02/14/2012

IDAHO DEPARTMENT OF WATER RESOURCES

PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-549

NAME AND ADDRESS: TETON IRRIGATION & MFG CO
3381 N 5000 E
SUGAR CITY ID 83448

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 10.000 CFS

PRIORITY DATE: 10/02/1889

POINT OF DIVERSION:

T07N R41E S28 SWNW Within FREMONT County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	04/01 10/31	10.000 CFS

PLACE OF USE:

2506 ACRES TOTAL

Place of use is within the area served by Teton Irrigation & Manufacturing Company.

The rights listed below are limited to the irrigation of a combined total of 2506 acres in a single irrigation season. Combined Right Nos.: 22-512, 22-513, 22-514, 22-549, and 22-13388.

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.

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

Water is delivered through Teton Irrigation Canal.

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

05/25/2005

NOTICE OF ERROR
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:

Water right number: 22-549

TETON IRRIGATION & MFG CO
3381 N 5000 E
SUGAR CITY ID 83448
Telephone Number: (208)458-4149

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: June 30 05 **SIGNATURE:** John Stocock

Please print your name: John S Pocock

IDWR Regional Office,

SCANNED
JUL 0 1 2005

PROFILE

RECEIVED
JUN 3 0 2005
Department of Water Resources
Eastern Region

6/30

IDWR Field Exam Form

02/26/2004

Contacts Data Entry Form

Claim Number: 22-849

Owner Type	Full Name	Address	City	State	Zip

Current Owner: TETON IRR & MFG Co. 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.

See 22-512 for Notes, Maps, Photos, etc.

Reviewer: Date:

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JUN 09 2005

IDWR Field Exam Form

02/26/2004

Place Of Use Data Entry Form

Claim Number: 22-00547

Claimed Place Of Use SEE CLAIM 22-00548

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

Total acres _____

Recommended Place of Use SAME AS CLAIMED

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

Total acres _____

Pending or approved Transfers: _____

Overlapping rights: _____

Document how the POU was verified:

P.O.U. VERIFIED BY INSPECTION ON 1-19-05

Reviewer: SHM Date: 1-19-05

PROFILED

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JUN 09 2005

Transfer No. 2082

Application No. 22-0548/22-0549

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

APPROVED

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Kyle Carter Phone 356-5342

Post office address Rt. #1, Sugar City, ID 83448

A. DESCRIPTION OF RIGHT AS RECORDED

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. (Name of court) county of Fremont

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

5. Water is used for the following purposes:

22-0548 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

(Specify: Domestic, Stockwater, Irrigation, etc.)

6. Total amount of water applied for: 54.04 cubic feet per second

or

acre feet per annum

7. Location of original point of diversion: SW ¼ of NW ¼ of Section 28

Township 7N Range 41E B.M. in Fremont County

Subdivision records of the county show point of diversion not decreed. Water is diverted at the head of the Teton Canal.

8. Land irrigated or place of use:

LANDS OF THE STOCKHOLDERS

TWP	RANGE	SEC	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

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 b. acre feet per annum

22-0548 - 2.8 cfs
22-0549 - 1.23 cfs

2. Point of diversion SW ¼ NW ¼, Section 28 Township 7N Range 41E, B.M., Fremont County

Additional points

3. Place of use:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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 ¼ SE ¼, Section 3 Township 6N Range 44E, B.M., Teton County

Additional points SE¼SE¼, 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

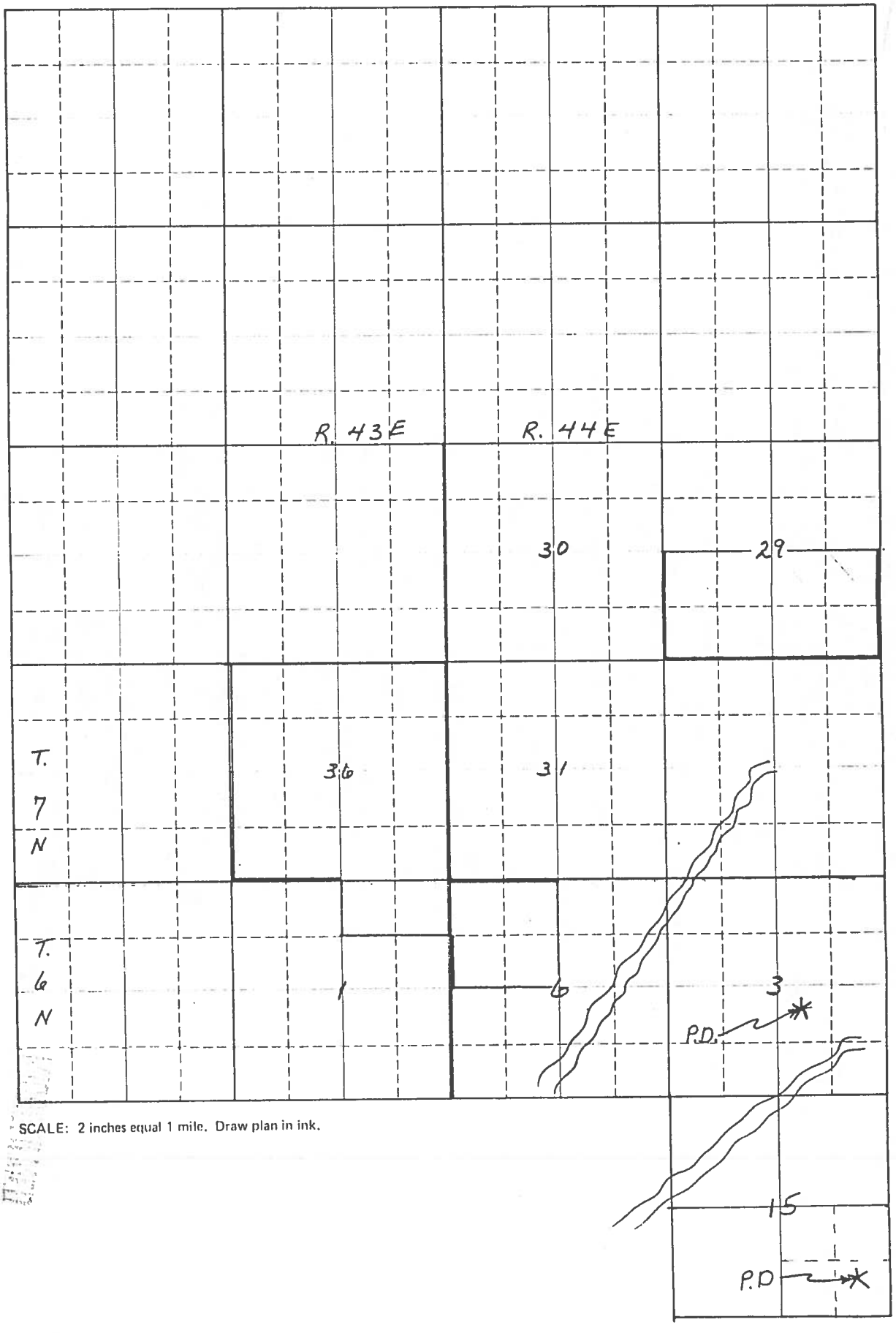
a. Describe the lands or place of use to which the right will be transferred:

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
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 nor more than 500 acres irrigated in a given year.

Total number of acres to be irrigated 1190

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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

(Signature of applicant)

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

(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

FOR DEPARTMENT USE ONLY

Received by (CH) MC Date 8/15/77 4-19-77

Prelim. check by ZH Fee 30 00

Receipted by MC Date 4-19-77 #6550

Published in [illegible]

Pub. dates [illegible]

Watermaster recommendation requested on [illegible]

rec'd. [illegible]

Protest filed by

Copies of protest forwarded by

Hearing held by Date

Recommended for approval denial

by RC JS

Claim No. 22-5419

Document Checklist

- ☐ Copy License/Decree Thermopolis v Teton
- ☐ Copy Transfer
- ☐ Copy Licensing Field Exam
- ☐ Check if Ownership/Address Change is Required
- ☐ Generate, mail and file "Evidence of Priority" letter
- ☐ Generate Arcview Map — over 3000 acres Cannot make map

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 22-549**

Date Received:
Receipt Nos:
Received By:

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

Name of Claimant TETON IRRIGATION & MFG CO
3381 N 5000 E
SUGAR CITY, ID 83448
(208)458-4149

Priority Date: 10/02/1889
Basis: Decreed
Status: Active

Source	Tributary
TETON RIVER	HENRYS FORK

Beneficial Use	From	To	Diversion Rate	Volume
IRRIGATION	04/01	10/31	10 CFS	
Recharge for Irrigation	04/01	10/31	10 CFS	
Total Diversion			10 CFS	

Location of Point(s) of Diversion:

TETON RIVER SWSWNW Sec. 28 Township 07N Range 41E FREMONT County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code.§ I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

1. C18 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.

2. 135 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.

3. F06 The following rights are also diverted through point of diversion described above: 22-512, 22-513, 22-514, 22-549, 22-13388.

4. F01 Water is delivered through Teton Irrigation & Mfg Co. canal.

5. E56 The rights listed below are limited to the irrigation of a combined total of 2926.3 acres in a single irrigation season. Combined Right Nos.: 22-512, 22-513, 22-514, 22-549, and 22-13388

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

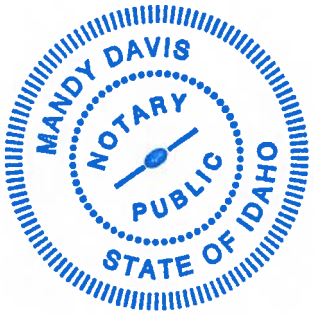
DATED this 17th day of August, 2010.

Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO,)
ss.
County of Madison.)

On this 17th day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



Mandy Davis

Notary Public for Idaho
Residing at: St. Anthony
My Commission Expires: 6/24/2011

50. x

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

A2200549

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Department of Water Resources
Eastern District Office

SCANNED
JUN 09 2005

MICROFILMED
OCT 28 1992

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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OCT 28 1992

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

PROOF

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JUN 09 2005

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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

PROFILE
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JUN 09 2005
MICROFILMED
OCT 28 1992

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.		TETON IRRI. CANAL CO.
Decree Plaintiff	vs	Decree Defendant

PROOFED
SCANNED
JUN 09 2005
MICROFILMED
OCT 28 1992

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, that I have signed the foregoing
Organization
document in the space below as President of
Title
Teton Irrigation & Mfg. Co. and that the statements contained in the
Organization
foregoing document are true and correct. W. Dean Hudson President
Signature of Authorized Agent

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

3-13-1989
Date

State of Idaho)
) SS.
County of MADISON)

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

Diana S Beckman
Notary Public

Seal

Residing at Rt 1 Sugar City, Idaho 83448

My Commission Expires 1-31-93

PROFILE

SCANNED
JUN 09 2005

MICROFILMED
OCT 28 1992