

09/25/2006

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

RIGHT NUMBER: 22-7044A  
NAME AND ADDRESS: TETON PIPELINE ASSN INC  
C/O HOLDEN KIDWELL HAHN & CRAPO, PLLC  
PO BOX 50130  
IDAHO FALLS ID 83405-0130

SOURCE: TETON RIVER TRIBUTARY: HENRYS FORK

QUANTITY: 2.650 CFS  
420.00 AFY

The rights listed below are limited to a total combined diversion rate of 66.80 cfs and to a total combined annual diversion volume of 45,717.0 AF.  
Combined Right Nos.: 22-145B, 22-221B, 22-245B, 22-435B, 22-7044A, 22-7044B, 22-7100, 22-7108, 22-7110A, 22-7110B, 22-7111, 22-7116, 22-7119, 22-7120, 22-7121, 22-7122, 22-7148, 22-7157, 22-7159, 22-7180, 22-7181, 22-7186, 22-7392, 22-7470, 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, 22-7505, 22-13271, 22-13288.

PRIORITY DATE: 03/26/1971

POINT OF DIVERSION:  
T06N R44E S3 SWNWSE Within TETON County  
T06N R44E S10 NWSENW Within TETON County  
T06N R44E S15 SWNENW Within TETON County  
T06N R44E S15 NWSESE Within TETON County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u>         |
|-----------------------|----------------------|-------------------------|
| IRRIGATION            | 04/01 11/01          | 2.650 CFS<br>420.00 AFY |

PLACE OF USE:

13062 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.

Place of use does not include federal public lands

This right is limited to the irrigation of 140 acres within the place of use described above in a single irrigation season.

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.

This right is subject to regulation by the watermaster of Water District 01.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall maintain a totalizing measuring device of a type approved by the Department as a part of the diverting works.

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

The following rights are also diverted through points of rediversion/diversion described above: 22-145B, 22-221B, 22-245B, 22-435B, 22-7044A, 22-7044B, 22-7100, 22-7108, 22-7110A, 22-7110B, 22-7111, 22-7116, 22-7119, 22-7120, 22-7121, 22-7122, 22-7148, 22-7157, 22-7159, 22-7180, 22-7181, 22-7186, 22-7392, 22-7470, 22-7188, 22-7208, 22-7209, 22-7211, 22-7216, 22-7223, 22-7235, 22-7295, 22-7360, 22-7375A, 22-7375B, 22-7505, 22-13271, 22-13288.

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

Right No. 22-13271 is an enlargement of the following rights pursuant to Section 42-1426, Idaho Code: 22-7044A, 22-7044B, 22-7100, 22-7108, 22-7110A, 22-7110B, 22-7111, 22-7116, 22-7119, 22-7120, 22-7121, 22-7122, 22-7148, 22-7157, 22-7159, 22-7180, 22-7181, 22-7186, 22-7392, 22-7470 and 22-7505.

State of Idaho  
Department of Water Administration

LICENSE OF WATER RIGHT

License of Water Right No. 22-7044 Priority March 26, 1971 Amount 4.01 cfs

THIS IS TO CERTIFY, that EARL N. HOOPER  
of Rexburg, Idaho, has complied with the terms and conditions of Permit  
No. 22-7044 issued pursuant to Application for Permit dated March 26, 1971  
and has submitted proof to the Department of Water Administration on February 3, 1973  
that he has applied water to a beneficial use, an examination by the Department indicates that the  
works have a capacity of 4.01 cfs, and that the water has in fact been applied to a  
beneficial use; a right to the use of water from the Teton River  
tributary of the Snake River, is hereby confirmed in the following amount:  
Amount 4.01 cfs for irrigation from April 1 to Nov. 1 (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Amount \_\_\_\_\_ for \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_ (both dates inclusive)  
Subject, however, to the condition that no more than 4.01 cfs of water be diverted at  
any one time, and waters to be diverted within the  
SE 1/4 Sec. 15, Twp. 6 N, Rge. 44 E, B. M.  
in the county of Teton; and that the amount of water so diverted to which such  
right is entitled and confirmed is for the purposes aforesaid and is limited to the amount which can  
actually be beneficially used and shall not exceed 630 acre feet per year or  
3.0 acre feet per acre.

Description and location of place of use:

| TWP.       | RANGE       | SEC.      | NE 1/4 |        |        |        | NW 1/4    |           |           |           | SW 1/4 |        |        |        | SE 1/4 |           |           |          | TOTAL      |
|------------|-------------|-----------|--------|--------|--------|--------|-----------|-----------|-----------|-----------|--------|--------|--------|--------|--------|-----------|-----------|----------|------------|
|            |             |           | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4    | NW 1/4    | SW 1/4    | SE 1/4    | NE 1/4 | NW 1/4 | SW 1/4 | SE 1/4 | NE 1/4 | NW 1/4    | SW 1/4    | SE 1/4   |            |
| <u>6 N</u> | <u>44 E</u> | <u>15</u> |        |        |        |        |           |           |           |           |        |        |        |        |        | <u>25</u> | <u>40</u> | <u>4</u> | <u>69</u>  |
|            |             | <u>22</u> |        |        |        |        | <u>40</u> | <u>36</u> | <u>30</u> | <u>36</u> |        |        |        |        |        |           |           |          | <u>141</u> |

Total number of acres irrigated 210

A measuring device of a type approved by this Department shall be permanently  
maintained as part of the diverting works.  
Use of water under this license is subject to control by the watermaster of State  
Water District No. 01, Upper Snake River.  
The right to the use of the water hereby confirmed is restricted and appurtenant to the lands

or place of use herein described, as provided by the laws of Idaho.

Witness the seal and signature of the Director, affixed at Boise, Idaho, this 4 day of  
December, 19 73.

*R. H. H. H.*  
Director

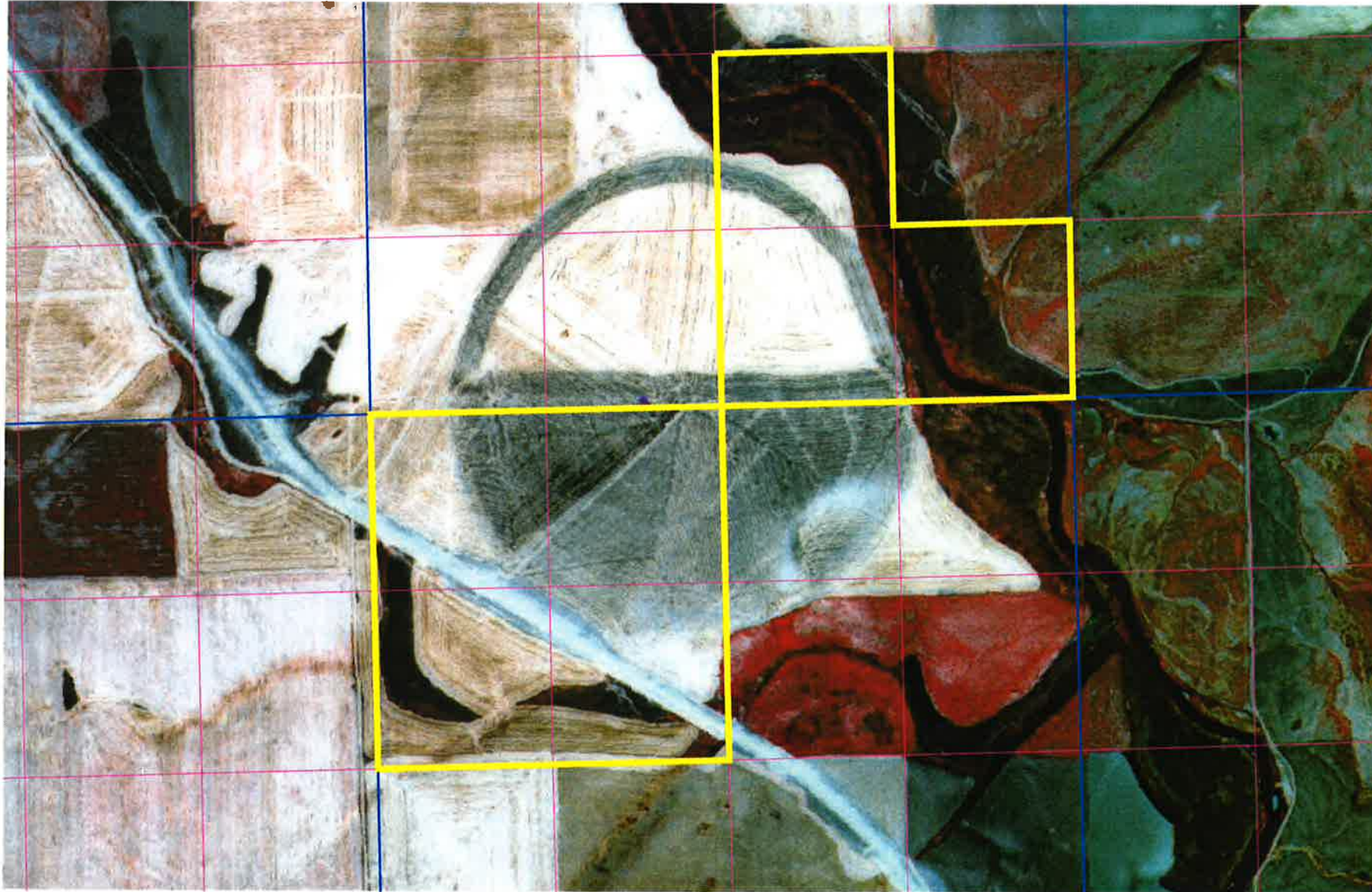
22 7044

*split by TF 1780*  
*A-265-b-420 AF, 1388 AF*  
*B-136-b-210 AF, 7102 AF*

Township  
06N

Range  
44E

Section  
15, 22



Notes:

Water Right #: 2207044A & B

Examiner

Date:



800 0 800 1600 2400 3200 4000 Feet

Transfer No.

22 7044 #1786

**APPROVED**

1. Name of Right Holder CARL N. Hoopes (CHCO Ranch)  
Post office address BOX 688 REXBURG IDAHO

a. Decree to \_\_\_\_\_ in Case of \_\_\_\_\_  
(Name)  
vs. \_\_\_\_\_, Dated \_\_\_\_\_ in \_\_\_\_\_  
Court. County of \_\_\_\_\_ (Name of Court)

3. Source of water Teton River tributary to Snake River  
(Name of stream or source)

5. Amount of water a. 4.01 c.f.s. and/or

6. Water is used for IRR from April 1 to Nov 1  
(Month, Day) (Month, Day)

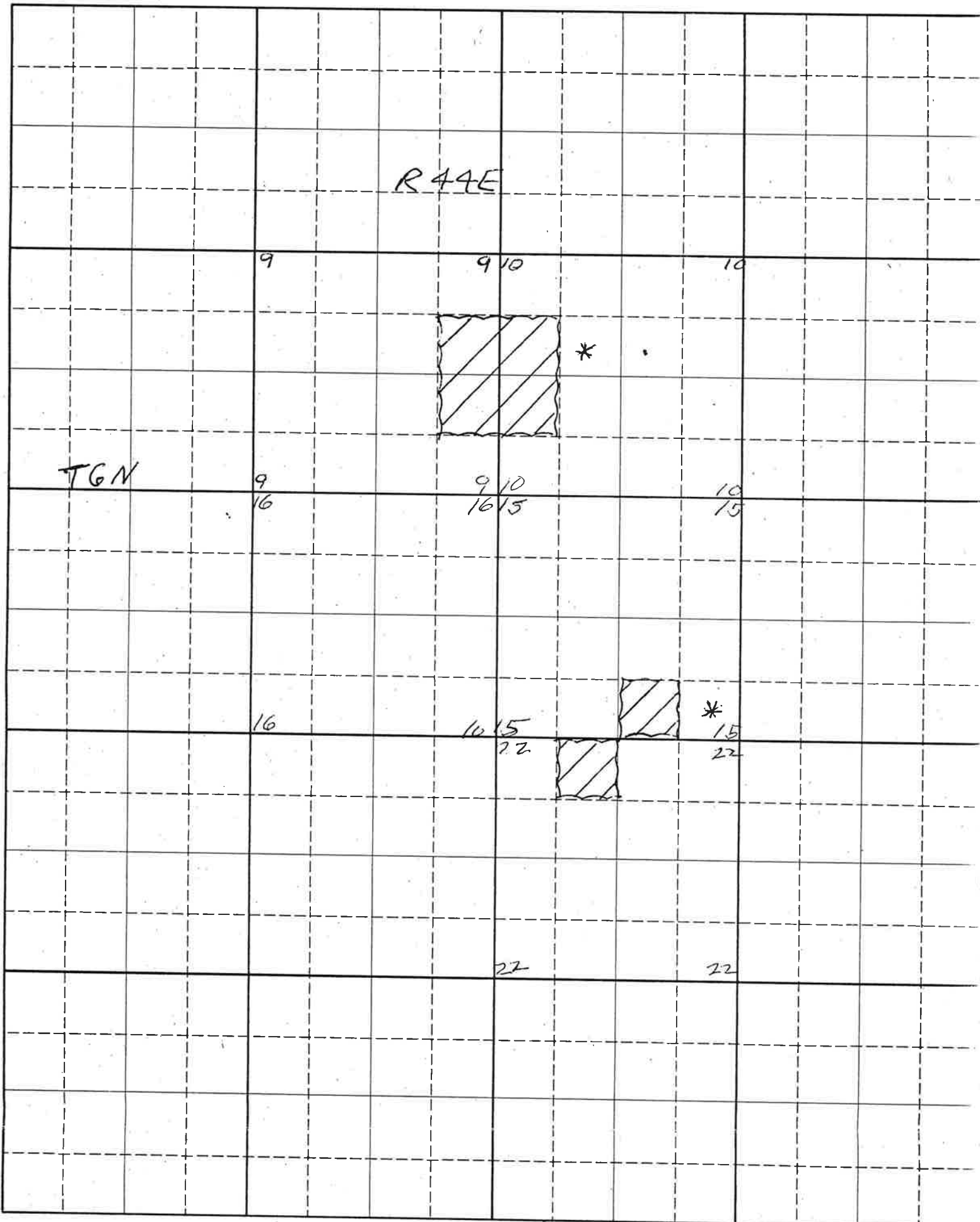
7. Original location of point of diversion is SE <sup>(Month, Day)</sup> 1/4 <sup>(Month, Day)</sup> SE 1/4 of Section 15,  
Township 6 N, Range 44 E, B.M., in Teton County;

Additional points of diversion, if any

[illegible]

Total number of acres presently irrigated 210

22-7044



SCALE: 2 Inches Equal 1 Mile. Draw Plan in Ink.

9. If applicant was not the original holder of this right explain how it was acquired: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

22-7044B  
10. CHANGE IN POINT OF DIVERSION 1.36 cfs from p.d. in SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 15, Twp. 6 N, Rge. 44

22-7044A  
a. Quantity to be diverted at new point: 2.65 c.f.s. and/or \_\_\_\_\_ acre feet

b. New point of diversion: SE  $\frac{1}{4}$  NW  $\frac{1}{4}$ , Section 10, Township 6 N  
\_\_\_\_\_, Range 44 E, B.M.

c. Description of method of diversion and conveyance from new points of diversion: \_\_\_\_\_  
Turbine Pump and Motor

d. Is water to be conveyed to the lands previously irrigated? Yes \_\_\_\_\_ No \_\_\_\_\_

If not, the place of use should be changed below.

e. Describe the reasons for applying for a change in the point of diversion:  
Retain To make possible the use  
OF mechanical equipment.

f. Do you intend to make the transfer permanent? yes

g. Do you intend to abandon completely the old point of diversion? NO  
Retain 1.36 at old point of diversion

h. Indicate on the above plat the new point of diversion and lands to be irrigated.

11. CHANGE IN PLACE OF USE

a. Describe the new lands on which you wish to use your right.

| TWP.            | RANGE | SEC. | NE $\frac{1}{4}$ |                  |                  |                  | NW $\frac{1}{4}$ |                  |                  |                  | SW $\frac{1}{4}$ |                  |                  |                  | SE $\frac{1}{4}$ |                  |                  |                  | TOTALS |
|-----------------|-------|------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|--------|
|                 |       |      | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ | NE $\frac{1}{4}$ | NW $\frac{1}{4}$ | SW $\frac{1}{4}$ | SE $\frac{1}{4}$ |        |
| 22-7044A<br>6 N | 44 E  | 10   |                  |                  |                  |                  |                  |                  | 35               |                  | 35               |                  |                  |                  |                  |                  |                  |                  | 70     |
|                 |       | 9    |                  |                  |                  | 35               |                  |                  |                  |                  |                  |                  |                  | 35               |                  |                  |                  |                  | 70     |
| 22-7044B<br>6 N | 44 E  | 15   |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 40               |                  | 40     |
|                 |       | 22   |                  |                  |                  |                  | 30               |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  | 30     |
|                 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|                 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|                 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|                 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |
|                 |       |      |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |                  |        |

Total number of acres to be irrigated 210

- b. Do you intend to make the transfer permanent? yes
- c. Are you completely abandoning the lands previously irrigated by this right? If not, explain your plans:

NO I plan to leave steel  
main line pipe. I hope to acquire  
water <sup>FOR</sup> this land FROM Teton Dam when  
dam is completed and Filled.

- d. Describe any other water rights that you claim for the new ground upon which you wish to transfer this right:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- e. Indicate on the above plat the new land to be irrigated and the point of diversion.

I hereby assert that no one will be injured by such transfer and that the change will be made at my own risk. The information contained in this application is true to the best of my knowledge.

EHC Ranch INC  
Earl N. Hoopes  
President (signature of applicant)

Subscribed and sworn to before me this 4th day of February, 1974

Evelyn Allen  
(notary public)

My commission expires 2/2/75

**ACTION OF STATE RECLAMATION ENGINEER  
AND CERTIFICATE OF TRANSFER**

This is to certify that I have examined Application for Transfer of Water Rights No. 22-7044,  
and said application is hereby APPROVED

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

1. That totalizing measuring devices of a type approved by this Department be permanently installed and maintained as part of the diverting works at both points of diversion.
2. That use of water under this transfer is subject to control by the Watermaster of State Water District No. 01, Upper Snake River.

Witness my hand this 11 day of March, 19 74

[Signature]  
Director  
Idaho Dept. of Water Administration

**FOR DEPARTMENT USE ONLY**

|                                       |                                 |                        |      |
|---------------------------------------|---------------------------------|------------------------|------|
| Received by <u>MB</u>                 | Date <u>2-4-74</u>              | Protest filed by:      | Date |
| Prelim. check by <u>NCY</u>           | Date <u>2-4-74</u>              |                        |      |
| Fee received by <u>MB</u>             | Date <u>2/4/74</u>              | Fee \$ <u>30.00</u>    |      |
|                                       |                                 | <u>RECEIPT # 10727</u> |      |
| Approved for publication by <u>CB</u> | Date <u>2/25/74</u>             |                        |      |
| Published in <u>Idaho Valley News</u> | Dates <u>Feb. 14 + 21, 1974</u> |                        |      |
| Hearing held                          |                                 |                        |      |
| Watermaster Recommendation sent       | <u>W.D. #01 Art Luron</u>       | <u>2/5/74</u>          |      |

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 22-7044A  
Date Received: 3/3/2004  
Receipt No:  
Received By:

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

1. Name of Claimant(s)

TETON PIPELINE ASSN INC Phone: (208)456-2567  
PO BOX 272  
TETONIA ID USA 83452

2. Date of Priority: 03/26/1971

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 | Type |
|----------|-------|---------|-----------------------|--------|------|
| 06N      | 44E   | 10      | SE NW                 | TETON  |      |

5. Description of diverting works:

PUMP ON TETON RIVER

6. Water is used for the following purposes:

| Purpose    | From  | To    | C.F.S. | (or) A.F.A |
|------------|-------|-------|--------|------------|
| IRRIGATION | 04/15 | 10/15 | 2.65   | 420        |

7. Total Quantity Appropriated is:  
2.65 C.F.S. and/or 420 A.F.A.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

| Township | Range | Section | 1/4 of 1/4 Lot | Use           | Acres |
|----------|-------|---------|----------------|---------------|-------|
| 06N      | 44E   | 9       | SE NE          | IRRIGATION    | 35    |
|          |       |         | NE SE          | IRRIGATION    | 35    |
|          |       |         |                | Section Acres | 70    |

|     |     |    |    |    |               |     |
|-----|-----|----|----|----|---------------|-----|
| 06N | 44E | 10 | SW | NW | IRRIGATION    | 35  |
|     |     |    | NW | SW | IRRIGATION    | 35  |
|     |     |    |    |    | Section Acres | 70  |
|     |     |    |    |    | Total Acres   | 140 |

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:

PLACE OF USE CONSISTS OF COMPANY STOCKHOLDERS LANDS

15. Basis of Claim: License

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 22-7044A  
Date Received 2/26/04  
Receipt Number E029559

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

RECEIVED  
FEB 25 2004  
Department of Water Resources  
Eastern Region

1. Name of Claimant(s) Teton Pipeline Association, Inc. Phone (208)  
Mailing Address P.O. Box 272, Teton, Idaho Zip 83452
2. Date of Priority (Only (1) per claim) March 26, 1971
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 6N Range 44E Section 10, \_\_\_\_\_ 1/4 of SE 1/4 of NW 1/4, Govt. Lot \_\_\_\_\_,  
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 \_\_\_\_\_  
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. Pump on Teton River
6. Water is claimed for the following purposes: \_\_\_\_\_ (Both dates are inclusive) \_\_\_\_\_ (cfs) \_\_\_\_\_ (acre feet)  
For Irrigation purposes from 4/15 to 10/15 amount 2.65 cfs or \_\_\_\_\_
7. Total quantity claimed (a) 2.65 (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:
- a. If water is for irrigation, indicate acreage in each subdivision in the table 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 instruction for standard symbols.

| TWP | RNG | SEC | NE 1/4 |    |    |    | NW 1/4 |    |    |    | SW 1/4 |    |    |    | SE 1/4 |    |    |    | TLS |
|-----|-----|-----|--------|----|----|----|--------|----|----|----|--------|----|----|----|--------|----|----|----|-----|
|     |     |     | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE | NE     | NW | SW | SE |     |
| 6N  | 44E | 9   |        |    |    | 35 |        |    |    |    |        |    |    |    | 35     |    |    |    | 70  |
|     |     | 10  |        |    |    |    |        |    | 35 |    |        | 35 |    |    |        |    |    |    | 70  |

Total number of acres irrigated 140

11. In which county(ies) are lands listed above as place of use located? Teton
12. Do you own the property listed above as place of use? Yes No X  
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.  
None ( ) or

14. Remarks:  
Place of Use consists of lands of stockholders of the company

15. Basis of Claim (Check one) Beneficial Use Posted Notice Permit Decree License X  
If applicable provide IDWR Water Right Number  
Court Case Number Decree Date  
Plaintiff vs Defendant

16. Signature(s)  
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 of Teton Pipeline Association, Inc., that I have signed the foregoing document in the space below as President of Teton Pipeline Association, Inc., and that the statements contained in the  
(Title) (Organization)  
foregoing document are true and correct.

Signature of Authorized Agent Mark R. Ruks  
Title and Organization President, Teton Pipeline Association, Inc. Date 2/20/04

Last Name Teton Pipeline Association, Inc. Ident. Number 22-7044A

State of Idaho

County of Bonneville

Subscribed and sworn (or affirmed) before me this 20 day of February, 2004.



Notary Public Kent W. Foster  
Residing at Idaho Falls  
My Commission Expires 11/20/2004

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, ID 83405-0130  
Date 2/20/04

G:\WPDATA\KWF\8527 SMITH, BOYD\11069.001 Hoopes-Ehco Ranch\Teton Pipeline Assoc\WR Claims\Claim7044A.wpd:cdv

Last Name Teton Pipeline Association, Inc. Ident. Number 22-7044A