

RECEIVED

MAY 21 2020

Department of Water Resources

Eastern Region

STATE OF IDAHO
DEPARTMENT OF WATER RESOURCES
APPLICATION FOR PERMIT
To appropriate the public waters of the State of Idaho

Ident. No.

22-14374

AMENDED

1. Name of applicant(s) Love Family Ventures LLC Phone 435-632-0690
Name connector (check one): ☐ and ☐ or ☐ and/or
Mailing address 1845 W 90 S City St. George
State Utah ZIP 84770 Email johnsusanlove@gmail.com
2. Name of representative, if any Robert L. Harris Phone 208-523-0620
Mailing address HKHC, PO Box 50130 City Idaho Falls
State Idaho ZIP 83405 Email rharris@holdenlegal.com
- a. ☐ 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.
- b. ☒ 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.
3. Source of water supply Moose Creek which is a tributary of Trail Creek
4. Location of point(s) of diversion:

Twp	Rge	Sec	Govt Lot	1/4	1/4	1/4	County	Source	Local name or tag #
03N	46E	20			SW	SW	Teton	Moose Creek	

5. Water will be used for the following purposes:
- Amount 1.0 cfs for Diversion to Fire Prot. Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 0.4 AF for Fire Protection Storage purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount 1.0 cfs for Fire Protection purposes from 01/01 to 12/31 (both dates inclusive)
(cfs or acre-feet per year)
- Amount _____ for _____ purposes from _____ to _____ (both dates inclusive)
(cfs or acre-feet per year)
6. Total quantity to be appropriated is (a) 1.0 cubic feet per second (cfs) and/or (b) _____ acre-feet per year (af).
7. Proposed diverting works:
- a. Describe type and size of devices used to divert water from the source. _____
Headgate on Moose Creek into ditch, then to pond, then to ditch, and back to Moose Creek.
- b. Height of storage dam _____ feet; active reservoir capacity _____ acre-feet; total reservoir capacity _____ acre-feet. If the reservoir will be filled more than once each year, describe the refill plan in item 12. For dams 10 feet or more in height AND having a storage capacity of 50 acre-feet or more, submit a separate Application for Construction or Enlargement of a New or Existing Dam. Application required? ☐ Yes ☐ No
- c. Proposed well diameter is _____ inches; proposed depth of well is _____ feet.
- d. Is ground water with a temperature of greater than 85°F being sought? ☐ Yes ☐ No
- e. If well is already drilled, when? _____; drilling firm _____;
well was drilled for (well owner) _____; Drilling Permit No. _____.

For Department Use

Received by _____ Date _____ Time _____ Preliminary check by _____
Fee \$ _____ Received by _____ Receipt No. _____ Date _____

AMENDED

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MAY 12 2020

Department of Water Resources
Eastern RegionDEPARTMENT OF WATER RESOURCES
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- e. If well is already drilled, when? _____; drilling firm _____;
 well was drilled for (well owner) _____; Drilling Permit No. _____

For Department Use

Received by CA Date 5/12/2020 Time _____ Preliminary check by _____
 Fee \$ 290.00 Receipted by CA Receipt No. E045896 Date 5/12/2020

\$40 refund requested 5/21/2020

SUPERCEDED 22-14374

8. Description of proposed uses (if irrigation only, go to item 9):
- Hydropower; show total feet of head and proposed capacity in kW. _____
 - Stockwatering; list number and kind of livestock. _____
 - Municipal; must complete and attach the Municipal Water Right Application Checklist.
 - Domestic; show number of households _____
 - Other; describe fully. Fire protection pond required by Teton County. Pond holds approximately 0.4 AF.
9. Description of place of use:
- If water is for irrigation, indicate acreage in each subdivision in the tabulation below.
 - If water is used for other purposes, place a symbol of the use (example: D for Domestic) in the corresponding place of use below. See instructions for standard symbols.

TWP	RGE	SEC	NE				NW				SW				SE				TOTALS
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
03N	46E	20											F						

Total number of acres to be irrigated: N/A

10. Describe any other water rights used for the same purposes as described above. Include water delivered by a municipality, canal company, or irrigation district. If this application is for domestic purposes, do you intend to use this water, water from another source, or both, to irrigate your lawn, garden, and/or landscaping? _____
No water rights are currently associated with property.
11. a. Who owns the property at the point of diversion? Applicant
b. Who owns the land to be irrigated or place of use? Applicant
c. If the property is owned by a person other than the applicant, describe the arrangement enabling the applicant to make this filing: _____
12. Describe your proposal in narrative form, and provide additional explanation for any of the items above. Attach additional pages if necessary. This water right is for a fire protection pond required by Teton County. Pond has been in place for decades. Applicant was not aware that a water right was necessary as the pond was in place when Applicant purchased the property. Pond is 0.08 acres in size with a max depth of 12 ft. Based on IDWR's formula the volume of the pond is 0.4 AF (0.08 X 12 X 0.4 = 0.4 AF). Pond will be continually refreshed as a flow-through pond.
13. Time required for completion of works and application of water to proposed beneficial use is 1 years (minimum 1 year).
14. **MAP OF PROPOSED PROJECT REQUIRED** - Attach an 8½" x 11" map or maps clearly identifying the proposed point of diversion, place of use, section #, township & range. The map scale shall not be less than two (2) inches equal to one (1) mile.

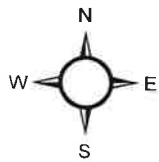
The information contained in this application is true to the best of my knowledge. I understand that any willful misrepresentations made in this application may result in rejection of the application or cancellation of an approval.

Robert L. Harris
Signature of Applicant
Robert L. Harris, Attorney
Print Name (and title, if applicable)

Signature of Applicant

Print Name (and title, if applicable)

LOVE FAMILY VENTURES LLC (MOOSE CREEK RANCH) FIRE POND APPLICATION



Legend

- Pond Diversion HG
- Moose Creek
- ≡ Pond Ditch
- Commercial POU
- Pond
- Teton County Parcels
- Section Lines
- Quarter-quarters



Prepared by:
Robert L. Harris
2019 NAIP Aerial Photo

0 0.03 0.06 0.12 Miles

22-14374



Holden Kidwell
Hahn & Crapo P.L.L.C.
L A W O F F I C E S

1000 Riverwalk Drive, Suite 200
PO Box 50130
Idaho Falls, Idaho 83405

Tel: (208) 523-0620
Fax: (208) 523-9518
www.holdenlegal.com

Email: rharris@holdenlegal.com

May 12, 2020

James Cefalo
Eastern Region Office
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-1718

RE: Applications for Permit Associated with Moose Creek Ranch.

Dear James:

Enclosed for processing are three (3) *Applications for Permit* associated with Moose Creek Ranch. We previously visited briefly about these, but wish to briefly remind you of the situation. Moose Creek Ranch has been in existence for approximately fifty years, and it was only recently discovered that despite the existence of existing wells on the property, no water rights have been appropriated to cover various uses on the property. The enclosed applications address three of the four water issues that need to be resolved. The first is an *Application for Permit* for the commercial use associated with the property. This use will be non-consumptive and will not include any authorization for irrigation. There is a single well on the property that we have been told is approximately 170 feet deep, which provides the culinary water for the property. Because the property is used more heavily during the summer months, we are requesting the ability for a water right to divert 0.3 cfs as a peak rate and for a volumetric cap of 22.4 acre-feet per year based on an estimate of the average demand in the summertime. As is typical with other water rights, we do not anticipate that the full amounts will be exercised each day of the year, but we do need to describe the maximum amount that could be diverted under the water right.

In addition to the commercial water right, we are also submitting an *Application for Permit* for a small stock water right that is adjacent to a barn that is used to water stock. The amount that we have requested is a standard amount of 0.02 cfs for approximately for approximately 20 head of horses.

The final application addresses a long-established existing pond that is located on the property that is used for fire protection. This was a requirement of Teton County and as is unfortunately the case in prior instances we have been involved in, the landowner put in the pond at the request of the County without realizing that a water right was also necessary from the State of Idaho. The pond is filled via a diversion on Moose Creek that goes through a ditch, into a pond,

Established in 1896

2 2 - 1 4 3 7 4

James Cefalo
May 12, 2020
Page 2 of 2

which then exits the pond as depicted in the map enclosed with the application. When water is not diverted into the pond, there is still standing water in it, and therefore, we do not believe that any mitigation is required given the high water table, early season fill to top off the pond, as well as the small surface area of the pond (which is only 0.08 acres).

Finally, we are in the process of filing a transfer application to move ground water rights to cover the outside irrigation associated with the ranch. We anticipate submitting that application within the next seven days.

If you have any questions concerning any of these applications, please do not hesitate to give me a call. I anticipate that this will be assigned to other agents in your office, but I wanted to provide it to you first. Thanks for your attention to this matter.

Best regards,



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

Enclosures

g:\wpdata\rlh_moose creek\2020.05.12 cefalo.docx

22-14374

Holliday, Michael

From: Rob Harris <rharris@holdenlegal.com>
Sent: Thursday, May 21, 2020 1:18 PM
To: Holliday, Michael
Subject: Amended Page for Love Family Ventures LLC Application
Attachments: Amended Page Commercial.pdf

Michael:

As discussed, please substitute this page for the first page of the Love Family Ventures LLC application for water right for the fire protection pond. Thank you for your assistance on this application.



Robert L. Harris
HOLDEN, KIDWELL, HAHN & CRAPO, PLLC
1000 Riverwalk Drive, Suite 200
P.O. Box 50130
Idaho Falls, ID 83405-0130
Phone: (208) 523-0620
Fax: (208) 523-9518
E-Mail: rharris@holdenlegal.com

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State of Idaho

DEPARTMENT OF WATER RESOURCES

EASTERN Region • 900 N SKYLINE DR STE A • IDAHO FALLS, ID 83402-1718

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

Brad Little
Governor

Gary Spackman
Director

May 28, 2020

LOVE FAMILY VENTURES LLC
1845 W 90 S
ST GEORGE, UT 84770-1837

RE: Application for Permit Nos. 22-14374, 22-14375, 22-14376

Dear Applicant:

The Department of Water Resources has received your water right applications. Please refer to the numbers referenced above in all future correspondence regarding these applications.

A legal notice of the applications has been prepared and is scheduled for publication in the TETON VALLEY NEWS on 6/3/2020 and 6/10/2020. Protests to these applications may be submitted for a period ending ten (10) days after the second publication.

If the applications are protested, you will be sent a copy of each protest. All protests must be resolved before the applications can be considered for approval. If the protest(s) cannot be resolved voluntarily, the Department will conduct a conference and/or hearing on the matter.

If the applications are not protested, the Department will process your applications and notify you of any action taken on the applications. If your applications are approved, the Department will send you a copy of the permits.

Please contact this office if you have any questions regarding the applications.

Sincerely,

Christina Henman
Administrative Assistant

CC:

ROBERT L HARRIS
PO BOX 50130
IDAHO FALLS, ID 83405-0130

U.S. FOREST SERVICE
1405 HOLLIPARK DRIVE
IDAHO FALLS, ID 83401

IDAHO DEPARTMENT OF FISH & GAME
UPPER SNAKE REGIONAL OFFICE
C/O JACOB GRAY
4279 COMMERCE CIRCLE
IDAHO FALLS, ID 83401

Henman, Christina

From: Henman, Christina
Sent: Thursday, May 28, 2020 4:06 PM
To: TETON VALLEY NEWS (office@tetonvalleynews.net)
Subject: Legal Notice for Teton Valley News
Attachments: 22-14374, 22-14375, 22-17376 Teton Valley News.doc

Hello,

Please see attached document regarding a legal notice for your paper.

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

May 28, 2020

Legal Notice Department

TETON VALLEY NEWS

80 E LITTLE AVE

DRIGGS ID 83422

RE: Application for Permit No. 22-14374, 22-14375, 22-14376

Dear LEGAL NOTICE DEPARTMENT:

Enclosed you will find a legal notice which we wish to have published in your newspaper on the dates indicated (once a week for two consecutive weekly issues). If you cannot publish the notice on the proposed dates, please contact us immediately.

An affidavit of publication must be submitted to the Department along with the publication bill. **Please send the affidavit and bill to this office before 6/22/2020.** Your cooperation is appreciated.

Sincerely,

Christina Henman
Administrative Assistant
Dept of Water Resources
900 N Skyline Dr Ste A
Idaho Falls ID 83402
208-525-7161
208-525-7177 – fax

PLEASE PUT IN NORMAL COLUMN AND NO BORDERS. THANK YOU.

.....
The following application(s) have been filed to appropriate the public waters of the State of Idaho:

22-14374

LOVE FAMILY VENTURES LLC, 1845 W 90 S, ST GEORGE, UT 84770-1837

Point of Diversion SWSW S20 T03N R46E TETON County

Source MOOSE CREEK Tributary TRAIL CREEK

Use: FIRE PROTECTION STORAGE

01/01 to 12/31

0.4 AF

Use: FIRE PROTECTION

01/01 to 12/31

1 CFS

Use: DIVERSION TO STORAGE

01/01 to 12/31

1 CFS

Total Diversion:

1 CFS

Date Filed: 05-12-2020

Place Of Use: FIRE PROTECTION, FIRE PROTECTION STORAGE

T03N R46E S20

SWSW

22-14375

LOVE FAMILY VENTURES LLC, 1845 W 90 S, ST GEORGE, UT 84770-1837

Point of Diversion SWSW S20 T03N R46E TETON County

Source GROUND WATER Tributary

Use: STOCKWATER

01/01 to 12/31

0.02 CFS

Total Diversion:

0.02 CFS

Date Filed: 05-12-2020

Place Of Use: STOCKWATER

T03N R46E S20

SWSW

22-14376

LOVE FAMILY VENTURES LLC, 1845 W 90 S, ST GEORGE, UT 84770-1837

Point of Diversion SWSW S20 T03N R46E TETON County

Source GROUND WATER Tributary

Use: COMMERCIAL

01/01 to 12/31

0.3 CFS

22.4 AF

Total Diversion:

0.3 CFS

22.4 AF

Date Filed: 05-12-2020

Place Of Use: COMMERCIAL

T03N R46E S20

SWSW

Place Of Use: COMMERCIAL

T03N R46E S29

NWNW

Permits will be subject to all prior water rights. For additional information concerning the property location, contact the Eastern office at (208)525-7161; or for a full description of the right(s), please see <https://idwr.idaho.gov/apps/ExtSearch/WRAApplicationResults/>. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Eastern Region, 900 N SKYLINE DR STE A, IDAHO FALLS ID 83402-1718 together with a protest fee of \$25.00 for each application on or before 6/22/2020. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN, Director Published on 6/3/2020 and 6/10/2020

Henman, Christina

From: Henman, Christina
Sent: Friday, May 29, 2020 9:19 AM
To: Olenichak, Tony
Subject: Application for Permit of 22-14374
Attachments: RecommendationForm New Appropriation8.docx

Watermaster:

The Idaho Department of Water Resources (IDWR) is seeking written comment and/or recommendations from you regarding the above referenced water right application. You can find a copy of the application at: <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>. Please review the application, then complete the enclosed recommendation form and return it to this office within 21 days of the date of this letter.

If the application is approved, IDWR will include appropriate standard conditions of approval for a water right located within a water district, such as regulation by the watermaster, lockable controlling works, and/or measuring devices. Any special conditions or other concerns you have related to this application should be specifically addressed in your recommendation.

IDWR can finish reviewing an unprotested application as soon as the protest period has past. Your prompt response to this request will ensure that your recommendation can be considered. If IDWR has not received your written recommendation within 21 days from the date of this letter, IDWR will presume that you do not oppose approval of the application and that you have no comments for IDWR to consider.

Please contact this office if you have any questions regarding the application.

Henman, Christina

From: Henman, Christina
Sent: Thursday, May 21, 2020 4:17 PM
To: IdwrPayable
Subject: Refund Request: Love Family Ventures
Attachments: Receipt.pdf

Hello,

We need a refund for the following:

Amount: \$40.00
Receipt: E045896
Reason: Overpayment of Permit Application
Recipient:
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