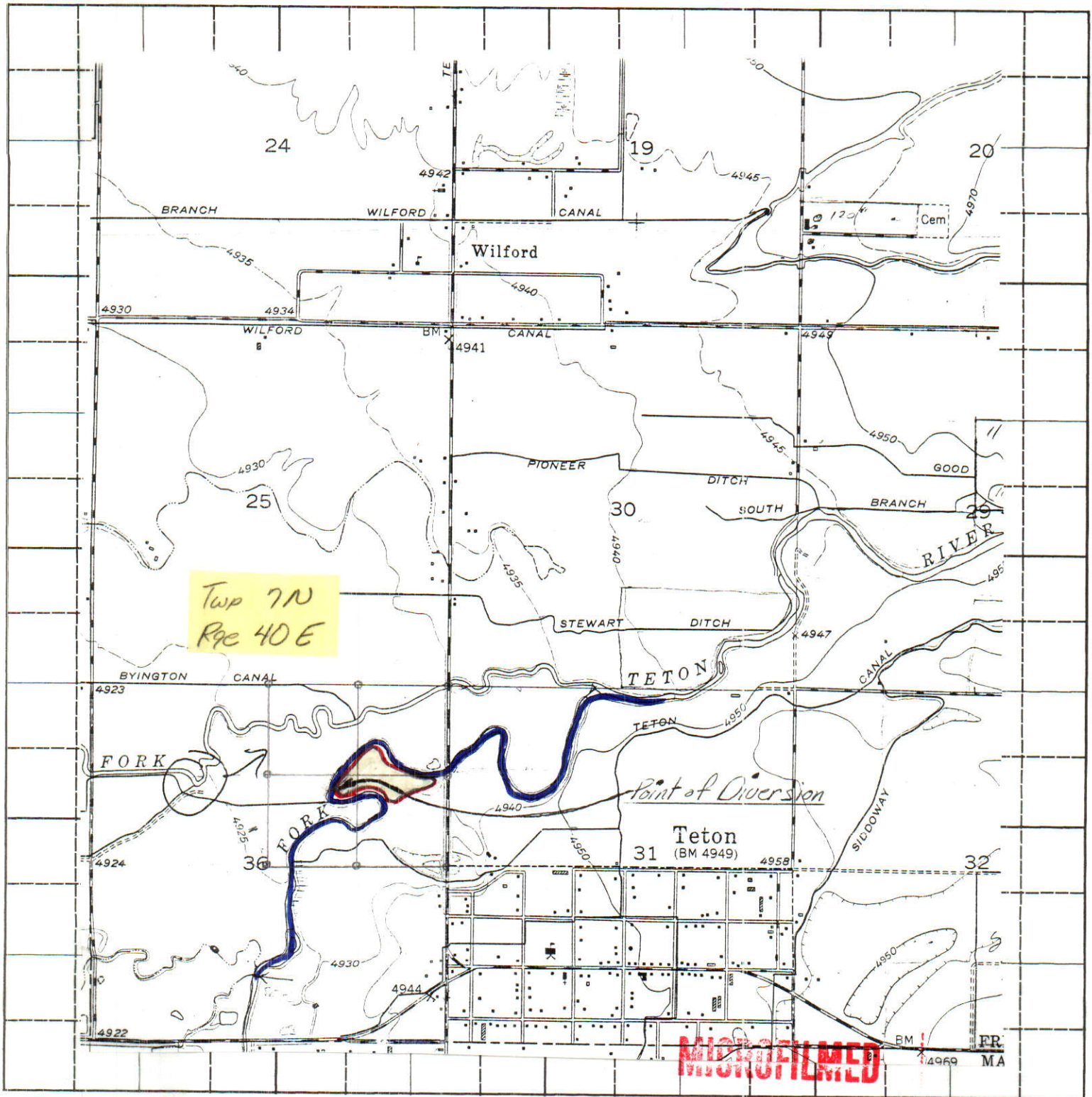


13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

APR 19 1990

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Andean Stewart
(Applicant) SECRETARY

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being
first duly sworn, depose and say, that I
am the printer of THE STANDARD-JOURNAL, a
semi-weekly newspaper printed and
published semi-weekly at Rexburg, Madison
County, Idaho; and I do solemnly swear
that the

Notice Of Application a copy of
which notice appears attached hereto, was
published in the regular and entire issue
of said newspaper, and not in any
supplement issue thereof for Two
consecutive issues, the first publication
having been made on June 16, 1988
and the last publication having been made
on June 23, 1988 .

Further, that said newspaper is one
of general circulation in said county;
that it is a legal newspaper, conforming
to legal specifications under the Idaho
Statutes; that it has at least two
hundred bona fide subscribers living
within the county of publication; and
that it has been continuously and
uninterruptedly published in said county
during a period of seventy eight
consecutive weeks prior to the first
publication of the said notice.

Terry Weatherston

Subscribed to and sworn to before me

This June 24, 1988

Gayle L. Judd

(SEAL) Notary Public.

My commission expires June 8, 1993

NOTICE OF APPLICATION
FOR WATER RIGHT

The following application has been filed
to appropriate the public waters of the State
of Idaho:

22-07537

TETON BASS POND INC. P.O. BOX 127,
TETON, ID. 83451.

Source: TETON RIVER, SOUTH FORK.

Tributary: SNAKE RIVER

Diversion Pt: NESWNE Sec 36 T 07N R.

40E

Use: RECREATION STORAGE (140.00
AF) DIVERSION TO STORAGE (4.000
CFS)

Date Filed: 5/17/1988

In: T07N R40E S36 NENE NWNE SWNE
SENE

The permits will be subject to all prior
water rights. Protests may be submitted
based on the criteria of Sec. 42-203A, Idaho
code and/or the new public interest criteria
of Sec. 42-203C, Idaho Code. Protests must
be filed with the Director, Dept. of Water
Resources, 150 Shoup Ave., Suite 15,
Idaho Falls, Idaho 83402 on or before JULY
5, 1988.

R. KEITH HIGGINSON,
Director

Publ. June 16 and 23, 1988J.

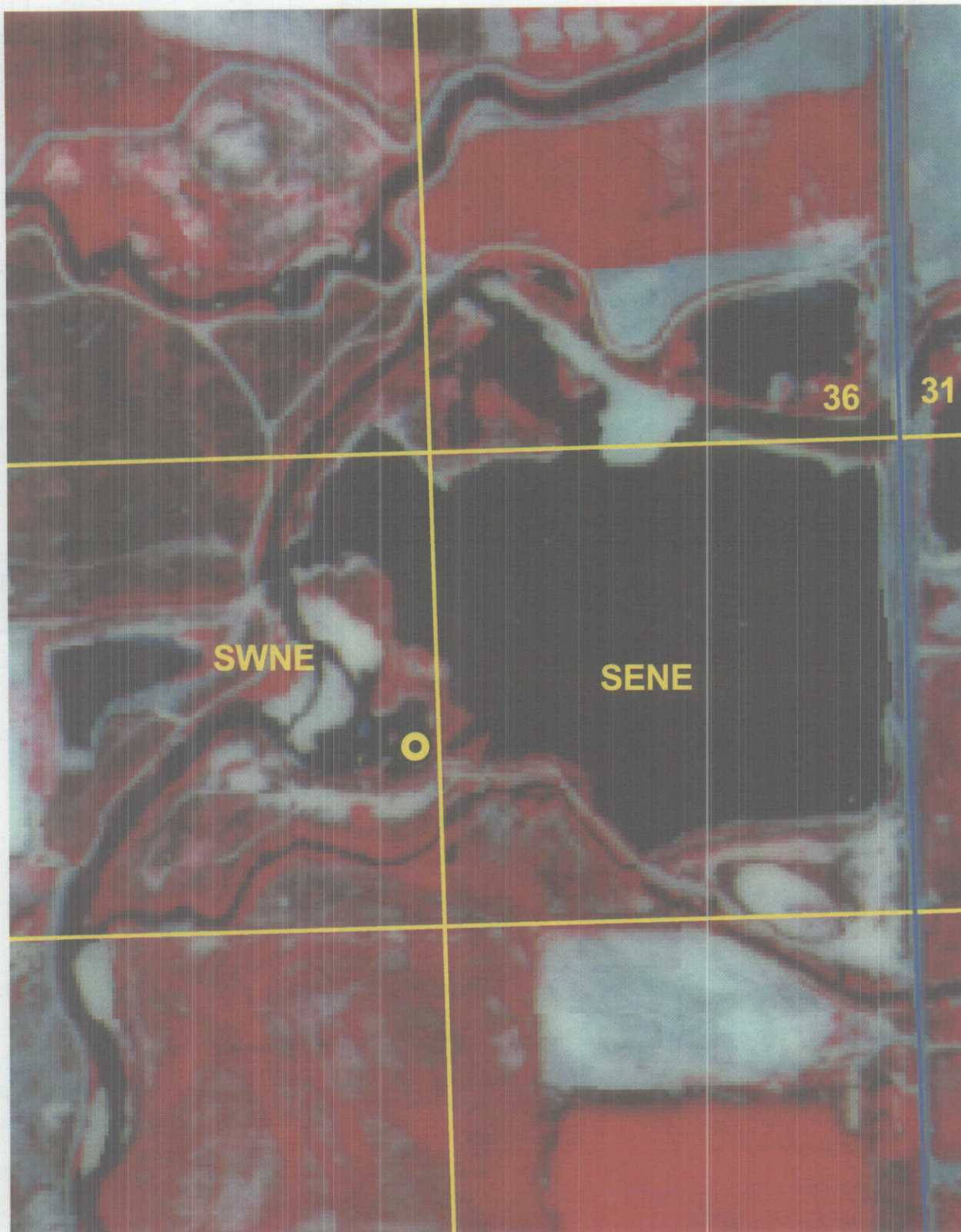
RECEIVED
JUL 5 1988

Department of Water Resources
Eastern District Office

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APR 19 1990

22-07537



T7N, R40E sec 36

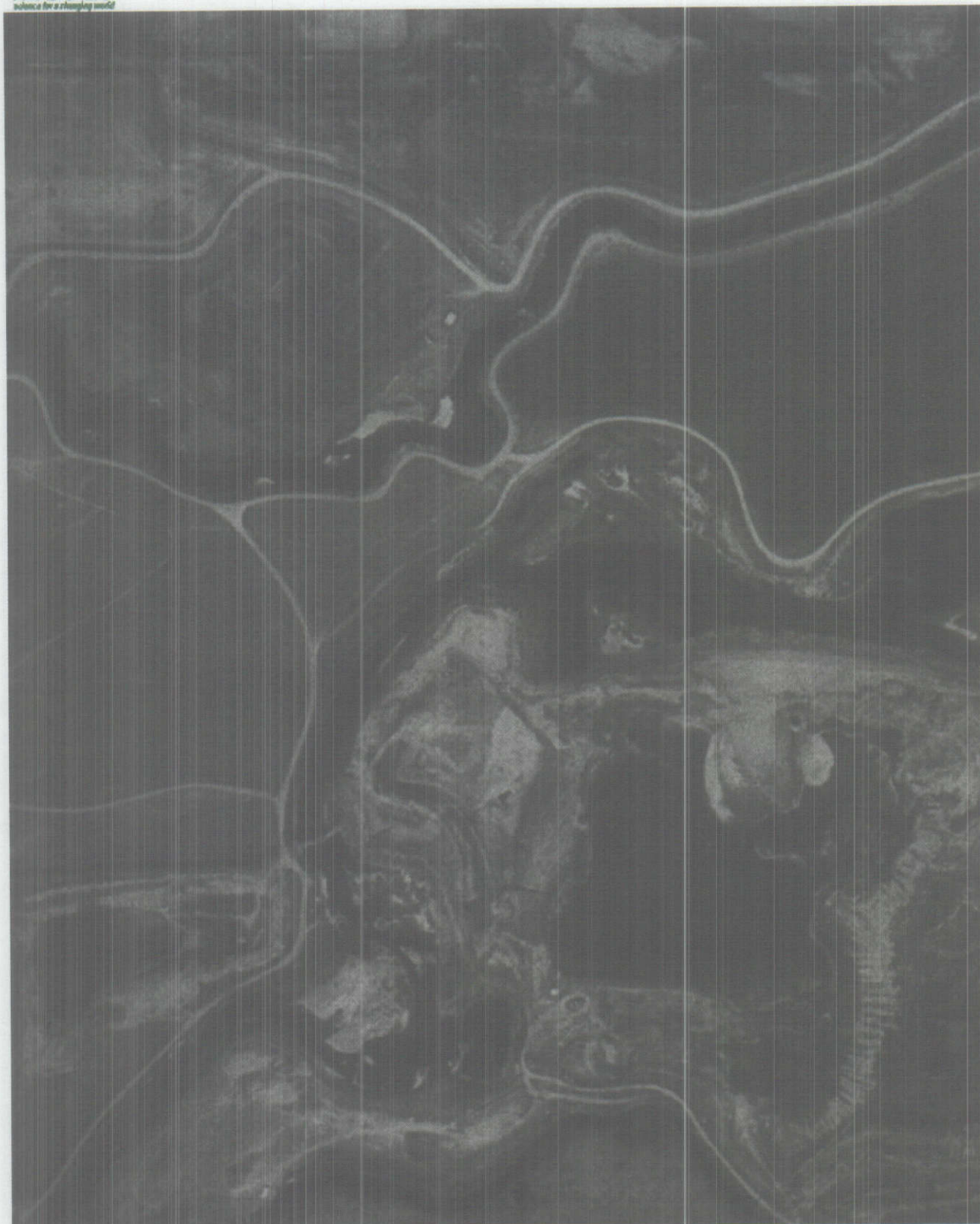
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Microsoft TerraServer

Display Image

USGS Aerial Photograph

Teton, Idaho, United States 31 Jul



Pond

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22-7537

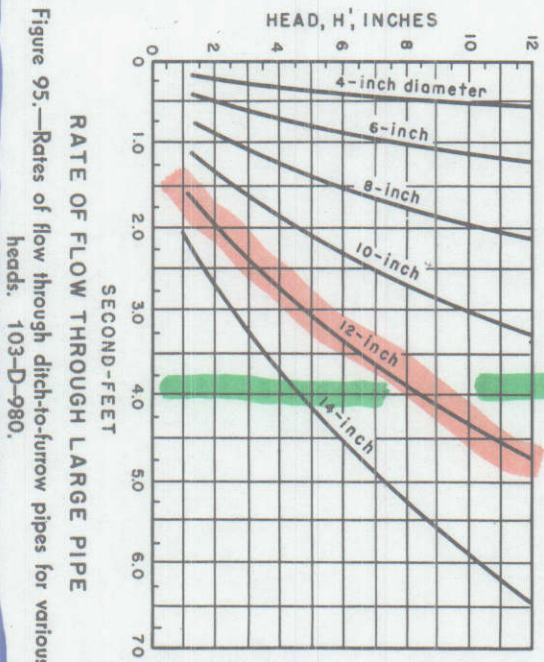
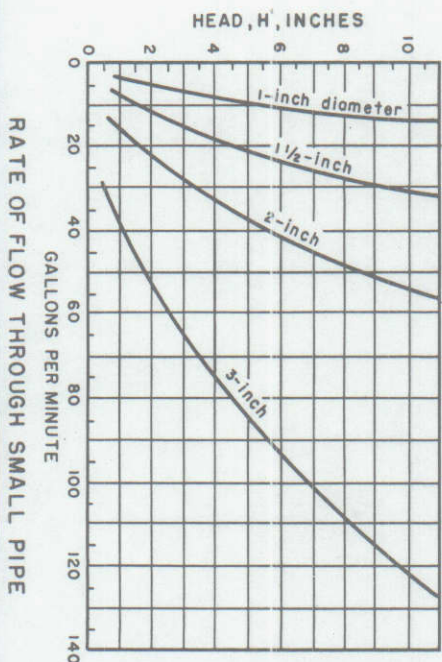


Figure 95.—Rates of flow through ditch-to-furrow pipes for various heads. 103-D-980.

requirements, and operation and maintenance problems are discussed in section 112. A variety of propeller meter types and manufacture are commercially available, and the selection of a meter for a particular use must be based upon careful

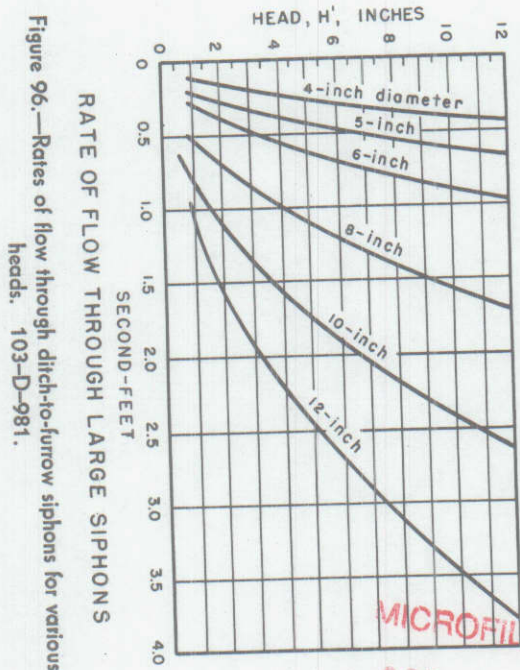
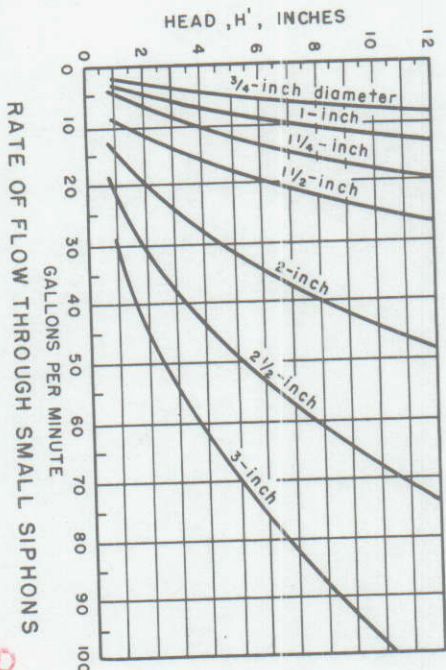


Figure 96.—Rates of flow through ditch-to-furrow siphons for various heads. 103-D-981.

consideration of the many factors such as flow velocity, flow distribution, and sediment size that affect that installation. **129. Proportional Meters.**—Proportional meters operate upon the principle of diverting into a separate passage and measuring

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9/11/2002

DC

22-7537

POB/

South
Teton River

12" culvert pipe to ditch to gravel PIT pond

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07537

Priority: May 17, 1988

Maximum Diversion Rate: 4.00 CFS
Maximum Diversion Volume: 80.0 AF

It is hereby certified that TETON BASS POND INC
PO BOX 224
TETON ID 83451 has complied with the terms and
conditions of the permit, issued pursuant to Application for Permit dated May 17, 1988; and has
submitted Proof of Beneficial Use on April 29, 1991. An examination indicates that the works have a
diversion capacity of 4 cfs of water from:

SOURCE

SOUTH TETON RIVER Tributary: HENRYS FORK

and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL DIVERSION VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		80.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.00 CFS	

LOCATION OF POINT OF DIVERSION:

SOUTH TETON RIVER SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 36, Twp 07N, Rge 40E, B.M., FREMONT County

PLACE OF USE: RECREATION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N 40E 36			X	X													

CONDITIONS OF APPROVAL

1. Recreation storage use is for fish and water fowl.
2. 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.
3. 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.
4. No water may be diverted under this right until adequate supplemental water is obtained for the season when the natural flow is not available.

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State of Idaho
Department of Water Resources
Water Right License

WATER RIGHT NO. 22-07537

5. This right is subject to the agreement dated January 23, 1990, between right holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. The water right confirmed by this license is subject to all prior water rights and shall be used in accordance with Idaho law and applicable rules of the Department of Water Resources.

Signed and sealed this 30TH day of September, 2002.

Acting for

KARL J. DREHER
Director

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OCT 04 2002

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APR 29 1991

STATE OF IDAHO

DEPARTMENT OF WATER RESOURCES

For Office Use Only

Amt. of Fee \$ 175.00Date 4/29/91Receipt No. 002039Received by J. J. Adams

Department of Water Resources

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources will consider this form as a statement that the permit holder(s) has/have completed all development that will occur under this permit and that water has been applied according to the provisions of the permit for the beneficial use(s) described below. This form must be accompanied by a license examination fee or a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07537 Telephone No. 458 9985
2. Name(s) of Permit Holder(s): TETON BASS POND INC.
3. Post Office Address: Box 224 Teton Idaho 83451
4. Source of Water: SOUTH Fork TETON River
 - a. If ground water, well driller's name: _____ Date drilled: _____
 - b. Pump horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft.): _____
5. Extent of Use:

Domestic _____ (No. of households)	Irrigation _____ (No. of acres)
Stockwater _____ (No. and type of stock)	Other <u>Fish & Water Fowl</u>
<u>Recreation</u>	
6. Total rate and/or volume for which proof is submitted 4.00 cfs 140.0 acre/feet
7. Refer to the approval conditions on your permit and respond accordingly:

Measuring device: <u>LOCKABLE</u>	Required? ☒ Yes ☐ No	Installed? ☒ Yes ☐ No
OR		
Flow Measurement Port:	Required? ☐ Yes ☐ No	Installed? ☐ Yes ☐ No
8. Fee Enclosed: \$ 175.00 (See License Examination Fee Schedule)
9. Person to contact to accompany the Department representative during the field examination:

<u>Larry Russell</u>	<u>458 9985</u>
Name	Telephone No.
<u>Box 224 Teton Idaho</u>	<u>83451</u>
Address	
10. The above information is my true statement of the extent to which the above numbered permit has been developed and I relinquish any undeveloped portion of the permit to the state of Idaho.

MICROFILMED4/15/91
DateLarry Russell / Pres
Signature (and title if on behalf of a company or organization)

MAY 29 1991

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07537

Proposed Priority: May 17, 1988 Maximum Diversion Rate: 4.00 CFS
This is to certify, that **TETON BASS POND INC.**
P.O. BOX 127
TETON, ID 83451
has applied for a permit to appropriate water from:

TETON RIVER, SOUTH FORK tributary of **SNAKE RIVER**

and a permit is **APPROVED** for development of water as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
RECREATION STORAGE	01/01 to 12/31		140.0 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.00 CFS	
	Totals	4.00 CFS	

LOCATION OF POINT(S) OF DIVERSION: NESWNE Sec. 36, Township 07N, Range 40E
FREMONT County

PLACE OF USE: RECREATION STORAGE

TWN RGE SEC

07N 40E 36	NENE SENE	NWNE	SWNE
------------	--------------	------	------

PLACE OF USE: DIVERSION TO STORAGE, same as RECREATION STORAGE use

CONDITIONS/REMARKS:

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **May 1, 1991**.
2. Subject to all prior water rights.
3. Use of water under this permit shall be non-consumptive.
4. A measuring device and lockable controlling works of a type acceptable to the Department shall be permanently installed and maintained as part of the diverting works prior to diversion of water under this permit.
5. No water may be diverted under this permit until adequate supplemental water is obtained for the irrigation season when the natural flow is not available.
6. Use of water under this permit is subject to control by the watermaster of State Water District No. 01.
7. This permit is subject to the agreement dated January 23, 1990, between permit holder and protestant(s) to the extent such agreement covers matters within the jurisdiction of the Department of Water Resources.

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APR 19 1990

State of Idaho
Department of Water Resources

Permit To Appropriate Water

NO. 22-07537

This permit is issued pursuant to the provisions of Section 42-204, Idaho Code.
Witness the seal and signature of the Director, affixed at Boise, this

13th day of April, 19 90

R. Keith Higginson

R. Keith Higginson, Director

for

MICROFILMED

APR 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant Teton Bass Pond Inc. Phone 458-4310
Post office address P.O. Box 127, Teton, ID 83451
2. Source of water supply Teton River, South Fork which is a tributary of Snake River
3. Location of point of diversion is NE $\frac{1}{4}$ of SW $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 36 Township 7N Range 40E B.M. Fremont County; additional
points of diversion if any: _____
4. Water will be used for the following purposes:
Diversion to
Amount 4.00 cfs for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(cfs or acre-feet per annum)
Amount 140 AF for Storage purposes from 1/1 to 12/31 (both dates inclusive)
(acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 4.00 and/or (b) 140
cubic feet per second acre feet per annum
6. Proposed diverting works:
- a. Description of ditches, flumes, pumps, headgates, etc. 15" diameter pipe with a metal slide gate, pipe is 30 ft. long. Water conveyed through pipe is discharged into pond.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet; period of year when water will be diverted to storage: _____ to _____ inclusive.
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 90°F being sought? _____
7. Time required for the completion of the works and application of the water to the proposed beneficial use is
1 years (minimum 1 year).

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APR 19 1990

8. Description of proposed uses (if irrigation only, go to item 9):

- Hydropower; show total feet of head and proposed capacity in KW. _____
- Stockwatering; list number and kind of livestock. _____
- Municipal; show name of municipality. _____
- Domestic; show number of households. _____
- Other; describe fully. water diverted to fill gravel pit that is used for recreation by local people

9. Description of place of use:

- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
- If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
7N	40E	36	RS	RS	RS	RS													

Total number of acres to be irrigated _____

10. Describe any other water rights used for the same purposes as described above. None

11. a. Who owns the property at the point of diversion? Teton Bass Pond, Inc.

b. Who owns the land to be irrigated or place of use? same as above

c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. _____

12. Remarks: Pond dimensions - aerial size 14 ac. maximum average depth 10 ft.

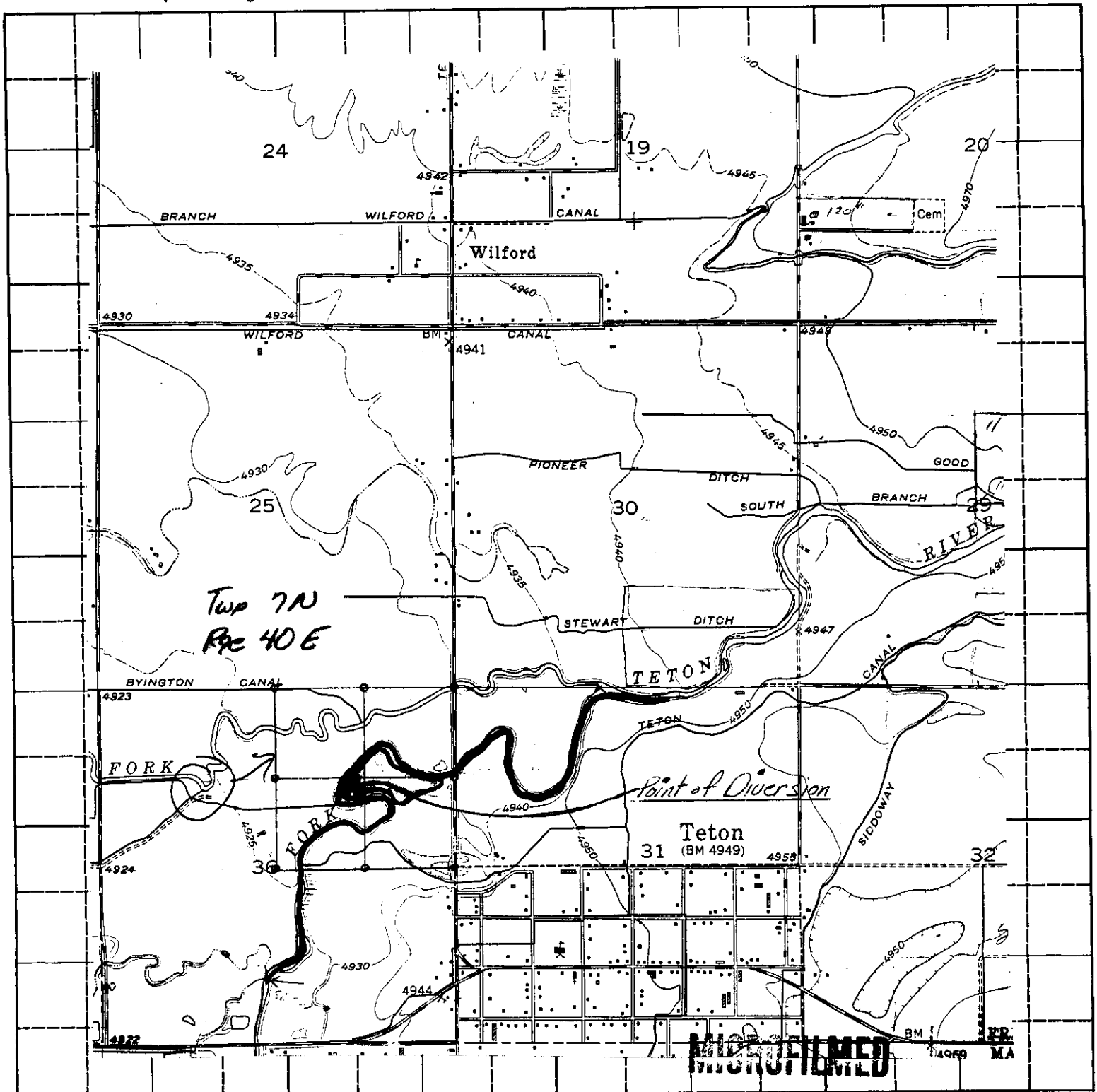
Officers: President - Larry Russell, Teton, Idaho 83451

Treasurer - Gary Allen, Teton, ID 83451

Secretary - Arden Stewart, P.O. Box 127, Teton, ID 83451

APR 19 1990

13. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



Scale: 2 inches equal 1 mile.

APR 19 1990

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Andean Stewart
(Applicant) SECRETARY

Received by CW Date 5-17-88 Time 12:50 P Preliminary check by _____
Fee \$ 105⁰⁰ Receipted by dg # E000222 Date 5-18-88
Publication prepared by dg Date 6-8-88 Published in Herald Chronicle
Publication approved dg Date 7-20-88

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. _____, and said application is hereby _____.

1. 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 _____, 19 ____.

c. The rate of diversion, if water is to be used for irrigation under this permit, when combined with all other water rights for the same land shall not exceed 0.02 cubic feet per second for each acre of land.

d. The water right acquired under this permit if for hydropower purposes shall be junior and subordinate to all rights to the use of water, other than hydropower, within the State of Idaho that are initiated later in time than the priority of this permit and shall not give rise to any right or claim against any future rights to the use of water, other than hydropower, within the State of Idaho initiated later in time than the priority of this permit.

e. Other:

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APR 19 1990

THE STANDARD-JOURNAL
Rexburg, Idaho
AFFIDAVIT OF PUBLICATION

STATE OF IDAHO
County of Madison

I, Terry Weatherston being
first duly sworn, depose and say, that I
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consecutive weeks prior to the first
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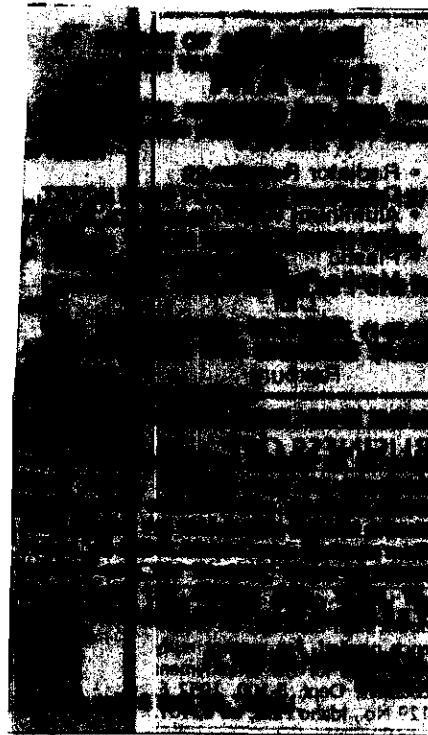
Terry Weatherston

Subscribed to and sworn to before me

This June 24, 1988

Gregory L. Ford
(SEAL) Notary Public.

My commission expires June 8, 1993



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JUL 5 1988

Department of Water Resources
Eastern District Office

MICROFILMED

APR 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

October 2, 2002

TETON BASS POND INC
PO BOX 224
TETON ID 83451

RE: License No. 22-7537 - Issuance of License

Dear Water Right Holder(s):

The Department of Water Resources has issued the enclosed Water Right License confirming that a water right has been established in accordance with your permit. Please be sure to thoroughly review the conditions of approval and remarks listed on your license.

The license is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless a party petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at 208-327-7946.

Sincerely,

Shelley W. Keen

Water Rights Supervisor

SWK:klt

Enclosure(s)

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OCT 04 2002

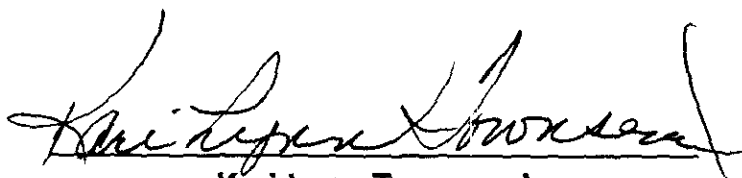
CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2002 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER(Approved License) to the person(s) listed below:

RE: WATER RIGHT NO.

22-7537

**TETON BASS POND INC
PO BOX 224
TETON ID 83451**

A handwritten signature in cursive script, appearing to read "Kari Lynn Townsend", written over a horizontal line.

**Kari Lynn Townsend
Secretary**

MICROFILMED

OCT 04 2002

**EXPLANATORY INFORMATION
TO ACCOMPANY A
PRELIMINARY ORDER**

The accompanying order or approved document is a "Preliminary Order" issued by the department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action of the Department of Water Resources (department) unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the department or the Idaho Water Resource Board (Board) is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its issuance if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) the petition for reconsideration is disposed of; or
- (b) the petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

MICROFILMED
OCT 04 2002

Comment Report

22-7537

1. dcarlson 9/11/2002 Field Report Narrative

Comment: gravel pit pond 7 acres surface area 10-12 feet deep 80 af facility volume
12 inch culvert in the south teton river into pond capacity would be over 4.00 cfs at the
high water
mark.

2. kwalker 9/20/2002 Use of Water

Comment: Examiner recommended we add a recreation from storage parameter to
this permit but we do not add this use to rights of this nature. The pond is used for fish
and water fowl - no water is removed from storage.

*Non-consumptive requirement removed from the right. The intention
of the applicant has always been to create a reservoir. Evaporation
from a reservoir is consumption.*

*S. Kean
9/25/02*

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OCT 04 2002

LICENSE REVIEW CHECKLIST

Permit No. 22-7537 Date: 9-20-2002 Reviewer: Kay Walker

Change/OK

Name/Address OK

Source OK
Point of Diversion: OK

Does change clarify original intended source? If no, void permit.
Change (P39/P49) Add (P45/P44) Feds (P40)

W32 (multiple in 1/4/1/4)
W36 (overlap)
W59 (subdivision description)

Place of Use OK

Change (P41/P49) Add (P41/P44) Feds (P43)

W60 (subdivision description)
W27 (ppu acre limit)

Overlaps: Right(s): _____
File reviewed _____ Profile reports printed _____

P/D & P/U amend (P37) Feds (P48)

Rate of Diversion: Permitted rate 4.0 cfs
Fee Limit 4.0 cfs Recommended Total Diversion Rate 4.0
Measured _____ cfs
Theoretical 4.0 cfs

Water Uses OK

Change (P46)

Season of Use per new Standards _____

Irrigation _____ cfs _____ af
Stockwater _____ cfs _____ af
Domestic _____ cfs _____ af
Rec Stor _____ cfs 80 af
Div to Stor 4 cfs _____ af
Total 4 cfs 80 af

Irrigation - overlap(R58-R61, R62-R65, R66-R69)
supp Gw (WB7/065/104)
overlap spec combined rts (W35)
4 acre (W31)
Domestic (W01/wb5/070/071/075)
Power (W42 or W43/025/027/R22 or R23)
Fish (042)
Fire (077)
Water Quality (106/R07)
Peyette (W22/047/27A)
Stockwater for US (R37)

Volume Determination
_____ cfs x 1.9835 x _____ days = _____ af (vs) _____ acres x _____ (FHR) = _____ af

Remarks: _____

Additional Conditions 01 Watermaster Control
_____ GW Measurement/Measuring Device
_____ Other
Trust R55 - remove 051
Non-trust (048)

GW Dist? _____
Water Msmt. Dist? _____
Crit. GWMA? _____
GWMA? _____
Government Lots? _____

Advance Priority? yes If yes, explain why below.
no

SRBA Claim? _____

Adjust memo see comments

Amend Letters _____ P87, S06 Second Amendment Notice _____ S06

RECEIVED

SEP 16 2002

Department of Water Resources Page 1

Permit No: 22-7537

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
BENEFICIAL USE FIELD REPORT

A. GENERAL INFORMATION

Permit No: 22-7537

Exam Date: 9/11/2002

1. Current Owner: TETON BASS POND INC
PO BOX 224
TETON ID 83451
(208)458-9985

2. Accompanied by: LARRY Russell
Phone No:
Address:
Relationship to Permit Holder: owner

3. SOURCE TRIBUTARY
SOUTH TETON RIVER HENRYS FORK

B. OVERLAP REVIEW

1. Other water rights with the same place of use: NONE
2. Other water rights with the same point of diversion: NONE

C. DIVERSION AND DELIVERY SYSTEM

1. LOCATION OF POINT(S) OF DIVERSION:

SOUTH TETON RIVER SW1/4NE1/4 Sec. 36, Twp 07N, Rge 40E, B.M.
FREMONT County

Method of Determination: GPS/FE

2.

PLACE OF USE: RECREATION STORAGE

Twp	Rge	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	40E	36			X	X													

RECREATION FROM STORAGE same as RECREATION
STORAGE
DIVERSION TO STORAGE same as RECREATION
STORAGE

MICROFILMED
OCT 14 2002

Method of Determination:

3. ☐ Delivery System Diagram Attached (required). Indicate all major components and distances between components. Indicate weir size/pipe as applicable.
- ☐ Map Attached Showing Location(s) of point(s) of diversion and place(s) of use (required). Scale must be 1:24,000 or greater.
- ☒ Aerial Photo Attached (required for irrigation of 10+ acres).
- ☒ Photo of Diversion and System Attached

4.

<u>Well or Diversion ID No.*</u>	<u>Motor Make</u>	<u>Hp</u>	<u>Motor Serial No.</u>	<u>Pump Make</u>	<u>Pump Serial No. or Discharge Size</u>

*Code to correspond with No. on map and aerial photo

D. FLOW MEASUREMENTS

1.

<u>Measurement Equipment</u>	<u>Type</u>	<u>Make</u>	<u>Model No.</u>	<u>Serial No.</u>	<u>Size</u>	<u>Calib. Date</u>

2. Measurements:

12" culvert pipe to ditch will hold more than 4.00 cfs at high water mark. Pond size is 7 acres and 12' DEEP AVE. "Size Chart"

E. FLOW CALCULATIONS

____ Additional Computation Sheets Attached

Measured Method:

Pond is 1987 photo is much larger than now. MAX capacity is 80 AF. if and when storage is available to purchase.

MICROFILMED
OCT 6 4 2002

F. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) =$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation season}) \times 1.9835 =$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} =$$

2. Volume Calculations for Other Uses:

$$7 \text{ ac} \times 12' \text{ D} = 80 \text{ AF}$$

G. NARRATIVE/REMARKS/COMMENTS

gravel pit pond 7 acres surface area 10-12 feet deep 80 af facility volume
12 inch culvert in the south teton river into pond capacity would be over 4.00 cfs at the high water mark.

Have conditions of permit approval been met? ☒ Yes ☐ No

H. RECOMMENDATIONS

1. Recommended Amounts

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>	<u>ANNUAL VOLUME</u>
RECREATION FROM STORAGE	01/01 to 12/31		80.00 AF
RECREATION STORAGE	01/01 to 12/31		80.00 AF
DIVERSION TO STORAGE	01/01 to 12/31	4.000 CFS	
<u>Totals:</u>		4.000 CFS	80.00 AF

2. Recommended Amendments

☐ Change P.D. as reflected above ☐ Add P.D. as reflected above ☒ None

☐ Change P.U. as reflected above ☐ Add P.U. as reflected above ☐ Other

I. AUTHENTICATION

Field Examiner's Name

CARLSON
[Signature]

Date

9/11/2002

Reviewer

[Signature]

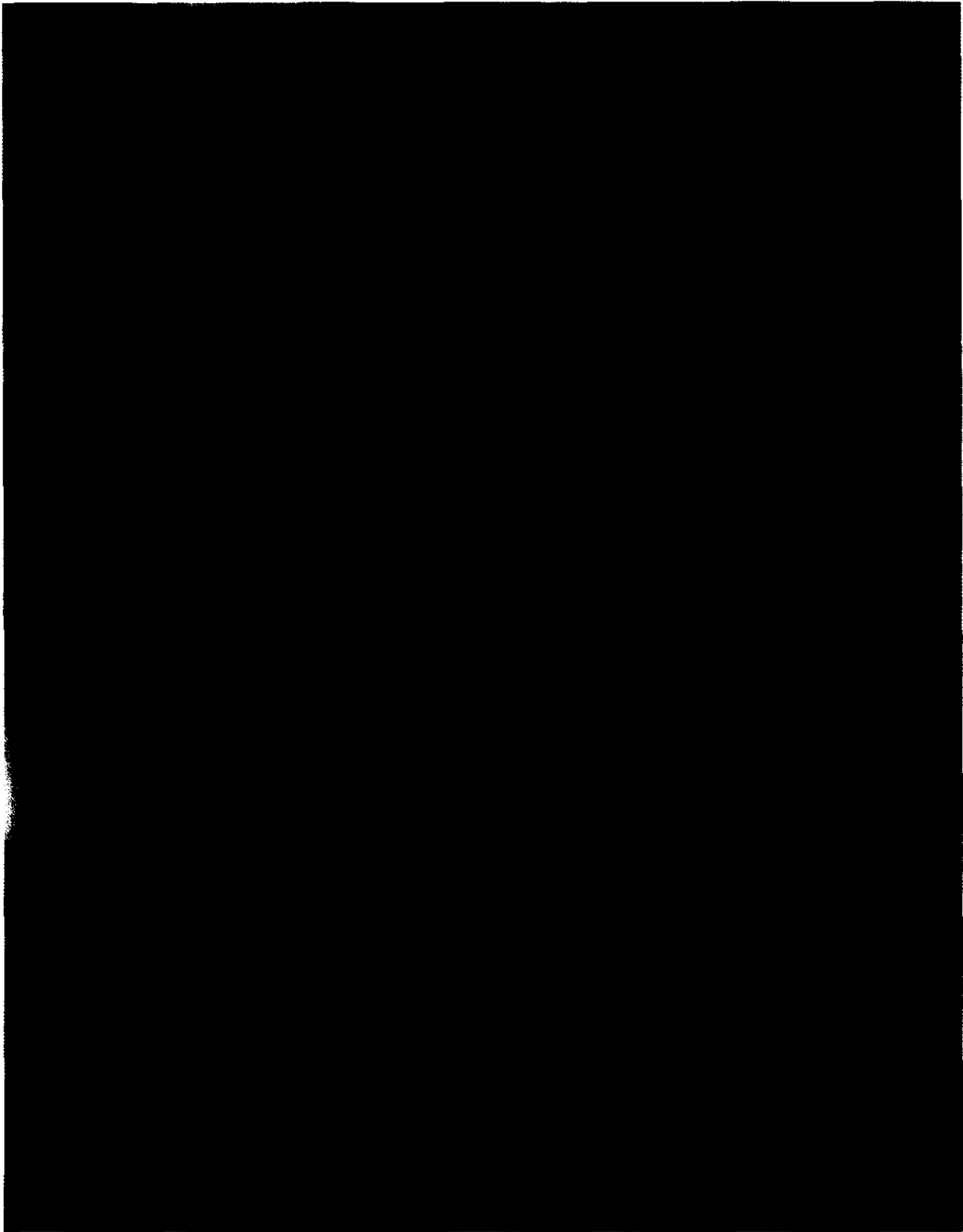
Date

9-11-2002

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OCT 9 4 2002

22-07537



T7N, R40E sec 36

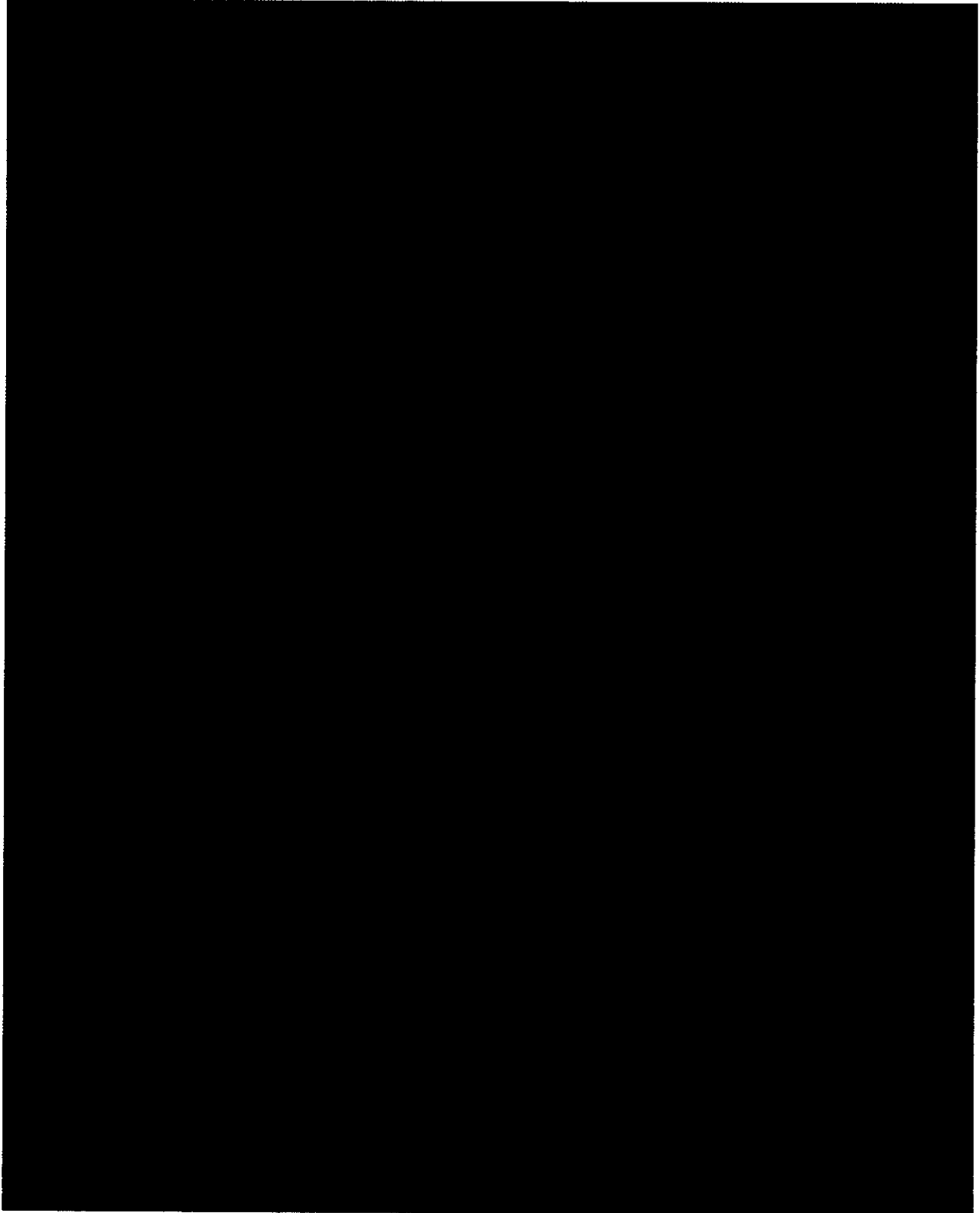
MICROFILMED
OCT 04 2002

Microsoft TerraServer

Display Image

USGS Aerial Photograph

Teton, Idaho, United States 31 Jul



Pond

MICROFILMED

OCT 04 2002

22-7537

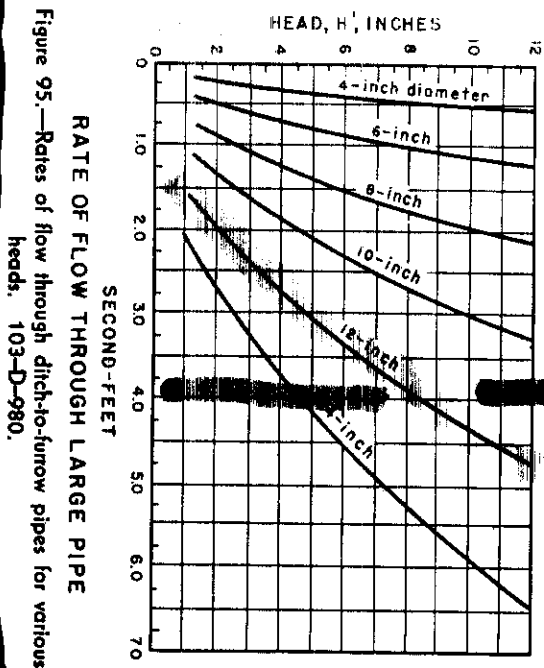
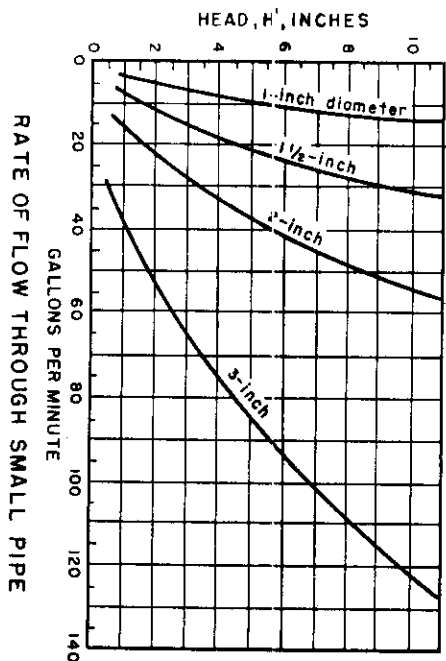


Figure 95.—Rates of flow through ditch-to-furrow pipes for various heads. 103-D-980.

requirements, and operation and maintenance problems are discussed in section 112. A variety of propeller meter types and manufacture are commercially available, and the selection of a meter for a particular use must be based upon careful

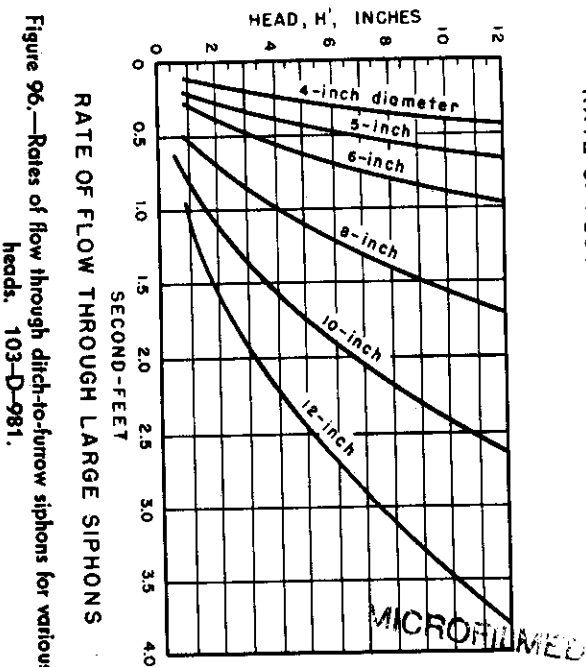
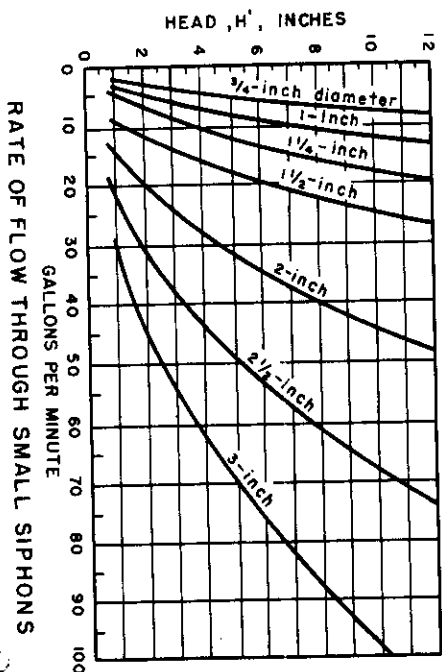


Figure 96.—Rates of flow through ditch-to-furrow siphons for various heads. 103-D-981.

consideration of the many factors such as flow velocity, flow distribution, and sediment size that affect that installation. 129. Proportional Meters.—Proportional meters operate upon the principle of diverting into a separate passage and measuring

OCT 04 2002



9/11/2002

DC

22-7537

POD/

South
Teton River

12" culvert pipe to ditch to gravel PIT pond

MICROFILMED
OCT 04 2002

May 3, 1991

TETON BASS POND INC.
P.O. BOX 224
TETON, ID 83451

PROOF ACKNOWLEDGMENT LETTER

RE: PERMIT NO. 22-07537

Dear Permit Holder:

The department acknowledges receipt of the proof of beneficial use form submitted for the above referenced permit. The next step in the process of developing a water right is for the department to conduct a field examination to determine and confirm the use being made of the water.

If you have questions concerning this matter, please feel free to contact the EASTERN Regional Office in Idaho Falls at (208)525-7161.

Sincerely,

Rita Fleck
Secretary/Records Manager

c: IDWR - Region

MICROFILMED

MAY 29 1991

ANALYSIS SHEET
for
PROOF OF BENEFICIAL USE

Permit No. 22-7537

Date 4-30-91

GENERAL CONSIDERATIONS

y Name same as permit?
N Address same as permit? If no, indicate below.
y Proof timely received? If no, complete priority advancement below.

SOURCE OF WATER

y Surface water source
 Ground water source
 Drill permit req'd?
 Copy in file? Drill permit no.
 Amt paid for drilling permit? Correct?
 Well log in file?

LICENSE EXAMINATION FEE

y Required?
175⁰⁰ Amount submitted?
y Correct amount?

MEASURING DEVICE

y Measuring device or access port required?
y Installed?
N/A Waiver requested or needed?

DEFICIENCIES OR ACTION ITEMS

- address change
Proof acceptable

[Signature] 4-30-91

PRIORITY CALCULATION

Date proof received *[Signature]*
Date proof due -
No. of days late =
Priority date +
NEW PRIORITY DATE =

TETON BASS POND INC.
P.O. BOX 127
TETON, ID 83451

138096
February 28, 1991

PROOF DUE NOTICE

RE: PERMIT NO. 22-07537

Dear Permit Holder:

One of the conditions of approval of the above referenced water permit was that proof of the extent of your beneficial use must be submitted to this office on or before May 1, 1991. (See last page of your approved permit or your last approved extension request.) Enclosed is a form which when accompanied by the license examination fee or a complete field examination report prepared by a certified water right examiner may be used to submit the required proof.

If you have not fully completed your project, and you or a previous owner of this permit have not received a prior extension of time, you may request an extension of time if the delay is for reasonable cause as provided in Section 42-204, Idaho Code. If you have been prevented from proceeding by a governmental agency or by litigation which might bring title to the water in question, more than one extension of time can be granted. An extension of time request form is enclosed for your convenience.

Either an acceptable proof of beneficial use submittal or an acceptable request for an extension of time must be received by this department on or before the above described proof due date. If neither is received, the department will send you a lapse notice. Within sixty (60) days of the mailing of the lapse notice, the permit will no longer be of any force nor effect.

SINCERELY,

Rita Fleck
Secretary/Records Manager

Enclosures

MICROFILMED
MAY 29 1991

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

Statehouse
Boise, Idaho 83720
(208) 327-7900
April 16, 1990

TETON BASS POND INC.
P.O. BOX 127
TETON, ID 83451

PERMIT APPROVAL NOTICE

RE: PERMIT NO. P22-07537

Dear Permit Holder:

Enclosed is a copy of your approved application for permit. We direct your attention to the conditions of approval on the final page.

Be sure to note the special condition requiring you to install a measuring device and lockable controlling works that will enable the watermaster to control the rate of diversion.

We have enclosed a form entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop this permit. Also enclosed for your convenience is a form entitled "Proof of Beneficial Use" that must be submitted to the Department when your project is completed. If development is complete, you may submit proof of beneficial use immediately.

Sincerely,

GARY SPACKMAN, Supervisor
Water Right Permits Section

GS: SC
Enclosures

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APR 19 1990

Dist. for staffing dg ⁵⁻¹⁷⁻⁸⁸
submitted for adv. 96 ⁵⁻⁹⁻⁸⁸ 6-6-88

Form No. 202a
4/87

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY Steve McCormick DATE 5-18-88 APPLICATION NUMBER 22-7537

REQUIRED INFORMATION

- ☒ Name (If applicant is a corporation or partnership, names must be provided for the director, officers, & other partners.)
- ☒ Address
- ☒ Source (See USGS Quad for names of water sources)
- ☒ Point of Diversion (10 acres for spring, lot & block descriptions for subdivisions, local name, flow and/or volume)
- ☒ County
- ☒ Quantity (flow and/or volume)
- ☒ Period of Use
- ☒ Nature of proposed use (Include description of use.)
- ☒ Description of diverting works
- ☒ Time required for beneficial use of water
- ☒ Place of use or acres irrigated
- ☒ Map
- ☒ Signature (If applicant is corp. partnership, or municipality, title of signator is required)
- ☒ Fee
- ☒ Yes ☐ No* In form to receipt

ADDITIONAL INFORMATION

- ☒ Overlapping place of use (Describe source & relationship to present application on the back.)
- ☒ Overlapping point of diversion
- ☐ Yes ☒ No Field check required
- ☐ Yes ☒ No Field check by _____
- ☐ Yes ☒ No Field report attached
- ☐ Yes ☒ No Critical groundwater area
- ☐ Yes ☒ No Groundwater management area
- ☐ Yes ☒ No Send dam safety information
- ☐ Yes ☒ No Send power requirement letter
- ☐ Yes ☒ No Send fish farm requirement letter
- ☐ Yes ☒ No Power residency affidavit
- ☐ Yes ☒ No Power efficiency form
- ☐ Yes ☒ No Within trustwater boundary (If yes, attach trust water supplementary analysis sheet.)
- ☐ Yes ☒ No Diversion greater than 5 cfs or 500 acre ft. (If yes, attach large diversion supplementary analysis sheet.)
- ☐ See reverse side for additional information

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT

Date Requested MAY 19 1988

Department of Water Resources

PROCESSING

☒ Yes ☐ No Form for advertising
☒ Yes ☐ No Statewide advertising
☒ Yes ☐ No Fee amount, receipt date & No. recorded on application

SEND COPIES TO

☐ Idaho Dept. of Health & Welfare
☒ ~~Idaho Dept. of Fish & Game~~ *dog*
☐ Idaho Dept. of Lands
☐ Adjudication Bureau Unit
☐ U.S. BLM
☐ U.S. Forest Service
☒ ~~Water District~~ *01*
☐ Other _____

FINAL REGIONAL PROCESSING REVIEW

☒ Yes ☐ No Affidavit of publication received 7-5-88
☒ Yes ☐ No Application published correctly. If not, record action taken.

withdrawn
☒ Yes ☐ No Publication dates & paper, recorded on application
☒ Yes ☐ No Protests received
Final date for protest 7-5-88
☐ Yes ☐ No Protests, dates, resolution of protest, recorded on application
☐ Yes ☒ No Recommendations attached
☒ Yes ☐ No Measuring device required
☐ Yes ☒ No Access port required
☒ Yes ☐ No Will water be delivered by watermaster? If yes, what Dist. 01
☐ Yes ☐ No Special conditions of approval or cover letter below. _____

☐ See below for additional information

Date of priority recommended 5-17-1988
By HWS Date 3-16-90 *20A (Jan. 23, 1990)*

STATE OFFICE REVIEW

POB, P16

05(01) 27 01J 11A

By lew ☐ See below for additional information
Date 4-2-90

ADDITIONAL INFORMATION

Conditions; <11A> <01J>

file copy discarded

I would recommend conditioning this permit so that screening structures were required on the inlet & outlet structures to prevent fish passage. HWS

App. in TRUST area - nonconsumptive use

RECEIVED
MAR 19 1990

Department of Water Resources

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION)
OF TETON BASS POND, INC.)
NO. ~~22-07537~~, TO APPROPRIATE)
140.00 AF FOR RECREATION STORAGE) STIPULATION
AND 4.000 CFS FOR DIVERSION TO)
STORAGE FROM THE SOUTH FORK OF)
THE TETON RIVER TRIBUTARY TO)
SNAKE RIVER.)

THIS AGREEMENT entered into this 23 day of
January, 1990, between Fremont-Madison Irrigation District,
hereinafter known as "Fremont ", and Teton Bass Pond, Inc.,
hereinafter known as "Teton, Inc."

Teton, Inc., filed an application with the
Department of Water Resources for water belonging to Dean
Crain for 2.2 cfs to be used for fish and recreational
purposes.

Fremont filed an objection to the application. The
parties hereby stipulate as follows:

1. ~~Fremont agrees to withdraw its objection to the~~
application for the reason that the applicant has made the
following agreements with the Fremont-Madison Irrigation
District.

2. Teton, Inc., agrees to maintain liability
insurance on the premises to ensure against property and
personal damage in the amount of \$300,000.00.

3. Teton, Inc., agrees to maintain a maximum water
level in the pond never to exceed the permanent steel marker
located in the northeast corner of the pond.

This maximum level may be limited by mutual
agreement to a level which will maintain bank stability.

STIPULATION

-1-

MICROFILMED

APR 19 1990

4. Teton, Inc., at its expense, agrees to install adequate measuring devices to measure the incoming flow.

5. Teton Bass Pond, Inc., shall be responsible for the water supply for the pond.

FREMONT-MADISON IRRIGATION DISTRICT

By *Dale L. Luman*

TETON BASS POND, INC.

By *Larry Russell*

STIPULATION

-1-

MICROFILMED

APR 19 1990

RECEIVED

JAN 24 1990

Department of Water Resources
Eastern District Office

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

COPY

IN THE MATTER OF THE APPLICATION)
OF TETON BASS POND, INC.)
NO. 22-07537, TO APPROPRIATE)
140.00 AF FOR RECREATION STORAGE)
AND 4.000 CFS FOR DIVERSION TO)
STORAGE FROM THE SOUTH FORK OF)
THE TETON RIVER TRIBUTARY TO)
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-1-

MICROFILMED

APR 19 1990

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FREMONT-MADISON IRRIGATION DISTRICT

By *Dale L. Lumsden*

TETON BASS POND, INC.

By *Larry Russell*

STIPULATION

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APR 19 1990

-1-

22-7537 - Teton Bass Pond Inc.

Courtroom, Teton County Courthouse
Driggs, Idaho

Friday, June 16, 1989 - 2:00 p.m.

Hearing Officer: NORM YOUNG

Name	Representing	Address
------	--------------	---------

Arden Stewart

~~and if any~~ Teton Bass Rt. 1 Box 135 St. Anthony
J Leigh Chamtrill Newdale Ida 458-4496 Box 8

Dale Suensen Fremont-Madison Irrig. Dist. St. Anthony

John B. Kauer Fremont Madison Irr. Dist. St. Anthony

Wyle Carter

Condition permit so that inlet
& outlet structures are screened
to prevent Fish migration.

HWT

MICROFILMED

APR 19 1990

June 12, 1989

Teton County Courthouse
Teton County Clerk
ATTN: Nora
Driggs, ID 83422

Dear Nora:

This is to confirm the use of the Courtroom in the Teton County Courthouse, Driggs, Idaho for water right conferences to be held by this Department beginning at 10:00 a.m., Friday, June 16, 1989.

Thank you for your cooperation in this matter.

Very truly yours,

COLLEEN WRAY
Adm. Assistant

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APR 15 1990

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address. 2. ☐ Restricted Delivery.

3. Article Addressed to:

Tremont-Madison High
P.O. Box 15
St. Anthony

MICROFILMED

APR 19 1990

4. Article Number

0268

Type of Service:



Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature — Addressee

X *Dale L. Swenson*

6. Signature — Agent

X

7. Date of Delivery

JUN - 7 - 1989

8. Addressee's Address (*ONLY if requested and fee paid*)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code
in the space below.

- Complete items 1, 2, 3, and 4 on
the reverse.
- Attach to front of article if space
permits, otherwise affix to back of
article.
- Endorse article "Return Receipt
Requested" adjacent to number.

JUN 3 1990



Department of Water Resources
Eastern District Office

PENALTY FOR PRIVATE
USE, \$300

RETURN
TO

MICROFILMED

APR 19 1990

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOUP AVE. #15

IDAHO FALLS, IDAHO 83402

● **SENDER:** Complete items 1 and 2 when additional services are desired, and complete

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. ☐ Show to whom delivered, date, and addressee's address.

2. ☐ Restricted Delivery.

3. Article Addressed to:

Jeton Bass Pond Inc.
P.O. Box 127
Jeton, Id. 83408

4. Article Number

1266

Type of Service:

☒ Registered

☐ Insured

☒ Certified

☐ COD

☐ Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature -- Addressee

X

6. Signature -- Agent

X

7. Date of Delivery

6-10-89

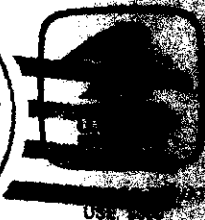
8. Addressee's Address (ONLY if requested and fee paid)

UNITED STATES POSTAL SERVICE
OFFICIAL BUSINESS

SENDER INSTRUCTIONS

Print your name, address, and ZIP Code in the space below.

- Complete items 1, 2, 3, and 4 on the reverse.
- Attach to front of article if space permits, otherwise affix to back of article.
- Endorse article "Return Receipt Requested" adjacent to number.



RETURN TO

Department of Water Resources
Eastern District Office

JUN 12 1989

PAID

Print Sender's name, address, and ZIP Code in the space below.

DEPARTMENT OF WATER RESOURCES

EASTERN DISTRICT OFFICE

150 SHOOP AVE, #15

IDAHO FALLS, IDAHO 83402

1

APR 19 1990

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR)
PERMIT NO. 22-7537 IN THE NAME OF) NOTICE OF CONFERENCE
TETON BASS POND INC.)
_____)

On May 17, 1988, Teton Bass Pond Inc. filed with the Department of Water Resources an application to appropriate the public waters of the State of Idaho. On July 5, 1988, the Department received a protest against approval of said application from the Fremont-Madison Irrigation District.

The Department has set the matter of protest for an administrative conference to be conducted at 2:00 p.m., Friday, June 16, 1989, in the Courtroom, Teton County Courthouse, Driggs, Idaho.

Agenda items for this conference will include:

1. Identify spokesman and/or counsel representing the protestants.
2. Review of the applications.
3. Identify issues of protest.
4. Designate date for identifying witnesses.
5. Designate target date for conducting administrative hearing if resolution is not possible during the conference.

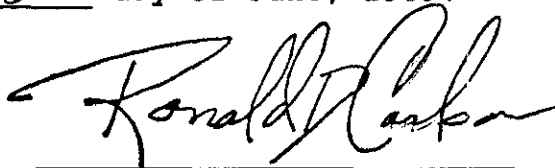
The conference will be held in accordance with provisions of the adopted Rules of Practice and Procedure of the

MICROFILMED

APR 15 1990

Department of Water Resources.

Dated this 6th day of June, 1989.

A handwritten signature in cursive script, appearing to read "Ronald D. Carlson".

RONALD D. CARLSON
Eastern Regional Manager

MICROFILMED

APR 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

August 25, 1988

RE: Application for Permit No. 22-7537 TETON BASS POND

Mr. Herb Pollard, Supervisor
Idaho Department of Water Resources
1515 Lincoln Road
Idaho Falls, ID 83401

Dear Mr. Pollard:

Your letter of protest to application 22-7537, Teton Bass Pond Inc., was received after the last protest date of July 5, 1988 and, therefore, cannot be accepted. Any further interest you have would have to be expressed in a petition to intervene since this application has been protested by other parties.

Enclosed is your protest letter for applications 74-7254 and 75-7460 which was also received after the protest date. No other parties have protested these applications but they will be held until other decisions are complete.

Sincerely,

HAROLD W. JONES
Sr. Resource Agent

HWJ:cw

Enc: as stated

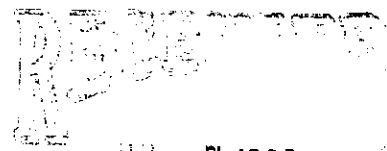
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APR 19 1990



IDAHO FISH & GAME

REGION 6
1515 Lincoln Road
Idaho Falls, ID 83401
(208) 522-7783



JUL - 7 1988

Department of Water Resources

July 5, 1988

RECEIVED
JUL 12 1988

Department of Water Resources
Eastern District Office

Mr. Ernest Carlsen
Water Rights Supervisor
Idaho Department of Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, ID 83402

Re: Application for Permit No. 22-7537, Teton Bass Pond, Inc.

Dear Ernle:

Idaho Department of Fish and Game has reviewed the referenced water right application. We protest this water right as it is submitted. The South Fork of the Teton River is currently over appropriated which results in dewatering near Rexburg during most years. A twelve month diversion right for 4 cfs would aggravate this situation during irrigation season. Our Department would have no protest to this water right if the diversion date did not include the irrigation season after runoff.

Please inform the applicant all inlet and outlet structures must be screened to prevent migration fish to or from the pond from the South Fork Teton River. Also inform the applicant a stream alteration permit would be required to install the headgate and pipe.

Sincerely,

Herbert A. Pollard II
Regional Supervisor
Region 6

HAP:SE:a1

cc: USFWS (Wolflln)
Department of Water Resources (Ervin Ballou)
Bureau of Program Coordination
Bureau of Fisheries

Cecil D. Andrus / Governor
Jerry M. Conley / Director



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RECEIVED
JUL 12 1988

Department of Water Resources
Western Regional Office

Teton Bass Pond Inc.
July 19, 1988
Page 2

counsel is not mandatory at a proceeding before the Department, you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office

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APR 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 - (208) 525-7161

EASTERN REGION

CECIL D. ANDRUS
GOVERNOR
R. KEITH HIGGINSON
DIRECTOR

July 19, 1988

RE: Application for Permit No. 22-7537 TETON BASS POND INC.

Mrs. Mary Smith
Attorney at Law
P.O. Box 427
Rexburg, ID 83440

Dear Mrs. Smith:

Your protest against the approval of the above referenced application, in behalf of the Fremont-Madison Irrigation District, has been received and a copy has been sent to the applicant. The Department suggests you contact the applicant directly in an effort to determine what is proposed by the application and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances requiring additional time, our objective is to schedule a conference and/or hearing to consider the protests within 60 days. At such a conference and/or hearing, the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

1. Will the proposed use reduce the quantity of water under existing water rights?
2. Is the proposed water supply insufficient for the purpose intended?
3. Is the application made in good faith or for delay or speculative purposes?
4. Has the applicant sufficient financial resources with which to complete the project?
5. Will the proposed use under this permit conflict with the local public interest?

The protestant must be prepared to present proof of allegations involving one or more of the five items. Representation by

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APR 19 1990

Mrs. Mary Smith
July 19, 1988
Page 2

legal counsel is not mandatory at a proceeding before the Department,
you may retain an attorney in your behalf.

If this office can be of further assistance, please contact us.

Very truly yours,

ERNEST CARLSEN
Water Rights Supervisor

EC:CW

Enclosure

cc: IDWR - State Office
Fremont-Madison Irrigation

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APR 19 1990

MARY SMITH
J. D. HANCOCK

LAW OFFICES OF
SMITH & HANCOCK

30 SOUTH 2ND WEST
POST OFFICE BOX 427
REXBURG, IDAHO 83440
(208) 356-5493

W. LLOYD ADAMS
(1885-1969)

July 1, 1988

RECEIVED
JUL 5 1988

Department of Water Resources
Eastern District Office

Idaho Department of
Water Resources
150 Shoup Avenue, Suite 15
Idaho Falls, Idaho 83402

Gentlemen:

I am enclosing herewith the Protest of
Fremont-Madison Irrigation District in the matter of
the application of Teton Bass Pond, Inc., No. 22-07537.

Yours very truly,

Mary Smith
Mary Smith

slb

Enclosure

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APR 19 1990

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION)	
TETON BASS POND, INC.,)	
No. 22-07537, TO APPROPRIATE)	PROTEST OF THE FREMONT-
140.00 AF FOR RECREATION STORAGE)	MADISON IRRIGATION
AND 4.000 CFS FOR DIVERSION TO)	DISTRICT
STORAGE FROM THE SOUTH FORK OF)	
THE TETON RIVER TRIBUTARY TO)	
SNAKE RIVER.)	

Comes now the Fremont-Madison Irrigation District, a quasi-municipal corporation of the State of Idaho, with its office and post office address at St. Anthony, Idaho, and in response to a notice given that TETON BASS POND, INC., of P. O. Box 127, Teton, Idaho 83451, made application No. 22-07537 for a permit to appropriate 140.00 AF of water for recreation storage and 4.000 CFS for diversion to storage from the South Fork of Teton River Tributary to Snake River, diversion point is Township 07 North, Range 40 East, Section 36, NENE NWNE SWNE SENE, and makes the following protest against the approval of such application.

1. That the supply of water from the South Fork of the Teton River Tributary to Snake River is not sufficient to warrant such application for recreation storage and diversion to storage purposes.

2. That the proposed appropriation and use would reduce the quantity of water under existing water rights.

3. That the proposed water supply is insufficient for the purpose intended.

4. That such diversion will conflict with local public interest.

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APR 19 1990

Emery Davis
Emery Davis, Chairman of Board
of Directors, Fremont-Madison
Irrigation District

STATE OF IDAHO)
 : ss.
County of Madison)

EMERY DAVIS, being first duly sworn, says that he is Chairman of the Board of Directors, Fremont-Madison Irrigation District, and he makes this verification for and on behalf of said District; that affiant has read the foregoing Protest and knows the contents thereof and as to the matters and things therein alleged, affiant believes the same to be true.

Emery Davis

Subscribed and sworn to before me this 30th day of June, 1988.

Mary Smith
Notary Public
Residing at Rexburg, Idaho
My Commission Expires: 6/25/93

(SEAL)

RECORDED
APR 18 1989

WATERMASTER COMMENTS

I have reviewed Application for Permit No. 22-7537 and have the following comments/objections to the approval of this application for permit:

I do not believe the water supply is sufficient for the purposes intended. The applicants have been unwilling to lease storage water this year, which would be a prerequisite for approval of this application. I would recommend that this application not be approved.

June 2, 1988 

Date

RONALD D. CARLSON, WATERMASTER
Water District No. 01

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APR 19 1990



State of Idaho

DEPARTMENT OF WATER RESOURCES

Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 9, 1988

State of Idaho
Dept. of Fish & Game
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

RE: Application for Permit No. 22-7537, Teton Bass Pond Inc.

Dear Sir:

This office is currently in the process of publishing notices that the above application was filed with the Department of Water Resources. Since the application may be of interest to you, a copy is enclosed for your examination. Comments concerning the application should be addressed to the applicant with a copy forwarded to this office. Protests objecting to granting a permit should be directed to this Department and received no later than July 5, 1988. Final action will be taken by this office shortly after this date, provided there are no protests lodged against the application.

Respectfully submitted,

Ernest Carlsen
Water Rights Supervisor

EC/dg
Enclosure

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APR 19 1990



State of Idaho
DEPARTMENT OF WATER RESOURCES
Eastern Region

CECIL D. ANDRUS
Governor

R. KEITH HIGGINSON
Director

Mailing Address:
150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402
(208) 525-7161

June 9, 1988

Teton Bass Pond Inc.
P.O. Box 127
Teton, Idaho 83451

RE: Application for Permit No. 22-7537

Dear Water Right Applicant:

The Department of Water Resources acknowledges receipt of your water right application for permit. The application has been assigned identification No. 22-7537. Please refer to this number in all further correspondence.

This office is currently in the process of advertising the application in the Herald Chronicle. The advertisement will be published for two consecutive weeks, and a period of ten days following the second publication will be allowed for the submittal of protests.

If the application is protested, you will be sent a copy of the protest. The protest must be resolved before the application is approved or denied. If the protest is not resolved voluntarily, this Department will conduct a conference and/or hearing on the matter.

If the application is not protested, it will be forwarded to our state office in about five weeks. State office personnel will conduct a complete review prior to final processing of the application and will notify you of the outcome of this review. When a permit is issued, you will be sent a copy. A typical processing time for an unprotested application is about eight weeks.

Please feel free to contact this office if you have any questions regarding this procedure.

Sincerely,

Ernest Carlsen
Water Rights Supervisor

EC/dg

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APR 19 1990

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region
150 Shoup Ave., Suite 15

Idaho Falls, Idaho 834
(208) 525-7161

JUNE 8, 1988

HERALD CHRONICLE
P.O. BOX 10
REXBURG, ID 83440

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. Your cooperation is appreciated.

Please send the affidavit of publication and publication billing to this office before JULY 5, 1988.

Yours truly,

Deena Green
Secretary

Encl.

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APR 19 1990

22-07537

TETON BASS POND INC.
P.O. BOX 127
TETON, ID 83451

Source: TETON RIVER, SOUTH FORK Tributary: SNAKE RIVER

Diversion Pt: NESWNE Sec 36 T 07N R 40E

Use: RECREATION STORAGE (140.00 AF)
 DIVERSION TO STORAGE (4.000 CFS)

Date Filed: 5/17/1988

In: T07N R40E S36 NENE NENE SWNE SENE

RECEIVED

APR 19 1990

NOTICE OF APPLICATION FOR WATER RIGHT

The Following application(s) have been filed to appropriate the public waters of the State of Idaho:

The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, 150 Shoup Ave., Suite 15, Idaho Falls, Idaho 83402 on or before JULY 5, 1988.

R. Keith Higginson, Director

Published 6/16/1988 & 6/23/1988

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