

11/27/2006

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

RIGHT NUMBER: 22-13327

NAME AND ADDRESS: GRAND TETON PIPELINE ASSN
JEFF HASTINGS PRES
PO BOX 163
DRIGGS ID ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 17.230 CFS

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted there from as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

PRIORITY DATE: 05/01/1892

POINT OF DIVERSION:

T05N R46E S17 NWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 23 NWSWSE, 6PM (projected).

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	17.230 CFS

PLACE OF USE:

1268.7 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.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

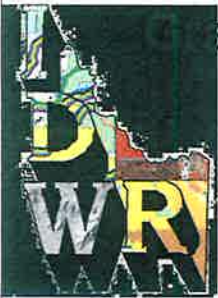
This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed 11/27/2006

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

This right is a split from former right 22-277.

WATER IS DELIVERED THROUGH NORTH SIDE CANAL IN WYOMING AND
REDIVERETED TO GRAND TETON PIPELINE INTO IDAHO.



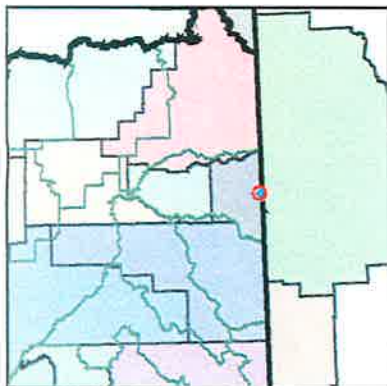
Grand Teton Pipeline Assn

SRBA Recommendation: 22-13327

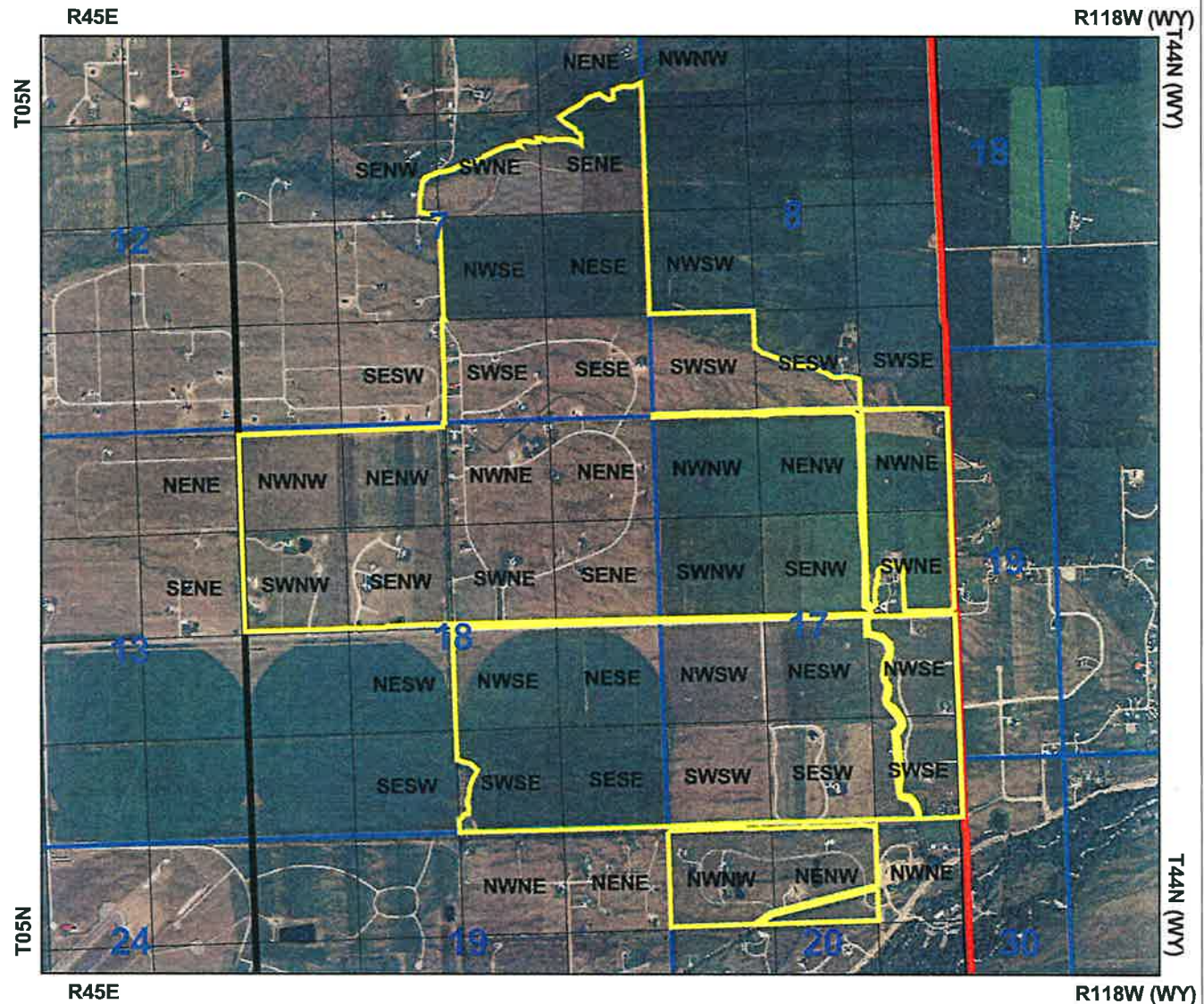
Service Area Boundary
GIS Place of Use Illustration

Legend

-  Service Area
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



0 0.9 1.8 Miles

Prepared by E. Carlsen
On Monday, November 27, 2006
2004 Aerial Photography

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Water Rights: 22-13327

Case No. 39576

NOTICE OF ADMINISTRATIVE
PROCEEDING

IDWR has received an application for an Administrative proceeding for the above
mentioned water right(s):

The Administrative Proceeding contemplates a change in the water right(s) as indicated below:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 74017

☐ point of diversion

☐ place of use

☒ period of use

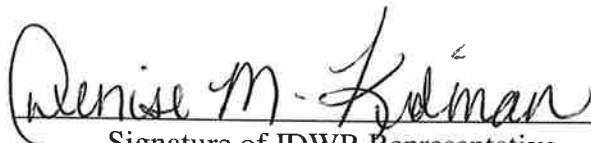
☒ nature of use

☐ split of water right

☐ change in ownership

IDWR projects the Administrative Proceeding shall be completed no later than: November
18, 2009

DATED: 11-18-08

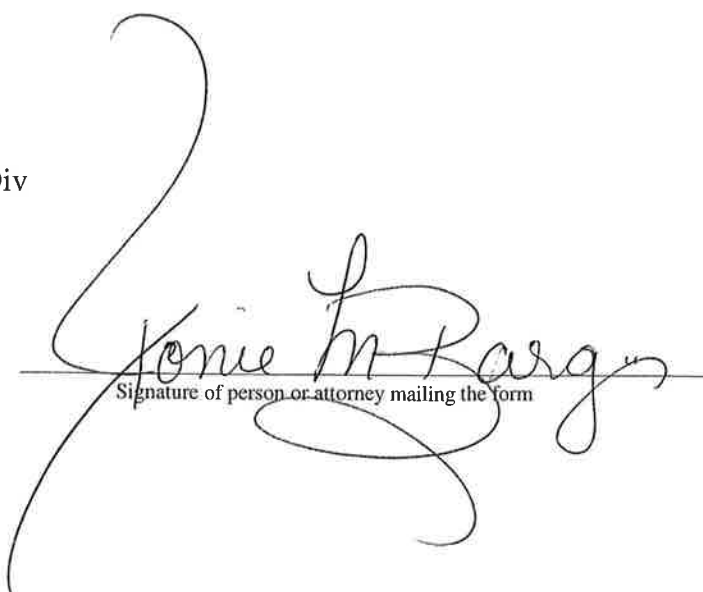

Signature of IDWR Representative

SCANNED

CERTIFICATE OF MAILING

I certify that on November 19, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Grand Teton Pipeline Assn
Jeff Hastings Pres
PO Box 163
Driggs ID 83422
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. SKYLINE DR., SUITE A, IDAHO FALLS, ID 83402-1718

PHONE: (208) 525-7161 FAX: (208) 525-7177 WEB SITE: www.idwr.state.id.us

EASTERN REGION

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

*Per adjusted
by NOE*

T5N, R46E

1817
1920

T5N, R45E

T5E

March 4, 2005

Idaho Department of Water Resources
900 North Skyline Drive
Suite A
Idaho Falls, ID 83402-1718

Attn: Allen Rowberry

Enclosed is a check in the amount of \$1,338 as payment to the IDWR for work on the Snake River Water Adjudication.

Sincerely,


Reed R. Durtschi, Secretary
Grand Teton Pipeline Association

David Rowberry
3/8/05 ASR
CHK # 1036



Site where Grand Teton Pipeline crosses Wyoming-Idaho
state line near Jeff Hastings.



Idaho
Wyoming



GRAND TETON CANAL COMPANY, LIMITED

P.O. Box 1099
Driggs, ID 83422

May 17, 2003

Mr. Jeff Hastings
Box 163
Driggs, ID 83422

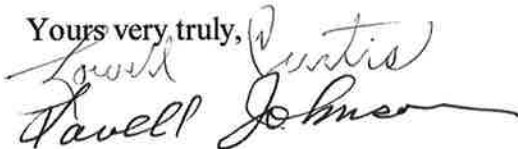
Re: Division of Grand Teton Canal Company, Limited and Grand Teton
Pipeline Association

Dear Mr. Hastings;

As you are probably aware, it has been determined to complete the separation of the Grand Teton Canal Company from the Grand Teton Pipeline Association. We have executed a Quit Claim Deed to the Pipeline Association's proportionate share of the water rights of the canal company and have forwarded that deed to Mr. Jeff Hastings, whom we understand to be the President or Executive Officer of the Pipeline Association.

It is now time for us to request the return of the shares of stock that you have previously held in Grand Teton Canal Company. Our records reflect that you hold Certificate No. **435** for **10** shares. We would very much appreciate it if you would return that certificate in the enclosed pre-addressed, stamped envelope. If the certificate can no longer be found, we would appreciate it if you would instead return an executed Affidavit of Lost Certificate. A form is enclosed for this purpose. In any event, consistent with the understanding that has been reached between the canal company and the Pipeline Association, your shares of stock in the Grand Teton Canal Company will be canceled as of the first day of June, 2003, and you will no longer be responsible for assessments or other liabilities connected with such shares of stock. Thank you for your kind attention to this matter.

Yours very truly,

The block contains two handwritten signatures. The first signature is "Lowell Curtis" in cursive, and the second signature is "Lavell Johnson" in cursive. Both signatures are written in dark ink.

Lowell Curtis
Lavell Johnson

Enclosures

**QUITCLAIM DEED
FOR
WATER RIGHTS**

THIS INDENTURE is made this 27th day of March, 2003, between Grand Teton Canal Company, Limited, referred to herein as the "GRANTOR" and Grand Teton Pipeline Association, whose principle place of business is Driggs, Idaho and whose business mailing address is Box 163, Driggs, Idaho 83442, the referred to as the "GRANTEE",

WITNESSETH, that the GRANTOR, for an in consideration of the sum of Ten and No/100 Dollars (\$10.00) lawful money of the United States of America and other good and valuable consideration to GRANTOR, in hand paid by the GRANTEE, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever QUITCLAIM unto the GRANTEE, and to GRANTEE's successors and assigns forever, all right, title and interest now owned or hereafter acquired by the Grantor in all the following described water rights or portions thereof in the County of Teton, State of Idaho, to-wit:

17.23 cfs of water right no. 22-277.

TOGETHER, with the tenements, hereditaments and appurtenances thereunto belonging or in any wise appertaining, and any reversions, remainders, or rents, issues and profits therefrom.

TO HAVE AND TO HOLD the said water rights unto the GRANTEE, and to GRANTEE's successors and assigns forever.

In construing this Quitclaim Deed and where the context so requires, the singular includes the plural.

COPY

IN WITNESS WHEREOF, the GRANTOR has executed the within instrument the day and year first above written.

Grand Teton Canal Company

Lavell Johnson
Lavell Johnson, President

STATE OF IDAHO)

)ss.

County of Teton)

On this 23rd day of May, in the year 2003, before me a notary public in and for said State, personally appeared Lavell Johnson known or identified to me (or proved to me on the oath of Lavell Johnson) to be the president, of the corporation that executed the instrument or the person who executed the instrument on behalf of said corporation, and acknowledged to me that such corporation 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.

Bonnie Johnson
Notary Public for Idaho
Residing at Driggs Idaho
My commission expires: 10/01/2004

(seal)

G:\WPDATA\KWF\1040 GRAND TETON CANAL CO\Quit Claim Deed.frm.kmc

COPY



S. C. DISTRICT

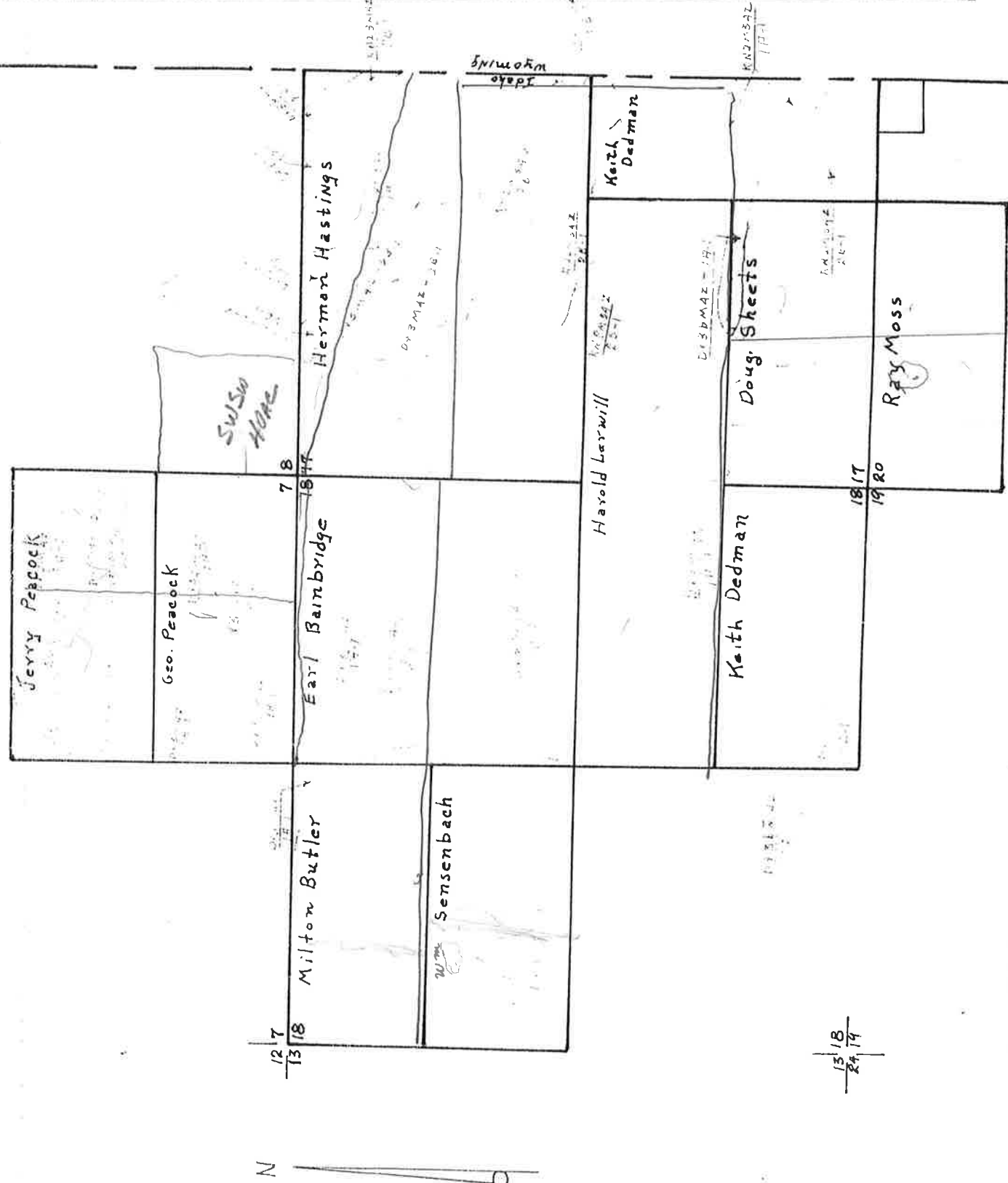
OWNER Grande Central Teton Sprinkler
OPERATOR _____

FARM NO. _____ DATE 7/7/61

SCALE 4" = 1 mile ACRES _____

PHOTO NO. CXK-12H-155

COUNTY _____ STATE _____



$\frac{13}{18}$
 $\frac{24}{14}$

Grand Teton Pipe

Membership (Assessments, Receipts, Unpaid)

Name and Address	Assmt		\$ Assess	Amt Rec'd	Date Rec'd	Amt Unpaid
	#acres	Date				
Doris Moss 196 North 275 East Driggs, Id 83422	5	6/4/01	\$20.00	\$20.00	6/1/01	\$0.00
Falcon Creek Homeowners Assn PO Box 1170 Wilson, Wy 83014	80	6/4/01	\$320.00	\$217.60 \$106.66	6/1/01 8/1/01	-\$4.26
Teton Creek Ranch Mel Hammond Rt. 1 Box 3460 Driggs, Id 83422	40	6/4/01 pre '01	\$160.00 \$240.00			\$400.00
Michael & Sharon Smith 602 East Maria Lana Way Salt Lake City, Ut 84054	80	6/4/01	\$320.00	\$160.00 \$120.00	7/8/02 7/8/02	\$40.00
Harris Publishing c/o Daryl Harris 360 B Street Idaho Falls, Id 83402	40	6/4/01	\$160.00	\$160.00	7/6/01	\$0.00
Bountiful Emergency Physicians Robert Rothfeder 175 West 200 South 4th Floor Salt Lake City, Ut 84101	160	6/4/01 pre '01	\$640.00 \$480.00	\$640.00	8/3/01	\$480.00
Jeff Hastings PO Box 163 Driggs, Id 83422	10	6/4/01	\$40.00	\$40.00	7/20/01	\$0.00
Tom & Tania Evans PO Box 259 Wilson, Wy 83014	160	6/4/01	\$640.00	\$640.00	6/1/01	\$0.00
Teewinot Home Owners Assn Gary Blake c/o Brette Cooke 77 North Main Driggs, Id 83422	240	6/4/01	\$960.00	\$960.00	7/19/01	\$0.00
K Dunn 4892 Commerce Dr. Ste B Salt Lake City, Ut 84107-4782	80	6/4/01	\$320.00			\$320.00
Kif Brown PO Box 471 Driggs, Id 83422	40	6/4/01	\$160.00	\$160.00	6/1/01	\$0.00
Dorothy Seibel 8046 East Foothill Dr. Scottsdale, Az 85255	40	6/4/01	\$160.00	\$160.00	7/6/01	\$0.00
OK Ranch 3809 North 39th Boise, Id 83703	45	6/4/01	\$180.00	\$180.00	6/1/01	\$0.00
Claudia Peacock Claudia Peacock c/o Bank of Commerce 205 A Street Idaho Falls, Id 83402	80	6/4/01	\$320.00	\$320.00	6/1/01	\$0.00
Grand Teton Canal Company PO Box 1099 Driggs, Id 83422	80	6/4/01	\$320.00	\$320.00	1/7/02	\$0.00

Acres	Date	\$ Assess	Amt Rec'd	Date Rec'd	Amt Unpaid
1,180		\$5,440.00	\$4,204.26		\$1,235.74

Shares transferred to the Grand Teton Pipeline Association from the Grand Teton Canal Co. as of June 1, 2003.

*Same POD 45
No Side Canal*

	Shares	Cert. #
Bountiful Emergency Physicians P.O. Box 2668 Salt Lake City, UT 84101	160	402
Dunn Development, Inc. P.O. Box 237 Driggs, Idaho 83422	74	1063
Tom and Tanya Evans P.O. Box 259 Wilson, WY 83014	150	1059
Grand Teton Canal Co. Inc. P.O. Box 1099 Driggs, Idaho 83422	64	1081
Harris Publishing, Inc. c/o Daryl Harris 520 Park Ave. Idaho Falls, Idaho 83401	26	1071
Falcon Creek Homeowners PO Box 1170 Wilson, WY 83014	80	1089
Jeff Hastings Box 163 Driggs, Idaho 83422	10	435
OK Ranch, LLP c/o J. Ray Durtschi 3809 N 39th Boise, Idaho 83703	45	1076
Mrs. Joseph Peacock Bank of Commerce, Trust Dept. 205 A Street Idaho Falls, Idaho 83402	80	437

Dorothy M. Seibel & Mary Diane Seibel Cronin 8046 East Foothill Dr. Scottsdale, AZ 85255	37	1067
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Michael & Sharon Smith 602 East Maria Lana Way North Salt Lake City, UT 84054	27	1072
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Christopher Brown P.O. Box 471 Alta, WY 83422	36	1077
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Teewinot Homeowners Association c/o Brett Cooke 77 North Main Driggs, Idaho 83422	240	1045 1058 1079
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Teton Creek Ranch c/o Mel Hammond Rt. 1 Box 3460 Driggs, Idaho 83422	80	436
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Total Shares 1109

Grand Teton Pipeline Association

September 24, 2002

Idaho Department of Water Resources
900 North Skyline Drive Suite "A"
Idaho Falls, ID 83402

Attention: Ron Carlson

Dear Mr. Carlson,

Enclosed is a copy of an E-Mail letter from Wyoming Water Superintendent Jade Henderson to Jim T. Wilson, Water Commissioner. Mr. Wilson furnished me a copy of the letter. The letter involves the delivery of water to Idaho users under the Roxana Decree. Since that Decree specifies that the distribution of water to Idaho users should be made by "*the proper officer of the State of Idaho*," I thought you should be made aware of the issues raised by Mr. Henderson.

The pipeline users do not question the accuracy of Mr. Henderson's outline of the delivery of Idaho and Wyoming apportionments through the various canals and pipelines under the Roxana Decree. As to the Grand Teton Pipeline, his outline is consistent with his letter of January 23, 1998 to the Grand Teton Canal Company. In that letter Mr. Henderson specifically noted that, *in 1968*, Grand Teton Pipeline irrigators received conditional authorization from Wyoming to divert a 17.23 cfs portion of Grand Teton Canal water right #22-0277 through Wyoming's North Side Canal. In the same letter, Mr. Henderson noted that this diversion resulted in the reduction of Grand Teton Canal Company's share of water right #22-0277 from 127.2 cfs to 109.97 cfs. The net result is apparently that the Grand Teton Pipeline irrigators receive 13.5 percent of the water under water right #22-0277, and the Grand Teton Canal users get 86.5 percent.

As noted in Mr. Henderson's letter, the Grand Teton Pipeline's share of this water right is diverted from Teton Creek into the North Side Canal. Thereafter, the Pipeline's share flows from the North Side Canal into the Grand Teton Pipeline. However, according to the Roxana Decree, the Pipeline carries both Wyoming and Grand Teton Pipeline (Idaho) apportionments when Teton Creek is under regulation. Mr. Henderson states that this necessitates a meter at the Wyoming-Idaho state boundary to insure that none of Wyoming's water apportionment is carried into Idaho.

THE STATE



OF WYOMING

JIM GERINGER
GOVERNOR

GORDON W. FASSETT
STATE ENGINEER

Board of Control

Town Hall Rm 2, PO BOX 277
COKEVILLE, WY 83114

(307) 279-3441
FAX (307) 279-3217

ALLAN CUNNINGHAM
ADJUDICATION OFFICER

WILLIAM JONES, SUPERINTENDENT
WATER DIVISION NO. 1
MICHAEL WHITAKER, SUPERINTENDENT
WATER DIVISION NO. 2
CRAIG COOPER, SUPERINTENDENT
WATER DIVISION NO. 3
JADE HENDERSON, SUPERINTENDENT
WATER DIVISION NO. 4

23 January 1998

North Side Pipeline
c/o Warren Kaufman
Rt 1, Box 3810
Alta, WY 83422

Grand Teton Pipeline Association
c/o Lorin Wilson
Rt 1, Box 3625
Driggs, ID 83422

Re: Idaho water rights
transferred into North Side Canal

Dear pipeline organizations:

Transfers of certain Idaho water rights on Teton Creek into Wyoming's North Side Canal was conditionally authorized by Wyoming some 30 years ago. The conditions of that authorization are that these diversions remain charged against their original apportionments under the interstate Roxanna Decree, and that these Idaho rights are fully entitled to the named legal appropriations under the laws of Idaho:

- 1) 309.5 acres and 5.6 cfs of 4/01/1894 Pratt Ditch water rights decreed in Idaho on 3/27/1942, now changed on Wyoming's records to North Side Canal and delivered through a lateral called North Side Pipeline. (Orange on the enclosure.)
- 2) A 1288-acre and 17.23-cfs portion of 5/01/1892 Grand Teton Canal water right #22-0277 in Idaho, now changed on Wyoming's records to North Side Canal and delivered through a lateral called Grand Teton Pipeline. (Yellow on the enclosure.)

Unfortunately, the Idaho rights under both of your pipelines are unable to be confirmed by Idaho Department of Water Resources as being fully entitled to these transfers without the landowners first filing under the Snake River Basin Adjudication to define & confirm their claims. In response to this problem, IDWR is now accepting SRBA claims for Idaho water rights on Teton and South Leigh creeks that divert inside Wyoming.

The acres under your 2 Wyoming transfers are partially outside the lands originally decreed by Idaho. For the water right transferred into North Side Pipeline, conflicting SRBA claims have already been filed; as well as an overlap of 44 acres under Wyoming Permit 6311E. For the portion of water right #22-0277 transferred into Grand Teton Pipeline, Grand Teton Canal Company is also being notified that SRBA claims must be filed for the portion of that same right which they claim. Your SRBA claim for this shared

water right may partially conflict with theirs.

Before beginning to notify individual landowners, we thought the pipeline organizations would appreciate first being made aware of this problem. We would like to know if your pipeline organization would prefer handling this communication with your water users, or if you want us to send the landowners notice of these requirements. Please let us know.

We hope that you will take this opportunity to secure any active water rights before this stream is forced into strict regulation. Once the landowners under your pipelines have their SRBA claims defined & confirmed by Idaho, Wyoming will honor those portions of these transfers consistent with the interstate Roxanna Decree.

Feel free to contact us if you have any questions.

Best regards,



Jade Henderson
Water Superintendent

JH/llf
encl.

copy: Ernest Carlsen, Adjudication Supervisor
Idaho Department of Water Resources
900 N Skyline Dr, Suite A
Idaho Falls, ID 83402

Adjudication Bureau, Central Office
Idaho Dept of Water Resources
1301 N Orchard St, Statehouse Mail
Boise, ID 83706

North Side Canal Company
c/o Warren Kaufman
Rt 1, Box 3810
Alta, WY 83422

Allen Cunningham, WY Adjudication Officer
Sue Lowry, WY Interstate Streams
Loren Smith, WY Assistant Superintendent

Meredith Wilson, WY Water Commissioner
Dee OBrien, ID River Commissioner

**MEMORANDUM REGARDING TRANSFER OF WATER SHARES OR WATER
RIGHTS IN THE GRAND TETON CANAL COMPANY TO THE GRAND
TETON PIPELINE COMPANY**

I have documentation which bears on the foregoing proposal. This documentation reveals the following. On February 13, 1967 the Wyoming State Engineer granted a petition which had been directed to the Wyoming State Board of Control for Change in Points of Diversion and Means of Conveyance of Appropriations for designated individuals, entities and ditches which apparently was necessitated by the installation of the pipeline. among the entities and transfers involved were the "Grand Teton Canal Assn." to "North Side Canal and Pipe Lines." The map which accompanied the petition showing appropriations being transferred included "Lands with Idaho Rights-Grand Teton Canal Decree-Rights for 1288 acres to be changed to North Side Canal."

On January 23, 1998, Jade Henderson, Superintendent Water Division No. 4, confirmed the foregoing transfer in a letter addressed jointly to North Side Pipeline c/o Warren Kaufman and Grand Teton Pipeline Association c/o Lorin Wilson. In this letter Mr. Henderson makes the following observations: "Transfers of certain Idaho water rights on Teton Creek into Wyoming's North Side Canal was conditionally authorized by Wyoming some 30 years ago. The conditions of that authorization are that these diversions remain charged against their original apportionments under the interstate Roxanna Decree, and that these Idaho rights are fully entitled to the named legal appropriations under the laws of Idaho:



'A 1288-acre and 17.23-cfs portion of 5/01/1892 Grand Teton Canal water right #22-0277 in Idaho, now changed on Wyoming's records to North Side Canal and delivered through a lateral called Grand Teton Pipeline.'

On September 25, 1961, L.W. Hastings, as a long-time secretary of the Grand Teton Canal Company, Inc. prepared an affidavit in support of a transfer of shares of stock to the Grand Teton Pipeline Association. The following statements from the affidavit are pertinent:

The Affiant further declares and affirms that the following list of names, certificate numbers, and shares of stock are recorded in the 'Stock Book,' over which he currently and presently has control and custody, and that said names, certificate number and shares of stock are held by those individuals whose shares are being transferred to the Grand Teton Pipeline Association, a water users association, designed and organized to irrigate their lands by means of a gravity flow sprinkling system. . . ."

Contemporaneously, Dwight C. Stone, Auditor & Recorder for Teton County issued a Certificate showing the description of the lands owned by the shareholders listed in Mr. Hastings affidavit.

Following is a chart showing the shares and acreages listed in those affidavits.

<u>NAME</u>	<u>SHARES</u>	<u>ACREAGE</u>
Earl E. Bainbridge	285	280
Herman Hastings	160	224 apparently no shares issued for 2 lots(64 acres)on state line road
Milton Butler	80	83
William Sensenbach	80	77
Joseph M. Peacock	80	80
George Peacock	22	80 (58 shares short--don't have explanation.
Keith Dedman	94	144 apparently no shares issued for 2 lots (64 acres) of former Lowell Dalley property.
Harold Lerwill	160	160
Douglas T. Sheets	80	80
Ray Moss	80	80
Totals	1121	1288

Jeff Hastings

From: jwilson@mycommunity.com
Sent: Thursday, September 19, 2002 9:11 AM
To: jeffh@frrec.com
Subject: regulating Idaho's Roxanna water

Jeff,

This is the e-mail I got a couple of weeks ago that I said I would get to you. It talks about needing a flow meter and a valve at the state line for the Grand Teton Pipeline. Give me a call if you have questions or want to talk about it.

----- Forwarded by Jim T Wilson/mycom on 09/19/02 08:23 AM -----

Lowry"

"Jade
Henderson"
<jhende@allwe
st.net>
09/06/02
07:45 PM
Please
respond to
"Jade
Henderson"

To: <jwilson@mycommunity.com>
cc: "Loren Smith" <smitty4@trib.com>, "Sue
<slowry@state.wy.us>
Subject: regulating Idaho's Roxanna water

Jim Wilson, WY Water Commissioner

Dear Jim: It continues to be necessary that we protect Wyoming water rights, while assuring delivery to downstream Idaho their share of these 2 interstate streams under the "Roxanna" Decree. At each point where Wyoming and Idaho apportionments would be divided, there needs to be ability for state control & measurement. I appreciate your accurate understanding of these points, and will restate them here for future reference.

1. Leigh Creek (Hog) Canal has wheel-type headgates that are adjustable, & lockable, and an open channel where flow can be measured to receive exclusively Idaho apportionment under the interstate Decree.

2. Kilpack Ditch (also from South Leigh Creek), as a condition of Wyoming recognition of their Point of Diversion, must provide a similar wheel-type headgate at the head of its channel to also receive exclusively Idaho apportionment.

3. North Alta Irr Co Ditch (also from South Leigh Creek) receives exclusively Wyoming apportionment, but must petition for change in Point of Diversion and Means of Conveyance to Price Pump, and may also need to provide a valve control and/or a meter in their pipeline.

4. Grand Teton Canal from Teton Creek has a controllable headgate to its channel where it receives exclusively Idaho apportionment.

5. Grand Teton Pipe Line (lateral of North Side Canal, from Teton Creek) carries both Wyoming and Idaho apportionments under the interstate Decree. (The Idaho apportionment is a 1288-acre portion of 22-00277, transferred from Grand Teton Canal.) Under this particular pipeline, the different

water rights designated to each respective side of the state line receive water from each respective state's apportionment. Therefore, this shared pipeline needs at the state line a controllable valve and a meter, so that in times of regulation the flow being taken across the state line to deliver its share of the Idaho apportionment will not draw from Wyoming's apportionment up-slope in that same pipeline. Alternatively, the pipeline could be capped at the state line and their Idaho apportionment changed to the Grand Teton Canal where both their Idaho water right and the Roxanna Decree designate it.

6. Obviously, North Side Canal from Teton Creek carries both Wyoming and Idaho apportionments, and provides an adequate headgate to its channel. North Side Pipe Line (the only other lateral of North Side Canal that serves lands in both states) carries exclusively Wyoming apportionment under the interstate Decree, even though the various water rights and the lands irrigated thereunder are not all Wyoming's. (Most of this pipeline's Idaho land is under the 309.5-acre Idaho water right transferred from Pratt Ditch.) Having no Idaho apportionment, this pipeline needs no State-controlled valve or meter to divide-out another state's water.

7. South Side Canal (also from Teton Creek) carries exclusively Wyoming apportionment under the interstate Decree to lands in both states, and provides an adequate headgate to its channel.

If you need my assistance in requiring installation or repair of controls or measuring devices, please let me know.

JADE HENDERSON
WY Water Supt



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

December 5, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Grand Teton Pipeline Assn
Jeff Hastings President
PO Box 163
Driggs ID 83422

RE: Transfer #74017 for water right(s) 22-13327 and Notice of
Completed Administrative Proceeding (NCAP)

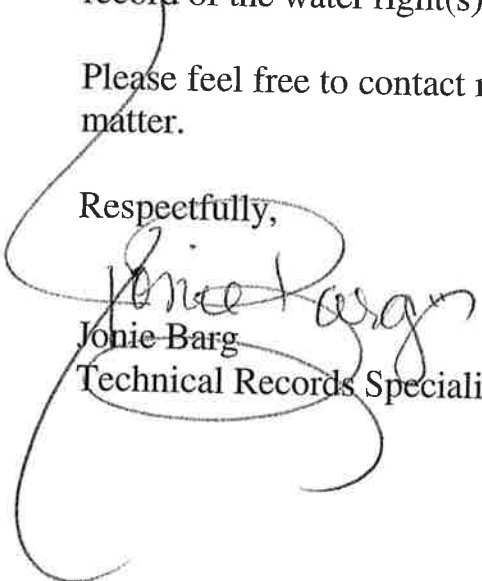
Dear Mr. Sir/Madam:

On July 19, 2008 the Idaho Department of Water Resources (IDWR) approved Transfer #74017, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg
Technical Records Specialist

SCANNED

DEC 11 2008

CERTIFICATE OF MAILING

I certify that on December 5, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Grand Teton Pipeline Assn
Jeff Hastings President
PO Box 163
Driggs ID 83422

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

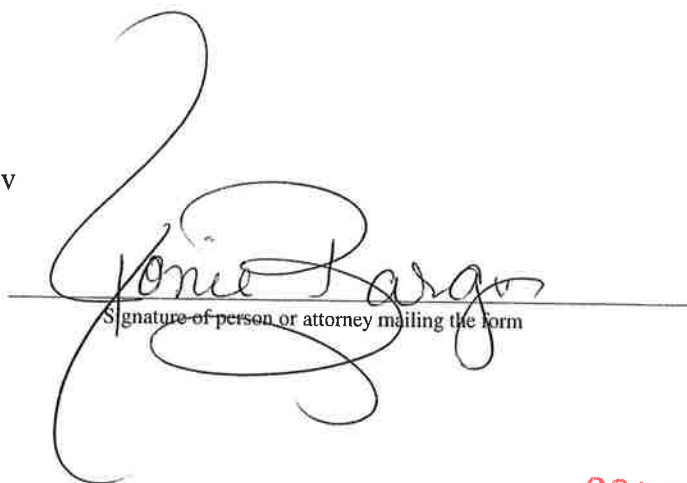
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

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

RIGHT NUMBER: 22-13327

NAME AND ADDRESS: GRAND TETON PIPELINE ASSN
JEFF HASTINGS PRES
PO BOX 163
DRIGGS ID ID 83422

SOURCE: TETON CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 17.230 CFS
25.40 AFY

The two ponds established by the storage of water under this right shall not exceed a total capacity of 21 acre feet or a total surface area of 2.5 acres.

This right authorizes the diversion of an annual total of 25.4 af to be used for the initial filling of the reservoir, and for the replacement of losses caused by evaporation from the reservoir.

The quantity of water diverted under this water right shall be from the portion awarded to Idaho and deducted therefrom as set forth in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941).

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

PRIORITY DATE: 05/01/1892

POINT OF
DIVERSION:

T05N R46E S17 NENWNE Lot 1 Within TETON County

The point of diversion for this water right is in Wyoming, T44N, R118W, Sec. 23 NWSWSE, 6PM (projected).

The point of diversion shown above is where the conveyance system enters Idaho.

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	17.080 CFS
DIVERSION TO STORAGE	04/15 10/31	0.150 CFS
RECREATION STORAGE	01/01 12/31	25.40 AFY
WILDLIFE STORAGE	01/01 12/31	25.40 AFY

PLACE OF USE: WILDLIFE STORAGE in TETON County

T05N R46E S07 NWSE

RECREATION STORAGE in TETON County

T05N R46E S07 NWSE

1257.6 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 is within the area served by Grand Teton Pipeline Association.

SCANNED

DEC 11 2008

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This water right is subject to the delivery provisions contained in Roxana Canal Co. v. Daniels, Equity No. 2447 (D. Wy. Feb. 4, 1941) ("Roxana decree"). Nothing in this Partial Decree is intended to relieve or alter the state of Idaho nor the state of Wyoming from their obligations contained in the Roxana decree.

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

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

The right holder shall accomplish the change authorized by approved transfer 74017 by July 19, 2009.

The approved transfer 74017 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Failure of the right holder to comply with the conditions of approved transfer 74017 is cause for the Director to rescind approval of the transfer.

This right does not grant any right-of-way or easement across the land of another.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

Water is delivered through North Side Canal in Wyoming and rediverted to Grand Teton Pipeline into Idaho.

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DEC 11 2008

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 22-13327
Date Received: 10/13/2004
Receipt No:
Received By:

EQ30664
3/8/05 AMR

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

1. Name of Claimant(s)

GRAND TETON PIPELINE ASSOCIATION Phone: (208) 709-4888
JEREF HASTINGS PRESIDENT
PO BOX 163
DRIGGS ID ID USA 83422

2. Date of Priority: 05/01/1892

3. Source: TETON CREEK Trib. to: TETON RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of 1/4 of 1/4 Lot	County	Type
05N	46E	17	SW NE	TETON	

5. Description of diverting works:

6. Water is used for the following purposes:

Purpose	From	To	C.F.S.	(or) A.F.A
IRRIGATION	04/15	01/31	17.23	

7. Total Quantity Appropriated is:
17.23 C.F.S.

8. Total consumptive use:

9. Non-irrigation uses:

10. Place of use:

Township	Range	Section	1/4 of 1/4 Lot	Use	Acres
05N	46E	7	SW SE	IRRIGATION	40
			NE SE	IRRIGATION	40
			NW SE	IRRIGATION	40
			SE SE	IRRIGATION	40
Section Acres 160					
05N	46E	8	SW SW	IRRIGATION	40
			Section Acres 40		
05N	46E	17	NW NW	IRRIGATION	40
			NE NW	IRRIGATION	40
			SW NW	IRRIGATION	40

			SE	NW	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			NW	SW	IRRIGATION	40
			NE	SW	IRRIGATION	40
			SW	SW	IRRIGATION	40
			SE	SW	IRRIGATION	40
			SW	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
					Section Acres	480
05N	46E	18	NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			SE	NW	IRRIGATION	40
			SW	NW	IRRIGATION	40
			NW	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
			NE	NE	IRRIGATION	40
			NW	NE	IRRIGATION	40
			SW	NE	IRRIGATION	40
			SE	NE	IRRIGATION	40
			SE	SE	IRRIGATION	40
			NE	SE	IRRIGATION	40
			NW	SE	IRRIGATION	40
			SW	SE	IRRIGATION	40
					Section Acres	640
05N	46E	20	NW	NW	IRRIGATION	40
			NE	NW	IRRIGATION	40
					Section Acres	80
					Total Acres	1400

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:

POU ACRES NEEDS ADJUSTING BEFORE CLAIM IS SIGNED AND PAID.

THIS CLAIM IS A PORTION OF 22-277 FOR 1288 ACRES. BASIS OF FEE.

15. Basis of Claim: Decreed

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 _____ 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 _____ of
Title _____
Grand River Republic Ass, that I have signed the foregoing
Organization _____
document in the space below as _____ of
Title _____
Grand River Republic Ass and that the statements contained in the
Organization _____
foregoing document are true and correct.
Signature of Authorized Agent _____
Grand River Republic Ass
Title and Organization _____
2/28/05
Date _____

State of Idaho)
County of BONNEVILLE) SS.

Subscribed and sworn (or affirmed) before me this 28th

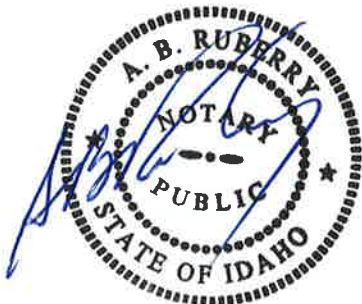
of February 20 05

ALLEN B. RUBERRY

Notary Public

Residing at ADAMS FALLS IDAHO

My commission Expires 9/23/09



Idaho Department of Water Resources Receipt

Receipt ID E030664

Payment Amount \$1,338.00 Date Received 3/8/2005 12:01:28 PM Region Eastern Status ☐

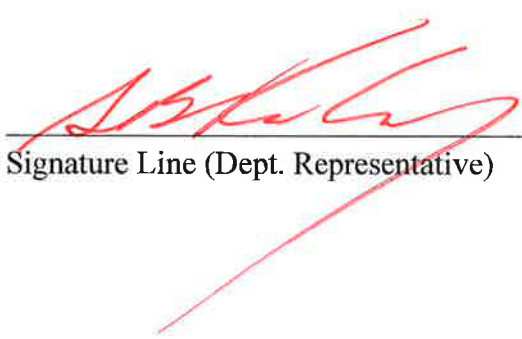
Payment Type Check Check Number 1036

Payer GRAND TETON PIPELINE

Comment SRBA CLAIM 22-13327

Fee Detail

Amount	Description	Fund	FD	PCA	SO
\$1,338.00	ADJUDICATION FILING FEE	0337		43503	1155


Signature Line (Dept. Representative)