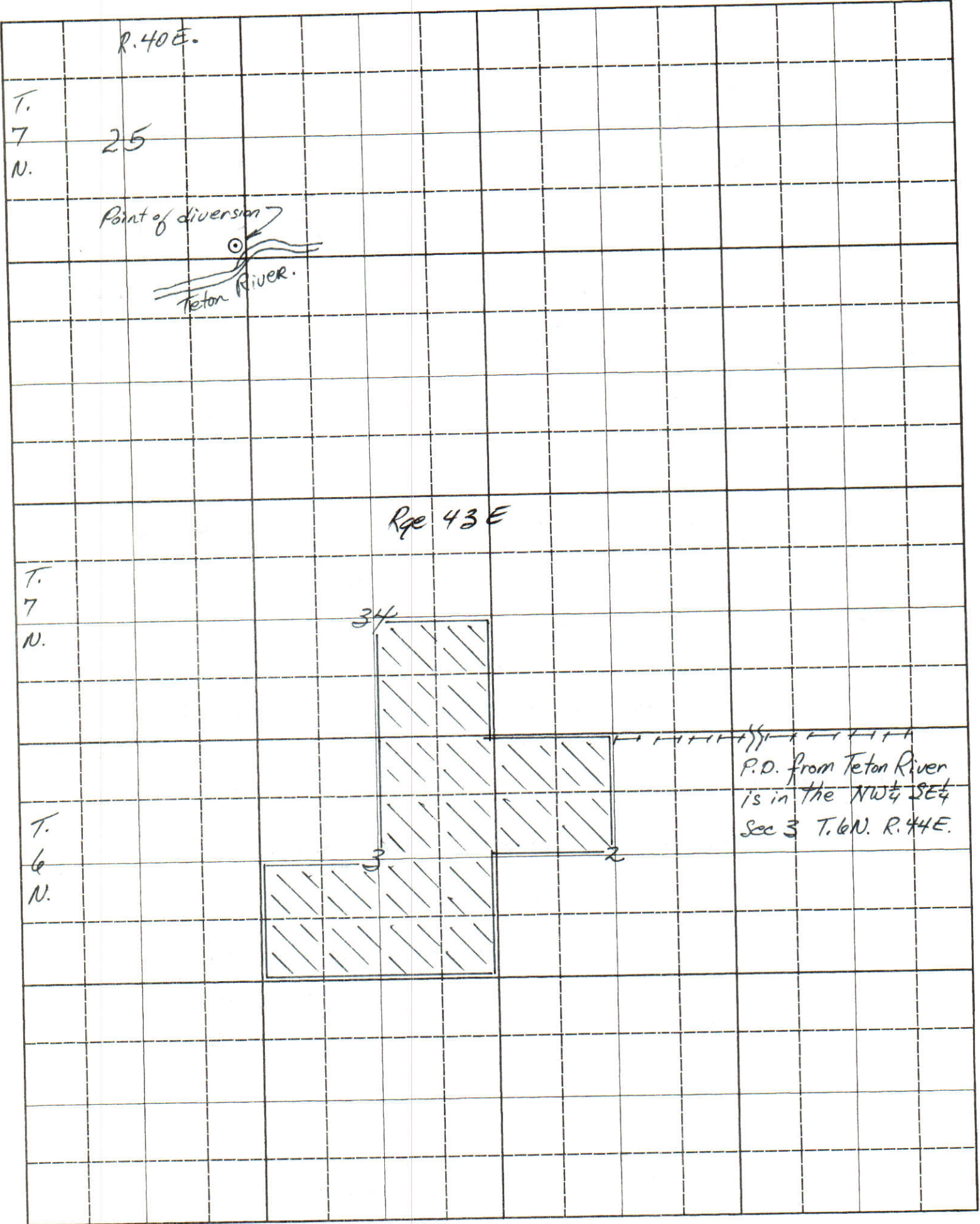


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.



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.

Bett Land Inc.
x De Mar Brett Gros.
(Applicant)

AFFIDAVIT OF
PUBLICATION

State of Idaho }
County of Fremont }

ss.

Raymond F. Nash

being first duly sworn, upon his
oath, deposes and says:

That he is the Editor
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

Notice of Application

For Water Right

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for 2 consecutive is-
sues thereof; first publication

having been made on the 21

day of June, 1979,

and the last publication on the

28 day of June

1979.

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from
type matter, of at least seven-
teen and three-fourths inches
deep.

Raymond F. Nash
Subscribed in my presence and

sworn to before me this 29

day of June,

1979.

Donella Rose
Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.

NOTICE OF APPLICATION
FOR WATER RIGHT

Notice is hereby given that the following
application(s) have been submitted for
permit to appropriate the public waters of
the State of Idaho:

Applicant No.: 22-7295

Applicant: BOTT LAND, INC.;
NEWDALE, ID 83436

Source: GROUNDWATER

Date Filed: 06/12/1979

Amount: 3.36 CFS

Diversion Point: SESE Sec 25 T 07N R
40E NWSE Sec 03 T 06N 44E (REDIVERSI,
FREMONT Co.

Use: IRRIGATION (3.36 CFS) from 04/01
to 11/01

Place of Use: NENW NWNW SWNW
SENW Sec 02 T 06N R 43E NENE NWNE
SWNE SENE NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec 03 T 06N R
43E NESE NWSE SWSE SESE Sec 34 T 07N
R 43E FOR 800 ACRES

Diversion Means: WELL & PUMP

If issued, the permit(s) will be subject to
all prior water rights. Protests against the
granting of any permit must be filed with
the Director of the Idaho Department of
Water Resources, 1515 Lincoln Rd., Idaho
Falls, Idaho 83401 on or before JULY 9,
1979.

C. STEPHEN ALLRED
Director

Publ. June 21 and 28, 1979CN

RECEIVED

JUL 18 1979

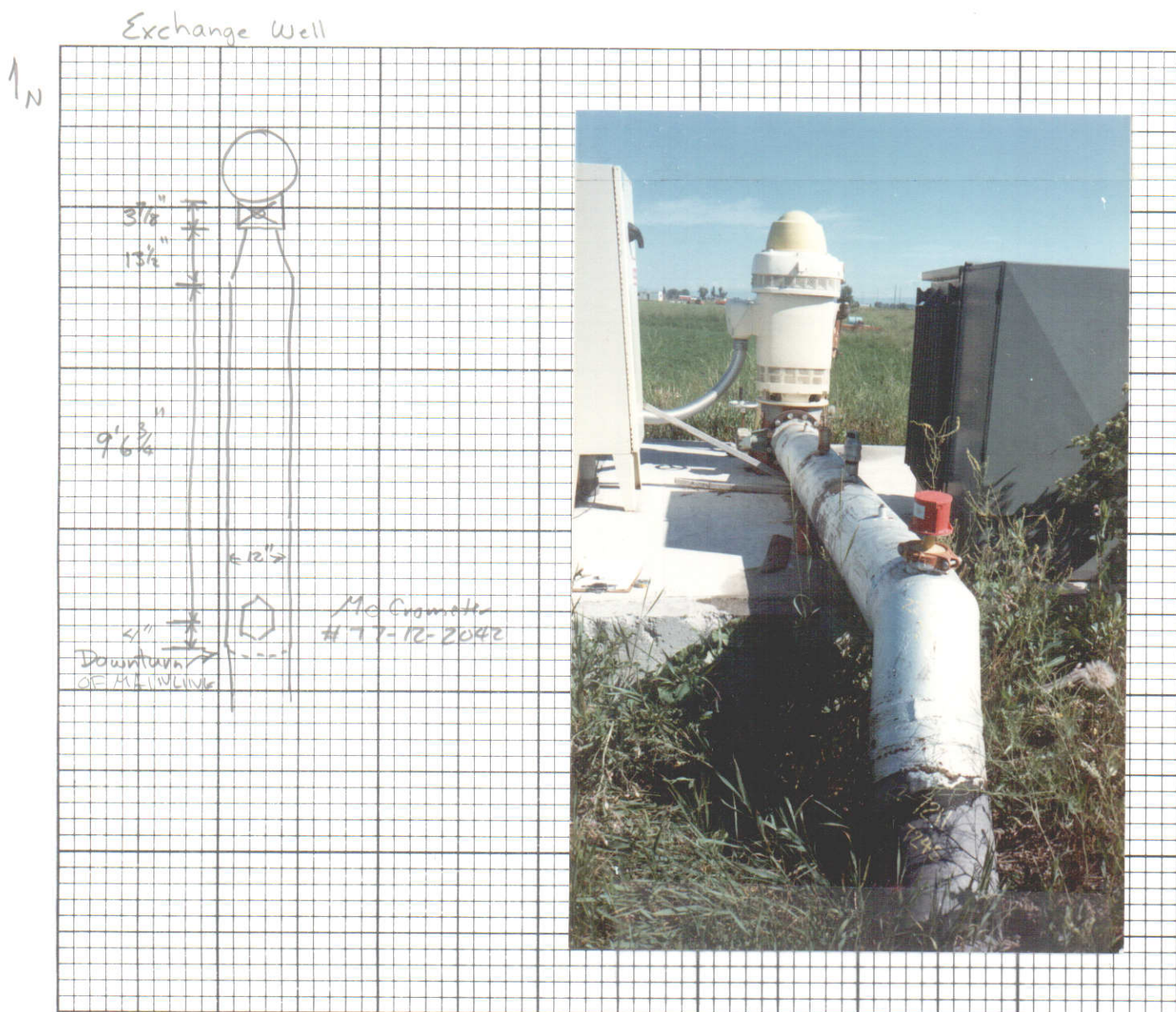
Department of Water Resources
Eastern District Office

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28 193

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10. Other water rights on these lands 22-7148 / 22-7211
11. Other water right diverted from same p.d. 22-7211
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.



13. ☒ Photo of Diversion & System Attached

☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached

14. Remarks REDIV FROM TETON PIPELINE NORTH PROTECT #1 is 20% of total Q of 28.7 cfs $\therefore Q = 5.74$ cfs

15. 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

16. Examiner's/Consultant's Signature Keith C Wilson Date 3 Aug 1984

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

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OCT 21 1991

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 22-7208/7209/7211/7221/7243)
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:

22-7208, 22-7209, 22-7211, 22-7223, 22-7360
22-7221, 22-7245, 22-7216, 22-7235,

1. Diversion and use of right no(s). 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, 22-7224, 22-7295,
22-7216, 22-7223, 22-7235, 22-7360, ~ 7860.4
5. Right(s) 22-7375, 22-7504 are limited to the irrigation of a total of 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 2023


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 52.16 ^{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	

* Amount reduced by TC-22-05

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Total Acres

552.8 / 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:

R. D. Clark
For the Director

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OCT 07 2003

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

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OCT 9 7 2003

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07295

Priority: June 12, 1979

Maximum Diversion Rate:

3.36 CFS

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

TETONIA ID 83452 has complied with the terms and conditions
of the permit, issued pursuant to Application for Permit dated June 12, 1979; and
has submitted Proof of Beneficial Use on July 5, 1984. An examination indicates
that the works have a diversion capacity of 10.070 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	3.36 CFS	

LOCATION OF POINT(S) OF DIVERSION:
Rediversion

SESE , Sec. 25, Township 07N, Range 40E
NWSE , Sec. 3, Township 06N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
06N	43E	2	Lot 2(NWNE)	13	SWNE	3	Lot 3(NENW)	28	
			Lot 4(NWNW)	33	SWNW	38	SENW	32	
			NWSW	18	SWSW	1			166
		3	Lot 1(NENE)	33	Lot 2(NWNE)	32	SWNE	29	
			SENE	37	Lot 3(NENW)	32	Lot 4(NWNW)	25	
			SWNW	16	SENW	25	NESW	33	
			NWSW	18	SWSW	40	SESW	40	
			NESE	33	NWSE	40	SWSE	38	
			SESE	5					476
07N	43E	34	NESW	39	NWSW	40	SWSW	40	
			SESW	39					158

Total number of acres irrigated: 800

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
5. This right when combined with all other rights shall provide more than .02 cfs per acre nor more than 3.5 afa per acre for irrigation of the lands above.

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

WATER RIGHT NO. 22-07295

CONDITIONS OF APPROVAL AND REMARKS

6. No demand on upstream prior rights or existing prior exchanges can be made and no interference with prior rights located between the diversion pumps and the exchange well will be allowed even if the exchange well is pumping water into the Teton River.
7. Totalizing measuring devices shall be maintained at the exchange well and diversion pumps from the Teton River.
8. The exchange well must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
9. The power supply to the exchange well cannot be contracted under the power company's interruptible rules unless the power company agrees to notify the right holder at least 24 hours prior to the time the power service is terminated.
10. The rate of diversion from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
11. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
12. The combined annual volume of water under this right and Right No. 22-07211 shall not exceed 2800.0 acre feet.
13. Water is diverted from the Clementsville (North 1) Project of the Teton Pipeline irrigation system.

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


Acting for KARL J. DREHER Director

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OCT 21 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07295

Date of Priority: June 12, 1979 **Maximum Diversion Rate:** 3.36 CFS
Comes now TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452 and represents to the Director of the

Idaho Department of Water Resources:

That he is the owner and holder of Permit to Appropriate the Public Waters of the State of Idaho No. 22-07295, and requests that the permit be changed as follows:

Source: GROUNDWATER

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	3.36 CFS	

LOCATION OF POINT(S) OF DIVERSION:
Rediversion SESE , Sec. 25, Township 07N, Range 40E
NWSE , Sec. 3, Township 06N, Range 44E
TETON County

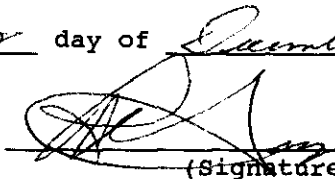
PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
06N	43E	2	Lot 2(NWNE) 13	SWNE 3	Lot 3(NENW) 28	
			Lot 4(NWNW) 33	SWNW 38	SENE 32	
			NWSW 18	SWSW 1		166
		3	Lot 1(NENE) 33	Lot 2(NWNE) 32	SWNE 29	
			SENE 37	Lot 3(NENW) 32	Lot 4(NWNW) 25	
			SWNW 16	SENE 25	NESW 33	
			NWSW 18	SWSW 40	SESE 40	
			NESE 33	NWSE 40	SWSE 38	
			SESE 5			476
07N	43E	34	NESW 39	NWSW 40	SWSW 40	
			SESW 39			158

Total number of acres irrigated: 800

Permit holder asserts that no one will be injured by such change and that such change will be made at permit holder's own risk.

Signed at Boise, this 01 day of December, 19 95.


(Signature)

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OCT 21 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07295

FOR DEPARTMENT USE ONLY

Preliminary check by SC Fee = 50⁰⁰ Received by klt # C036874 Date 10/31/96

ACTION OF THE DEPARTMENT OF WATER RESOURCES

I, Karl J. Dreher, of the Department of Water Resources hereby approve the
above Application for Amendment for Permit No. 22-07295 with the following;

CONDITIONS OF APPROVAL AND REMARKS

1. This water right is appurtenant to the described place of use.
2. This right is subject to all prior water rights and may be forfeited by five years of non-use.
3. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.
4. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
5. 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.

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OCT 21 1997

State of Idaho
Department of Water Resources

APPLICATION FOR AMENDMENT
(For Licensing Purposes)
WATER RIGHT NO. 22-07295

CONDITIONS OF APPROVAL AND REMARKS

6. 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.
7. Totalizing measuring devices shall be maintained at the exchange well and redirection pumps from the Teton River.
8. The exchange well must inject water into the Teton River whenever water is being diverted from the river under this license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.
9. 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.
10. The rate of redirection from the Teton River shall not exceed the rate of injection into the Teton River from the exchange well.
11. Unperforated well casing shall be retained above the first confining layer to prevent interference with shallow wells and recharge to the river.
12. The combined annual volume of water under this right and Right No. 22-07211 shall not exceed 2800.0 acre feet.
13. Water is redirected from the Clementsville (North 1) Project of the Teton Pipeline irrigation system.

Witness my hand this 16th day of SEPTEMBER, 1997.


Acting for KARL J. DREHER, Director

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OCT 21 1987

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	22-07295	Bott Land, Inc.	3.36
Full Assignment	22-07295	Teton Pipeline Assn., Inc.	3.36

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OCT 21 1997

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

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

All my right, title, and interest in and to Permit No. 22-07295 ✓
to appropriate the public waters of the State of Idaho. 22-07211 ✓
22-07148 ✓

OR (for partial assignments)

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

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

Made this 17th day of July, 19 94.

Donna Bott
Permit Holder(s)

State of Idaho)
 ss
County of Teton)

On this 17 day of July, 199 94, personally appeared before me
the signer of the above Instrument, duly acknowledged to me that he/she/they executed the same.
J. C. Hoopes

J. C. Hoopes
Notary Public
residing at Teton, Id.
J. C. Hoopes
Signature

SEAL

My commission expires: Aug 16 - 2000 MICROFILM

OCT 21 1997

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

To appropriate the public waters of the State of Idaho

APPROVED

1. Name of applicant Bott Land, Inc. Phone 458-4966

Post office address Newdale, Idaho 83436

2. Source of water supply ground water which is a tributary of - -

3. Location of point of diversion is SE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 25 Township 7N

Range 40 E B.M. Fremont County, additional points of diversion if any:

The water will be pumped into the Teton River in exchange for water diverted in the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 6N, R. 44E, B.M., Teton County.

4. Water will be used for the following purposes:

Amount 3.36 for Irrigation purposes from Apr. 1 to Nov. 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:

a. 3.36 cubic feet per second and/or b. acre-feet per annum.

6. Proposed diverting works:

a. Description of ditches, flumes, pumps, headgates, etc. well and pump will open discharge
water into Teton River, pumping plant will divert water from river into sprinkler
system

b. Height of storage dam feet, active reservoir capacity acre-feet; total reservoir
capacity acre-feet, materials used in storage dam:

Period of year when water will be diverted to storage to inclusive.
Existing (Month/Day) (Month/Day)

c. ~~Proposed~~ well diameter is 20 inches; proposed depth of well is 190 feet.

7. Time required for the completion of the works and application of the water to the proposed beneficial

use is 5 years (minimum 1 year — maximum 5 years).

8. Description of proposed uses:

a. If water is not for irrigation:

(1) Give the place of use of water: $\frac{1}{4}$ of $\frac{1}{4}$ of Section Township

Range B.M.

(2) Amount of power to be generated: horsepower under feet of head.

(3) List number of each kind of livestock to be watered

(4) Name of municipality to be served , or number of families to be
supplied with domestic water

(5) If water is to be used for other purposes describe:

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b. If water is for irrigation, indicate acreage in each subdivision in the tabulation below:

TWP	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	43E	2					40	40	40	40									160
		3	40	40	40	40					40	40	40	40	40	40	40	40	480
7N	43E	34													40	40	40	40	160
Total number of acres to be irrigated																			800

c. Describe any other water rights used for the same purposes as described above.

Permit No. 22-7211 and 22-7148

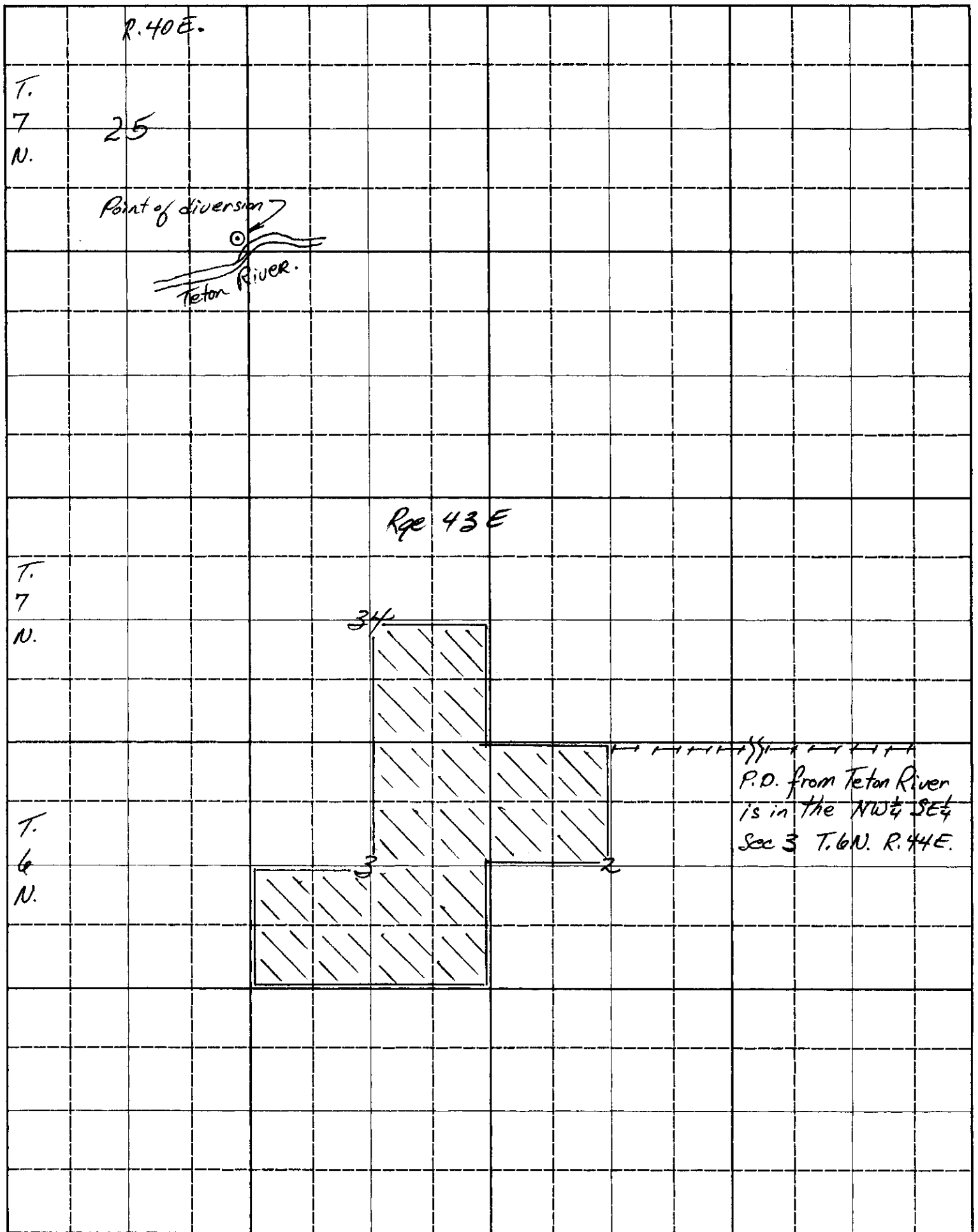
9. a. Who owns the property at the point of diversion Boyd Holliet

b. Who owns the land to be irrigated or place of use Applicant

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

10. Remarks Well at the point of diversion produces 4,200 gpm and this filing for the additional amount not included in permit 22-7211.

11. 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.

Bett Land Inc.
x DeWan Bett Gros.
(Applicant)

Proposed Priority 6/12/79

Received by dh Date 6-12-79 Time 5:00 p.m.

Preliminary check by EMC Fee \$ 65.00

Receipted by dh Date 6-12-79 #11931

Publication prepared by dh Date 6-15-79

Published in Fremont County Chronicle

Publication dates June 21 & 28, 1979

Publication approved JH Date 7/18/79

Protests filed by: _____

Copies of protests forwarded by _____

Hearing held by _____ Date _____

Recommended for approval denial by EMC SS.

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. 22-7295, and said application is hereby approved.

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 August 1, 19 84.
- 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. Other: (1) A totalizing measuring device of a type approved by this Department shall be permanently installed and maintained as part of the diverting works at both the point of diversion and the point of exchange on the Teton River. (2) Use of water under this permit is subject to control by the watermaster of State Water District #01 Snake River. (3) The issuance of this permit in no way grants any right-of-way or easement across the land of another.

Witness my hand this 28th day of August, 1979

D. Glen Sayton
Chief, Operations Bureau

AFFIDAVIT OF
PUBLICATION

State of Idaho }
County of Fremont } ss.

Raymond F. Nash.....

being first duly sworn, upon his
oath, deposes and says:

That he is the Editor.....
of The Chronicle-News, a news-
paper as defined by Idaho
Codes Annotated, section 58-106,
as amended, and that said
newspaper is a weekly news-
paper printed and published at
St. Anthony, in Fremont County,
Idaho, having a general circula-
tion in said county, and that
said newspaper has been print-
ed and published as a weekly
newspaper in said county for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertise-

ment or publication of

Notice of Application.....

For Water Right.....

And affiant further says that
said notice, advertisement or
publication, as per clipping
attached, was published in said
newspaper, in the regular and
entire issue thereof, and not in
any supplement issue thereof,

for 2 consecutive is-
sues thereof; first publication

having been made on the 21..

day of June....., 1979.,

and the last publication on the

28 day of June.....

1979..

And affiant further says that at
the times herein mentioned said
newspaper was made up of at
least four pages of at least five
columns each, printed from
type matter, of at least seven-
teen and three-fourths inches
deep.

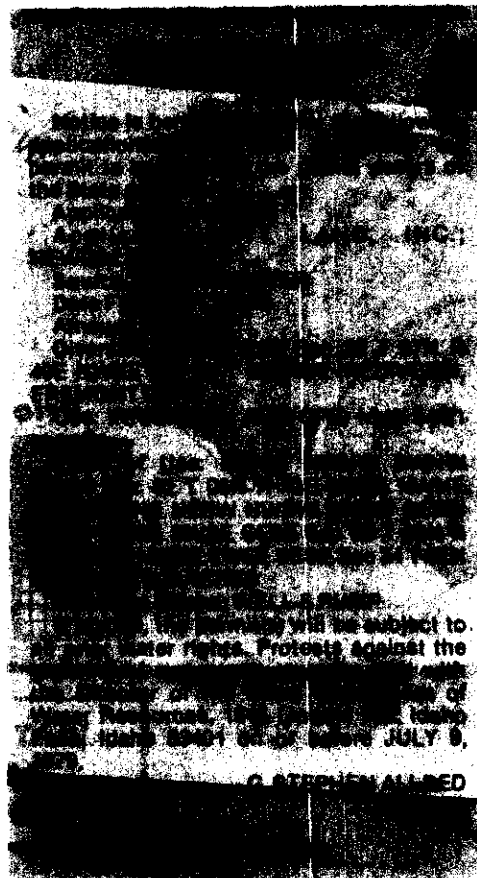
Raymond F. Nash
Subscribed in my presence and

sworn to before me this 29.....

day of June.....,

1979.

Notary Public for the
State of Idaho, resi-
(SEAL) dence and post office
address: St. Anthony,
Idaho.



RECEIVED

JUL 18 1979

Department of Water Resources
Eastern District Office

MICROFILMED

MEMORANDUM

TO: FILE 22-7295
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
OCT 17 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

RECORDED
OCT 21 1997



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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 19, 1995

RE: Teton Pipeline Assn. Inc. Water Rights

Roger Hoopes
PO Box 70
Rexburg, ID 83440-0070

Dear Roger:

I've had a chance to collect the information we talked about in our meeting last week. I guess the best place to start is with the easiest of explanations.

I've enclosed copies of the original permits and the aerial photos submitted by the field examiner for those permits which are ready to be licensed without amendments. I've also enclosed profile reports which show the parameters of the proposed licenses. In most cases, there is a reduction in acres as we discussed. Keep in mind that the proposed license for Permit 22-07120 may be amended to reflect the acres irrigated up to the highway - I will discuss that later in my letter.

I've enclosed the amendment for Permit 22-07295, which was overlooked previously. This amendment along with those for Permit Nos. 22-07116/07121/071257/07209/07375 need to be signed and returned to me at your earliest convenience.

The amendment for Permit No. 22-07208 falls into the same category as the proposed license for 22-07120 mentioned above. It appears that there is an elevation change from the rest of the lands shown by the examiner as irrigated. I ask that you provide a written statement as to how these additional acres are irrigated. Your statement can be used to document the files as to why additional acres are proposed for licensing from what the examiner recommended. I would estimate the additional acres to be about 19.

Next, you disagreed with the amendment for Permit No. 22-07180; specifically, the amendment shows irrigation of only the SENE and NESE of Section 16 and you stated that most of the entire section is irrigated under this right. I have examined a Landsat photo from July of 1988 and could verify irrigation in the W $\frac{1}{2}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SENE and N $\frac{1}{2}$ SE $\frac{1}{4}$. It is possible for us to include acres in these $\frac{1}{4}$'s based upon the Landsat evidence, however, you should be aware

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OCT 21 1997

Roger Hoopes
January 19, 1995
Page 2

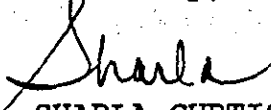
that the previous amendment included 478 acres and the permit originally allowed 640. Therefore, only a maximum of 168 acres can be added. I will wait to hear from you as to your agreement before I prepare another "amended" amendment.

We also talked about the rights originally in the name of J. Clint Hoopes. You stated that the reduction of acres on those rights was caused by the transferring of water to other acres which was never documented. I have discussed this matter with Jim also and I'm glad to say that the door isn't totally closed in this matter. If you can provide evidence that other lands were irrigated under these rights prior to the time proof of beneficial use was submitted, consideration will be given to allowing the addition of those acres. In addition to this evidence, you need to provide documentation as to why the place of use was moved, where the new acres are located and how many acres, as well as provide a system diagram to show how this "amended" place of use relates to these permits. I believe the permit numbers in question are 22-07208, 22-07121 and possibly 22-07375.

Finally, in regards to the new point of diversion we talked about being used for irrigation of lands within your system, the time to reflect the addition of this point of diversion is on the currently pending transfer you have before the department. After this batch of permits are licensed, you will no doubt want to take another complete look at the transfer and make whatever adjustments are necessary with the new licenses in mind and this would be the best opportunity to pick up the other point of diversion.

Well, I think that about wraps it up. We are making progress, really!! After you've had a chance to review all of this, give me a call or drop me a line if I can be of further assistance.

Sincerely,



SHARLA CURTIS
Water Right Permits Section

Enclosures

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OCT 21 1997



ATTORNEY
AT LAW

RECEIVED
DEC 05 1994
Department of Water Resources

R.J. HOOPES LAW OFFICE CHARTERED _____

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

R.J. HOOPES, ESQ.

356-6724

December 1, 1994

Sharla Curtis
State of Idaho
Department of Water Resources
1301 North Orchard Street
State House Mail
Boise, Idaho 83720-9000

Re: TETON PIPELINE ASSOCIATION, Inc. Water Rights

Dear Ms. Curtis:

The purpose of this letter is to confirm our telephone conversation earlier this morning. From that telephone conversation I understand that:

1. Your office will extend the deadline until December 15, 1994 to return the Amendments which you sent by cover letter dated November 17, 1994; and
2. That you will be sending me copies of the field examiner's reports for all the Water Rights referred to in your November 17, 1994 letter.

If my understanding is incorrect in any respect, please let me know.

There are a couple of other matters that I would like clarified. Your letter of November 17, 1994 makes reference to twenty one (21) different permits. Our records show that two (2) of these Water Rights (22-07100 & 22-07122) are licenses. Should these even have been made reference to in your letter? You sent us fourteen (14) amendments and one (1) abandonment. If my arithmetic is correct (21 minus 2 minus 14 minus 1) there are four permits that are not dealt with. May we assume that these will go to license without any changes, modifications, or amendments? Please let me know.

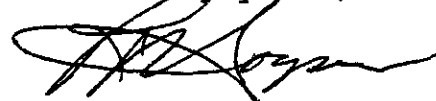
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OCT 21 1997

Sharla Curtis
IDAHO DEPARTMENT OF WATER RESOURCES
December 1, 1994
Page Two

We at TETON PIPELINE ASSOCIATION appreciate you help and assistance on this matter. Thank you very much.

Sincerely yours;



R. J. Hoopes, Esq.

pc: File
All TPA shareholders
87-001

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OCT 21 1997



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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OCT 21 1997

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

MICROFILMED
OCT 21 1997

MEMORANDUM

TO: File
FROM: Sharla
DATE: November 16, 1994
RE: Assignment Fees

The assignments of numerous "Teton Pipeline" rights were received after July 1, 1994 when fees became required for assignments. These assignments, however, had been solicited by the department prior to July and it was decided that no fees would be charged for the assignments to Teton Pipeline Assoc., Inc.

Correspondence concerning these assignment forms can be found in Right 22-07122.

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OCT 21 1997



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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 1995

Roger Hoopes
Box 70
Rexburg, ID 83440

Dear Mr. Hoopes:

Well, are you ready for the next round? Some time has passed since we last discussed the rights we are trying to license in the name of Teton Pipeline Assn. Inc.

You will recall that one of the last things we had discussed was the reduction under several of the permits of some acres originally owned by J. Clint Hoopes. The reduction was caused by the transferring of water to other acres but this had never been documented with the department. When you, Jack and I had spoke, you both indicated that you would sign off on the reduced amendments if the two applications for permit which had been filed to cover these lands would be approved. Believe it or not, enclosed are the approved permits.

With this new development, I would like to arrange a meeting with you to finalize the licensing process for the remaining permits. Amendment fees still need to be paid, several of the amendments need to be signed, etc. We could hopefully wrap this up so that the licenses can be forwarded for signature. Please give me a call (208)327-7945 at your earliest convenience so we can schedule such a meeting. I look forward to hearing from you.

Sincerely,

SHARLA CURTIS

Water Right Permits Section

Enclosures

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OCT 21 1997

WR5809NP
No. L22-07295

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/02/94
PAGE: 30

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	BOTT LAND INC NEWDALE ID 83436	06/12/1979	IRRIGATION	04-15 10-15	3.36 CFS	
TOTAL DIVERSION:					3.36 CFS	

Water Source: GROUNDWATER

Tributary to:

Stage: LICENSE

Point(s) of Diversion Capacity: 10.07 CFS

Point(s) of Diversion: T07N R40E S25 SESE
Point(s) of Re-diversion: T06N R44E S03 NWSE

FREMONT County
TETON County

Place of use Legal Description for: IRRIGATION

NE												NW				SW				SE						
T	R	S	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	SUM	
06N	43E	2			02-13			05					03-28	04-33			38		32						166.0	
06N	43E	3	01-33		02-32			29			37		03-32	04-25			16		25			33	18	40	40	476.0
07N	43E	34															39		40			39			158.0	
TOTAL ACRES																							800.0			

Pou County: TETON

Other Rights: PERMITS 22-7211 & 22-7148

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

~~22-07208 22-07209 22-07211 22-07221 22-07295 22-07304 22-07740 22-07200 22-07209 22-07244~~
~~22-07216 22-07221 22-07223 22-07360 22-07375~~

Rediv. Pt. matches

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

22-07148 22-07211 22-07295 22-07667 L22-07108Z L22-07148 L22-07211

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 01.
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.
Totalizing measuring devices shall be maintained at the exchange well and rediversion 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 license, and the injection must continue after the diversion from the Teton River ceases until the water not diverted reaches the point of injection.

to amend

Remarks: 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 combined annual volume of water under this right and Right No. 22-07211 shall not exceed 2800.0 acre feet.
Water is redirected from the Clementsville (North 1) Project of the Teton Pipeline irrigation system.

Dates: App. Received: 06/12/1979 Priority Date: 06/12/1979
Proof Due Date: 08/01/1984 Proof Made Date: 07/05/1984
Exam Made Date: 08/01/1984 Exam Sent to S.O.: 11/01/1986
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee:

Audit: 04/28/94 CURTIS 04/28/94 CURTIS 04/28/94 CURTIS

(WATER RIGHT NUMBERS THAT BEGIN WITH AN '*' ARE ADJUDICATION CLAIMS)

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L2207295	T06N R43E S 2 GROUNDWATER																	
	:	02-13		03				03-28	04-33	38		32		18		01		166
L2207108Z	HENRYS FOR :	02-13		03				03-28	04-33	38		32		18		01		166
A2207148	TETON RIVE :	02-13		03				03-28	04-33	38		32		18		01		166
L2207148	TETON RIVE :	02-13		03				03-28	04-33	38		32		18		01		166
A2207211	GROUNDWATE :	02-13		03				03-28	04-33	38		32		18		01		166
L2207211	GROUNDWATE :	02-13		03				03-28	04-33	38		32		18		01		166
L2207295	T06N R43E S 3 GROUNDWATER																	
	:	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
L2207108Z	HENRYS FOR :	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
A2207148	TETON RIVE :	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
L2207148	TETON RIVE :	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
A2207211	GROUNDWATE :	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
L2207211	GROUNDWATE :	01-33	02-32	29		37		03-32	04-25	16		25		33		18	40	476
A2207295	GROUNDWATE :							04-06	19	08		05		18				56
A2207667	TETON RIVE :							04-06	19	08		05		18				56
A2210870	GROUNDWATE :									01								1
L2207295	T07N R43E S34 GROUNDWATER																	
	:													39		40	40	158
L2207108Z	HENRYS FOR :	33		33		33		33	40	40		33		39		40	40	572
A2207148	TETON RIVE :													39		40	40	158
L2207148	TETON RIVE :													39		40	40	158
A2207211	GROUNDWATE :													39		40	40	158
L2207211	GROUNDWATE :													39		40	40	158

overlaps - 22-07148
22-07211
22-07221

15

4

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OCT 21 1997



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

April 30, 1990

R.J. Hoopes
Hoopes & Thomson
P.O. Box 70
Rexburg, ID 83440

Re: Permit No. 22-7295

Dear Mr. Hoopes:

I have received your letter dated April 24, 1990 concerning the above permit. Your correspondence mentions that confusion has developed due to the fact that there are several water rights with the same point of diversion legal descriptions. The Department is presently reviewing all of the groundwater and surface water permits associated with the north, central and south Teton River pumping plants. This review is being made for the purpose of licensing those permits. The review includes the injection well permits and extends to those permits identified in your letter. The Department is familiar with the two adjacent wells in the NENE quarter-quarter section of section 11, T6N R40E. After carefully reviewing information collected by the Department's field examiners, we have found there has been no development of water under permit no.22-7295.

I wish to present to you several facts concerning the relationship between the two wells in the NENE of section 11, and a third well in the SESE of Section 25, T7N R40E. Permit no.s 22-7208 and 22-7209 each have two points of diversions. Those two permits were originally approved for diversion of groundwater from a well in the NENE of section 11, which we call well A. Both permits were later amended to add an additional well located in the SESE of section 25, T7N R40E, which we call well B. Well B is also the point of diversion given for permit no.s 22-7211 and 22-7295. A fifth permit, no. 22-~~7295~~, under the name of Echo Ranch and Clint Hoopes, has a point of diversion in the NENE of section 11. There is evidence in the Department files that the well under this permit was drilled in 1982, and is thus a different well than that with the same legal description for permits 22-7208 and 22-7209. This second well under 22-7375 drilled in 1982 is identified by the Department as well AA. —

On July 12, 1979, a representative of the Department conducted a field examination for permits 22-7208 and 22-7209. Mr. Earl Hoopes accompanied the field examiner on that date. The field examiner confirmed in his report that well A and well B are both used to divert water under permits 22-7208 and 22-7209.

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A field examination was conducted for permit 22-7375 in August of 1983. Mr. Hoopes again accompanied the examiner during this examination. The examiner reported that well AA, the well drilled under 22-~~7235~~⁷³⁷⁵, is not associated with 22-7208 and 22-7209.

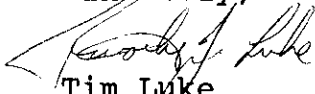
There is a 2nd well in sec 25.

In summation, examinations were made for four permits which divert water from well B, including permits 22-7208, 22-7209, 22-7211 and 22-7295. Based on the Department's examinations, there is insufficient capacity from well B to license permit 22-7295. Your claim that the other well in section 11 is associated with permit 22-7208 is contrary to the findings of the Department.

We believe that you may understand our position on this matter if you first have an opportunity to review all of the draft licenses associated with the Teton River pumping plants. We hope to issue these draft licenses in the very near future. The Department therefore will delay any further action to void permit 22-7295 until you and/or your clients have an opportunity to review the other permits which are proposed for licensing.

Please feel free to contact me directly at 327-7864 if you have questions concerning this matter.

Sincerely,



Tim Luke

Sr. Water Resource Agent

MICROFILMED

OCT 21 1987

HOOPES & THOMSON, CHARTERED

PROFESSIONAL LEGAL CORPORATION

130 EAST MAIN

P.O. BOX 70

REXBURG, IDAHO 83440-0070

(208) 356-9000 • FAX (208) 356-9336

**ATTORNEYS
AT LAW**



R.J. HOOPES
DALE P. THOMSON
RICHARD F. SMITH
JOANN B. STRINGHAM

April 24, 1990

STATE OF IDAHO DEPARTMENT OF WATER RESOURCES
Attention: Mr. Tim Luke
Sr. Water Resource Agent
1301 North Orchard Street
Statehouse Mail
Boise, ID 83720

RECEIVED
APR 26 1990

Department of Water Resources

RE: PERMIT TO APPROPRIATE WATER NO. 22-7295

Dear Mr. Luke:

DeMare Bott, President of Bott Land, Inc., brought to this office your letter of March 30, 1990, concerning the above referenced matter. Mr. Bott and I were in Ron Carlson's office yesterday afternoon when he called and discussed the matter with you. I believe we found the problem. I also believe that Permit Number 22-7295 should not be relinquished. The water has in the past, and presently is, being put to beneficial use. I think confusion arises in that there is more than one Water Right which has the same legal description for the point of diversion. There are two exchange wells on that same parcel of property. These wells are located approximately 30' from each other. Bott Land, Inc. is the holder of Permit Numbers 22-7295 and 22-7211. Both of these Water Rights are from the same well. The other well, on the same property, is associated with Permit Number 22-7208.

I hope this clears the matter up. If you have any further question, please feel free to contact me.

Thank you very much.

Sincerely,

R. J. Hoopes, Esq.

RJH/kh
pc: Mr. DeMarr Bott

0690e

MICROFILMED

APR 21 1991



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

March 30, 1990

Bott Land, Inc.
HC 60 Box 1143
Newdale, ID 83436

RE: Permit to Appropriate Water No. 22-7295

Dear Permit Holders:

NOTICE OF PENDING ORDER VOIDING PERMIT

On October 24, 1978, the Department of Water Resources approved application to appropriate groundwater, numbered 22-7295, for irrigation purposes located in Sections 2 and 3, T6N, R43E, B.M., Fremont County.

Based on a field inspection conducted by a representative of our Department it has come to our attention that the system developed is already covered by Right No. 22-7211.

The purpose of this letter is to request that you relinquish your permit or explain why the Department should not void the permit. Enclosed is a relinquishment form that should be signed and returned to this office, unless you have some explanation that would prevent the Department from voiding your permit.

If you fail to respond to this notice within thirty (30) days of the date of mailing of this letter, the Department will act to void your permit. The permit will be voided on the grounds that no additional beneficial use was developed under this permit.

If you have any questions in regard to this matter, please feel free to contact our office.

Respectfully,

TIM LUKE

Sr. Water Resources Agent

I hereby certify that on this 2nd day of April, 1990, I sent the original copy of this letter, postage prepaid, to the person and address listed above.

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OCT 21 1997

INTER-DEPARTMENT MEMO — 1

FROM KEITH C. WILSON

DATE 24 NOVEMBER 1986

TO FILE 227295

SUBJECT RELINQUISHMENT OF PERMIT

MR. BOTT CONTACTED ME TODAY AND DOES NOT WANT TO RELINQUISH THE PERMIT BECAUSE THE PUMP & WELL PRODUCE 10.07 cfs. THIS WELL UNDER ~~LICENSE~~ 22-7211 IS FOR 5.74cfs LEAVING 4.33 cfs. HE WANTS THE WELL LICENSED TO CAPACITY SO THAT ANYONE IN THE TETON PIPELINE COULD USE THE WELL DURING SHORT WATER YEARS. THE INDIVIDUALS IN THE TETON PIPELINE, HOWEVER, WANT THE RIGHTS PREPORTIONED ACCORDING TO THE PERCENT OF INVESTMENT IN THE DIVERSION FROM THE TETON RIVER.

Keith C Wilson
SIGNATURE

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

DEC 1 1988

22-7295

Permit No.

Department of Water Resources

1. **Measurement Calculations**

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

$$0.01 \text{ af in } 43.25 \text{ sec} = \left[(0.01 \text{ af}) \left(\frac{43560 \text{ ft}^2}{\text{ac}} \right) \right] \div 43.25 \text{ sec} = 10.07 \text{ cfs}$$

$$\text{Permit } Q = 3.36 \text{ cfs}$$

$$\text{Rediv. from Teton River Limited to } 5.74 \text{ cfs (ie 20\% of } 28.7 \text{ cfs)}$$

$\therefore Q$ LIMITED TO 3.36 cfs by Permit

- b) Volume Calculations for Irrigation:

$$V_{I.R.} = (\text{Acres Irrigated}) \times (\text{Irrigation Requirement}) = 800 \times 3.0 = 2400 \text{ ac ft}$$

$$V_{D.R.} = [\text{Diversion Rate (cfs)}] \times (\text{Days in Irrigation Season}) \times 1.9835 = 3.36 \text{ cfs} \times 1.9835 \times 183 \text{ d} = 1219.6 \text{ af}$$

$$V = \text{Smaller of } V_{I.R.} \text{ and } V_{D.R.} = 1219.6 \text{ af}$$

- c) Volume Calculations for Other Uses:

2. **Overlap Review**

- a) Other water rights with same place of use: 22-7148 / 22-7211

- b) Other water rights with same point of diversion: 22-7211 ^{Rediv from Teton River} 22-0145A/0221B/0245B/
7108/7111/7119/7121/7122/7148/7157/7186/7504/7505/7208/7216/7223/7260/7375

- c) Analysis: R01, R04

Rediversion thru North Project #1 Q LIMITED TO 20% of Total Q

$\therefore Q = (0.20)(28.7 \text{ cfs}) = 5.74 \text{ cfs}$ which would mean that in combination water rights 22-7148, 22-7211 & 22-7295 (this right) cannot exceed $Q = 5.74 \text{ cfs}$

R29

R17(22-7211)(22-7148)(5.74 cfs) (2083.5 af)

MICROFILMED

OCT 21 1997

RECOMMEND CANCELLATION SAME AS 22-7211

RECOMMENDED AMOUNTS

- | Permit No. | Priority | Amount | App. Date | Date Proof Submitted | System Capacity |
|------------|----------|--------|-----------|----------------------|-----------------|
| 22-7295 | | | | | |

4. Permit Holder: _____

Address: _____

5. Source: Groundwater tributary to _____

6. Beneficial Use	Period of Use From To	Rate of Diversion Q (cfs)	Annual Volume V (afa)

RECOMMEND CANCELLATION SAME AS 22-7211

Allowable Maximums: _____

7. Point(s) of Diversion:

[illegible]

8. Place(s) of Use

[illegible]

9. Recommended Conditions/Remarks: REDIVERSION FROM TETON RIVER IS THRU THE
CLEMENTSVILLE-TETON PIPELINE NORTH PROJECT #1

RECOMMEND CANCELLATION SAME AS 22-7211

10. 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

Recommend Cancellation
Same as 22-7211

11. Examiner's Signature *Seth C. Wilson*

Date 24 Oct 1986

Checked in Regional Office by _____

Date 2/1/20

Approved in State Office by James H. McLaughlin MICROFILMED

Date 11/10/01

OCT 21 1997

9.

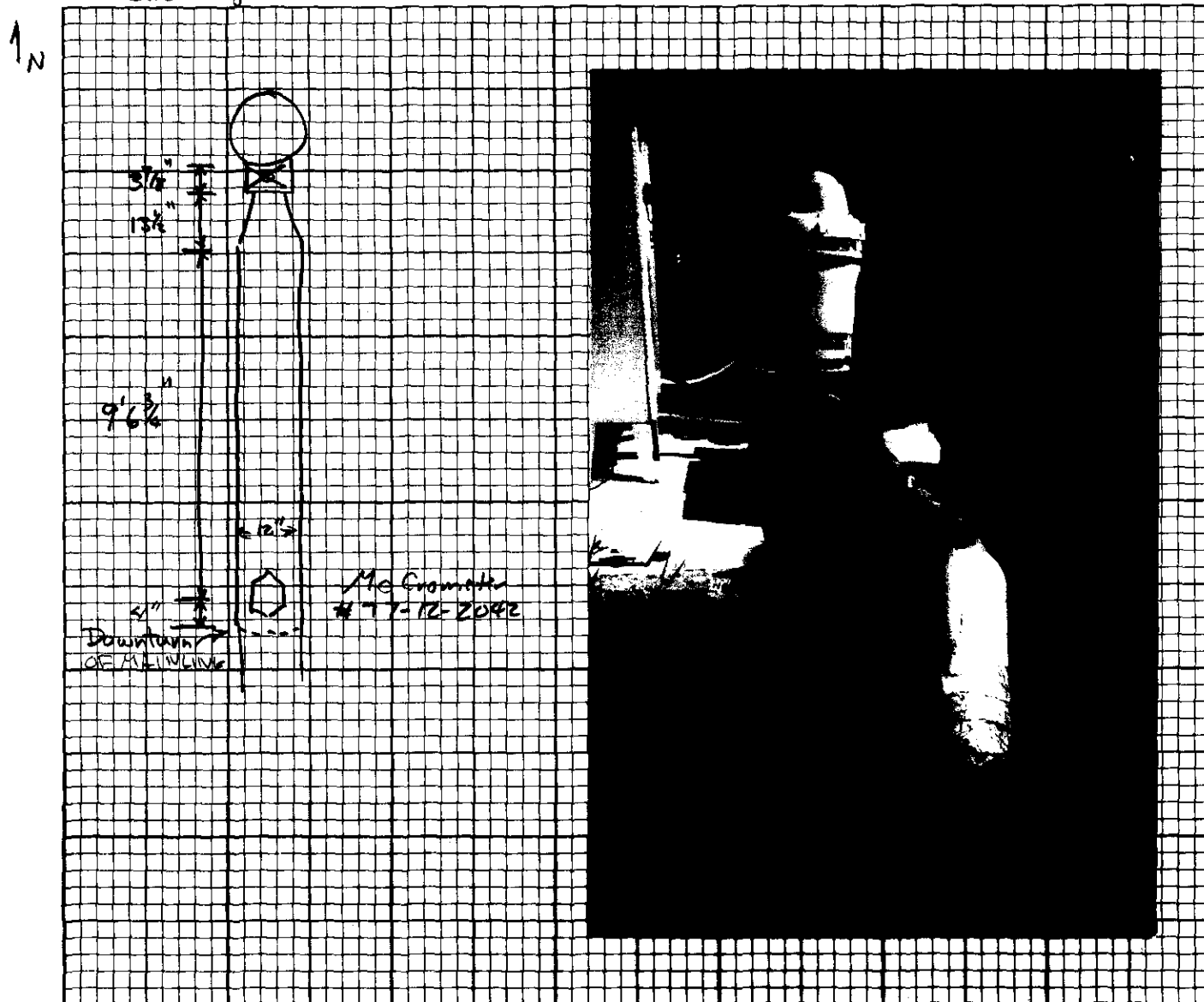
Place(s) of Use:

Irrigation - give acres served by system at time of exam.
Indicate Method of Determination ASCS Aerial

Twp.	Rge.	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	43E	2		13	3		28	33	38	32		18	1					166	
				L2			L3	L4											
		3	33	32	29	37	32	25	16	25	33	18	40	40	33	40	38	15	476
			L1	L2			L3	L4											
7N	43E	34										39	40	40	39				158
Total Acres <u>800</u>																			

10. Other water rights on these lands 22-7148/22-7211
11. Other water right diverted from same p.d. 22-7211
12. **Diversion and Delivery System Diagram:** Indicate all major components and distances between components. Indicate ditch size/pipe i.d. as applicable. Indicate on systems with measurement port the distance between the port and the nearest component/pipe bend/restriction both upstream and downstream, and the inside pipe diameter at the measurement port. On multiple diversion systems indicate how diversion systems are connected.

Exchange Well



SEE ATTACHED COPY OF REDIVERSION DIAGRAM

13. ☒ Photo of Diversion & System Attached ☒ Aerial Photo of Place of Use Attached or Map of Irrigated Acreage Attached
14. Remarks REDIV FROM TETON PIPELINE NORTH PROJECT #1 is 20% of
total Q of 28.7 cfs $\therefore Q = 5.74$ cfs

15. 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

16. Examiner's/Consultant's Signature Keith C Wilson Date 3 Aug 1984

Consultant's License Number _____

IDWR Director's Authorization to Conduct

Beneficial Use Examination _____

Date

CONSULTANT SEAL

MICROFILM

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

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

AUGUST 30, 1984

BOTT LAND INC
HC 60 BOX 1143
NEWDALE

ID 83436

RE: Permit No. 22-7295

Dear Permit Holder:

We acknowledge receipt of your statement submitted as proof of beneficial use for the above referenced permit.

Before a license can be issued, a field examination must be made by a representative of this department.

A condition of approval of your original permit required the installation of a measuring device which, according to the proof card submitted by you, has not been installed. A measuring device must be installed and operating at the time the field examination is made. If a measuring device is not installed your permit may be subject to cancellation.

A field examiner will contact you to arrange to examine your system.

If you have any questions regarding the field examination, please contact this office by phone at 525-7161 or in person in the third floor State Office Building, 150 Shoup, Idaho Falls, Idaho.

Sincerely,
s/HAROLD W. JONES
Sr. Resource Agent

MICROFILMED

OCT 29 1987



State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 450 W. State Street, Boise, Idaho

JOHN V. EVANS
Governor

A. KENNETH DUNN
Director

Mailing address:
Statehouse
Boise, Idaho 83720
(208) 334-4440

June 18, 1985

Bott Land Inc.
HC 60 Box 1143
Newdale, ID 83436

Re: Water Right Identification No. 22-7295 and 22-7211

Dear Wateruser:

The proof of beneficial use (Form A) which you recently submitted to the department is being returned to you for the following reason:

- ☒ Proof of beneficial use has already been submitted for the water rights
- ☐ Proof of beneficial use is not applicable for existing licensed rights.
- ☐ Proof of beneficial use is not applicable for existing decreed rights.
- ☐ Proof of beneficial use is not applicable for a right represented by a claim to a water right.
- ☐ Other:

Sincerely,

RITA I. FLECK
Secretary/Records Manager

Enclosure

cc: Region

MICROFILMED

OCT 21 1987

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card as a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 22-7295

Name(s) of Permit Holder: BOTT LAND, INC.

Post Office Address: HC 60 Box 1143

Newdale, Id. 83436 Tel. No. 456-2341

Source of Water: _____

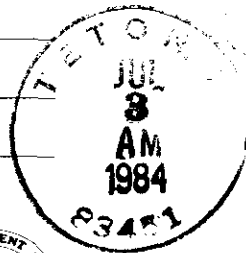
Extent of Use: ☐ Domestic _____ (number of households)
☐ Stockwater _____ (number and type of stock)
☒ Irrigation _____ (acres)
☐ Other _____

Measuring Device: Required? ☒ Yes ☐ No Installed? ☐ Yes ☐ No

Access Port: Required? ☐ Yes ☒ No Installed? ☐ Yes ☐ No

The above information is a true statement of the extent to which the above numbered permit has been developed.

6-30-84 Date De Mar Bott Signature of Permit Holder



RECEIVED
JUL 5 1984

IDAHO DEPARTMENT OF WATER RESOURCES
STATEHOUSE
BOISE, IDAHO 83720

RECEIVED

Department of Water Resources

S T A T E O F I D A H O
D E P A R T M E N T O F W A T E R R E S O U R C E S

STATEHOUSE
BOISE, IDAHO 83720
(208) 334-4440
CERTIFIED MAIL

138738

BOTT LAND, INC.
NEWDALE, ID 83436

P R O O F D U E N O T I C E

M A Y 31, 1984

DEAR PERMIT HOLDER:

ONE OF THE CONDITIONS OF APPROVAL OF YOUR WATER PERMIT NO. 22-7295 WAS THAT PROOF OF THE EXTENT OF YOUR BENEFICIAL USE MUST BE SUBMITTED TO THIS OFFICE ON OR BEFORE AUGUST 01, 1984. (SEE LAST PAGE OF YOUR APPROVED PERMIT OR YOUR LAST APPROVED EXTENSION REQUEST). ENCLOSED IS A POSTCARD WHICH MAY BE USED TO SUBMIT THE REQUIRED PROOF.

IF YOU HAVE NOT FULLY COMPLETED YOUR PROJECT, AND YOU OR A PREVIOUS OWNER OF THIS PERMIT HAVE NOT RECEIVED A PRIOR EXTENSION OF TIME, YOU MAY REQUEST AN EXTENSION OF TIME IF THE DELAY IS FOR REASONABLE CAUSE AS PROVIDED IN SECTION 42-204, IDAHO CODE. IF YOU HAVE BEEN PREVENTED FROM PROCEEDING BY A GOVERNMENTAL AGENCY OR BY LITIGATION, MORE THAN ONE EXTENSION OF TIME CAN BE GRANTED. AN EXTENSION OF TIME REQUEST FORM IS ENCLOSED FOR YOUR CONVENIENCE.

EITHER THE BENEFICIAL USE POSTCARD OR A REQUEST FOR AN EXTENSION OF TIME MUST BE RECEIVED BY THIS DEPARTMENT ON OR BEFORE THE ABOVE DESCRIBED PROOF DUE DATE. IF NEITHER IS RECEIVED, THE DEPARTMENT WILL SEND YOU A LAPSE NOTICE. WITHIN SIXTY (60) DAYS OF THE MAILING OF THE LAPSE NOTICE, THE PERMIT WILL NO LONGER BE OF ANY FORCE NOR EFFECT.

SINCERELY,

RITA FLECK
SECRETARY/RECORDS MANAGER

ENCLOSURES





State of Idaho

DEPARTMENT OF WATER RESOURCES

STATE OFFICE, 373 W. Franklin Street, Boise, Idaho

JOHN V. EVANS

Governor

C. STEPHEN ALLRED

Director

Mailing address:

Statehouse

Boise, Idaho 83720

(208) 384-2215

August 29, 1979

Bott ~~Land~~, Inc.
Newdale, Idaho 83436

Dear Sirs,

RE: Permit No. 22-7295

Enclosed is a copy of your approved Application for Permit. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note the special condition requiring you to install and maintain a measuring device at your point of diversion prior to submitting proof of beneficial use of water. We have enclosed a letter describing the different types of measuring devices accepted by this office.

Sincerely,

David R. Tuthill Jr.

DAVID R. TUTHILL, JR.
Supervisor, Water Allocations Section

DRT:lr

Enclosure

RECORDED

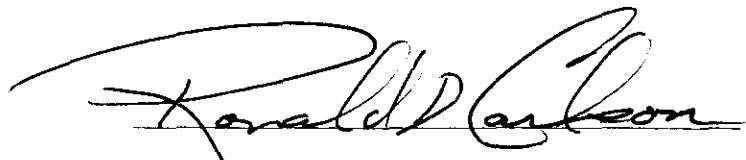
WATERMASTER COMMENTS

I have reviewed application for permit No. 22-7295 and have

- (1) no objections to the approval of this permit.
✓ (2) the following objections to the approval of this permit:

Exchange wells, besides being energy inefficient, are extremely difficult to administer. In most cases the deputy regulating the well ^{& diversion} are different. ~~for~~ As a minimum totalizing measuring devices should be required

6/27/79
DATE


RONALD D. CARLSON - WATERMASTER

WATER DISTRICT # 01

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
Eastern Region

1515 Lincoln Road
Idaho Falls, ID 83401
(208) 523-7186

JUNE 15, 1979

Fremont County Chronicle News
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published on the dates indicated (once a week for two consecutive weekly issues) in your newspaper. We have allowed ample time for you to submit a galley proof to this office for review before the first publication date. If you cannot publish the notice on the proposed dates, please contact us immediately.

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

Please send the affidavit of publication and publication billing to this office before JULY 9, 1979.

Yours truly,

RONALD D. CARLSON
Supervisor

Encl.

MICROFILMED

**NOTICE OF APPLICATION
FOR WATER RIGHT**

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

Applicant No.: 22-7295

Applicant: BOTT LAND, INC.;
NEWDALE, ID 83436

Source: GROUNDWATER

Date Filed: 06/12/1979

Amount: 3.36 CFS

Diversion Point: SESE Sec 25 T 07N R
40E NWSE Sec 03 T 06N 44E (REDIVERSI,
FREMONT Co.

Use: IRRIGATION (3.36 CFS) from 04/01
to 11/01

Place of Use: NENW NWNW SWNW
SENW Sec 02 T 06N R 43E NENE NWNE
SWNE SENE NESW NWSW SWSW SESW
NESE NWSE SWSE SESE Sec 03 T 06N R
43E NESE NWSE SWSE SESE Sec 34 T 07N
R 43E FOR 800 ACRES

Diversion Means: WELL & PUMP

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before JULY 9, 1979.

97-1 C. STEPHEN ALLRED
Director

Publ. June 21 and 28, 1979CN

BOTT LAND, INC.

NEWDALE, ID 83436

Source: GROUNDWATER

Date Filed: 06/12/1979

Amount: 3.36 CFS

Diversion Point: SESE Sec 25 T 07N R 40E NWSE Sec 03 T 06N R 44E (REDIVERSI,
FREMONT Co.

Use: IRRIGATION (3.36 CFS) from 04/01 to 11/01

Place of Use: NENW NWNW SWNW SENW Sec 02 T 06N R 43E NENE NWNE SWNE SENE NESW
NWSW SWSW SESW NESE NWSE SWSE SESE Sec 03 T 06N R 43E NESE NWSE
SWSE SESE Sec 34 T 07N R 43E FOR 800 ACRES

Diversion Means: WELL & PUMP

RECEIVED

NOTICE OF APPLICATION FOR WATER RIGHT

Notice is hereby given that the following application(s) have been submitted for permit to appropriate the public waters of the State of Idaho:

If issued, the permit(s) will be subject to all prior water rights. Protests against the granting of any permit must be filed with the Director of the Idaho Department of Water Resources, 1515 Lincoln Rd., Idaho Falls, Idaho 83401 on or before JULY 9, 1979.

C. STEPHEN ALLRED

Director

Published 6/21 & 6/28/79.

MICROFILMED

State of Idaho
Department of Water Resources

APPLICATION FOR PERMIT ANALYSIS SHEET

*Bott Land,
Ind.*

INITIAL REVIEW BY: ARK

APPLICATION NUMBER: _____

CHECK:

- ☒ Source.
☒ Point of diversion.
☒ County.
☒ 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: _____

No diversion or rediversion numbers on OI Quail map.

SEND COPIES TO:

- ☐ Idaho State Health Department. Copies sent by: _____ Date: _____
☐ Idaho Fish and Game Department. _____
☐ Idaho Department of Lands. _____
☐ U.S. Bureau of Land Management. _____
☐ U.S. Forest Service. _____
☐ Other Watermaster 01 _____

PROCESSING:

- ☐ Yes ☐ No Platted by: ARK Map No. Topo w/ 48 wgs
☒ Yes ☐ No Other rights on same place of use. 22-7211 22-7148 No conflict w/ overlap.
☒ Yes ☐ No* In form for advertising.
Final date for protests: July 9 1979
☐ Yes ☒ No Protests received. If yes, record information on 4th page of application.

FINAL REGIONAL PROCESSING REVIEW:

- ☒ Affidavit of publication received. Date: 7-18-79
☒ 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? 01
6/12/79. Date of priority recommended.
Special conditions of approval or cover letter. A totalizing measuring device of a
typed approved by this Dept. shall be permanently installed
and maintained at both the point of diversion & the point of
(as part of the diverting works) exchange on the Teton River.

By: Ernest Carlson

Date: 8/3/79.

STATE OFFICE REVIEW:

use above conclusion
05 (OI-Snake River)
04

- ☐ See attached sheet for more information.

By: Jim

Date: 8/22/79

RECEIVED
MICROFILMED
AUG 9 1979

Department of Water Resources