



State of 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

Website: idwr.idaho.gov • Email: easterninfo@idwr.idaho.gov

BRAD LITTLE
Governor

GARY SPACKMAN
Director

October 6, 2020

Rob Harris
Holden Kidwell Hahn & Crapo PLLC
PO Box 50130
Idaho Falls, ID 83405

RE: Application for Transfer – Teton Reserve

Dear Rob:

In December 2019, you filed a transfer application for Teton Reserve Master Association, proposing to make changes to water rights 22-7347 and 22-13210. Luke Marchant became the primary contact from your firm for the applicant. A portion of the existing place of use for water rights 22-7347 and 22-13210 has been subdivided and is no longer owned by Teton Reserve Master Association. Shortly after the application was filed, the Department requested additional evidence confirming that Teton Reserve Master Association still owns the water rights appurtenant to the subdivision lots. On June 18, 2020, I sent an email to Luke asking that the additional evidence of ownership be provided by July 24, 2020. No additional evidence was provided. Rather than issue an order rejecting the transfer, I have decided to simply return the application and refund the filing fee (\$900). A refund check from the state of Idaho should arrive in a couple of weeks. Feel free to re-file the application when you have assembled evidence that Teton Reserve Master Association owns the water right appurtenant to the subdivided properties.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Cefalo', written in a cursive style.

James Cefalo
208-525-7161

Cefalo, James

From: Cefalo, James
Sent: Thursday, June 18, 2020 10:46 AM
To: 'Luke Marchant'
Subject: Application for Transfer - Teton Reserve

Luke,

In December of last year, Rob filed an application for transfer for Teton Reserve Master Association, proposing to update the place of use for water rights 22-7347 and 22-13210 and update the ownership for the water rights. At the same time, he filed an application to lease the unused portion of the water rights into the Water Supply Bank. The WSB has not processed the lease application. It is likely stuck because part of the unused portion of the rights is on acres that are not currently covered by the water rights. In other words, the transfer must be approved for the WSB applications to make sense.

Part of the existing place of use for the water rights is appurtenant to acres that has been subdivided and sold as residential lots. The partial decrees for water rights 22-7347 and 22-13210 were issued in November 2008. It is unclear whether the subdivision and sale of the individual lots occurred prior to or subsequent to the issuance of the partial decrees. If the subdivision occurred prior to the decree, then there may not be an ownership issue. If the subdivision occurred after the decree, then Teton Reserve would need to demonstrate ownership of the portion of the rights associated with the subdivision parcels.

The cover letter attached to the transfer application stated: "We are aware that the original place of use for these water rights covers currently patted residential lots, and we are in the process of recording deeds conveying the small portions of the above water rights associated with the parcels to Teton Reserve Master Association, Inc. We intend to have those to you in the coming weeks."

It has been over six months since the application was filed and we have not received any deeds for the subdivision lots. Please provide these deeds, if they exist, by July 24, 2020. If the subdivision and sale of the residential lots occurred prior to the decree, please provide evidence of the timing of the sale of the lots. If the documents are not provided by July 24th, I will return the application and refund the filing fees.

The application for transfer proposes to update the ownership for the two water rights, but did not include the appropriate filing fee for the ownership change. Please provide an additional \$50 to cover the ownership change (if the rights are not split) or \$200 (if the rights will be split). If possible, could you also provide a copy of the ArcMap shapefile for the proposed irrigated acres (highlighted in blue on the application map).

James Cefalo
Regional Manager
IDWR Eastern Region
(208) 525-7161

Nield, Jeff

From: Nield, Jeff
Sent: Tuesday, December 17, 2019 1:56 PM
To: 'Luke Marchant'
Subject: Teton Reserve Master Association, Inc. - Application for Transfer of Water Right

Luke,

I just wanted to send you an email and let you know that I will be processing the Application for Transfer that was submitted on behalf of Teton Reserve Master Association, Inc. It is my understanding that you are working on some additional ownership change documentation. Once you have that documentation ready you can send it to me and I can continue processing the application.

The following are additional items that are needed in order to continue processing the application:

- An additional \$50 in processing fees
- The shapefile associated with the 275 acre place of use

Please feel free to contact me if you have any additional questions or concerns.

Thank you,

Jeff Nield

Stream Protection Specialist/Water Resource Agent, Sr.

Idaho Dept. of Water Resources

900 N Skyline Dr, Suite A

Idaho Falls, ID 83402-1718

(208)497-3786

<https://idwr.idaho.gov/>





Holden Kidwell
Hahn & Crapo P.L.L.C.
LAW OFFICES

RECEIVED
DEC 10 2019

Department of Water Resources
Eastern Region

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PO Box 50130
Idaho Falls, Idaho 83405

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Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

December 10, 2019

Eastern Region Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402

Re: *Application for Transfer for Water Right Nos. 22-7347 and 22-13210; Water Supply Bank Lease Applications for Water Right Nos. 22-7347 and 22-13210; Resumption of Beneficial Use for Water Right Nos. 22-7347 and 22-13210.*

Dear Reviewing Agent:

Enclosed for processing are three categories of water right filings associated with Water Right Nos. 22-7347 and 22-13210.

The first is a *Transfer Application* along with a filing fee in the amount of \$900. These water rights are associated with the Teton Reserve Golf Course and its associated surrounding residential subdivision located in Teton County, Idaho. These water rights previously received an approved *Application for Extension of Time to Avoid Forfeiture*, with a resumption date of December 15, 2019. In order to best address these water rights, we believe it is necessary to submit this *Transfer* to update the place of use of the water rights as they have been used on property outside of its currently authorized place of use. Accordingly, the *Transfer* seeks approval for a permissible place of use that includes all of the land owned by the Teton Reserve Master Association, Inc., which includes the Teton Reserve Golf Course. We are aware that the original place of use for these water rights covers currently platted residential lots, and we are in the process of recording deeds conveying the small portions of the above water rights associated with these parcels to Teton Reserve Master Association, Inc. We intend to have those to you in the coming weeks. Please also note that we are requesting that the ownership of these water rights be updated through this transfer from TR Golf, LLC to Teton Reserve Master Association, Inc.

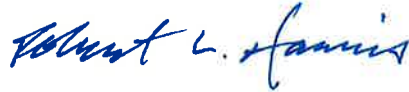
The second set of documents are *Water Supply Bank Lease Applications* along with the associated \$500 filing fee to place portions of 22-7347 and 22-13210 into the Idaho Water Supply Bank. We are providing these completed applications to you simply so that you are initially aware of the plan relative to these water rights. We assume that you will forward these documents to the Boise IDWR office, and should any questions arise, please have those agents in Boise contact us with any questions.

Established in 1896

Finally, we are submitting a completed *Resumption of Use* form for Water Right Nos. 22-7347 and 22-13210.

We appreciate your attention to this matter. If you have any questions regarding these documents, please contact Luke Marchant at our office. Once the reviewing agent on each matter is assigned, please email Luke at lmarchant@holdenlegal.com and he will email you any of the shapefiles associated with these filings

Best regards,



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, P.L.L.C.

Enclosures

Henman, Christina

From: Henman, Christina
Sent: Tuesday, October 06, 2020 9:05 AM
To: IdwrPayable
Subject: Refund Request

Hello,

Please issue a refund for the following:

Amount: \$900
Receipt: E045498
Reason: Returning Application
Recipient:
ROBERT L. HARRIS
HOLDEN, KIDWELL, HAHN, & CRAPO
PO BOX 50130
IDAHO FALLS, ID 83405

Thank You,

Christina Henman
Administrative Assistant
Idaho Dept. of Water Resources, Eastern Region
900 N Skyline Ste. A
Idaho Falls, ID 83402
Phone: (208) 497-3793