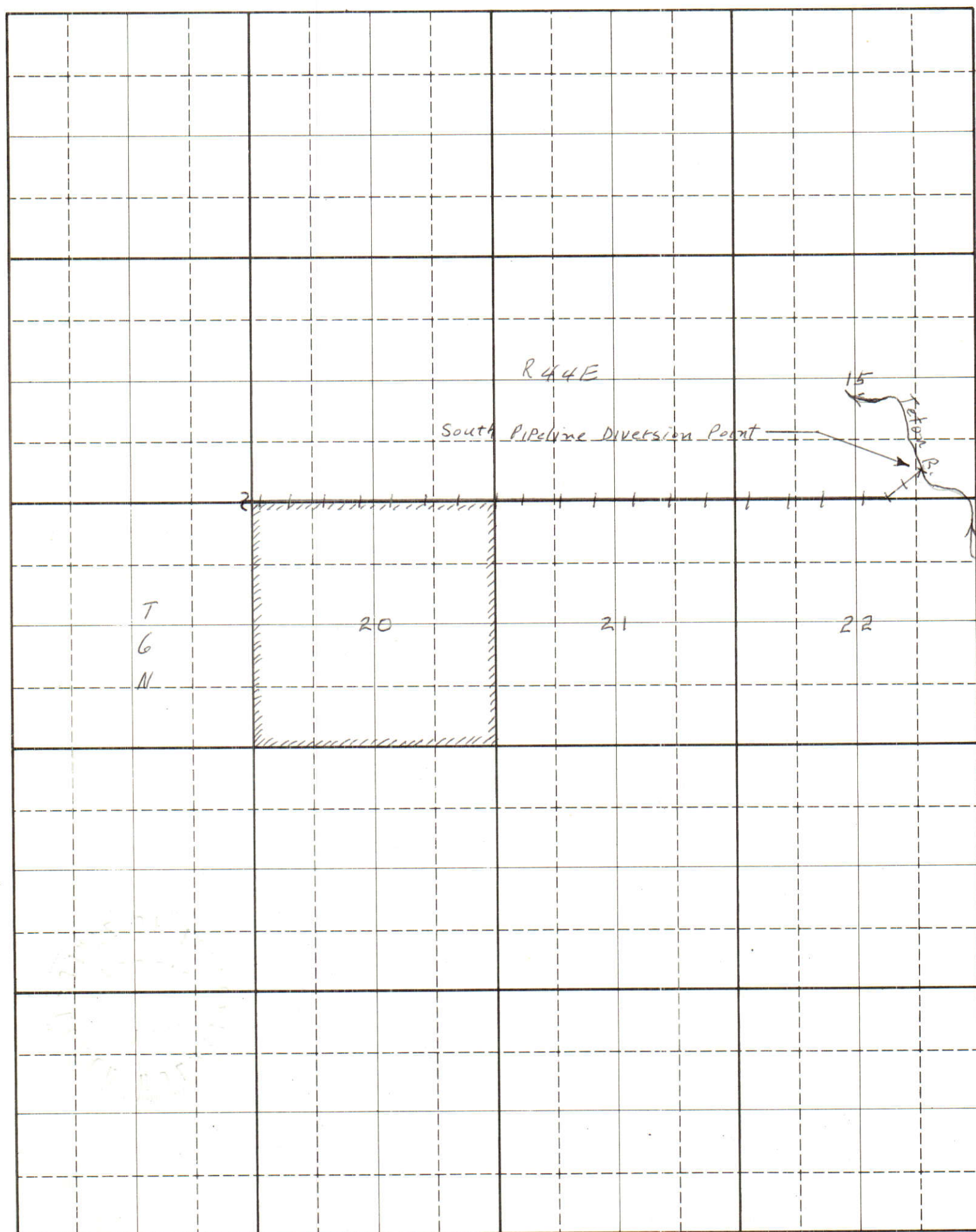


- b. Draw a map indicating the new point(s) of diversion and/or the new land to be irrigated. Show clearly the land involved by section, township and range number.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
 County of Teton)

I, Louise J. Dorton
 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

Change of Water Right # 22-05531
0552/6288/0551 - Echo Ranch

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 9 day of June
 1977. + 6/16/77

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 J. Dorton

Subscribed in my presence and
 sworn to before me this 17 day
 of June, 1977

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

My Commission expires

9-20, 1977

**NOTICE OF PROPOSED
 CHANGE OF WATER RIGHT**
 NO. 22-0553/0552/0288/0551

Notice is hereby given that
 Ehco Ranch, Inc., Rexburg,
 Idaho, has applied to the De-
 partment of Water Resources
 for a change in the point of
 diversion and place of use of
 the waters of Teton River trib-
 utary to Snake River. The
 rights sought to be changed
 are evidenced by decree to
 Teton Island Canal Co. in case
 of Rexburg Irrigation Co. et al
 -vs. Teton Irrigation Co. et al
 dated 12-16-1910 in Sixth Dis-
 trict, County of Fremont and
 are recorded as follows:

No. 22-0553; AMOUNT: 70.0
 cfs; PRIORITY: 5-22-1884

No. 22-0552; AMOUNT: 10.36
 cfs; PRIORITY: 3-01-1883

No. 22-0288 (No. 708);
 AMOUNT: 1.60 cfs; PRIORI-
 TY: 5-15-1883

No. 22-0551; AMOUNT: 159.64
 cfs; PRIORITY: 4-01-1898

POINT OF DIVERSION:
 SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R.
 40E, B.M., Fremont County.

The water is used to irri-
 gate the lands of the Teton
 Island Canal Company.

**TO BE CHANGED
 AS FOLLOWS**

Only 1.90 c.f.s. of water will
 be diverted within the SE $\frac{1}{4}$
 SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E,
 B.M., Teton County, and used
 to irrigate 640 acres within
 Sec. 20, T. 6N, R. 44E, B.M.

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 June 27, 1977.

C. STEPHEN ALLRED
 Director

Published in the Teton Valley
 News, Driggs, Idaho on June
 9 and June 16, 1977.

RECEIVED

JUN 20 1977

Department of Water Resources
 Eastern District Office

MICROFILMED

**AFFIDAVIT OF
PUBLICATION**

State of Idaho }
County of Fremont } ss.

Dorothy D. Hunsaker

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

owner

That he is the
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 No. 22-0553/0552/0288/0551

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 two consecutive is-
sues thereof; first publication

having been made on the 9

day of June, 19 77,

and the last publication on the

16 day of June

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.

Dorothy D. Hunsaker
Subscribed in my presence and

sworn to before me this 8th

day of July,

19 77.

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

RECEIVED

JUL 12 1977

Department of Water Resources
Eastern District Office

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT**

NO. 22-0553/0552/0288/0551

CW NOTICE is hereby given that Ehco
Ranch, Inc., Rexburg, 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 Island
Canal Co. in case of Rexburg Irrigation
Co. et al -vs- Teton Irrigation Co. et al
dated 12-16-1910 in Sixth District,
County of Fremont and are recorded as
follows:

No. 22-0553, AMOUNT: 70.0 cfs,
PRIORITY: 5-22-1884

No. 22-0552, AMOUNT: 10.36 cfs,
PRIORITY: 3-01-1883

No. 22-0288(#708), AMOUNT: 1.60
cfs, PRIORITY: 5-15-1883

No. 22-0551, AMOUNT: 159.64 cfs,
PRIORITY: 4-01-1898

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 36, T. 7N, R. 40E, B.M., Fremont
County.

The water is used to irrigate the lands
of the Teton Island Canal Company.

TO BE CHANGED AS FOLLOWS

Only 1.90 cfs of water will be diverted
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R.
44E, B.M., Teton County, and used to
irrigate 640 acres within Sec. 20, T. 6N,
R. 44E, B.M.

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
June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho, on June 9
and June 16, 1977.

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 22-0553/0552/0288/0551**

NOTICE is hereby given that Ehco Ranch, Inc., Rexburg, 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 Island Canal Co. in case of Rexburg Irrigation Co. et al -vs- Teton Irrigation Co. et al dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

No. 22-0553, **AMOUNT:** 70.0 cfs,
PRIORITY: 5-22-1884

No. 22-0552, **AMOUNT:** 10.36 cfs,
PRIORITY: 3-01-1883

No. 22-0288(#708), **AMOUNT:** 1.60 cfs, **PRIORITY:** 5-15-1883

No. 22-0551, **AMOUNT:** 159.64 cfs,
PRIORITY: 4-01-1898

POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$,
Sec. 36, T. 7N. R. 40E, B.M., Fremont
County.

The water is used to irrigate the lands
of the Teton Island Canal Company.

TO BE CHANGED AS FOLLOWS

Only 1.90 cfs of water will be diverted
within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R.
44E, B.M., Teton County, and used to
irrigate 640 acres within Sec. 20, T. 6N,
R. 44E, B.M.

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
June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the Fremont County
Chronicle, St. Anthony, Idaho, on June 9
and June 16, 1977.

**NOTICE OF PROPOSED
CHANGE OF WATER RIGHT**

NO. 22-0553/0552/0288/0551

Notice is hereby given that Ehco Ranch, Inc., Rexburg, 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 Island Canal Co. in case of Rexburg Irrigation Co. et al -vs- Teton Irrigation Co. et al dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

No. 22-0553; AMOUNT: 70.0 cfs; PRIORITY: 5-22-1884

No. 22-0552; AMOUNT: 10.36 cfs; PRIORITY: 3-01-1883

No. 22-0288 (No. 708); AMOUNT: 1.60 cfs; PRIORITY: 5-15-1883

No. 22-0551; AMOUNT: 159.64 cfs; PRIORITY: 4-01-1898

POINT OF DIVERSION:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 40E, B.M., Fremont County.

The water is used to irrigate the lands of the Teton Island Canal Company.

**TO BE CHANGED
AS FOLLOWS**

Only 1.90 cfs. of water will be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County, and used to irrigate 640 acres within Sec. 20, T. 6N, R. 44E, B.M.

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 June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the Teton Valley News, Driggs, Idaho on June 9 and June 16, 1977.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Madison } ss.

John C. Porter

~~John C. Porter~~ being first
duly sworn, upon his oath, deposes
and says:

That he is the publisher of The
Rexburg Standard, a newspaper
as defined by Idaho Codes An-
notated Section 58-106 as amend-
ed, and that said newspaper is a
weekly newspaper, printed and
published at Rexburg, in Madison
County, Idaho, having a general
circulation in said county, and
that said newspaper has been
printed and published as a week-
ly newspaper, in said county, for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertisement

or publication of Notice of
Proposed Water Transfer

And affiant further says that
said attached notice, advertise-
ment or publication, as per clip-
ping attached, was published in
said newspaper, in the regular
and entire issue thereof, and not
in any supplement issue thereof,

for two consecutive issues there-
of; first publication having been
made on the 17th day of

December, 1946.

and last publication on the 24th
day of December, 1946.

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 seventeen and
three-fourths inches deep, and hav-
ing more than 200 bona fide sub-
scribers living within said County
of Madison, State of Idaho.

John C. Porter

Subscribed in my presence and
sworn to before me this 26th

day of December, 1946.

Mary Smith

(Seal) Notary public for the
state of Idaho, resi-
dence and post office
address: Rexburg, Ida-
ho.

My commission expires.....

June 16, 1947.

NOTICE OF PROPOSED
TRANSFER OF WATER RIGHT

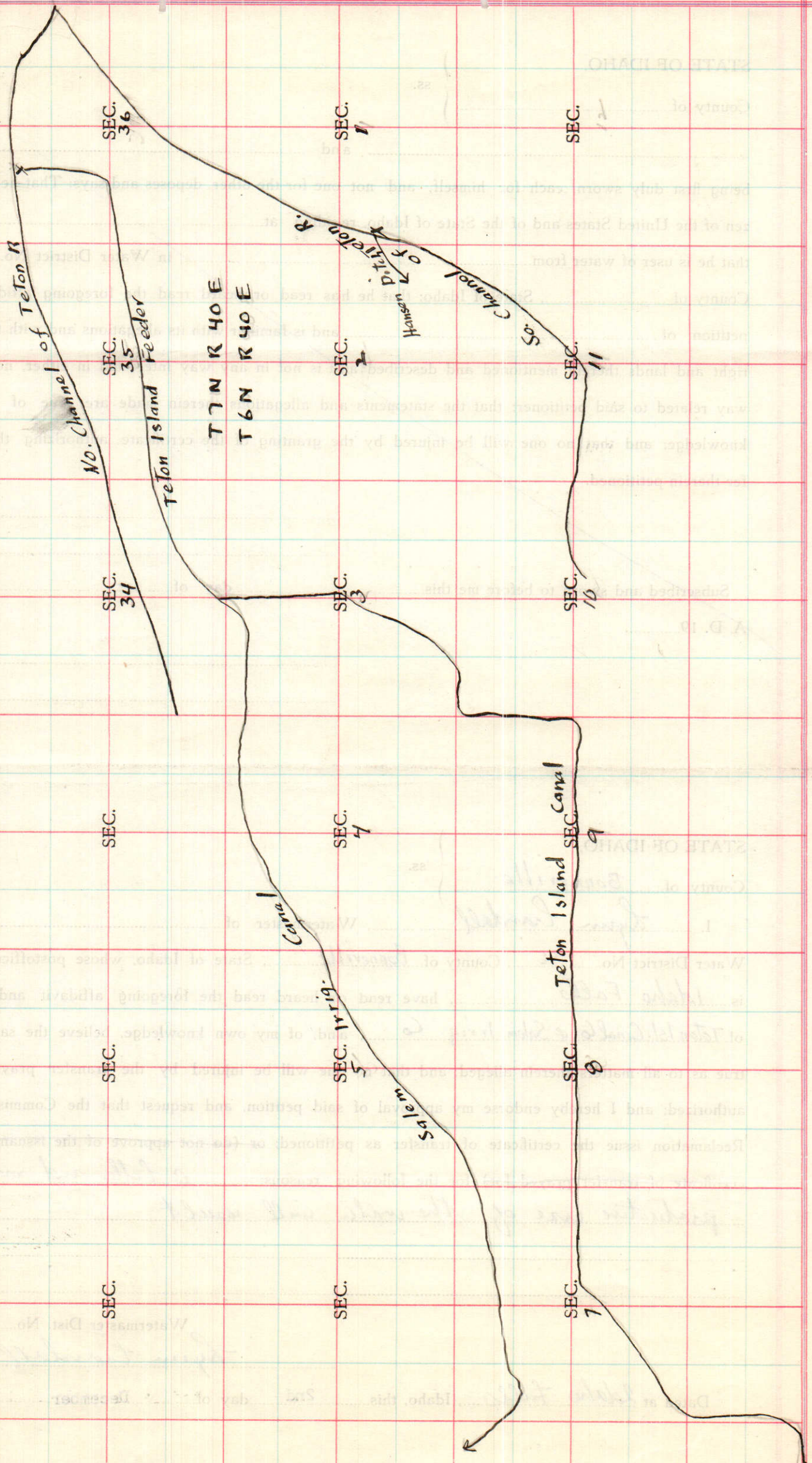
Notice is hereby given that Te-
ton Island Canal Company and
Salem Irrigating Canal Company
of Sugar City, Idaho, have applied
to the State Reclamation Engineer
of the State of Idaho for a cer-
tificate authorizing them to trans-
fer the use of 3.2 cubic feet per
second, with priority of May 15,
1883, of the water of Teton Riv-
er from the land upon which it is
now used, i. e., Lots 1 and 2, S½
SE¼ Section 2, Township 6 North,

Range 40 East, B. M., to the fol-
lowing described tract Lands un-
der the Teton Island Canal Com-
pany and Salem Irrigation Canal
Company.

And that, on the 2nd day of
January, A. D., 1947 at 10:00 A.
M., at Room 107 State House,
Boise, Idaho, before the State Re-
clamation Engineer, or his author-
ized agent, the opportunity will
be given to any and all persons
to appear and present, for his con-
sideration, any reason or reasons
why a certificate should not be
issued authorizing such transfer.

MARK R. KULP,
State Reclamation Engineer.
12-17-2t

MICROFILMED



TRANSFER NO.	NAME	AMOUNT C.F.S.	BALANCE C.F.S.	RIGHT NO.
	Hansen, N. P.	3.2		22-0288
	Teton Island Canal Company	3.2	0	22-0288A

T

R

A

N

S

F

E

R

NOT FILMED

RECEIVED

SEP 15 1977

Department of Water Resources
Eastern District Office

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

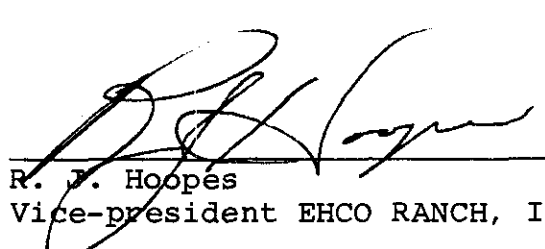
In the Matter of Protest Against)
Approval of Application for)
Transfer No. 22-0553/0552/0288/)
0551 in the Name of EHCO RANC,)
INC.)

WITHDRAWAL OF APPLI-
CATION FOR TRANSFER

EHCO RANCH, INC., applicant in the above stated matter, acting by and through its vice-president, R. J. Hoopes, hereby withdraws its application for the transfer of 1.9 cfs of decreed water which it heretofore has applied to have transferred from its present point of diversion and use to a new point of diversion upstream on the Teton River.

This withdrawal of the application does not affect the transfer of the storage water which was associated with this particular piece of property and which had been transferred to the new point of diversion prior to the application herein.

Dated this 13th day of September, 1977.


R. J. Hoopes
Vice-president EHCO RANCH, INC.

RECEIVED

Re: Application for Transfer #22-0553/0552/0288/0551

Dear Sir,

No chair^{man} of the board, ~~i represent~~, for the Teton
Island Canal, i representative of ^{stock} ~~share~~ holders with in
said canal I ~~would like to~~ am submitting
this protest concerning application for transfer
#22-0553/0552/0288/0551 in the name of Echo
Ranch, Inc. for the following reasons:

1 - Transfer of this water out of the Teton
Island Canal system would injure the
water rights of the present ^{stock holders.} ~~share holders.~~

2 - As stated in Article II of the Teton
no stock shall be
Island Canal Company by - laws, ~~the~~ transferred
of water to any other water system unless
it is approved by a majority of the stock holders

RECEIVED

JUN 23 1977

Department of Water Resources
Eastern District Office

RECEIVED

WTH

of the stockholders. At a recent meeting
of the board of directors for the Teton Island Canal
Co, it was ^{unanimous} ~~unanimous~~ decision ^{apose} ~~apose~~ to ~~oppose~~ the
application in the transfer of water.
R. E. Russell

Application No. 22-0553/0552/
0288/0551

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES

APPLICATION FOR TRANSFER OF WATER RIGHT

To Change the Point of Diversion and/or the Place of Use

Name of applicant Ehco Ranch, Inc. Phone 456-4171
356-6724

Post office address Box 688, Rexburg, Idaho 83440

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

a. Decree to Teton Island Canal Co. (Name)

in case of Rexburg Irrigation Co. et al vs Teton Irrigation Co. et al

dated 12-16-1910 in Sixth District county of Fremont
(Name of court)

b. License No. _____ issued by the Idaho Department of Water Resources

c. Claim No. _____ on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____

Land acquired by purchase - see exhibit "C"

3. Source of water Teton River tributary to Snake River

4. Date of priority 22-0553 - May 22, 1884; 22-0552 - March 1, 1883
22-0288 - (T 708) May 15, 1883

5. Water is used for the following purposes:

22-0553	amount	70.0	for	Irrigation	purposes from	Apr. 1	to	Nov. 1
22-0552		10.36		"		"		"
22-0288	#708 amount	1.60	for		purposes from		to	
22-0551	amount	159.64	for	"	purposes from	"	to	"

(month/day – both dates inclusive)

6. Total amount of water under right: a. 241.60 cubic feet per second

b. _____ &/or
acre feet per annum

7. Location of original point of diversion is SW ¼ of NW ¼ of Section 36

Township 7N Range 40E, B.M., in Fremont County

Additional points of diversion, if any _____

8. Lands irrigated or place of use:

[illegible]

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. 1.90 cubic feet per second

b. acre feet per annum

22-0551 1.26 cfs

22-0552 0.08 cfs

22-0288 0.01 cfs

22-0553 0.55 cfs

2. Point of diversion

SW 1/4 NW 1/4, Section 36

Range 40E, B.M., Fremont

County

Township 7N

Additional points

3. Place of use:

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	40E	17					7	15	13	4									39

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

1. Change in point of diversion

a. Amount of water to be diverted 1.90 c.f.s. &/or acre feet

b. Point(s) of diversion SE 1/4 SE 1/4, Section 15

Range 44E, B.M., Teton

County

Township 6N

Additional points

c. Description of diverting works

South pipeline project of Teton Pipeline Assoc.

d. Describe the reasons for applying for a change in the point(s) of diversion

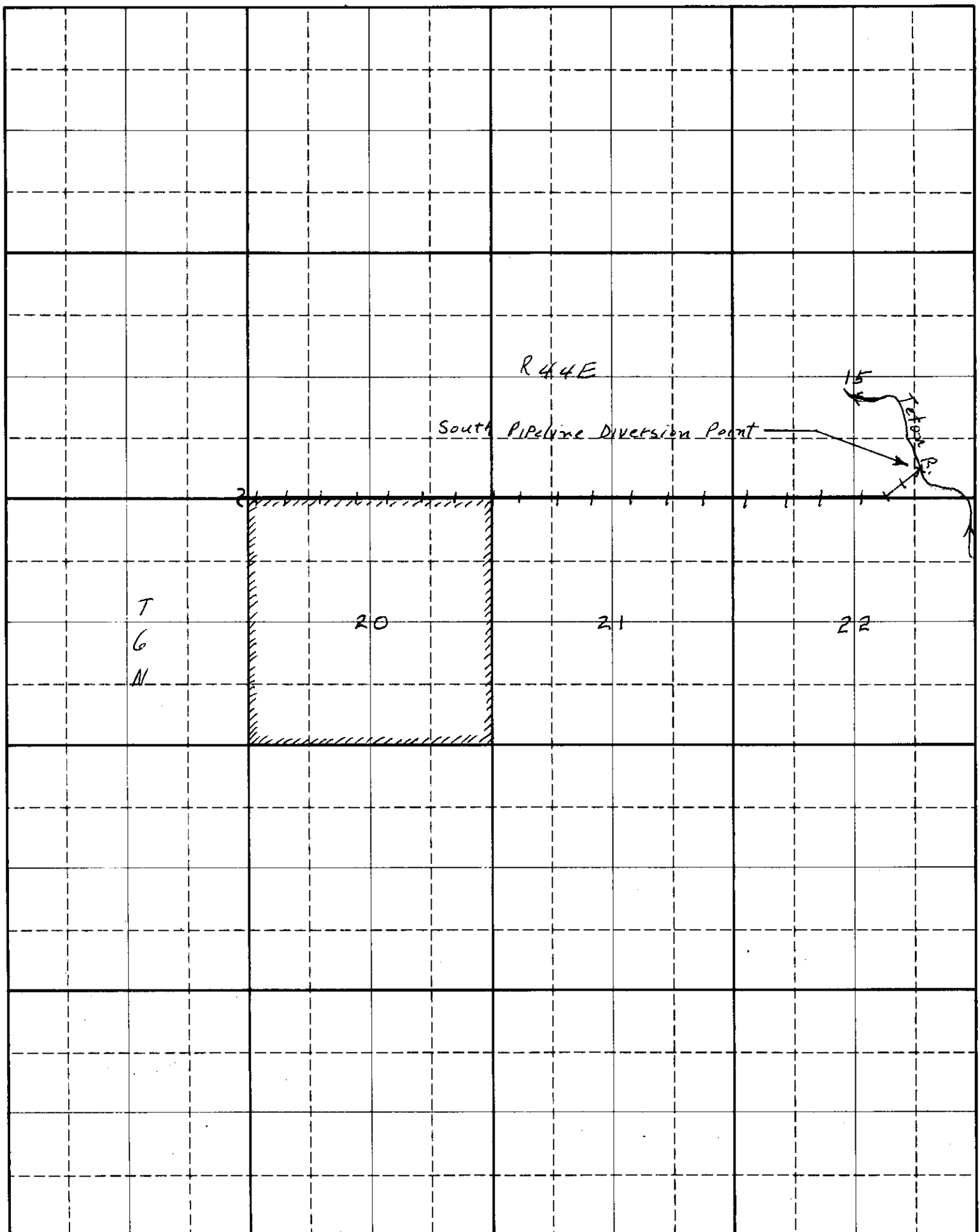
Applicant owns both original and new place of use. Water is needed on the new land but not on the old.

2. Change in place of use

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

TWP.	RANGE	SEC.	NE1/4				NW1/4				SW1/4				SE1/4				TOTALS
			NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	NE1/4	NW1/4	SW1/4	SE1/4	
6N	44E	20	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	640

- 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.



SCALE: 2 inches equal 1 mile. Draw plan in ink.

3. Remarks This transfer will remain in effect until Nov. 1, 1977, at which
time the rights will revert to the original point of diversion and place of use.

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.

Subscribed and sworn to before me this 31st day of May, 19 77

(Signature of applicant)
Cap. Van R...

Loren O. Halmer
(Notary public)

My commission expires March 21, 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:

2. Denial of said application is for the following reasons:

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by CW Date 6-01-77

Prelim. check by LH Fee \$30.00

Received by CW Date 6-01-77

Published in Ston Valley News #232

Pub. dates June 9 & 16, 1977

Watermaster recommendation requested on 6-09-77

WD #9 rec'd. Art Larson

Protest filed by Willis Walker

Copies of protest forwarded by CW

Hearing held by _____ Date _____

Recommended for _____ approval _____ denial _____
by _____

Transfer No. _____

Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR TRANSFER OF WATER RIGHT
To Change the Point of Diversion and/or the Place of Use

Name of applicant EHCO RANCH, INC. Phone 456-4171
356-6724
Post office address Box 688 Rexburg, Idaho 83440

A. DESCRIPTION OF RIGHT AS RECORDED

1. Right evidenced by:

- a. Decree to Teton Island Canal Company
(Name)
in case of _____ vs _____
dated _____ in _____ county of _____
(Name of court)
- b. License No. see Attached page issued by the Idaho Department of Water Resources
- c. Claim No. Exhibit A on file with the Idaho Department of Water Resources

2. If applicant is not the original holder of this right, explain how it was acquired and attach a copy of the deed or other evidence of ownership of the land to which the right is appurtenant _____
see Attached page Exhibit C

3. Source of water Teton River tributary to Snake River

4. Date of priority see Attached page Exhibit A

5. Water is used for the following purposes:

amount 70 cfs for irrigation purposes from May 1st to Oct. 1st
amount 10.36 cfs for irrigation purposes from May 1st to Oct. 1st
amount 3.2 cfs for irrigation purposes from May 1st to Oct. 1st
159.64 cfs irrigation (month/day - both dates inclusive)
May 1st Oct. 1st

6. Total amount of water under right: a. 1.93 cfs cubic feet per second
&/or
b. _____ acre feet per annum

7. Location of original point of diversion is _____ ¼ of _____ ¼ of Section 36
Township 7 Range 40, B.M., in Fremont County
Additional points of diversion, if any Diversion by Teton Feeder Canal, then
into Teton Island Canal Co.

8. Lands irrigated or 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	
6	40	17					X	X											39 acres

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. _____ cubic feet per second
&/or
b. _____ acre feet per annum
2. Point of diversion _____ ¼ _____ ¼, Section _____ Township _____
Range _____, B.M., _____ 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	

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

1. Change in point of diversion

a. Amount of water to be diverted 1.93 c.f.s. &/or _____ acre feet

b. Point(s) of diversion _____ ¼ _____ ¼, Section 15 Township 6
Range 44, B.M., Teton County
Additional points _____

c. Description of diverting works Diversion into South pipeline project of Teton Pipeline Assoc.

d. Describe the reasons for applying for a change in the point(s) of diversion Applicant owns both the lands on which it has been used and lands of new use.-
The water is needed on the new land but not the old land.

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	
6	44	26																	

Total number of acres to be irrigated _____

- 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.

[illegible]

SCALE: 2 inches equal 1 mile. Draw plan in ink.

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.

(Signature of applicant)

Subscribed and sworn to before me this _____ day of _____, 19 _____

(Notary public)

My commission expires _____

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:

2. Denial of said application is for the following reasons: _____

Witness my hand this _____ day of _____, 19 _____

FOR DEPARTMENT USE ONLY

Received by _____ Date _____

Protest filed by _____

Prelim. check by _____ Fee _____

Receipted by _____ Date _____

Published in _____

Copies of protest forwarded by _____

Pub. dates _____

Hearing held by _____ Date _____

Watermaster recommendation requested on _____

Recommended for approval denial

_____ rec'd. _____

by _____

Exhibit A

220553	70 cfs	May 22, 1884	0.55.
220552	10.36cfs	March 1, 1883	0.08
220288/7705	^{1.6} ~~3.2~~ cfs	May 15th, 1883	0.01
220551	159.64cfs	April 1, 1898	<u>1.26</u>
	<u>243.2 cfs</u> 241.6		<u>1.90 cfs.</u>

EHCO RANCH, INC. owns 3.5 shares (See Exhibit B) of the total 444 outstanding shares. Each share being worth .55 cfs. Total cfs owned by Ehco Ranch is ~~1.93~~ cfs

1.90

INCORPORATED UNDER THE LAWS OF

IDAHO
1940

NUMBER

336

SHARES

3 1/2

Teton Island Canal Company

The Certified

ECHO RANCHES INC.
THREE AND ONE HALF

TETON ISLAND CANAL COMPANY

Transferred only on the books of the Corporation by the authorized officers or
personally showing upon surrender of this Certificate previously issued
IN WITNESS WHEREOF the said Corporation has caused this Certificate to be signed
by its duly authorized officers and its corporate seal hereunto affixed
this 17th day of AUGUST 1960

SECRETARY

Walter J. Dwyer

PRESIDENT

Walter J. Dwyer

PHOTO CO

EXHIBIT C
WARRANTY DEED

PHOTO COPY

THIS INDENTURE, made this 27th day of March, 1974,
between VAL SCHWENDIMAN FARMS, INC., PENSION TRUST

of Newdale, County of Madison, State of Idaho,
the part Y of the first part and ECHO RANCH, INC., a corporation, with its
principal office

County of Madison, State of Idaho, of Rexburg,
the part Y of the second part,

WITNESSETH, that the said part Y of the first part, for and in consideration of the sum of
-----Ten and no/100----- Dollars
lawful money of the United States of America and other valuable consideration,
to it in hand paid by the party of the second part, the receipt whereof is hereby acknowledged,
has granted, bargained, sold, and by these presents, do ~~grant, bargain, sell and convey~~ and confirm unto
the said part Y of the second part, and to its ~~heirs and assigns~~ successors, forever, all the following described
real estate, situated in the County of Madison,
State of Idaho, to-wit:

---Commencing at a point that is S.00°26'26"W., 1062.08 feet
from the NW Cor. Sec. 17, T. 6N., R. 40 E., B.M., Madison
County, Idaho, and running thence S.89°59'03"E., 285.00 ft.,
thence N.00°26'26"E., 444.50 ft., thence S.89°59'03"E.,
1195.35 ft., thence S.00°26'26"W., 330.00 ft., thence
S.89°59'03"E., 567.84 ft., thence S.30°24'57"W., 914.17 ft.,
thence N.89°59'03"W., 1591.44 ft., thence N.00°26'26"E.,
674.00 ft., to the point of beginning. Contains 41.25 acres.---

PHOTO COPY

VALLEY BANK
92-80 Rexburg, Idaho 92-80.

ESCROW 604

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belong-
ing or in anywise appertaining, and the reversion and reversions, remainder and remainders, and rents, issues
and profits thereof: and all estate, right, title and interest in and to the said property, as well in law as in equity
of the said part Y of the first part.

TO HAVE AND TO HOLD, all and singular the above mentioned and described premises together
with the appurtenances unto the part Y of the second part, and to its successors, forever.
And the said part Y of the first part, and its heirs, the said premises in the quiet and peaceable
possession of the said part Y of the second part, its successors, against the said part Y
of the first part, and its heirs, and against all and every person and persons whomsoever, lawfully
claiming or to claim the same shall and will warrant and by these presents forever defend.

IN WITNESS WHEREOF, the said part Y of the first part has hereunto set its hand
and seal the day and year first above written.

Executed and Delivered in the Presence of

VAL SCHWENDIMAN FARMS, INC. [SEAL]
PENSION TRUST

BY: Val E. Schwendiman [SEAL]
Val E. Schwendiman-Trustee

[SEAL]

AFFIDAVIT OF PUBLICATION

State of Idaho)
)ss
County of Teton)

I, Louise J. 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

Change of Notice Right H 22-05531
05531/6288/0551 - Chey Ranch

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 9 day of June
1977 + 6/16/77

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 J. Norton
Subscribed in my presence and
sworn to before me this 17 day
of June, 1977

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

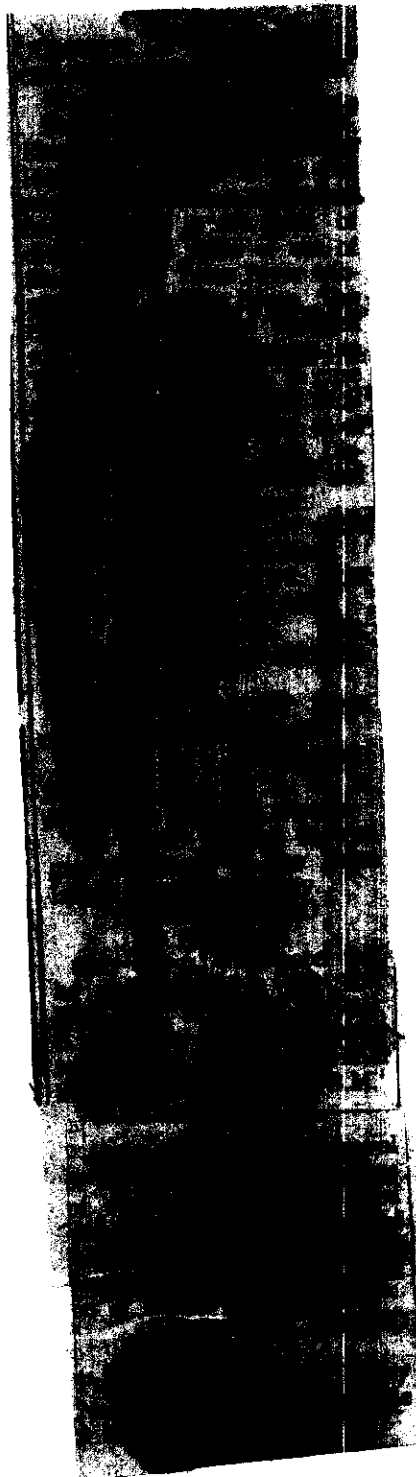
Dorothy C. O'Connell
My Commission expires

9-20, 1977

RECEIVED

JUN 20 1977

Department of ~~Water~~ Resources
Eastern District Office



NOTARY PUBLIC

**AFFIDAVIT OF
PUBLICATION**

State of Idaho

County of Fremont

ss.

Dorothy D. Hunsaker

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

owner

That he is the
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 No. 22-0553/0552/0288/0551

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 two consecu-
tive issues thereof; first publication

having been made on the 9

day of June, 19 77,

and the last publication on the

16 day of June

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.

Dorothy D. Hunsaker
Subscribed in my presence and

sworn to before me this 8th

day of July, 19 77

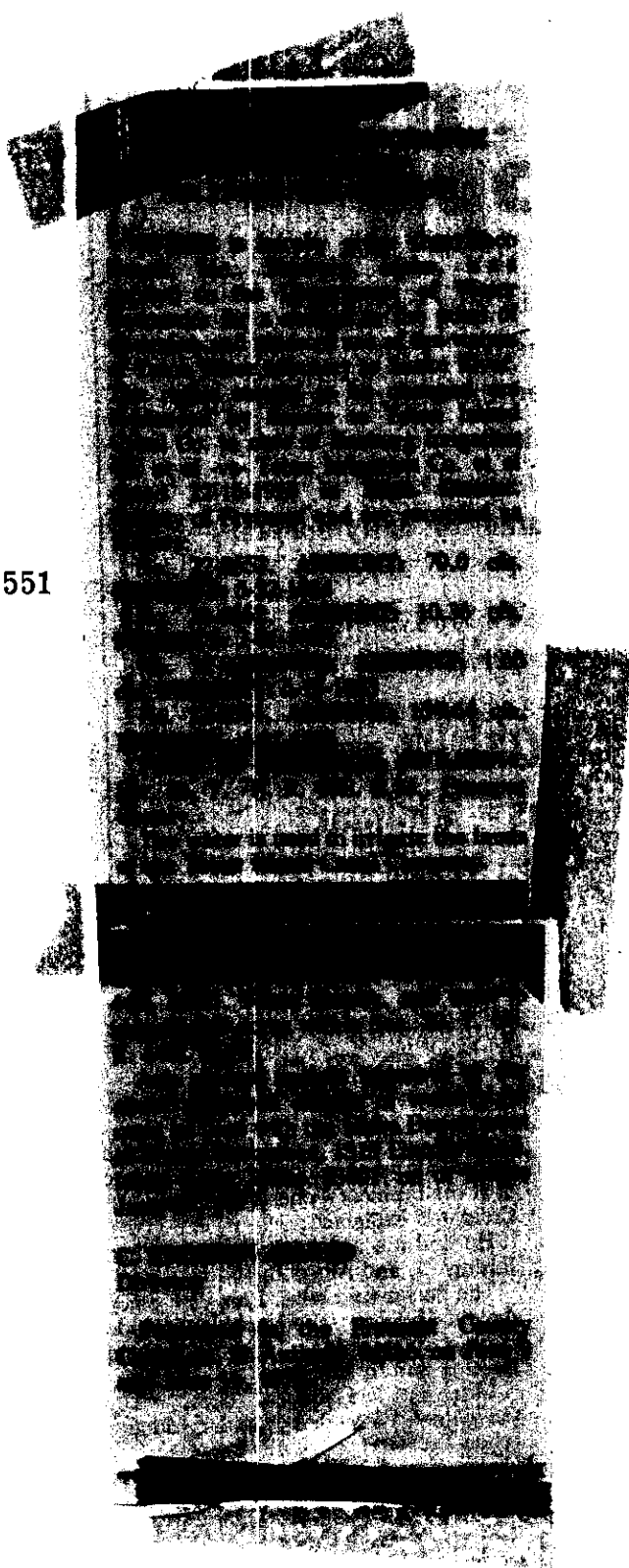
W. H. R. R.

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

(SEAL)

JUL 12 1977

Department of Water Resources
Eastern District Office



RECEIVED
JUL 13 1977
WATER RESOURCES
DIVISION
BOISE, IDAHO

387

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

TETON ISLAND CANAL COMPANY
and
SALEM IRRIGATING CANAL COMPANY
of Sugar City, Idaho

ORDER GRANTING TRANSFER

No. 708

For a Transfer of Water Right, in Water District
No. 36, Madison County, Idaho.

WHEREAS, On the 2nd day of January, 1947, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of TETON ISLAND CANAL COMPANY and SALEM IRRIGATING CANAL COMPANY, of Sugar City, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicants, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby;

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 31st day of March, A. D. 1947.

Mark R. Kulp

MARK R. KULP
State Reclamation Engineer

22-0288

MICROFILMED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 708

THIS IS TO CERTIFY THAT TETON ISLAND CANAL COMPANY and SALEM IRRIGATING CANAL COMPANY, of Sugar City, Idaho, are the owners of and using a certain water right from Teton River, in the amount of 3.2 cubic feet per second, bearing date of priority of May 15, 1883, said water being decreed to N. P. HANSEN by Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

THE REXBURG IRRIGATION COMPANY, ET AL.,

Plaintiffs,

vs.

TETON IRRIGATION CANAL COMPANY, ET AL.,

Defendants,

said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36, in the County of Madison, and State of Idaho, to-wit:

Lots 1 and 2 and $3\frac{1}{2}$ $SE\frac{1}{4}$ Section 8,
Township 6 North, Range 40 East, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450.

That said Teton Island Canal Company and Salem Irrigating Canal Company have become the owners of said water right by purchase.

And that now, upon the application of Teton Island Canal Company and Salem Irrigating Canal Company, of Sugar City, Idaho, for the transfer of 3.2 cubic feet per second of said water right, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the waters of Teton River upon the lands above described is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

1.6 cubic feet per second on lands under the
Teton Island Canal Company; and
1.6 cubic feet per second on lands under the
Salem Irrigating Canal Company.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

3.2 cubic feet per second, bearing date
of priority of May 15, 1883.

That the water right hereby transferred has heretofore been conducted from Teton River to the first above described lands through the Hansen Ditch, with point of diversion in the SW $\frac{1}{4}$ Section 1, Township 6 North, Range 40 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Teton Island Feeder, with point of diversion in the NW $\frac{1}{4}$ Section 36, Township 7 North, Range 40 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 31st day of March, A. D. 1947.

Mark R. Kulp
MARK R. KULP

State Reclamation Engineer

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

In the Matter of the Application of

TETON ISLAND CANAL COMPANY
and
SALEM IRRIGATING CANAL COMPANY
of Sugar City, Idaho

ORDER GRANTING TRANSFER

No. 708

For a Transfer of Water Right, in Water District
No. 36, Madison County, Idaho.

WHEREAS, On the 2nd day of January, 1947, at the Department of Reclamation of the State of Idaho, at Boise, Idaho, this matter of an application of TETON ISLAND CANAL COMPANY and SALEM IRRIGATING CANAL COMPANY, of Sugar City, Idaho, for a Transfer of Water Right, came on regularly for hearing, pursuant to the published notice, in due and statutory form; and,

WHEREAS, No protest has been filed against the application, and the evidence filed by the applicants, with the application, shows that the water will be put to a higher and more beneficial use, and that no one will be injured thereby:

NOW, THEREFORE, IT IS HEREBY ORDERED That the said application be, and the same is HEREBY GRANTED, and that a Certificate of Transfer be issued to the applicants herein, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 31st day of March, A. D. 1947.

MARK R. KULP
State Reclamation Engineer

UNRECORDED

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

Certificate of Water Right
Transferred Right No. 708

THIS IS TO CERTIFY THAT TETON ISLAND CANAL COMPANY and SALEM IRRIGATING CANAL COMPANY, of Sugar City, Idaho, are the owners of and using a certain water right from Teton River, in the amount of 3.2 cubic feet per second, bearing date of priority of May 15, 1883, said water being decreed to N. P. HANSEN by Judge J. M. Stevens, of the District Court of the Sixth Judicial District of the State of Idaho, in and for the County of Fremont, in the case of

THE REXBURG IRRIGATION COMPANY, ET AL.,

Plaintiffs,

vs.

TETON IRRIGATION CANAL COMPANY, ET AL.,

Defendants,

said decree bearing date of December 16, 1910, for the purpose of irrigating the following described lands, situate, lying and being in Water District No. 36, in the County of Madison, and State of Idaho, to-wit:

Lots 1 and 2 and $3\frac{1}{2}$ SE $\frac{1}{4}$ Section 2,
Township 6 North, Range 40 East, B. M.

That said decree has been entered in the records of the Department of Reclamation of the State of Idaho, in Volume 3 of Decrees, at Page 450.

That said Teton Island Canal Company and Salem Irrigating Canal Company have become the owners of said water right by purchase.

And that now, upon the application of Teton Island Canal Company and Salem Irrigating Canal Company, of Sugar City, Idaho, for the transfer of 3.2 cubic feet per second of said water right, made before the State Reclamation Engineer of the State of Idaho, and said application having been granted, the right to the use of 3.2 cubic feet per second of the waters of Teton River upon the lands above described is hereby abandoned, and the lands to be irrigated under such right, and to which the water right HEREBY CONFIRMED shall become appurtenant by this certificate, for irrigation and domestic purposes, are described as follows, to-wit:

1.6 cubic feet per second on lands under the
Teton Island Canal Company; and
1.6 cubic feet per second on lands under the
Salem Irrigating Canal Company.

That the said water is to be limited at any given time to an amount actually needed and beneficially used for such purposes, and shall not exceed the following amount, to-wit:

3.2 cubic feet per second, bearing date
of priority of May 15, 1883.



That the water right hereby transferred has heretofore been conducted from Teton River to the first above described lands through the Hansen Ditch, with point of diversion in the SW $\frac{1}{4}$ Section 1, Township 6 North, Range 40 East, B. M.

That the water right hereby transferred will hereafter be conducted to the last above described lands through the Teton Island Feeder, with point of diversion in the NW $\frac{1}{4}$ Section 36, Township 7 North, Range 40 East, B.M.

That the right to the use of the water aforesaid, hereby confirmed, is restricted to the lands or place of use last above described, as provided by the laws of the State of Idaho.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the official seal of the Department of Reclamation of the State of Idaho to be hereunto affixed, at Boise, Idaho, this 31st day of March, A. D. 1947.

MARK R. KULP

State Reclamation Engineer

UNRECORDED

#21

~~13-0039~~Grove, J. S.
and W. F.

160 inches.

July 5, 1900.

Indian Creek.

~~23-0040~~

Grove, J. S.

160 inches.

July 5, 1900.

Indian Creek.

~~35 0011~~

Grover, J. A.

160 inches.

June 1, 1895.

McTucker's Springs
and Halls Slough

Gulliford, S. K.

Good Luck Canal
Company.

Gunderson, Andrew

Lowder Canal Company.

Gunderson, J. C.

Lowder Canal Company.

~~22 0280~~

Guyman, Edward

120 inches.

June 10, 1897.

South Leigh Creek.

~~22 0281~~

Guyman, Edward

40 inches.

June 1, 1898.

South Leigh Creek.

~~21 0055~~

Gwinn, James G.

60 inches.

Oct. 1, 1903

Moose Creek.

~~21 0056~~

Gwinn, James G.

60 inches.

Oct. 1, 1904.

Moose Creek.

H.~~22 0282~~Haden Canal
Company

930 inches.

June 1, 1902.

Badger Creek.

~~22 0283~~

Hague, William A.

100 inches.

Moh. 25, 1901.

Teton River.

~~22 0284~~

Hamblin, Joseph R.

80 inches.

June 1, 1896.

Trail Creek.

~~22 0285~~

Hamilton, Alexander P.

116 inches.

June 1, 1896.

Trail Creek.

Hamilton, Alexander P.

(See Hill Ditch
Company.)~~35 0012~~

Hamilton, Harry

160 inches.

June 1, 1890.

Hull's Slough--
Boone Creek.~~35 0013~~

Hamilton, Harry

200 inches.

June 11, 1889.

Hull's Slough--
Boone Creek.~~35 0014~~

Hamilton, Harry

300 inches.

June 1, 1903.

McTucker's Springs and
Hull's Slough.

Hamilton, Henry

(Same as Harry Hamilton)

~~22 0286~~

Hamilton, Robert

160 inches.

June 1, 1898.

Badger Creek.

~~22 0287~~

Hanks, Harriet A.

80 inches.

June 1, 1896.

North Leigh Creek.

~~1 067~~

Hansen, E. P.

50 inches.

May 1, 1904.

Game Creek.

~~1 068~~

Hansen, E. P.

500 inches.

June 1, 1883.

Snake River. Trans #247

Hansen, John

Good Luck Canal
Company.~~22 0288~~

Hansen, N. P.

160 inches.

May 15, 1883.

South Fork of Teton
River. (Sold to Lee
Burrows.)~~22 0289~~

Hansen, Alfred

40 inches.

June 1, 1898.

North Leigh Creek.

MICROFILMED

RECEIVED

JUN 08 1998

Department of Water Resources
Eastern Region

CHANGE IN ADDRESS

This form is solely for purposes of notifying IDWR of a change in address of an adjudication claim.

[] Water Right Number(s): _____

Teton Island Canal Co.

[] Old Mailing Address: Teton Island Feeder Canal Partnership
1755 W 3000 N

[] New Mailing Address: Teton Island Feeder 1956 W 3000 N 1755 W 3000 N Rexburg ID 83440
MacKenzie Mac Kay
president

[X] Telephone Number: 208-356-6458

[X] Signature of Claimant: MacKenzie Mac Kay

[X] Date: 5-28-98

FOR IDWR USE ONLY:

Initial Review and Data-Entry

Date: _____ By: _____

Further Action Needed:

Further Action Taken

Date: _____ By: _____

Final Review and Data-Entry

Date: 7.28.98 By: ket

SD-0601-2 Last Name: TETON ISLAND

STATE

S	O	W	Water	Priority		Total	Use
E		N	Right No.	Date	Source	Diversion	Code Desc
L							

TETON ISLAND CANAL CO.							
	C	22-00288B	05/15/1883	TETON RIVER		1.600	01 IRR
	C	22-00551	04/01/1898	TETON RIVER		160.000	01 IRR
	C	22-00552	03/01/1883	TETON RIVER		10.360	01 IRR
	C	22-00553	05/22/1884	TETON RIVER		70.000	01 IRR
TETON ISLAND FEEDER							
	C	22-04043	04/01/1898	TETON RIVER		150.000	04 STOCK
							37 GWR

(Enter=Continue)

(GOLD 7=This Query)

(Menu _____)

DEPARTMENT OF WATER RESOURCES

TRANSFER ANALYSIS SHEET

1. Source Teton River

Name Echo Ranch

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 _____

4. ☒ Expansion of Right

Comment A limitation will be placed on AF/ANW.

5. ☒ Map

6. ☒ Signature

7. ☒ Fee

8. Watermaster's Comments _____

9. Comments _____

10. Initial Review by Ernest Carlson

Date 6/2/77

11. Recommended Action

☐ Approve

☐ Deny

☐ Conditions _____

By _____

Date _____

RECEIVED

Copy Sent

September 20, 1977

RE: Application for Transfer No. 22-0553/0552/0288/0551 EHCO RANCH INC.

Mr. R. Willis Walker, Chairman
Teton Island Canal Company
Rexburg, Idaho 83440

Dear Mr. Walker:

This is to advise you that Ehco Ranch Inc. has withdrawn the above referenced application for transfer and, therefore, the Department will take no further action in this matter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

RECEIVED
SEP 21 1977
FBI

September 20, 1977

RE: Application for Transfer No. 22-0553/0552/0288/0551 EHCO RANCH INC

Mr. R. J. Hoopes
Attorney at Law
30 Professional Plaza, Suite A
Rexburg, Idaho 83440

Dear Mr. Hoopes:

This is to acknowledge receipt of withdrawal you submitted in behalf of Ehco Ranch Inc. The Department will take no further action in this matter.

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

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

cc: Ehco Ranch Inc.

RECEIVED
SEP 21 1977

HOOPES & SMITH
ATTORNEYS AT LAW
30 PROFESSIONAL PLAZA, SUITE A
REXBURG, IDAHO 83440

R. J. HOOPES
RICHARD F. SMITH

RECEIVED

SEP 15 1977

Department of Water Resources
Eastern District Office TELEPHONE
(208) 356-9335

September 13, 1977

Mr. Ronald D. Carlson
Dept. of Water Resources
Eastern Region
1515 Lincoln Rd.
Idaho Falls, Idaho 83401

Dear Mr. Carlson:

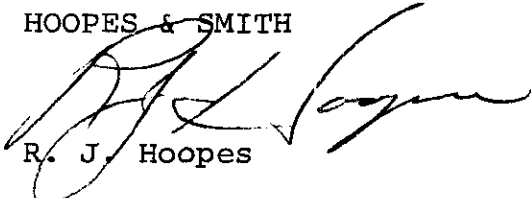
Enclosed please find our withdrawal of the application for the transfer of Nos. 22-0553/0552/0288/0551. We understand that this application and withdrawal included herein apply only to decreed water which we have by virtue of our ownership of shares in the Teton Island Canal Company. This has no effect on the storage water which we have previously transferred from the property in Madison County to the property owned in Teton County.

If you have any further questions regarding this matter, please feel free to contact me.

Thank you very much.

Sincerely,

HOOPES & SMITH


R. J. Hoopes

RJH:gam



CONVERSATION MEMORANDUM

DATE September 12, 1977

FILE 22-0553/0552/0299/0551

NAME OF PARTY Roger Hoopes, Attorney

EMPLOYEE Ernie Carlsen

RE: Roger Hoopes, attorney for Echo Ranches, called this afternoon and
stated Echo Ranches was going to withdraw their application. Written notification
will be mailed to the Department tomorrow.

MICROFILMED

T22-0553/0552/0288/0551 - Ehco Ranch, Inc.

Courtroom, Fremont County Courthouse, St. Anthony, Idaho

September 21, 1977 - 11:00 a.m.

ROSTER OF ATTENDANCE

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

MICROFILMED



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

September 6, 1977

Fremont County Courthouse
Clerk of the District Court
St. Anthony, Idaho 83445

Dear Sir:

This is to confirm the use of the Courtroom for conference and/or hearing to be held by this office on Wednesday, September 21, 1977 at 9:00 a.m. and at 11:00 a.m., and on Thursday, September 22, 1977 at 9:00 a.m. and 1:00 p.m.

Thank you for your cooperation in this matter.

Very truly yours,

RONALD D. CARLSON
Supervisor
Eastern Region

RDC:CD

RECEIVED
SEP 11 1977

Name and Address of Sender

DEPARTMENT OF WATER RESOURCES
EASTERN DISTRICT OFFICE
1515 LINCOLN ROAD
IDAHO FALLS, IDAHO 83401

Indicate type of mail:
☐ REGISTERED ☐ C.O.D.
☒ CERTIFIED

After stamp here if issued on certificate of mailing or for additional copies of this bill. DATE OF RECEIPT

1977

NUMBER OF ARTICLE	NAME OF ADDRESSEE, STREET AND POST OFFICE ADDRESS	POSTAGE	FEE	P.R. FEE	POST. DEL. FEE	ACTUAL VALUE	HANDLING CHARGE	REMARKS
730	Wentworth, Attorney, P.O. Box 139, Idaho Falls, Id.	13	60					34-7088
731	Goodrich & Roberts, Attorney, P.O. Box 31, Coeur d'Alene, Id.							75-7080/75-7081
732	Smith & Smith, Rtd 1327, Salmon, Id.							"
733	Thygesen, A. Clark, P.O. Box 1451, Salmon, Id.							"
734	Ray M. Timmer, Box 303, Salmon, Id.							"
735	Thompson & Lindner, Salmon, Id.							"
736	Thompson & Lindner, Salmon, Id.							"
737	Robert L. Plummer, Salmon, Id.							"
738	Richard K. Smith, III, Salmon, Id.							"
739	Edward S. Stuber, Salmon, Id.							"
730	Manuel Quam Ramon, Salmon, Id.							"
731	Don & Donita Timm, Box 1379, Salmon, Id.							75-7088/75-7089
732	Sped H. Smith, Attorney, P.O. Box 1227, Salmon, Id.							"
733	William R. Bova, A. G. Smith, New Route, Auburn, Id.							31-7265
734	Annelle, Vidmar, Kilgus St., Auburn, Id.							"
735	E. Van Rensselaer, Box 688, Reburys, Id.							72-20553/-
736	William Walker, Chemist, Teton National Forest, Reburys, Id.							75-7088/75-7089
737	Wayne Hansen, Box 97, Tinsdale, Id.							72-2173
738	Rock & M. M. Attorney, 485 E. 8th, Idaho Falls, Id.							"
739	Sum & Smith, Ashton, Id.							72-2173

NO. OF PIECES BY SENDER

20

TOTAL NO. OF PIECES RECD AT P.O.

20

POSTMASTER, (Name of receiving employee)

"Show under 'Remarks' class post if international"

72-2173

APPLICATION FOR REGISTERED, REGISTERED C.O.D. AND CERTIFIED MAIL

(Declaration of value is required on international registered mail)

FORM MUST BE MADE OUT IN INK OR BALL POINT PEN

U. S. GOVERNMENT PRINTING OFFICE: 1972-2-28-735

BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE
STATE OF IDAHO

In the Matter of Protest Against Approval
of Application for Transfer No. 22-0553/
0552/0288/0551 in the Name of EHCO RANCH,
INC.

NOTICE OF CONFERENCE
AND/OR HEARING

On June 1, 1977, Ehco Ranch, Inc., filed with the Department of Water Resources an application to transfer the waters of the State of Idaho. On June 23, 1977, the Department received a protest against approval of said transfer from Willis Walker, Chairman of the Board for the Teton Island Canal Company.

The Department has set the matter of protest for conference and/or hearing for Wednesday, September 21, 1977, at 11:00 a.m., in the Courtroom of the Fremont County Courthouse, St. Anthony, Idaho. Any hearing will be held in accordance with the Rules and Regulations of the Idaho Code and adopted Rules of Practice and Procedure of the Department of Water Resources. Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved.

Any party may request in writing five (5) days before any hearing that the oral proceedings thereof be taken in the form of stenographic notes. Any party may have such stenographic notes of the oral proceedings, or part thereof, transcribed at his own expense. A taped record of the proceedings will be maintained for the appeal period.

Failure to appear at the time and place set for hearing by the applicant or protestant may allow the Department without prejudice to dismiss the protests or the application. Any and all cost incurred by reason of such non-appearance may be assessed against such non-appearing parties.

Dated this 1st day of September, 1977.

s/ 

RONALD D. CARLSON

Supervisor, Eastern Region



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

June 28, 1977

RE: Application for Transfer No. 22-0553/etc. EHCO RANCH, INC.

Mr. Willis Walker, Chairman
Teton Island Canal Company
Rexburg, Idaho 83440

Dear Mr. Walker:

This is to acknowledge receipt of the protest to issuance of the above referenced application which you submitted on behalf of Teton Island Canal. The following are the principle items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to the time and place set for conference and/or hearing to discuss the matters of protest. If we may be of further assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

~~DDG: CW~~

IDWR - State Office



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

June 28, 1977

RE: Application for Transfer No. 22-0553/etc. EHCO RANCH, INC.

Ehco Ranch, Inc.
Box 688
Rexburg, Idaho 83440

Gentlemen:

Please find enclosed a copy of the protest submitted by Willis Walker against the above referenced application. You should be aware that the following are the items we can consider at a conference and/or hearing in either approving or denying an application for transfer:

1. Are other water rights injured by the transfer?
2. Does the change constitute an enlargement in the use of the original right?

You will be notified at a later date as to time and place set for conference and/or hearing to discuss the matters of protest. Legal counsel is not mandatory at any proceeding before the Department, although you may desire to employ an attorney in your behalf.

If we may be of any assistance, please contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

cc: IDWR - State Office

June 9, 1977

RE: Application for Transfer No. 22-0274/etc. BOTT
22-0351 OTTESEN
22-0553/etc. EHCO RANCH, INC.

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

Dear Art:

Please find enclosed copies of the above referenced applications and watermaster recommendation forms. Please review these applications and complete the forms, returning them to this office on or before June 27, 1977.

Your cooperation in this matter is greatly appreciated.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

ENCLOSURES

CONVERSATION MEMORANDUM

DATE June 3, 1977

FILE Ehco Ranch Transfer

NAME OF PARTY Willis Walker

EMPLOYEE Ernest Carlsen

RE: I contacted Willis Walker by phone and he stated the 3½ shares from Teton Island Canal Company were appurtenant to those lands described in Section B of said transfer. Furthermore, he has examined this land and varified there has been no attempt to plant crops for harvest this year. He also stated the 3½ shares of water will not be used to irrigate this land during the growing season of 1977.

June 3, 1977

RE: Application for Transfer No. 22-0351 OTTESEN
22-0553/etc EHCO RANCH
22-0274/etc BOTT
Amended Application No. 22-7209 HOOPES
22-7208 "

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 7-12-77 by CW

REC: CW

Enc: Legal Notice (5)

**NOTICE OF PROPOSED CHANGE
OF WATER RIGHT
NO. 22-4551/4552/4553/4554**

Notice is hereby given that Echo Ranch, Inc., Blanding, 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 decrees in Teton Inland Canal Case in case of Blanding Irrigation Co. et al vs Teton Irrigation Co. et al dated 12/16/1910 in Utah District Court of Fremont and recorded as follows:

- No. 22-4551, decreed 70.0 cfs, Blanding, Utah.
 - No. 22-4552, decreed 30.26 cfs, Blanding, Utah.
 - No. 22-4553, decreed 1.60 cfs, Blanding, Utah.
 - No. 22-4554, decreed 157.34 cfs, Blanding, Utah.
- The water is to be diverted from the Teton Inland Canal Company, Sec. 20, T. 40 N., R. 10 E., Coconino County.

The water is to be diverted to the point of the Teton Inland Canal Company.

The water is to be diverted to the point of the Teton Inland Canal Company, Sec. 15, T. 40 N., R. 10 E., Coconino County, and used to irrigate the lands within Sec. 20, T. 40 N., R. 10 E., Coconino County.

Any person having knowledge of the above facts and who is not a party to the above decrees is hereby notified that if he desires to object to the proposed change of water right he must file a written objection with the Department of Water Resources, Blanding, Utah, on or before June 15, 1941.

C. H. HARRIS, Director

CHAS. H. HARRIS, Director

June 3, 1977

RE: Application for Transfer No. 22-0351 OTTESEN
22-0553/etc. EHCO RANCH
22-0274/etc. BOTT
Application for PERMIT No. 22-7240 U of I

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,
e astern Region

Bill submitted 6-20-77 by CW

RDC:CW

Enc: Legal Notice (4)

RECEIVED
JUN 10 1977
FBI - BOZEMAN

NOTICE
TO THE PUBLIC

It is hereby given that Ehco Ranch, Inc., Rexburg, 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 Island Canal Co. in case of Rexburg Irrigation Co. et al vs. Teton Irrigation Co. et al dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

No. 22-0553; AMOUNT: 70.0 cfs; PRIORITY: 5-22-1884

No. 22-0552; AMOUNT: 10.36 cfs; PRIORITY: 3-01-1883

No. 22-0288 (No. 708); AMOUNT: 1.60 cfs; PRIORITY: 5-15-1883

No. 22-0551; AMOUNT: 159.64 cfs; PRIORITY: 4-01-1898

POINT OF DIVERSION:
SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 40E, B.M., Fremont County.

The water is used to irrigate the lands of the Teton Island Canal Company.

TO BE CHANGED
AS FOLLOWS

Only 1.90 cfs of water will be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 1, T. 6N, R. 44E, B.M., Teton County, and used to irrigate 40 acres within Sec. 20, T. 6N, R. 44E, B.M.

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 June 27, 1977.

C. STEPHEN ALLRED
Director

Published in the Teton Valley News, Driggs, Idaho on June 9 and June 16, 1977.

NOTICE OF PROPOSED CHANGE OF WATER RIGHT

NO. 22-0553/0552/0288/0551

Notice is hereby given that Ehco Ranch, Inc., Rexburg, 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 Island Canal Co. in case of Rexburg Irrigation Co. et al -vs- Teton Irrigation Co. et al dated 12-16-1910 in Sixth District, County of Fremont and are recorded as follows:

No. 22-0553	AMOUNT: 70.0 cfs	PRIORITY: 5-22-1884
No. 22-0552	AMOUNT: 10.36 cfs	PRIORITY: 3-01-1883
No. 22-0288(#708)	AMOUNT: 1.60 cfs	PRIORITY: 5-15-1883
No. 22-0551	AMOUNT: 159.64 cfs	PRIORITY: 4-01-1898
POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 40E, B.M., Fremont County.		

The water is used to irrigate the lands of the Teton Island Canal Company.

TO BE CHANGED AS FOLLOWS

Only 1.90 c.f.s. of water will be diverted within the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 15, T. 6N, R. 44E, B.M., Teton County, and used to irrigate 640 acres within Sec. 20, T. 6N, R. 44E, B.M.

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 June 27, 1977.

C. STEPHEN ALLRED

Director

Published in the **Teton Valley News, Driggs, Idaho,**
on June 9 and June 16, 1977.

RECORDED

mu-h.
mu-h.

NO. 22-0553/0552/0288/0551

No. 22-0553	AMOUNT: 70.0 cfs	PRIORITY: 5-22-1884
No. 22-0552	AMOUNT: 10.36 cfs	PRIORITY: 3-01-1883
No. 22-0288(#708)	AMOUNT: 1.60 cfs	PRIORITY: 5-15-1883
No. 22-0551	AMOUNT: 159.64 cfs	PRIORITY: 4-01-1898
POINT OF DIVERSION: SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 36, T. 7N, R. 40E, B.M., Fremont County.		

TO BE CHANGED AS FOLLOWS

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 June 27, 1977.

Director

Published in the **Fremont County Chronicle, St. Anthony, Idaho,**
on June 9 and June 16, 1977.

me. A.
the. C.

CONSENT TO TRANSFER

The undersigned officer of the Teton Island Canal Company, hereby consents to the transfer of 1.93 cubic feet per second of water by EHCO RANCH, INC. from lands it owns in Madison County to lands which it owns in Teton County. This 1.93 cubic feet per second of water is represented by 3.5 shares of stock which EHCO RANCH, INC. owns in the Teton Island Canal Company. This consent to transfer is valid from the date hereof until September 15th, 1977.

Dated this 20th day of May, 1977.

Rebecca Walker
Office:

FILED

June 14, 1972

Re: Transfer No. 22-0288

Fremont-Madison Irrigation District
St. Anthony,
Idaho 83445

ATTN: L. C. Anderson, Treasurer

Dear Mr. Anderson:

In response to your letter of May 27, 1972, our records indicate that the two rights you have questioned are part of our Right No. 22-0288, which was issued to N. P. Hanson in the amount of 160 inches, May 15, 1883 from the South Fork of the Teton River.

If we can be of further assistance, please contact us.

Very truly yours,

Donald W. McEldowney
Water Rights Supervisor
State Office

DWM:cr

RECEIVED

FREMONT-MADISON IRRIGATION DISTRICT

ST. ANTHONY, IDAHO 83445

May 27, 1972

BOARD MEMBERS

LORIN C. YOUNG
JAMES MAX MORTENSEN
EMERY DAVIS

Department of Water Administration **BOARD MEMBERS**

LEIGH CHANTRILL
R. WILLIS WALKER
NORMAN HILLAM
LARUE FRANSEN

Department of Water Administration
Statehouse Annex 2
Boise, Idaho 83707

Gentlemen:

Would it be possible to find out where the following
transfers originated from:

Teton Island (Tr. #708)	May 15, 1883	1.60	sec.	ft
Salem Irr. (Tr. #708)	May 15, 1883	1.60	"	"

We located an old decree issued to N.P. Hansen
containing 160 inches May 15, 1883 and was wondering is the
above is the same.

Sincerely

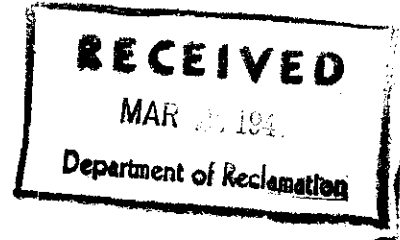
Fremont-Madison Irrigation District

L.C. Anderson, Treasurer

RECORDED

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

March 26,
1947.



State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Sir:

I am enclosing herewith the proof of publication and affidavit you requested in your letter of December 10th. The Hansen Ditch is a private ditch.

I think this will make it possible for you to now complete the transfer. We do appreciate your consideration in this matter .

Yours very truly,

W. Lloyd Adams
W. Lloyd Adams

RECORDED

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO }
County of Madison } ss.

John C. Porter
~~being first~~ being first
duly sworn, upon his oath, deposes
and says:

That he is the publisher of The
Rexburg Standard, a newspaper
as defined by Idaho Codes An-
notated Section 58-106 as amend-
ed, and that said newspaper is a
weekly newspaper, printed and
published at Rexburg, in Madison
County, Idaho, having a general
circulation in said county, and
that said newspaper has been
printed and published as a week-
ly newspaper, in said county, for
more than 78 consecutive weeks
prior to the first publication of
the attached notice, advertisement

or publication of Notice of
Proposed Water Transfer

And affiant further says that
said attached notice, advertise-
ment or publication, as per clip-
ping attached, was published in
said newspaper, in the regular
and entire issue thereof, and not
in any supplement issue thereof,

for two consecutive issues there-
of; first publication having been
made on the 17th day of

December, 1946.

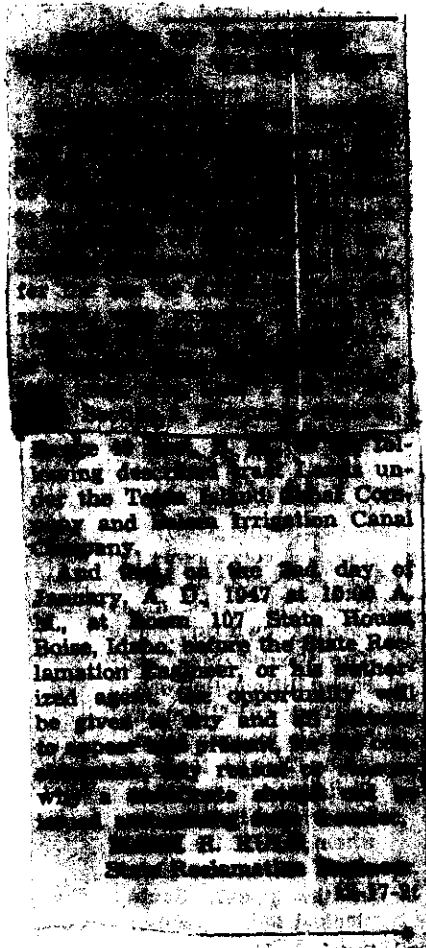
and last publication on the 24th
day of December, 1946.

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 seventeen and
three-fourths inches deep, and hav-
ing more than 200 bona fide sub-
scribers living within said County
of Madison, State of Idaho.

John C. Porter
Subscribed in my presence and
sworn to before me this 26th
day of December, 1946.

Mary Smith
Notary public for the
state of Idaho, resi-
dence and post office
(Seal) address: Rexburg, Ida-
ho.

My commission expires June 16, 1947.



C. A. Robins

April 1, 1947

Mr. M. Lloyd Adams
Rexburg, Idaho

Dear Mr. Adams:

We enclose herewith Certificate of
Transfer No. 708, issued to Teton Island Canal
Company, and Salem Irrigation Canal Company.

Your blank check enclosed with the
application has been filled out for the statutory
fee of \$1.00 for recording, and we enclose Depart-
mental Receipt No. 19897 for same.

A copy of this Transfer is being sent to
Mr. Lynn Crandall, Watermaster, for his information

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A
Encl.
CC to Lynn Crandall

RECEIVED

AFFIDAVIT

STATE OF IDAHO,)
 (SS
County of Madison.)

W. Lloyd Adams being first duly sworn says that he is a resident of Rexburg, Madison County, State of Idaho; that he is a citizen of the United States and over the age of twenty-one years.

That on the 2nd day of January, 1947, this affiant made a search of the records in the County Recorder's office of Madison County, Idaho; that on the 19th day of February, 1946, in Book 58 , Notice of Water Rights & Deeds, page 369, Instrument No. 81254, was recorded; that said instrument is a Water Right Deed, dated October 5, 1945, wherein and whereby Luella Garner, a widow; Lyman J. Garner and Bertha C. Garner, his wife; Lawrence Garner and Lottie M. Garner, his wife, of the county of Madison, state of Idaho, first parties, sell, convey, transfer and set over to Salam Irrigating Canal Co., a corporation of Madison County, State of Idaho, second parties, all of their right, title and interest in and to the following: One-half of that certain water right, water decree, ditch and ditch rights described and set forth in the decree in the case of Rexburg Irrigation Company et al, plaintiffs, v. Teton Irrigation Canal Company et al, defendants, describing and allocating and decreeing the following water: 160 inches, May 15, 1883 South Fork Teton River to N.P. Hansen, appurtenant to and awarded to Lots 1, and 2, and S $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, Township 6 North, Range 40 E. B. M., and containing 160 acres; that there are no instruments of record showing that the said Salam Irrigating Canal Co. has ever transferred its right, title and interest thereto.

That on the 2nd day of January, 1947, this affiant also determined from his search of the records in the County Recorder's office as aforesaid, that in the 29th day of January, 1946, in Book 58, Notice of Water Rights & Deeds, page 368, Instrument No. 81034 was recorded; that said instrument is a Water Right Deed, dated October 5, 1945, wherein and whereby Luella Garner, a widow;

FILED
JAN 29 1947
CLERK OF DISTRICT COURT
IDAHO

Lyman J. Garner and Bertha C. Garner, his wife; Lawrence Garner and Lottie M. Garner, his wife, of the county of Madison, state of Idaho, first parties, sell, convey, transfer and set over to Teton Island Canal Company, a corporation of Madison County, State of Idaho, second parties, all of their right, title, and interest in and to the following: One-half of that certain water right, water decree, ditch and ditch rights described and set forth in the decree in the case of Rexburg Irrigation Company et al, plaintiffs, v. Teton Irrigation Canal Company et al, defendants, describing and allocating and decreeing the following water: 160 inches, May 15, 1883 South Fork Teton River to N. P. Hansen, appurtenant to and awarded to Lots 1, and 2, and $S\frac{1}{2}SE\frac{1}{4}$ of Section 2, Township 6 North, Range 40 E. B. M., and containing 160 acres; that there are no instruments of record showing that the said Teton Island Canal Company has ever transferred its right, title and interest thereto.

W. Lloyd Adams

Subscribed and sworn to before me this 2nd day of January, 1947.

Mary Smith
Notary Public, residing at
Rexburg, Idaho.

My commission expires June 16, 1947.

1883
1884

Application For Transfer of Water Right

STATE OF IDAHO

County of MADISON.

ss.

Teton Island Canal Company and Salem Irrigating Canal Company,
being first duly sworn, deposes and says:
That his name is Teton Island Canal Company and Salem Irrigating Canal Company,; that he is of lawful age, a citizen
of the United States and of the State of Idaho, and that his postoffice address is
Sugar City, Idaho.

That he is the owner and using a certain water right, bearing date of priority of May 15 191883
for 3.2 cubic feet per second of the waters of Teton River
County of Madison, State of Idaho, decreed to N. P. Hansen
by decree of Judge, J. M. Stevens of the Sixth Judicial District of the State of
Idaho, in and for the County of Fremont, in the case of Rexburg Irrigation Co. et al,
vs. Teton Irrigation Canal Co. et al, said decree bearing date of December 16, 1910
(or obtained by virtue of License No. _____, issued by the State Engineer of the State of Idaho,
dated _____, 19____, bearing date of _____, 19____)
for the purpose of irrigating the following described lands situate, lying and being in Water District
No. 36 in the County of Madison and State of Idaho, to-wit:
Lots 1 and 2 and S $\frac{1}{2}$ SE $\frac{1}{4}$, Section 2, Township 6 North, Range 40 East of the
Boise Meridian.

_____ and is the person (or representative of
the corporation) to whom such right so issued, or has become the owner thereof in the following man-
ner, i. e. by deed.

as per abstract of title of said water right hereto attached and made a part of this statement:

That said waters are now diverted from said stream in the SW $\frac{1}{4}$ of
Section 1, Township 6 North, Range 40 E., B. M., and con-
ducted to the above described lands through Hansen ditch
as per map herewith and of this affidavit made a part;

That affiant and petitioner desires to abandon the use of 3.2 cubic feet per second
of said water upon the above described land, and to convey and use same upon the following tract,
situate, lying and being in the County of Madison and State of Idaho, to-wit:
1.6 cubic ft. per sec. on lands under Teton Island Canal Company, and 1.6 cubic ft. per sec. on lands under Salem Irrigating Canal Company.

That his reasons for desiring to make such transfer are as follows:

A higher use of water is possible on the last described lands on account of
greater productivity.

RECORDED
INDEXED

That he intends to divert and convey said 3.2 second feet of water to the tract of land last above described in the following manner, to-wit:

Through the Teton Island Feeder Canal, Teton Island Canal and Salem Irrigating Co. Canal.

as set forth upon the map herewith; and that no one will be injured by such transfer.

WHEREFORE, Affiant and Petitioner prays that the Commissioner of Reclamation of the State of Idaho issue to him the proper certificate authorizing such transfer, in accordance with the provisions of Section 5582 of the Idaho Compiled Statutes. By TETON ISLAND CANAL COMPANY

SALEM IRRIGATING CANAL COMPANY

By: Joseph Bohi Pres

Applicant.

Subscribed and sworn to before me this 2nd day of December

A. D. 1946.

Mary Smith
Notary Public, residing at Rexburg, Idaho.

APPLICANT WILL ANSWER THE FOLLOWING QUESTIONS:

From what stream is the water diverted? Teton River

Where is the diversion point located? SW 1/4 Sec. 1, T. 6 N., R. 40 E. B. M.

Through what ditch is it now conducted? Hansen Ditch

How much land is now irrigated by the water sought to be transferred? 160 acres.

Give the description: Lots 1 and 2 and S 1/4 Sec. 2, T. 6 N. R. 40 E. B. M.

What is the total amount of water in inches, or second feet, dedicated to said land? 3.2 sec. feet.

What kind of crops are being raised? mostly pasture.

How much water per acre is now required to irrigate said land? 1 inch.

What will be the effect on the land now irrigated, if the use of water on it is discontinued?

Used for pasture.

Give location of new point of diversion, if change is to be made NW 1/4 Sec. 36, T. 7 N. R. 40 E. B. M.

Through what ditch will it be conducted after transfer? Teton Island Feeder

How much water will be required per acre to irrigate the land to which this water is transferred?

One inch.

Do you claim any other water right for the land from which you seek to abandon the use of this water?

If so, give amount, date and source. No.

Is there now any other water right for the land to which you seek to make this transfer? If so, give amount, date and source.

Teton Island Canal Company:

10.36 sec. ft. May 1, 1883

70 sec. ft. May 22, 1884

159.64 sec. ft. Apr. 1, 1898

Salem Irrigating Canal Company:

240 Sec. ft. June 1, 1885

Most of these rights are cut off in dry periods.

TETON ISLAND CANAL COMPANY

By: R. Willis Walker

Signed

President.

Applicant.

SALEM IRRIGATING CANAL COMPANY

By: Joseph Bohi Pres

President.

Applicant.

STATE OF IDAHO,

County of.....

ss.

and

being first duly sworn, each for himself, and not one for the other, deposes and says: That he is a citizen of the United States and of the State of Idaho, residing at.....

that he is user of water from....., in Water District No.....

County of, State of Idaho; that he has read or heard read the foregoing affidavit and petition of..... and is familiar with its allegations and with the water

right and lands therein mentioned and described and is not in any way interested in either, nor in any

way related to said petitioner; that the statements and allegations therein made are true of his own

knowledge; and that no one will be injured by the granting of the certificate authorizing the trans-

fer therein petitioned.

Subscribed and sworn to before me this..... day of.....

A. D. 19.....

STATE OF IDAHO,

County of.....

ss.

I, Lynn Randall, Watermaster of.....

Water District No. 36, County of Bonnerville, State of Idaho, whose postoffice address

is Idaho Falls, have read or heard read the foregoing affidavit and petition

of Teton Isl. Canal Co. & Salem Irrig. Co, and, of my own knowledge, believe the same to be

true as to all matters therein alleged, and that no one will be injured by the transfer prayed to be

authorized; and I hereby endorse my approval of said petition, and request that the Commissioner of

Reclamation issue the certificate of transfer as petitioned; ~~or (do not approve of the issuance of the~~

~~certificate of transfer prayed for)~~ for the following reasons: a better and more

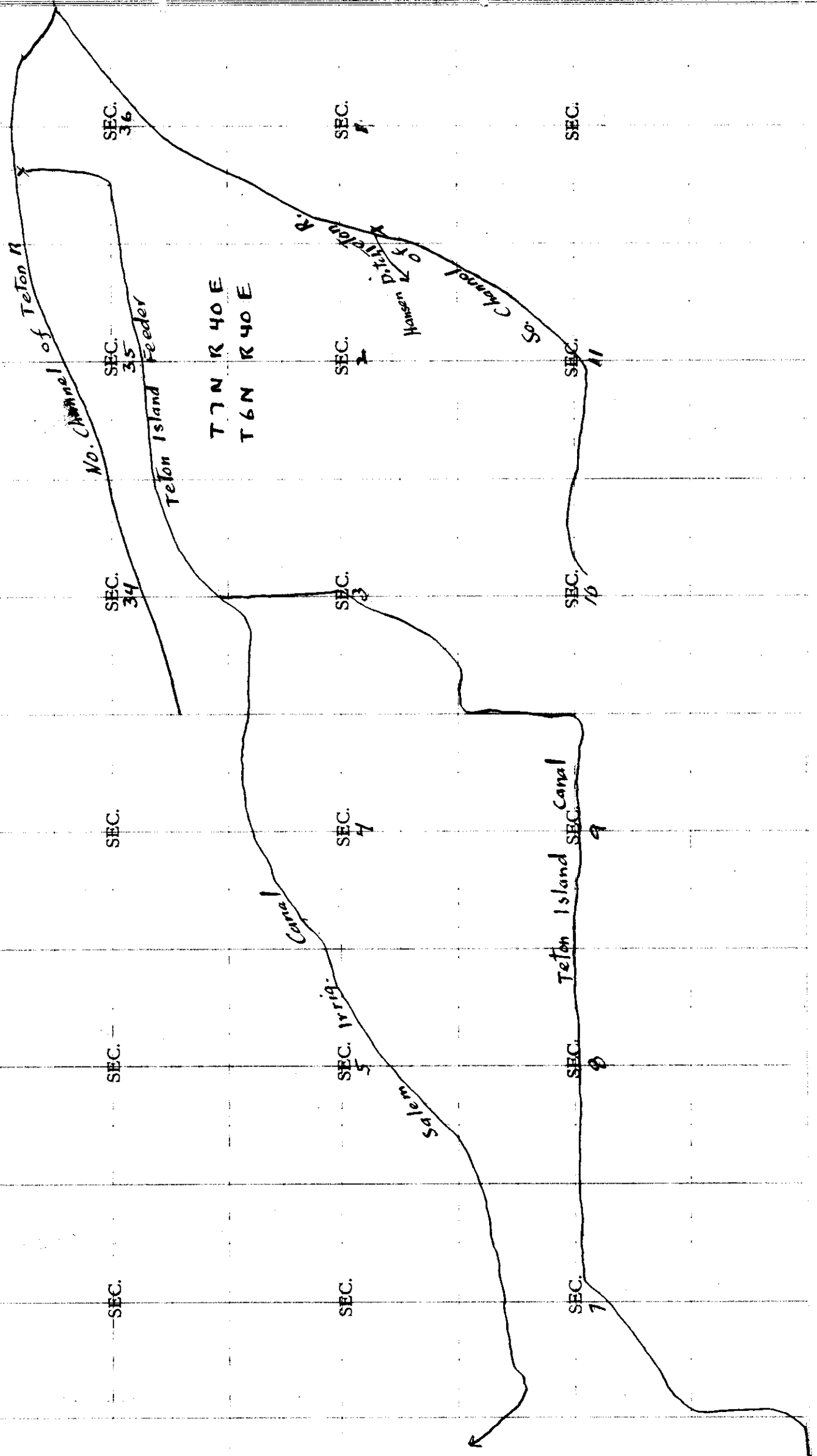
productive use of the water will result

Watermaster Dist. No. 36

Lynn Randall

Dated at Idaho Falls, Idaho, this 2nd day of December, 19 46.

Name of Applicant Teton Island Canal Company and Salem Irrigating Canal Company



Scale: 2 Inches—1 Mile. Draw Map in Ink.

C. A. Robins

February 3, 1947

Mr. W. Lloyd Adams
Attorney at Law
Rexburg, Idaho

Dear Mr. Adams:

Reference is made to letter addressed you under date of December 10, 1946, in regard to the application of the Teton Island Canal Company and the Aulem Irrigating Canal Company, for the transfer of 3.2 second feet of the waters of Teton River, and to which we do not seem to have received a reply.

Since the date of hearing was January 2, 1947, and there have been no protests filed, a certificate of transfer can be issued upon receipt of the additional information requested in office letter of December 10th, above referred to.

In case you may have mislaid this letter, will say that we requested an affidavit describing the deeds to these companies, with reference to the book and page of the county records where same are recorded.

We also asked whether the Hansen Ditch was a private ditch or incorporated as a stock company. If the latter, it will be necessary to secure permission from the owners of the ditch for the transfer of the water therefrom, as provided by Section 41-108, I. C. A. as amended by Chapter 53 of the 1943 Session Laws.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A

December 10, 1946

Mr. W. Lloyd Adams
Attorney at Law
Rexburg, Idaho

Dear Mr. Adams:

We acknowledge receipt of your letter of December 6th, enclosing the application of the Teton Island Canal Company and the Salem Irrigating Canal Company, for the transfer of 3.2 cubic feet per second of the waters of Teton River,

The hearing in connection with this application has been set for 10:00 A.M., January 2, 1947, in Room 107 State House, and a copy of the notice has been sent to the Rexburg Standard, with instructions to publish it once a week for two consecutive weeks prior to that date, sending you the affidavit of publication, together with statement of publication costs.

It will not be necessary for you to send the deeds to this Department; it will suffice for you to furnish us with an affidavit describing the deeds, with date thereof, and reference to the book and page of the county records where same are recorded.

Please advise if the Hansen Ditch is a private ditch or incorporated as a stock company. If the latter, it will be necessary to secure permission from the owners of the ditch for the transfer of the water therefrom, as provided by Section 41-108, I. O. A., as amended by Chapter 53 of the 1943 Session Laws.

Very truly yours,

MARK R. KULP
State Reclamation Engineer
By

Roy W. Thompson
Supervisor of Water Distribution

A

P. S. It will not be necessary for the applicants to appear or be represented at the hearing. If no protests are filed, the transfer will be approved upon receipt from you of the affidavit of publication. If there should be a protest, you will be duly notified before final action is taken.

STATE OF IDAHO
DEPARTMENT OF RECLAMATION

BOISE

Date . **December 10, 1946** .

The Rexburg Standard

Rexburg, Idaho

Gentlemen:

Enclosed you will find notice for publication once a week for two consecutive weeks prior to, **January 2, 1947** the date set for hearing, the expense of the publication to be paid by the applicant, **in care of Mr. Lloyd Adams, Rexburg, Idaho**

to whom you should furnish proof of publication on or prior to the date set for hearing.

Please acknowledge receipt of this notice, and furnish this office with a copy of the first publication.

Very truly yours,

MARK R. KULP
State Reclamation Engineer

By

Roy W. Thompson
Supervisor of Water Distribution

RECEIVED
DEC 11 1946

Notice of Proposed Transfer of Water Right

Notice is hereby given that Teton Island Canal Company and Salem Irrigating Canal Company,
of Sugar City, Idaho, ~~they~~ ^{have} ~~XX~~, has applied to the
State Reclamation Engineer of the State of Idaho for a certificate authorizing ~~him~~ ^{them} to transfer the use of
3.8 cubic feet per second, with priority of May 15, 1883,
of the water of Teton River
from the land upon which it is now used, i. e., Lots 1 and 2, S $\frac{1}{2}$ SE $\frac{1}{2}$ Section 2, Township 6 North,
Range 40 East, B.M.

to the following described tract Lands under the Teton Island Canal Company and Salem
Irrigation Canal Company

And that, on the 2nd day of January, A. D., 1947
at 10:00 A.M., at Room 107 State House, Boise, Idaho

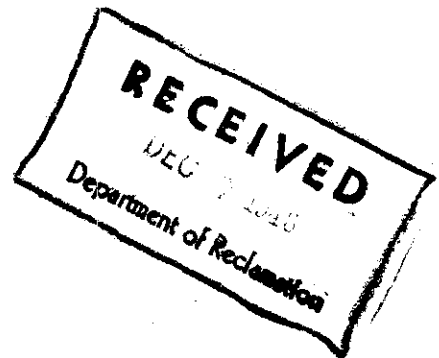
before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all
persons to appear and present, for his consideration, any reason or reasons why a certificate should not be
issued authorizing such transfer.

MARK R. KULP

State Reclamation Engineer.

LAW OFFICES
W. LLOYD ADAMS
AND
MARY SMITH
REXBURG, IDAHO

December 6,
1946.



Mr. Mark R. Kulp,
State Reclamation Engineer,
Department of Reclamation,
Boise, Idaho.

Dear Mr. Kulp:

We are enclosing herewith the application of Teton Island Canal Company and Salem Irrigating Canal Company for transfer of water right. The water has been deeded to the two companies, and we will secure the recorded deeds and send them to you. If you require further evidence of ownership we will try to furnish it. The canal companies, of course, do not have an abstract which would show the chain of title and I don't know just how successful we would be in trying to borrow one.

We would appreciate it if you would give the notice as required by law, and send it to the Rexburg Standard for publication. We will secure the affidavit of publication and forward it to you.

Yours very truly,

W. Lloyd Adams
W. Lloyd Adams

S

P. S.

My check in blank for the fees is enclosed.

W. L. A.

RECORDED

Notice of Proposed Transfer of Water Right

Notice is hereby given that John Island Canal Co. & Lake Irrigating Canal Co.
of Sugar City, Idaho, has applied to the
State Reclamation Engineer of the State of Idaho for a certificate authorizing him to transfer the use of
3.2 c.f.s. with priority of May 15, 1863
of the water of Pitkin River
from the land upon which it is now used, i. e., Lots 1 & 2, S 1/2, S 2 1/4 Sec. 2
Range 2 N. T. 11 E.
to the following described tract lands under the John Island Canal
Company & Lake Irrigating Co. Canal Section

And that, on the 2nd day of June, A. D., 1947
at _____

before the State Reclamation Engineer, or his authorized agent, the opportunity will be given to any and all persons to appear and present, for his consideration, any reason or reasons why a certificate should not be issued authorizing such transfer.

NOT RECORDED

State Reclamation Engineer.