

02/14/2012

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

RIGHT NUMBER: 22-13388

NAME AND ADDRESS: TETON IRRIGATION & MFG CO  
3381 N 5000 E  
SUGAR CITY ID 83448

SOURCE: TETON RIVER

TRIBUTARY: HENRYS FORK

QUANTITY: 120.000 CFS

PRIORITY DATE: 06/01/1884

POINT OF DIVERSION:

T07N R41E S28 SWNW Within FREMONT County

PURPOSE AND  
PERIOD OF USE:

| <u>PURPOSE OF USE</u> | <u>PERIOD OF USE</u> | <u>QUANTITY</u> |
|-----------------------|----------------------|-----------------|
| IRRIGATION            | 04/01 10/31          | 120.000 CFS     |

PLACE OF USE:

2506 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 Teton Irrigation & Manufacturing Company.

The rights listed below are limited to the irrigation of a combined total of 2506 acres in a single irrigation season. Combined Right Nos.: 22-512, 22-513, 22-514, 22-549, and 22-13388.

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.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

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.

Water is delivered through Teton Irrigation Canal.

This right is a combination of old Right Nos.: 22-548, 22-550A, and 22-550B.

| TRANSFER NO. | NAME                          | AMOUNT<br>C.F.S. | BALANCE<br>C.F.S. | RIGHT<br>NO. |
|--------------|-------------------------------|------------------|-------------------|--------------|
|              | Teton Irrigation & Manuf. Co. | 75.96            |                   | 22-0550      |
| 649          | Teton Irrigation & Manuf. Co. | 12.0             | 63.96             | 22-0550A     |

T

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RECEIVED

05/25/2005

NOTICE OF ERROR  
REPLY

Please type or print clearly, fill out this form completely and mail.

Return this reply form to IDWR by the deadline date printed below if you want IDWR to change your recommendation or you want to let IDWR know that you agree with its recommendation.

**YOUR DEADLINE FOR RETURNING A NOTICE OF ERROR REPLY IS:**

Water right number: 22-13388

TETON IRRIGATION & MFG CO

3381 N 5000 E

SUGAR CITY ID 83448

Telephone Number: (208)458-4149

1. Describe the portion of the proposed recommendation with which you disagree (e.g. priority date, period of use, source):
2. Describe the changes you wish to make in the proposed recommendation:
3. Give a brief explanation as to why you disagree with these portions:

☒ I AGREE with this proposed recommendation: no changes need to be made.

DATE: June 30, 05 SIGNATURE: John S Pock

Please print your name: John S Pock

IDWR Regional Office,

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JUL 01 2005

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JUN 30 2005

Department of Water Resources  
Eastern Region

KMT  
6/30

## Contacts Data Entry Form

Claim Number: 22-13388

| Owner Type | Full Name | Address | City | State | Zip |
|------------|-----------|---------|------|-------|-----|
|------------|-----------|---------|------|-------|-----|

Current Owner: TETON TRN & MFG Co Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Current Owner: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Name connector: and \_\_\_\_\_, or \_\_\_\_\_, and/or \_\_\_\_\_.

Representing Attorney: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Accompanied By: \_\_\_\_\_ Phone No.: \_\_\_\_\_

Relationship to Claimant: \_\_\_\_\_ Date of Field Exam: \_\_\_\_\_

Discussion of right origin and split history. Questions and problems.

TETON TRN & MFG Co JOHN POLOK 356-3502

22-548 WAS RENUMBERED TO 22-13388, 22-548 WAS  
CLAIMED COMBINING ELEMENTS OF 22-548, 22-550 A/B - SOD  
Attaches Docs

SOD 22-512 for Notes & MAPS

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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## Point of Diversion and Source Data Entry Form

Claim Number: 2200519Water Right Point(s) of diversion and Source.

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Water Right Point of Diversion: T \_\_\_\_\_, R \_\_\_\_\_, Sec. \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, County: \_\_\_\_\_

Source: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Claimed Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County | Source | Tributary to |
|-----|-----|-----|---------|----------------|--------|--------|--------------|
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |
|     |     |     |         |                |        |        |              |

Recommended Point(s) of Diversion and Source.

| Twp | Rge | Sec | Gov Lot | QQQ of QQ of Q | County  | Source      | Tributary to |
|-----|-----|-----|---------|----------------|---------|-------------|--------------|
| 2N  | 41E | 28  |         | SWSW1/4        | FREMONT | TOTON RIVER | HONNYS FORK  |
|     |     |     |         |                |         |             |              |
|     |     |     |         |                |         |             |              |
|     |     |     |         |                |         |             |              |

Other rights from this POD? \_\_\_\_\_

Transfers Pending or approved: \_\_\_\_\_

Document how the POD and Source were verified:

Same POD as all other Pts  
Sub 22-512

Reviewer: \_\_\_\_\_ Date: \_\_\_\_\_

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## Place Of Use Data Entry Form

Claim Number: 22-00549Claimed Place Of Use SEE CLAIM 22-00549

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

Recommended Place of Use SAME AS CLAIMED

| Twp | Rge | Sec | QQ | Q | County | Lot Num | Acres | Purpose of Use |
|-----|-----|-----|----|---|--------|---------|-------|----------------|
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |
|     |     |     |    |   |        |         |       |                |

Total acres \_\_\_\_\_

Pending or approved Transfers: \_\_\_\_\_

Overlapping rights: \_\_\_\_\_

Document how the POU was verified:

LAND POOL - POH AVE A/E  
POU VERIFIED BY INSPECTION ON 1-19-05

Reviewer: SAM Date: 1-19-05

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| Basin | Seq | Su    | Basis   | Priority   | Dat | Rate | Volu | Source  | Water Use(s) | Owner(s)              | Version             | Source Ta | App.ID              |
|-------|-----|-------|---------|------------|-----|------|------|---------|--------------|-----------------------|---------------------|-----------|---------------------|
| 22    | 513 |       | Decreed | 1891-07-01 |     | 6    |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           |                     |
| 22    | 514 |       | Decreed | 1892-06-01 |     | 7.68 |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           |                     |
| 22    | 548 |       | Decreed | 1884-06-01 |     | 120  |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           |                     |
| *     | 22  | 549   | Decreed | 1889-10-02 |     | 10   |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           | Should be 22-SSOA/B |
| *     | 22  | 580   | Decreed | 1898-04-01 |     | 15.3 |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           | Should be 22-S12    |
|       | 22  | 635   | Decreed | 12/1/1903  |     | 1.2  |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           |                     |
|       | 22  | 672   | Decreed | 4/1/1939   |     | 9    |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrAdjudicationClaim |           |                     |
|       | 22  | 548   | Decreed | 1884-06-01 |     | 44   |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrWaterRight        |           | wrongly claims      |
|       | 22  | 549   | Decreed | 1889-10-02 |     | 10   |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrWaterRight        |           |                     |
|       | 22  | 550 A | Decreed | 1884-06-01 |     | 108  |      | TETON R | IRRIGATION   | TETON IRRIGATION & MF | wrWaterRight        |           |                     |
|       | 22  | 550 B | Decreed | 1884-06-01 |     | 12   |      | TETON R | IRRIGATION   | SIDDOWAY IRRIGATION   | wrWaterRight        |           | No SREA Claim       |

\* 22-580 should be claimed by Wilford Canal ...

22-512 should be claimed by Teton Canal ...

22-SSOA/B " " " " "

22-548 ~~must be amended~~

Claims under 22-548 ⇒ Renumbered to 22-1338

See TX 649, 1943

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PROTECTED

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION  
Certificate of Water Right  
Transferred Water Right No. 649

22-550  
Comes from Combining  
22-548 w/ 22-550  
(440 cfs) + (95 cfs)  
120 cfs

THIS IS TO CERTIFY, THAT THE TETON IRRIGATION AND MANUFACTURING COMPANY, of Teton City, Idaho, is the owner of and using a certain water right bearing date of priority of June 1, 1894, for 120 cubic feet per second of the waters of Teton River, County of Fremont, State of Idaho, decreed to the Teton Irrigation and Manufacturing Company, by decree of Judge J. W. Stevens of the District Court of the Sixth Judicial District in and for the County of Fremont, bearing date of December 18, 1910, in the case of

HEXBURG IRRIGATION COMPANY, Plaintiff  
vs.  
TETON IRRIGATION CANAL COMPANY, Defendant

THAT the said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Book 3 of Decrees, at page 450.

THAT now, upon the application of the Teton Irrigation and Manufacturing Company, of Teton City, Idaho, for a Certificate of Transfer of Water Right, made before the State Reclamation Engineer of the State of Idaho, and the said application having been granted, the right to the use of 12 cubic feet per second of the waters of Teton River is hereby abandoned from use on lands lying under and delivered through the Teton Irrigation and Manufacturing Company's canal, and the lands to be irrigated under such right and to which the water right hereby confirmed shall be appurtenant, by this Certificate, for a more efficient use of water, are lands lying under the Siddoway Canal, and delivered through said Siddoway Canal, situate, lying and being in the County of Fremont, State of Idaho; and said water at any time to be limited to an amount not to exceed the following amount, to-wit:

12 cubic feet per second of the  
waters of Teton River  
with date of priority of June 1, 1894

THAT the water right hereby transferred has been conducted to the first above described lands through the Teton Irrigation and Manufacturing Company's canal, with point of diversion located in the Northwest quarter (NW<sub>1</sub>) of Section Twenty-eight (28), Township Seven (7) North, Range Forty-one (41) East, B. M.

THAT the water right hereby transferred will hereafter be conducted to the last above described lands through the Siddoway Canal, with point of diversion located in the Northeast (NE<sub>1</sub>) quarter Section Twenty-eight (28), Township Seven (7) North, Range Forty-one (41) East, B. M., Fremont County, State of Idaho.

THAT the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of May, A. D. 1943.

James Spofford  
JAMES SPOFFORD  
State Reclamation Engineer

SPLITS 22-550  
INTO A & B-  
A-108 cfs  
B-12 cfs

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JUN 17 2005

STATE OF IDAHO  
DEPARTMENT OF RECLAMATION

In the matter of the application of:

TETON IRRIGATION AND MANUFACTURING COMPANY  
Teton City, Idaho,  
By Bell Allen, Secretary,

ORDER GRANTING TRANSFER  
No. 649

For a Transfer of Water Right, in Water District  
No. 36, County of Fremont

WHEREAS, On the 10th day of May, 1943, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of TETON IRRIGATION AND MANUFACTURING COMPANY, represented by Bell Allen, Secretary of said company, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicant, with the application, shows that the water will be put to more economical and greater beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED that the said application be and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued the applicant herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 20th day of May, A. D. 1943.

*James Spofford*  
JAMES SPOFFORD  
State Reclamation Engineer

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JUN 17 2005

Tarbet, Willard

160 inches. July 7, 1898.

Darby Creek.

Taylor, & Ceder  
Hollow Canal  
Company

(part of system of  
Idaho Canal & Im-  
provement Company.)

~~0777~~ 1 181

Taylor & Goshen  
Canal Company  
Limited

Trans. #129-#130-#272

9,300 inches. June 16, 1900.

From the tail-race  
of the City canal  
of Idaho Falls,

~~0777~~ 22 0545 ✓  
Taylor, Jackson  
C.

90 inches. June 1, 1896.

South Leigh Creek.

~~0777~~ 22 0546 ✓  
Taylor, John

175 inches. Oct. 16, 1886.

Lyman or Lyons  
Creek.

~~0777~~ 22 0547 ✓  
Taylor, Joseph E.

180 inches. Jan. 18, 1905.

North Leigh Creek of  
Spring Creek.

Beeples, Henry  
~~0777~~ 22 0548 ✓  
Teton Irrigation  
(or "Irrigating")  
& Manufacturing  
Company, Sued in the  
name of Teton Irriga-  
tion Canal Company.

Trans.  
#2082  
Temp. TX  
EXPIRED

14/04 cfs

2,202 inches. June 1, 1884.

Lowder Canal Company.

Teton River, to be  
diverted at the Bird  
Headgate, near the  
Teton Mill.

Teton Irrigation  
(or "Irrigating")  
& Manufacturing  
Company, sued  
in the name of

~~0777~~ 22 0549 ✓  
Teton Irrigation  
Canal Company.

Trans. #2082  
Temp. TX  
EXPIRED

500 inches. Oct. 2, 1889.

Teton River. To be  
diverted at the Bird  
headgate, near the  
Teton Mill.

~~0777~~ 22 0550 ✓  
Teton Irrigation  
(or "Irrigating")  
& Manufacturing  
Company, sued  
in the name of  
Teton Irrigation  
Canal Company.

Trans #649

3,798 inches. June 1, 1884.

Teton River. To be  
diverted at the  
Bird headgate, near  
the Teton Mill.

~~0777~~ 22 0551 ✓  
Teton Island  
Canal Company.

Trans. #2116

7,982 inches. Apr. 1, 1898.

Teton River.

~~0777~~ 22 0552 ✓  
Teton Island  
Canal Company

Trans. #2116

518 inches. Mch 1, 1883.

Teton River.

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75 26 cfs

22-550  
22-548

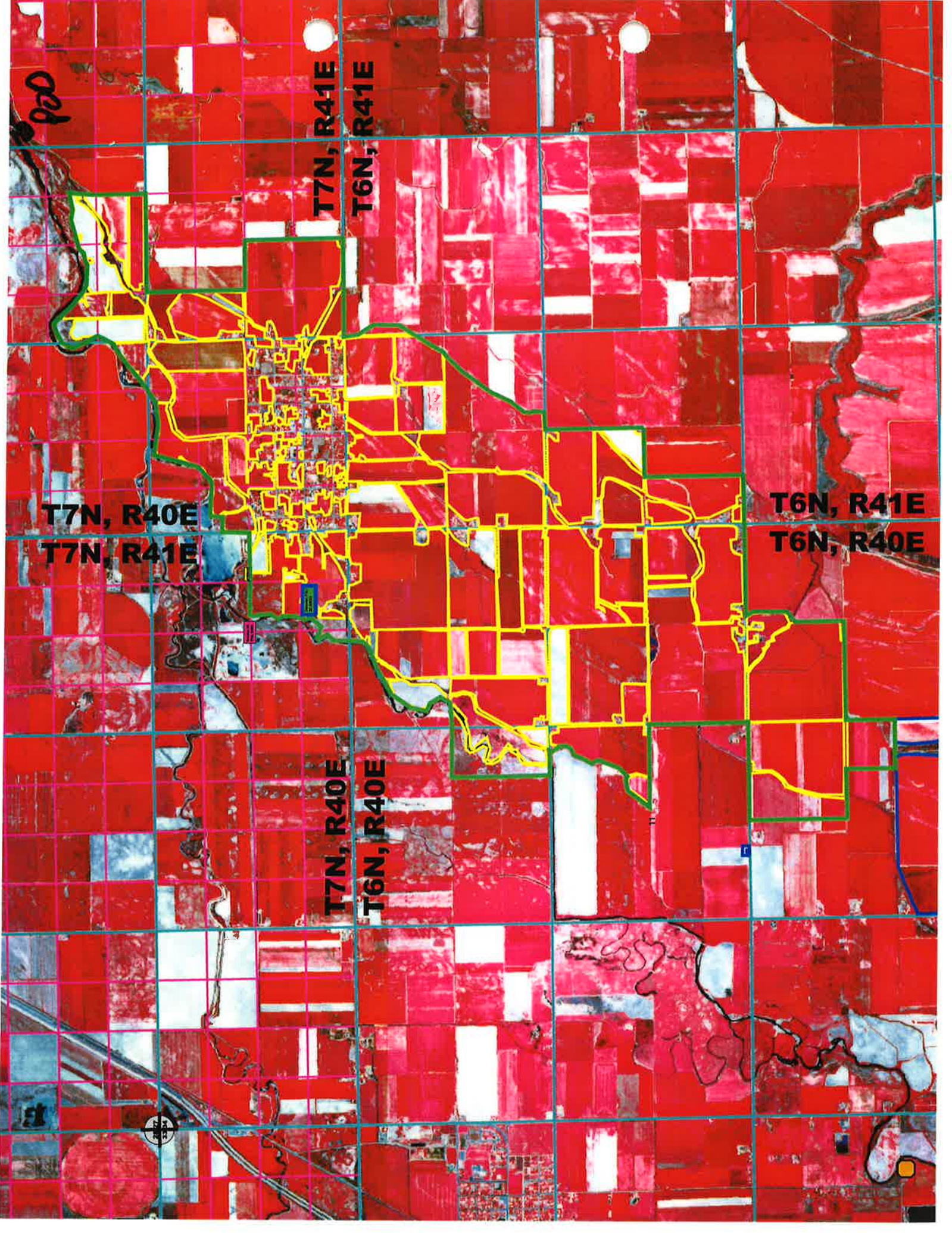
|                                                                                                                                     |       |
|-------------------------------------------------------------------------------------------------------------------------------------|-------|
| 20 Dunham, W. W.; June 1, 1884; Spring Creek, near Menan .....                                                                      | 250   |
| 20 Ballantyne, Z.; June 1, 1884; Spring Creek, near Menan .....                                                                     | 160   |
| 20 Good Luck Canal Co.; June 1, 1884; Teton River .....                                                                             | 500   |
| 20 Luxton, William; June 1, 1884; Spring Creek, near Menan .....                                                                    | 400   |
| 20 Long Island Irrigation Co.; June 1, 1884; South Fork of Snake River .....                                                        | 3,000 |
| 20 Liston, H. S.; June 1, 1884; Spring Creek .....                                                                                  | 240   |
| 20 Yearsley, John H.; June 1, 1884; Spring Creek .....                                                                              | 60    |
| 20 Wolf Ditch Co.; June 1, 1884; Teton River .....                                                                                  | 1,265 |
| 20 Wilford Irrigation & Manufacturing Co.; June 1, 1884; Teton River .....                                                          | 3,392 |
| 20 Stewart, Samuel (deceased), Estate of; by Mary H. Birch, adminx., and Mary H. Birch; June 1, 1884; Teton River .....             | 250   |
| 20 Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. To be diverted at the Bird Head-gate, near the Teton Mill ..... | 3,798 |
| 20 Teton Irrigation & Manufacturing Co.; June 1, 1884; Teton River. To be diverted at the Bird Head-gate, near the Teton Mill ..... | 2,202 |
| 20 New Lava Side Ditch Co.; June 1, 1884; Snake River ..                                                                            | 1,000 |
| 20 Lenroot Canal Co.; June 1, 1884; South Fork of Snake River .....                                                                 | 450   |
| 20 Parks & Lewisville Canal Co.; June 1, 1884; South Fork of Snake River .....                                                      | 1,000 |
| 21 Independent Irrigation Co., Ltd.; June 4, 1884; South Fork of Snake River .....                                                  | 1,700 |
| 22 Clark & Edwards Irrigation Co., Ltd.; Feb. 27, 1885; South Fork of Snake River .....                                             | 3,500 |
| 23 Watson Slough Ditch Co.; Mar. 6, 1885; Snake River ..                                                                            | 3,500 |
| 24 Woodmansee, Charles H.; Mar. 15, 1885; Moody Creek. To be reduced to 320 inches after June 20th of each year .....               | 640   |
| 25 Egin Irrigation Co.; Apr. 25, 1885; North Fork of Snake River .....                                                              | 320   |
| 26 Nelson, David; May 1, 1885; Teton River. Through Nelson-Jacobs Ditch .....                                                       | 216   |
| 27 Windmill, Richard & Richard, Withers and Oscar B. Young; May 31, 1885; Teton River (Eckersell Canal) .....                       | 216   |
| 28 Butler Island Canal Co.; June 1, 1885; South Fork of Snake River .....                                                           | 3,500 |
| 28 Gold, Frank; June 1, 1885; McMillan Slough .....                                                                                 | 30    |
| 28 Roxana Canal Co.; June 1, 1885; Teton River. To be diverted from Teton Island Feeder Canal .....                                 | 800   |
| 28 Riverside Ditch Co.; June 1, 1885; Snake River .....                                                                             | 500   |
| 28 Reid Canal Co.; June 1, 1885; South Fork of Snake River .....                                                                    | 1,500 |
| 28 McGarry, Peter (deceased), Estate of; by Henry McGarry, adminr.; June 1, 1885; McMillan Slough ..                                | 120   |
| 28 McGarry, Henry; June 1, 1885; McMillan Slough .....                                                                              | 105   |
| 28 Long Island Irrigation Co.; June 1, 1885; South Fork of Snake River .....                                                        | 3,000 |
| 28 West Labelle Irrigation Co.; June 1, 1885; South Fork of Snake River .....                                                       | 6,000 |
| 28 Salem Irrigation Canal Co., Ltd.; June 1, 1885; Teton River .....                                                                | 4,000 |

|                                           |       |
|-------------------------------------------|-------|
| 28 Salem Irrigation River .....           | 250   |
| 28 Texas Slough Ir Slough and             | 160   |
| 28 Liberty Park Ir Jim Slough             | 500   |
| 28 Lenroot Canal (River .....             | 400   |
| 28 Labelle Irrigati Snake River           | 3,000 |
| 28 Parks & Lewis Fork of Snake            | 240   |
| 29 Summers, Steph June 10, 188            | 60    |
| 29 Nelson, Soren, June 10, 188            | 1,265 |
| 30 Rigby Canal & Fork of Sn               | 3,392 |
| 31 Parson's Ditch                         | 250   |
| 32 New Sweden I River .....               | 3,798 |
| 33 Jones, John F.;                        | 2,202 |
| 33 Morgan, Joshua River .....             | 1,000 |
| 34 Wearyick Ditch                         | 450   |
| 35 Rostan, C. E.; River .....             | 1,000 |
| 35 Reid Canal Co. River .....             | 1,700 |
| 35 Matson, John; J                        | 3,500 |
| 35 Martin, Oscar; J                       | 3,500 |
| 35 Long Island Irr of Snake R             | 640   |
| 35 Island Irrigatio                       | 320   |
| 35 Sherman, E. H.                         |       |
| 35 Seymour, E. B.;                        |       |
| 35 Texas Slough Ir Slough and             | 216   |
| 35 Nave, Martin L. To be reduc year ..... | 216   |
| 35 Nave, Martin L.                        | 3,500 |
| 35 Liberty Park Ir Slough .....           | 30    |
| 35 Kratzer, Elizabe                       | 800   |
| 36 Burgess Canal Fork of Sn               | 500   |
| 37 Rigby Canal & Fork of Sn               | 1,500 |
| 38 Wakeman, Herr                          | 120   |
| 39 Danskin Ditch                          | 105   |
| 40 Taylor, John; C                        | 3,000 |
| 41 Gibbs, S. W.; Boone Cree               | 6,000 |
| 42 Jeppson, Hans                          | 4,000 |
| 42 Island Irrigati Snake River            |       |
| 42 Nelson, James I                        |       |
| 42 Staley, Edwin;                         |       |

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**T7N, R41E**

**T6N, R41E**

**T7N, R40E**

**T7N, R41E**

**T6N, R41E**

**T6N, R40E**

**T7N, R40E**

**T6N, R40E**

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 22-13388

Date Received:  
Receipt Nos:  
Received By:

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

Name of Claimant TETON IRRIGATION & MFG CO  
3381 N 5000  
SUGAR CITY ID 83448  
(208)458-4149

Priority Date: 06/01/1884  
Basis: Decreed  
Status: Active

| <u>Source</u> | <u>Tributary</u> |
|---------------|------------------|
| TETON RIVER   | HENRYS FORK      |

| <u>Beneficial Use</u>   | <u>From</u> | <u>To</u> | <u>Diversion Rate</u> | <u>Volume</u> |
|-------------------------|-------------|-----------|-----------------------|---------------|
| IRRIGATION              | 04/01       | 10/31     | 120 CFS               |               |
| Recharge for Irrigation | 04/01       | 10/31     | 120 CFS               |               |
| Total Diversion         |             |           | 120 CFS               |               |

Location of Point(s) of Diversion:

TETON RIVER    SWSWNW Sec. 28 Township 07N    Range 41E    FREMONT County

All Qualified Wells of the stockholders/electors as described in Remarks below.

Place(s) of use: Within the area served by this irrigation entity

Remarks: Diversion of this right for the purpose of recharge for irrigation is authorized for a maximum acreage equivalent to the authorized place of use for this right. This right includes an accomplished change in place of use pursuant to Section 42-1425, Idaho Code. § I.C. 42-1425 and/or I.C. 42-228. This right includes an accomplished change in point of diversion pursuant to Sections 42-1425 and/or 42-228, Idaho Code.

Qualified Wells are those owned by stockholders/electors within the authorized place of use and which are recovering ground water resulting from recharge for irrigation and/or water resulting from irrigation under this entity's irrigation works for use on lands within this irrigation entity's authorized place of use.

1.C18    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.

2.P29    This right is a combination of old Right Nos. 22-548, 22-550A/B.

3.F01    Water is delivered through Teton Irrigation Canal

4.135    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.

5.F06    The following rights are also diverted through point of diversion described above: 22-512, 22-513, 22-514, 22-549, 22-13388.

6.E56    The rights listed below are limited to the irrigation of a combined total of 2926.3 acres in a single irrigation season. Combined Right Nos.: 22-512, 22-513, 22-514, 22-549, and 22-13388

Describe any other water rights used at the same place and for the same purposes as describe above: Those water rights recommended as of the date of this amended claim.

Basis of Claim: Decreed

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 XX wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: Previously submitted and on file with IDWR

For Individuals/Organizations:

I do solemnly swear or affirm under penalty of perjury that I am the attorney for the above individual or organization, that I have signed the foregoing document in the space below as attorney for the individual or organization and that the statements contained in the forgoing document are true and correct.

DATED this 17<sup>th</sup> day of August, 2010.

  
\_\_\_\_\_  
Jerry R. Rigby, Attorney for Claimant

STATE OF IDAHO, )

ss.

County of Madison. )

On this 17<sup>th</sup> day of August, 2010, before me, the undersigned, a Notary Public in and for said State, personally appeared Jerry R. Rigby, known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he 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.



Mandy Davis  
Notary Public for Idaho

Residing at: St. Anthony

My Commission Expires: 6/24/2011