

09/25/2006

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

RIGHT NUMBER: 22-7180

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: 12.060 CFS
2,198.000 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: 04/01/1976

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	12.060 CFS 2,198.00 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

This right is limited to the irrigation of 628 acres within the place of use described above in a single irrigation season.

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.

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 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 redirection/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 point of diversion pursuant to Section 42-1425, Idaho Code.

Right includes accomplished change in place of use 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.

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
ROBERT M. FOLLETT
FREDERICK J. HAHN, III
KARL R. DECKER
THEL W. CASPER*
SHAN B. PERRY
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

July 19, 2005

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

RE: Teton Pipeline Association

Dear Sir or Madam:

Enclosed for filing is an Amended Notice to Claim of a Water Right for water right number 22-7121 and Notice of Claim to a Water Right for water right number 22-7180 along with our check in the amount of \$100.00.

Thank you for your kind assistance with these matters. If you have any questions, please feel free to contact this office at your earliest convenience.

Yours very truly,



Kent W. Foster

Enclosures

RECEIVED

JUN 14 1979

Department of Water Resources
Eastern District Office

Identification No. 178493-8

Permit No. 22-7180

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

PROOF OF APPLICATION OF WATER TO BENEFICIAL USE

1. a) Name of Permit Holder Ehco Ranch, Inc
b) Post Office Address Box 688 Rexburg, Idaho 83440
2. Permit Number 22-7180
3. Date of Priority that you are prepared to establish 4-1-76
4. a) Source from which water was appropriated Teton River
b) Location of the point of diversion: SE ¼ SE ¼, Section 15
Township 6N Range 44E Boise Meridian, Other points of diversion:
5. a) The amount of water and use to which the water has been applied:
Amount 12.8 for irrigation purposes from April 1 to November 1 incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
Amount _____ for _____ purposes from _____ to _____ incl.
(cfs and/or acre-feet per annum) (Month-Day) (Month-Day)
b) Total amount appropriated 12.8 cfs _____ cfs and/or acre-feet per annum
c) Describe how and by whom measurement of rate of flow or amount of storage was made and the qualifications of the person making the measurement: GPM meter and A.F. meter
6. If the means of diversion and conveyance are owned by someone other than the Permit Holder:
a) Give the name or description of the canal, ditch or other works by which the water is conducted to the place of use:

b) Describe the agreement or understanding by which you take water from the works: _____
7. a) Briefly describe the works for diverting and conveying the water to the place of use, (if from a subterranean source, give the pump size, motor size, size of well casing, depth of well; if from surface water, give brief description of diversion structure and/or canal or ditch) (2) 150 HP motors, (1) 1200 HP motor. Water is pumped into a 20" mainline and delivered to 3 circles and several hand and wheel lines.
b) Describe the type and size of measuring device which you have installed at your point of diversion: GPM meter and A.F. meter
c) Give well driller's name and address and the date the well was completed: _____
8. If for other than irrigation, describe the beneficial use to which you have applied the water and the place of use: _____

Exam typed

7/24/79 by [signature]

RECEIVED

Proposed Priority 4-1-76

Received by Rev Date 4-01-76 Time 3:30 p

Preliminary check by RDC Fee \$ 145.00

Received by Rev Date 4-01-76 # 15223

Publication prepared by Rev Date 4-08-76

Published in Sutton Valley News

Publication dates April 13 + 22, 1976

Publication approved me Date 5-03-76

Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7180, and said application is hereby APPROVED.

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

- SUBJECT TO ALL PRIOR WATER RIGHTS.
- Proof of construction of works and application of water to beneficial use shall be submitted on or before May 1, 1981.
- Other: A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 14 day of May, 1976.

R. Karl Higgins
Director

Proposed Permit No. 41 6/77

Received by SA Date 7-2-77 for 214p
Preliminary check by SA Date 7-5-77
Received by SA Date 7-20-77 MSD
Publication prepared by SA Date 7-20-77
Published in 1 The Valley News
Publication dates 1 June 1982
Publication approved YAS Date 9-23-77
Protest, referred to _____ Reason _____

Protests filed by _____
Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial SA

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of _____
Permit No. 22-7221 and said application is hereby APPROVED

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

- a. SUBJECT TO ALL PRIOR WATER RIGHTS
- b. Proof of construction of works and application of water to beneficial use shall be submitted on or before June 1, 19 82
- c. Other That the unperforated casing must be extended and sealed through the first permanent confining layer.
A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

2. Denial of said application is for the following reasons: _____

Witness my hand this 17 day of June, 19 77.

[Signature]
Deputy Director

Lapsed Permit
Priority advanced to
14 Apr 1989 - So NO SLBA Reg'd.

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 22-7180

Date Received 7/20/05

Receipt Number E031074

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

1. Name of Claimant(s) Teton Pipeline Association, Inc. Phone (208)
Mailing Address PO Box 272, Tetonia, Idaho Zip 83452
2. Date of Priority (Only (1) per claim) April 1, 1976
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 the Teton River
-
6. Water is claimed for the following purposes: _____ (Both dates are inclusive) _____ (cfs) _____ (acre feet)
- For Irrigation purposes from April 15 to October 15 amount 12.06 cfs or _____
7. Total quantity claimed (a) 12.06 (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 household 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 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 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	

Total number of acres irrigated 648 of the
large place of use.

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.
Numerous. or None ()

14. Remarks:

Place of use consists of land 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 22-7180
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
(Title)

Teton Pipeline Association, Inc, that I have signed the foregoing document in the space below as
(Organization)

President of Teton Pipeline Association, Inc. and that the statements contained in the
(Title) (Organization)

foregoing document are true and correct.

Last Name Teton Pipeline Association, Inc. Ident. Number 22-7180

Signature of Authorized Agent at Mark R Rike

Title and Organization President, Teton Pipeline Association, Inc. Date 7/15/05

State of Idaho)
) SS.
County of Bonnerville)

Subscribed and sworn (or affirmed) before me this 15 day of July, 2005

Notary Public Kent W. Foster
Residing at Idaho Falls, ID
My Commission Expires 11/20/2010

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 PO Box 50130 Idaho Falls, ID 83405
Date 7/18/05