 1897

3. Source: SOUTH LEIGH CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4	Lot	County
06N	46E	32	NW	SW			TETON

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
IRRIGATION	04/01	11/01	1.600		

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

A.F.A.

8. Total consumptive use is

Acre Feet Per Annum

9. Non-irrigation uses:

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
05N	46E	6	NW	NE		IRR	38.0
			SW	NE		IRR	40.0

A2200225



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NOV 1995

10. Place of Use: Continued

Township	Range	Section	1/4 of 1/4	Lot	Use	Acres
					Section Acres	78.0
					Total Acres	78.0

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:

P/D DESERT DITCH, FROM WD01 RECORDS. DECREE ALSO INDIDATES LOT 2
AND SWNE, S6, T5N, R46E AS P/U. P/U APPARENT REPEAT OF LAND LIST

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRR. CO. ET AL
Decree Plaintiff

TETON IRR. CANAL CO.
vs Decree Defendant

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NOV 06 1990

RECEIVED

DEC 07 1995

Department of Water Resources
Eastern District Office

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 22-00225

Date Received 12-7-95

Receipt Number E021758

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s) Teton West Irrigation Company, Inc. Phone (208) 523-0620

Mailing Address c/o Holden, Kidwell, Hahn & Crapo, P.L.L.C.,
P.O. Box 50130, Idaho Falls, Idaho Zip 83405

2. Date of Priority (Only (1) per claim) June 1, 1897

3. Source of water supply (a) South Leigh Creek

which is tributary to (b) Teton River

4.a. Location of existing

point of diversion is: Township 6N Range 46E Section 32,

NW 1/4 of SW 1/4 of __, Govt. Lot, __ B.M., County of Teton

Additional points of diversion if any: _____

b. If instream flow, beginning point of claimed instream flow is:

Township __ Range __ Section __, __ 1/4 of __ 1/4 of __ 1/4,

Govt. Lot __ B.M., County of _____

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ending point is: Township __ Range __ Section __, __ 1/4 of

__ 1/4 of __ 1/4 Govt. Lot __ B.M., County of _____

5. Description of existing diversion works (Dams, Reservoirs, Ditches, Wells, Pumps, Pipelines, Headgates, Etc), including the dates of any changes or enlargements in use, the dimensions of the diversion works as constructed and as enlarged and the depth of each well.

6. Water is claimed for the following purposes:

(Both dates are inclusive) (cfs) (acre feet)

For Irrigation purposes from 04/01 to 11/01 amount 1.6cfs or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

For _____ purposes from ____ to ____ amount ____ or ____

7. Total quantity claimed (a) 1.6 (cfs) and/or (b) ____ (acre feet)

8. Total consumptive use claimed is _____ acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.)

10. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instruction for standard symbols.

Last Name Teton West Ident. Number 22-00225

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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 Individuals: I do solemnly swear or affirm that the statements
in the foregoing document are true and correct.

contained

Signature of Claimant(s) Date

 Date

For Organizations: I do solemnly swear or affirm that I am President of
Teton West Irrigation, that I have signed the Title

Organization

foregoing document in the space below as President

Title

of Teton West and that the statements contained in the
Organization

foregoing document are true and correct.

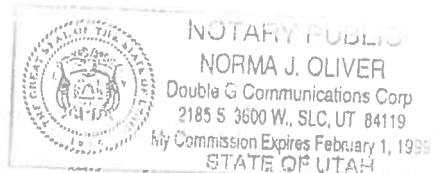
Signature of Authorized Agent George C. Hatcher

Title and Organization President Date 12/1/95

State of ~~Idaho~~ or Utah)

County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 1st day
of Dec, 1994. 1995



Notary Public Norma Oliver

Residing at Salt Lake City, UT

My Commission Expires 2/1/99

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NOV 06 1990

Last Name Teton West Ident. Number 22-00225

17. Notice of Appearance:

Notice is hereby given that I, Kent W. Foster will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature Kent W. Foster

Address P.O. Box 50130, Idaho Falls, Idaho 83405

Date 12/5/95

G:\WPDATA\KWF\0852\TWI\117.1AD sjw

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NOV 06 1996

Last Name Teton West Ident. Number 22-00225