

09/25/2006

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

RIGHT NUMBER: 22-7159

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: 1.900 CFS
285.00 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 45717.0 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: 08/18/1975

POINT OF DIVERSION:

T06N R44E S3 SWNWSE Within TETON County
T06N R44E S10 NWSNW 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	04/15 10/15	1.900 CFS 285.00 AFY

The use of water for irrigation under this right may begin as early as April 1 and may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water before April 15 and after October 15 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.

PLACE OF USE:

13062 ACRES TOTAL

Place of use does not include federal public lands

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.

This right is limited to the irrigation of 95 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

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

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

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.

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.

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

License of Water Right No. 22-7159 Priority August 18, 1975 Amount 1.9 cfs

THIS IS TO CERTIFY, that EHCO RANCH, INC.
of Rexburg, Idaho, has complied with the terms and conditions of Permit
No. 22-7159 issued pursuant to Application for Permit dated August 18, 1975
has submitted proof to the Department of Water Resources on December 16, 1975
that he has applied water to a beneficial use; an examination by the Department indicates that the works have a
capacity for the diversion of 8.47 cfs of water from Teton River
tributary to Henry's Fork, and that the permit holder has applied to a beneficial use and
established a right to use water as follows:

Beneficial Use	Period of Use	Rate of Diversion	Annual Volume
<u>Irrigation</u>	from <u>April 15</u> to <u>October 15</u>	at <u>1.9</u> cfs and	<u>285</u> acre feet
	from _____ to _____	at _____ cfs and	
	from _____ to _____	at _____ cfs and	

(both dates inclusive)

Subject, however, to the condition that no more than 1.9 cfs of water be diverted at any one time, and
that the amount of water so diverted and to which such right is entitled and confirmed is for the purpose
aforementioned and is limited to the amount which can actually be beneficially used and shall not exceed
285 acre feet per year, said waters to be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, Twp. 6N,
Rge. 44E, B. M. in the County of Teton

Description and location of place of use:

Twp.	Range	Sec.	NE $\frac{1}{4}$				NW $\frac{1}{4}$				SW $\frac{1}{4}$				SE $\frac{1}{4}$				Totals
			NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	NE $\frac{1}{4}$	NW $\frac{1}{4}$	SW $\frac{1}{4}$	SE $\frac{1}{4}$	
6N	44E	21	22	40			33												95

Total number of acres irrigated 95

A measuring device of a type approved by this Department shall be maintained as
part of the diverting works.

NOTE: Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho
Code, or the applicable Idaho Law. This right may be forfeited by five years of non-use.

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 24 day of

April, 19 78.


Director

DEPARTMENT OF WATER ADMINISTRATION
FIELD REPORT

RECEIVED

1. Name of permit holder Elcho Ranch, Inc.
Post office address Box 688, Rexburg, ID
Person to contact Earl N. Hoopes, President
JAN 6 1976
Phone 356-6724
Department of Water Resources
Eastern District Office
Phone
2. Source of water supply: Groundwater ☐ Surface water ☒ Teton River
(name spring, stream, etc.)
Tributary to Henry's Fork

3. Water will be used for the following purposes:

Amount 2.40 c.f.s. for Irrigation
 AF/Annum (nature of use)

Period of Use: from April 15 to Oct. 15
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
(mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 2.40 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township: 6N N/S, Range: 44E E/W, B.M., Section: 26, Subdivision: SW $\frac{1}{4}$, NW $\frac{1}{4}$, Teton County

Township: _____ N/S, Range: _____ E/W, B.M., Section: _____, Subdivision: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Township: _____ N/S, Range: _____ E/W, B.M., Section: _____, Subdivision: _____ $\frac{1}{4}$ _____ $\frac{1}{4}$ _____ County

Other Points of Diversions: _____

Description of diverting works: 300 hp motor and turbine pump and 150 hp motor and can booster plus buried steel mainline.

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

[illegible]

TOTAL ACREAGE _____ **120**

Permit No. 22-7159
Examination for b/u

MICROFILMED

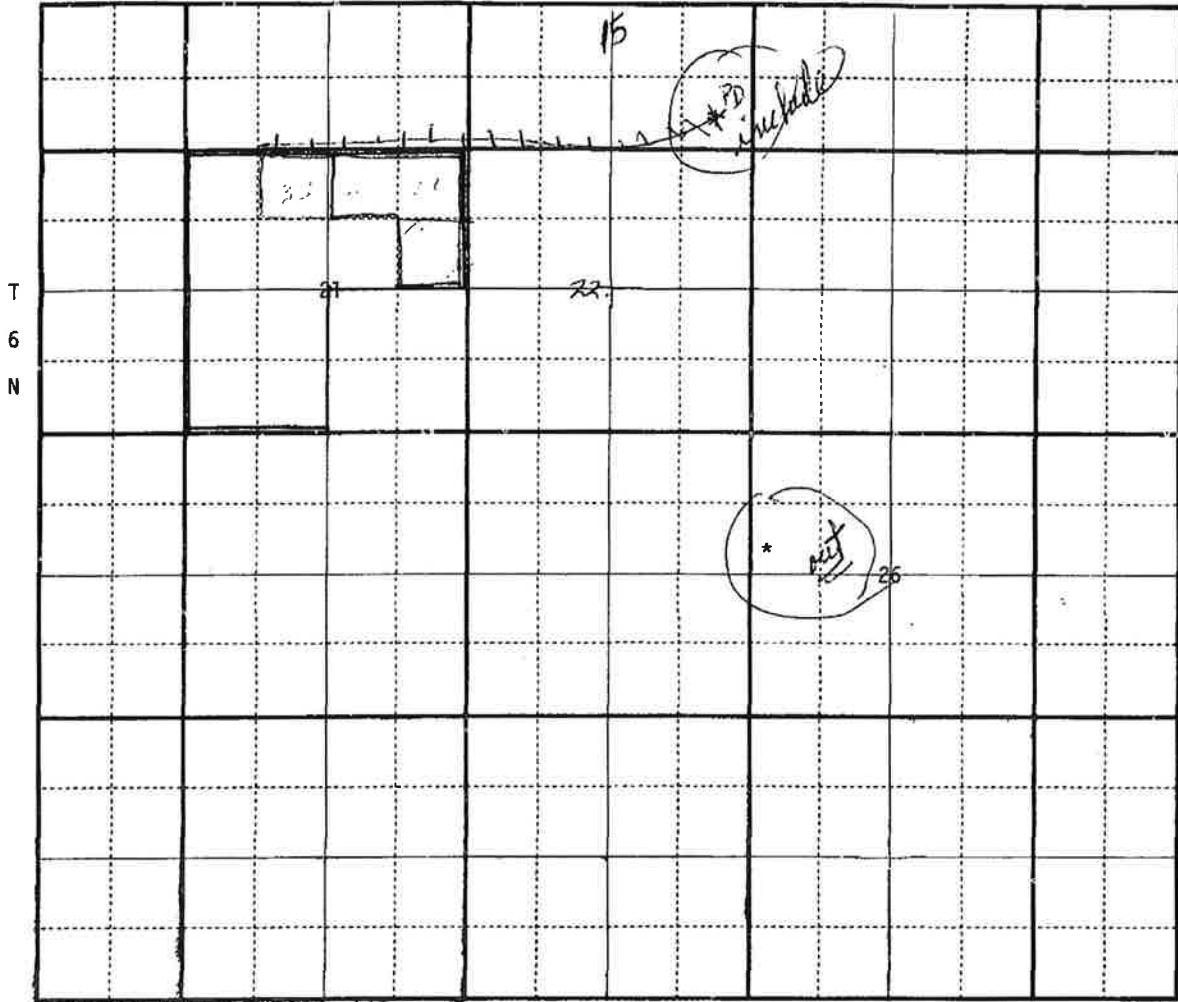
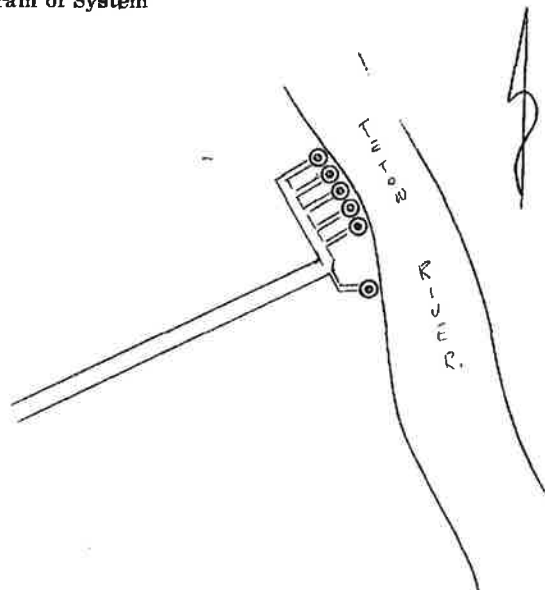


Diagram of System



DATE OF EXAM 10 Aug 76

ACREAGE

Found 95

Recommended 95

Irrigation Requirement 3.0 Ac Ft/Ac

USE

Irrigation Q = 1620 c.f.s.

V = 2.85

AF/Ann. from April 15 to Oct 15

Domestic Q = _____ c.f.s.

V = _____

AF/Ann. from _____ to _____

Livestock Q = _____ c.f.s.

V = _____

AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no ☒

Name source: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Exchange? yes _____ no ☒

Name source exchanged with: _____

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of injection: N/A

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Point of exchange: N/A

twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____ County _____

Total Q measured 847 cfs Method of measurement in-line meters

Total Q recommended 190 cfs Meter No. 76-20-2001 type M^oCrane Condition std. Cond

Total V recommended 2.85 AF/ANN.

Recommended Amendments:

P.D. ☒ T 6N, R 44E, Sec 15, SE 1/4, SE 1/4, Teton.

Place of Use ☒ T 6N, R 44E, Sec 21, NE 1/4, NE 1/4, NW 1/4, NE 1/4, NE 1/4, NW 1/4

Other _____

None _____

MEASUREMENT CALCULATION:

River pump station meter → 5,800 gal/min - 2000 = 3,800 gpm
Net Hooper Diversion → 2,000 gpm
5 1/4 mi lines 4" laterals, 5/32 nozzles
 $Q = 3,800 \text{ gpm} \div 448.8 = 8.47 \text{ cfs}$
 $V = 3 \times 95 = 28.5 \text{ AF/ANN.}$

SYSTEM DESCRIPTION:

River Pump Station → 6, 150 Hp motors & matched pumps.
Booster Station → 5, 125 Hp motors & pumps
5 1/4 mi lines, 4" laterals, 5/32 nozzles.

REMARKS:

System and land shown by Earl Hooper - Ho owner
27/64 of the booster station and 1/64 of the River
station.

Examiner's Signature Ernest M Carlson Date 1/24/77

Checked by Anthony R. Kozlowski Date 2/4/77

Approved by _____ 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 22-7159
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: 08/18/1975

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	15	SE SE	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	1.9	285

7. Total Quantity Appropriated is:
1.9 C.F.S. and/or 285 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	21	NE NE	IRRIGATION	22
			NW NE	IRRIGATION	40
			NE NW	IRRIGATION	33

Section Acres 95

Total Acres 95

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 LAND

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 22-7159

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) August 18, 1975

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 15, 1/4 of SE 1/4 of SE 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 04/15 to 10/15 amount 1.9 cfs or _____

7. Total quantity claimed (a) 1.9 (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.

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	21	22	40			33												95

Total number of acres irrigated 95

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.
_____ or None ()

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 foregoing document are true and correct.

Signature of Authorized Agent Mark R. Ricks

Title and Organization President, Teton Pipeline Association, Inc. Date 2/20/04

Last Name Teton Pipeline Association, Inc. Ident. Number 22-7159

State of Idaho)
) SS.
County of Bonneville)

Subscribed and sworn (or affirmed) before me this 30 day of February, 2004.



Notary Public Kent W. Foster
Residing at Idaho Falls, Idaho
My Commission Expires 11/20/04

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\Claim7159.wpd:cdv