

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-7223

NAME AND ADDRESS:

TETON PIPELINE ASSN INC
C/O HOLDEN KIDWELL HAHN & CRAPO, PLLC
PO BOX 50130
IDAHO FALLS ID 83405-0130

MWH
9/25/12

SOURCE:

Source:

Tributary:

GROUND WATER

QUANTITY:

7.000 CFS

2,520.000 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 45716 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.~~

~~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 26,500 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.~~

~~The rights listed below are limited to a total combined diversion rate of 11.95 cfs. Combined Right Nos.: 22-7216, 22-7223, 22-7235, 22-7360.~~

PRIORITY DATE: 04/05/1977

POINT OF DIVERSION:

T06N R40E S15 NWSWSW Injection
Within MADISON County

T06N R40E S15 NWSWSW
Within MADISON County

T06N R44E S3 NWSE Rediversion
Within TETON County

T06N R44E S3 SWNWSE Rediversion
Within TETON County

T06N R44E S10 NWSNW Rediversion
Within TETON County

T06N R44E S15 SWNENW Rediversion
Within TETON County

T06N R44E S15 NWSESE Rediversion
Within TETON County

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

Water diverted under this right is exchanged by injecting water diverted under this right into the Teton River at the point of injection described above, and diverting an equal amount from Teton River at the points of redirection described above.

Water diverted under this right is exchanged by injecting water diverted under this right into the Teton River at the points of injection described above, and diverting an equal amount from Teton River at the points of redirection described above.

**PURPOSE AND
PERIOD OF USE:**

Purpose of use:

Period of use:

Quantity:

IRRIGATION

04/15 10/15

7.000 CFS 2,520.00 AFY

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

The use of water for irrigation under this right may begin as early as April 1 and 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 720.0 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.

Place of use is within the area served by Teton Pipeline Association.

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.

The exchange well must inject water into the Teton River under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

IDAHO DEPARTMENT OF WATER RESOURCES RECOMMENDED
WATER RIGHTS ACQUIRED UNDER STATE LAW

No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the rediversion pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton River.

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

~~The exchange well must inject water into the Teton River under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.~~

~~The rate of rediversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.~~

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.

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.

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

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

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

The right holder shall maintain a totalizing measuring device at each point of diversion and each point of rediversion of a type approved by the Department as a part of the diverting works.

Right No. 22-13288 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

~~The following rights are also diverted through point of diversion described above: 22-7216, 22-7223, 22-7235, 22-7360.~~



Idaho Department of Water Resources

SRBA Recommendations:

22-7188, 22-7208,
22-7209, 22-7211,
22-7216, 22-7223,
22-7235, 22-7295,
22-7360, 22-7375A,
22-7375B, and
22-13288

Legend

Place of Use

Townships

PLS Sections

Quarter Quarters

Teton County
IDWR Basin 22

Prepared by M. Holliday
On Tuesday, March 13, 2007
1987:88 Aerial Photography

GIS Place of Use Illustration
1992 Orthophotography
Prepared by: E. Carlsen
Date: February 2006

07N43E

07N44E

06N43E

06N44E

Teton Pipeline Assn Inc

Service Area Boundary

Water Right No.: 22-7188, 22-7208
22-7209, 22-7211, 22-7216, 22-7223,
22-7235, 22-7295, 22-7360, 22-7375A
22-7375B

-  Service Boundary
-  Township/Range
-  Sections





State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

August 15, 2008

FIRST BANK OF THE TETONS
C/O EDWARD PACKER
PO BOX 12860
JACKSON WY 83002

RECEIVED

SEP 11 2008

DEPARTMENT OF
WATER RESOURCES

RE: Notice of Security Interest in a Water Right

Dear First Bank of the Tetons:

The Department of Water Resources acknowledges receipt of your "Notice of Security Interest in a Water Right." We are returning your notices to you as additional items are needed to process the Security Interest on these Water Rights. Additionally, we are returning your check No. 5510419 in the amount of \$75.00.

During our research of these Water Rights we have found that Hoopes Green, LLC is not the current owner of these Water Rights. In your letter dated August 11, 2008 you had indicated Hoopes Green, LLC purchased a portion of Rick's Ranch, which indicates a possible split in Water Rights. In order for us to add your Security Interest to the correct Water Right Numbers, we would need a completed "Notice of Change in Water Rights" form along with required information and fees necessary to process a Change in Ownership.

Also, the Department requires a \$25.00 filing fee per WATER RIGHT NUMBER to add a Security Interest.

If you have any questions please contact Jonie Barg or myself at (208)525-7161.

PLEASE ENCLOSE THE REQUESTED ITEM(S) AND RESUBMIT THE ENTIRE PACKET TO OUR IDAHO FALLS OFFICE AT THE ADDRESS BELOW:

ID DEPT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
900 N SKYLINE DR., SUITE A
IDAHO FALLS, ID 83402-1718

Respectfully submitted,

Bobby Kern
Office Specialist II

Enclosure

Teton pipeline

TPA Surface Water Filings at Adjudication				
	right	cts	AFY	acres
A 22-7044A		2.65	420	140
A 22-7044B		1.38	210	70
A 22-7100		5.98	1083	561
A 22-7108		9	2244.9	641
A 22-7110A		2.52	900	300
A 22-7110B		2.6	924	308
A 22-7111		10	2292	655
A 22-7116		10	2576	736
A 22-7119		6	1831	466
A 22-7120		5	1852	472
A 22-7121		8	2796.5	799
A 22-7122		12	4180.6	1197
A 22-7143		7	2554.7	800
A 22-7157		4.5	1042.3	640
A 22-7158		1.9	285	95
A 22-7180		12.05	2198	625
A 22-7181		3.2	480	180
A 22-7186 7186		11.16	1853	558
A 22-7392		7.18	1140	380
A 22-7470		3	1190	411
A 22-7505 7505		6.3	1502.5	315
A 22-1458		9.886		35
A 22-2218		0.7		35
A 22-2458		0.7		27
A 22-4353 4353		0.54		
Tot cts		144.236		10429 tot ac
Tot gpm		64747.54		
A 22-13271		1.7	44625	2732.6 enlargement

page 1 of 2

TPA groundwater filings at adjudication				
	right	cts	AFY	acres
A 22-7188		2.37	1226	429 ricks
A 22-7208		9	3284.7	1912.4 ehco/hoopes
A 22-7209		9	3284.7	2089 ehco/hoopes
A 22-7211		6	2189.8	800 bolt
A 22-7216		4	1459.9	883 ricks
A 22-7223		7	2520	720 ehco/hoopes
A 22-7235		6	2189.8	736 ricks
A 22-7295		3.36	2380.2	bolt
A 22-7360		2	729.9	883 ehco/hoopes
A 22-7375B		6.72	1450.05	414.3 ehco/hoopes
A 22-7375D		5.72	1234.45	352.7 ehco/hoopes
		62.17		
A 22-13288		11.926		4492.6 enlargement
			21948.5	13712 acres

*=combined acre limit

page 2 of 2

SCANNED
SEP 08 2009

Water Right No(s). Teton Pipeline Exchange Well

See Attached Photo

GPS Data - 2681960
1407091

GPS File # - Teton2

GPS DATA:

Tag # A0015957 Location: Teton 2
on power panel

Diversion Data:

Source: Groundwater Trib to: _____

SCANNED
JUN 29 2006

MOTOR

Make: U.S. Electrical Model: _____ Hp: 200
SN: ID C6377-113-87-02693

PUMP

Make: Perless Model: _____ Disch: _____
SN: Not Readable

PROFILED

NOTES:

Well, pump & mainline to Teton River. One of 2 wells
adjacent to Sugar City Cemetery. Well now owned by
Mark Ricks.

Field Exam Date: 9-14-05 Agent: J. C. Jones

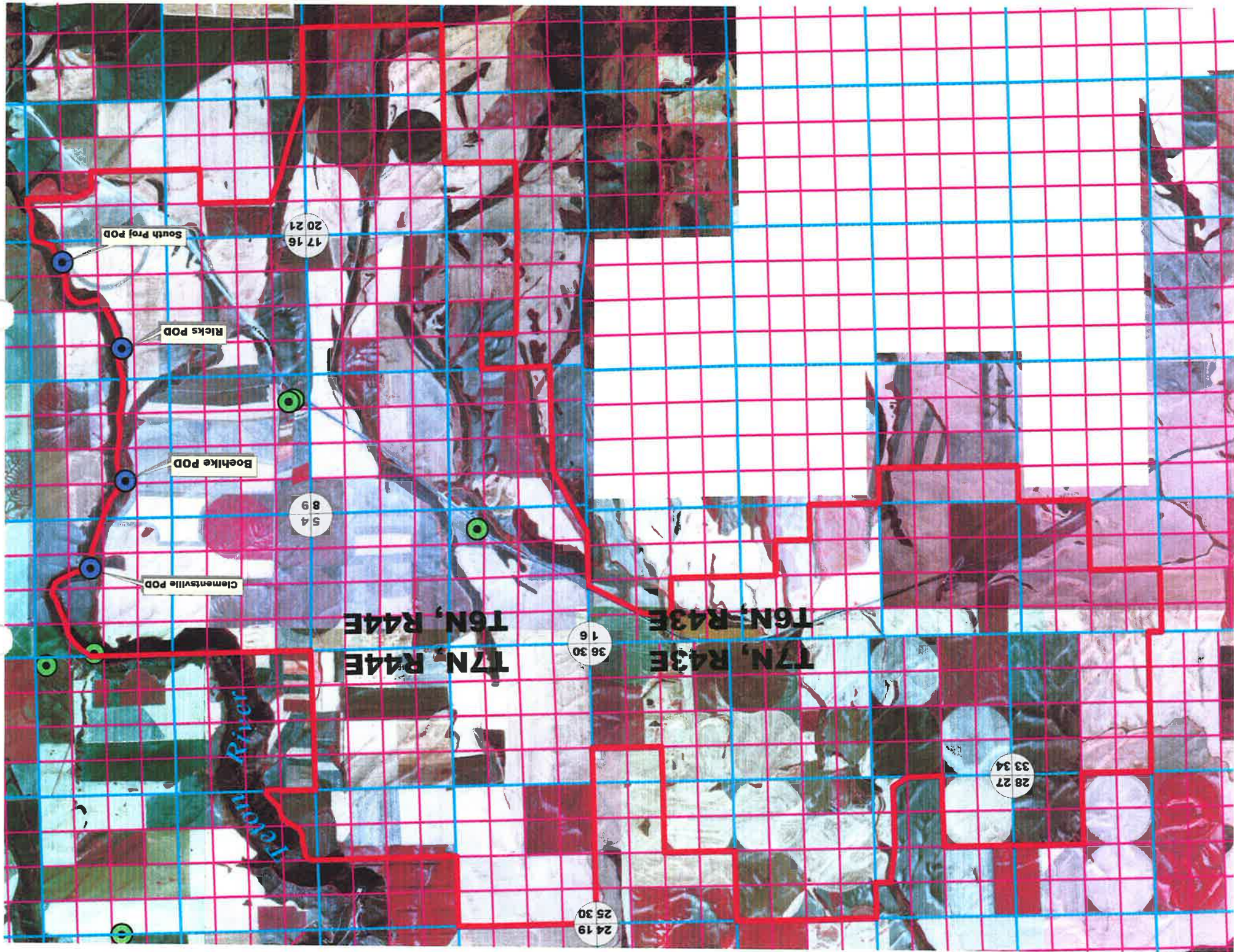
120° se



GPS
tag

Teton Pipeline Exchange Cell - #Teton 2, Looking West

PROFILED



State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07223

Priority: April 5, 1977

Maximum Diversion Rate: 7.00 CFS

Maximum Diversion Volume: 2520.0 AF

This is to certify, that TETON PIPELINE ASSN INC
PO BOX 272

TETONIA ID 83452

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 5, 1977; and has submitted Proof of Beneficial Use on June 21, 1979. An examination indicates that the works have a diversion capacity of 11.950 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	7.00 CFS	2520.0 AF

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

SWSW , Sec. 15, Township 06N, Range 40E
MADISON County
NWSE , Sec. 3, Township 06N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	44E	5	Lot 4(NWNW) 36	SWNW 38		74
		6	Lot 1(NENE) 24	Lot 2(NWNE) 34	SENE 7	65
07N	44E	30	NENE 35	NWNE 35	SWNE 35	
			SENE 35	NESE 35	NWSE 35	
			SWSE 35	SESE 35		280
		31	NENE 39	NWNE 32	SWNE 37	
			SENE 34	NESE 39	NWSE 40	
			SWSE 40	SESE 40		301

Total number of acres irrigated:

720

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

MICROFILMED

21 1997

State of Idaho
Department of Water Resources**WATER RIGHT LICENSE**

WATER RIGHT NO. 22-07223

CONDITIONS OF APPROVAL AND REMARKS

- EXP 5. ✓ Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. ✗ This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
- GEN 7. ✓ No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton River.
- EXP 8. ✓ Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.
- GEN 9. ✓ The exchange well must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
10. ✗ The power supply to the exchange well cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
11. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
- EXP 12. ✗ Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
13. ✗ Water is redirected from the Clementsville (North 1 and 2) Project of the Teton Pipeline irrigation system.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code, Witness the seal and signature of the Director, affixed at Boise, this 16TH day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

MICROFILMED

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	22-07223	Darrell Ard	7.0
Full Assignment	22-07223	Teton Pipeline Assn., Inc.	7.0

MICROFILMED

OCT 21 1987

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT

To change the ownership of a permit

I, Ard Farms, Inc., hereby assign to Teton Pipeline Assoc., Inc.
(Permit Holder)
 of Post Office Box 272, Tetonia, Idaho 83452
(Full Address)

All my right, title, and interest in and to Permit No. 22-07223 ✓
 to appropriate the public waters of the State of Idaho. 22-07186 ✓
22-07111 ✓

OR (for partial assignments)

The following described portion of my right, title, and interest in and to
 Permit No. _____ to appropriate the public waters of the State of Idaho.

Describe portion of the permit assigned listing the number of acres in each 40 acre subdivision,
 point of diversion location, and the amount of water in cubic feet per second.

Made this 31st day of May, 1994.

[Signature]
 Permit Holder(s)

State of Idaho)
 County of Teton)^{ss}

On this 31 day of May, 1994, personally appeared before me
 the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

J C Hoopes
 Notary Public

SEAL

[Signature]
 Signature

My commission expires: 5-12-99 2001

MICROFILMED
 OCT 21 1997

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: A22-07223
Date Received: 7/18/1988
Receipt No: 6000765
Received By: ESJ

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name: ARD FARMS INC. 208-456-2831
Address: STAR RT.
NEWDALE, ID 83436

2. Date of Priority: APR 05, 1977

3. Source: GROUNDWATER Trib. to:

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
06N	40E	15	SW	SW	SW		MADISON
	44E	3	SW	NW	SE	R	MADISON

5. Description of diverting works:
WELL, PUMP & PIPELINE.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or)	A.F.A.
IRRIGATION	04/01	11/01	6.680		

7. Total Quantity Appropriated is:
6.680 C.F.S. (and/or) A.F.A.

8. Total consumptive use is 1800.0 Acre Feet Per Annum.

9. Non-irrigation uses:
NONE

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
06N	44E	5	NW	NW	4	IRR	36.0
			SW	NW		IRR	38.0

Section Acres 74.0

A22-07223

Page 1

Date: 07/18/88

MICROFILMED

OCT 29 1982

PROFILED

A2207223



10. Place of Use: Continued

Township	Range	Section	1/4 of	1/4	Lot	Use	Acres
06N	44E	6	NE	NE	1	IRR	24.0
			NW	NE	2	IRR	34.0
			SE	NE		IRR	7.0
						Section Acres	65.0
07N	44E	30	NE	NE		IRR	35.0
			NW	NE		IRR	35.0
			SW	NE		IRR	35.0
			SE	NE		IRR	35.0
			NE	SE		IRR	35.0
			NW	SE		IRR	35.0
			SW	SE		IRR	35.0
			SE	SE		IRR	35.0
						Section Acres	280.0
		31	NE	NE		IRR	39.0
			NW	NE		IRR	32.0
			SW	NE		IRR	37.0
			SE	NE		IRR	34.0
			NE	SE		IRR	39.0
			NW	SE		IRR	40.0
			SW	SE		IRR	40.0
			SE	SE		IRR	40.0
						Section Acres	301.0
						Total Acres	720.0

11. Place of use in counties: MADISON

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

13. Other Water Rights Used:

LIC. 22-2175/22-7111/

14. Remarks:

P/D FROM TETON R.: NWNE, S3, & SESE, S15, T6N, R44E, USED IN EXCHANGE FOR THE GROUNDWATER SOURCE. RIGHT LIMITED BY RE-DIVERSION; THEREFORE, THIS RIGHT LIMITED BY 8% OF OWNERSHIP IN NORTH PROJECT #1 AND 50% IN NORTH PROJECT #2. RE-DIVERSION KNOW AS CLEMENTSVILLE PIPELINE NORTH PROJECTS 1 & 2.

15. Basis of Claim: PERMIT

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: 3

For Organizations:

I do solemnly swear or affirm that I am Secretary of And Farms Inc., that I have signed the foregoing document in the space below as Secretary of And Farms Inc. and that the statements contained in the foregoing document are true and correct.

[Signature]
Signature of Authorized Agent

Sec. And Farms Inc.
Title and Organization

18 July 88
Date

State of Idaho)
County of Bonneville) SS.

Subscribed and sworn (or affirmed) before me this 18th day

of July 19 88

[Signature]
Notary Public

Seal

Residing at Idaho Falls

My Commission Expires 5/29/1991

PROFILED

MICROFILMED

OCT 29 1992

[illegible]

T6N

32

SCALE 1:24,000

1000 0 1000 2000 3000 4000 5000 6000 7000 FEET

1 0 1 KILOMETRE

1 MILE
ET
PROFILE

UNPROCESSED

OCT 29 1992

