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STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

TRANSFER OF WATER RIGHT

TRANSFER NO. 4751

WATER RIGHT NO(S). 22-00225/22-00226/22-00307/22-00308
22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
22-00618B

This is to certify that: **TETON WEST IRRIGATION COMPANY INC**
C/O HOLDEN KIDWELL HAHN & ETC
PO BOX 50130
IDAHO FALLS ID 83405

has requested a change to the above captioned water right(s). This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code, provided the conditions listed below are met.

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 22-00225 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 06/01/1897		
Right No. 22-00226 :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 06/01/1898		
Right No. 22-00307 :		
IRRIGATION	04/15 to 10/15	2.00 CFS
Priority: 05/15/1899		
Right No. 22-00308 :		
IRRIGATION	04/15 to 10/15	1.20 CFS
Priority: 06/01/1901		
Right No. 22-00347A :		
IRRIGATION	04/15 to 10/15	0.20 CFS
Priority: 06/01/1901		
Right No. 22-00348A :		
IRRIGATION	04/15 to 10/15	0.60 CFS
Priority: 06/01/1902		
Right No. 22-00349A :		
IRRIGATION	04/15 to 10/15	0.40 CFS
Priority: 06/01/1903		

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 22-00618B

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>DIVERSION RATE</u>
Right No. 22-00382B :		
IRRIGATION	04/15 to 10/15	1.60 CFS
Priority: 01/18/1905		
Right No. 22-00582A :		
IRRIGATION	04/15 to 10/15	0.60 CFS
Priority: 05/15/1897		
Right No. 22-00583A :		
IRRIGATION	04/15 to 10/15	1.00 CFS
Priority: 06/01/1899		
Right No. 22-00618B :		
IRRIGATION	04/15 to 10/15	0.80 CFS
Priority: 01/22/1916		
TOTAL:		11.60 CFS

<u>SOURCE</u>	<u>TRIBUTARY OF</u>
Right Nos. 22-00225/226/307/347A/348A/349A/582A/583A/618B :	
SOUTH LEIGH CREEK	TETON RIVER
Right No. 22-00308 :	
NORTH LEIGH CREEK	TETON RIVER
Right No. 22-00382B :	
LEIGH CREEK	TETON RIVER

PLACE OF USE: IRRIGATION

<u>TWN RGE SEC</u>	<u>ACRES</u>	<u>ACRES</u>	<u>ACRES</u>	<u>TOTAL</u>
05N 45E 1	NENE 38	NWNE 38	SWNE 40	
	SENE 40	NENW 38	NWNW 38	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 39	SESW 39	
	NESE 40	NWSE 40	SWSE 39	
	SESE 39			628
2	NENE 38	NWNE 38	SWNE 26	
	SENE 40			142
46E 5	NENW 20	NWNW 38	SWNW 40	
	SENW 40	NESW 10	NWSW 40	
	SWSW 40			228

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 22-00618B

6	NENE 38	NWNE 38	SWNE 40	
	SENE 40	NENW 38	NWNW 38	
	SWNW 40	SENW 40	NESW 40	
	NWSW 40	SWSW 38	SESW 20	
	NESE 40	NWSE 40	SWSE 40	
	SESE 40			610
8	NWNW 5			5

Total number of acres irrigated: * 1613

CONDITIONS OF APPROVAL AND REMARKS

1. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
2. A measuring device and lockable controlling works of a type approved by this Department shall be maintained on the diverting works in a manner that will provide the watermaster suitable control of the diversion.
3. 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.
4. Approval of this transfer in no way grants any right-of-way or easement for use of a delivery system owned by person(s) other than the right owner.
5. The change authorized by this transfer shall be accomplished within one (1) year of the date of this approval.
6. Failure to comply with the conditions of this transfer is cause for the director to issue an order to show cause why the approval of the transfer should not be rescinded.
7. Approval of this transfer does not preclude the opportunity for review of the validity of the water right(s) in the ongoing Snake River Basin Adjudication.
8. The point of diversion is located within NWNW, S05, T44N, R118W in Wyoming.
- * 9. Right Nos. 22-00225 and 22-00226 in combination shall not exceed irrigation of 80 acres in the place of use described above in a single irrigation season.
- * 10. Right Nos. 22-00307 and 22-00308 in combination shall not exceed irrigation of 160 acres in the place of use described above in a single irrigation season.
- * 11. Right Nos. 22-00347A, 22-00348A, 22-00349A, 22-00582A, 22-00583A in combination shall not exceed irrigation of 160 acres in the place of use described above in a single irrigation season.

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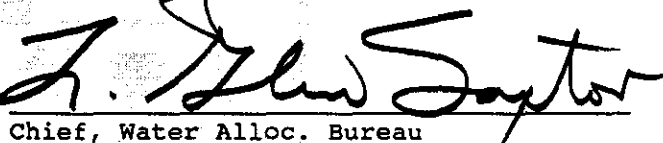
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22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
22-00618B

CONDITIONS OF APPROVAL AND REMARKS

- * 12. Right Nos. 22-00307 and 22-00308, in combination with Right Nos. 22-00347A, 22-00348A, 22-00349A, 22-00582A and 22-00583A shall not exceed irrigation of 240 acres in the place of use described above in a single irrigation season.
- * 13. Right No. 22-00382B shall not exceed irrigation of 312 acres in the place of use described above in a single irrigation season.
- * 14. Right No. 22-00618B shall not exceed irrigation of 40 acres in the place of use described above in a single irrigation season.
- * 15. Right Nos. 22-00225, 22-00226, 22-00307, 22-00308, 22-00347A, 22-00348A, 22-00349A, 22-00382B, 22-00582A, 22-00583A and 22-00618B when combined shall not exceed the total combined irrigation of 672 acres in the place of use described above; and when combined with groundwater Right Nos. 22-02267B, 22-07042, 22-07206, 22-07255B and 22-07261 are limited to the total combined irrigation of 1467 acres within the place of use described above in a single irrigation season.

Dated this 16th day of January, 1997


Chief, Water Alloc. Bureau

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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.

Idaho Irrigation Company, et al.,

PLAINTIFFS,

DECEDE.

-VS-

Idaho Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this 11th day of February,
upon the report of F. J. Cowen, Referee heretofore appointed
for the purpose of taking the testimony and making recommendations
Findings of Fact, Conclusions of Law and Decree, to be entered
and the said F. J. Cowen, having filed his report of the
testimony taken, and his recommendations as to Findings of Fact,
Conclusions of Law, which have heretofore been adopted, and then
the plaintiffs and defendants and cross-complainants appearing
by their respective counsel, and the Court being fully informed
of the premises, and having ordered that judgment be
entered in accordance with the report and recommendations of the said
Referee, of the law and the Report and Findings
of the Court aforesaid.

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

CREATED

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01 0320 22 0297 ✓	May, J. D.		Anderson Canal Company.
01 0320 22 0297 ✓	Hearst, H. T.	160 inches.	June 1, 1898. ✓ Leigh Creek.
	Heath, James H.		The Farmers' Friend Canal Company.
	Heath, William A.		The Farmers' Friend Canal Company.
01 0321 22 0298 ✓	Hegstad, Victor	30 inches.	Sept. 1, 1887. ✓ Horse Shoe Creek.
01 0322 22 0299 ✓	Hegstad, Victor	290 inches.	June 1, 1888. ✓ Horse Shoe Creek.
01 0323 22 0300 ✓	Hegstad, Victor	160 inches.	June 1, 1900. ✓ Horse Shoe Creek.
	Hegstad, Victor C.		North Salem Agricultural & Milling Canal Company.
01 0324 1 072 ✓	Heise Canal:		
	Bertha Heise Gavin,		
	Blanche Heise, and		
	R. C. Heise.	280 inches.	May 1, 1902. ✓ South Fork of Snake River.
01 0325 22 0301 ✓	Hendrickson,		
	Adolphus	100 inches.	July 5, 1900. ✓ Badger Creek.
01 0326 22 0302 ✓	Hendrickson,		
	Alfred	40 inches.	June 1, 1898. ✓ Badger Creek.
01 0327 22 0303 ✓	Hendrickson,		
	Alvira E.	60 inches.	June 1, 1896. ✓ South Fork Leigh Creek.
01 0328 22 0304 ✓	Hendrickson,		
	Alvira E.	60 inches.	June 1, 1898. ✓ South Leigh Creek.
01 0329 22 0305 ✓	Hendrickson,		
	Cornelius	130 inches.	June 30, 1898. ✓ Badger Creek.
01 0330 22 0306 ✓	Hendrickson,		
	Frank	160 inches.	May 1, 1898. ✓ Badger Creek.
01 0331 22 0307 ✓	Hendrickson,		
	G. W.	100 inches.	May 15, 1899. ✓ South Leigh Creek.
01 0332 22 0308 ✓	Hendrickson,		
	G. W.	60 inches.	June 1, 1901. ✓ North Leigh Creek.
01 0333 22 0309 ✓	Hendrickson,		
	Milton	100 inches.	June 1, 1899. ✓ Badger Creek.
01 0334 22 0310 ✓	Hendrickson,		
	William	120 inches.	June 15, 1899. ✓ Badger Creek.
01 0335 22 0311 ✓	Henrie,		
	James D.	130 inches.	June 20, 1897. ✓ Leigh Creek.
01 0336 22 0312 ✓	Henrie,		
	John	150 inches.	June 1, 1897. ✓ North Leigh Creek.
01 0337 22 0313 ✓	Henrie,		
	John	10 inches.	June 1, 1900. ✓ North Leigh Creek.
01 0338 22 0314 ✓	Henrie,		
	Joseph O.	40 inches.	June 1, 1900. ✓ North Leigh Creek.
01 0339 22 0315 ✓	Henrie,		
	Joseph O.	120 inches.	June 1, 1897. ✓ South Leigh Creek.

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Hendrickson, Alfred	SE $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 7, T. 6 N. R., 45 E., B. M., containing 40 acres.
Hendrickson, Alvira E.	S $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 34, T. 6 N., R. 45 E. B. M., containing 160 acres.
Henrdickson, Cornelius	N $\frac{1}{2}$ of NE $\frac{1}{4}$, and NW $\frac{1}{4}$ of Sec. 8, T. 6 N., R. 45 E., B. M.,
Hendrickson, Frank	N $\frac{1}{2}$ of NE $\frac{1}{4}$, SW $\frac{1}{4}$ of NE $\frac{1}{4}$, and NE $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 7, T. 6 N. R., 45 E., B. M., containing 160 acres.
Hendrickson, G. W.	NW $\frac{1}{4}$ of Sec. 6, T. 5 N. R., 46 E., B. M., containing 160 acres.
Hendrickson, Milton	SE $\frac{1}{4}$ of NW $\frac{1}{4}$ and Lots 1 and 2 of Sec. 7, T. 6 N., R., 45 E. B. M.,
Hendrickson, William	SE $\frac{1}{4}$ of Sec. 1, T. 6 N., R., 44 E. B. M., containing 160 acres.
Henrie, J. A.	Beginning at SE corner of NE $\frac{1}{4}$ of Sec. 36, T. 6 N., R., 45 E., B. M., thence East $\frac{1}{4}$ mile, thence North $\frac{1}{2}$ mile, thence West $\frac{1}{4}$ mile, thence South $\frac{1}{4}$ mile, to beginning, containing 160 acres.
Henrie, James D.	N $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 25, and S $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 24, T. 6 N., R. 45 E. B. M., containing 160 acres.
Henrie, John	SW $\frac{1}{4}$ of Sec. 30, T. 6 N., R. 46 E., B. M., containing 160 acres.
Henrie, Joseph O.	S $\frac{1}{2}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 2, T. 5 N., R. 45 E., B. M., containing 120 acres.
Henry, John	SW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 20, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 19, and W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 20, and NW $\frac{1}{4}$ of NW $\frac{1}{4}$ of Sec. 29, T. 6 S., R. 46 E. B. M., containing 200 acres.

Wood, Samuel E.....	\$7.20
Woodmansee, Charles H.....	43.20
Woodmansee-Johnston Ditch.....	90.00
Woods, Frank.....	5.40
Woods, William S.....	9.00
Woodville Canal Company, The...	192.40
Wright, G. G.....	168.95
Wyoming & Darby Bench Canal Company, Limited.....	62.10
Yeaman, M. E.....	5.40
Yearsley, H. C.....	10.80
Yearsley, John H.....	2.70
Yellowstone Land & Cattle Company.....	18.00
Yellowstone Power & Irrigation Company.....	225.00
Young, Eva H., widow of Eugene H. Young, decd.	4.50
Zimmerman, Zuel.....	8.55

And it is further ordered, that none of the parties heretofore named, or their successors in interest, shall be entitled to the use of any water under the order of the Court herein until the respective amounts as above assessed to be paid to the Clerk of this Court.

Dated December 16th, 1910

J. M. Stevens

District Judge.

County of Idaho,

City of Fremont. SS

I, A. M. Carter, Clerk of the District Court of the Sixth Judicial District of Idaho, in and for Fremont County, do hereby certify the foregoing to be a full, true, and correct copy of the decree in the case of Rexburg Irrigation Co., vs., Teton Irrigation Co., the same appears on file in my office in the above entitled case.

In Witness Whereof, I have hereunto set my hand and affixed the Seal of said Court, this 24th day of February, 1911.

A. M. Carter
Clerk

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State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

January 17, 1997

TETON WEST IRRIGATION COMPANY INC
C/O HOLDEN KIDWELL HAHN & ETC.
PO BOX 50130
IDAHO FALLS ID 83405

RE: WATER RIGHT NOS. 22-00225/22-00226/22-00307/22-00308
22-00347A/22-00348A/22-00349A/22-00382B/22-00582A/22-00583A
AND 22-00618B

TRANSFER NO. 4751

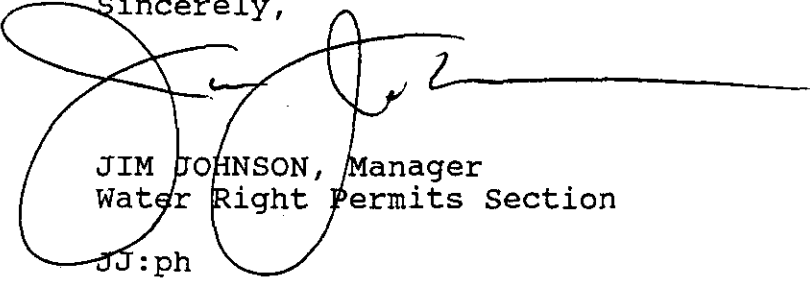
Dear Water Right Holder(s):

Enclosed is a copy of your approved Transfer of Water Right for the above referenced water rights (Transfer No. 4751). Please be sure to thoroughly review the "Conditions/Remarks:" as listed on the transfer.

Also, please note that as of July 1, 1996, water right owners are required to report any change of water right ownership and any change of mailing address to the department. If you have acquired a water right or have changed your mailing address PRIOR to July 1, 1996, you have until July 30, 1998, to notify the department. If you acquire a water right or change your mailing address AFTER July 1, 1996, you must notify the department within 120 days of the change.

Failure to report these changes could result in a \$100 late filing fee. Contact any office of the department to obtain the proper reporting form.

Sincerely,


JIM JOHNSON, Manager
Water Right Permits Section

JJ:ph

Enclosure

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JAN 22 1997

MEMORANDUM

TO: FILE NOS. 22-00225/226/307/308/
347A/348A/349A/382/582A/583A/ & 618

FROM: PAM SKAGGS/²⁸STATE OFFICE

SUBJECT: TRANSFER NO. 4751

DATE: January 16, 1997

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Transfer No. 4751 was filed to change the point of diversion and place of use under all of Right Nos. 22-00225/226/307/308/347A/348A/349A/582A & 583A and a portion of Right Nos. 22-00382 & 618, splitting each right into parts A & B.

This is the second transfer filed by Teton West Irrigation Company Inc. identifying a permissible place of use that contains a maximum of 1467 acres irrigated by all rights under Transfer Nos. 4750 and 4751. Transfer No. 4750 addressed the groundwater rights, while this transfer intends to update the surface decreed rights to reflect the current use.

The point of diversion is actually located in Wyoming and the water delivered down the Hog Canal to a private ditch. Although some claims were made on these rights in the SRBA, I have been advised by Don Shaff that, at this time, the claims will be recommended disallowed and not included in the adjudication because the point of diversion is outside the state.

These rights are considered high-water rights and available only early in the season during wet years and seldom continue for more than two to four weeks according to the applicant's attorney. The information about the historical use of these rights is sketchy and incomplete. The transfer approval is therefor based on the maximum acres authorized under these rights as decreed and proposed transferred.

The water is delivered through a ditch ending near a well allowing water to pond slightly at this low spot. The applicant's attorney stated that "pond" was stretching the definition, and that any surface water reaching this point appears to sink and apparently supplement the groundwater flows of the well nearby.

Season of use was adjusted to current department standards and combined limits determined from the decreed rights. Recommended conditions include watermaster control, measuring device & controlling works, irrigation overlap, right-of-way, permissible place of use, combined rights and standard transfer conditions.

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MEMORANDUM

TO: FILE 22-00308

FROM: PAM SKAGGS

RE: TRANSFER # 4751

DATE: 1/19/96

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Original Transfer Application, Form and correspondence
regarding the above referenced Transfer is located within
File # 22-00225.

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