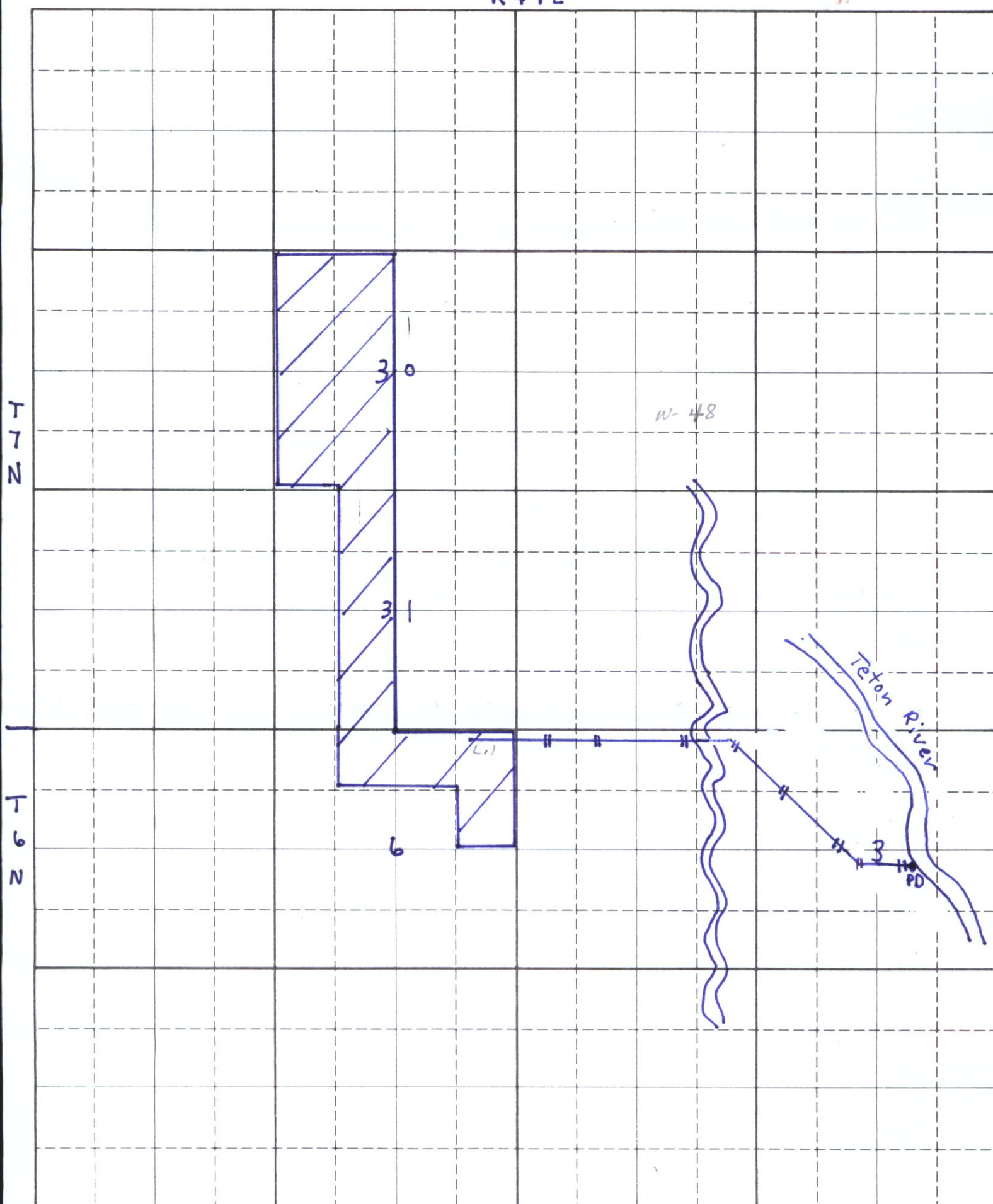


11. Map of proposed project: show clearly the proposed point of diversion, place of use, section number, township and range number.

R 44 E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Danell And
(Applicant)

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

I, Louisa L. Norton
 being first duly sworn depose and say

that I am the publisher
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
 tated, Section 58-106, as amended, and
 that said newspaper is a weekly news-
 paper printed and published at Driggs,
 in Teton County, Idaho, having a gen-
 eral circulation in said county, and that
 said newspaper has been printed in
 said county for more than 78 consecu-
 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Water permit # 22-7186

Darrell Ard, Rexburg

And affiant further says that said
 attached notice, advertisement or pub-
 lication, 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 6... day of May.....
 1976..

and last publication on the 13.....
 day of May....., 1976

And affiant further says that at the
 times herein mentioned said newspaper
 was made up of at least eight pages
 of at least five columns each, printed
 from type matter, of at least sixteen
 and one-half inches deep.

Louisa L. Norton

Subscribed in my presence and sworn

to before me this 18..... day of

May....., 1976
Caroly A. Davidson
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20....., 1979..

**NOTICE OF APPLICATION
 FOR WATER PERMIT**

Notice is hereby given that
 Darrell Ard, Rexburg, Idaho
 has on 4-27-76 submitted Appli-
 cation No. 22-7186 for a permit
 to appropriate 12.8 cubic feet
 per second of water from Teton
 River tributary to Snake
 River by means of pump and
 pipeline within the NW 1/4 SE 1/4,
 Sec. 3, T. 6N, R. 44E, B.M., Teton
 County; to be used from
 Apr. 1 to Nov. 1 for the irriga-
 tion of 640 acres within the
 N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4
 NW 1/4, Sec. 6, T. 6N, R. 44E,
 W 1/2, Sec. 30, E 1/2 W 1/2, Sec. 31,
 T. 7N, R. 44E, B.M.

If issued, this permit will be
 subject to all prior water rights.
 Protests against the granting of
 the permit must be filed with

TETON VALLEY NEWS

the Idaho Department of Water
 Resources, 1515 Lincoln Road,
 Idaho Falls, Idaho, 83401 on or
 before May 24, 1976.

R. KEITH HIGGINSON
 Director

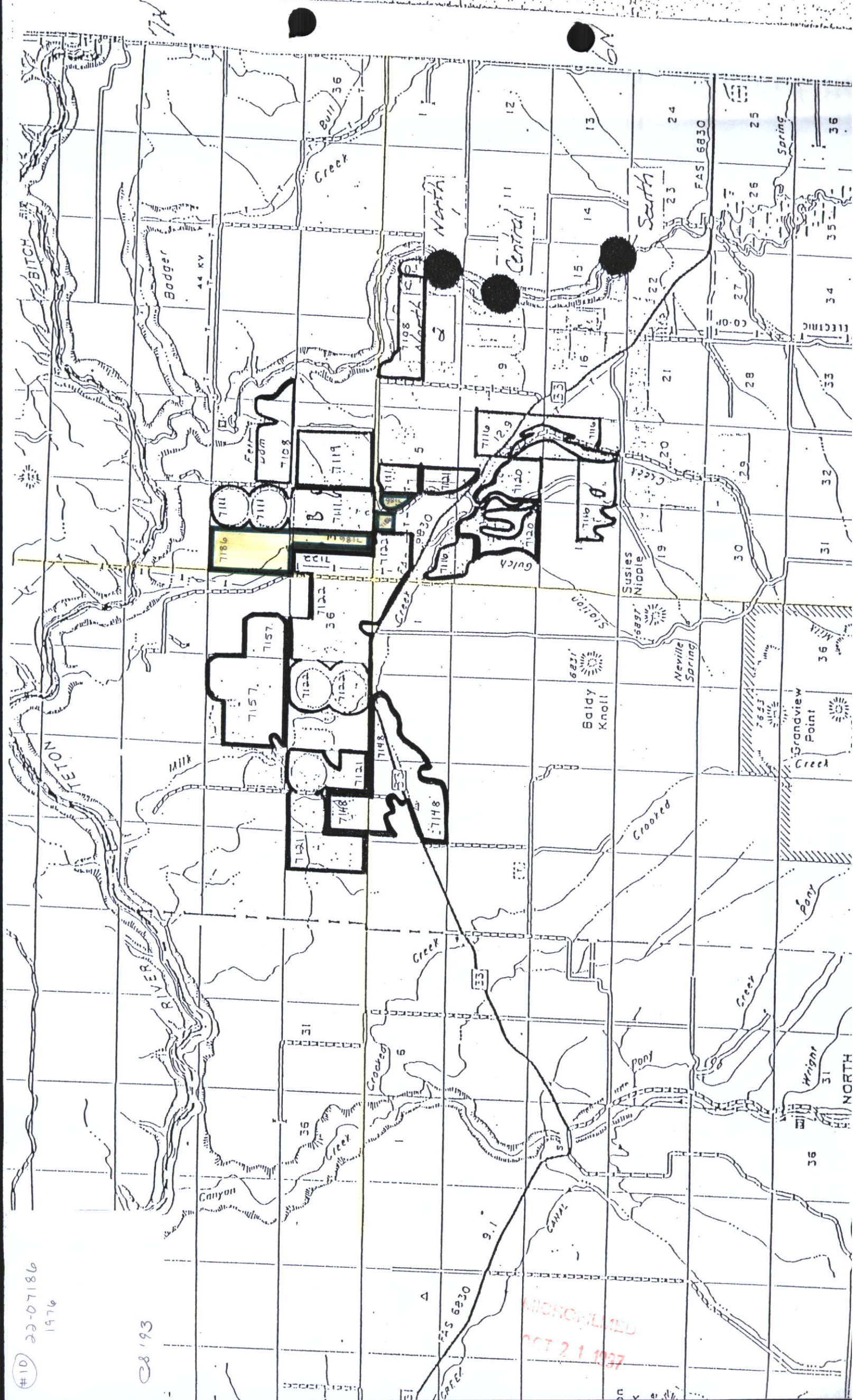
Published in the Teton Valley
 News, Driggs, Idaho on May 6
 and May 13, 1976.

RECEIVED
 MAY 19 1976

Department of Water Resources
 Eastern District Office

Q8, 193

MICROFILMED
OCT 21 1997



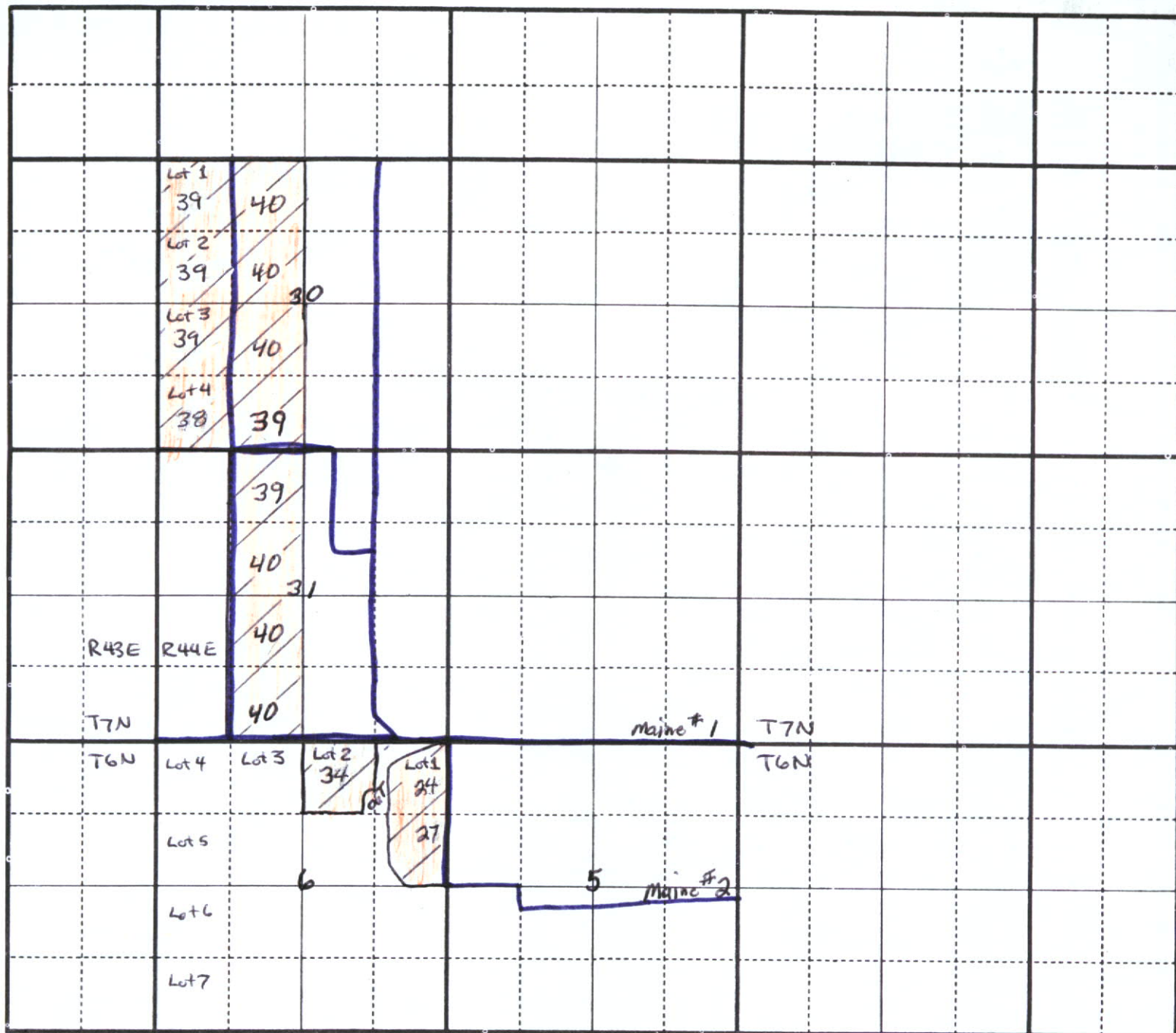
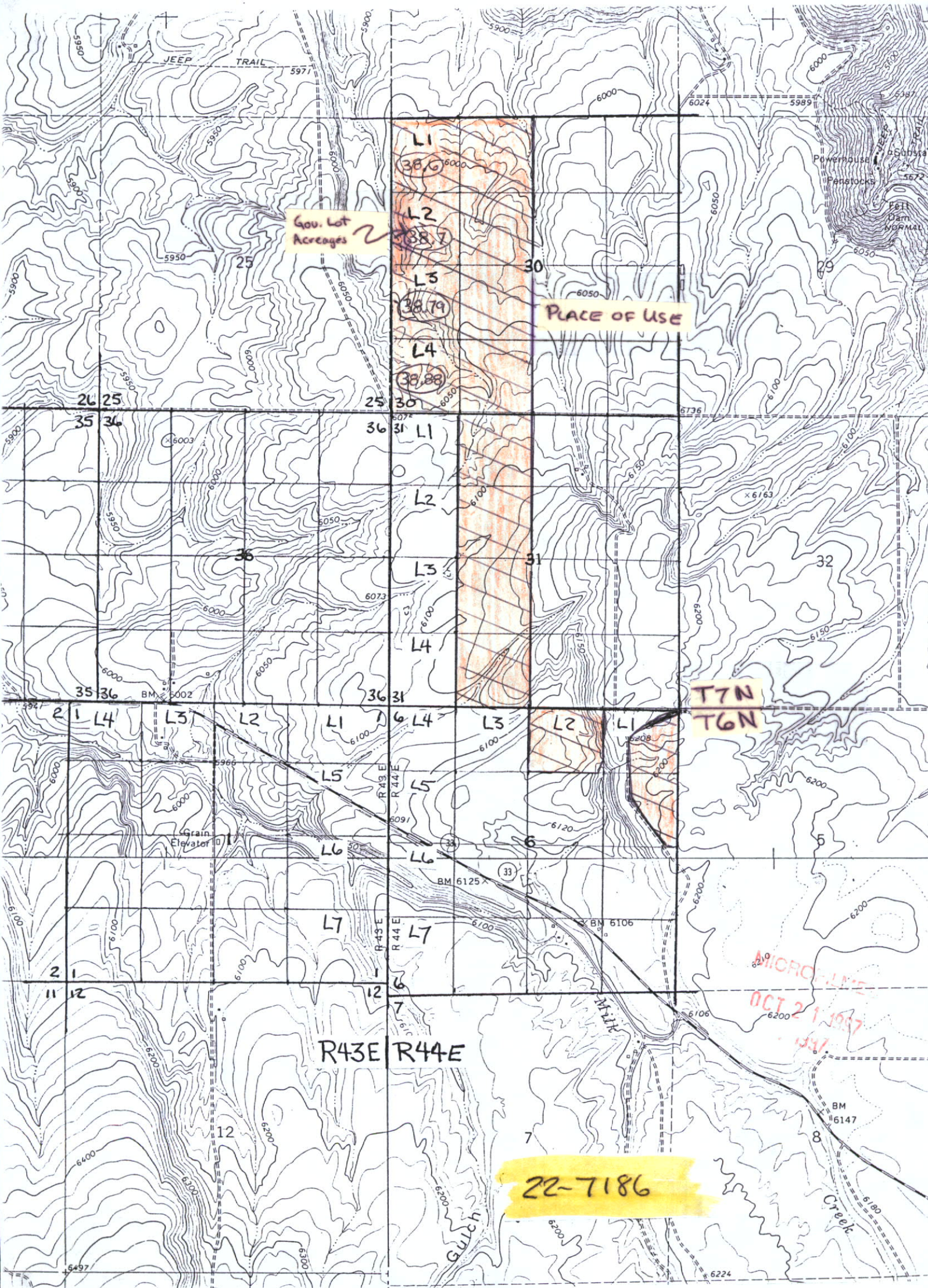
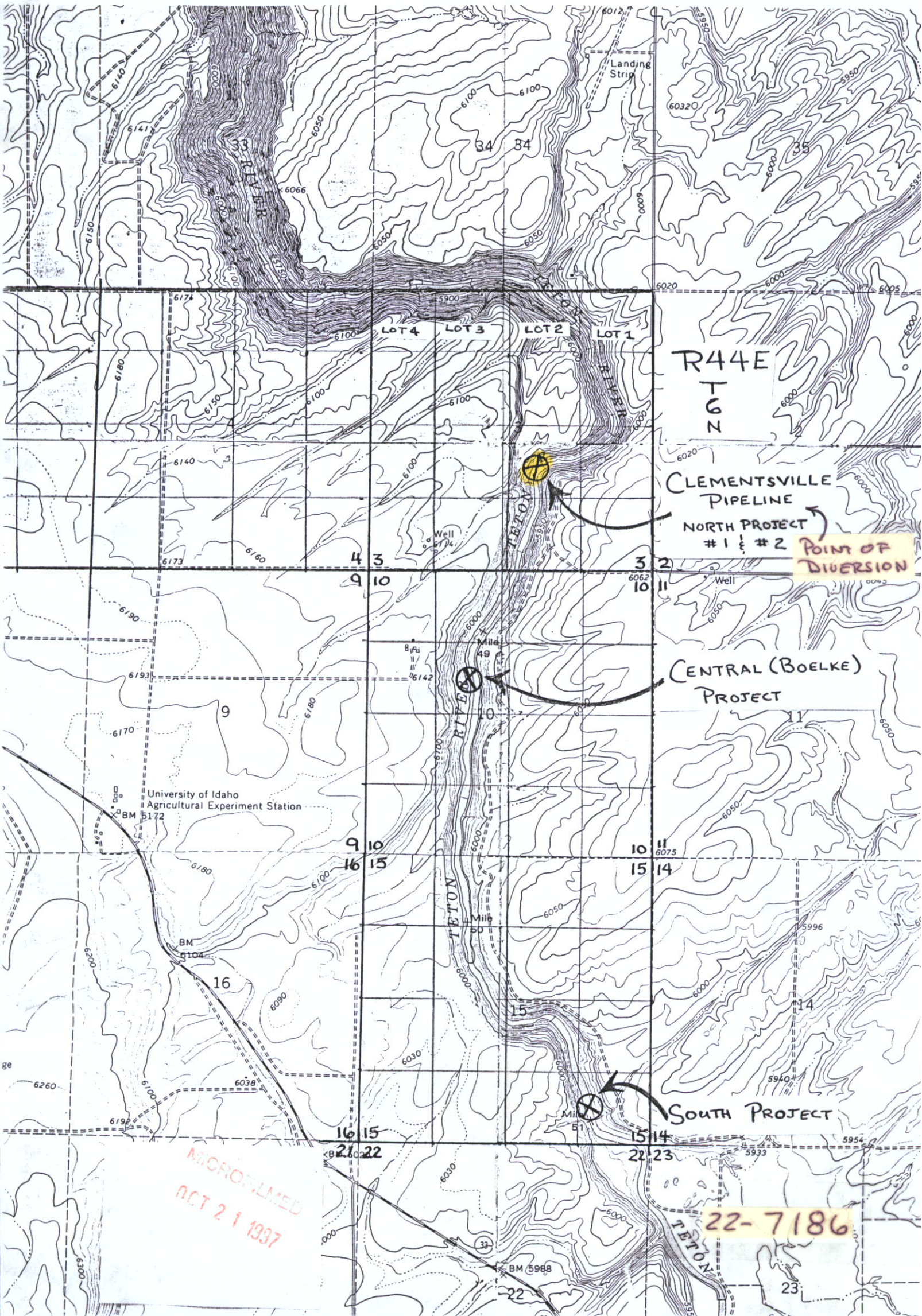


Diagram of System

See Attachment

MICROFILMED
OCT 21 1957





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OCT 21 1937

22-7186

Davis And

6

G-6

R-44

A
115

19 20
30 29

B
207.0

B
174.0

A
148.5

G
133.7

B
83.0

40

40

35

35

Pivot

BROWN
A-18

C
26.3

A
300.3

J. C. HOOPES
A-78

Pivot

30 29
31 32

32

39

D
79.5

C
76.1

E
127.3

D
143.1

D
108.7

G
72.9

B
63.6

A
138.0

WARD
A-29

WARD
A-28

G. NELSON
A-112

R44E
T
7
N

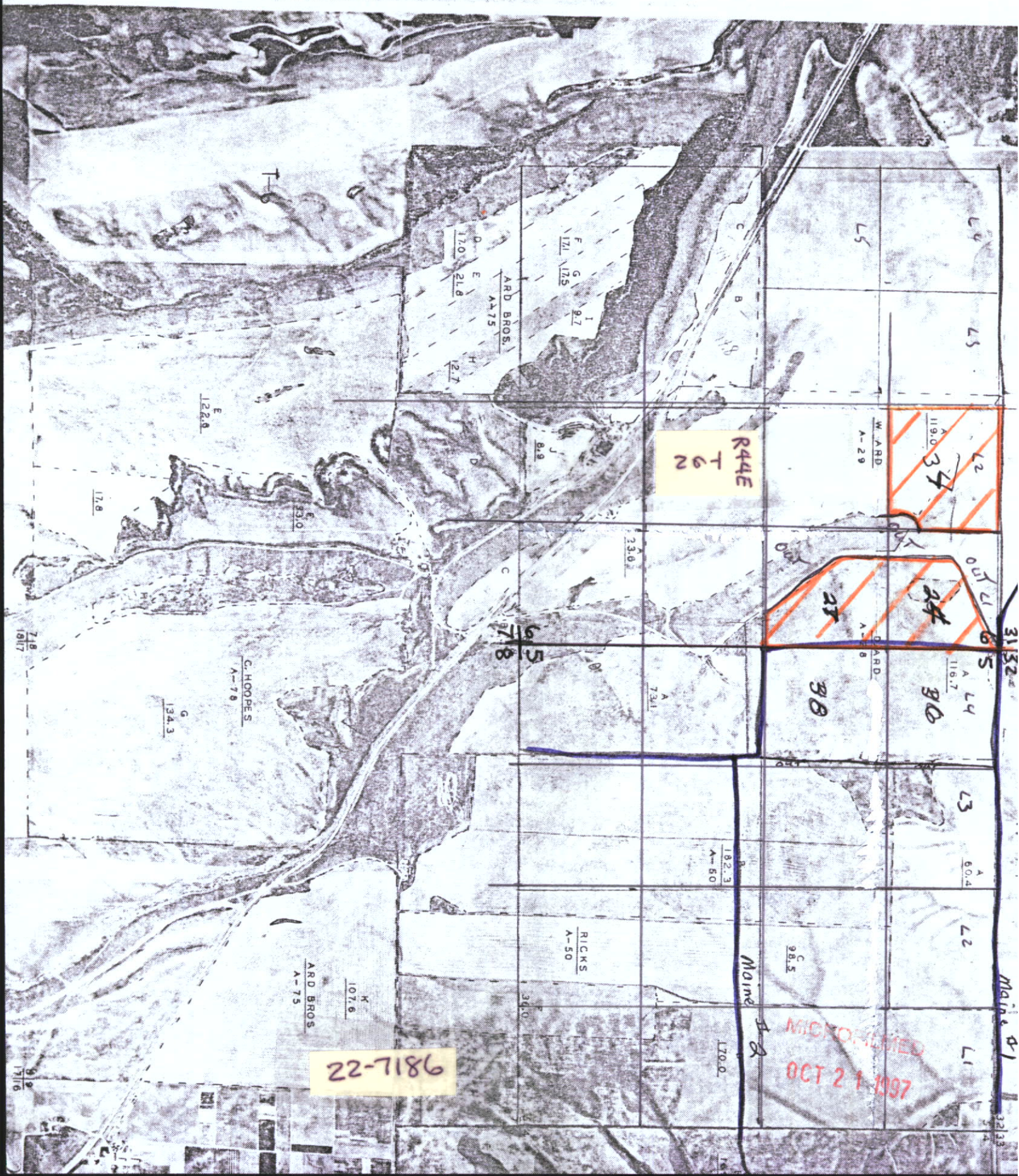
MICROFILMED
OCT 21 1981

22-7186

E
127

W. line #1

५७



Township N^o 6 North Range N^o 44 East

G I F e E d D

81.22				S. 89° 45' W.								
4	3	2	1	4	3	2	1	4	3	2	1	4
35.26	36.68	36.82	36.94	37.01	37.03	37.07	37.09	37.18	37.29	37.40	37.53	37.70
39.23	40	80		80		80		80		80		80
Sec. 6.				Sec. 5.				Sec. 4.				
021.80				020.20				029.40				
38.70	80	160		160		160		160		160		160
38.77												
S. 89° 45' W.				West				N. 89° 51' W.				
37.95	78.95			79.80				79.95				
38.05	80	160										
Sec. 7.				Sec. 8.				Sec. 9.				
032.40				040				040				

MICROFILMED
OCT 21 1987

22-7186

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07186

Priority: April 27, 1976

Maximum Diversion Rate: 11.16 CFS

Maximum Diversion Volume: 1953.0 AF

This is to certify, that TETON PIPELINE ASSN INC

PO BOX 272

TETONIA ID 83452

has complied with the terms and conditions of the permit, issued pursuant to Application for Permit dated April 27, 1976; and has submitted Proof of Beneficial Use on June 25, 1979. An examination indicates that the works have a diversion capacity of 37.460 cfs of water from:

TETON RIVER

tributary to HENRYS FORK

source, and a water right has been established as follows:

<u>BENEFICIAL USE</u>	<u>PERIOD OF USE</u>	<u>RATE OF DIVERSION</u>	<u>ANNUAL VOLUME</u>
IRRIGATION	04/15 to 10/15	11.16 CFS	1953.0 AF

LOCATION OF POINT(S) OF DIVERSION:

NWSE , Sec. 3, Township 06N, Range 44E
TETON County

PLACE OF USE: IRRIGATION

<u>TWN</u>	<u>RGE</u>	<u>SEC</u>		<u>ACRES</u>		<u>ACRES</u>		<u>ACRES</u>	<u>TOTAL</u>
06N	44E	6	Lot 1(NENE)	24	Lot 2(NWNE)	34	SENE	27	85
07N	44E	30	NENW	40	Lot 1(NWNW)	39	Lot 2(SWNW)	39	
			SENE	40	NESW	40	Lot 3(NWSW)	39	
			Lot 4(SWSW)	38	SESW	39			314
		31	NENW	39	SENE	40	NESW	40	
			SESW	40					159

Total number of acres irrigated: 558

CONDITIONS OF APPROVAL AND REMARKS

1. The maximum diversion volume is defined as the maximum allowable volume of water that may be diverted annually from the source under this right. The use of water confirmed by this right is limited to the amount that can actually be beneficially used. The maximum diversion volume may be adjusted to more accurately describe the beneficial use or to implement accepted standards of diversion and use efficiency.
2. This water right is appurtenant to the described place of use.
3. This right is subject to all prior water rights and may be forfeited by five years of non-use.
4. Modifications to or variance from this license must be made within the limits of Section 42-222, Idaho Code, or the applicable Idaho law.

NOV 21 1979

State of Idaho
Department of Water Resources

WATER RIGHT LICENSE

WATER RIGHT NO. 22-07186

CONDITIONS OF APPROVAL AND REMARKS

5. Use of water under this water right will be regulated by the watermaster of State Water District No. 01.
6. 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 irrigation of the lands above.
7. Totalizing measuring devices shall be maintained at all points of diversion.
8. The maximum combined rate of diversion under this right and all other rights diverting from the North 1 Project shall not exceed 28.7 cfs and from the North 2 Project shall not exceed 8.76, for a maximum combined diversion rate of 37.46 cfs under the Clementsville Project (North 1 and 2).
9. A total of ten pumps are used in the diversion of water under this right.

This license is issued pursuant to the provisions of Section 42-219, Idaho Code. Witness the seal and signature of the Director, affixed at Boise, this 16TH day of SEPTEMBER, 1992.


Acting for KARL J. DREHER, Director

OCT 21 1992

WATER RIGHT SUMMARY

ACTION	RIGHT NO.	NAME	AMOUNT CFS
Original Permit	22-07186	Darrell Ard	12.4
Full Assignment	22-07186	Teton Pipeline Assn., Inc.	12.4

001 2 1 183

State of Idaho
DEPARTMENT OF WATER RESOURCES

ASSIGNMENT OF PERMIT
To change the ownership of a permit

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

All my right, title, and interest in and to Permit No. 22-07223 ✓
to appropriate the public waters of the State of Idaho. 22-07186 ✓
22-07111 ✓

OR (for partial assignments)

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

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

Made this 31st day of May, 19 94.

Terri Ard for Ard Farms Inc.
Permit Holder(s)

State of Idaho)
County of Teton)^{ss}

On this 31 day of May, 199 4, personally appeared before me
the signer of the above instrument, duly acknowledged to me that he/she/they executed the same.

J C Hoopes
Notary Public

SEAL

J C Hoopes
Signature

My commission expires: 5-12-2001

OCT 2 1 2001

Identification No. 22 7186
Application No. _____

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT

APPROVED

To Appropriate the Public Waters of the State of Idaho
(TYPE OR PRINT IN INK)

1. Name of applicant Darrell Ard Phone: 456-4268
post office address 136 S. 1st, Rexburg, Idaho, 83440
2. Source of water supply Teton River which is a tributary of Snake River
3. a. Location of point of diversion is NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 3 Township 6N
Range 44E B.M. Teton County; additional points of diversion if any: _____
- b. If water is not consumed, it will be discharged into _____ at a point in _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____ Range _____ B.M. _____
4. Water will be used for the following purposes:
Amount 12.8 ^{ALLOW 12.4} for Irrigation purpose from Apr. 1 to Nov. 1 (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
Amount _____ for _____ purpose from _____ to _____ (both dates inclusive)
(cfs or acre-feet per annum)
5. Total quantity to be appropriated:
a. 12.8 ^{ALLOW 12.4} cubic feet per second and/or
b. _____ acre feet per annum.
6. Proposed diverting works:
a. Description of ditches, flumes, pumps, headgates, etc. pump, sprinkler system

b. Height of storage dam _____ feet, active reservoir capacity _____ acre feet; total reservoir capacity _____ acre feet, materials used in storage dam: _____
Period of year during which storage will occur _____ (Mo. Day) to _____ (Mo. Day) inclusive.
c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
7. a. Time required for the completion of the works and application of the water to the proposed beneficial use is 5 years.
b. Estimated construction cost is \$ 300,000.00.
8. Description of proposed uses:
a. If water is **not** for irrigation:
(1) Give the place of use of water: _____ $\frac{1}{4}$ of _____ $\frac{1}{4}$ of Section _____ Township _____
Range _____ B.M. _____
(2) Amount of power to be generated: _____ hp under _____ feet of head.
(3) List number of each kind of livestock to be watered _____

(4) Name of municipality to be served _____, or number of families to be supplied with domestic water _____
(5) If water is to be used for other purposes describe: _____

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

TWP.	RANGE	SEC.	NE¼				NW¼				SW¼				SE¼				TOTALS
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	
6N	44E	6	40	40		40	40												160
7N	44E	30					40	40	40	40	40	40	40	40					320
"	"	31					40			40	40			40					160

640

Total number of acres to be irrigated _____

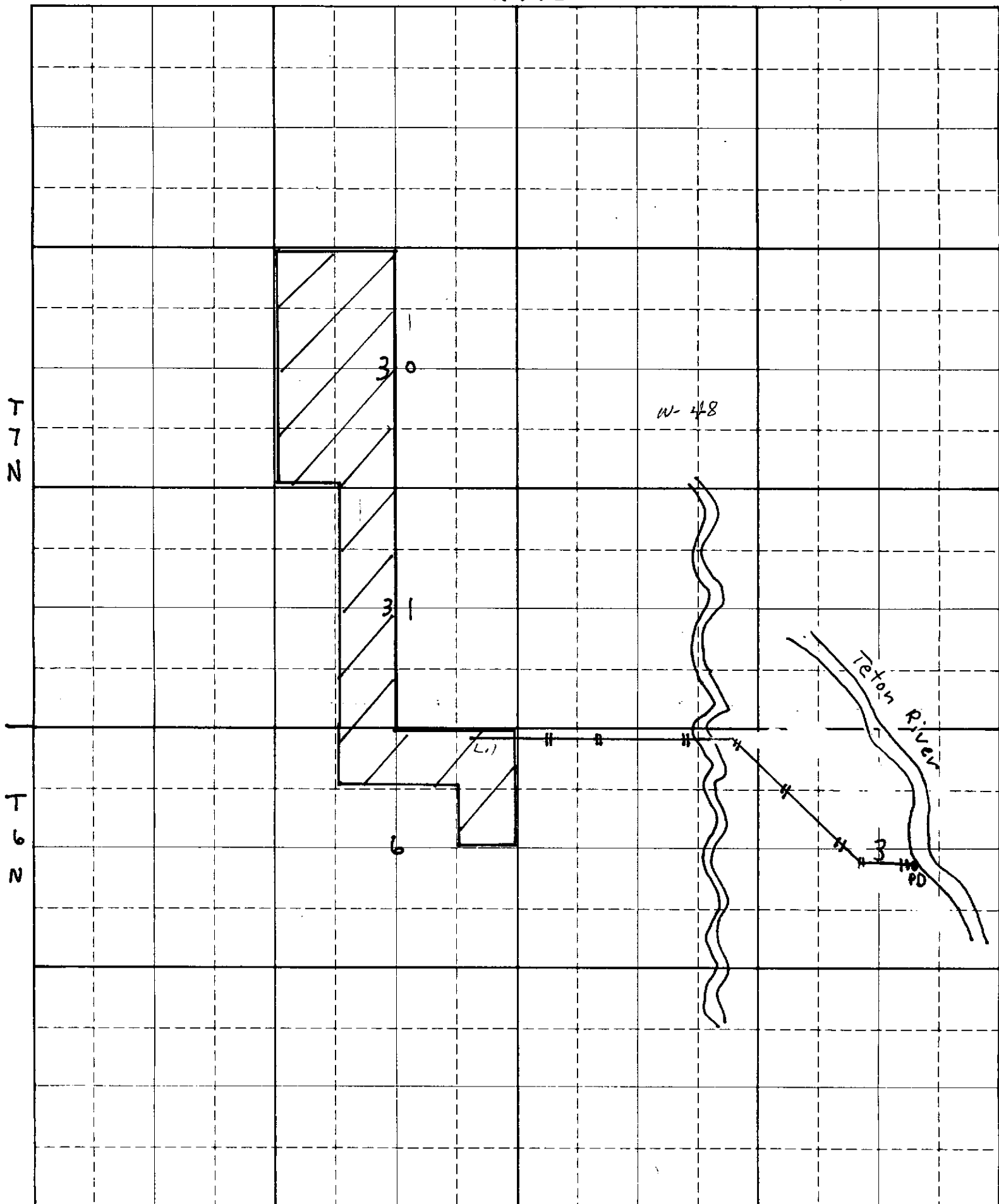
c. Describe any other water rights used for the same purposes as described above. None 22-7186, 1/2" per acre for 40 acres of NE¼ NW¼, Sec. 6, T6N R44E.

9. a. Who owns the property at the point of diversion Clint Hoopes
- b. Who owns the land to be irrigated or place of use Applicant except for NE¼NE¼, SE¼NE¼, Sec. 6, T. 6N, R. 44E which is leased from the State of Idaho.
- c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing Leased by applicant; see copy of agreement

10. Remarks Stockholders, Clementsville Pipeline Assoc. which has agreement with Mr. Hoopes to allow point of diversion as described.

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

R 44 E



Scale: 2 inches equal 1 mile

BE IT KNOWN that the undersigned hereby makes application for permit to appropriate the public waters of the State of Idaho as herein set forth.

Danell And
(Applicant)

Proposed Priority 4-27-76

Received by W Date 4-27-76 Time 2:10 p.
Preliminary check by W Fee \$ 145.00
Receipted by W Date 4-27-76 # 1-5777
Publication prepared by W Date 4-28-76
Published in Sutton Valley News
Publication dates May 6 & 13, 1976
Publication approved W Date 5-19-76
Priority reduced to _____ Reason _____

Protests filed by: _____

Copies of protests forwarded by _____
Hearing held by _____ Date _____
Recommended for approval denial by DRT

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

This is to certify that I have examined Application for Permit to appropriate the public waters of the State of Idaho No. 22-7186, and said application is hereby APPROVED.

1. Approval of said application is subject to the following limitations and conditions:

a. SUBJECT TO ALL PRIOR WATER RIGHTS.

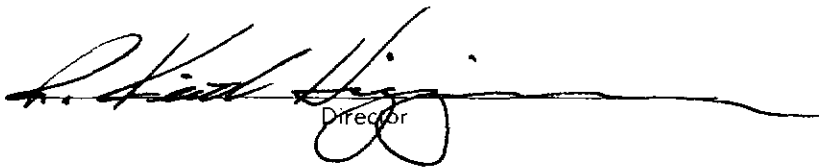
b. Proof of construction of works and application of water to beneficial use shall be submitted on or before August 1, 19 81.

c. Other: 1. A measuring device of a type approved by the Director shall be permanently installed and maintained as part of the diverting works.

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

3. The issuance of this permit in no way grants any right-of-way or easement across the land of another person.

Witness my hand this 7 day of August, 19 76.


Director

RECEIVED

APR 29 1976

STATE OF IDAHO

5458

STATE LAND LEASE

Department of Water Resources
Eastern District Office

This agreement of lease, made and entered into this 1st day of January, 1973, by and between the State of Idaho, acting by and through its State Board of Land Commissioners, the party of the first part, hereinafter called the lessor, and Darrell Ard

of 136 S. 1st West, Rexburg, Id 83440, of parties of the second part, hereinafter called the lessee, witness:

That the lessor, for and in consideration of the rental paid or to be paid and the covenants, conditions and restrictions hereinafter set forth and to be observed by the lessee, does hereby lease and demise unto the lessee the exclusive right and privilege to possess and use in the manner and for the purpose hereinafter contained the following lands, lying and situate in the County of Teton

State of Idaho, being more particularly described as follows, to-wit:

Subdivision	Section	Township	Range E. M.
Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$	6	6 N	44 E Ind

containing 76.94 acres, together with the right to use and occupy so much of the surface of said lands as may be required for all purposes reasonably incident to said lease, from the date of this lease to the 31st day of December, 1979, subject, however, to the covenants, conditions and restrictions hereinafter contained.

In consideration of the foregoing the following covenants, restrictions and conditions are hereby agreed to between the lessee and the lessor.

1. USE OF LAND.

That the lands herein described and demised and let to the lessee shall be used for the purpose of grazing and farming in the following proportions:

Wasteland	Dryland
Grazing, <u>22.34</u> acres	Farming, <u>54.60</u> acres

The lands leased for grazing purposes shall not be planted to any crop or crops, nor shall said lands be tilled or farmed without the written consent of the Land Commissioner, provided, however, that upon application by said lessee or any other party interested, the State Land Commissioner may reclassify said lands as farm lands and may lease the same as such, to give a preferential right to the lessee in possession upon such increase of rental as may be fair and equitable.

2. RATE OF RENTAL

To pay to the lessor in lawful money of the United States at the office of the State Land Commissioner of the State of Idaho, each year's rental in advance and prior to the legal possession of the property for such year, an annual rental for each acre covered by this lease; the sum of 18¢ per acre per annum for grazing and the sum of \$6.50 per acre per annum for farming land; that said rental shall be payable on or before January 1 of each year except where an extension has been granted by the State Board of Land Commissioners in the manner provided by law and in case of such extension it is agreed by and between the parties hereto that the State shall have a first lien on all crops growing, sown, grown or harvested on or from the lands hereby leased as provided by law. It is understood and agreed by the lessee that he will not attempt to create any lien on said crops with the intent and purpose of making said lien equal or senior to the lien hereby given to the State of Idaho to secure the payment of such rental and in the event of any such attempt, the lessor reserves the right to cancel said lease, after giving ten days notice to said lessee.

3. CHANGE OF RENTAL

The State Board of Land Commissioners reserves the right in its discretion to increase or decrease the annual rental herein provided at the beginning of each and every calendar year during the term of this lease, and in the event of any change in rental the lessee shall be notified thirty days in advance of the first payment of such increased or decreased rental.

4. RIGHT OF LESSOR TO SELL—APPRAISAL OF IMPROVEMENTS

SUBJECT TO SECTION 58-313 I. C. AS AMENDED

The State Board of Land Commissioners reserves the right to sell all or any portion of the land described in this lease and in case of sale of said premises during the continuance of the same, the lessee hereby covenants to deliver immediate possession unless the State Board of Land Commissioners has determined that he shall be permitted to harvest the growing crop. In such event he shall have possession of only the land on which such crops are growing. When surface improvements have been made they will be appraised by the State Land Commissioner, or a fieldman, under the direction of the State Board of Land Commissioners and the lessee will be paid for same by purchaser on the day of sale; provided, however, that no appraisal of improvements shall be final and binding until the same is approved by the State Board of Land Commissioners.

When permanent range improvements, construction of permanent buildings, or leveling or clearing of land for agricultural uses, is contemplated by the lessee he must secure the approval of the State Land Commissioner in writing prior to making such improvements and failure to secure such written approval shall work a forfeiture of the value of such improvements in case of sale.

5. RENEWAL OF LEASE—APPRAISAL OF IMPROVEMENTS.

If the lessee herein is not the successful bidder at the expiration of this lease and the land is leased to another party, then the value of improvements recognized in paragraph 4 above as agreed upon between the parties, or as appraised and fixed by the State Land Commissioner, shall be paid by said successful bidder for such lease to the lessee herein, provided, however, should said lessee owe delinquent rental to the State at the time of the termination of said lease, the amount paid, or so much thereof as will liquidate said delinquent rental for said improvement, shall be paid to the State Land Commissioner. In case improvements have been made by the lessee herein on land embraced by this lease, and an appraisal of the value of such improvements is required, such improvements shall be appraised by the State Land Commissioner, or a fieldman for the Land Department.

6. RELINQUISHMENT OF RIGHTS.

The lessee agrees to deliver up the said premises leased upon breach of any of the conditions herein set forth with all permanent improvements thereon in good order and condition when such breach results in cancellation or forfeiture of such lease.

7. TIMBER ON LAND UNDER LEASE.

This lease is made subject to all rights that the purchasers of timber upon said lands may have under their deeds or certificates of sale whether purchased before the execution of this lease or after; this lease does not authorize the lessee to cut any timber growing on the land leased; any unauthorized use of such timber by the lessee or with his knowledge or consent, shall work a forfeiture of this lease without notice; and said lessee shall be responsible for all damages to said timber and shall be prosecuted as provided by law. Lessee is subject to the provisions of the state fire law; provided, that the lessee shall not be liable for fire protection charges fixed by such law.

8. MINERAL RESERVATIONS.

This lease is subject to any oil and gas lease that is now in force or effect or that may hereafter be granted on the lands or any part thereof included herein as provided by Title 47, Idaho Code, as the same may have been or may hereafter be amended, and is also subject to any mineral lease that is now in force, provided, however, in the event of a mineral lease or an oil and gas lease being granted subsequent to the granting of the lease herein, said lessee, whether such is a mineral lease or oil and gas lease, shall give a good and sufficient bond to protect said lessee herein from all damage occasioned to the surface of said lands embraced in this lease, whether utilized for actual mineral extraction or for rights-of-way or other purposes necessary to fully operate said mineral lease.

9. PROHIBITED FROM FENCING WATERING PLACES.

The lessee shall fence no watering place upon said leased lands where the same is the only water accessible for range stocks within a radius of one mile, without first having secured the consent of the State Board of Land Commissioners, provided, however, that the users of said water for stock or domestic purposes only shall protect the growing crops and improvements of said lessee, including ditches, headgates, dams or pipe lines utilized for irrigating the lands of the lessee herein, and that the cost of said protection shall be borne by the users of said watering place situated upon the land herein described.

10. GRAZING REGULATIONS.

Where land under this lease is used for grazing, the grazing period on said land and the number of stock to be grazed thereon may be fixed and determined by the State Land Commissioner; said lessee, under the above conditions, shall furnish, to the State Land Commissioner such information as may be required from time to time during the term of this lease, to assist in determination of the grazing period and number of stock to be grazed.

same bedding ground, nor shall such sheep be grazed in such a fashion as to destroy the natural herbage on said lands leased or demised.

11. PAYMENT OF WATER CHARGES.

Unless otherwise provided, the lessee herein shall pay all water charges, assessments or taxes of whatsoever nature that may be legally levied or assessed for irrigation purposes against the land herein described, or any portion thereof, and if the same is not paid it shall constitute a lien in favor of the State of Idaho against all crops growing on said land.

12. SUBLEASING.

The lessee herein covenants and agrees that he will not sublease the land embraced in this lease or any part thereof.

13. ASSIGNMENT.

Said lessee shall not assign this lease except upon the approval of the State Land Commissioner and only where the rental owing has been paid in full except that if a rental extension has been granted by the State Board of Land Commissioners on this land such extension shall be assumed by the assignee and if improvements exist, such will be purchased by the assignee. Payments for such improvements in case of assignment of this lease where rentals are delinquent, shall be applied first to liquidate the delinquent rentals. Such assignment must be in writing and subscribed to by the lessee and spouse, if any. An Acceptance and Assumption of lease agreement must be subscribed to by the assignee and spouse, if any. The assignment, acceptance and assumption of lease shall be submitted to the State Land Commissioner for approval, and if approved by him, shall then be recorded on the records of the State Land Department.

14. RIGHT OF ENTRY AND INSPECTION, ABANDONMENT.

The State Board of Land Commissioners reserves the right, through its State Land Commissioner, his fieldman, or other employees, to enter upon said land or any portion thereof during the term of this lease for the purpose of inspecting said property in the interests of said lessor. This right of visitation and inspection shall not authorize the lessor to destroy any of the property of the lessee thereon situated. Should any of the property covered by this lease be abandoned, or said lease cancelled or forfeited for any breach of condition herein contained, all improvements placed upon said property by said lessee shall remain a part of the realty and title thereto and ownership thereof shall vest in the State of Idaho.

15. LESSOR PROTECTED AGAINST WASTE.

The lessee herein shall use the property under this lease in such manner as will best protect the State of Idaho against loss or waste and shall cooperate with the State, or any agency of the United States or other agency authorized by the State to undertake programs for eradication of noxious weeds thereon, and hereby authorize any of such agencies to inspect said property from time to time for the purpose of determining whether or not such noxious weed control or eradication is advisable. The lessee shall take all precautions to exterminate and prevent the spreading of noxious weeds thereon during the term of this lease.

16. FORFEITURE OF LEASE.

In case the lessee herein shall fail to comply with any of the covenants, terms, or conditions of this lease the State Board of Land Commissioners may forfeit or cancel the same upon ten days notice to said lessee and said lessee shall not, during said period of notice, remove any of the improvements or crops thereon whether said crops have been harvested or not. The lessee herein shall, at the expiration of this lease, deliver immediate possession of said lands embraced therein and the whole thereof to the State Board of Land Commissioners without further notice or demand.

It is further covenanted and agreed between the parties hereto that every obligation hereunder shall extend to and be binding upon, and every benefit hereunder shall inure to the benefit of the heirs, executors, administrators, successors or assigns of said lessee.

17. EASEMENTS.

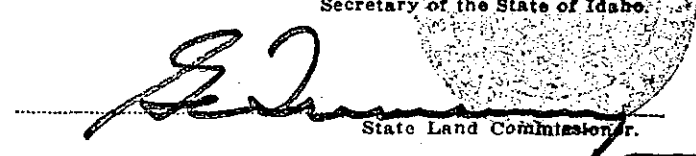
The State Board of Land Commissioners reserves the right to grant such easement and rights-of-way across or upon the said land described in this lease as it may deem necessary in the public interest, and to grant immediate possession thereof to the grantee of such easement, upon condition that the grantee of such easement shall, before exercising the same, pay to the lessee the reasonable value of the growing and immature crops and improvements within the boundaries of the granted right-of-way or easement. In event of dispute as to the value of such immature crops and improvements, the same shall be appraised by the State Land Commissioner and his appraisal shall be conclusive. This lease is subject to any right-of-way or easement heretofore granted on or over the lands embraced by this lease.

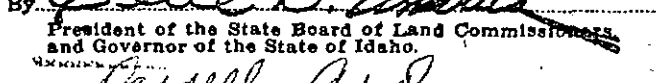
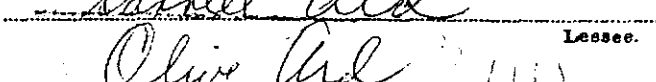
18. These lands are not to be closed at any time to the use of the general public for hunting and/or fishing purposes, subject to the Statutes and/or rules and regulations of the Fish and Game Department.

IN WITNESS WHEREOF the party of the first part, by and through its State Board of Land Commissioners of the State of Idaho and in accordance with the law has caused these presents to be executed by its President, the Governor of the State of Idaho, and the State Land Commissioner and countersigned by the Secretary of State, and the part of the second part has caused these presents to be executed in person the day and year herein first above written.

STATE BOARD OF LAND COMMISSIONERS OF THE STATE OF IDAHO

COUNTERSIGNED:


Secretary of the State of Idaho.

State Land Commissioner.

By 
President of the State Board of Land Commissioners
and Governor of the State of Idaho.

Lessee.

Lessee.

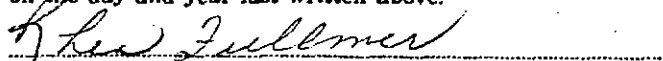
STATE OF IDAHO

County of Madison ss.

On this 26th day of January, in the year 1973, before me, a Notary Public in and for said State, personally appeared Darrell Ard and Olive Ard, his wife,

known to me to be the lessee that executed the within instrument, and acknowledged to me that the y. executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.


Notary Public for Idaho,
Residing at Rexburg, Idaho

STATE OF IDAHO

County of ADA ss.

On this FEB 14 1973 day of FEB 14 1973, in the year 1973, before me, a Notary Public in and for said State, personally appeared Cecil D. Andrus, known to me to be the president of the State Board of Land Commissioners of the State of Idaho, and the Governor of the State of Idaho; and Pete T. Cenarrusa, known to me to be the Secretary of the State of Idaho; and G. C. Trombley, known to me to be the State Land Commissioner, that executed the within instrument, and acknowledged to me that the State Board of Land Commissioners of the State of Idaho, and the State of Idaho executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last above written.


Notary Public for Idaho.
Residing at Idaho City, Idaho, Idaho
Commission expires AUG 25 1974

AFFIDAVIT OF PUBLICATION

State of Idaho)
) ss
 County of Teton)

Louisa L. Norton
 being first duly sworn depose and say

that I am the publisher.....
 of the Teton Valley News, a news-
 paper as defined by Idaho Codes Anno-
 tated, Section 58-106, as amended, and
 that said newspaper is a weekly news-
 paper printed and published at Driggs,
 in Teton County, Idaho, having a gen-
 eral circulation in said county, and that
 said newspaper has been printed in
 said county for more than 78 consecu-
 tive weeks prior to the first publication
 of the attached notice, advertisement
 or publication of

Water permit # 22-7186

Darrell Ard, Rexburg

And affiant further says that said
 attached notice, advertisement or pub-
 lication, 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 6... day of May.....
 1976..

and last publication on the 13.....
 day of May....., 1976.

And affiant further says that at the
 times herein mentioned said newspaper
 was made up of at least eight pages
 of at least five columns each, printed
 from type matter, of at least sixteen
 and one-half inches deep.

Louisa L. Norton

Subscribed in my presence and sworn

to before me this 18..... day of

May..... 1976
Barth C. Davidson
 (SEAL) Notary Public for the State of
 Idaho, residence and postoffice
 address, Driggs, Idaho.

My Commission expires

9-20....., 1979..

**NOTICE OF APPLICATION
 FOR WATER PERMIT**

Notice is hereby given that
 Darrell Ard, Rexburg, Idaho
 has on 4-27-76 submitted Appli-
 cation No. 22-7186 for a permit
 to appropriate 12.8 cubic feet
 per second of water from Te-
 ton River tributary to Snake
 River by means of pump and
 pipeline within the NW 1/4 SE 1/4,
 Sec. 3, T. 6N, R. 44E, B.M., Te-
 ton County; to be used from
 Apr. 1 to Nov. 1 for the irriga-
 tion of 640 acres within the
 N 1/2 NE 1/4, SE 1/4 NE 1/4, NE 1/4
 NW 1/4, Sec. 6, T. 6N, R. 44E,
 W 1/2, Sec. 30, E 1/2 W 1/2, Sec. 31,
 T. 7N, R. 44E, B.M.

If issued, this permit will be
 subject to all prior water rights.
 Protests against the granting of
 the permit must be filed with

TETON VALLEY NEWS -

the Idaho Department of Water
 Resources, 1515 Lincoln Road,
 Idaho Falls, Idaho, 83401 on or
 before May 24, 1976.

R. KEITH HIGGINSON
 Director

Published in the Teton Valley
 News, Driggs, Idaho on May 6
 and May 13, 1976.

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 MAY 19 1976

Department of Water Resources
 Eastern District Office



State of Idaho

DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, P.O. BOX 83720, Boise, Idaho 83720-0098

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

September 17, 1997

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452-0272

RE: WATER RIGHT NOS. 22-07108, 07111, 07116, 07119, 07120, 07121,
07122, 07148, 07157, 07180, 07186, 07208,
07209, 07211, 07216, 07221, 07223, 07235,
07295, 07360, 07375, 07504, 07505

Dear Water Right Holder(s):

The Department of Water Resources (the Department) has issued the enclosed licenses confirming that a water right has been established in accordance with each permit referenced above. The licenses are preliminary orders issued by the Department pursuant to section 67-5243, Idaho Code. They can and will become final orders without further action of the Department unless a party petitions for reconsideration or files an exception and/or brief as further described in the enclosed information sheet.

For your records I have also enclosed copies of your Application for Amendment of Permit forms as they apply to the above referenced water right numbers.

Sincerely,

Shelley W. Keen
Water Rights Supervisor

SWK:klt

Enclosures

RECORDED
OCT 21 1997

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of **September, 1997**, I mailed a true and correct copy, postage prepaid, of the foregoing **PRELIMINARY ORDERS (Approved Licenses)** to the person(s) listed below:

Water Right Nos. 22-07108, 07111, 07116, 07119, 07120, 07121, 07122, 07148, 07157, 07180, 07186, 07208, 07209, 07211, 07216, 07221, 07223, 07235, 07295, 07360, 07375, 07504, 07505

TETON PIPELINE ASSN INC
PO BOX 272
TETONIA ID 83452-0272


Kari Lynn Townsend
Secretary

OCT 21 1997



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

January 19, 1995

RE: Teton Pipeline Assn. Inc. Water Rights

Roger Hoopes
PO Box 70
Rexburg, ID 83440-0070

Dear Roger:

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

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

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

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

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

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JAN 27

Roger Hoopes
January 19, 1995
Page 2

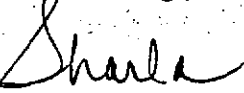
that the previous amendment included 478 acres and the permit originally allowed 640. Therefore, only a maximum of 168 acres can be added. I will wait to hear from you as to your agreement before I prepare another "amended" amendment.

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

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

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

Sincerely,



SHARLA CURTIS
Water Right Permits Section

Enclosures

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OCT 21 1995



ATTORNEY
AT LAW

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DEC 05 1994

Department of Water Resources

R.J. HOOPES LAW OFFICE CHARTERED _____

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

R.J. HOOPES, ESQ.

356-6724

December 1, 1994

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

Re: TETON PIPELINE ASSOCIATION, Inc. Water Rights

Dear Ms. Curtis:

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

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

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

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

DEC 21 1994

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

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

Sincerely yours;



R. J. Hoopes, Esq.

pc: File
All TPA shareholders
87-001

RECEIVED

OCT 21 1997



State of Idaho
DEPARTMENT OF WATER RESOURCES

1301 North Orchard Street, Statehouse Mail, Boise, Idaho 83720-9000
Phone: (208) 327-7900 FAX: (208) 327-7866

CECIL D. ANDRUS
GOVERNOR

R. KEITH HIGGINSON
DIRECTOR

November 17, 1994

RE: Teton Pipeline Assn. Inc. Water Rights

Teton Pipeline Assn. Inc.
PO Box 272
Tetonia, ID 83452

Gentlemen:

The following rights have recently been assigned to Teton Pipeline Assn. Inc. and the department's computer records have been modified to reflect this change of ownership:

Application for Permit Nos. 22-07504/07505/07667/07673
Permit Nos. 22-07108/07111/07116/07119/07120/07121/07122/
07148/07157/07180/07186/07208/07209/07211/
07216/07221/07223/07235/07295/07360/07375

The Department is ready to finalize license issuance for a number of the above mentioned rights. Before licenses can be issued on the majority of the permits, the permits must be amended to correspond with the findings of the Department's field examiner.

The enclosed Applications for Amendment contain information that will be included on the licenses when they are issued. The amendments reflect changes in the locations of the place of use descriptions. Please review carefully and if you concur, sign the amendments and return with the filing fees within 14 days (\$50.00 for each amendment). A \$20.00 amendment fee was previously paid for Permit No. 22-07180; this fee can be credited to the amendment fees now sought.

Also enclosed is a relinquishment form for Permit No. 22-07221. Permit Nos. 22-07211 and 22-07295 supply the maximum volume for the acres covered under the three permits, therefore, no additional beneficial use was found under Permit No. 22-07221. In order for us to clear our records of this right, we ask that you sign the relinquishment form and return it with the amendments for the other permits.

RECORDED

OCT 21 1997

Teton Pipeline Assn. Inc.
November 17, 1994
Page 2

Once we have received the relinquishment form and applications for amendment, we can proceed with license issuance. If you have any questions, feel free to contact our office.

Sincerely,

for *Sharla Curtis*

JIM JOHNSON, Manager
Water Right Permits Section

JJ:sc

Enclosures

ENCLOSURES

OCT 24 1994

MEMORANDUM

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

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

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

MINOTCH 11/16/94

OCT 21 1994



State of Idaho

DEPARTMENT OF WATER RESOURCES

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

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

PHILIP E. BATT
GOVERNOR

KARL J. DREHER
DIRECTOR

November 2, 1995

Roger Hoopes
Box 70
Rexburg, ID 83440

Dear Mr. Hoopes:

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

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

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

Sincerely,

SHARLA CURTIS
Water Right Permits Section

Enclosures

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OCT 21 1995

WR5809NP
No. L22-07186

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/04/94
PAGE: 9

OWNER CODE	NAME & ADDRESS	PRIORITY DATE	WATER USE	USE PERIOD FROM TO	DIVERSION RATE	DIVERSION VOLUME
C	DARRELL ARD 136 S 1ST ST REXBURG ID 83440	04/27/1976	IRRIGATION	04-15 10-15	11.16 CFS	1953.00 AFA
TOTAL DIVERSION:					11.16 CFS	1953.00 AFA

Water Source: TETON RIVER

Tributary to: HENRYS FORK

Stage: LICENSE

Point(s) of Diversion Capacity: 37.46 CFS

Point(s) of Diversion: T06N R44E S03 NWSE TETON County

Place of use Legal Description for: IRRIGATION

				NE				NW				SW				SE					
T	R	S	:	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	:	SUM
06N	44E	6	:	01-24	02-34			27	:											:	85.0
07N	44E	30	:						:	40	01-39	02-39	40	:	40	03-39	04-38	39	:		314.0
07N	44E	31	:						:	39			40	:	40			40	:		159.0
																				TOTAL ACRES	558.0 ₉

Pou County: TETON

Other Rights: RT. 22-7186.

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

22-00224B	22-00222B	22-00245B	22-00435B	22-07108	22-07111	22-07119	22-07121	22-07122	22-07148
~~22-07457~~	~~22-07486~~	~~22-07505~~	~~22-07567~~	L22-07108	L22-07111	L22-07119	L22-07121	L22-07122	L22-07148
L22-07157									

Other Water Rights Listing Overlapping Place(s) of use:
22-07186 L22-07108Z L22-07223

Conditions of Approval:

- R04 - Use of water under this water right will be regulated by the
- watermaster of State Water District No. 01.
- R30 - This right when combined with all other rights shall provide no
- more than .02 cfs per acre nor more than 3.5 afa per acre for the
- lands above.

Remarks: Totalizing measuring devices shall be maintained at all points
of diversion.
The maximum combined rate of diversion from the North 1 Project
under this right and all other rights diverting from same system
shall not exceed 28.7 cfs.
Ten points of diversion located in NWSE, S3, T6N, R44E.
Water is diverted from the Clementsville (North 1 and 2) Project
of the Teton Pipeline irrigation system.

L

WR5809NP
No. L22-07186

IDAHO DEPARTMENT OF WATER RESOURCES
WATER RIGHT PROFILE REPORT

DATE: 05/04/94
PAGE: 10

=====
Dates: App. Received: 04/27/1976 Priority Date: 04/27/1976
Proof Due Date: 08/01/1981 Proof Made Date: 06/25/1979
Exam Made Date: 04/30/1980 Exam Sent to S.O.:
Licensed Date:

Misc: Water District Number: 01 Field Exam Fee:

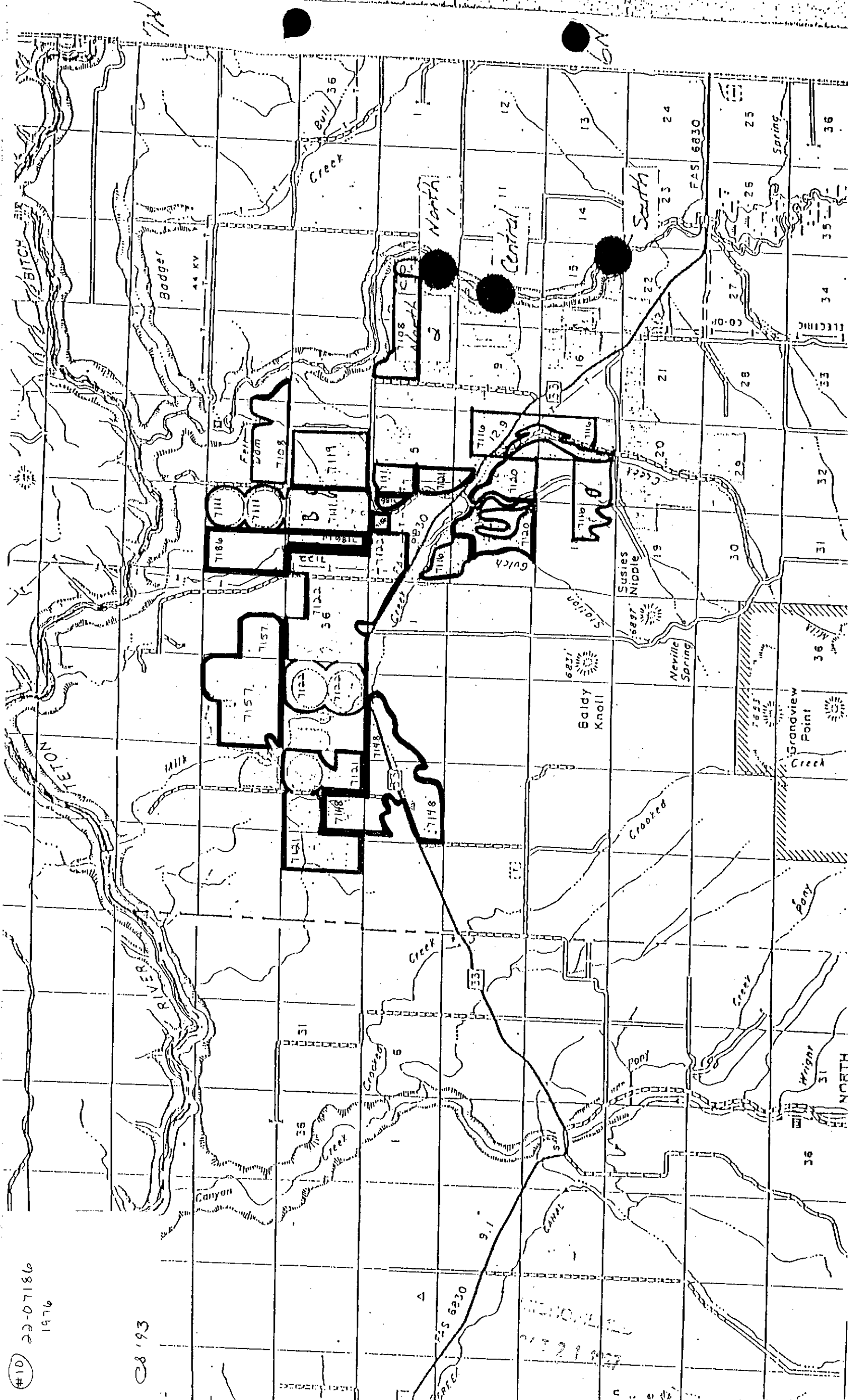
Audit: 08/19/93 SKAGGS 04/28/94 CURTIS 05/04/94 CURTIS

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

WR-NUMBER	SOURCE	NE				NW				SW				SE				SUM
		Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	Lt	Ac	
L2207186	T06N R44E S 6 TETON RIVER																	
	: 01-24 02-34					27	:											: 85
L2207108Z	HENRYS FOR : 01-24 02-34					27	:	03-37 04-35 05-34		33	:	06-02 07-30		15	:			: 271
A2207186	TETON RIVE : 01-24 02-34					27	:											: 85
A2207223	GROUNDWATE : 01-24 02-34					07	:											: 65
L2207223	GROUNDWATE : 01-24 02-34					07	:											: 65
L2207186	T07N R44E S30 TETON RIVER																	
	:							40 01-39 02-39		40	:	40 03-39 04-38		39	:			: 314
L2207108Z	HENRYS FOR : 35 35 35 35 :					40	:	01-39 02-39		40	:	40 03-39 04-38		39	:	35 35 35 35 :		594
A2207186	TETON RIVE :					40	:	01-39 02-39		40	:	40 03-39 04-38		39	:			: 314
L2207186	T07N R44E S31 TETON RIVER																	
	:							39		40	:	40		40	:			: 159
L2207108Z	HENRYS FOR : 39 32 37 34 :					39	:	01-39 02-39		40	:	40 03-40 04-41		40	:	39 40 40 40 :		619
A2207186	TETON RIVE :					39	:			40	:	40		40	:			: 159

#10 23-07186
1976

8'93



MEMORANDUM

TO: FILE #22-7186

FROM: ROXANNE MCCARTHY

RE: TETON PIPELINE REVIEW

DATE: 10-JUL-1989

=====

This is the twelfth in a series of files that I am reviewing prior to licensing. All of the files have become collectively known as the "Teton Pipeline".

This right should be licensed with both volume and diversion conditions because the capacities have been exceeded by prior rights.

The field examiner has recommended a complex "splitting" of these rights to indicate ownership of the diversion and rediversion works. This is not consistent with previous actions by the Department and I recommend that this idea be rejected.

MICROFILMED
OCT 21 1987

POINT OF DIVERSION OVERLAP REVIEW

WR-NUMBER	TWP	RNG	SC	TRACT			LT	#SOURCE	#NAME
				1\4	1\4	1\4			
2207186	06N	44E	3		NW	SE		TETON RIVER	ARD, DARRELL
2200145B								TRAIL CREEK	STRING CANAL CO.
2200221B								TETON RIVER	CURTIS, CLARISSA
2200245B								TETON RIVER	EYNON, JOHN
2200435B								TETON RIVER	EYNON, JOHN
2207108								TETON RIVER	HOOPEES, J. CLINT
2207111								TETON RIVER	ARD, DARRELL
2207119								TETON RIVER	NELSON, GLEN D.
2207121								TETON RIVER	HOOPEES, J. CLINT
2207122								TETON RIVER	RAMMELL, MAX
2207148								TETON RIVER	BOTT, DE MAR
2207157								TETON RIVER	TETON GEORGIC INC.
2207504								GROUNDWATER	HOOPEES, J. CLINT
2207505								TETON RIVER	HOOPEES, J. CLINT

RECEIVED

OCT 21 1957

PLACE OF USE 1/4 1/4 OVERLAP REPORT

06/29/89

WR-NUMBER	NAME	STG	SOURCE	T	R	S	NE	NW	SW	SE	NE	NW	SW	SE	SUM
				06N	44E	10		20	40	40		40			140
L2207209	HOOPES	L	GROUNDWATER												
2207186	RAMMELL	D	TETON RIVER	06N	44E	6		31	31	31	31				124
2200221B	ROMMELL	D	TETON RIVER	06N	44E	6		31	31	31	31				124
2200222B	ROMMELL	D	TETON RIVER	06N	44E	6		31	31	31	31				124
2200245B	ROMMELL	D	TETON RIVER	06N	44E	6		31	31	31	31				124
2200435B	RAMMELL	P	TETON RIVER	06N	44E	6		40	40	40	40				160
2207122	RAMMELL	P	TETON RIVER	06N	44E	6	40	40	40	40					160
2207186	ARD	P	GROUNDWATER	06N	44E	6						40			40
2207235	ARD	P	GROUNDWATER	06N	44E	6									160
L2207122	RAMMELL	L	TETON RIVER	06N	44E	6	40	40	40	40					160
L2207186	ARD	L	TETON RIVER	06N	44E	6	40	40	40	40					160
L2207235	ARD	L	GROUNDWATER	06N	44E	6						40			40
2207186	ARD	P	TETON RIVER	07N	44E	30	40	40	40	40					320
2207111	ARD	P	TETON RIVER	07N	44E	30	40	40	40	40					320
2207186	ARD	P	GROUNDWATER	07N	44E	30	40	40	40	40					320
2207223	ARD	P	GROUNDWATER	07N	44E	30	40	40	40	40					320
L2207111	ARD	L	TETON RIVER	07N	44E	30	40	40	40	40					320
L2207186	ARD	L	TETON RIVER	07N	44E	30	40	40	40	40					320
L2207223	ARD	L	GROUNDWATER	07N	44E	30	40	40	40	40					320
2207186	ARD	P	TETON RIVER	07N	44E	31	40	40	40	40					320
2207111	ARD	P	TETON RIVER	07N	44E	31	40	40	40	40					320
2207122	RAMMELL	L	TETON RIVER	07N	44E	31	40	40	40	40					320
2207186	ARD	L	TETON RIVER	07N	44E	31	40	40	40	40					320
L2207223	ARD	L	GROUNDWATER	07N	44E	31	40	40	40	40					320
2207392	HOOPES	P	TETON RIVER	06N	44E	4	7	40	40	40					209
2207108	BICKMORE	L	TETON RIVER	06N	44E	4					40				180
2207110	HOOPES	P	GROUNDWATER	06N	44E	4	7	40	40	40					209
2207208	HOOPES	P	GROUNDWATER	06N	44E	4					40				198
2207209	HOOPES	P	GROUNDWATER	06N	44E	4					40				160
2207375	HOOPES	P	GROUNDWATER	06N	44E	4					40				60
2207392	EHCO RANCH	P	TETON RIVER	06N	44E	4	7	40	40	40					209
L2207108	HOOPES	L	TETON RIVER	06N	44E	4	7	40	40	40					209
L2207208	HOOPES	L	GROUNDWATER	06N	44E	4	7	40	40	40					198
L2207209	HOOPES	L	GROUNDWATER	06N	44E	4					40				160
L2207375	EHCO RANCH INC. &/OR C	L	GROUNDWATER	06N	44E	4					40				60
L2207392	EHCO RANCH	L	TETON RIVER	06N	44E	4					40				60

2207392

DEPARTMENT OF WATER RESOURCES FIELD REPORT

1. Name of permit holder Carrell Ard
 Post office address Star Pt, Newdale, Id Phone 456-7268
 Person to contact _____ Phone 356-3476

2. Source of water supply: Groundwater ☐ Surface water ☒ Leton
 (name spring, stream, etc.)
 Tributary to _____
 AUG 8 1979

3. Water will be used for the following purposes:

Amount 12.4 c.f.s. for irrigation
 _____ AF/Annum (nature of use)

Period of Use: from 7-1 to 11-1
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Amount _____ c.f.s. for _____
 _____ AF/Annum (nature of use)

Period of Use: from _____ to _____
 (mo.-day) inclusive (mo.-day)

Other uses: _____

4. Total amount to be appropriated:

Max Rate of Diversion 12.4 cubic feet per second and annual volume _____ AF/Annum.

5. Location of Point(s) of Diversion:

Township 6N N/S, Range 44E E/W, B.M., Section 3, Subdivision NW 1/4 SE 1/4 Leton
 _____ County

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____

Township _____ N/S, Range _____ E/W, B.M., Section _____, Subdivision _____ 1/4 _____ 1/4, _____

Other Points of Diversions: _____

Description of diverting works: pumps

Measuring device required: yes ☒ no ☐

6. Lands to be irrigated or place of use.

TWP.	RANGE	SEC.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				TOTALS
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
6N	44E	6	40	40		40	40												160
7N	44E	30					40	40	40	40	40	40	40						320
		31					40			40	40		40						160

TOTAL ACREAGE

640

Permit No. 22-7186
 Examination for 6/2

Department of Water Resources
 Eastern District Office

607 21 1937

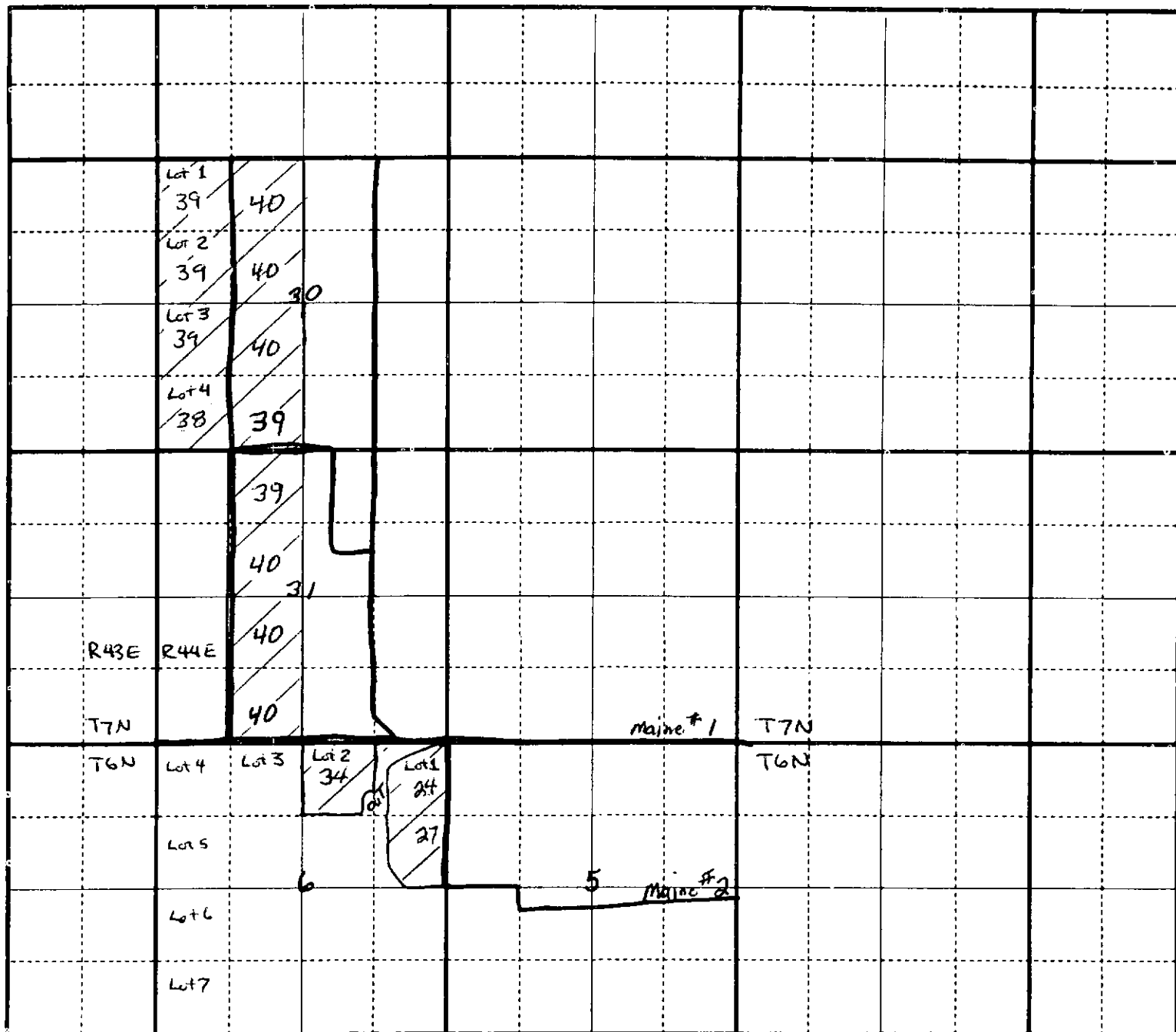


Diagram of System

See Attachment

APR 10 1961
10-1-1961

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
LICENSING REPORT

22-7186

Permit No.

Overlap Review

a) Other water rights with same place of use: 22-7223

b) Other water rights with same point of diversion: 22-0145A/0221B/0245B/7108/7119/7121
7122/7148/7157/7111 RE-DIVERSION for GROUNDWATER 22-7208/7211/7216/7223/7295/7360/7375

c) Analysis: RO1, RO4

This right Limited by 8% ownership of North Project #1 & 50% of North Project #2

$$Q = (0.08)(28.7 \text{ cfs}) + (0.50)(8.76 \text{ cfs}) = 6.676 \text{ cfs}$$

Rights [22-7111 for 655 ac] covers different acreages
[22-7186 for 558 ac]
1213 ac

$$\text{Volume: } 1213 \text{ ac} \times 3.0 \text{ afa} = 3639 \text{ afa}$$
$$6.676 \text{ cfs} \times 1.9835 \times 183 = 2423.26 \text{ afa}$$

VOLUME LIMITED TO 2423.26 afa

TO Determine Share

$$22-7111 - \left[\frac{655}{1213} \right] = 0.5399 \times 2423.26 \text{ afa} = 1308.52$$

$$22-7186 - \left[\frac{558}{1213} \right] = 0.4600 \times 2423.26 \text{ afa} = 1114.74 \text{ afa}$$

Q LIMITED TO 6.676 cfs

TO Determine Share

$$22-7111 - \left[\frac{655}{1213} \right] = 0.5399 \times 6.676 \text{ cfs} = 3.605 \text{ cfs}$$

$$22-7186 - \left[\frac{558}{1213} \right] = 0.4600 \times 6.676 \text{ cfs} = 3.071 \text{ cfs}$$

R17(22-7111; 22-7223)(6.676 cfs)

Regional Office by

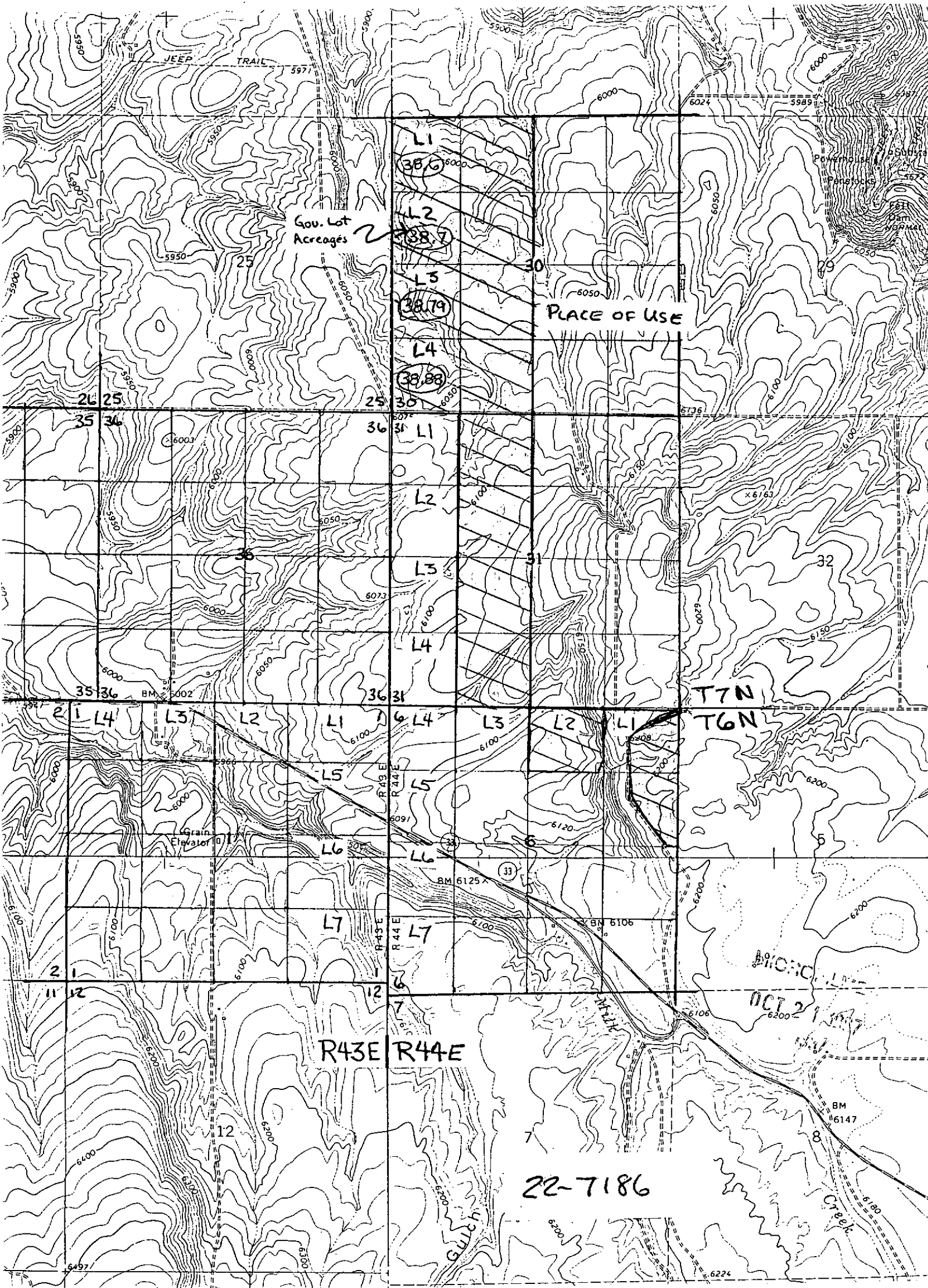
Keith C. Walter

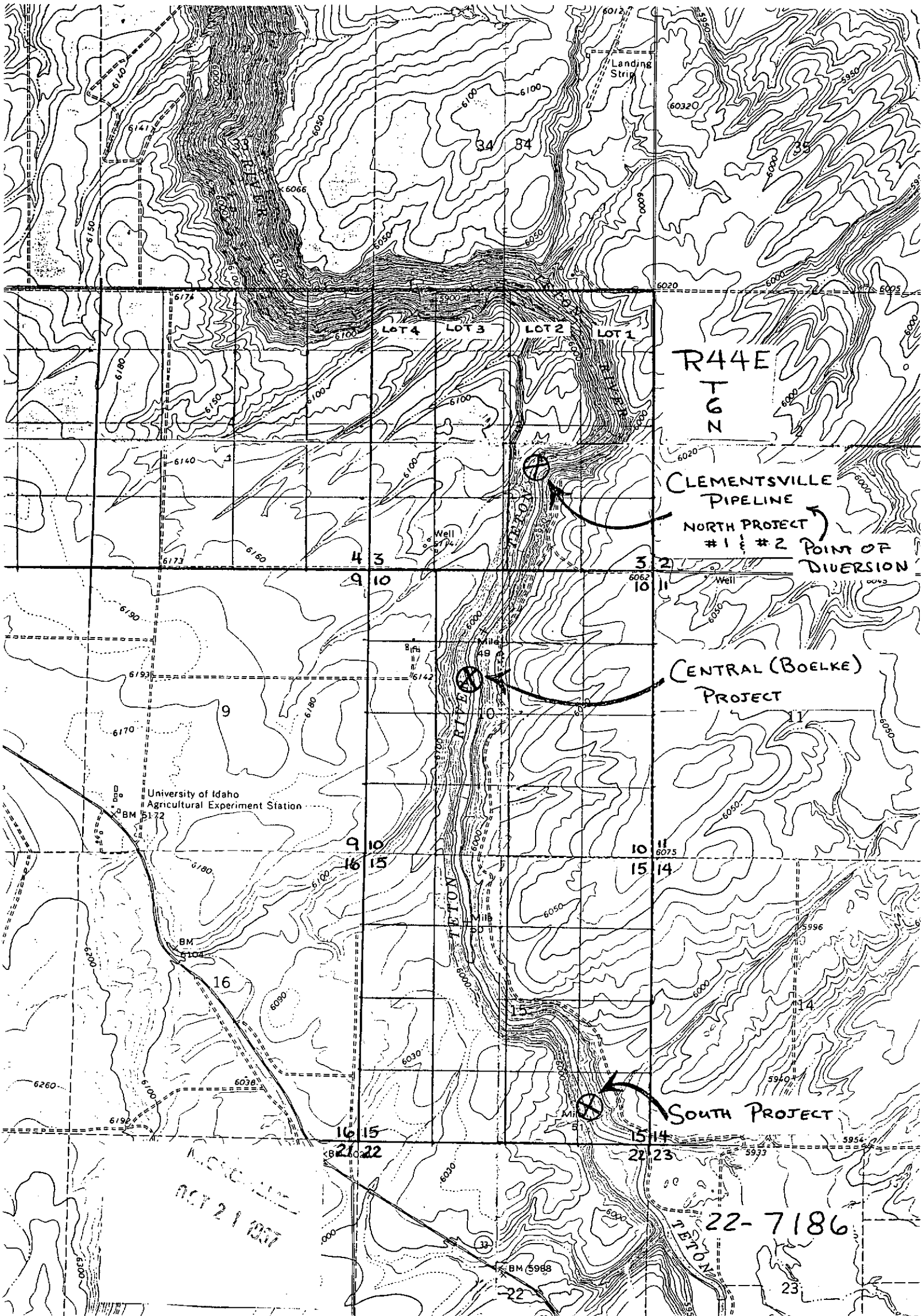
Date

4 Nov 1986

MICROFILMED

NOV 24 1986





R44E
T6N

CLEMENTSVILLE
PIPELINE
NORTH PROJECT
#1 & #2
Point of
DIVERSION

CENTRAL (BOELKE)
PROJECT

SOUTH PROJECT

University of Idaho
Agricultural Experiment Station

BM 5172

BM 5104

BM 5988

OCT 21 1937

22-7186

G-6

R-44

115

B
207.0

174.0.

A.
495

133.7

B
83.0

40

40

35

33

Pivot

BROWN
A - 1 B

C
-28.3-

$$\begin{array}{r} A \\ 300.3 \\ \hline \end{array}$$

J. C. HOOPE S
A-78

30 29

31 32

79.5

C. 76.1

E
127.3

43.1

D
108.7

72.9

8
63.8

A
138.0

~~WARD~~
A-29

DARD
A-28

R44E
T
T
N

G. NELSON
A-112

22-7186

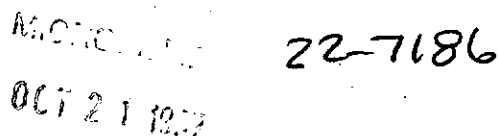
127

31

31

1948年4月

G	F	E	d	D
-----	-----	-----	-----	-----



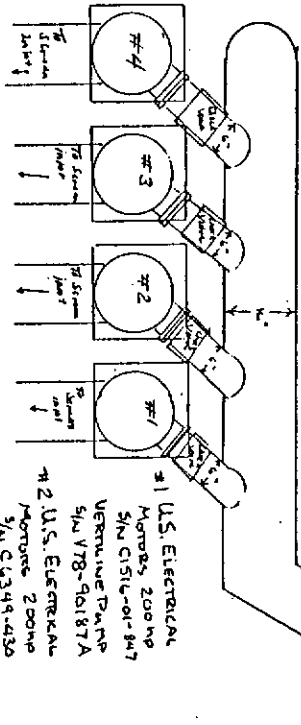
NORTH PROJECT # 2

MEASUREMENT 5 8.76 cfs
(July 1979)

50% Darrell And = 4.38 cfs
50% Clint Hoopes = 4.38 cfs

#3 U.S. ELECTRICAL
MOTORS 200hp
3/4 CD 6377-619
VERTICINE PUMP
3/4 - N/A

#4 U.S. ELECTRICAL
MOTORS 200hp
3/4 CD 6377-619
131U-9-437
VERTICINE PUMP
3/4 - N/A



#1 U.S. ELECTRICAL
MOTORS 200hp
3/4 CD 6377-619
VERTICINE PUMP
3/4 - N/A

#2 U.S. ELECTRICAL
MOTORS 200hp
3/4 CD 6377-619
VERTICINE PUMP
3/4 - N/A

CLEMENTSVILLE PIPELINE NORTH PROJECT # 1

MEASUREMENT OF 28.7 cfs
(July 1979)

#1 GE 500hp
3/4 HKT 82102
VERTICINE
PUMP
3/4 VTS-72441B



#2 GE 500hp
3/4 HKT 82102
VERTICINE
PUMP
3/4 VTS-72441B

#3 GE 500hp
3/4 HKT 82102
VERTICINE
PUMP
3/4 VTS-72441A

#4 GE 500hp
3/4 HKT 82102
VERTICINE
PUMP
3/4 VTS-72441B

#5 GE 500hp
3/4 HKT 82102
VERTICINE
PUMP
3/4 VTS-72442

#6 GE 200hp
3/4 BMT 22513G
VERTICINE PUMP
3/4 VTS-70641

20% Max i Merrill Rammell = 5.74 cfs
20% Clint Hoopes = 5.74 cfs
8% Darrell i Ron And = 2.30 cfs
12% Glen Nelson = 3.44 cfs
20% De Mar Bott = 5.74 cfs
20% Ed Parkinson = 5.74 cfs

22-7186

Point of Diversion
NWSE Sec 3
T6N R44E

Measurement - Capacity of system

Annular 15.250"

baggage meter 80"

(pipe ID)² x inches of HOH

(15.50)² x 3.85 = 18.1

(240.25)² x 3.85 (4.25)

3931.1 gpm = 8.76 cfs

Aon + Darrell Ard 50% = 4.38 cfs

Clint Hoopes 50% = 4.38 cfs

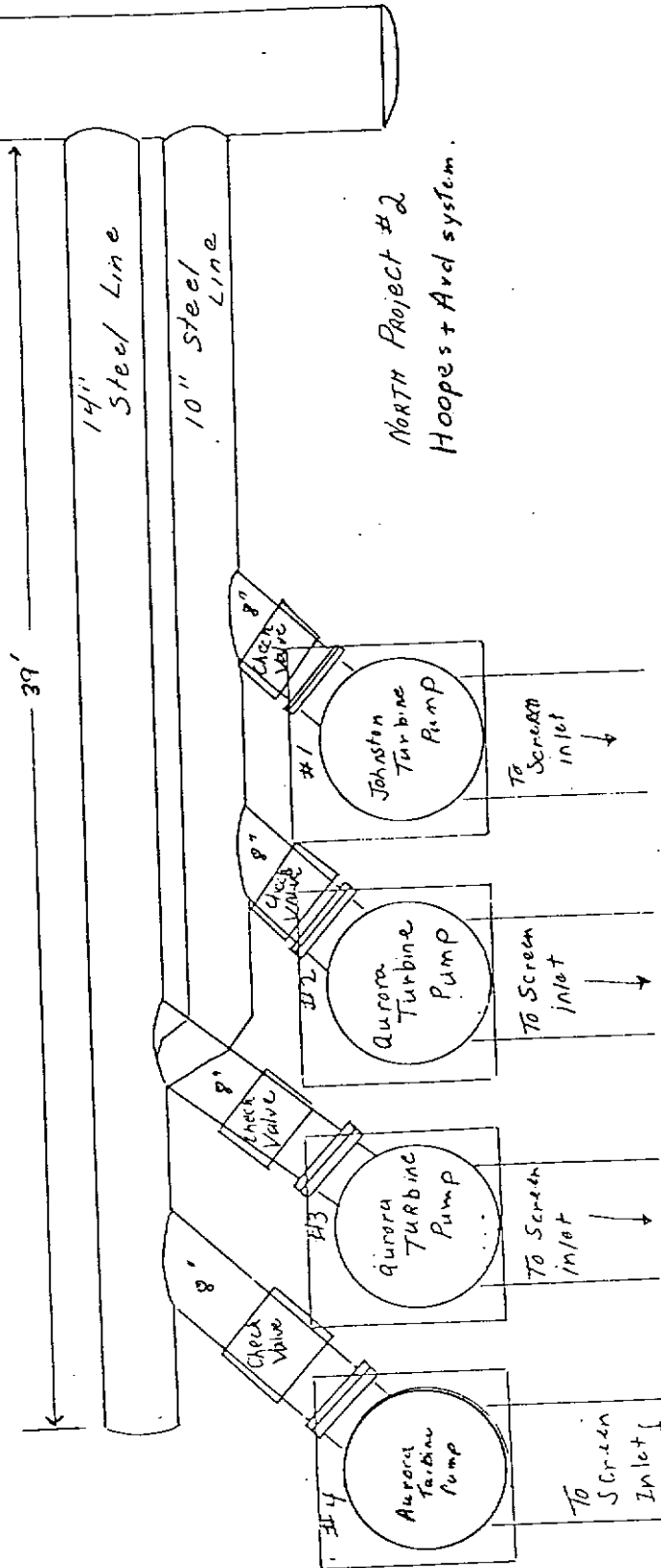
#1. U.S. Electric Motor High Thrust
200hp ID# 0063377-610
80-02693

#2. U.S. Electric Motor High Thrust
200hp #IP. C06377-619 89-02878

#3. U.S. Electric Motor High Thrust
200hp. IP# C6349-430 88-04448

#4. U.S. Electric Motor High Thrust
200hp. ID# 01516-01-647 85-11544

1937



22-7186

Clementsville Pipeline North Project #1

Point of diversion
NW SE Sec 3
T4N R44E

pump #1

G.E. Tri Clad Induction Motor 500hp.
Ser # HKJ821022
+
Aurora Verti line pump.
V75-724410

pump #2

G.E. Tri-Clad 500hp. motor
Ser # C1J312014
+
Aurora Verti Line pump.
V75-72441A

pump #3

GE Tri Clad 500hp. Motor
Ser # JMJ922021
+
Aurora Verti Line pump.
V7572441D

pump #4

GE Tri Clad 500hp. motor
Ser # HKJ821021
+
Aurora Verti line pump
V75-72441B

pump #5

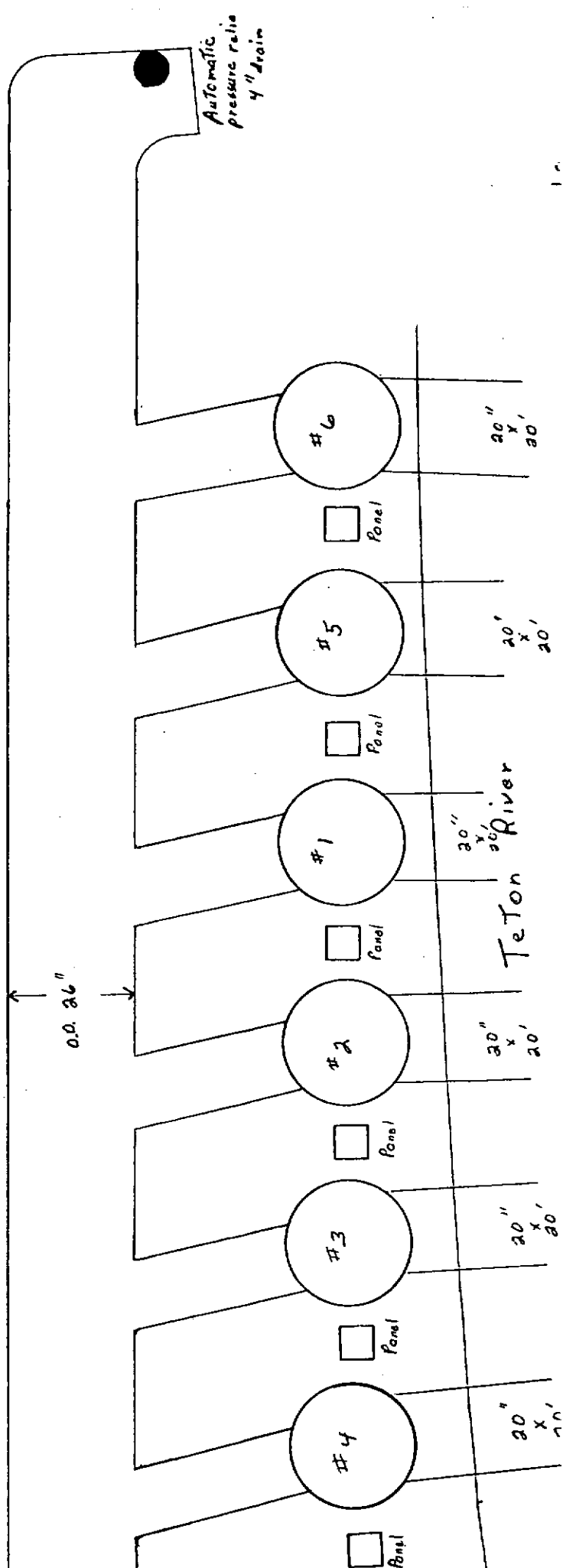
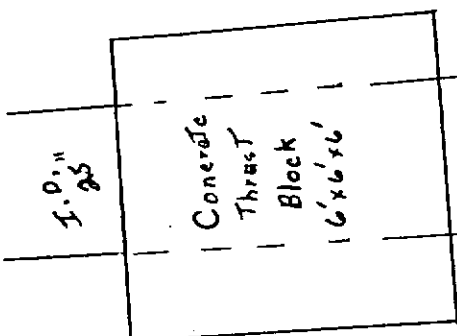
GE Tri Clad 300hp motor
Ser # KLJ1001120
+
Aurora Verti line Pump
V75-72442

pump #6

G.E. Tri Clad 200hp Motor
Ser # BMJ225130
+
Aurora Verti line pump
V76-70641

Measurement - Capacity of system.

Annubar 23.25"
Eagle Eye Meter 80"
 $(\text{pipe ID})^2 \times \sqrt{\text{inches of H}_2\text{O}}$
 $(25.250)^2 \times 3.85 \sqrt{27.5}$
 $(637.56) \times 3.85 (5.24)$
 $12862 \text{ gpm} = 28.7 \text{ cfs}$



Individuals Involved

Max + Merrill Rammell - 20% = 5.74 cfs
Clint Hoopes - 20% = 5.74 cfs
Darrell + Ron Ard - 8% = 2.30 cfs
Glen Nelson - 12% = 3.44 cfs
Demarr Bott - 20% = 5.74 cfs
Ed Parkinson - 20% = 5.74 cfs

22-7186

DATE OF EXAM 7/27/79

ACREAGE
Found 558 Ac
Recommended 558 Ac

Irrigation Requirement 3.0 Ac Ft/Ac

USE
Irrigation Q = 3.07 6.68 c.f.s. V = 1114.74 1674 AF/Ann. from April 1 to Nov. 1
Domestic Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____
Livestock Q = _____ c.f.s. V = _____ AF/Ann. from _____ to _____

Is water co-mingled? yes _____ no X

Name source: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Exchange? yes _____ no X

Name source exchanged with: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of injection: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Point of exchange: n/a
twp. _____ N/S, Rge _____ E/W, B.M., Sec. _____, Sub. _____ 1/4 _____ 1/4 _____
County _____

Total Q measured 37.46 cfs Max. of 2 Projects #1 + #2 Method of measurement Annubar
#1 8% = 2.3 cfs, #2 50% = 4.38 cfs 8% of #1 50% of #2
Total Q recommended 6.68 cfs Meter No. 15.25" Type Annubar Condition Std
Total V recommended 1674

Recommended Amendments:

P.D. _____
Place of Use _____
Other _____
☒ None

MEASUREMENT CALCULATION:

See attached system description Water Project #1 = 28.7 cfs #2 = 8.7 cfs
8% of #1 50% of #2
Lands irrigated by wheel lines + hand lines: 2.3 cfs + 4.38 cfs = 6.68 cfs
558 Ac x 3.0 AF/Ac = 1674 AF/Ann. 6.68 cfs x 1.9835 cfs AF/dy x 274 dys = 2835 AF/Ann.

SYSTEM DESCRIPTION:

System shown + described by Roni And.
Daniel And has 8% in north #1 and 50% in north #2

REMARKS:

Examiner's Signature John D. Carlson Date 4/30/80
Checked by Keith C Wilson Date 23 Oct 1986; 4 Nov 1987
Approved by Wynne McElroy Date 7/10/89

DEPARTMENT OF WATER RESOURCES

The Idaho Department of Water Resources will consider this card a statement that the permit holder(s) has completed development to the extent shown below of Permit No. 32-7186
SR-111

Name(s) of Permit Holder: DOUGLAS A. AND

Post Office Address: 5743 RT NEWDALE Idaho
83436

Source of Water: RIVER PUMPS Teton River

Extent of Use: ☐ Domestic (number of households)
☐ Stockwater (number and type of stock)
☒ Irrigation 1360 (acres)
☐ Other

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

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

June 12 1979
Date

Douglas A. and
Signature of Permit Holder

MICROFILMED

July 19, 1976

Mr. Darrell Ard
136 South 1st Street
Rexburg, ID 83440

RE: APPLICATION FOR PERMIT NO. 22-7186

Dear Mr. Ard:

This department has under consideration your application no. 22-7186 by which you seek a permit to appropriate 12.8 second feet of water from the Teton River for irrigation purposes. Due to the failure of the Teton Dam, I am concerned about your continuing interest in pursuing this appropriation. Most such applications were filed for the purpose of appropriating available water of the Teton River during the spring runoff periods, and most applicants have had the intention of obtaining water directly or by exchange through the Teton Reservoir. Without the availability of the storage water from Teton, your project may no longer be feasible.

I, therefore, am requesting that you notify this department of your intentions concerning this matter. This department questions the availability and advisability of appropriation of water under a direct flow right, such as you are proposing under this application, unless water is available from some storage facility under an arrangement which you may be able to make.

I look forward to hearing from you concerning this matter.

Very truly yours,

R. KEITH HIGGINSON
Director

RKH/slg

CC: Mr. Ron Carlson
IDWR - Eastern Region

August 9, 1976

Re: Permit No. 22-7186

Darrell Ard
136 S. 1st
Rexburg, ID 83440

Dear Mr. Ard:

Enclosed is a copy of your approved Application for Permit No. 22-7186. We direct your attention to the conditions of approval as listed on the fourth page.

Please be advised that the Idaho Supreme Court has ruled that a water right initiated and/or put to beneficial use by aid of trespass on private property is invalid.

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

Sincerely,

BOBBY D. FLEENOR
Chief, Water Rights

BDF:mef

Enc.

August 1 1976

Mr. R. Keith Heggins
State of Idaho
Dept of Water Resources

RECEIVED

AUG 4 1976

Department of Water Resources

Dear Mr Heggins:

In answer to your letter of July 19 concerning my application for 12.8 second feet of water for irrigation purposes. I am most definitely still interested in this permit (No. 22-7186). ~~we~~

We have already utilized this water through the Teton Pipe Line Association of which we are members.

Our Association has 6.5 second feet of water from the Laramie City Canal (1883 decree) 7.4 second feet from Teton Canal (188-? decree) Plus 3.5 second feet from Preston Parkinson 1883 decree.

As far as Storage water, the Association has leased for this year 1000 acre feet from Trail Creek. (Island Park Reservoir). Also many of the individual members of the Teton Pipe Line Association have individual water decrees and storage water ~~not~~ of which according to our by-laws we all share in. (Storage only).

I am personally obtaining 240 acre feet from Island Park for next year.

As I hope you can see we are most interested in permit No 22-7186 as we are not wholly dependent on the Teton Dam project. This high water permit would ~~allow~~ allow us to water our grain crop and use our decreed and Storage water for our potatoes.

Please let me know at your
earliest convenience if I have
answered your questions, and
have shown just cause for needing
this permit No 22-7186 approved

I look forward to hearing
from you concerning this matter.

yours truly,
Darrell Cook

Darrell Reid
Star Route
Newdale, Idaho



Mr R. Keith Heggins Director
State of Idaho
Department of Water Resources
State house
Boise, Idaho 83720

INTER-DEPARTMENT MEMO — 1

FROM DAVE TOTHILL

DATE MAY 27 '76

TO RON CARLSON

SUBJECT 22-7186

This app is in conflict with NE $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E
rights established by Permit 22-7122

RECEIVED

MAY 28 1976

Department of Water Resources
Eastern District Office

Dave

SIGNATURE

June 30, 1976

Mr. Darrell Ard
136 South 1st Street
Rexburg, Idaho 83440

Dear Mr. Ard:

In checking our records, we find that 40 acres in the NE¹/₄ Sec. 6, (Lot 3) T. 6N, R. 44E, requested to be irrigated by your application no. 22-7186, is also covered by permit 22-7122. We are, therefore, reducing the quantity on your application from 12.8 c.f.s. to 12.4 c.f.s., to keep the combined diversion rate within the statutory 1-inch per acre.

If you have any questions or feel this reduction is not justified, please feel free to contact me.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:me

April 29, 1976

RE: Application for Permit No. 22-7186 ARD

Teton Valley News
Driggs,
Idaho 83422

Gentlemen:

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

After sending us a galley proof, proceed with the publication on the dates we have inserted, assuming the notice is correct. If we have any corrections, we will notify you before the first publication. If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

Bill submitted 5-19-76 by (w)

RDC:CH

Enc: Legal Notice (1)

**NOTICE OF APPLICATION
FOR WATER PERMIT**

Notice is hereby given that Darrell Ard, Rexburg, Idaho has on 4-27-76 submitted Application No. 22-7186 for a permit to appropriate 12.8 cubic feet per second of water from Teton River tributary to Snake River by means of pump and pipeline within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 6N, R. 44E, B.M., Teton County, to be used from Apr. 1 to Nov. 1 for the irrigation of 640 acres within the NW $\frac{1}{4}$, Sec. 6, T. 6N, R. 44E, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Sec. 36, E $\frac{1}{2}$ W $\frac{1}{2}$, Sec. 31, W $\frac{1}{2}$, Sec. 44E, B.M., T. 7N, R. 44E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 24, 1976.

R. KEITH HIGGINSON

Director

Published in the Teton Valley News, Driggs, Idaho on May 6 and May 13, 1976.

NOTICE OF APPLICATION FOR WATER PERMIT

Notice is hereby given that Darrell Ard,
Rexburg, Idaho

has on 4-27-76 submitted Application No. 22-7186
for a permit to appropriate 12.8 cubic feet per second ~~acre feet per annum~~
of water from Teton River tributary to Snake River
by means of pump and pipeline
within the NW $\frac{1}{4}$ SE $\frac{1}{4}$, Sec. 3, T. 6N, R. 44E, B.M., Teton County;

to be used from Apr. 1 to Nov. 1
for the irrigation of 640 acres

within the N₂NE₁, SE₁NE₁, NE₁NW₁, Sec. 6, T. 6N, R. 44E, W₂, Sec. 30, E₂W₂, Sec. 31, T. 7N, R. 44E, B.M.

If issued, this permit will be subject to all prior water rights. Protests against the granting of the permit must be filed with the Idaho Department of Water Resources, 1515 Lincoln Road, Idaho Falls, Idaho, 83401 on or before May 24, 1976

R. KEITH HIGGINSON

Director

Published in the Teton Valley News, Driggs, Idaho
on **May 6** and **May 13, 1976**

me. H. me. Q.

April 28, 1976

RE: Application for Permit No. 22-7186 DARRELL ARD

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

Dear Art:

We are enclosing a copy of an application that may be of interest to your water district. Please review the application and if you have any comments, submit them to our Department as soon as possible. The last date of protest is May 24, 1976, and we are required to take final action shortly thereafter.

If we may be of further assistance, please feel free to contact us.

Very truly yours,

RONALD D. CARLSON
Supervisor,
Eastern Region

RDC:CW

Enclosure

DEPARTMENT OF WATER RESOURCES
- STAFF ANALYSIS -

Item Initial Date

Application No. Card

☒ Source
☒ Point of Diversion No PD on map
☒ County
☒ Quantity of Water and Period of Use
☒ Description of Diverting Works
☒ Time required for B/U of water
☒ Place of Use or Acres Irrigated
☒ Map
☒ Signature
☒ Fee

(1) JAG 4/27/76

In form to receipt yes

(2) " "

Send Copies to: Watermaster W.D. 01

NA Idaho State Health Department
Idaho Fish and Game Department
Bureau of Land Management

(3) " "

☒ No copy of Agreement w/ state
Request Special Use Permit from U.S.F.S.
NA Request Easement from B.L.M.
Request Information from Applicant Need copy of agreement.

(4) " "

In form for advertising yes

(5) " "

Platted on Map No. W-48 - W-49

(6) " "

Located within Water District No. 01

(7) " "

NA Critical groundwater area: yes no

(8) " "

Groundwater levels: NA

Declining, Stable, Increasing

(comment)

(9) " "

Other rights on the same place of use None

(10) " "

Comments: No known conflicting water rights

(11) OW 5-19-76

Affidavit of Publication received(date) May 19, 1976

(12) OW 5-24-76

Final date for protests May 24, 1976

Protests received: yes no

(13) RDC 5/25/76

All requested information received from agencies or applicant: yes no

(14) IL IL

Action recommended:

☒ Approve

4/27/76 Proposed Priority

Reason for Reduction

☒ Measuring device required

☒ See attached sheet for other conditions of approval

No special conditions for approval

(15) District E

By RDC

Date 5/25/76

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