

2004

Ident. No. TC-22-09

RECEIVED

DEPARTMENT OF WATER RESOURCES

JUL 15 2004

TEMPORARY CHANGE APPLICATION

Department of Water Resources
Eastern Region

(To change point of diversion, place of use or purpose of use)

Name of Applicant Sundown River Ranch LLC Phone (303) 777-3511Post Office Address 1025 S. Cook St. Denver, CO 80209

A. PURPOSE OF TRANSFER

1. ☐ Change point of diversion ☒ Add diversion point(s) ☒ Change place of use
☐ Change purpose of use ☐ Other

2. Describe the proposed change(s) and the reason(s) thereof Sundown River Ranch LLC would like to temporarily transfer 0.02 cfs to Friends of the Teton River (FTR) so that FTR may irrigate 1.1 acres of recently planted + stabilized streambank throughout the 2004 growing season.

B. DESCRIPTION OF RIGHT(S) OR PORTION THEREOF, AFTER THE REQUESTED CHANGE

1. Right Number 22-11776 Priority 06/01/1895 Amount (cfs/ac-ft) 4.6 cfs Nature of Use IRRIGATION Period of Use 4/15 to 10/15

_____ to _____
_____ to _____
_____ to _____

2. Total amount of water being transferred 0.022 cubic feet per second and/or 3.59 acre-feet per annum.

3. Source of water Teton River tributary to Snake River

4. Point(s) of Diversion:

Ident No.	Lot	1/4	1/4	1/4	Sec	Twp	Rge	County	Local name for diversion
4.578 cfs		SW	SE	SE	13	05N	44E	Teton	
0.01 cfs		SE	SW	NW	30	06N	45E	Teton	
0.01 cfs		SE	SW	SE	30	06N	45E	Teton	
0.002 cfs		SE	NW	SW	32	06N	45E	Teton	

5. Lands irrigated or place of use:

Twp	Rge	Sec	NE 1/4				NW 1/4				SW 1/4				SE 1/4				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	12			20			34.9			40				20	40			154.9
06N	45E	30						0.49											0.49
06N	45E	30															0.50		0.50
06N	45E	32									0.11								0.11

Total Acres 156

6. General Information:

- a. Who owns the water right to be changed? Sundown River Ranch, LLC
- b. Describe the arrangement allowing use of the right Sundown River Ranch, LLC has agreed to let Friends of the Teton River use 0.022 cfs of its right to further conservation efforts along the Teton River corridor.
- c. Describe the affect on the land now irrigated if the change is approved pursuant to this application: If the change is approved, 1.1 acres in the NW 1/4 NW 1/4 of Section 12 will not be irrigated for the rest of the 2004 growing season.
- d. Has the water right sought to be transferred been used this year? yes If yes, explain. The Sundown River Ranch LLC has been irrigating this year.
- e. Absent the changes, how would the right be used for the remainder of the year? The right would continue to be used for irrigation.
- f. Describe other water rights used for the same purpose.
N/A
- g. Remarks: _____

I hereby assume all risk in accordance with Section 42-222A, Idaho Code, and assert that no one will be injured by such change and that the change does not constitute an enlargement in use of the original right. 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 voiding its approval.

(Signature of applicant)

FOR DEPARTMENT USE ONLY

Received by KCW Date 7/20/04 Fee \$ 50⁰⁰

Receipted KCW # E 030060 Recommend: _____ approve _____ deny _____

Watermaster recommendation _____

ACTION OF THE DIRECTOR, DEPARTMENT OF WATER RESOURCES

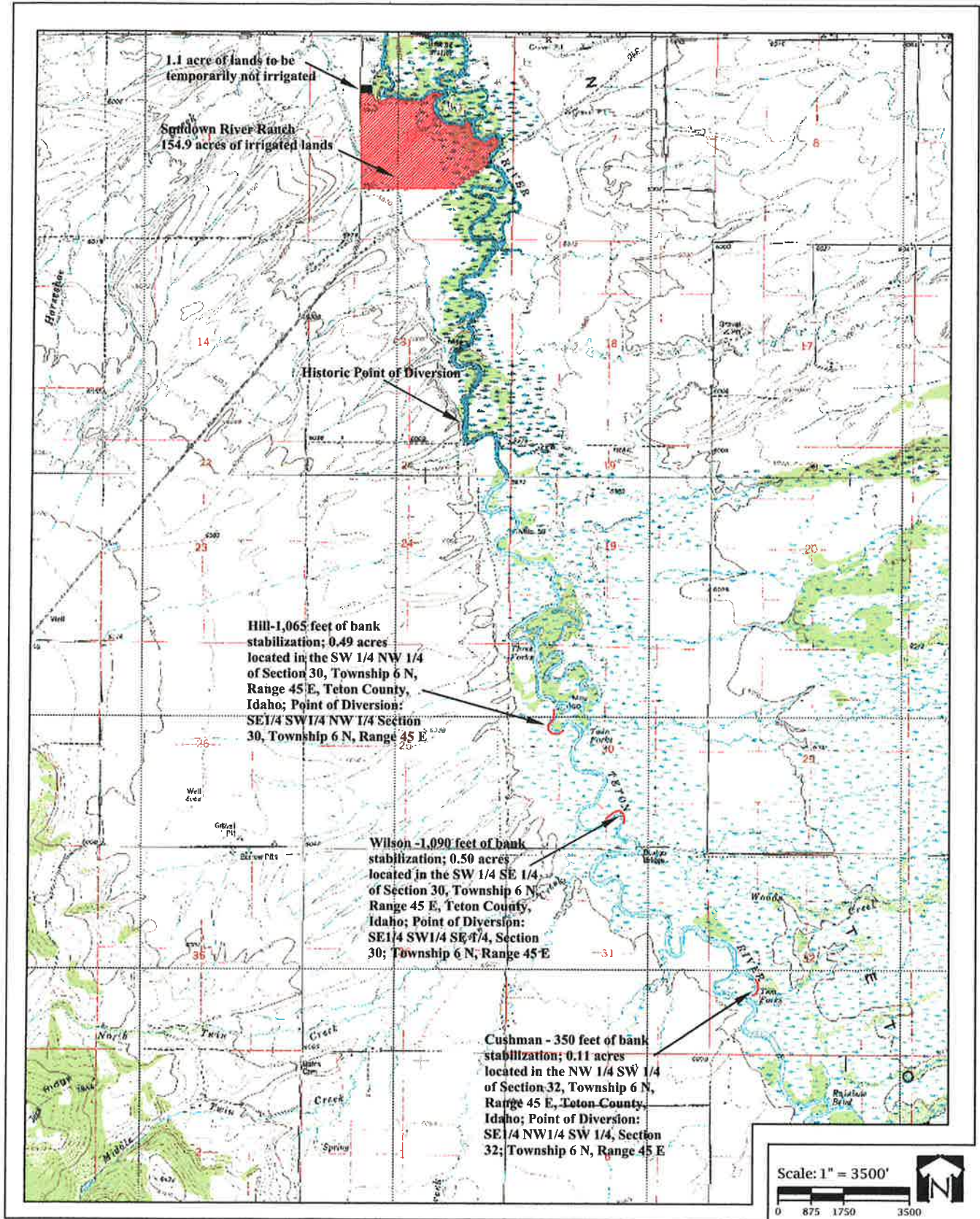
This is to certify that I have examined Temporary Change Application No. TC-22-09

And said application is hereby Approved, subject to the following limitations and conditions:

The 1895 priority rights have been cut and will likely not be restored until this fall. If/when 1895 priorities are restored this transfer will be recognized.

Witness my hand this 21st day of July, 2004:

For the Director



**BEFORE THE DEPARTMENT OF WATER RESOURCES
OF THE STATE OF IDAHO**

IN THE MATTER OF APPLICATION FOR)
TEMPORARY CHANGE OF A)
WATER RIGHT 22-11776)
Sundown River Ranch)

**ORDER AUTHORIZING
TEMPORARY CHANGE**

TC-22-09

WHEREAS, a drought emergency has been declared for Teton County to allow administrative actions to lessen the severe impacts of the drought conditions in the county; and

WHEREAS, section 42-222A, Idaho Code, provides that upon declaration of a drought emergency, the director of the Department of Water Resources ("Department") is authorized to allow temporary changes in the point of diversion, the place of use, and the purpose of use for valid existing water rights or temporary exchanges of water authorized under water rights when the director determines that such changes can be accomplished in accordance with the provisions of section 42-222A, *Idaho Code*; and

WHEREAS, on July 15, 2004, Sundown River Ranch LLC submitted the attached Temporary Change Application TC-22-09 to the Department; and

WHEREAS, the Department has reviewed the application and has determined the application can be approved with certain conditions;

ORDER

IT IS HEREBY ORDERED that the application is **APPROVED** subject to the following conditions:

1. Diversion and use of right no(s). 22-11776 (22-317; 01-22) is authorized only at the point of diversion and place of use described on the application.
2. This temporary Change approval does not authorize construction of a new well as a new point of diversion.
3. The applicant assumes all risk of curtailment or mitigation should the diversion and use of water under the temporary change approval cause injury to other water rights, constitute an enlargement in use of the original right, be inconsistent with the conservation of water resources within the state of Idaho, or not be in the local public interest.
4. This temporary change approval may only be used to provide a replacement water supply to lands or other uses that normally have a full water supply, except for the drought condition. This temporary change approval may not be used to provide water for new development or to allow expansion of the use of water under existing water rights.

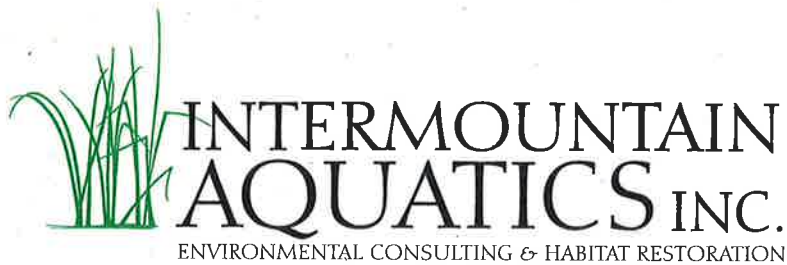
ORDER AUTHORIZING
TEMPORARY CHANGE

TC-22-09

5. Right(s) 22-11776 (22-317; 01-22) are limited to the irrigation of a total of 156 acres in a single irrigation season
6. This temporary approval does not authorize the use of diversion works or a delivery system owned by or managed by a corporation or an irrigation district without the written consent of such corporation or irrigation district.
7. The applicants agree to hold the director and the state of Idaho harmless from all liability on account of the diversion and use of water under this temporary change approval.
8. This temporary change approval does not grant any right-of-way or easement to use the diversion works or conveyance works of another person or entity.
9. The applicant shall measure the amount of water diverted and shall report the amount of water diverted under this approval.
10. The Water master of Water District No. 01 is authorized to administer the temporary change approval.
11. This Temporary change approval expires on October 31, 2004 unless rescinded or extended by the director. Thereafter, the water right shall revert to the point of diversion, place of use, and nature of use existing prior to the temporary change approval..

DATED this 21st day of July, 2004.


Ronald D. Carlson
Eastern Regional Manager



July 14, 2004

Mr. Ron Carlson
Idaho Department of Water Resources
900 North Skyline Drive, Suite A
Idaho Falls, ID 83402-6105

RECEIVED
JUL 15 2004
Department of Water Resources
Eastern Region

Re: Request for Temporary Change Application in the Teton Basin

Dear Ron,

Please find the enclosed request for Temporary Change Application to temporarily transfer 0.022 cfs of the Sundown River Ranch, L.L.C. water right to three locations on the Teton River to irrigate 1.1 acres of bank stabilization work. If you have any questions or comments, please call me at 354-3690. We are hoping to begin irrigating next week if possible. Our application was delayed while Kent Foster reviewed it for the Sundown River Ranch.

Thank you for your attention to this matter.

Sincerely,

Katie Salsbury

INFO

07/20/2004

IDAHO DEPARTMENT OF WATER RESOURCES
Adjudication Claim Report 22-11776

WATER RIGHT NUMBER: 22-11776

<u>Owner Type</u>	<u>Name and Address</u>
Original Owner	C W HERRMAN
Original Owner	E G ADAMS
Current Owner	SUNDOWN RANCH PARTNERSHIP C/O RAY SORENSEN 452 N 500 W TETONIA, ID 83452 (208)456-2846

Priority Date: 06/01/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON RIVER	SNAKE RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	4/15 to 10/15	4.600 CFS	

Total Diversion: 4.600 CFSLocation of Point(s) of Diversion

TETON RIVER SW1/4SE1/4SE1/4 Sec. 13,Twp 05N,Rge 44E, B.M. TETON County

Place of Use IRRIGATION

Twp Rge Sec	NE				NW				SW				SE				Totals
	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N 44E 12			20.0					36.0	40.0				20.0	40.0			156.0

Total Acres: 156

Conditions of Approval:Remarks:

- General THIS CLAIM COMBINES RTS. 22-00317 AND 01-00022 WHICH HAVE SAME PRIORITY DATE. ORIGINALLY DECREEED TO TWO OWNER. LAND IS NOW UNDER ONE OWNERSHIP.

Comments:Dates and Other Information:

Claim Received Date: 9/21/1988
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal: S
 Owner Name Connector: OR
 Water District Number:
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES

Water Right Report 22-317

WATER RIGHT NUMBER: 22-317

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	C M HERMANN , ZZ

Priority Date: 06/01/1895

Basis: Decreed

Status: Active

<u>Source</u>	<u>Tributary</u>
TETON CREEK	TETON RIVER

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	1.600 CFS	

Total Diversion: 1.600 CFSLocation of Point(s) of Diversion

TETON CREEK

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
05N	44E	18				X								X					

Conditions of Approval:Remarks:

1. General AC. IRR. = 80.

Comments:Dates and Other Information:

Licensed Date:

Decreed Date: 12/16/1910

Water Supply Bank Enrollment Accepted:

Water Supply Bank Enrollment Removed:

Enlargement Use Priority Date:

Enlargement Statute Priority Date:

State or Federal:

Owner Name Connector:

Water District Number: 01

Generic Max Rate Per Acre:

Generic Max Volume Per Acre:

Decree Defendant: Teton Irrigation Canal Co, et al

Decree Plaintiff: Rexburg Irrigation Co

Civil Case Number:

Judicial District: Sixth District

Swan Falls Trust or Nontrust:

Swan Falls Dismissed:

DLE Act Number:

Carey Act Number:

Mitigation Plan: False

Combined Use Limits:

IDAHO DEPARTMENT OF WATER RESOURCES
Water Right Report 1-22

WATER RIGHT NUMBER: 1-22

<u>Owner Type</u>	<u>Name and Address</u>
Current Owner	E G ADAMS , ID

Priority Date: 06/01/1895

Basis: Decreed

Status: Active

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

<u>Beneficial Use</u>	<u>From</u> <u>To</u>	<u>Diversion Rate</u>	<u>Annual Volume</u>
IRRIGATION	/ to /	3.000 CFS	

Total Diversion: 3.000 CFS

Location of Point(s) of Diversion
TETON RIVER

Place of Use IRRIGATION

Twp	Rge	Sec	NE				NW				SW				SE				Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE					
05N	44E	12			X	X										X	X		

Conditions of Approval:Remarks:

- General AC. IRR. = 160.
P/D NOT STATED.
SOURCE NOT SHOWN ON DECREE - DETERMINED BY USGS QUAD MAP.

Comments:Dates and Other Information:

Licensed Date:
 Decreed Date: 12/16/1910
 Water Supply Bank Enrollment Accepted:
 Water Supply Bank Enrollment Removed:
 Enlargement Use Priority Date:
 Enlargement Statute Priority Date:
 State or Federal:
 Owner Name Connector:
 Water District Number: 01
 Generic Max Rate Per Acre:
 Generic Max Volume Per Acre:
 Decree Defendant: Teton Irrigation Canal Co, et al
 Decree Plaintiff: Rexburg Irrigation Co
 Civil Case Number:
 Judicial District: Sixth District
 Swan Falls Trust or Nontrust:
 Swan Falls Dismissed:
 DLE Act Number:
 Carey Act Number:
 Mitigation Plan: False

Combined Use Limits: