

01/25/2006

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

RIGHT NUMBER: 22-511

NAME AND ADDRESS: PACIFICORP
825 NE MULTNOMAH STE 625
PORTLAND OR 97232-2153

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 84.000 CFS

PRIORITY DATE: 06/01/1903

The appropriator shall exercise this right in a manner that recognizes the historic practice that the use of water for power generation is incidental to the rights of others to the use of water for other purposes. The appropriator shall not make a delivery call for hydropower generation except as against junior hydropower rights.

POINT OF DIVERSION:

T07N R41E S28 SWSWNW Within FREMONT County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

POWER

1/01 12/31

84.000 CFS

PLACE OF USE:

POWER Within FREMONT County

T07N R41E S31

SWNW

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

Right No. 22-510 is also diverted through point of diversion described above.

01/25/2006

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: 22-511

PACIFICORP

~~825 NE MULTNOMAH STE 625~~

~~PORTLAND OR 97232-2153~~

1407 W. NORTH TEMPLE #110
SALT LAKE CITY, UT 84116

ATTN: CLAUDIA CONDER

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: 10-23-2006

SIGNATURE:

Claudia Conder

Please print your name: CLAUDIA CONDER

IDWR Regional Office, 900 N Skyline Dr Ste A, Idaho Falls, ID 83402, 2085257161

address completed 01/30/06

Kurt
01/30



Diversion for 22-510 and 22-511
off Teton River into Teton Irrigation Canal

STATE OF IDAHO
WATER DISTRICT No. 01
DISCHARGE MEASUREMENT SUMMARY SHEET

Station No. 13055038

Discharge Measurements made of MILLER CANAL NR TETON, ID during

No	Date	Made by—	Width	Area	Mean velocity	Gage height	Discharge	Rating		Method	Num-ber meas-ure-ment	Gage height change	Time	Meas-ured	REMARKS
								Shift adj	Percent diff						
1	1991 JUNE 25	G. BRANCHARD	20	71.68	3.01	3.46	216.38	Fml	+1.1			Fml	1h		
2	JULY 13	✓	✓	70.30	2.38	3.26	167.77	-2.2							
2A	JULY 25	✓	✓	82.60	2.19	3.88	181.48	-1.9							
3	AUG 24	✓	✓	72.45	3.38	3.38	166.73	-2.3							
4	1992 JUNE 24	✓	✓	70.79	3.32	3.32	186.13	-0.7							
5	JULY 17	✓	✓	65.18	3.06	3.06	172.03	+0.3							
6	AUG 15	✓	✓	81.61	3.80	3.80	158.42	-8.7							
7	1993 JUNE 26	✓	✓	70.66	3.46	3.46	198.56	-0.8							
8	JULY 17	✓	✓	72.04	3.44	3.44	208.23	+0.5							
9	AUG 14 1994	✓	✓	85.98	4.10	4.10	231.43	-3.7							
10	4 JUNE	✓	✓	70.67	2.90	3.36	205.04	+0.9							
11	13 AUG	✓	✓	87.12	1.23	4.12	150.96	-1.28							
12	5 SEPT 1995	✓	✓	87.43	1.61	4.16	141.03	-1.43							
13	20 JUNE	✓	20	78.24	1.82	3.14	142.68	-1.00							
14	22 JULY	✓	✓	81.96	2.70	3.76	139.56	-1.05							
15	19 AUG 1996	✓	✓	87.47	1.54	3.74	134.85	-1.09							
16	18 JUNE	✓	✓	87.6	1.72	3.74	151.0	-9.0							
17	9 JULY	✓	✓	81.8	2.08	3.84	170.9	-7.6							

STATE OF IDAHO

WATER DISTRICT No. 01

DISCHARGE MEASUREMENT SUMMARY SHEET

Station No. 13055838Discharge Measurements made of MILLACE CANAL NR TETON, ID

during

No	Date	Made by	Width	Area	Mean velocity	Gage height	Discharge	Rating		Method	Num-ber meas-ure-ment	Gage height change	Time	Meas-ured	REMARKS
								Shift ad	#1 Percent diff						
18	1996 cont. 1 AUG	G. BLANCHARD	20	74.7	1.93	3.38	144.9	Full	-61			Full	1h		
19	5 SEPT 1997	✓	✓	50.4	3.00	2.36	151.1	✓	49		1				
20	22 MAY	✓	✓	39.1	4.27	1.80	167.2	✓	124						
21	21 JUNE	✓	✓	35.5	4.59	1.86	163.1	✓	113						
22	8 JULY	✓	✓	81.9	2.01	3.84	165.0	✓	-83						
23	7 AUG	✓	✓	77.4	2.10	3.64	162.9	✓	-65						
24	12 SEPT	✓	✓	54.9	2.98	2.48	163.8	✓	52						
25	1998 5 JUN	✓	✓	9.1	1.52	0.46	13.8	✓	117						
26	27 JUN	✓	✓	68.9	0.98	3.24	67.7	✓	-153						
27	16 JUL	✓	✓	72.6	1.36	3.40	98.8	✓	-122						
28	11 AUG	✓	✓	74.8	1.34	3.50	100.4	✓	-130						
29	15 SEP 1999	✓	✓	75.8	1.31	3.52	99.6	✓	-133						
30	2 JUN	✓	✓	75.1	0.95	3.54	71.4	✓	-177						
31	6 JUL	✓	✓	74.8	0.86	3.46	64.8	✓	-179						
32	3 AUG	✓	✓	75.1	0.92	3.46	69.4	✓	-172						
33	15 SEP 2000	✓	✓	22.5	3.55	1.08	79.9	✓	82						
34															

Claim no. A22-00511
A22-00510

Claimant Contact Log

Date 10-26-05 Remarks Agent initials

Huff

I contacted Kirby Forbush + he said he sold this facility to Pacificorp. Then I contacted Bert Briggs jr (phone # 208-458-4914) in St. Anthony.

He say his dad, Bert Sr. (passed away) got the facility back from Pacificorp (Utah Power) with a proviso that no power could be produced for 25 years. That was 15 years ago according to Bert jr.

It appears that this system may not have been in use for some years before that.

Kirby Forbush says he bought the system but never produced power.

I have been trying to get a hold of Clydie Cander of Pacificorp (801-220-2252) but she has been out of the office.

It appears Bert Sr was in on the initial development!

DISALLOWED - THE NON-USE OF THIS RIGHT IS NOT PROTECTION UNDER 242-222(2) F.C.I.N.R. HAS AN EXTENSION OF TIME TO AVOID SOMETHING BEEN FILED.

1-28-06

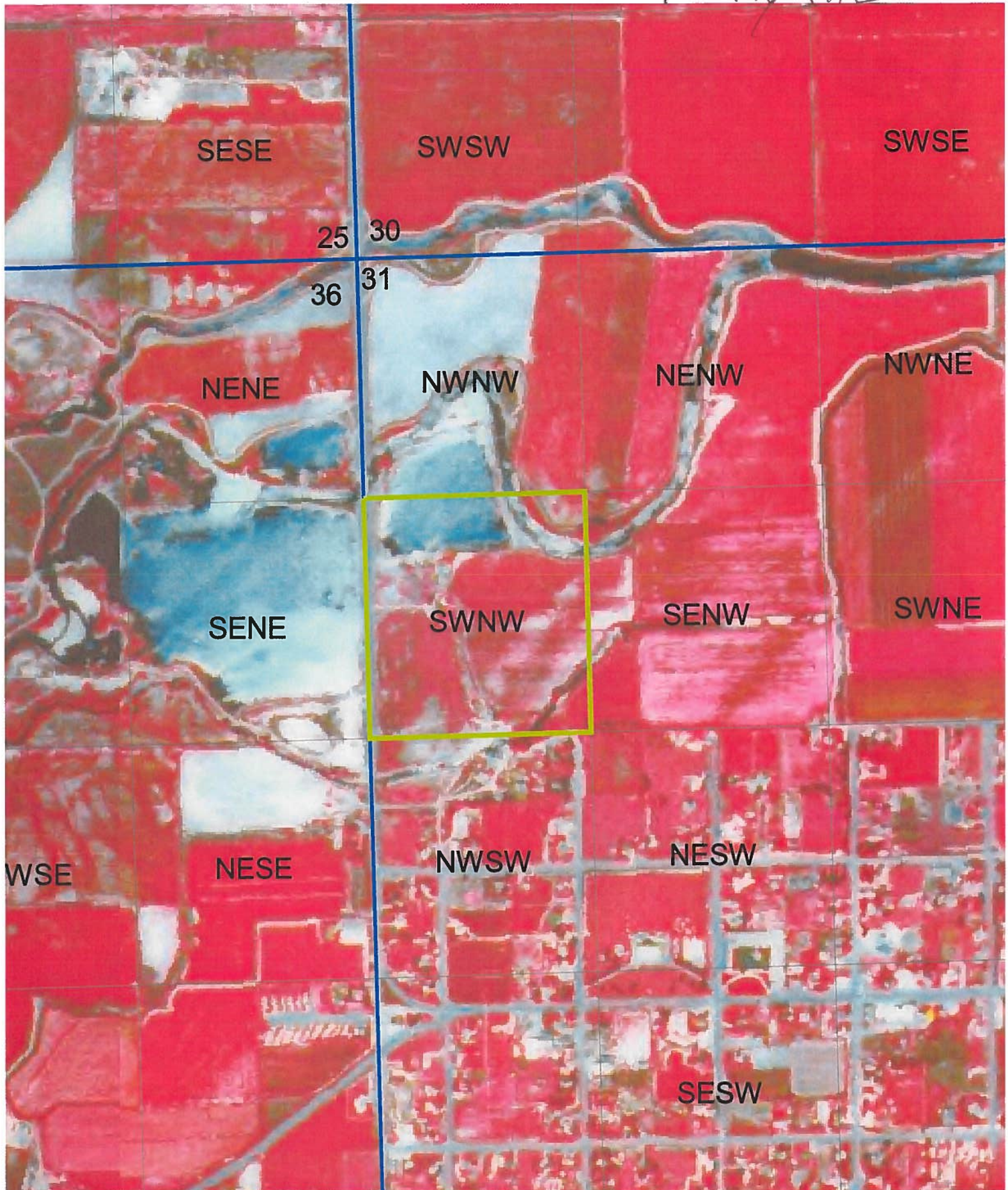
Do not disallow. Plant was used prior to 1982. Water district records did not record their diversion for many years, according to record books. See 22-510 for P&D picture and data.

KM

Webster, James W., and Charles H. Woodmansee; May 23, 1903; Moody Creek	300
For reservoir purposes between the first day of September of each year until the first day of May of the following year	100
Gregory, H. J.; June 1, 1903; North Leigh Creek	40
Howell, W. J.; June 1, 1903; Trail Creek	4,200
Sidloway-Briggs Co.; June 1, 1903; Teton River. For power purposes	100
Buxton, Stillman; June 1, 1903; Sloughs from Twin Creeks	40
Gilbert, Albert; June 1, 1902; Horse Shoe Creek	20
Mickelson, Peter; June 1, 1903; Swamps	50
Thompson & Egbert; June 1, 1903; North Leigh Creek	40
Jarman, Arthur; June 1, 1903; South Leigh Creek	100
Pherson, Neils; June 1, 1903; South Leigh Creek	280
Kunz, Samuel, Jr.; July 31, 1903; Pine Creek (permit) Central Teton Canal Co.; Oct. 31, 1903; Teton Creek	1,680
Pack Saddle Reservoir Co.; Jan. 15, 1904; North Fork Pack Saddle Creek	1,250
Wallace, H. A.; Jan. 18, 1904; North Leigh Creek or Spring Creek	40
Hansen, E. P.; May 1, 1904; Game Creek	50
Moffat, John P.; June 1, 1904; Swamps	70
Withrick, Caroline; June 1, 1904; Paradise Springs. The undivided one-fourth of Paradise Springs	100
Miller, J. J.; June 1, 1904; Paradise Springs	60
Sinclair, Sarah S.; June 1, 1904; Pole Creek and Pine Creek	40
Ricks, Wallace; June 1, 1904; North Leigh Creek	80
Phillips, L. A.; June 1, 1904; Badger Creek	110
Sautter, John G.; June 1, 1904; North Leigh Creek	60
Coyle, M. H.; June 15, 1904; Coyle Spring	640
Felt, J. G.; Jan. 18, 1905; Badger Creek	640
Felt, G. F.; Jan. 18, 1905; Badger Creek	590
Felt, Clara V.; Jan. 18, 1905; Badger Creek	480
Felt, Albert; Jan. 18, 1905; Badger Creek	500
Clawson, Spencer, adminr. Estate of; Jan. 18, 1905; North Leigh or Spring Creek	150
Clawson, Spencer; Jan. 18, 1905; North Leigh or Spring Creek	500
Clawson, B. W.; Jan. 18, 1905; North Leigh or Spring Creek	2,500
Spencer, Clawson & Co. (a corporation); Jan. 18, 1905; North Leigh Creek or Spring Creek	200
Rogers, Orson T.; Jan. 18, 1905; Badger Creek	160
Little, Edwin S.; Jan. 18, 1905; Leigh Creek	180
Taylor, Joseph E.; Jan. 18, 1905; North Leigh or Spring Creek	100
Garrett, Mary G.; Jan. 18, 1905; North Leigh or Spring Creek	100
Soulecy, C. V.; June 1, 1906; Darby Creek	80
Crandall, H. L.; no date; waters of Crandall Springs	15
Stahn, Emil A.; no date; Juanita Springs	40
Andrews, L. W.; no date; waters of Springs on place of Pack Saddle Reservoir Co.; no date; South Fork of Pack Saddle Creek	900

22-511

TOTN/R41E





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

June 12, 1998

PACIFICORP
825 NE MULTNOMAH STE 625
PORTLAND OR 97232-2153

RE: CHANGE IN OWNERSHIP FOR A22-00510, A22-00511

Dear Sirs:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner(s).

Enclosed is a copy of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep this Notice for your records.

Respectfully submitted,

Jennifer Hoagland
Technical Records Specialist

Enclosure: Notice(s) of Claim

COPY

DEED CONVEYING WATER RIGHTS AND EASEMENT

FOR VALUE RECEIVED, INTERMOUNTAIN HYDRO, L.L.C., a/k/a INTERMOUNTAIN HYDRO, L.C., an Idaho limited liability company, Grantor, does hereby assign, transfer and convey to PACIFICORP, an Oregon corporation, Grantee, whose address is: 825 N.E. Multnomah, Suite 625, Portland, Oregon, all of its right, title and interest in and to the water rights hereinafter described and the easement and right-of-way described in that certain Deed Granting Easement recorded as Instrument No. 402260, records of Fremont County, Idaho, across the following described property:

SEE ATTACHED EXHIBIT "A"

WATER RIGHTS

All water rights represented by the Idaho State Department of Water Resources Permit Nos. 22-07348 and 22-07396 and decreed water rights A22-00511 and A22-00510.

Grantor warrants that previous to the execution of this instrument it has not conveyed its interest in the foregoing water rights and easement, or any right, title or interest therein, to any person other than Grantee, and that the foregoing water rights and easement are free from encumbrances made, done or suffered by Grantor. In all other respects, this instrument is made without covenant or warranty.

IN WITNESS WHEREOF, the Grantor has executed this instrument the day and year first above written.

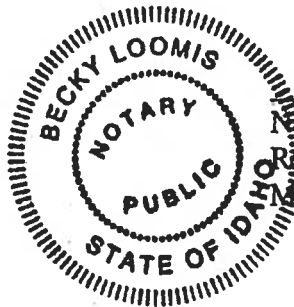
INTERMOUNTAIN HYDRO, L.C.

By: Kirby Forbush
Kirby Forbush, Managing Member

STATE OF IDAHO)
) ss.
County of Madison)

On this 19th day of June, 1997, before me, the undersigned, a Notary Public in and for said State, personally appeared KIRBY FORBUSH, known or identified to me to be a Member of INTERMOUNTAIN HYDRO, L.C., an Idaho limited liability company, the Limited Liability Company that executed the within and foregoing instrument or the person who executed the instrument on behalf of said Limited Liability Company, and acknowledged to me that such Limited Liability Company 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.



Becky Loomis
Notary Public for Idaho
Residing at St. Anthony
My commission expires: 02-01-99

EXHIBIT "A"

Beginning at the Northwest Corner of Lot 1, Block 7 of the Townsite of Teton, Fremont County, Idaho; thence S. $0^{\circ}27'03''$ W., along the west line of said Lot 64.00 feet; thence N. $89^{\circ}38'23''$ W., 163.00 feet; thence N. $0^{\circ}27'03''$ E., 64.00 feet to the North line of Block 7; thence N. $89^{\circ}38'23''$ W., along the North lines of Block 7 and Block 8, 552.95 feet to the easterly right-of-way line of the Teton/St. Anthony Highway; thence N. $0^{\circ}56'40''$ E., along said right-of-way line 35.30 feet to the South line of the Northwest Quarter of Section 31; thence S. $89^{\circ}40'01''$ E., along said line 286.41 feet; thence N. $0^{\circ}02'52''$ E., 158.89 feet; thence S. $89^{\circ}40'01''$ E., 348.82 feet; thence South 75.00 feet; thence East 32.00 feet; thence North 75.00 feet; thence S. $89^{\circ}40'01''$ E., 336.07 feet to the east bank of the Millrace Canal; thence S. $42^{\circ}29'26''$ W., along said canal bank, 214.58 feet to the south line of the Northwest Quarter of said Section 31; thence N. $89^{\circ}40'01''$ W., along said line, 142.84 feet; thence S. $0^{\circ}27'03''$ W., 35.64 feet to the point of beginning; containing 3.12 acres more or less.

Together with all interest which Seller has in the Millrace Canal which traverses the property and a 50% interest in the Teton Manufacturing and Canal Company Canal located between Bird's headgate and its diversion point on the Teton River and 200 second feet of water from the Teton River;

ALSO

Lot 2, Block 7 less Tax No. 1, 3, and 4; Lot 1, Block 8, City of Teton, County of Fremont, State of Idaho, as per the recorded plat thereof.

Together with all tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

to and for the benefit of the following described property:

A parcel of land being located in the North One-Half of the Southwest Quarter of Section 31 and in Lot 1, Block 8 and Lot 2, Block 7 of the Townsite of Teton, Idaho; all being in Township 7 North, Range 41 East, Boise Meridian, Fremont County, Idaho; being more particularly described as follows:

Beginning at the Northeast corner of Lot 2, Block 7 of the Townsite of Teton; thence S. $0^{\circ}27'03''$ W., 64.00 feet along the East line of said Lot 2; thence N. $89^{\circ}38'23''$ W., 1630.00 feet; thence N. $0^{\circ}27'03''$ East, 22.00 feet; thence N. $89^{\circ}38'23''$ W. 40.00 feet; thence S. $0^{\circ}27'03''$ W., 44.00 feet; thence S. $65^{\circ}00'00''$ W., 178.97 feet; thence S. $81^{\circ}00'00''$ W. 358.11 feet to the easterly right-of-way line of the Teton/St. Anthony Highway as shown on that survey by Forest Engineering (St. Anthony, Idaho) dated February 23, 1985 and recorded March 21, 1995 thence along said right-of-way N. $0^{\circ}56'40''$ E., 30.92 feet to a point being S. $0^{\circ}56'40''$ W., 160.00 feet from the North line of said Lot 1, Block 8; thence N. $81^{\circ}00'00''$ E., 347.59 feet; thence N. $65^{\circ}00'00''$ E., 234.17 feet; thence N. $0^{\circ}27'03''$ E., 38.72 feet to the North line of the Southwest Quarter of said Section 31; thence along said North line

0°27'03" W., 35.64 feet to the point of beginning, containing 1.13 acres.

Together with all water rights represented by Idaho State Department of Water Resources Permit Nos. 22-0510, 22-0511, 22-7348 and 22-7396. Which water rights all parties acknowledge and agree are appurtenant to the above described parcel of land.



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Idaho Falls, Idaho 83402-1718 - (208) 525-7161 - Fax (208) 525-7177

EASTERN REGION

MARCH 19, 1996

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

INTERMOUNTAIN HYDRO LC
C/O KIRBY FORBUSH
PO BOX 674
REXBURG ID 83440

RE: CHANGE IN OWNERSHIP FOR A22-00510 AND A22-00511

Dear Mr. Forbush:

The request for Change in Ownership concerning the Notice(s) of Claim in the above reference has been processed and the Notice(s) modified to reflect you as the new owner.

Enclosed are copies of the Notice(s) of Claim, with your name shown as the current owner. Review the forms and if there are other corrections or questions, feel free to contact this office.

If there are no questions or corrections, please keep these Notices for your records.

Respectfully submitted,

Jo Thompson
Adjudication Secretary

Enclosure: Notices of Claim

MICROFILMED
NOV 06 1996



NEW PROPERTY OWNER NOTICE OF CHANGE OF WATER RIGHT OWNERSHIP

Please print or type
(see instructions on back of page)

DATE OF CLOSING: _____

LEGAL DESCRIPTION OF PROPERTY: Township 7 Range 41 EAST
Section _____, 1/4 of _____ 1/4 of _____ 1/4, Govt. Lot _____, BM.
Lot _____, Block _____, Subdivision/Townsite _____.
If you have additional legal descriptions, please attach separate sheet.

- ☐ Served Only by a Public Service Water Supply (all water is received from a city or company who maintains water supply system, owns the water right, and bills the customer on a regular basis)
- ☐ Water Right Number(s) Assigned by IDWR: A22-00510 & A22-00511
- ☐ Name and Address of Former Owner/Claimant(s)(Seller): Turbine Generator Service
5160 Wiley Post Way
SLC, UT 84116
- ☐ New Owner/Claimant (Purchaser): Intermountain Hydro, LLC % Kirby Foxbush
- ☐ New Mailing Address: PO Box 674
Lexington, ID 83440
- ☐ New Telephone Number: (208) 356-8674
- ☐ Does the change in ownership result in a splitting of the water right owned/claimed? yes ☒ no
If yes, then describe the portion of the water right that is now owned/claimed by the new owner:

- ☐ Attach proof of ownership, describe proof attached: _____

(proof of ownership must describe either the property conveyed or include the claim number. Proof of ownership is not required if this form is signed by the former owner/claimant.)

- ☐ Signature of New Owner/Claimant(s) Kirby J Foxbush, mgr Date 3/13/96
Intermountain Hydro, LLC Date _____
- ☐ Signature of Former Owner/Claimant(s) _____ Date _____
_____ Date _____

(Signature of former claimant(s) is not required if proof of ownership is attached.)

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: _____ By: _____

Claim Numbers of Split, if any:

MICROFILMED

NOV 06 1990

Original to be mailed to Idaho Department of Water Resources
Copies to Former Owner and New Owner

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: **A22-00511**
Date Received: 3/20/1989
Receipt No: E006201
Received By: _____

**COPY FOR
YOUR FILES**

**NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW**

**COPY FOR
YOUR FILES**

1. Name: INTERMOUNTAIN HYDRO LC
Address: C/O KIRBY FORBUSH
PO BOX 674
REXBURG ID

208-356-8674
351-8674

83440

2. Date of Priority: JUN 1, 1903

3. Source: TETON RIVER

Trib. to: SNAKE RIVER HENRYS FORK

4. Point of Diversion:

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

5. Description of diverting works:

WEIR, HEADGATE, MILL RACE TO POWER PLANT. (100 KW OF 300 KW TOTAL)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	84.000		

7. Total Quantity Appropriated is:

84.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

P/HYDROPOWER GENERATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	31	SW	NW		POWER	

11. Place of use in counties: FREMONT

MICROFILMED

NOV 06 1996

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A22-00510, 22-07348, 22-07396

14. Remarks:

HYDROPOWER GENERATION - 18' HEAD - 100 KW OF 300KW TOTAL
NAMEPLATE.

WATER IS DIVERTED FROM TETON RIVER VIA TETON IRRIGATION AND
MANUFACTURING CANAL TO THE BIRD HEADGATE WHERE IT IS DIVERTED
TO THE OLD MILL RACE (POWER CANAL). THE WATER PASSES THROUGH
THE TURBINE TO THE TAILRACE AND THEN IS RETURNED TO THE SOUTH
FORK OF THE TETON RIVER.

THE DIVERSION STRUCTURE ON THE TETON RIVER FOR THE TETON IRR-
IGATION AND MANUFACTURING CONSISTS OF A FOUR FOOT HIGH CONCRETE
WEIR, APPROXIMATELY 300 FEET LONG. THE TETON FLOOD OF 1977[1976
PRM.] WASHED OUT THE WINGWALL AND CANAL DIVERSION HEADGATE.
THE WINGWALL AND HEADGATE PORTION OF THE STRUCTURE WERE REPLACED
IN 1977 BY THE BUREAU OF RECLAMATION. THE HEADGATE STRUCTURE
CONSISTS OF 3-5 FOOT WHEEL OPERATED HEADGATES.

CHANGED OWNERSHIP 3/19/96/JT/GT

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date: / /

REXBURG IRRIGATION CO. ET AL

Decree Plaintiff

TETON IRR. CANAL CO. ET AL

vs Decree Defendant

MICROFILMED
NOV 06 1990

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: A22-00511
Date Received: 3/20/1989
Receipt No: E006201
Received By: IDA

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: TURBINE GENERATOR SERVICE 801-537-1530
Address: 5160 WILEY POST WAY
SALT LAKE CITY, UT 84116

2. Date of Priority: JUN 01, 1903

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

4. Point of Diversion:

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

5. Description of diverting works:

WEIR, HEADGATE, MILL RACE TO POWER PLANT.(100 KW OF 300 KW TOTAL)

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
POWER	01/01	12/31	84.000		

7. Total Quantity Appropriated is:

84.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is

Acre Feet Per Annum.

9. Non-irrigation uses:

P/HYDROPOWER GENERATION

10. Place of Use:

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
07N	41E	31	SW	NW		POWER	

11. Place of use in counties: FREMONT

A22-00511

Page 1

Date: 03/20/89

MICROFILMED

OCT 28 1992

A2200511

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:

A22-00510, 22-07348, 22-07396

14. Remarks:

HYDROPOWER GENERATION - 18' HEAD - 100 KW OF 300KW TOTAL
NAMEPLATE.

WATER IS DIVERTED FROM TETON RIVER VIA TETON IRRIGATION AND
MANUFACTURING CANAL TO THE BIRD HEADGATE WHERE IT IS DIVERTED
TO THE OLD MILL RACE (POWER CANAL). THE WATER PASSES THROUGH
THE TURBINE TO THE TAILRACE AND THEN IS RETURNED TO THE SOUTH
FORK OF THE TETON RIVER.

THE DIVERSION STRUCTURE ON THE TETON RIVER FOR THE TETON IRR-
IGATION AND MANUFACTURING CONSISTS OF A FOUR FOOT HIGH CONCRETE
WEIR, APPROXIMATELY 300 FEET LONG. THE TETON FLOOD OF 1977[1976
PRM.] WASHED OUT THE WINGWALL AND CANAL DIVERSION HEADGATE.
THE WINGWALL AND HEADGATE PORTION OF THE STRUCTURE WERE REPLACED
IN 1977 BY THE BUREAU OF RECLAMATION. THE HEADGATE STRUCTURE
CONSISTS OF 3-5 FOOT WHEEL OPERATED HEADGATES.

15. Basis of Claim: DECREED

Case Number:

Court :

Decree date:

REXBURG IRRIGATION CO. ET AL
Decree Plaintiff

vs

TETON IRR. CANAL CO. ET AL
Decree Defendant

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 _____ of
_____, Title
_____, that I have signed the foregoing
Organization
document in the space below as _____ of
_____, Title
_____ and that the statements contained in the
Organization
foregoing document are true and correct.

Signature of Authorized Agent

Title and Organization

Date

State of Idaho)
County of _____) SS.

Subscribed and sworn (or affirmed) before me this _____ day
of _____ 19 _____

Notary Public

Seal

Residing at _____

My Commission Expires _____

DATE: 06/12/98
PAGE: 1

→

TOTAL DIVERSION: 84.00 CFS

Stage: DECREED

FREMONT County

MS

22

Other Rights: A22-00510, 22-07348, 22-07396

NAME PLATE.

CHANGED OWNERSHIP PER REQUEST/JH/6-12-98

Objection Filed Date:

Presumption Flag:

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 A22-00511Date Received 3-20-89Receipt Number E006201

NOTICE OF CLAIM
TO A
WATER RIGHT
ACQUIRED UNDER STATE LAW

Please type or print clearly

1. Name of Claimant (s) Turbine Generator Service Phone (801) 537-1530
Mailing Address 5160 Wiley Post Way, Salt Lake City, UT Zip 84116

2. Date of Priority (Only one (1) per claim) 06/01/1903

3. Source of water supply (a) Teton River
which is tributary to (b) Henry's Fork

4. a. Location of existing point of diversion is: Township 7N Range 41E Section 28,
1/4 of SW 1/4 of NW 1/4, Govt. Lot, B.M., County of Fremont

Additional points of diversion if any: Bird Headgate - Teton Irrigation and Manufacturing Canal

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 _____

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. The diversion structure on the Teton River for the Teton Irrigation and Manufacturing Canal consists of a four foot high concrete weir, approximately 300 feet long. The Teton flood of 1977 washed out the wingwall and canal diversion headgate. The wingwall and headgate portion of the structure were replaced in 1977 by the Bureau of Reclamation. The headgate structure consists of 3-5 foot wheel operated headgates.

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6. Water is claimed for the following purposes:

(both dates are inclusive)

(cfs)

(acre feet)

For Hydroelectric Generating purposes from 1/1 to 12/31 amount 84.0 or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

For _____ purposes from _____ to _____ amount _____ or _____

7. Total quantity claimed (a) 84.0 (cfs) and/or (b) _____ (acre feet)

8. Total consumptive use claimed is 0.0 acre feet per annum.

9. Non-irrigation uses; describe fully (eg. Domestic: Give number of households served; Stockwater: Type and number of livestock Etc.) Hydropower generation - 18 feet head - 100 kw of the total 300 kw nameplate

10. Description of place of use:

a. If water is for irrigation, indicate acreage in each subdivision in the tabulation below.

b. If water is used for other purposes, place a symbol of use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RNG	SEC	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
7N	41E	31							P										

Total number of acres irrigated none

11. In which county (ies) are lands listed above as place of use located? Fremont

12. Do you own the property listed above as place of use? Yes X No _____
If your answer is No, describe in Remarks below the authority you have to claim this water right.

13. Describe any other water rights used at the same place and for the same purposes as described above.
22-00510, 22-7396, 22-7348 or None ()

14. Remarks:

Water is diverted from Teton River via Teton Irrigation and Manufacturing Canal to the Bird Headgate where it is diverted to the old mill race (Power Canal). The water passes through the turbine to the tailrace and then is returned to the South Fork of the Teton River.

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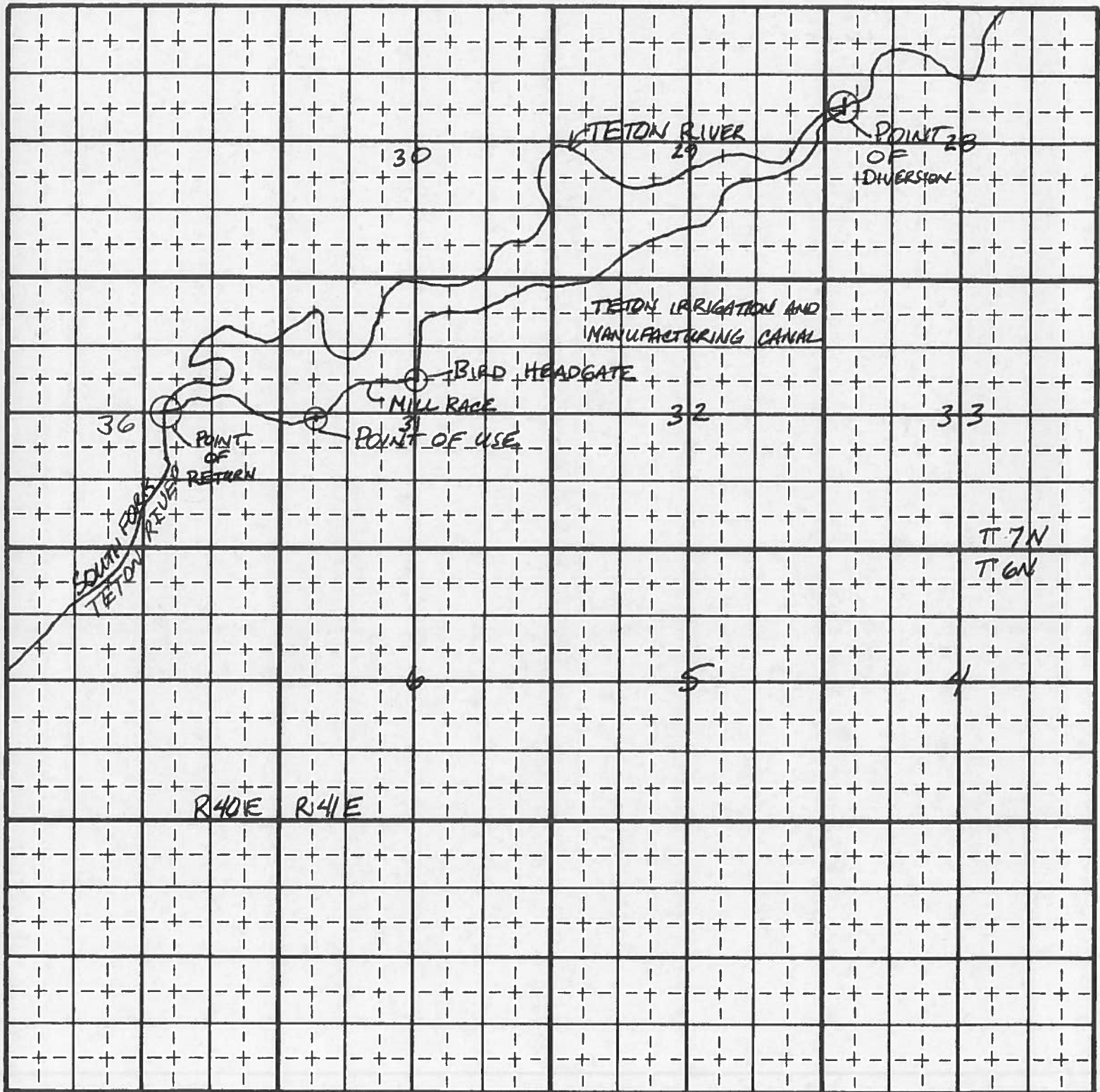
OCT 28 1992

Last Name Turbine generator Service Ident No. _____

Copies: White -State, Yellow-Claimant

Map of Project: show clearly the point of diversion, place of use, section number, township, and range number.

Scale: 2 inches equals 1 mile



Last Name Turbine Generator Service Ident No. _____

Copies: White-State, Yellow-Claimant

15. Basis of Claim (check one) Beneficial Use _____ Posted Notice _____ License _____ Permit _____
Decree XX
If applicable provide IDWR Water Right Number 22-00511
Court _____ Case Number _____ Decree Date 12/16/1910
Plaintiff vs Defendant Rexburg Irrigation Co. vs. Teton Irrigation Canal Co.

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 contained in the foregoing document are true and correct.

Signature of Claimant (s) _____ Date _____
_____ Date _____

For Organizations: I do solemnly swear or affirm that I am President
Title
of Turbine Generator Service , that I have signed the foregoing
Organization
document in the space below as President of Turbine Generator Service
Title Organization

and that the statements contained in the foregoing document are true and correct.

Signature of Authorized Agent name [signature]
Title and Organization President of Turbine Generator Service Date 3-17-1989

State of Idaho/or Utah)
County of Salt Lake) SS.

Subscribed and sworn (or affirmed) before me this 17th day of March 19 89



Notary Public Shelleen Lomas

Residing at 8802 Eton circle, Sandy

My Commission Expires June 17, 1992

Please Print Name Shelleen Lomas

17. Notice of Appearance:
Notice is hereby given that I, _____ 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 _____

Address _____

Date _____

MICROFILMED

OCT 28 1992

Last Name Turbine Generator Service Ident. Number _____

Copies White-State, Yellow-Claimant