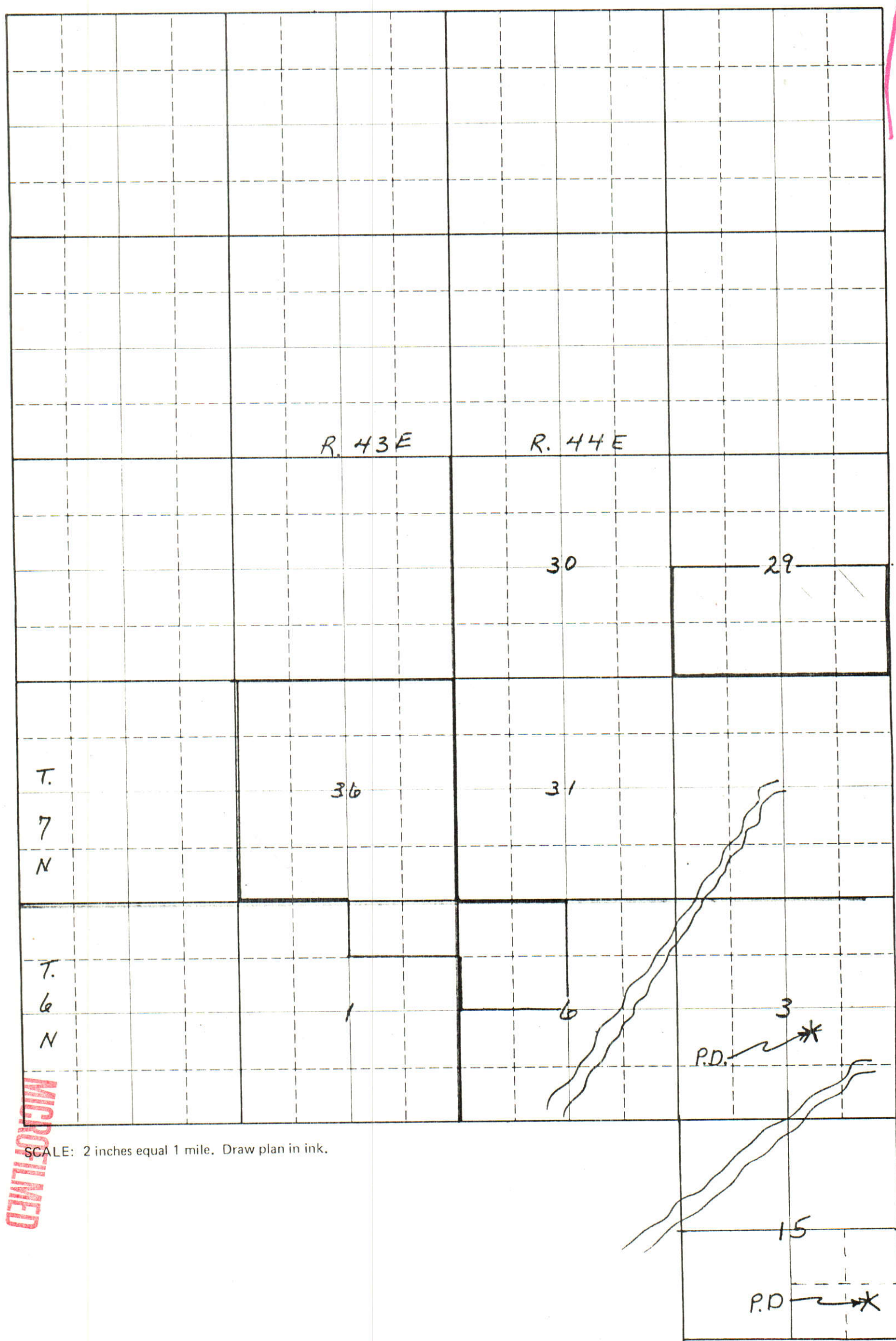
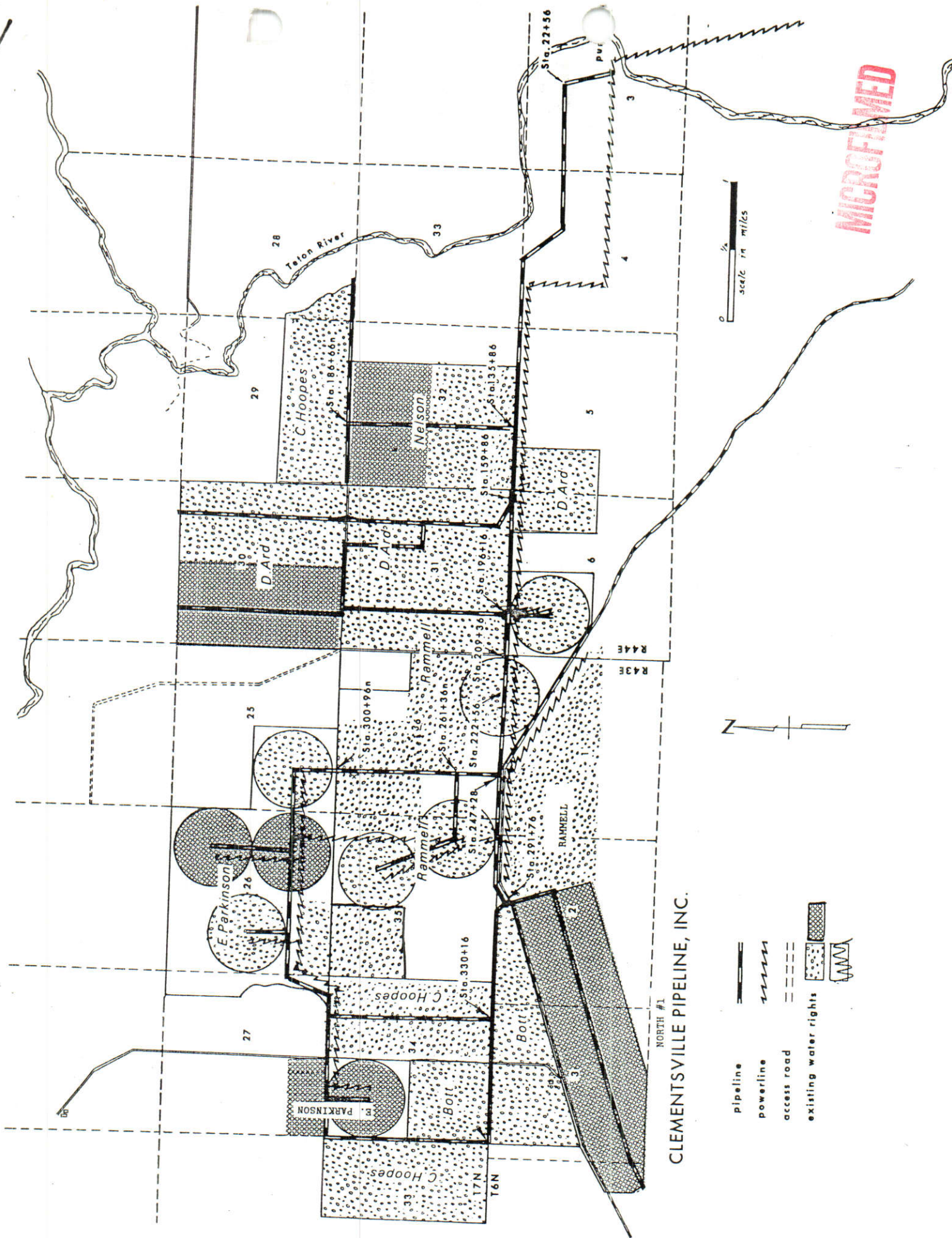
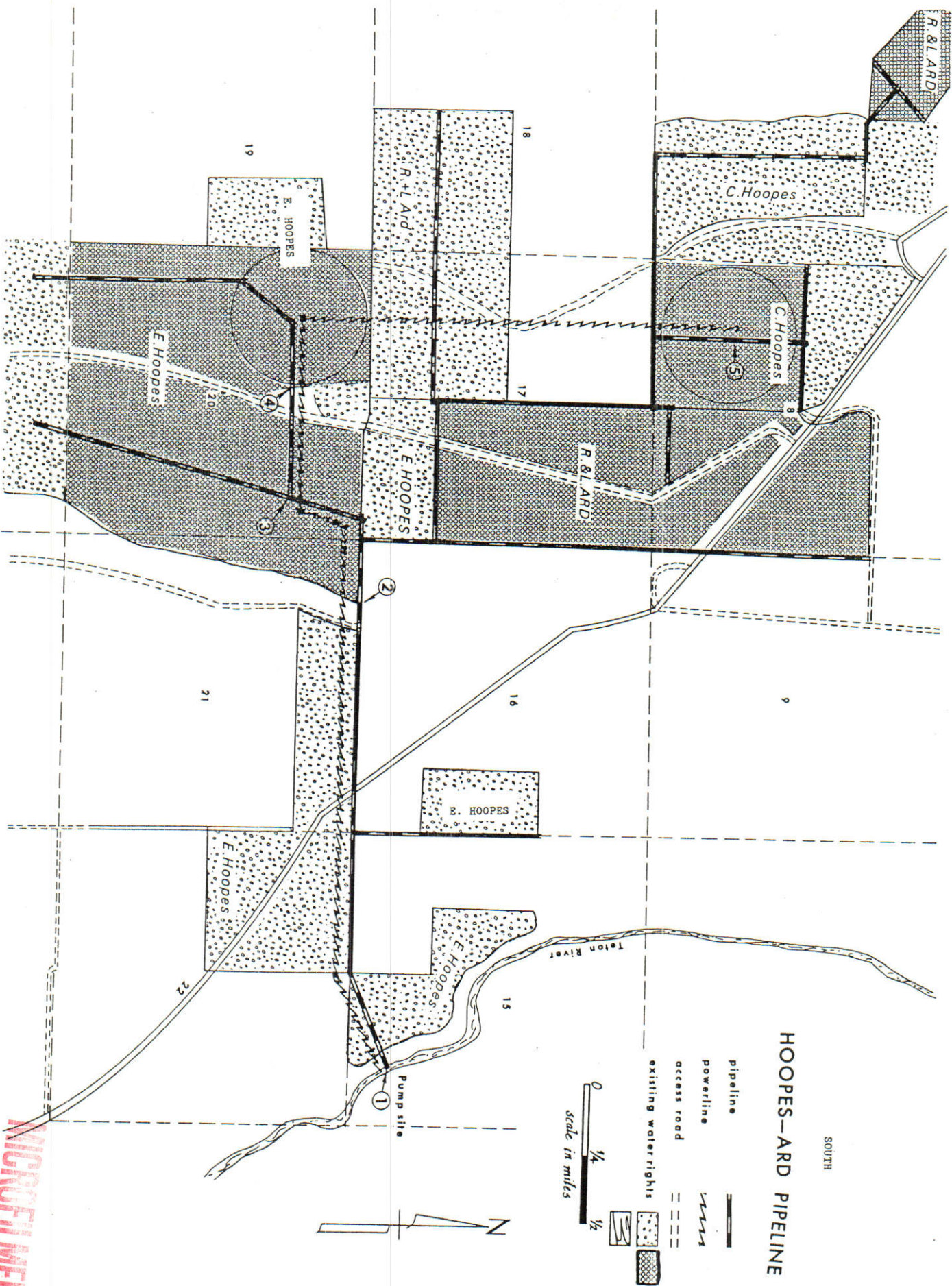


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.





CLEMENTSVILLE PIPELINE, INC.



HOOPES-ARD PIPELINE

SOUTH

- pipeline
- powerline
- access road
- existing water rights

0 1/4 1/2
scale in miles



UNRECORDED

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
 County of Teton)

I, Louise L. Norton
 being first duly sworn depose and say
 that I am the publisher
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes An-
 notated, Section 58-106, as amended,
 and that said newspaper is a weekly
 newspaper printed and published in
 Driggs, in Teton County, Idaho, hav-
 ing a general circulation in said coun-
 ty, 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

Proposed Water Change
22-0548 / 22-0549

And affiant further says that said
 attached 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 issues
 thereof; first publication having been
 made on the 28 day of April
1977 i.e. May 5, 1977

And affiant further says that at the
 times herein mentioned said news-
 paper was made up of at least six
 pages of at least eight columns each,
 printed from type matter, of at least
 twenty inches deep.

Louise L. Norton

Subscribed in my presence and
 sworn to before me this 6th day
 of May, 1977.

(SEAL) Notary Public for the State
 of Idaho, residence and
 postoffice address, Driggs,
 Idaho.

My Commission expires
7-2, 1979

RECEIVED
 MAY 9 1977

Department of Water Resources
 Eastern District Office

**NOTICE OF PROPOSED
 CHANGE OF WATER RIGHT**
 NO. 22-0548/22-0549

Notice is hereby given that
 Kyle Carter, Sugar City, Ida-
 ho, has applied to the Depart-
 ment of Water Resources for
 a change in the point of di-
 version and place of use of
 the waters of Teton River
 tributary to Snake River. The

rights sought to be changed
 are evidenced by decree to
 Teton Irrigating & Manufac-
 turing Co. in case of Rexburg
 Irrigation Co. -vs- Teton Irri-
 gation Canal Co. dated 12-16-
 1910 in Sixth Judicial Dist.,
 County of Fremont and is re-
 corded as follows:

No. 22-0548; AMOUNT: 44.04
 cfs; PRIORITY: 6-01-1884.

No. 22-0549; AMOUNT: 10.0
 cfs; PRIORITY: 10-02-1889.

POINT OF DIVERSION:
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 7N, R.
 41E, B.M., Fremont County.

The water is used to irri-
 gate the lands of the stock-
 holders in the Teton Irrigating
 & Manufacturing Co.

**TO BE CHANGED
 AS FOLLOWS**

Only 4.03 cfs of water will
 be diverted within the NW $\frac{1}{4}$
 SE $\frac{1}{4}$, Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec.
 15, T. 6N, R. 44E, B.M., Teton
 County and used to irrigate
 1,190 acres within Sec. 36, T.
 7N, R. 43E; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1,
 T. 6N, R. 43E; NW $\frac{1}{4}$, Sec. 6,
 T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T.
 7N, R. 44E, B.M. No more
 than 500 acres will be irrigat-
 ed from this right in any one
 given year.

Any protests against ap-
 proval of the above proposed
 change of water right must
 be filed with the Idaho De-
 partment of Water Resources,
 1515 Lincoln Road, Idaho
 Falls, Idaho, 83401, on or be-
 fore May 16, 1977.

C. STEPHEN ALLRED
 Director

Published in the Teton Valley
 News, Driggs, Idaho on April
 28 and May 5, 1977.

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

ss.

Dorothy Hunsaker

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

That he is the Owner
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 Proposed

Change of 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 28

day of April, 1977,

and the last publication on the

5 day of May

19 77.

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.

Subscribed in my presence and

sworn to before me this 6th

day of August,

19 77.

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

AUG 10 1977

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 22-0548/22-0549**

Notice is hereby given that Kyle
Carter, Sugar City, Idaho, has applied to
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change in the point of diversion and
place of use of the waters of Teton River
tributary to Snake River. The rights
sought to be changed are evidenced by
decree to Teton Irrigating & Manu-
facturing Co. in case of Rexburg
Irrigation Co. -vs- Teton Irrigation Canal
Co. dated 12-16-1910 in Sixth Judicial
Dist., County of Fremont and is recorded
as follows:

No. 22-0548; AMOUNT: 44.04 cfs;
PRIORITY: 6-01-1884.

No. 22-0549; AMOUNT: 10.0 cfs;
PRIORITY: 10-02-1889.

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 28, T. 7N, R. 41E, B.M.,
Fremont County.

The water is used to irrigate the lands
of the stockholders in the Teton Irrigat-
ing & Manufacturing Co.

TO BE CHANGED AS FOLLOWS

Only 4.03 cfs of water will be diverted
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3,
SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M.,
Teton County and used to irrigate 1,190
acres within Sec. 36, T. 7N, R. 43E;
N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 43E; NW $\frac{1}{4}$,
Sec. 6, T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T.
7N, R. 44E, B.M. No more than 500
acres will be irrigated from this right in
any one given year.

Any protest against approval of the
above proposed change of water right
must be filed with the Idaho Department
of Water Resource, 1515 Lincoln Road,
Idaho Falls, Idaho, 83401, on or before
May 16, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho on April
28 and May 5, 1977.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 22-0548/22-0549

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No. 22-0549; AMOUNT: 10.0 cfs; PRIORITY: 10-02-1889.

POINT OF DIVERSION:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 7N, R. 41E, B.M., Fremont County.

The water is used to irrigate the lands of the stockholders in the Teton Irrigating & Manufacturing Co.

**TO BE CHANGED
AS FOLLOWS**

Only 4.03 cfs of water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County and used to irrigate 1,190 acres within Sec. 36, T. 7N, R. 43E; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 43E; NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T. 7N, R. 44E, B.M. No more than 500 acres will be irrigated from this right in any one given year.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 16, 1977.

C. STEPHEN ALLRED
Director

Published in the Teton Valley News, Driggs, Idaho on April 28 and May 5, 1977.

MICROFILMED

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT
NO. 22-0548/22-0549**

Notice is hereby given that Kyle Carter, Sugar City, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Teton River tributary to Snake River. The rights sought to be changed are evidenced by decree to Teton Irrigating & Manufacturing Co. in case of Rexburg Irrigation Co. -vs- Teton Irrigation Canal Co. dated 12-16-1910 in Sixth Judicial Dist., County of Fremont and is recorded as follows:

No. 22-0548; **AMOUNT:** 44.04 cfs;
PRIORITY: 6-01-1884.

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PRIORITY: 10-02-1889.

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 28, T. 7N, R. 41E, B.M.,
Fremont County.

The water is used to irrigate the lands of the stockholders in the Teton Irrigating & Manufacturing Co.

TO BE CHANGED AS FOLLOWS

Only 4.03 cfs of water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County and used to irrigate 1,190 acres within Sec. 36, T. 7N, R. 43E; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 43E; NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T. 7N, R. 44E, B.M. No more than 500 acres will be irrigated from this right in any one given year.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resource, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 16, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County Chronicle, St. Anthony, Idaho on April 28 and May 5, 1977.

Application No. 22-0548/22-0549

APPROVED

Total number of acres to be irrigated

B. DESCRIPTION OF PORTION OF RIGHT FOR WHICH THE CHANGE IS REQUESTED (If the entire right is requested changed, omit part B)

1. Amount of water: a. 4.03 cubic feet per second 22-0548 - 2.8 cfs
&/or 22-0549 - 1.23 cfs
b. acre feet per annum
2. Point of diversion SW ¼ NW ¼, Section 28 Township 7N
Range 41E, B.M., Fremont County
Additional points

3. Place of use:

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	41E	29									10	15	15	15		30	8		93
																			93

C. DESCRIPTION OF RIGHT OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Change in point of diversion
- a. Amount of water to be diverted 4.03 c.f.s. &/or acre feet
- b. Point(s) of diversion NW ¼ SE ¼, Section 3 Township 6N
Range 44E, B.M., Teton County
Additional points SE¼SE¼, Sec. 15, T. 6N, R. 44E, B.M.
- c. Description of diverting works pumps, pipelines and sprinkler systems
- d. Describe the reasons for applying for a change in the point(s) of diversion
Applicant has leased 28 shares of water from Teton Irrigation & Manufacturing Company

2. Change in place of use

- a. Describe the lands or place of use to which the right will be transferred:

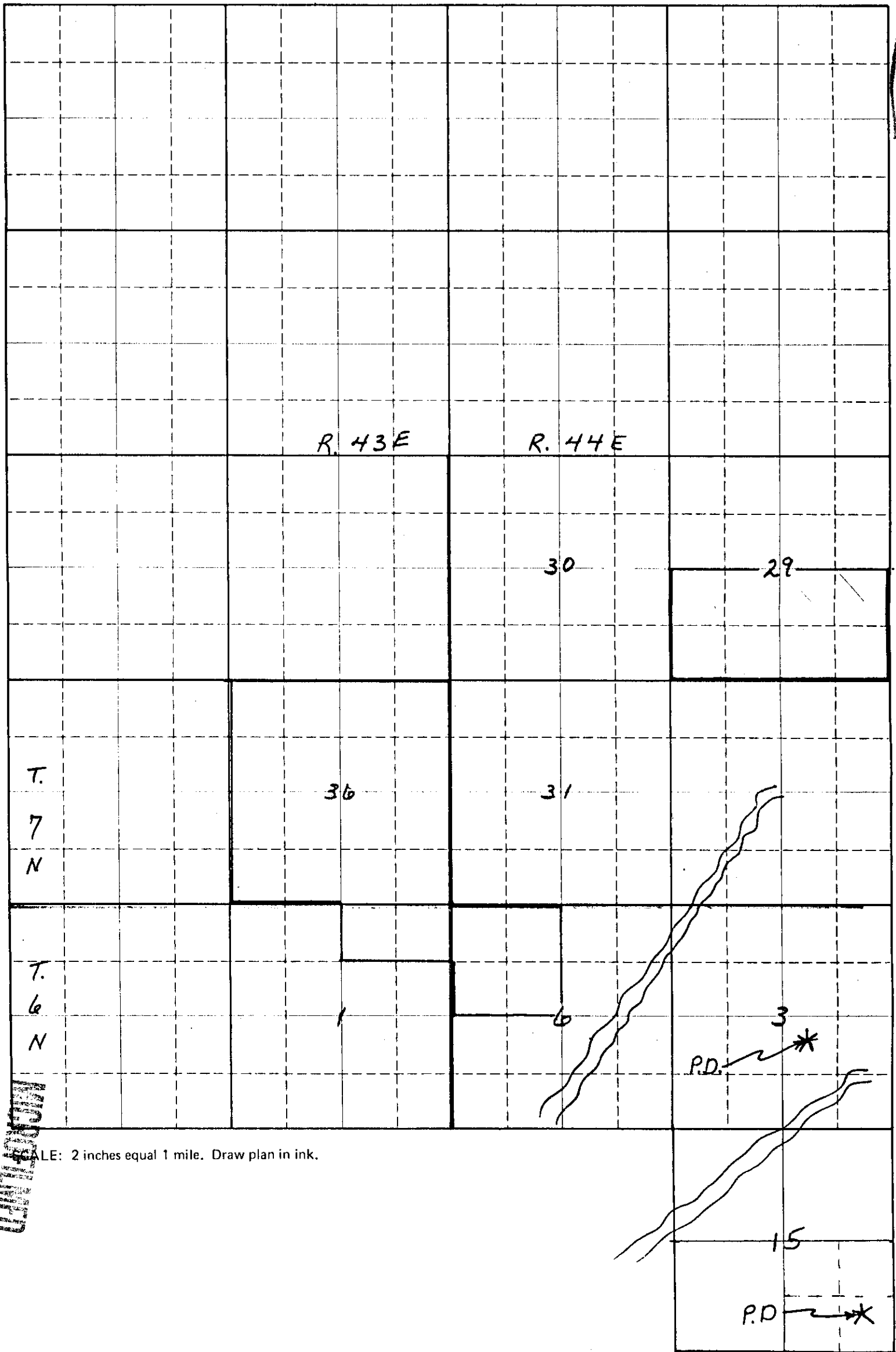
TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
	43E	36	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640
	43E	1	35	35															70
	44E	6					40	40	40	40									160
	44E	29									40	40	40	40	40	40	40	40	320

No more than 186 AF will be diverted in a given year

Total number of acres to be irrigated 1190

nor more than 500 acres irrigated in a given year.

- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



3. Remarks

I hereby assert that no one will be injured by such change and 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.

Ryfl Carter
(Signature of applicant)

Subscribed and sworn to before me this 10TH day of AUGUST, 19 77

Gail O. Burt
(Notary public)

My commission expires 1979

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Transfer of Water Rights No. _____ and said application is hereby _____

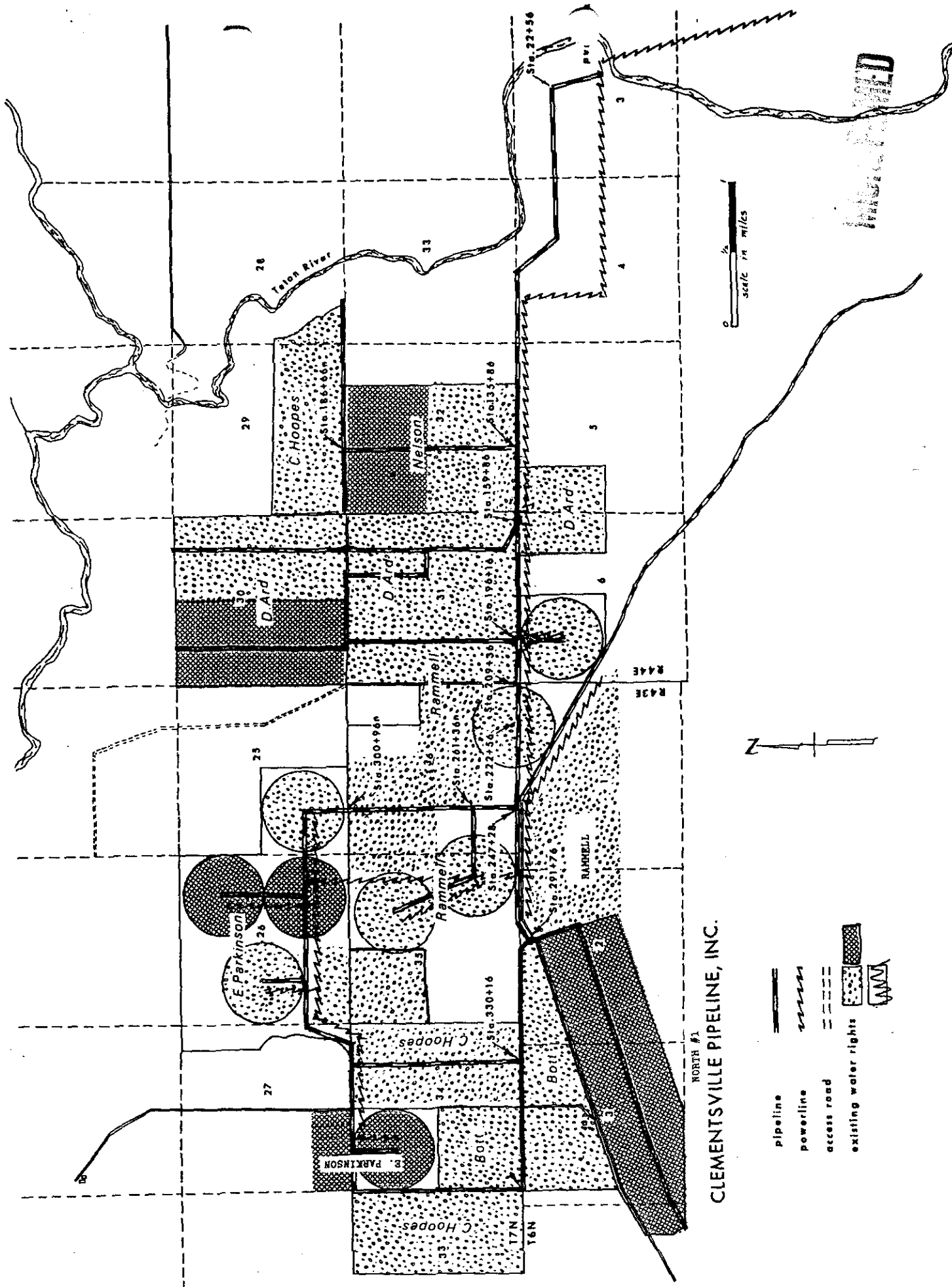
1. Approval of said application is subject to the following limitations and conditions:
- A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works for the duration of the lease.
 - Use of water under this Transfer is subject to the control of the watermaster of State Water District No. 01, Snake River.
 - No more than 186 acre feet will be diverted in any one year.
 - The point of diversion and place of use will revert back to the original locations in April 1980, unless the Department is otherwise notified in writing by Teton Irrigation and Manufacturing.

Witness my hand this 22 day of August, 1977

[Signature]

FOR DEPARTMENT USE ONLY

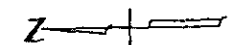
Received by <u>CW</u> <u>me</u>	Date <u>8-15-77</u> <u>4-19-77</u>	Protest filed by _____
Prelim. check by <u>LH</u>	Fee <u>30.00</u>	_____
Receipted by <u>me</u>	Date <u>4-19-77</u> # <u>6550</u>	_____
Published in <u>Teton Valley Herald</u>		Copies of protest forwarded by _____
Pub. dates <u>April 20, May 2, 1977</u>		Hearing held by _____ Date _____
Watermaster recommendation requested on <u>4-26-77</u>		Recommended for <u>approval</u> denial
<u>REC'D</u> <u>5-13-77</u>		by <u>ROC</u> <u>JS</u>
<u>Art Harrison</u>		



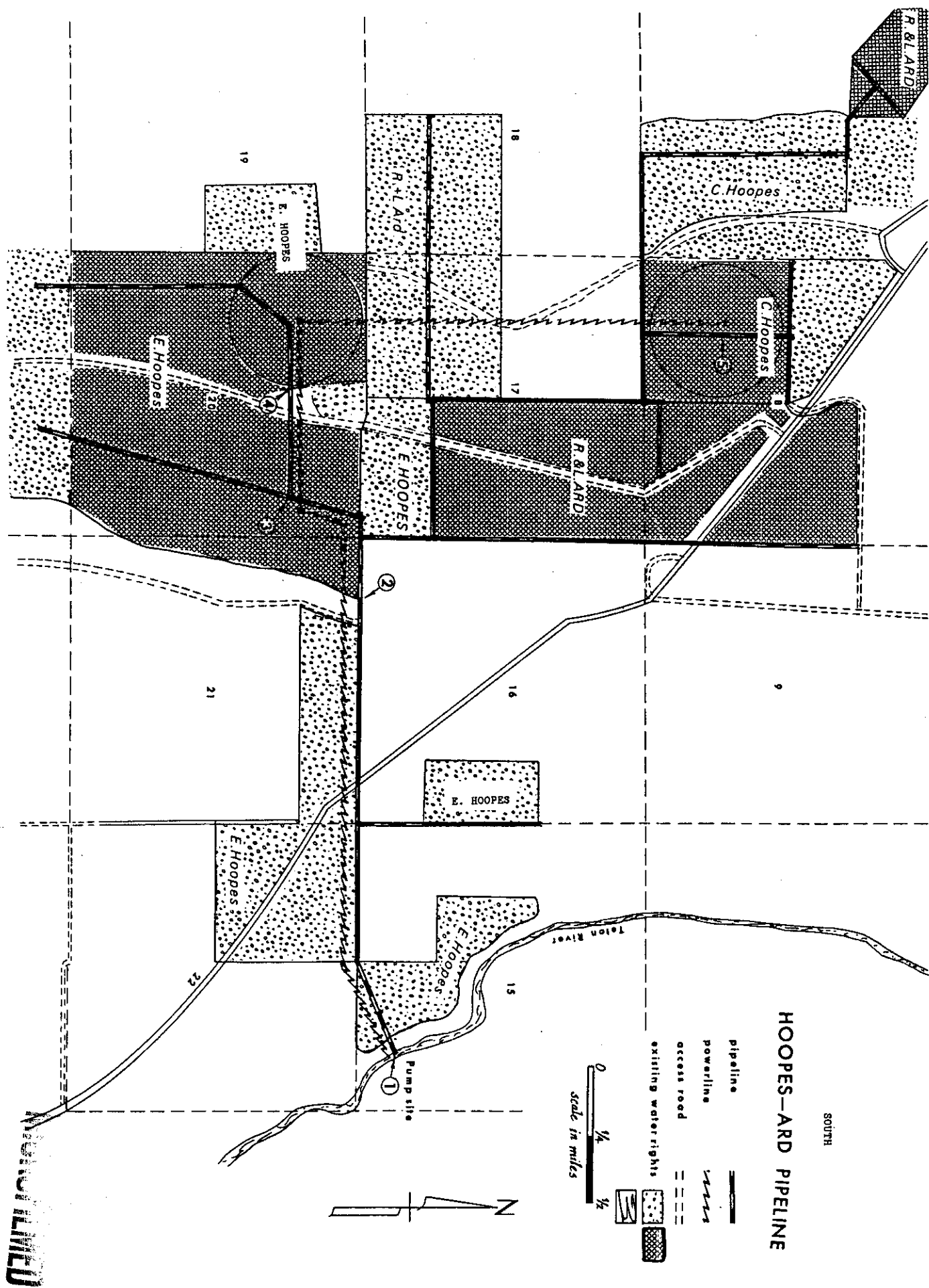
CLEMENTSVILLE PIPELINE, INC.

- pipeline
- powerline
- access road
- existing water rights

0 1/4
scale in miles



UNRECORDED



NOT TO SCALE

WATER LEASE

RECEIVED

APR 4 1977

THIS Agreement Made and entered into this 25th day of March, 1977, by and between TETON IRRIGATING & MANUFACTURING CO., a corporation of Teton City, Idaho, ("Teton"), and KYLE CARTER, of Sugar City, Idaho, 83448, ("Carter"),

Department of Water Resources
Eastern District Office

W I T N E S S E T H

1. Carter owns 28 shares out of 1,200 shares outstanding, of the capital stock of Teton. Carter's farm to which the shares are appurtenant, was effectively destroyed, for farming purposes, in the Teton Dam Disaster of June 5, 1976. Carter has under lease, for three years, from Rammell's, property in Teton County, Idaho. Water can be diverted, from the Teton Pipeline, from the Teton River, to irrigate the Rammell property.

2. For and in consideration of \$1.00, and other valuable consideration, receipt of which is hereby acknowledged, Teton does hereby lease to Carter for three irrigation seasons, namely, 1977, 1978, and 1979, the following water:

27-0548 2.8 cfs with priority of June 1, 1884
27-0549 1.23 cfs with priority date of October 2, 1889

3. The leased water shall be diverted through the Teton Pipeline, and Teton shall have no responsibility for providing for the diversion.

4. Carter shall continue to pay his regular water assessments on the 28 shares.

5. Carter may not, by virtue of the 28 shares, divert any additional water from Teton.

6. This agreement is not only binding upon the parties hereto, but upon their successors, heirs and assigns.

TETON IRRIGATING & MANUFACTURING, CO.

ATTEST:

Diana Richman
Secretary
Diana Richman

By Doyle Otteson
Doyle Otteson

Kyle Carter
Kyle Carter

RECORDED

STATE OF IDAHO)
 ss.
County of Madison)

On this 25th day of March, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared DOYLE OTTESON, known to me to be the President of Teton IRRIGATING & MANUFACTURING CO., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: Life

STATE OF IDAHO)
 ss.
County of Madison)

On this 25th day of March, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared KYLE CARTER, known to me to be the person who executed the foregoing 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.


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: Life

AFFIDAVIT OF PUBLICATION

State of Idaho)
)
County of Teton)

I, Louise D. Norton
being first duly sworn depose and say
that I am the publisher
of the Teton Valley News, a news-
paper as defined by Idaho Codes An-
notated, Section 58-106, as amended,
and that said newspaper is a weekly
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Driggs, in Teton County, Idaho, hav-
ing a general circulation in said coun-
ty, 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

Proposed Water Change
22-0548 / 22-0549

And affiant further says that said
attached 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 issues
thereof; first publication having been
made on the 28 day of April
1977 : May 5, 1977

And affiant further says that at the
times herein mentioned said news-
paper was made up of at least six
pages of at least eight columns each,
printed from type matter, of at least
twenty inches deep.

Louise D. Norton

Subscribed in my presence and
sworn to before me this 6th day
of May, 1977.

(SEAL) Notary Public for the State
of Idaho, residence and
postoffice address, Driggs,
Idaho.

My Commission expires
7-2, 1979

RECEIVED

MAY 9 1977

Department of Water Resources
Eastern District Office

**AFFIDAVIT OF
PUBLICATION**

AUG 10 1977

State of Idaho
County of Fremont

ss.

Dorothy Hunsaker

being first duly sworn, upon his
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That he is the Owner
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tion in said county, and that
said newspaper has been print-
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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 Proposed

Change of Water Right

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

for2..... consecutive is-
sues thereof; first publication

having been made on the 28..

day ofApril....., 19..77,

and the last publication on the

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And affiant further says that at
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least four pages of at least five
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type matter, of at least seven-
teen and three-fourths inches
deep.

Dorothy Hunsaker
Subscribed in my presence and

sworn to before me this 6th

day of August

1977

Lyndell Rose

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

Department of Water Resources
Eastern District Office



RECEIVED

FEB 27 1911

OFFICE OF STATE ENGINEER

IN THE DISTRICT COURT OF THE SIXTH JUDICIAL DISTRICT
OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF FREMONT.

Rexburg Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

Teton Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of

1910, upon the report of F. J. Cowen, Referee heretofore appointed for the purpose of taking the testimony and making recommendations as to Findings of Fact, Conclusions of Law and Decree, to be entered herein, and the said F. J. Cowen, having filed his report of the testimony taken, and his recommendations as to Findings of Fact and Conclusions of Law, which have heretofore been adopted, and the respective plaintiffs and defendants and cross-complainants appearing herein by their respective counsel, and the Court being full informed advised in the premises, and having ordered that judgment be entered in accordance with the report and recommendations of the said Referee, and in reason of the law and the Report and Findings of Fact and Conclusions of Law aforesaid;

It is ordered, Adjudged and Decreed, that the several parties plaintiffs and defendants herein named, do have judgment respectively the right to use, for irrigation and other purposes, the following number of inches of water, each fifty inches thereof to be equivalent to the flow of one cubic foot per second, as prescribed by the law

~~1 0777~~ 12-0543 ✓

Tarbet, Albert

160 inches. July 7, 1898. ✓ Darby Creek.

~~1 0777~~ 22 0544 ✓

Tarbet, Willard

160 inches. July 7, 1898. ✓ Darby Creek.

Taylor, & Ceder
Hollow Canal
Company(part of system of
Idaho Canal & Im-
provement Company.)~~1 0778~~ 1 181Taylor & Goshen
Canal Company
Limited

Trans. #129-#130-#212

9,300 inches. June 16, 1900. ✓ From the tail-race
of the City canal
of Idaho Falls,~~1 0777~~ 22 0545 ✓Taylor, Jackson
C.

90 inches. June 1, 1896. ✓ South Leigh Creek.

~~1 0778~~ 22 0546 ✓

Taylor, John

175 inches. Oct. 16, 1886. ✓ Lyman or Lyons
Creek.~~1 0777~~ 22 0547 ✓

Taylor, Joseph E.

180 inches. Jan. 18, 1905. ✓ North Leigh Creek of
Spring Creek.

Zeeples, Henry

~~1 0777~~ 22 0548 ✓Teton Irrigation
(or "Irrigating")

& Manufacturing

Company, Sued in the
name of Teton Irriga-

tion Canal Company. 2,202 inches. June 1, 1884.

Teton River, to be
diverted at the Bird
Headgate, near the
Teton Mill.Teton Irrigation
(or "Irrigating")

& Manufacturing

Company, sued

in the name of

~~1 0777~~ 22 0549 ✓Teton Irrigation
Canal Company.500 inches. Oct. 2, 1889. ✓ Teton River. To be
diverted at the Bird
headgate, near the
Teton Mill.~~1 0777~~ 22 0550 ✓Teton Irrigation
(or "Irrigating")

& Manufacturing

Company, sued

in the name of

Teton Irrigation
Canal Company.

Trans #649

3,798 inches. June 1, 1884. ✓ Teton River. To be
diverted at the
Bird headgate, near
the Teton Mill.~~1 0777~~ 22 0551 ✓

Teton Island

Canal Company.

7,982 inches. Apr. 1, 1898. ✓ Teton River.

~~1 0777~~ 22 0552 ✓

Teton Island

Canal Company

518 inches. Mch 1, 1883. ✓ Teton River.

February 11, 1980

Kyle Carter
Route 1
Sugar City, ID 83448

Dear Mr. Carter:

Re: Transfer Nos 2082 on Water Right Nos. 22-0548 and 22-0549

As per the condition of approval of the above-referenced transfer, on April 1, 1980 the point of diversion and place of use will revert back to the original location unless the Department is otherwise notified in writing by the Teton Irrigation and Manufacturing.

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

Sincerely,

L. GLEN SAXTON
Chief, Operations Bureau

LGS:rf

August 25, 1977

Re: Transfer Nos. 2135/22-0160 and 22-0616
2115/22-0351
2063/22-0537 and 22-0538
2082/22-0548 and 22-0549
Permit No. 21-7127

Art Larsen
Box 1099
Idaho Falls, ID 83401

Dear Mr. Larsen:

Enclosed are copies of the above referenced transfers and permit, which were approved August 22, 1977, in your water district.

Sincerely,

CARROL A. HOMUTH
Senior Clerk

CAH

Enclosures

August 25, 1977

Re: Transfer No. 2082/22-0548 and 22-0549

Kyle Carter
Route #1
Sugar City, ID 83448

Dear Mr. Carter:

Enclosed is a copy of your approved Transfer No. 2082 for Water Right Nos. 22-0548 and 22-0549. We direct your attention to the conditions of approval as listed on the fourth page.

Be sure to note that a special condition requiring you to install and maintain a measuring device at your points of diversion has been placed upon your transfer. We are enclosing a letter describing different types of measuring devices accepted by this office.

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF/cah

Enclosures

MEMORANDUM

TO: FILE NO. 22-0548 and 22-0549
FROM: JIM JOHNSON
SUBJECT: CONDITIONS REQUIRED FOR APPROVAL OF TRANSFER

1. A measuring device of a type approved by this Department shall be installed and maintained as part of the diverting works for the duration of the lease.

2. Use of water under this Transfer is subject to the control of the watermaster of State Water District No. 01, Snake River.

3. No more than 186 acre feet will be diverted in any one year.

4. The point of diversion and place of use will revert back to the original locations in April 1980, unless the Department is otherwise notified in writing by Teton Irrigation and Manufacturing.

10

July 21, 1977

RE: Application for Transfer No. 22-0548/0549

Mr. Kyle Carter
Rt. #1
Sugar City, Idaho 83448

Dear Mr. Carter:

This Department has completed the processing of the above referenced application for transfer. However, in our final review of your application we note the transfer has not been signed in the presence of a notary. Please sign this transfer and return to this office as soon as possible to avoid further delay.

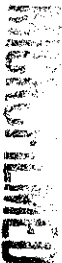
If you have any questions concerning this matter, please feel free to contact this office.

Very truly yours,

ERNEST M. CARLSEN
Water Resource Agent

EMC:cw

Enclosure



August 12, 1977

RE: Application for Transfer No. 22-0548/22-0549

Mr. Kyle Carter
Rt. #1
Sugar City, ID 83448

Dear Mr. Carter:

On July 21, 1977, we returned your application for transfer no. 22-0548/22-0549 requesting that it be signed and returned to this office as soon as possible. To date, we have not received this application, and are concerned because the water-master indicates that the water requested under this transfer is being diverted into the Teton Pipeline.

It appears that unless the application is returned signed to this office immediately, the watermaster will have to consider the water diverted to have been storage water. I trust you will be able to return the application and prevent the necessity of making adjustments in the watermaster's records.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

cc: Gordon Thatcher

[illegible]



STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
EASTERN REGION

John V. Evans
Governor

C. Stephen Allred
Director

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

July 12, 1977

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

ATTENTION: Dorothy Hunsaker

Dear Ms. Hunsaker:

Please find enclosed the affidavit of publication and certified bill submitted in connection with the following applications: T 22-0491/etc. WILDING, T 21-0022 MILLER, 21-7116 TUCKER, 21-7117 ORR, 22-7231 SIDDOWAY. We have received all of these affidavits and our records indicate the bills were submitted to our Boise Office for payment on June 16, 1977.

However, we are still in need of affidavits for T 22-0548/etc. CARTER, published on April 28 and May 5, 1977; 22-7236 in the name of BAKER and 22-7237 in the name of MEYERS; these were to have been published on May 26 and June 2, 1977.

Your cooperation in this matter would be greatly appreciated.

Very truly yours,

COLLEEN WRAY
Secretary

cc: IDWR - State Office

[illegible]

May 24, 1977

RE: Application for Transfer No. 22-0548/22-0549 KYLE CARTER

Mr. Gordon S. Thatcher
Attorney at Law
P.O. Box 250
Rexburg, Idaho 83440

Dear Mr. Thatcher:

Thank you for your letter of May 10, 1977, concerning the Kyle Carter water lease. You are right that forfeiture of a water right is a very harsh thing, and that of course is one of the reasons why any change in a water right must be accomplished as set forth in Section 42-222 of the Idaho Code.

When you say that you know of numerous water leases that have taken place over the years without benefit of a transfer, I trust you are in a position to advise these people of the statutory requirements involved.

The Department's instructions to the watermaster have not changed this year from what they have in the past, and that is that he is not authorized to deliver water within his district in any manner other than as shown by the records of the Department of Water Resources. I feel the Department would be remiss in its duty if we allowed the watermaster to take on additional liability by acting outside of his legal jurisdiction without advising him of the dangers involved. The Department has no less of a responsibility to all water users in general.

Since the statutes do not change during times of crisis and disasters, we must continue to advise people of the requirements of state law and the potential dangers involved in taking actions not provided for by the Legislature. You may be aware that during this last Legislative session, the Department proposed a bill that would allow temporary transfers of water rights to be made during this drought period. By failing to pass this bill the Legislature apparently reaffirms their support for the existing transfer procedures. Until such time as the Legislators feel the need to modify the statutes, our instructions to the watermaster must remain the same, and water leases will have to be approved by the Department of Water Resources pursuant to Section 42-222 of the Idaho Code.

Very truly yours,

RONALD D. CARLSON
Supervisor, Eastern Region
RDC

LAW OFFICES

RIGBY, THATCHER & ANDRUS, P. A.

RECEIVED
MAY 12 1977

Department of Water Resources
Eastern District Office

25 NORTH SECOND EAST - P. O. BOX 250 REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS - BRECK H. BARTON
TELEPHONE (208) 356-3633

May 10, 1977

Mr. Ronald D. Carlson
State of Idaho
Department of Water Resources
1515 Lincoln Road
Idaho Falls, Idaho 83401

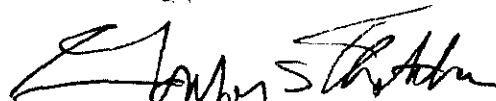
Dear Mr. Carlson:

We received a copy of your letter of April 8, 1977 addressed to Mr. Arthur Larsen concerning the leasing of water. I presume this may have been in response to our letter of May 28, 1977, written on behalf of Teton Irrigating and Manufacturing, Co.

The Kyle Carter water lease resulted from the Teton Dam Disaster of June 5, 1976. We personally know of numerous water leases over the years without any objection from the Department of Water Resources. It seems very harsh at this time to threaten forfeiture of a water right when Mr. Carter's farm was destroyed in the Teton Dam Disaster and he is attempting to stay in the farming business until something permanent can be worked out.

We would hope you could reevaluate your position on this in view of this unprecedented disaster.

Sincerely,


Gordon S. Thatcher

GST:rt

RECEIVED

MAY 13 1977

APPLICATION FOR TRANSFER OF WATER RIGHT

NO. 22-0548/22-0549

Department of Water Resources
Office

RECOMMENDATION OF WATERMASTER

I, Arthur L. Larson, watermaster of Snake River
Madison, Teton,
of Water District No. 01, County of Madison, Teton, etc., State of Idaho,
whose address is P.O. Box 1099, Idaho Falls, Ida.
have read the attached copy of the application for transfer of water right for _____
Kyle Cartor, and to the best of my knowledge believe the
(name)
application to be true.

A. I hereby endorse the above numbered Application for Transfer and recommend
that the Director of the Department of Water Resources approve the transfer subject to
the following conditions: That the proper measuring devices be
installed and maintained.

OR

B. I do not endorse approval of the above numbered Application for Transfer as re-
quested for the following reasons: _____

Dated at Idaho Falls, Idaho, this 30 day of April 1977.

Arthur L. Larson
(signature)

Please use reverse side if needed.

LAW OFFICES

RIGBY, THATCHER & ANDRUS, P. A.

Department of Water Resources

25 NORTH SECOND EAST - P. O. BOX 250 REXBURG, IDAHO 83440
RAY W. RIGBY - GORDON S. THATCHER - G. RICH ANDRUS - BRECK H. BARTON
TELEPHONE (208) 366-3633

DIRECTOR	
PLANNING	
WATER RES.	
TECH. SER.	
CONSTR.	
FINANCIAL	
WATER RES.	
INSTR.	
LEGAL	
INSTR.	
BOARD	
FILES	

March 28, 1977

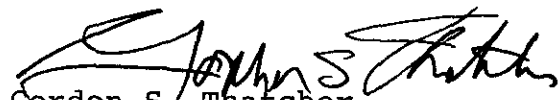
Department of Water Resources
State of Idaho
373 West Franklin
Boise, Idaho 83707

Re: Teton Irrigating & Manufacturing Co. - File No. 52-41

Gentlemen:

On behalf of Teton Irrigating & Manufacturing Co., we enclose executed copy of water lease, dated March 25, 1977, for your records and use in administering water rights on the Teton River. If there is any question on this, please call.

Sincerely,


Gordon S. Thatcher

ENCL:

csp

RECEIVED
MAR 30 1977
DEPT. OF WATER RESOURCES
BOISE, IDAHO

WATER LEASE

THIS Agreement Made and entered into this 25th day of March, 1977, by and between TETON IRRIGATING & MANUFACTURING CO., a corporation of Teton City, Idaho, ("Teton"), and KYLE CARTER, of Sugar City, Idaho, 83448, ("Carter"),

W I T N E S S E T H

1. Carter owns 28 shares out of 1,200 shares outstanding, of the capital stock of Teton. Carter's farm to which the shares are appurtenant, was effectively destroyed, for farming purposes, in the Teton Dam Disaster of June 5, 1976. Carter has under lease, for three years, from Rammell's, property in Teton County, Idaho. Water can be diverted, from the Teton Pipeline, from the Teton River, to irrigate the Rammell property.

2. For and in consideration of \$1.00, and other valuable consideration, receipt of which is hereby acknowledged, Teton does hereby lease to Carter for three irrigation seasons, namely, 1977, 1978, and 1979, the following water:

2.8 cfs with priority of June 1, 1884
1.23 cfs with priority date of October 2, 1889

3. The leased water shall be diverted through the Teton Pipeline, and Teton shall have no responsibility for providing for the diversion.

4. Carter shall continue to pay his regular water assessments on the 28 shares.

5. Carter may not, by virtue of the 28 shares, divert any additional water from Teton.

6. This agreement is not only binding upon the parties hereto, but upon their successors, heirs and assigns.

ATTEST:

Diana Richman
Secretary
Diana Richman

TETON IRRIGATING & MANUFACTURING, CO.

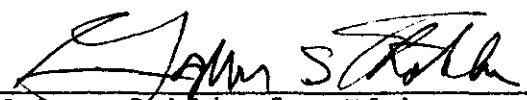
By Doyle Otteson
Doyle Otteson

Kyle Carter
Kyle Carter

STATE OF IDAHO)
 ss.
County of Madison)

On this 25th day of March, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared DOYLE OTTESON, known to me to be the President of Teton IRRIGATING & MANUFACTURING CO., the corporation that executed the foregoing instrument and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

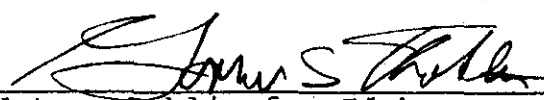


Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: Life

STATE OF IDAHO)
 ss.
County of Madison)

On this 25th day of March, 1977, before me, the undersigned, a Notary Public in and for said State, personally appeared KYLE CARTER, known to me to be the person who executed the foregoing 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.



Notary Public for Idaho
Residing at: Rexburg, Idaho
My Commission Expires: Life

April 28, 1977

RE: Application for Transfer No. 22-0548/22-0549 KYLE CARTER

Mr. Arthur Larson, Watermaster
Water District 01
Box 1099
Idaho Falls, Idaho 83401

Dear Art:

Please find enclosed a copy of the above referenced application and a watermaster recommendation form. Please review the application and complete the form, returning it to this office on or before May 16, 1977.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosures

April 22, 1977

RE: Application for Transfer No. 22-0548/22-0549 CARTER

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure: Legal Notice (1)

Bill submitted May 9, 1977 by me
8-10-77 Cal
J. J. J.

April 22, 1977

RE: Application for Transfer No. 22-0548/22-0549 KYLE CARTER

Fremont County Chronicle
Box 568
St. Anthony, Idaho 83445

Gentlemen:

Enclosed you will find a legal notice which we wish to have published once a week for two consecutive weekly issues of your newspaper. We have inserted the publication dates allowing time for you to submit us a galley proof for review before publication.

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. 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.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 8-10-77 by CW

RDC:CM

Enc: Legal Notice (1)

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 22-0548/22-0549

Notice is hereby given that Kyle Carter, Sugar City, Idaho, has applied to the Department of Water Resources for a change in the point of diversion and place of use of the waters of Teton River tributary to Snake River. The rights sought to be changed are evidenced by decree to Teton Irrigating & Manufacturing Co. in case of Rexburg Irrigation Co. -vs- Teton Irrigation Canal Co. dated 12-16-1910 in Sixth Judicial Dist., County of Fremont and is recorded as follows:

No. 22-0548; AMOUNT: 44.04 cfs; PRIORITY: 6-01-1884.

No. 22-0549; AMOUNT: 10.0 cfs; PRIORITY: 10-02-1889.

POINT OF DIVERSION:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 7N, R. 41E, B.M., Fremont County.

The water is used to irrigate the lands of the stockholders in the Teton Irrigating & Manufacturing Co.

**TO BE CHANGED
AS FOLLOWS**

Only 4.03 cfs of water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County and used to irrigate 1,190 acres within Sec. 36, T. 7N, R. 43E; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 43E; NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T. 7N, R. 44E, B.M. No more than 500 acres will be irrigated from this right in any one given year.

Any protests against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 16, 1977.

C. STEPHEN ALLRED
Director

Published in the Teton Valley
Press, Burley, Idaho on April
20, 1977.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0548/22-0549

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No. 22-0548 AMOUNT: 44.04 cfs PRIORITY: 6-01-1884

No. 22-0549 AMOUNT: 10.0 cfs PRIORITY: 10-02-1889

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 7N, R. 41E, B.M., Fremont County.

The water is used to irrigate the lands of the stockholders in the Teton Irrigating & Manufacturing Co.

TO BE CHANGED AS FOLLOWS

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C. STEPHEN ALLRED

Director

Published in the Teton Valley News, Driggs, Idaho

on April 28 and May 5, 1977.

*me-8
me-8
me-8*

No. 22-05-000000000000 44.04 cr.
 No. 22-05-000000000000 12.0 cr.
 No. 22-05-000000000000 12.0 cr.
 No. 22-05-000000000000 12.0 cr.
 No. 22-05-000000000000 12.0 cr.
 No. 22-05-000000000000 12.0 cr.

THE UNIVERSITY OF CHICAGO PRESS

[illegible]

SECRET

Published in the Portland Oregon
Chronicle, St. Anthony, Idaho on April
28 and May 5, 1977.

NO. 22-0548/22-0549

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 28, T. 7N, R. 41E, B.M., Fremont County.

TO BE CHANGED AS FOLLOWS

Only 4.03 cfs of water will be diverted within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County and used to irrigate 1,190 acres within Sec. 36, T. 7N, R. 43E; N $\frac{1}{2}$ NE $\frac{1}{4}$, Sec. 1, T. 6N, R. 43E; NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E; S $\frac{1}{2}$, Sec. 29, T. 7N, R. 44E, B.M. No more than 500 acres will be irrigated from this right in any one given year.

Any protest against approval of the above proposed change of water right must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401, on or before May 16, 1977.

C. STEPHEN ALLRED

Director

Published in the Fremont County Chronicle, St. Anthony, Idaho
on April 28 and May 5, 1977.

the
the
the

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Teton River

Name Kyle Carter

2. Right Being Transferred

Right No. _____

a. ☒ Decree

Transfer No. _____

_____ License

_____ Use

b. ☒ Priority

c. ☒ Location - Original P. D.

d. ☒ " - Original P. U.

e. ☒ " - New P. D.

f. ☒ " - New P. U.

g. ☒ Amount

_____ All

☒ Part

3. ☒ Proof of Ownership of Right

Comment Water lease agreement

4. ☒ Expansion of Right

Comment AF. limitation (2 AF/AC) basis for non expansion.

5. ☒ Map

6. NONE Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by EMC

Date 7/22/77

11. Recommended Action

_____ Approve

☒ Deny

☒ Conditions see lease

By RDC

Date 8/16/77

*Return for
Signature & needs to
be notarized.*

RECEIVED

copy sent