

**STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES**

**TRANSFER OF WATER RIGHT
TRANSFER NO. 85878**

This is to certify that: **TRRE HOLDING CO LLC**
227 W MONROE ST STE 5000
CHICAGO, IL 60606-5087

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 Changes

<u>Water Right</u>	<u>Origin/Basis</u>	<u>Priority Date</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>	<u>Acre Limit</u>	<u>Total Acres</u>	<u>Source</u>
22-7077	WR/DECREED	7/26/1973	1.240 cfs	450.1 af	218.0	577.0	GROUND WATER
22-7257	WR/DECREED	9/2/1977	1.880 cfs	682.4 af	280.0	577.0	GROUND WATER
22-7363	WR/DECREED	6/4/1981	1.580 cfs	276.5 af	79.0	577.0	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>
22-7077	NO	NO	YES	NO	YES	YES
22-7257	NO	NO	YES	NO	NO	NO
22-7363	NO	NO	YES	NO	NO	NO

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>
22-7077	22-7077	1.240 cfs	450.1 af	216.8	575.8	N/A	N/A	N/A	N/A	N/A
22-7257	22-7257	1.880 cfs	682.4 af	280.0	575.8	N/A	N/A	N/A	N/A	N/A
22-7363	22-7363	1.580 cfs	276.5 af	79.0	575.8	N/A	N/A	N/A	N/A	N/A
COMBINED TOTALS		3.990 cfs	1409.0 af	575.8	575.8		N/A	N/A	N/A	N/A

This water right(s) 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. Detailed Water Right Description(s) attached.

Dated this 28th day of April, 2022.


Regional Manager

Transfer No. 85878

Support Data
In File # 22-7077

WATER RIGHT NO. 22-7077**As Modified by Transfer No. 85878**

In accordance with the approval of Transfer No. 85878, Water Right No. 22-7077 is now described as follows:

Right Holder: TRRE HOLDING CO LLC
227 W MONROE ST STE 5000
CHICAGO, IL 60606-5087

Priority Date: 7/26/1973

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	1.230 cfs	447.6 af
DIVERSION TO STORAGE	04/15	to 10/15	0.010 cfs	
RECREATION STORAGE	01/01	to 12/31	1.240 cfs	2.5 af 450.1 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 15 Twp 07N Rge 45E	TETON County
GROUND WATER	SWNW	Sec 22 Twp 07N Rge 45E	TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Totals
07N	45E	15							36.0	15.0	39.0	38.0	36.0	38.0		10.0	17.0		229.0
07N	45E	16			11.0	16.0					34.0	34.0			38.0	36.0			169.0
07N	45E	22		15.0	3.0		39.0	39.0	39.0	30.8		12.0							177.8

Right Acre Limit: 216.8

POU Total Acres: 575.8

PLACE OF USE: RECREATION STORAGE

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	45E	15								X									

CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 216.8 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7077 and 22-7363 when combined shall not exceed a total diversion rate of 2.11 cfs.
3. Rights 22-7077, 22-7257, and 22-7363 when combined shall not exceed a total diversion rate of 3.99 cfs and the irrigation of 575.8 acres.

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WATER RIGHT NO. 22-7077
As Modified by Transfer No. 85878

CONDITIONS OF APPROVAL

4. This right authorizes a total annual storage volume of 2.5 acre-feet to be used for the replacement of losses caused by evaporation.
5. The pond described in this right shall not exceed a total capacity of 9.0 acre-feet or a total surface area of 1.6 acres.
6. The diversion of ground water to storage for the initial fill must be mitigated by non-use of 4.5 acres of right 22-7077 for the 2022 irrigation season. Any subsequent fills must be authorized pursuant to a water supply bank rental or other approval from the Department of Water Resources.
7. The right holder shall install and maintain an impermeable liner in the pond to eliminate seepage losses.
8. 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 place of use.
9. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.
10. 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.
11. This right does not grant any right-of-way or easement across the land of another.
12. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
13. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
14. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.

WATER RIGHT NO. 22-7257**As Modified by Transfer No. 85878**

In accordance with the approval of Transfer No. 85878, Water Right No. 22-7257 is now described as follows:

Right Holder: TRRE HOLDING CO LLC
227 W MONROE ST STE 5000
CHICAGO, IL 60606-5087

Priority Date: 9/2/1977

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	04/15	to 10/15	1.880 cfs	682.4 af
			1.880 cfs	682.4 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 15 Twp 07N Rge 45E	TETON County
GROUND WATER	SWNW	Sec 22 Twp 07N Rge 45E	TETON County

PLACE OF USE: IRRIGATION

Twp	Rng	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	45E	15							36.0	15.0	39.0	38.0	36.0	38.0		10.0	17.0		229.0
07N	45E	16			11.0	16.0					34.0	34.0			38.0	36.0			169.0
07N	45E	22		15.0	3.0		39.0	39.0	39.0	30.8		12.0							177.8

Right Acre Limit: 280.0

POU Total Acres: 575.8

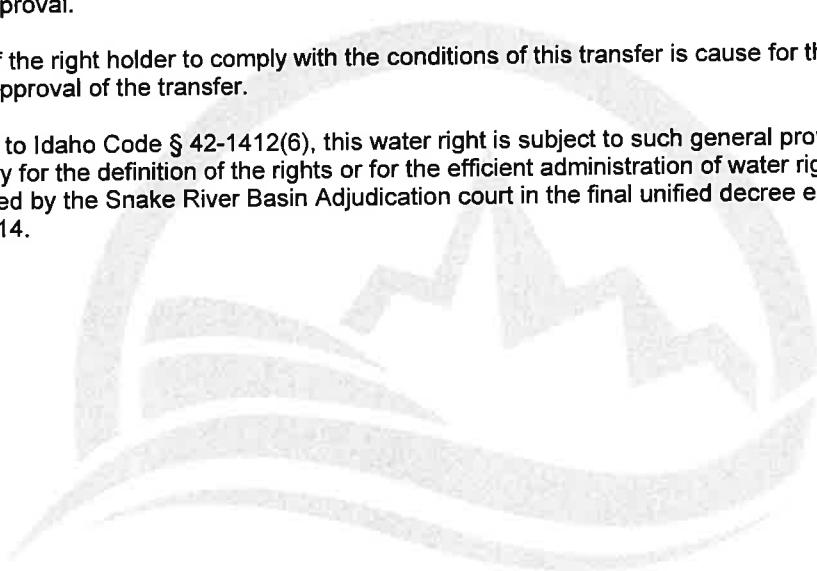
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 280 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7077, 22-7257, and 22-7363 when combined shall not exceed a total diversion rate of 3.99 cfs and the irrigation of 575.8 acres.
3. 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 place of use.
4. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.

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WATER RIGHT NO. 22-7257
As Modified by Transfer No. 85878

CONDITIONS OF APPROVAL

5. 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.
 6. This right does not grant any right-of-way or easement across the land of another.
 7. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 8. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 9. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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WATER RIGHT NO. 22-7363**As Modified by Transfer No. 85878**

In accordance with the approval of Transfer No. 85878, Water Right No. 22-7363 is now described as follows:

Right Holder: TRRE HOLDING CO LLC
227 W MONROE ST STE 5000
CHICAGO, IL 60606-5087

Priority Date: 6/4/1981

Source: GROUND WATER

<u>BENEFICIAL USE</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Diversion Volume</u>
IRRIGATION	4/15	to 10/15	1.580 cfs	276.5 af
			1.580 cfs	276.5 af

LOCATION OF POINT(S) OF DIVERSION

GROUND WATER	SWSW	Sec 15 Twp 07N Rge 45E	TETON County
GROUND WATER	SWNW	Sec 22 Twp 07N Rge 45E	TETON County

PLACE OF USE: IRRIGATION

			NE				NW				SW				SE				Totals
Twp	Rng	Sec	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
07N	45E	15							36.0	15.0	39.0	38.0	36.0	38.0		10.0	17.0		229.0
07N	45E	16			11.0	16.0					34.0	34.0			38.0	36.0			169.0
07N	45E	22		15.0	3.0		39.0	39.0	39.0	30.8		12.0							177.8

Right Acre Limit: 79.0

POU Total Acres: 575.8

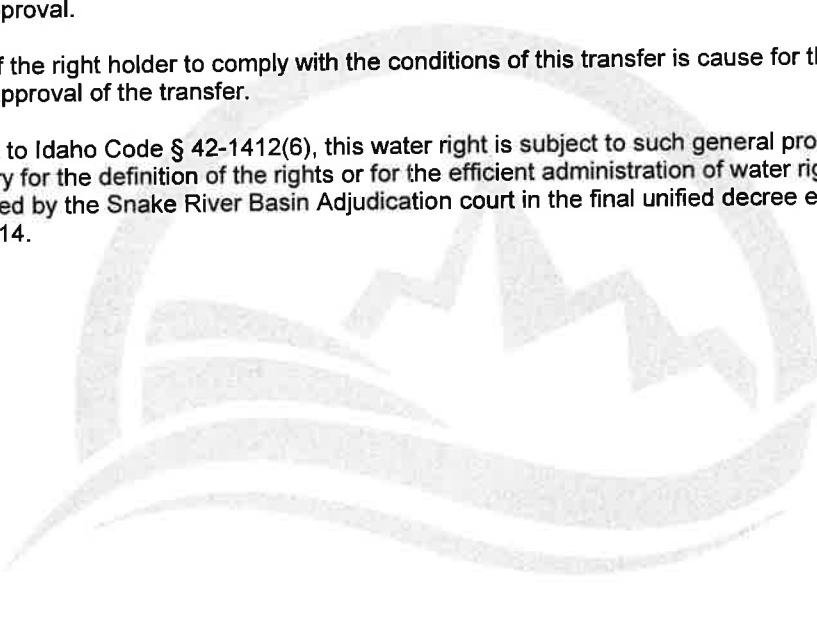
CONDITIONS OF APPROVAL

1. This right is limited to the irrigation of 79 acres within the authorized place of use in a single irrigation season.
2. Rights 22-7077 and 22-7363 when combined shall not exceed a total diversion rate of 2.11 cfs.
3. Rights 22-7077, 22-7257, and 22-7363 when combined shall not exceed a total diversion rate of 3.99 cfs and the irrigation of 575.8 acres.
4. 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 place of use.
5. 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 10/15 is subordinate to all water rights having no subordinated early or late irrigation use and a priority date earlier than November 24, 2008.

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WATER RIGHT NO. 22-7363
As Modified by Transfer No. 85878

CONDITIONS OF APPROVAL

6. 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.
 7. This right does not grant any right-of-way or easement across the land of another.
 8. The right holder shall accomplish the change authorized by this transfer within one year of the date of this approval.
 9. Failure of the right holder to comply with the conditions of this transfer is cause for the Director to rescind approval of the transfer.
 10. Pursuant to Idaho Code § 42-1412(6), 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 determined by the Snake River Basin Adjudication court in the final unified decree entered 08/26/2014.
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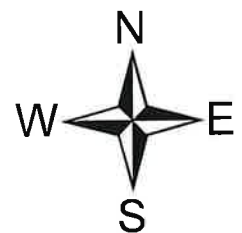
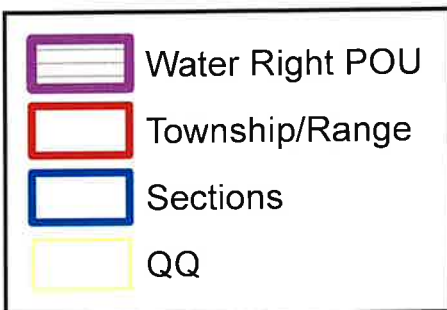
Attachment to Transfer Approval 85878

Recreation Storage Place of Use for Water Right 22-7077

This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



0 200 400 Feet

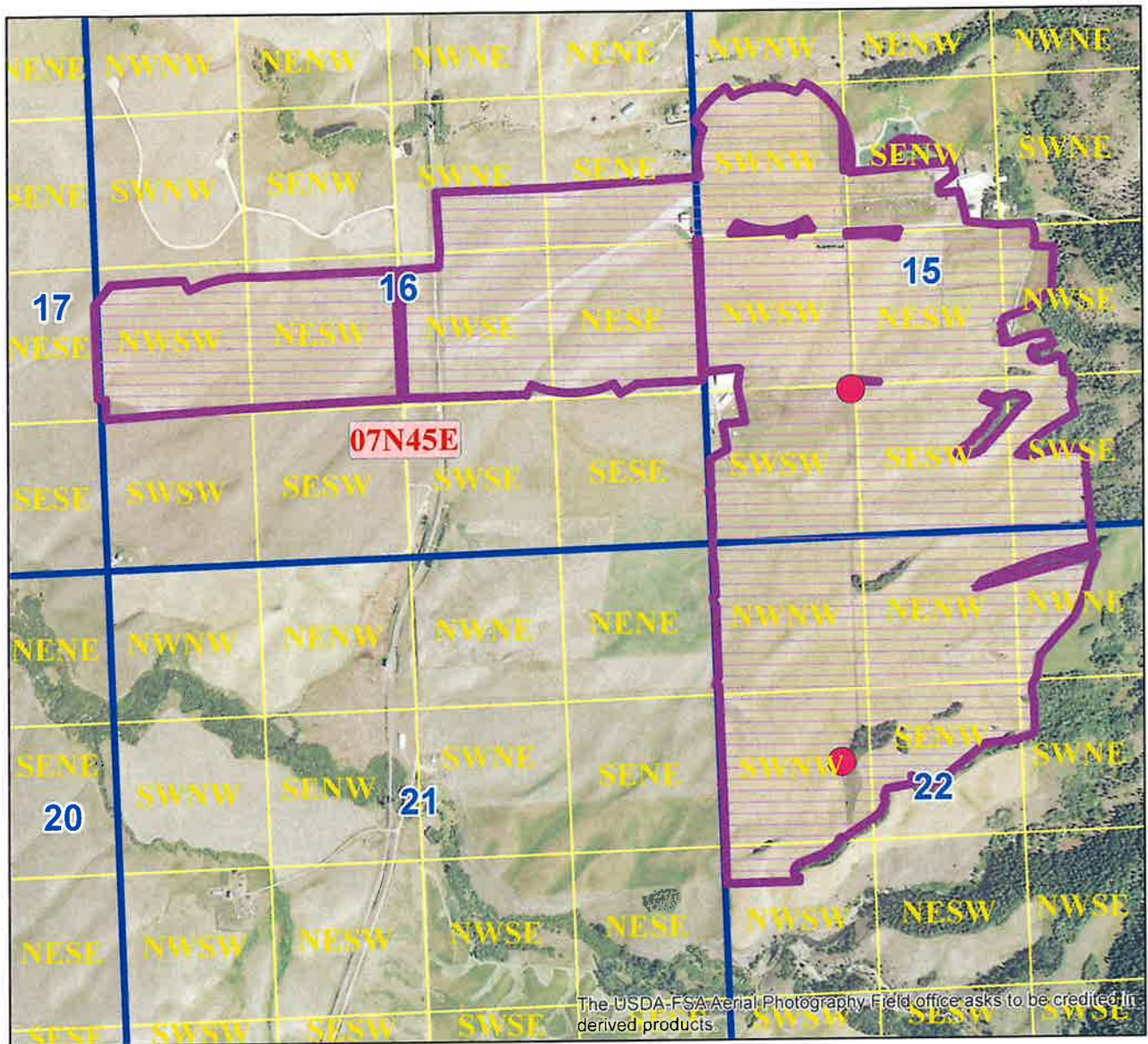


Date: 4/28/2022

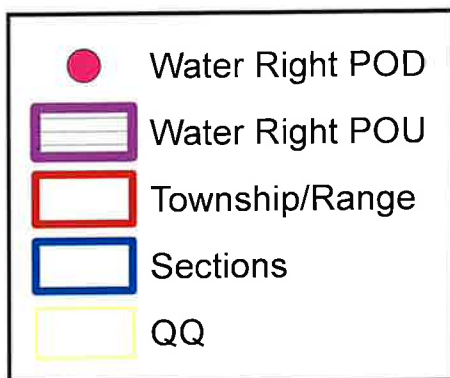
Attachment to Transfer Approvals 85878, 85883 and 85886

Irrigation Place of Use for Water Rights 22-7077, 22-7257 and 22-7363

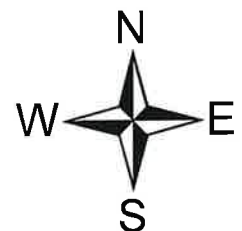
This map depicts the place of use boundary at the time of this transfer approval and is attached to the approval document solely for illustrative purposes.



The USDA-FSA Aerial Photography Field office asks to be credited in derived products.



0 2,000 4,000 Feet



Date: 4/28/2022

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.



IDAHO DEPARTMENT OF
WATER RESOURCES

Eastern Region • 900 N Skyline Drive, Suite A • Idaho Falls, ID 83402-1718

Phone: 208-525-7161 • Fax: 208-525-7177 • Email: easterninfo@idwr.idaho.gov • Web: idwr.idaho.gov

Governor Brad Little

Director Gary Spackman

April 28, 2022

TRRE HOLDING CO LLC
227 W MONROE ST STE 5000
CHICAGO IL 60606-5087

Re: Transfer No: 85878
Water Right No(s): 22-7077, 22-7257, 22-7363

Transfer Approval Notice

Dear Water Right Holder:

The Department of Water Resources has issued the enclosed approved Transfer of Water Right(s). Please be sure to thoroughly review the conditions of approval and remarks listed on the approval document.

The Transfer of Water Right(s) is a PRELIMINARY ORDER issued by the Department pursuant to section 67-5243, Idaho Code. It can and will become a final order without further action by the Department unless the APPLICANT petitions for reconsideration or files an exception and/or brief within fourteen (14) days of the service date as described in the enclosed information sheet.

ANY PERSON aggrieved by any decision, determination, order or action of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Department and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

If the transfer approval includes a condition requiring measuring and recording devices, such devices shall comply with specifications established by the Department. Detailed specifications are available on the Department's home page on the Internet, or you can request a copy by contacting any office of the Department. Please be sure to thoroughly review the specifications to avoid unnecessary costs for reinstallation or modification due to non-conforming or improperly installed devices.

Please note that water right owners are required to report any change of water right ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Contact any office of the Department or visit the Department's homepage on the Internet to obtain the proper forms and instructions.

If you have any questions, please contact me at (208) 525-7161.

Sincerely,



Christina Henman
Administrative Assistant

Enclosure
CC:

ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552

CERTIFICATE OF SERVICE

I hereby certify that on April 28, 2022 I mailed a true and correct copy, postage prepaid, of the foregoing PRELIMINARY ORDER (Approved Transfer) to the person(s) listed below:

Re: Transfer No.: 85878

Water Right No(s): 22-7077, 22-7257, 22-7363

**TRRE HOLDING CO LLC
227 W MONROE ST STE 5000
CHICAGO IL 60606-5087**

**ROCKY MOUNTAIN ENVIRONMENTAL ASSOC INC
482 CONSTITUTION WAY STE 303
IDAHO FALLS ID 83402-3552**



**Christina Henman
Administrative Assistant**