

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

Transfer No. \_\_\_\_\_

**MINIMUM REQUIREMENTS CHECKLIST**  
TO BE SUBMITTED WITH APPLICATION FOR TRANSFER

AMENDED

RECEIVED  
FEB 03 2020  
Department of Water Resources  
Eastern Snake Plain

An application for transfer must be prepared in accordance with the minimum requirements listed below to be acceptable for processing by the Department. Incomplete applications will be returned. The instructions, fee schedule, Part 2A reports and additional Part 2B forms are available from any Department office or on the Department's website at [idwr.idaho.gov](http://idwr.idaho.gov).

Name of Applicant(s) The Nature Conservancy

**Check whether each item below is *attached* (Yes) or *not applicable* (N/A) for the proposed transfer.**

**Yes N/A** \* Means the item is always required and must be included with the application.

- ☒ \* Completed Application for Transfer of Water Right form, Part 1.
- ☒ \* Signature of applicant(s) or applicant's authorized representative on Application for Transfer Part 1. Include evidence of authority labeled Attachment #3 (see below) if signed by representative.
- ☒ \* Application for Transfer Part 2A. Attach a [Part 2A](#) report describing each water right in the transfer as currently recorded.
- ☐ ☒ Complete and attach an Application for Transfer [Part 2B](#) for each water right for which only a portion is proposed to be changed through this transfer application.
- ☒ \* Application for Transfer Part 3A is always required (see Attachment #7a below); Parts 3B and 3C must be completed for transfer applications proposing to change the nature of use of the water right(s) or proposing changes to supplemental right(s).
- ☒ \* Correct fee submitted with transfer application form. ([Fee schedule](#) is on website and instructions for application for transfer.)

**Attachments to Application - Label each attachment with the corresponding number shown below as Attachment #1-10.**

- ☐ ☒ #1 If the applicant is a business, partnership, organization, or association, and not currently registered in the State of Idaho as a business entity, attach documentation identifying officers authorized to sign or act on behalf of right holder. (See Part 1.)
- ☐ ☒ #2a Water Right ownership documentation if Dept. records do not show the applicant as the current water right owner. \*\*
- ☐ ☒ #2b If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). \*\*  
\*\* Additional fee(s) required for water right ownership changes; see fee schedule.
- ☐ ☒ #3 Documentation of authority to make the change if the applicant is not the water right owner.
- ☐ ☒ #4 Power of Attorney or documentation providing authority to sign or act on the applicant's behalf. (See Part 1.)
- ☐ ☒ #5 If the transfer application proposes to change the point of diversion for a water right affecting the Eastern Snake Plain Aquifer (ESPA), attach the results of an ESPA analysis and a detailed mitigation plan to offset any depletions to hydraulically connected reaches of the Snake River. ESPA transfer spreadsheet and model grid labeled cells are available on the Department's website at [idwr.idaho.gov/water-rights/transfers/resources.html](http://idwr.idaho.gov/water-rights/transfers/resources.html).
- ☐ ☒ #6 Notarized statement of agreement or a statement on official letterhead signed by an authorized representative from each lien holder or other entity with financial interest in the water right(s) or land affected by the proposed transfer. (See Part 1.5.c.)
- ☒ \* #7a Attach a map identifying the proposed point(s) of diversion, place(s) of use, and water diversion and distribution system details as described on the application. Include legal description labels. If only a portion of the right is proposed to be changed, identify the current location of the part of the existing right(s) proposed to be changed. (See Part 3A.)
- ☒ ☐ #7b If the transfer application proposes to change the place or purpose of use of an irrigation right attach a Geographic Information System (GIS) shape file, or an aerial photo or other image clearly delineating the location and extent of existing acres and changes to the place of use. If some or all of any right is leased to the Water Supply Bank, you must also show the the specific location and/or acres to be idled at the new, proposed place of use to satisfy lease requirements.
- ☒ ☐ #8a If the transfer application proposes to change the nature of use or period of use for one or more rights, provide documentation describing the extent of historic beneficial use for the water rights proposed to be transferred and document how enlargement will be avoided. (See Part 3B.) Additional fee required for proposed changes to nature of use; see [fee schedule](#).
- ☐ ☒ #8b If the transfer application proposes to change the place of use of a supplemental irrigation right, provide documentation regarding the historic use of the supplemental right(s) and availability or reliability of the primary right(s) being supplemented, both before and after the proposed change. (See Part 3C.)
- ☐ ☒ #9 Water Supply Bank information for all rights proposed for transfer and currently leased to the Bank. ([Attachment WSB](#))
- ☐ ☐ #10 Other. Please describe: \_\_\_\_\_

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

RECEIVED  
FEB 03 2020  
Department of Water Resources  
Eastern Region  
AMENDED

## APPLICATION FOR TRANSFER OF WATER RIGHT PART 1

Name of Applicant(s) The Nature Conservancy Phone 1 (208) 821-8388  
Mailing address 116 1st Ave North Hailey, ID 83333 Email mward@tnc.org

- ☐ If applicant is not an individual and not registered to do business in the State of Idaho, attach documentation identifying officers authorized to sign or act on behalf of the applicant. Label it **Attachment #1**.
- ☐ Attach water right ownership documentation if Department records do not show the transfer applicant as the current water right owner. Label it **Attachment #2a**.
- ☐ If the ownership of the water right will change as a result of the proposed transfer to a new place of use, attach documentation showing land and water right ownership at the new place of use. Include documentation for all affected land and owner(s). Label it **Attachment #2b**.
- ☐ Attach documentation of authority to make the proposed change if the applicant is not the water right owner. Label it **Attachment #3**.


Provide contact information below if a consultant, attorney, or any other person is representing the applicant in this transfer process.

☐ No Representative

Name of Representative Matthew Ward Phone 208-821-8388  
Mailing address 447 Park Avenue Idaho Falls, ID 83402 Email mward@tnc.org

- ☒ Send all correspondence for this application to the representative and not to the applicant.  
OR  
☐ Send original correspondence to the applicant and copies to the representative.
- ☒ The representative may submit information for the applicant but is not authorized to sign for the applicant.  
OR  
☐ The representative is authorized to sign for the applicant. Attach a Power of Attorney or other documentation providing authority to sign for the applicant and label it **Attachment #4**.

**I hereby assert that no one will be injured by the proposed changes and that the proposed changes do not constitute an enlargement in use of the original right(s). The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.**

  
Signature of Applicant or Authorized Representative

Lou Lunte, Deputy State Director  
Print Name and Title if applicable

Jan 10, 2020  
Date

\_\_\_\_\_  
Signature of Applicant or Authorized Representative

\_\_\_\_\_  
Print Name and Title if applicable

\_\_\_\_\_  
Date

### A. PURPOSE OF TRANSFER

- ☐ Change point of diversion  
☒ Change nature of use

☐ Add diversion point(s)  
☒ Change period of use

☒ Change place of use  
☐ Other \_\_\_\_\_
- Is this a transfer for changes pursuant to Idaho Code § 42-221.O.8?  
If yes, ☐ attach an explanation and any supporting documentation labeled as **Part 1A.2**.
- Describe your proposal in narrative form, including a detailed description of non-irrigation uses to justify amounts transferred (i.e. number of stock, etc.), and provide additional explanation of any other items on the application. Attach additional pages if necessary and label it **Part 1A.3**.  
This transfer proposes to combine the existing overlapping water rights into a combined place of use. A portion of existing irrigation water rights will be retired from irrigation for fill and maintenance of a 15-acre pond for wildlife habitat. See Part 1A.3 for more information.

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

## APPLICATION FOR TRANSFER OF WATER RIGHT

### PART 1 Continued

**B. DESCRIPTION OF RIGHTS AFTER THE REQUESTED CHANGES. IF THE RIGHTS ARE BEING SPLIT, DESCRIBE PORTIONS TO BE CHANGED AS THEY WOULD APPEAR AFTER THE REQUESTED CHANGES.**

1.	<u>Right Number</u>	<u>Amount</u> (cfs/ac-ft)	<u>Nature of Use</u>	<u>Period of Use</u>	<u>Source &amp; Tributary</u>
All or Part <input type="checkbox"/> <input type="checkbox"/>	<b>See Supplemental Part 1B attached.</b>				
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____
<input type="checkbox"/> <input type="checkbox"/>				_____ to _____	_____

Total authorized under rights \_\_\_\_\_ cfs and/or \_\_\_\_\_ acre-feet.

2. Total amount of water proposed to be transferred or changed 0.94 cubic feet per second and/or 62.5 acre-feet per year.

3. Point(s) of Diversion:

- ☒ No changes to point(s) of diversion are proposed - the following chart is therefore not completed. (Proceed to #4.)
- ☐ Attach Eastern Snake Plain Aquifer analysis if this transfer proposes to change a point of diversion affecting the ESPA. Label it **Attachment #5**.

New ?	Lot	¼	¼	¼	Sec	Twp	Rge	County	Source	Local name or tag #

4. Place of use: (If irrigation, identify with number of acres irrigated per ¼ ¼ tract.)

- ☐ No changes to place of use are proposed - the following chart is therefore not completed. (Proceed to #5.)

Twp	Rge	Sec	NE ¼				NW ¼				SW ¼				SE ¼				Acre Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
14N	43E	1	40	38	37	40	24	2	11	40	40			36	40	38	40	38	464
		12	40																40
14N	44E	6						34	34		34	34	34	40					210
		7	19	40	22	22	4			6	38		7	37	13	9.5	34	4	255.5
							W												
		18	29																29
<b>Stockwater POU is the same as irrigation described above.</b>																			<b>Total Acres (for irrigation use)</b>
																			998.5

Amended

APPLICATION FOR TRANSFER OF A WATER RIGHT  
Supplemental Page for Description of Rights after Transfer\*\*

[illegible]

**\*\*Insert this page into Part 1B of the Application for Transfer of a Water Right.**

STATE OF IDAHO  
DEPARTMENT OF WATER RESOURCES

AMENDED

**APPLICATION FOR TRANSFER OF WATER RIGHT**  
**PART 1 Continued**

## 5. General Information:

- a. Describe the complete diversion system, including how you will accommodate a measuring device and lockable controlling works should they be required now or in the future:  
Existing irrigation ditch will be used to deliver water. Lockable, controlling works are already installed at the diversion point and a measuring device will be installed prior to project completion.

- b. Who owns the property at the point(s) of diversion? Idaho Department of Lands, The Nature Conservancy  
If other than the applicant, describe the arrangement enabling the applicant to access the property for the diversion system:  
Right of way over state lands is granted under Statute 42-1104

- c. Are the lands from which you propose to transfer the water right subject to any liens, deeds of trust, mortgages, or contracts? **If yes,** ☐ attach a notarized statement from the holder of the lien, deed of trust, mortgage or contract agreeing to the proposed changes on official letterhead signed by an authorized representative. Label it **Attachment #6**. List the name of the entity and type of lien: \_\_\_\_\_

It is the applicant's responsibility to provide notice to lien holder, trustee, mortgagor, or contract holder of the proposed changes that may impact or change the value of the water rights or affected real property. Any misrepresentation of legal encumbrance on this application may result in rejection of the application or cancellation of an approval.

- d. Are any of the water rights proposed for transfer currently leased to the Water Supply Bank?  
**If yes,** ☐ complete Attachment WSB.
- e. Describe the effect on the land now irrigated if the place or purpose of use is changed pursuant to this transfer:  
Acres will be removed from the decreed POU in an effort to make consistent with combined limits. 67.9 acres of land will be retired from irrigation for mitigation. The retired acres will include the pond footprint and surrounding acres dedicated to the wildlife habitat as designated on Attachment 7b.
- f. Describe the use of any other water right(s) for the same purpose or land, or the same diversion system as right(s) proposed to be transferred at both the existing and proposed point(s) of diversion and place(s) use:  
None.

- g. To your knowledge, has/is any portion of the water right(s) proposed to be changed:

Yes No

- |                          |                                     |   |
|--------------------------|-------------------------------------|---|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | undergone a period of five or more consecutive years of non-use,                              |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently leased to the Water Supply Bank,  |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently used in a mitigation plan limiting the use of water under the right, or             |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | currently enrolled in a Federal set-aside program limiting the use of water under the rights? |

If yes, describe:

## WATER RIGHT REPORT

12/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-178

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE NATURE CONSERVANCY 116 1ST AVE N HAILEY, ID 83333-8411 2087888988
Attorney	THE NATURE CONSERVANCY WESTERN RESOURCE OFFICE 2424 SPRUCE ST STE 100 BOULDER, CO 80302-4617 3035410335
Attorney	C TIMOTHY HOPKINS PO BOX 51219 IDAHO FALLS, ID 83405-1219 2085234445
Original Owner	CHRIS REBER , ID
Original Owner	WILLIS B BENJAMIN PO BOX 50050 IDAHO FALLS, ID 83405 2085222350
Original Owner	MARYELLEN HITTSON PO BOX 1715 SUN VALLEY, ID 83353 2087265009

Priority Date: 06/01/1912

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TWIN CREEK	HENRYS FORK



<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	5/1	10/31	2 CFS	
STOCKWATER	01/01	12/31	0.23 CFS	
Total Diversion			2 CFS	

AMENDED

Location of Point(s) of Diversion:

TWIN CREEK | NENWNE Lt 2 | Sec. 01 | Township 14N | Range 43E | FREMONT County  
TWIN CREEK | NESESE | Sec. 36 | Township 15N | Range 43E | FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14N	43E	1	1	NENE	40	2	NWNE	32		SWNE	16		SENE	40
			3	NENW	0.8									
				NESE	40		NWSE	9.8		SWSE	0.3		SESE	23
	44E	6	4	NWNW	33	5	SWNW	34						
				NESW	33	6	NWSW	34	7	SWSW	34		SESW	40
		7		NENE	29		NWNE	40		SWNE	40		SENE	32
				NENW	40		SENE	2.8	4	SENE	25	7	SENE	2.9
				NESW	0.1	6	NESW	0.6						
				NESE	0.5	5	NESE	33		NWSE	1.1	6	NWSE	0.1
			6	NWSE	0.3	6	NWSE	26		SESE	0.2	5	SESE	0.4

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 683.9

Conditions of Approval:

1. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
2. C18 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.
3. E56 The rights listed below are limited to the irrigation of a combined total of 683.9 acres in a single irrigation season. Combined Right Nos.: 21-178, 21-179.
4. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.

Dates:

Licensed Date:

Decreed Date: 12/12/2007

AMENDED

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 905.2

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False



## WATER RIGHT REPORT

12/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-179

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE NATURE CONSERVANCY 116 1ST AVE N HAILEY, ID 83333-8411 2087888988
Attorney	THE NATURE CONSERVANCY WESTERN RESOURCE OFFICE 2424 SPRUCE ST STE 100 BOULDER, CO 80302-4617 3035410335
Attorney	C TIMOTHY HOPKINS PO BOX 51219 IDAHO FALLS, ID 83405-1219 2085234445
Original Owner	CHRIS REBER , ID
Original Owner	WILLIS B BENJAMIN PO BOX 50050 IDAHO FALLS, ID 83405 2085222350
Original Owner	MARYELLEN HITTSON PO BOX 1715 SUN VALLEY, ID 83353 2087265009

Priority Date: 06/01/1914

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TWIN CREEK	HENRYS FORK

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	04/01	10/31	2 CFS	
STOCKWATER	01/01	12/31	0.23 CFS	
Total Diversion			2 CFS	

AMENDED

Location of Point(s) of Diversion:

TWIN CREEK | NENWNE Lt 2 | Sec. 01 | Township 14N | Range 43E | FREMONT County

TWIN CREEK | SENESE | Sec. 36 | Township 15N | Range 43E | FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14N	43E	1	1	NENE	40	2	NWNE	32		SWNE	16		SENE	40
			3	NENW	0.8									
				NESE	40		NWSE	9.8		SWSE	0.3		SESE	23
	44E	6	4	NWNW	33	5	SWNW	34						
				NESW	33	6	NWSW	34	7	SWSW	34		SESW	40
		7		NENE	29		NWNE	40		SWNE	40		SENE	32
				NENW	40		SENE	2.8	4	SENE	25	7	SENE	2.9
				NESW	0.1	6	NESW	0.6						
				NESE	0.5	5	NESE	33		NWSE	1.1	6	NWSE	0.1
			6	NWSE	0.3	6	NWSE	26		SESE	0.2	5	SESE	0.4

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 683.9

Conditions of Approval:

1. C18 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.
2. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
3. E56 The rights listed below are limited to the irrigation of a combined total of 683.9 acres in a single irrigation season. Combined Right Nos.: 21-178, 21-179.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

Dates:

Licensed Date:

Decreed Date: 12/12/2007

AMENDED

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal: S

Owner Name Connector: OR

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 905.2

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

**WATER RIGHT REPORT**

12/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-11192

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE NATURE CONSERVANCY 116 1ST AVE N HAILEY, ID 83333-8411 2087888988
Attorney	THE NATURE CONSERVANCY WESTERN RESOURCE OFFICE 2424 SPRUCE ST STE 100 BOULDER, CO 80302-4617 3035410335
Attorney	C TIMOTHY HOPKINS PO BOX 51219 IDAHO FALLS, ID 83405-1219 2085234445
Original Owner	D F RICHARDS , ID
Original Owner	WILLIS B BENJAMIN PO BOX 50050 IDAHO FALLS, ID 83405 2085222350
Original Owner	MARYELLEN HITTSON PO BOX 1715 SUN VALLEY, ID 83353 2087265009

Priority Date: 04/01/1939

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HENRYS FORK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	10 CFS	
STOCKWATER	01/01	12/31	0.23 CFS	
Total Diversion			10 CFS	

AMENDED

Location of Point(s) of Diversion:

HENRYS FORK | NENESW | Sec. 36 | Township 15N | Range 43E | FREMONT County

HENRYS FORK | SENESW | Sec. 36 | Township 15N | Range 43E | FREMONT County

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	
14N	43E	1	1	NENE	6.1	2	NWNE	38		SWNE	37		SENE	21	
			3	NENW	24	4	NWNW	1.7		SWNW	11		SENE	40	
				NESW	40		SESW	36							
				NESE	40		NWSE	38		SWSE	40		SESE	38	
				NENE	40										
	44E	12													
		6		NESW	34	6	NWSW	34	7	SWSW	34		SESW	40	
				NENE	29		NWNE	40		SWNE	40		SENE	32	
		7		NENW	40		SENE	3.9	4	SENE	26	7	SENE	8.3	
				NESW	1.2	6	NESW	1.1	7	NESW	36	9	SWSW	7	
			SESW	37											
			NESE	0.5		NESE	0.1	5	NESE	33		NWSE	2.8		
		6		NWSE	0.1	6	NWSE	8.4	6	NWSE	26	10	NWSE	40	
				SESE	8.6	5	SESE	0.4	11	SESE	18				
		18		NENE	0.2		NENE	0.4		NENE	0.5	1	NENE	0.1	
3	NENE		33												

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 1066.4

Conditions of Approval:

1. C18 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.
2. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.

- |        |  |
|--------|--|
| 3. E56 | The rights listed below are limited to the irrigation of a combined total of 1066.4 acres in a single irrigation season. Combined Right Nos.:21-178, 21-179, 21-11192, 21-11206D |
| 4. N08 | The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.   |

Dates:

Decreed Date: 09/21/2007

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Removed:

Protest Deadline Date:

Other Information:

Owner Name Connector: OR

Generic Max Rate per Acre:

Combined Acres Limit: 905.2

Combined Rate Limit:

Old Case Number:

Decree Defendant:

### Swan Falls Trust or Nontrust:

### Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False

## WATER RIGHT REPORT

12/19/2019

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report

WATER RIGHT NO. 21-12906

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	THE NATURE CONSERVANCY 116 1ST AVE N HAILEY, ID 83333-8411 2087888988
Attorney	THE NATURE CONSERVANCY WESTERN RESOURCE OFFICE 2424 SPRUCE ST STE 100 BOULDER, CO 80302-4617 3035410335
Attorney	C TIMOTHY HOPKINS PO BOX 51219 IDAHO FALLS, ID 83405-1219 2085234445

Priority Date: 11/25/1902

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
HENRYS FORK	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u>	<u>To</u>	<u>Diversion Rate</u>	<u>Volume</u>
IRRIGATION	05/01	10/31	2.14 CFS	
STOCKWATER	01/01	12/31	0.23 CFS	
Total Diversion			2.14 CFS	

Location of Point(s) of Diversion:

HENRYS FORK	NENESW	Sec. 36	Township 15N	Range 43E	FREMONT County
HENRYS FORK	SENESEW	Sec. 36	Township 15N	Range 43E	FREMONT County



IRRIGATION Use:

Acre Limit: 155

AMENDED

Place(s) of use:

Place of Use Legal Description: IRRIGATION FREMONT County

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>	<u>Lot</u>	<u>Tract</u>	<u>Acres</u>
14N	43E	1	1	NENE	6.1	2	NWNE	38		SWNE	37		SENE	21
			3	NENW	24	4	NWNW	1.7		SWNW	11		SENE	40
				NESW	40		SESW	36						
				NESE	40		NWSE	38		SWSE	40		SESE	38
		12		NENE	40									
		6		NESW	34	6	NWSW	34	7	SWSW	34		SESW	40
				NENE	29		NWNE	40		SWNE	40		SENE	32
	44E	7		NENW	40		SENE	3.9	4	SENE	26	7	SENE	8.3
				NESW	1.2	6	NESW	1.1	7	NESW	36	9	SWSW	7
				SESW	37									
				NESE	0.5		NESE	0.1	5	NESE	33		NWSE	2.8
		18	6	NWSE	0.1	6	NWSE	8.4	6	NWSE	26	10	NWSE	40
				SESE	8.6	5	SESE	0.4	11	SESE	18			
				NENE	0.2		NENE	0.4		NENE	0.5	1	NENE	0.1
			3	NENE	33									

Place of Use Legal Description: STOCKWATER same as IRRIGATION

Total Acres: 1066.4

Conditions of Approval:

1. RENUMBERED FROM 01-10380
2. K06 This right is limited to the irrigation of 155 acres within the place of use described above in a single irrigation season.
3. C18 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.
4. N05 The quantity of water under this right for stockwater use shall not exceed 13,000 gallons per day.
5. N08 The quantity of water decreed for this water right for stockwater use is not a determination of historical beneficial use.
6. E56 The rights listed below are limited to the irrigation of a combined total of 1066.4 acres in a single irrigation season. Combined Right Nos.: 21-178, 21-179, 21-11192, 21-12906

Dates:

Licensed Date:

Decreed Date: 12/18/2007

Enlargement Use Priority Date:

AMENDED

Enlargement Statute Priority Date:

Water Supply Bank Enrollment Date Accepted:

Water Supply Bank Enrollment Date Removed:

Application Received Date:

Protest Deadline Date:

Number of Protests: 0

Other Information:

State or Federal:

Owner Name Connector:

Water District Number: TBD

Generic Max Rate per Acre:

Generic Max Volume per Acre:

Combined Acres Limit: 905.2

Combined Volume Limit:

Combined Rate Limit:

Civil Case Number:

Old Case Number:

Decree Plaintiff:

Decree Defendant:

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Cary Act Number:

Mitigation Plan: False





## **Narrative of Proposed Application**

Four existing water rights pertain to the place of use described in this transfer: 21-178, 21-179, 21-11192, and 21-12906. Rights 21-178 and 21-179, from Twin Creek, are combined in use on 683.9 acres. They partially overlap rights 21-11192 and 21-12906, which pertain to 1066.4 acres. All four water rights combined are limited to the irrigation of 1066.4 acres. Attachment 7b illustrates the overlapping relationship between these four water rights. The rights are not fully overlapping.

The new place of use proposed in this transfer will merge the four water rights onto the same 1066.4 acres. In addition, it is proposed to convert a portion of water right 21-12906, having the most senior priority date, to fill and maintain a new pond for wildlife habitat. The overall irrigated place of use will be reduced by the acres retired for mitigation, as described below and in Attachment #8a. Final irrigated place of use is 998.5 acres.

### Pond Design and Requirements

The proposed pond would have a surface area of 15 acres and a maximum depth of 4 feet. Total designed volume is 37.2 acre-feet. The pond will require an initial fill and possible subsequent refills. Therefore, it is proposed to retire acres of the existing irrigation water rights to compensate for an annual fill of the pond.

Evaporation of the pond is calculated using evapotranspiration values of Open Water – Shallow Systems from the Island Park (NWS –104598) station, taken from ET Idaho 2012 (Allen and Robison). The precipitation deficit for Open Water at this location is 346 mm/season. For 15 acres of surface water, total evaporative losses are calculated to be about 17 afa.

To determine seepage rates, applicant used IDWRS's pond loss calculation sheet to determine the 0.003 ft/day. Total seepage losses from the proposed pond are calculated to be about 16.6 (Surface Area x Seepage Rate x 365 Days/year = Seepage Losses (afa)). However, only 8.3 af of the seepage losses are calculated to occur during the irrigation season when the water rights are available to maintain the pond.

Total pond requirements for the pond include **37.2 afa for pond fill, 17 afa for evaporation, and 8.3 afa for seepage losses, totaling 62.5 afa**. Attachment 8a discusses the conversion of the irrigation water right to storage. Based on this discussion, it has been determined that **67.9 acres** are required to provide the necessary volume to fill and maintain the pond.

### Proposed Water Right Description

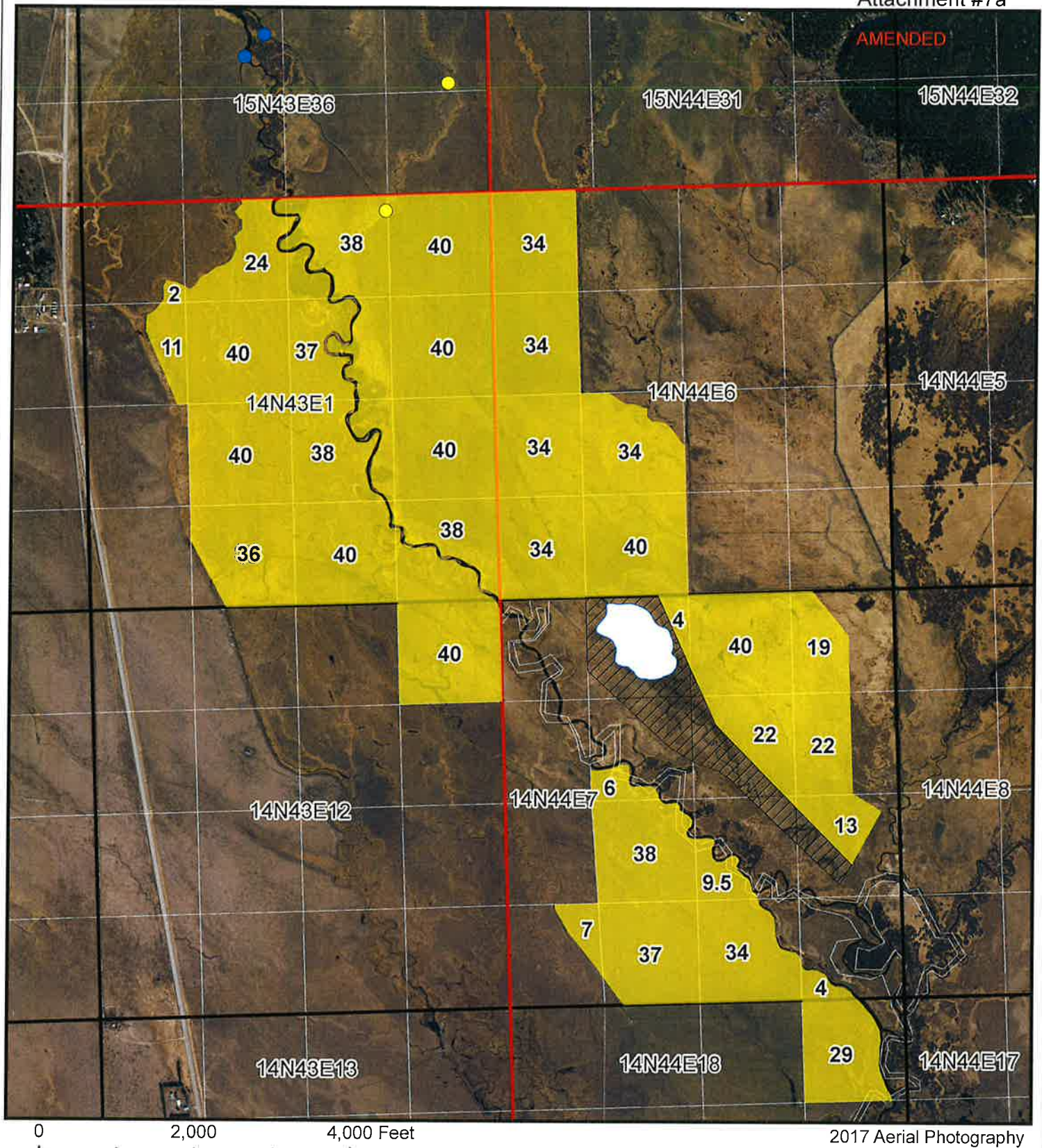
No change is proposed to the nature of use, quantities, and points of diversion of rights 21-178, 21-179, and 21-11192. Only the place of use will be updated for these rights.

A portion of water right 21-12906 is proposed to be converted to storage, as described in Part 1B of this transfer application. These values are based on retiring 67.9 acres of the place of use. The balance of the water right will continue to be used for irrigation of 87.1 acres within the place of use, determined by reducing the 155 acre limit by the retired 67.9 acres.

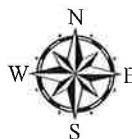
The Nature Conservancy recognizes that there will be times that the water available under surface rights and storage rights will not be sufficient to maintain full pool in the pond, and in rare cases the pond may go dry.



AMENDED



- WR POD 21-178, 21-179
- WR POD 21-11192, 21-12906
- Approximate Pond Location
- Mitigation Acres
- Proposed Irrigated Acres
- Twp & Rng
- Section
- QQ



## Proposed Water Right Location

TNC Flat Ranch

RMEA #15-0127

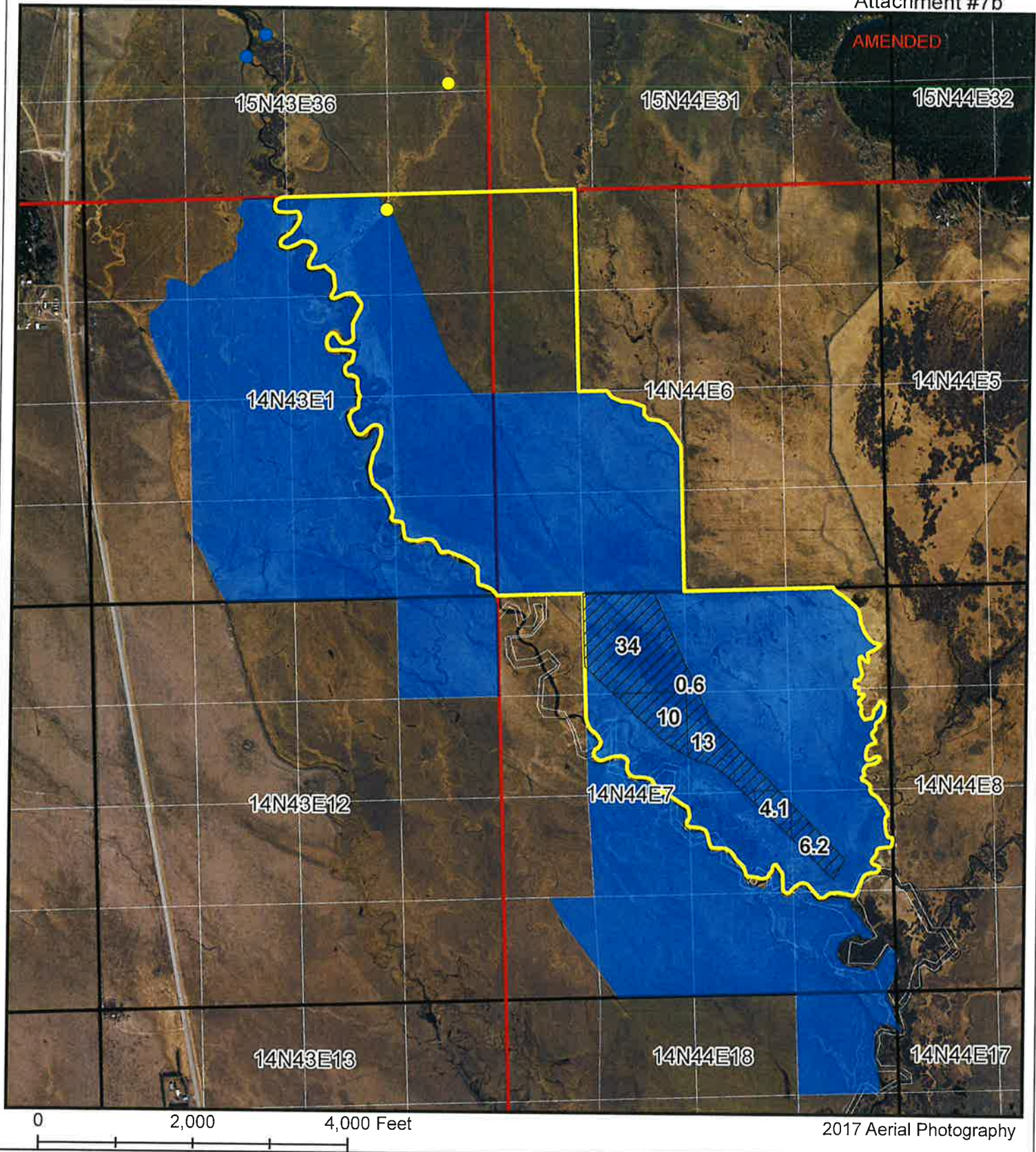
by: KM

Date: 12/20/2019





AMENDED



● WR POD 21-178, 21-179

● WR POD 21-11192, 21-12906

▨ Mitigation Acres

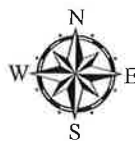
▭ WR POU 21-178, 21-179

▭ WR POU 21-11192, 21-12906

▭ Twp &amp; Rng

▭ Section

QQ



## Existing Water Right Location

TNC Flat Ranch

RMEA #15-0127

by: KM

Date: 12/20/2019





## Change in Nature of Use Analysis

The extent of historic beneficial use has been and continues to be flood irrigation, supporting the growth of grass/hay for cattle forage production across all lands within the ranch boundary that are within the “place of use” legal description outlined in the water rights documents.

The National Wetland Inventory identifies the proposed pond location as “Palustrine emergent persistent seasonally flooded wetlands,” hence, it is also common for the grass hay fields to be saturated when not actively being irrigated. The precipitation deficit or irrigation requirement was sought from the Island Park (NWS – 104598) station, ET Idaho 2012, but discovered that it represents grass hay that has been rain fed only, given a value of 99 mm/season. A value was not provided from ET Idaho for an irrigated Grass Hay in the area of the proposed pond. Several other stations were reviewed to determine similarities in conditions for a comparable value for Island Park. Since none of the stations have conditions (including elevation, temperatures, and precipitation) that all relate to Island Park, a range of values from 520 -615 mm/season was identified for a possible precipitation deficit in Island Park for Grass Hay. Figure 1 below shows the stations that were reviewed for comparison and the trendline marking the average precipitation deficit for the stations. For the purposes of converting the irrigation of grass hay to open water, the more conservative value of 520 mm/season was used.

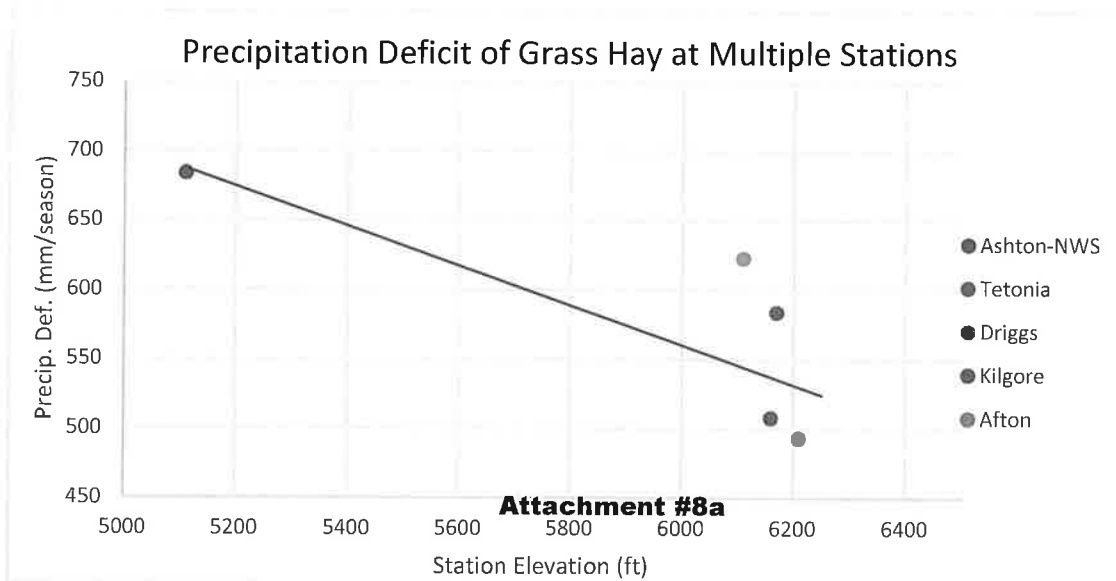
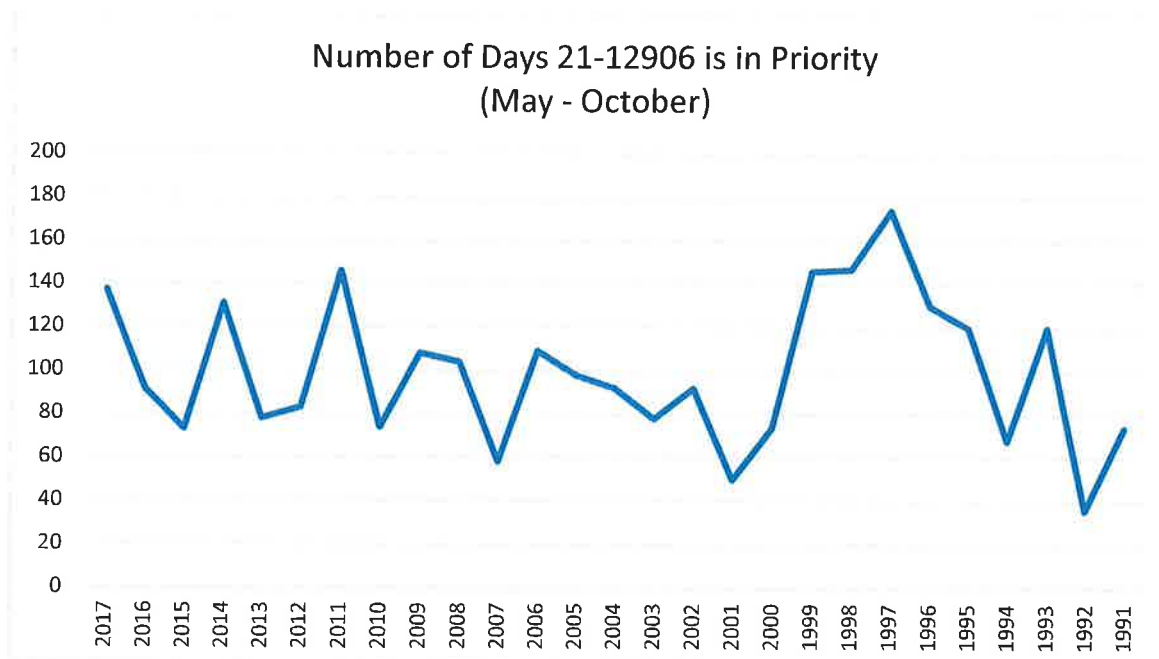


Figure 1 Precipitation Deficits of Similar Stations

In addition, since the water right 21-12906 has a 1902 priority, it would not be deliverable during the entire irrigation season when administered by the water district. The water right could only contribute to the ET of grass hay on the days when the water right would have been historically deliverable. A priority analysis was performed using historical data available from Water District 01. Data shows that a water right with a priority of 11/25/1902 would have been deliverable from 36 days to 174 days per season, as displayed in Figure 2. The average number of days of availability from 1991-2017 is 100 days per season, which is 54% of the total days of the season (100 days/184 total days = 54%).



*Figure 2 Results of Priority Analysis - Days of Availability*

Since the water right is only deliverable for 54% of the season, then the maximum historical consumptive volume per acre that can be attributed for conversion of the water right is 54% of 520 mm/year, which is 280.8 mm/year, or 0.92 afa.

The total water requirements for the proposed pond are; 37.2 acre feet for initial fill and subsequent annual refills (when required), 17 afa for evaporation and 8.3 afa for seepage losses, totaling 62.5 afa. At a historical consumption of 280.8 mm/season, or 0.92 af/season, a total of 67.9 acres of irrigated grass hay would be required to be retired to meet fill, evaporation and seepage losses ( $62.5 \text{ afa} / 0.92 \text{ af/ac/season} = 67.9 \text{ ac}$ ).