

03/10/2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13729

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.920 CFS
338.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This right authorizes the diversion of an annual total of 41.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 1.92 cfs and to a total combined annual diversion volume of 384.3 AF. Combined Right Nos.: 22-13729, 22-13731.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

PRIORITY DATE: 08/09/1961

POINT OF
DIVERSION:

T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	1.600 CFS 296.40 AFY
DIVERSION TO STORAGE	01/01 12/31	0.320 CFS
FIRE PROTECTION STORAGE	01/01 12/31	41.60 AFY
AESTHETIC STORAGE	01/01 12/31	41.60 AFY

SCANNED
MAR 14 2008

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/03/2008

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SESW 28.60

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, and 22-13731.

This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Right No. 22-13731 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

SCANNED

MAR 14 2008

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by transfer 73910 by 03/03/2009.

Failure of the right holder to comply with the conditions of transfer 73910 is cause for the Director to rescind approval of the transfer.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Right no. 22-13731 is also diverted through point of diversion described above.

The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

This right is a split from former right 22-2212 .

SCANNED

MAR 14 2003



Idaho Department of Water Resources

SRBA Recommendation:

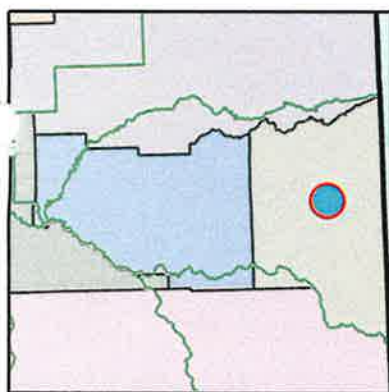
22-13729

(Irrigation)

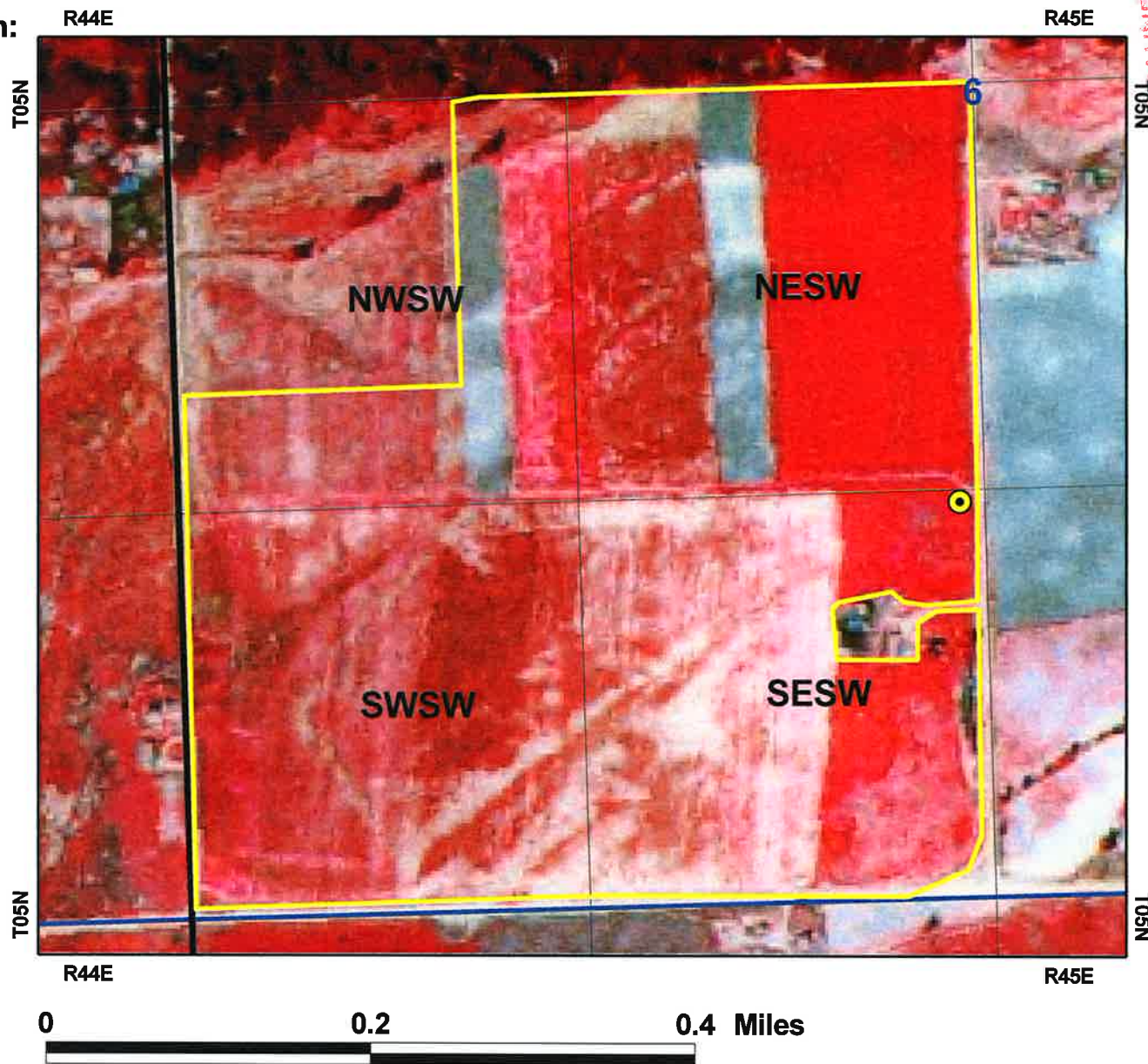
22-13731

Legend

-  Point of Diversion
-  Place of Use
-  Townships
-  PLS Sections
-  Quarter Quarters



Teton County
IDWR Basin 22



Prepared by J. Crabtre
On Wednesday, June 27, 2007
1987/88 Aerial Photography

SCANNED
JUN 27 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

December 5, 2008

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

Packsaddle Properties LLC
PO Box 631
Driggs ID 83221

RE: Transfer #73910 for water right(s) 22-13727, 22-13729 and 22-13731 and Notice of Completed Administrative Proceeding (NCAP)

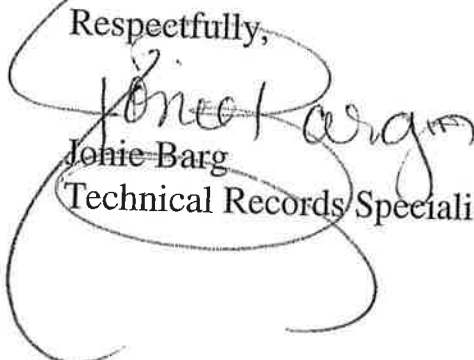
Dear Mr. Sir/Madam:

On March 3, 2008 the Idaho Department of Water Resources (IDWR) approved Transfer #73910, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,


Jonie Barg

Technical Records Specialist

SCANNED

DEC 11 2008

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-13727, 22-13729
and 22-13731

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer 73910

☐ point of diversion

☐ place of use

☒ period of use

☒ nature of use

☐ split of water right

☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: Dec 1, 2008

Ernest Carlson

Signature of IDWR Representative

SCANNED

DEC 11 2008

CERTIFICATE OF MAILING

I certify that on December 5th, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:
Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707
2. One copy to:
Claimant/Seller for Substitution of Party or attorney of record:
Packsaddle Properties LLC
PO Box 631
Driggs ID 83221
3. One copy to:
Claimant/Purchaser for Substitution of Party, or attorney of record:
4. One copy to:
Each party in the subcase, or attorney of record
5. One copy each to:
Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449
6. One Copy to:
United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724

Signature of person or attorney mailing the form

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13727

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: SOUTH LEIGH CREEK

TRIBUTARY: TETON RIVER

QUANTITY: 2.840 CFS

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This right authorizes the diversion of an annual total of 46.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 06/15/1897

POINT OF
DIVERSION: T06N R45E S33 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/15 10/31	2.360 CFS
DIVERSION TO STORAGE	04/15 10/31	0.480 CFS
AESTHETIC STORAGE	01/01 12/31	46.60 AFY
FIRE PROTECTION STORAGE	01/01 12/31	46.60 AFY

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SESW 28.60

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW		T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW		T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

SCANNED

DEC 11 2003

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Decreed

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

Use of water under this right will be regulated by a watermaster with responsibility for the distribution of water among appropriators within a water district. At the time of this approval, this water right is within State Water District No. 01.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

Water is delivered through Bell McCracken Ditch.

The right holder shall accomplish the change authorized by transfer 73910 by March 3, 2009.

The right holder shall maintain a measuring device and lockable controlling works of a type approved by the Department in a manner that will provide the watermaster suitable control of the diversion(s).

SCANNED

DEC 11 2008

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13729

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 1.920 CFS
338.00 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

This right authorizes the diversion of an annual total of 41.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

The rights listed below are limited to a total combined diversion rate of 1.92 cfs and to a total combined annual diversion volume of 384.3 AF. Combined Right Nos.: 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 08/09/1961

POINT OF
DIVERSION: T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	1.600 CFS 296.40 AFY
DIVERSION TO STORAGE	01/01 12/31	0.320 CFS
FIRE PROTECTION STORAGE	01/01 12/31	41.60 AFY
AESTHETIC STORAGE	01/01 12/31	41.60 AFY

The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than 03/03/2008

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE:

IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	SESW 28.60

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW		T05N R45E S06 Lot 6 NWSW	
T05N R45E S06 Lot 7 SWSW			T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, and 22-13731.

This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

Right No. 22-13731 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

The right holder shall accomplish the change authorized by approved transfer 73910 by 03/03/2009.

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

Right No. 22-13731 is also diverted through point of diversion described above.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

If the surface water right(s) appurtenant to the place of use is abandoned, forfeited, sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

SCANNED

DEC 11 2008

IDAHO DEPARTMENT OF WATER RESOURCES
PRELIMINARY RECOMMENDATION OF WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13731

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.

QUANTITY: 0.180 CFS
46.300 AFY

This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.

The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.

This right authorizes the diversion of an annual total of 5.0 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.

Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 2.36 cfs for irrigation. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

PRIORITY DATE: 08/09/1981

This water right is subordinate to all water rights with a priority date earlier than April 12, 1994, that are not decreed as enlargements pursuant to Section 42-1426, Idaho Code. As between water rights decreed as enlargements pursuant to Section 42-1426, Idaho Code, the earlier priority right is the superior right.

POINT OF DIVERSION: T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
DIVERSION TO STORAGE	01/01 12/31	0.030 CFS
FIRE PROTECTION STORAGE	01/01 12/31	5.00 AFY
AESTHETIC STORAGE	01/01 12/31	5.00 AFY
IRRIGATION	04/15 10/31	0.150 CFS 41.30 AFY

Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	32.30	T05N R45E S06 Lot 6 NWSW	17.70
T05N R45E S06 Lot 7 SWSW		32.00	T05N R45E S06	28.60
			SESW	

SCANNED

DEC 11 2000

FIRE PROTECTION STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6	NWSW
T05N R45E S06 Lot 7	SWSW	T05N R45E S06	SESW

AESTHETIC STORAGE in TETON County

T05N R45E S06	NESW	T05N R45E S06 Lot 6	NWSW
T05N R45E S06 Lot 7	SWSW	T05N R45E S06	SESW

110.6 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 110.6 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This right is based upon an enlargement of Right No. 22-13729 pursuant to Section 42-1426, Idaho Code.

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Failure of the right holder to comply with the conditions of approved transfer 73910 is cause for the Director to rescind approval of the transfer.

Right No. 22-13729 is also diverted through point of diversion described above.

The approved transfer 73910 redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

This right is for an enlargement of 11.8 acres within the place of use described for this right.

If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.

The right holder shall accomplish the change authorized by approved transfer 73910 by 03/03/2009.

After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to use power records to determine the amount of water diverted and shall annually report the information to the Department.

SCANNED

DEC 11 2009

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights: 22-13727, 22-13729,
22-13731

Case No. 39576)

NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING

IDWR has completed the following Administrative proceeding:

☐ Address change

☐ Substitution of Party

☒ I.C. § 42-222 transfer

☐ point of diversion ☐ place of use

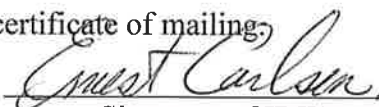
☒ period of use ☒ nature of use

☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: March 10, 2008



Signature of IDWR Representative

SCANNED
MAR 14 2008

CERTIFICATE OF MAILING

I certify that on March 14, 2008, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/Seller for Substitution of Party or attorney of record:
Packsaddle Properties LLC
PO Box 631
Driggs, Idaho 83221

3. One copy to:

Claimant/Purchaser for Substitution of Party, or attorney of record:

4. One copy to:

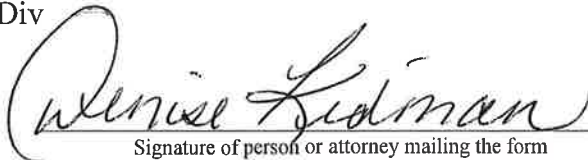
Each party in the subcase, or attorney of record

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

SCANNED

MAR 14 2008



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

March 10, 2008

Packsaddle Properties LLC.
PO Box 631
Driggs, ID 83221

RE: Transfer #73910 for water right(s) 22-13727, 22-13729, 22-13731,
and Notice of Completed Administrative Proceeding (NCAP)

Dear Sir:

On March 3, 2008, the Idaho Department of Water Resources (IDWR) approved Transfer #73910, modifying the above referenced water right. Based on this transfer, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated.

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Denise Kidman
Water Resource Agent

SCANNED
MAR 14 2008

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
TRANSFER OF WATER RIGHT
TRANSFER NO. 73910

This is to certify that: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

has requested a change to the water right(s) listed below. This change in water right(s) is authorized pursuant to the provisions of Section 42-222, Idaho Code. A summary of the changes is also listed below. The authorized change for each affected water right, including conditions of approval, is shown on the following pages of this document.

Summary of Water Rights Before the Proposed Change

<u>Right</u>	<u>Origin/Basis</u>	<u>Priority</u>	<u>Rate</u>	<u>Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-13727	AJC/Decreed	06/15/1897	2.84 cfs	N/A	N/A	133.0	SOUTH LEIGH CREEK
22-13729	AJC/License	08/09/1961	1.92 cfs	356.4 af	118.8	133.0	GROUND WATER
22-13731	AJC/Beneficial Use	08/09/1981	0.18 cfs	49.65 af	14.2	133.0	GROUND WATER

Purpose of Transfer (Changes Proposed)

<u>Current Number</u>	<u>Split</u>	<u>POD</u>	<u>POU</u>	<u>Add POD</u>	<u>Period of Use</u>	<u>Nature of Use</u>
22-13727	NO	NO	NO	NO	YES	YES
22-13729	NO	NO	NO	NO	YES	YES
22-13731	NO	NO	NO	NO	YES	YES

Summary of Water Rights After the Approved Change

<u>Existing Right</u>	<u>New No. (changed portion)</u>	<u>Transfer Rate</u>	<u>Transfer Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>New No. (remaining portion)</u>	<u>Remaining Rate</u>	<u>Remaining Volume</u>	<u>Remaining Acre Limit</u>	<u>Remaining Total Acres</u>
22-13727	22-13727	2.84 cfs	N/A	N/A	110.6		N/A	N/A	N/A	N/A
22-13729	22-13729	1.92 cfs	338.2 af	98.8	110.6		N/A	N/A	N/A	N/A
22-13731	22-13731	0.18 cfs	46.3 af	11.8	110.6		N/A	N/A	N/A	N/A
COMBINED										
TOTALS		2.84 cfs	N/A	110.6	110.6		N/A	N/A	N/A	N/A

Detailed Water Right Description(s) attached

Dated this 3rd day of March, 20 08



Chief, Water Allocation Bureau

SUPPORT DATA

IN FILE # 22-13727

WATER RIGHT NO. 22-13729
As Modified by Transfer No. 73910

In accordance with the approval of Transfer No. 73910, Water Right No. 22-13729 is now described as follows.

Right Holder: PACKSADDLE PROPERTIES LLC
 PO BOX 631
 DRIGGS ID 83221

Priority Date: August 09, 1961

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	to 10/01	1.60 CFS	296.4 AF
DIVERSION TO STORAGE	01/01	to 12/31	0.32 CFS	
FIRE PROTECTION	01/01	to 12/31		41.6 AF
STORAGE				
AESTHETIC STORAGE	01/01	to 12/31		41.6 AF
			1.92 CFS	338.0 AF

LOCATION OF POINT(S) OF DIVERSION:

GROUND WATER NESESW Sec. 6 Twp 05N Rge 45E TETON County

PLACE OF USE: IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 45E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	110.6
									32.3	17.7	32.0	28.6					
									L 6	L 7							

Total Acres: 110.6

PLACE OF USE: FIRE PROTECTION STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 45E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X	X	X					
									L 6	L 7							

PLACE OF USE: AESTHETIC STORAGE

Twp Rge Sec	NE				NW				SW				SE				Totals
05N 45E 6	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
									X	X	X	X					
									L 6	L 7							

WATER RIGHT NO. 22-13729
As Modified by Transfer No. 73910

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 98.8 acres within the place of use described above in a single irrigation season.
2. Rights 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 1.92 cfs, a total annual maximum diversion volume of 384.3 af.
3. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.36 cfs for irrigation use of 110.6 acres.
4. Rights 22-13727, 22-13729 and 22-13731 when combined shall not exceed a total diversion rate of 2.84 cfs.
5. This right authorizes the diversion of an annual total of 41.6 af to be used for the initial filling of the ponds, for the replacement of losses caused by seepage and evaporation from the ponds.
6. The ponds established by the storage of water under rights 22-13727, 22-13729, & 22-13731 shall not exceed a total capacity of 29.1 acre feet or a total surface area of 7.3 acres.
7. This right when combined with all other rights shall provide no more than 0.02 cfs per acre nor more than 3.5 afa per acre at the field headgate for irrigation of the lands above.
8. After specific notification by the Department, the right holder shall install a suitable measuring device or shall enter into an agreement with the Department to determine the amount of water diverted from power records and shall annually report the information to the Department.
9. Right no. 22-13731 is also diverted through point of diversion described above.
10. Right No. 22-13731 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.
11. If the surface water right(s) appurtenant to the place of use is sold, transferred, leased or used on any other place of use, this right to divert ground water shall not be used without an approved transfer pursuant to Section 42-222, Idaho Code, or approval of the Department if a transfer is not required.
12. The right holder shall make full beneficial use of all surface water rights available to the right holder for irrigation of the lands authorized to be irrigated under this right. The right holder shall limit the diversion of ground water under this right to those times when the surface water supply is not available or the surface water supply is not reasonably sufficient to irrigate the place of use authorized under this right.
13. The period of use for the irrigation described in this approval may be extended to an ending date of 10/31 provided that beneficial use of the water can be shown and other elements of the right are not exceeded. The use of water after 10/01 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date of this approval or originating approval/SRBA partial decree date.

EX
Purpose of
use of
14. The approval of this transfer redefines all of the elements of this water right, and the new use of water authorized by this approval shall constitute the full extent of the right.

15. Water shall not be diverted from fire protection storage except to fight or repel an existing fire.

16. The right holder shall accomplish the change authorized by this transfer within one year(s) of the date of this approval. 73910 MAR 3 2009

ET T07
17. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer. 73910

GA C13
18. Pursuant to Section 42-1412(6), Idaho Code, this water right is subject to such general provisions necessary for the definition of the rights or for the efficient administration of water rights as may be determined by the Snake River Basin Adjudication court at a point in time no later than the entry of the final unified decree.

This water right is subject to all prior water rights and shall be administered in accordance with Idaho law and applicable rules of the Department of Water Resources.

Dated this _____ day of _____, 20____

Chief, Water Allocation Bureau

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)

Water Rights:

22-565 split into 22-13726 and 22-13727

22-2212 split into 22-13728 and 22-13729

22-11996 split into 22-13730 and 22-13731

Case No. 39576)

**NOTICE OF COMPLETED
ADMINISTRATIVE
PROCEEDING**

IDWR has completed the following Administrative proceeding:

- ☐ Address change
- ☒ Substitution of Party (SPLIT) PACKSADDLE – WADE & PACKSADDLE
- ☐ I.C. § 42-222 transfer
 - ☐ point of diversion ☐ place of use
 - ☐ period of use ☐ nature of use
 - ☐ split of water right ☐ change in ownership

IDWR certifies that it has completed its investigation into the changes to the elements of the water rights listed above as set forth in the attached *Amended Director's Reports* for said water rights. No other changes have been made to the elements of these water rights except as set forth above.

IDWR has served copies of the *Notice of Completed Administrative Proceeding* and *Amended Director's Report(s)* on the claimant(s), prior claimant(s) and all parties in the subcases affected, if any, as reflected on the attached certificate of mailing.

DATED: July 13, 2007

Ernest Carlson

Signature of IDWR Representative

SCANNED

JUL 19 2007

CERTIFICATE OF MAILING

I certify that on July 17, 2007, I mailed the original and copies of this form to the following persons, postage prepaid by regular mail and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
PO Box 2707
Twin Falls ID 83303-2707

2. One copy to:

Claimant/**Seller** for Substitution of Party or attorney of record:
PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

3. One copy to:

Claimant/**Purchaser** for Substitution of Party, or attorney of record:
PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

LYNNET WADE
3696 SILVERWOOD CIR
IDAHO FALLS ID 83406-4669

4. One copy to:

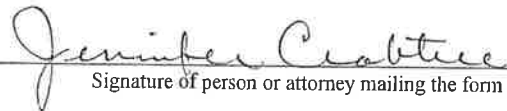
Each party in the subcase, or attorney of record
N/A

5. One copy each to:

Chief Natural Resources Division
Office of the Attorney General
PO Box 44449
Boise ID 83711-4449

6. One Copy to:

United States Dept of Justice
Environment & Natural Resource Div
550 West Fort Street MSC 033
Boise ID 83724


Signature of person or attorney mailing the form

06/26/2007

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 22-13729

NAME AND ADDRESS: PACKSADDLE PROPERTIES LLC
PO BOX 631
DRIGGS ID 83221

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 1.920 CFS
356.40 AFY

The rights listed below are limited to a total combined diversion rate of 2.84 cfs. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

The rights listed below are limited to a total combined diversion rate of 1.92 cfs and to a total combined annual diversion volume of 406.1 AF. Combined Right Nos.: 22-13729, 22-13731.

PRIORITY DATE: 08/09/1961

POINT OF
DIVERSION:

T05N R45E S6 NESESW Within TETON County

PURPOSE AND
PERIOD OF USE:

<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>	<u>QUANTITY</u>
IRRIGATION	04/01 10/01	1.920 CFS 356.40 AFY
The use of water for irrigation under this right may continue to as late as October 31, provided other elements of the right are not exceeded. The use of water after October 1 under this remark is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than the date a partial decree is entered for this right.		

PLACE OF USE: IRRIGATION in TETON County

T05N R45E S06	NESW	39.00	T05N R45E S06 Lot 6 NWSW	20.00
T05N R45E S06 Lot 7 SWSW		38.00	T05N R45E S06	SESW 36.00

133 ACRES TOTAL

The rights listed below are limited to the irrigation of a combined total of 133 acres in a single irrigation season. Combined Right Nos.: 22-13727, 22-13729, 22-13731.

This right is limited to the irrigation of 118.8 acres within the place of use described above in a single irrigation season.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - License

SCANNED

JUL 19 2007

Right No. 22-13731 is an enlargement of this right pursuant to Section 42-1426, Idaho Code.

Right includes accomplished change in place of use pursuant to Section 42-1425, Idaho Code.

This right is a split from former right 22-2212.

Right no. 22-13731 is also diverted through point of diversion described above.

SCANNED
JUL 19 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

EASTERN REGION

June 27, 2007

C. L. "BUTCH" OTTER
Governor

DAVID R. TUTHILL, JR.
Director

LYNNET WADE
3696 SILVERWOOD CIR
IDAHO FALLS ID 83406-4669

RE: Notice of Change of Water Right Ownership (NCO) for
22-565, 22-2212, 22-11996 and Notice of Completed Administrative
Proceeding (NCAP)

Dear Claimant:

The Idaho Department of Water Resources (IDWR) received an NCO changing the right holder for a portion of the above referenced water right(s). Based on this NCO, IDWR water right records for the Snake River Basin Adjudication (SRBA) have been updated with new water right numbers reflecting the division of the water right(s).

Furthermore, as directed by the SRBA Court, this office mailed a copy of the updated water right record(s) to each party listed on the enclosed NCAP. The intent of this mailing is to ensure each party has a current record of the water right(s) as recorded in the SRBA.

Please feel free to contact me if you have any questions concerning this matter.

Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUL 19 2007



State of Idaho

DEPARTMENT OF WATER RESOURCES

900 N. Skyline Dr., Suite A • Idaho Falls, Idaho 83402-1718

Phone: (208) 525-7161 • Fax: (208) 525-7177 • Web Site: www.idwr.idaho.gov

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Respectfully,

Jennifer Crabtree
Technical Records Specialist

Enclosure

SCANNED

JUL 19 2007

Water Right Numbers: 22-565, 22-2212, 22-11996

Total Diversion Rate:	<u>3.20</u>
-----------------------	-------------

Total Acres	150.0
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Total Acre Feet	0.0
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Total Acre Feet		0.0		Parents		Wade		Packsaddle	
Twp	Rng	Sec	QQ	Lot	35-7061, 35-2437, 35-13264	22-13726, 22-13728, 22-13730	22-13727, 22-13729, 22-13731		

5n	45e	6	NESW	39.0		39.0
			SWSW	38.0		38.0
			NWSW	37.0	17.0	20.0
			SESW	36.0		36.0

Total Children Acreage

150.0

Water Right To Be Split	CFS	Acres	CFS per ACRE	Acre Feet	Acre Feet per Acre
35-7061, 35-2437, 35-13264	3.20	150.0	0.0213	0.0	0
Children					0
22-13726, 22-13728, 22-13730	0.36	17.0	0.0213	0	0
22-13727, 22-13729, 22-13731	2.84	133.0	0.0213	0	0
	3.20	150.0		0	

SCALE 100