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Documents
In File

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, R18W 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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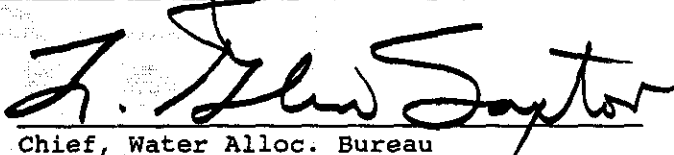
TRANSFER NO. 4751

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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.

file 205

Idaho Irrigation Company, et al.,

PLAINTIFFS,

DECREE.

-VS-

Idaho Irrigation Canal Company, et al.,

DEFENDANTS.

This cause coming on to be heard this *file* day of
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
taken, and his recommendations as to Findings of Fact
Conclusions of Law, which have heretofore been adopted, and the
plaintiffs and defendants and cross-complainants appearing
by their respective counsel, and the Court being fully informed
in the premises, and having ordered that judgment be
accordance with the report and recommendations of the said
of the law and the Report and Findings
aforesaid,

It is ordered, adjudged and Decreed, that the several parties
plaintiffs 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

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~~21-0447~~
~~01-0175 21-042~~ Curtis, Harry B. 150 inches. July 9, 1902. ✓ Tom Creek.
~~01-0175 21-0040~~ Curtis, Harry B. 150 inches. July 9, 1902. ✓ Elkhorn Springs.
~~01-0175 22-0222~~ Curtis, H. J. 160 inches. Oct. 15, 1900. ✓ Tom Creek.
~~01-0175 22-0223~~ Curtis, Nahum 160 inches. Apr. 1, 1890. ✓ Trail Creek.
~~01-0175 1-051~~ Cutshaw, Lavina
 (by Aaron A. Admans,
 Admr.) 850 inches. Oct. 16, 1890. ✓ Snake River.

D.

Daily, Oliver Watson Slough Irriga-
 tion Company.
~~01-0185 22-0224~~ Dakin, G. A. 150 inches. June 15, 1898. ✓ Badger Creek.
 Dalton, Charles Trego Ditch Company.
 Dance, Phillip Wearyrick Ditch Company.
~~01-0184 1-052~~ Danskin Ditch
 Company 5,000 inches. July 23, 1886. ✓ Snake River. *P.D. Transfer #273*
~~01-0185 1-053~~ Danskin Ditch
 Company 4,000 inches. June 1, 1888. ✓ Snake River.
 Darley, Thomas T. Wolf Ditch Company. ✓
~~01-0188 22-0225~~ Davidson, J. H. 80 inches. June 1, 1897. ✓ South Leigh Creek.
~~01-0188 22-0226~~ Davidson, J. H. 80 inches. June 1, 1898. ✓ South Leigh Creek.
~~01-0185 22-0227~~ Davidson, L. S. 155 inches. July 26, 1892. ✓ Darby Creek.
 Davies, W. J. The Farmers' Friend
 Canal Company.
 Davis, D. P. The Farmers' Friend
 Canal Company.
 Davis, George Watson Slough Irriga-
 tion Company.
 Davis, Homer S.
 Davis, J. M. Parsons Ditch Company.
 Davis, Jonathan, Jr. Enterprise Canal Company.
 Davis, Jonathan, Sr. Enterprise Canal Company.
 Davis, Parley J. The Farmers' Friend
 Canal Company.
 Denning, Emma J. Lowder Canal Company.
 Denning, James. H. Lowder Canal Company.
 DeCoster, Julian M.

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Danskin Ditch Company. (Continued.)

Stallings, J. H.	(Description not given in pleadings.)
Swendsen, J. E.	W $\frac{1}{2}$ of Sec. 31, T. 2 S., R. 35 E., B. M., containing 80 acres.
Swendsen, L. P.	W $\frac{1}{2}$ of Sec. 31, T. 2 S., R. 35 E., B. M., containing 80 acres.
Tanner, N., Jr.	E $\frac{1}{2}$ of SW $\frac{1}{4}$ and W $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 34, T. 2 S., R. 34 E., B. M., containing 160 acre
Thomas, J. W.	W $\frac{1}{2}$ of SE $\frac{1}{4}$ and E $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 27, T. 2 S., R. 34 E., B. M.
Trego Brothers	W $\frac{1}{2}$ of Sec. 32 and E $\frac{1}{2}$ of Sec. 31, T. 2 S., R. 35 E., B. M.
Weigel, R.	W $\frac{1}{2}$ of NW $\frac{1}{4}$ of Sec. 3, T. 3 S., R. 34 E., B. M.
Whitten, A.	A strip 10 chains wide by 100 chains long in Secs. 26 and 35, T. 2 S., R. 34 E. B. M.
Williams, Parley	W $\frac{1}{2}$ of Sec. 30, T. 2 S., R. 35 E., B. M., containing 320 acres.
Wintle, George B.	SW $\frac{1}{4}$ of NE $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, and NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 34, T. 2, S., R. 34 E., B. M., containing 120 acres.
Wray, John and Furniss	A strip 10 chains wide by 100 chains long in Secs. 26 and 35, T. 2 S., R. 34 E. B. M.
Younie, Alexander	W $\frac{1}{2}$ of SW $\frac{1}{4}$ of Sec. 26, E $\frac{1}{2}$ of SE $\frac{1}{4}$ of Sec. 27, E $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 34, NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 34, W $\frac{1}{2}$ of NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Sec. 35, T. 2 S., R. 34 E., B. M., containing 400 acres.

Davidson, J. H.	Lot 2 and SW $\frac{1}{4}$ of NE $\frac{1}{4}$ of Sec. 6, T. 5 N. R. 46 E., and W $\frac{1}{2}$ of NE $\frac{1}{4}$ of Sec. 6, T. 5 N., R. 46 E., B. M. (2 AGS x 80 Acres)
Davidson, L. S.	E $\frac{1}{2}$ of NW $\frac{1}{4}$ and Lots 1 and 2 of Sec. 8, T. 4 N. R. 46 E., B. M.

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Wood, Samuel L.....	\$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 & Derby 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 farther ordered, that none of the parties hereto, or their successors in interest, shall be entitled to the use of any money 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 case of Rexburg Irrigation Co., vs., Teton Irrigation Co., as the same appears on file in my office in the above entitled case.

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

A. M. Carter
Clerk

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JAN 22 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

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

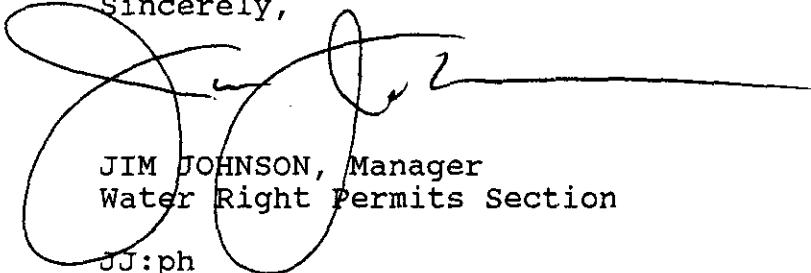
Dear Water Right Holder(s):

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 22-00226

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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