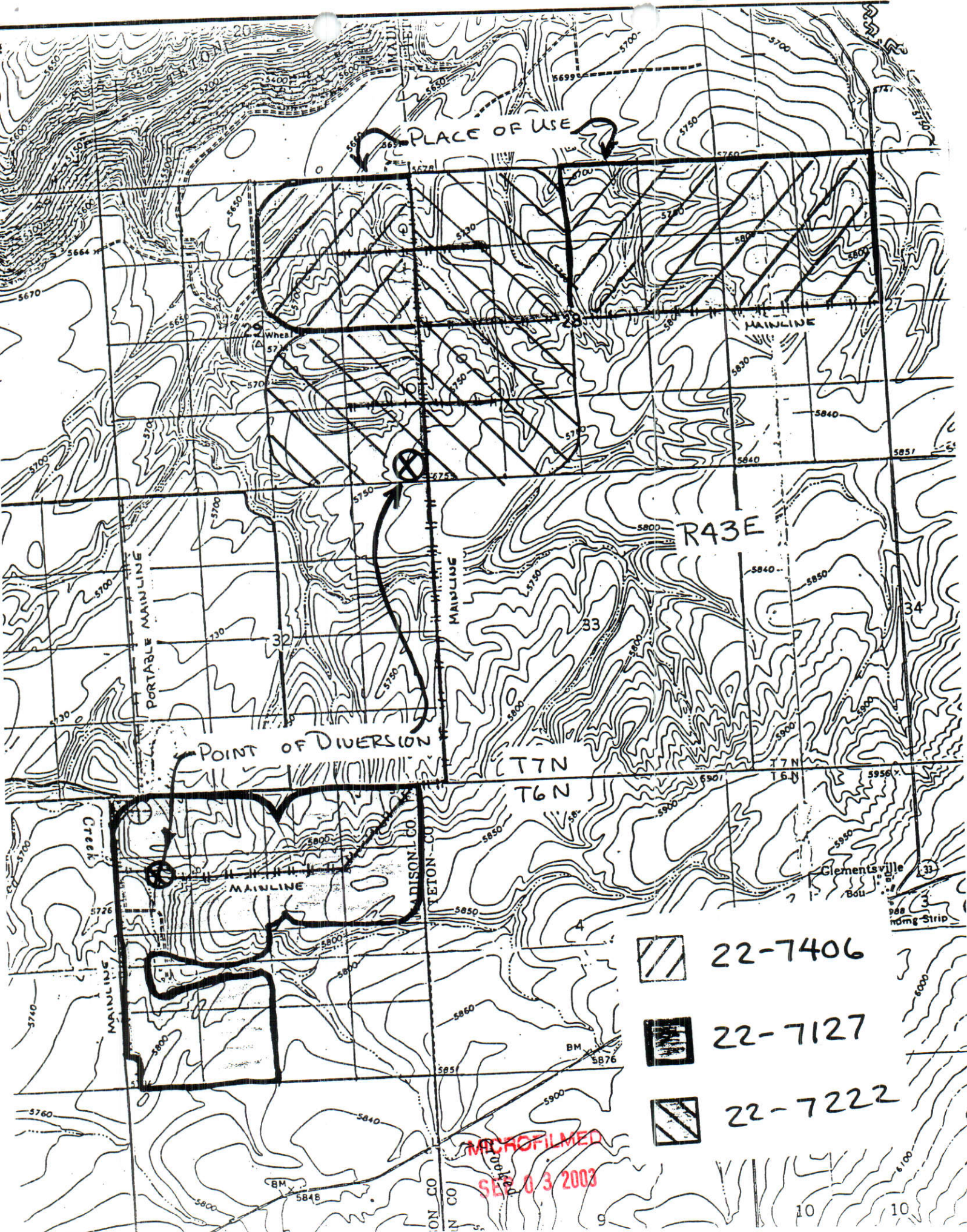




**NOTICE OF PROPOSED CHANGE
OF A WATER RIGHT**

No. 22-00424B & 22-00425B

Notice is hereby given that Ray G. or JoeAnn Ricks has applied to the Department of Water Resources to change point of diversion and place of use of the waters of the Teton River tributary to Henrys Fork. The rights sought to be changed are evidenced by Decrees and recorded as follows:

Decree No. 22-0424B
AMOUNT: 5.79 cfs PRIORITY: April 1,

1898
Decree No. 22-0425B
AMOUNT: 2.88 cfs PRIORITY: May 1, 1885

POINT(S) OF DIVERSION: NENW, Sec 15, T 6N, R 44E, Teton County

Decreed to David Nelson, through Nelson-Jacob Ditch in case of Rexburg Irrigation Co., et al, vs. Teton Irrigation Canal Co., et al, dated 12-16-1910 in 6th Judicial Dist. county of Fremont. Transfer No. 2062 which produced this right.

The water is used from April 1 to November 1 to irrigate 160 acres within

**NOTICE OF APPLICATION
FOR TRUST WATER PERMIT**

22-07504

J. Clint Hoopes

22 W. 1 N.

St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection.

Point of Diversion/Injection: NENE Sec. 11 T06N R40E.

Pt. of Rediversion-Teton R.: NWSE Sec. 03 T06N R44E.

Use: Irrigation (6.40 cfs)

Date Filed: 7/1/1985

In: T07N R43E S27 NESW NWSW SWSW SESW S28 NESE NWSE SWSE SESE 320 acres total

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, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991J.

Public notices

NOTICE OF APPLICATION FOR TRUST WATER PERMIT 22-07701

Bob, Marilyn or Dirk Parkinson
P.O. Box 326
St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River at a point upstream from the injection wells.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (3.68 cfs)

Date Filed: 3/19/1991

In: T07N R42E S03 SESE S10 NENE
NWNE SWNE SENE NENW SENW
NESW NWSW NESE NWSE SWSE
SESE S11 NWNW SWNW NWSW
SWSW SESW SWSE SESE S12 SWSW
SESW SWSE SESE S13 NENE NWNE
SWNE SENE NENW NWNW SWNW
SESW SESW NESE NWSE SWSE
SESE S15 NENE NWNE SWNE SENE
NESW NESE NWSE S23 NENE NWNE
SWNE SENE NENW S24 NENE NWNE
SWNE SENE NENW NWNW SWNW
SESW SESW NESE NWSE SWSE
R43E S19 NENE NWNE SWNE SENE
NENW Lot 1 (NWNW) Lot 2 (SWNW)
SESW NESW Lot 3 (NWSW) NESE
NWSE SWSE SESE 2820.0 ACRES
TOTAL

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07484

VAL OR DAVID SCHWENDIMAN
Box 1011
Newdale, ID 83436

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection. An additional groundwater well has been included for direct pumping of groundwater to the place of use.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Additional Diversion Pt.: SWSW Sec. 23 T07N R42E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (4.0 cfs)

Date Filed: 1/8/1985

In: T03N R42E S21 SESE S22 SWSW
SESW SWSE SESE 200 acres total

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, Statehouse Mail,
Boise, Idaho 83720 on or before JUNE 3,
1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991J.

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07484

VAL OR DAVID SCHWENDIMAN
Box 1011
Newdale, ID 83436

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection. An additional groundwater well has been included for direct pumping of groundwater to the place of use.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Additional Diversion Pt.: SWSW Sec. 23 T07N R42E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (4.0 cfs)

Date Filed: 1/8/1985

In: T03N R42E S21 SESE S22 SWSW
SESW SWSE SESE 200 acres total

NOTICE OF APPLICATION FOR TRUST WATER PERMIT 22-07701

Bob, Marilyn or Dirk Parkinson
P.O. Box 326
St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River at a point upstream from the injection wells.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (3.68 cfs)

Date Filed: 3/19/1991

In: T07N R42E S03 SESE S10 NENE
NWNE SWNE SENE NENW SENW
NESW NWSW NESE NWSE SWSE
SESE S11 NWNW SWNW NWSW
SWSW SESW SWSE SESE S12 SWSW
SESW SWSE SESE S13 NENE NWNE
SWNE SENE NENW NWNW SWNW
SESW SESW NESE NWSE SWSE
SESE S15 NENE NWNE SWNE SENE
NESW NESE NWSE S23 NENE NWNE
SWNE SENE NENW S24 NENE NWNE
SWNE SENE NENW NWNW SWNW
SESW SESW NESE NWSE SWSE
R43E S19 NENE NWNE SWNE SENE
NENW Lot 1 (NWNW) Lot 2 (SWNW)
SESW NESW Lot 3 (NWSW) NESE
NWSE SWSE SESE 2820.0 ACRES
TOTAL

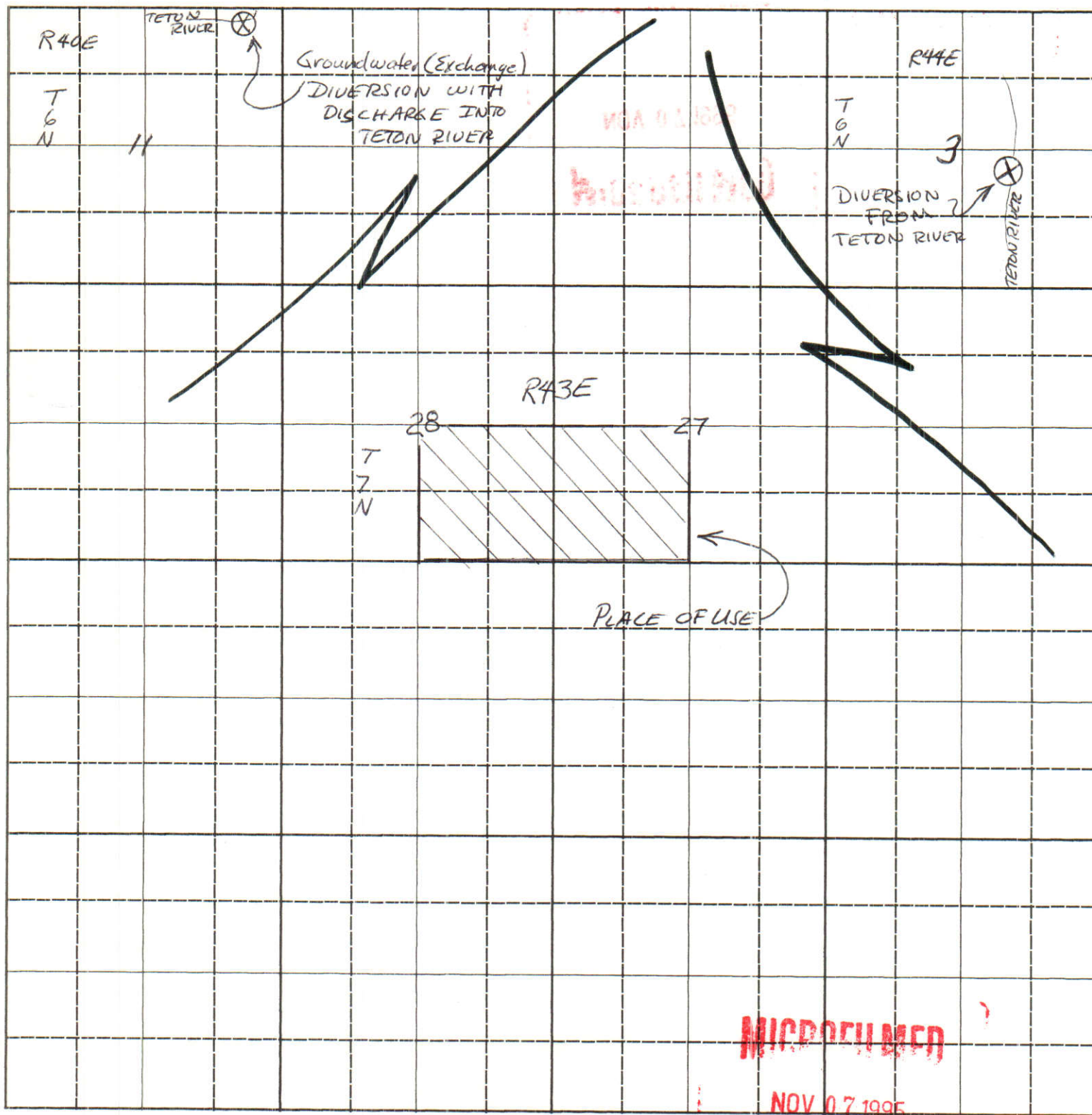
The permit(s) will be subject to all prior water rights. Protests may be submitted based on the criteria of Sec. 42-203A, Idaho Code and/or the new public interest criteria of Sec. 42-203C, Idaho Code. Protests must be filed with the Director, Dept. of Water Resources, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991HC.

INVITATION TO BID

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.

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.

[Signature]
(Applicant)

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 #22-07504 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
MAY 16, 1991 and the last
publication having been made on
MAY 23, 1991

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

STATE OF IDAHO)
COUNTY OF MADISON)

On this 24TH day of MAY in
the year of 1991, before me, a Notary
Public, personally appeared Terry
Weatherston, known or identified to me
to be the person whose name subscribed
to the within instrument, and being by
me first duly sworn, declared that the
statements therein are true, and
acknowledged to me that he executed the
same.

Joseph A. Baird
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR TRUST WATER PERMIT
22-07504

J. Clint Hoopes
22 W. 1 N.

St. Anthony, ID 83445

This application proposes diversion of
groundwater for injection into the Teton
River in exchange for surface water
diverted from the Teton River upstream
from the point of injection.

Point of Diversion/Injection: NENE Sec.
11 T06N R40E.

Pt. of Rediversion-Teton R.: NWSE
Sec. 03 T06N R44E.

Use: Irrigation (6.40 cfs)

Date Filed: 7/1/1985

In: T07N R43E S27 NESW NWSW
SWSW SESW S28 NESE NWSE SWSE
SESE 320 acres total

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. Pro-
tests must be filed with the Director, Dept.
of Water Resources, Statehouse Mail,
Boise, Idaho 83720 on or before JUNE
3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991J.

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NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED

SEP 12 2003

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-7208/7209/7211/7221/7223)
22-7216/7223/7235/7360/7375/7504)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-22-06

TETON PIPELINE ASSOC

WHEREAS, a drought emergency has been declared for Madison
County to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 9/3/03, Teton Pipeline Assoc submitted the attached
Temporary Change Application TC-22-06 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 22-7208, 22-7209, 22-7211, 22-7223, 22-7360
22-7221, 22-7295, 22-7216, 22-7235,
22-7375 & 22-7504 is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

dy

ORDER AUTHORIZING
TEMPORARY CHANGE TC-22-06

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

- 22-7208, 22-7209, 22-7211, 22-7221, 22-7295,
22-7216, 22-7223, 22-7235, 22-7360, ~ 7866.4
5. Right(s) 22-7375, 22-7504 are limited to the irrigation of a total of ~ 7866.4 acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/31/03 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 4th day of September, 2003


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant Teton Pipeline Assoc. Phone 456-2801Post Office Address % Mark Ricks, President, P.O. Box 272, Teton, ID 83452

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Injecting well water into the Teton River to flow down the Henry's Fork. Water will be rediverted by Fremont-Madison Irrigation District at their discretion throughout the District.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE see attached sheet

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
				8-01-03 to 11-01-03
				to
				to
				to

2. Total amount of water being transferred 52.76 ^{50.46 cfs *} cubic feet per second and/or _____ acre-feet per annum.

3. Source of water GROUNDWATER tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	NE	11	6N	40E	Madison	Two Exchange Wells #55316/55318
			SW	SW	15	6N	40E	Madison	Two Exchange Wells #55324/55326
			SE	SE	25	7N	40E	Madison	Two Exchange Wells #55198/55199

5. Lands irrigated or place of use: Lands under Fremont-Madison Irrigation District

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	

Total Acres _____

* Amount reduced by TC-22-05

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OCT 07 2003

6. General Information:

TC-22-06

- a. Who owns the water right to be changed? Applicant
- b. Describe the arrangement allowing use of the right District meeting held August 7, 2003
agreed to this transfer.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application:
These lands are now dried up.
- d. Has the water right sought to be transferred been used this year? Yes If yes, explain. Used on
Teton Pipeline Assoc. lands.
- e. Absent the changes, how would the right be used for the remainder of the year? Irrigation would
continue.
- f. Describe other water rights used for the same purpose.
Surface water rights in Teton Pipeline will be used on remaining acres.
- g. Remarks: The amount of water being transferred shall not
exceed 52.46 cfs

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

Mark R. Rinko Pres.
(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by Kaw Date 9/3/03 Fee 50⁰⁰
 Receipted Kaw 9/4/03 # E029154 Recommend: ☒ approve ☐ deny
 Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Temporary Change Application No. TC-22-06

And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 4th day of September, 2003:

Ronald D. Carls
For the Director

MICROFILMED

OCT 07 2003

7-22-06

TETON PIPELINE ASSOCIATION
EXCHANGE WELL WATER RIGHTS

<u>Basin</u>	<u>Sequence</u>	<u>Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Combined</u>	<u>Cumulative</u>
22	7208	License	2/10/1977	9.00	9.00	9.00
22	7209	License	2/10/1977	9.00	9.00	18.00
22	7211	License	2/22/1977	6.00		
22	7221	License	4/14/1989	3.44		
22	7295	License	7/12/1979	3.36	10.07	28.07
22	7216	License	3/4/1977	4.00		
22	7223	License	4/5/1977	7.00		
22	7235	License	6/7/1977	6.00		
22	7360	License	4/14/1981	2.00	11.95	40.02
22	7375	License	8/17/1981	12.44		
22	7504	License	7/1/1985	6.30	12.44	52.46
					Total	52.46

52.46
- 2.00 TC-22-05
50.46 cfs

MICROFILMED

OCT 6 7 2003

RECEIVED
BEFORE THE DEPARTMENT OF WATER RESOURCES
AUG 25 2003
OF THE STATE OF IDAHO

Department of Water Resources

IN THE MATTER OF APPLICATION)
FOR TEMPORARY CHANGE OF A)
WATER RIGHT 22-7504; 22-7505)
Teton Pipeline Assn)

ORDER AUTHORIZING
TEMPORARY CHANGE TC-22-05

WHEREAS, a drought emergency has been declared for Madison; Teton
Countys to allow administrative actions to lessen the severe impacts of the drought
conditions in the counties; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a
drought emergency, the director of the Department of Water Resources ("Department")
is authorized to allow temporary changes in the point of diversion, the place of use, and
the purpose of use for valid existing water rights when the director determines that such
changes can be accomplished in accordance with the provisions of section 42-222A,
Idaho Code; and

WHEREAS, on 8/14/03, Teton Pipeline Assn Inc
Joe Jack Hughes submitted the attached
Temporary Change Application TC-22-05 to the Department; and

WHEREAS, the Department has reviewed the application and has determined
the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the
following conditions:

1. Diversion and use of right no(s). 22-7504 (Ground water)
22-7505 (Teton River) is authorized only
at the point of diversion and place of use described on the application.
2. This temporary change approval does not authorize construction of a new
well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the
diversion and use of water under the temporary change approval cause
injury to other water rights, constitute an enlargement in use of the original
right, be inconsistent with the conservation of water resources within the
state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a

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SEP 11 2003

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**ORDER AUTHORIZING
TEMPORARY CHANGE** TC-22-05

replacement water supply to lands or other uses which normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

5. Right(s) ²²⁻⁷⁵⁰⁴22-7505 are limited to the irrigation of a total of ³¹⁵ acres in a single irrigation season.
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicant agrees to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The watermaster of Water District No. 01 is authorized to administer the temporary change approval.
11. This temporary change approval expires on 12/01/2003 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use and nature of use existing prior to the temporary change approval.

DATED this 14th day of August, 2003.


RONALD D. CARLSON
EASTERN REGION MANAGER

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TEMPORARY CHANGE APPLICATION

(To change point of diversion, place of use or purpose of use)

Name of Applicant TETON PIPELINE ASSN INC
% Jack Hoopes ~~President~~ (Vice President) Phone 208 456 2801

Post Office Address PO Box 70, Teton, ID 83452

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☐ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Drought emergency reduction
of Diversion rate on Proposed Place of Use

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number	Priority	Amount (cfs/ac-ft)	Nature of Use	Period of Use
<u>22-7504</u>	<u>7-1-1985</u>	<u>2.00 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
<u>22-7505</u>	<u>7-1-1985</u>	<u>2.00 cfs</u>	<u>IRRIGATION</u>	<u>4/15</u> to <u>10/15</u>
				to
				to

2. Total amount of water being transferred 2.00 cubic feet per second and/or _____ acre-feet per annum.

3. Source of water 22-7504 GROUNDWATER / TETON RIVER 22-7505 tributary to _____

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
			NW	SE	3	6N	44E	Teton	Redivertion
			NE	NE	11	6N	40E	MADISON	well
			NW	SE	3	6N	44E	Teton	TETON RIVER

5. Lands irrigated or place of use: LANDS OF BRUCE ARNOLD

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
<u>7N</u>	<u>43E</u>	<u>29</u>	<u>32.5</u>	<u>32.5</u>	<u>32.5</u>	<u>32.5</u>													<u>130</u>

Total Acres 130
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SEP 03 2003

TC-22-05

- I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in voiding its approval.

J. Khan VP Tekon Line Inc
(Signature of applicant)

Received by KCW Date 8/14/03 Fee \$50 ^{or}
 Receipted KCW # E029110 Recommend: ☒ approve ☐ deny
 Watermaster recommendation _____

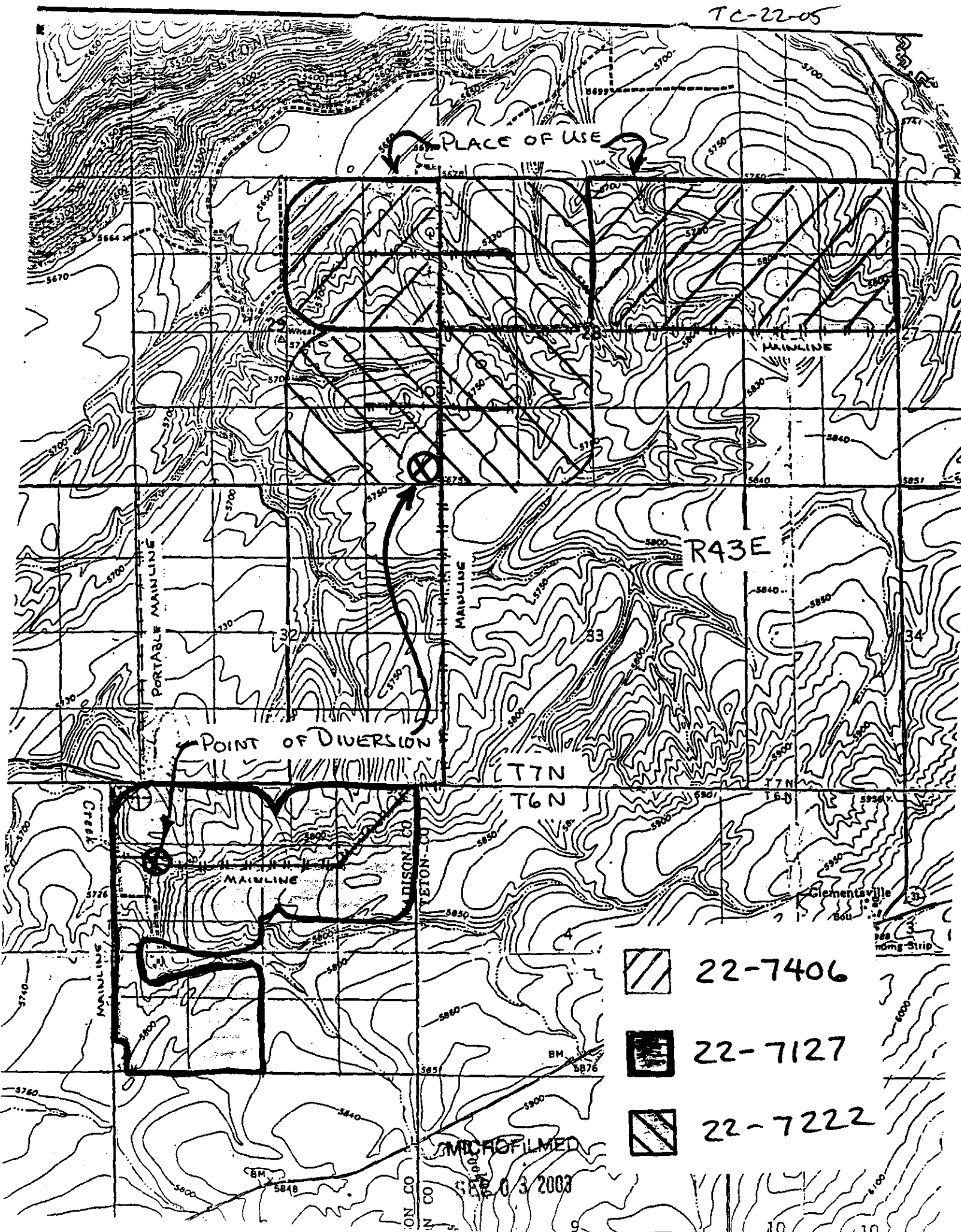
This is to certify that I have examined Temporary Change Application No. TC-22-05

And said application is hereby Approved, subject to the following limitations and conditions:

Witness my hand this 14th day of August, 2003.

For the Director

SEP 03 2003



22-7406

22-7127

22-7222

MICROFILMED

SEP 03 2003

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07504

Priority: July 1, 1985

Maximum Diversion Rate: 6.30 CFS

Maximum Diversion Volume: 1102.5 AF

This is to certify, that TETON PIPELINE ASSN INC

PO BOX 272

TETONIA ID 83452-0272

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated July 1, 1985; and has submitted Proof of Beneficial Use on October 31, 1996. An examination indicates that the works have a diversion capacity of 12.440 cfs of water from a GROUNDWATER source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	6.30 CFS	1102.5 AF

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

NENE , Sec. 11, Township 06N, Range 40E
MADISON County
NWSE , Sec. 3, Township 06N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	43E	27	NESW 39	NWSW 39	SWSW 39	
			SESW 40			157
		28	NESE 40	NWSE 39	SWSE 40	
			SESE 39			158

Total number of acres irrigated: 315

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
5. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.

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

WATER RIGHT NO. 22-07504

CONDITIONS OF APPROVAL AND REMARKS

6. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
7. This right when combined with all other rights shall provide no more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.
8. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
9. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton River.
10. A totalizing measuring device shall be maintained at the exchange well and redirection pumps from the Teton River.
11. The exchange well must inject water into the Teton River whenever water is being diverted from the river under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
12. The power supply to the exchange well cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
13. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
14. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
15. The rate of diversion under this right in combination with all other water rights from the Clementsville (North 1) Project of the Teton Pipeline irrigation system shall not exceed 28.7 cfs. The maximum combined rate of diversion under this right and Right No. 22-07375 shall not exceed 12.44 cfs.

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


Acting for KARL J. DREHER, Director

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WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
~~Original Application~~	~~22-07504~~	~~J Clint Hoopes~~	~~6.40~~
Full Assignment	22-07504	Teton Pipeline Assn Inc	6.40

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STATE OF IDAHO
 DEPARTMENT OF WATER RESOURCES

PROOF OF BENEFICIAL USE

The Idaho Department of Water Resources considers this form 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, when necessary, or be accompanied by a completed field examination report prepared by a certified water right examiner who has been appointed by the department.

1. Permit No. 22-07504 Telephone No. _____
2. Name(s) of Permit Holder(s): Teton Pipeline Assn. Inc.
3. Mailing Address: P.O. Box 292 176 Teton Id 83452
4. Source of Water: groundwater If GROUNDWATER (well), Date Drilled: mo. _____ / yr. _____
 - a. Well Driller: _____ Drilling Permit Number: _____
 - b. **OPTIONAL:**
 Pump Horsepower: _____ Pressure (psi): _____ Dynamic pumping level (ft): _____
5. Use(s) (as authorized by the water right permit):
 Domestic (No. of households): _____ Stockwater (No. and type of stock): _____
 Irrigation (No. of acres): 315 Other: _____
6. Total rate of diversion and/or volume for which proof is submitted: 6.3 cfs OR _____ acre feet
7. Measuring Device Requirement: (refer to the approval conditions on your permit and respond accordingly)
 (This question is not optional. Please check either yes or no. Proofs returned not checked accordingly, will be considered incomplete)

Measuring Device:	Is a measuring device required?	Yes _____	or	No ☒
	Has the measuring device been installed?	Yes _____	or	No _____
Flow Measurement Port:	Is a flow measurement port required?	Yes _____	or	No ☒
	Has the measurement port been installed?	Yes _____	or	No _____
8. Fee Enclosed: \$ 250⁰⁰ (See Fee Schedule on back of the instructions for filing proof of beneficial use)
9. Person to contact to accompany the Department representative during field examination of the water system.
 Name: Roger Hoopes Telephone Number: 456-2509
 Address: Box 176 Teton Id 83452
10. The information given on this form 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.

Signature of permit holder: _____

(Include your title, if on behalf of company or organization)

Date: 10/31/96

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State of Idaho
Department of Water Resources
Permit To Appropriate Water

NO. 22-07504

Proposed Priority: July 1, 1985

Maximum Diversion Rate:

6.40 CFS

This is to certify, that **TETON PIPELINE ASSN INC**

PO BOX 272

TETONIA ID 83452-0272

has applied for a permit to appropriate water from: **GROUNDWATER**

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

BENEFICIAL USE

PERIOD OF USE

RATE OF DIVERSION

IRRIGATION

04/15 to 10/15

6.40 CFS

LOCATION OF POINT(S) OF DIVERSION:

Rediversion

NENE , Sec. 11, Township 06N, Range 40E

NWSE , Sec. 3, Township 06N, Range 44E

MADISON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
07N	43E	27	NESW 40.0	NWSW 40.0	SWSW 40.0	160.0
			SESW 40.0			
		28	NESE 40.0	NWSE 40.0	SWSE 40.0	160.0
			SESE 40.0			

Total number of acres irrigated: 320.0

CONDITIONS OF APPROVAL AND REMARKS

1. Proof of construction of works and application of water to beneficial use shall be submitted on or before **November 1, 1996**.
2. Subject to all prior water rights.
3. A totalizing measuring device of a type approved by this Department shall be maintained as a part of the diverting works.
4. The use of water under this right shall not give rise to any claim against the holder of a senior water right based upon the theories of forfeiture, abandonment, adverse possession, waiver, equitable estoppel, estoppel by laches or customary preference.
5. The Director retains jurisdiction of the right to incorporate the use into a water district, require streamflow augmentation or other action needed to protect prior surface water and groundwater rights.
6. The rate of diversion of water for irrigation under this right and all other water rights on the same land shall not exceed 0.02 cubic feet per second for each acre of land.

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State of Idaho
Department of Water Resources**Permit To Appropriate Water**

NO. 22-07504

CONDITIONS OF APPROVAL AND REMARKS

7. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the redirection pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton River.
8. A totalizing measuring device shall be maintained at the exchange well and redirection pumps from the Teton River.
9. The exchange well must inject water into the Teton River whenever water is being diverted from the river under this right, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
10. The power supply to the exchange well cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
11. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
12. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
13. The rate of diversion under this right in combination with all other water rights from the Clementsville (North 1) Project of the Teton Pipeline irrigation system shall not exceed 28.7 cfs.

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

27th day of October, 1995.

Karl J. Dreher
for Karl J. Dreher, Director

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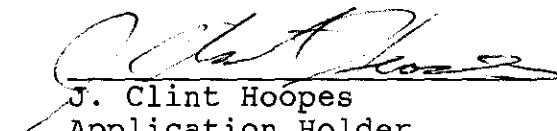
State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF APPLICATION
To Change the Ownership of an Application

I, J. Clint Hoopes, hereby assign to TETON PIPELINE ASSOCIATION, Inc. of Post Office Box 272, Teton County, Idaho 83452-0272, phone (208) 356-6724.

All my right, title, and interest in and to Application Nos. 22-07504 and 22-07505.

DONE and DATED this 12 of September, 1994.

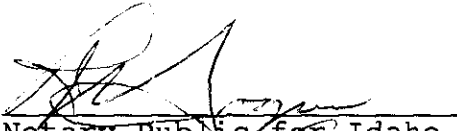

J. Clint Hoopes
Application Holder

STATE OF IDAHO)
) SS
COUNTY OF TETON)

On this 12th day of September, 1994, before me, the undersigned, a Notary Public in and for said State, personally appeared J. Clint Hoopes, 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

(Seal)


Notary Public for Idaho
Residing at: Boise
Commission Expires: 11-20-98

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Department of Water Resources

database updated 9/21/94

BEFORE THE DIRECTOR OF THE DEPARTMENT
OF WATER RESOURCES OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATION FOR PERMIT NO."S ORDER ISSUING
22-7691, 22-7692, 22-7693, 22-7694, 22-7714, 22-7715 PROPOSED MEMORANDUM
22-7716 and 22-7717 IN THE NAME OF BRUCE J. ARNOLD DECISION
NO. 22-7484 IN THE NAME OF VAL OR DAVID SCHWENDIMAN
NO. 22-7701 IN THE NAME OF BOB, DIRK, OR MARILYN PARKINSON
R. Keith Higginson, Director of the Department of Water
Resources, having reviewed the attached proposed decision prepared
by this appointee, GARY SPACKMAN, who conducted the hearing
or who has read the record in this case, hereby approves the same
as a proposed decision pursuant to Idaho Code, Sec. 67-5211.

Each party to these proceedings who appeared at the hearing is given the opportunity, pursuant to Idaho Code, Sec. 42-1701A and 67-5211, to file exceptions to the proposed decision and to present briefs and oral arguments. If no timely and proper exceptions are received, an order by the Director will be entered adopting the proposed decision as his final decision.

I.
EXCEPTIONS

A. To be considered by the Director, exceptions must:

1. be received by the Director on or before the 15th day following the day of service of this Order and the proposed decision,

2. specifically identify the portions of the proposed decision to which exceptions are made and specifically state the grounds for those exceptions, and

3. be sent to each of the parties who appeared or their attorneys.

II.
BRIEFS

A. Any briefs in support of exceptions to the proposed decision shall be filed with the Director at the same time that party's exceptions are filed with the Director.

B. All response briefs to the exceptions must be filed with the Director within 15 days after the exceptions were served upon the responding party.

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III.

A. No oral arguments before the Director on the proposed decision will be held unless specifically requested by a party filing exceptions to the proposed decision and unless that request is filed with the Director concurrently with the filing of that party's exception.

B. If oral arguments have been properly requested by a party filing exceptions, any other party, upon reasonable notice to the Director, shall have the right to present oral argument in response to the exceptions filed.

C. Oral arguments before the Director on exceptions to the proposed decision shall be heard at the discretion of the Director, pursuant to Idaho Code, Sec. 42-1701A. If oral arguments are to be heard, the Director will, within a reasonable time, notify each party of the place, date and hour the oral arguments will take place and of the period of time allocated for the arguments of this case. Unless the Director orders otherwise, all oral arguments shall be heard in Boise, Idaho.

IV.

CERTIFICATE OF SERVICE

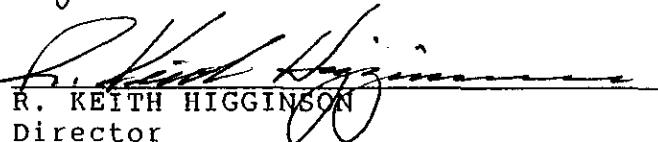
All exceptions, briefs, requests for oral argument and other matters filed with the Director in connection with the proposed decision shall be served on all other parties to these proceedings in accordance with Rule 7.2.

V.

FINAL DECISION

Following the submission of all exceptions, briefs and oral arguments, if they are heard, the Director shall issue a final decision adopting, modifying or rejecting and replacing the proposed decision. Copies of the decision and order shall be served on all parties.

Dated this 6th day of May, 19 92.


R. KEITH HIGGINSON
Director

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT	)	
	)	
NOS. 22-7691, 22-7692, 22-7693, 22-7694,	)	
	)	
22-7714, 22-7715, 22-7716 & 22-7717 IN	)	
	)	
THE NAME OF BRUCE J. ARNOLD; NO. 22-7484	)	PROPOSED MEMORANDUM
	)	DECISION AND ORDER
IN THE NAME OF VAL OR DAVID SCHWENDIMAN;	)	
	)	
NO. 22-7504 IN THE NAME OF J. CLINT	)	
	)	
HOOPEES & NO. 22-7701 IN THE NAME OF BOB,	)	
	)	
DIRK, OR MARILYN PARKINSON	)	

In January, 1992, the Department of Water Resources (department) conducted a hearing regarding several applications for permit to appropriate water which propose diversions of water from the Teton River, and which also propose reinjection of either ground water or storage water to the Teton River to compensate for the diversion of Teton River flows which may already be dedicated to other downstream uses. The hearing officer, having been appointed by the Director of the Department of Water Resources, and having heard all of the testimony, proposes the following findings, conclusions and order:

FINDINGS OF FACT

1. Several applications for permit to appropriate water were filed with the department as follows:

Applicant	Water Right	Flow (cfs)	Point of Groundwater Diversiion Injection	Location of River Pumps
J. Clint Hoopes	22-7504	6.4	NENE, Sec. 11, T6N, R40E	NWSE, Sec. 3, T6N, R44E
Bob Parkinson	22-7701	3.68	SWNE, Sec. 29 T7N, R41E	NWSE, Sec. 23, T7N, R42E

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Val Schwendiman	22-7484	4.0	SWSW, Sec 23, T7N, R42E	NWSE, Sec. 23, T7N, R42E
Bruce J. Arnold	22-7691	20.0	NWNW, Sec. 21, T6N, R40E	SESE, Sec. 24, T7N, R42E
	22-7692	5.23	Same	Same
	22-7693	5.97	Same	Same
	22-7694	<u>6.08</u>	Same	Same
Total Arnold Flow		37.28		
Bruce J. Arnold	22-7714	6.08	SWSW, Sec. 31, T5N, R45E	SESE, Sec. 24, T7N, R42E
	22-7715	20.0	Same	Same
	22-7716	5.97	Same	Same
	22-7717	<u>5.23</u>	Same	Same
Total Arnold Flow		37.28		

Arnold applications no's. 22-7691 through 22-7694 and Arnold applications no's. 22-7714 through 22-7717 were filed in the alternative. Arnold asked that the second group of applications be considered if the first group is not approved.

2. The applications for permit were advertised, and protested as follows:

<u>Water Right No.</u>	<u>Applicant</u>	<u>Protestant</u>
22-7504	J. Clint Hoopes	Teton Island Canal Co. (withdrawn) Teton Irrig. & Manu. (withdrawn) Fremont-Madison (withdrawn) Wilford Irrigation & Manu. Fish & Game (withdrawn)
22-7701	Bob Parkinson	Fish & Game Teton Island Canal Co. Teton Irrig. & Manu. Fremont-Madison Wilford Irrigation & Manu.
22-7484	Val Schwendiman	Teton Island Canal Co. Wilford Irrigation & Manu. Fremont-Madison Teton Irrig. & Manu.
22-7691 - 22-7694	Bruce J. Arnold	Fremont-Madison Teton Island Canal Co.

Fish & Game (intervenor)

22-7714 -
22-7717

Bruce J. Arnold

Homer E. Kunz
Fish & Game
Fremont-Madison
Wilford Irrigation & Manu.
Twin Falls Canal Co.
Teton Irrig. & Manu.

3. The Twin Falls Canal Co. was also granted intervention as a party for all of the contested applications. Prior to the hearing, however, the Twin Falls Canal Co. withdrew as a party for all applications.

4. At the hearing, the Wilford Irrigation & Manufacturing Co., the Teton Island Canal Co., the Teton Irrigation & Manufacturing Canal Co. and Homer Kunz stated that they did not desire to participate as full parties to the hearing, and consented to let the Fremont-Madison Irrigation District call them as witnesses. The canal companies and Mr. Kunz waived their opportunity to participate as full parties to the hearing, and, in waiving their right to participate, also waived any right to formally contest this decision.

5. Wilford Irrigation & Manufacturing Co. withdrew its protest to application 22-7504 in the name of J. Clint Hoopes. Hoopes was released as a party to the hearing, and application for permit no. 22-7504 will be considered separately.

6. Several farmers in the geographical area roughly located between Newdale and Teton divert substantial quantities of water from the Teton River. Most of the water is diverted from reaches where the Teton River has formed a canyon. The diversions and users will be referred to as the canyon pumps and canyon pumpers, respectively.

7. During periods of base flow, all of the natural flow of the Teton River is dedicated to earlier-in-time water rights which authorize irrigation of lands located roughly in the Wilford, Teton and Rexburg area. The early water rights which authorize diversion of Teton River water predate the canyon pump rights. The owners of the earlier-in-time rights will be referred to as the downstream water users. The early Teton River rights also predate most rights diverted from the Henrys Fork of the Snake River. During midsummer when flows are low, the Teton River is administered as a separate system.

8. The construction of the existing canyon pumps diverting from the Teton River was accompanied by applications for permit filed with the Department. The applications proposed construction of wells (exchange wells) in the area between Rexburg and Teton which discharge into the river to compensate for the diversion of

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Teton River water by the canyon pumpers upstream. Exchange wells were constructed as a result of the Teton Dam failure. Farmers who had contracted for space in Teton Reservoir, and who had expended substantial money for sprinkler systems, needed a source of water. Teton River water could be diverted only if earlier-in-time rights were compensated for depletions of river flow caused by the upstream diversion. The exchange wells theoretically pump non-tributary groundwater into the Teton River to replace water withdrawn by the canyon pumps.

9. The Cross Cut Canal, a canal which delivers water from the Henrys Fork of the Snake River into the Teton River, was constructed in the 1930's. The water is rediverted from the Teton River by irrigators who use Teton River water. The Cross Cut Canal delivers storage water from Island Park Reservoir and Grassy Lake Reservoir which are Bureau of Reclamation (Bureau) projects.

10. Fremont-Madison Irrigation District (Fremont-Madison) was created primarily to broker the storage water supplied by the Bureau, including storage water delivered through the Cross Cut Canal.

11. The lands irrigated by the protesting canal companies were originally part of the Fremont-Madison Irrigation District. These members of Fremont-Madison paid assessments for the construction of the Cross Cut Canal, and also for other related Bureau of Reclamation construction. Users of Bureau storage have completely paid the indebtedness for the Bureau projects.

12. The land proposed as a place of use by the applicants is included in the Fremont-Madison boundaries. The applicants have not paid for construction of the Cross Cut Canal and other facilities which deliver storage water into the Teton River.

13. The protesting canal companies all own or lease some storage water. The storage water is delivered through the Cross Cut Canal and discharged into the Teton River for rediversion downstream. Some canyon pumpers purchased storage water, but most arranged for the lease of storage water from Fremont-Madison. The canyon pumpers divert water from the Teton River upstream, which is replaced by storage delivered through the Cross Cut Canal.

14. Some of the canyon pumpers divert water from the Teton River during spring runoff when there is surplus water because all water rights can then be satisfied. As the river flows diminish, and the earlier-in-time right holders demand their natural flow, storage water is delivered through the Cross Cut Canal to compensate for the upstream withdrawal by the canyon pumpers.

15. As Teton River flows continue to decline, more storage water is diverted through the Cross Cut Canal to satisfy downstream demands until the Cross Cut Canal reaches capacity.

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16. The Cross Cut Canal has a capacity of approximately 350-400 cfs. During periods of peak demand, Fremont-Madison has been unable to deliver enough storage water through the Cross Cut Canal to both satisfy the downstream demands of the canal companies, and compensate for the upstream withdrawals from the Teton River by the pumps.

17. When the Cross Cut Canal is flowing at capacity, the exchange wells are supposed to be turned on. The exchange wells add additional water to the river to compensate for upstream pumping. The canyon pumps do not turn on their exchange wells until water can no longer be delivered through the Cross Cut to compensate for their withdrawal. It is cheaper to use storage water to replace upstream withdrawals than to pump ground water.

18. Although Water District 01 has ultimate authority to control river diversions, in recent years Fremont-Madison has informed the canyon pumps when the Cross Cut Canal is flowing at capacity, and insufficient water is reaching the water right holders entitled to water below the Cross Cut.

19. At times, miscommunication between Water District 01 and Fremont-Madison, or difficulty in communicating with the canyon pumps, has resulted in some lag time before the exchange wells begin mitigation for water withdrawn above. This lag time has resulted in a deficiency of flows downstream to satisfy earlier-in-time rights.

20. The downstream water users each own a fixed amount of storage. The downstream water users attempt to divert a combination of natural flow and storage water that will not exceed their ownership. If their diversion exceeds the amount of water which they own, they are required to rent additional water from the water bank. The water bank is a holding mechanism for excess storage which can be leased to those needing storage.

21. The record was not clear how the exchange wells and the canyon pumps are monitored together. Some testimony indicated that the canyon pumps were checked three times weekly, although the three-times-a-week check was disputed with respect to some of the canyon pumps. The exchange wells are monitored daily. The canyon pumps are monitored by a different person than the person who monitors the exchange wells.

22. Both the exchange wells and the canyon pumps are equipped with totalizing meters, which total the volume of water diverted in a given year. These meters are read, and total volume converted to flow rate by dividing the time between readings into the volume.

23. Both the exchange well and its associated canyon pump must be read simultaneously to consistently regulate the canyon pump diversions, and to supply sufficient water to downstream water

rights. The Parkinson and Schwendiman exchange wells are located approximately 10 miles downstream from their diversion from the Teton. The proposed location of Arnold's exchange well is approximately 25 miles downstream from the place where Arnold proposes to withdraw water from the Teton River. A person regulating the exchange wells must read both the exchange well and the upstream diversion at the same time. The canyon pumps are located in a deep canyon which is difficult to access. Significant time and resources must be dedicated to monitoring the canyon pumps and corresponding exchange wells.

24. In years past, the exchange wells and the canyon pumps were not monitored closely, and the water diverted by the canyon pumps was not placed into the Water District #01 accounting for water. As a result, some of the downstream water users were told that they had used all of their storage and that no natural flow was available for them to divert. The notice was given to the downstream water users in August when the farmers were still demanding substantial amounts of water. In some cases, farmers curtailed irrigation of their crops because of the cost of renting additional storage water.

25. At the end of the year, the water diverted by the canyon pumps was placed in the final accounting of water deliveries, and the final records showed that the downstream water users had left over storage which they could have diverted during the irrigation season. Downstream water users were informed of the availability of storage water in November, after the irrigation season was over. If the information had been available earlier, the leftover storage would have been diverted during the irrigation season.

26. The addition of the canyon pumps has also added monitoring expense for the downstream water users and for Fremont-Madison. Despite the additional labor and record keeping caused by the exchange wells, the cost of administration, measurement and monitoring has been born equally by all water users within Water District #01.

27. A major portion of the storage delivered through the Cross Cut in the past has been discharged to the Teton River to compensate for upstream diversion by the canyon pumpers as shown in Exhibit FM-4. The storage shown is artificially high, however, because the volume contributed by the exchange wells has not been subtracted out.

28. A majority of the water delivered to the canyon pumpers as storage water through the Cross Cut Canal is rented water from the water bank. The pumpers own only a small amount of storage water.

29. The owners of storage allocated by Fremont-Madison pay a charge of \$1.35 per acre-foot of storage delivered through

Cross Cut Canal for maintenance of the canal and other administrative costs. The costs assessed by Fremont-Madison against the canyon pumpers who rent storage, however, is only \$.25 per acre-foot. The owners of storage delivered by Fremont-Madison are subsidizing the canyon pumpers who rent storage. Fremont-Madison could prevent this subsidy by charging similar amounts to each user group and could generally charge a higher administrative fee for services if it chose to do so.

30. Water must be diverted through the Cross Cut Canal earlier in the year and in greater quantities to supply compensation water to downstream water users for water diverted by the canyon pumps. Even when the canyon pumpers are not renting storage water, the Cross Cut Canal must flow at greater capacity to supply water to downstream users between the mouth of the Cross Cut Canal and the point on the Teton River where ground water for exchange is injected.

31. The Schwendiman and Parkinson wells are located on the main stem of the Teton River above the bifurcation (splitter) into the North Fork and South Fork of the Teton River, as depicted on Exhibit FM #10. Compensation water for upstream diversion is discharged from the Schwendiman-Parkinson exchange wells prior to any large diversions which divert Cross Cut Canal water.

32. Schwendiman and Parkinson are canyon pumpers, and both own separate systems which withdraw water from the Teton River. Their exchange wells are shared, however. The capacity of the exchange wells is approximately 62 cfs. Parkinson and Schwendiman split the credit created by the wells evenly between them, or approximately 31 cfs apiece.

33. Many of the existing exchange wells discharge to the South Fork of the Teton River as depicted on Exhibit FM #10. The exchange wells proposed by Arnold would also discharge to the South Fork, and would be the most downstream location of any exchange well. The wells would discharge below several of the large diversions from the South Fork of the Teton River. During low flow and high demand periods, there is insufficient water, even with the Cross Cut Canal running full, to satisfy the demands of the water users. ReInjection just above the Rexburg Canal will aggravate an already difficult regulatory system.

34. An expert witness for Fremont-Madison, Don Barnett, attempted to calculate deficiencies of delivery. His conclusions are shown on Exhibit FM #12. Don Barnett's testimony supported the general testimony of witnesses that delivery below the splitter is difficult during midsummer. The specific conclusions are unreliable, however, because:

- (a) A Teton River flow of 771.0 cfs was assumed by referring to the flow that must be delivered to satisfy

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June 1, 1885 priority water rights. These rights were then individually subtracted out at their respective points of diversion. The diversion of all rights would leave no water in the river and any anomaly in the system, including stream bed losses, would result in a reduction of water to existing right holders.

(b) The calculations do not distinguish between storage flow and natural flow. The old surface water rights can only be satisfied by natural flow.

(c) Real diversion data rather than the diversion rate authorized by the water rights should have been used.

35. The hearing officer attempted to recalculate the available flows by injecting real flow and diversion data into Don Barnett's schematic diagram. During periods of low flows, some early right holders divert a combination of both storage and natural flow. The availability of water could not be determined because:

(a) Water diverted through the Millrace power facility and discharged back to the South Fork is not measured.

(b) Measurements of flows in the North Fork and the South Fork directly below the splitter were not available.

(c) The diversion data only reflects what the right holder was physically able to divert. The right holder may have received less water than he demanded because of the low flows.

(d) Losses or gains to the Teton River between the mouth of the Cross Cut Canal and the last diversion are unknown. For instance, a gauging station located on the South Fork below the last diversion always registers flow in the stream. The record does not show whether Rexburg Irrigation diverts the entire flow of the South Fork, or whether the measured flows are return flows to the river.

36. In preparation of the hearing, Steven Baker, hydrogeologist for the Department of Water Resources, prepared a report from studies of existing geological and hydrologic data. S. Baker, Effects of Exchange Wells on the Teton River, (Oct., 1991). The report summarizes data contained in the records of the Department of Water Resources. He concluded that the subsurface below the area where the exchange wells are located contains both a shallow (perched) and deep (regional) aquifer. In the vicinity of the town of Teton, the shallow aquifer and the deep aquifer are quite well defined. An unsaturated zone is located between the shallow and the deep aquifer.

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37. At locations near Rexburg, the distinction between the upper and lower aquifer is less evident, and the total ground water profile is saturated. Figure #6 in Baker's report depicts the approximate boundary where the perched aquifer merges with the regional aquifer. The well proposed by Arnold would be located in this fully saturated zone. Baker concluded that the existing wells owned by Parkinson and Schwendiman are located in the separated aquifer zone.

38. At approximately the location where conditions change from unsaturated to the saturated, ground water contours also show that the ground water is tributary to the Teton River. Withdrawals of water from the upper aquifer will cause a decrease in river flows.

39. Deep wells located in the saturated zone will deplete river flows and reduce water levels in the upper aquifer. If the well is constructed to case and seal out the upper alluvial aquifer, and to draw water only from the deep aquifer, withdrawal of water in the fully saturated zone will result in an increase in the downward gradient, and ultimately lower the upper water table, but the effect may not be substantial.

40. Wells completed in the unsaturated zone which case and seal out the upper alluvial aquifer should have little or no effect on wells in the shallow zone.

41. A well owned by Ray Brown is located within a quarter of a mile of the location of the well proposed by Arnold. In the spring of 1991, Brown pumped his wells continuously into the Teton River for the purpose of accruing storage water for the Fremont-Madison Irrigation District. Paul Muir, a local dairy farmer, found that his well was not producing water. He had the well checked by a pump company, and was told that his well was dry.

42. The owners of the Brown well were asked to turn their exchange well off. Within one hour, Muir was able to pump water again from his domestic well.

43. Baker concluded in his report that the Brown well was intercepting water from the shallow alluvial aquifer in the saturated zone. Improper construction of the Arnold well could affect local wells in the same way the Brown well affects local wells.

44. Arnold proposes to drill a well near the South Fork of the Teton River within the saturated zone. Arnold did not submit any plans or specifications showing how his well will be constructed to prevent depletion of river flows and interference with other water users.

45. In the spring of 1991, Parkinson and Schwendiman were

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both pumping water from their exchange wells into the Teton River for accrual of storage. Domestic wells of several nearby land owners dried up, causing substantial inconvenience. Parkinson and Schwendiman were asked to turn their wells off. Within a day, a dairy farmer, Larry Kerbs, was able to pump his well supplying water to his dairy cows.

46. Kerb's well is 160 feet deep. He measured 80 feet of water in the well in October 1990. On April 19, 1991, the day the Parkinson/Schwendiman wells were shut off, the water depth in the well was 54 feet. In two days the water depth had raised to 56 feet 3 inches, and in three weeks the level had raised 5.5 feet.

47. The well logs for the Parkinson and Schwendiman wells show a seal around the annulus of the well casing of only 15-20 feet. The Baker report estimates the depth of the upper aquifer to be approximately fifty feet at the Parkinson/Schwendiman wells. Ground water from the upper aquifer could be leaking between the annulus and the casing, and discharging to the lower aquifer.

48. One of the Parkinson/Schwendiman wells shows a perforated casing within one of the upper aquifers. Water from the upper aquifer could be leaking into the lower aquifer.

49. Leakage of the perched aquifer into the deep aquifer in the separated aquifer zone through perforations or the annulus would not increase when a pump is operating. Interference by the Parkinson/Schwendiman wells clouds a conclusion that the wells are located in the separated aquifer area.

50. The canyon portion of the Teton River, where most of the canyon pumps are located, is a good fishery for cutthroat and rainbow trout. Although devastated by the Teton Dam flood, the stream is being restored through natural processes.

51. If additional canyon pumps are placed in the river, flows could decline below acceptable levels for support of fish and aquatic life.

52. Arnold alternatively proposed a point of diversion in the upper Teton Valley near the confluence of Mahogany Creek with the Teton River. Discharging ground water into the Teton River above Arnold's irrigation diversion would avoid dewatering of the river in the intervening bypass reach between his river diversion and the proposed downstream exchange well.

53. A report by C. Kilburt, Ground Water in the Upper Part of the Teton Valley, Geological Survey Water Supply Paper no. 1789 (1964), discusses the relationship between ground water and surface water in the upper Teton Valley. The report concludes that substantially all of the ground water in the Upper Teton Valley is tributary to the Teton River, and that there is very little

underflow. Jack Barnett, a hydrogeologist, testified that a substantial withdrawal of ground water in the Mahogany Creek area, or anywhere in the Teton Valley, would result in an approximate one-for-one reduction in river flows. He did not estimate the time lag between the ground water pumping and the resulting depletion of river flow.

54. Arnold proposes to install a pumping plant which would pump water approximately 700 vertical feet out of the Teton River Canyon to lands not currently irrigated, and leased by Arnold from Neeley Family Farms. He also intends to supplement irrigation of certain lands which he now irrigates from a ground water source.

55. Arnold testified that the farm proposed as a place of use is property leased by or partnership property owned by a partnership consisting of himself and Carl Reynolds. He submitted a financial statement as of April, 1991, showing a net worth of approximately \$1.8 million.

56. Arnold estimated that construction to deliver water to the top of the river canyon would cost approximately \$265,000. An additional \$40,000 would be necessary to drill and equip the exchange wells.

57. Arnold filed some preliminary plans showing the river pumping station and the mainline.

58. Bob Parkinson, one of the applicants, testified it would cost \$700,000 just for used equipment to place the system in operation. For new equipment, the cost would be over one million dollars. This estimate included, however, all of the pipe necessary for delivery. Arnold contested the allegation, stating that much of his delivery pipe was already in place.

59. Arnold stated that he and his partner intend to pursue construction immediately if the permit is approved.

60. Schwendiman intends to use his existing pumps and pipeline to deliver the additional water to irrigate an extra 200 acres of land.

61. Parkinson does not intend to irrigate any more land than has been traditionally irrigated. He intends to enlarge his system to accommodate the capacity.

CONCLUSIONS OF LAW

1. Idaho Code § 42-203A states, in pertinent part:

The director of the department of water resources shall find and determine from the evidence presented to what use or uses the water sought to be appropriated can be

and are intended to be applied. In all applications whether protested or not protested, where the proposed use is such (a) that it will reduce the quantity of water under existing water rights, or (b) that the water supply itself is insufficient for the purposes for which it is sought to be appropriated, or (c) where it appears to the satisfaction of the director that such application is not made in good faith, is made for delay or speculative purposes, or (d) that the applicant does not have sufficient financial resources with which to complete the work involved therein or (e) that it will conflict with the local public interest where the local public interest is defined as the affairs of the people in the area directly affected by the proposed use, or (f) that it is contrary to conservation of water resources within the State of Idaho; the director of the department of water resources may reject such application, refuse issuance of a permit therefor, or may partially refuse issuance of a permit therefor, or may partially approve and grant a permit for a smaller quantity of water than applied for, or may grant a permit upon conditions.

2. Rule 4,4,2,1. of the Water Appropriation Rules and Regulations states that the applicant shall bear the initial burden of coming forward with evidence of the evaluation of criteria (a) through (d) of Idaho Code § 42-203A.

3. Rule 4,4,2,2. of the Water Appropriation Rules and Regulations states that both the applicant and the protestant have the burden of coming forward with evidence regarding local public interest of which they are most cognizant.

4. The applicant bears the ultimate burden of proof for all the criteria of Idaho Code §42-203A.

5. Idaho Code § 42-105 sets forth the process by which a person proposing an exchange of water must obtain approval:

. . . [W]ater may be turned into any ditch, natural channel, or waterway from reservoirs or other sources of water supply, and such water may be substituted or exchanged for an equal amount of water diverted from the stream, creek or river into which such water flows, or any tributary thereof, but in reclaiming the water so mingled, or diverting water in lieu thereof from any such stream, creek, river or tributary, the amount of water to which prior appropriators may be entitled shall not be diminished, and due allowance shall be made for loss by evaporation and seepage. Approval of any such exchange of water shall be obtained by filing application for permit to appropriate water under the provisions of § 42-202, Idaho Code, in the event the water to be exchanged is unappropriated public water . . . In no case, however, shall any such exchange of water be approved by the department of water

resources until the department has received an agreement in form approved by the attorney general, signed by the person proposing the exchange and each person or organization owning rights to water with whom such exchange is proposed to be made. Any such exchange of water hereafter made without the approval of the department of water resources as provided in this act shall be invalid.

6. Arnold's proposed withdrawal of 37 cfs of water in the canyon, and compensation to the river from his exchange well at the extreme downstream end of the South Fork will further reduce the water flow at the splitter. Testimony established that the reduction in flow would place an additional burden on Fremont-Madison to supply additional storage water to satisfy rights on the North Fork, and the South Fork above the point where Arnold proposes to discharge back to the river.

7. Fremont-Madison stated that it will not consent to the additional burden of supplying more water to compensate for Arnold's upstream withdrawal. Fremont-Madison has refused to agree to the proposed exchange as required by Idaho Code § 42-105. In addition, Arnold has not obtained consent from the individual water users on the North Fork or on the South Fork above his proposed point of reinjection from his exchange well.

8. Arnold's proposed well would be located in the saturated zone near the South Fork and, without careful design and construction, would reduce river flows and lower the water table in the upper aquifer. Arnold did not present a plan to prevent depletion of surface flows and lowering of the upper aquifer.

9. Arnold has not proposed a satisfactory method of monitoring and conjunctively regulating his canyon pumps in his exchange wells to insure that his exchange well is fully compensating the river at all times he will be pumping from the canyon.

10. The quantity of water deliverable to downstream right holders with earlier in time natural or storage rights will be reduced if Arnold's proposal is approved.

11. There is not sufficient water in Teton River to supply Arnold and all other right holders before Arnold reinjects water from his exchange well.

12. Arnold's proposal will reduce the water supply to existing wells.

13. Arnold's proposal will require water to be delivered through the Cross Cut Canal in greater quantities during periods of low flow to compensate for the upstream diversion. Even if the consent of Fremont-Madison were not required by Idaho Code § 42-105, the burden and expense of maintaining the Cross Cut Canal and

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delivering the additional water through the Cross Cut Canal would not be paid by Arnold, but would be paid by the existing users of the Cross Cut Canal.

14. The application for Arnold's South Fork exchange well is not in the public interest.

15. Arnold has sufficient financial resources to complete the project.

16. Arnold's application was not filed for purposes of speculation or delay.

17. Arnold would employ acceptable methods of water application which would conserve water of the state of Idaho.

18. Applications 22-7714, 7715, 7716 and 7717 propose wells in the upper Teton valley near Mahogany Creek. All of the testimony and the information contained in the records of the department show that ground water in the upper Teton basin is directly tributary to the Teton River, and that any withdrawal of ground water discharged into the Teton River is simply a recirculation of water which is tributary to the Teton River anyway. Arnold presented no information to support any other conclusion.

19. Arnold failed to satisfy his burden of proof regarding the questions of reduction of water supply to other water users, the sufficiency of water supply and the local public interest.

20. All of the Arnold applications should be denied.

21. The Parkinson/Schwendiman exchange well is located just downstream from the mouth of the Cross Cut Canal. Only one major diversion, the Wilford Canal, diverts between the Cross Cut Canal discharge and the injection from the Parkinson/Schwendiman wells. The Parkinson/Schwendiman discharge is located above the splitter, and supplies water to the river in a location before water delivery problems become acute.

22. The consent provisions contained in Idaho Code § 42-105 are not applicable to the Parkinson/Schwendiman wells. No water rights can be identified with which the Parkinson and Schwendiman wells are exchanging water. There appears to always be sufficient natural flow to satisfy the Wilford diversion and other diversions upstream from the Parkinson/Schwendiman exchange wells.

23. Parkinson and Schwendiman did not identify any seepage or evaporation losses which might occur as a result of their withdrawal of water upstream.

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24. Parkinson and Schwendiman did not propose a satisfactory method of monitoring and conjunctively regulating their canyon pumps and exchange wells to insure real time pumping from the exchange wells to compensate for the diversion of water upstream in the canyon.

25. The burden was upon Parkinson and Schwendiman to both propose a method of monitoring and regulation, and to bear the cost of the monitoring and regulation so that downstream water users would not be injured. Parkinson and Schwendiman did not propose an acceptable plan for payment of the cost of monitoring and regulation.

26. Substantial questions were raised regarding the integrity of the Parkinson and Schwendiman wells. Parkinson and Schwendiman bore the burden of proof to show that their wells would not reduce the flow available to other appropriators. The evidence showed that the Parkinson/Schwendiman wells may be depleting flows in the Teton River, and also lowering ground water levels in the upper perched aquifer.

27. Parkinson and Schwendiman were required to submit plans for their wells which would prevent the depletion of river flows or injury to existing wells in the perched aquifer. Parkinson and Schwendiman did not submit the information at the hearing.

28. The Parkinson and Schwendiman applications should be denied.

ORDER

IT IS HEREBY ORDERED that applications for permit no.'s 22-7691, 7692, 7693, 7694, 7714, 7715, 7716, and 7717 in the name of Bruce J. Arnold are REJECTED and issuance of permits are DENIED.

IT IS FURTHER ORDERED, that application for permit no. 22-7484 in the name of Val or David Schwendiman, is REJECTED and issuance of a permit is DENIED, without prejudice.

IT IS FURTHER ORDERED, that application for permit no. 22-7701 in the name of Bob, Marilyn &/or Dirk Parkinson is REJECTED and issuance of a permit is DENIED, without prejudice.

Dated this 5th day of May, 1992.



Gary Spackman
Hearing Officer

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CERTIFICATE OF MAILING

I hereby certify that on the 6th day of May, 1992, I mailed a true and correct copy of the Proposed Memorandum Decision and Order and the Order Issuing the Proposed Memorandum Decision and Order, postage prepaid, to the following individuals:

Homer E. Kunz
Patterson Cr. Ranch
Victor, ID 83455

Gregory P. Meacham
485 East Street
Idaho Falls, ID 83402

Steve Goddard
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Mark Rammel
P.O. Box 358
Rexburg, ID 83440

JT Beech
Wilford Irr. & Manu. Co.
St. Anthony, ID 83445

John Pocock
4483 E. 2000 N.
Sugar City, ID 83448

Bob Parkinson
Box 326
St. Anthony, ID 83445

Val Schwendiman
9633 E. Highway
Newdale, ID 83436

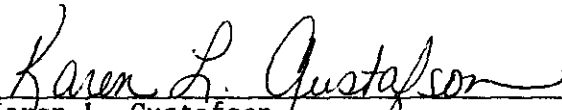
Gary Slette
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303

James Siddoway
Teton Irr. & Manu.
Teton, ID 83451

DC Neville
Teton Island Feeer
945 N. 2000 W.
Rexburg, ID 83452

Jack Hoopes
Tetonia, ID 83452

IDWR - Eastern Region


Karen L. Gustafson
Secretary/ Records Manager

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BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR PERMIT)
)
NOS. 22-7691, 22-7692, 22-7693, 22-7694,)
)
22-7714, 22-7715, 22-7716 & 22-7717 IN)
)
THE NAME OF BRUCE J. ARNOLD; NO. 22-7484)
)
IN THE NAME OF VAL OR DAVID SCHWENDIMAN;)
)
NO. 22-7504 IN THE NAME OF J. CLINT)
)
HOOPES & NO. 22-7701 IN THE NAME OF BOB,)
)
DIRK, OR MARILYN PARKINSON)
)

PREHEARING
ORDER

On October 25, 1991, the Department issued a Notice of Combined Hearings for the above listed applications for permit. The Notice of Combined Hearings required submittal of motions to intervene or bifurcation, and also requested a list of prospective witnesses. The response was required by December 20, 1991.

The following parties responded: Parkinson, Arnold, Schwendiman, Hoopes, Idaho Department of Fish and Game (Fish & Game), Fremont-Madison Irrigation District (Fremont-Madison) and Twin Falls Canal Company. Twin Falls Canal Company was the only party which moved for intervention. Hoopes moved to bifurcate his application from being heard with the other applications. Arnold requested that applications 22-7714 through 22-7717 not be heard at the same time as applications nos. 22-7691 through 22-7694.

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The following is a list of applications and the parties who have protested or been granted intervention:

<u>Water Right No.</u>	<u>Applicant</u>	<u>Protestant</u>
22-7504	J. Clint Hoopes	Teton Island Feeder (withdrawn) Teton Irrig. & Manu. (withdrawn) Fremont-Madison (withdrawn) Wilford Irrigation Co. Fish & Game (withdrawn)
22-7701	Bob Parkinson	Fish & Game Teton Island Feeder Teton Irrig. & Manu. Fremont-Madison Wilford Irrigation Co.
22-7484	Val Schwendiman	Teton Island Feeder Wilford Irrigation Co. Fremont-Madison Teton Irrig. & Manu.
22-7691 - 22-7694	Bruce J. Arnold	Fremont-Madison Teton Island Feeder Fish & Game (intervenor)
22-7714 - 22-7717	Bruce J. Arnold	Homer E. Kunz Fish & Game Fremont-Madison Wilford Irrigation Co. Twin Falls Canal Co. Teton Irrig. & Manu.

The Twin Falls Canal Co. has an interest in withdrawal of ground water which may affect flows of the Snake River above Milner Reservoir. All of the applications propose a diversion of ground water which ultimately may be tributary to the Snake River above Milner Dam.

The hearing officer is dismayed that Twin Falls Canal Co. waited until the last moment to petition to intervene.

Intervention of the Twin Falls Canal Co. will not prejudice

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Arnold, however. Arnold was aware of Twin Falls Canal Co.'s interest, and that the applications would be joined in one hearing.

The other parties may not have been fully apprised of Twin Falls Canal Co.'s interest. A motion for continuance will be considered if filed by these other parties. The Twin Falls Canal Co. is granted intervention status with the exception that if all of the protests against the Hoopes application are withdrawn, Twin Falls Canal Co. cannot maintain independent status as an intervenor in the Hoopes matter.

The October 25, 1991, notice stated that all of the Arnold applications will be heard together. While the Department recognizes that the second set of applications propose diversion of water in the upper reaches of the Teton River, which would discharge water into the river before its withdrawal, there are similar issues of hydrology and administration which dictate their joinder in the hearing process. The request by Arnold that these applications not be heard contains no good reason for the bifurcation of the second group of applications from the first group. All of the Arnold applications will be heard together.

Hoopes has moved the Department to remove his application from consideration with the other applications. Hoopes alleges that he seeks withdrawal of no more water or irrigation of no more land than was diverted and irrigated in 1973 when the systems were installed. If Wilford Irrigation and Manufacturing

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withdraws its protest, no hearing will be held regarding the Hoopes application.

The Hoopes application will not be processed independent of the information that is gathered at the hearing, however. The Department must consider all information it has at its disposal in reaching a decision. The Baker report identified the Hoopes exchange well as possibly withdrawing some water from the alluvial aquifer. Hoopes is notified by this order that the information gathered at the hearing will be used by the Department to review his application.

Finally, the parties have requested the attendance of a number of Department witnesses. Steven Baker, who wrote and produced the report distributed to the parties, will be called at the beginning of the hearing to explain his study and its conclusions. His presentation will be a narrative, followed by an opportunity for all parties to examine him regarding his data and conclusions. I intend to excuse Mr. Baker at the end of his testimony. Following Mr. Baker, Mr. Lyle Swank will testify about correspondence he authored which explains the administration of water deliveries in the Teton River. After his narrative explanation, he may be examined by the parties. I also intend to release Mr. Swank at the end of his testimony.

Ron Carlson, watermaster for Water District #01, will attend and operate the tape player. If Mr Carlson's testimony is of

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value to reinterpret Mr. Swank's testimony, he may be called as a subsequent witness.

I see no need for the attendance of Tony Olenichak. His attendance would be duplicative.

Arnold has requested the attendance of Gail Blanchard. Mr. Blanchard is the assistant hydrographer for the Teton River, and is intimately acquainted with the pumps, their locations, and their operation. I will inform Mr. Blanchard of the request, but ask Arnold to arrange for his attendance. If necessary, the Department will issue a subpoena to Mr. Blanchard.

Following the testimony from Baker and Swank, the applicants will begin presenting their information. If Hoopes is still a participant in the hearing, or wants to participate because the information presented will be used in a decision regarding his application, Mr. Hoopes will be granted the opportunity to present his information first. After presentation of his information, Arnold shall present his case regarding his applications, and then Schwendiman and Parkinson in that order. The protestants will then proceed with their case. Fremont-Madison shall present its information first, followed by Fish & Game, the Twin Falls Canal Co., and the other protestants, if they wish to testify themselves or call witnesses.

The hearing will begin promptly at 9:00 a.m. on January 14, 1992, and continue until finished or through January 17, 1992 at

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the Madison County Courthouse, Commissioner's Room, 159 East Main Street, Rexburg, Idaho.

IT IS SO ORDERED.

Dated this 3rd day of January, 1992.



GARY SPACKMAN, Hearing Officer
Department of Water Resources

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CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of January, 1992, I mailed a true and correct copy of the Prehearing Order, postage prepaid, to the following individuals:

Homer E. Kunz
Patterson Cr. Ranch
Victor, ID 83455

Bob Parkinson
Box 326
St. Anthony, ID 83445

Gregory P. Meacham
485 East Street
Idaho Falls, ID 83402

Val Schwendiman
9633 E. Highway
Newdale, ID 83436

Steve Goddard
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Gary Slette
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

Mark Rammel
P.O. Box 358
Rexburg, ID 83440

James Siddoway
Teton Irr. and Manufacturing
Teton, ID 83451

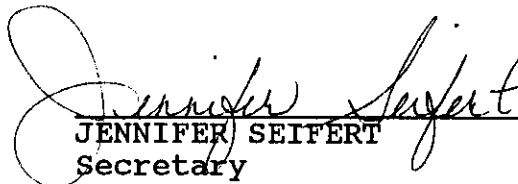
JT Beech
Wilford Irr. & Manu. Co.
Rt. 1 Box 34
St. Anthony, ID 83445

DC Neville
Teton Island Feeder
945 N. 2000 W.
Rexburg, ID 83440

John Pocock
4483 E. 2000 N.
Sugar City, ID 83448

Jack Hoopes
Tetonia, ID 83452

IDWR - Eastern Region


JENNIFER SEIFERT
Secretary



NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)
PERMITS. NOS. 22-7691, 22-7692,)
22-7693, 22-7694, 22-7714, 22-7715,)
22-7716 & 22-7717 IN THE NAME OF)
BRUCE J. ARNOLD; NO. 22-7484 IN THE)
NAME OF VAL OR DAVID SCHWENDIMAN;)
NO. 22-7504 IN THE NAME OF J. CLINT)
HOOPES & NO. 22-7701 IN THE NAME OF)
BOB, DIRK OR MARILYN PARKINSON)

NOTICE OF COMBINED
HEARINGS

On July 9, 1991, a pre-hearing conference was conducted in the Civil Defense Conference Room, Bonneville County Courthouse, Idaho Falls, Idaho. The conference addressed applications for permit filed by Bruce J. Arnold, numbered 22-7691, 22-7692, 22-7693 and 22-7694, and all the other above listed applications filed by Schwendiman, Hoopes and Parkinson.

At the conclusion of the conference, the hearing officer promised to distribute a Department analysis of data about the aquifers in the area of the proposed wells, and also an explanation of the administration of storage water, exchange wells and high lift pumping plants on the Teton River.

Following the conference, Bruce J. Arnold filed additional applications to appropriate water, numbered 22-7714, 22-7715,

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22-7716 and 22-7717. No conference for these applications has been conducted. The Arnold applications appear to relate to the prior filings, and will be noticed up for hearing with the prior filings.

Enclosed with this order are the promised reports offered by the Department.

A hearing date of the first week in November was originally discussed. Because of additional complications, the hearing officer will reschedule the hearing for the second full week of January.

There also issues regarding the bifurcation of the hearing and the efficient submittal of evidence and testimony.

ORDER

IT IS HEREBY ORDERED that the applications for permits filed by Bruce J. Arnold, Schwendiman, Hoopes and Parkinson, shall be heard together at a combined hearing as follows:

Time: Beginning on January 14, 1992, at the hour of 9:00 a.m. and extending through January 17, 1992 if necessary to finish the testimony.

Place: Madison County Courthouse, Commissioners' Room,
159 E. Main Street, Rexburg, Idaho 83440

IT IS FURTHER ORDERED the follwing must be completed on or before December 20, 1991:

1. All preliminary motions pertaining to subjects of joinder, bifurcation and intervention must be submitted to the Department.

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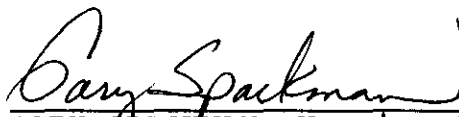
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2. Names of expert witnesses, a brief statement of the nature of the expert testimony, and any technical reports that will be offered for the record shall be exchanged.

3. A list of prospective witnesses shall also be exchanged although the witnesses will not be limited to those listed.

4. A request for attendance of Department personnel as witnesses must be submitted to the Department.

Dated this 25th day of OCTOBER, 1991.



GARY SPACKMAN, Hearing Officer
Department of Water Resources

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CERTIFICATE OF MAILING

I hereby certify that on the 29th day of October, 1991, I mailed a true and correct copy of the Notice of Combined Hearings, postage prepaid, to the following individuals:

Homer E. Kunz
Patterson Cr. Ranch
Victor, ID 83455

Bob Parkinson
Box 326
St. Anthony, ID 83445

Gregory P. Meacham
485 East Street
Idaho Falls, ID 83402

Val Schwendiman
9633 E. Highway
Newdale, ID 83436

Steve Goddard
Dept. of Fish & Game
Statehouse Mail
Boise, ID 83720

Gary Slette
142 3rd Avenue North
P.O. Box 1906
Twin Falls, ID 83303-1906

Mark Rammel
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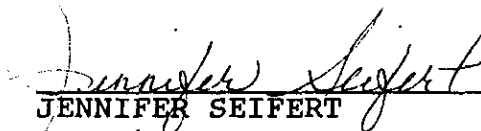
James Siddoway
Teton Irr. and Manufacturing
Teton, ID 83451

JT Beech
Wilford Irr. & Manufacturing Co.
Rt. 1 Box 34
St. Anthony, ID 83445

Jack Hoopes
Tetonia, ID 83452

John Pocock
4483 E. 2000 N.
Sugar City, ID 83448

DC Neville
Teton Island Feeder
945 N. 2000 W.
Rexburg, ID 83440


JENNIFER SEIFERT
Secretary

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Department of Water Resources
OF Eastern District Office

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BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION)
OF , J. CLINT HOOPES, OF 22 WEST 1 NO.) PROTEST OF THE
ST. ANTHONY, IDAHO 83445 NO. 22-07504 } TETON IRRIGATION AND
FOR A CHANGE IN THE POINT OF DIVERSION, } MANUFACTURING COMPANY
NATURE AND PLACE OF USE OF THE)
WATERS OF THE TETON RIVER TRIBUTARY }

Comes now the Teton Irrigation and Manufacturing Company, a non-profit canal corporation of the State of Idaho, with the address at C/o Diana S. Richman, Sec., Route #1, Sugar City, Idaho 83448 and in response to a notice given that J. Clint Hoopes, of 22 West 1 North, St. Anthony, Idaho 83445 made application No. 22-07504 to the Department of Water Resources for what we believe to be a change in point of diversion, nature of use, and place of use of the waters of the Teton River Tributary to Henry's Fork. Teton Irrigation and Manufacturing Company protests such application for the following reasons:

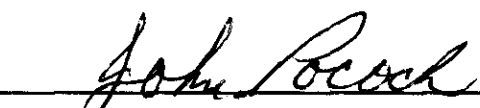
1. That the supply of water from the Teton River is not sufficient to warrant such application for irrigation purposes.
2. That the proposed appropriation and use would reduce the quantity of water under existing water rights and will adversely affect our water rights and other downstream water users.
3. That all waters of the Teton River have been fully appropriated.
4. That such diversions will conflict with the local public interest. Many private culinary wells are already being affected in the area.
5. That further diversions on the Teton River will create more management difficulties and would require additional personnel to monitor pumps, etc. These added costs are already affecting our stockholders.

DATED this 31 day of May, 1991

RECEIVED

JUN 03 1991

Department of Water Resources



John Pocock, Chairman of the Board
Teton Irrigation and Manufacturing Company

MICROFILMED

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BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

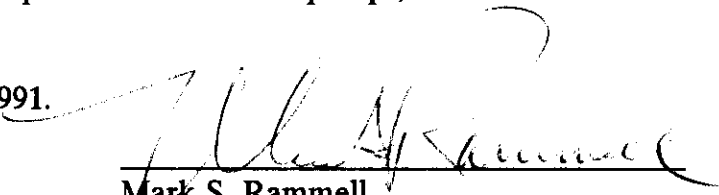
IN THE MATTER OF THE APPLICATION)
OF J. CLINT HOOPES, TETONIA, IDAHO)
NO. 22-07504, FOR A CHANGE IN THE)
POINT OF DIVERSION, NATURE)
AND PLACE OF USE OF THE WATERS OF)
THE TETON RIVER TRIBUTARY TO)
HENRY'S FORK.)

PROTEST OF THE
FREMONT-MADISON
IRRIGATION DISTRICT

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 J. Clint Hoopes, of Teton, Idaho, 83452, made application No. 22-07504, to the Department of Water Resources for what we believe to be a change in point of diversion, nature of use, and place of use of the waters of Teton River Tributary to Henry's Fork. Fremont-Madison protests such application for the following reasons:

1. That the supply of water from the Teton River is not sufficient to warrant such application for irrigation purposes.
2. That the proposed appropriation and use would reduce the quantity of water under existing water rights and will adversely affect downstream water users.
3. That all waters of the Teton River have been fully appropriated.
4. That such diversion will conflict with the local public interest.
5. That further diversions on the Teton River will create more management difficulties and would require additional personnel to monitor pumps, etc.

DATED this 31 day of May, 1991.


Mark S. Rammell
Attorney for Fremont-Madison

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Department of Water Resources

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JUN 03 1991

5-28-91

Department of Water Resources

The Wilford Irrigation and Manufacturing Co.
would like to be placed on record as protesting
the following Trust Water permits. 22-07701,
2207484, 22-07504

J. T. BEECH
RT. #1 - BOX 34
ST. ANTHONY, IDAHO 83445

J. T. Beech
Chairman of the Board

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**NOTICE OF APPLICATION
FOR TRUST WATER PERMIT
22-07504**

J. Clint Hoopes

22 W. 1 N.

St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection.

Point of Diversion/Injection: NENE Sec. 11 T06N R40E.

Pt. of Rediversion-Teton R.: NWSE Sec. 03 T06N R44E.

Use: Irrigation (6.40 cfs)

Date Filed: 7/1/1985

In: T07N R43E S27 NESW NWSW SWSW SESW S28 NESE NWSE SWSE SESE 320 acres total

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, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991J.

Public notices

NOTICE OF APPLICATION FOR TRUST WATER PERMIT 22-07701

Bob, Marilyn or Dirk Parkinson
P.O. Box 326
St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River at a point upstream from the injection wells.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (3.68 cfs)

Date Filed: 3/19/1991

In: T07N R42E S03 SESE S10 NENE
NWNE SWNE SENE NENW SENW
NESW NWSW NESE NWSE SWSE
SESE S11 NWNW SWNW NWSW
SWSW SESW SWSE SESE S12 SWSW
SESW SWSE SESE S13 NENE NWNE
SWNE SENE NENW NWNW SWNW
SENW NESW NWSE SWSE SESE S14
NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE S15 NENE NWNE SWNE SENE
NESW NESE NWSE S23 NENE NWNE
SWNE SENE NENW S24 NENE NWNE
SWNE SENE NENW NWNW SWNW
SENW NESW NWSW NESE NWSE
R43E S19 NENE NWNE SWNE SENE
NENW Lot 1 (NWNW) Lot 2 (SWNW)
SENW NESW Lot 3 (NWSW) NESE
NWSE SWSE SESE 2820.0 ACRES
TOTAL

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07484

VAL OR DAVID SCHWENDIMAN
Box 1011
Newdale, ID 83436

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection. An additional groundwater well has been included for direct pumping of groundwater to the place of use.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Additional Diversion Pt.: SWSW Sec. 23 T07N R42E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (4.0 cfs)

Date Filed: 1/8/1985

In: T03N R42E S21 SESE S22 SWSW
SESW SWSE SESE 200 acres total

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, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991J.

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07484

VAL OR DAVID SCHWENDIMAN
Box 1011
Newdale, ID 83436

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection. An additional groundwater well has been included for direct pumping of groundwater to the place of use.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Additional Diversion Pt.: SWSW Sec. 23 T07N R42E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (4.0 cfs)

Date Filed: 1/8/1985

In: T03N R42E S21 SESE S22 SWSW
SESW SWSE SESE 200 acres total

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07701

Bob, Marilyn or Dirk Parkinson
P.O. Box 326
St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River at a point upstream from the injection wells.

Point of Diversion/Injection: SWNE Sec. 29 T07N R41E.

Pt. of Rediversion-Teton R.: NWSE Sec. 23 T07N R42E.

Use: Irrigation (3.68 cfs)

Date Filed: 3/19/1991

In: T07N R42E S03 SESE S10 NENE
NWNE SWNE SENE NENW SENW
NESW NWSW NESE NWSE SWSE
SESE S11 NWNW SWNW NWSW
SWSW SESW SWSE SESE S12 SWSW
SESW SWSE SESE S13 NENE NWNE
SWNE SENE NENW NWNW SWNW
SENW NESW NWSE SWSE SESE S14
NENE NWNE SWNE SENE NENW
NWNW SWNW SENW NESW NWSW
SWSW SESW NESE NWSE SWSE
SESE S15 NENE NWNE SWNE SENE
NESW NESE NWSE S23 NENE NWNE
SWNE SENE NENW S24 NENE NWNE
SWNE SENE NENW NWNW SWNW
SENW NESW NWSW NESE NWSE
R43E S19 NENE NWNE SWNE SENE
NENW Lot 1 (NWNW) Lot 2 (SWNW)
SENW NESW Lot 3 (NWSW) NESE
NWSE SWSE SESE 2820.0 ACRES
TOTAL

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, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. KEITH HIGGINSON
Director

Publ. May 16 and 23, 1991HC.

INVITATION TO BID

BEFORE THE DIRECTOR OF THE IDAHO DEPARTMENT OF
WATER ADMINISTRATION

IN THE MATTER OF THE APPLICATION)
OF , J. CLINT HOOPES, OF 22 WEST 1 NO.) PROTEST OF THE
ST. ANTHONY, IDAHO 83445 NO. 22-07504) WILFORD IRRIGATION AND
FOR A CHANGE IN THE POINT OF DIVERSION,) MANUFACTURING COMPANY
NATURE AND PLACE OF USE OF THE)
WATERS OF THE TETON RIVER TRIBUTARY)

Comes now the Wilford Irrigation and Manufacturing Company, a non-profit canal corporation of the State of Idaho, with the address at John Pocock, 4483 East 2000 North, Sugar City, Idaho 83448 and in response to a notice given that J. Clint Hoopes, of 22 West 1 North, St. Anthony, Idaho 83445, made application No. 22-07504 to the Department of Water Resources for what we believe to be a change in point of diversion, nature of use, and place of use of the waters of the Teton River Tributary to Henry's Fork. Wilford Irrigation and Manufacturing Company protests such application for the following reasons:

1. That the supply of water from the Teton River is not sufficient to warrant such application for irrigation purposes.
2. That the proposed appropriation and use would reduce the quantity of water under existing water rights and will adversely affect our water rights and other downstream water users.
3. That all waters of the Teton River have been fully appropriated.
4. That such diversions will conflict with the local public interest. Many private culinary wells are already being affected in the area.
5. That further diversions on the Teton River will create more management difficulties and would require additional personal to monitor pumps, etc. These added cost are already affecting our stockholders.

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DATED this 31 day of May, 1991

RECEIVED
JUN 03 1991

Department of Water Resources



John Pocock, Secretary
Wilford Irrigation and Manufacturing Company

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

1. Name of applicant J. Clint Hoopes Phone 456-2801
Post office address P.O. Box 98, Teton, ID 83452
2. Source of water supply groundwater which is a tributary of _____
3. Location of point of diversion is _____ $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, Govt. Lot _____
Sec. 11 Township 6N Range 40E B.M. Madison County; additional
points of diversion if any: Diversion from Teton River NWSE Sec. 3, T. 6N, R. 44E
+clow Co.
4. Water will be used for the following purposes:
Amount 6.4 cfs for Irrigation purposes from 4/1 to 11/1 (both dates inclusive)
(cfs or 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)
Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated is (a) 6.40 and/or (b) _____
cubic feet per second acre feet per annum
6. Proposed diverting works:
 - a. Description of ditches, flumes, pumps, headgates, etc. Exchange well pumps water into Teton
River water is diverted through Clementsville Pipeline
 - 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 20 inches; proposed depth of well is 400 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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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. _____

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	43E	27									40	40	40	40					160
		28													40	40	40	40	160

Total number of acres to be irrigated 320

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

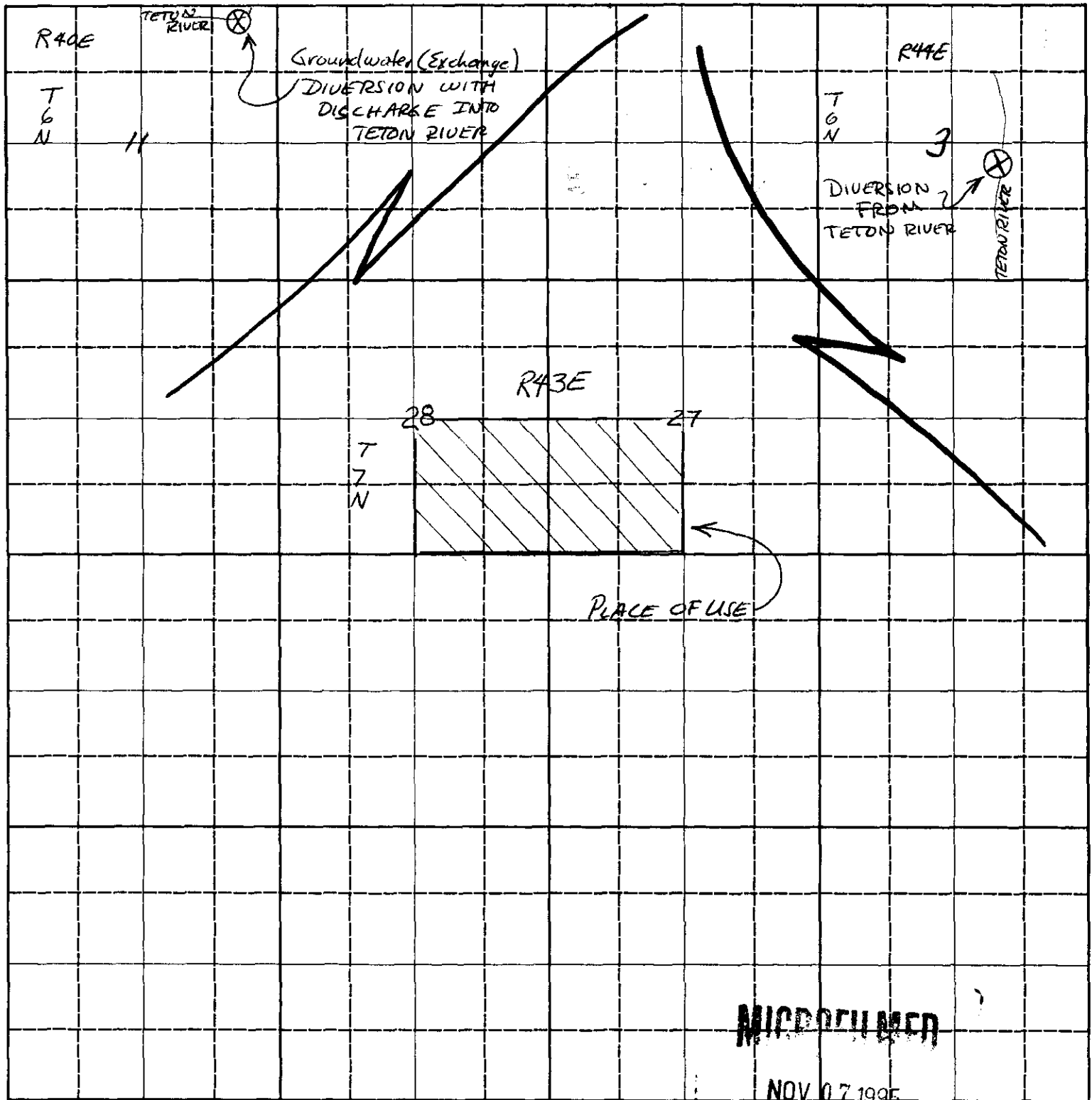
- Who owns the property at the point of diversion? Applicant
- Who owns the land to be irrigated or place of use? LMJ & H Partnership
- If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing. 20 year lease

12. Remarks: The application is for development already
in place as of May, 1976 . The application
is being made to insure that the benefits of
subordination per the Swan Falls Agreement
are obtained. The applicant intends to claim
the priority of May 10, 1980 if a basin
wide adjudication occurs at a later date
Clements ville Pipeline was installed and pipe layed to the
the property on this application in May, 1976. Development

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of land occurred and beneficial use occurred May 10, 1980.

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.

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.

[Signature]
(Applicant)

Received by KCW Date 7-01-85 Time 5:00P Preliminary check by HWS
Fee \$ 165⁰⁰ Receipted by QW # 35421 Date 7-01-85
Publication prepared by BLM Date 5-8-91 Published in TETON VALLEY NEWS & JOURNAL
Publication approved LB Date 6-10-91 REXBURG STANDARD

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:

RECORDED

NOV 07 1995

AFFIDAVIT

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

BYRON W. O'BRIAN, being first duly sworn deposes and states:

1. That he is a resident of Tetonia, Teton County, Idaho;
2. That since the commencement of the 1979 irrigation season he has functioned as the Water Master for the Teton Pipe Line Association;
3. That J. CLINT HOOPES is a property owner and irrigator who irrigates his farm land with water controlled by the Teton Pipe Line Association;
4. That Mr. Hoopes has informed the affiant that he has irrigated the property known as "The Home Place" since 1976. As Water Master, affiant has personal knowledge that "The Home Place" has been irrigated since the 1979 crop year. From information furnished by Mr. Hoopes, affiant believes the legal description of "The Home Place" is as follows:

The W 1/2 of the SW 1/4 of Section 5, Township 6 North, Range 44 East, Boise Meridian.

The NW 1/4 of the NW 1/4, the S 1/2 of the NW 1/4, and the SW 1/4 of Section 8, Township 6 North, Range 44 East, Boise Meridian.

The NE 1/4, the SE 1/4, the E 1/2 of the SW 1/4, and the SE 1/4 of the NW 1/4 of Section 7, Township 6 North, Range 44 East, Boise Meridian.

Beginning at a point that is 750 feet West of the corner of Section 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line of Section 6 & 7 for a distance of 645 feet; thence North 615 feet to the right-of-way of Idaho State Highway 33; thence in the Southeasterly along the highway right-of-way for a distance of

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approximately 825 feet to the point of beginning.

EXCEPTING THEREFROM the following described property:

Beginning at the SE corner of the NW 1/4 of the NW 1/4 of Section 8, Township 6 North, Range 44 East, Boise Meridian, and running thence North 3,300 feet; thence West 300 feet; thence South 3,300 feet; thence East 300 feet to the point of beginning.

Beginning on the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 for a distance of 500 feet to the highway right-of-way of Idaho State Highway 33; thence in a Southeasterly direction along the right-of-way of State Highway 33 for a distance of approximately 700 feet to the Section line between Sections 7 & 8; thence North along the Section line of Sections 7 & 8 for a distance of 500 feet to the point of beginning.

Beginning at a point 2140 West of the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 a distance of 375 feet; thence South a distance of 375 feet, thence in a Northeasterly direction a distance of approximately 525 feet to the point of beginning.

5. That affiant has been told by Mr. Hoopes that the property known as "The Stoddard Place" has been irrigated since 1976. However, as Water Master for the Teton Pipe Line Association affiant has personal knowledge that the property identified as "The Stoddard Place" has been continuously irrigated since the 1979 crop year. From information furnished by Mr. Hoopes, affiant believes the legal description of "The Stoddard Place" is as follows:

Tract 1: Commencing at the SW corner of Sec. 28, Twp. 7 N., R. 44, E.B.M., and running thence East 82 rods, more or less, to the SW rim of the Teton River Canyon, and thence following said canyon rim in a Northwesterly direction to a point where said canyon rim intersects with the

RECORDED
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West line of said Sec. 28, and running thence South along said Section line to the point of beginning, containing 43.8 acres, more or less.

Tract 2: Commencing at the SW corner of Sec. 29, Twp. 7 N., R. 44, E.B.M., and running thence East 5280'; thence North 2640'; thence West 1215'; thence South 429'; thence West 4065', and thence South 2211' to the point of beginning, containing 280 acres, more or less.

LESS:

Two (2) tracts of land in Sections twenty-eight (28) and twenty-nine (29), Township seven (7) North, Range forty-four (44) East, Boise Meridian; said tracts contain a combined area of 17.3 acres, more or less, being described as follows:

TRACT 1

That portion of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section twenty-nine (29), Township Seven (7) North, Range forty-four (44) East, Boise Meridian, more specifically described be metes and bounds as follows:

Commencing at the East Quarter (E1/4) corner of said Section twenty-nine (29); thence South 89°19'19" West, 905.56 feet along the East-West Center Quarter line to a point monumented with a bronze marker inscribed 29D744; thence South 0°43'43" East, 429.03 feet to a point monumented with a bronze marker inscribed 29E744; thence North 75°21'15" East, 675.60 feet to a point monumented with a bronze marker inscribed 29F744; thence North 53°33'50" East, 312.42 feet to the East boundary line of said Section twenty-nine (29), thence North 3°24'36" West, 83.48 feet along the East boundary line of said Section twenty-nine (29) to the East Quarter (E1/4) corner, the point of beginning.

TRACT 2

That portion of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and the South half of the Southwest quarter (S1/2SW1/4) lying

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South and West of the Canyon Rim in Section twenty-eight (28), Township seven (7) North, Range forty-four (44) East, Boise Meridian, described as follows:

Commencing at the Southwest corner of said Section twenty-eight (28); thence North 89°06'12" East, 1786.95 feet along the South boundary line of said Section twenty-eight (28) to the true point of beginning; thence North 89°06'12" East along the South boundary line of said Section twenty-eight (28) to the point of intersection on the Southwest Canyon Rim of the Teton River; thence Northwesterly along the Canyon Rim of the Teton River to the point where the West boundary line of said Section twenty-eight (28) intersects the Canyon Rim; thence South 03°24'36" East along the West boundary line to a point located North 03°24'36" West, 2607.92 feet from the Southwest corner of said Section twenty-eight (28); thence North 53°33'48" East, 96.01 feet to a point monumented with a bronze marker inscribed 28A744; thence South 70°27'25" East, 484.56 feet to a point monumented with a bronze marker inscribed 28B744; thence South 01°36'16" East, 847.09 feet to a point monumented with a bronze marker inscribed 28C744; thence South 42°30'03" East, 400.74 feet to a point monumented with a bronze marker inscribed 28D744; thence South 57°53'42" East, 570.41 feet to a point monumented with a bronze marker inscribed 28E744; thence South 25°27'58" East, 780.08 feet to a point monumented with a bronze marker inscribed 28F744; thence South 42°36'37" East, 435.62 feet to the point of beginning on the South boundary line of said Section twenty-eight (28).

6. That affiant understands from Mr. Hoopes that the property commonly referred to as "The Bickmore Place" has been continuously irrigated since 1974. However, as Water Master of the Teton Pipe Line Association, affiant has personal knowledge that the property known as "The Bickmore Place" has been continuously irrigated since the 1979 irrigation season. From information furnished by Mr. Hoopes, affiant believes that the property commonly known as "The Bickmore Place" is more particularly described as follows:

Lots 2 and 3 of Sec. 4, Twp. 6 N., Rge. 44 E.B.M.
ALSO: Commencing in a roadway, at the Northwest

Microfilm

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AFFIDAVIT
6023b

-4-

Corner of the SE 1/4 NW 1/4 of said Sec. 4, Twp. and Rge. aforesaid and running thence South along the West line of the E 1/2 W 1/4 of said Sec. 4, Twp. and Rge. aforesaid, a distance of 1717 feet; thence East 400 rods; thence North 1717 feet; and thence West 400 rods to the point of beginning, containing, however, 288 farmable acres.

7. That affiant has been informed by Mr. Hoopes that the property commonly known as "The Moss Property" has been continuously irrigated since the 1974 crop year. As Water Master of the Teton Pipe Line Association, affiant has personal knowledge that the property commonly called "The Moss Property" has been continuously irrigated since the 1979 crop year. From information furnished by Mr. Hoopes, affiant believes the property commonly known as "The Moss Property" is more particularly described as follows:

Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho. Section 3: Lot 2, LESS that portion lying North and East of the Teton River. ALSO: Beginning at the south Quarter corner of said Section, running thence North 160 rods, thence East 80 rods, thence South 740 feet, thence West 900 feet, thence South 1900 feet; thence West 420 feet to the point of beginning, excepting therefrom a parcel of land situated in Teton County, State of Idaho, Section 3, Township 6 North, Range 44 East, of the Boise Meridian, more particularly described as follows: Beginning at the North (1/4) quarter corner of Section 3, T6N, R44E, B.M. this point being the true point of beginning; thence S00°25'06" W for a distance of 652.44 feet; thence S89°34'54"E for a distance of 733.03 feet; thence N70°14'18"E for a distance of 317.47 feet; thence N48°27'21"W for a distance of 831.64 feet; thence S89°50'36"W for a distance of 404.58 feet to the true point of beginning, containing 11.212 acres more or less.

ALSO: The SW1/4 of the NE1/4 of Section 3, Township 6 North, Range 44 East, Boise Meridian, all parcels herein granted containing 102.628 acres more or less.

8. From information furnished by Mr. Hoopes, affiant believes that the property commonly referred to as "The Bowman Place" and/or "The Parking Place" has been continuously irrigated since the 1976 and/or 1977 crop year. As Water Master

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AFFIDAVIT
6023b

-5-

of the Teton Pipe Line Association, affiant has personal knowledge that the property commonly referred to as "The Bowman Place" and/or "The Parkinson Place" has been continuously irrigated since the 1979 crop year. Affiant believes, from information furnished by Mr. Hoopes, that the property commonly referred to as "The Bowman Place" and/or "The Parkinson Place" is more particularly described as follows:

The E 1/2 and the NW 1/4 of Section 34, Township 7 North, Range 43 East, Boise Meridian.

The E 1/2 of Section 33, Township 7 North, Range 43 East, Boise Meridian.

9. As Water Master of the Teton Pipe Line Association affiant has personal knowledge that the property commonly referred to as "The Kids Place" has been continuously irrigated since the 1980 crop year. Affiant believes, from information furnished by Mr. Hoopes, that the property commonly referred to as "The Kids Place" is more particularly described as follows:

SW 1/4 of Section 27, Township 7 North, Range 43 East, Boise Meridian.

SE 1/4 of Section 28, Township 7 North, Range 43 East, Boise Meridian.

10. As Water Master for the Teton Pipe Line Association, affiant has personal knowledge that the property commonly referred to as "The Ricks Place" has been continuously irrigated since the 1981 crop year. From information furnished by Mr. Hoopes, affiant believes that the legal description of the property commonly referred to as "The Ricks Place" is more particularly described as follows:

W1/2 NW1/4 of Section 4; N1/2 NW1/4 SW1/4 of Section 4; NE1/4 of Section 5; E1/2 NW1/4 of Section 5; N1/2 N1/2 SE1/4 of Section 5; N1/2 NE1/4 SW1/4 of Section 5; all in Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho.

TOGETHER WITH:

The North 20 feet of the South 1/2 of the Northeast Quarter of the Southwest Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northeast Quarter of the

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Southeast Quarter of Section 5; and the North
20 feet of the South 1/2 of the Northwest
Quarter of the Southeast Quarter of Section 4,
all in Township 6 North, Range 44 East, Boise
Meridian, Teton County, Idaho.

DATED this 30 day of June, 1985.

Byron W. O'Brien
Byron W. O'Brian
Affiant

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

On this 30th day of June, in the year of 1985, before
me, a Notary Public in and for said State, personally appeared
BYRON W. O'BRIAN, known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to me that
he executed the same.

Marley Shirley-Harris
Notary Public
Residing In: Rexburg, Idaho
My Commission Expires: 5-22-91

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STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

RONALD HYMAS, being first duly sworn, deposes and states:

1. That he is a resident of the city of Newdale, Fremont County, Idaho;

2. That he is an employee of J. CLINT HOOPES who owns certain agricultural properties in Teton County, Idaho and who is also owner and President of J. H. Corporation;

3. That he has been so employed since 1974 and because of his lengthy period of employment has become familiar with the property owned by Mr. Hoopes and the operation and management of said property;

4. That the property owned by Mr. Hoopes and commonly referred to as "The Home Place" has been continuously irrigated since the 1976 crop year and that said property is more particularly described as follows:

The W 1/2 of the SW 1/4 of Section 5, Township 6 North, Range 44 East, Boise Meridian.

The NW 1/4 of the NW 1/4, the S 1/2 of the NW 1/4, and the SW 1/4 of Section 8, Township 6 North, Range 44 East, Boise Meridian.

The NE 1/4, the SE 1/4, the E 1/2 of the SW 1/4, and the SE 1/4 of the NW 1/4 of Section 7, Township 6 North, Range 44 East, Boise Meridian.

Beginning at a point that is 750 feet West of the corner of Section 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line of Section 6 & 7 for a distance of 645 feet; thence North 615 feet to the right-of-way of Idaho State Highway 33; thence in the Southeasterly along the highway right-of-way for a distance of approximately 825 feet to the point of beginning.

EXCEPTING THEREFROM the following described property:

Beginning at the SE corner of the NW 1/4 of the NW 1/4 of Section 8, Township 6 North, Range 44 East,

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Boise Meridian, and running thence North 3,300 feet; thence West 300 feet; thence South 3,300 feet; thence East 300 feet to the point of beginning.

Beginning on the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 for a distance of 500 feet to the highway right-of-way of Idaho State Highway 33; thence in a Southeasterly direction along the right-of-way of State Highway 33 for a distance of approximately 700 feet to the Section line between Sections 7 & 8; thence North along the Section line of Sections 7 & 8 for a distance of 500 feet to the point of beginning.

Beginning at a point 2140 West of the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 a distance of 375 feet; thence South a distance of 375 feet, thence in a Northeasterly direction a distance of approximately 525 feet to the point of beginning.

5. That the property owned by Mr. Hoopes and commonly referred to as "The Stoddard Place" has been continuously irrigated since the 1976 crop year and that said property is more particularly described as follows:

Tract 1: Commencing at the SW corner of Sec. 28, Twp. 7 N., R. 44, E.B.M., and running thence East 82 rods, more or less, to the SW rim of the Teton River Canyon, and thence following said canyon rim in a Northwesterly direction to a point where said canyon rim intersects with the West line of said Sec. 28, and running thence South along said Section line to the point of beginning, containing 43.8 acres, more or less.

Tract 2: Commencing at the SW corner of Sec. 29, Twp. 7 N., R. 44, E.B.M., and running thence East 5280'; thence North 2640'; thence West 1215'; thence South 429'; thence West 4065', and thence South 2211' to the point of beginning, containing 280 acres, more or less.

LESS:

Two (2) tracts of land in Sections twenty-eight (28) and twenty-nine (29), Township seven (7) North, Range forty-four (44) East, Boise

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Meridian; said tracts contain a combined area of 17.3 acres, more or less, being described as follows:

TRACT 1

That portion of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section twenty-nine (29), Township Seven (7) North, Range forty-four (44) East, Boise Meridian, more specifically described be metes and bounds as follows:

Commencing at the East Quarter (E1/4) corner of said Section twenty-nine (29); thence South $89^{\circ}19'19''$ West, 905.56 feet along the East-West Center Quarter line to a point monumented with a bronze marker inscribed 29D744; thence South $0^{\circ}43'43''$ East, 429.03 feet to a point monumented with a bronze marker inscribed 29E744; thence North $75^{\circ}21'15''$ East, 675.60 feet to a point monumented with a bronze marker inscribed 29F744; thence North $53^{\circ}33'50''$ East, 312.42 feet to the East boundary line of said Section twenty-nine (29), thence North $3^{\circ}24'36''$ West, 83.48 feet along the East boundary line of said Section twenty-nine (29) to the East Quarter (E1/4) corner, the point of beginning.

TRACT 2

That portion of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and the South half of the Southwest quarter (S1/2SW1/4) lying South and West of the Canyon Rim in Section twenty-eight (28), Township seven (7) North, Range forty-four (44) East, Boise Meridian, described as follows:

Commencing at the Southwest corner of said Section twenty-eight (28); thence North $89^{\circ}06'12''$ East, 1786.95 feet along the South boundary line of said Section twenty-eight (28) to the true point of beginning; thence North $89^{\circ}06'12''$ East along the South boundary line of said Section twenty-eight (28) to the point of intersection on the Southwest Canyon Rim of the Teton River; thence Northwesterly along the Canyon Rim of the Teton River to the point where the West boundary line of said Section twenty-eight (28) intersects the Canyon Rim; thence South $03^{\circ}24'36''$ East along the West boundary line to a point located North

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03°24'36" West, 2607.92 feet from the Southwest corner of said Section twenty-eight (28); thence North 53°33'48" East, 96.01 feet to a point monumented with a bronze marker inscribed 28A744; thence South 70°27'25" East, 484.56 feet to a point monumented with a bronze marker inscribed 28B744; thence South 01°36'16" East, 847.09 feet to a point monumented with a bronze marker inscribed 28C744; thence South 42°30'03" East, 400.74 feet to a point monumented with a bronze marker inscribed 28D744; thence South 57°53'42" East, 570.41 feet to a point monumented with a bronze marker inscribed 28E744; thence South 25°27'58" East, 780.08 feet to a point monumented with a bronze marker inscribed 28F744; thence South 42°36'37" East, 435.62 feet to the point of beginning on the South boundary line of said Section twenty-eight (28).

6. That the property operated by Mr. Hoopes and commonly referred to as "The Bickmore Place" has been continuously irrigated since the 1974 crop year and is more particularly described as follows:

Lots 2 and 3 of Sec. 4, Twp. 6 N., Rge. 44 E.B.M. ALSO: Commencing in a roadway, at the Northwest Corner of the SE 1/4 NW 1/4 of said Sec. 4, Twp. and Rge. aforesaid and running thence South along the West line of the E 1/2 W 1/4 of said Sec. 4, Twp. and Rge. aforesaid, a distance of 1717 feet; thence East 400 rods; thence North 1717 feet; and thence West 400 rods to the point of beginning, containing, however, 288 farmable acres.

7. That the property owned by Mr. Hoopes and commonly referred to as "The Moss Property" has been continuously irrigated since the 1974 crop year and is more particularly described as follows:

Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho. Section 3: Lot 2, LESS that portion lying North and East of the Teton River. ALSO: Beginning at the south Quarter corner of said Section, running thence North 160 rods, thence East 80 rods, thence South 740 feet, thence West 900 feet, thence South 1900 feet; thence West 420 feet to the point of beginning, excepting therefrom a parcel of land situated in Teton County, State of Idaho, Section 3, Township 6 North, Range 44 East, of the Boise Meridian, more particularly described as follows: Beginning at the North (1/4) quarter corner of

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Section 3, T6N, R44E, B.M. this point being the true point of beginning; thence S00°25'06" W for a distance of 652.44 feet; thence S89°34'54"E for a distance of 733.03 feet; thence N70°14'18"E for a distance of 317.47 feet; thence N48°27'21"W for a distance of 831.64 feet; thence S89°50'36"W for a distance of 404.58 feet to the true point of beginning, containing 11.212 acres more or less.

ALSO: The SW1/4 of the NE1/4 of Section 3, Township 6 North, Range 44 East, Boise Meridian, all parcels herein granted containing 102.628 acres more or less.

8. That the property owned by Mr. Hoopes and commonly referred to as "The Bowman Place" and/or "The Parkinson Place" has been continuously irrigated since the 1976 crop year with the exception of 160 acres of said property which has been continuously irrigated since the 1977 crop year. Said property commonly referred to as "The Bowman Place" and/or "The Parkinson Place" is more particularly described as follows:

The E 1/2 and the NW 1/4 of Section 34, Township 7 North, Range 43 East, Boise Meridian.

The E 1/2 of Section 33, Township 7 North, Range 43 East, Boise Meridian.

9. That the property operated by Mr. Hoopes and more commonly referred to as "The Kids Place" has been continuously irrigated since the 1980 crop year and is more particularly described as follows:

SW 1/4 of Section 27, Township 7 North, Range 43 East, Boise Meridian.

SE 1/4 of Section 28, Township 7 North, Range 43 East, Boise Meridian.

10. That the property owned by Mr. Hoopes and more commonly referred to as "The Ricks Place" has been continuously irrigated since the 1981 crop year and is more particularly described as follows:

W1/2 NW1/4 of Section 4; N1/2 NW1/4 SW1/4 of Section 4; NE1/4 of Section 5; E1/2 NW1/4 of Section 5; N1/2 N1/2 SE1/4 of Section 5; N1/2 NE1/4 SW1/4 of Section 5; all in Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho.

TOGETHER WITH:

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The North 20 feet of the South 1/2 of the Northeast Quarter of the Southwest Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northeast Quarter of the Southeast Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 4, all in Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho.

DATED this 30 day of June, 1985.

Ronald Hymas
Ronald Hymas
Affiant

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

On this 30 day of June, in the year of 1985, before me, a Notary Public in and for said State, personally appeared RONALD HYMAS, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

Marla Shirley-Harris
Notary Public
Residing In: Rexburg, Idaho
My Commission Expires: 5-22-91

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AFFIDAVIT

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

J. CLINT HOOPES, being first duly sworn deposes and states:

1. That he is the owner of the real property located in Teton County, Idaho, hereinafter described in this Affidavit;
2. That he is the sole shareholder and President of J. H. CORPORATION, which corporation manages the farming operation on the real property hereinafter described;
3. That the following described property in this paragraph 3 is commonly referred to as "The Home Place" and has been continuously irrigated by affiant since the 1976 crop year:

The W 1/2 of the SW 1/4 of Section 5, Township 6 North, Range 44 East, Boise Meridian.
The NW 1/4 of the NW 1/4, the S 1/2 of the NW 1/4, and the SW 1/4 of Section 8, Township 6 North, Range 44 East, Boise Meridian.
The NE 1/4, the SE 1/4, the E 1/2 of the SW 1/4, and the SE 1/4 of the NW 1/4 of Section 7, Township 6 North, Range 44 East, Boise Meridian.

Beginning at a point that is 750 feet West of the corner of Section 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line of Section 6 & 7 for a distance of 645 feet; thence North 615 feet to the right-of-way of Idaho State Highway 33; thence in the Southeasterly along the highway right-of-way for a distance of approximately 825 feet to the point of beginning.

EXCEPTING THEREFROM the following described property:

Beginning at the SE corner of the NW 1/4 of the NW 1/4 of Section 8, Township 6 North, Range 44 East, Boise Meridian, and running thence North 3,300 feet; thence West 300 feet; thence South 3,300 feet; thence East 300 feet to the point of beginning.

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Beginning on the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 for a distance of 500 feet to the highway right-of-way of Idaho State Highway 33; thence in a Southeasterly direction along the right-of-way of State Highway 33 for a distance of approximately 700 feet to the Section line between Sections 7 & 8; thence North along the Section line of Sections 7 & 8 for a distance of 500 feet to the point of beginning.

Beginning at a point 2140 West of the corner of Sections 5, 6, 7, & 8 of Township 6 North, Range 44, E.B.M., Teton County, Idaho, thence West along the Section line between Section 6 & 7 a distance of 375 feet; thence South a distance of 375 feet, thence in a Northeasterly direction a distance of approximately 525 feet to the point of beginning.

4. That the following described property in this paragraph number 4 is commonly referred to as "The Stoddard Place" and that it has been continuously irrigated by affiant since the 1976 crop year.

Tract 1: Commencing at the SW corner of Sec. 28, Twp. 7 N., R. 44, E.B.M., and running thence East 82 rods, more or less, to the SW rim of the Teton River Canyon, and thence following said canyon rim in a Northwesterly direction to a point where said canyon rim intersects with the West line of said Sec. 28, and running thence South along said Section line to the point of beginning, containing 43.8 acres, more or less.

Tract 2: Commencing at the SW corner of Sec. 29, Twp. 7 N., R. 44, E.B.M., and running thence East 5280'; thence North 2640'; thence West 1215'; thence South 429'; thence West 4065', and thence South 2211' to the point of beginning, containing 280 acres, more or less.

LESS:

Two (2) tracts of land in Sections twenty-eight (28) and twenty-nine (29), Township seven (7) North, Range forty-four (44) East, Boise Meridian; said tracts contain a combined area of 17.3 acres, more or less, being described as follows:

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TRACT 1

That portion of the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section twenty-nine (29), Township Seven (7) North, Range forty-four (44) East, Boise Meridian, more specifically described be metes and bounds as follows:

Commencing at the East Quarter (E1/4) corner of said Section twenty-nine (29); thence South 89°19'19" West, 905.56 feet along the East-West Center Quarter line to a point monumented with a bronze marker inscribed 29D744; thence South 0°43'43" East, 429.03 feet to a point monumented with a bronze marker inscribed 29E744; thence North 75°21'15" East, 675.60 feet to a point monumented with a bronze marker inscribed 29F744; thence North 53°33'50" East, 312.42 feet to the East boundary line of said Section twenty-nine (29), thence North 3°24'36" West, 83.48 feet along the East boundary line of said Section twenty-nine (29) to the East Quarter (E1/4) corner, the point of beginning.

TRACT 2

That portion of the Northwest Quarter of the Southwest Quarter (NW1/4SW1/4) and the South half of the Southwest quarter (S1/2SW1/4) lying South and West of the Canyon Rim in Section twenty-eight (28), Township seven (7) North, Range forty-four (44) East, Boise Meridian, described as follows:

Commencing at the Southwest corner of said Section twenty-eight (28); thence North 89°06'12" East, 1786.95 feet along the South boundary line of said Section twenty-eight (28) to the true point of beginning; thence North 89°06'12" East along the South boundary line of said Section twenty-eight (28) to the point of intersection on the Southwest Canyon Rim of the Teton River; thence Northwesterly along the Canyon Rim of the Teton River to the point where the West boundary line of said Section twenty-eight (28) intersects the Canyon Rim; thence South 03°24'36" East along the West boundary line to a point located North 03°24'36" West, 2607.92 feet from the Southwest corner of said Section twenty-eight (28); thence North 53°33'48" East, 96.01 feet to a point monumented

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with a bronze marker inscribed 28A744; thence South 70°27'25" East, 484.56 feet to a point monumented with a bronze marker inscribed 28B744; thence South 01°36'16" East, 847.09 feet to a point monumented with a bronze marker inscribed 28C744; thence South 42°30'03" East, 400.74 feet to a point monumented with a bronze marker inscribed 28D744; thence South 57°53'42" East, 570.41 feet to a point monumented with a bronze marker inscribed 28E744; thence South 25°27'58" East, 780.08 feet to a point monumented with a bronze marker inscribed 28F744; thence South 42°36'37" East, 435.62 feet to the point of beginning on the South boundary line of said Section twenty-eight (28).

5. That the following described property in this paragraph 5 is commonly referred to as "The Bickmore Place" and that it has been continuously irrigated by affiant since the 1974 crop year.

Lots 2 and 3 of Sec. 4, Twp. 6 N., Rge. 44 E.B.M. ALSO: Commencing in a roadway, at the Northwest Corner of the SE 1/4 NW 1/4 of said Sec. 4, Twp. and Rge. aforesaid and running thence South along the West line of the E 1/2 W 1/4 of said Sec. 4, Twp. and Rge. aforesaid, a distance of 1717 feet; thence East 400 rods; thence North 1717 feet; and thence West 400 rods to the point of beginning, containing, however, 288 farmable acres.

6. That the following described property in this paragraph 6 is commonly referred to as "The Moss Property" and that it has been continuously irrigated by affiant since the 1974 crop year.

Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho. Section 3: Lot 2, LESS that portion lying North and East of the Teton River. ALSO: Beginning at the south Quarter corner of said Section, running thence North 160 rods, thence East 80 rods, thence South 740 feet, thence West 900 feet, thence South 1900 feet; thence West 420 feet to the point of beginning, excepting therefrom a parcel of land situated in Teton County, State of Idaho, Section 3, Township 6 North, Range 44 East, of the Boise Meridian, more particularly described as follows: Beginning at the North (1/4 quarter corner of Section 3, T6N, R44E, B1M, this point being the true point of beginning; thence

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S00°25'06" W for a distance of 652.44 feet;
thence S89°34'54"E for a distance of 733.03 feet;
thence N70°14'18"E for a distance of 317.47
feet; thence N48°27'21"W for a distance of
831.64 feet; thence S89°50'36"W for a distance
of 404.58 feet to the true point of beginning,
containing 11.212 acres more or less.

ALSO: The SW1/4 of the NE1/4 of Section 3,
Township 6 North, Range 44 East, Boise Meridian,
all parcels herein granted containing 102.628
acres more or less.

7. That the following described property in this
paragraph number 7 is commonly referred to as "The Bowman" and/or
"The Parkinson Place" and that it has been continuously irrigated
by affiant since the 1976 crop year with the exception of the
Northwest quarter of Section 34 which has been continuously
irrigated since the 1977 crop year.

The E 1/2 and the NW 1/4 of Section 34, Township
7 North, Range 43 East, Boise Meridian.

The E 1/2 of Section 33, Township 7 North, Range
43 East, Boise Meridian.

8. That the following described property in paragraph
number 8 is commonly referred to as "The Kids Place" and it has
been continuously irrigated by affiant since the 1980 crop year.

SW 1/4 of Section 27, Township 7 North, Range
43 East, Boise Meridian.

SE 1/4 of Section 28, Township 7 North, Range
43 East, Boise Meridian.

9. That the following described real property in this
paragraph number 9 is commonly referred to as "The Ricks Place"
and that it has been continuously irrigated by affiant since the
the 1981 crop year.

W1/2 NW1/4 of Section 4; N1/2 NW1/4 SW1/4 of
Section 4; NE1/4 of Section 5; E1/2 NW1/4 of
Section 5; N1/2 N1/2 SE1/4 of Section 5; N1/2
NE1/4 SW1/4 of Section 5; all in Township 6
North, Range 44 East, Boise Meridian, Teton
County, Idaho.

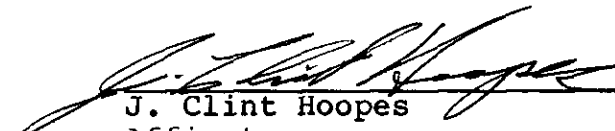
TOGETHER WITH:

The North 20 feet of the South 1/2 of the
Northeast Quarter of the Southwest Quarter of

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Section 5; and the North 20 feet of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northeast Quarter of the Southeast Quarter of Section 5; and the North 20 feet of the South 1/2 of the Northwest Quarter of the Southeast Quarter of Section 4, all in Township 6 North, Range 44 East, Boise Meridian, Teton County, Idaho.

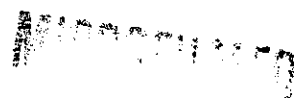
DATED this 30 day of June, 1985.


J. Clint Hoopes
Affiant

STATE OF IDAHO)
 :SS
COUNTY OF MADISON)

On this 30 day of June, in the year of 1985, before me, a Notary Public in and for said State, personally appeared J. CLINT HOOPES, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.


Notary Public
Residing In: Rexburg, Idaho
My Commission Expires: 5-22-91



NOV 07 1995

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
County of Teton)

I, Nadine Loose
being first duly sworn, depose and say that I am
the secretary of the Teton Valley News,
a newspaper as defined by Idaho Codes An-
notated, Section 58-106, as amended, and that
said newspaper is a weekly newspaper printed and
published at Driggs, in Teton County, Idaho,
having a general circulation in said county, and
that said newspaper has been printed in said
county for more than 78 consecutive weeks prior
to the first publication of the attached notice, ad-
vertisement, or publication of

notice of application
for trust water permit 22-07504

And affiant further says that said attached notice,
advertisement, or publication, as per clipping at-
tached, was published in said newspaper, in the
regular and entire issue thereof, and not in any
supplement issue thereof, for two consecutive
issues thereof; first publication having been
made on the 16 day of May . . .
1991.

And affiant further says that at the times herein
mentioned said newspaper was made up of at
least eight pages of at least five columns each,
printed from typed matter, of at least sixteen in-
ches deep.

Nadine Loose

State of Idaho)
)
County of Teton)

On this 11th day of June
in the year of 1991, before me, a Notary Public,
personally appeared Nadine Loose
known or identified to me to be the person whose
name subscribed to the within instrument, and
being by me first duly sworn, declared that the
statements therein are true, and acknowledged to
me that he executed the same.

Reeda A. Reels
Notary Public for Idaho

Residing at Driggs, Idaho

My commission expires 12-2-91

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JUN 14 1991

Department of Water Resources

NOTICE OF APPLICATION
FOR TRUST WATER PERMIT

22-07504

J. Clint Hoopes
22 W. 1 N.
St. Anthony, ID 83445

This application proposes diver-
sion of groundwater for injection
into the Teton River in exchange
for surface water diverted from the
Teton River upstream from the
point of injection.

Point of Diversion/Injection:
NENE Sec. 11 T06N R40E.
Pt. of Rediversion-Teton R.:
NWSE Sec. 03 T06N R44E.
Use: Irrigation (6.40 cfs)
Date Filed: 7-1-1985
In: T07N R43E S27 NESW
NWSW SWSW SESW S28 NESE
NWSE SWSE SESE

320 acres total
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, Statehouse Mail, Boise,
Idaho 83720 on or before JUNE 3,
1991.

R. Keith Higginson
Director

Published in the Teton Valley
News May 16 and 23, 1991.

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JUN 18 1991

Department of Water Resources
Eastern District Office

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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 #22-07504 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 MAY 16, 1991 and the last publication having been made on MAY 23, 1991

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
STATE OF IDAHO)
COUNTY OF MADISON)

On this 24TH day of MAY in the year of 1991, before me, a Notary Public, personally appeared Terry Weatherston, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.

Joseph L. Kiser
Notary Public for Idaho

Residing at Rexburg, Idaho
My commission expires: June 8, 1993.

NOTICE OF APPLICATION
FOR WATER RIGHTS PERMIT
Index # 22-07504
J. Clint Hoopes
22 W. 1 N.
St. Anthony, ID 83446
This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection.
Point of Diversion/Injection: NENE Sec. 11 TOWN R40E.
D. PE of 2nd Division Teton R. NWSE Sec. 03 TOWN R44E
Water Injection (Gallons per day)
Dated: May 17/1991
In: 307th Range, 022 N. 20th W. SWSW SESE 320 acres total
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, State Capitol Mall, Boise, Idaho 83720 on or before JUNE 3, 1991.
J. CLINT HOOPES
Director
Publ. May 16 and 23, 1991, 400:3
in a newspaper

RECEIVED
NOV 07 1995

MEMORANDUM

TO: FILE 22-07504
FROM: VAULT
RE: TEMPORARY CHANGE TC-22-02
DATE: 9-10-01

=====

**Original Temporary Change Application and correspondence regarding
this matter is located within:**

FILE # 22-7216

**MICROFILMED
SEP 03 2003**



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

Phone: (208) 327-7900 FAX: (208) 327-7866

September 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452-0272

RE: WATER RIGHT NOS. 22-07108,07111,07116,07119,07120,07121,
07122,07148,07157,07180,07186,07208,
07209,07211,07216,07221,07223,07235,
07295,07360,07375,07504,07505

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that a water right has been established in accordance with each permit referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.

For your records I have also enclosed copies of your Application for Amendment of Permit forms as they apply to the above referenced water right numbers.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosures

MICROFILMED

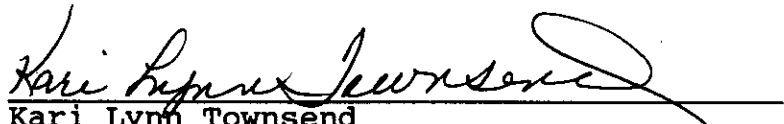
OCT 21 1997

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Right Nos. 22-07108, 07111, 07116, 07119, 07120, 07121, 07122, 07148, 07157, 07180, 07186, 07208, 07209, 07211, 07216, 07221, 07223, 07235, 07295, 07360, 07375, 07504, 07505

TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452-0272

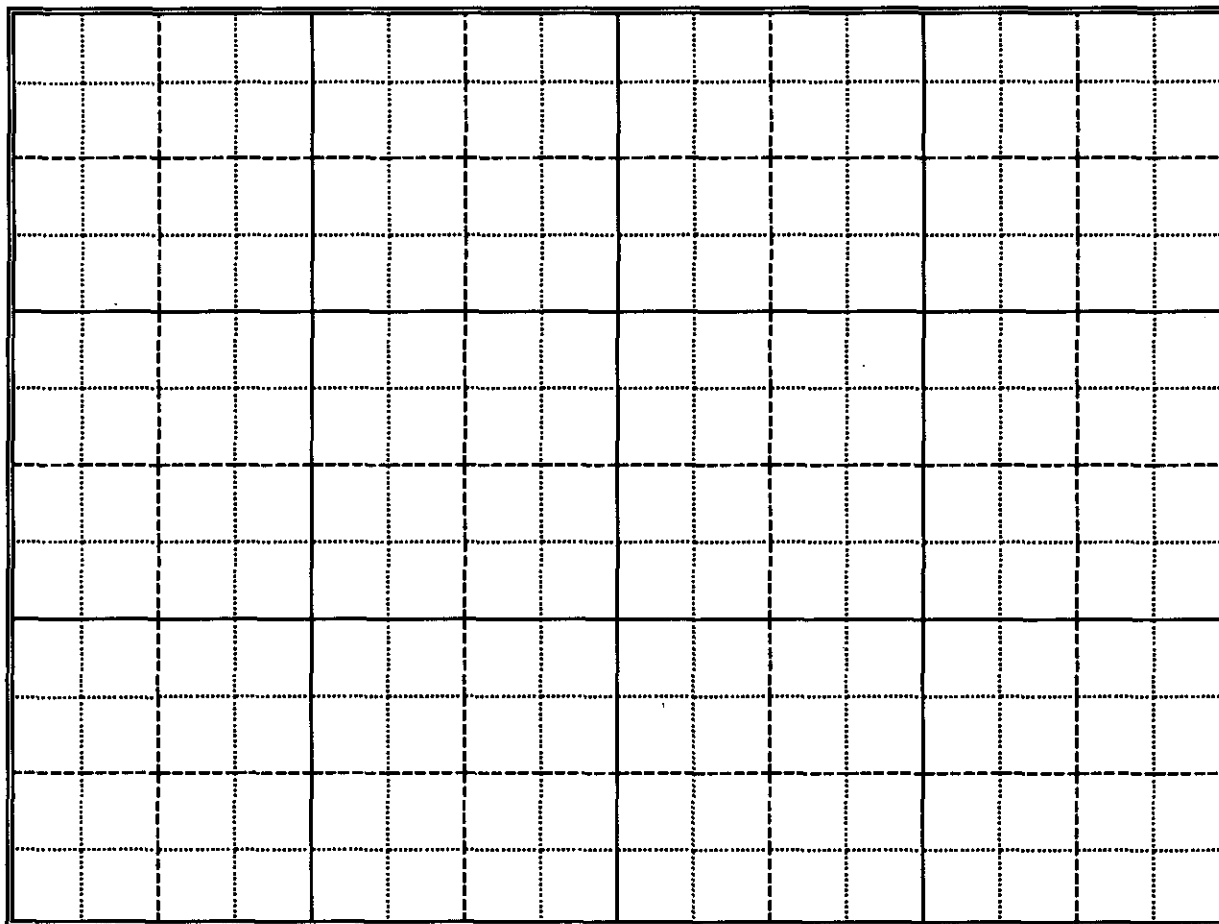

Kari Lynn Townsend
Secretary

MICROFILMED

OCT 21 1997

Total

3. **Delivery System Diagram:** Indicate all major components and distances between components. Indicate weir size/ditch size/pipe I.D. as applicable.



Scale: 1" = _____

_____ Copy of USGS Quadrangle Attached Showing location(s) of point(s) of diversion and place(s) of use (required).

_____ Aerial Photo Attached (required for irrigation of 10+ acres)

_____ Photo of Diversion and System Attached

4.

Well or Diversion Identification No.*	Motor Make	Hp	Motor Serial No.	Pump Make	Pump Serial No. or Discharge Size

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

D. FLOW MEASUREMENTS

1.

See Remarks

Measurement Equipment	Type	Make	Model No.	Serial No.	Size	Calib. Date

2. Measurements:

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OCT 21 1997

E. NARRATIVE/REMARKS/COMMENTS

This right & right 22-07505 serve the same 315 acres (gw & surface water). These are the 2 final rights being reviewed for licensing of the Jeton pipeline system. Documentation from a previous examination of 22-07375 (same well) is attached and has been used for determination of capacity, etc. These two permits were recently approved even though w/in the Eastern Snake River Plain aquifer because it could be shown that irrigation occurred prior to 1987.

Have conditions of permit approval been met? ☒ yes ☐ no

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OCT 21 1987

F. FLOW CALCULATIONS

_____ Additional Computation Sheets Attached

Measured Method:

G. VOLUME CALCULATIONS

1. Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 315 \times 3.5 = 1102.5$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 6.3 \times 183 \times 1.9835 = 2286.8$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1102.5$$

2. Volume Calculations for Other Uses:

H. RECOMMENDATIONS

1. Recommended Amounts

Beneficial Use	Period of Use		Rate of Diversion Q (cfs)	Annual Volume V (afa)
	From	To		
Irrigation	4/15	10/15	6.3	1102.5
Totals:				

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 _____ Date _____

Reviewer _____ Date _____

SEAL

MICROFILMED
OCT 21 1987

WR0749NP
No. L22-07504

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 10/31/96
PAGE: 1

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	TETON PIPELINE ASSN INC PO BOX 272 TETONIA ID 83452-0272 (208) 356-6724	07/01/1985	IRRIGATION	04/15 10/15	6.300 CFS	1102.50 AFA
TOTAL DIVERSION:					6.300 CFS	1102.50 AFA

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 12.440 CFS

Point(s) of Diversion: T06N R40E S11

NENE

MADISON County

Point(s) of Re-diversion: T06N R44E S03

NWSE

TETON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE				
				NENE	NWNE	SWNE	SENE	NENW	NWNW	SWNW	SENW	NESW	NWSW	SWSW	SESW	NESE	NWSE	SWSE	SESE	
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM
07N	43E	27	:									39	39	39	40					157.0
07N	43E	28	:													40	39	40	39	158.0
TOTAL ACRES																			315.0	

Pou County: MADISON

Other Water Rights with Same Point(s) of Diversion and Source:

22-07208	22-07209	22-07221	22-07247	22-07375	22-07504	22-07740	L22-07208	L22-07209	L22-07211	
L22-07216	L22-07221	L22-07223	L22-07295	L22-07360	L22-07375					

Other Water Rights Listing Overlapping Place(s) of use:

22-07504 22-07505 L22-07505

Conditions of Approval:

- 048 - The use of water under this right shall not give rise to any
- claim against the holder of a senior water right based upon the
- theories of forfeiture, abandonment, adverse possession, waiver,
- equitable estoppel, estoppel by laches or customary preference.
- 049 - The Director retains jurisdiction of the right to incorporate
- the use into a water district, require streamflow augmentation
- or other action needed to protect prior surface water and
- groundwater rights.
- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

Remarks:

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

h

Remarks: A totalizing measuring device shall be maintained at the exchange well and redirection pumps from the Teton River.

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

The power supply to the exchange well cannot be contracted under the power company's interruptable rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.

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

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

The rate of diversion under this right in combination with all other water rights from the Clementsville (North 1) Project of the Teton Pipeline irrigation system shall not exceed 28.7 cfs.

The maximum combined rate of diversion under this right and Right No. 22-07375 shall not exceed 12.44 cfs.

Dates: App. Received: 07/01/1985 Priority Date: 07/01/1985
Proof Due Date: 11/01/1996 Proof Made Date: 10/31/1996
Exam Made Date: 10/31/1996 Exam Sent to S.O.: 10/31/1996
Licensed Date:

Misc: Water District Number: Field Exam Fee: R (Received)

Audit: 03/01/96 SCURTIS 10/31/96 SCURTIS

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

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22-7375A
Permit No.

JAN 29 1987

CLINT HOOPES PORTION

1. Measurement Calculations

- a) Field Measurement Calculations (Include theoretical capacity and system capacity)

Ownership of groundwater exchange well is 50% Earl Hoopes, 50% Clint Hoopes

~~THIS WELL IS NOT THE SAME WELL AS UNDER 22-7208B; 22-7209 B is~~

The West Most well in Sec 11, T6N, R40E.

$$0.01 \text{ af in 35 sec} = (43560 \text{ ft}^2/\text{ac}) (0.01 \text{ af}/35 \text{ sec}) = 12.44 \text{ cfs}$$

$$50\% Q = 12.44 \text{ cfs} (.5) = 6.22 \text{ cfs}$$

$$(\% \text{ Permit} = 387 \text{ ac} / 767 = 0.50456 (16 \text{ cfs}) = 8.07 \text{ cfs}) \rightarrow \text{if available from systems.}$$

RE-DIVERSION FROM TETON-CLEMENTSVILLE PIPELINE IS LIMITED TO 10.12 cfs

$$20\% \text{ North Project \#1} = 5.74 \text{ cfs PLUS } 50\% \text{ North Project \#2} = 4.38 \text{ cfs} = Q = 10.12 \text{ cfs}$$

$$\text{TOTAL } Q (10.12 \text{ cfs}) \text{ Less } 22-7208 \text{ B } (6.44 \text{ cfs}) = \text{Remaining } Q = 3.68 \text{ cfs}$$

$$Q = 3.68 \text{ cfs}$$

- b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 387 \text{ ac} \times 3.0 \text{ cfs} = 1161 \text{ af}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.68 \text{ cfs} \times 1.9835 \times 183 \text{ d} = 1335.77$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1161 \text{ af}$$

- c) Volume Calculations for Other Uses:

2. Overlap Review

- a) Other water rights with same place of use:
- NONE

- b) Other water rights with same point of diversion:
- 22-7375B REDIVERSION 22-0145A/

0221B/0245B/7108/7111/7119/7121/7122/7148/7157/7186/7504/7505/7208/
7211/7216/7223/7295/7360

- c) Analysis:

Roll measuring device & lockable control structure at both the point of diversion and point of rediversion

R04

This right limited by 20% ownership of North Project #1 & 50% North Project #2

R17 (22-7108/7121/ ^{22-7208B}) (10.12 cfs) - This reflects total % ownership in these rediversion projects

Lands under this right are not covered by surface rights; Therefore,

CONDITION:

Unless supplemental water is obtained prior to each irrigation season, irrigation of lands under this right will require that the groundwater exchange well be in operation.

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OCT 21 1987

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)
(QUARTER-QUARTERS WITH A '?' HAVE DIFFERENT ACREAGE AMOUNTS--CHECK THE DATA BASE RECORDS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM	
		NE		NW		SW		SE		NE		NW		SW		SE			
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac		
L2207504	T07N R43E S27 GROUNDWATER																		
	:																		
2204187	GROUNDWATE :																		
L2207108Z	HENRYS FOR :																		
2207127	GROUNDWATE :																		
A2207127	GROUNDWATE :																		
2207216	GROUNDWATE :	30																	
A2207216	GROUNDWATE :																		
L2207216	GROUNDWATE :																		
2207222	GROUNDWATE :																		
A2207222	GROUNDWATE :																		
A2207360	GROUNDWATE :																		
L2207360	GROUNDWATE :																		
2207406	GROUNDWATE :																		
A2207406	GROUNDWATE :																		
2207504	GROUNDWATE :																		
2207505	TETON RIVE :																		
L2207505	TETON RIVE :																		
--86 MAP--	C43Q-W 48 :		03	04	01		39	39	40	39		39	39	39	40		02	04	04
--86 MAP--	C81Q-W 48 :				10		37	39	39	39		37	39	40	38		02		11
L2207504	T07N R43E S28 GROUNDWATER																		
	:																		
2204187	GROUNDWATE :	40	40	40	40														
2204188	GROUNDWATE :						40	40	40	40		40	40	40	40				
2207127	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
A2207127	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
2207222	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
A2207222	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
2207406	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
A2207406	GROUNDWATE :	40	40	40	40		34	40	40	40		40	40	40	35				
2207504	GROUNDWATE :															40	40	40	40
2207505	TETON RIVE :															40	40	40	40
L2207505	TETON RIVE :															40	39	40	39
--86 MAP--	C43Q-W 47 :	40	39	39	39		37	39	40	40		40	41	40	42		40	39	40
--86 MAP--	C81Q-W 47 :	???	???	???	???		???	???	???	???		???	???	???	???		???	???	???



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

November 2, 1995

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

Teton Pipeline Assn. Inc.
PO Box 272
Tetonia, ID 83452-0272

RE: Permit Nos. 22-07504 and 22-07505

Gentlemen:

Enclosed are copies of your approved applications for permit. Please be sure to thoroughly review the "CONDITIONS/REMARKS:" listing on the permits.

Please note the special condition requiring totalizing measuring devices on both the well and the pumps at the Clementsville Project.

Enclosed are forms entitled "Instructions for Proof of Beneficial Use". Please read the instructions carefully since you must take further action to develop these permits. Also enclosed are forms entitled "Proof of Beneficial Use". These forms can be filled out and submitted immediately since these permits represent an irrigation system which is already in existence.

If you have any questions concerning these documents, give me a call.

Sincerely,

SHELLEY W. KEEN
Water Rights Supervisor

SWK:sc

Enclosures

MICROFILMED

NOV 07 1995

MEMORANDUM

Date: October 26, 1995
From: Jim Johnson
To: Glen Saxton, File
Subject: Applications for Permit 22-07504 and 22-07505

=====

These two applications are being forwarded to you for approval, at this time, because they do not represent a new appropriation of water. These filings were made in 1985 to include lands that were irrigated as part of the Teton Pipeline Development (Teton Pipeline). In total there are approximately 30 water rights associated to this development which the department is in the final processing the rights for licensing.

Approval of these two applications has been delayed until department staff could verify that the lands described on the applications were in fact irrigated prior to 1987. Through reviewing the field examiner's reports completed on the other rights used in the Teton Pipeline, the staff has confirmed that the lands listed under these two applications have been irrigated prior to 1987. The permits now contain a condition that prevents additional appropriation water which could not be assured prior to the measurement of water at the points of diversion listed on the other Teton Pipeline water rights.

Both applications cover the same land, one application (22-07504) is for groundwater and the other (22-07505) is for Teton River when this source is available. The application for groundwater is actually for exchange for the Teton River water diverted at the main diversion facility.

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State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

November 17, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

RE: Teton Pipeline Assn. Inc. Water Rights

Teton Pipeline Assn. Inc.
PO Box 272
Tetonia, ID 83452

Gentlemen:

The following rights have recently been assigned to Teton Pipeline Assn. Inc. and the department's computer records have been modified to reflect this change of ownership:

Application for Permit Nos. 22-07504/07505/07667/07673
Permit Nos. 22-07108/07111/07116/07119/07120/07121/07122/
07148/07157/07180/07186/07208/07209/07211/
07216/07221/07223/07235/07295/07360/07375

The Department is ready to finalize license issuance for a number of the above mentioned rights. Before licenses can be issued on the majority of the permits, the permits must be amended to correspond with the findings of the Department's field examiner.

The enclosed Applications for Amendment contain information that will be included on the licenses when they are issued. The amendments reflect changes in the locations of the place of use descriptions. Please review carefully and if you concur, sign the amendments and return with the filing fees within 14 days (\$50.00 for each amendment). A \$20.00 amendment fee was previously paid for Permit No. 22-07180; this fee can be credited to the amendment fees now sought.

Also enclosed is a relinquishment form for Permit No. 22-07221. Permit Nos. 22-07211 and 22-07295 supply the maximum volume for the acres covered under the three permits, therefore, no additional beneficial use was found under Permit No. 22-07221. In order for us to clear our records of this right, we ask that you sign the relinquishment form and return it with the amendments for the other permits.

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NOV 07 1995

Teton Pipeline Assn. Inc.
November 17, 1994
Page 2

Once we have received the relinquishment form and applications for amendment, we can proceed with license issuance. If you have any questions, feel free to contact our office.

Sincerely,

for *Sharla Curtis*
JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosures

NOV 07 1995



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

September 21, 1994

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452-0272

RE: Application for Permit Nos. 22-07504, 22-07505, 22-07667, &
22-07673

Dear Jack:

This letter is to confirm that the assignments of ownership are satisfactory. We have modified our computer records to reflect these changes in ownership.

If you have any further questions or require assistance, please feel free to contact us.

Respectfully,

A handwritten signature in cursive script that reads 'Cindy Zimmerman'.

Cindy Zimmerman
Water Resource Agent

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NOV 07 1995



ATTORNEY
AT LAW

R.J. HOOPES LAW OFFICE CHARTERED _____

1305 South 200 East
P.O.Box 70
Rexburg, Idaho 83440-0070

R.J. HOOPES, ESQ.

356-6724

September 13, 1994

Jim Johnson, Manager
Water Right Permits Section
Idaho Department of Water Resources
1301 North Orchard Street
Statehouse Mail
Boise, Idaho 83720-9000

Re: Assignment of Water Rights to
Teton Pipeline Association, Inc.

Dear Mr. Johnson:

Teton Pipeline Association, Inc., has received your letter of August 09, 1994 addressed to J. C. Hoopes concerning the above referenced matter. Jack and I have been working on the matters addressed in your letter, and we believe we have everything taken care of.

Let me address those problems you referred to in your letter permit number by permit number. We have taken the following action:

Permit Numbers 22-07235 and 22-07116: Rex Ard is deceased and Larry Ard is a widower. Thus only Larry Ard needs to sign the assignment. Enclosed please find a fully executed assignment, assigning the two permits to Teton Pipeline Association, Inc.

NOV 07 1995

Jim Johnson, Manager
Water Right Permits Section
September 13, 1994
Page Two

Permit Number 22-07261: Teton Valley Ranches is a separate entity from Teton Pipeline Association, Inc., and it owns no stock in the corporation nor does it divert any water from any of Teton Pipeline's diversion points. As much as we would like to have that water right, I'm afraid that we will have to leave it to its rightful owner, at least for now.

Permit Number 22-07157: Teton Georgic Inc., is a predecessor in interest to Jim Huskinson, dba Jim Huskinson Farms. Through oversight on our part, this permit was not included in our original filing. It should have been, and we appreciate you bringing this to our attention. Enclosed please find a fully executed assignment, assigning this permit to Teton Pipeline Association, Inc.

Permit Number 22-07178: We were aware that this permit had lapsed and that is why we did not include it in our original application. We appreciate you bringing this to our attention.

Permit Number 22-07119: Thank you for bringing this to our attention. Enclosed please find a fully executed assignment, assigning this permit to Teton Pipeline Association, Inc.

Permit Number 22-07216: Hink Inc., is another corporation associated with Jim Huskinson, dba Jim Huskinson Farms. Enclosed please find a fully executed assignment, assigning this permit to Teton Pipeline Association, Inc.

Permit Number 22-07122: Enclosed please find a fully executed assignment, assigning this permit to Teton Pipeline Association, Inc. Thank you for bringing this to our attention.

Also, enclosed please find a fully executed ASSIGNMENT OF APPLICATION for Application Numbers 22-07514 and 22-07505 wherein J. Clint Hoopes assigns his Applications to Teton Pipeline Association, Inc., and a similar document wherein DeMar Bott assigns Application Numbers 22-37637 and 22-07667 to Teton Pipeline Association, Inc. Even though these Water Rights are only in the Application stage they are important to the Teton Pipeline Association irrigation system, they are personal property, and they need to be assigned to the Pipeline Company. Furthermore, all of these water rights are being used and are in

NOV 07 1995

Jim Johnson, Manager
Water Right Permits Section
September 13, 1994
Page Three

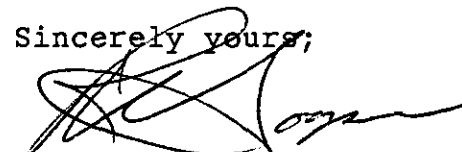
the application stage through no fault of the applicant.

We are in hopes that these enclosures will complete the filing necessary to have these rights assigned to Teton Pipeline Association, Inc. Your detailed review and your help and assistance in working through this complicated transfer is greatly appreciated by all of the shareholders in Teton Pipeline Association, Inc. If you have any further questions or if you need any additional information, please do not hesitate to call or write. We will respond as quickly as possible.

In this particular area of the state we are now between grain harvest and potato harvest. As soon as the potato harvest is complete either Jack or myself, or both of us will stop by to discuss these transfers with you. As I am sure you are, we are anxious to have this matter completed.

Thank you very much.

Sincerely yours;



R. J. Hoopes, Esq.
Attorney for Teton
Pipeline Association

pc: File
21-007

SEP 27 1995

J I Ranch **RECEIVED**
JUL 27 1992

Seed Potatoes - Grain

Department of Water Resources

J. H. CORPORATION
J. Clint Hoopes
Jack Hoopes

1009 WEST HIWAY 33
P.O. BOX 70
TETONIA, ID 83452
TELEPHONE: 456-2801
624-3006 - 624-4418
458-4148

July 22, 1992

GARY SPACKMAN, Manager
Water Right Permits Section
Department of Water Resources
Statehouse Mail,
Boise, Idaho 83720-9000

Dear Gary,

This is to confirm our telephone conversation of two weeks ago regarding application No.22-7504, and the order dated July 8 1992. It's my understanding that you were going to amend the "Order Adopting Proposed Memorandum Decision and Order" to delete , permit 22-7504. As you recall, all of the protests were dropped on my permits and I was dismissed from the hearings. The proposed memorandum acknowledged this. However the Order of July 8th includes permit 7504, and denies it. However it does not mention it in the body of the document. As you stated over the phone it must have been a typo. Therefore if that is the case, please advise me on the status of the permits, and send me a copy of the amended order.

Thank you.

Sincerely,

Jack Hoopes

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NOV 07 1995

J. C. HOOPES
Attorney at Law

RECEIVED
JUN 5 1992

May 23, 1992

Gary Spackman
Department of Water Resources
1301 North Orchard Street,
Statehouse Mail
Boise, Idaho 83720-9000

Department of Water Resources

RE: Water Right No. 22-07504 ,22-07505

Dear Mr. Spackman,

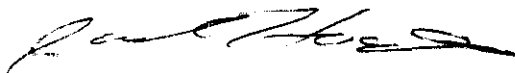
Enclosed please find the questionnaire for expemption from the moritorium. As you know all of the protests were dropped from these applications. I am not asking for any additional water, merely clearing up a land description, which has been irrigated since 1979.

Since I am not seeking any additional water, I don't think I fall under the moritorium, since the purpose of the moritorium is to not put any increased burden on the water supply.

I would have no problem on these permits having the limitation put on them, that my total use of water would not exceed what is already under the permits.

If I can provide any additional information, please let me know.

Sincerely,



Jack Hoopes.

MICROFILMED
NOV 07 1995

777 7530
777 7535

MORATORIUM EXEMPTION QUESTIONNAIRE

IF YOUR APPLICATION PROPOSES AN IRRIGATION USE, PLEASE
COMPLETE AND RETURN THE FOLLOWING:

- Has ALL the land you propose to irrigate been irrigated
with surface water in the past?

yes

- Do you summer fallow any of your irrigated land? If
so, how many acres?

58 acres, in the corners of te pivots, are laid out on yearslike
this.

- List the water right(s) you have used to irrigate the
land listed on the application. If you have received
water from a canal company or water district, please
identify the name of canal or water district.

22-7120, 22-7121 22-7208

- During the last ten years, how many years has your
surface irrigation water been available for the entire
irrigation season?

7-8

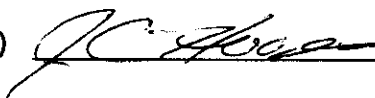
- What crops have you grown in the past ten years?

potatoes, grain

I understand if my proposed diversion of groundwater is
approved as a supplemental use, that I can only use my well
during periods of drought, when a full supply of water is not
available. I also agree that my surface water will be fully used
to the extent available, will not be sold or used on other lands,
and that a change in use of my surface water may result in
revocation of any groundwater right granted pursuant to my
application for supplemental water.

Dated this 23 day of May, 1992.

(Please sign)



RECEIVED

NOV 07 1995

INTER-DEPARTMENT MEMO

TO: File # 22-2504

SUBJECT: _____

FROM: J. Seifert

DATE: 1/10/92

Please refer to file # 22-7484
for any correspondence regarding
hearing, as well as Exhibits

NOT RECORDED Thank you.

NOV 07 1995

() For your information

() Response required

J. Seifert
signature

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of December, 1991, I mailed a true and correct copy of the attached reminder letter, postage prepaid, to the following individuals:

Homer E. Kunz
Patterson Cr. Ranch
Victor, ID 83455

Bob Parkinson
Box 326
St. Anthony, ID 83445

Gregory P. Meacham
485 East Street
Idaho Falls, ID 83402

Val Schwendiman
9633 E. Highway
Newdale, ID 83436

Steve Goddard
Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

Gary Slette
142 3rd Ave. North
P.O. Box 1906
Twin Falls, ID 83303-1906

Mark Rammel
P.O. Box 358
Rexburg, ID 83440

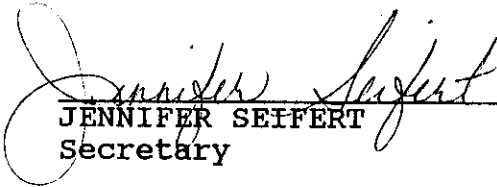
James Siddoway
Teton Irr. and Manu
Teton, ID 83451

JT Beech
Wilford Irr. & Manu.
Rt. 1 Box 34
St. Anthony, ID 83445

Jack Hoopers
Tetonia, ID 83452

John Pocock
4483 E. 2000 N.
Sugar City, ID 83448

DC Neville
Teton Island Feeder
945 N. 2000 W.
Rexburg, ID 83440


JENNIFER SEIFERT
Secretary

MICROFILMED
NOV 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000

Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

December 16, 1991

<name>

RE: Teton Pipeline Applications

Dear <sal>:

This letter is a reminder of the December 20, 1991, deadline for the filing and exchange of various information. I have enclosed the order portion of the Notice of Combined Hearings which was sent near the end of October. I wait your response.

Sincerely,

A handwritten signature in cursive script that reads "Gary Spackman".

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

Enclosure

RECEIVED
NOV 07 1995

INTER-DEPARTMENT MEMO

TO: File # 22-7504

SUBJECT: _____

FROM: J. Seibert

DATE: 12/12/91

Please refer to file # 22-7484
for the Open-File Report regarding
effects of exchange wells on the
Saton River

UNRECORDED

() For your information

() Response required

NOV 07 1995

J. Seibert
signature

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22,7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Idaho Department of Fish and Game against
the estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 30th day of December, 1991.


Steve Goddard
Idaho Department of Fish and Game

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NOV 07 1995

TO: Gary Spackman
State Of Idaho Dept. of Water Resources
Statehouse Mail
Boise, ID 83720-90000

FAX#: (208) 327-7866

FROM: Jack Hoopes
P.O. Box 70
Tetonia, ID 83452

FAX# (208) 456-2213

6 pages including cover.

If you do not receive all pages listed please call (208) 456-2801.

Message:

MICROFILMED
NOV 07 1995

J. C. HOOPES
Attorney at Law

December 19, 1991

Gary Spackman, Manager
Water Rights Permits Section
State House Mail
Boise Idaho 83720

RE: Teton Pipeline Application, 227504

Dear Gary:

Pursuant to our phone conversation yesterday, I am faxing to you a motion to bifurcate the hearing set on January 14, 1992 regarding our application. I believe the hearings should be held separately since the cases are distinguishable.

Our permit is not asking for any more water than we are already taking from the Teton River. Clementsville Pipeline is licensed for 16000 gpm, and it is at its capacity. This system was put in in 1976, and was completed on the ground in question and irrigated that ground in 79-80, and is now under irrigation. My father thought he had completed the application on the additional ground but several years later, he discovered that the application had not been completed. The application was later put on hold by the moratorium.

Since the system was put in place in 1976 we have placed pivot irrigation systems on the farm and re-nozzled the pivots down to 750 gpm. There are several corners that are rarely watered, and the bottom line is we are not using any more water than we were 16 years ago.

The majority of the protestants have acknowledged this and have dropped the protests. I've enclosed several waivers that have come in lately. The only protestant I do not have a waiver from is the Wilford Canal.

Since several of the applications involve an expansion of water use, and since there is a high rate of hostility by down stream water users, I would like my case to be

NOV 07 1995

distinguished.

I will send to you a formal motion to bifurcate and an affidavit. I would appreciate hearing from you shortly.

Sincerely,

Jack Hoopes.


JH/lb

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NOV 07 1995

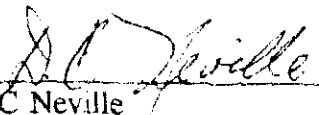
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22,7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Teton Island Feeder against the estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 4 day of December, 1991.


DC Neville

Teton Island Feeder

RECEIVED
NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22,7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Teton Irrigation and Manufacturing against
the estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 11 day of December, 1991.

James Siddoway Director
James Siddoway
Teton Irrigation & Manufacturing

George A. Briggs T&S, Director

NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS, NOS. 22-7691, 22-7692,
22-7693, 22-7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is hereby given that the Protest filed by Teton Irrigation against the
estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 12, 11, 91 day of December, 1991.

John S. Pocock Pres
John Pocock

George A. Briggs TWS, Director

NOV 07 1995

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DEC 26 1991

BEFORE THE DEPARTMENT OF WATER RESOURCES
Department of Water Resources

OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS NOS. 22-7691, 22-7692, 22-7693
AND 22-7694 IN THE NAME OF BRUCE J. .MOTION TO BIFURCATE
ARNOLD; NO. 22-7484 IN THE NAME OF .HEARING & RESPONSE
VAL OR DAVID SCHWENDIMAN; NO. 22-7504
IN THE NAME OF J. CLINT HOOPES; AND
NO. 22-7701 IN THE NAME OF BOB, DIRK
OR MARILYN PARKINSON

1. Comes now J.C. Hoopes, Personal representative to the estate of J.Clint Hoopes who filed the above application, and moves to bifurcate the combined hearings set by order dated October 25, 1991 on the following grounds:

2. Application 22704, on behalf of J. Clint Hoopes is distinguishable on the grounds that, the application is not seeking an additional appropriation of water out of the Teton River. But rather to include ground which has been part of the system, and never increased the appropriation originally licensed by Applicant.

3. Applicant has received dismissals of protest from nearly all the protestants. Therefore the issues involving this application and the others above-named would be different.

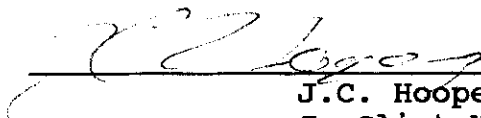
4. Witnesses expected to testify on behalf of applicant, are Bob Obrien, former watermaster of Clementsville Pipeline Inc. He will testify to the historic use of applicants water. Zane Baler present watermaster of Clementsville Pipeline Inc.of Tetonia Idaho will testify of present appropriation by applicant.

5. Applicant will notify parties of other witnesses as soon as they become known.

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Dated this 18th day of December 1991

A handwritten signature in dark ink, appearing to read "J.C. Hoopes", is written over a horizontal line.

J.C. Hoopes, P.R.
J. Clint Hoopes

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CERTIFICATE OF SERVICE

I hereby certify that on December 18, 1991 I served a copy of the foregoing MOTION TO BIFURCATE HEARING AND RESPONSE, by depositing same in the United States mail, postage prepaid, in an envelope addressed to the sames set forth below:

Gary Spackman
Dept of Water Resources
Statehouse Mail
Boise, ID 83720

Homer E. Kunz
Patterson Cr. Ranch
Victor, ID 83455

Bob Pakinson
Box 326
St. Anthony, ID 83455

Gary D. Slette
P.O. Box 1906
Twin Falls, ID 83303

Val Schwendiman
9633 E. Highway 33
Newdale, ID 83436

Steve Goddard
Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

Mark Rammell
P.O. Box 358
Rexburg, ID 83440

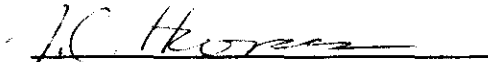
James Siddoway
Teton Irr & Manufacturing
Teton, ID 83451

J.T. Beech
Wilford Irr & Manufacturing
Rt. 1 Box 34
St. Anthony, ID 83455

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NOV 07 1995

D.C. Neville
Teton Island Feeder
945 N. 2000 W.
Rexburg, ID 83440

John Pocock
4483 E. 2000 N.
Sugar City, ID 83448


J.C. Hoopes

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NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

RECEIVED
JAN 06 1992

Department of Water Resources

IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22-7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Teton Island Feeder against the estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 4 day of December, 1991.



DC Neville
Teton Island Feeder

MICROFILMED
NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22,7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Teton Irrigation against the
estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 12, 11, 91 day of December, 1991.

John S Pocock Pres.
John Pocock

George A Briggs TGS, Directors

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NOV 07 1995

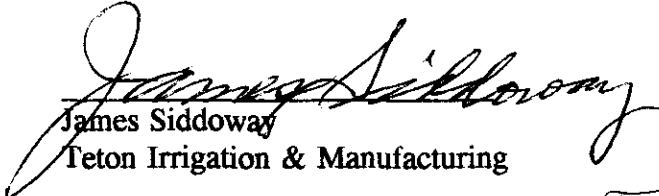
BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO

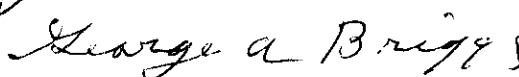
IN THE MATTER OF APPLICATIONS FOR
PERMITS. NOS. 22-7691, 22-7692,
22-7693, 22,7694, 22-7714, 22-7715,
22-7716 & 22-7717 IN THE NAME OF
BRUCE J. ARNOLD; NO. 22-7484 IN THE
NAME OF VAL OR DAVID SCHWENDIMAN;
NO. 22-7504 IN THE NAME OF J. CLINT
HOOPES & NO. 22-7701 IN THE NAME OF
BOB, DIRK OR MARILYN PARKINSON

.WITHDRAWAL OF
.PROTEST

Notice is here by given that the Protest filed by Teton Irrigation and Manufacturing against
the estate of J. Clint Hoopes No. 22-7504 is hereby withdrawn.

Dated this 11 day of December, 1991.


James Siddoway Director
Teton Irrigation & Manufacturing

 TBS, Director

MAILED
NOV 07 1995

IDFG
DEC 6 1991
LEGISLATION PERSONNEL

J. C. HOOPES
Attorney at Law

November 5, 1991

Steve Goddard
Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

RE: water permit

Dear Steve,

I am writing you concerning the combined hearings for water permits which will be held January 14, 1992.

When my father, J. Clint Hoopes, who is now deceased originally filed with the Department of Water Resources for his permits, two pieces of ground were inadvertently left out of the filing. We are not seeking to expand the gallons used, or expand the land we have been irrigating for the past 15 years, we just need to have these two pieces of ground included with the original filings. Our system, the Clementsville Pipeline is licensed to pump a certain capacity and is monitored by a water master and the University of Idaho. With the inclusion of these two parcels of land, we will not be pumping any more water than we were in 1977.

It was my understanding that you were aware of our situation and understood that it was of a different nature than the other permits named in the combined hearings, and Fish and Game had agreed to drop your protest. I would appreciate your signing the enclosed protest waiver. If you should have any further questions, please do not hesitate to contact me.

Sincerely,


Jack Hoopes

enc

456-2801

RECORDED
NOV 07 1995



State of Idaho

Water District 1

150 Shoup Ave., Suite 15
Idaho Falls, Idaho 83402

RONALD CARLSON
WATERMASTER

(208) 525-7172

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OCT 23 1991

COMMITTEE OF NINE

CHAIRMAN

Paul Berggren
Blackfoot

VICE CHAIRMAN

Jim Shawver
Eden

SECRETARY

Reed Murdock
Blackfoot

Jeff Marotz
Ashton

Reed Oldham
Rexburg

Claude Storer
Idaho Falls

Dale Rockwood
Idaho Falls

Leonard Beck
Burley

Robert Schaer
Buhl

ALTERNATE

Dave Rydalch
St. Anthony

ADVISORY

Murle Kunz
Victor

Larry Moore
Heyburn

Jim Bright
Murtaugh

Richard Oneida
Shoshone

John Rosholt
Twin Falls

R. Keith Higginson
Boise

Department of Water Resources

October 21, 1991

Gary Spackman
Department of Water Resources
1301 N Orchard
Boise ID 83706-2237

Dear Gary:

This letter is an overview of the delivery of water to the pumps on the Teton River.

Prior to the failure of the Teton Dam, several irrigation projects along the Teton River were started adjacent to the Teton Reservoir in anticipation of receiving storage from the reservoir. With the failure of the Teton Dam, the people involved in these projects started looking for ways to salvage their investment in these systems. The solution they proposed was a combination of transfers of natural flow rights and the replacement of water diverted with "exchange wells" downstream. The applications for several exchange wells were filed and approved by the Department of Water Resources. Efforts were also made to acquire stored water from Island Park to be exchanged through the Crosscut Canal. The Water District 1 accounting system accounts for these exchanges along with the water rights allocated and storage used. The water district uses the following sequence of water delivery during a "normal" year:

- 1) During high water runoff the late priority water rights are being filled with the water that is excess to the water needed to fill the reservoirs.
- 2) Next, water users are charged with storage use as the diversions exceed the natural flow available.
- 3) When natural flow is cut in order of priority on the Teton River and the need for storage water increases, the Crosscut Canal diversion is increased to meet the storage needs on the upper and lower Teton River. It provides storage water

NOV 07 1995

Gary Spackman
October 22, 1991
Page 2

both directly to the users on the Teton River below where it dumps in, and by exchange to the storage users above the confluence of the Crosscut Canal End and the Teton River.

- 4) After the Crosscut Canal reaches its capacity and is unable to satisfy the down stream irrigators, Fremont-Madison either notifies the pumpers directly to turn on their exchange pumps or informs the Water District #1 deputies, Gail Blanchard or Val Richards, to tell the exchange pumpers to turn on their exchange pumps or shut off their diversions.
- 5) The rate of diversion and the rate of recharge pumping should match for the rest of the irrigation season or until the downstream demand decreases to a level where the Crosscut can supply the necessary demand.

The total storage diverted is, of course, limited to the amount of exchange pumping plus the storage owned and rented. The amount of exchange pumping has varied greatly from year-to-year depending primarily on the water supply and storage water available for rental from Fremont-Madison. The driest years have seen the most exchange well pumping.

In the past, there have been problems in coordination of the exchange wells to be on at exactly the same time as the diversion pumps. One of the more prominent times was when the exchange wells were connected to the Utah Power & Light system and were on interruptable power at the same time that Fall River Rural Electric was providing power to the upstream pumps. It was probably inevitable that the recharge pumps were tripped off during a peak power demand period and the upstream diversions remained on.

During the irrigation season the diversions, exchange pumps, and their totalizing flow meters are read routinely. These readings have been taken daily during the irrigation season for 1990 & 1991 due to concern by some water users on the Teton that the diversion rates and the exchange pumping did not match.

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Gary Spackman
October 22, 1991
Page 3

If I can be of additional assistance, please let me know.

Sincerely,
Lyle Swank
LYLE SWANK, P.E.
Assistant Watermaster

LS:cw

RECEIVED

NOV 07 1995

CERTIFICATE OF MAILING

I hereby certify that on the 3rd day of October, 1991, I mailed a true and correct copy of the enclosed letter to the following individuals:

Kent Foster
P.O. Box 50130
Idaho Falls, ID 83405

Gregory P. Meacham
485 East Street
Idaho Falls, ID 83402

Bruce Arnold
Box 67
Tetonia, ID 83452

Mark Rammel
P.O. Box 358
Rexburg, ID 83440

JT Beech
Wilford Irrigation & Manufacturing Co.
Rt. 1 Box 34
St. Anthony, ID 83445

John Pocock
4483 E. 2000 N.
Sugar, ID 83448

James Siddoway
Teton Irrigation and Manufacturing
Teton, ID 83451

Bob Parkinson
Box 326
St. Anthony, ID 83445

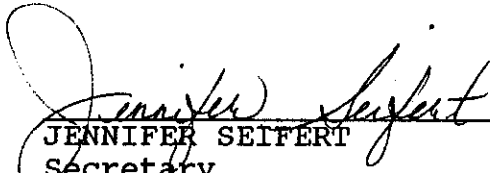
Val Schwendiman
9633 E. Highway
Newdale, ID 83436

Steve Goddard
Dept. of Fish and Game
Statehouse Mail
Boise, ID 83720

Fremont-Madison Irr. Dist.
P.O. Box 358
Rexburg, ID 83440

Jack Hoopes
Tetonia, ID 83452

DC Neville
Teton Island Feeder
945 N. 2000 W.
Rexburg, ID 83440


JENNIFER SEIFERT
Secretary

RECORDED

NOV 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

October 3, 1991

<name>

RE: Bruce Arnold Farms, David and Val Schwendiman, J. Cling
Hoopes and Bob, Marilyn, or Dirk Parkinson

Dear <sal>:

Attached is a letter from Mark Rammell, attorney for Fremont-Madison Irrigation District. Mr. Rammell has requested informally that we change the date of hearing for the applications which propose Teton River-ground water-storage water exchanges. He indicates in the letter that the parties do not object to rescheduling the hearing.

I have also encountered some difficulty in producing a report which I promised to mail to the parties by approximately September 1, 1991. As a result, I have not yet issued a prehearing order.

I propose that we delay the hearing for one month, and attempt to hold the hearing beginning December 10, 1991. I am also open to other suggestions, but the date seems to be an attractive one for me.

Unless I receive objections, I will schedule the hearing for December 10, 11 and 12, 1991. Other days later in December are acceptable as well. I will issue a prehearing order on approximately October 15, 1991.

Sincerely,

GARY SPACKMAN, Manager
Water Right Permits Section

GS:js

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NOV 07 1991

Law Office of
Mark S. Rammell
133 East Main
P.O. Box 358
Rexburg, Idaho 83440

(208) 356-7768

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SEP 12 1991

Department of Water Resources

* Admitted in Idaho & Utah

September 11, 1991

Mr. Gary Spackman
Idaho Dept of Water Resources
1301 N. Orchard St.
Boise, Idaho 83720

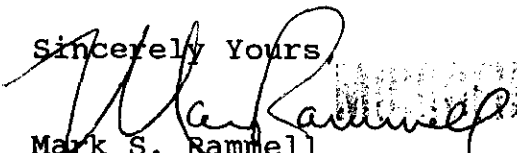
Re: Hearing for Bruce Arnold Farms et.al.

Dear Mr. Spackman:

As you may recall I am the attorney for Fremont Madison Irrigation District and as you know we filed a protest on the application of Mr. Bruce Arnold and a subsequent protest for his amended application. As you know the hearing is currently set for the first week in November. When the decision was made as to what date we would have the hearing we forgot to consider the National Water Users convention being held this year in Monterey, California and as it relates to Fremont Madison Irrigation I have plans on attending the National Convention, Mr. Dale Swenson, and Mr. Ed Clark, Mr. Ronnie Ard, and Mr. Loren Kauer all plan on attending the convention and they are important witnesses in this hearing, should the hearing proceed. By this letter we are asking you to consider continuing the matter to a later date convenient to all parties, I have had a discussion with Mr. Greg Meacham, who is Mr. Arnold's attorney in Idaho Falls, he tells me that he would not oppose such a continuance inasmuch as it would actually be a benefit to him and his client if it were continued to a later date as well.

I should say that there is some chance, although it is not certain, that if Mr. Arnold convinces the Board members that his reapplication would resolve some of their concerns in terms of his injection well, Fremont Madison may well remove their protest as previously indicated. In any event, would you please get back to us at your earliest convenience and let us know your feelings regarding the same. Thank you for your help.

Sincerely Yours,


Mark S. Rammell
MSR/tg

NOV 07 1991

22-7691/7692/7693/7694 - BRUCE J. ARNOLD
 22-7484 - VAL OR DAVID SCHWENDIMAN
 22-7504- J. CLINT HOOPES
 22-7701 - BOB, MARILYN, OR DIRK PARKINSON

COMBINED

Tuesday, July 9, 1991 - 9:00 a.m.
 Civil Defense Conference Room, Bonneville County Courthouse
 605 N. Capital, Idaho Falls, ID

Hearing Officer: _____

Name	Representing	Address
Larry Ketbs	Wilford Canal Co	RT. #. 1 ST A.
Glenn D Davis	"	" "
J. Beech	Wilford Canal Co	" "
Frank E. Jones	Wilford Canal Co.	" "
Bob Parkinson		Box # 326 St. Anthony, Id.
Dirk Parkinson		Box # 326 St. Anthony, Id.
Keith Ball	Salem Irrigation	R2 Rexburg Id.
Darrell Wright	Teton Island Canal	Rexburg 945 W 2000W.
Ken Mackey	Teton Island Canal	1755 W 3000 N Rexburg.
V J Bagley	North Salem Irrigation	3713 N. Salem Rexburg
Keith Walker	Teton Island Canal	852 N E. Rexburg
Gregory P. Meacham	Bruce Ames.	485 E. Street Idaho Falls ID 83402
Bruce Arnold		Box 67 Teton, Id. 83452
Howard S. Jensen	Teton Island Canal	1031 Army Day Rd. Rexburg, Idaho 83440
James H. Jensen	Teton Irrigation	Teton, Id. 83451
Alan Russell	Fremont-Madison	Rexburg
Clark Hayes	Clark Hayes Esq.	NOV 07 1995 Teton, Id.
Dale L. Swenson	F.M.I.D.	St. Anthony
Leigh Chantrell	Angus Creek Irrigation	Newdale
Brad Archibald	Teton Island Canal -	Rexburg.
Clifton Higgins	Teton Island Canal	Rexburg
Harold W. Higgins	"	"

22-7691/7692/7693/7694 - BRUCE J. ARNOLD
22-7484 - VAL OR DAVID SCHWENDIMAN
22-7504- J. CLINT HOOPES
22-7701 - BOB, MARILYN, OR DIRK PARKINSON

COMBINED

Tuesday, July 9, 1991 - 9:00 a.m.
Civil Defense Conference Room, Bonneville County Courthouse
605 N. Capital, Idaho Falls, ID

Hearing Officer: GARY SPACKMAN

<u>Name</u>	<u>Representing</u>	<u>Address</u>
-------------	---------------------	----------------

<i>Val Schwendiman</i>	<i>Self</i>	<i>9633 E. Hwy 33 Newdale,</i>
<i>David Schwendiman</i>	<i>Self</i>	<i>15,000 E. Hwy 33 Newdale</i>

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NOV 07 1995

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4. Put 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. (Extra charge) 2. ☐ Restricted Delivery (Extra charge)	
3. Article Addressed to: <i>Mr. Clint Hoopes</i> <i>P.O. Box 98 70</i> <i>Intona, Id 83453</i>	4. Article Number <i>0734</i>
	Type of Service: ☐ Registered ☐ Insured ☒ Certified ☐ COD ☐ Express Mail ☐ Return Receipt for Merchandise
	Always obtain signature of addressee or agent and <u>DATE DELIVERED</u>.
5. Signature — Addressee <i>X</i>	8. Addressee's Address (ONLY if requested and fee paid) <i>Intona, Id</i>
6. Signature — Agent <i>X</i> <i>Intona Hoopes</i>	
7. Date of Delivery <i>6-21-91</i>	
NOV 07 1995 <i>22-7504</i>	

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.

RECEIVED
JUN 26 1991



PENALTY FOR PRIVATE
USE, \$300

Department of Water Resources
Eastern District Office

RETURN
TO

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

RECEIVED

NOV 07 1995

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOFAR AVE. #15
IDAHO FALLS, IDAHO 83402

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
150 SHOUPE AVE. # 15
IDAHO FALLS, IDAHO 83402

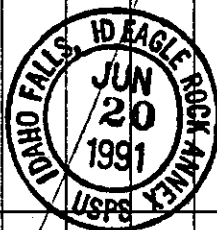
Indicate type of mail
☐ Registered
☐ Insured
☐ COD
☐ Certified
☐ Express Mail

Check appropriate block for
Registered Mail:
☐ With Postal Insurance
☐ Without Postal Insurance

Affix stamp here if issued as
certificate of mailing or for
additional copies of this bill.

POSTMARK AND DATE OF RECEIPT

Line	Number of Article	Name of Addressee, Street, and Post-Office Address	Postage	Fee	Handling Charge	Act. Value (if Regis.)	Insured Value	Due Sender if C.O.D.	R. R. Fee	S. D. Fee	S. H. Fee	Rest. Del. Fee	Remarks
1	0733	McDonald, Lawrence, Box 101, Nevada											22-7484
1	0734	Deit, Joseph, Box 98, Idaho											22-7304
3	0735	Self, Mailers, Mail, Fullerton, Box 236											22-7701
4													
5													
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Total Number of Pieces Listed by Sender		Total Number of Pieces Received at Post Office		POSTMASTER, PER (Name of receiving employee)		The full declaration of value is required on all domestic and international registered mail. The maximum indemnity payable for nonnegotiable documents under Express Mail document reconstruction insurance is \$50,000 per piece subject to a limit of \$500,000 per occurrence. The maximum indemnity payable on Express Mail merchandise insurance is \$500. The maximum indemnity payable is \$25,000 for Registered Mail, \$400 for COD and \$400 for Insured Mail. Special handling charges apply only to Third- and Fourth-Class parcels. Special delivery service also includes special handling service.							



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NOV 07 1995



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

June 24, 1991

J. Clint Hoopes
PO Box 98
Tetonia, ID 83452

Dear Mr. Hoopes:

Enclosed are copies of protests filed against the issuance of a permit pursuant to application No. 22-7504. The Department suggests you contact the protestant directly in an effort to determine the nature of the protest and to attempt to resolve the protest.

Unless this office is advised that either the matter has been resolved or there exists extenuating circumstances, our objective is to schedule a conference and/or hearing in the near future to consider the protests. (A conference has been scheduled for July 9, 1991.) At 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?
6. That it is contrary to conservation of water resources within the State of Idaho.

RECORDED

NOV 07 1995

J. Clint Hoopes
June 24, 1991
Page 2

The applicant must be prepared to present evidence and/or testimony addressing each of the six items. Although representation by 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.

Sincerely,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

pc: IDWR - State Office

Enclosure

NOV 07 1995

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

IN THE MATTER OF APPLICATIONS FOR)	
PERMITS NOS. 22-7691, 22-7692, 22-7693)	
AND 22-7694 IN THE NAME OF BRUCE J.)	
ARNOLD; NO. 22-7484 IN THE NAME OF)	NOTICE OF
VAL OR DAVID SCHWENDIMAN; NO. 22-7504)	COMBINED CONFERENCE
IN THE NAME OF J. CLINT HOOPES; AND)	
NO. 22-7701 IN THE NAME OF BOB, DIRK)	
OR MARILYN PARKINSON)	

On December 19, 1990, Bruce J. Arnold filed four applications for permits with the Department of Water Resources to appropriate the public waters of the State of Idaho. On February 21, 1991, the Department received a protest against approval of said applications from Mark S. Rammell, Attorney at Law, in behalf of Fremont-Madison Irrigation District, and on February 25, 1991, an additional protest was received from Teton Island Canal Company. A petition to intervene was received on May 16, 1991, from Stephen V. Goddard, Deputy Attorney General, in behalf of Idaho Department of Fish and Game. The Order for petition to intervene was granted on June 20, 1991.

Applications for permits to appropriate the public waters of the State of Idaho were also filed by Val or David Schwendiman on January 8, 1985; J. Clint Hoopes on July 1, 1985; and by Bob, Marilyn, or Dirk Parkinson on March 19, 1991. The Department received protests against approval of said applications from Mark S. Rammell, Attorney at Law, in behalf of Fremont-Madison Irrigation District; J.T. Beech, Chairman of the Board, and John

NOV 07 1995

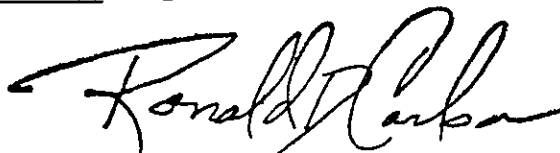
S. Pocock, Secretary of the Board, Wilford Irrigation and Manufacturing Company; and from D. C. Neville, Teton Island Feeder Canal.

The conference will be held in accordance with provisions of the adopted Rules of Practice and Procedure of the Department of Water Resources for the purpose of determining the need for a hearing and, if so, formulating or simplifying issues, identifying additional data collection needs, and to discuss other matters which may expedite orderly conduct of a hearing or settlement of the matter.

Because of the similarities of the issues involved these water right conferences have been combined. The Department has set the matter of protests for an administrative conference to be conducted at 9:00 a.m. on Tuesday, July 9, 1991, in the Civil Defense Conference Room, Bonneville County Courthouse, 605 N. Capital, Idaho Falls, Idaho. The purpose of this conference includes items the applicants and protestants need to address should a hearing be necessary.

1. Discussion of Petition to Intervene.
2. What the testimony will show.
3. Designate witnesses.
4. Arrange for the exchange of proposed exhibits and determine how long the presentations will take.

Dated this 19th day of June, 1991.



RONALD D. CARLSON
Eastern Regional Manager

RECORDED

NOV 07 1995



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

June 24, 1991

RE: Applications for Permits No. 22-7504 HOOPES
22-7701 PARKINSON
22-7484 SCHWENDIMAN

D.C. Neville
Teton Island Feeder
945 N 2000 W
Rexburg, ID 83440

Dear Neville:

On June 7, 1991, the Department received your letter in reference to the above captioned applications. Your letter will be placed in the file; however, you cannot be recognized as a protestant because the letter arrived in our office after the protest period had expired.

If you wish to be a party of record and have an opportunity to testify at the hearing you must petition for leave to intervene in the pleadings. The procedure for filing such a petitions is described on the enclosed copy of Rule 6 from the Department's Rules and Regulations for Practice and Procedure.

Though intervention can be requested any time up to five (5) days prior to the date set for hearing, your petition should be submitted to this office as soon as possible. You should be aware a conference has been scheduled in this matter for July 9, 1991.

If you have any questions concerning this matter, please feel free to contact this office.

Respectfully submitted,

HAROLD W. JONES
Water Rights Supervisor

HWJ:CW

Enclosure

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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

11-Jun-1991

JOHN POCOCK, SECRETARY OF THE BOARD
WILFORD IRRIGATION & MANUFACTURING CO.
4483 E 2000 N
SUGAR CITY ID 83448

RE: App. for Permit No.'s 22-07484 Val or David Schwendiman
22-07701 Bob, Marilyn or Dirk Parkinson
22-07504 J. Clint Hoopes

Dear Mr. Pocock:

Your protest against approval of the above referenced application 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, our objective is to schedule a conference and/or hearing in the near future to consider the protest. 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): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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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?
6. That it is contrary to conservation of water resources within the State of Idaho.

RECORDED

NOV 07 1995

JOHN POCOCK
11-Jun-1991
Page 2

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

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

Very truly yours,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

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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

11-Jun-1991

JOHN POCOCK, CHAIRMAN OF THE BOARD
TETON IRRIGATION & MANUFACTURING CO.
RT 1
SUGAR CITY ID 83448

RE: App. for Permit No.'s 22-07484 Val or David Schwendiman
22-07701 Bob, Marilyn or Dirk Parkinson
22-07504 J. Clint Hoopes

Dear Mr. Pocock:

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RECORDED
NOV 07 1995

JOHN POCOCK
11-Jun-1991
Page 2

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Very truly yours,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

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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

11-Jun-1991

J T BEECH, CHAIRMAN OF THE BOARD
WILFORD IRRIGATION & MANUFACTURING CO
RT 1 BOX 34
ST ANTHONY ID 83445

RE: App. for Permit No.'s 22-07484 Val or David Schwendiman
22-07701 Bob, Marilyn or Dirk Parkinson
22-07504 J. Clint Hoopes

Dear Mr. Beech:

Your protest against approval of the above referenced application 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, our objective is to schedule a conference and/or hearing in the near future to consider the protest. 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): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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6. That it is contrary to conservation of water resources within the State of Idaho.

MINOR CHANGES

NOV 07 1995

J T BEECH
11-Jun-1991
Page 2

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

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

Very truly yours,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

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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

11-Jun-1991

MARK S RAMMELL
ATTORNEY FOR FREMONT-MADISON
PO BOX 358
REXBURG ID 83440

RE: App. for Permit No.'s 22-07484 Val or David Schwendiman
22-07701 Bob, Marilyn or Dirk Parkinson
22-07504 J. Clint Hoopes

Dear Mr. Rammell:

Your protest against approval of the above referenced application 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, our objective is to schedule a conference and/or hearing in the near future to consider the protest. 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): the following are the principle items the Department can consider in either approving or denying the application for permit (Sec. 42-203, Idaho Code):

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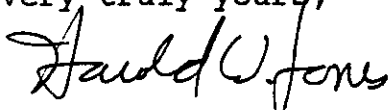
NOV 07 1995

MARK S RAMMELL
11-Jun-1991
Page 2

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

Very truly yours,



HAROLD W. JONES
Water Rights Supervisor

HWJ:rb

pc: IDWR - State Office

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NOV 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MAY 8, 1991

Teton Valley News
Box 509
Driggs, ID 83422

Dear Legal Dept.:

Enclosed you will find legal notices 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 JUNE 3, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.

RECEIVED

NOV 07 1995

456-2801

NOTICE OF APPLICATION FOR TRUST WATER PERMIT

22-07504

J. Clint Hoopes
22 W. 1 N.
St. Anthony, ID 83445

This application proposes diversion of groundwater for injection into the Teton River in exchange for surface water diverted from the Teton River upstream from the point of injection.

Point of Diversion/Injection: NENE Sec. 11 T06N R40E
Pt. of Rediversion-Teton R.: NWSE Sec. 03 T06N R44E

Use: Irrigation (6.40 cfs)
Date Filed: 7/1/1985

In: T07N R43E S27 NESW NWSW SWSW SESW
S28 NESE NWSE SWSE SESE

320 acres total

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, Statehouse Mail, Boise, Idaho 83720 on or before JUNE 3, 1991.

R. Keith Higginson, Director

Published 5/16/1991 & 5/23/1991

NOV 07 1995

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
State Office
1301 North Orchard St.

Statehouse Mail
Boise, Idaho 83720
(208) 327-7900

MAY 8, 1991

The Rexburg Standard-Journal
Box 10
Rexburg, ID 83440

Dear Legal Dept.:

Enclosed you will find legal notices 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 JUNE 3, 1991.

Yours truly,

BRENDA L. MILLER
Clerical Specialist

Encl.



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22-07504

J. Clint Hoopes
22 W. 1 N.
St. Anthony, ID 83445

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S28 NESE NWSE SWSE SESE

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R. Keith Higginson, Director

Published 5/16/1991 & 5/23/1991

MICROFILMED

NOV 07 1995

OK
RB

*Glen
My com. is
are attached.
Gary*

TO: GLEN SAXTON
GARY SPACKMAN

MEMORANDUM

FROM: TIM LUKE

DATE: March 22, 1991

RE: TETON RIVER DIVERSIONS/EXCHANGE WELLS
VAL SCHWENDIMAN PERMITS & APPLICATIONS
=====

For the past six or seven months I have been holding about several permits under the name of Val Schwendiman. I've also been holding several permits under the name of Bob Parkinson. These permits are Teton River natural flow diversions and exchange well diversions. These permits were sent up for licensing but returned for some deficiencies. We were asked to provide some details about the exchanges. I have obtained some information about the exchanges but have not summarized these findings.

In addition to the Schwendiman-Parkinson permits, I've also been reviewing about two dozen permits which comprise the so called Teton-Clements ville pipeline. These permits also involve Teton River and exchange well diversions. These latter permits were being reviewed for licensing as well. At one point last year we were planning to prepare draft licenses on all of the Teton-Clements ville permits and then send them up with the Schwendiman-Parkinson permits for final review and signature. Due to other commitments and time constraints I have not yet prepared a final summary of all of the Teton permits nor have we prepared draft licenses for all of the permits.

Adding to the confusion of the existing permits is the fact that Schwendiman and at least one party in the Teton-Clements ville pipeline (Hoopes) have applications on file with the department. I know that at least two of these applications cover ground which has been irrigated for some time (since at least 1985 or earlier). Action on these applications were delayed as a result of the Swan Falls situation. The exchange wells are located in the trust water area. A Schwendiman application and two Hoopes applications are eligible for trust water processing by virtue of their priority dates. I received trust water questionnaires from them last autumn but then informed them that we would delay processing due to our pending review of their existing permits.

Since my last correspondence to them, I have received several calls from Hoopes about when we will approve his applications. In the past two weeks, I have received several phone calls from Mr. Schwendiman. He has been pressing for approval of his application because of the drought conditions and because he has been told that he will not be able to obtain storage water. He may therefore need

NOV 07 1995

to rely on his exchange wells this year. This particular application covers some ground that has been irrigated yet there are no other approved permits on the same ground. Earlier this week Schwendiman visited our Idaho Falls office and filed several new exchange well applications (also trust water applications).

I have reviewed the Schwendiman application which I have been holding here at the state office along with his existing permits. Schwenidman has one permit for natural flow from the Teton River covering 2600 acres and has two exchange well permits (both for different rates of diversion) covering these 2600 acres and an additional 679 acres. The Schwendiman application includes 200 irrigated acres not covered by any existing permits. This application lists two points of diversion, one deep groundwater well and the exchange wells with rediversion from the Teton. There is no corresponding Teton River natural flow application on file. Hoopes on the other hand has a corresponding Teton River application to match his groundwater exchange well applications.

At this time I would advocate advertising the Schwendiman application along with the Hoopes applications. I suspect that they will be protested and perhaps protests will bring things to a head in that area and allow this whole exchange well situation to be addressed by the public. We could advertise these applications as early as the first two weeks of April. Before doing so though I have several questions outlined below. I have discussed some of these questions with Gary and he suggested that I ask for your input.

Questions and Concerns:

1) Should we require that Schwendiman file new Teton River applications to cover the additional acreage that is only covered by exchange well filings? *Yes*

2) Should we require Rule 4,5,3. information, particularly with regards to the injury question. We might request more specific information in regard to the exchange wells and the operation of those wells etc. Hoopes has submitted rule 4,5,3. information but I feel it may lack some detail. Schwendiman has not submitted rule 4,5,3. information nor have we requested it from him. We have in the past waived rule 4,5. requirements if the development has already been in place. *I think the applicant should prove that the exchange well is not related to river flows.*

3) When advertising these applications, should we be more explicit in describing the proposed exchange well diversions?

I think the ~~exchange~~ groundwater pumping to the river & upstream diversion from the Teton should be carefully described in the legal notice.

NOV 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

September 25, 1990

Jack Hoopes
22 West 1st North
St. Anthony, ID 83445

RE: Application for Permit No.s 22-7504 & 22-7505

Dear Mr. Hoopes:

I am writing to inform you about the status of the above applications. I have received the trust water information questionnaire for the groundwater application no. 22-7504. Application no. 22-7505, which is the Teton River application, has been received by the state office in Boise for final processing.

As you may know, the Department has been reviewing a number of Teton River diversion and exchange well filings for final licensing. There are presently over 30 such filings which require licensing, including several held under your name and Echo Ranch. We had hoped to complete licensing of those files by the end of this month. However, a number of questions were raised during the review process which has caused us to look at certain data including past Teton River and exchange well diversions, storage water use, Cross-cut canal diversions and well log records. Some of the questions or concerns raised in our review, along with the content of the hydrologic data, must still be discussed with the watermaster and assistant watermaster of Water District 01. We hope to discuss this matter with them in the next few weeks. We may also need to contact you and other permit holders in the area for certain information regarding your operations. Whether additional information is needed from you will depend on our discussions with District 01.

Since application no.s 22-7504 and 22-7505 are a part of the Teton-Clementsville Pipeline system, we have decided to delay approval of these applications until we can complete licensing of the existing permits.

Sincerely,

Tim Luke
Sr. Water Resource Agent

RECORDED

NOV 07 1995

ACTION REQUIRED

FROM: Tim LUKE

TO: File 22-7504

Rule 4, 5, 3. INFORMATION

See File No. 22-7505 FOIA Rule 4, 5, 3.

Information submitted by Applicants.

MEMORANDUM

TO: FILE

FROM: TIM LUKE

DATE: September 25, 1990

RE: PROCESSING APPLICATION NO.S 22-7504 & 22-7505

=====

The two applications above were filed in 1985 and are appurtenant to the same land. Application no. 22-7505 is a direct diversion from the Teton River whereas application no. 22-7504 is a groundwater exchange filing, with a point of re-diversion from the Teton River. Both filings are under the name of J.C. Hoopes, who has other Teton River and exchange well filings. The above applications and other existing Hoopes filings are among a number of filings which the Department is now reviewing for licensing. The filings are collectively known as the Teton Pipeline filings and are a part of the Teton Pipeline diversion and distribution system. This system is a rather complex system involving numerous filings and exchanges between Teton River diversions, storage water and exchange wells. There are still a number of pending questions concerning the Teton Pipeline system and licensing has not been completed.

Processing of application no.s 22-7504 and 22-7505 has been delayed for the past five years as a result of the Swan Falls issue. Only 22-7504 is now considered a Swan Falls trust water filing. At this time, the Department is presently reviewing 1985 priority trust water filings.

In discussing approval of these applications with Jim Johnson, we agreed that it would be best at this time to delay approval until the Department has licensed the existing Teton filings.

RECORDED

NOV 07 1995

J.C. HOOPES
Attorney at Law

August 22, 1990

RECEIVED
AUG 29 1990

Department of Water Resources

Tim Luke
Sr. Water Resource Agent
State Department of Water Resources
1301 North Orchard Street
State House Mail
Boise, Idaho 83720

RE: Application for Permit No. 22-7504

Dear Tim:

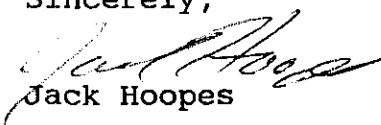
I appreciate your promptness in sending the questionnaire. I thought at our meeting last spring, you had our correct mailing address. Since this application was made, Tetonia constructed a new post office, which required all residents to receive new box numbers, I'm sorry for the inconvenience.

I was also under the impression at our meeting that this water right was ready to be finalized. As you know this is a supplemental supply for permit 22-7705, this will be used along with storage water. 7505

Since this permit is for more than two hundred acres, I'm sure you will be requesting the additional information. that information will be similar to the letter I supplied to Skip on permit 22-7705. However I would be glad to submit a separate one for you.

If you have any further questions please call.

Sincerely,


Jack Hoopes

Enc.

Phone Skip Jones.
Ask for Rule 4.5 into.
App Rec. By S.D. 7/2/90
RAY.

...PROFILMED

NOV 07 1995

Note: Pt. of Redirection is
Hoopes North Proj. located
w/in minimum stream bed section F.R.

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRUST WATER INFORMATION QUESTIONNAIRE

Application No. 22-7504

INSTRUCTIONS: IF YOU ARE NOT INTERESTED IN HAVING THE APPLICATION PROCESSED, PLEASE COMPLETE AND RETURN THE ENCLOSED WITHDRAWAL FORM.

IF YOU WISH TO HAVE THE APPLICATION PROCESSED, PLEASE ANSWER THE FOLLOWING QUESTIONS AS THOROUGHLY AS POSSIBLE. FAILURE TO RETURN EITHER THE WITHDRAWAL FORM OR QUESTIONNAIRE IS CAUSE FOR THE DEPARTMENT TO VOID THE APPLICATION.

1a. Are you the current owner of the land or place of use described under this application? Yes X No

b. If you are not the propoerty owner, please descibe the arrangement enabling you to develop the proposed project.

2a. Has the source of water listed on this application been used to irrigate any of the land described under this same application prior to October 1, 1984? Yes x No

b. If yes, please describe the extent of development and number of acres irrigated. (Note: Uses developed after October, 1984 are considered trust water diversions and may be subject to certain restrictions and/or conditions. You may be asked to verify uses established prior to October, 1984.)

320 acres irrigated by two center pivots which were installed in May of 1980, part of the Clementsville Pipeline

3. If you answered NO to ques #2a, please state the number of acres you have irrigated with this source after October 1, 1984.

4. If you have not irrigated lands under this application, please state the number of acres you plan to complete.

5. If the permit is a supplemental filing please identify other water rights which are used on the same land.

22-7505

Use the reverse side of this form if you wish to add any comments. You may mark changes on the enclosed application to designate any proposed amendments. (Note: Proposed changes which result in an expansion of use will not be considered by the department.)

I hereby assert that the responses provided above are true to the best of my knowledge. I understand that any willful misrepresentations may result in voiding of the application.

Applicant *[Signature]*

Date Aug 22-90

RECORDED

NOV 07 1995

This application is a supplemental filing to supplement 22-7505, which is used after there is no storage water available to be purchased from other sources, or the Cross-cut canal is full.

RECORDED

NOV 07 1995



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 - (208) 327-7900

August 14, 1990

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

J. Clint Hoopes
P.O. Box ~~98~~ 70
Tetonia, ID 83452

Re: Application for Permit No. 22-7504

Dear Applicant(s):

*Re-sent
letter to Box 70
letter 8/20/90
Re-sent 8-17-90*

NOTICE OF PENDING ORDER VOIDING APPLICATION

On July 1, 1985, you filed with the Department of Water Resources (Department) Application for Permit No. 22-7504 which proposed the diversion of 6.4 cubic feet per second from groundwater for the irrigation of 320 acres.

The Department mailed a letter and questionnaire to you on July 6, 1990. The letter provided notice that the Department was reviewing the application in connection with development which was not complete prior to October 1, 1984.

This letter also requested that you return the Department's questionnaire concerning your present possessory interest in the place of use, any prior development under the application and/or your plans for pursuing completion of the proposed project. The letter notified you that failure to complete and return the questionnaire within thirty (30) days of the date of the letter was cause for the Department to void the application.

The purpose of this letter is to provide a second and final opportunity for you to submit the requested information. If you fail to respond to this inquiry within fifteen (15) days of the date of this letter, the Department will issue an order voiding the application pursuant to Water Appropriation Rule 4,5,1.

If no development has been completed as authorized by the application, and you are no longer interested in pursuing the development, please complete and return the enclosed withdrawal form. Please note, if you are using water without an approved permit, the Department may issue an order requiring you to cease diverting the water.

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

Sincerely,

Tim Luke
TIM LUKE

Sr. Water Resource Agent

NOV 07 1995

Enclosure
cc: Region



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720 -(208) 327-7900

CECIL D. ANDRUS

GOVERNOR

R. KEITH HIGGINSON

DIRECTOR

July 6, 1990

RE: APPLICATION FOR PERMIT NO. 22-7504

Dear APPLICANT:

Due to the Swan Falls litigation, Department approval of the enclosed application may have been delayed. The Department is presently reviewing your application and may authorize the proposed development.

The purpose of this letter is to determine: (1) if you are still interested in developing the project, and (2) the extent of development if any, that has already occurred under the application. Enclosed are two forms requesting information which will help the Department expedite the processing of the application.

1. If you have abandoned or have no interest in continuing with your plans for development of the project, please complete the enclosed withdrawal form and return it to the Department. If you request a withdrawal of the application and the application was not previously advertised, the department will refund your original filing fee.

2. If you wish to continue with your proposed development plans, or have completed all or a portion of the proposed development before October 1, 1984, then you must complete and return the enclosed questionnaire. You may use the questionnaire and enclosed application to make any comments &/or amendments concerning the application. Your completion of the questionnaire will expedite processing and help the department determine if the water diverted under the application is public water or trust water. Approved trust water applications may be subject to additional conditions.

Failure to return either of the above forms within thirty (30) days of the date of this letter is cause for the Department to void the application.

Please be further advised that if any undeveloped portion of your proposed project is greater than 200 acres, the Department will issue a notice requesting additional information as required by Water Appropriation Rule 4,5. (in particular, Rules 4,5,3. thru 4,5,3,5, apply to your project if it is more than 200 acres).

MICROFILMED

NOV 07 1995

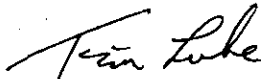
Page 2

If you have questions concerning the content of this letter or about completing the forms, please contact Tim Luke at the address below or by calling directly at 327-7864. The enclosed forms and all other relative information must be returned within thirty (30) days to:

Idaho Department of Water Resources
Statehouse Mail
Boise, Idaho 83720
Attn: Tim Luke

Please note that a copy of your application is enclosed. The application number is also shown on the enclosed questionnaire.

Sincerely,



TIM LUKE
Sr. Water Resource Agent

Enclosures

RECEIVED

NOV 07 1995

INTER-DEPARTMENT MEMO — 1

DATE 6-4-90

FROM Tim Luke

TO File

SUBJECT App. No 22-7504/J Clint Hoopes

On this date I reviewed this app as a sequential test water filing w/other 1985 filings. Due to the pending review of permits for licensing under the Teton Pipeline, I recommend temporarily Holding correspondence on this file. The Hoopes Brothers will be visiting the State office on

MINNESOTA

NOV 07 1995

SIGNATURE

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

INITIAL REVIEW BY: HWT APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ Quantity of water and period of use.
☒ Description of diverting works.
☒ Time required for beneficial use of water.
☒ Place of use or acres irrigated.
☒ Map.
☒ Signature.
☒ Fee.
☐ Yes ☒ No Field check required.
☐ Yes ☒ No Critical groundwater area.
☐ Yes ☒ No Request dam safety information. Sent by: _____ Date: _____
☐ Yes ☐ No* In form to receipt.

Field check by: _____

Date: _____

Comments: _____

*REQUEST THE FOLLOWING ADDITIONAL INFORMATION FROM THE APPLICANT: _____

SEND COPIES TO:

- ☐ Idaho State Health Department.
☐ Idaho Fish and Game Department.
☐ Idaho Department of Lands.
☐ U.S. Bureau of Land Management.
☐ U.S. Forest Service.
☐ Other _____

Copies sent by: _____ Date: _____

PROCESSING:

- ☐ Yes ☒ No Platted by: _____ Map No. _____
☐ Yes ☒ No Other rights on same place of use. (Permit 22-7406)
☒ Yes ☐ No* In form for advertising.
Final date for protests: _____
☐ Yes ☐ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☐ Affidavit of publication received. Date: _____
☐ Application published correctly. If not, record action taken: _____
☐ Fee amount, receipt date & number, recorded on application.
☐ Publication dates and paper, recorded on application.
☐ Protests, dates, withdrawal, etc., recorded on application.
☐ Recommendation & initial, recorded on application.
☐ Yes ☐ No Measuring device required.
☐ Yes ☐ No Access port required.
☐ Yes ☐ No Will water be delivered by watermaster? If yes, what district? _____
Date of priority recommended. _____
Special conditions of approval or cover letter. _____

By: _____ Date: _____

STATE OFFICE REVIEW:

- ☐ See attached sheet for more information.

By: _____ Date: _____

POINT OF DIVERSION AND STREAM INDEX INFORMATION

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
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IDAHO STREAM CODE INDEX						

TRACT	SEC	TWP	RGE	gov't lot	rediv. (R)	REACH
-----	-----	-----	-----	-----	-----	-----
IDAHO STREAM CODE INDEX						

22-2504

HOOPES, J. CLINT

P.O. BOX 98, TETONIA, ID 83452

Source: GROUNDWATER

Date Filed: 07/01/1985

Diversion Pt: NENE Sec 11 T 06N R 40E NWSE Sec 03 T 06N R 44E (REDIVERSION)

Use: IRRIGATION (6.40 CFS)

In: NESW NWSW SWSW SESW Sec 27 T 07N R 43E NESE NWSE SWSE SESE
Sec 28 T 07N R 43E FOR 320 ACRES

Microfilm

NOV 07 1995